



Participants at the HELCOM 50th anniversary event.

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HELCOM and the EU

THE JOINT QUEST FOR A HEALTHY BALTIC SEA ENVIRONMENT

by **Rüdiger Stempel**

This year, HELCOM celebrates its 50th anniversary. Rüdiger Stempel, the Executive Secretary of HELCOM, is here presenting the close cooperation and alignment between HELCOM and the European Union in working against a backdrop of increasing environmental threats due to the triple planetary crisis of climate change, biodiversity loss and pollution on the one hand and geopolitical instability on the other hand.

The Baltic Sea is unique. The ever-changing face, the marine life, the variety of the surrounding landscapes, indeed, the sheer magnificence of this north-eastern European regional sea that, in more ways than one and since time immemorial, has defined this region, are endlessly fascinating.

But unfortunately, there is another, darker side to the story: the Sea's vulnerability and dire condition. A small, brackish outlier of the great Atlantic Ocean, semi-enclosed and surrounded by a catchment area four times the size of the sea itself and populated by 85 million people, the Baltic Sea is subjected to a multitude of pressures, which, for many decades, have been inflicting serious damage on an ecosystem poorly equipped to cope with them. An ecosystem that is staggering under the blows it is receiving. And there is no denying that the people living on its shores and benefiting from the sea are administering most of those blows, risking irreparable damage to what is unquestionably not just one of the main sources

of the region's prosperity and well-being but, in fact, one of its most important life support systems.

Clearly, this state of affairs is not sustainable and therefore, 50 years ago, the countries around the Baltic Sea decided to take joint action to halt the Sea's decline by establishing the Baltic Marine Environment Protection Commission. Referred to in short as the Helsinki Commission, or HELCOM, it is the only international organization dedicated exclusively to the protection of the Baltic Sea. HELCOM is based on an instrument of international law, the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention). The first Helsinki Convention was adopted in 1974 by the then seven Baltic Sea countries: Denmark, Finland, the Federal Republic of Germany, the German Democratic Republic, Poland, Sweden, and the Union of Soviet Socialist Republics (USSR). Against the background of the geopolitical changes of the late 1980s and early 1990s and advancements in inter-



To mark the 50th anniversary of the Helsinki Convention and HELCOM, Latvia, which held the Chairmanship of HELCOM at the time, hosted a celebration in Riga on April 25, 2024.



The Baltic Sea is surrounded by nine countries, covers an area of around 420,000 km², and has a drainage area around four times its surface area. Due to its strong salinity gradient, and hence biological features, the area is sub-divided into 17 sub-basins based on topography and hydrology.

national environmental law and policy, an update of the Agreement was deemed necessary, and a new Convention was adopted in 1992 by ten Contracting Parties (all current Baltic Sea States¹ and the European Union, EU). The 1992 Helsinki Convention has been the basis of HELCOM work since its entry into force in the year 2000.²

Starting with a brief depiction of the current state of the Baltic Sea, as reflected in the latest HELCOM Holistic Assessment, and an introduction to the organization's 2021 Baltic Sea Action Plan, the present essay outlines the interlinkages and synergies between the work of HELCOM and the European Union in working towards good environmental status of this severely challenged north-eastern European Sea.

The State of the Baltic Sea 2023 report

Despite half a century of international cooperation, the state of the Baltic Sea remains deplorable. The extent of the problem is impressively documented

by the most recent HELCOM Holistic Assessment of the Baltic Sea (HOLAS). The third of its kind, and therefore termed HOLAS 3, it covers the years from 2016 to 2021, offering a snapshot of the condition of the Baltic Sea in the period assessed.³ Five thematic assessments, dedicated to the topics of economic and social analyses, spatial distribution of pressures and impacts, hazardous substances, marine litter, underwater noise and non-indigenous species, biodiversity and eutrophication, were published in the spring of

“DESPITE HALF A CENTURY OF INTERNATIONAL COOPERATION, THE STATE OF THE BALTIC SEA REMAINS DEPLORABLE.”

