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| <b>Document title</b>  | Updated Overview of EU Commission conclusions on MSFD Programme of Measures |
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## Background

This overview document was presented to GEAR 19-2018 as document 5-5. It has now been updated with information from DK, EE and LT (based on the Commission's technical country reports) which had not been available for GEAR 19-2018. The table under achieving GES has been updated with EU Commission draft conclusions on the regional coherence of the PoMs (overall) and of the timelines for achieving GES ([MSCG 24-2019-13](#)).

The EU Commission published its assessment according to Art. 16 MSFD concerning Member State's reported programmes of measures on 31 July 2018. The publication comprises

- Report of the EU Commission [COM\(2018\) 562 final](#) to the European Parliament and Council with a summary of the implementation of Art. 13 MSFD (programmes of measures) per descriptor and with the general recommendations for Member States
- Staff Working Document [SWD\(2018\) 393 final](#) with summaries of Member State specific conclusions and recommendations.
- A [Technical report](#) per Member State with a detailed analysis of the Member State's programme of measure and associated conclusions and recommendations.

Contrary to previous EU Commission assessments (Art. 12 MSFD), the publication does not include technical reports as well as conclusions and recommendations specific for each marine region. The Staff Working Document does group in its summary Member State specific conclusions according to regions so that some regional overview is provided.

The EU Commission's assessment considered:

- Appropriateness of the programmes with regard to their coverage of reported pressures ("tackling pressures")
- The effectiveness of measures with regard to the estimated point in time, when Member States consider achieving good environmental status ("measuring effectiveness")
- Regional coherence
- Justifications for reported exceptions (Art. 14 MSFD).

In the Baltic Sea region, the EU Commission assessed reported programmes of measures from DE, FI, LV, PL and SE. According to the EU Commission's assessment, reports from DK, EE and LIT received beyond the Commission's cut-off date (February 2017) could not be assessed in time for the Art. 16 MSFD report. **In the meantime, technical country reports have been published by the EU Commission and draft regional reports have been submitted to MSCG 24-2019.**

**Annex 1** compiles information from the EU Commission publication from a Baltic Sea regional coordination perspective, including on reported exceptions. **Annex 2** reproduces the table-conclusions from COM(2018) 562 final which address all Member States and regional coordination. **Annex 3** compiles the good practice examples of measures which link to pressures considered by the Commission as inadequately covered by Member States' programmes of measures (see associated measure recommendations in Annex 1). **Annex 4** compiles the Commission analysis on coherence of coverage of pressures and state aspects.

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For the discussion at GEAR, reference is also made to the [Joint documentation of regional coordination of Programmes of Measures in the Baltic Sea area](#) which has been developed within HELCOM.

### Action requested

The Meeting is invited to note the appended information and use it, as appropriate, as background to its discussions.

## Annex 1 – Compilation of information from the EU Commission publication with relevance for regional coordination in the Baltic Sea

### Achieving good environmental status:

The EU Commission concluded that the Member States' programmes of measures have varying levels of ambitions. Achieving good environmental status by 2020 across all European marine regions and for all the 11 descriptors of the Directive remains unlikely.

The EU Commission notes that Member States' estimations that overall coherence of PoM in the Baltic Sea area as well as coherence relating to when GES is expected to be achieved is "moderate" (three scales: low, moderate, high). There are also differences in estimations by Contracting Parties when GES is expected to be finally achieved. The following table compiles the estimations reported by EU Member States in the Baltic Sea region as quoted in the country-specific technical reports and the EU Commission's draft conclusions on the overall coherence of PoM and on timelines for achieving GES (MSCG 24-2019-13):

| Descriptor | Coherence: overall PoM (pressure coverage) | Coherence: Timelines for achieving GES | Timelines for achieving GES |                                     |  |                            | Reported exceptions (Art. 14 MSFD) (green: grounded, orange: partially grounded, red: not grounded) |                            |
|------------|--|--|-----------------------------|-------------------------------------|--|----------------------------|---|----------------------------|
|            |  |  | GES is already achieved     | GES expected to be achieved by 2020 | GES expected to be achieved after 2020 | No conclusion*             |   |                            |
| D1,4       | Birds                                      | Moderate                               | Moderate                    |                                     | DK, EE, LT, PL                         |                            | DE, FI, LV, SE  |                            |
|            | Marine mammals                             | Moderate                               | Low                         |                                     | DK                                     | EE, PL                     | DE, FI, LT, LV, SE  | EE, PL                     |
|            | Fish                                       | Moderate                               | Moderate                    |                                     | DK, EE                                 | LT, PL                     | DE, FI, LV, SE  | LT, PL                     |
|            | Pelagic habitats                           | Moderate                               | Moderate                    |                                     | EE                                     | LT                         | DE, DK, FI, LV, PL, SE,   | LT                         |
| D6         | Benthic habitats                           | Moderate                               | Moderate                    |                                     | DK, EE, FI, LT                         | PL                         | DE, LV, SE  | PL                         |
| D2         | Non-indigenous species                     | Moderate                               | Low                         |                                     | DK, EE, FI                             | LT, PL                     | DE, LV, SE  | LT, PL                     |
| D3         | Commercial fish stocks                     | Moderate                               | Moderate                    |                                     | DK, EE, LT                             | FI                         | DE, LV, PL, SE  | FI                         |
| D5         | Eutrophication                             | High                                   | High                        |                                     |  | DK, EE, FI, LT, LV, PL, SE | DE  | DK, EE, FI, LT, LV, PL, SE |
| D7         | Hydrographical changes                     | Moderate                               | Low                         | FI, SE                              | DK                                     |                            | DE, EE, LT, LV, PL  |                            |
| D8         | Contaminants (environment)                 | High                                   | High                        |                                     | DK                                     | EE, FI, LT, PL, SE         | DE, LV  | EE, LT, PL, SE             |
| D9         | Contaminants (seafood)                     | Moderate                               | Moderate                    |                                     | DK, EE                                 | FI, LT, SE                 | DE, LV, PL  | FI, LT                     |
| D10        | Marine litter                              | High                                   | Low                         |                                     | DK, FI                                 |                            | DE, EE, LT, LV, PL, SE  |                            |
| D11        | Underwater noise                           | Moderate                               | Low                         |                                     | DK, FI                                 |                            | DE, EE, LT, LV, PL, SE  |                            |

\* Explanations, why the Art. 16 report could not draw conclusions on when GES is expected to be achieved, are quoted from the country-specific technical reports as follows:

- DE reports that it cannot estimate if GES is expected to be achieved by 2020, because of knowledge gaps.
- FI reports [for the biodiversity descriptors] that GES might not be achieved for all species and habitats, apart from seabed habitats, due to pressures from nutrients and contaminants, but does not clearly confirm this. No timeline for achieving GES is specified.

- LV does not report when GES will be achieved. [For D1, D6, D7, D8, D10 and D11,] new measures will be implemented in 2018 and 2020. GES is not defined. [Technical report concludes] “not appropriate”.
- PL does not report whether or not GES is expected to be achieved by 2020.
- SE reports that it cannot determine if GES will be achieved given lack of knowledge. It acknowledges that there are risks of not achieving GES by 2020 which will become evident in the second implementation cycle of the MSFD. [For pelagic habitats the question is] Not applicable – GES has not been defined.

**Reference to regional measures:**

The EU Commission observed that while most Member States in their reporting referenced to their respective Regional Sea Conventions and to international agreements, some Member States cited regional action plans and regional or international commitments only in general terms without specifying what kind of measures are being implemented. The EU Commission concluded what such measures were meant to achieve could not be pinned down. They state that in most cases, measures do not look at a region or sub-region but are limited to a geographical scope within national waters. As a result the EU Commission recommended to Member States *inter alia* to explain what specific measures stemming from regional or international initiatives are being implemented as part of their programme (see recommendations “International & regional” in Annex 2).

All Baltic Sea region’s Member States that are covered by the Art. 16 MSFD assessment included HELCOM measures in their reports. In doing so, they used different approaches: HELCOM Baltic Sea Action Plan reported as “existing measure” (e.g. PL) or as linked policy (e.g. LV), specific HELCOM measures (Recommendation, Regional Action Plan on Marine Litter) reported as “existing measure” (e.g. DE, FI) or the [Joint documentation of regional coordination of Programmes of Measures in the Baltic Sea area](#) reported as an “existing measure” (e.g. SE). The Joint documentation has also been used as a reference document for regional coordination and transboundary impacts (e.g. DE, FI).

The Commission noted that the “Joint documentation of regional coordination of PoMs in the Baltic Sea area”, prepared in the framework of HELCOM and submitted by Baltic Member States as complementary information, acknowledges that there is a difference between what Baltic Member States consider measures and those that the MSFD reporting guidance specifies as efforts to close gaps in other MSFD Articles (e.. Art. 8, 9, 10 and 11). The Commission noted that Member States have often reported research, monitoring and data gathering efforts as “measures”, while the MSFD reporting guidance states that these should not be treated as measures.

**Reliance on ‘existing’ and ‘new’ measures to achieve good environmental status:**

The EU Commission concluded that Member States defined around 25% of the reported measures as ‘new’ measures, meaning that measures were put into place specifically for the purpose of the Directive. However, the Commission observed that for certain pressures of transboundary nature, the lack of regional or EU coordination potentially leads to a fragmented and ineffective approach to tackling the pressure. In the case of plastic marine litter, the Commission considers this problem now being addressed through action at EU level, notably through the European strategy for plastics in a circular economy and its subsequent actions. The Commission also noted that most measures (existing and new) focus on the future, through the reduction of further inputs of pressures for example, and few measures concern the mitigation of past and present pressures (assuming that the ecosystem will recover from the current level of pressure in the system).

