



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 December 2006

**Interinstitutional File:
2005/0211 (COD)**

**16171/06
ADD 1**

LIMITE

**ENV 666
MAR 156
CODEC 1462**

ADDENDUM to NOTE

from : General Secretariat

to : Council

No. prev. doc. : 15923/06 ENV 657 MAR 154 CODEC 1425

No. Cion prop. : 13759/05 ENV 496 MAR 150 CODEC 949 - COM(2005) 505 final

Subject : Proposal for 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 Directive**)
- Political agreement

Delegations will find in the Annex a revised draft of the above proposal established by the Finnish Presidency following the meeting of Coreper on 6 December 2006.

Changes as compared to the previous version (contained in Addendum 1 to document 15923/06) are underlined.

Proposal for 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 Directive)

Chapter I
General provisions

Article 1
Subject-matter

1. This Directive establishes a framework for the protection and preservation of the marine environment, the prevention of its deterioration and where practicable the restoration of that environment in areas where it has been adversely affected.

For that purpose Marine Strategies shall be developed and implemented with the aim of achieving or maintaining¹ good environmental status in the marine environment by the year 2021 at the latest.

2. Marine Strategies shall apply an ecosystem-based approach to the management of human activities while enabling the sustainable use of marine goods and services.
3. The Directive shall contribute to the coherence between, and shall aim to ensure the integration of environmental concerns into the different policies, agreements and legislative measures which have an impact on the marine environment.

¹ BE/CY/IT/SE: replace "*with the aim of achieving or maintaining*" with "to achieve."

Article 2
Scope

1. This Directive is applicable to all marine waters as defined in Article 2a (1).
2. This Directive shall not apply to activities the sole purpose of which is defence or national security. Member States shall, however, endeavour to ensure that such activities are conducted in a manner that is compatible, so far as reasonable and practicable, with the objectives of this Directive.

Article 2a (new)
Definitions

1. 'Marine waters' means waters, the sea-bed and sub-soil on the seaward side of the baseline from which the extent of territorial waters is measured extending to the outmost reach of the area where a Member State has and/or exercises jurisdictional rights, in accordance with the UN Convention on the Law of the Sea, with the exception of waters adjacent to the territories mentioned in Annex II to the Treaty and the French Overseas Departments. Marine waters on the seaward side of the baseline to which Directive 2000/60/EC applies are only included insofar as relevant elements for the protection of the marine environment which are outside the scope of Directive 2000/60/EC are concerned. ²
2. 'Marine Region' means a sea region which is identified under Article 3. Marine Regions and their sub-regions are defined for the purpose of facilitating implementation of this Directive and are determined taking into account hydrological, oceanographic and bio-geographic features.
3. 'Marine Strategy' means the Strategy to be developed and implemented in respect of each Marine Region or Sub-Region concerned as laid down in Article 4.

² IT: scrutiny reservation on the final sentence in paragraph 1.

4. 'Environmental status' means the overall state of the environment in marine waters, taking into account the structure, function and processes of the constituent marine ecosystems together with natural physiographic, geographic and climatic factors, as well as physical and chemical conditions including those resulting from human activities in the area concerned.

3

5. '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 within their intrinsic conditions, 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, i.e.:

- a) structure, functions and processes of the marine ecosystems, together with the associated physiographic, geographic and climatic factors, allow those ecosystems to function fully and maintain their resilience. Marine species and habitats are protected, human induced decline of biodiversity is prevented and diverse biological components function in balance;
- b) hydro-morphological, physical and chemical properties of the ecosystems, including those properties resulting from human activities in the area concerned, support the ecosystems as described above. Anthropogenic inputs of substances and energy into the marine environment do not cause pollution effects.

Good Environmental Status shall be determined at the scale of the Marine Region or Sub-Region in accordance with Article 3, on the basis of the generic qualitative descriptors in Annex VI. Adaptive management on the basis of the ecosystem approach shall be applied to move towards good environmental status.

³ IT: define "Marine Environment", "Hydro-morphology" and "Ecosystem approach."

