

Procedure file

Basic information			
COD - Ordinary legislative procedure (ex-codecision procedure) Directive		2005/0211(COD) Procedure completed	
Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive			
Subject 3.15.01 Fish stocks, conservation of fishery resources 3.15.02 Aquaculture 3.20.03 Maritime transport: passengers and freight 3.20.03.01 Maritime safety 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity 3.70.05 Marine and coastal pollution, pollution from ships, oil pollution			
Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety	PSE LIENEMANN Marie-Noëlle	14/12/2005
	Former committee responsible	PSE LIENEMANN Marie-Noëlle	14/12/2005
	Former committee for opinion	The committee decided not to give an opinion.	
	TRAN Transport and Tourism		
	PECH Fisheries	PPE-DE GKLAVAKIS Ioannis	14/12/2005
Council of the European Union	Council configuration	Meeting	Date
	Economic and Financial Affairs ECOFIN	2866	14/05/2008
	General Affairs	2816	23/07/2007
	Environment	2773	18/12/2006
	Environment	2757	23/10/2006
European Commission	Commission DG	Commissioner	
	Environment	DIMAS Stavros	
Key events			
23/10/2005	Legislative proposal published	COM(2005)0505	Summary

15/11/2005	Committee referral announced in Parliament, 1st reading		
10/10/2006	Vote in committee, 1st reading		Summary
23/10/2006	Debate in Council	2757	Summary
24/10/2006	Committee report tabled for plenary, 1st reading	A6-0373/2006	
13/11/2006	Debate in Parliament		
14/11/2006	Results of vote in Parliament		
14/11/2006	Decision by Parliament, 1st reading	T6-0482/2006	Summary
22/07/2007	Council position published	09388/2/2007	Summary
06/09/2007	Committee referral announced in Parliament, 2nd reading		
09/10/2007	Vote in committee, 2nd reading		Summary
15/10/2007	Committee recommendation tabled for plenary, 2nd reading	A6-0389/2007	
10/12/2007	Debate in Parliament		
11/12/2007	Decision by Parliament, 2nd reading	T6-0595/2007	Summary
14/05/2008	Act approved by Council, 2nd reading		
17/06/2008	Final act signed		
17/06/2008	End of procedure in Parliament		
25/06/2008	Final act published in Official Journal		

Technical information

Procedure reference	2005/0211(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/50338

Documentation gateway

Legislative proposal	COM(2005)0505	24/10/2005	EC	Summary
Document attached to the procedure	COM(2005)0504	24/10/2005	EC	Summary
Document attached to the procedure	SEC(2005)1290	24/10/2005	EC	Summary
Economic and Social Committee: opinion, report	CES0585/2006	20/04/2006	ESC	
Committee of the Regions: opinion	CDR0046/2006	26/04/2006	CofR	

Committee draft report		PE374.345	04/07/2006	EP	
Committee opinion	PECH	PE368.015	07/09/2006	EP	
Amendments tabled in committee		PE378.595	19/09/2006	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0373/2006	24/10/2006	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0482/2006	14/11/2006	EP	Summary
Commission response to text adopted in plenary		SP(2007)0054	11/01/2007	EC	
Council statement on its position		11440/2007	16/07/2007	CSL	
Council position		09388/2/2007	23/07/2007	CSL	Summary
Commission communication on Council's position		COM(2007)0456	24/07/2007	EC	Summary
Committee draft report		PE392.093	23/08/2007	EP	
Amendments tabled in committee		PE394.048	25/09/2007	EP	
Committee recommendation tabled for plenary, 2nd reading		A6-0389/2007	15/10/2007	EP	
Text adopted by Parliament, 2nd reading		T6-0595/2007	11/12/2007	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(2008)0005	10/01/2008	EC	Summary
Draft final act		03695/2007/LEX	17/06/2008	CSL	
Follow-up document		C(2011)6362	16/09/2011	EC	
Follow-up document		SEC(2011)1042	16/09/2011	EC	
Follow-up document		COM(2014)0097	20/02/2014	EC	Summary
Follow-up document		SWD(2014)0049	20/02/2014	EC	
Follow-up document		COM(2015)0481	01/10/2015	EC	Summary
Follow-up document		SWD(2016)0178	18/05/2016	EC	Summary
Follow-up document		COM(2017)0003	16/01/2017	EC	Summary
Follow-up document		SWD(2017)0001	16/01/2017	EC	
Follow-up document		COM(2018)0562	31/07/2018	EC	Summary
Follow-up document		SWD(2018)0393	31/07/2018	EC	
Follow-up document		COM(2020)0259	25/06/2020	EC	
Follow-up document		SWD(2020)0060	25/06/2020	EC	
Follow-up document		SWD(2020)0061	25/06/2020	EC	
Follow-up document		SWD(2020)0062	25/06/2020	EC	

Additional information

National parliaments

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European Commission

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Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

PURPOSE: The establishment of a Marine Strategy Directive.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: Securing an ecologically sound marine environment is a key feature of EU environmental policy. Indeed, the EU's 6th Environmental Framework Programme devotes a single Thematic Strategy to the protection and conservation of the marine environment. The European Council has stated its wish to see the outlines of an ambitious Marine Strategy in the course of 2005. In presenting this proposal, the Commission is fulfilling its obligation to establish just such a strategy.

The need for Community action is borne out by numerous scientific studies and has the support of all interested parties. (An open and transparent consultation process was held over a two year period prior to the adoption of this proposal). Experts have identified numerous threats to the marine environment. The principal ones being over-fishing, the discharge of pollution from land-based sources, oil spills, discharges from off-shore oil and gas exploration, pollution from ship dismantling, noise pollution, climate change, nutrient enrichment and associated algal blooms, the illegal discharges of radionuclides and noise pollution.

The marine environment does not accord with existing geo-political boundaries. By its very nature it is trans-boundary and in order to secure an effective implementation of environmental measures to combat the threat outlined above, a co-ordinated response at an EU level is needed. Applying a purely national approach would lead to a patchwork of disjointed activities. Member States, for example, could apply contradictory policies with differing time-frames and routes, the result of which would be the ineffective protection of the marine environment.

Bearing the above in mind, the objective of this Directive is to achieve a sound environmental status of the marine environment by 2021. The Directive will only define common objectives and principles at the EU level, leaving the Member States free to plan and execute measures at a regional level to take account of diverse conditions. European Marine Regions will be established as a basic unit for managing the marine environment. Member States will be expected to develop a strategy for each of their Marine Regions and to actively co-operate with one another. Only under certain conditions and in certain specific waters would the overall objectives of the Directive not apply.

The proposal has no implications on the Community budget. The administrative burden of the proposal has been estimated at approximately EUR 90 million per annum for the EU as a whole in the first two years, EUR 70 million thereafter. Significant efficiency gains will be seen by avoiding duplication in monitoring and assessment activities.

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

COMMISSION'S IMPACT ASSESSMENT

For further information regarding the context of this issue, please refer to the summary of the Commission's initial proposal for establishing a Framework for Community Action in the field of Marine Environmental Policy COM(2005)0504 and 0505.

1- POLICY OPTIONS AND IMPACTS

Having eliminated the options of no action, the tightening up existing legislation, a prescriptive legislative instrument, a purely national approach or loose cooperation through the open method of coordination and, lastly, a Council Decision, the Commission's impact assessment examined the following policy options.

1.1- Option A - A strictly voluntary approach based on a Communication setting non-binding recommendations, without new legislative measures: Implementation of the Marine Strategy would be based on voluntary political commitment from Member States and regional marine protection organisations. The Communication would briefly describe the state of the marine environment, the pressures acting on the marine environment and the need for action. It would:

- Set out an overall vision for the protection of the marine environment,
- Describe why any approach to marine protection needs to recognise the differences in the character of the different marine areas in the EU in terms of their physical, chemical and hydrological characteristics, their ecology, the pressures and threats impacting upon the seas and the economic and social conditions of the bordering countries.
- Suggest an ecosystem-based approach to protecting the marine environment.
- Recommend the identification of Marine Regions as being the most appropriate level to prepare Marine Strategies.
- Explain how the EU Marine Strategy will interface with non-EU countries and with the international and regional conventions and commissions which already exist for the protection of European regional seas.

