**DRAFT-Minutes of the Marine Strategy Navigation Group (MSFD NAVI) 12th meeting: 1 April 2014, 09:30 – 12:30 PIANC offices, Brussels**

**Present**

Jan Brooke , WFDTG - JB

Anna Csiti, CEDA – AC (minutes)

Marc Eisma, ESPO - ME

Noemi von Meijenfeldt, CEDA – NvM (chair)

Henrich Roeper, CEDA - HR

Paris Sansoglou, EuDA - PS

**Apologies**

Mirna Cieniewicz, European Boating Industry - MC

Kate Chapman for Caroline Price, European Boating Association - KC

Albert Willemsen, ICOMIA – AW

**Corresponding members**

James Herbert, ISU – JH

Benoit Loicq, ECSA – BL

Antonis Michail, ESPO – AM

Lola Ortiz Sanchez – LOS

Note: For reasons of convenience, information provided by the chair in the Extended Agenda is copied into these minutes (print in italic).

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| 1 Opening, apologies |  |
| The Chair NvM opened the meeting. Apologies were received as listed.  |  |
| 2 Adoption of the Agenda |  |
| The agenda was adopted without changes. NAVI has expressed thanks to the chair for the extended agenda making the preparation for the meeting much more efficient. For convenience these minutes include the background information provided in the extended agenda for each item, printed in italic. |  |
| 3 Minutes of the previous meeting (29 October 2013, brussels) |   |
| .1 Approval of the draft minutesThe draft minutes were adopted without changes. .2 Review of action points from last meeting**Action**: NvM to find out if our comments on the ESA/GES working paper were taken into account. Carried forward..3 Matters arising from the minutes if not on the Agenda**Action:** ME to circulate the information on the draft directive for maritime spatial planning. **Action:** ME to circulateinformation about thoughts on a directive for seabed mining. AC said that the CEDA Board recently gave a monitoring watch to the Environment Commission to follow developments re seabed and deep sea mining in the London Convention and OSPAR. **Action:** JB to circulate the latest position on EU Invasive Species Regulation**Action**: AC to ask Dafydd Lloyd Jones whether he would like to join NAVI as a full member.**Action:** JB to raise in the WG ESA meeting on 2 April that the D6 state and pressure based indicators should be treated differently.**Action:** JB to voice the concern in the WG ESA meeting in relation to MPAs and underwater noise that MARK: what was this exactly?**Action:** NvM to circulate the Ocean care document on underwater noise.**Action:** NvM to ask Frank Thomsen to alert us if action is needed by the navigation community in relation to underwater noise.AC advised that Frank Thomsen had attended the recent meeting of the OSPAR WG on underwater noise and reported the following:“There is no immediate action as much of the remit of the group is about a further guidance for monitoring towards the two MSFD indicators. This will involve the setup of a noise registry for indicator 11.1.1 and suggestions for monitoring of ambient noise (involving modelling and monitoring) with regards to indicator 11.2.1. According to the revised task plan (attached), I will provide an overview of best practice on noise mitigation from dredging and extraction activities (point 13). I will do that mainly citing the WODA guidance paper which I also introduced during the meeting. I don’t think that the next EIHA meeting will be very relevant for CEDA.”NvM reconfirmed that no expert group for D5 and D7 exists yet. Stakeholders are not invited to participate in the work on the GES Decision document. Noemi: is this correct? I’m not sure what is the GES Decision document.AC reconfirmed that NAVI’s and the WFD TG’s view that the timing for a joint WFD & MSFD workshop as proposed by the CEDA Environment Commission was not right had been acknowledged.  | NvMMEMEJBACJBJBNvMNvM |
| 4 Art. 12 assessment |  |
| *The 2012 assessment by MS was intended to provide the baseline for assessing if GES has been achieved. According to the COM’s analysis of MS assessments there was a lack of quantitative information within MS and more coherent information between MS was needed in the reporting. What does NAVI think of the report? Where do we need to focus on? Below the summary provided by Erik:**The SWD report is particularly interesting in the sense that it points out the* ***enormous differences between member states approach****, regions, current marine status and the relative weight of descriptors and indicators. Each member state was expected to (re-)define what is understood to be good environmental status per descriptor. Some base themselves explicitly on the Commission Decision where it defines the GES for the respective descriptors and lists the corresponding indicators. Other member states preferred to redefine altogether. In many cases the assessment of current status of the marine environment remains rather subjective. When there are quantitative criteria, their basis is not always clear. The Commission is quite critical on the quality of the assessments and the diversity of the approaches.**For the descriptors that are of interest to at least the dredging community (sea bed integrity, hydrographic change, contaminants and noise) there are nevertheless clear messages:** *on seabed integrity, it is confirmed that by far the heaviest pressure comes from trawling fisheries. Most other pressures remain local and are hardly of consequence, even at a sub-regional level.*
* *on hydrographic change: most member states don’t seem to think much of this. Some quantification has been done, mainly as percentage seabed surface affected. This remains in most cases below 1% and at least well below 5%, except for special cases (Slovenia). Even so, the status of the descriptor is typically assessed as ‘good’, since nobody knows what to compare it to anyway.*
* *on contaminants: the discussion is general and the facts are fairly well known, since sampling has taken place over longer periods. Emerging chemicals don’t seem to play a measurable role in the marine regions (yet).*
* *on noise: the usual statements that this is potentially of concern, but that the effects are not known in sufficient detail to develop costly preventive measures.*

