

Ad-hoc Task Force on Elaboration of Procedures and Criteria
on Exclusion of the Barents Environmental “Hot Spots”

Final Report to the Ministers

*To be presented at the Meeting of the Ministers of Environment of
the Barents Euro-Arctic Region on February 17th, 2010, in Tromsø,
Norway*

Contents of Report

This paper is the Ad-hoc Task Force's report presenting its proposals on criteria and procedures for the exclusion of the Barents environmental "hot spots" from the List. It consists of the following sections:

1.	Executive summary and recommendations	3
2.	The assignment and work of the Ad-hoc Task Force	5
3.	The Barents Environmental "Hot Spots" List	5
4.	The development of criteria and procedures	7
5.	Proposal on criteria for exclusion of "hot spots"	9
6.	Proposal on procedures for exclusion of environmental "hot spots"	10
7.	Process & progress evaluation	16
8.	Cost coverage & financial considerations	16
9.	Information dissemination via the Barents "Hot Spots" Information System	17
10.	WGE "Hot Spot" intersessional organisation	17

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- Ms **Ingrid Berthinussen**/Ms **Anne-Grethe Kolstad**, Norway (Climate and Pollution Agency)
- Mr **Andrey S. Peshkov**, Russia (Minpriroda RF)
- Mr **Åke Mikaelsson**, Sweden (SEPA)

1. Executive summary and recommendations

The Barents environmental “hot spots” were defined in the Barents Environmental “Hot Spots” List (the List) that was prepared in 2003 as an update of a study originally compiled in 1995. The List is an integral part of the NEFCO/AMAP Report “*Updating of Environmental “Hot Spots” List in the Russian Part of the Barents Region*”, published by the AMAP Secretariat in Oslo in 2003.

The Ministers behind the Barents Euro-Arctic Council (BEAC) have called for dedicated actions to be initiated towards the final exclusion of all defined “hot spots” on the List by the year 2013 at the latest. At the eighth meeting of the Ministers of Environment of the BEAC in Moscow in November 2007, the Ministers endorsed the establishment of an Ad-hoc Task Force (TF) on Elaboration of Procedures and Criteria on Excluding “Hot Spots” from the List.

The TF has worked from 2008 to February 2010. NEFCO has chaired the TF consisting of appointed representatives from Finland, Norway, Russia and Sweden.

In short, the TF proposes the following in terms of criteria and procedures for exclusion of the Barents environmental “hot spots”:

- As a general rule, a “hot spot” should qualify for exclusion from the Barents Environmental “Hot Spots” List if the negative impact, as addressed in the List, does not violate the relevant environmental legislation and requirements of the Russian Federation and internationally accepted principles.
- Furthermore, a procedure is proposed to apply when determining the specific exclusion criteria for each “hot spot”. The actual boundaries of a “hot spot” may need to be specified geographically or thematically.
- The overall responsibility for the determination of “hot spot” specific criteria and for the exclusion process rests with the Russian Ministry of Natural Resources and Ecology and its subordinated Services and Agencies. The BEAC Working Group on Environment (WGE) will oversee and facilitate the exclusion process.
- In addition to criteria and principles, the TF proposes a set of “hot spot” exclusion procedures. These include 1) initiation of the procedure, formulation of a prioritisation list, designation of the Russian authorities, responsible for supervising the process of exclusion of each particular “hot spot”; 2) screening and analysis including making the decision whether further action is necessary or whether the issue may be regarded as solved; 3) identification of the “owner of the problem” and determination of “hot spot” specific criteria; 4) drafting of an action plan; 5) approval of the action plan; 6) implementation of the action plan; 7) application for exclusion; and 8) consideration by the WGE to revise the List, excluding “hot spots” that fulfil the defined criteria.

