



Document title	German proposal to amend the draft HELCOM Recommendation on threatened biotopes, habitats, and habitat complexes
Code	4-17
Category	DEC
Agenda Item	4 - Matters arising from subsidiary bodies
Submission date	07.02.2017
Submitted by	Germany (as Lead Country)
Reference	HOD 51-2016 Outcome, para 6.91

Background

The HELCOM 2013 Copenhagen Ministerial Meeting agreed 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 will have largely recovered, and that degradation and fragmentation will have been significantly reduced, and that, therefore, by 2015 a new HELCOM Recommendation on Conservation Plans for Species, Habitats and Biotopes which are at risk of extinction should be developed.

The development of the HELCOM Recommendation on 'Conservation and Protection of Marine and Coastal Biotopes, Habitats And Biotope Complexes Categorized as Threatened According to the HELCOM Red Lists' was discussed at two State and Conservation Meetings, three online meetings with representatives of the State and Conservation Working Group, and at HOD 51-2016. Despite progress made, no agreement on the Recommendation could be reached, yet. In December 2016, as Lead Country, Germany offered to continue the dialogue with Denmark and other interested parties to reach a consensus in the run up to HELCOM 38-2017. HOD 51-2016 underlined that the new draft Recommendation should, thus, not weaken paragraphs that stem from HELCOM Recommendation 21/4 which will be superseded once agreement will be found (see HOD 51-2016 outcome, paras 6.90 and 6.91.)

On 31 January 2017 an online meeting took place with State and Conservation representatives from Denmark (Ms Marie-Louise Krawak), Lead Country Germany (Mr Dieter Boedeker), the HELCOM Secretariat (Ms Ulla Li Zweifel) and Ms Penina Blankett (Finland) as Co-Chair of the State and Conservation Working Group. Although the meeting was very constructive, consensus could neither be reached nor approached.

Against this background, when considering the overall deliberations held, so far, on this draft Recommendation as well as the arguments that were exchanged among delegations, the Lead Country herewith proposes alternative wording for the still open paragraphs (see document 4-16) as a final attempt to reach a consensus that complies with the 2013 HELCOM Copenhagen Ministerial Declaration.

Action requested

The Meeting is invited to consider the suggested wording on open paras and to decide as appropriate.

Compromise proposals for the open paragraphs in question by the Lead Country

Page 3, third preambular para:

...

NOTING ~~however at the same time, for those CPs being also EU Member States 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 **that**, therefore, protection of threatened Baltic Sea habitats and biotopes may, ~~in-under~~ certain ~~instances-circumstances~~, be required beyond the scope of the HD in **line with** ~~order to achieve the Aichi Targets associated with the Strategic Action Plan for Biodiversity 2011-2020~~~~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 **the** Water Framework Directive (WFD),

Page 3, middle:

RECOMMENDS to the Governments of the Contracting Parties to the Helsinki Convention **to take the necessary measures**

1) to **alternatively** ~~if possible,~~ 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 or limited. Therefore, **for instance**, in such cases when ~~large-scale~~ new plans and projects may significantly affect the threatened biotopes, habitats or biotope complexes, **their occurrence or non-occurrence should be documented** ~~they should be evaluated~~ in an EIA or similar procedure, **preferably through mapping** ~~and hereby be mapped~~ by the applicant, if such maps do not already exist for the planning area,

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