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Agenda Item	4 - Matters arising from the subsidiary bodies
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Submitted by	Executive Secretary
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Background

GEAR 13-2016 was held on 10-11 February 2016 in Berlin, Germany, and was attended by delegations from Denmark, Estonia, European Union, Finland, Germany, Lithuania, Poland and Sweden.

HOD 49-2015 endorsed in principle the “Joint documentation of the regional coordination of the programme of measures” noting a study reservation on the document by Russia and invited Russia to clarify the study reservation by 11 January 2016. The Meeting agreed to delegate the deliberation of remaining comments and finalization of the text in the Joint documentation to GEAR 13-2016.

The GEAR Meeting finalized the text of the ‘Joint documentation of the regional coordination of the programmes of measures’ as contained in [GEAR 13-2016 document 3-1 Rev 1](#). As regards Annex 3 on further actions to be considered, the finalization included the deletion of the action on ‘Blue catch crops/mussel farming’ and amendments to the action ‘Management of [internal load/endogenous nutrient reserves/accumulated nutrients/stored nutrients]’. Inclusion of two actions are pending study reservations by Denmark and Russia (‘Activities to support conservation of Baltic Sea species and biotopes/habitats categorized as threatened according to the HELCOM Red list’ and ‘Regional Baltic Underwater Noise Roadmap 2015-2017’). The Meeting agreed that the Joint documentation should be made available through a web-link by 31 March 2016.

GEAR 13-2016 considered the development of core indicators, noted that for some elements/descriptors there are still gaps in the set of core indicators, and urged Lead and co-Lead Countries to prioritize the development of indicators. To be able to use indicators in HOLAS II they need to be approved with GES-boundaries at HOD in December 2016 at the latest.

HOD 49-2015 exchanged views on the planned consultations within countries with regard to HELCOM assessments to be used for other reporting obligations and expressed the view that this issue requires careful consideration in order to maintain the scientific quality of the HELCOM assessment products.

GEAR 13-2016 discussed in particular the current views on the national consultation process on the HOLAS II results based on responses to a questionnaire that was circulated prior to the GEAR meeting. All HELCOM countries also being EU Member States that responded to the questionnaire or were represented at the meeting informed on the intention to make use of HOLAS II results as the basis for the 2018 MSFD reporting. The Meeting discussed the ways the results are currently intended to be used by the countries on a more detailed level as well as possible steps to consider the comments received through the consultation processes. The Meeting recognized the importance to continue the discussion on the use of HOLAS II results nationally and at the upcoming GEAR 14-2016 and also invited Russia to contribute with their considerations on how they intend to use HOLAS II results.

The Meeting considered a draft input on the ongoing and planned HELCOM activities that are of relevance to the planned activities under the (draft) MSFD Common Implementation Strategy (CIS) work programme in 2016-2018. The input, currently being finalized, is intended for the EU's Marine Strategy Coordination Group of MSFD. Beyond the already agreed activities the aim is to improve synergies with other RSCs and international organizations to be further explored in the upcoming period. The Meeting agreed that GEAR Chair will follow up on this development in case it will be desirable to provide further input also at a later stage.

The Meeting agreed to organize the next meeting of the GEAR group on 10-11 May 2016, host still to be identified.

Action requested

The Meeting is invited to:

- take note of the outcome of GEAR 13-2016 in general,
- note that the detailed discussions on the use of HOLAS II nationally, including on public consultations will continue at GEAR 14-2016,
- note that GEAR is finalizing a draft input informing of HELCOM activities to the Marine Strategy Coordination Group,
- endorse organizing the next meeting of GEAR on 10-11 May 2016.



