

THE COMPREHENSIVE REPORT ON OCEANS AND THE LAW OF THE SEA

Input from the Baltic Marine Environment Protection Commission (Helsinki Commission – HELCOM)

A. Salient issues that have arisen during 2002 within our respective areas of competence.

During the year a series of issues have attracted major attention. These are:

1. EU Enlargement and European Marine Strategy

The (present) EU accession process by several HELCOM Contracting Parties will be finalized on 1st May 2004 with the consequence that nine of ten HELCOM Contracting Parties will be EU members with the consequence that all HELCOM member states except the Russian Federation will be committed to fulfilling EU Directives. That will cause a loss of regulatory competence of HELCOM in general.

For the moment the European Commission is preparing a European Strategy for Protection and Conservation of the Marine Environment. The consequences of such a strategy will probably strongly influence the future work of the Helsinki Commission.

Nevertheless there will be a continuous need for strict and tailor-made solutions/measures to protect the unique and particularly sensitive ecosystem of the Baltic Sea, thus still calling for regional approaches even under the roof of the EU regulatory system. That includes stricter regulations in fields where existing EU legislation doesn't adequately reflect the particular needs of the Baltic Sea. Particular regional measures have to be adopted under the umbrella of the Helsinki Convention.

Measures that are being undertaken to address the issue

During the last years the HELCOM Subsidiary Bodies have been working on harmonisation of HELCOM Recommendations with EU and OSPAR Regulations in order to avoid inconsistencies or possible direct regulatory conflicts. In fields where there is a need to safeguard the sensitivity of the Baltic Sea Area special actions have been taken.

Further actions

The forthcoming HELCOM Ministerial Meeting in June 2003 will discuss the role of HELCOM and its future priorities seen in the light of the described development.

2. Oxygen depletions and eutrophication

In August 2002, extraordinary strong oxygen depletion was observed in large areas of the Kattegat, Belt Sea, the Sound and Western Baltic Sea. Excessive leaching of

nutrients from land in combination with excellent growth conditions for algae during a long, very warm summer provided the fundamentals leading to these events. The wide-spread oxygen depletion resulted in mass deaths of fish and widespread areas with dead or greatly harmed animal life at the sea bottom. Oxygen depletion in the shallow areas of the Gulf of Finland has also extended during the past years due to eutrophication and subsequent internal load.

Measures that are being undertaken to address the issue

In 1988, the Ministers of Environment of the Baltic Sea States decided that anthropogenic discharges to the Baltic Sea should be reduced by 50 % by the year 1995. Regarding point sources, the 50 % reduction target has been achieved for phosphorus by almost all the Baltic Sea countries, while most countries have not reached the target for nitrogen. Diffuse pollution sources (mainly agriculture) levels usually have shown smaller decreases than the point source loading. Decreases have been found in nitrogen, while decreases in phosphorus remained smaller.

In the light of the recent events with severe oxygen depletion, fish kills and damages to the benthic flora and fauna, HELCOM realises that the present measures towards reduction of nutrient input to the Baltic Sea are not sufficient.

Further actions

The situation was considered in depth in November 2002 by HELCOM and a series of actions were decided. Eutrophication will be on the Agenda for the forthcoming HELCOM Ministerial Meeting in June 2003. An *ad hoc* Expert Group on Oxygen Deficiency has been established and experts from the Ministries responsible for Agriculture will be involved. This eutrophication initiative will address: monitoring and assessment, specific sector- or issue-objectives and measures to obtain these specific sector- or issue-objectives.

3. Agricultural pollution

Agriculture is the major contributor to diffuse pollution. The main problem leading to unreasonably large losses of nutrients to the water environment is the intensive livestock farming in many areas often leading to improper storage of manure and untimely and too high application rate of manure to the fields. In addition too high application rates of chemical fertilizers and pesticides add to the problems.

Measures that are being undertaken to address the issue

During many years pollution due to agricultural activities have addressed by HELCOM. In 1998 HELCOM adopted an Annex III to the Convention: Prevention of Pollution from Agriculture. Also several recommendations dealing with agricultural pollution have been adopted during the years. At present a HELCOM Working Group on Agriculture is following the implementation of Annex III and revising and updating the relevant Recommendations seen in relation to Annex III and regulations adopted by the European Union. Due to the recent eutrophication and oxygen depletion events it seems necessary to introduce new measures towards curbing agricultural pollution.

Further actions

Based on the outcome of the discussions on the specific issues of oxygen depletion and eutrophication at the HELCOM Ministerial Meeting in June 2003 a decision will be taken on the future work of HELCOM in the field of Agriculture.

4. Rising risk for oil spills

The Baltic Sea area is characterized by a heavy traffic, with around 2000 ships at sea on an average day and among these 200 oil or product tankers.

By 2017 a doubling in the amount of cargo transported via sea has been estimated. Looking at different sectors, general cargo and container traffic is expected to triple; oil transportation is thought to increase by 40%.

A 50 per cent increase in the statistical risk for oil spills of less than 1,000 tonnes and a 25 per cent increase in the statistical risk for oil spills of more than 1,000 tonnes have been predicted on the basis of the increased maritime traffic.

Measures that are being undertaken to address the issue

Preventing pollution from maritime traffic has been a major item for the Baltic Sea States since the beginning of their environmental co-operation in the 1970s. To ensure maritime safety in the Baltic Sea region, which is well-known for its narrow straits, shallow depths and archipelago areas, the Helsinki Commission has decided on a great number of measures during the past 20 years.

