



Baltic Marine Environment Protection Commission

Group for the Implementation of the Ecosystem Approach

GEAR 20-2019

Berlin, Germany, 15-17 May 2019

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Background

GEAR 18-2018 agreed on the content of this document to be part of a GEAR planning document to inform further discussions on future work related to coordinated implementation of the MSFD by the HELCOM countries also being EU member states. This document focuses on aspects relating the strategic follow-up to Commission Decision 2017/848/EU.

The content of this document was submitted as part of the Report on follow-up work on GES Decision at regional level in the Baltic Sea, submitted by the Contracting Parties in HELCOM that are also EU member states to WG GES 19, which took place on 18 October 2018.

CG MSFD 1-2018 agreed that discussion on topics relating to the implementation of Commission Decision 2017/848 to be taken up at GEAR 20-2019, with the exception of indicators which was tabled already at GEAR 19-2018.

Action requested

The Meeting is invited to take note of the information and use it as appropriate.

Strategic follow-up to Commission Decision 2017/848/EU

Commission Decision 2017/848/EU is part of the wider review package of MSFD-implementation. The Decision follows conceptual considerations, explored in the EU Commission's "cross-cutting issues document" (last update in November 2017, [MSCG 21-2017-06](#)). As a result, the Decision includes requirements (e.g. in its Art. 3 and 4) which are in need of specification. Guidance and interpretation aid is expected to be taken up in the further development of the EU CIS Art. 8 MSFD assessment guidance, which has been released by WG GES in February 2017 as a test version. As a common understanding of these issues is important for guiding regional cooperation on the technical follow-up work, early strategic discussions in 2018 may be warranted in HELCOM and may later, if appropriate, result in input into the EU MSFD CIS process. The questions are:

- Do we have a common understanding on the requirement or topic?
- What guidance is needed by, and should be given to, HELCOM groups to follow-up on the requirements or topic?
- Where appropriate, how can Baltic regional knowledge and needs be communicated and represented in the discussion and guidance in the EU MSFD CIS process?
- Can the questions below help in prioritizing regional cooperation work and how?

Examples of issues for discussion may include:

- a. A **risk-based approach** should apply to the criteria retained in order to allow Member States to focus their efforts on the main anthropogenic pressures affecting their waters (recital 6 to Commission Decision 2017/848/EU). Risk considerations relate for example to:
 - the use of secondary criteria (Art. 3(2) Commission Decision)
 - the selection of criteria elements (recital 19 to Commission Decision and Annex I thereto: D1C1, D2C3, D8C1, D8C2, D9C1, D10C4)
 - the setting of threshold values *on the basis of the precautionary principle, reflecting the potential risks to the marine environment* (Art. 4 (1) (e) Commission Decision).
 - monitoring effort (all descriptors and criteria, but mentioned specifically under D5, D8 – Annex I to the Commission Decision)
- b. Establishment of **thresholds where knowledge is limited**. Art. 2 of Commission Decision 2017/848/EU allows Member States in the absence of threshold values to use a) national thresholds, provided the obligation of regional cooperation is complied with, b) directional trends of the values or c) pressure-based threshold values as proxies for status-based threshold values.
- c. Threshold values should be set **consistent across different criteria** when they relate to the same ecosystem element (Art. 4 (1) (f) Commission Decision). This requires mechanisms that allow working across criteria where these are developed through different expert groups.
- d. Threshold values should be **consistent with other Union legislation**, e.g. the Habitats-, Birds- and Water Framework Directives. This could result in the need for reviewing some of the existing threshold values, e.g. for contaminants.
- e. Undertaking an **ecosystem-based assessment** remains still a challenge. How could this be usefully achieved in order to support the management of human activities and pressures including spatial planning, and to be comparable across EU marine regions. For HOLAS II a refined Baltic Sea Pressure and Impact Index has been used as a spatial approach.