**Meeting agenda MSFD NAVI13 meeting 30th October, 2014**

**Location: PIANC office**

**Time: 9.30h**

**AGENDA**

1. Opening and adoption of the agenda;
2. Minutes of the previous meeting;
3. Short overview of current state of MSFD;
4. Documents NAVI need to comment on prior to 28 November;
	1. Common understanding document;
	2. GES decision review - cross cutting issues;
	3. MSFD Annex III revision;
	4. Review of GES Decision and MSFD report on status of technical review, including a technical review manual for:
		1. D2;
		2. D5;
		3. D6;
		4. D7;
		5. D8;
		6. D10;
		7. D11
5. Other documents/topics of relevance to NAVI
	1. *Marine Protected Area (MPA) Guidance document by Deltares;*
	2. *NGO priorities for MSFD PoM;*
	3. *Draft report of WG DIKE on the reporting on Programmes of Measures;*
	4. *Overview of MS approach to Monitoring Programmes as an indication for their approach to PoM;*
	5. *Exceptions - drafting group;*
	6. *Discussion document TG Noise;*
	7. *Invasive species;*
	8. *Stakeholder workshop;*
6. Meetings of interest to NAVI
7. Various subjects for general information
8. Any other business.

**Main subjects to discuss**

**3. Short overview of current state of MSFD**

Based on the EU Member States’ first implementation reports due in 2012 on the (initial) Assessment, Determination of Good Environmental Status (GES), and Establishment of Environmental Targets (the so called Art. 8, 9 and 10 MSFD), the EU Commission (COM) reviewed the elements notified by Member States and concluded that adequacy, consistency and coherence within and between regions were too low to deliver the overall aims of the Directive. With over 20 different determinations of GES, which is the centrepiece of the Directive and sets the level of ambition of Member States to achieve by 2020, there were no common or comparable goals. Member States were not building adequately upon other EU legislation and had adopted a “pick-and-choose” approach from the work undertaken (and agreed) in the Regional Sea Conventions to which they are Party. Many GES characteristics were not set in a measurable and enforceable way. The wording of the MSFD leaves scope for interpretation of the terms used in the Directive. Therefore, there was a large diversity in understanding and approaches between Member States, and the interpretation and application of Art. 9 MSFD was very different. In some cases there seemed to be a confusion on the roles and relationships of the definition of GES and the setting of environmental targets. COM stressed that it would be challenging not only to achieve GES by 2020, but even to know how far we were from meeting the objective. Thus, a better common understanding is needed on the roles of Art. 9 and 10 MSFD and the approach to assessing environmental status, including assessment methods, scales and aggregation rules, as well as an agreed convention on the use of terms of the MSFD. In order to achieve a common understanding COM initialized a common revision process during which several documents were drafted or revised by COM JRC, ICES, EEA with the help of expert groups formed by Commission representatives and experts from MS and RSCs. An overview of the relationship of these documents and the relationships between them is provided below.

The above overview depicts the current situation. During the last WG GES COM communicated that during the coming months perhaps a consolidated approach between the cross-cutting document and this Common Understanding document will be chosen.

Since on 15 October the deadline for reporting on Article 11 (Monitoring Programmes) officially closed, COM has updated the 'MSFD scoreboard' which shows the current state of reporting on this and previous MSFD reporting obligations. The revised scoreboard is available at:<http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/scoreboard_en.htm>. The table represents the state of notifications to the Commission (i.e. whether received in full, partially or not at all) and does not aim to reflect on whether the reports received conform to the requirements of the Directive.

**4. Overview of documents NAVI needs to comment on prior to 28 November**

1. *Common Understanding document*, status 25-09-2014 (2014-09-30\_CU\_doc\_sections\_1-3\_and\_Annex\_1). Common Understanding of the (Initial) Assessment, Determination of Good Environmental Status (GES) and Establishment of Environmental Targets (Articles 8, 9 & 10 MSFD).This document concerns an extract of sections 1-3 of, and Annex 1 (glossary of terms) to, the current version of the draft revised CU document. The remaining sections have not been reproduced in this extract to allow focussing discussion on the basic understanding*.*
2. *GES decision review - cross cutting issues*. This document has been prepared to provide overarching guidance for the review of Decision 2010/477/EU and of MSFD Annex III, in particular to address cross-cutting issues of relevance to the technical reviews being led by JRC and ICES. It sets out a common understanding of some key terms. The document draws upon the Common Understanding document on MSFD Articles 8, 9 and 10 and the recent work of the GES Drafting Group to update it. It contains the following topics:
	* The architecture described for determining GES;
	* The Understanding of key terms;
	* The initial considerations on integrated approaches to assessment;
	* The linkages to other EU legislation.

Includes a chapter (Ch 5) dealing with scales and aggregation.

