



Memo of the second meeting on the Red List biotopes Recommendation (BIOTOPES REC 2-2016)

The second Meeting on the draft HELCOM Recommendation on threatened red listed biotopes under the State and Conservation Working Group (BIOTOPES REC 2-2016) was held on 30 September 2016 as an online meeting, as agreed by [BIOTOPES REC 1-2016](#), on 13 June 2016. The Meeting was attended by representatives from Denmark, Finland, Germany and Sweden and observers from CCB and OCEANA. List of participants is attached as **Annex 1**. The Meeting was chaired by Ms. Penina Blankett, Finland.

Second draft of the Recommendation

The Meeting considered the second draft of the Recommendation prepared and presented by Mr. Dieter Boedeker, Lead Country Germany, based on the outcome of BIOTOPES REC 1-2016 and comments received from the Contracting Parties (Finland, Poland and Sweden) and Observers (OCEANA). Additional comments from Germany, submitted during the meeting, were also considered by the Meeting.

The Meeting noted that comments from Denmark provided at the Meeting are provisional since the national consultation on the current draft is not yet concluded.

The Meeting urged Denmark to submit comments to the draft Recommendation as soon as possible and noted that Danish comments will be finalized and submitted to the State and Conservation contacts and observers as soon as possible.

The Meeting recalled that the plan is to submit a draft Recommendation for endorsement at STATE & CONSERVATION 5-2016 and HOD 51-2016 and for adoption at HELCOM 38-2017.

The Meeting amended the draft Recommendation as included in **Annex 2**. The preamble part was not discussed, however written comments received are included in the draft contained in **Annex 3**.

The Meeting noted the following comments by the Contracting Parties but could not agree to the proposed changes:

Recommends paragraph 2:

- the proposal from Denmark to either clarify that the paragraph refers to ‘**new** activities’ or to amend the sentence with ‘should be prohibited **or limited**’. The Meeting recalled that the paragraph stems from 21/4 and was of the view that the proposed changes from Denmark would weaken the original intent of the paragraph of Rec 21/4 and did not support it.
- the proposal from Germany; after ‘biotopes complexes’, insert ‘**in designated protected sites**’. The Meeting did not support this addition since it would weaken the Recommendation.

Recommends paragraph 3:

- Danish study reservation remains.

Recommends paragraph 8:

- The Meeting noted the proposal from OCEANA to add to the paragraph ‘and agree to improve the management of existing MPAs, in particular fisheries management, to take into account the threatened and declining habitats as agreed in HELCOM 2013 ministerial declaration’; The Meeting was of the view that management of MPAs is well covered by Recommendation 35/1 and not necessary to repeat here.

Recommends paragraph 10:

- The proposal from Germany to start the paragraph with ‘**Where relevant**’ was not supported but the comparable proposal to add ‘**as far as possible**’ was agreed.

The Meeting agreed on the following plan and timetable for drafting of the Recommendation:

1. The Secretariat will send out the third version of the draft Recommendation (including edits done by the meeting) after the meeting to State and Conservation contacts and observers.
2. Denmark will review the third version and provide comments to it as soon as possible, with the aim of submitting them to the Secretariat (ullali.zweifel@helcom.fi, petra.kaaria@helcom.fi) before **14 October**.
3. An online meeting will be held on **14 October 2016 at 9:30 CET** (once the Danish comments have most likely been received). In addition to the ‘Recommends’ part, the online meeting will also consider the preamble part of the Recommendation, including the title of the Recommendation.

Closing of the Meeting

A Memo from the Meeting will be made available on the [meeting site](#).

Annex 1 List of Participants

Representing	Name	Organization	E-mail
Chair			
Chair	Penina Blankett	Minstry of the Environment	penina.blankett@ymparisto.fi
Contracting Parties			
Denmark	Marie-Louise Krawack	Agency of water and nature management	makra@svana.dk
Finland	Jan Ekebom	Metsähallitus Parks & Wildlife Finland	jan.ekebom@metsa.fi
Germany	Dieter Boedeker	BfN	dieter.boedeker@bfm.de
Sweden	Norbert Häubner	Swedish Agency for Waster and Marine Management	norbert.haubner@havoehvatten.se
Observers			
Observer	Ida Carlen	CCB	ida.carlen@ccb.se
Observer	Hanna Paulomäki	OCEANA	hpaulomaki@oceana.org
HELCOM Secretariat			
Secretariat	Petra Kääriä	HELCOM Secretariat	petra.kaaria@helcom.fi
Secretariat	Ulla Li Zweifel	HELCOM Secretariat	ullali.zweifel@helcom.fi