- 5a. 'Criteria' means distinctive technical features that are closely linked to generic qualitative descriptors.
6. 'Environmental target' means a qualitative or quantitative statement on the desired condition of the different components of marine waters in respect of each Marine Region or Sub-Region. Environmental targets are established in accordance with Article 9.
7. 'Pollution' means the direct or indirect introduction into the marine environment, as a result of human activity, of substances or energy, including human-induced marine underwater noise, which results or is likely to result in such deleterious effects as harm to living resources and marine ecosystems, hazards to human health, hindrance to marine activities, including fishing, tourism and recreation and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities or, in general, impairment of the sustainable use of marine goods and services.
8. 'Specific area' means a Member State's marine waters where environmental targets cannot be achieved through measures taken by that Member State due to reasons identified in Article 13.
9. 'Regional cooperation' means cooperation and coordination of activities between Member States and, whenever possible, third countries sharing the same Marine Region or Sub-region, for the purpose of developing and implementing Marine Strategies.
10. 'Regional Seas Convention' means any of the international conventions or international agreements together with their governing bodies established for the purpose of protecting the marine environment of Marine Regions as referred to in Article 3, such as the Convention on the Protection of the Marine Environment of the Baltic Sea, the Convention for the Protection of the Marine Environment of the North-East Atlantic and Convention for the Marine Environment and the Coastal Region of the Mediterranean Sea.

*

* *A recital concerning participation of the Community and Member States in international institutional structures will be included in the preamble, to be discussed in due time once political agreement on the operative part of the text has been found.*

Article 3
Marine Regions and Sub-Regions

1. Member States shall, when implementing their obligations under this Directive, take due account of the fact that marine waters covered by their sovereignty or jurisdiction form an integral part of the following Marine Regions:
 - (a) the Baltic Sea;
 - (b) the North East Atlantic Ocean;
 - (c) the Mediterranean Sea.

*

2. Member States may, in order to take into account the specificities of a particular area, implement this Directive by reference to subdivisions at the appropriate level of the marine waters referred to in paragraph 1, provided that such subdivisions are delimited in a manner compatible with the following Marine Sub-Regions:
 - (a) in the North-East Atlantic:
 - (i) the Greater North Sea, including the Kattegat, and the English Channel;
 - (ii) the Celtic Seas;
 - (iii) the Bay of Biscay and the Iberian Coast;
 - (iv) in the Atlantic Ocean, the Macaronesian bio-geographic region, defined by the waters surrounding the Azores, Madeira and the Canary Islands;

 - (b) in the Mediterranean:
 - (i) the Western Mediterranean Sea;
 - (ii) the Adriatic Sea;
 - (iii) the Ionian Sea and the Central Mediterranean Sea;
 - (iv) the Aegean-Levantine Sea.

Member States shall inform the Commission of any subdivisions by the date specified in the first subparagraph of Article 23(1) but may revise these upon completion of the initial assessment referred in Article 4(2), point (a) i).

* *Reference to the Black Sea Marine Region to be added in due time.*

Article 4
Marine Strategies

1. Each Member State shall, in respect of each Marine Region or Sub-Region concerned, develop a Marine Strategy for its marine waters in accordance with the plan of action set out in points (a) and (b) of paragraph 2.

2. Member States shall cooperate to ensure that, within each Marine Region or Sub-Region, the measures required to achieve the objective of this Directive, in particular the different elements of the Marine Strategies referred to in points (a) and (b), are coordinated.
 - (a) Preparation:
 - (i) an initial assessment, to be completed by 4 years after date of entry into force, of the current environmental status of the waters concerned and the environmental impact of human activities thereon, in accordance with Article 7;
 - (ii) a determination, to be established by 4 years after date of entry into force, of good environmental status for the waters concerned, in accordance with Article 8(1);
 - (iii) establishment, by 5 years after date of entry into force, of a series of environmental targets and associated indicators, in accordance with Article 9(1);
 - (iv) establishment and implementation, by 6 years after date of entry into force except where otherwise specified in the relevant Community legislation, of a monitoring programme for ongoing assessment and regular updating of targets, in accordance with Article 10(1).

- (b) Programmes of measures:
- (i) development, by 2016 at the latest, of a programme of measures designed to achieve or maintain good environmental status, in accordance with Article 12(1), (2) and (3);
 - (ii) entry into operation of the programme provided for in point (i), by 2018 at the latest, in accordance with Article 12(6).

2a. Member States having borders on the same marine region or sub-region covered by this directive, where the status of the sea is critical to an extent that urgent action is needed, **should** endeavour to agree on a plan of action according to the first paragraph, which includes an earlier entry into operation of programmes of measures. In these cases:

- (i) the Member States concerned shall inform the Commission of their revised timetable and proceed accordingly;
- (ii) the Commission shall **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.

