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<b>Document title</b>	Progress in the development of the risk assessment framework for internal nutrient reserve management
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<b>Category</b>	DEC
<b>Agenda Item</b>	6 - Matters arising from the HELCOM Groups
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## Background

The ad hoc Group MINUTS was established to develop the regional principles and risk assessment framework for the management of internal nutrient reserves assuming its final delivery by the end of 2020. Identification of the HELCOM role in the risk assessment framework became one of the cornerstones of the proposed procedures. The issue was discussed at HOD 58-2020 and the ad hoc group continued drafting the Recommendation and the Guidelines. However, PRESSURE 13-2020 again raised the issue of HELCOM's role in the consideration of the sea-based measures, which hampers further drafting of the regional Guidelines for sea-based measures to manage internal nutrient reserves.

The issue concerns the involvement of the Contracting Parties to the Helsinki Convention in the consideration of planned sea-based measures. Germany, in its comments after HOD 58-2020, suggested that HELCOM has the possibility to provide an opinion on the proposed sea-based measures and that such an opinion could be developed by WG PRESSURE.

In the comments provided to PRESSURE 13-2020 Finland suggested that HELCOM should only be informed about planned measures in the open sea, which does not imply any other actions from the countries but taking note of the information.

MINUTS 10-2020 suggested a more active involvement of HELCOM Contracting Parties in the consideration of sea-based measures planned in the open sea and those with potentially significant transboundary effects. The group recommended to use the terms "consider" or "consult" to identify the action for national authorities, assuming that the Contracting Parties provide appropriate response to the request from the country planning sea-based measures and that this response will be further considered in the national permitting procedure.

The approach suggested by the MINUTS group provides obvious added value to the regional risk assessment framework, as the regulations of the Espoo Convention are very general and require consultation with the affected countries only, while the HELCOM risk assessment framework considers the whole Baltic Sea as a common resource, thus involving all Contracting Parties to the Helsinki Convention in the consultation process. It is also worthy of mention that not all HELCOM members are parties to the Espoo Convention. Furthermore, an advisory role of HELCOM would legitimise the sea-based measures and would provide the possibility to suggest modifying the measures in order to minimise environmental risks and maximise benefits.

PRESSURE 13-2020 mandated the MINUTS group to prepare a document for HOD 59-2020 seeking clear guidance based on coordinated national positions regarding the role of HELCOM in the risk assessment framework for management of internal nutrient reserves. MINUTS 10-2020 formulated two alternative

paragraphs for the draft HELCOM Recommendation identifying the role of HELCOM in the consideration of the sea-based measures.

Alternative one:

RECOMMENDS that Contracting Parties under whose jurisdiction sea-based measures in the open sea, or measures with potentially significant transboundary effects, are being planned, **inform other HELCOM Contracting Parties on the proposed measures.** The information is to be provided in accordance with the Guidelines part b).

Alternative two:

RECOMMENDS that Contracting Parties under whose jurisdiction sea-based measures in the open sea, or measures with potentially significant transboundary effects, are being planned **[consider the opinion(s) of]/[consult with] other HELCOM Contracting Parties on the proposed measures. Such consideration/consultation may include measures to mitigate risks, to improve monitoring of the environmental impacts as well as possible alternatives including the no-action alternative.** The opinion(s) of HELCOM Contracting Parties should be based on the provided information and in accordance with the Guidelines part b).

It should be noted that the paragraphs apply to all measures in the open sea and to those measures in coastal waters that have potentially significant transboundary effects. The ad hoc group MINUTS is currently working on a definition for the “significance” of transboundary effects which will be based on criteria that are also used by the Espoo Conventions (size of the planned measure, expected effects, location of the measure, e.g. in sensitive areas). The decision on HELCOM’s role in the risk assessment framework significantly influences the content of the Guidelines which are intended to describe the procedures set by the Recommendation. Thus, further drafting of the Guidelines depends on the decision on the role of HELCOM.