A close alternative to this option would be to couple the Communication with a Recommendation outlining in greater detail steps to be taken to implement the marine strategy. However, as neither of these options has any binding force, they were rejected by the Commission.

1.2- Option B - A flexible legal instrument: This legal instrument would be ambitious in its scope but not overly prescriptive in its tools. It would translate the Commission's approach and general ambition into an operational objective, to be further defined at regional level. This objective would be to protect, conserve and improve the quality of the marine environment through the achievement of a desirable environmental status in European seas within a defined time period. In line with the approach, a number of steps would need to be undertaken:

- In recognition of the current gaps in knowledge, assessment and monitoring of the marine environment, the Directive would in particular set common principles and objectives and commit to a common monitoring and assessment process.

- A Marine Strategy, defined as an integrated framework for the adaptive management of human activities impacting on the marine region, would also be prepared for Member States' marine waters within each Marine Region.

- In preparing the Marine Strategies, there would be an obligation to:

- assess the pressures and threats impacting upon the marine environment and the costs (including environmental costs) of these pressures.
- Develop a monitoring and assessment programme to be carried out in each sea according to general indications given in the Directive but taking full account of the monitoring and assessment programmes which are already in place.
- On the basis of the assessment programmes and the monitoring information a draft Marine Strategy for Member States' marine waters with Marine Region would be drawn up. The Strategy would distinguish between actions that can be implemented at regional or national levels and measures that can only be implemented at the level of the EU (Common Fisheries Policy, Common Agricultural Policy, marketing and use of chemicals) or globally (e.g. shipping through the International Maritime Organisation).

IMPACT

The anticipated impacts of the Commission's chosen option, Option B, are the following:

In the short term, indirect environmental benefits would be associated with this option including in particular: more effective management of Europe's marine environment; enhanced knowledge through the establishment of an integrated monitoring and assessment framework; further awareness-raising through the diffusion of information and knowledge gained and through increased engagement with stakeholders in each step of the process from the characterisation of marine regions onwards; increased political attention to marine ecosystems at Member State level due to the need to transpose the Marine Framework Directive and deliver improved protection of the marine environment. In the longer term, this option would set out the framework through which good ecosystem status of Europe's marine environment could be achieved. While the impact of the strategy would require some time to become apparent as marine ecosystems are slow to react to reduced pressures, some significant benefits are to be reaped.

In the short term, the establishment of common principles and approaches for the development of the implementation plans will initially impose costs on government.

It is not possible to fully anticipate the measures that will emerge from regional implementation plans to be developed as part of the Marine Strategy. Problems and priorities faced by Europe's different seas and oceans are not uniform as they are based upon specific social, economic and environmental contexts and distinct ecological features.

Expected benefits from the implementation phase: The most important benefit is avoiding costs of no-action. Restrictions on certain marine-related economic activities required to protect marine ecosystems seem to be compensated by long-term gains on regulatory and information efficiencies, e.g. increased tourism prospects or more productive fisheries. By identifying programmes of measures, implementation plans will lead to costs to address the threats to the marine environment. All sectors would not be equally affected: direct users of the marine environment (fisheries, aquaculture, tourism) will benefit more significantly in the long term from the measures proposed than those carrying out activities that pose threats to the marine environment (such as shipping). In the short term, the burden of implementation will primarily fall on users that most directly damage the marine environment (e.g. fisheries).

The most significant social benefit would be in securing employment in marine-related industries which would be considerably threatened under a no additional action scenario or a non binding approach because of their dependency on the marine environment. However, in the short-term Marine Strategies are likely to have negative social effects such as increased unemployment in some sectors, e.g. fisheries and unsustainable tourism. However, important shifts from activities degrading or depleting the marine environment to activities likely to benefit from increased quality of the marine environment ? such as ecotourism or management of marine protected areas ? are to be anticipated. In the long term, it is expected that sustainable employment in marine-related industries would outweigh these short-term negative effects.

2- FOLLOW-UP

The Strategy would be implemented through Marine Strategies to be developed for each Marine Region. Each Strategy would establish an integrated framework for achievement of environmental objectives. Under Option B, the development of Strategies would be binding.

The proposed timetable is that the assessment and characterisation process be completed within 4 years after the entry into force of the Directive; and that the monitoring system be developed within 6 years. As regards the completion of programmes of measures, the target date is 2016. The target date for achieving good environmental status is 2021

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

This is a Commission Communication to the Council and European Parliament on the Thematic Strategy for the Protection and Conservation of the Marine Environment and accompanies the proposal for a Directive covering this subject. It gives a detailed outline of the strategy; examining in detail its *raison d'être*, objectives, purpose and preferred route of implementation.

The thematic strategy states that its overall aim is to promote a sustainable use of the seas and to conserve marine ecosystems. The primary scope of the Strategy applies to the regional seas bordering EU countries although account is also taken of international waters and of the High Seas in particular. Evidence of a deteriorating marine environment has accumulated over the past three years. Marine habitats are being

destroyed, degraded and disturbed. The principle threats identified are both alarming and varied. They include climate change, pollution from land sources, litter, microbiological pollution, oil spills as a result of accidents, ship-source pollution, leaks from offshore oil and gas explorations, pollution from ship dismantling, commercial over fishing, the introduction of non-native species, nutrient enrichment and associated algal blooms, noise pollution and the illegal discharges of radionuclides.

The marine environment does not accord with existing geo-political boundaries. By its very nature it is trans-boundary and as such any environmental pollution will have trans-boundary consequences. Due to their diverse nature, national measures hinder, rather than promote improved environmental conditions. This is largely because marine pollution is dealt with on a sector by sector basis rather than being treated as an individual policy challenge. The various international conventions on marine protection add to the lack of impetus in that they have few enforcement powers thus compromising their effectiveness in achieving the agreed goals. A single over-arching Strategy would undoubtedly contribute significantly to a co-ordinated and effective approach in dealing with the problems associated with marine pollution. In other words, a strong EU policy on marine protection will complement and bolster the current patchwork of institutional arrangement by providing a legally enforceable framework within which Member States can operate.

An additional feature of the Marine Strategy will be to offer a new approach to the monitoring and assessment of scientific information in order to plug the gap for high quality information. This new approach to marine assessment and monitoring will be based upon existing programmes including the Data Collection Regulation under the CFP and will be tailored to ensure full consistency with relevant Commission initiatives such as INSPIRE and GMES.

A number of key elements in building the Strategy have been identified and include:

- Adopting a dual approach. This approach will set targets common to all EU Member States, whilst leaving the planning and execution of the set targets to regional actors. This approach takes account of diverse conditions and the need for tailor-made solutions.
- A knowledge-based approach in order to achieve informed policy making.
- An eco-system approach, whereby human activities affecting the marine environment will be managed in an integrated manner through the promotion of conservation and sustainable marine use.
- A co-operative approach, providing for broad agreement with all relevant stakeholders and enhancing co-operation with existing regional sea convention.

To accompany the Thematic Strategy the European Commission is proposing a Marine Strategy Directive. Its objective will be to achieve a good environmental status of Europe's marine environment by 2021, to coincide with the first review of River Basin Management Plans under the EU Water Framework Directive. The Marine Strategy Directive will define common objectives and principles at an EU level, whilst simultaneously establishing European Marine Regions to act as management units responsible for applying the Directive's provisions. No specific management measures will be set down at the EU level. The Directive requires Member States to work together closely and to co-ordinate their policy measures.

Finally, the Strategy will seek synergies with other related EU policy initiatives, such as the Urban Waste Water Treatment and Nitrates Directive. At the same time it does not over-ride or obviate obligations under the Habitats and Birds Directives. Considerable synergy will be achieved between the Strategy and the implementation of other thematic strategies developed under the 6th Environmental Action Programme, namely air, soil, pesticides, recycling, resources and the urban environment.

To conclude, the Report restates that Europe's marine environment is under threat. This requires effective EU action. The strategy is to be reviewed in 2010 and will feed into the final evaluation of the 6th Framework Programme.

