

Instruction Sheet

Requirements for an Initial Environmental Study (IES) regarding touristic cruises in the Antarctic

In pursuance of the **Act Implementing the Protocol of Environmental Protection to the Antarctic Treaty of 4 October 1991 (AIEP)**¹ a permit is required for any planned activity in the Antarctic that is organized in Germany or proceed from its territory.

A permit for the planned activity within the meaning of Article 2 paragraph 1 no. 2 of the AIEP (touristic cruises in the Antarctic) should be applied for in writing to the Federal Environment Agency (Umweltbundesamt, UBA) which is the approving authority (Article 3 paragraph 1 of the AIEP). For this purpose, the questionnaires to apply for a touristic cruise have to be filled in. They can be downloaded from: <http://www.umweltbundesamt.de/antarktis/antragsteller.htm>.

Depending on the impact on the assets to be protected, set forth in Article 3 paragraph 4 of the AIEP, that give cause to be suspected, the Federal Environment Agency assigns the activity to one of the three categories pursuant to Article 4 paragraph 3 sentence 1 of the AIEP (cf. figure 1).

According to present findings, the Federal Environment Agency assumes that cruises to the Antarctic give cause to suspect a minor or a transitory impact on the assets to be protected set forth in Article 3 paragraph 4 of the AIEP (so-called category II pursuant to Article 4 paragraph 3 sentence 1 no. 2 of the AIEP). This does not mean that such environmental impact may really arise. However, the precautionary principle stipulates the analysis of potential environmental impact, i.e. of “potential impact to be suspected”.

Pursuant to Article 7 of the AIEP, the assignment of an activity to category II entails an Initial Environmental Evaluation (IEE). The Federal Environment Agency will carry out such evaluation on the basis of the information submitted by the applicant in pursuance of Article 7 paragraph 1 sentence 2 nos. 1 and 2 of the AIEP. Such information has to be provided in the form of an Initial Environmental Study (IES). The present instruction sheet exemplarily shows the content of an IES.

Requesting the submission of such IES (in addition to the information given in note form in the questionnaire), the legislator enables the applicant to thoroughly present and explain vis-à-vis the approving authority his project, its activity-related particulars, advantages and disadvantages, mitigation measures, alternatives, other aspects from his point of view. Such procedure shall ensure that the applicant may explicitly be heard prior to the decision and that the approving authority has got sufficient information to assess the activity.

Each ship, each project, each specific type of activity etcetera are individual cases, for example a cruise including or not including activities like landings, station visits, helicopter operations, walking tours, zodiac cruises, scuba diving and so on. Thus, it is not possible to give a generally

¹ Act Implementing the Protocol of Environmental Protection to the Antarctic Treaty of 4 October 1991 (Act Implementing the Environmental Protection Protocol) of 22 September 1994 (Federal Law Gazette. I p.2593), most recently amended by Article 2 (41) and Article 4 (26) of the Act of 7 August 2013 (Federal Law Gazette I p. 3154).

binding final description for drawing up an IES. An IEE always corresponds to an evaluation of an individual case.

When drawing up an IES, the following regulations of the AIEP have to be considered immediately:

1. Potential impact on the Antarctic environment, especially on the assets to be protected (Article 3 paragraph 4 of the AIEP)
2. Prevention of marine pollution (Article 5 of the AIEP)
3. Conservation of Antarctic fauna and flora (Article 17 of the AIEP)
4. Introduction of animals and plants into the Antarctic (Article 18 of the AIEP)
5. Export control (Article 19 of the AIEP)
6. Introduction of substances and products (Article 20 of the AIEP)
7. Fundamental principles of waste avoidance and disposal (Article 21 of the AIEP)
8. Removal of wastes from the Antarctic (Article 22 of the AIEP)
9. Waste incineration (Article 23 of the AIEP)
10. Disposal of liquid waste (Article 24 of the AIEP)
11. Storage of waste (Article 26 of the AIEP)
12. Protection and management of areas, historic sites and monuments (Articles 29 and 30 of the AIEP)
13. Training of the participants (Article 33 of the AIEP)

Furthermore, the IES has to outline whether and how project-relevant resolutions adopted by the Antarctic Treaty Parties are respected. Measures provided against contingencies and damage events have to be outlined as well (coverage and amount of the insurances, contingency plans, search and rescue measures etc.).

