

Bilag 3

## Aktoversigt

### Akter uden sagstilknytning

Akt nr.	Dato	Titel	Akt ID	#	Parter	Til	Kommentar
	31-01-2017	2016-01-15_Main aims of a revised Decision & Annex III.pdf	2763966	2			
	31-01-2017	2016-01-14 Draft Agenda.pdf	2763967	2			
	31-01-2017	2016-11-14_FINAL DRAFT Commission Decision GES criteria.pdf	2763968	2			
	31-01-2017	2016-11-10_1Feedback mechanism_short.pdf	2763969	2			
	31-01-2017	2016-11-09_Draft Agenda_committee meeting nov.pdf	2763970	2			
	31-01-2017	2016-11-08_2_DA_ACT_part1_v1.pdf	2763973	2			
	31-01-2017	2016-10-28_Draft Minutes 14th Committee meeting_with MS comments.docx	2763974	2			
	31-01-2017	2016-10-27_Draft Commission Decision GES.pdf	2763975	2			
	31-01-2017	2016-09-15-GES_V5_14-09-2016.pdf	2763976	2			
	31-01-2017	2016-09-15-GES_appendix_V5_14-09-2016.pdf	2763977	2			
	31-01-2017	2016-08-18-Draft Minutes of the 14th Committee meeting Clean.docx	2763978	2			
	31-01-2017	2016-06-20_Minutes of 13th meeting_DRAFT_clean.docx	2763979	2			
	31-01-2017	2016-05-24-Explanatory notes to GES Decision v3.docx	2763980	2			
	31-01-2017	2016-05-24_Com power point oplæg på CTTEE møde maj 2016.pdf	2763981	2			
	31-01-2017	2016-05-05 Draft Meeting minutes_CLEAN.docx	2763982	2			
	31-01-2017	2016-02-26 Proposal_Commission Decision on GES criteria-V2.pdf	2763983	2			
	31-01-2017	2016-02-26 Draft Meeting minutes amended.pdf	2763985	2			
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30-09-2016	Invitation to 15th meeting of the Committee established under Article 25 of the Directive 2008/56/EC starting on 10/11/2016	2764002	4		Ditte Mandøe Andreasen (diman@svana.dk)
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16-08-2016	MSFD Committee - Draft minutes of 14th meeting (29/06/16) - for comments by 15/9	2764005	1	<p>m.marciniewicz@gios.gov.pl  (m.marciniewicz@gios.gov.pl);  joanna.kopczynska@mcs.gov.pl  (joanna.kopczynska@mcs.gov.pl);  sandra.van.der.graaf@rws.nl  (sandra.van.der.graaf@rws.nl);  jmarques@dgrm.mamapt.pt  (jmarques@dgrm.mamapt.pt);  otilia.mihail@mmediu.ro  (otilia.mihail@mmediu.ro);  gheorghe.constantin@mmediu.ro  (gheorghe.constantin@mmediu.ro);  asimao@dgrm.mam.gov.pt  (asimao@dgrm.mam.gov.pt);  marine.era@era.org.mt  (marine.era@era.org.mt);  luc.zwank@eau.etat.lu  (luc.zwank@eau.etat.lu);  jean-  paul.lickes@eau.etat.lu  (jean-  paul.lickes@eau.etat.lu);  miraine.rizzo@era.org.mt  (miraine.rizzo@era.org.mt);  wim.van.urb@minienm.nl  (wim.van.urb@minienm.nl);  jan.busstra@minienm.nl  (jan.busstra@minienm.nl);  liam.butler@era.org.mt  (liam.butler@era.org.mt);  Maria.Laamanen@ymparisto.fi  (Maria.Laamanen@ymparisto.fi);  Agnes.Villmann@envir.ee  (Agnes.Villmann@envir.ee);  Rene.reisner@envir.ee  (Rene.reisner@envir.ee);  baiba.zasa@varam.gov.lv  (baiba.zasa@varam.gov.lv);  Lisbet Ølgaard  (liobel@svana.dk); Ditte  Mandøe Andreasen  (diman@svana.dk);  Poutanen Eeva-Liisa  (eeva-  liisa.poutanen@ymparisto.fi);  appuyol@magrama.es  (appuyol@magrama.es);  sarrieta@magrama.es  (sarrieta@magrama.es);  Barbara.Breznik@gov.si  (Barbara.Breznik@gov.si);  tobias.porsbring@havochvatten.se  (tobias.porsbring@havochvatten.se);  dominic.pattinson@defra.gsi.gov.uk  (dominic.pattinson@defra.gsi.gov.uk);  richard.moxon@defra.gsi.gov.uk  (richard.moxon@defra.gsi.gov.uk);  Karin.Pettersson@havochvatten.se  (Karin.Pettersson@havochvatten.se);  i.valunas@am.lt  (i.valunas@am.lt);  mmarcou@dfmr.moa.gov.cy  (mmarcou@dfmr.moa.gov.cy);  smichaelides@dfmr.moa.gov.cy  (smichaelides@dfmr.moa.gov.cy);  margyrou@dfmr.moa.gov.cy  (margyrou@dfmr.moa.gov.cy);  Veronika.Matuszna@mzp.cz  (Veronika.Matuszna@mzp.cz);  Jean-  marie.Quemener@developpement-  durable.gouv.fr (Jean-  marie.Quemener@developpement-  durable.gouv.fr);  ludovic.schultz@developpement-  durable.gouv.fr  (ludovic.schultz@developpement-</p>	

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	27-06-2016	Danish economic assessment - 30% threshold value	2764007	3	David.CONNOR@ec.europa.eu (David.CONNOR@ec.europa.eu)
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15-06-2016	MSFD Committee - Information for meeting of 29/06/16 + any remaining main point by 24/6 pl.	2764010	1		jan.busstra@minienm.nl (jan.busstra@minienm.nl); liam.butler@mepa.org.mt (liam.butler@mepa.org.mt); maraine.rizzo@mepa.org.mt (maraine.rizzo@mepa.org.mt); wim.van.urb@minienm.nl (wim.van.urb@minienm.nl); m.marciniewicz@gios.gov.pl (m.marciniewicz@gios.gov.pl); joanna.kopczynska@mcs.gov.pl (joanna.kopczynska@mcs.gov.pl); sandra.van.der.graaf@rws.nl (sandra.van.der.graaf@rws.nl); agne.lukoseviciene@am.lt (agne.lukoseviciene@am.lt); a.lukoseviciene@am.lt (a.lukoseviciene@am.lt); a.kniezait- gofmane@am.lt (a.kniezait- gofmane@am.lt); jean- paul.lickes@eau.etat.lu (jean- paul.lickes@eau.etat.lu); marine@mepa.org.mt (marine@mepa.org.mt); marine.director@mepa.org.mt (marine.director@mepa.org.mt); Helene.Margue@eau.etat.lu (Helene.Margue@eau.etat.lu); jmarques@dgrm.mamapt.pt (jmarques@dgrm.mamapt.pt); André Weidenhaupt (Andre.Weidenhaupt@mev.etat.lu); dominic.pattinson@defra.gsi.gov.uk (dominic.pattinson@defra.gsi.gov.uk); richard.moxon@defra.gsi.gov.uk (richard.moxon@defra.gsi.gov.uk); baiba.zasa@varam.gov.lv (baiba.zasa@varam.gov.lv); Lisbet Ølgaard (liobet@svana.dk); Ditte Mandøe Andreasen (diman@svana.dk); Poutanen Eeva-Liisa (eeva- liisa.poutanen@ymparisto.fi); Barbara.Breznik@gov.si (Barbara.Breznik@gov.si); otilia.mihail@mmediu.ro (otilia.mihail@mmediu.ro); asimao@dgrm.mam.gov.pt (asimao@dgrm.mam.gov.pt); sarrieta@magrama.es (sarrieta@magrama.es); Karin.Pettersson@havochvatten.se (Karin.Pettersson@havochvatten.se); tobias.porsbring@havochvatten.se (tobias.porsbring@havochvatten.se); appuyol@magrama.es (appuyol@magrama.es); juris.aigars@lhei.lv (juris.aigars@lhei.lv); ginimaria3@gmail.com (ginimaria3@gmail.com); atsik@bio.auth.gr (atsik@bio.auth.gr); j.ganoulis@prv.ypeka.gr (j.ganoulis@prv.ypeka.gr); peter.kovacs@kvvm.gov.hu (peter.kovacs@kvvm.gov.hu); montanaro.oliviero@minambiente.it (montanaro.oliviero@minambiente.it); Roger.Harrington@environ.ie (Roger.Harrington@environ.ie); Richard.cronin@environ.ie (Richard.cronin@environ.ie);

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	13-06-2016	Marine Strategy Framework Directive Committee - Invitation to meeting of 29/06/16 - Participation to be confirmed by 23/06	2764011	5	<p>jan.busstra@minienm.nl  (jan.busstra@minienm.nl);  liam.butler@mepa.org.mt  (liam.butler@mepa.org.mt);  maraine.rizzo@mepa.org.mt  (maraine.rizzo@mepa.org.mt);  wim.van.urb@minienm.nl  (wim.van.urb@minienm.nl);  m.marciniewicz@gios.gov.pl  (m.marciniewicz@gios.gov.pl);  joanna.kopczynska@mcs.gov.pl  (joanna.kopczynska@mcs.gov.pl);  sandra.van.der.graaf@rws.nl  (sandra.van.der.graaf@rws.nl);  agne.lukoseviciene@am.lt  (agne.lukoseviciene@am.lt);  a.lukoseviciene@am.lt  (a.lukoseviciene@am.lt);  a.kniezait-  gofmane@am.lt  (a.kniezait-  gofmane@am.lt); jean-  paul.lickes@eau.etat.lu  (jean-  paul.lickes@eau.etat.lu);  marine@mepa.org.mt  (marine@mepa.org.mt);  marine.director@mepa.org.mt  (marine.director@mepa.org.mt);</p>

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	08-06-2016	SV: For agende item 1b: compressed headline document/NEW VERSION	2764012	1	<p>ENV-MARINE-          ENVIRONMENT@ec.europa.eu          (ENV-MARINE-          ENVIRONMENT@ec.europa.eu);          'Matjaz.MALGAJ@ec.europa.eu'          (Matjaz.MALGAJ@ec.europa.eu)</p>
	06-06-2016	Email from Ambassador Tom Hanney regarding Marine Strategy Framework Directive	2764013	3	<p>Adam Billing          (Sagsbehandler, EU og          internationalt); Jesper          Wulff Pedersen          (Sagsbehandler, EU og          internationalt); Ditte          Mandøe Andreasen          (diman@svana.dk);          brrasm@naturerhverv.dk          (brrasm@naturerhverv.dk);          Kim Rægaard          (Naturerhvervstyrelsen          (kimrae@naturerhverv.dk);          Anja Gadgård Boye          (NaturErhvervstyrelsen          (anbo@naturerhverv.dk);          FYDIBOHF23SPDLT          /CN=RECIPIENTS/CN=Lou2          (Louise Egeskov          Østergaard          (/O=SITEXCHANGE/OU=EXCHANGE          ADMINISTRATIVE          GROUP)</p>
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	31-05-2016	[Blå sag] NY SAG Orientering - brev til DG Mare om kriterier og metoder til vurdering af god miljøtilstand i havmiljøet	2764015	4	<p>MIM - Ministersager          (ministersager@mfvm.dk)</p>
	23-05-2016	MSFD committee meeting of 19-20/05/16 - Comments on committee documents	2764020	1	<p>jan.busstra@minienm.nl          (jan.busstra@minienm.nl);          liam.butler@mepa.org.mt          (liam.butler@mepa.org.mt);          maraine.rizzo@mepa.org.mt          (maraine.rizzo@mepa.org.mt);          Wim.van.Urk@minienm.nl          (Wim.van.Urk@minienm.nl);          m.marciniewicz@gios.gov.pl          (m.marciniewicz@gios.gov.pl);          joanna.kopczynska@mcs.gov.pl          (joanna.kopczynska@mcs.gov.pl);          sandra.van.der.graaf@rws.nl          (sandra.van.der.graaf@rws.nl);          agne.lukoseviciene@am.lt          (agne.lukoseviciene@am.lt);          a.lukoseviciene@am.lt          (a.lukoseviciene@am.lt);          a.kniezait-          gofmane@am.lt          (a.kniezait-          gofmane@am.lt); jean-          paul.lickes@eau.etat.lu          (jean-          paul.lickes@eau.etat.lu)          marine@mepa.org.mt          (marine@mepa.org.mt);          marine.director@mepa.org.mt          (marine.director@mepa.org.mt);</p>

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# = antal relaterede dokumenter.

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## 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

	<b>Criteria</b>	<b>Indicators (primary + secondary)</b>	<b>Indicators (secondary)</b>
<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 b</del> Bloom events of nuisance/toxic algal blooms (e.g. cyanobacteria) caused by human activities	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	

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
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	

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
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	<del>9.1.2 Frequency of regulatory levels being exceeded</del>	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, <b>including micro-litter</b> , washed ashore and/or deposited on coastlines, including analysis of its composition, spatial distribution and, <b>where possible if feasible, pathway and source</b>	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, <b>including micro-litter</b> , <del>in the water column (including floating at in the surface layer)</del> and deposited on the sea-floor, including analysis of its composition, spatial distribution and, <del>where possible, if feasible, pathay and source</del>	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

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
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	

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
		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	

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
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	2.2 Environmental impact of invasive non-indigenous species	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	

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
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</del> for habitats of different <del>highly mobile species</del> substrate types (including biogenic)	Secondary	



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
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	

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
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	

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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 (pProductivity 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> <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
		Indicator - changed	24						
		Indicator - deleted	9						
		Indicator - new	13						
		Criteria total	31				Pressure		
		Indicator total	69				Impact		
		<b>Total</b>	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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## Aktdetaljer

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

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

**WEDNESDAY 27 JANUARY 2016**  
**from 09:30 to 17:30**

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

**DRAFT AGENDA**

<b>Time</b>	<b>Item</b>	<b>Agenda item</b>	<b>Action</b>	<b>Report by</b>	<b>Document</b>
09:30	1	Welcome and introduction			
09:40	2	Adoption of the agenda	Adoption	COM	CTTEE/11/2016/01
09:45	3	Adoption of the minutes of the Tenth Committee meeting	Adoption	COM	CTTEE/11/2016/02
10:00	4	Review of MSFD Directive Annex III	Item for discussion	COM	CTTEE/11/2016/03
11:00	5	Review of Commission Decision on GES	Item for discussion	COM	CTTEE/11/2016/04
17:00	6	Any other business	Items for information		



## Aktdetaljer

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**Til:**

**Fra:** Maria Klint Thelander (makbj@mfvm.dk)

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**This is the text on which the Marine Strategy Regulatory Committee gave a positive opinion on 10 November 2016.**

**It is still a draft text as it has not yet been through the scrutiny of the European Parliament and Council.**



EUROPEAN  
COMMISSION

Brussels, **XXX**  
[...] (2016) **XXX** draft

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

**of XXX**

**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 2010/477/EU**

(Text with EEA relevance)

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

of **XXX**

### **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 2010/477/EU**

(Text with EEA relevance)

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 Articles 9(3) and 11(4) thereof,

Whereas:

- (1) Commission Decision 2010/477/EU<sup>2</sup> established criteria to be used by the Member States to determine the good environmental status of their marine waters and to guide their assessments of that status in the first implementation cycle of Directive 2008/56/EC.
- (2) Decision 2010/477/EU acknowledged that additional scientific and technical progress was required to support the development or revision of those 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 stated that it would be appropriate to carry out its revision as soon as possible after the completion of the assessment required under Article 12 of Directive 2008/56/EC, in time to support a successful update of marine strategies that are due by 2018, pursuant to Article 17 of Directive 2008/56/EC.
- (3) In 2012, on the basis of the initial assessment of their marine waters made pursuant to Article 8(1) of Directive 2008/56/EC, Member States reported on the environmental status of their marine waters and notified to the Commission their determination of good environmental status and their environmental targets in accordance with Articles 9(2) and 10(2) of Directive 2008/56/EC, respectively. The Commission's assessment<sup>3</sup> of those Member State reports, undertaken in accordance with Article 12 of Directive 2008/56/EC, highlighted that more efforts were urgently needed if Member States are to reach good environmental status by 2020. The results showed the necessity to significantly improve the quality and coherence of the determination of good environmental status by the Member States. In addition, the assessment recognised

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<sup>1</sup> OJ L 164, 25.6.2008, 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 waters (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).



that regional cooperation must be at the very heart of the implementation of Directive 2008/56/EC. It also emphasised the need for Member States to more systematically build upon standards stemming from Union legislation or, where they do not exist, upon standards set by Regional Sea Conventions or other international agreements.

- (4) To ensure that the second cycle of implementation of the marine strategies of the Member States further contributes to the achievement of the objectives of Directive 2008/56/EC and yields more consistent determinations of good environmental status, the Commission 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, aiming at a clearer, simpler, more concise, more coherent and comparable set of good environmental status criteria and methodological standards and, at the same time, review Annex III of Directive 2008/56/EC, and if necessary revise it, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle.
- (5) On the basis of those conclusions, the review process started in 2013 when a roadmap, consisting of several phases (technical and scientific, consultation, and decision-making), was endorsed by the Regulatory Committee established under Article 25(1) of Directive 2008/56/EC. During this process, the Commission consulted all interested parties, including Regional Sea Conventions.
- (6) In order to facilitate future updates of the initial assessment of Member States' marine waters and their determination of good environmental status, and to ensure greater coherence in implementation of Directive 2008/56/EC across the Union, it is necessary to clarify, revise or introduce criteria, methodological standards, specifications and standardised methods to be used by Member States, compared to the elements currently set out in Decision 2010/477/EU. As a result, the number of criteria that Member States need to monitor and assess should be reduced, applying a risk-based approach to those which are retained in order to allow Member States to focus their efforts on the main anthropogenic pressures affecting their waters. Finally, the criteria and their use should be further specified, including providing for threshold values or the setting thereof, thereby allowing for the extent to which good environmental status is achieved to be measured across the Union's marine waters.
- (7) In accordance with the commitment taken by the Commission when adopting its Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Better regulation for better results — An EU agenda<sup>4</sup>, this Decision should ensure coherence with other Union legislation. To ensure greater consistency and comparability at Union level of Member States' determinations of good environmental status and avoid unnecessary overlaps, it is appropriate to take into account relevant existing standards and methods for monitoring and assessment laid down in Union legislation, including Council Directive 92/43/EEC<sup>5</sup>, Directive 2000/60/EC of the European Parliament and of the Council<sup>6</sup>, Commission Regulation (EC) No 1881/2006<sup>7</sup>, Council Regulation (EC) No

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

<sup>5</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>6</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>7</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).

1967/2006<sup>8</sup>, Directive 2008/105/EC of the European Parliament and of the Council<sup>9</sup>, Directive 2009/147/EC of the European Parliament and of the Council<sup>10</sup> and Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>11</sup>.

- (8) For each of the qualitative descriptors listed in Annex I to Directive 2008/56/EC, and on the basis of the indicative lists in Annex III to that Directive, it is necessary to define the criteria, including the criteria elements and, where appropriate, the threshold values, to be used. Threshold values are intended to contribute to Member States' determination of a set of characteristics for good environmental status and inform their assessment of the extent to which good environmental status is being achieved. It is also necessary to set out methodological standards, including the geographic scales for assessment and how the criteria should be used. Those criteria and methodological standards are to ensure consistency and allow for comparison, between marine regions or subregions, of assessments of the extent to which good environmental status is being achieved.
- (9) To ensure comparability between the details of any updates by the Member States following the reviews of certain elements of their marine strategies, sent under Article 17(3) of Directive 2008/56/EC, specifications and standardised methods for monitoring and assessment should be defined, taking into account existing specifications and standards at Union or international level, including regional or subregional level.
- (10) Member States should apply the 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 the indicative lists of 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, and when establishing coordinated monitoring programmes under Article 11 of that Directive.
- (11) In order to establish a clear link between the determination of a set of characteristics for good environmental status and the assessment of progress towards its achievement, it is appropriate to organise the criteria and methodological standards on the basis of the qualitative descriptors laid down in Annex I to Directive 2008/56/EC, taking into account the indicative lists of ecosystem elements, anthropogenic pressures and human activities laid down in Annex III to that Directive. Some of those criteria and methodological standards relate in particular to the assessment of environmental status or of predominant pressures and impacts under points (a) or (b) of Article 8(1) of Directive 2008/56/EC, respectively.

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<sup>8</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).

<sup>9</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 Directives 82/176/EEC, 83/513/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>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).

- (12) In cases where no threshold values are laid down, Member States should establish threshold values through Union, regional or subregional cooperation, for instance by referring to existing values or developing new ones in the framework of the Regional Sea Conventions. In cases where threshold values should be established through cooperation at Union level (for the descriptors on marine litter, underwater noise and seabed integrity), this will be done in the framework of the Common Implementation Strategy set up by the Member States and the Commission for the purposes of Directive 2008/56/EC. Once established through Union, regional or subregional cooperation, these threshold values will only become part of Member States' sets of characteristics for good environmental status when they are sent to the Commission as part of Member States' reporting under Article 17(3) of Directive 2008/56/EC. Until such threshold values are established through Union, regional or subregional cooperation, Member States should be able to use national threshold values, directional trends or pressure-based threshold values as proxies.
- (13) Threshold values should reflect, where appropriate, the quality level that reflects the significance of an adverse effect for a criterion and should be set in relation to a reference condition. Threshold values should be consistent with Union legislation and set at appropriate geographic scales to reflect the different biotic and abiotic characteristics of the regions, subregions and subdivisions. This means that even if the process to establish threshold values takes place at Union level, this may result in the setting of different threshold values, which are specific to a region, subregion or subdivision. Threshold values should also be set on the basis of the precautionary principle, reflecting the potential risks to the marine environment. The setting of threshold values should accommodate the dynamic nature of marine ecosystems and their elements, which can change in space and time through hydrological and climatic variation, predator-prey relationships and other environmental factors. Threshold values should also reflect the fact that marine ecosystems may recover, if deteriorated, to a state that reflects prevailing physiographic, geographic, climatic and biological conditions, rather than return to a specific state of the past.
- (14) In accordance with Article 1(3) of Directive 2008/56/EC, the collective pressure of human activities needs to be kept within levels compatible with the achievement of good environmental status, ensuring that the capacity of marine ecosystems to respond to human-induced changes is not compromised. This may entail, where appropriate, that threshold values for certain pressures and their environmental impacts are not necessarily achieved in all areas of Member States' marine waters, provided that this does not compromise the achievement of the objectives of Directive 2008/56/EC, while enabling the sustainable use of marine goods and services.
- (15) It is necessary to lay down threshold values which will be part of the set of characteristics used by Member States in their determination of good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, and the extent to which the threshold values are to be achieved. Threshold values therefore do not, by themselves, constitute Member States' determinations of good environmental status.
- (16) Member States should express the extent to which good environmental status is being achieved as the proportion of their marine waters over which the threshold values have been achieved or as the proportion of criteria elements (species, contaminants, etc.) that have achieved the threshold values. When assessing the status of their marine waters in accordance with Article 17(2)(a) of Directive 2008/56/EC, Member States should express any change in status as improving, stable or deteriorating compared to

the previous reporting period, in view of the often slow response of the marine environment to change.

- (17) Where threshold values, set in accordance with this Decision, are not met for a particular criterion, Member States should consider taking appropriate measures or carrying out further research or investigation.
- (18) Where Member States are required to cooperate at regional or subregional level, they should use, where practical and appropriate, existing regional institutional cooperation structures, including those under Regional Sea Conventions, as provided under Article 6 of Directive 2008/56/EC. Similarly, in the absence of specific criteria, methodological standards, including for integration of the criteria, specifications and standardised methods for monitoring and assessment, Member States should build upon, where practical and appropriate, those developed at international, regional or subregional level, for instance those agreed in the framework of the Regional Sea Conventions, or other international mechanisms. Otherwise, Member States may choose to coordinate amongst themselves within the region or subregion, where relevant. In addition, a Member State may also decide, on the basis of the specificities of its marine waters, to consider additional elements not laid down in this Decision and not dealt with at international, regional or subregional level, or to consider applying elements of this Decision to its transitional waters, as defined in Article 2(6) of Directive 2000/60/EC, in support of the implementation of Directive 2008/56/EC.
- (19) Member States should have sufficient flexibility, under specified conditions, to focus on the predominant pressures and their environmental impacts on the different ecosystem elements in each region or subregion in order to monitor and assess their marine waters in an efficient and effective manner and to facilitate prioritisation of actions to be taken to achieve good environmental status. For that purpose, firstly, Member States should be able to consider that some of the criteria are not appropriate to apply, provided this is justified. Secondly, Member States should have the possibility to decide not to use certain criteria elements or to select additional elements or to focus on certain matrices or areas of their marine waters, provided that this is based on a risk assessment in relation to the pressures and their impacts. Finally, a distinction should be introduced between primary and secondary criteria. While primary criteria should be used to ensure consistency across the Union, flexibility should be granted with regard to secondary criteria. The use of a secondary criterion should be decided by Member States, where necessary, to complement a primary criterion or when, for a particular criterion, the marine environment is at risk of not achieving or not maintaining good environmental status.
- (20) Criteria, including threshold values, methodological standards, specifications and standardised methods for monitoring and assessment should be based on the best available science. However, additional scientific and technical progress is still required to support the further development of some of them, and should be used as the knowledge and understanding become available.
- (21) Decision 2010/477/EU should therefore be repealed.
- (22) 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 lays down:

- (a) criteria and methodological standards to be used by Member States when determining a set of characteristics for good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, on the basis of Annexes I and III and by reference to the initial assessment made pursuant to Article 8(1) of that Directive, to assess the extent to which good environmental status is being achieved, in accordance with Article 9(3) of that Directive;
- (b) specifications and standardised methods for monitoring and assessment, to be used by Member States when establishing coordinated monitoring programmes under Article 11 of Directive 2008/56/EC, in accordance with Article 11(4) of that Directive;
- (c) a timeline for the establishment of threshold values, lists of criteria elements and methodological standards through Union, regional or subregional cooperation;
- (d) a notification requirement for criteria elements, threshold values and methodological standards.

*Article 2*  
*Definitions*

For the purposes of this Decision, the definitions laid down in Article 3 of Directive 2008/56/EC shall apply.

The following definitions shall also apply:

- (1) 'subregions' means the subregions listed in Article 4(2) of Directive 2008/56/EC;
- (2) 'subdivisions' means subdivisions as referred to in Article 4(2) of Directive 2008/56/EC;
- (3) 'invasive non-indigenous species' means 'invasive alien species' within the meaning of Article 3(2) of Regulation (EU) No 1143/2014 of the European Parliament and of the Council<sup>12</sup>;
- (4) 'criteria elements' means constituent elements of an ecosystem, particularly its biological elements (species, habitats and their communities), or aspects of pressures on the marine environment (biological, physical, substances, litter and energy), which are assessed under each criterion;
- (5) 'threshold value' means a value or range of values that allows for an assessment of the quality level achieved for a particular criterion, thereby contributing to the assessment of the extent to which good environmental status is being achieved.

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<sup>12</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*

#### *Use of criteria, methodological standards, specifications and standardised methods*

1. Member States shall use primary criteria and associated methodological standards, specifications and standardised methods laid down in the Annex to implement this Decision. However, on the basis of the initial assessment or its subsequent updates carried out in accordance with Articles 8 and 17(2)(a) of Directive 2008/56/EC, Member States may consider, in justified circumstances, that it is not appropriate to use one or more of the primary criteria. In such cases, Member States shall provide the Commission with a justification in the framework of the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.

Pursuant to the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC, a Member State shall inform other Member States sharing the same marine region or subregion before it decides not to use a primary criterion in accordance with the first subparagraph.

2. Secondary criteria and associated methodological standards, specifications and standardised methods laid down in the Annex shall be used to complement a primary criterion or when the marine environment is at risk of not achieving or not maintaining good environmental status for that particular criterion. The use of a secondary criterion shall be decided by each Member State, except where otherwise specified in the Annex.
3. Where this Decision does not set criteria, methodological standards, specifications or standardised methods for monitoring and assessment, including for spatial and temporal aggregation of data, Member States shall build upon, where practical and appropriate, those developed at international, regional or subregional level, such as those agreed in the relevant Regional Sea Conventions.
4. Until Union, international, regional or subregional lists of criteria elements, methodological standards, and specifications and standardised methods for monitoring and assessment are established, Member States may use those established at national level, provided that regional cooperation is pursued as laid down in Articles 5 and 6 of Directive 2008/56/EC.

### *Article 4*

#### *Setting of threshold values through Union, regional or subregional cooperation*

1. Where Member States are required under this Decision to establish threshold values through Union, regional or subregional cooperation, those values shall:
  - (a) be part of the set of characteristics used by Member States in their determination of good environmental status;
  - (b) be consistent with Union legislation;
  - (c) where appropriate, distinguish the quality level that reflects the significance of an adverse effect for a criterion and be set in relation to a reference condition;
  - (d) be set at appropriate geographic scales of assessment to reflect the different biotic and abiotic characteristics of the regions, subregions and subdivisions;
  - (e) be set on the basis of the precautionary principle, reflecting the potential risks to the marine environment;

- (f) be consistent across different criteria when they relate to the same ecosystem element;
  - (g) make use of best available science;
  - (h) be based on long time-series data, where available, to help determine the most appropriate value;
  - (i) reflect natural ecosystem dynamics, including predator-prey relationships and hydrological and climatic variation, also acknowledging that the ecosystem or parts thereof may recover, if deteriorated, to a state that reflects prevailing physiographic, geographic, climatic and biological conditions, rather than return to a specific state of the past;
  - (j) be consistent, where practical and appropriate, with relevant values set under regional institutional cooperation structures, including those agreed in the Regional Sea Conventions.
2. Until Member States have established threshold values through Union, regional or subregional cooperation as required under this Decision, they may use any of the following to express the extent to which good environmental status is being achieved:
- (a) national threshold values, provided the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC is complied with;
  - (b) directional trends of the values;
  - (c) pressure-based threshold values as proxies.
- These shall follow, where possible, the principles set out in points (a) to (i) of paragraph 1.
3. Where threshold values, including those established by Member States in accordance with this Decision, are not met for a particular criterion to the extent which that Member State has determined as constituting good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, Member States shall consider, as appropriate, whether measures should be taken under Article 13 of that Directive or whether further research or investigation should be carried out.
4. Threshold values established by Member States in accordance with this Decision may be periodically reviewed in the light of scientific and technical progress and amended, where necessary, in time for the reviews provided for in Article 17(2)(a) of Directive 2008/56/EC.

#### *Article 5* *Timeline*

1. Where this Decision provides for Member States to establish threshold values, lists of criteria elements or methodological standards through Union, regional or subregional cooperation, Member States shall endeavour to do so within the time-limit set for the first review of their initial assessment and determination of good environmental status in accordance with Article 17(2)(a) of Directive 2008/56/EC (15 July 2018).
2. Where Member States are not able to establish threshold values, lists of criteria elements or methodological standards through Union, regional or subregional cooperation within the time-limit laid down in paragraph 1, they shall establish these

as soon as possible thereafter, on condition that they provide, by 15 October 2018, justification to the Commission in the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.

*Article 6*  
*Notification*

Each Member State shall send to the Commission, as part of the notification made pursuant to Article 17(3) of Directive 2008/56/EC, those criteria elements, threshold values and methodological standards established through Union, regional or subregional cooperation in accordance with this Decision, that it decides to use as part of its set of characteristics for determining good environmental status under Article 9(1) of Directive 2008/56/EC.

*Article 7*  
*Repeal*

Decision 2010/477/EU is hereby repealed.

References to Decision 2010/477/EU shall be construed as references to this Decision.

*Article 8*  
*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*



## ANNEX

### **Criteria and methodological standards for good environmental status of marine waters, relevant to the qualitative descriptors in Annex I to Directive 2008/56/EC, and to the indicative lists set out in Annex III to that Directive, and specifications and standardised methods for monitoring and assessment**

This Annex is structured in two parts:

- under Part I are laid down the 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 that Directive, to be used by Member States in relation to the assessment of predominant pressures and impacts under Article 8(1)(b) of Directive 2008/56/EC,
- under Part II are laid down 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, to be used by Member States in relation to the assessment of environmental status under Article 8(1)(a) of Directive 2008/56/EC.

#### **PART I – CRITERIA, METHODOLOGICAL STANDARDS, SPECIFICATIONS AND STANDARDISED METHODS FOR THE MONITORING AND ASSESSMENT OF PREDOMINANT PRESSURES AND IMPACTS UNDER POINT (B) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

Part I considers the descriptors<sup>13</sup> linked to the relevant anthropogenic pressures: biological pressures (Descriptors 2 and 3), physical pressures (Descriptors 6 and 7) and substances, litter and energy (Descriptors 5, 8, 9, 10 and 11), as listed in Annex III to Directive 2008/56/EC.

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<sup>13</sup> When this Decision refers to a 'descriptor', this refers to the relevant qualitative descriptors for determining good environmental status, as indicated under the numbered points in Annex I to Directive 2008/56/EC.

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

Relevant pressure: Input or spread of non-indigenous species

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Newly-introduced non-indigenous species.	<p>D2C1 – Primary:</p> <p>The number of non-indigenous species which are newly introduced via human activity into the wild, per assessment period (6 years), measured from the reference year as reported for the initial assessment under Article 8(1) of Directive 2008/56/EC, is minimised and where possible reduced to zero.</p> <p>Member States shall establish the threshold value for the number of new introductions of non-indigenous species, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>Subdivisions of the region or subregion, divided where needed by national boundaries.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– the number of non-indigenous species newly introduced via human activity, in the 6-year assessment period and a list of those species.</li> </ul>
Established non-indigenous species, particularly invasive non-indigenous species, which include relevant species on the list of invasive alien species of Union concern adopted in accordance with Article 4(1) of Regulation (EU) No 1143/2014 and species which are relevant for use under criterion D2C3. Member States shall establish that list through regional or subregional cooperation.	<p>D2C2 – Secondary:</p> <p>Abundance and spatial distribution of established non-indigenous species, particularly of invasive species, contributing significantly to adverse effects on particular species groups or broad habitat types.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the corresponding species groups or broad habitat types under Descriptors 1 and 6.</p> <p><i>Use of criteria:</i></p> <p>Criterion D2C2 (quantification of non-indigenous species) shall be expressed per species assessed and shall contribute to the assessment of criterion D2C3 (adverse effects of non-indigenous species).</p> <p>Criterion D2C3 shall provide the proportion per species group and extent per broad habitat type assessed which is</p>

Criteria elements	Criteria	Methodological standards
<p>Species groups and broad habitat types that are at risk from non-indigenous species, selected from those used for Descriptors 1 and 6.</p> <p>Member States shall establish that list through regional or subregional cooperation.</p>	<p>D2C3 – Secondary:</p> <p>Proportion of the species group or spatial extent of the broad habitat type which is adversely altered due to non-indigenous species, particularly invasive non-indigenous species.</p> <p>Member States shall establish the threshold values for the adverse alteration to species groups and broad habitat types due to non-indigenous species, through regional or subregional cooperation.</p>	<p>adversely altered, and thus contribute to their assessments under Descriptors 1 and 6.</p>

*Specifications and standardised methods for monitoring and assessment*

1. 'Newly-introduced' non-indigenous species shall be understood as those which were not known to be present in the area in the previous assessment period.
2. 'Established' non-indigenous species shall be understood as those which were known to be present in the area in the previous assessment period.
3. For D2C1: where it is not clear whether the new arrival of non-indigenous species is due to human activity or natural dispersal from neighbouring areas, the introduction shall be counted under D2C1.
4. For D2C2: when species occurrence and abundance is seasonally variable (e.g. plankton), monitoring shall be undertaken at appropriate times of year.
5. Monitoring programmes shall be linked to those for Descriptors 1, 4, 5 and 6, where possible, as they typically use the same sampling methods and it is more practical to monitor non-indigenous species as part of broader biodiversity monitoring, except where sampling needs to focus on main vectors and risk areas for new introductions.

Units of measurement for the criteria:

- D2C1: the number of species per assessment area which have been newly introduced in the assessment period (6 years),
- D2C2: abundance (number of individuals, biomass in tonnes (t) or extent in square kilometres (km<sup>2</sup>)) per non-indigenous species,

- D2C3: the proportion of the species group (ratio of indigenous species to non-indigenous species, as number of species and/or their abundance within the group) or the spatial extent of the broad habitat type (in square kilometres (km<sup>2</sup>)) which is adversely altered.

**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**

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

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Commercially-exploited fish and shellfish.</p> <p>Member States shall establish through regional or subregional cooperation a list of commercially-exploited fish and shellfish, according to the criteria laid down under 'specifications'.</p>	<p>D3C1 – Primary:</p> <p>The <i>Fishing mortality</i> rate of populations of commercially-exploited species is at or below levels which can produce the maximum sustainable yield (MSY). Appropriate scientific bodies shall be consulted in accordance with Article 26 of Regulation (EU) No 1380/2013.</p>	<p><i>Scale of assessment:</i></p> <p>Populations of each species are assessed at ecologically-relevant scales within each region or subregion, as established by appropriate scientific bodies as referred to in Article 26 of Regulation (EU) No 1380/2013, based on specified aggregations of International Council for the Exploration of the Sea (ICES) areas, General Fisheries Commission for the Mediterranean (GFCM) geographical sub-areas and Food and Agriculture Organisation (FAO) fishing areas for the Macaronesian biogeographic region.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <p>(a) the populations assessed, the values achieved for each criterion and whether the levels for D3C1 and D3C2 and the threshold values for D3C3 have been achieved, and the overall status of the population on the basis of criteria integration rules agreed at Union level;</p> <p>(b) the populations of commercially-exploited species in the assessment area which were not assessed.</p>
	<p>D3C2<sup>14</sup> – Primary:</p> <p>The <i>Spawning Stock Biomass</i> of populations of commercially-exploited species are above biomass levels capable of producing maximum sustainable yield. Appropriate scientific bodies shall be consulted in accordance with Article 26 of Regulation (EU) No 1380/2013.</p>	
	<p>D3C3<sup>2,15</sup> – Primary:</p> <p>The age and size distribution of individuals in the populations of commercially-exploited species is indicative of a healthy population. This shall include a high proportion of old/large individuals and limited adverse effects of exploitation on genetic diversity.</p> <p>Member States shall establish threshold values through regional or subregional cooperation for each population of species in accordance with scientific advice obtained pursuant</p>	

<sup>14</sup> D3C2 and D3C3 are state-based criteria for commercially-exploited fish and shellfish but are shown under Part I for clarity reasons.

<sup>15</sup> D3C3 may not be available for use for the 2018 review of the initial assessment and determination of good environmental status under Article 17(2)(a) of Directive 2008/56/EC.

Criteria elements	Criteria	Methodological standards
	to Article 26 of Regulation (EU) No 1380/2013.	The outcomes of these population assessments shall also contribute to the assessments under Descriptors 1 and 6, if the species are relevant for assessment of particular species groups and benthic habitat types.

Extraction of, or mortality/injury to, non-commercially-exploited species (incidental by-catches) as a result of fishing activities, is addressed under criterion D1C1.

Physical disturbance to the seabed, including effects on benthic communities, as a result of fishing activities, are addressed by the criteria under Descriptor 6 (particularly criteria D6C2 and D6C3) and are to be fed into the assessments of benthic habitat types under Descriptors 1 and 6.

*Specifications and standardised methods for monitoring and assessment*

1. A list of commercially-exploited species for application of the criteria in each assessment area shall be established by Member States through regional or subregional cooperation and updated for each 6-year assessment period, taking into account Council Regulation (EC) No 199/2008<sup>16</sup> and the following:
  - (a) all stocks that are managed under Regulation (EU) No 1380/2013;
  - (b) the species for which fishing opportunities (total allowable catches and quotas) are set by Council under Article 43(3) of the Treaty on the Functioning of the European Union;
  - (c) the species for which minimum conservation reference sizes are set under Regulation (EC) No 1967/2006;
  - (d) the species under multiannual plans according to Article 9 of Regulation (EU) No 1380/2013;
  - (e) the species under national management plans according to Article 19 of Regulation (EC) No 1967/2006;
  - (f) any important species on a regional or national scale for small-scale/local coastal fisheries.

For the purposes of this Decision, commercially-exploited species which are non-indigenous in each assessment area shall be excluded from the list and thus not contribute to achievement of good environmental status for Descriptor 3.

<sup>16</sup> Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (OJ L 60, 5.3.2008, p. 1).

2. Regulation (EC) No 199/2008 establishes rules on the collection and management, in the framework of multi-annual programmes, of biological, technical, environmental and socio-economic data concerning the fisheries sector which shall be used for monitoring under Descriptor 3.
3. The term 'populations' shall be understood as the term 'stocks' within the meaning of Regulation (EU) No 1380/2013.
4. For D3C1 and D3C2, the following shall apply:
  - (a) for stocks managed under a multiannual plan according to Article 9 of Regulation (EU) No 1380/2013, in situations of mixed fisheries, the target fishing mortality and the biomass levels capable of producing maximum sustainable yield shall be in accordance with the relevant multiannual plan;
  - (b) for the Mediterranean Sea and Black Sea regions, appropriate proxies may be used.
5. The following methods for assessment shall be used:
  - (a) For D3C1: if quantitative assessments yielding values for *Fishing mortality* are not available due to inadequacies in the available data, other variables such as the ratio between catch and biomass index ('catch/biomass ratio') may be used as an alternative method. In such cases, an appropriate method for trend analysis shall be adopted (e.g. the current value can be compared against the long-term historical average);
  - (b) For D3C2: the threshold value used shall be in accordance with Article 2(2) of Regulation (EU) No 1380/2013. If quantitative assessments yielding values for *Spawning Stock Biomass* are not available due to inadequacies in the available data, biomass-related indices such as catch per unit effort or survey abundance indices may be used as an alternative method. In such cases, an appropriate method for trend analysis shall be adopted (e.g. the current value can be compared against the long-term historical average);
  - (c) D3C3 shall reflect that healthy populations of species are characterised by a high proportion of old, large individuals. The relevant properties are the following:
    - (i) size distribution of individuals in the population, expressed as:
      - the proportion of fish larger than mean size of first sexual maturation, or
      - the 95<sup>th</sup> percentile of the fish-length distribution of each population, as observed in research vessel or other surveys;
    - (ii) genetic effects of exploitation of the species, such as size at first sexual maturation, where appropriate and feasible.

Other expressions of the relevant properties may be used following further scientific and technical development of this criterion.

Units of measurement for the criteria:

- D3C1: annualised fishing mortality rate,
- D3C2: biomass in tonnes (t) or number of individuals per species, except where other indices are used under point 5(b),
- D3C3: under point 5(c): for (i), first indent: proportion (percentage) or numbers, for (i), second indent: length in centimetres (cm), and for (ii): length in centimetres (cm).



**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**

Relevant pressures: Input of nutrients; Input of organic matter

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Nutrients in the water column: Dissolved Inorganic Nitrogen (DIN), Total Nitrogen (TN), Dissolved Inorganic Phosphorus (DIP), Total Phosphorus (TP).</p> <p>Within coastal waters, as used under Directive 2000/60/EC.</p> <p>Beyond coastal waters, Member States may decide at regional or subregional level to not use one or several of these nutrient elements.</p>	<p>D5C1 – Primary:</p> <p>Nutrient concentrations are not at levels that indicate adverse eutrophication effects.</p> <p>The threshold values are as follows:</p> <p>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation</p>	<p><i>Scale of assessment:</i></p> <ul style="list-style-type: none"> <li>– within coastal waters, as used under Directive 2000/60/EC,</li> <li>– beyond coastal waters, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p>
<p>Chlorophyll a in the water column</p>	<p>D5C2 – Primary:</p> <p>Chlorophyll a concentrations are not at levels that indicate adverse effects of nutrient enrichment.</p> <p>The threshold values are as follows:</p> <p>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</p>	<p>(a) the values achieved for each criterion used, and an estimate of the extent of the assessment area over which the threshold values set have been achieved;</p> <p>(b) in coastal waters, the criteria shall be used in accordance with the requirements of Directive 2000/60/EC to conclude on whether the water body is subject to eutrophication<sup>17</sup>;</p> <p>(c) beyond coastal waters, an estimate of the extent of the area (as a proportion (percentage)) that is not subject to eutrophication (as indicated by the results</p>

<sup>17</sup> Guidance documents published in the context of the Common Implementation Strategy for Directive 2000/60/EC may be relevant in this assessment (e.g. "N° 13 - Overall Approach to the Classification of Ecological Status and Ecological Potential" and "N° 23 - Eutrophication Assessment in the Context of European Water Policies")

Criteria elements	Criteria	Methodological standards
Harmful algal blooms (e.g. cyanobacteria) in the water column	<p>D5C3 – Secondary:</p> <p>The number, spatial extent and duration of harmful algal bloom events are not at levels that indicate adverse effects of nutrient enrichment.</p> <p>Member States shall establish threshold values for these levels through regional or subregional cooperation.</p>	<p>of all criteria used, integrated in a manner agreed where possible at Union level, but at least at regional or subregional level).</p> <p>Beyond coastal waters, the use of the secondary criteria shall be agreed at regional or subregional level.</p>
Photic limit (transparency) of the water column	<p>D5C4 – Secondary:</p> <p>The photic limit (transparency) of the water column is not reduced, due to increases in suspended algae, to a level that indicates adverse effects of nutrient enrichment.</p> <p>The threshold values are as follows:</p> <p>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</p>	<p>The outcomes of the assessments shall also contribute to assessments for pelagic habitats under Descriptor 1 as follows:</p> <ul style="list-style-type: none"> <li>– the distribution and an estimate of the extent of the area (as a proportion (percentage)) that is subject to eutrophication in the water column (as indicated by whether the threshold values for criteria D5C2, D5C3 and D5C4, when used, have been achieved);</li> </ul> <p>The outcomes of the assessments shall also contribute to assessments for benthic habitats under Descriptors 1 and 6 as follows:</p>
Dissolved oxygen in the bottom of the water column	<p>D5C5 – Primary (may be substituted by D5C8):</p> <p>The concentration of dissolved oxygen is not reduced, due to nutrient enrichment, to levels that indicate adverse effects on benthic habitats (including on associated biota and mobile species) or other eutrophication effects.</p> <p>The threshold values are as follows:</p> <p>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</p>	<ul style="list-style-type: none"> <li>– the distribution and an estimate of the extent of the area (as a proportion (percentage)) that is subject to eutrophication on the seabed (as indicated by whether the threshold values for criteria D5C4, D5C5, D5C6, D5C7 and D5C8, when used, have been achieved).</li> </ul>

Criteria elements	Criteria	Methodological standards
Opportunistic macroalgae of benthic habitats	<p>D5C6 – Secondary:</p> <p>The abundance of opportunistic macroalgae is not at levels that indicate adverse effects of nutrient enrichment.</p> <p>The threshold values are as follows:</p> <ul style="list-style-type: none"> <li>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</li> <li>(b) should this criterion be relevant for waters beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</li> </ul>	
Macrophyte communities (perennial seaweeds and seagrasses such as fucoids, eelgrass and Neptune grass) of benthic habitats	<p>D5C7 – Secondary:</p> <p>The species composition and relative abundance or depth distribution of macrophyte communities achieve values that indicate there is no adverse effect due to nutrient enrichment including via a decrease in water transparency, as follows:</p> <ul style="list-style-type: none"> <li>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</li> <li>(b) should this criterion be relevant for waters beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</li> </ul>	
Macrofaunal communities of benthic habitats	<p>D5C8 – Secondary (except when used as a substitute for D5C5):</p> <p>The species composition and relative abundance of macrofaunal communities, achieve values that indicate that there is no adverse effect due to nutrient and organic enrichment, as follows:</p>	

Criteria elements	Criteria	Methodological standards
	(a) in coastal waters, the values for benthic biological quality elements set in accordance with Directive 2000/60/EC; (b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.	

*Specifications and standardised methods for monitoring and assessment*

1. In coastal waters, the criteria elements shall be selected in accordance with Directive 2000/60/EC.
2. For D5C2 and D5C3, Member States may in addition use phytoplankton species composition and abundance.
3. Information on the pathways (atmospheric, land- or sea-based) for nutrients entering the marine environment shall be collected, where feasible.
4. Monitoring beyond coastal waters may not be necessary due to low risk, such as in cases where the threshold values are achieved in coastal waters, taking into account nutrient input from atmospheric, sea-based including coastal waters, and transboundary sources.
5. Assessments under Directive 2000/60/EC shall be used for the assessments of each criterion in coastal waters.
6. Values set in accordance with Directive 2000/60/EC shall refer either to those set by intercalibration under Commission Decision 2013/480/EU<sup>18</sup> or to those set in national legislation in accordance with Article 8 and Annex V of Directive 2000/60/EC. These shall be understood as the "Good-Moderate boundary" for Ecological Quality Ratios.
7. Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

- D5C1: nutrient concentrations in micromoles per litre ( $\mu\text{mol/l}$ ),
- D5C2: chlorophyll a concentrations (biomass) in micrograms per litre ( $\mu\text{g/l}$ ),

<sup>18</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).

- D5C3: bloom events as number of events, duration in days and spatial extent in square kilometres (km<sup>2</sup>) per year,
- D5C4: photic limit as depth in metres (m),
- D5C5: oxygen concentration in the bottom of the water column in milligrams per litre (mg/l),
- D5C6: Ecological Quality Ratio for macroalgal abundance or spatial cover. Extent of adverse effects in square kilometres (km<sup>2</sup>) or as a proportion (percentage) of the assessment area,
- D5C7: Ecological Quality Ratio for species composition and relative abundance assessments or for maximum depth of macrophyte growth. Extent of adverse effects in square kilometres (km<sup>2</sup>) or as a proportion (percentage) of the assessment area,
- D5C8: Ecological Quality Ratio for species composition and relative abundance assessments. Extent of adverse effects in square kilometres (km<sup>2</sup>) or as a proportion (percentage) of the assessment area.

Where available, Member States shall use the units or ecological quality ratios provided for under Directive 2000/60/EC.

**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.**

Relevant pressures: Physical loss (due to permanent change of seabed substrate or morphology and to extraction of seabed substrate); physical disturbance to seabed (temporary or reversible)

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Physical loss of the seabed (including intertidal areas).	D6C1 – Primary: Spatial extent and distribution of physical loss (permanent change) of the natural seabed.	<p><i>Scale of assessment:</i> As used for assessment of the benthic broad habitat types under Descriptors 1 and 6.</p> <p><i>Use of criteria:</i> The outcomes of assessment of criterion D6C1 (the distribution and an estimate of the extent of physical loss) shall be used to assess criteria D6C4 and D7C1.</p> <p>The outcomes of assessment of criterion D6C2 (the distribution and an estimate of the extent of physical disturbance pressures) shall be used to assess criterion D6C3.</p> <p>The outcomes of assessment of criterion D6C3 (an estimate of the extent of adverse effect by physical disturbance per habitat type in each assessment area) shall contribute to the assessment of criterion D6C5.</p>
Physical disturbance to the seabed (including intertidal areas).	D6C2 – Primary: Spatial extent and distribution of physical disturbance pressures on the seabed.	
Benthic broad habitat types or other habitat types, as used under Descriptors 1 and 6.	D6C3 – Primary: Spatial extent of each habitat type which is adversely affected, through change in its biotic and abiotic structure and its functions (e.g. through changes in species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), by physical disturbance. Member States shall establish threshold values for the adverse effects of physical disturbance, through regional or subregional cooperation.	
<p>Criteria D6C1, D6C2 and D6C3 relate only to the pressures 'physical loss' and 'physical disturbance' and their impacts, whilst criteria D6C4 and D6C5 address the overall assessment of Descriptor 6, together with that for benthic habitats under Descriptor 1. Criteria D6C4 and D6C5 are presented under Part II of this Annex.</p>		

*Specifications and standardised methods for monitoring and assessment*

1. Regarding methods for monitoring:

- (a) for D6C1, permanent changes to the seabed from different human activities shall be assessed (including permanent changes to natural seabed substrate or morphology via physical restructuring, infrastructure developments and loss of substrate via extraction of the seabed materials);
  - (b) for D6C2, physical disturbances from different human activities shall be assessed (such as bottom-trawling fishing);
  - (c) for coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC shall be used. Beyond coastal waters, data may be collated from mapping of infrastructure and licensed extraction sites.
2. Regarding methods for assessment, the data shall be aggregated so that:
    - (a) D6C1 is assessed as area lost in relation to total natural extent of all benthic habitats in the assessment area (e.g. by extent of anthropogenic modification);
    - (b) D6C3 is assessed in relation to total natural extent of each benthic habitat type assessed.
  3. Physical loss shall be understood as a permanent change to the seabed which has lasted or is expected to last for a period of two reporting cycles (12 years) or more.
  4. Physical disturbance shall be understood as a change to the seabed from which it can recover if the activity causing the disturbance pressure ceases.
  5. For D6C3 species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

- D6C1: extent of the assessment area physically lost in square kilometres (km<sup>2</sup>),
- D6C2: extent of the assessment area physically disturbed in square kilometres (km<sup>2</sup>),
- D6C3: extent of each habitat type adversely affected in square kilometres (km<sup>2</sup>) or as a proportion (percentage) of the total natural extent of the habitat in the assessment area.

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

Relevant pressures: Physical loss (due to permanent change of seabed substrate or morphology or to extraction of seabed substrate); Changes to hydrological conditions

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Hydrographical changes to the seabed and water column (including intertidal areas).	D7C1 – Secondary: Spatial extent and distribution of permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature) to the seabed and water column, associated in particular with physical loss <sup>19</sup> of the natural seabed.	<i>Scale of assessment:</i> As used for assessment of the benthic broad habitat types under Descriptors 1 and 6. <i>Use of criteria:</i> The outcomes of assessment of criterion D7C1 (the distribution and an estimate of the extent of hydrographical changes) shall be used to assess criterion D7C2.
Benthic broad habitats types or other habitat types, as used for Descriptors 1 and 6.	D7C2 – Secondary: Spatial extent of each benthic habitat type adversely affected (physical and hydrographical characteristics and associated biological communities) due to permanent alteration of hydrographical conditions. Member States shall establish threshold values for the adverse effects of permanent alterations of hydrographical conditions, through regional or subregional cooperation.	The outcomes of assessment of criterion D7C2 (an estimate of the extent of adverse effect per habitat type in each assessment area) shall contribute to the assessment of criterion D6C5.

### *Specifications and standardised methods for monitoring and assessment*

1. Regarding methods for monitoring and assessment:
  - (a) Monitoring shall focus on changes associated with infrastructure developments, either on the coast or offshore.
  - (b) Environmental impact assessment hydrodynamic models, where required, which are validated with ground-truth measurements, or other suitable sources of information, shall be used to assess the extent of effects from each infrastructure development.

<sup>19</sup> Physical loss shall be understood as under point 3 of the specifications under Descriptor 6.



- (c) For coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC shall be used.
2. Regarding methods for assessment, the data shall be aggregated so that:
- (a) D7C1 is assessed in relation to total natural extent of all habitats in the assessment area;
  - (b) D7C2 is assessed in relation to total natural extent of each benthic habitat type assessed.

Units of measurement for the criteria:

- D7C1: extent of the assessment area hydrographically altered in square kilometres (km<sup>2</sup>),
- D7C2: extent of each habitat type adversely affected in square kilometres (km<sup>2</sup>) or as a proportion (percentage) of the total natural extent of the habitat in the assessment area.

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

Relevant pressures: Input of other substances (e.g. synthetic substances, non-synthetic substances, radionuclides)

Criteria, including criteria elements, and methodological standards

Criteria elements	Criteria	Methodological standards
<p>(1) Within coastal and territorial waters:</p> <p>(a) Contaminants selected in accordance with Directive 2000/60/EC:</p> <p>(i) contaminants for which an environmental quality standard is laid down in Part A of Annex I to Directive 2008/105/EC;</p> <p>(ii) River Basin Specific Pollutants under Annex VIII to Directive 2000/60/EC, in coastal waters;</p> <p>(b) additional contaminants, if relevant, such as from offshore sources, which are not already identified under point (a) and which may give rise to pollution effects in the region or subregion. Member States shall establish that list of contaminants through regional or subregional cooperation.</p> <p>(2) Beyond territorial waters:</p> <p>(a) the contaminants considered</p>	<p>D8C1 – Primary:</p> <p>Within coastal and territorial waters, the concentrations of contaminants do not exceed the following threshold values:</p> <p>(a) for contaminants set out under point (1)(a) of criteria elements, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) when contaminants under point (a) are measured in a matrix for which no value is set under Directive 2000/60/EC, the concentration of those contaminants in that matrix established by Member States through regional or subregional cooperation;</p> <p>(c) for additional contaminants selected under point (1)(b) of criteria elements, the concentrations for a specified matrix (water, sediment or biota) which may give rise to pollution effects. Member States shall establish these concentrations through regional or subregional cooperation, considering their application within and beyond coastal and territorial waters.</p> <p>Beyond territorial waters, the concentrations of contaminants do not exceed the following threshold values:</p> <p>(a) for contaminants selected under point (2)(a) of criteria elements, the values as applicable within coastal and territorial waters;</p> <p>(b) for contaminants selected under point (2)(b) of criteria elements, the concentrations for a specified matrix (water, sediment or biota) which may give rise to</p>	<p><i>Scale of assessment:</i></p> <ul style="list-style-type: none"> <li>– within coastal and territorial waters, as used under Directive 2000/60/EC,</li> <li>– beyond territorial waters, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <p>(a) for each contaminant under criterion D8C1, its concentration, the matrix used (water, sediment, biota), whether the threshold values set have been achieved, and the proportion of contaminants assessed which have achieved the threshold values, including indicating separately substances behaving like ubiquitous persistent, bioaccumulative and toxic substances (uPBTs), as referred to in Article 8a(1)(a) of Directive 2008/105/EC;</p> <p>(b) for each species assessed under criterion D8C2, an estimate of the abundance of its population in the assessment area that is adversely affected;</p> <p>(c) for each habitat assessed under criterion D8C2, an estimate of the extent in the assessment area that is</p>

Criteria elements	Criteria	Methodological standards
<p>under point (1), where these still may give rise to pollution effects;</p> <p>(b) additional contaminants, if relevant, which are not already identified under point (2)(a) and which may give rise to pollution effects in the region or subregion. Member States shall establish that list of contaminants through regional or subregional cooperation.</p>	<p>pollution effects. Member States shall establish these concentrations through regional or subregional cooperation.</p>	<p>adversely affected.</p> <p>The use of criterion D8C2 in the overall assessment of good environmental status for Descriptor 8 shall be agreed at regional or subregional level.</p> <p>The outcomes of the assessment of criterion D8C2 shall contribute to assessments under Descriptors 1 and 6, where appropriate.</p>
<p>Species and habitats which are at risk from contaminants.</p> <p>Member States shall establish that list of species, and relevant tissues to be assessed, and habitats, through regional or subregional cooperation.</p>	<p>D8C2 – Secondary:</p> <p>The health of species and the condition of habitats (such as their species composition and relative abundance at locations of chronic pollution) are not adversely affected due to contaminants including cumulative and synergetic effects.</p> <p>Member States shall establish those adverse effects and their threshold values through regional or subregional cooperation.</p>	
<p>Significant acute pollution events involving polluting substances, as defined in Article 2(2) of Directive 2005/35/EC of the European Parliament and of the Council<sup>20</sup>, including crude oil and similar compounds.</p>	<p>D8C3 – Primary:</p> <p>The spatial extent and duration of significant acute pollution events are minimised.</p>	<p><i>Scale of assessment:</i></p> <p>Regional or subregional level, divided where needed by national boundaries.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <p>– an estimate of the total spatial extent of significant</p>

<sup>20</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, including criminal penalties, for pollution offences (OJ L 255, 30.9.2005, p. 11).

Criteria elements	Criteria	Methodological standards
		<p>acute pollution events and their distribution and total duration for each year.</p> <p>This criterion shall be used to trigger assessment of criterion D8C4.</p>
<p>Species of the species groups, as listed under Table 1 of Part II, and benthic broad habitat types, as listed under Table 2 of Part II.</p>	<p>D8C4 – Secondary (to be used when a significant acute pollution event has occurred):</p> <p>The adverse effects of significant acute pollution events on the health of species and on the condition of habitats (such as their species composition and relative abundance) are minimised and, where possible, eliminated.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the species groups or benthic broad habitat types under Descriptors 1 and 6.</p> <p><i>Use of criteria:</i></p> <p>The outcomes of assessment of criterion D8C4 shall contribute, where the cumulative spatial and temporal effects are significant, to the assessments under Descriptors 1 and 6 by providing:</p> <ul style="list-style-type: none"> <li>(a) an estimate of the abundance of each species that is adversely affected;</li> <li>(b) an estimate of the extent of each broad habitat type that is adversely affected.</li> </ul> <p>The use of criterion D8C4 in the overall assessment of good environmental status for Descriptor 8 shall be agreed at regional or subregional level.</p>

*Specifications and standardised methods for monitoring and assessment*

1. For criteria elements under D8C1, the selection under points (1)(b) and (2)(b) of additional contaminants that may give rise to pollution effects shall be based on a risk assessment. For these contaminants, the matrix and threshold values used for the assessment shall be representative of the most sensitive species and exposure pathway, including hazards to human health via exposure through the food chain.
2. For the purposes of this Decision:
  - (a) Criterion D8C1: for the assessment of contaminants in coastal and territorial waters, Member States shall monitor the contaminants in accordance with the requirements of Directive 2000/60/EC and the assessments under that Directive shall be used where available. Information on the pathways (atmospheric, land- or sea-based) for contaminants entering the marine environment shall be collected, where feasible.

- (b) Criteria D8C2 and D8C4: biomarkers or population demographic characteristics (e.g. fecundity rates, survival rates, mortality rates, and reproductive capacity) may be relevant to assess the health effects.
  - (c) 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.
  - (d) Criterion D8C3: Member States shall identify the source of significant acute pollution events, where possible. They may use the European Maritime Safety Agency satellite-based surveillance for this purpose.
3. Contaminants shall be understood to refer to single substances or to groups of substances. For consistency in reporting, the grouping of substances shall be agreed at Union level.
4. Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

- D8C1: concentrations of contaminants in micrograms per litre ( $\mu\text{g/l}$ ) for water, in micrograms per kilogram ( $\mu\text{g/kg}$ ) of dry weight for sediment and in micrograms per kilogram ( $\mu\text{g/kg}$ ) of wet weight for biota,
- D8C2: abundance (number of individuals or other suitable units as agreed at regional or subregional level) per species affected; extent in square kilometres ( $\text{km}^2$ ) per broad habitat type affected,
- D8C3: duration in days and spatial extent in square kilometres ( $\text{km}^2$ ) of significant acute pollution events per year,
- D8C4: abundance (number of individuals or other suitable units as agreed at regional or subregional level) per species affected; extent in square kilometres ( $\text{km}^2$ ) per broad habitat type affected.

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

Relevant pressure: Input of hazardous substances

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	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 establish a list of those additional contaminants through regional or subregional cooperation.</p> <p>Member States shall establish the list of species and relevant tissues to be assessed, according to the conditions laid down under 'specifications'. They may cooperate at regional or subregional level to establish that list of species and relevant tissues.</p>	<p>D9C1 – Primary:</p> <p>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, which are the threshold values for the purposes of this Decision;</p> <p>(b) for additional contaminants, not listed in Regulation (EC) No 1881/2006, threshold values, which Member States shall establish through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>The catch or production area in accordance with Article 38 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>21</sup>.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– for each contaminant, its concentration in seafood, the matrix used (species and tissue), whether the threshold values set have been achieved, and the proportion of contaminants assessed which have achieved their threshold values.</li> </ul>

<sup>21</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).

*Specifications and standardised methods for monitoring and assessment*

1. When Member States establish the list of species to be used under D9C1, the species shall:
  - (a) be relevant to the marine region or subregion concerned;
  - (b) fall under the scope of Regulation (EC) No 1881/2006;
  - (c) be suitable for the contaminant being assessed;
  - (d) be among the most consumed in the Member State or the most caught or harvested for consumption.
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 shall 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 of the Council<sup>22</sup> and with Commission Regulation (EU) No 589/2014<sup>23</sup> and Commission Regulation (EC) No 333/2007<sup>24</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.

Units of measurement for the criteria:

- D9C1: concentrations of contaminants in the units set out in the Annex to Regulation (EC) No 1881/2006.

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<sup>22</sup> Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).

<sup>23</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 and repealing Regulation (EU) No 252/2012 (OJ L 164, 3.6.2014, p. 18).

<sup>24</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).

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

Relevant pressure: Input of litter

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Litter (excluding micro-litter), classified in the following categories <sup>25</sup> : artificial polymer materials, rubber, cloth/textile, paper/cardboard, processed/worked wood, metal, glass/ceramics, chemicals, undefined, and food waste. Member States may define further sub-categories.	D10C1 – Primary: The composition, amount and spatial distribution of litter on the coastline, in the surface layer of the water column, and on the seabed, are at levels that do not cause harm to the coastal and marine environment. Member States shall establish threshold values for these levels through cooperation at Union level, taking into account regional or subregional specificities.	<p><i>Scale of assessment:</i> Subdivisions of the region or subregion, divided where needed by national boundaries.</p> <p><i>Use of criteria:</i> The extent to which good environmental status has been achieved shall be expressed for each criterion separately for each area assessed as follows:</p> <p>(a) the outcomes for each criterion (amount of litter or micro-litter per category) and its distribution per matrix used under D10C1 and D10C2 and whether the threshold values set have been achieved.</p> <p>(b) the outcomes for D10C3 (amount of litter and micro-litter per category per species) and whether the threshold values set have been achieved.</p> <p>The use of criteria D10C1, D10C2 and D10C3 in the overall assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</p> <p>The outcomes of criterion D10C3 shall also contribute to assessments under Descriptor 1, where appropriate.</p>
Micro-litter (particles < 5mm), classified in the categories 'artificial polymer materials' and 'other'.	D10C2 – Primary: The composition, amount and spatial distribution of micro-litter on the coastline, in the surface layer of the water column, and in seabed sediment, are at levels that do not cause harm to the coastal and marine environment. Member States shall establish threshold values for these levels through cooperation at Union level, taking into account regional or subregional specificities.	
Litter and micro-litter classified in the categories 'artificial polymer materials' and 'other', assessed in any species from the following groups: birds, mammals, reptiles, fish or	D10C3 – Secondary: The amount of litter and micro-litter ingested by marine animals is at a level that does not adversely affect the health of the species concerned. Member States shall establish threshold values for these	

<sup>25</sup> These are the "Level 1 – Material" categories from the Master List of categories of litter items from the Joint Research Centre "Guidance on Monitoring of marine litter in European seas" (2013, ISBN 978-92-79-32709-4). The Master List specifies what is covered under each category, for instance "Chemicals" refers to paraffin, wax, oil and tar.



Criteria elements	Criteria	Methodological standards
invertebrates. Member States shall establish that list of species to be assessed through regional or subregional cooperation.	levels through regional or subregional cooperation.	
Species of birds, mammals, reptiles, fish or invertebrates which are at risk from litter. Member States shall establish that list of species to be assessed through regional or subregional cooperation.	D10C4 – Secondary: The number of individuals of each species which are adversely affected due to litter, such as by entanglement, other types of injury or mortality, or health effects. Member States shall establish threshold values for the adverse effects of litter, through regional or subregional cooperation.	<i>Scale of assessment:</i> As used for assessment of the species group under Descriptor 1. <i>Use of criteria:</i> The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows: <ul style="list-style-type: none"> <li>– for each species assessed under criterion D10C4, an estimate of the number of individuals in the assessment area that have been adversely affected.</li> </ul> The use of criterion D10C4 in the overall assessment of good environmental status for Descriptor 10 shall be agreed at Union level. The outcomes of this criterion shall also contribute to assessments under Descriptor 1, where appropriate.

*Specifications and standardised methods for monitoring and assessment*

1. For D10C1: litter shall be monitored on the coastline and may additionally be monitored in the surface layer of the water column and on the seabed. Information on the source and pathway of the litter shall be collected, where feasible;
2. For D10C2: micro-litter shall be monitored in the surface layer of the water column and in the seabed sediment and may additionally be monitored on the coastline. Micro-litter shall be monitored in a manner that can be related to point-sources for inputs (such as harbours, marinas, waste-water treatment plants, storm-water effluents), where feasible.
3. For D10C3 and D10C4: the monitoring may be based on incidental occurrences (e.g. strandings of dead animals, entangled animals in breeding colonies, affected individuals per survey).

Units of measurement for the criteria:

- D10C1: amount of litter per category in number of items:
  - per 100 metres (m) on the coastline,
  - per square kilometre (km<sup>2</sup>) for surface layer of the water column and for seabed,
- D10C2: amount of micro-litter per category in number of items and weight in grams (g):
  - per square metre (m<sup>2</sup>) for surface layer of the water column,
  - per kilogram (dry weight) (kg) of sediment for the coastline and for seabed,
- D10C3: amount of litter/micro-litter in grams (g) and number of items per individual for each species in relation to size (weight or length, as appropriate) of the individual sampled,
- D10C4: number of individuals affected (lethal; sub-lethal) per species.

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

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

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Anthropogenic impulsive sound in water.	<p>D11C1 – Primary:</p> <p>The spatial distribution, temporal extent, and levels of anthropogenic impulsive sound sources do not exceed levels that adversely affect populations of marine animals.</p> <p>Member States shall establish threshold values for these levels through cooperation at Union level, taking into account regional or subregional specificities.</p>	<p><i>Scale of assessment:</i></p> <p>Region, subregion or subdivisions.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <p>(a) for D11C1, the duration per calendar year of impulsive sound sources, their distribution within the year and spatially within the assessment area, and whether the threshold values set have been achieved;</p> <p>(b) for D11C2, the annual average of the sound level, or other suitable temporal metric agreed at regional or subregional level, per unit area and its spatial distribution within the assessment area, and the extent (% , km<sup>2</sup>) of the assessment area over which the threshold values set have been achieved.</p> <p>The use of criteria D11C1 and D11C2 in the assessment of good environmental status for Descriptor 11 shall be agreed at Union level.</p> <p>The outcomes of these criteria shall also contribute to assessments under Descriptor 1.</p>
Anthropogenic continuous low-frequency sound in water.	<p>D11C2 – Primary:</p> <p>The spatial distribution, temporal extent and levels of anthropogenic continuous low-frequency sound do not exceed levels that adversely affect populations of marine animals.</p> <p>Member States shall establish threshold values for these levels through cooperation at Union level, taking into account regional or subregional specificities.</p>	

*Specifications and standardised methods for monitoring and assessment*

1. For D11C1 monitoring:

- (a) Spatial resolution: geographical locations whose shape and areas are to be determined at regional or subregional level, on the basis of, for instance, activities listed in Annex III to Directive 2008/56/EC.
- (b) Impulsive sound described as monopole energy source level in units of dB re  $1\mu\text{Pa}^2 \text{ s}$  or zero to peak monopole source level in units of dB re  $1\mu\text{Pa m}$ , both over the frequency band 10 Hz to 10 kHz. Member States may consider other specific sources with higher frequency bands if longer-range effects are considered relevant.

2. For D11C2 monitoring:

Annual average, or other suitable metric agreed at regional or subregional level, of the squared sound pressure in each of two '1/3-octave bands', one centred at 63 Hz and the other at 125 Hz, expressed as a level in decibels in units of dB re  $1\mu\text{Pa}$ , at a suitable spatial resolution in relation to the pressure. This may be measured directly, or inferred from a model used to interpolate between, or extrapolated from, measurements. Member States may also decide at regional or subregional level to monitor for additional frequency bands.

Criteria relating to other forms of energy input (including thermal energy, electromagnetic fields and light) and criteria relating to the environmental impacts of noise are still subject to further development.

Units of measurement for the criteria:

- D11C1: Number of days per quarter (or per month if appropriate) with impulsive sound sources; proportion (percentage) of unit areas or extent in square kilometres ( $\text{km}^2$ ) of assessment area with impulsive sound sources per year,
- D11C2: Annual average (or other temporal metric) of continuous sound level per unit area; proportion (percentage) or extent in square kilometres ( $\text{km}^2$ ) of assessment area with sound levels exceeding threshold values.

**PART II – CRITERIA AND METHODOLOGICAL STANDARDS, SPECIFICATIONS AND STANDARDISED METHODS FOR MONITORING AND 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**

Part II considers the descriptors linked to the relevant ecosystem elements: species groups of birds, mammals, reptiles, fish and cephalopods (Descriptor 1), pelagic habitats (Descriptor 1), benthic habitats (Descriptors 1 and 6) and ecosystems, including food webs (Descriptors 1 and 4), as listed in Annex III to Directive 2008/56/EC<sup>26</sup>.

**Theme: Species groups of birds, mammals, reptiles, fish and cephalopods (relating to Descriptor 1)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Species of birds, mammals, reptiles and non-commercially-exploited species of fish and cephalopods, which are at risk from incidental by-catch in the region or subregion.</p> <p>Member States shall establish that list of species through regional or subregional cooperation, pursuant to the obligations laid down in Article 25(5) of Regulation (EU) No 1380/2013 for data collection activities and taking into account the list of species in Table 1D of the Annex to Commission Implementing Decision (EU) 2016/1251<sup>27</sup>.</p>	<p>D1C1 – Primary:</p> <p>The mortality rate per species from incidental by-catch is below levels which threaten the species, such that its long-term viability is ensured.</p> <p>Member States shall establish the threshold values for the mortality rate from incidental by-catch per species, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the corresponding species or species groups under criteria D1C2-D1C5.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– the mortality rate per species and whether this has achieved the threshold value set.</li> </ul> <p>This criterion shall contribute to assessment of the corresponding species under criterion D1C2.</p>

<sup>26</sup> Regulation (EC) No 199/2008 may be used for the collection of relevant fisheries-related data under Descriptors 1, 4 and 6.

<sup>27</sup> Commission Implementing Decision (EU) 2016/1251 of 12 July 2016 adopting a multiannual Union programme for the collection, management and use of data in the fisheries and aquaculture sectors for the period 2017-2019 (OJ L 207, 1.8.2016, p. 113).

Criteria elements	Criteria	Methodological standards
<p>Species groups, as listed under Table 1 and if present in the region or subregion.</p> <p>Member States shall establish a set of species representative of each species group, selected according to the criteria laid down under ‘specifications for the selection of species and habitats’, through regional or subregional cooperation. These shall include the mammals and reptiles listed in Annex II to Directive 92/43/EEC and may include any other species, such as those listed under Union legislation (other Annexes to Directive 92/43/EEC, Directive 2009/147/EC or through Regulation (EU) No 1380/2013) and international agreements such as Regional Sea Conventions.</p>	<p>D1C2 – Primary:</p> <p>The population abundance of the species is not adversely affected due to anthropogenic pressures, such that its long-term viability is ensured.</p> <p>Member States shall establish threshold values for each species through regional or subregional cooperation, taking account of natural variation in population size and the mortality rates derived from D1C1, D8C4 and D10C4 and other relevant pressures. For species covered by Directive 92/43/EEC, these values shall be consistent with the Favourable Reference Population values established by the relevant Member States under Directive 92/43/EEC.</p>	<p><i>Scale 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, pelagic and demersal shelf fish: region or subdivisions for Baltic Sea and Black Sea; subregion for North-East Atlantic Ocean and Mediterranean Sea;</li> <li>– for seals, turtles, cephalopods: region or subdivisions for Baltic Sea; subregion for North-East Atlantic Ocean and Mediterranean Sea;</li> <li>– for coastal fish: subdivision of region or subregion.</li> <li>– for commercially-exploited fish and cephalopods: as used under Descriptor 3.</li> </ul> <p><i>Use of criteria:</i></p> <p>The status of each species shall be assessed individually, on the basis of the criteria selected for use, and these shall be used to express the extent to which good environmental status has been achieved for each species group for each area assessed, as follows:</p> <ol style="list-style-type: none"> <li>(a) the assessments shall express the value(s) for each criterion used per species and whether these achieve the threshold values set;</li> <li>(b) the overall status of species covered by Directive 92/43/EEC shall be derived using the method provided under that Directive. The overall status for commercially-exploited species shall be as assessed under Descriptor 3. For other species, the overall status shall be derived using a method agreed at</li> </ol>
	<p>D1C3 – Primary for commercially-exploited fish and cephalopods and secondary for other species:</p> <p>The population demographic characteristics (e.g. body size or age class structure, sex ratio, fecundity, and survival rates) of the species are indicative of a healthy population which is not adversely affected due to anthropogenic pressures.</p> <p>Member States shall establish threshold values for specified characteristics of each species through regional or subregional cooperation, taking account of adverse effects on their health derived from D8C2, D8C4 and other relevant pressures.</p>	
	<p>D1C4 – Primary for species covered by Annexes II, IV or V to Directive 92/43/EEC and secondary for other species:</p> <p>The species distributional range and, where relevant, pattern is in line with prevailing physiographic, geographic and climatic conditions.</p> <p>Member States shall establish threshold values for each species through regional or subregional cooperation. For</p>	

Criteria elements	Criteria	Methodological standards
	species covered by Directive 92/43/EEC, these shall be consistent with the Favourable Reference Range values established by the relevant Member States under Directive 92/43/EEC.	(c) Union level, taking into account regional or subregional specificities; the overall status of the species group, using a method agreed at Union level, taking into account regional or subregional specificities.
	D1C5 – Primary for species covered by Annexes II, IV and V to Directive 92/43/EEC and secondary for other species: The habitat for the species has the necessary extent and condition to support the different stages in the life history of the species.	

*Criteria elements*

**Table 1 – Species groups<sup>28</sup>**

Ecosystem component	Species groups
<b>Birds</b>	Grazing birds
	Wading birds
	Surface-feeding birds
	Pelagic-feeding birds
	Benthic-feeding birds
<b>Mammals</b>	Small toothed cetaceans
	Deep-diving toothed cetaceans
	Baleen whales
	Seals

<sup>28</sup> Relevant fisheries-related data should be used in application of Regulation (EC) No 199/2008.

<b>Ecosystem component</b>	<b>Species groups</b>
<b>Reptiles</b>	Turtles
<b>Fish</b>	Coastal fish
	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 relating to theme "Species groups of marine birds, mammals, reptiles, fish and cephalopods"*

1. For D1C1, data shall be provided per species per fishing metier for each ICES area or GFCM Geographical Sub-Area or FAO fishing areas for the Macaronesian biogeographic region, 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.
2. 'Coastal' shall be understood on the basis of physical, hydrological and ecological parameters and is not limited to coastal water as defined in Article 2(7) of Directive 2000/60/EC.
3. Species may be assessed at population level, where appropriate.
4. Wherever possible, the assessments under Directive 92/43/EEC, Directive 2009/147/EC and Regulation (EU) No 1380/2013 shall be used for the purposes of this Decision:
  - (a) for birds, criteria D1C2 and D1C4 equate to the 'population size' and 'breeding distribution map and range size' criteria of Directive 2009/147/EC;
  - (b) for mammals, reptiles and non-commercial fish, the criteria are equivalent to those used under Directive 92/43/EEC as follows: D1C2 and D1C3 equate to 'population', D1C4 equates to 'range' and D1C5 equates to 'habitat for the species';
  - (c) for commercially-exploited fish and cephalopods, assessments under Descriptor 3 shall be used for Descriptor 1 purposes, using criterion D3C2 for D1C2 and criterion D3C3 for D1C3.



5. Assessments of the adverse effects from pressures under criteria D1C1, D2C3, D3C1, D8C2, D8C4 and D10C4, as well as the assessments of pressures under criteria D9C1, D10C3, D11C1 and D11C2, shall be taken into account in the assessments of species under Descriptor 1.

Units of measurement for the criteria:

- D1C2: abundance (number of individuals or biomass in tonnes (t)) per species.

**Theme: Pelagic habitats (relating to Descriptor 1)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Pelagic broad habitat types (variable salinity<sup>29</sup>, coastal, shelf and oceanic/beyond shelf), if present in the region or subregion, and other habitat types as defined in the second paragraph.</p> <p>Member States may select, through regional or subregional cooperation, additional habitat types according to the criteria laid down under 'specifications for the selection of species and habitats'.</p>	<p>D1C6 – Primary:</p> <p>The condition of the habitat type, including its biotic and abiotic structure and its functions (e.g. its typical species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), is not adversely affected due to anthropogenic pressures.</p> <p>Member States shall establish threshold values for the condition of each habitat type, ensuring compatibility with related values set under Descriptors 2, 5 and 8, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>Subdivision of region or subregion as used for assessments of benthic broad habitat types, reflecting biogeographic differences in species composition of the habitat type.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as:</p> <ul style="list-style-type: none"> <li>(a) an estimate of the proportion and extent of each habitat type assessed that has achieved the threshold value set;</li> <li>(b) a list of broad habitat types in the assessment area that were not assessed.</li> </ul>

*Specifications and standardised methods for monitoring and assessment relating to theme "Pelagic habitats"*

1. 'Coastal' shall be understood on the basis of physical, hydrological and ecological parameters and is not limited to coastal water as defined in Article 2(7) of Directive 2000/60/EC.

<sup>29</sup> Retained for situations where estuarine plumes extend beyond waters designated as Transitional Waters under Directive 2000/60/EC.

2. Assessments of the adverse effects from pressures, including under D2C3, D5C2, D5C3, D5C4, D7C1, D8C2 and D8C4, shall be taken into account in the assessments of pelagic habitats under Descriptor 1.

Units of measurement for the criteria:

- D1C6: extent of habitat adversely affected in square kilometres (km<sup>2</sup>) and as a proportion (percentage) of the total extent of the habitat type.

**Theme: Benthic habitats (relating to Descriptors 1 and 6)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Refer to Part I of this Annex for criteria D6C1, D6C2 and D6C3.		
<p>Benthic broad habitat types as listed in Table 2 and if present in the region or subregion, and other habitat types as defined in the second paragraph.</p> <p>Member States may select, through regional or subregional cooperation, additional habitat types, according to the criteria laid down under ‘specifications for the selection of species and habitats’, and which may include habitat types listed under Directive 92/43/EEC or international agreements such as Regional Sea Conventions, for the purposes of:</p> <p>(a) assessing each broad habitat type under criterion D6C5;</p> <p>(b) assessing these habitat types.</p>	<p>D6C4 – Primary:</p> <p>The extent of loss of the habitat type, resulting from anthropogenic pressures, does not exceed a specified proportion of the natural extent of the habitat type in the assessment area.</p> <p>Member States shall establish the maximum allowable extent of habitat loss as a proportion of the total natural extent of the habitat type, through cooperation at Union level, taking into account regional or subregional specificities.</p> <p>D6C5 – Primary:</p> <p>The extent of adverse effects from anthropogenic pressures on the condition of the habitat type, including alteration to its biotic and abiotic structure and its functions (e.g. its typical species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), does not exceed a specified proportion of the natural extent of the habitat type in the assessment area.</p>	<p><i>Scale of assessment:</i></p> <p>Subdivision of region or subregion, reflecting biogeographic differences in species composition of the broad habitat type.</p> <p><i>Use of criteria:</i></p> <p>A single assessment per habitat type, using criteria D6C4 and D6C5, shall serve the purpose of assessments of both benthic habitats under Descriptor 1 and sea-floor integrity under Descriptor 6.</p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as:</p> <p>(a) for D6C4, an estimate of the proportion and extent of loss per habitat type and whether this has achieved the extent value set;</p> <p>(b) for D6C5, an estimate of the proportion and extent of adverse effects, including the proportion lost from point (a), per habitat type and whether this has achieved the extent value set;</p>

Criteria elements	Criteria	Methodological standards
A single set of habitat types shall serve the purpose of assessments of both benthic habitats under Descriptor 1 and sea-floor integrity under Descriptor 6.	<p>Member States shall establish threshold values for adverse effects on the condition of each habitat type, ensuring compatibility with related values set under Descriptors 2, 5, 6, 7 and 8, through cooperation at Union level, taking into account regional or subregional specificities.</p> <p>Member States shall establish the maximum allowable extent of those adverse effects as a proportion of the total natural extent of the habitat type, through cooperation at Union level, taking into account regional or subregional specificities.</p>	(c) overall status of the habitat type, using a method agreed at Union level based on points (a) and (b), and a list of broad habitat types in the assessment area that were not assessed.

*Criteria elements*

**Table 2 – Benthic broad habitat types including their associated biological communities (relevant for criteria under Descriptors 1 and 6), which equate to one or more habitat types of the European nature information system (EUNIS) habitat classification<sup>30</sup>. Updates to the EUNIS typology shall be reflected in the broad habitat types used for the purposes of Directive 2008/56/EC and of this Decision.**

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
<b>Benthic habitats</b>	Littoral rock and biogenic reef	MA1, MA2
	Littoral sediment	MA3, MA4, MA5, MA6
	Infralittoral rock and biogenic reef	MB1, MB2
	Infralittoral coarse sediment	MB3
	Infralittoral mixed sediment	MB4
	Infralittoral sand	MB5
	Infralittoral mud	MB6
	Circalittoral rock and biogenic reef	MC1, MC2

<sup>30</sup> Evans, D. (2016). Revising the marine section of the EUNIS Habitat classification - Report of a workshop held at the European Topic Centre on Biological Diversity, 12 & 13 May 2016. ETC/BD Working Paper N° A/2016.

<b>Ecosystem component</b>	<b>Broad habitat types</b>	<b>Relevant EUNIS habitat codes (version 2016)</b>
	Circalittoral coarse sediment	MC3
	Circalittoral mixed sediment	MC4
	Circalittoral sand	MC5
	Circalittoral mud	MC6
	Offshore circalittoral rock and biogenic reef	MD1, MD2
	Offshore circalittoral coarse sediment	MD3
	Offshore circalittoral mixed sediment	MD4
	Offshore circalittoral sand	MD5
	Offshore circalittoral mud	MD6
	Upper bathyal <sup>31</sup> rock and biogenic reef	ME1, ME2
	Upper bathyal sediment	ME3, ME4, ME5, ME6
	Lower bathyal rock and biogenic reef	MF1, MF2
	Lower bathyal sediment	MF3, MF4, MF5, MF6
	Abyssal	MG1, MG2, MG3, MG4, MG5, MG6

*Specifications and standardised methods for monitoring and assessment relating to theme "Benthic habitats"*

1. The status of each habitat type shall be assessed using assessments (such as of sub-types of the broad habitat types) under Directive 92/43/EEC and Directive 2000/60/EC, wherever possible.
2. Assessment of criterion D6C4 shall use the assessment made under criterion D6C1.
3. Criteria D6C4 and D6C5 equate to the 'range/area covered by habitat type within range' and 'specific structures and functions' criteria of Directive 92/43/EEC.

<sup>31</sup> Where not specifically defined in the EUNIS classification, the boundary between the upper bathyal and lower bathyal may be set as a specified depth limit.

4. For D6C5, assessments of the adverse effects from pressures, including under criteria D2C3, D3C1, D3C2, D3C3, D5C4, D5C5, D5C6, D5C7, D5C8, D6C3, D7C2, D8C2 and D8C4, shall be taken into account.
5. For D6C5, species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

- D6C4: extent of habitat loss in square kilometres (km<sup>2</sup>) and as a proportion (percentage) of the total extent of the habitat type,
- D6C5: extent of habitat adversely affected in square kilometres (km<sup>2</sup>) and as a proportion (percentage) of the total extent of the habitat type.

*Specifications for the selection of species and habitats under Themes "Species groups of marine birds, mammals, reptiles, fish and cephalopods", "Pelagic habitats" and "Benthic habitats"*

The selection of species and habitats to be assigned to the species groups and pelagic and benthic broad habitat types shall be based on the following:

1. Scientific criteria (ecological relevance):
  - (a) representative of the ecosystem component (species group or broad habitat type), and of ecosystem functioning (e.g. connectivity between habitats and populations, completeness and integrity of essential habitats), 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) or particular life history traits (age and size at breeding, longevity, migratory traits);
  - (b) 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;
  - (c) present in sufficient numbers or extent in the assessment area to be able to construct a suitable indicator for assessment;
  - (d) the set of species or habitats selected shall cover, as far as possible, the full range of ecological functions of the ecosystem component and the predominant pressures to which the component is subject;
  - (e) if species of species groups are closely associated to a particular broad habitat type they may be included within that habitat type for monitoring and assessment purposes; in such cases, the species shall not be included in the assessment of the species group.
2. Additional practical criteria (which shall not override the scientific criteria):
  - (a) monitoring/technical feasibility;
  - (b) monitoring costs;

(c) adequate time series of the data.

The representative set of species and habitats to be assessed are likely to be specific to the region or subregion, although certain species may occur in several regions or subregions.

**Theme: Ecosystems, including food webs (relating to Descriptors 1 and 4)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Trophic guilds of an ecosystem.</p> <p>Member States shall establish the list of trophic guilds through regional or subregional cooperation.</p>	<p>D4C1 – Primary: The diversity (species composition and their relative abundance) of the trophic guild is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i> Regional level for Baltic Sea and Black Sea; subregional level for North-East Atlantic and Mediterranean Sea. Subdivisions may be used where appropriate.</p> <p><i>Use of criteria:</i> Where values do not fall within the threshold values, this may trigger further research and investigation to understand the causes for the failure.</p>
	<p>D4C2 – Primary: The balance of total abundance between the trophic guilds is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>	
	<p>D4C3 – Secondary: The size distribution of individuals across the trophic guild is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>	
	<p>D4C4 – Secondary (to be used in support of criterion D4C2, where necessary): Productivity of the trophic guild is not adversely affected due to anthropogenic pressures.</p>	

Criteria elements	Criteria	Methodological standards
	Member States shall establish threshold values through regional or subregional cooperation.	

*Specifications and standardised methods for monitoring and assessment*

1. Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.
2. The trophic guilds selected under criteria elements shall take into account the ICES list of trophic guilds<sup>32</sup> and shall meet the following conditions:
  - (a) include at least three trophic guilds;
  - (b) two shall be non-fish trophic guilds;
  - (c) at least one shall be a primary producer trophic guild;
  - (d) preferably represent at least the top, middle and bottom of the food chain.

Units of measurement:

- D4C2: total abundance (number of individuals or biomass in tonnes (t)) across all species within the trophic guild.

<sup>32</sup> ICES Advice (2015) Book 1, ICES special request advice, published 20 March 2015.



## Aktdetaljer

Den 1. februar 2017

**Akttitel: 2016-11-10\_1Feedback mechanism\_short.pdf**

**Aktnummer:**

Akt ID: 2763969

Dato: 31-01-2017

Type: Intern

Original titel: 2016-11-10\_1Feedback mechanism\_short.pdf

Dokumenter: [1] 2016-11-10\_1Feedback mechanism\_short.pdf.msg

[2] 2016-11-10\_1Feedback mechanism\_short.pdf



**Til:**

**Fra:** Maria Klint Thelander (makbj@mfvm.dk)

**Titel:** 2016-11-10\_1Feedback mechanism\_short.pdf

**Sendt:** 31-01-2017 10:57:25

**Bilag:** 2016-11-10\_1Feedback mechanism\_short.pdf;



**15<sup>th</sup> meeting of MSFD Committee**

**10 November 2016, Brussels**

**Revision of Decision 2010/477/EU  
and MSFD Annex III**

**Information on outcome of  
Feedback Mechanism**

**European Commission**

DG Environment

Marine Environment and Water Industry Unit



# Feedback mechanism

Draft Commission proposals for the GES Decision and Annex III  
→ were subject to feedback mechanism, as part of Commission's better regulation agenda to listen to views of citizens and stakeholders

Feedback period: 14 September to 12 October 2016

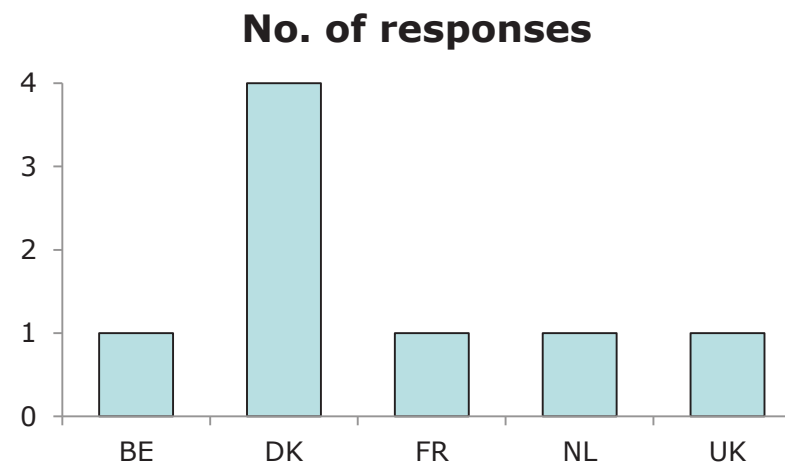
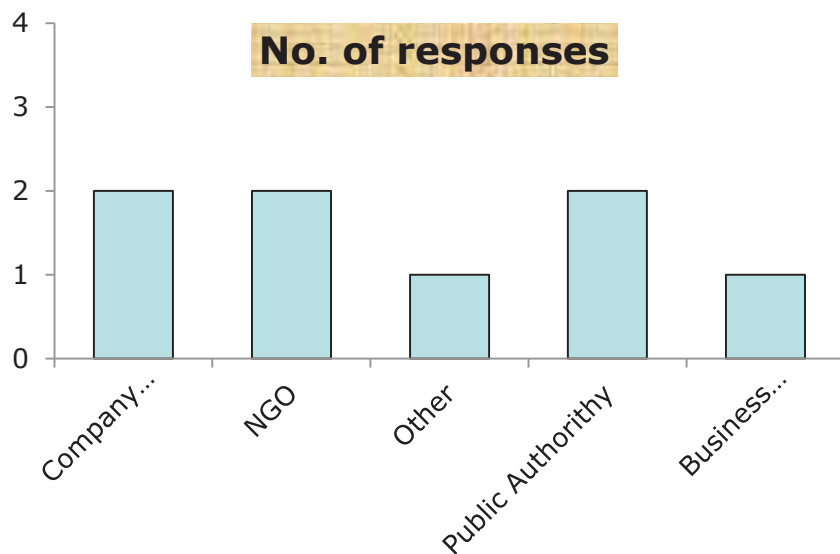
Commission informed Committee and MSCG members

All responses can be found here:

[https://ec.europa.eu/info/law/better-regulation/share-your-views\\_en](https://ec.europa.eu/info/law/better-regulation/share-your-views_en)



## MSFD Annex III



### Comments

In total 8 responses

Response attributed to BE is from an international organisation



# Main comments received

To amend parameters in Table 1

To remove list of anthropogenic activities

Some drafting proposals

**Note:** Some responses where not relevant to Annex III but rather referred to the GES Decision proposal





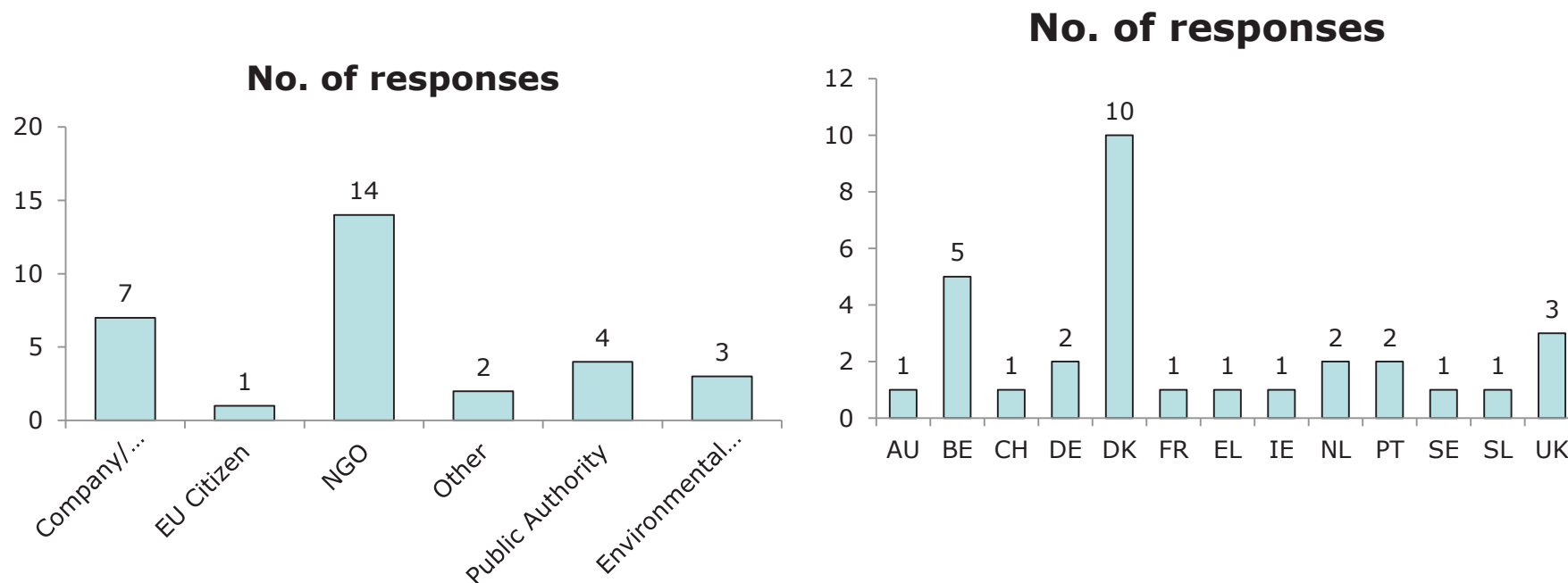
## **Main changes following feedback mechanism**

(text uploaded on 26/10 on circabc for the vote)

- Table 1:
  - ✓ "concentration" added after chlorophyll a
  - ✓ "shifts" replaced by "structure"
- In Table 2a:
  - ✓ Improved alignment with GES decision D3 → delete "including target and non-target species"
  - ✓ "hazardous" changed into "other substances"



# GES decision



## Comments

In total 34 responses

- 2 responses were providing corrected links to their first reply
- 1 respondent split reply into two parts

Some responses attributed to BE are from international organisations



## Main comments received

14 similar responses from environmental NGOs:

- include safeguard mechanism for setting threshold values (TVs),
- include control mechanism in case MS do not use secondary criteria
- ensure full coherence with EU policies and objectives
- object to maximum allowable extent of habitat loss

Need to take into consideration regional/national characteristics

Not use RSCs as forum to establish TVs

Reduce number of criteria

Involve subregional stakeholders in development of TVs

Premature to include integration rules

Some drafting proposals, add units of measurements







## **Main changes following feedback mechanism**

(text uploaded on 26/10 on circabc for the vote)

- Clearer consistency with other Union legislation → Recital 13 and Article 4(1)(b) amended
- Improved alignment of wording on RSCs with MSFD → Article 4(1)(j) amended
- Guiding principles for interim national threshold values → Article 4(2) amended
- D5 → additions to the units of measurement in Annex
- Annex Part II: clarify that DCF should be used for fisheries related data → footnote added
- D1C1: better ensure long-term viability of species → criterion amended in Annex





## Aktdetaljer

Den 1. februar 2017

**Akttitel: 2016-11-09\_Draft Agenda\_committee meeting nov.pdf**

**Aktnummer:**

Akt ID: 2763970

Dato: 31-01-2017

Type: Intern

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**Til:**

**Fra:** Maria Klint Thelander (makbj@mfvm.dk)

**Titel:** 2016-11-09\_Draft Agenda\_committee meeting nov.pdf

**Sendt:** 31-01-2017 10:57:25

**Bilag:** 2016-11-09\_Draft Agenda\_committee meeting nov.pdf;



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

**15<sup>TH</sup> MEETING OF THE COMMITTEE UNDER ARTICLE 25 OF DIRECTIVE 2008/56/EC**

**(MARINE STRATEGY COMMITTEE)**

**THURSDAY 10 NOVEMBER 2016 (09:00 – 12:30)**

**Conference Centre Albert Borschette (CCAB) - Room 4D  
 36, Rue Froissart - B-1040 Brussels**

**DRAFT AGENDA**

<b>Time</b>	<b>Item</b>	<b>Agenda item</b>	<b>Action</b>	<b>Report by</b>	<b>Document</b>
09:00	1	Welcome and introduction			
09:10	2	Adoption of the agenda	Adoption	COM	CTTEE_15-2016-01
09:15	3	Adoption of the minutes of the 14th meeting of the Committee	Adoption	COM	CTTEE_15-2016-02
09:20	5	Information on outcome of feedback mechanism	Item for information	COM	
09:30	5	Draft Commission Decision laying down criteria and methodological standards on GES of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU	Adoption	COM	CTTEE_15-2016-05
10:45	5	Draft Commission Directive amending Directive 2008/56/EC as regards the indicative lists of elements to be taken into account for the preparation of marine strategies [MSFD Annex III]	Adoption	COM	CTTEE_15-2016-04
11:30	4	Map and boundaries of MSFD marine regions and subregions	Item for information		CTTEE_15-2016-03
12:00	6	MPAs in the context of BBNJ	Item for information		CTTEE_15-2016-06
12:15	7	Any other business	Items for information		
12:30	8	Close of the meeting			



## Aktdetaljer

Den 1. februar 2017

**Akttitel: 2016-11-08\_2\_DA\_ACT\_part1\_v1.pdf**

**Aktnummer:**

Akt ID: 2763973

Dato: 31-01-2017

Type: Intern

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Dokumenter: [1] 2016-11-08\_2\_DA\_ACT\_part1\_v1.pdf.msg

[2] 2016-11-08\_2\_DA\_ACT\_part1\_v1.pdf

**Til:**

**Fra:** Maria Klint Thelander (makbj@mfvm.dk)

**Titel:** 2016-11-08\_2\_DA\_ACT\_part1\_v1.pdf

**Sendt:** 31-01-2017 10:57:25

**Bilag:** 2016-11-08\_2\_DA\_ACT\_part1\_v1.pdf;



Bruxelles, den **XXX**  
[...] (2016) **XXX** draft

**KOMMISSIONENS AFGØRELSE (EU) .../...**

**af XXX**

**om fastlæggelse af kriterier og metodiske standarder for god miljøtilstand i havområder  
samt specifikationer og standardmetoder for overvågning og vurdering og om  
ophævelse af afgørelse 2010/477/EU**

(EØS-relevant tekst)

## KOMMISSIONENS AFGØRELSE (EU) .../...

af **XXX**

### om fastlæggelse af kriterier og metodiske standarder for god miljøtilstand i havområder samt specifikationer og standardmetoder for overvågning og vurdering og om ophævelse af afgørelse 2010/477/EU

(EØS-relevant tekst)

EUROPA-KOMMISSIONEN HAR —

under henvisning til traktaten om Den Europæiske Unions funktionsmåde,

under henvisning til Europa-Parlamentets og Rådets direktiv 2008/56/EF af 17. juni 2008 om fastlæggelse af en ramme for Fællesskabets havmiljøpolitiske foranstaltninger (havstrategirammedirektivet)<sup>1</sup>, særlig artikel 9, stk. 3, og artikel 11, stk. 4, og

ud fra følgende betragtninger:

- (1) Ved Kommissionens afgørelse 2010/477/EU<sup>2</sup> har Kommissionen fastlagt de kriterier, som medlemsstaterne skal anvende for at beskrive en god miljøtilstand for deres havområder og som udgangspunkt for deres vurdering af denne tilstand i den første fase af gennemførelsen af direktiv 2008/56/EF.
- (2) I afgørelse 2010/477/EU anerkendtes det, at der var brug for yderligere videnskabelige og tekniske fremskridt for at støtte videreudviklingen eller revisionen af disse kriterier for visse kvalitative deskriptorer og yderligere udvikling af de metodiske standarder under tæt samordning med etableringen af overvågningsprogrammer. I afgørelsen anførte Kommissionen desuden, at denne revision bør gennemføres så hurtigt som muligt efter afsluttet vurdering i henhold til artikel 12 i direktiv 2008/56/EF og rettidigt med henblik på at støtte en vellykket opdatering af havstrategierne, der i henhold til artikel 17 i direktiv 2008/56/EF skal gennemføres inden 2018.
- (3) På grundlag af den indledende vurdering af deres havområder, der er gennemført i henhold til artikel 8, stk. 1, i direktiv 2008/56/EF, rapporterede medlemsstaterne i 2012 om miljøtilstanden for deres havområder og meddelte Kommissionen deres beskrivelse af en god miljøtilstand og deres miljømål i henhold til henholdsvis artikel 9, stk. 2, og artikel 10, stk. 2, i direktiv 2008/56/EF. Kommissionen fremhævede i sin vurdering<sup>3</sup> af disse rapporter fra medlemsstaterne, som den gennemførte i henhold til artikel 12 i direktiv 2008/56/EF, at der omgående var behov for en yderligere indsats, hvis medlemsstaterne skal opnå god miljøtilstand inden 2020. Ifølge resultaterne er der behov for i betydelig grad at forbedre kvaliteten af og sammenhængen i medlemsstaternes beskrivelser af en god miljøtilstand. I vurderingen anerkendtes det

<sup>1</sup> EUT L 164 af 25.6.2008, s. 19.

<sup>2</sup> Kommissionens afgørelse 2010/477/EU af 1. september 2010 om kriterier og metodiske standarder for god miljøtilstand i havområder (EUT L 232 af 2.9.2010, s. 14).

<sup>3</sup> Rapport fra Kommissionen til Rådet og Europa-Parlamentet – Første fase af gennemførelsen af havstrategirammedirektivet (2008/56/EF) – Europa-Kommissionens vurdering og vejledning (COM(2014)097 final af 20.2.2014).



endvidere, at det regionale samarbejde skal være kernen i gennemførelsen af direktiv 2008/56/EF. Nødvendigheden af, at medlemsstaterne mere systematisk tager udgangspunkt i den gældende EU-lovgivning eller i de regionale havkonventioners eller andre internationale aftalers standarder fremhæves desuden.

- (4) For at sikre, at den anden fase af gennemførelsen af medlemsstaternes havstrategier bidrager yderligere til opfyldelsen af målene i direktiv 2008/56/EF og fører til mere konsistente beskrivelser af en god miljøtilstand, anbefalede Kommissionen i sin rapport om den første gennemførelsesfase, at Kommissionens tjenestegrene og medlemsstaterne samarbejder på EU-niveau om at revidere, styrke og forbedre afgørelse 2010/477/EU med henblik på at tilvejebringe klarere, enklere, mere koncise, mere kohærente og sammenlignelige kriterier for en god miljøtilstand og metodiske standarder og samtidig gennemgår bilag III til direktiv 2008/56/EF og om nødvendigt reviderer bilaget og udarbejder specifikke retningslinjer for at sikre en mere kohærent og konsekvent tilgang til vurderingerne i den næste gennemførelsesfase.
- (5) På grundlag af disse konklusioner blev revisionsprocessen indledt i 2013, da en køreplan bestående af flere faser (tekniske og videnskabelige, høring og beslutningstagning) blev godkendt af det forskriftsudvalg, der er nedsat i henhold til artikel 25, stk. 1, i direktiv 2008/56/EF. Under denne proces hørte Kommissionen alle berørte parter, herunder de regionale havkonventioner.
- (6) For at lette fremtidig ajourføring af de indledende vurderinger af medlemsstaternes havområder og deres beskrivelse af en god miljøtilstand og for at sikre bedre sammenhæng i gennemførelsen af direktiv 2008/56/EF i hele EU er det nødvendigt at præcisere, revidere eller indføre kriterier, metodiske standarder, specifikationer og standardmetoder, som medlemsstaterne skal anvende, i forhold til de elementer, der på nuværende tidspunkt er fastsat i afgørelse 2010/477/EU. Som følge deraf bør det antal kriterier, som medlemsstaterne skal overvåge og vurdere, reduceres, og der bør anvendes en risikobaseret tilgang på de tilbageværende kriterier for at give medlemsstaterne mulighed for at målrette deres indsats mod de væsentligste menneskeskabte belastninger i deres havområder. Endelig bør kriterierne og deres anvendelse specificeres yderligere, herunder med bestemmelser om tærskelværdier eller fastsættelse heraf, således at det kan måles på tværs af medlemsstaternes havområder, i hvilket omfang der er opnået en god miljøtilstand.
- (7) I overensstemmelse med det tilsagn, som Kommissionen afgav i forbindelse med vedtagelsen af meddelelsen til Europa-Parlamentet, Rådet, Det Europæiske Økonomiske og Sociale Udvalg samt Regionsudvalget: Bedre regulering for bedre resultater – En EU-dagsorden<sup>4</sup> bør denne afgørelse sikre sammenhængen med den øvrige EU-lovgivning. For at gøre medlemsstaternes beskrivelser af en god miljøtilstand mere konsistente og sammenlignelige på EU-niveau og undgå unødvendige overlapninger bør der tages hensyn til de relevante gældende overvågnings- og vurderingsstandarder og -metoder, der er fastlagt i EU-lovgivningen, herunder Rådets direktiv 92/43/EØF<sup>5</sup>, Europa-Parlamentets og Rådets direktiv 2000/60/EF<sup>6</sup>, Kommissionens forordning (EF) nr. 1881/2006<sup>7</sup>, Rådets

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

<sup>5</sup> Rådets direktiv 92/43/EØF af 21. maj 1992 om bevaring af naturtyper samt vilde dyr og planter (EFT L 206 af 22.7.1992, s. 7).

<sup>6</sup> Europa-Parlamentets og Rådets direktiv 2000/60/EF af 23. oktober 2000 om fastlæggelse af en ramme for Fællesskabets vandpolitiske foranstaltninger (EFT L 327 af 22.12.2000, s. 1).

forordning (EF) nr. 1967/2006<sup>8</sup>, Europa-Parlamentets og Rådets direktiv 2008/105/EF<sup>9</sup>, Europa-Parlamentets og Rådets direktiv 2009/147/EF<sup>10</sup> og Europa-Parlamentets og Rådets forordning (EU) nr. 1380/2013<sup>11</sup>.

- (8) Det bør for hver af de kvalitative deskriptorer i bilag I til direktiv 2008/56/EF på grundlag af de vejledende lister i bilag III til nævnte direktiv fastlægges, hvilke kriterier, herunder kriterielementer og i relevante tilfælde tærskelværdier, som skal anvendes. Det er hensigten, at tærskelværdier skal bidrage til medlemsstaternes fastlæggelse af en række fælles karakteristika for en god miljøtilstand og lægges til grund for deres vurdering af, i hvilket omfang der er opnået en god miljøtilstand. Der bør også fastlægges metodiske standarder, herunder hvilket geografisk niveau vurderingen skal foretages på, og hvordan kriterierne bør anvendes. Disse kriterier og metodiske standarder har til formål at sikre konsistens og sammenlignelighed på havregionsniveau eller subregionsniveau mellem vurderingerne af, i hvilket omfang der er opnået en god miljøtilstand.
- (9) For at sikre sammenlignelighed mellem oplysningerne i ajourføringer, som medlemsstaterne foretager efter revision af visse elementer af deres havområdestrategier, og som de har meddelt i henhold til artikel 17, stk. 3, i direktiv 2008/56/EF, bør der fastlægges specifikationer og standardmetoder for overvågning og vurdering under hensyntagen til gældende specifikationer og standarder på EU-niveau eller internationalt niveau, herunder på regionalt eller subregionalt niveau.
- (10) Medlemsstaterne bør anvende de kriterier, metodiske standarder, specifikationer og standardmetoder for overvågning og vurdering, der fastlægges i denne afgørelse, sammen med de økosystemelementer, menneskeskabte belastninger og menneskelige aktiviteter, der er anført i de vejledende lister i bilag III til direktiv 2008/56/EF, under hensyntagen til den indledende vurdering, der er gennemført i henhold til samme direktivs artikel 8, stk. 1, når de fastlægger rækken af fælles karakteristika for en god miljøtilstand i henhold til nævnte direktivs artikel 9, stk. 1, og når de udarbejder samordnede overvågningsprogrammer i henhold til direktivets artikel 11.
- (11) For at sikre en klar forbindelse mellem fastlæggelsen af rækken af fælles karakteristika for en god miljøtilstand og vurderingen af fremskridtet hen imod opnåelsen heraf bør kriterierne og de metodiske standarder opstilles på grundlag af de kvalitative deskriptorer i bilag I til direktiv 2008/56/EF under hensyntagen til de vejledende lister over økosystemelementer, menneskeskabte belastninger og menneskelige aktiviteter i bilag III til nævnte direktiv. Nogle af disse kriterier og metodiske standarder vedrører

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<sup>7</sup> Kommissionens forordning (EF) nr. 1881/2006 af 19. december 2006 om fastsættelse af grænseværdier for bestemte forurenende stoffer i fødevarer (EUT L 364 af 20.12.2006, s. 5).

<sup>8</sup> Rådets forordning (EF) nr. 1967/2006 af 21. december 2006 om forvaltningsforanstaltninger til bæredygtig udnyttelse af fiskeressourcerne i Middelhavet, om ændring af forordning (EØF) nr. 2847/93 og om ophævelse af forordning (EF) nr. 1626/94 (EUT L 409 af 30.12.2006, s. 11).

<sup>9</sup> Europa-Parlamentets og Rådets direktiv 2008/105/EF af 16. december 2008 om miljøkvalitetskrav inden for vandpolitikken, om ændring og senere ophævelse af Rådets direktiv 87/176/EØF, 3/513/EØF, 84/156/EØF, 84/491/EØF og 86/280/EØF og om ændring af Europa-Parlamentets og Rådets direktiv 2000/60/EF (EUT L 348 af 24.12.2008, s. 84).

<sup>10</sup> Europa-Parlamentets og Rådets direktiv 2009/147/EF af 30. november 2009 om beskyttelse af vilde fugle (EUT L 20 af 26.1.2010, s. 7).

<sup>11</sup> Europa-Parlamentets og Rådets forordning (EU) nr. 1380/2013 af 11. december 2013 om den fælles fiskeripolitik, ændring af Rådets forordning (EF) nr. 1954/2003 og (EF) nr. 1224/2009 og ophævelse af Rådets forordning (EF) nr. 2371/2002 og (EF) nr. 639/2004 samt Rådets afgørelse 2004/585/EF (EUT L 354 af 28.12.2013, s. 22).

navnlig vurderingen af den nuværende miljøtilstand eller af de væsentlige belastninger og påvirkninger, der er omhandlet i artikel 8, stk. 1, litra a) og b), i direktiv 2008/56/EF.

- (12) Hvis der ikke er fastlagt tærskelværdier, bør medlemsstaterne fastlægge tærskelværdier gennem et samarbejde på EU-niveau eller på regionalt eller subregionalt niveau, f.eks. ved at tage udgangspunkt i gældende værdier eller udarbejde nye inden for rammerne af de regionale havkonventioner. Hvis der skal fastlægges tærskelværdier gennem et samarbejde på EU-niveau (for deskriptorerne vedrørende affald i havet, undervandsstøj og havbundens integritet), vil dette ske inden for rammerne af den fælles gennemførelsesstrategi, som medlemsstaterne og Kommissionen har etableret med henblik på direktiv 2008/56/EF. Når disse tærskelværdier er blevet fastlagt gennem et samarbejde på EU-niveau eller på regionalt eller subregionalt niveau, bliver de først en del af medlemsstaternes rækker af fælles karakteristika for en god miljøtilstand, når de er indgivet til Kommissionen som et led i medlemsstaternes rapportering i henhold til artikel 17, stk. 3, i direktiv 2008/56/EF. Indtil sådanne tærskelværdier er blevet fastlagt gennem et samarbejde på EU-niveau eller på regionalt eller subregionalt niveau, bør medlemsstaterne kunne anvende nationale tærskelværdier, retningsmæssige tendenser eller, for statslige elementer, belastningsbaserede tærskelværdier som referencer.
- (13) Tærskelværdierne bør i relevante tilfælde afspejle det kvalitetsniveau, der udgør en negativ virkning for et kriterium, og bør fastlægges i forhold til en referencebetingelse. Tærskelværdier bør fastlægges på et relevant geografisk grundlag med henblik på at afspejle de forskellige biotiske og abiotiske karakteristika i regionerne, subregionerne og underopdelingerne. Dette kan følgelig, selv om fastlæggelsen af tærskelværdier sker på EU-niveau, føre til fastlæggelsen af forskellige tærskelværdier, som er specifikke for en region, subregion eller underopdeling. Tærskelværdierne bør også fastlægges på grundlag af forsigtighedsprincipper og afspejle de potentielle risici for havmiljøet. Ved fastlæggelsen af tærskelværdier bør der tages højde for den dynamiske karakter af havøkosystemer og deres elementer, som kan ændre sig i tid og rum gennem hydrologisk og klimatisk variation, relationer mellem rov- og byttedyr og andre miljøfaktorer. Tærskelværdierne bør også afspejle det forhold, at forringede havøkosystemer kan genoprettes til en tilstand, der afspejler fremherskende fysiografiske, geografiske, klimatiske og biologiske betingelser, i stedet for at vende tilbage til en tidligere bestemt tilstand.
- (14) I henhold til artikel 1, stk. 3, i direktiv 2008/56/EF skal det samlede pres fra menneskelige aktiviteter holdes inden for niveauer, der er forenelige med opnåelsen af en god miljøtilstand, således at de marine økosystemers evne til at håndtere menneskeskabte forandringer ikke bringes i fare. Dette kan, hvis det er hensigtsmæssigt, indebære, at tærskelværdierne for visse belastninger og deres miljøvirkninger ikke nødvendigvis opnås i alle dele af medlemsstaternes havområder, forudsat at dette ikke er til hinder for opfyldelsen af målene i direktiv 2008/56/EF, samtidig med at en bæredygtig udnyttelse af havets goder og ydelser muliggøres.
- (15) Der bør fastlægges tærskelværdier, som skal indgå i den række af fælles karakteristika, som medlemsstaterne anvender til at beskrive en god miljøtilstand i overensstemmelse med artikel 9, stk. 1, i direktiv 2008/56/EF, og i hvilket omfang, tærskelværdierne skal nås. Tærskelværdier udgør derfor ikke i sig selv medlemsstaternes beskrivelser af en god miljøtilstand.

- (16) Medlemsstaterne bør angive, i hvilket omfang der er opnået en god miljøtilstand, som den andel af deres havområder, hvor tærskelværdierne er nået, eller den andel af kriterieelementer (arter, forurenende stoffer osv.), som tærskelværdierne er nået for. Når medlemsstaterne vurderer deres havområders tilstand i henhold til artikel 17, stk. 2, litra a), i direktiv 2008/56/EF, bør de i lyset af havområders ofte langsomme reaktion på forandring angive enhver ændring i tilstanden som bedre, stabil eller værre sammenlignet med den foregående rapporteringsperiode.
- (17) Når tærskelværdier, som er fastlagt i henhold til denne afgørelse, ikke nås for et bestemt kriterium, bør medlemsstaterne overveje at træffe hensigtsmæssige foranstaltninger eller gennemføre yderligere forskning eller undersøgelse.
- (18) Når det kræves, at medlemsstaterne samarbejder på regionalt eller subregionalt niveau, bør de, hvor det er praktisk og hensigtsmæssigt, anvende de eksisterende regionale institutionelle samarbejdsstrukturer, herunder strukturerne inden for rammerne af de regionale havkonventioner som omhandlet i artikel 6 i direktiv 2008/56/EF. Ligeledes, hvis der ikke foreligger specifikke kriterier, metodiske standarder, herunder for integration af kriterierne, specifikationer og standardmetoder for overvågning og vurdering, bør medlemsstaterne, hvor det er praktisk og hensigtsmæssigt, anvende de kriterier, metodiske standarder, specifikationer og standardmetoder for overvågning og vurdering, der er udviklet på internationalt, regionalt eller subregionalt niveau, f.eks. inden for rammerne af de regionale havkonventioner eller andre internationale ordninger. Ellers kan medlemsstaterne vælge at koordinere internt inden for regionen eller subregionen, hvor det er relevant. En medlemsstat kan desuden på grundlag af de særlige forhold i dens havområder beslutte at tage hensyn til yderligere elementer, som ikke er omhandlet i denne afgørelse eller på internationalt, regionalt eller subregionalt niveau, eller at anvende elementerne i denne afgørelse på dens overgangsvande som defineret i artikel 2, stk. 6, i direktiv 2000/60/EF med henblik på gennemførelsen af direktiv 2008/56/EF.
- (19) Medlemsstaterne bør have tilstrækkelig fleksibilitet til på visse betingelser at fokusere på de fremherskende belastninger og deres miljøvirkninger på forskellige økosystemelementer i hver region eller subregion med henblik på at overvåge og vurdere deres havområder på en effektiv måde og at lette prioriteringen af de foranstaltninger, som skal træffes for at opnå en god miljøtilstand. Til dette formål bør medlemsstaterne for det første kunne bestemme, at det ikke er hensigtsmæssigt at anvende visse af kriterierne, hvis dette er begrundet. Medlemsstaterne bør for det andet have mulighed for at beslutte ikke at anvende visse kriterielementer, at vælge yderligere elementer eller at fokusere på bestemte matricer eller dele af deres havområder, såfremt dette er baseret på en risikovurdering af belastningerne og deres virkninger. Endelig bør der indføres en sondring mellem primære og sekundære kriterier. Mens primære kriterier bør anvendes til at sikre overensstemmelse i hele Unionen, bør der indrømmes fleksibilitet med hensyn til de sekundære kriterier. Medlemsstaterne bør kunne vælge at anvende et sekundært kriterium, hvis det er nødvendigt for at supplere et primært kriterium, eller hvis der for et bestemt kriterium er risiko for, at havmiljøet ikke opnår eller bevarer en god miljøtilstand.
- (20) Kriterierne, herunder tærskelværdierne, de metodiske standarder, specifikationerne og standardmetoderne for overvågning og vurdering, bør baseres på de bedste tilgængelige videnskabelige resultater. Der er imidlertid stadig behov for videnskabelige og tekniske fremskridt for at understøtte udviklingen af nogle af dem, og disse fremskridt bør udnyttes, efterhånden som viden og forståelse bliver tilgængelig.

- (21) Direktiv 2010/477/EU bør derfor ophæves.
- (22) Foranstaltningerne i denne afgørelse er i overensstemmelse med udtalelse fra Forskriftsudvalget —

VEDTAGET DENNE AFGØRELSE:

*Artikel 1*  
*Genstand*

I denne afgørelse fastlægges:

- (a) kriterier og metodiske standarder, som medlemsstaterne skal anvende, når de i henhold til artikel 9, stk. 1, i direktiv 2008/56/EF fastlægger en række fælles karakteristika for en god miljøtilstand på grundlag af bilag I og III og under hensyntagen til den indledende vurdering, der er gennemført i henhold til samme direktivs artikel 8, stk. 1, med henblik på at vurdere, i hvilket omfang der er opnået en god miljøtilstand, jf. samme direktivs artikel 9, stk. 3
- (b) specifikationer og standardmetoder for overvågning og vurdering som omhandlet i direktivs artikel 11, stk. 4, som skal anvendes af medlemsstaterne, når de udarbejder samordnede overvågningsprogrammer i henhold til artikel 11 i direktiv 2008/56/EF
- (c) en tidsramme for fastlæggelsen af tærskelværdier, lister over kriterielementer og metodiske standarder for integration af kriterier gennem et samarbejde på EU-niveau eller på regionalt eller subregionalt niveau
- (d) et krav om meddelelse af kriterielementer, tærskelværdier og metodiske standarder for integration af kriterier.

*Artikel 2*  
*Definitioner*

I denne afgørelse finder definitionerne i artikel 3 i direktiv 2008/56/EF anvendelse.

I denne afgørelse forstås endvidere ved:

- (1) "subregioner": de subregioner, der er anført i artikel 4, stk. 2, i direktiv 2008/56/EF
- (2) "underopdelinger": de underopdelinger, der er anført i artikel 4, stk. 2, i direktiv 2008/56/EF
- (3) "invasiv ikkehjemmehørende art": "invasiv ikkehjemmehørende art" som omhandlet i artikel 3, stk. 2, i Europa-Parlamentets og Rådets forordning (EU) nr. 1143/2014<sup>12</sup>
- (4) "kriterielementer": elementer i et økosystem, særligt dets biologiske elementer (arter, habitater og deres samfund), eller aspekter af belastninger af havmiljøet (biologiske, fysiske, stoffer, affald og energi), som vurderes under hvert kriterium
- (5) "tærskelværdi": en værdi eller et interval af værdier, som gør det muligt at vurdere det kvalitetsniveau, der er opnået for et bestemt kriterium, og som derved indgår i vurderingen af, i hvilket omfang der er opnået en god miljøtilstand.

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<sup>12</sup> Europa-Parlamentets og Rådets forordning (EU) nr. 1143/2014 af 22. oktober 2014 om forebyggelse og håndtering af introduktion og spredning af invasive ikkehjemmehørende arter (EUT L 317 af 4.11.2014, s. 35).

### *Artikel 3*

#### *Anvendelse af kriterier, metodiske standarder, specifikationer og standardmetoder*

1. Medlemsstaterne anvender de primære kriterier og tilknyttede metodiske standarder, specifikationer og standardmetoder, der er fastlagt i bilaget med henblik på at gennemføre denne afgørelse. På grundlag af den indledende vurdering eller efterfølgende ajourføringer heraf, der er udført i overensstemmelse med artikel 8 og artikel 17, stk. 2, litra a), i direktiv 2008/56/EF, kan medlemsstaterne, for så vidt det er begrundet, vurdere, at det ikke er hensigtsmæssigt at anvende et eller flere af de primære kriterier. I sådanne tilfælde begrundes dette over for Kommissionen i den underretning, der indgives i henhold til artikel 9, stk. 2, eller artikel 17, stk. 3, i direktiv 2008/56/EF.

I overensstemmelse med forpligtelsen til regionalt samarbejde som fastlagt i artikel 5 og 6 i direktiv 2008/56/EF underretter en medlemsstat de andre medlemsstater, der deler den samme havregion eller subregion, inden den i henhold til stk. 1 beslutter ikke at anvende et primært kriterium.

2. Sekundære kriterier og tilknyttede metodiske standarder, specifikationer og standardmetoder som fastlagt i bilaget anvendes til at supplere et primært kriterium, eller når der er risiko for, at havmiljøet ikke opnår eller bevarer en god miljøtilstand for dette bestemte kriterium. Hver medlemsstat træffer beslutning om anvendelsen af et sekundært kriterium, medmindre andet er anført i bilaget.
3. Hvis der i denne afgørelse ikke fastlægges kriterier, metodiske standarder, herunder for integration af kriterierne, specifikationer eller standardmetoder for overvågning og vurdering, herunder for rumlig og tidsmæssig aggregering af data, anvender medlemsstaterne, hvor det er praktisk og hensigtsmæssigt, de kriterier, metodiske standarder, specifikationer eller standardmetoder for overvågning og vurdering, der er udviklet på internationalt, regionalt eller subregionalt niveau, eksempelvis inden for rammerne af de relevante regionale havkonventioner.
4. Indtil der på EU-niveau eller på regionalt eller subregionalt niveau er fastlagt lister over kriterielementer, metodiske standarder for integration af kriterier, specifikationer og standardmetoder for overvågning og vurdering, kan medlemsstaterne anvende de lister, der er fastlagt på nationalt plan, såfremt de deltager i regionalt samarbejde som omhandlet i artikel 5 og 6 i direktiv 2008/56/EF.

### *Artikel 4*

#### *Fastlæggelse af tærskelværdier gennem et samarbejde på EU-niveau eller på regionalt eller subregionalt niveau*

1. Såfremt medlemsstaterne i henhold til denne afgørelse skal fastlægge tærskelværdier gennem et samarbejde på EU-niveau eller på regionalt eller subregionalt niveau, skal disse værdier:
  1. være en del af den række af fælles karakteristika, som medlemsstaterne anvender i deres beskrivelser af en god miljøtilstand
    - (a) hvor det er relevant, afspejle det kvalitetsniveau, der udgør en negativ virkning for et kriterium, og fastlægges i forhold til en referencebetingelse
    - (b) fastlægges på et relevant geografisk niveau med henblik på at afspejle de forskellige biotiske og abiotiske karakteristika i regionerne, subregionerne og underopdelingerne

- (c) fastlægges på grundlag af forsigtighedsprincipper og afspejle de potentielle risici for havmiljøet
  - (d) være overensstemmende på tværs af forskellige kriterier, når de vedrører det samme økosystemelement
  - (e) fastsættes under anvendelse af de bedste tilgængelige videnskabelige resultater
  - (f) være baseret på langsigtede tidsrække­data, hvor sådanne foreligger, med henblik på fastlæggelsen af den mest hensigtsmæssige værdi
  - (g) afspejle økosystemets naturlige dynamik, herunder relationer mellem rov- og byttedyr og hydrologisk og klimatisk variation, idet det også anerkendes, at økosystemet eller dele deraf kan genoprettes, hvis det forringes, til en tilstand, der afspejler fremherskende fysiografiske, geografiske, klimatiske og biologiske betingelser, i stedet for at vende tilbage til en tidligere bestemt tilstand
  - (h) være i overensstemmelse med de relevante værdier, der anvendes i regionale institutionelle samarbejdsstrukturer, herunder de regionale havkonventioner.
2. Indtil medlemsstaterne har fastlagt tærskelværdier gennem et samarbejde på EU-niveau eller på regionalt eller subregionalt niveau som krævet i denne afgørelse, kan de anvende følgende til at angive, i hvilket omfang der er opnået en god miljøtilstand:
    - (a) nationale tærskelværdier, såfremt forpligtelsen til regionalt samarbejde i artikel 5 og 6 i direktiv 2008/56/EF er overholdt
    - (b) retningsmæssige tendenser for værdierne
    - (c) for statslige elementer, belastningsbaserede tærskelværdier som referencer.
  3. Såfremt tærskelværdier, herunder de tærskelværdier, der er fastlagt af medlemsstaterne i henhold til denne afgørelse, ikke nås for et bestemt kriterium i det omfang, der ifølge denne medlemsstat er nødvendigt for at opnå en god miljøtilstand som omhandlet i artikel 9, stk. 1, i direktiv 2008/56/EF, overvejer medlemsstaterne, om der bør træffes foranstaltninger i henhold til samme direktivs artikel 13, eller om der bør gennemføres yderligere forskning eller undersøgelse.
  4. Tærskelværdier fastlagt af medlemsstaterne i henhold til denne afgørelse kan revideres regelmæssigt i lyset af videnskabelige og tekniske fremskridt og om nødvendigt ændres inden den gennemgang der er omhandlet i artikel 17, stk. 2, litra a), i direktiv 2008/56/EF.

#### *Artikel 5* *Tidsramme*

1. Hvis medlemsstaterne i henhold til denne afgørelse skal fastlægge tærskelværdier, lister over kriterieelementer eller metodiske standarder for integration af kriterier gennem et samarbejde på EU-niveau eller på regionalt eller subregionalt niveau, tilstræber medlemsstaterne at gøre dette inden for den tidsfrist, der er fastsat for den første gennemgang af deres indledende vurdering og beskrivelse af en god miljøtilstand i henhold til artikel 17, stk. 2, litra a), i direktiv 2008/56/EF (den 15. juli 2018).
2. Hvis medlemsstaterne ikke kan fastlægge tærskelværdier, lister over kriterieelementer eller metodiske standarder for integration af kriterier gennem et

samarbejde på EU-niveau eller på regionalt eller subregionalt niveau inden for den tidsfrist, der er fastsat i stk. 1, fastlægger de disse så hurtigt som muligt derefter på den betingelse, at de senest den 15. oktober 2018 begrundet dette over for Kommissionen i den underretning, som de skal indgive i henhold til artikel 9, stk. 2, eller artikel 17, stk. 3, i direktiv 2008/56/EF.

*Artikel 6*  
*Underretning*

Som en del af underretningen i henhold til artikel 17, stk. 3, i direktiv 2008/56/EF forelægger medlemsstaterne Kommissionen oplysninger om de kriterielementer, tærskelværdier og metodiske standarder for integration af kriterier, der er fastlagt gennem et samarbejde på EU-niveau eller på regionalt eller subregionalt niveau, og som anvendes af medlemsstaterne i henhold til denne afgørelse.

*Artikel 7*  
*Ophævelse*

Afgørelse 2010/477/EU ophæves.

Henvisninger til afgørelse 2010/477/EF forstås som henvisninger til nærværende afgørelse.

*Artikel 8*  
*Ikrafttræden*

Denne afgørelse træder i kraft på tyvendedagen efter offentliggørelsen i *Den Europæiske Unions Tidende*.

Udfærdiget i Bruxelles, den [...] [...].

*På Kommissionens vegne*  
*Formand*





## Aktdetaljer

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Den 1. februar 2017

**Til:**

**Fra:** Maria Klint Thelander (makbj@mfvm.dk)

**Titel:** 2016-10-28\_Draft Minutes 14th Committee meeting\_with MS comments.docx

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## EUROPEAN COMMISSION

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

### **THE FOURTEENTH MEETING OF THE COMMITTEE UNDER ARTICLE 25 OF DIRECTIVE 2008/56/EC**

**(MARINE STRATEGY COMMITTEE)**

***WEDNESDAY 29 JUNE 2016 (09:00 – 17:30)***

**Conference Centre Albert Borschette / Room 1D**

**36, Rue Froissart, B-1040 Brussels**

#### **1. Welcome and introduction**

The Chair (European Commission, DG Environment) opened the meeting and welcomed the participants. The Chair reminded the Committee members of the request to ensure the Commission has up-to-date official nominations to the Committee as only an officially-appointed Committee member can take part in a vote.

#### **2. Adoption of the agenda**

The draft agenda (document CTTEE\_14-2016-01) was adopted without amendments.

#### **3. Adoption of the minutes of the 13<sup>th</sup> Committee Meeting**

The minutes of the 13<sup>th</sup> Committee meeting (document CTTEE\_14-2016-02) were amended in order to reflect the comments made by [REDACTED] and Denmark, and were adopted as amended.

#### **4. Review of Commission Decision 2010/477/EU on criteria and methodological standards for GES**

The Chairman thanked the Member States for their efforts over the past months and for sending their comments on the draft text (version 3) of the Commission Decision on criteria and methodological standards for Good Environmental Status (document CTTEE\_13-2016-03). All comments were considered and a large number were accommodated. The Chairman encouraged a discussion that would lead to eventual consensus. The Commission presented the main changes made to the text in version 4 (document CTTEE\_14-2016-03), and also explained how the feedback mechanism would factor into the decision-making process.

A discussion followed, during which Member States made general comments:

- Several Member States expressed concerns on: threshold values at Union versus (sub)regional level, the binding nature of threshold values and their scientific basis, as well as some of the principles for setting threshold values, and the difficulties to achieve-establish threshold values for all descriptors by 2018.

- One Member State asked whether threshold values should be considered as methodological standards or criteria. The Commission ~~clarified~~ stated that they sit under the 'criteria' section in the Annex to the Decision.
- ~~Three~~ Two Member States expressed a reservation on the general use of threshold values and about the compliance of the draft Decision, in particular on the inclusion of a need to establish new threshold values, with the provision of Article 9(3) of the Directive.
- Two Member States raised an issue on transitional waters. The Commission indicated that it would explore options to solve that point.
- One Member State raised general concerns with regards to the wording of 'use of criteria' in the Annex and proposed to modify those headings to avoid linking threshold values to the achievement of GES.

### **Specific issues**

The Commission presented certain key issues of the draft GES decision and Member States were invited to comment on each of them. For some of these key issues, the Commission proposed new draft wording, with a view to reaching compromises (*see amended text as discussed in Committee in Annex*):

#### *Threshold values*

- Setting threshold values at Union or (sub)regional level: the Commission presented an addition to Recital 12, which reads "*This means that even if the process to establish threshold values takes place at Union level, this may result in the setting of different threshold values, specific to a region, subregion or subdivision*". Member States welcomed this clarification.
- In addition, it was agreed during the meeting to also clarify the Annex with regard to the establishment of threshold values at Union level, that this should be done "*taking into account regional or subregional specificities*". Upon the request of one Member State ~~and agreed by a majority of Member States,~~ the wording "*MS shall cooperate to establish*" was changed to "*MS shall establish ... through regional cooperation...*" in Article 5(1). The majority of Member States did not object to the change. These amendments will be introduced throughout the Annex.
- One Member State retained an overall reservation on setting threshold values at Union level.
- Legal nature of threshold values: three Member States questioned whether the Decision can ~~set-require that Member States set~~ threshold values and proposed to include the possibility to use trends or qualitative criteria instead.
- To clarify the legal nature of threshold values (i.e. clarify that they do not automatically become part of Member States' GES determination), the Commission presented the following addition to recital 11 "*Once established at Union, regional or subregional level, these threshold values will only become part of Member States' sets of characteristics for good environmental status when they are reported to the Commission as part of Member States' reporting under Article 9(2) or 17(3) of Directive 2008/56/EC.*" This should be read in conjunction with Article 6. Most Member States welcomed this clarification. Two Member States requested that Article 6 is amended to include the new wording from Recital 11.