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

The committee adopted the report by Marie-Noëlle LIENEMANN (PES, FR) amending - under the 1st reading of the codecision procedure - the proposed directive establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive):

- Article 1 was amended to make it clear that Member States will be obliged to achieve good environmental status. This target was also brought forward from 2021, as proposed by the Commission, to 2017;
- Article 2 was amended so as to specify that the directive "shall take account of the need to ensure the quality of the marine environment of associated and applicant States". In this connection, another amendment included the Black Sea among the regions to be covered by the directive, in view of the imminent accession of Romania and Bulgaria;
- a new Article 2b introduced a number of definitions, including that of 'good environmental status';
- new provisions were inserted requiring Member States to introduce appropriate mechanisms for developing a single, coordinated Marine Strategy and drafting a joint report per Marine Region;
- a new Article 4b provided for the creation of marine protected areas (MPAs) which would contribute to "a coherent and representative network by 2012 at the latest";
- the Member States and the Commission should promote international cooperation with third countries and international or regional organisations with a view to their adopting marine strategies to cover regions or sub-regions with European marine waters;
- by 2007, the Commission should establish a regulatory framework, focusing on environmental criteria, ensuring that all stakeholders are consulted prior to major infrastructure projects in the marine environment;
- a new Article 10b stipulated that Member States should adopt measures and programmes for the traceability and detectability of marine pollution;
- provision was made for a number of exceptions to the requirement to achieve the environmental targets and good environmental status, e.g.

where the power to adopt the measures in question does not lie exclusively with the Member State, by virtue of Community or international law, or where the deterioration of the environment is due to pressures either totally or partially beyond its control (i.e. climate change);

- 2 years after the directive's entry into force, the Commission should report on "the state of the marine environment of Arctic waters of importance for the Community" and propose measures aimed at establishing the Arctic as a protected area, similar to the Antarctic, and designated as "a natural reserve devoted to peace and science";

- lastly, the committee felt that the time frames proposed by the Commission were too long, given the urgency of the situation, and therefore proposed that the various stages in the process be shortened: the initial assessment and the determination of good environmental status should take two years instead of four; the introduction of environmental targets and the implementation of the monitoring programmes should take three years instead of six; the development of the programme of measures should be scheduled for 2012 instead of 2016; and the programme should be brought into operation in 2014 instead of 2018. The directive should be reviewed after 10 years, rather than 15 as originally proposed.

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

The Council held a policy debate on the thematic strategy and proposal for a Framework Directive for the protection and conservation of the marine environment.

The debate focused essentially on the following issues:

- in general, the Council considered that the marine strategy, together with the proposal for a Directive, provides adequate tools to meet the marine environment related objectives set out in the 6th Environmental Action Programme while setting up the environmental pillar of a future EU Maritime Policy;

- in their majority, delegations agreed that the Directive should include an explicit definition of the concept of "good environmental status" (GES) and indicated some of the main elements they considered should be included in such a definition to make it operational. Delegations were of the view that some flexibility with regard to the timetable might be required, depending on how GES would be defined as well as on specific regional and sub-regional circumstances;

- the need to ensure coherence between the different levels of regulation was stressed. The work done and obligations under international agreements, such as the Regional Seas Conventions, must be taken into account to avoid overlaps and duplication of work. The strategy and proposed Directive must be coherent with other EC legislation and policies, such as the Water Framework Directive, the Habitats and Birds Directives and the Common Fisheries Policy;

- lastly, it was recognised that the specific situation of landlocked countries will have to be addressed when implementing the Directive, although these countries do have a contribution to make to its objectives.

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

The European Parliament adopted a resolution drafted by Marie-Noëlle Lienemann (PES, France) and made some amendments to the Commission's proposal. (Please also see the Parliament's own-initiative report on this subject in INI/2006/2174.) The amendments sought to shorten the timetable for implementation to 2017 (from 2021) and to reduce the length of intermediate phases. Member States must take measures which take measures which:

a) protect and preserve the marine environment or allow recovery of it or, where practicable, restore the function, processes and structure of marine biodiversity and marine ecosystems;

b) prevent and phase out pollution in the marine environment so as to ensure that there are no significant impacts on or risks to marine biodiversity, marine ecosystems, human health or legitimate uses of the sea;

c) contain the use of marine services and goods and other activities in the marine environment to levels that are sustainable and that do not compromise uses and activities of future generations nor the capacity of marine ecosystems to respond to natural and human-induced changes.

The main changes were as follows:

- Parliament inserted a clear definition of "good environmental status" with identification of common indicators, and conditions for assessment in a new Annex I, while stressing the principle of marine protected areas;

- for each Marine Region, the Member States concerned shall achieve good environmental status in the European marine waters within that Region by 2017 at the latest, by means of establishing and implementing a single Marine Strategy for that Region in accordance with the provisions of the Directive;

- Member States sharing a Marine Region shall ensure that a single, joint Marine Strategy is produced per region or sub-region for the waters falling under their sovereignty or jurisdiction within that region;

- the initial evaluation and the definition of "good environmental status" should be carried out in two years rather than four;

- the establishment of a series of environmental targets should be made three years after the entry into force of the legislation, instead of five;

- the establishment and implementation of a monitoring programme for ongoing assessment and regular updating of targets should be done after three years, rather than six;

- the programmes of specific measures could be elaborated by 2012 rather than 2016 and the programmes launched in 2014 rather than 2018;
- the scope of the text was extended to the Black Sea, a measure justified by the upcoming accessions of Romania and Bulgaria;
- the Baltic Sea Marine Region could be a pilot area to implement the marine strategy. The forthcoming Baltic Sea Action Plan from the Helsinki Convention (HELCOM) could be a useful resource in using the Baltic Sea as a pilot area to implement the marine strategy. A common programme of measures for the Baltic Sea Marine Region shall be developed by Member States in the region, by 2010 at the latest, to achieve good environmental status in the Region;
- in their strategies, Member States shall lay down measures for the protection of areas, by Region and Sub-Region, designated as "marine protected areas";
- cooperation with third countries will extend to the countries who not only have sovereignty or jurisdiction over maritime zones in the Marine Region in question, but also those whose flag vessels operate in the Marine Region in question, and third countries that are land-locked but have on their territories sources of pollution that are transferred to the Marine Region in question by means of rivers or the atmosphere;
- the Commission shall, by 2007, establish a regulatory framework, focussing on environmental criteria, so as to ensure that all relevant stakeholders are being consulted prior to major infrastructure projects in the marine environment;
- support from the EU, e.g. under the Common Agricultural Policy, may be allocated only to stakeholders who can show that their activities exhibit a balance in terms of nutrients, i.e. that they are not beset by large-scale nutrient leakage to water recipients;
- comprehensive water analyses must take into account not only Directive 2000/60/EC, but also relevant provisions of Council Directive 91/271/EEC concerning urban waste-water treatment, and Directive 2006/7/EC on bathing water quality and the proposed Directive on environmental quality standards in the field of water policy amending Directive 2000/60/EC;
- data and information resulting from the initial assessment shall be made available to the European Environment Agency, as well as to the relevant regional marine and fisheries organisations and conventions, no later than three months after completion of that assessment;
- special reference is made to the Community initiatives on spatial data infrastructure and GMES (Global Monitoring for Environment and Security);
- Member States shall adopt measures and programmes to improve the traceability and detectability of marine pollution;
- having consulted all interested parties, the Commission shall, at the latest by three years after the entry into force of the Directive, adopt detailed criteria and standards for the application of good ocean governance principles;
- Member States shall set up a structure for consultation and regular exchanges of information involving the appropriate local authorities, experts, NGOs and all users concerned in the Marine Region or Sub-region. That structure must be directly linked to the regional fisheries advisory councils which have been advocated by the EU;
- the Commission shall publish four years after the date of entry into force of the directive, a report pinpointing any conflicts or complementarities between improvements to this Directive and the obligations and commitments and existing obligations, commitments and initiatives at Community or international level;
- within two years after the entry into force of this Directive, the Commission shall report on the state of the marine environment of Arctic waters of importance for the Community and propose relevant measures with a view to establishing the Arctic as a protected area, similar to the Antarctic, and designated as a "natural reserve devoted to peace and science";
- 24 months after the entry into force of the Directive, the Commission shall report on progress in the establishment of a global network of protected areas;
- given the priority inherently attached to the establishment of a marine strategy, the implementation of the Directive shall be supported by Community financial instruments, as from 2007. The programmes drawn up by the Member States shall be co-financed by the EU in accordance with existing financial instruments;
- the table on the introduction of radio nuclides is deleted.

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

The Council adopted, by all but one Member State (Italy abstained), the common position.

