



Document title	Concerns on violation of HELCOM Recommendation 40/1 by the Russian Federation
Code	7N-1
Category	INF
Agenda Item	7N – Any other business
Submission date	6.10.2021
Submitted by	Coalition Clean Baltic
Reference	Provisional Annotated Agenda (Doc. 1-1-Rev.3)

Note that this document was submitted after the established deadline. It will be decided by the Meeting whether the document can be discussed or is postponed to the next meeting.

Background

Coalition Clean Baltic would like to express serious concerns with the observed violations of the Helsinki Convention (1992) and provisions of HELCOM Recommendations [40/1](#) and [15/1](#) in the case of planned and ongoing destruction and complete removal of 4 km of coastal dunes west of Zelenogradsk town in Kaliningrad Region of the Russian Federation (see further information attached).

These activities are in contradiction with the obligations of the Contracting Parties to 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. Such measures are specified *inter alia* in HELCOM Recommendation 40/1, namely:

- 1) to protect and conserve threatened 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 75](#))
- 3) 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, in accordance with national legislation,
- 4) 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.

Similar provisions of HELCOM Recommendation 15/1 outline that:

- b) that a generally protected coastal strip therefore be established outside urban areas and existing settlements, the width of which shall be determined by the nature and landscape values of the coast, extending at least 100 to 300 meters from the mean water line landwards and seawards;
- c) that in this protected coastal strip: activities which would permanently change the nature and landscape such as extraction of soil and minerals, construction of buildings, marinas, roads, camping grounds etc. not be allowed except when proved to be in overwhelming public interest including responsibilities of public administration with regard to coastal and flood protection and when it is proved that no less sensitive site can be found;
- e) that a zone of at least 3 kilometres landwards from the mean water line should be established as a coastal planning zone where major building development and other major permanent changes in nature and landscape be preceded by an appropriate land use plan, and/or an EIA

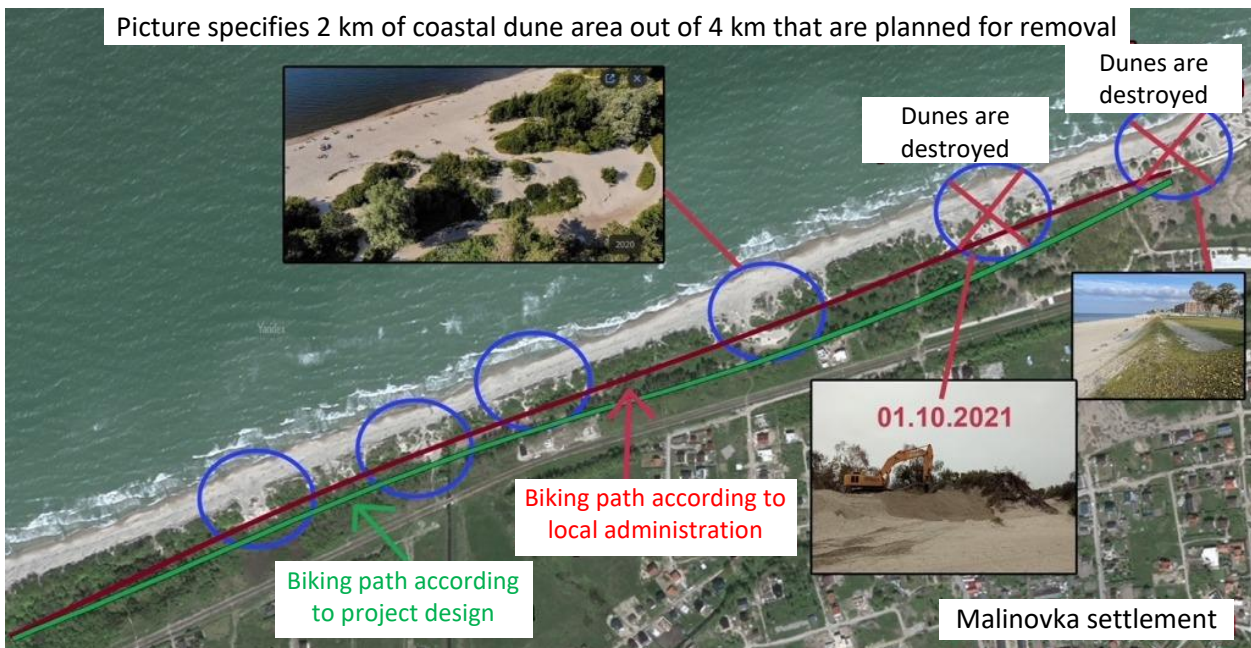
Action requested

The Meeting is invited to consider this information and request the Russian Federation for a clarification.

Concerns on violation of [HELCOM Recommendation 40/1](#) by the Russian Federation

CCB has received the following information from the local partners in Kaliningrad Region of the Russian Federation about the following facts of violations of the protection of the coastal strip.