#### *Secondary criteria*

- Article 2(2): the Commission presented new wording for the definition of secondary criteria, which makes it even clearer that the use of secondary criteria is to be decided by Member States, when the conditions are fulfilled: "*secondary criterion*' means a criterion to be used where necessary, to complement a primary criterion or when the marine environment is at risk of not achieving or not maintaining good environmental status for that particular criterion. The use of a secondary criterion is to be decided by each Member State, except where specified otherwise in the Annex ". The words "to complement a primary criterion or" were reintroduced during Committee following a request from some Member States. One Member State had a reservation on this. The Commission nevertheless explained that there was no need to refer to "substitute" as this only concerned criterion D5C8 and was covered directly in the Annex.
- Most Member States appreciated the new proposed wording of definition 2(2).
- Recital 20 was amended along the same line as Article 2(2).

#### *Principles for setting threshold values*

- The Commission presented new wording on Article 4, which concerns principles for setting threshold values. The following changes to version 4 of the text were proposed by the Commission: point (c) was split into 2 points: "(c) *make use of best available science*" and "(d) *be set taking into account the precautionary principle, reflecting the potential risks to the marine environment*" (upon suggestion from one Member State in its written comments). The Commission also proposed the following amendments: "(h) *be consistent across different criteria when they relate to the same ecosystem element; in case several criteria are used across the descriptors to assess different pressures and their impacts on an ecosystem element,* (i) *reflect, where appropriate, what constitutes an adverse effect for the relevant criterion.*
- Following discussions in the Committee, the following changes were made:
- Point d was modified into "(d) *be set on the basis of the precautionary principle, reflecting the potential risks to the marine environment*";
- New point (h) was deleted with the intention of integrating it under point (f). However, there was no agreement on the final wording of point (f) "*be expressed in terms relating to the impacts and pressures they describe and as a deviation from a state which is free of anthropogenic pressures, allowing, where appropriate, for sustainable use of marine goods and services*" as several Member States expressed disagreement on 'allowing sustainable use' and on 'free from anthropogenic pressures'. The following options were discussed for a new point (f) (integrating point (h)): "*express what constitutes an acceptable state or an acceptable level of pressure [or impact], ~~thereby indicating there is not an adverse effect~~ in relation to the particular criterion or criterion element*" but this was not considered acceptable by all Member States. The Commission indicated that it will develop a text that covers all concerns raised in its next version.

#### *Timeline*

- One Member State insisted that Article 5(2) is not acceptable as there may be political conditions that could prevent the setting of threshold values at regional level, even by 2024.
- Another Member State raised the question of the consequences of not agreeing threshold values by 2018.

- Following discussions in Committee, it was decided to modify the wording of Article 5(2) as follows: "*Should threshold values not be established in accordance with paragraph 1, Member States ~~may~~ shall establish these threshold values at regional or subregional level as soon as possible after 15 July 2018 ~~by 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, provided the reasons for the delay are this is justified to the Commission in the notification by 15 October 2018 made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.~~*"

#### *Additional burden / impact assessment of costs*

- The Commission ~~clarified~~ explained that, on the basis of preliminary findings of a short study, it found that if Member States are currently implementing Decision 2010/477/EU correctly, the costs involved under the new Decision would be either similar or lower.
- Some Member States requested that this study is made available.

#### *Integration rules*

- One Member State proposed the following new text aiming to address the issue of integration rules (anticipating the work currently carried out as "Article 8 guidance"): "*Whether good environmental status is achieved is determined through the application of integration rules that are to be agreed (for each descriptor) at Union level, taking into account Union legislation and regional and subregional methods*". That Member State also argued that a timeline for setting such integration rules should be included under Art. 5(2) of the Decision.
- However, even though Member States agreed this was an important issue, ~~some~~ many of them considered that it was too early to introduce such provision in the Decision, given that the work on integration rules is still at a preliminary stage. These Member States were of the view that such integration rules should only be guidance, in the framework of the "Article 8 guidance" mentioned above. The Commission took note of this and stated that this concern would be addressed in the next version.

The Commission then presented the draft Annex and its descriptors and Member States were invited to comment on some of the criteria on which most written comments had been received. The Commission explained that the more specific and detailed written comments made by Member States would all be considered, also ensuring consistency throughout the text, but that the purpose of the discussion was to discuss and resolve the most difficult issues.

#### **Descriptor 1**

- One Member State proposed that species covered by the Habitats Directive (HD) should not be subject to the obligation to set threshold values (HD species would be excluded from second paragraph in D1C1 and D1C2) and that HD assessments should automatically be re-used under MSFD.
- It was agreed that the same wording on "*taking into account regional or subregional specificities*" agreed during the discussion on specific issues would also be used under D1.
- One Member State insisted that requirements under other Directives (HD) cannot be indirectly made stricter via this Decision, with the Commission ~~clarify~~ explaining again that while this is not the case, obligations under MSFD (i.e. achieving good environmental status by 2020) have nevertheless still to be met.

## **Descriptor 2**

- One Member State expressed concerns with the use of "reduced to zero" and would prefer the wording "minimised".

## **Descriptor 3**

- D3C3: Most Member States raised a concern with regards to D3C3 and requested that it becomes secondary, due to the latest ICES advice. The Commission ~~clarified~~ explained that the secondary nature of a criterion should not be triggered by the immaturity of a criterion, that D3C3 is necessary to answer to the Descriptor (cf Descriptor 3 wording), and that the ICES workshop concluded that it should not be used only because there were no reference points (i.e. threshold values) yet. The Commission agreed to explore the possibility of a footnote indicating that D3C3 may not be used for the 2018 assessment.
- Following Member States' comments, it was agreed to move D3C4 under D1.
- One Member State requested that the wording of D3C1 and D3C2 is amended to reflect that  $F_{MSY}$  is not a threshold value, and that the latest text on "B<sub>trigger</sub>" is used under specifications.

## **Descriptor 5**

- One Member State expressed concerns with regards to use of D5 criteria ~~beyond~~ in coastal waters.
- One Member State asked for the re-introduction of the phytoplankton criterion which had been deleted.
- Following a question by one Member State, the Commission replied that there is no obligation to set threshold values for D5 in coastal waters, if the obligation does not exist in the Water Framework Directive.

## **Descriptor 6**

- On this descriptor, one Member State indicated that the difference between certain criteria was not sufficiently clear.
- One Member State requested consistency between the two criteria: loss and disturbance.
- Two Member States proposed to re-name D6C4 and D6C5 as D1 criteria.
- One Member State requested to use the wording "significantly adversely affected" to reflect the Habitats Directive wording.

The Commission presented the expected next steps (inter-service consultation over the summer, feedback mechanism in September, and vote in November). A new version of the legal text is therefore expected to be available in early September (for the feedback mechanism) and the next meeting of the Committee will most probably be held in November along the MSCG meeting.

Member States requested to send additional written comments by 4<sup>th</sup> July.

One Member State requested that the text as discussed in Committee is sent to Member States (this was done and the text is available on circabc).

## **5. Review of MSFD Annex III**

The latest version of the proposal replacing Annex III of the MSFD (document CTTEE\_14-2016-03) was not discussed during the Committee, as the comments received on it from Member States were of a more minor technical nature. The Commission will consider Member States' written

comments.

**6. Any other business**

Commission presented a new system (AGN) for the reimbursement of travel expenses.

**7. Close of the meeting**

The Chair thanked participants for their engagement during the meeting and closed it.



**Annex I: List of meeting documents**

<b>Agenda point</b>	<b>Reference</b>	<b>Title</b>	<b>Submitted by</b>
2	CTTEE_14-2016-01	Draft agenda	European Commission (DG ENV)
3	CTTEE_14-2016-02	Minutes of the Thirteenth Committee meeting	European Commission (DG ENV)
4	CTTEE_14-2016-03	Review of Commission Decision on GES	European Commission (DG ENV)
5	CTTEE_14-2016-04	Review of MSFD Directive Annex III	European Commission (DG ENV)

## **Annex II: List of participants**

<b>State</b>	<b>Organisation</b>
Belgium	Belgian Federal Public Service - Health, Food Chain Safety and Environment
Bulgaria	Bulgarian Ministry of Environment and Water
Cyprus	Ministry of Agriculture, Rural Development and Environment
Denmark	The Danish Nature Agency
Estonia	Ministry of Environment of Estonia
Finland	Ministry of Environment of Finland
France	Ministère de l'écologie, du développement durable et de l'énergie
Germany	Federal Ministry for the Environment (Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit)
Hungary	Ministry of Interior
Ireland	Department of Environment, Community and Local Government (DECLG)
Italy	Ministry of the Environment, Land and Sea Protection - Nature and Sea Protection Directorate (MATTM-PNM)
Latvia	Ministry of the Environmental Protection and Regional Development
Lithuania	Ministry of Environment of the Republic of Lithuania
Lithuania	Permanent Representation of Lithuania
Malta	Malta Environment and Planning Authority
The Netherlands	Ministry of Infrastructure and the Environment - DG for Spatial Issues and Water
The Netherlands	Ministry of Infrastructure and the Environment - RWS Centre for Water Management
Poland	Ministry of the Environment - Water Resources Department
Poland	Chief Inspectorate for Environmental Protection - Monitoring Department
Portugal	Direcção-Geral de Recursos Naturais, Segurança e Serviços Marítimos (DGRM)
Romania	Ministry of Environment, Water and Forest
Spain	Ministry of Agriculture, Food and Environment
Sweden	Swedish Agency for Marine and Water Management (SwAM)
United Kingdom	Department for Environment, Food and Rural Affairs
European Commission	DG Environment
European Commission	DG Mare



## Aktdetaljer

Den 1. februar 2017

### **Akttitel: 2016-10-27\_Draft Commission Decision GES.pdf** **Aktnummer:**

Akt ID: 2763975  
Dato: 31-01-2017  
Type: Intern  
Original titel: 2016-10-27\_Draft Commission Decision GES.pdf  
Dokumenter: [1] 2016-10-27\_Draft Commission Decision GES.pdf.msg  
[2] 2016-10-27\_Draft Commission Decision GES.pdf

**Til:**

**Fra:** Maria Klint Thelander (makbj@mfvm.dk)

**Titel:** 2016-10-27\_Draft Commission Decision GES.pdf

**Sendt:** 31-01-2017 10:57:25

**Bilag:** 2016-10-27\_Draft Commission Decision GES.pdf;



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

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

**THURSDAY 10 NOVEMBER 2016 (09:00 – 12:30)**

**Conference Centre Albert Borschette (CCAB) - Room 4D**  
**36, Rue Froissart - B-1040 Brussels**

Agenda Item:	5
Document:	CTTEE_15-2016-05
Title:	Draft Commission Decision laying down criteria and methodological standards on GES of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU
Prepared by:	European Commission
Date prepared:	26/10/2016
Background	<p><b>Content</b></p> <p>The attached draft Commission Decision has been discussed in the past 4 Committee meetings (11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup> Committee meetings).</p> <p>The draft has been subject to the Commission's inter-service consultation and to the Better Regulation's feedback mechanism. The outcome of the feedback mechanism will be presented under agenda item n°5, before the vote on the draft texts.</p> <p><b>Procedural aspects</b></p> <p>In accordance with the regulatory procedure with scrutiny, the Commission is submitting to the Committee draft measures that it intends to adopt. The Committee shall deliver its opinion on the draft by means of a qualified majority. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in Article 16(4) and (5) of the Treaty on European Union.</p> <p>According to the standard rules of procedure of the Marine Strategy Committee, a Member State delegation may, if necessary, represent a maximum of one other Member State. <u>The Permanent Representation of the Member State that is being represented shall inform the Chairman of this in writing.</u></p> <ul style="list-style-type: none"> <li>– If the Committee gives a positive opinion, the Commission will submit the measures to the European Parliament and to the Council for a 3-month scrutiny period. If neither the European Parliament nor the Council opposes the draft measures, the Commission shall then adopt the Decision.</li> </ul>

- If the Committee gives a negative opinion or if no opinion is delivered, the Commission shall submit a proposal relating to the measures to be taken to the Council and shall forward it to the European Parliament at the same time. The decision of whether to adopt or reject the measures then lies with the Council.

**The MSFD Committee is invited to consider the draft Commission Decision and deliver its opinion on the draft by means of a qualified majority.**

**Member State delegations that will not be present on the day of the vote but will be represented by another delegation are invited to inform the Commission as soon as possible by email and at the latest by 8 November, cob.**



Brussels, **XXX**  
[...] (2016) **XXX** draft

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

**of **XXX****

**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 2010/477/EU**

(Text with EEA relevance)

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

of **XXX**

### **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 2010/477/EU**

(Text with EEA relevance)

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 Articles 9(3) and 11(4) thereof,

Whereas:

- (1) Commission Decision 2010/477/EU<sup>2</sup> established criteria to be used by the Member States to determine the good environmental status of their marine waters and to guide their assessments of that status in the first implementation cycle of Directive 2008/56/EC.
- (2) Decision 2010/477/EU acknowledged that additional scientific and technical progress was required to support the development or revision of those 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 stated that it would be appropriate to carry out its revision as soon as possible after the completion of the assessment required under Article 12 of Directive 2008/56/EC, in time to support a successful update of marine strategies that are due by 2018, pursuant to Article 17 of Directive 2008/56/EC.
- (3) In 2012, on the basis of the initial assessment of their marine waters made pursuant to Article 8(1) of Directive 2008/56/EC, Member States reported on the environmental status of their marine waters and notified to the Commission their determination of good environmental status and their environmental targets in accordance with Articles 9(2) and 10(2) of Directive 2008/56/EC, respectively. The Commission's assessment<sup>3</sup> of those Member State reports, undertaken in accordance with Article 12 of Directive 2008/56/EC, highlighted that more efforts were urgently needed if Member States are to reach good environmental status by 2020. The results showed the necessity to significantly improve the quality and coherence of the determination of good

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<sup>1</sup> OJ L 164, 25.6.2008, 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 waters (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).



environmental status by the Member States. In addition, the assessment recognised that regional cooperation must be at the very heart of the implementation of Directive 2008/56/EC. It also emphasised the need for Member States to more systematically build upon standards stemming from existing Union legislation or, where they do not exist~~relevant~~, upon standards set by Regional Sea Conventions or other international agreements.

- (4) To ensure that the second cycle of implementation of the marine strategies of the Member States further contributes to the achievement of the objectives of Directive 2008/56/EC and yields more consistent determinations of good environmental status, the Commission 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, aiming at a clearer, simpler, more concise, more coherent and comparable set of good environmental status criteria and methodological standards and, at the same time, review Annex III of Directive 2008/56/EC, and if necessary revise it, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle.
- (5) On the basis of those conclusions, the review process started in 2013 when a roadmap, consisting of several phases (technical and scientific, consultation, and decision-making), was endorsed by the Regulatory Committee established under Article 25(1) of Directive 2008/56/EC. During this process, the Commission consulted all interested parties, including Regional Sea Conventions.
- (6) In order to facilitate future updates of the initial assessment of Member States' marine waters and their determination of good environmental status, and to ensure greater coherence in implementation of Directive 2008/56/EC across the Union, it is necessary to clarify, revise or introduce criteria, methodological standards, specifications and standardised methods to be used by Member States, compared to the elements currently set out in Decision 2010/477/EU. As a result, the number of criteria that Member States need to monitor and assess should be reduced, applying a risk-based approach to those which are retained in order to allow Member States to focus their efforts on the main anthropogenic pressures affecting their waters. Finally, the criteria and their use should be further specified, including providing for threshold values or the setting thereof, thereby allowing for the extent to which good environmental status is achieved to be measured across the Union's marine waters.
- (7) In accordance with the commitment taken by the Commission when adopting its Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Better regulation for better results — An EU agenda<sup>4</sup>, this Decision should ensure coherence with other Union legislation. To ensure greater consistency and comparability at Union level of Member States' determinations of good environmental status and avoid unnecessary overlaps, it is appropriate to take into account relevant existing standards and methods for monitoring and assessment laid down in Union legislation, including Council Directive 92/43/EEC<sup>5</sup>, Directive 2000/60/EC of the European Parliament and of the Council<sup>6</sup>, Commission Regulation (EC) No 1881/2006<sup>7</sup>, Council Regulation (EC) No

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

<sup>5</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>6</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).

1967/2006<sup>8</sup>, Directive 2008/105/EC of the European Parliament and of the Council<sup>9</sup>, Directive 2009/147/EC of the European Parliament and of the Council<sup>10</sup> and Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>11</sup>.

- (8) For each of the qualitative descriptors listed in Annex I to Directive 2008/56/EC, and on the basis of the indicative lists in Annex III to that Directive, it is necessary to define the criteria, including the criteria elements and, where appropriate, the threshold values, to be used. Threshold values are intended to contribute to Member States' determination of a set of characteristics for good environmental status and inform their assessment of the extent to which good environmental status is being achieved. It is also necessary to set out methodological standards, including the geographic scales for assessment and how the criteria should be used. Those criteria and methodological standards are to ensure consistency and allow for comparison, between marine regions or subregions, of assessments of the extent to which good environmental status is being achieved.
- (9) To ensure comparability between the details of any updates by the Member States following the reviews of certain elements of their marine strategies, sent under Article 17(3) of Directive 2008/56/EC, specifications and standardised methods for monitoring and assessment should be defined, taking into account existing specifications and standards at Union or international level, including regional or subregional level.
- (10) Member States should apply the 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 the indicative lists of 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, and when establishing coordinated monitoring programmes under Article 11 of that Directive.
- (11) In order to establish a clear link between the determination of a set of characteristics for good environmental status and the assessment of progress towards its achievement, it is appropriate to organise the criteria and methodological standards on the basis of the qualitative descriptors laid down in Annex I to Directive 2008/56/EC, taking into account the indicative lists of ecosystem elements, anthropogenic pressures and human activities laid down in Annex III to that Directive. Some of those criteria and

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<sup>7</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>8</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).

<sup>9</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 Directives 87/176/EEC, 83/513/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>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).

methodological standards relate in particular to the assessment of environmental status or of predominant pressures and impacts under points (a) or (b) of Article 8(1) of Directive 2008/56/EC, respectively.

- (12) In cases where no threshold values are laid down, Member States should establish threshold values through Union, regional or subregional cooperation, for instance by referring to existing values or developing new ones in the framework of the Regional Sea Conventions. In cases where threshold values should be established through cooperation at Union level (for the descriptors on marine litter, underwater noise and seabed integrity), this will be done in the framework of the Common Implementation Strategy set up by the Member States and the Commission for the purposes of Directive 2008/56/EC. Once established through Union, regional or subregional cooperation, these threshold values will only become part of Member States' sets of characteristics for good environmental status when they are sent to the Commission as part of Member States' reporting under Article 17(3) of Directive 2008/56/EC. Until such threshold values are established through Union, regional or subregional cooperation, Member States should be able to use national threshold values, directional trends or, for state elements, pressure-based threshold values as proxies.
- (13) Threshold values should reflect, where appropriate, the quality level that constitutes an adverse effect for a criterion and should be set in relation to a reference condition. Threshold values should be consistent with Union legislation and set at appropriate geographic scales to reflect the different biotic and abiotic characteristics of the regions, subregions and subdivisions. This means that even if the process to establish threshold values takes place at Union level, this may result in the setting of different threshold values, which are specific to a region, subregion or subdivision. Threshold values should also be set on the basis of the precautionary principle, reflecting the potential risks to the marine environment. The setting of threshold values should accommodate the dynamic nature of marine ecosystems and their elements, which can change in space and time through hydrological and climatic variation, predator-prey relationships and other environmental factors. Threshold values should also reflect the fact that marine ecosystems may recover, if deteriorated, to a state that reflects prevailing physiographic, geographic, climatic and biological conditions, rather than return to a specific state of the past.
- (14) In accordance with Article 1(3) of Directive 2008/56/EC, the collective pressure of human activities needs to be kept within levels compatible with the achievement of good environmental status, ensuring that the capacity of marine ecosystems to respond to human-induced changes is not compromised. This may entail, where appropriate, that threshold values for certain pressures and their environmental impacts are not necessarily achieved in all areas of Member States' marine waters, provided that this does not compromise the achievement of the objectives of Directive 2008/56/EC, while enabling the sustainable use of marine goods and services.
- (15) It is necessary to lay down threshold values which will be part of the set of characteristics used by Member States in their determination of good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, and the extent to which the threshold values are to be achieved. Threshold values therefore do not, by themselves, constitute Member States' determinations of good environmental status.
- (16) Member States should express the extent to which good environmental status is being achieved as the proportion of their marine waters over which the threshold values have been achieved or as the proportion of criteria elements (species, contaminants, etc.)

that have achieved the threshold values. When assessing the status of their marine waters in accordance with Article 17(2)(a) of Directive 2008/56/EC, Member States should express any change in status as improving, stable or deteriorating compared to the previous reporting period, in view of the often slow response of the marine environment to change.

- (17) Where threshold values, set in accordance with this Decision, are not met for a particular criterion, Member States should consider taking appropriate measures or carrying out further research or investigation.
- (18) Where Member States are required to cooperate at regional or subregional level, they should use, where practical and appropriate, existing regional institutional cooperation structures, including those under Regional Sea Conventions, as provided under Article 6 of Directive 2008/56/EC. Similarly, in the absence of specific criteria, methodological standards, including for integration of the criteria, specifications and standardised methods for monitoring and assessment, Member States should use, where practical and appropriate, those developed at international, regional or subregional level, for instance within the framework of the Regional Sea Conventions, or other international mechanisms. Otherwise, Member States may choose to coordinate amongst themselves within the region or subregion, where relevant. In addition, a Member State may also decide, on the basis of the specificities of its marine waters, to consider additional elements not laid down in this Decision and not dealt with at international, regional or subregional level, or to consider applying elements of this Decision to its transitional waters, as defined in Article 2(6) of Directive 2000/60/EC, in support of the implementation of Directive 2008/56/EC.
- (19) Member States should have sufficient flexibility, under specified conditions, to focus on the predominant pressures and their environmental impacts on the different ecosystem elements in each region or subregion in order to monitor and assess their marine waters in an efficient and effective manner and to facilitate prioritisation of actions to be taken to achieve good environmental status. For that purpose, firstly, Member States should be able to consider that some of the criteria are not appropriate to apply, provided this is justified. Secondly, Member States should have the possibility to decide not to use certain criteria elements or to select additional elements or to focus on certain matrices or areas of their marine waters, provided that this is based on a risk assessment in relation to the pressures and their impacts. Finally, a distinction should be introduced between primary and secondary criteria. While primary criteria should be used to ensure consistency across the Union, flexibility should be granted with regard to secondary criteria. The use of a secondary criterion should be decided by Member States, where necessary, to complement a primary criterion or when, for a particular criterion, the marine environment is at risk of not achieving or not maintaining good environmental status.
- (20) Criteria, including threshold values, methodological standards, specifications and standardised methods for monitoring and assessment should be based on the best available science. However, additional scientific and technical progress is still required to support the further development of some of them, and should be used as the knowledge and understanding become available.
- (21) Decision 2010/477/EU should therefore be repealed.
- (22) 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 lays down:

- (a) criteria and methodological standards to be used by Member States when determining a set of characteristics for good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, on the basis of Annexes I and III and by reference to the initial assessment made pursuant to Article 8(1) of that Directive, to assess the extent to which good environmental status is being achieved, in accordance with Article 9(3) of that Directive;
- (b) specifications and standardised methods for monitoring and assessment, to be used by Member States when establishing coordinated monitoring programmes under Article 11 of Directive 2008/56/EC, in accordance with Article 11(4) of that Directive;
- (c) a timeline for the establishment of threshold values, lists of criteria elements and methodological standards for integration of criteria through Union, regional or subregional cooperation;
- (d) a notification requirement for criteria elements, threshold values and methodological standards for integration of criteria.

*Article 2*  
*Definitions*

For the purposes of this Decision, the definitions laid down in Article 3 of Directive 2008/56/EC shall apply.

The following definitions shall also apply:

- (1) 'subregions' means the subregions listed in Article 4(2) of Directive 2008/56/EC
- (2) 'subdivisions' means subdivisions as referred to in Article 4(2) of Directive 2008/56/EC;
- (3) 'invasive non-indigenous species' means 'invasive alien species' within the meaning of Article 3(2) of Regulation (EU) No 1143/2014 of the European Parliament and of the Council<sup>12</sup>;
- (4) 'criteria elements' means constituent elements of an ecosystem, particularly its biological elements (species, habitats and their communities), or aspects of pressures on the marine environment (biological, physical, substances, litter and energy), which are assessed under each criterion;
- (5) 'threshold value' means a value or range of values that allows for an assessment of the quality level achieved for a particular criterion, thereby contributing to the assessment of the extent to which good environmental status is being achieved.

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<sup>12</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

#### *Use of criteria, methodological standards, specifications and standardised methods*

1. Member States shall use primary criteria and associated methodological standards, specifications and standardised methods laid down in the Annex to implement this Decision. However, on the basis of the initial assessment or its subsequent updates carried out in accordance with Articles 8 and 17(2)(a) of Directive 2008/56/EC, Member States may consider, in justified circumstances, that it is not appropriate to use one or more of the primary criteria. In such cases, Member States shall provide the Commission with a justification in the framework of the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.

Pursuant to the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC, a Member State shall inform other Member States sharing the same marine region or subregion before it decides not to use a primary criterion in accordance with the first subparagraph.

2. Secondary criteria and associated methodological standards, specifications and standardised methods laid down in the Annex shall be used to complement a primary criterion or when the marine environment is at risk of not achieving or not maintaining good environmental status for that particular criterion. The use of a secondary criterion shall be decided by each Member State, except where otherwise specified in the Annex.
3. Where this Decision does not set criteria, methodological standards, including for integration of the criteria, specifications or standardised methods for monitoring and assessment, including for spatial and temporal aggregation of data, Member States shall use, where practical and appropriate, those developed at international, regional or subregional level, such as in the relevant Regional Sea Conventions.
4. Until Union, international, regional or subregional lists of criteria elements, methodological standards for integration of criteria, and specifications and standardised methods for monitoring and assessment are established, Member States may use those established at national level, provided that regional cooperation is pursued as laid down in Articles 5 and 6 of Directive 2008/56/EC.

### Article 4

#### *Setting of threshold values through Union, regional or subregional cooperation*

1. Where Member States are required under this Decision to establish threshold values through Union, regional or subregional cooperation, those values shall:
  - (a) be part of the set of characteristics used by Member States in their determination of good environmental status;
  - (b) be consistent with Union legislation;
  - (c) where appropriate, distinguish the quality level that constitutes an adverse effect for a criterion and be set in relation to a reference condition;
  - (d) be set at appropriate geographic scales of assessment to reflect the different biotic and abiotic characteristics of the regions, subregions and subdivisions;
  - (e) be set on the basis of the precautionary principle, reflecting the potential risks to the marine environment;

- (f) be consistent across different criteria when they relate to the same ecosystem element;
  - (g) make use of best available science;
  - (h) be based on long time-series data, where available, to help determine the most appropriate value;
  - (i) reflect natural ecosystem dynamics, including predator-prey relationships and hydrological and climatic variation, also acknowledging that the ecosystem or parts thereof may recover, if deteriorated, to a state that reflects prevailing physiographic, geographic, climatic and biological conditions, rather than return to a specific state of the past;
  - (j) be consistent, where practical and appropriate, with relevant values set under regional institutional cooperation structures, including the Regional Sea Conventions.
2. Until Member States have established threshold values through Union, regional or subregional cooperation as required under this Decision, they may use any of the following to express the extent to which good environmental status is being achieved:
- (a) national threshold values, provided the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC is complied with;
  - (b) directional trends of the values;
  - (c) for state elements, pressure-based threshold values as proxies.
- These shall follow, where possible, the principles set out in points (a) to (i) of paragraph 1.
3. Where threshold values, including those established by Member States in accordance with this Decision, are not met for a particular criterion to the extent which that Member State has determined as constituting good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, Member States shall consider, as appropriate, whether measures should be taken under Article 13 of that Directive or whether further research or investigation should be carried out.
4. Threshold values established by Member States in accordance with this Decision may be periodically reviewed in the light of scientific and technical progress and amended, where necessary, in time for the reviews provided for in Article 17(2)(a) of Directive 2008/56/EC.

#### *Article 5 Timeline*

1. Where this Decision provides for Member States to establish threshold values, lists of criteria elements or methodological standards for integration of criteria through Union, regional or subregional cooperation, Member States shall endeavour to do so within the time-limit set for the first review of their initial assessment and determination of good environmental status in accordance with Article 17(2)(a) of Directive 2008/56/EC (15 July 2018).
2. Where Member States are not able to establish threshold values, lists of criteria elements or methodological standards for integration of criteria—through Union, regional or subregional cooperation within the time-limit laid down in paragraph 1,

they shall establish these as soon as possible thereafter, on condition that they provide, by 15 October 2018, justification to the Commission in the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.

*Article 6*  
*Notification*

Member States shall send to the Commission, as part of the notification made pursuant to Article 17(3) of Directive 2008/56/EC, details of the criteria elements, threshold values and methodological standards for integration of criteria established through Union, regional or subregional cooperation and used by Member States in accordance with this Decision.

*Article 7*  
*Repeal*

Decision 2010/477/EU is hereby repealed.

References to Decision 2010/477/EU shall be construed as references to this Decision.

*Article 8*  
*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*





Brussels, **XXX**  
[...](2016) **XXX** draft

ANNEX 1

**ANNEX**

**to 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 2010/477/EU**

## ANNEX

to 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 2010/477/EU**

## ANNEX

### **Criteria and methodological standards for good environmental status of marine waters, relevant to the qualitative descriptors in Annex I to Directive 2008/56/EC, and to the indicative lists set out in Annex III to that Directive, and specifications and standardised methods for monitoring and assessment**

This Annex is structured in two parts:

- under Part I are laid down the 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 that Directive, to be used by Member States in relation to the assessment of predominant pressures and impacts under Article 8(1)(b) of Directive 2008/56/EC,
- under Part II are laid down 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, to be used by Member States in relation to the assessment of environmental status under Article 8(1)(a) of Directive 2008/56/EC.

#### **PART I – CRITERIA, METHODOLOGICAL STANDARDS, SPECIFICATIONS AND STANDARDISED METHODS FOR THE MONITORING AND ASSESSMENT OF PREDOMINANT PRESSURES AND IMPACTS UNDER POINT (B) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

Part I considers the descriptors<sup>1</sup> linked to the relevant anthropogenic pressures: biological pressures (Descriptors 2 and 3), physical pressures (Descriptors 6 and 7) and substances, litter and energy (Descriptors 5, 8, 9, 10 and 11), as listed in Annex III to Directive 2008/56/EC.

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<sup>1</sup> When this Decision refers to a 'descriptor', this refers to the relevant qualitative descriptors for determining good environmental status, as indicated under the numbered points in Annex I to Directive 2008/56/EC.

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

Relevant pressure: Input or spread of non-indigenous species

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Newly-introduced non-indigenous species.	<p>D2C1 – Primary:</p> <p>The number of non-indigenous species which are newly introduced via human activity into the wild, per assessment period (6 years), measured from the reference year as reported for the initial assessment under Article 8(1) of Directive 2008/56/EC, is minimised and where possible reduced to zero.</p> <p>Member States shall establish the threshold value for the number of new introductions of non-indigenous species, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>Subdivisions of the region or subregion, divided where needed by national boundaries.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– the number of non-indigenous species newly introduced via human activity, in the 6-year assessment period and a list of those species.</li> </ul>
Established non-indigenous species, particularly invasive non-indigenous species, which include relevant species on the list of invasive alien species of Union concern adopted in accordance with Article 4(1) of Regulation (EU) No 1143/2014 and species which are relevant for use under criterion D2C3. Member States shall establish that list through regional or subregional cooperation.	<p>D2C2 – Secondary:</p> <p>Abundance and spatial distribution of established non-indigenous species, particularly of invasive species, contributing significantly to adverse effects on particular species groups or broad habitat types.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the corresponding species groups or broad habitat types under Descriptors 1 and 6.</p> <p><i>Use of criteria:</i></p> <p>Criterion D2C2 (quantification of non-indigenous species) shall be expressed per species assessed and shall contribute to the assessment of criterion D2C3 (adverse effects of non-indigenous species).</p> <p>Criterion D2C3 shall provide the proportion per species group and extent per broad habitat type assessed which is</p>

Criteria elements	Criteria	Methodological standards
<p>Species groups and broad habitat types that are at risk from non-indigenous species, selected from those used for Descriptors 1 and 6.</p> <p>Member States shall establish that list through regional or subregional cooperation.</p>	<p>D2C3 – Secondary:</p> <p>Proportion of the species group or spatial extent of the broad habitat type which is adversely altered due to non-indigenous species, particularly invasive non-indigenous species.</p> <p>Member States shall establish the threshold values for the adverse alteration to species groups and broad habitat types due to non-indigenous species, through regional or subregional cooperation.</p>	<p>adversely altered, and thus contribute to their assessments under Descriptors 1 and 6.</p>

*Specifications and standardised methods for monitoring and assessment*

1. 'Newly-introduced' non-indigenous species shall be understood as those which were not known to be present in the area in the previous assessment period.
2. 'Established' non-indigenous species shall be understood as those which were known to be present in the area in the previous assessment period.
3. For D2C1: where it is not clear whether the new arrival of non-indigenous species is due to human activity or natural dispersal from neighbouring areas, the introduction shall be counted under D2C1.
4. For D2C2: when species occurrence and abundance is seasonally variable (e.g. plankton), monitoring shall be undertaken at appropriate times of year.
5. Monitoring programmes shall be linked to those for Descriptors 1, 4, 5 and 6, where possible, as they typically use the same sampling methods and it is more practical to monitor non-indigenous species as part of broader biodiversity monitoring, except where sampling needs to focus on main vectors and risk areas for new introductions.

Units of measurement for the criteria:

- D2C1: the number of species per assessment area which have been newly introduced in the assessment period (6 years)<sub>2</sub>
- D2C2: abundance (number of individuals, biomass in tonnes (t) or extent in square kilometres (km<sup>2</sup>)) per non-indigenous species<sub>2</sub>

- D2C3: the proportion of the species group (ratio of indigenous species to non-indigenous species, as number of species and/or their abundance within the group) or the spatial extent of the broad habitat type (in square kilometres (km<sup>2</sup>)) which is adversely altered.

**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**

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

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Commercially-exploited fish and shellfish.</p> <p>Member States shall establish through regional or subregional cooperation a list of commercially-exploited fish and shellfish, according to the criteria laid down under 'specifications'.</p>	<p>D3C1 – Primary:</p> <p>The <i>Fishing mortality</i> rate of populations of commercially-exploited species is at or below levels which can produce the maximum sustainable yield (MSY), established in accordance with scientific advice obtained pursuant to Article 26 of Regulation (EU) No 1380/2013.</p>	<p><i>Scale of assessment:</i></p> <p>Populations of each species are assessed at ecologically-relevant scales within each region or subregion, as established by appropriate scientific bodies as referred to in Article 26 of Regulation (EU) No 1380/2013, based on specified aggregations of International Council for the Exploration of the Sea (ICES) areas, General Fisheries Commission for the Mediterranean (GFCM) geographical sub-areas and Food and Agriculture Organisation (FAO) fishing areas for the Macaronesian biogeographic region.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <p>(a) the populations assessed, the values <del>attained</del><u>achieved</u> for each criterion and whether the levels for D3C1 and D3C2 and the threshold values for D3C3 have been achieved, and the overall status of the population on the basis of criteria integration rules agreed at Union level;</p> <p>(b) the populations of commercially-exploited species in</p>
	<p>D3C2<sup>2</sup> – Primary:</p> <p>The <i>Spawning Stock Biomass</i> of populations of commercially-exploited species is above biomass levels capable of producing maximum sustainable yield, established in accordance with scientific advice obtained pursuant to Article 26 of Regulation (EU) No 1380/2013.</p>	
	<p>D3C3<sup>2,3</sup> – Primary:</p> <p>The age and size distribution of individuals in the populations of commercially-exploited species is indicative of a healthy population. This shall include a high proportion of old/large individuals and <del>reduced</del><u>limited</u> adverse effects of exploitation on genetic diversity.</p> <p>Member States shall establish threshold values through regional or subregional cooperation for each population of</p>	

<sup>2</sup> D3C2 and D3C3 are state-based criteria for commercially-exploited fish and shellfish but are shown under Part I for clarity reasons.

<sup>3</sup> D3C3 may not be available for use for the 2018 review of the initial assessment and determination of good environmental status under Article 17(2)(b) of Directive 2008/56/EC.

Criteria elements	Criteria	Methodological standards
	species in accordance with scientific advice obtained pursuant to Article 26 of Regulation (EU) No 1380/2013.	the assessment area which were not assessed. The outcomes of these population assessments shall also contribute to the assessments under Descriptors 1 and 6, if the species are relevant for assessment of particular species groups and benthic habitat types.

Extraction of, or mortality/injury to, non-~~target~~ commercially-exploited species (incidental by-catches) as a result of fishing activities, is addressed under criterion D1C1.

Physical disturbance to the seabed, including effects on benthic communities, as a result of fishing activities, are addressed by the criteria under Descriptor 6 (particularly criteria D6C2 and D6C3) and are to be fed into the assessments of benthic habitat types under Descriptors 1 and 6.

*Specifications and standardised methods for monitoring and assessment*

1. A list of commercially-exploited species for application of the criteria in each assessment area shall be established by Member States through regional or subregional cooperation and updated for each 6-year assessment period, taking into account Council Regulation (EC) No 199/2008<sup>4</sup> and the following:
  - (a) all stocks that are managed under Regulation (EU) No 1380/2013;
  - (b) the species for which fishing opportunities (total allowable catches and quotas) are set by Council under Article 43(3) of the Treaty on the Functioning of the European Union;
  - (c) the species for which minimum conservation reference sizes are set under Regulation (EC) No 1967/2006;
  - (d) the species under multiannual plans according to Article 9 of Regulation (EU) No 1380/2013;
  - (e) the species under national management plans according to Article 19 of Regulation (EC) No 1967/2006;
  - (f) any important species on a regional or national scale for small-scale/local coastal fisheries.

For the purposes of this Decision, commercially-exploited species which are non-indigenous in each assessment area shall be excluded from the list and thus not contribute to achievement of good environmental status for Descriptor 3.

<sup>4</sup> Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (OJ L 60, 5.3.2008, p. 1).

2. Regulation (EC) No 199/2008 establishes rules on the collection and management, in the framework of multi-annual programmes, of biological, technical, environmental and socio-economic data concerning the fisheries sector which shall be used for monitoring under Descriptor 3, ~~including the collection of data for criterion D1C1.~~
3. ~~For D3C1, D3C2 and D3C3,~~ ~~p~~The term 'populations' shall be understood as the term 'stocks' within the meaning of ~~under~~ Regulation (EU) No 1380/2013.
4. For D3C1 and D3C2, the following shall apply:
  - (a) for stocks managed under a multiannual plan according to Article 9 of Regulation (EU) No 1380/2013, in situations of mixed fisheries, the target fishing mortality and the biomass levels capable of producing maximum sustainable yield shall be in accordance with the relevant multiannual plan;
  - (b) for the Mediterranean Sea and Black Sea regions, appropriate proxies may be used.
5. The following methods for assessment shall be used:
  - (a) For D3C1: if quantitative assessments yielding values for *Fishing mortality* are not available due to inadequacies in the available data, other variables such as the ratio between catch and biomass index ('catch/biomass ratio') may be used as an alternative method. In such cases, an appropriate method for trend analysis shall be adopted (e.g. the current value can be compared against the long-term historical average);
  - (b) For D3C2: the threshold value used shall be in accordance with Article 2(2) of Regulation (EU) No 1380/2013. If quantitative assessments yielding values for *Spawning Stock Biomass* are not available due to inadequacies in the available data, biomass-related indices such as catch per unit effort or survey abundance indices may be used as an alternative method. In such cases, an appropriate method for trend analysis shall be adopted (e.g. the current value can be compared against the long-term historical average);
  - (c) D3C3 shall reflect that healthy populations of species are characterised by a high proportion of old, large individuals. The relevant properties are the following:
    - (i) size distribution of individuals in the population, expressed as:
      - the proportion of fish larger than mean size of first sexual maturation, or
      - the 95<sup>th</sup> percentile of the fish-length distribution of each population, ~~in both cases~~ as observed in research vessel or other surveys;
    - (ii) genetic effects of exploitation of the species, such as size at first sexual maturation, where appropriate and feasible.



Other expressions of the relevant properties may be used following further scientific and technical development of this criterion.

Units of measurement for the criteria:

- D3C1: annualised fishing mortality rate.
- D3C2: biomass in tonnes (t) or number of individuals per species, except where other indices are used under point 5(b).
- D3C3: under point 5(c): for (i), first indent: proportion (percentage) or numbers, for (i), second indent: length in centimetres (cm), and for (ii): length in centimetres (cm).

**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**

Relevant pressures: Input of nutrients; Input of organic matter

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Nutrients in the water column: Dissolved Inorganic Nitrogen (DIN), Total Nitrogen (TN), Dissolved Inorganic Phosphorus (DIP), Total Phosphorus (TP).</p> <p>Within coastal waters, as used under Directive 2000/60/EC.</p> <p>Beyond coastal waters, Member States may decide at regional or subregional level to not use one or several of these nutrient elements.</p>	<p>D5C1 – Primary:</p> <p>Nutrient concentrations are not at levels that indicate adverse eutrophication effects.</p> <p>The threshold values are as follows:</p> <p>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation</p>	<p><i>Scale of assessment:</i></p> <ul style="list-style-type: none"> <li>– within coastal waters, as used under Directive 2000/60/EC,</li> <li>– beyond coastal waters, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <p>(a) the values achieved for each criterion used, and an estimate of the extent of the assessment area over which the threshold values set have been achieved;</p> <p>(b) in coastal waters, the criteria shall be used in accordance with the requirements of Directive 2000/60/EC to conclude on whether the water body is subject to eutrophication;</p> <p>(c) beyond coastal waters, an estimate of the extent of the area (as a proportion (percentage)) that is not subject to eutrophication (as indicated by the results of all criteria used, integrated in a manner agreed at Union level, taking into account regional or subregional specificities).</p>
<p>Chlorophyll a in the water column</p>	<p>D5C2 – Primary:</p> <p>Chlorophyll a concentrations are not at levels that indicate adverse effects of nutrient enrichment.</p> <p>The threshold values are as follows:</p> <p>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</p>	
<p>Harmful algal blooms (e.g. cyanobacteria) in the water column</p>	<p>D5C3 – Secondary:</p> <p>The number, spatial extent and duration of harmful algal bloom events are not at levels that indicate adverse effects of</p>	

Criteria elements	Criteria	Methodological standards
	nutrient enrichment. Member States shall establish threshold values for these levels through regional or subregional cooperation.	Beyond coastal waters, the use of the secondary criteria shall be agreed at regional or subregional level.
Photic limit (transparency) of the water column	D5C4 – Secondary: The photic limit (transparency) of the water column is not reduced, <del>due to increases in suspended algae</del> , to a level that indicates adverse effects of nutrient enrichment <del>related to increases in suspended algae</del> . The threshold values are as follows: (a) in coastal waters, the values set in accordance with Directive 2000/60/EC; (b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.	The outcomes of the assessments shall also contribute to assessments for pelagic habitats under Descriptor 1 as follows: – the distribution and an estimate of the extent of the area (as a proportion (percentage)) that is subject to eutrophication in the water column (as indicated by whether the threshold values for criteria D5C2, D5C3 and D5C4, when used, have been achieved); The outcomes of the assessments shall also contribute to assessments for benthic habitats under Descriptors 1 and 6 as follows: – the distribution and an estimate of the extent of the area (as a proportion (percentage)) that is subject to eutrophication on the seabed (as indicated by whether the threshold values for criteria D5C4, D5C5, D5C6, D5C7 and D5C8, when used, have been achieved).
Dissolved oxygen in the bottom of the water column	D5C5 – Primary (may be substituted by D5C8): The concentration of dissolved oxygen is not reduced, due to nutrient enrichment, to levels that indicate adverse effects on benthic habitats (including on associated biota and mobile species) or other eutrophication effects. The threshold values are as follows: (a) in coastal waters, the values set in accordance with Directive 2000/60/EC; (b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.	
Opportunistic macroalgae of benthic habitats	D5C6 – Secondary: The abundance of opportunistic macroalgae is not at levels	

Criteria elements	Criteria	Methodological standards
	<p>that indicate adverse effects of nutrient enrichment.</p> <p>The threshold values are as follows:</p> <ul style="list-style-type: none"> <li>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</li> <li>(b) should this criterion be relevant for waters beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</li> </ul>	
<p>Macrophyte communities (perennial seaweeds and seagrasses such as fucoids, eelgrass and Neptune grass) of benthic habitats</p>	<p>D5C7 – Secondary:</p> <p>The species composition and relative abundance or depth distribution of macrophyte communities achieve values that indicate there is no adverse effect due to nutrient enrichment including via a decrease in water transparency, as follows:</p> <ul style="list-style-type: none"> <li>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</li> <li>(b) should this criterion be relevant for waters beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</li> </ul>	
<p>Macrofaunal communities of benthic habitats</p>	<p>D5C8 – Secondary (except when used as a substitute for D5C5):</p> <p>The species composition and relative abundance of macrofaunal communities, achieve values that indicate that there is no adverse effect due to nutrient and organic enrichment, as follows:</p> <ul style="list-style-type: none"> <li>(a) in coastal waters, the values for benthic biological quality elements set in accordance with Directive</li> </ul>	

Criteria elements	Criteria	Methodological standards
	2000/60/EC; (b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.	

*Specifications and standardised methods for monitoring and assessment*

1. In coastal waters, the criteria elements shall be selected in accordance with Directive 2000/60/EC.

2. For D5C2 and D5C3, Member States may in addition use phytoplankton species composition and abundance.

~~1.3.~~ Information on the pathways (atmospheric, land- or sea-based) for nutrients entering the marine environment shall be collected, where feasible.

~~2.4.~~ Monitoring beyond coastal waters may not be necessary due to low risk, such as in cases where the threshold values are achieved in coastal waters, taking into account nutrient input from atmospheric, sea-based including coastal waters, and transboundary sources.

5. Assessments under Directive 2000/60/EC shall be used for the assessments of each criterion in coastal waters.

~~3.6.~~ Values set in accordance with Directive 2000/60/EC shall refer either to those set by intercalibration under Commission Decision 2013/480/EU<sup>5</sup> or to those set in national legislation in accordance with Article 8 and Annex V of Directive 2000/60/EC. These shall be understood as the "Good-Moderate boundary" for Ecological Quality Ratios.

~~4.1. In coastal waters, the criteria elements shall be selected in accordance with Directive 2000/60/EC.~~

~~5.1. Assessments under Directive 2000/60/EC shall be used for the assessments of each criterion in coastal waters.~~

~~6.7.~~ Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

~~7.1. For D5C2 and D5C3, Member States may in addition use phytoplankton species composition and abundance.~~

Units of measurement for the criteria:

<sup>5</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).

- D5C1: nutrient concentrations in micromoles per litre ( $\mu\text{mol/l}$ )<sub>2</sub>
- D5C2: chlorophyll a concentrations (biomass) in micrograms per litre ( $\mu\text{g/l}$ )<sub>2</sub>
- D5C3: bloom events as number of events, duration in days and spatial extent in square kilometres ( $\text{km}^2$ ) per year<sub>2</sub>
- D5C4: photic limit as depth in metres (m)<sub>2</sub>
- D5C5: oxygen concentration in the bottom of the water column in milligrams per litre ( $\text{mg/l}$ )<sub>2</sub>
- D5C6: Ecological Quality Ratio for macroalgal abundance or spatial cover. Extent of adverse effects in square kilometres ( $\text{km}^2$ ) or as a proportion (percentage) of the assessment area.
- D5C7: Ecological Quality Ratio for species composition and relative abundance assessments or for maximum depth of macrophyte growth. Extent of adverse effects in square kilometres ( $\text{km}^2$ ) or as a proportion (percentage) of the assessment area.
- D5C8: Ecological Quality Ratio for species composition and relative abundance assessments. Extent of adverse effects in square kilometres ( $\text{km}^2$ ) or as a proportion (percentage) of the assessment area.

Where available, Member States shall use the units or ecological quality ratios provided for under Directive 2000/60/EC.

**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 D6C1, D6C2 and D6C3 relate only to the pressures 'physical loss' and 'physical disturbance' and their impacts, whilst criteria D6C4 and D6C5 address the overall assessment of Descriptor 6, together with that for benthic habitats under Descriptor 1.~~

Relevant pressures: Physical loss (due to permanent change of seabed substrate or morphology and to extraction of seabed substrate); physical disturbance to seabed ([temporary or reversible](#))

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Physical loss of the seabed (including intertidal areas).	D6C1 – Primary: Spatial extent and distribution of physical loss (permanent change) of the natural seabed.	<p><i>Scale of assessment:</i> As used for assessment of the benthic broad habitat types under Descriptors 1 and 6.</p> <p><i>Use of criteria:</i> The outcomes of assessment of criterion D6C1 (the distribution and an estimate of the extent of physical loss) shall be used to assess criteria D6C4 and D7C1.</p> <p>The outcomes of assessment of criterion D6C2 (the distribution and an estimate of the extent of physical disturbance pressures) shall be used to assess criterion D6C3.</p> <p>The outcomes of assessment of criterion D6C3 (an estimate of the extent of adverse effect by physical disturbance per habitat type in each assessment area) shall contribute to the assessment of criterion D6C5.</p>
Physical disturbance to the seabed (including intertidal areas).	D6C2 – Primary: Spatial extent and distribution of physical disturbance pressures on the seabed.	
Benthic broad habitat types or other habitat types, as used under Descriptors 1 and 6.	D6C3 – Primary: Spatial extent of each habitat type which is adversely affected, through change in its biotic and abiotic structure and its functions (e.g. through changes in species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), by physical disturbance. Member States shall establish threshold values for the adverse effects of physical disturbance, through regional or subregional cooperation.	

~~Criteria D6C1, D6C2 and D6C3 relate only to the pressures 'physical loss' and 'physical disturbance' and their impacts, whilst criteria D6C4 and D6C5 address the overall assessment of Descriptor 6, together with that for benthic habitats under Descriptor 1.~~ Criteria D6C4 and D6C5 are presented under Part II of this Annex.

### *Specifications and standardised methods for monitoring and assessment*

1. Regarding methods for monitoring:
  - (a) for D6C1, permanent changes to the seabed from different human activities shall be assessed (including permanent changes to natural seabed substrate or morphology via physical restructuring, infrastructure developments and loss of substrate via extraction of the seabed materials);
  - (b) for D6C2, physical disturbances from different human activities shall be assessed (such as bottom-trawling fishing);
  - (c) for coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC shall be used. Beyond coastal waters, data may be collated from mapping of infrastructure and licenced extraction sites.
2. Regarding methods for assessment, the data shall be aggregated so that:
  - (a) D6C1 is assessed as area lost in relation to total natural extent of all benthic habitats in the assessment area (e.g. by extent of anthropogenic modification);
  - (b) D6C3 is assessed in relation to total natural extent of each benthic habitat type assessed.
3. Physical loss shall be understood as a permanent change to the seabed which has lasted or is expected to last for a period of two reporting cycles (12 years) or more.
4. Physical disturbance shall be understood as a change to the seabed from which it can be restored/recover if the activity causing the disturbance pressure ceases.
5. For D6C3 species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

#### Units of measurement for the criteria:

- D6C1: extent of the assessment area physically lost in square kilometres (km<sup>2</sup>)<sub>2</sub>
- D6C2: extent of the assessment area physically disturbed in square kilometres (km<sup>2</sup>)<sub>2</sub>
- D6C3: extent of each habitat type adversely affected in square kilometres (km<sup>2</sup>) or as a proportion (percentage) of the total natural extent of the habitat in the assessment area<sub>2</sub>



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

Relevant pressures: Physical loss (due to permanent change of seabed substrate or morphology or to extraction of seabed substrate); Changes to hydrological conditions

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Hydrographical changes to the seabed and water column (including intertidal areas).	D7C1 – Secondary: Spatial extent and distribution of permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature) to the seabed and water column, associated in particular with physical loss <sup>6</sup> of the natural seabed.	<i>Scale of assessment:</i> As used for assessment of the benthic broad habitat types under Descriptors 1 and 6. <i>Use of criteria:</i> The outcomes of assessment of criterion D7C1 (the distribution and an estimate of the extent of hydrographical changes) shall be used to assess criterion D7C2.
Benthic broad habitats types or other habitat types, as used for Descriptors 1 and 6.	D7C2 – Secondary: Spatial extent of each benthic habitat type adversely affected (physical and hydrographical characteristics and associated biological communities) due to permanent alteration of hydrographical conditions. Member States shall establish threshold values for the adverse effects of permanent alterations of hydrographical conditions, through regional or subregional cooperation.	The outcomes of assessment of criterion D7C2 (an estimate of the extent of adverse effect per habitat type in each assessment area) shall contribute to the assessment of criterion D6C5.

### *Specifications and standardised methods for monitoring and assessment*

1. Regarding methods for monitoring and assessment:
  - (a) Monitoring shall focus on changes associated with infrastructure developments, either on the coast or offshore.

<sup>6</sup> Physical loss shall be understood as under point 3 of the specifications under Descriptor 6.

- (b) Environmental impact assessment hydrodynamic models, where required, which are validated with ground-truth measurements, or other suitable sources of information, shall be used to assess the extent of effects from each infrastructure development.
  - (c) For coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC shall be used.
2. Regarding methods for assessment, the data shall be aggregated so that:
- (a) D7C1 is assessed in relation to total natural extent of all habitats in the assessment area;
  - (b) D7C2 is assessed in relation to total natural extent of each benthic habitat type assessed.

Units of measurement for the criteria:

- D7C1: extent of the assessment area hydrographically altered in square kilometres (km<sup>2</sup>).
- D7C2: extent of each habitat type adversely affected in square kilometres (km<sup>2</sup>) or as a proportion (percentage) of the total natural extent of the habitat in the assessment area.

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

Relevant pressures: Input of ~~hazardous~~ other substances (e.g. synthetic substances, non-synthetic substances, radionuclides)

Criteria, including criteria elements, and methodological standards

Criteria elements	Criteria	Methodological standards
<p>(1) Within coastal and territorial waters:</p> <p>(a) Contaminants selected in accordance with Directive 2000/60/EC:</p> <p>(i) contaminants for which an environmental quality standard is laid down in Part A of Annex I to Directive 2008/105/EC;</p> <p>(ii) River Basin Specific Pollutants under Annex VIII to Directive 2000/60/EC, in coastal waters;</p> <p>(b) additional contaminants, if relevant, such as from offshore sources, which are not already identified under point (a) and which may give rise to pollution effects in the region or subregion. Member States shall establish that list of <del>these</del> contaminants through regional or subregional cooperation.</p> <p>(2) Beyond territorial waters:</p> <p>(a) the contaminants considered</p>	<p>D8C1 – Primary:</p> <p>Within coastal and territorial waters, the concentrations of contaminants do not exceed the following threshold values:</p> <p>(a) for contaminants set out under point (1)(a) of criteria elements, the values set in accordance with Directive 2000/60/EC;</p> <p><u>(b) when contaminants under point (a) are measured in a matrix for which no value is set under Directive 2000/60/EC, the concentration of those contaminants in that matrix established by Member States through regional or subregional cooperation;</u></p> <p><del>(b)(c)</del> for additional contaminants selected under point (1)(b) of criteria elements, the concentrations for a specified matrix (water, sediment or biota) which may give rise to pollution effects. Member States shall establish these concentrations through regional or subregional cooperation, considering their application within and beyond coastal and territorial waters.</p> <p><del>(e) when contaminants under point (a) are measured in a matrix for which no value is set under Directive 2000/60/EC, the concentration of those contaminants in that matrix established by Member States through regional or subregional cooperation.</del></p> <p>Beyond territorial waters, the concentrations of contaminants do not exceed the following threshold values:</p> <p>(a) for contaminants selected under point (2)(a) of criteria</p>	<p><i>Scale of assessment:</i></p> <ul style="list-style-type: none"> <li>– within coastal and territorial waters, as used under Directive 2000/60/EC,</li> <li>– beyond territorial waters, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <p>(a) for each contaminant under criterion D8C1, its concentration, the matrix used (water, sediment, biota), whether the threshold values set have been achieved, and the proportion of contaminants assessed which have achieved the threshold values, including indicating separately substances behaving like ubiquitous persistent, bioaccumulative and toxic substances (uPBTs), as referred to in Article 8a(1)(a) of Directive 2008/105/EC;</p> <p>(b) for each species assessed under criterion D8C2, an estimate of the abundance of its population in the assessment area that is adversely affected;</p> <p>(c) for each habitat assessed under criterion D8C2, an estimate of the extent in the assessment area that is</p>

Criteria elements	Criteria	Methodological standards
<p>under point (1), where these still may give rise to pollution effects;</p> <p>(b) additional contaminants, if relevant, which are not already identified under point (2)(a) and which may give rise to pollution effects in the region or subregion. Member States shall establish that list of contaminants through regional or subregional cooperation.</p>	<p>elements, the values as applicable within coastal and territorial waters;</p> <p>(b) for contaminants selected under point (2)(b) of criteria elements, the concentrations for a specified matrix (water, sediment or biota) which may give rise to pollution effects. Member States shall establish these concentrations through regional or subregional cooperation.</p>	<p>adversely affected.</p> <p>The use of criterion D8C2 in the <a href="#">overall</a> assessment of good environmental status for Descriptor 8 shall be agreed at regional or subregional level.</p> <p>The outcomes of the assessment of criterion D8C2 shall contribute to assessments under Descriptors 1 and 6, where appropriate.</p>
<p>Species and habitats which are at risk from contaminants.</p> <p>Member States shall establish that list of species, and relevant tissues to be assessed, and habitats, through regional or subregional cooperation.</p>	<p>D8C2 – Secondary:</p> <p>The health of species and the condition of habitats (such as their species composition and relative abundance at locations of chronic pollution) are not adversely affected due to contaminants including cumulative and synergetic effects.</p> <p>Member States shall establish those adverse effects and their threshold values through regional or subregional cooperation.</p>	
<p>Significant acute pollution events involving polluting substances, as defined in Article 2(2) of Directive 2005/35/EC of the European Parliament and of the Council<sup>7</sup>, including crude oil and similar compounds.</p>	<p>D8C3 – Primary:</p> <p>The spatial extent and duration of significant acute pollution events are minimised.</p>	<p><i>Scale of assessment:</i></p> <p>Regional or subregional level, divided where needed by national boundaries.</p> <p><i>Use of criteria:</i></p> <p><del>This criterion shall be used to trigger assessment of criterion D8C4.</del></p> <p>The extent to which good environmental status has been</p>

<sup>7</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, including criminal penalties, for pollution offences (OJ L 255, 30.9.2005, p. 11).

Criteria elements	Criteria	Methodological standards
		<p>achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– an estimate of the total spatial extent of significant acute pollution events and their distribution and total duration for each year.</li> </ul> <p><a href="#">This criterion shall be used to trigger assessment of criterion D8C4.</a></p>
<p>Species of the species groups, as listed under Table 1 of Part II, and benthic broad habitat types, as listed under Table 2 of Part II.</p>	<p>D8C4 – Secondary (to be used when a significant acute pollution event has occurred):</p> <p>The adverse effects of significant acute pollution events on the health of species and on the condition of habitats (such as their species composition and relative abundance) are minimised and, where possible, eliminated.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the species groups or benthic broad habitat types under Descriptors 1 and 6.</p> <p><i>Use of criteria:</i></p> <p><del>The use of criterion D8C4 in the assessment of good environmental status for Descriptor 8 shall be agreed at regional or subregional level.</del></p> <p>The outcomes of assessment of criterion D8C4 shall contribute, where the cumulative spatial and temporal effects are significant, to the assessments under Descriptors 1 and 6 by providing:</p> <ul style="list-style-type: none"> <li>(a) an estimate of the abundance of each species that is adversely affected;</li> <li>(b) an estimate of the extent of each broad habitat type that is adversely affected.</li> </ul> <p><a href="#">The use of criterion D8C4 in the overall assessment of good environmental status for Descriptor 8 shall be agreed at regional or subregional level.</a></p>

*Specifications and standardised methods for monitoring and assessment*

1. [For criteria elements under D8C1, the selection under points \(1\)\(b\) and \(2\)\(b\) of additional contaminants that may give rise to pollution effects shall be based on a risk assessment. For these contaminants, the matrix and threshold values used for the assessment shall be representative of the most sensitive species and exposure pathway, including hazards to human health via exposure through the food chain.](#)

~~3.2.~~ For the purposes of this Decision:

- (a) Criterion D8C1: for the assessment of contaminants in coastal and territorial waters, Member States shall monitor the contaminants in accordance with the requirements of Directive 2000/60/EC and the assessments under that Directive shall be used where available. Information on the pathways (atmospheric, land- or sea-based) for contaminants entering the marine environment shall be collected, where feasible.
- (b) Criteria D8C2 and D8C4: biomarkers or population demographic characteristics (e.g. fecundity rates, survival rates, mortality rates, and reproductive capacity) may be relevant to assess the health effects.
- (c) 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.
- (d) Criterion D8C3: Member States shall identify the source of significant acute pollution events, where possible. They may use the European Maritime Safety Agency satellite-based surveillance for this purpose.

~~4.1. For criteria elements under D8C1, the selection under points (1)(b) and (2)(b) of additional contaminants that may give rise to pollution effects shall be based on a risk assessment. For these contaminants, the matrix and threshold values used for the assessment shall be representative of the most sensitive species and exposure pathway, including hazards to human health via exposure through the food chain.~~

~~5.3.~~ Contaminants shall be understood to refer to single substances or to groups of substances. For consistency in reporting, the grouping of substances shall be agreed at Union level.

~~6.4.~~ Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

- D8C1: concentrations of contaminants in micrograms per litre ( $\mu\text{g/l}$ ) for water, in micrograms per kilogram ( $\mu\text{g/kg}$ ) of dry weight for sediment and in micrograms per kilogram ( $\mu\text{g/kg}$ ) of wet weight for biota<sub>2</sub>;
- D8C2: abundance (number of individuals or other suitable units as agreed at regional or subregional level) per species affected; extent in square kilometres ( $\text{km}^2$ ) per broad habitat type affected<sub>2</sub>;
- D8C3: duration in days and spatial extent in square kilometres ( $\text{km}^2$ ) of significant acute pollution events per year<sub>2</sub>;
- D8C4: abundance (number of individuals or other suitable units as agreed at regional or subregional level) per species affected; extent in square kilometres ( $\text{km}^2$ ) per broad habitat type affected.

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

Relevant pressure: Input of hazardous substances

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	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 establish a list of those additional contaminants through regional or subregional cooperation.</p> <p>Member States shall establish the list of species and relevant tissues to be assessed, according to the conditions laid down under 'specifications'. They may cooperate at regional or subregional level to establish that list of species and relevant tissues.</p>	<p>D9C1 – Primary:</p> <p>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, which are the threshold values for the purposes of this Decision;</p> <p>(b) for additional contaminants, not listed in Regulation (EC) No 1881/2006, threshold values, which Member States shall establish through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>The catch or production area in accordance with Article 38 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>8</sup>.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– for each contaminant, its concentration in seafood, the matrix used (species and tissue), whether the threshold values set have been <del>exceeded</del> <u>achieved</u>, and the proportion of contaminants assessed which have achieved their threshold values.</li> </ul>

<sup>8</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).

*Specifications and standardised methods for monitoring and assessment*

1. When Member States establish the list of species to be used under D9C1, the species shall:
  - (a) be relevant to the marine region or subregion concerned;
  - (b) fall under the scope of Regulation (EC) No 1881/2006;
  - (c) be suitable for the contaminant being assessed;
  - (d) be among the most consumed in the Member State or the most caught or harvested for consumption.
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 shall 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 of the Council<sup>9</sup> and with Commission Regulation (EU) No 589/2014<sup>10</sup> and Commission Regulation (EC) No 333/2007<sup>11</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.

Units of measurement for the criteria:

- D9C1: concentrations of contaminants in the units set out in the Annex to Regulation (EC) No 1881/2006.

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<sup>9</sup> Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).

<sup>10</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 and repealing Regulation (EU) No 252/2012 (OJ L 164, 3.6.2014, p. 18).

<sup>11</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).



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

Relevant pressure: Input of litter

Criteria, including criteria elements, and methodological standards

Criteria elements	Criteria	Methodological standards
Litter (excluding micro-litter), classified in the following categories <sup>12</sup> : artificial polymer materials, rubber, cloth/textile, paper/cardboard, processed/worked wood, metal, glass/ceramics, chemicals, undefined, and food waste. Member States may define further sub-categories.	D10C1 – Primary: The composition, amount and spatial distribution of litter on the coastline, in the surface layer of the water column, and on the seabed, are at levels that do not cause harm to the coastal and marine environment. Member States shall establish threshold values for these levels through cooperation at Union level, taking into account regional or subregional specificities.	<i>Scale of assessment:</i> Subdivisions of the region or subregion, divided where needed by national boundaries. <i>Use of criteria:</i> <del>The use of criteria D10C1, D10C2 and D10C3 in the assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</del> The extent to which good environmental status has been achieved shall be expressed for each criterion separately for each area assessed as follows:
Micro-litter (particles < 5mm), classified in the categories 'artificial polymer materials' and 'other'.	D10C2 – Primary: The composition, amount and spatial distribution of micro-litter on the coastline, in the surface layer of the water column, and in seabed sediment, are at levels that do not cause harm to the coastal and marine environment. Member States shall establish threshold values for these levels through cooperation at Union level, taking into account regional or subregional specificities.	(a) the outcomes for each criterion (amount of litter or micro-litter per category) and its distribution per matrix used under D10C1 and D10C2 and whether the threshold values set have been achieved. (b) the outcomes for D10C3 (amount of litter <del>or</del> <u>and</u> micro-litter per category per species) and whether

<sup>12</sup> These are the "Level 1 – Material" categories from the Master List of categories of litter items from the Joint Research Centre "Guidance on Monitoring of marine litter in European seas" (2013, ISBN 978-92-79-32709-4). The Master List specifies what is covered under each category, for instance "Chemicals" refers to paraffin, wax, oil and tar.

Criteria elements	Criteria	Methodological standards
<p>Litter and micro-litter classified in the categories 'artificial polymer materials' and 'other', assessed in any species from the following groups: birds, mammals, reptiles, fish or invertebrates.</p> <p>Member States shall establish that list of species to be assessed through regional or subregional cooperation.</p>	<p>D10C3 – Secondary:</p> <p>The amount of litter and micro-litter ingested by marine animals is at a level that does not adversely affect the health of the species concerned.</p> <p>Member States shall establish threshold values for these levels through regional or subregional cooperation.</p>	<p>the threshold values set have been achieved.</p> <p><a href="#">The use of criteria D10C1, D10C2 and D10C3 in the overall assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</a></p> <p>The outcomes of criterion D10C3 shall also contribute to assessments under Descriptor 1, where appropriate.</p>
<p>Species of birds, mammals, reptiles, fish or invertebrates which are at risk from litter.</p> <p>Member States shall establish that list of species to be assessed through regional or subregional cooperation.</p>	<p>D10C4 – Secondary:</p> <p>The number of individuals of each species which are adversely affected <a href="#">due to litter</a>, such as by entanglement, other types of injury or mortality, or health effects, <del>due to litter</del>.</p> <p>Member States shall establish threshold values for the adverse effects of litter, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the species group under Descriptor 1.</p> <p><i>Use of criteria:</i></p> <p><a href="#">The use of criterion D10C4 in the assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</a></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– for each species assessed under criterion D10C4, an estimate of the number of individuals in the assessment area that have been adversely affected.</li> </ul> <p><a href="#">The use of criterion D10C4 in the overall assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</a></p> <p>The outcomes of this criterion shall also contribute to assessments under Descriptor 1, where appropriate.</p>

*Specifications and standardised methods for monitoring and assessment*

1. For D10C1: litter shall be monitored on the coastline and may additionally be monitored in the surface layer of the water column and on the seabed. Information on the source and pathway of the litter shall be collected, where feasible;
2. For D10C2: micro-litter shall be monitored in the surface layer of the water column and in the seabed sediment and may additionally be monitored on the coastline. Micro-litter shall be monitored in a manner that can be related to point-sources for inputs (such as harbours, marinas, waste-water treatment plants, storm-water effluents), where feasible.
3. For D10C3 and D10C4: the monitoring may be based on incidental occurrences (e.g. strandings of dead animals, entangled animals in breeding colonies, affected individuals per survey).

Units of measurement for the criteria:

- D10C1: amount of litter per category in number of items:
  - per 100 metres (m) on the coastline,
  - per square kilometre (km<sup>2</sup>) for surface layer of the water column and for seabed.
- D10C2: amount of micro-litter per category in number of items and weight in grams (g):
  - per square metre (m<sup>2</sup>) for surface layer of the water column.
  - per kilogram (dry weight) (kg) of sediment for the coastline and for seabed.
- D10C3: amount of litter/micro-litter in grams (g) and number of items per individual for each species in relation to size (weight or length, as appropriate) of the individual sampled.
- D10C4: number of individuals affected (lethal; sub-lethal) per species.

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

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

Criteria, including criteria elements, and methodological standards

Criteria elements	Criteria	Methodological standards
Anthropogenic impulsive sound in water.	<p>D11C1 – Primary:</p> <p>The spatial distribution, temporal extent, and levels of anthropogenic impulsive sound sources do not exceed <del>values</del> <u>levels</u> that adversely affect <u>populations of</u> marine animals.</p> <p>Member States shall establish <del>these</del> threshold values <u>for these levels</u> through cooperation at Union level, taking into account regional or subregional specificities.</p>	<p><i>Scale of assessment:</i></p> <p>Region, subregion or subdivisions.</p> <p><i>Use of criteria:</i></p> <p><del>The use of criteria D11C1 and D11C2 in the assessment of good environmental status for Descriptor 11 shall be agreed at Union level.</del></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p>
Anthropogenic continuous low-frequency sound in water.	<p>D11C2 – Primary:</p> <p>The spatial distribution, temporal extent and levels of anthropogenic continuous low-frequency sound do not exceed <del>values</del> <u>levels</u> that adversely affect <u>populations of</u> marine animals.</p> <p>Member States shall establish <del>these</del> threshold values <u>for these levels</u> through cooperation at Union level, taking into account regional or subregional specificities.</p>	<p>(a) for D11C1, the duration per calendar year of impulsive sound sources, their distribution within the year and spatially within the assessment area, and whether the threshold values set have been <del>exceeded</del> <u>achieved</u>;</p> <p>(b) for D11C2, the annual average of the sound level, or other suitable <u>temporal</u> metric agreed at regional or subregional level, per unit area and its spatial <del>and temporal</del> distribution within the assessment area, and <u>the extent (% km<sup>2</sup>) of the assessment area over which whether</u> the threshold values set have been <del>exceeded</del> <u>achieved</u>.</p> <p><del>The use of criteria D11C1 and D11C2 in the assessment of good environmental status for Descriptor 11 shall be agreed at Union level.</del></p> <p>The outcomes of these criteria shall also contribute to assessments under Descriptor 1.</p>

*Specifications and standardised methods for monitoring and assessment*

1. For D11C1 monitoring:

- (a) Spatial resolution: geographical locations whose shape and areas are to be determined at regional or subregional level, on the basis of, for instance, activities listed in Annex III to Directive 2008/56/EC.
- (b) Impulsive sound described as monopole energy source level in units of dB re  $1\mu\text{Pa}^2 \text{ s}$  or zero to peak monopole source level in units of dB re  $1\mu\text{Pa m}$ , both over the frequency band 10 Hz to 10 kHz. Member States may consider other specific sources with higher frequency bands if longer-range effects are considered relevant.

2. For D11C2 monitoring:

Annual average, or other suitable metric agreed at regional or subregional level, of the squared sound pressure in each of two '1/3-octave bands', one centred at 63 Hz and the other at 125 Hz, expressed as a level in decibels in units of dB re  $1\mu\text{Pa}$ , at a suitable spatial resolution in relation to the pressure. This may be measured directly, or inferred from a model used to interpolate between, or extrapolated from, measurements. Member States may also decide at regional or subregional level to monitor for additional frequency bands.

Criteria relating to other forms of energy input (including thermal energy, electromagnetic fields and light) and criteria relating to the environmental impacts of noise are still subject to further development.

Units of measurement for the criteria:

- D11C1: Number of days per quarter (or per month if appropriate) with impulsive sound sources; proportion (percentage) of unit areas or extent (in square kilometres) of assessment area with impulsive sound sources per year.
- D11C2: Annual average (or other temporal metric) of continuous sound level per unit area; proportion (percentage) or extent (in square kilometres) of assessment area with sound levels exceeding threshold values.

**PART II – CRITERIA AND METHODOLOGICAL STANDARDS, SPECIFICATIONS AND STANDARDISED METHODS FOR MONITORING AND 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**

Part II considers the descriptors linked to the relevant ecosystem elements: species groups of birds, mammals, reptiles, fish and cephalopods (Descriptor 1), pelagic habitats (Descriptor 1), benthic habitats (Descriptors 1 and 6) and ecosystems, including food webs (Descriptors 1 and 4), as listed in Annex III to Directive 2008/56/EC<sup>13</sup>.

**Theme: Species groups of birds, mammals, reptiles, fish and cephalopods (relating to Descriptor 1)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Species of birds, mammals, reptiles and non-commercially-exploited species of fish and cephalopods, which are at risk from incidental by-catch in the region or subregion.</p> <p>Member States shall establish that list of species through regional or subregional cooperation, pursuant to the obligations laid down in Article 25(5) of Regulation (EU) No 1380/2013 for data collection activities and taking into account the list of species in Table 1D of the Annex to Commission Implementing Decision (EU) 2016/1251<sup>14</sup>.</p>	<p>D1C1 – Primary:</p> <p>The mortality rate per species from incidental by-catch is below levels which threaten the species, <u>such that its long-term viability is ensured</u>.</p> <p>Member States shall establish the threshold values for the mortality rate from incidental by-catch per species, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the corresponding species or species groups under criteria D1C2-D1C5.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– the mortality rate per species and whether this has achieved the threshold value set.</li> </ul> <p>This criterion shall contribute to assessment of the corresponding species under criterion D1C2.</p>

<sup>13</sup> [Regulation \(EC\) No 199/2008 may be used for the collection of relevant fisheries-related data under Descriptors 1, 4 and 6.](#)

<sup>14</sup> Commission Implementing Decision (EU) 2016/1251 of 12 July 2016 adopting a multiannual Union programme for the collection, management and use of data in the fisheries and aquaculture sectors for the period 2017-2019 (OJ L 207, 1.8.2016, p. 113).

Criteria elements	Criteria	Methodological standards
<p>Species groups, as listed under Table 1 and if present in the region or subregion.</p> <p>Member States shall establish a set of species representative of each species group, selected according to the criteria laid down under ‘specifications for the selection of species and habitats’, through regional or subregional cooperation. These shall include the mammals and reptiles listed in Annex II to Directive 92/43/EEC and may include any other species, such as those listed under Union legislation (other Annexes to Directive 92/43/EEC, Directive 2009/147/EC or through Regulation (EU) No 1380/2013) and international agreements such as Regional Sea Conventions.</p>	<p>D1C2 – Primary:</p> <p>The population abundance of the species is not adversely affected due to anthropogenic pressures, such that its long-term viability is ensured.</p> <p>Member States shall establish threshold values for each species through regional or subregional cooperation, taking account of natural variation in population size and the mortality rates derived from D1C1, D8C4 and D10C4 and other relevant pressures. For species covered by Directive 92/43/EEC, these values shall be consistent with the Favourable Reference Population values established by the relevant Member States under Directive 92/43/EEC.</p>	<p><i>Scale 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, pelagic and demersal shelf fish: region or subdivisions for Baltic Sea and Black Sea; subregion for North-East Atlantic Ocean and Mediterranean Sea;</li> <li>– for seals, turtles, cephalopods: region or subdivisions for Baltic Sea; subregion for North-East Atlantic Ocean and Mediterranean Sea;</li> <li>– for coastal fish: subdivision of region or subregion.</li> <li>– for commercially-exploited fish and cephalopods: as used under Descriptor 3.</li> </ul> <p><i>Use of criteria:</i></p> <p>The status of each species shall be assessed individually, on the basis of the criteria selected for use, and these shall be used to express the extent to which good environmental status has been achieved for each species group for each area assessed, as follows:</p> <ol style="list-style-type: none"> <li>(a) the assessments shall express the value(s) for each criterion used per species and whether these achieve the threshold values set;</li> <li>(b) the overall status of species covered by Directive 92/43/EEC shall be derived using the method provided under that Directive. The overall status for commercially-exploited species shall be as assessed under Descriptor 3. For other species, the overall status shall be derived using a method agreed at</li> </ol>
	<p>D1C3 – Primary for commercially-exploited fish and cephalopods and secondary for other species:</p> <p>The population demographic characteristics (e.g. body size or age class structure, sex ratio, fecundity, and survival rates) of the species are indicative of a <u>natural-healthy</u> population which is not adversely affected due to anthropogenic pressures.</p> <p>Member States shall establish threshold values for specified characteristics of each species through regional or subregional cooperation, taking account of adverse effects on their health derived from D8C2, D8C4 and other relevant pressures.</p>	
	<p>D1C4 – Primary for species covered by Annexes II, IV and V to Directive 92/43/EEC and secondary for other species:</p> <p>The species distributional range and, where relevant, pattern is in line with prevailing physiographic, geographic and climatic conditions.</p> <p>Member States shall establish threshold values for each</p>	

Criteria elements	Criteria	Methodological standards
	<p>species through regional or subregional cooperation. For species covered by Directive 92/43/EEC, these shall be consistent with the Favourable Reference Range values established by the relevant Member States under Directive 92/43/EEC.</p> <hr/> <p>D1C5 – Primary for species covered by Annexes II, IV and V to Directive 92/43/EEC and secondary for other species: The habitat for the species has the necessary extent and condition to support the different stages in the life history of the species.</p>	<p>Union level, taking into account regional or subregional specificities;</p> <p><del>(e)</del>—the overall status of the species group, using a method agreed at Union level, taking into account regional or subregional specificities.</p> <p><del>(d)</del>—Wherever possible, the assessments under Directive 92/43/EEC, Directive 2009/147/EC and Regulation (EU) No 1380/2013 shall be used for the purposes of this Decision:</p> <p><del>(e)</del>—for birds, criteria D1C2 and D1C4 equate to the ‘population size’ and ‘breeding distribution map range size’ criteria of Directive 2009/147/EC;</p> <p><del>(f)</del>—for mammals, reptiles and non-commercial fish, the criteria are equivalent to those used under Directive 92/43/EEC as follows: D1C2 and D1C3 equate to ‘population’, D1C4 equates to ‘range’ and D1C5 equates to ‘habitat for the species’;</p> <p><del>(g)</del>—for commercially exploited fish and cephalopods, assessments under Descriptor 3 shall be used for Descriptor 1 purposes, using criterion D3C2 for D1C2 and criterion D3C3 for D1C3.</p> <p><del>(h)(c)</del> Assessments of the adverse effects from pressures under criteria D1C1, D2C3, D3C1, D8C2, D8C4 and D10C4, as well as the assessments of pressures under criteria D9C1, D10C3, D11C1 and D11C2, should be taken into account in the assessments of species under Descriptor 1.</p>



Table 1 – Species groups<sup>15</sup>

Ecosystem component	Species groups
<b>Birds</b>	Grazing birds
	Wading birds
	Surface-feeding birds
	Pelagic-feeding birds
	Benthic-feeding birds
<b>Mammals</b>	Small toothed cetaceans
	Deep-diving toothed cetaceans
	Baleen whales
	Seals
<b>Reptiles</b>	Turtles
<b>Fish</b>	Coastal fish
	Pelagic shelf fish
	Demersal shelf fish
	Deep-sea fish
<b>Cephalopods</b>	Coastal/shelf cephalopods
	Deep-sea cephalopods

<sup>15</sup> [Relevant fisheries-related data should be used in application of Regulation \(EC\) No 199/2008.](#)

*Specifications and standardised methods for monitoring and assessment relating to theme "Species groups of marine birds, mammals, reptiles, fish and cephalopods"*

1. For D1C1, data shall be provided per species per fishing metier for each ICES Division-area or GFCM Geographical Sub-Area or FAO fishing areas for the Macaronesian biogeographic region, 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.
2. 'Coastal' shall be understood on the basis of physical, hydrological and ecological parameters and is not limited to coastal water as defined in Article 2(7) of Directive 2000/60/EC.
- ~~2.3.~~ Species may be assessed at population level, where appropriate.
4. Wherever possible, the assessments under Directive 92/43/EEC, Directive 2009/147/EC and Regulation (EU) No 1380/2013 shall be used for the purposes of this Decision:
  - (a) for birds, criteria D1C2 and D1C4 equate to the 'population size' and 'breeding distribution map range size' criteria of Directive 2009/147/EC;
  - (b) for mammals, reptiles and non-commercial fish, the criteria are equivalent to those used under Directive 92/43/EEC as follows: D1C2 and D1C3 equate to 'population', D1C4 equates to 'range' and D1C5 equates to 'habitat for the species';
  - (c) for commercially-exploited fish and cephalopods, assessments under Descriptor 3 shall be used for Descriptor 1 purposes, using criterion D3C2 for D1C2 and criterion D3C3 for D1C3.
5. Assessments of the adverse effects from pressures under criteria D1C1, D2C3, D3C1, D8C2, D8C4 and D10C4, as well as the assessments of pressures under criteria D9C1, D10C3, D11C1 and D11C2, shall be taken into account in the assessments of species under Descriptor 1.
- ~~3.1. 'Coastal' shall be understood on the basis of physical, hydrological and ecological parameters and is not limited to coastal water as defined in Article 2(7) of Directive 2000/60/EC.~~

Units of measurement for the criteria:

- D1C2: abundance (number of individuals or biomass in tonnes (t)) per species.

**Theme: Pelagic habitats (relating to Descriptor 1)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Pelagic broad habitat types (variable salinity<sup>16</sup>, coastal, shelf and oceanic/beyond shelf), if present in the region or subregion, and other habitat types as defined in the second paragraph.</p> <p>Member States may select, through regional or subregional cooperation, additional habitat types according to the criteria laid down under 'specifications for the selection of species and habitats'.</p>	<p>D1C6 – Primary:</p> <p>The condition of the habitat type, including its biotic and abiotic structure and its functions (e.g. its typical species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), is not adversely affected <u>due to anthropogenic pressures</u>.</p> <p>Member States shall establish threshold values for the condition of each habitat type, ensuring compatibility with <u>related</u> values set under Descriptors 2, 5 and 8, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>Subdivision of region or subregion as used for assessments of benthic broad habitat types, reflecting biogeographic differences in species composition of the habitat type.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as:</p> <p>(a) an estimate of the proportion and extent of each habitat type assessed that has achieved the threshold value set;</p> <p><del>(b)</del>—a list of broad habitat types in the assessment area that were not assessed.</p> <p><del>(e)</del><del>(b)</del> <u>Assessments of the adverse effects from pressures, including under D2C3, D5C2, D5C3, D5C4, D7C1, D8C2 and D8C4, shall be taken into account in the assessments of pelagic habitats under Descriptor 1.</u></p>

*Specifications and standardised methods for monitoring and assessment relating to theme "Pelagic habitats"*

1. 'Coastal' shall be understood on the basis of physical, hydrological and ecological parameters and is not limited to coastal water as defined in Article 2(7) of Directive 2000/60/EC.
- 4.2. Assessments of the adverse effects from pressures, including under D2C3, D5C2, D5C3, D5C4, D7C1, D8C2 and D8C4, shall be taken into account in the assessments of pelagic habitats under Descriptor 1.

<sup>16</sup> Retained for situations where estuarine plumes extend beyond waters designated as Transitional Waters under Directive 2000/60/EC.

Units of measurement for the criteria:

- D1C6: extent of habitat adversely affected in square kilometres (km<sup>2</sup>) *per habitat type* and as a proportion (percentage) of the total extent of the habitat type.

**Theme: Benthic habitats (relating to Descriptors 1 and 6)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Refer to Part I of this Annex for criteria D6C1, D6C2 and D6C3.		
<p>Benthic broad habitat types as listed in Table 2 and if present in the region or subregion, and other habitat types as defined in the second <i>sub</i>paragraph.</p> <p>Member States may select, through regional or subregional cooperation, additional habitat types, according to the criteria laid down under ‘specifications for the selection of species and habitats’, and which may include habitat types listed under Directive 92/43/EEC or international agreements such as Regional Sea Conventions, for the purposes of:</p> <p>(a) assessing each broad habitat type under criterion D6C5;</p> <p>(b) assessing these habitat types.</p> <p>A single set of habitat types shall serve the purpose of assessments of both</p>	<p>D6C4 – Primary:</p> <p>The extent of loss of the habitat type, resulting from anthropogenic pressures, does not exceed a specified proportion of the natural extent of the habitat type in the assessment area.</p> <p>Member States shall establish the maximum allowable extent of habitat loss as a proportion of the total natural extent of the habitat type, through cooperation at Union level, taking into account regional or subregional specificities.</p> <p>D6C5 – Primary:</p> <p>The extent of adverse effects from anthropogenic pressures on the condition of the habitat type, including alteration to its biotic and abiotic structure and its functions (e.g. its typical species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), does not exceed a specified proportion of the natural extent of the habitat type in the assessment area.</p> <p>Member States shall establish threshold values for adverse effects on the condition of each habitat type, ensuring compatibility with related values set under Descriptors 2, 5, 6,</p>	<p><i>Scale of assessment:</i></p> <p>Subdivision of region or subregion, reflecting biogeographic differences in species composition of the broad habitat type.</p> <p><i>Use of criteria:</i></p> <p>A single assessment per habitat type, using criteria D6C4 and D6C5, shall serve the purpose of assessments of both benthic habitats under Descriptor 1 and sea-floor integrity under Descriptor 6.</p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as:</p> <p>(a) for D6C4, an estimate of the proportion and extent of loss per habitat type and whether this has achieved the extent value set;</p> <p>(b) for D6C5, an estimate of the proportion and extent of adverse effects, including the proportion lost from point (a), per habitat type and whether this has achieved the extent value set;</p> <p>(c) overall status of the habitat type, using a method agreed at Union level based on points (a) and (b), and a list of broad habitat types in the assessment</p>

Criteria elements	Criteria	Methodological standards
benthic habitats under Descriptor 1 and sea-floor integrity under Descriptor 6.	7 and 8, through cooperation at Union level, taking into account regional or subregional specificities. Member States shall establish the maximum allowable extent of those adverse effects as a proportion of the total natural extent of the habitat type, through cooperation at Union level, taking into account regional or subregional specificities.	area that were not assessed. <del>(d) The status of each habitat type shall be assessed using wherever possible assessments (such as of sub-types of the broad habitat types) under Directive 92/43/EEC and Directive 2000/60/EC.</del> <del>(e) Criteria D6C4 and D6C5 equate to the ‘range/area covered by habitat type within range’ and ‘specific structures and functions’ criteria of Directive 92/43/EEC.</del> <del>(f) Assessment of criterion D6C4 shall use the assessment made under criterion D6C1.</del> Assessments of the adverse effects from pressures, including under criteria D2C3, D3C1, D3C2, D3C3, D5C4, D5C5, D5C6, D5C7, D5C8, D6C3, D7C2, D8C2 and D8C4, shall be taken into account in the assessments of benthic habitats under Descriptors 1 and 6.

*Criteria elements*

**Table 2 – Benthic broad habitat types including their associated biological communities (relevant for criteria under Descriptors 1 and 6), which equate to one or more habitat types of the European nature information system (EUNIS) habitat classification<sup>17</sup>. Updates to the EUNIS typology shall be reflected in the broad habitat types used for the purposes of Directive 2008/56/EC and of this Decision.**

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
Benthic habitats	Littoral rock and biogenic reef	MA1, MA2

<sup>17</sup> Evans, D. (2016). Revising the marine section of the EUNIS Habitat classification - Report of a workshop held at the European Topic Centre on Biological Diversity, 12 & 13 May 2016. ETC/BD Working Paper N° A/2016.

<b>Ecosystem component</b>	<b>Broad habitat types</b>	<b>Relevant EUNIS habitat codes (version 2016)</b>
	Littoral sediment	MA3, MA4, MA5, MA6
	Infralittoral rock and biogenic reef	MB1, MB2
	Infralittoral coarse sediment	MB3
	Infralittoral mixed sediment	MB4
	Infralittoral sand	MB5
	Infralittoral mud	MB6
	Circalittoral rock and biogenic reef	MC1, MC2
	Circalittoral coarse sediment	MC3
	Circalittoral mixed sediment	MC4
	Circalittoral sand	MC5
	Circalittoral mud	MC6
	Offshore circalittoral rock and biogenic reef	MD1, MD2
	Offshore circalittoral coarse sediment	MD3
	Offshore circalittoral mixed sediment	MD4
	Offshore circalittoral sand	MD5
	Offshore circalittoral mud	MD6
	Upper bathyal <sup>18</sup> rock and biogenic reef	ME1, ME2
	Upper bathyal sediment	ME3, ME4, ME5, ME6
	Lower bathyal rock and biogenic reef	MF1, MF2
	Lower bathyal sediment	MF3, MF4, MF5, MF6

<sup>18</sup> Where not specifically defined in the EUNIS classification, the boundary between the upper bathyal and lower bathyal may be set as a specified depth limit.

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
	Abyssal	MG1, MG2, MG3, MG4, MG5, MG6

*Specifications and standardised methods for monitoring and assessment relating to theme "Benthic habitats"*

1. The status of each habitat type shall be assessed using assessments (such as of sub-types of the broad habitat types) under Directive 92/43/EEC and Directive 2000/60/EC, wherever possible.
2. Assessment of criterion D6C4 shall use the assessment made under criterion D6C1.
3. Criteria D6C4 and D6C5 equate to the 'range/area covered by habitat type within range' and 'specific structures and functions' criteria of Directive 92/43/EEC.
4. For D6C5, assessments of the adverse effects from pressures, including under criteria D2C3, D3C1, D3C2, D3C3, D5C4, D5C5, D5C6, D5C7, D5C8, D6C3, D7C2, D8C2 and D8C4, shall be taken into account.
5. For D6C5, species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

- D6C4: extent of habitat loss in square kilometres (km<sup>2</sup>) and as a proportion (percentage) of the total extent of the habitat type<sub>2</sub>
- D6C5: extent of habitat adversely affected in square kilometres (km<sup>2</sup>) and as a proportion (percentage) of the total extent of the habitat type<sub>2</sub>

*Specifications for the selection of species and habitats under Themes "Species groups of marine birds, mammals, reptiles, fish and cephalopods", "Pelagic habitats" and "Benthic habitats"*

The selection of species and habitats to be assigned to the species groups and pelagic and benthic broad habitat types shall be based on the following:

1. Scientific criteria (ecological relevance):
  - (a) representative of the ecosystem component (species group or broad habitat type), and of ecosystem functioning (e.g. connectivity between habitats and populations, completeness and integrity of essential habitats), 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) or particular life history traits (age and size at breeding, longevity, migratory traits);

- (b) 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;
  - (c) present in sufficient numbers or extent in the assessment area to be able to construct a suitable indicator for assessment;
  - (d) the set of species or habitats selected shall cover, as far as possible, the full range of ecological functions of the ecosystem component and the predominant pressures to which the component is subject;
  - (e) if species of species groups are closely associated to a particular broad habitat type they may be included within that habitat type for monitoring and assessment purposes; in such cases, the species shall not be included in the assessment of the species group.
2. Additional practical criteria (which shall not override the scientific criteria):
- (a) monitoring/technical feasibility;
  - (b) monitoring costs;
  - (c) adequate time series of the data.

The representative set of species and habitats to be assessed are likely to be specific to the region or subregion, although certain species may occur in several regions or subregions.

**Theme: Ecosystems, including food webs (relating to Descriptors 1 and 4)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Trophic guilds of an ecosystem.</p> <p>Member States shall establish the list of trophic guilds through regional or subregional cooperation.</p>	<p>D4C1 – Primary:</p> <p>The diversity (species composition and their relative abundance) of the trophic guild is not adversely affected due to anthropogenic pressures.</p> <p>Member States shall establish threshold values through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>Regional level for Baltic Sea and Black Sea; subregional level for North-East Atlantic and Mediterranean Sea.</p> <p>Subdivisions may be used where appropriate.</p>



Criteria elements	Criteria	Methodological standards
	<p>D4C2 – Primary: The balance of total <del>guild</del>-abundance <del>aeross-between</del> the trophic guilds is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>	<p><i>Use of criteria:</i> Where values do not fall within the threshold values, this may trigger <del>the need for</del> further research and investigation to understand the causes for the failure.</p>
<p>D4C3 – Secondary: The size distribution of individuals across the trophic guild is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>		
<p>D4C4 – Secondary (to be used in support of criterion D4C2, where necessary): Productivity of the trophic guild is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>		

*Specifications and standardised methods for monitoring and assessment*

1. Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.
2. The trophic guilds selected under criteria elements shall take into account the ICES list of trophic guilds<sup>19</sup> and shall meet the following conditions:
  - (a) include at least three trophic guilds;
  - (b) two shall be non-fish trophic guilds;

<sup>19</sup> ICES Advice (2015) Book 1, ICES special request advice, published 20 March 2015.

- (c) at least one shall be a primary producer trophic guild;
- (d) preferably represent at least the top, middle and bottom of the food chain.

Units of measurement:

- D4C2: total abundance (number of individuals or biomass in tonnes (t)) across all species within the trophic guild.



## Aktdetaljer

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

**of XXX**

**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 2010/477/EU**

(Text with EEA relevance)

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

of **XXX**

### **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 2010/477/EU**

(Text with EEA relevance)

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 Articles 9(3) and 11(4) thereof,

Whereas:

- (1) Commission Decision 2010/477/EU<sup>2</sup> established criteria to be used by the Member States to determine the good environmental status of their marine waters and to guide their assessments of that status in the first implementation cycle of Directive 2008/56/EC.
- (2) Decision 2010/477/EU acknowledged that additional scientific and technical progress was required to support the development or revision of those 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 stated that it would be appropriate to carry out its revision as soon as possible after the completion of the assessment required under Article 12 of Directive 2008/56/EC, in time to support a successful update of marine strategies that are due by 2018, pursuant to Article 17 of Directive 2008/56/EC.
- (3) In 2012, on the basis of the initial assessment of their marine waters made pursuant to Article 8(1) of Directive 2008/56/EC, Member States reported on the environmental status of their marine waters and notified to the Commission their determination of good environmental status and their environmental targets in accordance with Articles 9(2) and 10(2) of Directive 2008/56/EC, respectively. The Commission's assessment<sup>3</sup> of those Member State reports, undertaken in accordance with Article 12 of Directive 2008/56/EC, highlighted that more efforts were urgently needed if Member States are to reach good environmental status by 2020. The results showed the necessity to significantly improve the quality and coherence of the determination of good

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<sup>1</sup> OJ L 164, 25.6.2008, 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 waters (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).

environmental status by the Member States. In addition, the assessment recognised that regional cooperation must be at the very heart of the implementation of Directive 2008/56/EC. It also emphasised 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.

- (4) To ensure that the second cycle of implementation of the marine strategies of the Member States further contributes to the achievement of the objectives of Directive 2008/56/EC and yields more consistent determinations of good environmental status, the Commission 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, aiming at a clearer, simpler, more concise, more coherent and comparable set of good environmental status criteria and methodological standards and, at the same time, review Annex III of Directive 2008/56/EC, and if necessary revise it, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle.
- (5) On the basis of those conclusions, the review process started in 2013 when a roadmap, consisting of several phases (technical and scientific, consultation, and decision-making), was endorsed by the Regulatory Committee established under Article 25(1) of Directive 2008/56/EC. During this process, the Commission consulted all interested parties, including Regional Sea Conventions.
- (6) In order to facilitate future updates of the initial assessment of Member States' marine waters and their determination of good environmental status, and to ensure greater coherence in implementation of Directive 2008/56/EC across the Union, it is necessary to clarify, revise or introduce criteria, methodological standards, specifications and standardised methods to be used by Member States, compared to the elements currently set out in Decision 2010/477/EU. As a result, the number of criteria that Member States need to monitor and assess should be reduced, applying a risk-based approach to those which are retained in order to allow Member States to focus their efforts on the main anthropogenic pressures affecting their waters. Finally, the criteria and their use should be further specified, including providing for threshold values or the setting thereof, thereby allowing for the extent to which good environmental status is achieved to be measured across the Union's marine waters.
- (7) In accordance with the commitment taken by the Commission when adopting its Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Better regulation for better results — An EU agenda<sup>4</sup>, this Decision should ensure coherence with other Union legislation. To ensure greater consistency and comparability at Union level of Member States' determinations of good environmental status and avoid unnecessary overlaps, it is appropriate to take into account relevant existing standards and methods for monitoring and assessment laid down in Union legislation, including Council Directive 92/43/EEC<sup>5</sup>, Directive 2000/60/EC of the European Parliament and of the Council<sup>6</sup>, Commission Regulation (EC) No 1881/2006<sup>7</sup>, Council Regulation (EC) No

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

<sup>5</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>6</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).

1967/2006<sup>8</sup>, Directive 2008/105/EC of the European Parliament and of the Council<sup>9</sup>, Directive 2009/147/EC of the European Parliament and of the Council<sup>10</sup> and Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>11</sup>.

- (8) For each of the qualitative descriptors listed in Annex I to Directive 2008/56/EC, and on the basis of the indicative lists in Annex III to that Directive, it is necessary to define the criteria, including the criteria elements and, where appropriate, the threshold values, to be used. Threshold values are intended to contribute to Member States' determination of a set of characteristics for good environmental status and inform their assessment of the extent to which good environmental status is being achieved. It is also necessary to set out methodological standards, including the geographic scales for assessment and how the criteria should be used. Those criteria and methodological standards are to ensure consistency and allow for comparison, between marine regions or subregions, of assessments of the extent to which good environmental status is being achieved.
- (9) To ensure comparability between the details of any updates by the Member States following the reviews of certain elements of their marine strategies, sent under Article 17(3) of Directive 2008/56/EC, specifications and standardised methods for monitoring and assessment should be defined, taking into account existing specifications and standards at Union or international level, including regional or subregional level.
- (10) Member States should apply the 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 the indicative lists of 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, and when establishing coordinated monitoring programmes under Article 11 of that Directive.
- (11) In order to establish a clear link between the determination of a set of characteristics for good environmental status and the assessment of progress towards its achievement, it is appropriate to organise the criteria and methodological standards on the basis of the qualitative descriptors laid down in Annex I to Directive 2008/56/EC, taking into account the indicative lists of ecosystem elements, anthropogenic pressures and human activities laid down in Annex III to that Directive. Some of those criteria and

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<sup>7</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>8</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).

<sup>9</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 Directives 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>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).



methodological standards relate in particular to the assessment of environmental status or of predominant pressures and impacts under points (a) or (b) of Article 8(1) of Directive 2008/56/EC, respectively.

- (12) In cases where no threshold values are laid down, Member States should establish threshold values through Union, regional or subregional cooperation, for instance by referring to existing values or developing new ones in the framework of the Regional Sea Conventions. In cases where threshold values should be established through cooperation at Union level (for the descriptors on marine litter, underwater noise and seabed integrity), this will be done in the framework of the Common Implementation Strategy set up by the Member States and the Commission for the purposes of Directive 2008/56/EC. Once established through Union, regional or subregional cooperation, these threshold values will only become part of Member States' sets of characteristics for good environmental status when they are sent to the Commission as part of Member States' reporting under Article 17(3) of Directive 2008/56/EC. Until such threshold values are established through Union, regional or subregional cooperation, Member States should be able to use national threshold values, directional trends or, for state elements, pressure-based threshold values as proxies.
- (13) Threshold values should reflect, where appropriate, the quality level that constitutes an adverse effect for a criterion and should be set in relation to a reference condition. Threshold values should be set at appropriate geographic scales to reflect the different biotic and abiotic characteristics of the regions, subregions and subdivisions. This means that even if the process to establish threshold values takes place at Union level, this may result in the setting of different threshold values, which are specific to a region, subregion or subdivision. Threshold values should also be set on the basis of the precautionary principle, reflecting the potential risks to the marine environment. The setting of threshold values should accommodate the dynamic nature of marine ecosystems and their elements, which can change in space and time through hydrological and climatic variation, predator-prey relationships and other environmental factors. Threshold values should also reflect the fact that marine ecosystems may recover, if deteriorated, to a state that reflects prevailing physiographic, geographic, climatic and biological conditions, rather than return to a specific state of the past.
- (14) In accordance with Article 1(3) of Directive 2008/56/EC, the collective pressure of human activities needs to be kept within levels compatible with the achievement of good environmental status, ensuring that the capacity of marine ecosystems to respond to human-induced changes is not compromised. This may entail, where appropriate, that threshold values for certain pressures and their environmental impacts are not necessarily achieved in all areas of Member States' marine waters, provided that this does not compromise the achievement of the objectives of Directive 2008/56/EC, while enabling the sustainable use of marine goods and services.
- (15) It is necessary to lay down threshold values which will be part of the set of characteristics used by Member States in their determination of good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, and the extent to which the threshold values are to be achieved. Threshold values therefore do not, by themselves, constitute Member States' determinations of good environmental status.
- (16) Member States should express the extent to which good environmental status is being achieved as the proportion of their marine waters over which the threshold values have been achieved or as the proportion of criteria elements (species, contaminants, etc.)

that have achieved the threshold values. When assessing the status of their marine waters in accordance with Article 17(2)(a) of Directive 2008/56/EC, Member States should express any change in status as improving, stable or deteriorating compared to the previous reporting period, in view of the often slow response of the marine environment to change.

- (17) Where threshold values, set in accordance with this Decision, are not met for a particular criterion, Member States should consider taking appropriate measures or carrying out further research or investigation.
- (18) Where Member States are required to cooperate at regional or subregional level, they should use, where practical and appropriate, existing regional institutional cooperation structures, including those under Regional Sea Conventions, as provided under Article 6 of Directive 2008/56/EC. Similarly, in the absence of specific criteria, methodological standards, including for integration of the criteria, specifications and standardised methods for monitoring and assessment, Member States should use, where practical and appropriate, those developed at international, regional or subregional level, for instance within the framework of the Regional Sea Conventions, or other international mechanisms. Otherwise, Member States may choose to coordinate amongst themselves within the region or subregion, where relevant. In addition, a Member State may also decide, on the basis of the specificities of its marine waters, to consider additional elements not laid down in this Decision and not dealt with at international, regional or subregional level, or to consider applying elements of this Decision to its transitional waters, as defined in Article 2(6) of Directive 2000/60/EC, in support of the implementation of Directive 2008/56/EC.
- (19) Member States should have sufficient flexibility, under specified conditions, to focus on the predominant pressures and their environmental impacts on the different ecosystem elements in each region or subregion in order to monitor and assess their marine waters in an efficient and effective manner and to facilitate prioritisation of actions to be taken to achieve good environmental status. For that purpose, firstly, Member States should be able to consider that some of the criteria are not appropriate to apply, provided this is justified. Secondly, Member States should have the possibility to decide not to use certain criteria elements or to select additional elements or to focus on certain matrices or areas of their marine waters, provided that this is based on a risk assessment in relation to the pressures and their impacts. Finally, a distinction should be introduced between primary and secondary criteria. While primary criteria should be used to ensure consistency across the Union, flexibility should be granted with regard to secondary criteria. The use of a secondary criterion should be decided by Member States, where necessary, to complement a primary criterion or when, for a particular criterion, the marine environment is at risk of not achieving or not maintaining good environmental status.
- (20) Criteria, including threshold values, methodological standards, specifications and standardised methods for monitoring and assessment should be based on the best available science. However, additional scientific and technical progress is still required to support the further development of some of them, and should be used as the knowledge and understanding become available.
- (21) Decision 2010/477/EU should therefore be repealed.
- (22) 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 lays down:

- (a) criteria and methodological standards to be used by Member States when determining a set of characteristics for good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, on the basis of Annexes I and III and by reference to the initial assessment made pursuant to Article 8(1) of that Directive, to assess the extent to which good environmental status is being achieved, in accordance with Article 9(3) of that Directive;
- (b) specifications and standardised methods for monitoring and assessment, to be used by Member States when establishing coordinated monitoring programmes under Article 11 of Directive 2008/56/EC, in accordance with Article 11(4) of that Directive;
- (c) a timeline for the establishment of threshold values, lists of criteria elements and methodological standards for integration of criteria through Union, regional or subregional cooperation;
- (d) a notification requirement for criteria elements, threshold values and methodological standards for integration of criteria.

*Article 2*  
*Definitions*

For the purposes of this Decision, the definitions laid down in Article 3 of Directive 2008/56/EC shall apply.

The following definitions shall also apply:

- (1) 'subregions' means the subregions listed in Article 4(2) of Directive 2008/56/EC
- (2) 'subdivisions' means subdivisions as referred to in Article 4(2) of Directive 2008/56/EC;
- (3) 'invasive non-indigenous species' means 'invasive alien species' within the meaning of Article 3(2) of Regulation (EU) No 1143/2014 of the European Parliament and of the Council<sup>12</sup>;
- (4) 'criteria elements' means constituent elements of an ecosystem, particularly its biological elements (species, habitats and their communities), or aspects of pressures on the marine environment (biological, physical, substances, litter and energy), which are assessed under each criterion;
- (5) 'threshold value' means a value or range of values that allows for an assessment of the quality level achieved for a particular criterion, thereby contributing to the assessment of the extent to which good environmental status is being achieved.

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<sup>12</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*

#### *Use of criteria, methodological standards, specifications and standardised methods*

1. Member States shall use primary criteria and associated methodological standards, specifications and standardised methods laid down in the Annex to implement this Decision. However, on the basis of the initial assessment or its subsequent updates carried out in accordance with Articles 8 and 17(2)(a) of Directive 2008/56/EC, Member States may consider, in justified circumstances, that it is not appropriate to use one or more of the primary criteria. In such cases, Member States shall provide the Commission with a justification in the framework of the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.

Pursuant to the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC, a Member State shall inform other Member States sharing the same marine region or subregion before it decides not to use a primary criterion in accordance with the first subparagraph.

2. Secondary criteria and associated methodological standards, specifications and standardised methods laid down in the Annex shall be used to complement a primary criterion or when the marine environment is at risk of not achieving or not maintaining good environmental status for that particular criterion. The use of a secondary criterion shall be decided by each Member State, except where otherwise specified in the Annex.
3. Where this Decision does not set criteria, methodological standards, including for integration of the criteria, specifications or standardised methods for monitoring and assessment, including for spatial and temporal aggregation of data, Member States shall use, where practical and appropriate, those developed at international, regional or subregional level, such as in the relevant Regional Sea Conventions.
4. Until Union, international, regional or subregional lists of criteria elements, methodological standards for integration of criteria, and specifications and standardised methods for monitoring and assessment are established, Member States may use those established at national level, provided that regional cooperation is pursued as laid down in Articles 5 and 6 of Directive 2008/56/EC.

### *Article 4*

#### *Setting of threshold values through Union, regional or subregional cooperation*

1. Where Member States are required under this Decision to establish threshold values through Union, regional or subregional cooperation, those values shall:
  - (a) be part of the set of characteristics used by Member States in their determination of good environmental status;
  - (b) where appropriate, distinguish the quality level that constitutes an adverse effect for a criterion and be set in relation to a reference condition;
  - (c) be set at appropriate geographic scales of assessment to reflect the different biotic and abiotic characteristics of the regions, subregions and subdivisions;
  - (d) be set on the basis of the precautionary principle, reflecting the potential risks to the marine environment;
  - (e) be consistent across different criteria when they relate to the same ecosystem element;

- (f) make use of best available science;
  - (g) be based on long time-series data, where available, to help determine the most appropriate value;
  - (h) reflect natural ecosystem dynamics, including predator-prey relationships and hydrological and climatic variation, also acknowledging that the ecosystem or parts thereof may recover, if deteriorated, to a state that reflects prevailing physiographic, geographic, climatic and biological conditions, rather than return to a specific state of the past;
  - (i) be consistent with relevant values under regional institutional cooperation structures, including the Regional Sea Conventions.
2. Until Member States have established threshold values through Union, regional or subregional cooperation as required under this Decision, they may use any of the following to express the extent to which good environmental status is being achieved:
    - (a) national threshold values, provided the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC is complied with;
    - (b) directional trends of the values;
    - (c) for state elements, pressure-based threshold values as proxies.
  3. Where threshold values, including those established by Member States in accordance with this Decision, are not met for a particular criterion to the extent which that Member State has determined as constituting good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, Member States shall consider, as appropriate, whether measures should be taken under Article 13 of that Directive or whether further research or investigation should be carried out.
  4. Threshold values established by Member States in accordance with this Decision may be periodically reviewed in the light of scientific and technical progress and amended, where necessary, in time for the reviews provided for in Article 17(2)(a) of Directive 2008/56/EC.

*Article 5*  
*Timeline*

1. Where this Decision provides for Member States to establish threshold values, lists of criteria elements or methodological standards for integration of criteria through Union, regional or subregional cooperation, Member States shall endeavour to do so within the time-limit set for the first review of their initial assessment and determination of good environmental status in accordance with Article 17(2)(a) of Directive 2008/56/EC (15 July 2018).
2. Where Member States are not able to establish threshold values, lists of criteria elements or methodological standards for integration of criteria through Union, regional or subregional cooperation within the time-limit laid down in paragraph 1, they shall establish these as soon as possible thereafter, on condition that they provide, by 15 October 2018, justification to the Commission in the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.

*Article 6*  
*Notification*

Member States shall send to the Commission, as part of the notification made pursuant to Article 17(3) of Directive 2008/56/EC, details of the criteria elements, threshold values and methodological standards for integration of criteria established through Union, regional or subregional cooperation and used by Member States in accordance with this Decision.

*Article 7*  
*Repeal*

Decision 2010/477/EU is hereby repealed.

References to Decision 2010/477/EU shall be construed as references to this Decision.

*Article 8*  
*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*



## Aktdetaljer

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ANNEX 1

**ANNEX**

**to 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 2010/477/EU**

## ANNEX

to 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 2010/477/EU**

## ANNEX

**Criteria and methodological standards for good environmental status of marine waters, relevant to the qualitative descriptors in Annex I to Directive 2008/56/EC, and to the indicative lists set out in Annex III to that Directive, and specifications and standardised methods for monitoring and assessment**

This Annex is structured in two parts:

- under Part I are laid down the 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 that Directive, to be used by Member States in relation to the assessment of predominant pressures and impacts under Article 8(1)(b) of Directive 2008/56/EC,
- under Part II are laid down 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, to be used by Member States in relation to the assessment of environmental status under Article 8(1)(a) of Directive 2008/56/EC.

### **PART I – CRITERIA, METHODOLOGICAL STANDARDS, SPECIFICATIONS AND STANDARDISED METHODS FOR THE MONITORING AND ASSESSMENT OF PREDOMINANT PRESSURES AND IMPACTS UNDER POINT (B) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

Part I considers the descriptors<sup>1</sup> linked to the relevant anthropogenic pressures: biological pressures (Descriptors 2 and 3), physical pressures (Descriptors 6 and 7) and substances, litter and energy (Descriptors 5, 8, 9, 10 and 11), as listed in Annex III to Directive 2008/56/EC.

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<sup>1</sup> When this Decision refers to a 'descriptor', this refers to the relevant qualitative descriptors for determining good environmental status, as indicated under the numbered points in Annex I to Directive 2008/56/EC.

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

Relevant pressure: Input or spread of non-indigenous species

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Newly introduced non-indigenous species.	<p>D2C1 – Primary:</p> <p>The number of non-indigenous species which are newly introduced via human activity into the wild, per assessment period (6 years), measured from the reference year as reported for the initial assessment under Article 8(1) of Directive 2008/56/EC, is minimised and where possible reduced to zero.</p> <p>Member States shall establish the threshold value for the number of new introductions of non-indigenous species, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>Subdivisions of the region or subregion, divided where needed by national boundaries.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– the number of non-indigenous species newly introduced via human activity, in the 6-year assessment period and a list of those species.</li> </ul>
Established non-indigenous species, particularly invasive non-indigenous species, which include relevant species on the list of invasive alien species of Union concern adopted in accordance with Article 4(1) of Regulation (EU) No 1143/2014 and species which are relevant for use under criterion D2C3. Member States shall establish that list through regional or subregional cooperation.	<p>D2C2 – Secondary:</p> <p>Abundance and spatial distribution of established non-indigenous species, particularly of invasive species, contributing significantly to adverse effects on particular species groups or broad habitat types.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the corresponding species groups or broad habitat types under Descriptors 1 and 6.</p> <p><i>Use of criteria:</i></p> <p>Criterion D2C2 (quantification of non-indigenous species) shall be expressed per species assessed and shall contribute to the assessment of criterion D2C3 (adverse effects of non-indigenous species).</p> <p>Criterion D2C3 shall provide the proportion per species group and extent per broad habitat type assessed which is</p>

Criteria elements	Criteria	Methodological standards
<p>Species groups and broad habitat types that are at risk from non-indigenous species, selected from those used for Descriptors 1 and 6.</p> <p>Member States shall establish that list through regional or subregional cooperation.</p>	<p>D2C3 – Secondary:</p> <p>Proportion of the species group or spatial extent of the broad habitat type which is adversely altered due to non-indigenous species, particularly invasive non-indigenous species.</p> <p>Member States shall establish the threshold values for the adverse alteration to species groups and broad habitat types due to non-indigenous species, through regional or subregional cooperation.</p>	<p>adversely altered, and thus contribute to their assessments under Descriptors 1 and 6.</p>

*Specifications and standardised methods for monitoring and assessment*

1. 'Newly introduced' non-indigenous species shall be understood as those which were not known to be present in the area in the previous assessment period.
2. 'Established' non-indigenous species shall be understood as those which were known to be present in the area in the previous assessment period.
3. For D2C1: where it is not clear whether the new arrival of non-indigenous species is due to human activity or natural dispersal from neighbouring areas, the introduction shall be counted under D2C1.
4. For D2C2: when species occurrence and abundance is seasonally variable (e.g. plankton), monitoring shall be undertaken at appropriate times of year.
5. Monitoring programmes shall be linked to those for Descriptors 1, 4, 5 and 6, where possible, as they typically use the same sampling methods and it is more practical to monitor non-indigenous species as part of broader biodiversity monitoring, except where sampling needs to focus on main vectors and risk areas for new introductions.

Units of measurement for the criteria:

- D2C1: the number of species per assessment area which have been newly introduced in the assessment period (6 years)
- D2C2: abundance (number of individuals, biomass in tonnes (t) or extent in square kilometres (km<sup>2</sup>)) per non-indigenous species

- D2C3: the proportion of the species group (ratio of indigenous species to non-indigenous species, as number of species and/or their abundance within the group) or the spatial extent of the broad habitat type (in square kilometres (km<sup>2</sup>)) which is adversely altered

**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**

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

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Commercially-exploited fish and shellfish.</p> <p>Member States shall establish through regional or subregional cooperation a list of commercially-exploited fish and shellfish, according to the criteria laid down under 'specifications'.</p>	<p>D3C1 – Primary:</p> <p>The <i>Fishing mortality</i> rate of populations of commercially-exploited species is at or below levels which can produce the maximum sustainable yield (MSY), established in accordance with scientific advice obtained pursuant to Article 26 of Regulation (EU) No 1380/2013.</p>	<p><i>Scale of assessment:</i></p> <p>Populations of each species are assessed at ecologically-relevant scales within each region or subregion, as established by appropriate scientific bodies as referred to in Article 26 of Regulation (EU) No 1380/2013, based on specified aggregations of International Council for the Exploration of the Sea (ICES) areas, General Fisheries Commission for the Mediterranean (GFCM) geographical sub-areas and Food and Agriculture Organisation (FAO) fishing areas for the Macaronesian biogeographic region.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <p>(a) the populations assessed, the values attained for each criterion and whether the levels for D3C1 and D3C2 and the threshold values for D3C3 have been achieved, and the overall status of the population on the basis of criteria integration rules agreed at Union level;</p> <p>(b) the populations of commercially-exploited species in</p>
	<p>D3C2<sup>2</sup> – Primary:</p> <p>The <i>Spawning Stock Biomass</i> of populations of commercially-exploited species is above biomass levels capable of producing maximum sustainable yield, established in accordance with scientific advice obtained pursuant to Article 26 of Regulation (EU) No 1380/2013.</p>	
	<p>D3C3<sup>2,3</sup> – Primary:</p> <p>The age and size distribution of individuals in the populations of commercially-exploited species is indicative of a healthy population. This shall include a high proportion of old/large individuals and reduced adverse effects of exploitation on genetic diversity.</p> <p>Member States shall establish threshold values through regional or subregional cooperation for each population of</p>	

<sup>2</sup> D3C2 and D3C3 are state-based criteria for commercially-exploited fish and shellfish but are shown under Part I for clarity reasons.

<sup>3</sup> D3C3 may not be available for use for the 2018 review of the initial assessment and determination of good environmental status under Article 17(2)(b) of Directive 2008/56/EC.

Criteria elements	Criteria	Methodological standards
	species in accordance with scientific advice obtained pursuant to Article 26 of Regulation (EU) No 1380/2013.	the assessment area which were not assessed. The outcomes of these population assessments shall also contribute to the assessments under Descriptors 1 and 6, if the species are relevant for assessment of particular species groups and benthic habitat types.

Extraction of, or mortality/injury to, non-target species (incidental catches) as a result of fishing activities, is addressed under criterion D1C1.

Physical disturbance to the seabed, including effects on benthic communities, as a result of fishing activities, are addressed by the criteria under Descriptor 6 (particularly criteria D6C2 and D6C3) and are to be fed into the assessments of benthic habitat types under Descriptors 1 and 6.

*Specifications and standardised methods for monitoring and assessment*

1. A list of commercially-exploited species for application of the criteria in each assessment area shall be established by Member States through regional or subregional cooperation and updated for each 6-year assessment period, taking into account Council Regulation (EC) No 199/2008<sup>4</sup> and the following:
  - (a) all stocks that are managed under Regulation (EU) No 1380/2013;
  - (b) the species for which fishing opportunities (total allowable catches and quotas) are set by Council under Article 43(3) of the Treaty on the Functioning of the European Union;
  - (c) the species for which minimum conservation reference sizes are set under Regulation (EC) No 1967/2006;
  - (d) the species under multiannual plans according to Article 9 of Regulation (EU) No 1380/2013;
  - (e) the species under national management plans according to Article 19 of Regulation (EC) No 1967/2006;
  - (f) any important species on a regional or national scale for small-scale/local coastal fisheries.

For the purposes of this Decision, commercially-exploited species which are non-indigenous in each assessment area shall be excluded from the list and thus not contribute to achievement of good environmental status for Descriptor 3.

<sup>4</sup> Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (OJ L 60, 5.3.2008, p. 1).

2. Regulation (EC) No 199/2008 establishes rules on the collection and management, in the framework of multi-annual programmes, of biological, technical, environmental and socio-economic data concerning the fisheries sector which shall be used for monitoring under Descriptor 3, including the collection of data for criterion D1C1.
  3. For D3C1, D3C2 and D3C3, populations shall be understood as stocks under Regulation (EU) No 1380/2013.
  4. For D3C1 and D3C2, the following shall apply:
    - (a) for stocks managed under a multiannual plan according to Article 9 of Regulation (EU) No 1380/2013, in situations of mixed fisheries, the target fishing mortality and the biomass levels capable of producing maximum sustainable yield shall be in accordance with the relevant multiannual plan;
    - (b) for the Mediterranean Sea and Black Sea regions, appropriate proxies may be used.
  5. The following methods for assessment shall be used:
    - (a) For D3C1: if quantitative assessments yielding values for *Fishing mortality* are not available due to inadequacies in the available data, other variables such as the ratio between catch and biomass index ('catch/biomass ratio') may be used as an alternative method. In such cases, an appropriate method for trend analysis shall be adopted (e.g. the current value can be compared against the long-term historical average);
    - (b) For D3C2: the threshold value used shall be in accordance with Article 2(2) of Regulation (EU) No 1380/2013. If quantitative assessments yielding values for *Spawning Stock Biomass* are not available due to inadequacies in the available data, biomass-related indices such as catch per unit effort or survey abundance indices may be used as an alternative method. In such cases, an appropriate method for trend analysis shall be adopted (e.g. the current value can be compared against the long-term historical average);
    - (c) D3C3 shall reflect that healthy populations of species are characterised by a high proportion of old, large individuals. The relevant properties are the following:
      - (i) size distribution of individuals in the population, expressed as:
        - the proportion of fish larger than mean size of first sexual maturation, or
        - the 95<sup>th</sup> percentile of the fish-length distribution of each population, in both cases as observed in research vessel or other surveys;
      - (ii) genetic effects of exploitation of the species, such as size at first sexual maturation, where appropriate and feasible.
- Other expressions of the relevant properties may be used following further scientific and technical development of this criterion.



Units of measurement for the criteria:

- D3C1: annualised fishing mortality rate
- D3C2: biomass in tonnes (t) or number of individuals per species, except where other indices are used under point 5(b)
- D3C3: under point 5(c): for (i), first indent: proportion (percentage) or numbers, for (i), second indent: length in centimetres (cm), and for (ii): length in centimetres (cm).

**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**

Relevant pressures: Input of nutrients; Input of organic matter

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Nutrients in the water column: Dissolved Inorganic Nitrogen (DIN), Total Nitrogen (TN), Dissolved Inorganic Phosphorus (DIP), Total Phosphorus (TP). Within coastal waters, as used under Directive 2000/60/EC. Beyond coastal waters, Member States may decide at regional or subregional level to not use one or several of these nutrient elements.</p>	<p>D5C1 – Primary: Nutrient concentrations are not at levels that indicate adverse eutrophication effects. The threshold values are as follows: (a) in coastal waters, the values set in accordance with Directive 2000/60/EC; (b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation</p>	<p><i>Scale of assessment:</i></p> <ul style="list-style-type: none"> <li>– within coastal waters, as used under Directive 2000/60/EC,</li> <li>– beyond coastal waters, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Use of criteria:</i> The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>(a) the values achieved for each criterion used, and an estimate of the extent of the assessment area over which the threshold values set have been achieved;</li> <li>(b) in coastal waters, the criteria shall be used in accordance with the requirements of Directive 2000/60/EC to conclude on whether the water body is subject to eutrophication;</li> <li>(c) beyond coastal waters, an estimate of the extent of the area (as a proportion (percentage)) that is not subject to eutrophication (as indicated by the results of all criteria used, integrated in a manner agreed at Union level, taking into account regional or subregional specificities).</li> </ul>
<p>Chlorophyll a in the water column</p>	<p>D5C2 – Primary: Chlorophyll a concentrations are not at levels that indicate adverse effects of nutrient enrichment. The threshold values are as follows: (a) in coastal waters, the values set in accordance with Directive 2000/60/EC; (b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</p>	
<p>Harmful algal blooms (e.g. cyanobacteria) in the water column</p>	<p>D5C3 – Secondary: The number, spatial extent and duration of harmful algal bloom events are not at levels that indicate adverse effects of</p>	

Criteria elements	Criteria	Methodological standards
	nutrient enrichment. Member States shall establish threshold values for these levels through regional or subregional cooperation.	Beyond coastal waters, the use of the secondary criteria shall be agreed at regional or subregional level.
Photic limit (transparency) of the water column	D5C4 – Secondary: The photic limit (transparency) of the water column is not reduced to a level that indicates adverse effects of nutrient enrichment related to increases in suspended algae. The threshold values are as follows: (a) in coastal waters, the values set in accordance with Directive 2000/60/EC; (b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.	The outcomes of the assessments shall also contribute to assessments for pelagic habitats under Descriptor 1 as follows: – the distribution and an estimate of the extent of the area (as a proportion (percentage)) that is subject to eutrophication in the water column (as indicated by whether the threshold values for criteria D5C2, D5C3 and D5C4, when used, have been achieved); The outcomes of the assessments shall also contribute to assessments for benthic habitats under Descriptors 1 and 6 as follows: – the distribution and an estimate of the extent of the area (as a proportion (percentage)) that is subject to eutrophication on the seabed (as indicated by whether the threshold values for criteria D5C4, D5C5, D5C6, D5C7 and D5C8, when used, have been achieved).
Dissolved oxygen in the bottom of the water column	D5C5 – Primary (may be substituted by D5C8): The concentration of dissolved oxygen is not reduced, due to nutrient enrichment, to levels that indicate adverse effects on benthic habitats (including on associated biota and mobile species) or other eutrophication effects. The threshold values are as follows: (a) in coastal waters, the values set in accordance with Directive 2000/60/EC; (b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.	
Opportunistic macroalgae of benthic habitats	D5C6 – Secondary: The abundance of opportunistic macroalgae is not at levels that indicate adverse effects of nutrient enrichment. The	

Criteria elements	Criteria	Methodological standards
	<p>threshold values are as follows:</p> <ul style="list-style-type: none"> <li>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</li> <li>(b) should this criterion be relevant for waters beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</li> </ul>	
<p>Macrophyte communities (perennial seaweeds and seagrasses such as fucoids, eelgrass and Neptune grass) of benthic habitats</p>	<p>D5C7 – Secondary:</p> <p>The species composition and relative abundance or depth distribution of macrophyte communities achieve values that indicate there is no adverse effect due to nutrient enrichment including via a decrease in water transparency, as follows:</p> <ul style="list-style-type: none"> <li>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</li> <li>(b) should this criterion be relevant for waters beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</li> </ul>	
<p>Macrofaunal communities of benthic habitats</p>	<p>D5C8 – Secondary (except when used as a substitute for D5C5):</p> <p>The species composition and relative abundance of macrofaunal communities, achieve values that indicate that there is no adverse effect due to nutrient and organic enrichment, as follows:</p> <ul style="list-style-type: none"> <li>(a) in coastal waters, the values for benthic biological quality elements set in accordance with Directive 2000/60/EC;</li> </ul>	

Criteria elements	Criteria	Methodological standards
	(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.	

*Specifications and standardised methods for monitoring and assessment*

1. Information on the pathways (atmospheric, land- or sea-based) for nutrients entering the marine environment shall be collected, where feasible.
2. Monitoring beyond coastal waters may not be necessary due to low risk, such as in cases where the threshold values are achieved in coastal waters, taking into account nutrient input from atmospheric, sea-based including coastal waters, and transboundary sources.
3. Values set in accordance with Directive 2000/60/EC shall refer either to those set by intercalibration under Commission Decision 2013/480/EU<sup>5</sup> or to those set in national legislation in accordance with Article 8 and Annex V of Directive 2000/60/EC. These shall be understood as the "Good-Moderate boundary" for Ecological Quality Ratios.
4. In coastal waters, the criteria elements shall be selected in accordance with Directive 2000/60/EC.
5. Assessments under Directive 2000/60/EC shall be used for the assessments of each criterion in coastal waters.
6. Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.
7. For D5C2 and D5C3, Member States may in addition use phytoplankton species composition and abundance.

Units of measurement for the criteria:

- D5C1: nutrient concentrations in micromoles per litre ( $\mu\text{mol/l}$ )
- D5C2: chlorophyll a concentrations (biomass) in micrograms per litre ( $\mu\text{g/l}$ )
- D5C3: bloom events as number of events, duration in days and spatial extent in square kilometres ( $\text{km}^2$ ) per year
- D5C4: Photic limit as depth in metres (m)

<sup>5</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).

- D5C5: oxygen concentration in the bottom of the water column in milligrams per litre (mg/l)
- D5C6: Ecological Quality Ratio for macroalgal abundance or spatial cover. Extent of adverse effects in square kilometres (km<sup>2</sup>)
- D5C7: Ecological Quality Ratio for species composition and relative abundance assessments or for maximum depth of macrophyte growth. Extent of adverse effects in square kilometres (km<sup>2</sup>)
- D5C8: Ecological Quality Ratio for species composition and relative abundance assessments. Extent of adverse effects in square kilometres (km<sup>2</sup>)

Where available, Member States shall use the units or ecological quality ratios provided for under Directive 2000/60/EC.

**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 D6C1, D6C2 and D6C3 relate only to the pressures 'physical loss' and 'physical disturbance' and their impacts, whilst criteria D6C4 and D6C5 address the overall assessment of Descriptor 6, together with that for benthic habitats under Descriptor 1.

Relevant pressures: Physical loss (due to permanent change of seabed substrate or morphology and to extraction of seabed substrate); physical disturbance to seabed

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Physical loss of the seabed (including intertidal areas).	D6C1 – Primary: Spatial extent and distribution of physical loss (permanent change) of the natural seabed.	<p><i>Scale of assessment:</i> As used for assessment of the benthic broad habitat types under Descriptors 1 and 6.</p> <p><i>Use of criteria:</i> The outcomes of assessment of criterion D6C1 (the distribution and an estimate of the extent of physical loss) shall be used to assess criteria D6C4 and D7C1.</p> <p>The outcomes of assessment of criterion D6C2 (the distribution and an estimate of the extent of physical disturbance pressures) shall be used to assess criterion D6C3.</p> <p>The outcomes of assessment of criterion D6C3 (an estimate of the extent of adverse effect by physical disturbance per habitat type in each assessment area) shall contribute to the assessment of criterion D6C5.</p>
Physical disturbance to the seabed (including intertidal areas).	D6C2 – Primary: Spatial extent and distribution of physical disturbance pressures on the seabed.	
Benthic broad habitat types or other habitat types, as used under Descriptors 1 and 6.	D6C3 – Primary: Spatial extent of each habitat type which is adversely affected, through change in its biotic and abiotic structure and its functions (e.g. through changes in species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), by physical disturbance. Member States shall establish threshold values for the adverse effects of physical disturbance through regional or subregional cooperation.	
Criteria D6C4 and D6C5 are presented under Part II of this Annex.		

### *Specifications and standardised methods for monitoring and assessment*

1. Regarding methods for monitoring:
  - (a) for D6C1, permanent changes to the seabed from different human activities shall be assessed (including permanent changes to natural seabed substrate or morphology via physical restructuring, infrastructure developments and loss of substrate via extraction of the seabed materials);
  - (b) for D6C2, physical disturbances from different human activities shall be assessed (such as bottom-trawling fishing);
  - (c) for coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC shall be used. Beyond coastal waters, data may be collated from mapping of infrastructure and licenced extraction sites.
2. Regarding methods for assessment, the data shall be aggregated so that:
  - (a) D6C1 is assessed as area lost in relation to total natural extent of all benthic habitats in the assessment area (e.g. by extent of anthropogenic modification);
  - (b) D6C3 is assessed in relation to total natural extent of each benthic habitat type assessed.
3. Physical loss shall be understood as a permanent change to the seabed which has lasted or is expected to last for a period of two reporting cycles (12 years) or more.
4. Physical disturbance shall be understood as a change to the seabed which can be restored if the activity causing the disturbance pressure ceases.
5. For D6C3 species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

#### Units of measurement for the criteria:

- D6C1: extent of the assessment area physically lost in square kilometres (km<sup>2</sup>)
- D6C2: extent of the assessment area physically disturbed in square kilometres (km<sup>2</sup>)
- D6C3: extent of each habitat type adversely affected in square kilometres (km<sup>2</sup>) or as a proportion (percentage) of the total natural extent of the habitat in the assessment area



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

Relevant pressures: Physical loss (due to permanent change of seabed substrate or morphology or to extraction of seabed substrate); Changes to hydrological conditions

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Hydrographical changes to the seabed and water column (including intertidal areas).	D7C1 – Secondary: Spatial extent and distribution of permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature) to the seabed and water column, associated in particular with physical loss <sup>6</sup> of the natural seabed.	<i>Scale of assessment:</i> As used for assessment of the benthic broad habitat types under Descriptors 1 and 6. <i>Use of criteria:</i> The outcomes of assessment of criterion D7C1 (the distribution and an estimate of the extent of hydrographical changes) shall be used to assess criterion D7C2.
Benthic broad habitats types or other habitat types, as used for Descriptors 1 and 6.	D7C2 – Secondary: Spatial extent of each benthic habitat type adversely affected (physical and hydrographical characteristics and associated biological communities) due to permanent alteration of hydrographical conditions. Member States shall establish threshold values for the adverse effects of permanent alterations of hydrographical conditions through regional or subregional cooperation.	The outcomes of assessment of criterion D7C2 (an estimate of the extent of adverse effect per habitat type in each assessment area) shall contribute to the assessment of criterion D6C5.

### *Specifications and standardised methods for monitoring and assessment*

1. Regarding methods for monitoring and assessment:
  - (a) Monitoring shall focus on changes associated with infrastructure developments, either on the coast or offshore.

<sup>6</sup> Physical loss shall be understood as under point 3 of the specifications under Descriptor 6.

- (b) Environmental impact assessment hydrodynamic models, where required, which are validated with ground-truth measurements, or other suitable sources of information, shall be used to assess the extent of effects from each infrastructure development.
  - (c) For coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC shall be used.
2. Regarding methods for assessment, the data shall be aggregated so that:
- (a) D7C1 is assessed in relation to total natural extent of all habitats in the assessment area;
  - (b) D7C2 is assessed in relation to total natural extent of each benthic habitat type assessed.

Units of measurement for the criteria:

- D7C1: extent of the assessment area hydrographically altered in square kilometres (km<sup>2</sup>)
- D7C2: extent of each habitat type adversely affected in square kilometres (km<sup>2</sup>) or as a proportion (percentage) of the total natural extent of the habitat in the assessment area

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

Relevant pressures: Input of hazardous substances

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>(1) Within coastal and territorial waters:</p> <p>(a) Contaminants selected in accordance with Directive 2000/60/EC:</p> <p>(i) contaminants for which an environmental quality standard is laid down in Part A of Annex I to Directive 2008/105/EC;</p> <p>(ii) River Basin Specific Pollutants under Annex VIII to Directive 2000/60/EC, in coastal waters;</p> <p>(b) additional contaminants, if relevant, such as from offshore sources, which are not already identified under point (a) and which may give rise to pollution effects in the region or subregion. Member States shall establish that list of these contaminants through regional or subregional cooperation.</p> <p>(2) Beyond territorial waters:</p> <p>(a) the contaminants considered</p>	<p>D8C1 – Primary:</p> <p>Within coastal and territorial waters, the concentrations of contaminants do not exceed the following threshold values:</p> <p>(a) for contaminants set out under point (1)(a) of criteria elements, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) for additional contaminants selected under point (1)(b) of criteria elements, the concentrations for a specified matrix (water, sediment or biota) which may give rise to pollution effects. Member States shall establish these concentrations through regional or subregional cooperation, considering their application within and beyond coastal and territorial waters;</p> <p>(c) when contaminants under point (a) are measured in a matrix for which no value is set under Directive 2000/60/EC, the concentration of those contaminants in that matrix established by Member States through regional or subregional cooperation.</p> <p>Beyond territorial waters, the concentrations of contaminants do not exceed the following threshold values:</p> <p>(a) for contaminants selected under point (2)(a) of criteria elements, the values as applicable within coastal and territorial waters;</p> <p>(b) for contaminants selected under point (2)(b) of criteria elements, the concentrations for a specified matrix (water, sediment or biota) which may give rise to</p>	<p><i>Scale of assessment:</i></p> <ul style="list-style-type: none"> <li>– within coastal and territorial waters, as used under Directive 2000/60/EC,</li> <li>– beyond territorial waters, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <p>(a) for each contaminant under criterion D8C1, its concentration, the matrix used (water, sediment, biota), whether the threshold values set have been achieved, and the proportion of contaminants assessed which have achieved the threshold values, including indicating separately substances behaving like ubiquitous persistent, bioaccumulative and toxic substances (uPBTs), as referred to in Article 8a(1)(a) of Directive 2008/105/EC;</p> <p>(b) for each species assessed under criterion D8C2, an estimate of the abundance of its population in the assessment area that is adversely affected;</p> <p>(c) for each habitat assessed under criterion D8C2, an estimate of the extent in the assessment area that is adversely affected.</p>

Criteria elements	Criteria	Methodological standards
<p>under point (1), where these still may give rise to pollution effects;</p> <p>(b) additional contaminants, if relevant, which are not already identified under point (2)(a) and which may give rise to pollution effects in the region or subregion. Member States shall establish that list of contaminants through regional or subregional cooperation.</p>	<p>pollution effects. Member States shall establish these concentrations through regional or subregional cooperation.</p>	<p>The use of criterion D8C2 in the assessment of good environmental status for Descriptor 8 shall be agreed at regional or subregional level.</p> <p>The outcomes of the assessment of criterion D8C2 shall contribute to assessments under Descriptors 1 and 6, where appropriate.</p>
<p>Species and habitats which are at risk from contaminants.</p> <p>Member States shall establish that list of species, and relevant tissues to be assessed, and habitats, through regional or subregional cooperation.</p>	<p>D8C2 – Secondary:</p> <p>The health of species and the condition of habitats (such as their species composition and relative abundance at locations of chronic pollution) are not adversely affected due to contaminants including cumulative and synergetic effects.</p> <p>Member States shall establish those adverse effects and their threshold values through regional or subregional cooperation.</p>	
<p>Significant acute pollution events involving polluting substances, as defined in Article 2(2) of Directive 2005/35/EC of the European Parliament and of the Council<sup>7</sup>, including crude oil and similar compounds.</p>	<p>D8C3 – Primary:</p> <p>The spatial extent and duration of significant acute pollution events are minimised.</p>	<p><i>Scale of assessment:</i></p> <p>Regional or subregional level, divided where needed by national boundaries.</p> <p><i>Use of criteria:</i></p> <p>This criterion shall be used to trigger assessment of criterion D8C4.</p> <p>The extent to which good environmental status has been</p>

<sup>7</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, including criminal penalties, for pollution offences (OJ L 255, 30.9.2005, p. 11).

