

**Report on the Exercise of the Observer Status of the Baltic Sea Parliamentary Conference (BSPC) at the Baltic Marine Environment Protection Commission (Helsinki Commission – HELCOM) in the period of 2006-2007**

**1. Background**

As in the past, the representatives of the Standing Committee of the Baltic Sea Parliamentary Conference agreed that the Danish Folketing and the Parliament of Mecklenburg-Vorpommern would exercise the HELCOM observer status at political and secretary level during the Regular HELCOM Meeting, the meetings of the national heads of delegation (HOD), as well as conferences.

The following report describes major outcomes and developments for the period of 2006-2007.

The deliberations of the national Heads of Delegation and at the HELCOM Meeting were focused on proposals for action in connection with the development of the HELCOM Baltic Sea Action Plan in the fields of action of “eutrophication”, “pollutants”, “biodiversity/nature conservation” as well as “maritime activities”. In view of the integrated European ecosystem approach, this plan is expected to take into consideration the fundamental objectives and goals of the European Water Framework Directive and the EU’s Maritime Strategy Directive as well as the “Maritime Doctrine of the Russian Federation” as a regional underpinning.

In principle, all the Contracting Parties agreed that extensive measures should be implemented as soon as possible in all fields of action. At the end of the period under review, the HELCOM Task Force in charge of the Baltic Sea Action Plan entered a phase in which there were highly controversial debates that reflected different views with regard to both the scope of measures and the time period for their concrete implementation. Nevertheless, it is assumed that it will be possible at the Ministerial Meeting in November 2007 to present a Baltic Sea Action Plan that will be ready for adoption.

## **2. Outcomes**

### **20<sup>th</sup> Meeting of National Heads of Delegation in Helsinki on 14 and 15 December 2006**

The 20<sup>th</sup> meeting of the heads of delegation was fully geared to discussing the initial outcomes of the Ad Hoc Task Force's work on the HELCOM Baltic Sea Action Plan. During these discussions, the Polish Minister of the Environment emphasised that the ecosystem approach to reducing environmental problems was the most important prerequisite to an environmentally sound Baltic Sea. In addition, the Minister also described the Action Plan as a key instrument for promoting sustainable development in the Baltic Sea region.

The Task Force's Chairman underlined that it was now necessary to start defining concrete measures for the Baltic Sea Action Plan's various fields of action that should be presented as early as during the 28<sup>th</sup> Regular HELCOM Meeting. In addition, he drew attention to the fact that it was important to be able to provide information on the cost-effectiveness of the measures proposed. The Task Force Chairman reported that agreement had been reached with NEFCO (Nordic Environment Finance Co-operation) to initiate studies to this effect for the action field of eutrophication. The Task Force Chairman drew attention to an external project whose primary objective was to study the effectiveness of measures designed to reduce phosphate and nitrogen emissions in the Baltic Sea's catchment area. He added that the study would be focused on the treatment of municipal and industrial waste water, the use of phosphate-free detergents, the improvement of fertiliser use, the reduction of animal production as well as the re-waterlogging of wetlands and re-forestation of land.

It was also considered to be necessary to interlink the measures in the various fields of action more effectively. In this respect, the lead countries in charge of specific measures were reminded of their responsibility to submit recommendations for action as soon as possible.

The heads of delegation approved of the framework plans proposed for the action fields "eutrophication", "pollutants", "maritime activities" and "biodiversity/nature conservation" as a basis for potential measures. In addition, there was an open-ended discussion of a proposal made by NEFCO to develop a quota system for inputs of nutrients into water resources. The representatives of some Contracting Parties expressed reservations about the introduction of such a system, arguing that it would not provide any incentives for proactively reducing the input of pollutants into the Baltic Sea.

Subsequently, the interim reports of the HELCOM Working Groups were presented to the heads of delegation. In terms of "HELCOM Response", they endorsed recommendations aimed at strengthening sub-regional co-operation. In this context, they called for a stronger participation of the Contracting Parties in joint sea exercises. In addition, they approved the proposal for the revised HELCOM Recommendation 26/1 on application of the "no-special-fee" system to ship-generated wastes in the ports of the Baltic Sea region.

