

Helsinki Convention

Example to assess how the principles of environmental law making are brought to reality

adopted in 1974, in force 1980,
reviewed 1992

The Baltic Sea - geographical situation

- linked to the North Sea and Atlantic via the Skagerrak
- borders: Skandinavian peninsula, European mainland, Danish islands
- length: 1600 km, surface: 377 000 km²,
- volume: 21 000 km³
- maximal depth: 459 m, average depth 55 m
- surrounded by 9 countries, catchment area 14 countries, 95 million inhabitants, highly developed agricultural and industrial activities
- maritime activities: maritime transport, pleasure craft tourism, fisheries, offshore activities incl. wind farms and pipelines



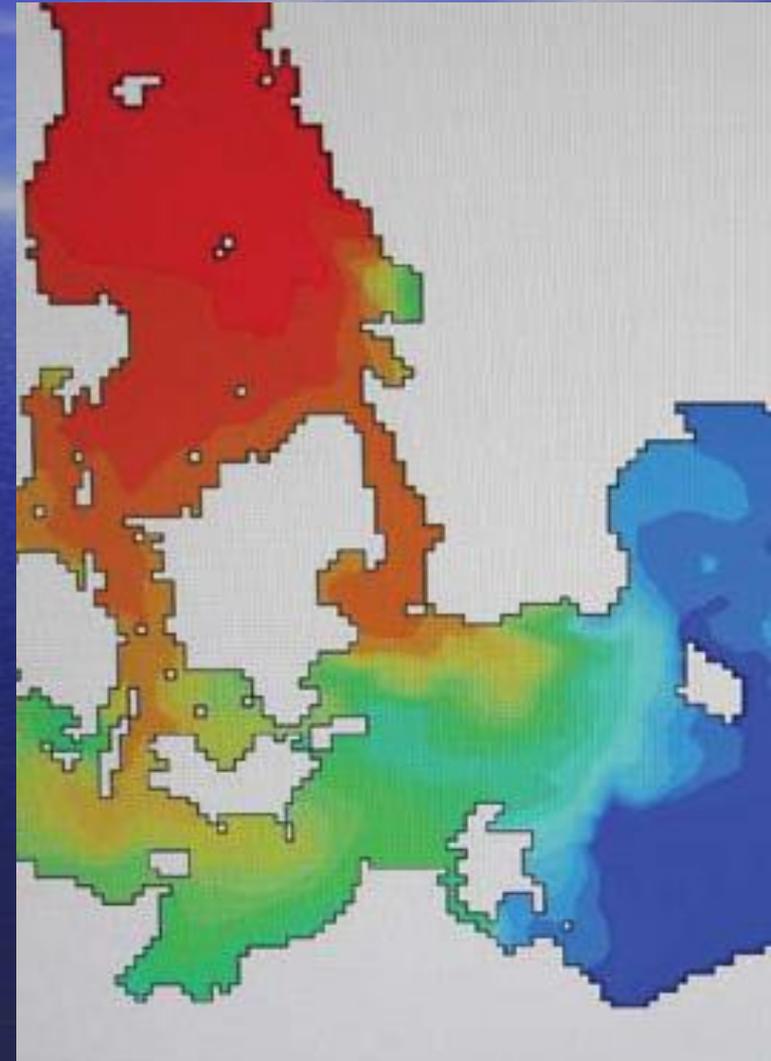
The Baltic Sea - oceanographic situation

brackish water, freshwater from rivers
and rainfall
limited saline inflow

water exchange with North Sea
30 years

decreasing tendency of salinity
from Kattegat to Gulf of Finland

saline boundary layer, deepest part
purely ventilated, periodic oxygen
depletion



Computer simulation of an inflow

The Baltic Sea - pollution



catchment area

Pollution inputs from

- rivers
- atmosphere
- direct discharges
- activities at sea

largest inputs from land based sources (industry, cities, agrarian areas)

nutrients, heavy metals, organic compounds incl. hydrocarbons and oil



The Baltic Sea - ecological situation

relatively few animal and plant species

pressures caused by fisheries, pollution,
maritime transport and other uses of the sea

leads to depletion of species and degradation
of habitats

effects of climate warming



The law maker

Who are the contracting parties?

Parties to the convention

see Art. 34, Art. 36 para 1
list of signatories

Parties to the convention

Could there be good reasons to include non-Baltic States?

What about States not covered by Art. 34?

Area of application

Which is the area of application?

What does the „sea area“ include?

Area of application

Art. 1: definition of the Baltic Sea Area

Art. 4 para 1: water body and seabed

Art. 1: internal waters

Art. 6 para 1: catchment area

Art. 12 para 1: subsoil



What should be regulated in the convention?

The need for regulations

- establishment of marine environmental principles
- reduction measures
- requirements for using the sea
- preparedness for combatting pollution
- Continuous co-operation (implementation, monitoring and assessment, joint combatting measures)
- development of more specific standards and further regulations

Topics

- aim
- environmental principles
- reduction and combatting of pollution
- nature conservation
- co-operation
- competence and procedures for additional regulations
- entry into force (Art. 36)
- settlement of disputes (Art. 26)
- amendment procedure (Art. 30,31,32)



Where do we find anything about the aim of the convention?