OUTCOME OF THE THIRTEENTH MEETING OF THE GROUP FOR THE IMPLEMENTATION OF THE ECOSYSTEM APPROACH (HELCOM GEAR 13-2016)

TABLE OF CONTENTS

Agenda Item 1	Adoption of the Agenda	2
Agenda Item 2	Matters arising from other meetings of relevance to GEAR	2
Agenda Item 3	Coordination and information related to the implementation of the ecosystem approach and related policies	2
Agenda Item 4	Activities of relevant HELCOM projects and processes	4
Agenda Item 5	Upcoming and emerging issues	6
Agenda Item 6	Future work and any other business	7
Agenda Item 7	Outcome of the Meeting	7
Annex 1	List of Participants	8

OUTCOME OF THE THIRTEENTH MEETING OF THE GROUP FOR THE IMPLEMENTATION OF THE ECOSYSTEM APPROACH (HELCOM GEAR 13-2016)

Introduction

0.1 In accordance with the outcomes of HELCOM GEAR 12-2015 (par. 6.1) and HOD 49-2015 (par. 4.66), the 13th Meeting of the Group for the Implementation of the Ecosystem Approach (GEAR 13-2016) was held on 10-11 February 2016 in Berlin, Germany, at the premises of the Bundesministerium für Umwelt, BMUB.

0.2 The Meeting was attended by delegations from Denmark, Estonia, European Union, Finland, Germany, Lithuania, Poland and Sweden. The List of Participants is attached as **Annex 1**.

0.3 The Meeting was welcomed by Ms. Heike Imhoff, Germany, Chair of the GEAR Group.

0.4 The Meeting was chaired by Ms. Heike Imhoff, Germany, Chair of the GEAR Group. Ms. Ulla Li Zweifel, Professional Secretary and Ms. Marta Ruiz, Associate Professional Secretary acted as secretaries of the Meeting.

Agenda Item 1 Adoption of the Agenda

Documents: 1-1, 1-2

1.1 The Meeting adopted the Agenda as contained in document 1-1.

Agenda Item 2 Matters arising from other meetings of relevance to GEAR

Document: 2-1

2.1 The Meeting took note of the outcomes of recent HELCOM meetings of relevance to GEAR (**document 2-1**).

2.2 The Meeting took note of the information from the European Union on a new technical regulation under the CFP aiming to bring together several existing regulations/policies related to fisheries, including consideration of the effects on the environment and the obligation to report the damage caused fisheries. The new data collection multi annual plan (DC-MAP) under the CFP, which e.g. will request information on by-catch, will be discussed shortly by EU Member States.

2.3 The Meeting took note that a draft European Commission proposal for a revised decision on GES criteria has been presented to the MSFD Committee, including guidelines for application rules, with the aim of adoption by June 2016 and that work is ongoing to develop guidance on the MSFD Article 8 assessment.

Agenda Item 3 Coordination and information related to the implementation of the ecosystem approach and related policies

Documents: 3-1, 3-1 Rev.1, 3-2-Rev.1, 3-3, 3-4

Programmes of Measures

3.1 The Meeting recalled that HOD 49-2015 endorsed in principle the 'Joint documentation of the regional coordination of the programmes of measures' (Outcome HOD 49-2015, para 4.69) and agreed to delegate the deliberation of remaining comments and finalization of the text to GEAR 13-2016 and to update the document to reflect the finalization of national programmes of measures. The Meeting noted that Russia has not yet clarified her study reservation on the Joint documentation.

3.2 The Meeting further recalled that HOD 49-2015 agreed to keep and update Annex 3, pending clarification of the study reservation by Germany on Annex 3 as well as the remaining specific

study reservations by Germany on the action 'Blue catch crops/mussel farming', by Denmark on the actions: 'Management of [internal load/endogenous nutrient reserves/accumulated nutrients/stored nutrients]' and 'Activities to support conservation of Baltic Sea species and biotopes/habitats categorized as threatened according to the HELCOM Red list' and by Russia on the 'Regional Baltic Underwater Noise Roadmap 2015-2017'.

3.3 The Meeting considered the consolidated version of the Joint documentation and the update of its Annex 3 (**document 3-1**). The Meeting noted that the comments and proposed amendments by Germany are partly related to clarifying the different obligations under HELCOM and MSFD while other proposals are linked to the German study reservation on Annex 3 stated at HOD-49-2015.

