

Audit of Implementation of Provisions of the Convention on the Protection of the Marine Environment of the Baltic Sea Area —The Helsinki Convention (Denmark)

Theme: Environmental Auditing: Facing the Challenges

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Pollution from ships in the Baltic Sea

Co-ordinated/Parallel Audit conducted by The National Audit Office of Denmark, The State Audit Office of Estonia, The State Audit Office of Finland, The German Federal Court of Audit, the State Audit Office of Latvia, the State Control of the Republic of Lithuania, the Supreme Chamber of Control of Poland and the Accounts Chamber of the Russian Federation

I. Introduction

In 2004 the Supreme Audit Institutions in Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Russia conducted a parallel audit on preparedness to combat pollution from ships in the Baltic Sea. The audit was performed as a performance and compliance audit of the implementation of the articles concerning pollution from ships in the Convention on the Protection of the Marine Environment of the Baltic Sea Area (the Helsinki Convention), including relevant annexes and recommendations. The relevant articles in the Helsinki Convention are:

- Article 8 – Prevention of pollution from ships (including annex IV and the HELCOM Copenhagen Declaration)
- Article 13 – Notification and consultation on pollution incidents
- Article 14 – Cooperation in combating marine pollution (including annex VII)
- Article 16 – Reporting and exchange of information.

The objectives of the audit were to assess whether the national authorities in the respective countries comply with the provisions of these articles, including relevant annexes and recommendations.

The audit was planned and conducted as a parallel audit. A parallel audit means that the participating audit institutions audit the same objectives in their respective countries and together identify relevant audit criteria and audit methods. However, it is up to the individual Supreme Audit Institution to decide how to conduct the audit and which audit criteria and audit methods to use in the audit. The Supreme Audit Institutions have prepared national audit reports and have on the basis of summaries of these national audit reports, identified comparative data and some cases to be presented in a Joint Final Report.

The National Audit Office of Denmark has been co-ordinator of the parallel audit, but data from the individual countries have been provided and validated by the participating Supreme Audit Institutions. The parallel audit covers the period 2000-2003.

The national audit reports have been forwarded to the national authorities and to the parliaments and the Joint Final Report has been forwarded for information to the Helsinki Convention Commission and to the national authorities. The Joint Final Report was presented at a Press Conference in Warsaw in May 2005.

In 2000, the Supreme Audit Institutions of Denmark, Estonia, Finland, Latvia, Lithuania, Poland, Russia and Sweden conducted a parallel audit of implementation of article 6 of the Helsinki Convention concerning pollution from land-based sources. Thus, this parallel audit concerning pollution from ships is the second parallel audit on implementation of the provisions of the Helsinki Convention.

The international co-operation in environmental audit in Europe has been promoted by EUROSAI's Working Group on Environmental Auditing chaired by the Supreme Audit Institution of Poland. The Joint Final Report is available on the web-page of the EUROSAI Working Group on Environmental Auditing: http://www.nik.gov.pl/grupa_eurosai/str0_an.html.

The reasons for undertaking this parallel audit were the increasing volume of oil and other goods transported through the Baltic Sea and the estimated high risk of marine pollution by hazardous substances from ship accidents or from emissions. There is a heightened risk of pollution from heavy oils as the shipping of crude oil in the Baltic Sea is increasing dramatically. The general growth of traffic implies a significant risk of collisions involving tankers. Therefore, government measures for preventing pollution from ships, detecting marine pollution incidents and eliminating their consequences should be effective. Good environmental protection depends on thorough coordination of preventive, contingency and combating measures, and requires fast and effective action of the responsible national authorities and international co-operation.

Since pollution at sea could affect all the countries at the Baltic Sea, the rules for common protection of the sea are laid down in the Helsinki Convention. One of the fundamental principles of the Helsinki Convention is that the states shall individually or jointly take all appropriate legislative, administrative or other relevant measures to prevent and eliminate pollution in order to promote the ecological restoration of the Baltic Sea.

According to the Helsinki Convention, the states are required to prevent pollution from ships and respond to pollution incidents threatening the marine environment of the Baltic Sea. The ability to respond should include adequate equipment and manpower prepared for operations in coastal waters as well as on the high sea.

International cooperation in the marine environmental area is well developed and anchored in several sets of agreements on a bilateral and multilateral basis. As a main rule, the Helsinki Convention corresponds to regulations issued by the International Maritime Organisation (IMO), although the Helsinki Convention often sets more strict requirements in recommendations.

The main objective of the Helsinki Convention is protection of the Baltic Sea against pollution and comprises all states bordering the Baltic Sea. The Helsinki Convention was drawn up in 1974 and revised in 1992. All countries around the Baltic Sea have acceded to the Helsinki Convention.