*Paris reported back from the HELCOM meeting that the common feeling is that MS have not common enough measures or compatible enough programmes: (much) more cooperation and joining of forces are needed.*Further points made in the meeting:* There is disagreement even on what GES means. A lot of effort goes into the new Common Understanding Document, which - amongst others – intends to clarify the definition of GES and Environmental targets.
* No one really knows how to handle D7 (hydrographical condition). In the NL the baseline will be the status after the completion of Maasvlakte 2. UK follows a pragmatic approach. NAVI has to monitorthe developments in relation to geographic scale.
* Regarding D6 (seafloor integrity) the placement of dredged material may be an issue if effects are considered on small scale. Aggregation could be relevant.

Regarding the MS’ monitoring programmes the following points were made: * The UK, the Netherlands and Sweden are doing public consultation of their monitoring programmes.
* As these are indicative for what could be expected in the forthcoming Programmes of Measures NAVI should scan these documents for the descriptors relevant to us (D2 (non-indigenous species), D6(sea-floor integrity), D7(hydrographical conditions), D8 (contaminants), D10 (litter) and D11(underwater noise)) with a focus on the scale and level of ambition (is it the same as for the Birds and Habitats Directives?).
* How in-combination effects will be handled remains a question.

**Action:** JB to provide an example based on the UK monitoring programme for the type of information the monitoring programmes should be scrutinized for.**Action:** ME and HR top check the monitoring programmes of the NL and Germany respectively.**Action:** AC to ask the French, Belgian, Danish, Bulgarian and Portuguese members of the CEDA Environment Commission to do the same and try to get feedback from Sweden and Finland through contacts. | JBME, HRAC |
| **5 feedback from HOPE conference** |  |
| *Erik, Jan and Albert attended and reported back.**According to Erik the conference had clearly a political goal to put the marine strategy and policy in the limelight, and a more down to earth goal to emphasize the many gaps in knowledge and implementation which require much further work by both the member states competent bodies and the support of the marine scientific community.**The discussion of the upcoming programmes of measures remained necessarily at a general level, but some trends can be noted already.**There is a clear need to get to grips with the various overlaps and common ground of directives and policies: WFD, MSFD, BHD, marine policies (coastal zone planning), ‘blue growth’, agricultural policy, common fisheries policy. The MSFD really must function as a framework for regional integration and cooperation and for policy integration.**Categories of measures: creation of MPAs, reduction of input from land-based sources (waste water, agricultural run-off), enforce sustainable fishing, regional cooperation and planning,- mainly via RSCs-, address risks and consequences of climate change. These general approaches will need to be complemented with specific measures (limiting certain activities, impact assessments, possibly measures for some threatened species,…). Below the Summary of key pressures and common themes addressed, drafted by Jan.**.*\* *an increasingly important emerging issue, likely to move higher up the ranking table**\*\* the hydrographical conditions descriptor was neither covered in the programme nor mentioned during these introductory presentations.*JB stressed that it would be important for the shipping organisations (ECSA) to get involved.**Action**: JB to send the name of the Cruise Line Association representative who attended HOPE to Paris. Paris to get in touch with him to discuss their possible membership on NAVI representing ECSA.**Action**: NvM to alert ECSA if something relevant for shipping comes up. | JB, PS |
| 7 scaling and aggregation rules |  |
| * 1. *what is the general response of NAVI members to the consultant’s report? No comments/input were provided by NAVI and therefore none were sent to COM. Deadline was 28th March.*
	2. *do we have preferences as to which aggregation principle is used under which circumstance? E.g. do we agree with COM’s approach to apply the one-out-all-out principle at the overall descriptor level and possibly also at the level of criteria?*

