



Document title	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'
Code	4-20
Category	DEC
Agenda Item	4 - Matters arising from the HELCOM Groups
Submission date	12.11.2018
Submitted by	Executive Secretary
Reference	Outcome of HELCOM 38-2018 , para. 4.1-4.4; Outcome of STATE & CONSERVATION 9-2018 , para 3N.23

Background

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 they have largely recovered, and that degradation and fragmentation have been significantly reduced, and to develop by 2015 a new HELCOM Recommendation on conservation plans for species, habitats and biotopes which are at risk of extinction. The updated HELCOM red lists (BSEP 138 for habitats and biotopes and BSEP 140 for species) were to be taken into account in this work.

A two-step approach was taken, to draft a recommendation on species first, to be followed by a recommendation on habitats and biotopes.

HELCOM Recommendation 37/2 Conservation of Baltic Sea species categorized as threatened according to the 2013 HELCOM Red List was adopted in 2016.

The drafting of the new HELCOM Recommendation on the conservation of marine and coastal biotopes, habitats and biotope complexes was initially discussed by STATE & CONSERVATION 4-2016. The Meeting discussed two options i) to develop a new Recommendation based on the 2013 Red list on underwater biotopes, habitats and biotope complexes, utilizing the same structure as the associated new Recommendation on species or ii) to revise the existing Recommendation 21/4. HELCOM Recommendation 21/4 Protection of heavily endangered or immediately threatened Marine and Coastal Biotopes in the Baltic Sea Area, adopted in 2000, is based on the previous 1998 HELCOM Red List (BSEP No. 75).

The Meeting agreed to initiate the development of the Recommendation by updating key paragraphs of Recommendation 21/4 with respect to threatened marine biotopes, habitats and biotope complexes according to the 2013 Red List. Lead country Germany led the development of the draft Recommendation.

Since STATE & CONSERVATION 4-2016, three online meetings have considered the contents of the draft Recommendation: [BIOTOPES REC 1-2016](#), [BIOTOPES REC 2-2016](#) and [BIOTOPE REC 3-2016](#). The Meetings scrutinized drafts prepared by Germany and the Secretariat and comments submitted by Contracting Parties and Observers.

State and Conservation 5-2016 updated the Draft Recommendation, noting the study reservation by Denmark and the meeting agreed to aim for resolving the remaining issues intersessionally.

The draft updated Recommendation was then put on the agenda of HOD 51-2016, HELCOM 38-2017, STATE & CONSERVATION 6-2017, and HOD 53-2017 with the aim to reach an agreement on the draft that does not weaken the paragraphs that stem from Recommendation 21/4 and to fulfil the 2013 Ministerial Meeting commitments, and the draft was further amended in the spirit of compromise for consideration by HELCOM 39-2018.

All but one of the Contracting Parties could endorse the Recommendation as included in this document.

STATE & CONSERVATION 7-2018 considered the draft HELCOM Recommendation on conservation of Baltic Sea underwater biotopes, habitats and biotope complexes and the proposed changes to the draft Recommendation. 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.

STATE & CONSERVATION 8-2018 welcomed the information by Denmark that there is ongoing dialogue with lead country Germany and that they strive to present an update on the process to the STATE & CONSERVATION 9-2018 meeting. The Meeting acknowledged the importance and urgency of the Recommendation and that the delayed approval process has halted the development of several important processes under the group as well as national work.

HOD 54-2018 welcomed the information that there is renewed dialogue regarding HELCOM Recommendation 21/4 between the lead country Germany and Denmark, and that they strive to present an update on the process to STATE & CONSERVATION 9-2018.

STATE & CONSERVATION 9-2018 welcomed the information by Denmark on the progress made to clarify their position on the Recommendation 21/4 and took note that there has not been enough time to finalize the national parliamentary process in Denmark prior to State and Conservation 9-2018. The meeting supported the process proposed by Denmark, whereby the document will be submitted to HOD 55-2018 in its current form and Denmark will clarify their national position at HOD 55-3018, with the intention to submit the Recommendation for adoption by HELCOM 40-2019 (Outcome of STATE & CONSERVATION 9-2018, para. 3N.23).

This document contains the draft Recommendation as submitted to HELCOM-38 2017 (cf. document 4-16).

Action requested

The Meeting is invited to consider and approve the draft new Recommendation, to supersede Recommendation 21/4, and agree to forward it for adoption by HELCOM 40-2019.

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 be required beyond the scope of HD in order to achieve the CBD COP 10 Aichi Targets, 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 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, in such cases when 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 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,
- 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,

¹ 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]

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.