1. *MSFD Annex III revision*. The high-level definition of GES is progressively refined through the descriptors (Annex I MSFD), the elements (Annex III MSFD), the criteria and methodological standards and the (sub)region-specific characteristics.
The considerations relating to a possible revision of MSFD Annex III is linked also to reporting systems (link with WG DIKE) and the underlying standardized lists of ecosystem components, pressures and uses and activities. The review of Annex III, contains the following aspects:
	* *Define role of Annex III*
		+ Elements for assessment (Art. 8) with regard to GES (Art 9);
		+ Elements for monitoring (Art 11) - supportive for the purpose of assessment (e.g. temperature, salinity);
		+ Define whether the elements are of indicative nature (as relevant to MS waters) and whether generic or specific (e.g. 'hazardous substances' or 'specified list of Priority substances').
	* *Content of Tables 1 and 2*
		+ Distinguish better between State and Pressure lists (e.g. chemicals, NIS from Table 1 as pressures);
		+ Define the need for current 'additional' texts, the need for some elements (e.g. features and characteristics) and possible need for new elements;
		+ Define relationship to art 8, 9, and 10.
		+ Explore the possibility to introduce new standards, criteria and indicators for cumulative effects.
	* *Consider the need for a Table of human activities, to provide a framework for the collection of information and/or monitoring with respect to Art. 8.1c and Art. 11.*
2. Review of the GES Decision 2010/477/EU and MSFD Report on the status of the technical review on criteria and methodological standards on GES. The background note of the Commission Decision Revision Manual outlines the next steps for the drafting of a manual for the possible revision of Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine waters (the Commission Decision). The review of the Commission Decision aims to define more precisely criteria for Good Environmental Status (GES), including setting quantifiable boundaries for GES criteria whenever possible, methodological standards and specifications and standardised methods for monitoring and assessment. The aim of the current review is to lead to a new GES Decision which is:
	* Simpler
	* Clearer
	* Introducing minimum requirements (to be enhanced by regions and MS, if necessary)
	* Self-explanatory
	* Coherent with other EU legislation
	* Coherent with regional assessment methods (where EU does not exist)
	* Have a clear and minimum list of criteria and methodological standards and related characteristics (Table 1, Annex III)
	* Ensure that criteria and methodological standards are adequately addressing the Descriptors are covered by the proposed criteria, to lead to complete assessments
	* Coherent with the MSFD terminology

The review of the Decision is one element of a package, together with the technical clarifications on the application of the Decision and the further development of the Common Understanding document, to overcome the shortcomings identified by the Commission's Art. 12 assessment and prepare for the next cycle of reporting in 2018.
The "manual" aims to structure the assessment of the different descriptors in a similar, consistent and coherent way. Individual manuals, as part of the technical clarification, have been drafted for nearly all Descriptors. Those that are of relevance to NAVI are:

* + D2;
	+ D5;
	+ D6;
	+ D7;
	+ D8;
	+ D10;
	+ D11.

#### 5. Other documents/topics of relevance to NAVI

1. *NGO priorities for MSFD PoM*. Version October 2014. The paper aims to facilitate the process of developing PoMs and to support NGOs and national authorities in their work with developing measures. It includes the priority measures and targets NGOs would like to see implemented for a selection of the MSFD descriptors, i.e. commercial fish and shellfish, biodiversity, eutrophication, contaminants and marine litter, as well as recommendations for the establishment of an ecologically coherent network of well-managed marine protected areas. It also provides good practice guidance for organising effective public participation and consultation. The paper is the result of a collaboration of a wide network of international and national NGOs. Seas at Risk hopes to present the paper at the upcoming MSCG meeting (**10-11 November**), so NAVI needs to prepare feedback prior to this meeting.
2. *Marine Protected Area (MPA) Guidance document by Deltares*. EEA will publish an inventory report of European MPAs in 2014. The technical report of Deltares is part of the service request “to develop the harmonised methodology for the evaluation by the EU COM of the coherence, adequacy and representativity of the EU networks of MPAs across four marine regions and associated sub-regions”. The report is based on a bibliographic review of information collected from the different legislation, frameworks and Regional Sea Conventions (RSCs). A summary of the report, as drafted by Noemi for the CEDA environmental Committee was distributed to NAVI by Anna.
On 6 May 2014 a Marine Expert Group (MEG) workshop took place. The aim of the workshop was to discuss both the criteria definitions and classification method developed by Deltares in the service request. In a document the main points discussed during the workshop as well as the preparatory interviews and comments received on the technical report were laid down. The report titled: “Workshop document of the MEG workshops, 6th of May, Brussels” is included in the NAVI meeting background documents.
Bernard Vanheule from OGP has contacted Jan and Noemi as they are very worried about the drafting of this document and the possibility of MS closing down certain areas entirely for commercial exploitation. Bernard is interested in the opinion of NAVI on this subject and to know if we are willing to provide a joint response to COM.
3. *Draft report of WG DIKE on the reporting on Programmes of Measures*.
The PoM recommendation outlines the process towards the development of a PoM by each Member State. As stated in the PoM Recommendation, the process starts by the identification of existing measures that are relevant for the MSFD. A gap analysis is then undertaken which is followed by the identification and selection of new measures to be applied under the MSFD (after a feasibility study and cost benefit analysis). Exceptions (under Art. 14) are then assessed and, if applicable, justified. A draft PoM is issued and then finalised after a public consultation process. In view of the principle to streamline reporting and thus avoid duplication of work, the reporting on the PoM under the MSFD does not need to contain the information which has already been reported under the Water Framework Directive (WFD). To streamline the process, the PoM reporting content is to be closely linked with that of the WFD and corresponding reporting requirements. A factor that allows this close coordination of the reporting efforts under the WFD and the MSFD is the timing of reporting for both directives which coincide and are only days apart in March 2016.

