



Bilag 1b

## Aktoversigt

Sagstitel: ØA EUI SVANA - Komitesag - Havstrategidirektivet

Sagsnummer: 2016 - 2629

Akt nr.	Dato	Titel	Akt ID	#	Parter	Til	Kommentar
	10-11-2016	Til SVANA - T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget (Id nr.: 198278)	2763659	2		Lisbet Ølgaard (lioel@svana.dk); Ditte Mandøe Andreasen (diman@svana.dk)	
	20-06-2016	Skriftlige kommentarer til 4. udkast fra Kommissionen til komitesag om god miljøtilstand i havet	2763683	1		Ditte Mandøe Andreasen (diman@svana.dk)	
	20-06-2016	SV: 4. udkast fra Kommissionen til komitesag om god miljøtilstand i havet	2763684	1		Ditte Mandøe Andreasen (diman@svana.dk)	
	17-05-2016	Bemærkninger fra TRM - Ny version af Kommissionens forslag til god miljøtilstand i havet (Id nr.: 145021)	2763688	6		Ditte Mandøe Andreasen (diman@svana.dk); FYDIBOHF23SPDLT /CN=RECIPIENTS/CN=Lou2 (Louise Egeskov Østergaard (/O=SITEXCHANGE/OU=EXCHANGE ADMINISTRATIVE GROUP); Maria Klint Thelander (Sagsbehandler, Analyse, forskning og digitalisering)	

# = antal relaterede dokumenter.

Den 1. februar 2017



## Aktdetaljer

**Akttitel: Til SVANA - T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget (Id nr.: 198278)**

**Aktnummer:**

Akt ID: 2763659

Dato: 10-11-2016

Type: Indgående

Original titel: Til SVANA - T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget (MFVM Id nr.: 2620672) (Id nr.: 198278)

Dokumenter: [1] Til SVANA - T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget (MFVM Id nr. 2620672) (Id nr. 198278).msg

[2] Statement from DK 09-11-2016.pdf

Den 1. februar 2017

---

**Til:** Lisbet Ølgaard (lioel@svana.dk), Ditte Mandøe Andreasen (diman@svana.dk)  
**Cc:** Sidsel Bjøl (sidbj@mfvm.dk), Maria Klint Thelander (makbj@mfvm.dk)  
**Fra:** cvm@trm.dk (cvm@trm.dk)  
**Titel:** Til SVANA - T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget (Id nr.: 198278)  
**Sendt:** 10-11-2016 21:22:52  
**Bilag:** Statement from DK 09-11-2016.pdf;

Kære Lisbet og Ditte

Jeg skal hermed anmode om at få tilsendt den endelige og vedtagne version af forslaget om vurdering af havmiljøtilstanden.

Vi har brug for at give en orientering om det, og Femern A/S har brug for at læse det igennem og vurdere de mulige konsekvenser for Femern Bælt-forbindelsen.

Venlig hilsen

Carsten Vædele Madsen  
Chefkonsulent

Transport- og Bygningsministeriet  
Vej-, Bro- og Metrokontoret  
Frederiksholms Kanal 27 F  
DK-1220 København K

Telefon +45 41 71 27 73  
cvm@trm.dk  
www.trm.dk

---

Til: Erhvervs- og Vækstministeriet (evm@evm.dk), Jakob Baadsgaard Jepsen (jabaj@fm.dk), Anne Ehrenreich (annehr@um.dk), Susanne Bo Christensen (subch@efkm.dk), TRM Carsten Vædele Madsen (cvm@TRM.dk), Andreas Meldgaard Goth (anmeg@fm.dk)  
Cc: Sidsel Bjøl (sidbj@mfvm.dk)  
Fra: Maria Klint Thelander (makbj@mfvm.dk)  
Titel: T.O. er forslaget vedr. kriterier for vurdering af havmiljøtilstanden netop vedtaget (MFVM Id nr.: 2620672)  
Sendt: 10-11-2016 17:27:23

Kære alle

Til jeres orientering har vi netop fået resultatet af afstemningen om forslaget til vurdering af havmiljøtilstanden. Forslaget blev stemt igennem med kvalificeret flertal.

Danmark har efterfølgende rundsendt vedlagte statement.

Efter en lang og spændende diskussion og væsentlige imødekommelser fra EU-Kommissionen, endte forslaget med at blive vedtaget. Indtil det allersidste var der betydelig spænding om udfaldet af afstemningen [REDACTED]

Fra den danske delegations synspunkt er en væsentlig imødekommelse, at det eksplicit fremgår af art. 6 i beslutningen, at hvert enkelt medlemsstat ved sin rapportering til EU-Kommissionen beslutter hvilke kriterielementer, grænseværdier og metodiske standarder, etableret på unions-, regionalt eller subregionalt niveau, de vil benytte ved fastsættelse af god miljøtilstand efter direktivets art. 9. Det blev dog vurderet, at det ikke var tilstrækkeligt til at ændre den danske position.

Udover Danmark stemte også [REDACTED]

En række lande har uformelt over Danmark udtrykt anerkendelse af den danske diplomatiske aktivitet inden mødet og erkendt, at den har medvirket til at hæve den politiske opmærksomhed i deres lande ift forslaget til EU-beslutning. Deres vurdering er derfor, at det danske pres har været med til at bane vejen for de imødekommelser, som EU-Kommissionen endte med at komme med til sidst.

Venlig hilsen

Maria Klint Thelander  
AC-medarbejder | Analyse, forskning og digitalisering  
+45 91 36 58 47 | makbj@mfvm.dk

Miljø- og Fødevareministeriet  
Departementet | Slotsholmsgade 12 | 1216 København K | Tlf. +45 38 14 21 42 | mfvm@mfvm.dk |  
www.mfvm.dk

\*\*\*\*\*

Denne mail er blevet scannet af <http://www.comendo.com> og indeholder ikke virus!

\*\*\*\*\*



NOTAT



**Ministry of Environment  
and Food of Denmark**  
Agency for Water and  
Nature Management

November 10, 2016

### **Statement from Denmark after the voting on the Commission Decision on GES, in the Marine Strategy Framework Directive Regulatory Committee.**

---

The Regulatory Committee under the Marine Strategy Framework Directive adopted on 10 November 2016 with a qualified majority the Commission Decision laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/7477/EU.

Denmark recognises the result of the voting, but is seriously concerned about the content and the possible future impact of the Commission Decision as well as the future process implementing its requirements.

Denmark regrets that it has not been possible to find common ground and a solution that all Member States could agree on.

Denmark would like to draw the attention to the Interinstitutional Agreement on Better Law-Making by the three EU institutions as we firmly believe this decision will have significant economic, environmental and/or social impacts. Denmark finds it very critical that no impact assessment for the Decision has been presented by the Commission prior to its adoption. Furthermore Denmark would have valued an explanation from the Commission's Legal Service regarding the legal elements of the proposal.

In the future, development of any threshold values within the Regional Sea Conventions and the EU Common Implementation Strategy, it will be of utmost importance for Denmark that no proposal for a threshold value can be approved without a prior assessment of its consequences.

Denmark emphasises our continued willingness to participate constructively in the future process.



## Aktdetaljer

**Akttitel: Skriftlige kommentarer til 4. udkast fra Kommissionen til komitesag om god miljøtilstand i havet**

**Aktnummer:**

Akt ID: 2763683

Dato: 20-06-2016

Type: Indgående

Original titel: Skriftlige kommentarer til 4. udkast fra Kommissionen til komitesag om god miljøtilstand i havet (MFVM Id nr.: 2375497)

Dokumenter: [1] Skriftlige kommentarer til 4. udkast fra Kommissionen til komitesag om god miljøtilstand i havet (MFVM Id nr. 2375497).msg

Den 1. februar 2017

**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Cc:** Søren Keller (ske@ens.dk), Maria Klint Thelander (makbj@mfv.dk), Lorentz Westergaard Møller (lwm@ens.dk)  
**Fra:** Energistyrelsen (ens@ens.dk)  
**Titel:** Skriftlige kommentarer til 4. udkast fra Kommissionen til komitesag om god miljøtilstand i havet  
**Sendt:** 20-06-2016 13:56:44

Kære Ditte

Hermed Energistyrelsens kommentarer til 4. udkast af kommissionens forslag til god miljøtilstand i havet, hvor vi bibeholder nogle af kommentarerne fra sidst.  
Kommentarerne er både fra vind og olie/gas-enheden.

[Redacted text block]

[Redacted text block]

Med venlig hilsen / Best regards

**Katja Scharmann**

Specialkonsulent / Special Advisor  
Center for Energiressourcer / Centre for Energy Resources

Mobil / Cell +45 3392 6672  
E-mail [ksc@ens.dk](mailto:ksc@ens.dk)



Energistyrelsen

Danish Energy Agency - [www.ens.dk](http://www.ens.dk)  
- part of the Danish Ministry of Energy, Utilities and Climate



## Aktdetaljer

**Akttitel: SV: 4. udkast fra Kommissionen til komitesag om god miljøtilstand i havet**

**Aktnummer:**

Akt ID: 2763684

Dato: 20-06-2016

Type: Indgående

Original titel: SV: 4. udkast fra Kommissionen til komitesag om god miljøtilstand i havet (MFVM Id nr.: 2375497)

Dokumenter: [1] SV 4. udkast fra Kommissionen til komitesag om god miljøtilstand i havet (MFVM Id nr. 2375497).msg

Den 1. februar 2017

**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Cc:** Suzanne Slarsky Dael (SFS (ssd@dma.dk), Sine Olsson Heltberg (DEP (SOL@evm.dk), Maria Klint Thelander (makbj@mfvm.dk)  
**Fra:** cge@dma.dk (cge@dma.dk)  
**Titel:** SV: 4. udkast fra Kommissionen til komitesag om god miljøtilstand i havet  
**Sendt:** 20-06-2016 10:05:16

Kære Ditte,

Søfartsstyrelsen [REDACTED]

Vi har haft vores nye ansvarlige for MSP (Suzanne Dael) ind over, og hun har følgende overordnede betragtninger:

[REDACTED]

[REDACTED]

[REDACTED] bde for at måle økosystem-effekterne af vores MSP.

Mange hilsner

Clea

Med venlig hilsen  
**Clea Henriksen**  
Specialkonsulent, civilingeniør

Søfartsstyrelsen  
Maritim Regulering og Jura (MRJ)  
Dir. tlf.: 72 19 6369  
Mobil: 91 37 63 69  
E-mail: cge@dma.dk

---

**Fra:** Maria Klint Thelander [mailto:makbj@mfvm.dk]

**Sendt:** 15. juni 2016 09:53

**Til:** Søren Keller; Dorthe Gravgaard TRM; Kristoffer Bang Reberg; Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Clea Henriksen; Katja Scharmann; Sine Olsson Heltberg (DEP)

**Cc:** Jonas Fredsted Villadsen (MFVM-DEP); Ditte Mandøe Andreasen; Lars Møller Christiansen (MFVM-DEP)

**Emne:** 4. udkast fra Kommissionen til komitesag om god miljøtilstand i havet (MFVM Id nr.: 2375497)

Kære alle

Kommissionen har allerede fremsendt deres 4. udkast til komitesag sent i går og I får den hermed til orientering.

Bemærk, at Kommissionen denne gang beder om skriftlige kommentarer på vores største kritikpunkter FØR mødet (punkt 1 nedenfor). Det vil sige, at vi har behov for jeres eventuelle skriftlige kommentarer til 4. udkast senest på mandag d. 20/6. De skal som tidligere sendes til Ditte Mandø Andreasen ([diman@nst.dk](mailto:diman@nst.dk)), gerne med mig cc. Jeg sender dette til hele kredsen, men går ikke ud fra I alle har tekstnære skriftlige kommentarer.

Af dagsordenen til komitemødet fremgår, at formålet er at 'Discuss the attached draft during the Committee meeting and come to a conclusion as to the future of this initiative.' Det kan læses som, at der skal være en vejledende afstemning. Hvis det er tilfældet må Danmark nok stemme imod, samtidig med at der tages parlamentarisk forbehold, da Danmarks afgørende punkter fortsat ikke er imødekommet.

En meget hurtig gennemlæsning viser, at der er sket både lettelser og stramninger af teksten. Generelt kan bemærkes:

[REDACTED]

[Redacted text block]

Jeg har vedhæftet tidsplanen igen med en tilføjelse om eventuelle skriftlige kommentarer til forslaget på mandag.

Venlig hilsen

**Maria Klint Thelander**

AC-medarbejder | Analyse, forskning og digitalisering  
+45 91 36 58 47 | [makbj@mfvm.dk](mailto:makbj@mfvm.dk)

**Miljø- og Fødevareministeriet**

Departementet | Slotsholmsgade 12 | 1216 København K | Tlf. +45 38 14 21 42 | [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk) | [www.mfvm.dk](http://www.mfvm.dk)



## Aktdetaljer

**Akttitel: Bemærkninger fra TRM - Ny version af Kommissionens forslag til god miljøtilstand i havet (Id nr.: 145021)**

**Aktnummer:**

Akt ID: 2763688

Dato: 17-05-2016

Type: Indgående

Original titel: Bemærkninger fra TRM - Ny version af Kommissionens forslag til god miljøtilstand i havet (MFVM Id nr.: 2308063) (Id nr.: 145021)

Dokumenter:

- [1] Bemærkninger fra TRM - Ny version af Kommissionens forslag til god miljøtilstand i havet (MFVM Id nr. 2308063) (Id nr. 145021).msg
- [2] 12 05 2016 Copy of MSFD GESDecision v3 AnnexIII v3 comments final.xls
- [3] 03 03 2016 Copy of MSFD GESDecision v2 AnnexIII v3 comments - gammelt høringssvar.xls
- [4] 04 03 2016 Høringssvar vedrørende Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi - gammelt høringssvar.docx
- [5] 12 05 2016 Høringssvar vedrørende Europa-Kommissionens forslag til God M final.docx
- [6] image001.gif

Den 1. februar 2017

**Til:** Ditte Mandøe Andreasen (diman@svana.dk), FYDIBOHF23SPDLT /CN=RECIPIENTS/CN=Lou2 (Louise Egeskov Østergaard (/O=SITEXCHANGE/OU=EXCHANGE ADMINISTRATIVE GROUP), Maria Klint Thelander (makbj@mfvm.dk)  
**Fra:** Dorthe Gravgaard TRM (DOG@TRM.dk)  
**Titel:** Bemærkninger fra TRM - Ny version af Kommissionens forslag til god miljøtilstand i havet (Id nr.: 145021)  
**Sendt:** 17-05-2016 15:52:52  
**Bilag:** 12 05 2016 Copy of MSFD GESDecision v3 AnnexIII v3 comments final.xls; 03 03 2016 Copy of MSFD GESDecision v2 AnnexIII v3 comments - gammelt høringssvar.xls; 04 03 2016 Høringssvar vedrørende Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi - gammelt høringssvar.docx; 12 05 2016 Høringssvar vedrørende Europa-Kommissionens forslag til God M final.docx; image001.gif;

Kære Ditte, Jonas og Maria

Hermed fremsendes som varslet vores opdaterede høringssvar, som Femern A/S har fremsendt på baggrund af det seneste udkast til Kommissionens forslag til god miljøtilstand i havet.

Høringssvaret består af et dansk høringssvar samt en engelsk version af hovedpointerne anført i det skema, som skulle anvendes i forbindelse med sidste høringssvar af 4. marts 2016.

Derudover er vores tidligere høringssvar af 4. marts 2016 vedhæftet.

Såfremt der er spørgsmål til det vedhæftede må I endelig kontakte mig.

Venlig hilsen

Dorthe Gravgaard  
Fuldmægtig

Transport- og Bygningsministeriet  
Vej-, Bro- og Metrokontoret  
Frederiksholms Kanal 27 F  
DK-1220 København K  
Telefon + 45 41 71 27 61  
dog@trm.dk<mailto:dog@trm.dk>  
www.trm.dk<http://www.trm.dk>

Fra: Maria Klint Thelander [mailto:makbj@mfvm.dk]  
Sendt: 9. maj 2016 08:58  
Til: TRM Dorthe Gravgaard; Katja Scharmann; TRM Kristoffer Bang Refberg; Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Sine Olsson Heltberg (DEP; cge@dma.dk<mailto:cge@dma.dk>  
Cc: Jonas Fredsted Villadsen; Andreasen, Ditte Mandøe  
Emne: Ny version af Kommissionens forslag til god miljøtilstand i havet (MFVM Id nr.: 2308063)

Kære alle

Som ventet offentliggjorde Kommissionen i torsdags et nyt forslag til god miljøtilstand i havet.

I får det her i en version med og uden track changes.

Den meget hurtige læsning indikerer foreløbigt, at der er få substantielle ændringer, men at:

\* ”one-out-all-out-princippet” er udgået - det er godt



\* der er blødt lidt op vedr. tidsperspektivet for fastsættelsen af tærskelværdierne - det er også godt

\* Vedr. tærskelværdien om max 30% menneskelig påvirkning af hver habitattype, er det gjort mere tydeligt, at der er fokus på, at det er habitatets tilstand, der ikke må være negativt påvirket i mere end 30% og altså ikke nødvendigvis en 70% beskyttelse på alle habitater. (Hvis en aktivitet ikke påvirker habitatet negativt tæller det således ikke med i de 30%) - bedre end ingenting

Vi læser selvfølgelig grundigt igennem og så indkalder jeg til et orienteringsmøde, hvor MFVM orienterer om forslaget og vi kan drøfte proces omkring sag til ØU. Jeg tænker fredag i denne uge eller mandag i næste uge.

Venlig hilsen

Maria Klint Thelander  
AC-medarbejder | Analyse, forskning og digitalisering  
+45 91 36 58 47 | [makbj@mfvm.dk](mailto:makbj@mfvm.dk)<<mailto:makbj@mfvm.dk>>

Miljø- og Fødevareministeriet  
Departementet | Slotsholmsgade 12 | 1216 København K | Tlf. +45 38 14 21 42 |  
[mfvm@mfvm.dk](mailto:mfvm@mfvm.dk)<<mailto:mfvm@mfvm.dk>> | [www.mfvm.dk](http://www.mfvm.dk)<<http://www.mfvm.dk>>

---

Denne mail er blevet scannet for virus af TDC Mailfilter.

---

\*\*\*\*\*  
Denne mail er blevet scannet for virus af TDC Mailfilter.  
\*\*\*\*\*

## MSFD draft Decision and Annex III - comments

Documents for comment	
Document number	CTTEE_12-2016-03
Document title	Proposal for a Commission Decision on GES Criteria draft v2
Release date	15-02-2016
<p>Please provide comments on both documents in the same tab.</p> <p>Do not repeat comments in different tabs, but enter the comments only once.</p> <p>All comments received need to be compiled and sorted according to the format indicated (entries are examples only - add more if needed).</p> <p>In your commenting, please be as clear as possible on whether you support or oppose the text, proposing precise text changes. Alternatively provide any comments you may wish to indicate support or otherwise for the text.</p>	
<p><b>ONE consolidated set of comments only (i.e. one per Member State or stakeholder)</b></p> <p><b>To be sent to: ENV-MARINE-ENVIRONM</b></p> <p><b>To be received by: 9 March 2016</b></p>	

Comments
Member State/stakeholder

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article	Comment
		Recital 1	
		Recital 3	
		Recital 5	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	30-40	General	
	31	Criteria D1C1	
	31-33	Criteria D1C1-D1C4	
	31-33	Methodological standards	

# MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	18-20	General		
	18	Criteria D2C1 Elements		
	19	Criteria D2C3		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
----------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	39-41	General	
	39-40	Criteria D4C1-D4C4 Elements	
	40	Criteria D4C3	
	39-40	Methodological standards	
	40	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------



## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	24-27	General		
	24	Criteria D6C1 Elements		
	25	Criteria D2C3		
	25	Methodological standards		
	26-27	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	28-29	General	
	28	Criteria D7C1 Elements	
	28	Criteria D7C2	
	28-29	Methodological standards	
	29	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	11-12	General	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	13-15	General		
	13	Criteria D10C1 Elements		
	13	Criteria D10C3		
	13	Methodological standards		
	14-15	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards -Specifications & methods	Comment
		General	
		Criteria D11C1 Elements	
		Criteria D11C2	
		Methodological standards	
		Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Paragraph 1 - Paragraph 2
	40-41	General
	41	Paragraph 1
	41	Paragraph 2(a)

## MSFD draft Decision and Annex III - comments

Comment



## MSFD draft Decision and Annex III - comments

Response

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article - Table 1 - Table 2a - Table 2b	Comment
-------------------------------	------	---	---------

## MSFD draft Decision and Annex III - comments

Documents for comment	
Document number	CTTEE_12-2016-03
Document title	Proposal for a Commission Decision on GES Criteria draft v2
Release date	15-02-2016
<p>Please provide comments on both documents in the same tab.</p> <p>Do not repeat comments in different tabs, but enter the comments in the same tab.</p> <p>All comments received need to be compiled and sorted according to the format indicated (entries are examples only - add more if needed).</p> <p>In your commenting, please be as clear as possible on whether you support or oppose the text, proposing precise text changes. Alternatively provide any comments you may wish to indicate support or otherwise for the text.</p>	
<p><b>ONE consolidated set of comments only (i.e. one per Member State or stakeholder)</b></p> <p><b>To be sent to: ENV-MARINE-ENVIRONM</b></p> <p><b>To be received by: 9 March 2016</b></p>	

Comments
Member State/stakeholder

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article	Comment
	2	Recital 1	
	2	Recital 3	
	3	Recital 5	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	30-40	General	
	31	Criteria D1C1	
	31-33	Criteria D1C1-D1C4	
	31-33	Methodological standards	

# MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	18-20	General		
	18	Criteria D2C1 Elements		
	19	Criteria D2C3		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	39-41	General	
	39-40	Criteria D4C1-D4C4 Elements	
	40	Criteria D4C3	
	39-40	Methodological standards	
	40	Specifications & methods	



## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	24-27	General		
	24	Criteria D6C1 Elements		
	25	Criteria D2C3		
	25	Methodological standards		
	26-27	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	28-29	General	
	28	Criteria D7C1 Elements	
	28	Criteria D7C2	
	28-29	Methodological standards	
	29	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	11-12	General	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	13-15	General		
	13	Criteria D10C1 Elements		
	13	Criteria D10C3		
	13	Methodological standards		
	14-15	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	16-17	General	[Redacted]
	16	Criteria D11C1 Elements	[Redacted]
	16	Criteria D11C2	[Redacted]
	16	Methodological standards	[Redacted]
	16-17	Specifications & methods	[Redacted]

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Paragraph 1 - Paragraph 2
	40-41	General
	41	Paragraph 1
	41	Paragraph 2(a)



## MSFD draft Decision and Annex III - comments

Comment

## MSFD draft Decision and Annex III - comments

Response

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article - Table 1 - Table 2a - Table 2b	Comment
-------------------------------	------	---	---------



## WORK IN PROGRESS

### Høringssvar vedrørende

Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi;

4. marts 2016

---

**Til:** Transportministeriet **Cc:** [xx]  
**Fra:** Femern A/S

---

Femern A/S har følgende bemærkninger til Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi;

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



## WORK IN PROGRESS

### Høringssvar vedrørende

Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi;

4. marts 2016

**Til:** Transportministeriet

**Cc:** [xx]

**Fra:** Femern A/S

Femern A/S har modtaget og gennemgået Europa-Kommissionens reviderede forslag af 4. maj 2016 til beslutning om God Miljøtilstand til implementering af havstrategirammedirektivet.

Femern A/S har følgende bemærkninger til det reviderede forslag:

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



== AKT 2763688 == Dokument 6 ... ==





## Aktoversigt

### Akter uden sagstilknytning

Akt nr.	Dato	Titel	Akt ID	#	Parter	Til	Kommentar
	31-10-2016	Kommissionens forslag til afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering, samt ophævelse af afgørelse 2010/477/EU (Komitesag).	2763660	1		Ditte Mandøe Andreasen (diman@svana.dk); Sidsel Bjøl (Sagsbehandler, EU og internationalt)	
	12-10-2016	journalnummer NST-4205-00011 - Energistyrelsens høringssvar til 'Interservice consultation on a Commission proposal for the GES Decision'	2763661	1		Ditte Mandøe Andreasen (diman@svana.dk); Bestilling - Styrelsen for Vand- og Naturforvaltning (Hovedpostkasse) (svana@svana.dk)	
	12-10-2016	J.nr. 4205-00011 - høring vedr. havstrategidirektivet [RELEASABLE TO INTERNET TRANSMISSION]	2763662	1		Ditte Mandøe Andreasen (diman@svana.dk); Bestilling - Styrelsen for Vand- og Naturforvaltning (Hovedpostkasse) (svana@svana.dk)	
	11-10-2016	VS: Europæisk høring vedr. havstrategidirektivet	2763664	1		Ditte Mandøe Andreasen (diman@svana.dk); Bestilling - Styrelsen for Vand- og Naturforvaltning (Hovedpostkasse) (svana@svana.dk)	
	10-10-2016	Til SVANA - Kopi af ministerbreve om Kommissionens forslag til nye metoder og kriterier for god havmiljøtilstand (Id nr.: 187895)	2763665	4		Lisbet Ølgaard (lioel@svana.dk); Ditte Mandøe Andreasen (diman@svana.dk)	
	07-10-2016	RE: Navn på komite	2763666	1		cvm@trm.dk (cvm@trm.dk)	
	07-10-2016	Navn på komite	2763667	1		Ditte Mandøe Andreasen (diman@svana.dk)	
	07-10-2016	SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet	2763668	1		Ditte Mandøe Andreasen (diman@svana.dk)	
	06-10-2016	SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet	2763669	1		Ditte Mandøe Andreasen (diman@svana.dk)	
	06-10-2016	SV: Møde i morgen om havstrategidirektivet	2763671	2		Sidsel Bjøl (Sagsbehandler, EU og internationalt); moneim@um.dk (moneim@um.dk); Maria Klint Thelander (Sagsbehandler, Analyse, forskning og digitalisering)	

	04-10-2016	Journalnummer NST-4205-00011.	2763672	2		Ditte Mandøe Andreasen (diman@svana.dk); Bestilling - Styrelsen for Vand- og Naturforvaltning (Hovedpostkasse) (svana@svana.dk)	
	03-10-2016	VS: Europæisk høring vedr. havstrategidirektivet	2763673	1		Ditte Mandøe Andreasen (diman@svana.dk)	
	28-09-2016	SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet	2763674	1		Ditte Mandøe Andreasen (diman@svana.dk)	
	22-09-2016	Spørgsmål til Europæisk høring vedr. havstrategidirektivet	2763675	1		Ditte Mandøe Andreasen (diman@svana.dk)	
	20-09-2016	Europæisk høring vedr. havstrategidirektivet	2763676	7			
	20-09-2016	Europæisk høring vedr. havstrategidirektivet	2763677	7			
	20-09-2016	Europæisk høring vedr. havstrategidirektivet	2763678	7			
	23-06-2016	VS: Høringssvar til 4. udkast fra Kommissionen til forslag til God miljøtilstand (Id nr.: 156956)	2763679	3		Ditte Mandøe Andreasen (diman@svana.dk)	
	20-06-2016	KOM's Kommentarer til lande-bemærkninger, tredje version af Kommissionens forslag til god miljøtilstand i havet	2763680	2		Dorthe Gravgaard TRM (DOG@TRM.dk)	
	20-05-2016	VS: Kommentarer til ny version af Kommissionens forslag til god miljøtilstand i havet	2763685	1		Ditte Mandøe Andreasen (diman@svana.dk)	
	20-05-2016	SV: Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet	2763686	1		Energistyrelsen (ens@ens.dk) (Katja Scharmann: KSC@ENS.DK)	
	20-05-2016	VS: Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet	2763687	1		Ditte Mandøe Andreasen (diman@svana.dk)	
	16-05-2016	Havstrategi komitesag og undervandsstøj	2763689	1		Kristoffer Bang Reberg (kbr@trm.dk); Dorthe Gravgaard TRM (DOG@TRM.dk); cge@dma.dk (cge@dma.dk)	
	16-05-2016	Havstrategi komitesag og undervandsstøj	2763690	1		Kristoffer Bang Reberg (kbr@trm.dk); Dorthe Gravgaard TRM (DOG@TRM.dk); cge@dma.dk (cge@dma.dk)	
	11-05-2016	SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi	2763691	2		Ditte Mandøe Andreasen (diman@svana.dk)	
	11-05-2016	Kommentarer til ny version af Kommissionens forslag til god miljøtilstand i havet	2763692	3		Dorthe Gravgaard TRM (DOG@TRM.dk); Kristoffer Bang Reberg (kbr@trm.dk); Energistyrelsen (ens@ens.dk) (Katja Scharmann: KSC@ENS.DK); cge@dma.dk (cge@dma.dk)	
	13-04-2016	SV: Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet	2763693	1		Ditte Mandøe Andreasen (diman@svana.dk)	
	13-04-2016	NST-4205-00011: Høringssvar på: Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet	2763694	2		Bestilling - Naturstyrelsen (hovedpostkasse) (nst@nst.dk)	

	06-04-2016	VS: Høring: Europa-kommissionens forslag til kriterier for god miljøtilstand m.v. J.nr. NST-4205-00011 [RELEASABLE TO INTERNET TRANSMISSION]	2763695	2		Bestilling - Naturstyrelsen (hovedpostkasse) (nst@nst.dk)	
	18-03-2016	Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet	2763696	4			
	09-03-2016	Bemærkninger Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi [RELEASABLE TO INTERNET TRANSMISSION]	2763697	2		Ditte Mandøe Andreasen (diman@svana.dk)	
	04-03-2016	SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi	2763698	3		Ditte Mandøe Andreasen (diman@svana.dk)	
	04-03-2016	SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi	2763699	2		Ditte Mandøe Andreasen (diman@svana.dk)	
	29-02-2016	SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi	2763700	1		Ditte Mandøe Andreasen (diman@svana.dk)	
	29-02-2016	SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi	2763701	1		Ditte Mandøe Andreasen (diman@svana.dk)	
	26-02-2016	Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi	2763702	3		Dorthe Gravgaard TRM (DOG@TRM.dk)	
	24-02-2016	Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi	2763704	3		cge@dma.dk (cge@dma.dk); Energistyrelsen (ens@ens.dk) (Søren Keller: ske@ens.dk); FMN-BJJ Juul Jensen, Bo (bjj@fmn.dk); 'lar@fmn.dk' (lar@fmn.dk); Energistyrelsen (ens@ens.dk) (Christin Lia: acl@ens.dk); Forsvarsministeriets (fir@mil.dk) (vfk-m- msp310@mil.dk); Forsvarsministeriets (fir@mil.dk) (FES-MINA19@mil.dk); Energistyrelsen (ens@ens.dk) (kle@ens.dk); Energistyrelsen (ens@ens.dk) (Katja Scharmann: KSC@ENS.DK)	

# = antal relaterede dokumenter.

Den 1. februar 2017



## Aktdetaljer

**Akttitel: Kommissionens forslag til afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering, samt ophævelse af afgørelse 2010/477/EU (Komitesag).**

**Aktnummer:**

Akt ID: 2763660

Dato: 31-10-2016

Type: Indgående

Original titel: Kommissionens forslag til afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering, samt ophævelse af afgørelse 2010/477/EU (Komitesag).

Dokumenter: [1] Kommissionens forslag til afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering, samt ophævelse af afgørelse 2010477EU (Komitesag)..msg

Den 1. februar 2017

**Til:** Ditte Mandøe Andreasen (diman@svana.dk), Sidsel Bjøl (sidbj@mfv.dk)  
**Cc:** malylo@erst.dk (malylo@erst.dk), 1 - ERST EU-høringer (eu-hoering@erst.dk), Thomas Tolstrup Jensen (ThoTol@erst.dk)  
**Fra:** 1 - ERST EU-høringer (eu-hoering@erst.dk)  
**Titel:** Kommissionens forslag til afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering, samt ophævelse af afgørelse 2010/477/EU (Komitesag).  
**Sendt:** 31-10-2016 16:02:33

**Høringssvar vedrørende rammenotat om Kommissionens forslag til afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering, samt ophævelse af afgørelse 2010/477/EU (Komitesag)**

Erhvervsstyrelsens Team Effektiv Regulering (TER) har modtaget rammenotatet i høring.

TER vurderer, at forslaget behandlet i rammenotatet medfører administrative konsekvenser under 4 mio. kr. årligt for erhvervslivet. De bliver derfor ikke kvantificeret yderligere.

Erhvervsstyrelsen har ingen yderligere bemærkninger og skal beklage den sene fremsendelse.

Med venlig hilsen

Signe Jensen  
Erhvervsstyrelsens EU-Koordination

---

**Fra:** Erhvervsstyrelsen Postkasse  
**Sendt:** 31. oktober 2016 09:14  
**Til:** FP Let Byrder  
**Emne:** VS: Skriftlig høring i EU-miljøspecialudvalget om miljø vedr. god miljøtilstand i havmiljøet, høringsfrist mandag den 31. oktober 2016, kl. 14.00

Med venlig hilsen

**Maria Lagermann**  
Overassistent

**ERHVERVSSTYRELSEN**  
Reception og omstilling

Dahlerups Pakhus  
Langelinie Allé 17  
2100 København Ø  
Telefon: +45 35291000  
Direkte: +45 35291131  
E-mail: [MarLag@erst.dk](mailto:MarLag@erst.dk)  
[www.erhvervsstyrelsen.dk](http://www.erhvervsstyrelsen.dk)

ERHVERVS- OG VÆKSTMINISTERIET

 Pas på miljøet - udskriv kun denne e-mail hvis det er nødvendigt.

---

**Fra:** Iben Bøttcher Petersen (MFVM-DEP) [<mailto:ibp@mfv.dk>]  
**Sendt:** 28. oktober 2016 16:22  
**Til:** @ 92-gruppen Troels Dam Christensen ([tdc@92grp.dk](mailto:tdc@92grp.dk)); @ Advokatsamfundet Hovedpostkasse ([samfund@advokatsamfundet.dk](mailto:samfund@advokatsamfundet.dk)); Arbejdstilsynet; @ Batteriforeningen, Frederik Madsen; @ Beredskabsstyrelsens hovedpostkasse; @ Bilgenbrug Danmark ([hoerning@autoophug.org](http://hoerning@autoophug.org)); @ Brancheforeningen SPT Cathrine Berliner Pedersen; @ Brancheforeningen SPT Jakob Clemen; @ Bryggeriforeningen ([kl@bryggeriforeningen.dk](mailto:kl@bryggeriforeningen.dk)); @ Bryggeriforeningen - Danske Læskedrik Fabrikanten ([info@bryggeriforeningen.dk](mailto:info@bryggeriforeningen.dk)); @ DAKOFA Hovedpostkasse ([dakofa@dakofa.dk](mailto:dakofa@dakofa.dk)); @Dakofo ([cse@dakofo.dk](mailto:cse@dakofo.dk)); @Dakofo ([info@dakofo.dk](mailto:info@dakofo.dk)); @ Danish Operators; @ Danmarks Farve- og Lakindustri Anette Harbo Dahl; @ Danmarks Fiskeriforening, Hovedpostkasse; @ Danmarks Jægerforbund ([post@jaegerne.dk](mailto:post@jaegerne.dk)); @ Danmarks Naturfredningsforening Jens La Cour ([jlc@dn.dk](mailto:jlc@dn.dk)); @ Danmarks Naturfredningsforening Sine Beuse Faruerby ([sbf@dn.dk](mailto:sbf@dn.dk)); @ Danmarks Jægerforbund konsulent Morten Sindig Jensen ([msj@jaegerne.dk](mailto:msj@jaegerne.dk)); @ Dansk affaldsforening ([jhs@danskaffaldsforening.dk](mailto:jhs@danskaffaldsforening.dk)); @ Dansk affaldsforening ([jhs@danskaffaldsforening.dk](mailto:jhs@danskaffaldsforening.dk)); @ Dansk affaldsforening ([mail@danskaffaldsforening.dk](mailto:mail@danskaffaldsforening.dk)); @ Dansk affaldsforening Nana Winkler ([nw@danskaffaldsforening.dk](mailto:nw@danskaffaldsforening.dk)); @ Dansk autogenbrug ([post@autogenbrug.dk](mailto:post@autogenbrug.dk)); @ Dansk Byggeri Simon Stig-Gyilling ([ssg@danskbyggeri.dk](mailto:ssg@danskbyggeri.dk)); @ Dansk Energi,



Hovedpostkasse; @ Dansk energi Magnus Hornø Gottlieb ([mgo@danskenergi.dk](mailto:mgo@danskenergi.dk)); @ Dansk erhverv Anders Rune Bjerrum ([arb@danskerhverv.dk](mailto:arb@danskerhverv.dk)); @ Dansk Erhverv Jakob Lamm Zeuthen; @ Dansk Frisør og kosmetiker Forbund Heidi Søstet ([hes@forbundet.dk](mailto:hes@forbundet.dk)); Anne Esther Fabricius; @ Dansk Industri hovedpostkasse; @ Dansk Industri Karin Klitgaard; @ Dansk industri Nina Leth-Espensen ([nile@di.dk](mailto:nile@di.dk)); @ Dansk Industri, Transport; @ Dansk Landbrug, Erik Jørgensen; @ Dansk Miljøteknologi ([info@danskmiljoteknologi.dk](mailto:info@danskmiljoteknologi.dk)); @ Dansk Miljøteknologi Jonas Fredsted Villadsen ([jfv@danskmiljoteknologi.dk](mailto:jfv@danskmiljoteknologi.dk)); @ Dansk Planteværn; @ Dansk Skovforening, Hans M. Hedegaard ([hmh@skovforeningen.dk](mailto:hmh@skovforeningen.dk)); @ Dansk Transport og Logistik Lisbet Hagelund Hansen; @ Dansk Transport og Logistik Søren Hyldstrup-Larsen; @ Dansk Træforening ([dktimber@dktimber.dk](mailto:dktimber@dktimber.dk)); @ Dansk Vand- og spildevandsforening Hovedpostkasse; @ Dansk Vand- og spildevandsforening Susanne Vangsgård ([sv@danva.dk](mailto:sv@danva.dk)); @ Danske Havne Bjarne L Henriksen ([blh@danskehavne.dk](mailto:blh@danskehavne.dk)); @ Danske Maritime, Michael Prehn ([mip@danskemaritime.dk](mailto:mip@danskemaritime.dk)); @ Danske Regioner Christian Andersen ([CAN@regioner.dk](mailto:CAN@regioner.dk)); @ Danske Regioner hovedpostkasse ([regioner@regioner.dk](mailto:regioner@regioner.dk)); @ Danskemaritime Klaus Rostell ([kro@danskemaritime.dk](mailto:kro@danskemaritime.dk)); @ Det Økologiske Råd Hans Nielsen ([hans@ecocouncil.dk](mailto:hans@ecocouncil.dk)); @ Det Økologiske Råd Christian Ege Jørgensen ([christian@ecocouncil.dk](mailto:christian@ecocouncil.dk)); [knud.flensted@dof.dk](mailto:knud.flensted@dof.dk); @ Energinet Bjarne Fogh Schougaard ([bfs@energinet.dk](mailto:bfs@energinet.dk)); Energistyrelsen; Stefan Krüger Nielsen; Martin S. Jakobsen (DEP); Erhvervsstyrelsen Postkasse; André Schultz Christensen (DEP); Kristian Søger Nielsen (DEP); Line Amundsen (DEP); Høring 3F; @ FEHA, Forening af Husholdningsapparater; @ Ferskvandsfiskeriforeningen Niels Barslund ([nb@ferskvandsfiskeriforeningen.dk](mailto:nb@ferskvandsfiskeriforeningen.dk)); Andreas Meldgaard Goth; Finansministeriet; Morten Holm-Hemmingsen; @ Forbrugerrådet, hovedadresse; @ Forbrugerrådet Vibeke Myrtue Jensen ([vmj@fbr.dk](mailto:vmj@fbr.dk)); @ Forsikring & Pension; Forsvarsministeriet; @ Forsvarsministeriets Ejendomsstyrelse Hovedpostkasse ([FES-EFS03@mil.dk](mailto:FES-EFS03@mil.dk)); @ Færøernes Landsstyre ([info@tinganes.fo](mailto:info@tinganes.fo)); @ Levnedsmiddelstyrelsen Knud Østergaard; Postkasse, International koordination, FVST; @ Greenpeace Jan Søndergaard ([jan.soendergaard@greenpeace.org](mailto:jan.soendergaard@greenpeace.org)); Fangst og Landbrug Grønland Departement for Fiskeri ([apnn@nanoq.gl](mailto:apnn@nanoq.gl)); @ HORESTA ([hoering@horesta.dk](mailto:hoering@horesta.dk)); @ Indenrigs- og Sundhedsministeriet hovedpostkasse ([sum@sum.dk](mailto:sum@sum.dk)); @ info@genvindingsindustrien ([info@genvindingsindustrien.dk](mailto:info@genvindingsindustrien.dk)); @ Justitsministeriet Christian Andersen-Mølgaard ([cam@jm.dk](mailto:cam@jm.dk)); @ Justitsministeriet EU-retskontoret ([eu-retskontoret@jm.dk](mailto:eu-retskontoret@jm.dk)); @ KL Jura og EU Jesper L Gradert ([jegr@kl.dk](mailto:jegr@kl.dk)); @ KL Jura og EU Marie-Louise Nissen ([mlni@kl.dk](mailto:mlni@kl.dk)); @ KL Jura og EU Natalia Lehnssdal ([nll@kl.dk](mailto:nll@kl.dk)); @ KL kontor for teknik og miljø Niels Philip Jensen ([npj@kl.dk](mailto:npj@kl.dk)); @ KL Omer Ciric; Mikkel Vinter Henriksen; Stig Kjeldsen; Fødevareministeriet ([landbrug@naturerhverv.dk](mailto:landbrug@naturerhverv.dk)); @ Landbrug og Fødevarer Anette Christiansen ([anc@lf.dk](mailto:anc@lf.dk)); @ Landbrug og Fødevarer Hovedpostkasse ([hoering@lf.dk](mailto:hoering@lf.dk)); Ida M.L.D. Storm ([IMS@lf.dk](mailto:IMS@lf.dk)); Jens Astrup Madsen ([JA@lf.dk](mailto:JA@lf.dk)); @ Landbrug og Fødevarer Mads Dorff Christensen ([mdd@lf.dk](mailto:mdd@lf.dk)); @ Landbrug og Fødevarer Søren Thorndal Jørgensen ([sthj@lf.dk](mailto:sthj@lf.dk)); @ Landbrug og Fødevarer Thomas Holst; @ LO Lene Paludan Hastrup ([hastrup@lo.dk](mailto:hastrup@lo.dk)); @ LO Rasmus Raabjerg Nielsen ([rnn@lo.dk](mailto:rnn@lo.dk)); Tea Risom (MFVM-DEP); Adam Billing (MFVM-DEP); Charlotte Brøndum (MFVM-DEP); Hanne Lauger (MFVM-DEP); Henrik Hedeman Olsen (MFVM-DEP); Iben Bøttcher Petersen (MFVM-DEP); Jesper Wulff Pedersen (MFVM-DEP); Karen Dalgaard Sanning (MFVM-DEP); Karina Davidsen (MFVM-DEP); Kirsten Vielwerth (MFVM-DEP); Klaus Retoft (MFVM-DEP); Rukhsana Asif (MFVM-DEP); Rukhsana Asif (MFVM-DEP); Sidsel Bjøl; Thomas Nicolai Pedersen (MFVM-DEP); Vibeke Jørgensen (MFVM-DEP); Carsten Møberg Larsen; Mona Mejsen Westergaard; Lise Wesenberg Jensen; @ Naturerhvervstyrelsen Lasse Juul-Olsen ([lasjuu@naturerhverv.dk](mailto:lasjuu@naturerhverv.dk)); @ Nepenthes Jakob Ryding; @ NOAH ([noah@noah.dk](mailto:noah@noah.dk)); Christian Lundmark Jensen; @ Oliebranchens Fællesrepræsentation, Michael Mücke Jensen ([mmj@eof.dk](mailto:mmj@eof.dk)); @ Shipowners, Hovedpostkasse; Signe Andersen; @ Skatteministeriet Jørgen Holm Damgaard; @ Specialudvalgspostkasse på extranettet; @ Statsministeriet, Hovedpostkasse; @ Statsministeriet Jakob Kirk Jensen ([jkj@stm.dk](mailto:jkj@stm.dk)); Maja Thyssen Raaberg ([mtr@stm.dk](mailto:mtr@stm.dk)); SVANA hovedpostkasse; Danish Maritime Authority (SFS); Trafik- og Byggestyrelsen; @ Transport- og Energiministeriet EU; @ Transport- og Bygningsministeriet Anne Sofie Kinnerup ([adk@trm.dk](mailto:adk@trm.dk)); @ Transport- og Bygningsministeriet Caroline Tastesen ([cta@trm.dk](mailto:cta@trm.dk)); @ Transport- og Bygningsministeriet Kristoffer Bang Refberg ([kbr@trm.dk](mailto:kbr@trm.dk)); @ Transport- og Bygningsministeriet Simon Engfred Larsen ([sel@trm.dk](mailto:sel@trm.dk)); @ Transport- og Bygningsministeriet Theis Thorbjørn Bigandt ([tbb@trm.dk](mailto:tbb@trm.dk)); @ Transportministeriet Joen Kellberg ([jke@trm.dk](mailto:jke@trm.dk)); @ Transportministeriet Trafikstyrelsen ([eu@trafikstyrelsen.dk](mailto:eu@trafikstyrelsen.dk)); @ Udenrigsministeriet Anne Dorothea Aubry ([annaub@um.dk](mailto:annaub@um.dk)); @ Udenrigsministeriet, EUK; @ Udenrigsministeriet, Miljøsekretariatet; @ Udenrigsministeriet, N.3; @ VELTEK ([veltek@veltek.dk](mailto:veltek@veltek.dk)); Annette Samuelsen; @ Vildtforvaltningsrådet Bjarne Clausen ([clausnar@hotmail.com](mailto:clausnar@hotmail.com)); @ Vildtforvaltningsrådet Claus Lind Christensen ([clc@jaegerne.dk](mailto:clc@jaegerne.dk)); @ Vildtforvaltningsrådet Ella Maria Bisschop-Larsen ([emb@dn.dk](mailto:emb@dn.dk)); @ Vildtforvaltningsrådet Henrik Bertelsen ([stavnsbjerg19@gmail.com](mailto:stavnsbjerg19@gmail.com)); @ Vildtforvaltningsrådet Lars Hvidtfeldt ([lhv@lf.dk](mailto:lhv@lf.dk)); @ Vildtforvaltningsrådet Trine Skov Nielsen ([tsn@Frluftsraadet.dk](mailto:tsn@Frluftsraadet.dk)); @ vindmølleindustrien Camilla Holbech ([ch@windpower.org](mailto:ch@windpower.org)); @ WWF Denmark John Nordbo ([j.nordbo@wwf.dk](mailto:j.nordbo@wwf.dk)); @ Økologisk Landsforening Sybille Kyed; Direktionssekretariatet (DIS); Birgitte Spühler Hansen; Julie Holte Kristensen (DEP); @Kunststof-kemi ([klaus@kunststof-kemi.com](mailto:klaus@kunststof-kemi.com)); Cilia Allermann Rasmussen; Stine Grabow Grander; @ Forsvarsministeriet, Carsten Baltzer Rode; Mette Sivebæk Knudsen; Fangst og Landbrug Grønland @ Departement for Fiskeri ([apnn@nanoq.gl](mailto:apnn@nanoq.gl)); Grace public Affairs Svend Elberg Thomsen ([svend@grace-pa.com](mailto:svend@grace-pa.com)); Grace Public Affairs Peter Volund ([pel@volund.dk](mailto:pel@volund.dk)); @ Forsvarsministeriet, Matriel- og Bygningskontor Karen Marie Mortensen ([kmm@fmn.dk](mailto:kmm@fmn.dk)); @ Forsvarsministeriets Sikkerhedspolitisk Policyplanlægningskontor Ditte Friese ([dif@fmn.dk](mailto:dif@fmn.dk)); AFC Postkasse

**Emne:** Skriftlig høring i EU-miljøspecialudvalget om miljø vedr. god miljøtilstand i havmiljøet, høringsfrist mandag den 31. oktober 2016, kl. 14.00

Hermed fremsendes i skriftlig høring notat om:

- Kommissionens forslag til afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering, samt ophævelse af afgørelse 2010/477/EU. (Komitesag).

Eventuelle bemærkninger bedes være departementet i hænde **senest mandag den 31. oktober 2016, 14.00.**

Bemærkninger bedes sendt til Sidsel Bjøl ([sidbj@mfvm.dk](mailto:sidbj@mfvm.dk)) og Ditte Mandøe Andreasen ([diman@svana.dk](mailto:diman@svana.dk))

Med venlig hilsen

**Iben Bøttcher Petersen**

Kontorfuldmægtig | EU og internationalt

+45 33 92 20 52 | [ibp@mfvm.dk](mailto:ibp@mfvm.dk)

**Miljø- og Fødevareministeriet**

Departementet | Slotsholmsgade 12, 1216 København K | Tlf. +45 38 14 21 42 | [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk) | [www.mfvm.dk](http://www.mfvm.dk)



## Aktdetaljer

**Akttitel:** journalnummer NST-4205-00011 - Energistyrelsens høringssvar til 'Interservice consultation on a Commission proposal for the GES Decision'  
**Aktnummer:**

Akt ID: 2763661

Dato: 12-10-2016

Type: Indgående

Original titel: journalnummer NST-4205-00011 - Energistyrelsens høringssvar til 'Interservice consultation on a Commission proposal for the GES Decision'

Dokumenter: [1] journalnummer NST-4205-00011 - Energistyrelsens høringssvar til 'Interservice consultation on a Commission proposal for the GES Decision'.msg

Den 1. februar 2017

---

**Til:** Ditte Mandøe Andreasen (diman@svana.dk), Bestilling - Styrelsen for Vand- og Naturforvaltning (Hovedpostkasse) (svana@svana.dk)  
**Cc:** Søren Keller (ske@ens.dk), Lorentz Westergaard Møller (lwm@ens.dk), Trine Fugmann (TFU@ens.dk)  
**Fra:** Energistyrelsen (ens@ens.dk)  
**Titel:** journalnummer NST-4205-00011 - Energistyrelsens høringssvar til 'Interservice consultation on a Commission proposal for the GES Decision'  
**Sendt:** 12-10-2016 19:43:01

Kære Ditte

Energistyrelsen har dags dato afgivet følgende høringssvar på Kommissionens hjemmeside:

”Energistyrelsen under Energi-, Forsynings- og Klimaministeriet vil gerne takke Kommissionen for muligheden for at kommentere på Kommissionens forslag til GES beslutningen.

Energistyrelsens kommentarer vedrører descriptor D11C1:

Energistyrelsen forstår en fælles etablering af tærskelværdier på unionsniveau, som ensretning af tærskelværdier på tværs af Unionen. Energistyrelsen finder ikke, at dette vil reflektere de fysiske og biologiske forskelle i havområderne. Tærskelværdierne burde afspejle den marine diversitet i havområderne, og et fælles europæisk niveau synes derfor ikke at være hensigtsmæssigt for opnåelse af god miljøstatus. Energistyrelsen finder en tilgang baseret på en evaluering af lokale forhold mere passende.

Endvidere finder Energistyrelsen, at uhensigtsmæssige tærskelværdier for impulsstøj i yderste konsekvens kan resultere i, at nødvendige indsamlingsteknikker og boremetoder ikke kan anvendes. Ligesom uforholdsmæssige krav kan resultere i erhvervsøkonomiske konsekvenser for olie- og gasindustrien. I forhold til vindmøller kan det nævnes, at en skærpelse af de danske støjregler vil kunne medføre væsentligt forøgede omkostninger til opførelse af havvindmøller.”

Med venlig hilsen  
Katja Scharmann



## Aktdetaljer

**Akttitel: J.nr. 4205-00011 - høring vedr. havstrategidirektivet [RELEASABLE TO INTERNET TRANSMISSION]**

**Aktnummer:**

Akt ID: 2763662

Dato: 12-10-2016

Type: Indgående

Original titel: J.nr. 4205-00011 - høring vedr. havstrategidirektivet [RELEASABLE TO INTERNET TRANSMISSION]

Dokumenter: [1] J.nr. 4205-00011 - høring vedr. havstrategidirektivet [RELEASABLE TO INTERNET TRANSMISSION].msg

Den 1. februar 2017

**Til:** Ditte Mandøe Andreasen (diman@svana.dk), Bestilling - Styrelsen for Vand- og Naturforvaltning (Hovedpostkasse) (svana@svana.dk)  
**Cc:** jph@fmn.dk (jph@fmn.dk), FES-CHEFS Bech, Jane (FES-CHEFS@mil.dk), FMN-MYN-FORSVARSMINISTERIET (fmn-myn@mil.dk)  
**Fra:** Forsvarsministeriets (fir@mil.dk)  
**Titel:** J.nr. 4205-00011 - høring vedr. havstrategidirektivet [RELEASABLE TO INTERNET TRANSMISSION]  
**Sendt:** 12-10-2016 15:21:02

## RELEASABLE TO INTERNET TRANSMISSION

Til Styrelsen for Vand- og Naturforvaltning

Forsvarsministeriets Ejendomsstyrelse kan på vegne af Forsvarsministeriet oplyse, at Forsvaret ikke har bemærkninger til Europa Kommissionens to forslag i høring vedr. havstrategidirektivet navngivet som:

- 1) "Inter-service consultation on Commission proposal amending Annex III of MSFD"
- 2) "Interservice consultation on a Commission proposal for the GES Decision"

Med venlig hilsen

**Peter Eliasson Tønder**  
specialkonsulent

**Forsvarsministeriets Ejendomsstyrelse**  
Ejendomsforvaltningssektionen  
Arsenalvej 55  
DK-9800 Hjørring

Telefon: +45 7267 1232  
Mobil: +45 7231 3439  
E-mail: [FES-EFS03@mil.dk](mailto:FES-EFS03@mil.dk)  
[www.forsvaret.dk/fes](http://www.forsvaret.dk/fes)

## RELEASABLE TO INTERNET TRANSMISSION

Vi goer opmaerksom paa, at denne e-mail kan indeholde information, der kun er beregnet for modtageren. Hvis du ved en fejltagelse har modtaget e-mailen, maa du ikke anvende indholdet i nogen sammenhaeng og vi beder dig venligst informere afsender om fejlen ved at bruge besvar-funktionen. Samtidig beder vi dig slette alle kopier af e-mailen i dit system uden at videresende eller kopiere den. Selvom e-mailen og enhver vedhaeftet fil efter vores overbevisning er fri for virus og andre fejl, som kan paavirke computeren eller it-systemet, hvori den modtages og laeses, aabnes den paa modtagerens eget ansvar. Vi paatager os ikke noget ansvar for tab eller skade, som er opstaaet i forbindelse med at modtage eller aabne e-mailen. Hvis du har problemer med at aabne vedhaefte filer, kan du finde information paa dette link <http://forsvaret.dk/FKIT/Pages/winmail.aspx>.

Please note that this message may contain confidential information. If you have received this message by mistake, please inform the sender of the mistake by sending a reply, and then delete the message from your system without making, distributing or retaining any copies of it. Although we believe that the message and any attachments are free from viruses and other errors that might affect the computer or IT system where it is received and read, the recipient opens the message at his or her own risk. We assume no responsibility for any loss or damage arising from the receipt or use of this message. If you are having trouble opening attached files, you can get further information via this link <http://forsvaret.dk/FKIT/Pages/winmail.aspx>.



## Aktdetaljer

Den 1. februar 2017

### **Akttitel: VS: Europæisk høring vedr. havstrategidirektivet** **Aktnummer:**

Akt ID: 2763664  
Dato: 11-10-2016  
Type: Indgående  
Original titel: VS: Europæisk høring vedr. havstrategidirektivet  
Dokumenter: [1] VS Europæisk høring vedr. havstrategidirektivet.msg

**Til:** Ditte Mandøe Andreasen (diman@svana.dk), Bestilling - Styrelsen for Vand- og Naturforvaltning (Hovedpostkasse) (svana@svana.dk)  
**Cc:** 1 - ERST EU-høringer (eu-hoering@erst.dk)  
**Fra:** 1 - ERST EU-høringer (eu-hoering@erst.dk)  
**Titel:** VS: Europæisk høring vedr. havstrategidirektivet  
**Sendt:** 11-10-2016 15:10:25

**Høringssvar vedrørende Europæisk høring vedrørende Havstrategidirektivet** (Jf. af SVANA refereret journalnummer NST-4205-00011)

Erhvervsstyrelsens Team Effektiv Regulering (TER) har modtaget to udkast til retsakter i høring. Vurderingen fremgår individuelt nedenfor.

Commission decision laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU

Erhvervsstyrelsens Team Effektiv Regulering (TER) har modtaget udkastet i høring.

TER vurderer, at udkastet medfører administrative konsekvenser under 4 mio. kr. årligt. De bliver derfor ikke kvantificeret yderligere.

TER vil i forbindelse med implementering af direktivet foretage nærmere vurdering af de administrative konsekvenser.

Commission Directive (EU)... Amendment to Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies

Erhvervsstyrelsens Team Effektiv Regulering (TER) har modtaget udkastet i høring.

TER har følgende bemærkninger om de administrative konsekvenser for erhvervslivet.

TER vurderer, at udkastet potentielt medfører administrative konsekvenser under 4 mio. kr. årligt. De bliver derfor ikke kvantificeret yderligere.

TER vil i forbindelse med implementering af direktivet foretage nærmere vurdering af de administrative konsekvenser.

I forhold til fastlæggelse af Regeringens holdning anbefaler TER, at der arbejdes for at begrænse de potentielle administrative byrder vedr. nye oplysningskrav, og at der ved en eventuel implementering så vidt muligt genanvendes allerede indberettede oplysninger.

Erhvervsstyrelsen har ikke yderligere bemærkninger.

Med venlig hilsen

**Ditte Ravnholt**

Fuldmægtig

**ERHVERVSSTYRELSEN**

Europapolitik og Digital vækst

Dahlerups Pakhus  
Langelinie Allé 17  
2100 København Ø  
Telefon: +45 35291000  
Direkte: +45 35291029  
E-mail: [DitRav@erst.dk](mailto:DitRav@erst.dk)  
[www.erhvervsstyrelsen.dk](http://www.erhvervsstyrelsen.dk)

ERHVERVS- OG VÆKSTMINISTERIET

 Pas på miljøet - udskriv kun denne e-mail hvis det er nødvendigt.

---

**Fra:** Ditte Mandøe Andreasen **På vegne af** SVANA hovedpostkasse

**Sendt:** 20. september 2016 17:42

**Cc:** Ditte Mandøe Andreasen



**Emne:** Europæisk høring vedr. havstrategidirektivet

Til relevante høringsparter.

Europa-Kommissionen har sendt to forslag vedr. havstrategidirektivet i offentlig høring. Høringsfristen er 12. oktober 2016.

Se venligst vedlagte.

Venlig hilsen

**Ditte Mandøe Andreasen**

Fuldmægtig cand.tech.soc.

Naturbeskyttelse

93 58 81 24 | [diman@svana.dk](mailto:diman@svana.dk)

**Miljø- og Fødevareministeriet**

Styrelsen for Vand- og Naturforvaltning | Haraldsgade 53 | 2100 København Ø | Tlf. 72 54 20 00 | [svana@svana.dk](mailto:svana@svana.dk) | [www.svana.dk](http://www.svana.dk)

**NATURSTYRELSEN ER NU DELT I TO**

1. juli 2016 blev Naturstyrelsen delt i to: Styrelsen for Vand- og Naturforvaltning (SVANA), som er statslig myndighed på vand- og naturområdet, og Naturstyrelsen (NST), som forvalter Miljø- og Fødevareministeriets skov- og naturarealer og gennemfører projekter til gavn for biodiversitet og friluftsliv.

Besøg SVANA på [www.svana.dk](http://www.svana.dk)

Besøg Naturstyrelsen på [www.nst.dk](http://www.nst.dk)



## Aktdetaljer

**Akttitel:** Til SVANA - Kopi af ministerbreve om Kommissionens forslag til nye metoder og kriterier for god havmiljøtilstand (Id nr.: 187895)

**Aktnummer:**

Akt ID: 2763665

Dato: 10-10-2016

Type: Indgående

Original titel: Til SVANA - Kopi af ministerbreve om Kommissionens forslag til nye metoder og kriterier for god havmiljøtilstand (Id nr.: 187895)

Dokumenter:

- [1] Til SVANA - Kopi af ministerbreve om Kommissionens forslag til nye metoder og kriterier for god havmiljøtilstand (Id nr. 187895).msg
- [2] Letter to Minister Dobrindt.pdf
- [3] Brev til infrastrukturminister Anna Johansson.pdf
- [4] Letter to Commissioner Bulc.pdf

Den 1. februar 2017

---

**Til:** Lisbet Ølgaard (lioel@svana.dk), Ditte Mandøe Andreasen (diman@svana.dk)  
**Fra:** cvm@trm.dk (cvm@trm.dk)  
**Titel:** Til SVANA - Kopi af ministerbreve om Kommissionens forslag til nye metoder og kriterier for god havmiljøtilstand (Id nr.: 187895)  
**Sendt:** 10-10-2016 11:59:52  
**Bilag:** Letter to Minister Dobrindt.pdf; Brev til infrastrukturminister Anna Johansson.pdf; Letter to Commissioner Bulc.pdf;

Kære Lisbet og Ditte

Vedlagt kopi af transport- og bygningsministerens breve til den tyske forbundstransportminister, Alexander Dobrindt, den svenske infrastrukturminister, Anna Johansson, samt EU's transportkommissær, Violeta Bulc. Sidstnævnte sendes via UM og EU-Repræsentationen.

Venlig hilsen

Carsten Vædele Madsen  
Chefkonsulent

Transport- og Bygningsministeriet  
Vej-, Bro- og Metrokontoret  
Frederiksholms Kanal 27 F  
DK-1220 København K

Telefon +45 41 71 27 73  
cvm@trm.dk  
www.trm.dk

\*\*\*\*\*  
Denne mail er blevet scannet af <http://www.comendo.com> og indeholder ikke virus!  
\*\*\*\*\*



THE MINISTER

Bundesminister Alexander Dobrindt  
Bundesministerium für Verkehr und digitale Infrastruktur  
Invalidenstraße 44  
D-10115 Berlin

Date 7<sup>th</sup> October 2016  
Our ref. 2016-1592

Ministry of Transport and Building  
Frederiksholms Kanal 27 F  
DK-1220 Copenhagen K

Phone +45 41 71 27 00

E-mail: [poststelle@bmvi.bund.de](mailto:poststelle@bmvi.bund.de)

Dear Minister Dobrindt, dear colleague,

The fixed link across the Fehmarnbelt has made progress during the last year. In Denmark we have made all decisions necessary for the realization of the project. I appreciate that you have included the German rail and road hinterland connections to the Fehmarnbelt fixed link in the 'Bundesverkehrswegeplan 2030'. The main challenge to the project is now the German plan approval. According to Minister Meyer in Kiel, it is expected to be given in late 2017.

However, it has come to my attention that the European Commission has proposed a decision to setting up criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment. The proposal is scheduled to be put to the vote in a committee on 9-10 November 2016.

This proposal might become very important to the fixed link across the Fehmarnbelt. The marine environmental conditions are of course crucial when it comes to the construction of an immersed tunnel under the seabed. Environmental assessments are always based on specific assumptions for each individual project. The specific physical conditions and surroundings are decisive for having good environmental conditions. There is a risk that general criteria and standards of environmental assessments as proposed by the Commission will not take into account the specific conditions of individual projects.

One example of such a problematic criteria concerns underwater noise. There does not seem to be any scientific documentation justifying criteria for specific frequencies being in conflict with having very good marine environmental conditions.

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Yours sincerely,

  
Hans Chr. Schmidt

MINISTEREN

Infrastrukturminister Anna Johansson  
Regeringskansliet  
S-10333 Stockholm

Dato 7. oktober 2016  
J. nr. 2016-1592

Frederiksholms Kanal 27 F  
1220 København K

Telefon 41 71 27 00

Kære Anna Johansson

Jeg er meget glad for den støtte, som I fra svensk side viser til etableringen af den faste forbindelse over Femern Bælt. Det gjaldt blandt andet med en støtteerklæring i forbindelse med vores ansøgning om støtte fra Connecting Europe Facility i 2015.

Der har været fremdrift i projektet i det seneste år. I Danmark har vi truffet alle nødvendige beslutninger, der kan sikre, at anlægsarbejdet kan sættes i gang. Hovedudfordringen for projektet er nu den igangværende tyske administrative godkendelsesprocedure. Der har netop været gennemført en fornyet offentlig høring i Tyskland af tunnelprojektet. I [REDACTED]

[REDACTED] Det er en afgørende forudsætning for at kunne igangsætte anlægsarbejdet med sænketunnelen under Femern Bælt.

Jeg er imidlertid blevet opmærksom på, at Europa-Kommissionen har stillet forslag om nye metoder og kriterier for opgørelsen af god havmiljøtilstand i EU. Forslaget vil pålægge medlemslandene at opfylde kvantitative tærskelværdier. Forslaget forventes sat til afstemning den 9.-10. november 2016.

Dette forslag kan få stor betydning for den faste forbindelse over Femern Bælt. Havmiljøet spiller naturligvis en afgørende rolle, når vi planlægger at bygge en sænketunnel under havbunden i Femern Bælt. Miljøvurderinger er altid baseret på konkrete forudsætninger for de enkelte projekter. De konkrete fysiske forhold og omgivelserne er afgørende for at få gode miljøforhold. Der er desværre en risiko for, at generelle kriterier og standarder for miljøundersøgelser, som Kommissionen har foreslået, ikke tager hensyn til de særlige forhold for de enkelte projekter.

Et eksempel på sådanne problematiske kriterier vedrører undervandsstøj. Der synes ikke at være nogen videnskabelig dokumentation for, at specifikke støjfrekvenser vil være i konflikt med at have et godt havmiljø.

[REDACTED]



[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

Med venlig hilsen

  
Hans Chr. Schmidt



THE MINISTER

Ms Violeta Bulc  
Commissioner for Transport  
European Commission  
B-1049 BRUSSELS  
Belgium

Date  
Our ref. 2016-1592  
Ministry of Transport and Building  
Frederiksholms Kanal 27 F  
DK-1220 Copenhagen K  
Phone +45 41 71 27 00

Dear Ms. Bulc,

I would like to thank you very much for taking your time to visit me in Copenhagen on 9 September 2016. I find it a very good and fruitful meeting.

We highly appreciate your support to the fixed link across the Fehmarnbelt and the CEF co-funding of the construction phase of 589 million euro.

However, it has come to my attention that the European Commission has proposed a decision to setting up criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment. The proposal is scheduled to be put to the vote in a committee on 9-10 November 2016.

This proposal might become very important to the fixed link across the Fehmarnbelt. The marine environmental conditions are of course crucial when it comes to the construction of an immersed tunnel under the seabed. Environmental assessments are always based on specific assumptions for each individual project. The specific physical conditions and surroundings are decisive for having good environmental conditions. There is a risk that general criteria and standards of environmental assessments as proposed by the Commission will not take into account the specific conditions of individual projects.

One example of such a problematic criteria concerns underwater noise. There does not seem to be any scientific documentation justifying criteria for specific frequencies being in conflict with having very good marine environmental conditions.

[REDACTED]

[REDACTED]





[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Yours sincerely,

Hans Chr. Schmidt



## Aktdetaljer

Den 1. februar 2017

### Akttitel: RE: Navn på komite Aktnummer:

Akt ID: 2763666  
Dato: 07-10-2016  
Type: Indgående  
Original titel: RE: Navn på komite  
Dokumenter: [1] RE Navn på komite.msg

---

**Til:** cvm@trm.dk (cvm@trm.dk)  
**Fra:** Ditte Mandøe Andreassen (diman@svana.dk)  
**Titel:** RE: Navn på komite  
**Sendt:** 07-10-2016 16:40:29

Hej Carsten

På engelsk:  
Marine strategy framework directive regulatory committee

På dansk:  
Havstrategidirektivets forskriftskomite

Vh ditte

Sendt fra Samsung mobil

----- Oprindelig meddelelse -----  
Fra: TRM Carsten Vædele Madsen  
Dato:07/10/2016 16.37 (GMT+01:00)  
Til: Ditte Mandøe Andreassen  
Emne: Navn på komite

Hej Ditte

Kan du oplyse mig om, hvad navnet er på den komite, hvor du og Lisbet repræsenterer MFVM, vedrørende havstrategidirektivet?

Vh, Carsten

Venlig hilsen

**Carsten Vædele Madsen**  
Chefkonsulent

**Transport- og Bygningsministeriet**  
Vej-, Bro- og Metrokontoret  
Frederiksholms Kanal 27 F  
DK-1220 København K

Telefon +45 41 71 27 73  
cvm@trm.dk  
www.trm.dk

---

Denne mail er blevet scannet af <http://www.comendo.com> og indeholder ikke virus!

---



## Aktdetaljer

Den 1. februar 2017

**Akttitel: Navn på komite**  
**Aktnummer:**

Akt ID: 2763667  
Dato: 07-10-2016  
Type: Indgående  
Original titel: Navn på komite  
Dokumenter: [1] Navn på komite.msg

---

**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Fra:** cvm@trm.dk (cvm@trm.dk)  
**Titel:** Navn på komite  
**Sendt:** 07-10-2016 16:37:29

Hej Ditte

Kan du oplyse mig om, hvad navnet er på den komite, hvor du og Lisbet repræsenterer MFVM, vedrørende havstrategidirektivet?

Vh, Carsten

Venlig hilsen

**Carsten Vædele Madsen**  
Chefkonsulent

**Transport- og Bygningsministeriet**  
Vej-, Bro- og Metrokontoret  
Frederiksholms Kanal 27 F  
DK-1220 København K

Telefon +45 41 71 27 73  
cvm@trm.dk  
www.trm.dk

---

Denne mail er blevet scannet af <http://www.comendo.com> og indeholder ikke virus!

---



## Aktdetaljer

**Akttitel: SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet**  
**Aktnummer:**

Akt ID: 2763668  
Dato: 07-10-2016  
Type: Indgående  
Original titel: SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet  
Dokumenter: [1] SV Spørgsmål til Europæisk høring vedr. havstrategidirektivet.msg

Den 1. februar 2017

**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Cc:** Maria Klint Thelander (makbj@mfvm.dk)  
**Fra:** malylo@erst.dk (malylo@erst.dk)  
**Titel:** SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet  
**Sendt:** 07-10-2016 13:37:45

Hej Ditte

Tak for snakken.

Jeg noterede ned, at I ikke ser administrative konsekvenser i direktivet (der udelukkende er en præcisering og systematisering af tidligere retningslinjer), men i beslutningen. Og at der her er tale om konsekvenser i form af øgede krav ifm. med VVM'er til brancher, der har beslaglægger havbund dvs.

- Fiskeri med bundtrawl
- Havbrug
- Off shore energi
- Havne
- Infrastruktur-projekter

Her vil der være nye oplysningskrav ift. særligt støj og påvirkning af havbunden.

For at nå frem til en nærmere vurdering af de administrative konsekvenser, vil det være relevant at kende tallene for:

- Hvor mange VVM'er inden for det relevante område, der laves om året (mhp. at kunne regne på hvad populationen er)
- Hvor meget disse koster i snit for virksomhederne (i egen forbrugte tid til at indberette oplysninger og/eller udgifter til konsulenter) pr. VVM?
- Et estimat på, hvor meget mere omfattende VVM'erne bliver i snit (eller et spænd) som følge af de nye oplysningskrav.
- Skal alle have genoptaget deres VVM'er som følge af de nye krav? (Dvs. vil være en omstillingsbyrde i form af, at alle vil skulle tilpasses de nye regler, når de træder i kraft, modsat at man "kun" ved nye VVM'er skal inkludere det).

På forhånd tak for hjælpen.

Mvh

Med venlig hilsen

**Maja Lykke Lorenzen**  
Specialkonsulent

**ERHVERVSSTYRELSEN**

Dahlerups Pakhus  
Langelinie Allé 17  
2100 København Ø  
Telefon: +45 35291000  
Direkte: +45 35291679  
E-mail: malylo@erst.dk  
www.erhvervsstyrelsen.dk

ERHVERVS- OG VÆKSTMINISTERIET

 Pas på miljøet - udskriv kun denne e-mail hvis det er nødvendigt.