3.4 The Meeting agreed to delete the proposed amendment by Germany of the indent on page 3 and to exchange the proposed amendment inserted on page 2 with the following:

- 'It is to be noted that any inclusion of HELCOM acquis or other HELCOM measures by EU-Member States as a regional component of their national MSFD programmes of measures does not amend the legal nature of these measures, bearing in mind that Actions and Recommendations listed in the Acquis were often agreed well before setting the MSFD into force'.

3.5 The Meeting took note that Germany can accept Annex 3 if Action 1 on 'Blue-catch crops/mussel farming' is deleted. The Meeting noted the German view that there is a risk that the agreed nutrient reduction targets in HELCOM may be undermined by proposing economic activities such as mussel farming as a solution to the eutrophication problem in the Baltic Sea. The Meeting agreed to delete action 1 from Annex 3. The various references in the Joint documentation to Annex 3 which have been proposed by Germany for revision were retained and adjusted.

3.6 The Meeting regretted the strict approach by Germany where it expected a number of its comments and proposed amendments in document 3-1 to be agreed by the other Contracting Parties as a prerequisite to Germany clarifying its study reservation. The Meeting regretted that such harsh action by one Contracting Party effectively blocks constructive work of the group during the meeting and was of the opinion that it is against the good practice of HELCOM work.

3.7 The Meeting took note of the late document from Denmark on the proposed revision to the action 'Management of [internal load/endogenous nutrient reserves/accumulate nutrients/stored nutrients]' (**document 3.4**) and agreed to the proposed changes.

3.8 The Meeting took note of the remaining Danish study reservation on the 'Conservation of Baltic Sea species categorized as threatened according to the 2013 HELCOM Red List' and the information that intersessional consultations are taking place with the view of reaching an agreement on the recommendation by HELCOM 37-2016. The Meeting concluded that in case no compromise agreement can be found in time, the action related 'Activities to support conservation of Baltic Sea species and biotopes/habitats categorized as threatened according to the HELCOM Red list' will be deleted from Annex 3.

3.9 The Meeting agreed to the revised Joint Documentation as in **document 3-1 Rev 1**.

3.10 The Meeting took note of the national processes aiming at finalizing the national PoMs (**document 3-2-Rev. 1**) and information presented to the meeting:

- Finland: the PoM has been adopted by the Finnish government in December 2015.
 - Germany: the ongoing formal consultation is expected to last until March.
 - Lithuania: publication consultation is ongoing and lasting until April.
 - Denmark: aims to send the PoM for public consultation by the end of February for a consultation period of 12 weeks.
 - Poland: public consultation will start 8 March for a period of 3 weeks followed by formal adoption of the programme.
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- Sweden: the PoM was decided in December 2015.
- Estonia: Public consultation on PoM will start in March, will be submitted for approval by mid-April, with the aim of reporting under Article 12 by early May.

3.11 The Meeting recalled the aim to finalize the Joint document by 28 February and recognized that for several countries the national PoMs will not be ready by this date and also not by 31 March 2016 which is the reporting deadline for MSFD Article 13 while the finalization of national PoMs may have implications for the listing of planned measures as indicated in Annex 1 of the Joint documentation.

3.12 The Meeting agreed that the Joint documentation should be made available through a web-link by 31 March 2016, highlighting on the cover page that Annex 1 contains draft measures since some countries, to be specified, have not yet concluded their national consultation processes.

3.13 The Meeting took note of the information on the national plans to use exceptions under MSFD Article 14 as informed by HELCOM members to GEAR 12-2015 and contained in **document 3-3**. The Meeting took note on the updated national plans to use exceptions as follows:

