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Background

The current HELCOM framework for hazardous substances is mainly based on a limited number of priority contaminants and a list of measures to prevent their input to the marine environment. This approach is currently not able to account for the full diversity of sources and pathways of contaminants to the Baltic Sea, or the risks posed to the Baltic Sea environment. The existing framework does not enable timely reactions to emerging challenges in the continuously transforming pattern of chemicals used in industry and emerging in consumer products, nor risks posed by co-occurring hazardous substances.

HOD 57-2019 supported the proposal by PRESSURE 11-2019 to develop a strategic regional policy document on hazardous substances, pointing out the need of extensive involvement of all Contracting Parties in the work on the document. The work was launched in spring 2020 in cooperation with the Baltic Sea Centre of Stockholm University, with the support of the Swedish Agency for Marine and Water Management and under the oversight of the HELCOM Pressure Working Group. The content of the document was for the first time discussed at PRESSURE 12-2020 which invited Contracting Parties to nominate national contact points for consideration of the document and, thus, ensure involvement in the work on the document. Nominated experts from Denmark, Estonia, Finland, Germany and Sweden contributed to the work providing their written comments and discussing drafts of the document at two online meetings.

Preliminary results of the work include two documents. A draft HELCOM policy document on hazardous substances, effectively a background report providing an overview of the current HELCOM framework for hazardous substances, thereby identifying shortcomings in the current approach and discussing potential improvements. The regional policy document on hazardous substances intends to provide a holistic approach to the problem of contamination of the marine environment by hazardous substances and to propose the way to improve the related HELCOM framework.

The other document is a summary of provisional conclusions and suggestions based on the HELCOM background report and comments by national experts. One of the key conclusions is that the modernization of the HELCOM framework on hazardous substances requires, as a starting point, formulation of a regional systematic approach to HELCOM work on hazardous substances. The following draft summary provides initial suggestions for such a systematic approach.

Action requested.

The Meeting is invited to consider the preliminary conclusions and suggestions on modernization of HELCOM framework on hazardous substances and provide guidance for finalizing the document as a basis for formulation of the regional systematic approach to HELCOM work on hazardous substances.

Overview and analysis of HELCOM framework for hazardous substances – summary of main conclusions.

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This document is a summary of the HELCOM policy document on hazardous substances - a background report providing an overview of the current HELCOM framework for hazardous substances, thereby identifying shortcomings in the current approach and discussing potential improvements. The overview highlights that this important dimension of HELCOM work requires substantial improvement by strengthening *the role of HELCOM in the regional policy landscape, modernizing tools constituting the management cycle for chemicals and organizational structure*. The conclusions and suggestions that follow here are based on HELCOM documentation and ongoing discussions, and comments by national experts compiled in the background report.

An overall conclusion is that achievement of the ambitious goals of the Baltic Sea Action Plan demands development of a *regional systematic approach* to HELCOM work with hazardous substances as a starting point. This summary provides initial suggestions for such a systematic approach.

1. The role of HELCOM in the policy landscape

HELCOM is the main cooperative forum for marine issues of the countries in the Baltic Sea catchment. But HELCOM also cooperates and is linked to many different regional and global actors and policies. HELCOM has several (potential) roles:

- Forerunner, arena for **policy development**: Identification of new threats, development of joint action plans, harmonization of assessment methodologies, issuing regional policy messages, coordination of joint projects (e.g. screening campaigns, regional emission inventories), coordination of influence on other policies and facilitation of their implementation.
- **Knowledge exchange** platform: sharing of national experiences e.g. efficiency of various measures, identification of problematic chemicals etc. with relevance for the Baltic Sea.
- Organ for synthesis and **analysis of data**: Joint compilation and mapping of data (input (emissions, transport), status), analysis of monitoring data at the Baltic Sea scale. Geographical, temporal differences/similarities. Identification of major sources and pathways. Added value of data generated under other directives, or HELCOM.
- **Coordinating organ for MSFD**: Harmonization of assessments, knowledge exchange. Selection of indicators, thresholds, monitoring guidelines tailored for Baltic Sea conditions
- **Coordinating organ for other EU directives**: Harmonization of assessments, knowledge exchange etc.