Aim of the convention

Preamble: assure the ecological restoration of the Baltic Sea Area

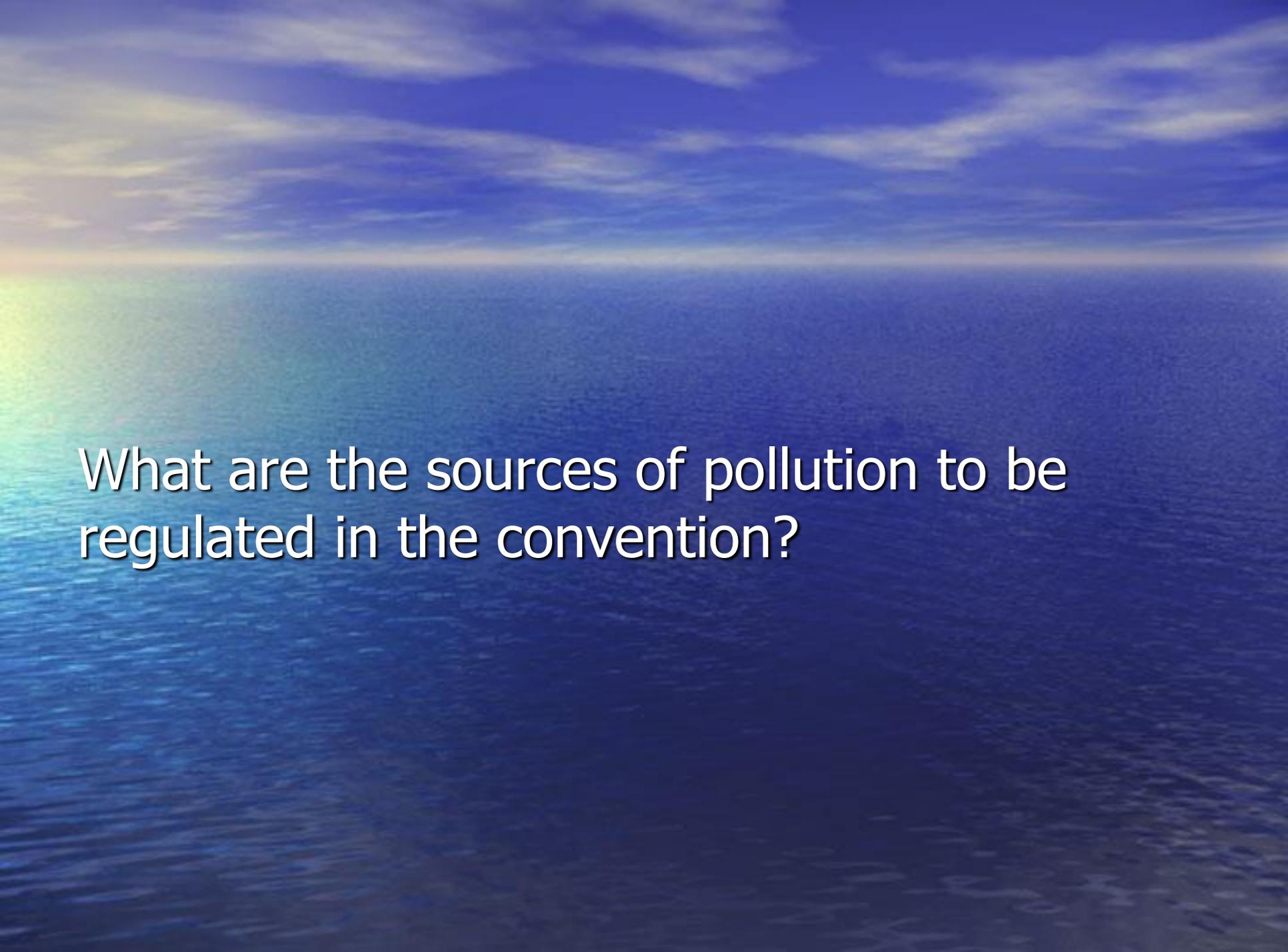
- Art. 3 para 1: prevent and eliminate pollution in order to promote the ecological restoration and the preservation of the ecological balance (definition of pollution Art. 2 para 1)
- Art. 15: conserve natural habitats and biological diversity



Which environmental principles are incorporated in the convention?

Environmental principles

- precautionary principle (Art. 3 para 2)
- best available technology and best environmental practise (art. 3 para 3, Annex II)
- polluter pays principle (Art. 3 para 4)
- scientific appropriate measurements (Art. 3 para 5)
- no unacceptable strains on other environmental media (Art. 3 para 6)
- environmental impact assessment (Art. 7, Annex VI reg. 3)
- ban of hazardous wastes (Art. 5, Annex I part 2, 3)



What are the sources of pollution to be regulated in the convention?

