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<b>Document title</b>	Draft project proposal for review and updating of the Helsinki Convention in relation to prevention of pollution from agriculture (part II of Annex III) (AGRIREV)
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### Background

The 2013 HELCOM Ministerial Meeting agreed to initiate and accomplish by 2016 a review and an updating of part II of Annex III of the 1992 Helsinki Convention (see Annex 2 of this document), in order to better serve the purposes of reaching good environmental status.

The HELCOM Heads of Delegation (HODs) continuously addressed the need for revision of part II of Annex III within preparations of the 2013 HELCOM Ministerial Declaration (cf. Outcomes of HOD 42-2013, HOD 44-2013). The HODs re-confirmed that needs of the HELCOM Baltic Sea Action Plan (BSAP) as well as current part II of Annex III should be regarded as minimum requirements for the revision process.

To bring the work on the Annex modernization forward, the Secretariat has drafted a project proposal as can be found attached to this document (Annex 1).

### Action required

The Meeting is invited to consider the project proposal, develop it further and agree on the proposal with the view of submitting it to HOD 47-2014 for adoption.

The Contracting Parties are invited to consider leading/co-leading the activities within the project.

**ANNEX 1****DRAFT PROJECT DESCRIPTION****1. Title of Project**

Review and updating of the Helsinki Convention in relation to prevention of pollution from agriculture (part II of Annex III) (AGRIREV)

**2. Project Manager (s)**

Agri-environment Advisor to be employed

**3. Proposing Party**

Executive Secretary and HELCOM Group on Sustainable Agricultural Practices (Agri Group)

**4. The body supervising the Project**

HELCOM Group on Sustainable Agricultural Practices (Agri Group)

**5. Background, target and activities****Background**

Despite the efforts by the Contracting Parties the good environmental status of the Baltic Sea with regard to eutrophication has not been achieved yet and further reduction of nutrient inputs is needed. Losses of nutrients from agriculture represent substantial share of overall inputs to the sea.

The 2013 Ministerial Meeting acknowledged that sustainability of agricultural production is a key to the success of reaching input reductions for Good Environmental Status.

Further, the Contracting Parties agreed (in the 2013 Ministerial Declaration) to strive for the development and application of sustainable agricultural practices with the least environmental impacts on the Baltic Sea, underpinned by technical, economic and regulatory measures.

Based on the latest developments and best practice the countries should aim at introducing nutrient accounting on farm level including calculation of nutrient surpluses. This should lead to an increased awareness of nutrient value and efficient use, improved farm nutrient management and especially a better targeted manure nutrient recycling. The final objective is to keep nutrient surpluses within environmentally tolerable limits.

The commitment to implement and enforce the provisions of part II of Annex III "Prevention of Pollution from Agriculture" of the Helsinki Convention was re-iterated by the Ministerial Meeting, focusing on the effective and cost-efficient implementation. At the same time, an agreement has been reached to review and update, by 2016, this part of the Convention in order to better serve the purposes of reaching Good Environmental Status.

The current version of Annex III has been amended in 2008, following the adoption of the Baltic Sea Action Plan (BSAP). However, it has been identified that the Convention has already in some parts become outdated and it does not capture some important topics and opportunities for better addressing nutrient losses to the sea such nutrient balanced fertilization at farm level and nutrient recycling.

## Target

The aim of the project is to modernize the agriculture related provisions of the Helsinki Convention. The modernized Convention will better serve its purpose of ensuring sustainable agricultural practices in the Baltic Sea region, by targeting the newest standards and most efficient methods and approaches to prevent nutrient losses, taking into account cost-effectiveness and impacts on the marine environment of the Baltic Sea.

The Convention includes certain provisions which, while not being contradictory to, go beyond the existing EU regulations, and more specifically: on manure storage capacity (Regulation 2, point 3), application rates for nutrients in livestock manure (Regulation 2, point 7), and the requirement of obtaining an environmental permit for cattle farms of certain size (Regulation 4) as well as establishing Best Available Technology for these kind of agricultural holdings.

As agreed earlier by the HELCOM Heads of Delegation<sup>1</sup>, the intention of the review and update is not to align the provisions with the existing regulations, which would not create any added value. The level of the existing HELCOM commitments needs to be ensured, while opportunities for more innovative solutions such as related to manure spreading techniques, animal feeding, recycling (e.g. cooperation between crop and animal farms), other organic fertilizers better captured in the Annex.