---

**Fra:** Morten Vestergaard Hansen  
**Sendt:** 28. september 2016 14:11  
**Til:** 'Ditte Mandøe Andreasen'  
**Cc:** 'Maria Klint Thelander (MFVM-DEP)'; Maja Lykke Lorenzen  
**Emne:** SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet

Kære Ditte

Mange tak for det.

Det er min kollega Maja Lykke Lorenzen (CC) som varetager høringen. Jeg har derfor videreformidlet din mail til hende, og hun vil tage kontakt til Maria, hvis det viser sig nødvendigt.

Sådan som jeg husker vores snak, så var jeg umiddelbart interesseret i at vide, om danske virksomheder er omfattet af forslaget. Dette udspringer af vores opgave med at vurdere de administrative konsekvenser for dansk erhvervsliv af forslaget. Det kan derfor komme på tale dels at finde ud af hvor mange danske virksomheder, der er omfattet og dels hvilke administrative konsekvenser forslaget vil medføre for disse virksomheder.

Med venlig hilsen

**Morten Vestergaard Hansen**

Fuldmægtig

**ERHVERVSSTYRELSEN**

Effektiv regulering

Dahlerups Pakhus  
Langelinie Allé 17  
2100 København Ø  
Telefon: +45 35291000  
Direkte: +45 35291213  
E-mail: [MorVes@erst.dk](mailto:MorVes@erst.dk)  
[www.erhvervsstyrelsen.dk](http://www.erhvervsstyrelsen.dk)

ERHVERVS- OG VÆKSTMINISTERIET

 Pas på miljøet - udskriv kun denne e-mail hvis det er nødvendigt.

---

**Fra:** Ditte Mandøe Andreasen [<mailto:diman@svana.dk>]

**Sendt:** 27. september 2016 15:24

**Til:** Morten Vestergaard Hansen

**Cc:** Maria Klint Thelander (MFVM-DEP)

**Emne:** SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet

Kære Morten.

Vi talte for et par dage siden vedr. denne høring og udarbejdelse af konsekvensvurdering. Maria Klint Thelander (cc denne mail) i vores departement har bedt mig oplyse dig, at du er velkommen til at kontakte hende, hvis du eller en af dine kollegaer har spørgsmål vedr. konsekvensvurderingen af forslaget.

Venlig hilsen

**Ditte Mandøe Andreasen**

Fuldmægtig cand.tech.soc.  
Naturbeskyttelse  
93 58 81 24 | [diman@svana.dk](mailto:diman@svana.dk)

**Miljø- og Fødevareministeriet**

Styrelsen for Vand- og Naturforvaltning | Haraldsgade 53 | 2100 København Ø | Tlf. 72 54 20 00 | [svana@svana.dk](mailto:svana@svana.dk) | [www.svana.dk](http://www.svana.dk)

---

**Fra:** Morten Vestergaard Hansen [<mailto:MorVes@erst.dk>]

**Sendt:** 22. september 2016 11:44

**Til:** Ditte Mandøe Andreasen

**Cc:** Morten Vestergaard Hansen

**Emne:** Spørgsmål til Europæisk høring vedr. havstrategidirektivet

Kære Ditte

Jeg har et enkelt spørgsmål til den udsendte høring vedr. havstrategidirektivet, som jeg meget gerne vil vende med dig. Har du mulighed for at ringe snarest? Mit direkte nummer er 3529 1213.

Med venlig hilsen

**Morten Vestergaard Hansen**

Fuldmægtig

**ERHVERVSSTYRELSEN**

Effektiv regulering

Dahlerups Pakhus  
Langelinie Allé 17



2100 København Ø  
Telefon: +45 35291000  
Direkte: +45 35291213  
E-mail: [MorVes@erst.dk](mailto:MorVes@erst.dk)  
[www.erhvervsstyrelsen.dk](http://www.erhvervsstyrelsen.dk)

ERHVERVS- OG VÆKSTMINISTERIET



Pas på miljøet - udskriv kun denne e-mail hvis det er nødvendigt.



## Aktdetaljer

**Akttitel: SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet**  
**Aktnummer:**

Akt ID: 2763669  
Dato: 06-10-2016  
Type: Indgående  
Original titel: SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet  
Dokumenter: [1] SV Spørgsmål til Europæisk høring vedr. havstrategidirektivet.msg

Den 1. februar 2017

**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Cc:** Morten Vestergaard Hansen (MorVes@erst.dk), Maria Klint Thelander (makbj@mfvm.dk)  
**Fra:** malylo@erst.dk (malylo@erst.dk)  
**Titel:** SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet  
**Sendt:** 06-10-2016 11:25:36

Kære Ditte

Jeg har talt med Maria vedr. nedenstående og har et par spørgsmål, som du måske vil kunne hjælpe med at besvare.

Jeg er fokuseret på afdække eventuel administrative konsekvenser for danske virksomheder, dvs. fx ekstra indberetningskrav, øget tilsyn osv. i forbindelse med dette initiativ.

Mit udgangspunkt er, at der med de nye krav til medlemsstaterne vil følge et behov for at spørge virksomhederne om flere oplysninger, om hvordan de påvirker havet på forskellig vis (bl.a. tabel 2 i den "indikative liste". Jeg har fået oplyst af Maria, at I bl.a. har forudset eventuelle flere oplysningskrav ifm. VVM'er. Men jeg vil gerne høre dig, om I har gjort jer tanker om omfanget af dette, og om der er andre steder, hvor virksomhederne skal afgive flere oplysninger/oftere/eller antallet af omfattede virksomheder vil stige i forhold til situationen i dag.

Har du mulighed for at give mig et ring?

På forhånd mange tak.

Med venlig hilsen

**Maja Lykke Lorenzen**  
Specialkonsulent

**ERHVERVSSTYRELSEN**

Dahlerups Pakhus  
Langelinie Allé 17  
2100 København Ø  
Telefon: +45 35291000  
Direkte: +45 35291679  
E-mail: malylo@erst.dk  
www.erhvervsstyrelsen.dk

ERHVERVS- OG VÆKSTMINISTERIET

 Pas på miljøet - udskriv kun denne e-mail hvis det er nødvendigt.

---

**Fra:** Morten Vestergaard Hansen  
**Sendt:** 28. september 2016 14:11  
**Til:** 'Ditte Mandøe Andreasen'  
**Cc:** 'Maria Klint Thelander (MFVM-DEP)'; Maja Lykke Lorenzen  
**Emne:** SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet

Kære Ditte

Mange tak for det.

Det er min kollega Maja Lykke Lorenzen (CC) som varetager høringen. Jeg har derfor videreformidlet din mail til hende, og hun vil tage kontakt til Maria, hvis det viser sig nødvendigt.

Sådan som jeg husker vores snak, så var jeg umiddelbart interesseret i at vide, om danske virksomheder er omfattet af forslaget. Dette udspringer af vores opgave med at vurdere de administrative konsekvenser for dansk erhvervsliv af forslaget. Det kan derfor komme på tale dels at finde ud af hvor mange danske virksomheder, der er omfattet og dels hvilke administrative konsekvenser forslaget vil medføre for disse virksomheder.

Med venlig hilsen

**Morten Vestergaard Hansen**  
Fuldmægtig

**ERHVERVSSTYRELSEN**

Effektiv regulering

Dahlerups Pakhus  
Langelinie Allé 17  
2100 København Ø  
Telefon: +45 35291000  
Direkte: +45 35291213  
E-mail: [MorVes@erst.dk](mailto:MorVes@erst.dk)  
[www.erhvervsstyrelsen.dk](http://www.erhvervsstyrelsen.dk)

ERHVERVS- OG VÆKSTMINISTERIET

 Pas på miljøet - udskriv kun denne e-mail hvis det er nødvendigt.

---

**Fra:** Ditte Mandøe Andreasen [<mailto:diman@svana.dk>]  
**Sendt:** 27. september 2016 15:24  
**Til:** Morten Vestergaard Hansen  
**Cc:** Maria Klint Thelander (MFVM-DEP)  
**Emne:** SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet

Kære Morten.

Vi talte for et par dage siden vedr. denne høring og udarbejdelse af konsekvensvurdering. Maria Klint Thelander (cc denne mail) i vores departement har bedt mig oplyse dig, at du er velkommen til at kontakte hende, hvis du eller en af dine kollegaer har spørgsmål vedr. konsekvensvurderingen af forslaget.

Venlig hilsen

**Ditte Mandøe Andreasen**  
Fuldmægtig cand.tech.soc.  
Naturbeskyttelse  
93 58 81 24 | [diman@svana.dk](mailto:diman@svana.dk)

**Miljø- og Fødevareministeriet**Styrelsen for Vand- og Naturforvaltning | Haraldsgade 53 | 2100 København Ø | Tlf. 72 54 20 00 | [svana@svana.dk](mailto:svana@svana.dk) | [www.svana.dk](http://www.svana.dk)

---

**Fra:** Morten Vestergaard Hansen [<mailto:MorVes@erst.dk>]  
**Sendt:** 22. september 2016 11:44  
**Til:** Ditte Mandøe Andreasen  
**Cc:** Morten Vestergaard Hansen  
**Emne:** Spørgsmål til Europæisk høring vedr. havstrategidirektivet

Kære Ditte

Jeg har et enkelt spørgsmål til den udsendte høring vedr. havstrategidirektivet, som jeg meget gerne vil vende med dig. Har du mulighed for at ringe snarest? Mit direkte nummer er 3529 1213.

Med venlig hilsen

**Morten Vestergaard Hansen**  
Fuldmægtig

**ERHVERVSSTYRELSEN**

Effektiv regulering

Dahlerups Pakhus  
Langelinie Allé 17  
2100 København Ø  
Telefon: +45 35291000  
Direkte: +45 35291213  
E-mail: [MorVes@erst.dk](mailto:MorVes@erst.dk)  
[www.erhvervsstyrelsen.dk](http://www.erhvervsstyrelsen.dk)

ERHVERVS- OG VÆKSTMINISTERIET

 Pas på miljøet - udskriv kun denne e-mail hvis det er nødvendigt.



## Aktdetaljer

Den 1. februar 2017

### Akttitel: SV: Møde i morgen om havstrategidirektivet Aktnummer:

Akt ID: 2763671  
Dato: 06-10-2016  
Type: Indgående  
Original titel: SV: Møde i morgen om havstrategidirektivet (MFVM Id nr.: 2538362)  
Dokumenter: [1] SV Møde i morgen om havstrategidirektivet (MFVM Id nr. 2538362).msg  
[2] Den+gamle+komitologiafgørelse+468-1999.pdf

**Til:** Sidsel Bjøl ([sidbj@mfvm.dk](mailto:sidbj@mfvm.dk)), moneim@um.dk (moneim@um.dk), Maria Klint Thelander ([makbj@mfvm.dk](mailto:makbj@mfvm.dk))  
**Cc:** Sille Juhl Prang ([sipra@mfvm.dk](mailto:sipra@mfvm.dk)), Morten Gudmann Christensen ([mogch@mfvm.dk](mailto:mogch@mfvm.dk)), Lone Knudsen ([lonknu@um.dk](mailto:lonknu@um.dk))  
**Fra:** Ditte Mandøe Andreassen ([diman@svana.dk](mailto:diman@svana.dk))  
**Titel:** SV: Møde i morgen om havstrategidirektivet  
**Sendt:** 06-10-2016 11:19:39  
**Bilag:** Den+gamle+komitologiafgørelse+468-1999.pdf;

Kære alle.

For en god ordens skyld skal jeg gøre opmærksom på, at afgørelsen skal vedtages via den gamle forskriftsprocedure med kontrol, da havstrategidirektivet endnu ikke er opdateret efter ændring af traktaten. Jeg vedlægger den relevante afgørelse herom. Se betragtning 7a og artikel 5a.

Vi ses i eftermiddag.

Venlig hilsen

**Ditte Mandøe Andreassen**

Fuldmægtig cand.tech.soc.

Naturbeskyttelse

93 58 81 24 | [diman@svana.dk](mailto:diman@svana.dk)

**Miljø- og Fødevareministeriet**

Styrelsen for Vand- og Naturforvaltning | Haraldsgade 53 | 2100 København Ø | Tlf. 72 54 20 00 | [svana@svana.dk](mailto:svana@svana.dk) | [www.svana.dk](http://www.svana.dk)

---

**Fra:** Maria Klint Thelander [<mailto:makbj@mfvm.dk>]

**Sendt:** 6. oktober 2016 10:54

**Til:** Sidsel Bjøl; moneim@um.dk

**Cc:** Morten Gudmann Christensen (MFVM-DEP); Ditte Mandøe Andreassen; Lone Knudsen; Sille Juhl Prang

**Emne:** Sv: Møde i morgen om havstrategidirektivet (MFVM Id nr.: 2538362)

Kære Monica

Selvfølgelig - gik ud fra du havde den, da jeg mente at have sendt den til Peter og Lone tidligere.

Mvh. Maria

---

**Til:** Sidsel Bjøl ([sidbj@mfvm.dk](mailto:sidbj@mfvm.dk))  
**Cc:** Morten Gudmann Christensen ([mogch@mfvm.dk](mailto:mogch@mfvm.dk)), Lone Knudsen ([lonknu@um.dk](mailto:lonknu@um.dk)), Ditte Mandøe Andreassen ([diman@svana.dk](mailto:diman@svana.dk)), Sille Juhl Prang ([sipra@svana.dk](mailto:sipra@svana.dk)), Maria Klint Thelander ([makbj@mfvm.dk](mailto:makbj@mfvm.dk))  
**Fra:** Monica Eimert ([moneim@um.dk](mailto:moneim@um.dk))  
**Titel:** SV: Møde i morgen om havstrategidirektivet  
**Sendt:** 06-10-2016 10:49:07

Kære Sidsel

Vil I sende Kommissionens udkast til gennemførelsesafgørelse.

Tak på forhånd.

Mvh. Monica

---

**MONICA EIMERT / [MONEIM@UM.DK](mailto:MONEIM@UM.DK)**

FULDMÆGTIG / JTEU

TIF. +45 3392 1619 / MOBIL +45 61979032

**UDENRIGSMINISTERIET**

ASIATISK PLADS 2 / DK-1448 KØBENHAVN K

TLF. +45 3392 0000



**DENMARKFORHRC.DK**

---

**Fra:** Sidsel Bjøl [<mailto:sidbj@mfvm.dk>]

**Sendt:** 5. oktober 2016 17:23

**Til:** Lone Knudsen; Monica Eimert

**Cc:** Ditte Mandøe Andreasen; Sille Juhl Prang; Morten Gudmann Christensen (MFVM-DEP); Maria Klint Thelander (MFVM-DEP)

**Emne:** Møde i morgen om havstrategidirektivet

Kære Lone og Monica

Vedhæftet har MFVM udarbejdet et kort notat, der beskriver vores vurdering af, hvorvidt Kommissionen har hjemmel til sit forslag om kriterier for god miljøtilstand. Vores umiddelbare vurdering er, at Kommissionen overskrider sin hjemmel, jf. notatet.

Vi ønsker dog at drøfte dette med jer og få jeres vurdering af, hvorvidt forslaget klokkeklart er i modstrid med hjemlen i moderdirektivet. Derudover ønsker vi også at drøfte følgende elementer med jer:

- Kan UM komme med eksempler på, hvordan beføjelsen omkring ikke-væsentlige ændringer tidligere har været anvendt?
- Hvordan er ikke-væsentligt defineret?
- Har I forslag til, hvor vi kan anfægte Kommissionens forslag?
- Hvordan ser processen ud, hvis det vurderes som væsentlig ændring? Hvad er jeres erfaring med det?

Mvh

Sidsel

**Sidsel Bjøl**

Special Advisor | EU and International affairs

+45 93 59 71 60 | [sidbj@mfvm.dk](mailto:sidbj@mfvm.dk)

**Ministry of Environment and Food**

The Department | Slotsholmen 12 | 1216 Copenhagen K | Tel. +45 38 14 21 42 | [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk) | [www.mfvm.dk](http://www.mfvm.dk)

Dette dokument er et dokumentationsredskab, og institutionerne påtager sig intet ansvar herfor

► **B**

## **RÅDETS AFGØRELSE**

**af 28. juni 1999**

**om fastsættelse af de nærmere vilkår for udøvelsen af de gennemførelsesbeføjelser, der tillægges  
Kommissionen (\*)**

(1999/468/EF)

(EFT L 184 af 17.7.1999, s. 23)

Ændret ved:

	nr.	Tidende	
		side	dato
► <b>M1</b> Rådets afgørelse 2006/512/EF, af 17. juli 2006	L 200	11	22.7.2006

---

(\*) Læseren gøres opmærksom på, at tre erklæringer, der er optaget i Rådets mødeprotokol vedrørende denne afgørelse, findes i EFT C 203 af 17. juli 1999, s. 1.





## RÅDETS AFGØRELSE

af 28. juni 1999

**om fastsættelse af de nærmere vilkår for udøvelsen af de gennemførelsesbeføjelser, der tillægges Kommissionen (\*)**

(1999/468/EF)

RÅDET FOR DEN EUROPÆISKE UNION HAR —

under henvisning til traktaten om oprettelse af Det Europæiske Fællesskab, særlig artikel 202, tredje led,

under henvisning til forslag fra Kommissionen <sup>(1)</sup>,

under henvisning til udtalelse fra Europa-Parlamentet <sup>(2)</sup>, og

ud fra følgende betragtninger:

- (1) Rådet skal i de retsakter, det vedtager, tildele Kommissionen beføjelser til at gennemføre de af Rådet udfærdigede forskrifter; Rådet kan opstille visse nærmere vilkår for udøvelsen af disse beføjelser; det kan ligeledes i særlige, begrundede tilfælde forbeholde sig retten til selv direkte at udøve gennemførelsesbeføjelser;
- (2) Rådet vedtog den 13. juli 1987 afgørelse 87/373/EØF om fastsættelse af de nærmere vilkår for udøvelsen af de gennemførelsesbeføjelser, der tillægges Kommissionen <sup>(3)</sup>; denne afgørelse fastlagde et begrænset antal procedurer for udøvelsen af disse beføjelser;
- (3) Kommissionen er ved erklæring nr. 31, der er knyttet som bilag til slutakten fra den regeringskonference, der vedtog Amsterdamtraktaten, blevet opfordret til at forelægge Rådet et forslag om ændring af afgørelse 87/373/EØF;
- (4) af klarhedshensyn forekommer det mere hensigtsmæssigt at erstatte afgørelse 87/373/EØF med en ny afgørelse end at ændre den;
- (5) nærværende afgørelse tilsigter for det første at opnå større ensartethed og forudsigelighed i valget af udvalgstype og med henblik herpå at fastlægge kriterier for valget af udvalgsprocedurer, idet disse kriterier dog ikke er af bindende karakter ► **M1** undtagen dem, som vedrører forskriftsproceduren med kontrol ◀;
- (6) i den forbindelse bør forvaltningsproceduren følges for så vidt angår forvaltningsforanstaltninger, såsom dem der vedrører gennemførelsen af den fælles landbrugs- og den fælles fiskeripolitik eller gennemførelsen af programmer med store budgetmæssige konsekvenser; sådanne forvaltningsforanstaltninger bør vedtages af Kommissionen efter en procedure, der sikrer, at der træffes beslutning inden for en passende frist; når Rådet får forelagt spørgsmål, der ikke er hastende, bør Kommissionen dog anvende sin skønsbeføjelse til at udsætte anvendelsen af foranstaltningerne;
- (7) forskriftsproceduren bør følges for så vidt angår generelle foranstaltninger, der har til formål at gennemføre væsentlige bestemmelser i basisretsakter, herunder foranstaltninger vedrørende beskyttelse af menneskers, dyrs eller planter sundhed eller sikkerhed, samt foranstaltninger, der har til formål at tilpasse eller ajourføre visse ikke-væsentlige bestemmelser i en basisretsakt; sådanne gennemførelsesforanstaltninger bør vedtages ved en effektiv procedure under fuld overholdelse af Kommissionens initiativret på lovgivningsområdet;

(\*) Læseren gøres opmærksom på, at tre erklæringer, der er optaget i Rådets mødeprotokol vedrørende denne afgørelse, findes i EFT C 203 af 17. juli 1999, s. 1.

<sup>(1)</sup> EFT C 279 af 8.9.1998, s. 5.

<sup>(2)</sup> Udtalelse af 6.5.1999 (endnu ikke offentliggjort i EFT).

<sup>(3)</sup> EFT L 197 af 18.7.1987, s. 33.

**▼ M1**

- (7a) det er nødvendigt at følge forskriftsproceduren med kontrol i forbindelse med generelle foranstaltninger, der har til formål at ændre ikke-væsentlige bestemmelser i en retsakt, der er vedtaget efter proceduren i traktatens artikel 251, herunder ved at lade visse sådanne bestemmelser udgå eller ved at supplere med nye ikke-væsentlige bestemmelser. Denne procedure skal gøre det muligt for lovgivningsmyndighedens to parter at foretage kontrol forud for vedtagelsen af sådanne foranstaltninger. De væsentlige bestemmelser i en retsakt kan kun ændres af lovgiveren på grundlag af traktaten;

**▼ B**

- (8) rådgivningsproceduren bør følges i ethvert tilfælde, hvor den anses for den mest hensigtsmæssige; rådgivningsproceduren vil fortsat blive anvendt i de tilfælde, hvor den anvendes i øjeblikket;
- (9) denne afgørelse tilsigter for det andet en forenkling af vilkårene for udøvelsen af de gennemførelsesbeføjelser, der tillægges Kommissionen, samt en forbedring af Europa-Parlamentets deltagelse i de tilfælde, hvor den basisretsakt, der tillægger Kommissionen gennemførelsesbeføjelser, er vedtaget i overensstemmelse med proceduren i traktatens artikel 251; det anses i den forbindelse for hensigtsmæssigt at indskrænke antallet af procedurer og at tilpasse dem efter hver institutions respektive beføjelser og navnlig at give Europa-Parlamentet mulighed for at få sine synspunkter taget i betragtning af henholdsvis Kommissionen eller Rådet i tilfælde, hvor det mener, at et udkast til foranstaltning, der forelægges et udvalg, eller et forslag, der forelægges for Rådet efter forskriftsproceduren, overskrider de gennemførelsesbeføjelser, der er fastlagt i basisretsakten;

**▼ M1**

- (10) denne afgørelse tilsigter for det tredje at forbedre underretningen af Europa-Parlamentet ved at fastlægge, at Kommissionen regelmæssigt skal underrette det om udvalgenes arbejde, at Kommissionen skal tilsende det dokumenter vedrørende udvalgenes arbejde samt underrette det, når den forelægger Rådet foranstaltninger eller udkast til foranstaltninger, der skal træffes; der lægges særlig vægt på underretningen af Europa-Parlamentet om udvalgenes arbejde inden for rammerne af forskriftsproceduren med kontrol for at sikre, at Europa-Parlamentet kan træffe afgørelse inden for den fastsatte frist;

**▼ B**

- (11) denne afgørelse tilsigter for det fjerde at forbedre underretningen af offentligheden om udvalgsprocedurerne og derfor at lade de principper og betingelser for aktindsigt, der gælder for Kommissionen, gælde også for udvalgsdokumenter, at udarbejde en liste over alle udvalg, der bistår Kommissionen i udøvelsen af dens gennemførelsesbeføjelser, og en årsberetning om udvalgenes arbejde, der skal offentliggøres, samt sørge for, at alle henvisninger til dokumenter i forbindelse med udvalg, der er blevet tilsendt Europa-Parlamentet, offentliggøres i et register;
- (12) de særlige udvalgsprocedurer, der er fastlagt med henblik på gennemførelsen af den fælles handelspolitik og traktaternes konkurrenceregler, og som ikke har hjemmel i afgørelse 87/373/EØF, berøres på ingen måde af nærværende afgørelse —

TRUFFET FØLGENDE AFGØRELSE:

*Artikel 1*

Med undtagelse af særlige og begrundede tilfælde, hvor basisretsakten giver Rådet ret til selv direkte at udøve visse gennemførelsesbeføjelser, tillægges disse Kommissionen i overensstemmelse med bestemmelserne herom i basisretsakten. Disse bestemmelser skal indeholde de væsentligste bestanddele af de således tillagte beføjelser.

**▼B**

Når basisretsakten foreskriver særlige vilkår med hensyn til proceduren for vedtagelse af gennemførelsesforanstaltninger, skal disse vilkår være i overensstemmelse med procedurerne i artikel 3, 4, 5 ► **M1** , 5a ◄ og 6.

*Artikel 2*

► **M1** 1. Med forbehold af stk. 2 bygger valget af procedure for vedtagelsen af gennemførelsesforanstaltninger på følgende vejledende kriterier: ◄valget af procedure for vedtagelse af gennemførelsesforanstaltninger bygger på følgende vejledende kriterier:

- a) Forvaltningsforanstaltninger, såsom dem der vedrører anvendelsen af den fælles landbrugsog den fælles fiskeripolitik eller gennemførelsen af programmer med store budgetmæssige konsekvenser, bør vedtages efter forvaltningsproceduren.
- b) Generelle foranstaltninger, der har til formål at gennemføre væsentlige bestemmelser i basisretsakter, herunder foranstaltninger vedrørende beskyttelse af menneskers, dyrs eller planters sundhed eller sikkerhed, bør vedtages efter forskriftsproceduren.

Når det i en basisretsakt er foreskrevet, at visse ikke-væsentlige bestemmelser i retsakter kan tilpasses eller ajourføres ved hjælp af gennemførelsesprocedurer, bør sådanne foranstaltninger vedtages ved anvendelse af forskriftsproceduren.

- c) Med forbehold af litra a) og b) anvendes rådgivningsproceduren, når den anses for den mest hensigtsmæssige.

**▼M1**

2. Når en basisretsakt, der er vedtaget efter proceduren i traktatens artikel 251, foreskriver vedtagelse af generelle foranstaltninger, der har til formål at ændre ikke-væsentlige bestemmelser i denne retsakt, herunder ved at lade visse sådanne bestemmelser udgå eller ved at supplere med nye ikke-væsentlige bestemmelser, vedtages sådanne foranstaltninger efter forskriftsproceduren med kontrol.

**▼B***Artikel 3***Rådgivningsprocedure**

1. Kommissionen bistås af et rådgivende udvalg, der består af repræsentanter for medlemsstaterne, og som har Kommissionens repræsentant som formand.
2. Kommissionens repræsentant forelægger udvalget et udkast til de foranstaltninger, der skal træffes. Udvalget afgiver, eventuelt ved afstemning, udtalelse om dette udkast inden for en frist, som formanden kan fastsætte alt efter, hvor meget spørgsmålet haster.
3. Udtalelsen optages i mødeprotokollen; desuden har hver medlemsstat ret til anmode om, at dens holdning indføres i mødeprotokollen.
4. Kommissionen tager størst muligt hensyn til udvalgets udtalelse. Den underretter udvalget om, hvorledes den har taget hensyn til udtalelsen.

*Artikel 4***Forvaltningsprocedure**

1. Kommissionen bistås af et forvaltningsudvalg, der består af repræsentanter for medlemsstaterne, og som har Kommissionens repræsentant som formand.
2. Kommissionens repræsentant forelægger udvalget et udkast til de foranstaltninger, der skal træffes. Udvalget afgiver udtalelse om udkastet inden for en frist, som formanden kan fastsætte alt efter, hvor meget spørgsmålet haster. Udvalget udtaler sig med det flertal, der efter traktatens artikel 205, ► **M1** stk. 2 og 4 ◄, gælder for afgørelser, som Rådet skal træffe på forslag af Kommissionen. Ved afstemninger i udvalget vægtes de stemmer, der afgives af repræsentanterne for medlemsstaterne, som anført i nævnte artikel. Formanden deltager ikke i afstemningen.

▼ **B**

3. Med forbehold af artikel 8 vedtager Kommissionen foranstaltninger, der straks finder anvendelse. Hvis de ikke er i overensstemmelse med udvalgets udtalelse, meddeles de omgående Rådet af Kommissionen. Kommissionen kan i så fald udsætte anvendelsen af de foranstaltninger, den har vedtaget, i et tidsrum, der fastsættes i hver enkelt basisretsakt, men som under ingen omstændigheder må overstige tre måneder regnet fra datoen for denne meddelelse.

4. Rådet kan med kvalificeret flertal træffe anden afgørelse inden for det tidsrum, der er fastsat i stk. 3.

*Artikel 5***Forskriftsprocedure**

1. Kommissionen bistås af et forskriftsudvalg, der består af repræsentanter for medlemsstaterne, og som har Kommissionens repræsentant som formand.

2. Kommissionens repræsentant forelægger udvalget et udkast til de foranstaltninger, der skal træffes. Udvalget afgiver udtalelse om udkastet inden for en frist, som formanden kan fastsætte alt efter, hvor meget spørgsmålet haster. Det udtaler sig med det flertal, der efter traktatens artikel 205, ►**M1** stk. 2 og 4 ◀, gælder for afgørelser, som Rådet skal træffe på forslag af Kommissionen. Ved afstemninger i udvalget vægtes de stemmer, der afgives af repræsentanterne for medlemsstaterne, som anført i nævnte artikel. Formanden deltager ikke i afstemningen.

3. Med forbehold af artikel 8 vedtager Kommissionen de påtænkte foranstaltninger, når de er i overensstemmelse med udvalgets udtalelse.

4. Er de påtænkte foranstaltninger ikke i overensstemmelse med udvalgets udtalelse, eller er der ikke afgivet nogen udtalelse, forelægger Kommissionen straks Rådet et forslag til de foranstaltninger, der skal træffes, og underretter Europa-Parlamentet.

5. Er Europa-Parlamentet af den opfattelse, at et forslag, der er forelagt af Kommissionen i henhold til en basisretsakt vedtaget efter proceduren i traktatens artikel 251, indebærer en overskridelse af de gennemførelsesbeføjelser, der er fastsat i basisretsakten, underretter det Rådet om sin holdning.

6. Rådet kan, når det skønner det hensigtsmæssigt under hensyntagen til en sådan holdning, træffe afgørelse om forslaget med kvalificeret flertal og inden for en frist, der fastsættes i hver enkelt basisretsakt, men som under ingen omstændigheder kan være på over tre måneder regnet fra forslagets forelæggelse for Rådet.

Har Rådet inden for denne frist med kvalificeret flertal tilkendegivet, at det er imod forslaget, behandler Kommissionen forslaget på ny. Den kan forelægge Rådet et ændret forslag, forelægge sit forslag på ny eller fremsætte forslag til en retsakt i henhold til traktaten.

Har Rådet ved udløbet af denne frist hverken vedtaget den foreslåede gennemførelsesretsakt eller tilkendegivet, at det er imod forslaget til gennemførelsesforanstaltninger, vedtager Kommissionen den foreslåede gennemførelsesretsakt.

▼ **M1***Artikel 5a***Forskriftsprocedure med kontrol**

1. Kommissionen bistås af et forskriftsudvalg med kontrol, der består af repræsentanter for medlemsstaterne, og som har Kommissionens repræsentant som formand.

2. Kommissionens repræsentant forelægger udvalget et udkast til de foranstaltninger, der skal træffes. Udvalget afgiver udtalelse om udkastet inden for en frist, som formanden kan fastsætte alt efter, hvor meget spørgsmålet haster. Det udtaler sig med det flertal, der efter traktatens artikel 205, stk. 2 og 4, gælder for afgørelser, som Rådet skal træffe på

▼ **M1**

forslag af Kommissionen. Ved afstemninger i udvalget vægtes de stemmer, der afgives af repræsentanterne for medlemsstaterne, som anført i nævnte artikel. Formanden deltager ikke i afstemningen.

3. Er de foranstaltninger, Kommissionen påtænker, i overensstemmelse med udvalgets udtalelse, finder følgende procedure anvendelse:

- a) Kommissionen forelægger straks udkastet til foranstaltninger for Europa-Parlamentet og Rådet til kontrol.
- b) Europa-Parlamentet, der træffer afgørelse med flertal blandt sine medlemmer, eller Rådet, der træffer afgørelse med kvalificeret flertal, kan modsætte sig Kommissionens vedtagelse af det pågældende udkast, idet de begrundet deres modstand ved at tilkendegive, at det udkast til foranstaltninger, som Kommissionen har fremlagt, indebærer en overskridelse af de gennemførelsesbeføjelser, der er fastsat i basisretsakten, eller at udkastet ikke er foreneligt med basisretsaktens formål eller indhold eller ikke overholder subsidiaritetsprincippet eller proportionalitetsprincippet.
- c) Hvis Europa-Parlamentet eller Rådet inden for en frist på tre måneder regnet fra udkastets forelæggelse modsætter sig udkastet til foranstaltninger, vedtager Kommissionen ikke foranstaltningerne. I så fald kan Kommissionen forelægge udvalget et ændret udkast til foranstaltninger eller fremsætte forslag til en retsakt i henhold til traktaten.
- d) Har hverken Europa-Parlamentet eller Rådet ved udløbet af denne frist modsat sig udkastet til foranstaltninger, vedtager Kommissionen foranstaltningerne.

4. Er de foranstaltninger, Kommissionen påtænker, ikke i overensstemmelse med udvalgets udtalelse, eller er der ikke afgivet nogen udtalelse, finder følgende procedure anvendelse:

- a) Kommissionen forelægger straks Rådet et forslag til de foranstaltninger, der skal træffes, og fremsender samtidig forslaget til Europa-Parlamentet.
- b) Rådet træffer med kvalificeret flertal afgørelse om forslaget inden for en frist på to måneder regnet fra forslagets forelæggelse.
- c) Hvis Rådet inden for denne frist med kvalificeret flertal modsætter sig de foreslåede foranstaltninger, vedtages disse ikke. I så fald kan Kommissionen forelægge Rådet et ændret forslag eller fremsætte forslag til en retsakt i henhold til traktaten.
- d) Påtænker Rådet at vedtage de foreslåede foranstaltninger, forelægger det dem straks for Europa-Parlamentet. Træffer Rådet ikke afgørelse inden for førnævnte frist på to måneder, forelægger Kommissionen straks foranstaltningerne for Europa-Parlamentet.
- e) Europa-Parlamentet, der træffer afgørelse med flertal blandt sine medlemmer inden for en frist på fire måneder regnet fra forslagets fremsendelse i overensstemmelse med litra a), kan modsætte sig vedtagelsen af de pågældende foranstaltninger, idet det begrundet sin modstand ved at tilkendegive, at de foreslåede foranstaltninger indebærer en overskridelse af de gennemførelsesbeføjelser, der er fastsat i basisretsakten, eller at disse foranstaltninger ikke er forenelige med basisretsaktens formål eller indhold eller ikke overholder subsidiaritetsprincippet eller proportionalitetsprincippet.
- f) Hvis Europa-Parlamentet inden for denne frist modsætter sig de foreslåede foranstaltninger, vedtages disse ikke. I så fald kan Kommissionen forelægge udvalget et ændret udkast til foranstaltninger eller fremsætte forslag til en retsakt i henhold til traktaten.
- g) Har Europa-Parlamentet ved udløbet af ovennævnte frist ikke modsat sig de foreslåede foranstaltninger, vedtages disse alt efter tilfældet af Rådet eller af Kommissionen.

5. Uanset stk. 3 og 4 kan en basisretsakt i behørigt begrundede undtagelsestilfælde foreskrive

- a) at de i stk. 3, litra c), samt stk. 4, litra b) og e), fastsatte frister forlænges med yderligere en måned, når foranstaltningernes kompleksitet tilsiger det, eller

▼ **M1**

- b) at de i stk. 3, litra c), samt stk. 4, litra b) og e), fastsatte frister afkortes, når effektivitetshensyn tilsiger det.
6. En basisretsakt kan foreskrive, at såfremt de i stk. 3, 4 og 5 fastsatte frister for forskriftsproceduren med kontrol i særligt hastende tilfælde ikke kan overholdes, finder følgende procedure anvendelse:
- a) Er de foranstaltninger, Kommissionen påtænker, i overensstemmelse med udvalgets udtalelse, vedtager Kommissionen foranstaltningerne, som straks iværksættes. Den meddeler straks Europa-Parlamentet og Rådet disse foranstaltninger.
- b) Inden for en frist på en måned efter meddelelsen kan Europa-Parlamentet, der træffer afgørelse med flertal blandt sine medlemmer, eller Rådet, der træffer afgørelse med kvalificeret flertal, modsætte sig de foranstaltninger, som Kommissionen har vedtaget, idet de begrundet deres modstand ved at tilkendegive, at foranstaltningerne indebærer en overskridelse af de gennemførelsesbeføjelser, der er fastsat i basisretsakten, eller at foranstaltningerne ikke er forenelige med basisretsaktens formål eller indhold eller ikke overholder subsidiaritetsprincippet eller proportionalitetsprincippet.
- c) Modsætter Europa-Parlamentet eller Rådet sig foranstaltningerne, ophæver Kommissionen disse. Kommissionen kan dog opretholde foranstaltningerne midlertidigt, hvis sundheds-, sikkerheds- eller miljøbeskyttelsehensyn tilsiger det. I så fald forelægger den omgående udvalget et ændret udkast til foranstaltninger eller fremsætter forslag til en retsakt i henhold til traktaten. De midlertidige foranstaltninger forbliver i kraft, indtil de erstattes af en endelig retsakt.

▼ **B***Artikel 6***Beskyttelsesprocedure**

Følgende procedure kan anvendes, når Kommissionen i en basisretsakt tillægges beføjelse til at træffe afgørelse om beskyttelsesforanstaltninger:

- a) Kommissionen underretter Rådet og medlemsstaterne om enhver afgørelse vedrørende beskyttelsesforanstaltninger. Det kan bestemmes, at Kommissionen, inden den træffer sin afgørelse, skal høre medlemsstaterne i henhold til bestemmelser, der skal fastsættes i hvert enkelt tilfælde.
- b) Enhver medlemsstat kan indbringe Kommissionens afgørelse for Rådet inden for en frist, der skal fastsættes i den pågældende basisretsakt.
- c) Rådet kan med kvalificeret flertal træffe anden afgørelse inden for en frist, der skal fastsættes i den pågældende basisretsakt. Alternativt kan det i basisretsakten bestemmes, at Rådet med kvalificeret flertal kan bekræfte, ændre eller ophæve Kommissionens afgørelse, og at Kommissionens afgørelse betragtes som ophævet, såfremt Rådet ikke har truffet afgørelse inden for ovennævnte frist.

*Artikel 7*

1. Hvert udvalg vedtager sin forretningsorden på forslag af formanden på grundlag af en standardforretningsorden, der offentliggøres i *De Europæiske Fællesskabers Tidende*.

Eksisterende udvalg tilpasser i fornødent omfang deres forretningsorden til standardforretningsordenen.

2. De principper og betingelser for aktindsigt, der gælder for Kommissionen, gælder også for udvalgene.

3. Europa-Parlamentet holdes regelmæssigt underrettet af Kommissionen om udvalgenes arbejde ► **M1** på en måde, der sikrer, at fremsendelsessystemet er gennemsækeligt, og at de fremsendte oplysninger og procedures forskellige trin kan identificeres ◀. Det skal med henblik herpå have tilsendt dagsordener for udvalgenes møder, de udkast, udvalgene får forelagt vedrørende gennemførelsesforanstaltninger til retsakter, der er vedtaget efter proceduren i traktatens artikel 251, udvalgenes



▼ **B**

afstemningsresultater og mødeprotokoller samt lister over de myndigheder og organer, hvortil de personer, som medlemsstaterne udpeger som deres repræsentanter, er knyttet. Europa-Parlamentet skal ligeledes underrettes om enhver foranstaltning og ethvert forslag til foranstaltninger, som Kommissionen forelægger Rådet.

4. Senest seks måneder efter denne afgørelses ikrafttræden offentliggør Kommissionen i *De Europæiske Fællesskabers Tidende* en liste over alle udvalg, der bistår Kommissionen i forbindelse med udøvelsen af dens gennemførelsesbeføjelser. I denne liste angives for hvert udvalg den eller de basisretsakter, i henhold til hvilke udvalget er nedsat. Fra og med 2000 offentliggør Kommissionen desuden en årlig redegørelse for udvalgenes arbejde.

5. Henvisninger til samtlige dokumenter, som tilsendes Europa-Parlamentet i medfør af stk. 3, offentliggøres i et register, der oprettes af Kommissionen i 2001.

*Artikel 8*

Hvis Europa-Parlamentet med en begrundet beslutning gør opmærksom på, at et udkast til gennemførelsesforanstaltninger, som forventes vedtaget, og som er blevet forelagt for et udvalg i henhold til en basisretsakt vedtaget efter proceduren i traktatens artikel 251, indebærer en overskridelse af de gennemførelsesbeføjelser, som er fastlagt i basisretsakten, behandler Kommissionen udkastet på ny. Under hensyn til denne beslutning kan Kommissionen under overholdelse af fristen for den igangværende procedure forelægge udvalget et nyt udkast til gennemførelsesforanstaltninger, videreføre proceduren eller forelægge Europa-Parlamentet og Rådet et forslag til retsakt i henhold til traktaten.

Kommissionen underretter Europa-Parlamentet og udvalget om, hvad den agter at gøre på baggrund af Europa-Parlamentets beslutning og om begrundelsen herfor.

*Artikel 9*

Afgørelse 87/373/EØF ophæves.

*Artikel 10*

Denne afgørelse har virkning fra dagen efter offentliggørelsen i *De Europæiske Fællesskabers Tidende*.

## I

(Meddelelser)

## RÅDET

## ERKLÆRINGER TIL RÅDETS AFGØRELSE 1999/468/EF

af 28. juni 1999

**om fastsættelse af de nærmere vilkår for udøvelsen af de gennemførelsesbeføjelser, der tillægges Kommissionen**

(1999/C 203/01)

## 1. ERKLÆRING FRA KOMMISSIONEN (ad artikel 4)

Hvad angår forvaltningsproceduren erindrer Kommissionen om, at det er dens faste praksis at søge at sikre en tilfredsstillende løsning, der også får den størst mulige støtte i udvalget.

Kommissionen tager hensyn til udvalgsmedlemmernes holdning og sørger for at undgå at gå imod en eventuel fremherskende holdning, der sætter spørgsmålstegn ved det hensigtsmæssige i en gennemførelsesforanstaltning.

## 2. ERKLÆRING FRA RÅDET OG KOMMISSIONEN

Rådet og Kommissionen er enige om, at bestemmelserne vedrørende de udvalg, der bistår Kommissionen i forbindelse med udøvelsen af de gennemførelsesbeføjelser, der er fastsat i henhold til afgørelse 87/373/EØF, bør justeres hurtigst muligt i overensstemmelse med de relevante lovgivningsprocedurer for at bringe dem i overensstemmelse med nærværende artikel 3, 4, 5 og 6, i afgørelse 1999/468/EF.

Denne justering bør foretages således:

- den nuværende procedure I ændres til den nye rådgivningsprocedure
- den nuværende procedure II, variant a) og variant b), ændres til den nye forvaltningsprocedure
- den nuværende procedure III, variant a) og variant b), ændres til den nye forskriftsprocedure.

En ændring af den type udvalg, som er fastsat i en basisretsakt, bør foretages fra sag til sag i løbet af den normale revision af lovgivningen og under overholdelse af bl.a. de kriterier, som er fastsat i artikel 2.

Denne justering eller ændring bør foretages under overholdelse af de forpligtelser, der påhviler Fællesskabets institutioner. Den bør ikke bringe opfyldelsen af basisretsaktens målsætning eller effektiviteten af Fællesskabets indsats i fare.

## 3. ERKLÆRING FRA KOMMISSIONEN (ad artikel 5)

I forbindelse med den fornyede behandling af forslag til gennemførelsesforanstaltninger inden for særligt følsomme områder søger Kommissionen i sit forsøg på at finde en afbalanceret løsning for at undgå at gå imod en eventuel fremherskende holdning i Rådet, der sætter spørgsmålstegn ved det hensigtsmæssige i en gennemførelsesforanstaltning.

---



## I

(Meddelelser)

## RÅDET

## Erklæringer til optagelse i Rådets protokol af 17. juli 2006

(2006/C 171/02)

## A. Erklæring fra Kommissionen (ad artikel 7, stk. 3)

Med henblik på at give artikel 7, stk. 3, som ændret ved Rådets afgørelse om ændring af afgørelse 1999/468/EF, fuld virkning forpligter Kommissionen sig til at vedtage de relevante gennemsigtighedsforanstaltninger, der kan sikre samtidig underretning af Europa-Parlamentet om de udkast til gennemførelsesforanstaltninger, som forelægges udvalgene. Ved at forbedre registrets funktionaliteter vil Kommissionen kunne gøre det muligt for Europa-Parlamentet at udøve sine kontrolbeføjelser i fuldt omfang, takket være især:

- tydelig identifikation af de forskellige dokumenter, der er omfattet af samme procedure
- angivelse af proceduretrinnet og tidsplanen
- en klar sondring mellem det udkast til foranstaltninger, som Europa-Parlamentet modtager i medfør af retten til underretning samtidig med udvalgsmedlemmerne, og det endelige udkast efter udvalgets udtalelse, som fremsendes til Europa-Parlamentet.

Med hensyn til området finansielle tjenesteydelser sørger Kommissionen i overensstemmelse med sit tilsagn for, at Europa-Parlamentet regelmæssigt holdes underrettet om drøftelserne i udvalgene. Kommissionen forpligter sig til:

1. at lade den tjenestemand fra Kommissionen, som er formand for møderne i udvalgene, underrette Europa-Parlamentet på dets anmodning efter hvert møde om drøftelserne af de udkast til gennemførelsesforanstaltninger, der er forelagt for udvalgene
2. mundtligt eller skriftligt at besvare eventuelle spørgsmål vedrørende drøftelserne af de udkast til gennemførelsesforanstaltninger, der er forelagt for udvalgene
3. i den forbindelse at bekræfte de tilsagn, der er omhandlet i punkt 1-7 i kommissær Bolkesteins skrivelse af 2. oktober 2001 til formanden for Udvalget om Økonomi og Valuta.

## B. Erklæring fra Kommissionen (ad artikel 5 og artikel 5a)

Kommissionen bekræfter sit tilsagn om at anvende erklæring nr. 3, der findes i bilaget til Rådets afgørelse 1999/468/EF af 28. juni 1999, på de foranstaltninger, der er omfattet af den nye forskriftsprocedure med kontrol (artikel 5a) <sup>(1)</sup>.

---

<sup>(1)</sup> EFT C 203 af 17.7.1999, s. 1.



## Aktdetaljer

**Akttitel: Journalnummer NST-4205-00011.**

**Aktnummer:**

Akt ID: 2763672

Dato: 04-10-2016

Type: Indgående

Original titel: Journalnummer NST-4205-00011.

Dokumenter: [1] Journalnummer NST-4205-00011..msg

[2] 04 10 2016 EU-Høringssvar vedrørende Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi.docx

Den 1. februar 2017

**Til:** Ditte Mandøe Andreassen (diman@svana.dk), Bestilling - Styrelsen for Vand- og Naturforvaltning (Hovedpostkasse) (svana@svana.dk)  
**Cc:** cvm@trm.dk (cvm@trm.dk), 'Frederik Fisker (Femern ' (ffi@femern.dk)  
**Fra:** Titti Kopp (tko@femern.dk)  
**Titel:** Journalnummer NST-4205-00011.  
**Sendt:** 04-10-2016 13:01:47  
**Bilag:** 04 10 2016 EU-Høringssvar vedrørende Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi.docx;

Kære Ditte

Som anmodet i høringsbrev af 20. september 2016 om europæisk høring vedr. EU-kommissionens beslutning med hjemmel i havstrategidirektivet, fremsender Femern A/S til jeres orientering det høringssvar, som selskabet d.d. har uploadet på EU-høringsportalen.

Best regards

**Titti Kopp**

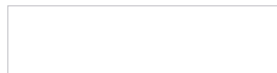
Chief Legal Officer, Regulatory Approvals and Environment  
[tko@femern.dk](mailto:tko@femern.dk)

Dir.tel. +45 33 41 44 19  
Mobile +45 51 62 72 35

---

<b>Femern A/S</b>	Tel	+ 45 33 41 63 00	<a href="mailto:info@femern.com">info@femern.com</a>
Vester Søgade 10	Fax	+ 45 33 41 63 01	<a href="http://www.femern.com">www.femern.com</a>
DK-1601 Copenhagen V	VAT	28 98 65 64	<a href="#">Facebook</a>

Femern A/S is a subsidiary of the Danish, state-owned Sund & Bælt holding A/S, which has experience from the construction of the fixed links across the Great Belt and Øresund. Femern A/S is tasked with the planning of a fixed link between Denmark and Germany across the Fehmarnbelt. Information and communication developed in the course of the planning process should be considered as work in progress and not representing a final position or determination unless otherwise has been explicitly stated.



EU-Kommissionen bør vise tilbageholdenhed med at fastsætte omfattende kriterier og standarder for vurderingerne efter havstrategidirektivet. Miljøfaglige vurderinger baserer sig altid på meget konkrete vurderinger baseret på specifikke forudsætninger for det enkelte projekt. De konkrete fysiske forhold og omgivelser har afgørende betydning for, hvordan en god tilstand skal vurderes. Generelle kriterier og standarder risikerer derfor at fastlåse miljøvurderinger på et uhensigtsmæssigt generelt niveau, hvor en anvendelse af disse kriterier og standarder ikke tager højde for det enkelte projekts konkrete forudsætninger, og det kan i værste fald føre til fejlagtige miljøvurderinger. Miljøvurderinger laves i de fleste tilfælde bedst ved en tilpasning af metode og kriterier til de konkrete forhold i det påvirkede område. Der henstilles til, at EU-kommissionen ved udnyttelse af hjemlerne i havdirektivets art. 9 (3) og art. 11 (4) udelukkende bør koncentrere sig om at fastsætte bindende kriterier og standarder, som der er særdeles videnskabelig sikkerhed for at fastlægge, og hvor der utvivlsomt kan fastlægges en ens standard for alle havområder. Går EU-kommissionen ud over disse situationer, bør der vises stor tilbageholdenhed med definitivt formulerede kriterier og standarder. I sådanne tilfælde bør kriterier og standarder formuleres retningsgivende og elastisk med rum for konkret tilpasning til de enkelte havområders særlige karakteristika.

Konkret i forhold til forslaget fra EU-kommissionen findes initiativerne vedrørende descriptor 11 (energi/undervandsstøj) problematisk.

Med hensyn til lavfrekvent støj findes der ingen relevant faglig/videnskabelig dokumentation, som på nogen måde kan begrunde fastlæggelsen af kriterier for, at et bestemt frekvensområde eller et givet omfang af lavfrekvent støj skulle være i konflikt med havstrategiens målsætning om god miljøtilstand i et havområde. De enkeltstående observationer af, at det marine dyreliv kan høre lavfrekvent støj og situationsbestemt reagerer herpå, kan som fremhævet af forskere på området, ikke begrunde fastlæggelsen af kriterier for miljøkonflikt eller regulering, med henvisning til et specifikt omfang af den lavfrekvente støj. Dette emne bør EU-kommissionen således ikke fastsætte bindende kriterier for, fordi;

- 1) Der mangler evidens for, at de særskilte lydbelastninger (third octave beregningen) i de valgte frekvensområder (63 Hz og 125 Hz) er relevante for at undgå negative virkninger på det marine dyreliv fra lavfrekvent støj.
- 2) Der mangler evidens for, at det som foreslået skulle være relevant at anvende bestemte gennemsnitlige årlige støjniveauer for lavfrekvent som kriterium for god miljøtilstand i et havområde.
- 3) Da den foreliggende evidens alene viser en potentiel lokal forstyrrende effekt af lavfrekvent støj på det marine dyreliv, uden at individerne som sådan skades, kan der således alene begrundes et behov for at vurdere de situations- og arealspecifikke miljøaspekter i forbindelse med konkrete planer og projekter. I forhold til de specifikke planer og projekter må der evt. på basis af en specifik vurdering, fastlægges vilkår for at undgå eller begrænse en potentiel forstyrrelse.
- 4) En fastlæggelse af generelle vilkår eller grænseværdier for omfanget af lavfrekvent undervandsstøj i havområder med henvisning til havstrategiens målsætning i god miljøtilstand vil ikke være egnet til løse den marine planlægnings opgave eller opnå den marine planlægnings mål om en samlet bæredygtig brug af og god tilstand i det marine område. Dette forudsætter muligheder for en målrettet og evidensbaseret regulering.
- 5) Hele det lavfrekvente støjtema burde således alene i kommissionens forslag omtales som et fremadrettet fokusområde med en overordnet målsætning om at tilvejebringe mere viden og

evidens, og med en målsætning om alene i specifikke plan- og projektsammenhænge at vurdere og eventuelt gennemføre relevante foranstaltninger for at undgå forstyrrelser.



## Aktdetaljer

Den 1. februar 2017

### **Akttitel: VS: Europæisk høring vedr. havstrategidirektivet** **Aktnummer:**

Akt ID: 2763673  
Dato: 03-10-2016  
Type: Indgående  
Original titel: VS: Europæisk høring vedr. havstrategidirektivet  
Dokumenter: [1] VS Europæisk høring vedr. havstrategidirektivet.msg

**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Cc:** Bestilling - Styrelsen for Vand- og Naturforvaltning (Hovedpostkasse) (svana@svana.dk)  
**Fra:** 1-DEP Høringer (hoeringer@evm.dk)  
**Titel:** VS: Europæisk høring vedr. havstrategidirektivet  
**Sendt:** 03-10-2016 14:59:15

Til Naturstyrelsen

Erhvervs- og Vækstministeriet har ingen bemærkninger til den fremsendte høring.

*'Fra oktober 2015 skal al regulering med direkte konsekvenser for erhvervslivet jf. Vejledning om erhvervsøkonomiske konsekvensvurderinger træde i kraft på en af to fælles ikrafttrædelsesdatoer hhv. 1. januar og 1. juli.'*

Mvh Helene



**HELENE STARUP**

Direktionssekretær  
CRISS

Slotsholmsgade 10-12  
DK - 1216 København K  
[www.evm.dk](http://www.evm.dk)  
[hst@evm.dk](mailto:hst@evm.dk)  
Tlf. 33 92 33 50  
Tlf. Dir. 91 33 73 30

EAN NR. 5798000026001

---

**Fra:** Ditte Mandøe Andreasen **På vegne af** SVANA hovedpostkasse  
**Sendt:** 20. september 2016 17:42  
**Cc:** Ditte Mandøe Andreasen  
**Emne:** Europæisk høring vedr. havstrategidirektivet

Til relevante høringsparter.

Europa-Kommissionen har sendt to forslag vedr. havstrategidirektivet i offentlig høring. Høringsfristen er 12. oktober 2016.

Se venligst vedlagte.

Venlig hilsen

**Ditte Mandøe Andreasen**  
Fuldmægtig cand.tech.soc.  
Naturbeskyttelse  
93 58 81 24 | [diman@svana.dk](mailto:diman@svana.dk)

**Miljø- og Fødevarerministeriet**

Styrelsen for Vand- og Naturforvaltning | Haraldsgade 53 | 2100 København Ø | Tlf. 72 54 20 00 | [svana@svana.dk](mailto:svana@svana.dk) | [www.svana.dk](http://www.svana.dk)

**NATURSTYRELSEN ER NU DELT I TO**

1. juli 2016 blev Naturstyrelsen delt i to: Styrelsen for Vand- og Naturforvaltning (SVANA), som er statslig myndighed på vand- og naturområdet, og Naturstyrelsen (NST), som forvalter Miljø- og Fødevarerministeriets skov- og naturarealer og gennemfører projekter til gavn for biodiversitet og friluftsliv. Besøg SVANA på [www.svana.dk](http://www.svana.dk)  
Besøg Naturstyrelsen på [www.nst.dk](http://www.nst.dk)



## Aktdetaljer

**Akttitel: SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet**  
**Aktnummer:**

Akt ID: 2763674  
Dato: 28-09-2016  
Type: Indgående  
Original titel: SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet  
Dokumenter: [1] SV Spørgsmål til Europæisk høring vedr. havstrategidirektivet.msg

Den 1. februar 2017



**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Cc:** malylo@erst.dk (malylo@erst.dk), Maria Klint Thelander (makbj@mfvm.dk)  
**Fra:** Morten Vestergaard Hansen (MorVes@erst.dk)  
**Titel:** SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet  
**Sendt:** 28-09-2016 14:11:12

Kære Ditte

Mange tak for det.

Det er min kollega Maja Lykke Lorenzen (CC) som varetager høringen. Jeg har derfor videreformidlet din mail til hende, og hun vil tage kontakt til Maria, hvis det viser sig nødvendigt.

Sådan som jeg husker vores snak, så var jeg umiddelbart interesseret i at vide, om danske virksomheder er omfattet af forslaget. Dette udspringer af vores opgave med at vurdere de administrative konsekvenser for dansk erhvervsliv af forslaget. Det kan derfor komme på tale dels at finde ud af hvor mange danske virksomheder, der er omfattet og dels hvilke administrative konsekvenser forslaget vil medføre for disse virksomheder.

Med venlig hilsen

**Morten Vestergaard Hansen**  
Fuldmægtig

**ERHVERVSSTYRELSEN**  
Effektiv regulering

Dahlerups Pakhus  
Langelinie Allé 17  
2100 København Ø  
Telefon: +45 35291000  
Direkte: +45 35291213  
E-mail: MorVes@erst.dk  
www.erhvervsstyrelsen.dk

ERHVERVS- OG VÆKSTMINISTERIET

 Pas på miljøet - udskriv kun denne e-mail hvis det er nødvendigt.

---

**Fra:** Ditte Mandøe Andreasen [mailto:diman@svana.dk]  
**Sendt:** 27. september 2016 15:24  
**Til:** Morten Vestergaard Hansen  
**Cc:** Maria Klint Thelander (MFVM-DEP)  
**Emne:** SV: Spørgsmål til Europæisk høring vedr. havstrategidirektivet

Kære Morten.

Vi talte for et par dage siden vedr. denne høring og udarbejdelse af konsekvensvurdering. Maria Klint Thelander (cc denne mail) i vores departement har bedt mig oplyse dig, at du er velkommen til at kontakte hende, hvis du eller en af dine kollegaer har spørgsmål vedr. konsekvensvurderingen af forslaget.

Venlig hilsen

**Ditte Mandøe Andreasen**  
Fuldmægtig cand.tech.soc.  
Naturbeskyttelse  
93 58 81 24 | [diman@svana.dk](mailto:diman@svana.dk)

**Miljø- og Fødevareministeriet**  
Styrelsen for Vand- og Naturforvaltning | Haraldsgade 53 | 2100 København Ø | Tlf. 72 54 20 00 | [svana@svana.dk](mailto:svana@svana.dk) | [www.svana.dk](http://www.svana.dk)

---

**Fra:** Morten Vestergaard Hansen [mailto:MorVes@erst.dk]  
**Sendt:** 22. september 2016 11:44  
**Til:** Ditte Mandøe Andreasen  
**Cc:** Morten Vestergaard Hansen  
**Emne:** Spørgsmål til Europæisk høring vedr. havstrategidirektivet

Kære Ditte

Jeg har et enkelt spørgsmål til den udsendte høring vedr. havstrategidirektivet, som jeg meget gerne vil vende med dig. Har du mulighed for at ringe snarest? Mit direkte nummer er 3529 1213.

Med venlig hilsen

**Morten Vestergaard Hansen**

Fuldmægtig

**ERHVERVSSTYRELSEN**

Effektiv regulering

Dahlerups Pakhus  
Langelinie Allé 17  
2100 København Ø  
Telefon: +45 35291000  
Direkte: +45 35291213  
E-mail: [MorVes@erst.dk](mailto:MorVes@erst.dk)  
[www.erhvervsstyrelsen.dk](http://www.erhvervsstyrelsen.dk)

ERHVERVS- OG VÆKSTMINISTERIET



Pas på miljøet - udskriv kun denne e-mail hvis det er nødvendigt.



## Aktdetaljer

**Akttitel: Spørgsmål til Europæisk høring vedr. havstrategidirektivet**  
**Aktnummer:**

Akt ID: 2763675

Dato: 22-09-2016

Type: Indgående

Original titel: Spørgsmål til Europæisk høring vedr. havstrategidirektivet

Dokumenter: [1] Spørgsmål til Europæisk høring vedr. havstrategidirektivet.msg

Den 1. februar 2017

---

**Til:** Ditte Mandøe Andreassen (diman@svana.dk)  
**Cc:** Morten Vestergaard Hansen (MorVes@erst.dk)  
**Fra:** Morten Vestergaard Hansen (MorVes@erst.dk)  
**Titel:** Spørgsmål til Europæisk høring vedr. havstrategidirektivet  
**Sendt:** 22-09-2016 11:44:13

Kære Ditte

Jeg har et enkelt spørgsmål til den udsendte høring vedr. havstrategidirektivet, som jeg meget gerne vil vende med dig. Har du mulighed for at ringe snarest? Mit direkte nummer er 3529 1213.

Med venlig hilsen

**Morten Vestergaard Hansen**

Fuldmægtig

**ERHVERVSSTYRELSEN**

Effektiv regulering

Dahlerups Pakhus  
Langelinie Allé 17  
2100 København Ø  
Telefon: +45 35291000  
Direkte: +45 35291213  
E-mail: MorVes@erst.dk  
www.erhvervsstyrelsen.dk

ERHVERVS- OG VÆKSTMINISTERIET



Pas på miljøet - udskriv kun denne e-mail hvis det er nødvendigt.



## Aktdetaljer

Den 1. februar 2017

### Akttitel: Europæisk høring vedr. havstrategidirektivet Aktnummer:

Akt ID: 2763676

Dato: 20-09-2016

Type: Indgående

Original titel: Europæisk høring vedr. havstrategidirektivet

Dokumenter:

- [1] Europæisk høring vedr. havstrategidirektivet.msg
- [2] Høringsbrev.docx
- [3] Høringsliste havmiljø.docx
- [4] MSFD\_AnnexIII\_14-09-2016\_main.pdf
- [5] MSFD\_AnnexIII\_04-09-2016\_app.pdf
- [6] GES\_V5\_14-09-2016.pdf
- [7] GES\_appendix\_V5\_14-09-2016.pdf

**Til:**

**Fra:** Ditte Mandøe Andreasen (diman@svana.dk)

**Titel:** Europæisk høring vedr. havstrategidirektivet

**Sendt:** 20-09-2016 17:46:24

**Bilag:** Høringsbrev.docx; Høringsliste havmiljø.docx; MSFD\_AnnexIII\_14-09-2016\_main.pdf; MSFD\_AnnexIII\_04-09-2016\_app.pdf; GES\_V5\_14-09-2016.pdf; GES\_appendix\_V5\_14-09-2016.pdf;

Til relevante høringsparter.

Europa-Kommissionen har sendt to forslag vedr. havstrategidirektivet i offentlig høring. Høringsfristen er 12. oktober 2016.

Se venligst vedlagte.

Venlig hilsen

**Ditte Mandøe Andreasen**

Fuldmægtig cand.tech.soc.

Naturbeskyttelse

93 58 81 24 | [diman@svana.dk](mailto:diman@svana.dk)

**Miljø- og Fødevareministeriet**

Styrelsen for Vand- og Naturforvaltning | Haraldsgade 53 | 2100 København Ø | Tlf. 72 54 20 00 | [svana@svana.dk](mailto:svana@svana.dk) | [www.svana.dk](http://www.svana.dk)

**NATURSTYRELSEN ER NU DELT I TO**

1. juli 2016 blev Naturstyrelsen delt i to: Styrelsen for Vand- og Naturforvaltning (SVANA), som er statslig myndighed på vand- og naturområdet, og Naturstyrelsen (NST), som forvalter Miljø- og Fødevareministeriets skov- og naturarealer og gennemfører projekter til gavn for biodiversitet og friluftsliv.

Besøg SVANA på [www.svana.dk](http://www.svana.dk)

Besøg Naturstyrelsen på [www.nst.dk](http://www.nst.dk)

NOTAT



**Miljø- og  
Fødevareministeriet**  
Styrelsen for Vand- og  
Naturforvaltning  
Naturbeskyttelse  
Ref. DIMAN  
Den 20. september 2016

## Europa-Kommissionens høring vedr. havstrategidirektivet

---

Europa-Kommissionen har sendt to forslag vedr. havstrategidirektivet i offentlig høring.

Det ene er et forslag til ændring af direktivets bilag III, der indeholder en vejledende liste over karakteristika, miljøbelastninger og påvirkninger i havmiljøet. Det andet forslag fastsætter kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering.

Europa-Kommissionens udkast til forslag er udarbejdet med hjemmel i Europa-Parlamentets og Rådets Direktiv 2008/56/EF om fastlæggelse af en ramme for Fællesskabets havmiljøpolitiske foranstaltninger (havstrategidirektivet), jf. artikel 9 stk. 3, artikel 11 stk. 4 og artikel 24 stk. 1.

Havstrategidirektivet har til formål at skabe en ramme, inden for hvilken medlemslandene skal træffe de fornødne foranstaltninger til at opnå eller opretholde en god miljøtilstand i havmiljøet senest i år 2020.

Forslaget forventes sat til afstemning senere i 2016 i havstrategidirektivets forskriftkomité, som består af embedsmænd fra de enkelte EU medlemslande. Afhængigt af udfaldet af denne afstemning vedtager Kommissionen derefter forslaget efter en kontrolperiode i Rådet og Europa-Parlamentet.

Bemærkninger til forslaget skal sendes til Europa-Kommissionen senest **den 12. oktober 2016** via følgende link: [https://ec.europa.eu/info/law/better-regulation/share-your-views\\_da](https://ec.europa.eu/info/law/better-regulation/share-your-views_da)

Høringerne er navngivet som

- 1) "Inter-service consultation on Commission proposal amending Annex III of MSFD"
- 2) "Interservice consultation on a Commission proposal for the GES Decision"

Du skal registrere dig på hjemmesiden og modtager derefter et kodeord. Hvis du ikke kommer direkte til siden, så klik på linket igen, efter du er logget på.

Bemærkningerne kan gives på dansk eller engelsk og må maksimalt udgøre 4.000 anslag (ca. 1½ side).

SVANA vil meget gerne modtage en kopi af bemærkningerne med henblik på at kunne varetage danske synspunkter. De bedes sendt til [svana@svana.dk](mailto:svana@svana.dk) og [diman@svana.dk](mailto:diman@svana.dk) med angivelse af journalnummer NST-4205-00011. Eventuelle spørgsmål kan rettes til undertegnede eller kontorchef Lisbet Ølgaard, [lioel@svana.dk](mailto:lioel@svana.dk).

Med venlig hilsen

Ditte Mandøe Andreassen  
[diman@svana.dk](mailto:diman@svana.dk)

## Høringsliste havmiljø

Organisation
Advokatsamfundet
Alle danske kommuner
Beredskabsstyrelsen
Beskæftigelsesministeriet
Brancheforeningen Danske Maritime
By & Havn
Common Wadden Sea Secretariat
Danish Operators
Danish Seafood Association
Danmarks Fiskeriforening
Danmarks Fritidssejler Union
Danmarks Jægerforbund
Danmarks Naturfredningsforening
Danmarks Pelagiske Producentorganisation
Danmarks Rederiforening
Danmarks Skibsmæglerforening
Danmarks Sportsfiskerforbund
Danmarks Vindmølleforening
Dansk Akvakultur
Dansk Amatørfiskeriforening
Dansk Energi
Dansk Energi Brancheforening
Dansk Forening for Rosport
Dansk Fritidsfiskerforbund
Dansk Industri
Dansk Kano- og kajakforbund
Dansk Ornitologisk Forening
Dansk Sejlunion
Dansk Sportsdykker Forbund
Dansk Transport og Logistik
Danske Havne
Danske Regioner
Danske Råstoffer
Danske Tursejlere
DANVA
Det økologiske råd
DHI
DMI
Dong Energy



DTU Aqua
Energi- og olieforum
Energinet.dk
Energistyrelsen
Erhvervs- og Vækstministeriet
Erhvervsstyrelsen
Ferskvandsfiskeriforeningen
Finansministeriet
Foreningen af Lystbådehavne i Danmark
Forsvarskommandoen
Forsvarsministeriet
Forsvarsministeriet, beredskabskontoret
Fri - Foreningen af Rådgivende Ingeniører
Friluftsrådet
GEUS
Green Network
Greenpeace Danmark
Hess Corporation
Justitsministeriet
Kulturstyrelsen
Energi- Forsynings- og Klimaministeriet
Kommunernes Internationale Miljøorganisation - Danmark (KIMO)
Kommunernes Landsforening
Kystdirektoratet
Kystfiskeriudvalget
Landbrug og Fødevarer
Landsforeningen Levende Hav
Maersk Group
Marinbiologisk Laboratorium
Miljøstyrelsen
Sundheds- og Ældreministeriet
NaturErhvervstyrelsen
NOAH
OCEANA
Oil Gas Danmark
Region Hovedstaden
Region Midtjylland
Region Nordjylland
Region Sjælland
Region Syddanmark
Skatteministeriet
Statens Naturhistoriske Museum

Statens Naturhistoriske Museum
Statsministeriet
Sund og Bælt Holding A/S
Søfartsstyrelsen
Transport- og bygningsministeriet
Udenrigsministeriet
Vattenfall A/S
Vindmølleindustrien
VisitDenmark
WWF Danmark
Aarhus Universitet, DCE



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

**COMMISSION DIRECTIVE (EU) .../...**

**of **XXX****

**amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies**

(Text with EEA relevance)

# COMMISSION DIRECTIVE (EU) .../...

of **XXX**

**amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular Article 24(1) thereof,

Whereas:

- (1) Annex III to Directive 2008/56/EC lays down the indicative lists of characteristics, pressures and impacts which are referred to in Articles 8(1), 9(1), 9(3), 10(1), 11(1) and 24 of that Directive.
- (2) In 2012, on the basis of the initial assessment of their marine waters made pursuant to Article 8(1) of Directive 2008/56/EC and as part of the first cycle of implementation of their marine strategies, Member States notified to the Commission a set of characteristics for good environmental status and their environmental targets, in accordance with Articles 9(2) and 10(2) of Directive 2008/56/EC, respectively. The Commission's assessment<sup>2</sup> of those Member State's reports, undertaken in accordance with Article 12 of that Directive, highlighted that more efforts were urgently needed if Member States and the Union are to reach good environmental status by 2020.
- (3) To ensure that the second cycle of implementation of the marine strategies of the Member States further contributes to the achievement of the objectives of Directive 2008/56/EC and yields more consistent determinations of good environmental status, the Commission recommended in its report on the first phase of implementation that, at Union level, the Commission services and Member States collaborate to revise, strengthen and improve Commission Decision 2010/477/EU<sup>3</sup> by 2015, aiming at a clearer, simpler, more concise, more coherent and comparable set of good environmental status criteria and methodological standards and, at the same time, review Annex III of the Marine Strategy Framework Directive, and if necessary revise it, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle.

---

<sup>1</sup> OJ L 164, 25.6.2008, p. 19.

<sup>2</sup> Report from the Commission to the Council and the European Parliament - The first phase of implementation of the Marine Strategy Framework Directive (2008/56/EC) - The European Commission's assessment and guidance (COM(2014)097 final, 20.2.2014).

<sup>3</sup> Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine waters (OJ L 232, 2.9.2010, p. 14).