Sources of pollution

- land based pollution
- shipping (incl. pleasure craft)
- dumping and incineration
- exploration and exploitation
- pollution incidents

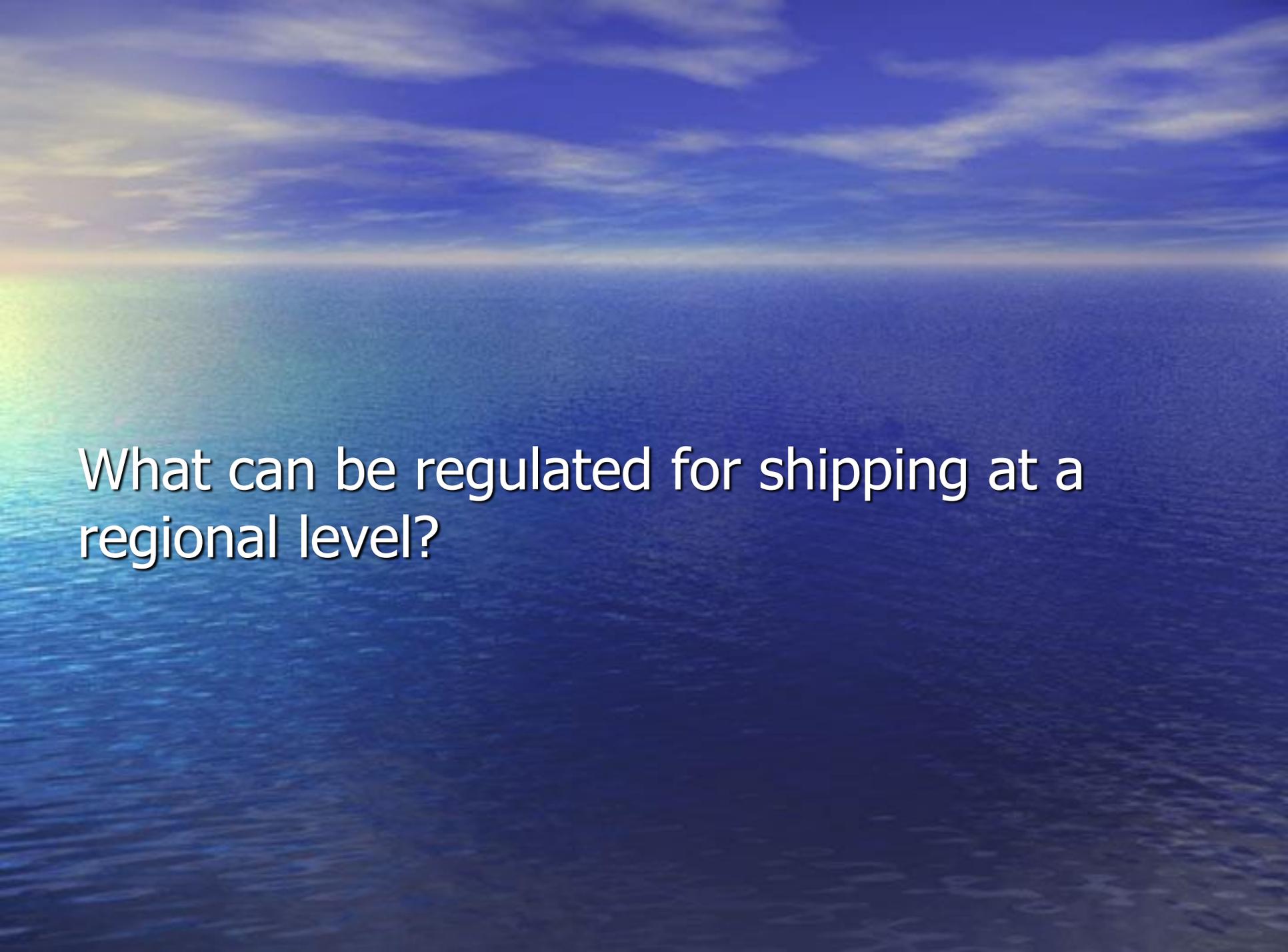


What can be regulated with regard to land based pollution?

Land based pollution

Art. 6, Annex III:

- procedures and measures set out in Annex III
- prior special permit for point sources
- specific measures for agriculture



What can be regulated for shipping at a regional level?