2023. The summary report, entitled *State of the Baltic Sea 2023*, was launched on October 31, 2023, together with a dedicated “State of the Baltic Sea” website.⁴

UNFORTUNATELY, the results of the assessment are sobering. The status of biodiversity and pressure-related indicators is insufficient across the entire Baltic Sea and throughout most of its ecosystem components. Only a modest number of biodiversity indicators show acceptable levels in parts of the region and none of them do so across all spatial units evaluated. Eutrophication, long considered the most important threat facing the Baltic Sea, remains at unsustainable levels and the same holds true for other pressures such as hazardous substances, the introduction of non-indigenous species or fishing. Meanwhile, the effects of climate change, already more pronounced in the Baltic Sea region than the global average, continue to increase.⁵

However the outcomes of HOLAS 3 nevertheless indicate that progress is be-



The biodiversity in the Baltic Sea is in danger.

PHOTO: JUKKA RAPO/BALTIC SEA ACTION GROUP



Signs of eutrophication in the Baltic sea.

ing made on some fronts. Moreover, the State of the Baltic Sea report also clearly shows that regional measures do work, provided they are duly implemented. HELCOM's vision is "a healthy Baltic Sea environment with diverse biological components functioning in balance, resulting in a good ecological status and supporting a wide range of sustainable economic and social activities."⁶ While it would be unrealistic, or even disingenuous, not to concede that there is a long way to go before that vision can be realized, HELCOM and its Contracting Parties have the means at their disposal to do so. The brand-new HOLAS 3 provides an unprecedented amount of ecosystem knowledge and establishes a baseline against which future progress can be assessed.⁷ And a clear roadmap towards achieving much-needed progress, listing the measures needed, has been drafted: HELCOM's 2021 Baltic Sea Action Plan (2021 BSAP).⁸

HELCOM's Strategic program of action

The 2021 BSAP is HELCOM's strategic program of action. It is an update of the original HELCOM Baltic Sea Action Plan, adopted in 2007, which was aimed at achieving good environmental status (GES) for the Baltic Sea by 2021⁹ – which, clearly, did not happen. Nonetheless, the 2007 BSAP did yield significant results and some headway on the road to GES

was made. Consequently, the Contracting Parties decided to build on that foundation and update the original plan instead of reinventing the wheel. The resultant 2021 BSAP was adopted at the Lübeck Ministerial Meeting in October 2021. It maintains the same level of ambition as its predecessor and retains all Actions contained in the 2007 plan that remain to be implemented, while including new Actions intended to better address issues previously insufficiently covered, as well as dealing with emerging challenges. The elaboration of the 2021 BSAP was informed by a sufficiency of measures (SOM) analysis critically reviewing the Actions agreed on – a pioneering exercise that has not yet been duplicated elsewhere. The SOM analysis also yielded a report outlining its results.¹⁰

The 2021 BSAP comprises 199 individual Actions, contained in four thematic

“THE PLAN IS BASED ON THE CONCEPT OF ECOSYSTEM-BASED MANAGEMENT AND THE PRINCIPLES OF ADAPTIVE MANAGEMENT.”

segments on biodiversity, hazardous substances and litter, eutrophication, and sea-based activities, as well as a horizontal topics segment covering overarching issues ranging from climate change to monitoring to financing or Maritime spatial Planning (MSP) – to name but four. The thematic segments are centered around specific goals. They are aimed at achieving a Baltic Sea ecosystem that is healthy and resilient, unaffected by eutrophication, hazardous substances and litter and where sea-based activities are carried out sustainably. All Actions have individual target years for their implementation. Some have already been implemented and the last ones will need to be realized by 2030, a target year chosen to coincide with that of the Sustainable Development Goals of the United Nations (UN SDGs). The Plan is based on the concept of ecosystem-based management and the principles of adaptive management.¹¹ It is, therefore, to a certain extent a work in progress.

Cooperation with other regional organizations and the EU

HELCOM recognizes and seeks to leverage the potential mutual benefits of cooperation with other relevant regional organizations, networks and frameworks of cooperation such as the Baltic Sea Parliamentary Conference (BSPC), the



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Eutrophication increases the growth of blue-green algae.



HELCOM published its third holistic assessment of the Baltic Sea, called HOLAS, in October 2023. The assessment examines the state of the ecosystem health of the Baltic Sea between 2016–2021.