Criteria elements	Criteria	Methodological standards
		<p>achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– an estimate of the total spatial extent of significant acute pollution events and their distribution and total duration for each year.</li> </ul>
<p>Species of the species groups, as listed under Table 1 of Part II, and benthic broad habitat types, as listed under Table 2 of Part II.</p>	<p>D8C4 – Secondary (to be used when a significant acute pollution event has occurred):</p> <p>The adverse effects of significant acute pollution events on the health of species and on the condition of habitats (such as their species composition and relative abundance) are minimised and, where possible, eliminated.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the species groups or benthic broad habitat types under Descriptors 1 and 6.</p> <p><i>Use of criteria:</i></p> <p>The use of criterion D8C4 in the assessment of good environmental status for Descriptor 8 shall be agreed at regional or subregional level.</p> <p>The outcomes of assessment of criterion D8C4 shall contribute, where the cumulative spatial and temporal effects are significant, to the assessments under Descriptors 1 and 6 by providing:</p> <ul style="list-style-type: none"> <li>(a) an estimate of the abundance of each species that is adversely affected;</li> <li>(b) an estimate of the extent of each broad habitat type that is adversely affected.</li> </ul>

*Specifications and standardised methods for monitoring and assessment*

1. For the purposes of this Decision:
  - (a) Criterion D8C1: for the assessment of contaminants in coastal and territorial waters, Member States shall monitor the contaminants in accordance with the requirements of Directive 2000/60/EC and the assessments under that Directive shall be used where available. Information on the pathways (atmospheric, land- or sea-based) for contaminants entering the marine environment shall be collected, where feasible.
  - (b) Criteria D8C2 and D8C4: biomarkers or population demographic characteristics (e.g. fecundity rates, survival rates, mortality rates, and reproductive capacity) may be relevant to assess the health effects.

- (c) 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.
  - (d) Criterion D8C3: Member States shall identify the source of significant acute pollution events, where possible. They may use the European Maritime Safety Agency satellite-based surveillance for this purpose.
2. For criteria elements under D8C1, the selection under points (1)(b) and (2)(b) of additional contaminants that may give rise to pollution effects shall be based on a risk assessment. For these contaminants, the matrix and threshold values used for the assessment shall be representative of the most sensitive species and exposure pathway, including hazards to human health via exposure through the food chain.
  3. Contaminants shall be understood to refer to single substances or to groups of substances. For consistency in reporting, the grouping of substances shall be agreed at Union level.
  4. Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

- D8C1: concentrations of contaminants in micrograms per litre ( $\mu\text{g/l}$ ) for water, in micrograms per kilogram ( $\mu\text{g/kg}$ ) of dry weight for sediment and in micrograms per kilogram ( $\mu\text{g/kg}$ ) of wet weight for biota.
- D8C2: abundance (number of individuals or other suitable units as agreed at regional or subregional level) per species affected; extent in square kilometres ( $\text{km}^2$ ) per broad habitat type affected.
- D8C3: duration in days and spatial extent in square kilometres ( $\text{km}^2$ ) of significant acute pollution events per year.
- D8C4: abundance (number of individuals or other suitable units as agreed at regional or subregional level) per species affected; extent in square kilometres ( $\text{km}^2$ ) per broad habitat type affected.

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

Relevant pressure: Input of hazardous substances

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	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 establish a list of those additional contaminants through regional or subregional cooperation.</p> <p>Member States shall establish the list of species and relevant tissues to be assessed, according to the conditions laid down under 'specifications'. They may cooperate at regional or subregional level to establish that list of species and relevant tissues.</p>	<p>D9C1 – Primary:</p> <p>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, which are the threshold values for the purposes of this Decision;</p> <p>(b) for additional contaminants, not listed in Regulation (EC) No 1881/2006, threshold values, which Member States shall establish through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>The catch or production area in accordance with Article 38 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>8</sup>.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– for each contaminant, its concentration in seafood, the matrix used (species and tissue), whether the threshold values set have been exceeded, and the proportion of contaminants assessed which have achieved their threshold values.</li> </ul>

<sup>8</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).

*Specifications and standardised methods for monitoring and assessment*

1. When Member States establish the list of species to be used under D9C1, the species shall:
  - (a) be relevant to the marine region or subregion concerned;
  - (b) fall under the scope of Regulation (EC) No 1881/2006;
  - (c) be suitable for the contaminant being assessed;
  - (d) be among the most consumed in the Member State or the most caught or harvested for consumption.
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 shall 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 of the Council<sup>9</sup> and with Commission Regulation (EU) No 589/2014<sup>10</sup> and Commission Regulation (EC) No 333/2007<sup>11</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.

Units of measurement for the criteria:

- D9C1: concentrations of contaminants in the units set out in the Annex to Regulation (EC) No 1881/2006.

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<sup>9</sup> Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).

<sup>10</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 and repealing Regulation (EU) No 252/2012 (OJ L 164, 3.6.2014, p. 18).

<sup>11</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).



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

Relevant pressure: Input of litter

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Litter (excluding micro-litter), classified in the following categories <sup>12</sup> : artificial polymer materials, rubber, cloth/textile, paper/cardboard, processed/worked wood, metal, glass/ceramics, chemicals, undefined, and food waste. Member States may define further sub-categories.	D10C1 – Primary: The composition, amount and spatial distribution of litter on the coastline, in the surface layer of the water column, and on the seabed, are at levels that do not cause harm to the coastal and marine environment. Member States shall establish threshold values for these levels through cooperation at Union level, taking into account regional or subregional specificities.	<p><i>Scale of assessment:</i> Subdivisions of the region or subregion, divided where needed by national boundaries.</p> <p><i>Use of criteria:</i> The use of criteria D10C1, D10C2 and D10C3 in the assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</p> <p>The extent to which good environmental status has been achieved shall be expressed for each criterion separately for each area assessed as follows:</p> <p>(a) the outcomes for each criterion (amount of litter or micro-litter per category) and its distribution per matrix used under D10C1 and D10C2 and whether the threshold values set have been achieved.</p> <p>(b) the outcomes for D10C3 (amount of litter or micro-litter per category per species) and whether the</p>
Micro-litter (particles < 5mm), classified in the categories 'artificial polymer materials' and 'other'.	D10C2 – Primary: The composition, amount and spatial distribution of micro-litter on the coastline, in the surface layer of the water column, and in seabed sediment, are at levels that do not cause harm to the coastal and marine environment. Member States shall establish threshold values for these levels through cooperation at Union level, taking into account regional or subregional specificities.	

<sup>12</sup> These are the "Level 1 – Material" categories from the Master List of categories of litter items from the Joint Research Centre "Guidance on Monitoring of marine litter in European seas" (2013, ISBN 978-92-79-32709-4). The Master List specifies what is covered under each category, for instance "Chemicals" refers to paraffin, wax, oil and tar.

Criteria elements	Criteria	Methodological standards
<p>Litter and micro-litter classified in the categories 'artificial polymer materials' and 'other', assessed in any species from the following groups: birds, mammals, reptiles, fish or invertebrates.</p> <p>Member States shall establish that list of species to be assessed through regional or subregional cooperation.</p>	<p>D10C3 – Secondary:</p> <p>The amount of litter and micro-litter ingested by marine animals is at a level that does not adversely affect the health of the species concerned.</p> <p>Member States shall establish threshold values for these levels through regional or subregional cooperation.</p>	<p>threshold values set have been achieved.</p> <p>The outcomes of criterion D10C3 shall also contribute to assessments under Descriptor 1, where appropriate.</p>
<p>Species of birds, mammals, reptiles, fish or invertebrates which are at risk from litter.</p> <p>Member States shall establish that list of species to be assessed through regional or subregional cooperation.</p>	<p>D10C4 – Secondary:</p> <p>The number of individuals of each species which are adversely affected, such as by entanglement, other types of injury or mortality, or health effects, due to litter.</p> <p>Member States shall establish threshold values for the adverse effects of litter, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the species group under Descriptor 1.</p> <p><i>Use of criteria:</i></p> <p>The use of criterion D10C4 in the assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– for each species assessed under criterion D10C4, an estimate of the number of individuals in the assessment area that have been adversely affected.</li> </ul> <p>The outcomes of this criterion shall also contribute to assessments under Descriptor 1, where appropriate.</p>

*Specifications and standardised methods for monitoring and assessment*

1. For D10C1: litter shall be monitored on the coastline and may additionally be monitored in the surface layer of the water column and on the seabed. Information on the source and pathway of the litter shall be collected, where feasible;

2. For D10C2: micro-litter shall be monitored in the surface layer of the water column and in the seabed sediment and may additionally be monitored on the coastline. Micro-litter shall be monitored in a manner that can be related to point-sources for inputs (such as harbours, marinas, waste-water treatment plants, storm-water effluents), where feasible.
3. For D10C3 and D10C4: the monitoring may be based on incidental occurrences (e.g. strandings of dead animals, entangled animals in breeding colonies, affected individuals per survey).

Units of measurement for the criteria:

- D10C1: amount of litter per category in number of items:
  - per 100 metres (m) on the coastline,
  - per square kilometre (km<sup>2</sup>) for surface layer of the water column and for seabed
- D10C2: amount of micro-litter per category in number of items and weight in grams (g):
  - per square metre (m<sup>2</sup>) for surface layer of the water column
  - per kilogram (dry weight) (kg) of sediment for the coastline and for seabed
- D10C3: amount of litter/micro-litter in grams (g) and number of items per individual for each species in relation to size (weight or length, as appropriate) of the individual sampled
- D10C4: number of individuals affected (lethal; sub-lethal) per species.

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

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

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Anthropogenic impulsive sound in water.	<p>D11C1 – Primary: The spatial distribution, temporal extent, and levels of anthropogenic impulsive sound sources do not exceed values that adversely affect marine animals. Member States shall establish these threshold values through cooperation at Union level, taking into account regional or subregional specificities.</p>	<p><i>Scale of assessment:</i> Region, subregion or subdivisions.</p> <p><i>Use of criteria:</i> The use of criteria D11C1 and D11C2 in the assessment of good environmental status for Descriptor 11 shall be agreed at Union level. The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <p>(a) for D11C1, the duration per calendar year of impulsive sound sources, their distribution within the year and spatially within the assessment area, and whether the threshold values set have been exceeded;</p> <p>(b) for D11C2, the annual average of the sound level, or other suitable metric agreed at regional or subregional level, per unit area and its spatial and temporal distribution within the assessment area, and whether the threshold values set have been exceeded.</p> <p>The outcomes of these criteria shall also contribute to assessments under Descriptor 1.</p>
Anthropogenic continuous low-frequency sound in water.	<p>D11C2 – Primary: The spatial distribution, temporal extent and levels of anthropogenic continuous low-frequency sound do not exceed values that adversely affect marine animals. Member States shall establish these threshold values through cooperation at Union level, taking into account regional or subregional specificities.</p>	

*Specifications and standardised methods for monitoring and assessment*

1. For D11C1 monitoring:
  - (a) Spatial resolution: geographical locations whose shape and areas are to be determined at regional or subregional level, on the basis of, for instance, activities listed in Annex III to Directive 2008/56/EC.
  - (b) Impulsive sound described as monopole energy source level in units of dB re  $1\mu\text{Pa}^2 \text{ s}$  or zero to peak monopole source level in units of dB re  $1\mu\text{Pa m}$ , both over the frequency band 10 Hz to 10 kHz. Member States may consider other specific sources with higher frequency bands if longer-range effects are considered relevant.
2. For D11C2 monitoring:

Annual average, or other suitable metric agreed at regional or subregional level, of the squared sound pressure in each of two '1/3-octave bands', one centred at 63 Hz and the other at 125 Hz, expressed as a level in decibels in units of dB re  $1\mu\text{Pa}$ , at a suitable spatial resolution in relation to the pressure. This may be measured directly, or inferred from a model used to interpolate between, or extrapolated from, measurements. Member States may also decide at regional or subregional level to monitor for additional frequency bands.

Criteria relating to other forms of energy input (including thermal energy, electromagnetic fields and light) and criteria relating to the environmental impacts of noise are still subject to further development.

**PART II – CRITERIA AND METHODOLOGICAL STANDARDS, SPECIFICATIONS AND STANDARDISED METHODS FOR MONITORING AND 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**

Part II considers the descriptors linked to the relevant ecosystem elements: species groups of birds, mammals, reptiles, fish and cephalopods (Descriptor 1), pelagic habitats (Descriptor 1), benthic habitats (Descriptors 1 and 6) and ecosystems, including food webs (Descriptors 1 and 4), as listed in Annex III to Directive 2008/56/EC.

**Theme: Species groups of birds, mammals, reptiles, fish and cephalopods (relating to Descriptor 1)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Species of birds, mammals, reptiles and non-commercially-exploited species of fish and cephalopods, which are at risk from incidental by-catch in the region or subregion.</p> <p>Member States shall establish that list of species through regional or subregional cooperation, pursuant to the obligations laid down in Article 25(5) of Regulation (EU) No 1380/2013 for data collection activities and taking into account the list of species in Table 1D of the Annex to Commission Implementing Decision (EU) 2016/1251<sup>13</sup>.</p>	<p>D1C1 – Primary:</p> <p>The mortality rate per species from incidental by-catch is below levels which threaten the species.</p> <p>Member States shall establish the threshold values for the mortality rate from incidental by-catch per species through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the corresponding species or species groups under criteria D1C2-D1C5.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– the mortality rate per species and whether this has achieved the threshold value set.</li> </ul> <p>This criterion shall contribute to assessment of the corresponding species under criterion D1C2.</p>

<sup>13</sup> Commission Implementing Decision (EU) 2016/1251 of 12 July 2016 adopting a multiannual Union programme for the collection, management and use of data in the fisheries and aquaculture sectors for the period 2017-2019 (OJ L 207, 1.8.2016, p. 113).

Criteria elements	Criteria	Methodological standards
<p>Species groups, as listed under Table 1 and if present in the region or subregion.</p> <p>Member States shall establish a set of species representative of each species group, selected according to the criteria laid down under ‘specifications for the selection of species and habitats’, through regional or subregional cooperation. These shall include the mammals and reptiles listed in Annex II to Directive 92/43/EEC and may include any other species, such as those listed under Union legislation (other Annexes to Directive 92/43/EEC, Directive 2009/147/EC or through Regulation (EU) No 1380/2013) and international agreements such as Regional Sea Conventions.</p>	<p>D1C2 – Primary:</p> <p>The population abundance of the species is not adversely affected due to anthropogenic pressures, such that its long-term viability is ensured.</p> <p>Member States shall establish threshold values for each species through regional or subregional cooperation, taking account of natural variation in population size and the mortality rates derived from D1C1, D8C4 and D10C4 and other relevant pressures. For species covered by Directive 92/43/EEC, these values shall be consistent with the Favourable Reference Population values established by the relevant Member States under Directive 92/43/EEC.</p>	<p><i>Scale 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, pelagic and demersal shelf fish: region or subdivisions for Baltic Sea and Black Sea; subregion for North-East Atlantic Ocean and Mediterranean Sea;</li> <li>– for seals, turtles, cephalopods: region or subdivisions for Baltic Sea; subregion for North-East Atlantic Ocean and Mediterranean Sea;</li> <li>– for coastal fish: subdivision of region or subregion.</li> <li>– for commercially-exploited fish and cephalopods: as used under Descriptor 3.</li> </ul> <p><i>Use of criteria:</i></p> <p>The status of each species shall be assessed individually, on the basis of the criteria selected for use, and these shall be used to express the extent to which good environmental status has been achieved for each species group for each area assessed, as follows:</p> <ol style="list-style-type: none"> <li>(a) the assessments shall express the value(s) for each criterion used per species and whether these achieve the threshold values set;</li> <li>(b) the overall status of species covered by Directive 92/43/EEC shall be derived using the method provided under that Directive. The overall status for commercially-exploited species shall be as assessed under Descriptor 3. For other species, the overall status shall be derived using a method agreed at</li> </ol>
	<p>D1C3 – Primary for commercially-exploited fish and cephalopods and secondary for other species:</p> <p>The population demographic characteristics (e.g. body size or age class structure, sex ratio, fecundity, and survival rates) of the species are indicative of a natural population which is not adversely affected due to anthropogenic pressures.</p> <p>Member States shall establish threshold values for specified characteristics of each species through regional or subregional cooperation, taking account of adverse effects on their health derived from D8C2, D8C4 and other relevant pressures.</p>	
	<p>D1C4 – Primary for species covered by Annexes II, IV and V to Directive 92/43/EEC and secondary for other species:</p>	

Criteria elements	Criteria	Methodological standards
	<p>The species distributional range and, where relevant, pattern is in line with prevailing physiographic, geographic and climatic conditions.</p> <p>Member States shall establish threshold values for each species through regional or subregional cooperation. For species covered by Directive 92/43/EEC, these shall be consistent with the Favourable Reference Range values established by the relevant Member States under Directive 92/43/EEC.</p> <hr/> <p>D1C5 – Primary for species covered by Annexes II, IV and V to Directive 92/43/EEC and secondary for other species:</p> <p>The habitat for the species has the necessary extent and condition to support the different stages in the life history of the species.</p>	<p>Union level, taking into account regional or subregional specificities;</p> <p>(c) the overall status of the species group, using a method agreed at Union level, taking into account regional or subregional specificities.</p> <p>Wherever possible, the assessments under Directive 92/43/EEC, Directive 2009/147/EC and Regulation (EU) No 1380/2013 shall be used for the purposes of this Decision:</p> <p>(a) for birds, criteria D1C2 and D1C4 equate to the ‘population size’ and ‘breeding distribution map range size’ criteria of Directive 2009/147/EC;</p> <p>(b) for mammals, reptiles and non-commercial fish, the criteria are equivalent to those used under Directive 92/43/EEC as follows: D1C2 and D1C3 equate to ‘population’, D1C4 equates to ‘range’ and D1C5 equates to ‘habitat for the species’;</p> <p>(c) for commercially-exploited fish and cephalopods, assessments under Descriptor 3 shall be used for Descriptor 1 purposes, using criterion D3C2 for D1C2 and criterion D3C3 for D1C3.</p> <p>Assessments of the adverse effects from pressures under criteria D1C1, D2C3, D3C1, D8C2, D8C4 and D10C4, as well as the assessments of pressures under criteria D9C1, D10C3, D11C1 and D11C2, should be taken into account in the assessments of species under Descriptor 1.</p>



*Criteria elements*

**Table 1 – Species groups**

<b>Ecosystem component</b>	<b>Species groups</b>
<b>Birds</b>	Grazing birds
	Wading birds
	Surface-feeding birds
	Pelagic-feeding birds
	Benthic-feeding birds
<b>Mammals</b>	Small toothed cetaceans
	Deep-diving toothed cetaceans
	Baleen whales
	Seals
<b>Reptiles</b>	Turtles
<b>Fish</b>	Coastal fish
	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 relating to theme "Species groups of marine birds, mammals, reptiles, fish and cephalopods"*

1. For D1C1, data shall be provided per species per fishing metier for each ICES Division or GFCM Geographical Sub-Area or FAO fishing areas for the Macaronesian biogeographic region, 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.
2. Species may be assessed at population level, where appropriate.
3. 'Coastal' shall be understood on the basis of physical, hydrological and ecological parameters and is not limited to coastal water as defined in Article 2(7) of Directive 2000/60/EC.

Units of measurement for the criteria:

- D1C2: abundance (number of individuals or biomass in tonnes (t)) per species.

**Theme: Pelagic habitats (relating to Descriptor 1)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Pelagic broad habitat types (variable salinity<sup>14</sup>, coastal, shelf and oceanic/beyond shelf), if present in the region or subregion, and other habitat types as defined in the second paragraph.</p> <p>Member States may select, through regional or subregional cooperation, additional habitat types according to the criteria laid down under 'specifications for the selection of</p>	<p>D1C6 – Primary:</p> <p>The condition of the habitat type, including its biotic and abiotic structure and its functions (e.g. its typical species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), is not adversely affected.</p> <p>Member States shall establish threshold values for the condition of each habitat type, ensuring compatibility with</p>	<p><i>Scale of assessment:</i></p> <p>Subdivision of region or subregion as used for assessments of benthic broad habitat types, reflecting biogeographic differences in species composition of the habitat type.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as:</p> <p>(a) an estimate of the proportion and extent of each habitat type assessed that has achieved the threshold value set;</p>

<sup>14</sup> Retained for situations where estuarine plumes extend beyond waters designated as Transitional Waters under Directive 2000/60/EC.

Criteria elements	Criteria	Methodological standards
species and habitats'.	values set under Descriptors 2, 5 and 8, through regional or subregional cooperation.	(b) a list of broad habitat types in the assessment area that were not assessed.  Assessments of the adverse effects from pressures, including under D2C3, D5C2, D5C3, D5C4, D7C1, D8C2 and D8C4, shall be taken into account in the assessments of pelagic habitats under Descriptor 1.

*Specifications and standardised methods for monitoring and assessment relating to theme "Pelagic habitats"*

'Coastal' shall be understood on the basis of physical, hydrological and ecological parameters and is not limited to coastal water as defined in Article 2(7) of Directive 2000/60/EC.

Units of measurement for the criteria:

- D1C6: extent of habitat adversely affected in square kilometres (km<sup>2</sup>) per habitat type and as a proportion (percentage) of the total extent of the habitat type

### **Theme: Benthic habitats (relating to Descriptors 1 and 6)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Refer to Part I of this Annex for criteria D6C1, D6C2 and D6C3.		

Criteria elements	Criteria	Methodological standards
<p>Benthic broad habitat types as listed in Table 2 and if present in the region or subregion, and other habitat types as defined in the second subparagraph.</p> <p>Member States may select, through regional or subregional cooperation, additional habitat types, according to the criteria laid down under ‘specifications for the selection of species and habitats’, and which may include habitat types listed under Directive 92/43/EEC or international agreements such as Regional Sea Conventions, for the purposes of:</p> <p>(a) assessing each broad habitat type under criterion D6C5;</p> <p>(b) assessing these habitat types.</p> <p>A single set of habitat types shall serve the purpose of assessments of both benthic habitats under Descriptor 1 and sea-floor integrity under Descriptor 6.</p>	<p><b>D6C4 – Primary:</b></p> <p>The extent of loss of the habitat type, resulting from anthropogenic pressures, does not exceed a specified proportion of the natural extent of the habitat type in the assessment area.</p> <p>Member States shall establish the maximum allowable extent of habitat loss as a proportion of the total natural extent of the habitat type, through cooperation at Union level, taking into account regional or subregional specificities.</p> <hr/> <p><b>D6C5 – Primary:</b></p> <p>The extent of adverse effects from anthropogenic pressures on the condition of the habitat type, including alteration to its biotic and abiotic structure and its functions (e.g. its typical species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), does not exceed a specified proportion of the natural extent of the habitat type in the assessment area.</p> <p>Member States shall establish threshold values for adverse effects on the condition of each habitat type, ensuring compatibility with related values set under Descriptors 2, 5, 6, 7 and 8, through cooperation at Union level, taking into account regional or subregional specificities.</p> <p>Member States shall establish the maximum allowable extent of those adverse effects as a proportion of the total natural extent of the habitat type, through cooperation at Union level, taking into account regional or subregional specificities.</p>	<p><i>Scale of assessment:</i></p> <p>Subdivision of region or subregion, reflecting biogeographic differences in species composition of the broad habitat type.</p> <p><i>Use of criteria:</i></p> <p>A single assessment per habitat type, using criteria D6C4 and D6C5, shall serve the purpose of assessments of both benthic habitats under Descriptor 1 and sea-floor integrity under Descriptor 6.</p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as:</p> <p>(a) for D6C4, an estimate of the proportion and extent of loss per habitat type and whether this has achieved the extent value set;</p> <p>(b) for D6C5, an estimate of the proportion and extent of adverse effects, including the proportion lost from point (a), per habitat type and whether this has achieved the extent value set;</p> <p>(c) overall status of the habitat type, using a method agreed at Union level based on points (a) and (b), and a list of broad habitat types in the assessment area that were not assessed.</p> <p>The status of each habitat type shall be assessed using wherever possible assessments (such as of sub-types of the broad habitat types) under Directive 92/43/EEC and Directive 2000/60/EC.</p> <p>Criteria D6C4 and D6C5 equate to the ‘range/area covered by habitat type within range’ and ‘specific structures and functions’ criteria of Directive 92/43/EEC.</p> <p>Assessment of criterion D6C4 shall use the assessment</p>

Criteria elements	Criteria	Methodological standards
		made under criterion D6C1. Assessments of the adverse effects from pressures, including under criteria D2C3, D3C1, D3C2, D3C3, D5C4, D5C5, D5C6, D5C7, D5C8, D6C3, D7C2, D8C2 and D8C4, shall be taken into account in the assessments of benthic habitats under Descriptors 1 and 6.

*Criteria elements*

**Table 2 – Benthic broad habitat types including their associated biological communities (relevant for criteria under Descriptors 1 and 6), which equate to one or more habitat types of the European nature information system (EUNIS) habitat classification<sup>15</sup>. Updates to the EUNIS typology shall be reflected in the broad habitat types used for the purposes of Directive 2008/56/EC and of this Decision.**

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
<b>Benthic habitats</b>	Littoral rock and biogenic reef	MA1, MA2
	Littoral sediment	MA3, MA4, MA5, MA6
	Infralittoral rock and biogenic reef	MB1, MB2
	Infralittoral coarse sediment	MB3
	Infralittoral mixed sediment	MB4
	Infralittoral sand	MB5
	Infralittoral mud	MB6
	Circalittoral rock and biogenic reef	MC1, MC2
	Circalittoral coarse sediment	MC3

<sup>15</sup> Evans, D. (2016). Revising the marine section of the EUNIS Habitat classification - Report of a workshop held at the European Topic Centre on Biological Diversity, 12 & 13 May 2016. ETC/BD Working Paper N° A/2016.

<b>Ecosystem component</b>	<b>Broad habitat types</b>	<b>Relevant EUNIS habitat codes (version 2016)</b>
	Circalittoral mixed sediment	MC4
	Circalittoral sand	MC5
	Circalittoral mud	MC6
	Offshore circalittoral rock and biogenic reef	MD1, MD2
	Offshore circalittoral coarse sediment	MD3
	Offshore circalittoral mixed sediment	MD4
	Offshore circalittoral sand	MD5
	Offshore circalittoral mud	MD6
	Upper bathyal <sup>16</sup> rock and biogenic reef	ME1, ME2
	Upper bathyal sediment	ME3, ME4, ME5, ME6
	Lower bathyal rock and biogenic reef	MF1, MF2
	Lower bathyal sediment	MF3, MF4, MF5, MF6
	Abyssal	MG1, MG2, MG3, MG4, MG5, MG6

*Specifications and standardised methods for monitoring and assessment relating to theme "Benthic habitats"*

For D6C5, species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

- D6C4: extent of habitat loss in square kilometres (km<sup>2</sup>) and as a proportion (percentage) of the total extent of the habitat type
- D6C5: extent of habitat adversely affected in square kilometres (km<sup>2</sup>) and as a proportion (percentage) of the total extent of the habitat type

<sup>16</sup> Where not specifically defined in the EUNIS classification, the boundary between the upper bathyal and lower bathyal may be set as a specified depth limit.

*Specifications for the selection of species and habitats under Themes "Species groups of marine birds, mammals, reptiles, fish and cephalopods", "Pelagic habitats" and "Benthic habitats"*

The selection of species and habitats to be assigned to the species groups and pelagic and benthic broad habitat types shall be based on the following:

1. Scientific criteria (ecological relevance):
  - (a) representative of the ecosystem component (species group or broad habitat type), and of ecosystem functioning (e.g. connectivity between habitats and populations, completeness and integrity of essential habitats), 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) or particular life history traits (age and size at breeding, longevity, migratory traits);
  - (b) 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;
  - (c) present in sufficient numbers or extent in the assessment area to be able to construct a suitable indicator for assessment;
  - (d) the set of species or habitats selected shall cover, as far as possible, the full range of ecological functions of the ecosystem component and the predominant pressures to which the component is subject;
  - (e) if species of species groups are closely associated to a particular broad habitat type they may be included within that habitat type for monitoring and assessment purposes; in such cases, the species shall not be included in the assessment of the species group.
2. Additional practical criteria (which shall not override the scientific criteria):
  - (a) monitoring/technical feasibility;
  - (b) monitoring costs;
  - (c) adequate time series of the data.

The representative set of species and habitats to be assessed are likely to be specific to the region or subregion, although certain species may occur in several regions or subregions.

**Theme: Ecosystems, including food webs (relating to Descriptors 1 and 4)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Trophic guilds of an ecosystem.</p> <p>Member States shall establish the list of trophic guilds through regional or subregional cooperation.</p>	<p>D4C1 – Primary: The diversity (species composition and their relative abundance) of the trophic guild is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i> Regional level for Baltic Sea and Black Sea; subregional level for North-East Atlantic and Mediterranean Sea. Subdivisions may be used where appropriate.</p> <p><i>Use of criteria:</i> Where values do not fall within the threshold values, this may trigger the need for further research and investigation to understand the causes for the failure.</p>
	<p>D4C2 – Primary: The balance of total guild abundance across the trophic guilds is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>	
	<p>D4C3 – Secondary: The size distribution of individuals across the trophic guild is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>	
	<p>D4C4 – Secondary (to be used in support of criterion D4C2, where necessary): Productivity of the trophic guild is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>	

*Specifications and standardised methods for monitoring and assessment*

1. Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.



2. The trophic guilds selected under criteria elements shall take into account the ICES list of trophic guilds<sup>17</sup> and shall meet the following conditions:
- (a) include at least three trophic guilds;
  - (b) two shall be non-fish trophic guilds;
  - (c) at least one shall be a primary producer trophic guild;
  - (d) preferably represent at least the top, middle and bottom of the food chain.

Units of measurement:

- D4C2: total abundance (number of individuals or biomass in tonnes (t)) across all species within the trophic guild.

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<sup>17</sup> ICES Advice (2015) Book 1, ICES special request advice, published 20 March 2015.



## Aktdetaljer

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## EUROPEAN COMMISSION

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

### **THE FOURTEENTH MEETING OF THE COMMITTEE UNDER ARTICLE 25 OF DIRECTIVE 2008/56/EC**

**(MARINE STRATEGY COMMITTEE)**

***WEDNESDAY 29 JUNE 2016 (09:00 – 17:30)***

**Conference Centre Albert Borschette / Room 1D**

**36, Rue Froissart, B-1040 Brussels**

#### **1. Welcome and introduction**

The Chair (European Commission, DG Environment) opened the meeting and welcomed the participants. The Chair reminded the Committee members of the request to ensure the Commission has up-to-date official nominations to the Committee as only an officially-appointed Committee member can take part in a vote.

#### **2. Adoption of the agenda**

The draft agenda (document CTTEE\_14-2016-01) was adopted without amendments.

#### **3. Adoption of the minutes of the 13<sup>th</sup> Committee Meeting**

The minutes of the 13<sup>th</sup> Committee meeting (document CTTEE\_14-2016-02) were amended in order to reflect the comments made by [REDACTED] and Denmark, and were adopted as amended.

#### **4. Review of Commission Decision 2010/477/EU on criteria and methodological standards for GES**

The Chairman thanked the Member States for their efforts over the past months and for sending their comments on the draft text (version 3) of the Commission Decision on criteria and methodological standards for Good Environmental Status (document CTTEE\_13-2016-03). All comments were considered and a large number were accommodated. The Chairman encouraged a discussion that would lead to eventual consensus. The Commission presented the main changes made to the text in version 4 (document CTTEE\_14-2016-03), and also explained how the feedback mechanism would factor into the decision-making process.

A discussion followed, during which Member States made general comments:

- Several Member States expressed concerns on: threshold values at Union versus (sub)regional level, the binding nature of threshold values and their scientific basis, as well as some of the principles for setting threshold values, and the difficulties to achieve threshold values for all descriptors by 2018.

- One Member State asked whether threshold values should be considered as methodological standards or criteria. The Commission clarified that they sit under the 'criteria' section in the Annex to the Decision.
- Two Member States expressed a reservation on the general use of threshold values.
- Two Member States raised an issue on transitional waters. The Commission indicated that it would explore options to solve that point.
- One Member State raised general concerns with regards to the wording of 'use of criteria' in the Annex and proposed to modify those headings to avoid linking threshold values to the achievement of GES.

### **Specific issues**

The Commission presented certain key issues of the draft GES decision and Member States were invited to comment on each of them. For some of these key issues, the Commission proposed new draft wording, with a view to reaching compromises (*see amended text as discussed in Committee in Annex*):

#### *Threshold values*

- Setting threshold values at Union or (sub)regional level: the Commission presented an addition to Recital 12, which reads "*This means that even if the process to establish threshold values takes place at Union level, this may result in the setting of different threshold values, specific to a region, subregion or subdivision*". Member States welcomed this clarification.
- In addition, it was agreed during the meeting to also clarify the Annex with regard to the establishment of threshold values at Union level, that this should be done "*taking into account regional or subregional specificities*". Upon the request of one Member State and agreed by a majority of Member States, the wording "*MS shall cooperate to establish*" was changed to "*MS shall establish ... through regional cooperation...*" in Article 5(1). These amendments will be introduced throughout the Annex.
- One Member State retained an overall reservation on setting threshold values at Union level.
- Legal nature of threshold values: three Member States questioned whether the Decision can set threshold values and proposed to use trends or qualitative criteria instead.
- To clarify the legal nature of threshold values (i.e. clarify that they do not automatically become part of Member States' GES determination), the Commission presented the following addition to recital 11 "*Once established at Union, regional or subregional level, these threshold values will only become part of Member States' sets of characteristics for good environmental status when they are reported to the Commission as part of Member States' reporting under Article 9(2) or 17(3) of Directive 2008/56/EC.*" This should be read in conjunction with Article 6. Most Member States welcomed this clarification. Two Member States requested that Article 6 is amended to include the new wording from Recital 11.

#### *Secondary criteria*

- Article 2(2): the Commission presented new wording for the definition of secondary criteria, which makes it even clearer that the use of secondary criteria is to be decided by Member States, when the conditions are fulfilled: "*secondary criterion' means a criterion to be used where necessary, to complement a primary criterion or when the marine environment is at*

*risk of not achieving or not maintaining good environmental status for that particular criterion. The use of a secondary criterion is to be decided by each Member State, except where specified otherwise in the Annex "*. The words "*to complement a primary criterion or*" were reintroduced during Committee following a request from some Member States. One Member State had a reservation on this. The Commission nevertheless explained that there was no need to refer to "substitute" as this only concerned criterion D5C8 and was covered directly in the Annex.

- Member States appreciated the new proposed wording of definition 2(2).
- Recital 20 was amended along the same line as Article 2(2).

#### *Principles for setting threshold values*

- The Commission presented new wording on Article 4, which concerns principles for setting threshold values. The following changes to version 4 of the text were proposed by the Commission: point (c) was split into 2 points: "*(c) make use of best available science*" and "*(d) be set taking into account the precautionary principle, reflecting the potential risks to the marine environment*" (upon suggestion from one Member State in its written comments). The Commission also proposed the following amendments: "*(h) be consistent across different criteria when they relate to the same ecosystem element; in case several criteria are used across the descriptors to assess different pressures and their impacts on an ecosystem element,* ~~(i) reflect, where appropriate, what constitutes an adverse effect for the relevant criterion.~~
- Following discussions in the Committee, the following changes were made:
- Point d was modified into "*(d) be set on the basis of the precautionary principle, reflecting the potential risks to the marine environment*";
- New point (h) was deleted with the intention of integrating it under point (f). However, there was no agreement on the final wording of point (f) "*be expressed in terms relating to the impacts and pressures they describe and as a deviation from a state which is free of anthropogenic pressures, allowing, where appropriate, for sustainable use of marine goods and services*" as several Member States expressed disagreement on 'allowing sustainable use' and on 'free from anthropogenic pressures'. The following options were discussed for a new point (f) (integrating point (h)): "*express what constitutes an acceptable state or an acceptable level of pressure [or impact], ~~{thereby indicating there is not an adverse effect}~~ in relation to the particular criterion or criterion element*" but this was not considered acceptable by all Member States. The Commission indicated that it will develop a text that covers all concerns raised in its next version.

#### *Timeline*

- One Member State insisted that Article 5(2) is not acceptable as there may be political conditions that could prevent the setting of threshold values at regional level, even by 2024.
- Another Member State raised the question of the consequences of not agreeing threshold values by 2018.
- Following discussions in Committee, it was decided to modify the wording of Article 5(2) as follows: "*Should threshold values not be established in accordance with paragraph 1, Member States ~~may~~ shall establish these threshold values at regional or subregional level as soon as possible after 15 July 2018 ~~by 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, provided the reasons for the delay are this is justified to the Commission in the notification by 15 October 2018 made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC."*

#### *Additional burden / impact assessment of costs*

- The Commission clarified that, on the basis of preliminary findings of a short study, it found that if Member States are currently implementing Decision 2010/477/EU correctly, the costs involved under the new Decision would be either similar or lower.
- Some Member States requested that this study is made available.

#### *Integration rules*

- One Member State proposed the following new text aiming to address the issue of integration rules (anticipating the work currently carried out as "Article 8 guidance"): "*Whether good environmental status is achieved is determined through the application of integration rules that are to be agreed (for each descriptor) at Union level, taking into account Union legislation and regional and subregional methods*". That Member State also argued that a timeline for setting such integration rules should be included under Art. 5(2) of the Decision.
- However, even though Member States agreed this was an important issue, some of them considered that it was too early to introduce such provision in the Decision, given that the work on integration rules is still at a preliminary stage. These Member States were of the view that such integration rules should only be guidance.

The Commission then presented the draft Annex and its descriptors and Member States were invited to comment on some of the criteria on which most written comments had been received. The Commission explained that the more specific and detailed written comments made by Member States would all be considered, also ensuring consistency throughout the text, but that the purpose of the discussion was to discuss and resolve the most difficult issues.

#### **Descriptor 1**

- One Member State proposed that species covered by the Habitats Directive (HD) should not be subject to the obligation to set threshold values (HD species would be excluded from second paragraph in D1C1 and D1C2) and that HD assessments should automatically be re-used under MSFD.
- It was agreed that the same wording on "*taking into account regional or subregional specificities*" agreed during the discussion on specific issues would also be used under D1.
- One Member State insisted that requirements under other Directives (HD) cannot be indirectly made stricter via this Decision, with the Commission clarifying again that while this is not the case, obligations under MSFD have nevertheless still to be met.

#### **Descriptor 2**

- One Member State expressed concerns with the use of "reduced to zero" and would prefer the wording "minimised".

#### **Descriptor 3**

- D3C3: Most Member States raised a concern with regards to D3C3 and requested that it becomes secondary, due to the latest ICES advice. The Commission clarified that the

secondary nature of a criterion should not be triggered by the immaturity of a criterion, that D3C3 is necessary to answer to the Descriptor (cf Descriptor 3 wording), and that the ICES workshop concluded that it should not be used only because there were no reference points (i.e. threshold values) yet. The Commission agreed to explore the possibility of a footnote indicating that D3C3 may not be used for the 2018 assessment.

- Following Member States' comments, it was agreed to move D3C4 under D1.
- One Member State requested that the wording of D3C1 and D3C2 is amended to reflect that  $F_{MSY}$  is not a threshold value, and that the latest text on " $B_{trigger}$ " is used under specifications.

### **Descriptor 5**

- One Member State expressed concerns with regards to use of D5 criteria beyond coastal waters.
- One Member State asked for the re-introduction of the phytoplankton criterion which had been deleted.

### **Descriptor 6**

- On this descriptor, one Member State indicated that the difference between certain criteria was not sufficiently clear.
- One Member State requested consistency between the two criteria: loss and disturbance.
- Two Member States proposed to re-name D6C4 and D6C5 as D1 criteria.
- One Member State requested to use the wording "significantly adversely affected" to reflect the Habitats Directive wording.

The Commission presented the expected next steps (inter-service consultation over the summer, feedback mechanism in September, and vote in November). A new version of the legal text is therefore expected to be available in early September (for the feedback mechanism) and the next meeting of the Committee will most probably be held in November along the MSCG meeting.

Member States requested to send additional written comments by 4<sup>th</sup> July.

One Member State requested that the text as discussed in Committee is sent to Member States (this was done and the text is available on circabc).

## **5. Review of MSFD Annex III**

The latest version of the proposal replacing Annex III of the MSFD (document CTTEE\_14-2016-03) was not discussed during the Committee, as the comments received on it from Member States were of a more minor technical nature. The Commission will consider Member States' written comments.

## **6. Any other business**

Commission presented a new system (AGN) for the reimbursement of travel expenses.

## **7. Close of the meeting**

The Chair thanked participants for their engagement during the meeting and closed it.



**Annex I: List of meeting documents**

<b>Agenda point</b>	<b>Reference</b>	<b>Title</b>	<b>Submitted by</b>
2	CTTEE_14-2016-01	Draft agenda	European Commission (DG ENV)
3	CTTEE_14-2016-02	Minutes of the Thirteenth Committee meeting	European Commission (DG ENV)
4	CTTEE_14-2016-03	Review of Commission Decision on GES	European Commission (DG ENV)
5	CTTEE_14-2016-04	Review of MSFD Directive Annex III	European Commission (DG ENV)

## **Annex II: List of participants**

<b>State</b>	<b>Organisation</b>
Belgium	Belgian Federal Public Service - Health, Food Chain Safety and Environment
Bulgaria	Bulgarian Ministry of Environment and Water
Cyprus	Ministry of Agriculture, Rural Development and Environment
Denmark	The Danish Nature Agency
Estonia	Ministry of Environment of Estonia
Finland	Ministry of Environment of Finland
France	Ministère de l'écologie, du développement durable et de l'énergie
Germany	Federal Ministry for the Environment (Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit)
Hungary	Ministry of Interior
Ireland	Department of Environment, Community and Local Government (DECLG)
Italy	Ministry of the Environment, Land and Sea Protection - Nature and Sea Protection Directorate (MATTM-PNM)
Latvia	Ministry of the Environmental Protection and Regional Development
Lithuania	Ministry of Environment of the Republic of Lithuania
Lithuania	Permanent Representation of Lithuania
Malta	Malta Environment and Planning Authority
The Netherlands	Ministry of Infrastructure and the Environment - DG for Spatial Issues and Water
The Netherlands	Ministry of Infrastructure and the Environment - RWS Centre for Water Management
Poland	Ministry of the Environment - Water Resources Department
Poland	Chief Inspectorate for Environmental Protection - Monitoring Department
Portugal	Direcção-Geral de Recursos Naturais, Segurança e Serviços Marítimos (DGRM)
Romania	Ministry of Environment, Water and Forest
Spain	Ministry of Agriculture, Food and Environment
Sweden	Swedish Agency for Marine and Water Management (SwAM)
United Kingdom	Department for Environment, Food and Rural Affairs
European Commission	DG Environment
European Commission	DG Mare



## Aktdetaljer

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

**THIRTEENTH MEETING OF THE  
COMMITTEE UNDER ARTICLE 25 OF DIRECTIVE 2008/56/EC  
(MARINE STRATEGY COMMITTEE)**

*Thursday 19 May 2016 (09:30 – 18:00)  
and Friday 20 May 2016 (09:00-17:00)*

**Conference Centre Albert Borschette / Room 4D  
36, Rue Froissart, B-1040 Brussels**

***Draft Minutes***

**1. Welcome and introduction**

The Chair (European Commission, DG Environment) opened the meeting and welcomed the participants.

**2. Adoption of the agenda**

The draft agenda (document CTTEE\_13-2016-01) was adopted unanimously without amendments.

**3. Adoption of the minutes of the 12<sup>th</sup> Committee Meeting Minutes**

The minutes of the 12<sup>th</sup> Committee meeting (document CTTEE\_13-2016-02) were amended in order to reflect comments by [REDACTED] and were adopted as amended.

**4. Review of Commission Decision 2010/477/EU on criteria and methodological standards for GES**

The Chairman thanked the Member States for sending comments on the draft text of the Commission Decision on criteria and methodological standards for Good Environmental Status (document CTTEE\_13-2016-03). The Chairman informed the Member States that most probably two more meetings will be needed, one at the end of June and one for a vote after the summer.

The Commission gave an overview presentation on the results of the consultation with Member States and stakeholders on the previous version (document CTTEE\_12-2016-03) and on the general issues identified in the comments received including the proposed solutions and informed Member States on the next steps.

The Chairman expressed the need to move the process forward and asked for concrete proposals. He highlighted that the proposal is not introducing new obligations, beyond those already in the Directive, but rather aims to provide certainty and consistency. He clarified that not meeting the threshold values for a criterion would not in itself be a trigger for legal action, but if Member States

are not acting to rectify a problem, this might trigger legal action, as then Member States may not be fulfilling their obligations under the Directive.

A discussion followed in which Member States made general comments:

- Several Member States provided a coordinated views expressing concerns on: i) ability to achieve the proposed timelines, the new approach on methodological standards, lack of clarity with current wording, the issue of legality of the scope of the draft on threshold values, the use of threshold values and scientific basis; ii) concerns with regards to the legal framework since it will have an impact on economy (fisheries) which means an additional burden;
- One Member State requested clarifications on the status of criteria since it creates confusion between the primary and secondary criteria and suggested to further shorten the list of primary criteria;
- Several Member States expressed concerns on the application of the one-out-all-out principle.

The Commission then presented the recitals, articles and Annex of the proposal and invited Member States to comment on each of them.

### **Recitals and Articles**

- Recitals: due to the limitation of time, discussion focused on recitals 4 and 8. Member States made specific comments on recitals with regards to the establishment of threshold values at the regional and subregional level and the need to ensure coherence. Most comments related to recitals concerning the new Article 4.
- Article 1 Subject matter: no comments.
- Article 2 Definitions: Member States requested clarification on the application of secondary criteria, a new definition for the term 'criteria elements' and clarification on the definition of threshold values.
- Article 3 Use of criteria: Member States expressed reservations on the text, disagreed on the legal obligation to apply all criteria and expressed concerns on the possibility not to use one or more criteria 'only in exceptional circumstances' and with 'due justification'.
- Article 4 Threshold values: Member States proposed various amendments to this Article to clarify certain paragraphs.
- Article 5 Timelines: Member State suggested specific text changes and commented on the timelines for setting threshold values by 2018. Several Member States asked to postpone this obligation until 2024.
- Article 6 Notification: One Member State suggested an addition to the text.
- Articles 7 and 8 Repeal and Entry into force: These were not discussed.

### **Annex with details per Descriptor**

#### **Descriptor 5 - Eutrophication**

On Descriptor 5, a few Member States raised concerns on the inter-relationship of assessments under MSFD and WFD. Specific comments were made on the proposed criteria, the scale of assessment, methodological standards and the units of measurement and clarifications were requested on the term "be consistent with". One Member State, although appreciating the streamlining with WFD, expressed its reservation on including coastal waters in this Decision.

### **Descriptor 8 - Contaminants**

The Commission highlighted the necessity to ensure coherence between the assessments made under WFD and MSFD.

Several Member States made specific comments on the criteria, on units of measurements and methodological standards, the application of criterion D8C2 since it lacks specificities at regional level, and requested clarity between the use of the secondary and primary criteria with a few Member States proposing to make criterion D8C3 secondary.

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

Discussion focused on methodological standards, where one Member State requested to include under specifications a condition that the species in the list will be amongst the most consumed in the country; another Member State raised concerns on the ability to report concentrations. Clarifications were requested regarding the inclusion of farmed species. One Member State requested that Member States report on the extent levels are achieved.

### **Descriptor 10 - Litter**

A few member States raised concerns on criterion D10C4 in relation to the difficulties faced in identifying mortalities caused by marine litter. Different views were expressed as to whether the threshold values should be set at Union level for criteria D10C1 and D10C2. Five Member States proposed to make criterion D10C2 secondary and eight to make criterion D10C4 secondary. At the same time, three Member States proposed to make criterion D10C3 primary, whereas one insisted on keeping it secondary. Specific comments were made on the units of measurement.

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

Comments were made on methodological standards and on specifications regarding the scale of assessment and the use of annual average of the squared sound pressure for D11C2. Changes of wording were proposed regarding the use of terms 'monitored' instead of 'measured' allowing for the use of models and the term 'observations stations' as this might be too restrictive. Finally, one Member State expressed reservations on setting threshold values at Union level for the two criteria.

### **Descriptor 2 – Non-indigenous species**

One Member State proposed to add that threshold values should be established for criterion D2C1, another requested clarity on the term 'eliminated' and another requested clarity on the use of 'national part of subdivisions' under scales of assessment.

### **Descriptor 3 – Commercial fish and shellfish**

Regarding Descriptor 3, specific comments were made on the wording of the criteria, the criteria elements (i.e. list of species and reference to CFP Data Collection Framework), the use of proxies and the threshold values set (i.e. a proposal to refer to ranges) and on the specifications for monitoring and assessment. A few Member States were concerned that ICES advice (which was released later than the version of the Commission proposal being considered at this meeting) was not fully taken into account. Following that advice, five Member States proposed that criterion D3C3 should be a secondary criterion. One Member State proposed that criterion D3C4 be moved to under descriptor 1, whereas another one proposed to focus it on species from the Birds and Habitats Directives and those covered under the Data Collection Framework.

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

On this descriptor, several Member States made specific comments on each of the criteria, indicating that the difference between certain criteria was not sufficiently clear, and proposed removing redundancies by further merging of criteria. A few comments referred to the units of measurements and methods for assessment. Two Member States requested not to align threshold values for criterion D6C2 with those under WFD.

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

A few Member States expressed concerns on the proposed need to establish threshold values for criterion D7C1 and provided comments on the specifications. One Member State insisted on the inclusion of pelagic habitats under the criteria elements for the two criteria.

### **Descriptor 1 - Species**

One Member State requested clarification regarding the criteria elements to be addressed, another one on how the exploited part of fish species will be considered under this descriptor. Two Member States proposed that criterion D1C4 be deleted, whereas another expressed difficulties in using it. It was also proposed that 'mortality rates' are removed from criterion D1C3. Finally, one Member State requested that an aggregation methodology between species in a species group is provided for under the application rules.

### **Descriptor 1/6 – Habitats/Sea-floor integrity**

A number of Member States proposed to replace criterion D1C6 with criterion D6C2, particularly because the latter did not include percentage values to be achieved. Three Member States proposed to focus criterion D1C6 on pelagic habitats. A few Member States requested deletion of threshold values for criterion D1C5 due to the lack of a scientific basis and to focus on pressure data. One Member State proposed to delete criterion D1C5 and another one to combine it with criterion D1C6. Some specific comments were made regarding the table on habitat types.

### **Descriptor 4 – Food webs**

Regarding food webs, one Member States pointed out that the theme for the descriptor refers to ecosystem whereas the criteria are focused on food webs. One Member State proposed all the criteria under D4 to be secondary, and another Member State proposed the deletion of criterion D3C4. One Member State requested clarification on the selection of trophic guilds and another one suggested to restrict criterion D4C2 to those guilds which have problems.

## **5. Review of MSFD Annex III**

Member States generally welcomed the latest version of the proposal replacing Annex III of the MSFD (CTTEE\_13-2016-04) and made some specific comments regarding the indicative nature of the lists in the tables, on some parameters in the tables and on the notes related to the tables.

Following the comments of Member States on each of the sections above under items 4 and 5, the Commission provided initial responses to the comments made, particularly to provide further clarifications on the rationale for the text proposed. Following the discussions on the draft GES Decision and on the draft Directive replacing Annex III, Member States requested more time to provide written comments. It was agreed that Member States could send written comments on the draft proposals to the later deadline of 27 May 2016, in the template provided to that effect. The Commission indicated that it would consider the comments received in its preparation of new drafts for both proposals to be discussed at the next Committee meeting, scheduled for 29 June 2016.

## **6. Any other business**

There was no other business.

The Chair thanked participants for their engagement during the two days and closed the meeting.



**Annex I: List of meeting documents**

<b>Agenda point</b>	<b>Reference</b>	<b>Title</b>	<b>Submitted by</b>
2	CTTEE_13-2016-01	Draft agenda	European Commission (DG ENV)
3	CTTEE_13-2016-02	Draft minutes of the 12th Committee meeting	European Commission (DG ENV)
4	CTTEE_13-2016-03	Proposal for a Commission Decision on GES Criteria_draft v3	European Commission (DG ENV)
5	CTTEE_13-2016-04	Proposal for a Commission Directive replacing Annex III MSFD_draft v4	European Commission (DG ENV)

## **Annex II: List of participants**

<b>State</b>	<b>Organisation</b>
Belgium	Belgian Federal Public Service - Health, Food Chain Safety and Environment
Croatia	Ministry of Environment and Nature Protection
Denmark	The Danish Nature Agency
Estonia	Ministry of Environment of Estonia
Finland	Ministry of Environment of Finland
France	Ministère de l'écologie, du développement durable et de l'énergie
Germany	Federal Ministry for the Environment (Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit)
Greece	Special Secretary for Water of the Hellenic Ministry of Reconstruction of Production, Environment & Energy
Ireland	Department of Environment, Community and Local Government (DECLG)
Italy	Ministry of the Environment, Land and Sea Protection, Nature and Sea Protection Directorate (MATTM-PNM)
Latvia	Ministry of the Environmental Protection and Regional Development
Lithuania	Ministry of Environment of the Republic of Lithuania
Malta	Malta Environment and Planning Authority
The Netherlands	Ministry of Infrastructure and the Environment, DG for Spatial Issues and Water Ministry of Infrastructure and the Environment, RWS Centre for Water Management
Poland	Ministry of the Environment-Water Resources Department Monitoring Department in the Chief Inspectorate for Environmental Protection
Portugal	Direcção-Geral de Recursos Naturais, Segurança e Serviços Marítimos (DGRM)
Romania	Ministry of Environment, Water and Forest
Slovenia	Ministry of the Environment and Spatial Planning
Spain	Ministry of Agriculture, Food and Environment
Sweden	Swedish Agency for Marine and Water Management (SwAM)
United Kingdom	Department for Environment, Food and Rural Affairs
European Commission	Directorate General for Environment (DG (ENV)) Directorate General for Maritime Affairs and Fisheries (DG MARE)



## Aktdetaljer

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**Fra:** Maria Klint Thelander (makbj@mfvm.dk)

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## Marine Strategy Framework Directive

### Criteria and methodological standards on good environmental status of marine waters

Explanatory document  
accompanying draft version 3 of a proposal to replace Decision 2010/477/EU

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## Background

The Marine Strategy Framework Directive 2008/56/EC (MSFD) provides in its Article 9(3) for criteria and methodological standards to be laid down in such a way as to ensure consistency and to allow for comparison between marine regions or subregions of the extent to which good environmental status (GES) is being achieved. This provision was used to prepare Decision 2010/477/EU which guided Member States in the first cycle of their implementation of the Directive, particularly leading to the reporting of their determinations of GES and their initial assessment in 2012.

In 2013 the Directive's Marine Strategy Regulatory Committee provided a mandate to review Decision 2010/477/EU leading to the Commission's preparation of a draft proposal for a revised Decision. Draft version 3 of the proposal, together with draft version 4 of a proposal to replace the current MSFD Annex III, will be considered by the Committee at its meeting on 19-20 May 2016. This document provides explanatory information to accompany version 3, including reasoning for changes to the proposal following comments by Member States and stakeholders on draft version 2.

## On the relationship between the Decision and the Directive

The Directive does not make explicit how the criteria and methodological standards laid down under the provisions of MSFD Art. 9(3) are to be used, particularly in the context of the obligations for

Member States to determine a set of characteristics of GES under Art. 9(1). This determination makes reference to the initial assessment of Art. 8(1), but the subsequent use under Art. 8(1) of the determination of GES and of the criteria and methodological standards is not specified. Lastly, Art. 8(1), 9(1) and 9(3) refer to Annex III (indicative lists of characteristics, pressures and impacts), and Art. 9(1) and 9(3) refer to MSFD Annex I (the qualitative descriptors for determining GES); however the relationship between these two Annexes is also not made fully clear in the Directive.

### **Relationship to Article 8 and Annexes I and III**

In order to provide clarity on these relationships, the Decision has been structured and drafted to make explicit its relationship to MSFD Annexes I and III, and to the assessments required under Art. 8(1)(a) and (b). The structure and content of the proposed new MSFD Annex III further supports this linkage. This has been achieved by:

- a. Structuring the Decision in two parts, each referring explicitly to the relevant Descriptors of Annex I, to the indicative elements of Annex III and to the relevant paragraphs of Art. 8;
- b. Part A of the Decision supports the assessments required under Art. 8(1)(b) concerning an analysis of the predominant pressures on the marine environment and their impacts; it includes the criteria and methodological standards for the pressure-related descriptors which are directly linked to the indicative list of pressures in Table 2a of the proposed new Annex III;
- c. Part B of the Decision supports the assessments required under Art. 8(1)(a) concerning an analysis of the essential features and characteristics and current environmental status; it includes the criteria and methodological standards for the state-related descriptors which are directly linked to the indicative list of ecosystem elements in Table 1 of the proposed new Annex III;
- d. The pressure-related descriptors are presented first (Part A), as logically these should be considered first under the Art. 8 assessments in order to provide information on the level of impacts from each of the pressures assessed. These assessments of impacts should then inform the assessments of the different ecosystem components (Part B), whose overall status effectively reflects the sum of the impacts from all the pressures to which they are subject.
- e. To ensure the predominant pressures of MSFD Annex III Table 2a are adequately addressed under Part A, the criteria relating to fishing pressure (extraction of species) and to physical loss and disturbance have been placed in this part, even though labelled in relation to the state-based descriptors D3 and D6. Criteria D3C1 and D3C4 address the impacts of fishing on the level of mortality to commercial and non-commercial species, whilst criteria D3C2 and D3C3 address the state of commercial fish and shellfish to be considered also under Part B. Criteria D6C1, D6C2 and D6C3 have their origins in the D6 criteria of the 2010 Decision, and are focused only on the assessment of the pressures 'physical loss' and 'physical disturbance'; they provide an important component on the broader assessment needed for Descriptor 6, which is addressed fully in Part B (in combination with assessments of seabed habitats of Descriptor 1).
- f. Table 2a of the proposed new Annex III includes a number of pressures which are not directly addressed by the pressure-based descriptors and have no criteria proposed in the Decision; these pressures however may be of relevance in some areas or to particular ecosystem components.

The interrelationships between the Annex I Descriptors, proposed Decision criteria, the pressures and ecosystem components of Annex III and relevant sections of MSFD Art. 8 are shown in Figure 1.

Decision outline			Assessments of pressures for Article 8(1b)										
			D5	D8, D9	D10	D11	D2	D3	D6	D7, D6	-		
			Nutrients	Contaminants	Litter	Sound and other energy	Non-Indigenous Species	Extraction of species	Physical damage	Physical loss	Other		
Primary criterion Secondary criterion			S P	D5C1	D8C1 D8C3 D9C1	D10C1 D10C2 D10C3	D11C1 D11C2	D2C1 D2C2	(Total catch)	D6C1	D6C3 D7C1	Annex III Table 2a	
				D1 D3	Species groups	D1C1 D1C2 D1C3 D1C4 D3C2 D3C3	D8C2 D8C4	D10C4	?	D2C3	D3C1 D3C4	?	?
Assessments of state for Article 8(1a)			D1	Pelagic broad habitats	D1C6	D5C2 D5C3 D5C4 D5C5	D8C2 D8C4	?	D2C3	?	?	?	
			D1 D3 D6	Benthic broad habitats	D1C5 D1C6 D3C2 D3C3	D5C6 D5C7 D5C8 D5C9	D8C2 D8C4	?	D2C3	D3C1 D3C4	D6C2	D7C2	?
			D1 D4	Eco-systems	D4C1 D4C2 D4C3 D4C4	D5C2 D5C3 D5C8	?			?	?	?	

**Figure 1:** Outline framework for the draft MSFD Decision on criteria for good environmental status, showing the primary and secondary criteria (D\*C\* codes) in relation to the predominant pressures for use under Art. 8(1)(b) and the ecosystem components for use under Art. 8(1)(a), each associated to particular Descriptors (D\*). Criteria in the pink cells concern pressures, criteria in orange cells concern impacts and criteria in green cells concern state assessments. In several cases, the impact criteria are repeated (e.g. D8 and D2 criteria) because they are applicable to several ecosystem components (species groups, pelagic and benthic habitats). Cells marked '?' indicate an impact from the pressure is possible in some situations but the Decision does not provide a criterion.

### Relationship to Article 9(1)

Whilst the relationship between the criteria and methodological standards of Art. 9(3) to the determination of GES under Art. 9(1) was outlined in the cross-cutting issues document (MSCG\_17-2015-06), further clarity is provided here.

Article 9(3) provides for criteria and methodological standards to be laid down in such a way as to ensure consistency and to allow for comparison between marine regions or subregions of the extent to which good environmental status (GES) is being achieved, whilst Article 9(1) provides for Member States to determine a set of characteristics of GES, without specific reference to the criteria set under Art. 9(3).

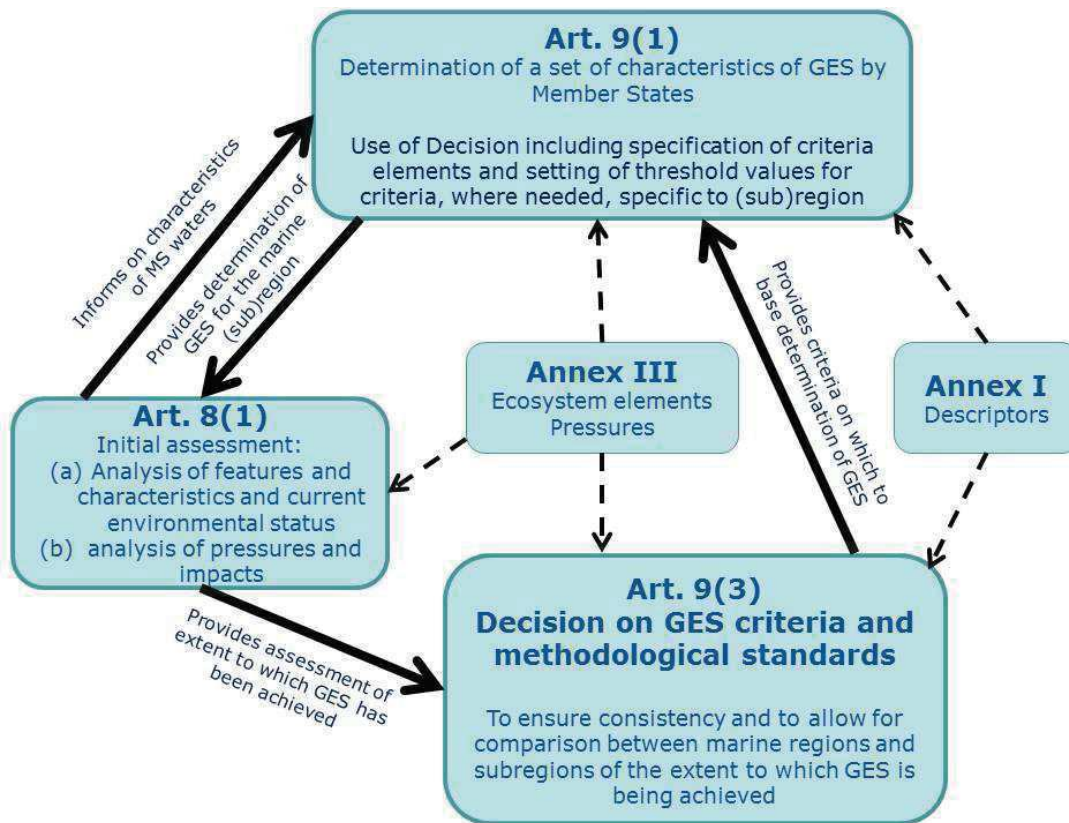
Version 3 of the proposed revised Decision aims to distinguish these two roles more clearly as follows:

- a. For each Descriptor a section on 'Use of the criteria' has been introduced which details how the criteria should be used to express 'the extent to which GES is being achieved' or to indicate an output of their application for use in another descriptor (e.g. use of an impact criterion for a state-based assessment).
- b. For each Descriptor the section on 'Application rules' in version 2 of the proposal, including phrases such as 'all criteria used shall achieve the threshold values set', has been deleted. This is to ensure the use of the Decision is not confused with Member States' obligations under Art. 9(1) to determine GES for their marine waters.
- c. Member States' determinations of GES under Art 9(1) are thus expected to include as part of the "set of characteristics" they have to determine:
  - i. Identification of the specific characteristics for each region or subregion, such as the specific criteria elements relevant or not relevant to the (sub)region;
  - ii. Determination of threshold values where these are not yet provided in the Decision;
  - iii. Specification, where needed, of how the criteria will be aggregated to conclude on the overall status of particular descriptors (e.g. D5) or particular criteria elements (e.g. D3 species and D1 species and species groups);
  - iv. Determination of the extent to which the threshold values are to be achieved to constitute GES.

The draft Decision therefore explicitly acknowledges that threshold values (except where they are set under other Union legislation) may not be achieved in all areas of Member States' marine waters – for instance to allow for the sustainable use of the sea –, provided this does not compromise the achievement of GES, as determined by Member States under Article 9(1).

The interrelationships between these different articles, annexes and the Decision are illustrated in Figure 2.





**Figure 2:** Relationship between the Decision and MSFD Articles 9(1), 8(1) and Annexes I and III.

## Expressing the extent to which GES is being achieved

A key requirement of the criteria and methodological standards is to provide a means to express the extent to which GES is being achieved. This is important in the overall implementation of the Directive for the following reasons:

- a. It expresses how far each Member State has progressed towards its goal of achieving GES;
- b. It provides an indication of whether there is need for (additional) environmental targets under Art. 10 and (additional) measures under Art. 13 in order to reach GES (bearing in mind that in some cases all necessary targets and measures may have been put in place but the ecosystem may not yet have reached GES due to slow response times).
- c. It provides an important means to express to stakeholders and the public the progress being made in implementation of the Directive and achievement of its overall goals.

The draft revised Decision sets out a number of ways in which this ‘extent to which GES is being achieved’ can be expressed, bearing in mind the range of topics to be considered, the large areas of marine waters to be assessed and the often slow response time of the marine environment to measures put in place to reduce pressures:

- a. For each Descriptor, the draft Decision makes clear the elements to be assessed and the scale of assessment, such that the use of the criteria will lead to assessments per element per assessment area; in some cases the elements or criteria are aggregated to draw

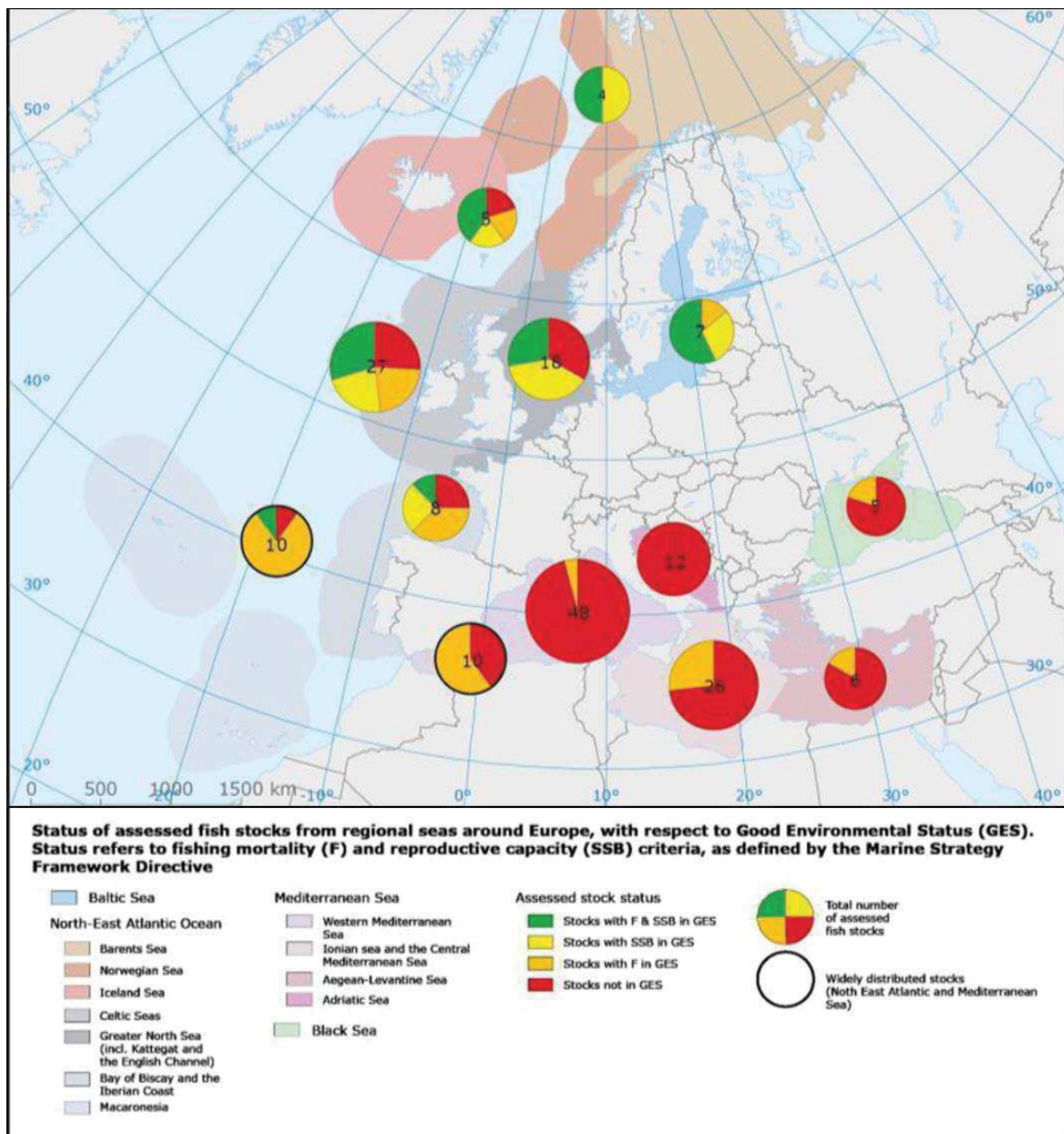
- conclusions at a more aggregated level but the need for ‘super aggregation’ of assessments to Descriptor level and across descriptors is generally avoided;
- b. The outcomes of assessments against the criteria can typically be expressed in one of two ways:
    - i. The spatial extent over which the element has achieved the threshold values in the assessment area (being suitable for most pressures and habitat-based assessments of state and impact); or
    - ii. The proportion of elements in the assessment area which have achieved the threshold values (being suitable for pressures such as contaminants and species-based assessments of state and impact);
    - iii. Note that in both cases, the Decision is providing the type of assessment output which will express the ‘extent to which GES is being achieved’ but it is for Member States to determine what ‘extent’ they consider to constitute GES under Article 9(1).
  - c. Where possible, it is preferable to avoid expressing outcomes in which a single failure to meet a threshold value for a criterion or element leads to the entire area being expressed as ‘not in GES’ as this is often seen as an unduly negative approach when dealing with the very large areas of the MSFD; instead use of a proportion of the total (for the descriptor in the assessment area) is preferred as this shows how much has been achieved, even if the overall ambition has not yet been achieved. Note however that some assessment methodologies provide an average outcome per assessment area, effectively giving an ‘in GES’ or ‘not in GES’ outcome (e.g. eutrophication assessments);
  - d. The most suitable approach to use to express ‘extent’ varies by descriptor, depending on the nature of the assessment, the assessment methodology and the scale of assessment; possible approaches are shown below, drawing from existing approaches for some descriptors;
  - e. The degree of precision needed or which is possible will vary; it is likely that some assessments will provide only a coarse evaluation (e.g. an estimate to nearest 10 or 20%); however this may be adequate, especially if the area is clearly achieving GES or conversely clearly not achieving GES. Greater precision is likely to be needed if the area/element is close to the border between ‘being in GES’ and ‘not being in GES’.
  - f. Due to the often slow change in the state of the marine environment and the pressures upon it, such as following the introduction of measures, the assessments of status may often not change from one reporting period to the next, despite their being underlying improvements in their status. This is particularly exaggerated under MSFD with its two status classes (in GES, not in GES) compared with the Water Framework Directive which has five status classes. In order to provide additional evidence to progress towards GES it is therefore helpful to indicate the trend in status (i.e. whether the status has improved, is stable or has deteriorated) compared with the previous reporting period.

Whilst the draft Decision sets out the overall way ‘the extent to which GES has been achieved’ should be expressed, it may be necessary to provide further detail on this to ensure Member States can express their assessments in a practical and consistent manner. This should be further discussed within WG GES and DIKE such that the assessments can be readily expressed per (sub)region and lead to a Europe-wide view on the state of the marine environment for the different descriptors.

## Examples of ways to express the extent to which GES is achieved

### Methods which lead to an assessment per element (contaminants, species)

In cases where multiple elements are assessed per area, the proportion which are assessing as achieving the threshold values can be shown (e.g. 15 out of 20 contaminants assessed have achieved their threshold values; 6 out of 9 species in the species group have achieved good status) (Figure 3).



**Figure 3:** Assessments of status of commercial fish stocks (EEA, 2015). In each (sub)region the number of stocks assessed is shown and of these which has achieved the threshold values (for one or both criteria used).

For Descriptor 8, it may be helpful to show so-called ‘legacy’ substances separately, as these persist in the marine environment despite all necessary measures having been taken (Table 1).

**Table 1:** Indicative example output for an assessment area (e.g. southern North Sea) for criterion D8C1 Contaminants in marine environment.

Contaminant (* legacy substance)	Value	Threshold value (EQS)	Achieved threshold value
Contaminant A	21	25	Yes
Contaminant B*	45	30	No
Contaminant C	7	10	Yes
Contaminant D	26	30	Yes
Contaminant E	38	30	No
			3 of 5 substances (60%) achieved threshold values 2 substances did not achieve threshold values (including one legacy substance)

### Methods which lead to an estimate of proportion per assessment area

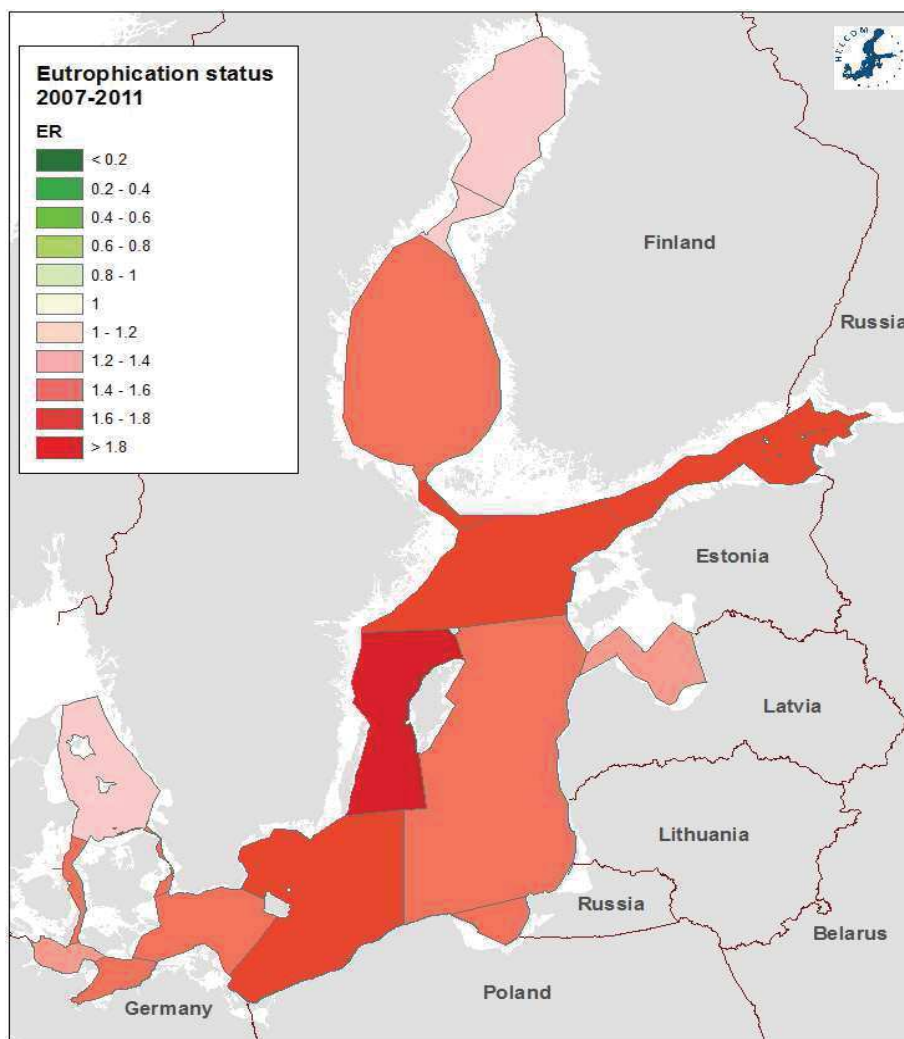
Assessment methods for seafloor disturbance in OSPAR are making use of models which integrate physical disturbance data layers with habitat maps and sensitivity scores, validated with ground-truth data (common indicators BH3 and BH1). Whilst the assessments are still in preparation, it is expected that they will give outputs as a proportion of the habitat type per area which is affected (Table 2).

**Table 2:** Indicative example output for an assessment area (e.g. southern North Sea) for criterion D6C2 Impacts from physical disturbance. The outcomes of this assessment would be used to contribute to assessments of habitat condition (criterion D1C6).

Habitat type	Proportion of area impacted by physical disturbance
Broad habitat type A	25%
Broad habitat type B	15%
Broad habitat type C	35%
Broad habitat type D	5%
Other habitat type E	25%
Other habitat type F	50%

### Methods which lead to an average outcome per assessment area

Assessment methods for eutrophication (D5) in HELCOM and OSPAR use averaging of data across the entire area to lead to a conclusion per assessment area (in GES or not in GES) (Figure 4).



**Figure 4:** Assessment of eutrophication in the Baltic Sea for the period 2007-2011 (HELCOM 2014); an averaged outcome on overall status is provided for each area assessed.

With this ‘whole area’ method, the outcome is effectively indicated as 100% in GES or 100% not in GES; however, it may help to convert this to the proportion of the whole region which is in GES.

### On setting threshold values at an appropriate scale

On a number of occasions the Annex to the draft decision asks that Member States set these thresholds at Union, regional, subregional level. This text specifically refers to the process by which these thresholds need to be set. Art.4(2)(a) clearly indicates that the thresholds need to be set at appropriate geographical scales, thereby taking into account the different biotic and abiotic characteristics of regions, subregions and subdivisions. This for example means when setting thresholds for D11 at Union level, these thresholds may differ from one region/subregion to another, or from one subdivision to another, to take into account the specific characteristics of the area in question, but they are nevertheless set at Union level through the work of TG Noise. Similarly, those thresholds being set through a regional/subregional process – for example through work carried out by the Regional Sea Conventions – may vary from one subregion/subdivision to another to take into account the specificities of the area.

(Note that Art.4 also points out other characteristics to be looked into when determining the most appropriate threshold values such as the use of best available science or the use of long-time series data when these are available.)

## **Risk-based approach**

The cross-cutting issues document (MSCG\_17-2015-06) provided an initial perspective on use of a risk-based approach in implementation of the directive (section 3.6), stating “the implementation of the directive can be most efficient when it is clearly focused on the anthropogenic pressures which are considered to be adversely affecting environmental status, assessed at specified spatial scales, and on assessing the nature and scale of associated environmental impacts”.

From this overarching perspective on risk, the draft revised Decision also makes explicit reference to the risk-based approach and has been drafted to focus on setting out criteria for good environmental status in relation to the predominant pressures and their impacts and on state elements which can best reflect these pressures and impacts.

This section provides some outline guidance, with examples, on how a risk-based approach is envisaged to be used in the context of the Decision and related implementation of Art. 9, 8 and 11.

### Decision – criteria on GES:

- a. Selection of criteria: for several descriptors, use of particular criteria should take risk (and hence relevance to the region or subregion) into consideration. For example, use of criteria D5C3, D5C4 and D5C5 where the effects of nutrient enrichment are not adequately assessed via use of criterion D5C2 and use of criteria D7C2, D1C1 and D1C4 only in cases where there may be particular risk from certain pressures.
- b. Selection of criteria elements: these are selected or, in cases where these still need to be defined, should be selected with a clear focus on risk, firstly through focusing on predominant pressures in each region or subregion and, secondly, through focusing on those ecosystem elements (species, habitats) which are most indicative of impacts from the pressures. For example, selection of additional contaminants for criteria D8C1 and D9C1 should be on the basis of risk; similarly, selection of species, species groups and habitat types for criteria D10C4, D2C2 and D2C3, D7C2 and species for Descriptor 1 species groups.
- c. ‘De-selection’ of criteria elements: Criterion D8C1, via established processes under the WFD, and criterion D9C1 anticipate the de-selection of contaminants in cases where there is low risk.
- d. Parameters for assessment of the criteria: the parameters to be used for each criteria are those identified from the scientific and technical review process for the Decision to best reflect the needs for assessment of environmental status, considering the most relevant aspects of the pressures and their impacts, and those aspects of ecosystem state for species and habitats considered most relevant. In this sense, the criteria generally reflect a risk-based approach. In cases where the criteria are less-well specified, for example for assessing the effects of contaminants on biota (D8C2) and assessing the health of species (D1C3), it is expected that Member States will focus their efforts on particular species and parameters of most relevance to the criterion.

In addition, the draft Decision also provides for the possibility not to use certain criteria in duly justified circumstances (Art 3 of the draft decision): whilst the primary criteria are intended to be used by all Member States, there is provision to not use one or more of these

criteria. This could, for example, be relevant in cases where the activities (and hence pressures) are not present in the waters of a Member State.

#### Article 9(1) – determination of GES:

- a. Where Member States update their determinations of GES, including on the basis of a revised Decision, these should focus on expressing the desired state of the environment in relation to aspects which are (potentially) impacted by anthropogenic pressures. This can be done by identifying the elements (e.g. species and habitats) and parameters (e.g. population size, species composition, biomass) which will most effectively indicate environmental status in relation to specific pressures (e.g. chlorophyll-a and oxygenation levels in relation to nutrient enrichment; mortality rates in relation to fishing).
- b. In cases where the Decision anticipates the identification at regional or subregional level of criteria elements and threshold values, these should focus on those aspects which are most relevant to each area in question. In some cases, for example criteria D10C4, D7C2, D2C2 and D2C3, the number of species/species groups/habitat types selected could be rather limited and focused on key elements of relevance rather than aiming to be more exhaustive.

#### Article 8 - assessments

- a. Given that GES will most effectively be achieved through the management of human activities and reductions in anthropogenic pressures where needed, the assessments under Article 8 should aim, as a priority, to assess the distribution and intensity of the predominant pressures in each region and subregion, together with their associated impacts.
- b. From this, it follows that assessments can focus on areas which are subject to anthropogenic pressure and, on the basis of low risk, provide less focus on areas which are not subject to the pressure (excepting where these act as reference sites). Where the source of a pressure is land-based (e.g. nutrients) and the coastal zone is assessed to be in good status (e.g. from WFD assessments) it may indicate the offshore zone can also be expected to be in good status (unless there is reason to consider atmospheric or sea-based sources of nutrients as a potential risk). This type of screening process is used in the OSPAR Common Procedure for eutrophication and offers a measured way to focus assessment efforts towards areas of higher risk and reducing the need for assessments in areas of low risk (provided there is some continued surveillance of the issue which would identify possible change in risk in the future).

#### Article 11 - monitoring

- a. It follows from the above approaches to risk that monitoring should focus on priority areas affected by the predominant pressures, with monitoring in areas considered to be at low risk from a pressure used as reference sites generally undertaken at lower intensity (cf for instance D10 where there is a possibility to choose the monitoring matrix on the basis of risk).
- b. Further, particular attention is needed on the boundary between good status and poor status (particular areas and ecosystem elements selected to assess this status boundary); if an area is clearly in a poor status, there is limited benefit in continued monitoring unless to follow its recover following introduction of measures.

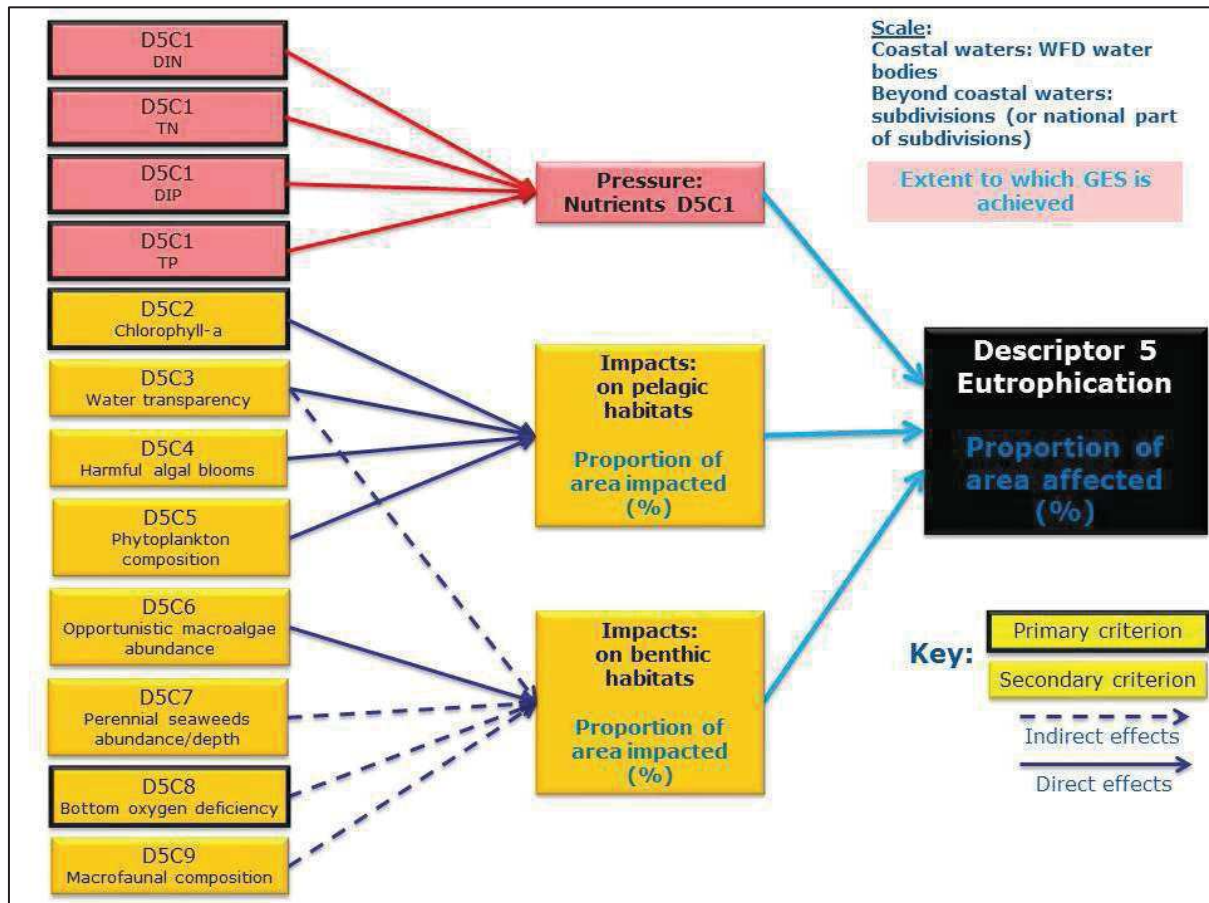
From the above considerations, application of a risk-based approach can be expected to focus implementation efforts towards those aspects (areas, pressures, impacts, ecosystem elements) which are of most importance in understanding the current state of marine waters and hence to efforts to improve its state, where needed. Use of a risk-based approach can be expected to reduce

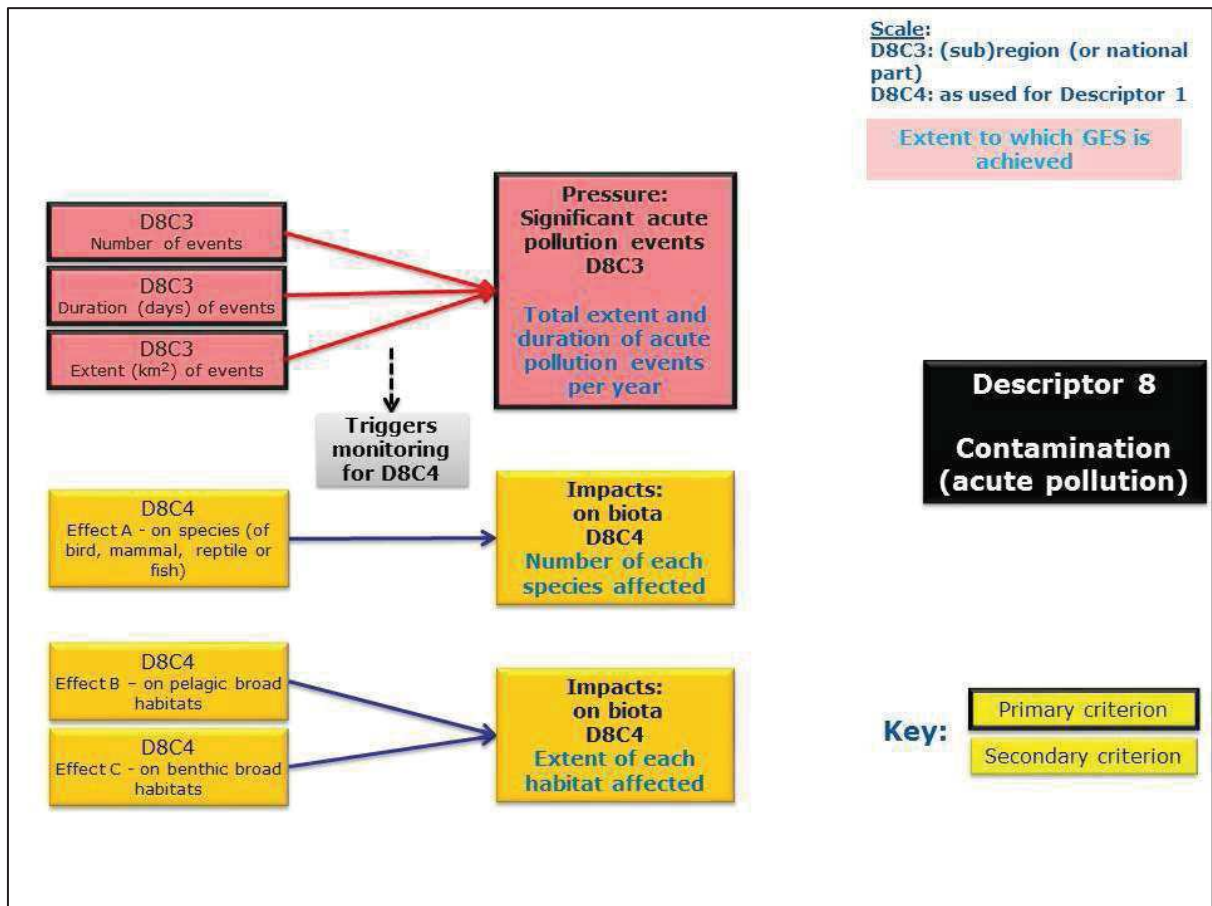
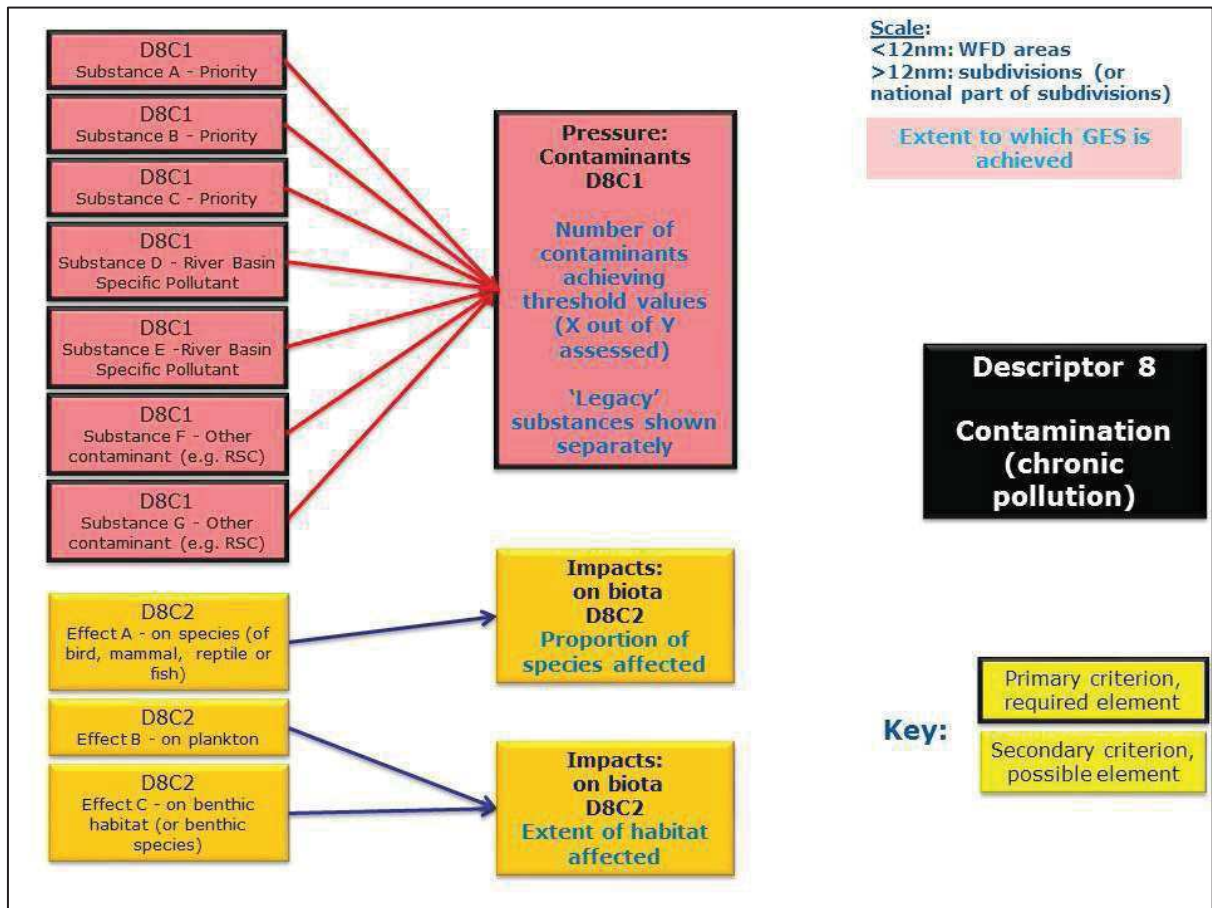
efforts particularly for monitoring and assessment, but this should stem from its application to the Decision and to the determination of Article 9(1).

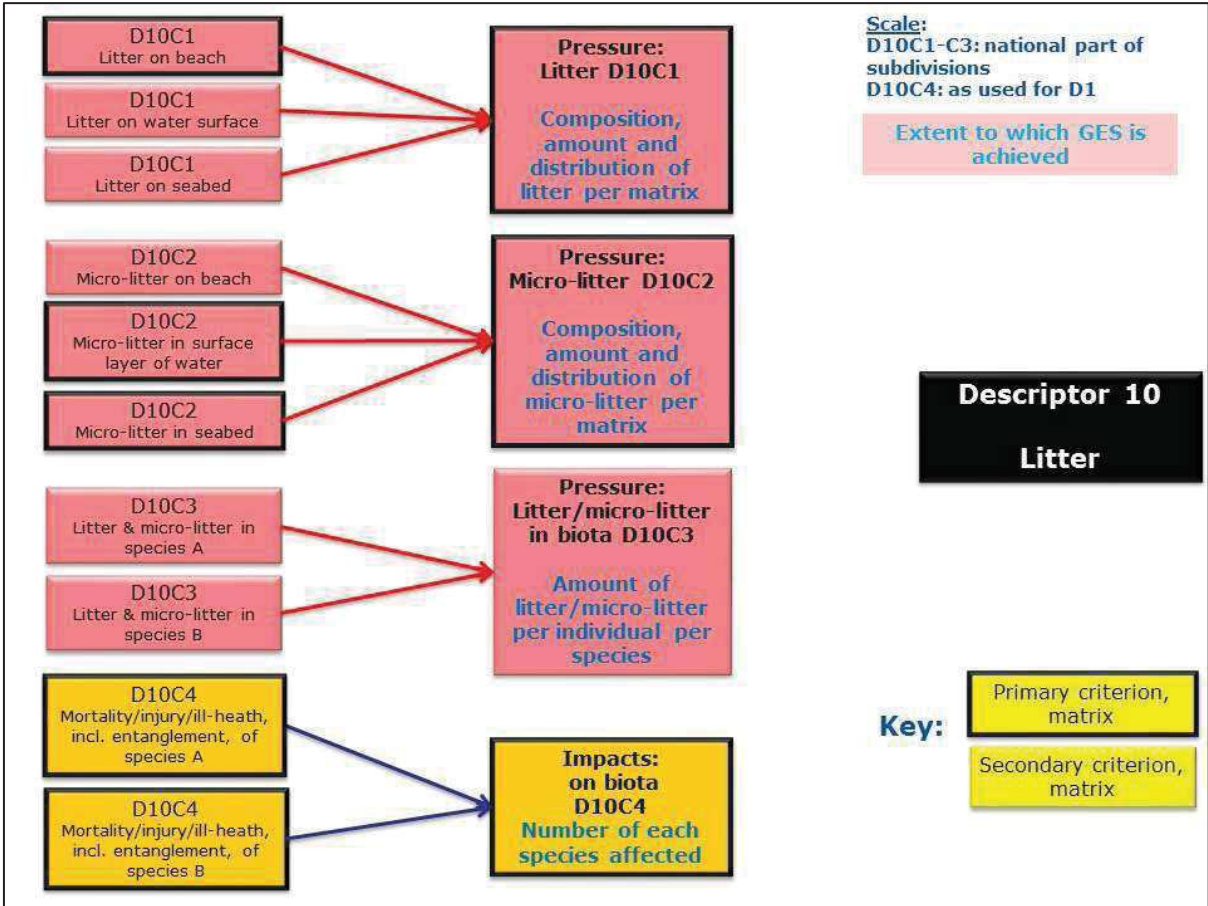
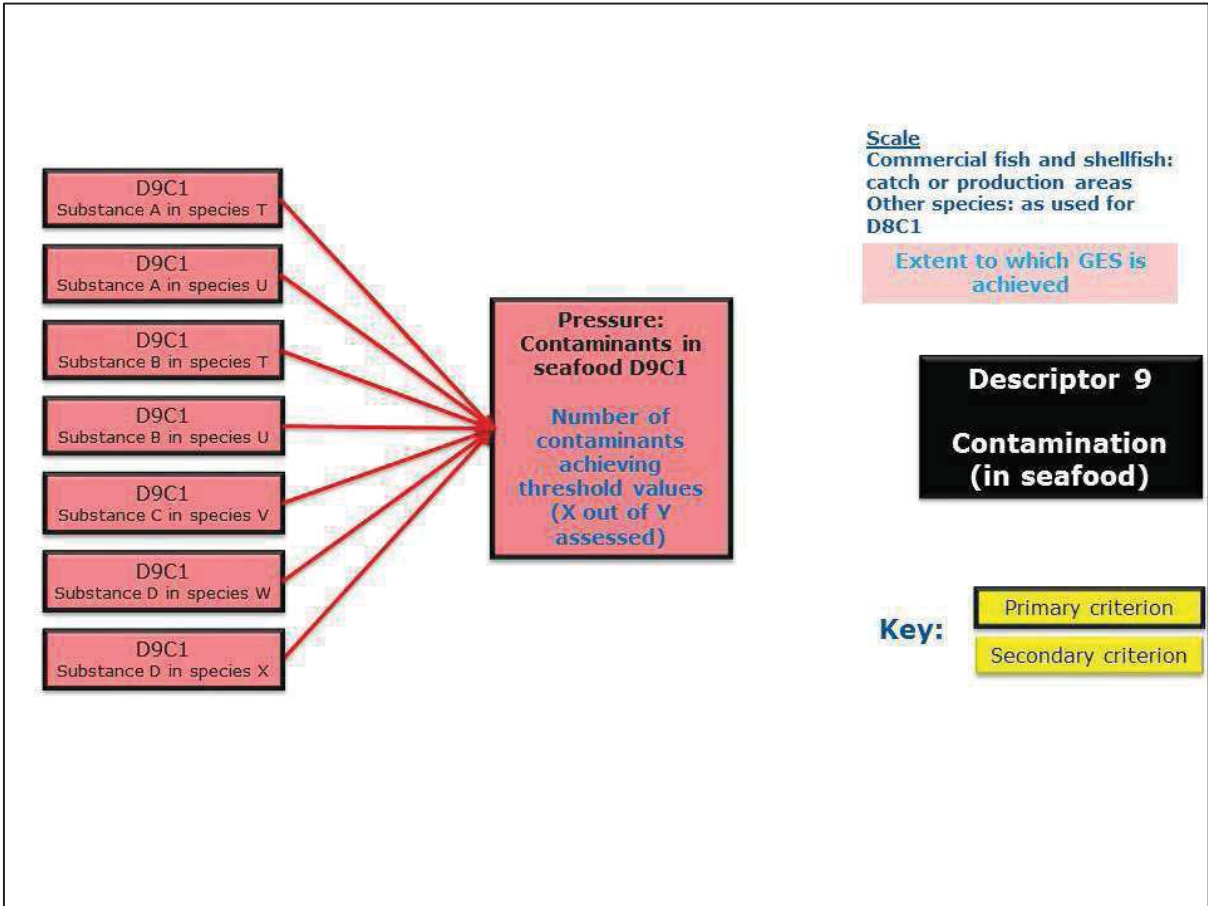


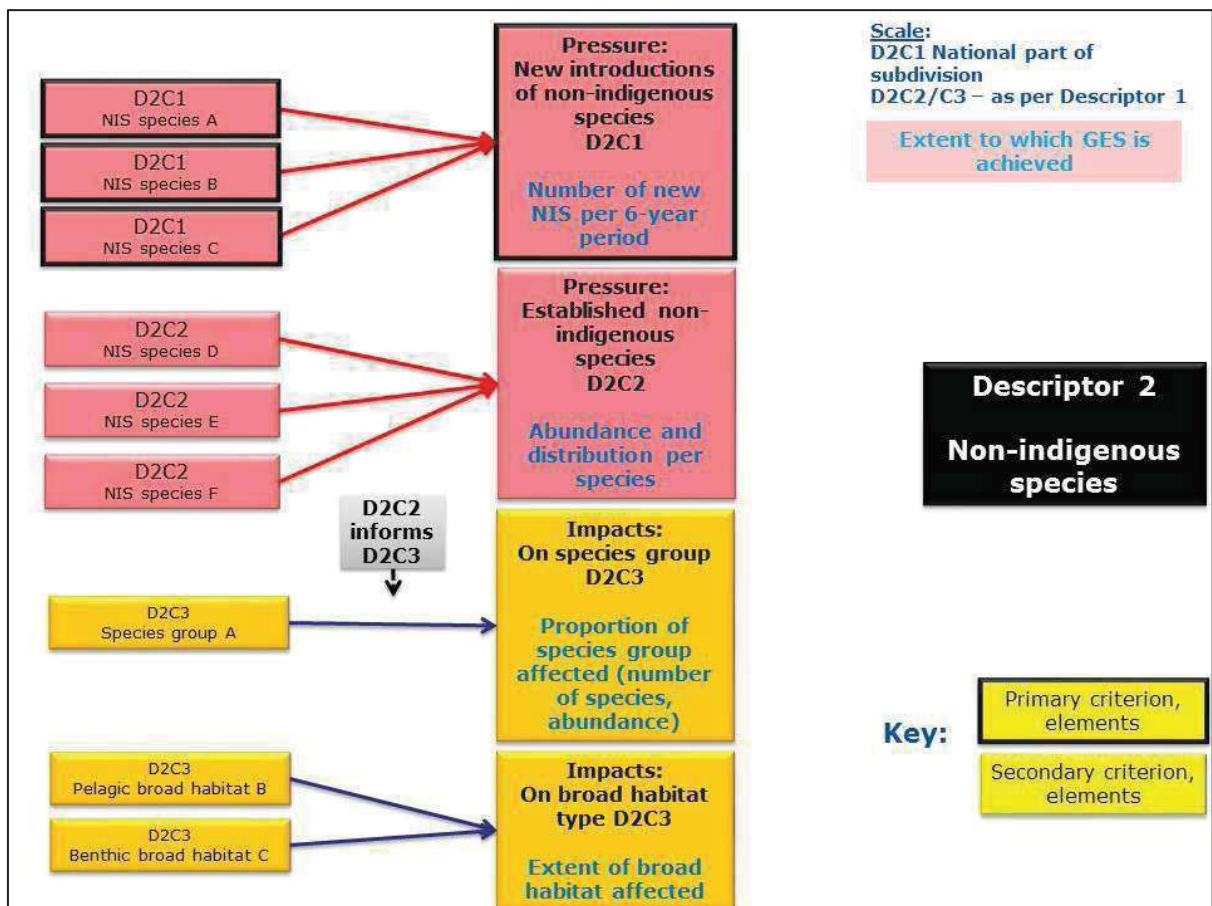
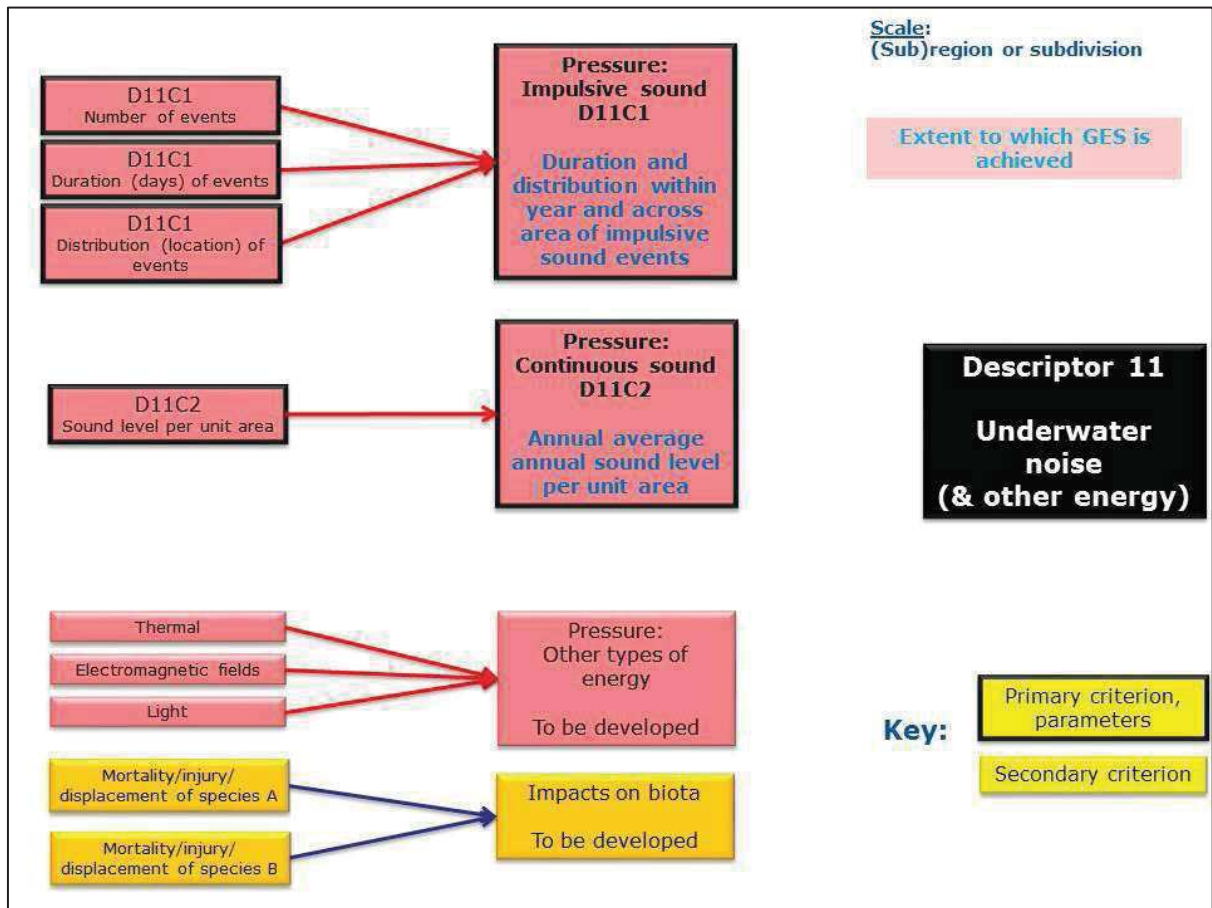
## Annex: Overview of Decision criteria

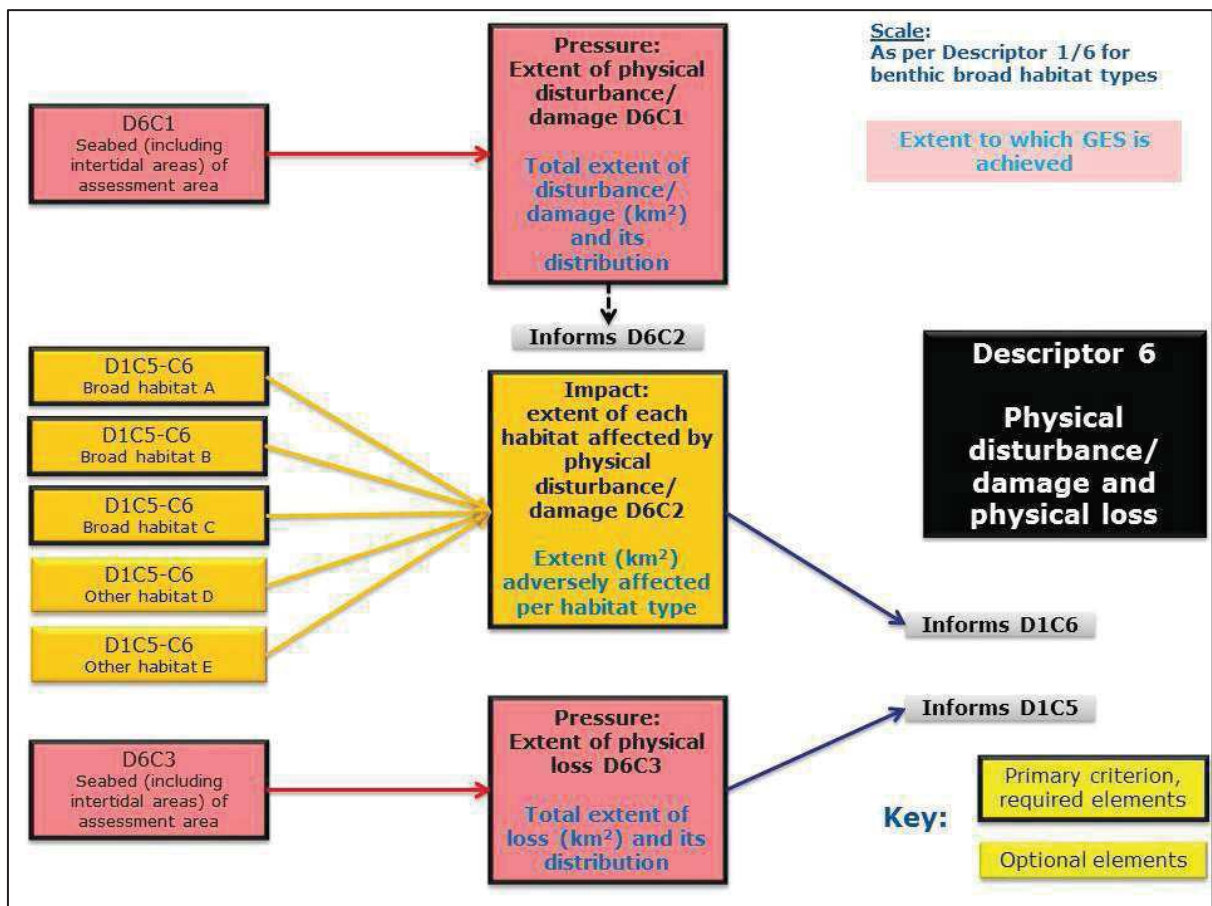
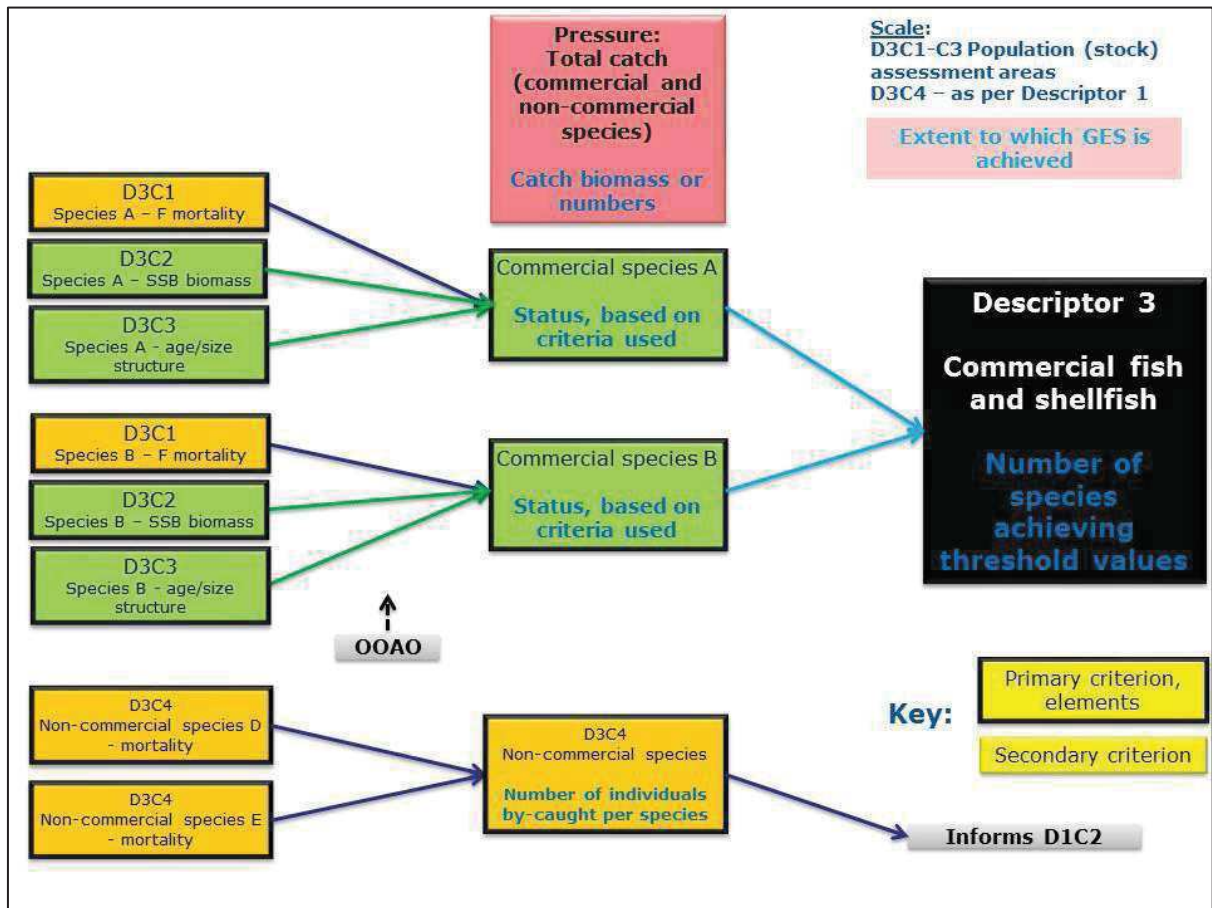
The following set of diagrams aim to provide an overview of the criteria per descriptor, including the way in which ‘the extent to which GES has been achieved’ has been indicated in the proposed Decision. As indicated above, this could generally be represented as either the proportion of the area that is affected or the number or proportion of criteria elements that meet the thresholds set, depending on the nature of the descriptor and the criteria elements being looked at.