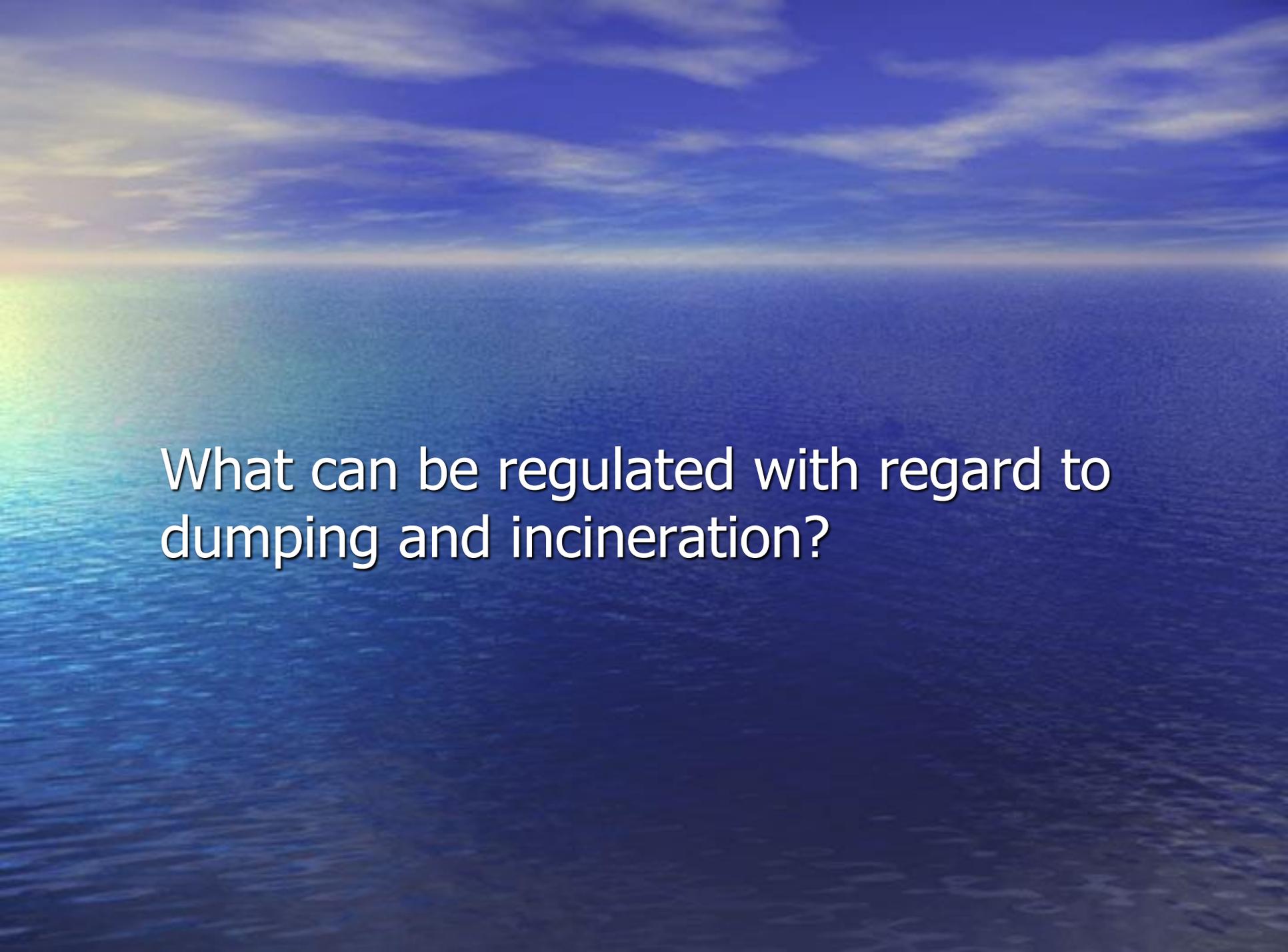
Shipping

Art. 8, 9, Annex IV:

- application of MARPOL
- co-operate in IMO
- harmonised and effective implementation
- additional requirements for sewage esp. pleasure craft
- reception facilities in ports (incl. no special fee system, mandatory discharge)

Shipping

What about special areas and emission control areas?



What can be regulated with regard to dumping and incineration?

Dumping and incineration

Art. 10, 11, Annex V:

- prohibition
- exemptions for dredged material, requires special permit following HELCOM guidelines



What can be regulated with regard to exploration and exploitation?

Exploration and exploitation

Art. 12, Annex VI:

- best available technology and best environmental practice
- restriction for use of oil-based drilling muds and their discharge
- reporting obligations
- contingency planning
- removal of disused offshore units

Exploration and exploitation

Are these regulations also applicable for pipelines and cables and other installations (offshore windfarms)?

Exploration and exploitation

Definition of offshore activities (Annex VI,
reg. 1 para 1):
exploration and exploitation of oil and gas
only