From the information published by the EU Commission the following information can be drawn on existing and new measures used in the Baltic Sea region:

| Category | DE  | DK*   | EE    | FI  | LIT   | LV   | PL   | SE  |
|----------|-----|-------|-------|-----|-------|------|------|-----|
| 1        | 67% | 63,6% | 77,5% | 74% | 91,9% | n.a. | n.a. | 88% |
| 2        | 33% | 36,4% | 22,5% | 26% | 8,1%  | n.a. | n.a. | 12% |

n.a. = statistical information not available from EU Commission report. \*There is no distinction between North Sea and Baltic Sea

### ***Coherence of coverage of pressures and biodiversity***

The Staff Working Document (SWD) considers the coherence of coverage of pressures per Member States and descriptor, grouped per marine region. The SWD provides a concise explanation per Member State as to what pressure and biodiversity aspects are considered by the Commission as addressed or not. The detailed tables for the Baltic Sea are extracted from the SWD and presented in Annex 4. The SWD concludes on the coherence of coverage of pressures and biodiversity across the EU but not specifically for each region. The conclusions are compiled in the following table:

| Coherence across EU | Pressures       | Biodiversity (D1, 4, 6)                                      |
|---------------------|-----------------|--|
| High                | D3, D9          |  |
| Moderate to high    | D2, D5, D8, D10 | Birds, fish and cephalopods                                  |
| Moderate            | D7              | Mammals and reptiles, water column habitats, seabed habitats |
| Low to moderate     | D11             |  |
| Low                 |                 |  |

### ***Coherence analysis of implementation aspects***

The Commission observed that information on cost estimates for new measures is coherent across Member States in the Baltic Sea region. For new measures, a CBA and/or CEA was conducted by all Member States establishing new measures. The qualifications of costs are usually in ranges, and potential impacts are not quantified, but are typically described in a qualitative manner. Most Member States report that they cannot estimate the effectiveness of their measures given data limitations. As such, timelines of when GES is expected to be achieved are generally not reported.

Most Member States detail when new measures will be implemented, typically from 2016 onwards. All Member States have certain measures that will be implemented with delays. In several instances, Member States do not provide information on when some of their new measures will be implemented.

### ***Use of exceptions:***

Seven of the eight Baltic Sea Member States whose reports are covered by the Art. 16 MSFD assessment reported exceptions from achieving good environmental status by 2020. Seven Member States invoked exceptions for pressure from nutrient input. The Commission concluded, however, that different reasons have been cited, showing a less consistent regional approach despite the transboundary nature of the pressure. In the Baltic Sea, Finland, Latvia and Poland referred to justified situations beyond their control, with Poland invoking natural conditions as an additional justification, just like Sweden. The following table compiles the exception reference and reasoning of Member States for invoking exceptions from achieving

GES by 2020 and the EU Commissions conclusions on the exception as "grounded" (green), "partially grounded" (orange), "not grounded" (red):

| Descriptor          | CP | MS justification for exceptions as summarised and assessed by EU COM (quote from the national technical report concerned)   | Spatial scope                        | Art. 14 MSFD by paragraph   | COM conclusion     |
|---------------------|----|---|--------------------------------------|---|--------------------|
| D1 – birds          |    |   |                                      |   |                    |
| D1 – marine mammals | EE | Estonia stated that GES will not be achieved by 2020 in the case of species for which this achievement depends on climatic conditions. The extent of the maximum winter ice cover in the Baltic Sea has significantly decreased and the incidence of exceptionally warm winters is expected to increase in the future due to climate change. Consequently, in spite of the implementation of the Ringed Seal Protection Action Plan, there is a high probability that the set environmental objective to restore historic range of Ringed seal will not be achieved. However, the Member State did not define ad-hoc measures or specify when GES is expected to be achieved (if Article 14(1)(b) or Article 14(1)(e) are applied respectively).  | Not specified                        | Art. 14 (1)   | Grounded           |
|                     | PL | Due to the large range of occurrences of harbour porpoise, their by-catch can take place in waters of countries other than Poland, and thus have an impact on the effectiveness of protective measures in Polish national waters. Poland has clarified that this exception relates to the migration patterns of harbour porpoises and that by-catch can happen within and outside Polish waters. According to the Member State the scale of the by-catch problem is not well known in Polish waters because its monitoring programme that relates to by-catch of these species is not yet fully implemented. As such, it cannot know how much of the problem of by-catch affecting the Baltic sea harbour porpoise population is caused by Poland. Furthermore, according to Poland, by-catch of harbour porpoises is much higher in other Baltic Sea countries, because the specie's population size is larger in other countries as compared to Poland. | Territorial waters, EEZ (or similar) | (a) 'action or inaction for which the Member State concerned is not responsible'                            | Not grounded       |
| D1,4 – fish         | LT | Lithuania explains that achieving national Objective 2 (associated to D1, 4, which also has impacts on D5) is closely related to the achievement of national Objective 3 (associated to D5, which also has impacts on D4) and national Objective 4 (associated to D2). Lithuania therefore explains that the exception applied for food webs is linked to eutrophication (D5) for which another exception has been applied (related to national Objective 3) and assessed as 'partially grounded' under D5. An exception has also been applied to national Objective 4 and assessed as 'partially grounded' under D2. Still, no details are provided and no explanation is reported to justify the application of this explanation (beyond the link to other descriptors). As such, there is no basis to assess this exception. Also, an alternative date for the achievement of GES has not been reported.   | ---                                  | (e) 'natural conditions which do not allow timely improvement in the status of the marine waters concerned' | Not grounded       |
|                     | PL | Poland reports that the Large Fish Index (LFI) is affected not only by fishing pressure but also by other environmental factors, such as climate  | Territorial waters,                  | (e) 'natural conditions   | Partially grounded |

| Descriptor            | CP | MS justification for exceptions as summarised and assessed by EU COM (quote from the national technical report concerned)  | Spatial scope    | Art. 14 MSFD by paragraph   | COM conclusion |
|-----------------------|----|--|------------------|---|----------------|
|                       |    | <p>change and salinity (which affect the successful spawning of some species including cod which requires high salinity). Given that the LFI in the Baltic Sea is strongly dependent on the size of the cod, which is strongly correlated with temperature and salinity, climatic conditions can affect whether LFI remain at GES in/after 2020.</p> <p>Poland has further clarified its reasoning for the application of this exception. The Member States comments that successful spawning for cod in the Baltic sea, depends on water inflows from the North Sea. Currently, it is observed that cod is smaller and thinner than before. That could, according to scientists, be caused by larger anoxic zones in the Baltic sea (caused by eutrophication but also probably by climate change which cause less numerous inflows of saline water containing lot of oxygen from the North Sea). Anoxic zones at the sea bottom may cause that some food resources at the bottom of the sea are not available for cod. Also, climate change may affect pelagic fish migrations. They can migrate further north in the Baltic Sea and may not be available for cod as a food resource (in addition to the low levels of salinity for cod to follow them upwards). Other natural conditions may also affect cod condition like increased population of seals and as a result cod may be affected by seal parasites. Regarding the link to the LFI index: cod is the largest species included into the Large Fish Index (other big fish species like salmon are of minor importance as they are not so numerous in Polish marine waters). The Member State adds that there are uncertainties about the state of cod populations in its marine waters as the current knowledge is based on incomplete data for eastern cod stocks. Finally, Poland has clarified that this exception has been applied to fish biodiversity (D1, 4 – Fish), because the LFI index is one of the indices referenced in its fish biodiversity targets as defined in Article 10.</p> | EEZ (or similar) | which do not allow timely improvement in the status of the marine waters concerned'                         |                |
| D1 – pelagic habitats | LT | <p>Lithuania explains that achieving national Objective 2 (associated to D1, 4, which also has impacts on D5) is closely related to the achievement of national Objective 3 (associated to D5, which also has impacts on D4) and national Objective 4 (associated to D2). Lithuania therefore explains that the exception applied for food webs is linked to eutrophication (D5) for which another exception has been applied (related to national Objective 3) and assessed as 'partially grounded' under D5. An exception has also been applied to national Objective 4 and assessed as 'partially grounded' under D2. Still, no details are provided and no explanation is reported to justify the application of this explanation (beyond the link to other descriptors). As such, there is no basis to assess this exception. Also, an alternative date for the achievement of GES has not been reported.</p>   | ---              | (e) 'natural conditions which do not allow timely improvement in the status of the marine waters concerned' | Not grounded   |

| Descriptor                  | CP | MS justification for exceptions as summarised and assessed by EU COM (quote from the national technical report concerned)  | Spatial scope  | Art. 14 MSFD by paragraph   | COM conclusion     |
|-----------------------------|----|--|--|---|--------------------|
| D6 – benthic habitats       | PL | <ul style="list-style-type: none"> <li>- Benthic ecosystems and organisms are characterised by slow growth, with expected changes leading to improved seabed ecosystems taking place in a gradual, long-term way Poland has clarified that this may take several decades. It has also specified that in some areas, the benthic habitat might never fully recover due to global warming.</li> <li>- Poland reports that it has introduced a biotic index for seabed habitats (B) to complement the criteria of the WFD, as this index will reflect the abundance and species richness in the structure of benthic communities, in addition to their sensitivity to eutrophication depending on their location. Poland states two invasive non-indigenous species have significant impact on the indicator index B, one polychaete species (<i>Marenzelleria</i>) and one bivalve species (<i>Mya arenaria</i>). These species spread easily and occur in abundance in some areas, which will inhibit the achievement of GES even after the implementation of new measures. Poland has clarified that the B index is a multimetric macrozoobenthic index developed in 2009 and used in the Polish sea monitoring programme. Most Baltic countries have developed their own multimetric macrozoobenthic indexes to account for the regional differences in macrozoobenthos, related e.g. to salinity, temperature and prevailing substrata. The B index, like other indices of this type, takes into account e.g. the ratio of species sensitive to eutrophication to opportunistic species insensitive to eutrophication. The spread of the two NIS, which are considered insensitive to eutrophication, results in poorer B index scores than could be expected in zones which are recovering from excessive eutrophication. As such, the spread of NIS has distorted the state of recovery of some bottom ecosystems.</li> <li>- In certain areas of the Baltic Sea, a regular decrease in oxygen occurs. These conditions are natural and the implementation of conservation activities in Poland will not change or improve benthic habitats in these areas.</li> </ul> | Territorial waters, EEZ (or similar)                       | ---   | Partially grounded |
| D2 – non-indigenous species | LT | Lithuania states that NIS from other Baltic Sea countries may naturally spread to Lithuanian waters and cause environmental issues. Lithuania has not reported detailed justifications for the exception. Also, Lithuania does not report an alternative date for the achievement of GES.  | Coastal waters (WFD), Territorial waters, EEZ (or similar) | (e) 'natural conditions which do not allow timely improvement in the status of the marine waters concerned' | Partially grounded |
|                             | PL | Poland reports that the likelihood of achieving GES for D2 by 2020 is low, and it applies an exception under Article 14 (1)(a). The justification provided for the application of the exception is that NIS introductions are due to transboundary impacts, with specific reference  | ---  | (a) 'action or inaction for which the Member State concerned is   | Grounded           |

