

**IMPLEMENTATION OF THE HELSINKI CONVENTION ON  
THE PROTECTION OF THE MARINE ENVIRONMENT OF  
THE BALTIC SEA AREA IN FINLAND**

The general agreement, known as the Helsinki Convention, on the protection of the marine environment of the Baltic Sea signed in 1974 by seven states fronting on to the Baltic came into force in 1980. In terms of its contents and scope the convention forms a broad international environmental agreement in which a variety of actions preventing the pollution of the marine environment in the Baltic are legislated in a comprehensive way. The permanent international secretariat of the Commission for the Protection of the Marine Environment in the Baltic Sea Area (HELCOM) is based in Helsinki. The Helsinki Convention was renewed at the beginning of the 1990s, with all nine states surrounding the Baltic, together with the European Commission, signing a new document in 1992. The new Helsinki Convention came into force on 17.1.2000.

In 1999, the State Audit Office of Poland presented an initiative for the introduction of parallel audits for the implementation of the Helsinki Convention. This audit by the State Audit Office of Finland forms part of the international parallel audit scheme, in which all the signatory member states apart from Germany are participating. The implementation of the Helsinki Convention in the field of land based pollution was chosen as the subject of the audit. The main emphasis was laid on the implementation of the Helsinki Convention and its recommendations in agriculture and in the area of municipal and industrial waterway emissions. Finland's contribution also included fish farming, as this has considerable local impact in the Southwest Archipelago.

The significance of the Helsinki Convention and its recommendations as a tool for water resource protection formed the focal point of the audit. In this connection, the relationship of the Helsinki Convention and its recommendations to other tools was examined, the importance of the recommendations from the commitment perspective was assessed, and the status of the recommendations was compared to international standards and programmes applying to water resource protection.

In the audit, the regional effects of the Helsinki Convention were also determined and the implementation of the agreement from the regional environment centre's viewpoint was evaluated.

Southwest Finland formed a central point, since three out of four of Finland's so-called discharge hot spots are located in this area.

In conjunction with the audit, the extent to which the national legislation has taken the stipulations of the Helsinki Convention into account, the kind of methods in use for following-up and supervising the implementation of the stipulations in the agreement, the sort of economic control measures that can be made use of in the protection of the Baltic Sea, and how the loading has progressed in the areas chosen for the audit, were documented.

In the audit it was noted that the basic work for carrying the Helsinki Convention into effect has been undertaken and completed in Finland.

Not all the objectives enshrined in the Helsinki Convention are included in Finland's legislation and the implementation of the Convention in the field of land based pollution has mainly been based on the recommendations of the Helsinki Convention. Some of the guidelines and limit values contained in the recommendations are included in e.g. Council of State decisions, despite such enactment not being based on HELCOM's recommendations. On the other hand, in certain areas HELCOM's recommendations are considered as minimum standards, Finland's own national programmes being more demanding. For example, the measures in the environment programme for agriculture are more demanding than the HELCOM guidelines in regard to reducing discharges to the waterways from agriculture.

The main observation resulting from the audit is that the majority of the requirements contained in HELCOM's recommendations have been fulfilled in Finland. However, the practical implementation of the recommendations varies among different sectors. Variation exists even within a sector.

In the environmental permit procedure HELCOM's recommendations have been used on an ad hoc basis and the practice varies among regional environment centres. The regional environment centres prioritise national regulations and programmes in the water resource protection permit and supervision procedure.

In terms of the commitment to them, the Helsinki Convention and its annexes are comparable with the legislation, placing obligations on e.g. authorities and courts of law. However, the recommendations based on the Convention are not legally binding. Only rarely have these recommendations been enforced by the legislation, so that their significance in, for example, permit administration is at the guideline level. Additionally, the large

number of recommendations, together with their complicated and technical nature, has hampered their practical application.

The State Audit Office has considered that the Helsinki Convention and its recommendations have remained a secondary consideration and that they form a kind of supplementary tool in the legislative control of land based pollution. Naturally, the agreement plays only a minor role in those fields where a strong national legislative base exists. On the other hand, there are numerous recommendations for which no more precise national guidelines exist.

The national legislative base and guidelines are considered a more important basis for environmental control by the regional environment centres. In the practical implementation of HELCOM's recommendations, too, national guidelines are considered necessary in the regional environment centres.

The implementation and following up, as also the coordination, of the Helsinki Convention in Finland is mainly the responsibility of the Ministry of the Environment. However, the implementation of the agreement is connected with the activities of several different sectors of the administration and numerous different parties within these. In terms of the practical application of the recommendations, the regional environment centres play a key role in the environmental permit and verdict procedure compliant with the environmental protection legislation. The wide-ranging nature and diversity of the parties involved place their own requirements on the coordination and contact maintaining tasks of the Ministry of the Environment.

The State Audit Office considers there is room for improvement in the practical application of the Helsinki Convention and its recommendations. The Ministry of the Environment handles the international reporting obligation in accordance with HELCOM's guidelines, but some shortcomings were observed in regard to the national control of the regional environment centres. In this respect, attention ought also to be paid to the fact that there is work to be done elsewhere than along the coast for implementing the convention's recommendations. Almost the whole of Finland belongs to the watershed defined in the Helsinki Convention.

For promoting the present recommendations the State Audit Office has proposed that the environmental administration document those problem areas in which the greatest number of shortcomings exist in regard to implementing the recommendations and, where necessary, prepare national guidelines for improving the implementation of the recommendations and for taking these into account in permit preparation matters. According to the State Audit Office, the aim

should be uniformity in the practical application of the convention's recommendations among the regional environment centres.