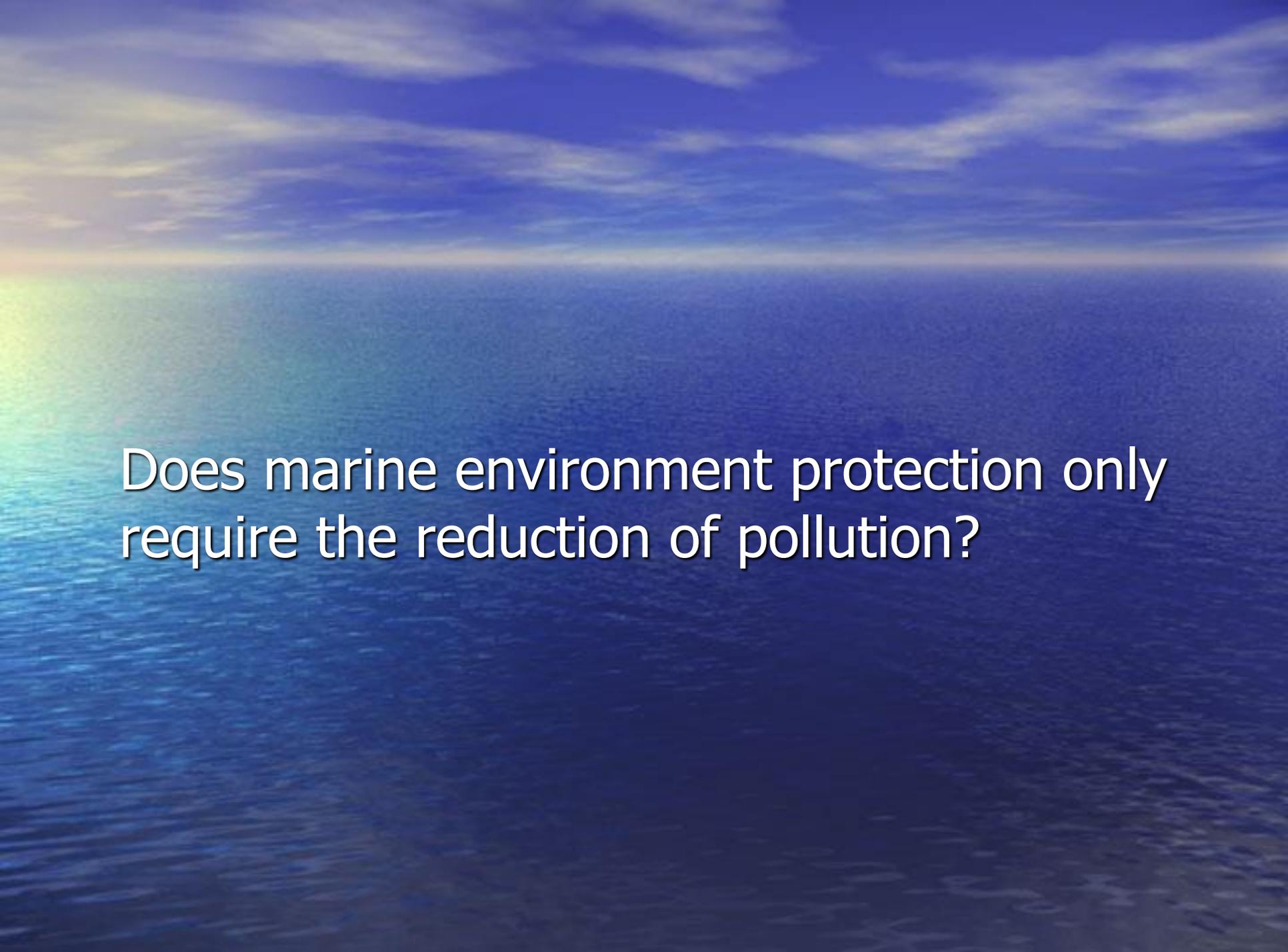


How to combat pollution incidents?

Pollution incidents

Art. 13, 14, Annex VII:

- notification
- consultation
- individual and joint response measures



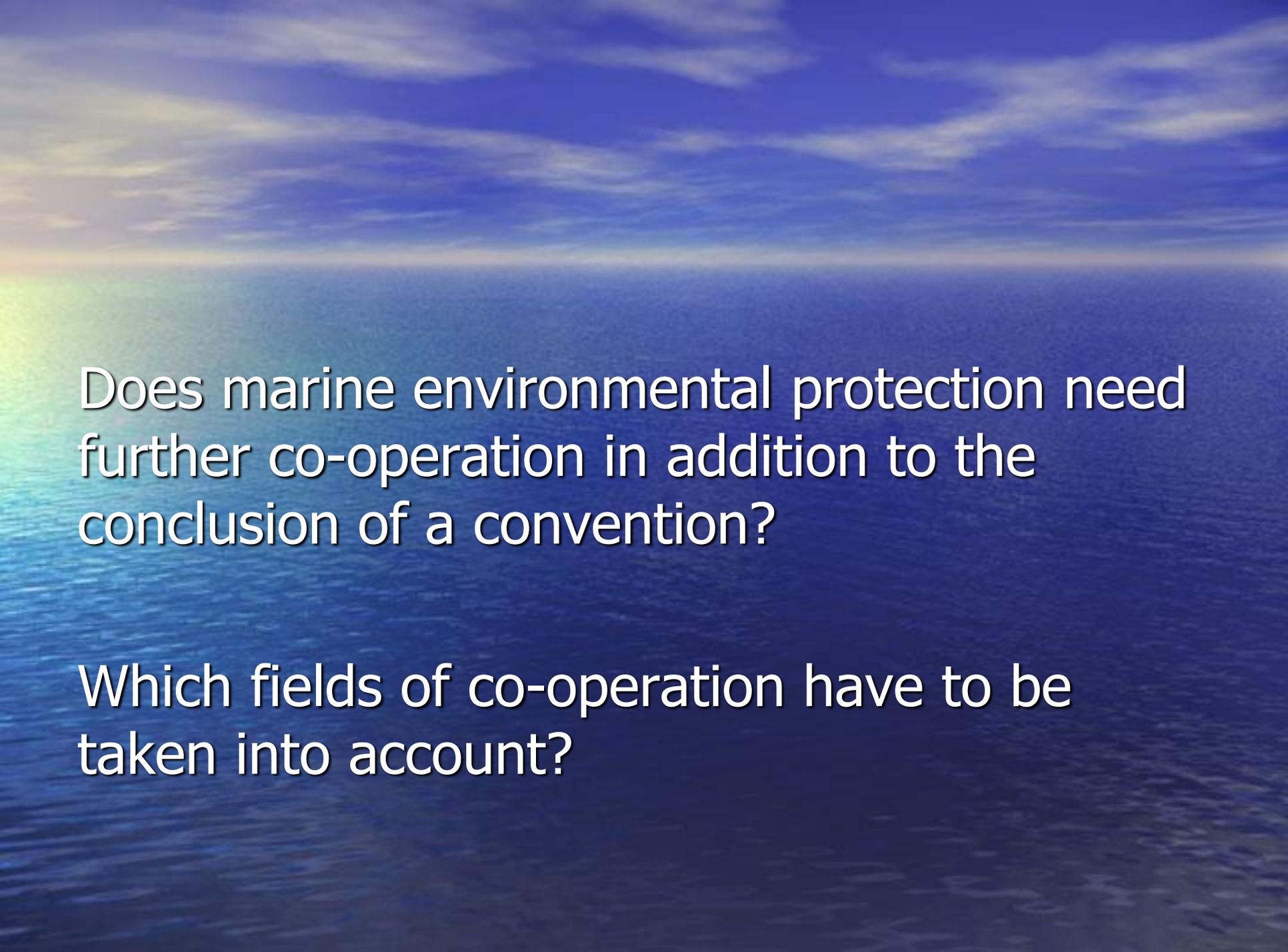
Does marine environment protection only require the reduction of pollution?

