



Bilag 1a

## Aktoversigt

Sagstitel: ØA EUI SVANA - Komitesag - Havstrategidirektivet

Sagsnummer: 2016 - 2629

Akt nr.	Dato	Titel	Akt ID	#	Parter	Til	Kommentar
9	17-03-2016	Forslag til god miljøtilstand i havet i regi af havstrategidirektivet	2209394	1			
13	01-04-2016	Sv: Forslag til god miljøtilstand i havet i regi af havstrategidirektivet	2225704	3			
15	06-04-2016	Sv: Forslag til god miljøtilstand i havet i regi af havstrategidirektivet	2233765	1			
24	15-04-2016	Materiale til brug for mødet mandag d. 18-04-16 - God miljøtilstand i havene	2248427	3			
30	19-04-2016	Ang. komitesag om god miljøtilstand i havet	2258008	1			
32	19-04-2016	Ang. forslag til komitesag omkring fastsættelse af kriterier og metodiske standarder for god miljøtilstand i havet	2258123	4			
43	02-05-2016	Materiale om havstrategisag	2300582	3			
75	18-05-2016	SV: VS: Haster: Havstrategi - mødemateriale til Vibeke Pasternak	2328495	1		Line Groth Rasmussen (linras@um.dk)	
80	19-05-2016	Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet	2330805	1			
99	15-06-2016	4. udkast fra Kommissionen til komitesag om god miljøtilstand i havet	2375497	4			
137	14-09-2016	Vs: Høringsliste havmiljø	2497583	2			
170	27-09-2016	Haster - Ang. juridisk bistand ift. EU komitesag under havstrategidirektivet	2521289	3			
199	06-10-2016	Bilag 3 - Konsekvenser for erhvervet 200916	2538468	2			
219	11-10-2016	Sv: ØU-sag om kriterier for havmiljøtilstand - ny frist kl. 13 i dag	2548336	1			
268	20-10-2016	SV: Udkast til instruktioner	2563275	1		Sidsel Bjøl (Sagsbehandler, EU og internationalt); Andreas Meldgaard Goth (anmeg@fm.dk); Jakob Baadsgaard Jepsen (jabaj@fm.dk); Louise Berth (louber@um.dk); Maria Klint Thelander (Sagsbehandler, Analyse, forskning og digitalisering); Eva Leisne (evalei@um.dk)	
274	20-10-2016	Frist den 26.10.2016: Instruktion om at indhente andre landes holdning til Kommissionens forslag om nye metoder og kriterier for opgørelsen af god havmiljøstand (UM id: 1828672)	2564356	5		Christel Ann-Sophie Maertens (chrjep@um.dk); brurep@um.dk (brurep@um.dk)	
276	20-10-2016	Sv: Udkast til instruktioner	2565528	3			
339	10-11-2016	T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget	2620672	2			

341	10-11-2016	Til MFVM - T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget (Id nr.: 198276)	2620945	1		Mette Sivebæk Knudsen (mek@evm.dk); Maria Klint Thelander (Sagsbehandler, Analyse, forskning og digitalisering)	
382	01-11-2016	VS: Komité sag om havmiljø	2771714	2			
384	02-11-2016	SV: Komité sag om havmiljø	2802422	2			
	09-03-2016	Kommissionens udkast til forslag om afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand under havstrategidirektivet	2194979	1			
	17-05-2016	SV: - HASTET : Marine Strategy Framework Directive - Good Environmental Status - IE VIL HA MØDE MED KOM TORSDAG I DENNE UGE - VIL DK MED?	2325184	1			
	14-06-2016	Fjerde version af Kommissionens forslag til god miljøtilstand i havet	2375000	3		Annette Schneider Nielsen (anschn@um.dk); Line Groth Rasmussen (linras@um.dk); Maria Klint Thelander (Sagsbehandler, Analyse, forskning og digitalisering); Jonas Fredsted Villadsen (Sagsbehandler, EU og internationalt)	
	05-10-2016	Møde i morgen om havstrategidirektivet	2537394	2			
	16-10-2016	Udkast til instruktion til Reppen	2557279	2			
	17-10-2016	SV: Udkast til instruktion til Reppen	2558470	1		Jakob Baadsgaard Jepsen (jabaj@fm.dk); Andreas Meldgaard Goth (anmeg@fm.dk); Sidsel Bjøl (Sagsbehandler, EU og internationalt)	
	19-10-2016	Udkast til instruktioner	2561808	4			
	19-10-2016	SV: Udkast til instruktioner	2562088	2		Louise Berth (louber@um.dk); Jakob Baadsgaard Jepsen (jabaj@fm.dk); Sidsel Bjøl (Sagsbehandler, EU og internationalt); Maria Klint Thelander (Sagsbehandler, Analyse, forskning og digitalisering); Eva Leisne (evalei@um.dk); Mette Østergaard Hansen (mejens@um.dk)	

	19-10-2016	SV: Udkast til instruktioner	2562574	1	Sidsel Bjøl (Sagsbehandler, EU og internationalt); Andreas Meldgaard Goth (anmeg@fm.dk); Jakob Baadsgaard Jepsen (jabaj@fm.dk); Louise Berth (louber@um.dk); Maria Klint Thelander (Sagsbehandler, Analyse, forskning og digitalisering); Eva Leisne (evalei@um.dk)	
	20-10-2016	SV: Udkast til instruktioner	2563176	7		
	20-10-2016	komitésag under havstrategidirektivet	2563574	5		
	09-11-2016	KORT FRIST: DK statement	2616986	2		
	09-11-2016	SV: KORT FRIST: DK statement	2617245	2	Sidsel Bjøl (Sagsbehandler, EU og internationalt)	
	09-11-2016	SV: KORT FRIST: DK statement	2617314	1		

# = antal relaterede dokumenter.

Den 22. februar 2017



## Aktdetaljer

**Akttitel: Forslag til god miljøtilstand i havet i regi af havstrategidirektivet**  
**Aktnummer: 9**

Akt ID: 2209394

Dato: 17-03-2016

Type: Udgående

Dokumenter: [1] Aktdokument.html

Den 22. februar 2017

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**Til:** Christine Aggerstrøm Hansen (cag@fm.dk)  
**Fra:** Maria Klint Thelander (makbj@mfvm.dk)  
**Titel:** Forslag til god miljøtilstand i havet i regi af havstrategidirektivet  
**Sendt:** 17-03-2016 10:33:39

Kære Christine

Jeg forsøgte lige at ringe, da det måske er lettest at snakke mundtligt.

Jeg ville orientere om, at en komite under kommissionen er kommet med uofficielt udkast til beslutning om hvad god miljøtilstand i havet er og hvordan det skal måles. Det er meningen at det officielle forslag kommer medio maj og der skal stemmes om forslaget d. 15/6.

Konsekvenserne af forslaget kan potentielt være omfattende da der blandt andet sættes mål i forhold til næringsstoffer, støj, forurening, forekomst af arter og habitater. Vi er i gang med at få et overblik. Det er vi langt fra færdige med endnu, men jeg ville fortælle, at sagen er kommet og afklare om det er 7. kontor eller EU-kontoret i FM vi skal koordinere med.

Du eller en af dine kolleger er velkommen til at ringe, så jeg kan sætte lidt flere ord på.

Venlig hilsen

**Maria Klint Thelander**  
AC-medarbejder | Analyse, forskning og digitalisering  
+45 91 36 58 47 | makbj@mfvm.dk

**Miljø- og Fødevareministeriet**  
Departementet | Slotsholmsgade 12 | 1216 København K | Tlf. +45 38 14 21 42 | mfvm@mfvm.dk | www.mfvm.dk



## Aktdetaljer

**Akttitel: Sv: Forslag til god miljøtilstand i havet i regi af havstrategidirektivet**

**Aktnummer: 13**

Akt ID: 2225704

Dato: 01-04-2016

Type: Udgående

Dokumenter: [1] SV Forslag til god miljøtilstand i havet i regi af havstrategidirektivet (MFVM Id nr. 2225685).html  
[2] Høringsbrev.pdf  
[3] KOM forslag om god miljøtilstand i havet\_V2.pdf

Den 22. februar 2017

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**Til:** Andreas Meldgaard Goth (anmeg@fm.dk)  
**Cc:** Jonas Fredsted Villadsen (jofvi@mfvm.dk), Signe Krarup (sikra@mfvm.dk)  
**Fra:** Maria Klint Thelander (makbj@mfvm.dk)  
**Titel:** Sv: Forslag til god miljøtilstand i havet i regi af havstrategidirektivet  
**Sendt:** 01-04-2016 12:53:53  
**Bilag:** Høringsbrev.pdf; KOM forslag om god miljøtilstand i havet\_V2.pdf;

Kære Andreas

Selv tak for snakken.

Naturstyrelsen sendte lige før påske udkastet i teknisk høring. Jeg har vedlagt høringsbrevet og selve udkastet.

Jeg forventer at vi i næste uge har et udkast til rammenotat der ikke vil gå i dybden med økonomien, men måske kan bruges til at få et overblik.

Jeg vil som sagt forslå at vi sætter os sammen ultimo uge 15/primu uge 16 og lige laver en status og snakker videre proces.

Mvh. Maria

Venlig hilsen

**Maria Klint Thelander**

AC-medarbejder | Analyse, forskning og digitalisering  
+45 91 36 58 47 | makbj@mfvm.dk

**Miljø- og Fødevarerministeriet**

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**Til:** Maria Klint Thelander (makbj@mfvm.dk)  
**Fra:** Andreas Meldgaard Goth (anmeg@fm.dk)  
**Titel:** SV: Forslag til god miljøtilstand i havet i regi af havstrategidirektivet  
**Sendt:** 01-04-2016 12:47:10

Kære Maria

Tak for snakken og briefing. Hvis I du allerede har nogle dokumenter på sagen, som du kan sende over, så må du gerne det. Jeg vender med Jacob og vender tilbage senere.

Dbh. Andreas

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**Fra:** Maria Klint Thelander [mailto:makbj@mfvm.dk]  
**Sendt:** 1. april 2016 12:45  
**Til:** Christine Aggerstrøm Hansen  
**Cc:** Jakob Baadsgaard Jepsen; Andreas Meldgaard Goth  
**Emne:** Sv: Forslag til god miljøtilstand i havet i regi af havstrategidirektivet (MFVM Id nr.: 2225685)

Mange tak for tilbagemeldingen.

Jeg har snakket med Andreas og han orienterer Jakob.

Mvh. Maria

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**Til:** Maria Klint Thelander (makbj@mfvm.dk)  
**Cc:** Andreas Meldgaard Goth (anmeg@fm.dk), Jakob Baadsgaard Jepsen (jabaj@fm.dk)  
**Fra:** Christine Aggerstrøm Hansen (cag@fm.dk)  
**Titel:** SV: Forslag til god miljøtilstand i havet i regi af havstrategidirektivet  
**Sendt:** 01-04-2016 12:16:53

Kære Maria,

Jeg har forsøgt at ringe vedr. denne. Mange tak for varslingen.

Det vil være Jakob fra 7. kontor og Andreas fra 4. kontor (EU-kontoret) der sidder med sagen her, begge cc.

Vh  
Christine

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**Fra:** Maria Klint Thelander [mailto:makbj@mfvm.dk]  
**Sendt:** 17. marts 2016 10:34  
**Til:** Christine Aggerstrøm Hansen  
**Emne:** Forslag til god miljøtilstand i havet i regi af havstrategidirektivet (MFVM Id nr.: 2209394)

Kære Christine

Jeg forsøgte lige at ringe, da det måske er lettest at snakke mundtligt.

Jeg ville orientere om, at en komite under kommissionen er kommet med uofficielt udkast til beslutning om hvad god miljøtilstand i havet er og hvordan det skal måles.

Det er meningen at det officielle forslag kommer medio maj og der skal stemmes om forslaget d. 15/6.

Konsekvenserne af forslaget kan potentielt være omfattende da der blandt andet sættes mål i forhold til næringsstoffer, støj, forurening, forekomst af arter og habitater. Vi er i gang med at få et overblik. Det er vi langt fra færdige med endnu, men jeg ville fortælle, at sagen er kommet og afklare om det er 7. kontor eller EU-kontoret i FM vi skal koordinere med.

Du eller en af dine kolleger er velkommen til at ringe, så jeg kan sætte lidt flere ord på.

Venlig hilsen

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Miljø- og  
Fødevarerministeriet  
Naturstyrelsen

Naturbeskyttelse  
Ref. DIMAN  
Den 17. marts 2016

## **Teknisk høring af Europa-Kommissionens forslag til afgørelse om kriterier mv. for god miljøtilstand og overvågning af havmiljøet**

Naturstyrelsen sender hermed følgende i teknisk høring: Europa-Kommissionens udkast til forslag til afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering, samt ophævelse af afgørelse 2010/477/EU. (Komitesag).

Europa-Kommissionens udkast til forslag er udarbejdet med hjemmel i Europa-Parlamentets og Rådets Direktiv 2008/56/EF om fastlæggelse af en ramme for Fællesskabets havmiljøpolitiske foranstaltninger (havstrategidirektivet).

Havstrategidirektivet har til formål at skabe en ramme, inden for hvilken medlemslandene skal træffe de fornødne foranstaltninger til at opnå eller opretholde en god miljøtilstand i havmiljøet senest i år 2020.

Havstrategidirektivet angiver, at Europa-Kommissionen skal fastlægge ”*kriterier og metodiske standarder, som medlemsstaterne skal anvende, og som udformes med henblik på ændring af ikke-væsentlige elementer i dette direktiv ved at supplere det, for at sikre konsistens og gøre det muligt at foretage en sammenligning mellem havregionerne eller subregionerne med hensyn til, i hvilket omfang der er opnået en god miljøtilstand*”, jf. artikel 9, stk. 3.

På den baggrund traf Europa-Kommissionen den 1. september 2010 afgørelse om kriterier og metodiske standarder for god miljøtilstand i havområder (2010/477/EU). Denne afgørelse har Danmark lagt til grund i første cyklus af direktivets gennemførelse. I afgørelsen fremgår det, at den bør revideres på baggrund af bl.a. den videnskabelige udvikling, og at dette bør ske rettidigt inden den opdatering af havstrategierne, der skal ske i 2018.

Endvidere angiver direktivet, at Europa-Kommissionen skal fastsætte ”*specifikationer og standardmetoder for overvågning og vurdering, der tager hensyn til eksisterende forpligtelser og sikrer sammenlignelighed mellem overvågnings- og vurderingsresultater, og som udformes med henblik på ændring af ikke-væsentlige elementer i dette direktiv ved at supplere det*”, jf. artikel 11, stk. 4.

På den baggrund har Europa-Kommissionen fremsendt et forslag til behandling i havstrategidirektivets forskriftkomité, som består af embedsmænd fra de enkelte EU lande. Udkastet har endnu ikke gennemgået Europa-Kommissionens interne konsultationsprocedure og er ikke formelt fremsat.

Forslaget forventes sat til afstemning i havstrategidirektivets forskriftkomité i juni 2016. Afhængigt af udfaldet af denne afstemning vedtager Kommissionen derefter forslaget.

Eventuelle bemærkninger til forslaget skal fremsendes senest onsdag den 13. april til Naturstyrelsens hovedpostkasse [nst@nst.dk](mailto:nst@nst.dk) med angivelse af journalnummer NST-4205-00011. Bemærkningerne bedes sendt cc til [diman@nst.dk](mailto:diman@nst.dk). Det anbefales, at bemærkningerne indskrives i vedlagte excel-fil, som er inddelt i ark efter emne.

Eventuelle spørgsmål kan rettes til undertegnede eller kontorchef Lisbet Ølgaard, [lioel@nst.dk](mailto:lioel@nst.dk), 22 82 50 89.

Med venlig hilsen

Ditte Mandøe Andreasen  
72 54 48 97  
[diman@nst.dk](mailto:diman@nst.dk)



**EUROPEAN COMMISSION**  
 DIRECTORATE-GENERAL  
 ENVIRONMENT  
 Directorate C - Quality of Life, Water & Air  
**ENV.C.2 - Marine Environment & Water Industry**

**12<sup>TH</sup> MEETING OF THE COMMITTEE UNDER ARTICLE 25 OF DIRECTIVE 2008/56/EC**  
**(MARINE STRATEGY COMMITTEE)**

**TUESDAY 1 MARCH 2016 (10:00 – 18:00)**  
**AND WEDNESDAY 2 MARCH 2016 (09:30-17:30)**

**Conference Centre Albert Borschette (CCAB) - Room 1B and 0B**  
**36, Rue Froissart - B-1040 Brussels**

Agenda Item:	4
Document:	CTTEE_12-2016-03
Title:	Proposal for a Commission Decision on GES Criteria_draft v2
Prepared by:	European Commission
Date prepared:	15/02/2016
Background	<p>This paper provides a second draft version of a proposal for a Commission Decision laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU. It is based on the comments made by Member States during the Committee meeting of 27 January 2016 and received by email subsequently.</p> <p>Please note that this draft:</p> <ol style="list-style-type: none"> <li>a. has not yet undergone the Commission's internal consultation and could therefore be subject to further changes.</li> <li>b. is not for circulation outside the Regulatory Committee.</li> <li>c. even though it will be one legal text, has to be presented in two different sections (which have been copy-pasted one after the other below):             <ul style="list-style-type: none"> <li>- the proposal for a Commission Decision containing the Recitals and Articles</li> <li>- the proposal for an Annex to the Commission Decision, containing the actual criteria, methodological standards, specifications and standardised methods.</li> </ul> </li> </ol>

**The MSFD Committee is invited to:**

- a. Discuss the attached draft;
- b. Provide comments on this draft by **9 March 2016**



EUROPEAN  
COMMISSION

Brussels, **XXX**  
[...] (2015) **XXX** draft

**COMMISSION DECISION (EU) .../...**

**of **XXX****

**laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU**

## COMMISSION DECISION (EU) .../...

of **XXX**

### laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular Article 9(3) and 11(4) thereof,

Whereas:

- (1) [Recital on legal basis / comitology procedure] Directive 2008/56/EC provides in its Article 9(3) for criteria and methodological standards to be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3) of that Directive. It also provides in its Article 11(4) for the adoption of specifications and standardised methods for monitoring and assessment, in accordance with the same procedure.
- (2) [Recital on Commission Decision 2010/477/EU] Decision 2010/477/EU<sup>2</sup> provided criteria for "good environmental status", thus setting the basis for Member States to establish their determinations of good environmental status and to guide their assessments of current environmental status in 2012.
- (3) [Recital on necessity to revise the 2010 Decision] Decision 2010/477/EU acknowledged that additional scientific and technical progress was required to support the development or revision of these criteria for some qualitative descriptors, as well as further development of methodological standards in close coordination with the establishment of monitoring programmes. In addition, that Decision provided in its Recital 4 that its revision should be carried out in time to support a successful update of marine strategies that are due by 2018, pursuant to Article 17 of Directive 2008/56/EC.
- (4) [Recital n°1 on problems with existing good environmental status decision revealed by 1<sup>st</sup> cycle] In 2012, Member States reported under Articles 9(2) and 10(2) of Directive 2008/56/EC on the initial assessment of their marine waters, the determination of good environmental status and their environmental targets. The Commission's assessment<sup>3</sup> of these Member State's reports highlighted that more efforts were urgently needed if Member States and the Union are to reach good environmental status by 2020. The

<sup>1</sup> OJ L 164, 25.2.2008, p. 19.

<sup>2</sup> Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine water (OJ L 232, 2.9.2010, p. 14).

<sup>3</sup> Report from the Commission to the Council and the European Parliament - The first phase of implementation of the Marine Strategy Framework Directive (2008/56/EC) - The European Commission's assessment and guidance (COM(2014)097 final, 20.2.2014)

results showed the necessity to ensure the determinations of good environmental status in a quantifiable-comparable and consistent way between Member States and across the Union. In addition, the assessment recognised that regional cooperation must be at the very heart of the implementation of Directive 2008/56/EC and influence national implementation processes, rather than the other way around. It also emphasized the need for Member States to more systematically build upon existing Union legislation or, where relevant, standards set by Regional Sea Conventions or other international agreements.

- (5) [**Recital concluding on 2014 Commission's assessment – common recital to good environmental status decision and revised Annex III**] To ensure that the second cycle of implementation contributes to the achievement of Directive 2008/56/EC's objectives and yields more consistent determinations of good environmental status, the Commission therefore recommended in its report on the first phase of implementation that, at Union level, the Commission services and Member States collaborate to "revise, strengthen and improve Decision 2010/477/EU by 2015, aiming at a clearer, simpler, more concise, more coherent and comparable set of good environmental status criteria and methodological standards" and "review Annex III of the Marine Strategy Framework Directive, and if necessary revise, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle".
- (6) [**Recital on the review process**] On the basis of these conclusions, the review process started in 2013 when a roadmap for a review, consisting of several phases (technical and scientific, consultation, and decision-making), was endorsed by the Committee established under Article 25(1) of Directive 2008/56/EC (hereafter "Regulatory Committee"). During this process, the Commission consulted all interested parties, including Regional Sea Conventions [, and an open public consultation was carried out on this Decision]. The Regulatory Committee was also duly consulted throughout the process, [informed of the results of the public consultation] and re-confirmed the need for a revision of Decision 2010/477/EU at its meeting of 5 May 2015.
- (7) [**Recital on objectives of the new Decision**] This Decision is therefore expected to facilitate future updates of the initial assessment of Member States' marine waters and their determination of good environmental status, by clarifying, revising or introducing criteria, methodological standards, specifications and standardised methods to be used by Member States, thereby ensuring greater coherence in implementation of Directive 2008/56/EC between Member States and across the Union. In accordance with the commitment taken by the European Commission when adopting its Better regulation package<sup>4</sup>, this Decision ensures coherence with other Union legislation.
- (8) [**Recital on criteria and methodological standards**] This Decision should therefore set out criteria and methodological standards, for each of the qualitative descriptors listed in Annex I to Directive 2008/56/EC, on the basis of Annex III of that Directive. For each descriptor, this Decision should define the ~~elements for assessment and the criteria~~ including the elements to be used, and, where available [and applicable], the reference level/threshold values, that allow a quantitative assessment of whether good environmental status is achieved. In several cases, this Decision should enable Member States to establish these threshold values at regional or subregional level, for instance by referring to existing values or developing new ones. This Decision should

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<sup>4</sup> COM(2015) 215 final

also set out the methodological standards, including the geographical scales for assessment and application rules for the criteria, to ensure that Member States' updates of their determinations of good environmental status and initial assessments of marine waters, carried out in accordance with Article 17 of Directive 2008/56/EC, are consistent, allowing for comparison between marine regions or subregions of the extent to which good environmental status is being achieved.

- (9) [**Recital on specifications and standardised methods**] Specifications and standardised methods for monitoring and assessment should take into account existing specifications and standards at Union level and ensure comparability between monitoring and assessment results. When such specifications and standardised methods are not included in this Decision, Member States should endeavour to use available Union or international guidance. This is for instance the case for guidance developed the qualitative descriptor (11) of Annex I to Directive 2008/56/EC, for which a sub-group of experts on underwater noise has developed, in the framework of the Common Implementation Strategy established between Member States and the European Commission, "Monitoring guidance for underwater noise in European Seas".
- (10) [**Relationship between MSFD and other EU legislation**] To facilitate Member States implementation of Directive 2008/56/EC and ensure greater consistency and comparability at Union level of their ~~To make the~~ determinations of good environmental status ~~more effective~~, this Decision should ~~take into account~~ refer to existing quality standards and methods of assessment and monitoring from Union legislation, such as Directive 2000/60/EC of the European Parliament and of the Council<sup>5</sup> (the 'Water Framework Directive') and Commission Decision 2013/480/EU<sup>6</sup>, Directive 2008/105/EC of the European Parliament and of the Council<sup>7</sup>, Commission Regulation (EC) No 1881/2006<sup>8</sup>, Council Directive 92/43/EEC<sup>9</sup>, Directive 2009/147/EC of the European Parliament and of the Council<sup>10</sup>, Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>11</sup> and Council Regulation (EC) No 1967/2006<sup>12</sup>. ~~Such cross-references should not only facilitate~~

<sup>5</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

<sup>6</sup> Commission Decision 2013/480/EU of 20 September 2013 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Decision 2008/915/EC (OJ L 266, 8.10.2013, p. 1).

<sup>7</sup> Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently replacing Council Directive 87/176/EEC, 3/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84.)

<sup>8</sup> Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

<sup>9</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

<sup>10</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

<sup>11</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

<sup>12</sup> Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

~~Member States' assessments under Directive 2008/56/EC by ensuring compatibility with other obligations but should also ensure greater consistency and comparability at Union level.~~

- (11) [Link with RSC and other international mechanisms: Article 3(3)] Where this Decision does not specify details at Union level for criteria, methodological standards, specifications and standardised methods for monitoring and assessment, Member States should endeavour to use those developed at international, regional or subregional level which are directly applicable to marine waters, for instance within the framework of the Regional Sea Conventions, as provided under Article 6 of Directive 2008/56/EC, or other international and regional mechanisms, and inform the Commission thereof as provided for in Article 17(3) of Directive 2008/56/EC.
- (12) [Future work] Additional scientific and technical progress is still required to support the further development of certain criteria, methodological standards, specifications and standardised methods for monitoring and assessment.
- (13) [Linking Article 9 to Art. 8, and Art. 8.1b to 8.1a] The determination of good environmental status and the assessment of progress towards its achievement should be intricately linked. This Decision should be structured to support this linkage, particularly to clearly and organise the ~~descriptors and~~ criteria and methodological standards on the basis of the descriptors laid down in Annex I of Directive 2008/56/EC and on the basis of the ecosystem elements and pressures laid down in Annex III of that Directive. Some of the criteria and methodological standards relate in particular to the needed for assessments of environmental status the ecosystem and its components under point (a) of Article 8(1) of Directive 2008/56/EC, and while other relate those needed for to the assessment of predominant pressures and ~~their~~ impacts under point (b) of that Article. ~~Further, because the assessment of environmental status under point (a) of Article 8(1) should reflect the cumulative pressures and their impacts, the assessments under point (b) of that Article should, as far as possible and necessary, be undertaken first and used to inform the assessments under point (a) of Article 8(1) of Directive 2008/56/EC. This should include ensuring consistency in the ecosystem elements assessed and in the scales of assessment.~~
- (14) [Trends] When assessing the status of their marine waters in accordance with Article 8 of Directive 2008/56/EC it is helpful for Member States to assess the change in status as improving, stable or deteriorating, in view of the often slow response of the marine environment to change.
- (15) [Flexibility: Article 3(2), risk-based approach and primary criteria] This Decision should allow sufficient flexibility to Member States when determining their good environmental status. This flexibility is underpinned by different concepts in this Decision. First, Member States should be able to consider that some of the criteria are not appropriate, provided this is duly justified. Secondly, a risk-based approach should be introduced in some criteria, by which Member States may decide not to consider certain elements or may focus monitoring on certain matrices, provided this is based on a risk-assessment. so that updates of the initial assessment under Article 8 of Directive 2008/56/EC focus on the predominant pressures in each region or subregion and their environmental impacts on the different ecosystem elements, as addressing such pressures should provide an efficient and effective means to achieve good environmental status. Such flexibility is underpinned in this Decision by the risk-based approach, meaning that certain criteria would not need to be used in the assessment of the marine waters of certain Member States, provided a risk-assessment demonstrates



~~a low risk. Finally, Criteria are further~~ labelled as primary or secondary in this Decision. While primary criteria should be used to ensure consistency across the Union, flexibility is introduced with regard to secondary criteria, which can either ~~be alternativesubstitute or complement primary criteria, or be used where there is a possibility of risk not covered by the primary criteria (if there is a lack of data for primary criteria) or complementary (only performed whenever they are considered relevant).~~

- (16) [Moved from intro Annex Part C] Articles 1(2) and 1(3) of Directive 2008/56/EC acknowledge that Member States' marine strategies must protect and preserve the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected. Therefore, it is recognised that some areas may not achieve the threshold values set for certain criteria, particularly to allow for certain sustainable uses of the marine waters, provided the collective pressure of human activities is kept within levels compatible with the achievement of good environmental status and the capacity of marine ecosystems to respond to human-induced changes is not compromised. It is therefore appropriate that Member States assess the spatial extent over which the threshold values have been achieved in their marine waters, within each region or subregion.
- (17) [Dynamic ecosystems, climate change and recovery to new states] The determination of good environmental status under Article 9(1) of Directive 2008/56/EC, on the basis of this Decision, should accommodate the dynamic nature of marine ecosystems and their elements, which can change in space and time through climatic variation, predator-prey interactions and other environmental factors. These determinations should also reflect the state of marine ecosystems as can be expected under prevailing physiographic, geographic and climatic conditions, as they recover from deteriorated states, rather than states in the past to which they may never return.
- (18) [Review – Moved from former Article 4] It is appropriate that the Commission revises this Decision by 15 July 2023, as part of the review set out in Article 23 of Directive 2008/56/EC. The review should in particular take into account the need to adapt this Decision to the latest scientific and technical knowledge and the experiences of the implementation of this Decision in light of the objective of Directive 2008/56/EC of achieving good environmental status by 2020.
- (19) [Standard recital - Repeal of Decision 2010/477/EU] Decision 2010/477/EU should therefore be repealed.
- (20) [Standard recital] The measures provided for in this Decision are in accordance with the opinion of the Regulatory Committee,

HAS ADOPTED THIS DECISION:

*Article 1*  
*Subject-matter*

This Decision sets out, in its Annex, criteria and methodological standards, on good environmental status for each qualitative descriptor listed in Annex I to Directive 2008/56/EC, in accordance with Article 9(3) of that Directive, and specifications and standardised methods for monitoring and assessment, in accordance with Article 11(4) of that Directive.

*Article 2*  
*Definitions*

For the purposes of this Decision, the following definitions shall apply:

- (1) 'criteria' means distinctive technical features that are closely linked to qualitative descriptors, as defined in Article 3(6) of Directive 2008/56/EC.
  - (a) 'primary criteria' shall be used by Member States ~~in all cases~~ in accordance with Article 3(2), except where it is specified in the Annex to this Decision that such criteria may be replaced by a secondary criterion;
  - (b) 'secondary criteria' shall be used on the basis of the conditions specified in the Annex to this Decision, either instead of a primary criterion or in addition to the primary criteria.
- (2) 'marine regions' shall have the same meaning as in Article 3(2) of Directive 2008/56/EC.
- (3) 'subregions' and 'subdivisions' are used in the sense of Article 4 of Directive 2008/56/EC to provide for a nested set of ~~assessment scales~~ geographical areas within a region to be used for Article 8(1) of Directive 2008/56/EC. Further division of these areas may be appropriate for some descriptors and assessments.
- (4) 'methodological standards' means scientific or technical methods, developed at Union or international level, for assessing and classifying environmental status.
- (5) 'specification' means ~~Union-wide minimum~~ requirements for the design of monitoring and assessment performed under Directive 2008/56/EC.
- (6) 'standardised method' means ~~Union-wide minimum~~ requirements for the monitoring and assessment performed under Directive 2008/56/EC:
  - (a) 'standardised method for monitoring' refers to methods for field sampling, and other types of data collection, and for laboratory analysis. This includes quality assurance and quality control mechanisms, such as agreed international standards (e.g. CEN and ISO standards).
  - (b) 'standardised method for assessment' includes agreed rules for the spatial and temporal aggregation of data and their use.
- (7) 'marine waters', including 'coastal waters', shall have the same meaning as in Article 3(1) of Directive 2008/56/EC ~~have the same meaning as in Article 2(7) of Directive 2000/60/EC.~~
- (8) 'non-indigenous species' and 'invasive non-indigenous species' shall be understood to have the same meaning as 'alien species' and 'invasive alien species' defined in Articles 3(1) and 3(2) respectively of Regulation (EU) No 1143/2014 of the European Parliament and of the Council<sup>13</sup>.
- (9) 'reference level threshold values' means the value, values or ranges of values [established at Union, international, regional or subregional level] which define the quality level to be achieved for the criterion.

<sup>13</sup> Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

*Article 3*  
*General principles*

1. Member States shall use ~~these~~ criteria, methodological standards, specifications and standardised methods for monitoring and assessment laid down in this Decision, in combination with the ecosystem elements, anthropogenic pressures and human activities listed in Annex III to Directive 2008/56/EC and by reference to the initial assessment made pursuant to Article 8(1) of that Directive, when determining a set of characteristics for good environmental status in accordance with Article 9(1) of that Directive, ~~when assessing whether it has been achieved under Article 8(1)~~, and when establishing coordinated monitoring programmes under Article 11 of ~~Directive 2008/56/EC~~ that Directive.
2. On the basis of the initial assessment or its subsequent updates carried out in accordance with Article 8 and point (a) of Article 17(2) of Directive 2008/56/EC, a Member State may consider, in exceptional circumstances, that it is not appropriate to use one or more of the criteria laid down in this Decision.  
In such case, the Member State shall provide the Commission with due justification in the framework of the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC. The justification shall include evidence of the fulfilment of the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC, and in particular the requirement to ensure that the different elements of the marine strategies are coherent and coordinated across the marine region or sub-region concerned.
3. Where this Decision does not set criteria, methodological standards, specifications or standardised methods for monitoring and assessment, Member States shall endeavour to use, where practical and appropriate, those developed at international, regional or subregional level, such as in the relevant Regional Sea Conventions, when determining good environmental status in accordance with Article 9(1) and when assessing whether it has been achieved under Article 8(1).
4. Where the Annex to this Decision provides for Member States to establish threshold values or list of elements at regional or subregional level, this shall be done in time for the first review of their initial assessment and determination of good environmental status in accordance with point (a) of Article 17(2) of Directive 2008/56/EC, i.e. by 15 July 2018.  
[In exceptional circumstances, Member States may only establish these threshold values at regional or subregional level for the second review of their initial assessment and determination of good environmental status in accordance with point (a) of Article 17(2) of Directive 2008/56/EC, i.e. by 15 July 2024, provided the reasons for the delay are duly justified to the Commission in the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.]

~~*Article 4*~~  
~~*Review*~~

- ~~1. The Commission shall review this Decision by 15 July 2023, as part of the review set out in Article 23 of Directive 2008/56/EC.~~
- ~~2. The review should in particular take into account:~~
  - ~~(a) the need to adapt this Decision to the latest scientific and technical knowledge.~~

~~(a) — the experiences of the implementation of this Decision in light of the objective of Directive 2008/56/EC of achieving good environmental status by 2020.~~

*Article 4*  
*Repeal*

Decision 2010/477/EU is hereby repealed.

*Article 5*  
*Entry into force*

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

*For the Commission*

*The President*  
[...]



EUROPEAN  
COMMISSION

Brussels, XXX  
[...] (2015) XXX draft

ANNEX 1

ANNEX

to the

**Commission Decision**

**laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment**

## ANNEX

to the

### Commission Decision

laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment

Criteria and methodological standards for good environmental status, ~~and specifications and standardised methods for monitoring and assessment~~, relevant to the descriptors in Annex I to Directive 2008/56/EC, and to Annex III of that Directive and specifications and standardised methods for monitoring and assessment

This Annex is structured in three parts:

- under Part A are laid down the criteria, methodological standards and specifications ~~to be used for that relate to~~ the assessment of predominant pressures and impacts under point (b) of Article 8(1) of Directive 2008/56/EC,
- under part B are those ~~to be used for that relate to~~ the assessment of environmental status under point (a) of Article 8(1) of Directive 2008/56/EC,
- Part C lays down the spatial aspects ~~of these assessments~~ necessary to assess the extent to which good environmental status is being achieved.

#### **PART A – CRITERIA AND METHODOLOGICAL STANDARDS RELATING TO THE ASSESSMENT OF PREDOMINANT PRESSURES AND IMPACTS UNDER POINT (B) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

The following criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment under Article 11(4) of Directive 2008/56/EC, shall be used by Member States to assess the extent to which good environmental status is being achieved, in relation to the assessment of predominant pressures and impacts under point (b) of Article 8(1) of that Directive.

The relevant descriptors<sup>1</sup> are presented in the following order of anthropogenic pressures: substances, litter and energy (Descriptors 5, 8, 9, 10, 11), biological pressures (Descriptors 2 and 3) and physical pressures (Descriptors 6 and 7), as listed in Annex III of Directive 2008/56/EC.

<sup>1</sup> When this Decision refers to a 'descriptor', this is understood to refer to the relevant qualitative descriptors under the numbered points in Annex I to Directive 2008/56/EC.

**Descriptor 5 – Human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters**

Related pressures: Input of nutrients; Input of organic matter

*Elements for assessment, eCriteria, including criteria elements, and methodological standards*

<u>Criteria Elements for assessment</u>	<u>Criteria, including reference level/threshold values</u> where they exist	<u>Methodological standards</u>
Dissolved Inorganic Nitrogen (DIN), Total Nitrogen (TN), Dissolved Inorganic Phosphorus (DIP), Total Phosphorus (TP) in the water column	D5C1: Nutrient concentrations <del>are at do not exceed</del> levels <u>that do not cause adverse eutrophication effects.</u> <u>Member States shall establish, at regional or subregional level, these threshold values, which shall be set at regional or subregional level by Member States. Those levels:</u> (a) <del>are</del> consistent with levels required to achieve good ecological status under Directive 2000/60/EC; <del>and</del> <del>do not lead to eutrophication effects.</del>	<i>Scales of assessment:</i> – in coastal waters, the water bodies under Directive 2000/60/EC; – beyond coastal waters, subdivisions of the region or subregion, divided where needed by national boundaries <u>and/or at the 12 nautical mile limit of territorial waters.</u>
Chlorophyll a in the water column	D5C2: Chlorophyll a concentration does not exceed: (a) in the water column of coastal waters, the values set in Decision 2013/480/EU; (b) beyond coastal waters, the concentration values set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC and indicate adverse effects of nutrient enrichment.	<i>Primary and secondary criteria:</i> – Criteria D5C1, D5C2 and D5C8 are primary criteria. – Criteria D5C6, <del>and</del> D5C7 <u>and D5C9</u> are primary criteria in coastal waters. – The remaining criteria are secondary criteria, <del>they can:</del>
<u>Transparency Clarity</u> of the water column	D5C3: Water <del>transparency clarity equals or</del> exceeds the minimum level set at regional or subregional level by Member States. Those levels are consistent with levels required to achieve good ecological status under Directive 2000/60/EC and are related to increases in suspended algae as a consequence of nutrient enrichment.	– The remaining criteria are secondary criteria, <del>they can:</del>
Nuisance/toxic algal blooms (e.g. cyanobacteria) in the water column	D5C4: Bloom events of nuisance or toxic algal blooms (e.g. cyanobacteria) due to nutrient enrichment do not exceed: (a) in coastal waters, the levels set in Decision 2013/480/EU if any, or	– <u>D5C9 may substitute D5C8 the associated primary criterion in cases of lack of data: D5C3,</u>

<u>Criteria Elements for assessment</u>	<u>Criteria, including reference levelsthreshold values where they exist</u>	<u>Methodological standards</u>
	<p>developed at regional or subregional level;</p> <p>(b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.</p>	<p><del>D5C4 or D5C5 may substitute D5C2 and D5C9 may substitute D5C8, or and</del></p>
Phytoplankton in the water column	<p>D5C5: Changes in <del>phytoplankton</del> species composition and relative abundance due to nutrient enrichment do not exceed:</p> <p>(a) in coastal waters, the levels set in Decision 2013/480/EU;</p> <p>(b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.</p>	<p>– <del>D5C3, D5C4 or D5C5 may be used to reinforce complement the primary criteriaD5C2, securing the relationship of the primary criterion with the pressure criterion D5C1.</del></p>
Opportunistic macroalgae of seabed habitats	<p>D5C6: Changes in the <del>abundance-biomass</del> of opportunistic macroalgae in coastal waters, due to nutrient enrichment, do not exceed the levels set in Decision 2013/480/EU.</p> <p>Should this criterion be relevant for waters beyond coastal waters, changes in the abundance of opportunistic macroalgae due to nutrient enrichment do not exceed levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.</p>	<p><u>The use of the secondary criteria shall be agreed at regional or subregional level.</u></p> <p><i>Application rules:</i> All criteria used shall achieve the <u>reference levelsthreshold values</u> set.</p>
Perennial seaweeds <del>and-or</del> seagrasses of seabed habitats	<p>D5C7: Changes in the abundance <u>or depth distribution</u> of perennial seaweeds and seagrasses (e.g. fucoids, eelgrass and Neptune grass) in coastal waters, due to nutrient enrichment via decreases in water transparency, do not exceed the levels set in Decision 2013/480/EU.</p> <p>Should this criterion be relevant for waters beyond coastal waters, changes in the abundance of perennial seaweeds and seagrasses (e.g. fucoids, eelgrass and Neptune grass) due to nutrient enrichment via decreases in water transparency do not exceed levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.</p>	
Dissolved oxygen in the <u>bottom of the</u>	D5C8: <u>Changes in d</u> Dissolved oxygen <u>concentration, due to increased</u>	



<u>Criteria Elements for assessment</u>	<u>Criteria, including reference levels/threshold values where they exist</u>	Methodological standards
water column	<p><del>organic matter decomposition, levels in the bottom of the water column are do not lead to adverse effects on seabed habitats or other eutrophication effects.</del></p> <p><del>Member States shall establish, at regional or subregional level, these threshold values, which shall be consistent with those of Directive 2000/60/EC. not reduced, due to increased organic matter decomposition, beyond levels set at regional or subregional level by Member States. Those levels:</del></p> <p><del>are consistent with those of Directive 2000/60/EC; and</del></p> <p><del>do not lead to adverse effects on seabed habitats.</del></p>	
Macroinvertebrate communities of seabed habitats	<p>D5C9: Changes in the typical <u>species composition</u>, <del>including sensitive species</del>, and relative abundance <del>of benthic invertebrate communities</del>, due to increased organic matter decomposition, do not exceed:</p> <p>(a) in coastal waters, the values for benthic biological quality elements set in Decision 2013/480/EU;</p> <p>(b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.</p>	

*Specifications and standardised methods for monitoring and assessment*

~~A failure of criterion D5C1 without failure of the other criteria may require a recalibration of reference levels.~~ Monitoring beyond coastal waters under the Descriptor 5 criteria may not be necessary in cases where the threshold values are achieved in coastal waters.

Units of measurement for the criteria:

- D5C1 Nutrient concentrations in micrograms per litre
- D5C2 Chlorophyll a concentrations in micrograms per litre
- D5C3 Water ~~transparency~~ clarity in metres
- D5C8 Oxygen concentrations in milligrams per litre



**Descriptor 8 – Concentrations of contaminants are at levels not giving rise to pollution effects.**

Related pressures: Input of hazardous substances

*Criteria, including criteria elements, ~~Elements for assessment, criteria~~ and methodological standards for hazardous substances in the marine environment*

<b><u>Criteria elements</u><del>Elements for assessment</del></b>	<b>Criteria, including <del>reference level</del><u>threshold values</u> where they exist</b>	<b>Methodological standards</b>
<p>Within 12 nautical miles:</p> <p>(a) <del>the list of</del> contaminants for which an environmental quality standard is laid down in Part A of Annex I of Directive 2008/105/EC;</p> <p>(b) <del>the list of</del> Specific Pollutants under Annex V of Directive 2000/60/EC; and</p> <p>(c) additional contaminants, <u>if relevant</u>, such as from offshore sources, which are not already identified under points (a) or (b) and which pose a risk to or via the marine environment in the marine region or subregion. Member States shall establish the list of these additional contaminants at regional or subregional level.</p> <p>Beyond 12 nautical miles, the <del>list of</del> contaminants <u>established-considered for the purposes of the assessment</u> within 12 nautical miles, where these still pose a risk</p>	<p>D8C1: Within 12 nautical miles, good environmental status under Directive 2008/56/EC is achieved when:</p> <p>(a) good chemical status is achieved under Directive 2000/60/EC;</p> <p>(b) good ecological status for the River Basin Specific Pollutants is achieved, <u>within 1 nautical mile</u>, under Directive 2000/60/EC;</p> <p>(c) <u>when contaminants under points (a) and (b) are measured in a matrix for which no environmental quality standard is provided under Directive 2008/105/EC, in accordance with Article 3(3) of that Directive, the concentration of those contaminants in that matrix do not exceed the threshold values agreed at the regional or subregional level by Member States;</u> and</p> <p>(d) the concentrations of the additional contaminants do not exceed the <u>levels-values</u> agreed at regional or subregional level by Member States, <u>considering their application within and beyond 12 nautical miles</u>.</p> <p>Beyond 12 nautical miles, good environmental status under Directive 2008/56/EC is achieved when the concentrations of the contaminants <del>to be assessed</del> <u>selected under 'Criteria elements'</u>, in the relevant matrix, do not exceed the <u>levels-values</u> as applicable within 12 nautical miles.</p>	<p><i>Scales of assessment:</i></p> <ul style="list-style-type: none"> <li>- within 12 nautical miles, the water bodies used under Directive 2000/60/EC;</li> <li>- beyond 12 nautical miles, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Primary and secondary criteria:</i></p> <p>D8C1 <del>and D8C2 are</del> <u>is a primary criterion</u>. <u>D8C2 is a secondary criterion that may be used to complement D8C1.</u></p> <p><i>Application rules:</i></p> <ul style="list-style-type: none"> <li>- <u>For D8C1, all contaminants <del>to be assessed</del> for each criterion need to shall achieve the reference level<threshold th="" values<=""> set.</threshold></u></li> <li>- <u>For D8C2, all threshold values set shall be achieved.</u></li> </ul>

<u>Criteria elements</u> <u>Elements for assessment</u>	<u>Criteria, including reference level</u> <u>threshold values</u> where they exist	Methodological standards
to or via the marine environment.		
Contaminants used under D8C1, as relevant, assessed in particular species and tissues, or particular benthic habitats. Member States shall establish at regional or subregional level this list of particular species, tissues and habitats.	D8C2: The health of <u>individuals</u> <u>populations</u> of marine species, or of biological communities (such as species composition/abundance changes at locations of chronic pollution) is not adversely affected (including sub-lethal effects) by contaminants. Member States shall establish at regional or subregional level <u>those adverse effects and their reference level</u> <u>threshold values for the adverse effects</u> .	

*Criteria, including criteria elements, Elements for assessment, ~~criteria~~ and methodological standards for acute pollution events*

<u>Criteria elements</u> <u>Elements for assessment</u>	<u>Criteria, including reference level</u> <u>threshold values</u> where they exist	Methodological standards
Polluting substances, as defined in Article 2(2) of Directive 2005/35/EC of the European Parliament and of the Council <sup>2</sup> , including crude oil and similar compounds	D8C3: <u>Spatial and T</u> <del>temporal occurrence, source (where possible), spatial distribution and extent of significant acute pollution events of crude oil and similar compounds is</del> . The level of such events is minimised and, where possible, eliminated.	<i>Scale of assessment:</i> Regional or subregional level. <i>Primary and secondary criteria:</i> D8C3 is <u>primary</u> <del>a secondary</del> criterion, <u>to be used when a significant acute pollution event has occurred</u> . <i>Application rules:</i> <u>No reference level is set for D8C3. This criterion may be used by Member States as an environmental target. This criterion</u>

<sup>2</sup> Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements (OJ L 255, 30.9.2005, p. 11).

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
		<del>should be used to set an appropriate environmental target, rather than a determination of good environmental status.</del>
Species groups and broad habitat types	D8C4: <u>The health of populations of species and the condition of habitat types are not adversely affected by significant acute pollution events of crude oil and similar compounds on species groups and habitat types do not threaten their good environmental status.</u>	<p><i>Scale of assessment:</i> As used for the species groups and broad habitat types which are affected.</p> <p><i>Primary and secondary criteria:</i> D8C4 is <u>a secondary primary criterion, to be used when a significant acute pollution event has occurred.</u></p> <p><i>Application rules:</i> The outcomes of assessment of this criterion should contribute, where appropriate, to the assessments under Descriptors 1 and 6.</p>

*Specifications and standardised methods for monitoring and assessment*

For the purposes of this Decision:

- (1) Criterion D8C1: Member States shall monitor the priority substances in the relevant matrix as set under Directive 2000/60/EC at least every 6 years and shall use methods of analysis that meet the minimum performance criteria laid down in Commission Directive 2009/90/EC<sup>3</sup>.
- (2) Criteria D8C2 and D8C4: population demographic characteristics (e.g. fecundity rates, survival rates, mortality rates, and reproductive capacity) may be relevant to assess the health effects.

<sup>3</sup> Commission Directive 2009/90/EC of 31 July 2009 laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status (OJ L 201, 1.8.2009, p. 36)

- (3) Criteria D8C3 and D8C4: for the purposes of this Decision, monitoring is established as needed once the acute pollution event has occurred, rather than being part of a regular monitoring programme under Article 11 of Directive 2008/56/EC.
- (4) Criterion D8C4<sup>3</sup>: Member States shall identify the source of significant acute pollution events, where possible. They shall use the national registers for reporting under ~~{EMSA satellite surveillance.}~~

Units of measurement for the criteria:

- D8C1 Concentrations of contaminants in micrograms per litre for water and micrograms per kilogram of wet weight for biota.

**Descriptor 9 – Contaminants in fish and other seafood for human consumption do not exceed levels established by Community legislation or other relevant standards.**

Related pressure: Input of hazardous substances

*Criteria, including criteria elements, ~~Elements for assessment, criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
<p>Contaminants listed in Regulation (EC) No 1881/2006.</p> <p>For the purposes of this Decision, Member States may decide not to consider contaminants from Regulation (EC) No 1881/2006 where justified on the basis of a risk assessment.</p> <p>Member States may assess additional contaminants that are not included in Regulation (EC) No 1881/2006. Member States shall agree at regional or subregional level on those additional contaminants.</p> <p>Member States shall establish <del>at regional or subregional level</del> the list of species and relevant tissues to be assessed, according to the conditions laid down under 'specifications'. <u>They may establish the list at regional or subregional level.</u></p>	<p>D9C1: The level of contaminants in edible tissues (muscle, liver, roe, flesh or other soft parts, as appropriate) of seafood (including fish, crustaceans, molluscs, echinoderms, seaweed and other marine plants) caught or harvested in the wild (excluding fin-fish from mariculture) does not exceed:</p> <p>(a) for contaminants listed in Regulation (EC) No 1881/2006, the maximum levels laid down in that Regulation; and</p> <p>(b) for additional contaminants, not listed in Regulation (EC) No 1881/2006, levels agreed at regional or subregional level by Member States.</p>	<p><i>Scales of assessment:</i></p> <p>For commercially-exploited species which are assessed under Descriptor 3, the same assessment areas are used. For other species, the assessment areas used under Descriptor 8 are used.</p> <p><i>Primary and secondary criteria:</i></p> <p>D9C1 is a primary criterion.</p> <p><i>Application rules:</i></p> <p>All contaminants shall achieve the <del>reference level</del><u>threshold values</u> set.</p>

*Specifications and standardised methods for monitoring and assessment*

1. When Member States establish the list of species to be used, the species shall meet the following conditions:

- (a) the species are relevant to the marine region or subregion concerned;
  - (b) the species fall under the scope of Regulation (EC) No 1881/2006; and
  - (c) the species are suitable for the contaminant being assessed.
2. Exceedance of the standard set for a contaminant shall lead to subsequent monitoring to determine the persistence of the contamination in the area and species sampled. Monitoring needs to continue until there is sufficient evidence that there is no risk of failure.
  3. For the purposes of this Decision, the sampling for the assessment of the maximum levels of contaminants shall be performed in accordance with Article 11 of Regulation (EC) No 882/2004 of the European Parliament and in particular with Commission Regulation (EU) No 589/2014<sup>4</sup> and Commission Regulation (EC) No 333/2007<sup>5</sup>.
  4. Within each region or subregion, Member States shall ensure that the temporal and geographical scope of sampling is adequate to provide a representative sample of the specified contaminants in seafood in the marine region or subregion.
  5. Member States shall monitor and report:
    - (a) the ~~location~~ area in the marine region or subregion where the product from which the samples are taken, are caught or farmed, in accordance with Article 35 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>6</sup>,
    - (b) the species and tissue tested,
    - (c) the level of contaminants and whether this has exceeded the maximum level for contaminants set in Regulation (EC) No 1881/2006.

Units of measurement for the criteria:

- D9C1 Concentrations of contaminants in micrograms per kilogram of wet weight per species.

<sup>4</sup> Commission Regulation (EU) No 589/2014 of 2 June 2014 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs (OJ L 164, 3.6.2014, p. 18)

<sup>5</sup> Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs (OJ L 88, 29.3.2007, p. 29)

<sup>6</sup> Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).



**Descriptor 10 – Properties and quantities of marine litter do not cause harm to the coastal and marine environment.**

Related pressure: Input of litter

*Criteria, including criteria elements, Elements for assessment, criteria and methodological standards*

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
Litter (excluding micro-litter), classified in the following categories: artificial polymer materials, rubber, cloth and textiles, paper and cardboard, processed and worked wood, metal, glass and ceramics, and other. Member States may define further sub-categories.	D10C1: The composition, amount and spatial distribution of litter <del>in the intertidal zone including the strandline</del> <u>on the coastline</u> , in the surface layer of the water column, and on the sea-floor, is at a level that does not cause harm to the coastal and marine environment or other pollution effects. Member States and the Commission should jointly establish, at Union level, <u>reference levels</u> <u>threshold values</u> .	<p><i>Scales of assessment:</i> National part of subdivisions of each region or subregion.</p> <p><i>Primary and secondary criteria:</i> All criteria are primary criteria.</p> <p><i>Application rules:</i> Each criterion is to achieve the <u>reference levels</u><u>threshold values</u> set <del>(when they become available)</del>.</p>
Micro-litter (particles <u>between 20 µm and &lt;5mm as largest dimension</u> ), classified in the categories 'artificial polymer materials' and 'other'.	D10C2: The composition, amount and spatial distribution of micro-litter <del>in the intertidal zone including the strandline</del> <u>on the coastline</u> , in the surface layer of the water column, <del>and on the sea-floor and in sea-floor sediment</del> , is at a level that does not cause harm to the coastal and marine environment or other pollution effects. Member States and the Commission should jointly establish, at Union level, <u>reference levels</u> <u>threshold values</u> .	
<del>Litter, classified in the same categories as under D10C1, or for micro-litter in the same categories as under D10C2, assessed in species of birds, mammals, reptiles and fish. Member States shall establish at regional or subregional level the list of species to be assessed.</del>	<del>D10C3: The amount of litter and micro-litter ingested by marine animals is at levels that do not adversely affect the health of the species concerned. Member States shall establish at regional or subregional level the reference levels.</del>	
Species of birds, mammals, reptiles and fish. Member States shall establish at regional or subregional level that species	D10C <del>4</del> <sup>3</sup> : The number of entanglement incidents, or other types of injury/mortality, of marine animals due to litter is at levels that do not adversely affect populations of the species concerned.	<i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.

<u>Criteria elements</u> <u>Elements for assessment</u>	<u>Criteria, including reference levels</u> <u>threshold values where they exist</u>	<u>Methodological standards</u>
list, based on risk from marine litter.	Member States shall establish at regional or subregional level the reference levels.	<i>Primary and secondary criteria:</i> This is a primary criterion. <i>Application rules:</i> The outcomes of this criterion should contribute to assessments under Descriptor 1.

*Specifications and standardised methods for monitoring and assessment*

Under D10C1 and D10C2:

- litter and micro-litter shall be monitored on the coastline,
- litter and micro-litter shall be monitored in the surface layer of the water column and on the sea-floor (or sediment for micro-litter), based on a risk assessment of the significance of the issue,
- monitoring in biota may be used as a proxy for monitoring under D10C1 and D10C2. If used, litter and micro-litter should be assessed in species of birds, mammals, reptiles, shellfish and fish, agreed by Member States at regional or subregional level.

The monitoring of ~~D10C3 and D10C4~~ (the amount of litter ingested and the number of entanglement incidents or other types of injury/mortality due to litter) should be based on incidental occurrences (e.g. strandings of dead animals).

Units of measurement for the criteria:

- D10C1 Amount of litter in number of items per 100 metres on the coastline, per cubic metre for surface layer, per square metre for sea-floor, and~~[to be added]~~ per individual for biota.
- D10C2 Amount of micro-litter in items per cubic metre for surface layer, per millilitre for sediment and per gram of intestine for biota ~~[to be added]~~
- ~~— D10C3 Amount of litter and micro-litter in [to be added]~~

| - D10C43 Number of affected individuals per ~~each selected~~ species.

**Descriptor 11 – Introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment.**

Related pressures: Input of anthropogenic sound; Input of other forms of energy

*Criteria, including criteria elements, Elements for assessment, criteria and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
Impulsive anthropogenic sound in water	<p>D11C1: The proportion of days, their distribution within a calendar year and <del>their</del> spatial distribution of impulsive anthropogenic sound do not exceed values that are likely to adversely affect marine <del>mammals and other</del> animals, <u>in particular marine mammals</u>.</p> <p>Member States and <u>the</u> Commission should jointly establish these <del>reference levels</del><u>threshold values</u> at Union level. <del>In the absence of Union-level values, Member States shall establish these reference levels at regional or subregional level.</del></p>	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</p> <p><i>Primary and secondary criteria:</i> Both criteria are primary criteria.</p>
Continuous low-frequency anthropogenic sound in water	<p>D11C2: Annual average levels, in two 'third octave' bands, of continuous low-frequency <u>anthropogenic</u> sound do not exceed values that are likely to adversely affect marine <del>mammals and other</del> animals, <u>in particular marine mammals</u>.</p> <p>Member States and <u>the</u> Commission should jointly establish these <del>reference levels</del><u>threshold values</u> at Union level. <del>In the absence of a Union-level value, Member States shall establish these reference levels at regional or subregional level.</del></p>	<p><i>Application rules:</i> Each criterion is to achieve the <del>reference level</del><u>threshold values</u> set <del>(when they become available)</del>.</p> <p><u>The outcomes of these criteria should contribute to assessments under Descriptor 1.</u></p>

*Specifications and standardised methods for monitoring and assessment*

D11C1:

- Monitoring:
  - Spatial resolution: geographical locations whose shape and areas are to be determined (such as licence blocks for offshore industries) at regional or subregional level.

— ~~Temporal frequency: daily.~~

- Impulsive sound measured as monopole energy source level in units of dB re  $1\mu\text{Pa}^2 \text{ s}$  or zero to peak monopole energy source level in units of dB re  $1\mu\text{Pa m}$ . Both are measured over the frequency band 10 Hz to 10 kHz.
- Assessment: Proportion of days per calendar year, distribution within year and spatially within the assessment area.

D11C2:

- Monitoring: Squared sound pressure in each of two ‘third octave’ bands, one centred at 63 Hz and the other at 125 Hz, expressed as a level in decibels in units of dB re  $1\mu\text{Pa}$ . This is measured either directly at observation stations, or inferred from a model used to interpolate between or extrapolate from measurements at observation stations.
- Assessment: Average noise level over a year.

Criteria relating to [the impact of noise or](#) other forms of energy input (including thermal energy, electromagnetic fields and light) still need to be defined.

