
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose Directive [2008/56/EC](#) of the European Parliament and of the Council of 17th June 2008 establishing a framework for Community action in the field of marine environmental policy⁽¹⁾ (the “Directive”). These Regulations extend to the United Kingdom.

Regulation 3 sets out the area of the sea and the sea bed to which the Regulations apply.

Regulation 4 imposes a general duty on the Secretary of State, Scottish Ministers, the Welsh Ministers and certain government departments in Northern Ireland to exercise their functions to secure compliance with the Directive. This includes a duty to take measures to achieve or maintain the good environmental status of marine waters by 31st December 2020.

Regulation 5 imposes a duty on the Secretary of State to develop a marine strategy.

Regulations 6 to 8 set out how the Secretary of State and the devolved administrations will work together to develop and implement the marine strategy.

Regulation 9 places a duty on public authorities, as well as Ministers, to have regard to the marine strategy in exercising their functions.

Regulations 10 to 14 require the development of the five elements of the marine strategy and set a deadline for doing so. The five elements are: (1) the assessment of marine waters; (2) the determination of the characteristics of good environmental status for those waters; (3) the establishment of environmental targets and indicators; (4) the establishment of a monitoring programme; (5) the publication of a programme of measures.

Regulation 15 sets out the exceptions to the duty to take measures to achieve good environmental status by 2020.

Part 4 sets out requirements for public participation in the development of the different elements of the marine strategy, as well as notification requirements.

Part 5 provides for direction-making powers and the power to give guidance.

A transposition note and an impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector are available from the Marine Environment Policy Division, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London, SW1P 3JR. These documents are also annexed to the explanatory memorandum which is available alongside the instrument on the OPSI website.

(1) OJ L No. 164, 25.06.08, p.19.