Council of the Baltic Sea States (CBSS), the Union of the Baltic Cities (UBC) Vision and Strategies Around the Baltic Sea (VASAB) and others. Such a cooperative regional approach is called for in paragraph 8 of the Preamble of the 1992 Helsinki Convention itself and has characterized HELCOM work and policies for decades. It has also been explicitly highlighted as one of the principles on which the implementation of the 2021 BSAP is to be based. In Paragraph 21 of the Preamble to the Plan, the Contracting Parties to HELCOM stress the need for strong regional and cross-sectoral cooperation. A particularly close and synergetic relationship exists between HELCOM and the European Union (EU). In fact, one of the hallmarks and essential aspects of HELCOM's work is its close alignment with that of the EU. There are several reasons for this and the interlinkages between HELCOM and the EU are reflected in various ways. On the one hand, the EU itself is a Contracting Party to HELCOM and, on the other, for those Contracting Parties to HELCOM that are also Member States of the EU – eight out of nine states parties to HELCOM²² – the organization also serves as an implementing platform for their commitments under EU legislation and policies, such as the Marine Strategy Framework Directive (MSFD),²³ various other relevant Directives, the European Green Deal,²⁴ the EU Biodiversity Strategy for 2030 (which is

itself a part of the European Green Deal),²⁵ the European Action Plan: protecting and restoring marine ecosystems and resilient fisheries (which contributes to implementing the Biodiversity Strategy)²⁶ and the EU Mission “Restore our Ocean and Waters.”²⁷ Moreover, HELCOM is also an active contributor to the European Union Strategy for the Baltic Sea Region (EUSBSR). Furthermore, much of the work carried out by HELCOM is enabled by EU funding, or, to phrase it more bluntly, HELCOM would be hard-pressed to achieve its ambitious goals without the support of the EU and its various funding instruments.

EU legislation

The Marine Strategy Framework Directive (MSFD)²⁸ is one of the EU's primary instruments for marine environmental protection and is embedded in a holistic and comprehensive framework of EU leg-

“ONE OF THE HALLMARKS AND ESSENTIAL ASPECTS OF HELCOM'S WORK IS ITS CLOSE ALIGNMENT WITH THAT OF THE EU.”

islation and policies. Adopted in 2008, it is aimed at achieving GES in the marine environment, originally setting 2020 as the target year for this objective.²⁹ Pursuant to Article 1, paragraph 3 of the Directive, EU Member States are to apply an ecosystem-based approach to the management of human activities. The MSFD builds on a wide range of existing EU legal acts and policies, such as the Birds and Habitats Directives, the Maritime Spatial Planning Directive, the Strategic Environmental Assessment and Environmental Impact Assessment Directives, the Water Framework and Urban Waste Water Treatment Directives and the Common Fisheries Policy (CFP). It also contributes to achieving the objectives of the EU Biodiversity Strategy for 2030, the Zero Pollution Action Plan and the European Green Deal.²⁰

WHILE GES HAS thus far proven elusive across European seas, the objective has by no means been abandoned and HELCOM plays a key role in the EU's efforts to achieve it for the Baltic Sea. Pursuant to Article 5 (1) MSFD, Member States are obliged to develop marine strategies for their marine waters and according to Article 5 (2) MSFD:

Member States sharing a marine region or subregion shall cooperate to ensure that, within each marine region or subregion, the

measures required to achieve the objectives of this Directive [...] are coherent and coordinated across the marine region or subregion concerned [...].

This implies, among other things, that Member States need to establish environmental targets and related sets of indicators, and they are obliged to ensure that those targets and indicators are mutually compatible and take into account existing targets laid down at the national, community or international levels, and that relevant transboundary impacts and features are also taken into consideration (cf. Article 10 (1)). Monitoring programs also need to be set up and they too have to be compatible within marine regions and subregions (cf. Article 11 (2)). To ensure this regional coherence, Article 8 MSFD stipulates that EU Member States shall make use of the existing structures of regional cooperation, notably those provided by the relevant Regional Sea Conventions. With regard to the Baltic Sea, this means HELCOM. And the organization has embraced this role.