If the IES reveals that the activity gives cause to suspect a minor or a transitory impact on the assets to be protected set forth in Article 3 paragraph 4 of the AIEP, the Federal Environment Agency issues a permit to carry out the activity. This permit shall be subject to provisos and conditions, if necessary, in order to ensure that the requirements of the AIEP are met. Provisos and conditions may also derive from resolutions adopted by the Antarctic Treaty Parties that have to be respected (cf. www.ats.aq). Such IES is subject to a charge as provided for in the Statutory Order Regarding Charges for Official Acts under the Act Implementing the Environmental Protection Protocol of 22 September 1994 (AntKostV). Charges are levied according to the effort (e.g. first or repeat application) expended for the evaluation (cf. Article 2 paragraphs 2 and 3 of the AntKostV).

If the approving authority concludes after such IEE that the planned activity gives cause to suspect **more than a minor or transitory impact** on the assets to be protected set forth in Article 3 paragraph 4 of the AIEP, it requests the applicant to submit a **Comprehensive Environmental Study (CES)** in order to carry out a **Comprehensive Environmental Evaluation (CEE)** pursuant to Article 8 et sequentes of the AIEP (see figure 1). Up to now, the application for touristic activities did not necessitate such CES. Therefore, this fact is not considered further.

Exemplary structure of an IES (nonbinding scheme)

Please note that the number of aspects and criteria that have to be described are different for each planned activity and depend on its dimension!

1. Introduction	4.3 Reduction of passengers
1.1 Structure of the Initial Environmental Study	4.4 Abandoning of the activity
1.2 Fundamentals of the study	5. Presentation of the environmental impact
1.3 Short summary	5.1 Method and fundamentals of the forecast
2. Destination: The Antarctic	5.2 Assessment of potential impairments
2.1 Description of the environment	5.2.1 Air
2.2 Development of tourism (from applicant's point of view)	5.2.2 Water
3. Description of the activity	5.2.3 Soils
3.1 Scheduling of the itinerary	5.2.4 Fauna
3.2 Status and assessment of destinations	5.2.5 Flora
3.2.1 Details regarding the destinations ("location", "site", particularities, details regarding planned activities, measures to reduce environmental impact etc.)	5.3 Unavoidable impact
3.3 Preparation of the cruises	5.4 Cumulative impact
3.3.1 IAATO membership	6. Mitigation measures
3.3.2 Information material	6.1 Ship operations
3.3.3 Guides and subject specialists	6.2 Visitors' behaviour
3.3.4 Ship's officers	7. Changes if activity is abandoned
3.4 Organisation and procedures on board	8. Knowledge gaps and uncertainties
3.5 Landings and zodiac cruises	9. Documentation and reporting
3.6 Ship operations and environmental protection	10. Results and summary
3.6.1 ISM certification	11. Used literature (bibliography and sources, bibliographic information)
3.6.2 P&I insurance for emergencies and damage events, oil spills, search and rescue etc.	12. Annexes
3.6.3 Waste management	Annex I IAATO <i>Overview of Antarctic Tourism</i>
3.6.4 Fuel	Annex II IAATO Information material
3.6.5 Hull coating	- <i>Instructions for Ship Officers & Expedition Leaders</i>
3.6.6 Oil and oily mixtures	- <i>Expedition Leaders Pre-Season Check List</i>
3.6.7 Waste water treatment plant	- <i>Emergency, Contingency and Search & Rescue Plan</i>
3.6.8 Incinerator	- <i>Medical Emergency Contingency Plan</i>
3.6.9 Ballast water	- <i>Rules of behaviour for a safe use of zodiacs</i>
3.6.10 Detergents	Annex III Information material
3.6.11 Packing material	- Medical information and questionnaire
3.6.12 Poultry products	- Tips for appropriate clothes and equipment
3.6.13 Ship sanitation control	Annex IV <i>Zodiac Standard Operating Procedures</i>
3.7 Safety and contingency planning	Annex V <i>Addendum to the Garbage Management Plan</i>
3.8 Marine Wildlife Watching	Annex VI <i>Cumulative Impact Assessment Summary</i>
3.9 Summary	Annex VII <i>Environmental Guidelines for Ship Operations</i>
4. Alternatives	Annex VIII <i>Environmental Guidelines for Expedition Leaders</i>
4.1 Change of itinerary and destinations	Annex IX <i>List of Species, Potential Impacts, and Mitigation</i>
4.2 Change of travel time and period	Annex X <i>Guidelines for Boot and Clothing Decontamination</i>