The Helsinki Convention consists of 38 articles and 7 annexes. In addition, the states have agreed on more than 100 recommendations functioning as guidelines to the Helsinki Convention. The objectives of the Helsinki Convention are pursued on the basis of jointly made decisions and agreements, joint declarations, recommendations and broad co-operation in the area of environmental protection. To become legally valid, the recommendations have to be implemented by the contracting states in national legislation. This leaves room for the contracting states in what ways they incorporate recommendations into their respective national laws. Therefore uniform and binding provisions covering several nations are an exception. The HELCOM (the Baltic Marine Environmental Protection Commission) has no legal means of enforcing the implementation of its recommendations vis-à-vis the contracting states.

Every 3 to 5 years, the HELCOM conducts an assessment of implementation of the provisions of the Helsinki Convention by the states. However, this is in reality a self-assessment carried out by the national authorities in the individual states.

At the national level, responsibility for the marine environment of the Baltic Sea often is divided between local authorities, regional authorities and central and/or federal government. Therefore, the protection of the Baltic Sea marine environment involves many authorities and it is an important task to clearly define the individual authorities' tasks and responsibilities.

The 8 Supreme Audit Institutions participating in this parallel audit agreed on and signed a Common Position on Cooperation/ Terms of Reference including the scope of the audit, audit objectives, audit criteria, audit method, products of the audit and a time table.

The common position on cooperation/ terms of reference was prepared on the basis of the INTOSAI booklet on how SAIs may cooperate on the audit of international environmental accords, INTOSAI booklet on the audit of international environmental accords and INTOSAI guidance on conducting audits of activities with an environmental perspective.

II. Audit results

Some of the main general comparative audit results are listed in the following bullet points:

- The Supreme Audit Institutions taking part in this parallel audit recognize that the countries in general have taken necessary measures to implement the provisions of the Helsinki Convention. However, there is still some need for improvements in all countries.
- The success of combating pollution depends on the short term readiness of combating ships, manpower and equipment. Therefore, the Helsinki Convention requires a first-response capacity (recommendation 11/13). However, recommendation 11/13 is only partly implemented in the 8 countries and in general, the national authorities have not sufficiently planned, supervised and controlled the implementation of these provisions. It is uncertain whether the equipment and contingency plans will work in reality.

- There is an urgent need for comprehensive and realistic risk assessments because of the dramatic increase in oil shipping in the Baltic Sea.
- In general, there is a need for more co-operation, exchange of information on research and sharing of good practice.
- In the light of growing transportation of oil, it is very important that the countries around the Baltic Sea strengthen their cooperation on reducing the risks of oil pollution.

III. Lessons learned

If it is important and make sense to focus on comparative data, it will be relevant and appropriate to prepare a joint audit report. A joint report should only be prepared if the comparative data is validated and of high quality and indicate best practice or lessons learned.

Otherwise, it could still be relevant to have an international expert group to focus and facilitate the audit as a sparring partner. Together the participating Supreme Audit Institutions can agree on the scope of the audit, audit objectives, and develop audit criteria and measurements for some audit criteria, e.g. common questionnaires. On this basis the Supreme Audit Institutions prepare national audit reports and meet to discuss common problems and possibilities. However, the target will then not necessarily be to prepare a joint final report.

It is important to formulate and agree on the audit framework in an overall audit plan which includes audit scope, audit objectives, audit criteria, comparative data, audit methodologies, timetable, report format, report target-group, and publication of the joint final report.

It is important to develop precise definitions of the comparative data and some tables/matrix of these comparative data.

Include a reasonable timetable based on prior experiences in the audit field and extra slope for unforeseen events and delays.

It can be an advantage to arrange a workshop for the auditors to present and discuss the audit objectives, audit criteria, audit methodologies and the comparative data to make sure there are no misunderstandings.

It is often a problem that the different Supreme Audit Institutions do not have a common scale of critics. This could make it difficult and problematic to prepare a joint final report and to make transnational comparisons. If possible, create a standard scale of critics which is well defined to prevent different weighting of equal problems.

A joint final report will often be based on summaries of the national audit reports. These summaries of the national reports should be prepared on the same level of content and include the comparative data. Otherwise, it could be difficult to compare audit findings in the different summaries.

Finally, the writers of the joint final audit report can ask all the participating Supreme Audit Institutions to accept the joint final report based on their summaries and comparative data. It is

necessary to have all the data validated in the different countries. It will be appropriate to arrange a final meeting with all the participating Supreme Audit Institutions in order to formulate and agree on the conclusions and recommendations. The signing of the joint final report can eventually be done electronic by e-mail.