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<b>Document title</b>	Proposal for revision of Regulation 2.7 of part 2, Annex III to the Helsinki Convention
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<b>Category</b>	CMNT
<b>Agenda Item</b>	6 - Matters arising from the HELCOM Groups
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<b>Submitted by</b>	CCB
<b>Reference</b>	<a href="#">Doc 6-6</a> Revision of the Part 2 of Annex III to the Helsinki Convention <a href="#">Doc 6-5</a> Outcome of AGRI 10-2020

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## Background

[HELCOM AGRI 10-2020](#) was yet again “not able to reach consensus to revise the Regulation 2 Item 7. Meeting assumed that when consensus would not be found, the regulation would remain unchanged, although being of the view that keeping the original text would not be a preferable solution. The Meeting had two proposals, alternative proposal by Sweden and new proposal by Poland. Meeting agreed to report both discussed proposals to HOD 59-2020.”

The revision of Annex III, part 2 to the Helsinki Convention is ongoing since [2013 HELCOM Ministerial Declaration](#) and is already 4 years overdue from being accomplished. Progress on revising Regulation 2, item 7 is especially poor, as it addresses control of nutrient losses from overfertilization, a standard side-effect of Economic Optimal Fertilization on farmland.

Already back in 2013, the Heads of Delegation agreed that the existing provisions of Annex III should be regarded as minimum requirements in the revision process, thus giving an orientation to the purpose of the review as not to weaken and water-down the provisions. However, the discussion within HELCOM AGRI demonstrates that some of the Contracting Parties are eager to change it towards less strict formulation.

To weaken the yearly limit of 25 kg P/ha in manure applied to land would be to delete the strongest regulation HELCOM has developed to limit P-surplus and P-losses from agricultural sector to the Baltic Sea. Reduction of phosphorus losses is the key to fight the Baltic Sea eutrophication and agricultural sector should share the burden along with needed investments in other sectors (e.g. WWTPs and shipping). Agriculture should endeavor to reduce its P-overfertilization, instead of working for weakening of already agreed regulations. Acceptance of the proposed changes in Annex III is directly counter-productive and by accepting such changes HELCOM's credibility will be yet again put at stake. This would be to take a big step backwards, a real backlash and failure for HELCOM to control the nutrient load to the Baltic Sea from its biggest source.

Based on the above and argumentation in the attached background document the CCB's proposals are:

- Polish proposal to include the wording: “multi-year accounting method of P” in Annex III should not be accepted
- Proposal for new wording: “... more specific, national or regional rules may deviate from these general application rates” in Annex III should not be accepted
- Keep the original wording “with a view to avoiding nutrient surplus” directly after the figures on max N and P fertilizer application, on its original place
- Decide to go back to the “original text” of Annex III item 7, as both the “Alternative” and the “New” proposals would be in contradiction with the front para of item 7, and also in contradiction to the HOD decision not to weaken the Annex III regulation during the revision process

## Action requested

The Meeting is invited to consider the comments and proposals by CCB when addressing the revision of Regulation 2 Item 7 of Part 2, Annex III to the Helsinki Convention.

## Comments and proposal for revision of Regulation 2.7 of part 2, Annex III to the Helsinki Convention

### *Background*

The main reason to introduce a limit for the annual P-application from manure on farmland to maximum 25 kg P/ha/year, was because many farmers primarily have an interest for the N-content in manure for fertilization, which has resulted in a P-overfertilization from the P-content in manure. There are examples where farmers, with P-rich soils, apply manure only for the supply of nitrogen, which imply that the full P-content in manure applied is overfertilization. It was also seen as necessary to limit the P-overfertilization and P-losses from farmland, as Baltic Sea suffer from a heavy eutrophication caused by phosphorus. The EU Nitrates Directive (that already was applied for Baltic EU MS), with a limit of max 170 kg N/ha from manure, was not enough. HELCOM agreed that it was necessary to also introduce a limit also for phosphorus from manure, which would mean that both elements (N & P) causing eutrophication could be controlled.

There is an obvious need for HELCOM to have requirements that can control P-overfertilization. The leaching of P from soil depends on many factors such as soil pH, temperature etc., but the major factor is overfertilization, applying more nutrient than the growing crops need.

### *Proposed revision that obviously will weaken the Annex III, part 2, item 7*

HELCOM Ministerial meeting in 2013 agreed to initiate a review and updating of part 2 of Annex III. When HELCOM HOD gave instructions for the updating process they clearly expressed that the updating of Annex III could not include a weakening of the existing requirements to control nutrient losses from agriculture.

