



Baltic Marine Environment Protection Commission

Helsinki Commission
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HELCOM 40-2019

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This document has been revised to include amendments based on the comments provided by the EU and Estonia prior to the meeting, editorial amendments provided by Russia in the meeting, as well as amendments as agreed in plenary. Changes are highlighted in blue.

Background

STATE & CONSERVATION 3-2015 took note of the review of HELCOM Recommendations under State and Conservation (document 3J-1 to that meeting). A drafting group including participants from Finland, Estonia, Germany and Denmark jointly reviewed the Recommendation and lead country for the recommendation, Estonia, informed that proposed changes discussed during the exchange of views in the drafting group were to be presented at STATE & CONSERVATION 4-2016. The amendments to the recommendation were again discussed in at STATE & CONSERVATION 6-2017.

STATE & CONSERVATION 7-2017 endorsed the amended Recommendation 24/10 and requested the Secretariat to forward the updated Recommendation to HOD 53-2017 for adoption.

HOD 53-2017 endorsed the draft revised HELCOM Recommendation and agreed that it will be forwarded to HELCOM 39-2018 for adoption.

HELCOM 39-2018 took note that Poland could not agree on the revised Recommendation 24/10 'Implementation of integrated Marine and Coastal Management of Human Activities in the Baltic Sea Area' and invited Poland to clarify the reservation at the next meeting of the State & Conservation Working Group. Poland later clarified their opinion as follows: In Polish opinion the recommendation needs to be discussed at the 16th HELCOM-VASAB MSP meeting. The position regarding this recommendation elaborated during 16 HELCOM-VASAB meeting should then be presented to the State and Conservation WG.

The 16th HELCOM-VASAB MSP meeting considered the updated version of HELCOM Recommendation 24/10 and provided the following comments for consideration by State & Conservation 8-2018:

- the Recommendation should be amended integrating strong links to MSP.
- the entire Recommendation will not be redrafted, but specific paragraphs related to MSP added.

The meeting invited the State and Conservation WG to postpone consideration of the draft Recommendation to autumn 2018, to which State and Conservation agreed, with the intention to submit it to HOD 55-2018 for endorsement.

The HELCOM-VASAB MSP group welcomed the offer by Poland to take a lead in the update of the Recommendation. Contracting Parties supplied Poland with suggestions after which Poland elaborated a consolidated draft of the Recommendation and circulated it to the group members for endorsement via correspondence in June 2018. The Meeting invited the HELCOM-VASAB MSP group to endorse the draft Recommendation with tacit procedure.

State and Conservation 9-2018 took note of the information by Poland, that work on the recommendation was still ongoing and that the revised text was to be presented at the 17th HELCOM-VASAB MSP WG meeting in November 2018, after which it would be submitted to State and Conservation 10-2019 for approval.

The 17th Meeting of the joint HELCOM-VASAB Maritime Spatial Planning Working Group noted that the original Recommendation was adopted at the time (in 2003) when no explicit MSP requirements existed neither in the Baltic Sea nor on European level. The meeting concluded that the Recommendation, while referring to “marine management of human activities” does, de facto, cover also maritime spatial planning (in addition to integrated coastal management of human activities).

The meeting was therefore of the opinion that it is important to bring the wording of the Recommendation in line with the already existing commitments on MSP in HELCOM (and elsewhere) and the ongoing regional work, to ensure the relevance of the Recommendation. The meeting amended the Recommendations accordingly and agreed to propose a change to the title of the Recommendation to reflect the revised content.

The lead country for the update expressed the wish to have the revision process concluded without any further delay and noted the plan of the State and Conservation 9-2018 to consider the draft Recommendation at its next meeting in spring 2019. The meeting suggested the HELCOM Secretariat to submit the draft revised Recommendation to the contacts of State and Conservation WG for consideration via correspondence, and to report on progress at HOD 55-2018 with the intention to have the revision of the Recommendation finalized in time for adoption of the document at HELCOM 40-2019.

The revised Recommendation was sent out for comment on 20 November 2018 to the State and Conservation WG. Comments were received from Denmark and Sweden.

In order to discuss and clarify some of the received comments, as well as find agreement on proposed amendment prior to submission to HELCOM 40-2019, an online meeting for representatives of those countries who provided comments (SE and DK), lead country for the revision (PL) and lead country for the recommendation (EE) as well as Co- Chairs for the two relevant Working Groups, HELCOM-VASAB MSP and State and Conservation, was arranged. The comments, which to large extent bore editorial character, were integrated into the text as presented in this document. The changes made since the version agreed in the HELCOM-VASAB MSP 17-2018 meeting and circulated to State and Conservation are highlighted in yellow in the document.

As this is the first time Contracting Parties other than Denmark, Estonia, Sweden and Poland see the latest amendments (highlighted text), it is proposed that any possible comments to these changes are submitted in writing to the Secretariat by **27 February at the latest**.