**Descriptor 2 – Non-indigenous species introduced by human activities are at levels that do not adversely alter the ecosystems.**

Related pressure: Input or spread of non-indigenous species

*Criteria, including criteria elements, Elements for assessment, criteria and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Non-indigenous species.	D2C1: The number of non-indigenous species which are newly introduced via human activity into the wild, measured from the <del>baseline-reference</del> year as reported for the 2012 initial assessment under Article 8(1) of Directive 2008/56/EC, is minimised and where possible eliminated.	<p><i>Scale of assessment:</i> National part of subdivisions of each region or subregion.</p> <p><i>Primary and secondary criteria:</i> Criterion D2C1 is a primary criterion.</p> <p><i>Application rules:</i> <del>No reference level is set for D2C1. This criterion may be used by Member States as an environmental target. This criterion shall be used as an environmental target and is thus not combined with other criteria under Descriptor 2.</del></p>
A list of non-indigenous species, particularly invasive non-indigenous species, which are specified at regional or subregional level by Member States, and which include any relevant <del>(?)</del> species on the list of invasive alien species of Union concern adopted in accordance with Article 4(1) of Regulation (EU) No 1143/2014.	D2C2: Composition, abundance <del>or</del> biomass, spatial distribution and <del>areal</del> <u>spatial</u> extent of non-indigenous species, particularly of invasive species contributing significantly to impacts on particular species groups or broad habitat types.	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species group or broad habitat type under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> D2C2 and D2C3 are secondary criteria <del>which should</del> be used where <del>there is a possibility the species group or the broad</del></p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference level</u> <u>threshold values</u> where they exist	Methodological standards
A list of particular species groups and broad habitat types, as assessed under Descriptor 1, defined by Member States at the regional or subregional level.	D2C3: <del>The spatial extent</del> <u>The proportion</u> of the species group or <u>the spatial extent of the</u> broad habitat type which is adversely altered by non-indigenous species, particularly invasive non-indigenous species. 'Adversely altered' means the species group or broad habitat type is not in good environmental status (for a given location) due to the number of non-indigenous species and/or their abundance within the natural community.	<p><del>habitat type is at risk</del> <u>particularly relevant to the assessment of species groups and habitat types under descriptors 1 and 6.</u></p> <p><i>Application rules:</i></p> <ul style="list-style-type: none"> <li>– Criterion D2C2 (quantification of non-indigenous species) should contribute to the assessment of D2C3 (impacts of non-indigenous species).</li> <li>– Criterion D2C3 should provide <del>a footprint of the extent of</del> <u>impact per species group and broad habitat type assessed and thus contribute to their assessments under D</u> descriptors 1 and 6.</li> <li>– No <u>reference level</u><u>threshold values</u> are set for D2C2 and D2C3, as these are addressed under the relevant species groups and broad habitat types.</li> </ul>

*Specifications and standardised methods for monitoring and assessment*

Regarding D2C2, since species occurrence and abundance can be seasonally variable (e.g. plankton), monitoring needs to be undertaken at appropriate times of year in relation to pathways and to characteristics of the community (~~e.g. plankton~~). Monitoring programmes should be linked to those for Descriptors 1 and 6, where possible, as they should use the same sampling methods and it is more practical to monitor non-indigenous species as part of broader biodiversity monitoring, except where sampling should needs to focus on main risk areas for new introductions.

Units of measurement for the criteria:

- | - ~~Criterion D2C1: shall be reported as~~ the number of species per assessment area which have been newly-introduced in the assessment period (6 years).
- | - ~~Criterion D2C3: shall be reported as~~ the proportion (%) of the species group or broad habitat type adversely affected per assessment area.



**Descriptor 3 – Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.**

Related pressure: Extraction of, or mortality/injury to, wild species, including target and non-target species

*Criteria, including criteria elements, Elements for assessment, criteria and methodological standards*

<b>Criteria elements/Elements for assessment</b>	<b>Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist</b>	<b>Methodological standards</b>
<p>Commercially-exploited fish and shellfish, including all stocks that are managed under Regulation (EU) No 1380/2013, Regulation (EC) No 1967/2006 and nationally-important stocks.</p>	<p>D3C1: The fishing mortality rate (F) of populations of commercially-exploited species is [at or] below levels which can produce the maximum sustainable yield, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.</p> <p>D3C2: The spawning stock biomass (SSB) of populations of commercially exploited species is above biomass levels capable of producing maximum sustainable yield, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.</p> <p>D3C3: Age and size distribution of commercially-exploited species matches at least the best available historical data that is indicative of a healthy stock. This would include a high proportion of old/large individuals and reduced adverse effects of exploitation on genetic diversity. Appropriate values are set for each species or population within each region or subregion by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.</p>	<p><i>Scales of assessment:</i> Populations (stocks) of each species are assessed at ecologically-relevant scales within each region or subregion, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013, based on specified aggregations of ICES Areas and GFCM geographical sub-areas.</p> <p><i>Primary and secondary criteria:</i> Criteria D3C1, D3C2 and D3C3 are primary criteria.</p> <p><i>Application rules:</i> All populations (stocks) assessed shall achieve the <del>reference levels</del> <u>threshold values</u> set for each criterion.</p>
<p>Species of birds, mammals, reptiles and non-commercially-exploited species of fish and cephalopods.</p> <p>Lists of relevant species as established for the region or subregion <del>by appropriate scientific bodies</del> in accordance with Article <del>25(5)6</del> of Regulation (EU) No 1380/2013.</p>	<p>D3C4: The levels of mortality per species from incidental by-catch do not exceed levels which threaten the species, whilst accounting for other pressures on these species.</p> <p><del>Member States shall set, at regional or subregional level, appropriate values for each species.</del></p>	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</p> <p><i>Primary and secondary criteria:</i> D3C4 is a primary criterion.</p> <p><i>Application rules:</i></p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference level</u> <u>threshold values</u> where they exist	Methodological standards
		This criterion <del>does not form part of the assessment for Descriptor 3, but</del> should contribute to the assessments of the corresponding species under Descriptor 1.

Physical disturbance or damage to the seafloor, including effects on benthic communities, as a result of fishing activities, are addressed by the criteria under Descriptor 6 (particularly D6C1, ~~D6C2~~ and D6C~~2~~3) and are to be fed into the assessments of each broad habitat type under Descriptors 1 and 6.

*Specifications and standardised methods for monitoring and assessment*

1. Methods for monitoring under Descriptor 3 shall be the ones established under Council Regulation (EC) No 199/2008.
2. The following methods for assessment shall be used:
  - 2.1. For D3C1, if quantitative assessments yielding values for Fishing mortality (F) are not available due to inadequacies in the available data, the ratio between catch and biomass index ('catch/biomass ratio') can be used as an alternative method.  
For assessment purposes an appropriate method for trend analysis can be adopted (e.g. the current value can be compared against the long-term historical average).
  - 2.2. For D3C2, if quantitative assessments yielding values for Spawning Stock Biomass (SSB) are not available due to inadequacies in the available data, biomass indices can be used as an alternative method.  
For assessment purposes an appropriate method for trend analysis needs to be adopted (e.g. the current value can be compared against the long-term historical average).
  - 2.3. D3C3 should reflect that healthy stocks of ~~many~~ species are characterized by a high proportion of old, large individuals. The relevant properties are the following:
    - (a) Size distribution of individuals in the population, expressed as i) Proportion of fish larger than mean size of first sexual maturation or ii) 95<sup>th</sup> percentile of the fish-length distribution observed in research vessel surveys.

- (b) Selectivity pattern of the fishery exploiting the species, expressed as i) Length (or age depending on data availability) at first capture (length/age at which 50% of individuals in the population are vulnerable to/retained by the gear) or ii) Proportion of individuals across all species in the catch larger than the size at which 50% are mature or iii) Mean length of individuals across all species in the catch.
  - (c) Genetic effects of exploitation of the species, expressed as i) Size at first sexual maturation or ii) Length at which half of the (female) population are mature (50% of total length - TL50).
- 2.4. For D3C4, data should be provided per species per fishing metier for each ICES or GFCM reporting area, to enable its aggregation to the relevant scale for the species concerned, and to identify the particular fisheries and fishing gear most contributing to incidental catches for each species.

Units of measurement for the criteria:

– D3C2 in tonnes per species

**Descriptor 6 – Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.**

Related pressures: Physical loss (due to Cchange of seabed substrate or morphology (~~physical loss~~);and Eextraction of seabed substrate)~~(physical loss)~~; Disturbance or damage to seabed

Criteria, including criteria elements, Elements for assessment, criteria and methodological standards for assessment of physical disturbance or damage

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Seabed (including intertidal areas)	D6C1 Spatial extent of physical disturbance or damage to the sea-floor.	<p><i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> D6C1 is a primary criterion.</p> <p><i>Application rules:</i> No reference level for the criterion is set; as, the extent of physical disturbance or damage shall be used to assess the extent of impact under <del>D6C2, D6C23 and D6C4.</del></p>
<p><del>Species of birds, mammals, reptiles, fish and cephalopods.</del> Member States shall establish at regional or subregional level a list of relevant species, based on risk to their habitat from physical disturbance or damage</p>	<p><del>D6C2 Spatial extent of sea floor habitat of the species which is adversely affected, in particular the functions provided (e.g. spawning, breeding and feeding areas and migration routes), by physical disturbance or damage pressures.</del></p>	<p><del><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</del></p> <p><del><i>Primary and secondary criteria:</i> D6C2 is a secondary criterion, to be used where the status of the species is threatened.</del></p> <p><del><i>Application rules:</i> No reference level is set, as this criterion shall contribute to the assessment of criterion D1C4, where a reference level is set for the habitat of the corresponding</del></p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference level</u> <u>threshold values</u> where they exist	Methodological standards
		<u>species under Descriptor 1.</u>
Benthic broad habitats types, as used for Descriptor 1 (see list in Table 2, Part B of this Decision).	<p>D6C32 Spatial extent of the habitat which is adversely affected through change in its structure and function (species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function), by physical disturbance or damage pressures. Member States shall establish, at regional or subregional level, <u>reference level</u><u>threshold values</u> for representative subtypes of each broad habitat <u>at the appropriate biogeographical scale</u>, which are <u>consistent</u><u>aligned</u> with benthic <u>biological</u> <u>Quality element</u><u>QE</u> values under Directive 2000/60/EC, for assessment of adverse effects.</p> <p><del>D6C4 The size and age structure of specified species of the benthic broad habitat reflect that of a (near) natural habitat in the absence of physical disturbance or damage.</del></p> <p><del>Member States shall establish, at regional or subregional level, reference levels for selected species of the relevant broad habitat types where age/size structure is at particular risk due to physical disturbance pressures or associated fishing activity.</del></p>	<p><i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> D6C32 is a primary criterion; <del>D6C4 is a secondary criterion, to be used where the physical disturbance pressure or associated human activities (e.g. fishing) is likely to affect the size/age structure of key species in the habitat.</del></p> <p><i>Application rules:</i> The outcomes of assessment of criterion D6C32 (and where relevant D6C4) (extent of impact) <del>shall</del> <u>should</u> contribute to the assessments of habitat types under Descriptors 1 <del>and 6.</del></p>

Criteria, including criteria elements, Elements for assessment, criteria and methodological standards for assessment of physical loss (due to change of seabed substrate or morphology and extraction of seabed substrate)

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference level</u> <u>threshold values</u> where they exist	Methodological standards
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<u>Criteria elements</u> Elements for assessment	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
Seabed (including intertidal areas)	D6C53 <del>Cumulative</del> Spatial extent of physical loss of <del>or change to</del> natural seabed habitat.	<p><i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> D6C35 and D6C6 are <u>a</u> primary criteria.</p> <p><i>Application rules:</i></p>
Benthic broad habitats types, as used for Descriptor 1 (see list under Table 2, Part B of this Decision)	D6C6 Extent of each broad habitat type physically lost or changed due to human activities.	<p>No reference level is set <del>for</del> <u>of</u> criterion D6C53 <del>but the extent of loss (pressure) from criterion D6C5 shall be used to assess the extent of impact under</del> D6C6.</p> <p>No reference level is set for criterion D6C6 as the outcome shall contribute to the assessment of habitat types under Descriptors 1 and 6, where a reference level is set for loss of habitat.</p>

*Specifications and standardised methods for monitoring and assessment*

Regarding methods for monitoring:

- for D6C1, all relevant disturbances from different human activities shall be assessed (such as bottom-trawling fishing),
- for D6C53 ~~and D6C6~~, all relevant modifications from different human activities shall be assessed (including changes to natural seabed substrate or morphology via physical restructuring, infrastructure developments and loss of substrate via extraction of the seabed materials).

~~The area disturbed/damaged or lost shall be expressed in km<sup>2</sup> or km<sup>2</sup> per habitat type, as appropriate.~~

For coastal waters, data on hydromorphological modifications (mapping of alterations) in each water body should be derived from Directive 2000/60/EC. Beyond coastal waters, data can be collated from mapping of infrastructure and licenced extraction sites.

Regarding methods for assessment, the data shall be aggregated so that:

- ~~1. D6C2 is assessed in relation to total natural extent of the habitat of the species in the assessment area.~~
1. D6C~~3~~2 is assessed in relation to total natural extent of each broad habitat type assessed under Descriptor 1, in the assessment area.
2. D6C~~5~~3 is assessed as area lost in relation to total natural extent of all ~~natural~~ habitats -in the assessment area (e.g. by extent of anthropogenic modification).
- ~~3. D6C6 is assessed as proportion of total natural extent of each broad habitat type in the assessment area.~~

Units of measurement for the criteria:

- ~~- D6C1: The area disturbed or damaged shall be expressed in square kilometres.~~
- ~~- D6C2: The area disturbed or damaged shall be expressed in square kilometres per habitat type.~~
- ~~- D6C3: The area lost shall be expressed in square kilometres.~~

**Descriptor 7 – Permanent alteration of hydrographical conditions does not adversely affect marine ecosystems.**

Related pressures: Physical loss (due to ~~C~~change of seabed substrate or morphology (~~physical loss~~); Eor extraction of seabed substrate (~~physical loss~~);  
Changes to hydrological conditions

*Criteria, including criteria elements, ~~Elements for assessment, criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
<p><del>Species of bird, mammals, reptiles, fish and cephalopods.</del> <del>Member States shall establish at regional or subregional level, a list of relevant species, based on risk to their habitat from alterations in hydrographical conditions</del> <u>Seabed (including intertidal areas)</u></p>	<p>D7C1: <u>Spatial extent of area</u> <del>Cumulative extent of habitat of the specified species which is adversely affected, in particular the functions provided (e.g. spawning, breeding and feeding areas and migration routes)</del>, due to permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature, oxygen) associated with relevant physical losses <del>to</del><u>of</u> the seabed.</p>	<p><i>Scale of assessment:</i> As used for assessment of the <del>corresponding species</del><u>broad habitat types</u> under Descriptors <u>1 and 6</u>. <i>Primary and secondary criteria:</i> D7C1 is a secondary criterion, to be used where the permanent alterations in hydrographical conditions are likely to put the <u>species-broad habitat types</u> at risk. <i>Application rules:</i> This criterion should contribute to the assessment of <u>D7C2-habitat for the species under Descriptor 1, where reference levels are set.</u></p>
<p>Benthic broad habitats types, as used for Descriptor 1 (see list under Table 2, Part B of this Decision)</p>	<p>D7C2: <del>Cumulative</del><u>Spatial</u> extent of each benthic broad habitat type <del>which has been</del> adversely affected (physical and hydrological characteristics and associated biological communities) due to permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature, oxygen) associated with relevant physical losses <del>to</del><u>of</u> the seabed.</p>	<p><i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6. <i>Primary and secondary criteria:</i> <del>D6</del><u>7</u>C2 is a secondary criterion, to be used where the extent of permanent alterations in hydrographical conditions is likely to put the habitat at risk. <i>Application rules:</i></p>



<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
		This criterion should contribute to the assessment of benthic habitats under Descriptors 1 and 6, where <u>reference level</u> <u>threshold values</u> are set.

*Specifications and standardised methods for monitoring and assessment*

Regarding methods for monitoring:

1. Monitoring should focus on changes associated with infrastructure developments, either on the coast or offshore.
2. Standard EIA hydrodynamic models should be used to assess the extent of effects from each infrastructure development, validated with ground-truth measurements.
3. For coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC should be used.

Regarding methods for assessment, the data shall be aggregated so that:

1. D7C1 is assessed in relation to total natural extent of all habitats in the assessment area.
2. D7C2 is assessed in relation to total natural extent of each broad habitat type assessed under Descriptor 1, in the assessment area.

Units of measurement for the criteria:

- Criteria D7C1: in square kilometres
- and D7C2: should be reported in km<sup>2</sup>-square kilometres per habitat type of habitat which is adversely affected.

**PART B – CRITERIA AND METHODOLOGICAL STANDARDS RELATING TO THE ASSESSMENT OF ESSENTIAL FEATURES AND CHARACTERISTICS AND CURRENT ENVIRONMENTAL STATUS OF MARINE WATERS UNDER POINT (A) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

The following criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment under Article 11(4) of Directive 2008/56/EC, shall be used by Member States to assess the extent to which good environmental status is being achieved, in relation to the assessment of ecosystem state characteristics under point (a) of Article 8(1) of that Directive and will contribute to the assessment of the following descriptors, under Annex I of that Directive:

- Descriptor 1 – Biological diversity is maintained. The quality and occurrence of habitats and the distribution and abundance of species are in line with prevailing physiographic, geographic and climatic conditions.
- Descriptor 4 – All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity.
- Descriptor 6 – Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.

Criteria D2C3, ~~D3C1~~, D3C2, D3C3, ~~D3C4~~, D5C2, D5C3, D5C4, D5C5, D5C6, D5C7, D5C8, D5C9, ~~D6C2~~, ~~D6C3~~, ~~D6C4~~, ~~D6C6~~, ~~D7C1~~, D7C2, D8C2, and D8C4 should contribute to the assessment of habitats under Descriptors 1 and 6, by providing information on the impact of pressures.

Criteria D2C3, D3C1, D3C2, D3C3, D3C4, D8C2, D8C4 and D10C4 should contribute to the assessment of species under Descriptor 1, by providing information on the impact of pressures.

The relevant criteria are presented in the following order of ecosystem components: birds, mammals, reptiles, fish and cephalopods (Descriptor 1), pelagic and benthic habitats (Descriptors 1 and 6) and ecosystems, including food-webs (Descriptors 1 and 4), as listed in Annex III of Directive 2008/56/EC.

**Birds, mammals, reptiles, fish and cephalopods**

Theme: ~~Highly mobile species~~ Species groups of marine birds, mammals, reptiles, fish and cephalopods

Criteria, including criteria elements, Elements for assessment, criteria and methodological standards

<u>Criteria elements</u> Elements for assessment	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
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<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference level</u> <u>threshold values</u> where they exist	Methodological standards
<p>Species groups, as listed under Table 1 and if present in the region or subregion. Member States shall establish, at regional or subregional level, a set of species representative for each species group selected according to the criteria laid down under ‘specifications’.</p> <p>These species may be drawn from those assessed under Union legislation (Directive 92/43/EEC, Directive 2009/147/EC or Regulation (EU) No 1380/2013) or international agreements, such as Regional Sea Conventions, or other sources.</p>	<p>D1C1: Species distributional range and, where relevant, pattern is in line with natural physiographic, geographic and climatic conditions.</p> <p>Member States shall establish, at regional or subregional level, <u>reference level</u><u>threshold values</u> for each species, consistent with the Favourable Reference Range values established by the relevant Member States under Directive 92/43/EEC.</p>	<p><i>Scales of assessment:</i></p> <p>Ecologically-relevant scales for each species group shall be used, as follows:</p> <ul style="list-style-type: none"> <li>– For deep-diving toothed cetaceans, baleen whales, deep-sea fish: Region</li> <li>– For birds, small toothed cetaceans, seals, turtles, pelagic and demersal shelf fish, cephalopods: Region for Baltic and Black Seas; subregion for North-East Atlantic and Mediterranean Sea</li> <li>– For coastal fish: Subdivision of region or subregion</li> </ul> <p><i>Primary and secondary criteria:</i></p> <ul style="list-style-type: none"> <li>– All criteria are primary for species covered by <u>Annex III of Directive 92/43/EEC</u></li> <li>– For birds criteria D1C1 and D1C2 are primary;</li> <li>– For commercially-exploited fish and cephalopods, criteria D1C2 and D1C3 are primary;</li> <li>– For other species D1C2 is a primary criterion;</li> <li>– The remaining criteria are</li> </ul>
	<p>D1C2: Population size (abundance and/or biomass) of the species is not significantly altered due to anthropogenic pressures, such that its long-term viability is ensured.</p> <p>Member States shall establish, at regional or subregional level, reference levels for each species, consistent with the Favourable Reference Population values established by the relevant Member States under Directive 92/43/EEC, taking account of natural variation in population size <u>and the level of mortality derived from D3C4, D8C4 and D10C3 and other relevant pressures</u>.</p>	
	<p>D1C3: Population demographic characteristics (<u>e.g. body size or age class structure, sex ratio, fecundity rates, survival / mortality rates</u>) of the species are indicative of a natural population which is not significantly altered due to anthropogenic pressures.</p> <p>Member States shall establish, at regional or subregional level, reference levels for each species.</p>	
	<p>D1C4: The habitat for the species has the necessary extent and condition</p>	

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference level</u> <u>threshold values</u> where they exist	Methodological standards
	<p>to support the different stages in the life history of the species.</p> <p>Member States shall establish, at regional or subregional level, <u>reference level</u><u>threshold values</u> for each species.</p>	<p>secondary and should be used where there is a possibility the species <u>are at risk</u><del>may fail the criterion</del> <u>in relation to these criteria</u> due to anthropogenic pressures.</p> <p><i>Application rules:</i></p> <p>The status of each species shall be assessed individually, drawing wherever possible from assessments under <u>Directive 92/43/EEC, Directive 2009/147/EC or Regulation (EU) No 1380/2013</u><del>other Union legislation or international agreements</del>:</p> <p>For birds, criteria D1C1 and D1C2 <u>are equivalent</u><u>correspond</u> to the ‘breeding distribution map and range’ and ‘population size’ criteria of Directive 2009/147/EC.</p> <p>For mammals, reptiles and non-commercial fish, criteria D1C1, D1C2, <u>D1C3</u> and D1C4 <u>are equivalent</u><u>correspond</u> to the ‘range’, ‘population’ and ‘habitat for the species’ criteria of Directive 92/43/EEC.</p> <p>For commercially-exploited fish and cephalopods, criteria D1C2 and D1C3 <u>are equivalent</u><u>correspond</u> to criteria D3C2 and D3C3; assessments under D3 should be used for D1 purposes.</p>

<u>Criteria elements</u> Elements for assessment	Criteria, including <u>reference level</u> <u>threshold values</u> where they exist	Methodological standards
		<p>For a <u>All species in a species groups, the species is in good status when the criteria used shall achieve the reference level</u> <u>threshold values</u> set.</p> <p>Good environmental status shall be assessed for each species group, according to the status assessments of all the component species selected as representative of the group. Where agreed Union level rules are not available, all species within the group shall achieve good status for the group as a whole to be considered at GES.</p>

*Elements for assessment* *Criteria elements*

**Table 1 – Species groups**

Ecosystem component	Species groups
<b>Birds</b>	Grazing birds
	Wading birds
	Surface-feeding birds
	Pelagic-feeding birds
	Benthic-feeding birds

Ecosystem component	Species groups
<b>Mammals</b>	Small toothed cetaceans
	Deep-diving toothed cetaceans
	Baleen whales
	Seals
<b>Reptiles</b>	Turtles
<b>Fish</b>	Coastal fish <sup>7</sup>
	Pelagic shelf fish
	Demersal shelf fish
	Deep-sea fish
<b>Cephalopods</b>	Coastal/shelf cephalopods
	Deep-sea cephalopods

*Specifications and standardised methods for monitoring and assessment*

*[To be added]*

### **Pelagic and benthic habitats**

Theme: Pelagic and benthic habitats

<sup>7</sup> Coastal fish and habitats are not confined to coastal waters, but are ecologically defined.

*Criteria, including criteria elements, Elements for assessment, criteria and methodological standards*

<p><b>Criteria elements/Elements for assessment</b></p>	<p><b>Criteria, including <u>reference levels/threshold values</u> where they exist</b></p>	<p><b>Methodological standards</b></p>
<p>Broad habitat types as listed in Table 2 and if present in the region or subregion.</p> <p><u>Member States shall further define, at regional or subregional level, habitat types, selected according to the criteria laid down under ‘specifications’, of each broad habitat type.</u></p> <p><u>These may include habitat types assessed under Directive 92/43/EEC or international agreements. Their assessment should be supported by the assessment, particularly of habitat condition, of a set of more finely defined habitat types (e.g. EUNIS level 4 or 5 types, or types from Habitats Directive or international agreements) selected according to the criteria laid down under ‘specifications’.</u></p>	<p>D1C5: <del>The extent, and where relevant distribution, of the habitat is not significantly altered due to anthropogenic pressures.</del></p> <p>The loss of extent of the habitat type, resulting from anthropogenic pressures, does not exceed 5% of the natural extent of the habitat in the assessment area. In cases where the loss exceeded this value in the <u>baseline reference</u> year used for the Initial Assessment in 2012, there shall be no further loss of the habitat type.</p> <hr/> <p>D1C6: <u>The spatial extent of impacts from anthropogenic pressures on the condition of the habitat, including its biotic (typical species composition and their relative abundance) and abiotic structure, and its functions, is not significantly altered due to anthropogenic pressures over at least does not exceed 30%<sup>8</sup> of its natural extent in the assessment area. This proportion shall include any loss of natural extent, as assessed under criterion D1C5.</u></p>	<p><i>Scales of assessment:</i></p> <p><del>Ecologically relevant scales for each broad habitat type shall be used, as follows:</del> <u>Subdivision of region or subregion, reflecting biogeographic changes in species composition of the habitat at community level.</u></p> <p><i>Primary and secondary criteria:</i></p> <p>D1C5 and D1C6 are primary criteria, excepting D1C5 is not used for pelagic habitats.</p> <p><i>Application rules:</i></p> <p><u>The status of each habitat shall be assessed using w</u>Wherever possible, assessments (such as of sub-types of the broad habitat types) under <u>Directive 92/43/EEC</u> <del>other Union legislation or international agreements should be used to support these assessments.</del></p> <p>Criteria D1C5 and D1C6 <u>are equivalent/correspond</u> to the ‘range/area covered by habitat type within range’ and ‘specific structures and functions’ criteria of Directive 92/43/EEC.</p> <p><u>Criterion D1C5 should use the assessment</u></p>

<sup>8</sup> From IUCN guidelines on ecosystem assessments

Criteria elements Elements for assessment	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
		<p><del>made under D6C3.</del></p> <p><u>For pelagic habitats, assessments should, in particular, take into account the assessments under D2C3, D5C2, D5C3, D5C4, D5C5, D8C2 and D8C4. For pelagic habitats, the assessments fulfil the needs for assessment under Descriptor 1.</u></p> <p><u>For benthic habitats, assessments should, in particular, take into account the assessments under D2C3, D3C2, D3C3, D5C6, D5C7, D5C8, D5C9, D6C2, D7C2, D8C2 and D8C4. For benthic habitats, the assessments fulfil the needs for assessment under Descriptors 1 and 6.</u></p> <p><u>Both criteria D1C5 and D1C6 shall achieve the threshold values set.</u> <del>For pelagic habitats, assessments should, in particular, take into account the assessments for Descriptor 5 and Descriptor 2.</del></p> <p><del>For benthic habitats, the assessments fulfil the needs for assessment under Descriptors 1 and 6. Both criteria shall achieve the reference levels set. The assessments should, in particular, take into account the assessments for Descriptor 5, Descriptor 2, Descriptor 3 (benthic species) and Descriptors 6 and 7 (physical disturbance, physical loss and associated hydrographical changes).</del></p>



*Criteria Elements for assessment*

**Table 2 – Broad habitat types (relevant for criteria under Descriptors 1, 6 and 7), which equate to one or more habitat types of the EUNIS classification (2016 version used), as indicated. Updates to the EUNIS typology should be reflected in the broad habitat types used for the purposes of Directive 2008/56/EC and of this Decision.**

<b>Ecosystem component</b>	<b>Broad habitat types</b>	<b>Relevant EUNIS habitat codes (version 2016)</b>
<b>Benthic habitats</b>	Littoral rock and biogenic reef	[to be completed]
	Littoral sediment	
	Infralittoral rock and biogenic reef	
	Infralittoral coarse sediment	
	Infralittoral sand	
	Infralittoral mud	
	Infralittoral mixed sediment	
	Circalittoral rock and biogenic reef	
	Circalittoral coarse sediment	
	Circalittoral sand	
	Circalittoral mud	
	Circalittoral mixed sediment	
	Upper bathyal <sup>9</sup> rock and biogenic reef	
	Upper bathyal sediment	
	Lower bathyal rock and biogenic reef	
	Lower bathyal sediment	

<sup>9</sup> [The boundary for the upper bathyal could be set as a specified depth limit.](#)

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
	Abyssal rock and biogenic reef	
	Abyssal sediment	
Pelagic habitats	Variable salinity <sup>10</sup>	
	Coastal	
	Shelf	
	Oceanic	

*Specifications and standardised methods for monitoring and assessment*

~~New requirements for monitoring and assessment may be needed for MSFD implementation issues (notably for fish, cephalopods and habitats).~~

Criteria for the selection of species and habitats to be assigned to the species groups and broad habitat types:

(a) ~~Main~~<sup>Primary</sup> scientific criteria (ecological relevance):

- Representative of the ecosystem component (species group or broad habitat type), being relevant for assessment of state/impacts, such as having a key functional role within the component (e.g. high or specific biodiversity, productivity, trophic link, specific resource or service);
- Relevant for assessment of a key anthropogenic pressure to which the ecosystem component is exposed, being sensitive to the pressure and exposed to it (vulnerable) in the assessment area;
- Sufficiently present across the (sub)region: high proportion (extent or occurrence) of the species/ habitat occurs within the assessment area;
- Present in sufficient numbers or extent in the assessment area to be able to construct a suitable indicator for assessment.
- The set of species or habitats selected should cover, as far as possible, the full range of ecological functions of the ecosystem component.

<sup>10</sup> Retained for situations where estuarine plumes extend beyond waters designated as Transitional Waters under Directive 2000/60/EC.

(b) ~~Secondary~~ Additional practical criteria (which shall not override the ~~primary~~ main set of scientific criteria):

- Monitoring/technical feasibility
- Monitoring costs
- Reliable time series

The representative set of species and habitats to be assessed are likely to be (sub)regionally specific, although certain species may occur in several subregions. ~~The more species/habitats that will be included in each group, the greater the confidence in the assessment.~~

For monitoring of D1C6, for benthic habitats, the proportion of spatial extent of impacts from anthropogenic pressures shall include any loss of natural extent, as assessed under criterion D1C5 for benthic habitats.

### Ecosystems, including food webs

Theme: Ecosystems

*Criteria, including criteria elements, ~~Elements for assessment, criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
Trophic guilds of an ecosystem. Member States shall agree at regional or subregional level on at least three trophic guilds to assess, two of which shall be non-fish trophic guilds. These should take into account the ICES list of trophic guilds <sup>11</sup> .	D4C1: Abundance <del>or/</del> biomass of trophic guilds is not <del>significantly altered</del> <u>adversely affected</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	<i>Scale of assessment:</i> Regional level for Baltic Sea and Black Sea; subregional level for <u>North-East</u> Atlantic and Mediterranean Sea, distinguishing coastal, shelf and oceanic/deep-sea ecosystems, as appropriate.
	D4C2: Size distribution <del>[per species]</del> within trophic guilds is not <del>adversely affected</del> <u>significantly altered</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	

<sup>11</sup> ICES Advice (2015) Book 1, ICES special request advice, published 20 March 2015.

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
	<p>D4C3: Species composition and their relative abundance (diversity) within the trophic guild are not <u>adversely affected</u> <u>significantly altered</u> due to anthropogenic pressures.</p> <p>Member States shall establish, at regional or subregional level, <u>reference level</u><u>threshold values</u>.</p>	<p><i>Primary and secondary criteria:</i></p> <p>Criteria D4C1 and D4C3 are primary criteria. Criterion <u>D4C2</u> is a secondary criterion, to be used for trophic guilds in which size distribution may be significantly affected by anthropogenic pressures. Criterion <u>D4C4</u> is a secondary criterion <u>which should to</u> be used in support of criterion <u>D4C1</u>, <u>where necessary</u>.</p> <p><u>Application rules:</u></p> <p><u>For all criteria used, the reference levels set shall be achieved.</u></p>
	<p>D4C4: Productivity of trophic guilds is not <u>adversely affected</u> <u>significantly altered</u> due to anthropogenic pressures.</p> <p>Member States shall establish, at regional or subregional level, <u>reference level</u><u>threshold values</u>.</p>	

*Specifications and standardised methods for monitoring and assessment*

[To be added]

Member States shall monitor whether, for each criterion, the values fall within the threshold values set.

#### **PART C - SPATIAL ASPECTS OF ~~ASSESSMENT~~ ASSESSING THE EXTENT TO WHICH OF GOOD ENVIRONMENTAL STATUS IS ACHIEVED**

~~The achievement of good environmental status under Article 1(1) of Directive 2008/56/EC needs to address both the quality to be achieved at any given location in the marine waters of Member States and the spatial extent over which such quality levels are to be achieved within each region or subregion. This spatial aspect is reflected in Article 1(2) and 1(3) of that Directive, and indicates that some locations may not achieve the quality levels set, particularly to allow for certain sustainable uses of the marine waters, provided the collective pressure of human activities is kept within levels compatible with the achievement of good environmental status and the capacity of marine ecosystems to respond to human induced changes is not compromised.~~

For the predominant pressures and impacts to be assessed under point (b) of Article 8(1) of Directive 2008/56/EC, the criteria provided in Part A of this Annex set reference level threshold values (or provide for these to be set by Member States within each region or subregion) in relation to the intensity of a pressure that is considered to be compatible with (or not preventing) the achievement of good environmental status~~quality to be achieved~~ at any given ~~location~~ area in the marine waters of Member States.

In order to assess the extent to which ~~GES~~ good environmental status is being achieved in each region and subregion, as required under Article 9(3) of Directive 2008/56/EC, the following are needed:

- (a) the spatial distribution and extent of the predominant pressures and impacts addressed in the criteria under Descriptors 2 (excepting criterion D2C1), 5, 6, 7, 8, 10 (excepting ~~D10C3 and D10C34~~) and 11 ~~need to shall~~ be assessed;
- (b) the spatial extent of impacts assessed in criteria under Descriptors 2, 3 (for benthic species), 5, 6 and 7 (and if appropriate Descriptors 8, 9, 10 and 11) should be used when assessing the extent of habitat in good condition under Descriptors 1 and 6;
- (c) when ~~reporting on the updates of reviewing~~ their initial assessments and their determination of good environmental status according to point (a) of Article 17(2) of Directive 2008/56/EC, Member States shall ~~assess report~~ the extent to which the reference level threshold values have been achieved for each criterion used, per assessment element where relevant, as a proportion (%) of the total extent of the element in the assessment area.



## Aktdetaljer

**Akttitel: Sv: Forslag til god miljøtilstand i havet i regi af havstrategidirektivet**

**Aktnummer: 15**

Akt ID: 2233765

Dato: 06-04-2016

Type: Udgående

Dokumenter: [1] SV Forslag til god miljøtilstand i havet i regi af havstrategidirektivet (MFVM Id nr. 2225685).html

Den 22. februar 2017

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**Til:** Andreas Meldgaard Goth (anmeg@fm.dk), Jakob Baadsgaard Jepsen (jabaj@fm.dk)  
**Fra:** Maria Klint Thelander (makbj@mfv.dk)  
**Titel:** Sv: Forslag til god miljøtilstand i havet i regi af havstrategidirektivet  
**Sendt:** 06-04-2016 11:25:35

Kære Andreas og Jakob

Til orientering, så behandles forslaget om god miljøtilstand alligevel ikke på det uformelle møde i komiteen i denne uge. Det er ikke på den endelige dagsorden.

Jeg fik ikke vendt spørgsmålet omkring en eventuel ØU-sag med Andreas den anden dag. Tror I der vil være behov for en ØU-forelæggelse?

Jeg har overvejet om en orientering af styregruppen måske er tilstrækkelig. Forhandlingslinjen er klart fra vores side at der er rigtigt meget der skal ændres før vi stemmer ja og vi arbejder sideløbende for at samle et kvalificeret flertal imod forslaget.

Derudover er det på nuværende tidspunkt rigtigt svært at sige noget klart omkring konsekvenserne af forslaget. En del mål skal efterfølgende fastlægges i regionale havfora (HELCOM/OSPAR).

Mvh. Maria

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**Til:** Andreas Meldgaard Goth (anmeg@fm.dk)  
**Cc:** Jonas Fredsted Villadsen (jofvi@mfv.dk), Signe Krarup (sikra@mfv.dk)  
**Fra:** Maria Klint Thelander (makbj@mfv.dk)  
**Titel:** Sv: Forslag til god miljøtilstand i havet i regi af havstrategidirektivet  
**Sendt:** 01-04-2016 12:53:53

Kære Andreas

Selv tak for snakken.

Naturstyrelsen sendte lige før påske udkastet i teknisk høring. Jeg har vedlagt høringsbrevet og selve udkastet.

Jeg forventer at vi i næste uge har et udkast til rammenotat der ikke vil gå i dybden med økonomien, men måske kan bruges til at få et overblik.

Jeg vil som sagt forslå at vi sætter os sammen ultimo uge 15/primo uge 16 og lige laver en status og snakker videre proces.

Mvh. Maria

Venlig hilsen

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**Til:** Maria Klint Thelander (makbj@mfv.dk)  
**Fra:** Andreas Meldgaard Goth (anmeg@fm.dk)  
**Titel:** SV: Forslag til god miljøtilstand i havet i regi af havstrategidirektivet  
**Sendt:** 01-04-2016 12:47:10

Kære Maria

Tak for snakken og briefing. Hvis I allerede har nogle dokumenter på sagen, som du kan sende over, så må du gerne det. Jeg vender med Jacob og vender tilbage senere.

Dbh. Andreas

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**Fra:** Maria Klint Thelander [mailto:makbj@mfv.dk]  
**Sendt:** 1. april 2016 12:45  
**Til:** Christine Aggerstrøm Hansen  
**Cc:** Jakob Baadsgaard Jepsen; Andreas Meldgaard Goth  
**Emne:** Sv: Forslag til god miljøtilstand i havet i regi af havstrategidirektivet (MFVM Id nr.: 2225685)

Mange tak for tilbagemeldingen.

Jeg har snakket med Andreas og han orienterer Jakob.

Mvh. Maria

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**Til:** Maria Klint Thelander (makbj@mfv.dk)  
**Cc:** Andreas Meldgaard Goth (anmeg@fm.dk), Jakob Baadsgaard Jepsen (jabaj@fm.dk)  
**Fra:** Christine Aggerstrøm Hansen (cag@fm.dk)  
**Titel:** SV: Forslag til god miljøtilstand i havet i regi af havstrategidirektivet

Sendt: 01-04-2016 12:16:53

Kære Maria,

Jeg har forsøgt at ringe vedr. denne. Mange tak for varslingen.

Det vil være Jakob fra 7. kontor og Andreas fra 4. kontor (EU-kontoret) der sidder med sagen her, begge cc.

Vh

Christine

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**Fra:** Maria Klint Thelander [<mailto:makbj@mfvm.dk>]

**Sendt:** 17. marts 2016 10:34

**Til:** Christine Aggerstrøm Hansen

**Emne:** Forslag til god miljøtilstand i havet i regi af havstrategidirektivet (MFVM Id nr.: 2209394)

Kære Christine

Jeg forsøgte lige at ringe, da det måske er lettest at snakke mundtligt.

Jeg ville orientere om, at en komite under kommissionen er kommet med uofficielt udkast til beslutning om hvad god miljøtilstand i havet er og hvordan det skal måles.

Det er meningen at det officielle forslag kommer medio maj og der skal stemmes om forslaget d. 15/6.

Konsekvenserne af forslaget kan potentielt være omfattende da der blandt andet sættes mål i forhold til næringsstoffer, støj, forurening, forekomst af arter og habitater. Vi er i gang med at få et overblik. Det er vi langt fra færdige med endnu, men jeg ville fortælle, at sagen er kommet og afklare om det er 7. kontor eller EU-kontoret i FM vi skal koordinere med.

Du eller en af dine kolleger er velkommen til at ringe, så jeg kan sætte lidt flere ord på.

Venlig hilsen

**Maria Klint Thelander**

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**Miljø- og Fødevareministeriet**

Departementet | Slotsholmsgade 12 | 1216 København K | Tlf. +45 38 14 21 42 | [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk) | [www.mfvm.dk](http://www.mfvm.dk)





## Aktdetaljer

**Akttitel: Materiale til brug for mødet mandag d. 18-04-16 - God miljøtilstand i havene**

**Aktnummer: 24**

Akt ID: 2248427

Dato: 15-04-2016

Type: Udgående

Dokumenter: [1] Aktdokument.html  
[2] Resume af GES-beslutning - 15-02-16.docx  
[3] Oversigt over deskriptorer i GES.xlsx

Den 22. februar 2017

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**Til:** Andreas Meldgaard Goth (anmeg@fm.dk), Jakob Baadsgaard Jepsen (jabaj@fm.dk)  
**Cc:** Signe Krarup (sikra@mfvm.dk), Jonas Fredsted Villadsen (jofvi@mfvm.dk), Andreasen, Ditte Mandøe (diman@nst.dk), Christina Hjermand Hjelmager (chjel@nst.dk)  
**Fra:** Maria Klint Thelander (makbj@mfvm.dk)  
**Titel:** Materiale til brug for mødet mandag d. 18-04-16 - God miljøtilstand i havene  
**Sendt:** 15-04-2016 10:50:04  
**Bilag:** Resume af GES-beslutning - 15-02-16.docx; Oversigt over deskriptorer i GES.xlsx;

Kære Andreas og Jakob

Som sagt har vi ikke et opdateret godkendt rammenotat vi kan sende til jer til forberedelse for mødet på mandag, men jeg har vedlagt et kort skriv med resume, baggrund og formål. Det er udarbejdet i slutningen af februar - lige da udkastet til forslag blev kendt. Vi er heldigvis blevet klogere siden da, men jeg synes fortsat det giver en ok indflyvning.

Jeg har vedlagt en oversigt over descriptorerne uden rettemarkeringer mv. Det er (måske) en mere læsevenlig version end det udkast I allerede har modtaget.

Jeg tænker, at Ditte og jeg på mødet:

- Giver jer en introduktion til forslaget og hvilke udfordringer vi kan se der er
- Giver en introduktion til de steder der kan være større økonomiske konsekvenser og forklarer hvor vi er i udredningsprocessen

Forhåbentlig kan vi også nå at snakke lidt om processen med jer og evt. ØU-sag.

Venlig hilsen

**Maria Klint Thelander**

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Naturstyrelsen/Naturbeskyttelse

Sags.nr.: NST-4205-00011

Dato: 15. februar 2016

**Europa-Kommissionens udkast til forslag til afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering, samt ophævelse af afgørelse 2010/477/EU. (Komitesag).**

**KOM-dokument foreligger ikke**

**Resumé**

*Europa-Kommissionen har med hjemmel i havstrategidirektivet fremlagt et udkast til ny afgørelse vedrørende hvilke konkrete kriterier og metodiske standarder medlemslandene skal anvende, når de vurderer, om der er god miljøtilstand i havmiljøet. Endvidere indeholder forslaget specifikationer og standardmetoder for overvågning og vurdering af havmiljøet.*

*Europa-Kommissionens forslag er udtryk for en forenkling og en mere stringent opbygning, men er på mange områder også en skærpelse af den nuværende afgørelse fra 2010 (2010/477/EU) og på en række punkter også en skærpelse af selve havstrategidirektivet. Afgørelsen kan endvidere vise sig at blive en skærpelse af vandrammedirektivet og habitatdirektivet/fuglebeskyttelsesdirektivet.*

*Forslaget vurderes generelt at ville hæve beskyttelsesniveauet i Danmark. Forslaget vurderes samtidig at kunne få væsentlige økonomiske og administrative konsekvenser for både staten og erhvervslivet. Der kan muligvis være økonomiske konsekvenser for kommunerne. Forslaget forventes ikke at have økonomiske konsekvenser for regionerne.*

*Forslaget forventes sat til afstemning i havstrategidirektivets forskriftkomité den 15. juni 2016.*

*Regeringen kan støtte forslaget, idet der lægges afgørende vægt på:*

- *at forslaget holder sig inden for de juridiske rammer i havstrategidirektive,*
- *at det fortsat er op til medlemslandene at beslutte, for hvilke kriterier der skal fastsættes kvantitative grænseværdier,*
- *at der indskrives større fleksibilitet i anvendelsen af kriterierne og at forholdet mellem primære og sekundære kriterier afklares,*
- *at der ikke i direktivet fastsættes grænseværdier for havets naturtyper. Alternativt at sådanne grænseværdier indskrives fleksibelt,*
- *at forslagets sammenhæng til vandrammedirektivet, fuglebeskyttelsesdirektivet og habitatdirektivet afklares således, at det ikke skærper beskyttelsesniveauet i forhold til disse direktiver.*

**Baggrund**

Europa-Kommissionens udkast til forslag er udarbejdet med hjemmel i Europa-Parlamentets og Rådets Direktiv 2008/56/EF om fastlæggelse af en ramme for Fællesskabets havmiljøpolitiske foranstaltninger (havstrategidirektivet).

Havstrategidirektivet har til formål at skabe en ramme, inden for hvilken medlemslandene skal træffe de fornødne foranstaltninger til at opnå eller opretholde en god miljøtilstand i havmiljøet senest i år 2020. Hvert medlemsland skal hvert 6. år udarbejde dele af en havstrategi, som består af en analyse af havmiljøets tilstand, en beskrivelse af god miljøtilstand og opstilling af en række miljømål (næste gang i 2018), et overvågningsprogram (næste gang i 2020) og et indsatsprogram (næste gang i 2021).

Havstrategidirektivet angiver, at Europa-Kommissionen skal fastlægge *"kriterier og metodiske standarder, som medlemsstaterne skal anvende, og som udformes med henblik på ændring af ikke-væsentlige elementer i dette direktiv ved at supplere det, for at sikre konsistens og gøre det muligt at foretage en sammenligning mellem havregionerne eller subregionerne med hensyn til, i hvilket omfang der er opnået en god miljøtilstand"*, jf. artikel 9, stk. 3.

På den baggrund traf Europa-Kommissionen den 1. september 2010 afgørelse om kriterier og metodiske standarder for god miljøtilstand i havområder (2010/477/EU). Denne afgørelse har Danmark lagt til grund i første cyklus af direktivets gennemførelse. I afgørelsen fremgår det, at den bør revideres på baggrund af bl.a. den videnskabelige udvikling og at dette bør ske rettidigt inden den opdatering af havstrategierne, der skal ske i 2018, jf. præambel nr. 4.

Endvidere angiver direktivet, at Europa-Kommissionen skal fastsætte *"specifikationer og standardmetoder for overvågning og vurdering, der tager hensyn til eksisterende forpligtelser og sikrer sammenlignelighed mellem overvågnings- og vurderingsresultater, og som udformes med henblik på ændring af ikke-væsentlige elementer i dette direktiv ved at supplere det"*, jf. artikel 11, stk. 4.

På den baggrund har Europa-Kommissionen den 13. januar 2016 fremsendt et nyt forslag til afgørelse til behandling i havstrategidirektivets forskriftkomité. Udkastet har endnu ikke gennemgået Europa-Kommissionens interne konsultationsprocedure og er ikke formelt fremsat.

Afgørelsen skal vedtages efter forskriftproceduren med kontrol. Forskriftkomitéen under havstrategidirektivet træffer således afgørelse i sagen efter forskriftprocedure med kontrol (artikel 5a i Rådets afgørelse 1999/468/EF, som ændret ved Rådets afgørelse 2006/512 af 17. juli 2006), jf. art. 25, stk. 2 i havstrategidirektivet.

Hvis der i forskriftudvalget er kvalificeret flertal for forslaget, udsteder Europa-Kommissionen beslutningen, når Europa-Parlamentet har gennemført en legalitetskontrol af forslaget inden for tre måneder. Opnås der ikke kvalificeret flertal i forskriftudvalget, forelægger Europa-Kommissionen sagen for Rådet og underretter samtidig Europa-Parlamentet. Hvis der i Rådet er kvalificeret flertal imod et forslag, skal Europa-Kommissionen behandle sagen på ny. Vedtager Rådet forslaget med kvalificeret flertal, eller udtaler Rådet sig ikke inden en frist på højst to måneder, kan Europa-Kommissionen udstede beslutningen, når Europa-Parlamentet har gennemført en legalitetskontrol af forslaget inden for fire måneder fra Europa-Kommissionens forelæggelse.

Forslaget forventes sat til afstemning i havstrategidirektivets forskriftkomité den 15. juni 2016.

## Formål og indhold

Formålet med forslaget er at sikre konsistens mellem landenes implementering af havstrategidirektivet og at sikre sammenlignelighed på tværs af havregioner.

Forslaget angiver konkrete kriterier og metoder, der skal anvendes til at vurdere, om havmiljøet er i god tilstand. Endvidere angiver forslaget, hvilke elementer i havmiljøet der skal overvåges samt i nogle tilfælde også, hvor ofte det skal overvåges.

Europa-Kommissionen foreslår, at niveauer og grænseværdier for god miljøtilstand i langt de fleste tilfælde fastsættes kvantitativt, hvilket vurderes at være en skærpelse i forhold til direktivet og den gældende beslutning fra 2010, hvor niveauerne og grænseværdierne kunne være mere kvalitative.

For to kriterier har Europa-Kommissionen i udkast til afgørelse allerede foreslået kvantitative grænseværdier:

- Tabet af areal af naturtyper på grund af menneskelige påvirkninger (det være sig havneudvidelser, strandparker, råstofindvinding eller lign.) må ikke overstige 5 % af naturtypens naturlige udbredelsesareal.
- Tilstanden af en naturtype må ikke være væsentligt negativt påvirket fra menneskelige aktiviteter på over 30 % af naturtypens naturlige udbredelsesareal.

Mange af grænseværdierne skal fastsættes via udviklingsarbejde i de regionale havkonventioner – OSPAR (for Nordsøen) og HELCOM (for Østersøen) – mens de for undervandsstøj og marint affald skal søges fastsat på EU-niveau. Europa-Kommissionen forudsætter samtidig, at niveauer, der allerede er fastsat i havkonventionerne, bringes i anvendelse. Der er således tale om en skærpelse af betydningen og forpligtelsen af det regionale samarbejde, der i højere grad fokuserer på harmonisering og ikke kun koordinering, som er det direktivet forpligter landene til at gøre.

For mange af emnerne foreslår Europa-Kommissionen som noget nyt en "one-out-all-out" tilgang. Det vil for eksempel sige, at hvis bare ét af kriterierne under et emne, fx biodiversitet (det kunne være for en bestemt fugleart) ligger under niveauet for god miljøtilstand, falder hele emnet "biodiversitet" ud som værende i ikke god tilstand.

Der indføres såkaldte *primære* og *sekundære* kriterier, hvor det angives, at de primære kriterier skal anvendes, mens de sekundære kriterier kan anvendes på baggrund af en nærmere vurdering. I praksis vil denne vurdering betyde, at også de sekundære kriterier kan blive obligatoriske.

I den nuværende afgørelse fra 2010 var der mulighed for at undtage brugen af visse kriterier, hvis medlemslandet ikke fandt det hensigtsmæssigt. Denne mulighed er ikke til stede i nærværende udkast til afgørelse.

Ved forslaget udvides det geografiske anvendelsesområde også, idet kystvande, som er dækket af vandrammedirektivet, indgår i forslagets ift. emner som eutrofiering og miljøfarlige stoffer, til trods for, at det i havstrategidirektivet fremgår, at der netop ikke er et overlap mellem de to direktivets anvendelsesområde.

Regnearket er for stort til automatisk at lave PDF - upload en PDF manuelt om nødvendigt



## Aktdetaljer

Den 22. februar 2017

### **Akttitel: Ang. komitésag om god miljøtilstand i havet** **Aktnummer: 30**

Akt ID: 2258008

Dato: 19-04-2016

Type: Udgående

Dokumenter: [1] Aktdokument.html

**Til:** kbr@trm.dk (kbr@trm.dk)  
**Cc:** Jonas Fredsted Villadsen (jofvi@mfvm.dk), Lars Møller Christiansen (lamch@mfvm.dk)  
**Fra:** Maria Klint Thelander (makbj@mfvm.dk)  
**Titel:** Ang. komitésag om god miljøtilstand i havet  
**Sendt:** 19-04-2016 10:13:29

Kære Kristoffer

Jeg forsøgte at så fat i dig på telefonen uden held, så her er en mail i stedet.

TRBM har givet udtryk for, at det i forbindelse med en status for Femern Bælt-projektet til transportkommissæren ønskes nævnt, at der kan være en problematik i forhold til EU-kommissionens udkast til forslag til kriterier for god miljøtilstand i havet. Jeg vil blot orientere om, at I er velkommen til at informere transportkommissæren. Jeg har i går drøftet hele sagen med FM og nævnte også jeres ønske og der var enighed om at det var en god idé.

I den forbindelse blev det også aftalt, at der ind til videre sigtes efter en orienterende ØU-sag medio maj, på baggrund af det nye udkast til forslag der ventes offentliggjort forud for komité-mødet d. 19/20 maj.

Jonas Villadsen (EU-kontoret) og jeg er ansvarlige for sagen i MFVM.

Venlig hilsen

**Maria Klint Thelander**

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## Aktdetaljer

**Akttitel: Ang. forslag til komitesag omkring fastsættelse af kriterier og metodiske standarder for god miljøtilstand i havet**

**Aktnummer: 32**

Akt ID: 2258123

Dato: 19-04-2016

Type: Udgående

Dokumenter: [1] Aktdokument.html  
[2] CTTEE\_12-2016-03\_Proposal for a Commission Decision on GES criteria-V2 D....pdf  
[3] CTTEE\_11-2016-05\_Main aims of a revised Decision & Annex III.pdf  
[4] SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi.eml

Den 22. februar 2017

**Til:** Martin Madsen (MMA@evm.dk)  
**Cc:** Lars Christian Engelsborg Hansen (laha@mfvm.dk), Jonas Fredsted Villadsen (jofvi@mfvm.dk)  
**Fra:** Maria Klint Thelander (makbj@mfvm.dk)  
**Titel:** Ang. forslag til komitesag omkring fastsættelse af kriterier og metodiske standarder for god miljøtilstand i havet  
**Sendt:** 19-04-2016 12:20:05  
**Bilag:** CTTEE\_12-2016-03\_Proposal for a Commission Decision on GES criteria-V2 D....pdf; CTTEE\_11-2016-05\_Main aims of a revised Decision & Annex III.pdf; SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi.eml;

Kære Martin

Jeg skriver til dig for at orientere om en komitesag fra EU samt få oplyst en kontaktperson for den videre koordinering.

EU-kommissionen er kommet med et udkast til forslag om fastsættelse af kriterier og metodiske standarder for god miljøtilstand i havet, samt specifikationer og standardmetoder for overvågning og vurdering af tilstanden. Forslaget har hjemmel i Havstrategidirektivet og behandles som en komitésag. Der forventes afstemning i komitéen d. 15. juni. Forslaget er omfattende og indeholder forslag til fastsættelse af grænseværdier inden for 11 forskellige områder (descriptorer). For hver descriptor er der flere kriterier. Der er i udkastet kun foreslået to specifikke grænseværdier, mens de resterende skal fastsættes efterfølgende enten i EU eller på regionalt niveau - for Danmarks vedkommende i de regionale havfonde HELCOM og OSPAR.

De to foreslåede grænseværdier er:

- Menneskeligt pres må maksimalt forårsage 5 % tab af den naturlige udbredelse af habitater/havbunden - dvs. f.eks. inddragelse af havbund ved havneudvidelser eller infrastruktur.
- Der må maksimalt være menneskelig påvirkning af 30 % af havets habitater - dvs. f.eks. bundsløbende fiskeri.

Miljø- og Fødevareministeriet mener, på linje med en række andre lande, at forslaget er alt for vidtgående. Det er i første omgang aftalt med FM, at der sigtes mod en ØU-sag medio maj, hvor der orienteres om forslaget og dets konsekvenser.

Vi overvejer at afholde et introduktions- og procesmøde med de relevante ministerier og jeg skriver til dig, for at få oplyst en kontaktperson i EVM som jeg kan koordinere sagen med.

Jeg vedlægger udkastet til forslag. Naturstyrelsen har haft vedlagte forslag i høring i Søfartsstyrelsen. Jeg har vedlagt Søfartsstyrelsens svar.

Du er velkommen til at ringe, for at få uddybet sagen nærmere.

Venlig hilsen

**Maria Klint Thelander**

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**EUROPEAN COMMISSION**  
 DIRECTORATE-GENERAL  
 ENVIRONMENT  
 Directorate C - Quality of Life, Water & Air  
 ENV.C.2 - Marine Environment & Water Industry

**12<sup>TH</sup> MEETING OF THE COMMITTEE UNDER ARTICLE 25 OF DIRECTIVE 2008/56/EC**  
**(MARINE STRATEGY COMMITTEE)**

**TUESDAY 1 MARCH 2016 (10:00 – 18:00)**  
**AND WEDNESDAY 2 MARCH 2016 (09:30-17:30)**

**Conference Centre Albert Borschette (CCAB) - Room 1B and 0B**  
**36, Rue Froissart - B-1040 Brussels**

Agenda Item:	4
Document:	CTTEE_12-2016-03
Title:	Proposal for a Commission Decision on GES Criteria_draft v2
Prepared by:	European Commission
Date prepared:	15/02/2016
Background	<p>This paper provides a second draft version of a proposal for a Commission Decision laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU. It is based on the comments made by Member States during the Committee meeting of 27 January 2016 and received by email subsequently.</p> <p>Please note that this draft:</p> <ol style="list-style-type: none"> <li>a. has not yet undergone the Commission's internal consultation and could therefore be subject to further changes.</li> <li>b. is not for circulation outside the Regulatory Committee.</li> <li>c. even though it will be one legal text, has to be presented in two different sections (which have been copy-pasted one after the other below):             <ul style="list-style-type: none"> <li>- the proposal for a Commission Decision containing the Recitals and Articles</li> <li>- the proposal for an Annex to the Commission Decision, containing the actual criteria, methodological standards, specifications and standardised methods.</li> </ul> </li> </ol>

**The MSFD Committee is invited to:**

- a. Discuss the attached draft;
- b. Provide comments on this draft by **9 March 2016**



EUROPEAN  
COMMISSION

Brussels, **XXX**  
[...] (2015) **XXX** draft

**COMMISSION DECISION (EU) .../...**

**of **XXX****

**laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU**

## COMMISSION DECISION (EU) .../...

of **XXX**

### laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular Article 9(3) and 11(4) thereof,

Whereas:

- (1) [Recital on legal basis / comitology procedure] Directive 2008/56/EC provides in its Article 9(3) for criteria and methodological standards to be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3) of that Directive. It also provides in its Article 11(4) for the adoption of specifications and standardised methods for monitoring and assessment, in accordance with the same procedure.
- (2) [Recital on Commission Decision 2010/477/EU] Decision 2010/477/EU<sup>2</sup> provided criteria for "good environmental status", thus setting the basis for Member States to establish their determinations of good environmental status and to guide their assessments of current environmental status in 2012.
- (3) [Recital on necessity to revise the 2010 Decision] Decision 2010/477/EU acknowledged that additional scientific and technical progress was required to support the development or revision of these criteria for some qualitative descriptors, as well as further development of methodological standards in close coordination with the establishment of monitoring programmes. In addition, that Decision provided in its Recital 4 that its revision should be carried out in time to support a successful update of marine strategies that are due by 2018, pursuant to Article 17 of Directive 2008/56/EC.
- (4) [Recital n°1 on problems with existing good environmental status decision revealed by 1<sup>st</sup> cycle] In 2012, Member States reported under Articles 9(2) and 10(2) of Directive 2008/56/EC on the initial assessment of their marine waters, the determination of good environmental status and their environmental targets. The Commission's assessment<sup>3</sup> of these Member State's reports highlighted that more efforts were urgently needed if Member States and the Union are to reach good environmental status by 2020. The

<sup>1</sup> OJ L 164, 25.2.2008, p. 19.