- (4) The review of Annex III to Directive 2008/56/EC is needed to complement the review of Decision 2010/477/EU. Furthermore, the relationship between Annex III to Directive 2008/56/EC and the qualitative descriptors for determining good environmental status listed in Annex I to that Directive is only implicit in that Directive and, therefore, not sufficiently clear. The Commission, in a staff working paper from 2011<sup>4</sup>, explained relationships between the qualitative descriptors listed in Annex I to Directive 2008/56/EC, the elements set out in Annex III to that Directive, and the criteria and indicators set out in Decision 2010/477/EU, but could provide only a partial answer due to their inherent content. A revision of Annex III to Directive 2008/56/EC is needed in order to further clarify those relationships and facilitate implementation, better linking ecosystem elements, and anthropogenic pressures and impacts on the marine environment with the descriptors in Annex I to Directive 2008/56/EC and the outcome of the review of Decision 2010/477/EU.
- (5) Annex III to Directive 2008/56/EC should provide elements for assessment (Article 8(1) of that Directive) with regard to good environmental status (Article 9(1) of that Directive), provide elements for monitoring (Article 11(1) of that Directive), which are complementary to assessment (e.g. temperature, salinity), and provide elements for consideration when setting targets (Article 10(1) of the Directive). The relevance of these elements will vary by region and Member State due to differing regional characteristics. This means that elements need to be addressed only if they are considered "essential features and characteristics" or "predominant pressures and impacts" as referred to in points (a) and (b) of Article 8(1) of Directive 2008/56/EC, respectively, and if they occur in the relevant Member State's waters.
- (6) It is important to ensure that the elements set out in Annex III to Directive 2008/56/EC are clearly related to the qualitative descriptors of Annex I to that Directive and to the criteria and methodological standards on good environmental status of marine waters laid down by the Commission on the basis of Article 9(3) of Directive 2008/56/EC, as well as to their application in relation to Articles 8, 9, 10 and 11 of Directive 2008/56/EC. In this context, those elements need to be generic and generally applicable across the Union, considering that more specific elements can be laid down by the Commission on the basis of Article 9(3) of Directive 2008/56/EC or in the context of determining sets of characteristics for good environmental status under Article 9(1) of that Directive.
- (7) Tables 1 and 2 of Annex III to Directive 2008/56/EC should be clarified to more clearly relate to state elements (Table 1) and to pressure elements and their impacts (Table 2), and to directly link the elements listed in them with the qualitative descriptors laid down in Annex I of that Directive and through this with the criteria laid down by the Commission on the basis of Article 9(3) of Directive 2008/56/EC.
- (8) To guide the assessments on uses of marine waters under point (c) of Article 8(1) of Directive 2008/56/EC, and on human activities under point (b) of Article 8(1), and associated monitoring provided under Article 11 of that Directive, Table 2 should be extended to contain an indicative list of uses and human activities in order to ensure consistency in their assessment across the marine regions and subregions.
- (9) Annex III to Directive 2008/56/EC should therefore be amended accordingly.
- (10) The measures provided for in this Directive are in accordance with the opinion of the regulatory committee established under Article 25(1) of Directive 2008/56/EC,

---

<sup>4</sup> [Commission Staff Working Paper SEC\(2011\)1255.](#)

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex III to Directive 2008/56/EC is replaced by the text set out in the Annex to this Directive.

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [**OJ: please insert the date: 18 months after the entry into force of this Directive**] 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 text of the main provisions of national law which they adopt in the field covered by this Directive.
3. The obligation to transpose this Directive shall not apply to Member States without marine waters.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*[...]*



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

ANNEX 1

## **ANNEX**

**to the**

**Commission Directive**

**amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies**

**ANNEX**

**to the**

**Commission Directive**

**amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies**

**ANNEX III**

**Indicative lists of ecosystem elements, anthropogenic pressures and human activities relevant to the marine waters**

(referred to in Articles 8(1), 9(1), 9(3), 10(1), 11(1) and 24)

**Table 1 – Structure, functions and processes of marine ecosystems**  
with particular relevance for point (a) of Article 8(1), and Articles 9 and 11

<b>Theme</b>	<b>Ecosystem elements</b>	<b>Possible parameters and characteristics (Note 1)</b>	<b>Relevant qualitative descriptors laid down in Annex I (Notes 2 and 3)</b>
Species	Species groups (Note 4) of marine birds, mammals, reptiles, fish and cephalopods of the marine region or subregion	Spatial and temporal variation per species or population: – distribution, abundance and/or biomass – size, age and sex structure – fecundity, survival and mortality/injury rates – behaviour including movement and migration – habitat for the species (extent, suitability) Species composition of the group	(1); (3)
Habitats	Broad habitat types of the water column (pelagic) and seabed (benthic) (Note 5), or other habitat types, including their associated biological communities throughout the marine region or subregion	Per habitat type: – habitat distribution and extent (and volume, if appropriate) – species composition, abundance and/or biomass (spatial and temporal variation) – size and age structure of species (if appropriate) – physical, hydrological and chemical characteristics Additionally for pelagic habitats: – chlorophyll a – plankton bloom frequencies and spatial extent	(1); (6)
Ecosystems, including food webs	Ecosystem structure, functions and processes, comprising: – physical and	Spatial and temporal variation in: – temperature and ice – hydrology (wave and current regimes; upwelling, mixing, residence time, freshwater input; sea level) – bathymetry	(1); (4)



Theme	Ecosystem elements	Possible parameters and characteristics (Note 1)	Relevant qualitative descriptors laid down in Annex I (Notes 2 and 3)
	hydrological characteristics  – chemical characteristics  – biological characteristics  – functions and processes	– turbidity (silt/sediment loads), transparency, sound – seabed substrate and morphology  – salinity, nutrients (N, P), organic carbon, dissolved gases (pCO <sub>2</sub> , O <sub>2</sub> ) and pH  – links between species of marine birds, mammals, reptiles, fish and cephalopods and habitats – pelagic-benthic community shifts  – productivity	

### Notes related to Table 1

- Note 1: An indicative list of relevant parameters and characteristics for species, habitats and ecosystems is given, reflecting parameters affected by the pressures of Table 2 of this Annex and of relevance to criteria laid down in accordance with Article 9(3). The particular parameters and characteristics to be used for monitoring and assessment should be determined in accordance with the requirements of this Directive, including those of its Articles 8 to 11.
- Note 2: The numbers in this column refer to the respective numbered points in Annex I.
- Note 3: Only the state-based qualitative descriptors (1), (3), (4) and (6) which have criteria laid down in accordance with Article 9(3) are listed in Table 1. All other, pressure-based, qualitative descriptors under Annex I may be relevant for each theme.
- Note 4: These species groups are further specified in Part II of the Annex to Commission Decision 2016/XX/EU\*.
- Note 5: These broad habitat types are further specified in Part II of the Annex to Decision 2016/XX/EU.

---

\* OJ: Please insert the title, date and OJ reference of "Commission Decision laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU", published on the same day.

**Table 2 – Anthropogenic pressures, uses and human activities in or affecting the marine environment**

<b>2a Anthropogenic pressures on the marine environment</b> with particular relevance for points (a) and (b) of Article 8(1), and Articles 9, 10 and 11			
<b>Theme</b>	<b>Pressure (Note 1)</b>	<b>Possible parameters</b>	<b>Relevant qualitative descriptors laid down in Annex I (Notes 2 and 3)</b>
Biological	Input or spread of non-indigenous species	Intensity of, and spatial and temporal variation in, the pressure in the marine environment and, where relevant, at source	(2)
	Input of microbial pathogens		
	Input of genetically modified species and translocation of native species		
	Loss of, or change to, natural biological communities due to cultivation of animal or plant species		
	Disturbance of species (e.g. where they breed, rest and feed) due to human presence		
	Extraction of, or mortality/injury to, wild species, including target and non-target species (by commercial and recreational fishing and other activities)		(3)
Physical	Physical disturbance to seabed (temporary or reversible)	For assessment of environmental impacts of the pressure, select relevant ecosystem elements and parameters from Table 1	(6); (7)
	Physical loss (due to permanent change of seabed substrate or morphology and to extraction of seabed substrate)		
	Changes to hydrological conditions		
Substances, litter and energy	Input of nutrients – diffuse sources, point sources, atmospheric deposition		(5)
	Input of organic matter – diffuse sources and point sources		
	Input of hazardous substances (synthetic substances, non-synthetic substances, radionuclides) – diffuse sources, point sources, atmospheric deposition, acute events		(8); (9)
	Input of litter (solid waste matter, including micro-sized litter)		(10)
	Input of anthropogenic sound (impulsive, continuous)		
	Input of other forms of energy (including electromagnetic fields, light and heat)		(11)
	Input of water – point sources (e.g. brine)		

**2b Uses and human activities in or affecting the marine environment**

with particular relevance for points (b) and (c) of Article 8(1) (only activities marked \* are relevant for point (c) of Article 8(1)), and Articles 10 and 13

Theme	Activity
Physical restructuring of rivers, coastline or seabed (water management)	Land claim
	Canalisation and other watercourse modifications
	Coastal defence and flood protection*
	Offshore structures (other than for oil/gas/renewables)*
	Restructuring of seabed morphology, including dredging and depositing of materials*
Extraction of non-living resources	Extraction of minerals (rock, metal ores, gravel, sand, shell)*
	Extraction of oil and gas, including infrastructure*
	Extraction of salt*
	Extraction of water*
Production of energy	Renewable energy generation (wind, wave and tidal power), including infrastructure*
	Non-renewable energy generation
	Transmission of electricity and communications (cables)*
Extraction of living resources	Fish and shellfish harvesting (professional, recreational)*
	Fish and shellfish processing*
	Marine plant harvesting*
	Hunting and collecting for other purposes*
Cultivation of living resources	Aquaculture – marine, including infrastructure*
	Aquaculture – freshwater
	Agriculture
	Forestry
Transport	Transport infrastructure*
	Transport – shipping*
	Transport – air
	Transport – land
Urban and industrial uses	Urban uses
	Industrial uses
	Waste treatment and disposal*
Tourism and leisure	Tourism and leisure infrastructure*
	Tourism and leisure activities*
Security/defence	Military operations (subject to Article 2(2))
Education and research	Research, survey and educational activities*

### **Notes related to Table 2**

- Note 1: Assessments of pressures should address their levels in the marine environment and, if appropriate, the rates of input (from land-based or atmospheric sources) to the marine environment.
- Note 2: The numbers in this column refer to the respective numbered points in Annex I.
- Note 3: Only pressure-based qualitative descriptors (2), (3), (5), (6), (7), (8), (9), (10) and (11), which have criteria laid down in accordance with Article 9(3), are listed in Table 2a. All other, state-based, qualitative descriptors under Annex I may be relevant for each theme.'



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

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

**of **XXX****

**laying down criteria and methodological standards on good environmental status of  
marine waters and specifications and standardised methods for monitoring and  
assessment, and repealing Decision 2010/477/EU**

(Text with EEA relevance)

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

of **XXX**

### **laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular Articles 9(3) and 11(4) thereof,

Whereas:

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

---

<sup>1</sup> OJ L 164, 25.6.2008, p. 19.

<sup>2</sup> Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine waters (OJ L 232, 2.9.2010, p. 14).

<sup>3</sup> Report from the Commission to the Council and the European Parliament - The first phase of implementation of the Marine Strategy Framework Directive (2008/56/EC) - The European Commission's assessment and guidance (COM(2014)097 final, 20.2.2014).

environmental status by the Member States. In addition, the assessment recognised that regional cooperation must be at the very heart of the implementation of Directive 2008/56/EC. It also emphasised the need for Member States to more systematically build upon existing Union legislation or, where relevant, standards set by Regional Sea Conventions or other international agreements.

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

---

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

<sup>5</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

<sup>6</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

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

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

---

<sup>7</sup> Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

<sup>8</sup> Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

<sup>9</sup> Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently replacing Council Directives 87/176/EEC, 3/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84.).

<sup>10</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

<sup>11</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).



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

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

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

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

HAS ADOPTED THIS DECISION:

*Article 1*  
*Subject-matter*

This Decision lays down:

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

*Article 2*  
*Definitions*

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

The following definitions shall also apply:

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

---

<sup>12</sup> Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

### *Article 3*

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

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

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

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

### *Article 4*

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

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

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

#### *Article 5* *Timeline*

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

*Article 6*  
*Notification*

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

*Article 7*  
*Repeal*

Decision 2010/477/EU is hereby repealed.

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

*Article 8*  
*Entry into force*

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

Done at Brussels,

*For the Commission*  
*The President*



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

ANNEX 1

**ANNEX**

**to the**

**Commission Decision**

**laying down criteria and methodological standards on good environmental status of  
marine waters and specifications and standardised methods for monitoring and  
assessment, and repealing Decision 2010/477/EU**



## **ANNEX**

**to the**

### **Commission Decision**

**laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU**

## **ANNEX**

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

This Annex is structured in two parts:

- under Part I are laid down the criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment under Article 11(4) of that Directive, to be used by Member States in relation to the assessment of predominant pressures and impacts under Article 8(1)(b) of Directive 2008/56/EC,
- under Part II are laid down criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment, to be used by Member States in relation to the assessment of environmental status under Article 8(1)(a) of Directive 2008/56/EC.

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

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

---

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



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

Relevant pressure: Input or spread of non-indigenous species

*Criteria, including criteria elements, and methodological standards*

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

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

*Specifications and standardised methods for monitoring and assessment*

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

Units of measurement for the criteria:

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

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

**Descriptor 3 – Populations of all commercially-exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock**

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

*Criteria, including criteria elements, and methodological standards*

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

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

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

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

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

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

*Specifications and standardised methods for monitoring and assessment*

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

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

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

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

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

Units of measurement for the criteria:

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

**Descriptor 5 – Human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters**

Relevant pressures: Input of nutrients; Input of organic matter

*Criteria, including criteria elements, and methodological standards*

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



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

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

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

*Specifications and standardised methods for monitoring and assessment*

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

Units of measurement for the criteria:

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

<sup>5</sup> Commission Decision 2013/480/EU of 20 September 2013 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Decision 2008/915/EC (OJ L 266, 8.10.2013, p. 1).

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

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

**Descriptor 6 – Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.**

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

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

*Criteria, including criteria elements, and methodological standards*

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

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

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

#### Units of measurement for the criteria:

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

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

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

*Criteria, including criteria elements, and methodological standards*

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

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

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

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

(b) Environmental impact assessment hydrodynamic models, where required, which are validated with ground-truth measurements, or other suitable sources of information, shall be used to assess the extent of effects from each infrastructure development.

(c) For coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC shall be used.

2. Regarding methods for assessment, the data shall be aggregated so that:

(a) D7C1 is assessed in relation to total natural extent of all habitats in the assessment area;

(b) D7C2 is assessed in relation to total natural extent of each benthic habitat type assessed.

Units of measurement for the criteria:

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



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

Relevant pressures: Input of hazardous substances

*Criteria, including criteria elements, and methodological standards*

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

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

<sup>7</sup> Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences (OJ L 255, 30.9.2005, p. 11).

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

*Specifications and standardised methods for monitoring and assessment*

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

- (c) Criteria D8C3 and D8C4: for the purposes of this Decision, monitoring is established as needed once the acute pollution event has occurred, rather than being part of a regular monitoring programme under Article 11 of Directive 2008/56/EC.
  - (d) Criterion D8C3: Member States shall identify the source of significant acute pollution events, where possible. They may use the European Maritime Safety Agency satellite-based surveillance for this purpose.
2. For criteria elements under D8C1, the selection under points (1)(b) and (2)(b) of additional contaminants that may give rise to pollution effects shall be based on a risk assessment. For these contaminants, the matrix and threshold values used for the assessment shall be representative of the most sensitive species and exposure pathway, including hazards to human health via exposure through the food chain.
  3. Contaminants shall be understood to refer to single substances or to groups of substances. For consistency in reporting, the grouping of substances shall be agreed at Union level.
  4. Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

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

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

Relevant pressure: Input of hazardous substances

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Contaminants listed in Regulation (EC) No 1881/2006.</p> <p>For the purposes of this Decision, Member States may decide not to consider contaminants from Regulation (EC) No 1881/2006 where justified on the basis of a risk assessment.</p> <p>Member States may assess additional contaminants that are not included in Regulation (EC) No 1881/2006. Member States shall establish a list of those additional contaminants through regional or subregional cooperation.</p> <p>Member States shall establish the list of species and relevant tissues to be assessed, according to the conditions laid down under 'specifications'. They may cooperate at regional or subregional level to establish that list of species and relevant tissues.</p>	<p>D9C1 – Primary:</p> <p>The level of contaminants in edible tissues (muscle, liver, roe, flesh or other soft parts, as appropriate) of seafood (including fish, crustaceans, molluscs, echinoderms, seaweed and other marine plants) caught or harvested in the wild (excluding fin-fish from mariculture) does not exceed:</p> <p>(a) for contaminants listed in Regulation (EC) No 1881/2006, the maximum levels laid down in that Regulation, which are the threshold values for the purposes of this Decision;</p> <p>(b) for additional contaminants, not listed in Regulation (EC) No 1881/2006, threshold values, which Member States shall establish through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>The catch or production area in accordance with Article 38 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>8</sup>.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– for each contaminant, its concentration in seafood, the matrix used (species and tissue), whether the threshold values set have been exceeded, and the proportion of contaminants assessed which have achieved their threshold values.</li> </ul>

<sup>8</sup> Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

*Specifications and standardised methods for monitoring and assessment*

1. When Member States establish the list of species to be used under D9C1, the species shall:
  - (a) be relevant to the marine region or subregion concerned;
  - (b) fall under the scope of Regulation (EC) No 1881/2006;
  - (c) be suitable for the contaminant being assessed;
  - (d) be among the most consumed in the Member State or the most caught or harvested for consumption.
2. Exceedance of the standard set for a contaminant shall lead to subsequent monitoring to determine the persistence of the contamination in the area and species sampled. Monitoring shall continue until there is sufficient evidence that there is no risk of failure.
3. For the purposes of this Decision, the sampling for the assessment of the maximum levels of contaminants shall be performed in accordance with Article 11 of Regulation (EC) No 882/2004 of the European Parliament and of the Council<sup>9</sup> and with Commission Regulation (EU) No 589/2014<sup>10</sup> and Commission Regulation (EC) No 333/2007<sup>11</sup>.
4. Within each region or subregion, Member States shall ensure that the temporal and geographical scope of sampling is adequate to provide a representative sample of the specified contaminants in seafood in the marine region or subregion.

Units of measurement for the criteria:

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

---

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

<sup>10</sup> Commission Regulation (EU) No 589/2014 of 2 June 2014 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs and repealing Regulation (EU) No 252/2012 (OJ L 164, 3.6.2014, p. 18).

<sup>11</sup> Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs (OJ L 88, 29.3.2007, p. 29).

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

Relevant pressure: Input of litter

*Criteria, including criteria elements, and methodological standards*

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

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



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

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

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



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

Units of measurement for the criteria:

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

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

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

*Criteria, including criteria elements, and methodological standards*

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

*Specifications and standardised methods for monitoring and assessment*

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

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

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

**PART II – CRITERIA AND METHODOLOGICAL STANDARDS, SPECIFICATIONS AND STANDARDISED METHODS FOR MONITORING AND ASSESSMENT OF ESSENTIAL FEATURES AND CHARACTERISTICS AND CURRENT ENVIRONMENTAL STATUS OF MARINE WATERS UNDER POINT (A) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

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

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

*Criteria, including criteria elements, and methodological standards*

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

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

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

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

Table 1 – Species groups

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

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

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

Units of measurement for the criteria:

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

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

*Criteria, including criteria elements, and methodological standards*

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

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



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

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

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

Units of measurement for the criteria:

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

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

*Criteria, including criteria elements, and methodological standards*

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

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

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

### *Criteria elements*

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

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

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

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

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

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

Units of measurement for the criteria:

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

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

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

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

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

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

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

*Criteria, including criteria elements, and methodological standards*

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

*Specifications and standardised methods for monitoring and assessment*

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

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

Units of measurement:

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

---

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



## Aktdetaljer

Den 1. februar 2017

### Akttitel: Europæisk høring vedr. havstrategidirektivet Aktnummer:

Akt ID: 2763677

Dato: 20-09-2016

Type: Indgående

Original titel: Europæisk høring vedr. havstrategidirektivet

Dokumenter:

- [1] Europæisk høring vedr. havstrategidirektivet.msg
- [2] Høringsbrev.docx
- [3] Høringsliste havmiljø.docx
- [4] MSFD\_AnnexIII\_14-09-2016\_main.pdf
- [5] MSFD\_AnnexIII\_04-09-2016\_app.pdf
- [6] GES\_V5\_14-09-2016.pdf
- [7] GES\_appendix\_V5\_14-09-2016.pdf



---

**Til:**  
**Cc:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Fra:** Bestilling - Styrelsen for Vand- og Naturforvaltning (Hovedpostkasse) (svana@svana.dk)  
**Titel:** Europæisk høring vedr. havstrategidirektivet  
**Sendt:** 20-09-2016 17:42:28  
**Bilag:** Høringsbrev.docx; Høringsliste havmiljø.docx; MSFD\_AnnexIII\_14-09-2016\_main.pdf; MSFD\_AnnexIII\_04-09-2016\_app.pdf; GES\_V5\_14-09-2016.pdf; GES\_appendix\_V5\_14-09-2016.pdf;

Til relevante høringsparter.

Europa-Kommissionen har sendt to forslag vedr. havstrategidirektivet i offentlig høring. Høringsfristen er 12. oktober 2016.

Se venligst vedlagte.

Venlig hilsen

**Ditte Mandøe Andreasen**  
Fuldmægtig cand.tech.soc.  
Naturbeskyttelse  
93 58 81 24 | [diman@svana.dk](mailto:diman@svana.dk)

**Miljø- og Fødevareministeriet**

Styrelsen for Vand- og Naturforvaltning | Haraldsgade 53 | 2100 København Ø | Tlf. 72 54 20 00 | [svana@svana.dk](mailto:svana@svana.dk) | [www.svana.dk](http://www.svana.dk)

**NATURSTYRELSEN ER NU DELT I TO**

1. juli 2016 blev Naturstyrelsen delt i to: Styrelsen for Vand- og Naturforvaltning (SVANA), som er statslig myndighed på vand- og naturområdet, og Naturstyrelsen (NST), som forvalter Miljø- og Fødevareministeriets skov- og naturarealer og gennemfører projekter til gavn for biodiversitet og friluftsliv. Besøg SVANA på [www.svana.dk](http://www.svana.dk)  
Besøg Naturstyrelsen på [www.nst.dk](http://www.nst.dk)

NOTAT



**Miljø- og  
Fødevareministeriet**  
Styrelsen for Vand- og  
Naturforvaltning  
Naturbeskyttelse  
Ref. DIMAN  
Den 20. september 2016

## Europa-Kommissionens høring vedr. havstrategidirektivet

---

Europa-Kommissionen har sendt to forslag vedr. havstrategidirektivet i offentlig høring.

Det ene er et forslag til ændring af direktivets bilag III, der indeholder en vejledende liste over karakteristika, miljøbelastninger og påvirkninger i havmiljøet. Det andet forslag fastsætter kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering.

Europa-Kommissionens udkast til forslag er udarbejdet med hjemmel i Europa-Parlamentets og Rådets Direktiv 2008/56/EF om fastlæggelse af en ramme for Fællesskabets havmiljøpolitiske foranstaltninger (havstrategidirektivet), jf. artikel 9 stk. 3, artikel 11 stk. 4 og artikel 24 stk. 1.

Havstrategidirektivet har til formål at skabe en ramme, inden for hvilken medlemslandene skal træffe de fornødne foranstaltninger til at opnå eller opretholde en god miljøtilstand i havmiljøet senest i år 2020.

Forslaget forventes sat til afstemning senere i 2016 i havstrategidirektivets forskriftkomité, som består af embedsmænd fra de enkelte EU medlemslande. Afhængigt af udfaldet af denne afstemning vedtager Kommissionen derefter forslaget efter en kontrolperiode i Rådet og Europa-Parlamentet.

Bemærkninger til forslaget skal sendes til Europa-Kommissionen senest **den 12. oktober 2016** via følgende link: [https://ec.europa.eu/info/law/better-regulation/share-your-views\\_da](https://ec.europa.eu/info/law/better-regulation/share-your-views_da)

Høringerne er navngivet som

- 1) "Inter-service consultation on Commission proposal amending Annex III of MSFD"
- 2) "Interservice consultation on a Commission proposal for the GES Decision"

Du skal registrere dig på hjemmesiden og modtager derefter et kodeord. Hvis du ikke kommer direkte til siden, så klik på linket igen, efter du er logget på.

Bemærkningerne kan gives på dansk eller engelsk og må maksimalt udgøre 4.000 anslag (ca. 1½ side).

SVANA vil meget gerne modtage en kopi af bemærkningerne med henblik på at kunne varetage danske synspunkter. De bedes sendt til [svana@svana.dk](mailto:svana@svana.dk) og [diman@svana.dk](mailto:diman@svana.dk) med angivelse af journalnummer NST-4205-00011. Eventuelle spørgsmål kan rettes til undertegnede eller kontorchef Lisbet Ølgaard, [lioel@svana.dk](mailto:lioel@svana.dk).

Med venlig hilsen

Ditte Mandøe Andreassen  
[diman@svana.dk](mailto:diman@svana.dk)

## Høringsliste havmiljø

Organisation
Advokatsamfundet
Alle danske kommuner
Beredskabsstyrelsen
Beskæftigelsesministeriet
Brancheforeningen Danske Maritime
By & Havn
Common Wadden Sea Secretariat
Danish Operators
Danish Seafood Association
Danmarks Fiskeriforening
Danmarks Fritidssejler Union
Danmarks Jægerforbund
Danmarks Naturfredningsforening
Danmarks Pelagiske Producentorganisation
Danmarks Rederiforening
Danmarks Skibsmæglerforening
Danmarks Sportsfiskerforbund
Danmarks Vindmølleforening
Dansk Akvakultur
Dansk Amatørfiskeriforening
Dansk Energi
Dansk Energi Brancheforening
Dansk Forening for Rosport
Dansk Fritidsfiskerforbund
Dansk Industri
Dansk Kano- og kajakforbund
Dansk Ornitologisk Forening
Dansk Sejlunion
Dansk Sportsdykker Forbund
Dansk Transport og Logistik
Danske Havne
Danske Regioner
Danske Råstoffer
Danske Tursejlere
DANVA
Det økologiske råd
DHI
DMI
Dong Energy

DTU Aqua
Energi- og olieforum
Energinet.dk
Energistyrelsen
Erhvervs- og Vækstministeriet
Erhvervsstyrelsen
Ferskvandsfiskeriforeningen
Finansministeriet
Foreningen af Lystbådehavne i Danmark
Forsvarskommandoen
Forsvarsministeriet
Forsvarsministeriet, beredskabskontoret
Fri - Foreningen af Rådgivende Ingeniører
Friluftsrådet
GEUS
Green Network
Greenpeace Danmark
Hess Corporation
Justitsministeriet
Kulturstyrelsen
Energi- Forsynings- og Klimaministeriet
Kommunernes Internationale Miljøorganisation - Danmark (KIMO)
Kommunernes Landsforening
Kystdirektoratet
Kystfiskeriudvalget
Landbrug og Fødevarer
Landsforeningen Levende Hav
Maersk Group
Marinbiologisk Laboratorium
Miljøstyrelsen
Sundheds- og Ældreministeriet
NaturErhvervstyrelsen
NOAH
OCEANA
Oil Gas Danmark
Region Hovedstaden
Region Midtjylland
Region Nordjylland
Region Sjælland
Region Syddanmark
Skatteministeriet
Statens Naturhistoriske Museum

Statens Naturhistoriske Museum
Statsministeriet
Sund og Bælt Holding A/S
Søfartsstyrelsen
Transport- og bygningsministeriet
Udenrigsministeriet
Vattenfall A/S
Vindmølleindustrien
VisitDenmark
WWF Danmark
Aarhus Universitet, DCE



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

**COMMISSION DIRECTIVE (EU) .../...**

**of **XXX****

**amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies**

(Text with EEA relevance)

# COMMISSION DIRECTIVE (EU) .../...

of **XXX**

**amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular Article 24(1) thereof,

Whereas:

- (1) Annex III to Directive 2008/56/EC lays down the indicative lists of characteristics, pressures and impacts which are referred to in Articles 8(1), 9(1), 9(3), 10(1), 11(1) and 24 of that Directive.
- (2) In 2012, on the basis of the initial assessment of their marine waters made pursuant to Article 8(1) of Directive 2008/56/EC and as part of the first cycle of implementation of their marine strategies, Member States notified to the Commission a set of characteristics for good environmental status and their environmental targets, in accordance with Articles 9(2) and 10(2) of Directive 2008/56/EC, respectively. The Commission's assessment<sup>2</sup> of those Member State's reports, undertaken in accordance with Article 12 of that Directive, highlighted that more efforts were urgently needed if Member States and the Union are to reach good environmental status by 2020.
- (3) To ensure that the second cycle of implementation of the marine strategies of the Member States further contributes to the achievement of the objectives of Directive 2008/56/EC and yields more consistent determinations of good environmental status, the Commission recommended in its report on the first phase of implementation that, at Union level, the Commission services and Member States collaborate to revise, strengthen and improve Commission Decision 2010/477/EU<sup>3</sup> by 2015, aiming at a clearer, simpler, more concise, more coherent and comparable set of good environmental status criteria and methodological standards and, at the same time, review Annex III of the Marine Strategy Framework Directive, and if necessary revise it, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle.

---

<sup>1</sup> OJ L 164, 25.6.2008, p. 19.

<sup>2</sup> Report from the Commission to the Council and the European Parliament - The first phase of implementation of the Marine Strategy Framework Directive (2008/56/EC) - The European Commission's assessment and guidance (COM(2014)097 final, 20.2.2014).

<sup>3</sup> Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine waters (OJ L 232, 2.9.2010, p. 14).

- (4) The review of Annex III to Directive 2008/56/EC is needed to complement the review of Decision 2010/477/EU. Furthermore, the relationship between Annex III to Directive 2008/56/EC and the qualitative descriptors for determining good environmental status listed in Annex I to that Directive is only implicit in that Directive and, therefore, not sufficiently clear. The Commission, in a staff working paper from 2011<sup>4</sup>, explained relationships between the qualitative descriptors listed in Annex I to Directive 2008/56/EC, the elements set out in Annex III to that Directive, and the criteria and indicators set out in Decision 2010/477/EU, but could provide only a partial answer due to their inherent content. A revision of Annex III to Directive 2008/56/EC is needed in order to further clarify those relationships and facilitate implementation, better linking ecosystem elements, and anthropogenic pressures and impacts on the marine environment with the descriptors in Annex I to Directive 2008/56/EC and the outcome of the review of Decision 2010/477/EU.
- (5) Annex III to Directive 2008/56/EC should provide elements for assessment (Article 8(1) of that Directive) with regard to good environmental status (Article 9(1) of that Directive), provide elements for monitoring (Article 11(1) of that Directive), which are complementary to assessment (e.g. temperature, salinity), and provide elements for consideration when setting targets (Article 10(1) of the Directive). The relevance of these elements will vary by region and Member State due to differing regional characteristics. This means that elements need to be addressed only if they are considered "essential features and characteristics" or "predominant pressures and impacts" as referred to in points (a) and (b) of Article 8(1) of Directive 2008/56/EC, respectively, and if they occur in the relevant Member State's waters.
- (6) It is important to ensure that the elements set out in Annex III to Directive 2008/56/EC are clearly related to the qualitative descriptors of Annex I to that Directive and to the criteria and methodological standards on good environmental status of marine waters laid down by the Commission on the basis of Article 9(3) of Directive 2008/56/EC, as well as to their application in relation to Articles 8, 9, 10 and 11 of Directive 2008/56/EC. In this context, those elements need to be generic and generally applicable across the Union, considering that more specific elements can be laid down by the Commission on the basis of Article 9(3) of Directive 2008/56/EC or in the context of determining sets of characteristics for good environmental status under Article 9(1) of that Directive.
- (7) Tables 1 and 2 of Annex III to Directive 2008/56/EC should be clarified to more clearly relate to state elements (Table 1) and to pressure elements and their impacts (Table 2), and to directly link the elements listed in them with the qualitative descriptors laid down in Annex I of that Directive and through this with the criteria laid down by the Commission on the basis of Article 9(3) of Directive 2008/56/EC.
- (8) To guide the assessments on uses of marine waters under point (c) of Article 8(1) of Directive 2008/56/EC, and on human activities under point (b) of Article 8(1), and associated monitoring provided under Article 11 of that Directive, Table 2 should be extended to contain an indicative list of uses and human activities in order to ensure consistency in their assessment across the marine regions and subregions.
- (9) Annex III to Directive 2008/56/EC should therefore be amended accordingly.
- (10) The measures provided for in this Directive are in accordance with the opinion of the regulatory committee established under Article 25(1) of Directive 2008/56/EC,

---

<sup>4</sup> [Commission Staff Working Paper SEC\(2011\)1255.](#)



HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex III to Directive 2008/56/EC is replaced by the text set out in the Annex to this Directive.

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [**OJ: please insert the date: 18 months after the entry into force of this Directive**] 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 text of the main provisions of national law which they adopt in the field covered by this Directive.
3. The obligation to transpose this Directive shall not apply to Member States without marine waters.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*[...]*



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

ANNEX 1

## **ANNEX**

**to the**

**Commission Directive**

**amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies**

**ANNEX**

**to the**

**Commission Directive**

**amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies**

**ANNEX III**

**Indicative lists of ecosystem elements, anthropogenic pressures and human activities relevant to the marine waters**

(referred to in Articles 8(1), 9(1), 9(3), 10(1), 11(1) and 24)

**Table 1 – Structure, functions and processes of marine ecosystems**  
with particular relevance for point (a) of Article 8(1), and Articles 9 and 11

<b>Theme</b>	<b>Ecosystem elements</b>	<b>Possible parameters and characteristics (Note 1)</b>	<b>Relevant qualitative descriptors laid down in Annex I (Notes 2 and 3)</b>
Species	Species groups (Note 4) of marine birds, mammals, reptiles, fish and cephalopods of the marine region or subregion	Spatial and temporal variation per species or population: – distribution, abundance and/or biomass – size, age and sex structure – fecundity, survival and mortality/injury rates – behaviour including movement and migration – habitat for the species (extent, suitability) Species composition of the group	(1); (3)
Habitats	Broad habitat types of the water column (pelagic) and seabed (benthic) (Note 5), or other habitat types, including their associated biological communities throughout the marine region or subregion	Per habitat type: – habitat distribution and extent (and volume, if appropriate) – species composition, abundance and/or biomass (spatial and temporal variation) – size and age structure of species (if appropriate) – physical, hydrological and chemical characteristics Additionally for pelagic habitats: – chlorophyll a – plankton bloom frequencies and spatial extent	(1); (6)
Ecosystems, including food webs	Ecosystem structure, functions and processes, comprising: – physical and	Spatial and temporal variation in: – temperature and ice – hydrology (wave and current regimes; upwelling, mixing, residence time, freshwater input; sea level) – bathymetry	(1); (4)

Theme	Ecosystem elements	Possible parameters and characteristics (Note 1)	Relevant qualitative descriptors laid down in Annex I (Notes 2 and 3)
	hydrological characteristics  – chemical characteristics  – biological characteristics  – functions and processes	– turbidity (silt/sediment loads), transparency, sound – seabed substrate and morphology  – salinity, nutrients (N, P), organic carbon, dissolved gases (pCO <sub>2</sub> , O <sub>2</sub> ) and pH  – links between species of marine birds, mammals, reptiles, fish and cephalopods and habitats – pelagic-benthic community shifts  – productivity	

### Notes related to Table 1

- Note 1: An indicative list of relevant parameters and characteristics for species, habitats and ecosystems is given, reflecting parameters affected by the pressures of Table 2 of this Annex and of relevance to criteria laid down in accordance with Article 9(3). The particular parameters and characteristics to be used for monitoring and assessment should be determined in accordance with the requirements of this Directive, including those of its Articles 8 to 11.
- Note 2: The numbers in this column refer to the respective numbered points in Annex I.
- Note 3: Only the state-based qualitative descriptors (1), (3), (4) and (6) which have criteria laid down in accordance with Article 9(3) are listed in Table 1. All other, pressure-based, qualitative descriptors under Annex I may be relevant for each theme.
- Note 4: These species groups are further specified in Part II of the Annex to Commission Decision 2016/XX/EU\*.
- Note 5: These broad habitat types are further specified in Part II of the Annex to Decision 2016/XX/EU.

---

\* OJ: Please insert the title, date and OJ reference of "Commission Decision laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU", published on the same day.

**Table 2 – Anthropogenic pressures, uses and human activities in or affecting the marine environment**

<b>2a Anthropogenic pressures on the marine environment</b> with particular relevance for points (a) and (b) of Article 8(1), and Articles 9, 10 and 11			
<b>Theme</b>	<b>Pressure (Note 1)</b>	<b>Possible parameters</b>	<b>Relevant qualitative descriptors laid down in Annex I (Notes 2 and 3)</b>
Biological	Input or spread of non-indigenous species	Intensity of, and spatial and temporal variation in, the pressure in the marine environment and, where relevant, at source	(2)
	Input of microbial pathogens		
	Input of genetically modified species and translocation of native species		
	Loss of, or change to, natural biological communities due to cultivation of animal or plant species		
	Disturbance of species (e.g. where they breed, rest and feed) due to human presence		
	Extraction of, or mortality/injury to, wild species, including target and non-target species (by commercial and recreational fishing and other activities)		(3)
Physical	Physical disturbance to seabed (temporary or reversible)	For assessment of environmental impacts of the pressure, select relevant ecosystem elements and parameters from Table 1	(6); (7)
	Physical loss (due to permanent change of seabed substrate or morphology and to extraction of seabed substrate)		
	Changes to hydrological conditions		
Substances, litter and energy	Input of nutrients – diffuse sources, point sources, atmospheric deposition		(5)
	Input of organic matter – diffuse sources and point sources		
	Input of hazardous substances (synthetic substances, non-synthetic substances, radionuclides) – diffuse sources, point sources, atmospheric deposition, acute events		(8); (9)
	Input of litter (solid waste matter, including micro-sized litter)		(10)
	Input of anthropogenic sound (impulsive, continuous)		
	Input of other forms of energy (including electromagnetic fields, light and heat)		(11)
	Input of water – point sources (e.g. brine)		

**2b Uses and human activities in or affecting the marine environment**

with particular relevance for points (b) and (c) of Article 8(1) (only activities marked \* are relevant for point (c) of Article 8(1)), and Articles 10 and 13

Theme	Activity
Physical restructuring of rivers, coastline or seabed (water management)	Land claim
	Canalisation and other watercourse modifications
	Coastal defence and flood protection*
	Offshore structures (other than for oil/gas/renewables)*
	Restructuring of seabed morphology, including dredging and depositing of materials*
Extraction of non-living resources	Extraction of minerals (rock, metal ores, gravel, sand, shell)*
	Extraction of oil and gas, including infrastructure*
	Extraction of salt*
	Extraction of water*
Production of energy	Renewable energy generation (wind, wave and tidal power), including infrastructure*
	Non-renewable energy generation
	Transmission of electricity and communications (cables)*
Extraction of living resources	Fish and shellfish harvesting (professional, recreational)*
	Fish and shellfish processing*
	Marine plant harvesting*
	Hunting and collecting for other purposes*
Cultivation of living resources	Aquaculture – marine, including infrastructure*
	Aquaculture – freshwater
	Agriculture
	Forestry
Transport	Transport infrastructure*
	Transport – shipping*
	Transport – air
	Transport – land
Urban and industrial uses	Urban uses
	Industrial uses
	Waste treatment and disposal*
Tourism and leisure	Tourism and leisure infrastructure*
	Tourism and leisure activities*
Security/defence	Military operations (subject to Article 2(2))
Education and research	Research, survey and educational activities*

### **Notes related to Table 2**

- Note 1: Assessments of pressures should address their levels in the marine environment and, if appropriate, the rates of input (from land-based or atmospheric sources) to the marine environment.
- Note 2: The numbers in this column refer to the respective numbered points in Annex I.
- Note 3: Only pressure-based qualitative descriptors (2), (3), (5), (6), (7), (8), (9), (10) and (11), which have criteria laid down in accordance with Article 9(3), are listed in Table 2a. All other, state-based, qualitative descriptors under Annex I may be relevant for each theme.'



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

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

**of **XXX****

**laying down criteria and methodological standards on good environmental status of  
marine waters and specifications and standardised methods for monitoring and  
assessment, and repealing Decision 2010/477/EU**

(Text with EEA relevance)



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

of **XXX**

### **laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular Articles 9(3) and 11(4) thereof,

Whereas:

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

<sup>1</sup> OJ L 164, 25.6.2008, p. 19.

<sup>2</sup> Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine waters (OJ L 232, 2.9.2010, p. 14).

<sup>3</sup> Report from the Commission to the Council and the European Parliament - The first phase of implementation of the Marine Strategy Framework Directive (2008/56/EC) - The European Commission's assessment and guidance (COM(2014)097 final, 20.2.2014).

environmental status by the Member States. In addition, the assessment recognised that regional cooperation must be at the very heart of the implementation of Directive 2008/56/EC. It also emphasised the need for Member States to more systematically build upon existing Union legislation or, where relevant, standards set by Regional Sea Conventions or other international agreements.

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

---

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

<sup>5</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

<sup>6</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

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

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

---

<sup>7</sup> Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

<sup>8</sup> Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

<sup>9</sup> Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently replacing Council Directives 87/176/EEC, 3/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84.).

<sup>10</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

<sup>11</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

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

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

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

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



HAS ADOPTED THIS DECISION:

*Article 1*  
*Subject-matter*

This Decision lays down:

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

*Article 2*  
*Definitions*

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

The following definitions shall also apply:

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

---

<sup>12</sup> Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

### *Article 3*

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

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

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

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

### *Article 4*

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

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

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

#### *Article 5* *Timeline*

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



*Article 6*  
*Notification*

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

*Article 7*  
*Repeal*

Decision 2010/477/EU is hereby repealed.

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

*Article 8*  
*Entry into force*

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

Done at Brussels,

*For the Commission*  
*The President*



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

ANNEX 1

**ANNEX**

**to the**

**Commission Decision**

**laying down criteria and methodological standards on good environmental status of  
marine waters and specifications and standardised methods for monitoring and  
assessment, and repealing Decision 2010/477/EU**

**ANNEX**  
**to the**  
**Commission Decision**  
**laying down criteria and methodological standards on good environmental status of**  
**marine waters and specifications and standardised methods for monitoring and**  
**assessment, and repealing Decision 2010/477/EU**

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

This Annex is structured in two parts:

- under Part I are laid down the criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment under Article 11(4) of that Directive, to be used by Member States in relation to the assessment of predominant pressures and impacts under Article 8(1)(b) of Directive 2008/56/EC,
- under Part II are laid down criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment, to be used by Member States in relation to the assessment of environmental status under Article 8(1)(a) of Directive 2008/56/EC.

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

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

---

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

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

Relevant pressure: Input or spread of non-indigenous species

*Criteria, including criteria elements, and methodological standards*

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

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

*Specifications and standardised methods for monitoring and assessment*

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

Units of measurement for the criteria:

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

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

**Descriptor 3 – Populations of all commercially-exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock**

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

*Criteria, including criteria elements, and methodological standards*

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

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

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

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

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

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

*Specifications and standardised methods for monitoring and assessment*

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

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

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



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

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

Units of measurement for the criteria:

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

**Descriptor 5 – Human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters**

Relevant pressures: Input of nutrients; Input of organic matter

*Criteria, including criteria elements, and methodological standards*

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

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

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

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

*Specifications and standardised methods for monitoring and assessment*

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

Units of measurement for the criteria:

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

<sup>5</sup> Commission Decision 2013/480/EU of 20 September 2013 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Decision 2008/915/EC (OJ L 266, 8.10.2013, p. 1).

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

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

**Descriptor 6 – Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.**

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

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

*Criteria, including criteria elements, and methodological standards*

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



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

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

Units of measurement for the criteria:

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

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

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

*Criteria, including criteria elements, and methodological standards*

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

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

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

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

(b) Environmental impact assessment hydrodynamic models, where required, which are validated with ground-truth measurements, or other suitable sources of information, shall be used to assess the extent of effects from each infrastructure development.

(c) For coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC shall be used.

2. Regarding methods for assessment, the data shall be aggregated so that:

(a) D7C1 is assessed in relation to total natural extent of all habitats in the assessment area;

(b) D7C2 is assessed in relation to total natural extent of each benthic habitat type assessed.

Units of measurement for the criteria:

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

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

Relevant pressures: Input of hazardous substances

*Criteria, including criteria elements, and methodological standards*

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

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

<sup>7</sup> Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences (OJ L 255, 30.9.2005, p. 11).

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

*Specifications and standardised methods for monitoring and assessment*

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

- (c) Criteria D8C3 and D8C4: for the purposes of this Decision, monitoring is established as needed once the acute pollution event has occurred, rather than being part of a regular monitoring programme under Article 11 of Directive 2008/56/EC.
  - (d) Criterion D8C3: Member States shall identify the source of significant acute pollution events, where possible. They may use the European Maritime Safety Agency satellite-based surveillance for this purpose.
2. For criteria elements under D8C1, the selection under points (1)(b) and (2)(b) of additional contaminants that may give rise to pollution effects shall be based on a risk assessment. For these contaminants, the matrix and threshold values used for the assessment shall be representative of the most sensitive species and exposure pathway, including hazards to human health via exposure through the food chain.
  3. Contaminants shall be understood to refer to single substances or to groups of substances. For consistency in reporting, the grouping of substances shall be agreed at Union level.
  4. Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

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

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

Relevant pressure: Input of hazardous substances

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Contaminants listed in Regulation (EC) No 1881/2006.</p> <p>For the purposes of this Decision, Member States may decide not to consider contaminants from Regulation (EC) No 1881/2006 where justified on the basis of a risk assessment.</p> <p>Member States may assess additional contaminants that are not included in Regulation (EC) No 1881/2006. Member States shall establish a list of those additional contaminants through regional or subregional cooperation.</p> <p>Member States shall establish the list of species and relevant tissues to be assessed, according to the conditions laid down under 'specifications'. They may cooperate at regional or subregional level to establish that list of species and relevant tissues.</p>	<p>D9C1 – Primary:</p> <p>The level of contaminants in edible tissues (muscle, liver, roe, flesh or other soft parts, as appropriate) of seafood (including fish, crustaceans, molluscs, echinoderms, seaweed and other marine plants) caught or harvested in the wild (excluding fin-fish from mariculture) does not exceed:</p> <p>(a) for contaminants listed in Regulation (EC) No 1881/2006, the maximum levels laid down in that Regulation, which are the threshold values for the purposes of this Decision;</p> <p>(b) for additional contaminants, not listed in Regulation (EC) No 1881/2006, threshold values, which Member States shall establish through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>The catch or production area in accordance with Article 38 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>8</sup>.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– for each contaminant, its concentration in seafood, the matrix used (species and tissue), whether the threshold values set have been exceeded, and the proportion of contaminants assessed which have achieved their threshold values.</li> </ul>

<sup>8</sup> Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).



*Specifications and standardised methods for monitoring and assessment*

1. When Member States establish the list of species to be used under D9C1, the species shall:
  - (a) be relevant to the marine region or subregion concerned;
  - (b) fall under the scope of Regulation (EC) No 1881/2006;
  - (c) be suitable for the contaminant being assessed;
  - (d) be among the most consumed in the Member State or the most caught or harvested for consumption.
2. Exceedance of the standard set for a contaminant shall lead to subsequent monitoring to determine the persistence of the contamination in the area and species sampled. Monitoring shall continue until there is sufficient evidence that there is no risk of failure.
3. For the purposes of this Decision, the sampling for the assessment of the maximum levels of contaminants shall be performed in accordance with Article 11 of Regulation (EC) No 882/2004 of the European Parliament and of the Council<sup>9</sup> and with Commission Regulation (EU) No 589/2014<sup>10</sup> and Commission Regulation (EC) No 333/2007<sup>11</sup>.
4. Within each region or subregion, Member States shall ensure that the temporal and geographical scope of sampling is adequate to provide a representative sample of the specified contaminants in seafood in the marine region or subregion.

Units of measurement for the criteria:

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

---

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

<sup>10</sup> Commission Regulation (EU) No 589/2014 of 2 June 2014 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs and repealing Regulation (EU) No 252/2012 (OJ L 164, 3.6.2014, p. 18).

<sup>11</sup> Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs (OJ L 88, 29.3.2007, p. 29).

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

Relevant pressure: Input of litter

*Criteria, including criteria elements, and methodological standards*

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

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

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

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

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

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

Units of measurement for the criteria:

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

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

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

*Criteria, including criteria elements, and methodological standards*

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

*Specifications and standardised methods for monitoring and assessment*

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

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

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

**PART II – CRITERIA AND METHODOLOGICAL STANDARDS, SPECIFICATIONS AND STANDARDISED METHODS FOR MONITORING AND ASSESSMENT OF ESSENTIAL FEATURES AND CHARACTERISTICS AND CURRENT ENVIRONMENTAL STATUS OF MARINE WATERS UNDER POINT (A) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

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

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

*Criteria, including criteria elements, and methodological standards*

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

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

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



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

Table 1 – Species groups

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

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

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

Units of measurement for the criteria:

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

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

*Criteria, including criteria elements, and methodological standards*

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

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

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

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

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

Units of measurement for the criteria:

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

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

*Criteria, including criteria elements, and methodological standards*

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

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

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

### *Criteria elements*

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

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

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

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

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

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

Units of measurement for the criteria:

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

<sup>16</sup>

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

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

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

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

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



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

*Criteria, including criteria elements, and methodological standards*

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

*Specifications and standardised methods for monitoring and assessment*

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

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

Units of measurement:

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

---

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



## Aktdetaljer

Den 1. februar 2017

### Akttitel: Europæisk høring vedr. havstrategidirektivet Aktnummer:

Akt ID: 2763678

Dato: 20-09-2016

Type: Indgående

Original titel: Europæisk høring vedr. havstrategidirektivet

Dokumenter:

- [1] Europæisk høring vedr. havstrategidirektivet.msg
- [2] Høringsbrev.docx
- [3] Høringsliste havmiljø.docx
- [4] MSFD\_AnnexIII\_14-09-2016\_main.pdf
- [5] MSFD\_AnnexIII\_04-09-2016\_app.pdf
- [6] GES\_V5\_14-09-2016.pdf
- [7] GES\_appendix\_V5\_14-09-2016.pdf

**Til:**  
**Cc:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Fra:** Bestilling - Styrelsen for Vand- og Naturforvaltning (Hovedpostkasse) (svana@svana.dk)  
**Titel:** Europæisk høring vedr. havstrategidirektivet  
**Sendt:** 20-09-2016 17:42:27  
**Bilag:** Høringsbrev.docx; Høringsliste havmiljø.docx; MSFD\_AnnexIII\_14-09-2016\_main.pdf; MSFD\_AnnexIII\_04-09-2016\_app.pdf; GES\_V5\_14-09-2016.pdf; GES\_appendix\_V5\_14-09-2016.pdf;

Til relevante høringsparter.

Europa-Kommissionen har sendt to forslag vedr. havstrategidirektivet i offentlig høring. Høringsfristen er 12. oktober 2016.

Se venligst vedlagte.

Venlig hilsen

**Ditte Mandøe Andreasen**  
Fuldmægtig cand.tech.soc.  
Naturbeskyttelse  
93 58 81 24 | [diman@svana.dk](mailto:diman@svana.dk)

**Miljø- og Fødevareministeriet**

Styrelsen for Vand- og Naturforvaltning | Haraldsgade 53 | 2100 København Ø | Tlf. 72 54 20 00 | [svana@svana.dk](mailto:svana@svana.dk) | [www.svana.dk](http://www.svana.dk)

**NATURSTYRELSEN ER NU DELT I TO**

1. juli 2016 blev Naturstyrelsen delt i to: Styrelsen for Vand- og Naturforvaltning (SVANA), som er statslig myndighed på vand- og naturområdet, og Naturstyrelsen (NST), som forvalter Miljø- og Fødevareministeriets skov- og naturarealer og gennemfører projekter til gavn for biodiversitet og friluftsliv.

Besøg SVANA på [www.svana.dk](http://www.svana.dk)

Besøg Naturstyrelsen på [www.nst.dk](http://www.nst.dk)

NOTAT



**Miljø- og  
Fødevareministeriet**  
Styrelsen for Vand- og  
Naturforvaltning

Naturbeskyttelse

Ref. DIMAN

Den 20. september 2016

## Europa-Kommissionens høring vedr. havstrategidirektivet

---

Europa-Kommissionen har sendt to forslag vedr. havstrategidirektivet i offentlig høring.

Det ene er et forslag til ændring af direktivets bilag III, der indeholder en vejledende liste over karakteristika, miljøbelastninger og påvirkninger i havmiljøet. Det andet forslag fastsætter kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering.

Europa-Kommissionens udkast til forslag er udarbejdet med hjemmel i Europa-Parlamentets og Rådets Direktiv 2008/56/EF om fastlæggelse af en ramme for Fællesskabets havmiljøpolitiske foranstaltninger (havstrategidirektivet), jf. artikel 9 stk. 3, artikel 11 stk. 4 og artikel 24 stk. 1.

Havstrategidirektivet har til formål at skabe en ramme, inden for hvilken medlemslandene skal træffe de fornødne foranstaltninger til at opnå eller opretholde en god miljøtilstand i havmiljøet senest i år 2020.

Forslaget forventes sat til afstemning senere i 2016 i havstrategidirektivets forskriftkomité, som består af embedsmænd fra de enkelte EU medlemslande. Afhængigt af udfaldet af denne afstemning vedtager Kommissionen derefter forslaget efter en kontrolperiode i Rådet og Europa-Parlamentet.

Bemærkninger til forslaget skal sendes til Europa-Kommissionen senest **den 12. oktober 2016** via følgende link: [https://ec.europa.eu/info/law/better-regulation/share-your-views\\_da](https://ec.europa.eu/info/law/better-regulation/share-your-views_da)

Høringerne er navngivet som

- 1) "Inter-service consultation on Commission proposal amending Annex III of MSFD"
- 2) "Interservice consultation on a Commission proposal for the GES Decision"

Du skal registrere dig på hjemmesiden og modtager derefter et kodeord. Hvis du ikke kommer direkte til siden, så klik på linket igen, efter du er logget på.

Bemærkningerne kan gives på dansk eller engelsk og må maksimalt udgøre 4.000 anslag (ca. 1½ side).

SVANA vil meget gerne modtage en kopi af bemærkningerne med henblik på at kunne varetage danske synspunkter. De bedes sendt til [svana@svana.dk](mailto:svana@svana.dk) og [diman@svana.dk](mailto:diman@svana.dk) med angivelse af journalnummer NST-4205-00011. Eventuelle spørgsmål kan rettes til undertegnede eller kontorchef Lisbet Ølgaard, [lioel@svana.dk](mailto:lioel@svana.dk).

Med venlig hilsen

Ditte Mandøe Andreassen  
[diman@svana.dk](mailto:diman@svana.dk)

## Høringsliste havmiljø

Organisation
Advokatsamfundet
Alle danske kommuner
Beredskabsstyrelsen
Beskæftigelsesministeriet
Brancheforeningen Danske Maritime
By & Havn
Common Wadden Sea Secretariat
Danish Operators
Danish Seafood Association
Danmarks Fiskeriforening
Danmarks Fritidssejler Union
Danmarks Jægerforbund
Danmarks Naturfredningsforening
Danmarks Pelagiske Producentorganisation
Danmarks Rederiforening
Danmarks Skibsmæglerforening
Danmarks Sportsfiskerforbund
Danmarks Vindmølleforening
Dansk Akvakultur
Dansk Amatørfiskeriforening
Dansk Energi
Dansk Energi Brancheforening
Dansk Forening for Rosport
Dansk Fritidsfiskerforbund
Dansk Industri
Dansk Kano- og kajakforbund
Dansk Ornitologisk Forening
Dansk Sejlunion
Dansk Sportsdykker Forbund
Dansk Transport og Logistik
Danske Havne
Danske Regioner
Danske Råstoffer
Danske Tursejlere
DANVA
Det økologiske råd
DHI
DMI
Dong Energy

DTU Aqua
Energi- og olieforum
Energinet.dk
Energistyrelsen
Erhvervs- og Vækstministeriet
Erhvervsstyrelsen
Ferskvandsfiskeriforeningen
Finansministeriet
Foreningen af Lystbådehavne i Danmark
Forsvarskommandoen
Forsvarsministeriet
Forsvarsministeriet, beredskabskontoret
Fri - Foreningen af Rådgivende Ingeniører
Friluftsrådet
GEUS
Green Network
Greenpeace Danmark
Hess Corporation
Justitsministeriet
Kulturstyrelsen
Energi- Forsynings- og Klimaministeriet
Kommunernes Internationale Miljøorganisation - Danmark (KIMO)
Kommunernes Landsforening
Kystdirektoratet
Kystfiskeriudvalget
Landbrug og Fødevarer
Landsforeningen Levende Hav
Maersk Group
Marinbiologisk Laboratorium
Miljøstyrelsen
Sundheds- og Ældreministeriet
NaturErhvervstyrelsen
NOAH
OCEANA
Oil Gas Danmark
Region Hovedstaden
Region Midtjylland
Region Nordjylland
Region Sjælland
Region Syddanmark
Skatteministeriet
Statens Naturhistoriske Museum

Statens Naturhistoriske Museum
Statsministeriet
Sund og Bælt Holding A/S
Søfartsstyrelsen
Transport- og bygningsministeriet
Udenrigsministeriet
Vattenfall A/S
Vindmølleindustrien
VisitDenmark
WWF Danmark
Aarhus Universitet, DCE





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

**COMMISSION DIRECTIVE (EU) .../...**

**of **XXX****

**amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies**

(Text with EEA relevance)

# COMMISSION DIRECTIVE (EU) .../...

of **XXX**

**amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular Article 24(1) thereof,

Whereas:

- (1) Annex III to Directive 2008/56/EC lays down the indicative lists of characteristics, pressures and impacts which are referred to in Articles 8(1), 9(1), 9(3), 10(1), 11(1) and 24 of that Directive.
- (2) In 2012, on the basis of the initial assessment of their marine waters made pursuant to Article 8(1) of Directive 2008/56/EC and as part of the first cycle of implementation of their marine strategies, Member States notified to the Commission a set of characteristics for good environmental status and their environmental targets, in accordance with Articles 9(2) and 10(2) of Directive 2008/56/EC, respectively. The Commission's assessment<sup>2</sup> of those Member State's reports, undertaken in accordance with Article 12 of that Directive, highlighted that more efforts were urgently needed if Member States and the Union are to reach good environmental status by 2020.
- (3) To ensure that the second cycle of implementation of the marine strategies of the Member States further contributes to the achievement of the objectives of Directive 2008/56/EC and yields more consistent determinations of good environmental status, the Commission recommended in its report on the first phase of implementation that, at Union level, the Commission services and Member States collaborate to revise, strengthen and improve Commission Decision 2010/477/EU<sup>3</sup> by 2015, aiming at a clearer, simpler, more concise, more coherent and comparable set of good environmental status criteria and methodological standards and, at the same time, review Annex III of the Marine Strategy Framework Directive, and if necessary revise it, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle.

---

<sup>1</sup> OJ L 164, 25.6.2008, p. 19.

<sup>2</sup> Report from the Commission to the Council and the European Parliament - The first phase of implementation of the Marine Strategy Framework Directive (2008/56/EC) - The European Commission's assessment and guidance (COM(2014)097 final, 20.2.2014).

<sup>3</sup> Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine waters (OJ L 232, 2.9.2010, p. 14).

- (4) The review of Annex III to Directive 2008/56/EC is needed to complement the review of Decision 2010/477/EU. Furthermore, the relationship between Annex III to Directive 2008/56/EC and the qualitative descriptors for determining good environmental status listed in Annex I to that Directive is only implicit in that Directive and, therefore, not sufficiently clear. The Commission, in a staff working paper from 2011<sup>4</sup>, explained relationships between the qualitative descriptors listed in Annex I to Directive 2008/56/EC, the elements set out in Annex III to that Directive, and the criteria and indicators set out in Decision 2010/477/EU, but could provide only a partial answer due to their inherent content. A revision of Annex III to Directive 2008/56/EC is needed in order to further clarify those relationships and facilitate implementation, better linking ecosystem elements, and anthropogenic pressures and impacts on the marine environment with the descriptors in Annex I to Directive 2008/56/EC and the outcome of the review of Decision 2010/477/EU.
- (5) Annex III to Directive 2008/56/EC should provide elements for assessment (Article 8(1) of that Directive) with regard to good environmental status (Article 9(1) of that Directive), provide elements for monitoring (Article 11(1) of that Directive), which are complementary to assessment (e.g. temperature, salinity), and provide elements for consideration when setting targets (Article 10(1) of the Directive). The relevance of these elements will vary by region and Member State due to differing regional characteristics. This means that elements need to be addressed only if they are considered "essential features and characteristics" or "predominant pressures and impacts" as referred to in points (a) and (b) of Article 8(1) of Directive 2008/56/EC, respectively, and if they occur in the relevant Member State's waters.
- (6) It is important to ensure that the elements set out in Annex III to Directive 2008/56/EC are clearly related to the qualitative descriptors of Annex I to that Directive and to the criteria and methodological standards on good environmental status of marine waters laid down by the Commission on the basis of Article 9(3) of Directive 2008/56/EC, as well as to their application in relation to Articles 8, 9, 10 and 11 of Directive 2008/56/EC. In this context, those elements need to be generic and generally applicable across the Union, considering that more specific elements can be laid down by the Commission on the basis of Article 9(3) of Directive 2008/56/EC or in the context of determining sets of characteristics for good environmental status under Article 9(1) of that Directive.
- (7) Tables 1 and 2 of Annex III to Directive 2008/56/EC should be clarified to more clearly relate to state elements (Table 1) and to pressure elements and their impacts (Table 2), and to directly link the elements listed in them with the qualitative descriptors laid down in Annex I of that Directive and through this with the criteria laid down by the Commission on the basis of Article 9(3) of Directive 2008/56/EC.
- (8) To guide the assessments on uses of marine waters under point (c) of Article 8(1) of Directive 2008/56/EC, and on human activities under point (b) of Article 8(1), and associated monitoring provided under Article 11 of that Directive, Table 2 should be extended to contain an indicative list of uses and human activities in order to ensure consistency in their assessment across the marine regions and subregions.
- (9) Annex III to Directive 2008/56/EC should therefore be amended accordingly.
- (10) The measures provided for in this Directive are in accordance with the opinion of the regulatory committee established under Article 25(1) of Directive 2008/56/EC,

<sup>4</sup>

[Commission Staff Working Paper SEC\(2011\)1255.](#)

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex III to Directive 2008/56/EC is replaced by the text set out in the Annex to this Directive.

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [**OJ: please insert the date: 18 months after the entry into force of this Directive**] 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 text of the main provisions of national law which they adopt in the field covered by this Directive.
3. The obligation to transpose this Directive shall not apply to Member States without marine waters.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*[...]*



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

ANNEX 1

## **ANNEX**

**to the**

**Commission Directive**

**amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies**

**ANNEX**

**to the**

**Commission Directive**

**amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies**

**ANNEX III**

**Indicative lists of ecosystem elements, anthropogenic pressures and human activities relevant to the marine waters**

(referred to in Articles 8(1), 9(1), 9(3), 10(1), 11(1) and 24)

**Table 1 – Structure, functions and processes of marine ecosystems**  
with particular relevance for point (a) of Article 8(1), and Articles 9 and 11

<b>Theme</b>	<b>Ecosystem elements</b>	<b>Possible parameters and characteristics (Note 1)</b>	<b>Relevant qualitative descriptors laid down in Annex I (Notes 2 and 3)</b>
Species	Species groups (Note 4) of marine birds, mammals, reptiles, fish and cephalopods of the marine region or subregion	Spatial and temporal variation per species or population: – distribution, abundance and/or biomass – size, age and sex structure – fecundity, survival and mortality/injury rates – behaviour including movement and migration – habitat for the species (extent, suitability) Species composition of the group	(1); (3)
Habitats	Broad habitat types of the water column (pelagic) and seabed (benthic) (Note 5), or other habitat types, including their associated biological communities throughout the marine region or subregion	Per habitat type: – habitat distribution and extent (and volume, if appropriate) – species composition, abundance and/or biomass (spatial and temporal variation) – size and age structure of species (if appropriate) – physical, hydrological and chemical characteristics Additionally for pelagic habitats: – chlorophyll a – plankton bloom frequencies and spatial extent	(1); (6)
Ecosystems, including food webs	Ecosystem structure, functions and processes, comprising: – physical and	Spatial and temporal variation in: – temperature and ice – hydrology (wave and current regimes; upwelling, mixing, residence time, freshwater input; sea level) – bathymetry	(1); (4)

Theme	Ecosystem elements	Possible parameters and characteristics (Note 1)	Relevant qualitative descriptors laid down in Annex I (Notes 2 and 3)
	hydrological characteristics  – chemical characteristics  – biological characteristics  – functions and processes	– turbidity (silt/sediment loads), transparency, sound – seabed substrate and morphology  – salinity, nutrients (N, P), organic carbon, dissolved gases (pCO <sub>2</sub> , O <sub>2</sub> ) and pH  – links between species of marine birds, mammals, reptiles, fish and cephalopods and habitats – pelagic-benthic community shifts  – productivity	

### Notes related to Table 1

- Note 1: An indicative list of relevant parameters and characteristics for species, habitats and ecosystems is given, reflecting parameters affected by the pressures of Table 2 of this Annex and of relevance to criteria laid down in accordance with Article 9(3). The particular parameters and characteristics to be used for monitoring and assessment should be determined in accordance with the requirements of this Directive, including those of its Articles 8 to 11.
- Note 2: The numbers in this column refer to the respective numbered points in Annex I.
- Note 3: Only the state-based qualitative descriptors (1), (3), (4) and (6) which have criteria laid down in accordance with Article 9(3) are listed in Table 1. All other, pressure-based, qualitative descriptors under Annex I may be relevant for each theme.
- Note 4: These species groups are further specified in Part II of the Annex to Commission Decision 2016/XX/EU\*.
- Note 5: These broad habitat types are further specified in Part II of the Annex to Decision 2016/XX/EU.

---

\* OJ: Please insert the title, date and OJ reference of "Commission Decision laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU", published on the same day.

**Table 2 – Anthropogenic pressures, uses and human activities in or affecting the marine environment**

<b>2a Anthropogenic pressures on the marine environment</b> with particular relevance for points (a) and (b) of Article 8(1), and Articles 9, 10 and 11			
<b>Theme</b>	<b>Pressure (Note 1)</b>	<b>Possible parameters</b>	<b>Relevant qualitative descriptors laid down in Annex I (Notes 2 and 3)</b>
Biological	Input or spread of non-indigenous species	Intensity of, and spatial and temporal variation in, the pressure in the marine environment and, where relevant, at source	(2)
	Input of microbial pathogens		
	Input of genetically modified species and translocation of native species		
	Loss of, or change to, natural biological communities due to cultivation of animal or plant species		
	Disturbance of species (e.g. where they breed, rest and feed) due to human presence		
	Extraction of, or mortality/injury to, wild species, including target and non-target species (by commercial and recreational fishing and other activities)		(3)
Physical	Physical disturbance to seabed (temporary or reversible)	For assessment of environmental impacts of the pressure, select relevant ecosystem elements and parameters from Table 1	(6); (7)
	Physical loss (due to permanent change of seabed substrate or morphology and to extraction of seabed substrate)		
	Changes to hydrological conditions		
Substances, litter and energy	Input of nutrients – diffuse sources, point sources, atmospheric deposition		(5)
	Input of organic matter – diffuse sources and point sources		
	Input of hazardous substances (synthetic substances, non-synthetic substances, radionuclides) – diffuse sources, point sources, atmospheric deposition, acute events		(8); (9)
	Input of litter (solid waste matter, including micro-sized litter)		(10)
	Input of anthropogenic sound (impulsive, continuous)		
	Input of other forms of energy (including electromagnetic fields, light and heat)		(11)
	Input of water – point sources (e.g. brine)		



**2b Uses and human activities in or affecting the marine environment**

with particular relevance for points (b) and (c) of Article 8(1) (only activities marked \* are relevant for point (c) of Article 8(1)), and Articles 10 and 13

Theme	Activity
Physical restructuring of rivers, coastline or seabed (water management)	Land claim
	Canalisation and other watercourse modifications
	Coastal defence and flood protection*
	Offshore structures (other than for oil/gas/renewables)*
	Restructuring of seabed morphology, including dredging and depositing of materials*
Extraction of non-living resources	Extraction of minerals (rock, metal ores, gravel, sand, shell)*
	Extraction of oil and gas, including infrastructure*
	Extraction of salt*
	Extraction of water*
Production of energy	Renewable energy generation (wind, wave and tidal power), including infrastructure*
	Non-renewable energy generation
	Transmission of electricity and communications (cables)*
Extraction of living resources	Fish and shellfish harvesting (professional, recreational)*
	Fish and shellfish processing*
	Marine plant harvesting*
	Hunting and collecting for other purposes*
Cultivation of living resources	Aquaculture – marine, including infrastructure*
	Aquaculture – freshwater
	Agriculture
	Forestry
Transport	Transport infrastructure*
	Transport – shipping*
	Transport – air
	Transport – land
Urban and industrial uses	Urban uses
	Industrial uses
	Waste treatment and disposal*
Tourism and leisure	Tourism and leisure infrastructure*
	Tourism and leisure activities*
Security/defence	Military operations (subject to Article 2(2))
Education and research	Research, survey and educational activities*

### **Notes related to Table 2**

- Note 1: Assessments of pressures should address their levels in the marine environment and, if appropriate, the rates of input (from land-based or atmospheric sources) to the marine environment.
- Note 2: The numbers in this column refer to the respective numbered points in Annex I.
- Note 3: Only pressure-based qualitative descriptors (2), (3), (5), (6), (7), (8), (9), (10) and (11), which have criteria laid down in accordance with Article 9(3), are listed in Table 2a. All other, state-based, qualitative descriptors under Annex I may be relevant for each theme.'



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

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

**of **XXX****

**laying down criteria and methodological standards on good environmental status of  
marine waters and specifications and standardised methods for monitoring and  
assessment, and repealing Decision 2010/477/EU**

(Text with EEA relevance)

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

of **XXX**

### **laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular Articles 9(3) and 11(4) thereof,

Whereas:

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

<sup>1</sup> OJ L 164, 25.6.2008, p. 19.

<sup>2</sup> Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine waters (OJ L 232, 2.9.2010, p. 14).

<sup>3</sup> Report from the Commission to the Council and the European Parliament - The first phase of implementation of the Marine Strategy Framework Directive (2008/56/EC) - The European Commission's assessment and guidance (COM(2014)097 final, 20.2.2014).

environmental status by the Member States. In addition, the assessment recognised that regional cooperation must be at the very heart of the implementation of Directive 2008/56/EC. It also emphasised the need for Member States to more systematically build upon existing Union legislation or, where relevant, standards set by Regional Sea Conventions or other international agreements.

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

---

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

<sup>5</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

<sup>6</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

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

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

---

<sup>7</sup> Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

<sup>8</sup> Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

<sup>9</sup> Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently replacing Council Directives 87/176/EEC, 3/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84.).

<sup>10</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

<sup>11</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

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

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



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

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



HAS ADOPTED THIS DECISION:

*Article 1*  
*Subject-matter*

This Decision lays down:

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

*Article 2*  
*Definitions*

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

The following definitions shall also apply:

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

---

<sup>12</sup> Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

### *Article 3*

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

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

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

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

### *Article 4*

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

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

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

#### *Article 5* *Timeline*

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

*Article 6*  
*Notification*

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

*Article 7*  
*Repeal*

Decision 2010/477/EU is hereby repealed.

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

*Article 8*  
*Entry into force*

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

Done at Brussels,

*For the Commission*  
*The President*



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

ANNEX 1

**ANNEX**

**to the**

**Commission Decision**

**laying down criteria and methodological standards on good environmental status of  
marine waters and specifications and standardised methods for monitoring and  
assessment, and repealing Decision 2010/477/EU**

**ANNEX**  
**to the**  
**Commission Decision**  
**laying down criteria and methodological standards on good environmental status of**  
**marine waters and specifications and standardised methods for monitoring and**  
**assessment, and repealing Decision 2010/477/EU**

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

This Annex is structured in two parts:

- under Part I are laid down the criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment under Article 11(4) of that Directive, to be used by Member States in relation to the assessment of predominant pressures and impacts under Article 8(1)(b) of Directive 2008/56/EC,
- under Part II are laid down criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment, to be used by Member States in relation to the assessment of environmental status under Article 8(1)(a) of Directive 2008/56/EC.