Action requested

The Meeting is invited to consider and adopt the revised version of the Recommendation 24/10 ‘IMPLEMENTATION OF INTEGRATED COASTAL MANAGEMENT AND MARITIME SPATIAL PLANNING IN THE BALTIC SEA AREA’.

Proposal for revision of HELCOM Recommendation 24/10

HELCOM RECOMMENDATION 24/10

Adopted 25 June 2003 and amended xx yy,
having regard to Article 20, Paragraph 1 b)
of the 1992 Helsinki Convention

IMPLEMENTATION OF INTEGRATED COASTAL MANAGEMENT AND MARITIME SPATIAL PLANNING IN THE BALTIC SEA AREA

THE COMMISSION

RECALLING Article 3 of the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (Helsinki Convention) according to which the Contracting Parties shall apply the precautionary principle, and Article 15 of the Helsinki Convention, in which the Contracting Parties agree to individually and jointly take all appropriate measures with respect to the Baltic Sea Area and its coastal ecosystems influenced by the Baltic Sea to conserve natural habitats and biological diversity and to protect ecological processes;

RECALLING FURTHER other HELCOM Recommendations and agreed documents of relevance to integrated coastal management and maritime spatial planning or related issues,

BEARING IN MIND that:

- a) the marine and coastal areas¹ are of great environmental, economic, social, cultural and recreational importance for the Baltic Sea area and its inhabitants;
- b) the Baltic Sea marine and coastal areas as defined in the Helsinki Convention Article 1 possess a unique biodiversity and resources. The use and protection of these areas require special planning and approaches of management² of human activities;
- c) the improper use of the marine and coastal areas may result in irreversible changes or damages from which the areas can only slowly recover, thus affecting the lives of future generations and their relations to the Baltic Sea and its coastal areas,

BEING DEEPLY CONCERNED about the increasing pressure on the marine and coastal environment arising from the growing number of human activities and the use of marine resources in the Baltic Sea region,

RECALLING that Contracting Parties to the Helsinki Convention have a common goal to draw up and apply maritime spatial plans, which are coherent across borders and apply an ecosystem-based approach, including the aim to contribute to achieve good environmental status.

¹ *Coastal area(s)* (same as *coastal zone*) is defined as a zone following the Baltic Sea coastline, extending 3 km landwards (as this zone is described in HELCOM Recommendation 15/1) from the mainland coast to the adjacent marine offshore areas. The *offshore areas* extend from the outer border of the coastal areas as far offshore as it in each case is relevant for the sustainability of marine and coastal biodiversity and geodiversity (diversity of the geomorphology and geology), in particular if these areas are used or intended to be used in a way that conflict or may conflict with the aims of Article 3 of the Helsinki Convention. These zones thus cover Baltic Sea waters, the underlying seabed and coastal terrestrial areas including the biota as well as abiotic resources.

² *Management* is defined as an acknowledged, thoughtful and planned way to manage human activities with regard to the use of land, seabed, water and living resources considering the effects of these activities on adjacent and other ecosystems.

BEING AWARE that the integrated coastal management and maritime spatial planning, as management tools, can contribute to promoting the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources.

RECOGNIZING that the lack of free access to spatial information on cover, use and biodiversity reduces the possibilities of integrated coastal management and maritime spatial planning to be fully applied in the process of sustainable use of marine and coastal resources of the seabed, land and water areas,

NOTING that the nine riparian countries of the Baltic Sea have or are in the process of developing a national legislation and policies regarding integrated coastal management and maritime spatial planning which are different from each other.

BEING CONVINCED that the marine and coastal management must be carried out in a way that safeguards the marine and terrestrial biodiversity of the marine and coastal areas, uses resources in an environmentally sustainable way and considering social, economic and cultural aspects of the inhabitants, users or visitors of the marine and coastal areas, in particular the traditional activities and customs,

WELCOMING furthermore the activities carried out in the Baltic Sea region through cooperation between HELCOM and VASAB³ which has resulted in joint visions, principles and guidelines for the Baltic Sea Region,

CONSIDERING for those Contracting Parties, , who are also EU Members States the relevant EU-Directives and recommendations such as the EU Integrated Coastal Zone Management recommendation, EU Marine Strategy Framework Directive (2008/56/EC) , EU Maritime Spatial Planning Directive (2014/89/EU) and EU Floods Directive (2007/60/EC), EU-Directive on assessment of the effects of certain plans and programmes on the environment (2001/42/EC), EU Water Framework Directive (2000/60/EC) and the amended EU Directive on Environmental Impact Assessment (2014/52/EU), and for the Russian Federation the Water Code of the Russian Federation, the Federal Act on the internal maritime waters, territorial sea and contiguous zone of the Russian Federation, Water Strategy of the Russian Federation and other relevant legal acts.

Commented [A1]: Addition by RU

Commented [A2]: addition by RU

RECOMMENDS to the Contracting Parties to the Helsinki Convention to develop maritime spatial plans and integrated coastal management measures which ensures the implementation of the principles for integrated management of human activities⁴, and are coordinated with regional marine management strategies.