<sup>2</sup> Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine water (OJ L 232, 2.9.2010, p. 14).

<sup>3</sup> Report from the Commission to the Council and the European Parliament - The first phase of implementation of the Marine Strategy Framework Directive (2008/56/EC) - The European Commission's assessment and guidance (COM(2014)097 final, 20.2.2014)

results showed the necessity to ensure the determinations of good environmental status in a quantifiable-comparable and consistent way between Member States and across the Union. In addition, the assessment recognised that regional cooperation must be at the very heart of the implementation of Directive 2008/56/EC and influence national implementation processes, rather than the other way around. It also emphasized the need for Member States to more systematically build upon existing Union legislation or, where relevant, standards set by Regional Sea Conventions or other international agreements.

- (5) [**Recital concluding on 2014 Commission's assessment – common recital to good environmental status decision and revised Annex III**] To ensure that the second cycle of implementation contributes to the achievement of Directive 2008/56/EC's objectives and yields more consistent determinations of good environmental status, the Commission therefore recommended in its report on the first phase of implementation that, at Union level, the Commission services and Member States collaborate to "revise, strengthen and improve Decision 2010/477/EU by 2015, aiming at a clearer, simpler, more concise, more coherent and comparable set of good environmental status criteria and methodological standards" and "review Annex III of the Marine Strategy Framework Directive, and if necessary revise, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle".
- (6) [**Recital on the review process**] On the basis of these conclusions, the review process started in 2013 when a roadmap for a review, consisting of several phases (technical and scientific, consultation, and decision-making), was endorsed by the Committee established under Article 25(1) of Directive 2008/56/EC (hereafter "Regulatory Committee"). During this process, the Commission consulted all interested parties, including Regional Sea Conventions [, and an open public consultation was carried out on this Decision]. The Regulatory Committee was also duly consulted throughout the process, [informed of the results of the public consultation] and re-confirmed the need for a revision of Decision 2010/477/EU at its meeting of 5 May 2015.
- (7) [**Recital on objectives of the new Decision**] This Decision is therefore expected to facilitate future updates of the initial assessment of Member States' marine waters and their determination of good environmental status, by clarifying, revising or introducing criteria, methodological standards, specifications and standardised methods to be used by Member States, thereby ensuring greater coherence in implementation of Directive 2008/56/EC between Member States and across the Union. In accordance with the commitment taken by the European Commission when adopting its Better regulation package<sup>4</sup>, this Decision ensures coherence with other Union legislation.
- (8) [**Recital on criteria and methodological standards**] This Decision should therefore set out criteria and methodological standards, for each of the qualitative descriptors listed in Annex I to Directive 2008/56/EC, on the basis of Annex III of that Directive. For each descriptor, this Decision should define the ~~elements for assessment and the criteria~~ including the elements to be used, and, where available [and applicable], ~~the reference level~~threshold values, that allow a quantitative assessment of whether good environmental status is achieved. In several cases, this Decision should enable Member States to establish these threshold values at regional or subregional level, for instance by referring to existing values or developing new ones. This Decision should

<sup>4</sup>

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also set out the methodological standards, including the geographical scales for assessment and application rules for the criteria, to ensure that Member States' updates of their determinations of good environmental status and initial assessments of marine waters, carried out in accordance with Article 17 of Directive 2008/56/EC, are consistent, allowing for comparison between marine regions or subregions of the extent to which good environmental status is being achieved.

- (9) [**Recital on specifications and standardised methods**] Specifications and standardised methods for monitoring and assessment should take into account existing specifications and standards at Union level and ensure comparability between monitoring and assessment results. When such specifications and standardised methods are not included in this Decision, Member States should endeavour to use available Union or international guidance. This is for instance the case for guidance developed the qualitative descriptor (11) of Annex I to Directive 2008/56/EC, for which a sub-group of experts on underwater noise has developed, in the framework of the Common Implementation Strategy established between Member States and the European Commission, "Monitoring guidance for underwater noise in European Seas".
- (10) [**Relationship between MSFD and other EU legislation**] To facilitate Member States implementation of Directive 2008/56/EC and ensure greater consistency and comparability at Union level of their ~~To make the~~ determinations of good environmental status ~~more effective~~, this Decision should ~~take into account~~ refer to existing quality standards and methods of assessment and monitoring from Union legislation, such as Directive 2000/60/EC of the European Parliament and of the Council<sup>5</sup> (the 'Water Framework Directive') and Commission Decision 2013/480/EU<sup>6</sup>, Directive 2008/105/EC of the European Parliament and of the Council<sup>7</sup>, Commission Regulation (EC) No 1881/2006<sup>8</sup>, Council Directive 92/43/EEC<sup>9</sup>, Directive 2009/147/EC of the European Parliament and of the Council<sup>10</sup>, Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>11</sup> and Council Regulation (EC) No 1967/2006<sup>12</sup>. ~~Such cross-references should not only facilitate~~

<sup>5</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

<sup>6</sup> Commission Decision 2013/480/EU of 20 September 2013 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Decision 2008/915/EC (OJ L 266, 8.10.2013, p. 1).

<sup>7</sup> Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently replacing Council Directive 87/176/EEC, 3/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84.)

<sup>8</sup> Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

<sup>9</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

<sup>10</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

<sup>11</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

<sup>12</sup> Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

~~Member States' assessments under Directive 2008/56/EC by ensuring compatibility with other obligations but should also ensure greater consistency and comparability at Union level.~~

- (11) [Link with RSC and other international mechanisms: Article 3(3)] Where this Decision does not specify details at Union level for criteria, methodological standards, specifications and standardised methods for monitoring and assessment, Member States should endeavour to use those developed at international, regional or subregional level which are directly applicable to marine waters, for instance within the framework of the Regional Sea Conventions, as provided under Article 6 of Directive 2008/56/EC, or other international and regional mechanisms, and inform the Commission thereof as provided for in Article 17(3) of Directive 2008/56/EC.
- (12) [Future work] Additional scientific and technical progress is still required to support the further development of certain criteria, methodological standards, specifications and standardised methods for monitoring and assessment.
- (13) [Linking Article 9 to Art. 8, and Art. 8.1b to 8.1a] The determination of good environmental status and the assessment of progress towards its achievement should be intricately linked. This Decision should be structured to support this linkage, ~~particularly to clearly and~~ organise the descriptors and criteria and methodological standards on the basis of the descriptors laid down in Annex I of Directive 2008/56/EC and on the basis of the ecosystem elements and pressures laid down in Annex III of that Directive. Some of the criteria and methodological standards relate in particular to the needed for assessments of environmental status the ecosystem and its components under point (a) of Article 8(1) of Directive 2008/56/EC, and while other relate those needed for to the assessment of predominant pressures and their impacts under point (b) of that Article. Further, because the assessment of environmental status under point (a) of Article 8(1) should reflect the cumulative pressures and their impacts, the assessments under point (b) of that Article should, as far as possible and necessary, be undertaken first and used to inform the assessments under point (a) of Article 8(1) of Directive 2008/56/EC. This should include ensuring consistency in the ecosystem elements assessed and in the scales of assessment.
- (14) [Trends] When assessing the status of their marine waters in accordance with Article 8 of Directive 2008/56/EC it is helpful for Member States to assess the change in status as improving, stable or deteriorating, in view of the often slow response of the marine environment to change.
- (15) [Flexibility: Article 3(2), risk-based approach and primary criteria] This Decision should allow sufficient flexibility to Member States when determining their good environmental status. This flexibility is underpinned by different concepts in this Decision. First, Member States should be able to consider that some of the criteria are not appropriate, provided this is duly justified. Secondly, a risk-based approach should be introduced in some criteria, by which Member States may decide not to consider certain elements or may focus monitoring on certain matrices, provided this is based on a risk-assessment. so that updates of the initial assessment under Article 8 of Directive 2008/56/EC focus on the predominant pressures in each region or subregion and their environmental impacts on the different ecosystem elements, as addressing such pressures should provide an efficient and effective means to achieve good environmental status. Such flexibility is underpinned in this Decision by the risk-based approach, meaning that certain criteria would not need to be used in the assessment of the marine waters of certain Member States, provided a risk-assessment demonstrates



~~a low risk. Finally, Criteria are further~~ labelled as primary or secondary in this Decision. While primary criteria should be used to ensure consistency across the Union, flexibility is introduced with regard to secondary criteria, which can either ~~be alternativesubstitute or complement primary criteria, or be used where there is a possibility of risk not covered by the primary criteria (if there is a lack of data for primary criteria) or complementary (only performed whenever they are considered relevant).~~

- (16) [Moved from intro Annex Part C] Articles 1(2) and 1(3) of Directive 2008/56/EC acknowledge that Member States' marine strategies must protect and preserve the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected. Therefore, it is recognised that some areas may not achieve the threshold values set for certain criteria, particularly to allow for certain sustainable uses of the marine waters, provided the collective pressure of human activities is kept within levels compatible with the achievement of good environmental status and the capacity of marine ecosystems to respond to human-induced changes is not compromised. It is therefore appropriate that Member States assess the spatial extent over which the threshold values have been achieved in their marine waters, within each region or subregion.
- (17) [Dynamic ecosystems, climate change and recovery to new states] The determination of good environmental status under Article 9(1) of Directive 2008/56/EC, on the basis of this Decision, should accommodate the dynamic nature of marine ecosystems and their elements, which can change in space and time through climatic variation, predator-prey interactions and other environmental factors. These determinations should also reflect the state of marine ecosystems as can be expected under prevailing physiographic, geographic and climatic conditions, as they recover from deteriorated states, rather than states in the past to which they may never return.
- (18) [Review – Moved from former Article 4] It is appropriate that the Commission revises this Decision by 15 July 2023, as part of the review set out in Article 23 of Directive 2008/56/EC. The review should in particular take into account the need to adapt this Decision to the latest scientific and technical knowledge and the experiences of the implementation of this Decision in light of the objective of Directive 2008/56/EC of achieving good environmental status by 2020.
- (19) [Standard recital - Repeal of Decision 2010/477/EU] Decision 2010/477/EU should therefore be repealed.
- (20) [Standard recital] The measures provided for in this Decision are in accordance with the opinion of the Regulatory Committee,

HAS ADOPTED THIS DECISION:

*Article 1*  
*Subject-matter*

This Decision sets out, in its Annex, criteria and methodological standards, on good environmental status for each qualitative descriptor listed in Annex I to Directive 2008/56/EC, in accordance with Article 9(3) of that Directive, and specifications and standardised methods for monitoring and assessment, in accordance with Article 11(4) of that Directive.

*Article 2*  
*Definitions*

For the purposes of this Decision, the following definitions shall apply:

- (1) 'criteria' means distinctive technical features that are closely linked to qualitative descriptors, as defined in Article 3(6) of Directive 2008/56/EC.
  - (a) 'primary criteria' shall be used by Member States ~~in all cases~~ in accordance with Article 3(2), except where it is specified in the Annex to this Decision that such criteria may be replaced by a secondary criterion;
  - (b) 'secondary criteria' shall be used on the basis of the conditions specified in the Annex to this Decision, either instead of a primary criterion or in addition to the primary criteria.
- (2) 'marine regions' shall have the same meaning as in Article 3(2) of Directive 2008/56/EC.
- (3) 'subregions' and 'subdivisions' are used in the sense of Article 4 of Directive 2008/56/EC to provide for a nested set of ~~assessment scales~~ geographical areas within a region to be used for Article 8(1) of Directive 2008/56/EC. Further division of these areas may be appropriate for some descriptors and assessments.
- (4) 'methodological standards' means scientific or technical methods, developed at Union or international level, for assessing and classifying environmental status.
- (5) 'specification' means ~~Union-wide minimum~~ requirements for the design of monitoring and assessment performed under Directive 2008/56/EC.
- (6) 'standardised method' means ~~Union-wide minimum~~ requirements for the monitoring and assessment performed under Directive 2008/56/EC:
  - (a) 'standardised method for monitoring' refers to methods for field sampling, and other types of data collection, and for laboratory analysis. This includes quality assurance and quality control mechanisms, such as agreed international standards (e.g. CEN and ISO standards).
  - (b) 'standardised method for assessment' includes agreed rules for the spatial and temporal aggregation of data and their use.
- (7) 'marine waters', including 'coastal waters', shall have the same meaning as in Article 3(1) of Directive 2008/56/EC ~~have the same meaning as in Article 2(7) of Directive 2000/60/EC.~~
- (8) 'non-indigenous species' and 'invasive non-indigenous species' shall be understood to have the same meaning as 'alien species' and 'invasive alien species' defined in Articles 3(1) and 3(2) respectively of Regulation (EU) No 1143/2014 of the European Parliament and of the Council<sup>13</sup>.
- (9) 'reference level threshold values' means the value, values or ranges of values [established at Union, international, regional or subregional level] which define the quality level to be achieved for the criterion.

<sup>13</sup> Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

*Article 3*  
*General principles*

1. Member States shall use ~~these~~ criteria, methodological standards, specifications and standardised methods for monitoring and assessment laid down in this Decision, in combination with the ecosystem elements, anthropogenic pressures and human activities listed in Annex III to Directive 2008/56/EC and by reference to the initial assessment made pursuant to Article 8(1) of that Directive, when determining a set of characteristics for good environmental status in accordance with Article 9(1) of that Directive, ~~when assessing whether it has been achieved under Article 8(1)~~, and when establishing coordinated monitoring programmes under Article 11 of ~~Directive 2008/56/EC~~ that Directive.
2. On the basis of the initial assessment or its subsequent updates carried out in accordance with Article 8 and point (a) of Article 17(2) of Directive 2008/56/EC, a Member State may consider, in exceptional circumstances, that it is not appropriate to use one or more of the criteria laid down in this Decision.  
In such case, the Member State shall provide the Commission with due justification in the framework of the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC. The justification shall include evidence of the fulfilment of the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC, and in particular the requirement to ensure that the different elements of the marine strategies are coherent and coordinated across the marine region or sub-region concerned.
3. Where this Decision does not set criteria, methodological standards, specifications or standardised methods for monitoring and assessment, Member States shall endeavour to use, where practical and appropriate, those developed at international, regional or subregional level, such as in the relevant Regional Sea Conventions, when determining good environmental status in accordance with Article 9(1) and when assessing whether it has been achieved under Article 8(1).
4. Where the Annex to this Decision provides for Member States to establish threshold values or list of elements at regional or subregional level, this shall be done in time for the first review of their initial assessment and determination of good environmental status in accordance with point (a) of Article 17(2) of Directive 2008/56/EC, i.e. by 15 July 2018.  
[In exceptional circumstances, Member States may only establish these threshold values at regional or subregional level for the second review of their initial assessment and determination of good environmental status in accordance with point (a) of Article 17(2) of Directive 2008/56/EC, i.e. by 15 July 2024, provided the reasons for the delay are duly justified to the Commission in the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.]

~~*Article 4*~~  
~~*Review*~~

- ~~1. The Commission shall review this Decision by 15 July 2023, as part of the review set out in Article 23 of Directive 2008/56/EC.~~
- ~~2. The review should in particular take into account:~~
  - ~~(a) the need to adapt this Decision to the latest scientific and technical knowledge.~~

~~(a) — the experiences of the implementation of this Decision in light of the objective of Directive 2008/56/EC of achieving good environmental status by 2020.~~

*Article 4*  
*Repeal*

Decision 2010/477/EU is hereby repealed.

*Article 5*  
*Entry into force*

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

*For the Commission*

*The President*  
[...]



EUROPEAN  
COMMISSION

Brussels, XXX  
[...] (2015) XXX draft

ANNEX 1

ANNEX

to the

**Commission Decision**

**laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment**

## ANNEX

to the

### Commission Decision

laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment

Criteria and methodological standards for good environmental status, ~~and specifications and standardised methods for monitoring and assessment~~, relevant to the descriptors in Annex I to Directive 2008/56/EC, and to Annex III of that Directive and specifications and standardised methods for monitoring and assessment

This Annex is structured in three parts:

- under Part A are laid down the criteria, methodological standards and specifications ~~to be used for that relate to~~ the assessment of predominant pressures and impacts under point (b) of Article 8(1) of Directive 2008/56/EC,
- under part B are those ~~to be used for that relate to~~ the assessment of environmental status under point (a) of Article 8(1) of Directive 2008/56/EC,
- Part C lays down the spatial aspects ~~of these assessments~~ necessary to assess the extent to which good environmental status is being achieved.

#### **PART A – CRITERIA AND METHODOLOGICAL STANDARDS RELATING TO THE ASSESSMENT OF PREDOMINANT PRESSURES AND IMPACTS UNDER POINT (B) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

The following criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment under Article 11(4) of Directive 2008/56/EC, shall be used by Member States to assess the extent to which good environmental status is being achieved, in relation to the assessment of predominant pressures and impacts under point (b) of Article 8(1) of that Directive.

The relevant descriptors<sup>1</sup> are presented in the following order of anthropogenic pressures: substances, litter and energy (Descriptors 5, 8, 9, 10, 11), biological pressures (Descriptors 2 and 3) and physical pressures (Descriptors 6 and 7), as listed in Annex III of Directive 2008/56/EC.

<sup>1</sup> When this Decision refers to a 'descriptor', this is understood to refer to the relevant qualitative descriptors under the numbered points in Annex I to Directive 2008/56/EC.

**Descriptor 5 – Human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters**

Related pressures: Input of nutrients; Input of organic matter

*Elements for assessment, eCriteria, including criteria elements, and methodological standards*

<u>Criteria Elements for assessment</u>	<u>Criteria, including reference level/threshold values</u> where they exist	<u>Methodological standards</u>
Dissolved Inorganic Nitrogen (DIN), Total Nitrogen (TN), Dissolved Inorganic Phosphorus (DIP), Total Phosphorus (TP) in the water column	D5C1: Nutrient concentrations <del>are at do not exceed</del> levels <u>that do not cause adverse eutrophication effects.</u> <u>Member States shall establish, at regional or subregional level, these threshold values, which shall be set at regional or subregional level by Member States. Those levels:</u> (a) <del>are</del> consistent with levels required to achieve good ecological status under Directive 2000/60/EC; <del>and</del> <del>do not lead to eutrophication effects.</del>	<i>Scales of assessment:</i> – in coastal waters, the water bodies under Directive 2000/60/EC; – beyond coastal waters, subdivisions of the region or subregion, divided where needed by national boundaries <u>and/or at the 12 nautical mile limit of territorial waters.</u>
Chlorophyll a in the water column	D5C2: Chlorophyll a concentration does not exceed: (a) in the water column of coastal waters, the values set in Decision 2013/480/EU; (b) beyond coastal waters, the concentration values set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC and indicate adverse effects of nutrient enrichment.	<i>Primary and secondary criteria:</i> – Criteria D5C1, D5C2 and D5C8 are primary criteria. – Criteria D5C6, <del>and</del> D5C7 <u>and D5C9</u> are primary criteria in coastal waters. – The remaining criteria are secondary criteria, <del>they can:</del>
<u>Transparency Clarity</u> of the water column	D5C3: Water <del>transparency clarity equals or</del> exceeds the minimum level set at regional or subregional level by Member States. Those levels are consistent with levels required to achieve good ecological status under Directive 2000/60/EC and are related to increases in suspended algae as a consequence of nutrient enrichment.	– The remaining criteria are secondary criteria, <del>they can:</del>
Nuisance/toxic algal blooms (e.g. cyanobacteria) in the water column	D5C4: Bloom events of nuisance or toxic algal blooms (e.g. cyanobacteria) due to nutrient enrichment do not exceed: (a) in coastal waters, the levels set in Decision 2013/480/EU if any, or	– <u>D5C9 may substitute D5C8 the associated primary criterion in cases of lack of data: D5C3,</u>

<u>Criteria Elements for assessment</u>	<u>Criteria, including reference levels/threshold values where they exist</u>	<u>Methodological standards</u>
	<p>developed at regional or subregional level;</p> <p>(b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.</p>	<p><del>D5C4 or D5C5 may substitute D5C2 and D5C9 may substitute D5C8, or and</del></p>
Phytoplankton in the water column	<p>D5C5: Changes in <del>phytoplankton</del> species composition and relative abundance due to nutrient enrichment do not exceed:</p> <p>(a) in coastal waters, the levels set in Decision 2013/480/EU;</p> <p>(b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.</p>	<p>– <del>D5C3, D5C4 or D5C5 may be used to reinforce complement the primary criteria D5C2, securing the relationship of the primary criterion with the pressure criterion D5C1.</del></p>
Opportunistic macroalgae of seabed habitats	<p>D5C6: Changes in the <del>abundance-biomass</del> of opportunistic macroalgae in coastal waters, due to nutrient enrichment, do not exceed the levels set in Decision 2013/480/EU.</p> <p>Should this criterion be relevant for waters beyond coastal waters, changes in the abundance of opportunistic macroalgae due to nutrient enrichment do not exceed levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.</p>	<p><u>The use of the secondary criteria shall be agreed at regional or subregional level.</u></p> <p><i>Application rules:</i> All criteria used shall achieve the <u>reference levels/threshold values</u> set.</p>
Perennial seaweeds <del>and-or</del> seagrasses of seabed habitats	<p>D5C7: Changes in the abundance <u>or depth distribution</u> of perennial seaweeds and seagrasses (e.g. fucoids, eelgrass and Neptune grass) in coastal waters, due to nutrient enrichment via decreases in water transparency, do not exceed the levels set in Decision 2013/480/EU.</p> <p>Should this criterion be relevant for waters beyond coastal waters, changes in the abundance of perennial seaweeds and seagrasses (e.g. fucoids, eelgrass and Neptune grass) due to nutrient enrichment via decreases in water transparency do not exceed levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.</p>	
Dissolved oxygen in the <u>bottom of the</u>	D5C8: <u>Changes in dissolved oxygen concentration, due to increased</u>	



<u>Criteria Elements for assessment</u>	<u>Criteria, including reference levels/threshold values where they exist</u>	Methodological standards
water column	<p><u>organic matter decomposition, levels in the bottom of the water column are do not lead to adverse effects on seabed habitats or other eutrophication effects.</u></p> <p><u>Member States shall establish, at regional or subregional level, these threshold values, which shall be consistent with those of Directive 2000/60/EC. not reduced, due to increased organic matter decomposition, beyond levels set at regional or subregional level by Member States. Those levels:</u></p> <p><u>are consistent with those of Directive 2000/60/EC; and</u></p> <p><u>do not lead to adverse effects on seabed habitats.</u></p>	
Macroinvertebrate communities of seabed habitats	<p>D5C9: Changes in the typical <u>species composition, including sensitive species,</u> and relative abundance <u>of benthic invertebrate communities,</u> due to increased organic matter decomposition, do not exceed:</p> <p>(a) in coastal waters, the values for benthic biological quality elements set in Decision 2013/480/EU;</p> <p>(b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.</p>	

*Specifications and standardised methods for monitoring and assessment*

A failure of criterion D5C1 without failure of the other criteria may require a recalibration of reference levels. Monitoring beyond coastal waters under the Descriptor 5 criteria may not be necessary in cases where the threshold values are achieved in coastal waters.

Units of measurement for the criteria:

- D5C1 Nutrient concentrations in micrograms per litre
- D5C2 Chlorophyll a concentrations in micrograms per litre
- D5C3 Water transparency clarity in metres
- D5C8 Oxygen concentrations in milligrams per litre



**Descriptor 8 – Concentrations of contaminants are at levels not giving rise to pollution effects.**

Related pressures: Input of hazardous substances

*Criteria, including criteria elements, ~~Elements for assessment, criteria~~ and methodological standards for hazardous substances in the marine environment*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
<p>Within 12 nautical miles:</p> <p>(a) <del>the list of</del> contaminants for which an environmental quality standard is laid down in Part A of Annex I of Directive 2008/105/EC;</p> <p>(b) <del>the list of</del> Specific Pollutants under Annex V of Directive 2000/60/EC; and</p> <p>(c) additional contaminants, <u>if relevant</u>, such as from offshore sources, which are not already identified under points (a) or (b) and which pose a risk to or via the marine environment in the marine region or subregion. Member States shall establish the list of these additional contaminants at regional or subregional level.</p> <p>Beyond 12 nautical miles, the <del>list of</del> contaminants <u>established-considered for the purposes of the assessment</u> within 12 nautical miles, where these still pose a risk</p>	<p>D8C1: Within 12 nautical miles, good environmental status under Directive 2008/56/EC is achieved when:</p> <p>(a) good chemical status is achieved under Directive 2000/60/EC;</p> <p>(b) good ecological status for the River Basin Specific Pollutants is achieved, <u>within 1 nautical mile</u>, under Directive 2000/60/EC;</p> <p>(c) <u>when contaminants under points (a) and (b) are measured in a matrix for which no environmental quality standard is provided under Directive 2008/105/EC, in accordance with Article 3(3) of that Directive, the concentration of those contaminants in that matrix do not exceed the threshold values agreed at the regional or subregional level by Member States;</u> and</p> <p>(d) the concentrations of the additional contaminants do not exceed the <u>levels-values</u> agreed at regional or subregional level by Member States, <u>considering their application within and beyond 12 nautical miles</u>.</p> <p>Beyond 12 nautical miles, good environmental status under Directive 2008/56/EC is achieved when the concentrations of the contaminants <del>to be assessed</del><u>selected under 'Criteria elements'</u>, in the relevant matrix, do not exceed the <u>levels-values</u> as applicable within 12 nautical miles.</p>	<p><i>Scales of assessment:</i></p> <ul style="list-style-type: none"> <li>- within 12 nautical miles, the water bodies used under Directive 2000/60/EC;</li> <li>- beyond 12 nautical miles, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Primary and secondary criteria:</i></p> <p>D8C1 <del>and D8C2 are</del> <u>is a primary criterion. D8C2 is a secondary criterion that may be used to complement D8C1.</u></p> <p><i>Application rules:</i></p> <ul style="list-style-type: none"> <li>- <u>For D8C1, all contaminants <del>to be assessed</del> for each criterion need to shall achieve the reference-levelsthreshold values set.</u></li> <li>- <u>For D8C2, all threshold values set shall be achieved.</u></li> </ul>

<u>Criteria elements</u> <u>Elements for assessment</u>	<u>Criteria, including reference level</u> <u>threshold values</u> where they exist	Methodological standards
to or via the marine environment.		
Contaminants used under D8C1, as relevant, assessed in particular species and tissues, or particular benthic habitats. Member States shall establish at regional or subregional level this list of particular species, tissues and habitats.	D8C2: The health of <u>individuals</u> <u>populations</u> of marine species, or of biological communities (such as species composition/abundance changes at locations of chronic pollution) is not adversely affected (including sub-lethal effects) by contaminants. Member States shall establish at regional or subregional level <u>those adverse effects and their reference level</u> <u>threshold values for the adverse effects</u> .	

*Criteria, including criteria elements, Elements for assessment, criteria and methodological standards for acute pollution events*

<u>Criteria elements</u> <u>Elements for assessment</u>	<u>Criteria, including reference level</u> <u>threshold values</u> where they exist	Methodological standards
Polluting substances, as defined in Article 2(2) of Directive 2005/35/EC of the European Parliament and of the Council <sup>2</sup> , including crude oil and similar compounds	D8C3: <u>Spatial and T</u> <del>temporal occurrence, source (where possible), spatial distribution and extent of significant acute pollution events of crude oil and similar compounds is</del> . The level of such events is minimised and, where possible, eliminated.	<i>Scale of assessment:</i> Regional or subregional level. <i>Primary and secondary criteria:</i> D8C3 is <u>primary</u> <del>a secondary</del> criterion, <u>to be used when a significant acute pollution event has occurred</u> . <i>Application rules:</i> <u>No reference level is set for D8C3. This criterion may be used by Member States as an environmental target. This criterion</u>

<sup>2</sup> Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements (OJ L 255, 30.9.2005, p. 11).

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
		<del>should be used to set an appropriate environmental target, rather than a determination of good environmental status.</del>
Species groups and broad habitat types	D8C4: <u>The health of populations of species and the condition of habitat types are not adversely affected by significant acute pollution events of crude oil and similar compounds on species groups and habitat types do not threaten their good environmental status.</u>	<p><i>Scale of assessment:</i> As used for the species groups and broad habitat types which are affected.</p> <p><i>Primary and secondary criteria:</i> D8C4 is <u>a secondary primary criterion, to be used when a significant acute pollution event has occurred.</u></p> <p><i>Application rules:</i> The outcomes of assessment of this criterion should contribute, where appropriate, to the assessments under Descriptors 1 and 6.</p>

*Specifications and standardised methods for monitoring and assessment*

For the purposes of this Decision:

- (1) Criterion D8C1: Member States shall monitor the priority substances in the relevant matrix as set under Directive 2000/60/EC at least every 6 years and shall use methods of analysis that meet the minimum performance criteria laid down in Commission Directive 2009/90/EC<sup>3</sup>.
- (2) Criteria D8C2 and D8C4: population demographic characteristics (e.g. fecundity rates, survival rates, mortality rates, and reproductive capacity) may be relevant to assess the health effects.

<sup>3</sup> Commission Directive 2009/90/EC of 31 July 2009 laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status (OJ L 201, 1.8.2009, p. 36)

- (3) Criteria D8C3 and D8C4: for the purposes of this Decision, monitoring is established as needed once the acute pollution event has occurred, rather than being part of a regular monitoring programme under Article 11 of Directive 2008/56/EC.
- (4) Criterion D8C4<sup>3</sup>: Member States shall identify the source of significant acute pollution events, where possible. They shall use the national registers for reporting under ~~{EMSA satellite surveillance.}~~

Units of measurement for the criteria:

- D8C1 Concentrations of contaminants in micrograms per litre for water and micrograms per kilogram of wet weight for biota.

**Descriptor 9 – Contaminants in fish and other seafood for human consumption do not exceed levels established by Community legislation or other relevant standards.**

Related pressure: Input of hazardous substances

*Criteria, including criteria elements, ~~Elements for assessment, criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
<p>Contaminants listed in Regulation (EC) No 1881/2006.</p> <p>For the purposes of this Decision, Member States may decide not to consider contaminants from Regulation (EC) No 1881/2006 where justified on the basis of a risk assessment.</p> <p>Member States may assess additional contaminants that are not included in Regulation (EC) No 1881/2006. Member States shall agree at regional or subregional level on those additional contaminants.</p> <p>Member States shall establish <del>at regional or subregional level</del> the list of species and relevant tissues to be assessed, according to the conditions laid down under 'specifications'. <u>They may establish the list at regional or subregional level.</u></p>	<p>D9C1: The level of contaminants in edible tissues (muscle, liver, roe, flesh or other soft parts, as appropriate) of seafood (including fish, crustaceans, molluscs, echinoderms, seaweed and other marine plants) caught or harvested in the wild (excluding fin-fish from mariculture) does not exceed:</p> <p>(a) for contaminants listed in Regulation (EC) No 1881/2006, the maximum levels laid down in that Regulation; and</p> <p>(b) for additional contaminants, not listed in Regulation (EC) No 1881/2006, levels agreed at regional or subregional level by Member States.</p>	<p><i>Scales of assessment:</i></p> <p>For commercially-exploited species which are assessed under Descriptor 3, the same assessment areas are used. For other species, the assessment areas used under Descriptor 8 are used.</p> <p><i>Primary and secondary criteria:</i></p> <p>D9C1 is a primary criterion.</p> <p><i>Application rules:</i></p> <p>All contaminants shall achieve the <del>reference level</del><u>threshold values</u> set.</p>

*Specifications and standardised methods for monitoring and assessment*

1. When Member States establish the list of species to be used, the species shall meet the following conditions:

- (a) the species are relevant to the marine region or subregion concerned;
  - (b) the species fall under the scope of Regulation (EC) No 1881/2006; and
  - (c) the species are suitable for the contaminant being assessed.
2. Exceedance of the standard set for a contaminant shall lead to subsequent monitoring to determine the persistence of the contamination in the area and species sampled. Monitoring needs to continue until there is sufficient evidence that there is no risk of failure.
  3. For the purposes of this Decision, the sampling for the assessment of the maximum levels of contaminants shall be performed in accordance with Article 11 of Regulation (EC) No 882/2004 of the European Parliament and in particular with Commission Regulation (EU) No 589/2014<sup>4</sup> and Commission Regulation (EC) No 333/2007<sup>5</sup>.
  4. Within each region or subregion, Member States shall ensure that the temporal and geographical scope of sampling is adequate to provide a representative sample of the specified contaminants in seafood in the marine region or subregion.
  5. Member States shall monitor and report:
    - (a) the ~~location~~ area in the marine region or subregion where the product from which the samples are taken, are caught or farmed, in accordance with Article 35 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>6</sup>,
    - (b) the species and tissue tested,
    - (c) the level of contaminants and whether this has exceeded the maximum level for contaminants set in Regulation (EC) No 1881/2006.

Units of measurement for the criteria:

- D9C1 Concentrations of contaminants in micrograms per kilogram of wet weight per species.

<sup>4</sup> Commission Regulation (EU) No 589/2014 of 2 June 2014 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs (OJ L 164, 3.6.2014, p. 18)

<sup>5</sup> Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs (OJ L 88, 29.3.2007, p. 29)

<sup>6</sup> Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).



**Descriptor 10 – Properties and quantities of marine litter do not cause harm to the coastal and marine environment.**

Related pressure: Input of litter

*Criteria, including criteria elements, Elements for assessment, criteria and methodological standards*

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
Litter (excluding micro-litter), classified in the following categories: artificial polymer materials, rubber, cloth and textiles, paper and cardboard, processed and worked wood, metal, glass and ceramics, and other. Member States may define further sub-categories.	D10C1: The composition, amount and spatial distribution of litter <del>in the intertidal zone including the strandline</del> <u>on the coastline</u> , in the surface layer of the water column, and on the sea-floor, is at a level that does not cause harm to the coastal and marine environment or other pollution effects. Member States and the Commission should jointly establish, at Union level, <u>reference levels</u> <u>threshold values</u> .	<p><i>Scales of assessment:</i> National part of subdivisions of each region or subregion.</p> <p><i>Primary and secondary criteria:</i> All criteria are primary criteria.</p> <p><i>Application rules:</i> Each criterion is to achieve the <u>reference levels</u><u>threshold values</u> set <del>(when they become available)</del>.</p>
Micro-litter (particles <u>between 20 µm and &lt;5mm as largest dimension</u> ), classified in the categories 'artificial polymer materials' and 'other'.	D10C2: The composition, amount and spatial distribution of micro-litter <del>in the intertidal zone including the strandline</del> <u>on the coastline</u> , in the surface layer of the water column, <del>and on the sea-floor and in sea-floor sediment</del> , is at a level that does not cause harm to the coastal and marine environment or other pollution effects. Member States and the Commission should jointly establish, at Union level, <u>reference levels</u> <u>threshold values</u> .	
<del>Litter, classified in the same categories as under D10C1, or for micro-litter in the same categories as under D10C2, assessed in species of birds, mammals, reptiles and fish. Member States shall establish at regional or subregional level the list of species to be assessed.</del>	<del>D10C3: The amount of litter and micro-litter ingested by marine animals is at levels that do not adversely affect the health of the species concerned. Member States shall establish at regional or subregional level the reference levels.</del>	
Species of birds, mammals, reptiles and fish. Member States shall establish at regional or subregional level that species	D10C <del>3</del> <sup>4</sup> : The number of entanglement incidents, or other types of injury/mortality, of marine animals due to litter is at levels that do not adversely affect populations of the species concerned.	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</p>

<u>Criteria elements</u> <u>Elements for assessment</u>	<u>Criteria, including reference levels</u> <u>threshold values where they exist</u>	<u>Methodological standards</u>
<u>list based on risk from marine litter.</u>	<u>Member States shall establish at regional or subregional level the reference levels.</u>	<i>Primary and secondary criteria:</i> This is a primary criterion. <i>Application rules:</i> The outcomes of this criterion should contribute to assessments under Descriptor 1.

*Specifications and standardised methods for monitoring and assessment*

Under D10C1 and D10C2:

- litter and micro-litter shall be monitored on the coastline,
- litter and micro-litter shall be monitored in the surface layer of the water column and on the sea-floor (or sediment for micro-litter), based on a risk assessment of the significance of the issue,
- monitoring in biota may be used as a proxy for monitoring under D10C1 and D10C2. If used, litter and micro-litter should be assessed in species of birds, mammals, reptiles, shellfish and fish, agreed by Member States at regional or subregional level.

The monitoring of D10C3 and D10C4 ~~(the amount of litter ingested and~~ the number of entanglement incidents or other types of injury/mortality due to litter) should be based on incidental occurrences (e.g. strandings of dead animals).

Units of measurement for the criteria:

- D10C1 Amount of litter in number of items per 100 metres on the coastline, per cubic metre for surface layer, per square metre for sea-floor, and ~~[to be added]~~ per individual for biota.
- D10C2 Amount of micro-litter in items per cubic metre for surface layer, per millilitre for sediment and per gram of intestine for biota ~~[to be added]~~
- ~~— D10C3 Amount of litter and micro-litter in [to be added]~~

| - D10C43 Number of affected individuals per ~~each selected~~ species.

**Descriptor 11 – Introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment.**

Related pressures: Input of anthropogenic sound; Input of other forms of energy

*Criteria, including criteria elements, Elements for assessment, criteria and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
Impulsive anthropogenic sound in water	<p>D11C1: The proportion of days, their distribution within a calendar year and <del>their</del> spatial distribution of impulsive anthropogenic sound do not exceed values that are likely to adversely affect marine <del>mammals and other</del> animals, <u>in particular marine mammals</u>.</p> <p>Member States and <u>the</u> Commission should jointly establish these <del>reference levels</del><u>threshold values</u> at Union level. <del>In the absence of Union-level values, Member States shall establish these reference levels at regional or subregional level.</del></p>	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</p> <p><i>Primary and secondary criteria:</i> Both criteria are primary criteria.</p>
Continuous low-frequency anthropogenic sound in water	<p>D11C2: Annual average levels, in two 'third octave' bands, of continuous low-frequency <u>anthropogenic</u> sound do not exceed values that are likely to adversely affect marine <del>mammals and other</del> animals, <u>in particular marine mammals</u>.</p> <p>Member States and <u>the</u> Commission should jointly establish these <del>reference levels</del><u>threshold values</u> at Union level. <del>In the absence of a Union-level value, Member States shall establish these reference levels at regional or subregional level.</del></p>	<p><i>Application rules:</i> Each criterion is to achieve the <del>reference level</del><u>threshold values</u> set <del>(when they become available)</del>.</p> <p><u>The outcomes of these criteria should contribute to assessments under Descriptor 1.</u></p>

*Specifications and standardised methods for monitoring and assessment*

D11C1:

- Monitoring:
  - Spatial resolution: geographical locations whose shape and areas are to be determined (such as licence blocks for offshore industries) at regional or subregional level.

— ~~Temporal frequency: daily.~~

- Impulsive sound measured as monopole energy source level in units of dB re  $1\mu\text{Pa}^2 \text{ s}$  or zero to peak monopole energy source level in units of dB re  $1\mu\text{Pa m}$ . Both are measured over the frequency band 10 Hz to 10 kHz.
- Assessment: Proportion of days per calendar year, distribution within year and spatially within the assessment area.

D11C2:

- Monitoring: Squared sound pressure in each of two ‘third octave’ bands, one centred at 63 Hz and the other at 125 Hz, expressed as a level in decibels in units of dB re  $1\mu\text{Pa}$ . This is measured either directly at observation stations, or inferred from a model used to interpolate between or extrapolate from measurements at observation stations.
- Assessment: Average noise level over a year.

Criteria relating to [the impact of noise or](#) other forms of energy input (including thermal energy, electromagnetic fields and light) still need to be defined.

**Descriptor 2 – Non-indigenous species introduced by human activities are at levels that do not adversely alter the ecosystems.**

Related pressure: Input or spread of non-indigenous species

*Criteria, including criteria elements, Elements for assessment, criteria and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Non-indigenous species.	D2C1: The number of non-indigenous species which are newly introduced via human activity into the wild, measured from the <del>baseline-reference</del> year as reported for the 2012 initial assessment under Article 8(1) of Directive 2008/56/EC, is minimised and where possible eliminated.	<p><i>Scale of assessment:</i> National part of subdivisions of each region or subregion.</p> <p><i>Primary and secondary criteria:</i> Criterion D2C1 is a primary criterion.</p> <p><i>Application rules:</i> <del>No reference level is set for D2C1. This criterion may be used by Member States as an environmental target. This criterion shall be used as an environmental target and is thus not combined with other criteria under Descriptor 2.</del></p>
A list of non-indigenous species, particularly invasive non-indigenous species, which are specified at regional or subregional level by Member States, and which include any relevant <del>(?)</del> species on the list of invasive alien species of Union concern adopted in accordance with Article 4(1) of Regulation (EU) No 1143/2014.	D2C2: Composition, abundance <del>or</del> biomass, spatial distribution and <del>areal</del> <u>spatial</u> extent of non-indigenous species, particularly of invasive species contributing significantly to impacts on particular species groups or broad habitat types.	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species group or broad habitat type under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> D2C2 and D2C3 are secondary criteria <del>which should</del> be used where <u>there is a possibility the species group or the broad</u></p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference level</u> <u>threshold values</u> where they exist	Methodological standards
A list of particular species groups and broad habitat types, as assessed under Descriptor 1, defined by Member States at the regional or subregional level.	D2C3: <del>The spatial extent</del> <u>The proportion</u> of the species group or <u>the spatial extent of the</u> broad habitat type which is adversely altered by non-indigenous species, particularly invasive non-indigenous species. 'Adversely altered' means the species group or broad habitat type is not in good environmental status (for a given location) due to the number of non-indigenous species and/or their abundance within the natural community.	<p><del>habitat type is at risk</del> <u>particularly relevant to the assessment of species groups and habitat types under descriptors 1 and 6.</u></p> <p><i>Application rules:</i></p> <ul style="list-style-type: none"> <li>– Criterion D2C2 (quantification of non-indigenous species) should contribute to the assessment of D2C3 (impacts of non-indigenous species).</li> <li>– Criterion D2C3 should provide <del>a footprint of the extent of</del> <u>impact per species group and broad habitat type assessed and thus contribute to their assessments under D</u> descriptors 1 and 6.</li> <li>– No <u>reference level</u><u>threshold values</u> are set for D2C2 and D2C3, as these are addressed under the relevant species groups and broad habitat types.</li> </ul>

*Specifications and standardised methods for monitoring and assessment*

Regarding D2C2, since species occurrence and abundance can be seasonally variable (e.g. plankton), monitoring needs to be undertaken at appropriate times of year in relation to pathways and to characteristics of the community (~~e.g. plankton~~). Monitoring programmes should be linked to those for Descriptors 1 and 6, where possible, as they should use the same sampling methods and it is more practical to monitor non-indigenous species as part of broader biodiversity monitoring, except where sampling should needs to focus on main risk areas for new introductions.

Units of measurement for the criteria:

- | - ~~Criterion D2C1; shall be reported as~~ the number of species per assessment area which have been newly-introduced in the assessment period (6 years).
- | - ~~Criterion D2C3; shall be reported as~~ the proportion (%) of the species group or broad habitat type adversely affected per assessment area.



**Descriptor 3 – Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.**

Related pressure: Extraction of, or mortality/injury to, wild species, including target and non-target species

*Criteria, including criteria elements, Elements for assessment, criteria and methodological standards*

<b>Criteria elements/Elements for assessment</b>	<b>Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist</b>	<b>Methodological standards</b>
<p>Commercially-exploited fish and shellfish, including all stocks that are managed under Regulation (EU) No 1380/2013, Regulation (EC) No 1967/2006 and nationally-important stocks.</p>	<p>D3C1: The fishing mortality rate (F) of populations of commercially-exploited species is [at or] below levels which can produce the maximum sustainable yield, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.</p> <p>D3C2: The spawning stock biomass (SSB) of populations of commercially exploited species is above biomass levels capable of producing maximum sustainable yield, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.</p> <p>D3C3: Age and size distribution of commercially-exploited species matches at least the best available historical data that is indicative of a healthy stock. This would include a high proportion of old/large individuals and reduced adverse effects of exploitation on genetic diversity. Appropriate values are set for each species or population within each region or subregion by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.</p>	<p><i>Scales of assessment:</i> Populations (stocks) of each species are assessed at ecologically-relevant scales within each region or subregion, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013, based on specified aggregations of ICES Areas and GFCM geographical sub-areas.</p> <p><i>Primary and secondary criteria:</i> Criteria D3C1, D3C2 and D3C3 are primary criteria.</p> <p><i>Application rules:</i> All populations (stocks) assessed shall achieve the <del>reference levels</del> <u>threshold values</u> set for each criterion.</p>
<p>Species of birds, mammals, reptiles and non-commercially-exploited species of fish and cephalopods.</p> <p>Lists of relevant species as established for the region or subregion <del>by appropriate scientific bodies</del> in accordance with Article <del>25(5)6</del> of Regulation (EU) No 1380/2013.</p>	<p>D3C4: The levels of mortality per species from incidental by-catch do not exceed levels which threaten the species, whilst accounting for other pressures on these species.</p> <p><del>Member States shall set, at regional or subregional level, appropriate values for each species.</del></p>	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</p> <p><i>Primary and secondary criteria:</i> D3C4 is a primary criterion.</p> <p><i>Application rules:</i></p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference level</u> <u>threshold values</u> where they exist	Methodological standards
		This criterion <del>does not form part of the assessment for Descriptor 3, but</del> should contribute to the assessments of the corresponding species under Descriptor 1.

Physical disturbance or damage to the seafloor, including effects on benthic communities, as a result of fishing activities, are addressed by the criteria under Descriptor 6 (particularly D6C1, ~~D6C2~~ and D6C~~2~~3) and are to be fed into the assessments of each broad habitat type under Descriptors 1 and 6.

*Specifications and standardised methods for monitoring and assessment*

1. Methods for monitoring under Descriptor 3 shall be the ones established under Council Regulation (EC) No 199/2008.
2. The following methods for assessment shall be used:
  - 2.1. For D3C1, if quantitative assessments yielding values for Fishing mortality (F) are not available due to inadequacies in the available data, the ratio between catch and biomass index ('catch/biomass ratio') can be used as an alternative method.  
For assessment purposes an appropriate method for trend analysis can be adopted (e.g. the current value can be compared against the long-term historical average).
  - 2.2. For D3C2, if quantitative assessments yielding values for Spawning Stock Biomass (SSB) are not available due to inadequacies in the available data, biomass indices can be used as an alternative method.  
For assessment purposes an appropriate method for trend analysis needs to be adopted (e.g. the current value can be compared against the long-term historical average).
  - 2.3. D3C3 should reflect that healthy stocks of ~~many~~ species are characterized by a high proportion of old, large individuals. The relevant properties are the following:
    - (a) Size distribution of individuals in the population, expressed as i) Proportion of fish larger than mean size of first sexual maturation or ii) 95<sup>th</sup> percentile of the fish-length distribution observed in research vessel surveys.

- (b) Selectivity pattern of the fishery exploiting the species, expressed as i) Length (or age depending on data availability) at first capture (length/age at which 50% of individuals in the population are vulnerable to/retained by the gear) or ii) Proportion of individuals across all species in the catch larger than the size at which 50% are mature or iii) Mean length of individuals across all species in the catch.
  - (c) Genetic effects of exploitation of the species, expressed as i) Size at first sexual maturation or ii) Length at which half of the (female) population are mature (50% of total length - TL50).
- 2.4. For D3C4, data should be provided per species per fishing metier for each ICES or GFCM reporting area, to enable its aggregation to the relevant scale for the species concerned, and to identify the particular fisheries and fishing gear most contributing to incidental catches for each species.

Units of measurement for the criteria:

– D3C2 in tonnes per species

**Descriptor 6 – Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.**

Related pressures: Physical loss (due to ~~C~~change of seabed substrate or morphology (~~physical loss~~);and Eextraction of seabed substrate)~~(physical loss)~~; Disturbance or damage to seabed

Criteria, including criteria elements,~~Elements for assessment, criteria~~ and methodological standards for assessment of physical disturbance or damage

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Seabed (including intertidal areas)	D6C1 Spatial extent of physical disturbance or damage to the sea-floor.	<p><i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> D6C1 is a primary criterion.</p> <p><i>Application rules:</i> No reference level for the criterion is set; as, the extent of physical disturbance or damage shall be used to assess the extent of impact under <del>D6C2, D6C23 and D6C4.</del></p>
<p><del>Species of birds, mammals, reptiles, fish and cephalopods.</del></p> <p><del>Member States shall establish at regional or subregional level a list of relevant species, based on risk to their habitat from physical disturbance or damage</del></p>	<p><del>D6C2 Spatial extent of sea-floor habitat of the species which is adversely affected, in particular the functions provided (e.g. spawning, breeding and feeding areas and migration routes), by physical disturbance or damage pressures.</del></p>	<p><del><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</del></p> <p><del><i>Primary and secondary criteria:</i> D6C2 is a secondary criterion, to be used where the status of the species is threatened.</del></p> <p><del><i>Application rules:</i> No reference level is set, as this criterion shall contribute to the assessment of criterion D1C4, where a reference level is set for the habitat of the corresponding</del></p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference level</u> <u>threshold values</u> where they exist	Methodological standards
		<u>species under Descriptor 1.</u>
Benthic broad habitats types, as used for Descriptor 1 (see list in Table 2, Part B of this Decision).	<p>D6C32 Spatial extent of the habitat which is adversely affected through change in its structure and function (species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function), by physical disturbance or damage pressures. Member States shall establish, at regional or subregional level, <u>reference level</u><u>threshold values</u> for representative subtypes of each broad habitat <u>at the appropriate biogeographical scale</u>, which are <u>consistent</u><u>aligned</u> with benthic <u>biological</u> <u>Quality element</u><u>QE</u> values under Directive 2000/60/EC, for assessment of adverse effects.</p> <p><del>D6C4 The size and age structure of specified species of the benthic broad habitat reflect that of a (near) natural habitat in the absence of physical disturbance or damage.</del></p> <p><del>Member States shall establish, at regional or subregional level, reference levels for selected species of the relevant broad habitat types where age/size structure is at particular risk due to physical disturbance pressures or associated fishing activity.</del></p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i></p> <p><del>D6C32 is a primary criterion; D6C4 is a secondary criterion, to be used where the physical disturbance pressure or associated human activities (e.g. fishing) is likely to affect the size/age structure of key species in the habitat.</del></p> <p><i>Application rules:</i></p> <p>The outcomes of assessment of criterion D6C32 (and where relevant D6C4) (extent of impact) <del>shall</del> <u>should</u> contribute to the assessments of habitat types under Descriptors 1 <del>and 6.</del></p>

Criteria, including criteria elements, Elements for assessment, criteria and methodological standards for assessment of physical loss (due to change of seabed substrate or morphology and extraction of seabed substrate)

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference level</u> <u>threshold values</u> where they exist	Methodological standards
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<u>Criteria elements</u> Elements for assessment	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
Seabed (including intertidal areas)	D6C53 <del>Cumulative</del> Spatial extent of physical loss of <del>or change to</del> natural seabed habitat.	<p><i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> D6C35 and D6C6 are <u>a</u> primary criteria.</p> <p><i>Application rules:</i></p>
Benthic broad habitats types, as used for Descriptor 1 (see list under Table 2, Part B of this Decision)	D6C6 Extent of each broad habitat type physically lost or changed due to human activities.	<p>No reference level is set <del>for</del> criterion D6C53 <del>but the extent of loss (pressure) from criterion D6C5 shall be used to assess the extent of impact under</del> D6C6.</p> <p>No reference level is set for criterion D6C6 as the outcome shall contribute to the assessment of habitat types under Descriptors 1 and 6, where a reference level is set for loss of habitat.</p>

*Specifications and standardised methods for monitoring and assessment*

Regarding methods for monitoring:

- for D6C1, all relevant disturbances from different human activities shall be assessed (such as bottom-trawling fishing),
- for D6C53 ~~and D6C6~~, all relevant modifications from different human activities shall be assessed (including changes to natural seabed substrate or morphology via physical restructuring, infrastructure developments and loss of substrate via extraction of the seabed materials).

~~The area disturbed/damaged or lost shall be expressed in km<sup>2</sup> or km<sup>2</sup> per habitat type, as appropriate.~~

For coastal waters, data on hydromorphological modifications (mapping of alterations) in each water body should be derived from Directive 2000/60/EC. Beyond coastal waters, data can be collated from mapping of infrastructure and licenced extraction sites.

Regarding methods for assessment, the data shall be aggregated so that:

- ~~1. D6C2 is assessed in relation to total natural extent of the habitat of the species in the assessment area.~~
1. D6C3~~2~~ is assessed in relation to total natural extent of each broad habitat type assessed under Descriptor 1, in the assessment area.
2. D6C5~~3~~ is assessed as area lost in relation to total natural extent of all ~~natural~~ habitats -in the assessment area (e.g. by extent of anthropogenic modification).
- ~~3. D6C6 is assessed as proportion of total natural extent of each broad habitat type in the assessment area.~~

Units of measurement for the criteria:

- ~~- D6C1: The area disturbed or damaged shall be expressed in square kilometres.~~
- ~~- D6C2: The area disturbed or damaged shall be expressed in square kilometres per habitat type.~~
- ~~- D6C3: The area lost shall be expressed in square kilometres.~~

**Descriptor 7 – Permanent alteration of hydrographical conditions does not adversely affect marine ecosystems.**

Related pressures: Physical loss (due to ~~C~~change of seabed substrate or morphology (~~physical loss~~); Eor extraction of seabed substrate (~~physical loss~~); Changes to hydrological conditions

*Criteria, including criteria elements, ~~Elements for assessment, criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
<p><del>Species of bird, mammals, reptiles, fish and cephalopods.</del>  <del>Member States shall establish at regional or subregional level, a list of relevant species, based on risk to their habitat from alterations in hydrographical conditions</del>  <u>Seabed (including intertidal areas)</u></p>	<p>D7C1: <u>Spatial extent of area</u> <del>Cumulative extent of habitat of the specified species which is adversely affected, in particular the functions provided (e.g. spawning, breeding and feeding areas and migration routes)</del>, due to permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature, oxygen) associated with relevant physical losses <del>to</del><u>of</u> the seabed.</p>	<p><i>Scale of assessment:</i>            As used for assessment of the <del>corresponding species</del><u>broad habitat types</u> under Descriptors <u>1 and 6</u>.  <i>Primary and secondary criteria:</i>            D7C1 is a secondary criterion, to be used where the permanent alterations in hydrographical conditions are likely to put the <u>species-broad habitat types</u> at risk.  <i>Application rules:</i>            This criterion should contribute to the assessment of <u>D7C2-habitat for the species under Descriptor 1, where reference levels are set.</u></p>
<p>Benthic broad habitats types, as used for Descriptor 1 (see list under Table 2, Part B of this Decision)</p>	<p>D7C2: <del>Cumulative</del>-<u>Spatial</u> extent of each benthic broad habitat type <del>which has been</del> adversely affected (physical and hydrological characteristics and associated biological communities) due to permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature, oxygen) associated with relevant physical losses <del>to</del><u>of</u> the seabed.</p>	<p><i>Scale of assessment:</i>            As used for assessment of the broad habitat types under Descriptors 1 and 6.  <i>Primary and secondary criteria:</i>  <del>D6</del><u>7</u>C2 is a secondary criterion, to be used where the extent of permanent alterations in hydrographical conditions is likely to put the habitat at risk.  <i>Application rules:</i></p>



<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
		This criterion should contribute to the assessment of benthic habitats under Descriptors 1 and 6, where <u>reference level</u> <u>threshold values</u> are set.

*Specifications and standardised methods for monitoring and assessment*

Regarding methods for monitoring:

1. Monitoring should focus on changes associated with infrastructure developments, either on the coast or offshore.
2. Standard EIA hydrodynamic models should be used to assess the extent of effects from each infrastructure development, validated with ground-truth measurements.
3. For coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC should be used.

Regarding methods for assessment, the data shall be aggregated so that:

1. D7C1 is assessed in relation to total natural extent of all habitats in the assessment area.
2. D7C2 is assessed in relation to total natural extent of each broad habitat type assessed under Descriptor 1, in the assessment area.

Units of measurement for the criteria:

- Criteria D7C1: in square kilometres
- and D7C2: should be reported in km<sup>2</sup>-square kilometres per habitat type of habitat which is adversely affected.

**PART B – CRITERIA AND METHODOLOGICAL STANDARDS RELATING TO THE ASSESSMENT OF ESSENTIAL FEATURES AND CHARACTERISTICS AND CURRENT ENVIRONMENTAL STATUS OF MARINE WATERS UNDER POINT (A) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

The following criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment under Article 11(4) of Directive 2008/56/EC, shall be used by Member States to assess the extent to which good environmental status is being achieved, in relation to the assessment of ecosystem state characteristics under point (a) of Article 8(1) of that Directive and will contribute to the assessment of the following descriptors, under Annex I of that Directive:

- Descriptor 1 – Biological diversity is maintained. The quality and occurrence of habitats and the distribution and abundance of species are in line with prevailing physiographic, geographic and climatic conditions.
- Descriptor 4 – All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity.
- Descriptor 6 – Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.

Criteria D2C3, ~~D3C1~~, D3C2, D3C3, ~~D3C4~~, D5C2, D5C3, D5C4, D5C5, D5C6, D5C7, D5C8, D5C9, ~~D6C2~~, ~~D6C3~~, ~~D6C4~~, ~~D6C6~~, ~~D7C1~~, D7C2, D8C2, and D8C4 should contribute to the assessment of habitats under Descriptors 1 and 6, by providing information on the impact of pressures.

Criteria D2C3, D3C1, D3C2, D3C3, D3C4, D8C2, D8C4 and D10C4 should contribute to the assessment of species under Descriptor 1, by providing information on the impact of pressures.

The relevant criteria are presented in the following order of ecosystem components: birds, mammals, reptiles, fish and cephalopods (Descriptor 1), pelagic and benthic habitats (Descriptors 1 and 6) and ecosystems, including food-webs (Descriptors 1 and 4), as listed in Annex III of Directive 2008/56/EC.