In addition, the heads of delegation endorsed the establishment of sub-groups to deal with the implementation of Annex VI of MARPOL Convention 73/78, further measures to reduce SO<sub>x</sub> emissions from shipping and the harmonised implementation of the IMO Ballast Water Convention within HELCOM's area of jurisdiction.

As far as the status quo of the implementation of HELCOM's Copenhagen Declaration 2001 was concerned, the Contracting Parties were called upon to make greater efforts to meet their obligations, in particular with regard to the designation of ports of refuge.

Furthermore, the heads of delegation discussed the draft agenda for the 28<sup>th</sup> HELCOM Meeting, the draft programme of the 2<sup>nd</sup> Stakeholder Conference on the Baltic Sea Action Plan, the progress of preparations for the HELCOM Ministerial Meeting to be held in November 2007 in Krakow, as well as questions of membership dues and budgetary issues.

As far as the planned construction of the "North European Gas Pipeline" was concerned, representatives of Nord Stream AG explained the structure of the company, the need for a secure gas supply in Europe including the integration of the company into the current overall European gas supply system as part of the "Trans-European Network Energy Guidelines", as well as the current status of planning and, in particular, the question of taking into consideration environmental interests. As far as this point was concerned, the company's representatives emphasised that environmental impact assessments were being carried out in accordance with national and international provisions – in particular the Espoo Convention – and that countries affected by the construction of the pipeline were actively involved in the process. They explained that field tests were being performed to conduct geophysical, hydrographical and biological studies along the planned route of the pipeline, with attention being paid not only to areas contaminated by ammunition and by waste dumped into the sea but also to archaeological sites. They pointed out that such areas could be avoided, or the ammunition could be blown up or salvaged in agreement with the national authorities in charge. They added that spawning grounds and areas that served as "nurseries" for commercial fish species would hardly be affected by the construction of the pipeline. The representatives of Nord Stream AG explained that potential effects of the pipeline on traditional fishing grounds, international and national conservation areas, as well as on maritime traffic were being examined.

The representative of Germany emphasised that there was a general consensus among the Contracting Parties to the effect that all the Baltic Sea countries were affected by the application of the Espoo Convention but that only territorial waters and Exclusive Economic Zones of Germany, Denmark, Sweden, Finland and Russia were directly affected. Germany's representative pointed out that it had been agreed that the latter countries would initiate the Espoo process and that they would keep it as transparent as possible; she added that, under the principles of Article 3 of the Espoo Convention, other Contracting Parties would be able at any time to participate in the process. She explained that there had been meetings to this effect in April, September and November. By means of a formal notification of 14 November 2006, he added, all the countries concerned had been asked to indicate whether they wanted to participate in the environmental impact assessment and whether

they wanted to submit any project inputs. She pointed out that more detailed information was available on the website of Germany's Federal Agency for Maritime Shipping and Hydrography (*Bundesamt für Seeschifffahrt und Hydrographie* – [www.bsh.de/en](http://www.bsh.de/en)). In conclusion, Germany's representative stressed the fact that this project was being planned by private enterprises from Germany and Russia, that licenses would be issued by the authorities in charge and that governments were obliged to present reports based on HELCOM Recommendation 17/3.

## **2<sup>nd</sup> Stakeholder Conference on the development of the HELCOM Baltic Sea Action Plan in Helsinki on 6 March 2007 and 28<sup>th</sup> Regular HELCOM Meeting in Helsinki on 7 and 8 March 2007**

At the Stakeholder Conference, updated policy documents were presented to stimulate discussion on the Baltic Sea Action Plan's action fields of "eutrophication", "biodiversity", "pollutants" and "maritime activities" in order to develop a more precise description of the condition of the Baltic Sea's marine environment.