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

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

---

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

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

Relevant pressure: Input or spread of non-indigenous species

*Criteria, including criteria elements, and methodological standards*

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

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

*Specifications and standardised methods for monitoring and assessment*

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

Units of measurement for the criteria:

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



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

**Descriptor 3 – Populations of all commercially-exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock**

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

*Criteria, including criteria elements, and methodological standards*

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

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

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

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

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

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

*Specifications and standardised methods for monitoring and assessment*

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

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

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

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

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

Units of measurement for the criteria:

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

**Descriptor 5 – Human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters**

Relevant pressures: Input of nutrients; Input of organic matter

*Criteria, including criteria elements, and methodological standards*

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

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

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



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

*Specifications and standardised methods for monitoring and assessment*

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

Units of measurement for the criteria:

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

<sup>5</sup> Commission Decision 2013/480/EU of 20 September 2013 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Decision 2008/915/EC (OJ L 266, 8.10.2013, p. 1).

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

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

**Descriptor 6 – Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.**

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

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

*Criteria, including criteria elements, and methodological standards*

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

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

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

Units of measurement for the criteria:

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

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

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

*Criteria, including criteria elements, and methodological standards*

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

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

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

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

(b) Environmental impact assessment hydrodynamic models, where required, which are validated with ground-truth measurements, or other suitable sources of information, shall be used to assess the extent of effects from each infrastructure development.

(c) For coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC shall be used.

2. Regarding methods for assessment, the data shall be aggregated so that:

(a) D7C1 is assessed in relation to total natural extent of all habitats in the assessment area;

(b) D7C2 is assessed in relation to total natural extent of each benthic habitat type assessed.

Units of measurement for the criteria:

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

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

Relevant pressures: Input of hazardous substances

Criteria, including criteria elements, and methodological standards

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

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

<sup>7</sup> Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences (OJ L 255, 30.9.2005, p. 11).



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

*Specifications and standardised methods for monitoring and assessment*

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

- (c) Criteria D8C3 and D8C4: for the purposes of this Decision, monitoring is established as needed once the acute pollution event has occurred, rather than being part of a regular monitoring programme under Article 11 of Directive 2008/56/EC.
  - (d) Criterion D8C3: Member States shall identify the source of significant acute pollution events, where possible. They may use the European Maritime Safety Agency satellite-based surveillance for this purpose.
2. For criteria elements under D8C1, the selection under points (1)(b) and (2)(b) of additional contaminants that may give rise to pollution effects shall be based on a risk assessment. For these contaminants, the matrix and threshold values used for the assessment shall be representative of the most sensitive species and exposure pathway, including hazards to human health via exposure through the food chain.
  3. Contaminants shall be understood to refer to single substances or to groups of substances. For consistency in reporting, the grouping of substances shall be agreed at Union level.
  4. Species composition shall be understood to refer to the lowest taxonomic level appropriate for the assessment.

Units of measurement for the criteria:

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

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

Relevant pressure: Input of hazardous substances

*Criteria, including criteria elements, and methodological standards*

Criteria elements	Criteria	Methodological standards
<p>Contaminants listed in Regulation (EC) No 1881/2006.</p> <p>For the purposes of this Decision, Member States may decide not to consider contaminants from Regulation (EC) No 1881/2006 where justified on the basis of a risk assessment.</p> <p>Member States may assess additional contaminants that are not included in Regulation (EC) No 1881/2006. Member States shall establish a list of those additional contaminants through regional or subregional cooperation.</p> <p>Member States shall establish the list of species and relevant tissues to be assessed, according to the conditions laid down under 'specifications'. They may cooperate at regional or subregional level to establish that list of species and relevant tissues.</p>	<p>D9C1 – Primary:</p> <p>The level of contaminants in edible tissues (muscle, liver, roe, flesh or other soft parts, as appropriate) of seafood (including fish, crustaceans, molluscs, echinoderms, seaweed and other marine plants) caught or harvested in the wild (excluding fin-fish from mariculture) does not exceed:</p> <p>(a) for contaminants listed in Regulation (EC) No 1881/2006, the maximum levels laid down in that Regulation, which are the threshold values for the purposes of this Decision;</p> <p>(b) for additional contaminants, not listed in Regulation (EC) No 1881/2006, threshold values, which Member States shall establish through regional or subregional cooperation.</p>	<p><i>Scale of assessment:</i></p> <p>The catch or production area in accordance with Article 38 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>8</sup>.</p> <p><i>Use of criteria:</i></p> <p>The extent to which good environmental status has been achieved shall be expressed for each area assessed as follows:</p> <ul style="list-style-type: none"> <li>– for each contaminant, its concentration in seafood, the matrix used (species and tissue), whether the threshold values set have been exceeded, and the proportion of contaminants assessed which have achieved their threshold values.</li> </ul>

<sup>8</sup> Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

*Specifications and standardised methods for monitoring and assessment*

1. When Member States establish the list of species to be used under D9C1, the species shall:
  - (a) be relevant to the marine region or subregion concerned;
  - (b) fall under the scope of Regulation (EC) No 1881/2006;
  - (c) be suitable for the contaminant being assessed;
  - (d) be among the most consumed in the Member State or the most caught or harvested for consumption.
2. Exceedance of the standard set for a contaminant shall lead to subsequent monitoring to determine the persistence of the contamination in the area and species sampled. Monitoring shall continue until there is sufficient evidence that there is no risk of failure.
3. For the purposes of this Decision, the sampling for the assessment of the maximum levels of contaminants shall be performed in accordance with Article 11 of Regulation (EC) No 882/2004 of the European Parliament and of the Council<sup>9</sup> and with Commission Regulation (EU) No 589/2014<sup>10</sup> and Commission Regulation (EC) No 333/2007<sup>11</sup>.
4. Within each region or subregion, Member States shall ensure that the temporal and geographical scope of sampling is adequate to provide a representative sample of the specified contaminants in seafood in the marine region or subregion.

Units of measurement for the criteria:

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

---

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

<sup>10</sup> Commission Regulation (EU) No 589/2014 of 2 June 2014 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs and repealing Regulation (EU) No 252/2012 (OJ L 164, 3.6.2014, p. 18).

<sup>11</sup> Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs (OJ L 88, 29.3.2007, p. 29).

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

Relevant pressure: Input of litter

*Criteria, including criteria elements, and methodological standards*

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

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

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

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

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

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

Units of measurement for the criteria:

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

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

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

*Criteria, including criteria elements, and methodological standards*

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



*Specifications and standardised methods for monitoring and assessment*

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

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

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

**PART II – CRITERIA AND METHODOLOGICAL STANDARDS, SPECIFICATIONS AND STANDARDISED METHODS FOR MONITORING AND ASSESSMENT OF ESSENTIAL FEATURES AND CHARACTERISTICS AND CURRENT ENVIRONMENTAL STATUS OF MARINE WATERS UNDER POINT (A) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

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

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

*Criteria, including criteria elements, and methodological standards*

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

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

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

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

Table 1 – Species groups

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

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

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

Units of measurement for the criteria:

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

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

*Criteria, including criteria elements, and methodological standards*

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

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

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

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

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

Units of measurement for the criteria:

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

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

*Criteria, including criteria elements, and methodological standards*

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

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



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

### *Criteria elements*

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

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

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

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

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

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

Units of measurement for the criteria:

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

<sup>16</sup>

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

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

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

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

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

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

*Criteria, including criteria elements, and methodological standards*

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

*Specifications and standardised methods for monitoring and assessment*

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

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

Units of measurement:

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

---

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



## Aktdetaljer

**Akttitel: VS: Høringssvar til 4. udkast fra Kommissionen til forslag til God miljøtilstand (Id nr.: 156956)**

**Aktnummer:**

Akt ID: 2763679

Dato: 23-06-2016

Type: Indgående

Original titel: VS: Høringssvar til 4. udkast fra Kommissionen til forslag til God miljøtilstand (Id nr.: 156956)

Dokumenter: [1] VS Høringssvar til 4. udkast fra Kommissionen til forslag til God miljøtilstand (Id nr. 156956).msg  
[2] 20 06 2016 Høringssvar vedrørende Europa-Kommissionens forslag.docx (MEDTAGES IKKE)  
[3] Copy of 19 06 2016 MSFD GESDecision v4 AnnexIII.xls (MEDTAGES IKKE)

Den 1. februar 2017

**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Fra:** Dorthe Gravgaard TRM (DOG@TRM.dk)  
**Titel:** VS: Høringssvar til 4. udkast fra Kommissionen til forslag til God miljøtilstand (Id nr.: 156956)  
**Sendt:** 23-06-2016 12:16:09  
**Bilag:** 20 06 2016 Høringssvar vedrørende Europa-Kommissionens forslag.docx; Copy of 19 06 2016 MSFD GESDecision v4 AnnexIII.xls;

Kære Ditte

Jeg beklager fristoverskridelsen, men jeg kan nu meddele, at høringssvaret fremsendt den 21. juni 2016 er godkendt her i huset.

Venlig hilsen

**Dorthe Gravgaard**  
Fuldmægtig/Head of Section

**Transport- og Bygningsministeriet**  
Ministry of Transport and Building  
Bro- og Metrokontoret  
Frederiksholms Kanal 27 F  
DK-1220 København K  
Telefon + 45 41 71 27 61  
[dog@trm.dk](mailto:dog@trm.dk)  
[www.trm.dk](http://www.trm.dk)

---

**Fra:** TRM Dorthe Gravgaard  
**Sendt:** 21. juni 2016 15:45  
**Til:** Ditte Mandøe Andreasen  
**Emne:** Høringssvar til 4. udkast fra Kommissionen til forslag til God miljøtilstand (Id nr.: 156956)

Kære Ditte

Hermed fremsendes som varslet vores opdaterede høringssvar, som Femern A/S har fremsendt på baggrund af det seneste udkast til Kommissionens forslag til god miljøtilstand i havet.

Høringssvaret består af et dansk høringssvar samt en engelsk version af hovedpointerne anført i skemaet.

Jeg må dog fremsende høringssvaret med forbehold for endelig godkendelse her i systemet, men jeg vender tilbage senere i aften eller i morgen tidlig, når sagen er endelig godkendt.

Såfremt der er spørgsmål til det vedhæftede må I endelig kontakte mig.

Venlig hilsen

Dorthe Gravgaard  
Fuldmægtig

Transport- og Bygningsministeriet  
Vej-, Bro- og Metrokontoret  
Frederiksholms Kanal 27 F  
DK-1220 København K  
Telefon + 45 41 71 27 61  
[dog@trm.dk](mailto:dog@trm.dk)  
[www.trm.dk](http://www.trm.dk)



## Aktdetaljer

**Akttitel: KOM's Kommentarer til lande-bemærkninger, tredje version af Kommissionens forslag til god miljøtilstand i havet**

**Aktnummer:**

Akt ID: 2763680

Dato: 20-06-2016

Type: Indgående

Original titel: KOM's Kommentarer til lande-bemærkninger, tredje version af Kommissionens forslag til god miljøtilstand i havet

Dokumenter: [1] KOM's Kommentarer til lande-bemærkninger, tredje version af Kommissionens forslag til god miljøtilstand i havet.msg

[2] MSFD\_GESDecision\_v3\_AnnexIII\_v4\_AllComments\_COMResponses.xlsx (MEDTAGES IKKE)

Den 1. februar 2017



---

**Til:** Dorthe Gravgaard TRM (DOG@TRM.dk)  
**Fra:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Titel:** KOM's Kommentarer til lande-bemærkninger, tredje version af Kommissionens forslag til god miljøtilstand i havet  
**Sendt:** 20-06-2016 15:27:44  
**Bilag:** MSFD\_GESDecision\_v3\_AnnexIII\_v4\_AllComments\_COMResponses.xlsx;

Kære Dorthe.

Hermed følger til orientering Kommissionens svar på landenes samlede bemærkninger til version 3 af forslaget vedr. god miljøtilstand iht. havstrategidirektivet.

Venlig hilsen

**Ditte Mandøe Andreasen**  
Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | diman@nst.dk

**Miljø- og Fødevareministeriet**  
Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | nst@nst.dk | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)

*NATURSTYRELSEN BLIVER DELT I TO*

*Fra 1. juli 2016 bliver Naturstyrelsen delt i to. Styrelsen for Vand- og Naturforvaltning (SVANA), som er overordnet statslig myndighed på vand- og naturområdet, og Naturstyrelsen (NST), som skal forvalte Miljø- og Fødevareministeriets skov- og naturarealer og gennemføre projekter til gavn for biodiversitet og friluftsliv.*

*Læs mere om delingen på [www.nst.dk/opdeling](http://www.nst.dk/opdeling)*



## Aktdetaljer

**Akttitel: VS: Kommentarer til ny version af Kommissionens forslag til god miljøtilstand i havet**

**Aktnummer:**

Akt ID: 2763685

Dato: 20-05-2016

Type: Indgående

Original titel: VS: Kommentarer til ny version af Kommissionens forslag til god miljøtilstand i havet

Dokumenter: [1] VS Kommentarer til ny version af Kommissionens forslag til god miljøtilstand i havet.msg

Den 1. februar 2017

**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Cc:** Søren Keller (ske@ens.dk), Katja Scharmann (KSC@ENS.DK)  
**Fra:** Energistyrelsen (ens@ens.dk)  
**Titel:** VS: Kommentarer til ny version af Kommissionens forslag til god miljøtilstand i havet  
**Sendt:** 20-05-2016 11:28:02

Kære Ditte,

Hermed vores kommentarer til den nye version af kommissionens forslag til god miljøtilstand i havet. Det er meget lig det vi tidligere har fremsendt. Venligst bemærk at vind-enheden i center for Energiressourcer ikke har haft mulighed for at gennemgå forslaget, og derfor muligvis vil komme med yderligere kommentarer inden mandag kl. 10.

[REDACTED]

[REDACTED] sonars) are registered. It is suggested that the wording be changed so it does not entail actual measurements.

[REDACTED] J. this wording seems be a more adequate description.

[REDACTED]

Med venlig hilsen / Best regards

**Lorentz Westergaard Møller**

Fuldmægtig / Advisor  
Center for Energiressourcer / Centre for Energy Resources

Mobil / Cell +45 3392 6646  
E-mail [lwm@ens.dk](mailto:lwm@ens.dk)



Energistyrelsen

Danish Energy Agency - [www.ens.dk](http://www.ens.dk)  
- part of the Danish Ministry of Energy, Utilities and Climate

**Fra:** Ditte Mandøe Andreasen  
**Sendt:** 11. maj 2016 09:41  
**Til:** TRM Dorthe Gravgaard; TRM Kristoffer Bang Refberg ([kbr@TRM.dk](mailto:kbr@TRM.dk)); Katja Scharmann; Clea Henriksen  
**Emne:** Kommentarer til ny version af Kommissionens forslag til god miljøtilstand i havet

Kære alle (TRM, ENS og SFS).

I skal også have mulighed for at komme med konkrete bemærkninger til vedhæftede opdaterede version af Kommissionens forslag til hvordan god miljøtilstand skal fastsættes (med og uden track changes ift. version 2). Hvis I har yderligere konkrete kommentarer til den opdaterede version, som I gerne vil have, at vi kommunikerer mundtligt til

Kommissionen på mødet, skal jeg modtage dem senest på **tirsdag den 17/5**. Hvis I hellere vil eftersende skriftlige kommentarer på engelsk er det også ok, dem skal jeg i så fald have modtaget senest **fredag den 20/5**.

D5: (side 3-7)

D8: (side 8-12)

D9: (Side 13-15)

D10: (side 16-18)

D11: (side 19-20)

D2: (side 21-22)

D3: (side 23-25)

D6: (side 26-28)

D7: (side 29-30)

D1+D4: (side 31-42)

Et kort resume af den opdaterede version er:

*Det overordnede billede:*

- Omdrejningspunktet er fortsat kriterier, for hvilke der regionalt skal fastsættes kvantitative tærskelværdier.
- Der skabes lidt fleksibilitet ift. tidsfristen for fastsættelsen af tærskelværdierne: Indtil tærskelværdier er fastsat på Unions/regionalt niveau kan MS anvende nationale tærskelværdier eller trends. Dette fratager ikke MS for den regionale koordineringsforpligtelse (man skal have forsøgt) og det skal begrundes behørigt overfor KOM.
- Alle tærskelværdier skal være fastsat senest med 3. basisanalyse, i 2024.
- Tærskelværdier skal være konsistente med eksisterende værdier, der allerede er besluttet i havkonventionerne.
- One-out-all-out princippet udgår og erstattes af en vurdering af, i hvor høj grad tærskelværdien er opfyldt (fx % af arterne eller % af området, der overholder tærskelværdien). Dette niveau for, hvor meget der skal opnå tærskelværdien for, at der er god miljøtilstand, skal fastsættes regionalt.
- Hvis "graden af opnåelse" ikke overholdes er det en indikation på, at yderligere indsatser er nødvendigt.
- Hvor videnskabelig dokumentation ikke er tilstede, skal tærskelværdierne fastsættes på baggrund af forsigtighedsprincippet.
- MS kan regionalt beslutte ikke at anvende et eller flere af kriterierne, hvis det ikke er passende og hvis det begrundes behørigt overfor KOM.

*Selve kriterierne (nedslag):*

- D11: Lavfrekvent støj fremgår stadig som et kriterie.
- D1: 5% tab af havbund og 30 % negativ påvirkning af havbunden fremgår stadig.

Venlig hilsen

**Ditte Mandøe Andreasen**

Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

**Miljø- og Fødevareministeriet**

Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)

*NATURSTYRELSEN BLIVER DELT I TO*

*Fra 1. juli 2016 bliver Naturstyrelsen delt i to. Styrelsen for Vand- og Naturforvaltning (SVANA), som er overordnet statslig myndighed på vand- og naturområdet, og Naturstyrelsen (NST), som skal forvalte Miljø- og Fødevareministeriets skov- og naturarealer og gennemføre projekter til gavn for biodiversitet og friluftsliv.*

*Læs mere om delingen på [www.nst.dk/opdeling](http://www.nst.dk/opdeling)*



## Aktdetaljer

**Akttitel: SV: Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet**

**Aktnummer:**

Akt ID: 2763686

Dato: 20-05-2016

Type: Indgående

Original titel: SV: Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet

Dokumenter: [1] SV Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet.msg

Den 1. februar 2017

**Til:** Energistyrelsen (ens@ens.dk)  
**Cc:** Lorentz Westergaard Møller (lwm@ens.dk)  
**Fra:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Titel:** SV: Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet  
**Sendt:** 20-05-2016 08:54:02

Desværre. Vi har frist til KOM for skriftlige bemærkninger tirsdag. Men I kan trække den til mandag kl 10, hvis I har problemer med at nå det.  
God weekend.

Venlig hilsen

**Ditte Mandøe Andreasen**  
Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | diman@nst.dk

**Miljø- og Fødevareministeriet**  
Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | nst@nst.dk | www.naturstyrelsen.dk

*NATURSTYRELSEN BLIVER DELT I TO*  
Fra 1. juli 2016 bliver Naturstyrelsen delt i to. Styrelsen for Vand- og Naturforvaltning (SVANA), som er overordnet statslig myndighed på vand- og naturområdet, og Naturstyrelsen (NST), som skal forvalte Miljø- og Fødevareministeriets skov- og naturarealer og gennemføre projekter til gavn for biodiversitet og friluftsliv.  
Læs mere om delingen på [www.nst.dk/opdeling](http://www.nst.dk/opdeling)

---

**Fra:** Katja Scharmann  
**Sendt:** 20. maj 2016 08:52  
**Til:** Ditte Mandøe Andreasen  
**Cc:** Lorentz Westergaard Møller  
**Emne:** VS: Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet

Kære Ditte

Betyder nedenstående også, at fristen ( i dag) for at sende evt. kommentarer til den opdaterede version af Kommissionens forslag til hvordan god miljøtilstand i havet opnås til dig, også kan udskydes?

Med venlig hilsen / Best regards

**Katja Scharmann**  
Specialkonsulent / Special Advisor  
Center for Energiressourcer / Centre for Energy Resources

Mobil / Cell +45 3392 6672  
E-mail [ksc@ens.dk](mailto:ksc@ens.dk)



Energistyrelsen

Danish Energy Agency - [www.ens.dk](http://www.ens.dk)  
- part of the Danish Ministry of Energy, Utilities and Climate

---

**Fra:** Maria Klint Thelander (MFVM-DEP)  
**Sendt:** 19. maj 2016 13:56  
**Til:** 'DOG@TRM.dk'; 'kbr@trm.dk'; Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Sine Olsson Heltberg (DEP); Katja Scharmann; Clea Henriksen; Søren Keller  
**Cc:** Ask Lynø-Hansen (MFVM-DEP); Jonas Fredsted Villadsen (MFVM-DEP)  
**Emne:** Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet

Kære alle

Vi har netop fået at vide fra mødet i Bruxelles at afstemningen omkring komiteforslaget om kriterier for god miljøtilstand i havet er udskudt til oktober. Vi vender tilbage omkring ny tidsplan når vores kolleger er kommet hjem fra Bruxelles og er blevet debriefet.

Venlig hilsen

**Maria Klint Thelander**

AC-medarbejder | Analyse, forskning og digitalisering  
+45 91 36 58 47 | +45 91 36 58 47 | [makbj@mfvm.dk](mailto:makbj@mfvm.dk)

**Miljø- og Fødevareministeriet**

Departementet | Slotsholmsgade 12 | 1216 København K | Tlf. +45 38 14 21 42 | [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk) | [www.mfvm.dk](http://www.mfvm.dk)



## Aktdetaljer

**Akttitel: VS: Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet**

**Aktnummer:**

Akt ID: 2763687

Dato: 20-05-2016

Type: Indgående

Original titel: VS: Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet

Dokumenter: [1] VS Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet.msg

Den 1. februar 2017



**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Cc:** Lorentz Westergaard Møller (lwm@ens.dk)  
**Fra:** Energistyrelsen (ens@ens.dk)  
**Titel:** VS: Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet  
**Sendt:** 20-05-2016 08:52:22

Kære Ditte

Betyder nedenstående også, at fristen ( i dag) for at sende evt. kommentarer til den opdaterede version af Kommissionens forslag til hvordan god miljøtilstand i havet opnås til dig, også kan udskydes?

Med venlig hilsen / Best regards

**Katja Scharmann**

Specialkonsulent / Special Advisor  
Center for Energiressourcer / Centre for Energy Resources

Mobil / Cell +45 3392 6672  
E-mail [ksc@ens.dk](mailto:ksc@ens.dk)



Energistyrelsen

Danish Energy Agency - [www.ens.dk](http://www.ens.dk)  
- part of the Danish Ministry of Energy, Utilities and Climate

**Fra:** Maria Klint Thelander (MFVM-DEP)

**Sendt:** 19. maj 2016 13:56

**Til:** 'DOG@TRM.dk'; 'kbr@trm.dk'; Andreas Meldgaard Goth; Jakob Baadsgaard Jepsen; Sine Olsson Heltberg (DEP); Katja Scharmann; Clea Henriksen; Søren Keller

**Cc:** Ask Lynø-Hansen (MFVM-DEP); Jonas Fredsted Villadsen (MFVM-DEP)

**Emne:** Orientering og ØU-proces for Kommissionens forslag til god miljøtilstand i havet

Kære alle

Vi har netop fået at vide fra mødet i Bruxelles at afstemningen omkring komiteforslaget om kriterier for god miljøtilstand i havet er udskudt til oktober. Vi vender tilbage omkring ny tidsplan når vores kolleger er kommet hjem fra Bruxelles og er blevet debriefet.

Venlig hilsen

**Maria Klint Thelander**

AC-medarbejder | Analyse, forskning og digitalisering  
+45 91 36 58 47 | +45 91 36 58 47 | [makbj@mfvm.dk](mailto:makbj@mfvm.dk)

**Miljø- og Fødevareministeriet**

Departementet | Slotsholmsgade 12 | 1216 København K | Tlf. +45 38 14 21 42 | [mfvm@mfvm.dk](mailto:mfvm@mfvm.dk) | [www.mfvm.dk](http://www.mfvm.dk)



## Aktdetaljer

Den 1. februar 2017

### Akttitel: Havstrategi komitesag og undervandsstøj Aktnummer:

Akt ID: 2763689  
Dato: 16-05-2016  
Type: Indgående  
Original titel: Havstrategi komitesag og undervandsstøj  
Dokumenter: [1] Havstrategi komitesag og undervandsstøj.msg

**Til:** Kristoffer Bang Reberg (kbr@trm.dk), Dorthe Gravgaard TRM (DOG@TRM.dk), cge@dma.dk (cge@dma.dk)  
**Cc:** FYDIBOHF23SPDLT /CN=RECIPIENTS/CN=Lou2 (Louise Egeskov Østergaard (/O=SITEXCHANGE/OU=EXCHANGE ADMINISTRATIVE GROUP), Maria Klint Thelander (makbj@mfvm.dk)  
**Fra:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Titel:** Havstrategi komitesag og undervandsstøj  
**Sendt:** 16-05-2016 22:35:01

Kære Kristoffer, Dorthe og Clea.  
Se Kommissionens svar nedenfor vedr. lavfrekvent undervandsstøj (umiddelbart ingen imødekommelse på det konkrete kriterium).

Member State	Page	Section	MS Comment	Com Response
DK	16	Criteria D11C2	[REDACTED]	[REDACTED]
DK	16	Criteria D11C2	[REDACTED]	[REDACTED]





## Aktdetaljer

Den 1. februar 2017

### Akttitel: Havstrategi komitesag og undervandsstøj Aktnummer:

Akt ID: 2763690  
Dato: 16-05-2016  
Type: Indgående  
Original titel: Havstrategi komitesag og undervandsstøj  
Dokumenter: [1] Havstrategi komitesag og undervandsstøj.msg

**Til:** Kristoffer Bang Reberg (kbr@trm.dk), Dorthe Gravgaard TRM (DOG@TRM.dk), cge@dma.dk (cge@dma.dk)  
**Cc:** FYDIBOHF23SPDLT /CN=RECIPIENTS/CN=Lou2 (Louise Egeskov Østergaard (/O=SITEXCHANGE/OU=EXCHANGE ADMINISTRATIVE GROUP), Maria Klint Thelander (makbj@mfvm.dk)  
**Fra:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Titel:** Havstrategi komitesag og undervandsstøj  
**Sendt:** 16-05-2016 22:35:01

Kære Kristoffer, Dorthe og Clea.  
Se Kommissionens svar nedenfor vedr. lavfrekvent undervandsstøj (umiddelbart ingen imødekommelse på det konkrete kriterium).

Member State	Page	Section	MS Comment	Com Response
DK	16	Criteria D11C2	[REDACTED]	[REDACTED]
DK	16	Criteria D11C2	[REDACTED]	[REDACTED]

DK	16	Criteria D11C2	<div>Redacted content</div>	<div>Redacted content</div>
----	----	----------------	-----------------------------	-----------------------------

Venlig hilsen

**Ditte Mandøe Andreasen**  
Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

**Miljø- og Fødevareministeriet**  
Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)

*NATURSTYRELSEN BLIVER DELT I TO*  
*Fra 1. juli 2016 bliver Naturstyrelsen delt i to. Styrelsen for Vand- og Naturforvaltning (SVANA), som er overordnet statslig myndighed på vand- og naturområdet, og Naturstyrelsen (NST), som skal forvalte Miljø- og Fødevareministeriets skov- og naturarealer og gennemføre projekter til gavn for biodiversitet og friluftsliv.*  
*Læs mere om delingen på [www.nst.dk/opdeling](http://www.nst.dk/opdeling)*



## Aktdetaljer

**Akttitel: SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi**

**Aktnummer:**

Akt ID: 2763691

Dato: 11-05-2016

Type: Indgående

Original titel: SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Dokumenter: [1] SV Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi.msg  
[2] D11\_impulsiv støj.docx

Den 1. februar 2017



**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Cc:** Søren Keller (ske@ens.dk), Lorentz Westergaard Møller (lwm@ens.dk)  
**Fra:** Energistyrelsen (ens@ens.dk)  
**Titel:** SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi  
**Sendt:** 11-05-2016 12:42:15  
**Bilag:** D11\_impulsiv støj.docx;

Kære Ditte

Hermed Energistyrelsens (undergrund og vind) kommentarer til konsekvenser af Kommissionens forslag til god miljøtilstand i havet (D11). Hvis du har spørgsmål er du velkommen til at ringe.

Med venlig hilsen / Best regards

**Katja Scharmann**

Specialkonsulent / Special Advisor  
Center for Energiressourcer / Centre for Energy Resources

Mobil / Cell +45 3392 6672  
E-mail [ksc@ens.dk](mailto:ksc@ens.dk)



Energistyrelsen

Danish Energy Agency - [www.ens.dk](http://www.ens.dk)  
- part of the Danish Ministry of Energy, Utilities and Climate

---

**Fra:** Ditte Mandøe Andreasen  
**Sendt:** 4. maj 2016 13:22  
**Til:** Katja Scharmann  
**Emne:** SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Ok det er fint, hvis bare I kan love, at det kommer torsdag. Så får du lige en opdateret udgave her.  
Tak for hjælpen!

Venlig hilsen

**Ditte Mandøe Andreasen**  
Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

**Miljø- og Fødevareministeriet**  
Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)

*NATURSTYRELSEN BLIVER DELT I TO*

*Fra 1. juli 2016 bliver Naturstyrelsen delt i to. Styrelsen for Vand- og Naturforvaltning (SVANA), som er overordnet statslig myndighed på vand- og naturområdet, og Naturstyrelsen (NST), som skal forvalte Miljø- og Fødevareministeriets skov- og naturarealer og gennemføre projekter til gavn for biodiversitet og friluftsliv.*

*Læs mere om delingen på [www.nst.dk/opdeling](http://www.nst.dk/opdeling)*

---

**Fra:** Katja Scharmann  
**Sendt:** 4. maj 2016 13:07  
**Til:** Ditte Mandøe Andreasen  
**Emne:** SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Kære Ditte

Vi kan først levere noget torsdag, da både jeg, men også en anden meget relevant medarbejder er i udlandet i starten af næste uge. Håber det er okay.

Med venlig hilsen / Best regards

**Katja Scharmann**

Specialkonsulent / Special Advisor  
Center for Energiressourcer / Centre for Energy Resources



Danish Energy Agency - [www.ens.dk](http://www.ens.dk)  
- part of the Danish Ministry of Energy, Utilities and Climate

**Fra:** Ditte Mandøe Andreasen  
**Sendt:** 4. maj 2016 11:35  
**Til:** Katja Scharmann  
**Emne:** SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Kære Katja.

Vi er i fuld gang med at beregne de økonomiske konsekvenser af Kommissionens forslag til god miljøtilstand i havet. I den forbindelse har jeg brug for lidt hjælp fra jer i Energistyrelsen ift. hvad det kan få af konsekvenser for erhvervet ved en EU-grænseværdi for impulsiv støj.

Jeg vil meget gerne have hjælp til at besvare nedenstående spørgsmål. Jeg har allerede selv udfyldt så meget jeg kan, men vil meget gerne have supplerende oplysninger fra jer. Se især de firkantede parenteser.

Hvis I har mulighed for at give en tilbagemelding i starten af næste uge, fx tirsdag, ville det være rigtig godt. Har I mulighed for det?

1. Hvad er impulsiv støj og hvordan fremkommer den?
2. Hvad kan grænseværdien forventes at være?
3. Hvilke sektorer/erhverv udfører impulsiv støj og hvordan?
4. Hvordan skal erhvervet/sektorerne ændre adfærd for at undgå/mindske støjpåvirkningen?
5. Hvad har det af konsekvenser for erhvervet/sektorerne?

VVM-analyser:

1. Skal der ske ændringer i forhold til virksomhedernes udarbejdelse af VVM-redegørelser?
2. Hvis ja; hvilke typer virksomheder/sektorer vil der ske ændringer for?
3. Hvad forventes ændringen at være?
4. Hvad er konsekvensen for virksomheden af ændringen?

Venlig hilsen

**Ditte Mandøe Andreasen**  
Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

**Miljø- og Fødevareministeriet**  
Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)

*NATURSTYRELSEN BLIVER DELT I TO*

*Fra 1. juli 2016 bliver Naturstyrelsen delt i to. Styrelsen for Vand- og Naturforvaltning (SVANA), som er overordnet statslig myndighed på vand- og naturområdet, og Naturstyrelsen (NST), som skal forvalte Miljø- og Fødevareministeriets skov- og naturarealer og gennemføre projekter til gavn for biodiversitet og friluftsliv.*

*Læs mere om delingen på [www.nst.dk/opdeling](http://www.nst.dk/opdeling)*

**Fra:** Katja Scharmann  
**Sendt:** 4. marts 2016 10:25  
**Til:** Ditte Mandøe Andreasen  
**Cc:** Trine Fugmann; Kirsten Lundt Erichsen; Christin Lia; Lorentz Westergaard Møller; Hanne Christensen; Søren Keller  
**Emne:** SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Til Naturstyrelsen

Hermed fremsender jeg Energistyrelsens kommentarer til deskriptor 6, 7 og 11.

Hvis du har spørgsmål er du selvfølgelig velkommen til at ringe/maile.  
Med venlig hilsen / Best regards

**Katja Scharmann**

Specialkonsulent / Special Advisor

Center for Energiressourcer / Centre for Energy Resources

Mobil / Cell

+45 3392 6672

E-mail

[ksc@ens.dk](mailto:ksc@ens.dk)**Energistyrelsen**Danish Energy Agency - [www.ens.dk](http://www.ens.dk)

- part of the Danish Ministry of Energy, Utilities and Climate

**Fra:** Ditte Mandøe Andreasen**Sendt:** 24. februar 2016 09:11**Til:** Clea Henriksen; Kirsten Lundt Erichsen; Søren Keller; Katja Scharmann; Christin Lia; [FES-MINA19@mil.dk](mailto:FES-MINA19@mil.dk); [lar@fmn.dk](mailto:lar@fmn.dk); FMN-BJJ Juul Jensen, Bo ([bjj@fmn.dk](mailto:bjj@fmn.dk)); [vfk-m-msp310@mil.dk](mailto:vfk-m-msp310@mil.dk)**Emne:** Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Til Søfartsstyrelsen, Energistyrelsen, og Forsvarsministeriet.

Hermed sender jeg et udkast til EU-Kommissionens forslag til revideret beslutning om kriterier for God Miljøtilstand (GES) i havmiljøet, jf. havstrategidirektivet. Dokumentet kommer til at sætte rammerne for, hvordan medlemslandene fremover skal fastsætte god miljøtilstand i havmiljøet og hvad der skal overvåges, for at kunne vurdere, om god miljøtilstand er opnået. Beslutningen skal erstatte en eksisterende beslutning fra 2010 og er på mange måder en skærpelse af den nuværende beslutning.

Hvis I skulle have nogen bemærkninger, skal jeg modtage dem senest **fredag den 4. marts 2016**. De SKAL indskrives på engelsk i vedlagte excel-ark, hvor EU-Kommissionen på forhånd har angivet sidetal mv. (bemærk der er et ark til hver enkelt deskriptor samt til generelle bemærkninger). Kommentarerne skal indskrives i en form, der umiddelbart kan sendes til EU-Kommissionen. Evt. tilhørende forklaringer til NST kan skrives i en mail. Bemærk, at KOM lægger vægt på, at vi i kommentarerne forklarer baggrunden for vores synspunkter.

- Forsvarsministeriet bedes kommentere på:
  - Deskriptor 8 om forurenende stoffer - uheld/beredskab (kriterie D8C3 + D8C4 på side 8-9 samt specifikationer for overvågning under skemaet på side 9-10). Forsvaret bedes bl.a. tage stilling til, om de foreslåede undersøgelser ifm. en akut forureningshændelse bliver foretaget i dag og hvis ikke, hvad man så forventer, at sådanne undersøgelser ville koste og hvem der skulle betale. Der bør også tages stilling til, hvorvidt rapportering under EMSA er dækkende for de oplysninger der ønskes.
  - Evt. deskriptor 11 om undervandsstøj (side 16-17)
- Søfartsstyrelsen kan have interesse i at kommentere på grænseværdier/indikatorer under
  - deskriptor 8 om forurenende stoffer (side 7-10)
  - deskriptor 10 om marint affald (side 13-15)
  - deskriptor 11 om undervandsstøj (side 16-17)
  - deskriptor 2 om invasive arter (side 18-20).
- Energistyrelsen kan have interesse i at kommentere på grænseværdier/indikatorer under
  - deskriptor 11 om undervandsstøj (side 16-17)
  - deskriptor 6 om havbundens integritet (side 24-27 samt kriterie D1C5 + D1C6 på side 35)
  - deskriptor 7 om hydrografi (side 28-29).

Forslaget behandles i EU's forskriftskomiteé (Regulatory Committee) under havstrategidirektivet, hvor der forventes at være vejledende afstemning i juni måned 2016. Det er i sidste ende EU-Kommissionen selv, der vedtager dokumentet. Miljø- og Fødevarerministeriet vil senere i processen forberede en formel regeringsproces med udarbejdelse af rammenotat mv., hvor ministerierne vil blive formelt inddraget via vores departement.

Hvis I har nogen spørgsmål, ringer eller skriver I bare.

Venlig hilsen

**Ditte Mandøe Andreasen**

Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

**Miljø- og Fødevareministeriet**

Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)

<p>11: Undervandss tøj – impulsiv støj</p>	<ol style="list-style-type: none"> <li>1. Hvad er impulsiv støj og hvordan fremkommer den?</li> <li>2. Hvad kan grænseværdien forventes at være?</li> <li>3. Hvilke sektorer/erhverv udfører impulsiv støj og hvordan?</li> <li>4. Hvordan skal erhvervet/sektorerne ændre adfærd for at undgå/mindske støjpåvirkningen?</li> <li>5. Hvad har det af konsekvenser for erhvervet/sektorerne?</li> </ol> <p>VVM-analyser/<a href="#">konsekvensvurdering i henhold til Habitat direktivet</a>:</p> <ol style="list-style-type: none"> <li>6. Skal der ske ændringer i forhold til virksomhedernes udarbejdelse af VVM-redegørelser?</li> <li>7. Hvis ja; hvilke typer virksomheder/sektorer vil der ske ændringer for?</li> <li>8. Hvad forventes ændringen at være?</li> <li>9. Hvad er konsekvensen for virksomheden af ændringen?</li> </ol>	<ol style="list-style-type: none"> <li>1. Impulsiv støj er støj i "stød" fra fx nedramning af fundamenter ved etablering af anlæg på havet eller i forbindelse med seismiske undersøgelser af undergrunden.</li> <li>2. Det vides endnu ikke. Der arbejdes regionalt for at kunne fastsætte grænseværdier.</li> <li>3. Ved etablering af faste fundamenter eller anlæg på havet: tunneller, broer, vindmøller, havneudvidelser, strandparker mv. Råstofefterforskning/kortlægning af undergrunden. <a href="#">Hvem: Olie-, gas- og vindmølleindustrien</a> <a href="#">geofysiske selskaber</a> <a href="#">Universiteter og forskning</a> <a href="#">Staten</a>.</li> <li>4. <a href="#">I forbindelse med godkendelse/tilladelser skal erhvervet påvise at aktiviteten er under grænseværdi evt. ved brug af Støjdæmpende foranstaltninger så som kan være: tekniske støjdæmpende foranstaltninger, såsom "boblegardiner", alternative teknologier til nedramning, håndtering af instrumenterne (fx lavere puls). Herudover skal tilrettelægges af aktiviteterne ændres afhængigt af hvilke grænseværdier der fastsættes. Således kan indførelsen af uhensigtsmæssige grænseværdier medføre at efterforsknings- og produktionsaktiviteter begrænses og forbydes. Herudover anvendes, såkaldt "soft start", som afværgeforanstaltning. "Soft start" er en gradvis forøgelse af støjniveauet, således at, hvor man skræmmer dyrene skræmmes væk inden aktiviteten påbegyndes med fuld styrke med mindre støj inden den store støj begynder. Endvidere kan støjpåvirkningen lægges i områder og årstider, hvor det påvirker dyrene mindst. Soft start er den eneste metode, der anvendes i DK. Seismik: Anvendelse af soft start (anvendes allerede i DK). Derudover: Støjpåvirkningen kan lægges på årstider/perioder, hvor det påvirker dyrene mindst, eller særligt sårbare områder kan lukkes for seismiske undersøgelser. Teknologiske støjdæmpende foranstaltninger. Alternative seismiske metoder.</a></li> <li>5. <a href="#">Indførelse af uhensigtsmæssige grænseværdier kan i yderste konsekvens resultere i, at nødvendige indsamlingsteknikker/boremetoder ikke kan anvendes. Sektorerne skal påregne merudgifter, og</a></li> </ol>
--	---	--

		<p><u>planlægning og udførsel af støjende aktiviteter kan blive besværliggjort. Det kan medføre en faldende interesse for efterforskning i Danmark generelt, og kan påvirke olie- og gasproduktionen specifikt og resultere i faldende indtægter til statskassen. Det bemærkes at til og med 2014 har olie- og gasaktiviteterne i Nordsøen resulteret i 404 mia. kr. til statskassen. Støjen skal opgøres i dage, fordelingen på året og den geografiske udbredelse, sandsynligvis for et enkelt projekt og i kumulation med andre projekter. Der kan blive tale om at et projekt støjer for meget ift. grænseværdierne og derfor må modificere projektet, arbejde langsommere eller tilrettelægge støjdagene på en andet tid på året eller anvende andre teknologier. Der kan også komme konflikter ift. <u>samtidige projekter, idet der kan være en ift. kumulativ effekt i forhold til støjniveauet med andre samtidige projekter, som kander</u> betyder udskydelse af tidsplanen <u>for den enkelte aktivitet</u>. Konsekvenser for erhvervet afhænger af, hvilken grænseværdi, <u>der</u> bliver sat. <u>Specifikt for vindmøller kan desuden nævnes at opførelse af havvindmøller (fundamenter/monopiles) medfører støj, som kan forårsage skader på marine pattedyr. ENS har i den forbindelse udviklet støjgrænser og vejledninger, der har til hensigt at beskytte marine pattedyr. Det bemærkes, at de danske støjregler og grænseværdier er forskellige fra f.eks. de tyske regler. De tyske regler betragtes, som mere restriktiv end de danske. En skærpelse af de danske støjregler (så de tilnærmes de tyske) vil medføre væsentligt forøgede omkostninger til opførelse af havvindmøller. Omvendt er det et ønske fra vindmølleindustrien, at reguleringen ensrettes på tværs af landegrænser i EU.</u></u></p> <p>6. Ja. Det vil skulle godtgøres ifm VVM-tilladelser / anlægslove. / <u>godkendelser og tilladelser efter undergrundsloven</u>, at støjen holder sig inden for de fastsatte grænseværdier i sammenhæng med andre projekter.</p> <p>7. Tunneller og broer: statslige virksomheder/staten Vindmøller: energi/vindmølleindustrien og staten Havneudvidelser og strandparker: kommuner, stat og private havne. Olie/gas industrien. Råstofferforskning (råstofbranchen og staten) Forskningsinstitutioner</p>
--	--	---

**Kommentar [KS1]:** Forstår ikke lige denne.

		<div>8. Dyrere projekter....</div> <div>8.9. <del>Dyrere projekter, projekter bliver ikke til noget.</del></div>
--	--	--

**Kommentar [KS2]:** Se svar under 6.



## Aktdetaljer

**Akttitel:** Kommentarer til ny version af Kommissionens forslag til god miljøtilstand i havet

**Aktnummer:**

Akt ID: 2763692

Dato: 11-05-2016

Type: Indgående

Original titel: Kommentarer til ny version af Kommissionens forslag til god miljøtilstand i havet

Dokumenter: [1] Kommentarer til ny version af Kommissionens forslag til god miljøtilstand i havet.msg  
[2] CTTEE\_13-2016-03\_Proposal for a Commission Decision on GES criteria-V3 C....pdf (MEDTAGES IKKE)  
[3] CTTEE\_13-2016-03\_Proposal for a Commission Decision on GES criteria-V3 T....pdf (MEDTAGES IKKE)

Den 1. februar 2017



**Til:** Dorthe Gravgaard TRM (DOG@TRM.dk), Kristoffer Bang Reberg (kbr@trm.dk), Energistyrelsen (ens@ens.dk), cge@dma.dk (cge@dma.dk)  
**Fra:** Ditte Mandøe Andreassen (diman@svana.dk)  
**Titel:** Kommentarer til ny version af Kommissionens forslag til god miljøtilstand i havet  
**Sendt:** 11-05-2016 09:41:25  
**Bilag:** CTTEE\_13-2016-03\_Proposal for a Commission Decision on GES criteria-V3 C....pdf; CTTEE\_13-2016-03\_Proposal for a Commission Decision on GES criteria-V3 T....pdf;

Kære alle (TRM, ENS og SFS).

I skal også have mulighed for at komme med konkrete bemærkninger til vedhæftede opdaterede version af Kommissionens forslag til hvordan god miljøtilstand skal fastsættes (med og uden track changes ift. version 2). Hvis I har yderligere konkrete kommentarer til den opdaterede version, som I gerne vil have, at vi kommunikerer mundtligt til Kommissionen på mødet, skal jeg modtage dem senest på **tirsdag den 17/5**. Hvis I hellere vil eftersende skriftlige kommentarer på engelsk er det også ok, dem skal jeg i så fald have modtaget senest **fredag den 20/5**.

D5: (side 3-7)  
D8: (side 8-12)  
D9: (Side 13-15)  
D10: (side 16-18)  
D11: (side 19-20)  
D2: (side 21-22)  
D3: (side 23-25)  
D6: (side 26-28)  
D7: (side 29-30)  
D1+D4: (side 31-42)

Et kort resume af den opdaterede version er:

*Det overordnede billede:*

- Omdrejningspunktet er fortsat kriterier, for hvilke der regionalt skal fastsættes kvantitative tærskelværdier.
- Der skabes lidt fleksibilitet ift. tidsfristen for fastsættelsen af tærskelværdierne: Indtil tærskelværdier er fastsat på Unions/regionalt niveau kan MS anvende nationale tærskelværdier eller trends. Dette fratager ikke MS for den regionale koordineringsforpligtelse (man skal have forsøgt) og det skal begrundes behørigt overfor KOM.
- Alle tærskelværdier skal være fastsat senest med 3. basisanalyse, i 2024.
- Tærskelværdier skal være konsistente med eksisterende værdier, der allerede er besluttet i havkonventionerne.
- One-out-all-out princippet udgår og erstattes af en vurdering af, i hvor høj grad tærskelværdien er opfyldt (fx % af arterne eller % af området, der overholder tærskelværdien). Dette niveau for, hvor meget der skal opnå tærskelværdien for, at der er god miljøtilstand, skal fastsættes regionalt.
- Hvis "graden af opnåelse" ikke overholdes er det en indikation på, at yderligere indsatser er nødvendigt.
- Hvor videnskabelig dokumentation ikke er tilstede, skal tærskelværdierne fastsættes på baggrund af forsigtighedsprincippet.
- MS kan regionalt beslutte ikke at anvende et eller flere af kriterierne, hvis det ikke er passende og hvis det begrundes behørigt overfor KOM.

*Selve kriterierne (nedslag):*

- D11: Lavfrekvent støj fremgår stadig som et kriterie.
- D1: 5% tab af havbund og 30 % negativ påvirkning af havbunden fremgår stadig.

Venlig hilsen

**Ditte Mandøe Andreassen**  
Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

**Miljø- og Fødevareministeriet**  
Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)

*NATURSTYRELSEN BLIVER DELT I TO*

*Fra 1. juli 2016 bliver Naturstyrelsen delt i to. Styrelsen for Vand- og Naturforvaltning (SVANA), som er overordnet statslig myndighed på vand- og naturområdet, og Naturstyrelsen (NST), som skal forvalte Miljø- og Fødevareministeriets skov- og naturarealer og gennemføre projekter til gavn for biodiversitet og friluftsliv.*

*Læs mere om delingen på [www.nst.dk/opdeling](http://www.nst.dk/opdeling)*



## Aktdetaljer

**Akttitel: SV: Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet**

**Aktnummer:**

Akt ID: 2763693

Dato: 13-04-2016

Type: Indgående

Original titel: SV: Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet

Dokumenter: [1] SV Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet.msg

Den 1. februar 2017

---

**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Fra:** Louise Degn Brammer (lod@jm.dk)  
**Titel:** SV: Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet  
**Sendt:** 13-04-2016 14:33:47

Hej Ditte,

Jeg har læst høringsmaterialet igennem og havde ingen kommentarer. Vil dog blot sikre mig, at der ikke er noget, som vi fra Justitsministeriets side skal være særligt opmærksomme på?

Med venlig hilsen

Louise Degn Brammer  
Fuldmægtig



JUSTITSMINISTERIET

EU-retskontoret  
Slotsholmsgade 10  
1216 København K  
Tlf. direkte: 7226 8857  
Tlf.: 7226 8400  
[www.justitsministeriet.dk](http://www.justitsministeriet.dk)  
[jm@jm.dk](mailto:jm@jm.dk)

---

**Fra:** Ditte Mandøe Andreasen [mailto:diman@nst.dk]  
**Sendt:** 13. april 2016 14:30  
**Til:** Louise Degn Brammer  
**Emne:** SV: Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet

Kære Louise.

Har lige forsøgt at ringe. Prøver igen i morgen.  
Vh Ditte

---

**Fra:** Louise Degn Brammer [mailto:lod@jm.dk]  
**Sendt:** 12. april 2016 10:45  
**Til:** Ditte Mandøe Andreasen  
**Emne:** SV: Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet

Hej Ditte,

Det lyder fint! Og ja, det er sikkert mig der ringer med hemmeligt nummer

Med venlig hilsen

Louise Degn Brammer  
Fuldmægtig



JUSTITSMINISTERIET

EU-retskontoret  
Slotsholmsgade 10  
1216 København K  
Tlf. direkte: 7226 8857  
Tlf.: 7226 8400  
[www.justitsministeriet.dk](http://www.justitsministeriet.dk)  
[jm@jm.dk](mailto:jm@jm.dk)

---

**Fra:** Ditte Mandøe Andreasen [mailto:diman@nst.dk]

**Sendt:** 11. april 2016 22:30

**Til:** Louise Degn Brammer

**Cc:** Ditte Mandøe Andreasen

**Emne:** SV: Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet

Hej Louise.

Måske er det dig, der ringer fra hemmeligt nummer? Har godt set, at der var ubesvarede opkald, men kunne så ikke ringe tilbage.

Jeg har fri i morgen men kan ringe til dig på onsdag og fortælle nærmere. Det gør ikke noget, hvis I overskrider fristen lidt i forhold til en tilbagemelding.

Vh Ditte

---

**Fra:** Louise Degn Brammer [<mailto:lod@jm.dk>]

**Sendt:** 11. april 2016 15:38

**Til:** Ditte Mandøe Andreasen

**Emne:** VS: Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet

Kære Ditte,

Jeg har forsøgt at fange dig en del gange på telefonen. Jeg vil blot høre, om der er noget vi skal være særligt opmærksomme på ifm. høringen?

Med venlig hilsen

Louise Degn Brammer

Fuldmægtig



JUSTITSMINISTERIET

EU-retskontoret

Slotsholmsgade 10

1216 København K

Tlf. direkte: 7226 8857

Tlf.: 7226 8400

[www.justitsministeriet.dk](http://www.justitsministeriet.dk)

[jm@jm.dk](mailto:jm@jm.dk)

---

**Fra:** Ditte Mandøe Andreasen [<mailto:diman@nst.dk>]

**Sendt:** 18. marts 2016 13:33

**Emne:** Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet

Naturstyrelsen sender hermed Europa-Kommissionens forslag til kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering af havmiljøet i teknisk høring.

Udkastet er udarbejdet med hjemmel i Europa-Parlamentets og Rådets Direktiv 2008/56/EF om fastlæggelse af en ramme for Fællesskabets havmiljøpolitiske foranstaltninger (havstrategidirektivet).

Eventuelle bemærkninger til forslaget skal fremsendes senest onsdag den 13. april til Naturstyrelsens hovedpostkasse [nst@nst.dk](mailto:nst@nst.dk) med angivelse af journalnummer NST-4205-00011. Bemærkningerne bedes sendt cc til [diman@nst.dk](mailto:diman@nst.dk). Det anbefales, at bemærkningerne indskrives i vedlagte excel-fil, som er inddelt i ark efter emne.

Eventuelle spørgsmål kan rettes til undertegnede eller kontorchef Lisbet Ølgaard, [lioel@nst.dk](mailto:lioel@nst.dk), 22 82 50 89.

Venlig hilsen

**Ditte Mandøe Andreasen**

Fuldmægtig | Naturbeskyttelse

+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

Miljø- og Fødevarerministeriet





## Aktdetaljer

**Akttitel: NST-4205-00011: Høringssvar på: Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet**

**Aktnummer:**

Akt ID: 2763694

Dato: 13-04-2016

Type: Indgående

Original titel: NST-4205-00011: Høringssvar på: Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet

Dokumenter: [1] NST-4205-00011 Høringssvar på Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet.msg

[2] Teknisk høring af KOM forslag til GES-1.xlsx

Den 1. februar 2017

**Til:** Bestilling - Naturstyrelsen (hovedpostkasse) (nst@nst.dk)  
**Cc:** Lorentz Westergaard Møller (lwm@ens.dk), Ditte Mandøe Andreasen (diman@svana.dk), Sarah Christiansen (sac@ens.dk), Juridisk enhed (juridisk@ens.dk), Trine Fugmann (TFU@ens.dk)  
**Fra:** Energistyrelsen (ens@ens.dk)  
**Titel:** NST-4205-00011: Høringssvar på: Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet  
**Sendt:** 13-04-2016 12:15:29  
**Bilag:** Teknisk høring af KOM forslag til GES-1.xlsx;

Til Naturstyrelsen

Hermed fremsender jeg Energistyrelsens kommentarer til udkast til EU-Kommissionens forslag til revideret beslutning om kriterier for God Miljøtilstand (GES) i havmiljøet, jf. havstrategidirektivet.  
Kommentarerne vedrører descriptor 6, 7 og 11.

Kommentarerne er enslydende med dem afgivet den 4. marts 2016.

Med venlig hilsen / Best regards

**Katja Scharmann**

Specialkonsulent / Special Advisor  
Center for Energiressourcer / Centre for Energy Resources

Mobil / Cell +45 3392 6672  
E-mail [ksc@ens.dk](mailto:ksc@ens.dk)



Energistyrelsen

Danish Energy Agency - [www.ens.dk](http://www.ens.dk)  
- part of the Danish Ministry of Energy, Utilities and Climate

## MSFD draft Decision and Annex III - comments

Afsender af kommentar



## MSFD draft Decision and Annex III - comments

[illegible]

[illegible]

[illegible]

## MSFD draft Decision and Annex III - comments

Angiv sidetal	Angiv om kommentaren er til et kriterie, element, specifikation eller lign.
---------------	---

## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]



## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]

[illegible]

[illegible]





## Aktdetaljer

**Akttitel: VS: Høring: Europa-kommissionens forslag til kriterier for god miljøtilstand m.v. J.nr. NST-4205-00011 [RELEASABLE TO INTERNET TRANSMISSION]**

**Aktnummer:**

Akt ID: 2763695

Dato: 06-04-2016

Type: Indgående

Original titel: VS: Høring: Europa-kommissionens forslag til kriterier for god miljøtilstand m.v. J.nr. NST-4205-00011 [RELEASABLE TO INTERNET TRANSMISSION]

Dokumenter: [1] VS Høring Europa-kommissionens forslag til kriterier for god miljøtilstand m.v. J.nr. NST-4205-00011 [RELEASABLE TO INTERNET TRANSMISSION].msg  
[2] MSFD\_GESDecision\_v2\_AnnexIII\_v3\_comments\_FES2.xlsx

Den 1. februar 2017

**Til:** Bestilling - Naturstyrelsen (hovedpostkasse) (nst@nst.dk)  
**Cc:** FES-CHEFS Bech, Jane (FES-CHEFS@mil.dk), FMN-DIF Friese, Ditte (DIF@fmn.dk), FMN-KMM Mortensen, Karen-Marie (KMM@fmn.dk), Ditte Mandøe Andreassen (diman@svana.dk), VFK-M-MSP310 Tolstrup, Michael (VFK-M-MSP310@mil.dk), VFK-M-MSU212 Rost-Nielsen, Heino (VFK-M-MSU212@mil.dk), FES-MINA19 Poleshuk, Darja Andrejevna (FES-MINA19@mil.dk), VFK-M-MSP333 Rønberg, Inge (VFK-M-MSP333@mil.dk)  
**Fra:** Forsvarsministeriets (fir@mil.dk)  
**Titel:** VS: Høring: Europa-kommissionens forslag til kriterier for god miljøtilstand m.v. J.nr. NST-4205-00011 [RELEASABLE TO INTERNET TRANSMISSION]  
**Sendt:** 06-04-2016 13:47:58  
**Bilag:** MSFD\_GESDecision\_v2\_AnnexIII\_v3\_comments\_FES2.xlsx;

## RELEASABLE TO INTERNET TRANSMISSION

Hej Ditte

Forsvarsministeriet har modtaget teknisk høring fra Naturstyrelsen vedr. Europa-kommissionens forslag til afgørelse om kriterier for god miljøtilstand og overvågning af havmiljøet. Høringen er sendt i forlængelse af Naturstyrelsens høring af 24. februar 2016 om samme emne.

Forsvarsministeriets Ejendomsstyrelse har besvaret høringen den 9. marts 2016. Som aftalt i telefonen g.d. henvises til de tidligere indsendte bemærkninger – dog med en tilføjelse til første afsnit i D11C1 og D11C2, se vedhæftede excel-fil. Tidligere bemærkninger står med rød farve (gælder stadig). Ny bemærkning står neden for på excel-arket med sort farve.

Med venlig hilsen

**Nina Kjær Nielsen**

Cand. jur.  
Fuldmægtig

**Forsvarsministeriets Ejendomsstyrelse**

Ejendomsforvaltningssektionen  
Arsenalvej 55  
DK-9800 Hjørring

Telefon: +45 728 13281  
Mobil: +45 4138 3266  
E-mail: [fes-efs04@mil.dk](mailto:fes-efs04@mil.dk)  
[www.forsvaret.dk/fes](http://www.forsvaret.dk/fes)

## RELEASABLE TO INTERNET TRANSMISSION

Vi gør opmærksom på, at denne e-mail kan indeholde information, der kun er beregnet for modtageren. Hvis du ved en fejltagelse har modtaget e-mailen, må du ikke anvende indholdet i nogen sammenhæng og vi beder dig venligst informere afsender om fejlen ved at bruge besvar-funktionen. Samtidig beder vi dig slette alle kopier af e-mailen i dit system uden at videresende eller kopiere den. Selvom e-mailen og enhver vedhæftet fil efter vores overbevisning er fri for virus og andre fejl, som kan påvirke computeren eller it-systemet, hvori den modtages og læses, aabnes den på modtagerens eget ansvar. Vi påtager os ikke noget ansvar for tab eller skade, som er opstået i forbindelse med at modtage eller aabne e-mailen. Hvis du har problemer med at aabne vedhæftede filer, kan du finde information på dette link <http://forsvaret.dk/FKIT/Pages/winmail.aspx>.

Please note that this message may contain confidential information. If you have received this message by mistake, please inform the sender of the mistake by sending a reply, and then delete the message from your system without making, distributing or retaining any copies of it. Although we believe that the message and any attachments are free from viruses and other errors that might affect the computer or IT system where it is received and read, the recipient opens the message at his or her own risk. We assume no responsibility for any loss or damage arising from the receipt or use of this message. If you are having trouble opening attached files, you can get further information via this link <http://forsvaret.dk/FKIT/Pages/winmail.aspx>.

MSFD draft Decision and Annex III - comments

Documents for comment	
Document number	CTTEE_12-2016-03
Document title	Proposal for a Commission Decision on GES Criteria draft v2
Release date	15-02-2016
<p>Please provide comments on both documents in the same tab.</p> <p>Do not repeat comments in different tabs, but enter the comments in the same tab.</p> <p>All comments received need to be compiled and sorted according to the format indicated (entries are examples only - add more if needed).</p> <p>In your commenting, please be as clear as possible on whether you support or oppose the text, proposing precise text changes. Alternatively provide any comments you may wish to indicate support or otherwise for the text.</p>	
<p><b>ONE consolidated set of comments only (i.e. one per Member State or stakeholder)</b></p> <p><b>To be sent to: ENV-MARINE-ENVIRONM</b></p> <p><b>To be received by: 9 March 2016</b></p>	

Comments
Member State/stakeholder

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article	Comment
	2	Recital 1	
	2	Recital 3	
	3	Recital 5	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	30-40	General	
	31	Criteria D1C1	
	31-33	Criteria D1C1-D1C4	
	31-33	Methodological standards	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	18-20	General		
	18	Criteria D2C1 Elements		
	19	Criteria D2C3		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	39-41	General	
	39-40	Criteria D4C1-D4C4 Elements	
	40	Criteria D4C3	
	39-40	Methodological standards	
	40	Specifications & methods	



## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	24-27	General		
	24	Criteria D6C1 Elements		
	25	Criteria D2C3		
	25	Methodological standards		
	26-27	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	28-29	General	
	28	Criteria D7C1 Elements	
	28	Criteria D7C2	
	28-29	Methodological standards	
	29	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
----------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	11-12	General	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	13-15	General		
	13	Criteria D10C1 Elements		
	13	Criteria D10C3		
	13	Methodological standards		
	14-15	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
Denmark/Danish Defence	16-17	General	
	16	Criteria D11C1 Elements	Adding the following: "When assessed applicable by the National Ministry of Defence (MoD) of the Member States, the MoD will establish..."
	16	Criteria D11C2	Adding the following: "When assessed applicable by the National Ministry of Defence (MoD) of the Member States, the MoD will establish..."
	16	Methodological standards	
	16-17	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Paragraph 1 - Paragraph 2
	40-41	General
	41	Paragraph 1
	41	Paragraph 2(a)



## MSFD draft Decision and Annex III - comments

Comment

## MSFD draft Decision and Annex III - comments

Response

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article - Table 1 - Table 2a - Table 2b	Comment
-------------------------------	------	---	---------



## Aktdetaljer

**Akttitel: Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet**

**Aktnummer:**

Akt ID: 2763696

Dato: 18-03-2016

Type: Indgående

Original titel: Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet

Dokumenter: [1] Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet.msg  
[2] Høringsbrev.pdf  
[3] KOM forslag om god miljøtilstand i havet\_V2.pdf  
[4] Udfyld mig\_Teknisk høring af KOM forslag til GES.xlsx

Den 1. februar 2017

**Til:**

**Fra:** Ditte Mandøe Andreasen (diman@svana.dk)

**Titel:** Teknisk høring af Europa-Kommissionens forslag til god miljøtilstand i havmiljøet

**Sendt:** 18-03-2016 13:32:29

**Bilag:** Høringsbrev.pdf; KOM forslag om god miljøtilstand i havet\_V2.pdf; Udfyld mig\_Teknisk høring af KOM forslag til GES.xlsx;

Naturstyrelsen sender hermed Europa-Kommissionens forslag til kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering af havmiljøet i teknisk høring.

Udkastet er udarbejdet med hjemmel i Europa-Parlamentets og Rådets Direktiv 2008/56/EF om fastlæggelse af en ramme for Fællesskabets havmiljøpolitiske foranstaltninger (havstrategidirektivet).

Eventuelle bemærkninger til forslaget skal fremsendes senest onsdag den 13. april til Naturstyrelsens hovedpostkasse [nst@nst.dk](mailto:nst@nst.dk) med angivelse af journalnummer NST-4205-00011. Bemærkningerne bedes sendt cc til [diman@nst.dk](mailto:diman@nst.dk). Det anbefales, at bemærkningerne indskrives i vedlagte excel-fil, som er inddelt i ark efter emne.

Eventuelle spørgsmål kan rettes til undertegnede eller kontorchef Lisbet Ølgaard, [ljoel@nst.dk](mailto:ljoel@nst.dk), 22 82 50 89.

Venlig hilsen

**Ditte Mandøe Andreasen**

Fuldmægtig | Naturbeskyttelse

+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

**Miljø- og Fødevareministeriet**

Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)



**Miljø- og  
Fødevareministeriet**  
Naturstyrelsen

Naturbeskyttelse  
Ref. DIMAN  
Den 17. marts 2016

## **Teknisk høring af Europa-Kommissionens forslag til afgørelse om kriterier mv. for god miljøtilstand og overvågning af havmiljøet**

Naturstyrelsen sender hermed følgende i teknisk høring: Europa-Kommissionens udkast til forslag til afgørelse om fastsættelse af kriterier og metodiske standarder for god miljøtilstand samt specifikationer og standardmetoder for overvågning og vurdering, samt ophævelse af afgørelse 2010/477/EU. (Komitesag).

Europa-Kommissionens udkast til forslag er udarbejdet med hjemmel i Europa-Parlamentets og Rådets Direktiv 2008/56/EF om fastlæggelse af en ramme for Fællesskabets havmiljøpolitiske foranstaltninger (havstrategidirektivet).

Havstrategidirektivet har til formål at skabe en ramme, inden for hvilken medlemslandene skal træffe de fornødne foranstaltninger til at opnå eller opretholde en god miljøtilstand i havmiljøet senest i år 2020.

Havstrategidirektivet angiver, at Europa-Kommissionen skal fastlægge ”*kriterier og metodiske standarder, som medlemsstaterne skal anvende, og som udformes med henblik på ændring af ikke-væsentlige elementer i dette direktiv ved at supplere det, for at sikre konsistens og gøre det muligt at foretage en sammenligning mellem havregionerne eller subregionerne med hensyn til, i hvilket omfang der er opnået en god miljøtilstand*”, jf. artikel 9, stk. 3.

På den baggrund traf Europa-Kommissionen den 1. september 2010 afgørelse om kriterier og metodiske standarder for god miljøtilstand i havområder (2010/477/EU). Denne afgørelse har Danmark lagt til grund i første cyklus af direktivets gennemførelse. I afgørelsen fremgår det, at den bør revideres på baggrund af bl.a. den videnskabelige udvikling, og at dette bør ske rettidigt inden den opdatering af havstrategierne, der skal ske i 2018.

Endvidere angiver direktivet, at Europa-Kommissionen skal fastsætte ”*specifikationer og standardmetoder for overvågning og vurdering, der tager hensyn til eksisterende forpligtelser og sikrer sammenlignelighed mellem overvågnings- og vurderingsresultater, og som udformes med henblik på ændring af ikke-væsentlige elementer i dette direktiv ved at supplere det*”, jf. artikel 11, stk. 4.

På den baggrund har Europa-Kommissionen fremsendt et forslag til behandling i havstrategidirektivets forskriftkomité, som består af embedsmænd fra de enkelte EU lande. Udkastet har endnu ikke gennemgået Europa-Kommissionens interne konsultationsprocedure og er ikke formelt fremsat.

Forslaget forventes sat til afstemning i havstrategidirektivets forskriftkomité i juni 2016. Afhængigt af udfaldet af denne afstemning vedtager Kommissionen derefter forslaget.

Eventuelle bemærkninger til forslaget skal fremsendes senest onsdag den 13. april til Naturstyrelsens hovedpostkasse [nst@nst.dk](mailto:nst@nst.dk) med angivelse af journalnummer NST-4205-00011. Bemærkningerne bedes sendt cc til [diman@nst.dk](mailto:diman@nst.dk). Det anbefales, at bemærkningerne indskrives i vedlagte excel-fil, som er inddelt i ark efter emne.

Eventuelle spørgsmål kan rettes til undertegnede eller kontorchef Lisbet Ølgaard, [lioel@nst.dk](mailto:lioel@nst.dk), 22 82 50 89.

Med venlig hilsen

Ditte Mandøe Andreassen

72 54 48 97

[diman@nst.dk](mailto:diman@nst.dk)

CTTEE\_12-2016-03



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

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

**(MARINE STRATEGY COMMITTEE)**

**TUESDAY 1 MARCH 2016 (10:00 – 18:00)**

**AND WEDNESDAY 2 MARCH 2016 (09:30-17:30)**

**Conference Centre Albert Borschette (CCAB) - Room 1B and 0B  
36, Rue Froissart - B-1040 Brussels**

Agenda Item:	4
Document:	CTTEE_12-2016-03
Title:	Proposal for a Commission Decision on GES Criteria_draft v2
Prepared by:	European Commission
Date prepared:	15/02/2016
Background	<p>This paper provides a second draft version of a proposal for a Commission Decision laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU. It is based on the comments made by Member States during the Committee meeting of 27 January 2016 and received by email subsequently.</p> <p>Please note that this draft:</p> <ul style="list-style-type: none"> <li>a. has not yet undergone the Commission's internal consultation and could therefore be subject to further changes.</li> <li>b. is not for circulation outside the Regulatory Committee.</li> <li>c. even though it will be one legal text, has to be presented in two different sections (which have been copy-pasted one after the other below): <ul style="list-style-type: none"> <li>- the proposal for a Commission Decision containing the Recitals and Articles</li> <li>- the proposal for an Annex to the Commission Decision, containing the actual criteria, methodological standards, specifications and standardised methods.</li> </ul> </li> </ul>

**The MSFD Committee is invited to:**

- a. Discuss the attached draft;
- b. Provide comments on this draft by **9 March 2016**

**EN**

**EN**





EUROPEAN  
COMMISSION

Brussels, **XXX**  
[...] (2015) **XXX** draft

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

**of **XXX****

**laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU**

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

of **XXX**

**laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular Article 9(3) and 11(4) thereof,

Whereas:

- (1) [Recital on legal basis / comitology procedure] Directive 2008/56/EC provides in its Article 9(3) for criteria and methodological standards to be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3) of that Directive. It also provides in its Article 11(4) for the adoption of specifications and standardised methods for monitoring and assessment, in accordance with the same procedure.
- (2) [Recital on Commission Decision 2010/477/EU] Decision 2010/477/EU<sup>2</sup> provided criteria for "good environmental status", thus setting the basis for Member States to establish their determinations of good environmental status and to guide their assessments of current environmental status in 2012.
- (3) [Recital on necessity to revise the 2010 Decision] Decision 2010/477/EU acknowledged that additional scientific and technical progress was required to support the development or revision of these criteria for some qualitative descriptors, as well as further development of methodological standards in close coordination with the establishment of monitoring programmes. In addition, that Decision provided in its Recital 4 that its revision should be carried out in time to support a successful update of marine strategies that are due by 2018, pursuant to Article 17 of Directive 2008/56/EC.
- (4) [Recital n°1 on problems with existing good environmental status decision revealed by 1<sup>st</sup> cycle] In 2012, Member States reported under Articles 9(2) and 10(2) of Directive 2008/56/EC on the initial assessment of their marine waters, the determination of good environmental status and their environmental targets. The Commission's assessment<sup>3</sup> of these Member State's reports highlighted that more efforts were urgently needed if Member States and the Union are to reach good environmental status by 2020. The

<sup>1</sup> OJ L 164, 25.2.2008, p. 19.

<sup>2</sup> Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine water (OJ L 232, 2.9.2010, p. 14).

<sup>3</sup> Report from the Commission to the Council and the European Parliament - The first phase of implementation of the Marine Strategy Framework Directive (2008/56/EC) - The European Commission's assessment and guidance (COM(2014)097 final, 20.2.2014)

results showed the necessity to ensure the determinations of good environmental status in a ~~quantifiable-comparable~~ and consistent way between Member States and across the Union. In addition, the assessment recognised that regional cooperation must be at the very heart of the implementation of Directive 2008/56/EC and influence national implementation processes, rather than the other way around. It also emphasized the need for Member States to more systematically build upon existing Union legislation or, where relevant, standards set by Regional Sea Conventions or other international agreements.