The common position accepted totally, in part or in principle a certain number of amendments (37 in total) made by the European Parliament in the first reading. 47 amendments were rejected.

The Council has sought to clarify the scope and objectives of the proposed Directive by adding definitions of key terms and concepts (Article 3) as well as an annex (Annex I) containing generic qualitative descriptors to guide determination of good environmental status, bearing in mind that the proposal is for a framework Directive that should not burden implementation with too much technical detail.

Furthermore, the Council has added or amended a number of provisions to specify Member States' obligations in implementation. Notably, the obligations of Member States without marine waters are clarified in a way that ensures that all EU Member States will cooperate towards achieving good environmental status in the marine environment.

The common position also foresees situations where environmental targets established by Member States might not be achieved or might not be achieved within the timetable foreseen. In such cases, Member States would be under the twofold obligation to provide the Commission with justifications and to take ad hoc measures so as to mitigate damage. On the other hand, the text agreed by the Council provides for situations where more urgent or stronger action is needed concerning pilot projects and on marine protected areas.

The Council has reacted to the Parliament's amendments in the following way:

Good environmental status (GES): the Council, very much like the EP, has considered that GES is central to this proposed Directive. Both institutions have logically complemented the initial proposal with a definition and a set of qualitative descriptors to guide determination of good environmental status in each marine region or sub-region. The two institutions have taken rather different approaches. The Council's concept is mostly based on status (in other words: what are the features that need to be present for the status of the marine environment to be considered good), but recognises that, for obvious reasons, some human activities (related to agriculture, fisheries or shipping) are more likely than others to increase pressure on the marine environment. On the other hand, most EP amendments, though not all, focus on human-induced, and even sector-specific, pressures upon that environment. Furthermore, the level of technical detail in several EP amendments is not compatible with the Council's approach to this proposal for a framework Directive.

Objectives, timetables and costs: the Council stresses that it has adopted an ambitious and realistic approach to the related issues of obligations and timetables. As opposed to the EP, the Council is not in favour of an overall tightening of deadlines, in particular 2017 instead of 2021 for achieving good environmental status, given the high diversity of situations across Europe. Nevertheless, the Common position allows for speedier implementation wherever Member States deem that it is desirable and/or feasible. It should also be noted that the timetable adopted by the Council for this Directive is compatible with the implementation and reporting timing under the Water Framework Directive. The Council also considered that it would be unrealistic, no matter how desirable, to make achievement of good environmental status, even by 2021, a legally binding objective. The common position makes it mandatory to take a number of measures and steps according to a precise timetable. This alone should ensure visible progress towards the GES objective, if not complete achievement by 2021.

Along similar lines, the Council also considered that Member States, in developing and implementing marine strategies, should not be under an obligation to take steps where there is no significant risk to the environment, or where action would entail disproportionate costs taking into account the risks to the marine environment. Here too, however, Member States are required to provide the Commission with a justification.

Marine strategies and regional cooperation: the Council can agree with the EP that cooperation within marine regions or sub-regions, both amongst EU Member States and with third countries, is crucial. The common position emphasises the need to use existing international institutional cooperation structures, including those established under regional seas conventions, to avoid duplication of efforts. The Council cannot, however, accept the notion of joint responsibility for developing one single marine strategy per region or sub-region. This would dilute the legal responsibility for compliance between several Member States and would hinder progress towards the objective of the proposed Directive. The Council considers that the ultimate responsibility for meeting obligations under Community legislation in general, and under this Directive in particular, must lie strictly with individual Member States.

The following amendments were also introduced into the common position: they refer to the expansion of the geographical coverage of the Directive in particular to the Black Sea apart from the reference to the Arctic Ocean; the demands on oceans and seas; the importance of ecosystems; referring to biological and environmental targets; the importance of cooperation with third countries (with the exception of the idea of launching partnerships); the cost-effectiveness and research and monitoring needs; the inclusion of a reference to ecological functions; the importance of marine research in the 7th Framework Programme for Research; the need for the Common Fisheries Policy; the insertion of references to the ecosystem-based approach and to the precautionary approach; the introduction of useful references to the quality of waters in applicant and associated states; addressing cooperation between Member States and with third countries; including a reference to Marine Protected Areas; taking into consideration existing obligations, commitments and initiatives at international level is partly introduced in the definition of 'marine waters' in the Common Position through the reference to the UN Convention on the Law of the Sea; definitions cover 'Marine Waters', 'Environmental Status', 'Good Environmental Status', 'Pollution'; the preparation of regional marine strategies on the condition that regional marine strategies are again understood as a compilation of national strategies, not implying collective responsibility; the extent that it would recognise a fast-track implementation mechanism; the inclusion of references to the Birds and Habitats Directives (79/409/EC and 92/43/EC) in Article 11 (Monitoring Programmes).

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

The Commission accepted totally, in part or in principle 52 of the 87 amendments made by the European Parliament in the first reading. 37 of these 52 amendments are incorporated in the common position.

The following are among the amendments which were accepted by the Commission:

- amendments which led to the recognition of the importance of the ecosystem approach to managing Europe's marine environment;
- the amendment on joint cooperation between Member States and non-EU countries for developing and implementing marine strategies regionally;
- the need to advance environmental integration.

The Commission also accepted amendments which led to clarifications of the text, in particular with regards to definitions; links with relevant Directives (e.g. Water Framework Directive, Birds Directive, Habitats Directive); geographical coverage (extension of the scope of the Directive to the Black Sea); references to relevant international agreements; and inclusion of certain descriptors of "Good Environmental Status".

The Commission rejected certain amendments, and in particular the following:

- amendments which would bring forward the timetable for implementation as this would not be realistic;
- amendments introducing the compulsory designation of marine protected areas in the Directive. These areas should be seen as a means to reaching "Good Environmental Status" rather than as an end in themselves and should therefore be optional.

On the important issue of the introduction of descriptors of "Good Environmental Status", the Commission could accept some of the suggestions made by Parliament, but has a clear preference for descriptors focused on environmental quality elements rather than on specific pressures. The commission states that taking a pressure-based approach only would inevitably lead to overlooking potential risks and threats and would not enable the EU to move away from a fragmented approach to the management of the marine environment.

Lastly, the Commission rejected amendments calling for ad hoc financial support for the implementation of the proposed Marine Directive or

granting certain regions a special status.

The Commission goes on to point out that the Common Position contains a number of important changes compared to the Commission's original proposal. It states that these changes regrettably weaken the proposal.

The Commission concludes that the common position is an important step towards the adoption of the Marine Strategy Framework Directive. However, the Commission notes that the common position is not as ambitious as the Commission's initial proposal, in particular as regards its overall ambition, the binding nature of the good environmental status objective, and implementation costs. On this last point, the Commission wishes to recall that good policy depends on high-quality information and current assessment and monitoring programmes at EU level are neither integrated nor complete.

More positively, the Commission is pleased that the common position fully recognises the strong need for a European integrated approach to protect our oceans and seas more effectively. References to the importance of cooperation and coordination between Member

States and non-EU countries for developing and implementing marine strategies regionally are also positive. Finally, the addition of elements to the definition of "Good Environmental Status" is also useful although the Commission would prefer definitions which are focused on environmental quality elements rather than specific pressures.

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

The Committee on the Environment, Public Health and Food Safety adopted the report by Marie-Noelle LIENEMANN (PES, FR) amending, under the 2nd reading of the codecision procedure, the Council's common position adopting a directive of the European Parliament and of the Council establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Framework Directive).

The committee reinstated a certain number of amendments from the first reading which were not accepted by the Council in its common position:

Purpose: according to the MEPs, this Directive establishes a framework within which Member States shall achieve good environmental status in the marine environment by the year 2017 at the latest and take measures which: a) protect and preserve the marine environment or allow its recovery or, where practicable, restore the function, processes and structure of marine biodiversity and marine ecosystems; b) prevent and phase out pollution in the marine environment so as to ensure that there are no significant impacts on or risks to marine biodiversity, marine ecosystems, human health or legitimate uses of the sea; c) limit activities in the marine environment to levels that are sustainable and that do not compromise uses and activities of future generations nor the capacity of marine ecosystems to respond to natural or human-induced changes. It shall also take account of the need to ensure the quality of the marine environment of associated and applicant States.