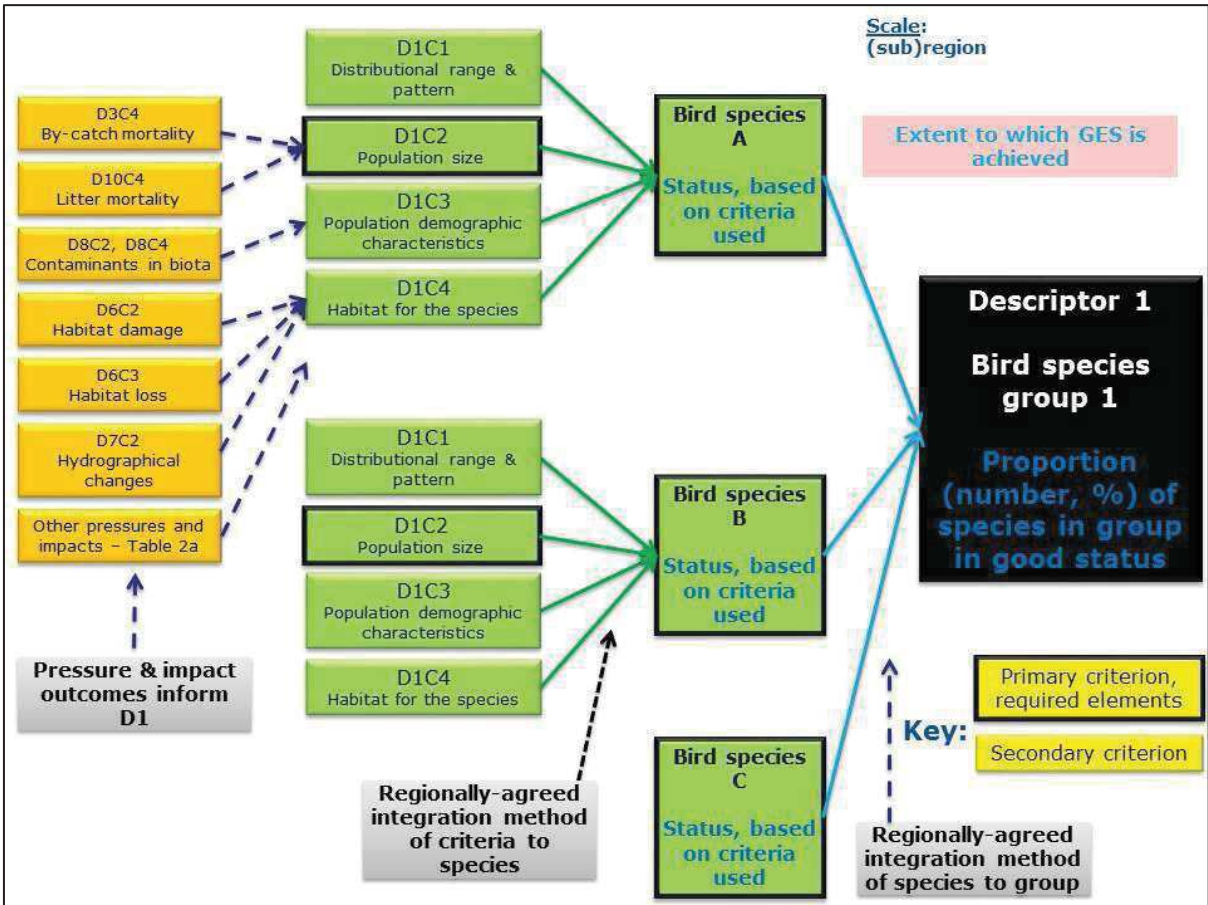
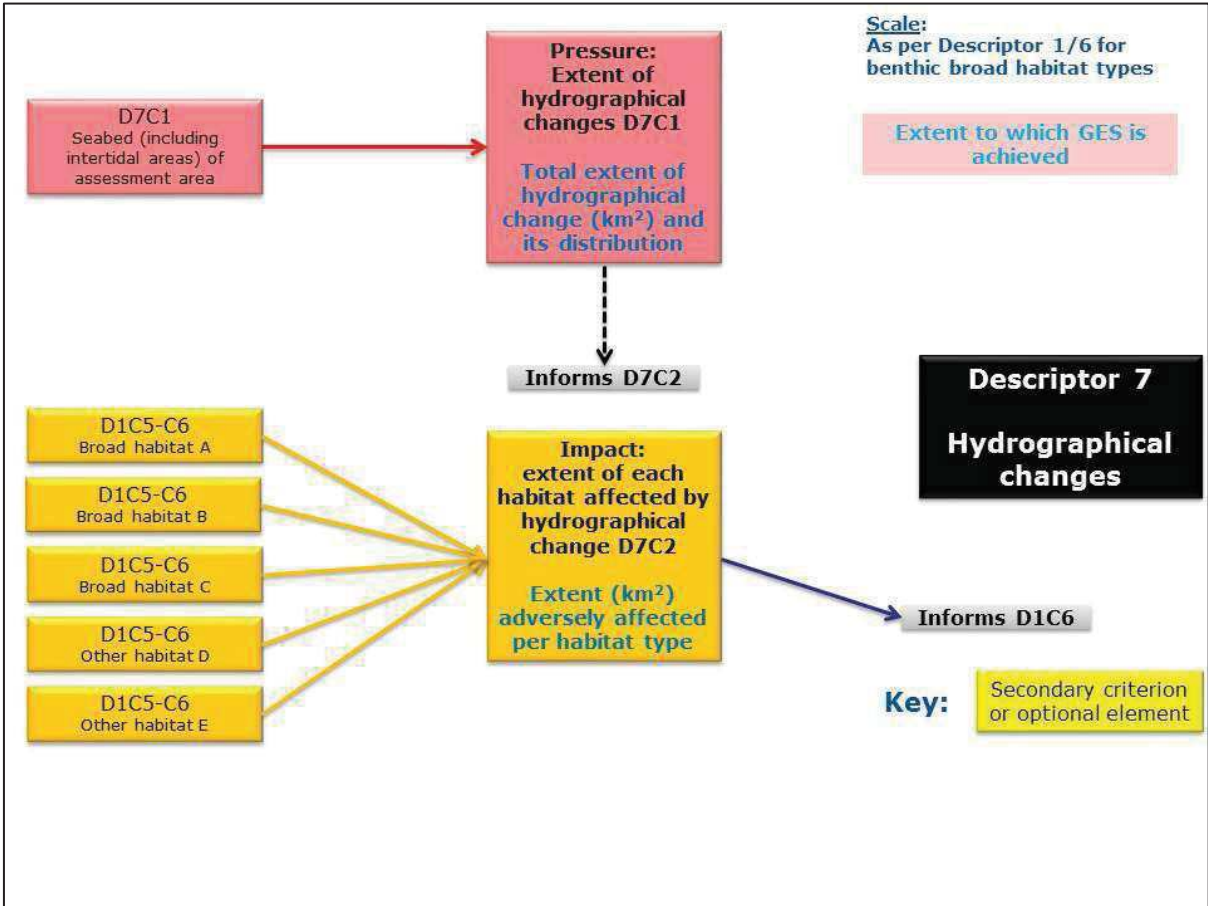


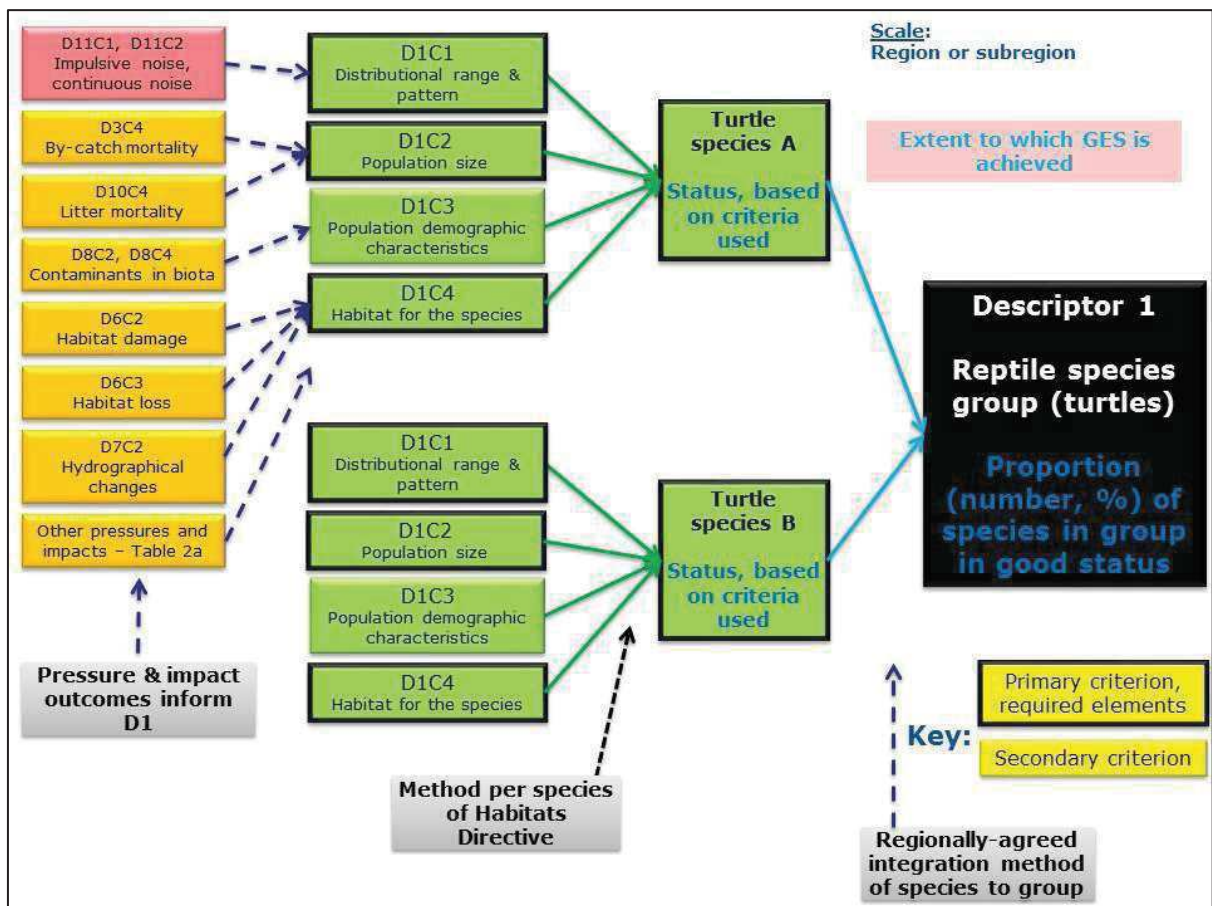
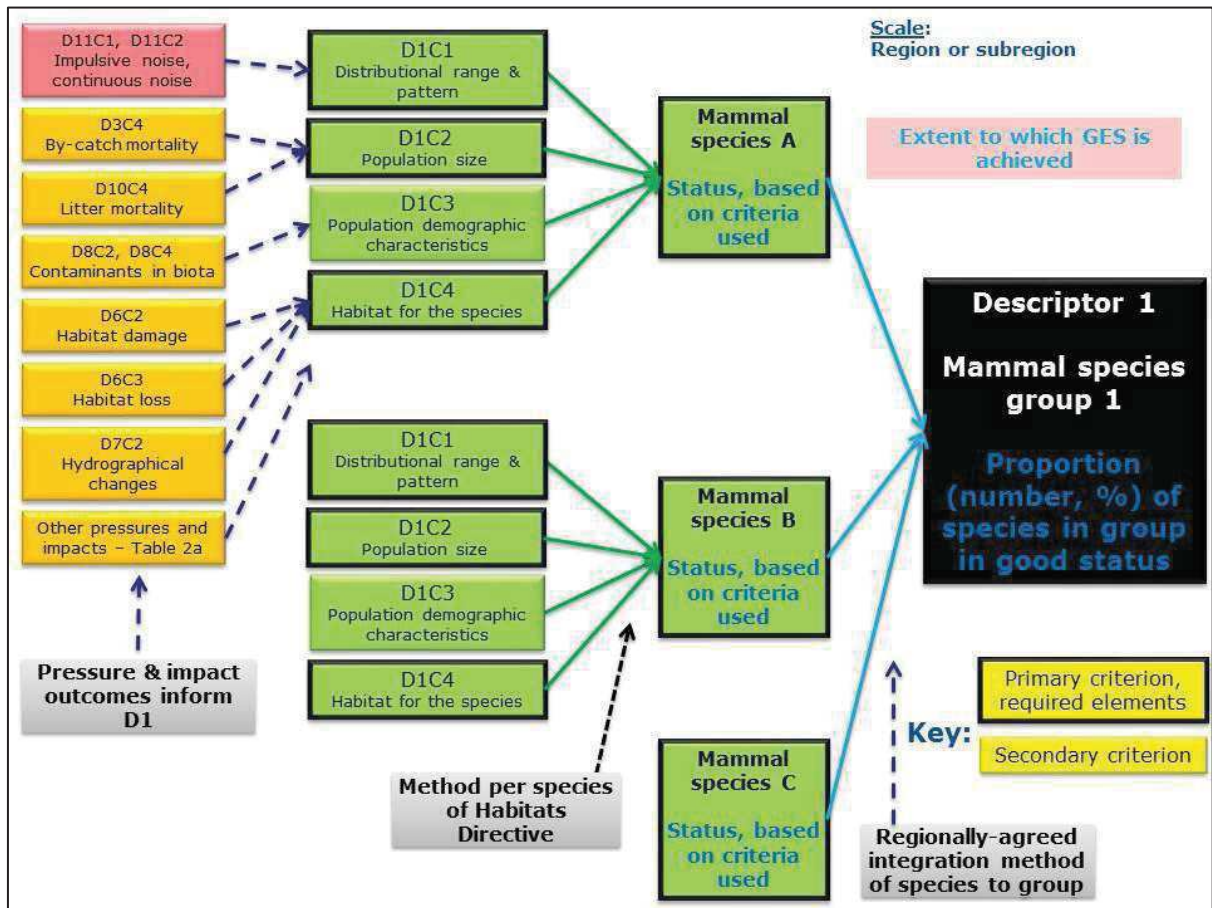


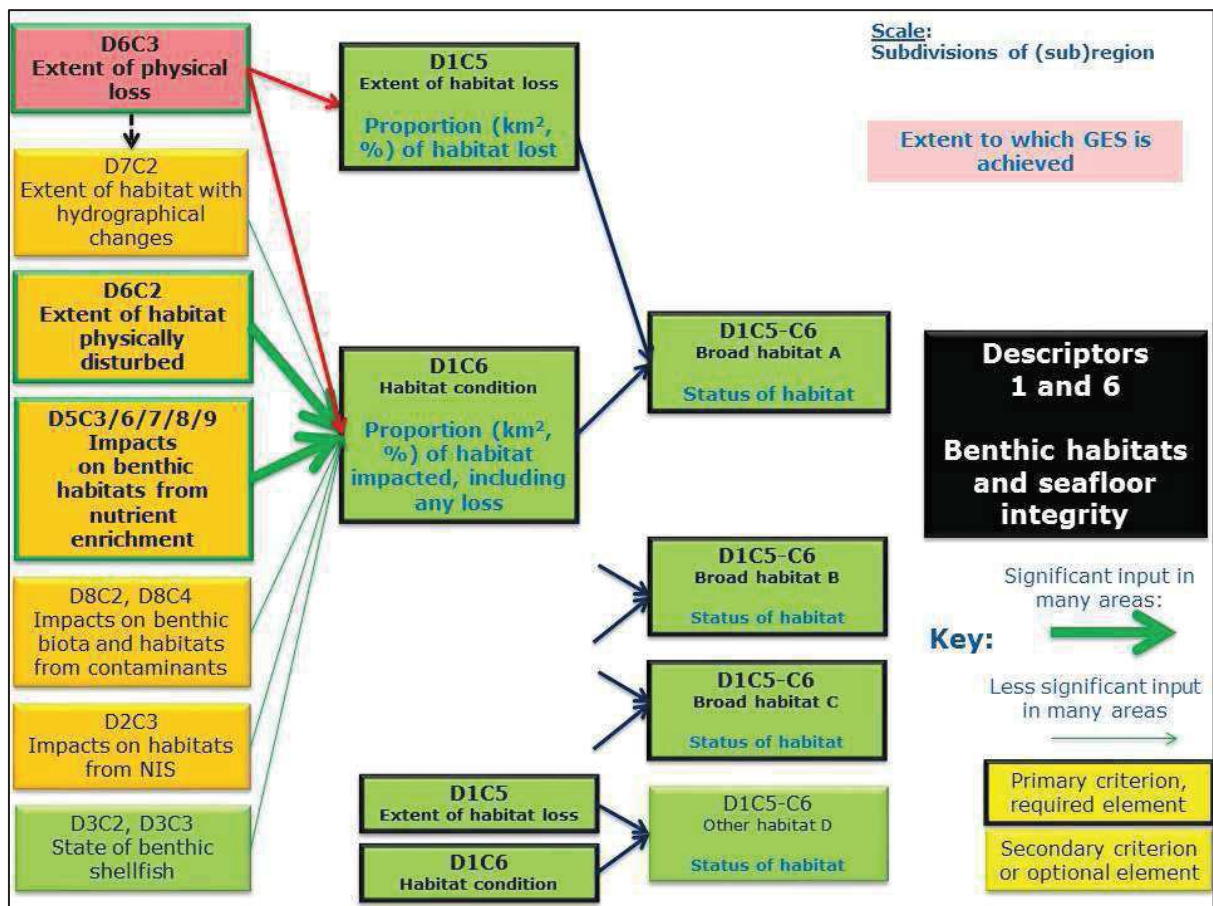
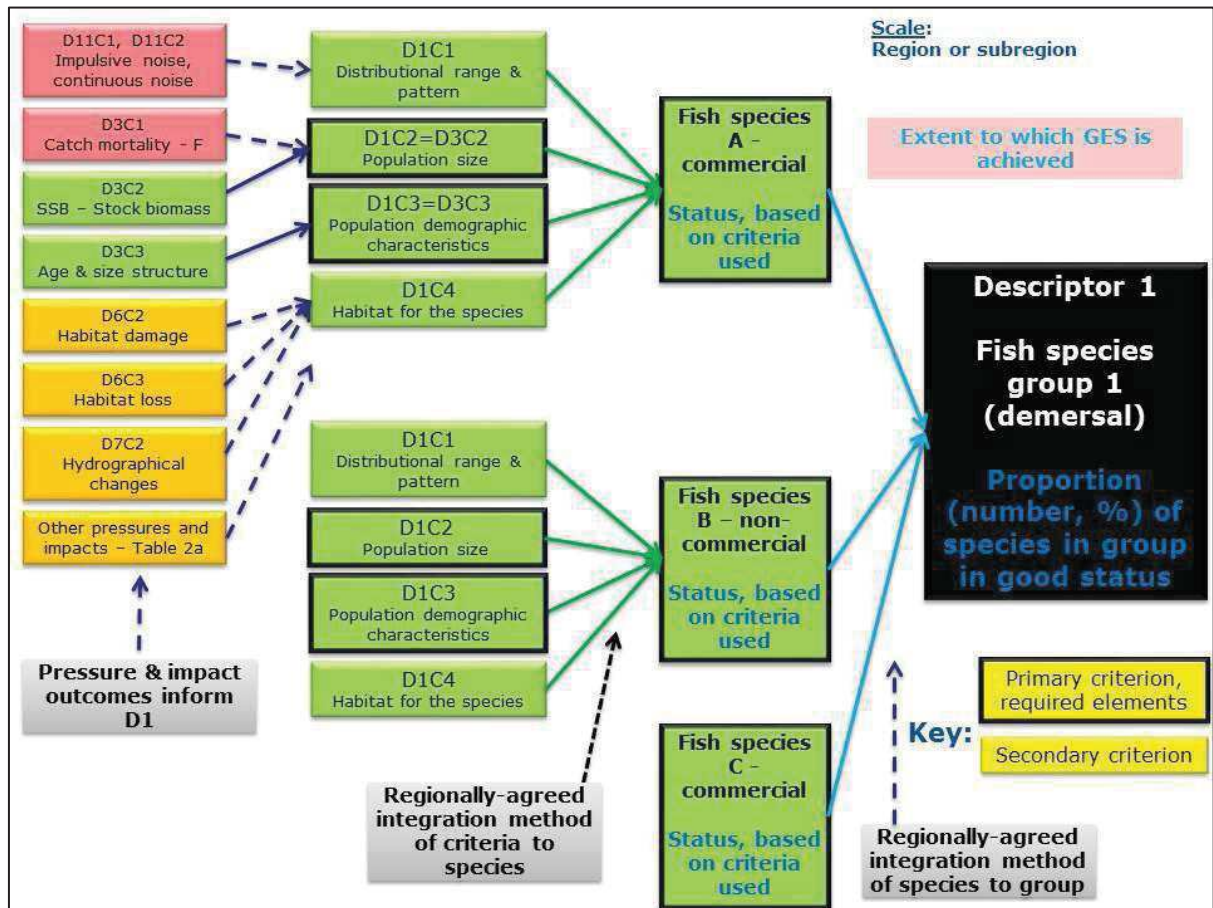




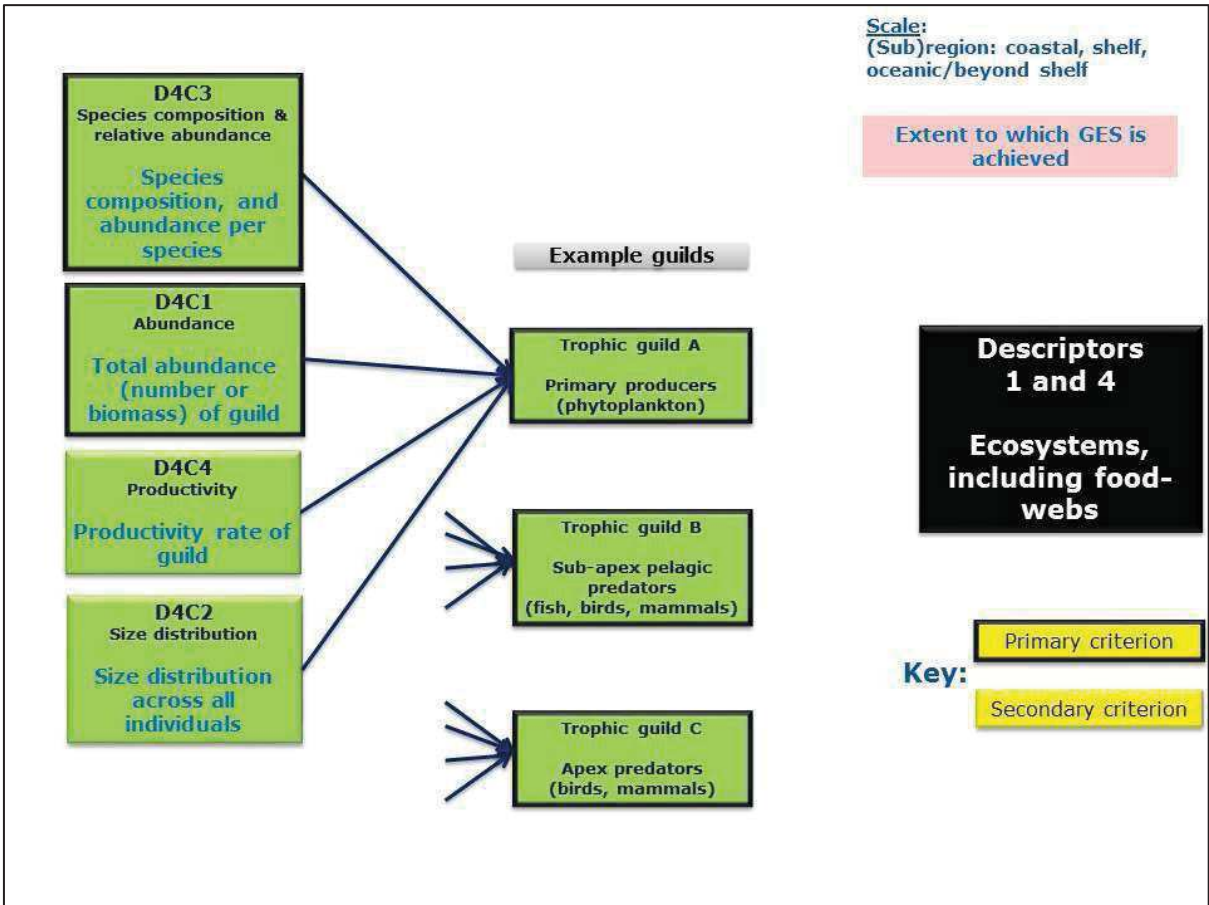
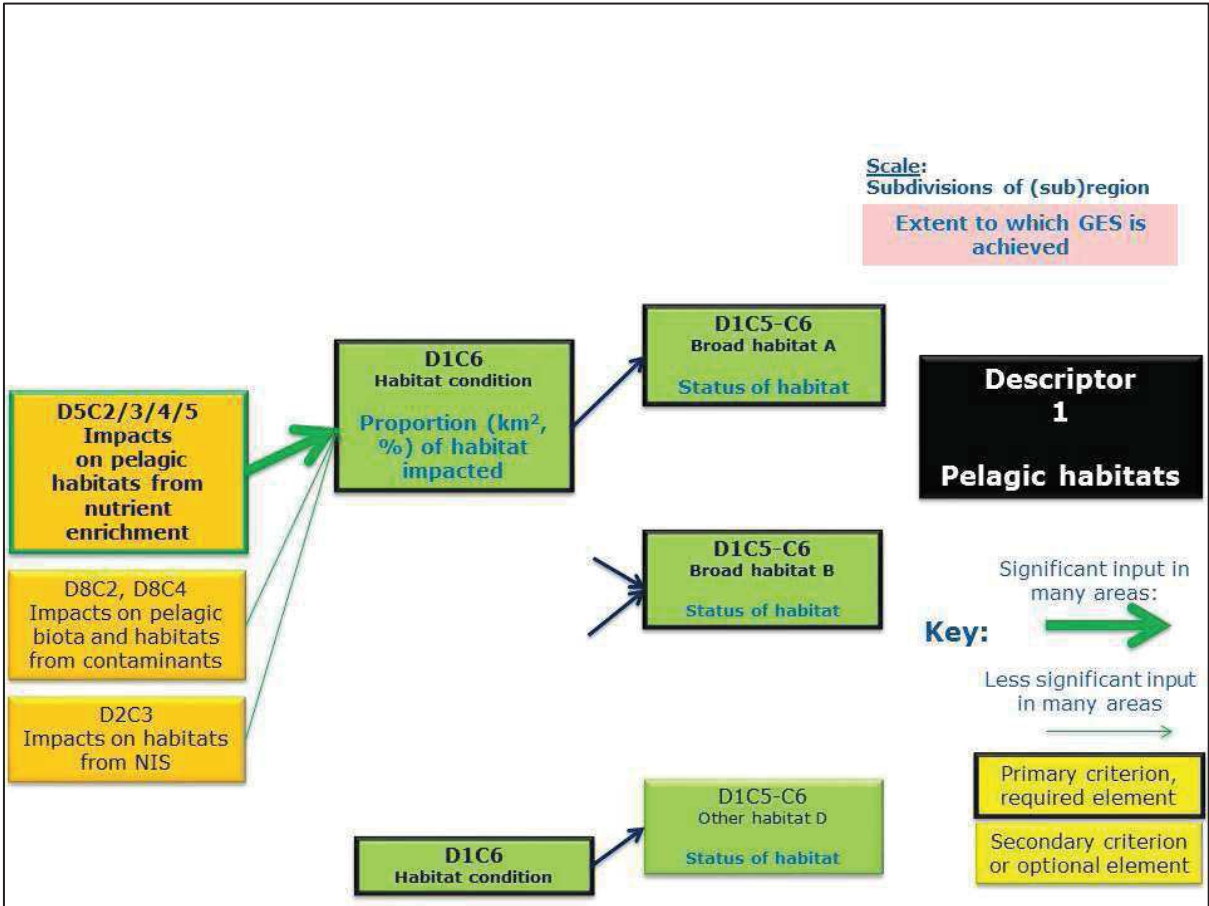














## Aktdetaljer

**Akttitel: 2016-05-24\_ Com power point oplæg på CTTEE møde maj 2016.pdf**  
**Aktnummer:**

Akt ID: 2763981

Dato: 31-01-2017

Type: Intern

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[2] 2016-05-24\_ Com power point oplæg på CTTEE møde maj 2016.pdf

Den 1. februar 2017

**Til:**

**Fra:** Maria Klint Thelander (makbj@mfvm.dk)

**Titel:** 2016-05-24\_Com power point oplæg på CTTEE møde maj 2016.pdf

**Sendt:** 31-01-2017 10:57:21

**Bilag:** 2016-05-24\_Com power point oplæg på CTTEE møde maj 2016.pdf;



**13<sup>th</sup> meeting of MSFD Committee**  
**19-20 May 2016, Brussels**

**Revision of Decision 2010/477/EU**  
**Overview of main changes**

**European Commission**

DG Environment

Marine Environment and Water Industry Unit

## Consultation results

843 comments from 15 MS



282 comments from stakeholders (not on Annex III)

New version → addresses comments received

Not all required action

Some issues remained pending at the time of the release of the document

Section	Number of comments
Recitals & Articles	164
Annex - general	
D1	130
D2	22
D3	40
D4	23
D5	101
D6	46
D7	26
D8	68
D9	16
D10	91
D11	39
Part C	15
Annex III	62
<b>Total</b>	<b>843</b>

## Other processes

Workshop on Guidance for assessments under Art. 8,  
20-21 April 2016, Brussels

Release of ICES advice, 13 May 2016

Internal meetings for further consultation



## **Roles of Decision and MSFD Art 9(1)**

MS have responsibility to determine GES (Art 9(1))

COM Decision provides tools to be used to ensure consistency and allow for comparison between regions and subregions

Annex to Decision does not express GES (e.g. threshold values for criteria, application rules)

MS should use Decision to determine GES (regional specificities, expressing extent over which threshold values are to be achieved)

Sustainable use of the sea may mean that threshold values not achieved in certain parts of the sea

# Main changes

Use of criteria

Threshold values

Timeline & notification

Extent to which GES has been achieved





## Use of criteria (Art 3)

Possibility to not use criteria in "duly justified circumstances"

→ New text on regional cooperation obligation

Possibility to use other (e.g. RSC) standards or methods for assessment and monitoring when not specified in Decision

Interim: national lists of criteria elements



## Threshold values (Rec 11-12, Art 4)

In Annex or for MS to establish at Union/Regional level

Union/Regional process  $\neq$  Union/Regional values  
→ Values set at appropriate scale

Principles for setting threshold values, e.g.:  
→ Based on science and precautionary principle

Interim: national threshold values or trends

Indicative of a need for measures or investigation

## Timeline and Notification (Art 5-6)

Threshold values and criteria elements to be established for 2018

Latest: 2024 but need to inform Commission

Threshold values periodically reviewed and amended if necessary

COM informed of threshold values and criteria elements set through Union/Regional process



# Expressing the extent to which GES is being achieved

Informs on progress towards MSFD objective – GES by 2020

Informs on need for environmental targets (Art 10) and measures (Art 13)

For each Descriptor, deletion of "All threshold values set shall be achieved" and Part C

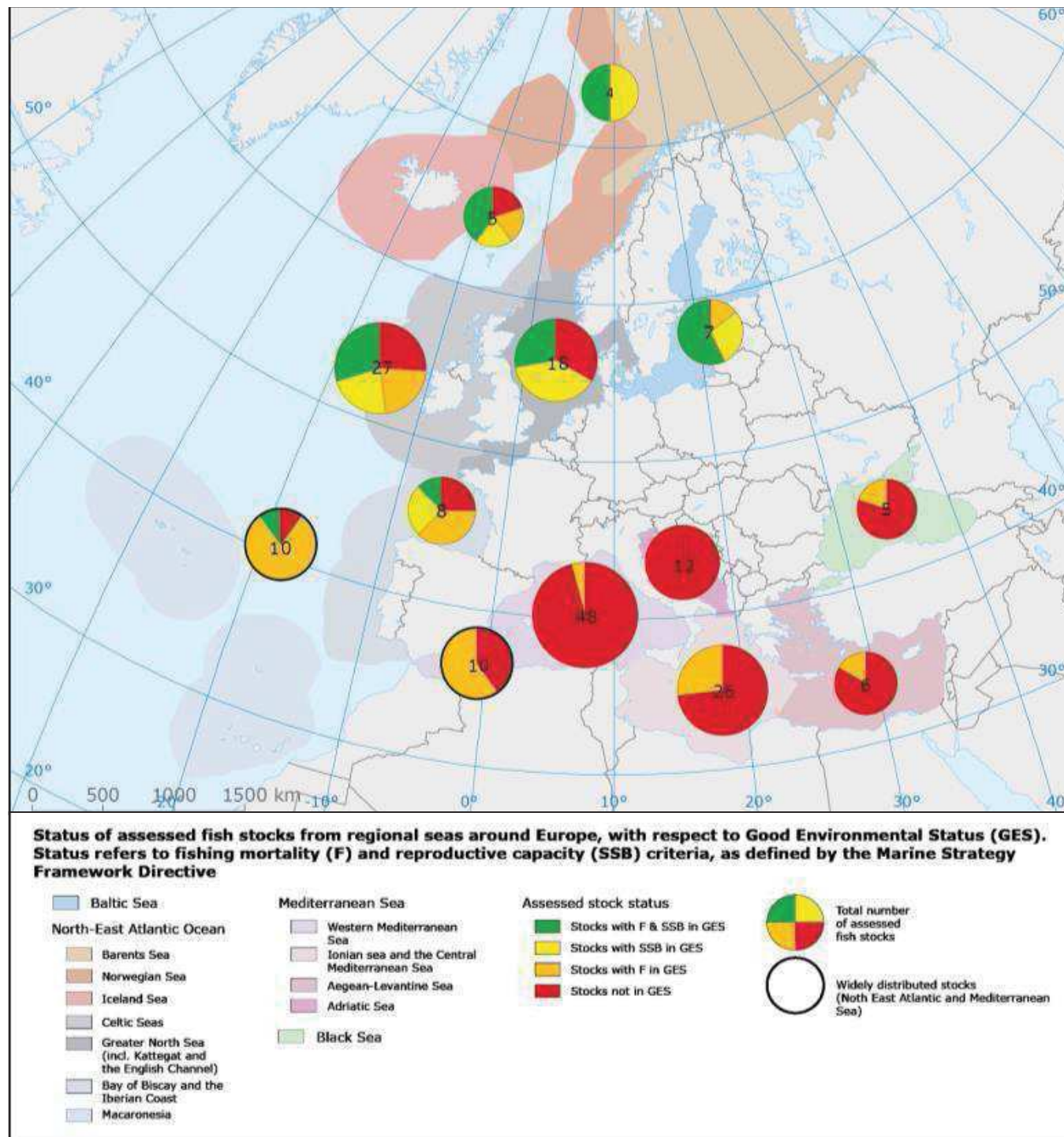
For each Descriptor, 'Use of criteria' expresses outcomes of assessments: spatial extent or proportion

Need for consistency of outcomes across MS/regions (more so than precision); plus trends in status

## Method A:

Assessment per element  
(contaminants,  
species)

Example:  
commercial fish  
D3C1-D3C2 (D3C3  
not available) (EEA  
2015)



## Method A:

### Assessment per element (contaminants, species)

Contaminant (* legacy substance)	Value	Threshold value (EQS)	Achieved threshold value
Contaminant A	21	25	Yes
Contaminant B*	45	30	No
Contaminant C	7	10	Yes
Contaminant D	26	30	Yes
Contaminant E	38	30	No
<b>3 of 5 substances (60%) achieved threshold values</b>			
<b>2 substances did not achieve threshold values (including one legacy substance)</b>			

### Example: contaminants

## Method B:

Estimate of  
proportion per  
assessment  
area

Example:

seabed habitats  
(D6C2)

Habitat type	Proportion of area impacted by physical disturbance
Broad habitat type A	25%
Broad habitat type B	15%
Broad habitat type C	35%
Broad habitat type D	5%
Other habitat type E	25%
Other habitat type F	50%

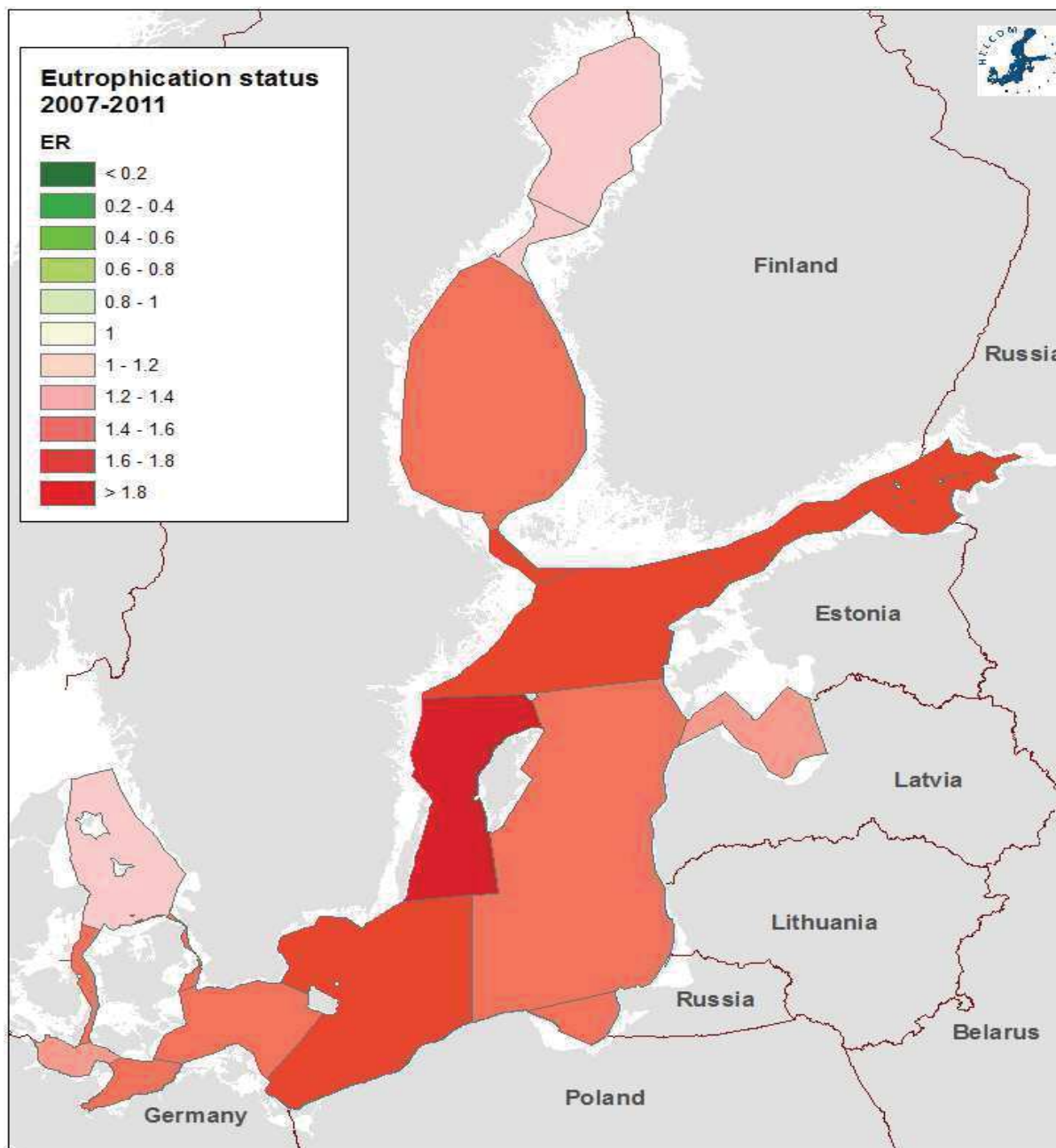
## Method C:

average  
outcome per  
assessment  
area

## Example:

Eutrophication  
(D5 overall)

From HELCOM for  
period 2007-  
2011 (2014)





## Next steps

Comments on this draft by **27 May 2016**

Next Committee meeting – **29 June 2016**

Interservice consultation – Summer 2016

Translations – Summer 2016

Committee vote – September - October 2016

Scrutiny period

Adoption – January 2017



## Aktdetaljer

Den 1. februar 2017

**Akttitel: 2016-05-05 Draft Meeting minutes\_CLEAN.docx**

**Aktnummer:**

Akt ID: 2763982

Dato: 31-01-2017

Type: Intern

Original titel: 2016-05-05 Draft Meeting minutes\_CLEAN.docx

Dokumenter: [1] 2016-05-05 Draft Meeting minutes\_CLEAN.docx.msg

[2] 2016-05-05 Draft Meeting minutes\_CLEAN.docx

**Til:**

**Fra:** Maria Klint Thelander (makbj@mfvm.dk)

**Titel:** 2016-05-05 Draft Meeting minutes\_CLEAN.docx

**Sendt:** 31-01-2017 10:57:20

**Bilag:** 2016-05-05 Draft Meeting minutes\_CLEAN.docx;



**EUROPEAN COMMISSION**

DIRECTORATE-GENERAL

ENVIRONMENT

Directorate C – Quality of Life, Water and Air

**ENV.C.2 - Marine Environment & Water Industry**

**TWELFTH 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 / Rooms 1B and 0B**

**36, rue Froissart, B-1040 Brussels**

**1. Welcome and introduction**

The Chair (European Commission, DG Environment) opened the meeting and welcomed the participants.

**2. Adoption of the agenda**

The draft agenda (document CTTEE\_12-2016-01) was adopted unanimously without amendments.

**3. Adoption of the minutes of the 11<sup>th</sup> Committee Meeting Minutes**

The minutes of the 11<sup>th</sup> Committee meeting (document CTTEE\_12-2016-02) were amended in order to reflect comments by Denmark, [REDACTED] and were adopted as amended.

**4. Review of Commission Decision on GES**

The Chairman thanked Member States for sending comments on the draft text of the Commission Decision on criteria and methodological standards for good environmental status (document CTTEE\_12-2016-03) and informed that around 300 of the 700 comments received led to revisions in the new version. All comments were however considered. He also informed the Member States on the cancellation of the Committee meeting foreseen on the 21-22 April 2016.

The Commission gave an overview presentation on the general issues identified in the comments received by Member States including the proposed solutions and informed Member States on the next steps.

A discussion followed in which Member States made general comments:

- Several Member States provided a coordinated view, expressing concerns on: i) the issue of legality of the scope of the draft proposal on threshold values, the one-out-all-out principle, ability to achieve the proposed timelines, reliance on Regional Sea Conventions, ii) the lack of maturity of science in support of some of the proposals regarding use of a risk-based

approach and threshold values by 2018 and iii) the additional cost burden for monitoring and reporting and the socio-economic implications.

- One Member State asked for a dedicated financial instrument to support implementation of MSFD and a more structured and clear link to blue growth;
- One Member State was concerned about the need for clear criteria for the GES decision, and the need first for a risk-based approach as a methodology to identify the main problems.
- Finally, several Member States expressed concerns on the application of the one-out-all-out principle.

### **Recitals and Articles**

The Commission then presented the recitals and articles one-by-one and Member States were invited to comment on each of them:

- Recitals: due to limitations of time, discussion covered only recitals 1 to 8. Member States made specific comments on recitals 4, 7 and 8 regarding the role of regional cooperation for MSFD implementation, the time limits in other environmental legislation and the need to ensure coherence, the establishment of threshold values at regional or subregional level and the inclusion of word "applicable" before threshold values.
- Article 1 Subject matter: Member States commented in particular on the lack of reference to MSFD Annex III, the need to use the same wording as in the 2010 Commission Decision and to define sub-objectives.
- Article 2 Definitions: Member States requested clarifications on the application of secondary criteria, differences between "specification" and "standardised method", and on the definition of threshold values.
- Article 3 General principles: Member States expressed reservations on the text, proposed to use the same wording as in the 2010 Commission Decision and expressed concerns on the possibility not to use one or more criteria only "in exceptional circumstances" and with "due justification". Paragraph 4 was not discussed.
- Article 4 Repeal: one Member State proposed either partial repeal as the 2010 Commission Decision includes a general part not entirely covered in the proposed draft text or taking up that general part in the Article 8 guidance.

The Commission then presented the draft Annex and its descriptors one-by-one and Member States were invited to comment on each descriptor.

### **Descriptor 5**

After the Commission presented the main changes following comments received on the previous version of the draft proposal (CTTEE\_11-2016-04) on that descriptor, several Member States raised concerns on the inter-relationship of assessments under the WFD and MSFD and the application rules proposed. Specific comments were made on the proposed criteria, including the suitability of the use of opportunistic macroalgae, the use of the term clarity, the units of measurements proposed, and the monitoring beyond coastal waters.

The Commission emphasised the necessity to ensure coherence between the assessments made under the Water Framework Directive and the MSFD.

### **Descriptor 8**

The Commission presented the details of the changes in the proposal for Descriptor 8 and particularly emphasised the necessity to ensure coherence between the assessments made under the Water Framework Directive and the MSFD.

Member States made specific comments on the proposed criteria including the use of the one-out-all-out principle, the application of criterion D8C4 and the definition of significant pollution events, and the role of Regional Sea Conventions.

### **Descriptor 9**

The Commission presented the changes in the proposal for Descriptor 9. Member States did not provide any comments during the meeting.

### **Descriptor 10**

The Commission presented the changes in the proposal for D10. Member States expressed concerns in relation to the deletion of the criterion on litter ingestion and the use of the criterion on entanglement, the ability to set threshold values, the potential difficulties linked to monitoring certain matrices (e.g. seafloor or floating litter) and on the strandings of animals and indicated that trends may be a more realistic indicator (rather than setting threshold values). Specific comments were made on the proposed criteria, including the lower size limit for micro-litter and the measurement units.

### **Descriptor 11**

After a short presentation by the Commission of the proposed changes related to Descriptor 11, a few Member States commented on specific aspects of the draft (ability to establish threshold values because of the immaturity of science, the focus on 'marine mammals', insufficient ranges for the frequencies to be used).

### **Descriptor 3**

The Commission presented the changes in the proposal for D3. Regarding Descriptor 3, Member States were concerned about the availability of data for certain criteria, the increased burden of monitoring for criterion D3C3, the lack of a definition for "commercially-exploited fish". Member States indicated that criterion D3C4 did not address commercially-exploited species and would sit better under Descriptor 1. Differing views were expressed as to whether criterion D3C3 should be maintained.

### **Descriptor 6**

The Commission presented the changes in the proposal for D6 criteria concerning physical loss and disturbance. On this descriptor, some Member States made specific comments on each of the criteria, indicating that the difference between certain criteria was not sufficiently clear, welcoming the proposed deletions of previously included criteria and proposing further merging of several criteria. Member States also asked for clarifications on the definitions and relevant activities, expressed concerns about monitoring and proposed the application of a risk-based approach.

### **Descriptor 2**

On Descriptor 2, specific comments were made on the proposed criteria, including on the specifications for monitoring, the wording of the criteria (D2C1 and D2C3), the lack of clarity regarding the use of D2C2 and D2C3 as secondary criteria and their link to the possibility of risk, and the use of "trends" of new introductions for D2C1.

### **Descriptor 7**

Member States questioned whether the secondary criteria were truly secondary, as they considered the conditions to use them would always be fulfilled and commented on the exclusion of the water

column from the scope of the criteria and on the lack of primary criteria.

### **Descriptor 1, 4, 6 Species groups, habitats and ecosystems including food webs**

The Commission presented the changes in the proposal for Descriptors 1, 4 and 6. Member States mainly commented on the need for appropriate links to the Habitats and Birds Directive's approaches and the difficulties in setting threshold values at regional level. They expressed concerns on the application rules proposed. Regarding habitats, several Member States were concerned about the economic impact of the threshold values proposed. One Member State wished to specifically include special or listed habitats.

Regarding food webs, Member States commented on the proposed wording ("adversely" instead of "significantly"), that proposed criteria do not assess the ecosystem and that threshold values cannot be defined according to ICES advice and suggested that more criteria should be secondary.

### **Part C**

Following the comments received during the meeting, the Commission gave a presentation with the view to clarifying the use of the one-out-all-out (OOAO) principle under application rules for contaminants and species, and showing different approaches on how Member States could present the assessment results to reflect the extent to which GES has been achieved.

Some Member States put a study reservation on part C. The Commission explained that different possibilities regarding the presentation of assessment results could for instance be considered under the Article 8 Assessment guidance.

### **5. Review of MSFD Annex III**

Member States generally welcomed the latest version of the proposal replacing Annex III of the MSFD (CTTEE\_12-2016-04) and made some specific comments regarding the indicative nature of the lists in the tables, notes related to the tables and the transposition period.

Following the comments of Member States on each of the sections above, the Commission provided initial responses to the comments made, particularly to provide further clarifications on the rationale for the text proposed. Following the discussions on the draft GES Decision and on the draft Directive replacing Annex III, Member States requested more time to provide written comments. It was maintained that Member States would send written comments **on the draft proposals by 9 March 2016**, in the template provided to that effect. The Commission indicated that it would consider the comments received in its preparation of the new drafts to be discussed at the next Committee meeting.

### **6. Any other business**

No other business.

The Chair thanked participants for their engagement during the two days and closed the meeting.

**Annex I: List of meeting documents**

<b>Agenda point</b>	<b>Reference</b>	<b>Title</b>	<b>Submitted by</b>
2	CTTEE/12/2016/01	Draft agenda	European Commission (DG ENV)
3	CTTEE/12/2016/02	Minutes of the Eleventh Committee meeting	European Commission (DG ENV)
4	CTTEE/12/2016/03	Review of Commission Decision on GES	European Commission (DG ENV)
5	CTTEE/12/2016/04	Review of MSFD Directive Annex III	European Commission (DG ENV)



## **Annex II: List of participants**

<b>State</b>	<b>Organisation</b>
Belgium	Belgian Federal Public Service - Health, Food Chain Safety and Environment
Bulgaria	Ministry of Environment and Water
Denmark	The Danish Nature Agency
Estonia	Ministry of Environment of Estonia
Finland	Ministry of Environment of Finland
France	Ministère de l'écologie, du développement durable et de l'énergie
Germany	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit
Greece	Special Secretary for Water of the Hellenic Ministry of Reconstruction of Production, Environment & Energy
Ireland	Department of Environment, Community and Local Government (DECLG)
Italy	Ministry of the Environment, Land and Sea Protection, Nature and Sea Protection Directorate (MATTM-PNM)
Latvia	Ministry of the Environmental Protection and Regional Development
Lithuania	Ministry of Environment of the Republic of Lithuania
Malta	Malta Environment and Planning Authority
The Netherlands	Ministry of Infrastructure and the Environment, DG for Spatial Issues and Water
The Netherlands	Ministry of Infrastructure and the Environment, RWS Centre for Water Management
Poland	Ministry of the Environment-Water Resources Department
Poland	Monitoring Department in the Chief Inspectorate for Environmental Protection
Portugal	Direcção-Geral de Recursos Naturais, Segurança e Serviços Marítimos (DGRM)
Romania	Ministry of Environment, Water and Forest
Slovenia	Ministry of the Environment and Spatial Planning
Spain	Ministry of Agriculture, Food and Environment
Sweden	Swedish Agency for Marine and Water Management (SwAM)
United Kingdom	Department for Environment, Food and Rural Affairs
European Commission	DG Environment



## Aktdetaljer

**Akttitel: 2016-02-26 Proposal\_Commission Decision on GES criteria-V2.pdf**  
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Dato: 31-01-2017

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[2] 2016-02-26 Proposal\_Commission Decision on GES criteria-V2.pdf

Den 1. februar 2017

**Til:**

**Fra:** Maria Klint Thelander (makbj@mfvm.dk)

**Titel:** 2016-02-26 Proposal\_Commission Decision on GES criteria-V2.pdf

**Sendt:** 31-01-2017 10:57:18

**Bilag:** 2016-02-26 Proposal\_Commission Decision on GES criteria-V2.pdf;



**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><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 levels</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-levels<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 D8C43: 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	D10C4 <del>3</del> : 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>
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 <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><u>Criteria elements</u>Elements for assessment</b>	<b>Criteria, including <u>reference level</u><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 <u>reference level</u><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 <u>by appropriate scientific bodies</u> in accordance with Article <u>25(5)6</u> 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><u>Member States shall set, at regional or subregional level, appropriate values for each species.</u></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 D6C2~~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> 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> 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>	

Criteria elements Elements for assessment	Criteria, including <del>reference level</del> <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, <del>reference level</del><u>threshold values</u> for each species.</p>	<p>secondary and should be used where there is a possibility the species <del>are at risk</del><u>may fail the criterion 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 <del>are equivalent</del><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, <del>D1C3</del> and D1C4 <del>are equivalent</del><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 <del>are equivalent</del><u>correspond</u> to criteria D3C2 and D3C3; assessments under D3 should be used for D1 purposes.</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><del>For a</del>All species <u>in a species groups</u>, the species is in good status when the criteria used <u>shall</u> 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 <del>reference levels</del> <u>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</u> <del>correspond</del> 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

Den 1. februar 2017

**Akttitel: 2016-02-26 Draft Meeting minutes amended.pdf**

**Aktnummer:**

Akt ID: 2763985

Dato: 31-01-2017

Type: Intern

Original titel: 2016-02-26 Draft Meeting minutes amended.pdf

Dokumenter: [1] 2016-02-26 Draft Meeting minutes amended.pdf.msg

[2] 2016-02-26 Draft Meeting minutes amended.pdf

**Til:**

**Fra:** Maria Klint Thelander (makbj@mfvm.dk)

**Titel:** 2016-02-26 Draft Meeting minutes amended.pdf

**Sendt:** 31-01-2017 10:57:18

**Bilag:** 2016-02-26 Draft Meeting minutes amended.pdf;





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

**ELEVENTH MEETING OF THE COMMITTEE UNDER ARTICLE 25 OF DIRECTIVE  
2008/56/EC  
(MARINE STRATEGY COMMITTEE)**

*27 January 2016  
from 09:30 to 17:30*

**Conference Centre Albert Borschette / Room 1C  
36, rue Froissart  
B-1040 Brussels**

**1. Welcome and introduction**

The Chair (European Commission, DG Environment) opened the meeting, welcomed the participants and introduced the new deputy Head of Unit of DG ENV's marine unit, Michel Sponar.

The Chair invited Committee members to ensure the Commission has up-to-date official nominations to the Committee (nominations should be sent by official letters from the Permanent Representations), as only an officially-appointed Committee member can take part in a vote.

**2. Adoption of the agenda**

The draft agenda (document CTTEE\_11-2016-01) was adopted without amendments.

**3. Adoption of the minutes of the 10<sup>th</sup> Committee Meeting Minutes**

The minutes of the 10<sup>th</sup> Committee meeting (document CTTEE\_11-2016-02) were adopted.

**5. Review of Commission Decision on GES**

The Commission gave an overview of the draft text for a new Commission Decision on criteria and methodological standards for good environmental status (document CTTEE\_11-2016-03), and presented the rationale underpinning it. It advised the Committee that it was not yet a formal proposal from the Commission.

Some Member States made general comments on the text:

- Several Member States stated that national technical consultations were still ongoing and therefore did not yet have detailed comments to provide. One Member State requested more time for providing comments on the draft.

- A number of Member States thanked the Commission for the work done which they considered had led to a well-structured conceptually-sound first draft text that was, overall, much clearer than the 2010 Decision it was intended to replace. Further, the improved coherence with other existing EU policies, and the specific reference to risk-based approaches, were generally welcomed. Additionally, the explanatory document (CTTEE\_11-2016-05) was considered to have provided a very useful rationale to the proposal.
- Several Member States made general remarks on the need to clarify some of the terminology (e.g. reference levels), on the need to clarify the use of primary and secondary criteria, on the need to clarify whether quantitative levels for GES are mandatory and other aspects of the text to ensure its intention was clear.
- Several Member States expressed concern that the draft text may exceed the legal basis in MSFD Article 9(3).
- A number of Member States were concerned about the apparent introduction of "mandatory criteria" in the Decision (the primary criteria), and about the possibility to first carry out the Article 9 determination of GES before the assessment under Article 8 MSFD. Several Member States expressed their concerns about the use of Water Framework Directive concepts in the MSFD (Member States stated that the MSFD does not cover the same aspects as the WFD in coastal waters), about assessment scales, and about the connection to the Habitats and Birds Directives, since these directives have no deadline for reaching favourable conservation status.

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The Commission then presented the descriptors one-by-one and Member States were invited to comment on each descriptor.

### **Descriptor 8**

The Commission presented the details of the proposal for Descriptor 8 and particularly emphasised the necessity to ensure coherence between the assessments made under the Water Framework Directive and the MSFD.

Some Member States stated that the risk-based approach should be clarified and simplified in the text, for instance it should be clearer that the risk-based approach also applies to the selection of elements for assessment. Several Member States also questioned the use of the one-out-all-out principle at the level of criteria and of the term "reference levels". Some Member States were concerned with the amount of details in the text, meaning there would not be enough time before the 2018 assessment to develop reference levels at regional level.

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A number of more technical questions were also raised regarding matrices, the possible burden of having a 'deselection' process rather than starting a list from scratch beyond 12 nautical miles, the possible need to assess the level of inputs of contaminants as well as their concentrations in the marine environment, the definition of 'significant' events, the meaning of 'divided by national boundaries' and the adequacy of EMSA surveillance monitoring.

### **Descriptor 9**

Regarding Descriptor 9, several Member States commented that the establishment of a regional list of species might be difficult because of the limited regional collaboration between food safety authorities.

### **Descriptor 10**

The Commission presented the details of the proposal for D10. Member States made a number of technical comments on litter categories (e.g. artificial polymer materials), the use of the wording "intertidal zone", and the fact that criterion D10C3 should be a surface litter indicator rather than a

health criterion.

Member States also raised potential difficulties linked to monitoring certain matrices (seafloor or floating litter) and on the strandings of animals (as these are based on sparse data reported by fishermen). While one Member State considered that there were missed opportunities to set EU-wide standards, a few others stated that reference levels should be set at regional level, given the importance of currents and oceanographic conditions for marine litter.

Finally, a few Member States also indicated that trends may be a more realistic indicator (rather than setting reference levels).

#### **Descriptor 11**

After a short presentation of Descriptor 11 by the Commission, a few Member States commented on specific aspects of the draft (use of wording 'animals', insufficient ranges for the frequencies to be used, rationale for scales of assessment).

#### **Descriptor 5**

After the Commission presented the work done on that descriptor, several Member States raised concerns on the omission of "transitional waters" in the proposal and on the different timelines of assessments under the WFD and MSFD and their inter-relationship. Specific comments were made on the proposed criteria, including the suitability of the plankton criteria and availability of reference levels in some regions, and on the scales of assessment beyond coastal waters. [One Member State considered that the Decision should clearly state that no assessment would be needed, under the MSFD, regarding D5 in coastal waters.](#)

#### **Descriptor 2**

On Descriptor 2, one Member State considered there was scope for further reducing the number of criteria under this descriptor.

#### **Descriptor 3**

Regarding Descriptor 3, one Member State noted that coherence with the Common Fisheries Policy could be further improved. Several Member States indicated that criterion D3C4 did not address commercially-exploited species and would sit better under Descriptor 1. Two other Member States were concerned about the availability of data for certain criteria. The term 'nationally important stocks' needed a definition.

#### **Descriptor 6**

On this descriptor, some Member States welcomed the new approach to physical loss and damage, while some Member States questioned whether the secondary criteria were truly secondary as they considered the conditions to use them would always be fulfilled. Some Member States also made more specific comments on each of the criteria, considering for some that the difference between certain criteria was not sufficiently clear. There also appeared to be a very close relationship between criterion D6C5 and D1C5 and some rationalisation could be considered. [One Member State stated that a reference level equal to natural conditions was not acceptable.](#)

#### **Descriptor 7**

While some Member States stated they would have preferred a broader perspective for Descriptor 7 (to reflect the importance of hydrographic conditions for wider ecosystem issues), another Member State welcomed the reduction of criteria and called for even further restriction, for instance by merging them with another descriptor's criteria.

#### **Descriptor 1, 4, 6 Species Groups, Habitats and Food webs**

Member States mainly commented on the difficulties linked to marrying the Habitats and Birds Directives approach for species with the approach in certain regional sea conventions. The reference

levels under D1C5 and D1C6 were considered difficult to reach **and unacceptable** by one Member State. The reference to 'ecologically-relevant scales' needed clarification. One Member State wished to specifically include special or listed habitats and species. The inclusion of specific application rules was welcomed by one Member State, but another thought these needed further consideration. Regarding food webs, several Member States commented on their importance whilst questioning the practicalities of their assessment.

#### **Recitals and Articles**

The Commission briefly presented the main features of the Recitals and Articles of the Decision. Member States commented in particular on the definitions (of 'reference levels', 'primary and secondary criteria' and 'coastal waters'), the recital on flexibility and risk-based approach, the difficulties linked to the timing of the next assessment and the inter-linkages with the work done at regional or subregional level.

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Following the comments of Member States on each of the sections above, the Commission provided initial responses to the comments made, particularly to provide further clarifications on the rationale and text proposed. Member States agreed to provide the comments made, and others, in writing.

#### **4. Review of MSFD Annex III**

The Commission presented the latest version of the proposal replacing Annex III of the MSFD (CTTEE\_11-2016-03) and explained in particular how specific comments made on the previous version (CTTEE\_10-2015-03) had been dealt with (reference to listed species and habitats, Table 2b on human activities and Relationship between Tables 2a and 2b). Member States generally welcomed this latest version of the proposal and made some specific comments. Further written comments would be sent on specific aspects of the text.

#### **6. Any other business**

One Member State asked for confirmation that a stakeholder consultation would be held. The Chair confirmed this would be the case, in line with the Commission's Better Regulation principles.

Following the discussions on the draft GES Decision and on the draft Directive replacing Annex III, Member States requested more time to provide comments. It was agreed that Member States would send written comments **on the draft proposals by 5 February 2016**, in the template provided to that effect. The Commission will consider the comments received in its preparation of the new drafts to be discussed at the next Committee meeting.

The Chair thanked participants for their engagement during the day and closed the meeting.



## Aktdetaljer

**Akttitel: Final version of the GES Decision**

**Aktnummer:**

Akt ID: 2763986

Dato: 10-11-2016

Type: Indgående

Original titel: Final version of the GES Decision

Dokumenter: [1] Final version of the GES Decision.msg

[2] Proposal for replacement of COM Decision 2010-477-EU\_Articles\_Recitals\_v9 10.11.2016 as adopted FINAL.docx

[3] Proposal for replacement of COM Decision 2010-477-EU\_Annex\_v9 10.11.2016 as adopted FINAL.docx

Den 1. februar 2017

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**Fra:** Giulia.MARANO@ec.europa.eu (Giulia.MARANO@ec.europa.eu)

**Titel:** Final version of the GES Decision

**Sendt:** 10-11-2016 17:07:02

**Bilag:** Proposal for replacement of COM Decision 2010-477-EU\_Articles\_Recitals\_v9 10.11.2016 as adopted FINAL.docx; Proposal for replacement of COM Decision 2010-477-EU\_Annex\_v9 10.11.2016 as adopted FINAL.docx;

Dear Committee members,

Following the positive vote, please find attached the final version of the GES Decision (act + annex).

Kind regards,

The GES team

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**From:** LEROY Clementine (ENV)

**Sent:** Thursday, November 10, 2016 1:27 PM

**To:** 'ernst.ueberreiter@bmlfuw.gv.at'; 'michael.kyramarios@environnement.belgique.be'; 'saskia.vangaever@milieu.belgie.be'; 'tanya\_milkova@bsbd.org'; 's.barova@bsbd.org'; 'galia@moew.government.bg'; 'vroyachka@moew.government.bg'; 'Barbara.Skevin-Ivosevic@mzoip.hr'; 'ivan.radic@mzoip.hr'; 'margyrou@dfmr.moa.gov.cy'; 'smichaelides@dfmr.moa.gov.cy'; 'mmarcou@dfmr.moa.gov.cy'; 'Veronika.Matuszna@mzp.cz'; 'liel@svana.dk'; 'diman@svana.dk'; 'Rene.reisner@envir.ee';

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SPONAR Michel (ENV); ENV MARINE ENVIRONMENT; MALGAJ Matjaz (ENV)

**Subject:** Proposal for a GES Decision as amended in Committee

Dear Committee members,

Please find attached the proposal for a GES Decision as amended this morning in Committee for your perusal. As  
discussed, the Committee will resume for the vote on the texts at 3.30 pm.

Thank you and kind regards,  
The GES Team



Brussels, **XXX**  
[...] (2016) **XXX** draft

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

**of **XXX****

**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 2010/477/EU**

(Text with EEA relevance)



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

of **XXX**

### **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 2010/477/EU**

(Text with EEA relevance)

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 Articles 9(3) and 11(4) thereof,

Whereas:

- (1) Commission Decision 2010/477/EU<sup>2</sup> established criteria to be used by the Member States to determine the good environmental status of their marine waters and to guide their assessments of that status in the first implementation cycle of Directive 2008/56/EC.
- (2) Decision 2010/477/EU acknowledged that additional scientific and technical progress was required to support the development or revision of those 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 stated that it would be appropriate to carry out its revision as soon as possible after the completion of the assessment required under Article 12 of Directive 2008/56/EC, in time to support a successful update of marine strategies that are due by 2018, pursuant to Article 17 of Directive 2008/56/EC.
- (3) In 2012, on the basis of the initial assessment of their marine waters made pursuant to Article 8(1) of Directive 2008/56/EC, Member States reported on the environmental status of their marine waters and notified to the Commission their determination of good environmental status and their environmental targets in accordance with Articles 9(2) and 10(2) of Directive 2008/56/EC, respectively. The Commission's assessment<sup>3</sup> of those Member State reports, undertaken in accordance with Article 12 of Directive 2008/56/EC, highlighted that more efforts were urgently needed if Member States are to reach good environmental status by 2020. The results showed the necessity to significantly improve the quality and coherence of the determination of good

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<sup>1</sup> OJ L 164, 25.6.2008, 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 waters (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).

environmental status by the Member States. In addition, the assessment recognised that regional cooperation must be at the very heart of the implementation of Directive 2008/56/EC. It also emphasised the need for Member States to more systematically build upon standards stemming from existing Union legislation or, where they do not exist~~relevant~~, upon standards set by Regional Sea Conventions or other international agreements.

- (4) To ensure that the second cycle of implementation of the marine strategies of the Member States further contributes to the achievement of the objectives of Directive 2008/56/EC and yields more consistent determinations of good environmental status, the Commission 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, aiming at a clearer, simpler, more concise, more coherent and comparable set of good environmental status criteria and methodological standards and, at the same time, review Annex III of Directive 2008/56/EC, and if necessary revise it, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle.
- (5) On the basis of those conclusions, the review process started in 2013 when a roadmap, consisting of several phases (technical and scientific, consultation, and decision-making), was endorsed by the Regulatory Committee established under Article 25(1) of Directive 2008/56/EC. During this process, the Commission consulted all interested parties, including Regional Sea Conventions.
- (6) In order to facilitate future updates of the initial assessment of Member States' marine waters and their determination of good environmental status, and to ensure greater coherence in implementation of Directive 2008/56/EC across the Union, it is necessary to clarify, revise or introduce criteria, methodological standards, specifications and standardised methods to be used by Member States, compared to the elements currently set out in Decision 2010/477/EU. As a result, the number of criteria that Member States need to monitor and assess should be reduced, applying a risk-based approach to those which are retained in order to allow Member States to focus their efforts on the main anthropogenic pressures affecting their waters. Finally, the criteria and their use should be further specified, including providing for threshold values or the setting thereof, thereby allowing for the extent to which good environmental status is achieved to be measured across the Union's marine waters.
- (7) In accordance with the commitment taken by the Commission when adopting its Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Better regulation for better results — An EU agenda<sup>4</sup>, this Decision should ensure coherence with other Union legislation. To ensure greater consistency and comparability at Union level of Member States' determinations of good environmental status and avoid unnecessary overlaps, it is appropriate to take into account relevant existing standards and methods for monitoring and assessment laid down in Union legislation, including Council Directive 92/43/EEC<sup>5</sup>, Directive 2000/60/EC of the European Parliament and of the Council<sup>6</sup>, Commission Regulation (EC) No 1881/2006<sup>7</sup>, Council Regulation (EC) No

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

<sup>5</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>6</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).

1967/2006<sup>8</sup>, Directive 2008/105/EC of the European Parliament and of the Council<sup>9</sup>, Directive 2009/147/EC of the European Parliament and of the Council<sup>10</sup> and Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>11</sup>.

- (8) For each of the qualitative descriptors listed in Annex I to Directive 2008/56/EC, and on the basis of the indicative lists in Annex III to that Directive, it is necessary to define the criteria, including the criteria elements and, where appropriate, the threshold values, to be used. Threshold values are intended to contribute to Member States' determination of a set of characteristics for good environmental status and inform their assessment of the extent to which good environmental status is being achieved. It is also necessary to set out methodological standards, including the geographic scales for assessment and how the criteria should be used. Those criteria and methodological standards are to ensure consistency and allow for comparison, between marine regions or subregions, of assessments of the extent to which good environmental status is being achieved.
- (9) To ensure comparability between the details of any updates by the Member States following the reviews of certain elements of their marine strategies, sent under Article 17(3) of Directive 2008/56/EC, specifications and standardised methods for monitoring and assessment should be defined, taking into account existing specifications and standards at Union or international level, including regional or subregional level.
- (10) Member States should apply the 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 the indicative lists of 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, and when establishing coordinated monitoring programmes under Article 11 of that Directive.
- (11) In order to establish a clear link between the determination of a set of characteristics for good environmental status and the assessment of progress towards its achievement, it is appropriate to organise the criteria and methodological standards on the basis of the qualitative descriptors laid down in Annex I to Directive 2008/56/EC, taking into account the indicative lists of ecosystem elements, anthropogenic pressures and human activities laid down in Annex III to that Directive. Some of those criteria and

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<sup>7</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>8</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).

<sup>9</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 Directives 87/2176/EEC, 83/513/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>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).

methodological standards relate in particular to the assessment of environmental status or of predominant pressures and impacts under points (a) or (b) of Article 8(1) of Directive 2008/56/EC, respectively.

- (12) In cases where no threshold values are laid down, Member States should establish threshold values through Union, regional or subregional cooperation, for instance by referring to existing values or developing new ones in the framework of the Regional Sea Conventions. In cases where threshold values should be established through cooperation at Union level (for the descriptors on marine litter, underwater noise and seabed integrity), this will be done in the framework of the Common Implementation Strategy set up by the Member States and the Commission for the purposes of Directive 2008/56/EC. Once established through Union, regional or subregional cooperation, these threshold values will only become part of Member States' sets of characteristics for good environmental status when they are sent to the Commission as part of Member States' reporting under Article 17(3) of Directive 2008/56/EC. Until such threshold values are established through Union, regional or subregional cooperation, Member States should be able to use national threshold values, directional trends or ~~for state elements~~, pressure-based threshold values as proxies.
- (13) Threshold values should reflect, where appropriate, the quality level that constitutes reflects the significance of an adverse effect for a criterion and should be set in relation to a reference condition. Threshold values should be consistent with Union legislation and set at appropriate geographic scales to reflect the different biotic and abiotic characteristics of the regions, subregions and subdivisions. This means that even if the process to establish threshold values takes place at Union level, this may result in the setting of different threshold values, which are specific to a region, subregion or subdivision. Threshold values should also be set on the basis of the precautionary principle, reflecting the potential risks to the marine environment. The setting of threshold values should accommodate the dynamic nature of marine ecosystems and their elements, which can change in space and time through hydrological and climatic variation, predator-prey relationships and other environmental factors. Threshold values should also reflect the fact that marine ecosystems may recover, if deteriorated, to a state that reflects prevailing physiographic, geographic, climatic and biological conditions, rather than return to a specific state of the past.
- (14) In accordance with Article 1(3) of Directive 2008/56/EC, the collective pressure of human activities needs to be kept within levels compatible with the achievement of good environmental status, ensuring that the capacity of marine ecosystems to respond to human-induced changes is not compromised. This may entail, where appropriate, that threshold values for certain pressures and their environmental impacts are not necessarily achieved in all areas of Member States' marine waters, provided that this does not compromise the achievement of the objectives of Directive 2008/56/EC, while enabling the sustainable use of marine goods and services.
- (15) It is necessary to lay down threshold values which will be part of the set of characteristics used by Member States in their determination of good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, and the extent to which the threshold values are to be achieved. Threshold values therefore do not, by themselves, constitute Member States' determinations of good environmental status.
- (16) Member States should express the extent to which good environmental status is being achieved as the proportion of their marine waters over which the threshold values have been achieved or as the proportion of criteria elements (species, contaminants, etc.)

that have achieved the threshold values. When assessing the status of their marine waters in accordance with Article 17(2)(a) of Directive 2008/56/EC, Member States should express any change in status as improving, stable or deteriorating compared to the previous reporting period, in view of the often slow response of the marine environment to change.

- (17) Where threshold values, set in accordance with this Decision, are not met for a particular criterion, Member States should consider taking appropriate measures or carrying out further research or investigation.
- (18) Where Member States are required to cooperate at regional or subregional level, they should use, where practical and appropriate, existing regional institutional cooperation structures, including those under Regional Sea Conventions, as provided under Article 6 of Directive 2008/56/EC. Similarly, in the absence of specific criteria, methodological standards, including for integration of the criteria, specifications and standardised methods for monitoring and assessment, Member States should use/build upon, where practical and appropriate, those developed at international, regional or subregional level, for instance those agreed within the framework of the Regional Sea Conventions, or other international mechanisms. Otherwise, Member States may choose to coordinate amongst themselves within the region or subregion, where relevant. In addition, a Member State may also decide, on the basis of the specificities of its marine waters, to consider additional elements not laid down in this Decision and not dealt with at international, regional or subregional level, or to consider applying elements of this Decision to its transitional waters, as defined in Article 2(6) of Directive 2000/60/EC, in support of the implementation of Directive 2008/56/EC.
- (19) Member States should have sufficient flexibility, under specified conditions, to focus on the predominant pressures and their environmental impacts on the different ecosystem elements in each region or subregion in order to monitor and assess their marine waters in an efficient and effective manner and to facilitate prioritisation of actions to be taken to achieve good environmental status. For that purpose, firstly, Member States should be able to consider that some of the criteria are not appropriate to apply, provided this is justified. Secondly, Member States should have the possibility to decide not to use certain criteria elements or to select additional elements or to focus on certain matrices or areas of their marine waters, provided that this is based on a risk assessment in relation to the pressures and their impacts. Finally, a distinction should be introduced between primary and secondary criteria. While primary criteria should be used to ensure consistency across the Union, flexibility should be granted with regard to secondary criteria. The use of a secondary criterion should be decided by Member States, where necessary, to complement a primary criterion or when, for a particular criterion, the marine environment is at risk of not achieving or not maintaining good environmental status.
- (20) Criteria, including threshold values, methodological standards, specifications and standardised methods for monitoring and assessment should be based on the best available science. However, additional scientific and technical progress is still required to support the further development of some of them, and should be used as the knowledge and understanding become available.
- (21) Decision 2010/477/EU should therefore be repealed.
- (22) 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 lays down:

- (a) criteria and methodological standards to be used by Member States when determining a set of characteristics for good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, on the basis of Annexes I and III and by reference to the initial assessment made pursuant to Article 8(1) of that Directive, to assess the extent to which good environmental status is being achieved, in accordance with Article 9(3) of that Directive;
- (b) specifications and standardised methods for monitoring and assessment, to be used by Member States when establishing coordinated monitoring programmes under Article 11 of Directive 2008/56/EC, in accordance with Article 11(4) of that Directive;
- (c) a timeline for the establishment of threshold values, lists of criteria elements and methodological standards ~~for integration of criteria~~ through Union, regional or subregional cooperation;
- (d) a notification requirement for criteria elements, threshold values and methodological standards ~~for integration of criteria~~.

*Article 2*  
*Definitions*

For the purposes of this Decision, the definitions laid down in Article 3 of Directive 2008/56/EC shall apply.

The following definitions shall also apply:

- (1) 'subregions' means the subregions listed in Article 4(2) of Directive 2008/56/EC
- (2) 'subdivisions' means subdivisions as referred to in Article 4(2) of Directive 2008/56/EC;
- (3) 'invasive non-indigenous species' means 'invasive alien species' within the meaning of Article 3(2) of Regulation (EU) No 1143/2014 of the European Parliament and of the Council<sup>12</sup>;
- (4) 'criteria elements' means constituent elements of an ecosystem, particularly its biological elements (species, habitats and their communities), or aspects of pressures on the marine environment (biological, physical, substances, litter and energy), which are assessed under each criterion;
- (5) 'threshold value' means a value or range of values that allows for an assessment of the quality level achieved for a particular criterion, thereby contributing to the assessment of the extent to which good environmental status is being achieved.

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<sup>12</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

#### *Use of criteria, methodological standards, specifications and standardised methods*

1. Member States shall use primary criteria and associated methodological standards, specifications and standardised methods laid down in the Annex to implement this Decision. However, on the basis of the initial assessment or its subsequent updates carried out in accordance with Articles 8 and 17(2)(a) of Directive 2008/56/EC, Member States may consider, in justified circumstances, that it is not appropriate to use one or more of the primary criteria. In such cases, Member States shall provide the Commission with a justification in the framework of the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.

Pursuant to the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC, a Member State shall inform other Member States sharing the same marine region or subregion before it decides not to use a primary criterion in accordance with the first subparagraph.

2. Secondary criteria and associated methodological standards, specifications and standardised methods laid down in the Annex shall be used to complement a primary criterion or when the marine environment is at risk of not achieving or not maintaining good environmental status for that particular criterion. The use of a secondary criterion shall be decided by each Member State, except where otherwise specified in the Annex.
3. Where this Decision does not set criteria, methodological standards, ~~including for integration of the criteria~~, specifications or standardised methods for monitoring and assessment, including for spatial and temporal aggregation of data, Member States shall ~~use~~ build upon, where practical and appropriate, those developed at international, regional or subregional level, such as those agreed in the relevant Regional Sea Conventions.
4. Until Union, international, regional or subregional lists of criteria elements, methodological standards ~~for integration of criteria~~, and specifications and standardised methods for monitoring and assessment are established, Member States may use those established at national level, provided that regional cooperation is pursued as laid down in Articles 5 and 6 of Directive 2008/56/EC.

### Article 4

#### *Setting of threshold values through Union, regional or subregional cooperation*

1. Where Member States are required under this Decision to establish threshold values through Union, regional or subregional cooperation, those values shall:
  - (a) be part of the set of characteristics used by Member States in their determination of good environmental status;
  - (b) be consistent with Union legislation;
  - (c) where appropriate, distinguish the quality level that ~~constitutes~~ reflects the significance of an adverse effect for a criterion and be set in relation to a reference condition;
  - (d) be set at appropriate geographic scales of assessment to reflect the different biotic and abiotic characteristics of the regions, subregions and subdivisions;

- (e) be set on the basis of the precautionary principle, reflecting the potential risks to the marine environment;
  - (f) be consistent across different criteria when they relate to the same ecosystem element;
  - (g) make use of best available science;
  - (h) be based on long time-series data, where available, to help determine the most appropriate value;
  - (i) reflect natural ecosystem dynamics, including predator-prey relationships and hydrological and climatic variation, also acknowledging that the ecosystem or parts thereof may recover, if deteriorated, to a state that reflects prevailing physiographic, geographic, climatic and biological conditions, rather than return to a specific state of the past;
  - (j) be consistent, where practical and appropriate, with relevant values set under regional institutional cooperation structures, including those agreed in the Regional Sea Conventions.
2. Until Member States have established threshold values through Union, regional or subregional cooperation as required under this Decision, they may use any of the following to express the extent to which good environmental status is being achieved:
- (a) national threshold values, provided the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC is complied with;
  - (b) directional trends of the values;
  - (c) ~~for state elements~~, pressure-based threshold values as proxies.
- These shall follow, where possible, the principles set out in points (a) to (i) of paragraph 1.
3. Where threshold values, including those established by Member States in accordance with this Decision, are not met for a particular criterion to the extent which that Member State has determined as constituting good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, Member States shall consider, as appropriate, whether measures should be taken under Article 13 of that Directive or whether further research or investigation should be carried out.
4. Threshold values established by Member States in accordance with this Decision may be periodically reviewed in the light of scientific and technical progress and amended, where necessary, in time for the reviews provided for in Article 17(2)(a) of Directive 2008/56/EC.

#### *Article 5 Timeline*

1. Where this Decision provides for Member States to establish threshold values, lists of criteria elements or methodological standards ~~for integration of criteria~~ through Union, regional or subregional cooperation, Member States shall endeavour to do so within the time-limit set for the first review of their initial assessment and determination of good environmental status in accordance with Article 17(2)(a) of Directive 2008/56/EC (15 July 2018).



2. Where Member States are not able to establish threshold values, lists of criteria elements or methodological standards ~~for integration of criteria~~ through Union, regional or subregional cooperation within the time-limit laid down in paragraph 1, they shall establish these as soon as possible thereafter, on condition that they provide, by 15 October 2018, justification to the Commission in the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.

*Article 6*  
*Notification*

Each Member States shall send to the Commission, as part of the notification made pursuant to Article 17(3) of Directive 2008/56/EC, details of the those criteria elements, threshold values and methodological standards ~~for integration of criteria~~ established through Union, regional or subregional cooperation in accordance with this Decision, and used by that Member States in accordance with this Decision it decides to use as part of its set of characteristics for determining good environmental status under Article 9(1) of Directive 2008/56/EC.

*Article 7*  
*Repeal*

Decision 2010/477/EU is hereby repealed.

References to Decision 2010/477/EU shall be construed as references to this Decision.

*Article 8*  
*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*



Brussels, **XXX**  
[...](2016) **XXX** draft

ANNEX 1

**ANNEX**

**to 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 2010/477/EU**

**EN**

**EN**

## ANNEX

to 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 2010/477/EU**

## ANNEX

**Criteria and methodological standards for good environmental status of marine waters, relevant to the qualitative descriptors in Annex I to Directive 2008/56/EC, and to the indicative lists set out in Annex III to that Directive, and specifications and standardised methods for monitoring and assessment**

This Annex is structured in two parts:

- under Part I are laid down the 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 that Directive, to be used by Member States in relation to the assessment of predominant pressures and impacts under Article 8(1)(b) of Directive 2008/56/EC,
- under Part II are laid down 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, to be used by Member States in relation to the assessment of environmental status under Article 8(1)(a) of Directive 2008/56/EC.

### **PART I – CRITERIA, METHODOLOGICAL STANDARDS, SPECIFICATIONS AND STANDARDISED METHODS FOR THE MONITORING AND ASSESSMENT OF PREDOMINANT PRESSURES AND IMPACTS UNDER POINT (B) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

Part I considers the descriptors<sup>1</sup> linked to the relevant anthropogenic pressures: biological pressures (Descriptors 2 and 3), physical pressures (Descriptors 6 and 7) and substances, litter and energy (Descriptors 5, 8, 9, 10 and 11), as listed in Annex III to Directive 2008/56/EC.

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<sup>1</sup> When this Decision refers to a 'descriptor', this refers to the relevant qualitative descriptors for determining good environmental status, as indicated under the numbered points in Annex I to Directive 2008/56/EC.

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

Relevant pressure: Input or spread of non-indigenous species

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Newly-introduced non-indigenous species.	<p>D2C1 – Primary:</p> <p>The number of non-indigenous species which are newly introduced via human activity into the wild, per assessment period (6 years), measured from the reference year as reported for the initial assessment under Article 8(1) of Directive 2008/56/EC, is minimised and where possible reduced to zero.</p> <p>Member States shall establish the threshold value for the number of new introductions of non-indigenous species, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>Subdivisions of the region or subregion, divided where needed by national boundaries.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– the number of non-indigenous species newly introduced via human activity, in the 6-year assessment period and a list of those species.</li> </ul>
Established non-indigenous species, particularly invasive non-indigenous species, which include relevant species on the list of invasive alien species of Union concern adopted in accordance with Article 4(1) of Regulation (EU) No 1143/2014 and species which are relevant for use under criterion D2C3. Member States shall establish that list through regional or subregional cooperation.	<p>D2C2 – Secondary:</p> <p>Abundance and spatial distribution of established non-indigenous species, particularly of invasive species, contributing significantly to adverse effects on particular species groups or broad habitat types.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the corresponding species groups or broad habitat types under Descriptors 1 and 6.</p> <p><i>Use of criteria:</i></p> <p>Criterion D2C2 (quantification of non-indigenous species) shall be expressed per species assessed and shall contribute to the assessment of criterion D2C3 (adverse effects of non-indigenous species).</p> <p>Criterion D2C3 shall provide the proportion per species group and extent per broad habitat type assessed which is</p>

Criteria elements	Criteria	Methodological standards
<p>Species groups and broad habitat types that are at risk from non-indigenous species, selected from those used for Descriptors 1 and 6.</p> <p>Member States shall establish that list through regional or subregional cooperation.</p>	<p>D2C3 – Secondary:</p> <p>Proportion of the species group or spatial extent of the broad habitat type which is adversely altered due to non-indigenous species, particularly invasive non-indigenous species.</p> <p>Member States shall establish the threshold values for the adverse alteration to species groups and broad habitat types due to non-indigenous species, through regional or subregional cooperation.</p>	<p>adversely altered, and thus contribute to their assessments under Descriptors 1 and 6.</p>

*Specifications and standardised methods for monitoring and assessment*

1. 'Newly-introduced' non-indigenous species shall be understood as those which were not known to be present in the area in the previous assessment period.
2. 'Established' non-indigenous species shall be understood as those which were known to be present in the area in the previous assessment period.
3. For D2C1: where it is not clear whether the new arrival of non-indigenous species is due to human activity or natural dispersal from neighbouring areas, the introduction shall be counted under D2C1.
4. For D2C2: when species occurrence and abundance is seasonally variable (e.g. plankton), monitoring shall be undertaken at appropriate times of year.
5. Monitoring programmes shall be linked to those for Descriptors 1, 4, 5 and 6, where possible, as they typically use the same sampling methods and it is more practical to monitor non-indigenous species as part of broader biodiversity monitoring, except where sampling needs to focus on main vectors and risk areas for new introductions.

Units of measurement for the criteria:

- D2C1: the number of species per assessment area which have been newly introduced in the assessment period (6 years).
- D2C2: abundance (number of individuals, biomass in tonnes (t) or extent in square kilometres (km<sup>2</sup>)) per non-indigenous species.

- D2C3: the proportion of the species group (ratio of indigenous species to non-indigenous species, as number of species and/or their abundance within the group) or the spatial extent of the broad habitat type (in square kilometres (km<sup>2</sup>)) which is adversely altered.

**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**

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

Criteria, including criteria elements, and methodological standards

Criteria elements	Criteria	Methodological standards
<p>Commercially-exploited fish and shellfish.</p> <p>Member States shall establish through regional or subregional cooperation a list of commercially-exploited fish and shellfish, according to the criteria laid down under 'specifications'.</p>	<p>D3C1 – Primary:</p> <p>The <i>Fishing mortality</i> rate of populations of commercially-exploited species is at or below levels which can produce the maximum sustainable yield (MSY); <del>RelevantAppropriate scientific bodies shall be consulted in accordance with established in accordance with scientific advice obtained pursuant to</del> Article 26 of Regulation (EU) No 1380/2013.</p>	<p><i>Scale of assessment:</i></p> <p>Populations of each species are assessed at ecologically-relevant scales within each region or subregion, as established by appropriate scientific bodies as referred to in Article 26 of Regulation (EU) No 1380/2013, based on specified aggregations of International Council for the Exploration of the Sea (ICES) areas, General Fisheries Commission for the Mediterranean (GFCM) geographical sub-areas and Food and Agriculture Organisation (FAO) fishing areas for the Macaronesian biogeographic region.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <p>(a) the populations assessed, the values <del>attained</del> <u>achieved</u> for each criterion and whether the levels for D3C1 and D3C2 and the threshold values for D3C3 have been achieved, and the overall status of the population on the basis of criteria integration rules agreed at Union level;</p> <p>(b) the populations of commercially-exploited species in</p>
	<p>D3C2<sup>2</sup> – Primary:</p> <p>The <i>Spawning Stock Biomass</i> of populations of commercially-exploited species <del>is are</del> above biomass levels capable of producing maximum sustainable yield. <del>RelevantAppropriate scientific bodies shall be consulted in accordance with established in accordance with scientific advice obtained pursuant to</del> Article 26 of Regulation (EU) No 1380/2013.</p>	
	<p>D3C3<sup>2,3</sup> – Primary:</p> <p>The age and size distribution of individuals in the populations of commercially-exploited species is indicative of a healthy population. This shall include a high proportion of old/large individuals and <del>reduced</del> <u>limited</u> adverse effects of exploitation on genetic diversity.</p>	

<sup>2</sup> D3C2 and D3C3 are state-based criteria for commercially-exploited fish and shellfish but are shown under Part I for clarity reasons.

<sup>3</sup> D3C3 may not be available for use for the 2018 review of the initial assessment and determination of good environmental status under Article 17(2)(a~~b~~) of Directive 2008/56/EC.

Criteria elements	Criteria	Methodological standards
	Member States shall establish threshold values through regional or subregional cooperation for each population of species in accordance with scientific advice obtained pursuant to Article 26 of Regulation (EU) No 1380/2013.	the assessment area which were not assessed. The outcomes of these population assessments shall also contribute to the assessments under Descriptors 1 and 6, if the species are relevant for assessment of particular species groups and benthic habitat types.

Extraction of, or mortality/injury to, non-~~target-commercially-exploited~~ species (incidental by-catches) as a result of fishing activities, is addressed under criterion D1C1.

Physical disturbance to the seabed, including effects on benthic communities, as a result of fishing activities, are addressed by the criteria under Descriptor 6 (particularly criteria D6C2 and D6C3) and are to be fed into the assessments of benthic habitat types under Descriptors 1 and 6.

*Specifications and standardised methods for monitoring and assessment*

1. A list of commercially-exploited species for application of the criteria in each assessment area shall be established by Member States through regional or subregional cooperation and updated for each 6-year assessment period, taking into account Council Regulation (EC) No 199/2008<sup>4</sup> and the following:
  - (a) all stocks that are managed under Regulation (EU) No 1380/2013;
  - (b) the species for which fishing opportunities (total allowable catches and quotas) are set by Council under Article 43(3) of the Treaty on the Functioning of the European Union;
  - (c) the species for which minimum conservation reference sizes are set under Regulation (EC) No 1967/2006;
  - (d) the species under multiannual plans according to Article 9 of Regulation (EU) No 1380/2013;
  - (e) the species under national management plans according to Article 19 of Regulation (EC) No 1967/2006;
  - (f) any important species on a regional or national scale for small-scale/local coastal fisheries.

For the purposes of this Decision, commercially-exploited species which are non-indigenous in each assessment area shall be excluded from the list and thus not contribute to achievement of good environmental status for Descriptor 3.

<sup>4</sup> Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (OJ L 60, 5.3.2008, p. 1).



2. Regulation (EC) No 199/2008 establishes rules on the collection and management, in the framework of multi-annual programmes, of biological, technical, environmental and socio-economic data concerning the fisheries sector which shall be used for monitoring under Descriptor 3, ~~including the collection of data for criterion D1C1.~~
3. ~~For D3C1, D3C2 and D3C3, p~~The term 'populations' shall be understood as the term 'stocks' within the meaning of ~~under~~ Regulation (EU) No 1380/2013.
4. For D3C1 and D3C2, the following shall apply:
  - (a) for stocks managed under a multiannual plan according to Article 9 of Regulation (EU) No 1380/2013, in situations of mixed fisheries, the target fishing mortality and the biomass levels capable of producing maximum sustainable yield shall be in accordance with the relevant multiannual plan;
  - (b) for the Mediterranean Sea and Black Sea regions, appropriate proxies may be used.
5. The following methods for assessment shall be used:
  - (a) For D3C1: if quantitative assessments yielding values for *Fishing mortality* are not available due to inadequacies in the available data, other variables such as the ratio between catch and biomass index ('catch/biomass ratio') may be used as an alternative method. In such cases, an appropriate method for trend analysis shall be adopted (e.g. the current value can be compared against the long-term historical average);
  - (b) For D3C2: the threshold value used shall be in accordance with Article 2(2) of Regulation (EU) No 1380/2013. If quantitative assessments yielding values for *Spawning Stock Biomass* are not available due to inadequacies in the available data, biomass-related indices such as catch per unit effort or survey abundance indices may be used as an alternative method. In such cases, an appropriate method for trend analysis shall be adopted (e.g. the current value can be compared against the long-term historical average);
  - (c) D3C3 shall reflect that healthy populations of species are characterised by a high proportion of old, large individuals. The relevant properties are the following:
    - (i) size distribution of individuals in the population, expressed as:
      - the proportion of fish larger than mean size of first sexual maturation, or
      - the 95<sup>th</sup> percentile of the fish-length distribution of each population, ~~in both cases~~ as observed in research vessel or other surveys;
    - (ii) genetic effects of exploitation of the species, such as size at first sexual maturation, where appropriate and feasible.

Other expressions of the relevant properties may be used following further scientific and technical development of this criterion.

Units of measurement for the criteria:

- D3C1: annualised fishing mortality rate.
- D3C2: biomass in tonnes (t) or number of individuals per species, except where other indices are used under point 5(b).
- D3C3: under point 5(c): for (i), first indent: proportion (percentage) or numbers, for (i), second indent: length in centimetres (cm), and for (ii): length in centimetres (cm).

**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**

Relevant pressures: Input of nutrients; Input of organic matter

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Nutrients in the water column: Dissolved Inorganic Nitrogen (DIN), Total Nitrogen (TN), Dissolved Inorganic Phosphorus (DIP), Total Phosphorus (TP).</p> <p>Within coastal waters, as used under Directive 2000/60/EC.</p> <p>Beyond coastal waters, Member States may decide at regional or subregional level to not use one or several of these nutrient elements.</p>	<p>D5C1 – Primary:</p> <p>Nutrient concentrations are not at levels that indicate adverse eutrophication effects.</p> <p>The threshold values are as follows:</p> <p>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation</p>	<p><i>Scale of assessment:</i></p> <ul style="list-style-type: none"> <li>– within coastal waters, as used under Directive 2000/60/EC,</li> <li>– beyond coastal waters, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p>
<p>Chlorophyll a in the water column</p>	<p>D5C2 – Primary:</p> <p>Chlorophyll a concentrations are not at levels that indicate adverse effects of nutrient enrichment.</p> <p>The threshold values are as follows:</p> <p>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</p>	<p>(a) the values achieved for each criterion used, and an estimate of the extent of the assessment area over which the threshold values set have been achieved;</p> <p>(b) in coastal waters, the criteria shall be used in accordance with the requirements of Directive 2000/60/EC to conclude on whether the water body is subject to eutrophication<sup>5</sup>;</p> <p>(c) beyond coastal waters, an estimate of the extent of the area (as a proportion (percentage)) that is not subject to eutrophication (as indicated by the results</p>

<sup>5</sup> [Guidance documents published in the context of the Common Implementation Strategy for Directive 2000/60/EC may be relevant in this assessment \(e.g. "N° 13 - Overall Approach to the Classification of Ecological Status and Ecological Potential" and "N° 23 - Eutrophication Assessment in the Context of European Water Policies"\)](#)

Criteria elements	Criteria	Methodological standards
Harmful algal blooms (e.g. cyanobacteria) in the water column	<p>D5C3 – Secondary:</p> <p>The number, spatial extent and duration of harmful algal bloom events are not at levels that indicate adverse effects of nutrient enrichment.</p> <p>Member States shall establish threshold values for these levels through regional or subregional cooperation.</p>	<p>of all criteria used, integrated in a manner agreed <u>where possible at Union level, but at least at regional or subregional level, taking into account regional or subregional specificities and, where possible, at Union level</u>.</p> <p>Beyond coastal waters, the use of the secondary criteria shall be agreed at regional or subregional level.</p>
Photic limit (transparency) of the water column	<p>D5C4 – Secondary:</p> <p>The photic limit (transparency) of the water column is not reduced, <u>due to increases in suspended algae</u>, to a level that indicates adverse effects of nutrient enrichment <del>related to increases in suspended algae</del>.</p> <p>The threshold values are as follows:</p> <p>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</p>	<p>The outcomes of the assessments shall also contribute to assessments for pelagic habitats under Descriptor 1 as follows:</p> <ul style="list-style-type: none"> <li>– the distribution and an estimate of the extent of the area (as a proportion (percentage)) that is subject to eutrophication in the water column (as indicated by whether the threshold values for criteria D5C2, D5C3 and D5C4, when used, have been achieved);</li> </ul> <p>The outcomes of the assessments shall also contribute to assessments for benthic habitats under Descriptors 1 and 6 as follows:</p>
Dissolved oxygen in the bottom of the water column	<p>D5C5 – Primary (may be substituted by D5C8):</p> <p>The concentration of dissolved oxygen is not reduced, due to nutrient enrichment, to levels that indicate adverse effects on benthic habitats (including on associated biota and mobile species) or other eutrophication effects.</p> <p>The threshold values are as follows:</p> <p>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or</p>	<ul style="list-style-type: none"> <li>– the distribution and an estimate of the extent of the area (as a proportion (percentage)) that is subject to eutrophication on the seabed (as indicated by whether the threshold values for criteria D5C4, D5C5, D5C6, D5C7 and D5C8, when used, have been achieved).</li> </ul>

Criteria elements	Criteria	Methodological standards
	subregional cooperation.	
Opportunistic macroalgae of benthic habitats	<p>D5C6 – Secondary:  The abundance of opportunistic macroalgae is not at levels that indicate adverse effects of nutrient enrichment.  The threshold values are as follows:</p> <ul style="list-style-type: none"> <li>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</li> <li>(b) should this criterion be relevant for waters beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</li> </ul>	
Macrophyte communities (perennial seaweeds and seagrasses such as fucoids, eelgrass and Neptune grass) of benthic habitats	<p>D5C7 – Secondary:  The species composition and relative abundance or depth distribution of macrophyte communities achieve values that indicate there is no adverse effect due to nutrient enrichment including via a decrease in water transparency, as follows:</p> <ul style="list-style-type: none"> <li>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</li> <li>(b) should this criterion be relevant for waters beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</li> </ul>	
Macrofaunal communities of benthic habitats	<p>D5C8 – Secondary (except when used as a substitute for D5C5):  The species composition and relative abundance of macrofaunal communities, achieve values that indicate that there is no adverse effect due to nutrient and organic</p>	

Criteria elements	Criteria	Methodological standards
	enrichment, as follows: (a) in coastal waters, the values for benthic biological quality elements set in accordance with Directive 2000/60/EC; (b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.	

*Specifications and standardised methods for monitoring and assessment*

1. In coastal waters, the criteria elements shall be selected in accordance with Directive 2000/60/EC.

2. For D5C2 and D5C3, Member States may in addition use phytoplankton species composition and abundance.

~~1.3.~~ Information on the pathways (atmospheric, land- or sea-based) for nutrients entering the marine environment shall be collected, where feasible.

~~2.4.~~ Monitoring beyond coastal waters may not be necessary due to low risk, such as in cases where the threshold values are achieved in coastal waters, taking into account nutrient input from atmospheric, sea-based including coastal waters, and transboundary sources.

5. Assessments under Directive 2000/60/EC shall be used for the assessments of each criterion in coastal waters.

~~3.6.~~ Values set in accordance with Directive 2000/60/EC shall refer either to those set by intercalibration under Commission Decision 2013/480/EU<sup>6</sup> or to those set in national legislation in accordance with Article 8 and Annex V of Directive 2000/60/EC. These shall be understood as the "Good-Moderate boundary" for Ecological Quality Ratios.

~~4.1. In coastal waters, the criteria elements shall be selected in accordance with Directive 2000/60/EC.~~

~~5.1. Assessments under Directive 2000/60/EC shall be used for the assessments of each criterion in coastal waters.~~

~~6.7.~~ Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

<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).

~~7.1. For D5C2 and D5C3, Member States may in addition use phytoplankton species composition and abundance.~~

Units of measurement for the criteria:

- D5C1: nutrient concentrations in micromoles per litre ( $\mu\text{mol/l}$ ).
- D5C2: chlorophyll a concentrations (biomass) in micrograms per litre ( $\mu\text{g/l}$ ).
- D5C3: bloom events as number of events, duration in days and spatial extent in square kilometres ( $\text{km}^2$ ) per year.
- D5C4: ~~p~~hotic limit as depth in metres (m).
- D5C5: oxygen concentration in the bottom of the water column in milligrams per litre ( $\text{mg/l}$ ).
- D5C6: Ecological Quality Ratio for macroalgal abundance or spatial cover. Extent of adverse effects in square kilometres ( $\text{km}^2$ ) or as a proportion (percentage) of the assessment area.
- D5C7: Ecological Quality Ratio for species composition and relative abundance assessments or for maximum depth of macrophyte growth. Extent of adverse effects in square kilometres ( $\text{km}^2$ ) or as a proportion (percentage) of the assessment area.
- D5C8: Ecological Quality Ratio for species composition and relative abundance assessments. Extent of adverse effects in square kilometres ( $\text{km}^2$ ) or as a proportion (percentage) of the assessment area.

Where available, Member States shall use the units or ecological quality ratios provided for under Directive 2000/60/EC.

**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 D6C1, D6C2 and D6C3 relate only to the pressures 'physical loss' and 'physical disturbance' and their impacts, whilst criteria D6C4 and D6C5 address the overall assessment of Descriptor 6, together with that for benthic habitats under Descriptor 1.~~

Relevant pressures: Physical loss (due to permanent change of seabed substrate or morphology and to extraction of seabed substrate); physical disturbance to seabed [\(temporary or reversible\)](#)

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Physical loss of the seabed (including intertidal areas).	D6C1 – Primary: Spatial extent and distribution of physical loss (permanent change) of the natural seabed.	<p><i>Scale of assessment:</i> As used for assessment of the benthic broad habitat types under Descriptors 1 and 6.</p> <p><i>Use of criteria:</i> The outcomes of assessment of criterion D6C1 (the distribution and an estimate of the extent of physical loss) shall be used to assess criteria D6C4 and D7C1.</p> <p>The outcomes of assessment of criterion D6C2 (the distribution and an estimate of the extent of physical disturbance pressures) shall be used to assess criterion D6C3.</p> <p>The outcomes of assessment of criterion D6C3 (an estimate of the extent of adverse effect by physical disturbance per habitat type in each assessment area) shall contribute to the assessment of criterion D6C5.</p>
Physical disturbance to the seabed (including intertidal areas).	D6C2 – Primary: Spatial extent and distribution of physical disturbance pressures on the seabed.	
Benthic broad habitat types or other habitat types, as used under Descriptors 1 and 6.	D6C3 – Primary: Spatial extent of each habitat type which is adversely affected, through change in its biotic and abiotic structure and its functions (e.g. through changes in species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), by physical disturbance. Member States shall establish threshold values for the adverse effects of physical disturbance, through regional or subregional cooperation.	

~~Criteria D6C1, D6C2 and D6C3 relate only to the pressures 'physical loss' and 'physical disturbance' and their impacts, whilst criteria D6C4 and D6C5 address the overall assessment of Descriptor 6, together with that for benthic habitats under Descriptor 1.~~ Criteria D6C4 and D6C5 are presented under Part II of this Annex.



*Specifications and standardised methods for monitoring and assessment*

1. Regarding methods for monitoring:
  - (a) for D6C1, permanent changes to the seabed from different human activities shall be assessed (including permanent changes to natural seabed substrate or morphology via physical restructuring, infrastructure developments and loss of substrate via extraction of the seabed materials);
  - (b) for D6C2, physical disturbances from different human activities shall be assessed (such as bottom-trawling fishing);
  - (c) for coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC shall be used. Beyond coastal waters, data may be collated from mapping of infrastructure and licensed extraction sites.
2. Regarding methods for assessment, the data shall be aggregated so that:
  - (a) D6C1 is assessed as area lost in relation to total natural extent of all benthic habitats in the assessment area (e.g. by extent of anthropogenic modification);
  - (b) D6C3 is assessed in relation to total natural extent of each benthic habitat type assessed.
3. Physical loss shall be understood as a permanent change to the seabed which has lasted or is expected to last for a period of two reporting cycles (12 years) or more.
4. Physical disturbance shall be understood as a change to the seabed from which it can be restored/recover if the activity causing the disturbance pressure ceases.
5. For D6C3 species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

- D6C1: extent of the assessment area physically lost in square kilometres (km<sup>2</sup>).
- D6C2: extent of the assessment area physically disturbed in square kilometres (km<sup>2</sup>).
- D6C3: extent of each habitat type adversely affected in square kilometres (km<sup>2</sup>) or as a proportion (percentage) of the total natural extent of the habitat in the assessment area.

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

Relevant pressures: Physical loss (due to permanent change of seabed substrate or morphology or to extraction of seabed substrate); Changes to hydrological conditions

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Hydrographical changes to the seabed and water column (including intertidal areas).	D7C1 – Secondary: Spatial extent and distribution of permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature) to the seabed and water column, associated in particular with physical loss <sup>7</sup> of the natural seabed.	<i>Scale of assessment:</i> As used for assessment of the benthic broad habitat types under Descriptors 1 and 6. <i>Use of criteria:</i> The outcomes of assessment of criterion D7C1 (the distribution and an estimate of the extent of hydrographical changes) shall be used to assess criterion D7C2.
Benthic broad habitats types or other habitat types, as used for Descriptors 1 and 6.	D7C2 – Secondary: Spatial extent of each benthic habitat type adversely affected (physical and hydrographical characteristics and associated biological communities) due to permanent alteration of hydrographical conditions. Member States shall establish threshold values for the adverse effects of permanent alterations of hydrographical conditions, through regional or subregional cooperation.	The outcomes of assessment of criterion D7C2 (an estimate of the extent of adverse effect per habitat type in each assessment area) shall contribute to the assessment of criterion D6C5.

#### *Specifications and standardised methods for monitoring and assessment*

1. Regarding methods for monitoring and assessment:
  - (a) Monitoring shall focus on changes associated with infrastructure developments, either on the coast or offshore.

<sup>7</sup> Physical loss shall be understood as under point 3 of the specifications under Descriptor 6.

- (b) Environmental impact assessment hydrodynamic models, where required, which are validated with ground-truth measurements, or other suitable sources of information, shall be used to assess the extent of effects from each infrastructure development.
  - (c) For coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC shall be used.
2. Regarding methods for assessment, the data shall be aggregated so that:
- (a) D7C1 is assessed in relation to total natural extent of all habitats in the assessment area;
  - (b) D7C2 is assessed in relation to total natural extent of each benthic habitat type assessed.

Units of measurement for the criteria:

- D7C1: extent of the assessment area hydrographically altered in square kilometres (km<sup>2</sup>).
- D7C2: extent of each habitat type adversely affected in square kilometres (km<sup>2</sup>) or as a proportion (percentage) of the total natural extent of the habitat in the assessment area.

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

Relevant pressures: Input of ~~hazardous-other~~ substances (e.g. synthetic substances, non-synthetic substances, radionuclides)

Criteria, including criteria elements, and methodological standards

Criteria elements	Criteria	Methodological standards
<p>(1) Within coastal and territorial waters:</p> <p>(a) Contaminants selected in accordance with Directive 2000/60/EC:</p> <p>(i) contaminants for which an environmental quality standard is laid down in Part A of Annex I to Directive 2008/105/EC;</p> <p>(ii) River Basin Specific Pollutants under Annex VIII to Directive 2000/60/EC, in coastal waters;</p> <p>(b) additional contaminants, if relevant, such as from offshore sources, which are not already identified under point (a) and which may give rise to pollution effects in the region or subregion. Member States shall establish that list of <del>these</del> contaminants through regional or subregional cooperation.</p> <p>(2) Beyond territorial waters:</p> <p>(a) the contaminants considered</p>	<p>D8C1 – Primary:</p> <p>Within coastal and territorial waters, the concentrations of contaminants do not exceed the following threshold values:</p> <p>(a) for contaminants set out under point (1)(a) of criteria elements, the values set in accordance with Directive 2000/60/EC;</p> <p><del>(b)</del> <u>when contaminants under point (a) are measured in a matrix for which no value is set under Directive 2000/60/EC, the concentration of those contaminants in that matrix established by Member States through regional or subregional cooperation;</u></p> <p><del>(b)(c)</del> for additional contaminants selected under point (1)(b) of criteria elements, the concentrations for a specified matrix (water, sediment or biota) which may give rise to pollution effects. Member States shall establish these concentrations through regional or subregional cooperation, considering their application within and beyond coastal and territorial waters.</p> <p><del>(e)</del> <u>when contaminants under point (a) are measured in a matrix for which no value is set under Directive 2000/60/EC, the concentration of those contaminants in that matrix established by Member States through regional or subregional cooperation.</u></p> <p>Beyond territorial waters, the concentrations of contaminants do not exceed the following threshold values:</p> <p>(a) for contaminants selected under point (2)(a) of criteria</p>	<p><i>Scale of assessment:</i></p> <ul style="list-style-type: none"> <li>– within coastal and territorial waters, as used under Directive 2000/60/EC,</li> <li>– beyond territorial waters, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <p>(a) for each contaminant under criterion D8C1, its concentration, the matrix used (water, sediment, biota), whether the threshold values set have been achieved, and the proportion of contaminants assessed which have achieved the threshold values, including indicating separately substances behaving like ubiquitous persistent, bioaccumulative and toxic substances (uPBTs), as referred to in Article 8a(1)(a) of Directive 2008/105/EC;</p> <p>(b) for each species assessed under criterion D8C2, an estimate of the abundance of its population in the assessment area that is adversely affected;</p> <p>(c) for each habitat assessed under criterion D8C2, an estimate of the extent in the assessment area that is</p>

Criteria elements	Criteria	Methodological standards
<p>under point (1), where these still may give rise to pollution effects;</p> <p>(b) additional contaminants, if relevant, which are not already identified under point (2)(a) and which may give rise to pollution effects in the region or subregion. Member States shall establish that list of contaminants through regional or subregional cooperation.</p>	<p>elements, the values as applicable within coastal and territorial waters;</p> <p>(b) for contaminants selected under point (2)(b) of criteria elements, the concentrations for a specified matrix (water, sediment or biota) which may give rise to pollution effects. Member States shall establish these concentrations through regional or subregional cooperation.</p>	<p>adversely affected.</p> <p>The use of criterion D8C2 in the <a href="#">overall</a> assessment of good environmental status for Descriptor 8 shall be agreed at regional or subregional level.</p> <p>The outcomes of the assessment of criterion D8C2 shall contribute to assessments under Descriptors 1 and 6, where appropriate.</p>
<p>Species and habitats which are at risk from contaminants.</p> <p>Member States shall establish that list of species, and relevant tissues to be assessed, and habitats, through regional or subregional cooperation.</p>	<p>D8C2 – Secondary:</p> <p>The health of species and the condition of habitats (such as their species composition and relative abundance at locations of chronic pollution) are not adversely affected due to contaminants including cumulative and synergetic effects.</p> <p>Member States shall establish those adverse effects and their threshold values through regional or subregional cooperation.</p>	
<p>Significant acute pollution events involving polluting substances, as defined in Article 2(2) of Directive 2005/35/EC of the European Parliament and of the Council<sup>8</sup>, including crude oil and similar compounds.</p>	<p>D8C3 – Primary:</p> <p>The spatial extent and duration of significant acute pollution events are minimised.</p>	<p><i>Scale of assessment:</i></p> <p>Regional or subregional level, divided where needed by national boundaries.</p> <p><i>Use of criteria:</i></p> <p><a href="#">This criterion shall be used to trigger assessment of criterion D8C4.</a></p> <p>The extent to which good environmental status has been</p>

<sup>8</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, including criminal penalties, for pollution offences (OJ L 255, 30.9.2005, p. 11).

Criteria elements	Criteria	Methodological standards
		<p>achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– an estimate of the total spatial extent of significant acute pollution events and their distribution and total duration for each year.</li> </ul> <p><u>This criterion shall be used to trigger assessment of criterion D8C4.</u></p>
<p>Species of the species groups, as listed under Table 1 of Part II, and benthic broad habitat types, as listed under Table 2 of Part II.</p>	<p>D8C4 – Secondary (to be used when a significant acute pollution event has occurred):</p> <p>The adverse effects of significant acute pollution events on the health of species and on the condition of habitats (such as their species composition and relative abundance) are minimised and, where possible, eliminated.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the species groups or benthic broad habitat types under Descriptors 1 and 6.</p> <p><i>Use of criteria:</i></p> <p><del>The use of criterion D8C4 in the assessment of good environmental status for Descriptor 8 shall be agreed at regional or subregional level.</del></p> <p>The outcomes of assessment of criterion D8C4 shall contribute, where the cumulative spatial and temporal effects are significant, to the assessments under Descriptors 1 and 6 by providing:</p> <ul style="list-style-type: none"> <li>(a) an estimate of the abundance of each species that is adversely affected;</li> <li>(b) an estimate of the extent of each broad habitat type that is adversely affected.</li> </ul> <p><u>The use of criterion D8C4 in the overall assessment of good environmental status for Descriptor 8 shall be agreed at regional or subregional level.</u></p>

*Specifications and standardised methods for monitoring and assessment*

1. For criteria elements under D8C1, the selection under points (1)(b) and (2)(b) of additional contaminants that may give rise to pollution effects shall be based on a risk assessment. For these contaminants, the matrix and threshold values used for the assessment shall be representative of the most sensitive species and exposure pathway, including hazards to human health via exposure through the food chain.

3.2. For the purposes of this Decision:

- (a) Criterion D8C1: for the assessment of contaminants in coastal and territorial waters, Member States shall monitor the contaminants in accordance with the requirements of Directive 2000/60/EC and the assessments under that Directive shall be used where available. Information on the pathways (atmospheric, land- or sea-based) for contaminants entering the marine environment shall be collected, where feasible.
- (b) Criteria D8C2 and D8C4: biomarkers or population demographic characteristics (e.g. fecundity rates, survival rates, mortality rates, and reproductive capacity) may be relevant to assess the health effects.
- (c) 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.
- (d) Criterion D8C3: Member States shall identify the source of significant acute pollution events, where possible. They may use the European Maritime Safety Agency satellite-based surveillance for this purpose.

~~4.1. For criteria elements under D8C1, the selection under points (1)(b) and (2)(b) of additional contaminants that may give rise to pollution effects shall be based on a risk assessment. For these contaminants, the matrix and threshold values used for the assessment shall be representative of the most sensitive species and exposure pathway, including hazards to human health via exposure through the food chain.~~

5.3. Contaminants shall be understood to refer to single substances or to groups of substances. For consistency in reporting, the grouping of substances shall be agreed at Union level.

6.4. Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

- D8C1: concentrations of contaminants in micrograms per litre ( $\mu\text{g/l}$ ) for water, in micrograms per kilogram ( $\mu\text{g/kg}$ ) of dry weight for sediment and in micrograms per kilogram ( $\mu\text{g/kg}$ ) of wet weight for biota.
- D8C2: abundance (number of individuals or other suitable units as agreed at regional or subregional level) per species affected; extent in square kilometres ( $\text{km}^2$ ) per broad habitat type affected.
- D8C3: duration in days and spatial extent in square kilometres ( $\text{km}^2$ ) of significant acute pollution events per year.
- D8C4: abundance (number of individuals or other suitable units as agreed at regional or subregional level) per species affected; extent in square kilometres ( $\text{km}^2$ ) per broad habitat type affected.

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

Relevant pressure: Input of hazardous substances

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	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 establish a list of those additional contaminants through regional or subregional cooperation.</p> <p>Member States shall establish the list of species and relevant tissues to be assessed, according to the conditions laid down under 'specifications'. They may cooperate at regional or subregional level to establish that list of species and relevant tissues.</p>	<p>D9C1 – Primary:</p> <p>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, which are the threshold values for the purposes of this Decision;</p> <p>(b) for additional contaminants, not listed in Regulation (EC) No 1881/2006, threshold values, which Member States shall establish through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>The catch or production area in accordance with Article 38 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>9</sup>.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– for each contaminant, its concentration in seafood, the matrix used (species and tissue), whether the threshold values set have been <del>exceeded</del><u>achieved</u>, and the proportion of contaminants assessed which have achieved their threshold values.</li> </ul>

<sup>9</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).



*Specifications and standardised methods for monitoring and assessment*

1. When Member States establish the list of species to be used under D9C1, the species shall:
  - (a) be relevant to the marine region or subregion concerned;
  - (b) fall under the scope of Regulation (EC) No 1881/2006;
  - (c) be suitable for the contaminant being assessed;
  - (d) be among the most consumed in the Member State or the most caught or harvested for consumption.
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 shall 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 of the Council<sup>10</sup> and with Commission Regulation (EU) No 589/2014<sup>11</sup> and Commission Regulation (EC) No 333/2007<sup>12</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.

Units of measurement for the criteria:

- D9C1: concentrations of contaminants in the units set out in the Annex to Regulation (EC) No 1881/2006.

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<sup>10</sup> Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).

<sup>11</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 and repealing Regulation (EU) No 252/2012 (OJ L 164, 3.6.2014, p. 18).

<sup>12</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).

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

Relevant pressure: Input of litter

Criteria, including criteria elements, and methodological standards

Criteria elements	Criteria	Methodological standards
Litter (excluding micro-litter), classified in the following categories <sup>13</sup> : artificial polymer materials, rubber, cloth/textile, paper/cardboard, processed/worked wood, metal, glass/ceramics, chemicals, undefined, and food waste. Member States may define further sub-categories.	D10C1 – Primary: The composition, amount and spatial distribution of litter on the coastline, in the surface layer of the water column, and on the seabed, are at levels that do not cause harm to the coastal and marine environment. Member States shall establish threshold values for these levels through cooperation at Union level, taking into account regional or subregional specificities.	<i>Scale of assessment:</i> Subdivisions of the region or subregion, divided where needed by national boundaries. <i>Use of criteria:</i> <del>The use of criteria D10C1, D10C2 and D10C3 in the assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</del> The extent to which good environmental status has been achieved shall be expressed for each criterion separately for each area assessed as follows:
Micro-litter (particles < 5mm), classified in the categories 'artificial polymer materials' and 'other'.	D10C2 – Primary: The composition, amount and spatial distribution of micro-litter on the coastline, in the surface layer of the water column, and in seabed sediment, are at levels that do not cause harm to the coastal and marine environment. Member States shall establish threshold values for these levels through cooperation at Union level, taking into account regional or subregional specificities.	(a) the outcomes for each criterion (amount of litter or micro-litter per category) and its distribution per matrix used under D10C1 and D10C2 and whether the threshold values set have been achieved. (b) the outcomes for D10C3 (amount of litter <del>or</del> <u>and</u> micro-litter per category per species) and whether

<sup>13</sup> These are the "Level 1 – Material" categories from the Master List of categories of litter items from the Joint Research Centre "Guidance on Monitoring of marine litter in European seas" (2013, ISBN 978-92-79-32709-4). The Master List specifies what is covered under each category, for instance "Chemicals" refers to paraffin, wax, oil and tar.

Criteria elements	Criteria	Methodological standards
<p>Litter and micro-litter classified in the categories 'artificial polymer materials' and 'other', assessed in any species from the following groups: birds, mammals, reptiles, fish or invertebrates.</p> <p>Member States shall establish that list of species to be assessed through regional or subregional cooperation.</p>	<p>D10C3 – Secondary:</p> <p>The amount of litter and micro-litter ingested by marine animals is at a level that does not adversely affect the health of the species concerned.</p> <p>Member States shall establish threshold values for these levels through regional or subregional cooperation.</p>	<p>the threshold values set have been achieved.</p> <p><a href="#">The use of criteria D10C1, D10C2 and D10C3 in the overall assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</a></p> <p>The outcomes of criterion D10C3 shall also contribute to assessments under Descriptor 1, where appropriate.</p>
<p>Species of birds, mammals, reptiles, fish or invertebrates which are at risk from litter.</p> <p>Member States shall establish that list of species to be assessed through regional or subregional cooperation.</p>	<p>D10C4 – Secondary:</p> <p>The number of individuals of each species which are adversely affected <a href="#">due to litter</a>, such as by entanglement, other types of injury or mortality, or health effects, <del>due to litter</del>.</p> <p>Member States shall establish threshold values for the adverse effects of litter, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the species group under Descriptor 1.</p> <p><i>Use of criteria:</i></p> <p><a href="#">The use of criterion D10C4 in the assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</a></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– for each species assessed under criterion D10C4, an estimate of the number of individuals in the assessment area that have been adversely affected.</li> </ul> <p><a href="#">The use of criterion D10C4 in the overall assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</a></p> <p>The outcomes of this criterion shall also contribute to assessments under Descriptor 1, where appropriate.</p>

*Specifications and standardised methods for monitoring and assessment*

1. For D10C1: litter shall be monitored on the coastline and may additionally be monitored in the surface layer of the water column and on the seabed. Information on the source and pathway of the litter shall be collected, where feasible;
2. For D10C2: micro-litter shall be monitored in the surface layer of the water column and in the seabed sediment and may additionally be monitored on the coastline. Micro-litter shall be monitored in a manner that can be related to point-sources for inputs (such as harbours, marinas, waste-water treatment plants, storm-water effluents), where feasible.
3. For D10C3 and D10C4: the monitoring may be based on incidental occurrences (e.g. strandings of dead animals, entangled animals in breeding colonies, affected individuals per survey).

Units of measurement for the criteria:

- D10C1: amount of litter per category in number of items:
  - per 100 metres (m) on the coastline,
  - per square kilometre (km<sup>2</sup>) for surface layer of the water column and for seabed<sub>2</sub>
- D10C2: amount of micro-litter per category in number of items and weight in grams (g):
  - per square metre (m<sup>2</sup>) for surface layer of the water column<sub>2</sub>
  - per kilogram (dry weight) (kg) of sediment for the coastline and for seabed<sub>2</sub>
- D10C3: amount of litter/micro-litter in grams (g) and number of items per individual for each species in relation to size (weight or length, as appropriate) of the individual sampled<sub>2</sub>
- D10C4: number of individuals affected (lethal; sub-lethal) per species.

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

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

Criteria, including criteria elements, and methodological standards

Criteria elements	Criteria	Methodological standards
<p>Anthropogenic impulsive sound in water.</p>	<p>D11C1 – Primary: The spatial distribution, temporal extent, and levels of anthropogenic impulsive sound sources do not exceed <del>values</del> <u>levels</u> that adversely affect <u>populations of</u> marine animals. Member States shall establish <del>these</del> threshold values <u>for these levels</u> through cooperation at Union level, taking into account regional or subregional specificities.</p>	<p><i>Scale of assessment:</i> Region, subregion or subdivisions. <i>Use of criteria:</i> <u>The use of criteria D11C1 and D11C2 in the assessment of good environmental status for Descriptor 11 shall be agreed at Union level.</u> The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p>
<p>Anthropogenic continuous low-frequency sound in water.</p>	<p>D11C2 – Primary: The spatial distribution, temporal extent and levels of anthropogenic continuous low-frequency sound do not exceed <del>values</del> <u>levels</u> that adversely affect <u>populations of</u> marine animals. Member States shall establish <del>these</del> threshold values <u>for these levels</u> through cooperation at Union level, taking into account regional or subregional specificities.</p>	<p>(a) for D11C1, the duration per calendar year of impulsive sound sources, their distribution within the year and spatially within the assessment area, and whether the threshold values set have been <del>exceeded</del> <u>achieved</u>;</p> <p>(b) for D11C2, the annual average of the sound level, or other suitable <u>temporal</u> metric agreed at regional or subregional level, per unit area and its spatial <del>and temporal</del> distribution within the assessment area, and <u>the extent (% km<sup>2</sup>) of the assessment area over which whether</u> the threshold values set have been <del>exceeded</del> <u>achieved</u>.</p> <p><u>The use of criteria D11C1 and D11C2 in the assessment of good environmental status for Descriptor 11 shall be agreed at Union level.</u></p> <p>The outcomes of these criteria shall also contribute to assessments under Descriptor 1.</p>

*Specifications and standardised methods for monitoring and assessment*

1. For D11C1 monitoring:
  - (a) Spatial resolution: geographical locations whose shape and areas are to be determined at regional or subregional level, on the basis of, for instance, activities listed in Annex III to Directive 2008/56/EC.
  - (b) Impulsive sound described as monopole energy source level in units of dB re  $1\mu\text{Pa}^2 \text{ s}$  or zero to peak monopole source level in units of dB re  $1\mu\text{Pa m}$ , both over the frequency band 10 Hz to 10 kHz. Member States may consider other specific sources with higher frequency bands if longer-range effects are considered relevant.
2. For D11C2 monitoring:

Annual average, or other suitable metric agreed at regional or subregional level, of the squared sound pressure in each of two '1/3-octave bands', one centred at 63 Hz and the other at 125 Hz, expressed as a level in decibels in units of dB re  $1\mu\text{Pa}$ , at a suitable spatial resolution in relation to the pressure. This may be measured directly, or inferred from a model used to interpolate between, or extrapolated from, measurements. Member States may also decide at regional or subregional level to monitor for additional frequency bands.

Criteria relating to other forms of energy input (including thermal energy, electromagnetic fields and light) and criteria relating to the environmental impacts of noise are still subject to further development.

Units of measurement for the criteria:

- D11C1: Number of days per quarter (or per month if appropriate) with impulsive sound sources; proportion (percentage) of unit areas or extent (in square kilometres (km<sup>2</sup>) of assessment area with impulsive sound sources per year.
- D11C2: Annual average (or other temporal metric) of continuous sound level per unit area; proportion (percentage) or extent (in square kilometres (km<sup>2</sup>) of assessment area with sound levels exceeding threshold values.

Formateret: Hævet skrift

**PART II – CRITERIA AND METHODOLOGICAL STANDARDS, SPECIFICATIONS AND STANDARDISED METHODS FOR MONITORING AND 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**

Part II considers the descriptors linked to the relevant ecosystem elements: species groups of birds, mammals, reptiles, fish and cephalopods (Descriptor 1), pelagic habitats (Descriptor 1), benthic habitats (Descriptors 1 and 6) and ecosystems, including food webs (Descriptors 1 and 4), as listed in Annex III to Directive 2008/56/EC<sup>14</sup>.

**Theme: Species groups of birds, mammals, reptiles, fish and cephalopods (relating to Descriptor 1)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Species of birds, mammals, reptiles and non-commercially-exploited species of fish and cephalopods, which are at risk from incidental by-catch in the region or subregion.</p> <p>Member States shall establish that list of species through regional or subregional cooperation, pursuant to the obligations laid down in Article 25(5) of Regulation (EU) No 1380/2013 for data collection activities and taking into account the list of species in Table 1D of the Annex to Commission Implementing Decision (EU) 2016/1251<sup>15</sup>.</p>	<p>D1C1 – Primary:</p> <p>The mortality rate per species from incidental by-catch is below levels which threaten the species, <u>such that its long-term viability is ensured</u>.</p> <p>Member States shall establish the threshold values for the mortality rate from incidental by-catch per species, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the corresponding species or species groups under criteria D1C2-D1C5.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– the mortality rate per species and whether this has achieved the threshold value set.</li> </ul> <p>This criterion shall contribute to assessment of the corresponding species under criterion D1C2.</p>

<sup>14</sup> Regulation (EC) No 199/2008 may be used for the collection of relevant fisheries-related data under Descriptors 1, 4 and 6.

<sup>15</sup> Commission Implementing Decision (EU) 2016/1251 of 12 July 2016 adopting a multiannual Union programme for the collection, management and use of data in the fisheries and aquaculture sectors for the period 2017-2019 (OJ L 207, 1.8.2016, p. 113).

Criteria elements	Criteria	Methodological standards
<p>Species groups, as listed under Table 1 and if present in the region or subregion.</p> <p>Member States shall establish a set of species representative of each species group, selected according to the criteria laid down under ‘specifications for the selection of species and habitats’, through regional or subregional cooperation. These shall include the mammals and reptiles listed in Annex II to Directive 92/43/EEC and may include any other species, such as those listed under Union legislation (other Annexes to Directive 92/43/EEC, Directive 2009/147/EC or through Regulation (EU) No 1380/2013) and international agreements such as Regional Sea Conventions.</p>	<p>D1C2 – Primary:</p> <p>The population abundance of the species is not adversely affected due to anthropogenic pressures, such that its long-term viability is ensured.</p> <p>Member States shall establish threshold values for each species through regional or subregional cooperation, taking account of natural variation in population size and the mortality rates derived from D1C1, D8C4 and D10C4 and other relevant pressures. For species covered by Directive 92/43/EEC, these values shall be consistent with the Favourable Reference Population values established by the relevant Member States under Directive 92/43/EEC.</p>	<p><i>Scale 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, pelagic and demersal shelf fish: region or subdivisions for Baltic Sea and Black Sea; subregion for North-East Atlantic Ocean and Mediterranean Sea;</li> <li>– for seals, turtles, cephalopods: region or subdivisions for Baltic Sea; subregion for North-East Atlantic Ocean and Mediterranean Sea;</li> <li>– for coastal fish: subdivision of region or subregion.</li> <li>– for commercially-exploited fish and cephalopods: as used under Descriptor 3.</li> </ul> <p><i>Use of criteria:</i></p> <p>The status of each species shall be assessed individually, on the basis of the criteria selected for use, and these shall be used to express the extent to which good environmental status has been achieved for each species group for each area assessed, as follows:</p> <ul style="list-style-type: none"> <li>(a) the assessments shall express the value(s) for each criterion used per species and whether these achieve the threshold values set;</li> <li>(b) the overall status of species covered by Directive 92/43/EEC shall be derived using the method provided under that Directive. The overall status for commercially-exploited species shall be as assessed under Descriptor 3. For other species, the overall status shall be derived using a method agreed at</li> </ul>
	<p>D1C3 – Primary for commercially-exploited fish and cephalopods and secondary for other species:</p> <p>The population demographic characteristics (e.g. body size or age class structure, sex ratio, fecundity, and survival rates) of the species are indicative of a <u>natural-healthy</u> population which is not adversely affected due to anthropogenic pressures.</p> <p>Member States shall establish threshold values for specified characteristics of each species through regional or subregional cooperation, taking account of adverse effects on their health derived from D8C2, D8C4 and other relevant pressures.</p>	
	<p>D1C4 – Primary for species covered by Annexes II, IV <del>and or</del> V to Directive 92/43/EEC and secondary for other species:</p> <p>The species distributional range and, where relevant, pattern is in line with prevailing physiographic, geographic and climatic conditions.</p> <p>Member States shall establish threshold values for each</p>	



Criteria elements	Criteria	Methodological standards
	<p>species through regional or subregional cooperation. For species covered by Directive 92/43/EEC, these shall be consistent with the Favourable Reference Range values established by the relevant Member States under Directive 92/43/EEC.</p> <hr/> <p>D1C5 – Primary for species covered by Annexes II, IV and V to Directive 92/43/EEC and secondary for other species: The habitat for the species has the necessary extent and condition to support the different stages in the life history of the species.</p>	<p>Union level, taking into account regional or subregional specificities;</p> <p><del>(e) — the overall status of the species group, using a method agreed at Union level, taking into account regional or subregional specificities.</del></p> <p><del>(d) — Wherever possible, the assessments under Directive 92/43/EEC, Directive 2009/147/EC and Regulation (EU) No 1380/2013 shall be used for the purposes of this Decision:</del></p> <p><del>(e) — for birds, criteria D1C2 and D1C4 equate to the ‘population size’ and ‘breeding distribution map range size’ criteria of Directive 2009/147/EC;</del></p> <p><del>(f) — for mammals, reptiles and non-commercial fish, the criteria are equivalent to those used under Directive 92/43/EEC as follows: D1C2 and D1C3 equate to ‘population’, D1C4 equates to ‘range’ and D1C5 equates to ‘habitat for the species’;</del></p> <p><del>(g) — for commercially exploited fish and cephalopods, assessments under Descriptor 3 shall be used for Descriptor 1 purposes, using criterion D3C2 for D1C2 and criterion D3C3 for D1C3.</del></p> <p><del>(h)(c) Assessments of the adverse effects from pressures under criteria D1C1, D2C3, D3C1, D8C2, D8C4 and D10C4, as well as the assessments of pressures under criteria D9C1, D10C3, D11C1 and D11C2, should be taken into account in the assessments of species under Descriptor 1.</del></p>

Criteria elements

Table 1 – Species groups<sup>16</sup>

Ecosystem component	Species groups
<b>Birds</b>	Grazing birds
	Wading birds
	Surface-feeding birds
	Pelagic-feeding birds
	Benthic-feeding birds
<b>Mammals</b>	Small toothed cetaceans
	Deep-diving toothed cetaceans
	Baleen whales
	Seals
<b>Reptiles</b>	Turtles
<b>Fish</b>	Coastal fish
	Pelagic shelf fish
	Demersal shelf fish
	Deep-sea fish
<b>Cephalopods</b>	Coastal/shelf cephalopods
	Deep-sea cephalopods

<sup>16</sup> [Relevant fisheries-related data should be used in application of Regulation \(EC\) No 199/2008.](#)

*Specifications and standardised methods for monitoring and assessment relating to theme "Species groups of marine birds, mammals, reptiles, fish and cephalopods"*

1. For D1C1, data shall be provided per species per fishing metier for each ICES ~~Division-area~~ or GFCM Geographical Sub-Area or FAO fishing areas for the Macaronesian biogeographic region, 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.
2. 'Coastal' shall be understood on the basis of physical, hydrological and ecological parameters and is not limited to coastal water as defined in Article 2(7) of Directive 2000/60/EC.
- ~~2.3.~~ Species may be assessed at population level, where appropriate.
4. Wherever possible, the assessments under Directive 92/43/EEC, Directive 2009/147/EC and Regulation (EU) No 1380/2013 shall be used for the purposes of this Decision:
  - (a) for birds, criteria D1C2 and D1C4 equate to the 'population size' and 'breeding distribution map and range size' criteria of Directive 2009/147/EC;
  - (b) for mammals, reptiles and non-commercial fish, the criteria are equivalent to those used under Directive 92/43/EEC as follows: D1C2 and D1C3 equate to 'population', D1C4 equates to 'range' and D1C5 equates to 'habitat for the species';
  - (c) for commercially-exploited fish and cephalopods, assessments under Descriptor 3 shall be used for Descriptor 1 purposes, using criterion D3C2 for D1C2 and criterion D3C3 for D1C3.
5. Assessments of the adverse effects from pressures under criteria D1C1, D2C3, D3C1, D8C2, D8C4 and D10C4, as well as the assessments of pressures under criteria D9C1, D10C3, D11C1 and D11C2, shall be taken into account in the assessments of species under Descriptor 1.
- ~~3.1. 'Coastal' shall be understood on the basis of physical, hydrological and ecological parameters and is not limited to coastal water as defined in Article 2(7) of Directive 2000/60/EC.~~

Units of measurement for the criteria:

- D1C2: abundance (number of individuals or biomass in tonnes (t)) per species.

**Theme: Pelagic habitats (relating to Descriptor 1)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Pelagic broad habitat types (variable salinity<sup>17</sup>, coastal, shelf and oceanic/beyond shelf), if present in the region or subregion, and other habitat types as defined in the second paragraph.</p> <p>Member States may select, through regional or subregional cooperation, additional habitat types according to the criteria laid down under 'specifications for the selection of species and habitats'.</p>	<p>D1C6 – Primary: The condition of the habitat type, including its biotic and abiotic structure and its functions (e.g. its typical species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), is not adversely affected <a href="#">due to anthropogenic pressures</a>.</p> <p>Member States shall establish threshold values for the condition of each habitat type, ensuring compatibility with <a href="#">related</a> values set under Descriptors 2, 5 and 8, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i> Subdivision of region or subregion as used for assessments of benthic broad habitat types, reflecting biogeographic differences in species composition of the habitat type.</p> <p><i>Use of criteria:</i> The extent to which good environmental status has been achieved shall be expressed for each area assessed as:</p> <p>(a) an estimate of the proportion and extent of each habitat type assessed that has achieved the threshold value set;</p> <p><del>(b)</del>—a list of broad habitat types in the assessment area that were not assessed.</p> <p><del>(e)</del><del>(b)</del><a href="#">Assessments of the adverse effects from pressures, including under D2C3, D5C2, D5C3, D5C4, D7C1, D8C2 and D8C4, shall be taken into account in the assessments of pelagic habitats under Descriptor 1.</a></p>

*Specifications and standardised methods for monitoring and assessment relating to theme "Pelagic habitats"*

1. ['Coastal'](#) shall be understood on the basis of physical, hydrological and ecological parameters and is not limited to coastal water as defined in Article 2(7) of Directive 2000/60/EC.
- 4.2. [Assessments of the adverse effects from pressures, including under D2C3, D5C2, D5C3, D5C4, D7C1, D8C2 and D8C4, shall be taken into account in the assessments of pelagic habitats under Descriptor 1.](#)

<sup>17</sup> Retained for situations where estuarine plumes extend beyond waters designated as Transitional Waters under Directive 2000/60/EC.

Units of measurement for the criteria:

- D1C6: extent of habitat adversely affected in square kilometres (km<sup>2</sup>) ~~per habitat type~~ and as a proportion (percentage) of the total extent of the habitat type.

**Theme: Benthic habitats (relating to Descriptors 1 and 6)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Refer to Part I of this Annex for criteria D6C1, D6C2 and D6C3.		
<p>Benthic broad habitat types as listed in Table 2 and if present in the region or subregion, and other habitat types as defined in the second <del>sub</del>paragraph.</p> <p>Member States may select, through regional or subregional cooperation, additional habitat types, according to the criteria laid down under ‘specifications for the selection of species and habitats’, and which may include habitat types listed under Directive 92/43/EEC or international agreements such as Regional Sea Conventions, for the purposes of:</p> <p>(a) assessing each broad habitat type under criterion D6C5;</p> <p>(b) assessing these habitat types.</p> <p>A single set of habitat types shall serve the purpose of assessments of both</p>	<p>D6C4 – Primary: The extent of loss of the habitat type, resulting from anthropogenic pressures, does not exceed a specified proportion of the natural extent of the habitat type in the assessment area.</p> <p>Member States shall establish the maximum allowable extent of habitat loss as a proportion of the total natural extent of the habitat type, through cooperation at Union level, taking into account regional or subregional specificities.</p> <p>D6C5 – Primary: The extent of adverse effects from anthropogenic pressures on the condition of the habitat type, including alteration to its biotic and abiotic structure and its functions (e.g. its typical species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), does not exceed a specified proportion of the natural extent of the habitat type in the assessment area.</p> <p>Member States shall establish threshold values for adverse effects on the condition of each habitat type, ensuring compatibility with related values set under Descriptors 2, 5, 6,</p>	<p><i>Scale of assessment:</i> Subdivision of region or subregion, reflecting biogeographic differences in species composition of the broad habitat type.</p> <p><i>Use of criteria:</i> A single assessment per habitat type, using criteria D6C4 and D6C5, shall serve the purpose of assessments of both benthic habitats under Descriptor 1 and sea-floor integrity under Descriptor 6.</p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as:</p> <p>(a) for D6C4, an estimate of the proportion and extent of loss per habitat type and whether this has achieved the extent value set;</p> <p>(b) for D6C5, an estimate of the proportion and extent of adverse effects, including the proportion lost from point (a), per habitat type and whether this has achieved the extent value set;</p> <p>(c) overall status of the habitat type, using a method agreed at Union level based on points (a) and (b), and a list of broad habitat types in the assessment</p>

Criteria elements	Criteria	Methodological standards
benthic habitats under Descriptor 1 and sea-floor integrity under Descriptor 6.	7 and 8, through cooperation at Union level, taking into account regional or subregional specificities. Member States shall establish the maximum allowable extent of those adverse effects as a proportion of the total natural extent of the habitat type, through cooperation at Union level, taking into account regional or subregional specificities.	<p>area that were not assessed.</p> <p><del>(d) The status of each habitat type shall be assessed using wherever possible assessments (such as of sub-types of the broad habitat types) under Directive 92/43/EEC and Directive 2000/60/EC.</del></p> <p><del>(e) Criteria D6C4 and D6C5 equate to the ‘range/area covered by habitat type within range’ and ‘specific structures and functions’ criteria of Directive 92/43/EEC.</del></p> <p><del>(f) Assessment of criterion D6C4 shall use the assessment made under criterion D6C1.</del></p> <p><del>Assessments of the adverse effects from pressures, including under criteria D2C3, D3C1, D3C2, D3C3, D5C4, D5C5, D5C6, D5C7, D5C8, D6C3, D7C2, D8C2 and D8C4, shall be taken into account in the assessments of benthic habitats under Descriptors 1 and 6.</del></p>

#### Criteria elements

**Table 2 – Benthic broad habitat types including their associated biological communities (relevant for criteria under Descriptors 1 and 6), which equate to one or more habitat types of the European nature information system (EUNIS) habitat classification<sup>18</sup>. Updates to the EUNIS typology shall be reflected in the broad habitat types used for the purposes of Directive 2008/56/EC and of this Decision.**

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
<b>Benthic habitats</b>	Littoral rock and biogenic reef	MA1, MA2

<sup>18</sup> Evans, D. (2016). Revising the marine section of the EUNIS Habitat classification - Report of a workshop held at the European Topic Centre on Biological Diversity, 12 & 13 May 2016. ETC/BD Working Paper N° A/2016.

<b>Ecosystem component</b>	<b>Broad habitat types</b>	<b>Relevant EUNIS habitat codes (version 2016)</b>
	Littoral sediment	MA3, MA4, MA5, MA6
	Infralittoral rock and biogenic reef	MB1, MB2
	Infralittoral coarse sediment	MB3
	Infralittoral mixed sediment	MB4
	Infralittoral sand	MB5
	Infralittoral mud	MB6
	Circalittoral rock and biogenic reef	MC1, MC2
	Circalittoral coarse sediment	MC3
	Circalittoral mixed sediment	MC4
	Circalittoral sand	MC5
	Circalittoral mud	MC6
	Offshore circalittoral rock and biogenic reef	MD1, MD2
	Offshore circalittoral coarse sediment	MD3
	Offshore circalittoral mixed sediment	MD4
	Offshore circalittoral sand	MD5
	Offshore circalittoral mud	MD6
	Upper bathyal <sup>19</sup> rock and biogenic reef	ME1, ME2
	Upper bathyal sediment	ME3, ME4, ME5, ME6
	Lower bathyal rock and biogenic reef	MF1, MF2
	Lower bathyal sediment	MF3, MF4, MF5, MF6

<sup>19</sup> Where not specifically defined in the EUNIS classification, the boundary between the upper bathyal and lower bathyal may be set as a specified depth limit.

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
	Abyssal	MG1, MG2, MG3, MG4, MG5, MG6

*Specifications and standardised methods for monitoring and assessment relating to theme "Benthic habitats"*

1. The status of each habitat type shall be assessed using assessments (such as of sub-types of the broad habitat types) under Directive 92/43/EEC and Directive 2000/60/EC, wherever possible.
2. Assessment of criterion D6C4 shall use the assessment made under criterion D6C1.
3. Criteria D6C4 and D6C5 equate to the 'range/area covered by habitat type within range' and 'specific structures and functions' criteria of Directive 92/43/EEC.
4. For D6C5, assessments of the adverse effects from pressures, including under criteria D2C3, D3C1, D3C2, D3C3, D5C4, D5C5, D5C6, D5C7, D5C8, D6C3, D7C2, D8C2 and D8C4, shall be taken into account.
5. For D6C5, species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

- D6C4: extent of habitat loss in square kilometres (km<sup>2</sup>) and as a proportion (percentage) of the total extent of the habitat type.
- D6C5: extent of habitat adversely affected in square kilometres (km<sup>2</sup>) and as a proportion (percentage) of the total extent of the habitat type.

*Specifications for the selection of species and habitats under Themes "Species groups of marine birds, mammals, reptiles, fish and cephalopods", "Pelagic habitats" and "Benthic habitats"*

The selection of species and habitats to be assigned to the species groups and pelagic and benthic broad habitat types shall be based on the following:

1. Scientific criteria (ecological relevance):
  - (a) representative of the ecosystem component (species group or broad habitat type), and of ecosystem functioning (e.g. connectivity between habitats and populations, completeness and integrity of essential habitats), 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) or particular life history traits (age and size at breeding, longevity, migratory traits);



- (b) 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;
  - (c) present in sufficient numbers or extent in the assessment area to be able to construct a suitable indicator for assessment;
  - (d) the set of species or habitats selected shall cover, as far as possible, the full range of ecological functions of the ecosystem component and the predominant pressures to which the component is subject;
  - (e) if species of species groups are closely associated to a particular broad habitat type they may be included within that habitat type for monitoring and assessment purposes; in such cases, the species shall not be included in the assessment of the species group.
2. Additional practical criteria (which shall not override the scientific criteria):
- (a) monitoring/technical feasibility;
  - (b) monitoring costs;
  - (c) adequate time series of the data.

The representative set of species and habitats to be assessed are likely to be specific to the region or subregion, although certain species may occur in several regions or subregions.

**Theme: Ecosystems, including food webs (relating to Descriptors 1 and 4)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Trophic guilds of an ecosystem.  Member States shall establish the list of trophic guilds through regional or subregional cooperation.	D4C1 – Primary: The diversity (species composition and their relative abundance) of the trophic guild is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.	<i>Scale of assessment:</i> Regional level for Baltic Sea and Black Sea; subregional level for North-East Atlantic and Mediterranean Sea. Subdivisions may be used where appropriate.

Criteria elements	Criteria	Methodological standards
	<p>D4C2 – Primary: The balance of total <del>guild</del> abundance <del>across-between</del> the trophic guilds is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>	<p><i>Use of criteria:</i> Where values do not fall within the threshold values, this may trigger <del>the need for</del> further research and investigation to understand the causes for the failure.</p>
	<p>D4C3 – Secondary: The size distribution of individuals across the trophic guild is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>	
	<p>D4C4 – Secondary (to be used in support of criterion D4C2, where necessary): Productivity of the trophic guild is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>	

*Specifications and standardised methods for monitoring and assessment*

1. Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.
2. The trophic guilds selected under criteria elements shall take into account the ICES list of trophic guilds<sup>20</sup> and shall meet the following conditions:
  - (a) include at least three trophic guilds;
  - (b) two shall be non-fish trophic guilds;

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

- (c) at least one shall be a primary producer trophic guild;
- (d) preferably represent at least the top, middle and bottom of the food chain.

Units of measurement:

- D4C2: total abundance (number of individuals or biomass in tonnes (t)) across all species within the trophic guild.



## Aktdetaljer

**Akttitel: Statement by Denmark after the voting on the EU Commission Decision**

**Aktnummer:**

Akt ID: 2763987

Dato: 10-11-2016

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Dokumenter: [1] Statement by Denmark after the voting on the EU Commission Decision.msg  
[2] Statement from DK 09-11-2016.pdf

Den 1. februar 2017

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**Fra:** Lisbet Ølgaard (lioel@svana.dk)

**Titel:** Statement by Denmark after the voting on the EU Commission Decision

**Sendt:** 10-11-2016 16:26:37

**Bilag:** Statement from DK 09-11-2016.pdf;

Dear colleagues,

Following the vote on the proposed EU Commission Decision where Denmark voted against the proposal, please find attached the Danish statement expressing our concern.

We note that the EU Commission has confirmed that the statement will be attached to the minutes of the committee meeting.

At the same time we want to express our willingness to constructively participate in the future process.

Best regards

**Lisbet Ølgaard**

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**Ministry of Environment and Food**

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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 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: Proposal for a GES Decision as amended in Committee Aktnummer:

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[3] Proposal for replacement of COM Decision 2010-477-EU\_Articles\_Recitals\_v9 26.10.2016.docx

Den 1. februar 2017



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**Titel:** Proposal for a GES Decision as amended in Committee

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Dear Committee members,

Please find attached the proposal for a GES Decision as amended this morning in Committee for your perusal. As discussed, the Committee will resume for the vote on the texts at 3.30 pm.

Thank you and kind regards,  
The GES Team



Brussels, **XXX**  
[...](2016) **XXX** draft

ANNEX 1

**ANNEX**

**to 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 2010/477/EU**

**EN**

**EN**

## ANNEX

to 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 2010/477/EU**

## ANNEX

**Criteria and methodological standards for good environmental status of marine waters, relevant to the qualitative descriptors in Annex I to Directive 2008/56/EC, and to the indicative lists set out in Annex III to that Directive, and specifications and standardised methods for monitoring and assessment**

This Annex is structured in two parts:

- under Part I are laid down the 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 that Directive, to be used by Member States in relation to the assessment of predominant pressures and impacts under Article 8(1)(b) of Directive 2008/56/EC,
- under Part II are laid down 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, to be used by Member States in relation to the assessment of environmental status under Article 8(1)(a) of Directive 2008/56/EC.

### **PART I – CRITERIA, METHODOLOGICAL STANDARDS, SPECIFICATIONS AND STANDARDISED METHODS FOR THE MONITORING AND ASSESSMENT OF PREDOMINANT PRESSURES AND IMPACTS UNDER POINT (B) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

Part I considers the descriptors<sup>1</sup> linked to the relevant anthropogenic pressures: biological pressures (Descriptors 2 and 3), physical pressures (Descriptors 6 and 7) and substances, litter and energy (Descriptors 5, 8, 9, 10 and 11), as listed in Annex III to Directive 2008/56/EC.

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<sup>1</sup> When this Decision refers to a 'descriptor', this refers to the relevant qualitative descriptors for determining good environmental status, as indicated under the numbered points in Annex I to Directive 2008/56/EC.

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

Relevant pressure: Input or spread of non-indigenous species

Criteria, including criteria elements, and methodological standards

Criteria elements	Criteria	Methodological standards
<p>Newly-introduced non-indigenous species.</p>	<p>D2C1 – Primary: The number of non-indigenous species which are newly introduced via human activity into the wild, per assessment period (6 years), measured from the reference year as reported for the initial assessment under Article 8(1) of Directive 2008/56/EC, is minimised and where possible reduced to zero. Member States shall establish the threshold value for the number of new introductions of non-indigenous species, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i> Subdivisions of the region or subregion, divided where needed by national boundaries. <i>Use of criteria:</i> The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows: – the number of non-indigenous species newly introduced via human activity, in the 6-year assessment period and a list of those species.</p>
<p>Established non-indigenous species, particularly invasive non-indigenous species, which include relevant species on the list of invasive alien species of Union concern adopted in accordance with Article 4(1) of Regulation (EU) No 1143/2014 and species which are relevant for use under criterion D2C3. Member States shall establish that list through regional or subregional cooperation.</p>	<p>D2C2 – Secondary: Abundance and spatial distribution of established non-indigenous species, particularly of invasive species, contributing significantly to adverse effects on particular species groups or broad habitat types.</p>	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species groups or broad habitat types under Descriptors 1 and 6. <i>Use of criteria:</i> Criterion D2C2 (quantification of non-indigenous species) shall be expressed per species assessed and shall contribute to the assessment of criterion D2C3 (adverse effects of non-indigenous species). Criterion D2C3 shall provide the proportion per species group and extent per broad habitat type assessed which is</p>

Criteria elements	Criteria	Methodological standards
Species groups and broad habitat types that are at risk from non-indigenous species, selected from those used for Descriptors 1 and 6. Member States shall establish that list through regional or subregional cooperation.	D2C3 – Secondary: Proportion of the species group or spatial extent of the broad habitat type which is adversely altered due to non-indigenous species, particularly invasive non-indigenous species. Member States shall establish the threshold values for the adverse alteration to species groups and broad habitat types due to non-indigenous species, through regional or subregional cooperation.	adversely altered, and thus contribute to their assessments under Descriptors 1 and 6.

*Specifications and standardised methods for monitoring and assessment*

1. 'Newly-introduced' non-indigenous species shall be understood as those which were not known to be present in the area in the previous assessment period.
2. 'Established' non-indigenous species shall be understood as those which were known to be present in the area in the previous assessment period.
3. For D2C1: where it is not clear whether the new arrival of non-indigenous species is due to human activity or natural dispersal from neighbouring areas, the introduction shall be counted under D2C1.
4. For D2C2: when species occurrence and abundance is seasonally variable (e.g. plankton), monitoring shall be undertaken at appropriate times of year.
5. Monitoring programmes shall be linked to those for Descriptors 1, 4, 5 and 6, where possible, as they typically use the same sampling methods and it is more practical to monitor non-indigenous species as part of broader biodiversity monitoring, except where sampling needs to focus on main vectors and risk areas for new introductions.

Units of measurement for the criteria:

- D2C1: the number of species per assessment area which have been newly introduced in the assessment period (6 years).
- D2C2: abundance (number of individuals, biomass in tonnes (t) or extent in square kilometres (km<sup>2</sup>)) per non-indigenous species.

- D2C3: the proportion of the species group (ratio of indigenous species to non-indigenous species, as number of species and/or their abundance within the group) or the spatial extent of the broad habitat type (in square kilometres (km<sup>2</sup>)) which is adversely altered.

**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**

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

Criteria, including criteria elements, and methodological standards

Criteria elements	Criteria	Methodological standards
<p>Commercially-exploited fish and shellfish.</p> <p>Member States shall establish through regional or subregional cooperation a list of commercially-exploited fish and shellfish, according to the criteria laid down under 'specifications'.</p>	<p>D3C1 – Primary:</p> <p>The <i>Fishing mortality</i> rate of populations of commercially-exploited species is at or below levels which can produce the maximum sustainable yield (MSY). <del>Relevant</del><u>Appropriate scientific bodies shall be consulted in accordance with established in accordance with scientific advice obtained pursuant to</u> Article 26 of Regulation (EU) No 1380/2013.</p>	<p><i>Scale of assessment:</i></p> <p>Populations of each species are assessed at ecologically-relevant scales within each region or subregion, as established by appropriate scientific bodies as referred to in Article 26 of Regulation (EU) No 1380/2013, based on specified aggregations of International Council for the Exploration of the Sea (ICES) areas, General Fisheries Commission for the Mediterranean (GFCM) geographical sub-areas and Food and Agriculture Organisation (FAO) fishing areas for the Macaronesian biogeographic region.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <p>(a) the populations assessed, the values <del>attained</del><u>achieved</u> for each criterion and whether the levels for D3C1 and D3C2 and the threshold values for D3C3 have been achieved, and the overall status of the population on the basis of criteria integration rules agreed at Union level;</p> <p>(b) the populations of commercially-exploited species in</p>
	<p>D3C2<sup>2</sup> – Primary:</p> <p>The <i>Spawning Stock Biomass</i> of populations of commercially-exploited species <del>is</del><u>are</u> above biomass levels capable of producing maximum sustainable yield. <del>Relevant</del><u>Appropriate scientific bodies shall be consulted in accordance with established in accordance with scientific advice obtained pursuant to</u> Article 26 of Regulation (EU) No 1380/2013.</p>	
	<p>D3C3<sup>2,3</sup> – Primary:</p> <p>The age and size distribution of individuals in the populations of commercially-exploited species is indicative of a healthy population. This shall include a high proportion of old/large individuals and <del>reduced</del><u>limited</u> adverse effects of exploitation on genetic diversity.</p>	

<sup>2</sup> D3C2 and D3C3 are state-based criteria for commercially-exploited fish and shellfish but are shown under Part I for clarity reasons.

<sup>3</sup> D3C3 may not be available for use for the 2018 review of the initial assessment and determination of good environmental status under Article 17(2)(ab) of Directive 2008/56/EC.

Criteria elements	Criteria	Methodological standards
	Member States shall establish threshold values through regional or subregional cooperation for each population of species in accordance with scientific advice obtained pursuant to Article 26 of Regulation (EU) No 1380/2013.	the assessment area which were not assessed. The outcomes of these population assessments shall also contribute to the assessments under Descriptors 1 and 6, if the species are relevant for assessment of particular species groups and benthic habitat types.

Extraction of, or mortality/injury to, non-~~target-commercially-exploited~~ species (incidental by-catches) as a result of fishing activities, is addressed under criterion D1C1.

Physical disturbance to the seabed, including effects on benthic communities, as a result of fishing activities, are addressed by the criteria under Descriptor 6 (particularly criteria D6C2 and D6C3) and are to be fed into the assessments of benthic habitat types under Descriptors 1 and 6.