**Birds, mammals, reptiles, fish and cephalopods**

Theme: ~~Highly mobile species~~ Species groups of marine birds, mammals, reptiles, fish and cephalopods

Criteria, including criteria elements, Elements for assessment, criteria and methodological standards

<u>Criteria elements</u> Elements for assessment	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
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<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference level</u> <u>threshold values</u> where they exist	Methodological standards
<p>Species groups, as listed under Table 1 and if present in the region or subregion. Member States shall establish, at regional or subregional level, a set of species representative for each species group selected according to the criteria laid down under ‘specifications’.</p> <p>These species may be drawn from those assessed under Union legislation (Directive 92/43/EEC, Directive 2009/147/EC or Regulation (EU) No 1380/2013) or international agreements, such as Regional Sea Conventions, or other sources.</p>	<p>D1C1: Species distributional range and, where relevant, pattern is in line with natural physiographic, geographic and climatic conditions.</p> <p>Member States shall establish, at regional or subregional level, <u>reference level</u> <u>threshold values</u> for each species, consistent with the Favourable Reference Range values established by the relevant Member States under Directive 92/43/EEC.</p>	<p><i>Scales of assessment:</i></p> <p>Ecologically-relevant scales for each species group shall be used, as follows:</p> <ul style="list-style-type: none"> <li>– For deep-diving toothed cetaceans, baleen whales, deep-sea fish: Region</li> <li>– For birds, small toothed cetaceans, seals, turtles, pelagic and demersal shelf fish, cephalopods: Region for Baltic and Black Seas; subregion for North-East Atlantic and Mediterranean Sea</li> <li>– For coastal fish: Subdivision of region or subregion</li> </ul> <p><i>Primary and secondary criteria:</i></p> <ul style="list-style-type: none"> <li>– All criteria are primary for species covered by <u>Annex III of Directive 92/43/EEC</u></li> <li>– For birds criteria D1C1 and D1C2 are primary;</li> <li>– For commercially-exploited fish and cephalopods, criteria D1C2 and D1C3 are primary;</li> <li>– For other species D1C2 is a primary criterion;</li> <li>– The remaining criteria are</li> </ul>
	<p>D1C2: Population size (abundance and/or biomass) of the species is not significantly altered due to anthropogenic pressures, such that its long-term viability is ensured.</p> <p>Member States shall establish, at regional or subregional level, reference levels for each species, consistent with the Favourable Reference Population values established by the relevant Member States under Directive 92/43/EEC, taking account of natural variation in population size <u>and the level of mortality derived from D3C4, D8C4 and D10C3 and other relevant pressures</u>.</p>	
	<p>D1C3: Population demographic characteristics (<u>e.g. body size or age class structure, sex ratio, fecundity rates, survival / mortality rates</u>) of the species are indicative of a natural population which is not significantly altered due to anthropogenic pressures.</p> <p>Member States shall establish, at regional or subregional level, reference levels for each species.</p>	
	<p>D1C4: The habitat for the species has the necessary extent and condition</p>	

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference level</u> <u>threshold values</u> where they exist	Methodological standards
	<p>to support the different stages in the life history of the species.</p> <p>Member States shall establish, at regional or subregional level, <u>reference level</u><u>threshold values</u> for each species.</p>	<p>secondary and should be used where there is a possibility the species <u>are at risk</u><del>may fail the criterion</del> <u>in relation to these criteria</u> due to anthropogenic pressures.</p> <p><i>Application rules:</i></p> <p>The status of each species shall be assessed individually, drawing wherever possible from assessments under <u>Directive 92/43/EEC, Directive 2009/147/EC or Regulation (EU) No 1380/2013</u><del>other Union legislation or international agreements</del>:</p> <p>For birds, criteria D1C1 and D1C2 <u>are equivalent</u><del>correspond</del> to the ‘breeding distribution map and range’ and ‘population size’ criteria of Directive 2009/147/EC.</p> <p>For mammals, reptiles and non-commercial fish, criteria D1C1, D1C2, <u>D1C3</u> and D1C4 <u>are equivalent</u><del>correspond</del> to the ‘range’, ‘population’ and ‘habitat for the species’ criteria of Directive 92/43/EEC.</p> <p>For commercially-exploited fish and cephalopods, criteria D1C2 and D1C3 <u>are equivalent</u><del>correspond</del> to criteria D3C2 and D3C3; assessments under D3 should be used for D1 purposes.</p>

<u>Criteria elements</u> Elements for assessment	Criteria, including <u>reference level</u> <u>threshold values</u> where they exist	Methodological standards
		<p>For a <u>All species in a species groups</u>, the species is in good status when the criteria used shall achieve the <u>reference level</u> <u>threshold values</u> set.</p> <p>Good environmental status shall be assessed for each species group, according to the status assessments of all the component species selected as representative of the group. Where agreed Union level rules are not available, all species within the group shall achieve good status for the group as a whole to be considered at GES.</p>

*Elements for assessment* *Criteria elements*

**Table 1 – Species groups**

Ecosystem component	Species groups
<b>Birds</b>	Grazing birds
	Wading birds
	Surface-feeding birds
	Pelagic-feeding birds
	Benthic-feeding birds

<b>Ecosystem component</b>	<b>Species groups</b>
<b>Mammals</b>	Small toothed cetaceans
	Deep-diving toothed cetaceans
	Baleen whales
	Seals
<b>Reptiles</b>	Turtles
<b>Fish</b>	Coastal fish <sup>7</sup>
	Pelagic shelf fish
	Demersal shelf fish
	Deep-sea fish
<b>Cephalopods</b>	Coastal/shelf cephalopods
	Deep-sea cephalopods

*Specifications and standardised methods for monitoring and assessment*

*[To be added]*

### **Pelagic and benthic habitats**

Theme: Pelagic and benthic habitats

<sup>7</sup> Coastal fish and habitats are not confined to coastal waters, but are ecologically defined.

*Criteria, including criteria elements, Elements for assessment, criteria and methodological standards*

<p><b>Criteria elements/Elements for assessment</b></p>	<p><b>Criteria, including <u>reference levels/threshold values</u> where they exist</b></p>	<p><b>Methodological standards</b></p>
<p>Broad habitat types as listed in Table 2 and if present in the region or subregion.</p> <p><u>Member States shall further define, at regional or subregional level, habitat types, selected according to the criteria laid down under ‘specifications’, of each broad habitat type.</u></p> <p><u>These may include habitat types assessed under Directive 92/43/EEC or international agreements. Their assessment should be supported by the assessment, particularly of habitat condition, of a set of more finely defined habitat types (e.g. EUNIS level 4 or 5 types, or types from Habitats Directive or international agreements) selected according to the criteria laid down under ‘specifications’.</u></p>	<p>D1C5: <del>The extent, and where relevant distribution, of the habitat is not significantly altered due to anthropogenic pressures.</del></p> <p>The loss of extent of the habitat type, resulting from anthropogenic pressures, does not exceed 5% of the natural extent of the habitat in the assessment area. In cases where the loss exceeded this value in the <u>baseline reference</u> year used for the Initial Assessment in 2012, there shall be no further loss of the habitat type.</p> <hr/> <p>D1C6: <u>The spatial extent of impacts from anthropogenic pressures on the condition of the habitat, including its biotic (typical species composition and their relative abundance) and abiotic structure, and its functions, is not significantly altered due to anthropogenic pressures over at least does not exceed 30%<sup>8</sup> of its natural extent in the assessment area. This proportion shall include any loss of natural extent, as assessed under criterion D1C5.</u></p>	<p><i>Scales of assessment:</i></p> <p><del>Ecologically relevant scales for each broad habitat type shall be used, as follows:</del> <u>Subdivision of region or subregion, reflecting biogeographic changes in species composition of the habitat at community level.</u></p> <p><i>Primary and secondary criteria:</i></p> <p>D1C5 and D1C6 are primary criteria, excepting D1C5 is not used for pelagic habitats.</p> <p><i>Application rules:</i></p> <p><u>The status of each habitat shall be assessed using w</u>Wherever possible, assessments (such as of sub-types of the broad habitat types) under <u>Directive 92/43/EEC</u><del>other Union legislation or international agreements should be used to support these assessments.</del></p> <p>Criteria D1C5 and D1C6 <u>are equivalent/correspond</u> to the ‘range/area covered by habitat type within range’ and ‘specific structures and functions’ criteria of Directive 92/43/EEC.</p> <p><u>Criterion D1C5 should use the assessment</u></p>

<sup>8</sup> From IUCN guidelines on ecosystem assessments

Criteria elements Elements for assessment	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
		<p><del>made under D6C3.</del></p> <p><u>For pelagic habitats, assessments should, in particular, take into account the assessments under D2C3, D5C2, D5C3, D5C4, D5C5, D8C2 and D8C4. For pelagic habitats, the assessments fulfil the needs for assessment under Descriptor 1.</u></p> <p><u>For benthic habitats, assessments should, in particular, take into account the assessments under D2C3, D3C2, D3C3, D5C6, D5C7, D5C8, D5C9, D6C2, D7C2, D8C2 and D8C4. For benthic habitats, the assessments fulfil the needs for assessment under Descriptors 1 and 6.</u></p> <p><u>Both criteria D1C5 and D1C6 shall achieve the threshold values set.</u> <del>For pelagic habitats, assessments should, in particular, take into account the assessments for Descriptor 5 and Descriptor 2.</del></p> <p><del>For benthic habitats, the assessments fulfil the needs for assessment under Descriptors 1 and 6. Both criteria shall achieve the reference levels set. The assessments should, in particular, take into account the assessments for Descriptor 5, Descriptor 2, Descriptor 3 (benthic species) and Descriptors 6 and 7 (physical disturbance, physical loss and associated hydrographical changes).</del></p>



*Criteria Elements for assessment*

**Table 2 – Broad habitat types (relevant for criteria under Descriptors 1, 6 and 7), which equate to one or more habitat types of the EUNIS classification (2016 version used), as indicated. Updates to the EUNIS typology should be reflected in the broad habitat types used for the purposes of Directive 2008/56/EC and of this Decision.**

<b>Ecosystem component</b>	<b>Broad habitat types</b>	<b>Relevant EUNIS habitat codes (version 2016)</b>
<b>Benthic habitats</b>	Littoral rock and biogenic reef	[to be completed]
	Littoral sediment	
	Infralittoral rock and biogenic reef	
	Infralittoral coarse sediment	
	Infralittoral sand	
	Infralittoral mud	
	Infralittoral mixed sediment	
	Circalittoral rock and biogenic reef	
	Circalittoral coarse sediment	
	Circalittoral sand	
	Circalittoral mud	
	Circalittoral mixed sediment	
	Upper bathyal <sup>9</sup> rock and biogenic reef	
	Upper bathyal sediment	
	Lower bathyal rock and biogenic reef	
	Lower bathyal sediment	

<sup>9</sup> [The boundary for the upper bathyal could be set as a specified depth limit.](#)

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
	Abyssal rock and biogenic reef	
	Abyssal sediment	
Pelagic habitats	Variable salinity <sup>10</sup>	
	Coastal	
	Shelf	
	Oceanic	

*Specifications and standardised methods for monitoring and assessment*

~~New requirements for monitoring and assessment may be needed for MSFD implementation issues (notably for fish, cephalopods and habitats).~~

Criteria for the selection of species and habitats to be assigned to the species groups and broad habitat types:

(a) ~~Main~~<sup>Primary</sup> scientific criteria (ecological relevance):

- Representative of the ecosystem component (species group or broad habitat type), being relevant for assessment of state/impacts, such as having a key functional role within the component (e.g. high or specific biodiversity, productivity, trophic link, specific resource or service);
- Relevant for assessment of a key anthropogenic pressure to which the ecosystem component is exposed, being sensitive to the pressure and exposed to it (vulnerable) in the assessment area;
- Sufficiently present across the (sub)region: high proportion (extent or occurrence) of the species/ habitat occurs within the assessment area;
- Present in sufficient numbers or extent in the assessment area to be able to construct a suitable indicator for assessment.
- The set of species or habitats selected should cover, as far as possible, the full range of ecological functions of the ecosystem component.

<sup>10</sup> Retained for situations where estuarine plumes extend beyond waters designated as Transitional Waters under Directive 2000/60/EC.

(b) ~~Secondary~~ Additional practical criteria (which shall not override the ~~primary~~ main set of scientific criteria):

- Monitoring/technical feasibility
- Monitoring costs
- Reliable time series

The representative set of species and habitats to be assessed are likely to be (sub)regionally specific, although certain species may occur in several subregions. ~~The more species/habitats that will be included in each group, the greater the confidence in the assessment.~~

For monitoring of D1C6, for benthic habitats, the proportion of spatial extent of impacts from anthropogenic pressures shall include any loss of natural extent, as assessed under criterion D1C5 for benthic habitats.

### Ecosystems, including food webs

Theme: Ecosystems

*Criteria, including criteria elements, ~~Elements for assessment, criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
Trophic guilds of an ecosystem. Member States shall agree at regional or subregional level on at least three trophic guilds to assess, two of which shall be non-fish trophic guilds. These should take into account the ICES list of trophic guilds <sup>11</sup> .	D4C1: Abundance <del>or/</del> biomass of trophic guilds is not <del>significantly altered</del> <u>adversely affected</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	<i>Scale of assessment:</i> Regional level for Baltic Sea and Black Sea; subregional level for <u>North-East</u> Atlantic and Mediterranean Sea, distinguishing coastal, shelf and oceanic/deep-sea ecosystems, as appropriate.
	D4C2: Size distribution <del>[per species]</del> within trophic guilds is not <del>adversely affected</del> <u>significantly altered</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	

<sup>11</sup> ICES Advice (2015) Book 1, ICES special request advice, published 20 March 2015.

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
	<p>D4C3: Species composition and their relative abundance (diversity) within the trophic guild are not <u>adversely affected</u> <u>significantly altered</u> due to anthropogenic pressures.</p> <p>Member States shall establish, at regional or subregional level, <u>reference level</u><u>threshold values</u>.</p>	<p><i>Primary and secondary criteria:</i></p> <p>Criteria D4C1 and D4C3 are primary criteria. Criterion <u>D4C2</u> is a secondary criterion, to be used for trophic guilds in which size distribution may be significantly affected by anthropogenic pressures. Criterion <u>D4C4</u> is a secondary criterion <u>which should to</u> be used in support of criterion <u>D4C1</u>, <u>where necessary</u>.</p> <p><u>Application rules:</u></p> <p><u>For all criteria used, the reference levels set shall be achieved.</u></p>
	<p>D4C4: Productivity of trophic guilds is not <u>adversely affected</u> <u>significantly altered</u> due to anthropogenic pressures.</p> <p>Member States shall establish, at regional or subregional level, <u>reference level</u><u>threshold values</u>.</p>	

*Specifications and standardised methods for monitoring and assessment*

[To be added]

Member States shall monitor whether, for each criterion, the values fall within the threshold values set.

#### **PART C - SPATIAL ASPECTS OF ~~ASSESSMENT~~ ASSESSING THE EXTENT TO WHICH OF GOOD ENVIRONMENTAL STATUS IS ACHIEVED**

~~The achievement of good environmental status under Article 1(1) of Directive 2008/56/EC needs to address both the quality to be achieved at any given location in the marine waters of Member States and the spatial extent over which such quality levels are to be achieved within each region or subregion. This spatial aspect is reflected in Article 1(2) and 1(3) of that Directive, and indicates that some locations may not achieve the quality levels set, particularly to allow for certain sustainable uses of the marine waters, provided the collective pressure of human activities is kept within levels compatible with the achievement of good environmental status and the capacity of marine ecosystems to respond to human induced changes is not compromised.~~

For the predominant pressures and impacts to be assessed under point (b) of Article 8(1) of Directive 2008/56/EC, the criteria provided in Part A of this Annex set reference level threshold values (or provide for these to be set by Member States within each region or subregion) in relation to the intensity of a pressure that is considered to be compatible with (or not preventing) the achievement of good environmental status~~quality to be achieved~~ at any given ~~location~~area in the marine waters of Member States.

In order to assess the extent to which GES-good environmental status is being achieved in each region and subregion, as required under Article 9(3) of Directive 2008/56/EC, the following are needed:

- (a) the spatial distribution and extent of the predominant pressures and impacts addressed in the criteria under Descriptors 2 (excepting criterion D2C1), 5, 6, 7, 8, 10 (excepting ~~D10C3 and D10C34~~) and 11 ~~need to shall~~ be assessed;
- (b) the spatial extent of impacts assessed in criteria under Descriptors 2, 3 (for benthic species), 5, 6 and 7 (and if appropriate Descriptors 8, 9, 10 and 11) should be used when assessing the extent of habitat in good condition under Descriptors 1 and 6;
- (c) when ~~reporting on the updates of reviewing~~ their initial assessments and their determination of good environmental status according to point (a) of Article 17(2) of Directive 2008/56/EC, Member States shall ~~assess report~~ the extent to which the reference level threshold values have been achieved for each criterion used, per assessment element where relevant, as a proportion (%) of the total extent of the element in the assessment area.

## MAIN AIMS OF A REVISED DECISION & ANNEX III FOR THE MARINE STRATEGY FRAMEWORK DIRECTIVE

### 1. BACKGROUND

The goal of the Marine Strategy Framework Directive (MSFD – Directive 2008/56/EC) is the protection and conservation of Europe's marine environment to achieve good environmental status (GES) by 2020. It requires Member States to draw up a marine strategy, implement it and eventually report upon it. The marine strategy is split over two phases. The preparation phase of the strategy required Member States to assess the environmental status of their marine waters, to determine what is considered to be good environmental status (GES), to establish environmental targets and related indicators that are needed to achieve GES (2012), and finally to establish monitoring programmes to provide the necessary data and information to assess progress towards GES and the targets (2014). The second phase concerns the development of a programme of measures to achieve good environmental status (2015) and their eventual implementation (2016).

The Directive's definition of 'good environmental status' is rather high level, but it lists in an annex eleven descriptors providing more specific objectives (Annex I) and another annex (Annex III) lists indicative characteristics, pressures and impacts to be taken into account by Member States in their determination of GES. The Directive (Article 9.3) also empowers the Commission to detail the technical criteria and methodological standards that are to be used to assess the extent to which good environmental status is being achieved. These were embodied in Commission decision (Decision 2010/447/EU).

Member States are also required to work together at a regional or sub-regional level to ensure a consistent determination of good environmental status. Member States' marine strategies are to be updated every six years. This means that Member States will have to update their initial assessment, their determination of GES and their environmental targets in 2018, when the second cycle of implementation of the MSFD will start.

### 2. WHY THIS REVISION?

Based on the Member States' reports in 2012, the Commission had to "assess whether, in the case of each Member State, the elements notified constitute an appropriate framework to meet the requirements of this Directive..." (Article 12). The result of this assessment (2014<sup>1</sup>) shows that more efforts are urgently needed if the Union's marine waters are to be in good environmental status by 2020. The Commission's report identified that while Member States generally applied the 2010 Decision, their determination of good environmental status varied considerably both within regions or sub-regions and across the EU. Existing EU legislation (e.g. Habitats Directive) and regional sea convention standards (e.g. on eutrophication) were not systematically integrated into their strategies. A consistent determination of good environmental status, as required by the Directive, has thus not been achieved. Moreover, Member States' determination of their good environmental status often remained general, making it difficult or impossible to assess whether it has been achieved or not. Part of the problem lies in the fact that the 2010 Decision could not set out the criteria and methodological standards in enough detail for certain descriptors, notably those for biodiversity (D1), non-indigenous species (D2), food webs (D4), sea-floor integrity (D6),

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<sup>1</sup> COM(2014) 97 final

hydrographical changes (D7), litter (D10) and underwater noise (D11). This was already recognised in recital 4 of the Decision, which asks for its revision as soon as possible after the Commission's assessment required under Article 12 of the MSFD.

Given these shortcomings and to ensure that the next cycle of implementation of the MSFD (2018 and beyond) yields greater benefits, the 2014 report concludes *inter alia* that the 2010 Decision needs to be revised, strengthened and improved, while Annex III of the Directive needs to be reviewed and if necessary revised. The latter was proposed since, the link between Annex I of the MSFD listing the 11 descriptors and Annex III was not clear, as already identified in a Commission staff working paper from 2011. The report also identified what needs to be achieved: criteria and methodological standards that are "clearer, simpler, more concise, more coherent and comparable".

The revision of the Decision and of Annex III aims at addressing the technical shortcomings identified during the first phase of implementation and at ensuring coherence with other EU legislation and regional approaches, where appropriate. The overall objective remains the adequate implementation of the MSFD in order to achieve its 2020 goals. This review process therefore provided the opportunity to align the Directive's Annex III with its Annex I and the GES decision simultaneously.

### **3. OBJECTIVES OF THE REVISION**

The revision of the Commission Decision and MSFD Annex III aims to clarify the criteria for Good Environmental Status (GES), methodological standards and specifications and standardised methods for monitoring and assessment. It allows also for making the relationship between Annex I and Annex III more coherent by amending the latter.

The draft legal text for the Decision follows the mandate that was given for this review process and in particular by providing legal provisions that are simpler, clearer and self-explanatory. Their formulation is coherent with other EU frameworks and in their absence explicitly provide for regional cooperation. It finally introduces minimum requirements and lists of elements, criteria and other parameters per descriptor.

The revision of MSFD Annex III is needed to complement the revision of the Commission Decision. Annex III forms a key part of the implementation of Articles 8, 9 and 10, where it provides indicative lists of features and characteristics of the marine environment and of pressures and impacts upon it. However, its relationship to the Annex I descriptors and to the GES criteria was not made explicit in the Directive or in the 2010 Commission Decision. The 2011 Commission Staff Working Paper<sup>2</sup>, however, established relationships between the three elements, but could provide only a partial answer due to their inherent content. The present revision therefore offers an opportunity to further clarify these relationships and thus support future implementation by, for example, explicitly linking the elements of Annex III to the Annex I descriptors, and the structure of Annex III to the assessments under Article 8 of MSFD.

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<sup>2</sup> [Commission Staff Working Paper SEC\(2011\)1255.pdf](#)

#### 4. APPROACH AND PROCESS

The review work started at a technical level with Member States (at working group and committee level) in 2013. The MSFD Regulatory Committee outlined a Roadmap<sup>3</sup> for this review with three main steps: a technical and scientific review by end 2014; a consultation and discussion phase by mid-2015; and finalisation of review process by end 2015.

This review process kicked off through the Common Implementation Strategy of the MSFD. It was led by the GES working group (WG GES), with technical support from the Joint Research Centre (JRC) and the International Council for the Exploration of the Sea (ICES).

The outline of a “manual” for the technical phase of the review of Commission Decision 2010/477/EU was developed between November 2013 and March 2014. The aim of the manual was to guide the preparatory process and ensure a similar approach for all descriptors.. It was proposed to prepare one manual per descriptor with a common structure for all descriptors to ensure coherence.

In addition to direct expert consultation on all descriptors, several workshops have been organised either by the JRC or by ICES on specific descriptors. These workshops brought together experts from the relevant ICES and JRC expert networks including Member State and Regional Sea Convention<sup>4</sup> experts, to review the draft manuals in light of the Decision (2010/477/EU) and suggest ways to improve the scientific guidance on the determination and assessment of GES. This work started in July 2014 and was finalised in September 2015. The results of the technical review process are summarised in Table 1.

Table 1. Summary of outcomes of technical review process

	Criteria	Indicators (primary + secondary)	Indicators (secondary)
<b>2010 Decision</b>	<b>29</b>	<b>56</b>	<b>3</b> (3.1.2, 3.2.2, 3.3.4)
<b>2014-15 technical review</b>	Unchanged 16 Changed 10 Deleted 3 (criteria 1.4, 1.7, 4.2) Added 2: D1 species group diversity D3 size distribution - pressure  <b>Total = 28</b>	Unchanged 23 Changed 24 Deleted 9 (indicators 1.3.2, 1.5.2, 1.6.3, 1.7.1, 2.2.1, 3.3.2, 6.1.1, 9.1.2, 10.1.3) Added 13: For D1 species group diversity For D2.1 new introductions For D3.3 selectivity pattern (+3) For D3.3 size distribution - state For D3.3 genetic effects (+1) For D5.2 plankton shifts For D5.3 benthic invertebrates For D6.1 extent of pressure For D8.2 acute pollution impacts <b>Total = 56 (+4)</b>	<b>9</b> (3.1.2, 3.2.2, 5.1.2, 5.2.2, 5.2.3, 5.2.4, 5.2.5, 5.3.1, 5.3.3)

<sup>4</sup> Regional Sea Conventions participate informally in the MSFD common implementation strategy and are seen as important contributors in view of the regional cooperation emphasis engrained in the Directive.



Member States and stakeholders were consulted on the technical phase of the review, including the manuals for each GES descriptor and Annex III between May and August 2015, followed by other specific workshops for three descriptors. On the basis of the feedback to this consultation and the outcomes of these workshops, the Commission services prepared a proposal for a revised GES Decision and MSFD Annex III.

## 5. GENERAL PRINCIPLES OF THE REVISED DECISION

The general underlying principles for the Commission's proposal for a revised decision are the following:

- a. Use available EU standards, where appropriate: To make the determination of good environmental status more effective, this Decision takes into account existing Union legislation, such as the Water Framework Directive and the Common Fisheries Policy and others. Such cross-references will not only facilitate Member States' assessments under Directive 2008/56/EC, particularly by enabling assessments for other purposes to be used also for the MSFD and thereby reducing administrative burden, but should also ensure greater consistency and comparability at Union level and between EU policies.
- b. Where EU standards are not available, Member States should use or develop suitable standards for the region or subregion: Where this Decision does not set details at Union level for methodological standards, specifications and standardised methods for monitoring and assessment, provision is made for Member States to use the ones agreed at international, regional or sub-regional level or to develop jointly such standards. This, in particular, recognises the ongoing work of the Regional Sea Conventions, as provided under Article 6 of Directive 2008/56/EC, but can allow for use of other regional mechanisms, such as Regional Fisheries Management Organisations (RFMOs). These processes to develop regional/subregional standards are essential to ensure coherence and compatibility in determination and assessment of GES.

The Decision provides for elements for assessment and reference levels to be established at (sub)regional level for a number of descriptors/criteria (where these are not specified at Union level). This should draw directly upon existing and ongoing work within, for example, the Regional Sea Conventions (common/core indicator processes) or bilaterally in some subregions. Whilst this work should ideally be in place for use in the 2018 Article 8 assessments, it can be expected that not all can be achieved in this timescale.

- c. Assessment elements: where possible, the elements for assessment for each descriptor have been more clearly specified (and linked to the generic elements of the proposed Annex III revision). In some cases these refer to already existing EU lists (e.g. hazardous substances), or, alternately, provide for Member States to draw up suitable lists for the region or subregion, as part of the process of developing regional/subregional coherence in the implementation process. When appropriate, there is provision for a deselection procedure for EU lists (provided there is a suitable justification) to allow for the regional variation in their relevance, including use of risk-based approaches. For example, the low risk from certain hazardous substances in the offshore environment can be used to justify their non-assessment.

- d. Combine the 'criteria' and 'indicators' of the 2010 Decision: since the term 'indicators' is already used in the Directive in relation to Article 10 ("...establish a comprehensive set of environmental targets and associated indicators..") it is considered appropriate to eliminate this term from the Commission decision for use in the context of determining GES to avoid confusion or misinterpretation in the future implementation process. The new decision refers only to criteria for assessing the extent to which good environmental status is being achieved, with the text for each criterion effectively encompassing what was previously expressed as an indicator. The overall effect of this approach to combine criteria and indicators is to reduce the number necessary from 85 (29 criteria and 56 indicators) to 45 (including other rationalisations).
- e. Criterion definition includes reference levels: for each criterion, the new Decision includes a reference level, where available, that allows a quantitative assessment of whether good environmental status is achieved. Where these are not available at EU level, there is provision for Member States to develop and agree such reference levels at the regional or subregional level; this is particularly relevant to reflect the differing ecological characteristics of each region and subregion. In two cases (for descriptors 10 on litter and 11 on noise) it is recommended that reference levels are established at EU level. For several criteria (for descriptors 2, 6, 7), it is proposed to not have reference levels, but rather to use these criteria in the assessments of habitats under descriptor 1 and 6, where reference levels are established.
- f. Appropriate spatial scales: Assessment of whether GES has been achieved is intrinsically linked to the scale of assessments. Following the experiences of the 2012 initial assessments, in which highly varied approaches to this issue were adopted by Member States, and technical work under WG GES, a generic approach to the application of suitable scales for assessment is proposed. This is a so-called 'nested approach' in which the MSFD regions and subregions can be subdivided into smaller areas as needed, depending on the descriptor. The finest scale for assessment is the water body level of the Water Framework Directive, thus allowing direct reuse of WFD assessments for certain topics (e.g. eutrophication). Whilst these generic scales are provided in the new Decision, the actual areas to be used are left for Member States to define; this is already well advanced in the HELCOM and OSPAR areas. An important aspect of the proposed approach is to link the scales used for assessments of pressures and impacts to those used for assessments of biodiversity, to help ensure a more coherent approach between the descriptors.
- g. Possibility of primary and secondary criteria: in the 2010 Commission Decision descriptor 3 on commercially exploited fish and shellfish included both primary and secondary indicators, the latter to be used if analytical assessments yielding the requested values of primary indicators (fishing mortality and spawning stock biomass) were not available. In the current proposal, more descriptors include secondary criteria. While primary criteria should be used to ensure consistency across the Union, flexibility is introduced with regard to secondary criteria, which can either be alternative (if there is a lack of data for primary criteria) or complementary (only performed whenever they are considered relevant).
- h. Application rules for criteria: to ensure that assessments are consistent between Member States for each topic, it is important that the criteria are applied in defined ways, particularly where several criteria are to be used to assess whether GES has

been achieved, or where multiple substances or species need to be assessed. Where appropriate, the approaches used in other policies (e.g. WFD, Habitats Directive) have been followed.

- i. Consistency in terms and structure across criteria: the terminology used has been reviewed and harmonised both across the criteria and with the terminology of the Directive. This has aimed to minimise the use of synonym terms (e.g. terms reflecting degraded states, such as adversely affected, adversely altered, impacted, degraded, changed, deteriorated). The structure of the text has also been reviewed in order to be consistent and include the same level of information, where available, across all criteria.

## **6. SUMMARY OF THE PROPOSALS**

Annex A to this note provides a list of the original criteria and indicators (as amended by the technical review process) and how each has been used in the proposed new Decision.

Annex B to this note provides a framework for the relationship of the proposed criteria to the Article 8(1a and 1b) assessments, to the proposed new Annex III elements (Table 1 and Table 2a), and to the Annex I descriptors.

- **Revised Text for GES Decision**

The new decision text includes definitions of the key terms used in the proposal (i.e. criteria, methodological standards, specification, reference levels, etc.), general principles (regarding the use of the criteria and methodological standards and what Member states should do in their absence) and a review clause.

- **Annex to revised GES Decision**

The Annex to the Decision is structured in three parts. To support a more integrated approach of assessment between the descriptors, the pressure-based descriptors for MSFD Article 8(1b) are addressed first (Part A), as the outcomes of these assessments, particularly the scale (footprint) of impacts on the different ecosystem components, should be used to inform the assessments of those components for the state-based descriptors under Article 8(1a) (Part B). Part C lays down the spatial aspects of these assessments.

Part A of the Annex concerns the assessment of predominant pressures and impacts under point (B) of Art. 8(1) of MSFD. It comprises of criteria to be used in relation to the assessment of pressures and impacts. In particular, it includes Descriptors 5, 8, 9, 10, 11, 2, 3, 6, 7 (follows same order of pressures as proposed for revised MSFD Annex III: substances, litter and energy; biological pressures; physical pressures). Descriptors 3, 6, and 7 are included here from pressure and impact perspective (D3 extraction of fish, including incidental bycatch; D6 physical damage (including from fisheries) and D6 physical loss and associated hydrographical changes D7).

Part B of the Annex concerns the assessment of essential features and characteristics and current environmental status of marine waters under point (A) of Art. 8(1) of MSFD. It includes criteria to be used in relation to the assessment of ecosystem state characteristics and contribute to the assessment of Descriptors 1, 4 and 6, split into the following themes: i) Birds, mammals, reptiles, fish and cephalopods, ii) Pelagic and benthic habitats and iii) Ecosystems, including food webs.

## **7. DETAILS PER DESCRIPTOR**

The following text provides briefly the rationale underpinning the revised proposals per descriptor.

### **Descriptor 5 – Eutrophication**

- a. Follows closely the proposed approach from the D5 JRC workshop in September 2015. The criterion on nutrient ratios is however omitted due to lack of reliable linkage to eutrophication effects;
- b. Aims to directly use assessments of relevant WFD quality elements for coastal waters, to maximise links to WFD and avoid reassessments for MSFD;
- c. Reference levels, where not already defined in EU Decisions, to be agreed within the region/subregion, making use of RSC work (beyond coastal waters, and for non-biological elements within coastal waters).

### **Descriptor 8 – Contaminants**

- a. Follows closely the existing obligations within 12nm under WFD, to maximise links to WFD and avoid reassessments for MSFD; changes to matrix used and deselection of substances not considered relevant are already addressed in WFD mechanisms;
- b. Within 12nm, makes provision to accommodate additional substances where relevant, such as from RSC;
- c. Beyond 12nm, Member States can use a risk-based approach to deselect substances (such as those from land-based sources that are in very low concentrations), but otherwise should follow the same standards as are used inside 12nm;
- d. Criterion on biological effects (D8C2) is retained due to a clear need to relate inputs of hazardous substances to identifiable effects on biota; however, specific details should be defined by Member States in recognition of the lack of Union-wide approaches;
- e. Criteria related to acute pollution events are retained, in recognition of the importance of such issues to the public, but MSFD-specific efforts are minimised by making full use of existing EMSA processes.

### **Descriptor 9 – Contaminants in seafood**

- a. Follows closely the existing obligations of EU food regulations regarding contaminants in food for consumption;
- b. Provides for flexibility for Member States to deselect contaminants or add additional contaminants, on the basis of risk;
- c. Makes a link between any contaminated seafood and its source (if within marine waters), via fishing locations or D8 assessment areas, as appropriate. This is the added benefit of MSFD, whereby any problem areas could be addressed through measures.

### **Descriptor 10 - Litter**

- a. Follows closely the current Decision (with modifications from technical review), keeping the quantification of litter and of micro-litter separate to reflect Member States consultation comments;
- b. The two current indicators on litter are combined into a single criterion, as their only difference was the matrix (beach versus water surface or seabed);

- c. The criteria for litter and micro-litter currently lack reference levels; provision is included to define these at EU level as such levels are likely to be linked to socio-economic issues rather than to harm to the environment which could be more appropriately set at regional level;
- d. Assessing litter in animals has been split into a criterion for ingestion (reflecting a quantification of litter) and an entanglement criterion (reflecting an impact on animals).

### **Descriptor 11 – Energy including underwater noise**

- a. Follows closely the advice from the technical review (TG Noise);
- b. The current absence of reference levels for the two criteria should be addressed at EU level, or regionally linked to different regional species. It may be necessary to use precautionary levels in the first instance;
- c. An impact criterion has not been recommended by the technical review process, leaving a gap in the Decision.

### **Descriptor 2 – Non-indigenous species (NIS)**

- a. The challenges of quantifying NIS (as a pressure) and its effects on species groups and habitat types (its impacts), coupled with the impracticality in most cases of being able to reduce these pressures and impacts, has led to proposing these criteria as secondary. This will leave discretion for Member States to address these criteria in cases where it is considered feasible and useful;
- b. As widely acknowledged, the prime focus should be on the prevention of new introductions; a single primary criterion is therefore proposed to address this. As also reflected in the current Decision, setting limits on the rate of new introductions is best considered as an environmental target, rather than a determination of GES.

### **Descriptor 3 – Commercially-exploited fish and shellfish**

- a. This descriptor is placed in Part A (pressures and impacts) as the effects of fishing need to be assessed on the fish stocks themselves, on incidental by-catch and on the seabed;
- b. The three criteria for assessing each stock from the current Decision are retained; fishing mortality and spawning stock biomass assessments are specifically linked to those under CFP (with the expectation that their assessment will fulfil both policy needs);
- c. The third criterion (age and size distribution) is retained, but awaits ICES advice on how it should best be assessed;
- d. Assessment of these three criteria will address the needs of D3, but can also be used to contribute to assessments of fish groups under D1;
- e. A fourth criterion is introduced to reflect mortality rates on non-commercial species (incidental by-catch); data and assessments should be closely linked with CFP processes, and outcomes fed into D1 assessments;
- f. Physical disturbance of the seabed from fishing activities is considered as part of the physical disturbance criterion (under D6).

### **Descriptor 6 – seafloor integrity (physical disturbance and physical loss aspects)**

- a. The criteria from the current decision and proposals from the technical review have been adapted to propose criteria which specifically address physical disturbance and physical loss (each as a pressure and as impact on habitats);
- b. Assessment of these criteria should be fed into the assessments of habitat for species (under D1) and benthic habitats/sea-floor integrity (D1/D6) and are not in themselves intended to be the assessment for D6;
- c. The primary criteria require focus on the extent of physical disturbance/damage to and loss of seafloor, each then assessed in relation to the broad habitat types. For disturbance, there is need to integrate spatial datasets on disturbance with ground-truth sampling to assess biological condition;
- d. There are secondary criteria to consider damage to habitats of birds, mammals, reptiles and fish and for assessment of age/size distribution of benthic species; both would be used only where considered relevant.

### **Descriptor 7 – Hydrographical changes**

- a. The criteria for this descriptor have been focused on changes associated with infrastructure developments either on the coast or offshore, avoiding previous wider interpretations on the scope of the descriptor; as such, the criteria are closely linked to physical loss of seabed substrate/habitat as a consequence of infrastructural changes under D6;
- b. The majority of hydrographical changes are expected to be at coastal locations, for which the data and assessments from WFD should be used; takes into account offshore infrastructure developments;
- c. The criteria are proposed as secondary, because the main impacts of infrastructural changes are loss of habitat (assessed with D6 criteria) and the associated hydrographical changes are typically of limited spatial extent, excepting in some coastal areas.

### **Descriptor 1 - Birds, mammals, reptiles, fish and cephalopods**

- a. Follows closely the approach proposed at the JRC D1 workshop in September 2015, by assessing a set of species groups. For each of these, representative species would be selected according to the criteria developed at the workshop. It is expected that species already assessed under the Birds and Habitats Directives and by RSCs would be selected for this purpose;
- b. Where species selected are also assessed for the Birds and Habitats Directives, the assessments should fulfil the needs of both the MSFD and the nature directives, through using the same criteria and data and consequent assessments;
- c. Improved regional coherence is sought through development of reference levels at (sub)regional level and assessment at appropriate ecological scales (rather than using national boundaries). This should accommodate the ongoing work within the RSC or bilaterally in some subregions. For commercial species, this is already addressed under Descriptor 3 using CFP assessments;
- d. The criteria for assessment are directly correlated to those used for assessment under the Birds and Habitats<sup>5</sup> Directives or, for commercial fish, to those used under D3, to help maximise the reuse of assessments.

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<sup>5</sup> Excepting the 'future prospects' criterion of the Habitats Directive, which is not used under MSFD because none of the other descriptors adopt criteria which encompass such forward looking perspectives.

## **Descriptors 1 and 6 – Pelagic habitats and Benthic habitats/seafloor integrity**

- a. For benthic habitats, the needs of both descriptors should be addressed through a single set of assessments of benthic broad habitat types<sup>6</sup>; their assessment can be supported via the use of sub-types, such as habitats under the Habitats Directive or RSCs, particularly to validate spatial data on impacts;
- b. The focus for benthic habitats is on assessment of the spatial extent of habitat loss and of habitat impacted. For the latter, the criterion for assessing habitat disturbance/damage under D6 above should be used in conjunction with impact assessments under other descriptors (notably D5, D7 and, where used, D2);
- c. The reference level for the extent of habitat to be in good condition is drawn from IUCN guidance for Red List assessments of ecosystems, which is also used by HELCOM<sup>7</sup>. The reference levels available for extent of habitat loss (IUCN, OSPAR) are not considered appropriate for application to broad habitat types; an alternative value is proposed;
- d. For pelagic habitats, a single criterion on habitat condition is proposed; its assessment should draw upon impact assessments under D5 and, where used, D2.

## **Descriptors 1 and 4 – Ecosystems, including food webs**

- a. Follows closely the proposal of the technical review to use (at least) three trophic guilds and the proposed changes to the criteria. The criterion on species diversity, proposed by the JRC D1 workshop), has been coupled to the food-web criteria, to respect both the need to assess biodiversity under D1 and to assess diversity under D4;
- b. In view of the more limited state of advancement of these criteria, two of the four are secondary criteria and their implementation, including setting of reference levels, can be expected to need further development.

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<sup>6</sup> The term 'broad habitat type' has been used in preference to 'habitat group' and the previously-used term 'predominant habitat'. A specific list of these is provided (from the JRC D1 workshop) and directly correlated to EUNIS level 2 classes (awaits latest coding).

<sup>7</sup> Values are not provided under the Habitats Directive.

**Annex A:** List of criteria and indicators in Decision 2010/477/EC, how these were modified by the technical review process and their use in the proposed new Decision.

Sort old	Code old	JRC-ICES Technical Review (2014-2015, including Sept. 2015 JRC workshops) Proposed <del>TEXT</del> <del>DELETIONS,</del> <b>CHANGES and ADDITIONS</b>	Tech Review status	Assessment topic	Sort new	Code new	Proposed criteria in new Decision Proposed <b>MODIFICATION</b> (NOT proposed final wording)	Proposed status	Comments
57	5.1	5.1 Nutrients <del>levels</del> <b>enrichment</b>	Criterion unchanged	nutrient and organic matter enrichment	1			Delete	
58	5.1.1	5.1.1 Nutrients concentration in the water column	Indicator unchanged	nutrient and organic matter enrichment	2	D5C1	<b>5.1.1 Nutrients concentrations in the water column (DIN, TN, DIP, TP) do not exceed levels which lead to eutrophication effects</b>	Primary	
59	5.1.2	5.1.2 Nutrient ratios (silica, nitrogen and phosphorus), where appropriate	Indicator unchanged	nutrient and organic matter enrichment	3		<del>5.1.2 Nutrient ratios (silica, nitrogen and phosphorus), where appropriate</del>	Delete	
60	5,2	5.2 Direct effects of nutrient enrichment	Criterion unchanged	nutrient and organic matter enrichment	4			Delete	
61	5.2.1	5.2.1 Chlorophyll concentration in water column	Indicator unchanged	nutrient and organic matter enrichment	5	D5C2	<b>5.2.1 Chlorophyll [a] concentration in water column</b>	Primary	
62	5.2.2	5.2.2 Water transparency related to increase in suspended algae, <del>where relevant</del>	Indicator changed	nutrient and organic matter enrichment	6	D5C3	5.2.2 Water transparency related to increase in suspended algae	Secondary	
64	5.2.4	<del>5.2.4 Species shift in floristic composition such as diatom to flagellate ratio, benthic to pelagic shifts, as well as bloom events of nuisance/toxic algal blooms (e.g. cyanobacteria) caused by human activities</del>	Indicator changed	nutrient and organic matter enrichment	7	D5C4	5.2.4 Bloom events of nuisance/toxic algal blooms (e.g. cyanobacteria) caused by human activities	Secondary	
65		<b>5.2.5 Pelagic phytoplankton species shift</b>	Indicator new	nutrient and organic matter enrichment	8	D5C5	5.2.5 Pelagic phytoplankton species <b>composition</b> shift	Secondary	
66	5,3	5.3 Indirect effects of nutrient enrichment	Criterion unchanged	nutrient and organic matter enrichment	9			Delete	
63	5.2.3	5.2.3 Abundance of opportunistic macroalgae	Indicator unchanged	nutrient and organic matter enrichment	10	D5C6	<b>5.2.3 Abundance of opportunistic macroalgae</b>	Primary	Coastal Waters only



Sort old	Code old	JRC-ICES Technical Review (2014-2015, including Sept. 2015 JRC workshops) Proposed <del>TEXT</del> <del>DELETIONS</del> , <b>CHANGES and ADDITIONS</b>	Tech Review status	Assessment topic	Sort new	Code new	Proposed criteria in new Decision Proposed <b>MODIFICATION</b> (NOT proposed final wording)	Proposed status	Comments
67	5.3.1	5.3.1 Abundance of perennial seaweeds and seagrasses (e.g. fucoids, eelgrass and Neptune grass) adversely impacted by decrease in water transparency	Indicator - unchanged	nutrient and organic matter enrichment	11	D5C7	5.3.1 Abundance of perennial seaweeds and seagrasses (e.g. fucoids, eelgrass and Neptune grass) adversely impacted by decrease in water transparency	Primary	Coastal Waters only
68	5.3.2	5.3.2 Dissolved oxygen, i.e. changes due to increased organic matter decomposition and size of the area concerned	Indicator - unchanged	nutrient and organic matter enrichment	12	D5C8	5.3.2 Dissolved oxygen, i.e. changes due to increased organic matter decomposition and size of the area concerned	Primary	
69		5.3.3 Changes in abundance or composition of benthic invertebrates due to increased organic matter decomposition	Indicator - new	nutrient and organic matter enrichment	13	D5C9	5.3.3 Changes in abundance or composition of benthic invertebrates due to increased organic matter decomposition	Secondary	
86	8,1	8.1 Concentration of contaminants	Criterion - unchanged	hazardous substances	14			Delete	
87	8.1.1	8.1.1 Concentration of the contaminants <del>and their trends mentioned above</del> , <b>measured</b> in the relevant matrix (such as biota, sediment and water) in a way that ensures comparability with the assessments under Directive 2000/60/EC	Indicator - changed	hazardous substances	15	D8C1	<b>8.1.1 GES is achieved when Good Chemical Status, and Good Ecological Status for the RBSP, is achieved under WFD. For additional substances adopted within a (sub)region, concentrations of the contaminants and their trends measured in the relevant matrix (such as biota, sediment and water) in a way that ensures comparability with the assessments under Directive 2000/60/EC shall not exceed the levels agreed at international level for the marine region or subregion</b>	Primary	
88	8,2	8.2 Effects of contaminants	Criterion - unchanged	hazardous substances	16			Delete	

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89	8.2.1	<del>8.2.1 Levels of pollution effects on ecosystem components concerned, having regard to the selected biological processes and taxonomic groups where a cause/effect relationship has been established and needs to be monitored</del> <b>Contaminant-related adverse effects on biological responses at or below individual level in the target species in the region, sub-region or subdivision concerned</b>	Indicator changed	- hazardous substances	17	D8C2	<b>8.2.1 Contaminant-related adverse effects on biological responses at or below individual level (i.e. sublethal effects) in the target species specified in the region or, sub-region or subdivision concerned</b>	Primary	
90		<del>8.2.2 8.1.2 Occurrence, origin source (where possible), spatial/geographical extent of significant acute pollution events caused by crude oil and similar compounds (e.g. slicks from oil and oil products) and their impact on biota physically affected by this pollution</del>	Indicator new	- acute events pollution	18	D8C3	<b>8.1.2 Occurrence, source (where possible), spatial/geographical extent of significant acute pollution events [link to EMSA reporting] caused by crude oil and similar compounds</b>	Primary	
91	8.2.2	<del>8.2.2 Occurrence, origin (where possible), extent of significant acute pollution events (e.g. slicks from oil and oil products) and their</del> <b>Significance of the impact on biota physically affected by this acute pollution events caused by crude oil and similar compounds</b>	Indicator changed	- acute events pollution	19	D8C4	<b>8.2.2 Significance of the impact on biota affected by acute pollution events caused by crude oil and similar compounds</b>	Primary	
92	9,1	<del>9.1 Levels, number and frequency of</del> <b>Concentration of contaminants</b>	Criterion changed	- hazardous substances in seafood	20			Delete	

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93	9.1.1	9.1.1 Actual levels of contaminants that have been detected and number of contaminants which have exceeded maximum regulatory levels	Indicator changed	hazardous substances in seafood	21	D9C1	<del>9.1.1 Actual levels of contaminants that have been detected</del> the elements [level of contaminants in edible tissues (muscle, liver, roe, flesh, soft parts as appropriate)] of the matrix [seafood, including fish, crustaceans, molluscs, echinoderms, seaweed and other marine plants, caught or harvested in the wild], does not exceed the maximum levels laid down in Commission Regulation (EC) No 1881/2006	Primary	
94	9.1.2	9.1.2 Frequency of regulatory levels being exceeded	Indicator deleted	hazardous substances in seafood	22			Delete	
95	10,1	10.1 Characteristics <b>Properties and quantities</b> of litter in the marine and coastal environment	Criterion changed	litter	23			Delete	
96	10.1.1	10.1.1 Trends in the amount of litter, including micro-litter, washed ashore and/or deposited on coastlines, including analysis of its composition, spatial distribution and, where possible if feasible, pathway and source	Indicator changed	litter	24	D10C1	<del>10.1.1 Trends in the amount, composition and spatial distribution of litter, including micro-litter, washed ashore and/or deposited on coastlines, floating in the surface layer and deposited on the sea-floor [is at a level that does not cause harm to the coastal and marine environment [or other pollution effects]] including analysis of its composition, spatial distribution and, if feasible, pathway and source</del>	Primary	Merge - only difference is matrix
97	10.1.2	10.1.2 Trends in the amount of litter, including micro-litter, in the water column (including floating at in the surface layer) and deposited on the sea-floor, including analysis of its composition, spatial distribution and, where possible, if feasible, pathay and source	Indicator changed	litter	25		<del>10.1.2 Trends in the amount of litter, including micro litter, floating in the surface layer and deposited on the sea-floor, including analysis of its composition, spatial distribution and, if feasible, pathay and source</del>	Delete	Merge - only difference is matrix

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98	10.1.3	<del>10.1.3 Trends in amount, distribution and, where possible, composition of micro-particles (in particular micro-plastics)</del>	Indicator deleted	litter	26	D10C2	<del>10.1.3 Trends in amount, distribution and, where possible, composition of micro-particles, in particular micro-plastics, in the relevant matrices [is at a level that does not cause harm to the coastal and marine environment [or other pollution effects]]</del>	Primary	MS consultation wants to retain
		-			27	D10C3	<del>10.2.1 Trends in the amount of litter [including micro-particles] ingested and/or number of entanglement incidents by marine animals [is at levels that do not adversely impact populations of species within a (sub)region]</del>	Primary	
99	10,2	10.2 Impacts of litter on marine life	Criterion unchanged	litter	28			Delete	
100	10.2.1	<del>10.2.1 Trends in the amount and composition of litter ingested and/or number of entanglement incidents by marine animals (e.g. stomach analysis)</del>	Indicator changed	litter	29	D10C4	<del>10.2.1 Trends in the amount of litter ingested and/or The number of entanglement incidents by in marine animals [is at levels that do not adversely impact populations of species within a (sub)region]</del>	Primary	
101	11,1	11.1 Distribution in time and place of loud, low and mid frequency impulsive sounds	Criterion unchanged	underwater noise	30			Delete	
102	11.1.1	<del>11.1.1 The proportion of days and their distribution within a calendar year, over geographical locations whose shape and areas are to be of a determined surface, as well as and their spatial distribution, in which either the monopole energy anthropogenic sound sources exceed levels that are likely to entail significant impact on marine animals measured as Sound Exposure Level (in units of dB re 1µPa<sup>2</sup>s), or the zero to as peak monopole source sound</del>	Indicator changed	underwater noise	31	D11C1	<del>11.1.1 The proportion of days, and their distribution within a calendar year, over geographical locations whose shape and areas are to be determined and their spatial distribution, in which either the monopole energy source level (in units of dB re 1µPa<sup>2</sup>s), or the zero to peak monopole source level (in units of dB re 1µPa m) of impulsive anthropogenic sound sources, measured over the frequency band 10 Hz to 10 kHz exceeds a value that is likely to entail significant impact on marine mammals and other animals</del>	Primary	

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		pressure level (in units of dB re 1µPa <sub>peak</sub> m) of impulsive anthropogenic sound sources at one metre, measured over the frequency band 10 Hz to 10 kHz							
103	11,2	11.2 Continuous low frequency sound	Criterion - unchanged	underwater noise	32			Delete	
104	11.2.1	11.2.1 Trends in the annual average of the squared sound pressure associated with ambient noise level within each of two third-the 1/3 octave bands, one centered at 63 Hz and the other at 125 Hz (centre frequency) (, expressed as a level in decibels, in units of dB re 1µPa-RMS: average noise level in these octave bands over a year) , either measured directly at by observation stations, and/or inferred from a with the use of models if appropriate used to interpolate between or extrapolate from measurements at observation stations	Indicator changed -	underwater noise	33	D11C2	<del>11.2.1 Trends in the annual average levels of continuous low frequency sound of the squared sound pressure associated with ambient noise in each of two 'third octave' bands, one centered at 63 Hz and the other at 125 Hz, expressed as a level in decibels, in units of dB re 1µPa, either measured directly at observation stations, or inferred from a method used to interpolate between or extrapolate from measurements at observation stations</del>	Primary	
25	2,1	2.1 Abundance and state Characterisation of non-indigenous species, in particular invasive species in terms of pressure to the ecosystem	Criterion changed -	NIS	34			Delete	
26		2.1.1 Trends in human-mediated new introductions in the wild of non-indigenous species, notably in risk areas, in relation to the main vectors and pathways	Indicator new -	NIS	35	D2C1	2.1.1 Trends in human-mediated new introductions in the wild of non-indigenous species, notably in risk areas, in relation to the main vectors and pathways	Primary	

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27	2.1.1	<del>2.1.2 2.1.1 Trends in number, abundance/biomass, temporal occurrence, and spatial distribution in the wild of non-indigenous species, particularly invasive non-indigenous species, notably in risk areas, in relation to the main vectors and pathways of spreading of such species</del>	Indicator changed	NIS	36	D2C2	2.1.2 Trends in number, abundance/biomass, temporal occurrence, and spatial distribution of non-indigenous species, <b>particularly of invasive species contributing significantly to impacts on particular species groups or habitat types</b>	Secondary	
28	2,2	<del>2.2 Environmental impact of invasive non-indigenous species</del>	Criterion changed	NIS	37			Delete	
29	2.2.1	<del>2.2.1 Ratio between invasive non-indigenous species and native species in some well studied taxonomic groups (e.g. fish, macroalgae, molluscs) that may provide a measure of change in species composition (e.g. further to the displacement of native species)</del>	Indicator deleted	NIS	38			Delete	
30	2.2.2	<del>2.2.2 2.2.1 Environmental impacts of non-indigenous invasive species at the level of species, habitats and on structural and functional elements of the ecosystem, where feasible</del>	Indicator changed	NIS	39	D2C3	2.2.1 Environmental impact of non-indigenous species on <b>structural and functional elements of the ecosystem, where feasible species groups or habitat types</b>	Secondary	
31	3,1	3.1 Level of pressure of the fishing activity	Criterion unchanged	extraction of fish and other species	40			Delete	
32	3.1.1	3.1.1 Fishing mortality (F)	Indicator unchanged	extraction of fish and other species	41	D3C1	<b>3.1.1 Fishing mortality (F)</b>	Primary	
33	3.1.2	3.1.2 Ratio between catch and biomass index ('catch/biomass ratio')	Indicator unchanged	extraction of fish and other species	42		<del>3.1.2 Ratio between catch and biomass index ('catch/biomass ratio')</del>	Delete	
39	3,2	3.2 Reproductive capacity of the stock	Criterion unchanged	extraction of fish and other species	43			Delete	

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40	3.2.1	3.2.1 Spawning stock biomass (SSB)	Indicator - unchanged	extraction of fish and other species	44	D3C2	<b>3.2.1 Spawning stock biomass (SSB)</b>	Primary	
41	3.2.2	3.2.2 Biomass indices	Indicator - unchanged	extraction of fish and other species	45		<del>3.2.2 Biomass indices</del>	Delete	
42	3,3	3.3 Population age and size distribution [state]	Criterion - unchanged	extraction of fish and other species	46	D3C3	<b>3.3 Population age and size distribution [state]</b>	Primary	
43		<u>[3.3.1] Size distribution of the species (state):</u>	Indicator - new	extraction of fish and other species	47		<u>[3.3.1] Size distribution of the species (state):</u>	Indicator	
44	3.3.1	<u>[3.3.1a]</u> 3.3.1 Proportion of fish larger than mean size of first sexual maturation	Indicator - unchanged	extraction of fish and other species	48		<u>[3.3.1a]</u> 3.3.1 Proportion of fish larger than mean size of first sexual maturation	Indicator	ICES to identify ONE of these
45	3.3.3	<u>[3.3.1b]</u> 3.3.3 95th-% percentile of the fish length distribution observed in research vessel surveys	Indicator - unchanged	extraction of fish and other species	49		<u>[3.3.1b]</u> 3.3.3 95th-percentile of the fish length distribution observed in research vessel surveys	Indicator	ICES to identify ONE of these
34		3.3 Population age and size distribution [pressure]	Criterion - new	extraction of fish and other species	50			Delete	
35		<u>[3.3.2]</u> Selectivity pattern of the fishery exploiting the species (pressure)	Indicator - new	extraction of fish and other species	51		<u>[3.3.2]</u> Selectivity pattern of the fishery exploiting the species (pressure)	Indicator	
36		<u>[3.3.2a]</u> Length (or age depending on data availability) at first capture (length/age at which 50% of fish are vulnerable to/retained by the gear)	Indicator - new	extraction of fish and other species	52		<u>[3.3.2a]</u> Length (or age depending on data availability) at first capture (length/age at which 50% of fish are vulnerable to/retained by the gear)	Indicator	ICES to identify ONE of these
37		<u>[3.3.2b]</u> Proportion of fish in the catch larger than size at which 50% is mature	Indicator - new	extraction of fish and other species	53		<u>[3.3.2b]</u> Proportion of fish in the catch larger than size at which 50% is mature	Indicator	ICES to identify ONE of these
38		<u>[3.3.2c]</u> Mean length in the catch	Indicator - new	extraction of fish and other species	54		<u>[3.3.2c]</u> Mean length in the catch	Indicator	ICES to identify ONE of

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									these
47	3.3.2	<del>3.3.2 Mean max. length across all species found in research vessel surveys</del>	Indicator deleted	extraction of fish and other species	55			Delete	
46		<u>[3.3.3] Genetic effects of exploitation of the species (state):</u>	Indicator new	extraction of fish and other species	56		<u>[3.3.3] Genetic effects of exploitation of the species (state):</u>	Indicator	
48	3.3.4	<del>[3.3.3a] 3.3.4 Size at first sexual maturation, which may reflect the extent of undesirable genetic effects of exploitation</del>	Indicator unchanged	extraction of fish and other species	57		[3.3.3a] 3.3.4 Size at first sexual maturation	Indicator	ICES to identify ONE of these
49		<del>[3.3.3b] Length at which half of the (femaile) population are mature (50% of total length - TL50)</del>	Indicator new	extraction of fish and other species	58		[3.3.3b] Length at which half of the (femaile) population are mature (50% of total length - TL50)	Indicator	ICES to identify ONE of these
50				extraction of fish and other species	59	D3D4	<b>By-catch levels</b>	Primary	New criterion
70	6,1	<del>6.1 Physical dDamage to the sea-floor, having regard to both pressure(s) on, and sensitivity of, habitats substrate characteristics</del>	Criterion changed	physical damage	60			Delete	
71	6.1.1	<del>6.1.1 Type, abundance, biomass and areal extent of relevant biogenic substrate</del>	Indicator deleted	physical damage	61			Delete	
74		<del>[6.1.3] Extent of pressure(s) on the sea-floor (single, multiple, cumulative)</del>	Indicator new	physical damage	62	D6C1	<del>6.1.1</del> <b>6.1.3 Cumulative extent of physical disturbance or damage to pressure(s) on the sea-floor (single, multiple, cumulative)</b>	Primary	
				physical damage	63	D6C2	6.1.2 Extent of the sea-floor significantly affected by <del>physical disturbance or damage pressures human activities for habitats of different highly mobile species substrate types (including biogenic)</del>	Secondary	