Marine strategies: the report suggests that for each Marine Region, the Member States concerned shall achieve good environmental status in the European marine waters within that Region by 2017 at the latest, by means of establishing and implementing a single Marine Strategy for that Region in accordance with the provisions of this Directive. Member States sharing a Marine Region shall ensure that a single, joint Marine Strategy is produced per Region or Sub-Region for the waters falling under their sovereignty or jurisdiction within that Region.

The preparation of marine strategies shall consist of: i) an initial assessment of the current environmental status of the waters concerned and the environmental impact of human activities thereon to be completed 2 years after the entry into force of the Directive (as opposed to 4 years); ii) a determination of good environmental status for the waters concerned to be completed 2 years after the entry into force of the Directive (as opposed to 4 years); and iii) the establishment of a series of environmental targets and associated indicators to be completed 3 years after the entry into force (as opposed to 5 years); iv) the establishment and implementation of a monitoring programme for ongoing assessment and regular updating of targets to be completed 3 years after the entry into force (as opposed to 6 years).

As regards a programme of measures: the report states that by 2012 at the latest (the Council proposed 2016), a programme of measures shall be designed to achieve or maintain good environmental status. It states that the entry into operation of the programme shall be 2014 at the latest, as opposed to 2018 as proposed by the Council.

The report suggests that the Baltic Sea Marine Region could be a pilot area to implement the marine strategy. It calls for a common programme of measures for the Baltic Sea Marine Region to be developed by Member States in the region, by 2010 at the latest, to achieve good environmental status in the Baltic Sea Marine Region.

Monitoring programmes: the committee requests that for each Marine Region or Sub-Region, the Member States shall draw up a monitoring programme and shall - in the interests of coordination - take the necessary action to ensure that: a) monitoring methods are consistent across the Member States and are based on clearly defined common targets; b) relevant transboundary impacts and transboundary features are taken into account. Data and information resulting from these monitoring programmes shall be made available to the European Environment Agency, as well as to the relevant regional marine and fisheries organisations and conventions, no later than 3 months after completion of those programmes.

Programme of measures: the committee calls on the Member States to create administrative frameworks and platforms that allow for cross-sectoral processing of marine affairs in order to combine environmental science and measures with the economic, social and administrative development of the area and benefit from such interaction. The programmes of measures established shall include spatial protection measures, as well as measures relating to territorial, transitional and coastal waters covered by Directive 2000/60/EC. Member States shall establish one or more registers for such marine protected areas, which shall be finalised 3 years after the entry into force of the Directive at the latest. The public shall have access to the information contained in the register(s).

Notifications and the Commission's assessment: an amendment stipulates that within six months of receiving notification of the monitoring programmes, the Commission may decide, in the case of any Member State, to reject the monitoring programme or any aspect thereof, on the basis that it does not comply with this Directive.

The Commission is invited to:

- present a first evaluation report on the implementation of this Directive within two years of receiving all programmes of measures and, in any case, by 2017 at the latest (the Council proposed 2021);

- publish (4 years after the date of entry into force of this Directive) a report highlighting any conflicts or complementarities between improvements to this Directive and the existing obligations, commitments and initiatives of the Member States or the Community at Community or international level in the sphere of environmental protection in European marine waters;
- report (2 years after the date of entry into force of this Directive) on the state of the marine environment of Arctic waters of importance for the Community and, where appropriate, propose to the European Parliament and the Council relevant measures for their protection;
- report (2 years after the date of entry into force of this Directive) on progress in the establishment of a global network of protected areas and time/area closures for the protection of nursery grounds and periods in line with the Convention on Biological Diversity;
- review this Directive at the latest 10 years (as opposed to 15 proposed by the Council) after the entry into force and where appropriate, submit to the European Parliament and the Council any proposals for amendments.

Community financing: given the priority inherently attached to the establishment of a marine strategy, the implementation of this Directive shall be supported by Community financial instruments, as from 2007. The programmes drawn up by the Member States shall be co-financed by the EU in accordance with existing financial instruments. The European Parliament and the Council, or the Council, as appropriate, shall adopt (no later than 4 years after the date of entry into force of the Directive) Community measures to improve the environmental status of waters beyond European marine waters where such improvement is possible by means of controls on activities within the competence of the Community or the Member States.

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

The European Parliament adopted the report by Marie-Noelle LIENEMANN (PES, FR) and made some amendments to the Council's common position on a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Framework Directive). The amendments were the result of a compromise between the Council and the Parliament.

Subject-matter: the Directive establishes a framework within which Member States shall take the necessary measures to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest. For that purpose, Marine Strategies shall be developed and implemented in order to: protect and preserve the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected; prevent and reduce inputs in the marine environment, with a view to phasing out pollution as defined in Article 3(8), so as to ensure that there are no significant impacts on or risks to marine biodiversity, marine ecosystems, human health or legitimate uses of the sea.

Marine Strategies shall apply an ecosystem-based approach to the management of human activities, ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations.

Scope: The Directive shall apply to all marine waters as defined in the text, and shall take account of the transboundary effects on the quality of the marine environment of third States in the same Marine Region or Sub-Region.

Definitions: the definition of marine waters includes coastal waters as defined by Directive 2000/60/EC, their seabed and their subsoil, in so far as particular aspects of the environmental status of the marine environment are not already addressed through that Directive or other Community legislation. The definitions of both "environmental status" and "good environmental status" have been slightly amended, and include references to human-induced environmental change and the effects of noise.

Marine strategies: Member States sharing a Marine Region or Sub-Region shall cooperate to ensure that, within each Marine Region or Sub-Region, the measures required to achieve the objectives of this Directive, in particular the different elements of the Marine Strategies referred to in points (a) and (b), are coherent and coordinated across the Marine Region or Sub-Region concerned, in accordance with a prescribed plan of action for which Member States concerned endeavour to follow a common approach. The preparation of marine strategies shall consist of: i) an initial assessment of the current environmental status of the waters concerned and the environmental impact of human activities thereon to be completed 4 years after the entry into force of the Directive ; ii) a determination of good environmental status for the waters concerned ; iii) the establishment of a series of environmental targets and associated indicators ; iv) the establishment and implementation of a monitoring programme for ongoing assessment and regular updating of targets to be completed 6 years after the entry into force.

By 2015 at the latest, a programme of measures must have been established, designed to achieve or maintain good environmental status, with entry into operation of the programme by 2016.

Member States having borders on the same Marine Region or Sub-Region covered by the Directive should, where the status of the sea is so critical as to necessitate urgent action, devise a plan of action which includes an earlier entry into operation of programmes of measures as well as possible stricter protective measures, provided that this does not prevent good environmental status from being achieved or maintained in another Marine Region or Sub-Region.

In preparing initial assessments, Member States shall, by means of the coordination, make every effort to ensure that: assessment methodologies are consistent across the Marine Region or Sub-Region, and transboundary impacts and transboundary features are taken into account.

Determination of GED: Member States shall take into account the indicative lists of elements set out in Table 1 of Annex III and, in particular, physical and chemical features, habitat types, biological features and hydro-morphology. Member States shall also take into account the pressures or impacts of human activities in each Marine Region or Sub-Region, having regard to the indicative lists set out in Table 2 of Annex III. The establishment of environmental targets must also take into account these indicative lists.

Monitoring programmes: Monitoring programmes shall be compatible within Marine Regions or Sub-Regions and shall be compatible with relevant provisions for assessment and monitoring laid down by Community legislation, including the Habitats and Birds Directives, or under international agreements. Member States sharing a Marine Region or Sub-Region shall draw up monitoring programmes and shall - in the interest of coherence and coordination - endeavour to ensure that: i) monitoring methods are consistent across the Marine Region or

Sub-Region so as to facilitate comparability of monitoring results; and ii) relevant transboundary impacts and transboundary features are taken into account.

Notifications and Commission's assessment: the Commission shall assess whether, in the case of each Member State, the elements notified constitute an appropriate framework to meet the requirements of this Directive and may ask the Member State concerned to provide any additional information that is available and necessary. Within six months of receiving all those notifications, the Commission informs Member States concerned whether, in its opinion, the elements notified are consistent with this Directive and provides guidance on any modifications it considers necessary.