The Terms of Reference for the HELCOM ad hoc Group MINUTS do not identify the expiry date for the group’s mandate, but identify the end of 2020 as the deadline for the final draft delivery. The final approval of the documents constituting the risk assessment framework is foreseen in autumn 2021 together with the adoption of the updated BSAP. Considering the current state of both documents constituting the HELCOM risk assessment framework for internal nutrient reserves management, their final drafts can be presented at PRESSURE 14-2021 in spring 2021 with the intention to submit the documents to HOD 60-2021 for endorsement. PRESSURE 13-2020 supported the proposal that the MINUTS group will continue the work to finalize the deliverables and invited HOD 59-2020 to approve the modification of the group’s mandate as given in the Annex 1 to this document.

## Action requested

The Meeting is invited to:

- Decide on the role of HELCOM in the consideration of the sea-based measures in the open sea and those with potentially significant transboundary effects by selecting the respective paragraph for the draft Recommendation;
- Support further work of the ad hoc group MINUTS by approving the proposed modification to its Terms of Reference.

## Terms of Reference for the Group to draft the regional principles and risk assessment framework for management of internal nutrient reserves (*ad hoc* Group MINUTS)

The HELCOM Ministerial Declaration 2018 states:

*“24. RECOGNIZING with concern that large amounts of nutrients have accumulated in the Baltic Sea during the past decades due to anthropogenic activities, resulting in an enhanced internal flux of nutrients between sediments and sea water thereby exacerbating eutrophication;*

*25. WE ENCOURAGE, as a first step, further improving the knowledge base regarding the nature and dynamics of internal nutrient reserves.*

*26. WE ENCOURAGE, as a second step, undertaking research on the potential of measures to manage internal nutrient reserves that have accumulated in the sediments due to anthropogenic activities in the last decades; WE EMPHASIZE that the risks to ecosystem and human health stemming from measures to manage internal nutrient reserves, as well as the long-term sustainability of their effects, need to be considered and thoroughly evaluated; WE ALSO ENCOURAGE in parallel developing and applying a risk assessment framework in HELCOM to meet the necessary environmental requirements for measures planned for the open sea and any other measures having potentially significant transboundary effects; WE ALSO ACKNOWLEDGE the need to elaborate in line with the Helsinki Convention commonly agreed regional principles as guidance for internal nutrient reserves management”.*

These are the Terms of Reference for the Group to draft the (a) risk assessment framework and (b) regional principles as guidance for nutrient reserves management.

The Group needs to discuss a number of issues to be able to deliver a) and b). The scope of this discussion covers:

- Scale of the measures
- Location of the measures
- Scientific research and deployment
- Which internal nutrient management measures to include
- Propose the regional principles guiding the management of internal nutrient reserves
- Propose the risk assessment framework
- Propose how to incorporate the regional principles and the risk assessment framework into the HELCOM acquis.

The Group will mainly work through correspondence and online meetings and report to Pressure WG. Workshops are foreseen to facilitate the work and help engage stakeholders.

The Group should consist of interested Contracting Parties, scientists familiar with the characteristics of measures to manage internal nutrient reserves, and experts on relevant legal issues. Furthermore, HELCOM Observer organisations are invited to the Group.

Milestones:

- Present a proposal for the consideration of PRESSURE 10-2019 (spring 2019), describing measures to include, scales, location and basic content of the regional principles and risk assessment framework with the aim to agree on these basic issues as a prerequisite to further develop concrete contents.
- Deliver a first proposal for regional principles/ risk assessment framework to PRESSURE 11-2019 (autumn 2019)
- Deliver refined proposals to PRESSURE 12-2020 (spring 2020).
- ~~PRESSURE 13-2020 (autumn 2020) to~~ consider the first draft of the risk assessment framework consisting of the HELCOM Recommendation and Guideline; endorse final products and recommend to HOD

- PRESSURE 14-2021 (spring 2021) to agree on the draft Recommendation and Guideline and submit to HOD 60-2020 for endorsement;
- Adoption of the product in 2021 together with the BSAP update.