On the other hand, the review process represents an opportunity to more thoroughly discuss, understand and address particular difficulties of few HELCOM countries in implementing Annex and what could be means and solutions to overcome these.

Reaching a common understanding of what is the purpose of updating the Annex is a pre-requisite for constructive and successful accomplishment of this task within the given timeframe.

The following principles for the revision of part II of Annex III of the 1992 Helsinki Convention will be guiding the project:

1. To focus the modernization of part II of Annex III on strengthen the efforts in Baltic Sea region to contribute to Good Environmental Status, recognizing the existing legal and management frameworks, i.e. the EU Common Agriculture Policy (CAP), the revision of the River Basin Management Plans (RBMPs), Nitrates Directive and the Marine Strategy Framework Directive (MSFD) for HELCOM countries being EU member states, and i.e. Schemes of Comprehensive Use and Protection of Water Bodies - SKIVO for the Russian Federation.

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<sup>1</sup> Outcome of HOD 42-2013:

2.41 (LD 42) *The Meeting considered the agriculture-related part of the Declaration as one of the most important ones, being of crucial importance for the credibility of HELCOM's work and thus the Ministerial Declaration. The Meeting therefore requested the willingness from all the Contracting Parties to find a compromise solution to the text. Existing regulations and needs of the BSAP as well as Annex III of the Helsinki Convention should be regarded as minimum requirements.*

Outcome of HOD 44-2013:

2.5 (LD 6) *The Meeting discussed the agriculture part of the Draft Ministerial Declaration, re-iterated that the proposed text was already discussed in detail at previous meetings both at policy and expert level and stressed that the new provisions both for agriculture as well as other parts of the Declaration should not be weaker than part II of Annex III of the Helsinki Convention, as well as HELCOM BSAP and 2010 Ministerial Meeting commitments.*

2. To look into creating added value with regard to other existing legislation (e.g. for clean air, such as the NEC<sup>2</sup> directive and the CAFE<sup>3</sup>-Strategy), not being contradictory to it, but seizing any opportunities for complementarity as well as addressing issues of special relevance to the Baltic Sea and its environmental status.
3. To recognize that agriculture differs in HELCOM countries, while promoting and pursuing Best Environmental Practice and Best Available Technology to be applied on the region-wide scale.
4. To aim at foreseen future developments rather than referring to frequent developments as these are often short term, so the Annex could provide longer-term framework for environmental requirements in agriculture; If considered useful, some issues could be addressed in the form of guidelines, roadmaps, or pallets of measures.
5. To respect previous commitments, such as the commitments of the HELCOM Baltic Sea Action Plan as well as in the 2010 and 2013 HELCOM Ministerial Declarations, i.e. provisions of the current part II of Annex III will not be weakened in the revision process and already made commitments will not be re-opened.

### Activities

The project will be divided into two phases: 1) review in [2015], and 2) drafting changes to the Convention in [2016].

The project will benefit from the foreseen activities related to annual nutrient accounting at farm level [led by Denmark and Germany subject to confirmation] and on nutrient content in manure led by Finland.

*[The Contracting Parties are invited to offer leadership for the review process, optimally 2 countries could be leading with assistance of the Agri-environment Advisor.]*

#### 1) REVIEW

##### Desk study

The first step will be to identify what are the relevant issues currently not addressed in Annex and which should be included. These issues could include manure spreading techniques, animal feeding, recycling (e.g. cooperation between crop and animal farms), other organic fertilizers as well as take into account the Ministerial commitments.

The result of the desk study will be a proposal for issues to be addressed in the updated Convention, for consideration by the Contracting Parties.

##### Visits to HELCOM countries

A number of study visits will be organized to the HELCOM countries to inform the review process of national priorities as well as examples of practical application of BEP and BAT for sustainable agriculture. The study visits will also be used to discuss any difficulties in implementation of the Annex and initiate a dialogue on possible solutions and timetables to overcome these.

The visits could focus on an identified specific issue. They could also be held back-to-back with meetings of the Agri Group.

The study visits will be to relevant ministries and agencies, advisory services and exemplary farms.