CCB identified three proposals for changed wording that obviously will weaken the Annex III provisions.

1. Poland has proposed to include the new wording: "multi-year accounting method of P".

Such wording will be in contradiction to the first paragraph of Annex III Part 2 Item 7 reads:

"The application of nutrients in agricultural land shall be limited, based on a balance between the foreseeable nutrient requirements of the crops and the nutrient supply to the crops from the soil and the nutrients with a view to minimize eutrophication"

A multi-year accounting/application of P will always create P-surplus and consequently lead to P-leakage. As this is in contradiction with the 1st para of Item 7, and also with HOD decision not to weaken Annex III regulations, a multi-year application cannot be accepted. A consequence could for example be - A potential P-fertilizer application for a 5-years period, 125 kg P/ha, year during one year, will certainly lead to significant annual P-surplus and leakage.

2. Proposed new wording: "... more specific, national or regional rules may deviate from these general application rates".

Such wording would open up for national exceptions from the HELCOM regulations to limit nutrient from manure (max 170 kg N/ha & max 25 kg P/ha). This will result in that the HELCOM figures will be totally meaningless as each Baltic country can introduce national rules that will overrule HELCOM regulation. The result will be that HELCOMs strongest regulation to control nutrient surplus and leakage from farmland is gone. As this is in contradiction with the 1st para of Item 7, and also with HOD decision not to weaken Annex III regulations, this new proposed wording cannot be accepted.

3. Keep the original wording "with a view to avoiding nutrient surplus" directly after the figures on max N and P fertilizer application, on its original place

The missing original text, after mentioning the figures 170 kg/ha nitrogen & 25 kg/ha phosphorus” is the following ”with a view to avoiding nutrient surplus”

This text, and where it has been placed, is fundamental, because the main problem for agricultural sector and eutrophication is nutrient leakage from overfertilization on farmland, created from nutrient surplus on field level. There is direct connection with the placing of this wording and the First para of item 7, that there must a ”balance between the application of fertilizers and nutrient requirements of the crops, with a view to minimize eutrophication” (see previous page for the full text) to the implementation of the front para ”with a view to minimize eutrophication” in connection with the P and N limit figures set.

If this text would be moved/removed, it would mean that it is accepted to apply maximum amount of N and P per ha from manure, even if all nutrients applied at fields not will be used by the crop, allowing for nutrient surplus. Overfertilization practices will in such case be supported by a HELCOM regulations. We don't believe that HELCOM would like to support and allow for nutrient surplus/overfertilization and nutrient leakage as standard practices in Baltic agriculture.

[HELCOM AGRI 10-2020](#) took note that Finland and Poland supported the proposal by CCB in the [document 4-2](#) to keep in the regulation 2 item 7 the phrase “with a view to avoiding nutrient surplus”. If this support still applies HOD may wish to accept the CCB proposal for wording would read:

[...] The amount of livestock manure applied to the land each year including by the animals themselves should not exceed the amount of manure containing:

- 170 kg/ha nitrogen
- 25 kg/ha phosphorus

with a view to avoiding nutrient surplus

**Based on the above, the CCB proposals are:**

- Polish proposal to include the wording: ”multi-year accounting method of P” in Annex III should not be accepted
- Proposal for new wording: ”.... more specific, national or regional rules may deviate from these general application rates” in Annex III should not be accepted
- Keep the original wording ”with a view to avoiding nutrient surplus” directly after the figures on max N and P fertilizer application, on its original place
- Decide to go back to the ”original text” of Annex III item 7, as both the ”Alternative” and the ”New” proposals would be in contradiction with the front para of item 7, and also in contradiction to the HOD decision not to weaken the Annex III regulation during the revision process

To accept the weakened proposals for changed wording of Annex III would be to disregard the aim of the Helsinki Convention for protection of the Baltic Sea marine environment in favor of one economic sector.

Agriculture is the sector with the largest contribution of nutrient load to Baltic Sea, corresponding to ca.50% of the total nutrient load. Such heavy nutrient contribution must be controlled properly with strict limit values, to reach a successful reduction of the nutrient losses.

Current yearly limit of 25 kg P/ha in manure applied to land is the only strict HELCOM requirement to control P-overfertilization. Other HELCOM regulations for steering/control agricultural nutrient losses are general enough recommendations that can be modified by national guidelines, and impossible to control, having very limited effect on reduction of P losses.