3. Member States shall develop and implement all the elements of marine strategies referred to in points (a) and (b) of paragraph 2, but in doing so they shall not be required 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.

Where a Member State does not take a step for either of these reasons, it shall provide the Commission with the necessary justification to substantiate its decision.⁴

⁴ IT: reservation on paragraph 3.

Article 5
Regional co-operation

1. In order to achieve the coordination referred to in Article 4 (2), Member States shall, where practical and appropriate, use existing regional institutional cooperation structures, including those under Regional Seas Conventions, covering that Marine Region or Sub-Region.

2. For the purposes of this Directive, Member States shall, within each Marine Region or Sub-Region, make every effort, using relevant international fora, *inter alia* Regional Seas Conventions' mechanisms and structures, to co-ordinate their actions with third countries having sovereignty or jurisdiction over waters in the same Region or Sub-Region.

In that context, Member States shall, as far as possible, build upon relevant existing programmes and activities developed in the framework of structures stemming from international agreements such as the Regional Seas Conventions.

Coordination and cooperation shall be extended, where appropriate, to all Member States in the catchment area of a Marine Region or Sub-Region, including the land-locked countries, in order to allow Member States within that Marine Region or Sub-Region to meet their obligations under this Directive, using established cooperation structures prescribed in this Directive or in Directive 2000/60/EC.

Article 6
Competent authorities

1. Member States shall, by the date specified in the first subparagraph of Article 23(1), designate for each Marine Region or Sub-Region concerned the competent authority or authorities for the implementation of this Directive with respect to their marine waters.

Within six months of that date, Member States shall provide the Commission with a list of the competent authorities designated, together with the items of information listed in Annex I.

At the same time, Member States shall send to the Commission a list of their competent authorities in those international bodies which they participate in and are relevant to the implementation of this Directive.

Member States within the catchment area of each Marine Region or Sub-Region shall also designate competent authority or authorities for cooperation and coordination as referred to in Article 5.

2. Member States shall inform the Commission of any changes to the information provided pursuant to paragraph 1 within six months of such a change coming into effect.

Chapter II

Marine Strategies: Preparation

Article 7 *Assessment*

1. Member States shall make an initial assessment of their marine waters, taking account of existing data where available and comprising the following:
 - (a) an analysis of the essential characteristics and current environmental status of those waters, based on the indicative list of elements set out in Table 1 of Annex II, and covering the habitat types, the biological components, the physico-chemical characteristics and the hydro-morphology;
 - (b) an analysis of the predominant pressures and impacts, including human activity, on the characteristics and environmental status of those waters based on the indicative list of elements set out in Table 2 of Annex II, and covering the qualitative and quantitative mix of the various pressures, as well as discernible trends;
 - (c) an economic and social analysis of their use and of the cost of degradation of the marine environment.

2. The analyses referred to in paragraph 1 shall take into account elements regarding coastal, transitional and territorial waters covered by relevant provisions of Directive 2000/60/EC. They shall also take into account or use as their basis other relevant assessments such as those carried out jointly in the context of Regional Seas Conventions so as to produce a comprehensive assessment of the status of the marine environment.

Article 8
Determination of good environmental status

1. By reference to the initial assessment made pursuant to Article 7(1), Member States shall, in respect of each Marine Region or Sub-Region concerned, determine, for the marine waters, a set of characteristics for good environmental status, on the basis of the generic qualitative descriptors listed in Annex VI (new), criteria and methodological standards provided for in paragraph 3.

They shall take into account the elements listed in Annex II and, in particular, habitat types, biological and physico-chemical features, and hydro-morphology.

2. Member States shall notify to the Commission the assessment made pursuant to Article 7(1) and the determination made pursuant to paragraph 1 no later than three months after completion of the latter.
3. Criteria and methodological standards for the determination of good environmental status, which are designed to amend non-essential elements of this Directive by supplementing it, shall be laid down in accordance with the regulatory procedure with scrutiny referred to in Article 22(3) on the basis of Annexes II and VI by 2 years after entry into force to ensure consistency and allow for comparison between Marine Regions or Sub-Regions of the extent to which good environmental status is being achieved. Before proposing such criteria and standards the Commission shall consult all interested parties, including Regional Seas Conventions.

Article 9
Establishment of environmental targets

1. On the basis of the initial assessment made pursuant to Article 7(1), Member States shall, in respect of each Marine Region or Sub-Region, establish a comprehensive set of environmental targets and associated indicators for their marine waters to guide progress towards achieving good environmental status in the marine environment, taking into account the list of characteristics set out in Annex III.