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72	6.1.2	6.1.2 Extent of the sea-floor <del>bed</del> significantly affected by human activities for different substrate types (including biogenic)	Indicator changed -	physical damage	64	D6C3	6.1.2 Extent of the sea-floor significantly affected ( <del>species composition and their relative abundance of the benthic communities, including the presence of a particularly sensitive or fragile species or species providing a key function</del> ) by physical disturbance or damage pressures <del>human activities for the different habitat substrate types (including biogenic)</del>	Primary	
76	6,2	6.2 <del>Structural and functional condition of benthic community</del>	Criterion changed -	physical damage	65			Delete	
77	6.2.1	6.2.1 Presence of a particularly sensitive/tolerant species <del>providing a key function</del>	Indicator changed -	physical damage	66		<del>6.2.1 The species composition and their relative abundance of the benthic communities, including the presence of a particularly sensitive or fragile species or species providing a key function, reflect structural and functional conditions which are largely free from anthropogenically induced physical disturbance</del>	Delete	
78	6.2.2	6.2.2 Multi-metric indexes assessing benthic condition and functionality, such as species diversity and richness, proportion of opportunistic to sensitive species	Indicator changed -	physical damage	67		6.2.2 Multi-metric indexes assessing benthic condition and functionality	Delete	
79	6.2.3	6.2.3 Proportion of biomass or numbers of individuals in the macrobenthos above some specified length/size	Indicator unchanged -	physical damage	68		6.2.3 Proportion of biomass or numbers of individuals in the macrobenthos above some specified length/size	Delete	
80	6.2.4	6.2.4 Parameters describing the characteristics (shape, slope and intercept) of the size spectrum of the benthic community	Indicator unchanged -	physical damage	69	D6C4	6.2.4 Parameters describing the characteristics (shape, slope and intercept) of the size and age structure of specified species <del>spectrum</del> of the benthic community should reflect that of a (near) natural habitat in the absence of physical disturbance	Secondary	

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75				physical loss	70	D6C5	<del>6.1.1</del> <b>6.1.4 Cumulative extent of physical loss of or change to pressure(s) on the natural sea-floor habitat (single, multiple, cumulative)</b>	Primary	
73				physical loss	71	D6C6	<del>6.1.2</del> <b>6.1.5 Extent of the sea-floor physically lost or changed significantly affected by due to human activities for the different habitat substrate types (including biogenic)</b>	Primary	
81	7,1	7.1 Spatial characterisation of permanent alterations	Criterion - unchanged	physical loss	72			Delete	
85	7.2.2	7.2.2 Changes in habitats <b>that affect the ecosystem</b> , in particular the functions provided (e.g. spawning, breeding and feeding areas and migration routes of fish, birds and mammals), due to altered hydrographical conditions	Indicator changed	physical loss	73	D7C1	7.2.2 <b>Cumulative changes in the habitats that affect the ecosystem</b> , in particular the functions provided (e.g. spawning, breeding and feeding areas and migration routes of fish, birds and mammals), due to <b>permanent alteration of ed hydrographical conditions, of particular highly mobile species</b>	Secondary	
82	7.1.1	7.1.1 Extent of area/ <b>volume</b> affected by permanent alterations	Indicator changed	physical loss	74		<del>7.1.1 Extent of area/<b>volume</b> affected by permanent alterations</del> <b>HABITATS</b>	Delete	
83	7,2	7.2 Impact of permanent hydrographical changes	Criterion - unchanged	physical loss	75			Delete	
84	7.2.1	7.2.1 Spatial extent of habitats affected by permanent alteration	Indicator - unchanged	physical loss	76	D7C2	<del>7.2.1 Spatial extent</del> <b>Total proportion of each benthic habitats type which has been adversely affected (physical and hydrological characteristics and associated biological communities) due to by permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature, oxygen)</b>	Secondary	

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1	1,1	1.1 Species <b>geographic</b> distribution	Criterion changed -	species groups	77	D1C1	1.1 Species <del>geographic</del> <b>distributional range and, where relevant, pattern</b>	Secondary	Primary: birds of BD, mammals, reptiles of HD
2	1.1.1	1.1.1 Distributional range	Indicator unchanged -	species groups	78		<del>1.1.1 Distributional range</del>	Indicator	
3	1.1.2	1.1.2 Distributional pattern <del>within the latter, where appropriate</del> <b>relevant</b>	Indicator changed -	species groups	79		<del>1.1.2 Distributional pattern, where relevant</del>	Indicator	
4	1.1.3	1.1.3 Area covered by species <del>(for sessile/benthic species),</del> <b>where relevant</b>	Indicator changed -	species groups	80		<del>1.1.3 Area covered by species, where relevant</del>	Indicator	
5	1,2	1.2 Population size	Criterion unchanged -	species groups	81	D1C2	<b>1.2 Population size (abundance and/or biomass)</b>	Primary	All species
6	1.2.1	1.2.1 Population abundance and/or biomass, as appropriate	Indicator unchanged -	species groups	82		<del>1.2.1 Population abundance and/or biomass, as appropriate</del>	Indicator	
7	1,3	1.3 Population condition	Criterion unchanged -	species groups	83	D1C3	1.3 Population <del>condition</del> <b>demographic characteristics</b>	Secondary	Part of Population for HD (mammals, reptiles)
8	1.3.1	1.3.1 Population demographic characteristics (e.g. body size or age class structure, sex ratio, fecundity rates, survival/mortality rates)	Indicator unchanged -	species groups	84		<del>1.3.1 Population demographic characteristics (e.g. body size or age class structure, sex ratio, fecundity rates, survival/mortality rates)</del>	Indicator	
9	1.3.2	<del>1.3.2 Population genetic structure</del>	Indicator deleted -	species groups	85		<del>1.3.2 Population genetic structure</del>	Indicator	
10	-	-		species groups	86	D1C4	<b>Habitat for the species</b>	Secondary	Primary for HD (mammals, reptiles)

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13	1,4	<del>1.4 Habitat distribution</del>	Criterion deleted	pelagic and benthic habitats	87		<del>1.4 Habitat distribution</del>	Delete	
14	1.4.1	<del>1.4.1</del> <b>1.5.1</b> Distributional range	Indicator unchanged	pelagic and benthic habitats	88		<del>1.5.1</del> Distributional range	Indicator	
15	1.4.2	<del>1.4.2</del> <b>1.5.2</b> Distributional pattern	Indicator unchanged	pelagic and benthic habitats	89		<del>1.5.2</del> Distributional pattern	Indicator	
16	1,5	1.5 Habitat <b>geographic distribution and extent</b>	Criterion changed	pelagic and benthic habitats	90	D1C5	<b>1.5 Habitat geographic distribution and extent and, where relevant, distribution</b>	Primary	
17	1.5.1	<del>1.5.1</del> <b>1.5.3</b> Habitat <b>extent (area and volume)</b>	Indicator changed	pelagic and benthic habitats	91		<del>1.5.3</del> Habitat extent (area and volume)	Indicator	
18	1.5.2	<del>1.5.2</del> Habitat volume, where relevant	Indicator deleted	pelagic and benthic habitats	92			Delete	
19	1,6	1.6 Habitat condition	Criterion unchanged	pelagic and benthic habitats	93	D1C6	<b>1.6 Habitat condition, including its biotic (species composition and relative abundance) and abiotic structure, and its functions</b>	Primary	
20	1.6.1	1.6.1 Condition of typical species and communities	Indicator unchanged	pelagic and benthic habitats	94		<del>1.6.1</del> Condition of typical species and communities	Indicator	
21	1.6.2	1.6.2 Relative abundance and/or biomass, as appropriate	Indicator unchanged	pelagic and benthic habitats	95		<del>1.6.2</del> Relative abundance and/or biomass, as appropriate	Indicator	
22	1.6.3	<del>1.6.3</del> Physical, hydrological and chemical condition	Indicator deleted	pelagic and benthic habitats	96		<del>1.6.3</del> Physical, hydrological and chemical condition	Indicator	Retain, relevant e.g. for oxygen depletion
23	1,7	<del>1.7</del> Ecosystem structure	Criterion deleted	ecosystems, including food webs	97		-	Delete	
24	1.7.1	<del>1.7.1</del> Composition & relative proportions of component habitats and species	Indicator deleted	ecosystems, including food webs	98		-	Delete	

Sort old	Code old	JRC-ICES Technical Review (2014-2015, including Sept. 2015 JRC workshops) Proposed <del>TEXT</del> <del>DELETIONS</del> , <b>CHANGES</b> and <b>ADDITIONS</b>	Tech Review status	Assessment topic	Sort new	Code new	Proposed criteria in new Decision Proposed <b>MODIFICATION</b> (NOT proposed final wording)	Proposed status	Comments
55	4,3	<del>4.3</del> 4.1 Food web structure - Abundance/biomass of, and size distribution within of key trophic guilds groups/species	Criterion changed	ecosystems, including food webs	99		-	Delete	
56	4.3.1	4.3.1 Abundance/biomass of trophic guilds trends of functionally important selected groups/species	Indicator changed	ecosystems, including food webs	100	D4C1	<b>4.3.1 Abundance/ biomass of trophic guilds</b>	Primary	
54	4.2.1	4.2.1 Large fish (by weight) Size distribution within trophic guilds	Indicator changed	ecosystems, including food webs	101	D4C2	4.2.1 Size distribution within trophic guilds	Secondary	
53	4,2	4.2 Proportion of selected species at the top of food webs	Criterion deleted	ecosystems, including food webs	102		-	Delete	
11		1.4 Mobile species community composition	Criterion new	species groups	103	D4C3	<b>1.4 Mobile species community composition and relative abundance of the species group</b>	Primary	
12		1.4.1 Relative abundance of community elements (e.g. relative abundance of species; relative abundance of large/small individuals; relative abundance of sensitive/resilient individuals)	Indicator new	species groups	104		-	Delete	
51	4,1	<del>4.1</del> 4.2 Food web function - Productivity (production per unit biomass) of key species or trophic groups guilds	Criterion changed	ecosystems, including food webs	105		-	Delete	
52	4.1.1	4.1.1 Performance of key predator species using their production per unit biomass (Productivity of trophic guilds)	Indicator changed	ecosystems, including food webs	106	D4C4	4.1.1 Productivity of trophic guilds	Secondary	
		Criterion - unchanged	16		107		Primary criterion	30	
		Criterion - changed	10				Secondary criterion	15	
		Criterion - deleted	3				Other scientific indicator (Art. 9.1)	22	
		Criterion - new	2				Delete	39	
		Indicator - unchanged	23				<b>Total</b>	<b>106</b>	

Sort old	Code old	JRC-ICES Technical Review (2014-2015, including Sept. 2015 JRC workshops) Proposed <del>TEXT</del> DELETIONS, CHANGES and ADDITIONS	Tech Review status	Assessment topic	Sort new	Code new	Proposed criteria in new Decision Proposed MODIFICATION (NOT proposed final wording)	Proposed status	Comments
		Indicator - changed	24						
		Indicator - deleted	9						
		Indicator - new	13						
		Criteria total	31				Pressure		
		Indicator total	69				Impact		
		Total	100				State		

**Annex B:** Framework for application of the proposed criteria in relation to the Annex I descriptors and to the assessments needed for Article 8.

Relevant descriptors				D5	D8, D9	D10	D11	D2	D1, D6	D3, D1, D4, D6	D1, D6	D1, D6, D7	D7	
Relevant descriptors	Primary criterion Secondary criterion		Annex III Table 2a Pressure theme	Substances, litter and energy				Biological			Physical			
	Annex III Table 1			Nutrients and organic matter	Hazardous substances	Litter	Underwater noise	NIS	Microbial pathogens	Other biological	Extraction of species	Physical damage	Physical loss	Hydrological changes
	Theme	Ecosystem elements	State criteria	Pressure criteria	- Input of nutrients - Input of organic matter	- Input of hazardous acute pollution events	- Input of litter	- Input of sound - Input of other forms of energy	- Non-indigenous species	- Input of microbial pathogens	- Disturbance - Genetic modification - Cultivation	- Extraction of wild species	- Disturbance or damage to seabed	- Change of seabed - Extraction of seabed
				D5C1 Concentrations of nutrients (DIN, TN, DIP, TP)	D8C1 Contaminants in environment D8C3 Acute pollution events D9C1 Contaminants in seafood	D10C1 Litter in environment D10C2 Micro-litter D10C3 Litter in animals	D11C1 Impulsive sound D11C2 Continuous sound	D2C1 New introductions of NIS D2C2 Extent of NIS			D3C1 Fishing mortality (F)	D6C1 Extent of physical disturbance or damage	D6C5 Extent of physical loss	
D1 D3	Species	Species groups of birds, mammals, reptiles, fish, cephalopods	D1C1 Species distribution			D10C4 Entanglement of animals	Effects	D2C3 Impact of NIS		Effects	D3C2 Stock biomass D3C4 Bycatch D3C3 Age/size structure		Effects (e.g. behavioural, migration)	
			D1C2 Population size											
			D1C3 Population demographics											
			D1C4 Habitat for the species											
D1	Pelagic habitats	Pelagic habitat groups including biological communities	D1C6 Condition of habitat (biotic, abiotic, functional)	D5C2 Chlorophyll a D5C3 Water transparency D5C4 Algal blooms D5C5 Phytoplankton	D8C2 Contaminant-effects D8C4 Effects of acute pollution	Effects	D2C3 Impact of NIS	Water quality						
D1 D3 D6	Benthic habitats	Benthic habitat groups including biological communities (macrophytes, bottom fauna)	D1C5 Habitat extent D1C6 Habitat condition (biotic, abiotic, functional)	WFD Waters: D5C6 Opportunistic macroalgae D5C7 Perennial macrophytes All waters: D5C8 Oxygen D5C9 Benthic fauna	D8C2 Contaminant-effects D8C4 Effects of acute pollution	Effects	D2C3 Impact of NIS	Effects on shellfish quality	Effects	D3C2 Stock biomass D3C3 Age/size structure D3C4 By-catch	D6C3 Extent of habitat affected D6C4 Size and age structure of species	D6C6 Extent of lost D7C2 Extent of habitat affected		
D1 D4	Ecosystems	Physical		D5C3 Transparency								Effects	Effects	
		Chemical		D5C8 Oxygen										
		Biological		D4C1 Abundance D4C2 Size D4C3 Species composition										
		Functions	D4C4 Productivity	D5C2 Chlorophyll a										

Ecosystem elements: Annex III Table 1, Art. 8.1a	Pressures and impacts: Annex III table 2, Art. 8(1b)	State criteria and indicators	Impact criteria and indicators	Pressure criteria and indicators
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**Til:** diman@nst.dk (Ditte Mandøe Andreasen)  
**Fra:** Clea Henrichsen (cge@dma.dk)  
**Titel:** SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi  
**Sendt:** 29-02-2016 09:21:56

Kære Ditte,

Som du skriver så kan Søfartsstyrelsen have interesse i 4 deskriptorer, og her har NST og SFS vel delt interesse?

Jeg har ikke tænkt mig at angive tekstnære forslag, men har følgende bemærkninger:

Deskriptor 8: Da det er forbudt at udlede både olie og kemikalier på dansk søterritorium, har vi ingen kommentarer.

Deskriptor 10: Med revisionen af Annex V til MARPOL om affald, er udledninger af affald forbudt, med meget få undtagelser.

Deskriptor 11: Vi har ikke eksperter for målinger af støj under vand, så vi kan ikke vurdere om de støjniveauer der er indsat i teksten er rimelige. Vi vil som tidligere understrege, at det er vigtigt, at der ikke bliver stillet nationale eller regionale krav til skibsfarten, som kan påvirke trafikken sejlruerne eller stille krav om ekstraudstyr.

Deskriptor 2: Vi regner med at Ballastvandkonventionen træder i kraft snart, hvilket vil reducere udledninger af invasive arter betydeligt.

Med venlig hilsen,

Clea

Med venlig hilsen  
**Clea Henrichsen**  
Specialkonsulent, civilingeniør

Søfartsstyrelsen  
Maritim Regulering og Besætning (MRB)  
Dir. tlf.: 72 19 6369  
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**Fra:** Ditte Mandøe Andreasen  
**Sendt:** 24. februar 2016 09:11  
**Til:** Clea Henrichsen; Kirsten Lundt Erichsen; Søren Keller; Katja Scharmann; Christin Lia; FES-MINA19@mil.dk; lar@fmn.dk; FMN-BJJ Juul Jensen, Bo (bjj@fmn.dk); vfk-m-msp310@mil.dk  
**Emne:** Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Til Søfartsstyrelsen, Energistyrelsen, og Forsvarsministeriet.

Hermed sender jeg et udkast til EU-Kommissionens forslag til revideret beslutning om kriterier for God Miljøtilstand (GES) i havmiljøet, jf. havstrategidirektivet.. Dokumentet kommer til at sætte rammerne for, hvordan medlemslandene fremover skal fastsætte god miljøtilstand i havmiljøet og hvad der skal overvåges, for at kunne vurdere, om god miljøtilstand er opnået. Beslutningen skal erstatte en eksisterende beslutning fra 2010 og er på mange måder en skærpelse af den nuværende beslutning.

Hvis I skulle have nogen bemærkninger, skal jeg modtage dem senest **fredag den 4. marts 2016**. De SKAL indskrives på engelsk i vedlagte excel-ark, hvor EU-Kommissionen på forhånd har angivet sidetal mv. (bemærk der er et ark til hver enkelt deskriptor samt til generelle bemærkninger). Kommentarerne skal indskrives i en form, der umiddelbart kan sendes til EU-Kommissionen. Evt. tilhørende forklaringer til NST kan skrives i en mail. Bemærk, at KOM lægger vægt på, at vi i kommentarerne forklarer baggrunden for vores synspunkter.

- Forsvarsministeriet bedes kommentere på:
  - Deskriptor 8 om forurenende stoffer - uheld/beredskab (kriterie D8C3 + D8C4 på side 8-9 samt specifikationer for overvågning under skemaet på side 9-10). Forsvaret bedes bl.a. tage stilling til, om de

foreslåede undersøgelser ifm. en akut forureningshændelse bliver foretaget i dag og hvis ikke, hvad man så forventer, at sådanne undersøgelser ville koste og hvem der skulle betale. Der bør også tages stilling til, hvorvidt rapportering under EMSA er dækkende for de oplysninger der ønskes.

- Evt. deskriptor 11 om undervandsstøj (side 16-17)
- Søfartsstyrelsen kan have interesse i at kommentere på grænseværdier/indikatorer under
  - deskriptor 8 om forurenende stoffer (side 7-10)
  - deskriptor 10 om marint affald (side 13-15)
  - deskriptor 11 om undervandsstøj (side 16-17)
  - deskriptor 2 om invasive arter (side 18-20).
- Energistyrelsen kan have interesse i at kommentere på grænseværdier/indikatorer under
  - deskriptor 11 om undervandsstøj (side 16-17)
  - deskriptor 6 om havbundens integritet (side 24-27 samt kriterie D1C5 + D1C6 på side 35)
  - deskriptor 7 om hydrografi (side 28-29).

Forslaget behandles i EU's forskriftskomiteé (Regulatory Committee) under havstrategidirektivet, hvor der forventes at være vejledende afstemning i juni måned 2016. Det er i sidste ende EU-Kommissionen selv, der vedtager dokumentet. Miljø- og Fødevareministeriet vil senere i processen forberede en formel regeringsproces med udarbejdelse af rammenotat mv., hvor ministerierne vil blive formelt inddraget via vores departement.

Hvis I har nogen spørgsmål, ringer eller skriver I bare.

Venlig hilsen

**Ditte Mandøe Andreasen**  
Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

**Miljø- og Fødevareministeriet**  
Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)



## Aktdetaljer

Den 22. februar 2017

### Akttitel: Materiale om havstrategisag Aktnummer: 43

Akt ID: 2300582

Dato: 02-05-2016

Type: Udgående

Dokumenter: [1] Aktdokument.html  
[2] Resume af GES-beslutning - 15-02-16.docx  
[3] Headline Comments GES.docx

**Til:** Dorthe Gravgaard TRM (DOG@TRM.dk)  
**Cc:** Jonas Fredsted Villadsen (jofvi@mfv.dk)  
**Fra:** Maria Klint Thelander (makbj@mfv.dk)  
**Titel:** Materiale om havstrategisag  
**Sendt:** 02-05-2016 14:27:57  
**Bilag:** Resume af GES-beslutning - 15-02-16.docx; Headline Comments GES.docx;

Kære Dorthe

Som lovet er her lidt materiale omkring komitesagen om god miljøtilstand i havet i regi af havstrategidirektivet.

Vedlagt er resume af forslaget samt det brev der er sendt på embedsmandsniveau fra en række lande i forbindelse med kommentering af det hidtidige udkast.

Processen herfra er:

- Der forventes nyt officielt udkast på torsdag.
- Jeg indkalder relevante ministerier til møde slut næste uge
- Der vil være ØU-forlæggelse medio maj
- Næste møde i EU-komiteen er d. 19/20 maj
- Der stemmes om forslaget d. 15. juni

Jonas er den EU-kyndige og har ansvaret for EU-processen. Jeg er økonomipersonen tilknyttet forslaget.

Det er Jonas du skal snakke med, hvis I vil sende et brev til miljø-kommissæren. Som sagt afventer vi hvordan forslaget torsdag ser ud.

Venlig hilsen

**Maria Klint Thelander**

AC-medarbejder | Analyse, forskning og digitalisering  
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**Miljø- og Fødevarerministeriet**

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Naturstyrelsen/Naturbeskyttelse

Sags.nr.: NST-4205-00011

Dato: 15. februar 2016

**Europa-Kommissionens udkast til forslag til afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering, samt ophævelse af afgørelse 2010/477/EU. (Komitesag).**

**KOM-dokument foreligger ikke**

**Resumé**

*Europa-Kommissionen har med hjemmel i havstrategidirektivet fremlagt et udkast til ny afgørelse vedrørende hvilke konkrete kriterier og metodiske standarder medlemslandene skal anvende, når de vurderer, om der er god miljøtilstand i havmiljøet. Endvidere indeholder forslaget specifikationer og standardmetoder for overvågning og vurdering af havmiljøet.*

*Europa-Kommissionens forslag er udtryk for en forenkling og en mere stringent opbygning, men er på mange områder også en skærpelse af den nuværende afgørelse fra 2010 (2010/477/EU) og på en række punkter også en skærpelse af selve havstrategidirektivet. Afgørelsen kan endvidere vise sig at blive en skærpelse af vandrammedirektivet og habitatdirektivet/fuglebeskyttelsesdirektivet.*

*Forslaget vurderes generelt at ville hæve beskyttelsesniveauet i Danmark. Forslaget vurderes samtidig at kunne få væsentlige økonomiske og administrative konsekvenser for både staten og erhvervslivet. Der kan muligvis være økonomiske konsekvenser for kommunerne. Forslaget forventes ikke at have økonomiske konsekvenser for regionerne.*

*Forslaget forventes sat til afstemning i havstrategidirektivets forskriftkomité den 15. juni 2016.*

**Baggrund**

Europa-Kommissionens udkast til forslag er udarbejdet med hjemmel i Europa-Parlamentets og Rådets Direktiv 2008/56/EF om fastlæggelse af en ramme for Fællesskabets havmiljøpolitiske foranstaltninger (havstrategidirektivet).

Havstrategidirektivet har til formål at skabe en ramme, inden for hvilken medlemslandene skal træffe de fornødne foranstaltninger til at opnå eller opretholde en god miljøtilstand i havmiljøet senest i år 2020. Hvert medlemsland skal hvert 6. år udarbejde dele af en havstrategi, som består af en analyse af havmiljøets tilstand, en beskrivelse af god miljøtilstand og opstilling af en række miljømål (næste gang i 2018), et overvågningsprogram (næste gang i 2020) og et indsatsprogram (næste gang i 2021).

Havstrategidirektivet angiver, at Europa-Kommissionen skal fastlægge "kriterier og metodiske standarder, som medlemsstaterne skal anvende, og som udformes med henblik på ændring af ikke-væsentlige elementer i dette direktiv ved at supplere det, for at sikre konsistens og gøre det

*muligt at foretage en sammenligning mellem havregionerne eller subregionerne med hensyn til, i hvilket omfang der er opnået en god miljøtilstand”, jf. artikel 9, stk. 3.*

På den baggrund traf Europa-Kommissionen den 1. september 2010 afgørelse om kriterier og metodiske standarder for god miljøtilstand i havområder (2010/477/EU). Denne afgørelse har Danmark lagt til grund i første cyklus af direktivets gennemførelse. I afgørelsen fremgår det, at den bør revideres på baggrund af bl.a. den videnskabelige udvikling og at dette bør ske rettidigt inden den opdatering af havstrategierne, der skal ske i 2018, jf. præambel nr. 4.

Endvidere angiver direktivet, at Europa-Kommissionen skal fastsætte *”specifikationer og standardmetoder for overvågning og vurdering, der tager hensyn til eksisterende forpligtelser og sikrer sammenlignelighed mellem overvågnings- og vurderingsresultater, og som udformes med henblik på ændring af ikke-væsentlige elementer i dette direktiv ved at supplere det”, jf. artikel 11, stk. 4.*

På den baggrund har Europa-Kommissionen den 13. januar 2016 fremsendt et nyt forslag til afgørelse til behandling i havstrategidirektivets forskriftkomité. Udkastet har endnu ikke gennemgået Europa-Kommissionens interne konsultationsprocedure og er ikke formelt fremsat.

Afgørelsen skal vedtages efter forskriftproceduren med kontrol. Forskriftkomitéen under havstrategidirektivet træffer således afgørelse i sagen efter forskriftprocedure med kontrol (artikel 5a i Rådets afgørelse 1999/468/EF, som ændret ved Rådets afgørelse 2006/512 af 17. juli 2006), jf. art. 25, stk. 2 i havstrategidirektivet.

Hvis der i forskriftudvalget er kvalificeret flertal for forslaget, udsteder Europa-Kommissionen beslutningen, når Europa-Parlamentet har gennemført en legalitetskontrol af forslaget inden for tre måneder. Opnås der ikke kvalificeret flertal i forskriftudvalget, forelægger Europa-Kommissionen sagen for Rådet og underretter samtidig Europa-Parlamentet. Hvis der i Rådet er kvalificeret flertal imod et forslag, skal Europa-Kommissionen behandle sagen på ny. Vedtager Rådet forslaget med kvalificeret flertal, eller udtaler Rådet sig ikke inden en frist på højst to måneder, kan Europa-Kommissionen udstede beslutningen, når Europa-Parlamentet har gennemført en legalitetskontrol af forslaget inden for fire måneder fra Europa-Kommissionens forelæggelse.

Forslaget forventes sat til afstemning i havstrategidirektivets forskriftkomité den 15. juni 2016.

### **Formål og indhold**

Formålet med forslaget er at sikre konsistens mellem landenes implementering af havstrategidirektivet og at sikre sammenlignelighed på tværs af havregioner.

Forslaget angiver konkrete kriterier og metoder, der skal anvendes til at vurdere, om havmiljøet er i god tilstand. Endvidere angiver forslaget, hvilke elementer i havmiljøet der skal overvåges samt i nogle tilfælde også, hvor ofte det skal overvåges.

Europa-Kommissionen foreslår, at niveauer og grænseværdier for god miljøtilstand i langt de fleste tilfælde fastsættes kvantitativt, hvilket vurderes at være en skærpelse i forhold til direktivet og den gældende beslutning fra 2010, hvor niveauerne og grænseværdierne kunne være mere kvalitative.

For to kriterier har Europa-Kommissionen i udkast til afgørelse allerede foreslået kvantitative grænseværdier:

- Tabet af areal af naturtyper på grund af menneskelige påvirkninger (det være sig havneudvidelser, strandparker, råstofindvinding eller lign.) må ikke overstige 5 % af naturtypens naturlige udbredelsesareal.
- Tilstanden af en naturtype må ikke være væsentligt negativt påvirket fra menneskelige aktiviteter på over 30 % af naturtypens naturlige udbredelsesareal.

Mange af grænseværdierne skal fastsættes via udviklingsarbejde i de regionale havkonventioner – OSPAR (for Nordsøen) og HELCOM (for Østersøen) – mens de for undervandsstøj og marint affald skal søges fastsat på EU-niveau. Europa-Kommissionen forudsætter samtidig, at niveauer, der allerede er fastsat i havkonventionerne, bringes i anvendelse. Der er således tale om en skærpelse af betydningen og forpligtelsen af det regionale samarbejde, der i højere grad fokuserer på harmonisering og ikke kun koordinering, som er det direktivet forpligter landene til at gøre.

For mange af emnerne foreslår Europa-Kommissionen som noget nyt en "one-out-all-out" tilgang. Det vil for eksempel sige, at hvis bare ét af kriterierne under et emne, fx biodiversitet (det kunne være for en bestemt fugleart) ligger under niveauet for god miljøtilstand, falder hele emnet "biodiversitet" ud som værende i ikke god tilstand.

Der indføres såkaldte *primære* og *sekundære* kriterier, hvor det angives, at de primære kriterier skal anvendes, mens de sekundære kriterier kan anvendes på baggrund af en nærmere vurdering. I praksis vil denne vurdering betyde, at også de sekundære kriterier kan blive obligatoriske.

I den nuværende afgørelse fra 2010 var der mulighed for at undtage brugen af visse kriterier, hvis medlemslandet ikke fandt det hensigtsmæssigt. Denne mulighed er ikke til stede i nærværende udkast til afgørelse.

Ved forslaget udvides det geografiske anvendelsesområde også, idet kystvande, som er dækket af vandrammedirektivet, indgår i forslagets ift. emner som eutrofiering og miljøfarlige stoffer, til trods for, at det i havstrategidirektivet fremgår, at der netop ikke er et overlap mellem de to direktivets anvendelsesområde.

## HEADLINE COMMENTS ON THE COMMISSION'S DRAFT DECISION ON GOOD ENVIRONMENTAL STATUS

XX<sup>TH</sup> March 2016.

This short document is submitted as a high-level overview in support of the combined plenary comments raised by a number of Member States during the MSFD Article 25 Committee meeting of 1<sup>st</sup> – 2<sup>nd</sup> March 2016. It is intended to support the Commission's request for submission of issues raised in the plenary meeting so we can work together on resolving issues of concern.

1. **Legal basis:** We are concerned that the general content, wording and scope of the draft Commission Decision on Good Environmental Status (GES) goes beyond a technical revision.

- We are anxious to have sight of the formal or informal opinions of the Commission's Legal Services on the mandate for the proposed changes to essential elements (and thus policy direction) of the original legislation.
- For example, the obligation to establish mandatory threshold values at a Community, a regional or sub-regional level and mandatory application rules for the proposed criteria where it could reasonably be argued such an obligation doesn't exist in current legislation agreed by Council.
- The use of the one-out-all-out principle.
- The relationship with other Directives should not place any additional burden on the MSFD implementation or increasing those of other directives. For example, timeline in MSFD (2020) versus WFD (2015/2027) and the BD/HD (no fixed deadline). Also, the Decision should respect the definition of coastal waters within the meaning of article 3.(1b).
- The proposed timeline for implementation of these proposed changes (by 2018) is not feasible.
- The reliance on the political as opposed to legal structure of the Regional Seas Conventions (RSCs) has implications for the future work and functioning of the RSCs. There needs to be more flexibility.

2. **Scientific Knowledge:** We believe that there is a lack of maturity in the science in order to support many of the proposals in the draft Commission Decision on Good Environmental Status (GES).

- The application of the risk based approach needs to be made clear in order to understand how and under what circumstances it can be used. The risk based approach should be a help and not a burden and it should not be relegated only to "exceptional circumstances".
- In most cases threshold values cannot be set by 2018 and in some instances cannot be set within the legislative timeframe of the Directive.

3. **Additional cost burdens:** We foresee the proposals in the draft Commission Decision on Good Environmental Status (GES) forcing Member States to incur significant explicit and implicit additional burdens:

- The revised decision will create significant additional cost burdens for monitoring and reporting on a number of Member States. This is contrary to the original objective of the revision.
- The different characteristics of the (sub)regions require an element of flexibility in implementation. This is missing from the draft.
- The proposed mandatory criteria and threshold levels will have implications for other EU policy strands such as energy, transportation, fishery and food.
- The revised draft will have socio-economic implications in the peripheral regions of the European Union.





## Aktdetaljer

**Akttitel: SV: VS: Haster: Havstrategi - mødemateriale til Vibeke Pasternak**  
**Aktnummer: 75**

Akt ID: 2328495  
Dato: 18-05-2016  
Type: Indgående  
Original titel: SV: VS: Haster: Havstrategi - mødemateriale til Vibeke Pasternak  
Dokumenter: [1] SV VS Haster Havstrategi - mødemateriale til Vibeke Pasternak.msg

Den 22. februar 2017

**Til:** Line Groth Rasmussen (linras@um.dk)  
**Cc:** Adam Billing (adbi@mfvm.dk), hla@mfvm.dk (hla@mfvm.dk), lioel@nst.dk (lioel@nst.dk), Andreassen, Ditte Mandøe (diman@nst.dk), Maria Klint Thelander (makbj@mfvm.dk)  
**Fra:** Kim Rægaard (Naturerhvervstyrelsen (kimrae@naturerhverv.dk)  
**Titel:** SV: VS: Haster: Havstrategi - mødemateriale til Vibeke Pasternak  
**Sendt:** 18-05-2016 14:51:41

Kære Line

Jeg sendte i går denne formulering om analysen:

The Danish Authorities have asked the Danish Technical University, National Institute for Aquatic Resources to estimate the consequences of closing 70 % of the broad habitat types to bottom trawling.

The analysis shows that if 70 % of the areas that are fished 'the least' and 'the most' with bottom trawls in 2015 are to be kept free of impacts from anthropogenic pressures (in this analysis bottom trawling), this would affect catch values in the order of 25-144 million euro for Danish fishermen in EU waters. The analysis also shows that 72 % of the broad habitat type sublittoral mud in the Kattegat was fished with bottom trawls in 2015. In the Skagerrak, 82 % of the habitat type sublittoral mud and 97 % of the habitat type sublittoral sand were fished with bottom trawls in 2015.

Den er blevet forenklet lidt i talepinden.

Hvis vi skal være mere præcise i talepinden kan vi sige

- DK has carried out an analysis of the impacts on fisheries **in areas fished today**. It shows that if 70 % of the seabed are to be kept free of impacts from anthropogenic pressures (in this analysis bottom trawling), this **could** affect catch values in the order of 25-144 million Euro per year (best-worst case) for Danish fishermen in EU waters.

Venlig hilsen

**Kim Rægaard**

Fuldmægtig | Fiskeri | Center for Fiskeri  
+45 50 85 22 05 | kimrae@naturerhverv.dk

**Miljø- og Fødevareministeriet**

NaturErhvervstyrelsen | Nyropsgade 30, 1780 København V | Tlf.+45 33 95 80 00 | [mail@naturerhverv.dk](mailto:mail@naturerhverv.dk) | [www.naturerhverv.dk](http://www.naturerhverv.dk)

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**Fra:** Line Groth Rasmussen [mailto:linras@um.dk]

**Sendt:** 18. maj 2016 14:42

**Til:** Kim Rægaard (Naturerhvervstyrelsen) <kimrae@naturerhverv.dk>

**Cc:** 'Ditte Mandøe Andreassen' <diman@nst.dk>; 'Lisbet Ølgaard' <lioel@nst.dk>; adbi@fvm.dk <adbi@mfvm.dk>; 'Maria Klint Thelander' <makbj@mfvm.dk>; 'hla@mfvm.dk' <hla@mfvm.dk>

**Emne:** RE: VS: Haster: Havstrategi - mødemateriale til Vibeke Pasternak

Kære Kim,

Mødet med DG mere ser ud til at være rykket frem til kl. 15:00 – så giver dette anledning til at ændre talepindene, der er sendt til Vibeke?

Tak,  
Line

---

**From:** Kim Rægaard (Naturerhvervstyrelsen) [mailto:kimrae@naturerhverv.dk]

**Sent:** 18 May 2016 14:39

**To:** 'ami@mfvm.dk'

**Cc:** 'Ditte Mandøe Andreassen'; 'Lisbet Ølgaard'; [adbi@fvm.dk](mailto:adbi@fvm.dk); Line Groth Rasmussen; 'Maria Klint Thelander'; 'hla@mfvm.dk'

**Subject:** VS: VS: Haster: Havstrategi - mødemateriale til Vibeke Pasternak

Kære Anders

Du har ret i dine betragtninger om, at det ikke nødvendigvis er 70 % af alle havområder.

DTU Aqua har i sine beregninger taget udgangspunkt i de områder, der i dag bliver fisket i af danske fiskere. Der kan være en række årsager til at en række områder ikke bliver fisket i dag. Oliefelter, strømkabler, vindmølleområder mv. ligger beslag på havområder. DTU Aqua har i sin analyse ikke haft mulighed for at tage højde for disse begrænsninger. Men en række af disse områder er jo også "påvirket" af andre menneskelige aktiviteter end fiskeri.

Når vi ser på, hvor det danske fiskeri især finder sted, er det også værd at se på "udnyttelsesgraden" af de mest produktive habitattyper i de farvande, hvor der er forholdsvis meget dansk fiskeri. I Kattegat fiskes ca. 72 % af den dybe bløde havbund (sublittoral mud) af danske fartøjer. I Skagerrak fiskes tilsvarende 82 % af den dybe bløde havbund (sublittoral mud) og 97 % af den dybere sandbund (sublittoral sand).

I Nordsøen er udnyttelsesgraden af habitattyperne fra danske fiskere naturligvis noget mindre – her er der jo også i højere grad tilstedeværelse af andre landes fiskere, der ikke er omfattet af analysen.

Man skal i den forbindelse også huske på, at det jo er de enkelte medlemslande, der i sidste ende skal udpege områder i egne farvande. Det behøver jo ikke nødvendigvis være de områder, hvor danske fiskere fisker mindst.

Jeg håber, det giver et fyldestgørende svar på dit spørgsmål.

Venlig hilsen

**Kim Rægaard**

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**Miljø- og Fødevarerministeriet**

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**Fra:** Ditte Mandøe Andreasen [<mailto:diman@nst.dk>]

**Sendt:** 18. maj 2016 13:36

**Til:** Kim Rægaard (Naturerhvervstyrelsen) <[kimrae@naturerhverv.dk](mailto:kimrae@naturerhverv.dk)>

**Emne:** Vs: VS: Haster: Havstrategi - mødemateriale til Vibeke Pasternak

AMI har ret ikke?

Sendt fra Samsung mobil

----- Oprindelig meddelelse -----

Fra: "Anders Mikkelsen (MFVM-DEP)"

Dato: 18/05/2016 13.31 (GMT+01:00)

Til: Ditte Mandøe Andreasen

Cc: "Annette Schneider Nielsen ([anschn@um.dk](mailto:anschn@um.dk))", Rikke Reumert Schaltz, Lisbet Ølgaard, Anne-Mette Hjortebjerg Lund, Thomas Skovgaard Mortensen, "Henrik Hedeman Olsen (MFVM-DEP)", [janepe@um.dk](mailto:janepe@um.dk), "Line Groth Rasmussen ([linras@um.dk](mailto:linras@um.dk))", "Hanne Lauger (MFVM-DEP)", "Jesper Wulff Pedersen (MFVM-DEP)", "Adam Billing (MFVM-DEP)", "Maria Klint Thelander (MFVM-DEP)"

Emne: Re: VS: Haster: Havstrategi - mødemateriale til Vibeke Pasternak

Kære Ditte

Kan du ikke lige dobbelt-tjekke fisketabstallene. Jeg tror spændet dækker over 70 pct. af de bedste fiskepladser respekt. de dårligste pladser, - men ikke nødvendigvis 70 pct. af alle havområder.

Ami

Sendt fra min iPad

Den 18. maj 2016 kl. 09.07 skrev Ditte Mandøe Andreasen <[diman@nst.dk](mailto:diman@nst.dk)>:

Kære Annette.

Hermed bud på talepunkter til dit møde om komitesagen vedr. havstrategidirektivet og god miljøtilstand. Jeg vedhæfter også orienteringsnotat godkendt af miljø- og fødevarerministeren og Kommissionens forslag for en god ordens skyld.

Venlig hilsen

**Ditte Mandøe Andreasen**

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+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

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*NATURSTYRELSEN BLIVER DELT I TO*

*Fra 1. juli 2016 bliver Naturstyrelsen delt i to. Styrelsen for Vand- og Naturforvaltning (SVANA), som er overordnet statslig myndighed på vand- og naturområdet, og Naturstyrelsen (NST), som skal forvalte Miljø- og Fødevarerministeriets skov- og naturarealer og gennemføre projekter til gavn for biodiversitet og friluftsliv.*

*Læs mere om delingen på [www.nst.dk/opdeling](http://www.nst.dk/opdeling)*

**Fra:** "Jonas Fredsted Villadsen (MFVM-DEP)" <[jofvi@mfvm.dk](mailto:jofvi@mfvm.dk)>

**Dato:** 17. maj 2016 kl. 20.13.08 CEST

**Til:** Lisbet Ølgaard <[lioel@nst.dk](mailto:lioel@nst.dk)>, Ditte Mandøe Andreasen <[diman@nst.dk](mailto:diman@nst.dk)>, Rikke Reumert Schaltz <[rirsc@nst.dk](mailto:rirsc@nst.dk)>

**Cc:** "Henrik Hedeman Olsen (MFVM-DEP)" <[hehol@mfvm.dk](mailto:hehol@mfvm.dk)>, "anschn@um.dk" <[anschn@um.dk](mailto:anschn@um.dk)>, "Jane Pedersen <[janepe@um.dk](mailto:janepe@um.dk)> (<[janepe@um.dk](mailto:janepe@um.dk)>)" <[janepe@um.dk](mailto:janepe@um.dk)>, "linras@um.dk" <[linras@um.dk](mailto:linras@um.dk)>, "Anders Mikkelsen (MFVM-DEP)" <[ami@mfvm.dk](mailto:ami@mfvm.dk)>, "Hanne Lauger (MFVM-DEP)" <[halau@mfvm.dk](mailto:halau@mfvm.dk)>, "Jesper Wulff Pedersen (MFVM-DEP)" <[jwp@mfvm.dk](mailto:jwp@mfvm.dk)>, "Adam Billing (MFVM-DEP)" <[adbi@mfvm.dk](mailto:adbi@mfvm.dk)>, "Maria Klint Thelander (MFVM-DEP)" <[makbj@mfvm.dk](mailto:makbj@mfvm.dk)>

**Emne:** Haster: Havstrategi - mødemateriale til Vibeke Pasternak

Kære Ditte, Lisbeth og Rikke,

Som I nok har hørt skal Vibeke Pasternak i morgen mødes med [redacted] og kommissionen for at fremføre Danske synspunkter i forhold vores havstrategisag. Som anført nedenfor skal vi a.s.a.p. have fremsendt instruks bestående af 3-4 danske hovedbudskaber samt jeres orienteringssag som baggrund.

Vil I inden i morgen kl 930 fremsende disse hovedbudskaber på engelsk til Annette Schneider på Reppen. Annette har vi fået et tidspunkt for mødet? Hvis det er for sent, må du råbe højt.

De bedste hilsner,

Jonas

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**Fra:** Jonas Fredsted Villadsen (MFVM-DEP)

**Sendt:** 17. maj 2016 17:09

**Til:** Ditte Mandøe Andreasen

**Cc:** Line Groth Rasmussen; Henrik Hedeman Olsen (MFVM-DEP); 'Annette Schneider Nielsen'; Anders Mikkelsen (MFVM-DEP); Jesper Wulff Pedersen (MFVM-DEP)

**Emne:** SV: Havstrategi - mødemateriale til Vibeke?

Kære Ditte,

Tænker at vi blot sender orienteringsnotatet - og en tre fire hovedbudskaber.

Har du mulighed for at levere disse budskaber på engelsk asap?

De bedste hilsner,

Jonas

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**Fra:** Annette Schneider Nielsen [<mailto:anschn@um.dk>]  
**Sendt:** 17. maj 2016 16:21  
**Til:** Jonas Fredsted Villadsen (MFVM-DEP)  
**Cc:** Line Groth Rasmussen; Henrik Hedeman Olsen (MFVM-DEP)  
**Emne:** Havstrategi - mødemateriale til Vibeke?

Hej Jonas

Mødet bliver muligvis uden attache og kun ved DPR. Og det bliver - som I nok har hørt fra Anders og Jesper - allerede onsdag.  
Hvis attache skal med bliver det nok Line, der går med.

Hvornår regner I med vi får materiale til Vibeke? Tidspunktet onsdag kendes ikke - men worst case bliver det jo AM!

Annette

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**ANNETTE SCHNEIDER** / [ANSCHN@UM.DK](mailto:ANSCHN@UM.DK)  
MILJØRÅD/ENVIRONMENT COUNSELLOR  
DIRECT +32 (0)2 233 08 01  
GSM +32 (0)478 78 24 52

**THE PERMANENT REPRESENTATION OF DENMARK TO THE EU**  
PERMANENT REPRESENTATION OF DENMARK TO THE EUROPEAN UNION / B-1040 BRUXELLES  
PHONE +32 (2) 233 0811 / [EU.UM.DK](mailto:EU.UM.DK)

<Taleberedskab GES Havstrategi.docx>

<Orienteringsnotat\_GES\_12-05-2016.docx>

<CTTEE\_13-2016-03\_Proposal for a Commission Decision on GES criteria-V3 C....pdf>



## Aktdetaljer

**Akttitel: Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet**

**Aktnummer: 80**

Akt ID: 2330805

Dato: 19-05-2016

Type: Udgående

Original titel: Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet

Dokumenter: [1] Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet.msg

Den 22. februar 2017

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**Til:** Andreas Meldgaard Goth (anmeg@fm.dk), Kristoffer Bang Reberg (kbr@trm.dk), cge@dma.dk (cge@dma.dk), Jakob Baadsgaard Jepsen (jabaj@fm.dk), Energistyrelsen (ens@ens.dk), Sine Olsson Heltberg (DEP (SOL@evm.dk), Dorthe Gravgaard TRM (DOG@TRM.dk), Energistyrelsen (ens@ens.dk)  
**Cc:** Jonas Fredsted Villadsen (jofvi@mfv.dk), Ask Lyno-Hansen (askly@mfv.dk)  
**Fra:** Maria Klint Thelander (makbj@mfv.dk)  
**Titel:** Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet  
**Sendt:** 19-05-2016 13:55:55

Kære alle

Vi har netop fået at vide fra mødet i Bruxelles at afstemningen omkring komiteforslaget om kriterier for god miljøtilstand i havet er udskudt til oktober. Vi vender tilbage omkring ny tidsplan når vores kolleger er kommet hjem fra Bruxelles og er blevet debriefet.

Venlig hilsen

**Maria Klint Thelander**

AC-medarbejder | Analyse, forskning og digitalisering  
+45 91 36 58 47 | +45 91 36 58 47 | makbj@mfv.dk

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## Aktdetaljer

**Akttitel: 4. udkast fra Kommissionen til komitesag om god miljøtilstand i havet**

**Aktnummer: 99**

Akt ID: 2375497

Dato: 15-06-2016

Type: Udgående

Dokumenter: [1] Aktdokument.html  
[2] CTTEE\_14-2016-03\_Proposal for a Commission Decision on GES criteria-V4 FINAL.pdf (MEDTAGES IKKE)  
[3] MSFD\_GESDecision\_AnnexIII\_DK\_Comments.xlsx (MEDTAGES IKKE)  
[4] Tids- og procesplan ift GES - 150616.docx (MEDTAGES IKKE)

Den 22. februar 2017



**Til:** Søren Keller (ske@ens.dk), Dorthe Gravgaard TRM (DOG@TRM.dk), Kristoffer Bang Reberg (kbr@trm.dk), Andreas Meldgaard Goth (anmeg@fm.dk), Jakob Baadsgaard Jepsen (jabaj@fm.dk), cge@dma.dk (cge@dma.dk), Katja Scharmman (KSC@ENS.DK), Sine Olsson Heltberg (DEP (SOL@evm.dk))  
**Cc:** Jonas Fredsted Villadsen (jofvi@mfvm.dk), Andreasen, Ditte Mandøe (diman@nst.dk), Lars Møller Christiansen (lamch@mfvm.dk)  
**Fra:** Maria Klint Thelander (makbj@mfvm.dk)  
**Titel:** 4. udkast fra Kommissionen til komitesag om god miljøtilstand i havet  
**Sendt:** 15-06-2016 09:52:39  
**Bilag:** CTTEE\_14-2016-03\_Proposal for a Commission Decision on GES criteria-V4 FINAL.pdf; MSFD\_GESDecision\_AnnexIII\_DK\_Comments.xlsx; Tids- og procesplan ift GES - 150616.docx;

Kære alle

Kommissionen har allerede fremsendt deres 4. udkast til komitesag sent i går og I får den hermed til orientering.

Bemærk, at Kommissionen denne gang beder om skriftlige kommentarer på vores største kritikpunkter FØR mødet (punkt 1 nedenfor). Det vil sige, at vi har behov for jeres eventuelle skriftlige kommentarer til 4. udkast senest på mandag d. 20/6. De skal som tidligere sendes til Ditte Mandø Andreasen ([diman@nst.dk](mailto:diman@nst.dk)), gerne med mig cc. Jeg sender dette til hele kredsen, men går ikke ud fra I alle har tekstnære skriftlige kommentarer.

Af dagsordenen til komitemødet fremgår, at formålet er at 'Discuss the attached draft during the Committee meeting and come to a conclusion as to the future of this initiative.' Det kan læses som, at der skal være en vejledende afstemning. Hvis det er tilfældet må Danmark nok stemme imod, samtidig med at der tages parlamentarisk forbehold, da Danmarks afgørende punkter fortsat ikke er imødekommet.

En meget hurtig gennemlæsning viser, at der er sket både lettelser og stramninger af teksten. Generelt kan bemærkes:

[Redacted content]

Jeg har vedhæftet tidsplanen igen med en tilføjelse om eventuelle skriftlige kommentarer til forslaget på mandag.

Venlig hilsen

**Maria Klint Thelander**

AC-medarbejder | Analyse, forskning og digitalisering  
+45 91 36 58 47 | [makbj@mfvm.dk](mailto:makbj@mfvm.dk)

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## Aktdetaljer

Den 22. februar 2017

### Akttitel: Vs: Høringsliste havmiljø Aktnummer: 137

Akt ID: 2497583

Dato: 14-09-2016

Type: Udgående

Dokumenter: [1] Høringsliste havmiljø.html  
[2] Høringsliste hav 131115.xlsx

---

**Til:** Katja Scharmman (KSC@ENS.DK)  
**Fra:** Maria Klint Thelander (makbj@mfvm.dk)  
**Titel:** Vs: Høringsliste havmiljø  
**Sendt:** 14-09-2016 10:52:15  
**Bilag:** Høringsliste hav 131115.xlsx;

Kære Katja

Her er listen over interessenter der fik forslaget i høring i marts.  
Både vind- og olieindustrien har fået den.

Mvh. Maria

---

**Til:** Maria Klint Thelander (makbj@mfvm.dk)  
**Cc:** Helle Knudsen-Leerbeck (heknu@nst.dk)  
**Fra:** Anne-Mette Hjortebjerg Lund (anhlu@nst.dk)  
**Titel:** Høringsliste havmiljø  
**Sendt:** 30-03-2016 11:16:45

Kære Maria

Og her er høringslisten.

Mvh.  
Anne-Mette

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**Fra:** Ditte Måndøe Andreasen  
**Sendt:** 18. marts 2016 17:16  
**Til:** Anne-Mette Hjortebjerg Lund  
**Emne:** Høringsliste havmiljø

Kære AM.

Jeg har anvendt denne liste til at sende KOM's GES-forslag i høring – måske I kan anvende den til indsatsprogrammet, når det kommer så langt.

Anne har opdateret den fornyelig.

Vh Ditte

## Høringsliste havmiljø

Organisation	Navn
Advokatsamfundet	Hovedpostkasse
Alle danske kommuner	
Beredskabsstyrelsen	Hovedpostkasse
Beskæftigelsesministeriet	Hovedpostkasse
Brancheforeningen Danske Maritime	Hovedpostkasse
By & Havn	Hovedpostkasse
Common Wadden Sea Secretariat	Hovedpostkasse
Danish Operators	Hovedpostkasse
Danish Seafood Association	Hovedpostkasse
Danmarks Fiskeriforening	Hovedpostkasse
Danmarks Fritidssejler Union	Hovedpostkasse
Danmarks Jægerforbund	Hovedpostkasse
Danmarks Naturfredningsforening	Hovedpostkasse
Danmarks Pelagiske Producentorganisation	Hovedpostkasse
Danmarks Rederiforening	Hovedpostkasse
Danmarks Skibsmæglerforening	Hovedpostkasse
Danmarks Sportsfiskerforbund	Hovedpostkasse
Danmarks Vindmølleforening	Hovedpostkasse
Dansk Akvakultur	Hovedpostkasse
Dansk Amatørfiskeriforening	
Dansk Energi	Hovedpostkasse
Dansk Energi Brancheforening	Hovedpostkasse
Dansk Forening for Rosport	Hovedpostkasse
Dansk Fritidsfiskerforbund	Arne Rusbjerg
Dansk Industri	Hovedpostkasse
Dansk Kano- og kajakforbund	Hovedpostkasse
Dansk Ornitologisk Forening	Hovedpostkasse
Dansk Sejlunion	Hovedpostkasse
Dansk Sportsdykker Forbund	Hovedpostkasse
Dansk Transport og Logistik	Hovedpostkasse
Danske Havne	Hovedpostkasse
Danske Regioner	Hovedpostkasse
Danske Råstoffer	Lasse Møller Vollesen
Danske Tursejlere	Hovedpostkasse
DANVA	Hovedpostkasse
Det økologiske råd	Hovedpostkasse
DHI	Hovedpostkasse
DMI	Hovedpostkasse
Dong Energy	Hovedpostkasse
DTU Aqua	Hovedpostkasse
Energi- og olieforum	Hovedpostkasse

Energinet.dk	Hovedpostkasse
Energistyrelsen	Hovedpostkasse
Erhvervs- og Vækstministeriet	Hovedpostkasse
Erhvervsstyrelsen	Hovedpostkasse
Ferskvandsfiskeriforeningen	Niels Barslund
Finansministeriet	Hovedpostkasse
Foreningen af Lystbådehavne i Danmark	Hovedpostkasse
Forsvarskommandoen	Finn Frigast Larsen
Forsvarsministeriet	Hovedpostkasse
Forsvarsministeriet, beredskabskontoret	Asger Andersen
Fri - Foreningen af Rådgivende Ingeniører	Hovedpostkasse
Friluftsrådet	Hovedpostkasse
GEUS	Hovedpostkasse
Green Network	
Greenpeace Danmark	Hovedpostkasse
Hess Corporation	
Justitsministeriet	Hovedpostkasse
Kulturstyrelsen	Hovedpostkasse
Energi- Forsynings- og Klimaministeriet	Hovedpostkasse
Kommunernes Internationale Miljøorganisation - Danmark (KIMO)	Karsten Filsø
Kommunernes Landsforening	Hovedpostkasse
Kystdirektoratet	Hovedpostkasse
Kystfiskeriudvalget	Niels Bjerregaard
Landbrug og Fødevarer	Hovedpostkasse
Landsforeningen Levende Hav	Knud Andersen
Maersk Group	Anders Würtzen
Marinbiologisk Laboratorium	Hovedpostkasse
Miljøstyrelsen	Hovedpostkasse
Sundheds- og Ældreministeriet	Hovedpostkasse
NaturErhvervsstyrelsen	Hovedpostkasse
NOAH	Hovedpostkasse
OCEANA	Hovedpostkasse
Oil Gas Danmark	Hovedpostkasse
Region Hovedstaden	Hovedpostkasse
Region Midtjylland	Hovedpostkasse
Region Nordjylland	Hovedpostkasse
Region Sjælland	Hovedpostkasse
Region Syddanmark	Hovedpostkasse
Skatteministeriet	Hovedpostkasse
Statens Naturhistoriske Museum	Hovedpostkasse
Statens Naturhistoriske Museum	Henrik Enghoff
Statsministeriet	Hovedpostkasse
Sund og Bælt Holding A/S	Hovedpostkasse
Søfartsstyrelsen	Hovedpostkasse

Transport- og bygningsministeriet	Hovedpostkasse
Udenrigsministeriet	Hovedpostkasse
Vattenfall A/S	
Vattenfall A/S	
Vindmølleindustrien	Hovedpostkasse
VisitDenmark	Hovedpostkasse
WWF Danmark	Hovedpostkasse
Aarhus Universitet, DCE	Hovedpostkasse

Kontakt mail	Bemærkning
<a href="mailto:samfund@advokatsamfundet.dk">samfund@advokatsamfundet.dk</a>	

Se under Eksterne maillister i Outlook og søg efter 'åå alle kommuner (alm. mail)'

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<a href="mailto:mail@dkfisk.dk">mail@dkfisk.dk</a>	Foreningen er i maj 2014 slået sammen med Danske Fiske
<a href="mailto:dfu@dk-dfu.dk">dfu@dk-dfu.dk</a>	
<a href="mailto:post@jaegerne.dk">post@jaegerne.dk</a>	
<a href="mailto:dn@dn.dk">dn@dn.dk</a>	
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<a href="mailto:info@danskenergi.dk">info@danskenergi.dk</a>	
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<a href="mailto:danskehavne@danskehavne.dk">danskehavne@danskehavne.dk</a>	
<a href="mailto:regioner@regioner.dk">regioner@regioner.dk</a>	
<a href="mailto:lmv@danskbyggeri.dk">lmv@danskbyggeri.dk</a>	Kontaktperson for Danske Råstoffer, ingen hovedpostkas:
<a href="mailto:info@tursejleren.dk">info@tursejleren.dk</a>	
<a href="mailto:danva@danva.dk">danva@danva.dk</a>	
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<a href="mailto:contact@visitdenmark.com">contact@visitdenmark.com</a>	
<a href="mailto:wwf@wwf.dk">wwf@wwf.dk</a>	
<a href="mailto:dce@au.dk">dce@au.dk</a>	

Anne: Det t

; er lagt sammen til Danish Seafood Association  
eres Producent Organisation til Danmarks Fiskeriforening Producent Organisation

stkasse

se

arbejdet overgik til Værnsfælles Forsvarskommando (vfk@mil.dk)



undersøges



## Aktdetaljer

**Akttitel: Haster - Ang. juridisk bistand ift. EU komitesag under havstrategidirektivet**

**Aktnummer: 170**

Akt ID: 2521289

Dato: 27-09-2016

Type: Udgående

Dokumenter: [1] Aktdokument.html  
[2] GES\_V5\_14-09-2016.pdf (MEDTAGES IKKE)  
[3] GES\_appendix\_V5\_14-09-2016.pdf (MEDTAGES IKKE)

Den 22. februar 2017

**Til:** Lone Knudsen (lonknu@um.dk), Peter Wilhelm Linde (peteli@um.dk)  
**Fra:** Maria Klint Thelander (makbj@mfv.dk)  
**Titel:** Haster - Ang. juridisk bistand ift. EU komitesag under havstrategidirektivet  
**Sendt:** 27-09-2016 16:30:39  
**Bilag:** GES\_V5\_14-09-2016.pdf; GES\_appendix\_V5\_14-09-2016.pdf;

Kære Lone og Peter

Jeg har netop forsøgt at få fat i jer på telefonen uden held, så derfor en mail.