- (5) **[Recital concluding on 2014 Commission's assessment – common recital to good environmental status decision and revised Annex III]** To ensure that the second cycle of implementation contributes to the achievement of Directive 2008/56/EC's objectives and yields more consistent determinations of good environmental status, the Commission therefore recommended in its report on the first phase of implementation that, at Union level, the Commission services and Member States collaborate to "revise, strengthen and improve Decision 2010/477/EU by 2015, aiming at a clearer, simpler, more concise, more coherent and comparable set of good environmental status criteria and methodological standards" and "review Annex III of the Marine Strategy Framework Directive, and if necessary revise, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle".
- (6) **[Recital on the review process]** On the basis of these conclusions, the review process started in 2013 when a roadmap for a review, consisting of several phases (technical and scientific, consultation, and decision-making), was endorsed by the Committee established under Article 25(1) of Directive 2008/56/EC (hereafter "Regulatory Committee"). During this process, the Commission consulted all interested parties, including Regional Sea Conventions [, and an open public consultation was carried out on this Decision]. The Regulatory Committee was also duly consulted throughout the process, [informed of the results of the public consultation] and re-confirmed the need for a revision of Decision 2010/477/EU at its meeting of 5 May 2015.
- (7) **[Recital on objectives of the new Decision]** This Decision is therefore expected to facilitate future updates of the initial assessment of Member States' marine waters and their determination of good environmental status, by clarifying, revising or introducing criteria, methodological standards, specifications and standardised methods to be used by Member States, thereby ensuring greater coherence in implementation of Directive 2008/56/EC between Member States and across the Union. In accordance with the commitment taken by the European Commission when adopting its Better regulation package<sup>4</sup>, this Decision ensures coherence with other Union legislation.
- (8) **[Recital on criteria and methodological standards]** This Decision should therefore set out criteria and methodological standards, for each of the qualitative descriptors listed in Annex I to Directive 2008/56/EC, on the basis of Annex III of that Directive. For each descriptor, this Decision should define the ~~elements for assessment and the criteria~~ including the elements to be used, and, where available [and applicable], the reference level/threshold values, that allow a quantitative assessment of whether good environmental status is achieved. In several cases, this Decision should enable Member States to establish these threshold values at regional or subregional level, for instance by referring to existing values or developing new ones. This Decision should

<sup>4</sup>

COM(2015) 215 final

also set out the methodological standards, including the geographical scales for assessment and application rules for the criteria, to ensure that Member States' updates of their determinations of good environmental status and initial assessments of marine waters, carried out in accordance with Article 17 of Directive 2008/56/EC, are consistent, allowing for comparison between marine regions or subregions of the extent to which good environmental status is being achieved.

- (9) **[Recital on specifications and standardised methods]** Specifications and standardised methods for monitoring and assessment should take into account existing specifications and standards at Union level and ensure comparability between monitoring and assessment results. When such specifications and standardised methods are not included in this Decision, Member States should endeavour to use available Union or international guidance. This is for instance the case for guidance developed the qualitative descriptor (11) of Annex I to Directive 2008/56/EC, for which a sub-group of experts on underwater noise has developed, in the framework of the Common Implementation Strategy established between Member States and the European Commission, "Monitoring guidance for underwater noise in European Seas".
- (10) **[Relationship between MSFD and other EU legislation]** To facilitate Member States implementation of Directive 2008/56/EC and ensure greater consistency and comparability at Union level of their~~To make the~~ determinations of good environmental status ~~more effective~~, this Decision should ~~take into account~~refer to existing quality standards and methods of assessment and monitoring from Union legislation, such as Directive 2000/60/EC of the European Parliament and of the Council<sup>5</sup> (the 'Water Framework Directive') and Commission Decision 2013/480/EU<sup>6</sup>, Directive 2008/105/EC of the European Parliament and of the Council<sup>7</sup>, Commission Regulation (EC) No 1881/2006<sup>8</sup>, Council Directive 92/43/EEC<sup>9</sup>, Directive 2009/147/EC of the European Parliament and of the Council<sup>10</sup>, Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>11</sup> and Council Regulation (EC) No 1967/2006<sup>12</sup>. ~~Such cross-references should not only facilitate~~

<sup>5</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

<sup>6</sup> Commission Decision 2013/480/EU of 20 September 2013 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Decision 2008/915/EC (OJ L 266, 8.10.2013, p. 1).

<sup>7</sup> Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently replacing Council Directive 87/176/EEC, 3/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84.)

<sup>8</sup> Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

<sup>9</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

<sup>10</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

<sup>11</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

<sup>12</sup> Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

~~Member States' assessments under Directive 2008/56/EC by ensuring compatibility with other obligations but should also ensure greater consistency and comparability at Union level.~~

- (11) [Link with RSC and other international mechanisms: Article 3(3)] Where this Decision does not specify details at Union level for criteria, methodological standards, specifications and standardised methods for monitoring and assessment, Member States should endeavour to use those developed at international, regional or subregional level which are directly applicable to marine waters, for instance within the framework of the Regional Sea Conventions, as provided under Article 6 of Directive 2008/56/EC, or other international and regional mechanisms, and inform the Commission thereof as provided for in Article 17(3) of Directive 2008/56/EC.
- (12) [Future work] Additional scientific and technical progress is still required to support the further development of certain criteria, methodological standards, specifications and standardised methods for monitoring and assessment.
- (13) [Linking Article 9 to Art. 8, and Art. 8.1b to 8.1a] The determination of good environmental status and the assessment of progress towards its achievement should be intricately linked. This Decision should be structured to support this linkage, particularly to clearly and organise the ~~descriptors and~~ criteria and methodological standards on the basis of the descriptors laid down in Annex I of Directive 2008/56/EC and on the basis of the ecosystem elements and pressures laid down in Annex III of that Directive. Some of the criteria and methodological standards relate in particular to the needed for assessments of environmental status the ecosystem and its components under point (a) of Article 8(1) of Directive 2008/56/EC, and while other relate those needed for to the assessment of predominant pressures and ~~their~~ impacts under point (b) of that Article. ~~Further, because the assessment of environmental status under point (a) of Article 8(1) should reflect the cumulative pressures and their impacts, the assessments under point (b) of that Article should, as far as possible and necessary, be undertaken first and used to inform the assessments under point (a) of Article 8(1) of Directive 2008/56/EC. This should include ensuring consistency in the ecosystem elements assessed and in the scales of assessment.~~
- (14) [Trends] When assessing the status of their marine waters in accordance with Article 8 of Directive 2008/56/EC it is helpful for Member States to assess the change in status as improving, stable or deteriorating, in view of the often slow response of the marine environment to change.
- (15) [Flexibility: Article 3(2), risk-based approach and primary criteria] This Decision should allow sufficient flexibility to Member States when determining their good environmental status. This flexibility is underpinned by different concepts in this Decision. First, Member States should be able to consider that some of the criteria are not appropriate, provided this is duly justified. Secondly, a risk-based approach should be introduced in some criteria, by which Member States may decide not to consider certain elements or may focus monitoring on certain matrices, provided this is based on a risk-assessment. so that updates of the initial assessment under Article 8 of Directive 2008/56/EC focus on the predominant pressures in each region or subregion and their environmental impacts on the different ecosystem elements, as addressing such pressures should provide an efficient and effective means to achieve good environmental status. Such flexibility is underpinned in this Decision by the risk-based approach, meaning that certain criteria would not need to be used in the assessment of the marine waters of certain Member States, provided a risk-assessment demonstrates



~~a low risk. Finally, Criteria are further~~ labelled as primary or secondary in this Decision. While primary criteria should be used to ensure consistency across the Union, flexibility is introduced with regard to secondary criteria, which can either ~~be alternativesubstitute or complement primary criteria, or be used where there is a possibility of risk not covered by the primary criteria (if there is a lack of data for primary criteria) or complementary (only performed whenever they are considered relevant).~~

- (16) [Moved from intro Annex Part C] Articles 1(2) and 1(3) of Directive 2008/56/EC acknowledge that Member States' marine strategies must protect and preserve the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected. Therefore, it is recognised that some areas may not achieve the threshold values set for certain criteria, particularly to allow for certain sustainable uses of the marine waters, provided the collective pressure of human activities is kept within levels compatible with the achievement of good environmental status and the capacity of marine ecosystems to respond to human-induced changes is not compromised. It is therefore appropriate that Member States assess the spatial extent over which the threshold values have been achieved in their marine waters, within each region or subregion.
- (17) [Dynamic ecosystems, climate change and recovery to new states] The determination of good environmental status under Article 9(1) of Directive 2008/56/EC, on the basis of this Decision, should accommodate the dynamic nature of marine ecosystems and their elements, which can change in space and time through climatic variation, predator-prey interactions and other environmental factors. These determinations should also reflect the state of marine ecosystems as can be expected under prevailing physiographic, geographic and climatic conditions, as they recover from deteriorated states, rather than states in the past to which they may never return.
- (18) [Review – Moved from former Article 4] It is appropriate that the Commission revises this Decision by 15 July 2023, as part of the review set out in Article 23 of Directive 2008/56/EC. The review should in particular take into account the need to adapt this Decision to the latest scientific and technical knowledge and the experiences of the implementation of this Decision in light of the objective of Directive 2008/56/EC of achieving good environmental status by 2020.
- (19) [Standard recital - Repeal of Decision 2010/477/EU] Decision 2010/477/EU should therefore be repealed.
- (20) [Standard recital] The measures provided for in this Decision are in accordance with the opinion of the Regulatory Committee,

HAS ADOPTED THIS DECISION:

*Article 1*  
*Subject-matter*

This Decision sets out, in its Annex, criteria and methodological standards, on good environmental status for each qualitative descriptor listed in Annex I to Directive 2008/56/EC, in accordance with Article 9(3) of that Directive, and specifications and standardised methods for monitoring and assessment, in accordance with Article 11(4) of that Directive.

## Article 2

### Definitions

For the purposes of this Decision, the following definitions shall apply:

- (1) 'criteria' means distinctive technical features that are closely linked to qualitative descriptors, as defined in Article 3(6) of Directive 2008/56/EC.
  - (a) 'primary criteria' shall be used by Member States ~~in all cases~~ in accordance with Article 3(2), except where it is specified in the Annex to this Decision that such criteria may be replaced by a secondary criterion;
  - (b) 'secondary criteria' shall be used on the basis of the conditions specified in the Annex to this Decision, either instead of a primary criterion or in addition to the primary criteria.
- (2) 'marine regions' shall have the same meaning as in Article 3(2) of Directive 2008/56/EC.
- (3) 'subregions' and 'subdivisions' are used in the sense of Article 4 of Directive 2008/56/EC to provide for a nested set of ~~assessment scales~~ geographical areas within a region to be used for Article 8(1) of Directive 2008/56/EC. Further division of these areas may be appropriate for some descriptors and assessments.
- (4) 'methodological standards' means scientific or technical methods, developed at Union or international level, for assessing and classifying environmental status.
- (5) 'specification' means ~~Union-wide minimum~~ requirements for the design of monitoring and assessment performed under Directive 2008/56/EC.
- (6) 'standardised method' means ~~Union-wide minimum~~ requirements for the monitoring and assessment performed under Directive 2008/56/EC:
  - (a) 'standardised method for monitoring' refers to methods for field sampling, and other types of data collection, and for laboratory analysis. This includes quality assurance and quality control mechanisms, such as agreed international standards (e.g. CEN and ISO standards).
  - (b) 'standardised method for assessment' includes agreed rules for the spatial and temporal aggregation of data and their use.
- (7) 'marine waters', including 'coastal waters', shall have the same meaning as in Article 3(1) of Directive 2008/56/EC ~~have the same meaning as in Article 2(7) of Directive 2000/60/EC.~~
- (8) 'non-indigenous species' and 'invasive non-indigenous species' shall be understood to have the same meaning as 'alien species' and 'invasive alien species' defined in Articles 3(1) and 3(2) respectively of Regulation (EU) No 1143/2014 of the European Parliament and of the Council<sup>13</sup>.
- (9) 'reference level threshold values' means the value, values or ranges of values [established at Union, international, regional or subregional level] which define the quality level to be achieved for the criterion.

<sup>13</sup> Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

### Article 3 General principles

1. Member States shall use ~~these~~ criteria, methodological standards, specifications and standardised methods for monitoring and assessment laid down in this Decision, in combination with the ecosystem elements, anthropogenic pressures and human activities listed in Annex III to Directive 2008/56/EC and by reference to the initial assessment made pursuant to Article 8(1) of that Directive, when determining a set of characteristics for good environmental status in accordance with Article 9(1) of that Directive, ~~when assessing whether it has been achieved under Article 8(1)~~, and when establishing coordinated monitoring programmes under Article 11 of ~~Directive 2008/56/EC~~ that Directive.
2. On the basis of the initial assessment or its subsequent updates carried out in accordance with Article 8 and point (a) of Article 17(2) of Directive 2008/56/EC, a Member State may consider, in exceptional circumstances, that it is not appropriate to use one or more of the criteria laid down in this Decision.  
In such case, the Member State shall provide the Commission with due justification in the framework of the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC. The justification shall include evidence of the fulfilment of the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC, and in particular the requirement to ensure that the different elements of the marine strategies are coherent and coordinated across the marine region or sub-region concerned.
3. Where this Decision does not set criteria, methodological standards, specifications or standardised methods for monitoring and assessment, Member States shall endeavour to use, where practical and appropriate, those developed at international, regional or subregional level, such as in the relevant Regional Sea Conventions, when determining good environmental status in accordance with Article 9(1) and when assessing whether it has been achieved under Article 8(1).
4. Where the Annex to this Decision provides for Member States to establish threshold values or list of elements at regional or subregional level, this shall be done in time for the first review of their initial assessment and determination of good environmental status in accordance with point (a) of Article 17(2) of Directive 2008/56/EC, i.e. by 15 July 2018.  
[In exceptional circumstances, Member States may only establish these threshold values at regional or subregional level for the second review of their initial assessment and determination of good environmental status in accordance with point (a) of Article 17(2) of Directive 2008/56/EC, i.e. by 15 July 2024, provided the reasons for the delay are duly justified to the Commission in the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.]

### Article 4 Review

- ~~1. The Commission shall review this Decision by 15 July 2023, as part of the review set out in Article 23 of Directive 2008/56/EC.~~
- ~~2. The review should in particular take into account:~~
  - ~~(a) the need to adapt this Decision to the latest scientific and technical knowledge.~~



~~(a) — the experiences of the implementation of this Decision in light of the objective of Directive 2008/56/EC of achieving good environmental status by 2020.~~

*Article 4*

*Repeal*

Decision 2010/477/EU is hereby repealed.

*Article 5*

*Entry into force*

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

Done at Brussels,

*For the Commission*

*The President*

[\[...\]](#)



EUROPEAN  
COMMISSION

Brussels, XXX  
[...] (2015) XXX draft

ANNEX 1

**ANNEX**

**to the**

**Commission Decision**

**laying down criteria and methodological standards on good environmental status and  
specifications and standardised methods for monitoring and assessment**

## ANNEX

to the

### Commission Decision

laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment

**Criteria and methodological standards for good environmental status, ~~and specifications and standardised methods for monitoring and assessment~~, relevant to the descriptors in Annex I to Directive 2008/56/EC, and to Annex III of that Directive and specifications and standardised methods for monitoring and assessment**

This Annex is structured in three parts:

- under Part A are laid down the criteria, methodological standards and specifications ~~to be used for~~ that relate to the assessment of predominant pressures and impacts under point (b) of Article 8(1) of Directive 2008/56/EC,
- under part B are those ~~to be used for~~ that relate to the assessment of environmental status under point (a) of Article 8(1) of Directive 2008/56/EC,
- Part C lays down the spatial aspects ~~of these assessments~~ necessary to assess the extent to which good environmental status is being achieved.

#### **PART A – CRITERIA AND METHODOLOGICAL STANDARDS RELATING TO THE ASSESSMENT OF PREDOMINANT PRESSURES AND IMPACTS UNDER POINT (B) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

The following criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment under Article 11(4) of Directive 2008/56/EC, shall be used by Member States to assess the extent to which good environmental status is being achieved, in relation to the assessment of predominant pressures and impacts under point (b) of Article 8(1) of that Directive.

The relevant descriptors<sup>1</sup> are presented in the following order of anthropogenic pressures: substances, litter and energy (Descriptors 5, 8, 9, 10, 11), biological pressures (Descriptors 2 and 3) and physical pressures (Descriptors 6 and 7), as listed in Annex III of Directive 2008/56/EC.

<sup>1</sup> When this Decision refers to a 'descriptor', this is understood to refer to the relevant qualitative descriptors under the numbered points in Annex I to Directive 2008/56/EC.

**Descriptor 5 – Human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters**

Related pressures: Input of nutrients; Input of organic matter

*Elements for assessment, criteria, including criteria elements, and methodological standards*

<u>Criteria Elements for assessment</u>	<u>Criteria, including reference level/threshold values where they exist</u>	<u>Methodological standards</u>
Dissolved Inorganic Nitrogen (DIN), Total Nitrogen (TN), Dissolved Inorganic Phosphorus (DIP), Total Phosphorus (TP) in the water column	D5C1: Nutrient concentrations <u>are at do not exceed levels that do not cause adverse eutrophication effects.</u> <u>Member States shall establish, at regional or subregional level, these threshold values, which shall be set at regional or subregional level by Member States. Those levels:</u> (a) <del>are</del> consistent with levels required to achieve good ecological status under Directive 2000/60/EC; <del>and</del> <del>do not lead to eutrophication effects.</del>	<i>Scales of assessment:</i> – in coastal waters, the water bodies under Directive 2000/60/EC; – beyond coastal waters, subdivisions of the region or subregion, divided where needed by national boundaries <u>and/or at the 12 nautical mile limit of territorial waters.</u>
Chlorophyll a in the water column	D5C2: Chlorophyll a concentration does not exceed: (a) in the water column of coastal waters, the values set in Decision 2013/480/EU; (b) beyond coastal waters, the concentration values set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC and indicate adverse effects of nutrient enrichment.	<i>Primary and secondary criteria:</i> – Criteria D5C1, D5C2 and D5C8 are primary criteria. – Criteria D5C6, <del>and</del> D5C7 <u>and D5C9</u> are primary criteria in coastal waters. – The remaining criteria are secondary criteria, <del>they can:</del>
<u>Transparency/Clarity</u> of the water column	D5C3: Water <del>transparency/clarity equals or</del> exceeds the minimum level set at regional or subregional level by Member States. Those levels are consistent with levels required to achieve good ecological status under Directive 2000/60/EC and are related to increases in suspended algae as a consequence of nutrient enrichment.	– D5C9 may substitute <u>D5C8 the associated primary criterion in cases of lack of data: D5C3,</u>
Nuisance/toxic algal blooms (e.g. cyanobacteria) in the water column	D5C4: Bloom events of nuisance or toxic algal blooms (e.g. cyanobacteria) due to nutrient enrichment do not exceed: (a) in coastal waters, the levels set in Decision 2013/480/EU if any, or	

<u>Criteria Elements for assessment</u>	<u>Criteria, including reference levelsthreshold values where they exist</u>	<u>Methodological standards</u>
	developed at regional or subregional level; (b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.	<p><del>D5C4 or D5C5 may substitute D5C2 and D5C9 may substitute D5C8, or and</del></p> <p>– <del>D5C3, D5C4 or D5C5 may be used to reinforce complement the primary criteriaD5C2, securing the relationship of the primary criterion with the pressure criterion D5C1.</del></p> <p><u>The use of the secondary criteria shall be agreed at regional or subregional level.</u></p> <p><i>Application rules:</i> All criteria used shall achieve the <u>reference levelsthreshold values</u> set.</p>
Phytoplankton in the water column	D5C5: Changes in <del>phytoplankton</del> species composition and relative abundance due to nutrient enrichment do not exceed: (a) in coastal waters, the levels set in Decision 2013/480/EU; (b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.	
Opportunistic macroalgae of seabed habitats	D5C6: Changes in the <del>abundance-biomass</del> of opportunistic macroalgae in coastal waters, due to nutrient enrichment, do not exceed the levels set in Decision 2013/480/EU. Should this criterion be relevant for waters beyond coastal waters, changes in the abundance of opportunistic macroalgae due to nutrient enrichment do not exceed levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.	
Perennial seaweeds <del>and-or</del> seagrasses of seabed habitats	D5C7: Changes in the abundance <u>or depth distribution</u> of perennial seaweeds and seagrasses (e.g. fucoids, eelgrass and Neptune grass) in coastal waters, due to nutrient enrichment via decreases in water transparency, do not exceed the levels set in Decision 2013/480/EU. Should this criterion be relevant for waters beyond coastal waters, changes in the abundance of perennial seaweeds and seagrasses (e.g. fucoids, eelgrass and Neptune grass) due to nutrient enrichment via decreases in water transparency do not exceed levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.	
Dissolved oxygen in the <u>bottom of the</u>	D5C8: <u>Changes in d</u> Dissolved oxygen <u>concentration, due to increased</u>	

<u>Criteria Elements for assessment</u>	<u>Criteria, including reference levels/threshold values where they exist</u>	<u>Methodological standards</u>
water column	<p><u>organic matter decomposition, levels in the bottom of the water column are do not lead to adverse effects on seabed habitats or other eutrophication effects.</u></p> <p><u>Member States shall establish, at regional or subregional level, these threshold values, which shall be consistent with those of Directive 2000/60/EC. not reduced, due to increased organic matter decomposition, beyond levels set at regional or subregional level by Member States. Those levels:</u></p> <p><u>are consistent with those of Directive 2000/60/EC; and</u></p> <p><u>do not lead to adverse effects on seabed habitats.</u></p>	
Macroinvertebrate communities of seabed habitats	<p>D5C9: Changes in the typical <u>species</u> composition, <del>including sensitive species,</del> and relative abundance <del>of benthic invertebrate communities,</del> due to increased organic matter decomposition, do not exceed:</p> <p>(a) in coastal waters, the values for benthic biological quality elements set in Decision 2013/480/EU;</p> <p>(b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.</p>	

*Specifications and standardised methods for monitoring and assessment*

A failure of criterion D5C1 without failure of the other criteria may require a recalibration of reference levels. Monitoring beyond coastal waters under the Descriptor 5 criteria may not be necessary in cases where the threshold values are achieved in coastal waters.

Units of measurement for the criteria:

- D5C1 Nutrient concentrations in micrograms per litre
- D5C2 Chlorophyll a concentrations in micrograms per litre
- D5C3 Water transparency-clarity in metres
- D5C8 Oxygen concentrations in milligrams per litre



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

Related pressures: Input of hazardous substances

*Criteria, including criteria elements, ~~Elements for assessment, criteria~~ and methodological standards for hazardous substances in the marine environment*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference-levels</del> <u>threshold values</u> where they exist	Methodological standards
<p>Within 12 nautical miles:</p> <p>(a) <del>the list of</del> contaminants for which an environmental quality standard is laid down in Part A of Annex I of Directive 2008/105/EC;</p> <p>(b) <del>the list of</del> Specific Pollutants under Annex V of Directive 2000/60/EC; and</p> <p>(c) additional contaminants, <u>if relevant</u>, such as from offshore sources, which are not already identified under points (a) or (b) and which pose a risk to or via the marine environment in the marine region or subregion. Member States shall establish the list of these additional contaminants at regional or subregional level.</p> <p>Beyond 12 nautical miles, the <del>list of</del> contaminants <u>established-considered for the purposes of the assessment</u> within 12 nautical miles, where these still pose a risk</p>	<p>D8C1: Within 12 nautical miles, good environmental status under Directive 2008/56/EC is achieved when:</p> <p>(a) good chemical status is achieved under Directive 2000/60/EC;</p> <p>(b) good ecological status for the River Basin Specific Pollutants is achieved, <u>within 1 nautical mile</u>, under Directive 2000/60/EC;</p> <p>(c) <u>when contaminants under points (a) and (b) are measured in a matrix for which no environmental quality standard is provided under Directive 2008/105/EC, in accordance with Article 3(3) of that Directive, the concentration of those contaminants in that matrix do not exceed the threshold values agreed at the regional or subregional level by Member States;</u> and</p> <p>(d) the concentrations of the additional contaminants do not exceed the <u>levels-values</u> agreed at regional or subregional level by Member States, <u>considering their application within and beyond 12 nautical miles</u>.</p> <p>Beyond 12 nautical miles, good environmental status under Directive 2008/56/EC is achieved when the concentrations of the contaminants <del>to be assessed</del><u>selected under 'Criteria elements'</u>, in the relevant matrix, do not exceed the <u>levels-values</u> as applicable within 12 nautical miles.</p>	<p><i>Scales of assessment:</i></p> <ul style="list-style-type: none"> <li>– within 12 nautical miles, the water bodies used under Directive 2000/60/EC;</li> <li>– beyond 12 nautical miles, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Primary and secondary criteria:</i></p> <p>D8C1 <del>and D8C2 are</del> <u>is a primary criterion</u>. <u>D8C2 is a secondary criterion that may be used to complement D8C1.</u></p> <p><i>Application rules:</i></p> <ul style="list-style-type: none"> <li>– <u>For D8C1, all contaminants to be assessed for each criterion need to shall achieve the reference-levelsthreshold values set.</u></li> <li>– <u>For D8C2, all threshold values set shall be achieved.</u></li> </ul>



<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
to or via the marine environment.		
Contaminants used under D8C1, as relevant, assessed in particular species and tissues, or particular benthic habitats. Member States shall establish at regional or subregional level this list of particular species, tissues and habitats.	D8C2: The health of <del>individuals</del> <u>populations</u> of marine species, or of biological communities (such as species composition/abundance changes at locations of chronic pollution) is not adversely affected (including sub-lethal effects) by contaminants. Member States shall establish at regional or subregional level <u>those adverse effects and their reference level</u> <del>threshold values for the adverse effects</del> .	

*Criteria, including criteria elements, ~~Elements for assessment~~, criteria and methodological standards for acute pollution events*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Polluting substances, as defined in Article 2(2) of Directive 2005/35/EC of the European Parliament and of the Council <sup>2</sup> , including crude oil and similar compounds	D8C3: <u>Spatial and T</u> <del>temporal occurrence, source (where possible), spatial distribution and</del> extent of significant acute pollution events <del>of crude oil and similar compounds is</del> . The level of such events is minimised and, where possible, eliminated.	<i>Scale of assessment:</i> Regional or subregional level. <i>Primary and secondary criteria:</i> D8C3 is <del>primary</del> <u>a secondary criterion, to be used when a significant acute pollution event has occurred</u> . <i>Application rules:</i> <u>No reference level is set for D8C3. This criterion may be used by Member States as an environmental target.</u> <del>This criterion</del>

<sup>2</sup> Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements (OJ L 255, 30.9.2005, p. 11).

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
		<del>should be used to set an appropriate environmental target, rather than a determination of good environmental status.</del>
Species groups and broad habitat types	D8C4: <u>The health of populations of species and the condition of habitat types are not adversely affected by significant</u> <del>The adverse effects from acute pollution events of crude oil and similar compounds on species groups and habitat types do not threaten their good environmental status.</del>	<p><i>Scale of assessment:</i> As used for the species groups and broad habitat types which are affected.</p> <p><i>Primary and secondary criteria:</i> D8C4 is <u>a secondary</u> <del>primary</del> criterion, <u>to be used when a significant acute pollution event has occurred.</u></p> <p><i>Application rules:</i> The outcomes of assessment of this criterion should contribute, where appropriate, to the assessments under Descriptors 1 and 6.</p>

*Specifications and standardised methods for monitoring and assessment*

For the purposes of this Decision:

- (1) Criterion D8C1: Member States shall monitor the priority substances in the relevant matrix as set under Directive 2000/60/EC at least every 6 years and shall use methods of analysis that meet the minimum performance criteria laid down in Commission Directive 2009/90/EC<sup>3</sup>.
- (2) Criteria D8C2 and D8C4: population demographic characteristics (e.g. fecundity rates, survival rates, mortality rates, and reproductive capacity) may be relevant to assess the health effects.

<sup>3</sup> Commission Directive 2009/90/EC of 31 July 2009 laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status (OJ L 201, 1.8.2009, p. 36)

- (3) Criteria D8C3 and D8C4: for the purposes of this Decision, monitoring is established as needed once the acute pollution event has occurred, rather than being part of a regular monitoring programme under Article 11 of Directive 2008/56/EC.
- (4) Criterion D8C4<sup>3</sup>: Member States shall identify the source of significant acute pollution events, where possible. They shall use the national registers for reporting under ~~{~~EMSA satellite surveillance~~}~~

Units of measurement for the criteria:

- D8C1 Concentrations of contaminants in micrograms per litre for water and micrograms per kilogram of wet weight for biota.

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

Related pressure: Input of hazardous substances

*Criteria, including criteria elements, ~~Elements for assessment~~, ~~criteria~~ and methodological standards*

<b><u>Criteria elements</u><del>Elements for assessment</del></b>	<b>Criteria, including <del>reference level</del><u>threshold values</u> where they exist</b>	<b>Methodological standards</b>
<p>Contaminants listed in Regulation (EC) No 1881/2006.</p> <p>For the purposes of this Decision, Member States may decide not to consider contaminants from Regulation (EC) No 1881/2006 where justified on the basis of a risk assessment.</p> <p>Member States may assess additional contaminants that are not included in Regulation (EC) No 1881/2006. Member States shall agree at regional or subregional level on those additional contaminants.</p> <p>Member States shall establish <del>at regional or subregional level</del> the list of species and relevant tissues to be assessed, according to the conditions laid down under 'specifications'. <u>They may establish the list at regional or subregional level.</u></p>	<p>D9C1: The level of contaminants in edible tissues (muscle, liver, roe, flesh or other soft parts, as appropriate) of seafood (including fish, crustaceans, molluscs, echinoderms, seaweed and other marine plants) caught or harvested in the wild (excluding fin-fish from mariculture) does not exceed:</p> <p>(a) for contaminants listed in Regulation (EC) No 1881/2006, the maximum levels laid down in that Regulation; and</p> <p>(b) for additional contaminants, not listed in Regulation (EC) No 1881/2006, levels agreed at regional or subregional level by Member States.</p>	<p><i>Scales of assessment:</i></p> <p>For commercially-exploited species which are assessed under Descriptor 3, the same assessment areas are used. For other species, the assessment areas used under Descriptor 8 are used.</p> <p><i>Primary and secondary criteria:</i></p> <p>D9C1 is a primary criterion.</p> <p><i>Application rules:</i></p> <p>All contaminants shall achieve the <del>reference level</del><u>threshold values</u> set.</p>

*Specifications and standardised methods for monitoring and assessment*

1. When Member States establish the list of species to be used, the species shall meet the following conditions:

- (a) the species are relevant to the marine region or subregion concerned;
- (b) the species fall under the scope of Regulation (EC) No 1881/2006; and
- (c) the species are suitable for the contaminant being assessed.

2. Exceedance of the standard set for a contaminant shall lead to subsequent monitoring to determine the persistence of the contamination in the area and species sampled. Monitoring needs to continue until there is sufficient evidence that there is no risk of failure.
3. For the purposes of this Decision, the sampling for the assessment of the maximum levels of contaminants shall be performed in accordance with Article 11 of Regulation (EC) No 882/2004 of the European Parliament and in particular with Commission Regulation (EU) No 589/2014<sup>4</sup> and Commission Regulation (EC) No 333/2007<sup>5</sup>.
4. Within each region or subregion, Member States shall ensure that the temporal and geographical scope of sampling is adequate to provide a representative sample of the specified contaminants in seafood in the marine region or subregion.
5. Member States shall monitor and report:
  - (a) the ~~location-area~~ in the marine region or subregion where the product from which the samples are taken, are caught or farmed, in accordance with Article 35 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>6</sup>,
  - (b) the species and tissue tested,
  - (c) the level of contaminants and whether this has exceeded the maximum level for contaminants set in Regulation (EC) No 1881/2006.

Units of measurement for the criteria:

- D9C1 Concentrations of contaminants in micrograms per kilogram of wet weight per species.

<sup>4</sup> Commission Regulation (EU) No 589/2014 of 2 June 2014 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs (OJ L 164, 3.6.2014, p. 18)

<sup>5</sup> Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs (OJ L 88, 29.3.2007, p. 29)

<sup>6</sup> Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

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

Related pressure: Input of litter

*Criteria, including criteria elements, ~~Elements for assessment~~, ~~criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Litter (excluding micro-litter), classified in the following categories: artificial polymer materials, rubber, cloth and textiles, paper and cardboard, processed and worked wood, metal, glass and ceramics, and other. Member States may define further sub-categories.	D10C1: The composition, amount and spatial distribution of litter <del>in the intertidal zone including the strandline</del> <u>on the coastline</u> , in the surface layer of the water column, and on the sea-floor, is at a level that does not cause harm to the coastal and marine environment or other pollution effects. Member States and the Commission should jointly establish, at Union level, <del>reference level</del> <u>threshold values</u> .	<p><i>Scales of assessment:</i> National part of subdivisions of each region or subregion.</p> <p><i>Primary and secondary criteria:</i> All criteria are primary criteria.</p> <p><i>Application rules:</i> Each criterion is to achieve the <del>reference level</del><u>threshold values</u> set <del>(when they become available)</del>.</p>
Micro-litter (particles <u>between 20 µm and &lt;5mm as largest dimension</u> ), classified in the categories 'artificial polymer materials' and 'other'.	D10C2: The composition, amount and spatial distribution of micro-litter <del>in the intertidal zone including the strandline</del> <u>on the coastline</u> , in the surface layer of the water column, <del>and on the sea-floor and in sea-floor sediment</del> , is at a level that does not cause harm to the coastal and marine environment or other pollution effects. Member States and the Commission should jointly establish, at Union level, <del>reference level</del> <u>threshold values</u> .	
<del>Litter, classified in the same categories as under D10C1, or for micro-litter in the same categories as under D10C2, assessed in species of birds, mammals, reptiles and fish. Member States shall establish at regional or subregional level the list of species to be assessed.</del>	<del>D10C3: The amount of litter and micro-litter ingested by marine animals is at levels that do not adversely affect the health of the species concerned. Member States shall establish at regional or subregional level the reference levels.</del>	
Species of birds, mammals, reptiles and fish. Member States shall establish at regional or subregional level that species	D10C <del>4</del> <u>3</u> : The number of entanglement incidents, or other types of injury/mortality, of marine animals due to litter is at levels that do not adversely affect populations of the species concerned.	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</p>

<u>Criteria elements</u> <u>Elements for assessment</u>	<u>Criteria, including reference levels</u> <u>threshold values</u> where they exist	<b>Methodological standards</b>
list, <u>based on risk from marine litter.</u>	<del>Member States shall establish at regional or subregional level the reference levels.</del>	<i>Primary and secondary criteria:</i> This is a primary criterion. <i>Application rules:</i> The outcomes of this criterion should contribute to assessments under Descriptor 1.

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

#### Under D10C1 and D10C2:

- litter and micro-litter shall be monitored on the coastline,
- litter and micro-litter shall be monitored in the surface layer of the water column and on the sea-floor (or sediment for micro-litter), based on a risk assessment of the significance of the issue,
- monitoring in biota may be used as a proxy for monitoring under D10C1 and D10C2. If used, litter and micro-litter should be assessed in species of birds, mammals, reptiles, shellfish and fish, agreed by Member States at regional or subregional level.

The monitoring of ~~D10C3 and D10C4~~ (the amount of litter ingested and the number of entanglement incidents or other types of injury/mortality due to litter) should be based on incidental occurrences (e.g. strandings of dead animals).

Units of measurement for the criteria:

- D10C1 Amount of litter in number of items per 100 metres on the coastline, per cubic metre for surface layer, per square metre for sea-floor, ~~and [to be added]~~ per individual for biota.
- D10C2 Amount of micro-litter in items per cubic metre for surface layer, per millilitre for sediment and per gram of intestine for biota ~~[to be added]~~
- ~~D10C3 Amount of litter and micro-litter in [to be added]~~

- D10C43 Number of affected individuals per ~~each selected~~ species.



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

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

*Criteria, including criteria elements, ~~Elements for assessment~~, ~~criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Impulsive anthropogenic sound in water	D11C1: The proportion of days, their distribution within a calendar year and <del>their</del> spatial distribution of impulsive anthropogenic sound do not exceed values that are likely to adversely affect marine <del>mammals and other</del> animals, <u>in particular marine mammals</u> . Member States and <u>the</u> Commission should jointly establish these <del>reference level</del> <u>threshold values</u> at Union level. <del>In the absence of Union-level values, Member States shall establish these reference levels at regional or subregional level.</del>	<i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.  <i>Primary and secondary criteria:</i> Both criteria are primary criteria.
Continuous low-frequency anthropogenic sound in water	D11C2: Annual average levels, in two 'third octave' bands, of continuous low-frequency <u>anthropogenic</u> sound do not exceed values that are likely to adversely affect marine <del>mammals and other</del> animals, <u>in particular marine mammals</u> . Member States and <u>the</u> Commission should jointly establish these <del>reference level</del> <u>threshold values</u> at Union level. <del>In the absence of a Union-level value, Member States shall establish these reference levels at regional or subregional level.</del>	<i>Application rules:</i> Each criterion is to achieve the <del>reference level</del> <u>threshold values</u> set <del>(when they become available)</del> . <u>The outcomes of these criteria should contribute to assessments under Descriptor 1.</u>

*Specifications and standardised methods for monitoring and assessment*

D11C1:

- Monitoring:
  - Spatial resolution: geographical locations whose shape and areas are to be determined (such as licence blocks for offshore industries) at regional or subregional level.

— ~~Temporal frequency: daily.~~

- Impulsive sound measured as monopole energy source level in units of dB re  $1\mu\text{Pa}^2 \text{ s}$  or zero to peak monopole energy source level in units of dB re  $1\mu\text{Pa m}$ . Both are measured over the frequency band 10 Hz to 10 kHz.
- Assessment: Proportion of days per calendar year, distribution within year and spatially within the assessment area.

D11C2:

- Monitoring: Squared sound pressure in each of two ‘third octave’ bands, one centred at 63 Hz and the other at 125 Hz, expressed as a level in decibels in units of dB re  $1\mu\text{Pa}$ . This is measured either directly at observation stations, or inferred from a model used to interpolate between or extrapolate from measurements at observation stations.
- Assessment: Average noise level over a year.

Criteria relating to [the impact of noise or](#) other forms of energy input (including thermal energy, electromagnetic fields and light) still need to be defined.

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

Related pressure: Input or spread of non-indigenous species

*Criteria, including criteria elements, ~~Elements for assessment~~, ~~criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Non-indigenous species.	D2C1: The number of non-indigenous species which are newly introduced via human activity into the wild, measured from the <u>baseline-reference</u> year as reported for the 2012 initial assessment under Article 8(1) of Directive 2008/56/EC, is minimised and where possible eliminated.	<p><i>Scale of assessment:</i> National part of subdivisions of each region or subregion.</p> <p><i>Primary and secondary criteria:</i> Criterion D2C1 is a primary criterion.</p> <p><i>Application rules:</i> <u>No reference level is set for D2C1. This criterion may be used by Member States as an environmental target. This criterion shall be used as an environmental target and is thus not combined with other criteria under Descriptor 2.</u></p>
A list of non-indigenous species, particularly invasive non-indigenous species, which are specified at regional or subregional level by Member States, and which include any relevant <del>(?)</del> species on the list of invasive alien species of Union concern adopted in accordance with Article 4(1) of Regulation (EU) No 1143/2014.	D2C2: Composition, abundance <u>or</u> <del>/</del> biomass, spatial distribution and <del>areal</del> <u>spatial</u> extent of non-indigenous species, particularly of invasive species contributing significantly to impacts on particular species groups or broad habitat types.	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species group or broad habitat type under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> D2C2 and D2C3 are secondary criteria <del>which should to</del> be used where <u>there is a possibility the species group or the broad</u></p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
A list of particular species groups and broad habitat types, as assessed under Descriptor 1, defined by Member States at the regional or subregional level.	D2C3: <del>The spatial extent</del> <u>The proportion</u> of the species group or <u>the spatial extent of the</u> broad habitat type which is adversely altered by non-indigenous species, particularly invasive non-indigenous species. 'Adversely altered' means the species group or broad habitat type is not in good environmental status (for a given location) due to the number of non-indigenous species and/or their abundance within the natural community.	<del>habitat type is at risk</del> <u>particularly relevant to the assessment of species groups and habitat types under descriptors 1 and 6.</u> <i>Application rules:</i> <ul style="list-style-type: none"> <li>– Criterion D2C2 (quantification of non-indigenous species) should contribute to the assessment of D2C3 (impacts of non-indigenous species).</li> <li>– Criterion D2C3 should provide <del>a footprint of the extent of</del> impact per species group and broad habitat type assessed and thus contribute to their assessments under <del>D</del>descriptors 1 and 6.</li> <li>– No <del>reference level</del><u>threshold values</u> are set for D2C2 and D2C3, as these are addressed under the relevant species groups and broad habitat types.</li> </ul>

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

Regarding D2C2, since species occurrence and abundance can be seasonally variable (e.g. plankton), monitoring needs to be undertaken at appropriate times of year in relation to pathways and to characteristics of the community (~~e.g. plankton~~). Monitoring programmes should be linked to those for Descriptors 1 and 6, where possible, as they should use the same sampling methods and it is more practical to monitor non-indigenous species as part of broader biodiversity monitoring, except where sampling ~~should~~needs to focus on main risk areas for new introductions.

Units of measurement for the criteria:

- | – ~~Criterion D2C1: shall be reported as~~ the number of species per assessment area which have been newly-introduced in the assessment period (6 years).
- | – ~~Criterion D2C3: shall be reported as~~ the proportion (%) of the species group or broad habitat type adversely affected per assessment area.

**Descriptor 3 – Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.**

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

*Criteria, including criteria elements, ~~Elements for assessment, criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Commercially-exploited fish and shellfish, including all stocks that are managed under Regulation (EU) No 1380/2013, Regulation (EC) No 1967/2006 and nationally-important stocks.	D3C1: The fishing mortality rate (F) of populations of commercially-exploited species is [at or] below levels which can produce the maximum sustainable yield, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.	<p><i>Scales of assessment:</i> Populations (stocks) of each species are assessed at ecologically-relevant scales within each region or subregion, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013, based on specified aggregations of ICES Areas and GFCM geographical sub-areas.</p> <p><i>Primary and secondary criteria:</i> Criteria D3C1, D3C2 and D3C3 are primary criteria.</p> <p><i>Application rules:</i> All populations (stocks) assessed shall achieve the <del>reference level</del><u>threshold values</u> set for each criterion.</p>
	D3C2: The spawning stock biomass (SSB) of populations of commercially exploited species is above biomass levels capable of producing maximum sustainable yield, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.	
	D3C3: Age and size distribution of commercially-exploited species matches at least the best available historical data that is indicative of a healthy stock. This would include a high proportion of old/large individuals and reduced adverse effects of exploitation on genetic diversity. Appropriate values are set for each species or population within each region or subregion by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.	
Species of birds, mammals, reptiles and non-commercially-exploited species of fish and cephalopods. Lists of relevant species as established for the region or subregion <del>by appropriate scientific bodies</del> in accordance with Article <del>25(5)6</del> of Regulation (EU) No 1380/2013.	D3C4: The levels of mortality per species from incidental by-catch do not exceed levels which threaten the species, whilst accounting for other pressures on these species. <del>Member States shall set, at regional or subregional level, appropriate values for each species.</del>	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</p> <p><i>Primary and secondary criteria:</i> D3C4 is a primary criterion.</p> <p><i>Application rules:</i></p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
		This criterion <del>does not form part of the assessment for Descriptor 3, but</del> should contribute to the assessments of the corresponding species under Descriptor 1.

Physical disturbance or damage to the seafloor, including effects on benthic communities, as a result of fishing activities, are addressed by the criteria under Descriptor 6 (particularly D6C1, ~~D6C2~~ and D6C2~~3~~) and are to be fed into the assessments of each broad habitat type under Descriptors 1 and 6.

*Specifications and standardised methods for monitoring and assessment*

1. Methods for monitoring under Descriptor 3 shall be the ones established under Council Regulation (EC) No 199/2008.
2. The following methods for assessment shall be used:
  - 2.1. For D3C1, if quantitative assessments yielding values for Fishing mortality (F) are not available due to inadequacies in the available data, the ratio between catch and biomass index ('catch/biomass ratio') can be used as an alternative method.  
For assessment purposes an appropriate method for trend analysis can be adopted (e.g. the current value can be compared against the long-term historical average).
  - 2.2. For D3C2, if quantitative assessments yielding values for Spawning Stock Biomass (SSB) are not available due to inadequacies in the available data, biomass indices can be used as an alternative method.  
For assessment purposes an appropriate method for trend analysis needs to be adopted (e.g. the current value can be compared against the long-term historical average).
  - 2.3. D3C3 should reflect that healthy stocks of ~~many~~ species are characterized by a high proportion of old, large individuals. The relevant properties are the following:
    - (a) Size distribution of individuals in the population, expressed as i) Proportion of fish larger than mean size of first sexual maturation or ii) 95<sup>th</sup> percentile of the fish-length distribution observed in research vessel surveys.

- (b) Selectivity pattern of the fishery exploiting the species, expressed as i) Length (or age depending on data availability) at first capture (length/age at which 50% of individuals in the population are vulnerable to/retained by the gear) or ii) Proportion of individuals across all species in the catch larger than the size at which 50% are mature or iii) Mean length of individuals across all species in the catch.
  - (c) Genetic effects of exploitation of the species, expressed as i) Size at first sexual maturation or ii) Length at which half of the (female) population are mature (50% of total length - TL50).
- 2.4. For D3C4, data should be provided per species per fishing metier for each ICES or GFCM reporting area, to enable its aggregation to the relevant scale for the species concerned, and to identify the particular fisheries and fishing gear most contributing to incidental catches for each species.

Units of measurement for the criteria:

– D3C2 in tonnes per species



**Descriptor 6 – Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.**

Related pressures: Physical loss (due to) ~~Change of seabed substrate or morphology (physical loss); and~~ Extraction of seabed substrate) ~~(physical loss)~~; Disturbance or damage to seabed

Criteria, including criteria elements, Elements for assessment, criteria and methodological standards for assessment of physical disturbance or damage

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Seabed (including intertidal areas)	D6C1 Spatial extent of physical disturbance or damage to the sea-floor.	<p><i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> D6C1 is a primary criterion.</p> <p><i>Application rules:</i> No reference level for the criterion is set; as, the extent of physical disturbance or damage shall be used to assess the extent of impact under <del>D6C2</del>, <del>D6C23</del> and <del>D6C4</del>.</p>
<p><del>Species of birds, mammals, reptiles, fish and cephalopods.</del></p> <p><del>Member States shall establish at regional or subregional level a list of relevant species, based on risk to their habitat from physical disturbance or damage</del></p>	<p><del>D6C2 Spatial extent of sea-floor habitat of the species which is adversely affected, in particular the functions provided (e.g. spawning, breeding and feeding areas and migration routes), by physical disturbance or damage pressures.</del></p>	<p><del><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</del></p> <p><del><i>Primary and secondary criteria:</i> D6C2 is a secondary criterion, to be used where the status of the species is threatened.</del></p> <p><del><i>Application rules:</i> No reference level is set, as this criterion shall contribute to the assessment of criterion D1C4, where a reference level is set for the habitat of the corresponding</del></p>

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
		<del>species under Descriptor 1.</del>
Benthic broad habitats types, as used for Descriptor 1 (see list in Table 2, Part B of this Decision).	D6C32 Spatial extent of the habitat which is adversely affected through change in its structure and function (species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function), by physical disturbance or damage pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> for representative subtypes of each broad habitat <del>at the appropriate biogeographical scale</del> , which are <del>consistent aligned</del> with benthic <del>biological</del> <u>Quality element</u> <del>QE</del> values under Directive 2000/60/EC, for assessment of adverse effects.	<i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6. <i>Primary and secondary criteria:</i> D6C32 is a primary criterion; <del>D6C4 is a secondary criterion, to be used where the physical disturbance pressure or associated human activities (e.g. fishing) is likely to affect the size/age structure of key species in the habitat.</del>
	<del>D6C4 The size and age structure of specified species of the benthic broad habitat reflect that of a (near) natural habitat in the absence of physical disturbance or damage.</del> <del>Member States shall establish, at regional or subregional level, reference levels for selected species of the relevant broad habitat types where age/size structure is at particular risk due to physical disturbance pressures or associated fishing activity.</del>	<i>Application rules:</i> The outcomes of assessment of criterion D6C32 <del>(and where relevant D6C4) (extent of impact)</del> shall <del>should</del> contribute to the assessments of habitat types under Descriptors 1 <del>and 6</del> .

Criteria, including criteria elements~~Elements for assessment, criteria~~ and methodological standards for assessment of physical loss (due to change of seabed substrate or morphology and extraction of seabed substrate)

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
---	---	--------------------------

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
Seabed (including intertidal areas)	D6C53 <del>Cumulative</del> Spatial extent of physical loss of <del>or change to</del> natural seabed habitat.	<p><i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> D6C35 and D6C6 are <u>is a</u> primary criteria.</p> <p><i>Application rules:</i></p>
<del>Benthic broad habitats types, as used for Descriptor 1 (see list under Table 2, Part B of this Decision)</del>	<del>D6C6 Extent of each broad habitat type physically lost or changed due to human activities.</del>	<p>No reference level is set <del>for</del> criterion D6C53 <del>but the extent of loss (pressure) from criterion D6C5 shall be used to assess the extent of impact under D6C6.</del></p> <p>No reference level is set for criterion D6C6 as the outcome shall contribute to the assessment of habitat types under Descriptors 1 and 6, where a reference level is set for loss of habitat.</p>

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

Regarding methods for monitoring:

- for D6C1, all relevant disturbances from different human activities shall be assessed (such as bottom-trawling fishing),
- for D6C53 ~~and D6C6~~, all relevant modifications from different human activities shall be assessed (including changes to natural seabed substrate or morphology via physical restructuring, infrastructure developments and loss of substrate via extraction of the seabed materials).

~~The area disturbed/damaged or lost shall be expressed in km<sup>2</sup> or km<sup>2</sup> per habitat type, as appropriate.~~

For coastal waters, data on hydromorphological modifications (mapping of alterations) in each water body should be derived from Directive 2000/60/EC. Beyond coastal waters, data can be collated from mapping of infrastructure and licenced extraction sites.

Regarding methods for assessment, the data shall be aggregated so that:

- ~~1. D6C2 is assessed in relation to total natural extent of the habitat of the species in the assessment area.~~
1. D6C~~3~~2 is assessed in relation to total natural extent of each broad habitat type assessed under Descriptor 1, in the assessment area.
2. D6C~~5~~3 is assessed as area lost in relation to total natural extent of all ~~natural~~ habitats -in the assessment area (e.g. by extent of anthropogenic modification).
- ~~3. D6C6 is assessed as proportion of total natural extent of each broad habitat type in the assessment area.~~

Units of measurement for the criteria:

- ~~- D6C1: The area disturbed or damaged shall be expressed in square kilometres.~~
- ~~- D6C2: The area disturbed or damaged shall be expressed in square kilometres per habitat type.~~
- ~~- D6C3: The area lost shall be expressed in square kilometres.~~

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

Related pressures: Physical loss (due to) ~~Change of seabed substrate or morphology (physical loss);~~ Extraction of seabed substrate (physical loss);  
Changes to hydrological conditions

Criteria, including criteria elements, Elements for assessment, criteria and methodological standards

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
<p><del>Species of bird, mammals, reptiles, fish and cephalopods.</del></p> <p><del>Member States shall establish at regional or subregional level, a list of relevant species, based on risk to their habitat from alterations in hydrographical conditions</del></p> <p><u>Seabed (including intertidal areas)</u></p>	<p>D7C1: <u>Spatial extent of area</u> <del>Cumulative extent of habitat of the specified species which is adversely affected, in particular the functions provided (e.g. spawning, breeding and feeding areas and migration routes);</del> due to permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature, oxygen) associated with relevant physical losses <del>to of</del> the seabed.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the <del>corresponding species</del><u>broad habitat types</u> under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i></p> <p>D7C1 is a secondary criterion, to be used where the permanent alterations in hydrographical conditions are likely to put the <u>species-broad habitat types</u> at risk.</p> <p><i>Application rules:</i></p> <p>This criterion should contribute to the assessment of <u>D7C2-habitat for the species under Descriptor 1, where reference levels are set.</u></p>
<p>Benthic broad habitats types, as used for Descriptor 1 (see list under Table 2, Part B of this Decision)</p>	<p>D7C2: <del>Cumulative</del><u>Spatial</u> extent of each benthic broad habitat type <del>which has been</del> adversely affected (physical and hydrological characteristics and associated biological communities) due to permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature, oxygen) associated with relevant physical losses <del>to of</del> the seabed.</p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i></p> <p><del>D6</del><u>D7</u>C2 is a secondary criterion, to be used where the extent of permanent alterations in hydrographical conditions is likely to put the habitat at risk.</p> <p><i>Application rules:</i></p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
		This criterion should contribute to the assessment of benthic habitats under Descriptors 1 and 6, where <u>reference levels</u> <u>threshold values</u> are set.

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

Regarding methods for monitoring:

1. Monitoring should focus on changes associated with infrastructure developments, either on the coast or offshore.
2. Standard EIA hydrodynamic models should be used to assess the extent of effects from each infrastructure development, validated with ground-truth measurements.
3. For coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC should be used.

Regarding methods for assessment, the data shall be aggregated so that:

1. D7C1 is assessed in relation to total natural extent of all habitats in the assessment area.
2. D7C2 is assessed in relation to total natural extent of each broad habitat type assessed under Descriptor 1, in the assessment area.

Units of measurement for the criteria:

- Criteria D7C1: in square kilometres
- and D7C2: should be reported in km<sup>2</sup>-square kilometres per habitat type of habitat which is adversely affected.

**PART B – CRITERIA AND METHODOLOGICAL STANDARDS RELATING TO THE ASSESSMENT OF ESSENTIAL FEATURES AND CHARACTERISTICS AND CURRENT ENVIRONMENTAL STATUS OF MARINE WATERS UNDER POINT (A) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

The following criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment under Article 11(4) of Directive 2008/56/EC, shall be used by Member States to assess the extent to which good environmental status is being achieved, in relation to the assessment of ecosystem state characteristics under point (a) of Article 8(1) of that Directive and will contribute to the assessment of the following descriptors, under Annex I of that Directive:

- Descriptor 1 – Biological diversity is maintained. The quality and occurrence of habitats and the distribution and abundance of species are in line with prevailing physiographic, geographic and climatic conditions.
- Descriptor 4 – All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity.
- Descriptor 6 – Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.

Criteria D2C3, ~~D3C1~~, D3C2, D3C3, ~~D3C4~~, D5C2, D5C3, D5C4, D5C5, D5C6, D5C7, D5C8, D5C9, ~~D6C2~~, ~~D6C3~~, ~~D6C4~~, ~~D6C6~~, ~~D7C1~~, D7C2, D8C2, and D8C4 should contribute to the assessment of habitats under Descriptors 1 and 6, by providing information on the impact of pressures.

Criteria D2C3, D3C1, D3C2, D3C3, D3C4, D8C2, D8C4 and D10C4 should contribute to the assessment of species under Descriptor 1, by providing information on the impact of pressures.

The relevant criteria are presented in the following order of ecosystem components: birds, mammals, reptiles, fish and cephalopods (Descriptor 1), pelagic and benthic habitats (Descriptors 1 and 6) and ecosystems, including food-webs (Descriptors 1 and 4), as listed in Annex III of Directive 2008/56/EC.

**Birds, mammals, reptiles, fish and cephalopods**

Theme: ~~Highly mobile species~~ Species groups of marine birds, mammals, reptiles, fish and cephalopods

Criteria, including criteria elements, Elements for assessment, criteria and methodological standards

<u>Criteria elements</u> Elements for assessment	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
---	--	--------------------------

Criteria elements Elements for assessment	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
<p>Species groups, as listed under Table 1 and if present in the region or subregion. Member States shall establish, at regional or subregional level, a set of species representative for each species group selected according to the criteria laid down under ‘specifications’.</p> <p>These species may be drawn from those assessed under Union legislation (Directive 92/43/EEC, Directive 2009/147/EC or Regulation (EU) No 1380/2013) or international agreements, such as Regional Sea Conventions, or other sources.</p>	<p>D1C1: Species distributional range and, where relevant, pattern is in line with natural physiographic, geographic and climatic conditions.</p> <p>Member States shall establish, at regional or subregional level, <del>reference level</del><u>threshold values</u> for each species, consistent with the Favourable Reference Range values established by the relevant Member States under Directive 92/43/EEC.</p>	<p><i>Scales of assessment:</i></p> <p>Ecologically-relevant scales for each species group shall be used, as follows:</p> <ul style="list-style-type: none"> <li>– For deep-diving toothed cetaceans, baleen whales, deep-sea fish: Region</li> <li>– For birds, small toothed cetaceans, seals, turtles, pelagic and demersal shelf fish, cephalopods: Region for Baltic and Black Seas; subregion for North-East Atlantic and Mediterranean Sea</li> <li>– For coastal fish: Subdivision of region or subregion</li> </ul> <p><i>Primary and secondary criteria:</i></p> <ul style="list-style-type: none"> <li>– All criteria are primary for species covered by <a href="#">Annex III of Directive 92/43/EEC</a></li> <li>– For birds criteria D1C1 and D1C2 are primary;</li> <li>– For commercially-exploited fish and cephalopods, criteria D1C2 and D1C3 are primary;</li> <li>– For other species D1C2 is a primary criterion;</li> <li>– The remaining criteria are</li> </ul>
	<p>D1C2: Population size (abundance and/or biomass) of the species is not significantly altered due to anthropogenic pressures, such that its long-term viability is ensured.</p> <p>Member States shall establish, at regional or subregional level, reference levels for each species, consistent with the Favourable Reference Population values established by the relevant Member States under Directive 92/43/EEC, taking account of natural variation in population size <u>and the level of mortality derived from D3C4, D8C4 and D10C3 and other relevant pressures</u>.</p>	
	<p>D1C3: Population demographic characteristics (<u>e.g. body size or age class structure, sex ratio, fecundity rates, survival / mortality rates</u>) of the species are indicative of a natural population which is not significantly altered due to anthropogenic pressures.</p> <p>Member States shall establish, at regional or subregional level, reference levels for each species.</p>	
	<p>D1C4: The habitat for the species has the necessary extent and condition</p>	



<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
	<p>to support the different stages in the life history of the species.</p> <p>Member States shall establish, at regional or subregional level, <del>reference level</del><u>threshold values</u> for each species.</p>	<p>secondary and should be used where there is a possibility the species <del>are at risk</del><u>may fail the criterion in relation to these criteria</u> due to anthropogenic pressures.</p> <p><i>Application rules:</i></p> <p>The status of each species shall be assessed individually, drawing wherever possible from assessments under <u>Directive 92/43/EEC, Directive 2009/147/EC or Regulation (EU) No 1380/2013</u><del>other Union legislation or international agreements</del>:</p> <p>For birds, criteria D1C1 and D1C2 <del>are equivalent</del><u>correspond</u> to the ‘breeding distribution map and range’ and ‘population size’ criteria of Directive 2009/147/EC.</p> <p>For mammals, reptiles and non-commercial fish, criteria D1C1, D1C2, <del>D1C3</del> and D1C4 <del>are equivalent</del><u>correspond</u> to the ‘range’, ‘population’ and ‘habitat for the species’ criteria of Directive 92/43/EEC.</p> <p>For commercially-exploited fish and cephalopods, criteria D1C2 and D1C3 <del>are equivalent</del><u>correspond</u> to criteria D3C2 and D3C3; assessments under D3 should be used for D1 purposes.</p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
		<p><del>For a</del>All species <u>in a species groups</u>, the species is in good status when the criteria used <u>shall</u> achieve the <del>reference level</del><u>threshold values</u> set.</p> <p>Good environmental status shall be assessed for each species group, according to the status assessments of all the component species selected as representative of the group. Where agreed Union level rules are not available, all species within the group shall achieve good status for the group as a whole to be considered at GES.</p>

Elements for assessmentCriteria elements

Table 1 – Species groups

Ecosystem component	Species groups
<b>Birds</b>	Grazing birds
	Wading birds
	Surface-feeding birds
	Pelagic-feeding birds
	Benthic-feeding birds

Ecosystem component	Species groups
<b>Mammals</b>	Small toothed cetaceans
	Deep-diving toothed cetaceans
	Baleen whales
	Seals
<b>Reptiles</b>	Turtles
<b>Fish</b>	Coastal fish <sup>7</sup>
	Pelagic shelf fish
	Demersal shelf fish
	Deep-sea fish
<b>Cephalopods</b>	Coastal/shelf cephalopods
	Deep-sea cephalopods

*Specifications and standardised methods for monitoring and assessment*

*[To be added]*

## **Pelagic and benthic habitats**

Theme: Pelagic and benthic habitats

<sup>7</sup> Coastal fish and habitats are not confined to coastal waters, but are ecologically defined.

*Criteria, including criteria elements, ~~Elements for assessment~~, criteria and methodological standards*

Criteria elements <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
<p>Broad habitat types as listed in Table 2 and if present in the region or subregion.</p> <p><u>Member States shall further define, at regional or subregional level, habitat types, selected according to the criteria laid down under ‘specifications’, of each broad habitat type.</u></p> <p><u>These may include habitat types assessed under Directive 92/43/EEC or international agreements. Their assessment should be supported by the assessment, particularly of habitat condition, of a set of more finely defined habitat types (e.g. EUNIS level 4 or 5 types, or types from Habitats Directive or international agreements) selected according to the criteria laid down under ‘specifications’.</u></p>	<p>D1C5: <del>The extent, and where relevant distribution, of the habitat is not significantly altered due to anthropogenic pressures.</del></p> <p>The loss of extent of the habitat type, resulting from anthropogenic pressures, does not exceed 5% of the natural extent of the habitat in the assessment area. In cases where the loss exceeded this value in the <u>baseline reference</u> year used for the Initial Assessment in 2012, there shall be no further loss of the habitat type.</p>	<p><i>Scales of assessment:</i></p> <p><del>Ecologically relevant scales for each broad habitat type shall be used, as follows:</del> <u>Subdivision of region or subregion, reflecting biogeographic changes in species composition of the habitat at community level.</u></p> <p><i>Primary and secondary criteria:</i></p> <p>D1C5 and D1C6 are primary criteria, excepting D1C5 is not used for pelagic habitats.</p> <p><i>Application rules:</i></p> <p><u>The status of each habitat shall be assessed using w</u><del>Wherever possible, assessments (such as of sub-types of the broad habitat types) under Directive 92/43/EEC other Union legislation or international agreements should be used to support these assessments.</del></p> <p>Criteria D1C5 and D1C6 <u>are equivalent</u><del>correspond</del> to the ‘range/area covered by habitat type within range’ and ‘specific structures and functions’ criteria of Directive 92/43/EEC.</p> <p><u>Criterion D1C5 should use the assessment</u></p>
	<p>D1C6: The <u>spatial extent of impacts from anthropogenic pressures on the condition of the habitat, including its biotic (typical species composition and their relative abundance) and abiotic structure, and its functions, is not significantly altered due to anthropogenic pressures over at least does not exceed 30%</u><sup>8</sup> of its natural extent in the assessment area. <del>This proportion shall include any loss of natural extent, as assessed under criterion D1C5.</del></p>	

<sup>8</sup> From IUCN guidelines on ecosystem assessments

Criteria elements Elements for assessment	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
		<p>made under D6C3.</p> <p><u>For pelagic habitats, assessments should, in particular, take into account the assessments under D2C3, D5C2, D5C3, D5C4, D5C5, D8C2 and D8C4. For pelagic habitats, the assessments fulfil the needs for assessment under Descriptor 1.</u></p> <p><u>For benthic habitats, assessments should, in particular, take into account the assessments under D2C3, D3C2, D3C3, D5C6, D5C7, D5C8, D5C9, D6C2, D7C2, D8C2 and D8C4. For benthic habitats, the assessments fulfil the needs for assessment under Descriptors 1 and 6.</u></p> <p><u>Both criteria D1C5 and D1C6 shall achieve the threshold values set. For pelagic habitats, assessments should, in particular, take into account the assessments for Descriptor 5 and Descriptor 2.</u></p> <p><u>For benthic habitats, the assessments fulfil the needs for assessment under Descriptors 1 and 6. Both criteria shall achieve the reference levels set. The assessments should, in particular, take into account the assessments for Descriptor 5, Descriptor 2, Descriptor 3 (benthic species) and Descriptors 6 and 7 (physical disturbance, physical loss and associated hydrographical changes).</u></p>

Criteria Elements for assessment

**Table 2 – Broad habitat types (relevant for criteria under Descriptors 1, 6 and 7), which equate to one or more habitat types of the EUNIS classification (2016 version used), as indicated. Updates to the EUNIS typology should be reflected in the broad habitat types used for the purposes of Directive 2008/56/EC and of this Decision.**

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
<b>Benthic habitats</b>	Littoral rock and biogenic reef	[to be completed]
	Littoral sediment	
	Infralittoral rock and biogenic reef	
	Infralittoral coarse sediment	
	Infralittoral sand	
	Infralittoral mud	
	Infralittoral mixed sediment	
	Circalittoral rock and biogenic reef	
	Circalittoral coarse sediment	
	Circalittoral sand	
	Circalittoral mud	
	Circalittoral mixed sediment	
	Upper bathyal <sup>9</sup> rock and biogenic reef	
	Upper bathyal sediment	
	Lower bathyal rock and biogenic reef	
	Lower bathyal sediment	

<sup>9</sup> The boundary for the upper bathyal could be set as a specified depth limit.

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
Pelagic habitats	Abyssal rock and biogenic reef	
	Abyssal sediment	
	Variable salinity <sup>10</sup>	
	Coastal	
	Shelf	
	Oceanic	

*Specifications and standardised methods for monitoring and assessment*

~~New requirements for monitoring and assessment may be needed for MSFD implementation issues (notably for fish, cephalopods and habitats).~~

Criteria for the selection of species and habitats to be assigned to the species groups and broad habitat types:

(a) ~~Main~~<sup>Primary</sup> scientific criteria (ecological relevance):

- Representative of the ecosystem component (species group or broad habitat type), being relevant for assessment of state/impacts, such as having a key functional role within the component (e.g. high or specific biodiversity, productivity, trophic link, specific resource or service);
- Relevant for assessment of a key anthropogenic pressure to which the ecosystem component is exposed, being sensitive to the pressure and exposed to it (vulnerable) in the assessment area;
- Sufficiently present across the (sub)region: high proportion (extent or occurrence) of the species/ habitat occurs within the assessment area;
- Present in sufficient numbers or extent in the assessment area to be able to construct a suitable indicator for assessment.
- The set of species or habitats selected should cover, as far as possible, the full range of ecological functions of the ecosystem component.

<sup>10</sup> Retained for situations where estuarine plumes extend beyond waters designated as Transitional Waters under Directive 2000/60/EC.

(b) ~~Secondary~~ Additional practical criteria (which shall not override the ~~primary~~ main set of scientific criteria):

- Monitoring/technical feasibility
- Monitoring costs
- Reliable time series

The representative set of species and habitats to be assessed are likely to be (sub)regionally specific, although certain species may occur in several subregions. ~~The more species/habitats that will be included in each group, the greater the confidence in the assessment.~~

For monitoring of D1C6, for benthic habitats, the proportion of spatial extent of impacts from anthropogenic pressures shall include any loss of natural extent, as assessed under criterion D1C5 for benthic habitats.

## Ecosystems, including food webs

Theme: Ecosystems

~~Criteria, including criteria elements, Elements for assessment, criteria~~ and methodological standards

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
Trophic guilds of an ecosystem. Member States shall agree at regional or subregional level on at least three trophic guilds to assess, two of which shall be non-fish trophic guilds. These should take into account the ICES list of trophic guilds <sup>11</sup> .	D4C1: Abundance <del>or</del> biomass of trophic guilds is not <del>significantly altered</del> <u>adversely affected</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	<i>Scale of assessment:</i> Regional level for Baltic Sea and Black Sea; subregional level for <u>North-East</u> Atlantic and Mediterranean Sea, distinguishing coastal, shelf and oceanic/deep-sea ecosystems, as appropriate.
	D4C2: Size distribution <del>[per species]</del> within trophic guilds is not <del>adversely affected</del> <u>significantly altered</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	

<sup>11</sup> ICES Advice (2015) Book 1, ICES special request advice, published 20 March 2015.



<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
	D4C3: Species composition and their relative abundance (diversity) within the trophic guild are not <del>adversely affected</del> <u>significantly altered</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	<i>Primary and secondary criteria:</i> Criteria D4C1 and D4C3 are primary criteria. Criterion <del>DC</del> 4C2 is a secondary criterion, to be used for trophic guilds in which size distribution may be significantly affected by anthropogenic pressures. Criterion <del>DC</del> 4C4 is a secondary criterion <del>which should to</del> be used in support of criterion <del>DC</del> 4C1, <u>where necessary</u> . <i>Application rules:</i> For all criteria used, the reference levels set shall be achieved.
	D4C4: Productivity of trophic guilds is not <del>adversely affected</del> <u>significantly altered</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	

*Specifications and standardised methods for monitoring and assessment*

[To be added]

Member States shall monitor whether, for each criterion, the values fall within the threshold values set.

## **PART C - SPATIAL ASPECTS OF ~~ASSESSMENT~~ ASSESSING THE EXTENT TO WHICH OF GOOD ENVIRONMENTAL STATUS IS ACHIEVED**

~~The achievement of good environmental status under Article 1(1) of Directive 2008/56/EC needs to address both the quality to be achieved at any given location in the marine waters of Member States and the spatial extent over which such quality levels are to be achieved within each region or subregion. This spatial aspect is reflected in Article 1(2) and 1(3) of that Directive, and indicates that some locations may not achieve the quality levels set, particularly to allow for certain sustainable uses of the marine waters, provided the collective pressure of human activities is kept within levels compatible with the achievement of good environmental status and the capacity of marine ecosystems to respond to human-induced changes is not compromised.~~

For the predominant pressures and impacts to be assessed under point (b) of Article 8(1) of Directive 2008/56/EC, the criteria provided in Part A of this Annex set reference level threshold values (or provide for these to be set by Member States within each region or subregion) in relation to the intensity of a pressure that is considered to be compatible with (or not preventing) the achievement of good environmental status~~quality to be achieved~~ at any given ~~location~~ area in the marine waters of Member States.

In order to assess the extent to which GES-good environmental status is being achieved in each region and subregion, as required under Article 9(3) of Directive 2008/56/EC, the following are needed:

- (a) the spatial distribution and extent of the predominant pressures and impacts addressed in the criteria under Descriptors 2 (excepting criterion D2C1), 5, 6, 7, 8, 10 (excepting ~~D10C3 and D10C34~~) and 11 ~~need to~~shall be assessed;
- (b) the spatial extent of impacts assessed in criteria under Descriptors 2, 3 (for benthic species), 5, 6 and 7 (and if appropriate Descriptors 8, 9, 10 and 11) should be used when assessing the extent of habitat in good condition under Descriptors 1 and 6;
- (c) when ~~reporting on the updates of~~reviewing their initial assessments and their determination of good environmental status according to point (a) of Article 17(2) of Directive 2008/56/EC, Member States shall ~~assess report~~ the extent to which the reference level threshold values have been achieved for each criterion used, per assessment element where relevant, as a proportion (%) of the total extent of the element in the assessment area.

## MSFD draft Decision and Annex III - comments

Afsender af kommentar

## MSFD draft Decision and Annex III - comments

[illegible]

[illegible]

[illegible]

## MSFD draft Decision and Annex III - comments

Angiv sidetal	Angiv om kommentaren er til et kriterie, element, specifikation eller lign.
---------------	---

## MSFD draft Decision and Annex III - comments

[illegible]



## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]

## MSFD draft Decision and Annex III - comments

[illegible]



## MSFD draft Decision and Annex III - comments

[illegible]

[illegible]

[illegible]



## Aktdetaljer

**Akttitel: Bemærkninger Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi [RELEASABLE TO INTERNET TRANSMISSION]**

**Aktnummer:**

Akt ID: 2763697

Dato: 09-03-2016

Type: Indgående

Original titel: Bemærkninger Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi [RELEASABLE TO INTERNET TRANSMISSION]

Dokumenter: [1] Bemærkninger Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi [RELEASABLE TO INTERNET TRANSMISSION].msg  
[2] Kopi af MSFD\_GESDecision\_v2\_AnnexIII\_v3\_comments.xlsx

Den 1. februar 2017

**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Cc:** FES-EFS03 Tønder, Peter Eliasson (FES-EFS03@mil.dk), FES-CHEFS Bech, Jane (FES-CHEFS@mil.dk), FMN-BJJ Juul Jensen, Bo (bjj@fmn.dk), VFK-M-MSP333 Rønberg, Inge (VFK-M-MSP333@mil.dk), FES-MINA19 Poleshuk, Darja Andrejevna (FES-MINA19@mil.dk)  
**Fra:** Forsvarsministeriets (fir@mil.dk)  
**Titel:** Bemærkninger Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi [RELEASABLE TO INTERNET TRANSMISSION]  
**Sendt:** 09-03-2016 13:47:46  
**Bilag:** Kopi af MSFD\_GESDecision\_v2\_AnnexIII\_v3\_comments.xlsx;

## RELEASABLE TO INTERNET TRANSMISSION

Miljø- og Fødevareministeriet har til kommentering fremsendt udkast til EU-Kommissionens forslag til revideret beslutning om kriterier for God Miljøtilstand i havmiljøet, jf. havstrategidirektivet.

