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<b>Document title</b>	Draft HELCOM Recommendation on 'Conservation and Protection of Marine and Coastal Biotopes, Habitats And Biotope Complexes Categorized as Threatened According to the HELCOM Red Lists'
<b>Code</b>	4-16
<b>Category</b>	DEC
<b>Agenda Item</b>	4 - Matters arising from the subsidiary bodies
<b>Submission date</b>	7.2.2017
<b>Submitted by</b>	Executive Secretary
<b>Reference</b>	

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## Background

The HELCOM 2013 Copenhagen Ministerial Meeting agreed to develop by 2015 a new HELCOM Recommendation on conservation plans for species, habitats and biotopes that are at risk of extinction.

The draft Recommendation builds on the associated Recommendation 37/2 (Conservation of Baltic Sea Species Categorized as Threatened According to the 2013 HELCOM Red List) and the existing HELCOM Recommendation 21/4 (Protection of Heavily Endangered or Immediately Threatened Marine and Coastal Biotopes in the Baltic Sea). In the case of adoption, Recommendation 21/4 will be superseded.

Drafts of the Recommendation have been discussed in the online meetings of [BIOTOPES REC 1-2016](#), [BIOTOPES REC 2-2016](#), [BIOTOPES REC 3-2016](#), as well as at STATE & CONSERVATION 5-2016.

The draft Recommendation was updated by STATE & CONSERVATION 5-2016 and submitted to HOD 51-2016 (HOD 51-2016, document 6-18). Denmark retained study reservations on the 11<sup>th</sup> paragraph of the preamble and paragraphs 1 and 2 and submitted proposed revisions to HOD 51-2016 related to the 11<sup>th</sup> paragraph of the preamble and paragraph 1, 2 and 3 (HOD 51-2016, document 6-19). The Meeting noted that Germany could not agree to the Danish proposals and that Germany offered to continue a bilateral dialogue with Denmark to reach a solution with the aim to agree on the Recommendation at HELCOM 38-2017. The Contracting Parties were invited to inform if they wish to join the dialogue. The Meeting underlined that the new draft Recommendation should thus not weaken the paragraphs that stem from Recommendation 21/4 (para 6-91).

This document contains the draft Recommendation as submitted to HOD 51-2016. The proposed changes by Denmark are indicated as footnotes. It can be further noted that Sweden and Denmark proposed to use the word 'should' instead of 'shall' in paragraph 3, however that at STATE & CONSERVATION 5-2016 concerns were raised by some Contracting Parties as regards to the weakening of wording compared to Recommendation 21/4.

## Action requested

The Meeting is invited to consider and adopt the draft Recommendation.

## Draft HELCOM Recommendation on

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

#### **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 Baltic Sea will be halted and they have largely 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 status of some marine biotopes, habitats and biotopes complexes has deteriorated over the last 15-20 years.

**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 35/1 'System of coastal and marine Baltic Sea protected areas (HELCOM MPAs), and 37/2 'Conservation of Baltic Sea Species Categorized as Threatened According to the 2013 HELCOM Red List',

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

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

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

**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<sup>1</sup> be required beyond the scope of HD in order to achieve the CBD COP 10 Aichi Targets,<sup>2</sup> 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 Water Framework Directive (WFD),

**BEING AWARE** that this Recommendation can support national biotope, biotope complexes and habitat conservation legislation that the Contracting Parties may have,

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

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

1) to<sup>3</sup> include in or update their national legislation with provisions that provide protection for specific threatened marine and coastal biotopes, habitats or biotope complexes<sup>4</sup> 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 or limited. Therefore, in such cases when<sup>5</sup> new plans and projects may significantly affect the threatened biotopes, habitats 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<sup>6</sup> only be granted for activities of significant public interest or when the negative impacts can be remedied by appropriate mitigation or compensation measures for the benefit of nature conservation,

<sup>1</sup> Denmark proposes to add “in certain instance” i.e. ‘habitats and biotopes may [in certain instances](#) be required beyond the scope of HD...’

<sup>2</sup> Denmark proposes to delete “the aims of” i.e. ‘to achieve the CBD COP 10 Aichi Targets, the 2007 HELCOM Baltic Sea Action Plan (BSAP)’

<sup>3</sup> Denmark proposes to add “if possible” i.e. ‘to, [if possible](#), include in or update their national legislation...’

<sup>4</sup> biotope complexes of the HELCOM Red List are similar to the Annex 1 natural habitat types of the Habitats Directive [NB that this footnote is part of the Recommendation]

<sup>5</sup> Denmark proposes to add “large scale” i.e. ‘Therefore, in such cases when [large scale](#) new plans and...’

<sup>6</sup> At State and Conservation 5-2016 Sweden proposed to exchange the word shall with should which is supported by Denmark.

- 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) 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) 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:
- 6.1. determine what, if any, additional activities are needed to mitigate the identified pressures and/or impacts and develop or amend 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,
  - 6.2. aim to implement such plans or activities as soon as possible, and by 2021 at the latest,
- 7) to consider whether any sites justify selection as new or expanded MPAs for the conservation of HELCOM threatened marine biotopes, habitats or biotope complexes,
- 8) 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 or biotope complexes,
- 9) to monitor, as far as possible, the range, spatial coverage as well as structure and function of HELCOM threatened marine biotopes, habitats 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,
- 10) to raise awareness about the HELCOM Red 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.
- 11) for Contracting Parties being EU Member States, to ensure that the implementation of this Recommendation is consistent with 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), EU Directive establishing a framework for maritime spatial planning (2014/89/EU) and the Common Fisheries Policy.

**RECOMMENDS ALSO that**

12) The Contracting Parties will report on their first activities taken to implement this Recommendation in 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.