Miljø- og Fødevareministeriet har behov for UM's hjælp i forhold til juridisk afklaring af, om Kommissionen overskrider deres hjemmel til at fastlægge hvordan god miljøtilstand i havet skal vurderes.

Efter havstrategidirektivets art. 9, stk. 3, tillægges kommissionen kompetence til på grundlag af bilag I og III at fastlægge "kriterier og metodiske standarder, som medlemsstaterne skal anvende, og som udformes med henblik på ændring af ikke-væsentlige elementer i dette direktiv ved at supplere det, for at sikre konsistens og gøre det muligt at foretage en sammenligning mellem havregioner eller subregioner med hensyn til, i hvilket omfang der er opnået en god miljøtilstand". I art. 3, stk. 1, nr. 7, defineres miljømål som "en kvalitativ eller kvantitativ beskrivelse af den ønskede tilstand...". I art. 3, stk. 1, nr. 6, defineres kriterier som "distinktive tekniske træk, der er nært forbundet med kvalitative deskriptorer."

Kommissionen er kommet med forslag til afgørelse om, hvordan god miljøtilstand skal vurderes (vedlagt). Af forslaget fremgår, at der for en række kriterier, skal fastlægges kvantitative tærskelværdier. Det fjerner muligheden for at benytte kvalitative beskrivelser.

Spørgsmålet er derfor, om Kommissionen overskrider deres hjemmel til at lave ikke-væsentlige ændringer til direktivet og det vil vi meget gerne bede om jeres vurdering af.

Kommissionen har tidligere tilkendegivet, at der skal være afstemning om forslaget d. 9/10 november og inden da skal Danmark blandt andet have fastlagt et mandat. Vi vil derfor meget gerne hurtigt i kontakt med jer for at aftale nærmere proces.

Venlig hilsen

**Maria Klint Thelander**

AC-medarbejder | Analyse, forskning og digitalisering  
+45 91 36 58 47 | makbj@mfv.dk

**Miljø- og Fødevareministeriet**

Departementet | Slotsholmsgade 12 | 1216 København K | Tlf. +45 38 14 21 42 | mfvm@mfv.dk | www.mfv.dk



## Aktdetaljer

Den 22. februar 2017

### **Akttitel: Bilag 3 - Konsekvenser for erhvervet 200916** **Aktnummer: 199**

Akt ID: 2538468

Dato: 06-10-2016

Type: Udgående

Dokumenter: [1] Aktdokument.html  
[2] Bilag 3 - Konsekvenser for erhvervet 200916.docx (MEDTAGES IKKE)

**Til:** malylo@erst.dk (malylo@erst.dk)  
**Fra:** Maria Klint Thelander (makbj@mfvm.dk)  
**Titel:** Bilag 3 - Konsekvenser for erhvervet 200916  
**Sendt:** 06-10-2016 11:20:34  
**Bilag:** Bilag 3 - Konsekvenser for erhvervet 200916.docx;

Kære Maja

Som aftalt får du her vores bilag omkring konsekvenser for erhvervet.

Mvh. Maria





## Aktdetaljer

**Akttitel: Sv: ØU-sag om kriterier for havmiljøtilstand - ny frist kl. 13 i dag**  
**Aktnummer: 219**

Akt ID: 2548336

Dato: 11-10-2016

Type: Udgående

Dokumenter: [1] VS ØU-sag om kriterier for havmiljøtilstand - ny frist kl. 13 i dag.html

Den 22. februar 2017

**Til:** Susanne Bo Christensen (subch@efkm.dk)  
**Cc:** Sidsel Bjøl (sidbj@mfv.dk)  
**Fra:** Maria Klint Thelander (makbj@mfv.dk)  
**Titel:** Sv: ØU-sag om kriterier for havmiljøtilstand - ny frist kl. 13 i dag  
**Sendt:** 11-10-2016 15:16:49

Kære Susanne

SVANA sender et høringssvar der afspejler ØU-sagen. Da der er begrænset plads (ca. 1,5 side), har jeg d. 22/9 opfordret andre involverede ministerier til at afgive høringssvar, hvis der er noget der ligger dem særligt på sinde. Da alle jeg har opfordret til at svare har kendskab til ØU-sagen forventer jeg at de lægger sig op ad den, men med fokus på deres eget sagsområde.

Venlig hilsen

**Maria Klint Thelander**  
AC-medarbejder | Analyse, forskning og digitalisering  
+45 91 36 58 47 | makbj@mfv.dk

**Miljø- og Fødevarerministeriet**  
Departementet | Slotsholmsgade 12 | 1216 København K | Tlf. +45 38 14 21 42 | mfv@mfv.dk | www.mfv.dk

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**Fra:** Susanne Bo Christensen  
**Sendt:** 11. oktober 2016 14:53  
**Til:** Sidsel Bjøl  
**Emne:** VS: ØU-sag om kriterier for havmiljøtilstand - ny frist kl. 13 i dag  
**Prioritet:** Høj

Kære Sidsel

Jeg kan forstå på vores styrelse, at Kommissionens offentlige høring slutter i morgen. Har I tænkt jer at sende et samlet regeringshøringssvar til Kommissionen på sagen?

Kan forstå, at ENS havde fået at vide, at flere myndigheder ville sende svar – men hvordan sikrer vi os så, at de er koordineret og ikke stikker ud i forhold til den regeringsholdning, der fastlægges i morgen på ØU?

Hilsen Susanne

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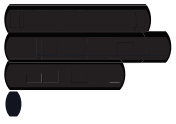
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## Aktdetaljer

Den 22. februar 2017

### **Akttitel: SV: Udkast til instruktioner** **Aktnummer: 268**

Akt ID: 2563275  
Dato: 20-10-2016  
Type: Indgående  
Original titel: SV: Udkast til instruktioner  
Dokumenter: [1] SV Udkast til instruktioner.msg

**Til:** Sidsel Bjøl (sidbj@mfvm.dk), Andreas Meldgaard Goth (anmeg@fm.dk), Jakob Baadsgaard Jepsen (jabaj@fm.dk), Louise Berth (louber@um.dk), Maria Klint Thelander (makbj@mfvm.dk), Eva Leisne (evalei@um.dk)  
**Cc:** Anne Ehrenreich (annehr@um.dk), Mette Østergaard Hansen (mejens@um.dk), Henrik Hedeman Olsen (hehol@mfvm.dk)  
**Fra:** Ida Heimann Larsen (idahei@um.dk)  
**Titel:** SV: Udkast til instruktioner  
**Sendt:** 20-10-2016 12:21:51

Kære alle,

Tak for de nyttige tilføjelser. Vi er OK med disse instruktioner. **Men** vi er ret ærgerlige over, at der i går - mens vi koordinerede formuleringerne i beredskabstalepunkterne i instruktionerne - gik breve ud til en lang række ministre i EU-landene med de selvsamme formuleringer, som vi ikke er enige i. Regeringens vurdering er, så vidt vi er oplyst, at Kommissionen agerer inden for de beføjelser, vi har været med til at give dem. Derfor bør der ikke fremgå andet af breve, vi sender til andre EU-lande.

Har vi ikke hørt bemærkninger til instruktionerne inden kl. 13, sender vi disse ud i eftermiddag.

Mvh,  
Ida

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**Fra:** Sidsel Bjøl [mailto:sidbj@mfvm.dk]

**Sendt:** 20. oktober 2016 11:34

**Til:** Ida Heimann Larsen; Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Louise Berth; Maria Klint Thelander (MFVM-DEP); Eva Leisner

**Cc:** Henrik Hedeman Olsen (MFVM-DEP); Mette Østergaard Hansen

**Emne:** SV: Udkast til instruktioner

Kære alle

Hermed de endelige instruktioner, som vi vil bede UM om at videreformidle:

- 1) Reppen:
  - a. Instruktion
  - b. Brev til Vella (kopi af breve til ministre)
  
- 2) Ambassaderne
  - a. Instruktion
  - b. Status for medlemslandene
  - c. Brev til ministrene
  - d. Group 14's brev fra foråret (dok hedder Headline Comments)

Skulle der fortsat være nogle uklarheder og uenigheder, så må I venligst gøre hele kredsen her opmærksomme på dette hurtigst muligt (inden kl 13).

Jeg er på ferie (Paris) fra i eftermiddag til tirsdag morgen. Til og med i morgen kan I kontakte min kollega Maria Klint Thelander.

Mvh  
Sidsel

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**Fra:** Ida Heimann Larsen [mailto:idahei@um.dk]

**Sendt:** 19. oktober 2016 18:09

**Til:** Sidsel Bjøl; Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Louise Berth; Maria Klint Thelander (MFVM-DEP); Eva Leisner

**Cc:** Henrik Hedeman Olsen (MFVM-DEP); Mette Østergaard Hansen

**Emne:** SV: Udkast til instruktioner

Kære alle,

Tak for udkastet til instruktioner.

I begge nævnes et ministerbrev af d.d. Kan vi ikke få det vedlagt instruktionerne, så ambassaderne ved, hvad der allerede er tilgået dem, de skal tale med om sagen. Rep'en bør selvfølgelig også få en kopi.

Fsva. instruktionen til EU-rep'en finder vi helt overordnet, at den mangler en beskrivelse af, hvad det er for elementer i det forslag, der nu ligger på bordet, der er problematisk i dansk sammenhæng, og hvilke ændringer i disse, vi gerne ser. Det skal gerne være noget ret konkret, vi går i byen med, så det ikke bare bliver en klagesang, der ingen effekt har. Og de skal også gerne vide, om det er ændringer, vi tidligere har bedt om, men ikke fået. Det vil være vigtigt for dem, at de kender historikken i forhandlingsforløbet, når de sidder over for Kommissionen.

Fsva. de generelle beredskabspunkter, der er medtaget i begge instruktioner, undrer vi os over nogle af dem:

"- Apprehensive about the fact that the general content of the proposed Commission Decision goes beyond a technical revision and thereby goes beyond the legal basis for Commission Decisions in the Marine Strategy Framework Directive. " Som vi tidligere har givet udtryk for, og som det jo også fremgik af Ø-coveret, finder UM ikke umiddelbart, at der er belæg for at sige, at Kommissionen er gået ud over sine beføjelser (som vi jo i øvrigt selv har været med til at give dem). Derfor bør dette argument udgå.

"- Concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive." Dette er nyt for os. Er det en problematik, vi tidligere har rejst i denne forbindelse? Hvis det skal med i instruktionen, skal der være en rigtig god bid baggrund på, hvorfor og hvordan det er tilfældet, ellers kommer vores ambassader og rep'en til kort her.

"- Lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats." Har vi rejst denne bekymring tidligere i forbindelse med sagen? Og hvad betyder det – at vi slet ikke vil have disse områder med, at der skal være stor fleksibilitet her, eller hvordan?

"- Issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria." Dette er også nyt for os. Har vi tidligere bedt Kommissionen lave en impact assessment? Hvis ja, hvad var så deres begrundelse for ikke at gøre det? Hvis nej, så er det nok lige lovligt sent at smide sådan et hensyn ind i processen...

"- We are very much concerned with the fact that a Decision with those far-reaching consequences for the Member States is negotiated in a Regulatory Committee rather than in the Council." Her kører vi igen på det med beføjelserne, som vi ikke mener holder, jf overnfor. Kunne vi ikke i stedet skrive "We are very much concerned about these far reaching consequences of the decision for Member States".

Mvh,  
Ida

---

**Fra:** Mette Østergaard Hansen

**Sendt:** 19. oktober 2016 15:42

**Til:** Sidsel Bjøl; Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Louise Berth; Maria Klint Thelander (MFVM-DEP); Eva Leisner

**Cc:** Henrik Hedeman Olsen (MFVM-DEP); Ida Heimann Larsen

**Emne:** SV: Udkast til instruktioner

Kære alle

Udenrigsministeriet har bemærkninger, men vi når det desværre ikke til kl. 16. De kommer d.d.

Mvh  
Mette

---

**Fra:** Sidsel Bjøl [<mailto:sidbj@mfvm.dk>]

**Sendt:** 19. oktober 2016 13:14

**Til:** Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Louise Berth; Mette Østergaard Hansen; Maria Klint Thelander (MFVM-DEP); Eva Leisner

**Cc:** Henrik Hedeman Olsen (MFVM-DEP)

**Emne:** Udkast til instruktioner

Kære alle

Ud fra den antagelse, at vi alle er enige i den videre proces, har jeg udarbejdet instruktion til hhv. reppen og ambassaderne. Til ambassaderne foreslår jeg, at vi vedlægger vedhæftet notat, der kort skitserer de relevante landes umiddelbare positioner.

Jeg har i første omgang vurderet, at vi sender ambassaderne i byen i de lande, der repræsenterer det tidligere blokerende mindretal (den såkaldte Group 14). Hvis I ønsker flere på listen, så må I endelig sige til.

Instruktionerne bliver selvfølgelig først sendt, når alle er enige i indhold og proces.

Det vil være meget fint, hvis vi kan få dem sendt af sted i løbet af i morgen, så **frist for kommentarer er d.d. kl 16.**

Mvh  
Sidsel

**Sidsel Bjøl**

Special Advisor | EU and International affairs  
+45 93 59 71 60 | [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk)

**Ministry of Environment and Food**

The Department | Slotsholmen 12 | 1216 Copenhagen K | Tel. +45 38 14 21 42 | [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk) | [www.mfvm.dk](http://www.mfvm.dk)



## Aktdetaljer

**Akttitel: Frist den 26.10.2016: Instruktion om at indhente andre landes holdning til Kommissionens forslag om nye metoder og kriterier for opgørelsen af god havmiljøstand (UM id: 1828672)**  
**Aktnummer: 274**

Akt ID: 2564356

Dato: 20-10-2016

Type: Indgående

Original titel: Frist den 26.10.2016: Instruktion om at indhente andre landes holdning til Kommissionens forslag om nye metoder og kriterier for opgørelsen af god havmiljøstand (UM id: 1828672)

Dokumenter:

- [1] Frist den 26.10.2016 Instruktion om at indhente andre landes holdning til Kommissionens forslag om nye metoder og kriterier for opgørelsen af god havmiljøstand (UM id 1828672).msg
- [2] 20161020 Instruktion GES - EU-reppen.docx
- [3] COM Kommissioner Kamenu Vella.docx
- [4] Medlemslande status til brug for ambassaderne.docx (MEDTAGES IKKE)
- [5] Skabelon godkendt af ministeren.docx

Den 22. februar 2017



**Til:** Christel Ann-Sophie Maertens (chrjep@um.dk), brurep@um.dk (brurep@um.dk)  
**Cc:** Ditte Mandøe Andreasen (diman@svana.dk), Ida Heimann Larsen (idahei@um.dk), Louise Berth (louber@um.dk), Maria Klint Thelander (makbj@mfvm.dk), Sidsel Bjøl (sidbj@mfvm.dk), Lisbet Ølgaard (lioel@svana.dk)  
**Fra:** Anne Ehrenreich (annehr@um.dk)  
**Titel:** Frist den 26.10.2016: Instruktion om at indhente andre landes holdning til Kommissionens forslag om nye metoder og kriterier for opgørelsen af god havmiljøstand (UM id: 1828672)  
**Sendt:** 20-10-2016 14:14:37  
**Bilag:** 20161020 Instruktion GES - EU-reppen.docx; COM Kommissioner Kamenu Vella.docx; Medlemslande status til brug for ambassaderne.docx; Skabelon godkendt af ministeren.docx;

Hermed instruktion efter aftale med Miljø- og fødevareministeriet:

## Problemstilling

Kommissionens forslag om nye metoder og kriterier for opgørelsen af god havmiljøtilstand i EU pålægger medlemslandene at opfylde kvantitative tærskelværdier for god havmiljøtilstand. Forslaget forventes at kunne få omfattende statsfinansielle og erhvervsøkonomiske konsekvenser for Danmark.

Kommissionens forslag vurderes problematisk, da Danmark formentlig vil blive forpligtet af tærskelværdier i regi af HELCOM og OSPAR, hvorved en lang række erhverv kan blive pålagt store byrder. Der kan endvidere være risiko for, at Danmarks konkurrenceevne vil blive forringet over for EU-lande, der indgår i andre havregionssamarbejder, hvor der fastsættes mere lempelige tærskelværdier. Derudover bemærkes det, at der endnu ikke foreligger et tilstrækkeligt videnskabeligt grundlag til at fastsætte tærskelværdier for en række af kriterierne i forslaget.

Miljø- og Fødevareministeren har den 19. oktober sendt ministerbrev til  lande<sup>[1]</sup> mhp. at forsøge at skabe et blokerende mindretal forud for afstemningen (vedhæftet).

Sagen har været behandlet i regeringens Økonomiudvalg den 12. oktober 2016. Her blev det besluttet, at Danmark ikke kan støtte Kommissionens forslag. Derudover blev det vurderet nødvendigt at sikre mere politisk opmærksomhed om sagen.

## Instruktion

På baggrund af dette anmodes EU-repræsentationen følgende (jf. aftalt operationalisering af ØU-cover):

- Tage kontakt til relevante generaldirektorater (DG ENVI og DG MARE) på ambassadorniveau for at skabe opmærksomhed omkring Danmarks bekymringer om forslaget og sagens politiske bevågenhed.
- I denne kontakt til Kommissionen bør det påpeges, at man fra dansk side finder sagen af for stort et omfang til at blive behandlet i komitéprocedure, og at man gerne ser forslaget blive behandlet i Rådet.

## Baggrund for forslaget

Forslaget behandles i en komité under Havstrategidirektivet og skal vedtages ved kvalificeret flertal. Forslaget forventes sat til afstemning den 10.-11. november 2016. Det er sandsynligt, at der opnås kvalificeret flertal for forslaget.

Forslagets formål er at sikre konsistens og sammenlignelighed mellem landenes implementering af Havstrategidirektivet. Inden for 11 deskriptorer/emner angiver forslaget således en række kriterier og metoder, som medlemslandene skal anvende til at vurdere havmiljøets tilstand. Derudover angiver forslaget, hvilke elementer i havmiljøet, der skal overvåges smat i nogle tilfælde også, hvor ofte disse skal overvåges.

Det har været en dansk overvejelse, om Kommissionen med forslaget muligvis overskrider sin bemyndigelse i Havstrategidirektivet, da Kommissionen efter komitéproceduren, som forslaget behandles under, kun har mulighed for at fremsætte ikke-væsentlige ændringsforslag. Udenrigsministeriets JTEU-kontor vurderer umiddelbart, at det ud fra en ordlydsfortolkning ikke er tydeligt, at Kommissionen overskrider sin kompetence.

Miljø- og Fødevareministeriet havde i de tidligere forhandlingsfaser samlet en gruppe af ligesindede medlemslande i et blokerende mindretal, der problematiserede, hvorvidt Kommissionen havde overskredet sin bemyndigelse i forslaget, hvorvidt der var tilstrækkeligt videnskabeligt grundlag for en række tærskelværdier, samt fremhævede de mulige økonomiske konsekvenser. Som følge heraf, er Kommissionen kommet med en række indrømmelse og justeringer af forslaget. Tilslutningen til gruppen af ligesindede har herefter været vigende, hvilket har resulteret i, at det blokerende mindretal ikke længere vurderes til stede. Det er således sandsynligt, at der opnås kvalificeret flertal for forslaget.

### *Konsekvenser for hhv. vandrammedirektivet og habitat-/fuglebeskyttelsesdirektivet*

Da forslaget lægger op til, at der skal foreligge en vurdering af god miljøtilstand vedr. næringsstoffer i kystvande og miljøfarlige stoffer i territorialfarvande (som ellers er dækket af vandrammedirektivet) kan brugen af undtagelsesbestemmelser under vandrammedirektivet udgøre en udfordring for opnåelse af havmiljømålene, idet havstrategidirektivet ikke indeholder de samme undtagelsesbestemmelser.

Mange af de arter og naturtyper, der ifølge forslaget skal fastsættes grænseværdier for, er underlagt beskyttelse i medfør af habitatdirektivet og fuglebeskyttelsesdirektivet, hvor der ikke er en ultimativ deadline for opnåelse af gunstig bevaringsstatus. Afgørelsen kan indirekte komme til at betyde en skærpelse af habitat- og fuglebeskyttelsesdirektiverne, idet

det på nogle områder forudsættes, at man vurderer de samme arter og naturtyper under havstrategidirektivet, hvor der er krav om god miljøtilstand i 2020.

## Forhandlingsituation – danske ankepunkter ift Kommissionens forslag

Danmark har fra begyndelsen været kritisk overfor forslaget. De væsentligste danske ankepunkter i forhold til 1. og seneste udkast til forslaget er beskrevet i tabel 1 nedenfor.

[1]

Endeligt skal det bemærkes, at Danmark af flere omgange i komitémøderne har anmodet Kommissionen om at lave en Impact Assessment ud fra den vurdering, at forslaget havde væsentlige konsekvenser. Det er ikke blevet imødekommet af Kommissionen, der ikke mener, konsekvenserne er væsentlige nok til en Impact Assessment.

### Beredskab

- Concerns about a current proposal for a Commission Decision on Good Environmental Status (GES) in the marine environment, pursuant to the Marine Strategy Framework Directive.
- Apprehensive about the fact that the general content of the proposed Commission Decision has unforeseen and far-reaching consequences.
- The proposed Decision obliges the Member States to define quantitative values for GES on a large number of criteria. Worried that this Decision will have significant economic implications for other policy strands such as fisheries, aquaculture, energy, transportation, offshore oil and gas, construction activities etc., as well as severe administrative burdens for the public sector in the Member States.
- Concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive.
- Lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats.
- Issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria.
- We are very much concerned with the fact that a Decision with those far-reaching consequences for the Member States. On this basis we encourage the Commission to ensure that the decision will be dealt with in Council.

### Frist og modtagerkreds

Onsdag den 26. oktober til [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk), cc. [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk); [lioel@svana.dk](mailto:lioel@svana.dk); [hacka@svana.dk](mailto:hacka@svana.dk); [hehol@mfvm.dk](mailto:hehol@mfvm.dk); [diman@svana.dk](mailto:diman@svana.dk); [makbj@mfvm.dk](mailto:makbj@mfvm.dk); [anmeg@fm.dk](mailto:anmeg@fm.dk); [jabaj@fm.dk](mailto:jabaj@fm.dk);

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Med venlig hilsen

Anne Ehrenreich

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NOTAT



**Ministry of Environment  
and Food of Denmark**  
Department

EU og internationalt  
Ref. SIDBJ  
October 19 2016

## Instruktion til EU repræsentationen ang. Kommissionens forslag til nye metoder og kriterier for god havmiljøtilstand

### Problemstilling

Kommissionens forslag om nye metoder og kriterier for opgørelsen af god havmiljøtilstand i EU pålægger medlemslandene at opfylde kvantitative tærskelværdier for god havmiljøtilstand. Forslaget forventes at kunne få omfattende statsfinansielle og erhvervsøkonomiske konsekvenser for Danmark.

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1

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Danmark har fra begyndelsen været kritisk overfor forslaget. De væsentligste danske ankepunkter i forhold til 1. og seneste udkast til forslaget er beskrevet i tabel 1 nedenfor.

<b>1. Udkast af 14. januar 2016</b>	<b>5. Udkast af 15. september 2016</b>
DK mener, at medlemslandenes handlemuligheder indskrænkes ved at der skal fastsætte kvantitative tærskelværdier og har bedt om en juridisk vurdering af, om dette er i overensstemmelse med direktivet.	Kommissionen har ikke efterkommet ønsket om juridisk vurdering, men oplyst på møder, at der er hjemmel til forslaget.

Indskrænkede handlemuligheder idet der stilles krav om fastlæggelse af kvantitative tærskelværdier, fremfor valg mellem kvalitative beskrivelser, kvantitative værdier eller trends.	Fortsat krav om fastlæggelse af kvantitative tærskelværdier. Kommissionen har bemærket, at dette er det bærende element i forslaget, hvorfor det ikke forventes at udgå. <b><u>Dette er det afgørende punkt for Danmark.</u></b>
For streng vurdering af god miljøtilstand. Brugen af "one-out-all-out" betød, at når én tærskelværdi er overskredet for ét element er der ikke god tilstand for hele den tilhørende deskriptor.	Delvist imødekommet. One-out-all-out anvendes kun meget få steder. I stedet introduceres dog et krav om at der skal fastsættes såkaldte integrations-regler (i mange tilfælde på EU-niveau). Integrationsreglerne skal sætte retningslinjer for, hvordan de enkelte resultater integreres til en samlet vurdering af miljøtilstanden – fx hvor stor en andel af de vurderede fuglearter, der skal opfylde de fastsatte tærskelværdier for at god miljøtilstand er opnået samlet set. Da integrationsreglerne skal besluttes efter vedtagelsen af forslaget, kan genintroduktion af "one-out-all-out"-princippet ikke udelukkes.
Uklart forhold til andre direktiver, herunder vandrammedirektivet, habitat- og fuglebeskyttelsesdirektiverne.	Delvist imødekommet ift. vandrammedirektivet. Der er etableret et klarere (men ikke helt klart) skel mellem vandrammedirektivets og havstrategidirektivets reguleringsområde. Kritikken er ikke imødekommet på andre punkter.
For kort tidshorisont - fastsættelse af tærskelværdier senest til brug for afrapporteringen i 2018	Delvist imødekommet. Tærskelværdierne skal fastsættes "så vidt muligt" til brug for afrapporteringen i 2018, alternativt så hurtigt som muligt derefter.
Juridisk uklart forhold mellem politisk bindende arbejde i de regionale havkonventioner og det juridisk bindende arbejde under havstrategidirektivet.	Delvist imødekommet. Det er skrevet ind, at de fastsatte tærskelværdier først bliver en del af medlemslandets direktivimplementering, når det rapporteres til Kommissionen. Dog spiller regionalt samarbejde stadig en helt central rolle i implementeringen af direktivet. Det er blandt andet et krav, at tærskelværdierne skal være konsistente med relevante værdier under havkonventionerne.
For streng tilgang til brugen af "risk-based approach", landene kunne kun påberåbe sig brugen i helt ekseptionelle tilfælde.	Imødekommet. Bliver nu anvendt i forhold til om sekundære kriterier skal anvendes og "ekseptionelle tilfælde" er slettet.
Manglende videnskabeligt grundlag til at fastsætte tærskelværdier i 2018.	Delvist imødekommet (nogle lande vil mene at det er fuldt imødekommet). Der er indsat mulighed for, at landene – ind til der er fastsat tærskelværdier – kan bruge andre metoder. Det endelige mål er fortsat tærskelværdier, og på nogle områder vil der ikke være tilstrækkeligt videnskabeligt grundlag inden for en længere årrække.
Nye væsentlige økonomiske omkostninger vedr.	Delvist imødekommet. Der er i nogen grad taget

**Kommentar [SB1]:** Disse bekymringer vedr. det videnskabelige grundlag er blevet rejst adskillige gange, jf. UM's kommentar.

overvågning og rapportering for nogle medlemslande.	hensyn til, at landene kan bruge de målemetoder/ måleenheder, som de bruger i dag. Samtidig er der givet mulighed for, at man i en periode kan anvende graden af den menneskelige påvirkning til at beskrive tilstanden, hvis man ikke har data om tilstanden for bestemte elementer i havets økosystem. Der stilles dog fortsat krav til yderligere overvågning ift. nuværende.
Manglende fleksibilitet ift. regionale forskelle.	Delvist imødekommet. De to konkrete tærskelværdier er slettet. For tærskelværdier fastsat på EU-niveau fremgår eksplicit, at der skal tages hensyn til regionale forskelle.
De to konkret foreslåede tærskelværdier – max 5 % tabt havbund og max 30 % forstyrret havbund, vil have omkostninger for andre politikområder, herunder fiskeri, energi, infrastruktur og fødevarer.	Delvist imødekommet. De konkrete tærskelværdier er slettet, men skal fastsættes på EU-niveau efterfølgende. Forventeligt på et mindre restriktivt niveau.

Endeligt skal det bemærkes, at Danmark af flere omgange i komitémøderne har anmodet Kommissionen om at lave en Impact Assessment ud fra den vurdering, at forslaget havde væsentlige konsekvenser. Det er ikke blevet imødekommet af Kommissionen, der ikke mener, konsekvenserne er væsentlige nok til en Impact Assessment.

### Beredskab

- Concerns about a current proposal for a Commission Decision on Good Environmental Status (GES) in the marine environment, pursuant to the Marine Strategy Framework Directive.

- Apprehensive about the fact that the general content of the proposed Commission Decision has unforeseen and far-reaching consequences.

- The proposed Decision obliges the Member States to define quantitative values for GES on a large number of criteria. Worried that this Decision will have significant economic implications for other policy strands such as fisheries, aquaculture, energy, transportation, offshore oil and gas, construction activities etc., as well as severe administrative burdens for the public sector in the Member States.

- Concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive.

- Lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats.

- Issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria.

- We are very much concerned with the fact that a Decision with those far-reaching consequences for the Member States. On this basis we encourage the Commission to ensure that the decision will be dealt with in Council.

**Frist og modtagerkreds**

Onsdag den 26. oktober til [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk), cc. [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk); [lioel@svana.dk](mailto:lioel@svana.dk); [hacka@svana.dk](mailto:hacka@svana.dk); [hehol@mfvm.dk](mailto:hehol@mfvm.dk); [diman@svana.dk](mailto:diman@svana.dk); [makbj@mfvm.dk](mailto:makbj@mfvm.dk); [anmeg@fm.dk](mailto:anmeg@fm.dk); [jabaj@fm.dk](mailto:jabaj@fm.dk);

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Fuldmægtig Ditte Mandøe Andreasen, Styrelsen for Vand- og Naturforvaltning, [diman@svana.dk](mailto:diman@svana.dk), +45 93 58 81 24



Minister for  
Environment and Food

Letter sent to Ministers of Environment and Fisheries of [REDACTED] 20 October 2016

[REDACTED]  
[REDACTED]  
[REDACTED]

Copy to the Commission:  
Commissioner Karmenu Vella  
Commissioner for Environment, Maritime Affairs and Fisheries

Dear colleague,

I am writing to you to address my concerns about a current proposal for a Commission Decision on Good Environmental Status (GES) in the marine environment, pursuant to the Marine Strategy Framework Directive.

I am apprehensive about the fact that the general content of the proposed Commission Decision goes beyond a technical revision and thereby goes beyond the legal basis for Commission Decisions in the Marine Strategy Framework Directive.

The proposed Decision obliges the Member States to define quantitative values for GES on a large number of criteria. I am worried that this Decision will have significant economic implications for other policy strands such as fisheries, aquaculture, energy, transportation, offshore oil and gas, construction activities etc., as well as severe administrative burdens for the public sector in the Member States.

Further, I am concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive.



Additionally, I believe that there is a lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats.

I find that this issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions<sup>1</sup>. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria.

The negotiations are taking place in a Regulatory Committee under the Marine Strategy Framework Directive and the vote is expecting to take place 10 November 2016. I hope, you will take the concerns mentioned in this letter into consideration and consider voting against the Commission's decision.

Yours sincerely,



Esben Lunde Larsen

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<sup>1</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of April 13, 2016 on Better Law-Making.



To:  
EU Ministers for the Environment and Fisheries  
Copy to Commissioner Vella

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Additionally, I believe that there is a lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats.

I find that this issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions<sup>1</sup>. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria.

The negotiations are taking place in a Regulatory Committee under the Marine Strategy Framework Directive and the vote is expecting to take place 10 November 2016. I hope, you will take the concerns mentioned in this letter into consideration and consider voting against the Commission's decision.

Yours sincerely,

Esben Lunde Larsen

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<sup>1</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of April 13, 2016 on Better Law-Making.



## Aktdetaljer

### Akttitel: Sv: Udkast til instruktioner Aktnummer: 276

Akt ID: 2565528

Dato: 20-10-2016

Type: Udgående

Dokumenter: [1] VS Udkast til instruktioner.html

[2] The Danish Minister for the Environment- and Food Mr. Esben Lunde Larsen letter regarding proposal for a Commission Decision on G-10986935.docx

[3] The Danish Minister for the Environment- and Food Mr. Esben Lunde Larsen letter regarding proposal for a Commission Decision on Good Environmental Status (GES).docx

Den 22. februar 2017

---

**Til:** Anne Ehrenreich (annehr@um.dk)  
**Cc:** Sidsel Bjøl (sidbj@mfv.dk), Steen Bonde Rákoczy Pedersen (stpede@um.dk)  
**Fra:** Maria Klint Thelander (makbj@mfv.dk)  
**Titel:** Sv: Udkast til instruktioner  
**Sendt:** 20-10-2016 21:13:40  
**Bilag:** The Danish Minister for the Environment- and Food Mr. Esben Lunde Larsen letter regarding proposal for a Commission Decision on G-10986935.docx; The Danish Minister for the Environment- and Food Mr. Esben Lunde Larsen letter regarding proposal for a Commission Decision on Good Environmental Status (GES).docx;

Kære Anne

Selvfølgelig. Brevene er vedhæftet.

Venlig hilsen

**Maria Klint Thelander**

AC-medarbejder | Analyse, forskning og digitalisering  
+45 91 36 58 47 | makbj@mfv.dk

**Miljø- og Fødevarerministeriet**

Departementet | Slotsholmsgade 12 | 1216 København K | Tlf. +45 38 14 21 42 | mfv@mfv.dk | www.mfv.dk

---

**Til:** Maria Klint Thelander (makbj@mfv.dk)  
**Cc:** Sidsel Bjøl (sidbj@mfv.dk), Steen Bonde Rákoczy Pedersen (stpede@um.dk)  
**Fra:** Anne Ehrenreich (annehr@um.dk)  
**Titel:** VS: Udkast til instruktioner  
**Sendt:** 20-10-2016 17:28:05

Kære Maria,

Ambassaden i [REDACTED] har bedt om at måtte modtage underskrevet kopi af ministerbrevet. Kan I hjælpe os med det?

Mvh  
Anne

---

**ANNE EHRENRICH / ANNEHR@UM.DK**

CHEFKONSULENT / KONTORET FOR EU KOOORDINATION OG NORDISK SAMARBEJDE (EKN)  
DIREKTE +4533920584 / MOBIL +25267654

**UDENRIGSMINISTERIET**

ASIATISK PLADS 2 / DK-1448 KØBENHAVN K  
TLF. +45 3392 0000



*Please consider the environment before printing this message*

---

**Fra:** Ida Heimann Larsen

**Sendt:** 20. oktober 2016 12:22

**Til:** Sidsel Bjøl; Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Louise Berth; Maria Klint Thelander (MFVM-DEP); Eva Leisner

**Cc:** Henrik Hedeman Olsen (MFVM-DEP); Mette Østergaard Hansen; Anne Ehrenreich

**Emne:** SV: Udkast til instruktioner

Kære alle,

Tak for de nyttige tilføjelser. Vi er OK med disse instruktioner. **Men** vi er ret ærgerlige over, at der i går - mens vi koordinerede formuleringerne i beredskabstalepunkterne i instruktionerne - gik breve ud til en lang række ministre i EU-landene med de selvsamme formuleringer, som vi ikke er enige i. Regeringens vurdering er, så vidt vi er oplyst, at Kommissionen agerer inden for de beføjelser, vi har været med til at give dem. Derfor bør der ikke fremgå andet af breve, vi sender til andre EU-lande.

Har vi ikke hørt bemærkninger til instruktionerne inden kl. 13, sender vi disse ud i eftermiddag.

Mvh,  
Ida

---

**Fra:** Sidsel Bjøl [<mailto:sidbj@mfvm.dk>]

**Sendt:** 20. oktober 2016 11:34

**Til:** Ida Heimann Larsen; Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Louise Berth; Maria Klint Thelander (MFVM-DEP); Eva Leisner

**Cc:** Henrik Hedeman Olsen (MFVM-DEP); Mette Østergaard Hansen

**Emne:** SV: Udkast til instruktioner

Kære alle

Hermed de endelige instruktioner, som vi vil bede UM om at videreformidle:

- 1) Reppen:
  - a. Instruktion
  - b. Brev til Vella (kopi af breve til ministre)
  
- 2) Ambassaderne
  - a. Instruktion
  - b. Status for medlemslandene
  - c. Brev til ministrene
  - d. Group 14's brev fra foråret (dok hedder Headline Comments)

Skulle der fortsat være nogle uklarheder og uenigheder, så må I venligst gøre hele kredsen her opmærksomme på dette hurtigst muligt (inden kl 13).

Jeg er på ferie (Paris) fra i eftermiddag til tirsdag morgen. Til og med i morgen kan I kontakte min kollega Maria Klint Thelander.

Mvh  
Sidsel



19 October 2016

[REDACTED]

Dear colleague,

I am writing to you to address my concerns about a current proposal for a Commission Decision on Good Environmental Status (GES) in the marine environment, pursuant to the Marine Strategy Framework Directive.

I am apprehensive about the fact that the general content of the proposed Commission Decision goes beyond a technical revision and thereby goes beyond the legal basis for Commission Decisions in the Marine Strategy Framework Directive.

The proposed Decision obliges the Member States to define quantitative values for GES on a large number of criteria. I am worried that this Decision will have significant economic implications for other policy strands such as fisheries, aquaculture, energy, transportation, offshore oil and gas, construction activities etc., as well as severe administrative burdens for the public sector in the Member States.

Further, I am concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive.

Additionally, I believe that there is a lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats.

I find that this issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions<sup>1</sup>. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria.

The negotiations are taking place in a Regulatory Committee under the Marine Strategy Framework Directive and the vote is expecting to take place 10 November 2016. I hope, you will take the concerns mentioned in this letter into consideration and consider voting against the Commission's decision.

Yours sincerely,



Esben Lunde Larsen

---

<sup>1</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of April 13, 2016 on Better Law-Making.



19 October 2016

[REDACTED]

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The proposed Decision obliges the Member States to define quantitative values for GES on a large number of criteria. I am worried that this Decision will have significant economic implications for other policy strands such as fisheries, aquaculture, energy, transportation, offshore oil and gas, construction activities etc., as well as severe administrative burdens for the public sector in the Member States.

Further, I am concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive.

Additionally, I believe that there is a lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats.



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The negotiations are taking place in a Regulatory Committee under the Marine Strategy Framework Directive and the vote is expecting to take place 10 November 2016. I hope, you will take the concerns mentioned in this letter into consideration and consider voting against the Commission's decision.

Yours sincerely,



Esben Lunde Larsen

---

<sup>1</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of April 13, 2016 on Better Law-Making.



## Aktdetaljer

**Akttitel: T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget**

**Aktnummer: 339**

Akt ID: 2620672

Dato: 10-11-2016

Type: Udgående

Dokumenter: [1] Nyt fra MSFD-komitemødet i Bruxelles.html  
[2] Statement from DK 09-11-2016.pdf

Den 22. februar 2017

**Til:** Jakob Baadsgaard Jepsen (jabaj@fm.dk), Andreas Meldgaard Goth (anmeg@fm.dk), Anne Ehrenreich (annehr@um.dk), Mette Sivebæk Knudsen (mek@evm.dk), Susanne Bo Christensen (subch@efkm.dk), cvm@trm.dk (cvm@trm.dk)  
**Cc:** Sidsel Bjøl (sidbj@mfv.dk)  
**Fra:** Maria Klint Thelander (makbj@mfv.dk)  
**Titel:** T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget  
**Sendt:** 10-11-2016 17:27:23  
**Bilag:** Statement from DK 09-11-2016.pdf;

Kære alle

Til jeres orientering har vi netop fået resultatet af afstemningen om forslaget til vurdering af havmiljøtilstanden. Forslaget blev stemt igennem med kvalificeret flertal. Danmark har efterfølgende rundsendt vedlagte statement.

Efter en lang og spændende diskussion og væsentlige imødekommelser fra EU-Kommissionen, endte forslaget med at blive vedtaget. Indtil det allersidste var der betydelig spænding om udfaldet af afstemningen, da der var usikkerhed om, [REDACTED]

Fra den danske delegations synspunkt er en væsentlig imødekommelse, at det eksplicit fremgår af art. 6 i beslutningen, at hvert enkelt medlemsstat ved sin rapportering til EU-Kommissionen beslutter hvilke kriterieelementer, grænseværdier og metodiske standarder, etableret på unions-, regionalt eller subregionalt niveau, de vil benytte ved fastsættelse af god miljøtilstand efter direktivets art. 9. Det blev dog vurderet, at det ikke var tilstrækkeligt til at ændre den danske position.

Udover Danmark stemte også [REDACTED] imod. Desuden deltog hverken [REDACTED] i mødet. Dermed var der kvalificeret flertal for forslaget.

En række lande har uformelt over Danmark udtrykt anerkendelse af den danske diplomatiske aktivitet inden mødet og erkendt, at den har medvirket til at hæve den politiske opmærksomhed i deres lande ift forslaget til EU-beslutning. Deres vurdering er derfor, at det danske pres har været med til at bane vejen for de imødekommelser, som EU-Kommissionen endte med at komme med til sidst.

Venlig hilsen

**Maria Klint Thelander**

AC-medarbejder | Analyse, forskning og digitalisering  
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**Miljø- og Fødevareministeriet**

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NOTAT



**Ministry of Environment  
and Food of Denmark**  
Agency for Water and  
Nature Management

November 10, 2016

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**Statement from Denmark after the voting on the Commission Decision on GES, in the Marine Strategy Framework Directive Regulatory Committee.**

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The Regulatory Committee under the Marine Strategy Framework Directive adopted on 10 November 2016 with a qualified majority the Commission Decision laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 20107477/EU.

Denmark recognises the result of the voting, but is seriously concerned about the content and the possible future impact of the Commission Decision as well as the future process implementing its requirements.

Denmark regrets that it has not been possible to find common ground and a solution that all Member States could agree on.

Denmark would like to draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions as we firmly believe this decision will have significant economic, environmental and/or social impacts. Denmark finds it very critical that no impact assessment for the Decision has been presented by the Commission prior to its adoption. Furthermore Denmark would have valued an explanation from the Commission's Legal Service regarding the legal elements of the proposal.

In the future, development of any threshold values within the Regional Sea Conventions and the EU Common Implementation Strategy, it will be of utmost importance for Denmark that no proposal for a threshold value can be approved without a prior assessment of its consequences.

Denmark emphasises our continued willingness to participate constructively in the future process.



## Aktdetaljer

**Akttitel: Til MFVM - T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget (Id nr.: 198276)**

**Aktnummer: 341**

Akt ID: 2620945

Dato: 10-11-2016

Type: Indgående

Original titel: Til MFVM - T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget (Id nr.: 198276)

Dokumenter: [1] Til MFVM - T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget (Id nr. 198276).msg

Den 22. februar 2017

**Til:** Mette Sivebæk Knudsen (mek@evm.dk), Maria Klint Thelander (makbj@mfvm.dk)  
**Cc:** Sidsel Bjøl (sidbj@mfvm.dk)  
**Fra:** cvm@trm.dk (cvm@trm.dk)  
**Titel:** Til MFVM - T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget (Id nr.: 198276)  
**Sendt:** 10-11-2016 21:01:51

Tak for orienteringen!

Jeg vil gerne jeres faglige vurdering af, om det får nogen betydning for Femern Bælt-forbindelsen og den risiko, der er vurderet af forslaget i forhold til kvantitative tærskelværdier for undervandsstøj.

Jeg har brug for at give en orientering i vores departement herom, og jeg vil blive spurgt om, hvad det betyder for Femern Bælt-forbindelsen. Jeg skal derfor anmode om en hurtig tilbagemelding fra jer.

Venlig hilsen

Carsten Vædele Madsen  
Chefkonsulent

Transport- og Bygningsministeriet  
Vej-, Bro- og Metrokontoret  
Frederiksholms Kanal 27 F  
DK-1220 København K

Telefon +45 41 71 27 73  
cvm@trm.dk  
www.trm.dk

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Til: Jakob Baadsgaard Jepsen (jabaj@fm.dk), Anne Ehrenreich (annehr@um.dk), Susanne Bo Christensen (subch@efkm.dk), TRM Carsten Vædele Madsen (cvm@TRM.dk), Erhvervs- og Vækstministeriet (evm@evm.dk), Andreas Meldgaard Goth (anmeg@fm.dk)  
Cc: Sidsel Bjøl (sidbj@mfvm.dk)  
Fra: Maria Klint Thelander (makbj@mfvm.dk)  
Titel: T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget (MFVM Id nr.: 2620672)  
Sendt: 10-11-2016 17:27:23

Kære alle

Til jeres orientering har vi netop fået resultatet af afstemningen om forslaget til vurdering af havmiljøtilstanden. Forslaget blev stemt igennem med kvalificeret flertal.

Danmark har efterfølgende rundsendt vedlagte statement.

Efter en lang og spændende diskussion og væsentlige imødekomelser fra EU-Kommissionen, endte forslaget

med at blive vedtaget. Indtil det allersidste var der betydelig spænding om udfaldet af afstemningen, da der var usikkerhed om, hvorvidt Tyskland ville stemme imod.

Fra den danske delegations synspunkt er en væsentlig imødekommelse, at det eksplicit fremgår af art. 6 i beslutningen, at hvert enkelt medlemsstat ved sin rapportering til EU-Kommissionen beslutter hvilke kriterielementer, grænseværdier og metodiske standarder, etableret på unions-, regionalt eller subregionalt niveau, de vil benytte ved fastsættelse af god miljøtilstand efter direktivets art. 9. Det blev dog vurderet, at det ikke var tilstrækkeligt til at ændre den danske position.

Udover Danmark stemte også Italien, Portugal, Kroatien, Slovenien, Malta og Cypern imod. Desuden deltog hverken Tjekkiet eller Slovakiet i mødet. Dermed var der kvalificeret flertal for forslaget.

En række lande har uformelt over Danmark udtrykt anerkendelse af den danske diplomatiske aktivitet inden mødet og erkendt, at den har medvirket til at hæve den politiske opmærksomhed i deres lande ift forslaget til EU-beslutning. Deres vurdering er derfor, at det danske pres har været med til at bane vejen for de imødekomelser, som EU-Kommissionen endte med at komme med til sidst.

Venlig hilsen

Maria Klint Thelander  
AC-medarbejder | Analyse, forskning og digitalisering  
+45 91 36 58 47 | makbj@mfvm.dk

Miljø- og Fødevarerministeriet  
Departementet | Slotsholmsgade 12 | 1216 København K | Tlf. +45 38 14 21 42 | mfvm@mfvm.dk |  
www.mfvm.dk

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## Aktdetaljer

Den 22. februar 2017

### Akttitel: VS: Komitésag om havmiljø Aktnummer: 382

Akt ID: 2771714  
Dato: 01-11-2016  
Type: Udgående  
Original titel: VS: Komitésag om havmiljø  
Dokumenter: [1] VS Komitésag om havmiljø.msg  
[2] Havstrategi notat.docx



**Til:** Årpenge mv. (kj@stm.dk), Årpenge mv. (kj@stm.dk), Årpenge mv. (kj@stm.dk)  
**Cc:** Anders Mikkelsen (ami@mfvm.dk), Henrik Hedeman Olsen (hehol@mfvm.dk)  
**Fra:** Sidsel Bjøl (sidbj@mfvm.dk)  
**Titel:** VS: Komité sag om havmiljø  
**Sendt:** 01-11-2016 19:00:39  
**Bilag:** Havstrategi notat.docx;

Kære Carsten, Michael og Jacob

Hermed som aftalt notat om GES-komité sag under havstrategidirektivet.

Mvh  
Sidsel

**Sidsel Bjøl**

Special Advisor | EU and International affairs  
+45 93 59 71 60 | sidbj@mfvm.dk

**Ministry of Environment and Food**

The Department | Slotsholmen 12 | 1216 Copenhagen K | Tel. +45 38 14 21 42 | mfvm@mfvm.dk | www.mfvm.dk

**Fra:** Carsten Grønbech-Jensen <CGJ@stm.dk>  
**Dato:** 31. oktober 2016 kl. 13.29.06 CET  
**Til:** "ami@mfvm.dk" <ami@mfvm.dk>  
**Cc:** "hehol@mfvm.dk" <hehol@mfvm.dk>, Michael Starbæk Christensen <msc@stm.dk>, "Jacob Kirk Jensen" <JKJ@stm.dk>  
**Emne:** Komité sag om havmiljø

Kære Anders

Der har i forrige uge i flere sammenhænge været drøftelser om håndteringen af den verserende komité sag om havmiljø. For bedre at kunne vurdere sagens sammenhæng vil vi gerne bede MFVM om at oversende en beskrivelse af den hidtidige håndtering af sagen herunder

- Sagens behandling i den almindelige EU-procedure (specialudvalg, EU-udvalg)
- Sagens behandling i relevante regeringsudvalg
- Koordinering forud for møder i den relevante komité
- Forudset koordination forud for møder i de regionale komitéer (HELCOM og OSPAR)
- Foreløbige ministerkontakter til Kommissionen og andre medlemslande
- Vurdering af behov for forelæggelse for Folketingets Europaudvalg

Det ville være fint, om vi kan få et notat om sagen inden kl. 13.00 i morgen.

Vh. Carsten

 Carsten Grønbech-Jensen  
Kommitteret (EU), Statsministeriet  
Direkte telefon +45 33 92 22 71  
Personlig e-post [cgj@stm.dk](mailto:cgj@stm.dk)



NOTAT



Ministry of Environment  
and Food of Denmark  
Department

EU og internationalt  
Ref. SIDBJ  
November 1 2016

## Kommissionens forslag til nye metoder og kriterier for god havmiljøtilstand (komitéprocedure)

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### Baggrund

Kommissionen har med hjemmel i havstrategidirektivet fremlagt et forslag til en komitesag med kriterier og metodiske standarder som medlemslandene skal anvende, når de vurderer, om der er god miljøtilstand i havmiljøet. Baggrund for forslaget er, at Kommissionen ikke mener, at medlemslandene gør nok for at opfylde målsætningen i Havstrategidirektivet om at opnå god miljøtilstand i havet i 2020. Kommissionen lægger op til, at der skal fastlægges *kvantitative* kriterier for vurdering af god miljøtilstand – hvor Danmark hidtil hovedsageligt har opereret med *kvalitative* kriterier. Dette ses som en opstramning. Det er en komitesag hvor der skal stemmes den 10. november.

Kommissionen fremsatte sit første uformelle udkast til forslaget i januar. Som led i en tidlig strategisk dansk interessevaretagelse i sagen, er det endelige forslag fra Kommissionen på en række afgørende punkter blevet justeret til dansk fordel. Kommissionens forslag er således gået fra at indeholde konkrete forslag til kvantitative tærskelværdier, til i sin endelige version alene at indeholde et krav om at medlemsstaterne senere skal fastsætte sådanne tærskelværdier i regi af de regionale havkonventioner/EU inden 2018 eller tidligst muligt derefter. Den tidlige danske interessevaretagelse i sagen har således resulteret i, at de akut farlige elementer i forslaget nu er slettet i Kommissionens endelige forslag.

Efter forslagets eventuelle vedtagelse forestår processen med fastlæggelsen af de konkrete tærskelværdier. Tærskelværdierne skal hovedsageligt fastsættes via samarbejde i de regionale havkonventioner – for Danmarks vedkommende er det i OSPAR (for Nordsøen) og HELCOM (for Østersøen). I enkelte tilfælde skal tærskelværdierne fastsættes i det uformelle koordinationsprogram under havstrategidirektivet (Common Implementation Strategy) – det gælder for undervandsstøj, marint affald og forstyrrelse/tab af havbunden. I alle tre fora vil Danmark kunne få betydelig indflydelse på resultatet, da det er kutyme at vedtagelser i disse fora sker med enstemmighed. [REDACTED]

I relation til Kommissionens formelle forslag der er til afstemning den 10. november, vurderer Miljø- og Fødevarerministeriet, at forslaget vil hæve beskyttelsesniveauet i Danmark på en række områder, men samtidig kan forslaget potentielt på sigt, når tærskelværdierne på et senere tidspunkt skal fastsættes, få væsentlige økonomiske og administrative konsekvenser for både staten og en lang række erhverv, herunder særligt fiskerierhvervet, afhængigt af hvilket niveau tærskelværdierne fastsættes på.

## Proces

### **Sagens behandling i EU-procedure**

Den formelle behandling af et komitéforslag i EU-procedure påbegynder først, når det endelige forslag bliver fremlagt af Kommissionen, typisk 14 dage før afstemning. Kommissionen offentliggjorde sit endelige formelle forslag den 27. oktober. MFVM udarbejde derefter et rammenotat som blev cleareret mellem de involverede ministerier (FM, UM, EFKM, TRM og EVM) den 28. oktober. Rammenotatet afspejler regeringens holdning og indstillingerne i Ø-sagen. Notatet blev derefter den 28. oktober sendt i høring i EU-miljøspecialudvalget, hvor der den 31. oktober er fremkommet en håndfuld høringssvar, der ikke giver anledning til ændring i regeringens holdning. Derefter udestår skriftlig proces i EEU og ift Folketinget.

Som det fremgår ovenfor har MFVM forinden iværksættelsen af den formelle EU procedure drevet en tidlig interessevaretagelsesindsats siden Kommissionens 1. uformelle udkast forelå den 14. januar. Alle relevante ministerier er løbende blevet orienteret og inddraget i indsatsen (jfr vedhæftede gennemgang af sagsforløbet). Desuden har MFVM siden sagens start regelmæssigt hørt en bred kreds af danske interessenter samt EU-miljøspecialudvalget. Jf. vedlagte gennemgang af forløbet, har der været høringer i marts, april, september og oktober.

[Redacted text block]

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### **Koordinering forud for møder i den relevante komité**

Styrelsen for Vand og Naturforvaltning repræsenterer Danmark i komitéen. Som det fremgår af vedlagte gennemgang af sagsforløbet har MFVM koordineret tæt med relevante ministerier, styrelser og interessenter, siden Kommissionen forelagde det 1. udkast i januar. Derudover har MFVM





## Aktdetaljer

Den 22. februar 2017

### Akttitel: SV: Komitésag om havmiljø Aktnummer: 384

Akt ID: 2802422  
Dato: 02-11-2016  
Type: Udgående  
Original titel: SV: Komitésag om havmiljø  
Dokumenter: [1] SV Komitésag om havmiljø.msg  
[2] 20161101 Historik for GES.docx

**Til:** Årpenge mv. (kj@stm.dk), Årpenge mv. (kj@stm.dk), Årpenge mv. (kj@stm.dk)  
**Cc:** Anders Mikkelsen (ami@mfvm.dk), Henrik Hedeman Olsen (hehol@mfvm.dk)  
**Fra:** Sidsel Bjøl (sidbj@mfvm.dk)  
**Titel:** SV: Komité sag om havmiljø  
**Sendt:** 02-11-2016 08:21:58  
**Bilag:** 20161101 Historik for GES.docx;

Kære alle

Jeg glemte at vedhæfte vores "historik" for håndtering af sagen. Det er et internt dokument, så sig endelig til, hvis der er nogle elementer, I ikke forstår.

Mvh  
Sidsel

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**Fra:** Sidsel Bjøl  
**Sendt:** 1. november 2016 19:01  
**Til:** 'cgj@stm.dk'; 'msc@stm.dk'; 'jkj@stm.dk'  
**Cc:** Henrik Hedeman Olsen (hehol@mfvm.dk); Anders Mikkelsen (MFVM-DEP)  
**Emne:** VS: Komité sag om havmiljø

Kære Carsten, Michael og Jacob

Hermed som aftalt notat om GES-komité sag under havstrategidirektivet.

Mvh  
Sidsel

**Sidsel Bjøl**  
Special Advisor | EU and International affairs  
+45 93 59 71 60 | [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk)

**Ministry of Environment and Food**  
The Department | Slotsholmen 12 | 1216 Copenhagen K | Tel. +45 38 14 21 42 | [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk) | [www.mfvm.dk](http://www.mfvm.dk)

**Fra:** Carsten Grønbech-Jensen <[CGJ@stm.dk](mailto:CGJ@stm.dk)>  
**Dato:** 31. oktober 2016 kl. 13.29.06 CET  
**Til:** "[ami@mfvm.dk](mailto:ami@mfvm.dk)" <[ami@mfvm.dk](mailto:ami@mfvm.dk)>  
**Cc:** "[hehol@mfvm.dk](mailto:hehol@mfvm.dk)" <[hehol@mfvm.dk](mailto:hehol@mfvm.dk)>, Michael Starbæk Christensen <[msc@stm.dk](mailto:msc@stm.dk)>, "Jacob Kirk Jensen" <[JKJ@stm.dk](mailto:JKJ@stm.dk)>  
**Emne:** Komité sag om havmiljø

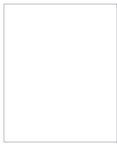
Kære Anders

Der har i forrige uge i flere sammenhænge været drøftelser om håndteringen af den verserende komité sag om havmiljø. For bedre at kunne vurdere sagens sammenhæng vil vi gerne bede MFVM om at oversende en beskrivelse af den hidtidige håndtering af sagen herunder

- Sagens behandling i den almindelige EU-procedure (specialudvalg, EU-udvalg)
- Sagens behandling i relevante regeringsudvalg
- Koordinering forud for møder i den relevante komité
- Forudset koordination forud for møder i de regionale komitéer (HELCOM og OSPAR)
- Foreløbige ministerkontakter til Kommissionen og andre medlemslande
- Vurdering af behov for forelæggelse for Folketingets Europaudvalg

Det ville være fint, om vi kan få et notat om sagen inden kl. 13.00 i morgen.