| Descriptor                  | CP | MS justification for exceptions as summarised and assessed by EU COM (quote from the national technical report concerned)   | Spatial scope  | Art. 14 MSFD by paragraph   | COM conclusion |
|-----------------------------|----|---|--|---|----------------|
|                             |    | to NIS being introduced from bordering waters which are outside of EU control. Poland has clarified that about half of NIS recorded in the Baltic have been introduced with ballast waters. Another quarter has reached the sea as a result of deliberate stocking of alien species in the Baltic Sea basin (mostly freshwater fish and crustaceans from the Black Sea basin). Poland generates only a certain portion of the shipping traffic and has deliberately stocked its waters with very few alien species, most of which do not thrive in the sea (e.g. Prussian carp). It is therefore highly likely that species that have entered the Baltic through other channels than Polish sea or inland waters will continue to expand into Polish marine waters. For example, of the 120 alien species listed in a HELCOM database, only 21 are known to occur in Polish waters and there are 13 NIS that occur in HOLAS areas adjacent to Polish HOLAS areas, but have not been reported from Polish HOLAS areas. This shows that the potential for migration of further NIS into Polish marine waters is high. |  | not responsible'  |                |
| D3 – commercial fish stocks | FI | Finland states that the achievement of GES for certain fish species (e.g. sea trout, pike, perch, migratory fish) will be delayed due to a time-lag, as an increase in fish numbers will be noticeably delayed, given the duration of their reproductive cycles.  | All Finnish marine waters                                  | (e) 'natural conditions which do not allow timely improvement in the status of the marine waters concerned' | Grounded       |
| D5 – eutrophication         | DK | Natural conditions of the Baltic Sea would not allow for GES to be achieved by 2020 and historically-enriched sediment may continue to be a net source of nutrients for decades after nutrient loads to both fresh and marine surface waters have been reduced. No specific time estimate for achieving GES in the Baltic Sea is provided.  | Coastal waters (WFD), Territorial waters, EEZ (or similar) | (e) 'natural conditions which do not allow timely improvement in the status of the marine waters concerned' | Grounded       |
|                             | EE | Natural conditions are explicitly mentioned and Estonia further clarified that Article 14 (1)(e) 'natural conditions which do not allow timely improvement in the status of the marine waters concerned' has been used. Environmental targets and GES for eutrophication are unlikely to be achieved by 2020, due to natural specificities of the Baltic Sea. Moreover, climate change could expand the extent of oxygen deficient areas in its deeper basins, possibly leading to the release of nutrients from sediments and increased levels of dissolved nutrients in the water column. However, Estonia does not specify when GES is expected to be achieved (in relation to Article 14(1)(e)).  | Coastal waters (WFD), Territorial waters, EEZ (or similar) | (e) 'natural conditions which do not allow timely improvement in the status of the marine waters concerned' | Grounded       |
|                             | FI | Finland states that the most significant reason for a delayed achievement of GES for eutrophication is the natural slow recovery of the Baltic Sea.   | The open sea areas of all Finnish waters                   | (e) 'natural conditions which do not  | Grounded       |

| Descriptor | CP | MS justification for exceptions as summarised and assessed by EU COM (quote from the national technical report concerned)   | Spatial scope   | Art. 14 MSFD by paragraph  | COM conclusion     |
|------------|----|---|---|--|--------------------|
|            |    | <p>Due to the historical load of nutrient enriched seabed sediments and waters, a large amount of nutrients has been stored in the sediments, and is occasionally transferred and mixed with surface waters under certain conditions. These environmental conditions cause a delay between measure implementation and an actual reduction of eutrophication effects. Finland states that Phosphorus in particular has been stored in sediments and will be released to the water column for a long time. The Member State explains that the achievement of GES by 2021 will be possible in some locations of its archipelago, but that for the majority of its waters the achievement of GES will be delayed until 2027.</p>  | except for the Kvarken region.  | allow timely improvement in the status of the marine waters concerned'   |                    |
|            | LT | <p>Lithuania explains that the increase in phosphorus content in open seas is more determined by flows from deep areas of the Baltic Sea (which depend on the intensity of inflow of North Sea waters) than flows from continental part (e.g. riverine), which limits the possibilities to achieve GES. Also, the pollution load reduction that Lithuania should achieve to meet HELCOM's requirements is too high (more than 50%), and thus not technically feasible as currently waste waters in Lithuania are mostly treated to required standards and agriculture does not demonstrate significant pollution with phosphorus. Finally, achieving HELCOM's objectives without a contribution from Belarus is not possible because this would require big and not proportional cutting of phosphorus loads in Lithuania. It will take a significant time before positive results can be measured and effects become noticeable, due to the natural conditions of the Baltic Sea (historical contamination). However, the HELCOM nutrient reduction scheme has been politically endorsed at Ministerial level in 2013. An alternative date for the achievement of GES has not been reported.</p> | ---   | (e) 'natural conditions which do not allow timely improvement in the status of the marine waters concerned'                        | Partially grounded |
|            | LV | <p>According to Latvia, it is scientifically proven that the changes causing eutrophication occur in the Baltic Sea with a large time lag, determined by the Baltic Sea internal biogeochemical processes. The implementation of measures can need up to 30-50 years before observing the desirable results for D5.</p>   | Transitional waters (WFD)<br>Coastal waters (WFD)<br>Territorial waters<br>EEZ (or similar) | (e) 'natural conditions which do not allow timely improvement in the status of the marine waters concerned'                        | Grounded           |
|            | PL | <p>Reaction time of groundwater, inland surface waters and marine waters to reduce the external load of nutrients can be very long. Reducing the nutrient input 'at source' to improve the quality of marine waters may take several years (a dozen or more), depending on the nature of the source and the degree of dependence on particular areas of pollution loads from Poland. Improving the quality of the Polish part of the Baltic Sea will depend not only on the actions undertaken in Poland but also those of other Baltic states.</p>   | Territorial waters, EEZ (or similar)  | (a) 'action or inaction for which the Member State concerned is not responsible' (e) 'natural conditions which do not allow timely | Grounded           |

| Descriptor                      | CP | MS justification for exceptions as summarised and assessed by EU COM (quote from the national technical report concerned)  | Spatial scope  | Art. 14 MSFD by paragraph  | COM conclusion |
|---------------------------------|----|--|--|--|----------------|
|                                 |    |  |  | improvement in the status of the marine waters concerned'  |                |
|                                 | SE | The natural conditions are such that even if the nutrient load targets are reached, recovery of the state of the marine environment will take a long time. This is partly due to the long time it will take to reduce the nutrient concentrations in the sea to a sufficient extent, with further time taken for the ecosystem to recover from the direct and indirect effects of eutrophication. In view of the natural conditions, a realistic 'deadline' might therefore be 100 years for the Baltic Sea, given current knowledge and technical conditions.                                       | Coastal waters (WFD), Territorial waters, EEZ (or similar) | (a) 'action or inaction for which the Member State concerned is not responsible'   | Grounded       |
| D7 – hydrographical change      |    |  |  |  |                |
| D8 – contaminants (environment) | EE | Natural conditions are explicitly mentioned and Estonia further clarified that Article 14 (1)(e) 'natural conditions which do not allow timely improvement in the status of the marine waters concerned' has been used. It is very likely that GES, for all contaminants, will not be achieved by 2020, especially due to natural conditions in the Baltic Sea and knowledge gaps about contaminants in the marine environment exceeding the EQS. However, Estonia does not specify when GES is expected to be achieved (in relation to Article 14(1)(e)).   | Coastal waters (WFD), Territorial waters, EEZ (or similar) | (e) 'natural conditions which do not allow timely improvement in the status of the marine waters concerned'  | Grounded       |
|                                 | LT | The justifications relate to pollution deriving from the neighbouring Belarus and the continued release of pollutants from benthic sediments. Pollution by contaminants can be transboundary in nature and some contaminants (such as heavy metals) are persistent and take a long time to break down in the marine environment. However, Lithuania did not specify when GES is expected to be achieved.   | Coastal waters (WFD), Territorial waters, EEZ (or similar) | (a) 'action or inaction for which the Member State concerned is not responsible' (e) 'natural conditions which do not allow timely improvement in the status of the marine waters concerned' | Grounded       |
|                                 | PL | An exception is applied for only one marine area (area 62) where the status is considered to be subGES. Poland clarified that the initial assessment for contaminants (D8) determined that GES has been achieved in all other marine areas, and that the new measures complement the existing ones and will contribute to the maintenance of GES. The justification is that some substances concerned have long decay periods and it is highly unlikely they will decompose or be absorbed by sediments fast enough to reach GES by 2020. At the same time Poland adds that loads and concentrations | EEZ (or similar)   | (a) 'action or inaction for which the Member State concerned is not responsible' (e) 'natural conditions which do not  | Grounded       |

