



Baltic Marine Environment Protection Commission

HELCOM FISH Correspondence Group concerning a draft document on BAT/BEP descriptions for sustainable aquaculture in the Baltic Sea region (CG Aquaculture)

CG Aquaculture 2-2018

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Background

The 1992 Helsinki Convention addresses Best Available Technology (BAT) and Best Environmental Practice (BEP) in Article 3 as well as annexes II and III. Most notably, Annex II contains definitions of how both BAT and BEP should be understood in the context of the Convention.

The full text of the 1992 Helsinki Convention is accessible on the HELCOM website:

<http://www.helcom.fi/about-us/convention/>

Action requested

The Meeting is invited to recall the BAT and BEP definitions of the 1992 Helsinki Convention.

Extracts of 1992 Helsinki Convention directly addressing Best Environmental Practice and Best Available Technology

Article 3: Fundamental principles and obligations

1. The Contracting Parties shall individually or jointly take all appropriate legislative, administrative or other relevant measures to prevent and eliminate pollution in order to promote the ecological restoration of the Baltic Sea Area and the preservation of its ecological balance.
2. The Contracting Parties shall apply the precautionary principle, i.e., to take preventive measures when there is reason to assume that substances or energy introduced, directly or indirectly, into the marine environment may create hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea even when there is no conclusive evidence of a causal relationship between inputs and their alleged effects.
3. In order to prevent and eliminate pollution of the Baltic Sea Area the Contracting Parties shall promote the use of Best Environmental Practice and Best Available Technology. If the reduction of inputs, resulting from the use of Best Environmental Practice and Best Available Technology, as described in Annex II, does not lead to environmentally acceptable results, additional measures shall be applied.
4. The Contracting Parties shall apply the polluter-pays principle.
5. The Contracting Parties shall ensure that measurements and calculations of emissions from point sources to water and air and of inputs from diffuse sources to water and air are carried out in a scientifically appropriate manner in order to assess the state of the marine environment of the Baltic Sea Area and ascertain the implementation of this Convention.
6. The Contracting Parties shall use their best endeavours to ensure that the implementation of this Convention does not cause transboundary pollution in areas outside the Baltic Sea Area. Furthermore, the relevant measures shall not lead either to unacceptable environmental strains on air quality and the atmosphere or on waters, soil and ground water, to unacceptably harmful or increasing waste disposal, or to increased risks to human health.

Annex II: Criteria for the use of Best Environmental Practice and Best Available Technology

Regulation 1: General provisions

1. In accordance with the relevant parts of this Convention the Contracting Parties shall apply the criteria for Best Environmental Practice and Best Available Technology described below.
2. In order to prevent and eliminate pollution the Contracting Parties shall use Best Environmental Practice for all sources and Best Available Technology for point sources, minimizing or eliminating inputs to water and air from all sources by providing control strategies.

Regulation 2: Best Environmental Practice

1. The term "Best Environmental Practice" is taken to mean the application of the most appropriate combination of measures. In selecting for individual cases, at least the following graduated range of measures should be considered:
 - provision of information and education to the public and to users about the environmental consequences of choosing particular activities and products, their use and final disposal;
 - the development and application of Codes of Good Environmental Practice covering all aspects of activity in the product's life;
 - mandatory labels informing the public and users of environmental risks related to a product, its use and final disposal;

- availability of collection and disposal systems;
- saving of resources, including energy;
- recycling, recovery and re-use;
- avoiding the use of hazardous substances and products and the generation of hazardous waste;
- application of economic instruments to activities, products or groups of products and emissions;
- a system of licencing involving a range of restrictions or a ban.

2. In determining in general or individual cases what combination of measures constitute Best Environmental Practice, particular consideration should be given to:

- the precautionary principle;
- the ecological risk associated with the product, its production, use and final disposal;
- avoidance or substitution by less polluting activities or substances;
- scale of use;
- potential environmental benefit or penalty of substitute materials or activities;
- advances and changes in scientific knowledge and understanding;
- time limits for implementation;
- social and economic implications.