Annex 2 'Recommends' part of the draft Recommendation

Draft HELCOM Recommendation on biotopes, Third version, Recommendation part, 30 September 2016

RECOMMENDS to ~~the Governments of~~ the Contracting Parties to the Helsinki Convention:

1) to include in or update their national legislation with provisions that provide protection for specific threatened marine and coastal biotopes, habitats or biotope complexes¹ or if considered more appropriate, choose different kinds of existing legal and other instruments to provide similar protection such as incentives, administrative actions or negotiated agreements,

2) that those activities that may significantly affect, destroy or damage such threatened biotopes, habitats ~~or~~ biotope complexes should be prohibited. In such cases when 5) that new plans and projects ~~that~~ may significantly affect the threatened biotopes, habitats ~~and or~~ biotope complexes, they should be evaluated in an EIA or similar procedure, and hereby be mapped by the applicant if such maps do not already exist for the planning area,

3) that derogations from such prohibitions shall only be granted for activities of overwhelming significant public interest or when the negative impacts can be remedied by appropriate mitigation or compensation measures for the benefit of nature conservation,

4) that threatened biotopes, habitats and biotope complexes, if feasible, be identified and mapped preferably by using the HELCOM HUB classification system for underwater biotopes and appropriate classification systems for coastal biotopes such as the HELCOM classification system in BSEP No. 75 in order to support general management of human activities and maritime spatial planning based on the ecosystem approach,

~~5~~6) to make an inventory of existing and planned national and regional conservation-, recovery- and/or action plans as well as other relevant programmes and measures for the protection of threatened underwater biotopes, habitats and biotope complexes,

~~6~~7) to review by 2018 the effectiveness of conservation-, recovery- or action plans or related activities with main focus on the cause of changes and the effect of activities, and based on these:

~~6~~7.1. determine what, if any, additional activities are needed to mitigate the identified pressures and/or impacts and ~~support the development develop or amend or amendment of~~ conservation-, recovery- and/or action plans for HELCOM threatened biotopes, habitats ~~or~~ biotope complexes. Where appropriate, the development could be carried out in cooperation with neighboring countries and/or relevant organizations,

~~6~~7.2. aim to implement such plans or activities as soon as possible, and by 2021 at the latest,

¹ biotope complexes of the HELCOM Red List are similar to the Annex 1 natural habitat types of the Habitats Directive

Commented [PK1]: The Secretariat will clarify which way is used most in previous HELCOM Recommendations: 'Recommends to the Governments of the Contracting Parties' or 'Recommends to the Contracting Parties'

Formatted: Swedish (Sweden)

Field Code Changed

Formatted: Swedish (Sweden)

~~78~~) to consider whether any sites justify selection as new or expanded MPAs for the conservation of HELCOM threatened marine biotopes, habitats ~~and or~~ biotope complexes,

~~89~~) to encourage other international organizations or bodies to promote and strive for taking all appropriate measures in areas of their specific competence, such as in fisheries management or shipping, in order to reduce pressures and impacts on HELCOM threatened marine biotopes, habitats ~~and or~~ biotope complexes,

~~910~~) to monitor, as far as possible, the range, ~~aerial-spatial~~ coverage as well as structure and function of HELCOM threatened marine biotopes, habitats ~~and or~~ biotope complexes and the pressures and/or impacts that cause threats to them, and to improve the exchange of respective data with HELCOM and other international and national bodies in order to create synergies,

~~101~~) to raise awareness about the HELCOM list of threatened marine biotopes, habitats and biotope complexes amongst stakeholders and the general public, and consider to establish a permanent dialogue and exchange of knowledge between HELCOM and relevant stakeholders, such as recreational and commercial fishermen, ~~and seamen.~~

11) for Contracting Parties being EU member states, to ensure consistency with the implementation of this Recommendation and the implementation of relevant EU regulations, in particular Habitats Directive (HD, 92/43/EEC), Birds Directive (2009/147/EC), Marine Strategy Framework Directive (MSFD, 2008/56/EC), Water Framework Directive (WFD, 2000/60/EC) and the Common Fisheries Policy.

Commented [PK2]: The Meeting agreed to delete a similar paragraph from the preamble.