| Descriptor                  | CP | MS justification for exceptions as summarised and assessed by EU COM (quote from the national technical report concerned)  | Spatial scope  | Art. 14 MSFD by paragraph   | COM conclusion |
|-----------------------------|----|--|--|---|----------------|
|                             |    | of contaminants have been generally decreasing in the past 20 years, although this downward trend is clearer in the case of heavy metals than in the case of POCs.   |  | allow timely improvement in the status of the marine waters concerned'                                      |                |
|                             | SE | The reduction of inputs of hazardous substances into the marine environment that are necessary to achieve GES is complex, with part of the input load of contaminants coming from atmospheric deposition and thus transboundary in nature. Similarly to eutrophication, even if the input decreases, it will take time before the levels of contaminants in the marine environment decrease and the ecosystem recovers from their effects. In the case of specifically-contaminated sediments, remediation may be needed, but this is a complicated, lengthy and resource-intensive process. In addition, water management proposes less stringent requirements for mercury for 95% of all coastal water bodies. Overall, therefore, GES cannot be achieved in the foreseeable future.   | Coastal waters (WFD), Territorial waters, EEZ (or similar) | (a) 'action or inaction for which the Member State concerned is not responsible'                            | Grounded       |
| D9 – contaminants (seafood) | FI | Finland reports that it was granted an exception from the regulation EC/ 2375/2001 for the dioxin levels in its commercial fish and shellfish species. This exception allows fish to be marketed in Finland even if their dioxin concentrations exceed the maximum limit for commercial fish and shellfish as set out by the directive. Finland reports that a significant reason for postponement of GES for contaminants in seafood is based on the time lag between the implementation of measures and actual reduction of contaminant concentrations in fish species. The time lag is caused by a naturally slow decomposition of these substances, which make them persist in the marine environment for a long time. Furthermore, Finland indicates that the contamination from dioxins and dioxin-like PCBs is mainly caused by neighbouring countries, as Finland states that it is responsible for 12% of the annual load of dioxin compounds in the Baltic Sea. Finland's dioxin sources are caused by historically contaminated sediment. The Member State reports that scientific studies have shown that the technical removal of these sediments can be more harmful than beneficial to the marine environment. Finland cannot estimate by when GES will be reached. | All Finnish marine waters                                  | (e) 'natural conditions which do not allow timely improvement in the status of the marine waters concerned' | Grounded       |
|                             | LT | The justifications relate to pollution deriving from the neighbouring Belarus and the continued release of pollutants from benthic sediments. Pollution by contaminants can be transboundary in nature and some contaminants (such as heavy metals) are persistent and take a long time to break down in the marine environment. However, Lithuania did not specify when GES is expected to be achieved.   | Coastal waters (WFD), Territorial waters, EEZ (or similar) | (a) 'action or inaction for which the Member State concerned is not responsible' (e)                        | Grounded       |

| Descriptor             | CP | MS justification for exceptions as summarised and assessed by EU COM (quote from the national technical report concerned) | Spatial scope | Art. 14 MSFD by paragraph   | COM conclusion |
|------------------------|----|---|---------------|---|----------------|
|                        |    |   |               | 'natural conditions which do not allow timely improvement in the status of the marine waters concerned' |                |
| D10 – marine litter    |    |   |               |   |                |
| D11 – underwater noise |    |   |               |   |                |

## Annex 2 – General recommendations by the EU Commission

Extract from COM(2018) 562 final (pages 21-22)

| Category  | Recommendations  |
|---|--|
| <b>Measuring effectiveness:</b><br><i>International &amp; regional references</i>                             | <p>In <b>measuring the effectiveness of measures</b> Member States should:</p> <ul style="list-style-type: none"> <li>• identify measures for each marine region or sub-region concerned, for example, by using regional action plans;</li> <li>• explain what specific measures stemming from regional or international initiatives are being implemented as part of their programme and do not refer to regional and international action plans in general terms;</li> </ul>   |
| <b>Measuring effectiveness:</b><br><i>Implementation timelines, funding and entity responsible</i>            | <ul style="list-style-type: none"> <li>• identify the timelines for implementation, secured funding, and the entities in charge of implementation for all their measures;</li> <li>• estimate the alternative dates of when good environmental status will be achieved if it is not expected by 2020;</li> </ul>   |
| <b>Measuring effectiveness:</b><br><i>Link with targets</i>   | <ul style="list-style-type: none"> <li>• systematically use targets as milestones towards achieving good environmental status through the measures;</li> </ul>   |
| <b>Measuring effectiveness:</b><br><i>Link with monitoring programmes</i>                                     | <ul style="list-style-type: none"> <li>• better connect their measures with their monitoring programmes when these are next updated in 2020, to evaluate their effects and hence efficiency and effectiveness in meeting targets and good environmental status;</li> </ul>   |
| <b>Measuring effectiveness:</b><br><i>Quantification of pressures and link with good environmental status</i> | <ul style="list-style-type: none"> <li>• quantify the pressures present in their waters and their expected level of reduction as a result of the established measures. This could be facilitated by further efforts to address gaps in knowledge and define the methodology for such estimations at regional or EU level. Such quantification will also help to link the measures to achieving good environmental status.</li> </ul>   |
| <b>Tackling pressures:</b><br><i>Addressing pressures that have been inadequately covered</i>                 | <p>In <b>tackling pressures</b>, Member States should:</p> <ul style="list-style-type: none"> <li>• cover pressures and associated human activities better, including: the introduction of non-indigenous species from shipping because of bio-fouling, recreational fishing, nutrient enrichment from atmospheric sources, cumulative impacts from individual projects on hydrographical conditions, contaminant inputs from atmospheric sources, the introduction of macro- and micro-litter into the marine environment from coastal and offshore activities, and the generation of underwater noise (as well as heat and energy if feasible) in the marine environment from various sources;</li> <li>• ensure that prevalent pressures in the same marine region or sub-region are covered by all Member States in the region;</li> </ul> |
| <b>Tackling pressures:</b><br><i>Spatial coverage for species and habitats</i>                                | <ul style="list-style-type: none"> <li>• ensure wider geographic coverage when addressing pressures on marine species and habitats, especially in the open sea, so that measures are not only limited to spatially protected areas;</li> </ul>   |
| <b>Tackling pressures:</b><br><i>Combination of direct &amp; indirect measures</i>                            | <ul style="list-style-type: none"> <li>• implement measures that regulate or guide those activities that impact on the marine environment, in addition to more horizontal measures</li> </ul>  |

|  |   |
|--|---|
| <i>(intervention vs governance/awareness)</i>                    | that improve governance, coordination and promote awareness-raising;  |
| <b>Tackling pressures:</b><br>Art.11 vs Art.13                   | <ul style="list-style-type: none"> <li>• report data collection and monitoring efforts under their monitoring programmes for the Marine Strategy Framework Directive (Article 11) and not under the programme of measures (Article 13). However, when knowledge is too scarce to design effective measures, it is useful to indicate actions taken via research initiatives to address these gaps;</li> </ul> |
| <b>Tackling pressures:</b><br><i>Pressure-state relationship</i> | <ul style="list-style-type: none"> <li>• improve the links between the groups of measures reported for pressure descriptors and their potential benefits for the state descriptors, to enable a comprehensive overview of the impacts;</li> </ul>   |
| <b>Tackling pressures:</b><br><i>Spatial scope of measures</i>   | <ul style="list-style-type: none"> <li>• define the spatial scope of measures in detail;</li> <li>• expand the spatial scope of measures to cover marine waters beyond coastal waters, where relevant pressures are present;</li> </ul>   |
| <b>Tackling pressures:</b><br><i>Exceptions</i>                  | <ul style="list-style-type: none"> <li>• further justify Article 14 exceptions that are considered technically ungrounded or partially grounded in the assessment.</li> </ul>   |

## Annex 3 – Measure recommendations by the EU Commission

Extract from COM(2018) 562 final

D2 – Non-indigenous species

**Measure** → *Sweden: national warning and response system for early detection, handling and emergency plans*

Sweden has set up a national warning and response system in its waters that will immediately alert authorities when a new non-indigenous species is spotted. This will trigger rapid response measures for their eradication, control or any other action deemed appropriate, linked to contingency plans. The system will be connected to Sweden's monitoring programme.

D 3 – Commercially exploited fish and shellfish stocks

**Measure** → *Belgium: better control and monitoring of recreational fishing*

Belgium has recently introduced a legal measure that makes it easier to monitor recreational fishing, an activity which can have a significant impact on the marine environment but is often not regulated by Member States. This national measure, which goes beyond the requirements of the common fisheries policy, will improve data collection, crucial not only to understand the state of fish stocks but also to regulate, if needed and in a more targeted manner, certain fishing activities.

D5 – Eutrophication

**Measure** → *Finland: reducing nutrient inputs to the environment*

By spreading gypsum in fields, this direct measure aims to reduce the concentration in the soil of phosphorus — a nutrient used in agriculture that can lead to eutrophication. Using gypsum reduces leaching of phosphorus into freshwater systems and therefore into the marine environment. It has the advantage of improving the properties of soil and as a result reduces erosion.

D7 – Hydrographical changes

**Measure** → *France: assessment of cumulative impacts*

France is currently developing a guidance document to help the relevant authorities and stakeholders assess the cumulative impacts of human activities, especially for those projects that would require an environmental impact or a strategic environmental assessment. This will be particularly relevant for hydrological pressures for which cumulative impacts have until now rarely been addressed.

D8/D9 – Contaminants in the marine environment and in seafood

**Measure** → *Poland: targeting different sources of contaminants*

Poland has adopted a mix of measures to target different contaminants that find their way into its marine waters. Its programme includes measures that regulate contaminants such as dredged materials, paraffin and their derivatives. It is also embarking on reconstructing its storm water and sewage systems, while introducing measures to reduce contaminants from water discharged from the exhaust treatment systems. It also reports new actions to reduce risks from oil pollution and other harmful substances. Other measures include plans to modernise its inland waterway fleet, permitting provisions for discharging industrial waste water and improving the water management of seven river basins.

## D10 – Marine Litter

**Measure** → *France: marine waste reduction & shellfish farming*

France has two noteworthy measures for marine litter. The first one is part of the national waste prevention programme and consists of four actions: (1) extending producers' responsibility; (2) limiting certain products, such as single-use plastic bags;<sup>1</sup> (3) promoting voluntary actions to reduce and recycle marine litter; and (4) aligning regional litter prevention and management plans with the water and marine policy tools, the port waste reception and treatment plans. The second measure tackles shellfish aquaculture, an activity which can be a significant source of litter, but which is only rarely addressed in other Member States' programmes of measures. France plans to limit the degradation of the impacted habitats by limiting access to the relevant marine culture plots in tidal areas, and by collecting and recycling litter generated by them.