HELCOM'S 2010 Moscow Ministerial Declaration establishes “for those HELCOM Contracting States being also EU Member States, the role of HELCOM as the coordinating platform for the regional implementation of the EU Marine Strategy Framework Directive (EU MSFD) in the Baltic Sea, including striving for harmonized national marine strategies for achieving good environmental status according to the HELCOM Baltic Sea Action Plan and the EU MSFD.”²¹ The Declaration also establishes common principles on which that work should be based.²² The role of HELCOM as an implementing platform for relevant EU legislation and policies has, moreover, been consistently emphasized in other key HELCOM policy documents, such as the 2013 Copenhagen Ministerial Declaration,²³ the Ministerial Statement of the 2021 Ministerial Meeting of HELCOM, held in Lübeck, Germany, in October of that year and paragraph 25 of the Preamble to the 2021 BSAP.

In practice, this close alignment is reflected in multiple ways in HELCOM's

structures and policies. As per its Terms of Reference, the HELCOM Working Group for the Implementation of the Ecosystem Approach (HELCOM WG GEAR), established in 2012, is to “act as the responsible body for the regional coordination for the implementation of the MSFD for those Contracting Parties that are also Member States of the EU.”²⁴ Moreover, there is a high degree of consistency between the goals and objectives set out in the MSFD and the BSAP. The second HELCOM Holistic Assessment Report stresses that the (2007) BSAP and the MSFD pursue similar goals and objectives, enabling the use of the same indicators and tools in assessing progress towards their stated aims.²⁵ This convergence is also reflected in the HELCOM Indicator Manual, which underscores that HELCOM indicators enable the Contracting Parties of the Helsinki Convention that are also EU Member States to directly address relevant Marine Strategy Framework Initiative (MSFI) descriptors and criteria.²⁶ This favorable constellation has been aptly summed up as follows:

[...] the overall institutional ambiguity with regard to the implementation of the MSFI in the Baltic Sea can be considered to be low, as the BSAP and the MSFI are almost fully in line with each other and the institutional structure within the Helsinki Convention is not brought to question, nor substantially changed. This is related to the fact that the Helsinki Convention has been proactive in

“THE EUSBSR SPECIFICALLY PURSUES THREE MAIN OBJECTIVES: SAVING THE SEA, CONNECTING THE REGION AND INCREASING PROSPERITY.”

dealing with the MSFI, adopting the BSAP even before the MSFI was finalised.²⁷

This assessment, which dates back to 2012 and refers to the original 2007 BSAP, remains valid today.

The European Union Strategy for the Baltic Sea Region

The European Union Strategy for the Baltic Sea Region (EUSBSR) also benefits from close cooperation with HELCOM. Adopted in 2009, it is the first of the currently four macro-regional strategies in Europe²⁸. The EU defines macro-regional strategies as “an integrated framework endorsed by the European Council, which may be supported by the European Structural and Investment Funds among others, to address common challenges faced by a defined geographical area relating to Member States and third countries located in the same geographical area which thereby benefit from strengthened cooperation contributing to achievement of economic, social and territorial cohesion.”²⁹ The EUSBSR specifically pursues three main objectives: saving the sea, connecting the region and increasing prosperity.

As laid down in the updated EUSBSR Action Plan adopted by the European Commission on February 15, 2021,³⁰ the Strategy is implemented through 14 Policy Areas (PAs) covering 44 Actions, with climate change and cooperation with the neighbouring non-EU countries mainstreamed as horizontal elements across all PAs. One of these is PA Spatial Planning, the overall goal of which is “to increase territorial cohesion in the Baltic Sea region,” with a view to ensuring that “in 2030, the Region will be a better-integrated and more coherent macro region.” To achieve this, the PA focuses on encouraging the use of maritime and land-based spatial planning in all EU Member States around the Baltic Sea and developing a common approach for cross-border cooperation and the Action Plan explicitly mentions HELCOM as one of the related regional policy frameworks.³¹ This PA is co-ordinated by HELCOM and VASAB

and its Steering Group meets in two formats: the Committee on Spatial Planning and Development of the Baltic Sea Region (VASAB CSPD/BSR) for land-based issues and the joint HELCOM-VASAB MSP Working Group for Maritime Spatial Planning (MSP)-related topics. The Group was established by HELCOM's 2010 Moscow Ministerial Meeting,³² and its mandate was extended to 2030 by the 60th Meeting of the HELCOM Heads of Delegation (HELCOM HOD 60-2021)³³ and the 85th Meeting of the VASAB Committee on Spatial Planning and Development of the Baltic Sea Region (VASAB CSPD/BSR³⁴ in 2021.