Recommendations of the Ad-Hoc Task Force

The TF recommends the Ministers to:

1. Support the method of work presented in this report on criteria and procedures on exclusion of the Barents Environmental “Hot Spots” as they appear in its Sections 5 and 6, and endorse that they be applied on a preliminary basis for a period of 2 years (i.e. until next Ministerial Meeting). The procedures and criteria should be reconsidered and revised as appropriate at the end of this period;
2. Designate an organisational entity, e.g. a sub-group, with a mandate to assist the WGE and other stakeholders in facilitating the process of exclusion of the “hot spots” and revising the implementation of the criteria and procedures. This entity could preferably consist of competent national representatives, and representatives from the respective regional environmental authorities in the Russian Barents region;
3. To encourage the Russian Ministry of Natural Resources and Ecology as well as all other relevant bodies to commence without delay addressing the initial stages of the proposed procedure.

Furthermore, the TF recommends the WGE to:

1. Without delay take action to facilitate the starting-up of the mechanism as outlined in the report on elaboration of procedures and criteria for excluding “hot spots”, and give necessary guiding;
2. Ensure an adequate flow of information to the concerned parties and the public through the “hot spots” information system and by other means, to ensure the fairness and transparency of the exclusion process and that the experience gained will be of benefit for other similar issues in the Barents Region and elsewhere.

2. *The assignment and work of the Ad-hoc Task Force*

The Barents Euro-Arctic Council (BEAC) Ministers of the Environment endorsed the Barents Environmental “Hot Spots” List (the List) in 2003 and called for dedicated actions to launch investments projects within 10 years at all these “hot spots”¹.

At the eighth meeting of the BEAC Ministers of the Environment in Moscow in November 2007, the Ministers endorsed the creation of an Ad-hoc Task Force on Elaboration of Procedures and Criteria on Excluding “Hot Spots” (hereafter the Task Force or “TF”) from the List with participation of all relevant stakeholders in its work. The Ministers suggested that the TF’s first report should be submitted for the next Meeting of Environment Ministers.

The Terms of Reference endorsed by the BEAC Working Group on Environment (WGE) for the TF requests it to propose procedures and criteria to exclude the “hot spots” from the Barents Environmental “Hot Spots” List for the Ministerial Meeting in Tromsø in February 2010. The WGE initiated the work in 2008 by appointing the Nordic Environment Finance Corporation (NEFCO) to chair the work of the TF. Finland, Norway, Russia and Sweden have appointed national representatives to the TF.

The TF has had 4 official meetings: in Vadsø, March 2009 and in Arkhangelsk, October 2009, and then in Moscow, December 2009, and in Oslo, January 2010. Otherwise, the TF has corresponded by e-mail and phone.

As a prerequisite to fulfil the given assignment, the TF has found it necessary to assess the relevance of the Barents Environmental “Hot Spot” List in the light of changes that have occurred since the 1995 and the 2003 reports.

3. *The Barents Environmental “Hot Spots” List*

The Barents Environmental “Hot Spots” List was prepared by a joint AMAP/Russian Expert Group in 2003 as an update of a study on Barents Environmental “Hot Spots” originally compiled in 1995. The List is an integral part of the NEFCO/AMAP Report *“Updating of Environmental “Hot Spots” List in the Russian Part of the Barents Region”*, published by the AMAP Secretariat in Oslo in 2003². The studies compiled data on essential environmental problems in the Russian part of the Barents region³.

¹ The original 2003 Ministerial Declaration reads:

“The BEAC Environment Ministers underline the need for continuation of the work of the Working Group on Environment, and request this Working Group to
a) *a continuing process in implementation of the NEFCO/AMAP Hot Spot list, lead by the Working Group on Environment, in collaboration with NEFCO and relevant federal, regional and local partners, in order to develop actions within ten years aimed at eliminating these Hot Spots, ...”*

² The NEFCO/AMAP report can be downloaded from the AMAP or NEFCO websites.

³ The Russian part of the Barents region consists of the Republic of Karelia, Republic of Komi, Murmansk Oblast, Arkhangelsk Oblast and Nenets Autonomous Okrug.

The List consists of 42 "hot spots" representing what was at the time considered the most urgent areas of concern related to pollution sources in the Russian Barents region, along with proposals for 52 investment projects aimed on mitigation of the negative environmental impact (Table 1).