The need for HELCOM cooperation has changed over time as 8/9 HELCOM nations are since 2004 also EU MSs. The WFD and MSFD goals and objectives overlap with those of HELCOM, and chemicals regulation is largely harmonized at EU level. Most CPs hence struggle to fulfil legally binding EU level regulations/directives and resources for voluntary HELCOM work are limited. There is a risk that agreements in HELCOM are made mainly when they contribute to fulfilling EU requirements, and/or that agreements are only heeded when they fit national priorities already in place. *The Baltic Sea perspective may therefore be lost*. It is important that HELCOM focuses on the added value of the cooperation, in addition to the cooperation with Russia, that compensates for gaps in EU policy, which is naturally the product of negotiations between all EU MSs that may not have the same challenges and priorities as HELCOM CPs share in the Baltic Sea.

HELCOM could therefore make sure to focus *joint agreements* on issues that can only be solved with joint efforts (transnational challenges) and *support each other* in the management of problems of more local character that may be common to most or all CPs.

Concrete suggestions how to increase relevance and clarify the role of HELCOM:

- 1) Ensure that the **Baltic Sea perspective is not lost** by identifying and formulating the added value (in addition to other policies) of all Actions, Recommendations and activities. HELCOM aim to protect the Baltic Sea by supporting implementation of joint HELCOM and national measures as well as EU directives and global conventions, the aim is not to support CPs in implementation of EU directives as such. HELCOM should not duplicate but complement/enhance work done in other fora.
- 2) Strengthen the HELCOM **role as a knowledge exchange platform** and expand the cooperation in implementing MSFD to include **pressure analysis and development of Programs of Measures**: CPs can support each other by sharing more information on national pressure analysis and measures (see below).
- 3) Make **data analysis activities more relevant**. Current data compilation is mainly limited to parameters required under EU or Russian legislation. HELCOM analyses of this data can provide the “bigger picture” and reveal national differences, similarities and overall patterns in the Baltic Sea. However, there are many gaps in the data compiled and differences in reporting. HELCOM could assess the data coverage, differences in reporting and quality to identify data gaps that CPs may want to fill and possibilities for better comparability / harmonization.
- 4) Improve **liaising with other policies** by developing a HELCOM activity with this aim and/or give this task to hazardous substances dedicated secretariat staff (see below). In particular, clarify the complementing roles of HELCOM and EUSBSR PA Hazards, improve the cooperation. Discuss the benefit of HELCOM participating in EU/global fora and what/how HELCOM could contribute (i.e. should HELCOM prioritize preparatory discussions/meetings, have common stand points?)
- 5) HELCOM could focus its efforts more on **substances/risks that can be managed by regional measures** in the selection of new indicators to MSFD and HELCOM priority/indicator substances. The selection of indicator substances/mixtures/effects guides management and therefore influence the *relevance of HELCOM*.

2. Management cycle for hazardous substances – gaps, missing links and suggestion to modernize.

HELCOM coordinates joint monitoring of selected priority substances and has agreed on several Actions, Recommendations and activities over time. However, a well-functioning management cycle seems to be lacking in the work with hazardous substances, and therefore many decisions regarding substances to prioritize and measures of various kind are taken *ad hoc*. Most elements of a complete management cycle are *mentioned* in the BSAP, MDs and Recommendations for national implementation plans, however *in practice* HELCOMs’ overarching approach is lacking several elements needed to systematically address a) well-known pollutants, 2) specific chemicals of emerging concern as well as c) unknown chemical risks. In addition, *clear links* between the different elements of the management cycle are lacking, for example assessments of inputs are not properly linked to status in the sea and development of measures and follow up of measures.