## D11 – Underwater noise

**Measure** → *Cyprus: noise from hydrocarbon exploration*

Cyprus reports a measure that addresses impulsive underwater noise, by requiring 'soft-start/slow-start' conditions in the exploration and exploitation of hydrocarbons. This includes seismic surveys at sea, as defined in the Strategic Environmental Assessment and Environmental Impact Assessment Directives and in the Offshore Protocol of the Barcelona Convention.

## D1 – Birds

**Measure** → *Malta: protecting birds from predators*

Malta is applying a measure<sup>2</sup> to protect the Yelkouan shearwater (*Puffinus yelkouan*) from predator rats. Food litter from human recreational activities in a special protection area has led to an increased presence of rats, which cause significant predation pressures on birds. To more effectively protect the bird species and their habitats, the project aims at increasing people's awareness of the problem and therefore changing their behaviour in protected sites to reduce littering and the presence of pests. The measure goes beyond what is already addressed under the Birds Directive.

## D1 – Fish and cephalopods

**Measure** → *Germany: raising consumer awareness of sustainable fishing*

A new measure in Germany consists of an information campaign targeting a variety of seafood consumers to raise their awareness of 'sustainable and ecosystem-friendly fisheries'. The campaign will develop teaching and information material based on the best scientific data available and on the current state of research. The aim is consumer behaviour that is more environmentally friendly and supportive of sustainable fishing techniques. Indirectly, it aims to use consumer demand as an incentive for the fishing industry to adopt more sustainable fishing practices.

<sup>1</sup> Meanwhile, France has also adopted an unreported measure that bans non-biodegradable single-use plastics from 2020 and another which bans non-biodegradable plastic cotton buds and microbeads in certain cosmetic products.

<sup>2</sup> Financed through the LIFE programme.

## D1 – Marine Mammals

**Measure** → *Italy: reducing collisions with ships*

Vessels are responsible for a significant number of mortalities of cetaceans in the Mediterranean. Through the REPCET project <sup>3</sup>, Italy aims to place software on board all vessels to help identify the presence and location of cetaceans underwater, thus reducing the number of collisions and the mortality rate. The measure will also train vessel operators to use such software.

## D1 – Pelagic habitats

**Measure** → *Sweden: pressure-state relationships for the water column habitats*

Sweden has strongly linked its biodiversity measures to measures tackling specific pressures in water column habitats, therefore looking at pressures cumulatively to safeguard marine biodiversity. This thorough approach in achieving good environmental status for biodiversity also follows the rationale behind Decision 2017/848/EU. These measures address:

- commercial fish and shellfish through fishing regulations and management, marine protected areas and seasonal closure areas;
- eutrophication by reducing long-term nutrient load locally in eutrophic bays and in the Baltic Sea;
- contaminants by managing the discharge of hazardous substances, such as antifouling substances and sewage;
- non-indigenous species through indirect measures that include awareness-raising, management plans and risk-reduction measures.

## D6 – Bentic habitats

**Measure** → *Spain: guidelines for recreational marine activities*

The anchoring of boats physically damages the seabed and may even lead to seabed habitat loss given its vulnerable state. These impacts are most severe in seagrass beds (*Posidonia oceanica* and *Cymodocea nodosa*) and on certain species included in the Spanish catalogue of threatened species, such as the noble pen shell (*Pinna nobilis*) and the cushion sea star (*Asterina pancerii*). For this reason, Spain embarked on guidelines for authorities to regulate this activity in protected seabed habitats. It goes beyond activities that are usually addressed under the Habitats Directive.

<sup>3</sup> <http://www.repcet.com>.

## Annex 4 – Coherence in coverage of pressures and biodiversity

Extracts of analysis for the Baltic Sea region from the SWD(2018) 393 final. The Commission recommendations relate to all Member States and all marine regions. **Information on "Assessment against pressures" and "Explanation" for DK, EE and LT is taken from the technical country reports; the results for these countries are not included in SWD(2018) 393 final.**

### D2 – Non-indigenous species

Coherence across EU: moderate to high

| Member State | Assessment against pressures | Explanation  | Commission recommendations to MS  |
|--------------|------------------------------|--|---|
| FI           | Partially addressed          | Based on the information reported, shipping (through ballast water management) appears to be addressed. It is unclear which pathways are targeted by the other measures and if shipping via anti-fouling measures is addressed.  | <ul style="list-style-type: none"> <li>- Address shipping and recreational vessels better by including measures also targeting bio-fouling and not just ballast water.</li> <li>- Clarify any measures that involve developing action plan(s). When not provided for, MS should consider developing non-indigenous species early warning systems and contingency plans linked to them and registries as part of their measures. Studies assessing the impact of removal efforts should be put in place to determine their effectiveness.</li> </ul> |
| EE           | Partially addressed          | Only shipping in terms of ballast water is covered. No measure seems to address bio-fouling. Other activities, such as fishing and tourism are covered by measures with indirect effects on the pressures. Aquaculture, an activity reported as relevant by a majority of the neighbouring Member States, is not addressed by Estonia through the measures reported for D2 but this activity does not take place in its territory as further clarified by Estonia. |   |
| LV           | Partially addressed          | Aquaculture is addressed. Shipping is addressed both indirectly and in the future. Latvia reports that the specific measures to reduce non-indigenous species introductions through shipping will be determined once the Ballast Water Management Convention (BWMC) is ratified and implemented, which is not yet done. Several measures focus on monitoring activities. These are more relevant to the MSFD monitoring programmes (Article 11).                   |   |
| LT           | Partially addressed          | Shipping (ballast waters and bio-fouling) is addressed, but no measures specifically cover port operations and tourism/recreation (except maybe some very general measures covering various activities that have not been specified by Lithuania)  |   |
| PL           | Addressed                    | Aquaculture and shipping (ballast water management and anti-fouling efforts) are addressed. Poland also addressed agriculture, which it considers relevant to its marine waters.   |   |
| DE           | Addressed                    | Aquaculture, shipping, and fisheries are addressed.  |   |
| DK           | Partially addressed          | The measures cover shipping (ballast waters) and aquaculture. The PoM also covers additional activities, such as fisheries and recreational yachting. However, biofouling is only covered by monitoring actions that only have indirect effects on the pressure  |   |
| SE           | Partially addressed          | Aquaculture and shipping are addressed. On shipping, while ballast water management measures are reported; anti-fouling measures do not appear to be included in the Swedish programme.  |   |

**D3 – Commercially exploited fish and shellfish stocks**

Coherence across EU: high

| Member State | Assessment against pressures | Explanation   | Commission recommendations to MS   |
|--------------|------------------------------|---|--|
| FI           | Addressed                    | Commercial and recreational fishing is addressed, through measures that aim to regulate fishing activities.   | <ul style="list-style-type: none"> <li>- Establish measures to address recreational fishing, where it exerts a significant pressure on stocks, if they have not already done so.</li> <li>- Ensure that measures comprehensively address nationally-managed stocks (inshore stocks, shellfish) as well as stocks managed through the CFP.</li> <li>- Ensure that age/size structure is taken into account and addressed where required.</li> </ul> |
| EE           | Partially addressed          | Even though, commercial fisheries are covered, seaweed harvesting is not addressed and it is not clear whether recreational fishing is fully covered.   |  |
| LV           | Addressed                    | Commercial and recreational fishing is addressed, through measures that aim to regulate fishing activities.   |  |
| LT           | Partially addressed          | Measures (e.g. the Order No 3D-20) address fisheries in a general manner, while the CFP in itself is not at all listed among the measures. The PoM does not provide enough details to determine whether or not recreational fisheries will be fully addressed |  |
| PL           | Partially addressed          | Commercial and potentially recreational fishing is addressed. It does not address the activities related to seaweed and other sea-based food harvesting despite Poland having reported these as activities causing pressure 'extraction of species'.          |  |
| DE           | Addressed                    | Commercial and recreational fishing is addressed, through measures that aim to regulate fishing activities.   |  |
| DK           | Addressed                    | The measure covers the extraction of species (fish and shellfish), as per its Article 8 reporting, since the measure reported for D3 covers fishing activities (both commercial and recreational fishing)   |  |
| SE           | Addressed                    | Commercial and recreational fishing is addressed, through measures that aim to regulate fishing activities.   |  |

**D5 – Eutrophication**

Coherence across EU: moderate to high

| Member State | Assessment against pressures | Explanation  | Commission recommendations to MS   |
|--------------|------------------------------|--|--|
| FI           | Addressed                    | Agriculture/forestry, urban areas and industry are addressed. The measures also tackle NOx emissions from ships.   | <ul style="list-style-type: none"> <li>- Establish measures that consider nutrient inputs from atmospheric deposition and, where relevant, aquaculture.</li> <li>- If applied, exceptions should be justified better.</li> </ul> |
| EE           | Addressed                    | The measures cover urban, agricultural and forestry and shipping activities. The implementation of the UWWT and Nitrates Directives, together with regulations on detergent phosphorus content are expected to reduce nutrient enrichment of the sea; shipping-derived nutrient and organic loads are currently regulated through IMO legislation. Three new measures are proposed to help further reduce emissions from shipping, land-based and aquaculture sources. Other activities are also covered by the measures such as port operations and industry. This is provided that the relevant measures are assessed as adequate under the WFD. These results are pending the WFD assessment. |  |
| LV           | Addressed                    | Agriculture/forestry and urban areas are addressed.  |  |
| LT           | Addressed                    | Urban activities and agriculture are covered by several specific measures. Industry does not seem to be covered by specific measures but is very likely to be addressed by general measures targeting various activities or by the national implementation of the Baltic Sea Environmental Protection Strategy (that focuses on urban waste water treatment plants and is also likely to cover industrial activities). Several links to EU's and HELCOM's regulations have been provided.  |  |

| Member State | Assessment against pressures | Explanation  | Commission recommendations to MS |
|--------------|------------------------------|--|----------------------------------|
|              |                              | This is provided that the relevant measures are assessed as adequate under the WFD. These results are pending the WFD assessment   |                                  |
| PL           | Partially addressed          | Agriculture, urban areas and industry are addressed, but solid waste disposal and fishing are not (reported by the Member State as relevant to Polish marine waters).  |                                  |
| DE           | Addressed                    | Agriculture/forestry, urban areas, industry and shipping are addressed.  |                                  |
| DK           | Addressed                    | The measures cover agriculture, urban activities (including municipal waste water discharge) and industry (as reported in Article 8). They also address discharges from shipping and aquaculture. This is provided that the relevant measures are assessed as adequate under the WFD. These results are pending the WFD assessment   |                                  |
| SE           | Partially addressed          | Based on the reporting style of the Member State, existing measures are likely to address several activities (e.g. agriculture and urban areas), yet, based on the information reported, these cannot be identified. New measures will mainly address indirect impacts on the marine environment, as they are research and financing measures. As such, the programme is considered to at least partially address pressures. |                                  |