Nature conservation

Art. 15:

- Individual and joint measures
- Aim at adopting guidelines

(designation of Baltic Sea protected areas)

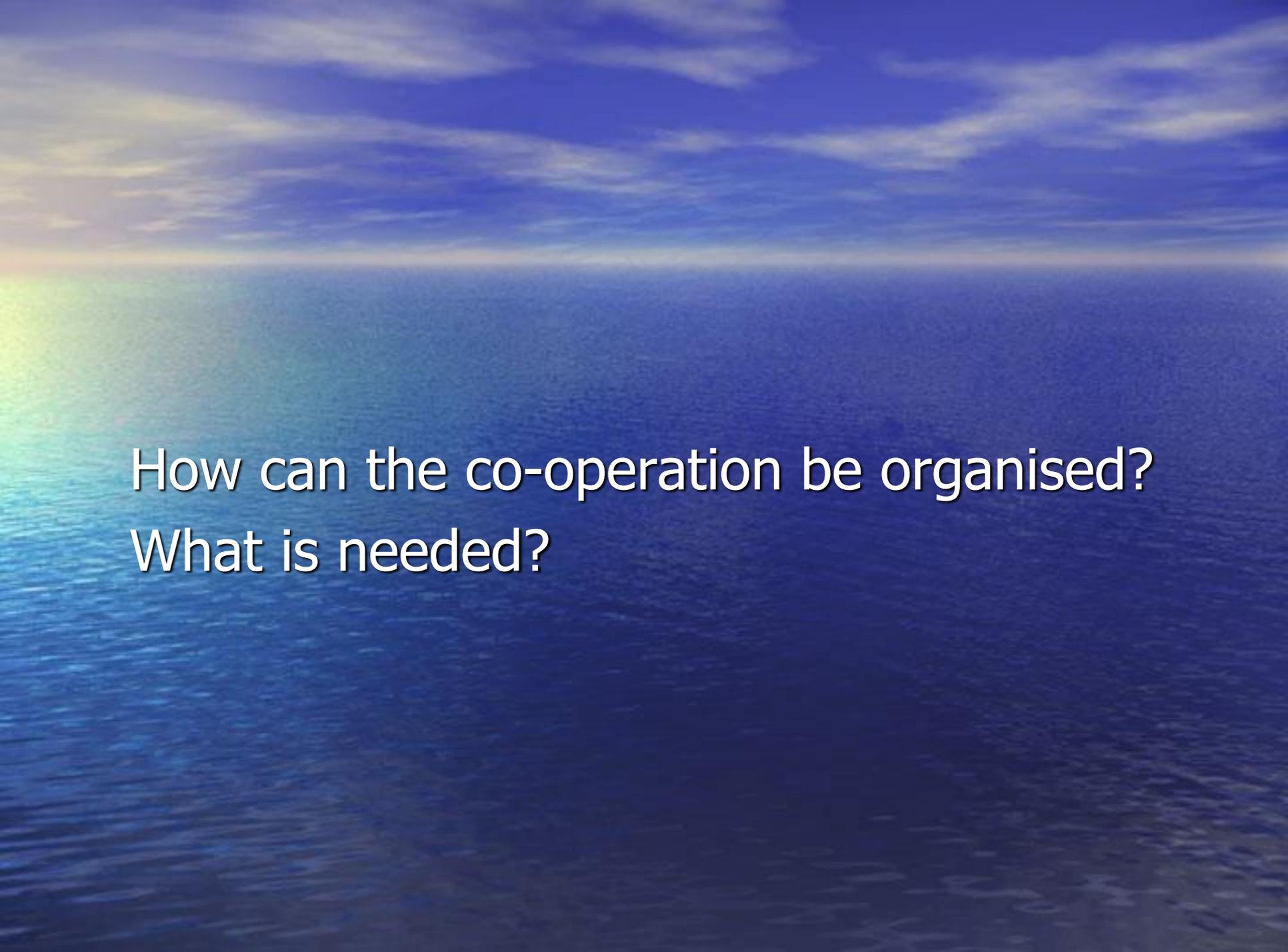


Does marine environmental protection need further co-operation in addition to the conclusion of a convention?