*Specifications and standardised methods for monitoring and assessment*

1. A list of commercially-exploited species for application of the criteria in each assessment area shall be established by Member States through regional or subregional cooperation and updated for each 6-year assessment period, taking into account Council Regulation (EC) No 199/2008<sup>4</sup> and the following:
  - (a) all stocks that are managed under Regulation (EU) No 1380/2013;
  - (b) the species for which fishing opportunities (total allowable catches and quotas) are set by Council under Article 43(3) of the Treaty on the Functioning of the European Union;
  - (c) the species for which minimum conservation reference sizes are set under Regulation (EC) No 1967/2006;
  - (d) the species under multiannual plans according to Article 9 of Regulation (EU) No 1380/2013;
  - (e) the species under national management plans according to Article 19 of Regulation (EC) No 1967/2006;
  - (f) any important species on a regional or national scale for small-scale/local coastal fisheries.

For the purposes of this Decision, commercially-exploited species which are non-indigenous in each assessment area shall be excluded from the list and thus not contribute to achievement of good environmental status for Descriptor 3.

<sup>4</sup> Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (OJ L 60, 5.3.2008, p. 1).



2. Regulation (EC) No 199/2008 establishes rules on the collection and management, in the framework of multi-annual programmes, of biological, technical, environmental and socio-economic data concerning the fisheries sector which shall be used for monitoring under Descriptor 3, ~~including the collection of data for criterion D1C1.~~
3. ~~For D3C1, D3C2 and D3C3, p~~The term 'populations' shall be understood as the term 'stocks' within the meaning of ~~under~~ Regulation (EU) No 1380/2013.
4. For D3C1 and D3C2, the following shall apply:
  - (a) for stocks managed under a multiannual plan according to Article 9 of Regulation (EU) No 1380/2013, in situations of mixed fisheries, the target fishing mortality and the biomass levels capable of producing maximum sustainable yield shall be in accordance with the relevant multiannual plan;
  - (b) for the Mediterranean Sea and Black Sea regions, appropriate proxies may be used.
5. The following methods for assessment shall be used:
  - (a) For D3C1: if quantitative assessments yielding values for *Fishing mortality* are not available due to inadequacies in the available data, other variables such as the ratio between catch and biomass index ('catch/biomass ratio') may be used as an alternative method. In such cases, an appropriate method for trend analysis shall be adopted (e.g. the current value can be compared against the long-term historical average);
  - (b) For D3C2: the threshold value used shall be in accordance with Article 2(2) of Regulation (EU) No 1380/2013. If quantitative assessments yielding values for *Spawning Stock Biomass* are not available due to inadequacies in the available data, biomass-related indices such as catch per unit effort or survey abundance indices may be used as an alternative method. In such cases, an appropriate method for trend analysis shall be adopted (e.g. the current value can be compared against the long-term historical average);
  - (c) D3C3 shall reflect that healthy populations of species are characterised by a high proportion of old, large individuals. The relevant properties are the following:
    - (i) size distribution of individuals in the population, expressed as:
      - the proportion of fish larger than mean size of first sexual maturation, or
      - the 95<sup>th</sup> percentile of the fish-length distribution of each population, ~~in both cases~~ as observed in research vessel or other surveys;
    - (ii) genetic effects of exploitation of the species, such as size at first sexual maturation, where appropriate and feasible.

Other expressions of the relevant properties may be used following further scientific and technical development of this criterion.

Units of measurement for the criteria:

- D3C1: annualised fishing mortality rate.
- D3C2: biomass in tonnes (t) or number of individuals per species, except where other indices are used under point 5(b).
- D3C3: under point 5(c): for (i), first indent: proportion (percentage) or numbers, for (i), second indent: length in centimetres (cm), and for (ii): length in centimetres (cm).

**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**

Relevant pressures: Input of nutrients; Input of organic matter

Criteria, including criteria elements, and methodological standards

Criteria elements	Criteria	Methodological standards
<p>Nutrients in the water column: Dissolved Inorganic Nitrogen (DIN), Total Nitrogen (TN), Dissolved Inorganic Phosphorus (DIP), Total Phosphorus (TP).</p> <p>Within coastal waters, as used under Directive 2000/60/EC.</p> <p>Beyond coastal waters, Member States may decide at regional or subregional level to not use one or several of these nutrient elements.</p>	<p>D5C1 – Primary:</p> <p>Nutrient concentrations are not at levels that indicate adverse eutrophication effects.</p> <p>The threshold values are as follows:</p> <p>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation</p>	<p><i>Scale of assessment:</i></p> <ul style="list-style-type: none"> <li>– within coastal waters, as used under Directive 2000/60/EC,</li> <li>– beyond coastal waters, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p>
<p>Chlorophyll a in the water column</p>	<p>D5C2 – Primary:</p> <p>Chlorophyll a concentrations are not at levels that indicate adverse effects of nutrient enrichment.</p> <p>The threshold values are as follows:</p> <p>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</p>	<p>(a) the values achieved for each criterion used, and an estimate of the extent of the assessment area over which the threshold values set have been achieved;</p> <p>(b) in coastal waters, the criteria shall be used in accordance with the requirements of Directive 2000/60/EC to conclude on whether the water body is subject to eutrophication<sup>5</sup>;</p> <p>(c) beyond coastal waters, an estimate of the extent of the area (as a proportion (percentage)) that is not subject to eutrophication (as indicated by the results</p>

<sup>5</sup> Guidance documents published in the context of the Common Implementation Strategy for Directive 2000/60/EC may be relevant in this assessment (e.g. "N° 13 - Overall Approach to the Classification of Ecological Status and Ecological Potential" and "N° 23 - Eutrophication Assessment in the Context of European Water Policies")

Criteria elements	Criteria	Methodological standards
Harmful algal blooms (e.g. cyanobacteria) in the water column	<p>D5C3 – Secondary:</p> <p>The number, spatial extent and duration of harmful algal bloom events are not at levels that indicate adverse effects of nutrient enrichment.</p> <p>Member States shall establish threshold values for these levels through regional or subregional cooperation.</p>	<p>of all criteria used, integrated in a manner agreed at <u>Union-regional or subregional level, taking into account regional or subregional specificities and, where possible, at Union level</u>.</p> <p>Beyond coastal waters, the use of the secondary criteria shall be agreed at regional or subregional level.</p>
Photic limit (transparency) of the water column	<p>D5C4 – Secondary:</p> <p>The photic limit (transparency) of the water column is not reduced, <u>due to increases in suspended algae</u>, to a level that indicates adverse effects of nutrient enrichment <del>related to increases in suspended algae</del>.</p> <p>The threshold values are as follows:</p> <p>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</p>	<p>The outcomes of the assessments shall also contribute to assessments for pelagic habitats under Descriptor 1 as follows:</p> <ul style="list-style-type: none"> <li>– the distribution and an estimate of the extent of the area (as a proportion (percentage)) that is subject to eutrophication in the water column (as indicated by whether the threshold values for criteria D5C2, D5C3 and D5C4, when used, have been achieved);</li> </ul> <p>The outcomes of the assessments shall also contribute to assessments for benthic habitats under Descriptors 1 and 6 as follows:</p> <ul style="list-style-type: none"> <li>– the distribution and an estimate of the extent of the area (as a proportion (percentage)) that is subject to eutrophication on the seabed (as indicated by whether the threshold values for criteria D5C4, D5C5, D5C6, D5C7 and D5C8, when used, have been achieved).</li> </ul>
Dissolved oxygen in the bottom of the water column	<p>D5C5 – Primary (may be substituted by D5C8):</p> <p>The concentration of dissolved oxygen is not reduced, due to nutrient enrichment, to levels that indicate adverse effects on benthic habitats (including on associated biota and mobile species) or other eutrophication effects.</p> <p>The threshold values are as follows:</p> <p>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</p> <p>(b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or</p>	

Criteria elements	Criteria	Methodological standards
	subregional cooperation.	
Opportunistic macroalgae of benthic habitats	<p>D5C6 – Secondary:  The abundance of opportunistic macroalgae is not at levels that indicate adverse effects of nutrient enrichment.  The threshold values are as follows:</p> <ul style="list-style-type: none"> <li>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</li> <li>(b) should this criterion be relevant for waters beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</li> </ul>	
Macrophyte communities (perennial seaweeds and seagrasses such as fucoids, eelgrass and Neptune grass) of benthic habitats	<p>D5C7 – Secondary:  The species composition and relative abundance or depth distribution of macrophyte communities achieve values that indicate there is no adverse effect due to nutrient enrichment including via a decrease in water transparency, as follows:</p> <ul style="list-style-type: none"> <li>(a) in coastal waters, the values set in accordance with Directive 2000/60/EC;</li> <li>(b) should this criterion be relevant for waters beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.</li> </ul>	
Macrofaunal communities of benthic habitats	<p>D5C8 – Secondary (except when used as a substitute for D5C5):  The species composition and relative abundance of macrofaunal communities, achieve values that indicate that there is no adverse effect due to nutrient and organic</p>	

Criteria elements	Criteria	Methodological standards
	enrichment, as follows: (a) in coastal waters, the values for benthic biological quality elements set in accordance with Directive 2000/60/EC; (b) beyond coastal waters, values consistent with those for coastal waters under Directive 2000/60/EC. Member States shall establish those values through regional or subregional cooperation.	

*Specifications and standardised methods for monitoring and assessment*

1. In coastal waters, the criteria elements shall be selected in accordance with Directive 2000/60/EC.

2. For D5C2 and D5C3, Member States may in addition use phytoplankton species composition and abundance.

~~1.3.~~ Information on the pathways (atmospheric, land- or sea-based) for nutrients entering the marine environment shall be collected, where feasible.

~~2.4.~~ Monitoring beyond coastal waters may not be necessary due to low risk, such as in cases where the threshold values are achieved in coastal waters, taking into account nutrient input from atmospheric, sea-based including coastal waters, and transboundary sources.

5. Assessments under Directive 2000/60/EC shall be used for the assessments of each criterion in coastal waters.

~~3.6.~~ Values set in accordance with Directive 2000/60/EC shall refer either to those set by intercalibration under Commission Decision 2013/480/EU<sup>6</sup> or to those set in national legislation in accordance with Article 8 and Annex V of Directive 2000/60/EC. These shall be understood as the "Good-Moderate boundary" for Ecological Quality Ratios.

~~4.1. In coastal waters, the criteria elements shall be selected in accordance with Directive 2000/60/EC.~~

~~5.1. Assessments under Directive 2000/60/EC shall be used for the assessments of each criterion in coastal waters.~~

~~6.7.~~ Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

<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).

~~7.1. For D5C2 and D5C3, Member States may in addition use phytoplankton species composition and abundance.~~

Units of measurement for the criteria:

- D5C1: nutrient concentrations in micromoles per litre ( $\mu\text{mol/l}$ ).
- D5C2: chlorophyll a concentrations (biomass) in micrograms per litre ( $\mu\text{g/l}$ ).
- D5C3: bloom events as number of events, duration in days and spatial extent in square kilometres ( $\text{km}^2$ ) per year.
- D5C4: pPhotic limit as depth in metres (m).
- D5C5: oxygen concentration in the bottom of the water column in milligrams per litre ( $\text{mg/l}$ ).
- D5C6: Ecological Quality Ratio for macroalgal abundance or spatial cover. Extent of adverse effects in square kilometres ( $\text{km}^2$ ) or as a proportion (percentage) of the assessment area.
- D5C7: Ecological Quality Ratio for species composition and relative abundance assessments or for maximum depth of macrophyte growth. Extent of adverse effects in square kilometres ( $\text{km}^2$ ) or as a proportion (percentage) of the assessment area.
- D5C8: Ecological Quality Ratio for species composition and relative abundance assessments. Extent of adverse effects in square kilometres ( $\text{km}^2$ ) or as a proportion (percentage) of the assessment area.

Where available, Member States shall use the units or ecological quality ratios provided for under Directive 2000/60/EC.

**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 D6C1, D6C2 and D6C3 relate only to the pressures 'physical loss' and 'physical disturbance' and their impacts, whilst criteria D6C4 and D6C5 address the overall assessment of Descriptor 6, together with that for benthic habitats under Descriptor 1.~~

Relevant pressures: Physical loss (due to permanent change of seabed substrate or morphology and to extraction of seabed substrate); physical disturbance to seabed (temporary or reversible)

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Physical loss of the seabed (including intertidal areas).	D6C1 – Primary: Spatial extent and distribution of physical loss (permanent change) of the natural seabed.	<p><i>Scale of assessment:</i> As used for assessment of the benthic broad habitat types under Descriptors 1 and 6.</p> <p><i>Use of criteria:</i> The outcomes of assessment of criterion D6C1 (the distribution and an estimate of the extent of physical loss) shall be used to assess criteria D6C4 and D7C1.</p> <p>The outcomes of assessment of criterion D6C2 (the distribution and an estimate of the extent of physical disturbance pressures) shall be used to assess criterion D6C3.</p> <p>The outcomes of assessment of criterion D6C3 (an estimate of the extent of adverse effect by physical disturbance per habitat type in each assessment area) shall contribute to the assessment of criterion D6C5.</p>
Physical disturbance to the seabed (including intertidal areas).	D6C2 – Primary: Spatial extent and distribution of physical disturbance pressures on the seabed.	
Benthic broad habitat types or other habitat types, as used under Descriptors 1 and 6.	D6C3 – Primary: Spatial extent of each habitat type which is adversely affected, through change in its biotic and abiotic structure and its functions (e.g. through changes in species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), by physical disturbance. Member States shall establish threshold values for the adverse effects of physical disturbance, through regional or subregional cooperation.	

~~Criteria D6C1, D6C2 and D6C3 relate only to the pressures 'physical loss' and 'physical disturbance' and their impacts, whilst criteria D6C4 and D6C5 address the overall assessment of Descriptor 6, together with that for benthic habitats under Descriptor 1.~~ Criteria D6C4 and D6C5 are presented under Part II of this Annex.



*Specifications and standardised methods for monitoring and assessment*

1. Regarding methods for monitoring:
  - (a) for D6C1, permanent changes to the seabed from different human activities shall be assessed (including permanent changes to natural seabed substrate or morphology via physical restructuring, infrastructure developments and loss of substrate via extraction of the seabed materials);
  - (b) for D6C2, physical disturbances from different human activities shall be assessed (such as bottom-trawling fishing);
  - (c) for coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC shall be used. Beyond coastal waters, data may be collated from mapping of infrastructure and licensed extraction sites.
2. Regarding methods for assessment, the data shall be aggregated so that:
  - (a) D6C1 is assessed as area lost in relation to total natural extent of all benthic habitats in the assessment area (e.g. by extent of anthropogenic modification);
  - (b) D6C3 is assessed in relation to total natural extent of each benthic habitat type assessed.
3. Physical loss shall be understood as a permanent change to the seabed which has lasted or is expected to last for a period of two reporting cycles (12 years) or more.
4. Physical disturbance shall be understood as a change to the seabed from which it can be restored/recover if the activity causing the disturbance pressure ceases.
5. For D6C3 species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

- D6C1: extent of the assessment area physically lost in square kilometres (km<sup>2</sup>).
- D6C2: extent of the assessment area physically disturbed in square kilometres (km<sup>2</sup>).
- D6C3: extent of each habitat type adversely affected in square kilometres (km<sup>2</sup>) or as a proportion (percentage) of the total natural extent of the habitat in the assessment area.

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

Relevant pressures: Physical loss (due to permanent change of seabed substrate or morphology or to extraction of seabed substrate); Changes to hydrological conditions

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Hydrographical changes to the seabed and water column (including intertidal areas).	D7C1 – Secondary: Spatial extent and distribution of permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature) to the seabed and water column, associated in particular with physical loss <sup>7</sup> of the natural seabed.	<i>Scale of assessment:</i> As used for assessment of the benthic broad habitat types under Descriptors 1 and 6. <i>Use of criteria:</i> The outcomes of assessment of criterion D7C1 (the distribution and an estimate of the extent of hydrographical changes) shall be used to assess criterion D7C2.
Benthic broad habitats types or other habitat types, as used for Descriptors 1 and 6.	D7C2 – Secondary: Spatial extent of each benthic habitat type adversely affected (physical and hydrographical characteristics and associated biological communities) due to permanent alteration of hydrographical conditions. Member States shall establish threshold values for the adverse effects of permanent alterations of hydrographical conditions, through regional or subregional cooperation.	The outcomes of assessment of criterion D7C2 (an estimate of the extent of adverse effect per habitat type in each assessment area) shall contribute to the assessment of criterion D6C5.

#### *Specifications and standardised methods for monitoring and assessment*

1. Regarding methods for monitoring and assessment:
  - (a) Monitoring shall focus on changes associated with infrastructure developments, either on the coast or offshore.

<sup>7</sup> Physical loss shall be understood as under point 3 of the specifications under Descriptor 6.

- (b) Environmental impact assessment hydrodynamic models, where required, which are validated with ground-truth measurements, or other suitable sources of information, shall be used to assess the extent of effects from each infrastructure development.
  - (c) For coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC shall be used.
2. Regarding methods for assessment, the data shall be aggregated so that:
- (a) D7C1 is assessed in relation to total natural extent of all habitats in the assessment area;
  - (b) D7C2 is assessed in relation to total natural extent of each benthic habitat type assessed.

Units of measurement for the criteria:

- D7C1: extent of the assessment area hydrographically altered in square kilometres (km<sup>2</sup>).
- D7C2: extent of each habitat type adversely affected in square kilometres (km<sup>2</sup>) or as a proportion (percentage) of the total natural extent of the habitat in the assessment area.

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

Relevant pressures: Input of ~~hazardous~~ other substances (e.g. synthetic substances, non-synthetic substances, radionuclides)

Criteria, including criteria elements, and methodological standards

Criteria elements	Criteria	Methodological standards
<p>(1) Within coastal and territorial waters:</p> <p>(a) Contaminants selected in accordance with Directive 2000/60/EC:</p> <p>(i) contaminants for which an environmental quality standard is laid down in Part A of Annex I to Directive 2008/105/EC;</p> <p>(ii) River Basin Specific Pollutants under Annex VIII to Directive 2000/60/EC, in coastal waters;</p> <p>(b) additional contaminants, if relevant, such as from offshore sources, which are not already identified under point (a) and which may give rise to pollution effects in the region or subregion. Member States shall establish that list of <del>these</del> contaminants through regional or subregional cooperation.</p> <p>(2) Beyond territorial waters:</p> <p>(a) the contaminants considered</p>	<p>D8C1 – Primary:</p> <p>Within coastal and territorial waters, the concentrations of contaminants do not exceed the following threshold values:</p> <p>(a) for contaminants set out under point (1)(a) of criteria elements, the values set in accordance with Directive 2000/60/EC;</p> <p><del>(b)</del> <u>when contaminants under point (a) are measured in a matrix for which no value is set under Directive 2000/60/EC, the concentration of those contaminants in that matrix established by Member States through regional or subregional cooperation;</u></p> <p><del>(c)</del> for additional contaminants selected under point (1)(b) of criteria elements, the concentrations for a specified matrix (water, sediment or biota) which may give rise to pollution effects. Member States shall establish these concentrations through regional or subregional cooperation, considering their application within and beyond coastal and territorial waters.</p> <p><del>(e)</del> <u>when contaminants under point (a) are measured in a matrix for which no value is set under Directive 2000/60/EC, the concentration of those contaminants in that matrix established by Member States through regional or subregional cooperation.</u></p> <p>Beyond territorial waters, the concentrations of contaminants do not exceed the following threshold values:</p> <p>(a) for contaminants selected under point (2)(a) of criteria</p>	<p><i>Scale of assessment:</i></p> <ul style="list-style-type: none"> <li>– within coastal and territorial waters, as used under Directive 2000/60/EC,</li> <li>– beyond territorial waters, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <p>(a) for each contaminant under criterion D8C1, its concentration, the matrix used (water, sediment, biota), whether the threshold values set have been achieved, and the proportion of contaminants assessed which have achieved the threshold values, including indicating separately substances behaving like ubiquitous persistent, bioaccumulative and toxic substances (uPBTs), as referred to in Article 8a(1)(a) of Directive 2008/105/EC;</p> <p>(b) for each species assessed under criterion D8C2, an estimate of the abundance of its population in the assessment area that is adversely affected;</p> <p>(c) for each habitat assessed under criterion D8C2, an estimate of the extent in the assessment area that is</p>

Criteria elements	Criteria	Methodological standards
<p>under point (1), where these still may give rise to pollution effects;</p> <p>(b) additional contaminants, if relevant, which are not already identified under point (2)(a) and which may give rise to pollution effects in the region or subregion. Member States shall establish that list of contaminants through regional or subregional cooperation.</p>	<p>elements, the values as applicable within coastal and territorial waters;</p> <p>(b) for contaminants selected under point (2)(b) of criteria elements, the concentrations for a specified matrix (water, sediment or biota) which may give rise to pollution effects. Member States shall establish these concentrations through regional or subregional cooperation.</p>	<p>adversely affected.</p> <p>The use of criterion D8C2 in the <u>overall</u> assessment of good environmental status for Descriptor 8 shall be agreed at regional or subregional level.</p> <p>The outcomes of the assessment of criterion D8C2 shall contribute to assessments under Descriptors 1 and 6, where appropriate.</p>
<p>Species and habitats which are at risk from contaminants.</p> <p>Member States shall establish that list of species, and relevant tissues to be assessed, and habitats, through regional or subregional cooperation.</p>	<p>D8C2 – Secondary:</p> <p>The health of species and the condition of habitats (such as their species composition and relative abundance at locations of chronic pollution) are not adversely affected due to contaminants including cumulative and synergetic effects.</p> <p>Member States shall establish those adverse effects and their threshold values through regional or subregional cooperation.</p>	
<p>Significant acute pollution events involving polluting substances, as defined in Article 2(2) of Directive 2005/35/EC of the European Parliament and of the Council<sup>8</sup>, including crude oil and similar compounds.</p>	<p>D8C3 – Primary:</p> <p>The spatial extent and duration of significant acute pollution events are minimised.</p>	<p><i>Scale of assessment:</i></p> <p>Regional or subregional level, divided where needed by national boundaries.</p> <p><i>Use of criteria:</i></p> <p><b>This criterion shall be used to trigger assessment of criterion D8C4.</b></p> <p>The extent to which good environmental status has been</p>

<sup>8</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, including criminal penalties, for pollution offences (OJ L 255, 30.9.2005, p. 11).

Criteria elements	Criteria	Methodological standards
		<p>achieved shall be expressed for each area assessed as follows:</p> <p>– an estimate of the total spatial extent of significant acute pollution events and their distribution and total duration for each year.</p> <p><u>This criterion shall be used to trigger assessment of criterion D8C4.</u></p>
<p>Species of the species groups, as listed under Table 1 of Part II, and benthic broad habitat types, as listed under Table 2 of Part II.</p>	<p>D8C4 – Secondary (to be used when a significant acute pollution event has occurred):</p> <p>The adverse effects of significant acute pollution events on the health of species and on the condition of habitats (such as their species composition and relative abundance) are minimised and, where possible, eliminated.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the species groups or benthic broad habitat types under Descriptors 1 and 6.</p> <p><i>Use of criteria:</i></p> <p><u>The use of criterion D8C4 in the assessment of good environmental status for Descriptor 8 shall be agreed at regional or subregional level.</u></p> <p>The outcomes of assessment of criterion D8C4 shall contribute, where the cumulative spatial and temporal effects are significant, to the assessments under Descriptors 1 and 6 by providing:</p> <p>(a) an estimate of the abundance of each species that is adversely affected;</p> <p>(b) an estimate of the extent of each broad habitat type that is adversely affected.</p> <p><u>The use of criterion D8C4 in the overall assessment of good environmental status for Descriptor 8 shall be agreed at regional or subregional level.</u></p>

*Specifications and standardised methods for monitoring and assessment*

- For criteria elements under D8C1, the selection under points (1)(b) and (2)(b) of additional contaminants that may give rise to pollution effects shall be based on a risk assessment. For these contaminants, the matrix and threshold values used for the assessment shall be representative of the most sensitive species and exposure pathway, including hazards to human health via exposure through the food chain.

~~3.2.~~ For the purposes of this Decision:

- (a) Criterion D8C1: for the assessment of contaminants in coastal and territorial waters, Member States shall monitor the contaminants in accordance with the requirements of Directive 2000/60/EC and the assessments under that Directive shall be used where available. Information on the pathways (atmospheric, land- or sea-based) for contaminants entering the marine environment shall be collected, where feasible.
- (b) Criteria D8C2 and D8C4: biomarkers or population demographic characteristics (e.g. fecundity rates, survival rates, mortality rates, and reproductive capacity) may be relevant to assess the health effects.
- (c) 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.
- (d) Criterion D8C3: Member States shall identify the source of significant acute pollution events, where possible. They may use the European Maritime Safety Agency satellite-based surveillance for this purpose.

~~4.1. For criteria elements under D8C1, the selection under points (1)(b) and (2)(b) of additional contaminants that may give rise to pollution effects shall be based on a risk assessment. For these contaminants, the matrix and threshold values used for the assessment shall be representative of the most sensitive species and exposure pathway, including hazards to human health via exposure through the food chain.~~

~~5.3.~~ Contaminants shall be understood to refer to single substances or to groups of substances. For consistency in reporting, the grouping of substances shall be agreed at Union level.

~~6.4.~~ Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

- D8C1: concentrations of contaminants in micrograms per litre ( $\mu\text{g/l}$ ) for water, in micrograms per kilogram ( $\mu\text{g/kg}$ ) of dry weight for sediment and in micrograms per kilogram ( $\mu\text{g/kg}$ ) of wet weight for biota~~;~~
- D8C2: abundance (number of individuals or other suitable units as agreed at regional or subregional level) per species affected; extent in square kilometres ( $\text{km}^2$ ) per broad habitat type affected~~;~~
- D8C3: duration in days and spatial extent in square kilometres ( $\text{km}^2$ ) of significant acute pollution events per year~~;~~
- D8C4: abundance (number of individuals or other suitable units as agreed at regional or subregional level) per species affected; extent in square kilometres ( $\text{km}^2$ ) per broad habitat type affected.

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

Relevant pressure: Input of hazardous substances

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	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 establish a list of those additional contaminants through regional or subregional cooperation.</p> <p>Member States shall establish the list of species and relevant tissues to be assessed, according to the conditions laid down under 'specifications'. They may cooperate at regional or subregional level to establish that list of species and relevant tissues.</p>	<p>D9C1 – Primary:</p> <p>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, which are the threshold values for the purposes of this Decision;</p> <p>(b) for additional contaminants, not listed in Regulation (EC) No 1881/2006, threshold values, which Member States shall establish through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>The catch or production area in accordance with Article 38 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>9</sup>.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– for each contaminant, its concentration in seafood, the matrix used (species and tissue), whether the threshold values set have been <del>exceeded</del><u>achieved</u>, and the proportion of contaminants assessed which have achieved their threshold values.</li> </ul>

<sup>9</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).



*Specifications and standardised methods for monitoring and assessment*

1. When Member States establish the list of species to be used under D9C1, the species shall:
  - (a) be relevant to the marine region or subregion concerned;
  - (b) fall under the scope of Regulation (EC) No 1881/2006;
  - (c) be suitable for the contaminant being assessed;
  - (d) be among the most consumed in the Member State or the most caught or harvested for consumption.
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 shall 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 of the Council<sup>10</sup> and with Commission Regulation (EU) No 589/2014<sup>11</sup> and Commission Regulation (EC) No 333/2007<sup>12</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.

Units of measurement for the criteria:

- D9C1: concentrations of contaminants in the units set out in the Annex to Regulation (EC) No 1881/2006.

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<sup>10</sup> Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).

<sup>11</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 and repealing Regulation (EU) No 252/2012 (OJ L 164, 3.6.2014, p. 18).

<sup>12</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).

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

Relevant pressure: Input of litter

Criteria, including criteria elements, and methodological standards

Criteria elements	Criteria	Methodological standards
Litter (excluding micro-litter), classified in the following categories <sup>13</sup> : artificial polymer materials, rubber, cloth/textile, paper/cardboard, processed/worked wood, metal, glass/ceramics, chemicals, undefined, and food waste. Member States may define further sub-categories.	D10C1 – Primary: The composition, amount and spatial distribution of litter on the coastline, in the surface layer of the water column, and on the seabed, are at levels that do not cause harm to the coastal and marine environment. Member States shall establish threshold values for these levels through cooperation at Union level, taking into account regional or subregional specificities.	<i>Scale of assessment:</i> Subdivisions of the region or subregion, divided where needed by national boundaries. <i>Use of criteria:</i> <del>The use of criteria D10C1, D10C2 and D10C3 in the assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</del> The extent to which good environmental status has been achieved shall be expressed for each criterion separately for each area assessed as follows:
Micro-litter (particles < 5mm), classified in the categories 'artificial polymer materials' and 'other'.	D10C2 – Primary: The composition, amount and spatial distribution of micro-litter on the coastline, in the surface layer of the water column, and in seabed sediment, are at levels that do not cause harm to the coastal and marine environment. Member States shall establish threshold values for these levels through cooperation at Union level, taking into account regional or subregional specificities.	(a) the outcomes for each criterion (amount of litter or micro-litter per category) and its distribution per matrix used under D10C1 and D10C2 and whether the threshold values set have been achieved. (b) the outcomes for D10C3 (amount of litter <del>or</del> <u>and</u> micro-litter per category per species) and whether

<sup>13</sup> These are the "Level 1 – Material" categories from the Master List of categories of litter items from the Joint Research Centre "Guidance on Monitoring of marine litter in European seas" (2013, ISBN 978-92-79-32709-4). The Master List specifies what is covered under each category, for instance "Chemicals" refers to paraffin, wax, oil and tar.

Criteria elements	Criteria	Methodological standards
<p>Litter and micro-litter classified in the categories 'artificial polymer materials' and 'other', assessed in any species from the following groups: birds, mammals, reptiles, fish or invertebrates.</p> <p>Member States shall establish that list of species to be assessed through regional or subregional cooperation.</p>	<p>D10C3 – Secondary:</p> <p>The amount of litter and micro-litter ingested by marine animals is at a level that does not adversely affect the health of the species concerned.</p> <p>Member States shall establish threshold values for these levels through regional or subregional cooperation.</p>	<p>the threshold values set have been achieved.</p> <p><u>The use of criteria D10C1, D10C2 and D10C3 in the overall assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</u></p> <p>The outcomes of criterion D10C3 shall also contribute to assessments under Descriptor 1, where appropriate.</p>
<p>Species of birds, mammals, reptiles, fish or invertebrates which are at risk from litter.</p> <p>Member States shall establish that list of species to be assessed through regional or subregional cooperation.</p>	<p>D10C4 – Secondary:</p> <p>The number of individuals of each species which are adversely affected <u>due to litter</u>, such as by entanglement, other types of injury or mortality, or health effects, <del>due to litter</del>.</p> <p>Member States shall establish threshold values for the adverse effects of litter, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the species group under Descriptor 1.</p> <p><i>Use of criteria:</i></p> <p><del>The use of criterion D10C4 in the assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</del></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– for each species assessed under criterion D10C4, an estimate of the number of individuals in the assessment area that have been adversely affected.</li> </ul> <p><u>The use of criterion D10C4 in the overall assessment of good environmental status for Descriptor 10 shall be agreed at Union level.</u></p> <p>The outcomes of this criterion shall also contribute to assessments under Descriptor 1, where appropriate.</p>

*Specifications and standardised methods for monitoring and assessment*

1. For D10C1: litter shall be monitored on the coastline and may additionally be monitored in the surface layer of the water column and on the seabed. Information on the source and pathway of the litter shall be collected, where feasible;
2. For D10C2: micro-litter shall be monitored in the surface layer of the water column and in the seabed sediment and may additionally be monitored on the coastline. Micro-litter shall be monitored in a manner that can be related to point-sources for inputs (such as harbours, marinas, waste-water treatment plants, storm-water effluents), where feasible.
3. For D10C3 and D10C4: the monitoring may be based on incidental occurrences (e.g. strandings of dead animals, entangled animals in breeding colonies, affected individuals per survey).

Units of measurement for the criteria:

- D10C1: amount of litter per category in number of items:
  - per 100 metres (m) on the coastline,
  - per square kilometre (km<sup>2</sup>) for surface layer of the water column and for seabed.
- D10C2: amount of micro-litter per category in number of items and weight in grams (g):
  - per square metre (m<sup>2</sup>) for surface layer of the water column.
  - per kilogram (dry weight) (kg) of sediment for the coastline and for seabed.
- D10C3: amount of litter/micro-litter in grams (g) and number of items per individual for each species in relation to size (weight or length, as appropriate) of the individual sampled.
- D10C4: number of individuals affected (lethal; sub-lethal) per species.

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

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

Criteria, including criteria elements, and methodological standards

Criteria elements	Criteria	Methodological standards
<p>Anthropogenic impulsive sound in water.</p>	<p>D11C1 – Primary: The spatial distribution, temporal extent, and levels of anthropogenic impulsive sound sources do not exceed <del>values</del> <u>levels</u> that adversely affect <u>populations of</u> marine animals. Member States shall establish <del>these</del> threshold values <u>for these levels</u> through cooperation at Union level, taking into account regional or subregional specificities.</p>	<p><i>Scale of assessment:</i> Region, subregion or subdivisions. <i>Use of criteria:</i> <del>The use of criteria D11C1 and D11C2 in the assessment of good environmental status for Descriptor 11 shall be agreed at Union level.</del> The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p>
<p>Anthropogenic continuous low-frequency sound in water.</p>	<p>D11C2 – Primary: The spatial distribution, temporal extent and levels of anthropogenic continuous low-frequency sound do not exceed <del>values</del> <u>levels</u> that adversely affect <u>populations of</u> marine animals. Member States shall establish <del>these</del> threshold values <u>for these levels</u> through cooperation at Union level, taking into account regional or subregional specificities.</p>	<p>(a) for D11C1, the duration per calendar year of impulsive sound sources, their distribution within the year and spatially within the assessment area, and whether the threshold values set have been <del>exceeded</del> <u>achieved</u>;</p> <p>(b) for D11C2, the annual average of the sound level, or other suitable <u>temporal</u> metric agreed at regional or subregional level, per unit area and its spatial <del>and temporal</del> distribution within the assessment area, and <u>the extent (% km<sup>2</sup>) of the assessment area over which whether</u> the threshold values set have been <del>exceeded</del> <u>achieved</u>.</p> <p><del>The use of criteria D11C1 and D11C2 in the assessment of good environmental status for Descriptor 11 shall be agreed at Union level.</del> The outcomes of these criteria shall also contribute to assessments under Descriptor 1.</p>

*Specifications and standardised methods for monitoring and assessment*

1. For D11C1 monitoring:
  - (a) Spatial resolution: geographical locations whose shape and areas are to be determined at regional or subregional level, on the basis of, for instance, activities listed in Annex III to Directive 2008/56/EC.
  - (b) Impulsive sound described as monopole energy source level in units of dB re  $1\mu\text{Pa}^2 \text{ s}$  or zero to peak monopole source level in units of dB re  $1\mu\text{Pa m}$ , both over the frequency band 10 Hz to 10 kHz. Member States may consider other specific sources with higher frequency bands if longer-range effects are considered relevant.
2. For D11C2 monitoring:

Annual average, or other suitable metric agreed at regional or subregional level, of the squared sound pressure in each of two '1/3-octave bands', one centred at 63 Hz and the other at 125 Hz, expressed as a level in decibels in units of dB re  $1\mu\text{Pa}$ , at a suitable spatial resolution in relation to the pressure. This may be measured directly, or inferred from a model used to interpolate between, or extrapolated from, measurements. Member States may also decide at regional or subregional level to monitor for additional frequency bands.

Criteria relating to other forms of energy input (including thermal energy, electromagnetic fields and light) and criteria relating to the environmental impacts of noise are still subject to further development.

Units of measurement for the criteria:

- D11C1: Number of days per quarter (or per month if appropriate) with impulsive sound sources; proportion (percentage) of unit areas or extent (in square kilometres (km<sup>2</sup>) of assessment area with impulsive sound sources per year.
- D11C2: Annual average (or other temporal metric) of continuous sound level per unit area; proportion (percentage) or extent (in square kilometres (km<sup>2</sup>) of assessment area with sound levels exceeding threshold values.

Formateret: Hævet skrift

**PART II – CRITERIA AND METHODOLOGICAL STANDARDS, SPECIFICATIONS AND STANDARDISED METHODS FOR MONITORING AND 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**

Part II considers the descriptors linked to the relevant ecosystem elements: species groups of birds, mammals, reptiles, fish and cephalopods (Descriptor 1), pelagic habitats (Descriptor 1), benthic habitats (Descriptors 1 and 6) and ecosystems, including food webs (Descriptors 1 and 4), as listed in Annex III to Directive 2008/56/EC<sup>14</sup>.

**Theme: Species groups of birds, mammals, reptiles, fish and cephalopods (relating to Descriptor 1)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Species of birds, mammals, reptiles and non-commercially-exploited species of fish and cephalopods, which are at risk from incidental by-catch in the region or subregion.</p> <p>Member States shall establish that list of species through regional or subregional cooperation, pursuant to the obligations laid down in Article 25(5) of Regulation (EU) No 1380/2013 for data collection activities and taking into account the list of species in Table 1D of the Annex to Commission Implementing Decision (EU) 2016/1251<sup>15</sup>.</p>	<p>D1C1 – Primary:</p> <p>The mortality rate per species from incidental by-catch is below levels which threaten the species, <u>such that its long-term viability is ensured</u>.</p> <p>Member States shall establish the threshold values for the mortality rate from incidental by-catch per species, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the corresponding species or species groups under criteria D1C2-D1C5.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– the mortality rate per species and whether this has achieved the threshold value set.</li> </ul> <p>This criterion shall contribute to assessment of the corresponding species under criterion D1C2.</p>

<sup>14</sup> Regulation (EC) No 199/2008 may be used for the collection of relevant fisheries-related data under Descriptors 1, 4 and 6.

<sup>15</sup> Commission Implementing Decision (EU) 2016/1251 of 12 July 2016 adopting a multiannual Union programme for the collection, management and use of data in the fisheries and aquaculture sectors for the period 2017-2019 (OJ L 207, 1.8.2016, p. 113).

Criteria elements	Criteria	Methodological standards
<p>Species groups, as listed under Table 1 and if present in the region or subregion.</p> <p>Member States shall establish a set of species representative of each species group, selected according to the criteria laid down under ‘specifications for the selection of species and habitats’, through regional or subregional cooperation. These shall include the mammals and reptiles listed in Annex II to Directive 92/43/EEC and may include any other species, such as those listed under Union legislation (other Annexes to Directive 92/43/EEC, Directive 2009/147/EC or through Regulation (EU) No 1380/2013) and international agreements such as Regional Sea Conventions.</p>	<p>D1C2 – Primary:</p> <p>The population abundance of the species is not adversely affected due to anthropogenic pressures, such that its long-term viability is ensured.</p> <p>Member States shall establish threshold values for each species through regional or subregional cooperation, taking account of natural variation in population size and the mortality rates derived from D1C1, D8C4 and D10C4 and other relevant pressures. For species covered by Directive 92/43/EEC, these values shall be consistent with the Favourable Reference Population values established by the relevant Member States under Directive 92/43/EEC.</p>	<p><i>Scale 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, pelagic and demersal shelf fish: region or subdivisions for Baltic Sea and Black Sea; subregion for North-East Atlantic Ocean and Mediterranean Sea;</li> <li>– for seals, turtles, cephalopods: region or subdivisions for Baltic Sea; subregion for North-East Atlantic Ocean and Mediterranean Sea;</li> <li>– for coastal fish: subdivision of region or subregion.</li> <li>– for commercially-exploited fish and cephalopods: as used under Descriptor 3.</li> </ul> <p><i>Use of criteria:</i></p> <p>The status of each species shall be assessed individually, on the basis of the criteria selected for use, and these shall be used to express the extent to which good environmental status has been achieved for each species group for each area assessed, as follows:</p> <ul style="list-style-type: none"> <li>(a) the assessments shall express the value(s) for each criterion used per species and whether these achieve the threshold values set;</li> <li>(b) the overall status of species covered by Directive 92/43/EEC shall be derived using the method provided under that Directive. The overall status for commercially-exploited species shall be as assessed under Descriptor 3. For other species, the overall status shall be derived using a method agreed at</li> </ul>
	<p>D1C3 – Primary for commercially-exploited fish and cephalopods and secondary for other species:</p> <p>The population demographic characteristics (e.g. body size or age class structure, sex ratio, fecundity, and survival rates) of the species are indicative of a <u>natural-healthy</u> population which is not adversely affected due to anthropogenic pressures.</p> <p>Member States shall establish threshold values for specified characteristics of each species through regional or subregional cooperation, taking account of adverse effects on their health derived from D8C2, D8C4 and other relevant pressures.</p>	
	<p>D1C4 – Primary for species covered by Annexes II, IV <del>and or</del> V to Directive 92/43/EEC and secondary for other species:</p> <p>The species distributional range and, where relevant, pattern is in line with prevailing physiographic, geographic and climatic conditions.</p> <p>Member States shall establish threshold values for each</p>	



Criteria elements	Criteria	Methodological standards
	<p>species through regional or subregional cooperation. For species covered by Directive 92/43/EEC, these shall be consistent with the Favourable Reference Range values established by the relevant Member States under Directive 92/43/EEC.</p> <hr/> <p>D1C5 – Primary for species covered by Annexes II, IV and V to Directive 92/43/EEC and secondary for other species: The habitat for the species has the necessary extent and condition to support the different stages in the life history of the species.</p>	<p>Union level, taking into account regional or subregional specificities;</p> <p><del>(e) — the overall status of the species group, using a method agreed at Union level, taking into account regional or subregional specificities.</del></p> <p><del>(d) — Wherever possible, the assessments under Directive 92/43/EEC, Directive 2009/147/EC and Regulation (EU) No 1380/2013 shall be used for the purposes of this Decision:</del></p> <p><del>(e) — for birds, criteria D1C2 and D1C4 equate to the ‘population size’ and ‘breeding distribution map range size’ criteria of Directive 2009/147/EC;</del></p> <p><del>(f) — for mammals, reptiles and non-commercial fish, the criteria are equivalent to those used under Directive 92/43/EEC as follows: D1C2 and D1C3 equate to ‘population’, D1C4 equates to ‘range’ and D1C5 equates to ‘habitat for the species’;</del></p> <p><del>(g) — for commercially exploited fish and cephalopods, assessments under Descriptor 3 shall be used for Descriptor 1 purposes, using criterion D3C2 for D1C2 and criterion D3C3 for D1C3.</del></p> <p><del>(h)(c) Assessments of the adverse effects from pressures under criteria D1C1, D2C3, D3C1, D8C2, D8C4 and D10C4, as well as the assessments of pressures under criteria D9C1, D10C3, D11C1 and D11C2, should be taken into account in the assessments of species under Descriptor 1.</del></p>

Criteria elements

Table 1 – Species groups<sup>16</sup>

Ecosystem component	Species groups
<b>Birds</b>	Grazing birds
	Wading birds
	Surface-feeding birds
	Pelagic-feeding birds
	Benthic-feeding birds
<b>Mammals</b>	Small toothed cetaceans
	Deep-diving toothed cetaceans
	Baleen whales
	Seals
<b>Reptiles</b>	Turtles
<b>Fish</b>	Coastal fish
	Pelagic shelf fish
	Demersal shelf fish
	Deep-sea fish
<b>Cephalopods</b>	Coastal/shelf cephalopods
	Deep-sea cephalopods

<sup>16</sup> [Relevant fisheries-related data should be used in application of Regulation \(EC\) No 199/2008.](#)

*Specifications and standardised methods for monitoring and assessment relating to theme "Species groups of marine birds, mammals, reptiles, fish and cephalopods"*

1. For D1C1, data shall be provided per species per fishing metier for each ICES ~~Division-area~~ or GFCM Geographical Sub-Area or FAO fishing areas for the Macaronesian biogeographic region, 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.
2. 'Coastal' shall be understood on the basis of physical, hydrological and ecological parameters and is not limited to coastal water as defined in Article 2(7) of Directive 2000/60/EC.
- ~~2.3.~~ Species may be assessed at population level, where appropriate.
4. Wherever possible, the assessments under Directive 92/43/EEC, Directive 2009/147/EC and Regulation (EU) No 1380/2013 shall be used for the purposes of this Decision:
  - (a) for birds, criteria D1C2 and D1C4 equate to the 'population size' and 'breeding distribution map and range size' criteria of Directive 2009/147/EC;
  - (b) for mammals, reptiles and non-commercial fish, the criteria are equivalent to those used under Directive 92/43/EEC as follows: D1C2 and D1C3 equate to 'population', D1C4 equates to 'range' and D1C5 equates to 'habitat for the species';
  - (c) for commercially-exploited fish and cephalopods, assessments under Descriptor 3 shall be used for Descriptor 1 purposes, using criterion D3C2 for D1C2 and criterion D3C3 for D1C3.
5. Assessments of the adverse effects from pressures under criteria D1C1, D2C3, D3C1, D8C2, D8C4 and D10C4, as well as the assessments of pressures under criteria D9C1, D10C3, D11C1 and D11C2, shall be taken into account in the assessments of species under Descriptor 1.
- ~~3.1. 'Coastal' shall be understood on the basis of physical, hydrological and ecological parameters and is not limited to coastal water as defined in Article 2(7) of Directive 2000/60/EC.~~

Units of measurement for the criteria:

- D1C2: abundance (number of individuals or biomass in tonnes (t)) per species.

**Theme: Pelagic habitats (relating to Descriptor 1)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Pelagic broad habitat types (variable salinity<sup>17</sup>, coastal, shelf and oceanic/beyond shelf), if present in the region or subregion, and other habitat types as defined in the second paragraph.</p> <p>Member States may select, through regional or subregional cooperation, additional habitat types according to the criteria laid down under 'specifications for the selection of species and habitats'.</p>	<p>D1C6 – Primary: The condition of the habitat type, including its biotic and abiotic structure and its functions (e.g. its typical species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), is not adversely affected <u>due to anthropogenic pressures</u>.</p> <p>Member States shall establish threshold values for the condition of each habitat type, ensuring compatibility with <u>related</u> values set under Descriptors 2, 5 and 8, through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i> Subdivision of region or subregion as used for assessments of benthic broad habitat types, reflecting biogeographic differences in species composition of the habitat type.</p> <p><i>Use of criteria:</i> The extent to which good environmental status has been achieved shall be expressed for each area assessed as:</p> <p>(a) an estimate of the proportion and extent of each habitat type assessed that has achieved the threshold value set;</p> <p><del>(b)</del>—a list of broad habitat types in the assessment area that were not assessed.</p> <p><del>(e)(b)</del> <u>Assessments of the adverse effects from pressures, including under D2C3, D5C2, D5C3, D5C4, D7C1, D8C2 and D8C4, shall be taken into account in the assessments of pelagic habitats under Descriptor 1.</u></p>

*Specifications and standardised methods for monitoring and assessment relating to theme "Pelagic habitats"*

1. 'Coastal' shall be understood on the basis of physical, hydrological and ecological parameters and is not limited to coastal water as defined in Article 2(7) of Directive 2000/60/EC.
- 4.2. Assessments of the adverse effects from pressures, including under D2C3, D5C2, D5C3, D5C4, D7C1, D8C2 and D8C4, shall be taken into account in the assessments of pelagic habitats under Descriptor 1.

<sup>17</sup> Retained for situations where estuarine plumes extend beyond waters designated as Transitional Waters under Directive 2000/60/EC.

Units of measurement for the criteria:

- D1C6: extent of habitat adversely affected in square kilometres (km<sup>2</sup>) ~~per habitat type~~ and as a proportion (percentage) of the total extent of the habitat type.

**Theme: Benthic habitats (relating to Descriptors 1 and 6)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Refer to Part I of this Annex for criteria D6C1, D6C2 and D6C3.		
<p>Benthic broad habitat types as listed in Table 2 and if present in the region or subregion, and other habitat types as defined in the second <del>sub</del>paragraph.</p> <p>Member States may select, through regional or subregional cooperation, additional habitat types, according to the criteria laid down under ‘specifications for the selection of species and habitats’, and which may include habitat types listed under Directive 92/43/EEC or international agreements such as Regional Sea Conventions, for the purposes of:</p> <p>(a) assessing each broad habitat type under criterion D6C5;</p> <p>(b) assessing these habitat types.</p> <p>A single set of habitat types shall serve the purpose of assessments of both</p>	<p>D6C4 – Primary: The extent of loss of the habitat type, resulting from anthropogenic pressures, does not exceed a specified proportion of the natural extent of the habitat type in the assessment area.</p> <p>Member States shall establish the maximum allowable extent of habitat loss as a proportion of the total natural extent of the habitat type, through cooperation at Union level, taking into account regional or subregional specificities.</p> <p>D6C5 – Primary: The extent of adverse effects from anthropogenic pressures on the condition of the habitat type, including alteration to its biotic and abiotic structure and its functions (e.g. its typical species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function, size structure of species), does not exceed a specified proportion of the natural extent of the habitat type in the assessment area.</p> <p>Member States shall establish threshold values for adverse effects on the condition of each habitat type, ensuring compatibility with related values set under Descriptors 2, 5, 6,</p>	<p><i>Scale of assessment:</i> Subdivision of region or subregion, reflecting biogeographic differences in species composition of the broad habitat type.</p> <p><i>Use of criteria:</i> A single assessment per habitat type, using criteria D6C4 and D6C5, shall serve the purpose of assessments of both benthic habitats under Descriptor 1 and sea-floor integrity under Descriptor 6.</p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as:</p> <p>(a) for D6C4, an estimate of the proportion and extent of loss per habitat type and whether this has achieved the extent value set;</p> <p>(b) for D6C5, an estimate of the proportion and extent of adverse effects, including the proportion lost from point (a), per habitat type and whether this has achieved the extent value set;</p> <p>(c) overall status of the habitat type, using a method agreed at Union level based on points (a) and (b), and a list of broad habitat types in the assessment</p>

Criteria elements	Criteria	Methodological standards
benthic habitats under Descriptor 1 and sea-floor integrity under Descriptor 6.	7 and 8, through cooperation at Union level, taking into account regional or subregional specificities. Member States shall establish the maximum allowable extent of those adverse effects as a proportion of the total natural extent of the habitat type, through cooperation at Union level, taking into account regional or subregional specificities.	<p>area that were not assessed.</p> <p><del>(d) The status of each habitat type shall be assessed using wherever possible assessments (such as of sub-types of the broad habitat types) under Directive 92/43/EEC and Directive 2000/60/EC.</del></p> <p><del>(e) Criteria D6C4 and D6C5 equate to the ‘range/area covered by habitat type within range’ and ‘specific structures and functions’ criteria of Directive 92/43/EEC.</del></p> <p><del>(f) Assessment of criterion D6C4 shall use the assessment made under criterion D6C1.</del></p> <p><del>Assessments of the adverse effects from pressures, including under criteria D2C3, D3C1, D3C2, D3C3, D5C4, D5C5, D5C6, D5C7, D5C8, D6C3, D7C2, D8C2 and D8C4, shall be taken into account in the assessments of benthic habitats under Descriptors 1 and 6.</del></p>

#### Criteria elements

**Table 2 – Benthic broad habitat types including their associated biological communities (relevant for criteria under Descriptors 1 and 6), which equate to one or more habitat types of the European nature information system (EUNIS) habitat classification<sup>18</sup>. Updates to the EUNIS typology shall be reflected in the broad habitat types used for the purposes of Directive 2008/56/EC and of this Decision.**

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
<b>Benthic habitats</b>	Littoral rock and biogenic reef	MA1, MA2

<sup>18</sup> Evans, D. (2016). Revising the marine section of the EUNIS Habitat classification - Report of a workshop held at the European Topic Centre on Biological Diversity, 12 & 13 May 2016. ETC/BD Working Paper N° A/2016.

<b>Ecosystem component</b>	<b>Broad habitat types</b>	<b>Relevant EUNIS habitat codes (version 2016)</b>
	Littoral sediment	MA3, MA4, MA5, MA6
	Infralittoral rock and biogenic reef	MB1, MB2
	Infralittoral coarse sediment	MB3
	Infralittoral mixed sediment	MB4
	Infralittoral sand	MB5
	Infralittoral mud	MB6
	Circalittoral rock and biogenic reef	MC1, MC2
	Circalittoral coarse sediment	MC3
	Circalittoral mixed sediment	MC4
	Circalittoral sand	MC5
	Circalittoral mud	MC6
	Offshore circalittoral rock and biogenic reef	MD1, MD2
	Offshore circalittoral coarse sediment	MD3
	Offshore circalittoral mixed sediment	MD4
	Offshore circalittoral sand	MD5
	Offshore circalittoral mud	MD6
	Upper bathyal <sup>19</sup> rock and biogenic reef	ME1, ME2
	Upper bathyal sediment	ME3, ME4, ME5, ME6
	Lower bathyal rock and biogenic reef	MF1, MF2
	Lower bathyal sediment	MF3, MF4, MF5, MF6

<sup>19</sup> Where not specifically defined in the EUNIS classification, the boundary between the upper bathyal and lower bathyal may be set as a specified depth limit.

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
	Abyssal	MG1, MG2, MG3, MG4, MG5, MG6

*Specifications and standardised methods for monitoring and assessment relating to theme "Benthic habitats"*

1. The status of each habitat type shall be assessed using assessments (such as of sub-types of the broad habitat types) under Directive 92/43/EEC and Directive 2000/60/EC, wherever possible.
2. Assessment of criterion D6C4 shall use the assessment made under criterion D6C1.
3. Criteria D6C4 and D6C5 equate to the 'range/area covered by habitat type within range' and 'specific structures and functions' criteria of Directive 92/43/EEC.
4. For D6C5, assessments of the adverse effects from pressures, including under criteria D2C3, D3C1, D3C2, D3C3, D5C4, D5C5, D5C6, D5C7, D5C8, D6C3, D7C2, D8C2 and D8C4, shall be taken into account.
5. For D6C5, species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

- D6C4: extent of habitat loss in square kilometres (km<sup>2</sup>) and as a proportion (percentage) of the total extent of the habitat type.
- D6C5: extent of habitat adversely affected in square kilometres (km<sup>2</sup>) and as a proportion (percentage) of the total extent of the habitat type.

*Specifications for the selection of species and habitats under Themes "Species groups of marine birds, mammals, reptiles, fish and cephalopods", "Pelagic habitats" and "Benthic habitats"*

The selection of species and habitats to be assigned to the species groups and pelagic and benthic broad habitat types shall be based on the following:

1. Scientific criteria (ecological relevance):
  - (a) representative of the ecosystem component (species group or broad habitat type), and of ecosystem functioning (e.g. connectivity between habitats and populations, completeness and integrity of essential habitats), 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) or particular life history traits (age and size at breeding, longevity, migratory traits);



- (b) 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;
  - (c) present in sufficient numbers or extent in the assessment area to be able to construct a suitable indicator for assessment;
  - (d) the set of species or habitats selected shall cover, as far as possible, the full range of ecological functions of the ecosystem component and the predominant pressures to which the component is subject;
  - (e) if species of species groups are closely associated to a particular broad habitat type they may be included within that habitat type for monitoring and assessment purposes; in such cases, the species shall not be included in the assessment of the species group.
2. Additional practical criteria (which shall not override the scientific criteria):
- (a) monitoring/technical feasibility;
  - (b) monitoring costs;
  - (c) adequate time series of the data.

The representative set of species and habitats to be assessed are likely to be specific to the region or subregion, although certain species may occur in several regions or subregions.

**Theme: Ecosystems, including food webs (relating to Descriptors 1 and 4)**

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
Trophic guilds of an ecosystem.  Member States shall establish the list of trophic guilds through regional or subregional cooperation.	D4C1 – Primary: The diversity (species composition and their relative abundance) of the trophic guild is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.	<i>Scale of assessment:</i> Regional level for Baltic Sea and Black Sea; subregional level for North-East Atlantic and Mediterranean Sea. Subdivisions may be used where appropriate.

Criteria elements	Criteria	Methodological standards
	<p>D4C2 – Primary: The balance of total <del>guild</del>-abundance <del>across-between</del> the trophic guilds is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>	<p><i>Use of criteria:</i> Where values do not fall within the threshold values, this may trigger <del>the need for</del> further research and investigation to understand the causes for the failure.</p>
	<p>D4C3 – Secondary: The size distribution of individuals across the trophic guild is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>	
	<p>D4C4 – Secondary (to be used in support of criterion D4C2, where necessary): Productivity of the trophic guild is not adversely affected due to anthropogenic pressures. Member States shall establish threshold values through regional or subregional cooperation.</p>	

*Specifications and standardised methods for monitoring and assessment*

1. Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.
2. The trophic guilds selected under criteria elements shall take into account the ICES list of trophic guilds<sup>20</sup> and shall meet the following conditions:
  - (a) include at least three trophic guilds;
  - (b) two shall be non-fish trophic guilds;

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

- (c) at least one shall be a primary producer trophic guild;
- (d) preferably represent at least the top, middle and bottom of the food chain.

Units of measurement:

- D4C2: total abundance (number of individuals or biomass in tonnes (t)) across all species within the trophic guild.



EUROPEAN  
COMMISSION

Brussels, **XXX**  
[...] (2016) **XXX** draft

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

**of **XXX****

**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 2010/477/EU**

(Text with EEA relevance)

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

of **XXX**

### **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 2010/477/EU**

(Text with EEA relevance)

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 Articles 9(3) and 11(4) thereof,

Whereas:

- (1) Commission Decision 2010/477/EU<sup>2</sup> established criteria to be used by the Member States to determine the good environmental status of their marine waters and to guide their assessments of that status in the first implementation cycle of Directive 2008/56/EC.
- (2) Decision 2010/477/EU acknowledged that additional scientific and technical progress was required to support the development or revision of those 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 stated that it would be appropriate to carry out its revision as soon as possible after the completion of the assessment required under Article 12 of Directive 2008/56/EC, in time to support a successful update of marine strategies that are due by 2018, pursuant to Article 17 of Directive 2008/56/EC.
- (3) In 2012, on the basis of the initial assessment of their marine waters made pursuant to Article 8(1) of Directive 2008/56/EC, Member States reported on the environmental status of their marine waters and notified to the Commission their determination of good environmental status and their environmental targets in accordance with Articles 9(2) and 10(2) of Directive 2008/56/EC, respectively. The Commission's assessment<sup>3</sup> of those Member State reports, undertaken in accordance with Article 12 of Directive 2008/56/EC, highlighted that more efforts were urgently needed if Member States are to reach good environmental status by 2020. The results showed the necessity to significantly improve the quality and coherence of the determination of good

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<sup>1</sup> OJ L 164, 25.6.2008, 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 waters (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).

environmental status by the Member States. In addition, the assessment recognised that regional cooperation must be at the very heart of the implementation of Directive 2008/56/EC. It also emphasised the need for Member States to more systematically build upon standards stemming from existing Union legislation or, where they do not exist~~relevant~~, upon standards set by Regional Sea Conventions or other international agreements.

- (4) To ensure that the second cycle of implementation of the marine strategies of the Member States further contributes to the achievement of the objectives of Directive 2008/56/EC and yields more consistent determinations of good environmental status, the Commission 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, aiming at a clearer, simpler, more concise, more coherent and comparable set of good environmental status criteria and methodological standards and, at the same time, review Annex III of Directive 2008/56/EC, and if necessary revise it, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle.
- (5) On the basis of those conclusions, the review process started in 2013 when a roadmap, consisting of several phases (technical and scientific, consultation, and decision-making), was endorsed by the Regulatory Committee established under Article 25(1) of Directive 2008/56/EC. During this process, the Commission consulted all interested parties, including Regional Sea Conventions.
- (6) In order to facilitate future updates of the initial assessment of Member States' marine waters and their determination of good environmental status, and to ensure greater coherence in implementation of Directive 2008/56/EC across the Union, it is necessary to clarify, revise or introduce criteria, methodological standards, specifications and standardised methods to be used by Member States, compared to the elements currently set out in Decision 2010/477/EU. As a result, the number of criteria that Member States need to monitor and assess should be reduced, applying a risk-based approach to those which are retained in order to allow Member States to focus their efforts on the main anthropogenic pressures affecting their waters. Finally, the criteria and their use should be further specified, including providing for threshold values or the setting thereof, thereby allowing for the extent to which good environmental status is achieved to be measured across the Union's marine waters.
- (7) In accordance with the commitment taken by the Commission when adopting its Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Better regulation for better results — An EU agenda<sup>4</sup>, this Decision should ensure coherence with other Union legislation. To ensure greater consistency and comparability at Union level of Member States' determinations of good environmental status and avoid unnecessary overlaps, it is appropriate to take into account relevant existing standards and methods for monitoring and assessment laid down in Union legislation, including Council Directive 92/43/EEC<sup>5</sup>, Directive 2000/60/EC of the European Parliament and of the Council<sup>6</sup>, Commission Regulation (EC) No 1881/2006<sup>7</sup>, Council Regulation (EC) No

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

<sup>5</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>6</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).

1967/2006<sup>8</sup>, Directive 2008/105/EC of the European Parliament and of the Council<sup>9</sup>, Directive 2009/147/EC of the European Parliament and of the Council<sup>10</sup> and Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>11</sup>.

- (8) For each of the qualitative descriptors listed in Annex I to Directive 2008/56/EC, and on the basis of the indicative lists in Annex III to that Directive, it is necessary to define the criteria, including the criteria elements and, where appropriate, the threshold values, to be used. Threshold values are intended to contribute to Member States' determination of a set of characteristics for good environmental status and inform their assessment of the extent to which good environmental status is being achieved. It is also necessary to set out methodological standards, including the geographic scales for assessment and how the criteria should be used. Those criteria and methodological standards are to ensure consistency and allow for comparison, between marine regions or subregions, of assessments of the extent to which good environmental status is being achieved.
- (9) To ensure comparability between the details of any updates by the Member States following the reviews of certain elements of their marine strategies, sent under Article 17(3) of Directive 2008/56/EC, specifications and standardised methods for monitoring and assessment should be defined, taking into account existing specifications and standards at Union or international level, including regional or subregional level.
- (10) Member States should apply the 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 the indicative lists of 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, and when establishing coordinated monitoring programmes under Article 11 of that Directive.
- (11) In order to establish a clear link between the determination of a set of characteristics for good environmental status and the assessment of progress towards its achievement, it is appropriate to organise the criteria and methodological standards on the basis of the qualitative descriptors laid down in Annex I to Directive 2008/56/EC, taking into account the indicative lists of ecosystem elements, anthropogenic pressures and human activities laid down in Annex III to that Directive. Some of those criteria and

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<sup>7</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>8</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).

<sup>9</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 Directives 87/2176/EEC, 83/513/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>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).

methodological standards relate in particular to the assessment of environmental status or of predominant pressures and impacts under points (a) or (b) of Article 8(1) of Directive 2008/56/EC, respectively.

- (12) In cases where no threshold values are laid down, Member States should establish threshold values through Union, regional or subregional cooperation, for instance by referring to existing values or developing new ones in the framework of the Regional Sea Conventions. In cases where threshold values should be established through cooperation at Union level (for the descriptors on marine litter, underwater noise and seabed integrity), this will be done in the framework of the Common Implementation Strategy set up by the Member States and the Commission for the purposes of Directive 2008/56/EC. Once established through Union, regional or subregional cooperation, these threshold values will only become part of Member States' sets of characteristics for good environmental status when they are sent to the Commission as part of Member States' reporting under Article 17(3) of Directive 2008/56/EC. Until such threshold values are established through Union, regional or subregional cooperation, Member States should be able to use national threshold values, directional trends or, ~~for state elements~~, pressure-based threshold values as proxies.
- (13) Threshold values should reflect, where appropriate, the quality level that constitutes reflects the significance of an adverse effect for a criterion and should be set in relation to a reference condition. Threshold values should be consistent with Union legislation and set at appropriate geographic scales to reflect the different biotic and abiotic characteristics of the regions, subregions and subdivisions. This means that even if the process to establish threshold values takes place at Union level, this may result in the setting of different threshold values, which are specific to a region, subregion or subdivision. Threshold values should also be set on the basis of the precautionary principle, reflecting the potential risks to the marine environment. The setting of threshold values should accommodate the dynamic nature of marine ecosystems and their elements, which can change in space and time through hydrological and climatic variation, predator-prey relationships and other environmental factors. Threshold values should also reflect the fact that marine ecosystems may recover, if deteriorated, to a state that reflects prevailing physiographic, geographic, climatic and biological conditions, rather than return to a specific state of the past.
- (14) In accordance with Article 1(3) of Directive 2008/56/EC, the collective pressure of human activities needs to be kept within levels compatible with the achievement of good environmental status, ensuring that the capacity of marine ecosystems to respond to human-induced changes is not compromised. This may entail, where appropriate, that threshold values for certain pressures and their environmental impacts are not necessarily achieved in all areas of Member States' marine waters, provided that this does not compromise the achievement of the objectives of Directive 2008/56/EC, while enabling the sustainable use of marine goods and services.
- (15) It is necessary to lay down threshold values which will be part of the set of characteristics used by Member States in their determination of good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, and the extent to which the threshold values are to be achieved. Threshold values therefore do not, by themselves, constitute Member States' determinations of good environmental status.
- (16) Member States should express the extent to which good environmental status is being achieved as the proportion of their marine waters over which the threshold values have been achieved or as the proportion of criteria elements (species, contaminants, etc.)



that have achieved the threshold values. When assessing the status of their marine waters in accordance with Article 17(2)(a) of Directive 2008/56/EC, Member States should express any change in status as improving, stable or deteriorating compared to the previous reporting period, in view of the often slow response of the marine environment to change.

- (17) Where threshold values, set in accordance with this Decision, are not met for a particular criterion, Member States should consider taking appropriate measures or carrying out further research or investigation.
- (18) Where Member States are required to cooperate at regional or subregional level, they should use, where practical and appropriate, existing regional institutional cooperation structures, including those under Regional Sea Conventions, as provided under Article 6 of Directive 2008/56/EC. Similarly, in the absence of specific criteria, methodological standards, including for integration of the criteria, specifications and standardised methods for monitoring and assessment, Member States should use build upon, where practical and appropriate, those developed at international, regional or subregional level, for instance those agreed within the framework of the Regional Sea Conventions, or other international mechanisms. Otherwise, Member States may choose to coordinate amongst themselves within the region or subregion, where relevant. In addition, a Member State may also decide, on the basis of the specificities of its marine waters, to consider additional elements not laid down in this Decision and not dealt with at international, regional or subregional level, or to consider applying elements of this Decision to its transitional waters, as defined in Article 2(6) of Directive 2000/60/EC, in support of the implementation of Directive 2008/56/EC.
- (19) Member States should have sufficient flexibility, under specified conditions, to focus on the predominant pressures and their environmental impacts on the different ecosystem elements in each region or subregion in order to monitor and assess their marine waters in an efficient and effective manner and to facilitate prioritisation of actions to be taken to achieve good environmental status. For that purpose, firstly, Member States should be able to consider that some of the criteria are not appropriate to apply, provided this is justified. Secondly, Member States should have the possibility to decide not to use certain criteria elements or to select additional elements or to focus on certain matrices or areas of their marine waters, provided that this is based on a risk assessment in relation to the pressures and their impacts. Finally, a distinction should be introduced between primary and secondary criteria. While primary criteria should be used to ensure consistency across the Union, flexibility should be granted with regard to secondary criteria. The use of a secondary criterion should be decided by Member States, where necessary, to complement a primary criterion or when, for a particular criterion, the marine environment is at risk of not achieving or not maintaining good environmental status.
- (20) Criteria, including threshold values, methodological standards, specifications and standardised methods for monitoring and assessment should be based on the best available science. However, additional scientific and technical progress is still required to support the further development of some of them, and should be used as the knowledge and understanding become available.
- (21) Decision 2010/477/EU should therefore be repealed.
- (22) 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 lays down:

- (a) criteria and methodological standards to be used by Member States when determining a set of characteristics for good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, on the basis of Annexes I and III and by reference to the initial assessment made pursuant to Article 8(1) of that Directive, to assess the extent to which good environmental status is being achieved, in accordance with Article 9(3) of that Directive;
- (b) specifications and standardised methods for monitoring and assessment, to be used by Member States when establishing coordinated monitoring programmes under Article 11 of Directive 2008/56/EC, in accordance with Article 11(4) of that Directive;
- (c) a timeline for the establishment of threshold values, lists of criteria elements and methodological standards ~~for integration of criteria~~ through Union, regional or subregional cooperation;
- (d) a notification requirement for criteria elements, threshold values and methodological standards ~~for integration of criteria~~.

*Article 2*  
*Definitions*

For the purposes of this Decision, the definitions laid down in Article 3 of Directive 2008/56/EC shall apply.

The following definitions shall also apply:

- (1) 'subregions' means the subregions listed in Article 4(2) of Directive 2008/56/EC
- (2) 'subdivisions' means subdivisions as referred to in Article 4(2) of Directive 2008/56/EC;
- (3) 'invasive non-indigenous species' means 'invasive alien species' within the meaning of Article 3(2) of Regulation (EU) No 1143/2014 of the European Parliament and of the Council<sup>12</sup>;
- (4) 'criteria elements' means constituent elements of an ecosystem, particularly its biological elements (species, habitats and their communities), or aspects of pressures on the marine environment (biological, physical, substances, litter and energy), which are assessed under each criterion;
- (5) 'threshold value' means a value or range of values that allows for an assessment of the quality level achieved for a particular criterion, thereby contributing to the assessment of the extent to which good environmental status is being achieved.

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<sup>12</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

#### *Use of criteria, methodological standards, specifications and standardised methods*

1. Member States shall use primary criteria and associated methodological standards, specifications and standardised methods laid down in the Annex to implement this Decision. However, on the basis of the initial assessment or its subsequent updates carried out in accordance with Articles 8 and 17(2)(a) of Directive 2008/56/EC, Member States may consider, in justified circumstances, that it is not appropriate to use one or more of the primary criteria. In such cases, Member States shall provide the Commission with a justification in the framework of the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.

Pursuant to the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC, a Member State shall inform other Member States sharing the same marine region or subregion before it decides not to use a primary criterion in accordance with the first subparagraph.

2. Secondary criteria and associated methodological standards, specifications and standardised methods laid down in the Annex shall be used to complement a primary criterion or when the marine environment is at risk of not achieving or not maintaining good environmental status for that particular criterion. The use of a secondary criterion shall be decided by each Member State, except where otherwise specified in the Annex.
3. Where this Decision does not set criteria, methodological standards, ~~including for integration of the criteria~~, specifications or standardised methods for monitoring and assessment, including for spatial and temporal aggregation of data, Member States shall ~~use~~ build upon, where practical and appropriate, those developed at international, regional or subregional level, such as those agreed in the relevant Regional Sea Conventions.
4. Until Union, international, regional or subregional lists of criteria elements, methodological standards ~~for integration of criteria~~, and specifications and standardised methods for monitoring and assessment are established, Member States may use those established at national level, provided that regional cooperation is pursued as laid down in Articles 5 and 6 of Directive 2008/56/EC.

### Article 4

#### *Setting of threshold values through Union, regional or subregional cooperation*

1. Where Member States are required under this Decision to establish threshold values through Union, regional or subregional cooperation, those values shall:
  - (a) be part of the set of characteristics used by Member States in their determination of good environmental status;
  - (b) be consistent with Union legislation;
  - (c) where appropriate, distinguish the quality level that ~~constitutes~~ reflects the significance of an adverse effect for a criterion and be set in relation to a reference condition;
  - (d) be set at appropriate geographic scales of assessment to reflect the different biotic and abiotic characteristics of the regions, subregions and subdivisions;

- (e) be set on the basis of the precautionary principle, reflecting the potential risks to the marine environment;
- (f) be consistent across different criteria when they relate to the same ecosystem element;
- (g) make use of best available science;
- (h) be based on long time-series data, where available, to help determine the most appropriate value;
- (i) reflect natural ecosystem dynamics, including predator-prey relationships and hydrological and climatic variation, also acknowledging that the ecosystem or parts thereof may recover, if deteriorated, to a state that reflects prevailing physiographic, geographic, climatic and biological conditions, rather than return to a specific state of the past;
- (j) be consistent, where practical and appropriate, with relevant values set under regional institutional cooperation structures, including those agreed in the Regional Sea Conventions.

2. Until Member States have established threshold values through Union, regional or subregional cooperation as required under this Decision, they may use any of the following to express the extent to which good environmental status is being achieved:

- (a) national threshold values, provided the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC is complied with;
- (b) directional trends of the values;
- (c) ~~for state elements,~~ pressure-based threshold values as proxies.

These shall follow, where possible, the principles set out in points (a) to (i) of paragraph 1.

3. Where threshold values, including those established by Member States in accordance with this Decision, are not met for a particular criterion to the extent which that Member State has determined as constituting good environmental status in accordance with Article 9(1) of Directive 2008/56/EC, Member States shall consider, as appropriate, whether measures should be taken under Article 13 of that Directive or whether further research or investigation should be carried out.

4. Threshold values established by Member States in accordance with this Decision may be periodically reviewed in the light of scientific and technical progress and amended, where necessary, in time for the reviews provided for in Article 17(2)(a) of Directive 2008/56/EC.

#### *Article 5 Timeline*

1. Where this Decision provides for Member States to establish threshold values, lists of criteria elements or methodological standards ~~for integration of criteria~~ through Union, regional or subregional cooperation, Member States shall endeavour to do so within the time-limit set for the first review of their initial assessment and determination of good environmental status in accordance with Article 17(2)(a) of Directive 2008/56/EC (15 July 2018).

2. Where Member States are not able to establish threshold values, lists of criteria elements or methodological standards ~~for integration of criteria~~ through Union, regional or subregional cooperation within the time-limit laid down in paragraph 1, they shall establish these as soon as possible thereafter, on condition that they provide, by 15 October 2018, justification to the Commission in the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.

*Article 6*  
*Notification*

Member States shall send to the Commission, as part of the notification made pursuant to Article 17(3) of Directive 2008/56/EC, ~~details of the~~ those criteria elements, threshold values and methodological standards ~~for integration of criteria~~ established through Union, regional or subregional cooperation in accordance with this Decision, and used by that Member States in accordance with this Decision decide to use as part of their set of characteristics for determining good environmental status under Article 9(1) of Directive 2008/56/EC.

*Article 7*  
*Repeal*

Decision 2010/477/EU is hereby repealed.

References to Decision 2010/477/EU shall be construed as references to this Decision.

*Article 8*  
*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*



## Aktdetaljer

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Dear Committee members,

We would like to inform you that the translations of the Draft Commission Decision on GES criteria and standards + annex have been uploaded on Circabc <https://circabc.europa.eu/w/browse/a2f6b9b4-6ec8-41a1-9d6d-f622f9890e14>

We apologise for the delay.

Kind regards,

Giulia MARANO for ENV GES Team



European Commission

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1049 Brussels/Belgium







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Dear colleagues,

In order to facilitate our discussion and vote on the revised GES decision (and Annex III) on Thursday, we have also prepared the attached non-paper. It highlights the main issues raised in the context of the review of the GES Decision and provides clarifications which we trust should address potential remaining concerns.

I am looking forward to seeing you on Thursday.

Best wishes,  
Matjaž

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## Non-paper on the draft Commission Decision on GES criteria and methodological standards

The objective of GES Decision revision is to ensure a better implementation of the MSFD by (1) simplifying the Decision by reducing the number of criteria to be used, (2) introducing more flexibility for Member States (MS) to focus efforts on the main problems, e.g. de-select irrelevant criteria or apply risk-based approach and (3) further specifying the criteria and their use, including the introduction of threshold values, to ensure comparability and consistency in measuring the extent to which GES is achieved in the EU's marine waters. The framework provided will make it easier for MS to meet their obligations under the MSFD while bringing greater clarity on GES and its assessment. It does not establish new threshold values but sets the framework for future work, to be done by MS (in RSCs or other regional setting of their choice, at subregional level or as part of the CIS process).

### 1. Threshold values, trends and qualitative descriptions of GES

Regarding concerns expressed on the legal nature of threshold values and the lack of flexibility because trends or qualitative descriptions of GES are not provided for. However:

a. It has been made clear in previous Committee meetings that threshold values **do not by themselves equate to GES**. They are part of the 'set of characteristics' that MS shall determine under Art 9(1) MSFD. This is clearly stated in Art 4(1)(a) of the revised Decision. The draft Decision also explicitly acknowledges that threshold values may not be achieved in all MS' marine waters, e.g. to allow for the sustainable use of the sea, provided this does not compromise the achievement of GES.

b. **Trends** can be used until threshold values are established at Union or (sub)regional level. This should be done by 2018 or as soon as possible thereafter, provided this is justified (e.g. immaturity of science). This means that de facto **trends can be used for criteria where science does not allow MS yet to establish quantitative threshold values**. However, trends are not considered as a fully-fledged alternative to threshold values because a) pressures cannot continue to reduce forever but, ultimately, will reach an acceptable level and b) state elements will ultimately improve in quality (via reduced adverse effects) to a 'normal' level (not adversely affected by pressures), for which it should be possible to define a threshold value.

c. **Qualitative descriptions** of GES may be an interim option at national level until threshold values can be established (as provided for Article 4(2)(a) of the Decision), but cannot be a long-term alternative. The use of qualitative descriptions in 2012 led to the non-comparability and incoherence identified by the Commission in its assessment in 2014, prompting the need to revise the Decision.

d. Finally, the **risk-based approach** (possibility to not use primary criteria, choice to use secondary criteria, (de)selection of criteria elements, monitoring in specific matrices or specific areas etc.) also ensures that MS focus on the criteria in relation to predominant pressures and their impacts, thereby limiting the use of threshold values to where they are needed.

### 2. Methodological standards for integration of criteria

Regarding concerns expressed on references to "methodological standards for integration of the criteria" in Articles 1(c), 1(d), 3(3), 3(4), 5(1), 5(2) and 6: most favour tackling integration of criteria as part of the guidance on Article 8.

The decision recognises the importance of the need to integrate the criteria in order to produce consistent assessments of the extent to which GES is achieved. However, the wording proposed in the above Articles does not prejudge the result of the work on Article 8 guidance. Articles 3(3), 3(4) and 5 only provides for situations where such methodological standards do not yet exist at Union

level (in which case, regional or national ones may be used), and for a future timeline for establishing them. These standards are about agreeing an appropriate methodology. The draft GES Decision does **not** set rules on how to determine GES at descriptor level (OOAO or other methods); it provides the framework for future work and refers this to the appropriate level, namely Union/regional/sub-regional processes.

### 3. Regional Sea Conventions & the GES Decision

Regarding concerns expressed on using Regional Sea Conventions as a forum for establishing threshold values, it should be noted that:

a. Firstly, the wording of Article 4(1)(j) of the Decision has been amended in accordance with Art 6 of the MSFD, into: "(j) *be consistent, where practical and appropriate, with relevant values set under regional institutional cooperation structures, including the Regional Sea Conventions.*"

b. Secondly, MS can cooperate outside RSCs if they consider they are not the most appropriate mechanism. This is clearly stated in recital 18: "Member States may choose to coordinate amongst themselves within the region or subregion, where relevant". The Commission has provided financial support to help MS undertake this work where necessary.

c. Finally, even when the RSC has established (= decided on according to RSC internal rules) a threshold value, there is no automatic adoption of these threshold values as part of MS' set of GES characteristics. This is clearly explained in Recital 12. Threshold values **only** become part of MS' set of GES characteristics **if and when they are notified by the Member State competent authority** to the Commission (not when they are established by RSCs).

### 4. Non-retroactivity of threshold values on approved projects

Regarding the concern expressed on the possible impact of threshold values on **ongoing projects** (or projects not yet fully approved). However, as mentioned above, the Decision does not set any threshold values but provides the framework for their future establishment. In addition, the overall existing MSFD framework – with associated obligation of reaching GES by 2020 – already systematically comes into play for any project approval. Finally, MS' programme of measures should (if conditions are fulfilled) be submitted to a strategic environmental assessment. It is therefore expected that the setting of threshold values would not have a retroactive influence on projects.

### 5. Relationship with other legislation

Regarding concerns expressed on the influence of threshold values on other Directives' requirements, the following principle has been added to Article 4(1): "*(b) be consistent with Union legislation;*".

### 6. NGO concerns about ambition level of the Decision

Finally, environmental NGOs have expressed serious concerns about the lack of ambition with regard to the timing for setting threshold values, the lack of safeguards to ensure values are ambitious enough, and the lack of control mechanism in case Member States do not use secondary criteria. They also object to setting threshold values for e.g. habitat loss, as contrary to the spirit of the MSFD and to the objective to halt biodiversity loss. To address these concerns to the extent possible, the Commission introduced a new sentence in Article 4(2) – to specify that national threshold values should also reflect the principles of Article 4(1) – and clarified D1C1 wording on by-catch.



## Aktdetaljer

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**Titel:** 15th MSFD Committee meeting 10/11/2016\_Agenda and docs uploaded on Circabc  
**Sendt:** 27-10-2016 10:31:51

Dear members of the Marine Strategy Framework Directive Committee,  
(copy to Marine Directors and Environment attachés)

We bring to your attention that the agenda and documents for the 15<sup>th</sup> meeting of the Committee were uploaded on CIRCABC yesterday 26 October ( <https://circabc.europa.eu/w/browse/e171fcac-66fe-4038-a04f-bf67b3cc412d>), for the



meeting which will be held on 10 November 2016.

We also inform you that:

- The draft Commission Decision on GES criteria and methodological standards and the draft Commission Directive amending Annex III of the MSFD have been uploaded with track-changes compared with the version submitted to the feedback mechanism. The changes have been introduced following comments received through the feedback mechanism, suggestions from translators or are drafting clarifications.
- Only the English version has been uploaded today. The other linguistic versions will be uploaded on Circabc as soon as possible, and in any case before 10 November. Please note that the other language versions will not include the changes shown in track-changes in the English version. The language versions will be updated after the vote to reflect the final version of the texts. A linguistic check of your language version of the GES Decision will be done after the vote, similarly to the one already done on Annex III.
- The document CTTEE-2016-15-02 on marine regions and subregions will be uploaded as soon as possible, as we are still awaiting feedback from several Member States on this document.

Please note that in accordance with the rules of procedure of the Marine Strategy Committee, a Member State delegation may, if necessary, represent a maximum of one other Member State for a vote. The Permanent Representation of the Member State that is being represented shall inform the Commission of this in writing as soon as possible and at the latest by 8 November.

Kind regards,

**Giulia MARANO for the ENV Marine Team**



**European Commission**  
Directorate General for Environment  
Unit C2: Marine Environment & Water Industry  
B-1049 Brussels/Belgium



## Aktdetaljer

Den 1. februar 2017

### Akttitel: Supplementary DK comments on GES Decision Aktnummer:

Akt ID: 2764000  
Dato: 26-10-2016  
Type: Indgående  
Original titel: Supplementary DK comments on GES Decision  
Dokumenter: [1] Supplementary DK comments on GES Decision.msg  
[2] Notat\_MFVM\_comments\_GES\_DK (3).docx

**Til:** Karin.Pettersson@havochvatten.se (Karin.Pettersson@havochvatten.se), tobias.porsbring@havochvatten.se (tobias.porsbring@havochvatten.se), appuyol@magrama.es (appuyol@magrama.es), isabelle.terrier@developpement-durable.gouv.fr (isabelle.terrier@developpement-durable.gouv.fr), dominic.pattinson@defra.gsi.gov.uk (dominic.pattinson@defra.gsi.gov.uk), richard.moxon@defra.gsi.gov.uk (richard.moxon@defra.gsi.gov.uk), sarrieta@magrama.es (sarrieta@magrama.es), asimao@dgrm.mam.gov.pt (asimao@dgrm.mam.gov.pt), jmarques@dgrm.mamaot.pt (jmarques@dgrm.mamaot.pt), m.marciniewicz@gios.gov.pl (m.marciniewicz@gios.gov.pl), Barbara.Breznik@gov.si (Barbara.Breznik@gov.si), otilia.mihail@mmediu.ro (otilia.mihail@mmediu.ro), gheorghe.constantin@mmediu.ro (gheorghe.constantin@mmediu.ro), ludovic.schultz@developpement-durable.gouv.fr (ludovic.schultz@developpement-durable.gouv.fr), montanaro.oliviero@minambiente.it (montanaro.oliviero@minambiente.it), Roger.Harrington@environ.ie (Roger.Harrington@environ.ie), Richard.cronin@environ.ie (Richard.cronin@environ.ie), Ditte Mandøe Andreasen (diman@svana.dk), Poutanen Eeva-Liisa (eeva-liisa.poutanen@ymparisto.fi), baiba.zasa@varam.gov.lv (baiba.zasa@varam.gov.lv), peter.kovacs@kvvm.gov.hu (peter.kovacs@kvvm.gov.hu), arthur.de-cambiaire@developpement-durable.gouv.fr (arthur.de-cambiaire@developpement-durable.gouv.fr), sophie-dorothee.duron@developpement-durable.gouv.fr (sophie-dorothee.duron@developpement-durable.gouv.fr), Jean-marie.Quemener@developpement-durable.gouv.fr (Jean-marie.Quemener@developpement-durable.gouv.fr), j.ganoulis@prv.ypeka.gr (j.ganoulis@prv.ypeka.gr), christine.wenzel@melur.landsh.de (christine.wenzel@melur.landsh.de), ingo.narberhaus@bmub.bund.de (ingo.narberhaus@bmub.bund.de), smichaelides@dfmr.moa.gov.cy (smichaelides@dfmr.moa.gov.cy), margyrou@dfmr.moa.gov.cy (margyrou@dfmr.moa.gov.cy), ivan.radic@mzoip.hr (ivan.radic@mzoip.hr), Rene.reisner@envir.ee (Rene.reisner@envir.ee), Veronika.Matuszna@mzp.cz (Veronika.Matuszna@mzp.cz), mmarcou@dfmr.moa.gov.cy (mmarcou@dfmr.moa.gov.cy), Barbara.Skevin-Ivosevic@mzoip.hr (Barbara.Skevin-Ivosevic@mzoip.hr), michael.kyramarios@environnement.belgique.be (michael.kyramarios@environnement.belgique.be), ernst.ueberreiter@bmlfuw.gv.at (ernst.ueberreiter@bmlfuw.gv.at), ENV-MARINE-ENVIRONMENT@ec.europa.eu (ENV-MARINE-ENVIRONMENT@ec.europa.eu), vroyachka@moew.government.bg (vroyachka@moew.government.bg), galia@moew.government.bg (galia@moew.government.bg), saskia.vangaever@milieu.belgie.be (saskia.vangaever@milieu.belgie.be), Agnes.Villmann@envir.ee (Agnes.Villmann@envir.ee), jan.busstra@minienm.nl (jan.busstra@minienm.nl), sarah.f.camilleri@era.org.mt (sarah.f.camilleri@era.org.mt), marine@era.org.mt (marine@era.org.mt), joanna.kopczynska@mos.gov.pl (joanna.kopczynska@mos.gov.pl), sandra.van.der.graaf@rws.nl (sandra.van.der.graaf@rws.nl), wim.van.urb@minienm.nl (wim.van.urb@minienm.nl), luc.zwank@eau.etat.lu (luc.zwank@eau.etat.lu), a.lukoseviciene@am.lt (a.lukoseviciene@am.lt), juris.aigars@lhei.lv (juris.aigars@lhei.lv), Maria.Laamanen@ymparisto.fi (Maria.Laamanen@ymparisto.fi), jean-paul.lickes@eau.etat.lu (jean-paul.lickes@eau.etat.lu), i.valunas@am.lt (i.valunas@am.lt), agne.lukoseviciene@am.lt (agne.lukoseviciene@am.lt), ole.ostermann@jrc.ec.europa.eu (ole.ostermann@jrc.ec.europa.eu), jean-noel.druon@jrc.ec.europa.eu (jean-noel.druon@jrc.ec.europa.eu), Franz.Lamplmair@ec.europa.eu (Franz.Lamplmair@ec.europa.eu), Hugo.De-Groof@ec.europa.eu (Hugo.De-Groof@ec.europa.eu), vanda.lima@jrc.ec.europa.eu (vanda.lima@jrc.ec.europa.eu), ana-cristina.cardoso@jrc.ec.europa.eu (ana-cristina.cardoso@jrc.ec.europa.eu), Kenneth.Patterson@ec.europa.eu (Kenneth.Patterson@ec.europa.eu), Johnny.Reker@eea.europa.eu (Johnny.Reker@eea.europa.eu), Eva.Gelabert@eea.europa.eu (Eva.Gelabert@eea.europa.eu), Annick.DE-LOMBAERDE@ec.europa.eu (Annick.DE-LOMBAERDE@ec.europa.eu), Haitze-J.Siemers@ec.europa.eu (Haitze-J.Siemers@ec.europa.eu), Franco.Biagi@ec.europa.eu (Franco.Biagi@ec.europa.eu), Trine.Christiansen@eea.europa.eu (Trine.Christiansen@eea.europa.eu), Clementine.LEROY@ec.europa.eu (Clementine.LEROY@ec.europa.eu), Matjaz.MALGAJ@ec.europa.eu (Matjaz.MALGAJ@ec.europa.eu), Giulia.MARANO@ec.europa.eu (Giulia.MARANO@ec.europa.eu), Anna.CHEILARI@ec.europa.eu (Anna.CHEILARI@ec.europa.eu), David.CONNOR@ec.europa.eu (David.CONNOR@ec.europa.eu), Fabio.PIROTTA@ec.europa.eu (Fabio.PIROTTA@ec.europa.eu), Lydia.MARTIN-ROUMEGAS@ec.europa.eu (Lydia.MARTIN-ROUMEGAS@ec.europa.eu), Vedran.NIKOLIC@ec.europa.eu (Vedran.NIKOLIC@ec.europa.eu), Fotios.Papoulias@ec.europa.eu (Fotios.Papoulias@ec.europa.eu), Juan-Pablo.Pertierra@ec.europa.eu (Juan-Pablo.Pertierra@ec.europa.eu), Shane.OBOYLE@ec.europa.eu (Shane.OBOYLE@ec.europa.eu), Michail.Papadoyannakis@ec.europa.eu (Michail.Papadoyannakis@ec.europa.eu), Michel.SPONAR@ec.europa.eu (Michel.SPONAR@ec.europa.eu)

**Fra:** Lisbet Ølgaard (lioel@svana.dk)

**Titel:** Supplementary DK comments on GES Decision

**Sendt:** 26-10-2016 12:29:31

**Bilag:** Notat\_MFVM\_comments\_GES\_DK (3).docx;

Dear Giulia,

Please find attached the supplementary Danish comments to the proposed GES Decision. Denmark very much appreciates that this opportunity has been given by the EU Commission.

Best regards  
Lisbet

**Lisbet Ølgaard**  
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**Sendt:** 15. september 2016 12:23

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**Emne:** Informing cttee members - GES Decision and Annex III - Feedback Mechanism

Dear Committee members,

We would like to inform you that, following the Commission's inter-service consultation, the feedback mechanism on the draft Commission proposals for the GES Decision and Annex III was launched yesterday.

You can access the consultation website and the draft documents here: [https://ec.europa.eu/info/law/better-regulation/share-your-views\\_en](https://ec.europa.eu/info/law/better-regulation/share-your-views_en)

The consultation will last until 12 October 2016.

Thank you and best regards,

Giulia MARANO



European Commission

Directorate General for Environment

Unit ENV.C.2 "Marine Environment and Water Industry"

[http://ec.europa.eu/environment/marine/index\\_en.htm](http://ec.europa.eu/environment/marine/index_en.htm)



## **Comments from Denmark to the consultation on a Commission proposal for the GES Decision**

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The government of Denmark would like to thank the Commission for the opportunity to comment on the Commission proposal for the GES Decision.

First of all, Denmark would like to commend the Commission for the positive changes that have been made in the proposal as a result of the discussions in the MSFD Regulatory Committee. In this respect, we would like to highlight the clear demarcation, which has been established between the Water Framework Directive (WFD) and the Marine Strategy Framework Directive (MSFD) as regards D5 on eutrophication. We also acknowledge positive changes in the articles, for example regarding the timeframe for establishing threshold values.

This being said, Denmark is still very apprehensive about the fact that the general content of the proposed Commission decision has unforeseen and far-reaching consequences when requiring quantitative threshold values for the determination of good environmental status.

This Decision will in all likelihood 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.

Denmark therefore request that an Impact Assessment should be carried out 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.

Furthermore, we believe that there is a lack of maturity in the science needed to set threshold values for many of the criteria, especially underwater noise, marine litter and seabed habitats. Therefore, we find it crucial that the proposal gives room for further flexibility in the determination of GES, so that the MS would be able to choose, whether to apply quantitative threshold values, trends or qualitative descriptions of GES.

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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.

Since the meeting of the Regulatory Committee in June 2016 standards for integration of criteria have been inserted in the proposal for the GES Decision. This is a new element of the proposal which needs to be thoroughly considered and discussed in and among Member States. Denmark therefore regards the insertion of this element to be premature, and we therefore find that all references to this concept should be deleted from the proposal.

GES determination under MSFD should not imply that the requirements under other Directives indirectly are tightened and that the use of exceptions under these Directives is made more difficult. Especially the relationship to WFD in coastal and territorial waters is problematic. Furthermore, since the MSFD includes a deadline for reaching GES by 2020 the proposal would indirectly tighten the requirements under the Habitats Directive, since the 2020 deadline does not apply here.

We would like to emphasize that data collection on D3 should fall under the scope of the CFP. In that respect, we do not find it appropriate that each MS shall make a detailed list of elements to be assessed. The Commission evaluates the development of stocks as part of the yearly Communication on Fishing Opportunities already. The addition of an obligation for MS to establish a list of commercially exploited species that goes beyond scientific advice on relevant commercial species from ICES will substantially increase the costs for scientific data collection needs and seems unwarranted.

Finally, we find it necessary to reduce the number of criteria to a minimum in order for the MS to be able to overcome the assessment of the condition in the marine environment. Therefore, we propose to delete some of the criteria.

### **Specific comments:**

#### Recitals and articles:

Recital (7): We acknowledge that the new thresholds will not apply retroactively. And we find it positive that the new thresholds will not lead to requirements for reassessment of already completed environmental assessments. But we are worried about the introduction of new thresholds and methods that would lead to demands for revision of already performed environmental assessments. We would therefore like to add at the end of the recital (7):  
“However, as regards infrastructure projects, it must be specifically noted that the criteria and methodological standards established by Member States when determining a set of characteristics for good environmental status under this Decision, do not enter into force retroactively. Therefore, applications and environmental assessments regarding infrastructure projects submitted to the relevant authorities before criteria and methodological standards established under this Decision enter into effect, are not affected by the criteria and methodological standards established under this Decision. Furthermore, to secure consequence in adopting a coherent approach with other EU legislation, this applies to all aspects of applications and environmental assessments regarding infrastructure projects, including e.g. aspects of applications and assessments related to Council Directive 92/43/EEC, Directive 2014/52/EU of the European Parliament and of the Council and Directive 2000/60/EC of the European Parliament and of the Council.”

Recital (18): We find that inclusion of “standards for integration of criteria” need to be further considered and that “, including for integration of criteria” shall be deleted.

Article 1(d): Please delete “for integration of criteria”.

Article 3(3): We do not find this paragraph appropriate, since it is a very broad obligation for MS to use every work from the RSC, even though it is not covered by the Commission Decision. Please, delete or at least replace “shall” with “may”.

Article 3(4): Please delete “including for integration of the criteria”.

Article 4(1)(i): We acknowledge the work already done in the RSC, but must emphasise that consistency with the WFD for D5 and D8 is more important. Since many of the threshold values are to be set at regional level, the phrase also seems superfluous or could be misunderstood. We therefore prefer to delete point (i). Alternatively, please replace with: “be consistent with the WFD and may be consistent with relevant values under regional institutional cooperation structures...”.

Descriptor 1:

D1C1: It is important that this aspect can be scientific evaluated by ICES, in order to give scientific advice on future fishing possibilities with respect to the risk on incidental bycatches. It is specified that data shall be provided per species per fishing metier for each sea area. This seems excessive and would mean a significant increase in the monitoring (and related costs). Monitoring demands should only be applicable in relevant fisheries.

D1C2, D1C4 and D1C6: The criteria and methodological standards are not very clear. The connection to criteria under D4 also seems unclear. It is imperative that we have a clear link to the EU data collection framework in order to avoid parallel and unnecessary monitoring systems at MS level.

D1C3 (please, see remarks related to D3).

Descriptor 3:

The sustainable management of commercial fish stocks primarily falls within the scope of the Common Fisheries Policy (CFP). Hence, the criteria, methodological standards and monitoring should be closely aligned with the functioning of the CFP. It is therefore imperative that the work on data collection and scientific advice in ICES and management recommendations in the regional fisheries management organizations (in the North Sea region BALTFISH and Scheveningen Group) form the basis for the monitoring and assessment of this descriptor. Please note that ICES advises that “commercial fish and shellfish” relevant for assessing GES are those stocks considered important to any EU MS and those recorded in national lists under the EU Data Collection Framework.

Furthermore, we (again) would like to draw attention to ICES advice that D3C3 should not be used in the assessment of GES until usable reference points have been developed. Moreover, the same criterion also appears under D1C3. It is unclear what should be measured, since there is no operational criterion linked to both the health of fish stocks and their management. The criterion D3C3 should not be included in the decision.

Descriptor 5:

D5C3: Please, separate “coastal waters” and ”beyond coastal waters” to establish a clear demarcation to WFD.

D5C6, D5C7 and D5C8: Please specify the “extent of adverse effects in square kilometres (km<sup>2</sup>)” as applicable beyond coastal waters solely. This parameter of “extent” is not defined directly in the Directive 2000/60/EC acknowledging that the location and boundary of surface water body represent an area and thus the extent of the status classification of the water body as a whole.

D5C7: Please replace “maximum depth” with “depth limit” which can be defined for the main distribution. (e.g. deepest occurrence of 10% cover).

Descriptor 6:

D6C4 and D6C5: We cannot support the establishment of maximum allowable extent of habitat loss and adverse effects.

Descriptor 8:

D8C1: Please establish a clear demarcation to WFD, the MSFD should not apply in coastal and territorial waters. Thus the additional contaminants (such as from offshore sources) and additional matrixes should relate to beyond coastal waters solely.

Descriptor 10:

Before setting the thresholds, it should be identified which measures that are available for the member states for reaching compliance with the thresholds for different sources of pollution with marine litter.





## Aktdetaljer

**Akttitel: SV: Informing cttee members - GES Decision and Annex III - Feedback Mechanism**

**Aktnummer:**

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Den 1. februar 2017

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**Titel:** SV: Informing cttee members - GES Decision and Annex III - Feedback Mechanism

**Sendt:** 12-10-2016 15:40:08

**Bilag:** Notat\_MFVM\_comments\_GES\_DK.docx; Notat\_MFVM\_comments\_AnnexIII\_DK.docx;

Dear Giulia.

Please see, the Danish comments, which were uploaded on the Commission's website today. Unfortunately, our specific comments to the GES Decision could not fit into the system.

I therefore hope that you would take a look at the specific comments in the attached word document.

Best regards

**Ditte Mandøe Andreassen**  
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**Fra:** ENV-MARINE-ENVIRONMENT@ec.europa.eu [mailto:ENV-MARINE-ENVIRONMENT@ec.europa.eu]

**Sendt:** 15. september 2016 12:23

**Til:** ernst.ueberreiter@bmlfuw.gv.at; michael.kyramarios@environnement.belgique.be; saskia.vangaever@milieu.belgie.be; galia@moew.government.bg; vroyachka@moew.government.bg; Barbara.Skevin-Ivosevic@mzoip.hr; ivan.radic@mzoip.hr; margyrou@dfmr.moa.gov.cy; smichaelides@dfmr.moa.gov.cy; mmarcou@dfmr.moa.gov.cy; Veronika.Matuszna@mzp.cz; Lisbet Ølgaard; Ditte Mandøe Andreasen; Rene.reisner@envir.ee; Agnes.Villmann@envir.ee; Maria.Laamanen@ymparisto.fi; eeva-liisa.poutanen@ymparisto.fi; isabelle.terrier@developpement-durable.gouv.fr; ludovic.schultz@developpement-durable.gouv.fr; Jean-marie.Quemener@developpement-durable.gouv.fr; sophie-dorothee.duron@developpement-durable.gouv.fr; arthur.de-cambiaire@developpement-durable.gouv.fr; ingo.narberhaus@bmub.bund.de; christine.wenzel@melur.landsh.de; j.ganoulis@prv.ypeka.gr; peter.kovacs@kvvm.gov.hu; Richard.cronin@environ.ie; Roger.Harrington@environ.ie; montanaro.oliviero@minambiente.it; baiba.zasa@varam.gov.lv; juris.aigars@lhei.lv; a.lukoseviciene@am.lt; agne.lukoseviciene@am.lt; i.valunas@am.lt; jean-paul.lickes@eau.etat.lu; luc.zwank@eau.etat.lu; marine@era.org.mt; sarah.f.camilleri@era.org.mt; jan.busstra@minienm.nl; wim.van.urk@minienm.nl; sandra.van.der.graaf@rws.nl; joanna.kopczynska@mos.gov.pl; m.marciniewicz@gios.gov.pl; jmarques@dgrm.mamaot.pt; asimao@dgrm.mam.gov.pt; gheorghe.constantin@mmediu.ro; otilia.mihail@mmediu.ro; Barbara.Breznik@gov.si; sarrieta@magrama.es; appuyol@magrama.es; tobias.porsbring@havochvatten.se; Karin.Pettersson@havochvatten.se; richard.moxon@defra.gsi.gov.uk; dominic.pattinson@defra.gsi.gov.uk

**Cc:** Anna.CHEILARI@ec.europa.eu; David.CONNOR@ec.europa.eu; Annick.DE-LOMBAERDE@ec.europa.eu; Fabio.PIROTTA@ec.europa.eu; Clementine.LEROY@ec.europa.eu; Matjaz.MALGAJ@ec.europa.eu; Giulia.MARANO@ec.europa.eu; Lydia.MARTIN-ROUMEGAS@ec.europa.eu; Shane.OBOYLE@ec.europa.eu; Michail.Papadoyannakis@ec.europa.eu; Michel.SPONAR@ec.europa.eu; Vedran.NIKOLIC@ec.europa.eu; Fotios.Papoulias@ec.europa.eu; Juan-Pablo.Pertierra@ec.europa.eu; Hugo.De-Groof@ec.europa.eu; vanda.lima@jrc.ec.europa.eu; ana-cristina.cardoso@jrc.ec.europa.eu; ole.ostermann@jrc.ec.europa.eu; jean-noel.druon@jrc.ec.europa.eu; Franz.Lamplmair@ec.europa.eu; Kenneth.Patterson@ec.europa.eu; Haitze-J.Siemers@ec.europa.eu; Franco.Biagi@ec.europa.eu; Trine.Christiansen@eea.europa.eu; Johnny.Reker@eea.europa.eu; Eva.Gelabert@eea.europa.eu

**Emne:** Informing cttee members - GES Decision and Annex III - Feedback Mechanism

Dear Committee members,

We would like to inform you that, following the Commission's inter-service consultation, the feedback mechanism on the draft Commission proposals for the GES Decision and Annex III was launched yesterday.

You can access the consultation website and the draft documents here: [https://ec.europa.eu/info/law/better-regulation/share-your-views\\_en](https://ec.europa.eu/info/law/better-regulation/share-your-views_en)

The consultation will last until 12 October 2016.

Thank you and best regards,

Giulia MARANO



European Commission

Directorate General for Environment

Unit ENV.C.2 "Marine Environment and Water Industry"

[http://ec.europa.eu/environment/marine/index\\_en.htm](http://ec.europa.eu/environment/marine/index_en.htm)

NOTAT



**Miljø- og  
Fødevareministeriet**  
Styrelsen for Vand- og  
Naturforvaltning

Naturbeskyttelse  
Ref. DIMAN  
Den 12. oktober 2016

## **Comments from the Ministry of Environment and Food of Denmark to the consultation on a Commission proposal for the GES Decision**

---

The Ministry of Environment and Food of Denmark would like to thank the Commission for the opportunity to comment on the Commission proposal for the GES Decision.

First of all, the Ministry would like to commend the Commission for the positive changes that has been made in the proposal as a result of the discussions in the MSFD Regulatory Committee. In this respect, we would like to highlight the clear demarcation, which has been established between the Water Framework Directive (WFD) and the Marine Strategy Framework Directive (MSFD) as regards D5 on eutrophication. We also acknowledge positive changes in the articles, for example regarding the timeframe for establishing threshold values.

This being said, the Ministry would like to address our concerns about the legal basis to require quantitative threshold values for the determination of good environmental status. Furthermore, we 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 seabed habitats. Therefore, we find it crucial that the proposal gives room for further flexibility in the determination of GES, so that the MS would be able to choose, whether to apply quantitative threshold values, trends or qualitative descriptions of GES.

GES determination under MSFD should not imply that the requirements under other Directives indirectly are tightened and that the use of exceptions under these Directives is made more difficult. Especially the relationship to WFD in coastal and territorial waters is problematic. Furthermore, since the MSFD includes a deadline for reaching GES by 2020 the proposal would indirectly tighten the requirements under the Habitats Directive, since the 2020 deadline does not apply here.

We would like to emphasize that data collection on D3 should fall under the scope of the CFP. In that respect, we do not find it appropriate that each MS shall make a detailed list of elements to be assessed. The Commission evaluates the development of stocks as part of the yearly Communication on Fishing Opportunities already. The addition of an obligation for MS to establish a list of commercially exploited species that goes beyond scientific advice on relevant commercial species from ICES will substantially increase the costs for scientific data collection needs and seems unwarranted.

Finally, we find it necessary to reduce the number of criteria to a minimum in order for the MS to be able to overcome the assessment of the condition in the marine environment. Therefore, we propose to delete some of the criteria.

### **Specific comments (not uploaded on the Commission's website):**

#### Recitals and articles:

Article 3(3): We do not find this paragraph appropriate, since it is a very broad obligation for MS to use every work from the RSC, even though it is not covered by the Commission Decision. Please, delete or at least replace “shall” with “may”.

Article 4(1)(i): We acknowledge the work already done in the RSC, but must emphasise that consistency with the WFD for D5 and D8 is more important. Since many of the threshold values are to be set at regional level, the phrase also seems superfluous or could be misunderstood. We therefore prefer to delete point (i). Alternatively, please replace with: “be consistent with the WFD and may be consistent with relevant values under regional institutional cooperation structures...”.

#### Descriptor 1:

D1C1: It is important that this aspect can be scientific evaluated by ICES, in order to give scientific advice on future fishing possibilities with respect to the risk on incidental bycatches. It is specified that data shall be provided per species per fishing metier for each sea area. This seems excessive and would mean a significant increase in the monitoring (and related costs). Monitoring demands should only be applicable in relevant fisheries.

D1C2, D1C4 and D1C6: The criteria and methodological standards are not very clear. The connection to criteria under D4 also seems unclear. It is imperative that we have a clear link to the EU data collection framework in order to avoid parallel and unnecessary monitoring systems at MS level.

D1C3 (please, see remarks related to D3).

#### Descriptor 3:

The sustainable management of commercial fish stocks primarily falls within the scope of the Common Fisheries Policy (CFP). Hence, the criteria, methodological standards and monitoring should be closely aligned with the functioning of the CFP. It is therefore imperative that the work on data collection and scientific advice in ICES and management recommendations in the regional fisheries management organizations (in the North Sea region BALTFISH and Scheveningen Group) form the basis for the monitoring and assessment of this descriptor. Please note that ICES advises that “commercial fish and shellfish” relevant for assessing GES are those stocks considered important to any EU MS and those recorded in national lists under the EU Data Collection Framework.

Furthermore, we (again) would like to draw attention to ICES advice that D3C3 should not be used in the assessment of GES until usable reference points have been developed. Moreover, the same criterion also appears under D1C3. It is unclear what should be measured, since there is no operational criterion linked to both the health of fish stocks and their management. The criterion D3C3 should not be included in the decision.

Descriptor 5:

D5C3: Please, separate “coastal waters” and “beyond coastal waters” to establish a clear demarcation to WFD.

D5C6, D5C7 and D5C8: Please specify the “extent of adverse effects in square kilometres (km<sup>2</sup>)” as applicable beyond coastal waters solely. This parameter of “extent” is not defined directly in the Directive 2000/60/EC acknowledging that the location and boundary of surface water body represent an area and thus the extent of the status classification of the water body as a whole.

D5C7: Please replace “maximum depth” with “depth limit” which can be defined for the main distribution. (e.g. deepest occurrence of 10% cover).

Descriptor 6:

D6C4 and D6C5: We cannot support the establishment of maximum allowable extent of habitat loss and adverse effects.

Descriptor 8:

D8C1: Please establish a clear demarcation to WFD, the MSFD should not apply in coastal and territorial waters. Thus the additional contaminants (such as from offshore sources) and additional matrixes should relate to beyond coastal waters solely.

Descriptor 10:

Before setting the thresholds, it should be identified which measures that are available for the member states for reaching compliance with the thresholds for different sources of pollution with marine litter.

NOTAT



**Miljø- og  
Fødevareministeriet**  
Styrelsen for Vand- og  
Naturforvaltning  
Naturbeskyttelse  
Ref. DIMAN  
Den 12. oktober 2016

### **Comments from the Ministry of Environment and Food of Denmark to the consultation on the proposed Commission Directive amending Annex III in Directive 2008/56/EC**

---

The Ministry of Environment and Food of Denmark would like to thank the Commission for the opportunity to comment on the proposal for the Commission Directive amending Annex III in Directive 2008/56/EC.

We would like to emphasise that annex III is only indicative and should still be seen as such. The Ministry therefore has very limited comments to the proposal.

Recitals and articles:

- Recital (5): Please, insert “indicative” in the first sentence, before “elements for assessment”, “elements for monitoring” and “elements for consideration when setting targets”: “Annex III to Directive 2008/56/EC should provide indicative elements for assessment...etc”

Annex:

- Table 1, column 3, row 4 (ecosystems, including food webs), page 3: We would suggest mentioning habitats first, in order to better understand the sentence: “links between habitats and species of marine birds, mammals, reptiles, fish and cephalopods”.
- Table 2a, page 4: We would suggest to put note 1-3 under table 2a, since they refer to this table.
- Table 2b, 1<sup>st</sup> row, theme “physical restructuring of rivers, coastline or seabed”: Please, consider replacing “rivers” with “watercourses” to get consistency between column 1 and 2 regarding this theme.



## Aktdetaljer

**Akttitel: Invitation to 15th meeting of the Committee established under Article 25 of the Directive 2008/56/EC starting on 10/11/2016**

**Aktnummer:**

Akt ID: 2764002

Dato: 30-09-2016

Type: Indgående

Original titel: Invitation to 15th meeting of the Committee established under Article 25 of the Directive 2008/56/EC starting on 10/11/2016

Dokumenter: [1] Invitation to 15th meeting of the Committee established under Article 25 of the Directive 200856EC starting on 10112016.msg  
[2] Invitation.pdf  
[3] Committee members.pdf  
[4] Rules of procedures.pdf

Den 1. februar 2017



**Til:** Ditte Mandøe Andreasen (diman@svana.dk)

**Fra:** AGM notification (automated-notifications@nomail.ec.europa.eu)

**Titel:** Invitation to 15th meeting of the Committee established under Article 25 of the Directive 2008/56/EC starting on 10/11/2016

**Sendt:** 30-09-2016 13:52:13

**Bilag:** Invitation.pdf; Committee members.pdf; Rules of procedures.pdf;



European  
Commission

| A Gateway to EU Meetings

Dear Committee members,

We are pleased to invite you to the **15<sup>th</sup> meeting of the Marine Strategy Framework Directive Committee**, which will take place in **Brussels on Thursday 10<sup>th</sup> November** from **09h to 12h30h**. See attached invitation for details.

The draft agenda and the meeting documents are currently under preparation and will soon be posted on the comitology register (<http://ec.europa.eu/transparency/regcomitology/index.cfm>) as well as on the MSFD Committee Circabc site (restricted section of the Marine Strategy Circabc site, limited to Committee members and their alternates only (<https://circabc.europa.eu/w/browse/e171fcac-66fe-4038-a04f-bf67b3cc412d>)).

For Member States that have not done so yet, we would kindly remind you that you should inform us by means of an official letter from your country's permanent representation to the European Union, of the names of the permanent and alternate representative of your country in the Committee before the next meeting. For your information the list of current Committee members is attached highlighting the Member States that have not yet provided the updated information.

Please register by accepting the invitation or, if you received an indirect invitation, nominate your participant in the AGM System **by Friday 4 November**.

We would like to stress that confirmation of participation is compulsory as we have to send the complete list of participants to the security service prior to the meeting. Please also make sure to bring this invitation with you on the day of the meeting.

The meeting will be held in English, though interpretation to and from FR-DE-EN-IT-ES-PL will be available. Participants are kindly requested to bring their own copies of the meeting documents.

After the meeting all participants eligible for reimbursement will receive a notification with a link allowing them to enter the expense details and upload supporting documents necessary for reimbursement.

The Commission will **reimburse the travel expenses of one representative per Member State** attending this meeting.

Within the framework of this meeting, your personal data (name, address, etc.) will be registered according to article 2(b) of the Regulation EC 45/2001 (OJ N°18 L8 dated 12.01.2001, pages 1 to 22). Should you require further information or wish to exercise your rights (e.g. access or rectify data), please contact Ms. Giulia Marano ([ENV-MARINE-ENVIRONMENT@ec.europa.eu](mailto:ENV-MARINE-ENVIRONMENT@ec.europa.eu)).

Kind Regards,

Giulia Marano for the ENV MARINE TEAM

## What's next?



You have received this email because the meeting organiser considers that you are the 'correspondent' (person in charge of providing the list of participants) for the meeting member *Denmark* for 15th meeting of the Committee established under Article 25 of the Directive 2008/56/EC starting on 10/11/2016.

Click the link below to accept the role of correspondent and prepare the list of participants:

[Denmark](#)

**IMPORTANT:** *Anyone* can use this link to modify the list of participants. Once the list has been submitted, this action cannot be undone.

So, if you want to forward the email to someone for information purposes, *please delete the link*.

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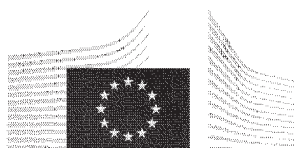
[This video](#) shows you how to set up your ECAS account.

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

**30 SEP. 2016**

Brussels,  
 ENV/C2/CA/gm Ares(2016)

**FOR THE ATTENTION OF MEMBERS  
 OF THE MARINE STRATEGY FRAMEWORK DIRECTIVE COMMITTEE**

**Subject: Invitation to the 15<sup>th</sup> meeting of the Committee established under Article 25 of Directive 2008/56/EC (Marine Strategy Framework Directive) – 10 November 2016 (Brussels)**

We are pleased to invite you to the **15<sup>th</sup> meeting of the Marine Strategy Framework Directive Committee**, which will take place in **Brussels on Thursday 10<sup>th</sup> November** from **09h to 12h30h**. The meeting will be held in the Conference Centre Albert Borschette (36, rue Froissart, B-1040 Brussels, room 4D).

The draft agenda and the meeting documents are currently under preparation and will soon be posted on the comitology register (<http://ec.europa.eu/transparency/regcomitology/index.cfm>) as well as on the MSFD Committee Circabc site (restricted section of the Marine Strategy Circabc site, limited to Committee members and their alternates only (<https://circabc.europa.eu/w/browse/e171fcac-66fe-4038-a04f-bf67b3cc412d>)).

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Yours sincerely,



Matjaž Malgaj  
(*Head of unit*)

Copy: Environmental Attachés of Permanent Representations; Marine Directors

Enclosures: Rules of Procedures, Current list of Committee members and their alternates

National code	Organisation / Ministry	Last name	First name	Email	Permanent / Alternate
AT	Lebensministerium	Ueberreiter	Ernst	<a href="mailto:ernst.ueberreiter@bmlfuw.gv.at">ernst.ueberreiter@bmlfuw.gv.at</a>	P
BE	Belgian Federal Public Service - Health, Food Chain Safety and Environment, Chef de service Milieu marin, Place Victor Horta, 40/10, B-1060 Brussels, phone + 32 2 524 96 27 mobile + 32 473 33 74 67	Kyramarios	Michael	<a href="mailto:michael.kyramarios@environnement.belgique.be">michael.kyramarios@environnement.belgique.be</a>	A
BE	Belgian Federal Public Service - Health, Food Chain Safety and Environment	Van Gaever	Saskia	<a href="mailto:saskia.vanqaever@milieu.belgie.be">saskia.vanqaever@milieu.belgie.be</a>	P
BG	Bulgarian Ministry of Environment and Water	Balusheva	Galina	<a href="mailto:galia@moew.government.bg">galia@moew.government.bg</a>	A
BG	Bulgarian Ministry of Environment and Water	Roiatchka	Violeta	<a href="mailto:vroyachka@moew.government.bg">vroyachka@moew.government.bg</a>	P
HR	Ministry of Environment and Nature Protection	Skevin Ivosevic	Barbara	<a href="mailto:Barbara.Skevin-Ivosevic@mzoip.hr">Barbara.Skevin-Ivosevic@mzoip.hr</a>	P
HR	Ministry of Environment and Nature Protection	Radic	Ivan	<a href="mailto:ivan.radic@mzoip.hr">ivan.radic@mzoip.hr</a>	A
CY	Ministry of Agriculture, Natural Resources and Environment, Department of Fisheries & Marine Research (DFMR), Senior Fisheries and Marine Research Officer, Department of Fisheries and marine Research (DFMR), 101 Vitheem street, CY-1416 Nicosia, Cyprus, Tel : + 357 22807852, Fax : + 357 22775955	Argyrou	Marina	<a href="mailto:margyrou@dfmr.moa.gov.cy">margyrou@dfmr.moa.gov.cy</a>	P
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DK	Agency for Water and Nature Management	Mandøe Andreassen	Ditte	<a href="mailto:diman@svana.dk">diman@svana.dk</a>	A
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EE	Ministry of Environment of Estonia	Villmann	Agnes	<a href="mailto:Agnes.Villmann@envir.ee">Agnes.Villmann@envir.ee</a>	P
FI	Ministry of Environment of Finland	Laamanen	Maria	<a href="mailto:Maria.Laamanen@ymparisto.fi">Maria.Laamanen@ymparisto.fi</a>	P
FI	Ministry of Environment of Finland	Poutanen	Eeva-Liisa	<a href="mailto:eeva-liisa.poutanen@ymparisto.fi">eeva-liisa.poutanen@ymparisto.fi</a>	A
FR	Ministère de l'écologie, du développement durable et de l'énergie	Terrier	Isabelle	<a href="mailto:isabelle.terrier@developpement-durable.gouv.fr">isabelle.terrier@developpement-durable.gouv.fr</a>	A
FR	Ministère de l'écologie, du développement durable et de l'énergie	Schultz	Ludovic	<a href="mailto:ludovic.schultz@developpement-durable.gouv.fr">ludovic.schultz@developpement-durable.gouv.fr</a>	P
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DE	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit	Narberhaus	Ingo	<a href="mailto:ingo.narberhaus@bmub.bund.de">ingo.narberhaus@bmub.bund.de</a>	P
DE	Ministerium für Energiewende, Landwirtschaft, Umwelt, und ländliche Räume des Landes Schleswig-Holstein	Wenzel	Christine	<a href="mailto:christine.wenzel@melur.landsh.de">christine.wenzel@melur.landsh.de</a>	A
EL	Special Secretary for Water of the Hellenic Ministry of Reconstruction of Production, Environment & Energy, tel.: +30 210 6931250-1	Ganoulis	Jacques	<a href="mailto:j.ganoulis@prv.vpeka.gr">j.ganoulis@prv.vpeka.gr</a>	P
HU	Ministry of Environment and Water of Hungary	Kovacs	Peter	<a href="mailto:peter.kovacs@kvvm.gov.hu">peter.kovacs@kvvm.gov.hu</a>	P
IE	Department of Environment, Community and Local Government (DECLG)	Cronin	Richard	<a href="mailto:Richard.cronin@environ.ie">Richard.cronin@environ.ie</a>	P
IE	Department of Environment, Community and Local Government (DECLG)	Harrington	Roger	<a href="mailto:Roger.Harrington@environ.ie">Roger.Harrington@environ.ie</a>	A

## MSFD Committee members\_updated 28/09/2016

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LV	Ministry of Environmental Protection and Regional Development, Department of Environmental Protection, Peldu Str. 25, Riga LV-1494, Phone +37 102 65 01	Zasa	Baiba	<a href="mailto:baiba.zasa@varam.gov.lv">baiba.zasa@varam.gov.lv</a>	P
LV	Latvian Institute of Aquatic Ecology	Aigars	Juris	<a href="mailto:iuris.aigars@lhei.lv">iuris.aigars@lhei.lv</a>	A
LT	Ministry of Environment of the Republic of Lithuania	Lukoseviciene	Agnė	<a href="mailto:a.lukoseviciene@am.lt">a.lukoseviciene@am.lt</a> ; <a href="mailto:agne.lukoseviciene@am.lt">agne.lukoseviciene@am.lt</a>	A
LT	Ministry of Environment of the Republic of Lithuania	Valūnas	Irmantas	<a href="mailto:i.valunas@am.lt">i.valunas@am.lt</a>	P
LU	Administration de la Gestion de l'Eau du Grand Duché de Luxembourg, Directeur, 1, avenue du Rock'n'Roll, L-4361 Esch-sur-Alzette, Tel. 00352 24 55 6-926 (to be checked), fax 00352 24 55 6-7926	Lickes	Jean-Paul	<a href="mailto:jean-paul.lickes@eau.etat.lu">jean-paul.lickes@eau.etat.lu</a>	P
LU	Ministere du Developpement durable et des Infrastructures	Zwank	Luc	<a href="mailto:luc.zwank@eau.etat.lu">luc.zwank@eau.etat.lu</a>	A
MT	Malta Environment and Planning Authority	Rizzo	Miraine	<a href="mailto:marine@era.org.mt">marine@era.org.mt</a> ; <a href="mailto:miraine@era.org.mt">miraine@era.org.mt</a>	P
MT	Malta Environment and Planning Authority	Camilleri	Sarah	<a href="mailto:sarah.f.camilleri@era.org.mt">sarah.f.camilleri@era.org.mt</a>	A
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NL	Ministry of Infrastructure and the Environment, RWS Centre for Water Management	Van der Graaf	Sandra	<a href="mailto:sandra.van.der.graaf@rws.nl">sandra.van.der.graaf@rws.nl</a>	A
PL	Deputy Director of Water Resources Department-Ministry of the Environment	Kopczyńska	Joanna	<a href="mailto:joanna.kopczynska@mos.gov.pl">joanna.kopczynska@mos.gov.pl</a>	P
PL	Chief Inspectorate for Environmental Protection	Marciniewicz-Mykieta	Malgorzata	<a href="mailto:m.marciniewicz@gios.gov.pl">m.marciniewicz@gios.gov.pl</a>	A
PT	Direcção-Geral de Recursos Naturais, Segurança e Serviços Marítimos	Marques	José Manuel	<a href="mailto:jmarques@dgrm.mamaot.pt">jmarques@dgrm.mamaot.pt</a>	P
PT	Direcção-Geral de Recursos Naturais, Segurança e Serviços Marítimos (DGRM)	Simão	Ana Paula	<a href="mailto:asimao@dgrm.mam.gov.pt">asimao@dgrm.mam.gov.pt</a>	A
RO	Ministry of Environment and Climate Changes, Department of Water, Forest and Fishery, Bulevardul Gral. Magheru 31, sect. 1, Bucharest, Romania, Phone 0040 21.316.61.56	Constantin	Gheorghe	<a href="mailto:gheorghe.constantin@mmediu.ro">gheorghe.constantin@mmediu.ro</a>	A
RO	Ministry of Environment, Water and Forest	Mihail	Otilia	<a href="mailto:otilia.mihail@mmediu.ro">otilia.mihail@mmediu.ro</a>	P
SI	Ministry of the Environment and Spatial Planning	Breznik	Barbara	<a href="mailto:Barbara.Breznik@gov.si">Barbara.Breznik@gov.si</a>	P
ES	Ministry of Agriculture, Food and Environment	Arrieta Algarra	Sagrario	<a href="mailto:sarrieta@magrama.es">sarrieta@magrama.es</a>	P
ES	Ministry of Agriculture, Food and Environment	Perez Puyol	Ainhua	<a href="mailto:appuyol@magrama.es">appuyol@magrama.es</a>	A
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SE	Swedish Agency for Marine and Water Management (SwAM)	Pettersson	Karin	<a href="mailto:Karin.Pettersson@havochvatten.se">Karin.Pettersson@havochvatten.se</a>	P
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UK	Department for Environment, Food and Rural Affairs	Pattinson	Dominic	<a href="mailto:dominic.pattinson@defra.gsi.gov.uk">dominic.pattinson@defra.gsi.gov.uk</a>	P

**RULES OF PROCEDURE  
FOR THE MARINE STRATEGY FRAMEWORK COMMITTEE  
(established under Article 25 of Directive 2008/56/EC)**

**[Version adopted by the MSFD Committee on 12 November 2013]**

**THE MARINE STRATEGY FRAMEWORK COMMITTEE (MSFD COMMITTEE)**

Having regard to the 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 environment policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular to its Article 25,

Having regard to Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>2</sup>, and in particular Article 9(1) thereof,

Having regard to the standard rules of procedure published by the Commission<sup>3</sup>,

**HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:**

*Article 1*

**Convening a meeting**

1. A meeting of the Committee shall be convened by its chair, either on his/her own initiative or at the request of a simple majority of members of the Committee.
2. In the case referred to in the second subparagraph of Article 3(5) of Regulation (EU) No 182/2011, where the written procedure is terminated without result, the chair shall convene a Committee meeting within a reasonable time.
3. Joint meetings of the Committee with other committees may be convened to discuss issues coming within their respective areas of responsibility.

*Article 2*

**Agenda**

1. The chair shall draw up the agenda and submit it to the Committee.

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<sup>1</sup> OJ L164, 25/06/2008, p. 19

<sup>2</sup> OJ L55 of 28.2.2011, p. 13

<sup>3</sup> OJ C206 of 12.7.2011, p. 11



2. The agenda shall make a distinction between:

(a) draft implementing acts to be adopted by the Commission on which the Committee is asked to give an opinion, in accordance with the procedure provided for in Article 24 (2) of Directive 2008/56/EC (examination procedure).

(b) other issues referred to the Committee for information or a simple exchange of views, either on the chair's initiative or at the written request of a member of the Committee.

### *Article 3*

#### **Documentation to be submitted to members of the Committee**

1. For the purpose of the second subparagraph of Article 3(3) of Regulation (EU) No 182/2011, the chair shall submit the invitation, the draft agenda and the draft implementing act on which the Committee is asked to give an opinion to the members of the Committee well in advance of the meeting, taking into account the urgency and complexity of the matter, and no later than 14 calendar days before the date of the meeting. Other documents related to the meeting, in particular documents accompanying the draft implementing act, shall, as far as possible, be submitted within the same time limit.

All documents shall be submitted in accordance with Article 12(2).

2. In duly justified cases, the chair may, on his/her own initiative or at the request of a member of the Committee, shorten the time limit for submission of documents referred to in paragraph 1. Except in cases of extreme urgency, the time limit shall not be shorter than five calendar days.

### *Article 4*

#### **Opinion of the Committee**

1. The Committee shall deliver its opinion on a draft implementing act within the time limit laid down by the chair in accordance with the second subparagraph of Article 3(3) of Regulation (EU) No 182/2011.

2. Where the Committee's opinion is required under the examination procedure, the outcome of the vote shall be decided by a qualified majority, in accordance with Article 5(1) of Regulation (EU) No 182/2011.

3. Unless a member of the Committee objects, the chair may, without proceeding to a formal vote, establish that the Committee has delivered a positive opinion, by consensus, on the draft implementing act.

4. The chair, in consultation with the members of the Committee, may, on his/her own initiative or at the request of a member of the Committee, postpone a vote until the end of the meeting or to a later meeting.

5. In accordance with the second subparagraph of Article 3(4) of Regulation (EU) No 182/2011, the chair shall endeavour to find solutions which command the widest possible support within the Committee. Before the vote, the chair shall inform the Committee of the manner in which the discussions and suggestions for amendments have been taken into account, in particular as regards those suggestions which have been largely supported within the Committee.

#### *Article 5*

#### **Representation**

1. Each Member State shall be considered to be one member of the Committee. Each member of the Committee shall decide on the composition of its delegation and inform the chair. With the chair's permission, the delegations may be accompanied by experts who are not part of the delegation.

2. Within a reasonable time and no later than five calendar days before the date of a Committee meeting, the following information shall be communicated to the chair:

(a) the composition of each delegation, except where such composition is already known to the chair;

(b) the names and functions of any experts accompanying the delegations and the reasons for which their presence is required.

If the chair does not object to the participation of an expert in advance of the Committee meeting, the permission referred to in paragraph 1 is considered to be granted.

3. The reimbursement of travel expenses by the Commission shall be paid in accordance with the applicable rules, subject to budgetary funds provided for this purpose.

4. A Member State delegation may represent a maximum of one other Member State. The Member State that is being represented shall inform the chair of this before the meeting, or, at the latest, before the vote.

## *Article 6*

### **Working groups**

1. The Committee may create working groups to examine particular issues. The working groups shall be chaired by a representative of the Commission.
2. The working groups shall report back to the Committee under the responsibility of their chair.

## *Article 7*

### **Third parties and experts**

1. The representatives of EEA EFTA states Iceland, Liechtenstein and Norway shall be invited to attend the meetings of the Committee, in accordance with article 100 of the Agreement on the European Economic Area<sup>4</sup>.
2. Representatives of acceding countries shall be invited to attend the meetings of the Committee as from the date of signature of the Treaty of Accession.
3. The chair may decide to invite representatives of other third parties or other experts to talk on particular matters, on his/her own initiative or at the request of a member of the Committee. However, a simple majority of the component members of the Committee may oppose their participation in the meeting.
4. Representatives of third parties and experts referred to in paragraphs 1, 2 and 3 shall not be present at and shall not participate in voting of the Committee.

## *Article 8*

### **Written procedure**

1. The chair may obtain the Committee's opinion by written procedure in accordance with Article 3(5) of Regulation (EU) No 182/2011. In particular, the chair may use the written procedure to obtain the Committee's opinion in cases where the draft implementing act has already been discussed during a Committee meeting.
2. The chair shall inform the members of the Committee of the outcome of a written procedure without delay, and no later than 14 calendar days after the expiry of the time limit.

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<sup>4</sup> OJ L1 of 03.01.1994, p. 572

## *Article 9*

### **Secretarial support**

The Commission shall provide secretarial support for the Committee and, if necessary, the working groups created pursuant to Article 6(1).

## *Article 10*

### **Minutes and summary record of meetings**

1. For the purpose of Article 3(6) of Regulation (EU) No 182/2011, the draft minutes of each meeting shall be drawn up under the responsibility of the chair. Committee members shall have the right to ask for their position to be recorded in the minutes. The chair shall send the draft minutes to the Committee members without delay and no later than one month after the meeting.

The members of the Committee shall send any comments they may have on the draft minutes to the chair in writing. If there is any disagreement, the matter shall be discussed by the Committee. If the disagreement persists, the relevant comments shall be annexed to the final minutes.

2. For the purpose of Article 10 of Regulation (EU) No 182/2011, the chair shall be responsible for drawing up a summary record briefly describing each item on the agenda and the results of the vote on any draft implementing act submitted to the Committee. The summary record shall not mention the individual position of the members in the Committee's discussions.

## *Article 11*

### **Attendance list and conflicts of interests**

1. At each meeting, the chair shall draw up an attendance list specifying the authorities and organisations to which the persons designated by the Member States to represent them belong.

2. At the beginning of each meeting, any person designated by the Member States, as well as experts who have been authorised by the chair to participate in the meeting in accordance with Article 5(1) and Article 7(3), and representatives of third parties who have been invited

to attend the meeting in accordance with Article 7, shall inform the chair of any conflict of interest with regard to a particular item on the agenda.

In the event of such a conflict of interest, the person concerned shall, at the request of the chair, withdraw from the meeting whilst the relevant items of the agenda are being dealt with.

## *Article 12*

### **Correspondence**

1. Correspondence relating to the Committee shall be submitted to the Commission, for the attention of the chair of the Committee.
2. Correspondence for members of the Committee shall be submitted to the Permanent Representations of the Member States, preferably by electronic means. Where a Permanent Representation indicates to the Commission a specific central electronic address for correspondence related to work of the committees, that address shall be used for correspondence. In addition, correspondence may be submitted directly to the persons designated by the Member State to represent them in the Committee.

## *Article 13*

### **Access to documents and confidentiality**

1. Requests for access to Committee documents shall be handled in accordance with Regulation (EC) No 1049/2001 of the European Parliament and of the Council<sup>5</sup>. It is for the Commission to take a decision on requests for access to those documents pursuant to its Rules of Procedure as amended by Decision 2001/937/EC, ECSC, Euratom<sup>6</sup>. If the request is addressed to a Member State that Member State shall apply Article 5 of Regulation (EC) No 1049/2001.
2. The Committee's discussions shall be confidential.
3. Documents submitted to members of the Committee, experts and representatives of third parties shall be confidential<sup>7</sup>, unless access is granted to those documents pursuant to paragraph 1 or they are otherwise made public by the Commission.

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<sup>5</sup> OJ L 145, 31.5.2001, p. 43

<sup>6</sup> OJ L345 of 29.12.2001, p. 94

<sup>7</sup> In accordance with Article 339 TFEU, '[t]he members of the institutions of the Union, the members of committees, and the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components'.

4. The members of the Committee, as well as experts and representatives of third parties, shall be required to respect the confidentiality obligations set out in this Article. The chair shall ensure that experts and representatives of third parties are made aware of the confidentiality requirements imposed upon them.

#### *Article 14*

##### **Protection of personal data**

The processing of personal data by the Committee and its working groups shall be in conformity with Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>8</sup>, under the responsibility of the chair acting as the controller, within the meaning of point (d) of Article 2 of that Regulation.