<i>Sector</i>	<i>Number of "hot spots" (and identified potential investment projects)</i>	<i>Fundamental environmental issue</i>
Heat and power sector	4 (7 projects)	Large emissions to air
Industrial sector	11 industrial plants identified within metallurgy, cement and pulp & paper industry (16 projects)	Discharges to water and emissions to air
Mining	2 sites (3 projects)	Air pollution
Drinking water quality	6 (11 projects on reducing discharge from identified sources and/or drinking water treatment)	Discharges to drinking water
Waste management	10 "hot spots" (10 identified projects- from management systems to waste treatment facilities)	Different pollution problems
Municipal waste water	4 "hot spots" (5 projects proposed on waste water treatment facilities for cities and districts)	Direct discharges to the Barents Sea and other water bodies
Polluted areas	3 identified "hot spots" - sewage dumping, pollution from earlier military activities and contaminated area after a gas well accident (4 projects)	Soil contamination and different kind of wastes
Obsolete pesticides	2 "hot spots" (2 projects proposing removal of hazardous waste)	Hazardous waste
Scrapped ships	1 "hot spot" (122 ships in the Kola fjord)	Hazardous discharge to the marine environment/ navigational threat

Table 1. A summary scheme "per category" showing the Barents environmental "hot spots" and the investment projects suggested in the 2003 AMAP/NEFCO Report

The TF acknowledges that the term “hot spot” has no legal basis as such. In relation to this work, an environmental “hot spot” should be understood as a “problem area”, which may refer to a particular site, enterprise, city or district. The related pollution or other environmental issues are specific for each “hot spot”, ranging from soil contamination to emissions of pollutants to air, discharges to water, waste management problems etc. Examples of proposed investment projects in the List include upgrading of a sewage system, elaborating a drinking water master plan, establishing a comprehensive waste management system, installation of a new waste incineration facility, less resource extensive production techniques and processes, “end-of-pipe-solutions” and remedy actions in ground and waters.

4. The development of criteria and procedures

Given the background and circumstances presented in the previous chapters, the TF herewith shall propose criteria and procedures enabling a systematic approach enabling a strengthened capacity to be mobilised for the aimed exclusion of “hot spots” from the Barents Environmental “Hot Spots” List. Until today 50 sector studies, defined project development measures or actual implementation of key projects have been approved for funding by the Barents Hot Spots Facility managed by NEFCO. To facilitate the reaching of the target, as stated in the Ministerial declarations of 2003 and 2007, to launch relevant investment projects at all 42 Barents Environmental “Hot Spots” by 2013, and to take further measures for the exclusion of “hot spots”, initiatives for investment projects need to be complemented by a systematic process for exclusion, enhancing the capacity of relevant parties. Apart from the target of exclusion itself, the process established should have an added value in raising capacity and awareness.

In this report, the TF identifies the key stakeholders for the procedure of exclusion related to the various “hot spots” in the different regions. The TF also recognises the importance of a broad involvement of different partners and stakeholders in projects and other measures related to the exclusion of various “hot spots” from the List.

It should be noted that there were no pre-defined criteria or procedures for the inclusion of the “hot spots” on the List. The exclusion process is thus not a simple matter of reversing the inclusion process.

4.1 Criteria – roles and responsibilities

As noted above, the 42 environmental “hot spots” are very different, ranging from soil contamination, emissions of pollutants to air, discharges to water and to waste management problems. The various nature of the “hot spots” implies that some kind of site-specific criteria will be required for the exclusion of any particular “hot spot” from the List.

The development of general as well as site-specific criteria requires knowledge about the “hot spots” and the legal basis applying to them. The definition of acceptable environmental status at a “hot spot” will be an important part of the elaboration of the exclusion criteria. The Russian environmental authorities at national and regional levels must evidently play a key role in this work.