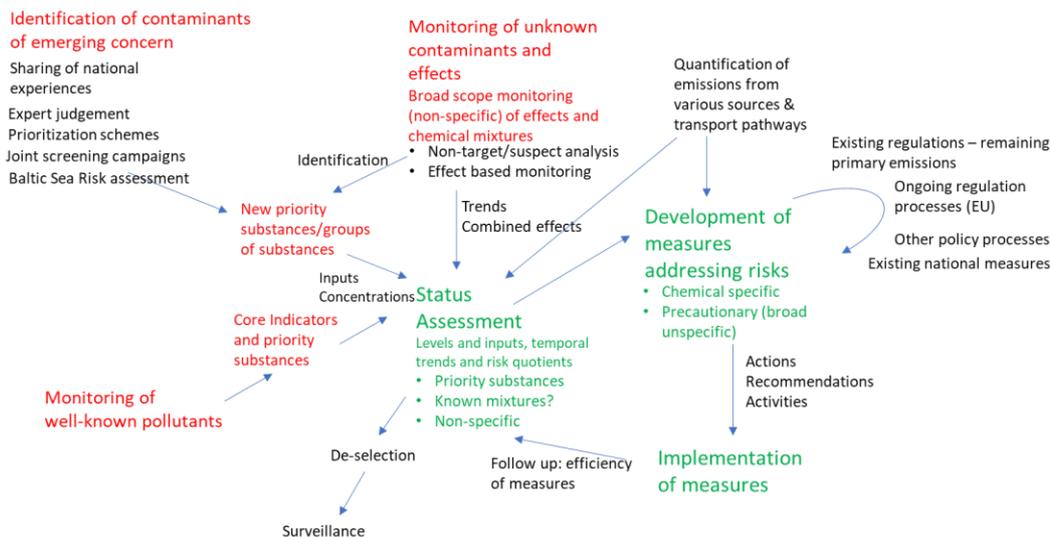


Figure. Draft overview of an updated chemicals management cycle for HELCOM

Since 2014, when HELCOM agreed to function as coordinating organ for a harmonized implementation of MSFD of the HELCOM CPs that are EU MSs, development of new indicators, monitoring and status assessment has been in focus, in particular for the State&Conservation working group, and realised in the HOLAS projects which aim to timely proceed and feed into the status assessment stage of the MSFD cycle. Work with *pressure analysis (inputs)* and *development of measures* in response to outcomes of status assessments *has however not been a structured activity in this process.*

Main issues to address include:

- Lack of systematic work with **identification of new substances/groups** to prioritize (regular indicator selection procedure is lacking)
- **Combined effects** of known or unknown substances are not addressed
- Lack of work with **unknown risks** (no consideration of combination/mixture effects or un-predictable effects)
- Lack of a regular/recurrent procedure to **de-select** priority substances
- HELCOM **data collection and analysis is not coherent**, i.e. data on sources/inputs, and environmental levels do not match and are not connected in analyses
- HELCOM does not systematically use the status assessments as **trigger for development of measures** (Actions, Recommendations, activities)
- HELCOM does not **relate suggested measures to other existing legislation or policy processes** (i.e. does not clarify *added value* of the HELCOM measure), and commonly HELCOM measures overlap with existing EU regulations or regulations that are soon to be implemented
- The **expected effect of measures** is not presented and a **plan to follow up results** of measures is generally lacking (in particular problematic for investigative measures as these require a next step to lead to actual emission reductions).

Concrete suggestions of how to address these gaps:

- 1) Use and expand the scope and aim of **the Core Indicator reports** to ensure complete management and follow up, and ensure leadership from CPs and available staff to do the work. Make sure that all substances/groups that are prioritized by HELCOM are accompanied with a report of this kind, that motivates why the substance/group is prioritized, identifies knowledge gaps and potential next steps (measures to be taken). The (Core) Indicator reports could be *expanded* to provide the overview of the sources, status and measures taken for prioritized / indicator substances:
 - a) Improve **data on sources and emissions**. Clarify their relative importance at local and Baltic Sea -scale. Link input data to status assessments and development of measures. Discuss the contribution from sources in the HELCOM region, EU region

and outside EU to guide development of relevant HELCOM actions. Discuss the importance of primary vs secondary emissions for the various substances.

- b) Include **regulation analysis**. Clarify which uses of the substances that are still allowed (primary emissions), their contribution to observed levels, provide information on any related ongoing policy processes in EU or internationally that may lead to further regulations and restrictions. (relation to other policies)
- c) Provide **HELCOM actions overview**. Document the Actions, Recommendations and other activities that address the priority substances, control if these are matching conclusions regarding sources and/or knowledge gaps.
- d) Include **clear conclusions** regarding abovementioned points and knowledge gaps that need to be filled to progress.

2) Elaborate a **procedure and time plan (cyclic) to identify chemicals of emerging concern** as part of the management cycle. HELCOM-work with prioritized substances is largely in line with the approach taken in EU directives and has been developed in recent years to support and coordinate the CPs' implementation of MSFD, in particular with respect to status assessments, but lacks the crucial element of systematic identification of new priority substances. The plan could include:

- a) **Knowledge exchange** of results from national prioritization exercises and research projects, discussion of (new) chemicals prioritized under **other policies**
- b) Discussions in expert networks/ working groups to judge which substances (nationally identified and lists from other policies) that are *relevant for the Baltic Sea marine environment*
- c) Collection of monitoring data and ecotoxicological data for candidates + risk assessments for substances/groups of substances. Identification of knowledge gaps. To fill knowledge gaps: HELCOM could decide to perform joint (target) **screening campaigns** targeting selected chemicals of emerging concern
- d) In parallel to this: Perform joint **non-target/suspect screening campaigns** to identify marine contaminants in the field/at sources. This should function as a "safety-net", a possibility to discover contaminants for which there are no data or do slip through the regulatory net.