Programme of measures: the programme must take account of Council Directive 91/271/EEC concerning urban waste-water treatment, Directive 2006/7/EC concerning the management of bathing water quality and the Directive on environmental quality standards in the field of water policy, or international agreements. Member States shall give due consideration to sustainable development and, in particular, to the social and economic impacts of the measures envisaged. To assist the competent authority to pursue its objectives in an integrated manner, Member States may identify or establish administrative frameworks in order to benefit from such interaction. Programmes of measures shall include spatial protection measures, contributing to coherent and representative networks of marine protected areas, adequately covering the diversity of the constituent ecosystems, such as special areas of conservation pursuant to the Habitats Directive and the Birds Directive.

Where Member States consider that the management of a human activity at Community or international level is likely to have a significant impact on the marine environment, particularly in the above mentioned area, they shall, individually or jointly, address the competent authority or international organisation concerned with a view to the consideration and possible adoption of measures that may be necessary in order to achieve the objectives of this Directive, so as to enable the integrity, structure and functioning of ecosystems to be maintained or, where appropriate, restored.

By 2013 at the latest, Member States shall make publicly available, in respect of each Marine Region or Sub-Region, relevant information on the areas referred to above.

They must also consider the implications of their programmes of measures on waters beyond their marine waters in order to minimise the risk of damage to, and if possible have a positive impact on, those waters.

Exceptions: Parliament added new paragraphs to this Article. Member States shall develop and implement all the elements of Marine Strategies, but shall not be required, except in respect of the initial assessment, to take specific steps where there is no significant risk to the marine environment, or where the costs would be disproportionate taking account of the risks to the marine environment, and provided that there is no further deterioration.

Where, for either of these reasons, a Member State does not take any steps, it shall provide the Commission with the necessary justification to substantiate its decision, while avoiding that the achievement of good environmental status is permanently compromised.

Public consultation and information: Member States shall ensure that all interested parties are given early and effective opportunities to participate in the implementation of this Directive, involving, where possible, existing management bodies or structures, including Regional Sea Conventions, Scientific Advisory Bodies and Regional Advisory Councils. Parliament added to the Article that, no later than six months after the data and information resulting from the initial assessment and from the monitoring programmes have become available, such information and data shall also be made available to the European Environment Agency, for the performance of its tasks.

Commission reports: a first evaluation report on the implementation of the Directive must be published within two years of receiving all programmes of measures and, in any case, by 2019 at the latest. The Commission will publish further reports every six years thereafter. Four years after entry into force of the Directive, at the latest, the Commission shall publish a report assessing the contribution of this Directive to the implementation of existing obligations, commitments and initiatives of the Member States or the Community at Community or international level in the sphere of environmental protection in marine waters. That report shall be submitted to the European Parliament and to the Council.

Progress report on protected areas: on the basis of the information provided by the Member States by 2013, the Commission shall report by 2014 on progress in the establishment of marine protected areas, having regard to existing obligations under applicable Community law and international commitments of the Community and the Member States. The report shall be submitted to the European Parliament and to the Council.

Community financing: given the priority inherently attached to the establishment of Marine Strategies, the implementation of this Directive shall be supported by existing Community financial instruments in accordance with applicable rules and conditions. The programmes drawn up by the Member States shall be co-financed by the EU in accordance with existing financial instruments.

Amendments to Annexes I and III: Parliament made some amendments to Annex I which covers qualitative Descriptors for determining good environmental status. The first is that 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. 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. 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.

With regard to Annex III which covers indicative lists of characteristics, pressures and impacts, Parliament made some amendments to the sections on physical damage and contamination by hazardous substances. It added a section on systematic and/or intentional release of substances.

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

Of the 117 amendments that were tabled at its plenary session of 11 December 2007, the European Parliament adopted 54.

Because these 54 amendments adopted by the Parliament were all part of a compromise package agreed with the Council, the Commission can accept all of them in full.

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

PURPOSE: to establish a Marine Strategy Directive.

LEGISLATIVE ACT: Directive 2008/56/EC of the European Parliament and of the Council establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive).

CONTENT: the Council adopted this directive, accepting the amendments voted by the European Parliament at second reading. The Directive establishes a framework within which Member States shall take the necessary measures to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest.

Objective: marine strategies must be developed and implemented in order to:

-protect the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected;

-prevent inputs in the marine environment, with a view to phasing out pollution, so as to ensure that there are no significant impacts on or risks to marine biodiversity, marine ecosystems, human health or legitimate uses of the sea.

Marine strategies will apply an ecosystem-based approach to the management of human activities, ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations.

The marine strategies will be regularly updated and made available to the public.

"Good environmental status" means the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive, and the use of the marine environment is at a level that is sustainable, thus safeguarding the potential for uses and activities by current and future generations. The Directive expands this definition further.

Marine strategies: each Member State must, in respect of each marine region or subregion concerned, develop a marine strategy for its marine waters in accordance with the Directive. Member States sharing a marine region or sub-region must cooperate to ensure that the measures required to achieve the objectives of the Directive, in particular the different elements of the marine strategies (preparation and programme of measures), are coherent and coordinated across the marine region or sub-region concerned, in accordance with the following plan of action for which Member States concerned endeavour to follow a common approach:

(a) preparation:

an initial assessment, to be completed by 15 July 2012 of the current environmental status of the waters concerned and the environmental impact of human activities thereon;

- a determination, to be established by 15 July 2012 of good environmental status for the waters concerned;

- establishment, by 15 July 2012, of a series of environmental targets and associated indicators;

- establishment and implementation, by 15 July 2014 except where otherwise specified in the relevant Community legislation, of a monitoring programme for ongoing assessment and regular updating of targets;

(b) programme of measures:

- development, by 2015 at the latest, of a programme of measures designed to achieve or maintain good environmental status;

- entry into operation of this programme by 2016 at the latest.

Member States having borders on the same marine region or sub-region covered by the Directive should, where the status of the sea is so critical as to necessitate urgent action, devise a plan of action which includes an earlier entry into operation of programmes of measures as well as possible stricter protective measures, provided that this does not prevent good environmental status from being achieved or maintained in another marine region or sub-region. The Commission will be invited to consider providing supportive action to Member States for their enhanced efforts to improve the marine environment by making the region in question a pilot project.

Progress report on protected areas: on the basis of the information provided by the Member States by 2013, the Commission shall report by 2014 on progress in the establishment of marine protected areas.

Commission reports: the Commission shall publish

- a first evaluation report on the implementation of the Directive within two years of receiving all programmes of measures and, in any case, by 2019 at the latest;

- further reports every six years thereafter;

- by 15 July 2012 at the latest, a report assessing the contribution of this Directive to the implementation of existing obligations, commitments and initiatives of the Member States or the Community at Community or international level in the sphere of environmental protection in marine waters.

ENTRY INTO FORCE: 15/07/2008.

TRANSPOSITION: 15/07/2010.

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

The Commission presents a report on the first phase of implementation of the Marine Strategy Framework Directive (2008/56/EC).

The Commission states that its assessment of Member States reports gives rise to concern: Member States definition of good environmental status and the path they set out to achieve it shows overall limited ambition, often fails to take into account existing obligations and standards and lacks coherence across the Union, even between neighbouring countries within the same marine region.

By December 2013, all but a few of the Member States concerned had reported to the Commission. The European Commission has launched infringement procedures whenever relevant.

The state of European seas: Member States' reports confirm that European seas are not in "good environmental status (GES):

- 39% of stocks in the Northeast Atlantic and 88% in the Mediterranean and Black Seas are still overfished and the situation is improving only slowly;
- pollution in the marine environment has decreased in some places but levels of nutrients and certain hazardous substances are overall still above acceptable limits;
- marine litter, mostly plastic, is a growing issue globally and in the EU. The impacts of this increasing problem are manifold and their magnitude not yet fully known;
- climate change also contributes to the further degradation of marine ecosystems.

More efforts need to be made to meet the 2020 objective of reaching good environmental status as part of a complete, adequate, consistent and coherent implementation of the Marine Strategy Framework Directive (MSFD).

Guidance and recommendations: the report presents guidance in the form of recommendations to be implemented at the EU, regional, and national levels.