Forsvarsministeriet er anmodet om at kommentere på:

- Deskriptor 8 om forurenende stoffer - uheld/beredskab (kriterie D8C3 + D8C4 på side 8-9 samt specifikationer for overvågning under skemaet på side 9-10). Forsvaret bedes bl.a. tage stilling til, om de foreslåede undersøgelser ifm. en akut forureningshændelse bliver foretaget i dag og hvis ikke, hvad man så forventer, at sådanne undersøgelser ville koste og hvem der skulle betale. Der bør også tages stilling til, hvorvidt rapportering under EMSA er dækkende for de oplysninger der ønskes.
- Evt. deskriptor 11 om undervandsstøj (side 16-17)

Forsvarsministeriets Ejendomsstyrelse kan oplyse, at myndighederne under Forsvarsministeriet har følgende bemærkninger:

### Vedrørende D8C3 – Tidsmæssig og arealmæssig påvirkning af signifikante akutte forureningshændelser

Forsvaret har ingen bemærkninger til tekstændringen i descriptor D8C3. I vedhæftede excel-ark er indføjet ”No comments”.

Forsvaret efterlever den nationale målsætning vedrørende havmiljøberedskab, der i videst muligt omfang efterlever HELCOM anbefalinger i relation til beredskab og mekanisk bekæmpelse.

Naturstyrelsen har i høringsmailen af 24. februar 2016 anmodet Forsvaret tage stilling til, hvorvidt rapportering under EMSA er dækkende for de oplysninger, der ønskes, jf. specifikation 4 på side 10. Forsvaret har forstået spørgsmålet således, at det vedrører de satellitbilleder, som VFK modtager fra EMSA under programmet Clean Sea Net (CSN). Når VFK modtager alarm om en forureningsobservation i dansk farvand via CSN, undersøger VFK så vidt muligt den formodede forurening og rapporterer efterfølgende til EMSA, hvad den formodede forurening bestod af. VFK finder rapporteringen velfungerede og har ingen bemærkninger hertil.

### Vedrørende D8C4 - Sundhedstilstanden for visse arter og habitater

Forsvaret har ingen bemærkninger til tekstændringen i descriptor D8C4. I vedhæftede excelark indføjet ”No comments”.

Naturstyrelsen har i høringsmailen af 24. februar 2016 anmodet Forsvaret om tage stilling til, hvorvidt de foreslåede undersøgelser i forbindelse med en akut forureningshændelse bliver foretaget i dag og hvis ikke, hvad man så forventer, at sådanne undersøgelser ville koste og hvem der skulle betale.

VFK v/Marinstaben forstår D8C4 således, at der er tale om undersøgelser af miljøtilstanden i havet i forlængelse af en akut forureningshændelse, idet der i specifikationen 3 på side 10 henvises til artikel 11 i Direktiv 2008/56/EC, som er EU's havstrategidirektiv. Det kan i den forbindelse oplyses, at Forsvarsministerens opgave i relation til havmiljøloven er at opstille et beredskab og begrænse og bekæmpe forureninger. Derudover fører Forsvarsministeren tilsyn med håndhævelsen af dele af havmiljølovens udledningsregler.

VFK har således ingen opgaver i relation til at undersøge miljøtilstanden i forbindelse med akutte forureninger af havet og har derfor ikke bemærkninger til, hvem der evt. vil kunne udføre sådanne undersøgelser eller hvad prisen herfor vil være.

### Vedrørende D11C1 og D11C2 - Undervandsstøj

I vedhæftede excel-ark er indføjet: **Adding the following: “When assessed applicable by the National Ministry of Defence (MoD) of the Member States, the MoD will establish the threshold values relating to activities with the sole purpose of defence or national security. This will be in accordance to Directive 2008/56/EC, art.2”**

Formålet er, at:

- Relatere det til Artikel 2, nr. 2 i Havstrategi-direktivet (Directive 2008/56/EC) og således bruge formulering herfra: ” *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.* ”
- Understrege, at det er de nationale Forsvarsministerier, som skal vurdere, hvorvidt en aktivitet er relevant at sætte en tærskelværdi for.
- Understrege, at hvis Forsvarsministeriet vurderer, at det er relevant med en tærskelværdi, så er det Forsvarsministeriet, der selv sætter tærskelværdien.

Det kan måske lyde lidt klodset at snakke om tærskelværdier for enkelte aktiviteter, da de nævnte tærskelværdier nok mere relaterer sig til den overordnede (kumulerede) støjpåvirkning i havet. Men da den eneste måde at styre denne på, vil være at styre de enkelte støjende aktiviteter, kunne det åbne muligheder senere hen, når dokumentets indhold skal bruges til implementering på dansk niveau, at det ovennævnte er understreget.

Med venlig hilsen

**Nina Kjær Nielsen**

Cand. jur.  
Fuldmægtig

**Forsvarsministeriets Ejendomsstyrelse**  
Ejendomsforvaltningssektionen  
Arsenalvej 55  
DK-9800 Hjørring

Telefon: +45 728 13281  
Mobil: +45 4138 3266  
E-mail: [fes-efs04@mil.dk](mailto:fes-efs04@mil.dk)  
[www.forsvaret.dk/fes](http://www.forsvaret.dk/fes)

## RELEASABLE TO INTERNET TRANSMISSION

---

Vi gør opmærksom på, at denne e-mail kan indeholde information, der kun er beregnet for modtageren. Hvis du ved en fejltagelse har modtaget e-mailen, må du ikke anvende indholdet i nogen sammenhæng og vi beder dig venligst informere afsender om fejlen ved at bruge besvar-funktionen. Samtidig beder vi dig slette alle kopier af e-mailen i dit system uden at videresende eller kopiere den. Selvom e-mailen og enhver vedhæftet fil efter vores overbevisning er fri for virus og andre fejl, som kan påvirke computeren eller it-systemet, hvori den modtages og læses, aabnes den på modtagerens eget ansvar. Vi påtager os ikke noget ansvar for tab eller skade, som er opstået i forbindelse med at modtage eller aabne e-mailen. Hvis du har problemer med at aabne vedhæftede filer, kan du finde information på dette link <http://forsvaret.dk/FKIT/Pages/winmail.aspx>.

Please note that this message may contain confidential information. If you have received this message by mistake, please inform the sender of the mistake by sending a reply, and then delete the message from your system without making, distributing or retaining any copies of it. Although we believe that the message and any attachments are free from viruses and other errors that might affect the computer or IT system where it is received and read, the recipient opens the message at his or her own risk. We assume no responsibility for any loss or damage arising from the receipt or use of this message. If you are having trouble opening attached files, you can get further information via this link <http://forsvaret.dk/FKIT/Pages/winmail.aspx>.

## MSFD draft Decision and Annex III - comments

Documents for comment	
Document number	CTTEE_12-2016-03
Document title	Proposal for a Commission Decision on GES Criteria draft v2
Release date	15-02-2016
<p>Please provide comments on both documents in the same tab.</p> <p>Do not repeat comments in different tabs, but enter the comments only once.</p> <p>All comments received need to be compiled and sorted according to the format indicated (entries are examples only - add more if needed).</p> <p>In your commenting, please be as clear as possible on whether you support or oppose the text, proposing precise text changes. Alternatively provide any comments or suggestions you may wish to indicate support or otherwise for the text.</p>	
<p><b>ONE consolidated set of comments only (i.e. one per Member State or stakeholder)</b></p> <p><b>To be sent to: ENV-MARINE-ENVIRONM</b></p> <p><b>To be received by: 9 March 2016</b></p>	

Comments
Member State/stakeholder

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article	Comment
	2	Recital 1	
	2	Recital 3	
	3	Recital 5	



## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	30-40	General	
	31	Criteria D1C1	
	31-33	Criteria D1C1-D1C4	
	31-33	Methodological standards	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	18-20	General		
	18	Criteria D2C1 Elements		
	19	Criteria D2C3		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	39-41	General	
	39-40	Criteria D4C1-D4C4 Elements	
	40	Criteria D4C3	
	39-40	Methodological standards	
	40	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	24-27	General		
	24	Criteria D6C1 Elements		
	25	Criteria D2C3		
	25	Methodological standards		
	26-27	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	28-29	General	
	28	Criteria D7C1 Elements	
	28	Criteria D7C2	
	28-29	Methodological standards	
	29	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------



## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	11-12	General	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	13-15	General		
	13	Criteria D10C1 Elements		
	13	Criteria D10C3		
	13	Methodological standards		
	14-15	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
Denmark/Danish Defence	16-17	General	
	16	Criteria D11C1 Elements	Adding the following: "When assessed applicable by the National Ministry of Defence (MoD) of the Member States, the MoD will establish"
	16	Criteria D11C2	Adding the following: "When assessed applicable by the National Ministry of Defence (MoD) of the Member States, the MoD will establish"
	16	Methodological standards	
	16-17	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Paragraph 1 - Paragraph 2
	40-41	General
	41	Paragraph 1
	41	Paragraph 2(a)

## MSFD draft Decision and Annex III - comments

Comment

## MSFD draft Decision and Annex III - comments

Response

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article - Table 1 - Table 2a - Table 2b	Comment
-------------------------------	------	---	---------



## Aktdetaljer

**Akttitel: SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi**

**Aktnummer:**

Akt ID: 2763698

Dato: 04-03-2016

Type: Indgående

Original titel: SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Dokumenter: [1] SV Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi.msg  
[2] Høringssvar vedrørende Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi\_bhj (3).docx  
[3] MSFD GESDecision v2 AnnexIII v3 comments (2) (2).xls

Den 1. februar 2017



**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Cc:** TRM Simon Engfred Larsen (sel@TRM.dk), Dorthe Gravgaard TRM (DOG@TRM.dk)  
**Fra:** Kristoffer Bang Reberg (kbr@trm.dk)  
**Titel:** SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi  
**Sendt:** 04-03-2016 12:45:56  
**Bilag:** Høringssvar vedrørende Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi\_bhj (3).docx; MSFD GESDecision v2 AnnexIII v3 comments (2) (2).xls;

Kære Ditte,

Hermed fremsendes høringssvar fra Transport- og Bygningsministeriet vedrørende Europa-Kommissionens beslutning om kriterier for God Miljøtilstand i havmiljøet.

Der er endvidere vedlagt uddybende høringssvar fra Femern A/S (godkendt på departementschefniveau).

I forhold til den fremsendte høring takker vi i øvrigt for jeres opmærksomhed på TRM-relevante forhold ved KOM forslaget.

Med venlig hilsen

Kristoffer  
**Kristoffer Bang Refberg**  
Fuldmægtig  
**Transport- og  
Bygningsministeriet**  
Internationalt Kontor  
Frederiksholms Kanal 27 F  
DK-1220 København K  
Direkte: +45 72 26 70 12

[kbr@trm.dk](mailto:kbr@trm.dk)  
[www.trm.dk](http://www.trm.dk)

---

**Fra:** TRM Dorthe Gravgaard  
**Sendt:** 26. februar 2016 14:35  
**Til:** TRM Simon Engfred Larsen  
**Cc:** TRM Caroline Tastesen  
**Emne:** VS: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Til Transportministeriet og tilhørende relevante styrelser.

Hermed sender jeg et udkast til EU-Kommissionens forslag til revideret beslutning om kriterier for God Miljøtilstand (GES) i havmiljøet, jf. havstrategidirektivet.. Dokumentet kommer til at sætte rammerne for, hvordan medlemslandene fremover skal fastsætte god miljøtilstand i havmiljøet og hvad der skal overvåges, for at kunne vurdere, om god miljøtilstand er opnået. Beslutningen skal erstatte en eksisterende beslutning fra 2010 og er på mange måder en skærpelse af den nuværende beslutning. Det er således Naturstyrelsens umiddelbare vurdering, at forslaget kan få økonomiske konsekvenser i forbindelse med udarbejdelse af VVM-redegørelser og kan betyde begrænsninger ift. fremtidige aktiviteter på havet.

Hvis I skulle have nogen bemærkninger, skal jeg modtage dem senest **fredag den 4. marts 2016**. De SKAL indskrives på engelsk i vedlagte excel-ark, hvor EU-Kommissionen på forhånd har angivet sidetal mv. (bemærk der er et ark til hver enkelt deskriptor/emne samt til generelle bemærkninger). Kommentarerne skal indskrives i en form, der umiddelbart kan sendes til EU-Kommissionen. Evt. tilhørende forklaringer til NST kan skrives i en mail. Bemærk, at Kommissionen lægger vægt på, at vi i kommentarerne forklarer baggrunden for vores synspunkter.

Det er min umiddelbare vurdering, at Transportministeriet og tilhørende styrelser kan have interesse i at kommentere på grænseværdier/indikatorer under:

- deskriptor 6 om havbundens integritet (side 24-27 samt kriterie D1C5 + D1C6 på side 35, hvor der sættes grænseværdier for påvirkning af havbund/naturtyper)
- deskriptor 7 om hydrografiske ændringer (side 28-29).
- deskriptor 11 om undervandsstøj (side 16-17)

Forsvarsministeriet, Søfartsstyrelsen og Energistyrelsen bliver hørt parallelt om forslaget, lige så vel som de øvrige styrelser under Miljø- og Fødevareministeriet.

Forslaget behandles i EU's forskriftskomite (Regulatory Committee) under havstrategidirektivet, hvor der forventes at være vejledende afstemning i juni måned 2016. Det er i sidste ende EU-Kommissionen selv, der vedtager dokumentet. Miljø- og Fødevareministeriet vil senere i processen forberede en formel regeringsproces med udarbejdelse af rammenotat mv., hvor ministerierne vil blive formelt inddraget via vores departement.

Hvis I har nogen spørgsmål, ringer eller skriver I bare.

Venlig hilsen

**Ditte Mandøe Andreasen**

Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

**Miljø- og Fødevareministeriet**

Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)

---

Denne mail er blevet scannet for virus af TDC Mailfilter.

---



## WORK IN PROGRESS

### Høringssvar vedrørende

Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi;

4. marts 2016

**Til:** Transportministeriet **Cc:** [xx]  
**Fra:** Femern A/S

Femern A/S har følgende bemærkninger til Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi;

#### Overordnede bemærkninger:

EU-kommissionens forslag har til formål at fastsætte bindende kriterier og metodestandarder i forbindelse med vurderinger af miljøtilstanden i havmiljøet. Dette sker med hjemmel Havstrategidirektivets art. 9 (3) og art. 11(4).

De kriterier og standarder, der fastsættes af EU- Kommissionen efter en udvalgsprocedure, bliver derfor bindende for medlemsstaterne. Efter vedtagelsen skal de således også benyttes i forbindelse med myndighedernes udarbejdelse og vedtagelse af indsatsprogrammer, som skal tage højde for f.eks. anlægsprojekter, der kan have en påvirkning af havområder, der skal opnå en god tilstand. Indsatsprogrammerne skal afrapporteres til EU-kommissionen, som led i en efterlevelse af havstrategidirektivets krav, jf. havstrategidirektivet art. 16.

Det må desuden forventes, at de standarder, der af EU-Kommissionen vedtages med hjemmel i havstrategidirektivet, ikke kun vil blive anvendt ved navnlig vurdering af miljømål og udarbejdelse af indsatsprogrammer relateret til opfyldelsen af selve havstrategidirektivet. Kriterierne og standarderne må forventes også at blive lagt til grund ved VVM-vurderinger efter VVM-direktivet samt ved NATURA 2000 konsekvensvurderinger efter Habitat-direktivet af marine områder, fordi myndighederne vil slutte, at de er udtryk for bedst tilgængelige metode. Selv om EU-kommissionens beslutning således alene drejer sig om Havstrategi-direktivet forudses det, at det ofte vil vise sig meget vanskeligt at argumentere for en afvigelse af de kriterier og standarder, som EU-kommissionen fastsætter som bindende kriterier og standarder i forhold til vurdering af god miljøtilstand for havmiljøet efter havstrategidirektivet ikke også skal anvendes ved miljøvurderingerne efter VVM- og Habitatdirektivet.

Femern A/S vurderer på den baggrund, at EU-kommissionens forslag kan skabe store vanskeligheder for projektet i en for selskabet meget følsom periode. Dette skyldes følgende:

Femern A/S arbejder lige nu på højtryk for med at få en tysk myndighedsgodkendelse, så projektet kan sættes i gang. Denne godkendelse støtter sig på et

meget omfattende VVM-vurderingsmateriale, herunder også NATURA 2000-konsekvensvurderinger. Derudover skal Femern A/S på dansk side håndtere projektændringer til VVM-redegørelsen, som muligvis kan implicere NATURA 2000-konsekvensvurderinger. Både den tilbageværende tyske og danske myndighedsproces til gennemførelse af anlægsprojektet indeholder således VVM- og NATURA 2000 vurderinger, og der er risiko for, at nye endnu ikke kendte kriterier og standarder vil få afgørende indflydelse på udfaldet af disse vurderinger på et tidspunkt, hvor heraf følgende opdatering og rettelse af disse miljøvurderinger, som ansøgningsmaterialet hviler på, kan udløse nye tidskrævende høringer med kritiske forsinkelser af myndighedsprocessen til følge.

Der er således tale om, at forudsætningerne, som de nuværende VVM- og NATURA 2000 vurderinger hviler på, kan briste. Selv om dette ikke skulle være tilfældet vil nye krav også kunne medføre en stor opgave med at skulle dokumentere, at projektet ikke er i konflikt med mulige nye grænseværdier mv. Dertil kommer, at introduktion af nye kriterier og standarder i sig selv på et sent tidspunkt alt efter indhold kan vise sig meget omkostningstunge at efterleve for projektet.

Såfremt EU-kommissionens forslag betyder, at Femern A/S på et meget sent tidspunkt i særligt den komplicerede tyske myndighedsproces får udstukket nye kriterier og standarder, kan dette føre til tidsmæssigt kritiske forsinkelser af myndighedsprocessen i særligt Tyskland samt potentiel store omkostninger for anlægsprojektets økonomi og dermed i sidste ende medføre, at myndighedsgodkendelse ikke som hidtil forventet bliver udstedt af myndighederne i 2017.

Der foreslås på den baggrund følgende tiltag fra dansk side til minimering af konsekvenserne af forslaget for Femern Bælt-projektet:

Generelt henstiller Femern A/S til, at det fra dansk side problematiseres, at EU-Kommissionen laver omfattende kriterier og standarder for vurderingerne efter havstrategidirektivet. Miljøfaglige vurderinger baserer sig altid på meget konkrete vurderinger baseret på specifikke forudsætninger for det enkelte projekt. De konkrete fysiske forhold og omgivelser har afgørende betydning for, hvordan en god tilstand skal vurderes. Generelle kriterier og standarder risikerer derfor at fastlåse miljøvurderinger på et uhensigtsmæssigt generelt niveau, hvor en anvendelse af disse kriterier og standarder ikke tager højde for det enkelte projekts konkrete forudsætninger, og det kan i værste fald føre til fejlagtige miljøvurderinger. Miljøvurderinger laves i de fleste tilfælde bedst ved en tilpasning af metode og kriterier til de konkrete forhold i det påvirkede område. Det er derfor yderst uhensigtsmæssigt, hvis der fastsættes kriterier og standarder, der bliver fastlåsende i forhold til miljøvurderingerne.

Forslaget er endvidere problematisk, fordi det i værste fald kan betyde, at kravet om at anvende "bedst tilgængelige metode" i VVM- og Habitatdirektiverne udhules. Bindende kriterier og standarder skal således ajourføres løbende eller formuleres på en sådan måde, at konkrete forudsætninger for det enkelte havom-

råde kan integreres. Der lægges i forslaget op til, at EU-Kommissionen alene vil opdatere de bindende kriterier og standarder med tidsintervaller på 6-8 år. Dette sluttes af, at der i forslag til EU-beslutning, lægges op til, at næste opdatering først skal ske senest 15. juli 2023, jf. pkt. 18.

Konkluderende henstilles derfor til, at EU-kommissionen ved udnyttelse af hjemlerne i havdirektivets art. 9 (3) og art. 11 (4) udelukkende bør koncentrere sig om at fastsætte bindende kriterier og standarder, som der er særdeles videnskabelig sikkerhed for at fastlægge, og hvor der utvivlsomt kan fastlægges en ens standard for alle havområder. Går EU-kommissionen udover disse situationer, bør der vises stor tilbageholdenhed med definitivt formulerede kriterier og standarder. I sådanne tilfælde bør kriterier og standarder formuleres retningsgivende og elastisk med rum for konkret tilpasning til de enkelte havområders særlige karakteristika.

Konkret i forhold til forslaget fra EU-kommissionen, som det ligger på nuværende tidspunkt, finder Femern A/S initiativerne vedrørende descriptor 11 (energi/undervandsstøj) problematisk. Såfremt kommissionen måtte nå i mål med at udforme fælles retningslinjer inden den endelige projektgodkendelse i Tyskland (hvilket vurderes sandsynligt), vil det potentielt kunne påføre projektet en støjkonflikt med potentielt store økonomiske omkostninger for anlægsprojektet og i udgangspunktet i hvert fald den opgave at skulle dokumentere, at vi ikke er i konflikt med mulige nye grænseværdier.

Descriptor 11 beskæftiger sig både med ramningsstøj og lavfrekvent skibsstøj. Initiativerne relateret til ramningsstøj/impulsstøj er uproblematisk, idet området er ganske veldokumenteret, og der derfor internationalt/europæisk i det væsentlige er ensartede retningslinjer for reguleringen heraf. At denne fælles forståelse kommer til udtryk i fælles bindende retningslinjer er håndterbart, også for vores projekt.

Med hensyn til lavfrekvent støj findes der ingen relevant faglig/videnskabelig dokumentation, som på nogen måde kan begrunde fastlæggelsen af kriterier for, at et bestemt frekvensområde eller et givet omfang af lavfrekvent støj skulle være i konflikt med havstrategiens målsætning om god miljøtilstand i et havområde. De enkeltstående observationer af, at det marine dyreliv kan høre lavfrekvent støj og situationsbestemt reagerer herpå, kan som fremhævet af forskere på området, ikke begrunde fastlæggelsen af kriterier for miljøkonflikt eller regulering, med henvisning til et specifikt omfang af den lavfrekvente støj. Miljøministeriet har selv i ministeriets overvågningsprogram vedrørende "Danmarks Havstrategi" fra september 2014 på side 52 gjort opmærksom på, at der i relation til danske forhold er meget væsentlige problemer med dette kriterium, hvorfor miljømål ikke opstilles.

Dette emne bør EU-kommissionen således ikke fastsætte bindende kriterier for, fordi;

- 1) Der mangler evidens for, at de særskilte lydbelastninger (third octave beregningen) i de valgte frekvensområder (63 Hz og 125 Hz) er relevante for at undgå negative virkninger på det marine dyreliv fra lavfrekvent støj.
- 2) Der mangler evidens for, at det som foreslået skulle være relevant at anvende bestemte gennemsnitlige årlige støjniveauer for lavfrekvent som kriterium for god miljøtilstand i et havområde.
- 3) Da den foreliggende evidens alene viser en potentiel lokal forstyrrende effekt af lavfrekvent støj på det marine dyreliv, uden af individerne som sådan skades, kan der således alene begrundes et behov for at vurdere de situations- og arealspecifikke miljøaspekter i forbindelse med konkrete planer og projekter. I forhold til de specifikke planer og projekter må der evt. på basis af en specifik vurdering, fastlægges vilkår for at undgå eller begrænse en potentiel forstyrrelse.
- 4) En fastlæggelse af generelle vilkår eller grænseværdier for omfanget af lavfrekvent undervandsstøj i havområder med henvisning til havstrategiens målsætning i god miljøtilstand vil ikke være egnet til løse den marine planlægnings opgave eller opnå den marine planlægnings mål om en samlet bæredygtig brug af og god tilstand i det marine område. Dette forudsætter muligheder for en målrettet og evidensbaseret regulering
- 5) Hele det lavfrekvente støjtema burde således alene i kommissionens forslag omtales som et fremadrettet fokusområde med en overordnet målsætning om at tilvejebringe mere viden og evidens, og med en målsætning om alene i specifikke plan- og projektsammenhænge at vurdere og eventuelt gennemføre relevante foranstaltninger for at undgå forstyrrelser.

## MSFD draft Decision and Annex III - comments

Documents for comment	
Document number	CTTEE_12-2016-03
Document title	Proposal for a Commission Decision on GES Criteria draft v2
Release date	15-02-2016
<p>Please provide comments on both documents in the same tab.</p> <p>Do not repeat comments in different tabs, but enter the comments once.</p> <p>All comments received need to be compiled and sorted according to the format indicated (entries are examples only - add more if needed).</p> <p>In your commenting, please be as clear as possible on whether you support or oppose the text, proposing precise text changes. Alternatively provide any comments or suggestions you may wish to indicate support or otherwise for the text.</p>	
<p><b>ONE consolidated set of comments only (i.e. one per Member State or stakeholder)</b></p> <p><b>To be sent to: ENV-MARINE-ENVIRONM</b></p> <p><b>To be received by: 9 March 2016</b></p>	

<b>Comments</b>
Member State/stakeholder

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article	Comment
	2	Recital 1	
	2	Recital 3	
	3	Recital 5	



## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	30-40	General	
	31	Criteria D1C1	
	31-33	Criteria D1C1-D1C4	
	31-33	Methodological standards	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	18-20	General		
	18	Criteria D2C1 Elements		
	19	Criteria D2C3		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	39-41	General	
	39-40	Criteria D4C1-D4C4 Elements	
	40	Criteria D4C3	
	39-40	Methodological standards	
	40	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	24-27	General		
	24	Criteria D6C1 Elements		
	25	Criteria D2C3		
	25	Methodological standards		
	26-27	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	28-29	General	
	28	Criteria D7C1 Elements	
	28	Criteria D7C2	
	28-29	Methodological standards	
	29	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------



## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	11-12	General	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	13-15	General		
	13	Criteria D10C1 Elements		
	13	Criteria D10C3		
	13	Methodological standards		
	14-15	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	16-17	General	<p>The initiatives regarding descriptor 11 (energy/ underwater noise) could be problematic for the Femernbelt Fixed Link- project should the EU-Commission manage to obtain the target of formulating common guidelines before a final plan approval decision in Germany is in place (which is likely). Such guidelines could potentially raise a conflict regarding noise immission levels and would probably demand supplementary documentation from Femern A/S to prove that the plan approval is not conflicting with the new threshold values.</p> <p>Descriptor 11 concerns both pile driving noise and low frequency ship noise. The initiatives related to pile driving noise/impulsive noise are unproblematic as this subject area is well documented and as a result hereof, essentially similar international/ European regulatory guidelines are established. Should this common understanding be reflected in the new binding guidelines it will be manageable, also for the Femernbelt Fixed Link-project.</p> <p>With regard to low frequency noise there exists no relevant scientific documentation which in any way can justify establishing criteria for determining if/how specific frequency areas or levels of low frequency noise conflicts with the aim of the sea strategy directive regarding good environmental conditions in a sea area. The singular observations of how marine animals can hear and react to low frequency noise in specific situations can - as stated by scientists in the area - not justify the determination of criteria for environmental conflicts or regulation with reference to a specific level of low frequency noise.</p> <p>It is therefore stated that:</p> <ol style="list-style-type: none"> <li>1) There is a lack of evidence of how the specific sound pressure (third octave calculation) in the selected frequency areas (63 Hz and 125 Hz) are relevant in order to avoid negative impact on the marine animal life from low frequency noise.</li> <li>2) There is a lack of any evidence that it - as it is suggested - should be relevant to apply certain average annual levels for low frequency noise as criteria for determining good environmental standards in a sea area.</li> <li>3) As the existing evidence solely shows potential local disturbing effects from low frequency noise on the marine animal life - without causing harm to any individuals as such - it can only be justified to assess situation specific and area specific environmental aspects in relation to concrete plans and projects, and based hereupon consider possible measures to avoid or minimize disturbances related to low frequency noise.</li> <li>4) Determination of general conditions or threshold values for levels of low frequency underwater noise in sea areas with reference</li> </ol>
	16	Criteria D11C1 Elements	
	16	Criteria D11C2	
	16	Methodological standards	
	16-17	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Paragraph 1 - Paragraph 2
	40-41	General
	41	Paragraph 1
	41	Paragraph 2(a)

## MSFD draft Decision and Annex III - comments

Comment

## MSFD draft Decision and Annex III - comments

Response

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article - Table 1 - Table 2a - Table 2b	Comment
----------------------------	------	---	---------



## Aktdetaljer

**Akttitel: SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi**

**Aktnummer:**

Akt ID: 2763699

Dato: 04-03-2016

Type: Indgående

Original titel: SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Dokumenter: [1] SV Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi.msg  
[2] MSFD\_GESDecision\_v2\_AnnexIII\_v3\_comments\_endelig.xls

Den 1. februar 2017



**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Cc:** kle@ens.dk (kle@ens.dk), Hanne Christensen (hch@ens.dk), Søren Keller (ske@ens.dk), Trine Fugmann (TFU@ens.dk), Christin Lia (xxxacl@ens.dk), Lorentz Westergaard Møller (lwm@ens.dk)  
**Fra:** Energistyrelsen (ens@ens.dk)  
**Titel:** SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi  
**Sendt:** 04-03-2016 10:24:52  
**Bilag:** MSFD\_GESDecision\_v2\_AnnexIII\_v3\_comments\_endelig.xls;

Til Naturstyrelsen

Hermed fremsender jeg Energistyrelsens kommentarer til deskriptor 6, 7 og 11.

Hvis du har spørgsmål er du selvfølgelig velkommen til at ringe/maile.

Med venlig hilsen / Best regards

**Katja Scharmann**

Specialkonsulent / Special Advisor  
Center for Energiressourcer / Centre for Energy Resources

Mobil / Cell +45 3392 6672  
E-mail [ksc@ens.dk](mailto:ksc@ens.dk)



Energistyrelsen

Danish Energy Agency - [www.ens.dk](http://www.ens.dk)  
- part of the Danish Ministry of Energy, Utilities and Climate

**Fra:** Ditte Mandøe Andreasen  
**Sendt:** 24. februar 2016 09:11  
**Til:** Clea Henrichsen; Kirsten Lundt Erichsen; Søren Keller; Katja Scharmann; Christin Lia; FES-MINA19@mil.dk; lar@fmn.dk; FMN-BJJ Juul Jensen, Bo (bjj@fmn.dk); vfk-m-msp310@mil.dk  
**Emne:** Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Til Søfartsstyrelsen, Energistyrelsen, og Forsvarsministeriet.

Hermed sender jeg et udkast til EU-Kommissionens forslag til revideret beslutning om kriterier for God Miljøtilstand (GES) i havmiljøet, jf. havstrategidirektivet.. Dokumentet kommer til at sætte rammerne for, hvordan medlemslandene fremover skal fastsætte god miljøtilstand i havmiljøet og hvad der skal overvåges, for at kunne vurdere, om god miljøtilstand er opnået. Beslutningen skal erstatte en eksisterende beslutning fra 2010 og er på mange måder en skærpelse af den nuværende beslutning.

Hvis I skulle have nogen bemærkninger, skal jeg modtage dem senest **fredag den 4. marts 2016**. De SKAL indskrives på engelsk i vedlagte excel-ark, hvor EU-Kommissionen på forhånd har angivet sidetal mv. (bemærk der er et ark til hver enkelt deskriptor samt til generelle bemærkninger). Kommentarerne skal indskrives i en form, der umiddelbart kan sendes til EU-Kommissionen. Evt. tilhørende forklaringer til NST kan skrives i en mail. Bemærk, at KOM lægger vægt på, at vi i kommentarerne forklarer baggrunden for vores synspunkter.

- Forsvarsministeriet bedes kommentere på:
  - Deskriptor 8 om forurenende stoffer - uheld/beredskab (kriterie D8C3 + D8C4 på side 8-9 samt specifikationer for overvågning under skemaet på side 9-10). Forsvaret bedes bl.a. tage stilling til, om de foreslåede undersøgelser ifm. en akut forureningshændelse bliver foretaget i dag og hvis ikke, hvad man så forventer, at sådanne undersøgelser ville koste og hvem der skulle betale. Der bør også tages stilling til, hvorvidt rapportering under EMSA er dækkende for de oplysninger der ønskes.
  - Evt. deskriptor 11 om undervandsstøj (side 16-17)
- Søfartsstyrelsen kan have interesse i at kommentere på grænseværdier/indikatorer under
  - deskriptor 8 om forurenende stoffer (side 7-10)
  - deskriptor 10 om marint affald (side 13-15)
  - deskriptor 11 om undervandsstøj (side 16-17)
  - deskriptor 2 om invasive arter (side 18-20).
- Energistyrelsen kan have interesse i at kommentere på grænseværdier/indikatorer under

- deskriptor 11 om undervandsstøj (side 16-17)
- deskriptor 6 om havbundens integritet (side 24-27 samt kriterie D1C5 + D1C6 på side 35)
- deskriptor 7 om hydrografi (side 28-29).

Forslaget behandles i EU's forskriftskomiteé (Regulatory Committee) under havstrategidirektivet, hvor der forventes at være vejledende afstemning i juni måned 2016. Det er i sidste ende EU-Kommissionen selv, der vedtager dokumentet. Miljø- og Fødevareministeriet vil senere i processen forberede en formel regeringsproces med udarbejdelse af rammenotat mv., hvor ministerierne vil blive formelt inddraget via vores departement.

Hvis I har nogen spørgsmål, ringer eller skriver I bare.

Venlig hilsen

**Ditte Mandøe Andreasen**

Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

**Miljø- og Fødevareministeriet**

Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)

## MSFD draft Decision and Annex III - comments

Documents for comment	
Document number	CTTEE_12-2016-03
Document title	Proposal for a Commission Decision on GES Criteria draft v2
Release date	15-02-2016
<p>Please provide comments on both documents in the same tab.</p> <p>Do not repeat comments in different tabs, but enter the comments only once.</p> <p>All comments received need to be compiled and sorted according to the format indicated (entries are examples only - add more if needed).</p> <p>In your commenting, please be as clear as possible on whether you support or oppose the text, proposing precise text changes. Alternatively provide any comments or suggestions you may wish to indicate support or otherwise for the text.</p>	
<p><b>ONE consolidated set of comments only (i.e. one per Member State or stakeholder)</b></p> <p><b>To be sent to: ENV-MARINE-ENVIRONM</b></p> <p><b>To be received by: 9 March 2016</b></p>	

Comments
Member State/stakeholder

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article	Comment
	2	Recital 1	
	2	Recital 3	
	3	Recital 5	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	30-40	General	
	31	Criteria D1C1	
	31-33	Criteria D1C1-D1C4	
	31-33	Methodological standards	

# MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	18-20	General		
	18	Criteria D2C1 Elements		
	19	Criteria D2C3		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	39-41	General	
	39-40	Criteria D4C1-D4C4 Elements	
	40	Criteria D4C3	
	39-40	Methodological standards	
	40	Specifications & methods	



## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
DK/ENS	24-27	General	The wording "adversely affect" indicates that a habitat is not to be exposed to any as well as minor impacts, when good environmental status is to be achieved. Minor impacts do not necessarily entail a negative environmental effect. The wording "significant" is used in Decision 2010/477/EU, this wording seems to be a more adequate description.	
	24	Criteria D6C1 Elements		
	25	Criteria D6C2		
	25	Methodological standards		
DK/ENS	26-27	Specifications & methods	The wording indicates that the extent of the monitoring and assessment only concerns activities for which it is relevant, as evaluated by the authority/Member state. I.e. activities that are deemed to have only minor insignificant impacts on the sea bed should therefore not have a requirement to provide extensive EIA's covering the impact. This seems reasonable.	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	28-29	General	
	28	Criteria D7C1 Elements	
	28	Criteria D7C2	
	28-29	Methodological standards	
DK/ENS	29	Specifications & methods	From a reasonableness principle the extent of the monitoring and assessment should only concern activities for which it is relevant, as evaluated by the authority/Member state. Activities that are deemed to have minor insignificant impacts on the sea bed should therefore not have a requirement to provide extensive EIA's followed by ground truthing.

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	11-12	General	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	13-15	General		
	13	Criteria D10C1 Elements		
	13	Criteria D10C3		
	13	Methodological standards		
	14-15	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	16-17	General	
DK/ENS	16	Criteria D11C1 Elements	<p>Jointly establishment of threshold values is read as an alignment of regulation which does not reflect the differences in the physical and biologic conditions in the offshore areas. The threshold values should reflect the marine diversity of the areas. A common European level does therefore not seem to be appropriate as an indicator for achievement of good environmental status. A more local approach, where the reasonable extent of the thresholds is based on an evaluation of the local conditions seems more suitable.</p> <p>The wording "adversely affect" indicates that marine animals are not to be exposed to any as well as minor impacts, when good environmental status is to be achieved. Minor impacts do not necessarily entail a negative environmental effect. The wording "significant impact" is used in Decision 2010/477/EU, this wording seems be a more adequate description.</p>
	16	Criteria D11C2	
	16	Methodological standards	
DK/ENS	17	Specifications & methods	<p>Monitoring: The word 'measured' seems to indicate that D11C1 is to be assessed via actual monitoring by means of acoustic recordings. This is not consistent with the previous recommendations, where this indicator is thought to be monitored by means of a noise register, where the time, place and acoustic characteristics of relevant activities (such as seismic oil exploration, pile driving, explosions and use of certain military sonars) are registered. For clarification it is proposed that "Impulsive sound measured as monopole energy source level in units of dB re 1μPa<sup>2</sup> s or zero to peak monopole energy source level in units of dB re 1μPa m. Both are measured over the frequency band 10 Hz to 10 kHz." is changed to "Mapping of the distribution in time and place of impulsive sound over the frequency band 10 Hz to 10 kHz."</p>

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Paragraph 1 - Paragraph 2
	40-41	General
	41	Paragraph 1
	41	Paragraph 2(a)



## MSFD draft Decision and Annex III - comments

Comment

## MSFD draft Decision and Annex III - comments

Response

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article - Table 1 - Table 2a - Table 2b	Comment
-------------------------------	------	---	---------



## Aktdetaljer

**Akttitel: SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi**

**Aktnummer:**

Akt ID: 2763700

Dato: 29-02-2016

Type: Indgående

Original titel: SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Dokumenter: [1] SV Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi.msg

Den 1. februar 2017

---

**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Fra:** cge@dma.dk (cge@dma.dk)  
**Titel:** SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi  
**Sendt:** 29-02-2016 10:30:18

Kære Ditte,

Vi har potentielt problemer med det – da vi ikke ved om det er et problem.

Med venlig hilsen  
**Clea Henrichsen**  
Specialkonsulent, civilingeniør

Søfartsstyrelsen  
Maritim Regulering og Besætning (MRB)  
Dir. tlf.: 72 19 6369  
Mobil: 91 37 63 69  
E-mail: cge@dma.dk

---

**Fra:** Ditte Mandøe Andreasen  
**Sendt:** 29. februar 2016 10:29  
**Til:** Clea Henrichsen  
**Emne:** SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Kære Clea.

Tak for tilbagemeldingen. Der er endnu ikke fastsat grænseværdier for undervandsstøj, men EU Kommissionen ønsker, at der skal fastsættes EU-grænseværdier på dette område. Skal jeg forstå din kommentar således, at I har problemer med det? Eller har I kun potentielt problemer, i det den diskussion skal tages, når grænseværdierne fastsættes i den fremadrettede proces?

Vh Ditte

---

**Fra:** Clea Henrichsen  
**Sendt:** 29. februar 2016 09:22  
**Til:** Ditte Mandøe Andreasen  
**Emne:** SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Kære Ditte,

Som du skriver så kan Søfartsstyrelsen have interesse i 4 deskriptorer, og her har NST og SFS vel delt interesse?

Jeg har ikke tænkt mig at angive tekstnære forslag, men har følgende bemærkninger:

Deskriptor 8: Da det er forbudt at udlede både olie og kemikalier på dansk søterritorium, har vi ingen kommentarer.

Deskriptor 10: Med revisionen af Annex V til MARPOL om affald, er udledninger af affald forbudt, med meget få undtagelser.

Deskriptor 11: Vi har ikke eksperter for målinger af støj under vand, så vi kan ikke vurdere om de støjniveauer der er indsat i teksten er rimelige. Vi vil som tidligere understrege, at det er vigtigt, at der ikke bliver stillet nationale eller regionale krav til skibsfarten, som kan påvirke trafikken sejlruerne eller stille krav om ekstraudstyr.

Deskriptor 2: Vi regner med at Ballastvandkonventionen træder i kraft snart, hvilket vil reducere udledninger af invasive arter betydeligt.

Med venlig hilsen,

Clea

Med venlig hilsen  
**Clea Henrichsen**

Søfartsstyrelsen  
Maritim Regulering og Besætning (MRB)  
Dir. tlf.: 72 19 6369  
Mobil: 91 37 63 69  
E-mail: [cge@dma.dk](mailto:cge@dma.dk)

---

**Fra:** Ditte Mandøe Andreasen

**Sendt:** 24. februar 2016 09:11

**Til:** Clea Henriksen; Kirsten Lundt Erichsen; Søren Keller; Katja Scharmann; Christin Lia; [FES-MINA19@mil.dk](mailto:FES-MINA19@mil.dk); [lar@fmn.dk](mailto:lar@fmn.dk); FMN-BJJ Juul Jensen, Bo ([bjj@fmn.dk](mailto:bjj@fmn.dk)); [vfk-m-msp310@mil.dk](mailto:vfk-m-msp310@mil.dk)

**Emne:** Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Til Søfartsstyrelsen, Energistyrelsen, og Forsvarsministeriet.

Hermed sender jeg et udkast til EU-Kommissionens forslag til revideret beslutning om kriterier for God Miljøtilstand (GES) i havmiljøet, jf. havstrategidirektivet.. Dokumentet kommer til at sætte rammerne for, hvordan medlemslandene fremover skal fastsætte god miljøtilstand i havmiljøet og hvad der skal overvåges, for at kunne vurdere, om god miljøtilstand er opnået. Beslutningen skal erstatte en eksisterende beslutning fra 2010 og er på mange måder en skærpelse af den nuværende beslutning.

Hvis I skulle have nogen bemærkninger, skal jeg modtage dem senest **fredag den 4. marts 2016**. De SKAL indskrives på engelsk i vedlagte excel-ark, hvor EU-Kommissionen på forhånd har angivet sidetal mv. (bemærk der er et ark til hver enkelt deskriptor samt til generelle bemærkninger). Kommentarerne skal indskrives i en form, der umiddelbart kan sendes til EU-Kommissionen. Evt. tilhørende forklaringer til NST kan skrives i en mail. Bemærk, at KOM lægger vægt på, at vi i kommentarerne forklarer baggrunden for vores synspunkter.

- Forsvarsministeriet bedes kommentere på:
  - Deskriptor 8 om forurenende stoffer - uheld/beredskab (kriterie D8C3 + D8C4 på side 8-9 samt specifikationer for overvågning under skemaet på side 9-10). Forsvaret bedes bl.a. tage stilling til, om de foreslåede undersøgelser ifm. en akut forureningshændelse bliver foretaget i dag og hvis ikke, hvad man så forventer, at sådanne undersøgelser ville koste og hvem der skulle betale. Der bør også tages stilling til, hvorvidt rapportering under EMSA er dækkende for de oplysninger der ønskes.
  - Evt. deskriptor 11 om undervandsstøj (side 16-17)
- Søfartsstyrelsen kan have interesse i at kommentere på grænseværdier/indikatorer under
  - deskriptor 8 om forurenende stoffer (side 7-10)
  - deskriptor 10 om marint affald (side 13-15)
  - deskriptor 11 om undervandsstøj (side 16-17)
  - deskriptor 2 om invasive arter (side 18-20).
- Energistyrelsen kan have interesse i at kommentere på grænseværdier/indikatorer under
  - deskriptor 11 om undervandsstøj (side 16-17)
  - deskriptor 6 om havbundens integritet (side 24-27 samt kriterie D1C5 + D1C6 på side 35)
  - deskriptor 7 om hydrografi (side 28-29).

Forslaget behandles i EU's forskriftskomiteé (Regulatory Committee) under havstrategidirektivet, hvor der forventes at være vejledende afstemning i juni måned 2016. Det er i sidste ende EU-Kommissionen selv, der vedtager dokumentet. Miljø- og Fødevarerministeriet vil senere i processen forberede en formel regeringsproces med udarbejdelse af rammenotat mv., hvor ministerierne vil blive formelt inddraget via vores departement.

Hvis I har nogen spørgsmål, ringer eller skriver I bare.

Venlig hilsen

**Ditte Mandøe Andreasen**  
Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

Miljø- og Fødevarerministeriet





## Aktdetaljer

**Akttitel: SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi**

**Aktnummer:**

Akt ID: 2763701

Dato: 29-02-2016

Type: Indgående

Original titel: SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Dokumenter: [1] SV Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi.msg

Den 1. februar 2017



**Til:** Ditte Mandøe Andreasen (diman@svana.dk)  
**Fra:** cge@dma.dk (cge@dma.dk)  
**Titel:** SV: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi  
**Sendt:** 29-02-2016 09:21:56

Kære Ditte,

Som du skriver så kan Søfartsstyrelsen have interesse i 4 deskriptorer, og her har NST og SFS vel delt interesse?

Jeg har ikke tænkt mig at angive tekstnære forslag, men har følgende bemærkninger:

Deskriptor 8: Da det er forbudt at udlede både olie og kemikalier på dansk søterritorium, har vi ingen kommentarer.

Deskriptor 10: Med revisionen af Annex V til MARPOL om affald, er udledninger af affald forbudt, med meget få undtagelser.

Deskriptor 11: Vi har ikke eksperter for målinger af støj under vand, så vi kan ikke vurdere om de støjniveauer der er indsat i teksten er rimelige. Vi vil som tidligere understrege, at det er vigtigt, at der ikke bliver stillet nationale eller regionale krav til skibsfarten, som kan påvirke trafikken sejlrouterne eller stille krav om ekstraudstyr.

Deskriptor 2: Vi regner med at Ballastvandkonventionen træder i kraft snart, hvilket vil reducere udledninger af invasive arter betydeligt.

Med venlig hilsen,

Clea

Med venlig hilsen  
**Clea Henrichsen**  
Specialkonsulent, civilingeniør

Søfartsstyrelsen  
Maritim Regulering og Besætning (MRB)  
Dir. tlf.: 72 19 6369  
Mobil: 91 37 63 69  
E-mail: cge@dma.dk

---

**Fra:** Ditte Mandøe Andreasen  
**Sendt:** 24. februar 2016 09:11  
**Til:** Clea Henrichsen; Kirsten Lundt Erichsen; Søren Keller; Katja Scharmann; Christin Lia; FES-MINA19@mil.dk; lar@fmn.dk; FMN-BJJ Juul Jensen, Bo (bjj@fmn.dk); vfk-m-msp310@mil.dk  
**Emne:** Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Til Søfartsstyrelsen, Energistyrelsen, og Forsvarsministeriet.

Hermed sender jeg et udkast til EU-Kommissionens forslag til revideret beslutning om kriterier for God Miljøtilstand (GES) i havmiljøet, jf. havstrategidirektivet.. Dokumentet kommer til at sætte rammerne for, hvordan medlemslandene fremover skal fastsætte god miljøtilstand i havmiljøet og hvad der skal overvåges, for at kunne vurdere, om god miljøtilstand er opnået. Beslutningen skal erstatte en eksisterende beslutning fra 2010 og er på mange måder en skærpelse af den nuværende beslutning.

Hvis I skulle have nogen bemærkninger, skal jeg modtage dem senest **fredag den 4. marts 2016**. De SKAL indskrives på engelsk i vedlagte excel-ark, hvor EU-Kommissionen på forhånd har angivet sidetal mv. (bemærk der er et ark til hver enkelt deskriptor samt til generelle bemærkninger). Kommentarerne skal indskrives i en form, der umiddelbart kan sendes til EU-Kommissionen. Evt. tilhørende forklaringer til NST kan skrives i en mail. Bemærk, at KOM lægger vægt på, at vi i kommentarerne forklarer baggrunden for vores synspunkter.

- Forsvarsministeriet bedes kommentere på:
  - Deskriptor 8 om forurenende stoffer - uheld/beredskab (kriterie D8C3 + D8C4 på side 8-9 samt specifikationer for overvågning under skemaet på side 9-10). Forsvaret bedes bl.a. tage stilling til, om de

foreslåede undersøgelser ifm. en akut forureningshændelse bliver foretaget i dag og hvis ikke, hvad man så forventer, at sådanne undersøgelser ville koste og hvem der skulle betale. Der bør også tages stilling til, hvorvidt rapportering under EMSA er dækkende for de oplysninger der ønskes.

- Evt. deskriptor 11 om undervandsstøj (side 16-17)
- Søfartsstyrelsen kan have interesse i at kommentere på grænseværdier/indikatorer under
  - deskriptor 8 om forurenende stoffer (side 7-10)
  - deskriptor 10 om marint affald (side 13-15)
  - deskriptor 11 om undervandsstøj (side 16-17)
  - deskriptor 2 om invasive arter (side 18-20).
- Energistyrelsen kan have interesse i at kommentere på grænseværdier/indikatorer under
  - deskriptor 11 om undervandsstøj (side 16-17)
  - deskriptor 6 om havbundens integritet (side 24-27 samt kriterie D1C5 + D1C6 på side 35)
  - deskriptor 7 om hydrografi (side 28-29).

Forslaget behandles i EU's forskriftskomiteé (Regulatory Committee) under havstrategidirektivet, hvor der forventes at være vejledende afstemning i juni måned 2016. Det er i sidste ende EU-Kommissionen selv, der vedtager dokumentet. Miljø- og Fødevareministeriet vil senere i processen forberede en formel regeringsproces med udarbejdelse af rammenotat mv., hvor ministerierne vil blive formelt inddraget via vores departement.

Hvis I har nogen spørgsmål, ringer eller skriver I bare.

Venlig hilsen

**Ditte Mandøe Andreasen**

Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

**Miljø- og Fødevareministeriet**

Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)



## Aktdetaljer

**Akttitel: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi**

**Aktnummer:**

Akt ID: 2763702

Dato: 26-02-2016

Type: Indgående

Original titel: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Dokumenter: [1] Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi.msg  
[2] CTTEE\_12-2016-03\_Proposal for a Commission Decision on GES criteria-V2 D....pdf  
[3] MSFD\_GESDecision\_v2\_AnnexIII\_v3\_comments.xls

Den 1. februar 2017

**Til:** Dorthe Gravgaard TRM (DOG@TRM.dk)  
**Fra:** Ditte Mandøe Andreassen (diman@svana.dk)  
**Titel:** Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi  
**Sendt:** 26-02-2016 11:30:48  
**Bilag:** CTTEE\_12-2016-03\_Proposal for a Commission Decision on GES criteria-V2 D....pdf;  
MSFD\_GESDecision\_v2\_AnnexIII\_v3\_comments.xls;

Kære Dorthe.

Håber alt er vel hos jer. Kan du hjælpe mig med at sende dette videre til rette person hos jer, der har med marine anlægsarbejder at gøre?

Du må meget gerne give mig en melding på, hvem det er, så jeg evt. kan kontakte vedkommende.

Mange hilsner Ditte

---

Til Transportministeriet og tilhørende relevante styrelser.

Hermed sender jeg et udkast til EU-Kommissionens forslag til revideret beslutning om kriterier for God Miljøtilstand (GES) i havmiljøet, jf. havstrategidirektivet.. Dokumentet kommer til at sætte rammerne for, hvordan medlemslandene fremover skal fastsætte god miljøtilstand i havmiljøet og hvad der skal overvåges, for at kunne vurdere, om god miljøtilstand er opnået. Beslutningen skal erstatte en eksisterende beslutning fra 2010 og er på mange måder en skærpelse af den nuværende beslutning. Det er således Naturstyrelsens umiddelbare vurdering, at forslaget kan få økonomiske konsekvenser i forbindelse med udarbejdelse af VVM-redegørelser og kan betyde begrænsninger ift. fremtidige aktiviteter på havet.

Hvis I skulle have nogen bemærkninger, skal jeg modtage dem senest **fredag den 4. marts 2016**. De SKAL indskrives på engelsk i vedlagte excel-ark, hvor EU-Kommissionen på forhånd har angivet sidetal mv. (bemærk der er et ark til hver enkelt deskriptor/emne samt til generelle bemærkninger). Kommentarerne skal indskrives i en form, der umiddelbart kan sendes til EU-Kommissionen. Evt. tilhørende forklaringer til NST kan skrives i en mail. Bemærk, at Kommissionen lægger vægt på, at vi i kommentarerne forklarer baggrunden for vores synspunkter.

Det er min umiddelbare vurdering, at Transportministeriet og tilhørende styrelser kan have interesse i at kommentere på grænseværdier/indikatorer under:

- deskriptor 6 om havbundens integritet (side 24-27 samt kriterie D1C5 + D1C6 på side 35, hvor der sættes grænseværdier for påvirkning af havbund/naturtyper)
- deskriptor 7 om hydrografiske ændringer (side 28-29).
- deskriptor 11 om undervandsstøj (side 16-17)

Forsvarsministeriet, Søfartsstyrelsen og Energistyrelsen bliver hørt parallelt om forslaget, lige så vel som de øvrige styrelser under Miljø- og Fødevarerministeriet.

Forslaget behandles i EU's forskriftskomiteé (Regulatory Committee) under havstrategidirektivet, hvor der forventes at være vejledende afstemning i juni måned 2016. Det er i sidste ende EU-Kommissionen selv, der vedtager dokumentet. Miljø- og Fødevarerministeriet vil senere i processen forberede en formel regeringsproces med udarbejdelse af rammenotat mv., hvor ministerierne vil blive formelt inddraget via vores departement.

Hvis I har nogen spørgsmål, ringer eller skriver I bare.

Venlig hilsen

**Ditte Mandøe Andreassen**  
Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | [diman@nst.dk](mailto:diman@nst.dk)

**Miljø- og Fødevarerministeriet**  
Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)



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

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

**(MARINE STRATEGY COMMITTEE)**

**TUESDAY 1 MARCH 2016 (10:00 – 18:00)**

**AND WEDNESDAY 2 MARCH 2016 (09:30-17:30)**

**Conference Centre Albert Borschette (CCAB) - Room 1B and 0B  
36, Rue Froissart - B-1040 Brussels**

Agenda Item:	4
Document:	CTTEE_12-2016-03
Title:	Proposal for a Commission Decision on GES Criteria_draft v2
Prepared by:	European Commission
Date prepared:	15/02/2016
Background	<p>This paper provides a second draft version of a proposal for a Commission Decision laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU. It is based on the comments made by Member States during the Committee meeting of 27 January 2016 and received by email subsequently.</p> <p>Please note that this draft:</p> <ol style="list-style-type: none"> <li>has not yet undergone the Commission's internal consultation and could therefore be subject to further changes.</li> <li>is not for circulation outside the Regulatory Committee.</li> <li>even though it will be one legal text, has to be presented in two different sections (which have been copy-pasted one after the other below): <ul style="list-style-type: none"> <li>- the proposal for a Commission Decision containing the Recitals and Articles</li> <li>- the proposal for an Annex to the Commission Decision, containing the actual criteria, methodological standards, specifications and standardised methods.</li> </ul> </li> </ol>

**The MSFD Committee is invited to:**

- Discuss the attached draft;
- Provide comments on this draft by **9 March 2016**



EUROPEAN  
COMMISSION

Brussels, **XXX**  
[...] (2015) **XXX** draft

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

**of **XXX****

**laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU**

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

of **XXX**

**laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular Article 9(3) and 11(4) thereof,

Whereas:

- (1) [Recital on legal basis / comitology procedure] Directive 2008/56/EC provides in its Article 9(3) for criteria and methodological standards to be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3) of that Directive. It also provides in its Article 11(4) for the adoption of specifications and standardised methods for monitoring and assessment, in accordance with the same procedure.
- (2) [Recital on Commission Decision 2010/477/EU] Decision 2010/477/EU<sup>2</sup> provided criteria for "good environmental status", thus setting the basis for Member States to establish their determinations of good environmental status and to guide their assessments of current environmental status in 2012.
- (3) [Recital on necessity to revise the 2010 Decision] Decision 2010/477/EU acknowledged that additional scientific and technical progress was required to support the development or revision of these criteria for some qualitative descriptors, as well as further development of methodological standards in close coordination with the establishment of monitoring programmes. In addition, that Decision provided in its Recital 4 that its revision should be carried out in time to support a successful update of marine strategies that are due by 2018, pursuant to Article 17 of Directive 2008/56/EC.
- (4) [Recital n°1 on problems with existing good environmental status decision revealed by 1<sup>st</sup> cycle] In 2012, Member States reported under Articles 9(2) and 10(2) of Directive 2008/56/EC on the initial assessment of their marine waters, the determination of good environmental status and their environmental targets. The Commission's assessment<sup>3</sup> of these Member State's reports highlighted that more efforts were urgently needed if Member States and the Union are to reach good environmental status by 2020. The

<sup>1</sup> OJ L 164, 25.2.2008, p. 19.

<sup>2</sup> Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine water (OJ L 232, 2.9.2010, p. 14).

<sup>3</sup> Report from the Commission to the Council and the European Parliament - The first phase of implementation of the Marine Strategy Framework Directive (2008/56/EC) - The European Commission's assessment and guidance (COM(2014)097 final, 20.2.2014)

results showed the necessity to ensure the determinations of good environmental status in a ~~quantifiable-comparable~~ and consistent way between Member States and across the Union. In addition, the assessment recognised that regional cooperation must be at the very heart of the implementation of Directive 2008/56/EC and influence national implementation processes, rather than the other way around. It also emphasized the need for Member States to more systematically build upon existing Union legislation or, where relevant, standards set by Regional Sea Conventions or other international agreements.

- (5) **[Recital concluding on 2014 Commission's assessment – common recital to good environmental status decision and revised Annex III]** To ensure that the second cycle of implementation contributes to the achievement of Directive 2008/56/EC's objectives and yields more consistent determinations of good environmental status, the Commission therefore recommended in its report on the first phase of implementation that, at Union level, the Commission services and Member States collaborate to "revise, strengthen and improve Decision 2010/477/EU by 2015, aiming at a clearer, simpler, more concise, more coherent and comparable set of good environmental status criteria and methodological standards" and "review Annex III of the Marine Strategy Framework Directive, and if necessary revise, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle".
- (6) **[Recital on the review process]** On the basis of these conclusions, the review process started in 2013 when a roadmap for a review, consisting of several phases (technical and scientific, consultation, and decision-making), was endorsed by the Committee established under Article 25(1) of Directive 2008/56/EC (hereafter "Regulatory Committee"). During this process, the Commission consulted all interested parties, including Regional Sea Conventions [, and an open public consultation was carried out on this Decision]. The Regulatory Committee was also duly consulted throughout the process, [informed of the results of the public consultation] and re-confirmed the need for a revision of Decision 2010/477/EU at its meeting of 5 May 2015.
- (7) **[Recital on objectives of the new Decision]** This Decision is therefore expected to facilitate future updates of the initial assessment of Member States' marine waters and their determination of good environmental status, by clarifying, revising or introducing criteria, methodological standards, specifications and standardised methods to be used by Member States, thereby ensuring greater coherence in implementation of Directive 2008/56/EC between Member States and across the Union. In accordance with the commitment taken by the European Commission when adopting its Better regulation package<sup>4</sup>, this Decision ensures coherence with other Union legislation.
- (8) **[Recital on criteria and methodological standards]** This Decision should therefore set out criteria and methodological standards, for each of the qualitative descriptors listed in Annex I to Directive 2008/56/EC, on the basis of Annex III of that Directive. For each descriptor, this Decision should define the ~~elements for assessment and the~~ criteria including the elements to be used, and, where available [and applicable], the reference-level threshold values, that allow a quantitative assessment of whether good environmental status is achieved. In several cases, this Decision should enable Member States to establish these threshold values at regional or subregional level, for instance by referring to existing values or developing new ones. This Decision should

<sup>4</sup>

COM(2015) 215 final



also set out the methodological standards, including the geographical scales for assessment and application rules for the criteria, to ensure that Member States' updates of their determinations of good environmental status and initial assessments of marine waters, carried out in accordance with Article 17 of Directive 2008/56/EC, are consistent, allowing for comparison between marine regions or subregions of the extent to which good environmental status is being achieved.

- (9) **[Recital on specifications and standardised methods]** Specifications and standardised methods for monitoring and assessment should take into account existing specifications and standards at Union level and ensure comparability between monitoring and assessment results. When such specifications and standardised methods are not included in this Decision, Member States should endeavour to use available Union or international guidance. This is for instance the case for guidance developed the qualitative descriptor (11) of Annex I to Directive 2008/56/EC, for which a sub-group of experts on underwater noise has developed, in the framework of the Common Implementation Strategy established between Member States and the European Commission, "Monitoring guidance for underwater noise in European Seas".
- (10) **[Relationship between MSFD and other EU legislation]** To facilitate Member States implementation of Directive 2008/56/EC and ensure greater consistency and comparability at Union level of their~~To make the~~ determinations of good environmental status ~~more effective~~, this Decision should ~~take into account~~refer to existing quality standards and methods of assessment and monitoring from Union legislation, such as Directive 2000/60/EC of the European Parliament and of the Council<sup>5</sup> (the 'Water Framework Directive') and Commission Decision 2013/480/EU<sup>6</sup>, Directive 2008/105/EC of the European Parliament and of the Council<sup>7</sup>, Commission Regulation (EC) No 1881/2006<sup>8</sup>, Council Directive 92/43/EEC<sup>9</sup>, Directive 2009/147/EC of the European Parliament and of the Council<sup>10</sup>, Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>11</sup> and Council Regulation (EC) No 1967/2006<sup>12</sup>. ~~Such cross-references should not only facilitate~~

<sup>5</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

<sup>6</sup> Commission Decision 2013/480/EU of 20 September 2013 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Decision 2008/915/EC (OJ L 266, 8.10.2013, p. 1).

<sup>7</sup> Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently replacing Council Directive 87/176/EEC, 3/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84.)

<sup>8</sup> Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

<sup>9</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

<sup>10</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

<sup>11</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

<sup>12</sup> Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

~~Member States' assessments under Directive 2008/56/EC by ensuring compatibility with other obligations but should also ensure greater consistency and comparability at Union level.~~

- (11) [Link with RSC and other international mechanisms: Article 3(3)] Where this Decision does not specify details at Union level for criteria, methodological standards, specifications and standardised methods for monitoring and assessment, Member States should endeavour to use those developed at international, regional or subregional level which are directly applicable to marine waters, for instance within the framework of the Regional Sea Conventions, as provided under Article 6 of Directive 2008/56/EC, or other international and regional mechanisms, and inform the Commission thereof as provided for in Article 17(3) of Directive 2008/56/EC.
- (12) [Future work] Additional scientific and technical progress is still required to support the further development of certain criteria, methodological standards, specifications and standardised methods for monitoring and assessment.
- (13) [Linking Article 9 to Art. 8, and Art. 8.1b to 8.1a] The determination of good environmental status and the assessment of progress towards its achievement should be intricately linked. This Decision should be structured to support this linkage, particularly to clearly and organise the ~~descriptors and~~ criteria and methodological standards on the basis of the descriptors laid down in Annex I of Directive 2008/56/EC and on the basis of the ecosystem elements and pressures laid down in Annex III of that Directive. Some of the criteria and methodological standards relate in particular to the needed for assessments of environmental status the ecosystem and its components under point (a) of Article 8(1) of Directive 2008/56/EC, and while other relate those needed for to the assessment of predominant pressures and ~~their~~ impacts under point (b) of that Article. ~~Further, because the assessment of environmental status under point (a) of Article 8(1) should reflect the cumulative pressures and their impacts, the assessments under point (b) of that Article should, as far as possible and necessary, be undertaken first and used to inform the assessments under point (a) of Article 8(1) of Directive 2008/56/EC. This should include ensuring consistency in the ecosystem elements assessed and in the scales of assessment.~~
- (14) [Trends] When assessing the status of their marine waters in accordance with Article 8 of Directive 2008/56/EC it is helpful for Member States to assess the change in status as improving, stable or deteriorating, in view of the often slow response of the marine environment to change.
- (15) [Flexibility: Article 3(2), risk-based approach and primary criteria] This Decision should allow sufficient flexibility to Member States when determining their good environmental status. This flexibility is underpinned by different concepts in this Decision. First, Member States should be able to consider that some of the criteria are not appropriate, provided this is duly justified. Secondly, a risk-based approach should be introduced in some criteria, by which Member States may decide not to consider certain elements or may focus monitoring on certain matrices, provided this is based on a risk-assessment. so that updates of the initial assessment under Article 8 of Directive 2008/56/EC focus on the predominant pressures in each region or subregion and their environmental impacts on the different ecosystem elements, as addressing such pressures should provide an efficient and effective means to achieve good environmental status. Such flexibility is underpinned in this Decision by the risk-based approach, meaning that certain criteria would not need to be used in the assessment of the marine waters of certain Member States, provided a risk-assessment demonstrates

~~a low risk. Finally, Criteria are further~~ labelled as primary or secondary in this Decision. While primary criteria should be used to ensure consistency across the Union, flexibility is introduced with regard to secondary criteria, which can either ~~be alternativesubstitute or complement primary criteria, or be used where there is a possibility of risk not covered by the primary criteria (if there is a lack of data for primary criteria) or complementary (only performed whenever they are considered relevant).~~

- (16) [Moved from intro Annex Part C] Articles 1(2) and 1(3) of Directive 2008/56/EC acknowledge that Member States' marine strategies must protect and preserve the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected. Therefore, it is recognised that some areas may not achieve the threshold values set for certain criteria, particularly to allow for certain sustainable uses of the marine waters, provided the collective pressure of human activities is kept within levels compatible with the achievement of good environmental status and the capacity of marine ecosystems to respond to human-induced changes is not compromised. It is therefore appropriate that Member States assess the spatial extent over which the threshold values have been achieved in their marine waters, within each region or subregion.
- (17) [Dynamic ecosystems, climate change and recovery to new states] The determination of good environmental status under Article 9(1) of Directive 2008/56/EC, on the basis of this Decision, should accommodate the dynamic nature of marine ecosystems and their elements, which can change in space and time through climatic variation, predator-prey interactions and other environmental factors. These determinations should also reflect the state of marine ecosystems as can be expected under prevailing physiographic, geographic and climatic conditions, as they recover from deteriorated states, rather than states in the past to which they may never return.
- (18) [Review – Moved from former Article 4] It is appropriate that the Commission revises this Decision by 15 July 2023, as part of the review set out in Article 23 of Directive 2008/56/EC. The review should in particular take into account the need to adapt this Decision to the latest scientific and technical knowledge and the experiences of the implementation of this Decision in light of the objective of Directive 2008/56/EC of achieving good environmental status by 2020.
- (19) [Standard recital - Repeal of Decision 2010/477/EU] Decision 2010/477/EU should therefore be repealed.
- (20) [Standard recital] The measures provided for in this Decision are in accordance with the opinion of the Regulatory Committee,

HAS ADOPTED THIS DECISION:

*Article 1*  
*Subject-matter*

This Decision sets out, in its Annex, criteria and methodological standards, on good environmental status for each qualitative descriptor listed in Annex I to Directive 2008/56/EC, in accordance with Article 9(3) of that Directive, and specifications and standardised methods for monitoring and assessment, in accordance with Article 11(4) of that Directive.

## Article 2

### Definitions

For the purposes of this Decision, the following definitions shall apply:

- (1) 'criteria' means distinctive technical features that are closely linked to qualitative descriptors, as defined in Article 3(6) of Directive 2008/56/EC.
  - (a) 'primary criteria' shall be used by Member States ~~in all cases~~ in accordance with Article 3(2), except where it is specified in the Annex to this Decision that such criteria may be replaced by a secondary criterion;
  - (b) 'secondary criteria' shall be used on the basis of the conditions specified in the Annex to this Decision, either instead of a primary criterion or in addition to the primary criteria.
- (2) 'marine regions' shall have the same meaning as in Article 3(2) of Directive 2008/56/EC.
- (3) 'subregions' and 'subdivisions' are used in the sense of Article 4 of Directive 2008/56/EC to provide for a nested set of ~~assessment scales~~ geographical areas within a region to be used for Article 8(1) of Directive 2008/56/EC. Further division of these areas may be appropriate for some descriptors and assessments.
- (4) 'methodological standards' means scientific or technical methods, developed at Union or international level, for assessing and classifying environmental status.
- (5) 'specification' means ~~Union-wide minimum~~ requirements for the design of monitoring and assessment performed under Directive 2008/56/EC.
- (6) 'standardised method' means ~~Union-wide minimum~~ requirements for the monitoring and assessment performed under Directive 2008/56/EC:
  - (a) 'standardised method for monitoring' refers to methods for field sampling, and other types of data collection, and for laboratory analysis. This includes quality assurance and quality control mechanisms, such as agreed international standards (e.g. CEN and ISO standards).
  - (b) 'standardised method for assessment' includes agreed rules for the spatial and temporal aggregation of data and their use.
- (7) 'marine waters', including 'coastal waters', shall have the same meaning as in Article 3(1) of Directive 2008/56/EC ~~have the same meaning as in Article 2(7) of Directive 2000/60/EC.~~
- (8) 'non-indigenous species' and 'invasive non-indigenous species' shall be understood to have the same meaning as 'alien species' and 'invasive alien species' defined in Articles 3(1) and 3(2) respectively of Regulation (EU) No 1143/2014 of the European Parliament and of the Council<sup>13</sup>.
- (9) 'reference level threshold values' means the value, values or ranges of values [established at Union, international, regional or subregional level] which define the quality level to be achieved for the criterion.

<sup>13</sup> Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

### Article 3 General principles

1. Member States shall use ~~these~~ criteria, methodological standards, specifications and standardised methods for monitoring and assessment laid down in this Decision, in combination with the ecosystem elements, anthropogenic pressures and human activities listed in Annex III to Directive 2008/56/EC and by reference to the initial assessment made pursuant to Article 8(1) of that Directive, when determining a set of characteristics for good environmental status in accordance with Article 9(1) of that Directive, ~~when assessing whether it has been achieved under Article 8(1)~~, and when establishing coordinated monitoring programmes under Article 11 of ~~Directive 2008/56/EC~~ that Directive.
2. On the basis of the initial assessment or its subsequent updates carried out in accordance with Article 8 and point (a) of Article 17(2) of Directive 2008/56/EC, a Member State may consider, in exceptional circumstances, that it is not appropriate to use one or more of the criteria laid down in this Decision.  
In such case, the Member State shall provide the Commission with due justification in the framework of the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC. The justification shall include evidence of the fulfilment of the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC, and in particular the requirement to ensure that the different elements of the marine strategies are coherent and coordinated across the marine region or sub-region concerned.
3. Where this Decision does not set criteria, methodological standards, specifications or standardised methods for monitoring and assessment, Member States shall endeavour to use, where practical and appropriate, those developed at international, regional or subregional level, such as in the relevant Regional Sea Conventions, when determining good environmental status in accordance with Article 9(1) and when assessing whether it has been achieved under Article 8(1).
4. Where the Annex to this Decision provides for Member States to establish threshold values or list of elements at regional or subregional level, this shall be done in time for the first review of their initial assessment and determination of good environmental status in accordance with point (a) of Article 17(2) of Directive 2008/56/EC, i.e. by 15 July 2018.  
[In exceptional circumstances, Member States may only establish these threshold values at regional or subregional level for the second review of their initial assessment and determination of good environmental status in accordance with point (a) of Article 17(2) of Directive 2008/56/EC, i.e. by 15 July 2024, provided the reasons for the delay are duly justified to the Commission in the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.]