When devising those targets and indicators, Member States shall take into account the continuing application of relevant existing environmental targets, set out at national, Community or international level in respect of the same waters, ensuring that these targets are mutually compatible.

2. Member States shall notify to the Commission the environmental targets which they have established no later than three months after their establishment.

Article 10
Monitoring programmes

1. On the basis of the initial assessment made pursuant to Article 7(1), Member States shall establish and implement coordinated monitoring programmes for the ongoing assessment of the environmental status of their marine waters on the basis of the lists set out in Annexes II and IV, and by reference to the environmental targets established pursuant to Article 9.

Monitoring programmes shall build upon, and be compatible with, relevant provisions for assessment and monitoring laid down by Community legislation or under international agreements.

2. Member States shall notify the monitoring programmes to the Commission no later than three months after their establishment.

3. Specifications and standardised methods for monitoring and assessment which take into account existing commitments and ensure comparability between monitoring and assessment results and which are designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3).

Article 11
*Notifications and Commission's advice*⁵

On the basis of all the notifications made pursuant to Articles 7(1), 8(2), 9(2) and 10(2) within each Marine Region, the Commission shall advise each Member State on whether, the elements notified constitute an appropriate framework to meet the requirements of this Directive.

In formulating its advice, the Commission shall consider the coherence of frameworks within the different Marine Regions and across the Community.

In formulating its advice, the Commission may ask the Member State concerned to provide any additional information that is available and necessary.

⁵ BE/IT/SE find the language of articles 11 and 15 too weak as compared to the original proposal. CY/DK/EL/FR/NL/PL/PT/UK: strong support for current text in those articles.

Chapter III

Marine Strategies: Programmes of measures

Article 12 *Programmes of measures*

1. Member States shall, in respect of each Marine Region or Sub-Region concerned, identify the measures which need to be taken to achieve or maintain⁶ good environmental status, as determined pursuant to Article 8(1), in their marine waters.

Those measures shall be devised on the basis of the initial assessment made pursuant to Article 7(1) and by reference to the environmental targets established pursuant to Article 9(1), and taking into consideration the types of measures listed in Annex V.

2. Member States shall integrate the measures devised pursuant to paragraph 1 into a programme of measures, taking into account relevant measures required under Community legislation, in particular Directive 2000/60/EC, or international agreements.
3. When drawing up the programme of measures pursuant to paragraph 2, Member States shall give due consideration to sustainable development and, in particular, to the social and economic impacts of the measures envisaged.

Member States shall ensure that measures are cost-effective, technically feasible and shall carry out impact assessments, including cost-benefit analyses, prior to the introduction of any new measure.

⁶ FR/MT/NL: replace "*to achieve or maintain*" with "*with the aim of achieving or maintaining*"; Cion opposed.

- 3a. Programmes of measures established pursuant to Article 12 should include measures such as the use of special areas of conservation pursuant to Directive 92/43/EEC and the use of special protection areas pursuant to Directive 79/409/EC, and marine protected areas as agreed by the Community or Member States concerned in the framework of international or regional agreements to which they are parties.⁷

In this context Member States should ensure that these areas contribute to a coherent and representative network of marine protected areas.

4. Member States shall indicate in their programmes of measures how the measures are to be implemented and how they will contribute to achievement of the environmental targets established pursuant to Article 9(1).
5. Member States shall notify the Commission and any other Member State concerned of their programmes of measures, within three months of their establishment.
6. Subject to Article 15, Member States shall ensure that the programmes are made operational within two years of their establishment.

⁷ IT: delete "*measures such as*;" IT supported by BE/SE: link this provision to a date (2012).

Article 13
Exceptions

1. When a Member State identifies a specific area within its marine waters where, because of any of the reasons listed under points (a) to (c), the environmental targets cannot be achieved through measures taken by that Member State, or cannot be achieved within the time schedule concerned due to reasons referred to under point (d), it shall identify that area clearly in its programme of measures and provide the Commission with a justification to substantiate its view.⁸

In doing so, Member States shall consider the consequences for the Member States in the region or sub-region concerned.⁹

- (a) Action or inaction for which the Member State concerned is not responsible;
- (b) natural causes;
- (ba) *force majeure*;
- (c) modifications or alterations to the characteristics of marine waters brought about by actions taken for reasons of overriding public interest which outweighed the negative impact on the environment, including any transboundary impact;
- (d) natural conditions do not allow timely improvement in the status of the marine waters concerned.