Which fields of co-operation have to be taken into account?

Fields of co-operation

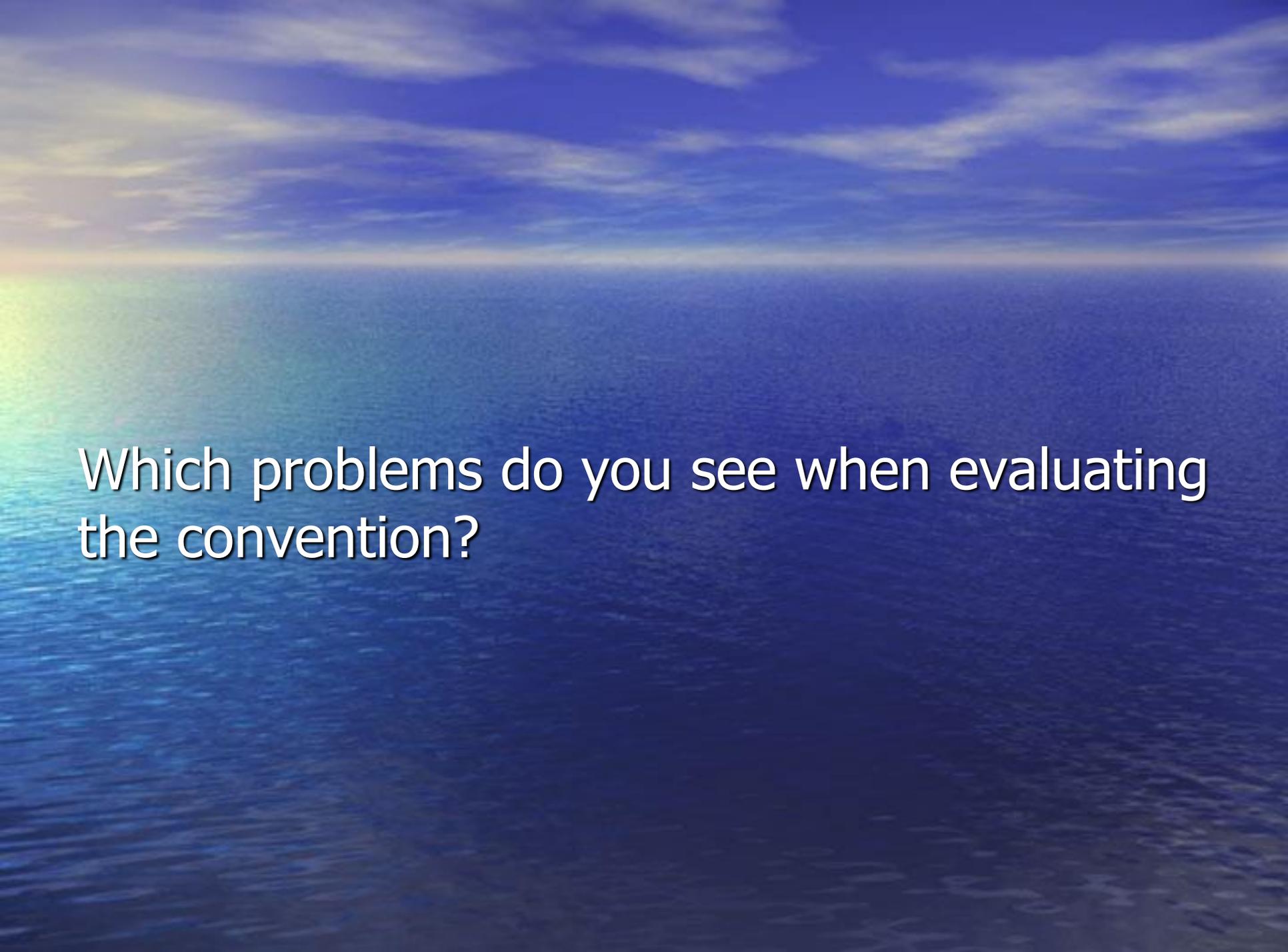
- monitoring, assessment, scientific-technological co-operation (Art. 20 para 1, Art. 24)
- combatting of pollution (Annex VII)
- observation and reporting of implementation (Art. 20, 16)
- Standards (recommendations, Art. 20)
- review of the convention and the annexes (Art. 20)



How can the co-operation be organised?
What is needed?