### Article 4 Review

- ~~1. The Commission shall review this Decision by 15 July 2023, as part of the review set out in Article 23 of Directive 2008/56/EC.~~
- ~~2. The review should in particular take into account:~~
  - ~~(a) the need to adapt this Decision to the latest scientific and technical knowledge.~~



~~(a) — the experiences of the implementation of this Decision in light of the objective of Directive 2008/56/EC of achieving good environmental status by 2020.~~

*Article 4*

*Repeal*

Decision 2010/477/EU is hereby repealed.

*Article 5*

*Entry into force*

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

Done at Brussels,

*For the Commission*

*The President*

[\[...\]](#)



EUROPEAN  
COMMISSION

Brussels, XXX  
[...] (2015) XXX draft

ANNEX 1

ANNEX

to the

**Commission Decision**

**laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment**

## ANNEX

to the

### Commission Decision

laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment

Criteria and methodological standards for good environmental status, ~~and specifications and standardised methods for monitoring and assessment~~, relevant to the descriptors in Annex I to Directive 2008/56/EC, and to Annex III of that Directive and specifications and standardised methods for monitoring and assessment

This Annex is structured in three parts:

- under Part A are laid down the criteria, methodological standards and specifications ~~to be used for~~ that relate to the assessment of predominant pressures and impacts under point (b) of Article 8(1) of Directive 2008/56/EC,
- under part B are those ~~to be used for~~ that relate to the assessment of environmental status under point (a) of Article 8(1) of Directive 2008/56/EC,
- Part C lays down the spatial aspects ~~of these assessments~~ necessary to assess the extent to which good environmental status is being achieved.

#### **PART A – CRITERIA AND METHODOLOGICAL STANDARDS RELATING TO THE ASSESSMENT OF PREDOMINANT PRESSURES AND IMPACTS UNDER POINT (B) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

The following criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment under Article 11(4) of Directive 2008/56/EC, shall be used by Member States to assess the extent to which good environmental status is being achieved, in relation to the assessment of predominant pressures and impacts under point (b) of Article 8(1) of that Directive.

The relevant descriptors<sup>1</sup> are presented in the following order of anthropogenic pressures: substances, litter and energy (Descriptors 5, 8, 9, 10, 11), biological pressures (Descriptors 2 and 3) and physical pressures (Descriptors 6 and 7), as listed in Annex III of Directive 2008/56/EC.

<sup>1</sup> When this Decision refers to a 'descriptor', this is understood to refer to the relevant qualitative descriptors under the numbered points in Annex I to Directive 2008/56/EC.



**Descriptor 5 – Human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters**

Related pressures: Input of nutrients; Input of organic matter

*Elements for assessment, criteria, including criteria elements, and methodological standards*

<u>Criteria Elements for assessment</u>	<u>Criteria, including reference level/threshold values where they exist</u>	<u>Methodological standards</u>
Dissolved Inorganic Nitrogen (DIN), Total Nitrogen (TN), Dissolved Inorganic Phosphorus (DIP), Total Phosphorus (TP) in the water column	D5C1: Nutrient concentrations <u>are at do not exceed levels that do not cause adverse eutrophication effects.</u> <u>Member States shall establish, at regional or subregional level, these threshold values, which shall be set at regional or subregional level by Member States. Those levels:</u> (a) <del>are</del> consistent with levels required to achieve good ecological status under Directive 2000/60/EC; <del>and</del> <del>do not lead to eutrophication effects.</del>	<i>Scales of assessment:</i> – in coastal waters, the water bodies under Directive 2000/60/EC; – beyond coastal waters, subdivisions of the region or subregion, divided where needed by national boundaries <u>and/or at the 12 nautical mile limit of territorial waters.</u>
Chlorophyll a in the water column	D5C2: Chlorophyll a concentration does not exceed: (a) in the water column of coastal waters, the values set in Decision 2013/480/EU; (b) beyond coastal waters, the concentration values set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC and indicate adverse effects of nutrient enrichment.	<i>Primary and secondary criteria:</i> – Criteria D5C1, D5C2 and D5C8 are primary criteria. – Criteria D5C6, <del>and</del> D5C7 <u>and D5C9</u> are primary criteria in coastal waters. – The remaining criteria are secondary criteria, <del>they can:</del>
<u>Transparency/Clarity</u> of the water column	D5C3: Water <del>transparency/clarity equals or</del> exceeds the minimum level set at regional or subregional level by Member States. Those levels are consistent with levels required to achieve good ecological status under Directive 2000/60/EC and are related to increases in suspended algae as a consequence of nutrient enrichment.	– The remaining criteria are secondary criteria, <del>they can:</del>
Nuisance/toxic algal blooms (e.g. cyanobacteria) in the water column	D5C4: Bloom events of nuisance or toxic algal blooms (e.g. cyanobacteria) due to nutrient enrichment do not exceed: (a) in coastal waters, the levels set in Decision 2013/480/EU if any, or	– <u>D5C9 may substitute D5C8 the associated primary criterion in cases of lack of data: D5C3,</u>

<u>Criteria Elements for assessment</u>	<u>Criteria, including reference levelsthreshold values where they exist</u>	<u>Methodological standards</u>
	developed at regional or subregional level; (b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.	<p><del>D5C4 or D5C5 may substitute D5C2 and D5C9 may substitute D5C8, or and</del></p> <p>– <del>D5C3, D5C4 or D5C5 may be used to reinforce complement the primary criteriaD5C2, securing the relationship of the primary criterion with the pressure criterion D5C1.</del></p> <p><u>The use of the secondary criteria shall be agreed at regional or subregional level.</u></p> <p><i>Application rules:</i> All criteria used shall achieve the <u>reference levelsthreshold values</u> set.</p>
Phytoplankton in the water column	D5C5: Changes in <del>phytoplankton</del> species composition and relative abundance due to nutrient enrichment do not exceed: (a) in coastal waters, the levels set in Decision 2013/480/EU; (b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.	
Opportunistic macroalgae of seabed habitats	D5C6: Changes in the <del>abundance-biomass</del> of opportunistic macroalgae in coastal waters, due to nutrient enrichment, do not exceed the levels set in Decision 2013/480/EU. Should this criterion be relevant for waters beyond coastal waters, changes in the abundance of opportunistic macroalgae due to nutrient enrichment do not exceed levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.	
Perennial seaweeds <del>and-or</del> seagrasses of seabed habitats	D5C7: Changes in the abundance <u>or depth distribution</u> of perennial seaweeds and seagrasses (e.g. fucoids, eelgrass and Neptune grass) in coastal waters, due to nutrient enrichment via decreases in water transparency, do not exceed the levels set in Decision 2013/480/EU. Should this criterion be relevant for waters beyond coastal waters, changes in the abundance of perennial seaweeds and seagrasses (e.g. fucoids, eelgrass and Neptune grass) due to nutrient enrichment via decreases in water transparency do not exceed levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.	
Dissolved oxygen in the <u>bottom of the</u>	D5C8: <u>Changes in d</u> Dissolved oxygen <u>concentration, due to increased</u>	

<u>Criteria Elements for assessment</u>	<u>Criteria, including reference levels/threshold values where they exist</u>	<u>Methodological standards</u>
water column	<p><u>organic matter decomposition, levels in the bottom of the water column are do not lead to adverse effects on seabed habitats or other eutrophication effects.</u></p> <p><u>Member States shall establish, at regional or subregional level, these threshold values, which shall be consistent with those of Directive 2000/60/EC. not reduced, due to increased organic matter decomposition, beyond levels set at regional or subregional level by Member States. Those levels:</u></p> <p><u>are consistent with those of Directive 2000/60/EC; and</u></p> <p><u>do not lead to adverse effects on seabed habitats.</u></p>	
Macroinvertebrate communities of seabed habitats	<p>D5C9: Changes in the typical <u>species</u> composition, <del>including sensitive species,</del> and relative abundance <del>of benthic invertebrate communities,</del> due to increased organic matter decomposition, do not exceed:</p> <p>(a) in coastal waters, the values for benthic biological quality elements set in Decision 2013/480/EU;</p> <p>(b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.</p>	

*Specifications and standardised methods for monitoring and assessment*

A failure of criterion D5C1 without failure of the other criteria may require a recalibration of reference levels. Monitoring beyond coastal waters under the Descriptor 5 criteria may not be necessary in cases where the threshold values are achieved in coastal waters.

Units of measurement for the criteria:

- D5C1 Nutrient concentrations in micrograms per litre
- D5C2 Chlorophyll a concentrations in micrograms per litre
- D5C3 Water transparency-clarity in metres
- D5C8 Oxygen concentrations in milligrams per litre



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

Related pressures: Input of hazardous substances

*Criteria, including criteria elements, ~~Elements for assessment, criteria~~ and methodological standards for hazardous substances in the marine environment*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference-levels</del> <u>threshold values</u> where they exist	Methodological standards
<p>Within 12 nautical miles:</p> <p>(a) <del>the list of</del> contaminants for which an environmental quality standard is laid down in Part A of Annex I of Directive 2008/105/EC;</p> <p>(b) <del>the list of</del> Specific Pollutants under Annex V of Directive 2000/60/EC; and</p> <p>(c) additional contaminants, <u>if relevant</u>, such as from offshore sources, which are not already identified under points (a) or (b) and which pose a risk to or via the marine environment in the marine region or subregion. Member States shall establish the list of these additional contaminants at regional or subregional level.</p> <p>Beyond 12 nautical miles, the <del>list of</del> contaminants <u>established-considered for the purposes of the assessment</u> within 12 nautical miles, where these still pose a risk</p>	<p>D8C1: Within 12 nautical miles, good environmental status under Directive 2008/56/EC is achieved when:</p> <p>(a) good chemical status is achieved under Directive 2000/60/EC;</p> <p>(b) good ecological status for the River Basin Specific Pollutants is achieved, <u>within 1 nautical mile</u>, under Directive 2000/60/EC;</p> <p>(c) <u>when contaminants under points (a) and (b) are measured in a matrix for which no environmental quality standard is provided under Directive 2008/105/EC, in accordance with Article 3(3) of that Directive, the concentration of those contaminants in that matrix do not exceed the threshold values agreed at the regional or subregional level by Member States;</u> and</p> <p>(d) the concentrations of the additional contaminants do not exceed the <u>levels-values</u> agreed at regional or subregional level by Member States, <u>considering their application within and beyond 12 nautical miles</u>.</p> <p>Beyond 12 nautical miles, good environmental status under Directive 2008/56/EC is achieved when the concentrations of the contaminants <del>to be assessed</del><u>selected under 'Criteria elements'</u>, in the relevant matrix, do not exceed the <u>levels-values</u> as applicable within 12 nautical miles.</p>	<p><i>Scales of assessment:</i></p> <ul style="list-style-type: none"> <li>– within 12 nautical miles, the water bodies used under Directive 2000/60/EC;</li> <li>– beyond 12 nautical miles, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Primary and secondary criteria:</i></p> <p>D8C1 <del>and D8C2 are</del><u>is a</u> primary criterion. <u>D8C2 is a secondary criterion that may be used to complement D8C1.</u></p> <p><i>Application rules:</i></p> <ul style="list-style-type: none"> <li>– <u>For D8C1, all contaminants to be assessed for each criterion need to shall achieve the reference-levelsthreshold values set.</u></li> <li>– <u>For D8C2, all threshold values set shall be achieved.</u></li> </ul>

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
to or via the marine environment.		
Contaminants used under D8C1, as relevant, assessed in particular species and tissues, or particular benthic habitats. Member States shall establish at regional or subregional level this list of particular species, tissues and habitats.	D8C2: The health of <del>individuals</del> <u>populations</u> of marine species, or of biological communities (such as species composition/abundance changes at locations of chronic pollution) is not adversely affected (including sub-lethal effects) by contaminants. Member States shall establish at regional or subregional level <u>those adverse effects and their reference level</u> <del>threshold values for the adverse effects</del> .	

*Criteria, including criteria elements, ~~Elements for assessment~~, criteria and methodological standards for acute pollution events*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Polluting substances, as defined in Article 2(2) of Directive 2005/35/EC of the European Parliament and of the Council <sup>2</sup> , including crude oil and similar compounds	D8C3: <u>Spatial and T</u> <del>temporal occurrence, source (where possible), spatial distribution and</del> extent of significant acute pollution events <del>of crude oil and similar compounds is</del> . The level of such events is minimised and, where possible, eliminated.	<i>Scale of assessment:</i> Regional or subregional level. <i>Primary and secondary criteria:</i> D8C3 is <del>primary</del> <u>a secondary criterion, to be used when a significant acute pollution event has occurred</u> . <i>Application rules:</i> <u>No reference level is set for D8C3. This criterion may be used by Member States as an environmental target.</u> <del>This criterion</del>

<sup>2</sup> Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements (OJ L 255, 30.9.2005, p. 11).

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
		<del>should be used to set an appropriate environmental target, rather than a determination of good environmental status.</del>
Species groups and broad habitat types	D8C4: <u>The health of populations of species and the condition of habitat types are not adversely affected by significant</u> <del>The adverse effects from acute pollution events of crude oil and similar compounds on species groups and habitat types do not threaten their good environmental status.</del>	<p><i>Scale of assessment:</i> As used for the species groups and broad habitat types which are affected.</p> <p><i>Primary and secondary criteria:</i> D8C4 is <u>a secondary</u> <del>primary</del> criterion, <u>to be used when a significant acute pollution event has occurred.</u></p> <p><i>Application rules:</i> The outcomes of assessment of this criterion should contribute, where appropriate, to the assessments under Descriptors 1 and 6.</p>

*Specifications and standardised methods for monitoring and assessment*

For the purposes of this Decision:

- (1) Criterion D8C1: Member States shall monitor the priority substances in the relevant matrix as set under Directive 2000/60/EC at least every 6 years and shall use methods of analysis that meet the minimum performance criteria laid down in Commission Directive 2009/90/EC<sup>3</sup>.
- (2) Criteria D8C2 and D8C4: population demographic characteristics (e.g. fecundity rates, survival rates, mortality rates, and reproductive capacity) may be relevant to assess the health effects.

<sup>3</sup> Commission Directive 2009/90/EC of 31 July 2009 laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status (OJ L 201, 1.8.2009, p. 36)

- (3) Criteria D8C3 and D8C4: for the purposes of this Decision, monitoring is established as needed once the acute pollution event has occurred, rather than being part of a regular monitoring programme under Article 11 of Directive 2008/56/EC.
- (4) Criterion D8C4<sup>3</sup>: Member States shall identify the source of significant acute pollution events, where possible. They shall use the national registers for reporting under ~~{~~EMSA satellite surveillance~~}~~

Units of measurement for the criteria:

- D8C1 Concentrations of contaminants in micrograms per litre for water and micrograms per kilogram of wet weight for biota.



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

Related pressure: Input of hazardous substances

*Criteria, including criteria elements, ~~Elements for assessment~~, ~~criteria~~ and methodological standards*

<b><u>Criteria elements</u><del>Elements for assessment</del></b>	<b>Criteria, including <del>reference level</del><u>threshold values</u> where they exist</b>	<b>Methodological standards</b>
<p>Contaminants listed in Regulation (EC) No 1881/2006.</p> <p>For the purposes of this Decision, Member States may decide not to consider contaminants from Regulation (EC) No 1881/2006 where justified on the basis of a risk assessment.</p> <p>Member States may assess additional contaminants that are not included in Regulation (EC) No 1881/2006. Member States shall agree at regional or subregional level on those additional contaminants.</p> <p>Member States shall establish <del>at regional or subregional level</del> the list of species and relevant tissues to be assessed, according to the conditions laid down under 'specifications'. <u>They may establish the list at regional or subregional level.</u></p>	<p>D9C1: The level of contaminants in edible tissues (muscle, liver, roe, flesh or other soft parts, as appropriate) of seafood (including fish, crustaceans, molluscs, echinoderms, seaweed and other marine plants) caught or harvested in the wild (excluding fin-fish from mariculture) does not exceed:</p> <p>(a) for contaminants listed in Regulation (EC) No 1881/2006, the maximum levels laid down in that Regulation; and</p> <p>(b) for additional contaminants, not listed in Regulation (EC) No 1881/2006, levels agreed at regional or subregional level by Member States.</p>	<p><i>Scales of assessment:</i></p> <p>For commercially-exploited species which are assessed under Descriptor 3, the same assessment areas are used. For other species, the assessment areas used under Descriptor 8 are used.</p> <p><i>Primary and secondary criteria:</i></p> <p>D9C1 is a primary criterion.</p> <p><i>Application rules:</i></p> <p>All contaminants shall achieve the <del>reference level</del><u>threshold values</u> set.</p>

*Specifications and standardised methods for monitoring and assessment*

1. When Member States establish the list of species to be used, the species shall meet the following conditions:

- (a) the species are relevant to the marine region or subregion concerned;
- (b) the species fall under the scope of Regulation (EC) No 1881/2006; and
- (c) the species are suitable for the contaminant being assessed.

2. Exceedance of the standard set for a contaminant shall lead to subsequent monitoring to determine the persistence of the contamination in the area and species sampled. Monitoring needs to continue until there is sufficient evidence that there is no risk of failure.
3. For the purposes of this Decision, the sampling for the assessment of the maximum levels of contaminants shall be performed in accordance with Article 11 of Regulation (EC) No 882/2004 of the European Parliament and in particular with Commission Regulation (EU) No 589/2014<sup>4</sup> and Commission Regulation (EC) No 333/2007<sup>5</sup>.
4. Within each region or subregion, Member States shall ensure that the temporal and geographical scope of sampling is adequate to provide a representative sample of the specified contaminants in seafood in the marine region or subregion.
5. Member States shall monitor and report:
  - (a) the ~~location-area~~ in the marine region or subregion where the product from which the samples are taken, are caught or farmed, in accordance with Article 35 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>6</sup>,
  - (b) the species and tissue tested,
  - (c) the level of contaminants and whether this has exceeded the maximum level for contaminants set in Regulation (EC) No 1881/2006.

Units of measurement for the criteria:

- D9C1 Concentrations of contaminants in micrograms per kilogram of wet weight per species.

<sup>4</sup> Commission Regulation (EU) No 589/2014 of 2 June 2014 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs (OJ L 164, 3.6.2014, p. 18)

<sup>5</sup> Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs (OJ L 88, 29.3.2007, p. 29)

<sup>6</sup> Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

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

Related pressure: Input of litter

*Criteria, including criteria elements, ~~Elements for assessment~~, ~~criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Litter (excluding micro-litter), classified in the following categories: artificial polymer materials, rubber, cloth and textiles, paper and cardboard, processed and worked wood, metal, glass and ceramics, and other. Member States may define further sub-categories.	D10C1: The composition, amount and spatial distribution of litter <del>in the intertidal zone including the strandline</del> <u>on the coastline</u> , in the surface layer of the water column, and on the sea-floor, is at a level that does not cause harm to the coastal and marine environment or other pollution effects. Member States and the Commission should jointly establish, at Union level, <del>reference level</del> <u>threshold values</u> .	<p><i>Scales of assessment:</i> National part of subdivisions of each region or subregion.</p> <p><i>Primary and secondary criteria:</i> All criteria are primary criteria.</p> <p><i>Application rules:</i> Each criterion is to achieve the <del>reference level</del><u>threshold values</u> set <del>(when they become available)</del>.</p>
Micro-litter (particles <u>between 20 µm and &lt;5mm as largest dimension</u> ), classified in the categories 'artificial polymer materials' and 'other'.	D10C2: The composition, amount and spatial distribution of micro-litter <del>in the intertidal zone including the strandline</del> <u>on the coastline</u> , in the surface layer of the water column, <del>and on the sea-floor and in sea-floor sediment</del> , is at a level that does not cause harm to the coastal and marine environment or other pollution effects. Member States and the Commission should jointly establish, at Union level, <del>reference level</del> <u>threshold values</u> .	
<del>Litter, classified in the same categories as under D10C1, or for micro-litter in the same categories as under D10C2, assessed in species of birds, mammals, reptiles and fish. Member States shall establish at regional or subregional level the list of species to be assessed.</del>	<del>D10C3: The amount of litter and micro-litter ingested by marine animals is at levels that do not adversely affect the health of the species concerned. Member States shall establish at regional or subregional level the reference levels.</del>	
Species of birds, mammals, reptiles and fish. Member States shall establish at regional or subregional level that species	D10C <del>4</del> <u>3</u> : The number of entanglement incidents, or other types of injury/mortality, of marine animals due to litter is at levels that do not adversely affect populations of the species concerned.	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</p>

<u>Criteria elements</u> <u>Elements for assessment</u>	<u>Criteria, including reference levels</u> <u>threshold values</u> where they exist	<b>Methodological standards</b>
list, <u>based on risk from marine litter.</u>	<del>Member States shall establish at regional or subregional level the reference levels.</del>	<i>Primary and secondary criteria:</i> This is a primary criterion. <i>Application rules:</i> The outcomes of this criterion should contribute to assessments under Descriptor 1.

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

#### Under D10C1 and D10C2:

- litter and micro-litter shall be monitored on the coastline,
- litter and micro-litter shall be monitored in the surface layer of the water column and on the sea-floor (or sediment for micro-litter), based on a risk assessment of the significance of the issue,
- monitoring in biota may be used as a proxy for monitoring under D10C1 and D10C2. If used, litter and micro-litter should be assessed in species of birds, mammals, reptiles, shellfish and fish, agreed by Member States at regional or subregional level.

The monitoring of ~~D10C3 and D10C4~~ (the amount of litter ingested and the number of entanglement incidents or other types of injury/mortality due to litter) should be based on incidental occurrences (e.g. strandings of dead animals).

Units of measurement for the criteria:

- D10C1 Amount of litter in number of items per 100 metres on the coastline, per cubic metre for surface layer, per square metre for sea-floor, ~~and [to be added] per individual for biota.~~
- D10C2 Amount of micro-litter in items per cubic metre for surface layer, per millilitre for sediment and per gram of intestine for biota ~~[to be added]~~
- ~~D10C3 Amount of litter and micro-litter in [to be added]~~

- D10C43 Number of affected individuals per ~~each selected~~ species.

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

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

*Criteria, including criteria elements, ~~Elements for assessment~~, ~~criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Impulsive anthropogenic sound in water	D11C1: The proportion of days, their distribution within a calendar year and <del>their</del> spatial distribution of impulsive anthropogenic sound do not exceed values that are likely to adversely affect marine <del>mammals and other</del> animals, <u>in particular marine mammals</u> . Member States and <u>the</u> Commission should jointly establish these <del>reference level</del> <u>threshold values</u> at Union level. <del>In the absence of Union-level values, Member States shall establish these reference levels at regional or subregional level.</del>	<i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.  <i>Primary and secondary criteria:</i> Both criteria are primary criteria.
Continuous low-frequency anthropogenic sound in water	D11C2: Annual average levels, in two 'third octave' bands, of continuous low-frequency <u>anthropogenic</u> sound do not exceed values that are likely to adversely affect marine <del>mammals and other</del> animals, <u>in particular marine mammals</u> . Member States and <u>the</u> Commission should jointly establish these <del>reference level</del> <u>threshold values</u> at Union level. <del>In the absence of a Union-level value, Member States shall establish these reference levels at regional or subregional level.</del>	<i>Application rules:</i> Each criterion is to achieve the <del>reference level</del> <u>threshold values</u> set <del>(when they become available)</del> . <u>The outcomes of these criteria should contribute to assessments under Descriptor 1.</u>

*Specifications and standardised methods for monitoring and assessment*

D11C1:

- Monitoring:
  - Spatial resolution: geographical locations whose shape and areas are to be determined (such as licence blocks for offshore industries) at regional or subregional level.

— ~~Temporal frequency: daily.~~

- Impulsive sound measured as monopole energy source level in units of dB re  $1\mu\text{Pa}^2 \text{ s}$  or zero to peak monopole energy source level in units of dB re  $1\mu\text{Pa m}$ . Both are measured over the frequency band 10 Hz to 10 kHz.
- Assessment: Proportion of days per calendar year, distribution within year and spatially within the assessment area.

D11C2:

- Monitoring: Squared sound pressure in each of two ‘third octave’ bands, one centred at 63 Hz and the other at 125 Hz, expressed as a level in decibels in units of dB re  $1\mu\text{Pa}$ . This is measured either directly at observation stations, or inferred from a model used to interpolate between or extrapolate from measurements at observation stations.
- Assessment: Average noise level over a year.

Criteria relating to [the impact of noise or](#) other forms of energy input (including thermal energy, electromagnetic fields and light) still need to be defined.

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

Related pressure: Input or spread of non-indigenous species

*Criteria, including criteria elements, ~~Elements for assessment~~, ~~criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Non-indigenous species.	D2C1: The number of non-indigenous species which are newly introduced via human activity into the wild, measured from the <u>baseline-reference</u> year as reported for the 2012 initial assessment under Article 8(1) of Directive 2008/56/EC, is minimised and where possible eliminated.	<p><i>Scale of assessment:</i></p> <p>National part of subdivisions of each region or subregion.</p> <p><i>Primary and secondary criteria:</i></p> <p>Criterion D2C1 is a primary criterion.</p> <p><i>Application rules:</i></p> <p><u>No reference level is set for D2C1. This criterion may be used by Member States as an environmental target. This criterion shall be used as an environmental target and is thus not combined with other criteria under Descriptor 2.</u></p>
A list of non-indigenous species, particularly invasive non-indigenous species, which are specified at regional or subregional level by Member States, and which include any relevant <del>(?)</del> species on the list of invasive alien species of Union concern adopted in accordance with Article 4(1) of Regulation (EU) No 1143/2014.	D2C2: Composition, abundance <u>or</u> biomass, spatial distribution and <del>areal</del> <u>spatial</u> extent of non-indigenous species, particularly of invasive species contributing significantly to impacts on particular species groups or broad habitat types.	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the corresponding species group or broad habitat type under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i></p> <p>D2C2 and D2C3 are secondary criteria <del>which should to</del> be used where <u>there is a possibility the species group or the broad</u></p>



<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
A list of particular species groups and broad habitat types, as assessed under Descriptor 1, defined by Member States at the regional or subregional level.	D2C3: <del>The spatial extent</del> <u>The proportion</u> of the species group or <u>the spatial extent of the</u> broad habitat type which is adversely altered by non-indigenous species, particularly invasive non-indigenous species. 'Adversely altered' means the species group or broad habitat type is not in good environmental status (for a given location) due to the number of non-indigenous species and/or their abundance within the natural community.	<p><del>habitat type is at risk</del> <u>particularly relevant to the assessment of species groups and habitat types under descriptors 1 and 6.</u></p> <p><i>Application rules:</i></p> <ul style="list-style-type: none"> <li>– Criterion D2C2 (quantification of non-indigenous species) should contribute to the assessment of D2C3 (impacts of non-indigenous species).</li> <li>– Criterion D2C3 should provide <del>a footprint of</del> <u>the extent of</u> impact per species group and broad habitat type assessed and thus contribute to their assessments under <del>D</del> descriptors 1 and 6.</li> <li>– No <del>reference level</del><u>threshold values</u> are set for D2C2 and D2C3, as these are addressed under the relevant species groups and broad habitat types.</li> </ul>

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

Regarding D2C2, since species occurrence and abundance can be seasonally variable (e.g. plankton), monitoring needs to be undertaken at appropriate times of year in relation to pathways and to characteristics of the community (~~e.g. plankton~~). Monitoring programmes should be linked to those for Descriptors 1 and 6, where possible, as they should use the same sampling methods and it is more practical to monitor non-indigenous species as part of broader biodiversity monitoring, except where sampling should needs to focus on main risk areas for new introductions.

Units of measurement for the criteria:

- | – ~~Criterion D2C1: shall be reported as~~ the number of species per assessment area which have been newly-introduced in the assessment period (6 years).
- | – ~~Criterion D2C3: shall be reported as~~ the proportion (%) of the species group or broad habitat type adversely affected per assessment area.

**Descriptor 3 – Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.**

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

*Criteria, including criteria elements, ~~Elements for assessment~~, ~~criteria~~ and methodological standards*

<b><u>Criteria elements</u><del>Elements for assessment</del></b>	<b>Criteria, including <del>reference level</del><u>threshold values</u> where they exist</b>	<b>Methodological standards</b>
Commercially-exploited fish and shellfish, including all stocks that are managed under Regulation (EU) No 1380/2013, Regulation (EC) No 1967/2006 and nationally-important stocks.	D3C1: The fishing mortality rate (F) of populations of commercially-exploited species is <u>[at or]</u> below levels which can produce the maximum sustainable yield, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.	<p><i>Scales of assessment:</i> Populations (stocks) of each species are assessed at ecologically-relevant scales within each region or subregion, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013, based on specified aggregations of ICES Areas and GFCM geographical sub-areas.</p> <p><i>Primary and secondary criteria:</i> Criteria D3C1, D3C2 and D3C3 are primary criteria.</p> <p><i>Application rules:</i> All populations (stocks) assessed shall achieve the <del>reference level</del><u>threshold values</u> set for each criterion.</p>
	D3C2: The spawning stock biomass (SSB) of populations of commercially exploited species is above biomass levels capable of producing maximum sustainable yield, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.	
	D3C3: Age and size distribution of commercially-exploited species matches at least the best available historical data that is indicative of a healthy stock. This would include a high proportion of old/large individuals and reduced adverse effects of exploitation on genetic diversity. Appropriate values are set for each species or population within each region or subregion by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.	
Species of birds, mammals, reptiles and non-commercially-exploited species of fish and cephalopods. Lists of relevant species as established for the region or subregion <del>by appropriate scientific bodies</del> in accordance with Article <del>25(5)6</del> of Regulation (EU) No 1380/2013.	D3C4: The levels of mortality per species from incidental by-catch do not exceed levels which threaten the species, whilst accounting for other pressures on these species. <del>Member States shall set, at regional or subregional level, appropriate values for each species.</del>	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</p> <p><i>Primary and secondary criteria:</i> D3C4 is a primary criterion.</p> <p><i>Application rules:</i></p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
		This criterion <del>does not form part of the assessment for Descriptor 3, but</del> should contribute to the assessments of the corresponding species under Descriptor 1.

Physical disturbance or damage to the seafloor, including effects on benthic communities, as a result of fishing activities, are addressed by the criteria under Descriptor 6 (particularly D6C1, ~~D6C2~~ and D6C2~~3~~) and are to be fed into the assessments of each broad habitat type under Descriptors 1 and 6.

*Specifications and standardised methods for monitoring and assessment*

1. Methods for monitoring under Descriptor 3 shall be the ones established under Council Regulation (EC) No 199/2008.
2. The following methods for assessment shall be used:
  - 2.1. For D3C1, if quantitative assessments yielding values for Fishing mortality (F) are not available due to inadequacies in the available data, the ratio between catch and biomass index ('catch/biomass ratio') can be used as an alternative method.  
For assessment purposes an appropriate method for trend analysis can be adopted (e.g. the current value can be compared against the long-term historical average).
  - 2.2. For D3C2, if quantitative assessments yielding values for Spawning Stock Biomass (SSB) are not available due to inadequacies in the available data, biomass indices can be used as an alternative method.  
For assessment purposes an appropriate method for trend analysis needs to be adopted (e.g. the current value can be compared against the long-term historical average).
  - 2.3. D3C3 should reflect that healthy stocks of ~~many~~ species are characterized by a high proportion of old, large individuals. The relevant properties are the following:
    - (a) Size distribution of individuals in the population, expressed as i) Proportion of fish larger than mean size of first sexual maturation or ii) 95<sup>th</sup> percentile of the fish-length distribution observed in research vessel surveys.

- (b) Selectivity pattern of the fishery exploiting the species, expressed as i) Length (or age depending on data availability) at first capture (length/age at which 50% of individuals in the population are vulnerable to/retained by the gear) or ii) Proportion of individuals across all species in the catch larger than the size at which 50% are mature or iii) Mean length of individuals across all species in the catch.
  - (c) Genetic effects of exploitation of the species, expressed as i) Size at first sexual maturation or ii) Length at which half of the (female) population are mature (50% of total length - TL50).
- 2.4. For D3C4, data should be provided per species per fishing metier for each ICES or GFCM reporting area, to enable its aggregation to the relevant scale for the species concerned, and to identify the particular fisheries and fishing gear most contributing to incidental catches for each species.

Units of measurement for the criteria:

– D3C2 in tonnes per species

**Descriptor 6 – Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.**

Related pressures: Physical loss (due to) ~~Change of seabed substrate or morphology (physical loss); and~~ Extraction of seabed substrate) ~~(physical loss)~~; Disturbance or damage to seabed

Criteria, including criteria elements, Elements for assessment, criteria and methodological standards for assessment of physical disturbance or damage

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Seabed (including intertidal areas)	D6C1 Spatial extent of physical disturbance or damage to the sea-floor.	<p><i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> D6C1 is a primary criterion.</p> <p><i>Application rules:</i> No reference level for the criterion is set; as, the extent of physical disturbance or damage shall be used to assess the extent of impact under <del>D6C2</del>, D6C<u>23</u> and <del>D6C4</del>.</p>
<p><del>Species of birds, mammals, reptiles, fish and cephalopods.</del></p> <p><del>Member States shall establish at regional or subregional level a list of relevant species, based on risk to their habitat from physical disturbance or damage</del></p>	<p><del>D6C2 Spatial extent of sea-floor habitat of the species which is adversely affected, in particular the functions provided (e.g. spawning, breeding and feeding areas and migration routes), by physical disturbance or damage pressures.</del></p>	<p><del><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</del></p> <p><del><i>Primary and secondary criteria:</i> D6C2 is a secondary criterion, to be used where the status of the species is threatened.</del></p> <p><del><i>Application rules:</i> No reference level is set, as this criterion shall contribute to the assessment of criterion D1C4, where a reference level is set for the habitat of the corresponding</del></p>

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
		<del>species under Descriptor 1.</del>
Benthic broad habitats types, as used for Descriptor 1 (see list in Table 2, Part B of this Decision).	<p>D6C32 Spatial extent of the habitat which is adversely affected through change in its structure and function (species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function), by physical disturbance or damage pressures. Member States shall establish, at regional or subregional level, <del>reference level</del><u>threshold values</u> for representative subtypes of each broad habitat <del>at the appropriate biogeographical scale</del>, which are <del>consistent aligned</del> with benthic <del>biological</del> <u>Quality element</u> <del>QE</del> values under Directive 2000/60/EC, for assessment of adverse effects.</p> <p><del>D6C4 The size and age structure of specified species of the benthic broad habitat reflect that of a (near) natural habitat in the absence of physical disturbance or damage.</del></p> <p><del>Member States shall establish, at regional or subregional level, reference levels for selected species of the relevant broad habitat types where age/size structure is at particular risk due to physical disturbance pressures or associated fishing activity.</del></p>	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i></p> <p>D6C32 is a primary criterion; <del>D6C4 is a secondary criterion, to be used where the physical disturbance pressure or associated human activities (e.g. fishing) is likely to affect the size/age structure of key species in the habitat.</del></p> <p><i>Application rules:</i></p> <p>The outcomes of assessment of criterion D6C32 <del>(and where relevant D6C4) (extent of impact)</del> shall <del>should</del> contribute to the assessments of habitat types under Descriptors 1 <del>and 6</del>.</p>

Criteria, including criteria elements~~Elements for assessment, criteria~~ and methodological standards for assessment of physical loss (due to change of seabed substrate or morphology and extraction of seabed substrate)

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
---	---	--------------------------

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
Seabed (including intertidal areas)	D6C53 <del>Cumulative</del> Spatial extent of physical loss of <del>or change to</del> natural seabed habitat.	<i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6. <i>Primary and secondary criteria:</i> D6C35 and D6C6 are <u>is a</u> primary criteria. <i>Application rules:</i>
<del>Benthic broad habitats types, as used for Descriptor 1 (see list under Table 2, Part B of this Decision)</del>	<del>D6C6 Extent of each broad habitat type physically lost or changed due to human activities.</del>	No reference level is set <del>for</del> <u>for</u> criterion D6C53 <del>but the extent of loss (pressure) from criterion D6C5 shall be used to assess the extent of impact under D6C6.</del>  No reference level is set for criterion D6C6 as the outcome shall contribute to the assessment of habitat types under Descriptors 1 and 6, where a reference level is set for loss of habitat.

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

Regarding methods for monitoring:

- for D6C1, all relevant disturbances from different human activities shall be assessed (such as bottom-trawling fishing),
- for D6C53 ~~and D6C6~~, all relevant modifications from different human activities shall be assessed (including changes to natural seabed substrate or morphology via physical restructuring, infrastructure developments and loss of substrate via extraction of the seabed materials).

~~The area disturbed/damaged or lost shall be expressed in km<sup>2</sup> or km<sup>2</sup> per habitat type, as appropriate.~~

For coastal waters, data on hydromorphological modifications (mapping of alterations) in each water body should be derived from Directive 2000/60/EC. Beyond coastal waters, data can be collated from mapping of infrastructure and licenced extraction sites.



Regarding methods for assessment, the data shall be aggregated so that:

- ~~1. D6C2 is assessed in relation to total natural extent of the habitat of the species in the assessment area.~~
1. D6C~~3~~2 is assessed in relation to total natural extent of each broad habitat type assessed under Descriptor 1, in the assessment area.
2. D6C~~5~~3 is assessed as area lost in relation to total natural extent of all ~~natural~~ habitats -in the assessment area (e.g. by extent of anthropogenic modification).
- ~~3. D6C6 is assessed as proportion of total natural extent of each broad habitat type in the assessment area.~~

Units of measurement for the criteria:

- ~~- D6C1: The area disturbed or damaged shall be expressed in square kilometres.~~
- ~~- D6C2: The area disturbed or damaged shall be expressed in square kilometres per habitat type.~~
- ~~- D6C3: The area lost shall be expressed in square kilometres.~~

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

Related pressures: Physical loss (due to) ~~Change of seabed substrate or morphology (physical loss);~~ Extraction of seabed substrate (physical loss);  
Changes to hydrological conditions

Criteria, including criteria elements, Elements for assessment, criteria and methodological standards

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
<del>Species of bird, mammals, reptiles, fish and cephalopods.</del> <del>Member States shall establish at regional or subregional level, a list of relevant species, based on risk to their habitat from alterations in hydrographical conditions</del> <u>Seabed (including intertidal areas)</u>	D7C1: <u>Spatial extent of area</u> <del>Cumulative extent of habitat of the specified species which is adversely affected, in particular the functions provided (e.g. spawning, breeding and feeding areas and migration routes);</del> due to permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature, oxygen) associated with relevant physical losses <del>to</del> <u>of</u> the seabed.	<p><i>Scale of assessment:</i> As used for assessment of the <del>corresponding species</del><u>broad habitat types</u> under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> D7C1 is a secondary criterion, to be used where the permanent alterations in hydrographical conditions are likely to put the <u>species-broad habitat types</u> at risk.</p> <p><i>Application rules:</i> This criterion should contribute to the assessment of <u>D7C2-habitat for the species under Descriptor 1, where reference levels are set.</u></p>
Benthic broad habitats types, as used for Descriptor 1 (see list under Table 2, Part B of this Decision)	D7C2: <del>Cumulative</del> <u>Spatial</u> extent of each benthic broad habitat type <del>which has been</del> adversely affected (physical and hydrological characteristics and associated biological communities) due to permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature, oxygen) associated with relevant physical losses <del>to</del> <u>of</u> the seabed.	<p><i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> <del>D6</del><u>7</u>C2 is a secondary criterion, to be used where the extent of permanent alterations in hydrographical conditions is likely to put the habitat at risk.</p> <p><i>Application rules:</i></p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
		This criterion should contribute to the assessment of benthic habitats under Descriptors 1 and 6, where <u>reference level</u> <u>threshold values</u> are set.

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

Regarding methods for monitoring:

1. Monitoring should focus on changes associated with infrastructure developments, either on the coast or offshore.
2. Standard EIA hydrodynamic models should be used to assess the extent of effects from each infrastructure development, validated with ground-truth measurements.
3. For coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC should be used.

Regarding methods for assessment, the data shall be aggregated so that:

1. D7C1 is assessed in relation to total natural extent of all habitats in the assessment area.
2. D7C2 is assessed in relation to total natural extent of each broad habitat type assessed under Descriptor 1, in the assessment area.

Units of measurement for the criteria:

- Criteria D7C1: in square kilometres
- and D7C2: should be reported in km<sup>2</sup>-square kilometres per habitat type of habitat which is adversely affected.

**PART B – CRITERIA AND METHODOLOGICAL STANDARDS RELATING TO THE ASSESSMENT OF ESSENTIAL FEATURES AND CHARACTERISTICS AND CURRENT ENVIRONMENTAL STATUS OF MARINE WATERS UNDER POINT (A) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

The following criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment under Article 11(4) of Directive 2008/56/EC, shall be used by Member States to assess the extent to which good environmental status is being achieved, in relation to the assessment of ecosystem state characteristics under point (a) of Article 8(1) of that Directive and will contribute to the assessment of the following descriptors, under Annex I of that Directive:

- Descriptor 1 – Biological diversity is maintained. The quality and occurrence of habitats and the distribution and abundance of species are in line with prevailing physiographic, geographic and climatic conditions.
- Descriptor 4 – All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity.
- Descriptor 6 – Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.

Criteria D2C3, ~~D3C1~~, D3C2, D3C3, ~~D3C4~~, D5C2, D5C3, D5C4, D5C5, D5C6, D5C7, D5C8, D5C9, ~~D6C2~~, ~~D6C3~~, ~~D6C4~~, ~~D6C6~~, ~~D7C1~~, D7C2, D8C2, and D8C4 should contribute to the assessment of habitats under Descriptors 1 and 6, by providing information on the impact of pressures.

Criteria D2C3, D3C1, D3C2, D3C3, D3C4, D8C2, D8C4 and D10C4 should contribute to the assessment of species under Descriptor 1, by providing information on the impact of pressures.

The relevant criteria are presented in the following order of ecosystem components: birds, mammals, reptiles, fish and cephalopods (Descriptor 1), pelagic and benthic habitats (Descriptors 1 and 6) and ecosystems, including food-webs (Descriptors 1 and 4), as listed in Annex III of Directive 2008/56/EC.

**Birds, mammals, reptiles, fish and cephalopods**

Theme: ~~Highly mobile species~~ Species groups of marine birds, mammals, reptiles, fish and cephalopods

Criteria, including criteria elements, Elements for assessment, criteria and methodological standards

<u>Criteria elements</u> Elements for assessment	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
---	--	--------------------------

Criteria elements Elements for assessment	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
<p>Species groups, as listed under Table 1 and if present in the region or subregion. Member States shall establish, at regional or subregional level, a set of species representative for each species group selected according to the criteria laid down under ‘specifications’.</p> <p>These species may be drawn from those assessed under Union legislation (Directive 92/43/EEC, Directive 2009/147/EC or Regulation (EU) No 1380/2013) or international agreements, such as Regional Sea Conventions, or other sources.</p>	<p>D1C1: Species distributional range and, where relevant, pattern is in line with natural physiographic, geographic and climatic conditions.</p> <p>Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> for each species, consistent with the Favourable Reference Range values established by the relevant Member States under Directive 92/43/EEC.</p>	<p><i>Scales of assessment:</i></p> <p>Ecologically-relevant scales for each species group shall be used, as follows:</p> <ul style="list-style-type: none"> <li>– For deep-diving toothed cetaceans, baleen whales, deep-sea fish: Region</li> <li>– For birds, small toothed cetaceans, seals, turtles, pelagic and demersal shelf fish, cephalopods: Region for Baltic and Black Seas; subregion for North-East Atlantic and Mediterranean Sea</li> <li>– For coastal fish: Subdivision of region or subregion</li> </ul> <p><i>Primary and secondary criteria:</i></p> <ul style="list-style-type: none"> <li>– All criteria are primary for species covered by <a href="#">Annex III of Directive 92/43/EEC</a></li> <li>– For birds criteria D1C1 and D1C2 are primary;</li> <li>– For commercially-exploited fish and cephalopods, criteria D1C2 and D1C3 are primary;</li> <li>– For other species D1C2 is a primary criterion;</li> <li>– The remaining criteria are</li> </ul>
	<p>D1C2: Population size (abundance and/or biomass) of the species is not significantly altered due to anthropogenic pressures, such that its long-term viability is ensured.</p> <p>Member States shall establish, at regional or subregional level, reference levels for each species, consistent with the Favourable Reference Population values established by the relevant Member States under Directive 92/43/EEC, taking account of natural variation in population size <u>and the level of mortality derived from D3C4, D8C4 and D10C3 and other relevant pressures</u>.</p>	
	<p>D1C3: Population demographic characteristics (<u>e.g. body size or age class structure, sex ratio, fecundity rates, survival / mortality rates</u>) of the species are indicative of a natural population which is not significantly altered due to anthropogenic pressures.</p> <p>Member States shall establish, at regional or subregional level, reference levels for each species.</p>	
	<p>D1C4: The habitat for the species has the necessary extent and condition</p>	

Criteria elements Elements for assessment	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
	<p>to support the different stages in the life history of the species.</p> <p>Member States shall establish, at regional or subregional level, <del>reference level</del><u>threshold values</u> for each species.</p>	<p>secondary and should be used where there is a possibility the species <del>are at risk</del><u>may fail the criterion in relation to these criteria</u> due to anthropogenic pressures.</p> <p><i>Application rules:</i></p> <p>The status of each species shall be assessed individually, drawing wherever possible from assessments under <u>Directive 92/43/EEC, Directive 2009/147/EC or Regulation (EU) No 1380/2013</u><del>other Union legislation or international agreements</del>:</p> <p>For birds, criteria D1C1 and D1C2 <del>are equivalent</del><u>correspond</u> to the ‘breeding distribution map and range’ and ‘population size’ criteria of Directive 2009/147/EC.</p> <p>For mammals, reptiles and non-commercial fish, criteria D1C1, D1C2, <del>D1C3</del> and D1C4 <del>are equivalent</del><u>correspond</u> to the ‘range’, ‘population’ and ‘habitat for the species’ criteria of Directive 92/43/EEC.</p> <p>For commercially-exploited fish and cephalopods, criteria D1C2 and D1C3 <del>are equivalent</del><u>correspond</u> to criteria D3C2 and D3C3; assessments under D3 should be used for D1 purposes.</p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
		<p><del>For a</del>All species <u>in a species groups</u>, the species is in good status when the criteria used <u>shall</u> achieve the <del>reference level</del><u>threshold values</u> set.</p> <p>Good environmental status shall be assessed for each species group, according to the status assessments of all the component species selected as representative of the group. Where agreed Union level rules are not available, all species within the group shall achieve good status for the group as a whole to be considered at GES.</p>

Elements for assessmentCriteria elements

Table 1 – Species groups

Ecosystem component	Species groups
<b>Birds</b>	Grazing birds
	Wading birds
	Surface-feeding birds
	Pelagic-feeding birds
	Benthic-feeding birds

Ecosystem component	Species groups
<b>Mammals</b>	Small toothed cetaceans
	Deep-diving toothed cetaceans
	Baleen whales
	Seals
<b>Reptiles</b>	Turtles
<b>Fish</b>	Coastal fish <sup>7</sup>
	Pelagic shelf fish
	Demersal shelf fish
	Deep-sea fish
<b>Cephalopods</b>	Coastal/shelf cephalopods
	Deep-sea cephalopods

*Specifications and standardised methods for monitoring and assessment*

*[To be added]*

## **Pelagic and benthic habitats**

Theme: Pelagic and benthic habitats

<sup>7</sup> Coastal fish and habitats are not confined to coastal waters, but are ecologically defined.



*Criteria, including criteria elements, ~~Elements for assessment~~, ~~criteria~~ and methodological standards*

<b><u>Criteria elements</u><del>Elements for assessment</del></b>	<b>Criteria, including <del>reference levels</del><u>threshold values</u> where they exist</b>	<b>Methodological standards</b>
<p>Broad habitat types as listed in Table 2 and if present in the region or subregion.</p> <p><u>Member States shall further define, at regional or subregional level, habitat types, selected according to the criteria laid down under ‘specifications’, of each broad habitat type.</u></p> <p><u>These may include habitat types assessed under Directive 92/43/EEC or international agreements. Their assessment should be supported by the assessment, particularly of habitat condition, of a set of more finely defined habitat types (e.g. EUNIS level 4 or 5 types, or types from Habitats Directive or international agreements) selected according to the criteria laid down under ‘specifications’.</u></p>	<p>D1C5: <del>The extent, and where relevant distribution, of the habitat is not significantly altered due to anthropogenic pressures.</del></p> <p>The loss of extent of the habitat type, resulting from anthropogenic pressures, does not exceed 5% of the natural extent of the habitat in the assessment area. In cases where the loss exceeded this value in the <u>baseline reference</u> year used for the Initial Assessment in 2012, there shall be no further loss of the habitat type.</p>	<p><i>Scales of assessment:</i></p> <p><del>Ecologically relevant scales for each broad habitat type shall be used, as follows:</del> <u>Subdivision of region or subregion, reflecting biogeographic changes in species composition of the habitat at community level.</u></p> <p><i>Primary and secondary criteria:</i></p> <p>D1C5 and D1C6 are primary criteria, excepting D1C5 is not used for pelagic habitats.</p> <p><i>Application rules:</i></p> <p><u>The status of each habitat shall be assessed using w</u><del>Wherever possible, assessments (such as of sub-types of the broad habitat types) under Directive 92/43/EEC other Union legislation or international agreements should be used to support these assessments.</del></p> <p>Criteria D1C5 and D1C6 <u>are equivalent</u><del>correspond</del> to the ‘range/area covered by habitat type within range’ and ‘specific structures and functions’ criteria of Directive 92/43/EEC.</p> <p><u>Criterion D1C5 should use the assessment</u></p>
	<p>D1C6: The <u>spatial extent of impacts from anthropogenic pressures on the condition of the habitat, including its biotic (typical species composition and their relative abundance) and abiotic structure, and its functions, is not significantly altered due to anthropogenic pressures over at least does not exceed 30%</u><sup>8</sup> of its natural extent in the assessment area. <del>This proportion shall include any loss of natural extent, as assessed under criterion D1C5.</del></p>	

<sup>8</sup> From IUCN guidelines on ecosystem assessments

Criteria elements Elements for assessment	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
		<p>made under D6C3.</p> <p><u>For pelagic habitats, assessments should, in particular, take into account the assessments under D2C3, D5C2, D5C3, D5C4, D5C5, D8C2 and D8C4. For pelagic habitats, the assessments fulfil the needs for assessment under Descriptor 1.</u></p> <p><u>For benthic habitats, assessments should, in particular, take into account the assessments under D2C3, D3C2, D3C3, D5C6, D5C7, D5C8, D5C9, D6C2, D7C2, D8C2 and D8C4. For benthic habitats, the assessments fulfil the needs for assessment under Descriptors 1 and 6.</u></p> <p><u>Both criteria D1C5 and D1C6 shall achieve the threshold values set. For pelagic habitats, assessments should, in particular, take into account the assessments for Descriptor 5 and Descriptor 2.</u></p> <p><u>For benthic habitats, the assessments fulfil the needs for assessment under Descriptors 1 and 6. Both criteria shall achieve the reference levels set. The assessments should, in particular, take into account the assessments for Descriptor 5, Descriptor 2, Descriptor 3 (benthic species) and Descriptors 6 and 7 (physical disturbance, physical loss and associated hydrographical changes).</u></p>

Criteria Elements for assessment

**Table 2 – Broad habitat types (relevant for criteria under Descriptors 1, 6 and 7), which equate to one or more habitat types of the EUNIS classification (2016 version used), as indicated. Updates to the EUNIS typology should be reflected in the broad habitat types used for the purposes of Directive 2008/56/EC and of this Decision.**

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
<b>Benthic habitats</b>	Littoral rock and biogenic reef	[to be completed]
	Littoral sediment	
	Infralittoral rock and biogenic reef	
	Infralittoral coarse sediment	
	Infralittoral sand	
	Infralittoral mud	
	Infralittoral mixed sediment	
	Circalittoral rock and biogenic reef	
	Circalittoral coarse sediment	
	Circalittoral sand	
	Circalittoral mud	
	Circalittoral mixed sediment	
	Upper bathyal <sup>9</sup> rock and biogenic reef	
	Upper bathyal sediment	
	Lower bathyal rock and biogenic reef	
	Lower bathyal sediment	

<sup>9</sup> [The boundary for the upper bathyal could be set as a specified depth limit.](#)

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
Pelagic habitats	Abyssal rock and biogenic reef	
	Abyssal sediment	
	Variable salinity <sup>10</sup>	
	Coastal	
	Shelf	
	Oceanic	

*Specifications and standardised methods for monitoring and assessment*

~~New requirements for monitoring and assessment may be needed for MSFD implementation issues (notably for fish, cephalopods and habitats).~~

Criteria for the selection of species and habitats to be assigned to the species groups and broad habitat types:

(a) ~~Main~~<sup>Primary</sup> scientific criteria (ecological relevance):

- Representative of the ecosystem component (species group or broad habitat type), being relevant for assessment of state/impacts, such as having a key functional role within the component (e.g. high or specific biodiversity, productivity, trophic link, specific resource or service);
- Relevant for assessment of a key anthropogenic pressure to which the ecosystem component is exposed, being sensitive to the pressure and exposed to it (vulnerable) in the assessment area;
- Sufficiently present across the (sub)region: high proportion (extent or occurrence) of the species/ habitat occurs within the assessment area;
- Present in sufficient numbers or extent in the assessment area to be able to construct a suitable indicator for assessment.
- The set of species or habitats selected should cover, as far as possible, the full range of ecological functions of the ecosystem component.

<sup>10</sup> Retained for situations where estuarine plumes extend beyond waters designated as Transitional Waters under Directive 2000/60/EC.

(b) ~~Secondary~~ Additional practical criteria (which shall not override the ~~primary~~ main set of scientific criteria):

- Monitoring/technical feasibility
- Monitoring costs
- Reliable time series

The representative set of species and habitats to be assessed are likely to be (sub)regionally specific, although certain species may occur in several subregions. ~~The more species/habitats that will be included in each group, the greater the confidence in the assessment.~~

For monitoring of D1C6, for benthic habitats, the proportion of spatial extent of impacts from anthropogenic pressures shall include any loss of natural extent, as assessed under criterion D1C5 for benthic habitats.

## Ecosystems, including food webs

Theme: Ecosystems

~~Criteria, including criteria elements, Elements for assessment, criteria~~ and methodological standards

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
Trophic guilds of an ecosystem. Member States shall agree at regional or subregional level on at least three trophic guilds to assess, two of which shall be non-fish trophic guilds. These should take into account the ICES list of trophic guilds <sup>11</sup> .	D4C1: Abundance <del>or/</del> biomass of trophic guilds is not <del>significantly altered</del> <u>adversely affected</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	<i>Scale of assessment:</i> Regional level for Baltic Sea and Black Sea; subregional level for <u>North-East</u> Atlantic and Mediterranean Sea, distinguishing coastal, shelf and oceanic/deep-sea ecosystems, as appropriate.
	D4C2: Size distribution <del>[per species]</del> within trophic guilds is not <del>adversely affected</del> <u>significantly altered</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	

<sup>11</sup> ICES Advice (2015) Book 1, ICES special request advice, published 20 March 2015.

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
	D4C3: Species composition and their relative abundance (diversity) within the trophic guild are not <del>adversely affected</del> <u>significantly altered</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	<i>Primary and secondary criteria:</i> Criteria D4C1 and D4C3 are primary criteria. Criterion <del>DC</del> 4C2 is a secondary criterion, to be used for trophic guilds in which size distribution may be significantly affected by anthropogenic pressures. Criterion <del>DC</del> 4C4 is a secondary criterion <del>which should to</del> be used in support of criterion <del>DC</del> 4C1, <u>where necessary</u> . <i>Application rules:</i> For all criteria used, the reference levels set shall be achieved.
	D4C4: Productivity of trophic guilds is not <del>adversely affected</del> <u>significantly altered</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	

*Specifications and standardised methods for monitoring and assessment*

[To be added]

Member States shall monitor whether, for each criterion, the values fall within the threshold values set.

## **PART C - SPATIAL ASPECTS OF ~~ASSESSMENT~~ ASSESSING THE EXTENT TO WHICH OF GOOD ENVIRONMENTAL STATUS IS ACHIEVED**

~~The achievement of good environmental status under Article 1(1) of Directive 2008/56/EC needs to address both the quality to be achieved at any given location in the marine waters of Member States and the spatial extent over which such quality levels are to be achieved within each region or subregion. This spatial aspect is reflected in Article 1(2) and 1(3) of that Directive, and indicates that some locations may not achieve the quality levels set, particularly to allow for certain sustainable uses of the marine waters, provided the collective pressure of human activities is kept within levels compatible with the achievement of good environmental status and the capacity of marine ecosystems to respond to human-induced changes is not compromised.~~

For the predominant pressures and impacts to be assessed under point (b) of Article 8(1) of Directive 2008/56/EC, the criteria provided in Part A of this Annex set reference level threshold values (or provide for these to be set by Member States within each region or subregion) in relation to the intensity of a pressure that is considered to be compatible with (or not preventing) the achievement of good environmental status~~quality to be achieved~~ at any given ~~location~~ area in the marine waters of Member States.

In order to assess the extent to which GES-good environmental status is being achieved in each region and subregion, as required under Article 9(3) of Directive 2008/56/EC, the following are needed:

- (a) the spatial distribution and extent of the predominant pressures and impacts addressed in the criteria under Descriptors 2 (excepting criterion D2C1), 5, 6, 7, 8, 10 (excepting ~~D10C3 and D10C34~~) and 11 ~~need to~~shall be assessed;
- (b) the spatial extent of impacts assessed in criteria under Descriptors 2, 3 (for benthic species), 5, 6 and 7 (and if appropriate Descriptors 8, 9, 10 and 11) should be used when assessing the extent of habitat in good condition under Descriptors 1 and 6;
- (c) when ~~reporting on the updates of~~reviewing their initial assessments and their determination of good environmental status according to point (a) of Article 17(2) of Directive 2008/56/EC, Member States shall ~~assess report~~ the extent to which the reference level threshold values have been achieved for each criterion used, per assessment element where relevant, as a proportion (%) of the total extent of the element in the assessment area.

## MSFD draft Decision and Annex III - comments

Documents for comment	
Document number	CTTEE_12-2016-03
Document title	Proposal for a Commission Decision on GES Criteria draft v2
Release date	15-02-2016
<p>Please provide comments on both documents in the same tab.</p> <p>Do not repeat comments in different tabs, but enter the comments once.</p> <p>All comments received need to be compiled and sorted according to the format indicated (entries are examples only - add more if needed).</p> <p>In your commenting, please be as clear as possible on whether you support or oppose the text, proposing precise text changes. Alternatively provide any comments or suggestions you may wish to indicate support or otherwise for the text.</p>	
<p><b>ONE consolidated set of comments only (i.e. one per Member State or stakeholder)</b></p> <p><b>To be sent to: ENV-MARINE-ENVIRONM</b></p> <p><b>To be received by: 9 March 2016</b></p>	

<b>Comments</b>
Member State/stakeholder



## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article	Comment
	2	Recital 1	
	2	Recital 3	
	3	Recital 5	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	30-40	General	
	31	Criteria D1C1	
	31-33	Criteria D1C1-D1C4	
	31-33	Methodological standards	

# MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	18-20	General		
	18	Criteria D2C1 Elements		
	19	Criteria D2C3		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	39-41	General	
	39-40	Criteria D4C1-D4C4 Elements	
	40	Criteria D4C3	
	39-40	Methodological standards	
	40	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	24-27	General		
	24	Criteria D6C1 Elements		
	25	Criteria D2C3		
	25	Methodological standards		
	26-27	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	28-29	General	
	28	Criteria D7C1 Elements	
	28	Criteria D7C2	
	28-29	Methodological standards	
	29	Specifications & methods	



## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	11-12	General	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	13-15	General		
	13	Criteria D10C1 Elements		
	13	Criteria D10C3		
	13	Methodological standards		
	14-15	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	16-17	General	
	16	Criteria D11C1 Elements	
	16	Criteria D11C2	
	16	Methodological standards	
	16-17	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Paragraph 1 - Paragraph 2
	40-41	General
	41	Paragraph 1
	41	Paragraph 2(a)

## MSFD draft Decision and Annex III - comments

Comment

## MSFD draft Decision and Annex III - comments

Response

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article - Table 1 - Table 2a - Table 2b	Comment
----------------------------	------	---	---------





## Aktdetaljer

**Akttitel: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi**

**Aktnummer:**

Akt ID: 2763704

Dato: 24-02-2016

Type: Indgående

Original titel: Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi

Dokumenter: [1] Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi.msg  
[2] CTTEE\_12-2016-03\_Proposal for a Commission Decision on GES criteria-V2 D....pdf  
[3] MSFD\_GESDecision\_v2\_AnnexIII\_v3\_comments.xls

Den 1. februar 2017

**Til:** cge@dma.dk (cge@dma.dk), Energistyrelsen (ens@ens.dk), FMN-BJJ Juul Jensen, Bo (bjj@fmn.dk), 'lar@fmn.dk' (lar@fmn.dk), Energistyrelsen (ens@ens.dk), Forsvarsministeriets (fir@mil.dk), Forsvarsministeriets (fir@mil.dk), Energistyrelsen (ens@ens.dk), Energistyrelsen (ens@ens.dk)  
**Fra:** Ditte Mandøe Andreassen (diman@svana.dk)  
**Titel:** Europa-Kommissionens forslag til God Miljøtilstand ifm Havstrategi  
**Sendt:** 24-02-2016 09:11:14  
**Bilag:** CTTEE\_12-2016-03\_Proposal for a Commission Decision on GES criteria-V2 D....pdf;  
MSFD\_GESDecision\_v2\_AnnexIII\_v3\_comments.xls;

Til Søfartsstyrelsen, Energistyrelsen, og Forsvarsministeriet.

Hermed sender jeg et udkast til EU-Kommissionens forslag til revideret beslutning om kriterier for God Miljøtilstand (GES) i havmiljøet, jf. havstrategidirektivet. Dokumentet kommer til at sætte rammerne for, hvordan medlemslandene fremover skal fastsætte god miljøtilstand i havmiljøet og hvad der skal overvåges, for at kunne vurdere, om god miljøtilstand er opnået. Beslutningen skal erstatte en eksisterende beslutning fra 2010 og er på mange måder en skærpelse af den nuværende beslutning.

Hvis I skulle have nogen bemærkninger, skal jeg modtage dem senest **fredag den 4. marts 2016**. De SKAL indskrives på engelsk i vedlagte excel-ark, hvor EU-Kommissionen på forhånd har angivet sidetal mv. (bemærk der er et ark til hver enkelt deskriptor samt til generelle bemærkninger). Kommentarerne skal indskrives i en form, der umiddelbart kan sendes til EU-Kommissionen. Evt. tilhørende forklaringer til NST kan skrives i en mail. Bemærk, at KOM lægger vægt på, at vi i kommentarerne forklarer baggrunden for vores synspunkter.

- Forsvarsministeriet bedes kommentere på:
  - Deskriptor 8 om forurenende stoffer - uheld/beredskab (kriterie D8C3 + D8C4 på side 8-9 samt specifikationer for overvågning under skemaet på side 9-10). Forsvaret bedes bl.a. tage stilling til, om de foreslåede undersøgelser ifm. en akut forureningshændelse bliver foretaget i dag og hvis ikke, hvad man så forventer, at sådanne undersøgelser ville koste og hvem der skulle betale. Der bør også tages stilling til, hvorvidt rapportering under EMSA er dækkende for de oplysninger der ønskes.
  - Evt. deskriptor 11 om undervandsstøj (side 16-17)
- Søfartsstyrelsen kan have interesse i at kommentere på grænseværdier/indikatorer under
  - deskriptor 8 om forurenende stoffer (side 7-10)
  - deskriptor 10 om marint affald (side 13-15)
  - deskriptor 11 om undervandsstøj (side 16-17)
  - deskriptor 2 om invasive arter (side 18-20).
- Energistyrelsen kan have interesse i at kommentere på grænseværdier/indikatorer under
  - deskriptor 11 om undervandsstøj (side 16-17)
  - deskriptor 6 om havbundens integritet (side 24-27 samt kriterie D1C5 + D1C6 på side 35)
  - deskriptor 7 om hydrografi (side 28-29).

Forslaget behandles i EU's forskriftskomite (Regulatory Committee) under havstrategidirektivet, hvor der forventes at være vejledende afstemning i juni måned 2016. Det er i sidste ende EU-Kommissionen selv, der vedtager dokumentet. Miljø- og Fødevareministeriet vil senere i processen forberede en formel regeringsproces med udarbejdelse af rammenotat mv., hvor ministerierne vil blive formelt inddraget via vores departement.

Hvis I har nogen spørgsmål, ringer eller skriver I bare.

Venlig hilsen

**Ditte Mandøe Andreassen**  
Fuldmægtig | Naturbeskyttelse  
+45 93 58 81 24 | diman@nst.dk

**Miljø- og Fødevareministeriet**  
Naturstyrelsen | Haraldsgade 53 | 2100 København Ø | Tlf. +45 72 54 30 00 | [nst@nst.dk](mailto:nst@nst.dk) | [www.naturstyrelsen.dk](http://www.naturstyrelsen.dk)



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

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

**(MARINE STRATEGY COMMITTEE)**

**TUESDAY 1 MARCH 2016 (10:00 – 18:00)**

**AND WEDNESDAY 2 MARCH 2016 (09:30-17:30)**

**Conference Centre Albert Borschette (CCAB) - Room 1B and 0B  
36, Rue Froissart - B-1040 Brussels**

Agenda Item:	4
Document:	CTTEE_12-2016-03
Title:	Proposal for a Commission Decision on GES Criteria_draft v2
Prepared by:	European Commission
Date prepared:	15/02/2016
Background	<p>This paper provides a second draft version of a proposal for a Commission Decision laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU. It is based on the comments made by Member States during the Committee meeting of 27 January 2016 and received by email subsequently.</p> <p>Please note that this draft:</p> <ol style="list-style-type: none"> <li>has not yet undergone the Commission's internal consultation and could therefore be subject to further changes.</li> <li>is not for circulation outside the Regulatory Committee.</li> <li>even though it will be one legal text, has to be presented in two different sections (which have been copy-pasted one after the other below): <ul style="list-style-type: none"> <li>- the proposal for a Commission Decision containing the Recitals and Articles</li> <li>- the proposal for an Annex to the Commission Decision, containing the actual criteria, methodological standards, specifications and standardised methods.</li> </ul> </li> </ol>

**The MSFD Committee is invited to:**

- Discuss the attached draft;
- Provide comments on this draft by **9 March 2016**



EUROPEAN  
COMMISSION

Brussels, **XXX**  
[...] (2015) **XXX** draft

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

**of **XXX****

**laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU**

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

of **XXX**

**laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)<sup>1</sup>, and in particular Article 9(3) and 11(4) thereof,

Whereas:

- (1) [Recital on legal basis / comitology procedure] Directive 2008/56/EC provides in its Article 9(3) for criteria and methodological standards to be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3) of that Directive. It also provides in its Article 11(4) for the adoption of specifications and standardised methods for monitoring and assessment, in accordance with the same procedure.
- (2) [Recital on Commission Decision 2010/477/EU] Decision 2010/477/EU<sup>2</sup> provided criteria for "good environmental status", thus setting the basis for Member States to establish their determinations of good environmental status and to guide their assessments of current environmental status in 2012.
- (3) [Recital on necessity to revise the 2010 Decision] Decision 2010/477/EU acknowledged that additional scientific and technical progress was required to support the development or revision of these criteria for some qualitative descriptors, as well as further development of methodological standards in close coordination with the establishment of monitoring programmes. In addition, that Decision provided in its Recital 4 that its revision should be carried out in time to support a successful update of marine strategies that are due by 2018, pursuant to Article 17 of Directive 2008/56/EC.
- (4) [Recital n°1 on problems with existing good environmental status decision revealed by 1<sup>st</sup> cycle] In 2012, Member States reported under Articles 9(2) and 10(2) of Directive 2008/56/EC on the initial assessment of their marine waters, the determination of good environmental status and their environmental targets. The Commission's assessment<sup>3</sup> of these Member State's reports highlighted that more efforts were urgently needed if Member States and the Union are to reach good environmental status by 2020. The

<sup>1</sup> OJ L 164, 25.2.2008, p. 19.

<sup>2</sup> Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine water (OJ L 232, 2.9.2010, p. 14).

<sup>3</sup> Report from the Commission to the Council and the European Parliament - The first phase of implementation of the Marine Strategy Framework Directive (2008/56/EC) - The European Commission's assessment and guidance (COM(2014)097 final, 20.2.2014)

results showed the necessity to ensure the determinations of good environmental status in a ~~quantifiable-comparable~~ and consistent way between Member States and across the Union. In addition, the assessment recognised that regional cooperation must be at the very heart of the implementation of Directive 2008/56/EC and influence national implementation processes, rather than the other way around. It also emphasized the need for Member States to more systematically build upon existing Union legislation or, where relevant, standards set by Regional Sea Conventions or other international agreements.

- (5) **[Recital concluding on 2014 Commission's assessment – common recital to good environmental status decision and revised Annex III]** To ensure that the second cycle of implementation contributes to the achievement of Directive 2008/56/EC's objectives and yields more consistent determinations of good environmental status, the Commission therefore recommended in its report on the first phase of implementation that, at Union level, the Commission services and Member States collaborate to "revise, strengthen and improve Decision 2010/477/EU by 2015, aiming at a clearer, simpler, more concise, more coherent and comparable set of good environmental status criteria and methodological standards" and "review Annex III of the Marine Strategy Framework Directive, and if necessary revise, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle".
- (6) **[Recital on the review process]** On the basis of these conclusions, the review process started in 2013 when a roadmap for a review, consisting of several phases (technical and scientific, consultation, and decision-making), was endorsed by the Committee established under Article 25(1) of Directive 2008/56/EC (hereafter "Regulatory Committee"). During this process, the Commission consulted all interested parties, including Regional Sea Conventions [, and an open public consultation was carried out on this Decision]. The Regulatory Committee was also duly consulted throughout the process, [informed of the results of the public consultation] and re-confirmed the need for a revision of Decision 2010/477/EU at its meeting of 5 May 2015.
- (7) **[Recital on objectives of the new Decision]** This Decision is therefore expected to facilitate future updates of the initial assessment of Member States' marine waters and their determination of good environmental status, by clarifying, revising or introducing criteria, methodological standards, specifications and standardised methods to be used by Member States, thereby ensuring greater coherence in implementation of Directive 2008/56/EC between Member States and across the Union. In accordance with the commitment taken by the European Commission when adopting its Better regulation package<sup>4</sup>, this Decision ensures coherence with other Union legislation.
- (8) **[Recital on criteria and methodological standards]** This Decision should therefore set out criteria and methodological standards, for each of the qualitative descriptors listed in Annex I to Directive 2008/56/EC, on the basis of Annex III of that Directive. For each descriptor, this Decision should define the ~~elements for assessment and the criteria~~ including the elements to be used, and, where available [and applicable], the reference level/threshold values, that allow a quantitative assessment of whether good environmental status is achieved. In several cases, this Decision should enable Member States to establish these threshold values at regional or subregional level, for instance by referring to existing values or developing new ones. This Decision should

<sup>4</sup>

COM(2015) 215 final

also set out the methodological standards, including the geographical scales for assessment and application rules for the criteria, to ensure that Member States' updates of their determinations of good environmental status and initial assessments of marine waters, carried out in accordance with Article 17 of Directive 2008/56/EC, are consistent, allowing for comparison between marine regions or subregions of the extent to which good environmental status is being achieved.

