

Authority services

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Response to Poland's letter to Finland regarding consultation in accordance with Articles 4 and 5 of the Espoo Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) regarding the plans for the offshore wind farm project "Baltica-1" in Poland's exclusive economic zone in the Baltic Sea

The Finnish Environment Institute hereby acknowledges that Finland has received the consultation letter from Poland, dated on 31 October 2024, pertaining to Articles 4 and 5 of the Espoo Convention on Environmental Impact Assessment in a Transboundary Context, specifically concerning the Baltica-1 project.

The Baltica-1 project's Environmental Impact Assessment (EIA) process was initiated when Poland notified Finland on 11 October 2023, in accordance with Article 3 of the Espoo Convention. A public consultation on the project's EIA programme was conducted in Finland from 30 October to 17 November 2023. On 4 December 2023, as a response to the notification the Finnish Environment Institute replied in accordance with Article 3(3) of the Espoo Convention that Finland intends to participate in the EIA procedure of the planned Baltica-1 project.

Consultation in Finland

According to the Finnish Act on Environmental Impact Assessment Procedure (252/2017), the Finnish Environment Institute is the competent authority and responsible for consultation tasks under the Espoo Convention. In its letters on 31 October 2024 Poland invited Finland to provide comments concerning the assessment of the environmental impacts of the Baltica-1 project affecting Finland, submit any comments received from the public and the authorities in Finland and inform Poland if there is a need to conduct intergovernmental consultations in the form of an expert meeting.

In Finland, the public and authorities were given the opportunity to comment on the consultation documents from 13 November to 27 December 2024. The consultation documents were available, and statements were asked on the website of Finland's



environmental administration and on the website of electronic public consultation. Statements were also asked from relevant stakeholders. The Finnish Environment Institute received eight (8) statements.

The Finnish Environment Institute has prepared a summary of the original statements in English below. However, the original statements in Finnish or Swedish which are enclosed to this letter, include important and detailed remarks which need to be taken into consideration in its entirety.

Statements received in Finland

Centre for Economic Development, Transport, and the Environment of Southwest Finland - Fisheries Authority

The reports and studies submitted to Finland were mostly of high quality and comprehensive in terms of the information provided. Unfortunately, some of the information previously requested by the fisheries authority was incomplete, or the studies were not carried out or conclusions were not substantiated.

The following issues have not been clarified or reports have not been sent to Finland:

1. The survey of fishing activities seems to have considered only Polish vessels, although international waters are affected. The survey period is also too short to survey cod (*Gadus morhua*) stocks, as cod stocks have collapsed before the survey period.
2. The impact of a possible fishing ban in the project area on fisheries has not been assessed.
3. Impacts on fishing across borders have been reported to be negligible, but no arguments have been put forward and apparently the necessary data have not been obtained or analysed. We also consider that the impacts in the Polish EEZ on fish caught elsewhere and on fishing by foreign vessels are also transboundary impacts.

Based on the material submitted, the Fishing Authority of Centre for Economic Development, Transport, and the Environment of Southwest Finland estimates that the impacts on cod are potentially significant for Finland. Finland has a cod quota and fishing rights in EU waters of the Baltic Sea which are not exploited due to the poor state of cod stocks. ICES statistical grids close to the project area have been in the 2000s key cod fishing areas of Finland. Cod also has great ecological and economical potential in Finnish waters. Cod stocks have declined in the southern Baltic Sea and a significant part of the potential spawning grounds are located close to the project area. The cod stock and cod fishery in the Baltic Sea are entirely dependent on the spawning grounds in the southern Baltic Sea, including Polish waters. When the stock is weak, even small environmental impacts can damage it. Of particular concern is the impact of construction activities on the cod mortality and the ecological traps created by artificial reefs if fishing is allowed in the project area. We ask the competent licensing authority to safeguard the life cycle of cod by the following measures:

- a) the use of all possible noise mitigation measures during construction and, if necessary, a ban on piling during the most critical spawning period. This should also consider the potential spawning areas in the Stolpe/Ślupsk canal, which have better oxygen conditions.



- b) preventing the drift of sediment clouds, e.g. by using bubble curtains or other techniques,
- c) limiting the noise impact of this and other project construction so that the same spawning area is not affected by noise in successive years. Cod is a long-lived species whose population is not threatened by the loss of one- or two-year classes, but several consecutive years of mortality can be fatal.
- d) by limiting cod fishing in the project area if it is likely that reef will attract cod to the area, exposing them to more intensive fishing.
- e) monitoring of fish stocks and fisheries in the project area.

Centre for Economic Development, Transport, and the Environment of Southwest Finland – Environment and Natural Resources Authority

In its previous opinion on participation in the EIA procedure and the EIA programme, the Centre for Economic Development, Transport, and the Environment (ELY Centre) of Southwest Finland has pointed out that the planned project emphasises cumulative effects with other offshore wind projects and that the impact assessment should pay attention to adequate impact assessment and best possible methods. The potential transboundary impacts have been identified as impacts on birds. There is a recognised need for monitoring of migratory birds, assessment of the impact of submarine cables on marine habitat types and benthic fauna, mitigation measures and compensation.

The ELY Centre of Southwest Finland considers that the impact on birds have been sufficiently assessed and comes to the same conclusion as the assessment of the impact on birds. The construction of the submarine cables may affect marine habitats and benthic fauna and thus also birds. However, the assessment of the impacts of the installation of submarine cables has not been carried out with the recommended level of detail or the description of the impacts, in particular on marine habitats, is unclear. For example, in comparison with the assessment of the impact on birds, the presence of different types of marine habitats and benthic communities in the project area has not been highlighted and the impact is generally considered to be negligible. This impact assessment will need to be further refined in subsequent phases.