However, the Member State concerned shall take appropriate *ad hoc* measures aiming to continue pursuing the environmental targets, to prevent further deterioration in the status of the marine waters affected due to reasons identified under points (b), (ba) or (c) and to mitigate the adverse impact at the scale of the Marine Region or Sub-Region concerned or in the marine waters of other Member States.

⁸ IT: add "in the framework of the notification to be made pursuant to Article 8(2)" after "*substantiate its view.*"

⁹ IT: add "as well as the temporary nature of such exceptions" after "*sub-region concerned.*"

2. In the situation covered by point (c) of paragraph 1, Member States shall ensure that the modifications or alterations do not permanently exclude or compromise the achievement of good environmental status at the scale of the Marine Region or Sub-Region concerned or in the marine waters of other Member States.
3. The *ad hoc* measures referred to in the second subparagraph of paragraph 1 shall be integrated as far as practicable into the programmes of measures.

Article 14
Information

1. Where a Member State identifies an issue which has an impact on the environmental status of its marine waters and which cannot be tackled by measures adopted at national level, or which is linked to another Community policy or international agreement, it shall inform the Commission accordingly and provide a justification to substantiate its view.
The Commission shall respond within a period of six months.
2. Where action by Community institutions is needed, Member States shall make appropriate recommendations to the Commission and the Council for action regarding these measures. Unless otherwise specified in relevant EC legislation, the Commission shall respond to any such recommendation within a period of six months and, as appropriate, reflect the recommendations when presenting related proposals to the Parliament and to the Council.

Article 15
Notifications and Commission's advice

On the basis of the notifications of programmes of measures made pursuant to Article 12(5), the Commission shall advise each Member State on whether the programmes notified constitute an appropriate framework for achieving good environmental status as determined pursuant to Article 8(1).

In formulating its advice, the Commission shall consider the coherence of programmes of measures across the Community.

In formulating its advice, the Commission may ask the Member State concerned to provide any additional information that is available and necessary.

Chapter IV

Updating, reports and public information

Article 16 *Updating*

1. Member States shall ensure that, in respect of each Marine Region or Sub-Region concerned, Marine Strategies are kept up to date.

2. For the purposes of paragraph 1, Member States shall review, in a coordinated manner as referred to in Article 4, the following elements of their Marine Strategies every six years after their initial establishment:
 - (a) the assessment and the determination of good environmental status, provided for in Articles 7(1) and 8(1), respectively;
 - (b) the environmental targets established pursuant to Article 9(1);
 - (c) the monitoring programmes established pursuant to Article 10(1);
 - (d) the programmes of measures established pursuant to Article 12(2).

3. Details of any updates made following the reviews provided for in paragraph 2 shall be sent to the Commission, to the Regional Seas Conventions and to any other Member States concerned within three months of their publication in accordance with Article 18(2).¹⁰

4. Articles 11 and 15 shall apply *mutatis mutandis*.

¹⁰ NL supported by UK: replace the phrase "*within three months of their publication in accordance with Article 18(2)*" with "by 2021 at the latest and every six years thereafter."

Article 17
Interim reports

Member States shall, within three years of the publication of each programme of measures or update thereof in accordance with Article 18(2), submit to the Commission a brief interim report describing progress in the implementation of that programme.¹¹

Article 18
Public consultation and information

1. In accordance with relevant existing Community legislation, Member States shall ensure that all interested parties are given early and effective opportunities to participate in the implementation of this Directive.

2. Member States shall publish and make available for comments to the public summaries of the following elements of their Marine Strategies, or the related updates:
 - (a) the initial assessment and the determination of good environmental status, provided for in Articles 7(1) and 8(1), respectively;
 - (b) the environmental targets established pursuant to Article 9(1);
 - (c) the monitoring programmes established pursuant to Article 10(1);
 - (d) the programmes of measures established pursuant to Article 12(2).

3. With regard to access to environmental information, Directive 2003/4/EC applies.

Member States shall provide the Commission, for the performance of its tasks in relation to this Directive, with access and use rights in respect of that data and information, in accordance with the Directive establishing an Infrastructure for Spatial Information in the European Community (INSPIRE).*

¹¹ LV/NL: reservation on this article.

* *Precise number and reference to the Official Journal to be inserted after publication.*

Article 19
Commission reports

1. The Commission shall publish a first evaluation report on the implementation of this Directive within two years of receiving all programmes of measures and, in any case, by 2021 at the latest.