Organisation

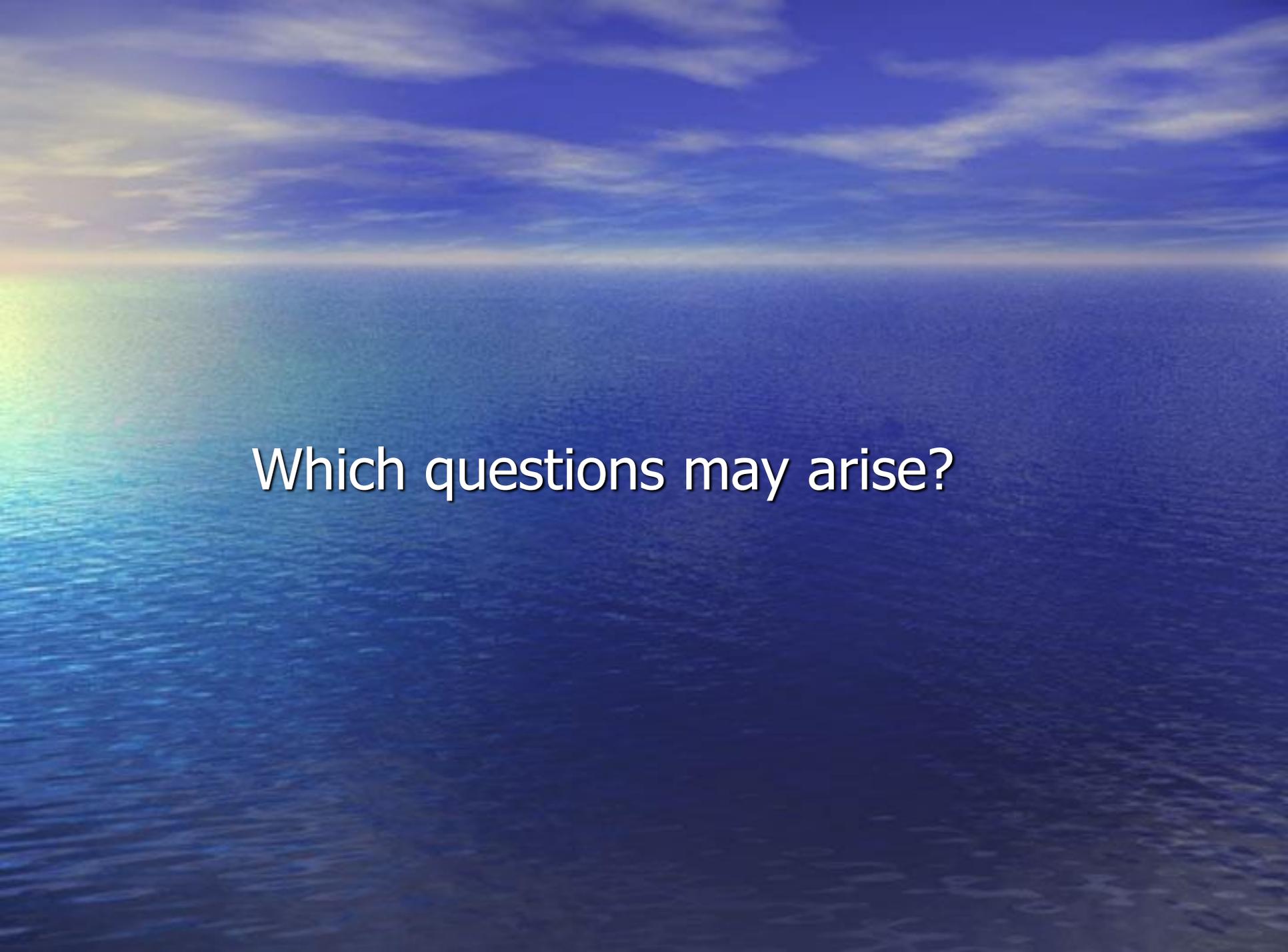
- Helsinki Commission (HELCOM) (Art. 19)
- secretariat (Art. 21 para 3)
- Executive Secretary (Art. 21 para 4, 5)
- financial contributions (Art. 22)
- establishment of expert groups



Which problems do you see when evaluating the convention?

Problems

- very general obligations
- definitions open for interpretation
- recommendations (soft law only)
- implementation
- financial needs
- European competencies and legislation
- no regulations concerning fisheries

A wide-angle photograph of a calm, deep blue ocean stretching to the horizon. The sky is a clear, vibrant blue with wispy white clouds. On the left side, a bright sun is partially visible, creating a shimmering, multi-colored reflection on the water's surface. The overall scene is serene and expansive.

Which questions may arise?

Questions arising

- What is the environmental situation in the Baltic Sea Area?
- Which improvements?
- Which deficits?



What has been achieved?

- considerable reduction of nutrients and harmful substances, removal of hot spots
- emissions from ships, safety of navigation, illegal discharges
- combatting co-operation
- Baltic Sea Protected Areas

Further decline of the ecosystem has been stopped, but continuous protection activities urgently needed

A photograph of a sunset over a turbulent sea. The sun is low on the horizon, casting a warm orange and yellow glow across the sky. The sea is dark blue with white-capped waves, and the foreground shows a large splash of white water, suggesting the viewer is on a boat. The text "Thank you for your proactive participation" is overlaid in white, bold, sans-serif font in the center of the image.

**Thank you for your
proactive participation**