- Denmark: Status is still the same.
- Estonia: RBMP have been finalized for coastal waters and exceptions concern some hazardous substances (mercury in sediments), and also for nutrients (phosphorus and nitrogen).
- Finland: Exceptions have been adopted as part of the PoM. Good status with regards to D5 eutrophication will not be reached by 2020 and exception under category 'e' is applied for all marine waters in non-GES. National environmental target for nutrient input will be reached in open waters (corresponding to HELCOM MAI-CART) while not in coastal waters and hence the exception category 'e' has been employed. Categories 'e' and 'a' are used for hazardous substances, an exception will be implemented for the whole marine region of Finland regarding targets for hazardous substances. Exception 'e' is also used for sustainable use of marine resources.
- Germany: Is not making use of exceptions in this reporting cycle.
- Lithuania: Four exceptions on food web, eutrophication, non-indigenous species and hazardous substances under category 'e', and for descriptors 1, 2, 4, 5, 8 and 9 for reaching GES as specified under category 'e'.
- Poland: Category 'e' is used for eutrophication and will likely also be used for hazardous substances.
- Sweden: Exceptions are find motivated primarily (but possibly not exclusively) for exception 'e' related to 'natural conditions which do not allow timely improvement in the status of the marine waters concerned', for Eutrophication and Hazardous substances. This is due to the long recovery time (eutrophication, hazardous substances) but also related to WFD proposed exceptions in reaching good status, especially hazardous substances.

Agenda Item 4 Activities of relevant HELCOM projects and processes

Documents: 4-1, 4-2, 4-3

4.1 The Meeting welcomed the outcome of the finalised EUTRO-OPER project (**document 4-3**) and noted that some activities that were not possible to finalize within the timeframe of the project, e.g. development of GES boundaries for new pre-core indicators, will continue with some support from Germany.

4.2 The Meeting considered the data views developed by the EUTRO-OPER project and appreciated the possibility to zoom in on specific areas and requested the Secretariat to investigate the possibility to select visualization of national areas and results.

4.3 The Meeting took note of the ongoing development of HELCOM core indicators as informed by the Secretariat (**Presentation 1**).

4.4 The Meeting noted that for some elements/descriptors there are still gaps in the set of core indicators and urged Lead and co-Lead Countries to prioritize the development of indicators to be able to approve additional core indicators and GES-boundaries at HOD in December 2016 and agree on their use in HOLAS II.

4.5 The Meeting took note of the progress of the HOLAS II project and planned activities in 2016-2018 ([document 4-1](#)) (**document 4-2, Presentation 2**).

4.6 The Meeting welcomed the work done under the project so far. The Meeting expressed that it would be useful with more detailed information on the expected deliverables of the project. The Meeting noted that indicator evaluations are planned to be ready by early 2017 and that workshops to carry out the thematic assessments of HOLAS II will take place as soon as possible after the indicator evaluations are ready.

4.7 The Meeting discussed how the assessment of pressures in HOLAS II can be linked to the assessment of status and noted that the assessment of impacts on ecosystem components, being part of the Baltic Sea Pressure Index, provides a link between the pressures and impacts on birds, mammals, fish, benthic and pelagic habitats while the same biological elements will also be assessed in terms of their status.

4.8 The Meeting noted the wish from Germany to consider the use of assessments under the Habitats Directive and WFD in the HOLAS II work and to address the technical development of assessments tools for biodiversity and hazardous substances at the next State and Conservation meeting.

4.9 The Meeting took note of the results of the questionnaire regarding national consultation processes that was circulated by the Secretariat prior to the meeting with the view to discuss the timing, content and organization of consultations related to the 2nd holistic assessment (**document 4-1, Presentation 2**).

4.10 The Meeting noted that all HELCOM countries responding to the questionnaire or represented at the meeting intend to make use of HOLAS II results as the basis for the 2018 MSFD reporting of Article 8. Several countries expressed the view that what is presented for public consultation should be nationally oriented, e.g. focus on status in national waters. The Meeting recognized the importance to continue discussion on the use of HOLAS II nationally including the details of the outcome consultation process. The Meeting also invited Russia to contribute with their considerations on how they intend to use HOLAS II results.

4.11 The Meeting recalled that the issue of using national indicators as supplementary indicators in HOLAS II has been addressed by the HOLAS II core team and that principles for their use have been proposed and will be further discussed by the project in the view of availability of HELCOM core indicators for HOLAS II vs the reporting requirements under MSFD Article 8.