RECOMMENDS ALSO that

12) ~~The~~ Contracting Parties will report on their first activities taken to implement this Recommendation in ~~{2018/2019}~~, and thereafter according to the schedule to be agreed by the State and Conservation Working Group with the aim to harmonize reporting intervals and content with EU and other reporting obligations supported by this Recommendation, using an appropriate template to be developed,

13) based on the progress in implementing this Recommendation and following the next Red List assessment of the Baltic Sea species and habitats/biotopes/biotope complexes, the Governments of the Contracting Parties to the Helsinki Convention utilize new knowledge on threatened marine biotopes, habitats and biotope complexes to maintain or further improve their status also beyond 2021.

Formatted: Swedish (Sweden)

Field Code Changed

Formatted: Swedish (Sweden)

Annex 3 Preamble part of the draft Recommendation

Draft HELCOM Recommendation on biotopes, Third version, Preamble, 30 September 2016

PROTECTION OF MARINE AND COASTAL BIOTOPES, HABITATS AND BIOTOPE COMPLEXES IN THE BALTIC SEA AREA

(CONSERVATION OF MARINE AND COASTAL BIOTOPES, HABITATS AND BIOTOPE COMPLEXES CATEGORIZED AS THREATENED ACCORDING TO THE HELCOM RED LISTS)

(Revision of Recommendation 21/4)

THE COMMISSION,

HAVING REGARD to Article 15 of the 1992 Helsinki Convention and in particular the efforts of the Contracting Parties to conserve and protect biodiversity of marine and coastal areas,

RECALLING the goal of the 2007 HELCOM Baltic Sea Action Plan (BSAP) to achieve a favourable conservation status of marine biodiversity, and the commitment of the 2013 HELCOM Copenhagen Ministerial Declaration to take measures so that by 2020, regionally, the loss of all red listed marine habitats and biotopes in the region of the Baltic Sea will be halted and they ~~have-will~~ largely ~~have~~ recovered, and that degradation and fragmentation have been significantly reduced,

BEING AWARE of the alarming situation for marine biotopes, habitats and biotope complexes in the Baltic Sea area, in particular those being defined as 'Critically Endangered', 'Endangered' or 'Vulnerable' in the 2013 HELCOM Red List (BSEP No. 138), and to those coastal biotopes that were identified in the individual states as 'Heavily Endangered' or 'Immediately Threatened' by 'loss of area' in the 1998 HELCOM Red List (BSEP No. 75), termed threatened (coastal and/or marine) biotopes, habitats and biotopes complexes hereafter,

NOTING that the threat status of some marine biotopes, habitats and biotopes complexes has deteriorated since the previous HELCOM red-listing in 1998 (BSEP No. 75),

RECOGNIZING that all marine biotope complexes of the 2013 HELCOM Red List, many of them threatened, are as well natural habitat types of community interest within Annex I of the EU Habitats Directive with respective obligations for EU Member States,

KNOWING that threatened coastal or marine biotopes, habitats and biotopes complexes are also very important for rare or threatened species,

RECALLING HELCOM lists of threatened and/or declining species and biotopes/habitats in the Baltic Sea Area (BSEP 113), which are in urgent need of protective measures,

RECALLING ALSO HELCOM Recommendations 15/1 'Protection of the Coastal Strip' and 16/3 'Preservation of Natural Coastal Dynamics' and 35/1 'System of coastal and marine Baltic Sea protected areas (HELCOM MPAs),

Commented [AK1]: SE: would it be possible to merge old title and species recommendation title -> Protection and conservation of marine and coastal...? The current title may suggest that the measures intended only cover spatial or legal protection.

Commented [ULZ2]: SECRETARIAT: Change to MD 2013 which is the most recent commitment in this regard.

Commented [KW3]: SWEDEN: proposal for alternative wording

Commented [KW4]: SWEDEN: perhaps "threat" is redundant, and "status" would be sufficient.

Commented [ULZ5]: SECRETARIAT: Change of word from threatened to deteriorate following SE proposal

Commented [PK6]: GERMANY (Author 1): 1998 and 2013 assessment are not comparable due to different assessment methods used as already pointed out by Finland. Thus the sentence should be deleted completely (preferred option). Alternatively, delete "threat" and "since the previous HELCOM red-listing in 1998 BSEP No. 75" so that sentence would read "Noting that the status of some marine biotopes, habitats and biotopes complexes in the Baltic Sea has deteriorated over the last 15-20 years," if there is indication of such deterioration in e.g. Natura 2000 assessments of CPs.