3) Work with **unknown risks** in parallel to specific substances/groups, include this in the management cycle. This work could include:

- a) **Effect based monitoring**. HELCOM has not managed to agree on a joint effect-based monitoring (EBM) despite several years of discussions, however in the last year several workshops have been organized to progress this ambition. HELCOM need to agree on expert level how EBM could be used in practice.
- b) **Non-target/suspect screening** with the purpose to (in addition to identify new contaminants) monitor temporal and spatial trends in **total chemical pressure**, and **track sources** of chemical mixtures. This has been proposed during last year in the Pressure WG and is progressing. HELCOM need to clarify the purpose of this type of wide scope screening, how to process the results and possible next steps based on the results.
- c) HELCOM could work with **precautionary measures** addressing sources of multiple substances (i.e. activities such as wastewater treatment, (sea based) traffic and transport) in parallel to substance specific measures.

4) Develop a plan to improve HELCOMs' **work with measures** in response to status assessments (including well-known, emerging and unknown risks), including assigning responsibility to WGs, ENs and CPs. The plan could include:

- a) Sharing of **national experiences** from implementation of national measures and outcomes of national pressure analyses for prioritized/indicator substances. Collaboration in regional pressure analysis and development of national MSFD Programs of Measures
- b) HELCOM should ensure that the description of all Actions, Recommendations and activities agreed have a **clear description of expected result**, at what **scale** effect is anticipated (local, regional), the next step to take in case of investigative measures and how to **follow up** the measure implementation.

5) Discuss how to develop HELCOM work with **quantification of inputs/emissions**.

- a) HELCOM needs to discuss the challenge to improve data on inputs as this information is not available for most substances. WFD and MSFD require (national) pressure analysis to support development of measures and identify priority chemicals, however the lack of this kind of analysis for all EU MSs is a weakness identified by EC. National pressure analyses could be used by HELCOM to provide information on overall inputs to the Baltic Sea. HELCOM could also be a forum for cooperation between CPs to jointly assess sources of hazardous substances, as this is a knowledge gap shared by all CPs.
- b) Clarify the relative importance of local, regional and global emissions at local scale and full Baltic Sea scale

- c) Discuss if and how to work with inputs addressing sources of *mixtures*, i.e. waste handling facilities, wastewater, industries, agriculture, traffic etc.

3. Organizational issues raised by Contracting Parties

In the process of scrutinizing the HELCOM work with hazardous substances, a number of issues of organizational character have been raised by national experts:

- 1) **Dedicated staff** at the secretariat *for hazardous substances* is needed. A team is needed for hazardous substances that coordinates the work, keep the momentum and keep track of other policy processes that can be linked to HELCOM work.
- 2) The lack of interaction between HELCOM WGs (i.a. State&conservation WG and Pressure WG) is highlighted as a problem that hinders establishing the necessary links between elements in the management cycle (e.g. sources and state). More interactions (joint meetings, workshops) have been suggested. An alternative is to create a **hazardous substance working group** with *experts dedicated to the complex issue of hazardous substances* and establish clear links to other relevant WGs.
- 3) HELCOM needs to discuss the **issue of funding joint activities**. There are limited resources available from CPs to fund joint HELCOM activities. Thus, external funding is sometimes crucial for the implementation of regional actions. Lacking funds is an especially prominent problem in relation to hazardous substances due to the extremely broad spectrum of issues and measures, often associated with high costs. HELCOM, represented by the Secretariat, might coordinate and manage project supporting the joint activities. Though, national experts did not have a common view on that, as availability of appropriate funds and resources in the Secretariat requires clarification.
- 4) To focus HELCOM work on issues that CPs are willing to prioritize, it should be overall **stated more clearly what level of ambition that is realistic for HELCOM**. If CPs are not willing to invest in certain issues this should be clearly stated, and the discussions and decisions adapted to this circumstance to avoid stalled processes/slow progress.