The Commission states that much more needs to be done within the present implementation cycle and before the reporting exercise is repeated in 2018. In order to do so, Member States should give swift and serious consideration to the following recommendations including when preparing the monitoring programmes and programmes of measures. In particular Member States should:

- use the monitoring programmes to address the shortcomings and gaps identified in the initial assessment;
- systematically use standards stemming from EU legislation, such as the [Common Fisheries Policies](#), the [Water Framework Directive](#), the Habitats Directive, etc. and the [proposed directive](#) on Maritime Spatial Planning (MSP) and Integrated Coastal Management (ICM) as soon as it enters into force;
- review and, where possible, update their GES and targets in preparation for the monitoring and measures programmes to allow for a consistent approach within and among regions and between the different provisions;

In addition, where the Commission has found shortcomings, Member States should, as soon as possible and by 2018 at the latest, significantly improve the quality and coherence of their determinations of GES, their initial assessments and their environmental targets, to ensure that the second round of implementation yields greater benefits. In particular, the report recommends the following actions:

- revise, strengthen and improve the current GES Decision 2010/477/EU by 2015, aiming at a clearer, simpler, more concise, more coherent and comparable set of GES criteria and methodological standards; this review could also factor in the impacts of climate change on the GES assessment;
- review Annex III of the MSFD, and if necessary revise, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle;
- implement a modern and effective data and information sharing system between the EU (EEA) and RSCs (WISE-Marine), taking full advantage of the ongoing developments to improve accessibility and interoperability of marine data through the "Marine Knowledge 2020" initiative;
- systematically use assessments carried out for other relevant EU legislation or under RSCs by Member States, with preparatory work starting immediately;
- develop action plans, coordinated at (sub-)regional level to rectify the shortcomings identified at the latest by 2018.

Lastly, regional cooperation must be at the very heart of MSFD implementation, and influence national implementation processes, rather than the other way around. The Commission and the Member States should continue discussion on how best to foster regional cooperation and further strengthen cooperation with the RSCs, in particular to further align work programmes.

The Commission intends to conduct a reassessment in 2016 in order to determine whether the collaborative approach described above has been implemented and has delivered results, or whether additional action is needed in order to ensure the proper implementation of the MSFD.

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

In accordance with the requirements of the Marine Strategy Framework Directive 2008/56/EC, the Commission presents a report on the progress in establishing marine protected areas by the end of 2012.

To recall, marine protected areas (MPAs) are a measure used across Europe's seas for protecting vulnerable species and habitats. Based on the work done by the European Environment Agency (EEA) on assessing the network of European MPAs, the report looks at: (i) the progress made on the establishment of marine protected areas by Member States; (ii) the coherence and representativity of MPA networks, as required by Article 13(4) and (iii) assessment of the work which remains to be done.

Assessment of the progress made: the Commission states that Europe has made significant efforts in designating MPAs and establishing MPA networks since the entry into force of the Convention on Biological Diversity in 1993. At the end of 2012, 5.9% of European seas were designated as MPAs. However, large regional differences exist across Europe in MPA coverage, as well as differences between MPA coverage in coastal and offshore waters. It should be noted that MPA coverage has further increased since 2012, as some Member States have designated a significant number of MPAs.

The EEA report differentiates between three types of MPAs in Europe: marine Natura 2000 sites, MPAs designated under Regional Sea Conventions, and individual national MPAs. These three types of MPAs may overlap (i.e., a given site or part of it may be designated under more than one regime), follow different designation processes and are subject to different legal requirements.

-Marine Natura 2000 sites: the marine Natura 2000 network is a major success as it is the largest single contributor to European MPAs in terms of coverage. At the end of 2012 it covered more than 228 000 km² equalling more than 4% of Europe's seas. Natura 2000 coverage, however, varied across marine regions. In the Greater North Sea and the Baltic Sea, marine Natura 2000 sites covered nearly 18% and 12% of the waters respectively. In other regions, such as the Ionian Sea, Adriatic Sea and Macaronesia, Natura 2000 coverage stayed below 2%. The Natura 2000 sites, underpinned by the [Habitats Directive](#), provide a strong legal framework for the protection of the sites and the sustainable management of human activities there, and coastal Member States have stepped up efforts to fill existing gaps.

-MPA networks established under Regional Sea Conventions: these networks significantly overlap with Natura 2000 and national MPA sites. Regional Sea Conventions, however, represent an important platform for Member States' cooperation to develop an ecosystem based approach to MPA designation and management. This makes RSCs one of the driving forces behind the expansion of the European MPA network.

The Baltic Sea region was the first regional sea in Europe where coverage exceeded 10%. Significant progress can also be observed in certain areas of the North-east Atlantic Ocean, particularly the Greater North Sea area whose MPA coverage is the highest in Europe (nearly 18%).

-National MPAs: Member States have designated marine protected areas to protect features of national interest. These sites can feed into the Natura 2000 network, MPA networks under RSCs, or they can stand alone. The extent of convergence between MPA networks designated under different regimes varies from Member State to Member State, and averaged at 68.2% across Europe in case of national and RSC sites (i.e. more than two thirds of the total area covered by national and regional MPAs is designated under both regimes), and at 54.5% in case of national sites and Natura 2000 MPAs.

Coherent and representative networks of marine protected areas: currently no EU-wide method exists to assess the coherence and representativity of European MPA networks. As a first attempt to develop a common set of criteria and a methodology, external consultants prepared in 2014 a study, which found that the MPA network in a test area in the Baltic Sea was not coherent.

EU action: the Commission will continue supporting national and international efforts in relation to the designation and effective management of marine protected areas. In particular, it will:

- support Member States in the effective and integrated implementation of the legislation in place through increased communication or guidance;
- foster common understanding of Article 13(4) of the Directive and develop an EU methodology for the assessment of MPA network coherence and representativity;
- support Member States, particularly through the [European Maritime and Fisheries Fund](#) and the [LIFE Programme](#) or through ongoing processes such as the Natura 2000 bio-geographical process, to increase MPA designations, especially offshore and to effectively manage MPAs;
- promote inclusive governance structures for MPAs which enable wide stakeholder participation (e.g. local authorities, local communities, economic actors etc.) in MPA management;
- promote research at a European level and support Member States' efforts to close existing data gaps hindering the effective management and assessment of MPAs;
- contribute to determining the economic benefits from MPAs by preparing studies and collaborating with international organisations such as the OECD;
- ensure EU representation at negotiations on an implementing agreement to UNCLOS or the conservation and sustainable use of biodiversity in areas beyond national jurisdiction.

The Commission considers that with a dedicated effort at all levels, it should be possible to meet the objectives set out in EU and international law and policies, and increase MPA coverage above 10% by 2020 in Europe.

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

The Commission presents a staff working document on the application of the [Water Framework Directive](#) (WFD) and the Marine Strategy Framework Directive (MSFD) in relation to aquaculture. It recalls that it issued a communication in 2013 on strategic guidelines for the sustainable development of EU aquaculture, with the aim of helping Member States and stakeholders overcome the challenges facing the sector. In that communication, the Commission announced that it would prepare a guidance document addressing the requirements of the WFD and the MSFD in relation to aquaculture. This document is intended to assist Member States and industry in the implementation of these EU laws and facilitate the development of sustainable aquaculture.

It should be noted that the WFD and the MSFD do not contain explicit obligations for aquaculture. The aquaculture industry has to comply with the requirements of the national legislation that implements those Directives in each Member State.

The MSFD and aquaculture: to recall, the MSFD aims to achieve good environmental status in marine waters by 2020. To help achieve such status, eleven descriptors of the state of the environment have been defined and a detailed set of criteria for assessing good environmental status, in relation to the eleven descriptors have also been developed to help interpretation.

The role of the MSFD is becoming increasingly important in ensuring that aquaculture activities provide long-term environmental sustainability.

At the same time, the [Blue Growth](#) communication envisages the expansion of aquaculture activities. The main potential environmental impacts of aquaculture relevant to the MSFD come from the introduction of non-indigenous species, nutrients, organic matter, contaminants including pesticides and litter, the disturbance to wildlife, habitat loss and the possibility of escape of farmed fish. These may have implications for many MSFD descriptors, such as biodiversity.

The paper goes on to note that assessments of whether good environmental status has been achieved under MSFD are typically expected to be for relatively large sea areas. This contrasts with the local scale of aquaculture facilities. Individual aquaculture facilities may, therefore, have a relatively small impact within an MSFD assessment area. However, multiple facilities combined with the impacts from other activities in the area could mean that there is, overall, a significant problem in achieving good environmental status for a given descriptor. Thus, while impacts of aquaculture are generally assessed as part of the marine licensing process or under the WFD in coastal areas on an individual facility basis, it is important to consider them within the overall context of cumulative effects from all activities. In effect, aquaculture may need to reduce impacts in order to reach good environmental status under MSFD.