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<sup>2</sup> Directive on National Emission Ceilings.

<sup>3</sup> Clean Air for Europe.

[to further elaborate on the idea of the study visits, possibly identify the receiving countries, possible number of visits and topics, participants, etc.]

## 2) DRAFTING OF THE AMENDMENTS TO THE CONVENTION

Based on the desk study and visits the drafting of the amendments to the Convention will start. It will be important to link the project to the foreseen activities related to annual nutrient accounting at farm level and on nutrient content in manure (led by Finland) in order to benefit from their first outcomes.

[to further elaborate how the drafting will be carried out and how to link to other activities that can benefit the review and update]

## 6. Expected results

Modernization of regional regulations in order to better serve the purposes of reaching Good Environmental Status through harmonized implementation of measures.

## 7. Consistency with HELCOM priorities yes no

## 8. Timetable

Starting: March/April 2015

Completion: adoption by HELCOM 38-2017.

More detailed timetable to be elaborated once the project has started, covering desk study and visits to HELCOM countries in 2015, and initial proposal for amendments in 2016. Final draft of the revised Convention should be ready for consideration by the Heads of Delegation in December 2016.

## 9. Budget

### 9.1 Total costs

76,000 EUR + travels costs for Agri-environmental Advisor

### 9.2 Costs divided per financial year

Budget year	Staff cost	Travel cost	Total
2014/2015	12,000 EUR	xxxx	
2015/2016	48,000 EUR	xxxx	
2016/2017	16,000 EUR	xxxx	

### 9.3 Sources of financing divided per financial year

2014/2015 – HELCOM budget

2015/2016 – HELCOM budget

2016/2017 – HELCOM budget

**10. Additional requests**

The Contracting Parties are requested to support the project through the Drafting Group for review and updating of part II of Annex III (AGRI DG Annex III) approved by HELCOM HOD 46-2014. The Drafting Group will support the work of the Agri Group intersessionally.

Furthermore, the Contracting Parties will be requested to attend and receive study visits, and host and organize the visits accordingly.

Denmark and Germany are invited to confirm if they are ready lead an activity on nutrient accounting on farm level, and Finland has already offered to lead activity on nutrient content in manure. It is hoped that these two activities would support the review and update of the Convention by sharing the early results to feed into the modernization process.

The Contracting Parties are invited to offer the lead/co-lead for the review / update of the Annex.

**11. Organization of Project/ Procedure of nomination of the Project team members**

The Drafting Group, established under the Agri Group, led by [xx], will be involved in the project. The Contracting Parties and Observers should nominate their member(s) to the Drafting Group if they have not done yet so.

The work of the lead countries and AGRI DG Annex III will be supported by the Agri-environment Advisor to be employed in the HELCOM Secretariat. The Advisor will carry out the desk study, support organization of study visits, liaise with the Contracting Parties as well as prepare the necessary proposals and documentation. The Advisor will need to follow the HELCOM risk assessment procedure.

The Agri Group meetings will serve to consider the proposals by the project and review and agree on the results. The Drafting Group will work intersessionally (using video-, teleconferencing, supporting/attending study visits, as appropriate) in addition to study visits.

**12. Signature of the Project Manager****13. Opinion of the Chair of the relevant body**

[The Chair of the Agri Group supports the establishment of the project.]

**14. Opinion of the Executive Secretary**

[The Executive Secretary supports the establishment of the project.]

**15. Decision of the Heads of Delegation**

\_\_\_\_ to establish \_\_\_\_ not to establish

## Annex III

### Criteria and measures concerning the prevention of pollution from land-based sources

- - - - - Extract

#### **PART II PREVENTION OF POLLUTION FROM AGRICULTURE**

##### **Regulation 1; General provisions**

In accordance with the relevant parts of this Convention the Contracting Parties shall apply the measures described below and take into account Best Environment Practice (BEP) and Best Available Technology (BAT) to reduce the pollution from agricultural activities. The Contracting Parties shall elaborate Guidelines containing elements specified below and report to the Commission.

##### **Regulation 2; Plant nutrients**

The Contracting Parties shall integrate the following basic principles into national legislation or guidelines and adapt to the prevailing conditions within the country to reduce the adverse environmental effects of agriculture. Specified requirements levels shall be considered to be a minimum base for national legislation.