4.2 Procedures - roles and responsibilities

With regard to the procedures on the exclusion of “hot spots” from the List, the TF has identified three crucial parties that need to be involved:

- All 42 “hot spots” are located in the Russian part of the Barents region and they are thus subject to the jurisdiction of the Russian Federation. This means that the **Russian environmental authorities** on Federal (Ministry of Natural Resources and Ecology) and regional (regional Committees for Ecology) levels will have to commit to a clear ownership in the procedures of excluding the “hot spots” from the List.
- Another crucial party in the exclusion process is **the “hot spot” owners**. These are the ones who will have to take the actual measures that will be necessary to exclude each single “hot spot” from the List. The measures in question will be defined as a result of the implementation of the proposed criteria and procedures as described in chapters 5 & 6 of the report.
- Since the BEAC Ministers together have defined the goal to exclude the “hot spots” from the List and thereby given the Working Group on Environment” (WGE) the mandate to execute this, the TF finds it natural that an important role in the exclusion procedure must also be performed by the **BEAC WGE**. The WGE would thus have a role in overseeing and facilitating the implementation of the procedures. This means *inter alia* that when requested it may assist other parties to develop action plans, formulate criteria, participate in meetings with the regions, help developing applications for funding - and to produce and disseminate information as well as formulate a basis for decisions on e.g. exclusion criteria. The WGE or a designate entity of the WGE may also address other experts for further advice and support.

The work carried out by NEFCO through the Barents Hot Spots Facility (BHSF) is of great importance for the work towards exclusion of “hot spots”, although the major investments needed for addressing and mitigating the environmental issues need to come from other financial resources (- see further chapter 8).

5. Proposal on criteria for exclusion of “hot spots”

5.1 General Principle

The TF recognises that different criteria must be developed for different “hot spots”. Several years have passed since the List was reconfirmed in 2003 and at some of the identified “hot spots” the addressed environmental issues might already be obsolete or solved. This needs to be reflected in the criteria in order to have a basis for decisions on taking these “hot spots” out of the List without unnecessary delay.

The TF proposes that a primary condition for exclusion of a “hot spot” is that the apparent reasons for the inclusion of the respective “hot spot” on the List can be deemed adequately managed or in any other way no longer relevant. As a general rule, a “hot spot” thus should qualify for exclusion from the Barents Environmental “Hot Spots” List if:

The negative impact, as addressed in the Barents Environmental “Hot Spots” List, does not violate the relevant environmental legislation and requirements of the Russian Federation.

Generally accepted international principles for environmental conduct between states should also apply; i.e. the impact of the “hot spot” should not cause damage to the environment of other states or areas beyond national jurisdiction.

5.2 Principles for determination of “hot spot”-specific criteria

In order to determine which specific criteria should apply to a particular “hot spot”, certain principles are required. The TF propose that these should consist of:

a) **Definition of the actual “hot spot” and its boundaries.** Such specifications may be the geographic or thematic boundaries for a “hot spot” that need to be adequately defined. The purpose of such a definition is to establish the scope of issues to be addressed at a particular “hot spot”. This will apply for instance to a “hot spot” that is related to a general issue, such as drinking water quality in a whole region, or other such cases where there is a need to specify the level of ambition for the measures and projects that are realised in order to solve the environmental issue in question.

b) **Definition of pollution parameters to be regarded:** These parameters are measureable and verifiable referring to pollution levels and can be compared to norms, regulations etc. The basic instrument for assessing which norms should apply is the prevailing legislation and regulative framework of the Russian Federation, incl. the Russian environmental requirements (“maximum admissible concentrations” (MAC) for emissions to air, discharge to water and amount and quality of waste).

The TF recommends that some kind of BAT⁴- and BEP⁵-based approach be applied in the process of identifying pollution parameters and norms. Recognising that the definition of what actually is BAT and BEP for a particular industry, site or enterprise may be a cumbersome procedure, *it is important that these definitions are provided by Russian authorities and experts*. However, possibilities for supporting judgements and advises related to BAT and BEP as well as compliance to internationally accepted environmental principles and standards, international conventions etc. may also be considered by the WGE in close co-ordination with the Ministry of Natural Resources and Ecology of the Russian Federation and its subordinated authorities.