“Our Baltic” Conferences

The recent “Our Baltic” process also needs to be mentioned in this context. Launched upon the initiative of the European Commissioner for the Environment, Oceans and Fisheries, Virginijus Sinkevičius, it brings together the ministers for agriculture, fisheries, and the environment of the eight EU Member States around the Baltic Sea. At the first “Our Baltic” Conference, held on September 28, 2020, the ministers adopted the “Our Baltic” Declaration containing 25 commitments.³⁵ An Annex to the Declaration lists 20 “specific actions,” (also referred to by the European Commission as “voluntary measures”), aimed at addressing the main pressures affecting the Baltic Sea.³⁶ Specifically, the Declaration is divided into six segments entitled “Implementing the Marine Strategy Framework Directive and supporting the Biodiversity Strategy to reduce pressures and protect the marine environment,” “Fighting against anthropogenic eutrophication, notably through a sustainable agriculture,” “Reducing pollution and contaminants of emerging concern,” “Securing sustainable fisheries and aquaculture to improve the biodiversity to avoid degradation of the marine environment and secure food supplies,” “Securing adequate funding and promoting a sustainable blue economy” and “Monitoring our commitments.” The similarity to and congruity with the five segments of the 2021 BSAP is evident. Not surprisingly, therefore, of the 45 commitments or actions, only four are not applicable to and therefore not being implemented in

any way through HELCOM. These relate to the assessment of possible short-term challenges for specific sectors or local communities and support for sectoral adaptation,³⁷ the designation of Nitrates Vulnerable Zones under the Nitrates Directive and the revision of measures in Action Programmes of the Directive,³⁸ implementation of the EU's Common Agricultural Policy³⁹ and the effective control of the engine power of fishing vessels.⁴⁰ Clearly, all of these activities are beyond the mandate of HELCOM.

THE SECOND “Our Baltic” conference, held in Palanga, Lithuania on September 29th, 2023, took stock of the state of implementation of the existing commitments and adopted further commitments specifically related to the issue of unexploded ordnance (UXO) in the Baltic Sea.⁴¹ While submerged munitions are not at the forefront of HELCOM activities, the risk they pose is substantial and the organization has been addressing it for many decades, starting in 1993 with the establishment of the HELCOM Working Group on Dumped Chemical Munitions (HELCOM CHEMU), tasked with preparing a report on the locations and potential impacts of submerged chemical weapons on the marine environment. That report was updated in 2013 by the ad hoc Expert Group to Update and Review the Existing Information on Dumped Chemical Munitions in the Baltic Sea (HELCOM MUNI) and the 2013 report was used as a background document for the 2013 HELCOM Ministerial Meeting.⁴² Since 2016, this issue falls under the remit of the HELCOM Expert Group on environmental risks of hazardous submerged objects (HELCOM

“EU FUNDING INSTRUMENTS ACCOUNT FOR MUCH OF THE FINANCIAL UNDERPINNINGS OF HELCOM WORK.”

SUBMERGED), which has compiled information about dumped munitions and works towards assessing the related risks. It recently finalized a Thematic Assessment on Hazardous Submerged Objects, which also covers UXO.⁴³ One of the two Actions the 2021 BSAP specifically devotes to the topic of submerged munitions (Action S35) refers to this assessment, which is to be maintained as a living document, with the related information in the HELCOM Map and Data Service to be regularly updated as of 2024. Action S34, for its part, provides for the development of Best Environmental Practice (BEP) for comprehensive risk assessment of munitions by 2025 and the implementation of Best Available Techniques (BAT) for their environmentally sound and safe management by 2028. Consequently, the Commitments adopted at the 2023 “Our Baltic Conference” repeatedly reference the work already done by HELCOM in this domain and also contain a commitment to “working towards a comprehensive mapping of submerged munitions and appropriate related risk assessments, in line with the best environmental practices and principles to be developed under the HELCOM BSAP.”⁴⁴