## D7 – Hydrological changes

Coherence across EU: moderate

| Member State | Assessment against measures | Explanation   | Commission recommendations to MS   |
|--------------|-----------------------------|---|--|
| FI           | Addressed                   | The measures are likely to address most pressures and activities since all projects which could adversely impact hydrological conditions are subject to the existing regulatory procedures. Measures refer to the implementation of the EIA <sup>4</sup> and SEA <sup>5</sup> Directives. The measures also tackle interference with hydrological processes and marine acidification, due to diverse marine activities such as dredging, marine mining (sand, gravel, rock extraction). It is not clear if and how cumulative impacts are addressed.  | <ul style="list-style-type: none"> <li>- Use synergies with MSP for addressing cumulative impacts for D7.</li> <li>- Address pressures from activities not subject to local/project scale EIAs (e.g. fishing, maritime transport) better. In some cases (e.g. hydrological changes where local dimension is important) this gap hampers the assessment of cumulative effects.</li> </ul> |
| EE           | Partially addressed         | The measures mainly implement national/EU legislation and HELCOM recommendations. Integrated planning processes (MSP, ICZM) are listed. Nevertheless, these measures are not explicitly described and key pieces of legislation (EIA, SEA and the WFD) are not mentioned. One of the activities reported in Article 8 is clearly covered by the measures (land claim/coastal defence), while the three others (industry, port operations, submarine pipeline/cable operations) might be covered through measures related to MSP and integrated marine and coastal management. Also, it is not clear whether or not the PoM covers cumulative impacts. | <ul style="list-style-type: none"> <li>- Apply SEA procedures, in addition to EIA procedures, more consistently to ensure that hydrographical changes are tackled at a strategic level, rather than at the project level.</li> </ul>   |
| LV           | Not addressed               | The measures reported by Latvia are not D7-specific and do not appear to tackle any relevant pressure / activity. Latvia did not previously report the pressures associated to hydrographical changes as relevant in its Article 8 report due to a lack of existing data. As such, the programme does not address relevant D7 pressures.  |  |

<sup>4</sup> Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, OJ L 124, 25.4.2014, p. 1.

<sup>5</sup> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, OJ L 197, 21.7.2001, p. 30.

| Member State | Assessment against measures | Explanation   | Commission recommendations to MS |
|--------------|-----------------------------|---|----------------------------------|
| LT           | Not addressed               | Lithuania has not reported any measures for D7. As such, the pressures and activities reported under Article 8 (i.e. marine hydrocarbon extraction, port operations, and tourism and recreation) are not addressed (as well as cumulative impacts). They can be covered by measures reported under other descriptors (EIA and SEA, reported for D11 and D1, 4, 6) but the link between these measures and D7 has not been explained by Lithuania  |                                  |
| PL           | Partially addressed         | The measures are likely to address most pressures and activities since all projects which could adversely impact hydrological conditions are subject to the existing regulatory procedures. However, little detail is provided on the measures to address the pressures. The activities of waste disposal, shipping and tourism are not addressed. It is also not clear if and how cumulative impacts are addressed.  |                                  |
| DE           | Addressed                   | The measures are likely to address most pressures and activities since all projects which could adversely impact hydrological conditions are subject to the existing regulatory procedures. Measures refer to the implementation of the EIA and SEA Directives. Germany addresses cumulative impacts which is positive.   |                                  |
| DK           | Addressed                   | The measures cover land claim and coastal defence, industry and offshore structures through Environmental Impact Assessment (EIA) and permitting processes. It is not clear whether or not the measures address cumulative impacts  |                                  |
| SE           | Addressed                   | Measures link to the implementation of MSP, water regulations, and the Swedish Planning and Building Act (PBA). The measures are likely to address most pressures and activities since all projects which could adversely impact hydrological conditions are subject to the existing regulatory procedures. Even though Sweden did not previously report hydrographical changes (D7) as a pressure in its marine waters (in either of its subregions), it defined existing and new measures to tackle this issue. One of the new measures particularly targets urban activities. It is not clear if and how cumulative impacts are addressed. |                                  |

## D8/D9 – Contaminants

Coherence across EU: moderate to high for D8 and high for D9

| Member State                                | Assessment against pressures | Explanation   | Commission recommendations to MS  |
|---|------------------------------|---|---|
| <b>D8 – Contaminants in the environment</b> |                              |   |   |
| FI  | Addressed                    | Industry, urban activities, and agriculture/forestry as sources of hazardous compounds are addressed. Although no specific measures have been defined to address accidental pollution due to industry and urban activities (which are identified by Finland as relevant activities contributing to the pressure in their Article 8 report), these activities associated with this pressure are likely to be covered by existing measures on the introduction of hazardous compounds through urban and industrial activities. Some further measures also for shipping and accidental pollution are reported. | <ul style="list-style-type: none"> <li>- Address atmospheric deposition (from sea-based and land-based sources) better.</li> <li>- The manner in which the D8 measures contribute to D9 targets should be better explained in the Member State programmes.</li> <li>- If applied, exceptions should be justified better.</li> </ul> |
| EE  | Addressed                    | For the introduction of synthetic and non-synthetic compounds, industry, urban and shipping activities are covered. For acute pollution events, Estonia's PoM   |   |

| Member State                        | Assessment against pressures | Explanation  | Commission recommendations to MS |
|-------------------------------------|------------------------------|--|----------------------------------|
|                                     |                              | addresses marine-based renewable energy generation, dredging, industry, port operations, submarine cable/pipeline operations and shipping (even though no measure specifically addresses marine-based renewable energy generation as well as submarine cable/pipeline operations, they are very likely to be covered by general measures targeting various activities).  |                                  |
| LV                                  | Addressed                    | Industry and urban activities, as sources of hazardous compounds, as well as shipping and port operations, as responsible for accidental pollution, are addressed.   |                                  |
| LT                                  | Addressed                    | The introduction of synthetic and non-synthetic compounds through port operations, shipping, urban activities and solid waste disposal are specifically covered. Some measures also concern industry, dredging, agriculture, and marine hydrocarbon extraction. Lithuania's PoM explicitly addresses shipping in relation to acute pollution events (APE). It is very likely that the measures concerning port operations in general will contribute to improve the management of APE as well  |                                  |
| PL                                  | Addressed                    | Industry and urban activities, as sources of hazardous compounds, are addressed. Agriculture is also covered. Accidental pollution is also addressed through measures targeting shipping.  |                                  |
| DE                                  | Addressed                    | Agriculture, as source of synthetic compounds, and shipping, responsible for accidental pollution, are addressed. Various other activities are also covered (e.g., marine mining or urban activities).   |                                  |
| DK                                  | Addressed                    | For the introduction of synthetic and non-synthetic compounds, the measures cover industry, urban activities, shipping, agriculture and marine hydrocarbon extraction through commitments to the WFD, OSPAR, HELCOM and REACH, for example. For acute pollution events, Denmark's PoM addresses port operations, submarine cables and pipeline, shipping and marine hydrocarbon extraction   |                                  |
| SE                                  | Partially addressed          | Industry and urban activities as sources of non-synthetic compounds and shipping, responsible for accidental pollution are addressed. Agriculture, another source of non-synthetic compounds, does not appear to be covered by the reported measures. It could be addressed by the general measures (which do not specify which activities they address), but this cannot be checked based on the information reported.  |                                  |
| <b>D9 – Contaminants in seafood</b> |                              |  |                                  |
| FI                                  | Addressed                    | Finland reports the same set of measures for D8 and D9. Industry, urban activities, and agriculture/forestry as sources of hazardous compounds are addressed. Although no specific measures have been defined to address accidental pollution due to industry and urban activities (which are identified by Finland as relevant activities contributing to the pressure in their Article 8 report), these activities associated with this pressure are likely to be covered by existing measures on the introduction of hazardous compounds through urban and industrial activities. Some further measures also for shipping are reported. | As for D8                        |
| EE                                  | Addressed                    | For the introduction of synthetic and non-synthetic compounds, industry, urban and shipping activities are covered. For acute pollution events, Estonia's PoM addresses marine-based renewable energy generation, dredging, industry, port operations, submarine cable/pipeline operations and shipping (even though no  |                                  |

| Member State | Assessment against pressures | Explanation   | Commission recommendations to MS |
|--------------|------------------------------|---|----------------------------------|
|              |                              | measure specifically addresses marine-based renewable energy generation as well as submarine cable/pipeline operations, they are very likely to be covered by general measures targeting various activities).   |                                  |
| LV           | Addressed                    | Latvia reports the same set of measures for D8 and D9. Industry, urban activities, as well as shipping and port operations are addressed.   |                                  |
| LT           | Addressed                    | The introduction of synthetic and non-synthetic compounds through port operations, shipping, urban activities and solid waste disposal are specifically covered. Some measures also concern industry, dredging, agriculture, and marine hydrocarbon extraction. Lithuania's PoM explicitly addresses shipping in relation to acute pollution events (APE). It is very likely that the measures concerning port operations in general will contribute to improve the management of APE as well |                                  |
| PL           | Addressed                    | Poland reports the same set of measures for D8 and D9, in addition to some D3 and D10 measures. Industry and urban activities are addressed. Other activities such as agriculture and fisheries as relevant sources of hazardous compounds are also covered.  |                                  |
| DE           | Addressed                    | Agriculture and shipping are addressed when combined with the D8 programme. The D9 programme addresses the key pressures but only focuses on the dumping of munitions and does not cover additional activities.   |                                  |
| DK           | Addressed                    | The measures reported under D9 specifically focus on some activities that are sources of potential risk for human health due to contaminants in seafood, such as industrial and urban activities (releasing dioxins) and fisheries (trimming of fat). Denmark specifies that the measures reported for D8 are also relevant for D9. Therefore, the pressures and all relevant activities are addressed by the measures reported for D9, together with those reported for D8                   |                                  |
| SE           | Partially addressed          | Sweden reports the same set of measures for D8 and D9. Industry, urban activities and shipping are addressed. Agriculture does not appear to be covered by the reported measures. It could be addressed by the general measures (which do not specify which activities they address), but this cannot be checked based on the information reported.   |                                  |

