



Brussels, 23 April 2009

## **Draft Terms of Reference** **of the 'Working group on good environmental status'**

### **Introduction**

The Marine Strategy Framework Directive 2008/56/EC establishes a framework within which Member States shall take the necessary measures to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest. 'Good environmental status' is a central concept of the Directive defined in its Art. 3; further qualitative descriptors are in Annex I of the Directive. These will be taken as a basis by Member States for determining the specific characteristics of good environmental status in their waters. In order to have a consistent and comparable approach to determining good environmental status, criteria and methodological standards need to be developed in accordance with a regulatory Committee procedure with scrutiny by the European Parliament (MSFD Art. 9(3)).

The set of criteria and methodological standards for the determination of good environmental status are thus a critical component for the MSFD implementation and their achievement is the main priority in the early phase of MSFD implementation at EU level. The Commission has often indicated that this work will build, to the extent possible, on existing available methodological tools such as those of other Directives and of the work under the European regional sea conventions<sup>1</sup>. It is thus important that:

- All available methodologies are being considered for their applicability under the MSFD;
- Representation of Member States, Regional Sea Conventions and other 'interested parties' (see MSFD Art. 9(3) for an explicit consultation requirement of all interested parties, including Regional Sea Conventions) is possible to assist in the development of the 'criteria and methodological standards'.

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<sup>1</sup> Baltic Sea: Helsinki Convention (HELCOM) – [www.helcom.fi](http://www.helcom.fi) ;  
North-East Atlantic: OSPAR Convention (OSPAR) – [www.ospar.org](http://www.ospar.org) ;  
Mediterranean: Barcelona Convention (UNEP-MAP) – [www.unepmap.org](http://www.unepmap.org) ;  
Black Sea: Bucharest Convention (BSC) – <http://www.blacksea-commission.org/main.htm> .

## Objectives

The working group will, in relation to the development of criteria and methodological standards for marine good environmental status:

- **Assist their development process** (e.g. organisation of interactions, guidance of scope and comprehensiveness) to ensure the development of the required technical elements, including:
  - **Discussing the progress** (including draft materials) reported by the Commission including the outcome of the work of DG JRC, DG SANCO and the International Council for the Exploration of the Seas (ICES);
  - **Organising structured feedback** with a view to enhancing the acceptability of options chosen, including assisting the Commission on the formal consultation requirement with the regional sea conventions and all interested parties, including stakeholders, on the proposal;
  - **Addressing issues** (e.g. descriptors on litter and hydrographic conditions) which may **not be covered** by the above;
- **Assisting the Commission** in developing a formal Commission proposal on GES descriptor criteria and methodological standards before the relevant meetings of the Committee addressing issues of substance.

After the development of the 'criteria and methodological standards', the Working Group will address, whenever appropriate, **issues of application** by Member States in their geographic neighbourhood context, focussing on the aspects of 'consistency' and 'comparability' as provided for in MSFD Art. 9(3). In this activity, the Working Group will take account of MS activities in the regional sea conventions, seeking synergies and the avoidance of duplication of efforts.

In the longer term, the Working Group can take a role in reviewing regularly the GES criteria where appropriate, having regard to updated scientific considerations and the need for adaptive management as required by the Directive, particularly in a context of climate change.

## Activities

### Activity 1 – Assist the development of 'criteria and methodological standards' (2009-2010)

At the level of individual descriptors:

- discuss adequacy and completeness of approaches elaborated (including addressing scale considerations);
- discuss practical applicability and implications;
- discuss whether any of the existing natural differences between regions might justify distinct methodological options for some specific criteria;
- discuss linkages between GES criteria and the development of targets, indicators and monitoring targets, and discuss in this context also any general limiting factors;
- discuss representativity / comprehensiveness;
- from all comments made, give guidance on which are most important issues to be addressed in further improvements (i.e. structure the feedback).

At the level of groups of descriptors:

- discuss coherence between the approaches of the individual descriptors;
- discuss balance.

With regard to the consultation required by MSFD Art. 9(3):

- confirm that the involvement of stakeholders, in particular regional sea conventions, is adequately secured;
- assist in consultation through facilitating activity of MS in their RSC.

### **Activity 2 – Assist the Commission in developing a formal proposal (2010)**

The Commission will provide an outline structure of the decision that would encapsulate the formal 'criteria and methodological standards'. The WG will assist the Commission in elaborating ideas towards the most viable Decision.

### **Activity 3 – Addressing application issues (2011-2012)**

[To be elaborated as from late 2010, pending identification of specific application risks].

### **Activity 4 – Reviewing GES criteria (2013-2017)**

[To be elaborated as from late 2012, taking account of application experience].

### **Lead countries - bodies**

The Commission (DG ENV) will chair the working group. For Activity 3, the option of a possible co-chair will be considered at a later stage.

### **Participants**

The Working Group is composed of representatives of:

- European Commission and European Environment Agency;
- Member States [see first list of nominated participants in Annex];
- Representatives of regional sea conventions (Secretariats and/or specific Member States), other marine protection conventions;
- European stakeholder organisations and international marine scientific organisations [see first list of expressions of interest in Annex].

Any workshops will be open to all participants. Specific activity groups can be formed.

The (sub-) regional and inter-regional aspects of the EU level work could possibly be fostered by:

- inviting Member States which have marine waters in different regions to facilitate information exchange to ensure that the development leads to results applicable in most of the (sub-)regions);
- exploring whether, for the different regional seas, a lead Member State (Member State "*porte-parole*") can help the exchanges between the EU level work and the related work at (sub-) regional level.

### **Start-up activities**

- Working group to be constituted, on the basis of names that have been submitted by Member States and the organisations mentioned above.
- CIRCA pages to be established under the overall Marine Strategy CIRCA site.

- Information to be circulated on the progress on GES based on progress reports from mainly JRC and ICES.

### **Meetings planned (tbc)**

- 14 May 2009 (back-to-back with Marine Strategy Coordination Group to be held in Leuven on 15 May 2009)
- October 2009 (tbc)
- March/April 2010 (tbc)

### **Links with other activities**

The WG will keep itself informed of relevant developments on normative expression of environmental status in the context of the Water Framework Directive and Nature/biodiversity legislation and, where appropriate, other relevant policies such as the Common Fisheries Policy.

### **Type and intensity of work**

At its inception, the WG will act as a **Plenary** including all participants and it can set up specific **Activity groups for specific (sub-)activities** with selected participants from its ranks. These can have meetings such as workshops or *ad hoc* meetings to deliver their results.

For specific purposes, **other experts** may be involved and be used as a reservoir of expertise for discussing specific issues. The selection of experts to be invited will be decided in consultation with the WG chair.

## Initial composition

	MS ( <i>landlocked</i> )	Authority	Contact person		e-mail address
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4	BSC				

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