*COM’s view: Applying the one-out-all-out principle between the 11 descriptors makes sense, because they distinguish the main environmental issues, so if one is not at GES than the marine environment cannot be at GES. How this principle can or should be applied within descriptors is still open for discussion, since this can be different between descriptors. COM acknowledges that where there is a large degree of uncertainty it becomes challenging to use this principle. Where there is a small degree of uncertainty this principle is very useful. Advice: distinguish on the one hand between parameters that are important and thus included in the one-out-all-out principle and on the other hand those that are less important and thus not included in this principle. Distinguish between main and supporting parameters; introduce a hierarchy. Not only in terms of the one-out-all-out principle, but also in terms of reducing complexity. There is such a high number of indicators.  Applying the one-out-all-out principle does not mean that you necessarily diminish the information to one colour (red or green), but you could also e.g. use a pie chart in which the 11 descriptors are portrayed with their accompanying status (GES/not GES).*NAVI does not think that the “one-out-all-out principle” is a sensible approach. Further it does not give an incentive to MS to put effort into improving one or two indicators. * 1. *what does NAVI think of the HELCOM approach? Do we too believe this is a promising/suitable approach? Under which circumstances possibly not?*

This was not discussed.* 1. *What are NAVI’s views on temporal aggregation? No mention of this topic was made in the report. Is it of relevance to us?*

The meaning of the term “temporal aggregation” is not clear. **Action:** NAVI members to monitor the discussion on “temporal aggregation”.**Action:** NAVI to keep an eye on how the consultant’s report will be taken on in the Common Understanding Document.  | AllAll |
| 7 Common understanding of GES |  |
| *The aim is finding a common ground for the interpretations of the MSFD concepts and their implementation relating to:* 1. *Art. 8 – assessments*
2. *Art. 9 – good environmental status*
3. *Art. 10 – environmental targets.*

*Findings in the Commission Staff Working Document (2014) with regard to GES:** *diversity in interpretation of Art. 9 and 10 MSFD and their application – see Annex 4 of CSWD for Commission services‘ interpretation;*
* *GES definitions mostly not measurable and enforceable – lack of common philosophy (‘reference levels‘ and ‘acceptable deviation‘) for defining a common ambition;*
* *variety of nature and contents of GES means lack of coherence and comparability;*
* *“pick-and-choose“ approach of MS in relation to RSC work and other EU standards.*

*In the last WG GES meeting there was a big discussion about GES descriptors and environmental targets, the differences between the two and the terminology used to describe the distinction between both. Often the term ‘indicator’ is used in relation to both, but according to COM this is incorrect. Indicators are related to environmental targets only. Is it important for NAVI to partake in this discussion? If so, we can provide examples to COM of where this interpretation does/does not work.**In WG GES it was reported that the revision work on the document will include considerations on the:** *Precautionary principle*
* *Risk-based approach*
* *GES and MPAs*
* *Geographic scales for assessments, GES and targets*
* *Assessment philosophy*
* *Aggregation issues*