Regulation 3: Best Available Technology

1. The term "Best Available Technology" is taken to mean the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges.

2. In determining whether a set of processes, facilities and methods of operation constitute the Best Available Technology in general or individual cases, special consideration should be given to:

- comparable processes, facilities or methods of operation which have recently been successfully tried out;
- technological advances and changes in scientific knowledge and understanding;
- the economic feasibility of such technology;
- time limits for application;
- the nature and volume of the emissions concerned;
- non-waste/low-waste technology;
- the precautionary principle.

Regulation 4: Future developments

It therefore follows that "Best Environmental Practice" and "Best Available Technology" will change with time in the light of technological advances and economic and social factors, as well as changes in scientific knowledge and understanding.

[Article 6 Principles and obligations concerning pollution from land-based sources](#)

1. The Contracting Parties undertake to prevent and eliminate pollution of the Baltic Sea Area from land-based sources by using, inter alia, Best Environmental Practice for all sources and Best Available Technology for point sources. The relevant measures to this end shall be taken by each Contracting Party in the catchment area of the Baltic Sea without prejudice to its sovereignty.

2. The Contracting Parties shall implement the procedures and measures set out in Annex III. To this end they shall, inter alia, as appropriate co-operate in the development and adoption of specific programmes, guidelines, standards or regulations concerning emissions and inputs to water and air, environmental quality, and products containing harmful substances and materials and the use thereof.

3. Harmful substances from point sources shall not, except in negligible quantities, be introduced directly or indirectly into the marine environment of the Baltic Sea Area, without a prior special permit, which may be periodically reviewed, issued by the appropriate national authority in accordance with the principles contained in Annex III, Regulation 3. The Contracting Parties shall ensure that authorized emissions to water and air are monitored and controlled.

4. If the input from a watercourse, flowing through the territories of two or more Contracting Parties or forming a boundary between them, is liable to cause pollution of the marine environment of the Baltic Sea Area, the Contracting Parties concerned shall jointly and, if possible, in co-operation with a third state interested or concerned, take appropriate measures in order to prevent and eliminate such pollution.

Annex III: Criteria and measures concerning the prevention of pollution from land-based sources

“...Part I

Prevention of Pollution from Industry and Municipalities

Regulation 1: General provisions

In accordance with the relevant parts of this Convention the Contracting Parties shall apply the criteria and measures in this Annex in the whole catchment area and take into account Best Environmental Practice (BEP) and Best Available Technology (BAT) as described in Annex II.

Regulation 2: Specific requirements

Municipal sewage water shall be treated at least by biological or other methods equally effective with regard to reduction of significant parameters. Substantial reduction shall be introduced for nutrients

Water management in industrial plants should aim at closed water systems or at a high rate of circulation in order to avoid waste water wherever possible.

Industrial waste waters should be separately treated before mixing with diluting waters.

Waste waters containing hazardous substances or other relevant substances shall not be jointly treated with other waste waters unless an equal reduction of the pollutant load is achieved compared to the separate purification of each waste water stream. The improvement of waste water quality shall not lead to a significant increase in the amount of harmful sludge.

Limit values for emissions containing harmful substances to water and air shall be stated in special permits.

Industrial plants and other point sources connected to municipal treatment plants shall use Best Available Technology in order to avoid hazardous substances which cannot be made harmless in the municipal sewage treatment plant or which may disturb the processes in the plant. In addition, measures according to Best Environmental Practice shall be taken

Pollution from fish-farming shall be prevented and eliminated by promoting and implementing Best Environmental Practice and Best Available Technology.

Pollution from diffuse sources, including agriculture, shall be eliminated by promoting and implementing Best Environmental Practice.

Pesticides used shall comply with the criteria established by the Commission.

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