Vh. Carsten



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Carsten Grønbech-Jensen  
Kommitteret (EU), Statsministeriet  
Direkte telefon +45 33 92 22 71  
Personlig e-post [cgj@stm.dk](mailto:cgj@stm.dk)





**Miljø- og  
Fødevareministeriet**  
Departementet

Analyse, forskning og  
digitalisering  
J.nr. 2106-2629  
Ref. MAKBJ/SIDBJ  
Den 1. november 2016

## Historik ift. komitesag om kriterier for god miljøtilstand i havet

Hvornår	Hvad
14. januar 2016	SVANA modtager 1. udkast til forslaget fra Kommissionen
22. januar 2016	SVANA kontakter DEP (EUI)
27. januar 2016	1. komitémøde.  SVANA deltager
Medio februar 2016	SVANA indsender udkast til rammenotat til DEP på baggrund af 1. udkast.
15. februar	2. udkast fra Kommissionen
16. februar	EUI (Vibeke) kontakter AFD (Signe A) mhp. at få udarbejdet konsekvensvurderinger af forslaget
9. marts	Lars Møller Christiansen skriver til Anders Mikkelsen og Henrik Hedeman  Gør opmærksom på at ministeren skal orienteres om at sagen er på vej
24. februar	SVANA sender forslaget i høring hos TRM, SFS, ENS og FMN
1.+2. marts	2. Komitémøde  SVANA deltager. [REDACTED] faciliterer SVANA formøde med en række medlemslande mhp. at samle modstand mod forslaget.
4. marts	Møde i SVANA med relevante fra DEP, NAER, MST  Videre proces omkring analyser aftales – opsamling udsendt 10/3
14. marts	I samarbejde med 14 andre medlemslande sender SVANA "headline comments" til Kommissionen med bekymringer om



	forslaget
16. marts	EUI bestiller strateginotat i SVANA med frist lige efter påske
Medio marts	Den danske fiskeriattaché tager kontakt til andre lande mhp. at samle modstand mod forslaget.
18. marts	SVANA sender forslaget i høring til en bred kreds af interessenter
18. marts	SVANA leverer strateginotat
13. april	MFVM-statusmøde i SVANA
14. april	SVANA sender mail til Danmarks Fiskeriforening PO og WWF Verdensnaturfonden og gør opmærksom på høringen.
15. april	Orientering sendes til FM
18. april	Møde med FM på embedsmandsniveau Tidlig orientering om sagen
19. april	DTU-aqua præsenterer analyse af konsekvenser for fiskeriet om max 30% menneskelig påvirkning af havbundens naturtyper
22. april	Ministeren orienteres mundtligt om sagen af Henrik Hedeman og Jonas Villadsen
5. maj	3. udkast fra Kommissionen
13. maj	DEP-Statusmøde EUI, N&K, AFD, Jura
13. maj	Orienteringsnotat rundsendes til EVM, FM, TRBM, EFKM/ENS
13. maj	Orientering lægges til ministeren, der godkender 17. maj
17. maj	Tværministerielt orienteringsmøde med deltagelse af FM, EVM, TRBM, EFKM/ENS
18. maj	Møde ml. DG Mare og DK's og Irlands EU-ambassadører Problematisering af sagen med fokus på konsekvenser for fiskeriet
19. maj	Evt. pkt på rådsarbejdsgruppen for internt og eksternt fiskeri DK orienterer andres landes fiskeriministerier

19. + 20. maj	<p>3. Komitémøde</p> <p>SVANA deltager. Endvidere deltager SVANA og den danske fiskeri-attaché i et formøde den 19. maj mellem en række lande, der har bekymringer ift. forslaget.</p> <p>Afstemning rykkes fra juni til efteråret</p>
25. maj	<p>Anders Mikkelsen deltager i Scheveningen High Level. DK rejste sagen og henledte de andre landes fiskerirepræsentanter på sagen, som de ikke alle var bekendte med.</p>
2. juni	<p>FM orienterer om at sagen vurderes som højrisikosag</p> <p>Hårdest mulige DK-linje i forhandlingerne, samt ØU-behandling september</p>
6. juni	<p>En række EU Ambassadører, herunder den danske, skriver til Generaldirektøren for DG MARE i Kommissionen om bekymringer ift. forslagets konsekvenser for fiskeri.</p>
8. juni	<p>Et opdateret papir med "headline comments" sendes til EU's havdirektører og DG Envi på vegne af de 14 medlemslande. Irland er afsender.</p>
9. + 10. juni	<p>Diskussion på havdirektørmøde</p> <p>DK problematiserer forslaget under mødet.</p> <p>SVANA deltager</p>
14. juni	<p>4. udkast fra Kommissionen</p> <p>Store indrømmelser</p>
19. juni	<p>Sagen kommer på under evt. pkt. på rådsarbejdsgruppen for internt og eksternt fiskeri.</p> <p>██████████ Danmark og ██████████ udtrykker fortsat bekymringer.</p>
29. juni	<p>4. Komitémøde</p> <p>Svana deltager</p> <p>Modstanden i komitéen mod forslaget viger.</p>
30. juni	<p>SVANA orienterer DEP om møde d. 29/6</p>
1. juli	<p>Statusmail til FM, EVM, TRBM og EFKM/ENS</p>

15. august	SVANA sender opdateret strateginotat til DEP Til brug for KCL-forelæggelse
5. september	Statusmød med FM
9. september	Blå sag fra SVANA Godkender linjen i ØU-materiale
15. september	Udkast til STG-materiale lægges til godkendelse Ministereren godkender 23/9
15. september	Kommissionen sender forslaget i en bred europæisk høring. Frist 12. oktober
20. september	SVANA sender forslaget videre i høring til en bred kreds af interessenter. Frist 12. oktober
30. september	Sagen drøftes på STG Charlotte Ahrendt deltager
6. oktober	MFVM, UM og FM mødes mhp. at drøfte hjemlen i det forestående forslag.
7. oktober	SVANA sender brev til udvalgte brancher og gør opmærksom på Kommissionens høring.
12. oktober	Sagen drøftes på ØU
19. oktober	MFVM afsender breve fra ministeren til relevante EU-kolleger (miljø- og landbrugsministre i 20 lande)
20. oktober	UM videreformidler MFVM's instruks til relevante ambassader, samt EU-repræsentationen.
27. oktober	Sagen drøftes på IU
27. oktober	Kommissionens forslag bliver fremlagt forud for afstemning den 10. november Rammenotat bliver skrevet på et endeligt forslag og koordineret med FM, UM, EFKM, TRM og EVM
28. oktober	Rammenotat bliver sendt ud i EU-miljøspecialudvalg

1. november	Ministeren taler med EU-ordfører fra VKLADF
2. november	Frist for oversendelse til FEU
10. november	Afstemning i komitéen



## Aktdetaljer

**Akttitel: Kommissionens udkast til forslag om afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand under havstrategidirektivet**

**Aktnummer:**

Akt ID: 2194979

Dato: 09-03-2016

Type: Udgående

Original titel: Kommissionens udkast til forslag om afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand under havstrategidirektivet

Dokumenter: [1] Kommissionens udkast til forslag om afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand under havstrategidirektivet.msg

Den 22. februar 2017

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**Til:** DOG@TRM.dk (DOG@TRM.dk)  
**Cc:** Maria Klint Thelander (makbj@mfv.dk), Andreassen, Ditte Mandøe (diman@nst.dk)  
**Fra:** Jonas Fredsted Villadsen (jofvi@mfv.dk)  
**Titel:** Kommissionens udkast til forslag om afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand under havstrategidirektivet  
**Sendt:** 09-03-2016 15:42:54

Kære Dorthe,

Tak for snakken. Som lovet hermed lidt om processen:

Kommissionens udkastet til forslag om afgørelse vedr. fastsættelse af kriterier og metodiske standarder for god miljøtilstand under havstrategidirektivet forventes at komme til afstemning i komiteen den 15. juni. Som nævnt er det forslag, som TRM er kommet med høringssvar på alene et første udkast fra Kommissionen. Udkastet har endnu ikke været igennem intern procedure i Kommissionen. Fra medlemsstaternes side vil der endvidere være mulighed for, at komme med indsigelser dels i forbindelse med et uformelt møde i Brx. i april og dels i forbindelse med formelt komitemøde i maj. Først derefter fremlægger kommissionen sit endelige forslag.

Vi holder som aftalt tæt kontakt i sagen og inddrager jer, så snart vi er blevet mere skarpe på forslaget potentielle konsekvenser.

Uanset hvad tales ved i næste uge for at vende fremdriften i sagen.

De bedste hilsner,

Jonas

**Jonas Fredsted Villadsen**

Policy Advisor  
EU og International Affairs | International  
Phone: +45 41 31 85 29 email: jofvi@mfv.dk

**Danish Ministry of Environment and Food**

EU International Affairs | Slotsholmsgade 12 | DK 1215 København K | Tlf. +45 33 92 33 01 | mfv@mfv.dk | www.mfv.dk



## Aktdetaljer

**Akttitel: SV: - HASTET : Marine Strategy Framework Directive - Good Environmental Status - VIL HA MØDE MED KOM TORSDAG I DENNE UGE - VIL DK MED?**

**Aktnummer:**

Akt ID: 2325184

Dato: 17-05-2016

Type: Udgående

Original titel: SV: - HASTET : Marine Strategy Framework Directive - Good Environmental Status - VIL HA MØDE MED KOM TORSDAG I DENNE UGE - VIL DK MED?

Dokumenter: [1] SV - HASTET Marine Strategy Framework Directive - Good Environmental Status - VIL HA MØDE MED KOM TORSDAG I DENNE UGE - VIL DK MED.msg

Den 22. februar 2017

**Til:** Annette Schneider Nielsen (anschn@um.dk)  
**Cc:** Line Groth Rasmussen (linras@um.dk), Jane Pedersen (janepe@um.dk), Jesper Wulff Pedersen (jwp@mfvm.dk), Anders Mikkelsen (ami@mfvm.dk), Maria Klint Thelander (makbj@mfvm.dk), Vibeke Jørgensen (vibej@mfvm.dk), Henrik Hedeman Olsen (hehol@mfvm.dk), Andreassen, Ditte Mandøe (diman@nst.dk)  
**Fra:** Jonas Fredsted Villadsen (jofvi@mfvm.dk)  
**Titel:** SV: - HASTET : Marine Strategy Framework Directive - Good Environmental Status - [REDACTED] VIL HA MØDE MED KOM TORSDAG I DENNE UGE - VIL DK MED?  
**Sendt:** 17-05-2016 12:24:27

Kære Annette,

Efter samtale med Henrik og Jesper indstiller vi herfra at Vibeke Pasternak deltager i mødet. Vi bidrager selvfølgelig herfra med baggrund og hovedbudskaber.

De bedste hilsner,

Jonas

PS Ditte sender du ikke lige til hvem der ellers er relevant.

-----Oprindelig meddelelse-----

Fra: Annette Schneider Nielsen [mailto:anschn@um.dk]  
Sendt: 17. maj 2016 10:38  
Til: Jonas Fredsted Villadsen (MFVM-DEP)  
Cc: Henrik Hedeman Olsen (MFVM-DEP); Jesper Wulff Pedersen (MFVM-DEP); Line Groth Rasmussen; Jane Pedersen; Vibeke Jørgensen (MFVM-DEP)  
Emne: VS: - HASTET : Marine Strategy Framework Directive - Good Environmental Status - [REDACTED] VIL HA MØDE MED KOM TORSDAG I DENNE UGE - VIL DK MED?

Kære Jonas

Se nedenfor - [REDACTED] spørger om DK (og [REDACTED]) vil deltage i møde med KOM torsdag i denne uge forud for komite-møde.

"My authorities have asked me to send the attached letter to Director General Machado and to seek an urgent meeting with him in advance of the comitology meeting on Thursday when the GES will be discussed.

I understand that Denmark and [REDACTED] also have expressed concerns about the proposed revision of the GES.

I would be grateful to know if you would be interested in joining with me in making representations to the Commission to convey our concerns on this issue."

Annette

-----Oprindelig meddelelse-----

Fra: Vibeke Jørgensen (MFVM-DEP) [mailto:vibej@mfvm.dk]  
Sendt: 17. maj 2016 10:28  
Til: Jane Pedersen  
Cc: Martin Schneekloth (MFVM-DEP); Annette Schneider Nielsen; Jonas Fredsted Villadsen  
Emne: SV: Marine Strategy Framework Directive - Good Environmental Status

Det er Jonas:-)

KH Vibeke

-----Oprindelig meddelelse-----

Fra: Jane Pedersen [mailto:janepe@um.dk]



Sendt: 17. maj 2016 10:22

Til: Vibeke Jørgensen (MFVM-DEP)

Cc: Martin Schneekloth (MFVM-DEP); Annette Schneider Nielsen

Emne: Fwd: Marine Strategy Framework Directive - Good Environmental Status

Kære Vibeke,

Er det dig? Se nedenfor.

/Jane

Sendt fra min iPhone

Start på videresendt besked:

Fra: Vibeke Pasternak Jørgensen <vipajo@um.dk<mailto:vipajo@um.dk>>

Dato: 17. maj 2016 kl. 10.13.38 CEST

Til: Jane Pedersen <janepe@um.dk<mailto:janepe@um.dk>>

Emne: Vs: Marine Strategy Framework Directive - Good Environmental Status

Se denne....

Sendt fra min iPhone

Start på videresendt besked:

[Redacted text block]

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## Aktdetaljer

**Akttitel:** Fjerde version af Kommissionens forslag til god miljøtilstand i havet

**Aktnummer:**

Akt ID: 2375000

Dato: 14-06-2016

Type: Indgående

Original titel: Fjerde version af Kommissionens forslag til god miljøtilstand i havet

Dokumenter: [1] Fjerde version af Kommissionens forslag til god miljøtilstand i havet.msg  
[2] CTTEE\_14-2016-03\_Proposal for a Commission Decision on GES criteria-V4 FINAL.pdf (MEDTAGES IKKE)  
[3] MSFD\_GESDecision\_AnnexIII\_DK\_Comments.xlsx (MEDTAGES IKKE)

Den 22. februar 2017

**Til:** Annette Schneider Nielsen (anschn@um.dk), Line Groth Rasmussen (linras@um.dk), Maria Klint Thelander (makbj@mfvm.dk), Jonas Fredsted Villadsen (jofvi@mfvm.dk)  
**Fra:** Andreasen, Ditte Mandøe (diman@nst.dk)  
**Titel:** Fjerde version af Kommissionens forslag til god miljøtilstand i havet  
**Sendt:** 14-06-2016 23:44:15  
**Bilag:** CTTEE\_14-2016-03\_Proposal for a Commission Decision on GES criteria-V4 FINAL.pdf; MSFD\_GESDecision\_AnnexIII\_DK\_Comments.xlsx;

Kære alle.

Så er 4. version af Kommissionens forslag allerede på gaden.

Bemærk, at Kommissionen denne gang beder om skriftlige kommentarer på vores største kritikpunkter FØR mødet (punkt 1 nedenfor). Endvidere tænker jeg, at de ønsker en vejledende afstemning på mødet, jf. punkt 2 nedenfor. (DK må stemme i mod (samtidig med at vi tager parlamentarisk forbehold tænker jeg), da vores afgørende punkter fortsat ikke er imødekommet):

1. *In order to facilitate conclusive discussions at the meeting, please let us know of your remaining main points, if any, in advance of the Committee meeting and at the latest by 24 June 2016,*
2. *Discuss the attached draft during the Committee meeting and come to a conclusion as to the future of this initiative.*

Maria – vil du sende dokumentet rundt til den danske myndighedskreds? Evt. med frist for bemærkninger på mandag 20/6.

Jeg bemærker følgende i det opdaterede forslag ved en meget hurtig gennemlæsning:

● [Redacted text block]

Venlig hilsen

**Ditte Mandøe Andreasen**  
Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

**Miljø- og Fødevarerministeriet**  
Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)

*NATURSTYRELSEN BLIVER DELT I TO*

*Fra 1. juli 2016 bliver Naturstyrelsen delt i to. Styrelsen for Vand- og Naturforvaltning (SVANA), som er overordnet statslig myndighed på vand- og naturområdet, og Naturstyrelsen (NST), som skal forvalte Miljø- og Fødevarerministeriets skov- og naturarealer og gennemføre projekter til gavn for biodiversitet og friluftsliv.*

*Læs mere om delingen på [www.nst.dk/opdeling](http://www.nst.dk/opdeling)*

**Fra:** Ditte Mandøe Andreasen

**Sendt:** 7. juni 2016 11:49

**Til:** Signe Jung-Madsen; Morten Brozek; Lone Munk Søderberg; Ulrik Christian Berggreen; Marie-Louise Krawack; Lone

Reersø Hansen; Kim Rægaard (Naturerhvervstyrelsen) ([kimrae@naturerhverv.dk](mailto:kimrae@naturerhverv.dk)); Agnete Sigurd

**Cc:** Lisbet Ølgaard; Thomas Skovgaard Mortensen

**Emne:** Kommentarer til fjerde version af Kommissionens forslag til god miljøtilstand i havet

Kære alle.

Denne mail er blot for at advare jer om, at jeg sender jer 4. udgave af Kommissionens forslag til afgørelse om god miljøtilstand torsdag den 16. juni med **frist for bemærkninger torsdag den 23/6**. Der vil ikke være mulighed for at udskyde fristen og bemærkningerne skal som vanligt indskrives på engelsk i det excel-dokument jeg medsender i bestillingen.

Jeg vil derfor allerede nu bede jer sætte tid af til opgaven.

Venlig hilsen

**Ditte Mandøe Andreasen**

Fuldmægtig | Naturbeskyttelse

+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

**Miljø- og Fødevarerministeriet**

Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)

*NATURSTYRELSEN BLIVER DELT I TO*

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*Læs mere om delingen på [www.nst.dk/opdeling](http://www.nst.dk/opdeling)*



## Aktdetaljer

Den 22. februar 2017

### Akttitel: Møde i morgen om havstrategidirektivet Aktnummer:

Akt ID: 2537394

Dato: 05-10-2016

Type: Udgående

Original titel: Møde i morgen om havstrategidirektivet

Dokumenter: [1] Møde i morgen om havstrategidirektivet.msg

[2] Bilag 2 - Notat om hjemmel til kommissionen - havstrategidirektivet-1.docx

**Til:** moneim@um.dk (moneim@um.dk), Lone Knudsen (lonknu@um.dk)  
**Cc:** Morten Gudmann Christensen (mogch@mfvm.dk), Maria Klint Thelander (makbj@mfvm.dk), Sille Juhl Prang (sipra@svana.dk), Ditte Mandøe Andreasen (diman@svana.dk)  
**Fra:** Sidsel Bjøl (sidbj@mfvm.dk)  
**Titel:** Møde i morgen om havstrategidirektivet  
**Sendt:** 05-10-2016 17:23:17  
**Bilag:** Bilag 2 - Notat om hjemmel til kommissionen - havstrategidirektivet-1.docx;

Kære Lone og Monica

Vedhæftet har MFVM udarbejdet et kort notat, der beskriver vores vurdering af, hvorvidt Kommissionen har hjemmel til sit forslag om kriterier for god miljøtilstand. Vores umiddelbare vurdering er, at Kommissionen overskrider sin hjemmel, jf. notatet.

Vi ønsker dog at drøfte dette med jer og få jeres vurdering af, hvorvidt forslaget klokkeklart er i modstrid med hjemlen i moderdirektivet. Derudover ønsker vi også at drøfte følgende elementer med jer:

- Kan UM komme med eksempler på, hvordan beføjelsen omkring ikke-væsentlige ændringer tidligere har været anvendt?
- Hvordan er ikke-væsentligt defineret?
- Har I forslag til, hvor vi kan anfægte Kommissionens forslag?
- Hvordan ser processen ud, hvis det vurderes som væsentlig ændring? Hvad er jeres erfaring med det?

Mvh  
Sidsel

**Sidsel Bjøl**

Special Advisor | EU and International affairs  
+45 93 59 71 60 | sidbj@mfvm.dk

**Ministry of Environment and Food**

The Department | Slotsholmen 12 | 1216 Copenhagen K | Tel. +45 38 14 21 42 | mfvm@mfvm.dk | www.mfvm.dk



NOTAT



**Miljø- og  
Fødevareministeriet**  
Styrelsen for Vand- og  
Naturforvaltning

Naturbeskyttelse  
J.nr. SVANA-401-00260  
Ref. SIPRA  
Den 4. oktober 2016

## Afklaring af hjemmel til Kommissionens forslag om kriterier for god miljøtilstand efter havstrategidirektivet

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### Indledning

EU's Havstrategidirektiv har til formål at skabe en ramme for, at medlemslandene træffer foranstaltninger til at opnå eller opretholde en god miljøtilstand i havmiljøet senest i år 2020.

På baggrund af landenes seneste indberetninger har Kommissionen vurderet, at der er behov for, at medlemslandene gør sig større anstrengelser og øger den regionale koordinering, hvis målet om god miljøtilstand for EU i 2020 skal nås.

Kommissionen har udarbejdet et forslag til kommissionsafgørelse om metoder og kriterier for, hvordan "god miljøtilstand" skal opgøres med henvisning til direktivet art. 9, stk. 3. Forslaget skal erstatte den gældende komitébeslutning fra 2010, som ikke indeholdt krav om tærskelværdier. Inden for direktivets 11 deskriptorer angiver forslaget således en række kriterier og metoder, som medlemslandene skal anvende til at vurdere havmiljøets tilstand. Der er for eksempel krav om at fastsætte tærskelværdier for, hvor stort et areal af havbunden, der må være negativt påvirket, omfanget af eutrofiering, miljøfarlige stoffer, marint affald og undervandsstøj samt udbredelsen af bestemte arter, fx fugle og sæler. Kommissionens forslag pålægger for en lang række kriterier medlemslandene at opstille kvantitative tærskelværdier for god miljøtilstand.

Forslaget behandles efter en komité procedure med hjemmel i havstrategidirektivet (forskriftsprocedure med kontrol). Forslaget ventes sendt til afstemning 10. november 2016.

### Hjemmelsspørgsmål

God miljøtilstand er defineret i direktivets artikel 3, nr. 5. Her fremgår det blandt andet, at en god miljøtilstand beskrives for havregionen eller subregionen på grundlag af de kvalitative deskriptorer i bilag 1. Endvidere fremgår det af direktivets artikel 9, hvordan medlemsstaterne skal beskrive god miljøtilstand. Dette skal ske på grundlag af de kvalitative deskriptorer i bilag I (stk.1), de vejledende lister i bilag III (stk. 1, 2. og 3. afsnit) og på grundlag af kriterier og metodiske standarder, som Kommissionen fastsætter (stk. 3).

Kriterier er defineret i direktivets artikel 3, nr. 6 som distinktive tekniske træk, der er nært forbundet med kvalitative deskriptorer.

Miljømål er defineret i havstrategidirektivets artikel 3, nr. 7, som værende "en kvalitativ eller kvantitativ beskrivelse af den ønskede tilstand...".

Kommissionen har anvendt havstrategidirektivets artikel 9, stk. 3 til at fremlægge forslaget.

Artikel 9, stk. 3 tillægger Kommissionen kompetence til på grundlag af de kvalitative deskriptorer i direktivets bilag I og de vejledende lister i bilag III at fastlægge ”kriterier og metodiske standarder, som medlemsstaterne skal anvende, og som udformes med henblik på ændring af ikke-væsentlige elementer i dette direktiv ved at supplere det, for at sikre konsistens og gøre det muligt at foretage en sammenligning mellem havregioner eller subregioner med hensyn til, i hvilket omfang der er opnået en god miljøtilstand”.

#### **Væsentligheds- og/eller substansvurdering**

- 1) Det fremgår ikke af direktivet, at god miljøtilstand *skal* fastsættes kvantitativt. Tværtimod fremgår det af artikel 3, stk. 5, at de 11 kvalitative deskriptorer i bilag 1 er omdrejningspunktet for beskrivelsen af god miljøtilstand.
- 2) Det fremgår heller ikke, at kriterierne *skal* beskrives kvantitativt via målbare tærskelværdier, sådan som Kommissionen har foreslået i sit udkast til afgørelse.

Det er således MFVM's vurdering, at direktivet giver mulighed for at fastsætte god miljøtilstand kvalitativt såvel som kvantitativt.

Det er således MFVM's vurdering, at ved at begrænse miljøtilstandsvurderingen til alene kvantitative kriterier jf. forslag med hjemmel i artikel 9, stk. 3, vil Kommissionens forslag indirekte begrænse direktivets artikel 3, stk. 7, og dermed medlemslandenes mulighed for at fastsætte miljømål som en kvalitativ beskrivelse. Indsnævringen af medlemslandenes valgmulighed ifm. opgørelse af god miljøtilstand, vurderer MFVM ikke kan kvalificeres som et ikke-væsentligt element.

Endvidere kan det oplyses, at Danmark via EU-Repræsentationen har kontaktet Rådets Juridiske Tjeneste mhp. en vurdering af dette spørgsmål. Dette har Rådets Juridiske Tjeneste afvist med henvisning til at forslaget til afgørelse forhandles i en komité under EU-Kommissionen.



## Aktdetaljer

Den 22. februar 2017

### Akttitel: Udkast til instruktion til Reppen Aktnummer:

Akt ID: 2557279  
Dato: 16-10-2016  
Type: Udgående  
Original titel: Udkast til instruktion til Reppen  
Dokumenter: [1] Udkast til instruktion til Reppen.msg  
[2] 20161013 instruktion GES.docx

**Til:** Louise Berth (louber@um.dk), Andreas Meldgaard Goth (anmeg@fm.dk), Jakob Baadsgaard Jepsen (jabaj@fm.dk), Anne Ehrenreich (annehr@um.dk)  
**Cc:** Ditte Mandøe Andreasen (diman@svana.dk), Maria Klint Thelander (makbj@mfvm.dk)  
**Fra:** Sidsel Bjøl (sidbj@mfvm.dk)  
**Titel:** Udkast til instruktion til Reppen  
**Sendt:** 16-10-2016 15:00:11  
**Bilag:** 20161013 instruktion GES.docx;

Kære kolleger

Vedhæftet er udkast til en instruktion til Reppen pbga ø-cover. Hermed en mulighed for jer til at kommentere på den, inden vi vil bede UM om at sende den af sted.

Frist for kommentarer: mandag 17/10 COB.

Mvh  
Sidsel

**Sidsel Bjøl**

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**Ministry of Environment and Food**

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NOTAT



**Ministry of Environment  
and Food of Denmark**  
Department

EU og internationalt  
Ref. SIDBJ  
October 13 2016

## Instruktion til EU repræsentationen ang. Kommissionens forslag til nye metoder og kriterier for god havmiljøtilstand

### Problemstilling

Kommissionens forslag om nye metoder og kriterier for opgørelsen af god havmiljøtilstand i EU pålægger medlemslandene at opfylde kvantitative tærskelværdier for god havmiljøtilstand. Forslaget forventes at kunne få omfattende statsfinansielle og erhvervsøkonomiske konsekvenser for Danmark.

Kommissionens forslag vurderes problematisk, da Danmark formentlig vil blive forpligtet af tærskelværdier i regi af HELCOM og OSPAR, hvorved en lang række erhverv kan blive pålagt store byrder. Der kan endvidere være risiko for, at Danmarks konkurrenceevne vil blive forringet over for EU-lande, der indgår i andre havregionssamarbejder, hvor der fastsættes mere lempelige tærskelværdier. Derudover bemærkes det, at der endnu ikke foreligger et tilstrækkeligt videnskabeligt grundlag til at fastsætte tærskelværdier for en række af kriterierne i forslaget.

Miljø- og Fødevareministeren har den **x.x.** sendt ministerbrev til **lande**<sup>1</sup> mhp. at forsøge at skabe et blokerende mindretal forud for afstemningen.

**Kommentar [SB1]:** Afventer fortsat vores ministers godkendelse af brevet

Sagen har været behandlet i regeringens Økonomiudvalg den 12. oktober 2016. Her blev det besluttet, at Danmark ikke kan støtte Kommissionens forslag. Derudover blev det vurderet nødvendigt at sikre mere politisk opmærksom om sagen ved at søge at flytte afstemningen til Rådet samt ved at søge at mobilisere andre medlemslande.

### Instruktion

På baggrund af dette anmodes EU-repræsentationen følgende (jf. ØU-cover):

- Foretage en officiel anmodning til Kommissionen mhp. at søge at flytte afstemningen fra komitéprocedure tilbage til Rådet. Repræsentationen skal søge opbakning hertil blandt relevante medlemslande.
- EU-repræsentationen skal i den forbindelse tage bilateral kontakt til relevante medlemslandes COREPER-ambassadører for at skabe opmærksomhed om Danmarks bekymring ved forslaget.

<sup>1</sup>

## **Baggrund**

Forslaget behandles i en komité under Havstrategidirektivet og skal vedtages ved kvalificeret flertal. Forslaget forventes sat til afstemning den 10.-11. november 2016. Det er sandsynligt, at der opnås kvalificeret flertal for forslaget.

Forslagets formål er at sikre konsistens og sammenlignelighed mellem landenes implementering af Havstrategidirektivet. Inden for 11 deskriptorer/emner angiver forslaget således en række kriterier og metoder, som medlemslandene skal anvende til at vurdere havmiljøets tilstand. Derudover angiver forslaget, hvilke elementer i havmiljøet, der skal overvåges smat i nogle tilfælde også, hvor ofte disse skal overvåges.

Det har været en dansk overvejelse, om Kommissionen med forslaget muligvis overskrider sin bemyndigelse i Havstrategidirektivet, da Kommissionen efter komitéproceduren, som forslaget behandles under, kun har mulighed for at fremsætte ikke-væsentlige ændringsforslag. Udenrigsministeriets JTEU-kontor vurderer umiddelbart, at det ud fra en ordlydsfortolkning ikke er tydeligt, at Kommissionen overskrider sin kompetence.

Miljø- og Fødevareministeriet havde i de tidligere forhandlingsfaser samlet en gruppe af ligesindede medlemslande i et blokerende mindretal, der problematiserede, hvorvidt Kommissionen havde overskredet sin bemyndigelse i forslaget, hvorvidt der var tilstrækkeligt videnskabeligt grundlag for en række tærskelværdier, samt fremhævede de mulige økonomiske konsekvenser. Som følge heraf, er Kommissionen kommet med en række indrømmelse og justeringer af forslaget. Tilslutningen til gruppen af ligesindede har herefter været vigende, hvilket har resulteret i, at det blokerende mindretal ikke længere vurderes til stede. Det er således sandsynligt, at der opnås kvalificeret flertal for forslaget.

## **Beredskab**

- Concerns about a current proposal for a Commission Decision on Good Environmental Status (GES) in the marine environment, pursuant to the Marine Strategy Framework Directive.
- Apprehensive about the fact that the general content of the proposed Commission Decision goes beyond a technical revision and thereby goes beyond the legal basis for Commission Decisions in the Marine Strategy Framework Directive.
- The proposed Decision obliges the Member States to define quantitative values for GES on a large number of criteria. Worried that this Decision will have significant economic implications for other policy strands such as fisheries, aquaculture, energy, transportation, offshore oil and gas, construction activities etc., as well as severe administrative burdens for the public sector in the Member States.
- Concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive.
- Lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats.
- Issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria.

- Although the negotiations are taking place in a Regulatory Committee under the Marine Strategy Framework Directive, I find the abovementioned concerns sufficient to consider moving the decision to the Council.

- The vote is expecting to take place November 10th, 2016 and I hope, you will take the concerns mentioned into consideration and consider voting against the Commission's decision.

### **Frist og modtagerkreds**

Fredag den 28. oktober til [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk), cc. [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk); [lioel@svana.dk](mailto:lioel@svana.dk); [hacka@svana.dk](mailto:hacka@svana.dk); [hehol@mfvm.dk](mailto:hehol@mfvm.dk); [diman@svana.dk](mailto:diman@svana.dk); [makbj@mfvm.dk](mailto:makbj@mfvm.dk); [anmeg@fm.dk](mailto:anmeg@fm.dk); [jabaj@fm.dk](mailto:jabaj@fm.dk);

### **Kontaktpersoner i Miljø- og Fødevareministeriet**

Specialkonsulent Sidsel Bjøl, Miljø- og Fødevareministeriet, [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk), +45 93 59 71 60

Fuldmægtig Maria Klint Thelander, Miljø- og Fødevareministeriet, [makbj@mfvm.dk](mailto:makbj@mfvm.dk), +45 91 36 58 47

Kontorchef Lisbet Ølgaard, Styrelsen for Vand- og Naturforvaltning, [lioel@svana.dk](mailto:lioel@svana.dk), +45 22 82 50 89

Fuldmægtig Ditte Mandøe Andreasen, Styrelsen for Vand- og Naturforvaltning, [diman@svana.dk](mailto:diman@svana.dk), +45 93 58 81 24



## Aktdetaljer

Den 22. februar 2017

### Akttitel: SV: Udkast til instruktion til Reppen Aktnummer:

Akt ID: 2558470  
Dato: 17-10-2016  
Type: Indgående  
Original titel: SV: Udkast til instruktion til Reppen  
Dokumenter: [1] SV Udkast til instruktion til Reppen.msg



**Til:** Jakob Baadsgaard Jepsen (jabaj@fm.dk), Andreas Meldgaard Goth (anmeg@fm.dk), Sidsel Bjøl (sidbj@mfvm.dk)  
**Cc:** Eva Leisne (evalei@um.dk), Ida Heimann Larsen (idahei@um.dk), Anne Ehrenreich (annehr@um.dk), Maria Klint Thelander (makbj@mfvm.dk), Ditte Mandøe Andreasen (diman@svana.dk)  
**Fra:** Louise Berth (louber@um.dk)  
**Titel:** SV: Udkast til instruktion til Reppen  
**Sendt:** 17-10-2016 13:39:39

Kære Sidsel

Mange tak for denne. Hermed nogle bemærkninger fra vores side.

Teksten i Ø-cover ændrer jo ikke på, at det fortsat *ikke* kan lade sig gøre at flytte afstemningen fra komitéen til Rådet (jf. vores tidligere bemærkninger til ø-cover). Og sagen går jo under alle omstændigheder videre til Rådet (og EP) efter den gældende procedure (forskrifts procedure med kontrol). Derfor er vurderingen herfra, at det umiddelbart vil være modproduktivt at sende EU rep. i byen for at anmode om at flytte afstemningen fra komitéen til Rådet. Krudtet vil vel være bedre anvendt ved, at I følger aktivt op overfor hovedstæderne på det forslåede ministerbrev, og at denne indsats suppleres af EU rep. i Bruxelles? For det vil vel alt andet lige være "nemmere" at komme igennem med dansk holdning i komitéen (hvor der "blot" skal samles et blokerende mindretal for at sikre "ingen udtalelse") fremfor senere i Rådet, hvor der vil skulle samles et kvalificeret flertal imod den eventuelt positive udtalelse fra komitéen?

Ift. instruktion af EU rep. om bilateral kontakt i Bruxelles vil det være nyttigt, hvis instruktionen specificerer, hvem der nærmere skal tages kontakt til (hvilke lande), hvorfor (opfølgning på brevet; støtte i Rådet i tilfælde af positiv udtalelse fra komiteen...) og hvad der nærmere skal argumenteres med overfor hvem (hhv. ligesindede, opponenter...).

Jeg ser frem til at høre fra dig.

På forhånd mange tak og godt rådsmøde.

Mvh. Louise

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**Fra:** Sidsel Bjøl [mailto:sidbj@mfvm.dk]

**Sendt:** 16. oktober 2016 15:00

**Til:** Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Anne Ehrenreich; Louise Berth

**Cc:** Maria Klint Thelander (MFVM-DEP); Ditte Mandøe Andreasen

**Emne:** Udkast til instruktion til Reppen

Kære kolleger

Vedhæftet er udkast til en instruktion til Reppen pbga ø-cover. Hermed en mulighed for jer til at kommentere på den, inden vi vil bede UM om at sende den af sted.

Frist for kommentarer: mandag 17/10 COB.

Mvh

Sidsel

**Sidsel Bjøl**

Special Advisor | EU and International affairs

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**Ministry of Environment and Food**

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## Aktdetaljer

Den 22. februar 2017

### Akttitel: Udkast til instruktioner Aktnummer:

Akt ID: 2561808

Dato: 19-10-2016

Type: Udgående

Original titel: Udkast til instruktioner

Dokumenter: [1] Udkast til instruktioner.msg  
[2] 20161019 Instruktion GES - ambassaderne.docx  
[3] 20161019 Instruktion GES - EU-reppen.docx  
[4] Medlemslande status til brug for ambassaderne.docx (MEDTAGES IKKE)

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**Til:** Louise Berth (louber@um.dk), Jakob Baadsgaard Jepsen (jabaj@fm.dk), Andreas Meldgaard Goth (anmeg@fm.dk), Maria Klint Thelander (makbj@mfv.dk), Eva Leisne (evalei@um.dk), Mette Østergaard Hansen (mejens@um.dk)  
**Cc:** Henrik Hedeman Olsen (hehol@mfv.dk)  
**Fra:** Sidsel Bjøl (sidbj@mfv.dk)  
**Titel:** Udkast til instruktioner  
**Sendt:** 19-10-2016 13:14:07  
**Bilag:** 20161019 Instruktion GES - ambassaderne.docx; 20161019 Instruktion GES - EU-reppen.docx; Medlemslande status til brug for ambassaderne.docx;

Kære alle

Ud fra den antagelse, at vi alle er enige i den videre proces, har jeg udarbejdet instruktion til hhv. reppen og ambassaderne. Til ambassaderne foreslår jeg, at vi vedlægger vedhæftet notat, der kort skitserer de relevante landes umiddelbare positioner.

Jeg har i første omgang vurderet, at vi sender ambassaderne i byen i de lande, der repræsenterer det tidligere blokerende mindretal (den såkaldte Group 14). Hvis I ønsker flere på listen, så må I endelig sige til.

Instruktionerne bliver selvfølgelig først sendt, når alle er enige i indhold og proces.

Det vil være meget fint, hvis vi kan få dem sendt af sted i løbet af i morgen, så **frist for kommentarer er d.d. kl 16.**

Mvh  
Sidsel

**Sidsel Bjøl**

Special Advisor | EU and International affairs  
+45 93 59 71 60 | sidbj@mfv.dk

**Ministry of Environment and Food**

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NOTAT



**Ministry of Environment  
and Food of Denmark**  
Department

EU og internationalt  
Ref. SIDBJ  
October 19 2016

## Instruktion til ambassaderne i [REDACTED]

[REDACTED]

[REDACTED]

### Problemstilling

Kommissionens forslag om nye metoder og kriterier for opgørelsen af god havmiljøtilstand i EU pålægger medlemslandene at opfylde kvantitative tærskelværdier for god havmiljøtilstand. Forslaget forventes at kunne få omfattende statsfinansielle og erhvervsøkonomiske konsekvenser for Danmark.

Kommissionens forslag vurderes problematisk, da Danmark formentlig vil blive forpligtet af tærskelværdier i regi af HELCOM og OSPAR, hvorved en lang række erhverv kan blive pålagt store byrder. Der kan endvidere være risiko for, at Danmarks konkurrenceevne vil blive forringet over for EU-lande, der indgår i andre havregionssamarbejder, hvor der fastsættes mere lempelige tærskelværdier. Derudover bemærkes det, at der endnu ikke foreligger et tilstrækkeligt videnskabeligt grundlag til at fastsætte tærskelværdier for en række af kriterierne i forslaget.

Miljø- og Fødevareministeren har den 19. oktober sendt ministerbrev til [REDACTED] lande<sup>1</sup> mhp. at forsøge at skabe et blokerende mindretal forud for afstemningen.

Sagen har været behandlet i regeringens Økonomiudvalg den 12. oktober 2016. Her blev det besluttet, at Danmark ikke kan støtte Kommissionens forslag. Derudover blev det vurderet nødvendigt at sikre mere politisk opmærksomhed om sagen.

I foråret var Miljø- og Fødevareministeriet med i en koalition af 14 ligesindede lande, "Group 14", der udegjorde et blokerende mindretal, der problematiserede, hvorvidt Kommissionen havde overskredet sin bemyndigelse i forslaget, hvorvidt der var tilstrækkeligt videnskabeligt grundlag for en række tærskelværdier, samt fremhævede de mulige økonomiske konsekvenser. Som følge heraf, er Kommissionen kommet med en række indrømmelse og justeringer af forslaget. Tilslutningen til gruppen af ligesindede har herefter været vigende, hvilket har resulteret i, at det blokerende mindretal ikke længere vurderes til stede. Det er således sandsynligt, at der opnås kvalificeret flertal for forslaget.

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<sup>1</sup> [REDACTED]

[REDACTED]

## **Instruktion**

På baggrund af dette anmodes ambassaderne i de [ ] lande om at tage kontakt til relevante myndigheder for at skabe opmærksomhed om de danske bekymringer ved forslaget samt at høre til forventet stemmeafgivelse.

## **Baggrund**

Forslaget behandles i en komité under Havstrategidirektivet og skal vedtages ved kvalificeret flertal. Forslaget forventes sat til afstemning den 10.-11. november 2016. Det er sandsynligt, at der opnås kvalificeret flertal for forslaget.

Forslagets formål er at sikre konsistens og sammenlignelighed mellem landenes implementering af Havstrategidirektivet. Inden for 11 deskriptorer/emner angiver forslaget således en række kriterier og metoder, som medlemslandene skal anvende til at vurdere havmiljøets tilstand. Derudover angiver forslaget, hvilke elementer i havmiljøet, der skal overvåges smat i nogle tilfælde også, hvor ofte disse skal overvåges.

Det har været en dansk overvejelse, om Kommissionen med forslaget muligvis overskrider sin bemyndigelse i Havstrategidirektivet, da Kommissionen efter komitéproceduren, som forslaget behandles under, kun har mulighed for at fremsætte ikke-væsentlige ændringsforslag. Udenrigsministeriets JTEU-kontor vurderer umiddelbart, at det ud fra en ordlydsfortolkning ikke er tydeligt, at Kommissionen overskrider sin kompetence.

## **Beredskab**

- Concerns about a current proposal for a Commission Decision on Good Environmental Status (GES) in the marine environment, pursuant to the Marine Strategy Framework Directive.
- Apprehensive about the fact that the general content of the proposed Commission Decision goes beyond a technical revision and thereby goes beyond the legal basis for Commission Decisions in the Marine Strategy Framework Directive.
- The proposed Decision obliges the Member States to define quantitative values for GES on a large number of criteria. Worried that this Decision will have significant economic implications for other policy strands such as fisheries, aquaculture, energy, transportation, offshore oil and gas, construction activities etc., as well as severe administrative burdens for the public sector in the Member States.
- Concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive.
- Lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats.
- Issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria.

- We are very much concerned with the fact that a Decision with those far-reaching consequences for the Member States is negotiated in a Regulatory Committee rather than in the Council.

- The vote is expecting to take place November 10th, 2016 and I hope, you will take the concerns mentioned into consideration and consider voting against the Commission's decision.

### **Frist og modtagerkreds**

Torsdag den 3. november til [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk), cc. [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk); [lioel@svana.dk](mailto:lioel@svana.dk); [hacka@svana.dk](mailto:hacka@svana.dk); [hehol@mfvm.dk](mailto:hehol@mfvm.dk); [diman@svana.dk](mailto:diman@svana.dk); [makbj@mfvm.dk](mailto:makbj@mfvm.dk); [anmeg@fm.dk](mailto:anmeg@fm.dk); [jabaj@fm.dk](mailto:jabaj@fm.dk);

### **Kontaktpersoner i Miljø- og Fødevareministeriet**

Specialkonsulent Sidsel Bjøl, Miljø- og Fødevareministeriet, [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk), +45 93 59 71 60  
Fuldmægtig Maria Klint Thelander, Miljø- og Fødevareministeriet, [makbj@mfvm.dk](mailto:makbj@mfvm.dk), +45 91 36 58 47  
Kontorchef Lisbet Ølgaard, Styrelsen for Vand- og Naturforvaltning, [lioel@svana.dk](mailto:lioel@svana.dk), +45 22 82 50 89  
Fuldmægtig Ditte Mandøe Andreasen, Styrelsen for Vand- og Naturforvaltning, [diman@svana.dk](mailto:diman@svana.dk), +45 93 58 81 24

NOTAT



**Ministry of Environment  
and Food of Denmark**  
Department

EU og internationalt  
Ref. SIDBJ  
October 19 2016

## Instruktion til EU repræsentationen ang. Kommissionens forslag til nye metoder og kriterier for god havmiljøtilstand

### Problemstilling

Kommissionens forslag om nye metoder og kriterier for opgørelsen af god havmiljøtilstand i EU pålægger medlemslandene at opfylde kvantitative tærskelværdier for god havmiljøtilstand. Forslaget forventes at kunne få omfattende statsfinansielle og erhvervsøkonomiske konsekvenser for Danmark.

Kommissionens forslag vurderes problematisk, da Danmark formentlig vil blive forpligtet af tærskelværdier i regi af HELCOM og OSPAR, hvorved en lang række erhverv kan blive pålagt store byrder. Der kan endvidere være risiko for, at Danmarks konkurrenceevne vil blive forringet over for EU-lande, der indgår i andre havregionssamarbejder, hvor der fastsættes mere lempelige tærskelværdier. Derudover bemærkes det, at der endnu ikke foreligger et tilstrækkeligt videnskabeligt grundlag til at fastsætte tærskelværdier for en række af kriterierne i forslaget.

Miljø- og Fødevareministeren har den 19. oktober sendt ministerbrev til [redacted] lande<sup>1</sup> mhp. at forsøge at skabe et blokerende mindretal forud for afstemningen.

Sagen har været behandlet i regeringens Økonomiudvalg den 12. oktober 2016. Her blev det besluttet, at Danmark ikke kan støtte Kommissionens forslag. Derudover blev det vurderet nødvendigt at sikre mere politisk opmærksom om sagen.

### Instruktion

På baggrund af dette anmodes EU-repræsentationen følgende (jf. aftalt operationalisering af ØU-cover):

- Tage kontakt til relevante generaldirektorater (DG ENVI og DG MARE) på passende niveau for at skabe opmærksomhed omkring Danmarks bekymringer om forslaget og sagens politiske bevågenhed.
- I denne kontakt til Kommissionen bør det påpeges, at man fra dansk side finder sagen af for stort et omfang til at blive behandlet i komitéprocedure, og at man gerne havde set forslaget blive behandlet i Rådet.

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## **Baggrund**

Forslaget behandles i en komité under Havstrategidirektivet og skal vedtages ved kvalificeret flertal. Forslaget forventes sat til afstemning den 10.-11. november 2016. Det er sandsynligt, at der opnås kvalificeret flertal for forslaget.

Forslagets formål er at sikre konsistens og sammenlignelighed mellem landenes implementering af Havstrategidirektivet. Inden for 11 deskriptorer/emner angiver forslaget således en række kriterier og metoder, som medlemslandene skal anvende til at vurdere havmiljøets tilstand. Derudover angiver forslaget, hvilke elementer i havmiljøet, der skal overvåges smat i nogle tilfælde også, hvor ofte disse skal overvåges.

Det har været en dansk overvejelse, om Kommissionen med forslaget muligvis overskrider sin bemyndigelse i Havstrategidirektivet, da Kommissionen efter komitéproceduren, som forslaget behandles under, kun har mulighed for at fremsætte ikke-væsentlige ændringsforslag. Udenrigsministeriets JTEU-kontor vurderer umiddelbart, at det ud fra en ordlydsfortolkning ikke er tydeligt, at Kommissionen overskrider sin kompetence.

Miljø- og Fødevareministeriet havde i de tidligere forhandlingsfaser samlet en gruppe af ligesindede medlemslande i et blokerende mindretal, der problematiserede, hvorvidt Kommissionen havde overskredet sin bemyndigelse i forslaget, hvorvidt der var tilstrækkeligt videnskabeligt grundlag for en række tærskelværdier, samt fremhævede de mulige økonomiske konsekvenser. Som følge heraf, er Kommissionen kommet med en række indrømmelse og justeringer af forslaget. Tilslutningen til gruppen af ligesindede har herefter været vigende, hvilket har resulteret i, at det blokerende mindretal ikke længere vurderes til stede. Det er således sandsynligt, at der opnås kvalificeret flertal for forslaget.

## **Beredskab**

- Concerns about a current proposal for a Commission Decision on Good Environmental Status (GES) in the marine environment, pursuant to the Marine Strategy Framework Directive.
- Apprehensive about the fact that the general content of the proposed Commission Decision goes beyond a technical revision and thereby goes beyond the legal basis for Commission Decisions in the Marine Strategy Framework Directive.
- The proposed Decision obliges the Member States to define quantitative values for GES on a large number of criteria. Worried that this Decision will have significant economic implications for other policy strands such as fisheries, aquaculture, energy, transportation, offshore oil and gas, construction activities etc., as well as severe administrative burdens for the public sector in the Member States.
- Concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive.
- Lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats.
- Issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria.



- We are very much concerned with the fact that a Decision with those far-reaching consequences for the Member States is negotiated in a Regulatory Committee rather than in the Council.

### **Frist og modtagerkreds**

Onsdag den 26. oktober til [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk), cc. [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk); [lioel@svana.dk](mailto:lioel@svana.dk); [hacka@svana.dk](mailto:hacka@svana.dk); [hehol@mfvm.dk](mailto:hehol@mfvm.dk); [diman@svana.dk](mailto:diman@svana.dk); [makbj@mfvm.dk](mailto:makbj@mfvm.dk); [anmeg@fm.dk](mailto:anmeg@fm.dk); [jabaj@fm.dk](mailto:jabaj@fm.dk);

**Kommentar [SB1]:** Dagen før det endelige forslag

### **Kontaktpersoner i Miljø- og Fødevareministeriet**

Specialkonsulent Sidsel Bjøl, Miljø- og Fødevareministeriet, [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk), +45 93 59 71 60  
Fuldmægtig Maria Klint Thelander, Miljø- og Fødevareministeriet, [makbj@mfvm.dk](mailto:makbj@mfvm.dk), +45 91 36 58 47  
Kontorchef Lisbet Ølgaard, Styrelsen for Vand- og Naturforvaltning, [lioel@svana.dk](mailto:lioel@svana.dk), +45 22 82 50 89  
Fuldmægtig Ditte Mandøe Andreasen, Styrelsen for Vand- og Naturforvaltning, [diman@svana.dk](mailto:diman@svana.dk), +45 93 58 81 24



## Aktdetaljer

Den 22. februar 2017

### Akttitel: SV: Udkast til instruktioner Aktnummer:

Akt ID: 2562088  
Dato: 19-10-2016  
Type: Indgående  
Original titel: SV: Udkast til instruktioner  
Dokumenter: [1] SV Udkast til instruktioner.msg  
[2] 20161019 Instruktion GES - EU-reppen FM bem.docx

**Til:** Louise Berth (louber@um.dk), Jakob Baadsgaard Jepsen (jabaj@fm.dk), Sidsel Bjøl (sidbj@mfvm.dk), Maria Klint Thelander (makbj@mfvm.dk), Eva Leisne (evalei@um.dk), Mette Østergaard Hansen (mejens@um.dk)  
**Cc:** micli@fm.dk (micli@fm.dk), Jakob Baadsgaard Jepsen (jabaj@fm.dk), Henrik Hedeman Olsen (hehol@mfvm.dk), Jacob Gunnar Nielsen (jgn@fm.dk)  
**Fra:** Andreas Meldgaard Goth (anmeg@fm.dk)  
**Titel:** SV: Udkast til instruktioner  
**Sendt:** 19-10-2016 14:37:32  
**Bilag:** 20161019 Instruktion GES - EU-reppen FM bem.docx;

Kære alle,

Et få par bemærkninger herfra til instruktionen til EU-reppen, de fremgår af vedhæftede, og følger af mandatet i sagen.

Kort sagt bør anmodningen til Kommissionen være aktiv, det vil sige at Danmark **gerne ser forslaget blive behandlet i Rådet** fremfor havde set.

Derudover anmodning også være **officiel** som tiltrådt i ØU-mandatet, hvorfor anmodningen bør være på ambassadørniveau.

Ændringer fremgår som sagt at vedhæftede.

Udover dette har vi ikke yderligere til materialet og den skitserede proces.

Dbh. Andreas

Med venlig hilsen



**Andreas Meldgaard Goth**

Fuldmægtig, 4. kontor

T 2543 9882

E [anmeg@fm.dk](mailto:anmeg@fm.dk)

[www.fm.dk](http://www.fm.dk)

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**Fra:** Sidsel Bjøl

**Sendt:** 19. oktober 2016 13:14

**Til:** Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Louise Berth; Mette Østergaard Hansen; Maria Klint Thelander (MFVM-DEP); evalei@um.dk

**Cc:** Henrik Hedeman Olsen (MFVM-DEP)

**Emne:** Udkast til instruktioner

Kære alle

Ud fra den antagelse, at vi alle er enige i den videre proces, har jeg udarbejdet instruktion til hhv. reppen og ambassaderne. Til ambassaderne foreslår jeg, at vi vedlægger vedhæftet notat, der kort skitserer de relevante landes umiddelbare positioner.

Jeg har i første omgang vurderet, at vi sender ambassaderne i byen i de lande, der repræsenterer det tidligere blokerende mindretal (den såkaldte Group 14). Hvis I ønsker flere på listen, så må I endelig sige til.

Instruktionerne bliver selvfølgelig først sendt, når alle er enige i indhold og proces.

Det vil være meget fint, hvis vi kan få dem sendt af sted i løbet af i morgen, så **frist for kommentarer er d.d. kl 16.**

Mvh

Sidsel

**Sidsel Bjøl**

Special Advisor | EU and International affairs  
+45 93 59 71 60 | [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk)

**Ministry of Environment and Food**

The Department | Slotsholmen 12 | 1216 Copenhagen K | Tel. +45 38 14 21 42 | [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk) | [www.mfvm.dk](http://www.mfvm.dk)

NOTAT



Ministry of Environment  
and Food of Denmark  
Department

EU og internationalt  
Ref. SIDBJ  
October 19 2016

## Instruktion til EU repræsentationen ang. Kommissionens forslag til nye metoder og kriterier for god havmiljøtilstand

### Problemstilling

Kommissionens forslag om nye metoder og kriterier for opgørelsen af god havmiljøtilstand i EU pålægger medlemslandene at opfylde kvantitative tærskelværdier for god havmiljøtilstand. Forslaget forventes at kunne få omfattende statsfinansielle og erhvervsøkonomiske konsekvenser for Danmark.

Kommissionens forslag vurderes problematisk, da Danmark formentlig vil blive forpligtet af tærskelværdier i regi af HELCOM og OSPAR, hvorved en lang række erhverv kan blive pålagt store byrder. Der kan endvidere være risiko for, at Danmarks konkurrenceevne vil blive forringet over for EU-lande, der indgår i andre havregionssamarbejder, hvor der fastsættes mere lempelige tærskelværdier. Derudover bemærkes det, at der endnu ikke foreligger et tilstrækkeligt videnskabeligt grundlag til at fastsætte tærskelværdier for en række af kriterierne i forslaget.

Miljø- og Fødevarerministeren har den 19. oktober sendt ministerbrev til [redacted] lande<sup>1</sup> mhp. at forsøge at skabe et blokerende mindretal forud for afstemningen.

Sagen har været behandlet i regeringens Økonomiudvalg den 12. oktober 2016. Her blev det besluttet, at Danmark ikke kan støtte Kommissionens forslag. Derudover blev det vurderet nødvendigt at sikre mere politisk opmærksom om sagen.

### Instruktion

På baggrund af dette anmodes EU-repræsentationen følgende (jf. aftalt operationalisering af ØU-cover):

- Tage kontakt til relevante generaldirektorater (DG ENVI og DG MARE) på **passende ambassadørniveau** for at skabe opmærksomhed omkring Danmarks bekymringer om forslaget og sagens politiske bevågenhed.
- I denne kontakt til Kommissionen bør det påpeges, at man fra dansk side finder sagen af for stort et omfang til at blive behandlet i komitéprocedure, og at man gerne **havde sætser** forslaget blive behandlet i Rådet.

**Kommentar [AMG1]:** ØU-mandatet tilskriver at anmodningen skal være **officiel**, hvorfor passende niveau bør være ambassadørniveau også givet af sagens vigtighed og politiske observans herhjemme.

**Kommentar [AMG2]:** ØU-mandatet tilskriver at Danmark fortsat mener, at sagen har så stort et omfang, at den ikke bør behandles i en komite. Derfor bør anmodningen jf. ØU-coveret være aktiv (dvs. at man er ser fremfor havde set).

1

## **Baggrund**

Forslaget behandles i en komité under Havstrategidirektivet og skal vedtages ved kvalificeret flertal. Forslaget forventes sat til afstemning den 10.-11. november 2016. Det er sandsynligt, at der opnås kvalificeret flertal for forslaget.

Forslagets formål er at sikre konsistens og sammenlignelighed mellem landenes implementering af Havstrategidirektivet. Inden for 11 deskriptorer/emner angiver forslaget således en række kriterier og metoder, som medlemslandene skal anvende til at vurdere havmiljøets tilstand. Derudover angiver forslaget, hvilke elementer i havmiljøet, der skal overvåges smat i nogle tilfælde også, hvor ofte disse skal overvåges.

Det har været en dansk overvejelse, om Kommissionen med forslaget muligvis overskrider sin bemyndigelse i Havstrategidirektivet, da Kommissionen efter komitéproceduren, som forslaget behandles under, kun har mulighed for at fremsætte ikke-væsentlige ændringsforslag. Udenrigsministeriets JTEU-kontor vurderer umiddelbart, at det ud fra en ordlydsfortolkning ikke er tydeligt, at Kommissionen overskrider sin kompetence.

Miljø- og Fødevarerministeriet havde i de tidligere forhandlingsfaser samlet en gruppe af ligesindede medlemslande i et blokerende mindretal, der problematiserede, hvorvidt Kommissionen havde overskredet sin bemyndigelse i forslaget, hvorvidt der var tilstrækkeligt videnskabeligt grundlag for en række tærskelværdier, samt fremhævede de mulige økonomiske konsekvenser. Som følge heraf, er Kommissionen kommet med en række indrømmelse og justeringer af forslaget. Tilslutningen til gruppen af ligesindede har herefter været vigende, hvilket har resulteret i, at det blokerende mindretal ikke længere vurderes til stede. Det er således sandsynligt, at der opnås kvalificeret flertal for forslaget.

## **Beredskab**

- Concerns about a current proposal for a Commission Decision on Good Environmental Status (GES) in the marine environment, pursuant to the Marine Strategy Framework Directive.
- Apprehensive about the fact that the general content of the proposed Commission Decision goes beyond a technical revision and thereby goes beyond the legal basis for Commission Decisions in the Marine Strategy Framework Directive.
- The proposed Decision obliges the Member States to define quantitative values for GES on a large number of criteria. Worried that this Decision will have significant economic implications for other policy strands such as fisheries, aquaculture, energy, transportation, offshore oil and gas, construction activities etc., as well as severe administrative burdens for the public sector in the Member States.
- Concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive.
- Lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats.
- Issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria.

- We are very much concerned with the fact that a Decision with those far-reaching consequences for the Member States is negotiated in a Regulatory Committee rather than in the Council. Given the far-reaching consequences we thus request the Commission to consider negotiation in the Council instead.

**Kommentar [AMG3]:** Tilføjet som følge af ændringer i instruktionen.

### Frist og modtagerkreds

Onsdag den 26. oktober til [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk), cc. [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk); [lioel@svana.dk](mailto:lioel@svana.dk); [hacka@svana.dk](mailto:hacka@svana.dk); [hehol@mfvm.dk](mailto:hehol@mfvm.dk); [diman@svana.dk](mailto:diman@svana.dk); [makbj@mfvm.dk](mailto:makbj@mfvm.dk); [anmeg@fm.dk](mailto:anmeg@fm.dk); [jabaj@fm.dk](mailto:jabaj@fm.dk);

**Kommentar [SB4]:** Dagen før det endelige forslag

Feltkode ændret

Feltkode ændret

### Kontaktpersoner i Miljø- og Fødevareministeriet

Specialkonsulent Sidsel Bjøl, Miljø- og Fødevareministeriet, [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk), +45 93 59 71 60

Feltkode ændret

Fuldmægtig Maria Klint Thelander, Miljø- og Fødevareministeriet, [makbj@mfvm.dk](mailto:makbj@mfvm.dk), +45 91 36 58 47

Feltkode ændret

Kontorchef Lisbet Ølgaard, Styrelsen for Vand- og Naturforvaltning, [lioel@svana.dk](mailto:lioel@svana.dk), +45 22 82 50 89

Feltkode ændret

Fuldmægtig Ditte Mandøe Andreasen, Styrelsen for Vand- og Naturforvaltning, [diman@svana.dk](mailto:diman@svana.dk), +45 93 58 81 24

Feltkode ændret



## Aktdetaljer

Den 22. februar 2017

### Akttitel: SV: Udkast til instruktioner Aktnummer:

Akt ID: 2562574  
Dato: 19-10-2016  
Type: Indgående  
Original titel: SV: Udkast til instruktioner  
Dokumenter: [1] SV Udkast til instruktioner.msg



**Til:** Sidsel Bjøl (sidbj@mfvm.dk), Andreas Meldgaard Goth (anmeg@fm.dk), Jakob Baadsgaard Jepsen (jabaj@fm.dk), Louise Berth (louber@um.dk), Maria Klint Thelander (makbj@mfvm.dk), Eva Leisne (evalei@um.dk)  
**Cc:** Mette Østergaard Hansen (mejens@um.dk), Henrik Hedeman Olsen (hehol@mfvm.dk)  
**Fra:** Ida Heimann Larsen (idahei@um.dk)  
**Titel:** SV: Udkast til instruktioner  
**Sendt:** 19-10-2016 18:08:33

Kære alle,

Tak for udkastet til instruktioner.