There are two other ways that aquaculture may be relevant in the implementation of the MSFD:

- the MSFD is beneficial for aquaculture production. A reduction in contaminants, nutrient enrichment and litter in the marine environment will lead to improved water quality and reduce contamination in the fish produced;
- sustainable aquaculture contributes to delivering good environmental status under MSFD. Greater production from aquaculture results in reduced pressure on wild fish stocks. The natural filtration feeding of shellfish also leads to improvements in water clarity, as demonstrated by mussel farms in the Baltic.

The document offers practical guidance to facilitate the implementation of the Water Framework Directive and Marine Strategy Framework Directive in the context of the development of sustainable aquaculture. More specifically, it provides:

- suggestions and guidelines on good regulatory practice to national authorities about the requirements of the Directives in relation to aquaculture;
- good practice guidelines and suggestions to industry and aquaculture producers on what is expected of them and what they can expect from the implementation of the Directives;
- information about the sustainability of EU aquaculture production and its compliance with relevant EU environmental legislation.

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

The Commission presented a report evaluating Member States monitoring programmes under the Marine Strategy Framework Directive (MSFD) (Directive 2008/56/EC).

Under the framework directive, Member States must take all necessary measures to achieve or maintain a good environmental status of the marine environment by 2020. The Directive contains eleven qualitative descriptors describing what the environment should resemble when good environmental status has been achieved.

The evaluation covers the monitoring programmes submitted by 20 Member States; three Member States (Malta, Greece and Poland) had not yet submitted their reports. The 20 Member States reported more than 200 monitoring programmes, including nearly 1000 sub programmes.

Implementation: only a few Member States (five in total) had operational monitoring programmes in 2014 and many expect them to be fully operational by 2018 or even 2020. By 2020, a total of 15 Member States should have implemented their programmes. Nevertheless, five Member States have either not announced their intentions or announced that their monitoring programmes will not be fully implemented even after 2020.

Urgent progress is therefore needed to meet the requirements of the MSFD including the 2018 updates of the initial assessment of their marine waters and good environmental status, and importantly the achievement of good environmental status by 2020.

Coverage and overall adequacy: analysis of monitoring programmes shows that further action is needed to ensure appropriate coverage of programmes. More progress needs to be made to ensure comparability of approaches across Member States and to ensure that programmes are improved.

The results show that the Member States monitoring programmes are appropriate, mostly appropriate or partially appropriate in meeting the requirements of the MSFD in terms of assessing environmental status.

For eight Member States, the Commission recommends that particular attention be paid to ensuring comprehensive coverage of environmental objectives in accordance with Article 10 of the Framework Directive.

There is also a need to ensure better coverage for descriptors for non-indigenous species, marine litter, underwater noise sources and biological diversity not covered by existing legislation.

Spatial coverage: the highest proportion (68%) of surveillance by Member States occurs in coastal waters, with a high proportion also occurring in territorial waters (57%) and in the EEZ (51%).

Monitoring programmes appear to exist where the pressures and impacts are likely to be greatest. This must nevertheless be confirmed by an appropriate risk analysis so that surveillance priorities are identified on a technical and scientific basis.

Furthermore, the Commission considers it essential to strengthen coordination between Member States, in particular through regional and sub-regional action to provide uniform and comparable data and to improve the spatial scope of monitoring programmes. The analysis revealed a moderate to high degree of coherence within the Member States of the Black Sea, North-East Atlantic and Baltic Sea regions respectively and a low to moderate degree in the Mediterranean Sea region.

Next steps: the Commission considers that Member States should address as soon as possible the gaps identified at regional and sub-regional level and step up their efforts to fully implement their monitoring programmes in order to avoid any gaps in assessing their marine

waters due in 2018.

Where good environmental status and environmental targets have not yet been identified as part of the first phase of implementation, Member States are urged to do so without delay.

The Commission intends to:

- improve coherence in the implementation of EU legislation that has an impact on the marine environment.
- work jointly with Member States to ensure that the second phase of implementation of the Marine Strategy Framework Directive (2018 and beyond) is more effective;
- consider the need to provide additional funding for strategic projects and support actions to facilitate the implementation of the Framework Directive;
- initiate a focused dialogue with Member States at risk of not meeting the requirements of the Framework Directive.

Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

The Commission presents a report assessing Member States' programmes of measures under the Marine Strategy Framework Directive (MSFD).

To recall, the MSFD requires Member States to assess the quality status of the marine environment, determine good environmental status, set appropriate environmental targets and draw up adequate monitoring programmes and implement measures to achieve the Directive's key goal of securing the good environmental status of all EU marine waters by 2020.

The national programmes must address each of the 11 MSFD descriptors and must include spatial protection measures. All Member States had to report their programmes of measures by 31 March 2016. This report assesses these programmes. The Commission notes, however, that by the cut-off date of February 2017, a total of 16 out of the 23 marine EU Member States had eventually reported their national programmes, and programmes submitted by the other 7 Member States could not be assessed in time for the report.

Measures taken: the report states that around 25 % of the measures have been defined as new measures, meaning they were put into place specifically for the purposes of the Directive. Other measures in the national programmes include actions taken under EU environmental legislation or other laws such as the [Waste Framework Directive](#), the [Water Framework Directive](#), and [the Birds Directive](#) and [Habitats Directive](#) among others.

Exceptions: the MSFD allows Member States, in well-defined circumstances, to apply exceptions to the achievement in every aspect, or within the relevant timeline, of the environmental targets or good environmental status. Eight of the 16 Member States at stake report exceptions. Other Member States declare not having applied exceptions because gaps in knowledge do not allow them to conclude whether or not an exception is required.

Types of measures: Member States have mainly devised legal or technical measures entailing, for example, technical solutions (e.g. less noisy ship engines) or restrictions to the spatial scope of certain activities (e.g. through licensing procedures). However, some Member States have also reported measures that would indirectly help to address the pressure in question. These include governance actions, or communication campaigns (e.g. to reduce littering).

Spatial protection measures: recalling that these are measures meant to create coherent and representative networks of marine protected areas, the report notes that such spatial measures were often reported in connection with fisheries, or the protection of certain habitats. While 2 Member States (Portugal and the United Kingdom) clearly list new marine protected areas, another 8 reported they were planning or designating new marine protected areas as measures (Bulgaria, Cyprus, Germany, Finland, France, Italy, Spain and Sweden). The overall coverage has increased significantly (by 4.9 % between 2012 and 2016 on average) through the Birds and Habitats legislation and international conventions.

The report looks at measures put in place to address the 11 descriptors of the Directive.

Assessment of measures: in their programmes of measures, Member States have at least partially addressed a number of pressures: the introduction of non-indigenous species, commercial fisheries, nutrient input, pressures on seabed habitats, hydrographical changes, contaminants and marine litter. The report notes, however, that, for certain pressures of transboundary nature, the lack of regional or EU coordination potentially leads to a fragmented and ineffective approach to tackling the pressure. In the case of plastic marine litter, the problem is now being addressed through action at EU level, notably through the European strategy for plastics in a circular economy and its subsequent actions.

The assessment goes on to show that not all the pressures on the marine environment are covered properly through the measures adopted by Member States. The programmes themselves have varying levels of ambition. Achieving good environmental status by 2020 across all European marine regions and for all the 11 descriptors of the Directive remains unlikely.

The Commission concludes that improvements - of varying degrees for different countries - are needed for all programmes of measures if they are to be considered as an appropriate framework to meet the requirements of the MSFD. The report sets out a series of recommendations regarding modifications to the programmes, and the main ones include:

- identifying measures for each marine region or sub-region concerned, for example, by using regional action plans;
- covering pressures and associated human activities better, including: the introduction of non-indigenous species from shipping because of bio-fouling, recreational fishing, nutrient enrichment from atmospheric sources, cumulative impacts from individual projects on hydrographical conditions, contaminant inputs from atmospheric sources, the introduction of macro- and micro-litter into the marine environment, and the generation of underwater noise (as well as heat and energy if feasible).