The project's plan for impact monitoring is comprehensive and good, and impact monitoring is generally important, especially for large-scale offshore wind farm projects. Ecological compensation for adverse impacts, i.e. compensation for damage to nature in projects, is currently voluntary. However, ecological compensation could slow down the loss of nature, so it is suggested that the project should continue to explore its potential, for example in further phases.

The most likely impacts of the project on Finnish nature are on birds and fish and, to a lesser extent, marine mammals. For birds, the impacts will mainly be on masses migrating through the project area. The impacts have been comprehensively addressed and the different impact mechanisms have been well identified. The impact assessment is adequate and allows the most significant impacts to be appropriately excluded. The results of the assessment also take good account of the combined effects on birds. They highlight the Baltic Sea-wide impacts on species such as cranes (*Grus grus*) and Velvet Scoter (*Melanitta fusca*), underlining the importance of assessing the interactions on a large scale. However, the impacts are not significant for Finnish bird populations.



For marine mammals, the impacts are also well identified. For Finland, the most important point of view is the impacts on seals, which are estimated to be relatively minor and therefore unlikely to be significant for Finland.

The mitigation measures presented appear to be good and appropriately comprehensive. Even though the significance of the impacts seems to be reasonably low, it is a good to try to mitigate the impacts as much as possible. The ELY Centre for Southwest Finland is in favour of implementing the mitigation measures and structures presented.

Finnish-Swedish Transboundary River Commission has provided its statement both in Swedish and Finnish.

Although the project area is located outside the geographical scope of the Finnish-Swedish Transboundary River Agreement (91/2010), the project may have an impact on the Thorne River through the impact on migratory fish. Salmon (*Salmo salar*) in the Torne River may even migrate to the southern Baltic Sea, possibly through the project area or over the submarine cables that lead the generated electricity to land. The Commission stresses that Sweden and Finland are the States of origin for the Torne River salmon within the meaning of Article 66 of the UN Convention on the Law of the Sea. Sweden and Finland have concluded the agreement Concerning Transboundary Rivers between themselves, in which they have agreed that the UN Convention on the Law of the Sea is one of the pillars of the agreement under international law. In the Transboundary River Agreement, it has been agreed that special attention shall be paid to the conservation and sustainable use of fish stocks (Art. 2.2.d). It has also been agreed that the Torne River salmon fry production should be maintained at the level of maximum sustainable yield. Article 8 of the Transboundary River Agreement stipulates that the Transboundary River Commission shall act as a cooperation body between the States. For the reasons set out above, the Transboundary River Commission is an interested party to state on measures that may affect the entire life cycle of the Torne River salmon.

The Commission stresses that transboundary effects cannot be ruled out, especially for migratory fish stocks. At the time of writing, there is still limited information on the potential impacts of offshore wind farm projects on migratory fish stocks. Given the large amount of offshore wind energy planned in the Baltic Sea and the Gulf of Bothnia, the Commission stresses the importance of acting in accordance with the precautionary principle. It is important to thoroughly investigate the potential combined and cumulative impacts on migratory fish stocks of all planned wind projects in the Baltic Sea region as a whole. The same threat applies to all salmon stocks in the Baltic Sea, which have declined alarmingly between 2023 and 2024.

Finnish Meteorological Institute

Regarding marine research, the Finnish Meteorological Institute considers the EIA report to be comprehensive but points out that in section 15 (or elsewhere in the report) no consideration has been given to the effects of the wind farm on monitoring in the Baltic Sea.

The Finnish Meteorological Institute recalls that measurements will be made in and near the area of the project with free-drifting ARGO profiling floats (<https://fleetmonitoring.euro-argo.eu/dashboard?Status=Active.Inactive&Basin=BALTIC%20SEA>) which may become difficult to operate during the construction of the park, affecting the monitoring of the state of the Baltic Sea. Finnish Meteorological Institute believes that the project developer, together with national actors (e.g. The Institute of Oceanology of the Polish Academy of Sciences),



should ensure that the monitoring of the Baltic Sea status is not compromised and consider e.g. the installation of an automatic measuring station in the project area.

As in the previous opinion (706/03.00.02/2024), the Finnish Meteorological Institute has no comments to make on the weather radar network, as the area is more than 20 km from the nearest weather radar.

The Government of Åland has no comment on the matter because of the long distance (more than 400 km).

Finnish Transport and Communications Agency Traficom has no comment on the matter.

Regional Council of Southwest Finland has no comment on the matter.

Conclusions

Finnish Environment Institute concludes that the report of the Baltica-1 project is done mostly well and adequately and the earlier comments on EIA programme are mostly considered. Finland emphasises that the given remarks concerning the EIA Report should be carefully taken into consideration for further planning and licencing of the Project. If the statements given by the Finnish authorities are considered in the future planning of the project, there is no need to arrange an intergovernmental expert meeting.

Head of Services

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Point of Contact to the Espoo Convention
and the Protocol on SEA

Hanne Rajanen

This document has been electronically signed. The electronic signatures can be verified from the register office of the Finnish Environment Institute.



Appendices Statements received in Finland in Finnish or Swedish

For information

Ministry for Foreign Affairs of Finland
Ministry of the Environment
Ministry of Transport and Communications
Centre for Economic Development, Transport and the Environment of Southwest of Finland
Centre for Economic Development, Transport and the Environment of Southwest of Finland, Fisheries Authority
Finnish Meteorological Institute (FMI)
Finnish-Swedish Transboundary River Commission
Finnish Transport and Communications Agency (Traficom)
Government of Åland
Regional Council of Southwest Finland