They have observed heavy duty excavators and tractors being engaged in destruction and removal of coastal dunes in the area outlined below. These works are claimed to be a part of the construction of the new biking path along the coastline of the Kaliningrad Region and aim at prevention of a new path from being covered by sand due to dunes' drift. However, the route of the biking path being used as the basis for these construction works differ from the one being approved in the project design phase that was laid down at the rear part of the dunes, as demonstrated at the pictures below.



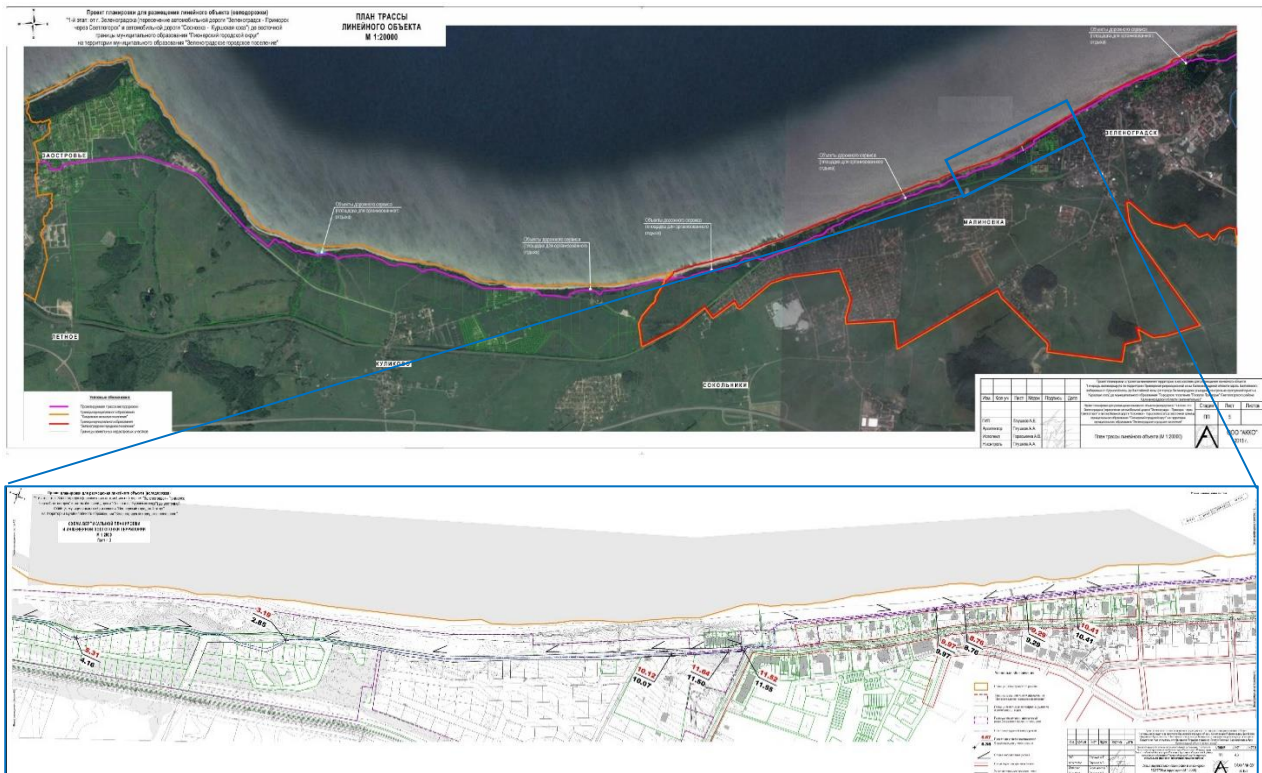
Heavy duty excavation ongoing



Artificial dike is created instead of a dune

Construction of the bike path is ongoing within the CBCycle Project: Cross-border cycle routes for promotion and sustainable use of cultural heritage (PR/LIP/02/2016), that is carried out in the framework of the [Poland-Russia Cross-border Cooperation Programme 2014-2020](#), co-financed by the European Union and the Russian Federation. It is even more important that the project activities are carried out with due environmental diligence, respecting and complying with both national and international nature protection obligations.

As demonstrated on the pictures below, that were obtained from the [official territorial planning portal](#) of the Government of the Kaliningrad Region, the bike path route (in purple color line on the upper satellite image and in dashed-dotted blue color line on the lower image) is planned well behind the rear part of the dunes, while the actual construction works are considerably deviating from it (as also shown above).



Dune coastal biotopes have been categorized as Category 2 "Heavily endangered" and Category 3 "Endangered" in HELCOM Red List of Biotopes of the Baltic Sea Area ([HELCOM BSEP 75](#)), therefore we call the Russian Federation to respect and comply with its obligations under the Helsinki Convention (1992).