GERMANY (Author 2): Support of the proposal to delete this para as it is doubtful whether there is such a general deterioration in N2000 assessments – a final consultation with competent nature conservation colleagues in SH was not possible in the given time-frame

Commented [KW7]: SWEDEN: proposal of alternative wording: replace "as well" with "also"

Commented [PK8]: GERMANY: (Author 1) what is the added value of mentioning these Recs, particularly 15/1 and 16/3, here? Please delete reference at least to the first two or delete whole para. as this Rec deals specifically with red-listed biotopes

(Author 2): Support of the above comment to delete this para or at least the reference to the first two Recs

Formatted: Swedish (Sweden)

Field Code Changed

Formatted: Swedish (Sweden)

FURTHER RECALLING the EU Biodiversity Strategy to 2020 as well as the Convention on Biological Diversity and the Strategic Action Plan for Biodiversity 2011-2020 and its associated Aichi Biodiversity Targets, in particular Aichi Target 5,

Commented [ULZ9]: SECRETARIAT: This target has in principle been taken up by the MD2013 as stated in the 2nd para; therefore not spelled out here.

HIGHLIGHTING that HELCOM threatened biotopes, habitats and biotope complexes can be associated, *inter alia*, with 'biological features' according to Annex III Table 1 of the MSFD and thus, their protection and conservation contributes to the MSFD objective of achieving Good Environmental Status of EU marine waters by 2020,

Commented [KW10]: SWEDEN: it should be noted that Annex III is under revision, and that the term "biological features" is not included in the current proposal https://ec.europa.eu/info/law/better-regulation/initiatives/ares20165303622_en

~~KNOWING that those Contracting Parties being also EU Member States have to coordinate their activities regarding threatened biotopes, habitats and biotope complexes, and that actions and measures of this Recommendation can support the implementation of the EU Habitats Directive (HD, 92/43/EWGEEC), Marine Strategy Framework Directive (MSFD, 2008/56/EC), Water Framework Directive (WFD, 2000/60/EC), Birds Directive (2009/147/EC), and the Common Fisheries Policy as relevant,~~

GERMANY: This Annex together with the COM GES-Decision is currently under revision, which will presumably be finalized by the end of this year. This para must therefore be treated with reservation and possibly adjusted according to the new Annex III.

Commented [PK11]: GERMANY: "Biotope complexes" is no term used in EU legislation. The terms used in EU-Directives are "habitats and habitat types". HELCOM terminology must not be mixed with EU-legislation. It should be indicated whether and to what extent HELCOM biotopes, habitats and habitat complexes are compatible with EU habitats and habitat types – such as proposed in the next paras

Commented [KW12]: SWEDEN: should be EEC

~~RECOGNISING FURTHER that all threatened underwater biotope complexes of the Baltic Sea correspond to "Natural habitat types of Community Interest whose conservation requires the designation of Special Areas of Conservation" according to Annex I HD, implying that Member States shall take all appropriate measures to maintain or restore these natural habitats to favourable conservation status,~~

Commented [PK13]: SECRETARIAT: This paragraph was agreed to be deleted, as already included in the Recommendation part

~~NOTING however that the threatened Baltic Sea underwater biotopes and habitats do not fall under the strict protection regime of the HD, since they are not listed in Annex I HD, and therefore protection of threatened Baltic Sea habitats and biotopes may be required beyond the scope of HD in order to achieve the CBD COP 10 Aichi Targets, the aims of the 2007 HELCOM Baltic Sea Action Plan (BSAP), the targets of the 2013 HELCOM Copenhagen Ministerial Declaration and for EU Member States the aims of the MSFD and WFD,~~

Commented [PK14]: GERMANY: suggestion to add these two paragraphs

~~BEING AWARE that this Recommendation can support any national biotope, biotope complexes and habitat conservation legislation that many of the Contracting Parties already may have, in their national legislation an instrument for general biotope protection which can be used and extended to cover additional biotopes,~~

Commented [PK15]: FINLAND: This paragraph may be confusing if kept as it is. Why not say: BEING AWARE that this recommendation supports any national biotope, biotope complexes and habitat conservation legislation that the HELCOM Contracting Parties may have.

~~AIMING at effective protection of HELCOM threatened biotopes, habitats and biotope complexes.~~

Commented [PK16]: GERMANY (Author 1): support for Finnish text proposal as newly inserted here (Author 2): support with minor amendment

Commented [PK17]: FINLAND: do we really need this. Delete it!

Commented [PK18R17]: GERMANY: support for Finnish proposal to delete this as not really needed

Formatted: Swedish (Sweden)

Field Code Changed

Formatted: Swedish (Sweden)