There was a consensus to the effect that the measures that had been proposed provided a sound basis for further initiatives to reduce pollution in the Baltic Sea region. Participants emphasised that policymakers would have to make greater efforts than in the past to meet their obligations in the field of protection of the marine environment. However, irrespective of this, they felt that it was necessary to monitor the Baltic Sea Action Plan and to make continuous adjustments in line with new findings and the level of implementation as well as the effectiveness of the measures and the quality objectives in order to achieve an environmentally sound Baltic Sea. In this context, participants suggested that processes and measures at all levels of action and in all fields of action (e.g. CAP, subsidies, EU Water Framework Directive, IMO requirements) should be taken into consideration. This could ensure that due account is given to human actions and environmental quality objectives in all the policies and programmes within the Baltic Sea region. Participants also underlined the need to identify funding for cost-efficient measures that should be primarily designed to address defined "hot spots". In this context, it should also be examined, participants suggested, whether it would be possible to introduce tradable country-specific quotas for nutrient inputs.

Asmund Kristoffersen, the Chairman of the BSPC's Working Group on Eutrophication, presented the Working Group's key recommendations for action to reduce the pollution load in the Baltic Sea. With a view to the HELCOM Baltic Sea Action Plan, he suggested that each Baltic Sea country should carry out its own cost-effectiveness analyses to find out how the agreed targets could be reached. Asmund Kristoffersen pointed out that the most important measures were efficient treatment of municipal and industrial waste waters as well as prohibiting the production and use of phosphate-based detergents (in particular laundry and dish-washing detergents). In this context, manufacturers were called upon to develop and market more environmentally sound alternatives.

As a regional co-operation organisation, HELCOM was called upon to specify measures as soon as possible that would lead to substantial reductions in agricultural inputs. HELCOM was also called upon to evaluate ways of cost-effectively reducing inputs of pollutants from scattered dwellings and small municipalities. In addition, participants proposed that the option of banning discharges of waste water from larger ships into the Baltic Sea should be examined. Along with other proposals, HELCOM was asked to describe in detail how the introduction of a binding country-specific quota system designed to reduce nutrient inputs could be supported and implemented to achieve the ecological quality objectives.

One-sided use of resources (fishing, mining, dumping of waste into the sea, etc.) was stressed as a key factor in the loss of biodiversity in the Baltic Sea. It was pointed out that man-made changes occurred at such a fast pace that it was often not possible for the species affected to adjust. The outstanding importance and role of protected marine areas was stressed in this context. Participants also suggested that there should be regional planning for marine areas along the lines of regional planning for terrestrial areas.

As far as shipping was concerned, participants came to the conclusion that many of the measures proposed could be implemented only via the IMO. However, governments were duty-bound, it was said, to apply available instruments and to implement requirements in order to eliminate or reduce existing deficits and problems. Many held the view that port states should make greater efforts to meet their obligations. Deficits were identified in the field of port reception facilities and in the designation of ports of refuge. Participants also agreed that all the Baltic Sea countries should ratify the IMO Ballast Water Convention and support the compulsory use of pilots.

In the field of chemicals policy, participants criticised the fact that chemicals management and precautionary measures were not adequate in Europe. Potential threats to the marine environment were seen to be posed in particular by hormone residues and hormone-like substances. Participants also criticised the fact that only about half of the Baltic Sea countries had ratified the Stockholm Convention of 2001 on the disposal of extremely hazardous persistent organic pollutants. For this reason, participants felt that REACH (**R**egistration, **E**valuation, **A**uthorisation and **R**estriction of **C**hemical Substances; EU) and SAICM (Strategic Approach to International Chemicals Management; UNEP) were essential for the chemicals policy in Europe.

The major items on the agenda of the 28<sup>th</sup> Regular HELCOM Meeting were the progress made in the preparations for the HELCOM Baltic Sea Action Plan as well as the discussion of the outcomes of the 2<sup>nd</sup> Stakeholder Conference. The HELCOM BSAP Task Force was called upon to take the outcomes of this conference into consideration in its further development and design of the draft of the Baltic Sea Action Plan in all the fields of action. Participants felt that there was a need for a clear distribution of responsibilities and for a definition of a binding deadline if the Task Force was to live up to the expectations placed in it.