6. Proposal on procedures for exclusion of environmental “hot spots”

The TF recognises that in order for procedures for the exclusion of environmental “hot spots” from the List to be feasible, a number of key stakeholders will need to play an active part in the process. The following proposed steps of the exclusion procedure are further illustrated in Table 2 (*“Flow chart for proposed “hot spot” exclusion procedures”*) below.

Colour scheme as “exclusion status indicator”

In order to characterise the status of a particular “hot spot” with respect to the aimed exclusion from the List, and also to help illustrating progress on an aggregated level for the “hot spots”, the TF proposes a classic “three-colour status indicator”, where “red” indicates “unsatisfactory”, “yellow” indicates “in due progress”, and “green” indicates “satisfactory”. This is further illustrated in Table 2.

Step 1: Initiation of the Procedure

As all Barents environmental “hot spots” are subject to the jurisdiction of the Russian Federation, the TF finds it reasonable that the Ministry of Natural Resources and Ecology of the Russian Federation (Minpriroda RF) to initiate and take the overall responsibility for the implementation of the exclusion process and for initiating such a process for the 42 “hot spots” no later than by 2013. Given these prerequisites, the following procedure is proposed to apply to initiate the process of exclusion of each of the respective “hot spots”:

- Minpriroda RF appoints one or several “Assigned Federal Authority/-ies” (AFA) among its subordinated federal agencies (Rostekhnadzor, Rosprirodnadzor, Rosgidromet, Rosvodresursy and Rosnedra), to initiate the screening of the “hot spots” (according to Step 2 below). For this task, the AFA may draw upon its central level office in Moscow as well as its representations on the regional level in the respective Federation Subject (“Territorial organ of AFA”).

⁴ BAT = Best Available Techniques, e.g. as defined in the Stockholm Convention on POPs.

⁵ BEP = Best Environmental Practice e.g. as defined in the Stockholm Convention on POPs

- Minpriroda RF or the AFAs will communicate with the regional authorities in order to initiate the exclusion processes. The regional authorities – e.g. through the Regional Committees for Ecology in co-operation with the regional working groups established to facilitate the work on the “hot spots” – are expected to provide their plans and priorities as regards the “hot spots” in their respective region. Based on this information, Minpriroda RF will formulate a prioritisation list for each region that will guide the work on exclusion of “hot spots” in that region. The work will be facilitated by WGE or its designated entity.

Step 2: Screening & Analysis

In Step 2 it will be assessed whether there is a need to develop an action plan for the “hot spot” (steps 3-7 below) or whether it already qualifies for exclusion (step 8 below) i.e. through a “fast track”. To enable this decision, a screening and analysis is required to assess the relevant pollution parameters of a “hot spot” and its environmental status. The AFA will be in charge of this Step.

The screening may comprise desktop studies of reports and other information from earlier completed surveys and action projects etc. conducted to improve the environmental status at that “hot spot” (in particular after 2003). The data should be verified by official data from the relevant authorities. If necessary, the AFA can conduct additional surveys of the “hot spot” to collect adequate and accurate information. It may also be relevant to review the history of the “hot spot” and collect information on issues such as environmental accidents, ownership changes, economical aspects etc.

The analysis comprises an environmental and an institutional part. The institutional analysis shall identify the “owner(s) of the problem” as well as the relevant authorities responsible for following and steering the aimed exclusion procedure.

The analysis shall assess the results of the screening and compare this with the environmental problems addressed in the List. The results of the screening and analysis shall be presented by the AFA to its territorial organ of the as well as to the relevant representative of the regional administration in the respective Federation Subject).

In case the screening and analysis indicate that the “hot spot” in question qualifies for exclusion according to the general principle in 5.1, the “fast track” may apply and pass the “hot spot” directly to Step 7 of the procedure.