Done at Brussels,

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<sup>8</sup> OJ L8, 12.1.2001, p. 1



## Aktdetaljer

**Akttitel: Informing cttee members - GES Decision and Annex III - Feedback Mechanism**

**Aktnummer:**

Akt ID: 2764003

Dato: 15-09-2016

Type: Indgående

Original titel: Informing cttee members - GES Decision and Annex III - Feedback Mechanism

Dokumenter: [1] Informing cttee members - GES Decision and Annex III - Feedback Mechanism.msg

Den 1. februar 2017

**Til:** jmarques@dgrm.mamaot.pt (jmarques@dgrm.mamaot.pt), m.marciniewicz@gios.gov.pl (m.marciniewicz@gios.gov.pl), joanna.kopczynska@mos.gov.pl (joanna.kopczynska@mos.gov.pl), otília.mihail@mmediu.ro (otília.mihail@mmediu.ro), gheorghe.constantin@mmediu.ro (gheorghe.constantin@mmediu.ro), asimao@dgrm.mam.gov.pt (asimao@dgrm.mam.gov.pt), sandra.van.der.graaf@rws.nl (sandra.van.der.graaf@rws.nl), marine@era.org.mt (marine@era.org.mt), luc.zwank@eau.etat.lu (luc.zwank@eau.etat.lu), jean-paul.lickes@eau.etat.lu (jean-paul.lickes@eau.etat.lu), wim.van.urb@minienm.nl (wim.van.urb@minienm.nl), jan.busstra@minienm.nl (jan.busstra@minienm.nl), sarah.f.camilleri@era.org.mt (sarah.f.camilleri@era.org.mt), Barbara.Breznik@gov.si (Barbara.Breznik@gov.si), baiba.zasa@varam.gov.lv (baiba.zasa@varam.gov.lv), Maria.Laamanen@ymparisto.fi (Maria.Laamanen@ymparisto.fi), Agnes.Villmann@envir.ee (Agnes.Villmann@envir.ee), Lisbet Ølgaard (liobet@svana.dk), Ditte Mandøe Andreassen (diman@svana.dk), Poutanen Eeva-Liisa (eeva-liisa.poutanen@ymparisto.fi), Rene.reisner@envir.ee (Rene.reisner@envir.ee), tobias.porsbring@havochvatten.se (tobias.porsbring@havochvatten.se), appuyol@magrama.es (appuyol@magrama.es), sarrieta@magrama.es (sarrieta@magrama.es), dominic.pattinson@defra.gsi.gov.uk (dominic.pattinson@defra.gsi.gov.uk), richard.moxon@defra.gsi.gov.uk (richard.moxon@defra.gsi.gov.uk), Karin.Pettersson@havochvatten.se (Karin.Pettersson@havochvatten.se), mmarcou@dfmr.moa.gov.cy (mmarcou@dfmr.moa.gov.cy), smichaelides@dfmr.moa.gov.cy (smichaelides@dfmr.moa.gov.cy), margyrou@dfmr.moa.gov.cy (margyrou@dfmr.moa.gov.cy), ludovic.schultz@developpement-durable.gouv.fr (ludovic.schultz@developpement-durable.gouv.fr), isabelle.terrier@developpement-durable.gouv.fr (isabelle.terrier@developpement-durable.gouv.fr), Veronika.Matuszna@mzp.cz (Veronika.Matuszna@mzp.cz), ivan.radic@mzoip.hr (ivan.radic@mzoip.hr), saskia.vangaever@milieu.belgie.be (saskia.vangaever@milieu.belgie.be), michael.kyramarios@environnement.belgique.be (michael.kyramarios@environnement.belgique.be), ernst.ueberreiter@bmlfuw.gv.at (ernst.ueberreiter@bmlfuw.gv.at), Barbara.Skevin-Ivosevic@mzoip.hr (Barbara.Skevin-Ivosevic@mzoip.hr), vroyachka@moew.government.bg (vroyachka@moew.government.bg), galia@moew.government.bg (galia@moew.government.bg), Jean-marie.Quemener@developpement-durable.gouv.fr (Jean-marie.Quemener@developpement-durable.gouv.fr), juris.aigars@lhei.lv (juris.aigars@lhei.lv), montanaro.oliviero@minambiente.it (montanaro.oliviero@minambiente.it), Roger.Harrington@environ.ie (Roger.Harrington@environ.ie), i.valunas@am.lt (i.valunas@am.lt), agne.lukoseviciene@am.lt (agne.lukoseviciene@am.lt), a.lukoseviciene@am.lt (a.lukoseviciene@am.lt), Richard.cronin@environ.ie (Richard.cronin@environ.ie), ingo.narberhaus@bmub.bund.de (ingo.narberhaus@bmub.bund.de), arthur.de-cambiaire@developpement-durable.gouv.fr (arthur.de-cambiaire@developpement-durable.gouv.fr), sophie-dorothee.duron@developpement-durable.gouv.fr (sophie-dorothee.duron@developpement-durable.gouv.fr), peter.kovacs@kvvm.gov.hu (peter.kovacs@kvvm.gov.hu), j.ganoulis@prv.ypeka.gr (j.ganoulis@prv.ypeka.gr), christine.wenzel@melur.landsh.de (christine.wenzel@melur.landsh.de)

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**Fra:** ENV-MARINE-ENVIRONMENT@ec.europa.eu (ENV-MARINE-ENVIRONMENT@ec.europa.eu)

**Titel:** Informing cttee members - GES Decision and Annex III - Feedback Mechanism

**Sendt:** 15-09-2016 12:22:45

Dear Committee members,

We would like to inform you that, following the Commission's inter-service consultation, the feedback mechanism on the draft Commission proposals for the GES Decision and Annex III was launched yesterday.

You can access the consultation website and the draft documents here: [https://ec.europa.eu/info/law/better-regulation/share-your-views\\_en](https://ec.europa.eu/info/law/better-regulation/share-your-views_en)

The consultation will last until 12 October 2016.

Thank you and best regards,



Giulia MARANO



European Commission

Directorate General for Environment

Unit ENV.C.2 "Marine Environment and Water Industry"

[http://ec.europa.eu/environment/marine/index\\_en.htm](http://ec.europa.eu/environment/marine/index_en.htm)



## Aktdetaljer

**Akttitel: SV: MSFD Committee - Draft minutes of 14th meeting (29/06/16) - for comments by 15/9**

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[2] Draft Minutes of the 14th Committee meeting\_DK comments.docx

Den 1. februar 2017

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**Titel:** SV: MSFD Committee - Draft minutes of 14th meeting (29/06/16) - for comments by 15/9

**Sendt:** 08-09-2016 11:16:18

**Bilag:** Draft Minutes of the 14th Committee meeting\_DK comments.docx;

Dear Marine Team.

I hereby enclose the Danish comments to the draft minutes.

Best regards

**Ditte Mandøe Andreassen**  
Head of Section | Nature Protection

**Ministry of Environment and Food of Denmark**

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**Emne:** MSFD Committee - Draft minutes of 14th meeting (29/06/16) - for comments by 15/9

Dear members of the Marine Strategy Framework Directive Committee,  
(copy to Marine Directors and Environment attachés)

Please note that the **draft minutes of the 14th Committee meeting of 29 June 2016** have now been uploaded on the CIRCABC Marine Strategy site: <https://circabc.europa.eu/w/browse/35b412a1-fed5-4702-a9e9-a6182ad8d389>.

We would be grateful if you could provide **any proposed changes** to the minutes **as specific text proposals in track changes** to [env-marine-environment@ec.europa.eu](mailto:env-marine-environment@ec.europa.eu) **by 15 September 2016**. Thank you in advance.

Kind regards,

*Annick de Lombaerde for ENV Marine Team  
European Commission  
Directorate General for Environment  
Unit ENV.C.2 "Marine Environment and Water Industry"  
[http://ec.europa.eu/environment/marine/index\\_en.htm](http://ec.europa.eu/environment/marine/index_en.htm)*



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

**THE FOURTEENTH MEETING OF THE COMMITTEE UNDER ARTICLE 25 OF  
DIRECTIVE 2008/56/EC**

**(MARINE STRATEGY COMMITTEE)**

***WEDNESDAY 29 JUNE 2016 (09:00 – 17:30)***

**Conference Centre Albert Borschette / Room 1D**

**36, Rue Froissart, B-1040 Brussels**

**1. Welcome and introduction**

The Chair (European Commission, DG Environment) opened the meeting and welcomed the participants. The Chair reminded the Committee members of the request to ensure the Commission has up-to-date official nominations to the Committee as only an officially-appointed Committee member can take part in a vote.

**2. Adoption of the agenda**

The draft agenda (document CTTEE\_14-2016-01) was adopted without amendments.

**3. Adoption of the minutes of the 13<sup>th</sup> Committee Meeting**

The minutes of the 13<sup>th</sup> Committee meeting (document CTTEE\_14-2016-02) were amended in order to reflect the comments made by [REDACTED] and Denmark, and were adopted as amended.

**4. Review of Commission Decision 2010/477/EU on criteria and methodological standards for GES**

The Chairman thanked the Member States for their efforts over the past months and for sending their comments on the draft text (version 3) of the Commission Decision on criteria and methodological standards for Good Environmental Status (document CTTEE\_13-2016-03). All comments were considered and a large number were accommodated. The Chairman encouraged a discussion that would lead to eventual consensus. The Commission presented the main changes made to the text in version 4 (document CTTEE\_14-2016-03), and also explained how the feedback mechanism would factor into the decision-making process.

A discussion followed, during which Member States made general comments:

- Several Member States expressed concerns on: threshold values at Union versus (sub)regional level, the binding nature of threshold values and their scientific basis, as well as some of the principles for setting threshold values, and the difficulties to achieve-establish threshold values for all descriptors by 2018.

- One Member State asked whether threshold values should be considered as methodological standards or criteria. The Commission clarified that they sit under the 'criteria' section in the Annex to the Decision.
- Two Member States expressed a reservation on the general use of threshold values.
- Two Member States raised an issue on transitional waters. The Commission indicated that it would explore options to solve that point.
- One Member State raised general concerns with regards to the wording of 'use of criteria' in the Annex and proposed to modify those headings to avoid linking threshold values to the achievement of GES.

**Kommentar [diman1]:** "Three MS"

### Specific issues

The Commission presented certain key issues of the draft GES decision and Member States were invited to comment on each of them. For some of these key issues, the Commission proposed new draft wording, with a view to reaching compromises (*see amended text as discussed in Committee in Annex*):

#### *Threshold values*

- Setting threshold values at Union or (sub)regional level: the Commission presented an addition to Recital 12, which reads "*This means that even if the process to establish threshold values takes place at Union level, this may result in the setting of different threshold values, specific to a region, subregion or subdivision*". Member States welcomed this clarification.
- In addition, it was agreed during the meeting to also clarify the Annex with regard to the establishment of threshold values at Union level, that this should be done "*taking into account regional or subregional specificities*". Upon the request of one Member State and agreed by a majority of Member States, the wording "*MS shall cooperate to establish*" was changed to "*MS shall establish ... through regional cooperation...*" in Article 5(1). These amendments will be introduced throughout the Annex.
- One Member State retained an overall reservation on setting threshold values at Union level.
- Legal nature of threshold values: three Member States questioned whether the Decision can demand Member States to set threshold values and proposed to include the opportunity to use trends or qualitative criteria instead.
- To clarify the legal nature of threshold values (i.e. clarify that they do not automatically become part of Member States' GES determination), the Commission presented the following addition to recital 11 "*Once established at Union, regional or subregional level, these threshold values will only become part of Member States' sets of characteristics for good environmental status when they are reported to the Commission as part of Member States' reporting under Article 9(2) or 17(3) of Directive 2008/56/EC.*" This should be read in conjunction with Article 6. Most Member States welcomed this clarification. Two Member States requested that Article 6 is amended to include the new wording from Recital 11.

**Kommentar [diman2]:** DK welcomed the clarification but expressed its reservation for threshold values in general.

**Kommentar [diman3]:** DK prefer "MS shall cooperate to establish": *Member States shall cooperate to establish threshold values.*  
I remember the discussion, but do not recall any conclusion.

#### *Secondary criteria*

- Article 2(2): the Commission presented new wording for the definition of secondary criteria, which makes it even clearer that the use of secondary criteria is to be decided by Member States, when the conditions are fulfilled: "*secondary criterion' means a criterion to be used*



where necessary, to complement a primary criterion or when the marine environment is at risk of not achieving or not maintaining good environmental status for that particular criterion. The use of a secondary criterion is to be decided by each Member State, except where specified otherwise in the Annex ". The words "to complement a primary criterion or" were reintroduced during Committee following a request from some Member States. One Member State had a reservation on this. The Commission nevertheless explained that there was no need to refer to "substitute" as this only concerned criterion D5C8 and was covered directly in the Annex.

- Most Member States appreciated the new proposed wording of definition 2(2).
- Recital 20 was amended along the same line as Article 2(2).

#### *Principles for setting threshold values*

- The Commission presented new wording on Article 4, which concerns principles for setting threshold values. The following changes to version 4 of the text were proposed by the Commission: point (c) was split into 2 points: *"(c) make use of best available science"* and *"(d) be set taking into account the precautionary principle, reflecting the potential risks to the marine environment"* (upon suggestion from one Member State in its written comments). The Commission also proposed the following amendments: *"(h) be consistent across different criteria when they relate to the same ecosystem element; in case several criteria are used across the descriptors to assess different pressures and their impacts on an ecosystem element, (i) reflect, where appropriate, what constitutes an adverse effect for the relevant criterion."*
- Following discussions in the Committee, the following changes were made:
- Point d was modified into *"(d) be set on the basis of the precautionary principle, reflecting the potential risks to the marine environment"*;
- New point (h) was deleted with the intention of integrating it under point (f). However, there was no agreement on the final wording of point (f) *"be expressed in terms relating to the impacts and pressures they describe and as a deviation from a state which is free of anthropogenic pressures, allowing, where appropriate, for sustainable use of marine goods and services"* as several Member States expressed disagreement on 'allowing sustainable use' and on 'free from anthropogenic pressures'. The following options were discussed for a new point (f) (integrating point (h)): *"express what constitutes an acceptable state or an acceptable level of pressure [or impact], ~~thereby indicating there is not an adverse effect~~ in relation to the particular criterion or criterion element"* but this was not considered acceptable by all Member States. The Commission indicated that it will develop a text that covers all concerns raised in its next version.

#### *Timeline*

- One Member State insisted that Article 5(2) is not acceptable as there may be political conditions that could prevent the setting of threshold values at regional level, even by 2024.
- Another Member State raised the question of the consequences of not agreeing threshold values by 2018.
- Following discussions in Committee, it was decided to modify the wording of Article 5(2) as follows: *"Should threshold values not be established in accordance with paragraph 1, Member States ~~may~~ shall establish these threshold values at regional or subregional level as*

~~soon as possible after 15 July 2018 by 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, provided the reasons for the delay are this is justified to the Commission in the notification by 15 October 2018 made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.~~"

#### *Additional burden / impact assessment of costs*

- The Commission clarified that, on the basis of preliminary findings of a short study, it found that if Member States are currently implementing Decision 2010/477/EU correctly, the costs involved under the new Decision would be either similar or lower.
- Some Member States questioned the conclusion and requested that this study is made available.

#### *Integration rules*

- One Member State proposed the following new text aiming to address the issue of integration rules (anticipating the work currently carried out as "Article 8 guidance"): "*Whether good environmental status is achieved is determined through the application of integration rules that are to be agreed (for each descriptor) at Union level, taking into account Union legislation and regional and subregional methods*". That Member State also argued that a timeline for setting such integration rules should be included under Art. 5(2) of the Decision.
- However, even though Member States agreed this was an important issue, some of them considered that it was too early to introduce such provision in the Decision, given that the work on integration rules is still at a preliminary stage. These Member States were of the view that such integration rules should only be guidance.

The Commission then presented the draft Annex and its descriptors and Member States were invited to comment on some of the criteria on which most written comments had been received. The Commission explained that the more specific and detailed written comments made by Member States would all be considered, also ensuring consistency throughout the text, but that the purpose of the discussion was to discuss and resolve the most difficult issues.

#### **Descriptor 1**

- One Member State proposed that species covered by the Habitats Directive (HD) should not be subject to the obligation to set threshold values (HD species would be excluded from second paragraph in D1C1 and D1C2) and that HD assessments should automatically be re-used under MSFD.
- It was agreed that the same wording on "*taking into account regional or subregional specificities*" agreed during the discussion on specific issues would also be used under D1.
- One Member State insisted that requirements under other Directives (HD) cannot be indirectly made stricter via this Decision, with the Commission clarifying again that while this is not the case, obligations under MSFD have nevertheless still to be met.

#### **Descriptor 2**

- One Member State expressed concerns with the use of "reduced to zero" and would prefer the wording "minimised".

#### **Descriptor 3**

- D3C3: Most Member States raised a concern with regards to D3C3 and requested that it becomes secondary, due to the latest ICES advice. The Commission clarified that the secondary nature of a criterion should not be triggered by the immaturity of a criterion, that D3C3 is necessary to answer to the Descriptor (cf Descriptor 3 wording), and that the ICES workshop concluded that it should not be used only because there were no reference points (i.e. threshold values) yet. The Commission agreed to explore the possibility of a footnote indicating that D3C3 may not be used for the 2018 assessment.
- Following Member States' comments, it was agreed to move D3C4 under D1.
- One Member State requested that the wording of D3C1 and D3C2 is amended to reflect that  $F_{MSY}$  is not a threshold value, and that the latest text on "B<sub>trigger</sub>" is used under specifications.

#### **Descriptor 5**

- One Member State expressed concerns with regards to use of D5 criteria in-beyond coastal waters.
- One Member State asked for the re-introduction of the phytoplankton criterion which had been deleted.
- Asked by one Member State, the Commission replied that there is no obligation to set threshold values for D5 in coastal waters, if the obligation does not exist in the Water Framework Directive. The Member States thanked for the clarification and asked that this was described in a footnote.

#### **Descriptor 6**

- On this descriptor, one Member State indicated that the difference between certain criteria was not sufficiently clear.
- One Member State requested consistency between the two criteria: loss and disturbance.
- Two Member States proposed to re-name D6C4 and D6C5 as D1 criteria.
- One Member State requested to use the wording "significantly adversely affected" to reflect the Habitats Directive wording.

The Commission presented the expected next steps (inter-service consultation over the summer, feedback mechanism in September, and vote in November). A new version of the legal text is therefore expected to be available in early September (for the feedback mechanism) and the next meeting of the Committee will most probably be held in November along the MSCG meeting.

Member States requested to send additional written comments by 4<sup>th</sup> July.

One Member State requested that the text as discussed in Committee is sent to Member States (this was done and the text is available on circabc).

### **5. Review of MSFD Annex III**

The latest version of the proposal replacing Annex III of the MSFD (document CTTEE\_14-2016-03) was not discussed during the Committee, as the comments received on it from Member States were of a more minor technical nature. The Commission will consider Member States' written comments.

**6. Any other business**

Commission presented a new system (AGN) for the reimbursement of travel expenses.

**7. Close of the meeting**

The Chair thanked participants for their engagement during the meeting and closed it.

**Annex I: List of meeting documents**

<b>Agenda point</b>	<b>Reference</b>	<b>Title</b>	<b>Submitted by</b>
2	CTTEE_14-2016-01	Draft agenda	European Commission (DG ENV)
3	CTTEE_14-2016-02	Minutes of the Thirteenth Committee meeting	European Commission (DG ENV)
4	CTTEE_14-2016-03	Review of Commission Decision on GES	European Commission (DG ENV)
5	CTTEE_14-2016-04	Review of MSFD Directive Annex III	European Commission (DG ENV)

## **Annex II: List of participants**

<b>State</b>	<b>Organisation</b>
Belgium	Belgian Federal Public Service - Health, Food Chain Safety and Environment
Bulgaria	Bulgarian Ministry of Environment and Water
Cyprus	Ministry of Agriculture, Rural Development and Environment
Denmark	The Danish Nature Agency
Estonia	Ministry of Environment of Estonia
Finland	Ministry of Environment of Finland
France	Ministère de l'écologie, du développement durable et de l'énergie
Germany	Federal Ministry for the Environment (Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit)
Hungary	Ministry of Interior
Ireland	Department of Environment, Community and Local Government (DECLG)
Italy	Ministry of the Environment, Land and Sea Protection - Nature and Sea Protection Directorate (MATTM-PNM)
Latvia	Ministry of the Environmental Protection and Regional Development
Lithuania	Ministry of Environment of the Republic of Lithuania
Lithuania	Permanent Representation of Lithuania
Malta	Malta Environment and Planning Authority
The Netherlands	Ministry of Infrastructure and the Environment - DG for Spatial Issues and Water
The Netherlands	Ministry of Infrastructure and the Environment - RWS Centre for Water Management
Poland	Ministry of the Environment - Water Resources Department
Poland	Chief Inspectorate for Environmental Protection - Monitoring Department
Portugal	Direcção-Geral de Recursos Naturais, Segurança e Serviços Marítimos (DGRM)
Romania	Ministry of Environment, Water and Forest
Spain	Ministry of Agriculture, Food and Environment
Sweden	Swedish Agency for Marine and Water Management (SwAM)
United Kingdom	Department for Environment, Food and Rural Affairs
European Commission	DG Environment
European Commission	DG Mare



## Aktdetaljer

**Akttitel: MSFD Committee - Draft minutes of 14th meeting (29/06/16) - for comments by 15/9**

**Aktnummer:**

Akt ID: 2764005

Dato: 16-08-2016

Type: Indgående

Original titel: MSFD Committee - Draft minutes of 14th meeting (29/06/16) - for comments by 15/9

Dokumenter: [1] MSFD Committee - Draft minutes of 14th meeting (290616) - for comments by 159.msg

Den 1. februar 2017

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**Titel:** MSFD Committee - Draft minutes of 14th meeting (29/06/16) - for comments by 15/9

**Sendt:** 16-08-2016 14:46:34

Dear members of the Marine Strategy Framework Directive Committee,  
(copy to Marine Directors and Environment attachés)

Please note that the **draft minutes of the 14th Committee meeting of 29 June 2016** have now been uploaded on the CIRCABC Marine Strategy site: <https://circabc.europa.eu/w/browse/35b412a1-fed5-4702-a9e9-a6182ad8d389>.

We would be grateful if you could provide **any proposed changes** to the minutes **as specific text proposals in track changes** to [env-marine-environment@ec.europa.eu](mailto:env-marine-environment@ec.europa.eu) **by 15 September 2016**. Thank you in advance.

Kind regards,

*Annick de Lombaerde for ENV Marine Team*  
*European Commission*  
*Directorate General for Environment*  
*Unit ENV.C.2 "Marine Environment and Water Industry"*  
[http://ec.europa.eu/environment/marine/index\\_en.htm](http://ec.europa.eu/environment/marine/index_en.htm)



## Aktdetaljer

Den 1. februar 2017

### **Akttitel: Upload of text discussed during Committee meeting** **Aktnummer:**

Akt ID: 2764006  
Dato: 05-07-2016  
Type: Indgående  
Original titel: Upload of text discussed during Committee meeting  
Dokumenter: [1] Upload of text discussed during Committee meeting.msg

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**Titel:** Upload of text discussed during Committee meeting

**Sendt:** 05-07-2016 11:42:51

Dear all,

For your information, we have uploaded on circabc here (<https://circabc.europa.eu/w/browse/6254377e-4c5a-4282-8cc4-706bf1540672>) the version of the draft recitals and articles of the GES Decision **as discussed in Committee**.

It includes the proposals presented by the Commission and discussed in Committee (in particular Recitals 11, 12, and Art 2(2)), as well as the different proposed amendments discussed during the Committee meeting (Art 4(2), Art 5(1) and (2)).

Please note that this version is only sent in order to keep a record of what was discussed in the committee. This means that:

- some of the changes contained in this version were only proposals by some Member States and may not be reflected in the final version of the text.
- this version does not yet reflect all the comments sent by Member States on version 4, these will be introduced in the next version of the text.

Wishing you all a nice and relaxing summer.

Thank you and best regards,

The GES team



European Commission

Directorate General for Environment

Unit ENV.C.2 "Marine Environment and Water Industry"

[http://ec.europa.eu/environment/marine/index\\_en.htm](http://ec.europa.eu/environment/marine/index_en.htm)



## Aktdetaljer

Den 1. februar 2017

### **Akttitel: Danish economic assessment - 30% threshold value** **Aktnummer:**

Akt ID: 2764007  
Dato: 27-06-2016  
Type: Indgående  
Original titel: Danish economic assessment - 30% threshold value  
Dokumenter: [1] Danish economic assessment - 30% threshold value.msg  
[2] Notat HSD dataanalyse4.pdf  
[3] HSD-analyse.pdf

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**Fra:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Titel:** Danish economic assessment - 30% threshold value  
**Sendt:** 27-06-2016 16:38:08  
**Bilag:** Notat HSD dataanalyse4.pdf; HSD-analyse.pdf;

Dear David.

The Marine Team has asked for the Danish economic assessment for the fisheries of the earlier proposed threshold value (maximum 30% physical disturbance). It is attached for you information. I am sorry to say that it is in Danish. But maybe you can read some of it, anyway.

I shall underline that this is an preliminary assessment based on available data.

The analysis shows 4 scenarios:

- Protection of the 30 % of the areas that are fished 'the least'
- Protection of the 30 % of the areas that are fished 'the most'
- Protection of the 70 % of the areas that are fished 'the least'
- Protection of the 70 % of the areas that are fished 'the most'

Areas where there is no registered fishing activities from bottom towed gears are not used in the assessment. It covers Danish fisheries with bottom trawls in 2015 inside and outside the Danish EEZ. However, the Norwegian EEZ is not included.

When you look at, where the Danish fisheries mainly takes place, it is also worth looking at the "utilization" of the most productive habitats in sea areas where there is intensive Danish fishery activity. The analysis shows that in the Kattegat, around 72% of the deep soft seabed (subtidal mud) is fished by Danish vessels. In Skagerrak 82% of the deep soft seabed (subtidal mud) is fished with bottom towed gears and 97% of the deeper sandy seabed (subtidal sand) is fished (table 1).

I have also added a presentation on the subject (also in Danish). I have translated the conclusions in the table at the last page in the presentation for you:

	<b>30% with lowest landing values (million DKK)</b>	<b>30% with highest landing values (million DKK)</b>	<b>70% with lowest landing values (million DKK)</b>	<b>70% with highest landing values (million DKK)</b>	<b>Total (million DKK)</b>
<b>Kattegat</b>	1.35	65.83	17.92	82.41	83.57
<b>North Sea</b>	7.45	492.93	82.83	568.31	575.76
<b>Skagerrak</b>	4.63	250.98	63.24	309.59	314.19
<b>Baltic Sea and The Belt Sea</b>	1.77	94.88	20.49	113.53	115.29
<b>Total</b>	15.19	904.63	<b>184.47</b>	<b>1073.85</b>	1088.81

If you have any questions don't hesitate to ask.

Best regards

**Ditte Mandøe Andreasen**  
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## NOTAT

Til NaturErhvervstyrelsen

Vedr. HSD-analyse

Fra DTU Aqua

21/4 2016  
Jr nr. 16/06873  
JSV/JEPOL

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### Analyse af konsekvenser af reguleringsforslag om GES mhp. beskyttelse af bundhabitater i EU-farvande

#### Bestilling

DTU Aqua er blevet anmodet om at gennemføre en analyse med henblik på at undersøge dansk fiskeris udbredelse på de mest udbredte habitattyper i EU-farvande. Analysen skulle suppleres med en beregning af fangstværdierne i de 30 % henholdsvis mindst fiskede og mest fiskede områder inden for disse habitattyper. Der er anmodet om en overordnet analyse, der kan give et beregnet interval med udgangspunkt i de tilgængelige data. NAER er bekendt med, at en mere detaljeret analyse kræver oplysninger om, hvilke konkrete områder, der skal beskyttes.

Der er desuden anmodet om, at analysen inkluderer et estimat af fangstværdierne i forhold til at beskytte 70 % af de udbredte habitattyper.

#### Metode

For at analysere fiskeriets udbredelse i forhold til habitattyper anvendes en kombination af VMS-, logbogs- og afregningsdata for 2015 samt eksisterende habitatkortlægning. Denne første analyse er overordnet pga. en kort tidsfrist, og kunne suppleres med mere detaljerede analyser.

Da det er de bundsløbende redskaber, der kan have en påvirkning af havbundshabitaterne anvendes kun fiskeridata fra muslingeskrabere (DRB, BMS, DRO, DRC), bundtrawl (OTB, OTT, PTB, TBN, TB), bomtrawl (TBB, TBS) og snurrevod (SDN, SSC). For at give et estimat af værdien af landinger knyttet til hvert enkelt VMS punkt sammenkobles logbogsregistret med afregningsregistret for at estimere afregnet vægt og værdi af landingerne pr. fartøj, fangstdag, redskab og art. Denne information sammenkobles med VMS data som indeholder fartøjernes positioner (1 gang i timen), tidspunkter (dato og tid) samt hastigheder. VMS data filtreres ud fra redskab og hastigheder, hvorefter landinger og værdien af landingerne fordeles ud på de positioner (VMS punkter), hvor der antages fiskeri.

For at kunne estimere og rangordne værdien af fiskeriet inden for et habitat og farvand, aggregeres landinger fra VMS punkter i c-squares (ref. <http://www.cmar.csiro.au/csquares/about-csquares.htm>). Et c-square er et kvadrat på 0.05\*0.05 decimalgrader, hvilket svarer til ca. 19.4 km<sup>2</sup> i den sydlige Nordsø og 14.5 km<sup>2</sup> i den nordlige Nordsø. Midtpunkterne af disse c-squares anvendes til de videre analyser. For at få information om habitattyper anvendes et habitatkort, der er udviklet i forbindelse



med BENTHIS projektet (EU-FP7 grant agreement number 312088). Dette kort er baseret på eksisterende habitatkortlægning og klassificeret på EUNIS level 3, men er ikke lige så detaljeret som forslaget fra EU, hvilket vil have en betydning for den samlede værdisætning. Det vurderes at værdierne for både 30 % og 70 % vil være forøgede hvis EU's forslag til habitatkriterier implementeres. Via habitatkortlægningen kobles en habitattype på hvert c-squares midtpunkt.

Værdien af landingerne fra de bundsløbende redskaber pr. c-square rangordnes pr. farvand og habitat og hhv. de 30 % af arealet med laveste landingsværdi, 30 % af arealet med højeste landingsværdi, 70 % af arealet med laveste landingsværdi og 70 % af arealet med højeste landingsværdi er opgjort. Resultatet vist i tabel 2 som total pr. farvand og i tabel 3 pr. farvand og habitat. I tabel 4 er værdierne fra tabel 3 opsplittet i værdien af konsumfiskeriet og industrifiskeriet.

Det er i samarbejde med NAER besluttet, at nærværende analyse skal dække alt dansk fiskeri, både inden for og uden for dansk EEZ. Analysen inkluderer udelukkende EU-farvande, dermed er Norsk økonomisk zone ekskluderet, da evt. EU regler ikke gælder for tredje-landes EEZs. Det er desuden aftalt at angive total landingsværdier og landingsværdier er opdelt på industri- og konsumfiskeri. Farvande opdeles i Nordsøen, Skagerrak, Kattegat samt Bælthavet og Østersøen (Sub-Division 22-26).

Det er også aftalt med NAER, at når værdien af fiskeriet rangordnes inden for hvert habitat og farvand medtages kun c-squares, hvor der er registreret fiskeri. Således er c-squares, hvor der ikke er blevet fisket, udeladt af analysen (0-punkter). I tabel 1 er opgjort i) arealet af habitater pr. farvand, ii) arealet der er fisket med bundsløbende redskaber og iii) procentdelen af arealet der er fisket med bundsløbende redskaber. Den procentdel hvor der ikke fiskes med bundsløbende redskaber kan potentielt udpeges som beskyttede områder, men der kan være andre forhold der gør sig gældende for disse områder. Det at de ikke er påvirket af fiskeri med bundsløbende redskaber betyder ikke nødvendigvis, at de ikke er påvirkede af andre antropogene aktiviteter som fx vindmøller og boreplatforme.

Da midtpunktet af c-squares anvendes for at angive hvilket habitat et c-square dækker, er det en generaliseret analyse, da et c-square godt kan dække over flere habitater. I opgørelsen af arealet af habitater sammenlignet med arealet der er fisket pr. habitat og farvand i tabel 1 anvendes ligeledes midtpunkter af c-squares, og arealet af c-squares til beregning af habitaternes areal og arealet der fiskes med bundsløbende redskaber.

På baggrund af metoderne anvendt i denne analyse estimeres det at fiskerierhvervet vil miste en indtjening på mellem 15 og 904 millioner kr af den direkte omsætning af fisken ved beskyttelse af 30 % af hver bundhabitattype pr. farvand. Ved beskyttelse af 70 % af hver bundhabitattype pr. farvand estimeres den mistede indtjening at være på mellem 185 og 1074 millioner kr.

**Tabel 1: Areal af habitater pr. farvand, arealet fisket med bundsløbende redskaber af danske fartøjer samt procentdelen af arealet der er fisket med bundsløbende redskaber af danske fartøjer. Bemærk at arealerne er opgjort total pr. farvand og er ikke indenfor dansk EEZ.**

Farvand	Habitat	Areal (km <sup>2</sup> )	Areal fisket med bundsløbende redskaber af danske fartøjer (km <sup>2</sup> )	Procentdel af arealet fisket med bundsløbende redskaber af danske fartøjer
Kattegat	Atlantic and Mediterranean moderate energy infralittoral rock	52	17	33.4
	Sublittoral coarse sediment	153	17	11.1
	Sublittoral mixed sediments	3079	1300	42.2
	Sublittoral mud	8389	6077	72.4
	Sublittoral sand	8515	3023	35.5
	NA	424	68	16.1
Nordsøen	Atlantic and Mediterranean high energy circalittoral rock	683	34	4.9
	Atlantic and Mediterranean high energy infralittoral rock	1450	17	1.2
	Atlantic and Mediterranean low energy circalittoral rock	6845	53	0.8
	Atlantic and Mediterranean low energy infralittoral rock	354	0	0.0
	Atlantic and Mediterranean moderate energy circalittoral rock	10090	0	0.0
	Atlantic and Mediterranean moderate energy infralittoral rock	1825	0	0.0
	Data not available	6763	541	8.0
	Deep-sea mixed substrata	9648	0	0.0
	Deep-sea mud	10553	32	0.3
	Deep-sea muddy sand	6576	0	0.0
	Sublittoral coarse sediment	60683	6758	11.1
	Sublittoral mixed sediments	6771	907	13.4
	Sublittoral mud	48113	20006	41.6
	Sublittoral sand	295903	71782	24.3
	Deep-sea rock and artificial hard substrata	31	0	0.0
NA	7045	103	1.5	
Skagerrak	Atlantic and Mediterranean high energy circalittoral rock	178	16	9.1
	Atlantic and Mediterranean high energy infralittoral rock	722	332	46.0
	Atlantic and Mediterranean low energy circalittoral rock	96	48	50.0
	Atlantic and Mediterranean low energy infralittoral rock	16	16	100.0
	Atlantic and Mediterranean moderate energy circalittoral rock	161	81	50.0
	Atlantic and Mediterranean moderate energy infralittoral rock	113	0	0.0
	Baltic moderately exposed infralittoral rock	16	0	0.0

	Data not available	16	0	0.0
	Deep-sea mud	2455	2277	92.7
	Deep-sea muddy sand	49	49	100.0
	Sublittoral coarse sediment	33	0	0.0
	Sublittoral mixed sediments	1363	510	37.4
	Sublittoral mud	6599	5409	82.0
	Sublittoral sand	6474	6275	96.9
	NA	1301	33	2.5
Østersøen og Bælthavet (SD 22-26)	Baltic moderately exposed circalittoral rock	17	0	0.0
	Baltic moderately exposed infralittoral rock	278	0	0.0
	Data not available	70	0	0.0
	Sublittoral coarse sediment	3626	336	9.3
	Sublittoral mixed sediments	24370	4116	16.9
	Sublittoral mud	22379	17205	76.9
	Sublittoral sand	23065	5280	22.9
	NA	10327	514	5.0

**Tabel 2: Værdi af landinger fra bundsløbende redskaber fra hhv. 30 % og 70 % af arealet med højeste og laveste landingsværdi pr. farvand og habitattype, summeret fra tabel 3. Opgjort i mio. kr.**

	Værdi fra 30 % areal med laveste landingsværdi	Værdi fra 30 % areal med højeste landingsværdi	Værdi fra 70 % areal med laveste landingsværdi	Værdi fra 70 % areal med højeste landingsværdi	Total værdi af landinger fra bundsløbende redskaber
Kattegat	1.4	65.8	17.9	82.4	83.6
Nordsøen	7.4	492.9	82.8	568.3	575.8
Skagerrak	4.6	251.0	63.2	309.6	314.2
Østersøen og Bælthavet (SD22-26)	1.8	94.9	20.5	113.5	115.3
Total	15.2	904.6	184.5	1073.8	1088.8

**Tabel 3: Værdi af landinger fra bundsløbende redskaber fra hhv. 30 % og 70 % af arealet med højeste og laveste landingsværdi pr. farvand og habitattype. Opgjort i mio. kr.**

Farvand	Habitat	Værdi fra 30 % areal med la- veste landings- værdi	Værdi fra 30 % areal med hø- jeste landings- værdi	Værdi fra 70 % areal med la- veste lan- dingsværdi	Værdi fra 70 % areal med hø- jeste landings- værdi	Total værdi af landinger fra bundsløbende redskaber
Kattegat	Atlantic and Mediterranean moderate energy infralittoral rock	0.00	0.00	0.00	0.00	0.00
	Sublittoral coarse sediment	0.19	0.19	0.19	0.19	0.19
	Sublittoral mixed sediments	0.04	6.71	0.96	7.63	7.67
	Sublittoral mud	1.02	50.43	15.42	64.83	65.85
	Sublittoral sand	0.10	8.46	1.35	9.70	9.80
	NA	0.00	0.04	0.01	0.05	0.05
Nordsøen	Atlantic and Mediterranean high energy circalittoral rock	0.00	0.01	0.00	0.01	0.01
	Atlantic and Mediterranean high energy infralittoral rock	0.00	0.00	0.00	0.00	0.00
	Atlantic and Mediterranean low energy circalittoral rock	0.00	0.00	0.00	0.01	0.01
	Deep-sea mud	0.02	0.08	0.02	0.08	0.11
	Sublittoral coarse sediment	0.29	23.77	3.39	26.88	27.16
	Sublittoral mixed sediments	0.03	3.52	0.59	4.08	4.10
	Sublittoral mud	1.67	74.87	18.01	91.21	92.88
	Sublittoral sand	5.38	388.64	59.90	443.16	448.54
	NA	0.06	2.03	0.92	2.89	2.95
Skagerrak	Atlantic and Mediterranean high energy circalittoral rock	0.02	0.02	0.02	0.02	0.02
	Atlantic and Mediterranean high energy infralittoral rock	0.02	0.93	0.24	1.15	1.18
	Atlantic and Mediterranean low energy circalittoral rock	0.00	0.00	0.01	0.01	0.01
	Atlantic and Mediterranean low energy infralittoral rock	0.00	0.00	0.00	0.00	0.00
	Atlantic and Mediterranean moderate energy circalittoral rock	0.00	0.01	0.01	0.02	0.02
	Deep-sea mud	1.97	29.48	14.04	41.56	43.53
	Deep-sea muddy sand	0.01	1.24	0.46	1.69	1.70
	Sublittoral mixed sediments	0.05	5.08	1.34	6.36	6.41
	Sublittoral mud	0.82	94.59	16.85	110.62	111.44
	Sublittoral sand	1.73	119.25	30.23	147.75	149.48
	NA	0.00	0.38	0.03	0.41	0.41
	Østersøen og Bælthavet (SD22- 26)	Sublittoral coarse sediment	0.01	0.38	0.05	0.42
Sublittoral mixed sediments		0.13	10.25	1.57	11.69	11.82
Sublittoral mud		1.44	61.99	16.62	77.10	78.53
Sublittoral sand		0.18	18.62	2.11	20.55	20.72
NA		0.02	3.64	0.14	3.77	3.79

**Tabel 4: Værdi af landinger fra bundsløbende redskaber fra hhv. 30 % og 70 % af arealet med højeste og laveste landingsværdi pr. farvand og habitattype. Opdelte i værdien af konsum- og industrilandinger Opgjort i mio. kr.**

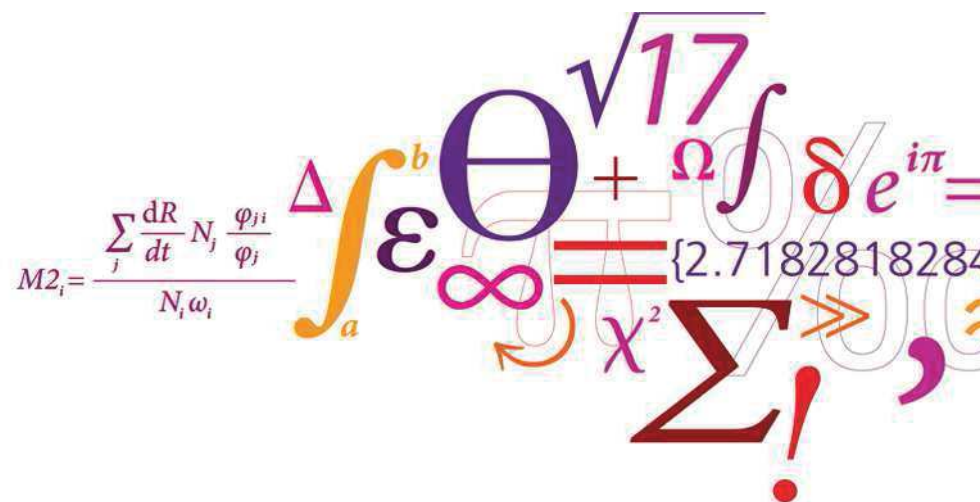
Industri/Konsum	Farvand	Habitat	Værdi fra 30 % areal med la- veste lan- dingsværdi	Værdi fra 30 % areal med hø- jeste landings- værdi	Værdi fra 70 % areal med la- veste lan- dingsværdi	Værdi fra 70 % areal med hø- jeste lan- dingsværdi	Total værdi af landinger fra bundsløbende redskaber	
Industri	Kattegat	Sublittoral mixed sediments	0.00	0.01	0.00	0.01	0.01	
		Sublittoral mud	0.09	1.15	0.58	1.63	1.73	
		Sublittoral sand	0.01	0.21	0.13	0.32	0.34	
	Nordsø	Sublittoral coarse sediment	0.27	15.73	2.37	17.83	18.10	
		Sublittoral mixed sediments	0.01	1.44	0.46	2.06	2.07	
		Sublittoral mud	1.84	31.67	14.13	43.95	45.79	
		Sublittoral sand	5.58	272.99	45.17	312.57	318.15	
	Skagerak	Atlantic and Mediterranean high energy infralittoral rock	0.01	0.11	0.04	0.14	0.15	
		Deep-sea mud	0.00	0.01	0.00	0.01	0.01	
		Sublittoral mixed sediments	0.01	0.11	0.11	0.21	0.22	
		Sublittoral mud	0.04	1.00	0.27	1.22	1.27	
		Sublittoral sand	0.05	3.19	0.44	3.57	3.62	
	Østersøen og Bæltha- vet (SD 22- 26)	Sublittoral coarse sediment	0.02	0.16	0.15	0.29	0.31	
		Sublittoral mixed sediments	0.01	0.17	0.02	0.18	0.19	
		Sublittoral mud	0.00	0.00	0.00	0.00	0.01	
		Sublittoral sand	0.01	0.88	0.20	1.07	1.08	
	Konsum	Kattegat	Atlantic and Mediterranean moderate energy infralittoral rock	0.00	0.00	0.00	0.00	0.00
			Sublittoral coarse sediment	0.19	0.19	0.19	0.19	0.19
			Sublittoral mixed sediments	0.04	6.63	1.04	7.63	7.66
Sublittoral mud			1.16	45.48	18.64	62.96	64.12	
Sublittoral sand			0.09	8.17	1.30	9.38	9.47	
NA			0.00	0.04	0.01	0.05	0.05	
Nordsø		Atlantic and Mediterranean high energy circalittoral rock	0.00	0.01	0.00	0.01	0.01	
		Atlantic and Mediterranean high energy infralittoral rock	0.00	0.00	0.00	0.00	0.00	
		Atlantic and Mediterranean low energy circalittoral rock	0.00	0.00	0.00	0.01	0.01	
		Deep-sea mud	0.02	0.08	0.02	0.08	0.11	
		Sublittoral coarse sediment	0.09	7.86	1.20	8.97	9.07	
		Sublittoral mixed sediments	0.02	1.75	0.27	2.01	2.03	
		Sublittoral mud	0.61	41.60	5.48	46.48	47.09	
		Sublittoral sand	1.31	113.64	16.75	129.08	130.39	
Skagerak		NA	0.06	2.03	0.92	2.89	2.95	
		Atlantic and Mediterranean high energy circalittoral rock	0.02	0.02	0.02	0.02	0.02	

	Atlantic and Mediterranean high energy infralittoral rock	0.02	0.71	0.31	1.01	1.02
	Atlantic and Mediterranean low energy circalittoral rock	0.00	0.00	0.01	0.01	0.01
	Atlantic and Mediterranean low energy infralittoral rock	0.00	0.00	0.00	0.00	0.00
	Atlantic and Mediterranean moderate energy circalittoral rock	0.00	0.01	0.01	0.02	0.02
	Deep-sea mud	2.22	29.09	14.43	41.30	43.52
	Deep-sea muddy sand	0.01	1.24	0.46	1.69	1.70
	Sublittoral mixed sediments	0.05	4.84	1.36	6.15	6.20
	Sublittoral mud	1.96	84.09	26.08	108.21	110.17
	Sublittoral sand	3.99	106.69	39.17	141.86	145.86
	NA	0.00	0.38	0.03	0.41	0.41
Østersøen og Bælthavet (SD 22-26)	Sublittoral coarse sediment	0.01	0.09	0.02	0.11	0.12
	Sublittoral mixed sediments	0.13	10.12	1.51	11.50	11.63
	Sublittoral mud	1.44	61.92	16.61	77.08	78.52
	Sublittoral sand	0.17	17.65	1.99	19.48	19.64
	NA	0.02	3.64	0.14	3.77	3.79

# HSD-analyse

Analyse af konsekvenser af reguleringsforslag om GES mhp. beskyttelse af bundhabitater i EU-farvande

Josefine Egekvist  
Jeppe Olsen



# Opgaven

- DTU Aqua er blevet anmodet om at undersøge dansk fiskeris udbredelse på de mest udbredte habitattyper i EU-farvande, for at analysere konsekvenser af reguleringsforslag om GES mhp. beskyttelse af bundhabitater i EU-farvande.
- Beregning af fangstværdierne i de 30 % mindst fiskede og 30 % mest fiskede område indenfor habitattyperne
- Analysen inkluderer også fangstværdierne i de 70% mindst fiskede og 70 % mest fiskede områder indenfor habitattyperne
- Der er enighed om at det er en overordnet analyse i første omgang, som kan suppleres med mere detaljerede analyser



## Datagrundlag

- En kombination af logbogs-, afregnings- og VMS data udgør datagrundlaget for fiskeriets udbredelse og estimering af værdien af landingerne. Data fra 2015 anvendes.
- Habitatkort fra BENTHIS projektet (EU-FP7), som er en sammenkobling af eksisterende habitatkortlægning, klassificeret til EUNIS level 3.

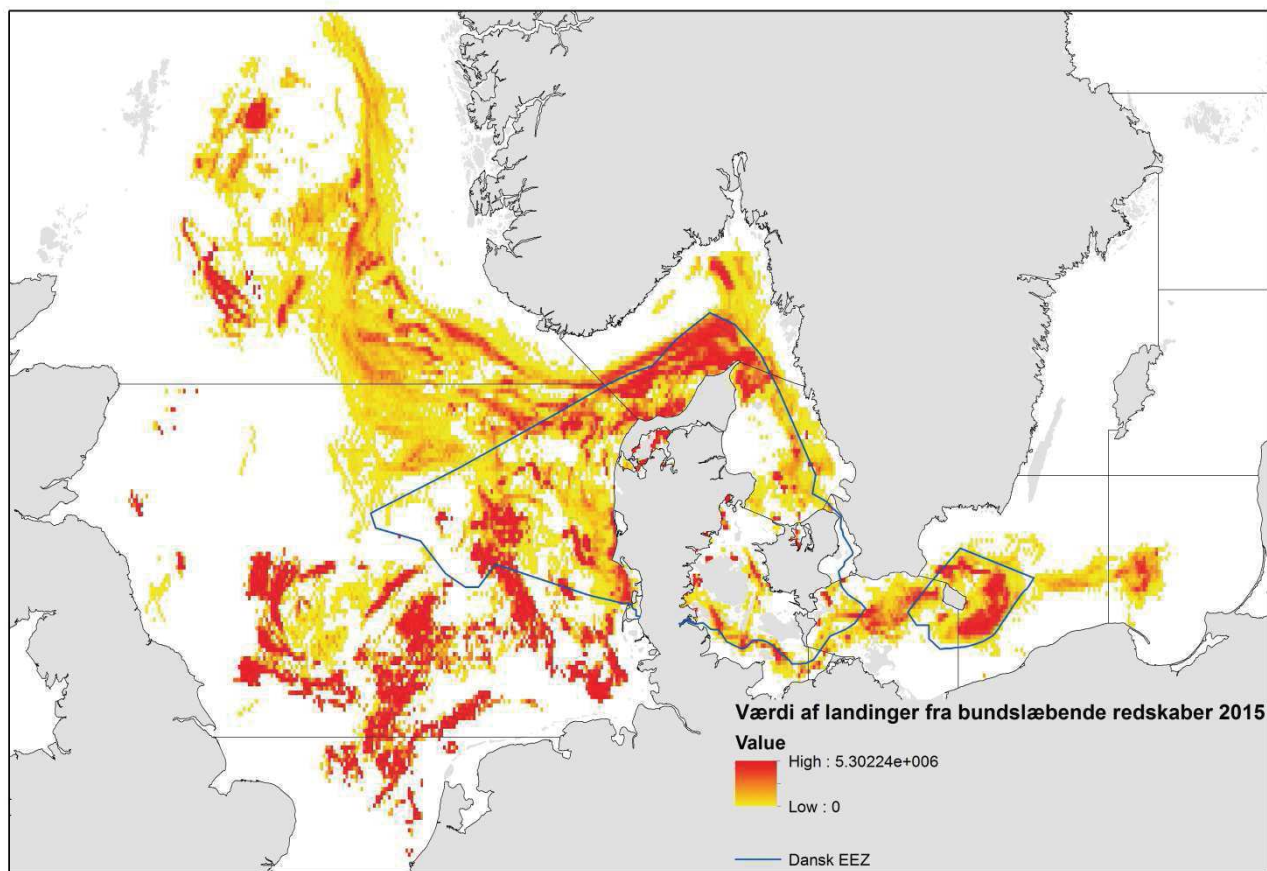
## Metode - Fiskeridata

- Afregningsdata (pr. tur) sammenkobles med logbogsdata (pr. dag), afregningsværdier fordeles i forhold til rapporterede fangster i logbøgerne
- Bundslæbende redskaber udvælges fra logbogsregistret
  - Muslingeskrabere (DRB, BMS, DRO, DRC)
  - Bundtrawl (OTB, OTT, PTB, TBN, TB)
  - Bomtrawl (TBB, TBS)
  - Snurrevod (SDN, SSC)
- VMS data (1 ping pr. time) kobles sammen med logbogs/afregningsdata og punkter hvor der antages fiskeriaktivitet identificeres ud fra fartøjets hastighed.
- Landingerne og værdien af landingerne pr. dag fordeles ud på de VMS punkter hvor der antages fiskeri.
- Aggregeres i c-squares (0.05\*0.05 decimalgrader) – svarer til 19.4 km<sup>2</sup> i den sydlige Nordsø og 14.5 km<sup>2</sup> i den nordlige Nordsø.

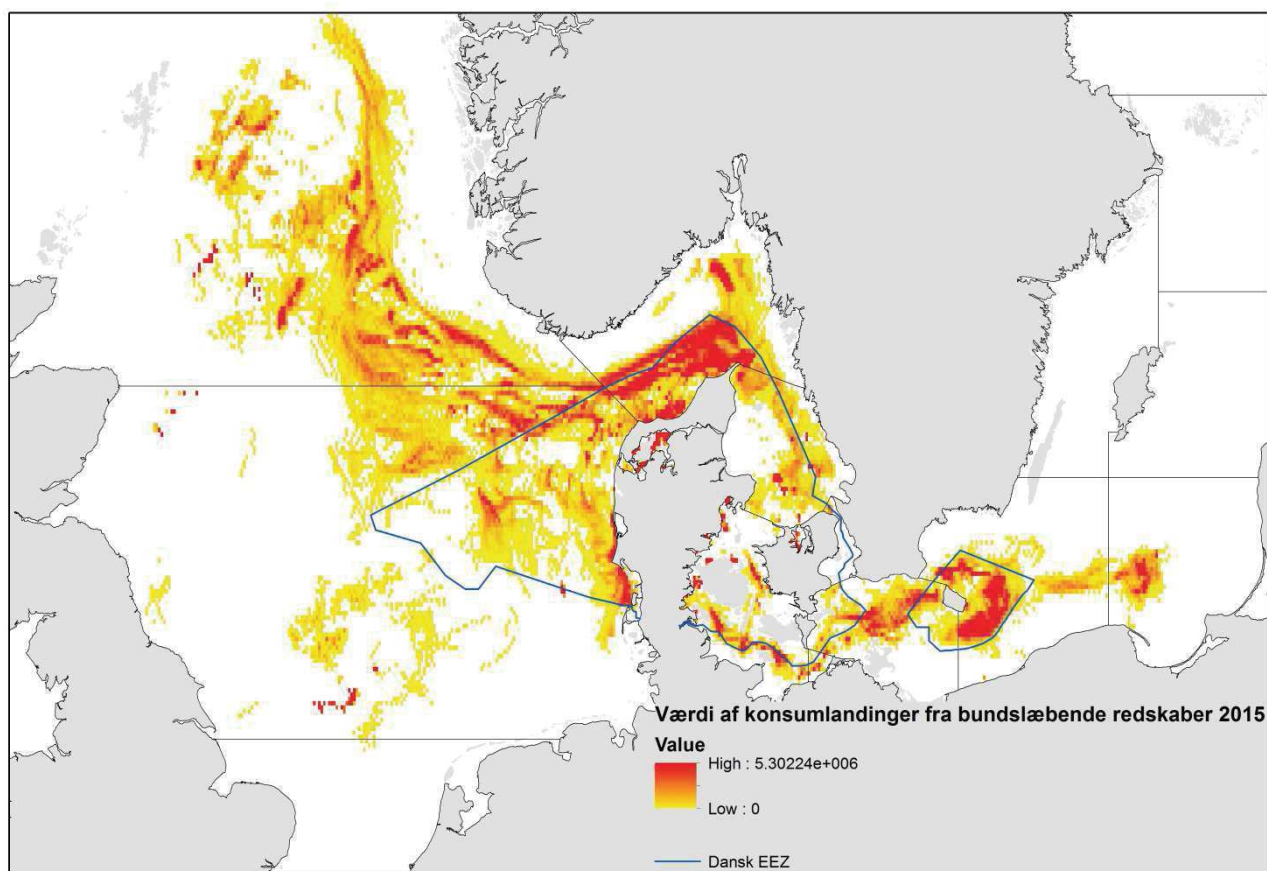
## Metode - Fiskeridata

- Værdien af landingerne rangordnes pr. farvand og habitat summeres for hhv:
  - 30 % af arealet med den laveste landingsværdi
  - 30 % af arealet med den højeste landingsværdi
  - 70 % af arealet med den laveste landingsværdi
  - 70 % af arealet med den højeste landingsværdi
- Dækker alt fiskeri med danske fartøjer, både inden for og uden for dansk EEZ
- Norsk EEZ er ikke inkluderet
- Medtager kun c-squares hvor der er registreret fiskeri (udelader 0-punkter)
- Opgøres på farvandene Nordsøen, Skagerrak, Kattegat samt Bælthavet og Østersøen (SD 22-26).
- Midpunktet af c-squares anvendes ved sammenkobling med habitattyper

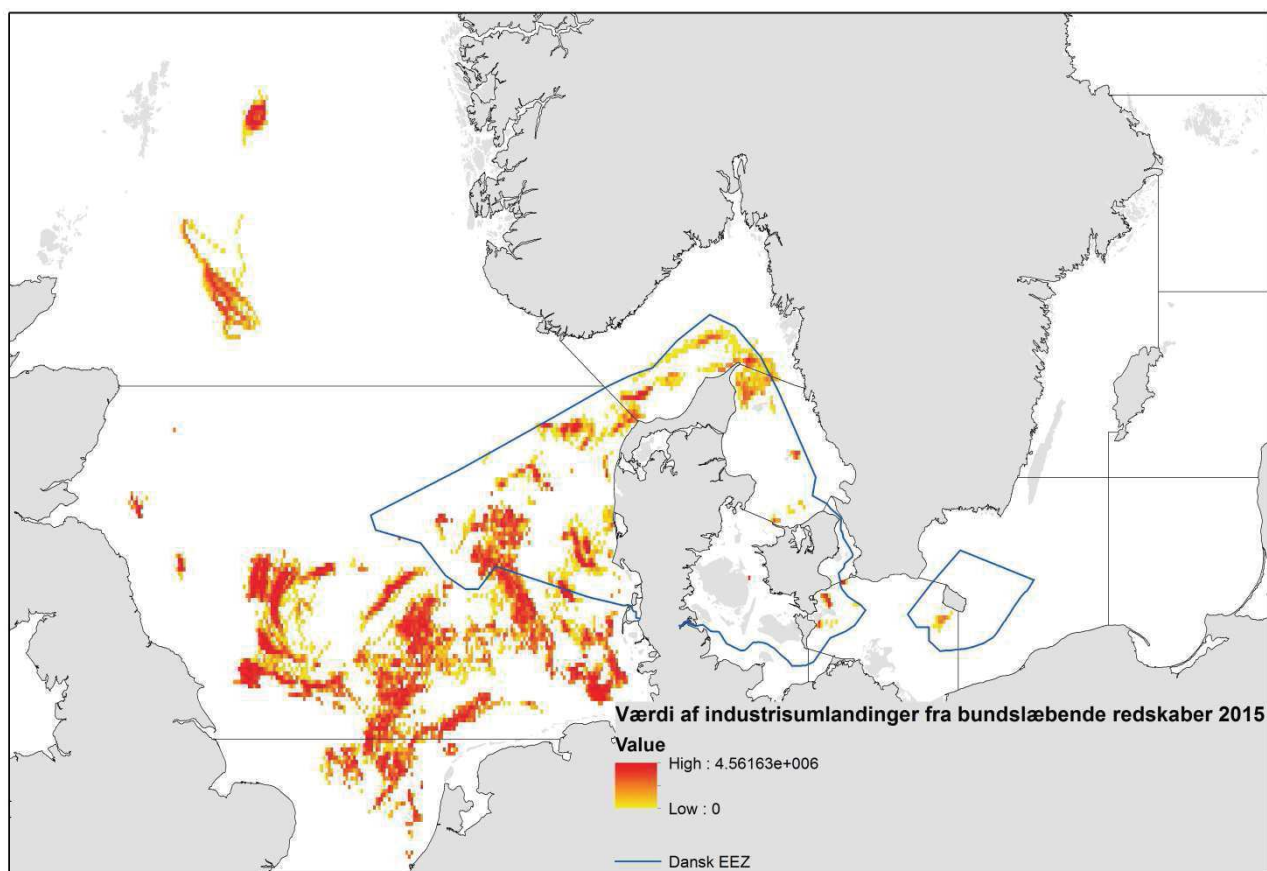
# Værdi af landinger fra bundslæbende redskaber 2015



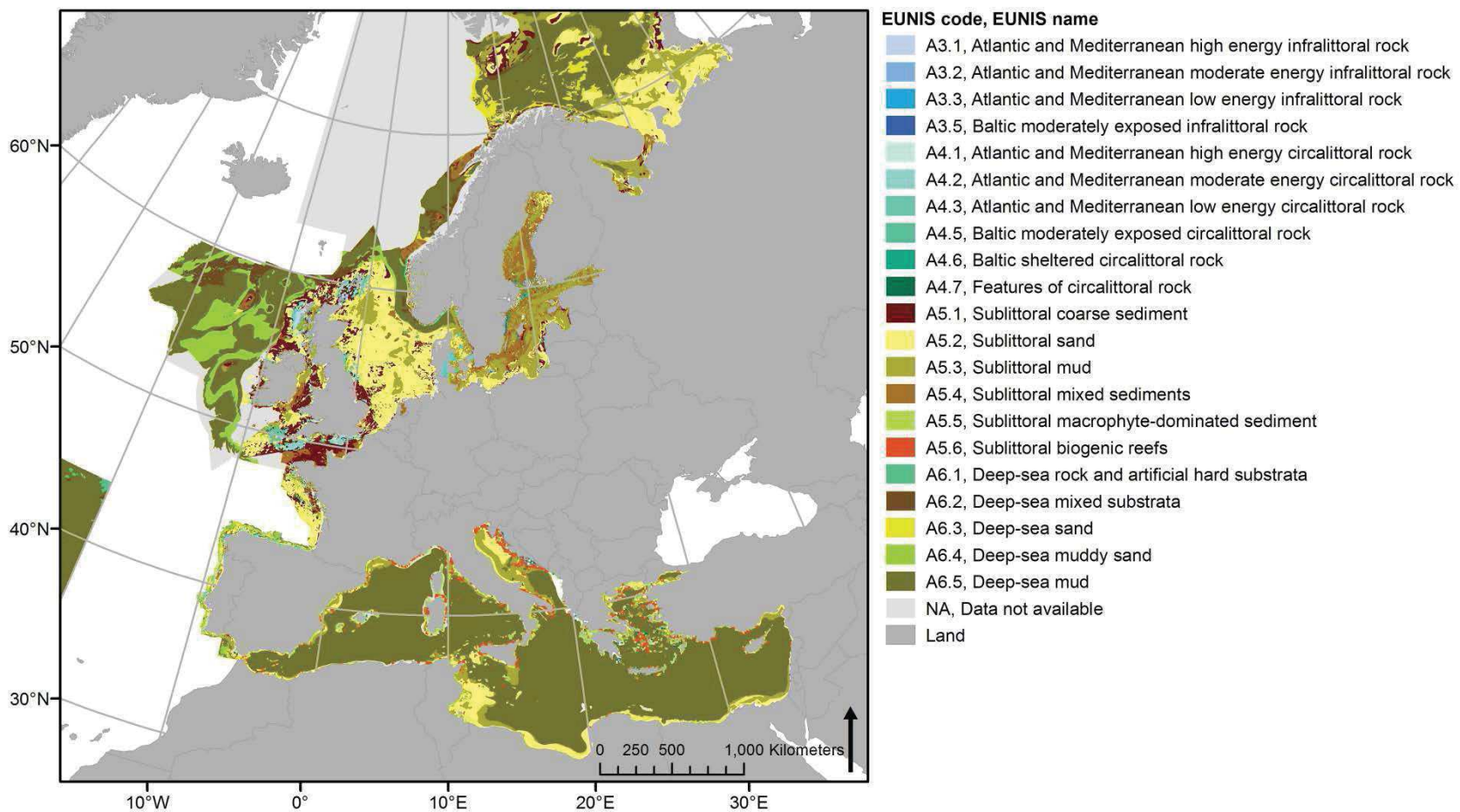
# Værdi af konsumlandinger fra bundsløbende redskaber 2015



# Værdi af industrilandinger fra bundsløbende redskaber 2015

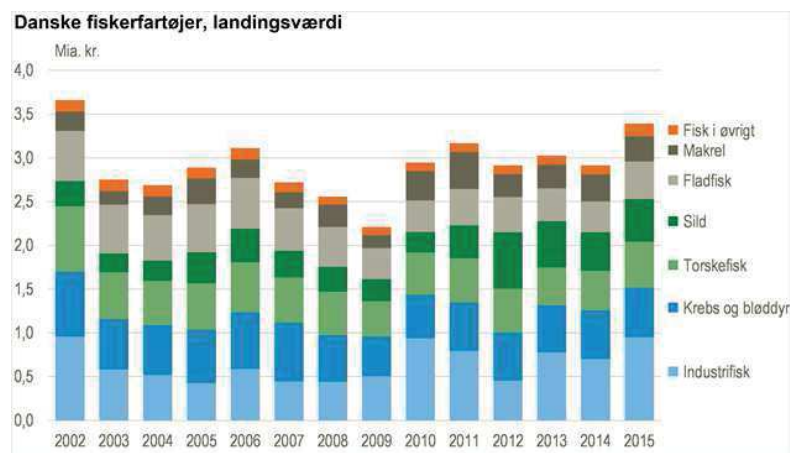
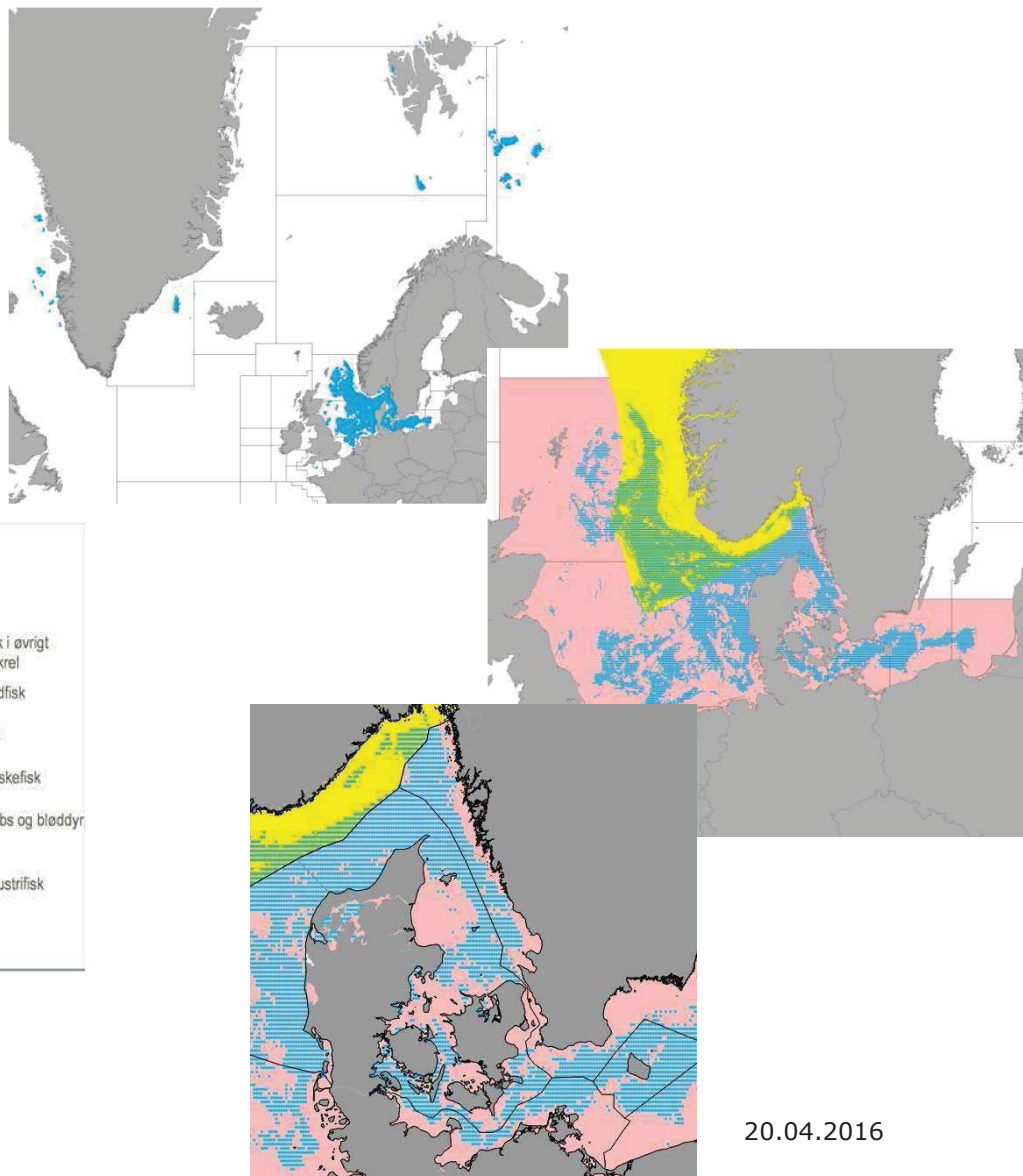


# Habitatkort



# Overblik over værdien af fangster

- Værdien af fiskeriet i 2015
  - I alt: ca. 3,5 mia.
  - Bundslæb: ca. 1,64 mia.
  - 4 Farvande: 1,49 mia.
  - Minus Norsk EEZ: ca. 1,09 mia.



Kilde: dst/dk



# Habitater

- Kornstørrelsen
  - Sedimenter: Mud, sand, coarse sediment, mixed sediment, Rock
- Dybder
  - Sublittoral zone ca. 0 – 200 m
    - Infra- and circa-littoral zone
  - Upper and lower Bathyal zone ca. 200 – 2000 m
    - Deep sea
- Forskel på Eu's og EUNIS' definitioner
  - Sublittoral: circalittoral & Infralittoral
  - Sediment / Sand, mud etc.
- Salinitet, Sigbarhed og Energipåvirkning

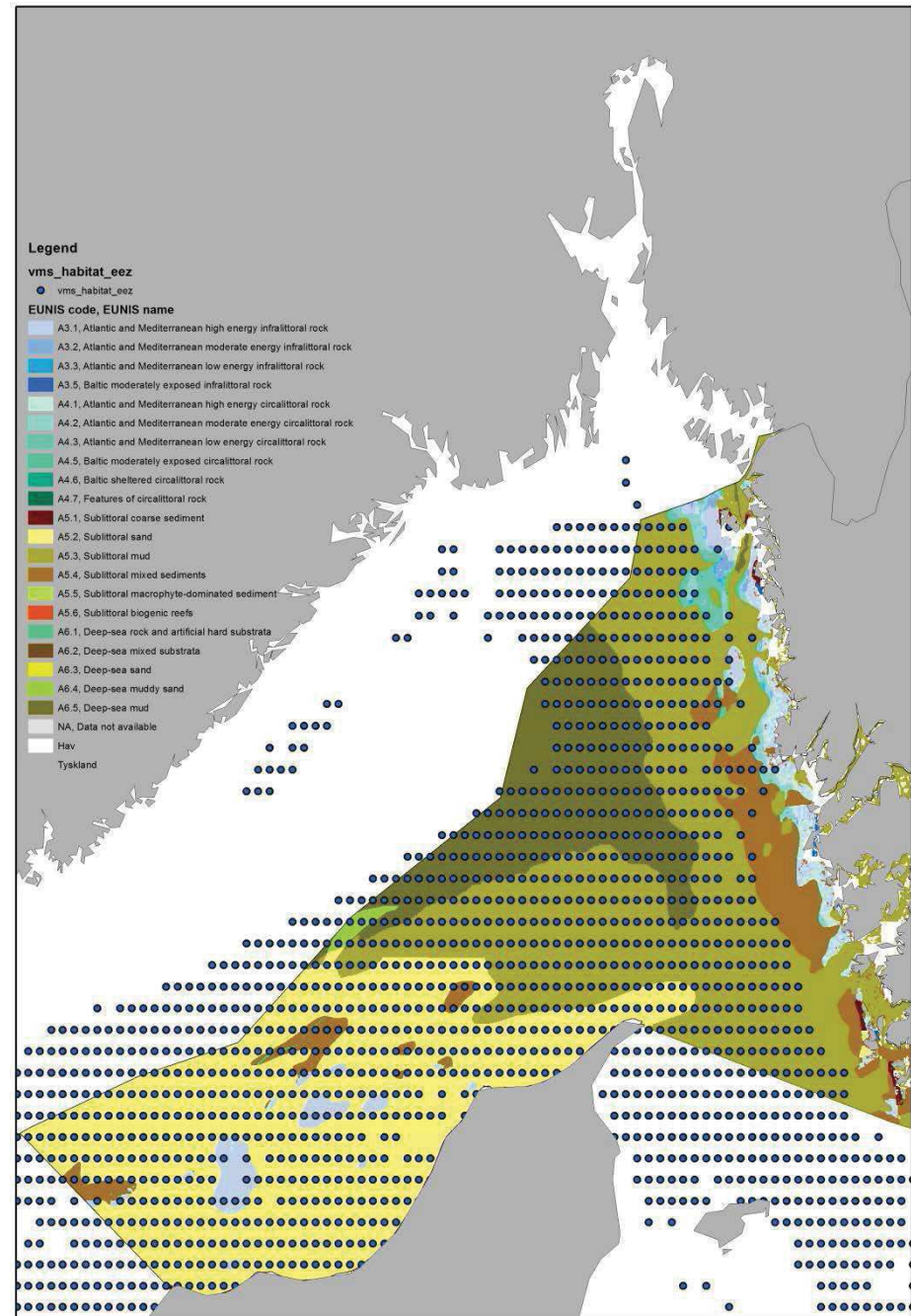
Broad habitat types
Littoral rock and biogenic reef
Littoral sediment
Infralittoral rock and biogenic reef
Infralittoral coarse sediment
Infralittoral sand
Infralittoral mud
Infralittoral mixed sediment
Circalittoral rock and biogenic reef
Circalittoral coarse sediment
Circalittoral sand
Circalittoral mud
Circalittoral mixed sediment
Upper bathyal <sup>o</sup> rock and biogenic reef
Upper bathyal sediment
Lower bathyal rock and biogenic reef
Lower bathyal sediment
Abyssal rock and biogenic reef
Abyssal sediment

Habitat	30% med laveste landingsværdi	30% med højeste landingsværdi	70% med laveste landingsværdi	70% med højeste landingsværdi	Total
Atlantic and Mediterranean high energy circalittoral rock	0.02	0.03	0.02	0.03	0.03
Atlantic and Mediterranean high energy infralittoral rock	0.02	0.93	0.25	1.16	1.18
Atlantic and Mediterranean low energy circalittoral rock	0.00	0.01	0.01	0.01	0.02
Atlantic and Mediterranean low energy infralittoral rock	0.00	0	0.00	0	0.00
Atlantic and Mediterranean moderate energy circalittoral rock	0.00	0.01	0.01	0.02	0.02
Atlantic and Mediterranean moderate energy infralittoral rock	0.00	0	0.00	0	0.00
Deep-sea mud	1.99	29.57	14.07	41.64	43.63
Deep-sea muddy sand	0.01	1.24	0.46	1.69	1.70
Sublittoral coarse sediment	0.48	24.34	3.63	27.49	27.78
Sublittoral mixed sediments	0.25	25.56	4.45	29.76	30.01
Sublittoral mud	4.94	281.88	66.89	343.77	348.70
Sublittoral sand	7.38	534.97	93.58	621.17	628.55
NA	0.08	6.09	1.11	7.12	7.20

# Skagerrak

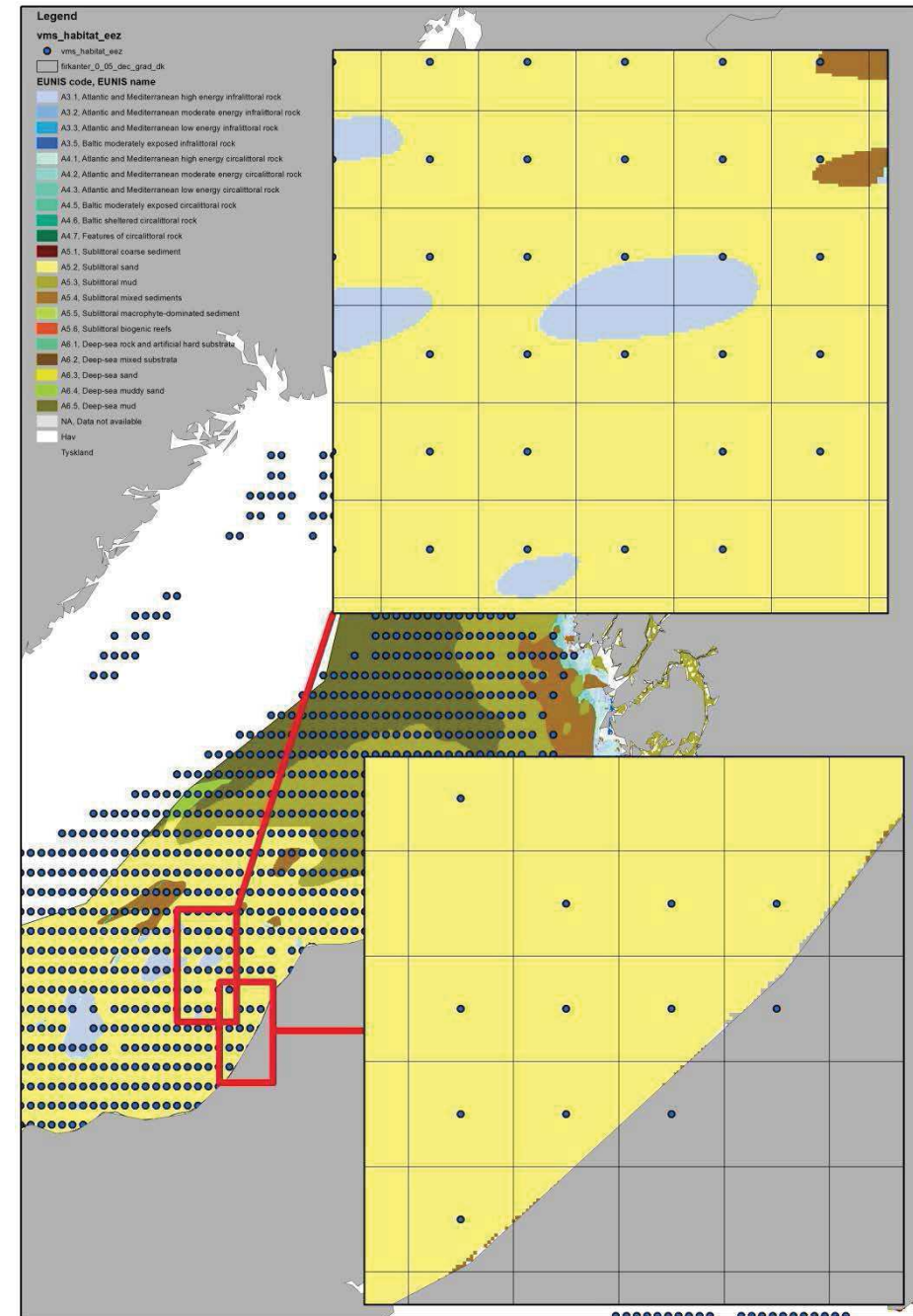
Habitat	Areal (km <sup>2</sup> )	Areal fisket med bundslæbende redskaber af danske fartøjer (km <sup>2</sup> )	Procentde l af arealet fisket med bundslæbende redskaber af danske fartøjer
Atlantic and Mediterranean high energy circalittoral rock	178	16	9.1
Atlantic and Mediterranean high energy infralittoral rock	722	332	46.0
Atlantic and Mediterranean low energy circalittoral rock	96	48	50.0
Atlantic and Mediterranean low energy infralittoral rock	16	16	100.0
Atlantic and Mediterranean moderate energy circalittoral rock	161	81	50.0
Atlantic and Mediterranean moderate energy infralittoral rock	113	0	0.0
Baltic moderately exposed infralittoral rock	16	0	0.0
Data not available	16	0	0.0
Deep-sea mud	2455	2277	92.7
Deep-sea muddy sand	49	49	100.0
Sublittoral coarse sediment	33	0	0.0
Sublittoral mixed sediments	1363	510	37.4
Sublittoral mud	6599	5409	82.0
Sublittoral sand	6474	6275	96.9
NA	1301	33	2.5

DTU Aqua, Danmarks Tekniske Universitet



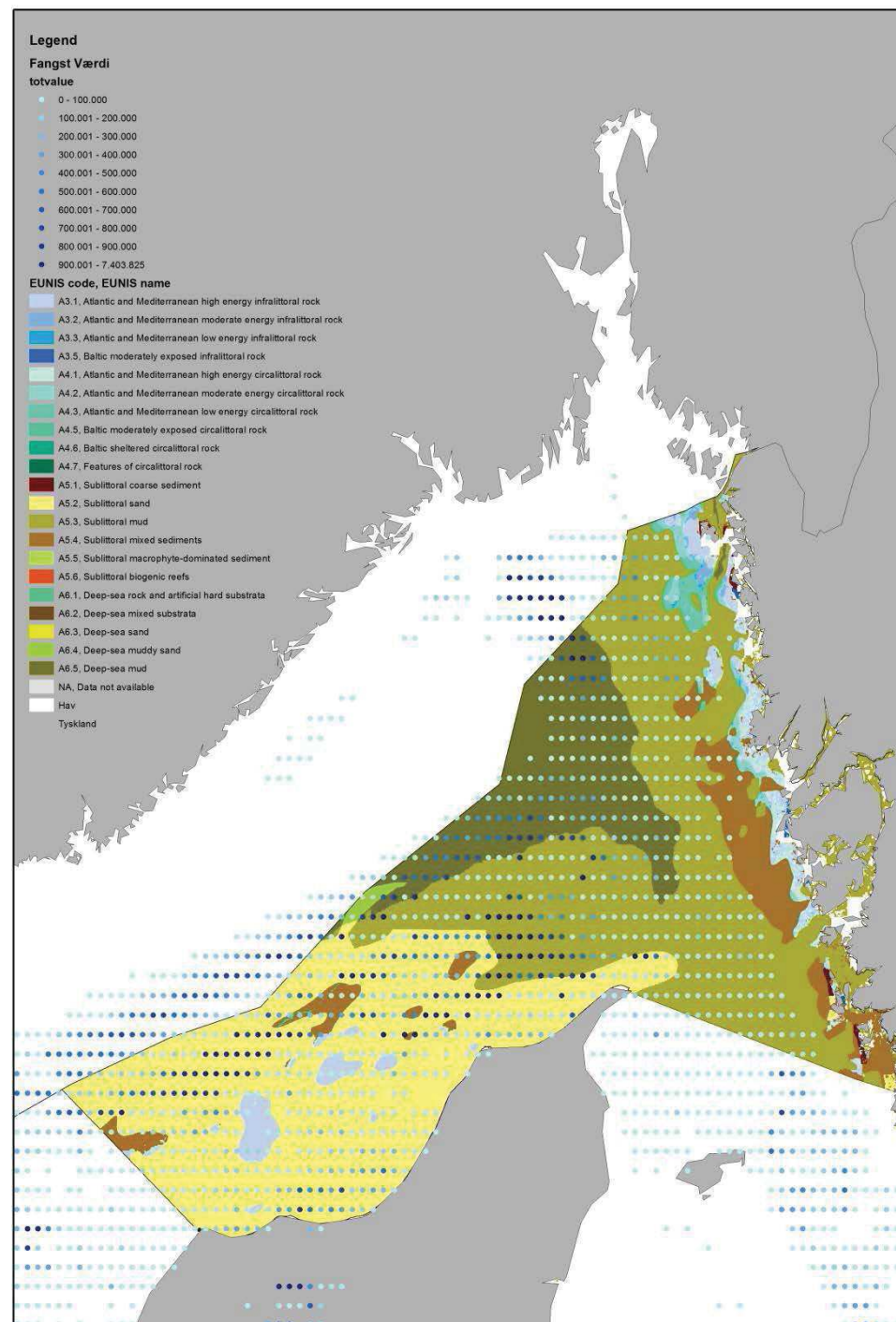
# Fiskeri på land og stenrev

- C-squares
  - Et kvadratisk område
  - Analysen tager udgangspunkt i c-squares midtpunkter
    - Kystnært fiskeri fremstår som NA ("På land")
    - Fiskeri tæt på stenrev fremstår som fiskeri PÅ stenrev



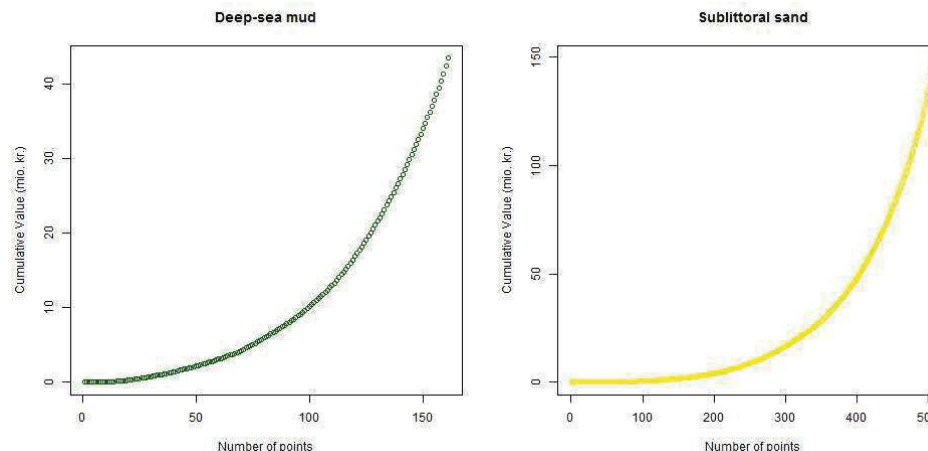
# Skagerrak

Habitat	Værdi fra 30 % areal med laveste landingsværdi	Værdi fra 30 % areal med højeste landingsværdi	Værdi fra 70 % areal med laveste landing sværdi	Værdi fra 70 % areal med højeste landing sværdi	Total værdi af landinger fra bundslæbende redskaber
Atlantic and Mediterranean high energy circalittoral rock	0.02	0.02	0.02	0.02	0.02
Atlantic and Mediterranean high energy infralittoral rock	0.02	0.93	0.24	1.15	1.18
Atlantic and Mediterranean low energy circalittoral rock	0.00	0.00	0.01	0.01	0.01
Atlantic and Mediterranean low energy infralittoral rock	0.00	0.00	0.00	0.00	0.00
Atlantic and Mediterranean moderate energy circalittoral rock	0.00	0.01	0.01	0.02	0.02
Deep-sea mud	1.97	29.48	14.04	41.56	43.53
Deep-sea muddy sand	0.01	1.24	0.46	1.69	1.70
Sublittoral mixed sediments	0.05	5.08	1.34	6.36	6.41
Sublittoral mud	0.82	94.59	16.85	110.62	111.44
Sublittoral sand	1.73	119.25	30.23	147.75	149.48
NA	0.00	0.38	0.03	0.41	0.41

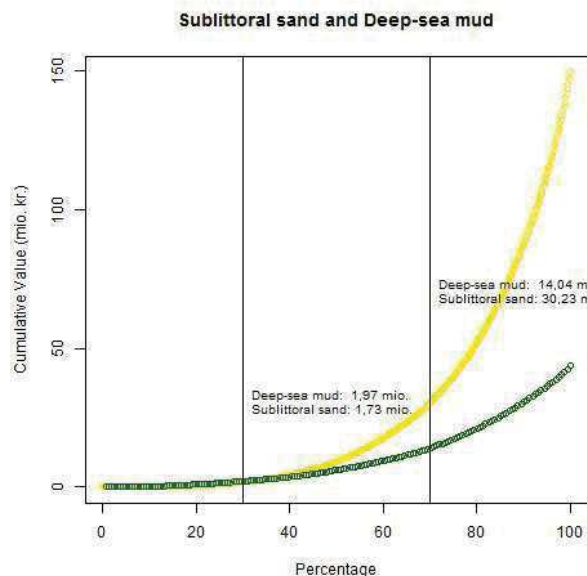


# Variation indenfor habitaterne

- Den kumulative værdi stiger med forskelligt tempo



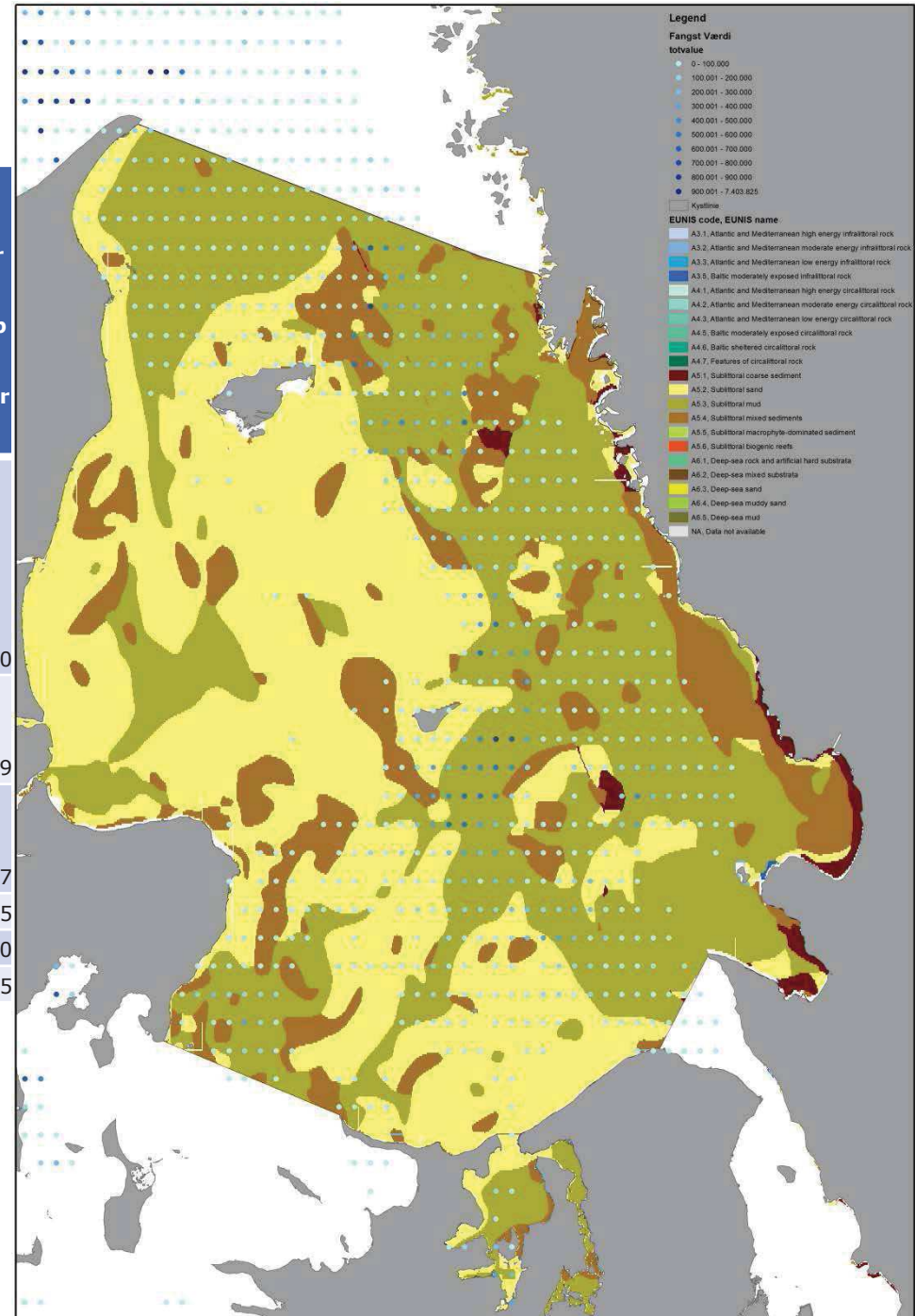
- Desto mere ens værdien af fangsten er i et habitat, jo større procent af den samlede værdi vil være indenfor de laveste 30%
- Jo mere præcise og jo flere habitater, jo dyrere



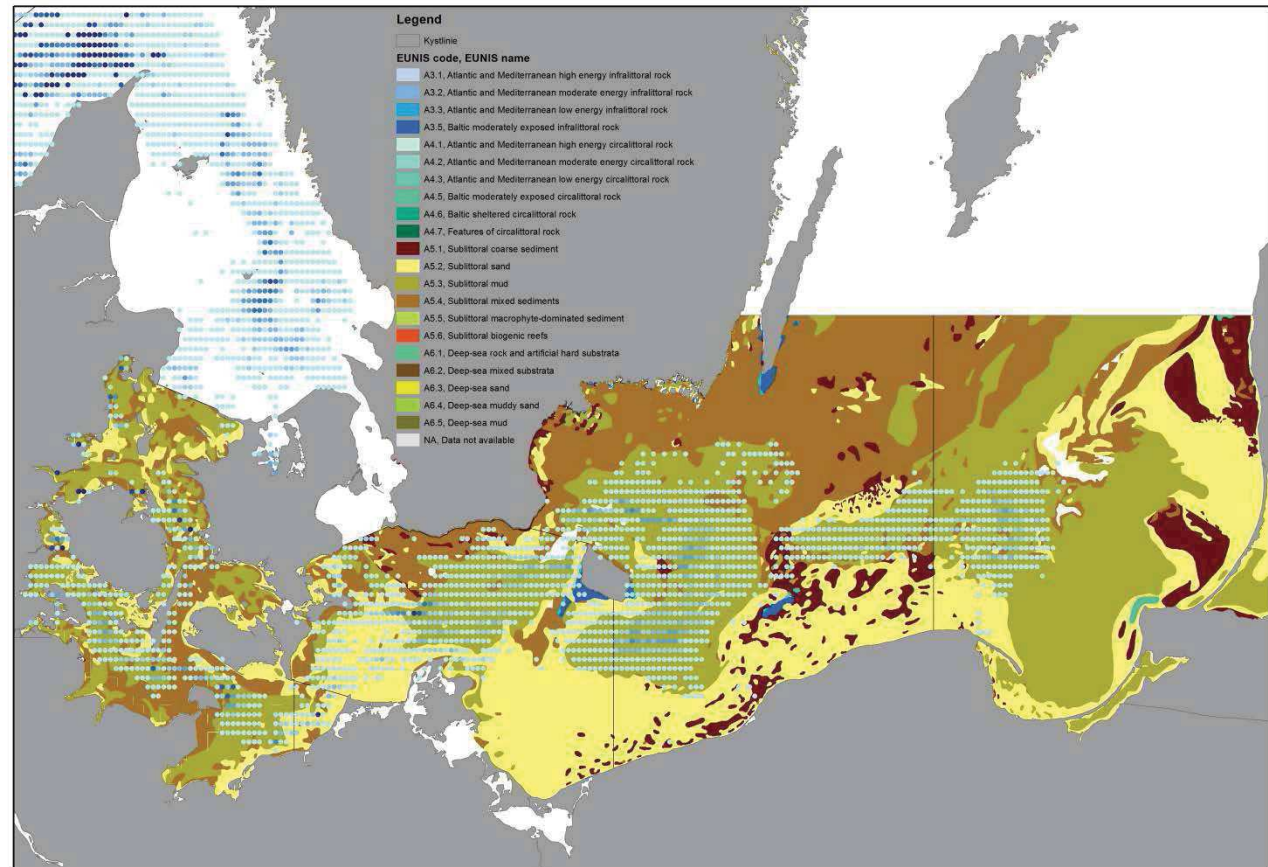
	Standard deviation
Sublittoral sand	0.39
Deep-sea mud	0.26

# Kattegat

Habitat	Værdi fra 30 % areal med laveste landingsværdi	Værdi fra 30 % areal med højeste landingsværdi	Værdi fra 70 % areal med laveste landingsværdi	Værdi fra 70 % areal med højeste landingsværdi	Total værdi af landinger fra bundslæbende redskaber
Atlantic and Mediterranean moderate energy infralittoral rock	0.00	0.00	0.00	0.00	0.00
Sublittoral coarse sediment	0.19	0.19	0.19	0.19	0.19
Sublittoral mixed sediments	0.04	6.71	0.96	7.63	7.67
Sublittoral mud	1.02	50.43	15.42	64.83	65.85
Sublittoral sand	0.10	8.46	1.35	9.70	9.80
NA	0.00	0.04	0.01	0.05	0.05



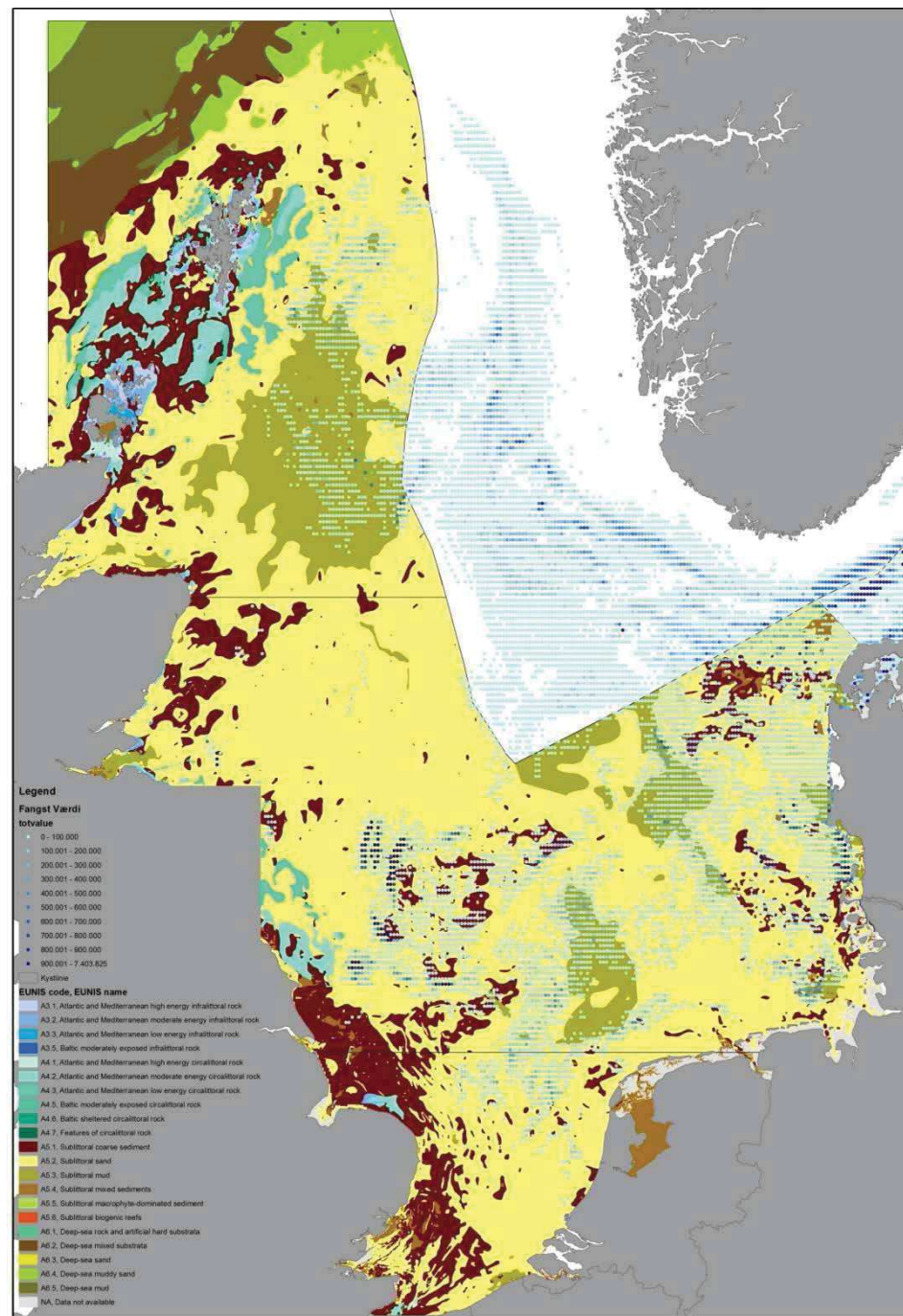
# Østersøen og Bælthavet



Habitat	Værdi fra 30 % areal med laveste landingsværdi	Værdi fra 30 % areal med højeste landingsværdi	Værdi fra 70 % areal med laveste landingsværdi	Værdi fra 70 % areal med højeste landingsværdi	Total værdi af landinger fra bundsløbende redskaber
Sublittoral coarse sediment	0.01	0.38	0.05	0.42	0.43
Sublittoral mixed sediments	0.13	10.25	1.57	11.69	11.82
Sublittoral mud	1.44	61.99	16.62	77.10	78.53
Sublittoral sand	0.18	18.62	2.11	20.55	20.72
NA	0.02	3.64	0.14	3.77	3.79

# Nordsøen

Habitat	Værdi fra 30 % areal med laveste landings værdi	Værdi fra 30 % areal med højeste landings værdi	Værdi fra 70 % areal med laveste landings værdi	Værdi fra 70 % areal med højeste landings værdi	Total værdi af landing er fra bundsl æbende redskaber
Atlantic and Mediterranean high energy circalittoral rock	0.00	0.01	0.00	0.01	0.01
Atlantic and Mediterranean high energy infralittoral rock	0.00	0.00	0.00	0.00	0.00
Atlantic and Mediterranean low energy circalittoral rock	0.00	0.00	0.00	0.01	0.01
Deep-sea mud	0.02	0.08	0.02	0.08	0.11
Sublittoral coarse sediment	0.29	23.77	3.39	26.88	27.16
Sublittoral mixed sediments	0.03	3.52	0.59	4.08	4.10
Sublittoral mud	1.67	74.87	18.01	91.21	92.88
Sublittoral sand	5.38	388.64	59.90	443.16	448.54
NA	0.06	2.03	0.92	2.89	2.95

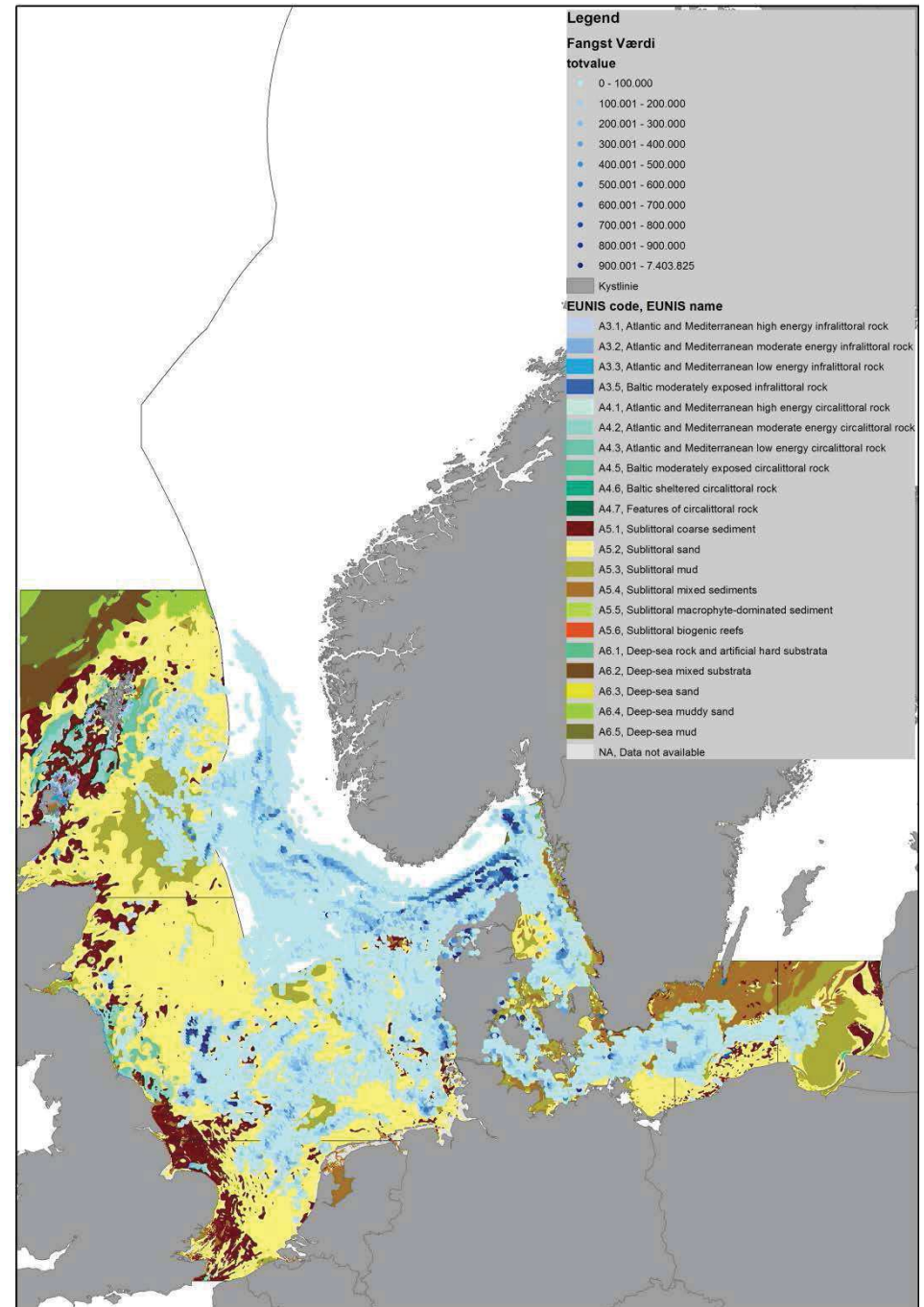




# Danmark

	30% med laveste landingsværdi	30% med højeste landingsværdi	70% med laveste landingsværdi	70% med højeste landingsværdi	Total
Kattegat	1.35	65.83	17.92	82.41	83.57
Nordsø	7.45	492.93	82.83	568.31	575.76
Skagerak	4.63	250.98	63.24	309.59	314.19
Østersø og Bælthavet	1.77	94.88	20.49	113.53	115.29
<b>Total</b>	<b>15.19</b>	<b>904.63</b>	<b>184.47</b>	<b>1073.85</b>	<b>1088.81</b>

- Den aktuelle værdi vil være et sted i mellem yderpunkterne
  - Det er meget svært at administrere fragmenterede områdelukninger
  - Marxan
- Den samlede værdi af landingerne i 2015





## Aktdetaljer

Den 1. februar 2017

### Akttitel: MSFD 70% closure issue Aktnummer:

Akt ID: 2764008  
Dato: 22-06-2016  
Type: Indgående  
Original titel: MSFD 70% closure issue  
Dokumenter: [1] MSFD 70% closure issue.msg



[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** MSFD 70% closure issue

Dear All,

I refer to your letter of 6th June about the review of the Good Environmental Status Decision (2010/477/EU) under the Marine Strategy Framework Directive (MSFD).

Please note that the normal channel for discussions between the Commission and Member States on this topic is of course the Marine Strategy Committee (Regulatory Committee with Scrutiny) but in view of the concerns raised in respect of the fishing sector I am pleased to inform you directly about the state of play.

DG Environment has recently distributed an amended text of the draft Decision for discussion in the Marine Strategy Committee ("Proposal for a Commission Decision on GES Criteria draft v4", Document CTTEE\_14-2016-03 of 14.06.2016, Marine Strategy Committee). This is still not a formal proposal of the Commission at this stage as the discussions are not yet finalised neither at the level of the Committee nor within the Commission.

This latest draft contains numerous changes that have been introduced after taking account of concerns raised by Member States. One of the concerns raised – which is also taken up in your letter – was the perception that 70% of area of marine habitats should not be impacted by human activity. In fact that was never the intent of the provision.

The drafting has been clarified and revised. The text under discussion does not create an obligation to restore seabeds to a pristine state, as it allows for the sustainable use of the marine environment as foreseen under the MSFD. It particularly aims to prevent any further loss of habitats. In accordance with MSFD requirements, Member States are responsible to determine 'Good Environmental Status' (GES) for their marine waters and to take the appropriate measures to meet this GES on time. If any adaptation of fishing practices envisaged by Member States in the measures they draw up under MSFD is needed to meet this condition, it is likely to be only small.

For further examination and detailed follow-up of this issue, we must refer the matter to the Marine Strategy Committee. Please rest assured, however, that DG MARE and DG ENV are in close contact and collaboration on this topic.

Yours sincerely,

João AGUIAR MACHADO  
Director General



European Commission  
DG Maritime Affairs and  
Fisheries (MARE)

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## Aktdetaljer

**Akttitel: MSFD Committee - Draft minutes of 13th meeting (19-20/05/16) - for comments by 24/6**

**Aktnummer:**

Akt ID: 2764009

Dato: 16-06-2016

Type: Indgående

Original titel: MSFD Committee - Draft minutes of 13th meeting (19-20/05/16) - for comments by 24/6

Dokumenter: [1] MSFD Committee - Draft minutes of 13th meeting (19-200516) - for comments by 246.msg

Den 1. februar 2017

**Til:** jan.busstra@minienm.nl (jan.busstra@minienm.nl), liam.butler@mepa.org.mt (liam.butler@mepa.org.mt), maraine.rizzo@mepa.org.mt (maraine.rizzo@mepa.org.mt), wim.van.urb@minienm.nl (wim.van.urb@minienm.nl), m.marciniewicz@gios.gov.pl (m.marciniewicz@gios.gov.pl), joanna.kopczynska@mos.gov.pl (joanna.kopczynska@mos.gov.pl), sandra.van.der.graaf@rws.nl (sandra.van.der.graaf@rws.nl), agne.lukoseviciene@am.lt (agne.lukoseviciene@am.lt), a.lukoseviciene@am.lt (a.lukoseviciene@am.lt), a.kniezaitogofmane@am.lt (a.kniezaitogofmane@am.lt), jean-paul.lickes@eau.etat.lu (jean-paul.lickes@eau.etat.lu), marine@mepa.org.mt (marine@mepa.org.mt), marine.director@mepa.org.mt (marine.director@mepa.org.mt), Helene.Margue@eau.etat.lu (Helene.Margue@eau.etat.lu), jmarques@dgrm.mamaot.pt (jmarques@dgrm.mamaot.pt), André Weidenhaupt (Andre.Weidenhaupt@mev.etat.lu), dominic.pattinson@defra.gsi.gov.uk (dominic.pattinson@defra.gsi.gov.uk), richard.moxon@defra.gsi.gov.uk (richard.moxon@defra.gsi.gov.uk), baiba.zasa@varam.gov.lv (baiba.zasa@varam.gov.lv), Lisbet Ølgaard (liobet@svana.dk), Ditte Mandøe Andreassen (diman@svana.dk), Poutanen Eeva-Liisa (eeva-liisa.poutanen@ymparisto.fi), Barbara.Breznik@gov.si (Barbara.Breznik@gov.si), otilia.mihail@mmediu.ro (otilia.mihail@mmediu.ro), asimao@dgrm.mam.gov.pt (asimao@dgrm.mam.gov.pt), sarrieta@magrama.es (sarrieta@magrama.es), Karin.Petterson@havoehvatten.se (Karin.Petterson@havoehvatten.se), tobias.porsbring@havoehvatten.se (tobias.porsbring@havoehvatten.se), appuyol@magrama.es (appuyol@magrama.es), juris.aigars@lhei.lv (juris.aigars@lhei.lv), ginimaria3@gmail.com (ginimaria3@gmail.com), atsik@bio.auth.gr (atsik@bio.auth.gr), j.ganoulis@prv.ypeka.gr (j.ganoulis@prv.ypeka.gr), peter.kovacs@kvvm.gov.hu (peter.kovacs@kvvm.gov.hu), montanaro.oliviero@minambiente.it (montanaro.oliviero@minambiente.it), Roger.Harrington@environ.ie (Roger.Harrington@environ.ie), Richard.cronin@environ.ie (Richard.cronin@environ.ie), emilie.pleyber@developpement-durable.gouv.fr (emilie.pleyber@developpement-durable.gouv.fr), ludovic.schultz@developpement-durable.gouv.fr (ludovic.schultz@developpement-durable.gouv.fr), isabelle.terrier@developpement-durable.gouv.fr (isabelle.terrier@developpement-durable.gouv.fr), Jean-marie.Quemener@developpement-durable.gouv.fr (Jean-marie.Quemener@developpement-durable.gouv.fr), christine.wenzel@melur.landsh.de (christine.wenzel@melur.landsh.de), ingo.narberhaus@bmub.bund.de (ingo.narberhaus@bmub.bund.de), sophie-dorothee.duron@developpement-durable.gouv.fr (sophie-dorothee.duron@developpement-durable.gouv.fr), gianna.casazza@isprambiente.it (gianna.casazza@isprambiente.it), smichaelides@dfmr.moa.gov.cy (smichaelides@dfmr.moa.gov.cy), margyrou@dfmr.moa.gov.cy (margyrou@dfmr.moa.gov.cy), ivan.radic@mzoip.hr (ivan.radic@mzoip.hr), veronika.matuszna@mzp.cz (veronika.matuszna@mzp.cz), Maria.Laamanen@ymparisto.fi (Maria.Laamanen@ymparisto.fi), Agnes.Villmann@envir.ee (Agnes.Villmann@envir.ee), Rene.reisner@envir.ee (Rene.reisner@envir.ee), michael.kyramarios@environnement.belgique.be (michael.kyramarios@environnement.belgique.be), Ernst.Ueberreiter@lebensministerium.at (Ernst.Ueberreiter@lebensministerium.at), cecilia.silvestri@isprambiente.it (cecilia.silvestri@isprambiente.it), saskia.vangaever@milieu.belgie.be (saskia.vangaever@milieu.belgie.be), Barbara.Skevin-Ivosevic@mzoip.hr (Barbara.Skevin-Ivosevic@mzoip.hr), vroyachka@moew.government.bg (vroyachka@moew.government.bg), galia@moew.government.bg (galia@moew.government.bg)

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**Fra:** ENV-MARINE-ENVIRONMENT@ec.europa.eu (ENV-MARINE-ENVIRONMENT@ec.europa.eu)

**Titel:** MSFD Committee - Draft minutes of 13th meeting (19-20/05/16) - for comments by 24/6

**Sendt:** 16-06-2016 09:17:15

Dear members of the Marine Strategy Framework Directive Committee,  
(copy to Marine Directors and Environment attachés)

Please note that the draft minutes of the 13th Committee meeting of 19-20 May 2016 have now been uploaded on the



CIRCABC Marine Strategy site: <https://circabc.europa.eu/w/browse/6254377e-4c5a-4282-8cc4-706bf1540672>.

Could you please provide any proposed changes to the minutes as specific text proposals in track changes to [env-marine-environment@ec.europa.eu](mailto:env-marine-environment@ec.europa.eu) **by 24 June 2016**. Thank you in advance.

Kind regards,

*Annick de Lombaerde for ENV Marine Team  
European Commission  
Directorate General for Environment  
Unit ENV.C.2 "Marine Environment and Water Industry"  
[http://ec.europa.eu/environment/marine/index\\_en.htm](http://ec.europa.eu/environment/marine/index_en.htm)*



## Aktdetaljer

**Akttitel: MSFD Committee - Information for meeting of 29/06/16 + any remaining main point by 24/6 pl.**

**Aktnummer:**

Akt ID: 2764010

Dato: 15-06-2016

Type: Indgående

Original titel: MSFD Committee - Information for meeting of 29/06/16 + any remaining main point by 24/6 pl.

Dokumenter: [1] MSFD Committee - Information for meeting of 290616 + any remaining main point by 246 pl..msg

Den 1. februar 2017

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**Titel:** MSFD Committee - Information for meeting of 29/06/16 + any remaining main point by 24/6 pl.

**Sendt:** 15-06-2016 11:37:51

Dear members of the Marine Strategy Framework Directive Committee,  
(copy to Marine Directors and Environment attachés)

We would like to your attention that the meeting documents (CTTEE\_14-2016-04 and CTTEE\_14-2016-05) were uploaded on CIRCABC on 14 June (<https://circabc.europa.eu/w/browse/6254377e-4c5a-4282-8cc4-706bf1540672>).

In addition, an excel document describing how your comments on version 3 of the draft GES text and version 4 of the MSFD Annex III text were taken into account and the template for sending comments on the committee documents, were also uploaded on CIRCABC.

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**.

Kind regards,

*Annick de Lombaerde for ENV Marine Team*  
*European Commission*  
*Directorate General for Environment*  
*Unit ENV.C.2 "Marine Environment and Water Industry"*  
[http://ec.europa.eu/environment/marine/index\\_en.htm](http://ec.europa.eu/environment/marine/index_en.htm)



## Aktdetaljer

**Akttitel: Marine Strategy Framework Directive Committee - Invitation to meeting of 29/06/16 - Participation to be confirmed by 23/06**

**Aktnummer:**

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Dato: 13-06-2016

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Dokumenter:

- [1] Marine Strategy Framework Directive Committee - Invitation to meeting of 290616 - Participation to be confirmed by 2306.msg
- [2] 2735194\_Invitation.pdf
- [3] CTTEE\_14-2016-01\_Draft Agenda.doc
- [4] 2735194 Committee members.pdf
- [5] 5898895 Rules of procedures.pdf

Den 1. februar 2017

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**Fra:** ENV-MARINE-ENVIRONMENT@ec.europa.eu (ENV-MARINE-ENVIRONMENT@ec.europa.eu)

**Titel:** Marine Strategy Framework Directive Committee - Invitation to meeting of 29/06/16 - Participation to be confirmed by 23/06

**Sendt:** 13-06-2016 14:08:27

**Bilag:** 2735194\_Invitation.pdf; CTTEE\_14-2016-01\_Draft Agenda.doc; 2735194 Committee members.pdf; 5898895 Rules of procedures.pdf;

Dear members of the Marine Strategy Framework Directive Committee,  
(copy to Marine Directors and Environment attachés)

We are pleased to invite you to the 14<sup>th</sup> meeting of the Committee established under Article 25 of the Marine Strategy Framework Directive (2008/56/EC) that will take place in Brussels on **29<sup>th</sup> June 2016**. See the attached invitation for details.

The draft agenda for the meeting is enclosed and the meeting documents are under preparation and will soon be posted on the Comitology register as well as on the MSFD Committee restricted section of Circabc <https://circabc.europa.eu/w/browse/cfdcb7e1-ebf1-4b7f-8500-9d6b5ba593b8> (limited to Committee members and their alternates only). (NB should the link not lead you directly to the Committee page under the Marine Strategy section, try clicking on it again once you have logged in on Circabc).

For Member States that have not done so yet, we would kindly remind you that you should inform us, by means of an **official letter** from your country's permanent representation in the European Union, of the **names of the permanent and alternate representatives** of your country in the Committee before the next meeting (for your information the list of current Committee members is attached).

We would be grateful if you could **confirm your participation to this Committee meeting** to Giulia Marano (Giulia.MARANO@ec.europa.eu) **by Thursday 23 June** at the latest also providing your **date of birth and ID card/Passport number**. On the day of the meeting, please make also sure to **bring this invitation with you**.

Practical information about the reimbursement of travel expenses for 1 representative per Member State is being sent separately to Committee representatives.

Kind regards,

**Giulia MARANO**



**European Commission**

Directorate General for Environment

Unit C2: Marine Environment & Water Industry

B-1049 Brussels/Belgium



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

Brussels, **13 JUN 2016**  
ENV.C.2/DC/gm Ares(2016)

**FOR THE ATTENTION OF MEMBERS  
OF THE MARINE STRATEGY FRAMEWORK DIRECTIVE COMMITTEE**

**Subject: Invitation to the 14<sup>th</sup> meeting of the Committee established under Article 25 of Directive 2008/56/EC (Marine Strategy Framework Directive) – 29 June 2016 (Brussels)**

We are pleased to invite you to the **14<sup>th</sup> meeting of the Marine Strategy Framework Directive Committee**, which will take place in **Brussels on Wednesday 29<sup>th</sup> June from 09h to 17h30h**. The meeting will be held in the Conference Centre Albert Borschette (36, rue Froissart, B-1040 Brussels, room 2B).

The draft agenda is enclosed and the meeting documents are currently under preparation and will soon be posted on the comitology register (<http://ec.europa.eu/transparency/regcomitology/index.cfm>) as well as on the MSFD Committee CIRCABC site (restricted section of the Marine Strategy circabc site, limited to Committee members and their alternates only (<https://circabc.europa.eu/w/browse/cfdcb7e1-ebf1-4b7f-8500-9d6b5ba593b8>)).

For Member States that have not done so yet, we would kindly remind you that you should inform us by means of an official letter from your country's permanent representation in the European Union, of the names of the permanent and alternate representative of your country in the Committee before the next meeting. For your information the list of current Committee members is attached.

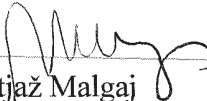
We would be grateful if you could **confirm your participation** to this meeting to Giulia Marano ([giulia.marano@ec.europa.eu](mailto:giulia.marano@ec.europa.eu)) **by Thursday 23<sup>rd</sup> June** at the latest also providing your **date of birth and ID card number**. We would like to stress that confirmation of participation is compulsory as we have to send the complete list of participants to the security service prior to the meeting. Please also make sure to bring this invitation with you on the day of the meeting.

The meeting will be held in English and participants are kindly requested to bring their own copies of the meeting documents.

The Commission will **reimburse the travel expenses of one representative per **Member State**** attending this meeting. Practical information concerning the arrangements for reimbursement is being sent separately.

Within the framework of this meeting, your personal data (name, address, etc.) will be registered according to article 2(b) of the Regulation EC 45/2001 (OJ N°18 L8 dated 12.01.2001, pages 1 to 22). Should you require further information or wish to exercise your rights (e.g. access or rectify data), please contact Giulia Marano ([giulia.marano@ec.europa.eu](mailto:giulia.marano@ec.europa.eu)).

Yours sincerely,



Matjaž Malgaj

Copy: Environmental Attachés of Permanent Representations; Marine Directors

Enclosures: Rules of Procedures  
Current list of Committee members and their alternates  
Draft agenda



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

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

**WEDNESDAY 29 JUNE 2016 (09:00 – 17:30)**

**Conference Centre Albert Borschette (CCAB) - Room 2B**  
**36, Rue Froissart - B-1040 Brussels**

**DRAFT AGENDA**

<b>Time</b>	<b>Item</b>	<b>Agenda item</b>	<b>Action</b>	<b>Report by</b>	<b>Document</b>
09:00	1	Welcome and introduction			
09:10	2	Adoption of the agenda	Adoption	COM	CTTEE_14-2016-01
09:15	3	Adoption of the minutes of the thirteen meeting of the Committee	Adoption	COM	CTTEE_14-2016-02
09:30	4	Review of Commission Decision 2010/477/EU on criteria and methodological standards for GES	Item for discussion	COM	CTTEE_14-2016-03
16:30	5	Review of MSFD Annex III	Item for discussion	COM	CTTEE_14-2016-04
17:00	6	Any other business	Items for information		
17:30	7	Close of the meeting			

Type	National code	Country	Organisation / Ministry	Last name	First name	Email	Registry Committee
MS	AT	Austria	Lebensministerium	Ueberreiter	Ernst	<a href="mailto:Ernst.Ueberreiter@lebensministerium.at">Ernst.Ueberreiter@lebensministerium.at</a>	P
MS	BE	Belgium	Belgian Federal Public Service - Health, Food Chain Safety and Environment	Kyramarios	Michael	<a href="mailto:michael.kyramarios@environnement.belgique.be">michael.kyramarios@environnement.belgique.be</a>	A
MS	BE	Belgium	Belgian Federal Public Service - Health, Food Chain Safety and Environment	Van Gaever	Saskia	<a href="mailto:saskia.vangaever@milieu.belgie.be">saskia.vangaever@milieu.belgie.be</a>	P
MS	BG	Bulgaria	Bulgarian Ministry of Environment and Water	Balusheva	Galina	<a href="mailto:galia@moew.government.bg">galia@moew.government.bg</a>	A
MS	BG	Bulgaria	Bulgarian Ministry of Environment and Water	Roiatchka	Violeta	<a href="mailto:vroyachka@moew.government.bg">vroyachka@moew.government.bg</a>	P
MS	HR	Croatia	Ministry of Environment and Nature Protection	Skevin Ivosevic	Barbara	<a href="mailto:Barbara.Skevin-Ivosevic@mzoip.hr">Barbara.Skevin-Ivosevic@mzoip.hr</a>	P
MS	HR	Croatia	Ministry of Environment and Nature Protection	Radic	Ivan	<a href="mailto:ivan.radic@mzoip.hr">ivan.radic@mzoip.hr</a>	A
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MS	EE	Estonia	Ministry of Environment of Estonia	Villmann	Agnes	<a href="mailto:Agnes.Villmann@envir.ee">Agnes.Villmann@envir.ee</a>	P
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Committee' Members (updated 10.06.2016)

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MS	PT	Portugal	Direcção-Geral de Recursos Naturais, Segurança e Serviços Marítimos (DGRM)	Simão	Ana Paula	<a href="mailto:asimao@dgrm.mam.gov.pt">asimao@dgrm.mam.gov.pt</a>	A
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MS	UK	United Kingdom	Department for Environment, Food and Rural Affairs	Pattinson	Dominic	<a href="mailto:dominic.pattinson@defra.gsi.gov.uk">dominic.pattinson@defra.gsi.gov.uk</a>	P



**RULES OF PROCEDURE  
FOR THE MARINE STRATEGY FRAMEWORK COMMITTEE  
(established under Article 25 of Directive 2008/56/EC)**

**[Version adopted by the MSFD Committee on 12 November 2013]**

**THE MARINE STRATEGY FRAMEWORK COMMITTEE (MSFD COMMITTEE)**

Having regard to the 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 environment policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular to its Article 25,

Having regard to Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>2</sup>, and in particular Article 9(1) thereof,

Having regard to the standard rules of procedure published by the Commission<sup>3</sup>,

**HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:**

*Article 1*

**Convening a meeting**

1. A meeting of the Committee shall be convened by its chair, either on his/her own initiative or at the request of a simple majority of members of the Committee.
2. In the case referred to in the second subparagraph of Article 3(5) of Regulation (EU) No 182/2011, where the written procedure is terminated without result, the chair shall convene a Committee meeting within a reasonable time.
3. Joint meetings of the Committee with other committees may be convened to discuss issues coming within their respective areas of responsibility.

*Article 2*

**Agenda**

1. The chair shall draw up the agenda and submit it to the Committee.

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<sup>1</sup> OJ L164, 25/06/2008, p. 19

<sup>2</sup> OJ L55 of 28.2.2011, p. 13

<sup>3</sup> OJ C206 of 12.7.2011, p. 11

2. The agenda shall make a distinction between:

(a) draft implementing acts to be adopted by the Commission on which the Committee is asked to give an opinion, in accordance with the procedure provided for in Article 24 (2) of Directive 2008/56/EC (examination procedure).

(b) other issues referred to the Committee for information or a simple exchange of views, either on the chair's initiative or at the written request of a member of the Committee.

### *Article 3*

#### **Documentation to be submitted to members of the Committee**

1. For the purpose of the second subparagraph of Article 3(3) of Regulation (EU) No 182/2011, the chair shall submit the invitation, the draft agenda and the draft implementing act on which the Committee is asked to give an opinion to the members of the Committee well in advance of the meeting, taking into account the urgency and complexity of the matter, and no later than 14 calendar days before the date of the meeting. Other documents related to the meeting, in particular documents accompanying the draft implementing act, shall, as far as possible, be submitted within the same time limit.

All documents shall be submitted in accordance with Article 12(2).

2. In duly justified cases, the chair may, on his/her own initiative or at the request of a member of the Committee, shorten the time limit for submission of documents referred to in paragraph 1. Except in cases of extreme urgency, the time limit shall not be shorter than five calendar days.

### *Article 4*

#### **Opinion of the Committee**

1. The Committee shall deliver its opinion on a draft implementing act within the time limit laid down by the chair in accordance with the second subparagraph of Article 3(3) of Regulation (EU) No 182/2011.

2. Where the Committee's opinion is required under the examination procedure, the outcome of the vote shall be decided by a qualified majority, in accordance with Article 5(1) of Regulation (EU) No 182/2011.

3. Unless a member of the Committee objects, the chair may, without proceeding to a formal vote, establish that the Committee has delivered a positive opinion, by consensus, on the draft implementing act.

4. The chair, in consultation with the members of the Committee, may, on his/her own initiative or at the request of a member of the Committee, postpone a vote until the end of the meeting or to a later meeting.

5. In accordance with the second subparagraph of Article 3(4) of Regulation (EU) No 182/2011, the chair shall endeavour to find solutions which command the widest possible support within the Committee. Before the vote, the chair shall inform the Committee of the manner in which the discussions and suggestions for amendments have been taken into account, in particular as regards those suggestions which have been largely supported within the Committee.

#### *Article 5*

#### **Representation**

1. Each Member State shall be considered to be one member of the Committee. Each member of the Committee shall decide on the composition of its delegation and inform the chair. With the chair's permission, the delegations may be accompanied by experts who are not part of the delegation.

2. Within a reasonable time and no later than five calendar days before the date of a Committee meeting, the following information shall be communicated to the chair:

(a) the composition of each delegation, except where such composition is already known to the chair;

(b) the names and functions of any experts accompanying the delegations and the reasons for which their presence is required.

If the chair does not object to the participation of an expert in advance of the Committee meeting, the permission referred to in paragraph 1 is considered to be granted.

3. The reimbursement of travel expenses by the Commission shall be paid in accordance with the applicable rules, subject to budgetary funds provided for this purpose.

4. A Member State delegation may represent a maximum of one other Member State. The Member State that is being represented shall inform the chair of this before the meeting, or, at the latest, before the vote.

## *Article 6*

### **Working groups**

1. The Committee may create working groups to examine particular issues. The working groups shall be chaired by a representative of the Commission.
2. The working groups shall report back to the Committee under the responsibility of their chair.

## *Article 7*

### **Third parties and experts**

1. The representatives of EEA EFTA states Iceland, Liechtenstein and Norway shall be invited to attend the meetings of the Committee, in accordance with article 100 of the Agreement on the European Economic Area<sup>4</sup>.
2. Representatives of acceding countries shall be invited to attend the meetings of the Committee as from the date of signature of the Treaty of Accession.
3. The chair may decide to invite representatives of other third parties or other experts to talk on particular matters, on his/her own initiative or at the request of a member of the Committee. However, a simple majority of the component members of the Committee may oppose their participation in the meeting.
4. Representatives of third parties and experts referred to in paragraphs 1, 2 and 3 shall not be present at and shall not participate in voting of the Committee.

## *Article 8*

### **Written procedure**

1. The chair may obtain the Committee's opinion by written procedure in accordance with Article 3(5) of Regulation (EU) No 182/2011. In particular, the chair may use the written procedure to obtain the Committee's opinion in cases where the draft implementing act has already been discussed during a Committee meeting.
2. The chair shall inform the members of the Committee of the outcome of a written procedure without delay, and no later than 14 calendar days after the expiry of the time limit.

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<sup>4</sup> OJ L1 of 03.01.1994, p. 572

## *Article 9*

### **Secretarial support**

The Commission shall provide secretarial support for the Committee and, if necessary, the working groups created pursuant to Article 6(1).

## *Article 10*

### **Minutes and summary record of meetings**

1. For the purpose of Article 3(6) of Regulation (EU) No 182/2011, the draft minutes of each meeting shall be drawn up under the responsibility of the chair. Committee members shall have the right to ask for their position to be recorded in the minutes. The chair shall send the draft minutes to the Committee members without delay and no later than one month after the meeting.

The members of the Committee shall send any comments they may have on the draft minutes to the chair in writing. If there is any disagreement, the matter shall be discussed by the Committee. If the disagreement persists, the relevant comments shall be annexed to the final minutes.

2. For the purpose of Article 10 of Regulation (EU) No 182/2011, the chair shall be responsible for drawing up a summary record briefly describing each item on the agenda and the results of the vote on any draft implementing act submitted to the Committee. The summary record shall not mention the individual position of the members in the Committee's discussions.

## *Article 11*

### **Attendance list and conflicts of interests**

1. At each meeting, the chair shall draw up an attendance list specifying the authorities and organisations to which the persons designated by the Member States to represent them belong.

2. At the beginning of each meeting, any person designated by the Member States, as well as experts who have been authorised by the chair to participate in the meeting in accordance with Article 5(1) and Article 7(3), and representatives of third parties who have been invited

to attend the meeting in accordance with Article 7, shall inform the chair of any conflict of interest with regard to a particular item on the agenda.

In the event of such a conflict of interest, the person concerned shall, at the request of the chair, withdraw from the meeting whilst the relevant items of the agenda are being dealt with.

## *Article 12*

### **Correspondence**

1. Correspondence relating to the Committee shall be submitted to the Commission, for the attention of the chair of the Committee.
2. Correspondence for members of the Committee shall be submitted to the Permanent Representations of the Member States, preferably by electronic means. Where a Permanent Representation indicates to the Commission a specific central electronic address for correspondence related to work of the committees, that address shall be used for correspondence. In addition, correspondence may be submitted directly to the persons designated by the Member State to represent them in the Committee.

## *Article 13*

### **Access to documents and confidentiality**

1. Requests for access to Committee documents shall be handled in accordance with Regulation (EC) No 1049/2001 of the European Parliament and of the Council<sup>5</sup>. It is for the Commission to take a decision on requests for access to those documents pursuant to its Rules of Procedure as amended by Decision 2001/937/EC, ECSC, Euratom<sup>6</sup>. If the request is addressed to a Member State that Member State shall apply Article 5 of Regulation (EC) No 1049/2001.
2. The Committee's discussions shall be confidential.
3. Documents submitted to members of the Committee, experts and representatives of third parties shall be confidential<sup>7</sup>, unless access is granted to those documents pursuant to paragraph 1 or they are otherwise made public by the Commission.

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<sup>5</sup> OJ L 145, 31.5.2001, p. 43

<sup>6</sup> OJ L345 of 29.12.2001, p. 94

<sup>7</sup> In accordance with Article 339 TFEU, '[t]he members of the institutions of the Union, the members of committees, and the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components'.

4. The members of the Committee, as well as experts and representatives of third parties, shall be required to respect the confidentiality obligations set out in this Article. The chair shall ensure that experts and representatives of third parties are made aware of the confidentiality requirements imposed upon them.

#### *Article 14*

##### **Protection of personal data**

The processing of personal data by the Committee and its working groups shall be in conformity with Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>8</sup>, under the responsibility of the chair acting as the controller, within the meaning of point (d) of Article 2 of that Regulation.

Done at Brussels,

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<sup>8</sup> OJ L8, 12.1.2001, p. 1



## Aktdetaljer

**Akttitel: SV: For agende item 1b: compressed headline document/NEW  
VERSION**

**Aktnummer:**

Akt ID: 2764012

Dato: 08-06-2016

Type: Indgående

Original titel: SV: For agende item 1b: compressed headline document/NEW VERSION

Dokumenter: [1] SV For agende item 1b compressed headline documentNEW VERSION.msg

Den 1. februar 2017



**Til:** ENV-MARINE-ENVIRONMENT@ec.europa.eu (ENV-MARINE-ENVIRONMENT@ec.europa.eu), 'Matjaz.MALGAJ@ec.europa.eu' (Matjaz.MALGAJ@ec.europa.eu (Matjaz.MALGAJ@ec.europa.eu))  
**Cc:** Giangreco Roberto (Giangreco.roberto@minambiente.it), Sartori Silvia (Sartori.Silvia@minambiente.it), Busstra, J.T. (Jan - DGRW (Jan.Busstra@minienm.nl), Braida Matteo (Braida.Matteo@minambiente.it), Stefano Bataloni (stefano.bataloni@isprambiente.it), Maggiore Anna Maria (Maggiore.Annamaria@minambiente.it), 'CASIER Maud - DGALN/DEB/CI' (maud.casier@developpement-durable.gouv.fr), Bonella Giulia (Bonella.Giulia@minambiente.it), Di Girolamo Irene (Digirolamo.irene@minambiente.it), Perez Puyol, Ainhoa (APPuyol@magrama.es), Richard Cronin - (DECLG (Richard.Cronin@environ.ie), Laamanen Maria (Maria.Laamanen@ym.fi), Ditte Mandøe Andreasen (diman@svana.dk), 'Montanaro Oliviero' (Montanaro.oliviero@minambiente.it), Arrieta Algarra, M.Sagrario (sarrieta@magrama.es), Ana Paula Simão (asimao@dgrm.mam.gov.pt), gheorghe constantin (gheorghe.constantin@mmediu.ro), Urk, W (Wim - DGRW (Wim.van.Urk@minienm.nl), Scarsbrook, Andrew (Defra (andrew.scarsbrook@DEFRA.GSI.GOV.UK), José Manuel Marques (jmarques@dgrm.mam.gov.pt), "Galia@moew.government.bg" (Galia@moew.government.bg ' (Galia@moew.government.bg), Niebeek, Gerrit (WVL (gerrit.niebeek@rws.nl), Graaf, Sandra van der (WVL (sandra.van.der.graaf@rws.nl), 'emilie.pleyber@developpement-durable.gouv.fr' (emilie.pleyber@developpement-durable.gouv.fr), 'Barbara.Breznik@gov.si' (Barbara.Breznik@gov.si), "'TERRIER Isabelle (Adjointe à la chef de bureau - DGALN/DEB/LM1'" (isabelle.terrier@developpement-durable.gouv.fr), Pattinson, Dominic (Defra (dominic.pattinson@DEFRA.GSI.GOV.UK), Moxon, Richard (Defra (Richard.Moxon@defra.gsi.gov.uk), Molen, D. van der (Diederik - DGRW (Diederik.vander.Molen@minienm.nl), Roger Harrington - (DECLG (Roger.Harrington@environ.ie), 'm.marciniewicz@gios.gov.pl' (m.marciniewicz@gios.gov.pl), 'QUEMENER Jean-Marie - DGALN/DEB/CI' (jean-marie.quemener@developpement-durable.gouv.fr), Graaf, Sandra van der (WVL (sandra.van.der.graaf@rws.nl), "ludovic.schultz@developpement-durable.gouv.fr" (ludovic.schultz@developpement-durable.gouv.fr) (ludovic.schultz@developpement-durable.gouv.fr) 'joanna.kopczynska@mos.gov.pl' (joanna.kopczynska@mos.gov.pl), Fabio.PIROTTA@ec.europa.eu (Fabio.PIROTTA@ec.europa.eu), 'liam.butler@mepa.org.mt' (liam.butler@mepa.org.mt), Diaz Dominguez, Laura (LDiaz@magrama.es)  
**Fra:** Lisbet Ølgaard (lioel@svana.dk)  
**Titel:** SV: For agende item 1b: compressed headline document/NEW VERSION  
**Sendt:** 08-06-2016 11:11:44

Dear Matjaz,

For your information - Denmark endorses the compressed headline document and recommends that it is disseminated among the Marine Directors.

We look forward to seeing you soon – probably later today?