Commented [A3]: Addition by EE

RECOMMENDS FURTHER to the Contracting Parties to develop maritime spatial plans in accordance with the Baltic Sea Broad-scale Maritime Spatial Planning (MSP) Principles⁵ and utilizing the Guideline for the Implementation of Ecosystem-based Approach in Maritime Spatial Planning and Guidelines on Transboundary Consultations, Public Participation and Co-operation⁶;

RECOMMENDS ALSO:

- a) to identify laws and regulations of relevance for the use and protection of marine areas and, the authorities responsible for their implementation (governmental, sub-national or municipal sector officials);
- b) to use existing knowledge of stakeholders with interests concerning the use and protection of coastal and marine areas;

³ VASAB = Vision and Strategies around the Baltic Sea

⁴ Recommendation on Integrated Coastal Zone Management (2002/413/EC)

⁵ Adopted by HELCOM HOD 34-2010 and the 54th Meeting of VASAB CSPD/BSR

⁶ Adopted by HELCOM HOD 50-2016 and 72nd Meeting of VASAB CSPD/BSR

- c) to use existing knowledge of interacting and/or conflicting interests, obligations and activities of private and public stakeholders. Additional investigation can for example be carried out following the DPSIR⁷ concept;
- d) to develop criteria, standards and guidelines that are needed for integrated management of human activities taking into account cross-sectoral approach, as well as development of practical and applicable ways to share responsibility for plan management, implementation and enforcement;
- e) to use existing knowledge of the major planning and management issues for human activities in marine and coastal areas, and strive to align them, taking into account experiences and requirements from maritime spatial planning processes and the establishment of the HELCOM marine protected areas (HELCOM MPAs) network and management of MPAs;
- f) to identify data gaps and gaps in knowledge that may impede planning and management of human activities in coastal zones and marine areas, e.g. lack of spatial data on marine and coastal biodiversity (distribution of habitats and species) and natural resources, as well as problems connected with access to data (data availability and restrictions in use, e.g. copyright).
- a) to set up and carry out a scheme to fill in the identified data and knowledge gaps, e.g. by inventories and mapping of biodiversity (e.g. habitats and species) and resources, analysis of existing data or sharing experiences between authorities and stakeholders;
- b) to improve assessments of the status of biodiversity and of impacts of human activities on the marine and coastal environment; in support of the evaluation of favourable conservation status under the EU Habitats Directive and of good environmental status (GES) for marine waters as defined in the EU Marine Strategy Framework directive
- c) to manage human activities in coastal and marine areas in such a way that marine resources are used sustainably and natural values of the environment are preserved by reducing user conflicts and adverse impacts of human activities and by addressing the tasks in *a* to *h*, in particular in the course of developing and implementing national maritime spatial plans and link to relevant programs of measures for coastal, and marine waters.

The implementation of this Recommendation should be evaluated at regular intervals, at least every six years.

Further considerations and suggested actions related to HELCOM activities are given in **Attachment 1**.

⁷ DPSIR = driving forces (changes in the environment, e.g. industry and agriculture), pressures on the environment (e.g. emissions and discharges), state (the quality of the environment), impacts (e.g. biodiversity loss and impacts on the economy) and responses (actions).

HELCOM Recommendation 24/10

Attachment 1

Further considerations and suggested actions related to HELCOM activities

- a) The HELCOM marine protected areas (HELCOM MPAs) and other marine protected areas should be of particular concern as well as areas where the local biodiversity is severely threatened or where the use of resources or the number of inhabitants or visitors is particularly high.
- b) A national meta-data base should preferably be formed in an early stage of implementation in order to facilitate the use of spatial data required, e.g. data on biodiversity, geodiversity, demography, infrastructure, and the development of land and water areas. The national database can be a part of the existing information structure, e.g. it may consist of a set of links to sub-national databases. The possibility to link up the national integrated coastal zone management and marine area management databases to an impending international HELCOM meta-data base should be anticipated.
- c) Identification of the existing successful ways to carry out integrated coastal management and maritime spatial planning in the Baltic Sea. In particular, bottom-up initiatives, where local or sub-national policies, programmes, projects or other initiatives that address both the coastal, marine and terrestrial areas and that have worked out successfully should be addressed. The experiences from these “success stories” should be taken into consideration by HELCOM who, together with the HELCOM Contracting Parties, should find ways to encourage such initiatives e.g. through funding of projects. In a similar way should the knowledge about well working instruments (technical solutions, methods) and potential new ways to apply the integrated coastal management and maritime spatial planning be made available to the public through workshops arranged by HELCOM.
- d) Identification of threats towards the marine and coastal areas that are of particular interest in the Baltic Sea region and that should be acknowledged simultaneously by several pertinent HELCOM groups.

Link, where appropriate, the implementation of integrated coastal management and maritime spatial planning with water resources management and land use planning in the catchment area of the Baltic Sea.