If it does not qualify to the general principle in 5.1, the procedure from Step 3 below shall apply.

Step 3: Determination of “hot spot” specific criteria

In Step 3, “hot spot”-specific criteria shall be determined. “Hot spot”-specific criteria are unique criteria that need to be fulfilled in order to exclude a particular “hot spot” from the List and must thus be determined separately for each “hot spot”. The specific “Hot Spot Owner” and the corresponding “Addressed Authority” shall be defined.

“Hot spot”-specific criteria should be elaborated by the AFA in consultation with WGE. The criteria should be based on the definitions in section 5.2 a) and b). In doing so, the AFA should further name and define the “owner” of the problem” (“Hot Spot Owner”) as well as the corresponding “Addressed Authority” that will supervise and follow up the work during the following steps of the procedure.

Depending on the legal status of the identified Hot Spot Owner (i.e. whether the “hot spot” is a federal, regional, municipal or private object), the “Addressed Authority” is either the AFA (basically through its representative in the respective subject) or the relevant environmental authority (Committee, Regional Ministry etc.) of the regional administration in the federation subject where the “hot spot” is located. If necessary, this step also comprises a prioritisation of the environmental issues addressed.

The proposed “hot spot”-specific criteria should be submitted to WGE for consideration before they are adopted by the AFA. The AFA should also communicate with its territorial representative as well as with the relevant authorities on the regional level (- i.e. regional administration in the respective Federation Subject).

Selected parts of the Screening and Analysis (Step 2) and the determined “hot spot”-specific criteria (Step 3) will be published by WGE through the web-based “hot spots” information system (- see further section 9 below).

Based on the results from Steps 1, 2 and 3 the Addressed Authority shall write an official Notification to the identified Hot Spot Owner with a Request to draft an action plan, as defined under Step 4 below.

Step 4: Drafting of an action plan

In Step 4 an action plan determining the actual issues at a certain “hot spot” and how to bring it towards exclusion based on specifically defined boundaries and criteria for that “hot spot” (the “Action Plan”). Thus, the objective of such an action plan is to determine and outline the intended measures to fulfil the “hot spot”-specific criteria determined for that “hot spot”, as well as how this fulfilment should be verified.

The Action Plan should repeat the environmental issues at a certain “hot spot” and outline measures for how to bring it towards exclusion, based on the defined boundaries in chapter 5.2 and criteria defined in Step 3.

The Action Plan should also propose how the measures towards exclusion of the “hot spot” from the list and how this should be verified. The specific Action Plan is to be drafted by the Hot Spot Owner identified in Step 3 for that “hot spot”

based on the results of the previous steps, as well as on other information and arguments that may be presented by the Hot Spot Owner. The Action Plan shall identify specific measures and projects, which - when implemented - will ensure the improvements necessary to comply with the “hot spots” specific criteria. The Action Plan also should describe the role of the responsible parties in the process towards exclusion of a “hot spot” from the List. Furthermore, an assessment of the resources required for the exclusion process itself, clarifying who will cover what related costs, should be included.

The Action Plan may be drafted according to the following typical structure:

- 4.1 Problem definition
- 4.2 Owner definition
- 4.3 Site Specific Exclusion Criteria (incl. indicators, levels and terms etc.)
- 4.4 Review and definitions of BAT and BEP
- 4.5 Project Formulations, e.g.:
 - a) Refining of technical processes
 - b) Up-grading equipment
 - c) Management and Education
 - d) Remediation measures / Recultivation
- 4.6 Time schedule for implementation of the proposed projects
- 4.7 Budget and financing of proposed projects
- 4.8 Control Programme
- 4.9 Reporting Scheme
- 4.10 Application Procedures for Exclusion

While drafting the proposed Action Plan, the Hot Spot Owner may use the information and analyses made under the conduction of the Assigned Federal Authority during the previous steps in the process, but he may also conduct additional surveys and analyses.