##### 1. Animal density

To ensure that manure is not produced in excess in comparison to the amount of arable land, there must be a balance between the amount of animals on the farm and the amount of land available for spreading manure, expressed as animal density. The maximum amount of animals should be precised with consideration taken to the amount of phosphorus and nitrogen in manure and the crops requirements of plant nutrients.

##### 2. Manure storage

Manure storage must be of such a quality that prevents losses. The storage capacity shall be sufficiently large, to ensure that manure only will be spread when the plants can utilize nutrients. The minimum level to be required should be 6 months storage capacity. Urine and slurry stores should be covered or handled by a method that efficiently reduces ammonia emissions.

##### 3. Agricultural waste water and silage effluents

Waste water from animal housings should either be stored in urine or slurry stores or else be treated in some suitable manner to prevent pollution. Effluents from the

preparation and storage of silage should be collected and directed to storages for urine or liquid manure.

4. Application of organic manures

Organic manures (slurry, solid manure, urine, sewage sludge, composts, etc) shall be spread in a way that minimizes the risk for loss of plant nutrients and should not be spread on soils that are frozen<sup>1</sup>), water saturated or are covered with snow. Organic manures should be incorporated as soon as possible after application on bare soils. Periods shall be defined when no application is accepted.

5. Application rates for nutrients

Application rates for nutrients should not exceed the crops nutrient requirements. National guidelines should be developed with fertilizing recommendations and they should take reference to:

- a) soil conditions, soil nutrient content, soil type and slope;
- b) climatic conditions and irrigation;
- c) land use and agricultural practices, including crop rotation systems;
- d) all external potential nutrient sources.

6. Winter crop cover

In relevant regions the cultivated area should be sufficiently covered by crops in winter and autumn to effectively reduce the loss of plant nutrients

7. Water protection measures and nutrient reduction areas

- a) Surface water  
Buffer zones, riparian zones or sedimentation ponds should be established, if necessary.
- b) Ground water  
Ground water protection zones should be established if necessary. Appropriate measures such as reduced fertilization rates, zones where manure spreading is prohibited and permanent grass land areas should be established.
- c) Nutrient reduction areas  
Wetland areas should be retained and where possible restored, to be able to reduce plant nutrient losses and to retain biological diversity.

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<sup>1</sup> To be defined by national legislation depending on the regional climate and weather conditions.



### **Regulation 3; Plant protection products**

Plant protection products shall only be handled and used according to a national risk reduction strategy which shall be based on Best Environmental Practice (BEP). The strategy should be based on an inventory of the existing problems and define suitable goals. It shall include measures such as:

1. Registration and approval

Plant protection products shall not be sold, imported or applied until registration and approval for such purposes has been granted by the national authorities.

2. Storage and handling

Storage and handling of plant protection products shall be carried out so that the risks of spillage or leakage are prevented. Some crucial areas are transportation and filling and cleaning of equipment. Other dispersal of plant protection products outside the treated agricultural land area shall be prevented. Waste of plant protection products shall be disposed of according to national legislation.

3. Licence

A licence shall be required for commercial use of plant protection products. To obtain a licence suitable education and training on how to handle plant protection products with a minimum of impact on health and the environment shall be required. The users' knowledge regarding the handling and usage of plant protection products shall be updated regularly.

4. Application technology

Application technology and practice should be designed to prevent unintentional drift or run-off of plant protection products. Establishment of protection zones along surface waters should be encouraged. Application by aircraft shall be forbidden; exceptional cases require authorization.

5. Testing of spraying equipment

Testing of spraying equipment at regular intervals shall be promoted to ensure a reliable result when spraying with plant protection products.

6. Alternative methods of control

Development of alternative methods for plant protection control should be encouraged.

### **Regulation 4; Environmental permits**

Farms with livestock production above certain size should require approval with regard to environmental aspects and impacts of the farms.

**Regulation 5; Environmental monitoring**

The Contracting Parties shall develop projects to assess the effects of measures and the impacts of the agricultural sector on the environment.

**Regulation 6; Education, information and extension service**

The Contracting parties shall promote systems for education, information and extension (advisory service) on environmental issues in the agricultural sector.