## D10 – Marine Litter

Coherence across EU: moderate to high

| Member State | Assessment against pressures | Explanation  | Commission recommendations to MS  |
|--------------|------------------------------|--|---|
| FI           | Addressed                    | Fisheries, tourism/recreational activities and shipping are addressed. Micro-litter is also addressed.   | - address micro-litter better, through direct measures, in addition to indirect measures, in line with recommendations of TG Litter <sup>6</sup> , to ensure coherence of approaches at the EU level. |
| EE           | Addressed                    | Estonia has defined measures tackling marine litter that comes from the two activities identified in Article 8: shipping and tourism/recreation. New measures also cover fisheries and port operations, as well as awareness raising efforts for the public and waste management plans (that include land-based sources of litter). Even though micro-litter is not covered yet by any measure in the PoM, it is | - establish additional research efforts to address data gaps, increase knowledge and pave the way for direct action to  |

<sup>6</sup> The technical group 'TG Litter' is a subgroup of the MSFD expert group, which provides a forum for the MSFD Common Implementation Strategy.

| Member State | Assessment against pressures | Explanation   | Commission recommendations to MS  |
|--------------|------------------------------|---|---|
|              |                              | recognised as an important source of pressure by Estonia, which has set up a pilot monitoring about it.   | address this litter segment as soon as possible.  |
| LV           | Addressed                    | Even though marine litter has not been reported as a pressure in Latvia's Article 8 report, retail sector, tourism/recreation activities and shipping are addressed. Micro-litter is indirectly addressed.  | - develop efforts to prevent, identify and tackle pollution hot spots (e.g. from plastic pellets, lost fishing gear, single-use plastics, aquaculture, etc.). |
| LT           | Addressed                    | It covers fisheries, port operations, tourism and shipping, as well as urban and industrial activities (so both sea-based and land-based sources of litter) and reflects a comprehensive approach (including for example bathing waters quality and waste/surface water management). The PoM also mentions the Baltic Sea Action Plan and Regional Plan against marine litter. Micro-litter is not addressed, however | - develop targeted measures for products responsible for beach litter coming from both sea-based and land-based sources (such as single-use plastic items).   |
| PL           | Addressed                    | Tourism/recreational activities are addressed. Several other activities are covered (e.g., port operations or urban activities). Micro-litter is indirectly addressed.  |   |
| DE           | Addressed                    | Industry, tourism/recreational activities, and shipping are addressed. Micro-litter is also addressed through measures on urban activities (municipal waste water discharge).   |   |
| DK           | Addressed                    | Although Denmark did not identify any pressures or activities related to marine litter in its Article 8 reporting, measures address marine litter coming from several activities such as shipping, tourism, fisheries. Micro-litter is addressed to some extent (mainly indirectly)   |   |
| SE           | Partially addressed          | Fisheries and shipping are addressed. Tourism/recreational activities might be targeted indirectly (mainly through measures against littering), although no specific measure focusing on these activities have been reported. Micro-litter is also addressed through measures on industry (discharges, emissions, cosmetics) and urban activities (municipal waste water discharge).                                  |   |

## D11 – Underwater Noise

Coherence across EU: low to moderate

| Member State | Assessment against pressures | Explanation   | Commission recommendations to MS   |
|--------------|------------------------------|---|--|
| FI           | Partially addressed          | Shipping is addressed. Port operations are indirectly addressed.  | - Make more efforts to address data gaps and consolidate research results to move closer to characterising the noise pressure across the EU (or (sub)regionally), in line with the TG Noise recommendation. This will allow them to then define more concrete and direct measures to address underwater noise in the second MSFD implementation cycle. |
| EE           | Addressed                    | The measures cover port operations, defence operations and shipping. Another activity (marine-based renewable energy generation) was reported by most of the other Baltic Sea countries, and does not currently occur in Estonia's marine waters (although, if in the future such activity is developed, it will be covered by the EIA and SEA related actions among Estonia's measures).       | - Establish direct measures to address activities that are known to produce high levels of noise, as soon as possible.   |
| LV           | Partially addressed          | The programme includes one indirect measure. Latvia does not report underwater noise as a pressure in its marine waters, and does not report measures that will directly contribute to decreasing the pressure. Nevertheless, the reported research measure will contribute to addressing knowledge gaps for this descriptor. Still, most of the neighbouring Member States report marine-based |  |

| Member State | Assessment against pressures | Explanation  | Commission recommendations to MS   |
|--------------|------------------------------|--|--|
|              |                              | renewable energy and shipping as key activities contributing to underwater noise.  | <ul style="list-style-type: none"> <li>- All Member States not having done so should establish a register for impulsive low-mid frequency noise. Those Member States should also ensure that data gaps are addressed for continuous low frequency sounds in line with TG Noise recommendations, to ensure coherence of approaches at the EU level.</li> <li>- Establish measures that address additional aspects of this descriptor, such as heat and light.</li> <li>- Use synergies with relevant existing EU legal acts, such as the EIA Directive more consistently; as well as implement measures in line with relevant IMO guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life.</li> </ul> |
| LT           | Partially addressed          | It covers shipping directly. The measures with broader impacts also cover dredging and port operations. Defence operations are only covered by indirect measures (monitoring efforts), but the Member State does not need to cover them (Article 2.2). No specific measure seems to cover marine-based renewable energy generation, fisheries and submarine cable and pipeline operations, which were reported under Article 8. Most measures cover many activities but do not address specific ones reported by Lithuania under Article 8 |  |
| PL           | Partially addressed          | Shipping is addressed. Marine based renewable energy generation, fisheries are only covered by licensing and EIA measures and most new measures are indirect. While the reported measures do not yet directly address the pressures, they contribute to better characterise them, understanding risks and to the work of defining thresholds at the EU/(sub)regional level.  |  |
| DE           | Addressed                    | Marine based renewable energy generation, marine hydrocarbon extraction, marine mining, tourism/recreational activities and shipping are addressed. Heat and light inputs are also addressed through measures on marine based renewable energy generation, industry, submarine cable/pipeline operations and offshore activities.  |  |
| DK           | Addressed                    | The measures cover activities related to marine-based renewable energy generation operations, as well as marine research, survey and educational activities (even though 'detonation of dumped munition at sea' is reported under Article 8, Denmark ensures that it does not dump munitions; besides, some measures focus on military activities). Four additional activities, not reported under Article 8, are also addressed   |  |
| SE           | Partially addressed          | Marine based renewable energy generation, fisheries, offshore activities, marine research and shipping are indirectly addressed through knowledge increase efforts and coordination actions. These will contribute to better understanding the pressures.  |  |

## Biodiversity

### Commission's overall recommendations

|                        |  |
|------------------------|--|
| <b>Recommendations</b> | Member States should consider establishing additional measures beyond spatial protection efforts to address species and habitats. It is important that pressures are addressed across the broader territory of each Member State.  |
|                        | Member States should more clearly explain how measures for species groups contribute to D4, D3 and D6 (and vice versa). Clearer reporting on D4 in the future would improve the understanding on how food webs in particular are addressed by the programme.   |
|                        | Member States should provide more specific information on measures for the biodiversity descriptors, in terms of what will be done to ensure that GES will be achieved by 2020 and if not, how and when GES is to be achieved beyond the 2020 target.  |
|                        | Member States should provide more information on estimating the reductions of pressures that are expected from the measures and how this will benefit species and habitats. Many of the monitoring programmes included detailed ecological information on the dynamics of species and habitats and deviations from natural trends and it is important that this information is put in context with the programmes and when such measures will allow for GES to be achieved for species and habitats. |

### D1, 4 – Birds

Coherence across EU: moderate to high

| Member State | Assessment against pressures | Explanation  | Commission recommendations to MS   |
|--------------|------------------------------|--|--|
| FI           | Addressed                    | By-catch from fisheries is addressed. Spatial protection and MSP measures will reduce pressures on bird habitats.  | - Consider establishing additional measures to address pressures on birds beyond by-catch (e.g., light and noise disturbances, disturbances on nesting sites by predation, effects of non-indigenous species, contaminants, and litter ingestion), if not already done so. |
| EE           | Not addressed                | The general measures (not specific for birds) do not focus on any specific pressure (except contaminants to some extent) and activity but only provide spatial protection, potentially covering some impacts through the restriction of activities that may accompany the declaration of MPAs. It is not clear whether by-catch is covered by the measures.  |  |
| LV           | Partially addressed          | By-catch from fisheries is addressed. General, non-bird specific biodiversity measures are likely to address pressures on birds. But it remains unclear if important pressures are covered.  |  |
| LT           | Partially addressed          | Only bycatch is identified and addressed as a relevant pressure. Other pressures are likely to be reduced, especially via marine protected areas (MPAs), but little detail is provided regarding which activities and in which areas   |  |
| PL           | Addressed                    | By-catch from fisheries is addressed. Spatial protection measures will reduce pressures on bird habitats. Also, oil pollution originating from ships is addressed.   |  |
| DE           | Addressed                    | By-catch from fisheries is addressed. MPA and fisheries management measures will reduce pressures on bird habitats. Also, visual light disturbances from man-made structures are addressed.  |  |
| DK           | Partially addressed          | Spatial protection measures are mainly provided. However, some measures focus specifically on several bird species. The main restriction identified is fishing in Natura 2000 sites, which would reduce bird bycatch and improve the amount of food available in their habitats. Denmark also makes links in its PoM to existing measures against oil pollution defined under D8. Measures addressing other relevant pressures, such as marine litter or broader fisheries impacts (beyond MPAs), are reported for other biodiversity elements, such as mammals, or descriptors, which could also benefit birds. |  |

| Member State | Assessment against pressures | Explanation   | Commission recommendations to MS |
|--------------|------------------------------|---|----------------------------------|
|              |                              | However, these links were not provided by Denmark and are not considered within this assessment               |                                  |
| SE           | Addressed                    | By-catch from fisheries is addressed. Also, impacts of collisions with boats and marine litter are addressed. |                                  |