Based on the Hot Spot Owner’s account, he shall propose measures or projects of any kind deemed relevant for fulfilment of the proposed “hot spots” specific criteria, incl. various indicators, levels and terms. (These projects may or may not correspond to the investment projects originally envisaged in the List.) Finally, the Hot Spot Owner shall specify a time schedule, a budget and a financial scheme as well as a control programme for the Addressed Authority together with a proposed reporting scheme.

The Addressed Authority may have an advisory role towards the Hot Spot Owner during the Drafting of the Action Plan.

Step 5: Approval of Action Plan

When deemed finalised, the Draft Action Plan is submitted to the Addressed Authority for approval. Before final approval, the Addressed Authority should send the action plan to WGE for consideration.

After the Action Plan has been approved, the WGE publishes selected parts of the Action Plan (Step 4) on the web site of the Barents “Hot Spots” Information System and move the “hot spot” in question from “red” to “yellow”.

<i>Phase</i>	<i>Responsible org.</i>	<i>Flow chart</i>
	1. Assigned Federal Authority/ies (AFA)	<pre> graph TD A[1. Initiation of Procedure] --> B{2. Screening & analysis} B --> C[3. Definition of "hot spot" issue and exclusion criteria] C --> D[4. Drafting of Action Plan] D --> E{5. Approval of Action Plan} E --> F[6. Implementation of Action Plan] F --> G{7. Application for Exclusion} G --> H[8. Exclusion from the Barents Environmental "Hot Spots" List] B --> D E --> D G --> D </pre>
	2. Assigned Federal Authority/ies (AFA)	
	3. Assigned Federal Authority/ies (AFA) (after consultation with WGE)	
	4. Hot Spot Owner (assisted by Addressed Authority)	
	5. Addressed Authority (= subject authority or territorial federal) (after consultation with WGE)	
	6. Hot Spot Owner	
	7. Hot Spot Owner (assisted by Addressed Authority) (after consultation with WGE)	
	8. WGE => Ministerial Meeting	

Table 2. Flow chart for proposed "hot spot" exclusion procedures

Step 6: Implementation of Action Plan

The adopted Action Plan is implemented with the aim to fulfil the “hot spot” – specific criteria set in Step 3 and is monitored by the Addressed Authority according to the Specific Criteria and indicators defined, following the time, funding and reporting schemes specified in the adopted Action Plan.

The implementation of the Action Plan is thus fully the responsibility of the Hot Spot Owner, though monitoring of it is the responsibility of the Addressed Authority.

The WGE and the Addressed Authority may have advisory roles towards the Hot Spot Owner during the Implementation of the Action Plan.

Step 7: Application for Exclusion

- a) When the Hot Spot Owner deems that the implementation of the Action Plan is completed, he may apply for exclusion from the List by submitting such a request (“Application for Exclusion”) to the Addressed Authority. A complete documentation of actions and results referring to all agreed exclusion criteria shall be attached to the application.
- b) The Addressed Authority assesses the Application for Exclusion and may in consultation with WGE refuse it or approve it. Prior to its final assessment, the Addressed Authority may also conduct surveys and inspections on its own behalf. If approved by the Addressed Authority, the Addressed Authority forwards the Application for Exclusion to the WGE with its own remarks, conclusions and recommendations for WGE approval. If refused, the Hot Spot Owner shall be requested by the Addressed Authority to make any necessary and reasonable adjustments or completions.

Step 8: Exclusion from the Barents Environmental “Hot Spots” List

In Step 8 the formal exclusion of the “hot spot” from the Barents Environmental “Hot Spots” List is made by WGE. If accepted, the “hot spot” is declared as “green”.

Exclusion from the List may in general be considered on the basis of monitoring of actions taken rather than monitoring and quantification of the actual environmental improvement. It is therefore proposed to use a step-wise approach for moving the “hot spot” from the present List towards its final exclusion from it, e.g. by declaring parts of the addressed issues as “green” while the Hot Spot Owner keeps working on fixing the remaining issues. The reason is to promote activities by appreciating serious improvement by moving towards “green” on the List.