The Commission shall publish further reports every six years thereafter. It shall submit the reports to the European Parliament and to the Council.

2. The reports provided for in paragraph 1 shall include the following:
 - (a) a review of progress in the implementation of this Directive;
 - (b) a review of the status of the marine environment in the Community, undertaken in co-ordination with the European Environment Agency and the relevant regional marine and fisheries organisations and conventions;
 - (c) a survey of the Marine Strategies, together with suggestions for their improvement;
 - (d) a summary of the information received from Member States pursuant to Articles 11 and 15 and of the assessments made by the Commission, in accordance with Article 15, in relation to information received from the Member States pursuant to Article 14;
 - (e) a summary of the response to each of the reports to the Commission made by Member States pursuant to Article 17;
 - (f) a summary of the responses to comments made by the European Parliament and the Council on previous Marine Strategies;
 - (g) a summary of the contribution by other relevant EC policies to the objectives of this Directive.

Article 20
Review of this Directive

The Commission shall review this Directive by 15 years after the date of entry into force and shall, where appropriate, propose any necessary amendments.

Chapter V

Final provisions

Article 21 *Technical adaptations*

1. Annexes II, III and IV may be amended in the light of scientific and technical progress in accordance with the regulatory procedure with scrutiny referred to in Article 22(3), taking into account the periods for the review and updating of Marine Strategies, laid down in Article 16(2).
2. In accordance with the procedure referred to in Article 22(2),
 - (a) methodological standards may be adopted for the application of Annexes II, III, IV and VI;
 - (b) technical formats may be adopted for the purposes of transmission and processing of data, including statistical and cartographic data.

Article 22 *Regulatory Committee*

1. The Commission shall be assisted by a committee, hereinafter referred to as "the Committee."
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Article 5a (1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 23
Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by *three years after the date of entry into force* at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.
3. Member States without marine waters shall bring into force only those provisions which are necessary to ensure compliance with requirements under Article 5 on Regional cooperation and Article 6 on competent authorities.

Where such provisions are already in force in national legislation, Member States concerned shall communicate to the Commission the text of those provisions.

Article 24
Entry into force

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

Article 25
Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

Competent authorities
Article 6(2)

- (1) Name and address of the competent authority or authorities – the official name and address of the authority/authorities identified.
- (2) Legal status of competent authority or authorities – a brief description of the legal status of the competent authority, or authorities.
- (3) Responsibilities – a brief description of the legal and administrative responsibilities of the competent authority, or authorities, and of its role for the marine waters concerned.
- (4) Membership – when the competent authority, or authorities, acts as a co-ordinating body for other competent authorities, a list is required of these bodies together with a summary of the institutional relationships established in order to ensure co-ordination.
- (5) Regional or sub-regional co-ordination – a summary is required of the mechanisms established in order to ensure co-ordination between the Member States whose marine waters fall within the same Marine Region or Sub-Region.

*Characteristics, pressures and impacts
Articles 7(1), 8(1) and 10(1)*

Table 1 – Characteristics	
Physical and chemical features	<ul style="list-style-type: none"> - Topography and bathymetry of the seabed; - Annual and seasonal temperature regime and ice cover, current velocity, upwelling, wave exposure, mixing characteristics, turbidity, residence time; - Spatial and temporal distribution of salinity; - Spatial and temporal distribution of nutrients (DIN, TN, DIP, TP, TOC) and oxygen; - pH, pCO₂ profiles or corresponding to measure marine acidification.
Habitat types	<ul style="list-style-type: none"> - The predominant seabed and water column habitat type(s) with a description of the characteristic physical and chemical features, such as depth, water temperature regime, currents and other water movements, salinity, structure and substrata composition of the sea bed; - Identification and mapping of special habitat types especially those recognised or identified under EU legislation (habitats and birds directives) or international conventions as being of special scientific or biodiversity interest; - Habitats in areas which by virtue of their characteristics, location, or strategic importance merit a particular reference. This may include areas subject to intense or specific pressures or areas which merit a specific protection regime.