- (9) **[Recital on specifications and standardised methods]** Specifications and standardised methods for monitoring and assessment should take into account existing specifications and standards at Union level and ensure comparability between monitoring and assessment results. When such specifications and standardised methods are not included in this Decision, Member States should endeavour to use available Union or international guidance. This is for instance the case for guidance developed the qualitative descriptor (11) of Annex I to Directive 2008/56/EC, for which a sub-group of experts on underwater noise has developed, in the framework of the Common Implementation Strategy established between Member States and the European Commission, "Monitoring guidance for underwater noise in European Seas".
- (10) **[Relationship between MSFD and other EU legislation]** To facilitate Member States implementation of Directive 2008/56/EC and ensure greater consistency and comparability at Union level of their~~To make the~~ determinations of good environmental status ~~more effective~~, this Decision should ~~take into account~~refer to existing quality standards and methods of assessment and monitoring from Union legislation, such as Directive 2000/60/EC of the European Parliament and of the Council<sup>5</sup> (the 'Water Framework Directive') and Commission Decision 2013/480/EU<sup>6</sup>, Directive 2008/105/EC of the European Parliament and of the Council<sup>7</sup>, Commission Regulation (EC) No 1881/2006<sup>8</sup>, Council Directive 92/43/EEC<sup>9</sup>, Directive 2009/147/EC of the European Parliament and of the Council<sup>10</sup>, Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>11</sup> and Council Regulation (EC) No 1967/2006<sup>12</sup>. ~~Such cross-references should not only facilitate~~

<sup>5</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

<sup>6</sup> Commission Decision 2013/480/EU of 20 September 2013 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Decision 2008/915/EC (OJ L 266, 8.10.2013, p. 1).

<sup>7</sup> Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently replacing Council Directive 87/176/EEC, 3/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84.)

<sup>8</sup> Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

<sup>9</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

<sup>10</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

<sup>11</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

<sup>12</sup> Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).



~~Member States' assessments under Directive 2008/56/EC by ensuring compatibility with other obligations but should also ensure greater consistency and comparability at Union level.~~

- (11) [Link with RSC and other international mechanisms: Article 3(3)] Where this Decision does not specify details at Union level for criteria, methodological standards, specifications and standardised methods for monitoring and assessment, Member States should endeavour to use those developed at international, regional or subregional level which are directly applicable to marine waters, for instance within the framework of the Regional Sea Conventions, as provided under Article 6 of Directive 2008/56/EC, or other international and regional mechanisms, and inform the Commission thereof as provided for in Article 17(3) of Directive 2008/56/EC.
- (12) [Future work] Additional scientific and technical progress is still required to support the further development of certain criteria, methodological standards, specifications and standardised methods for monitoring and assessment.
- (13) [Linking Article 9 to Art. 8, and Art. 8.1b to 8.1a] The determination of good environmental status and the assessment of progress towards its achievement should be intricately linked. This Decision should be structured to support this linkage, ~~particularly to clearly and~~ organise the ~~descriptors and~~ criteria and methodological standards on the basis of the descriptors laid down in Annex I of Directive 2008/56/EC and on the basis of the ecosystem elements and pressures laid down in Annex III of that Directive. Some of the criteria and methodological standards relate in particular to the needed for assessments of environmental status the ecosystem and its components under point (a) of Article 8(1) of Directive 2008/56/EC, and while other relate those needed for to the assessment of predominant pressures and their impacts under point (b) of that Article. Further, because the assessment of environmental status under point (a) of Article 8(1) should reflect the cumulative pressures and their impacts, the assessments under point (b) of that Article should, as far as possible and necessary, be undertaken first and used to inform the assessments under point (a) of Article 8(1) of Directive 2008/56/EC. This should include ensuring consistency in the ecosystem elements assessed and in the scales of assessment.
- (14) [Trends] When assessing the status of their marine waters in accordance with Article 8 of Directive 2008/56/EC it is helpful for Member States to assess the change in status as improving, stable or deteriorating, in view of the often slow response of the marine environment to change.
- (15) [Flexibility: Article 3(2), risk-based approach and primary criteria] This Decision should allow sufficient flexibility to Member States when determining their good environmental status. This flexibility is underpinned by different concepts in this Decision. First, Member States should be able to consider that some of the criteria are not appropriate, provided this is duly justified. Secondly, a risk-based approach should be introduced in some criteria, by which Member States may decide not to consider certain elements or may focus monitoring on certain matrices, provided this is based on a risk-assessment. so that updates of the initial assessment under Article 8 of Directive 2008/56/EC focus on the predominant pressures in each region or subregion and their environmental impacts on the different ecosystem elements, as addressing such pressures should provide an efficient and effective means to achieve good environmental status. Such flexibility is underpinned in this Decision by the risk-based approach, meaning that certain criteria would not need to be used in the assessment of the marine waters of certain Member States, provided a risk-assessment demonstrates



~~a low risk. Finally, Criteria are further~~ labelled as primary or secondary in this Decision. While primary criteria should be used to ensure consistency across the Union, flexibility is introduced with regard to secondary criteria, which can either ~~be alternativesubstitute or complement primary criteria, or be used where there is a possibility of risk not covered by the primary criteria (if there is a lack of data for primary criteria) or complementary (only performed whenever they are considered relevant).~~

- (16) [Moved from intro Annex Part C] Articles 1(2) and 1(3) of Directive 2008/56/EC acknowledge that Member States' marine strategies must protect and preserve the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected. Therefore, it is recognised that some areas may not achieve the threshold values set for certain criteria, particularly to allow for certain sustainable uses of the marine waters, provided the collective pressure of human activities is kept within levels compatible with the achievement of good environmental status and the capacity of marine ecosystems to respond to human-induced changes is not compromised. It is therefore appropriate that Member States assess the spatial extent over which the threshold values have been achieved in their marine waters, within each region or subregion.
- (17) [Dynamic ecosystems, climate change and recovery to new states] The determination of good environmental status under Article 9(1) of Directive 2008/56/EC, on the basis of this Decision, should accommodate the dynamic nature of marine ecosystems and their elements, which can change in space and time through climatic variation, predator-prey interactions and other environmental factors. These determinations should also reflect the state of marine ecosystems as can be expected under prevailing physiographic, geographic and climatic conditions, as they recover from deteriorated states, rather than states in the past to which they may never return.
- (18) [Review – Moved from former Article 4] It is appropriate that the Commission revises this Decision by 15 July 2023, as part of the review set out in Article 23 of Directive 2008/56/EC. The review should in particular take into account the need to adapt this Decision to the latest scientific and technical knowledge and the experiences of the implementation of this Decision in light of the objective of Directive 2008/56/EC of achieving good environmental status by 2020.
- (19) [Standard recital - Repeal of Decision 2010/477/EU] Decision 2010/477/EU should therefore be repealed.
- (20) [Standard recital] The measures provided for in this Decision are in accordance with the opinion of the Regulatory Committee,

HAS ADOPTED THIS DECISION:

*Article 1*  
*Subject-matter*

This Decision sets out, in its Annex, criteria and methodological standards, on good environmental status for each qualitative descriptor listed in Annex I to Directive 2008/56/EC, in accordance with Article 9(3) of that Directive, and specifications and standardised methods for monitoring and assessment, in accordance with Article 11(4) of that Directive.

## Article 2 Definitions

For the purposes of this Decision, the following definitions shall apply:

- (1) 'criteria' means distinctive technical features that are closely linked to qualitative descriptors, as defined in Article 3(6) of Directive 2008/56/EC.
  - (a) 'primary criteria' shall be used by Member States ~~in all cases~~ in accordance with Article 3(2), except where it is specified in the Annex to this Decision that such criteria may be replaced by a secondary criterion;
  - (b) 'secondary criteria' shall be used on the basis of the conditions specified in the Annex to this Decision, either instead of a primary criterion or in addition to the primary criteria.
- (2) 'marine regions' shall have the same meaning as in Article 3(2) of Directive 2008/56/EC.
- (3) 'subregions' and 'subdivisions' are used in the sense of Article 4 of Directive 2008/56/EC to provide for a nested set of ~~assessment scales~~ geographical areas within a region to be used for Article 8(1) of Directive 2008/56/EC. Further division of these areas may be appropriate for some descriptors and assessments.
- (4) 'methodological standards' means scientific or technical methods, developed at Union or international level, for assessing and classifying environmental status.
- (5) 'specification' means ~~Union-wide minimum~~ requirements for the design of monitoring and assessment performed under Directive 2008/56/EC.
- (6) 'standardised method' means ~~Union-wide minimum~~ requirements for the monitoring and assessment performed under Directive 2008/56/EC:
  - (a) 'standardised method for monitoring' refers to methods for field sampling, and other types of data collection, and for laboratory analysis. This includes quality assurance and quality control mechanisms, such as agreed international standards (e.g. CEN and ISO standards).
  - (b) 'standardised method for assessment' includes agreed rules for the spatial and temporal aggregation of data and their use.
- (7) 'marine waters', including 'coastal waters', shall have the same meaning as in Article 3(1) of Directive 2008/56/EC ~~have the same meaning as in Article 2(7) of Directive 2000/60/EC.~~
- (8) 'non-indigenous species' and 'invasive non-indigenous species' shall be understood to have the same meaning as 'alien species' and 'invasive alien species' defined in Articles 3(1) and 3(2) respectively of Regulation (EU) No 1143/2014 of the European Parliament and of the Council<sup>13</sup>.
- (9) 'reference level threshold values' means the value, values or ranges of values [established at Union, international, regional or subregional level] which define the quality level to be achieved for the criterion.

<sup>13</sup> Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

### Article 3 General principles

1. Member States shall use ~~these~~ criteria, methodological standards, specifications and standardised methods for monitoring and assessment laid down in this Decision, in combination with the ecosystem elements, anthropogenic pressures and human activities listed in Annex III to Directive 2008/56/EC and by reference to the initial assessment made pursuant to Article 8(1) of that Directive, when determining a set of characteristics for good environmental status in accordance with Article 9(1) of that Directive, ~~when assessing whether it has been achieved under Article 8(1)~~, and when establishing coordinated monitoring programmes under Article 11 of ~~Directive 2008/56/EC~~ that Directive.
2. On the basis of the initial assessment or its subsequent updates carried out in accordance with Article 8 and point (a) of Article 17(2) of Directive 2008/56/EC, a Member State may consider, in exceptional circumstances, that it is not appropriate to use one or more of the criteria laid down in this Decision.  
In such case, the Member State shall provide the Commission with due justification in the framework of the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC. The justification shall include evidence of the fulfilment of the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC, and in particular the requirement to ensure that the different elements of the marine strategies are coherent and coordinated across the marine region or sub-region concerned.
3. Where this Decision does not set criteria, methodological standards, specifications or standardised methods for monitoring and assessment, Member States shall endeavour to use, where practical and appropriate, those developed at international, regional or subregional level, such as in the relevant Regional Sea Conventions, when determining good environmental status in accordance with Article 9(1) and when assessing whether it has been achieved under Article 8(1).
4. Where the Annex to this Decision provides for Member States to establish threshold values or list of elements at regional or subregional level, this shall be done in time for the first review of their initial assessment and determination of good environmental status in accordance with point (a) of Article 17(2) of Directive 2008/56/EC, i.e. by 15 July 2018.  
[In exceptional circumstances, Member States may only establish these threshold values at regional or subregional level for the second review of their initial assessment and determination of good environmental status in accordance with point (a) of Article 17(2) of Directive 2008/56/EC, i.e. by 15 July 2024, provided the reasons for the delay are duly justified to the Commission in the notification made pursuant to Article 9(2) or 17(3) of Directive 2008/56/EC.]

### Article 4 Review

- ~~1. The Commission shall review this Decision by 15 July 2023, as part of the review set out in Article 23 of Directive 2008/56/EC.~~
- ~~2. The review should in particular take into account:~~
  - ~~(a) the need to adapt this Decision to the latest scientific and technical knowledge.~~

~~(a) — the experiences of the implementation of this Decision in light of the objective of Directive 2008/56/EC of achieving good environmental status by 2020.~~

*Article 4*

*Repeal*

Decision 2010/477/EU is hereby repealed.

*Article 5*

*Entry into force*

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

Done at Brussels,

*For the Commission*

*The President*

[\[...\]](#)



EUROPEAN  
COMMISSION

Brussels, XXX  
[...] (2015) XXX draft

ANNEX 1

ANNEX

to the

**Commission Decision**

**laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment**

## ANNEX

to the

### Commission Decision

laying down criteria and methodological standards on good environmental status and specifications and standardised methods for monitoring and assessment

Criteria and methodological standards for good environmental status, ~~and specifications and standardised methods for monitoring and assessment~~, relevant to the descriptors in Annex I to Directive 2008/56/EC, and to Annex III of that Directive and specifications and standardised methods for monitoring and assessment

This Annex is structured in three parts:

- under Part A are laid down the criteria, methodological standards and specifications ~~to be used for~~ that relate to the assessment of predominant pressures and impacts under point (b) of Article 8(1) of Directive 2008/56/EC,
- under part B are those ~~to be used for~~ that relate to the assessment of environmental status under point (a) of Article 8(1) of Directive 2008/56/EC,
- Part C lays down the spatial aspects ~~of these assessments~~ necessary to assess the extent to which good environmental status is being achieved.

#### **PART A – CRITERIA AND METHODOLOGICAL STANDARDS RELATING TO THE ASSESSMENT OF PREDOMINANT PRESSURES AND IMPACTS UNDER POINT (B) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

The following criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment under Article 11(4) of Directive 2008/56/EC, shall be used by Member States to assess the extent to which good environmental status is being achieved, in relation to the assessment of predominant pressures and impacts under point (b) of Article 8(1) of that Directive.

The relevant descriptors<sup>1</sup> are presented in the following order of anthropogenic pressures: substances, litter and energy (Descriptors 5, 8, 9, 10, 11), biological pressures (Descriptors 2 and 3) and physical pressures (Descriptors 6 and 7), as listed in Annex III of Directive 2008/56/EC.

<sup>1</sup> When this Decision refers to a 'descriptor', this is understood to refer to the relevant qualitative descriptors under the numbered points in Annex I to Directive 2008/56/EC.

**Descriptor 5 – Human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters**

Related pressures: Input of nutrients; Input of organic matter

*Elements for assessment, criteria, including criteria elements, and methodological standards*

<u>Criteria Elements for assessment</u>	<u>Criteria, including reference level/threshold values where they exist</u>	<u>Methodological standards</u>
Dissolved Inorganic Nitrogen (DIN), Total Nitrogen (TN), Dissolved Inorganic Phosphorus (DIP), Total Phosphorus (TP) in the water column	D5C1: Nutrient concentrations <u>are at do not exceed levels that do not cause adverse eutrophication effects.</u> <u>Member States shall establish, at regional or subregional level, these threshold values, which shall be set at regional or subregional level by Member States. Those levels:</u> (a) <del>are</del> consistent with levels required to achieve good ecological status under Directive 2000/60/EC; <del>and</del> <del>do not lead to eutrophication effects.</del>	<i>Scales of assessment:</i> – in coastal waters, the water bodies under Directive 2000/60/EC; – beyond coastal waters, subdivisions of the region or subregion, divided where needed by national boundaries <u>and/or at the 12 nautical mile limit of territorial waters.</u>
Chlorophyll a in the water column	D5C2: Chlorophyll a concentration does not exceed: (a) in the water column of coastal waters, the values set in Decision 2013/480/EU; (b) beyond coastal waters, the concentration values set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC and indicate adverse effects of nutrient enrichment.	<i>Primary and secondary criteria:</i> – Criteria D5C1, D5C2 and D5C8 are primary criteria. – Criteria D5C6, <del>and</del> D5C7 <u>and D5C9</u> are primary criteria in coastal waters. – The remaining criteria are secondary criteria, <del>they can:</del>
<u>Transparency/Clarity</u> of the water column	D5C3: Water <del>transparency/clarity equals or</del> exceeds the minimum level set at regional or subregional level by Member States. Those levels are consistent with levels required to achieve good ecological status under Directive 2000/60/EC and are related to increases in suspended algae as a consequence of nutrient enrichment.	– D5C9 may substitute <u>D5C8 the associated primary criterion in cases of lack of data: D5C3,</u>
Nuisance/toxic algal blooms (e.g. cyanobacteria) in the water column	D5C4: Bloom events of nuisance or toxic algal blooms (e.g. cyanobacteria) due to nutrient enrichment do not exceed: (a) in coastal waters, the levels set in Decision 2013/480/EU if any, or	



<u>Criteria Elements for assessment</u>	<u>Criteria, including reference levelsthreshold values where they exist</u>	<u>Methodological standards</u>
	developed at regional or subregional level; (b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.	<p><del>D5C4 or D5C5 may substitute D5C2 and D5C9 may substitute D5C8, or and</del></p> <p>– <del>D5C3, D5C4 or D5C5 may be used to reinforce complement the primary criteriaD5C2, securing the relationship of the primary criterion with the pressure criterion D5C1.</del></p> <p><u>The use of the secondary criteria shall be agreed at regional or subregional level.</u></p> <p><i>Application rules:</i> All criteria used shall achieve the <del>reference levelsthreshold values</del> set.</p>
Phytoplankton in the water column	D5C5: Changes in <del>phytoplankton</del> species composition and relative abundance due to nutrient enrichment do not exceed: (a) in coastal waters, the levels set in Decision 2013/480/EU; (b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.	
Opportunistic macroalgae of seabed habitats	D5C6: Changes in the <del>abundance-biomass</del> of opportunistic macroalgae in coastal waters, due to nutrient enrichment, do not exceed the levels set in Decision 2013/480/EU. Should this criterion be relevant for waters beyond coastal waters, changes in the abundance of opportunistic macroalgae due to nutrient enrichment do not exceed levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.	
Perennial seaweeds <del>and-or</del> seagrasses of seabed habitats	D5C7: Changes in the abundance <u>or depth distribution</u> of perennial seaweeds and seagrasses (e.g. fucoids, eelgrass and Neptune grass) in coastal waters, due to nutrient enrichment via decreases in water transparency, do not exceed the levels set in Decision 2013/480/EU. Should this criterion be relevant for waters beyond coastal waters, changes in the abundance of perennial seaweeds and seagrasses (e.g. fucoids, eelgrass and Neptune grass) due to nutrient enrichment via decreases in water transparency do not exceed levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.	
Dissolved oxygen in the <u>bottom of the</u>	D5C8: <u>Changes in d</u> Dissolved oxygen <u>concentration, due to increased</u>	



<u>Criteria Elements for assessment</u>	<u>Criteria, including reference levels/threshold values where they exist</u>	<u>Methodological standards</u>
water column	<p><u>organic matter decomposition, levels in the bottom of the water column are do not lead to adverse effects on seabed habitats or other eutrophication effects.</u></p> <p><u>Member States shall establish, at regional or subregional level, these threshold values, which shall be consistent with those of Directive 2000/60/EC. not reduced, due to increased organic matter decomposition, beyond levels set at regional or subregional level by Member States. Those levels:</u></p> <p><u>are consistent with those of Directive 2000/60/EC; and</u></p> <p><u>do not lead to adverse effects on seabed habitats.</u></p>	
Macroinvertebrate communities of seabed habitats	<p>D5C9: Changes in the typical <u>species</u> composition, <del>including sensitive species,</del> and relative abundance <del>of benthic invertebrate communities,</del> due to increased organic matter decomposition, do not exceed:</p> <p>(a) in coastal waters, the values for benthic biological quality elements set in Decision 2013/480/EU;</p> <p>(b) beyond coastal waters, the levels set at regional or subregional level by Member States, which are consistent with those of Directive 2000/60/EC.</p>	

*Specifications and standardised methods for monitoring and assessment*

A failure of criterion D5C1 without failure of the other criteria may require a recalibration of reference levels. Monitoring beyond coastal waters under the Descriptor 5 criteria may not be necessary in cases where the threshold values are achieved in coastal waters.

Units of measurement for the criteria:

- D5C1 Nutrient concentrations in micrograms per litre
- D5C2 Chlorophyll a concentrations in micrograms per litre
- D5C3 Water transparency-clarity in metres
- D5C8 Oxygen concentrations in milligrams per litre



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

Related pressures: Input of hazardous substances

*Criteria, including criteria elements, ~~Elements for assessment, criteria~~ and methodological standards for hazardous substances in the marine environment*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference-levels</del> <u>threshold values</u> where they exist	Methodological standards
<p>Within 12 nautical miles:</p> <p>(a) <del>the list of</del> contaminants for which an environmental quality standard is laid down in Part A of Annex I of Directive 2008/105/EC;</p> <p>(b) <del>the list of</del> Specific Pollutants under Annex V of Directive 2000/60/EC; and</p> <p>(c) additional contaminants, <u>if relevant</u>, such as from offshore sources, which are not already identified under points (a) or (b) and which pose a risk to or via the marine environment in the marine region or subregion. Member States shall establish the list of these additional contaminants at regional or subregional level.</p> <p>Beyond 12 nautical miles, the <del>list of</del> contaminants <u>established-considered for the purposes of the assessment</u> within 12 nautical miles, where these still pose a risk</p>	<p>D8C1: Within 12 nautical miles, good environmental status under Directive 2008/56/EC is achieved when:</p> <p>(a) good chemical status is achieved under Directive 2000/60/EC;</p> <p>(b) good ecological status for the River Basin Specific Pollutants is achieved, <u>within 1 nautical mile</u>, under Directive 2000/60/EC;</p> <p>(c) <u>when contaminants under points (a) and (b) are measured in a matrix for which no environmental quality standard is provided under Directive 2008/105/EC, in accordance with Article 3(3) of that Directive, the concentration of those contaminants in that matrix do not exceed the threshold values agreed at the regional or subregional level by Member States;</u> and</p> <p>(d) the concentrations of the additional contaminants do not exceed the <u>levels-values</u> agreed at regional or subregional level by Member States, <u>considering their application within and beyond 12 nautical miles</u>.</p> <p>Beyond 12 nautical miles, good environmental status under Directive 2008/56/EC is achieved when the concentrations of the contaminants <del>to be assessed</del><u>selected under 'Criteria elements'</u>, in the relevant matrix, do not exceed the <u>levels-values</u> as applicable within 12 nautical miles.</p>	<p><i>Scales of assessment:</i></p> <ul style="list-style-type: none"> <li>– within 12 nautical miles, the water bodies used under Directive 2000/60/EC;</li> <li>– beyond 12 nautical miles, subdivisions of the region or subregion, divided where needed by national boundaries.</li> </ul> <p><i>Primary and secondary criteria:</i></p> <p>D8C1 <del>and D8C2 are</del> <u>is a primary criterion</u>. <u>D8C2 is a secondary criterion that may be used to complement D8C1.</u></p> <p><i>Application rules:</i></p> <ul style="list-style-type: none"> <li>– <u>For D8C1, all contaminants to be assessed for each criterion need to shall achieve the reference-levelsthreshold values set.</u></li> <li>– <u>For D8C2, all threshold values set shall be achieved.</u></li> </ul>

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
to or via the marine environment.		
Contaminants used under D8C1, as relevant, assessed in particular species and tissues, or particular benthic habitats. Member States shall establish at regional or subregional level this list of particular species, tissues and habitats.	D8C2: The health of <del>individuals</del> <u>populations</u> of marine species, or of biological communities (such as species composition/abundance changes at locations of chronic pollution) is not adversely affected (including sub-lethal effects) by contaminants. Member States shall establish at regional or subregional level <u>those adverse effects and their reference level</u> <del>threshold values for the adverse effects</del> .	

*Criteria, including criteria elements, ~~Elements for assessment~~, criteria and methodological standards for acute pollution events*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Polluting substances, as defined in Article 2(2) of Directive 2005/35/EC of the European Parliament and of the Council <sup>2</sup> , including crude oil and similar compounds	D8C3: <u>Spatial and T</u> <del>temporal occurrence, source (where possible), spatial distribution and</del> extent of significant acute pollution events <del>of crude oil and similar compounds is</del> . The level of such events is minimised and, where possible, eliminated.	<i>Scale of assessment:</i> Regional or subregional level. <i>Primary and secondary criteria:</i> D8C3 is <del>primary</del> <u>a secondary criterion, to be used when a significant acute pollution event has occurred</u> . <i>Application rules:</i> <u>No reference level is set for D8C3. This criterion may be used by Member States as an environmental target.</u> <del>This criterion</del>

<sup>2</sup> Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements (OJ L 255, 30.9.2005, p. 11).

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
		<del>should be used to set an appropriate environmental target, rather than a determination of good environmental status.</del>
Species groups and broad habitat types	D8C4: <u>The health of populations of species and the condition of habitat types are not adversely affected by significant</u> <del>The adverse effects from acute pollution events of crude oil and similar compounds on species groups and habitat types do not threaten their good environmental status.</del>	<p><i>Scale of assessment:</i> As used for the species groups and broad habitat types which are affected.</p> <p><i>Primary and secondary criteria:</i> D8C4 is <u>a secondary</u> <del>primary</del> criterion, <u>to be used when a significant acute pollution event has occurred.</u></p> <p><i>Application rules:</i> The outcomes of assessment of this criterion should contribute, where appropriate, to the assessments under Descriptors 1 and 6.</p>

*Specifications and standardised methods for monitoring and assessment*

For the purposes of this Decision:

- (1) Criterion D8C1: Member States shall monitor the priority substances in the relevant matrix as set under Directive 2000/60/EC at least every 6 years and shall use methods of analysis that meet the minimum performance criteria laid down in Commission Directive 2009/90/EC<sup>3</sup>.
- (2) Criteria D8C2 and D8C4: population demographic characteristics (e.g. fecundity rates, survival rates, mortality rates, and reproductive capacity) may be relevant to assess the health effects.

<sup>3</sup> Commission Directive 2009/90/EC of 31 July 2009 laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status (OJ L 201, 1.8.2009, p. 36)

- (3) Criteria D8C3 and D8C4: for the purposes of this Decision, monitoring is established as needed once the acute pollution event has occurred, rather than being part of a regular monitoring programme under Article 11 of Directive 2008/56/EC.
- (4) Criterion D8C4<sup>3</sup>: Member States shall identify the source of significant acute pollution events, where possible. They shall use the national registers for reporting under ~~{~~EMSA satellite surveillance~~}~~

Units of measurement for the criteria:

- D8C1 Concentrations of contaminants in micrograms per litre for water and micrograms per kilogram of wet weight for biota.

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

Related pressure: Input of hazardous substances

*Criteria, including criteria elements, ~~Elements for assessment~~, ~~criteria~~ and methodological standards*

<b><u>Criteria elements</u><del>Elements for assessment</del></b>	<b>Criteria, including <del>reference level</del><u>threshold values</u> where they exist</b>	<b>Methodological standards</b>
<p>Contaminants listed in Regulation (EC) No 1881/2006.</p> <p>For the purposes of this Decision, Member States may decide not to consider contaminants from Regulation (EC) No 1881/2006 where justified on the basis of a risk assessment.</p> <p>Member States may assess additional contaminants that are not included in Regulation (EC) No 1881/2006. Member States shall agree at regional or subregional level on those additional contaminants.</p> <p>Member States shall establish <del>at regional or subregional level</del> the list of species and relevant tissues to be assessed, according to the conditions laid down under 'specifications'. <u>They may establish the list at regional or subregional level.</u></p>	<p>D9C1: The level of contaminants in edible tissues (muscle, liver, roe, flesh or other soft parts, as appropriate) of seafood (including fish, crustaceans, molluscs, echinoderms, seaweed and other marine plants) caught or harvested in the wild (excluding fin-fish from mariculture) does not exceed:</p> <p>(a) for contaminants listed in Regulation (EC) No 1881/2006, the maximum levels laid down in that Regulation; and</p> <p>(b) for additional contaminants, not listed in Regulation (EC) No 1881/2006, levels agreed at regional or subregional level by Member States.</p>	<p><i>Scales of assessment:</i></p> <p>For commercially-exploited species which are assessed under Descriptor 3, the same assessment areas are used. For other species, the assessment areas used under Descriptor 8 are used.</p> <p><i>Primary and secondary criteria:</i></p> <p>D9C1 is a primary criterion.</p> <p><i>Application rules:</i></p> <p>All contaminants shall achieve the <del>reference level</del><u>threshold values</u> set.</p>

*Specifications and standardised methods for monitoring and assessment*

1. When Member States establish the list of species to be used, the species shall meet the following conditions:

- (a) the species are relevant to the marine region or subregion concerned;
- (b) the species fall under the scope of Regulation (EC) No 1881/2006; and
- (c) the species are suitable for the contaminant being assessed.

2. Exceedance of the standard set for a contaminant shall lead to subsequent monitoring to determine the persistence of the contamination in the area and species sampled. Monitoring needs to continue until there is sufficient evidence that there is no risk of failure.
3. For the purposes of this Decision, the sampling for the assessment of the maximum levels of contaminants shall be performed in accordance with Article 11 of Regulation (EC) No 882/2004 of the European Parliament and in particular with Commission Regulation (EU) No 589/2014<sup>4</sup> and Commission Regulation (EC) No 333/2007<sup>5</sup>.
4. Within each region or subregion, Member States shall ensure that the temporal and geographical scope of sampling is adequate to provide a representative sample of the specified contaminants in seafood in the marine region or subregion.
5. Member States shall monitor and report:
  - (a) the ~~location-area~~ in the marine region or subregion where the product from which the samples are taken, are caught or farmed, in accordance with Article 35 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>6</sup>,
  - (b) the species and tissue tested,
  - (c) the level of contaminants and whether this has exceeded the maximum level for contaminants set in Regulation (EC) No 1881/2006.

Units of measurement for the criteria:

- D9C1 Concentrations of contaminants in micrograms per kilogram of wet weight per species.

<sup>4</sup> Commission Regulation (EU) No 589/2014 of 2 June 2014 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs (OJ L 164, 3.6.2014, p. 18)

<sup>5</sup> Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs (OJ L 88, 29.3.2007, p. 29)

<sup>6</sup> Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).



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

Related pressure: Input of litter

*Criteria, including criteria elements, ~~Elements for assessment~~, ~~criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Litter (excluding micro-litter), classified in the following categories: artificial polymer materials, rubber, cloth and textiles, paper and cardboard, processed and worked wood, metal, glass and ceramics, and other. Member States may define further sub-categories.	D10C1: The composition, amount and spatial distribution of litter <del>in the intertidal zone including the strandline</del> <u>on the coastline</u> , in the surface layer of the water column, and on the sea-floor, is at a level that does not cause harm to the coastal and marine environment or other pollution effects. Member States and the Commission should jointly establish, at Union level, <del>reference level</del> <u>threshold values</u> .	<p><i>Scales of assessment:</i> National part of subdivisions of each region or subregion.</p> <p><i>Primary and secondary criteria:</i> All criteria are primary criteria.</p> <p><i>Application rules:</i> Each criterion is to achieve the <del>reference level</del><u>threshold values</u> set <del>(when they become available)</del>.</p>
Micro-litter (particles <u>between 20 µm and &lt;5mm as largest dimension</u> ), classified in the categories 'artificial polymer materials' and 'other'.	D10C2: The composition, amount and spatial distribution of micro-litter <del>in the intertidal zone including the strandline</del> <u>on the coastline</u> , in the surface layer of the water column, <del>and on the sea-floor and in sea-floor sediment</del> , is at a level that does not cause harm to the coastal and marine environment or other pollution effects. Member States and the Commission should jointly establish, at Union level, <del>reference level</del> <u>threshold values</u> .	
<del>Litter, classified in the same categories as under D10C1, or for micro-litter in the same categories as under D10C2, assessed in species of birds, mammals, reptiles and fish. Member States shall establish at regional or subregional level the list of species to be assessed.</del>	<del>D10C3: The amount of litter and micro-litter ingested by marine animals is at levels that do not adversely affect the health of the species concerned. Member States shall establish at regional or subregional level the reference levels.</del>	
Species of birds, mammals, reptiles and fish. Member States shall establish at regional or subregional level that species	D10C <del>4</del> <u>3</u> : The number of entanglement incidents, or other types of injury/mortality, of marine animals due to litter is at levels that do not adversely affect populations of the species concerned.	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</p>

<u>Criteria elements</u> <u>Elements for assessment</u>	<u>Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist</u>	<b>Methodological standards</b>
list, <u>based on risk from marine litter.</u>	<del>Member States shall establish at regional or subregional level the reference levels.</del>	<i>Primary and secondary criteria:</i> This is a primary criterion. <i>Application rules:</i> The outcomes of this criterion should contribute to assessments under Descriptor 1.

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

#### Under D10C1 and D10C2:

- litter and micro-litter shall be monitored on the coastline,
- litter and micro-litter shall be monitored in the surface layer of the water column and on the sea-floor (or sediment for micro-litter), based on a risk assessment of the significance of the issue,
- monitoring in biota may be used as a proxy for monitoring under D10C1 and D10C2. If used, litter and micro-litter should be assessed in species of birds, mammals, reptiles, shellfish and fish, agreed by Member States at regional or subregional level.

The monitoring of ~~D10C3 and D10C4~~ (the amount of litter ingested and the number of entanglement incidents or other types of injury/mortality due to litter) should be based on incidental occurrences (e.g. strandings of dead animals).

Units of measurement for the criteria:

- D10C1 Amount of litter in number of items per 100 metres on the coastline, per cubic metre for surface layer, per square metre for sea-floor, ~~and [to be added] per individual for biota.~~
- D10C2 Amount of micro-litter in items per cubic metre for surface layer, per millilitre for sediment and per gram of intestine for biota ~~[to be added]~~
- ~~D10C3 Amount of litter and micro-litter in [to be added]~~

- D10C43 Number of affected individuals per ~~each selected~~ species.

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

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

*Criteria, including criteria elements, ~~Elements for assessment~~, ~~criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Impulsive anthropogenic sound in water	D11C1: The proportion of days, their distribution within a calendar year and <del>their</del> spatial distribution of impulsive anthropogenic sound do not exceed values that are likely to adversely affect marine <del>mammals and other</del> animals, <u>in particular marine mammals</u> . Member States and <u>the</u> Commission should jointly establish these <del>reference level</del> <u>threshold values</u> at Union level. <del>In the absence of Union-level values, Member States shall establish these reference levels at regional or subregional level.</del>	<i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.  <i>Primary and secondary criteria:</i> Both criteria are primary criteria.
Continuous low-frequency anthropogenic sound in water	D11C2: Annual average levels, in two 'third octave' bands, of continuous low-frequency <u>anthropogenic</u> sound do not exceed values that are likely to adversely affect marine <del>mammals and other</del> animals, <u>in particular marine mammals</u> . Member States and <u>the</u> Commission should jointly establish these <del>reference level</del> <u>threshold values</u> at Union level. <del>In the absence of a Union-level value, Member States shall establish these reference levels at regional or subregional level.</del>	<i>Application rules:</i> Each criterion is to achieve the <del>reference level</del> <u>threshold values</u> set <del>(when they become available)</del> . <u>The outcomes of these criteria should contribute to assessments under Descriptor 1.</u>

*Specifications and standardised methods for monitoring and assessment*

D11C1:

- Monitoring:
  - Spatial resolution: geographical locations whose shape and areas are to be determined (such as licence blocks for offshore industries) at regional or subregional level.

— ~~Temporal frequency: daily.~~

- Impulsive sound measured as monopole energy source level in units of dB re  $1\mu\text{Pa}^2 \text{ s}$  or zero to peak monopole energy source level in units of dB re  $1\mu\text{Pa m}$ . Both are measured over the frequency band 10 Hz to 10 kHz.
- Assessment: Proportion of days per calendar year, distribution within year and spatially within the assessment area.

D11C2:

- Monitoring: Squared sound pressure in each of two ‘third octave’ bands, one centred at 63 Hz and the other at 125 Hz, expressed as a level in decibels in units of dB re  $1\mu\text{Pa}$ . This is measured either directly at observation stations, or inferred from a model used to interpolate between or extrapolate from measurements at observation stations.
- Assessment: Average noise level over a year.

Criteria relating to [the impact of noise or](#) other forms of energy input (including thermal energy, electromagnetic fields and light) still need to be defined.

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

Related pressure: Input or spread of non-indigenous species

*Criteria, including criteria elements, ~~Elements for assessment~~, ~~criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Non-indigenous species.	D2C1: The number of non-indigenous species which are newly introduced via human activity into the wild, measured from the <u>baseline-reference</u> year as reported for the 2012 initial assessment under Article 8(1) of Directive 2008/56/EC, is minimised and where possible eliminated.	<p><i>Scale of assessment:</i></p> <p>National part of subdivisions of each region or subregion.</p> <p><i>Primary and secondary criteria:</i></p> <p>Criterion D2C1 is a primary criterion.</p> <p><i>Application rules:</i></p> <p><u>No reference level is set for D2C1. This criterion may be used by Member States as an environmental target. This criterion shall be used as an environmental target and is thus not combined with other criteria under Descriptor 2.</u></p>
A list of non-indigenous species, particularly invasive non-indigenous species, which are specified at regional or subregional level by Member States, and which include any relevant <del>(?)</del> species on the list of invasive alien species of Union concern adopted in accordance with Article 4(1) of Regulation (EU) No 1143/2014.	D2C2: Composition, abundance <u>or</u> biomass, spatial distribution and <del>areal</del> <u>spatial</u> extent of non-indigenous species, particularly of invasive species contributing significantly to impacts on particular species groups or broad habitat types.	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the corresponding species group or broad habitat type under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i></p> <p>D2C2 and D2C3 are secondary criteria <del>which should to</del> be used where <u>there is a possibility the species group or the broad</u></p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
A list of particular species groups and broad habitat types, as assessed under Descriptor 1, defined by Member States at the regional or subregional level.	D2C3: <del>The spatial extent</del> <u>The proportion</u> of the species group or <u>the spatial extent of the</u> broad habitat type which is adversely altered by non-indigenous species, particularly invasive non-indigenous species. 'Adversely altered' means the species group or broad habitat type is not in good environmental status (for a given location) due to the number of non-indigenous species and/or their abundance within the natural community.	<p><del>habitat type is at risk</del> <u>particularly relevant to the assessment of species groups and habitat types under descriptors 1 and 6.</u></p> <p><i>Application rules:</i></p> <ul style="list-style-type: none"> <li>– Criterion D2C2 (quantification of non-indigenous species) should contribute to the assessment of D2C3 (impacts of non-indigenous species).</li> <li>– Criterion D2C3 should provide <del>a footprint of</del> <u>the extent of</u> impact per species group and broad habitat type assessed and thus contribute to their assessments under <del>D</del> descriptors 1 and 6.</li> <li>– No <del>reference levels</del> <u>threshold values</u> are set for D2C2 and D2C3, as these are addressed under the relevant species groups and broad habitat types.</li> </ul>

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

Regarding D2C2, since species occurrence and abundance can be seasonally variable (e.g. plankton), monitoring needs to be undertaken at appropriate times of year in relation to pathways and to characteristics of the community (~~e.g. plankton~~). Monitoring programmes should be linked to those for Descriptors 1 and 6, where possible, as they should use the same sampling methods and it is more practical to monitor non-indigenous species as part of broader biodiversity monitoring, except where sampling should needs to focus on main risk areas for new introductions.

Units of measurement for the criteria:

- | – ~~Criterion D2C1: shall be reported as~~ the number of species per assessment area which have been newly-introduced in the assessment period (6 years).
- | – ~~Criterion D2C3: shall be reported as~~ the proportion (%) of the species group or broad habitat type adversely affected per assessment area.



**Descriptor 3 – Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.**

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

*Criteria, including criteria elements, ~~Elements for assessment, criteria~~ and methodological standards*

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Commercially-exploited fish and shellfish, including all stocks that are managed under Regulation (EU) No 1380/2013, Regulation (EC) No 1967/2006 and nationally-important stocks.	D3C1: The fishing mortality rate (F) of populations of commercially-exploited species is [at or] below levels which can produce the maximum sustainable yield, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.	<p><i>Scales of assessment:</i> Populations (stocks) of each species are assessed at ecologically-relevant scales within each region or subregion, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013, based on specified aggregations of ICES Areas and GFCM geographical sub-areas.</p> <p><i>Primary and secondary criteria:</i> Criteria D3C1, D3C2 and D3C3 are primary criteria.</p> <p><i>Application rules:</i> All populations (stocks) assessed shall achieve the <del>reference level</del><u>threshold values</u> set for each criterion.</p>
	D3C2: The spawning stock biomass (SSB) of populations of commercially exploited species is above biomass levels capable of producing maximum sustainable yield, as established by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.	
	D3C3: Age and size distribution of commercially-exploited species matches at least the best available historical data that is indicative of a healthy stock. This would include a high proportion of old/large individuals and reduced adverse effects of exploitation on genetic diversity. Appropriate values are set for each species or population within each region or subregion by appropriate scientific bodies in accordance with Article 26 of Regulation (EU) No 1380/2013.	
Species of birds, mammals, reptiles and non-commercially-exploited species of fish and cephalopods. Lists of relevant species as established for the region or subregion <del>by appropriate scientific bodies</del> in accordance with Article <del>25(5)6</del> of Regulation (EU) No 1380/2013.	D3C4: The levels of mortality per species from incidental by-catch do not exceed levels which threaten the species, whilst accounting for other pressures on these species. <del>Member States shall set, at regional or subregional level, appropriate values for each species.</del>	<p><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</p> <p><i>Primary and secondary criteria:</i> D3C4 is a primary criterion.</p> <p><i>Application rules:</i></p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
		This criterion <del>does not form part of the assessment for Descriptor 3, but</del> should contribute to the assessments of the corresponding species under Descriptor 1.

Physical disturbance or damage to the seafloor, including effects on benthic communities, as a result of fishing activities, are addressed by the criteria under Descriptor 6 (particularly D6C1, ~~D6C2~~ and D6C2~~3~~) and are to be fed into the assessments of each broad habitat type under Descriptors 1 and 6.

*Specifications and standardised methods for monitoring and assessment*

1. Methods for monitoring under Descriptor 3 shall be the ones established under Council Regulation (EC) No 199/2008.
2. The following methods for assessment shall be used:
  - 2.1. For D3C1, if quantitative assessments yielding values for Fishing mortality (F) are not available due to inadequacies in the available data, the ratio between catch and biomass index ('catch/biomass ratio') can be used as an alternative method.  
For assessment purposes an appropriate method for trend analysis can be adopted (e.g. the current value can be compared against the long-term historical average).
  - 2.2. For D3C2, if quantitative assessments yielding values for Spawning Stock Biomass (SSB) are not available due to inadequacies in the available data, biomass indices can be used as an alternative method.  
For assessment purposes an appropriate method for trend analysis needs to be adopted (e.g. the current value can be compared against the long-term historical average).
  - 2.3. D3C3 should reflect that healthy stocks of ~~many~~ species are characterized by a high proportion of old, large individuals. The relevant properties are the following:
    - (a) Size distribution of individuals in the population, expressed as i) Proportion of fish larger than mean size of first sexual maturation or ii) 95<sup>th</sup> percentile of the fish-length distribution observed in research vessel surveys.

- (b) Selectivity pattern of the fishery exploiting the species, expressed as i) Length (or age depending on data availability) at first capture (length/age at which 50% of individuals in the population are vulnerable to/retained by the gear) or ii) Proportion of individuals across all species in the catch larger than the size at which 50% are mature or iii) Mean length of individuals across all species in the catch.
  - (c) Genetic effects of exploitation of the species, expressed as i) Size at first sexual maturation or ii) Length at which half of the (female) population are mature (50% of total length - TL50).
- 2.4. For D3C4, data should be provided per species per fishing metier for each ICES or GFCM reporting area, to enable its aggregation to the relevant scale for the species concerned, and to identify the particular fisheries and fishing gear most contributing to incidental catches for each species.

Units of measurement for the criteria:

– D3C2 in tonnes per species

**Descriptor 6 – Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.**

Related pressures: Physical loss (due to Cchange of seabed substrate or morphology (~~physical loss~~);and Eextraction of seabed substrate)~~(physical loss)~~; Disturbance or damage to seabed

Criteria, including criteria elements~~Elements for assessment, criteria~~ and methodological standards for assessment of physical disturbance or damage

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
Seabed (including intertidal areas)	D6C1 Spatial extent of physical disturbance or damage to the sea-floor.	<p><i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> D6C1 is a primary criterion.</p> <p><i>Application rules:</i> No reference level for the criterion is set; as, the extent of physical disturbance or damage shall be used to assess the extent of impact under <del>D6C2</del>, D6C<u>23</u> and <del>D6C4</del>.</p>
<p><del>Species of birds, mammals, reptiles, fish and cephalopods.</del></p> <p><del>Member States shall establish at regional or subregional level a list of relevant species, based on risk to their habitat from physical disturbance or damage</del></p>	<p><del>D6C2 Spatial extent of sea-floor habitat of the species which is adversely affected, in particular the functions provided (e.g. spawning, breeding and feeding areas and migration routes), by physical disturbance or damage pressures.</del></p>	<p><del><i>Scale of assessment:</i> As used for assessment of the corresponding species under Descriptor 1.</del></p> <p><del><i>Primary and secondary criteria:</i> D6C2 is a secondary criterion, to be used where the status of the species is threatened.</del></p> <p><del><i>Application rules:</i> No reference level is set, as this criterion shall contribute to the assessment of criterion D1C4, where a reference level is set for the habitat of the corresponding</del></p>

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
		<del>species under Descriptor 1.</del>
Benthic broad habitats types, as used for Descriptor 1 (see list in Table 2, Part B of this Decision).	D6C32 Spatial extent of the habitat which is adversely affected through change in its structure and function (species composition and their relative abundance, absence of particularly sensitive or fragile species or species providing a key function), by physical disturbance or damage pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> for representative subtypes of each broad habitat <del>at the appropriate biogeographical scale</del> , which are <del>consistent aligned</del> with benthic <del>biological</del> <u>Quality element</u> <del>QE</del> values under Directive 2000/60/EC, for assessment of adverse effects.	<i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6. <i>Primary and secondary criteria:</i> D6C32 is a primary criterion; <del>D6C4 is a secondary criterion, to be used where the physical disturbance pressure or associated human activities (e.g. fishing) is likely to affect the size/age structure of key species in the habitat.</del>
	<del>D6C4 The size and age structure of specified species of the benthic broad habitat reflect that of a (near) natural habitat in the absence of physical disturbance or damage.</del> <del>Member States shall establish, at regional or subregional level, reference levels for selected species of the relevant broad habitat types where age/size structure is at particular risk due to physical disturbance pressures or associated fishing activity.</del>	<i>Application rules:</i> The outcomes of assessment of criterion D6C32 <del>(and where relevant D6C4) (extent of impact)</del> shall <del>should</del> contribute to the assessments of habitat types under Descriptors 1 <del>and 6</del> .

Criteria, including criteria elements~~Elements for assessment, criteria~~ and methodological standards for assessment of physical loss (due to change of seabed substrate or morphology and extraction of seabed substrate)

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
---	---	--------------------------

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
Seabed (including intertidal areas)	D6C5 <del>Cumulative</del> Spatial extent of physical loss of <del>or change to</del> natural seabed habitat.	<p><i>Scale of assessment:</i></p> <p>As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i></p> <p>D6C5 <del>and D6C6 are</del> a primary criterion.</p> <p><i>Application rules:</i></p>
<del>Benthic broad habitats types, as used for Descriptor 1 (see list under Table 2, Part B of this Decision)</del>	<del>D6C6 Extent of each broad habitat type physically lost or changed due to human activities.</del>	<p>No reference level is set <del>for</del> criterion D6C5 <del>but the extent of loss (pressure) from criterion D6C5 shall be used to assess the extent of impact under D6C6.</del></p> <p>No reference level is set for criterion D6C6 as the outcome shall contribute to the assessment of habitat types under Descriptors 1 and 6, where a reference level is set for loss of habitat.</p>

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

Regarding methods for monitoring:

- for D6C1, all relevant disturbances from different human activities shall be assessed (such as bottom-trawling fishing),
- for D6C5 ~~and D6C6~~, all relevant modifications from different human activities shall be assessed (including changes to natural seabed substrate or morphology via physical restructuring, infrastructure developments and loss of substrate via extraction of the seabed materials).

~~The area disturbed/damaged or lost shall be expressed in km<sup>2</sup> or km<sup>2</sup> per habitat type, as appropriate.~~

For coastal waters, data on hydromorphological modifications (mapping of alterations) in each water body should be derived from Directive 2000/60/EC. Beyond coastal waters, data can be collated from mapping of infrastructure and licenced extraction sites.

Regarding methods for assessment, the data shall be aggregated so that:

- ~~1. D6C2 is assessed in relation to total natural extent of the habitat of the species in the assessment area.~~
1. D6C~~3~~2 is assessed in relation to total natural extent of each broad habitat type assessed under Descriptor 1, in the assessment area.
2. D6C~~5~~3 is assessed as area lost in relation to total natural extent of all ~~natural~~ habitats -in the assessment area (e.g. by extent of anthropogenic modification).
- ~~3. D6C6 is assessed as proportion of total natural extent of each broad habitat type in the assessment area.~~

Units of measurement for the criteria:

- ~~- D6C1: The area disturbed or damaged shall be expressed in square kilometres.~~
- ~~- D6C2: The area disturbed or damaged shall be expressed in square kilometres per habitat type.~~
- ~~- D6C3: The area lost shall be expressed in square kilometres.~~

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

Related pressures: Physical loss (due to) ~~Change of seabed substrate or morphology (physical loss);~~ Extraction of seabed substrate (physical loss);  
Changes to hydrological conditions

Criteria, including criteria elements, Elements for assessment, criteria and methodological standards

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
<del>Species of bird, mammals, reptiles, fish and cephalopods.</del> <del>Member States shall establish at regional or subregional level, a list of relevant species, based on risk to their habitat from alterations in hydrographical conditions</del> <u>Seabed (including intertidal areas)</u>	D7C1: <u>Spatial extent of area</u> <del>Cumulative extent of habitat of the specified species which is adversely affected, in particular the functions provided (e.g. spawning, breeding and feeding areas and migration routes);</del> due to permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature, oxygen) associated with relevant physical losses <del>to</del> <u>of</u> the seabed.	<p><i>Scale of assessment:</i> As used for assessment of the <del>corresponding species</del> <u>broad habitat types</u> under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> D7C1 is a secondary criterion, to be used where the permanent alterations in hydrographical conditions are likely to put the <u>species-broad habitat types</u> at risk.</p> <p><i>Application rules:</i> This criterion should contribute to the assessment of <u>D7C2-habitat for the species under Descriptor 1, where reference levels are set.</u></p>
Benthic broad habitats types, as used for Descriptor 1 (see list under Table 2, Part B of this Decision)	D7C2: <del>Cumulative</del> <u>Spatial</u> extent of each benthic broad habitat type <del>which has been</del> adversely affected (physical and hydrological characteristics and associated biological communities) due to permanent alteration of hydrographical conditions (e.g. changes in wave action, currents, salinity, temperature, oxygen) associated with relevant physical losses <del>to</del> <u>of</u> the seabed.	<p><i>Scale of assessment:</i> As used for assessment of the broad habitat types under Descriptors 1 and 6.</p> <p><i>Primary and secondary criteria:</i> <del>D6</del> <u>D7</u> C2 is a secondary criterion, to be used where the extent of permanent alterations in hydrographical conditions is likely to put the habitat at risk.</p> <p><i>Application rules:</i></p>



<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <u>reference levels</u> <u>threshold values</u> where they exist	Methodological standards
		This criterion should contribute to the assessment of benthic habitats under Descriptors 1 and 6, where <u>reference levels</u> <u>threshold values</u> are set.

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

Regarding methods for monitoring:

1. Monitoring should focus on changes associated with infrastructure developments, either on the coast or offshore.
2. Standard EIA hydrodynamic models should be used to assess the extent of effects from each infrastructure development, validated with ground-truth measurements.
3. For coastal waters, the hydromorphology data and relevant assessments under Directive 2000/60/EC should be used.

Regarding methods for assessment, the data shall be aggregated so that:

1. D7C1 is assessed in relation to total natural extent of all habitats in the assessment area.
2. D7C2 is assessed in relation to total natural extent of each broad habitat type assessed under Descriptor 1, in the assessment area.

Units of measurement for the criteria:

- Criteria D7C1: in square kilometres
- and D7C2: should be reported in km<sup>2</sup>-square kilometres per habitat type of habitat which is adversely affected.

**PART B – CRITERIA AND METHODOLOGICAL STANDARDS RELATING TO THE ASSESSMENT OF ESSENTIAL FEATURES AND CHARACTERISTICS AND CURRENT ENVIRONMENTAL STATUS OF MARINE WATERS UNDER POINT (A) OF ARTICLE 8(1) OF DIRECTIVE 2008/56/EC**

The following criteria and methodological standards for determination of good environmental status under Article 9(3) of Directive 2008/56/EC, and specifications and standardised methods for monitoring and assessment under Article 11(4) of Directive 2008/56/EC, shall be used by Member States to assess the extent to which good environmental status is being achieved, in relation to the assessment of ecosystem state characteristics under point (a) of Article 8(1) of that Directive and will contribute to the assessment of the following descriptors, under Annex I of that Directive:

- Descriptor 1 – Biological diversity is maintained. The quality and occurrence of habitats and the distribution and abundance of species are in line with prevailing physiographic, geographic and climatic conditions.
- Descriptor 4 – All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity.
- Descriptor 6 – Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.

Criteria D2C3, ~~D3C1~~, D3C2, D3C3, ~~D3C4~~, D5C2, D5C3, D5C4, D5C5, D5C6, D5C7, D5C8, D5C9, ~~D6C2~~, ~~D6C3~~, ~~D6C4~~, ~~D6C6~~, ~~D7C1~~, D7C2, D8C2, and D8C4 should contribute to the assessment of habitats under Descriptors 1 and 6, by providing information on the impact of pressures.

Criteria D2C3, D3C1, D3C2, D3C3, D3C4, D8C2, D8C4 and D10C4 should contribute to the assessment of species under Descriptor 1, by providing information on the impact of pressures.

The relevant criteria are presented in the following order of ecosystem components: birds, mammals, reptiles, fish and cephalopods (Descriptor 1), pelagic and benthic habitats (Descriptors 1 and 6) and ecosystems, including food-webs (Descriptors 1 and 4), as listed in Annex III of Directive 2008/56/EC.

**Birds, mammals, reptiles, fish and cephalopods**

Theme: ~~Highly mobile species~~ Species groups of marine birds, mammals, reptiles, fish and cephalopods

Criteria, including criteria elements, Elements for assessment, criteria and methodological standards

<u>Criteria elements</u> Elements for assessment	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
---	---	--------------------------

Criteria elements Elements for assessment	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
<p>Species groups, as listed under Table 1 and if present in the region or subregion. Member States shall establish, at regional or subregional level, a set of species representative for each species group selected according to the criteria laid down under ‘specifications’.</p> <p>These species may be drawn from those assessed under Union legislation (Directive 92/43/EEC, Directive 2009/147/EC or Regulation (EU) No 1380/2013) or international agreements, such as Regional Sea Conventions, or other sources.</p>	<p>D1C1: Species distributional range and, where relevant, pattern is in line with natural physiographic, geographic and climatic conditions.</p> <p>Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> for each species, consistent with the Favourable Reference Range values established by the relevant Member States under Directive 92/43/EEC.</p>	<p><i>Scales of assessment:</i></p> <p>Ecologically-relevant scales for each species group shall be used, as follows:</p> <ul style="list-style-type: none"> <li>– For deep-diving toothed cetaceans, baleen whales, deep-sea fish: Region</li> <li>– For birds, small toothed cetaceans, seals, turtles, pelagic and demersal shelf fish, cephalopods: Region for Baltic and Black Seas; subregion for North-East Atlantic and Mediterranean Sea</li> <li>– For coastal fish: Subdivision of region or subregion</li> </ul> <p><i>Primary and secondary criteria:</i></p> <ul style="list-style-type: none"> <li>– All criteria are primary for species covered by <a href="#">Annex III of Directive 92/43/EEC</a></li> <li>– For birds criteria D1C1 and D1C2 are primary;</li> <li>– For commercially-exploited fish and cephalopods, criteria D1C2 and D1C3 are primary;</li> <li>– For other species D1C2 is a primary criterion;</li> <li>– The remaining criteria are</li> </ul>
	<p>D1C2: Population size (abundance and/or biomass) of the species is not significantly altered due to anthropogenic pressures, such that its long-term viability is ensured.</p> <p>Member States shall establish, at regional or subregional level, reference levels for each species, consistent with the Favourable Reference Population values established by the relevant Member States under Directive 92/43/EEC, taking account of natural variation in population size <u>and the level of mortality derived from D3C4, D8C4 and D10C3 and other relevant pressures</u>.</p>	
	<p>D1C3: Population demographic characteristics (<u>e.g. body size or age class structure, sex ratio, fecundity rates, survival / mortality rates</u>) of the species are indicative of a natural population which is not significantly altered due to anthropogenic pressures.</p> <p>Member States shall establish, at regional or subregional level, reference levels for each species.</p>	
	<p>D1C4: The habitat for the species has the necessary extent and condition</p>	

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
	<p>to support the different stages in the life history of the species.</p> <p>Member States shall establish, at regional or subregional level, <del>reference level</del><u>threshold values</u> for each species.</p>	<p>secondary and should be used where there is a possibility the species <del>are at risk</del><u>may fail the criterion in relation to these criteria</u> due to anthropogenic pressures.</p> <p><i>Application rules:</i></p> <p>The status of each species shall be assessed individually, drawing wherever possible from assessments under <u>Directive 92/43/EEC, Directive 2009/147/EC or Regulation (EU) No 1380/2013</u><del>other Union legislation or international agreements</del>:</p> <p>For birds, criteria D1C1 and D1C2 <del>are equivalent</del><u>correspond</u> to the ‘breeding distribution map and range’ and ‘population size’ criteria of Directive 2009/147/EC.</p> <p>For mammals, reptiles and non-commercial fish, criteria D1C1, D1C2, <del>D1C3</del> and D1C4 <del>are equivalent</del><u>correspond</u> to the ‘range’, ‘population’ and ‘habitat for the species’ criteria of Directive 92/43/EEC.</p> <p>For commercially-exploited fish and cephalopods, criteria D1C2 and D1C3 <del>are equivalent</del><u>correspond</u> to criteria D3C2 and D3C3; assessments under D3 should be used for D1 purposes.</p>

<u>Criteria elements</u> <u>Elements for assessment</u>	Criteria, including <del>reference level</del> <u>threshold values</u> where they exist	Methodological standards
		<p><del>For a</del>All species <u>in a species groups</u>, the species is in good status when the criteria used <u>shall</u> achieve the <del>reference level</del><u>threshold values</u> set.</p> <p>Good environmental status shall be assessed for each species group, according to the status assessments of all the component species selected as representative of the group. Where agreed Union level rules are not available, all species within the group shall achieve good status for the group as a whole to be considered at GES.</p>

Elements for assessmentCriteria elements

Table 1 – Species groups

Ecosystem component	Species groups
<b>Birds</b>	Grazing birds
	Wading birds
	Surface-feeding birds
	Pelagic-feeding birds
	Benthic-feeding birds

Ecosystem component	Species groups
<b>Mammals</b>	Small toothed cetaceans
	Deep-diving toothed cetaceans
	Baleen whales
	Seals
<b>Reptiles</b>	Turtles
<b>Fish</b>	Coastal fish <sup>7</sup>
	Pelagic shelf fish
	Demersal shelf fish
	Deep-sea fish
<b>Cephalopods</b>	Coastal/shelf cephalopods
	Deep-sea cephalopods

*Specifications and standardised methods for monitoring and assessment*

*[To be added]*

## **Pelagic and benthic habitats**

Theme: Pelagic and benthic habitats

<sup>7</sup> Coastal fish and habitats are not confined to coastal waters, but are ecologically defined.

*Criteria, including criteria elements, ~~Elements for assessment~~, criteria and methodological standards*

Criteria elements <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
<p>Broad habitat types as listed in Table 2 and if present in the region or subregion.</p> <p><u>Member States shall further define, at regional or subregional level, habitat types, selected according to the criteria laid down under ‘specifications’, of each broad habitat type.</u></p> <p><u>These may include habitat types assessed under Directive 92/43/EEC or international agreements. Their assessment should be supported by the assessment, particularly of habitat condition, of a set of more finely defined habitat types (e.g. EUNIS level 4 or 5 types, or types from Habitats Directive or international agreements) selected according to the criteria laid down under ‘specifications’.</u></p>	<p>D1C5: <del>The extent, and where relevant distribution, of the habitat is not significantly altered due to anthropogenic pressures.</del></p> <p>The loss of extent of the habitat type, resulting from anthropogenic pressures, does not exceed 5% of the natural extent of the habitat in the assessment area. In cases where the loss exceeded this value in the <u>baseline reference</u> year used for the Initial Assessment in 2012, there shall be no further loss of the habitat type.</p>	<p><i>Scales of assessment:</i></p> <p><del>Ecologically relevant scales for each broad habitat type shall be used, as follows:</del> <u>Subdivision of region or subregion, reflecting biogeographic changes in species composition of the habitat at community level.</u></p> <p><i>Primary and secondary criteria:</i></p> <p>D1C5 and D1C6 are primary criteria, excepting D1C5 is not used for pelagic habitats.</p> <p><i>Application rules:</i></p> <p><u>The status of each habitat shall be assessed using w</u><del>Wherever possible, assessments (such as of sub-types of the broad habitat types) under Directive 92/43/EEC other Union legislation or international agreements should be used to support these assessments.</del></p> <p>Criteria D1C5 and D1C6 <u>are equivalent</u><del>correspond</del> to the ‘range/area covered by habitat type within range’ and ‘specific structures and functions’ criteria of Directive 92/43/EEC.</p> <p><u>Criterion D1C5 should use the assessment</u></p>
	<p>D1C6: The <u>spatial extent of impacts from anthropogenic pressures on the condition of the habitat, including its biotic (typical species composition and their relative abundance) and abiotic structure, and its functions, is not significantly altered due to anthropogenic pressures over at least does not exceed 30%</u><sup>8</sup> of its natural extent in the assessment area. <del>This proportion shall include any loss of natural extent, as assessed under criterion D1C5.</del></p>	

<sup>8</sup> From IUCN guidelines on ecosystem assessments

Criteria elements Elements for assessment	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
		<p>made under D6C3.</p> <p><u>For pelagic habitats, assessments should, in particular, take into account the assessments under D2C3, D5C2, D5C3, D5C4, D5C5, D8C2 and D8C4. For pelagic habitats, the assessments fulfil the needs for assessment under Descriptor 1.</u></p> <p><u>For benthic habitats, assessments should, in particular, take into account the assessments under D2C3, D3C2, D3C3, D5C6, D5C7, D5C8, D5C9, D6C2, D7C2, D8C2 and D8C4. For benthic habitats, the assessments fulfil the needs for assessment under Descriptors 1 and 6.</u></p> <p><u>Both criteria D1C5 and D1C6 shall achieve the threshold values set. For pelagic habitats, assessments should, in particular, take into account the assessments for Descriptor 5 and Descriptor 2.</u></p> <p><u>For benthic habitats, the assessments fulfil the needs for assessment under Descriptors 1 and 6. Both criteria shall achieve the reference levels set. The assessments should, in particular, take into account the assessments for Descriptor 5, Descriptor 2, Descriptor 3 (benthic species) and Descriptors 6 and 7 (physical disturbance, physical loss and associated hydrographical changes).</u></p>



Criteria Elements for assessment

**Table 2 – Broad habitat types (relevant for criteria under Descriptors 1, 6 and 7), which equate to one or more habitat types of the EUNIS classification (2016 version used), as indicated. Updates to the EUNIS typology should be reflected in the broad habitat types used for the purposes of Directive 2008/56/EC and of this Decision.**

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
<b>Benthic habitats</b>	Littoral rock and biogenic reef	[to be completed]
	Littoral sediment	
	Infralittoral rock and biogenic reef	
	Infralittoral coarse sediment	
	Infralittoral sand	
	Infralittoral mud	
	Infralittoral mixed sediment	
	Circalittoral rock and biogenic reef	
	Circalittoral coarse sediment	
	Circalittoral sand	
	Circalittoral mud	
	Circalittoral mixed sediment	
	Upper bathyal <sup>9</sup> rock and biogenic reef	
	Upper bathyal sediment	
	Lower bathyal rock and biogenic reef	
	Lower bathyal sediment	

<sup>9</sup> The boundary for the upper bathyal could be set as a specified depth limit.

Ecosystem component	Broad habitat types	Relevant EUNIS habitat codes (version 2016)
Pelagic habitats	Abyssal rock and biogenic reef	
	Abyssal sediment	
	Variable salinity <sup>10</sup>	
	Coastal	
	Shelf	
	Oceanic	

*Specifications and standardised methods for monitoring and assessment*

~~New requirements for monitoring and assessment may be needed for MSFD implementation issues (notably for fish, cephalopods and habitats).~~

Criteria for the selection of species and habitats to be assigned to the species groups and broad habitat types:

(a) ~~Main~~<sup>Primary</sup> scientific criteria (ecological relevance):

- Representative of the ecosystem component (species group or broad habitat type), being relevant for assessment of state/impacts, such as having a key functional role within the component (e.g. high or specific biodiversity, productivity, trophic link, specific resource or service);
- Relevant for assessment of a key anthropogenic pressure to which the ecosystem component is exposed, being sensitive to the pressure and exposed to it (vulnerable) in the assessment area;
- Sufficiently present across the (sub)region: high proportion (extent or occurrence) of the species/ habitat occurs within the assessment area;
- Present in sufficient numbers or extent in the assessment area to be able to construct a suitable indicator for assessment.
- The set of species or habitats selected should cover, as far as possible, the full range of ecological functions of the ecosystem component.

<sup>10</sup> Retained for situations where estuarine plumes extend beyond waters designated as Transitional Waters under Directive 2000/60/EC.

(b) ~~Secondary~~ Additional practical criteria (which shall not override the ~~primary~~ main set of scientific criteria):

- Monitoring/technical feasibility
- Monitoring costs
- Reliable time series

The representative set of species and habitats to be assessed are likely to be (sub)regionally specific, although certain species may occur in several subregions. ~~The more species/habitats that will be included in each group, the greater the confidence in the assessment.~~

For monitoring of D1C6, for benthic habitats, the proportion of spatial extent of impacts from anthropogenic pressures shall include any loss of natural extent, as assessed under criterion D1C5 for benthic habitats.

## Ecosystems, including food webs

Theme: Ecosystems

~~Criteria, including criteria elements, Elements for assessment, criteria~~ and methodological standards

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
Trophic guilds of an ecosystem. Member States shall agree at regional or subregional level on at least three trophic guilds to assess, two of which shall be non-fish trophic guilds. These should take into account the ICES list of trophic guilds <sup>11</sup> .	D4C1: Abundance <del>or/</del> biomass of trophic guilds is not <del>significantly altered</del> <u>adversely affected</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	<i>Scale of assessment:</i> Regional level for Baltic Sea and Black Sea; subregional level for <u>North-East</u> Atlantic and Mediterranean Sea, distinguishing coastal, shelf and oceanic/deep-sea ecosystems, as appropriate.
	D4C2: Size distribution <del>[per species]</del> within trophic guilds is not <del>adversely affected</del> <u>significantly altered</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	

<sup>11</sup> ICES Advice (2015) Book 1, ICES special request advice, published 20 March 2015.

<u>Criteria elements</u> <del>Elements for assessment</del>	Criteria, including <del>reference levels</del> <u>threshold values</u> where they exist	Methodological standards
	D4C3: Species composition and their relative abundance (diversity) within the trophic guild are not <del>adversely affected</del> <u>significantly altered</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	<i>Primary and secondary criteria:</i> Criteria D4C1 and D4C3 are primary criteria. Criterion <del>DC</del> <u>D4C2</u> is a secondary criterion, to be used for trophic guilds in which size distribution may be significantly affected by anthropogenic pressures. Criterion <del>DC</del> <u>D4C4</u> is a secondary criterion <del>which should to</del> be used in support of criterion <del>DC</del> <u>D4C1</u> , <u>where necessary</u> . <i>Application rules:</i> For all criteria used, the reference levels set shall be achieved.
	D4C4: Productivity of trophic guilds is not <del>adversely affected</del> <u>significantly altered</u> due to anthropogenic pressures. Member States shall establish, at regional or subregional level, <del>reference level</del> <u>threshold values</u> .	

*Specifications and standardised methods for monitoring and assessment*

[To be added]

Member States shall monitor whether, for each criterion, the values fall within the threshold values set.

## **PART C - SPATIAL ASPECTS OF ~~ASSESSMENT~~ ASSESSING THE EXTENT TO WHICH OF GOOD ENVIRONMENTAL STATUS IS ACHIEVED**

~~The achievement of good environmental status under Article 1(1) of Directive 2008/56/EC needs to address both the quality to be achieved at any given location in the marine waters of Member States and the spatial extent over which such quality levels are to be achieved within each region or subregion. This spatial aspect is reflected in Article 1(2) and 1(3) of that Directive, and indicates that some locations may not achieve the quality levels set, particularly to allow for certain sustainable uses of the marine waters, provided the collective pressure of human activities is kept within levels compatible with the achievement of good environmental status and the capacity of marine ecosystems to respond to human-induced changes is not compromised.~~

For the predominant pressures and impacts to be assessed under point (b) of Article 8(1) of Directive 2008/56/EC, the criteria provided in Part A of this Annex set reference level threshold values (or provide for these to be set by Member States within each region or subregion) in relation to the intensity of a pressure that is considered to be compatible with (or not preventing) the achievement of good environmental status~~quality to be achieved~~ at any given ~~location~~ area in the marine waters of Member States.

In order to assess the extent to which GES-good environmental status is being achieved in each region and subregion, as required under Article 9(3) of Directive 2008/56/EC, the following are needed:

- (a) the spatial distribution and extent of the predominant pressures and impacts addressed in the criteria under Descriptors 2 (excepting criterion D2C1), 5, 6, 7, 8, 10 (excepting ~~D10C3 and D10C34~~) and 11 ~~need to~~shall be assessed;
- (b) the spatial extent of impacts assessed in criteria under Descriptors 2, 3 (for benthic species), 5, 6 and 7 (and if appropriate Descriptors 8, 9, 10 and 11) should be used when assessing the extent of habitat in good condition under Descriptors 1 and 6;
- (c) when ~~reporting on the updates of~~reviewing their initial assessments and their determination of good environmental status according to point (a) of Article 17(2) of Directive 2008/56/EC, Member States shall ~~assess report~~ the extent to which the reference level threshold values have been achieved for each criterion used, per assessment element where relevant, as a proportion (%) of the total extent of the element in the assessment area.

## MSFD draft Decision and Annex III - comments

Documents for comment	
Document number	CTTEE_12-2016-03
Document title	Proposal for a Commission Decision on GES Criteria draft v2
Release date	15-02-2016
<p>Please provide comments on both documents in the same tab.</p> <p>Do not repeat comments in different tabs, but enter the comments only once.</p> <p>All comments received need to be compiled and sorted according to the format indicated (entries are examples only - add more if needed).</p> <p>In your commenting, please be as clear as possible on whether you support or oppose the text, proposing precise text changes. Alternatively provide any comments or suggestions you may wish to indicate support or otherwise for the text.</p>	
<p><b>ONE consolidated set of comments only (i.e. one per Member State or stakeholder)</b></p> <p><b>To be sent to: ENV-MARINE-ENVIRONM</b></p> <p><b>To be received by: 9 March 2016</b></p>	

Comments
Member State/stakeholder

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article	Comment
	2	Recital 1	
	2	Recital 3	
	3	Recital 5	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	30-40	General	
	31	Criteria D1C1	
	31-33	Criteria D1C1-D1C4	
	31-33	Methodological standards	



# MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	18-20	General		
	18	Criteria D2C1 Elements		
	19	Criteria D2C3		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	39-41	General	
	39-40	Criteria D4C1-D4C4 Elements	
	40	Criteria D4C3	
	39-40	Methodological standards	
	40	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	24-27	General		
	24	Criteria D6C1 Elements		
	25	Criteria D2C3		
	25	Methodological standards		
	26-27	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	28-29	General	
	28	Criteria D7C1 Elements	
	28	Criteria D7C2	
	28-29	Methodological standards	
	29	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
-------------------------------	------	--	---------

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	11-12	General	



## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment	Response
	13-15	General		
	13	Criteria D10C1 Elements		
	13	Criteria D10C3		
	13	Methodological standards		
	14-15	Specifications & methods		

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Elements - Criteria - Methodological standards - Specifications & methods	Comment
	16-17	General	
	16	Criteria D11C1 Elements	
	16	Criteria D11C2	
	16	Methodological standards	
	16-17	Specifications & methods	

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - Paragraph 1 - Paragraph 2
	40-41	General
	41	Paragraph 1
	41	Paragraph 2(a)

## MSFD draft Decision and Annex III - comments

Comment

## MSFD draft Decision and Annex III - comments

Response

## MSFD draft Decision and Annex III - comments

Member State / Stakeholder	Page	Section: - recital - article - Table 1 - Table 2a - Table 2b	Comment
-------------------------------	------	---	---------