4.12 The Meeting also raised a number of issues concerning the use of regional 'roof' assessments in relation to the EU Member States reports due in 2018. These included the issue of scale of assessment and its relationship to management issues (e.g. if a regional assessment showed poor status would the 'problem areas' be identified to indicate which country should take action via Article 10 targets and Article 13 measures) and the links to public consultation processes (e.g. needs of Member States to extract national level information from a regional report and present it in the national language). As these issues are of a generic nature, the Meeting considered they should be raised in the MSFD CIS and clarity be sought as soon as possible to inform work under HOLAS II and at national level.

4.13 The Meeting stressed the need for further information on the requirements for reporting in 2018 and invited the European Commission to provide guidance on whether the reporting is to focus on the regional or national scale perspective or how the two perspectives should be balanced.

4.14 The Meeting noted that the HOLAS II first results will be available by mid-2017, allowing countries to use and translate the material and carry out national consultations. For comments provided through the consultation process to be fed into the HOLAS II updating, they should be delivered by the end of February 2018 further noting that the German consultation period is 6 months by law, and that Germany can provide input to the HOLAS II project by May 2018 at the earliest.

4.15 The Meeting agreed that the feed-back from national consultation of relevance for the HOLAS II should be channelled to the HOLAS II project through national authorities responsible for the consultations.

4.16 The Meeting discussed the option to have a regional consultation on the HOLAS II report that could be oriented in particular towards an international audience in the Baltic Sea region possibly using the HELCOM web-site as a consultation platform. The Meeting felt that the possibility of regional consultation on HOLAS II could be further explored, recognized that a public event could also draw attention to the work of HELCOM.

4.17 The Meeting discussed the need to develop a common understanding and provide the Contracting Parties with common information on the aims for the consultations and how to manage national consultation processes and their results in finalizing HOLAS II and agreed that this issue should be on the agenda of GEAR 14-2016.

Agenda Item 5 Upcoming and emerging issues

Document: 5-1

5.1 The European Union informed the Meeting on the ongoing preparation of the MSFD Common Implementation Strategy (CIS) work programme for years 2016-2018. The Meeting took note of the aim to bring the work programme for approval to the Marine Directors in June 2016.

5.2 The Meeting considered which activities and issues in HELCOM could be of relevance to the planned CIS with a view to sharing this information to create synergies, taking note of the proposal of HELCOM input to MSFD CIS work programme 2016-2018 contained in **document 5-1**.

5.3 The Meeting welcomed the document and considered that it provides a good overview of agreed HELCOM activities up to 2018 that can feed into MSFD CIS. The Meeting proposed that beyond already agreed activities the aim is to improve synergies with other RSCs and international organization should be further explored in the upcoming period.

5.4 The Meeting invited Contracting Parties to submit comments to the document to the Secretariat (ullali.zweifel@helcom.fi) **by 19 February 2016**. The input could be further structured according to the updated MSFD CIS work programme if made available in time before the submission deadlines for the MSCG meeting to be held 7 April 2016. A consolidated version will be circulated for an intersessional agreement by GEAR for two weeks. The Meeting agreed that GEAR Chair will follow up on the CIS development in case it will be desirable to provide further input also at a later stage.

5.5 The Meeting recalled that GEAR 12-2015 agreed to address the ongoing revision of environmental targets that is taking place by several EU Member States at the next meeting of the Gear Group.

5.6 The Meeting took note of following national plans and approaches for revising environmental targets:

- Denmark: has awaited the draft GES decision and the discussion on revision of environmental targets will be started shortly.
- Finland: work on the review of environmental targets has started and the reviewed targets are planned to be reported as part of the 2018 MSFD reporting. The new and updated targets will be directed towards pressures and as far as possible taking a quantitative approach.
- Germany: the approach to updating environmental targets has not been agreed yet.