The work to reduce the environmental risks associated with the heavy traffic in the Baltic Sea area is mainly concentrated around:

- Elimination of illegal discharges;
- Improved safety of navigation to reduce the risk for accidents;
- Adequate ability to respond to an accident; and
- Implementation of adopted measures, such as the Baltic Strategy for Port Reception Facilities for Ship-generated Wastes and Associated Issues and the HELCOM Copenhagen Declaration on the Safety of Navigation and Emergency Capacity in the Baltic Sea area

This work is based on inventories on maritime transportation and risk assessments.

After accidental oil spillages, deliberate oil discharges have the greatest impact of all sources of sea-based pollution. Although individually the amounts of oil involved may be very small, taken together they add up to a larger volume of oil than accidents.

Further actions

The "Prestige" accident has again put shipping high on the agenda of HELCOM, and the possible need for additional measures to ensure the safety of navigation will be considered during the forthcoming HELCOM Ministerial meeting in June 2003.

B. Areas of focus selected for the fourth meeting of the Open-ended informal consultation process on oceans and Law of the Sea

1. Protecting vulnerable marine ecosystems

Natural conditions in the Baltic Sea (stratified brackish waters with varying temperatures) have restricted the occurrence of most of the marine and freshwater species. This has resulted in an ecosystem with low number of species and short food chains making the ecosystem very vulnerable for external stress.

A total of 133 distinct marine and coastal habitat types have been classified by HELCOM for conservation purposes, but most of these habitats are threatened by human activity. Major threats to biodiversity include pollution, eutrophication, disturbance, over-fishing and introduction of non-indigenous species.

Measures that are being undertaken to address the issues

The 1992 Helsinki Convention was the first regional agreement to cover international marine nature conservation over an entire sea. The Contracting Parties shall conserve natural habitats and biological diversity and protect ecological processes. Such measures shall also be taken in order to ensure the sustainable use of natural resources within the Baltic Sea Area.

HELCOM promotes ecosystem-based approaches in developing strategies for the management of marine resources of coastal and offshore waters, favouring broader, long-term management practices instead of a short-term, sectional approach.

Common concepts and visions for integrated coastal zone management (ICZM) are under development. A report summarizing the current state of affairs was published in 2001, and a complementary strategic report setting out a common approach will be published in 2003.

HELCOM has adopted, through a Recommendation in 1994, 62 marine and coastal areas to be the first phase of a system of Baltic Sea Protected Areas (BSPAs).

In addition, HELCOM adopted a Recommendation which states that in all riparian states to the Baltic Sea, a coastal strip of at least 100 to 300 metres landwards and seawards the medium midwater line outside of settlements shall be generally protected from diverse activities leading to destruction of habitats.

HELCOM has adopted Recommendations to protect seals (1988), harbour porpoise (1996) and wild salmon (1998). In 2002, a Recommendation concerning protection of heavily endangered or immediately threatened marine and coastal biotopes in the Baltic Sea Area was adopted.

HELCOM and the International Baltic Sea Fisheries Commission (IBSFC) have jointly made actions to reduce the negative environmental effects of fisheries and to promote ecosystem-based management of fisheries. Integration of environmental and nature conservation issues into fishery policies and integration of fishery issues

into environmental and nature conservation policies is an ongoing process both in HELCOM and IBSFC.

HELCOM has supported development of a joint database on non-indigenous species (alien species) in the Baltic Sea, promoted concerted actions to improve the management of ballast water and supported international actions in IMO.

Further actions

Protection of marine biological diversity, including the environmental effects of fisheries and the further development of the network of marine protected areas will be a theme for the forthcoming HELCOM Ministerial Meeting in June 2003.

2. Safety of navigation

The “Baltic Carrier” accident on 29 March 2001, resulting in the outflow of 2,700 tonnes of heavy fuel oil to the Baltic Sea, put to the fore the increased risk associated with the dense traffic in the area.

An Extraordinary HELCOM Ministerial meeting on 10 September 2001 promptly and efficiently responded to the increased risk, by adopting a Declaration on the safety of navigation and emergency capacity in the Baltic Sea area (the HELCOM Copenhagen Declaration).

Measures that are being undertaken to address the issues

The HELCOM Copenhagen Declaration contains a voluminous package of measures to increase the safety of navigation and ensure the adequacy of emergency capacity.

These measures include:

Maritime safety measures

- New and improved routes for shipping;
- Enhanced use of pilots in high-risk areas;
- Regular hydrographical surveys;
- Use of Electronic Navigational Charts (ENC) and Electronic Chart Display and Information Systems (ECDIS);
- A monitoring system for shipping in the Baltic Sea area;
- Extended and intensified Port State Control;
- Common procedures for investigations into accidents;
- Phasing out of single-hull oil tankers, at the earliest possible date under the International Maritime Organisation regime;

Emergency measures

- Plans for places of refuge;
- Additional research and development activities, in particular to address response to high-density oils, orimulsion as well as spills in icy conditions;

- Co-operation during shore-line clean-up operations;

Future tasks

- Assessment of trends in maritime traffic as a basis for risk analyses;
- Possible designation of parts of the Baltic Sea area as Particularly Sensitive Sea Areas (PSSA's).

The Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (the Helsinki Convention) was amended, as of 1 December 2002, to make the consequent measures binding under international law.

Further actions

The need for further actions will be considered during the forthcoming HELCOM Ministerial meeting in June 2003.