*We can provide comments to COM on the draft document. Especially on the examples and definitions given in the document. The deadline for submitting comments is 11 April, so please send me your comments by* ***Wednesday 9 April*** *the latest. I suggest we focus only on those issues concerning the descriptors that are of relevance to us (D2, D5, D6, D7, D8, D10 and D11).* *Further we need to decide if this topic is of importance to us, and how we want to proceed. Perhaps we want to focus on certain aspects of the topic only?*It was agreed that checking the monitoring programmes was more important at the moment and NAVI should focus its efforts on checking those.**Action:** Each sector to take its own responsibility in scrutinizing the document for issues of relevance.**Action:** AC to circulate the NAVI comments prepared on the previous version of the CUD back in 2011. NVM to check how those issues are handled in this new version and reassert comments that have not been addressed in an adequate manner. Focus: precautionary principle; pressure based targets; possibility of adaptive management.Erik Mink said that some years ago the COM published a good and useful Communication on the Precautionary Principle.**Action:** Eric to write a 2 page summary in the Precautionary Principle for NAVI. | AllAC, NvMEM |
| 8 programmes of measures (PoM) |  |
| *Member States are currently going through a process of identifying existing and potential new measures and preparing the methodology for selecting measures to be developed in the PoM. NAVI sent comments to COM on the PoM document version 6, but these have not been integrated into the document yet. At least not in version 7. Expectation was that this would be done before April so that an updated version could be discussed at WG ESA. So far, no updated version has been distributed. I will keep an eye on this and send you the updated version once it becomes available.**Jan has remarked that regarding shipping almost nothing is currently being said about navigation infrastructure or dredging. However, things can change, so we should not take our eye off the ball.* NAVI was wondering about the status of the COM document circulated for the MSCG meeting in February entitled “Programme of Measures: progress report and state of play of PoM recommendation” (MSCG12/2014/4). Definition of EU Recommendation(http://en.wikipedia.org/wiki/Recommendation\_(European\_Union))“Recommendations are without [legal force](http://en.wikipedia.org/wiki/Legal_force) but are negotiated and voted on according to the [appropriate procedure](http://en.wikipedia.org/wiki/European_Union_legislative_procedure). Recommendations differ from [regulations](http://en.wikipedia.org/wiki/Regulation_%28European_Union%29), [directives](http://en.wikipedia.org/wiki/Directive_%28European_Union%29) and [decisions](http://en.wikipedia.org/wiki/Decision_%28European_Union%29), in that they are not binding for Member States. Though without legal force, they do have a political weight. The Recommendation is an instrument of indirect action aiming at preparation of legislation in Member States, differing from the Directive only by the absence of obligatory power.” ME raised the issue of MPAs with a focus on shipping. Will the COM accept a pragmatic approach as taken e.g. by the UK: MSFD contributes to but does not aim to achieve the objectives of the Birds and Habitats Directives? Some MS do not have MPA.It was a decided to monitor the MS interpretation but do not comment in writing (we do not want to create problems). **Action:** ME to send comments for NAVI’s records. | ME |
| 10 specific topics of interest in 2014 |  |
| 1. ***Public consultation*** *by MS of their Monitoring Programmes. The UK, Netherlands and Sweden have started their consultation process. Information will be made available on the CEDA website, similarly to 2012 for the initial assessment.*
2. ***Marine Competence Centre****: The Marine Competence Centre for GES (MCC4GES) will provide expertise in responding to specific scientific, policy related and applied issues, in the context of the MSFD and the broader integrated Marine Policy implementation. The MCC joins several ongoing MSFD support activities under a common framework and facilitates cooperation and information exchange. No expert group for D5 and D7 exists yet.*

*COM is, as yet, not giving stakeholders the opportunity to participate in the relevant expert groups. They want to give experts from the MS the opportunity to tackle these issues first. If this doesn't work, than they might review the process and extend the invitation to independent, non-MS affiliated experts.* The information provided by NvM was noted. |  |
| 11 secondary subjects to discuss |  |
| **Meetings**:* 1. ***CEA/CBA*** *meeting on 1st April. The workshop presentations, discussions and further analysis after the workshop will be used for building a guidance document on CEA/CBA for the MSFD (to be produced by summer 2014). This document is not a guidance document, but various (aggregated) approaches are presented together with their advantages and drawbacks. Considerable attention will be given to examples (cases) illustrating the steps, outputs and potential remaining uncertainties related to each approach. A summary report of the workshop will be produced and included in Annex II of the PoMs Recommendation.*

JB informed that the same people are involved from the MS in the WFD Economics WG as in the MSFD WG. On the one hand this is encouraging (lessons learned), on the other hand it could be a danger as the WFD people are used to think in difference scales.**Action:** JB to keep an eye on the report in the coming WG ESA meeting.* 1. ***WG ESA*** *meeting: no one from NAVI attending, except possible Jan for one day.*

JB will attend this meeting.**Action:** JB to clarify the status of the PoM Recommendations document (see above under point 9) and report back to NAVI.* 1. ***Workshop on underwater noise*** *to be held on 10-11 April for experts in Brussels. Frank Thomsen will attend on behalf of CEDA.*

**Action:** NvM to ask Frank Thomsen to provide a report.* 1. ***MSCG meeting*** *on 12-13 May in Brussels: Jan will be attending. Noemi will not be able to.*

JB will attend this meeting. | JBJBNvM |
| 11 any other business |  |
| **PS informed that EuDA was considering to organize a workshop on Descriptors and was developing the TOR.****Action: PS to keep NAVI informed about the progress with the TOR.** | PS |
| 12 next meeting |  |
| The next meeting will take place on 4 November from 09:30 – 12:30 at PIANC HQ in Brusssels. |  |
| 13close |  |
| The Chair thanked all present. The meeting closed at 12:45 hours. |  |