When the WGE has revised the hot spot list, excluding the “hot spots” that fulfil the criteria, it is presented to Ministers.

The TF acknowledges that there may be an additional need for a mechanism of some kind that the pertinent issues at an excluded “hot spot” do not re-emerge. It is obviously important that the exclusion of a “hot spot” is permanent.

7. *Process & progress evaluation*

7.1 Probation period

It is not possible to foresee all consequences that will come out of the implementation of the proposed criteria and procedures. Thus, the TF acknowledges that its proposals and recommendations, if supported by the Ministers, will need to be tested out and revised. It is therefore important that the process will be monitored by the WGE and that there will be a mechanism for revision of the procedure and criteria based on a “reality check”. Therefore the TF recommends that, following the adoption of the proposed criteria and procedures, the period up to the next meeting of the Ministers of Environment be considered a “probation period” and that method of work with the criteria and procedures be reconfirmed at that meeting with any necessary revisions.

7.2 Evaluation of the exclusion process

The success of the process of exclusion of the Barents Environmental “Hot Spots” should be evaluated by the number of “hot spots” having moved from “red” to “yellow” and finally to “green”, i.e. exclusion from the List.

This evaluation may be up-dated annually in connection with the BEAC WGE Meetings or at the Environmental Ministerial Meetings. It should also be made public through the BEAC website.

8. *Cost coverage & financial considerations*

The TF acknowledges that any recommended criteria and procedures may have very different implications in terms of the costs of the investment projects and other measures that may be required before a “hot spot” will qualify for exclusion from the List. As further elaborated in Chapter 6, Step 4, the Hot Spot Owner will be required to draw up an action plan for any particular "hot spot". The action plan shall contain a section on budget and financing. The Hot Spot Owner is responsible for covering the costs of the action proposed. To a large extent the necessary funds are expected to consist of the Hot Spot Owner’s own funds as well as budgetary funds from the federal, regional or local levels in Russia. The TF notes that there may be dedicated funding available for supporting “hot spot” project preparation and implementation from the following international sources among others: NEFCO’s Barents Hot Spots Facility (BHSF) and other facilities (such as the proposed Project Support Instrument (PSI) for Arctic Council projects or the Cleaner Production Facility), Norway’s Barents Secretariat, the Nordic Council of Ministers, Northern Dimension Environmental Partnership (NDEP), and bilateral environmental assistance from Finland, Norway and Sweden with regard to transfer of expertise, or through the BEAC sub-groups.

9. Information dissemination via the Barents “Hot Spots” Information System

Information on progress should for each “hot spot” be disseminated through the proposed “hot spot” information system at the BEAC website (www.beac.st). Adequate information sharing is crucial to ensure the fairness and transparency of the exclusion process and also that the experience gained will be of benefit for other similar issues in the Barents Region and elsewhere. The TF recommends that the information system be developed to reflect this need.

10. WGE “Hot Spot” intersessional organisation

The TF acknowledges that the responsibilities of the WGE in the “hot spot” exclusion process may need to be executed by an entity representing the WGE on an intersessional basis, in close dialogue with the Russian national and regional environmental authorities. Such an entity would play a role as a special unit on hot spot-related issues, providing advice and support to the WGE and other involved stakeholders, including contacts with regional authorities and Hot Spot Owners. The TF therefore proposes that such a designate entity, which may be a dedicated (ad-hoc) sub-group for “hot spots” and their exclusion, is organised under the WGE and chaired by one of the BEAC countries.

The WGE’s “hot spots” entity (sub-group) should have the mandate to facilitate the process of excluding “hot spots” from the list in line with the proposed criteria and procedure for the next two year period; a particular task would be to receive Applications for Exclusion and prepare them for the consideration of the WGE. The entity should also monitor and evaluate the process and propose any needed revisions of the procedures or criteria during the proposed probation period. It should also be responsible for the dissemination of appropriate information through the abovementioned “hot spots” information system as well as in other relevant ways. The entity may engage external consultants and experts to support it and carry out some of its tasks.

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