



Document title	Revised HELCOM Recommendation 17/3 on Information and consultation with regard to construction of new installations affecting the Baltic Sea
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Agenda Item	2 - Matters arising from the subsidiary bodies
Submission date	18.12.2014
Submitted by	Executive Secretary
Reference	Minutes of HOD 41/2013, Paragraph 3.36 (LD 131)

Background

HELCOM HABITAT 14/2012 (22-25 May 2012) considered and welcomed in principle the proposed changes to HELCOM Recommendation 17/3. The revision aimed at updating the Recommendation with the view of changes in legislation, and decided to submit it to HELCOM HOD 39/2012 (3-4 December 2012) for adoption after an additional round of comments (deadline 31 August 2012).

A study reservation was made by Russia during HELCOM HOD 39/2012, which has later on commented in HELCOM 34/2013 (5-6 March 2013). On request by Russia, full references to the Strategic Environmental Assessment Protocol of the Espoo Convention and relevant EU requirements have been included in the Recommendation, also stating that it is only applicable to EU Member States.

HELCOM HOD 39/2012 further asked the Lead Party Poland together with the Secretariat to submit the revised Recommendation to the sixth meeting of the Joint HELCOM-VASAB Maritime Spatial Planning Working Group (29-30 January 2013) for consideration. HELCOM-VASAB MSP WG 6/2013 considered the proposed changes made to the Recommendation and discussed possibilities for a more substantial revision of the Recommendation to reflect the Espoo Convention, however, noted that not all Baltic Sea countries are parties to the Espoo Convention and that having some common basic region-wide provisions on consultation, as included in the Recommendation, might be useful. A study reservation was made by Germany, which has later been lifted.

Furthermore, HELCOM HABITAT 15/2013 (14-17 May 2013) took note of the revised Recommendation without any further comments. The final version of the revised Recommendation is attached to this document.

HOD 41/2013 considered and approved in principle the revised Recommendation 17/3 on Information and consultation with regard to construction of new installations affecting the Baltic Sea (document 3/10), taking into account comments and proposals for correction by Russia. The Meeting agreed to finalise the work on approval of the draft recommendation as contained in document 3/10/Rev.1 by correspondence.

Action required

The Meeting is invited to consider and adopt the revised HELCOM Recommendation 17/3 on Information and consultation with regard to construction of new installations affecting the Baltic Sea.

HELCOM RECOMMENDATION 17/3

This Recommendation supersedes HELCOM Recommendation 12/2.

Adopted xx, having regard to Article 20, Paragraph b) of the Helsinki Convention

INFORMATION AND CONSULTATION WITH REGARD TO CONSTRUCTION OF NEW INSTALLATIONS AFFECTING THE BALTIC SEA**THE COMMISSION,**

RECALLING Article 3 of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (Helsinki Convention), in which the Contracting Parties undertake to take individually or jointly all appropriate legislative, administrative or other relevant measures to prevent and eliminate pollution in order to promote the ecological restoration of the Baltic Sea and the preservation of its ecological balance,

RECALLING ALSO that according to Article 24 the Contracting Parties, without prejudice to their sovereign rights, agreed directly or, when appropriate, through competent regional or other international organizations, to promote studies and to undertake, support or contribute to programmes aimed at developing methods assessing the nature and extent of pollution, pathways, exposures, risks and remedies in the Baltic Sea Area,

HAVING REGARD to HELCOM Moscow Ministerial Declaration 2010 in which the ministers and high-level representatives stressed that the efforts to restore the good environmental status of the Baltic Sea require forceful national and international actions that exceed the capacity of any individual country and therefore the restoration also demands a common line of actions and the support of a wide range of stakeholders,

HAVING REGARD, for those HELCOM Contracting States being also EU Member States, to Article 4 of the EU Directive 2011/92/EU on the Assessment of the Effects of Certain Public and Private Projects on the Environment, as well as Article 2, para 5 of the UN/ECE Convention on Environmental Impact Assessment in a Transboundary Context, Espoo, 1991,

HAVING REGARD FURTHER, for those HELCOM Contracting States being also EU Member States, to Article 3 of the EU Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment, as well as to Article 3, para 1 and Article 4 ~~for the Contracting Parties to of~~ the UN/ECE Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context, Kyiv, 2003,

BEING CONSCIOUS of the particular sensitivity of the marine environment of the Baltic Sea, and of the economic, social and cultural values the Baltic Sea and its living resources represent for the peoples of the Baltic Sea States,

BEING CONVINCED that damage to the marine environment can be irreversible or remediable only in a long term perspective and at considerable expense and that, therefore, a principle of precautionary approach should be applied, not to wait for full and undisputed scientific proof of harmful effects before taking appropriate preventive action,

RE-ITERATES HELCOM Recommendation 24/10 on Implementation of Integrated Marine and Coastal Management of Human Activities in the Baltic Sea Area and ~~noting specifically~~ its recommendation to apply the principles laid down in the EU Directive on environmental assessment of plans and programmes, which are likely to have significant environmental effects;

RECOMMENDS that the Governments of the Contracting Parties to the Helsinki Commission:

a) inform and, where necessary, consult with any Contracting Party likely to be significantly affected by the construction of an installation with a significant potential adverse impact on the Baltic Sea where an Environmental Impact Assessment is required by either national or international law;

or

where the environmental significance of proposed activities (e.g. fixed links, submarine power cables, oil-terminals etc.) satisfies one or more criteria contained in the Attachment;

b) ensure that where two or more Contracting Parties share a common water body (including sediments), the relevant authorities of those countries cooperate to ensure that the significant adverse environmental effects on that body of water of a proposal (including where appropriate, the effects of related proposals and cumulative effects) are fully investigated before a decision on that proposal is made. The scope of these investigations should be agreed between the parties concerned;

c) inform the Commission on such installations/activities as described under Paragraph a),

DECIDES that the criteria specified in the Attachment should be kept updated and be revised when appropriate by HELCOM HABITAT in accordance with the Procedure adopted by the Commission (HELCOM 11/14, Annex 26).

Attachment**Criteria to assist in determination of environmental significance of proposed activities**

In considering proposed activities to which Paragraph a) of this Recommendation applies, the concerned Contracting Parties may use the following criteria:

- a) Size:
 - proposed activities are large for this kind of activity;

- b) Location:
 - proposed activities are located in the Convention area;
 - proposed activities are located close to an international frontier;
 - proposed activities are located in the catchment area but could give rise to significant transboundary effects far removed from the site of development;
 - proposed activities are located close to areas of special environmental sensitivity or importance;

- c) Effects:
 - proposed activities cause disturbances of natural hydrological (including sediment transport), hydrochemical and biological regime (e.g. behaviour of fish and marine mammals);
 - proposed activities result in release of hazardous substances (operational/accidental).