Best regards

Lisbet

**Lisbet Ølgaard**

Head of Division I Nature Protection  
+45 72 54 48 88 | [lioel@nst.dk](mailto:lioel@nst.dk)

**Ministry of Environment and Food**

Nature Agency | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.nst.dk](http://www.nst.dk)

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**Fra:** Richard Cronin - (DECLG) [<mailto:Richard.Cronin@environ.ie>]

**Sendt:** 8. juni 2016 10:38

**Til:** 'Matjaz.MALGAJ@ec.europa.eu' (Matjaz.MALGAJ@ec.europa.eu); ENV-MARINE-ENVIRONMENT@ec.europa.eu

**Cc:** Ana Paula Simão; Scarsbrook, Andrew (Defra); Richard Cronin - (DECLG); Urk, W (Wim) - DGRW; Arrieta Algarra, M.Sagrario; Laamanen Maria; 'Montanaro Oliviero'; Ditte Mandøe Andreasen; "'TERRIER Isabelle (Adjointe à la chef de bureau) - DGALN/DEB/LM1'" ; 'Barbara.Breznik@gov.si'; Moxon, Richard (Defra); Pattinson, Dominic (Defra); 'emilie.pleyber@developpement-durable.gouv.fr'; "Galia@moew.government.bg" (Galia@moew.government.bg); José Manuel Marques; Graaf, Sandra van der (WVL); Niebeek, Gerrit (WVL); Molen, D. van der (Diederik) - DGRW; Fabio.PIROTTA@ec.europa.eu; 'joanna.kopczynska@mos.gov.pl'; Diaz Dominguez, Laura; 'liam.butler@mepa.org.mt'; Lisbet Ølgaard; "ludovic.schultz@developpement-durable.gouv.fr" (ludovic.schultz@developpement-durable.gouv.fr); 'm.marciniewicz@gios.gov.pl'; Roger Harrington - (DECLG); Graaf, Sandra van der (WVL); 'QUEMENER Jean-Marie - DGALN/DEB/CI'; 'CASIER Maud - DGALN/DEB/CI'; Maggiore Anna Maria; Di Girolamo Irene; Bonella Giulia; Stefano Bataloni; Sartori Silvia; Giangreco Roberto; Braida Matteo; Busstra, J.T. (Jan) - DGRW; Perez Puyol, Ainhoa; gheorghe constantin  
**Emne:** For agende item 1b: compressed headline document/NEW VERSION

Dear Matjaz,

In preparation of the Marine Directors tomorrow, agenda item 1b, GES decision, the 14 Member States who submitted the original headline document have updated the position paper. This follows on from our commitment to do so at our Article 25 Committee Meeting of 19<sup>th</sup> – 20<sup>th</sup> May 2016. On behalf of the group I now send it to you, so you can see this first. I am aware that this was offered to the Commission via the Dutch Presidency but it is better to come from one of the other member states.

On behalf of the 14 Member States we seek your commitment to disseminate this paper among all Marine Directors, with the aim to facilitate our discussion during the MD meeting.

Have a safe trip and see you tomorrow.

Regards

Richard

Richard Cronin  
Senior Adviser,

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Water and Marine Advisory Unit  
Department of Environment, Community and Local Government

Tel. +353 (0) 761 002 683  
Mob. +353 (0) 86 8349513  
Email. [richard.cronin@environ.ie](mailto:richard.cronin@environ.ie)

\*\*\*\*\*

Is faoi rún agus chun úsáide an té nó an aonán atá luaithe leis, a sheoltar an ríomhphost seo agus aon comhad atá nasctha leis. Má bhfuair tú an ríomhphost seo trí earráid, déan teagmháil le bhainisteoir an chórais.

Deimhnítear leis an bhfo-nóta seo freisin go bhfuil an teachtaireacht ríomhphoist seo scuabtha le bogearraí frithvíorais chun víorais ríomhaire a aimsiú.

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## Aktdetaljer

**Akttitel: Email from Ambassador Tom Hanney regarding Marine Strategy Framework Directive**

**Aktnummer:**

Akt ID: 2764013

Dato: 06-06-2016

Type: Indgående

Original titel: Email from Ambassador Tom Hanney regarding Marine Strategy Framework Directive

Dokumenter: [1] Email from Ambassador Tom Hanney regarding Marine Strategy Framework Directive.msg  
[2] MDFD letter 6 June 2016.doc  
[3] ATT00001.htm

Den 1. februar 2017

**Til:** Adam Billing (adbi@mfv.dk), Jesper Wulff Pedersen (jwp@mfv.dk), Ditte Mandøe Andreasen (diman@svana.dk), brrasm@naturerhverv.dk (brrasm@naturerhverv.dk), Kim Rægaard (Naturerhvervstyrelsen (kimrae@naturerhverv.dk), Anja Gadgård Boye (NaturErhvervstyrelsen (anbo@naturerhverv.dk), FYDIBOHF23SPDLT /CN=RECIPIENTS/CN=Lou2 (Louise Egeskov Østergaard (/O=SITEXCHANGE/OU=EXCHANGE ADMINISTRATIVE GROUP)  
**Fra:** Line Groth Rasmussen (linras@um.dk)  
**Titel:** Email from Ambassador Tom Hanney regarding Marine Strategy Framework Directive  
**Sendt:** 06-06-2016 18:22:24  
**Bilag:** MDFD letter 6 June 2016.doc; ATT00001.htm;

Kære alle,  
Her det afgæede brev.  
1000 tak,  
Line

---

**From:** [REDACTED]  
**Sent:** 06 June 2016 18:19  
**To:** [REDACTED]  
**Subject:** Fwd: Email from Ambassador Tom Hanney regarding Marine Strategy Framework Directive

Begin forwarded message:

**From:** [REDACTED] [Nuala.McNamee@dfa.ie](mailto:Nuala.McNamee@dfa.ie)  
**Date:** 6 Jun 2016 18:02:05 CEST  
**To:** "[Joao.AGUIAR-MACHADO@ec.europa.eu](mailto:Joao.AGUIAR-MACHADO@ec.europa.eu)" <[Joao.AGUIAR-MACHADO@ec.europa.eu](mailto:Joao.AGUIAR-MACHADO@ec.europa.eu)>  
**Cc:** [Fotini.Missailidou@ec.europa.eu](mailto:Fotini.Missailidou@ec.europa.eu), [Fotini.Missailidou@ec.europa.eu](mailto:Fotini.Missailidou@ec.europa.eu), [REDACTED], [Tom.Hanney@dfa.ie](mailto:Tom.Hanney@dfa.ie), [REDACTED], [Barry.Delany@dfa.ie](mailto:Barry.Delany@dfa.ie)  
**Subject:** Email from Ambassador Tom Hanney regarding Marine Strategy Framework Directive

Dear Director General

Please find attached a letter to you signed by the Deputy Permanent Representatives of [REDACTED] Denmark, [REDACTED] expressing concern about the potential implications on fishing activity of proposed amendments to the Marine Strategy Framework Directive. The Deputy Permanent Representatives are seeking assurances that with the active participation of DG Mare in the discussions on this file, the concerns of the Member States expressed in the letter will be fully taken into account in any future drafts of the relevant Decision.

Ambassador Tom Hanney  
Deputy Permanent Representative of Ireland to the EU

-----  
Attention:

This e-mail is privileged and confidential.  
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Any views or opinions presented are solely those of the author.

This email was scanned by Ironport and has been certified virus free with the pattern file currently in use.  
This however cannot guarantee that it does not contain malicious content.

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Tabhair aire:

Tá an r-phost seo faoi phribhléid agus faoi rún.

Mura tusa an duine a bhí beartaithe leis an teachtaireacht seo a fháil, scrios é le do thoil agus cuir an seoltóir ar an eolas.

Is leis an údar amháin aon dearcaí nó tuairimí a léirítear.

Scanadh an r-phost seo le Ironport agus deimhníodh go raibh sé saor ó víoras leis an bpatrúnchomhad atá in úsáid faoi láthair.

Ní féidir a ráthú leis seo áfach nach bhfuil ábhar mailíseach ann.

-----

**FROM THE DEPUTY PERMANENT REPRESENTATIVES OF [REDACTED]  
DENMARK, [REDACTED]  
[REDACTED] AND [REDACTED]**

6 June 2016

Dear Director General

We are writing to you to express our serious concerns with the current review of the Good Environmental Status (GES) Decision with regard to the Marine Strategy Framework Directive (MSFD). We appreciate that the primary responsibility for this file lies with DG Environment. However, as there are potentially significant implications for fisheries, we believe that it is important that we bring our concerns directly to your attention.

As you are aware, the Commission is currently drafting a revision of the GES Decision 2010/477/EU laying down criteria and methodological standards on GES and specifications and standardised methods for monitoring and assessment.

We all support the development of criteria for the descriptors under the MSFD to allow Member States to assess GES in a coordinated way. However, on the basis of the latest drafts, the Commission appears to be proceeding without due consideration for the serious concern expressed by Member States with regard to the criteria and threshold values which will potentially have a major influence on fishing activity.

A useful meeting with Ernesto Penas of your service was organised, the week before last, at DPR level to ensure DG MARE were fully involved in the process. This issue was also raised in the Fisheries Working Group where a large number of Member States expressed their collective frustration and concerns with the development of this file. It was considered especially important to have your Directorate's direct involvement in the considerations of these critical indicators' serious impact on Fisheries.

Several widely contested points have been retained in the latest text despite the fact that a large number of Member States have clearly and unambiguously, most recently at the Article 25 Committee meeting on 19 & 20 May, set out their specific concerns to the Commission.

An element of particular concern is Descriptor 1 'biodiversity' and Descriptor 6 'seafloor integrity'. The criteria and associated thresholds for assessment, which are not based on specific scientific advice or an impact study, suggest that at least 70% of the assessed habitats should not be impacted by human activity (in other words, closed to all human activity).

There are other serious issues of concern from a fisheries perspective, for example Descriptor 3 and its relationship to the MSY objective in the CFP, as your experts will no doubt confirm.

This is a matter of very serious concern to our Governments. Consequently, we are seeking assurances that further discussions between DG Mare and DG Environment will ensure that the fisheries dimension of this important Decision will be fully taken into account. We also stress the importance of observing Better Regulation principles in the preparation of the Decision, particularly the need for thorough impact assessment where provisions under consideration are likely to have a major impact on the fishing industry.

Yours sincerely

Ambassador Vibeke Pasternak JØRGENSEN  
Deputy Permanent Representative of  
Denmark to the EU

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## Aktdetaljer

Den 1. februar 2017

### Akttitel: Ambassadørbrev til DG MARE Aktnummer:

Akt ID: 2764014  
Dato: 06-06-2016  
Type: Indgående  
Original titel: Ambassadørbrev til DG MARE  
Dokumenter: [1] Ambassadørbrev til DG MARE.msg

**Til:** Line Groth Rasmussen (linras@um.dk)  
**Cc:** Lisbet Ølgaard (lioel@svana.dk), FYDIBOHF23SPDLT /CN=RECIPIENTS/CN=Lou2 (Louise Egeskov Østergaard (/O=SITEXCHANGE/OU=EXCHANGE ADMINISTRATIVE GROUP)  
**Fra:** Ditte Mandøe Andreassen (diman@svana.dk)  
**Titel:** Ambassadørbrev til DG MARE  
**Sendt:** 06-06-2016 08:49:06

Kære Line.

DEP har ikke bemærkninger til sagen, så NST vurderer, at du godt kan give Vibeke Pasternak besked om at underskrive brevet vedr. komitesagen om god miljøtilstand i havmiljøet.

Venlig hilsen

**Ditte Mandøe Andreassen**

Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | diman@nst.dk

**Miljø- og Fødevareministeriet**

Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | nst@nst.dk | 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 Fødevareministeriets 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)*



## Aktdetaljer

**Akttitel:** [Blå sag] NY SAG Orientering - brev til DG Mare om kriterier og metoder til vurdering af god miljøtilstand i havmiljøet

**Aktnummer:**

Akt ID: 2764015

Dato: 31-05-2016

Type: Indgående

Original titel: [Blå sag] NY SAG Orientering - brev til DG Mare om kriterier og metoder til vurdering af god miljøtilstand i havmiljøet

Dokumenter: [1] [Blå sag] NY SAG Orientering - brev til DG Mare om kriterier og metoder til vurdering af god miljøtilstand i havmiljøet.msg  
[2] Cover minister\_Ambassadør-brev.docx  
[3] Bilag 1 - Ambassadør-brev GES\_MSFD\_clean.doc  
[4] Bilag 2 - 2016\_05\_27 Compressed Headline Comments\_Rev 0\_DK-clean.docx (MEDTAGES IKKE)

Den 1. februar 2017

---

**Til:** MIM - Ministersager (ministersager@mfv.dk)

**Cc:** Kenneth Bo Jørgensen (kebjo@svana.dk), Ditte Mandøe Andreasen (diman@svana.dk), Lisbet Ølgaard (lioel@svana.dk), Thomas Skovgaard Mortensen (thsko@svana.dk), Kim Rægaard (Naturerhvervstyrelsen (kimrae@naturerhverv.dk), NST - Elektroniske ministersager (nstelekminsager@nst.dk), FYDIBOHF23SPDLT /CN=RECIPIENTS/CN=Lou2 (Louise Egeskov Østergaard (/O=SITEXCHANGE/OU=EXCHANGE ADMINISTRATIVE GROUP)

**Fra:** NST - Direktionen - Ministersager (msagnst@nst.dk)

**Titel:** [Blå sag] NY SAG Orientering - brev til DG Mare om kriterier og metoder til vurdering af god miljøtilstand i havmiljøet

**Sendt:** 31-05-2016 17:48:12

**Bilag:** Cover minister\_Ambassadør-brev.docx; Bilag 1 - Ambassadør-brev GES\_MSFD\_clean.doc; Bilag 2 - 2016\_05\_27 Compressed Headline Comments\_Rev 0\_DK-clean.docx;

[Cover minister\\_Ambassadør-brev.docx](#) [Bilag 1 - Ambassadør-brev GES\\_MSFD\\_clean.doc](#) [Bilag 2 - 2016\\_05\\_27 Compressed Headline Comments\\_Rev 0\\_DK-clean.docx](#)

COVER



Miljø- og  
Fødevareministeriet  
Naturstyrelsen

Til: afdelingschefen		DEP sagsnr.: Ny sag
Frist	Fællessag	Ref. DIMAN

Styrelses J. Nr.:	Styrelseschef	Direktion i styrelsen
NST-403-00013	LIOEL 31-05-2016	HACKA 31/5-2016

## Brev til Europa-Kommissionens generaldirektør for Maritime Anliggender og Fiskeri (DG MARE)

### Indstilling

- ./ Til afdelingschefens orientering vedlægges forslag til brev fra en række landes EU-ambassadører, herunder den danske, til generaldirektøren for DG Mare, hvor der udtrykkes bekymring i forhold til et forslag til kommissionsbeslutning om kriterier og metoder, der i regi af havdirektivet skal anvendes til at vurdere god miljøtilstand i havet.
- ./ Til departementets orientering vedlægges desuden Head Line Comments.

### Sagen kort inkl. politisk landskab

Kommissionen (DG ENVI) har med hjemmel i havstrategidirektivet fremlagt sit tredje udkast til ny afgørelse om, hvilke konkrete kriterier og metodiske standarder medlemslandene skal anvende, når de vurderer, om der er god miljøtilstand i havmiljøet. Dokumentet indeholder blandt andet et kriterie om, at maksimalt 30 % af havbunden (opgjort pr. naturtype) må være negativt påvirket. Det kan betyde, at op mod 70 % af hver habitattype skal beskyttes mod menneskelige påvirkninger, herunder fiskeri med bundtrawl. Dette kan få væsentlige konsekvenser for den danske fiskerisektor og afledte erhverv.

Flere lande (herunder [redacted] og Danmark) er meget bekymrede over dette kriterie og arbejder i forskriftkomitéen på at få det ud af forslaget. På trods af dette indgik kriteriet fortsat i Kommissionens tredje udkast til afgørelse. De danske og [redacted] EU-ambassadører afholdt derfor medio maj 2016 et møde med generaldirektøren for DG Mare, hvor de fremførte bekymringerne ift. dette kriterie. Den danske fiskeriattaché har samtidig foranlediget, at emnet er blevet drøftet på rådsarbejdsgruppemøde for fiskeri.

### Strategi og proces

Det findes formålstjenstligt at EU-ambassadørerne følger op på mødet med generaldirektøren for DG MARE ved at sende et brev (vedhæftet), der er underskrevet af flere lande med henblik på, at påvirke dialogen mellem DG'erne i Kommissionen. Forslaget til beslutning er udarbejdet af DG ENVI og har endnu ikke været i officiel høring i andre DG'er. [redacted] og på baggrund af bemærkninger fra de enkelte lande kan der i den endelige version fortsat blive foretaget mindre ændringer.

Kommissionens (DG ENVI) forslag forhandles i havstrategidirektivets forskriftkomité, som afholder sit næste møde den 29. juni 2016. Naturstyrelsen deltager i møderne. I den forbindelse har [redacted] forfattet et dokument med en række hovedoverskrifter, som der pt. foregår drøftelse om blandt de 14 lande, der er kritiske overfor forslaget. Udfordringen er at finde en tilpas blød tone, så et flertal kan støtte brevet, men samtidig at holde en så skarp tone, så de mest kritiske lande, herunder Danmark, føler sig dækket.

Der forventes afstemning i forskriftkomitéen ultimo september/primo oktober 2016. Inden afstemningen vil sagen blive forelagt Folketingets Europaudvalg og Miljø- og Fødevareudvalg. Europa-Parlamentet og Rådet vil få forelagt det endelige forslag til afgørelse som et led i forskriftproceduren med kontrol.

### Økonomi og finansiering

Det vurderes, at forslaget på en række områder vil medføre væsentlige administrative og økonomiske konsekvenser for erhvervslivet, særligt for fiskeriet og afledte erhverv, og staten.

**Pressestrategi**

Ikke relevant.

Dear João

We are writing to you to express our very serious concerns regarding the current review of the GES Decision with regard to the Marine Strategy Framework Directive. We appreciate that the primary responsibility for this file lies with DG Envi but as there are potentially significant detrimental implications for fisheries we feel that it is essential that we bring these concerns directly to your attention.

(Danish DPR) and I had a useful meeting with Ernesto Penas of your service last week and this issue was raised in the Fisheries Working Group where a large number of Member States expressed our collective frustration with the development of this file. We are all now writing to you as a follow up to that meeting and in reaction to the very limited intervention by the DG Mare representative at the Fisheries WG. That intervention fell far short of convincing us that this issue was a priority for DG Mare.

As you are aware, DG Envi are currently drafting a revision of the GES Decision 2010/477/EU laying down criteria and methodological standards on good environmental status (GES) and specifications and standardised methods for monitoring and assessment.

We all support the development of criteria of the descriptors under the MSFD to allow Member States to assess GES in a coordinated way. However, we have major concerns about the way that DG Envi are proceeding as the latest document includes criteria and threshold values which will potentially have a major influence on fishing activity.

These features have been retained in the latest text despite the fact that a large number of Member States have clearly and unambiguously, most recently at the Article 25 Committee meeting on 19 & 20 May, set out their specific concerns to the Commission.

The element of greatest concern is with regard to Descriptor 1 'biodiversity' and Descriptor 6 'seafloor integrity'. The criteria and associated thresholds for assessment, which are not based on specific scientific advice, suggest that 70% of the assessed habitats must not be impacted by human activity. In other words, 70% of a habitat could be closed to all human activity.

There are other serious issues of concern from a fisheries perspective, for example Descriptor 3 and its relationship to the MSY objective in the CFP, as your experts will no doubt confirm.

As it stands, this language in the latest text could have very serious implications for the fishing industry, not to mention all other legitimate and environmentally sustainable economic activity.

This is matter of very serious concern to our Governments and we are consequently seeking assurances that you share our concerns regarding the text as it stands and that you will bring these concerns to the attention of Commissioner Vella so that the appropriate amendments to the text can be made.

We look forward to hearing from you at your earliest convenience.

Yours sincerely



Denmark

██████████ Etc etc





## Aktdetaljer

**Akttitel: MSFD committee meeting of 19-20/05/16 - Comments on committee documents**

**Aktnummer:**

Akt ID: 2764020

Dato: 23-05-2016

Type: Indgående

Original titel: MSFD committee meeting of 19-20/05/16 - Comments on committee documents

Dokumenter: [1] MSFD committee meeting of 19-200516 - Comments on committee documents.msg

Den 1. februar 2017

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**Titel:** MSFD committee meeting of 19-20/05/16 - Comments on committee documents

**Sendt:** 23-05-2016 15:33:49

Dear Members of the MSFD Regulatory Committee,

As indicated at the Committee meeting we had last week, we have uploaded the commented versions of the discussed documents on CIRCABC (<https://circabc.europa.eu/w/browse/90b742e8-ebb0-4c57-9faf-fd48c0057aaf>).

Kindly note that these documents might not reflect all comments made at the meeting and that they are being shared for

information purposes only.

Kind regards,

*(Annick de Lombaerde for) ENV Marine Team*  
*European Commission*  
*Directorate General for Environment*  
*Unit ENV.C.2 "Marine Environment and Water Industry"*  
[http://ec.europa.eu/environment/marine/index\\_en.htm](http://ec.europa.eu/environment/marine/index_en.htm)



## Aktdetaljer

**Akttitel: Marine Strategy Framework Directive Committee - Information for meeting of 19-20/05/16**

**Aktnummer:**

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[2] MSFD\_GESDecisionAnnexIII\_TemplateForComments.xlsx  
[3] MSFD\_GESDecision\_v2\_AnnexIII\_v3\_allMScomments\_COMResponses.xls  
[4] Explanatory notes to GES Decision v3\_20160512\_CLEAN.docx

Den 1. februar 2017

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**Fra:** ENV-MARINE-ENVIRONMENT@ec.europa.eu (ENV-MARINE-ENVIRONMENT@ec.europa.eu)  
**Titel:** Marine Strategy Framework Directive Committee - Information for meeting of 19-20/05/16  
**Sendt:** 12-05-2016 09:52:46  
**Bilag:** MSFD\_GESDecisionAnnexIII\_TemplateForComments.xlsx;  
MSFD\_GESDecision\_v2\_AnnexIII\_v3\_allMScomments\_COMResponses.xls; Explanatory notes to GES Decision  
v3\_20160512\_CLEAN.docx;

Dear members of the Marine Strategy Framework Directive Committee,  
(copy to Marine Directors and Environment attachés)

We would like to bring to your attention that the meeting documents (CTTEE\_13-2016-03 and CTTEE\_13-2016-04) were uploaded on CIRCABC on 4 May.

We are in addition also attaching to this email:

- an explanatory non-paper explaining the rationale behind certain concepts that you will find in the revised text of the draft GES Decision proposal;
- an excel document describing how your comments on version 2 of the draft GES text and version 3 of the MSFD Annex III text were taken into account;
- the template for sending comments on the committee documents.

These documents have also been placed on CIRCABC for your convenience.

We kindly ask you to use this template for sending your comments, which we should receive by the **24<sup>th</sup> May 2016 at the very latest**. Given the envisaged date of the next committee meeting, late comments would not be taken into account.

Kind regards,

**Giulia MARANO**



**European Commission**

Directorate General for Environment  
Unit C2: Marine Environment & Water Industry  
B-1049 Brussels/Belgium

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**From:** ENV MARINE ENVIRONMENT

**Sent:** Thursday, April 28, 2016 4:20 PM

**To:** 'Ernst.Ueberreiter@lebensministerium.at'; 'michael.kyramarios@environnement.belgique.be'; 'saskia.vangaever@milieu.belgie.be'; 'galia@moew.government.bg'; 'vroyachka@moew.government.bg'; 'Barbara.Skevin-Ivosevic@mzoip.hr'; 'ivan.radic@mzoip.hr'; 'margyrou@dfmr.moa.gov.cy'; 'smichaelides@dfmr.moa.gov.cy'; 'veronika.matuszna@mzp.cz'; 'liloel@nst.dk'; 'diman@nst.dk'; 'Rene.reisner@envir.ee'; 'Agnes.Villmann@envir.ee'; 'saara.back@ymparisto.fi'; 'Maria.Laamanen@ymparisto.fi'; 'isabelle.terrier@developpement-durable.gouv.fr'; 'ludovic.schultz@developpement-durable.gouv.fr'; 'emilie.pleyber@developpement-durable.gouv.fr'; 'Jean-marie.Quemener@developpement-durable.gouv.fr'; 'sophie-dorothee.duron@developpement-durable.gouv.fr'; 'ingo.narberhaus@bmub.bund.de'; 'christine.wenzel@melur.landsh.de'; 'j.ganoulis@prv.ypeka.gr'; 'atsik@bio.auth.gr'; 'ginimaria3@gmail.com'; 'peter.kovacs@kvvm.gov.hu'; 'Richard.cronin@environ.ie'; 'Roger.Harrington@environ.ie'; 'montanaro.oliviero@minambiente.it'; 'gianna.casazza@isprambiente.it'; 'cecilia.silvestri@isprambiente.it'; 'baiba.zasa@varam.gov.lv'; 'juris.aigars@lhei.lv'; 'a.kniezaitė-gofmane@am.lt'; 'a.lukoseviciene@am.lt'; 'agne.lukoseviciene@am.lt'; 'jean-paul.lickes@eau.etat.lu'; 'Helene.Margue@eau.etat.lu'; 'andre.weidenhaupt@mev.etat.lu'; 'marine.director@mepa.org.mt'; 'marine@mepa.org.mt'; 'maraine.rizzo@mepa.org.mt'; 'liam.butler@mepa.org.mt'; 'jan.busstra@minienm.nl'; 'Wim.van.Urk@minienm.nl'; 'sandra.van.der.graaf@rws.nl'; 'joanna.kopczynska@mos.gov.pl'; 'm.marciniewicz@gios.gov.pl'; 'jmarques@dgrm.mamaot.pt'; 'asimao@dgrm.mam.gov.pt'; 'otilia.mihail@mmediu.ro'; 'Barbara.Breznik@gov.si'; 'sarrieta@magrama.es'; 'appuyol@magrama.es'; 'tobias.porsbring@havochvatten.se'; 'Karin.Pettersson@havochvatten.se'; 'richard.moxon@defra.gsi.gov.uk'; 'dominic.pattinson@defra.gsi.gov.uk'  
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Theophilou'; 'CZ Ms Eva Plocek Kubesova'; 'CZ Ms Salova (sec)'; 'CZ\_Ms Dagmar Zikova'; 'DE\_Mr Wolfgang Look'; 'DE\_MS Christine Wistuba'; 'DE\_Ms Jenny Wiechoczek'; 'DE\_Ms Luisa Roelke'; 'DK\_Mr Morten Thorsted'; 'DK\_Ms Annette Schneider Nielsen'; 'DK\_Ms Jane Pedersen'; 'DK\_Ms Lea Stoustrup Brandt'; 'DK\_Ms Maria Samuelsen'; 'EE\_Mr Aare Sirendi'; 'EE\_Mr Rauno REINBERG'; 'EE\_Ms Kersti Neeme (sec)'; 'EL Mr Petros Varelidis'; 'EL\_ Mr Nicholas Mantzaris'; 'EL\_Mr Ilias Mavroidis'; 'ES\_Mr Inigo Ascasibarr Zubizarreta'; 'ES\_Mr Miguel Castroviejo Bolivar'; 'ES\_Mr Sergio Alvarez Sanchez'; 'FI Ms Marika Paavilainen'; 'FI\_Mrs Marjo Nummelin'; 'FI\_Ms Aulikki Jurmu (sec)'; MORELLATO Gilles - FR (EBOLA TASK FORCE); 'FR\_Ms Aude Charrier'; 'FR\_Ms Marie Buchet'; 'HR\_ Bojan Lalic'; 'HR\_Ms Gordana Valcic'; 'HR\_Ms Ivna Vuksic'; 'HU\_Mr Balazs Gergely'; 'HU\_Mr Balazs Toth'; 'HU\_Mr Daniel Gether'; 'HU\_Ms Katalin fynvesi (sec)'; 'IE\_Mr Alex Hurley'; 'IE\_Mr Eamonn Kelly'; 'IE\_Mr Pat Fenton'; 'IE\_Ms Brid Doherty (sec)'; 'IT\_Ms Tania Venturelli'; 'LT\_ Ms Jurga Rabazauskaite Survile'; 'LT\_Ms Inga Semeskaite'; 'LU\_Mr Andre Weidenhaupt'; 'LU\_Mr Georges Gehl'; 'LU\_Mr Jean-Pierre Hoffmann'; 'LU\_Mr Nicolas Sinos'; 'LU\_Mr Ryan Shepherd'; 'LU\_Mr Tom Schram'; 'LU\_Ms Aude Stellman'; 'LU\_Ms Christophe Hansen'; 'LUX Env Attaché'; 'LV\_Mr Ingmars Freimanis (sec)'; 'LV\_Ms Anita Drondina'; 'LV\_Ms Evita Stanga'; 'LV\_Ms Linda Leja'; 'MT\_Mr Eward Vernon'; MT\_Ms Alexia Georgakopoulos; 'MT\_Ms Cheryl Micallef Borg'; 'NL\_Mr Bastiaan Hassing'; 'NL\_Mr Dieter Staat'; 'NL\_Mr Jeroen STEEGHS'; 'NL\_Mr Ruben Dekker'; 'NL\_Ms Mirjam Ten Have (sec)'; 'NL\_Ms Ronelle Kok'; 'PL\_Agnieska Pietras'; 'PL\_General mailbox'; 'PL\_Mr Adam Guibourge-Czetwertynski'; 'PL\_Mr Dariusz Dybka'; 'PL\_Ms Katarzyna Kot'; 'PT\_Mr Joao Jesus'; 'PT\_Ms Joana Balsemao'; 'PT\_Ms Manuela Guimaraes (sec)'; 'PT\_Ms Maria Teresa Goulao'; 'RO\_Ms Fulvia Cojocaru'; 'RO\_Ms Violeta Dragu'; 'SE\_Mr Martin Widstam'; 'SE\_Mr Per Hallstrom'; 'SE\_Ms Ida Edwertz'; 'SE\_Ms Johanna Nylander (sec)'; SI PERM REP; 'SI\_Ms Janja Pevec-Zivkovic'; 'SI\_Ms Stefanija Novak'; 'SK\_Mr Milan Zvara'; 'SK\_Mr Peter Beno'; 'SK\_Mr Robert Ruzicka'; 'SK\_Ms Katarina Butkowska'; 'UK Mr Paul Creary'; 'UK\_Mr Chris Miles'; 'UK\_Mr Jon Gorvett'; 'UK\_Mr Jonathan Robertson'; 'UK\_Mr Roland Moore'; 'UK\_Ms Ellen Leaver'; 'karl.schwaiger@lebensministerium.at'; 'michael.kyramarios@environnement.belgique.be'; 'bdvarna@bsbd.org'; 'y.dimitrov@bsbd.org'; 'marija.sculac@mzoip.hr'; 'margyrou@dfmr.moa.gov.cy'; 'pavel.puncochar@mze.cz'; 'josef.nistler@mzp.cz'; 'Hacka@nst.dk'; 'harry.liiv@envir.ee'; 'saara.back@ymparisto.fi'; 'francois.mitteault@developpement-durable.gouv.fr'; 'Heike.Imhoff@bmub.bund.de'; 'j.ganoulis@prv.ypeka.gr'; 'peter.kovacs@kvvm.gov.hu'; 'Roger.Harrington@environ.ie'; 'montanaro.oliviero@minambiente.it'; 'baiba.zasa@varam.gov.lv'; 'a.kniezaito-gofmane@am.lt'; 'jean-paul.lickes@eau.etat.lu'; 'marine.director@mepa.org.mt'; 'jan.busstra@minienm.nl'; 'kzgw@kzgw.gov.pl'; 'joanna.kopczynska@mos.gov.pl'; 'msequeira@dgrm.mam.gov.pt'; 'gheorghe.constantin@mmediu.ro'; 'leon.behin@gov.si'; 'vladimir.novak@enviro.gov.sk'; 'buzon-dgc@magrama.es'; 'stefan.berggren@gov.se'; 'gemma.harper@defra.gsi.gov.uk'; 'bdvarna@bsbd.org'; 'nevia.kruzic@mzoip.hr'; 'mmarcou@dfmr.moa.gov.cy'; 'anhlu@nst.dk'; 'VHM@NST.DK'; 'sebastien.flores@developpement-durable.gouv.fr'; 'Heike.Imhoff@bmub.bund.de'; 'alex.lascaratos@gmail.com'; 'Massimo.dalu@isprambiente.it'; 'erika.magaletti@isprambiente.it'; 'Sartori.silvia@minambiente.it'; 'edward.vernon@gov.mt'; 'Wini.Broadbelt@minienm.nl'; 'przemyslaw.gruszecki@kzgw.gov.pl'; 'andrzej.podscianski@kzgw.gov.pl'; 'vladimir.novak@enviro.gov.sk'; 'Gunilla.Ejdung@havochovatten.se'; 'anna.donald@scotland.gsi.gov.uk'; CHEILARI Anna (ENV); CONNOR David (ENV); DE LOMBAERDE Annick (ENV); PIROTTA Fabio (ENV); LEROY Clementine (ENV); MALGAJ Matjaz (ENV); MARANO Giulia (ENV); MARTIN-ROUMEGAS Lydia (ENV); O'BOYLE Shane (ENV); PAPADOYANNAKIS Michail Georgios (ENV); SPONAR Michel (ENV); SVETAVICIUTE Rasa (ENV); NIKOLIC Vedran (ENV); PAPOULIAS Fotios (ENV); PERTIERRA Juan Pablo (ENV); DE GROOF Hugo (ENV); NUNES DE LIMA Maria (JRC-ISPRA); CARDOSO Ana (JRC-ISPRA); OSTERMANN Ole P (JRC-ISPRA); DRUON Jean-Noel (JRC-ISPRA); LAMPLMAIR Franz (MARE); PATTERSON Kenneth (MARE); SIEMERS Haitze (MARE); BIAGI Franco (MARE); CHRISTIANSEN Trine (EEA); REKER Johnny (EEA)

**Subject:** Marine Strategy Framework Directive Committee - Invitation to meeting of 19-20/05/16 - Participation to be confirmed by 10/05

Dear members of the Marine Strategy Framework Directive Committee,  
(copy to Marine Directors and Environment attachés)

We are pleased to invite you to the 13<sup>th</sup> meeting of the Committee established under Article 25 of the Marine Strategy Framework Directive (2008/56/EC) that will take place in Brussels on **19<sup>th</sup> and 20<sup>th</sup> May 2016**. See the attached invitation for details.

The draft agenda for the meeting is enclosed and the meeting documents are under preparation and will soon be posted on the Comitology register as well as on the MSFD Committee restricted section of Circabc <https://circabc.europa.eu/w/browse/64412ce3-d75f-482f-bfbc-881f5ce29df9> (limited to Committee members and their alternates only). (NB should the link not lead you directly to the Committee page under the Marine Strategy section, try clicking on it again once you have logged in on Circabc).

The draft minutes of the 12<sup>th</sup> Committee meeting are enclosed and have also been uploaded in the same Circabc folder.

For Member States that have not done so yet, we would kindly remind you that you should inform us, by means of an **official letter** from your country's permanent representation in the European Union, of the **names of the permanent and alternate representatives** of your country in the Committee before the next meeting (for your



information the list of current Committee members is attached).

We would be grateful if you could **confirm your participation to this Committee meeting** to Giulia Marano (Giulia.MARANO@ec.europa.eu) **by Tuesday 10 May** at the latest also providing your **date of birth and ID card/Passport number**. On the day of the meeting, please make also sure to **bring this invitation with you**.

Practical information about the reimbursement of travel expenses for 1 representative per Member State is being sent separately to Committee representatives.

Kind regards,

**Giulia MARANO**



**European Commission**

Directorate General for Environment

Unit C2: Marine Environment & Water Industry

B-1049 Brussels/Belgium

**MSFD draft Decision and Annex III - comments**

<b>Marine Strategy Framework Directive</b> <b>Proposals for revision of Commission Decision 2010/477/EU and MSFD Annex III</b> <b>Template for comments</b>		
<b>Member State:</b>		
<b>Date of response (dd/mm/yyyy):</b>		
<b>Documents for comment:</b>		
Document number	CTTEE_13-2016-03	CTTEE_13-2016-04
Document title	Proposal for a Commission Decision on GES Criteria_draft v3	Proposal for a Commission Directive replacing Annex III MSFD_draft v4
Release date	04-05-2016	04-05-2016
<p>Please provide comments per document in the relevant tab and structure provided - all comments received need to be compiled and sorted according to page/section etc to bring comments together on the same topics to facilitate their consideration.</p>		
<p>In your commenting, please be as clear as possible on whether you seek deletion, addition or alteration of text, proposing precise text changes. Alternatively provide any comments for further consideration; you may wish to indicate support or otherwise for the proposed text.</p>		
<p><b>ONE consolidated set of comments only (i.e. one Excel document) per Member State</b>  <b>To be sent to: ENV-MARINE-ENVIRONMENT@ec.europa.eu</b>  <b>To be received by: 24 May 2016 latest</b></p>		

## MSFD draft Decision and Annex III - comments

Page	Section (recital/article number)	Comment
2	Recital 1	
7	Art. 1	
9	Art. 5(1)	

## MSFD draft Decision and Annex III - comments

Section: -Elements - Criteria - Methodological standards -Specifications/methods	Comment
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## MSFD draft Decision and Annex III - comments

Page	Section: -Elements - Criteria - Methodological standards -Specifications/methods	Comment
18-19	General	
18	Criteria D2C1 Elements	
18	Criteria D2C2 Elements	
18	Criteria D2C3 Elements	
18	Criteria D2C1	
18	Criteria D2C2	
18	Criteria D2C3	
18-19	Methodological standards	
19	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Page	Section: -Elements - Criteria  - Methodological standards -Specifications/methods	Comment
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20	Criteria D3C1-D3C3 Elements	
21	Criteria D3C4 Elements	
20	Criteria D3C1	
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20-21	Methodological standards	
21-22	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Page	Section: -Elements - Criteria  - Methodological standards -Specifications/methods	Comment
36-37	General	
36	Criteria D4C1-D4C4 Elements	
36	Criteria D4C1	
36	Criteria D4C2	
36	Criteria D4C3	
37	Criteria D4C4	
36-37	Methodological standards	

**MSFD draft Decision and Annex III - comments**

Page	Section: -Elements - Criteria - Methodological standards -Specifications/methods	Comment
3-6	General	
3	Criteria D5C1 Elements	
3	Criteria D5C2 Elements	
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4	Criteria D5C5 Elements	
4	Criteria D5C6 Elements	
4	Criteria D5C7 Elements	
5	Criteria D5C8 Elements	
5	Criteria D5C9 Elements	
3	Criteria D5C1	
3	Criteria D5C2	
3	Criteria D5C3	
4	Criteria D5C4	
4	Criteria D5C5	
4	Criteria D5C6	
4	Criteria D5C7	
5	Criteria D5C8	
5	Criteria D5C9	
3-5	Methodological standards	
5-6	Specifications & methods	



## MSFD draft Decision and Annex III - comments

Page	Section: -Elements - Criteria  - Methodological standards -Specifications/methods	Comment
23-25	General	
23	Criteria D6C1 Elements	
23	Criteria D6C2 Elements	
24	Criteria D6C3 Elements	
23	Criteria D2C1	
23	Criteria D2C2	
24	Criteria D2C3	
23-24	Methodological standards	
24-25	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Page	Section: -Elements - Criteria - Methodological standards -Specifications/methods	Comment
26-27	General	
26	Criteria D7C1 Elements	
26	Criteria D7C2 Elements	
26	Criteria D7C1	
26	Criteria D7C2	
26	Methodological standards	
27	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Page	Section: -Elements - Criteria - Methodological standards -Specifications/methods	Comment
7-10	General	
7	Criteria D8C1 Elements	
8	Criteria D8C2 Elements	
8	Criteria D8C3 Elements	
9	Criteria D8C4 Elements	
7	Criteria D8C1	
8	Criteria D8C2	
8	Criteria D8C3	
9	Criteria D8C4	
7-8	Methodological standards	
8-9	Methodological standards	
9-10	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Page	Section: -Elements - Criteria - Methodological standards -Specifications/methods	Comment
11-12	General	
11	Criteria D9C1 Elements	
11	Criteria D9C1	
11	Methodological standards	
11-12	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Page	Section: -Elements - Criteria - Methodological standards -Specifications/methods	Comment
13-15	General	
13	Criteria D10C1 Elements	
13	Criteria D10C2 Elements	
13	Criteria D10C3 Elements	
13	Criteria D10C4 Elements	
13	Criteria D10C1	
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Page	Section: -Elements - Criteria - Methodological standards -Specifications/methods	Comment
16-17	General	
16	Criteria D11C1 Elements	
16	Criteria D11C2 Elements	
16	Criteria D11C1	
16	Criteria D11C2	
16	Methodological standards	
16-17	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Page	Section (recital/article/Table 1, Table 2a, Table 2b)	Comment
1-8	General	
1	Recital 1	
3	Art. 1	
4-5	Table 1	
5-6	Table 1 notes	
6-7	Table 2a	
7-8	Table 2b	
8	Table 2 notes	

## MSFD draft Decision and Annex III - comments

<b>Documents for comment</b>	
Document number	CTTEE_12-2016-03
Document title	Proposal for a Commission Decision on GES Criteria draft v2
Release date	15-02-2016
<p>Please provide comments on both documents in this table.</p> <p>Do not repeat comments in different tabs, but enter the comments in this table.</p> <p>All comments received need to be compiled and sorted according to the format indicated (entries are examples only - add more if necessary).</p> <p>In your commenting, please be as clear as possible on whether you support or oppose the text, proposing precise text changes. Alternatively provide any comments you may wish to indicate support or otherwise for the text.</p> <p><b>ONE consolidated set of comments only (i.e. one per Member State)</b></p>	

<b>Comments from:</b>	
Member State	Date of response (dd/mm/yyyy)



MSFD draft Decision and Annex III - comments

Member State	Page	Section: - recital - article	Comment	Response
DK	A2	Annex title	Please add "qualitative" before "descriptors in Annex I" and "the indicative lists in" before "Annex III of that Directive".	Amended
DK	6	Art. 1	Article 1 should also refer to the indicative lists in Annex III.	Amended to reflect closely wording of MSFD Art.9.3
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DK	7	Art. 2(1)	Replace "shall" with "should" here. "Primary criteria SHOULD be used by MS in accordance with...." The Commission does not have the legal basis for setting mandatory criteria. Remember the text in the last part of Annex 1.	We have used "are" as per recommendation of Commission lawyer-linguists to use this tense for definitions
DK	7	Art. 2(1)	DK propose new wording: "Secondary criteria may be used either instead of a primary criterion or in addition to the primary criterion". The annex should not set up rules for the use of primary criteria.	as not all secondary criteria are triggered in the same way, we need to explain in the definition that they come into play under certain conditions. These are specified in the annex. Text amended
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MSFD draft Decision and Annex III - comments

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DK	7	Art. 2(3)	Please clear that subdivisions are areas within a subregion.	This is clearly stated in MSFD Art.4.2
			[REDACTED]	[REDACTED]
DK	7	Art. 2(4)	The defintion seems very broad, what is the popose of including international level here? Please delete "or international".	it was meant to cover regional. Clarified through addressing DE's comment
			[REDACTED]	[REDACTED]

MSFD draft Decision and Annex III - comments

DK	7	Art. 2(6)	DK cannot support this definition. The application rules should be agreed on (sub)regionally. Furthermore, according to article 4(2) in the MSFD, the MS have the flexibility to divide its marine area into subdivisions. Hence, it could be argued that the assessment scale is decided by MS and not the Commission.	Assessment scales are defined in the Annex under methodological standards for comparability reason. This definition came from the cross-cutting paper and does not exclude the regional / subregional flexibility, provided for under each descriptor. 'Rules' has been changed to 'methods'
DK	7	Art. 2(7)	Positive that the definition of coastal waters refers to MSFD. Please accept the consequences of this in the rest of the proposal - the appendix does not seem to recognise this definition - (coastal waters are not covered if covered by WFD). Therefore, DK proposes that assessments under WFD can be used, if the MS finds it appropriate. All criteria for coastal waters (covered by WFD) should only be secondary and should only be used, if MS does not use the WFD assessments	Lawyer-linguist suggested making a general reference at the beginning of Article 2 to definitions in MSFD. Comment on WFD assessment addressed under relevant descriptors.
DK	7	Art. 2(8)	DK supports the definition.	Noted - Lawyer-linguist suggested making a general reference at the beginning of Article 2 to definitions in MSFD.
DK	7	Art. 2(9)	DK cannot support the term "Threshold values", as it reflects that quantitative values shall be set in all cases, which is not mandatory in the Directive. We suggest to use the term assessment level. Article 9(3) does not say that threshold values should be set out. It says that criteria and methodological standards should be set.	Definition amended to reflect notion of 'extent'

MSFD draft Decision and Annex III - comments

			[REDACTED]	[REDACTED]
DK	8	Art. 3(1)	Remember flexibility for MS. Please, change "Shall" to "should" in the first line of the section.	Art 3(1) deleted (and Article 1 amended to reflect former Decision 2010/477 wording)
DK	8	Art. 3(1)	Please add "indicative lists" before mentioning Annex III (should be done every time Annex III is mentioned).	Art 3(1) deleted (and Article 1 amended to reflect former Decision 2010/477 wording). Article 1 states 'on the basis of Annexes I and III', this is the same wording as in Art 9(3) of the MSFD.
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DK	8	Art. 3(2)	Dk cannot support the paragraph. Please use wording from old decision (2010).	Amended. Wording aligned to para 8 of the Com Decision 2010/477/EU. 'Exceptional circumstances' replaced by 'duly justified circumstances'.
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MSFD draft Decision and Annex III - comments

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DK	8	Art. 3(4)	Implementation of this by 2018 can only be done if the proposal takes existing work into account and does not set numerous new requirements on MS. Otherwise the timeline should be postponed to 3rd cycle. DK cannot support the wording "in exceptional circumstances" and "duly justified". Please insert flexibility in the paragraph.	Partially accepted
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MSFD draft Decision and Annex III - comments

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DK	2-9	General	<p>Criteria and standards on good environmental status and specifications and standardised methods for monitoring and assessment must take into consideration the concrete circumstances of each marine water comprised by the Marine Strategy Framework Directive. Thus, the European Commission should not adopt detailed criterias, standards, etc. that does not take the differences of marine waters into account. Furthermore, DK cannot support threshold values / assessment levels set at EU level (underwater noise, marine litter, physical disturbance).</p>	<p>Regional specificities integrated in each descriptor. In addition, new Article to clarify that even though threshold values are set through a Union / regional / subregional process the actual value(s) may be subdivision-specific.</p>
DK	2-9	General	<p>As criterias and standards on good environmental status and specifications and standardised methods for monitoring and assessment laid down under the Marine Strategy Framework Directive most likely will affect demands for assessments under the EIA Directive and the Habitats Directive (Natura 2000), the criterias, standards etc. must always be in compliance with the BAT-principle. If detailed criterias, standards, etc. were to be adopted, they must be based on sound scientific knowledge objectively applicable to the marine waters the standards are set for (subregion/region/European Union). Thus, criterias, standards, etc. must be broad and elastic to make sure that all concrete circumstances for each marine water could be taken into account and a concrete assessment can be applied in regards to the relevance of criterias, standards, etc.</p>	<p>Noted</p>
DK	2-9	General	<p>Proposal for a compromise to reach agreement of the proposed Decision: Very reduced number of criteria and only the indicators/criteria which are already shared and operational. This means focusing on 1 primary criterion per descriptor, based on common indicators we already use and data we already have. All other criteria are either eliminated, either kept in the text as they may be used (provided we agree on them) but as secondary and facultative (and subject to evolution due to science, new monitoring, etc...)</p>	<p>Noted - we acknowledge that more scientific work may be needed for some (and this is catered for in the Decision) and we have tried to reduce the number of criteria to the minimum possible.</p>
			[REDACTED]	[REDACTED]
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MSFD draft Decision and Annex III - comments

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MSFD draft Decision and Annex III - comments

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MSFD draft Decision and Annex III - comments

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MSFD draft Decision and Annex III - comments

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DK [REDACTED]		Joint MS cover document 01	HEADLINE COMMENTS ON THE COMMISSION'S DRAFT DECISION ON MSFD GOOD ENVIRONMENTAL STATUS 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 1st – 2nd 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.	Replies below to identical headline comments made by several MS.
DK [REDACTED]		Joint MS cover document 04	<p><b>1. Legal basis:</b> 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.</p> <p>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.</p>	The Commission legal service has been informally consulted and will also be formally consulted during ISC. However, the LS (informal or formal) opinions cannot be shared as these are internal Commission documents. We will continue to follow the advice of our LS as this text evolves further.
DK [REDACTED]		Joint MS cover document 06	<p>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.</p>	Re-setting threshold values, the mandate offered by Article 9(3) is in our view not limited to recalling pre-existing rthreshold values in existing Union legislation, but entitles the Commission to establish appropriate new references or to ask MS to do so, also in view of their obligation under Art 9(1). Application rules have been deleted.
DK [REDACTED]		Joint MS cover document 07	<p>The use of the one-out-all-out principle, jointly applied with threshold values.</p>	Application rules have been deleted.
DK [REDACTED]		Joint MS cover document 08	<p>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).</p>	<p>The text is providing a framework within which MS are already working in the context of other legal obligations.</p> <p>The aim is to reuse, to the maximum extent possible, assessments made under other legislative frameworks, and thereby not increase MS burden where assessments can directly contribute to MSFD.</p>

### MSFD draft Decision and Annex III - comments

DK, [REDACTED]		Joint MS cover document 09	<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>The Decision includes an Article giving more time for establishing threshold values at Union, regional or subregional level (possibility to do it before 2024). An interim provision, by which MS would be able to use national threshold values or trends in the meantime, has also been introduced.</p>
DK [REDACTED]		Joint MS cover document 10	<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>The directive already requires MS to cooperate within the context of RSCs. The text provides enough flexibility to allow MS to work at a subregional level if this is deemed more appropriate. The text also allows for enough flexibility to cater for the different circumstances inherent to each RSC, be it in terms of legal structure or maturity of the work that would need to be carried out, including with some interim provision in case the regional work would not be mature enough and the possibility to set threshold values that are subdivision specific.</p>
DK [REDACTED]		Joint MS cover document 11	<p><b>2. Scientific Knowledge:</b> 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).</p> <ul style="list-style-type: none"> <li>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".</li> </ul>	<p>Risk has to be assessed by the MS in defining where is the pressure, where are the impacts and on what aspects of the ecosystem (based on the Initial Assessment). This leads to application of the RBA for Art 9 (Decision and GES determination), and consequently for Art 8 assessments and Art 11 monitoring.</p> <p>For the Decision, RBA needs to be applied at a number of steps: use of the criterion or not, which elements to use (e.g. contaminants, species), whether to apply these to all areas (e.g. if pressure is restricted to coastal areas), frequency of monitoring (e.g. in areas of low risk).</p> <p>Finally, Decision tries to balance between too much prescription and too much flexibility in defining what risk is: we have taken the approach of embedding the risk-based approach in specific descriptors rather than having a general article. This means that risk can be used for instance not to carry out a criterion (e.g. D7C1 or D7C2) or not to monitor in certain matrices (e.g. D10C1 or D10C2).</p> <p>Art 3(2) of the Decision (possibility not to use certain criteria) was not meant to be based on risk</p>
DK, [REDACTED]		Joint MS cover document 13	<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>The Decision includes an Article giving more time for establishing threshold values at Union, regional or subregional level (possibility to do it before 2024). An interim provision, by which MS would be able to use national threshold values or trends in the meantime, has also been introduced.</p>

MSFD draft Decision and Annex III - comments

<p>DK, [REDACTED] [REDACTED] [REDACTED]</p>		<p>Joint MS cover document 14</p>	<p>3. <b>Additional cost burdens:</b> 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:</p> <ul style="list-style-type: none"> <li>· 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.</li> </ul>	<p>The revised Decision looks at what MS should already be implementing in the context of other frameworks and uses these for the purposes of the MSFD. It is meant to avoid duplication and streamline policy initiatives, which is in line with the original objective of the revision.</p> <p>There is also a reduction in the number of criteria, and the introduction of secondary criteria further reduces the onus on MS. Where not already established through EU legislation, the decision does not go into the detail as how data is collected and monitored and allows MS the flexibility to choose those methodologies that are best suited for the purpose.</p> <p>It also drops obligations under certain circumstances. For example for D5, MS are not required to monitor beyond coastal waters when threshold values are achieved in coastal waters.</p> <p>As to reporting, the decision does not create new reporting obligations other than those already in force under MSFD.</p> <p>The increased clarity and specificity of the proposed Decision coupled with application of risk, compared with the 2010 Decision, is intended to reduce monitoring and assessment requirements.</p>
<p>DK, [REDACTED] [REDACTED] [REDACTED]</p>		<p>Joint MS cover document 16</p>	<ul style="list-style-type: none"> <li>· The different features and characteristics of the (sub)regions require an element of flexibility in implementation. This is missing from the draft.</li> </ul>	<p>Setting threshold values at regional or subregional level acknowledges the different features and characteristics of the subregions. Where threshold values are requested to be established at Union level (e.g. for litter and noise), this refers to the process (at Union level) and not the actual values. New Article introduced to clarify that even though threshold values are set through a Union / regional / subregional process the actual value(s) may be subdivision-specific.</p>
<p>DK, [REDACTED] [REDACTED] [REDACTED]</p>		<p>Joint MS cover document 17</p>	<ul style="list-style-type: none"> <li>· The proposed mandatory criteria and threshold levels will have implications for other EU policy strands such as energy, transportation, fishery and food.</li> </ul>	<p>The achievement of GES already has implications for these sectors – this is an inherent element of the Directive, not the Decision, as a current situation where GES is not yet achieved could lead to a need to take more measures (and thus affect certain economic sectors). The current decision, if applied correctly should have the same implications.</p>

MSFD draft Decision and Annex III - comments

DK, [REDACTED]		Joint MS cover document 18	The revised draft will have socio-economic implications including in the peripheral regions of the European Union.	The scope of the MSFD covers all marine waters, regardless of whether they are peripheral. The decision provides enough flexibility through risk-based approach, exclusion of criteria, secondary/primary criteria, possibility not to consider certain elements or matrices, etc, to accommodate differences in the level of human activities and pressures.
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
DK	A2	Part A Introduction	3rd line: Please replace "shall" with "should".	Art 9(3) MSFD reads "criteria and methodological standards to be used" so we understand the wording 'shall be used' to translate this.
DK	A2	Part A Introduction	The order of the pressures is not completely logic. Could usefully be arranged in numerical order: 2, 3, 5, 6, 7, 8, 9, 10 and 11. Alternatively, an overview of the order (with page numbers) would help. (Table of content).	Logic is that pressures and their impacts need to be assessed first, thus providing the outcomes that can feed into the state assessments under Art. 8(1a). The order of the descriptors within part A is following the order of the pressures in revised Annex III
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

MSFD draft Decision and Annex III - comments

DK	4	Recital 10	Please, add "where appropriate" and delete "assessment and" here: ...this decision should, WHERE APPROPRIATE, refer to existing quality standards and methods of ASSESSMENT AND monitoring from Union legislation....". MSFD should not include the One-out-all-out principle from WFD.	the recital only draws a non-exhaustive list of legislation that is referred to in the annex. Their application is specified in the annex itself.
DK	4	Recital 10	Please, add the following wording in the end of recital 10: "This shall not directly og indirectly impose new requirements on or amend existing requirements of other Directives, such as Directive 2000/60/EC, 2009/147/EC and 92/43EEC." It is important to state here that the MSFD cannot either directly or indirectly change or add requirements to other Directives.	The scope of the decision is defined in Art.1. it is clear that it does not amend other directives/legislation apart from 2010/477/EU
DK	5	Recital 12	Future work: The description of secondary criteria could usefully be moved to this recital. DK sees the secondary criteria as possible future work instead of linked together to the risk based approach.	Noted. We do not read secondary criteria in the same way.
DK	5	Recital 13	Please, add "qualitative" and "indicative lists" here: "This Decision should be structured to support this linkage, and organise the criteria and methodological standards on the basis of the QUALITATIVE descriptors laid down in Annex I of Directive 2008/56/EC and on the basis of the INDICATIVE LISTS OF the ecosystem elements..."	Accepted

MSFD draft Decision and Annex III - comments

DK	5	Recital 14	Trends can also be relevant when determining GES, cf. article 9. Please add article 9 in the text.	We have introduced an article by which trends can be used as an interim solution where thresholds are not immediately available. Recital amended to reflect that
			[REDACTED]	[REDACTED]
			[REDACTED]	[REDACTED]
DK	5	Recital 15	Recital 15 does not make sense - too many concepts in one recital - and the concepts are not connected. DK cannot support the way the Commission use the risk based approach. The proper understanding of the concept RBA would be to allow Member State(s) to focus on the main problems/pressures without necessarily having to prove that other problems are less important. Secondary criteria shall be truly voluntary, which will give flexibility. Actually, no criteria can be an obligation to MS. Remember the text in the end of annex 1. Please use the wording from old Decision (2010), point 8.	All these elements contribute to flexibility and ideally (in terms of legal drafting) should be grouped in one recital. As to the last point, this wording has been introduced in art.3.2
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DK	5	Recital 16	Dk has reservations about the Part C in the annex, since we have not fully understood the implications of the proposed methodology. Is this in accordance with the proposed assessment scales? Please clarify, that the assessment levels (threshold values) are not equal to GES, since GES is assessed on Descriptor level by aggregating the resultat from the criteria level. Please correct this in the text.	Part C has been deleted and its elements feature directly under the relevant descriptors. The relationship should now be clearer.



MSFD draft Decision and Annex III - comments

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DK	5	Recital 18	Please, pay attention to the wording in article 23. Revisions shall only be carried out, if appropriate. Change the wording to: "The Commission shall review this Decision by 15 July 2023 as a part of the review set out in Article 23...."	Text amended
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			[REDACTED]	[REDACTED]
			[REDACTED]	[REDACTED]
DK	3	Recital 4	DK suggest deletion of the following sentence: "In addition, the assessment recognised that regional cooperation must be at the very heart of the implementerion of Directive 2008/56/EC and influence national implementation processes, rather than the other way around." Another solution could be to just write: "In addition, the assessment recogised the importance of regional cooperation".	Citation clearly introduced as this is refers Commission conclusions in the 2014 report
			[REDACTED]	[REDACTED]

MSFD draft Decision and Annex III - comments

DK	3	Recital 8	Please, add "the indicative tables in" before it says "Annex III of that Directive". It is important that the content of the tables are indicative and not mandatory.	Accepted
DK	3	Recital 8	DK cannot support the term "Threshold values", as it reflects that quantitative values shall be set in all cases, which is not mandatory in the Directive. We suggest to use the term assessment level. Article 9(3) does not say that threshold values should be set out. It says that criteria and methodological standards should be set.	Noted, but the majority of MS requested/accepted the change of term from reference level.
DK	3	Recital 8	Please, use the term "assessment level" and delete "quantitative" in the following wording: For each descriptor, this Decision should define the criteria, including the elements to be used and, where available [and applicable], the threshold values that allow a quantitative assessment of whether GES is achieved."	Threshold values have been linked to delegation of power in Art.9.3. "Quantitative" has been deleted.
DK	3	Recital 8	Please delete "application rules for the criteria" -- the applications rules should not be a part of the Decision, this should be decided (sub)regionally.	Application rules deleted
DK	3	Recital 8	Please, add "guidance" here: "including GUIDANCE ON the geographical scales for assessment". It should be possible to use another scale than suggested, if relevant.	For which descriptor in particular is the scale of assessment not relevant. Kindly indicate and we could consider appropriate wording in the annex.

MSFD draft Decision and Annex III - comments

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DK	4	Recital 9	Please, add that technical feasibility, monitoring costs and reliable time series should be taken into account.	Technical feasibility & time series are catered for directly in the annexes. Cost assessments are covered by the Directive.

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Member State	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
DK	31	Criteria D1C1	Using assessment levels / threshold values corresponding with the reference values developed for the habitats directive is good since it creates a synergy between the two directives. However, for the habitats directive there are no requirements to achieving the goals of favourable conservation status by 2020 as there is for GES in the MSFD. The requirements within the habitatsdirective should not be altered due to this decision. The MSFD should respect the Habitats and Birds Directives. See also comment to recital 10.	The Decision does not affect obligatins under the Habitats Directive, but MS have the obligation to achieve GES by 2020 (including for D1).
DK	31	Criteria D1C1	Replace "natural" with "prevailing" in the sentence: D1C1: Species distributional range and, where relevant, pattern is in line with PREVAILING physiographic, geographic and climatic conditions. "Natural" seems like a state without any human impact.	Accepted, noting that the intent of the criterion is essentially the same, as species distribution should not be significantly altered by human activities (other than via climate change)
DK	31	Criteria D1C1 and D1C2	Current monitoring under HD and BD does not cover all regional waters to the level required in these criteria, for instance bird monitoring in off shore areas of the North Sea does not match what is done under the BD. Should be taken into account.	Noted

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DK	31	Criteria D1C2	How shall Member States establish reference levels for each species, consistent with the Favourable Reference Population values established by the relevant Member States under Directive 92/43/EEC, if a species is chosen which is not covered by Directive 92/43/EEC? Please, add "as far as possible" here: "Member States shall AS FAR AS POSSIBLE establish...."	Amended
DK	31	Criteria D1C2	In general, it is difficult to establish assessment levels for this criterion.	Noted, we expect that work already done under HD and BD should help.
DK	31	Criteria D1C2	Denmark is looking into the comparability of reference values used in the Habitats and Birds Directives compared with the criteria suggested for D1. And also looking into how many species are not covered by current reference levels.	Noted
DK	31	Criteria D1C3	D1C3: The current monitoring program does not include data gathering for all the demographic characteristics mentioned in D1C3, This would be a significant expansion of monitoring demands.	"characteristics (e.g. body size or age class structure, sex ratio, fecundity rates, survival / mortality rates) " is the exact wording used in Decision 2010/477/EU. We would not expect ALL demographic characteristics to be monitored in all species, the list is given as an example.

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DK	31-32	Criteria D1C4	DK suggest the criterion deleted to achieve a more streamlined Decision. The topic is covered by D4.	Noted. This criterion was introduced to ensure alignment with the HD criteria for species.
DK	35	Criteria D1C5	DK cannot support the criterion. What should be the baseline for this assessment? Furthermore, local knowledge of the natural extent of a habitat type may not be available.	Extent of loss can be derived from the extent of infrastructure developments and other man-made modifications. Within the coastal waters, these data should already be available from WFD.
DK	35	Criteria D1C5	What is the background for setting 5% as the level? DK finds that this is a political decision and an environmental target - not a decision on GES. DK cannot support the criterion.	Noted

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DK	30-40	Criteria D1C5 and D1C6	DK cannot support common EU assessment levels (threshold values) on physical disturbance of the seafloor. (D1C5-D1C6).	Noted. Standard methodology for habitat assessment (eg habitats directive, OSPAR, IUCN) typically adopt a consistent threshold value for all habitats.

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DK	35	Criteria D1C6	What is the basis for setting 30% as the level? DK finds that this is a political decision and an environmental target - not a decision on GES. DK cannot support the criterion.	Basis indicated in footnote.
DK	35	Criteria D1C6	The criterion/assessment level now reads: The spatial extent of impacts from anthropogenic pressures on the condition of the habitat..... does not exceed 30 % of its natural extent in the assessment area. Does this mean that 70 % of each (sub)habitat type should not be impacted from human activities?	Threshold values set a boundary on the level of impact/pressure/state that is sought for each criterion
DK	35	Criteria D1C6	As DK mentioned earlier in our written comments (also mentioned by other member states (NL)), this criterion used on broad habitat types could have severe economic implications for the entire fishing industry in the Northeast Atlantic, where bottom trawling is a predominant fishing method. There are certain habitat types that are not fished very intensely, while other broad habitat types are fished in almost their entire distribution.	The Decision measures the extent to which GES is achieved rather than the possible measures needed to achieve it. Other aspects of the directive address measures including cost benefits
DK	35	Criteria D1C6	To clarify this issue DK would like to ask the Commission, if this criterion in fact means, that bottom trawling should be banned in 70 % of all broad habitat types (such as the soft muddy bottoms)? We need this clarification in order to be able to conduct economic analysis of the effects of the proposal.	The Decision measures the extent to which GES is achieved rather than the possible measures needed to achieve it. Art 13 of the directive addresses measures including cost benefits
DK	35	Criteria D1C6	In fact, it would be appropriate to ask the Commission to undertake an economic impact assessment of the introduction of such comprehensive measures in European waters. (The 5% and 30% threshold)	The determination of GES does not take into account socio-economic considerations, it is the initial assessment and PoMs - to be decided by MS - which would look into economic implications considering both costs and benefits.
DK	35	Criteria D1C6	In addition we would also like the Commission to give an explanation to how the IUCN guidelines, that apparently are the basis for the proposed assessment level, are substantiated and which considerations are behind the application in European waters.	IUCN guidelines are globally used and scientifically peer reviewed; they are the basis for habitat assessments for the EU Red List assessments and for HELCOM assessments. Approaches in HD and OSPAR were also considered.



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DK	31	Criteria elements	Replace "...a set of species, representative for..." with "at least one species, representative for...". It should be possible to choose only one species under a species group, if relevant and representative.	It's expected that more than 1 species should be selected to adequately represent the species group.
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DK	30-40	General	It should be noted that the Biodiversity data and indicators involve crucial links between different criteria – so at this stage it is highly unlikely thresholds can be applied meaningfully to the quality of data we have currently for many of the indicators. A more qualitative approach is the only reasonable scientific approach to take at this stage for some of the indicators.	There is an increasing amount of experience in developing such threshold values based on best available scientific knowledge. In principle they should be introduced wherever possible.
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DK	39	Specifications & methods	DK support such additional practical criteria that gives focus to the technical feasibility, monitoring costs and reliable time series.	Noted
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DK	39-40	Criteria D4C1-D4C4 Elements	These criteria could require a significant alteration of the current Danish monitoring program, to evaluate all four criteria regarding trophic guilds. Denmark is unsure if threshold values can be set by MS based on current knowledge.	It is expected that D4 criteria would typically be assessed using data collected for D1, D3 and D6, thus not incurring specific extra monitoring.
DK	40	Criteria D4C3	Please delete this criterion in order to obtain a more streamlined approach. The criterion is not necessary, since we have D4C1 as primary and D4C2+D4C4 as secondary.	It addresses a key part of the Descriptor 'normal abundance and diversity'





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DK	3-5	Criteria D5C2, D5C4, D5C5, D5C6, D5C7, D5C9	Reference is made to values and levels set in Decision 2013/480/EU. In each case more values or levels are set in the Decision for the element in question, e.g. one value for the boundary between high and good status and one value for the boundary between good and moderate status. The wording must be precise, in particular where a specific value shall not be exceeded.	Amended
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DK	4	Criteria D5C5	The sentence has been changed from "Changes in phytoplankton species composition..." to "Changes in species composition..." Does this change mean that the each member state can assess which species composition is changed due to nutrient enrichment?	Meaning not altered, phytoplankton listed under criteria elements.



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DK	4	Criteria D5C6	Denmark monitors the abundance of opportunistic macroalgae as required in the previous GES decision. This is in the revised GES decision suggested to be changed to "biomass of opportunistic macroalgae". Denmark urges that this is changed back to 'abundance' or coverage.	Amended
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DK	4-5	Criteria D5C8	Denmark urges that the sentence is changed to: "Changes in dissolved oxygen concentration, due to increased organic matter decomposition is kept minimised to minimise the adverse effects on seabed habitats or other eutrophication effects." This is proposed in order to be true to the wording in the descriptor.	The criteria are assessed on the basis of specified threshold values (e.g. as set in the RSC). The overall objective for D5 is to minimise the eutrophication effects across all criteria.
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DK	5	Criteria D5C9	D5C9: "Changes in the typical species composition and relative abundance...": Nutrients are not the only possible cause for such changes, there could be other causes, so how is this to be assessed? DK suggest this criterion deleted. The topic is covered by D1 and D4.	The criterion is relevant to D5 and its assessment is specifically linked to nutrient enrichment. Other types of effects on the benthos are addressed under other descriptors
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DK	3-5	General	The criteria and methodological standards of coastal waters Descriptor D5 is not in accordance with article 3(1b), which states that particular aspects of the environmental status of the marine environment is not covered by MSFD, if it is already covered by WFD, e.g. eutrophication. Therefore, DK propose that assessments under WFD can be used, if the MS finds it appropriate. All criteria for coastal waters should be secondary and should only be used, if MS does not use the WFD assessments.	The criteria refer explicitly to WFD criteria and thresholds, in order to ensure WFD assessments are reused for MSFD purposes. Because WFD assessment are of 'ecological' status and thus broader than eutrophication, it is necessary to specify which aspects of WFD assessments are relevant to D5
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DK	3	Methodological standards	Criteria D5C9 is in the second version of the GES decision changed from a secondary to a primary criteria. Denmark wants the criteria D5C9 to be changed back to a secondary criteria instead of, as now suggested, a primary criteria.	D5C9 is already secondary beyond coastal waters
DK	4	Methodological standards	"The use of the secondary criteria shall be agreed at regional or subregional level." DK suggest that "shall" is replaced by "should". Furthermore, this is only relevant for areas outside coastal waters, hence this should be added. Denmark does not agree that the criteria shall be agreed at regional or subregional level in coastal waters.	Noted, regional agreement is needed in accordance with Art 5(2)
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DK	25	Criteria D6C2	The wording "adversely affect" indicates that a habitat is not to be exposed to any as well as minor impacts, when good environmental status is to be achieved. Minor impacts do not necessarily entail a negative environmental effect. The wording "significant" is used in Decision 2010/477/EU, this wording seems to be a more adequate description.	Adversely effected' is the terminology of the descriptor title
DK	25	Criteria D6C2	The broad habitat types will provide an incomparability with the habitats directive. Establishing and monitoring several subtypes per broad habitat type will be a significant added expense. Flexibility needed.	D1 and D6 address seabed habitats/seafloor integrity across all marine waters and thus extend beyond Habitats Directive types; the latter can be used as subtypes where appropriate. The use of subtypes is for MS to determine, as per developments in OSPAR and HELCOM, and is linked to the level of confidence needed for assessments using the physical disturbance models (e.g. with VMS data).







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DK	8	Criteria D8C2 Elements	D8C2: Several MS have stated that the description of the element should not be "Contaminants used under D8C1" as it is not the contaminants that are measured, but the biological effects such as for example malformations. These biological effects are in some cases effects of multiple substances. However, it seems that the text has not been amended.	Amended
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DK	9	Criteria D8C4	Can be very expensive for the oil/gas sector to monitor, also a baseline would be needed. Furthermore, the wording seems illogical. Of course the health of species/habitats will be affected by an acute pollution event. Dk propose that the criterion is deleted since the topic is covered by D8C3. The focus should be on amounts and sources - not on effects, which would be very costly.	The 2010 Decision already includes both the pollution events and their impacts. These aspects are now shown in separate criteria but follow the original logic. Where there are significant events, the Environmental Liability Directive (polluter pays principle) should normally apply.







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DK	13	Criteria D10C1 Elements	There should not be one threshold for the whole EU as litter level vary significantly in terms of composition and level in different regions and also may have different impacts so these should be set at regional or sub regional basis. There is also a need to take the oceanographic characteristics into account, such as areas that due to currents end up as deposit areas.	Introduction of a general article specifying that even though threshold values are set at Union level, the actual value may differ per subregion.

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DK	13	Criteria D10C3	This criteria requires a reference level that takes all other effects from other anthropogenic pressure as well as predation from other species etc. into account in order to assess at which level entanglement incidents etc will adversely affect a population. DK suggest "regional assessment level is set for number of entanglement incidents of marine animals".	Text modified to focus more simply on quantification of effects on individuals
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DK	16	Criteria D11C2	D11C2: With regard to low frequency noise there exists no relevant scientific documentation which in any way can justify establishing criteria for determining if/how specific frequency areas or levels of low frequency noise conflicts with the aim of the MSFD regarding good environmental conditions in a marine area. The singular observations of how marine animals can hear and react to low frequency noise in specific situations can - as stated by scientists in the area - not justify the determination of criteria for environmental conflicts or regulation with reference to a specific level of low frequency noise.	Setting precautionary levels should be considered, based on scientific expertise in TG Noise and related to specific species and areas as appropriate.
DK	16	Criteria D11C2	D11C2 could be very problematic for the tunnel project Fehmarnbelt Fixed Link, if the common assessment levels is formulated before a final plan approval decision in Germany is in place (which is likely). (The approval for the Danish site is already in place).	Decision would not be retroactive, so its adoption would not affect an already completed EIA. The descriptor title
DK	16	Criteria D11C2	Beacuse of the above mentioned problems regarding low frequence noise, DK states that: 1) There is a lack of evidence of how the specific sound pressure (third octave calculation) in the selected frequency areas (63 Hz and 125 Hz) are relevant in order to avoid negative impact on the marine animal life from low frequency noise. 2) There is a lack of any evidence that it - as it is suggested - should be relevant to apply certain average annual levels for low frequency noise as criteria for determining GES. 3) As the existing evidence solely shows potential local disturbing effects from low frequency noise on the marine animal life - without causing harm to any individuals as such - it can only be justified to assess situation specific and area specific environmental aspects in relation to concrete plans and projects, and based hereupon consider possible measures to avoid or minimize disturbances related to low frequency noise. 4) Determination of general conditions or threshold values for levels of low frequency underwater noise in marine areas with reference to the MSFD is not a suitable solution for handling the marine spatial planning task or obtaining the marine management's objective of ensuring favourable environmental conditions and a sustainable use of the marine area. A qualified marine spatial planning presupposes a focused and evidence based regulation. 5) The subject regarding low frequency noise in the proposal of the Commission should only be referred to as a future focus area with the overall objective of providing more knowledge and evidence, and with the aim of only in specific planning and project contexts to conduct relevant measures to avoid disturbances if possible.	Awaiting advice
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MSFD draft Decision and Annex III - comments

Member State	Page	Section: - Paragraph 1 - Paragraph 2	Comment	Response
DK	41	General	DK suggest that the methodology in part C should be used at descriptor level - not criteria level - since GES should be assessed at descriptor level.	The elements of Part C have been incorporated into 'use of criteria' within each descriptor, setting out more specifically what is proposed to show the extent to which GES is being achieved
DK	40-41	General	DK has reservations about the Part C in the annex, since we have not fully understood the implications of the proposed methodology. Is this in accordance with the proposed assessment scales and the flexibility for MS to decide assessment scales? Does it require more data?	The elements of Part C have been incorporated into 'use of criteria' within each descriptor, setting out more specifically what is proposed to show the extent to which GES is being achieved
DK	41	Paragraph 2(c)	Bullet c): What does this mean and for which purpose should this be done? Seems like the Commissions sets out rules for the initial assessment and where is the legal basis for this?	The elements of Part C have been incorporated into 'use of criteria' within each descriptor, setting out more specifically what is proposed to show the extent to which GES is being achieved

MSFD draft Decision and Annex III - comments

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MSFD draft Decision and Annex III - comments

Member State	Page	Section: - recital - article - Table 1 - Table 2a - Table 2b	Comment	Response
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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DK	1-8	General	Generally positive.	Noted
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
DK	5-6	Notes related to table 1	Please delete note no. 4, 5 and 6, since this is methodological standards.	Text amended for note 4 and 5 to cross refer to the Decision where the current text is more appropriate. Note 6 moved to the Decision.
DK	7	Notes related to table 2	Please delete note no. 1, since this is methodological standards.	First sentence deleted. Second sentence retained to clarify that for land-based pressures, input levels may be relevant to assess.
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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MSFD draft Decision and Annex III - comments

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## Marine Strategy Framework Directive

### Criteria and methodological standards on good environmental status of marine waters

Explanatory document

accompanying draft version 3 of a proposal to replace Decision 2010/477/EU

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## Background

The Marine Strategy Framework Directive 2008/56/EC (MSFD) provides in its Article 9(3) for criteria and methodological standards to be laid down in such a way as to ensure consistency and to allow for comparison between marine regions or subregions of the extent to which good environmental status (GES) is being achieved. This provision was used to prepare Decision 2010/477/EU which guided Member States in the first cycle of their implementation of the Directive, particularly leading to the reporting of their determinations of GES and their initial assessment in 2012.

In 2013 the Directive’s Marine Strategy Regulatory Committee provided a mandate to review Decision 2010/477/EU leading to the Commission’s preparation of a draft proposal for a revised Decision. Draft version 3 of the proposal, together with draft version 4 of a proposal to replace the current MSFD Annex III, will be considered by the Committee at its meeting on 19-20 May 2016. This document provides explanatory information to accompany version 3, including reasoning for changes to the proposal following comments by Member States and stakeholders on draft version 2.

## On the relationship between the Decision and the Directive

The Directive does not make explicit how the criteria and methodological standards laid down under the provisions of MSFD Art. 9(3) are to be used, particularly in the context of the obligations for

Member States to determine a set of characteristics of GES under Art. 9(1). This determination makes reference to the initial assessment of Art. 8(1), but the subsequent use under Art. 8(1) of the determination of GES and of the criteria and methodological standards is not specified. Lastly, Art. 8(1), 9(1) and 9(3) refer to Annex III (indicative lists of characteristics, pressures and impacts), and Art. 9(1) and 9(3) refer to MSFD Annex I (the qualitative descriptors for determining GES); however the relationship between these two Annexes is also not made fully clear in the Directive.

### **Relationship to Article 8 and Annexes I and III**

In order to provide clarity on these relationships, the Decision has been structured and drafted to make explicit its relationship to MSFD Annexes I and III, and to the assessments required under Art. 8(1)(a) and (b). The structure and content of the proposed new MSFD Annex III further supports this linkage. This has been achieved by:

- a. Structuring the Decision in two parts, each referring explicitly to the relevant Descriptors of Annex I, to the indicative elements of Annex III and to the relevant paragraphs of Art. 8;
- b. Part A of the Decision supports the assessments required under Art. 8(1)(b) concerning an analysis of the predominant pressures on the marine environment and their impacts; it includes the criteria and methodological standards for the pressure-related descriptors which are directly linked to the indicative list of pressures in Table 2a of the proposed new Annex III;
- c. Part B of the Decision supports the assessments required under Art. 8(1)(a) concerning an analysis of the essential features and characteristics and current environmental status; it includes the criteria and methodological standards for the state-related descriptors which are directly linked to the indicative list of ecosystem elements in Table 1 of the proposed new Annex III;
- d. The pressure-related descriptors are presented first (Part A), as logically these should be considered first under the Art. 8 assessments in order to provide information on the level of impacts from each of the pressures assessed. These assessments of impacts should then inform the assessments of the different ecosystem components (Part B), whose overall status effectively reflects the sum of the impacts from all the pressures to which they are subject.
- e. To ensure the predominant pressures of MSFD Annex III Table 2a are adequately addressed under Part A, the criteria relating to fishing pressure (extraction of species) and to physical loss and disturbance have been placed in this part, even though labelled in relation to the state-based descriptors D3 and D6. Criteria D3C1 and D3C4 address the impacts of fishing on the level of mortality to commercial and non-commercial species, whilst criteria D3C2 and D3C3 address the state of commercial fish and shellfish to be considered also under Part B. Criteria D6C1, D6C2 and D6C3 have their origins in the D6 criteria of the 2010 Decision, and are focused only on the assessment of the pressures 'physical loss' and 'physical disturbance'; they provide an important component on the broader assessment needed for Descriptor 6, which is addressed fully in Part B (in combination with assessments of seabed habitats of Descriptor 1).
- f. Table 2a of the proposed new Annex III includes a number of pressures which are not directly addressed by the pressure-based descriptors and have no criteria proposed in the Decision; these pressures however may be of relevance in some areas or to particular ecosystem components.

The interrelationships between the Annex I Descriptors, proposed Decision criteria, the pressures and ecosystem components of Annex III and relevant sections of MSFD Art. 8 are shown in Figure 1.

Decision outline			Assessments of pressures for Article 8(1b)									
			D5	D8, D9	D10	D11	D2	D3	D6	D7, D6	-	
			Nutrients	Contaminants	Litter	Sound and other energy	Non-Indigenous Species	Extraction of species	Physical damage	Physical loss	Other	
		<b>S</b>	<b>P</b>	D5C1	D8C1 D8C3 D9C1	D10C1 D10C2 D10C3	D11C1 D11C2	D2C1 D2C2	(Total catch)	D6C1	D6C3 D7C1	Annex III Table 2a
Assessments of state for Article 8(1a)	D1 D3	Species groups	D1C1 D1C2 D1C3 D1C4  D3C2 D3C3		D8C2 D8C4	D10C4	?	D2C3	D3C1 D3C4	?	?	?
	D1	Pelagic broad habitats	D1C6	D5C2 D5C3 D5C4 D5C5	D8C2 D8C4	?		D2C3	?		?	?
	D1 D3 D6	Benthic broad habitats	D1C5 D1C6  D3C2 D3C3	D5C6 D5C7 D5C8 D5C9	D8C2 D8C4	?		D2C3	D3C1 D3C4	D6C2	D7C2	?
	D1 D4	Eco-systems	D4C1 D4C2 D4C3 D4C4	D5C2 D5C3 D5C8	?			?	?	?		

**Figure 1:** Outline framework for the draft MSFD Decision on criteria for good environmental status, showing the primary and secondary criteria (D\*C\* codes) in relation to the predominant pressures for use under Art. 8(1)(b) and the ecosystem components for use under Art. 8(1)(a), each associated to particular Descriptors (D\*). Criteria in the pink cells concern pressures, criteria in orange cells concern impacts and criteria in green cells concern state assessments. In several cases, the impact criteria are repeated (e.g. D8 and D2 criteria) because they are applicable to several ecosystem components (species groups, pelagic and benthic habitats). Cells marked '?' indicate an impact from the pressure is possible in some situations but the Decision does not provide a criterion.

### Relationship to Article 9(1)

Whilst the relationship between the criteria and methodological standards of Art. 9(3) to the determination of GES under Art. 9(1) was outlined in the cross-cutting issues document (MSCG\_17-2015-06), further clarity is provided here.

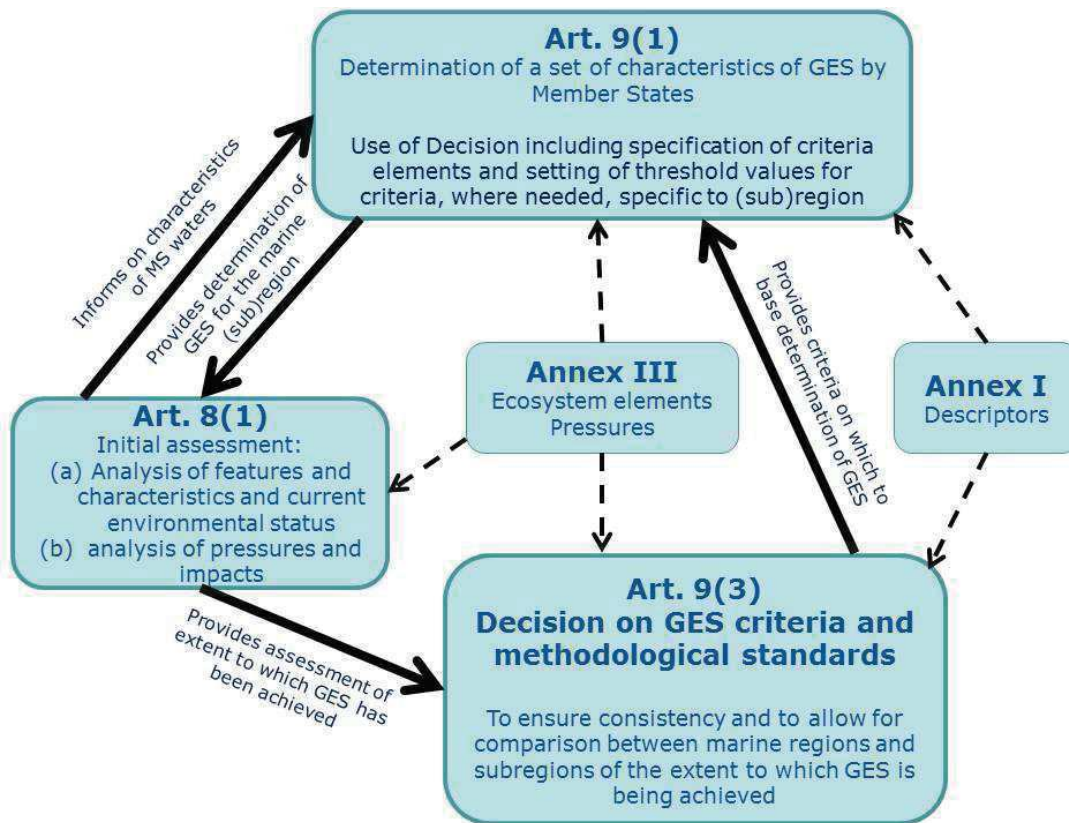
Article 9(3) provides for criteria and methodological standards to be laid down in such a way as to ensure consistency and to allow for comparison between marine regions or subregions of the extent to which good environmental status (GES) is being achieved, whilst Article 9(1) provides for Member States to determine a set of characteristics of GES, without specific reference to the criteria set under Art. 9(3).

Version 3 of the proposed revised Decision aims to distinguish these two roles more clearly as follows:

- a. For each Descriptor a section on 'Use of the criteria' has been introduced which details how the criteria should be used to express 'the extent to which GES is being achieved' or to indicate an output of their application for use in another descriptor (e.g. use of an impact criterion for a state-based assessment).
- b. For each Descriptor the section on 'Application rules' in version 2 of the proposal, including phrases such as 'all criteria used shall achieve the threshold values set', has been deleted. This is to ensure the use of the Decision is not confused with Member States' obligations under Art. 9(1) to determine GES for their marine waters.
- c. Member States' determinations of GES under Art 9(1) are thus expected to include as part of the "set of characteristics" they have to determine:
  - i. Identification of the specific characteristics for each region or subregion, such as the specific criteria elements relevant or not relevant to the (sub)region;
  - ii. Determination of threshold values where these are not yet provided in the Decision;
  - iii. Specification, where needed, of how the criteria will be aggregated to conclude on the overall status of particular descriptors (e.g. D5) or particular criteria elements (e.g. D3 species and D1 species and species groups);
  - iv. Determination of the extent to which the threshold values are to be achieved to constitute GES.

The draft Decision therefore explicitly acknowledges that threshold values (except where they are set under other Union legislation) may not be achieved in all areas of Member States' marine waters – for instance to allow for the sustainable use of the sea –, provided this does not compromise the achievement of GES, as determined by Member States under Article 9(1).

The interrelationships between these different articles, annexes and the Decision are illustrated in Figure 2.



**Figure 2:** Relationship between the Decision and MSFD Articles 9(1), 8(1) and Annexes I and III.

## Expressing the extent to which GES is being achieved

A key requirement of the criteria and methodological standards is to provide a means to express the extent to which GES is being achieved. This is important in the overall implementation of the Directive for the following reasons:

- a. It expresses how far each Member State has progressed towards its goal of achieving GES;
- b. It provides an indication of whether there is need for (additional) environmental targets under Art. 10 and (additional) measures under Art. 13 in order to reach GES (bearing in mind that in some cases all necessary targets and measures may have been put in place but the ecosystem may not yet have reached GES due to slow response times).
- c. It provides an important means to express to stakeholders and the public the progress being made in implementation of the Directive and achievement of its overall goals.

The draft revised Decision sets out a number of ways in which this ‘extent to which GES is being achieved’ can be expressed, bearing in mind the range of topics to be considered, the large areas of marine waters to be assessed and the often slow response time of the marine environment to measures put in place to reduce pressures:

- a. For each Descriptor, the draft Decision makes clear the elements to be assessed and the scale of assessment, such that the use of the criteria will lead to assessments per element per assessment area; in some cases the elements or criteria are aggregated to draw



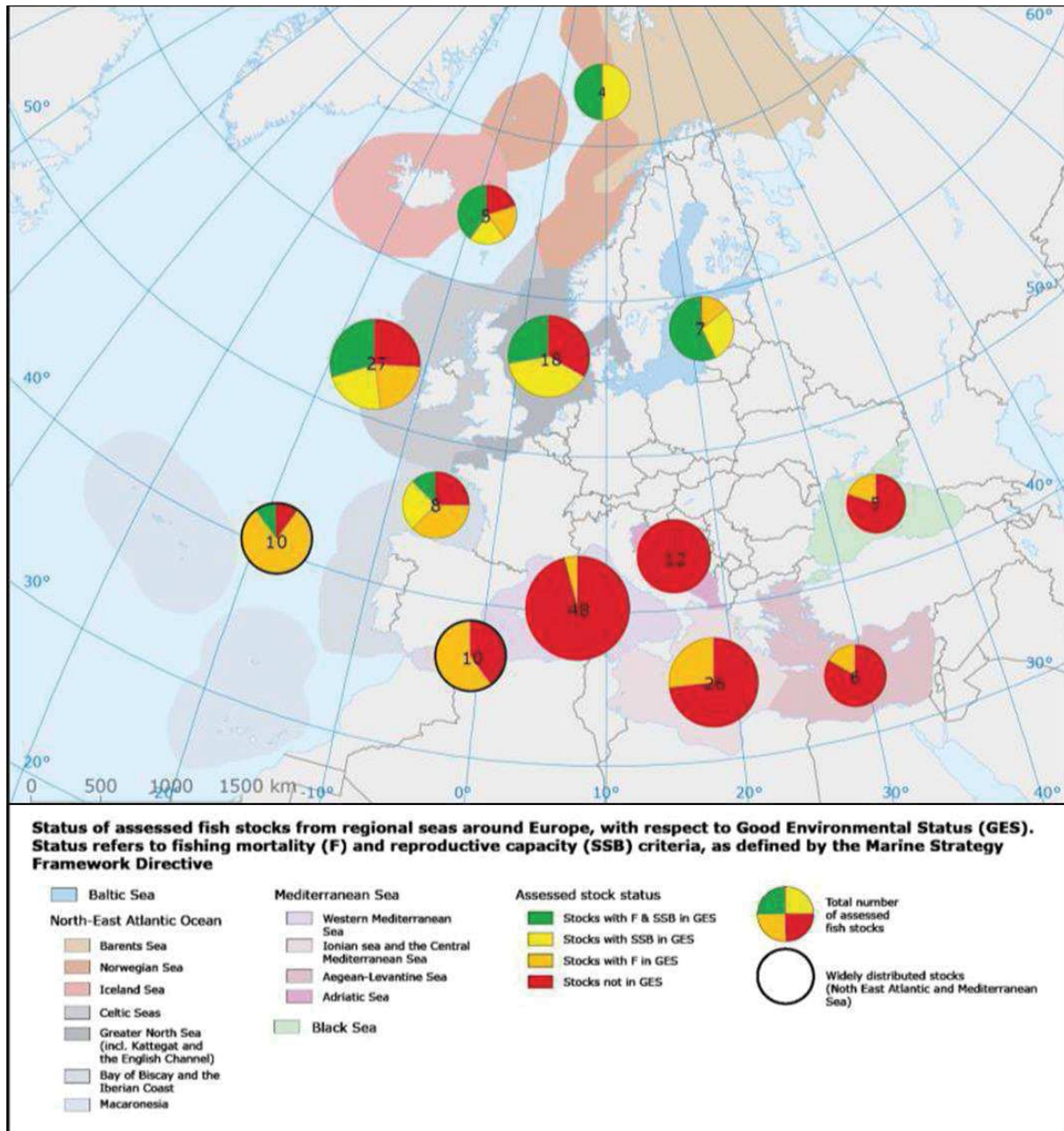
- conclusions at a more aggregated level but the need for ‘super aggregation’ of assessments to Descriptor level and across descriptors is generally avoided;
- b. The outcomes of assessments against the criteria can typically be expressed in one of two ways:
    - i. The spatial extent over which the element has achieved the threshold values in the assessment area (being suitable for most pressures and habitat-based assessments of state and impact); or
    - ii. The proportion of elements in the assessment area which have achieved the threshold values (being suitable for pressures such as contaminants and species-based assessments of state and impact);
    - iii. Note that in both cases, the Decision is providing the type of assessment output which will express the ‘extent to which GES is being achieved’ but it is for Member States to determine what ‘extent’ they consider to constitute GES under Article 9(1).
  - c. Where possible, it is preferable to avoid expressing outcomes in which a single failure to meet a threshold value for a criterion or element leads to the entire area being expressed as ‘not in GES’ as this is often seen as an unduly negative approach when dealing with the very large areas of the MSFD; instead use of a proportion of the total (for the descriptor in the assessment area) is preferred as this shows how much has been achieved, even if the overall ambition has not yet been achieved. Note however that some assessment methodologies provide an average outcome per assessment area, effectively giving an ‘in GES’ or ‘not in GES’ outcome (e.g. eutrophication assessments);
  - d. The most suitable approach to use to express ‘extent’ varies by descriptor, depending on the nature of the assessment, the assessment methodology and the scale of assessment; possible approaches are shown below, drawing from existing approaches for some descriptors;
  - e. The degree of precision needed or which is possible will vary; it is likely that some assessments will provide only a coarse evaluation (e.g. an estimate to nearest 10 or 20%); however this may be adequate, especially if the area is clearly achieving GES or conversely clearly not achieving GES. Greater precision is likely to be needed if the area/element is close to the border between ‘being in GES’ and ‘not being in GES’.
  - f. Due to the often slow change in the state of the marine environment and the pressures upon it, such as following the introduction of measures, the assessments of status may often not change from one reporting period to the next, despite their being underlying improvements in their status. This is particularly exaggerated under MSFD with its two status classes (in GES, not in GES) compared with the Water Framework Directive which has five status classes. In order to provide additional evidence to progress towards GES it is therefore helpful to indicate the trend in status (i.e. whether the status has improved, is stable or has deteriorated) compared with the previous reporting period.

Whilst the draft Decision sets out the overall way ‘the extent to which GES has been achieved’ should be expressed, it may be necessary to provide further detail on this to ensure Member States can express their assessments in a practical and consistent manner. This should be further discussed within WG GES and DIKE such that the assessments can be readily expressed per (sub)region and lead to a Europe-wide view on the state of the marine environment for the different descriptors.

## Examples of ways to express the extent to which GES is achieved

### Methods which lead to an assessment per element (contaminants, species)

In cases where multiple elements are assessed per area, the proportion which are assessing as achieving the threshold values can be shown (e.g. 15 out of 20 contaminants assessed have achieved their threshold values; 6 out of 9 species in the species group have achieved good status) (Figure 3).



**Figure 3:** Assessments of status of commercial fish stocks (EEA, 2015). In each (sub)region the number of stocks assessed is shown and of these which has achieved the threshold values (for one or both criteria used).

For Descriptor 8, it may be helpful to show so-called ‘legacy’ substances separately, as these persist in the marine environment despite all necessary measures having been taken (Table 1).

**Table 1:** Indicative example output for an assessment area (e.g. southern North Sea) for criterion D8C1 Contaminants in marine environment.

Contaminant (* legacy substance)	Value	Threshold value (EQS)	Achieved threshold value
Contaminant A	21	25	Yes
Contaminant B*	45	30	No
Contaminant C	7	10	Yes
Contaminant D	26	30	Yes
Contaminant E	38	30	No
			3 of 5 substances (60%) achieved threshold values 2 substances did not achieve threshold values (including one legacy substance)

### Methods which lead to an estimate of proportion per assessment area

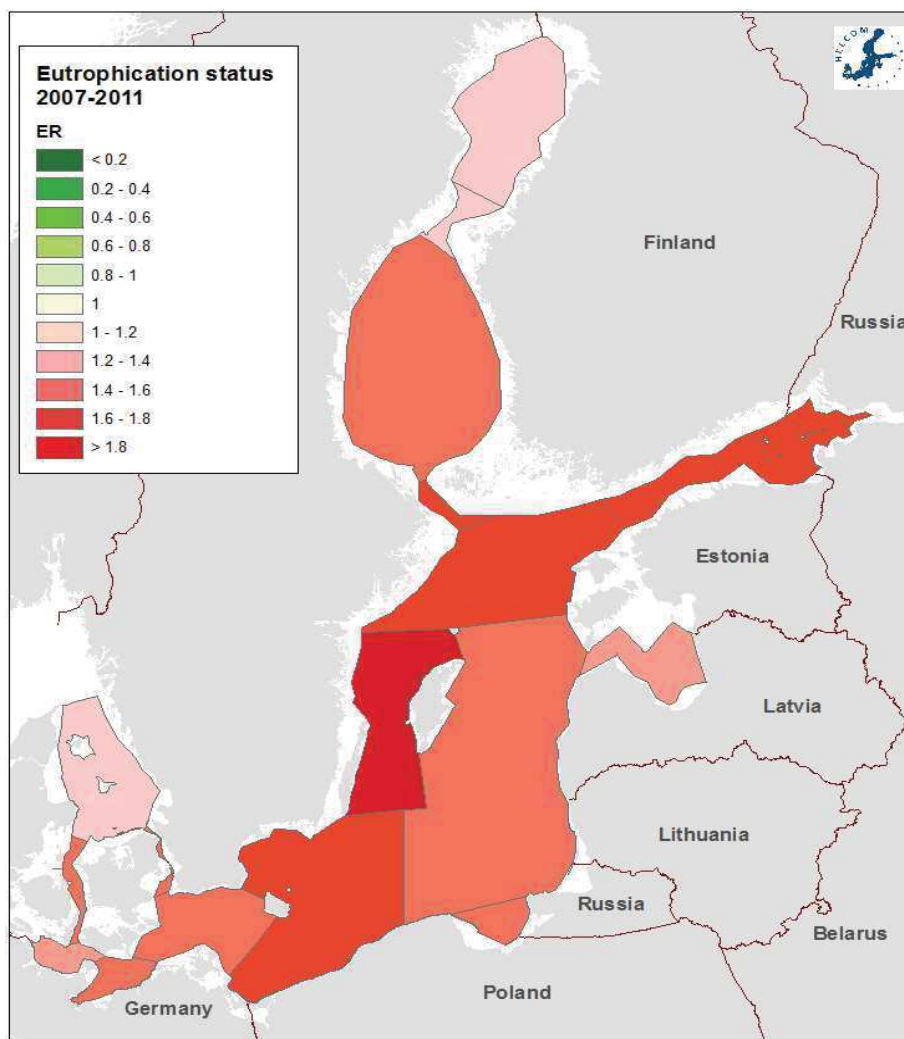
Assessment methods for seafloor disturbance in OSPAR are making use of models which integrate physical disturbance data layers with habitat maps and sensitivity scores, validated with ground-truth data (common indicators BH3 and BH1). Whilst the assessments are still in preparation, it is expected that they will give outputs as a proportion of the habitat type per area which is affected (Table 2).

**Table 2:** Indicative example output for an assessment area (e.g. southern North Sea) for criterion D6C2 Impacts from physical disturbance. The outcomes of this assessment would be used to contribute to assessments of habitat condition (criterion D1C6).

Habitat type	Proportion of area impacted by physical disturbance
Broad habitat type A	25%
Broad habitat type B	15%
Broad habitat type C	35%
Broad habitat type D	5%
Other habitat type E	25%
Other habitat type F	50%

### Methods which lead to an average outcome per assessment area

Assessment methods for eutrophication (D5) in HELCOM and OSPAR use averaging of data across the entire area to lead to a conclusion per assessment area (in GES or not in GES) (Figure 4).



**Figure 4:** Assessment of eutrophication in the Baltic Sea for the period 2007-2011 (HELCOM 2014); an averaged outcome on overall status is provided for each area assessed.

With this ‘whole area’ method, the outcome is effectively indicated as 100% in GES or 100% not in GES; however, it may help to convert this to the proportion of the whole region which is in GES.

### On setting threshold values at an appropriate scale

On a number of occasions the Annex to the draft decision asks that Member States set these thresholds at Union, regional, subregional level. This text specifically refers to the process by which these thresholds need to be set. Art.4(2)(a) clearly indicates that the thresholds need to be set at appropriate geographical scales, thereby taking into account the different biotic and abiotic characteristics of regions, subregions and subdivisions. This for example means when setting thresholds for D11 at Union level, these thresholds may differ from one region/subregion to another, or from one subdivision to another, to take into account the specific characteristics of the area in question, but they are nevertheless set at Union level through the work of TG Noise. Similarly, those thresholds being set through a regional/subregional process – for example through work carried out by the Regional Sea Conventions – may vary from one subregion/subdivision to another to take into account the specificities of the area.

(Note that Art.4 also points out other characteristics to be looked into when determining the most appropriate threshold values such as the use of best available science or the use of long-time series data when these are available.)

## **Risk-based approach**

The cross-cutting issues document (MSCG\_17-2015-06) provided an initial perspective on use of a risk-based approach in implementation of the directive (section 3.6), stating “the implementation of the directive can be most efficient when it is clearly focused on the anthropogenic pressures which are considered to be adversely affecting environmental status, assessed at specified spatial scales, and on assessing the nature and scale of associated environmental impacts”.

From this overarching perspective on risk, the draft revised Decision also makes explicit reference to the risk-based approach and has been drafted to focus on setting out criteria for good environmental status in relation to the predominant pressures and their impacts and on state elements which can best reflect these pressures and impacts.

This section provides some outline guidance, with examples, on how a risk-based approach is envisaged to be used in the context of the Decision and related implementation of Art. 9, 8 and 11.

### Decision – criteria on GES:

- a. Selection of criteria: for several descriptors, use of particular criteria should take risk (and hence relevance to the region or subregion) into consideration. For example, use of criteria D5C3, D5C4 and D5C5 where the effects of nutrient enrichment are not adequately assessed via use of criterion D5C2 and use of criteria D7C2, D1C1 and D1C4 only in cases where there may be particular risk from certain pressures.
- b. Selection of criteria elements: these are selected or, in cases where these still need to be defined, should be selected with a clear focus on risk, firstly through focusing on predominant pressures in each region or subregion and, secondly, through focusing on those ecosystem elements (species, habitats) which are most indicative of impacts from the pressures. For example, selection of additional contaminants for criteria D8C1 and D9C1 should be on the basis of risk; similarly, selection of species, species groups and habitat types for criteria D10C4, D2C2 and D2C3, D7C2 and species for Descriptor 1 species groups.
- c. ‘De-selection’ of criteria elements: Criterion D8C1, via established processes under the WFD, and criterion D9C1 anticipate the de-selection of contaminants in cases where there is low risk.
- d. Parameters for assessment of the criteria: the parameters to be used for each criteria are those identified from the scientific and technical review process for the Decision to best reflect the needs for assessment of environmental status, considering the most relevant aspects of the pressures and their impacts, and those aspects of ecosystem state for species and habitats considered most relevant. In this sense, the criteria generally reflect a risk-based approach. In cases where the criteria are less-well specified, for example for assessing the effects of contaminants on biota (D8C2) and assessing the health of species (D1C3), it is expected that Member States will focus their efforts on particular species and parameters of most relevance to the criterion.

In addition, the draft Decision also provides for the possibility not to use certain criteria in duly justified circumstances (Art 3 of the draft decision): whilst the primary criteria are intended to be used by all Member States, there is provision to not use one or more of these

criteria. This could, for example, be relevant in cases where the activities (and hence pressures) are not present in the waters of a Member State.

#### Article 9(1) – determination of GES:

- a. Where Member States update their determinations of GES, including on the basis of a revised Decision, these should focus on expressing the desired state of the environment in relation to aspects which are (potentially) impacted by anthropogenic pressures. This can be done by identifying the elements (e.g. species and habitats) and parameters (e.g. population size, species composition, biomass) which will most effectively indicate environmental status in relation to specific pressures (e.g. chlorophyll-a and oxygenation levels in relation to nutrient enrichment; mortality rates in relation to fishing).
- b. In cases where the Decision anticipates the identification at regional or subregional level of criteria elements and threshold values, these should focus on those aspects which are most relevant to each area in question. In some cases, for example criteria D10C4, D7C2, D2C2 and D2C3, the number of species/species groups/habitat types selected could be rather limited and focused on key elements of relevance rather than aiming to be more exhaustive.

#### Article 8 - assessments

- a. Given that GES will most effectively be achieved through the management of human activities and reductions in anthropogenic pressures where needed, the assessments under Article 8 should aim, as a priority, to assess the distribution and intensity of the predominant pressures in each region and subregion, together with their associated impacts.
- b. From this, it follows that assessments can focus on areas which are subject to anthropogenic pressure and, on the basis of low risk, provide less focus on areas which are not subject to the pressure (excepting where these act as reference sites). Where the source of a pressure is land-based (e.g. nutrients) and the coastal zone is assessed to be in good status (e.g. from WFD assessments) it may indicate the offshore zone can also be expected to be in good status (unless there is reason to consider atmospheric or sea-based sources of nutrients as a potential risk). This type of screening process is used in the OSPAR Common Procedure for eutrophication and offers a measured way to focus assessment efforts towards areas of higher risk and reducing the need for assessments in areas of low risk (provided there is some continued surveillance of the issue which would identify possible change in risk in the future).

#### Article 11 - monitoring

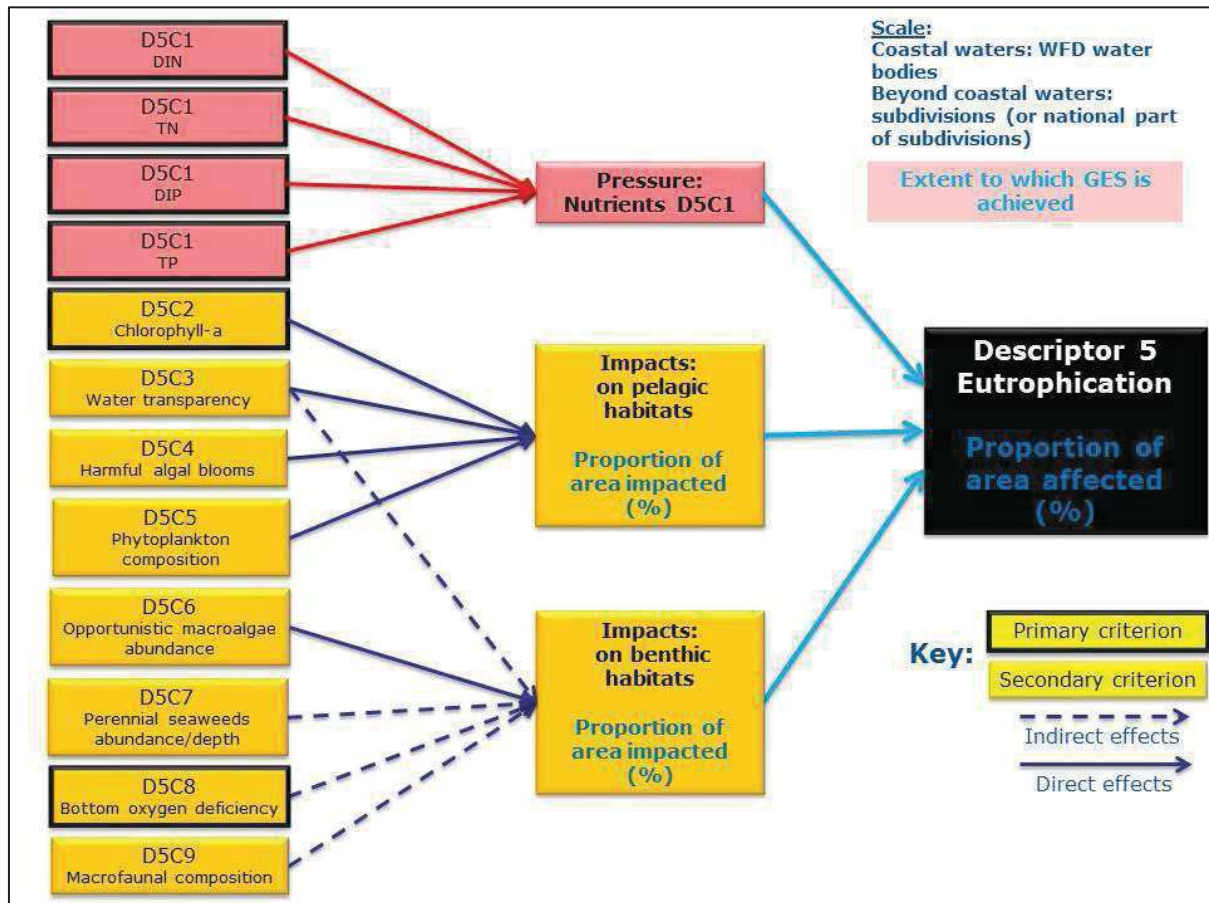
- a. It follows from the above approaches to risk that monitoring should focus on priority areas affected by the predominant pressures, with monitoring in areas considered to be at low risk from a pressure used as reference sites generally undertaken at lower intensity (cf for instance D10 where there is a possibility to choose the monitoring matrix on the basis of risk).
- b. Further, particular attention is needed on the boundary between good status and poor status (particular areas and ecosystem elements selected to assess this status boundary); if an area is clearly in a poor status, there is limited benefit in continued monitoring unless to follow its recover following introduction of measures.

From the above considerations, application of a risk-based approach can be expected to focus implementation efforts towards those aspects (areas, pressures, impacts, ecosystem elements) which are of most importance in understanding the current state of marine waters and hence to efforts to improve its state, where needed. Use of a risk-based approach can be expected to reduce

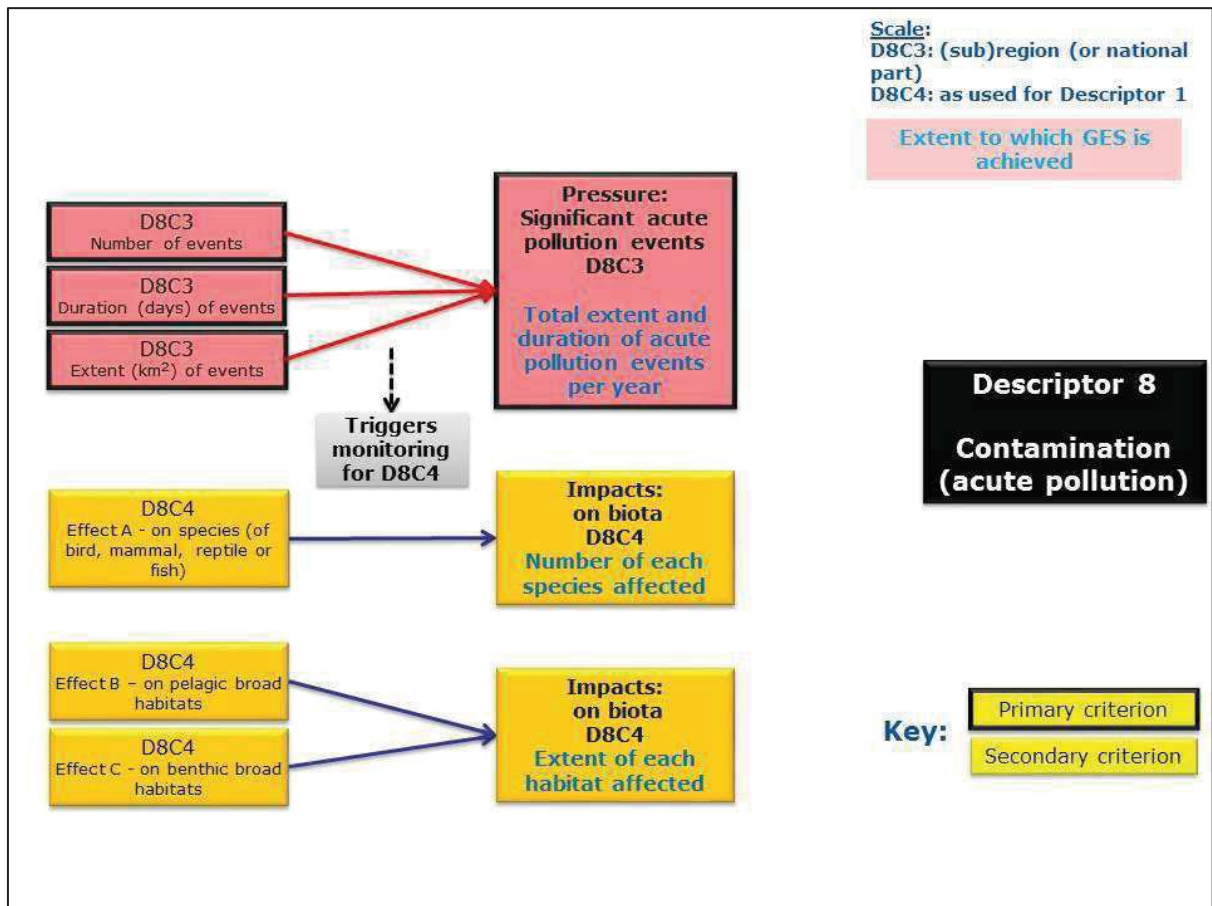
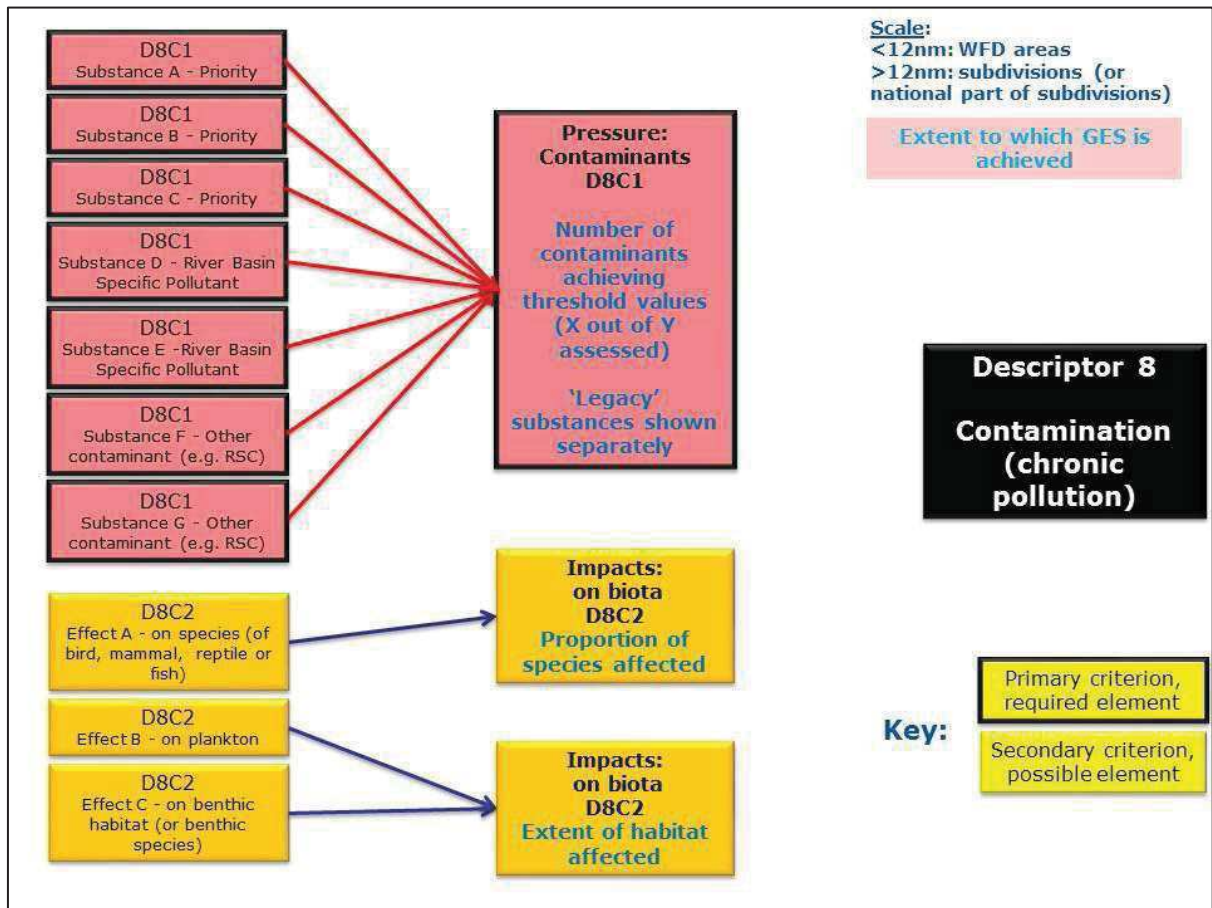
efforts particularly for monitoring and assessment, but this should stem from its application to the Decision and to the determination of Article 9(1).

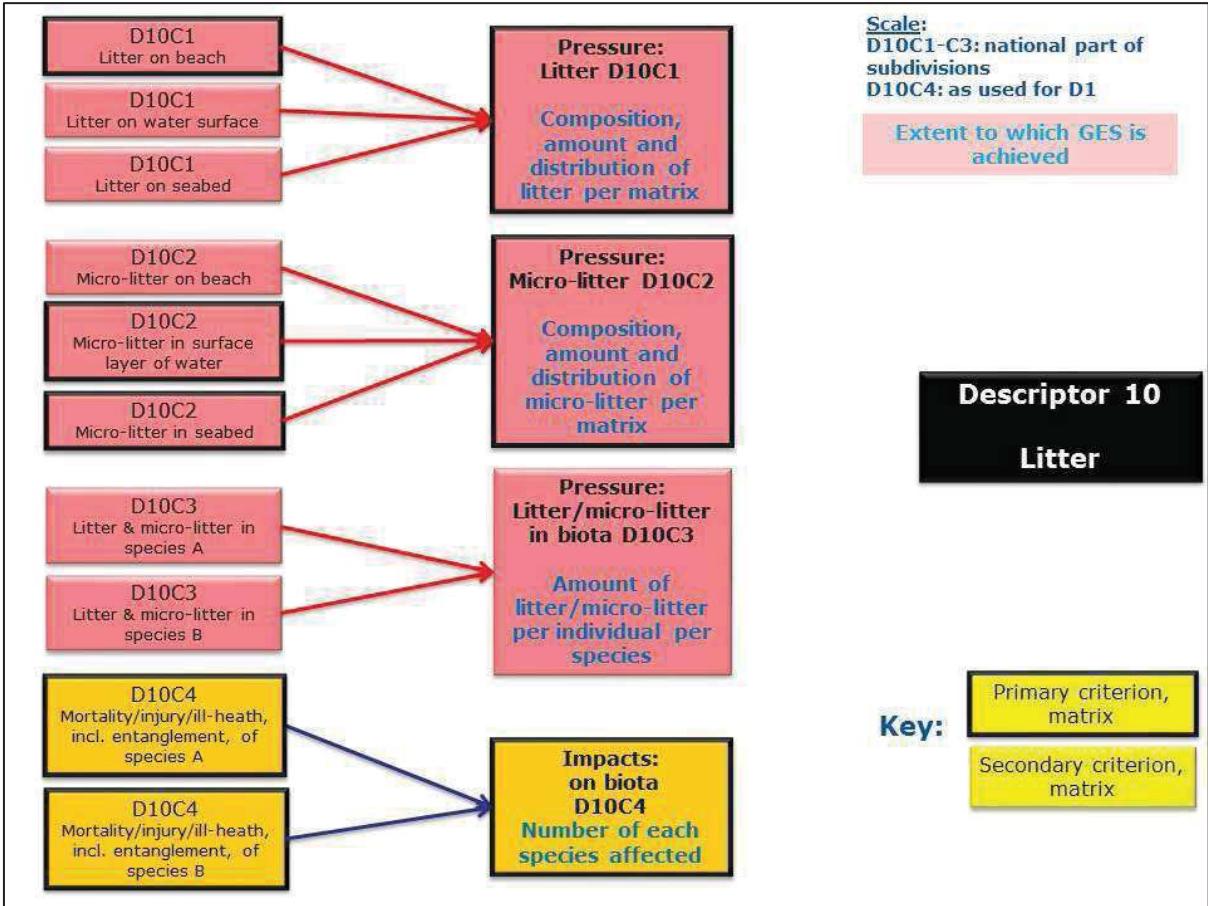
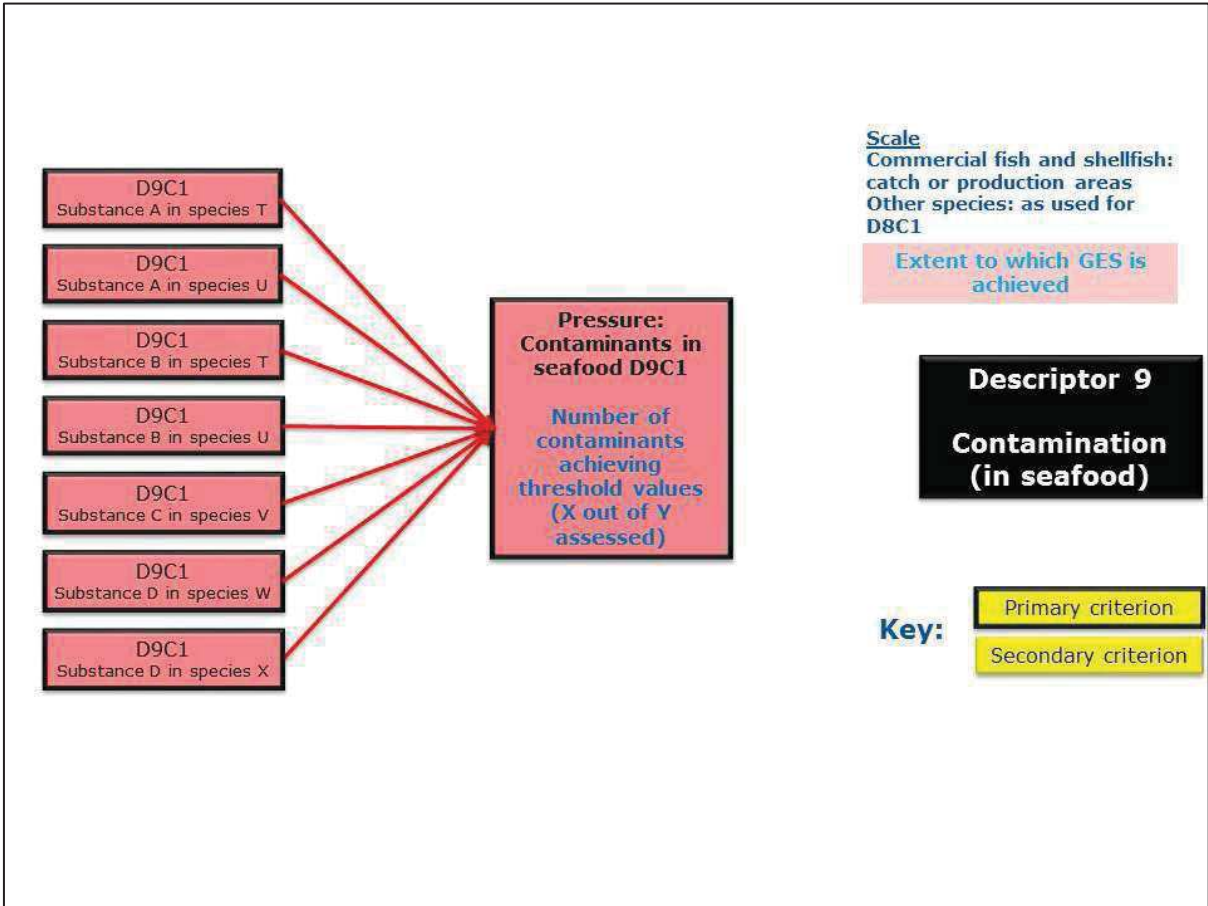
## Annex: Overview of Decision criteria

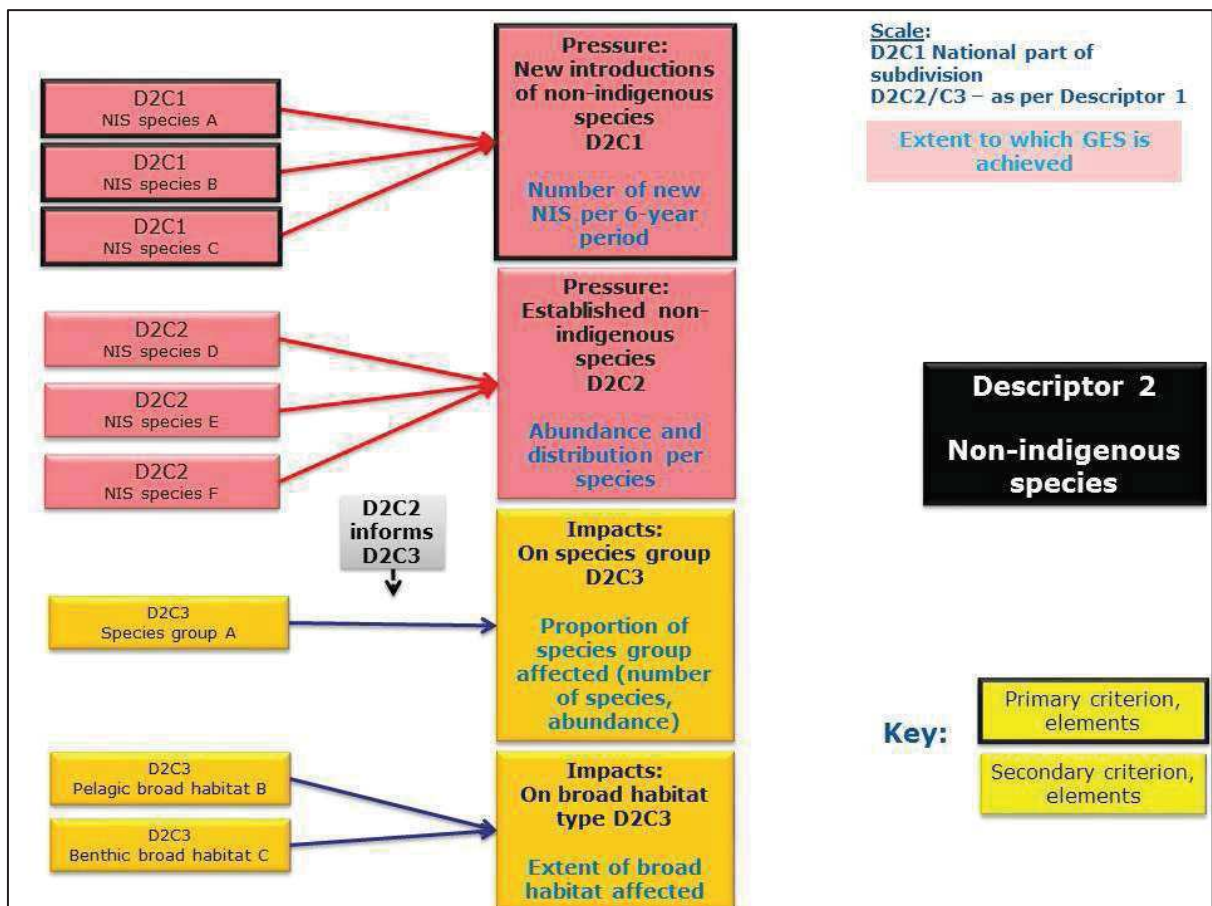
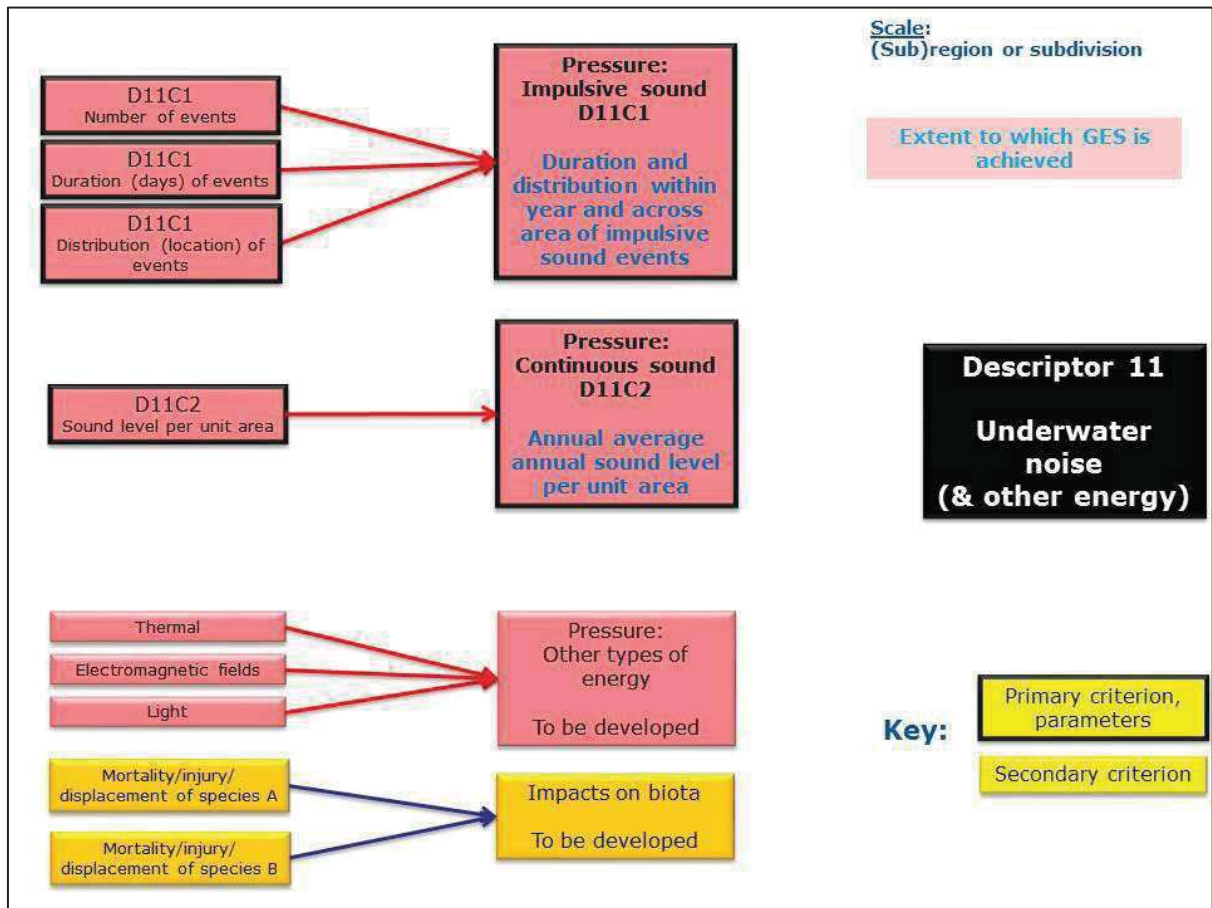
The following set of diagrams aim to provide an overview of the criteria per descriptor, including the way in which ‘the extent to which GES has been achieved’ has been indicated in the proposed Decision. As indicated above, this could generally be represented as either the proportion of the area that is affected or the number or proportion of criteria elements that meet the thresholds set, depending on the nature of the descriptor and the criteria elements being looked at.