Biological features	<ul style="list-style-type: none"> - A description of the biological communities associated with the predominant seabed and water column habitats. This would include information of the phytoplankton and zooplankton communities including the species and seasonal and geographical variability; - Information on angiosperms, macro-algae and invertebrate bottom fauna, including species composition, biomass, and annual/seasonal variability; - Information on the structure of fish populations, including the abundance, distribution and age/size structure of the populations; - A description of the population dynamics, natural and actual range and status of species of marine mammals and reptiles occurring in the region/sub-region; - A description of the population dynamics, natural and actual range and status of species of seabirds occurring in the region/sub-region; - A description of the population dynamics, natural and actual range and status of other species occurring in the region/sub-region which are the subject of EU legislation or international agreements; - An inventory of the temporal occurrence, abundance and spatial distribution of non-indigenous, exotic species or, where relevant, genetically distinct forms of native species, which are present in the region/sub-region.
Other features	<ul style="list-style-type: none"> - A description of the situation with regard to chemicals, including chemicals giving rise to concern, sediment contamination, hot spots, health issues, contamination of biota (especially biota meant for human consumption); - Any other features, characteristics typical or specific to the region or sub-region.

Table 2 - Pressures and Impacts	
Physical loss	<ul style="list-style-type: none"> - Smothering (e.g. by artificial structures, disposal of dredge spoil); - Sealing (e.g. by permanent constructions).
Physical damage	<ul style="list-style-type: none"> - Changes in siltation (e.g. by outfalls, increased run-off, dredging); - Abrasion (e.g. by boating, anchoring, commercial fishing); - Selective extraction (e.g. by commercial fishing, aggregate dredging, entanglement).
Other physical disturbance	<ul style="list-style-type: none"> - Noise (e.g. boat activity, seismic); - Marine litter.
Interference with natural hydrological processes	<ul style="list-style-type: none"> - Significant changes in thermal regime (e.g. by outfalls, power stations); - Significant changes in salinity regime (e.g. by constructions impeding water movements, water abstraction).
Contamination by hazardous substances	<ul style="list-style-type: none"> - Introduction of synthetic compounds (e.g. Water Framework Directive priority substances relevant for the marine environment, biologically active substances, pesticides, antifoulants, pharmaceuticals e.g. by losses from diffuse sources, accidental pollution by ships, atmospheric deposition); - Introduction of non-synthetic compounds (e.g. heavy metals, hydrocarbons e.g. by accidental pollution by ships, atmospheric deposition, through riverine inputs); - Introduction of radio nuclides ¹².
Nutrient and organic matter enrichment	<ul style="list-style-type: none"> - Inputs of nitrogen and phosphorus (e.g. direct discharges from point sources, losses from diffuse sources including agriculture, atmospheric deposition); - Organic enrichment (e.g. mariculture, riverine inputs).
Biological disturbance	<ul style="list-style-type: none"> - Introduction of microbial pathogens; - Introduction of non-indigenous species and translocations; - Selective extraction of species (e.g. by commercial and recreational fishing).

(nb) The lists in this annex are meant to be indicative, not exhaustive.

¹² FR: delete "introduction of radionuclides"; IE/AT/SE/EL/BE/UK opposed.

Characteristics to be taken into account for setting environmental targets
Article 9(1)

- (1) Adequate coverage of the elements characterising marine waters under the sovereignty or jurisdiction of Member States within a Marine Region or Sub-Region.
- (2) Need to set (a) targets establishing desired conditions based on the definition of good environmental status; (b) measurable targets and associated indicators that allow for monitoring and assessment; and (c) operational targets relating to concrete implementation measures to support their achievement.
- (3) Specification of environmental status to be achieved or maintained and formulation of the latter in terms of measurable properties of the elements characterising the marine waters of a Member State within a Marine Region or Sub-Region.
- (4) Consistency of the set of targets; absence of conflicts between them.
- (5) Specification of the resources needed for the achievement of targets.
- (6) Formulation of targets, including possible interim targets, with a time scale for their achievement.
- (7) Specification of indicators intended to monitor progress and guide management decisions towards achievements of targets.
- (8) Where appropriate, specification of reference points (target and limit reference points).
- (9) Due consideration of social and economic concerns in setting targets.
- (10) Examination of the set of environmental targets, associated indicators and limit and target reference points developed in light of the environmental objective laid down in Article 1 in order to assess whether the achievement of the targets would lead the marine waters falling under the sovereignty or jurisdiction of Member States within a Marine Region to a status matching them.
- (11) Compatibility of targets with objectives to which the Community and its Member States have committed themselves under relevant international and regional agreements, making use of those that are most relevant for the Marine Region or Sub-Region concerned with a view to achieve the environmental objective set out in Article 1.
- (12) When the suite of targets and indicators have been assembled, they should be examined together relative to the environmental objective laid down in Article 1 to assess whether the achievement of the targets would lead the marine environment to a status matching them.

