HELCOM RECOMMENDATION 12/3

Adopted 20 February 1991,
having regard to Article 13, Paragraph b)
of the Helsinki Convention

DEFINITION OF BEST AVAILABLE TECHNOLOGY

THE COMMISSION,

RECALLING Paragraph 1 of Article 6 of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1974 (Helsinki Convention), in which the Contracting Parties undertake to take all appropriate measures to control and minimize land-based pollution of the marine environment of the Baltic Sea Area,

RECALLING ALSO Paragraph 2 of Article 2 of the Helsinki Convention, in which the "land-based pollution" is defined as pollution of the sea caused by discharges from land reaching the sea waterborne, airborne or directly from the coast,

RECALLING FURTHER Paragraphs 3 and 4 of Annex III to the Helsinki Convention, in which the Contracting Parties agree to minimize the polluting load of industrial wastes in an appropriate way, and in particular by processing techniques, re-circulation and re-use of processing water, developing of water economy and improvement of qualification for water treatment,

HAVING REGARD to the Ministerial Declaration of 1988 and to the Baltic Sea Declaration of 1990, calling, inter alia, for a substantive reduction of the load of pollutants most harmful to the ecosystem of the Baltic Sea,

HAVING ALSO REGARD to the fact that reference is made in various Helsinki Commission Recommendations to the use of best available technology,

BEING AWARE that from environmental point of view, the reduction of discharges, resulting from the use of "best available technology", as defined in this Recommendation, does not necessarily lead to environmentally acceptable results,

BEING FURTHER AWARE that what is "best available technology" for a particular process will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding,

RECOGNIZING FURTHER, according to the Paragraph 2 of Article 3 of the Helsinki Convention, that application of the best available technology should not result in any increase in pollution in other sea areas or in other parts of the environment or any increased risk to the human health or living resources in countries where the environmental regulations are less stringent,

RECOMMENDS that the Governments of the Contracting Parties to the Helsinki Convention agree that:

the term "best available technology" is taken to mean the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges. In determining whether a set of processes, facilities and
methods of operation constitute the best available technology in general or individual cases, special consideration should be given to:

- comparable processes, facilities or methods of operation which have been recently successfully tried out;

- technological advances and changes in scientific knowledge and understanding;

- the economic feasibility of such technology;

- time limits for application;

- the nature and volume of the effluents concerned;

- the precautionary principle, i.e. action should be taken when there is reason to assume that certain damage or harmful effects on the living resources of the sea are likely to be caused by discharged substances, even where there is no scientific evidence to prove a causal link between discharges and effects caused by substances, e.g. those considered to be harmful due to their toxicity, persistency and liability to bioaccumulate,

RECOMMENDS FURTHER that:

- if the reduction of emissions resulting from the use of best available technology does not lead to environmentally acceptable results, additional measures be applied;

- in order to attain the objectives, the intensified exchange of information and knowledge regarding best available technology be promoted;

- the definition of best available technology be reviewed, when appropriate.