In preparation for the reporting exercise, this concept note aims to:

* + Support the development of the reporting questions for the PoM (art. 13) and exceptions (art. 14) under the MSFD;
	+ Build upon the reporting framework already in place under other European policies, specifically the WFD;
	+ Provide a basis for the discussion on the final products that will be derived from this reporting and the assessment questions needed for the Commission's Art. 16 assessment.
1. *Overview of MS approach to Monitoring Programmes as an indication for their approach to PoM*. By NAVI and CEDA members drafted overview of MS approach to the Monitoring Programmes. So far only an overview of the UK and Denmark are provided.
2. *Exceptions - drafting group*. Report back from Jan Brooke.
3. *Discussion document TG Noise* - The document provides a rationale (‘criteria for criteria’) for the proposed approach for potential future indicators for the review of the Commission Decision on criteria and methodological standards on Good Environmental Status of marine waters.
4. *Invasive species*. Report to be presented by Albert Willemsen (Comparison of UN EU IMOBiodiversity Biofouling Guidelines Regulations draft 03).
5. *Stakeholder workshop*. 22 September 2014. Report back from Paris Sansoglu.

**Secondary subjects to discuss**

#### 6. Meetings/Calendar

* 23 - 24 October: TG Noise. Main aim: to determine where their focus will lay the coming year.
* 10 - 11November: MSCG meeting.
* 2 - 3 December: Workshop on coordinated implementation of nature, biodiversity, marine and water policies. Aim of the workshop: to identify good practices for coordinated implementation and potential future activities of joint interest for the nature, marine and water policies by focusing on common lessons learned, discuss inter-linkages with different legislations, present case studies, and elaborate on gaps and recommendations stemming from practical examples from Member States. The overall aim is to produce a policy-making report rather than focus on technical details.
* 2 - 3 February: WG DIKE;
* 9 - 10 February: MSCG meeting;
* 9 - 10 March: WG ESA;
* 22 - 23 April: WG GES;
* 4 - 5 May: MSCG meeting.

The next steps in the process towards a Common Understanding include:

* 28 November 2014: WG GES comments on all draft documents (i.e. JRC/ICES templates on cross cutting issues, Annex III, CU document);
* Some expert groups (D1, D2, D5) can also continue to comment until 28 November 20014. These documents were not as advanced as the others.
* 21-23 January 2015 cross cutting issues workshop, Copenhagen. 2 out of these 3 days.
* Early February: revised JRC/ICES manuals circulated. In document 5 (Manual Background note) an overview of the latest version of the manuals is given. If necessary, targeted meetings of expert groups to address outstanding technical issues identified will be organised. (If such meetings take place this will be between February and March 2015).
* 25 March 2015 - 07 April 2015: next draft documents to be circulates to WG GES.
* 22 - 23 April 2015: next WG GES meeting.

#### 7. Various subjects for general information

1. *Workshop on D6* - seafloor integrity. 2-3 September 2015.
2. *European Commission Joint Research Centre's Marine Strategy Framework Directive Competence Centre (MCC)*. This centre was officially launched on 7th October in Rome (at the EurOcean conference). For more information, please see the web news: <https://ec.europa.eu/jrc/en/news/jrc-launches-marine-competence-centre>;
3. *National assessment report of Bulgaria*: provides insight on how they deal with the different Descriptors;
4. *Background document summarising experiences with respect to economic analysis* to support member states with the development of their programme of measures for the MSFD. Document ESA/10-2014/03, drafted 26-09-2014.
5. *OSPAR regional plan to improve adequacy and coherence of MSFD implementation 2014-2018*. Version 6 October 2014.

**8. Any other business**.