Participants stressed that the primary problem in the Baltic Sea was eutrophication and that, within the framework of the Baltic Sea Action Plan, priority should be given to addressing questions related to agricultural aspects. For this reason, it was felt that the 5<sup>th</sup> Report on Pollution Load Compilation (PLC-5) was an important basis for measures designed to combat eutrophication. In this connection, the Contracting Parties were called upon to make the necessary data material available to HELCOM by 30 August 2007.

In addition to the presentation of the regular reports from the Working Groups, amended versions of the following recommendations and guidelines were adopted:

- No. 28/1; Application of the “no-special-fee system” to ship-generated waste  
*(replaces HELCOM Recommendations 19/8 and 26/1)*
- No. 28/2; Recommendation concerning recording of fuel oil bunkering operations in the oil record book and documentation for the use of reception facilities  
*(replaces HELCOM Recommendation 7/7)*
- No. 28/3; Guidelines on bunkering operations and ship-to-ship cargo transfer of oils, subject to Annex 1 of MARPOL 73/78  
*(replaces HELCOM Recommendation 24/6)*

The 29<sup>th</sup> Regular HELCOM Meeting was scheduled to be held on 5-6 March 2008. The 3<sup>rd</sup> Stakeholder Conference will be held on 4 March 2008.

### **21<sup>st</sup> HOD Meeting held on 20-21 June 2007 in Helsinki**

The HOD Meeting was focused on the outcome of the work done by the Ad Hoc Task Force by that date and on the proposals made by the Task Force for the HELCOM Baltic Sea Action Plan.

Criticism was expressed in particular with regard to the slow progress made and the many reservations put forward by some Contracting Parties concerning specific fields of action and measures. Participants complained that, because of the disputes about details, the parties involved lost sight of the agreed objectives. In addition, there were also complaints that as far as the implementation of the European Water Framework Directive was concerned, the time available for actions within the framework of the Baltic Sea Action Plan was very limited.

Some participants also feared that if certain political positions were upheld, it would only be possible to achieve a minimum consensus, which would not help in view of the Baltic Sea's serious problems; furthermore, some felt that such a minimum consensus would also jeopardise the future of HELCOM as a regional co-operation organisation and as a link between the European Union and Russia in the Baltic Sea region. Moreover, there was a risk, some said, that if there was a lack of willingness to come to an agreement, this might also jeopardise the planned Ministerial Meeting scheduled for 14-15 November in the Polish city of Krakow because there were only very few mutually agreed recommendations for

action that could be submitted at this Meeting. In this case, there was a risk that HELCOM might lose its European and international reputation.

Against this background, the heads of delegation agreed to suspend the Task Force's official work and to solve the current problems as much as possible within the framework of joint meeting of experts with the lead countries by the end of August 2007, with measures relating to fishing to be agreed primarily at European level. In addition, the heads of delegation agreed to a proposal made by the Chairman to inform the Environment Ministers of HELCOM's Contracting Parties about the precarious situation by means of a diplomatic note.

As far as potential measures and activities designed to continue to reduce emissions of water-polluting substances in the eastern Baltic Sea were concerned, the Baltic Environment Forum (BEF, Latvia), which is responsible for this project, was called upon to develop more concrete measures and use the necessary technology to reduce the levels of relevant key pollutants (in particular heavy metals and dioxins). In order to reach this objective within a short period of time, the Contracting Parties were asked to inform HELCOM promptly about potential pollution sources (industry, municipalities, waste disposal sites, waste treatment plants and agriculture) as well as the pollution volumes and where the pollutants are discharged into the Baltic Sea.

To demonstrate the need for the Baltic Sea Action Plan, the heads of delegation also discussed a project that was designed to assess the social and economic costs of Baltic Sea countries taking action and failing to take action in the various fields of the Action Plan for an environmentally sound Baltic Sea; the intention was to make the findings of this project available to national Environment Ministers prior to the Ministerial Meeting. Furthermore, the heads of delegation took note of a working paper by the Secretariat specifying what could be done to ensure that HELCOM's outcomes and the Action Plan's objectives would be integrated into the work done by other regional co-operation organisations within the framework of protection of the marine environment and incorporated into international statutory provisions.

