

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) (Text with EEA relevance)

CHAPTER II

**MARINE STRATEGIES: PREPARATION**

*Article 8*

**Assessment**

1 In respect of each marine region or subregion, Member States shall make an initial assessment of their marine waters, taking account of existing data where available and comprising the following:

- a an analysis of the essential features and characteristics, and current environmental status of those waters, based on the indicative lists of elements set out in Table 1 of Annex III, and covering the physical and chemical features, the habitat types, the biological features and the hydro-morphology;
- b an analysis of the predominant pressures and impacts, including human activity, on the environmental status of those waters which:
  - (i) is based on the indicative lists of elements set out in Table 2 of Annex III, and covers the qualitative and quantitative mix of the various pressures, as well as discernible trends;
  - (ii) covers the main cumulative and synergetic effects; and
  - (iii) takes account of the relevant assessments which have been made pursuant to existing Community legislation;
- c an economic and social analysis of the use of those waters and of the cost of degradation of the marine environment.

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

3 In preparing assessments pursuant to paragraph 1, Member States shall, by means of the coordination established pursuant to Articles 5 and 6, make every effort to ensure that:

- a assessment methodologies are consistent across the marine region or subregion;
- b transboundary impacts and transboundary features are taken into account.

### *Article 9*

#### **Determination of good environmental status**

1 By reference to the initial assessment made pursuant to Article 8(1), Member States shall, in respect of each marine region or subregion concerned, determine, for the marine waters, a set of characteristics for good environmental status, on the basis of the qualitative descriptors listed in Annex I.

Member States shall take into account the indicative lists of elements set out in Table 1 of Annex III and, in particular, physical and chemical features, habitat types, biological features and hydro-morphology.

Member States shall also take into account the pressures or impacts of human activities in each marine region or subregion, having regard to the indicative lists set out in Table 2 of Annex III.

2 Member States shall notify the Commission of the assessment made pursuant to Article 8(1) and of the determination made pursuant to paragraph 1 of this Article within three months of completion of the latter.

3 Criteria and methodological standards to be used by the Member States, which are designed to amend non-essential elements of this Directive by supplementing it, shall be laid down, on the basis of Annexes I and III, in accordance with the regulatory procedure with scrutiny referred to in Article 25(3) by 15 July 2010 in such a way as to ensure consistency and to allow for comparison between marine regions or subregions of the extent to which good environmental status is being achieved. Before proposing such criteria and standards the Commission shall consult all interested parties, including Regional Sea Conventions.

### *Article 10*

#### **Establishment of environmental targets**

1 On the basis of the initial assessment made pursuant to Article 8(1), Member States shall, in respect of each marine region or subregion, establish a comprehensive set of environmental targets and associated indicators for their marine waters so as to guide progress towards achieving good environmental status in the marine environment, taking into account the indicative lists of pressures and impacts set out in Table 2 of Annex III, and of characteristics set out in Annex IV.

When devising those targets and indicators, Member States shall take into account the continuing application of relevant existing environmental targets laid down at national, Community or international level in respect of the same waters, ensuring that these targets are mutually compatible and that relevant transboundary impacts and transboundary features are also taken into account, to the extent possible.

2 Member States shall notify the Commission of the environmental targets within three months of their establishment.

## Article 11

### Monitoring programmes

1 On the basis of the initial assessment made pursuant to Article 8(1), Member States shall establish and implement coordinated monitoring programmes for the ongoing assessment of the environmental status of their marine waters on the basis of the indicative lists of elements set out in Annex III and the list set out in Annex V, and by reference to the environmental targets established pursuant to Article 10.

Monitoring programmes shall be compatible within marine regions or subregions and shall build upon, and be compatible with, relevant provisions for assessment and monitoring laid down by Community legislation, including the Habitats and Birds Directives, or under international agreements.

2 Member States sharing a marine region or subregion shall draw up monitoring programmes in accordance with paragraph 1 and shall, in the interest of coherence and coordination, endeavour to ensure that:

- a monitoring methods are consistent across the marine region or subregion so as to facilitate comparability of monitoring results;
- b relevant transboundary impacts and transboundary features are taken into account.

3 Member States shall notify the Commission of the monitoring programmes within three months of their establishment.

4 Specifications and standardised methods for monitoring and assessment which take into account existing commitments and ensure comparability between monitoring and assessment results, and which are designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).

## Article 12

### Notifications and Commission's assessment

On the basis of all the notifications made pursuant to Articles 9(2), 10(2) and 11(3) in respect of each marine region or subregion, the Commission shall assess whether, in the case of each Member State, the elements notified constitute an appropriate framework to meet the requirements of this Directive and may ask the Member State concerned to provide any additional information that is available and necessary.

In drawing up those assessments, the Commission shall consider the coherence of frameworks within the different marine regions or subregions and across the Community.

Within six months of receiving all those notifications, the Commission informs Member States concerned whether, in its opinion, the elements notified are consistent with this Directive and provides guidance on any modifications it considers necessary.