I begge nævnes et ministerbrev af d.d. Kan vi ikke få det vedlagt instruktionerne, så ambassaderne ved, hvad der allerede er tilgået dem, de skal tale med om sagen. Rep'en bør selvfølgelig også få en kopi.

Fsva. instruktionen til EU-rep'en finder vi helt overordnet, at den mangler en beskrivelse af, hvad det er for elementer i det forslag, der nu ligger på bordet, der er problematisk i dansk sammenhæng, og hvilke ændringer i disse, vi gerne ser. Det skal gerne være noget ret konkret, vi går i byen med, så det ikke bare bliver en klagesang, der ingen effekt har. Og de skal også gerne vide, om det er ændringer, vi tidligere har bedt om, men ikke fået. Det vil være vigtigt for dem, at de kender historikken i forhandlingsforløbet, når de sidder over for Kommissionen.

Fsva. de generelle beredskabspunkter, der er medtaget i begge instruktioner, undrer vi os over nogle af dem:

"- Apprehensive about the fact that the general content of the proposed Commission Decision goes beyond a technical revision and thereby goes beyond the legal basis for Commission Decisions in the Marine Strategy Framework Directive." Som vi tidligere har givet udtryk for, og som det jo også fremgik af Ø-coveret, finder UM ikke umiddelbart, at der er belæg for at sige, at Kommissionen er gået ud over sine beføjelser (som vi jo i øvrigt selv har været med til at give dem). Derfor bør dette argument udgå.

"- Concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive." Dette er nyt for os. Er det en problematik, vi tidligere har rejst i denne forbindelse? Hvis det skal med i instruktionen, skal der være en rigtig god bid baggrund på, hvorfor og hvordan det er tilfældet, ellers kommer vores ambassader og rep'en til kort her.

"- Lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats." Har vi rejst denne bekymring tidligere i forbindelse med sagen? Og hvad betyder det – at vi slet ikke vil have disse områder med, at der skal være stor fleksibilitet her, eller hvordan?

"- Issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria." Dette er også nyt for os. Har vi tidligere bedt Kommissionen lave en impact assessment? Hvis ja, hvad var så deres begrundelse for ikke at gøre det? Hvis nej, så er det nok lige lovligt sent at smide sådan et hensyn ind i processen...

"- We are very much concerned with the fact that a Decision with those far-reaching consequences for the Member States is negotiated in a Regulatory Committee rather than in the Council." Her kører vi igen på det med beføjelserne, som vi ikke mener holder, jf overnfor. Kunne vi ikke i stedet skrive "We are very much concerned about these far reaching consequences of the decision for Member States".

Mvh,  
Ida

---

**Fra:** Mette Østergaard Hansen

**Sendt:** 19. oktober 2016 15:42

**Til:** Sidsel Bjøl; Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Louise Berth; Maria Klint Thelander (MFVM-DEP); Eva Leisner

**Cc:** Henrik Hedeman Olsen (MFVM-DEP); Ida Heimann Larsen

**Emne:** SV: Udkast til instruktioner

Kære alle

Udenrigsministeriet har bemærkninger, men vi når det desværre ikke til kl. 16. De kommer d.d.

Mvh  
Mette

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**Fra:** Sidsel Bjøl [<mailto:sidbj@mfvm.dk>]

**Sendt:** 19. oktober 2016 13:14

**Til:** Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Louise Berth; Mette Østergaard Hansen; Maria Klint Thelander (MFVM-DEP); Eva Leisner

**Cc:** Henrik Hedeman Olsen (MFVM-DEP)

**Emne:** Udkast til instruktioner

Kære alle

Ud fra den antagelse, at vi alle er enige i den videre proces, har jeg udarbejdet instruktion til hhv. reppen og ambassaderne. Til ambassaderne foreslår jeg, at vi vedlægger vedhæftet notat, der kort skitserer de relevante landes umiddelbare positioner.

Jeg har i første omgang vurderet, at vi sender ambassaderne i byen i de lande, der repræsenterer det tidligere blokerende mindretal (den såkaldte Group 14). Hvis I ønsker flere på listen, så må I endelig sige til.

Instruktionerne bliver selvfølgelig først sendt, når alle er enige i indhold og proces.

Det vil være meget fint, hvis vi kan få dem sendt af sted i løbet af i morgen, så **frist for kommentarer er d.d. kl 16.**

Mvh  
Sidsel

**Sidsel Bjøl**

Special Advisor | EU and International affairs  
+45 93 59 71 60 | [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk)

**Ministry of Environment and Food**

The Department | Slotsholmen 12 | 1216 Copenhagen K | Tel. +45 38 14 21 42 | [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk) | [www.mfvm.dk](http://www.mfvm.dk)



## Aktdetaljer

Den 22. februar 2017

### Akttitel: SV: Udkast til instruktioner Aktnummer:

Akt ID: 2563176

Dato: 20-10-2016

Type: Udgående

Original titel: SV: Udkast til instruktioner

Dokumenter:

- [1] SV Udkast til instruktioner.msg
- [2] 2016 12 03 Headline Comments final.docx
- [3] 20161020 Instruktion GES - ambassaderne.docx
- [4] 20161020 Instruktion GES - EU-reppen.docx
- [5] COM Commissioner Kamenu Vella.docx
- [6] Medlemslande status til brug for ambassaderne.docx (MEDTAGES IKKE)
- [7] Skabelon godkendt af ministeren.docx

**Til:** Ida Heimann Larsen (idahei@um.dk), Andreas Meldgaard Goth (anmeg@fm.dk), Jakob Baadsgaard Jepsen (jabaj@fm.dk), Louise Berth (louber@um.dk), Maria Klint Thelander (makbj@mfvm.dk), Eva Leisne (evalei@um.dk)  
**Cc:** Mette Østergaard Hansen (mejens@um.dk), Henrik Hedeman Olsen (hehol@mfvm.dk)  
**Fra:** Sidsel Bjøl (sidbj@mfvm.dk)  
**Titel:** SV: Udkast til instruktioner  
**Sendt:** 20-10-2016 11:33:51  
**Bilag:** 2016 12 03 Headline Comments final.docx; 20161020 Instruktion GES - ambassaderne.docx; 20161020 Instruktion GES - EU-reppen.docx; COM Commissioner Kamenu Vella.docx; Medlemslande status til brug for ambassaderne.docx; Skabelon godkendt af ministeren.docx;

Kære alle

Hermed de endelige instruktioner, som vi vil bede UM om at videreformidle:

- 1) Reppen:
  - a. Instruktion
  - b. Brev til Vella (kopi af breve til ministre)
  
- 2) Ambassaderne
  - a. Instruktion
  - b. Status for medlemslandene
  - c. Brev til ministrene
  - d. Group 14's brev fra foråret (dok hedder Headline Comments)

Skulle der fortsat være nogle uklarheder og uenigheder, så må I venligst gøre hele kredsen her opmærksomme på dette hurtigst muligt (inden kl 13).

Jeg er på ferie (Paris) fra i eftermiddag til tirsdag morgen. Til og med i morgen kan I kontakte min kollega Maria Klint Thelander.

Mvh  
Sidsel

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**Fra:** Ida Heimann Larsen [mailto:idahei@um.dk]  
**Sendt:** 19. oktober 2016 18:09  
**Til:** Sidsel Bjøl; Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Louise Berth; Maria Klint Thelander (MFVM-DEP); Eva Leisner  
**Cc:** Henrik Hedeman Olsen (MFVM-DEP); Mette Østergaard Hansen  
**Emne:** SV: Udkast til instruktioner

Kære alle,

Tak for udkastet til instruktioner.

I begge nævnes et ministerbrev af d.d. Kan vi ikke få det vedlagt instruktionerne, så ambassaderne ved, hvad der allerede er tilgået dem, de skal tale med om sagen. Rep'en bør selvfølgelig også få en kopi.

Fsva. instruktionen til EU-rep'en finder vi helt overordnet, at den mangler en beskrivelse af, hvad det er for elementer i det forslag, der nu ligger på bordet, der er problematisk i dansk sammenhæng, og hvilke ændringer i disse, vi gerne ser. Det skal gerne være noget ret konkret, vi går i byen med, så det ikke bare bliver en klagesang, der ingen effekt har. Og de skal også gerne vide, om det er ændringer, vi tidligere har bedt om, men ikke fået. Det vil være vigtigt for dem, at de kender historikken i forhandlingsforløbet, når de sidder over for Kommissionen.

Fsva. de generelle beredskabspunkter, der er medtaget i begge instruktioner, undrer vi os over nogle af dem:

“- Apprehensive about the fact that the general content of the proposed Commission Decision goes beyond a technical revision and thereby goes beyond the legal basis for Commission Decisions in the Marine Strategy Framework Directive. “  
Som vi tidligere har givet udtryk for, og som det jo også fremgik af Ø-coveret, finder UM ikke umiddelbart, at der er belæg for at sige, at Kommissionen er gået ud over sine beføjelser (som vi jo i øvrigt selv har været med til at give dem). Derfor bør dette argument udgå.

“- Concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive.” Dette er nyt for os. Er det en problematik, vi tidligere har rejst i denne forbindelse? Hvis det skal med i instruktionen, skal der være en rigtig god bid baggrund på, hvorfor og hvordan det er tilfældet, ellers kommer vores ambassader og rep'en til kort her.

“- Lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats.” Har vi rejst denne bekymring tidligere i forbindelse med sagen? Og hvad betyder det – at vi slet ikke vil have disse områder med, at der skal være stor fleksibilitet her, eller hvordan?

“- Issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria.” Dette er også nyt for os. Har vi tidligere bedt Kommissionen lave en impact assessment? Hvis ja, hvad var så deres begrundelse for ikke at gøre det? Hvis nej, så er det nok lige lovligt sent at smide sådan et hensyn ind i processen...

“- We are very much concerned with the fact that a Decision with those far-reaching consequences for the Member States is negotiated in a Regulatory Committee rather than in the Council.” Her kører vi igen på det med beføjelserne, som vi ikke mener holder, jf overnfor. Kunne vi ikke i stedet skrive “We are very much concerned about these far reaching consequences of the decision for Member States”.

Mvh,  
Ida

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**Fra:** Mette Østergaard Hansen

**Sendt:** 19. oktober 2016 15:42

**Til:** Sidsel Bjøl; Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Louise Berth; Maria Klint Thelander (MFVM-DEP); Eva Leisner

**Cc:** Henrik Hedeman Olsen (MFVM-DEP); Ida Heimann Larsen

**Emne:** SV: Udkast til instruktioner

Kære alle

Udenrigsministeriet har bemærkninger, men vi når det desværre ikke til kl. 16. De kommer d.d.

Mvh  
Mette

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**Fra:** Sidsel Bjøl [<mailto:sidbj@mfvm.dk>]

**Sendt:** 19. oktober 2016 13:14

**Til:** Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Louise Berth; Mette Østergaard Hansen; Maria Klint Thelander (MFVM-DEP); Eva Leisner

**Cc:** Henrik Hedeman Olsen (MFVM-DEP)

**Emne:** Udkast til instruktioner

Kære alle

Ud fra den antagelse, at vi alle er enige i den videre proces, har jeg udarbejdet instruktion til hhv. reppen og ambassaderne. Til ambassaderne foreslår jeg, at vi vedlægger vedhæftet notat, der kort skitserer de relevante landes umiddelbare positioner.

Jeg har i første omgang vurderet, at vi sender ambassaderne i byen i de lande, der repræsenterer det tidligere blokerende mindretal (den såkaldte Group 14). Hvis I ønsker flere på listen, så må I endelig sige til.

Instruktionerne bliver selvfølgelig først sendt, når alle er enige i indhold og proces.

Det vil være meget fint, hvis vi kan få dem sendt af sted i løbet af i morgen, så **frist for kommentarer er d.d. kl 16.**

Mvh  
Sidsel

**Sidsel Bjøl**

Special Advisor | EU and International affairs  
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**Ministry of Environment and Food**

The Department | Slotsholmen 12 | 1216 Copenhagen K | Tel. +45 38 14 21 42 | [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk) | [www.mfvm.dk](http://www.mfvm.dk)

## HEADLINE COMMENTS ON THE COMMISSION'S DRAFT DECISION ON MSFD GOOD ENVIRONMENTAL STATUS

14<sup>TH</sup> March 2016.

This short document is submitted as a high-level overview in support of the combined plenary comments raised by a number of Member States during the MSFD Article 25 Committee meeting of 1<sup>st</sup> – 2<sup>nd</sup> March 2016. It is intended to support the Commission's request for submission of issues raised in the plenary meeting so we can work together on resolving issues of concern.

1. **Legal basis:** We are concerned that the general content, wording and scope of the draft Commission Decision on Good Environmental Status (GES) goes beyond a technical revision.

- We are anxious to have sight of the formal or informal opinions of the Commission's Legal Services on the mandate for the proposed changes to essential elements (and thus policy direction) of the original legislation.
- In particular, the obligation to establish mandatory threshold values at a Community, a regional or sub-regional level and mandatory "application rules" included under "methodological standards", for the proposed criteria where it could reasonably be argued such an obligation doesn't exist in current legislation agreed by Council.
- The use of the one-out-all-out principle, jointly applied with threshold values.
- The relationship with other Directives should not place any additional burden on the MSFD implementation or increasing those of other directives. For example, timeline in MSFD (2020) versus WFD (2015/2027) and the BD/HD (no fixed deadline). Also, the Decision should respect the definition of coastal waters within the meaning of article 3(1b).
- The proposed timeline for implementation of these proposed changes (by 2018) is not feasible and is at variance with the expressed opinion of a number of Member States prior to the commencement of this review in Nov 2013.
- The reliance on the political as opposed to legal structure of the Regional Seas Conventions (RSCs) has implications for the future work and functioning of the RSCs. There needs to be more flexibility and to take fully into consideration different features and characteristics of (sub)regions.

2. **Scientific Knowledge:** We believe that there is a lack of maturity in the science in order to support many of the proposals in the draft Commission Decision on Good Environmental Status (GES).

- The application of the risk based approach needs to be made clear in order to understand how and under what circumstances it can be used. The risk based approach should be a help and not a burden and it should not be relegated only to "exceptional circumstances".
- In most cases threshold values cannot be set by 2018 and in some instances cannot be foreseen if and when they might be set within the legislative timeframe of the Directive.

3. **Additional cost burdens:** We foresee the proposals in the draft Commission Decision on Good Environmental Status (GES) forcing Member States to incur significant explicit and implicit additional burdens:

- The revised decision will create significant additional cost burdens for monitoring and reporting on a number of Member States. This is contrary to the original objective of the revision.
- The different features and characteristics of the (sub)regions require an element of flexibility in implementation. This is missing from the draft.
- The proposed mandatory criteria and threshold levels will have implications for other EU policy strands such as energy, transportation, fishery and food.
- The revised draft will have socio-economic implications including in the peripheral regions of the European Union.

NOTAT



**Ministry of Environment  
and Food of Denmark**  
Department

EU og internationalt  
Ref. SIDBJ  
October 19 2016

## Instruktion til ambassaderne i [REDACTED]

### Problemstilling

Kommissionens forslag om nye metoder og kriterier for opgørelsen af god havmiljøtilstand i EU pålægger medlemslandene at opfylde kvantitative tærskelværdier for god havmiljøtilstand. Forslaget forventes at kunne få omfattende statsfinansielle og erhvervsøkonomiske konsekvenser for Danmark.

Kommissionens forslag vurderes problematisk, da Danmark formentlig vil blive forpligtet af tærskelværdier i regi af HELCOM og OSPAR, hvorved en lang række erhverv kan blive pålagt store byrder. Der kan endvidere være risiko for, at Danmarks konkurrenceevne vil blive forringet over for EU-lande, der indgår i andre havregionssamarbejder, hvor der fastsættes mere lempelige tærskelværdier. Derudover bemærkes det, at der endnu ikke foreligger et tilstrækkeligt videnskabeligt grundlag til at fastsætte tærskelværdier for en række af kriterierne i forslaget.

Miljø- og Fødevareministeren har den 19. oktober sendt ministerbrev til [REDACTED] lande<sup>1</sup> mhp. at forsøge at skabe et blokerende mindretal forud for afstemningen (vedhæftet).

Sagen har været behandlet i regeringens Økonomiudvalg den 12. oktober 2016. Her blev det besluttet, at Danmark ikke kan støtte Kommissionens forslag. Derudover blev det vurderet nødvendigt at sikre mere politisk opmærksomhed om sagen.

I foråret var Miljø- og Fødevareministeriet med i en koalition af 14 ligesindede lande, "Group 14", der udegjorde et blokerende mindretal, der problematiserede, hvorvidt Kommissionen havde overskredet sin bemyndigelse i forslaget, hvorvidt der var tilstrækkeligt videnskabeligt grundlag for en række tærskelværdier, samt fremhævede de mulige økonomiske konsekvenser (fællesbrev vedhæftet). Som følge heraf, er Kommissionen kommet med en række indrømmelse og justeringer af forslaget. Tilslutningen til gruppen af ligesindede har herefter været vigende, hvilket har resulteret i, at det blokerende mindretal ikke længere vurderes til stede. Det er således sandsynligt, at der opnås kvalificeret flertal for forslaget.

1 [REDACTED]



## Instruktion

På baggrund af dette anmodes ambassaderne i de [ ] lande om at tage kontakt til relevante myndigheder for at skabe opmærksomhed om de danske bekymringer ved forslaget samt at høre til forventet stemmeafgivelse.

## Baggrund for forslaget

Forslaget behandles i en komité under Havstrategidirektivet og skal vedtages ved kvalificeret flertal. Forslaget forventes sat til afstemning den 10.-11. november 2016. Det er sandsynligt, at der opnås kvalificeret flertal for forslaget.

Forslagets formål er at sikre konsistens og sammenlignelighed mellem landenes implementering af Havstrategidirektivet. Inden for 11 deskriptorer/emner angiver forslaget således en række kriterier og metoder, som medlemslandene skal anvende til at vurdere havmiljøets tilstand. Derudover angiver forslaget, hvilke elementer i havmiljøet, der skal overvåges smat i nogle tilfælde også, hvor ofte disse skal overvåges.

Det har været en dansk overvejelse, om Kommissionen med forslaget muligvis overskrider sin bemyndigelse i Havstrategidirektivet, da Kommissionen efter komitéproceduren, som forslaget behandles under, kun har mulighed for at fremsætte ikke-væsentlige ændringsforslag. Udenrigsministeriets JTEU-kontor vurderer umiddelbart, at det ud fra en ordlydsfortolkning ikke er tydeligt, at Kommissionen overskrider sin kompetence.

### *Konsekvenser for hhv. vandrammedirektivet og habitat-/fuglebeskyttelsesdirektivet*

Da forslaget lægger op til, at der skal foreligge en vurdering af god miljøtilstand vedr. næringsstoffer i kystvande og miljøfarlige stoffer i territorialfarvande (som ellers er dækket af vandrammedirektivet) kan brugen af undtagelsesbestemmelser under vandrammedirektivet udgøre en udfordring for opnåelse af havmiljømålene, idet havstrategidirektivet ikke indeholder de samme undtagelsesbestemmelser.

Mange af de arter og naturtyper, der ifølge forslaget skal fastsættes grænseværdier for, er underlagt beskyttelse i medfør af habitatdirektivet og fuglebeskyttelsesdirektivet, hvor der ikke er en ultimativ deadline for opnåelse af gunstig bevaringsstatus. Afgørelsen kan indirekte komme til at betyde en skærpelse af habitat- og fuglebeskyttelsesdirektiverne, idet det på nogle områder forudsættes, at man vurderer de samme arter og naturtyper under havstrategidirektivet, hvor der er krav om god miljøtilstand i 2020.

## Forhandlingssituation – danske ankepunkter ift Kommissionens forslag

Danmark har fra begyndelsen været kritisk overfor forslaget. De væsentligste danske ankepunkter i forhold til 1. og seneste udkast til forslaget er beskrevet i tabel 1 nedenfor.

1. Udkast af 14. januar 2016	5. Udkast af 15. september 2016
DK mener, at medlemslandenes handlemuligheder indskrænkes ved at der skal fastsætte kvantitative tærskelværdier og har bedt om en juridisk vurdering af, om dette er i overensstemmelse med direktivet.	Kommissionen har ikke efterkommet ønsket om juridisk vurdering, men oplyst på møder, at der er hjemmel til forslaget.
Indskrænkede handlemuligheder idet der stilles	Fortsat krav om fastlæggelse af kvantitative

krav om fastlæggelse af kvantitative tærskelværdier, fremfor valg mellem kvalitative beskrivelser, kvantitative værdier eller trends.	tærskelværdier. Kommissionen har bemærket, at dette er det bærende element i forslaget, hvorfor det ikke forventes at udgå. <b><u>Dette er det afgørende punkt for Danmark.</u></b>
For streng vurdering af god miljøtilstand. Brugen af "one-out-all-out" betød, at når én tærskelværdi er overskredet for ét element er der ikke god tilstand for hele den tilhørende deskriptor.	Delvist imødekommet. One-out-all-out anvendes kun meget få steder. I stedet introduceres dog et krav om at der skal fastsættes såkaldte integrations-regler (i mange tilfælde på EU-niveau). Integrationsreglerne skal sætte retningslinjer for, hvordan de enkelte resultater integreres til en samlet vurdering af miljøtilstanden – fx hvor stor en andel af de vurderede fuglearter, der skal opfylde de fastsatte tærskelværdier for at god miljøtilstand er opnået samlet set. Da integrationsreglerne skal besluttes efter vedtagelsen af forslaget, kan genintroduktion af "one-out-all-out"-princippet ikke udelukkes.
Uklart forhold til andre direktiver, herunder vandrammedirektivet, habitat- og fuglebeskyttelsesdirektiverne.	Delvist imødekommet ift. vandrammedirektivet. Der er etableret et klarere (men ikke helt klart) skel mellem vandrammedirektivets og havstrategidirektivets reguleringsområde. Kritikken er ikke imødekommet på andre punkter.
For kort tidshorison - fastsættelse af tærskelværdier senest til brug for afrapporteringen i 2018	Delvist imødekommet. Tærskelværdierne skal fastsættes "så vidt muligt" til brug for afrapporteringen i 2018, alternativt så hurtigt som muligt derefter.
Juridisk uklart forhold mellem politisk bindende arbejde i de regionale havkonventioner og det juridisk bindende arbejde under havstrategidirektivet.	Delvist imødekommet. Det er skrevet ind, at de fastsatte tærskelværdier først bliver en del af medlemslandets direktivimplementering, når det rapporteres til Kommissionen. Dog spiller regionalt samarbejde stadig en helt central rolle i implementeringen af direktivet. Det er blandt andet et krav, at tærskelværdierne skal være konsistente med relevante værdier under havkonventionerne.
For streng tilgang til brugen af "risk-based approach", landene kunne kun påberåbe sig brugen i helt ekceptionelle tilfælde.	Imødekommet. Bliver nu anvendt i forhold til om sekundære kriterier skal anvendes og "ekceptionelle tilfælde" er slettet.
Manglende videnskabeligt grundlag til at fastsætte tærskelværdier i 2018.	Delvist imødekommet (nogle lande vil mene at det er fuldt imødekommet). Der er indsat mulighed for, at landene – ind til der er fastsat tærskelværdier – kan bruge andre metoder. Det endelige mål er fortsat tærskelværdier, og på nogle områder vil der ikke være tilstrækkeligt videnskabeligt grundlag inden for en længere årrække.
Nye væsentlige økonomiske omkostninger vedr. overvågning og rapportering for nogle	Delvist imødekommet. Der er i nogen grad taget hensyn til, at landene kan bruge de målemetoder/

**Kommentar [SB1]:** Disse bekymringer vedr. det videnskabelige grundlag er blevet rejst adskillige gange, jf. UM's kommentar.

medlemslande.	måleenheder, som de bruger i dag. Samtidig er der givet mulighed for, at man i en periode kan anvende graden af den menneskelige påvirkning til at beskrive tilstanden, hvis man ikke har data om tilstanden for bestemte elementer i havets økosystem. Der stilles dog fortsat krav til yderligere overvågning ift. nuværende.
Manglende fleksibilitet ift. regionale forskelle.	Delvist imødekommet. De to konkrete tærskelværdier er slettet. For tærskelværdier fastsat på EU-niveau fremgår eksplicit, at der skal tages hensyn til regionale forskelle.
De to konkret foreslåede tærskelværdier – max 5 % tabt havbund og max 30 % forstyrret havbund, vil have omkostninger for andre politikområder, herunder fiskeri, energi, infrastruktur og fødevarer.	Delvist imødekommet. De konkrete tærskelværdier er slettet, men skal fastsættes på EU-niveau efterfølgende. Forventeligt på et mindre restriktivt niveau.

Endeligt skal det bemærkes, at Danmark af flere omgange i komitémøderne har anmodet Kommissionen om at lave en Impact Assessment ud fra den vurdering, at forslaget havde væsentlige konsekvenser. Det er ikke blevet imødekommet af Kommissionen, der ikke mener, konsekvenserne er væsentlige nok til en Impact Assessment.

### **Beredskab**

- Concerns about a current proposal for a Commission Decision on Good Environmental Status (GES) in the marine environment, pursuant to the Marine Strategy Framework Directive.

- Apprehensive about the fact that the general content of the proposed Commission Decision has unforeseen and far-reaching consequences.

- The proposed Decision obliges the Member States to define quantitative values for GES on a large number of criteria. Worried that this Decision will have significant economic implications for other policy strands such as fisheries, aquaculture, energy, transportation, offshore oil and gas, construction activities etc., as well as severe administrative burdens for the public sector in the Member States.

- Concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive.

- Lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats.

- Issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria.

- We are very much concerned with the fact that a Decision with those far-reaching consequences for the Member States.

- The vote is expecting to take place November 10th, 2016 and I hope, you will take the concerns mentioned into consideration and consider voting against the Commission's decision.

### **Frist og modtagerkreds**

Torsdag den 3. november til [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk), cc. [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk); [lioel@svana.dk](mailto:lioel@svana.dk); [hacka@svana.dk](mailto:hacka@svana.dk); [hehol@mfvm.dk](mailto:hehol@mfvm.dk); [diman@svana.dk](mailto:diman@svana.dk); [makbj@mfvm.dk](mailto:makbj@mfvm.dk); [anmeg@fm.dk](mailto:anmeg@fm.dk); [jabaj@fm.dk](mailto:jabaj@fm.dk);

### **Kontaktpersoner i Miljø- og Fødevareministeriet**

Specialkonsulent Sidsel Bjøl, Miljø- og Fødevareministeriet, [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk), +45 93 59 71 60  
Fuldmægtig Maria Klint Thelander, Miljø- og Fødevareministeriet, [makbj@mfvm.dk](mailto:makbj@mfvm.dk), +45 91 36 58 47  
Kontorchef Lisbet Ølgaard, Styrelsen for Vand- og Naturforvaltning, [lioel@svana.dk](mailto:lioel@svana.dk), +45 22 82 50 89  
Fuldmægtig Ditte Mandøe Andreasen, Styrelsen for Vand- og Naturforvaltning, [diman@svana.dk](mailto:diman@svana.dk), +45 93 58 81 24

NOTAT



**Ministry of Environment  
and Food of Denmark**  
Department

EU og internationalt  
Ref. SIDBJ  
October 19 2016

## Instruktion til EU repræsentationen ang. Kommissionens forslag til nye metoder og kriterier for god havmiljøtilstand

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### Problemstilling

Kommissionens forslag om nye metoder og kriterier for opgørelsen af god havmiljøtilstand i EU pålægger medlemslandene at opfylde kvantitative tærskelværdier for god havmiljøtilstand. Forslaget forventes at kunne få omfattende statsfinansielle og erhvervsøkonomiske konsekvenser for Danmark.

Kommissionens forslag vurderes problematisk, da Danmark formentlig vil blive forpligtet af tærskelværdier i regi af HELCOM og OSPAR, hvorved en lang række erhverv kan blive pålagt store byrder. Der kan endvidere være risiko for, at Danmarks konkurrenceevne vil blive forringet over for EU-lande, der indgår i andre havregionssamarbejder, hvor der fastsættes mere lempelige tærskelværdier. Derudover bemærkes det, at der endnu ikke foreligger et tilstrækkeligt videnskabeligt grundlag til at fastsætte tærskelværdier for en række af kriterierne i forslaget.

Miljø- og Fødevarerministeren har den 19. oktober sendt ministerbrev til [redacted] lande<sup>1</sup> mhp. at forsøge at skabe et blokerende mindretal forud for afstemningen (vedhæftet).

Sagen har været behandlet i regeringens Økonomiudvalg den 12. oktober 2016. Her blev det besluttet, at Danmark ikke kan støtte Kommissionens forslag. Derudover blev det vurderet nødvendigt at sikre mere politisk opmærksom om sagen.

### Instruktion

På baggrund af dette anmodes EU-repræsentationen følgende (jf. aftalt operationalisering af ØU-cover):

- Tage kontakt til relevante generaldirektorater (DG ENVI og DG MARE) på ambassadørniveau for at skabe opmærksomhed omkring Danmarks bekymringer om forslaget og sagens politiske bevågenhed.
- I denne kontakt til Kommissionen bør det påpeges, at man fra dansk side finder sagen af for stort et omfang til at blive behandlet i komitéprocedure, og at man gerne ser forslaget blive behandlet i Rådet.

<sup>1</sup> [redacted]  
[redacted]

## Baggrund for forslaget

Forslaget behandles i en komité under Havstrategidirektivet og skal vedtages ved kvalificeret flertal. Forslaget forventes sat til afstemning den 10.-11. november 2016. Det er sandsynligt, at der opnås kvalificeret flertal for forslaget.

Forslagets formål er at sikre konsistens og sammenlignelighed mellem landenes implementering af Havstrategidirektivet. Inden for 11 deskriptorer/emner angiver forslaget således en række kriterier og metoder, som medlemslandene skal anvende til at vurdere havmiljøets tilstand. Derudover angiver forslaget, hvilke elementer i havmiljøet, der skal overvåges smat i nogle tilfælde også, hvor ofte disse skal overvåges.

Det har været en dansk overvejelse, om Kommissionen med forslaget muligvis overskrider sin bemyndigelse i Havstrategidirektivet, da Kommissionen efter komitéproceduren, som forslaget behandles under, kun har mulighed for at fremsætte ikke-væsentlige ændringsforslag. Udenrigsministeriets JTEU-kontor vurderer umiddelbart, at det ud fra en ordlydsfortolkning ikke er tydeligt, at Kommissionen overskrider sin kompetence.

Miljø- og Fødevarerministeriet havde i de tidligere forhandlingsfaser samlet en gruppe af ligesindede medlemslande i et blokerende mindretal, der problematiserede, hvorvidt Kommissionen havde overskredet sin bemyndigelse i forslaget, hvorvidt der var tilstrækkeligt videnskabeligt grundlag for en række tærskelværdier, samt fremhævede de mulige økonomiske konsekvenser. Som følge heraf, er Kommissionen kommet med en række indrømmelse og justeringer af forslaget. Tilslutningen til gruppen af ligesindede har herefter været vigende, hvilket har resulteret i, at det blokerende mindretal ikke længere vurderes til stede. Det er således sandsynligt, at der opnås kvalificeret flertal for forslaget.

### *Konsekvenser for hhv. vandrammedirektivet og habitat-/fuglebeskyttelsesdirektivet*

Da forslaget lægger op til, at der skal foreligge en vurdering af god miljøtilstand vedr. næringsstoffer i kystvande og miljøfarlige stoffer i territorialfarvande (som ellers er dækket af vandrammedirektivet) kan brugen af undtagelsesbestemmelser under vandrammedirektivet udgøre en udfordring for opnåelse af havmiljømålene, idet havstrategidirektivet ikke indeholder de samme undtagelsesbestemmelser.

Mange af de arter og naturtyper, der ifølge forslaget skal fastsættes grænseværdier for, er underlagt beskyttelse i medfør af habitatdirektivet og fuglebeskyttelsesdirektivet, hvor der ikke er en ultimativ deadline for opnåelse af gunstig bevaringsstatus. Afgørelsen kan indirekte komme til at betyde en skærpelse af habitat- og fuglebeskyttelsesdirektiverne, idet det på nogle områder forudsættes, at man vurderer de samme arter og naturtyper under havstrategidirektivet, hvor der er krav om god miljøtilstand i 2020.

## Forhandlingssituation – danske ankepunkter ift Kommissionens forslag

Danmark har fra begyndelsen været kritisk overfor forslaget. De væsentligste danske ankepunkter i forhold til 1. og seneste udkast til forslaget er beskrevet i tabel 1 nedenfor.

<b>1. Udkast af 14. januar 2016</b>	<b>5. Udkast af 15. september 2016</b>
DK mener, at medlemslandenes handlemuligheder indskrænkes ved at der skal fastsætte kvantitative tærskelværdier og har bedt om en juridisk vurdering af, om dette er i overensstemmelse med direktivet.	Kommissionen har ikke efterkommet ønsket om juridisk vurdering, men oplyst på møder, at der er hjemmel til forslaget.

Indskrænkede handlemuligheder idet der stilles krav om fastlæggelse af kvantitative tærskelværdier, fremfor valg mellem kvalitative beskrivelser, kvantitative værdier eller trends.	Fortsat krav om fastlæggelse af kvantitative tærskelværdier. Kommissionen har bemærket, at dette er det bærende element i forslaget, hvorfor det ikke forventes at udgå. <b><u>Dette er det afgørende punkt for Danmark.</u></b>
For streng vurdering af god miljøtilstand. Brugen af "one-out-all-out" betød, at når én tærskelværdi er overskredet for ét element er der ikke god tilstand for hele den tilhørende deskriptor.	Delvist imødekommet. One-out-all-out anvendes kun meget få steder. I stedet introduceres dog et krav om at der skal fastsættes såkaldte integrations-regler (i mange tilfælde på EU-niveau). Integrationsreglerne skal sætte retningslinjer for, hvordan de enkelte resultater integreres til en samlet vurdering af miljøtilstanden – fx hvor stor en andel af de vurderede fuglearter, der skal opfylde de fastsatte tærskelværdier for at god miljøtilstand er opnået samlet set. Da integrationsreglerne skal besluttes efter vedtagelsen af forslaget, kan genintroduktion af "one-out-all-out"-princippet ikke udelukkes.
Uklart forhold til andre direktiver, herunder vandrammedirektivet, habitat- og fuglebeskyttelsesdirektiverne.	Delvist imødekommet ift. vandrammedirektivet. Der er etableret et klarere (men ikke helt klart) skel mellem vandrammedirektivets og havstrategidirektivets reguleringsområde. Kritikken er ikke imødekommet på andre punkter.
For kort tidshorisont - fastsættelse af tærskelværdier senest til brug for afrapporteringen i 2018	Delvist imødekommet. Tærskelværdierne skal fastsættes "så vidt muligt" til brug for afrapporteringen i 2018, alternativt så hurtigt som muligt derefter.
Juridisk uklart forhold mellem politisk bindende arbejde i de regionale havkonventioner og det juridisk bindende arbejde under havstrategidirektivet.	Delvist imødekommet. Det er skrevet ind, at de fastsatte tærskelværdier først bliver en del af medlemslandets direktivimplementering, når det rapporteres til Kommissionen. Dog spiller regionalt samarbejde stadig en helt central rolle i implementeringen af direktivet. Det er blandt andet et krav, at tærskelværdierne skal være konsistente med relevante værdier under havkonventionerne.
For streng tilgang til brugen af "risk-based approach", landene kunne kun påberåbe sig brugen i helt ekseptionelle tilfælde.	Imødekommet. Bliver nu anvendt i forhold til om sekundære kriterier skal anvendes og "ekseptionelle tilfælde" er slettet.
Manglende videnskabeligt grundlag til at fastsætte tærskelværdier i 2018.	Delvist imødekommet (nogle lande vil mene at det er fuldt imødekommet). Der er indsat mulighed for, at landene – ind til der er fastsat tærskelværdier – kan bruge andre metoder. Det endelige mål er fortsat tærskelværdier, og på nogle områder vil der ikke være tilstrækkeligt videnskabeligt grundlag inden for en længere årrække.
Nye væsentlige økonomiske omkostninger vedr.	Delvist imødekommet. Der er i nogen grad taget

**Kommentar [SB1]:** Disse bekymringer vedr. det videnskabelige grundlag er blevet rejst adskillige gange, jf. UM's kommentar.

overvågning og rapportering for nogle medlemslande.	hensyn til, at landene kan bruge de målemetoder/ måleenheder, som de bruger i dag. Samtidig er der givet mulighed for, at man i en periode kan anvende graden af den menneskelige påvirkning til at beskrive tilstanden, hvis man ikke har data om tilstanden for bestemte elementer i havets økosystem. Der stilles dog fortsat krav til yderligere overvågning ift. nuværende.
Manglende fleksibilitet ift. regionale forskelle.	Delvist imødekommet. De to konkrete tærskelværdier er slettet. For tærskelværdier fastsat på EU-niveau fremgår eksplicit, at der skal tages hensyn til regionale forskelle.
De to konkret foreslåede tærskelværdier – max 5 % tabt havbund og max 30 % forstyrret havbund, vil have omkostninger for andre politikområder, herunder fiskeri, energi, infrastruktur og fødevarer.	Delvist imødekommet. De konkrete tærskelværdier er slettet, men skal fastsættes på EU-niveau efterfølgende. Forventeligt på et mindre restriktivt niveau.

Endeligt skal det bemærkes, at Danmark af flere omgange i komitémøderne har anmodet Kommissionen om at lave en Impact Assessment ud fra den vurdering, at forslaget havde væsentlige konsekvenser. Det er ikke blevet imødekommet af Kommissionen, der ikke mener, konsekvenserne er væsentlige nok til en Impact Assessment.

### Beredskab

- Concerns about a current proposal for a Commission Decision on Good Environmental Status (GES) in the marine environment, pursuant to the Marine Strategy Framework Directive.

- Apprehensive about the fact that the general content of the proposed Commission Decision has unforeseen and far-reaching consequences.

- The proposed Decision obliges the Member States to define quantitative values for GES on a large number of criteria. Worried that this Decision will have significant economic implications for other policy strands such as fisheries, aquaculture, energy, transportation, offshore oil and gas, construction activities etc., as well as severe administrative burdens for the public sector in the Member States.

- Concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive.

- Lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats.

- Issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria.

- We are very much concerned with the fact that a Decision with those far-reaching consequences for the Member States. On this basis we encourage the Commission to ensure that the decision will be dealt with in Council.



**Frist og modtagerkreds**

Onsdag den 26. oktober til [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk), cc. [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk); [lioel@svana.dk](mailto:lioel@svana.dk); [hacka@svana.dk](mailto:hacka@svana.dk); [hehol@mfvm.dk](mailto:hehol@mfvm.dk); [diman@svana.dk](mailto:diman@svana.dk); [makbj@mfvm.dk](mailto:makbj@mfvm.dk); [anmeg@fm.dk](mailto:anmeg@fm.dk); [jabaj@fm.dk](mailto:jabaj@fm.dk);

**Kontaktpersoner i Miljø- og Fødevareministeriet**

Specialkonsulent Sidsel Bjøl, Miljø- og Fødevareministeriet, [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk), +45 93 59 71 60

Fuldmægtig Maria Klint Thelander, Miljø- og Fødevareministeriet, [makbj@mfvm.dk](mailto:makbj@mfvm.dk), +45 91 36 58 47

Kontorchef Lisbet Ølgaard, Styrelsen for Vand- og Naturforvaltning, [lioel@svana.dk](mailto:lioel@svana.dk), +45 22 82 50 89

Fuldmægtig Ditte Mandøe Andreasen, Styrelsen for Vand- og Naturforvaltning, [diman@svana.dk](mailto:diman@svana.dk), +45 93 58 81 24



Letter sent to Ministers of Environment and Fisheries of [REDACTED] 20 October 2016

[REDACTED]  
[REDACTED]  
[REDACTED]

Copy to the Commission:  
Commissioner Karmenu Vella  
Commissioner for Environment, Maritime Affairs and Fisheries

Dear colleague,

I am writing to you to address my concerns about a current proposal for a Commission Decision on Good Environmental Status (GES) in the marine environment, pursuant to the Marine Strategy Framework Directive.

I am apprehensive about the fact that the general content of the proposed Commission Decision goes beyond a technical revision and thereby goes beyond the legal basis for Commission Decisions in the Marine Strategy Framework Directive.

The proposed Decision obliges the Member States to define quantitative values for GES on a large number of criteria. I am worried that this Decision will have significant economic implications for other policy strands such as fisheries, aquaculture, energy, transportation, offshore oil and gas, construction activities etc., as well as severe administrative burdens for the public sector in the Member States.

Further, I am concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive.

Additionally, I believe that there is a lack of maturity in the science in order to set threshold values for many of the criteria, especially underwater noise, marine litter and habitats.

I find that this issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions<sup>1</sup>. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria.

The negotiations are taking place in a Regulatory Committee under the Marine Strategy Framework Directive and the vote is expecting to take place 10 November 2016. I hope, you will take the concerns mentioned in this letter into consideration and consider voting against the Commission's decision.

Yours sincerely,



Esben Lunde Larsen

---

<sup>1</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of April 13, 2016 on Better Law-Making.



To:  
EU Ministers for the Environment and Fisheries  
Copy to Commissioner Vella

Dear colleague,

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I am apprehensive about the fact that the general content of the proposed Commission Decision goes beyond a technical revision and thereby goes beyond the legal basis for Commission Decisions in the Marine Strategy Framework Directive.

The proposed Decision obliges the Member States to define quantitative values for GES on a large number of criteria. I am worried that this Decision will have significant economic implications for other policy strands such as fisheries, aquaculture, energy, transportation, offshore oil and gas, construction activities etc., as well as severe administrative burdens for the public sector in the Member States.

Further, I am concerned that such new GES values may alter the interpretation of other EU directives, e.g. the Habitats Directive and the Water Framework Directive.

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I find that this issue should be addressed by carrying out an impact assessment and would draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions<sup>1</sup>. In this agreement, the Commission is required to carry out impact assessments of its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. This proposal definitely falls within these criteria.

The negotiations are taking place in a Regulatory Committee under the Marine Strategy Framework Directive and the vote is expecting to take place 10 November 2016. I hope, you will take the concerns mentioned in this letter into consideration and consider voting against the Commission's decision.

Yours sincerely,

Esben Lunde Larsen

---

<sup>1</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of April 13, 2016 on Better Law-Making.



## Aktdetaljer

### Akttitel: komitésag under havstrategidirektivet Aktnummer:

Akt ID: 2563574

Dato: 20-10-2016

Type: Udgående

Original titel: komitésag under havstrategidirektivet

Dokumenter: [1] komitésag under havstrategidirektivet.msg  
[2] Bilag 2 - Notat om hjemmel til kommissionen - havstrategidirektivet-1.docx  
[3] GES appendix V5 14-09-2016.pdf (MEDTAGES IKKE)  
[4] GES V5 14-09-2016.pdf (MEDTAGES IKKE)  
[5] Bilag 7 - EU-Kommissionens forslag til nye metoder og kriterier for god ....pdf (MEDTAGES IKKE)

Den 22. februar 2017

**Til:** cam@jm.dk (cam@jm.dk)  
**Cc:** Maria Klint Thelander (makbj@mfvm.dk), Morten Gudmann Christensen (mogch@mfvm.dk)  
**Fra:** Sidsel Bjøl (sidbj@mfvm.dk)  
**Titel:** komitésag under havstrategidirektivet  
**Sendt:** 20-10-2016 13:11:54  
**Bilag:** Bilag 2 - Notat om hjemmel til kommissionen - havstrategidirektivet-1.docx; GES appendix V5 14-09-2016.pdf; GES V5 14-09-2016.pdf; Bilag 7 - EU-Kommissionens forslag til nye metoder og kriterier for god ....pdf;

Kære Christian

Som aftalt telefonisk her lidt materiale forud for mødet.

Vi tales ved tirsdag formiddag mhp bl.a. at finde et mødetidspunkt.

Mvh  
Sidsel

**Sidsel Bjøl**  
Special Advisor | EU and International affairs  
+45 93 59 71 60 | sidbj@mfvm.dk

**Ministry of Environment and Food**  
The Department | Slotsholmen 12 | 1216 Copenhagen K | Tel. +45 38 14 21 42 | mfvm@mfvm.dk | www.mfvm.dk

NOTAT



**Miljø- og  
Fødevareministeriet**  
Styrelsen for Vand- og  
Naturforvaltning

Naturbeskyttelse  
J.nr. SVANA-401-00260  
Ref. SIPRA  
Den 4. oktober 2016

## Afklaring af hjemmel til Kommissionens forslag om kriterier for god miljøtilstand efter havstrategidirektivet

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### Indledning

EU's Havstrategidirektiv har til formål at skabe en ramme for, at medlemslandene træffer foranstaltninger til at opnå eller opretholde en god miljøtilstand i havmiljøet senest i år 2020.

På baggrund af landenes seneste indberetninger har Kommissionen vurderet, at der er behov for, at medlemslandene gør sig større anstrengelser og øger den regionale koordinering, hvis målet om god miljøtilstand for EU i 2020 skal nås.

Kommissionen har udarbejdet et forslag til kommissionsafgørelse om metoder og kriterier for, hvordan "god miljøtilstand" skal opgøres med henvisning til direktivet art. 9, stk. 3. Forslaget skal erstatte den gældende komitébeslutning fra 2010, som ikke indeholdt krav om tærskelværdier. Inden for direktivets 11 deskriptorer angiver forslaget således en række kriterier og metoder, som medlemslandene skal anvende til at vurdere havmiljøets tilstand. Der er for eksempel krav om at fastsætte tærskelværdier for, hvor stort et areal af havbunden, der må være negativt påvirket, omfanget af eutrofiering, miljøfarlige stoffer, marint affald og undervandsstøj samt udbredelsen af bestemte arter, fx fugle og sæler. Kommissionens forslag pålægger for en lang række kriterier medlemslandene at opstille kvantitative tærskelværdier for god miljøtilstand.

Forslaget behandles efter en komité procedure med hjemmel i havstrategidirektivet (forskriftsprocedure med kontrol). Forslaget ventes sendt til afstemning 10. november 2016.

### Hjemmelsspørgsmål

God miljøtilstand er defineret i direktivets artikel 3, nr. 5. Her fremgår det blandt andet, at en god miljøtilstand beskrives for havregionen eller subregionen på grundlag af de kvalitative deskriptorer i bilag 1. Endvidere fremgår det af direktivets artikel 9, hvordan medlemsstaterne skal beskrive god miljøtilstand. Dette skal ske på grundlag af de kvalitative deskriptorer i bilag I (stk.1), de vejledende lister i bilag III (stk. 1, 2. og 3. afsnit) og på grundlag af kriterier og metodiske standarder, som Kommissionen fastsætter (stk. 3).

Kriterier er defineret i direktivets artikel 3, nr. 6 som distinktive tekniske træk, der er nært forbundet med kvalitative deskriptorer.

Miljømål er defineret i havstrategidirektivets artikel 3, nr. 7, som værende "en kvalitativ eller kvantitativ beskrivelse af den ønskede tilstand...".

Kommissionen har anvendt havstrategidirektivets artikel 9, stk. 3 til at fremlægge forslaget.

Artikel 9, stk. 3 tillægger Kommissionen kompetence til på grundlag af de kvalitative deskriptorer i direktivets bilag I og de vejledende lister i bilag III at fastlægge ”kriterier og metodiske standarder, som medlemsstaterne skal anvende, og som udformes med henblik på ændring af ikke-væsentlige elementer i dette direktiv ved at supplere det, for at sikre konsistens og gøre det muligt at foretage en sammenligning mellem havregioner eller subregioner med hensyn til, i hvilket omfang der er opnået en god miljøtilstand”.

#### **Væsentligheds- og/eller substansvurdering**

- 1) Det fremgår ikke af direktivet, at god miljøtilstand *skal* fastsættes kvantitativt. Tværtimod fremgår det af artikel 3, stk. 5, at de 11 kvalitative deskriptorer i bilag 1 er omdrejningspunktet for beskrivelsen af god miljøtilstand.
- 2) Det fremgår heller ikke, at kriterierne *skal* beskrives kvantitativt via målbare tærskelværdier, sådan som Kommissionen har foreslået i sit udkast til afgørelse.

Det er således MFVM's vurdering, at direktivet giver mulighed for at fastsætte god miljøtilstand kvalitativt såvel som kvantitativt.

Det er således MFVM's vurdering, at ved at begrænse miljøtilstandsvurderingen til alene kvantitative kriterier jf. forslag med hjemmel i artikel 9, stk. 3, vil Kommissionens forslag indirekte begrænse direktivets artikel 3, stk. 7, og dermed medlemslandenes mulighed for at fastsætte miljømål som en kvalitativ beskrivelse. Indsnævringen af medlemslandenes valgmulighed ifm. opgørelse af god miljøtilstand, vurderer MFVM ikke kan kvalificeres som et ikke-væsentligt element.

Endvidere kan det oplyses, at Danmark via EU-Repræsentationen har kontaktet Rådets Juridiske Tjeneste mhp. en vurdering af dette spørgsmål. Dette har Rådets Juridiske Tjeneste afvist med henvisning til at forslaget til afgørelse forhandles i en komité under EU-Kommissionen.





## Aktdetaljer

Den 22. februar 2017

### Akttitel: KORT FRIST: DK statement Aktnummer:

Akt ID: 2616986  
Dato: 09-11-2016  
Type: Udgående  
Original titel: KORT FRIST: DK statement  
Dokumenter: [1] KORT FRIST DK statement.msg  
                  [2] 161109 Statement from DK.docx

**Til:** Lone Knudsen (lonknu@um.dk), moneim@um.dk (moneim@um.dk), Eva Leisne (evalei@um.dk), Anne Ehrenreich (annehr@um.dk)  
**Cc:** Maria Klint Thelander (makbj@mfv.dk)  
**Fra:** Sidsel Bjøl (sidbj@mfv.dk)  
**Titel:** KORT FRIST: DK statement  
**Sendt:** 09-11-2016 13:40:41  
**Bilag:** 161109 Statement from DK.docx;

Kære kolleger i UM

Jeg beklager, vi først kommer nu med udkast til statement. Vi agter at sende den til ministerens godkendelse meget snart, så venligst meld hurtigt tilbage, hvis I har nogle ændringsforslag eller kommentarer til vedhæftet, der følger alle tidligere linjer. Og lad mig bemærke, at vi ikke stiller spørgsmålstejn ved hjemmelselementet, men dog stadig skriver, vi gerne havde set KOM's juridiske vurdering af forslaget. Det håber jeg, kan blive en acceptabel linje for alle.

Frist: kl 14.30

Mvh  
Sidsel

**Sidsel Bjøl**

Special Advisor | EU and International affairs  
+45 93 59 71 60 | sidbj@mfv.dk

**Ministry of Environment and Food**

The Department | Slotsholmen 12 | 1216 Copenhagen K | Tel. +45 38 14 21 42 | mfv@mfv.dk | www.mfv.dk

NOTAT



**Ministry of Environment  
and Food of Denmark**  
Agency for Water and  
Nature Management

November 10, 2016

**Statement from Denmark after the voting on the Commission Decision on GES, in the Marine Strategy Framework Directive Regulatory Committee.**

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The Regulatory Committee under the Marine Strategy Framework Directive adopted on 10 November 2016 with a qualified majority the Commission Decision laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/7477/EU.

Denmark recognises the result of the voting, but is seriously concerned about the content and the possible future impact of the Commission Decision as well as the future process implementing its requirements.

Denmark regrets, that it has not been possible to find common ground and a solution that all Member States could agree on.

Denmark would like to draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions as we firmly believe this decision will have significant economic, environmental and/or social impacts. Denmark regrets that no impact assessment and no clarity regarding the legal basis for the Decision have been presented by the Commission prior to its adoption.

In the future development of any threshold within the Regional Sea Conventions and the EU Common Implementation Strategy, it will be of utmost importance for Denmark that no proposal for a threshold value can be developed and approved without a prior assessment of its economic, social and environmental consequences.

Denmark stands ready in any way possible to contribute constructively to this next crucial step of the process.



## Aktdetaljer

Den 22. februar 2017

### Akttitel: SV: KORT FRIST: DK statement Aktnummer:

Akt ID: 2617245  
Dato: 09-11-2016  
Type: Indgående  
Original titel: SV: KORT FRIST: DK statement  
Dokumenter: [1] SV KORT FRIST DK statement.msg  
                  [2] 161109 Statement from DK.docx

**Til:** Sidsel Bjøl (sidbj@mfvm.dk)  
**Cc:** moneim@um.dk (moneim@um.dk), Lone Knudsen (lonknu@um.dk), Louise Berth (louber@um.dk), Eva Leisne (evalei@um.dk), Eva Leisne (evalei@um.dk), Maria Klint Thelander (makbj@mfvm.dk), Ida Heimann Larsen (idahei@um.dk), Christel Ann-Sophie Maertens (chrjep@um.dk)  
**Fra:** Anne Ehrenreich (annehr@um.dk)  
**Titel:** SV: KORT FRIST: DK statement  
**Sendt:** 09-11-2016 14:42:26  
**Bilag:** 161109 Statement from DK.docx;

Kære Sidsel,

Mange tak for snakken. Det er nyttigt at vide, at erklæringsudkastet er tænkt som en stemmeforklaring, jfr. Ø-sagen, som I vil afgive i forbindelse med vedtagelsen.

For at stemmeforklaringen opfattes så konstruktivt som muligt, vil vi foreslå, at I overvejer følgende ændringer af teksten:

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- I fremtidige proces (på regionalt niveau?) vil dk derfor arbejde for.. mhp sikre...

Endelig foreslår vi, at I sletter henvisningen til "legal basis", da det ikke er dette problem, der har været rejst (der er hjemmel!) og erstatter med vedhæftede tekstforslag.

Mvh  
Anne

---

**ANNE EHRENREICH** / [ANNEHR@UM.DK](mailto:ANNEHR@UM.DK)  
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**Fra:** Sidsel Bjøl [mailto:sidbj@mfvm.dk]  
**Sendt:** 9. november 2016 13:41  
**Til:** Eva Leisner; Anne Ehrenreich; Lone Knudsen; Monica Eimert  
**Cc:** Maria Klint Thelander (MFVM-DEP)  
**Emne:** KORT FRIST: DK statement  
**Prioritet:** Høj

Kære kolleger i UM

Jeg beklager, vi først kommer nu med udkast til statement. Vi agter at sende den til ministerens godkendelse meget snart, så venligst meld hurtigt tilbage, hvis I har nogle ændringsforslag eller kommentarer til vedhæftet, der følger alle tidligere linjer. Og lad mig bemærke, at vi ikke stiller spørgsmålstejn ved hjemmelselementet, men dog stadig skriver, vi gerne havde set KOM's juridiske vurdering af forslaget. Det håber jeg, kan blive en acceptabel linje for alle.

Frist: kl 14.30

Mvh  
Sidsel

**Sidsel Bjøl**  
Special Advisor | EU and International affairs  
+45 93 59 71 60 | [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk)

**Ministry of Environment and Food**

The Department | Slotsholmen 12 | 1216 Copenhagen K | Tel. +45 38 14 21 42 | [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk) | [www.mfvm.dk](http://www.mfvm.dk)

NOTAT



**Ministry of Environment  
and Food of Denmark**  
Agency for Water and  
Nature Management

November 10, 2016

### **Statement from Denmark after the voting on the Commission Decision on GES, in the Marine Strategy Framework Directive Regulatory Committee.**

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The Regulatory Committee under the Marine Strategy Framework Directive adopted on 10 November 2016 with a qualified majority the Commission Decision laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/7477/EU.

Denmark recognises the result of the voting, but is seriously concerned about the content and the possible future impact of the Commission Decision as well as the future process implementing its requirements.

Denmark regrets, that it has not been possible to find common ground and a solution that all Member States could agree on.

Denmark would like to draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions as we firmly believe this decision will have significant economic, environmental and/or social impacts. Denmark regrets that no impact assessment ~~and no clarity regarding the legal basis for the Decision has~~ve been presented by the Commission prior to its adoption. Furthermore Denmark would have valued an explanation from the Commission's Legal Service regarding the legal elements of the proposal.

In the future development of any threshold within the Regional Sea Conventions and the EU Common Implementation Strategy, it will be of utmost importance for Denmark that no proposal for a threshold value can be developed and approved without a prior assessment of its economic, social and environmental consequences.

Denmark stands ready in any way possible to contribute constructively to this next crucial step of the process.



## Aktdetaljer

Den 22. februar 2017

### Akttitel: SV: KORT FRIST: DK statement Aktnummer:

Akt ID: 2617314  
Dato: 09-11-2016  
Type: Udgående  
Original titel: SV: KORT FRIST: DK statement  
Dokumenter: [1] SV KORT FRIST DK statement.msg



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**Til:** Anne Ehrenreich (annehr@um.dk)  
**Cc:** moneim@um.dk (moneim@um.dk), Lone Knudsen (lonknu@um.dk), Louise Berth (louber@um.dk), Eva Leisne (evalei@um.dk), Eva Leisne (evalei@um.dk), Maria Klint Thelander (makbj@mfvm.dk), Ida Heimann Larsen (idahei@um.dk), Christel Ann-Sophie Maertens (chrjep@um.dk)  
**Fra:** Sidsel Bjøl (sidbj@mfvm.dk)  
**Titel:** SV: KORT FRIST: DK statement  
**Sendt:** 09-11-2016 14:56:20

Mange tak for jeres hurtige tilbagemelding og for gode forslag. Vi vil tage nedenstående til hurtig overvejelse, og så kan vi sagtens acceptere jeres tekstforslag på det juridiske.

Mvh  
Sidsel

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**Fra:** Anne Ehrenreich [mailto:annehr@um.dk]  
**Sendt:** 9. november 2016 14:42  
**Til:** Sidsel Bjøl  
**Cc:** Maria Klint Thelander (MFVM-DEP); Christel Ann-Sophie Maertens; Eva Leisner; Ida Heimann Larsen; Lone Knudsen; Monica Eimert; Eva Leisner; Louise Berth  
**Emne:** SV: KORT FRIST: DK statement

Kære Sidsel,

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