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<b>Document title</b>	Draft HELCOM Recommendation on conservation of Baltic Sea underwater biotopes, habitats and biotope complexes
<b>Code</b>	2N-2
<b>Category</b>	DEC
<b>Agenda Item</b>	2N – Development and implementation of Recommendations
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### 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 drafting of the HELCOM Recommendation on the conservation of marine and coastal biotopes, habitats and biotope complexes was discussed by STATE & CONSERVATION 4-2016 that emphasized the intention to submit a draft Recommendation for endorsement at the December HOD meeting and adoption at HELCOM 38-2017. Lead country Germany has led the development of the draft Recommendation.

Since STATE & CONSERVATION 4-2016, the following 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 Denmark, Germany, Finland, Sweden and OCEANA.

This document contains the fourth version of the draft Recommendation based on the outcome of the BIOTOPE REC 3-2016 meeting. Denmark has a study reservation on paragraphs 1 and 2 under the 'Recommends' part and 11th paragraph under the preamble referring to the Habitats Directives and starting with 'NOTING' (for further details see the [memo of BIOTOPES REC 3-2016](#)). Germany has a study reservation on the Preamble, paragraph starting with 'RECALLING ALSO referring to other HELCOM Recommendations (for further details see the [memo of BIOTOPES REC 3-2016](#)).

### Action requested

The Meeting is invited to

- take note of the draft Recommendation,
- resolve the still open issues regarding the draft Recommendation.
- endorse the Recommendation and agree to submit it for adoption at HOD 51-2016.

**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 15/1 'Protection of the Coastal Strip' and 16/3 'Preservation of Natural Coastal Dynamics' and 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 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 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 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 aims of 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 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 complexes<sup>1</sup> 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. 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,

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<sup>1</sup> biotope complexes of the HELCOM Red List are similar to the Annex 1 natural habitat types of the Habitats Directive

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 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, 2008/56/EC), Water Framework Directive (WFD, 2000/60/EC) 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.