Subsequently, the interim reports of the HELCOM Working Groups were presented to the heads of delegation, who adopted the draft Guidelines for disposal of dredged material at sea, subject to final approval by Germany and Russia. During the discussion, criticism was expressed with regard to the fact that the required port reception facilities for ship-generated wastes were not available in the ports of some of the Baltic Sea countries.

In addition, the heads of delegation approved the implementation of additional projects: First of all, the development of harmonised methods for quantifying diffuse losses throughout the Baltic Sea catchment area; secondly, the linking of the "Seatrack Web Oil Drift Forecasting System" with the current system (STW/AIS/Sat); thirdly, the establishment of a network for monitoring and protecting bony and cartilaginous fish in coastal waters (HELCOM FISH); and fourthly, supporting programmes for agriculture in order to achieve a reduction of the nutrients polluting the Baltic Sea as set out in the Baltic Sea Action Plan. In this context, the

representatives of Germany suggested that there should be a general discussion about the need for such a large number of projects and sub-groups.

As during previous HOD meetings, there was once again a discussion about the question of applying equal membership dues to all Contracting Parties to finance HELOCM. The opponents to such a course of action argued that it was necessary to take into consideration differences between the various Contracting Parties in terms of their ability to pay; this applied in particular to those countries whose transformation process had not yet been concluded. Finally, the heads of delegation agreed that there should be a final discussion of these questions at the next HOD Meeting in November after the adoption of the Baltic Sea Action Plan.

As far as the consultation process on the European Commission's Green Paper on an Integrated European Maritime Policy was concerned, the heads of delegation agreed that, subject to reservations made by the Contracting Parties by 27 June 2007, the comments and recommendations presented by the Secretariat should be submitted to the Commission either as a common position or as the Chairman's opinion.

The 22<sup>nd</sup> HOD Meeting was scheduled to be held on 17 to 19 September 2007, and the 23<sup>rd</sup> HOD Meeting was scheduled for 15-16 October 2007. It was decided that another HOD Meeting would be held prior to the HELCOM Ministerial Meeting on 13-14 November in Krakow.

### **3. Conclusions**

In the past few years, the Baltic Sea Parliamentary Conference has repeatedly drawn attention to the fact that it is necessary to adopt additional measures to improve maritime safety. However, the governments of the Member States have not yet effectively given heed to relevant recommendations for political action. This is demonstrated by the current problems with regard to the designation of ports of refuge for ships in distress and by the slow implementation of the EU Directive on Port Reception Facilities.

Against the background of growing volumes of maritime traffic on the Baltic Sea, the following measures are still considered to be necessary to ensure a high standard of maritime safety:

- Establishing a common and efficient Baltic Sea Coast Guard
- Promoting innovative navigation technologies such as the satellite navigation system GALILEO in combination with GMES (Global Monitoring System for Environment and Security)
- Making the use of pilots mandatory in waters that are difficult to navigate
- Introducing provisions that will ensure that ships are designed in such a way that they can safely operate in a heavy sea and during ice drift
- Applying the principles of air traffic control in order to be able to monitor and control the maritime traffic in the Baltic Sea
- Banning discharges of waste water from both professional and sports ships

As far as the Baltic Sea Action Plan is concerned, it has become clear that the negotiations conducted within HELCOM to improve the Baltic Sea's ecological condition have come to a crossroads. Currently, the adoption of a comprehensive package of measures designed to solve major ecological problems in the Baltic Sea region is mainly being prevented by national reservations.

As a parliamentary body, the Baltic Sea Parliamentary Conference should face this situation and strongly support the development of compromises at HELCOM level that will be capable of solving not only the ecological but also the economic and social problems in the Baltic Sea region. In view of the Baltic Sea's current condition, the development of solutions to the current problems cannot be postponed to a future date.

In view of the BSPC's successful co-operation with HELCOM to date and the political synergy effects at international, regional and national level, we recommend to the BSPC's Standing Committee that the BSPC should continue to exercise its observer status at HELCOM and that, in view of the current environmental challenges, the BSPC should continue to actively support HELCOM's work.

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 Parliament of Mecklenburg-Vorpommern

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 Delegation to the Nordic Council