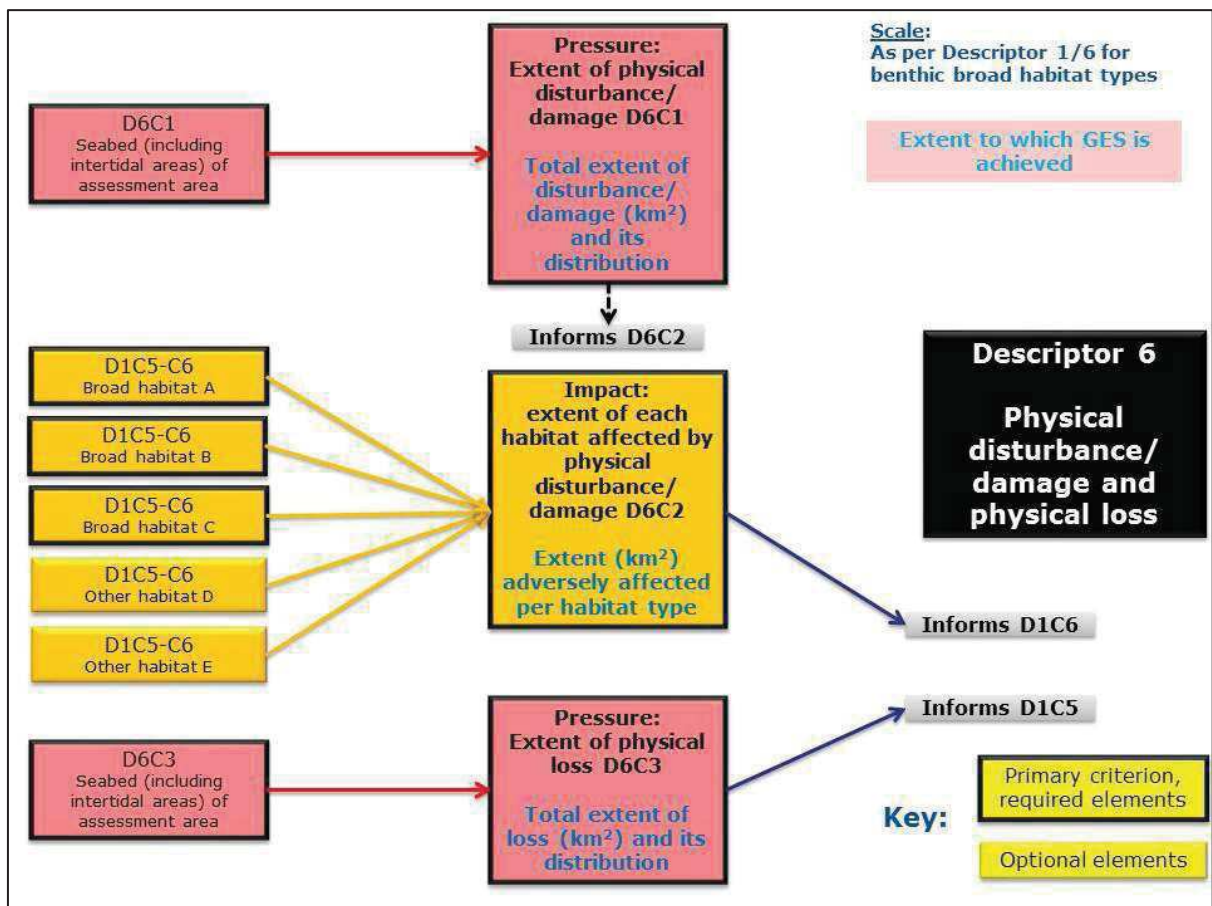
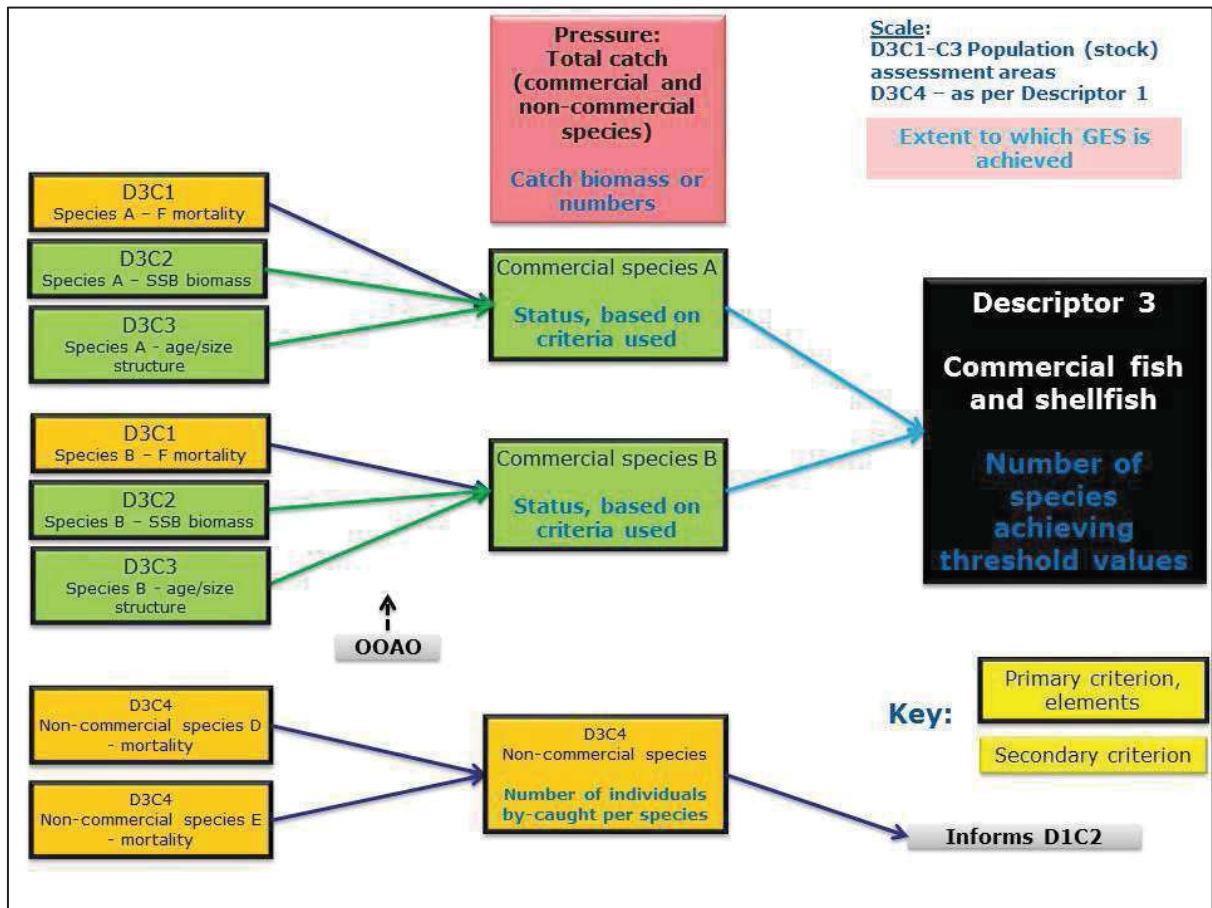


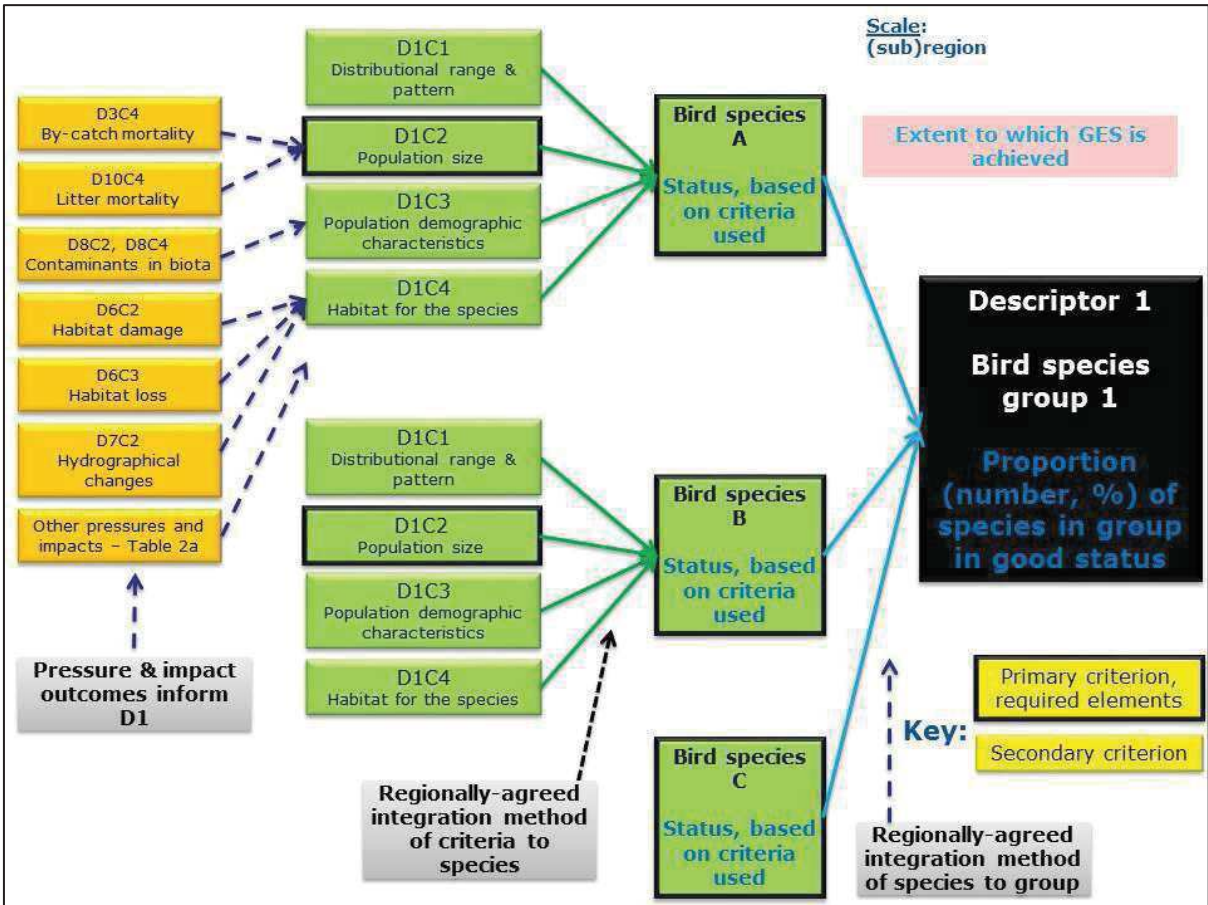
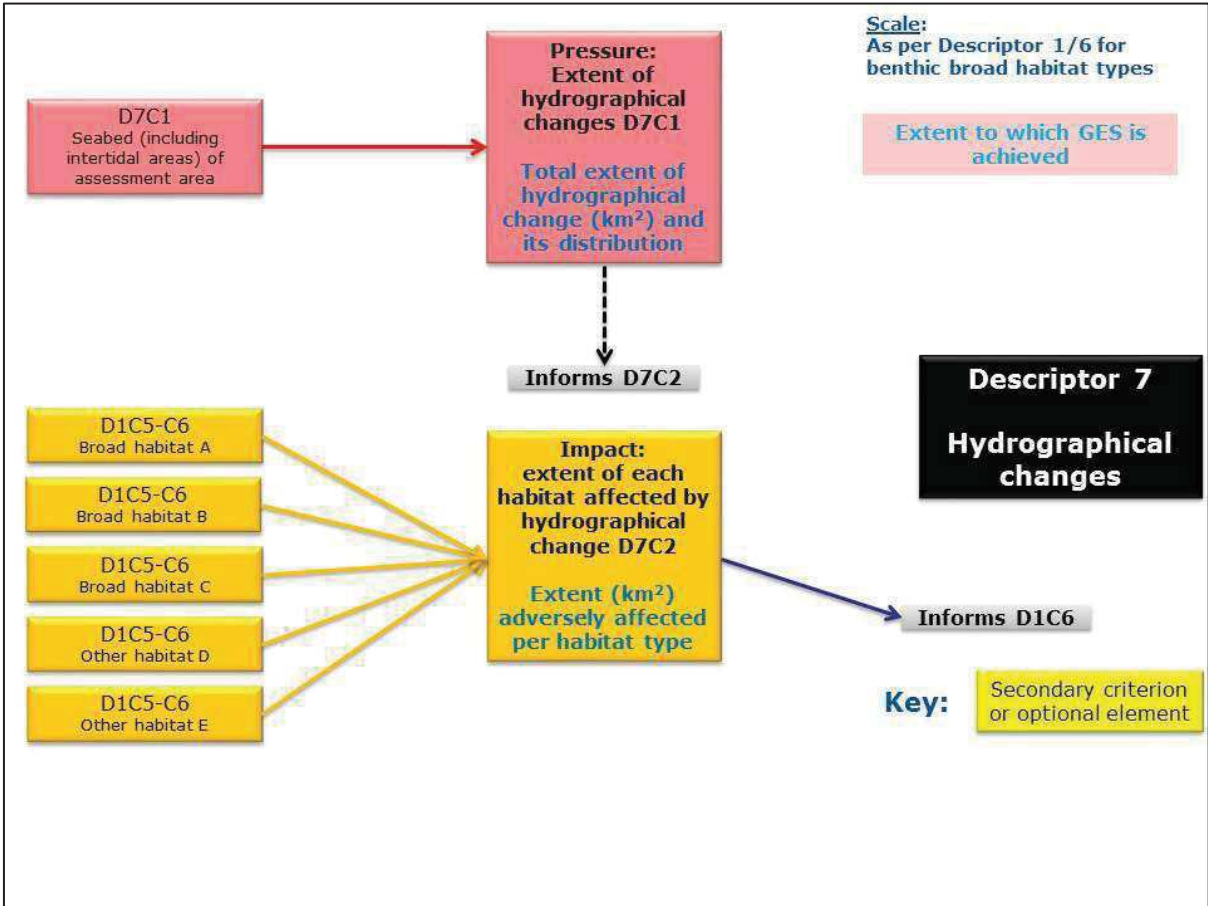


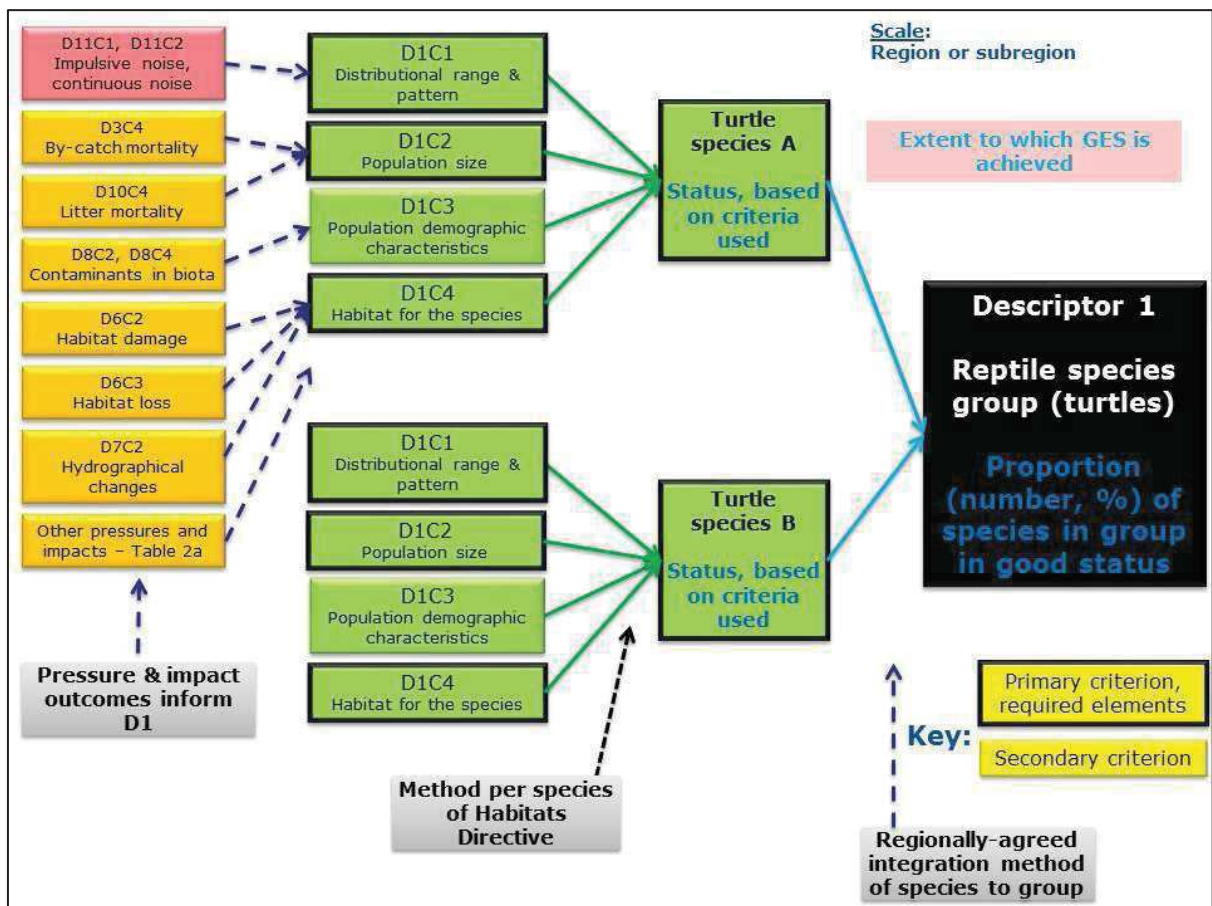
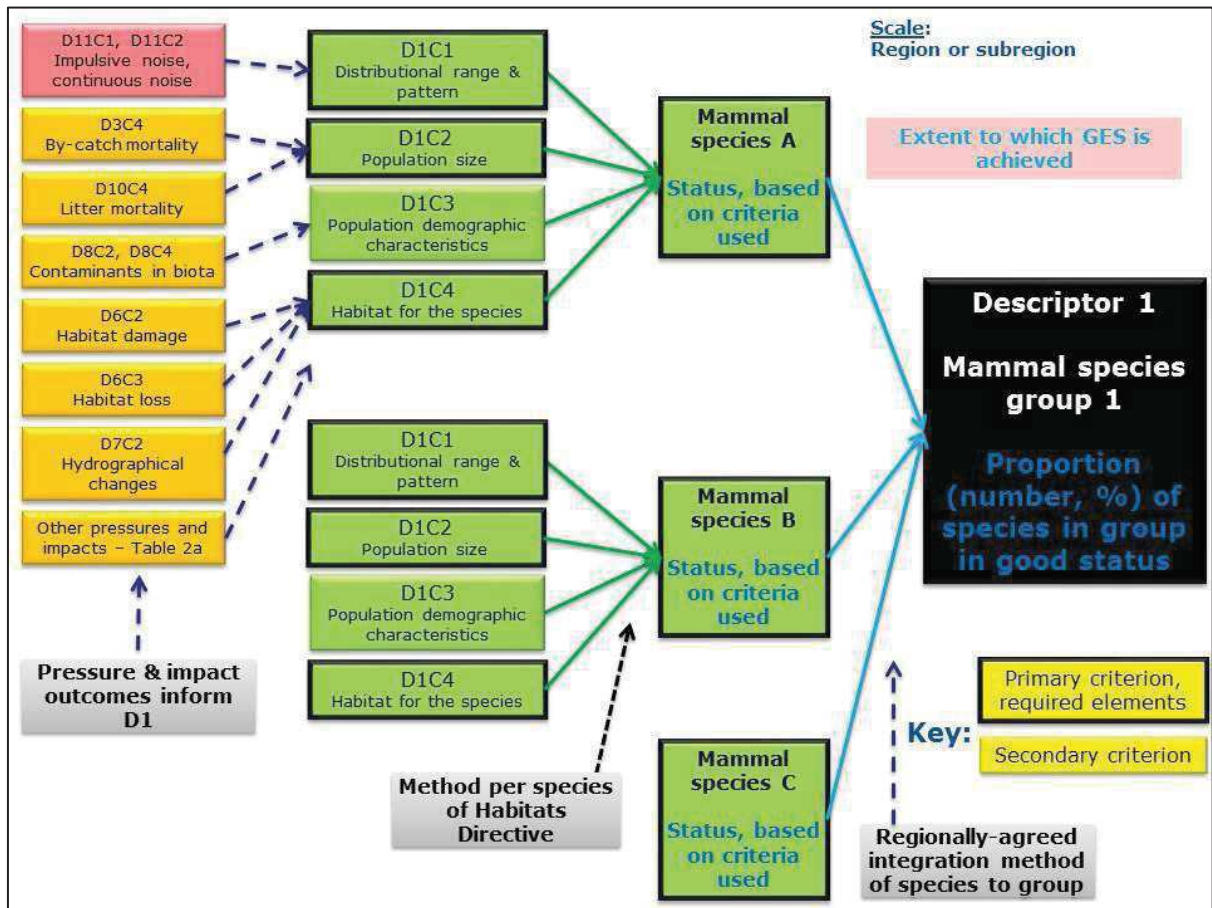


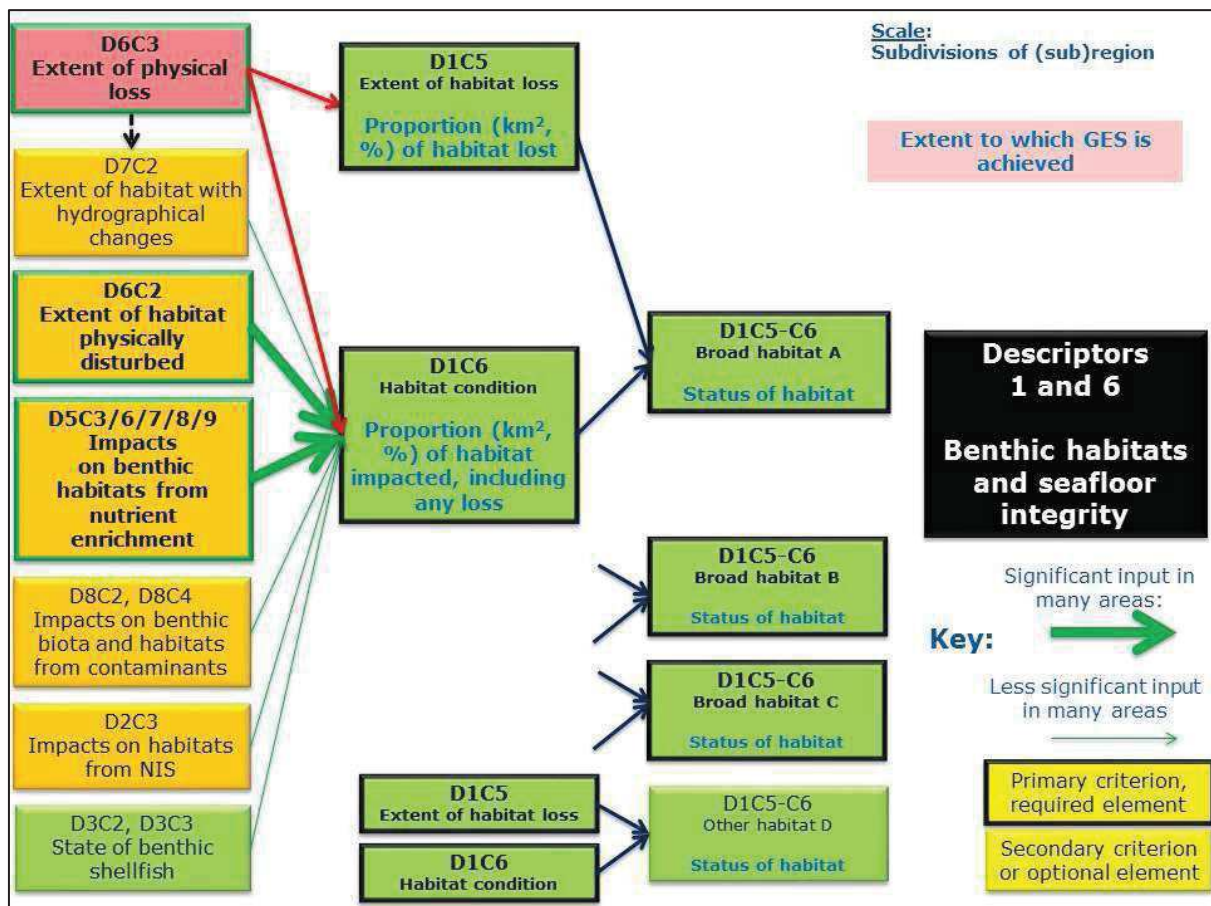
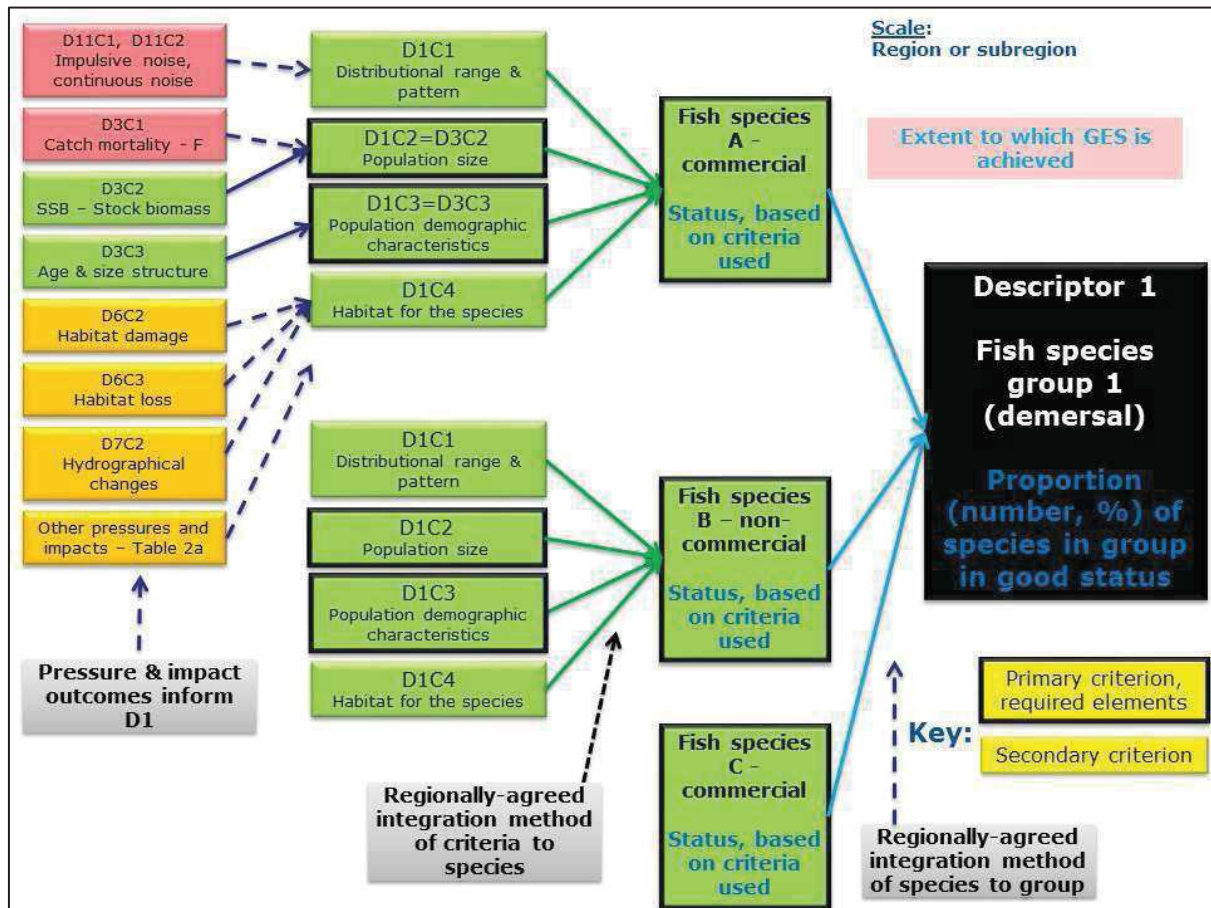


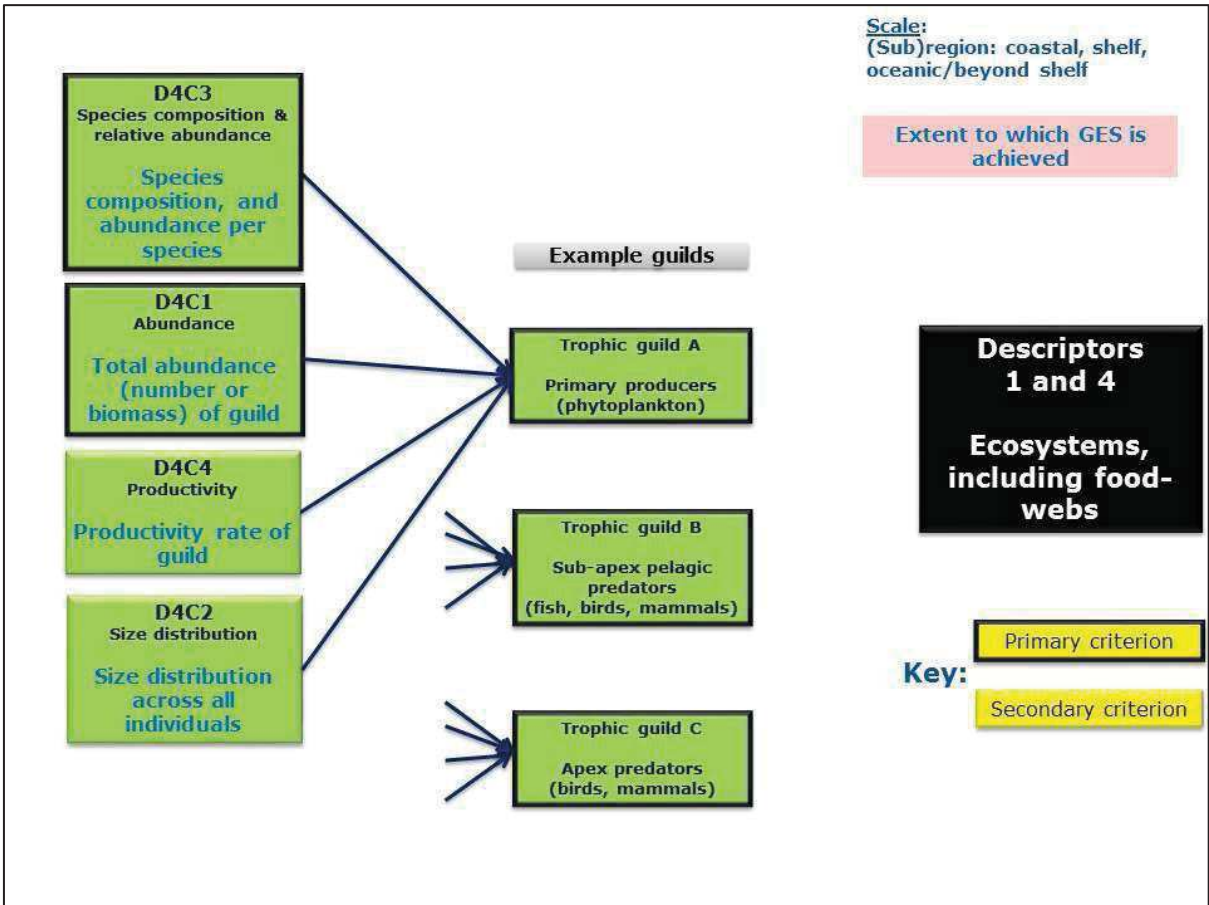
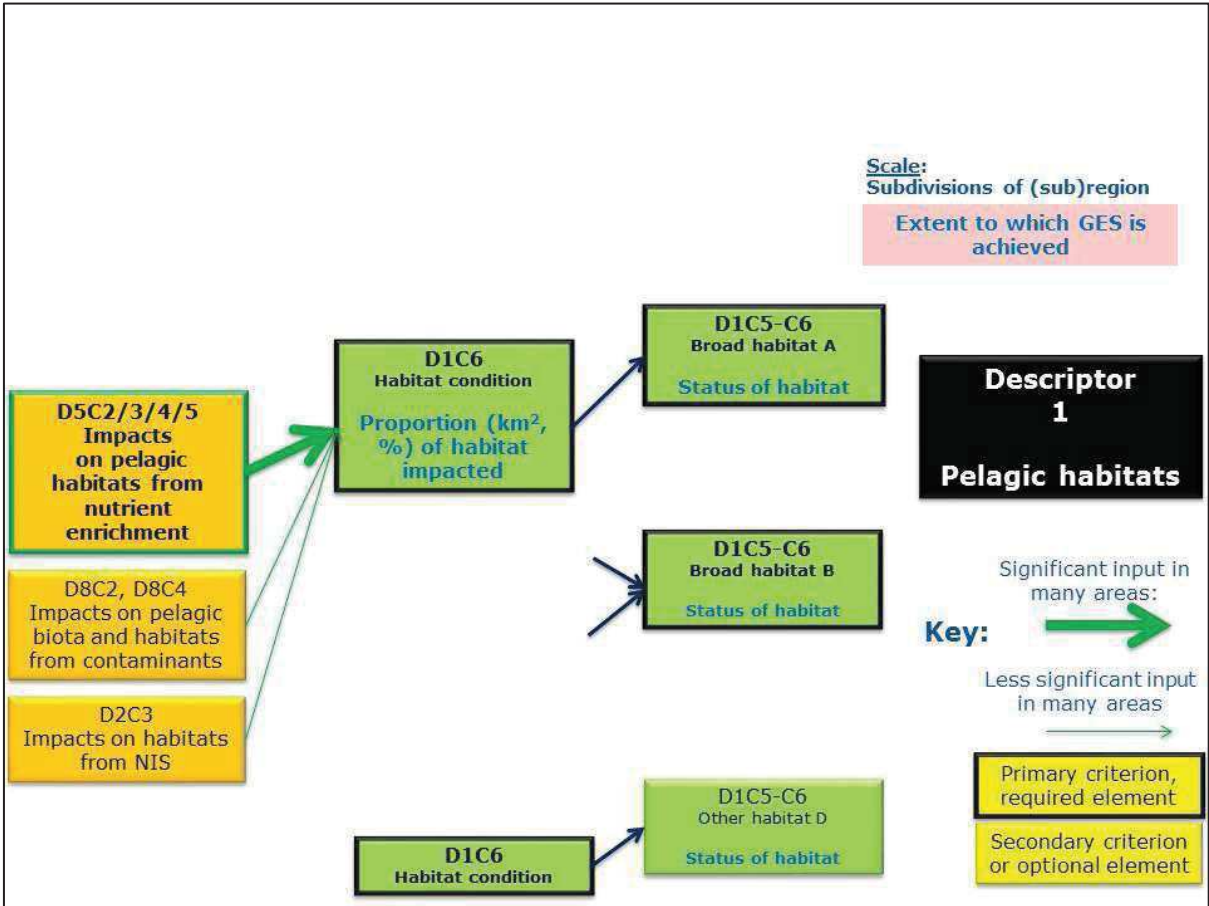
















## Aktdetaljer

**Akttitel: Marine Strategy Framework Directive Committee - Invitation to meeting of 19-20/05/16 - Participation to be confirmed by 10/05**

**Aktnummer:**

Akt ID: 2764022

Dato: 28-04-2016

Type: Indgående

Original titel: Marine Strategy Framework Directive Committee - Invitation to meeting of 19-20/05/16 - Participation to be confirmed by 10/05

Dokumenter:

- [1] Marine Strategy Framework Directive Committee - Invitation to meeting of 19-200516 - Participation to be confirmed by 1005.msg
- [2] 2030477 Invitation.pdf
- [3] 2030477 Draft Agenda.pdf
- [4] CTTEE-12-2016 Draft Meeting minutes\_CLEAN.docx
- [5] 5898895 Rules of procedures.pdf
- [6] Committee' Members.pdf

Den 1. februar 2017

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(Rasa.SVETAVICIUTE@ec.europa.eu)

**Fra:** ENV-MARINE-ENVIRONMENT@ec.europa.eu (ENV-MARINE-ENVIRONMENT@ec.europa.eu)

**Titel:** Marine Strategy Framework Directive Committee - Invitation to meeting of 19-20/05/16 - Participation to be confirmed by 10/05

**Sendt:** 28-04-2016 16:20:16

**Bilag:** 2030477 Invitation.pdf; 2030477 Draft Agenda.pdf; CTTEE-12-2016 Draft Meeting minutes\_CLEAN.docx; 5898895 Rules of procedures.pdf; Committee' Members.pdf;

Dear members of the Marine Strategy Framework Directive Committee,  
(copy to Marine Directors and Environment attachés)

We are pleased to invite you to the 13<sup>th</sup> meeting of the Committee established under Article 25 of the Marine Strategy Framework Directive (2008/56/EC) that will take place in Brussels on **19<sup>th</sup> and 20<sup>th</sup> May 2016**. See the attached invitation for details.

The draft agenda for the meeting is enclosed and the meeting documents are under preparation and will soon be posted on the Comitology register as well as on the MSFD Committee restricted section of Circabc <https://circabc.europa.eu/w/browse/64412ce3-d75f-482f-bfbc-881f5ce29df9> (limited to Committee members and their alternates only). (NB should the link not lead you directly to the Committee page under the Marine Strategy section, try clicking on it again once you have logged in on Circabc).

The draft minutes of the 12<sup>th</sup> Committee meeting are enclosed and have also been uploaded in the same Circabc folder.

For Member States that have not done so yet, we would kindly remind you that you should inform us, by means of an **official letter** from your country's permanent representation in the European Union, of the **names of the permanent and alternate representatives** of your country in the Committee before the next meeting (for your information the list of current Committee members is attached).

We would be grateful if you could **confirm your participation to this Committee meeting** to Giulia Marano (Giulia.MARANO@ec.europa.eu) **by Tuesday 10 May** at the latest also providing your **date of birth and ID card/Passport number**. On the day of the meeting, please make also sure to **bring this invitation with you**.

Practical information about the reimbursement of travel expenses for 1 representative per Member State is being sent separately to Committee representatives.

Kind regards,

**Giulia MARANO**

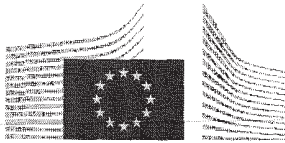


**European Commission**

Directorate General for Environment

Unit C2: Marine Environment & Water Industry

B-1049 Brussels/Belgium



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

**28 AVR. 2016**  
Brussels,  
ENV.C.2/CIL/gm Ares(2016)

**FOR THE ATTENTION OF MEMBERS  
OF THE MARINE STRATEGY FRAMEWORK DIRECTIVE COMMITTEE**

**Subject: Invitation to the 13<sup>th</sup> meeting of the Committee established under Article 25 of Directive 2008/56/EC (Marine Strategy Framework Directive) – 19-20 May 2016 (Brussels)**

We are pleased to invite you to the **13<sup>th</sup> meeting of the Marine Strategy Framework Directive Committee**, which will take place in **Brussels on Thursday 19<sup>th</sup> and Friday 20<sup>th</sup> May 2016 in Brussels**. On 19<sup>th</sup> May, the meeting will start at **10h** and end by 18h. On 20<sup>th</sup> May, the meeting will start at 9h30 and end by **17h30**. The meeting will be held in the Conference Centre Albert Borschette (36, rue Froissart, B-1040 Brussels, room 4D).

The draft agenda is enclosed and the meeting documents are currently under preparation and will soon be posted on the comitology register (<http://ec.europa.eu/transparency/regcomitology/index.cfm>) as well as on the MSFD Committee CIRCABC site (restricted section of the Marine Strategy circabc site, limited to Committee members and their alternates only (<https://circabc.europa.eu/w/browse/64412ce3-d75f-482f-bfbc-881f5ce29df9>)). The draft minutes of the previous Committee meeting are also enclosed.

For Member States that have not done so yet, we would kindly remind you that you should inform us by means of an official letter from your country's permanent representation in the European Union, of the names of the permanent and alternate representative of your country in the Committee before the next meeting. For your information the list of current Committee members is attached.

We would be grateful if you could **confirm your participation** to this meeting to Giulia Marano ([giulia.marano@ec.europa.eu](mailto:giulia.marano@ec.europa.eu)) by **Tuesday 10 May** at the latest also providing your **date of birth and ID card number**. We would like to stress that confirmation of participation is compulsory as we have to send the complete list of participants to the security service prior to the meeting. Please also make sure to bring this invitation with you on the day of the meeting.

The meeting will be held in English and participants are kindly requested to bring their own copies of the meeting documents.

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111

The Commission will **reimburse the travel expenses of one representative per **Member State**** attending this meeting. Practical information concerning the arrangements for reimbursement is being sent separately.

Within the framework of this meeting, your personal data (name, address, etc.) will be registered according to article 2(b) of the Regulation EC 45/2001 (OJ N°18 L8 dated 12.01.2001, pages 1 to 22). Should you require further information or wish to exercise your rights (e.g. access or rectify data), please contact Giulia Marano ([giulia.marano@ec.europa.eu](mailto:giulia.marano@ec.europa.eu)).

Yours sincerely,

  
Matjaž Malgar  
*Head of Unit*

Copy: Environmental Attachés of Permanent Representations; Marine Directors

Enclosures: Rules of Procedures  
Current list of Committee members and their alternates  
Draft agenda  
Draft Minutes of Twelfth Committee meeting



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

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

**THURSDAY 19 MAY 2016 (10:00 – 18:00)**  
**AND FRIDAY 20 MAY 2016 (09:30-17:30)**

**Conference Centre Albert Borschette (CCAB) - Room 4D**  
**36, Rue Froissart - B-1040 Brussels**

**DRAFT AGENDA**

Time	Item	Agenda item	Action	Report by	Document
Thursday 19 May					
10:00	1	Welcome and introduction			
10:10	2	Adoption of the agenda	Adoption	COM	CTTEE/13/2016/01
10:15	3	Adoption of the minutes of the Twelfth Committee meeting	Adoption	COM	CTTEE/13/2016/02
10:30	4	Review of Commission Decision on GES	Item for discussion	COM	CTTEE/13/2016/03
Friday 20 May					
09:30	4	Review of Commission Decision on GES (continued)	Item for discussion	COM	CTTEE/13/2016/03
16:00	5	Review of MSFD Directive Annex III	Item for discussion	COM	CTTEE/13/2016/04
17:00	6	Any other business	Items for information		
17:30	7	Close of the meeting			



**EUROPEAN COMMISSION**

DIRECTORATE-GENERAL

ENVIRONMENT

Directorate C – Quality of Life, Water and Air

**ENV.C.2 - Marine Environment & Water Industry**

**TWELFTH 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 / Rooms 1B and 0B**

**36, rue Froissart, B-1040 Brussels**

**1. Welcome and introduction**

The Chair (European Commission, DG Environment) opened the meeting and welcomed the participants.

**2. Adoption of the agenda**

The draft agenda (document CTTEE\_12-2016-01) was adopted unanimously without amendments.

**3. Adoption of the minutes of the 11<sup>th</sup> Committee Meeting Minutes**

The minutes of the 11<sup>th</sup> Committee meeting (document CTTEE\_12-2016-02) were amended in order to reflect comments by Denmark, [REDACTED] and were adopted as amended.

**4. Review of Commission Decision on GES**

The Chairman thanked Member States for sending comments on the draft text of the Commission Decision on criteria and methodological standards for good environmental status (document CTTEE\_12-2016-03) and informed that around 300 of the 700 comments received led to revisions in the new version. All comments were however considered. He also informed the Member States on the cancellation of the Committee meeting foreseen on the 21-22 April 2016.

The Commission gave an overview presentation on the general issues identified in the comments received by Member States including the proposed solutions and informed Member States on the next steps.

A discussion followed in which Member States made general comments:

- Several Member States provided a coordinated view, expressing concerns on: i) the issue of legality of the scope of the draft proposal on threshold values, the one-out-all-out principle, ability to achieve the proposed timelines, reliance on Regional Sea Conventions, ii) the lack of maturity of science in support of some of the proposals regarding use of a risk-based



approach and threshold values by 2018 and iii) the additional cost burden for monitoring and reporting and the socio-economic implications.

- One Member State asked for a dedicated financial instrument to support implementation of MSFD and a more structured and clear link to blue growth;
- One Member State was concerned about the need for clear criteria for the GES decision, and the need first for a risk-based approach as a methodology to identify the main problems.
- Finally, several Member States expressed concerns on the application of the one-out-all-out principle.

### **Recitals and Articles**

The Commission then presented the recitals and articles one-by-one and Member States were invited to comment on each of them:

- Recitals: due to limitations of time, discussion covered only recitals 1 to 8. Member States made specific comments on recitals 4, 7 and 8 regarding the role of regional cooperation for MSFD implementation, the time limits in other environmental legislation and the need to ensure coherence, the establishment of threshold values at regional or subregional level and the inclusion of word "applicable" before threshold values.
- Article 1 Subject matter: Member States commented in particular on the lack of reference to MSFD Annex III, the need to use the same wording as in the 2010 Commission Decision and to define sub-objectives.
- Article 2 Definitions: Member States requested clarifications on the application of secondary criteria, differences between "specification" and "standardised method", and on the definition of threshold values.
- Article 3 General principles: Member States expressed reservations on the text, proposed to use the same wording as in the 2010 Commission Decision and expressed concerns on the possibility not to use one or more criteria only "in exceptional circumstances" and with "due justification". Paragraph 4 was not discussed.
- Article 4 Repeal: one Member State proposed either partial repeal as the 2010 Commission Decision includes a general part not entirely covered in the proposed draft text or taking up that general part in the Article 8 guidance.

The Commission then presented the draft Annex and its descriptors one-by-one and Member States were invited to comment on each descriptor.

### **Descriptor 5**

After the Commission presented the main changes following comments received on the previous version of the draft proposal (CTTEE\_11-2016-04) on that descriptor, several Member States raised concerns on the inter-relationship of assessments under the WFD and MSFD and the application rules proposed. Specific comments were made on the proposed criteria, including the suitability of the use of opportunistic macroalgae, the use of the term clarity, the units of measurements proposed, and the monitoring beyond coastal waters.

The Commission emphasised the necessity to ensure coherence between the assessments made under the Water Framework Directive and the MSFD.

### **Descriptor 8**

The Commission presented the details of the changes in the proposal for Descriptor 8 and particularly emphasised the necessity to ensure coherence between the assessments made under the Water Framework Directive and the MSFD.

Member States made specific comments on the proposed criteria including the use of the one-out-all-out principle, the application of criterion D8C4 and the definition of significant pollution events, and the role of Regional Sea Conventions.

### **Descriptor 9**

The Commission presented the changes in the proposal for Descriptor 9. Member States did not provide any comments during the meeting.

### **Descriptor 10**

The Commission presented the changes in the proposal for D10. Member States expressed concerns in relation to the deletion of the criterion on litter ingestion and the use of the criterion on entanglement, the ability to set threshold values, the potential difficulties linked to monitoring certain matrices (e.g. seafloor or floating litter) and on the strandings of animals and indicated that trends may be a more realistic indicator (rather than setting threshold values). Specific comments were made on the proposed criteria, including the lower size limit for micro-litter and the measurement units.

### **Descriptor 11**

After a short presentation by the Commission of the proposed changes related to Descriptor 11, a few Member States commented on specific aspects of the draft (ability to establish threshold values because of the immaturity of science, the focus on 'marine mammals', insufficient ranges for the frequencies to be used).

### **Descriptor 3**

The Commission presented the changes in the proposal for D3. Regarding Descriptor 3, Member States were concerned about the availability of data for certain criteria, the increased burden of monitoring for criterion D3C3, the lack of a definition for "commercially-exploited fish". Member States indicated that criterion D3C4 did not address commercially-exploited species and would sit better under Descriptor 1. Differing views were expressed as to whether criterion D3C3 should be maintained.

### **Descriptor 6**

The Commission presented the changes in the proposal for D6 criteria concerning physical loss and disturbance. On this descriptor, some Member States made specific comments on each of the criteria, indicating that the difference between certain criteria was not sufficiently clear, welcoming the proposed deletions of previously included criteria and proposing further merging of several criteria. Member States also asked for clarifications on the definitions and relevant activities, expressed concerns about monitoring and proposed the application of a risk-based approach.

### **Descriptor 2**

On Descriptor 2, specific comments were made on the proposed criteria, including on the specifications for monitoring, the wording of the criteria (D2C1 and D2C3), the lack of clarity regarding the use of D2C2 and D2C3 as secondary criteria and their link to the possibility of risk, and the use of "trends" of new introductions for D2C1.

### **Descriptor 7**

Member States questioned whether the secondary criteria were truly secondary, as they considered the conditions to use them would always be fulfilled and commented on the exclusion of the water

column from the scope of the criteria and on the lack of primary criteria.

### **Descriptor 1, 4, 6 Species groups, habitats and ecosystems including food webs**

The Commission presented the changes in the proposal for Descriptors 1, 4 and 6. Member States mainly commented on the need for appropriate links to the Habitats and Birds Directive's approaches and the difficulties in setting threshold values at regional level. They expressed concerns on the application rules proposed. Regarding habitats, several Member States were concerned about the economic impact of the threshold values proposed. One Member State wished to specifically include special or listed habitats.

Regarding food webs, Member States commented on the proposed wording ("adversely" instead of "significantly"), that proposed criteria do not assess the ecosystem and that threshold values cannot be defined according to ICES advice and suggested that more criteria should be secondary.

### **Part C**

Following the comments received during the meeting, the Commission gave a presentation with the view to clarifying the use of the one-out-all-out (OOAO) principle under application rules for contaminants and species, and showing different approaches on how Member States could present the assessment results to reflect the extent to which GES has been achieved.

Some Member States put a study reservation on part C. The Commission explained that different possibilities regarding the presentation of assessment results could for instance be considered under the Article 8 Assessment guidance.

### **5. Review of MSFD Annex III**

Member States generally welcomed the latest version of the proposal replacing Annex III of the MSFD (CTTEE\_12-2016-04) and made some specific comments regarding the indicative nature of the lists in the tables, notes related to the tables and the transposition period.

Following the comments of Member States on each of the sections above, the Commission provided initial responses to the comments made, particularly to provide further clarifications on the rationale for the text proposed. Following the discussions on the draft GES Decision and on the draft Directive replacing Annex III, Member States requested more time to provide written comments. It was maintained that Member States would send written comments **on the draft proposals by 9 March 2016**, in the template provided to that effect. The Commission indicated that it would consider the comments received in its preparation of the new drafts to be discussed at the next Committee meeting.

### **6. Any other business**

No other business.

The Chair thanked participants for their engagement during the two days and closed the meeting.

**Annex I: List of meeting documents**

<b>Agenda point</b>	<b>Reference</b>	<b>Title</b>	<b>Submitted by</b>
2	CTTEE/12/2016/01	Draft agenda	European Commission (DG ENV)
3	CTTEE/12/2016/02	Minutes of the Eleventh Committee meeting	European Commission (DG ENV)
4	CTTEE/12/2016/03	Review of Commission Decision on GES	European Commission (DG ENV)
5	CTTEE/12/2016/04	Review of MSFD Directive Annex III	European Commission (DG ENV)

## **Annex II: List of participants**

<b>State</b>	<b>Organisation</b>
Belgium	Belgian Federal Public Service - Health, Food Chain Safety and Environment
Bulgaria	Ministry of Environment and Water
Denmark	The Danish Nature Agency
Estonia	Ministry of Environment of Estonia
Finland	Ministry of Environment of Finland
France	Ministère de l'écologie, du développement durable et de l'énergie
Germany	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit
Greece	Special Secretary for Water of the Hellenic Ministry of Reconstruction of Production, Environment & Energy
Ireland	Department of Environment, Community and Local Government (DECLG)
Italy	Ministry of the Environment, Land and Sea Protection, Nature and Sea Protection Directorate (MATTM-PNM)
Latvia	Ministry of the Environmental Protection and Regional Development
Lithuania	Ministry of Environment of the Republic of Lithuania
Malta	Malta Environment and Planning Authority
The Netherlands	Ministry of Infrastructure and the Environment, DG for Spatial Issues and Water
The Netherlands	Ministry of Infrastructure and the Environment, RWS Centre for Water Management
Poland	Ministry of the Environment-Water Resources Department
Poland	Monitoring Department in the Chief Inspectorate for Environmental Protection
Portugal	Direcção-Geral de Recursos Naturais, Segurança e Serviços Marítimos (DGRM)
Romania	Ministry of Environment, Water and Forest
Slovenia	Ministry of the Environment and Spatial Planning
Spain	Ministry of Agriculture, Food and Environment
Sweden	Swedish Agency for Marine and Water Management (SwAM)
United Kingdom	Department for Environment, Food and Rural Affairs
European Commission	DG Environment

**RULES OF PROCEDURE  
FOR THE MARINE STRATEGY FRAMEWORK COMMITTEE  
(established under Article 25 of Directive 2008/56/EC)**

**[Version adopted by the MSFD Committee on 12 November 2013]**

**THE MARINE STRATEGY FRAMEWORK COMMITTEE (MSFD COMMITTEE)**

Having regard to the 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 environment policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular to its Article 25,

Having regard to Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>2</sup>, and in particular Article 9(1) thereof,

Having regard to the standard rules of procedure published by the Commission<sup>3</sup>,

**HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:**

*Article 1*

**Convening a meeting**

1. A meeting of the Committee shall be convened by its chair, either on his/her own initiative or at the request of a simple majority of members of the Committee.
2. In the case referred to in the second subparagraph of Article 3(5) of Regulation (EU) No 182/2011, where the written procedure is terminated without result, the chair shall convene a Committee meeting within a reasonable time.
3. Joint meetings of the Committee with other committees may be convened to discuss issues coming within their respective areas of responsibility.

*Article 2*

**Agenda**

1. The chair shall draw up the agenda and submit it to the Committee.

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<sup>1</sup> OJ L164, 25/06/2008, p. 19

<sup>2</sup> OJ L55 of 28.2.2011, p. 13

<sup>3</sup> OJ C206 of 12.7.2011, p. 11

2. The agenda shall make a distinction between:

(a) draft implementing acts to be adopted by the Commission on which the Committee is asked to give an opinion, in accordance with the procedure provided for in Article 24 (2) of Directive 2008/56/EC (examination procedure).

(b) other issues referred to the Committee for information or a simple exchange of views, either on the chair's initiative or at the written request of a member of the Committee.

### *Article 3*

#### **Documentation to be submitted to members of the Committee**

1. For the purpose of the second subparagraph of Article 3(3) of Regulation (EU) No 182/2011, the chair shall submit the invitation, the draft agenda and the draft implementing act on which the Committee is asked to give an opinion to the members of the Committee well in advance of the meeting, taking into account the urgency and complexity of the matter, and no later than 14 calendar days before the date of the meeting. Other documents related to the meeting, in particular documents accompanying the draft implementing act, shall, as far as possible, be submitted within the same time limit.

All documents shall be submitted in accordance with Article 12(2).

2. In duly justified cases, the chair may, on his/her own initiative or at the request of a member of the Committee, shorten the time limit for submission of documents referred to in paragraph 1. Except in cases of extreme urgency, the time limit shall not be shorter than five calendar days.

### *Article 4*

#### **Opinion of the Committee**

1. The Committee shall deliver its opinion on a draft implementing act within the time limit laid down by the chair in accordance with the second subparagraph of Article 3(3) of Regulation (EU) No 182/2011.

2. Where the Committee's opinion is required under the examination procedure, the outcome of the vote shall be decided by a qualified majority, in accordance with Article 5(1) of Regulation (EU) No 182/2011.

3. Unless a member of the Committee objects, the chair may, without proceeding to a formal vote, establish that the Committee has delivered a positive opinion, by consensus, on the draft implementing act.

4. The chair, in consultation with the members of the Committee, may, on his/her own initiative or at the request of a member of the Committee, postpone a vote until the end of the meeting or to a later meeting.

5. In accordance with the second subparagraph of Article 3(4) of Regulation (EU) No 182/2011, the chair shall endeavour to find solutions which command the widest possible support within the Committee. Before the vote, the chair shall inform the Committee of the manner in which the discussions and suggestions for amendments have been taken into account, in particular as regards those suggestions which have been largely supported within the Committee.

#### *Article 5*

#### **Representation**

1. Each Member State shall be considered to be one member of the Committee. Each member of the Committee shall decide on the composition of its delegation and inform the chair. With the chair's permission, the delegations may be accompanied by experts who are not part of the delegation.

2. Within a reasonable time and no later than five calendar days before the date of a Committee meeting, the following information shall be communicated to the chair:

(a) the composition of each delegation, except where such composition is already known to the chair;

(b) the names and functions of any experts accompanying the delegations and the reasons for which their presence is required.

If the chair does not object to the participation of an expert in advance of the Committee meeting, the permission referred to in paragraph 1 is considered to be granted.

3. The reimbursement of travel expenses by the Commission shall be paid in accordance with the applicable rules, subject to budgetary funds provided for this purpose.

4. A Member State delegation may represent a maximum of one other Member State. The Member State that is being represented shall inform the chair of this before the meeting, or, at the latest, before the vote.



## *Article 6*

### **Working groups**

1. The Committee may create working groups to examine particular issues. The working groups shall be chaired by a representative of the Commission.
2. The working groups shall report back to the Committee under the responsibility of their chair.

## *Article 7*

### **Third parties and experts**

1. The representatives of EEA EFTA states Iceland, Liechtenstein and Norway shall be invited to attend the meetings of the Committee, in accordance with article 100 of the Agreement on the European Economic Area<sup>4</sup>.
2. Representatives of acceding countries shall be invited to attend the meetings of the Committee as from the date of signature of the Treaty of Accession.
3. The chair may decide to invite representatives of other third parties or other experts to talk on particular matters, on his/her own initiative or at the request of a member of the Committee. However, a simple majority of the component members of the Committee may oppose their participation in the meeting.
4. Representatives of third parties and experts referred to in paragraphs 1, 2 and 3 shall not be present at and shall not participate in voting of the Committee.

## *Article 8*

### **Written procedure**

1. The chair may obtain the Committee's opinion by written procedure in accordance with Article 3(5) of Regulation (EU) No 182/2011. In particular, the chair may use the written procedure to obtain the Committee's opinion in cases where the draft implementing act has already been discussed during a Committee meeting.
2. The chair shall inform the members of the Committee of the outcome of a written procedure without delay, and no later than 14 calendar days after the expiry of the time limit.

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<sup>4</sup> OJ L1 of 03.01.1994, p. 572

## *Article 9*

### **Secretarial support**

The Commission shall provide secretarial support for the Committee and, if necessary, the working groups created pursuant to Article 6(1).

## *Article 10*

### **Minutes and summary record of meetings**

1. For the purpose of Article 3(6) of Regulation (EU) No 182/2011, the draft minutes of each meeting shall be drawn up under the responsibility of the chair. Committee members shall have the right to ask for their position to be recorded in the minutes. The chair shall send the draft minutes to the Committee members without delay and no later than one month after the meeting.

The members of the Committee shall send any comments they may have on the draft minutes to the chair in writing. If there is any disagreement, the matter shall be discussed by the Committee. If the disagreement persists, the relevant comments shall be annexed to the final minutes.

2. For the purpose of Article 10 of Regulation (EU) No 182/2011, the chair shall be responsible for drawing up a summary record briefly describing each item on the agenda and the results of the vote on any draft implementing act submitted to the Committee. The summary record shall not mention the individual position of the members in the Committee's discussions.

## *Article 11*

### **Attendance list and conflicts of interests**

1. At each meeting, the chair shall draw up an attendance list specifying the authorities and organisations to which the persons designated by the Member States to represent them belong.

2. At the beginning of each meeting, any person designated by the Member States, as well as experts who have been authorised by the chair to participate in the meeting in accordance with Article 5(1) and Article 7(3), and representatives of third parties who have been invited

to attend the meeting in accordance with Article 7, shall inform the chair of any conflict of interest with regard to a particular item on the agenda.

In the event of such a conflict of interest, the person concerned shall, at the request of the chair, withdraw from the meeting whilst the relevant items of the agenda are being dealt with.

## *Article 12*

### **Correspondence**

1. Correspondence relating to the Committee shall be submitted to the Commission, for the attention of the chair of the Committee.
2. Correspondence for members of the Committee shall be submitted to the Permanent Representations of the Member States, preferably by electronic means. Where a Permanent Representation indicates to the Commission a specific central electronic address for correspondence related to work of the committees, that address shall be used for correspondence. In addition, correspondence may be submitted directly to the persons designated by the Member State to represent them in the Committee.

## *Article 13*

### **Access to documents and confidentiality**

1. Requests for access to Committee documents shall be handled in accordance with Regulation (EC) No 1049/2001 of the European Parliament and of the Council<sup>5</sup>. It is for the Commission to take a decision on requests for access to those documents pursuant to its Rules of Procedure as amended by Decision 2001/937/EC, ECSC, Euratom<sup>6</sup>. If the request is addressed to a Member State that Member State shall apply Article 5 of Regulation (EC) No 1049/2001.
2. The Committee's discussions shall be confidential.
3. Documents submitted to members of the Committee, experts and representatives of third parties shall be confidential<sup>7</sup>, unless access is granted to those documents pursuant to paragraph 1 or they are otherwise made public by the Commission.

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<sup>5</sup> OJ L 145, 31.5.2001, p. 43

<sup>6</sup> OJ L345 of 29.12.2001, p. 94

<sup>7</sup> In accordance with Article 339 TFEU, '[t]he members of the institutions of the Union, the members of committees, and the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components'.

4. The members of the Committee, as well as experts and representatives of third parties, shall be required to respect the confidentiality obligations set out in this Article. The chair shall ensure that experts and representatives of third parties are made aware of the confidentiality requirements imposed upon them.

#### *Article 14*

##### **Protection of personal data**

The processing of personal data by the Committee and its working groups shall be in conformity with Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>8</sup>, under the responsibility of the chair acting as the controller, within the meaning of point (d) of Article 2 of that Regulation.

Done at Brussels,

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<sup>8</sup> OJ L8, 12.1.2001, p. 1

Committee' Members (updated 28.04.2016)

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## Aktdetaljer

**Akttitel: SV: Comments on the draft texts for GES criteria and methodological standards and MSFD Annex III\_Deadline extended (14/03/2016)**

**Aktnummer:**

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Dato: 14-03-2016

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[3] 2016\_12\_03 Headline Comments\_final.docx

Den 1. februar 2017

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**Sendt:** 14-03-2016 16:03:56

**Bilag:** DK\_MSFD\_GESDecision\_v2\_AnnexIII\_v3\_comments\_DK.xls; 2016\_12\_03 Headline Comments\_final.docx;

Dear Marine Team, dear colleagues.

Thank you very much for the possibility for providing written comments on the draft proposal and the extended deadline.

I hereby enclose the comments from Denmark in the excel file.

In addition, I enclose a common paper from a large number of administrations in the Member States.

I hope we will get the opportunity to discuss the way forward at the MSCG meeting in April.

Best regards

**Ditte Mandøe Andreassen**

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**Sendt:** 4. marts 2016 13:30

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**Emne:** Comments on the draft texts for GES criteria and methodological standards and MSFD Annex III\_Deadline extended (14/03/2016)

Dear Members of the Marine Strategy Framework Committee,

A number of you have asked for an extension of the deadline by which comments on the draft texts for GES criteria and methodological standards and MSFD Annex III have to be submitted. Following further consideration, we are pleased to announce that this deadline is extended to **14 March 2016**. In this respect, we kindly ask members of the Committee to include comments made during the Committee meeting of 1-2 March in the written response. All responses should be sent to [ENV-MARINE-ENVIRONMENT@ec.europa.eu](mailto:ENV-MARINE-ENVIRONMENT@ec.europa.eu) and use the template provided.

Kind regards,

**ENV Marine Team**



**European Commission**

**Directorate General for Environment**

**Unit ENV.C.2 "Marine Environment and Water Industry"**

**[http://ec.europa.eu/environment/marine/index\\_en.htm](http://ec.europa.eu/environment/marine/index_en.htm)**

## MSFD draft Decision and Annex III - comments

<b>Documents for comment</b>	
Document number	CTTEE_12-2016-03
Document title	Proposal for a Commission Decision on GES Criteria draft v2
Release date	15-02-2016
<p>Please provide comments on both documents in this table. Do not repeat comments in different tabs, but enter the comments in this table.</p> <p>All comments received need to be compiled and sorted according to the format indicated (entries are examples only - add more if necessary).</p> <p>In your commenting, please be as clear as possible on whether you support or oppose the text, proposing precise text changes. Alternatively provide any comments you may wish to indicate support or otherwise for the text.</p> <p><b>ONE consolidated set of comments only (i.e. one per Member State or stakeholder)</b></p> <p><b>To be sent to: ENV-MARINE-ENVIRONM</b></p> <p><b>To be received by: 9 March 20</b></p>	

<b>Comments</b>
Member State/stakeholder

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article	Comment
DK	3	Recital 4	DK suggest deletion of the following sentence: "In addition, the assessment recognised that regional cooperation must be at the very heart of the implementerion of Directive 2008/56/EC and influence national implementation processes, rather than the other way around." Another solution could be to just write: "In addition, the assessment recogised the importance of regional cooperation".
DK	3	Recital 8	DK cannot support the term "Threshold values", as it reflects that quantitative values shall be set in all cases, which is not mandatory in the Directive. We suggest to use the term assessment level. Article 9(3) does not say that threshold values should be set out. It says that criteria and methodological standards should be set.
DK	3	8	Please, add "the indicative tables in" before it says "Annex III of that Directive". It is important that the content of the tables are indicative and not mandatory.
DK	3	Recital 8	Please, use the term "assessment level" and delete "quantitative" in the following wording: For each descriptor, this Decision should define the criteria, including the elements to be used and, where available [and applicable], the threshold values that allow a quantitative assessment of whether GES is achieved."
DK	4	Recital 8	Please delete "application rules for the criteria" -- the applications rules should not be a part of the Decision, this should be decided (sub)regionally.
DK	4	Recital 8	Please, add "guidance" here: "including GUIDANCE ON the geographical scales for assessment". It should be possible to use another scale than suggested, if relevant.
DK	4	Recital 9	Please, add that technical feasibility, monitoring costs and reliable time series should be taken into account.
DK	4	Recital 10	Please, add "where appropriate" and delete "assessment and" here: ...this decision should, WHERE APPROPRIATE, refer to existing quality standards and methods of ASSESSMENT AND monitoring from Union legislation...". MSFD should not include the One-out-all-out principle from WFD.
DK	4	Recital 10	Please, add the following wording in the end of recital 10: "This shall not directly og indirectly impose new requirements on or amend existing requirements of other Directives, such as Directive 2000/60/EC, 2009/147/EC and 92/43EEC." It is important to state here that the MSFD cannot either directly or indirectly change or add requirements to other Directives.
DK	5	Recital 12	Future work: The description of secondary criteria could usefully be moved to this recital. DK sees the secondary criteria as possible future work instead of linked together to the risk based approach.
DK	5	Recital 13	Please, add "qualitative" and "indicative lists" here: "This Decision should be structured to support this linkage, and organise the criteria and methodological standards on the basis of the QUALITATIVE descriptors laid down in Annex I of Directive 2008/56/EC and on the basis of the INDICATIVE LISTS OF the ecosystem elements..."
DK	5	Recital 14	Trends can also be relevant when determining GES, cf. article 9. Please add article 9 in the text.
DK	5	Recital 15	Recital 15 does not make sense - too many concepts in one recital - and the concepts are not connected. DK cannot support the way the Commission use the risk based approach. The proper understanding of the concept RBA would be to allow Member State(s) to focus on the main problems/pressures without neccessarely having to prove that other problems are less important. Secondary criteria shall be truly voluntary, which will give flexibility. Actually, no criteria can be an obligation to MS. Remember the text in the end of annex 1. Please use the wording from old Decision (2010), point 8.

## MSFD draft Decision and Annex III - comments

DK	5	Recital 16	Dk has reservations about the Part C in the annex, since we have not fully understood the implications of the proposed methodology. Is this in accordance with the proposed assessment scales? Please clarify, that the assessment levels (threshold values) are not equal to GES, since GES is assessed on Descriptor level by aggregating the result from the criteria level. Please correct this in the text.
DK	5	Recital 18	Please, pay attention to the wording in article 23. Revisions shall only be carried out, if appropriate. Change the wording to: "The Commission shall review this Decision by 15 July 2023 as a part of the review set out in Article 23...."
DK	6	Art. 1	Article 1 should also refer to the indicative lists in Annex III.
DK	7	Art. 2(1)	Replace "shall" with "should" here. "Primary criteria SHOULD be used by MS in accordance with...." The Commission does not have the legal basis for setting mandatory criteria. Remember the text in the last part of Annex 1.
DK	7	Art. 2(1)	DK propose new wording: "Secondary criteria may be used either instead of a primary criterion or in addition to the primary criterion". The annex should not set up rules for the use of primary criteria.
DK	7	Art. 2(3)	Please clear that subdivisions are areas within a subregion.
DK	7	Art. 2(4)	The definition seems very broad, what is the purpose of including international level here? Please delete "or international".
DK	7	Art. 2(5+6)	Difficult to separate "specifications" from "standardised methods". Could this be defined under one bullet?
DK	7	Art. 2(6)	DK cannot support this definition. The application rules should be agreed on (sub)regionally. Furthermore, according to article 4(2) in the MSFD, the MS have the flexibility to divide its marine area into subdivisions. Hence, it could be argued that the assessment scale is decided by MS and not the Commission.
DK	7	Art. 2(7)	Positive that the definition of coastal waters refers to MSFD. Please accept the consequences of this in the rest of the proposal - the appendix does not seem to recognise this definition - (coastal waters are not covered if covered by WFD). Therefore, DK proposes that assessments under WFD can be used, if the MS finds it appropriate. All criteria for coastal waters (covered by WFD) should only be secondary and should only be used, if MS does not use the WFD assessments.
DK	7	Art. 2(8)	DK supports the definition.
DK	7	Art. 2(9)	DK cannot support the term "Threshold values", as it reflects that quantitative values shall be set in all cases, which is not mandatory in the Directive. We suggest to use the term assessment level. Article 9(3) does not say that threshold values should be set out. It says that criteria and methodological standards should be set.
DK	8	Art. 3(1)	Remember flexibility for MS. Please, change "Shall" to "should" in the first line of the section.
DK	8	Art. 3(1)	Please add "indicative lists" before mentioning Annex III (should be done every time Annex III is mentioned).
DK	8	Art. 3(2)	Dk cannot support the paragraph. Please use wording from old decision (2010).
DK	8	Art. 3(4)	Implementation of this by 2018 can only be done if the proposal takes existing work into account and does not set numerous new requirements on MS. Otherwise the timeline should be postponed to 3rd cycle. DK cannot support the wording "in exceptional circumstances" and "duly justified". Please insert flexibility in the paragraph.
DK	2-9	General	Criteria and standards on good environmental status and specifications and standardised methods for monitoring and assessment must take into consideration the concrete circumstances of each marine water comprised by the Marine Strategy Framework Directive. Thus, the European Commission should not adopt detailed criteria, standards, etc. that does not take the differences of marine waters into account. Furthermore, DK cannot support threshold values / assessment levels set at EU level (underwater noise, marine litter, physical disturbance).

## MSFD draft Decision and Annex III - comments

DK	2-9	General	As criterias and standards on good environmental status and specifications and standardised methods for monitoring and assessment laid down under the Marine Strategy Framework Directive most likely will affect demands for assessments under the EIA Directive and the Habitats Directive (Natura 2000), the criterias, standards etc. must always be in compliance with the BAT-principle. If detailed criterias, standards, etc. were to be adopted, they must be based on sound scientific knowledge objectively applicable to the marine waters the standards are set for (subregion/region/European Union). Thus, criterias, standards, etc. must be broad and elastic to make sure that all concrete circumstances for each marine water could be taken into account and a concrete assessment can be applied in regards to the relevance of criterias, standards, etc.
DK	2-9	General	Proposal for a compromise to reach agreement of the proposed Decision: Very reduced number of criteria and only the indicators/criteria which are already shared and operational. This means focusing on 1 primary criterion per descriptor, based on common indicators we already use and data we already have. All other criteria are either eliminated, either kept in the text as they may be used (provided we agree on them) but as secondary and facultative (and subject to evolution due to science, new monitoring, etc...)
DK	2-9	General	<b>1. Legal basis:</b> 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.
DK	2-9	General	<ul style="list-style-type: none"> <li>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.</li> </ul>
DK	2-9	General	<ul style="list-style-type: none"> <li>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.</li> </ul>
DK	2-9	General	<ul style="list-style-type: none"> <li>The use of the one-out-all-out principle, jointly applied with threshold values.</li> </ul>
DK	2-9	General	<ul style="list-style-type: none"> <li>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).</li> </ul>
DK	2-9	General	<ul style="list-style-type: none"> <li>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.</li> </ul>
DK	2-9	General	<ul style="list-style-type: none"> <li>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.</li> </ul>
DK	2-9	General	<b>2. Scientific Knowledge:</b> 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).
DK	2-9	General	<ul style="list-style-type: none"> <li>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".</li> </ul>
DK	2-9	General	<ul style="list-style-type: none"> <li>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.</li> </ul>
DK	2-9	General	<b>3. Additional cost burdens:</b> 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:
DK	2-9	General	<ul style="list-style-type: none"> <li>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.</li> </ul>



## MSFD draft Decision and Annex III - comments

DK	2-9	General	<ul style="list-style-type: none"> <li>The different features and characteristics of the (sub)regions require an element of flexibility in implementation. This is missing from the draft.</li> </ul>
DK	2-9	General	<ul style="list-style-type: none"> <li>The proposed mandatory criteria and threshold levels will have implications for other EU policy strands such as energy, transportation, fishery and food.</li> </ul>
DK	2-9	General	<ul style="list-style-type: none"> <li>The revised draft will have socio-economic implications including in the peripheral regions of the European Union.</li> </ul>
DK	Annex, p. 2	Title	Please add "qualitative" before "descriptors in Annex I" and "the indicative lists in" before "Annex III of that Directive".
DK	Annex, p. 2	Introduction to Part A	3rd line: Please replace "shall" with "should".
DK	Annex, p. 2	Introduction to Part A	The order of the pressures is not completely logic. Could usefully be arranged in numerical order: 2, 3, 5, 6, 7, 8, 9, 10 and 11. Alternatively, an overview of the order (with page numbers) would help. (Table of content).

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
DK	30-40	General	DK cannot support common EU assessment levels (threshold values) on physical disturbance of the seafloor. (D1C5-D1C6).
DK	30-40	General	It should be noted that the Biodiversity data and indicators involve crucial links between different criteria – so at this stage it is highly unlikely thresholds can be applied meaningfully to the quality of data we have currently for many of the indicators. A more qualitative approach is the only reasonable scientific approach to take at this stage for some of the indicators.
DK	31	Criteria D1C1	Using assessment levels / threshold values corresponding with the reference values developed for the habitats directive is good since it creates a synergy between the two directives. However, for the habitats directive there are no requirements to achieving the goals of favourable conservation status by 2020 as there is for GES in the MSFD. The requirements within the habitatsdirective should not be altered due to this decision. The MSFD should respect the Habitats and Birds Directives. See also comment to recital 10.
DK	31	Criteria D1C1	Replace "natural" with "prevailing" in the sentence: D1C1: Species distributional range and, where relevant, pattern is in line with PREVIALING physiographic, geographic and climatic conditions. "Natural" seems like a state without any human impact.
DK	31	Criteria elements	Replace "...a set of species, representative for..." with "at least one species, representative for...". It should be possible to choose only one species under a species group, if relevant and representative.
DK	31	Criteria D1C2	How shall Member States establish reference levels for each species, consistent with the Favourable Reference Population values established by the relevant Member States under Directive 92/43/EEC, if a species is chosen which is not covered by Directive 92/43/EEC? Please, add "as far as possible" here: "Member States shall AS FAR AS POSSIBLE establish...."
DK	31	Criteria D1C2	In general, it is difficult to establish assessment levels for this criterion.
DK	31	Criteria D1C2	Denmark is looking into the comparability of reference values used in the Habitats and Birds Directives compared with the criteria suggested for D1. And also looking into how many species are not covered by current reference levels.
DK	31	Criteria D1C1+D1C2	Current monitoring under HD and BD does not cover all regional waters to the level required in these criteria, for instance bird monitoring in off shore areas of the North Sea does not match what is done under the BD. Should be taken into account.
DK	31	D1C3	D1C3: The current monitoring program does not include data gathering for all the demographic characteristics mentioned in D1C3, This would be a significant expansion of monitoring demands.
DK	31-32	D1C4	DK suggest the criterion deleted to achieve a more streamlined Decision. The topic is covered by D4.

MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
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## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
DK	39-40	Criteria D4C1-D4C4 Elements	These criteria could require a significant alteration of the current Danish monitoring program, to evaluate all four criteria regarding trophic guilds. Denmark is unsure if threshold values can be set by MS based on current knowledge.
DK	40	Criteria D4C3	Please delete this criterion in order to obtain a more streamlined approach. The criterion is not necessary, since we have D4C1 as primary and D4C2+D4C4 as secondary.

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
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## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
DK	24-27	Criteria D6C2	The wording "adversely affect" indicates that a habitat is not to be exposed to any as well as minor impacts, when good environmental status is to be achieved. Minor impacts do not necessarily entail a negative environmental effect. The wording "significant" is used in Decision 2010/477/EU, this wording seems to be a more adequate description.	
DK	25	Criteria D6C2	The broad habitat types will provide an incomparability with the habitats directive. Establishing and monitoring several subtypes per broad habitat type will be a significant added expense. Flexibility needed.	
DK	26	Criteria D6C3	How is loss to be measured, disturbed habitat is not necessarily lost habitat, and it will require substantial surveys to evaluate square kilometers of either.	
DK	26-27	Specifications & methods	The wording "all relevant..." indicates that the extent of the monitoring and assessment only concerns activities for which it is relevant, as evaluated by the authority/Member state. I.e. activities that are deemed to have only minor insignificant impacts on the sea bed should therefore not have a requirement to provide extensive EIA's covering the impact. However, assessing all relevant disturbances from different human activities in all regions will be a very costly assessment requirement.	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
DK	29	Specifications & methods	From a reasonableness principle the extent of the monitoring and assessment should only concern activities for which it is relevant, as evaluated by the authority/Member state. Activities that are deemed to have minor insignificant impacts on the sea bed should therefore not have a requirement to provide extensive EIA's followed by ground-truth measurements.



**MSFD draft Decision and Annex III - comments**

<b>Member State / Stakeholder</b>	<b>Page</b>	<b>Section:</b> - Elements - Criteria - Methodological standards - Specifications & methods	<b>Comment</b>
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MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment

MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
DK	13	Criteria D10C3	This criteria requires a reference level that takes all other effects from other anthropogenic pressure as well as predation from other species etc. into account in order to assess at which level entanglement incidents etc will adversely affect a population. DK suggest "regional assessment level is set for number of entanglement incidents of marine animals".	
DK	13	Criteria D10C1 Elements	There should not be one threshold for the whole EU as litter level vary significantly in terms of composition and level in different regions and also may have different impacts so these should be set at regional or sub regional basis. There is also a need to take the oceanographic characteristics into account, such as areas that due to currents end up as deposit areas.	
DK	14-15	Specifications & methods	Evaluating all species groups defined in D10 C3 based on incidental occurrences does not seem viable. These could mainly be used to evaluate mammals and birds i DK. Should be flexible.	
DK	14-15	Specifications & methods	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 per individual for biota. The OSPAR seabed litter indicator proposes to use items per km2 as items per m2 would be very low. Also the OSPAR Fulmar indicator uses grammes of plastic not number of items as this has proved more informative given the size range of plastic items.	
DK	14-15	Specifications & methods	In general the monitoring should be minimised to "need to know" - not "nice to know".	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
Dk	16-17	General	Dk cannot support EU levels regarding underwater noise. D11C2 should be secondary. And the assessment levels should be set (sub)regionally. Please, see explanation in the rows below.
DK	16-17	General	DK finds it necessary to bring attention to article 2(2) in the MSFD, where it is stated: This Directive shall not apply to activities the sole purpose of which is defence or national security. It is important that this is reflected in the text. DK proposes the following text: "When assessed applicable by the National Ministry of Defence of the Member States, the Ministry of Defence may establish assessment levels relating to activities with the sole purpose of defence or national security." This will be in accordance to Directive 2008/56/EC, art.2(2).
DK	16	Criteria D11C1-D11C2	It is questionable if current understanding and knowledge of noise effects to all marine animals are understood to a point where such thresholds can be set. Furthermore, both criteria require expansive and costly monitoring especially in order to evaluate not only marine mammals but also other marine species.
DK	16	Criteria D11C1	Jointly establishment of threshold values is read as an alignment of regulation which does not reflect the differences in the physical and biologic conditions in the marine areas. Any assessment levels should reflect the marine diversity of the areas. A common European level is therefore not appropriate as an indicator for achievement of good environmental status. A more local/subregional approach, where the reasonable extent of the thresholds is based on an evaluation of the local conditions seems more suitable.
DK	16	Criteria D11C1 - D11C2	The wording "adversely affect" indicates that marine animals are not to be exposed to any as well as minor impacts, when good environmental status is to be achieved. Minor impacts do not necessarily entail a negative environmental effect. The wording "significant impact" is used in Decision 2010/477/EU, this wording seems to be a more adequate description.
DK	16	Criteria D11C2	D11C2: With regard to low frequency noise there exists no relevant scientific documentation which in any way can justify establishing criteria for determining if/how specific frequency areas or levels of low frequency noise conflicts with the aim of the MSFD regarding good environmental conditions in a marine area. The singular observations of how marine animals can hear and react to low frequency noise in specific situations can - as stated by scientists in the area - not justify the determination of criteria for environmental conflicts or regulation with reference to a specific level of low frequency noise.

## MSFD draft Decision and Annex III - comments

DK	16	Criteria D11C2	D11C2 could be very problematic for the tunnel project Fehmarnbelt Fixed Link, if the common assessment levels is formulated before a final plan approval decision in Germany is in place (which is likely). (The approval for the Danish site is already in place). The project has a well grounded and sound EIA documentation, but new guidelines/assessment levels could potentially raise a conflict regarding noise immission levels and would probably demand supplementary documentation from Femern A/S to prove that the project is in accordance with the new assessment levels. Beacuse the project currently is so advanced, this could result in extra costs of hundreds of million Danish Kroner. The project is co-financed by the EU Commission.
DK	16	Criteria D11C2	<p>Beacuse of the above mentioned problems regarding low frequence noise, DK states that:</p> <ol style="list-style-type: none"> <li>1) There is a lack of evidence of how the specific sound pressure (third octave calculation) in the selected frequency areas (63 Hz and 125 Hz) are relevant in order to avoid negative impact on the marine animal life from low frequency noise.</li> <li>2) There is a lack of any evidence that it - as it is suggested - should be relevant to apply certain average annual levels for low frequency noise as criteria for determining GES.</li> <li>3) As the existing evidence solely shows potential local disturbing effects from low frequency noise on the marine animal life - without causing harm to any individuals as such - it can only be justified to assess situation specific and area specific environmental aspects in relation to concrete plans and projects, and based hereupon consider possible measures to avoid or minimize disturbances related to low frequency noise.</li> <li>4) Determination of general conditions or threshold values for levels of low frequency underwater noise in marine areas with reference to the MSFD is not a suitable solution for handling the marine spatial planning task or obtaining the marine management's objective of ensuring favourable environmental conditions and a sustainable use of the marine area. A qualified marine spatial planning presupposes a focused and evidence based regulation.</li> <li>5) The subject regarding low frequency noise in the proposal of the Commission should only be referred to as a future focus area with the overall objective of providing more knowledge and evidence, and with the aim of only in specific planning and project contexts to conduct relevant measures to avoid disturbances if possible.</li> </ol>

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Paragraph 1 - Paragraph 2
DK	40-41	General
DK	41	General
DK	41	General

## MSFD draft Decision and Annex III - comments

Comment
Dk has reservations about the Part C in the annex, since we have not fully understood the implications of the proposed methodology. Is this in accordance with the proposed assessment scales and the flexibility for MS to decide assessment scales? Does it require more data?
DK suggest that the methodology in part C should be used at descriptor level - not criteria level - since GES should be assessed at descriptor level.
Bullet c): What does this mean and for which purpose should this be done? Seems like the Commissions sets out rules for the initial assessment and where is the legal basis for this?

## MSFD draft Decision and Annex III - comments

Response



## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article - Table 1 - Table 2a - Table 2b	Comment
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## 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.



## Aktdetaljer

**Akttitel: Comments on the draft texts for GES criteria and methodological standards and MSFD Annex III\_Deadline extended (14/03/2016)**

**Aktnummer:**

Akt ID: 2764025

Dato: 04-03-2016

Type: Indgående

Original titel: Comments on the draft texts for GES criteria and methodological standards and MSFD Annex III\_Deadline extended (14/03/2016)

Dokumenter: [1] Comments on the draft texts for GES criteria and methodological standards and MSFD Annex III\_Deadline extended (14032016).msg

Den 1. februar 2017

Til: mc@europeanboatingindustry.eu (mc@europeanboatingindustry.eu), hlavray@eurelectric.org (hlavray@eurelectric.org), kathleen.laissy@ebcd.org (kathleen.laissy@ebcd.org), Sandra.SANMARTIN@ebcd.org (Sandra.SANMARTIN@ebcd.org), konstantinos.kokosis@ebcd.org (konstantinos.kokosis@ebcd.org), monika.stankiewicz@helcom.fi (monika.stankiewicz@helcom.fi), UllaLi.Zweifel@helcom.fi (UllaLi.Zweifel@helcom.fi), ral@alum.mit.edu (ral@alum.mit.edu), almut.bonhage@eureau.org (almut.bonhage@eureau.org), giuseppe.sciacca@crpm.org (giuseppe.sciacca@crpm.org), daniel.voces@europeche.org (daniel.voces@europeche.org), javiergarat@cepesca.es (javiergarat@cepesca.es), info@europeche.org (info@europeche.org), jo.foden@ospar.org (jo.foden@ospar.org), kathryn.stack@europeche.org (kathryn.stack@europeche.org), klarkin@esf.org (klarkin@esf.org), info@ecmar.eu (info@ecmar.eu), NMcDonough@esf.org (NMcDonough@esf.org), pducloy@comite-peches.fr (pducloy@comite-peches.fr), b.guillaumie@cnc-france.com 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**Titel:** Comments on the draft texts for GES criteria and methodological standards and MSFD Annex III\_Deadline extended (14/03/2016)

**Sendt:** 04-03-2016 13:33:38

Dear Members of the Marine Strategy Coordination Group,

A number of you have asked for an extension of the deadline by which comments on the draft texts for GES criteria and methodological standards have to be submitted. Following further consideration, we are pleased to announce that is extended to **14 March 2016**. All responses should be sent to [ENV-MARINE-ENVIRONMENT@ec.europa.eu](mailto:ENV-MARINE-ENVIRONMENT@ec.europa.eu) and use the template provided. As previously indicated, comments from Member States must be submitted as a single response via your MSFD Committee member.

Kind regards,

**ENV Marine Team**



**European Commission**

**Directorate General for Environment**

**Unit ENV.C.2 "Marine Environment and Water Industry"**

**[http://ec.europa.eu/environment/marine/index\\_en.htm](http://ec.europa.eu/environment/marine/index_en.htm)**



## Aktdetaljer

Den 1. februar 2017

### **Akttitel: Minutes of the 11th Committee mtg\_amended version** **Aktnummer:**

Akt ID: 2764027

Dato: 01-03-2016

Type: Indgående

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[2] CTTEE-11-2016-06 Draft Meeting minutes amended v1.docx

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**Titel:** Minutes of the 11th Committee mtg\_amended version

**Sendt:** 01-03-2016 16:25:44

**Bilag:** CTTEE-11-2016-06 Draft Meeting minutes amended v1.docx;

Dear Committee members,

As a follow-up to this morning's discussion during the Committee meeting on the minutes of the 11th Committee meeting, you will find attached the amended version, which includes the comments discussed this morning.

These amended minutes will be submitted for adoption by the Committee tomorrow, Wednesday 2 March.

Kind regards,

ENV Marine Team



European Commission



**Directorate General for Environment**  
**Unit ENV.C.2 "Marine Environment and Water Industry"**  
**[http://ec.europa.eu/environment/marine/index\\_en.htm](http://ec.europa.eu/environment/marine/index_en.htm)**



**EUROPEAN COMMISSION**

DIRECTORATE-GENERAL

ENVIRONMENT

Directorate C – Quality of Life, Water and Air

**ENV.C.2 - Marine Environment & Water Industry**

**ELEVENTH MEETING OF THE COMMITTEE UNDER ARTICLE 25 OF DIRECTIVE  
2008/56/EC**

**(MARINE STRATEGY COMMITTEE)**

*27 January 2016*

*from 09:30 to 17:30*

**Conference Centre Albert Borschette / Room 1C**

**36, rue Froissart**

**B-1040 Brussels**

**1. Welcome and introduction**

The Chair (European Commission, DG Environment) opened the meeting, welcomed the participants and introduced the new deputy Head of Unit of DG ENV's marine unit, Michel Sponar.

The Chair invited Committee members to ensure the Commission has up-to-date official nominations to the Committee (nominations should be sent by official letters from the Permanent Representations), as only an officially-appointed Committee member can take part in a vote.

**2. Adoption of the agenda**

The draft agenda (document CTTEE\_11-2016-01) was adopted without amendments.

**3. Adoption of the minutes of the 10<sup>th</sup> Committee Meeting Minutes**

The minutes of the 10<sup>th</sup> Committee meeting (document CTTEE\_11-2016-02) were adopted.

**5. Review of Commission Decision on GES**

The Commission gave an overview of the draft text for a new Commission Decision on criteria and methodological standards for good environmental status (document CTTEE\_11-2016-03), and presented the rationale underpinning it. It advised the Committee that it was not yet a formal proposal from the Commission.

Some Member States made general comments on the text:

- Several Member States stated that national technical consultations were still ongoing and therefore did not yet have detailed comments to provide. One Member State requested more time for providing comments on the draft.

- A number of Member States thanked the Commission for the work done which they considered had led to a well-structured conceptually-sound first draft text that was, overall, much clearer than the 2010 Decision it was intended to replace. Further, the improved coherence with other existing EU policies, and the specific reference to risk-based approaches, were generally welcomed. Additionally, the explanatory document (CTTEE\_11-2016-05) was considered to have provided a very useful rationale to the proposal.
- Several Member States made general remarks on the need to clarify some of the terminology (e.g. reference levels), on the need to clarify the use of primary and secondary criteria, on the need to clarify whether quantitative levels for GES are mandatory and other aspects of the text to ensure its intention was clear.
- Several Member States expressed concern that the draft text may exceeds the legal basis in MSFD Article 9(3).
- A number of Member States were concerned about the apparent introduction of "mandatory criteria" in the Decision (the primary criteria), and about the possibility to first carry out the Article 9 determination of GES before the assessment under Article 8 MSFD. Several Member States expressed their concerns about the use of Water Framework Directive concepts in the MSFD (Member States stated that the MSFD does not cover the same aspects as the WFD in coastal waters), about assessment scales, and about the connection to the Habitats and Birds Directives since these directives have no deadline for reaching favourable conservation status.

The Commission then presented the descriptors one-by-one and Member States were invited to comment on each descriptor.

### **Descriptor 8**

The Commission presented the details of the proposal for Descriptor 8 and particularly emphasised the necessity to ensure coherence between the assessments made under the Water Framework Directive and the MSFD.

Some Member States stated that the risk-based approach should be clarified and simplified in the text, for instance it should be clearer that the risk-based approach also applies to the selection of elements for assessment. Several Member States also questioned the use of the one-out-all-out principle at the level of criteria and of the term "reference levels". Some Member States were concerned with the amount of details in the text, meaning there would not be enough time before the 2018 assessment to develop reference levels at regional level.

A number of more technical questions were also raised regarding matrices, the possible burden of having a 'deselection' process rather than starting a list from scratch beyond 12 nautical miles, the possible need to assess the level of inputs of contaminants as well as their concentrations in the marine environment, the definition of 'significant' events, the meaning of 'divided by national boundaries' and the adequacy of EMSA surveillance monitoring.

### **Descriptor 9**

Regarding Descriptor 9, several Member States commented that the establishment of a regional list of species might be difficult because of the limited regional collaboration between food safety authorities.

### **Descriptor 10**

The Commission presented the details of the proposal for D10. Member States made a number of technical comments on litter categories (e.g. artificial polymer materials), the use of the wording "intertidal zone", and the fact that criterion D10C3 should be a surface litter indicator rather than a

health criterion.

Member States also raised potential difficulties linked to monitoring certain matrices (seafloor or floating litter) and on the strandings of animals (as these are based on sparse data reported by fishermen). While one Member State considered that there were missed opportunities to set EU-wide standards, a few others stated that reference levels should be set at regional level, given the importance of currents and oceanographic conditions for marine litter.

Finally, a few Member States also indicated that trends may be a more realistic indicator (rather than setting reference levels).

### **Descriptor 11**

After a short presentation of Descriptor 11 by the Commission, a few Member States commented on specific aspects of the draft (use of wording 'animals', insufficient ranges for the frequencies to be used, rationale for scales of assessment).

### **Descriptor 5**

After the Commission presented the work done on that descriptor, several Member States raised concerns on the omission of "transitional waters" in the proposal [due to the fact that Article 8\(2\) refers to the transitional waters](#) and on the different timelines of assessments under the WFD and MSFD and their inter-relationship. Specific comments were made on the proposed criteria, including the suitability of the plankton criteria and availability of reference levels in some regions, and on the scales of assessment beyond coastal waters. One Member State considered that the Decision should clearly state that no assessment would be needed, under the MSFD, regarding D5 in coastal waters.

### **Descriptor 2**

On Descriptor 2, one Member State considered there was scope for further reducing the number of criteria under this descriptor.

### **Descriptor 3**

Regarding Descriptor 3, one Member State noted that coherence with the Common Fisheries Policy could be further improved. Several Member States indicated that criterion D3C4 did not address commercially-exploited species and would sit better under Descriptor 1. Two other Member States were concerned about the availability of data for certain criteria. The term 'nationally important stocks' needed a definition.

### **Descriptor 6**

On this descriptor, some Member States welcomed the new approach to physical loss and damage, while some Member States questioned whether the secondary criteria were truly secondary as they considered the conditions to use them would always be fulfilled. Some Member States also made more specific comments on each of the criteria, considering for some that the difference between certain criteria was not sufficiently clear. There also appeared to be a very close relationship between criterion D6C5 and D1C5 and some rationalisation could be considered. One Member State stated that a reference level equal to natural conditions was not acceptable.

### **Descriptor 7**

While some Member States stated they would have preferred a broader perspective for Descriptor 7 (to reflect the importance of hydrographic conditions for wider ecosystem issues), another Member State welcomed the reduction of criteria and called for even further restriction, for instance by merging them with another descriptor's criteria.

### **Descriptor 1, 4, 6 Species Groups, Habitats and Food webs**

Member States mainly commented on the difficulties linked to marrying the Habitats and Birds

Directives approach for species with the approach in certain regional sea conventions. The reference levels under D1C5 and D1C6 were considered difficult to reach and unacceptable by one Member State. The reference to 'ecologically-relevant scales' needed clarification. One Member State wished to specifically include special or listed habitats and species. The inclusion of specific application rules was welcomed by one Member State, but another thought these needed further consideration. Regarding food webs, several Member States commented on their importance whilst questioning the practicalities of their assessment.

### **Recitals and Articles**

The Commission briefly presented the main features of the Recitals and Articles of the Decision. Member States commented in particular on the definitions (of 'reference levels', 'primary and secondary criteria' and 'coastal waters'), the recital on flexibility and risk-based approach, the difficulties linked to the timing of the next assessment and the inter-linkages with the work done at regional or subregional level.

Following the comments of Member States on each of the sections above, the Commission provided initial responses to the comments made, particularly to provide further clarifications on the rationale and text proposed. Member States agreed to provide the comments made, and others, in writing.

### **4. Review of MSFD Annex III**

The Commission presented the latest version of the proposal replacing Annex III of the MSFD (CTTEE\_11-2016-03) and explained in particular how specific comments made on the previous version (CTTEE\_10-2015-03) had been dealt with (reference to listed species and habitats, Table 2b on human activities and Relationship between Tables 2a and 2b). Most Member States generally welcomed this latest version of the proposal and made some specific comments. Further written comments would be sent on specific aspects of the text.

### **6. Any other business**

One Member State asked for confirmation that a stakeholder consultation would be held. The Chair confirmed this would be the case, in line with the Commission's Better Regulation principles.

Following the discussions on the draft GES Decision and on the draft Directive replacing Annex III, Member States requested more time to provide comments. It was agreed that Member States would send written comments **on the draft proposals by 5 February 2016**, in the template provided to that effect. The Commission will consider the comments received in its preparation of the new drafts to be discussed at the next Committee meeting.

The Chair thanked participants for their engagement during the day and closed the meeting.



## Aktdetaljer

**Akttitel: MSFD Committee (1-2 March 2016)\_Information on documents**

**Aktnummer:**

Akt ID: 2764028

Dato: 17-02-2016

Type: Indgående

Original titel: MSFD Committee (1-2 March 2016)\_Information on documents

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[2] MSFD\_GESDecision\_v2\_AnnexIII\_v3\_comments.xls

Den 1. februar 2017

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**Titel:** MSFD Committee (1-2 March 2016)\_Information on documents

**Sendt:** 17-02-2016 10:18:03

**Bilag:** MSFD\_GESDecision\_v2\_AnnexIII\_v3\_comments.xls;

Dear members of the Marine Strategy Framework Directive Committee  
(*copy to Marine Directors*)

We bring to your attention that documents were uploaded to the CIRCABC Committee folder <https://circabc.europa.eu/w/browse/7c5c62c4-9ecd-4454-83ec-b722656988f5> on 15 February, in view of the upcoming Committee meeting on 1-2 March. These include a draft text for a revised GES Decision (version 2) and a draft text for a revised MFSD Annex III (version 3), both of which have been updated, following the discussions at the last Committee meeting and comments received after the meeting by the deadline. A compiled set of comments received, together with our responses to these, will be uploaded shortly.

As previously announced, you are welcome to provide written comments on these latest versions of the two proposals **by Wednesday 9 March at the latest**. To assist in our handling of these comments, comments should be provided using only the attached template.

We plan to distribute elements of both proposals to the MSCG for their consideration. This is in view of MSFD Art. 9(3) which states "Before proposing such criteria and standards the Commission shall consult all interested parties, including Regional Sea Conventions". Throughout the review process, we have actively engaged MSFD CIS stakeholders through MSCG, WG GES and the JRC and ICES technical phases. On the draft legal text itself, we had planned a public consultation in May, but have just been informed that the technical mechanism for this will not be in place by that time; under these circumstances, we consider a direct consultation with the MSFD CIS stakeholders now is the best solution. The stakeholders of MSCG will be asked to submit any comments, also by 9 March, using the same response template. Please note that Member State members of MSCG should respond via the Committee only.

We look forward to your considerations of these revised texts at the next Committee meeting.

Kind regards,

**The ENV Marine Team**



**European Commission**

Directorate General for Environment

Unit C2: Marine Environment & Water Industry

B-1049 Brussels/Belgium



## MSFD draft Decision and Annex III - comments

Documents for comment	
Document number	CTTEE_12-2016-03
Document title	Proposal for a Commission Decision on GES Criteria draft v2
Release date	15-02-2016
<p>Please provide comments on both documents in this table. Do not repeat comments in different tabs, but enter the comments in the same tab.</p> <p>All comments received need to be compiled and sorted according to the format indicated (entries are examples only - add your own comments).</p> <p>In your commenting, please be as clear as possible on whether you support or oppose the text, proposing precise text changes. Alternatively provide any comments you may wish to indicate support or otherwise for the text.</p>	
<p><b>ONE consolidated set of comments only (i.e. one comment per Member State or stakeholder)</b></p> <p><b>To be sent to: ENV-MARINE-ENVIRONM</b></p> <p><b>To be received by: 9 March 20</b></p>	

<b>Comments</b>
Member State/stakeholder

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article	Comment
	2	Recital 1	
	2	Recital 3	
	3	Recital 5	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	30-40	General	
	31	Criteria D1C1	
	31-33	Criteria D1C1-D1C4	
	31-33	Methodological standards	

MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	18-20	General		
	18	Criteria D2C1 Elements		
	19	Criteria D2C3		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
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## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	39-41	General	
	39-40	Criteria D4C1-D4C4 Elements	
	40	Criteria D4C3	
	39-40	Methodological standards	
	40	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
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MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	24-27	General		
	24	Criteria D6C1 Elements		
	25	Criteria D2C3		
	25	Methodological standards		
	26-27	Specifications & methods		



## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	28-29	General	
	28	Criteria D7C1 Elements	
	28	Criteria D7C2	
	28-29	Methodological standards	
	29	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
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MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	11-12	General	

MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	13-15	General		
	13	Criteria D10C1 Elements		
	13	Criteria D10C3		
	13	Methodological standards		
	14-15	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	16-17	General	
	16	Criteria D11C1 Elements	
	16	Criteria D11C2	
	16	Methodological standards	
	16-17	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Paragraph 1 - Paragraph 2
	40-41	General
	41	Paragraph 1
	41	Paragraph 2(a)

## MSFD draft Decision and Annex III - comments

Comment

## MSFD draft Decision and Annex III - comments

Response



## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article - Table 1 - Table 2a - Table 2b	Comment
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## Aktdetaljer

**Akttitel: Denmark's comments on the draft minutes from committee meeting on 26 January 2016**

**Aktnummer:**

Akt ID: 2764029

Dato: 16-02-2016

Type: Indgående

Original titel: Denmark's comments on the draft minutes from committee meeting on 26 January 2016

Dokumenter: [1] Denmark's comments on the draft minutes from committee meeting on 26 January 2016.msg  
[2] Minutes of MSFD committee meeting 26-01-2016 - DK comments.docx

Den 1. februar 2017

**Til:** Ernst.Ueberreiter@lebensministerium.at (Ernst.Ueberreiter@lebensministerium.at), ENV-MARINE-ENVIRONMENT@ec.europa.eu (ENV-MARINE-ENVIRONMENT@ec.europa.eu), Otilia Mihail (otilia.mihail@mmediu.ro), galia@moew.government.bg (galia@moew.government.bg), saskia.vangaever@milieu.belgie.be (saskia.vangaever@milieu.belgie.be), michael.kyramarios@environnement.belgique.be (michael.kyramarios@environnement.belgique.be), dominic.pattinson@defra.gsi.gov.uk (dominic.pattinson@defra.gsi.gov.uk), appuyol@magrama.es (appuyol@magrama.es), sarrieta@magrama.es (sarrieta@magrama.es), tanja.bolte@gov.si (tanja.bolte@gov.si), richard.moxon@defra.gsi.gov.uk (richard.moxon@defra.gsi.gov.uk), Karin.Pettersson@havochvatten.se (Karin.Pettersson@havochvatten.se), tobias.porsbring@havochvatten.se (tobias.porsbring@havochvatten.se), vroyachka@moew.government.bg (vroyachka@moew.government.bg), Helene.Margue@eau.etat.lu (Helene.Margue@eau.etat.lu), jean-paul.lickes@eau.etat.lu (jean-paul.lickes@eau.etat.lu), agne.lukoseviciene@am.lt (agne.lukoseviciene@am.lt), Ditte Mandøe Andreasen (diman@svana.dk), baiba.zasa@varam.gov.lv (baiba.zasa@varam.gov.lv), André Weidenhaupt (Andre.Weidenhaupt@mev.etat.lu), a.lukoseviciene@am.lt (a.lukoseviciene@am.lt), margyrou@dfmr.moa.gov.cy (margyrou@dfmr.moa.gov.cy), ivan.radic@mzoip.hr (ivan.radic@mzoip.hr), Barbara.Skevin-Ivosevic@mzoip.hr (Barbara.Skevin-Ivosevic@mzoip.hr), a.kniezaite-gofmane@am.lt (a.kniezaite-gofmane@am.lt), veronika.matuszna@mzp.cz (veronika.matuszna@mzp.cz), smichaelides@dfmr.moa.gov.cy (smichaelides@dfmr.moa.gov.cy), monika.peterlin@izvrs.si (monika.peterlin@izvrs.si), ginimaria3@gmail.com (ginimaria3@gmail.com), atsik@bio.auth.gr (atsik@bio.auth.gr), j.ganoulis@prv.ypeka.gr (j.ganoulis@prv.ypeka.gr), Roger.Harrington@environ.ie (Roger.Harrington@environ.ie), Richard.cronin@environ.ie (Richard.cronin@environ.ie), peter.kovacs@kvvm.gov.hu (peter.kovacs@kvvm.gov.hu), christine.wenzel@melur.landsh.de (christine.wenzel@melur.landsh.de), Maria.Laamanen@ymparisto.fi (Maria.Laamanen@ymparisto.fi), Agnes.Villmann@envir.ee (Agnes.Villmann@envir.ee), Rene.reisner@envir.ee (Rene.reisner@envir.ee), ingo.narberhaus@bmub.bund.de (ingo.narberhaus@bmub.bund.de), emilie.pleyber@developpement-durable.gouv.fr (emilie.pleyber@developpement-durable.gouv.fr), ludovic.schultz@developpement-durable.gouv.fr (ludovic.schultz@developpement-durable.gouv.fr), montanaro.oliviero@minambiente.it (montanaro.oliviero@minambiente.it), joanna.kopczynska@mos.gov.pl (joanna.kopczynska@mos.gov.pl), sandra.van.der.graaf@rws.nl (sandra.van.der.graaf@rws.nl), Wim.van.Urk@minienm.nl (Wim.van.Urk@minienm.nl), asimao@dgrm.mam.gov.pt (asimao@dgrm.mam.gov.pt), jmarques@dgrm.mamaot.pt (jmarques@dgrm.mamaot.pt), m.marciniewicz@gios.gov.pl (m.marciniewicz@gios.gov.pl), jan.busstra@minienm.nl (jan.busstra@minienm.nl), marine.director@mepa.org.mt (marine.director@mepa.org.mt), cecilia.silvestri@isprambiente.it (cecilia.silvestri@isprambiente.it), gianna.casazza@isprambiente.it (gianna.casazza@isprambiente.it), liam.butler@mepa.org.mt (liam.butler@mepa.org.mt), maraine.rizzo@mepa.org.mt (maraine.rizzo@mepa.org.mt), marine@mepa.org.mt (marine@mepa.org.mt)

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**Fra:** Lisbet Ølgaard (lioel@svana.dk)

**Titel:** Denmark's comments on the draft minutes from committee meeting on 26 January 2016

**Sendt:** 16-02-2016 14:02:37

**Bilag:** Minutes of MSFD committee meeting 26-01-2016 - DK comments.docx;

Dear everybody,

Please find enclosed Denmark's comments on the draft minutes which the EU Commission has previously circulated.

Best regards

Lisbet Ølgaard

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### 1. Welcome and introduction

The Chair (European Commission, DG Environment) opened the meeting, welcomed the participants and introduced the new deputy Head of Unit of DG ENV's marine unit, Michel Sponar. The Chair invited Committee members to ensure the Commission has up-to-date official nominations to the Committee (nominations should be sent by official letters from the Permanent Representations), as only an officially-appointed Committee member can take part in a vote.

### 2. Adoption of the agenda

The draft agenda (document CTTEE\_11-2016-01) was adopted without amendments.

### 3. Adoption of the minutes of the 10th Committee Meeting Minutes

The minutes of the 10th Committee meeting (document CTTEE\_11-2016-02) were adopted.

### 5. Review of Commission Decision on GES

The Commission gave an overview of the draft text for a new Commission Decision on criteria and methodological standards for good environmental status (document CTTEE\_11-2016-03), and presented the rationale underpinning it. It advised the Committee that it was not yet a formal proposal from the Commission.

Some Member States made general comments on the text:

- Several Member States stated that national technical consultations were still ongoing and therefore did not yet have detailed comments to provide. One Member State requested more time for providing comments on the draft.
- Several Member States expressed the concern that the draft text exceeded the legal basis in MSFD art 9(3) which states that a Commission Decision may only amend *non essential* elements of the directive.
- Furthermore, one Member State stated that quantitative levels for GES are not mandatory in the directive and asked the Commission to reflect this.
- A number of Member States thanked the Commission for the work done which they considered had led to a well-structured conceptually-sound first draft text that was, overall, much clearer than the 2010 Decision it was intended to replace. Further, the improved coherence with other existing EU policies, and the specific reference to risk-based approaches, were generally welcomed. Additionally, the explanatory document (CTTEE\_11-2016-05) was considered to have provided a very useful rationale to the proposal. However a number of Member States stated that Commission draft did not seem to reflect that the MSFD does not cover the same aspects as the WFD in coastal waters. Furthermore, it was reflected that the connection to the Habitats and Birds Directive should be considered further, since these directives have no deadline for reaching favorable status.
- Several Member States made general remarks on the need to clarify some of the terminology (e.g. reference levels), on the need to clarify the use of primary and secondary criteria, and other aspects of the text to ensure its intention was clear.
- A number of Member State was concerned about the apparent introduction of "mandatory criteria" in the Decision (the primary criteria), about the possibility to first carry out the Article 9 determination of GES before the assessment under Article 8 MSFD. And several Member States expressed their concerns, about the use of Water Framework Directive concepts in the MSFD and about assessment scales.

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+Brødtekst (Calibri), 11 pkt

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+Brødtekst (Calibri), 11 pkt

The Commission then presented the descriptors one-by-one and Member States were invited to comment on each descriptor.

### Descriptor 8

The Commission presented the details of the proposal for Descriptor 8 and particularly emphasised the necessity to ensure coherence between the assessments made under the Water Framework Directive and the MSFD.

Some Member States stated that the risk-based approach should be clarified and simplified in the text, for instance it should be clearer that the risk-based approach also applies to the selection of elements for assessment. Several Member States also questioned the use of the one-out-all-out principle at the level of criteria and of the term "reference levels". Several One-Member States was concerned with the amount of details in the text, possibly meaning there would not be enough time before the 2018 assessment to develop reference levels at regional level.

A number of more technical questions were also raised regarding matrices, the possible burden of having a 'deselection' process rather than starting a list from scratch beyond 12 nautical miles, the possible need to assess the level of inputs of contaminants as well as their concentrations in the marine environment, the definition of 'significant' events, the meaning of 'divided by national boundaries' and the adequacy of EMSA surveillance monitoring.

#### **Descriptor 9**

Regarding Descriptor 9, several Member States commented that the establishment of a regional list of species might be difficult because of the limited regional collaboration between food safety authorities.

#### **Descriptor 10**

The Commission presented the details of the proposal for D10. Member States made a number of technical comments on litter categories (e.g. artificial polymer materials), the use of the wording "intertidal zone", and the fact that criterion D10C3 should be a surface litter indicator rather than a health criterion.

Member States also raised potential difficulties linked to monitoring certain matrices (seafloor or floating litter) and on the strandings of animals (as these are based on sparse data reported by fishermen). While one Member State considered that there were missed opportunities to set EUwide standards, a few others stated that reference levels should be set at regional level, given the importance of currents and oceanographic conditions for marine litter.

Finally, a few Member States also indicated that trends may be a more realistic indicator (rather than setting reference levels).

#### **Descriptor 11**

After a short presentation of Descriptor 11 by the Commission, a few Member States commented on specific aspects of the draft (use of wording 'animals', insufficient ranges for the frequencies to be used, rationale for scales of assessment).

#### **Descriptor 5**

After the Commission presented the work done on that descriptor, several Member States raised concerns on the omission of "transitional waters" in the proposal and on the different timelines of assessments under the WFD and MSFD and their inter-relationship. Specific comments were made on the proposed criteria, including the suitability of the plankton criteria and availability of reference levels in some regions, and on the scales of assessment beyond coastal waters. Several Member States found that the definition of coastal waters should reflect the MSFD and not WFD, and therefore no assessment would be needed regarding D5 in coastal waters.

#### **Descriptor 2**

On Descriptor 2, one Member State considered there was scope for further reducing the number of criteria under this descriptor.

### **Descriptor 3**

Regarding Descriptor 3, one Member State noted that coherence with the Common Fisheries Policy could be further improved. Several Member States indicated that criterion D3C4 did not address commercially-exploited species and would sit better under Descriptor 1. Two other Member States were concerned about the availability of data for certain criteria. The term 'nationally important stocks' needed a definition.

### **Descriptor 6**

On this descriptor, some Member States welcomed the new approach to physical loss and damage, while some Member States questioned whether the secondary criteria were truly secondary as they considered the conditions to use them would always be fulfilled. Some Member States also made more specific comments on each of the criteria, considering for some that the difference between certain criteria was not sufficiently clear. There also appeared to be a very close relationship between criterion D6C5 and D1C5 and some rationalisation could be considered. One Member State stated that a reference level equal to natural conditions was not acceptable.

### **Descriptor 7**

While some Member States stated they would have preferred a broader perspective for Descriptor 7 (to reflect the importance of hydrographic conditions for wider ecosystem issues), another Member State welcomed the reduction of criteria and called for even further restriction, for instance by merging them with another descriptor's criteria.

### **Descriptor 1,4,6 Species Groups, Habitats and Food webs**

Member States mainly commented on the difficulties linked to marrying the Habitats and Birds Directives approach for species with the approach in certain regional sea conventions. The reference levels under D1C5 and D1C6 were considered difficult to reach and unacceptable by one Member State. The reference to 'ecologically-relevant scales' needed clarification. One Member State wished to specifically include special or listed habitats and species. The inclusion of specific application rules was welcomed by one Member State, but another thought these needed further consideration. Regarding food webs, several Member States commented on their importance whilst questioning the practicalities of their assessment.

### **Recitals and Articles**

The Commission briefly presented the main features of the Recitals and Articles of the Decision. Member States commented in particular on the definitions (of 'reference levels', 'primary and secondary criteria' and 'coastal waters'), the recital on flexibility and risk-based approach, the possible difficulties linked to the timing of the next assessment and the inter-linkages with the work done at regional or subregional level. Following the comments of Member States on each of the sections above, the Commission provided initial responses to the comments made, particularly to provide further clarifications on the rationale and text proposed. Member States agreed to provide the comments made, and others, in writing.

### **4. Review of MSFD Annex III**

The Commission presented the latest version of the proposal replacing Annex III of the MSFD (CTTEE\_II-2016-03) and explained in particular how specific comments made on the previous version (CTTEE\_10-2015-03) had been dealt with (reference to listed species and habitats, Table 2b on human activities and Relationship between Tables 2a and 2b). Member States generally welcomed this latest version of the proposal and made some specific comments. Further written



comments would be sent on specific aspects of the text.

#### **6. Any other business**

One Member State asked for confirmation that a stakeholder consultation would be held. The Chair confirmed this would be the case, in line with the Commission's Better Regulation principles.

Following the discussions on the draft GES Decision and on the draft Directive replacing Annex III, Member States requested more time to provide comments. It was agreed that Member States would send written comments **on the draft proposals by 5 February 2016**, in the template provided to that effect. The Commission will consider the comments received in its preparation of the new drafts to be discussed at the next Committee meeting.

The Chair thanked participants for their engagement during the day and closed the meeting.



## Aktdetaljer

**Akttitel: Marine Strategy Framework Directive Committee - Invitation to meeting of 01-02/03/16 - Participation to be confirmed by 18/02**

**Aktnummer:**

Akt ID: 2764030

Dato: 02-02-2016

Type: Indgående

Original titel: Marine Strategy Framework Directive Committee - Invitation to meeting of 01-02/03/16 - Participation to be confirmed by 18/02

Dokumenter:

- [1] Marine Strategy Framework Directive Committee - Invitation to meeting of 01-020316 - Participation to be confirmed by 1802.msg
- [2] Invitation.pdf
- [3] Draft agenda.pdf
- [4] CTTEE\_11\_2016 Draft minutes.pdf
- [5] 566414 Committee members.pdf
- [6] 5898895 Rules of procedures.pdf

Den 1. februar 2017

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**Fra:** ENV-MARINE-ENVIRONMENT@ec.europa.eu (ENV-MARINE-ENVIRONMENT@ec.europa.eu)

**Titel:** Marine Strategy Framework Directive Committee - Invitation to meeting of 01-02/03/16 - Participation to be confirmed by 18/02

**Sendt:** 02-02-2016 12:01:00

**Bilag:** Invitation.pdf; Draft agenda.pdf; CTTEE\_11\_2016 Draft minutes.pdf; 566414 Committee members.pdf; 5898895 Rules of procedures.pdf;

Dear members of the Marine Strategy Framework Directive Committee,  
(copy to Marine Directors and Environment attachés)

We are pleased to invite you to the 12<sup>th</sup> meeting of the Committee established under Article 25 of the Marine Strategy Framework Directive (2008/56/EC) that will take place in Brussels on **1<sup>st</sup> and 2<sup>nd</sup> March 2016**. See the attached invitation for details.

To ensure sufficient time for discussions on the draft Commission Decision on GES, it has been decided to extend the Committee meeting to a 2-day meeting. The MSCG and workshop on licencing and permitting (originally scheduled on 1 March in the morning and 2 March respectively) will be postponed to 7 and 8 April (tentatively – dates subject to room availability). Further information will soon be circulated to MSCG Members.

The draft agenda for the meeting is enclosed and the meeting documents are under preparation. The meeting documents, as well as a template for providing comments, will be uploaded on **15 February 2016** on the MSFD Committee restricted section of Circabc <https://circabc.europa.eu/w/browse/d93f4f17-900c-452c-8acd-ffa06870467e> (limited to Committee members and their alternates only). (NB should the link not lead you directly to the Committee page under the Marine Strategy section, try clicking on it again once you have logged in on Circabc).

Committee Members will be invited to discuss the Committee documents during the meeting and it will be possible to submit written comments after the meeting, by **9 March 2016** (one week after the meeting) using the template document.

The draft minutes of the 11<sup>th</sup> Committee meeting have also been uploaded in the same Circabc folder, you are kindly

invited to send comments on these minutes by **15 February 2016**.

For Member States that have not done so yet, we would kindly remind you that you should inform us, by means of an **official letter** from your country's permanent representation in the European Union, of the **names of the permanent and alternate representatives** of your country in the Committee before the next meeting (for your information the list of current Committee members is attached).

We would be grateful if you could **confirm your participation to this Committee meeting** to Giulia Marano (Giulia.MARANO@ec.europa.eu) **by Thursday 18 February** at the latest also providing your **date of birth and ID card/Passport number**. On the day of the meeting, please make also sure to **bring this invitation with you**.

Practical information about the reimbursement of travel expenses for 1 representative per Member State is being sent separately to Committee representatives.

Kind regards,

**The ENV Marine Team**

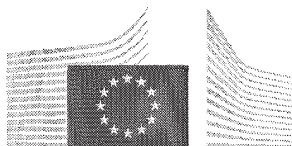


**European Commission**

Directorate General for Environment

Unit C2: Marine Environment & Water Industry

B-1049 Brussels/Belgium



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

Brussels, **- 2 FEB. 2016**  
ENV.C.2/CIL/gm Ares(2016)

**FOR THE ATTENTION OF MEMBERS  
OF THE MARINE STRATEGY FRAMEWORK DIRECTIVE COMMITTEE**

**Subject: Invitation to the 12<sup>th</sup> meeting of the Committee established under Article 25 of Directive 2008/56/EC (Marine Strategy Framework Directive) – 1<sup>st</sup> and 2<sup>nd</sup> March 2016 (Brussels)**

We are pleased to invite you to the **12<sup>th</sup> meeting of the Marine Strategy Framework Directive Committee**, which will take place in **Brussels on Tuesday 1<sup>st</sup> and Wednesday 2<sup>nd</sup> March 2016 in Brussels**. On 1<sup>st</sup> March, the meeting will start at **10h** and end by 18h. On 2<sup>nd</sup> March, the meeting will start at 9h30 and end by **17h30**. The meeting will be held in the Conference Centre Albert Borschette (36, rue Froissart, B-1040 Brussels, room 1B on 1<sup>st</sup> March and room 0B on 2<sup>nd</sup> March).

The draft agenda is enclosed and the meeting documents are currently under preparation and will soon be posted on the comitology register (<http://ec.europa.eu/transparency/regcomitology/index.cfm>) as well as on the MSFD Committee CIRCABC site (restricted section of the Marine Strategy circabc site, limited to Committee members and their alternates only (<https://circabc.europa.eu/w/browse/d93f4f17-900c-452c-8acd-ffa06870467e>)). The draft minutes of the previous Committee meeting are also enclosed.

For Member States that have not done so yet, we would kindly remind you that you should inform us by means of an official letter from your country's permanent representation in the European Union, of the names of the permanent and alternate representative of your country in the Committee before the next meeting. For your information the list of current Committee members is attached.

We would be grateful if you could **confirm your participation** to this meeting to Giulia Marano ([giulia.marano@ec.europa.eu](mailto:giulia.marano@ec.europa.eu)) by **Thursday 18 February 2016** at the latest also providing your **date of birth and ID card number**. We would like to stress that confirmation of participation is compulsory as we have to send the complete list of participants to the security service prior to the meeting. Please also make sure to bring this invitation with you on the day of the meeting.

The meeting will be held in English and participants are kindly requested to bring their own copies of the meeting documents.

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111

The Commission will **reimburse the travel expenses of one representative per **Member State**** attending this meeting. Practical information concerning the arrangements for reimbursement is being sent separately.

Within the framework of this meeting, your personal data (name, address, etc.) will be registered according to article 2(b) of the Regulation EC 45/2001 (OJ N°18 L8 dated 12.01.2001, pages 1 to 22). Should you require further information or wish to exercise your rights (e.g. access or rectify data), please contact Giulia Marano ([giulia.marano@ec.europa.eu](mailto:giulia.marano@ec.europa.eu)).

Yours sincerely,



Matjaz Malgaj  
*Head of Unit*

Copy: Environmental Attachés of Permanent Representations; Marine Directors

Enclosures: Rules of Procedures  
Current list of Committee members and their alternates  
Draft agenda  
Draft Minutes of Eleventh Committee meeting



**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**

**DRAFT AGENDA**

Time	Item	Agenda item	Action	Report by	Document
Tuesday 1 March					
10:00	1	Welcome and introduction			
10:10	2	Adoption of the agenda	Adoption	COM	CTTEE/12/2016/01
10:15	3	Adoption of the minutes of the Eleventh Committee meeting	Adoption	COM	CTTEE/12/2016/02
10:30	4	Review of Commission Decision on GES	Item for discussion	COM	CTTEE/12/2016/03
Wednesday 2 March					
09:30	4	Review of Commission Decision on GES (continued)	Item for discussion	COM	CTTEE/12/2016/03
16:00	5	Review of MSFD Directive Annex III	Item for discussion	COM	CTTEE/12/2016/04
17:00	6	Any other business	Items for information		
17:30	7	Close of the meeting			





**EUROPEAN COMMISSION**

DIRECTORATE-GENERAL

ENVIRONMENT

Directorate C – Quality of Life, Water and Air

**ENV.C.2 - Marine Environment & Water Industry**

**ELEVENTH MEETING OF THE COMMITTEE UNDER ARTICLE 25 OF DIRECTIVE  
2008/56/EC  
(MARINE STRATEGY COMMITTEE)**

*27 January 2016  
from 09:30 to 17:30*

**Conference Centre Albert Borschette / Room 1C  
36, rue Froissart  
B-1040 Brussels**

**1. Welcome and introduction**

The Chair (European Commission, DG Environment) opened the meeting, welcomed the participants and introduced the new deputy Head of Unit of DG ENV's marine unit, Michel Sponar.

The Chair invited Committee members to ensure the Commission has up-to-date official nominations to the Committee (nominations should be sent by official letters from the Permanent Representations), as only an officially-appointed Committee member can take part in a vote.

**2. Adoption of the agenda**

The draft agenda (document CTTEE\_11-2016-01) was adopted without amendments.

**3. Adoption of the minutes of the 10<sup>th</sup> Committee Meeting Minutes**

The minutes of the 10<sup>th</sup> Committee meeting (document CTTEE\_11-2016-02) were adopted.

**5. Review of Commission Decision on GES**

The Commission gave an overview of the draft text for a new Commission Decision on criteria and methodological standards for good environmental status (document CTTEE\_11-2016-03), and presented the rationale underpinning it. It advised the Committee that it was not yet a formal proposal from the Commission.

Some Member States made general comments on the text:

- Several Member States stated that national technical consultations were still ongoing and therefore did not yet have detailed comments to provide. One Member State requested more time for providing comments on the draft.

- A number of Member States thanked the Commission for the work done which they considered had led to a well-structured conceptually-sound first draft text that was, overall, much clearer than the 2010 Decision it was intended to replace. Further, the improved coherence with other existing EU policies, and the specific reference to risk-based approaches, were generally welcomed. Additionally, the explanatory document (CTTEE\_11-2016-05) was considered to have provided a very useful rationale to the proposal.
- Several Member States made general remarks on the need to clarify some of the terminology (e.g. reference levels), on the need to clarify the use of primary and secondary criteria, and other aspects of the text to ensure its intention was clear.
- One Member State was concerned about the apparent introduction of "mandatory criteria" in the Decision (the primary criteria), about the possibility to first carry out the Article 9 determination of GES before the assessment under Article 8 MSFD, about the use of Water Framework Directive concepts in the MSFD and about assessment scales.

The Commission then presented the descriptors one-by-one and Member States were invited to comment on each descriptor.

### **Descriptor 8**

The Commission presented the details of the proposal for Descriptor 8 and particularly emphasised the necessity to ensure coherence between the assessments made under the Water Framework Directive and the MSFD.

Some Member States stated that the risk-based approach should be clarified and simplified in the text, for instance it should be clearer that the risk-based approach also applies to the selection of elements for assessment. Several Member States also questioned the use of the one-out-all-out principle at the level of criteria and of the term "reference levels". One Member State was concerned with the amount of details in the text, possibly meaning there would not be enough time before the 2018 assessment to develop reference levels at regional level.

A number of more technical questions were also raised regarding matrices, the possible burden of having a 'deselection' process rather than starting a list from scratch beyond 12 nautical miles, the possible need to assess the level of inputs of contaminants as well as their concentrations in the marine environment, the definition of 'significant' events, the meaning of 'divided by national boundaries' and the adequacy of EMSA surveillance monitoring.

### **Descriptor 9**

Regarding Descriptor 9, several Member States commented that the establishment of a regional list of species might be difficult because of the limited regional collaboration between food safety authorities.

### **Descriptor 10**

The Commission presented the details of the proposal for D10. Member States made a number of technical comments on litter categories (e.g. artificial polymer materials), the use of the wording "intertidal zone", and the fact that criterion D10C3 should be a surface litter indicator rather than a health criterion.

Member States also raised potential difficulties linked to monitoring certain matrices (seafloor or floating litter) and on the strandings of animals (as these are based on sparse data reported by fishermen). While one Member State considered that there were missed opportunities to set EU-wide standards, a few others stated that reference levels should be set at regional level, given the importance of currents and oceanographic conditions for marine litter.

Finally, a few Member States also indicated that trends may be a more realistic indicator (rather

than setting reference levels).

### **Descriptor 11**

After a short presentation of Descriptor 11 by the Commission, a few Member States commented on specific aspects of the draft (use of wording 'animals', insufficient ranges for the frequencies to be used, rationale for scales of assessment).

### **Descriptor 5**

After the Commission presented the work done on that descriptor, several Member States raised concerns on the omission of "transitional waters" in the proposal and on the different timelines of assessments under the WFD and MSFD and their inter-relationship. Specific comments were made on the proposed criteria, including the suitability of the plankton criteria and availability of reference levels in some regions, and on the scales of assessment beyond coastal waters.

### **Descriptor 2**

On Descriptor 2, one Member State considered there was scope for further reducing the number of criteria under this descriptor.

### **Descriptor 3**

Regarding Descriptor 3, one Member State noted that coherence with the Common Fisheries Policy could be further improved. Several Member States indicated that criterion D3C4 did not address commercially-exploited species and would sit better under Descriptor 1. Two other Member States were concerned about the availability of data for certain criteria. The term 'nationally important stocks' needed a definition.

### **Descriptor 6**

On this descriptor, some Member States welcomed the new approach to physical loss and damage, while some Member States questioned whether the secondary criteria were truly secondary as they considered the conditions to use them would always be fulfilled. Some Member States also made more specific comments on each of the criteria, considering for some that the difference between certain criteria was not sufficiently clear. There also appeared to be a very close relationship between criterion D6C5 and D1C5 and some rationalisation could be considered.

### **Descriptor 7**

While some Member States stated they would have preferred a broader perspective for Descriptor 7 (to reflect the importance of hydrographic conditions for wider ecosystem issues), another Member State welcomed the reduction of criteria and called for even further restriction, for instance by merging them with another descriptor's criteria.

### **Descriptor 1, 4, 6 Species Groups, Habitats and Food webs**

Member States mainly commented on the difficulties linked to marrying the Habitats and Birds Directives approach for species with the approach in certain regional sea conventions. The reference levels under D1C5 and D1C6 were considered difficult to reach by one Member State. The reference to 'ecologically-relevant scales' needed clarification. One Member State wished to specifically include special or listed habitats and species. The inclusion of specific application rules was welcomed by one Member State, but another thought these needed further consideration. Regarding food webs, several Member States commented on their importance whilst questioning the practicalities of their assessment.

### **Recitals and Articles**

The Commission briefly presented the main features of the Recitals and Articles of the Decision. Member States commented in particular on the definitions (of 'reference levels', 'primary and secondary criteria' and 'coastal waters'), the recital on flexibility and risk-based approach, the

possible difficulties linked to the timing of the next assessment and the inter-linkages with the work done at regional or subregional level.

Following the comments of Member States on each of the sections above, the Commission provided initial responses to the comments made, particularly to provide further clarifications on the rationale and text proposed. Member States agreed to provide the comments made, and others, in writing.

#### **4. Review of MSFD Annex III**

The Commission presented the latest version of the proposal replacing Annex III of the MSFD (CTTEE\_11-2016-03) and explained in particular how specific comments made on the previous version (CTTEE\_10-2015-03) had been dealt with (reference to listed species and habitats, Table 2b on human activities and Relationship between Tables 2a and 2b). Member States generally welcomed this latest version of the proposal and made some specific comments. Further written comments would be sent on specific aspects of the text.

#### **6. Any other business**

One Member State asked for confirmation that a stakeholder consultation would be held. The Chair confirmed this would be the case, in line with the Commission's Better Regulation principles.

Following the discussions on the draft GES Decision and on the draft Directive replacing Annex III, Member States requested more time to provide comments. It was agreed that Member States would send written comments **on the draft proposals by 5 February 2016**, in the template provided to that effect. The Commission will consider the comments received in its preparation of the new drafts to be discussed at the next Committee meeting.

The Chair thanked participants for their engagement during the day and closed the meeting.

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**RULES OF PROCEDURE  
FOR THE MARINE STRATEGY FRAMEWORK COMMITTEE  
(established under Article 25 of Directive 2008/56/EC)**

**[Version adopted by the MSFD Committee on 12 November 2013]**

**THE MARINE STRATEGY FRAMEWORK COMMITTEE (MSFD COMMITTEE)**

Having regard to the 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 environment policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular to its Article 25,

Having regard to Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>2</sup>, and in particular Article 9(1) thereof,

Having regard to the standard rules of procedure published by the Commission<sup>3</sup>,

**HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:**

*Article 1*

**Convening a meeting**

1. A meeting of the Committee shall be convened by its chair, either on his/her own initiative or at the request of a simple majority of members of the Committee.
2. In the case referred to in the second subparagraph of Article 3(5) of Regulation (EU) No 182/2011, where the written procedure is terminated without result, the chair shall convene a Committee meeting within a reasonable time.
3. Joint meetings of the Committee with other committees may be convened to discuss issues coming within their respective areas of responsibility.

*Article 2*

**Agenda**

1. The chair shall draw up the agenda and submit it to the Committee.

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<sup>1</sup> OJ L164, 25/06/2008, p. 19

<sup>2</sup> OJ L55 of 28.2.2011, p. 13

<sup>3</sup> OJ C206 of 12.7.2011, p. 11

2. The agenda shall make a distinction between:

(a) draft implementing acts to be adopted by the Commission on which the Committee is asked to give an opinion, in accordance with the procedure provided for in Article 24 (2) of Directive 2008/56/EC (examination procedure).

(b) other issues referred to the Committee for information or a simple exchange of views, either on the chair's initiative or at the written request of a member of the Committee.

### *Article 3*

#### **Documentation to be submitted to members of the Committee**

1. For the purpose of the second subparagraph of Article 3(3) of Regulation (EU) No 182/2011, the chair shall submit the invitation, the draft agenda and the draft implementing act on which the Committee is asked to give an opinion to the members of the Committee well in advance of the meeting, taking into account the urgency and complexity of the matter, and no later than 14 calendar days before the date of the meeting. Other documents related to the meeting, in particular documents accompanying the draft implementing act, shall, as far as possible, be submitted within the same time limit.

All documents shall be submitted in accordance with Article 12(2).

2. In duly justified cases, the chair may, on his/her own initiative or at the request of a member of the Committee, shorten the time limit for submission of documents referred to in paragraph 1. Except in cases of extreme urgency, the time limit shall not be shorter than five calendar days.

### *Article 4*

#### **Opinion of the Committee**

1. The Committee shall deliver its opinion on a draft implementing act within the time limit laid down by the chair in accordance with the second subparagraph of Article 3(3) of Regulation (EU) No 182/2011.

2. Where the Committee's opinion is required under the examination procedure, the outcome of the vote shall be decided by a qualified majority, in accordance with Article 5(1) of Regulation (EU) No 182/2011.

3. Unless a member of the Committee objects, the chair may, without proceeding to a formal vote, establish that the Committee has delivered a positive opinion, by consensus, on the draft implementing act.

4. The chair, in consultation with the members of the Committee, may, on his/her own initiative or at the request of a member of the Committee, postpone a vote until the end of the meeting or to a later meeting.

5. In accordance with the second subparagraph of Article 3(4) of Regulation (EU) No 182/2011, the chair shall endeavour to find solutions which command the widest possible support within the Committee. Before the vote, the chair shall inform the Committee of the manner in which the discussions and suggestions for amendments have been taken into account, in particular as regards those suggestions which have been largely supported within the Committee.

#### *Article 5*

#### **Representation**

1. Each Member State shall be considered to be one member of the Committee. Each member of the Committee shall decide on the composition of its delegation and inform the chair. With the chair's permission, the delegations may be accompanied by experts who are not part of the delegation.

2. Within a reasonable time and no later than five calendar days before the date of a Committee meeting, the following information shall be communicated to the chair:

(a) the composition of each delegation, except where such composition is already known to the chair;

(b) the names and functions of any experts accompanying the delegations and the reasons for which their presence is required.

If the chair does not object to the participation of an expert in advance of the Committee meeting, the permission referred to in paragraph 1 is considered to be granted.

3. The reimbursement of travel expenses by the Commission shall be paid in accordance with the applicable rules, subject to budgetary funds provided for this purpose.

4. A Member State delegation may represent a maximum of one other Member State. The Member State that is being represented shall inform the chair of this before the meeting, or, at the latest, before the vote.

## *Article 6*

### **Working groups**

1. The Committee may create working groups to examine particular issues. The working groups shall be chaired by a representative of the Commission.
2. The working groups shall report back to the Committee under the responsibility of their chair.

## *Article 7*

### **Third parties and experts**

1. The representatives of EEA EFTA states Iceland, Liechtenstein and Norway shall be invited to attend the meetings of the Committee, in accordance with article 100 of the Agreement on the European Economic Area<sup>4</sup>.
2. Representatives of acceding countries shall be invited to attend the meetings of the Committee as from the date of signature of the Treaty of Accession.
3. The chair may decide to invite representatives of other third parties or other experts to talk on particular matters, on his/her own initiative or at the request of a member of the Committee. However, a simple majority of the component members of the Committee may oppose their participation in the meeting.
4. Representatives of third parties and experts referred to in paragraphs 1, 2 and 3 shall not be present at and shall not participate in voting of the Committee.

## *Article 8*

### **Written procedure**

1. The chair may obtain the Committee's opinion by written procedure in accordance with Article 3(5) of Regulation (EU) No 182/2011. In particular, the chair may use the written procedure to obtain the Committee's opinion in cases where the draft implementing act has already been discussed during a Committee meeting.
2. The chair shall inform the members of the Committee of the outcome of a written procedure without delay, and no later than 14 calendar days after the expiry of the time limit.

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<sup>4</sup> OJ L1 of 03.01.1994, p. 572

## *Article 9*

### **Secretarial support**

The Commission shall provide secretarial support for the Committee and, if necessary, the working groups created pursuant to Article 6(1).

## *Article 10*

### **Minutes and summary record of meetings**

1. For the purpose of Article 3(6) of Regulation (EU) No 182/2011, the draft minutes of each meeting shall be drawn up under the responsibility of the chair. Committee members shall have the right to ask for their position to be recorded in the minutes. The chair shall send the draft minutes to the Committee members without delay and no later than one month after the meeting.

The members of the Committee shall send any comments they may have on the draft minutes to the chair in writing. If there is any disagreement, the matter shall be discussed by the Committee. If the disagreement persists, the relevant comments shall be annexed to the final minutes.

2. For the purpose of Article 10 of Regulation (EU) No 182/2011, the chair shall be responsible for drawing up a summary record briefly describing each item on the agenda and the results of the vote on any draft implementing act submitted to the Committee. The summary record shall not mention the individual position of the members in the Committee's discussions.

## *Article 11*

### **Attendance list and conflicts of interests**

1. At each meeting, the chair shall draw up an attendance list specifying the authorities and organisations to which the persons designated by the Member States to represent them belong.

2. At the beginning of each meeting, any person designated by the Member States, as well as experts who have been authorised by the chair to participate in the meeting in accordance with Article 5(1) and Article 7(3), and representatives of third parties who have been invited

to attend the meeting in accordance with Article 7, shall inform the chair of any conflict of interest with regard to a particular item on the agenda.

In the event of such a conflict of interest, the person concerned shall, at the request of the chair, withdraw from the meeting whilst the relevant items of the agenda are being dealt with.

## *Article 12*

### **Correspondence**

1. Correspondence relating to the Committee shall be submitted to the Commission, for the attention of the chair of the Committee.
2. Correspondence for members of the Committee shall be submitted to the Permanent Representations of the Member States, preferably by electronic means. Where a Permanent Representation indicates to the Commission a specific central electronic address for correspondence related to work of the committees, that address shall be used for correspondence. In addition, correspondence may be submitted directly to the persons designated by the Member State to represent them in the Committee.

## *Article 13*

### **Access to documents and confidentiality**

1. Requests for access to Committee documents shall be handled in accordance with Regulation (EC) No 1049/2001 of the European Parliament and of the Council<sup>5</sup>. It is for the Commission to take a decision on requests for access to those documents pursuant to its Rules of Procedure as amended by Decision 2001/937/EC, ECSC, Euratom<sup>6</sup>. If the request is addressed to a Member State that Member State shall apply Article 5 of Regulation (EC) No 1049/2001.
2. The Committee's discussions shall be confidential.
3. Documents submitted to members of the Committee, experts and representatives of third parties shall be confidential<sup>7</sup>, unless access is granted to those documents pursuant to paragraph 1 or they are otherwise made public by the Commission.

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<sup>5</sup> OJ L 145, 31.5.2001, p. 43

<sup>6</sup> OJ L345 of 29.12.2001, p. 94

<sup>7</sup> In accordance with Article 339 TFEU, '[t]he members of the institutions of the Union, the members of committees, and the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components'.

4. The members of the Committee, as well as experts and representatives of third parties, shall be required to respect the confidentiality obligations set out in this Article. The chair shall ensure that experts and representatives of third parties are made aware of the confidentiality requirements imposed upon them.

#### *Article 14*

##### **Protection of personal data**

The processing of personal data by the Committee and its working groups shall be in conformity with Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>8</sup>, under the responsibility of the chair acting as the controller, within the meaning of point (d) of Article 2 of that Regulation.

Done at Brussels,

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<sup>8</sup> OJ L8, 12.1.2001, p. 1



## Aktdetaljer

**Akttitel: Marine Strategy Framework Directive Committee (27.01.16)-  
Information on documents**

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**Titel:** Marine Strategy Framework Directive Committee (27.01.16)- Information on documents

**Sendt:** 14-01-2016 18:38:33

Dear members of the Marine Strategy Framework Directive Committee,  
(copy to Marine Directors)

We would like to bring to your attention that documents were uploaded yesterday in view of the upcoming Committee meeting on the 27<sup>th</sup> January. These include a draft text of the GES Decision and a revised version of MFSD Annex III, which was already discussed at the last Committee meeting. We have also just uploaded an explanatory document that is meant to describe the rationale underpinning the revised texts. We appreciate that you may already be familiar with its contents or parts thereof, but the document may serve as a useful explanatory tool when consulting colleagues in charge of other policy areas in your national or regional administrations, as the case may be, such as those dealing with nature or water legislation. We have also provided you with a template for your comments to draft texts. We kindly ask you to use this template in order to ensure that all your comments are well noted; as previously announced, any written comments should be received by Wednesday 3 February latest.

We would take this opportunity to highlight a few key elements of the revised Decision:

- It provides clear links to other EU legislative frameworks (WFD, CFP, food safety legislation, habitats and bird directives) but provides enough flexibility to Member States to apply legislation on a risk-based approach for MSFD purposes. This facilitates a more efficient and effective implementation of the MSFD, saving resources and focusing on the most important issues.
- Where reference levels or methodological standards have been set in EU legislation these are explicitly referred to. Where they are not, the draft text asks Member States to develop these at a regional or sub-regional level, which would be in line with the obligations of the MSFD as it requires regional cooperation. The text also allows for instances where standards/levels are being developed within the framework of the common implementation strategy (e.g. marine litter or noise).
- The text provides for flexibility. As such, the number of criteria has been reduced from 85 to 45. Of the 45 remaining a good number are labelled as secondary criteria. These secondary ones either complement primary ones where the Member State identifies a relevant risk or else substitute primary ones when data for primary criteria is not available. This for example would cater for those instances when there is no particular impact on a specific species because the pressure is not there (or perhaps the species), thereby lightening the burden on the Member State.
- The decision details what elements need to be assessed (e.g. which species type or which contaminant or which kind of marine litter); what criteria and reference levels to use (e.g. contaminant concentration levels; composition, amount and spatial distribution of litter); what methodological standards to use (e.g. scales of assessment); and finally the specifications and standardised methods for monitoring and assessment (e.g. seasonality of sampling; standards in food safety legislation).
- In presentational terms, descriptors dealing with pressures and impacts (e.g. litter or contaminants) covered by MSFD Art.8(1b) and those dealing with an environmental state (e.g. biodiversity or sea-floor integrity) covered by MSFD Art.8(1a) have been separated. This allows for a clearer distinction between the two groups as often one has an impact on the other. For example eutrophication (a pressure-based descriptor) impacts on biodiversity (a state-based descriptor). Member States assessments should therefore look at these aspects jointly rather than looking at descriptors independently.

We trust that the revised text is a good starting point for our discussions at the Committee.

Kind regards,

**The ENV Marine Team**



**European Commission**

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