Permit for an activity in the Antarctic pursuant to the AIEP

- Flow chart -

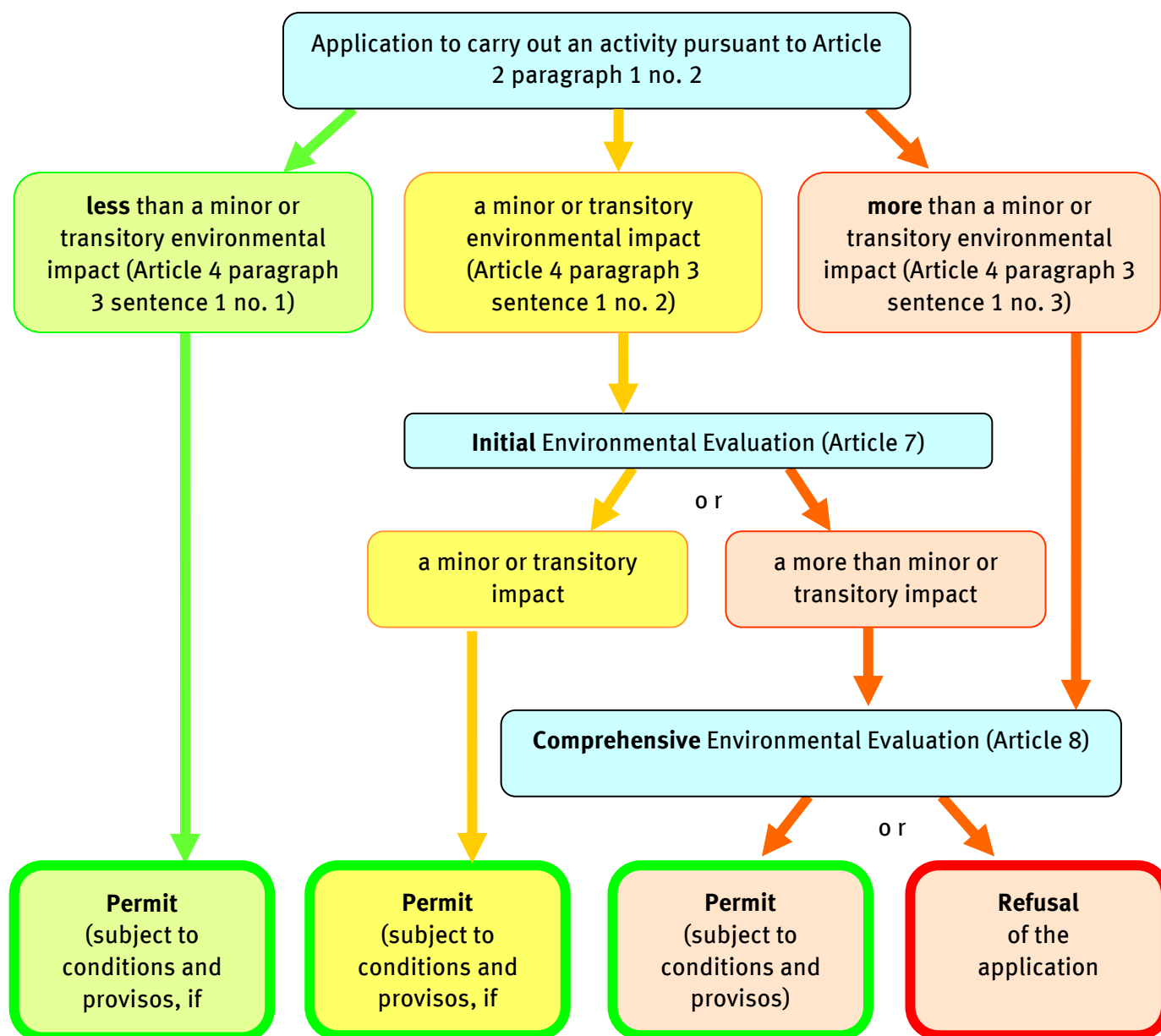


Figure 1:

Flow chart of the licensing procedure once the Federal Environment Agency received an application to carry out an activity pursuant to Article 2 paragraph 1 no. 2 of the AIEP.