EU and HELCOM: funding and cooperation

Finally, there is another, crucial facet of HELCOM-EU cooperation, the importance of which can hardly be overestimated: EU funding for the implementation of HELCOM policies. EU funding instruments account for much of the financial underpinnings of HELCOM work. At the time of writing, HELCOM is involved in six projects under Horizon Europe,⁴⁵ four Interreg⁴⁶ projects, two projects funded by the European Maritime, Fisheries and Aquaculture Fund (EMFAF)⁴⁷ and one receiving funding from the Connecting Europe Facility (CEF).⁴⁸ The variety of funding instruments testifies to the broad range of issues addressed by HELCOM.⁴⁹ Seven of these projects relate directly to one or more European policy initiatives or legislative acts. Two of them, Protect Baltic and Baltic Data Flows, are coordinated by HELCOM. Protect Baltic “represents a strategic approach to ensuring

sufficient protection and restoration in the marine environment to secure biodiversity, maintain ecosystem function, produce ecosystem services, and enable sustainable use.⁵⁰ As such, it contributes to implementing the 2021 BSAP, while also being aligned with the EU Biodiversity Strategy and the EU Mission “Restore our Ocean and Waters,” to the Charter of which HELCOM recently decided to adhere.⁵¹ The Baltic Data Flows project, for its part, reflects the need for reliable data as a basis for informed action to protect the Baltic Sea and “seeks to enhance the sharing and harmonization of data on marine environment originating from existing sea monitoring programmes, and to move towards service-based data sharing.”⁵²

TIME Magazine recently described the oceans as the most important place on earth.⁵³ Regrettably, 50 years after the establishment of HELCOM there is no denying that the Baltic corner of that place still needs some serious tidying up. In that regard, much has already been achieved but much also remains to be done. Major efforts and transformative change across all relevant sectors will be required to give the Baltic Sea a new lease on life. With its 2021 BSAP, HELCOM is well-placed to rise to the challenge. Over the decades, cooperation between HELCOM and the EU, inspired by our common vision of a Baltic Sea in good environmental status, as well as between HELCOM and other relevant regional organizations, has been instrumental in working to realize that vision. Continued alignment and cooperation will be key as HELCOM continues to work towards a Baltic Sea at its best. ❌

Rüdiger Stempel is the Executive Secretary of HELCOM.

Note: The views expressed in this article are those of the author and do not necessarily reflect those of the Helsinki Commission or the Contracting Parties to the Helsinki Convention.

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- Cf. HELCOM, “State of the Baltic Sea – Second HELCOM holistic assessment 2011–2016”, *Baltic Sea Environment Proceedings* no. 155 (2018):, 24. An overview of indicators used in chapter 4 of the report and their relation to the segments of the Baltic Sea Action Plan and the descriptors of the MSFD can be found in table B.1.3.1. of the report

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- 37 Commitment no. 24, paragraph 32 of the Declaration
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- 45 Horizon Europe is the current research and innovation funding program, cf. European Commission website, accessed February 14, 2024. Available at: https://research-and-innovation.ec.europa.eu/funding/funding-opportunities/funding-programmes-and-open-calls/horizon-europe_en
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- 47 Cf. website of the European Commission, accessed February 14, 2024. Available at: https://oceans-and-fisheries.ec.europa.eu/funding/emfaf_en
- 48 The Connect Europe Facility is an EU funding instrument aimed at promoting growth, jobs and competitiveness through infrastructure investment at the European level, cf. website of the European Commission accessed February 14, 2024. Available at: https://cinea.ec.europa.eu/programmes/connecting-europe-facility_en
- 49 For an overview of all HELCOM projects, cf. HELCOM website, accessed February 14, 2024. Available at: <https://helcom.fi/helcom-at-work/projects/baltic-data-flows/>
- 50 Cf. HELCOM website, accessed February 14, 2024. Available at: <https://helcom.fi/helcom-at-work/projects/protect-baltic/>
- 51 Cf. Memo of the Fourth Informal Consultation Session of the Heads of Delegation (IC HOD 4-2023), paragraph 6.2
- 52 Cf. HELCOM website, accessed February 14, 2024. Available at: <https://helcom.fi/helcom-at-work/projects/baltic-data-flows/>
- 53 *TIME Magazine*, September 4, 2023