- Lithuania: will come back with information after the Meeting.
- Poland: is still considering the approach to take to revise targets (as informed by e-mail prior to the Meeting).
- Sweden: is in the process of updating Article 10 and plans to review the existing MSFD Art 10 targets and indicators in late 2017. This could lead to inserting additional targets, revising existing targets and new and revised indicators For example, certain targets need to be reviewed concerning their geographical scope.

5.7 The Meeting noted that most countries have not come very far in these discussions but that for environmental targets a more national approach will likely be taken than for GES boundaries. The Meeting still underlined the importance of coordinating and seeking coherence as regards the work on environmental targets and proposed that related activities under the BalticBOOST project (loss and damage to seabed habitats, noise) would be presented and discussed at GEAR 14-2016.

5.8 The Meeting furthermore agreed to consider Contracting Parties plans to address Articles 8, 9 and 10 at GEAR 14-2016.

5.9 The Meeting recalled that GEAR 12-2015 was informed by the European Environment Agency on the plans for a European marine assessment under MSFD Article 20.3 b which is to take place in coordination with the Regional Seas Conventions.

5.10 The Meeting took note of the information from the European Union that the assessment under MSFD Article 20.3b should, if possible, use the national reporting by Member States, but due to the tight schedule between the 2018 reporting and the 20.3b assessment, a focus on a few topics which allow the information to be compiled quickly is being considered Regarding use of 2018 reports it was expected to draw upon the regional assessment of the RSCs that will become available in 2017.

Agenda Item 6 Future work and any other business

Documents: 6-1, 6-2-Rev.1

6.1 The Meeting took note of the information provided by Finland on the final report on new joint projects to promote implementation of the Programmes of Measures under MSFD or other actions to decrease the nutrient inputs to the Baltic Sea commissioned by the Finnish Ministry of the Environment in the frame of the Policy area Nutri of the European Union Strategy for the Baltic Sea Region (EUSBSR). The Meeting was invited to disseminate the report to appropriate stakeholders (**document 6-1**).

6.2 The Meeting agreed to organize the next meeting of the GEAR group on 10-11 May 2016, and invited offers for hosting the meeting **by 25 February 2016**.

6.3 The Meeting updated the contact information for GEAR as contained in **document 6-2-Rev.1**.

6.4 The Meeting thanked Germany for excellent arrangements and hosting of the Meeting.

Agenda Item 7 Outcome of the Meeting

Documents: Outcome

7.1 The Meeting adopted the draft outcome of the Meeting. The final Outcome of the Meeting, together with the documents and presentations considered by the Meeting are available in the [HELCOM Meeting Site](#).

Annex 1 List of Participants

Representing	Name	Organization	E-mail
Chair			
Germany	Heike Imhoff	Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety	Heike.Imhoff@bmub.bund.de
Contracting Parties			
Denmark	Lone Sørderberg	Danish Nature Agency	lomu@nst.dk
Estonia	Agnes Villmann	Ministry of the Environment	agnes.villmann@envir.ee
Estonia	Rene Reisner	Ministry of the Environment	rene.reisner@envir.ee
European Union	David Connor	European Union	david.connor@ec.europa.eu
Finland	Maria Laamanen	Ministry of the Environment	maria.laamanen@ymparisto.fi
Germany	Andrea Weiss	MSFD-Secretariat Function for the Ministry of the Environment Federal Environment Agency	andrea.weiss@uba.de
Lithuania	Agnė Lukoševičienė	Ministry of Environment	a.lukoseviciene@am.lt
Poland	Magda Chreptowicz-Liszewska	National Water Management Authority	magda.chreptowicz-liszewska@kzgw.gov.pl
Sweden	Linda Rydell	SwAM	linda.rydell@havochvatten.se
HELCOM Secretariat			
Secretariat	Monika Stankiewicz	HELCOM Secretariat	monika.stankiewicz@helcom.fi
Secretariat	Ulla Li Zweifel	HELCOM Secretariat	ullali.zweifel@helcom.fi
Secretariat	Marta Ruiz	HELCOM Secretariat	marta.ruiz@helcom.fi