(nb) This list is meant to be indicative, not exhaustive.

Monitoring Programmes
Article 10(1)

- (1) Need to provide information for an assessment of the environmental status and for a measure of distance from and progress towards good environmental status in accordance with Annex II and with the methodological standards and criteria to be defined pursuant to Article 8(3).
- (2) Need to ensure the generation of the information enabling the identification of suitable indicators for the environmental targets provided for in Article 9.
- (3) Need to ensure the generation of the information allowing the assessment of the impact of the measures referred to in Article 1.
- (4) Need to include activities to identify the cause of the change and hence the possible corrective measures that would need to be taken to return the good environmental status, when deviations from the desired status range have been identified.
- (5) Need to provide information on chemical contaminants in species for human consumption from commercial fishing areas.
- (6) Need to include activities to confirm that the corrective measures deliver the desired changes and not any unwanted side effects.
- (7) Need to aggregate the information on the basis of Marine Regions or Sub-Regions in accordance with Article 3.
- (7a) Need to ensure comparability of assessment approaches and methods within and between marine regions and/or sub-regions.
- (8) Need to develop technical specifications and standardised methods for monitoring at Community level to allow comparability of information.
- (9) Need to ensure to the extent possible compatibility with existing programmes developed at regional and international level with a view to fostering consistency between these programmes and avoiding duplication of efforts, making use of those monitoring guidelines that are the most relevant for the Marine Region or Sub-Region concerned.
- (10) Need to include as part of the initial assessment provided for in Article 7 an assessment of major changes in the environmental conditions as well as, where necessary, new and emerging issues.
- (11) Need to address as part of the initial assessment provided for in Article 7 the relevant elements listed in Annex II and their natural variability and to evaluate the trends towards the achievement of the environmental targets laid down pursuant to Article 9(1), using, as appropriate the set indicators and their limit or target reference points.

*Programmes of measures
Article 12(1)*

- (1) Input controls: management measures that influence the amount of a human activity that is permitted.
- (2) Output controls: management measures that influence the degree of perturbation of an ecosystem component that is permitted.
- (3) Spatial and temporal distribution controls: management measures which influence where and when an activity is allowed to occur.
- (4) Management co-ordination measures: tools to ensure management is coordinated.
- (5) Economic incentives: management measures which make it in the economic interest of those using the marine ecosystem to act in ways which help to achieve the good environmental status objective.
- (6) Mitigation and remediation Tools: management tools which guide human activities to restore damaged components of marine ecosystems.
- (7) Communication, stakeholder involvement and raising public awareness.

*Generic qualitative descriptors to be considered when determining Good Environmental Status
Articles 8(1) and 8(3)*

- (1) All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity.
- (2) Non-indigenous species introduced by human activities are at levels that do not adversely alter the ecosystem.¹³
- (3) Populations of all commercially exploited fish and shellfish are within safe biological limits.
- (4) Human-induced eutrophication is minimised, especially adverse effects thereof.¹⁴
- (5) Species and habitats show a distribution, abundance and quality in line with prevailing physiographic, geographic and climatic conditions. Biodiversity is maintained.¹⁵
- (6) Sea floor integrity is at a level that the functions of the ecosystems are safeguarded.
- (7) Permanent alteration of hydrographical conditions does not adversely affect marine ecosystems.
- (8) Concentrations of contaminants are at levels not giving rise to pollution effects.
- (9) Contaminants in fish and other seafood for human consumption do not exceed levels established by Community legislation or other relevant standards.
- (10) Properties and quantities of marine litter do not cause harm to marine environment.
- (11) Introduction of energy, including underwater noise, does not adversely affect the marine environment.

To determine the characteristics of good environmental status in a Marine Region or Sub-Region as provided for in Article 8(1), Member States shall consider each one of the generic qualitative descriptors listed in this Annex in order to identify those descriptors which are to be used to determine good environmental status for that Marine Region or Sub-Region. When a Member State considers that it is not appropriate to use one or several of those descriptors it shall provide the Commission with a justification in the framework of the notification made pursuant to Article 8(2).

¹³ IT: scrutiny reservation on points (1) and (2).

¹⁴ IT: add "prevented and" before "*minimised*".

¹⁵ IT: add "and, where appropriate, restored" after "*maintained*."