#### D1, 4 – Fish and cephalopods

Coherence across EU: moderate to high

| Member State | Assessment against pressures | Explanation   | Commission recommendations to MS   |
|--------------|------------------------------|---|--|
| FI           | Partially addressed          | The pressure extraction of species from commercial fisheries is indirectly addressed. Impacts on functional fish habitats, such as breeding sites and migratory fish habitats, are addressed.   | <ul style="list-style-type: none"> <li>- establish measures that extend beyond CFP, Habitats Directive and WFD related efforts, and address additional fish and cephalopod species, which are non-commercial species in open sea areas. The Member States should therefore establish more measures targeting non-commercial fish and cephalopods (when relevant) in these areas.</li> <li>- establish measures that include additional MPAs in open sea areas to protect non-commercial fish and cephalopods species from various pressures (non-indigenous species, by-catch, noise and contaminants). Information on existing MPAs and the level of protection they provide for fish (commercial and non-commercial) and cephalopods species should be more clearly reported where fish and cephalopods species occur within Member States' territorial waters, are protected and how they are protected.</li> </ul> |
| EE           | Partially addressed          | Aquaculture is covered, reducing pressures from NIS introduction and nutrient enrichment. The PoM also provides spatial protection measures (it is not clear whether fishing restrictions will apply within the MPAs), as well as fishing restrictions and size limits of commercial fish (which should address by-catch related pressures, although it is not clearly stated by Estonia).  |  |
| LV           | Partially addressed          | The pressure extraction of species from commercial fisheries is addressed. General, non-fish specific biodiversity measures are likely to address pressures on fish. But it remains unclear if important pressures are covered.   |  |
| LT           | Partially addressed          | Bycatch from fisheries is addressed. Lithuania reports mainly general and transversal legislation aiming to protect fish habitats and populations, without specifying the activities and impacts covered. General impacts on fish habitats and population, such as eutrophication or contamination, are only addressed by general biodiversity measures relevant for all species and habitats. Eutrophication is also covered by measures reported for D5 (objective 3) that have positive impacts on D4 according to Lithuania   |  |
| PL           | Addressed                    | The pressure extraction of species from commercial fisheries is addressed. Spatial protection measures will reduce pressures on fish habitats. Impacts on functional fish areas are addressed (i.e. from bottom trawling).  |  |
| DE           | Addressed                    | The pressure extraction of species from commercial fisheries is addressed. Longitudinal continuity is addressed for migratory species. The impact of underwater noise is considered.  |  |
| DK           | Partially addressed          | The PoM covers extraction of species by fisheries and general impacts on certain fish habitats (especially offshore reef areas) within MPAs, as well as physical loss of reefs functioning as nurseries, and nutrient enrichment (affecting plankton and copepods, the main food sources for fish). However, other relevant pressures such as contaminants or marine litter are not addressed, nor are links made to other descriptors. Also, it is not clear whether or not fish species such as anadromous fish and fish (e.g. elasmobranchs) associated with the seabed outside of these reef areas are also covered by the measures |  |
| SE           | Addressed                    | The pressure extraction of species from commercial fisheries is addressed. Also, the pressures  |  |

| Member State | Assessment against pressures | Explanation   | Commission recommendations to MS |
|--------------|------------------------------|---|----------------------------------|
|              |                              | contaminants, marine litter and eutrophication are addressed. |                                  |

#### D1, 4 – Mammals and reptiles

Coherence across EU: moderate

| Member State | Assessment against pressures | Explanation  | Commission recommendations to MS  |
|--------------|------------------------------|--|---|
| FI           | Partially addressed          | By-catch from fisheries is addressed. Spatial protection and MSP measures will reduce pressures on mammal habitats. Underwater noise is indirectly addressed. The Member State covers contaminants.  | <ul style="list-style-type: none"> <li>- Consider establishing additional measures to address relevant pressures on mammals and reptiles beyond by-catch (e.g. collisions with ships, noise, entanglement, and ingestion of litter), if not already done so.</li> <li>- Establish measures beyond the remits of the Habitats Directive to strengthen marine mammal and reptile protection.</li> </ul> |
| EE           | Partially addressed          | The PoM does not disclose any specific activity impacting mammals and mainly provides spatial protection and two species-specific management plans. It is likely that some pressures on these species are addressed, also considering the potential restriction of activities that may accompany both the declaration of MPAs and the species-specific management plans. Contaminants from oil spills are addressed by a measure on improving capacity reaction in case of accidents.  |   |
| LV           | Partially addressed          | By-catch from fisheries is indirectly addressed. Spatial protection and MSP measures will reduce pressures on mammal habitats.   |   |
| LT           | Partially addressed          | The measures address incidental bycatch from fisheries. Other relevant impacts on mammals may be addressed by legislation, although the specifics are unclear. One measure indirectly addresses impacts on mammals to a certain extent, as it aims to rescue injured animals. While some pressures are addressed, the level of details provided in the description of the measures is very low, leaving a large uncertainty on which activities are covered and to what extent. Although the measures reported for biodiversity, and specifically mammals, do not address some pressures (e.g. marine litter, underwater noise), they mitigate their impact (rehabilitation centres) |   |
| PL           | Partially addressed          | By-catch from fisheries is addressed. Spatial protection and MSP measures will reduce pressures on mammal habitats. Contaminants from oil pollution are covered. Underwater noise is not covered.  |   |
| DE           | Addressed                    | By-catch from fisheries is addressed. Spatial protection and MSP measures will reduce pressures on mammal habitats. Underwater noise is addressed.   |   |
| DK           | Partially addressed          | The PoM provides tailored management plans for the harbour porpoise, the common seal and the grey seal, which are the most relevant mammal species present in Danish waters. Still, it partly addresses incidental bycatch (through their monitoring or their assessment to design a strategy for the protection of the harbour porpoise against it) and general impacts on mammal habitats and populations (the measures focus on protected areas). The PoM also includes links to pressures addressed by other descriptors (contaminants, marine litter and underwater noise)  |   |
| SE           | Partially addressed          | By-catch from fisheries is addressed. Spatial protection and MSP measures will reduce pressures  |   |

| Member State | Assessment against pressures | Explanation  | Commission recommendations to MS |
|--------------|------------------------------|--|----------------------------------|
|              |                              | on mammal habitats. Underwater noise and contaminants are not addressed. |                                  |

#### D1, 4 – Water column habitats

Coherence across EU: moderate

| Member State | Assessment against pressures | Explanation   | Commission recommendations to MS   |
|--------------|------------------------------|---|--|
| FI           | Partially addressed          | Nutrient enrichment is covered by the measures. No links are made between water column habitats and measures addressing non-indigenous species or contaminants (even though these measures are reported under D2 and D8 and will contribute to reducing the pressure). Marine litter will be addressed indirectly.  | - More clearly indicate which measures address pressures for these habitats, and describe how GES and targets for water column habitats are expected to be achieved. |
| EE           | Partially addressed          | The PoM addresses nutrient enrichment and NIS introduction from aquaculture, as well as contaminants from oil spills. However, pressures from other activities such as land-based sources of nutrients, likely to cause impacts on water column habitats, are not covered, nor are links made in the PoM to other descriptors which may address them.   |  |
| LV           | Partially addressed          | Nutrient enrichment and contaminants are addressed. General, non-water column specific biodiversity measures are likely to address pressures on water column habitats. But it remains unclear if important pressures are covered.   |  |
| LT           | Partially addressed          | Eutrophication in the Curonian Lagoon is addressed by preventing nutrient inputs and also by a pilot project on removing the excess of phytoplankton in the water body. Lithuania also explains that the measures reported for D5 have positive impacts on D4 (and potentially water column habitats). Existing legislation addresses nutrients and contaminants through a general approach, however, it is not clear which areas and activities are covered, beyond agriculture in the Curonian Lagoon. The measures reported for biodiversity, and specifically water column habitats, do not address NIS |  |
| PL           | Partially addressed          | Nutrient enrichment is covered by the measures. Spatial protection measures will reduce pressures on water column habitats. No other pressures are directly addressed.  |  |
| DE           | Partially addressed          | Spatial protection measures will reduce pressures on water column habitats (incl. improving seabed habitat conditions and reduce waste water runoff). No links are made between water column habitats and measures addressing non-indigenous species (even though these measures are reported under D2 and will contribute to reducing the pressure).   |  |
| DK           | Partially addressed          | Nutrient enrichment is directly addressed, although the covered activities are not mentioned. Hydrological changes and hydrocarbon extraction activities are also covered. However, pressures such as NIS introductions and micro-litter are not addressed by the water column related measures (links to D2 and D10 have not been made)  |  |
| SE           | Addressed                    | Nutrient enrichment and contaminants are addressed. Also, non-indigenous species and hydrographical changes pressures are covered.  |  |

**D1, 4, 6, - Seabed habitats**

Coherence across EU: moderate

| Member State | Assessment against pressures | Explanation   | Commission recommendations to MS MS   |
|--------------|------------------------------|---|---|
| FI           | Addressed                    | Physical loss from fisheries is addressed indirectly but the Member State reports that it is not relevant within its waters. Physical loss and damage caused by dredging are addressed. Nutrient enrichment impacts are partially covered.  | <ul style="list-style-type: none"> <li>- Establish measures that address pressures reported under Article 8 relevant to seabed habitats more extensively. In addition, measures should extend beyond spatially protected areas (and MPAs) to ensure a wider spatial coverage for these habitats, when not done so.</li> <li>- Address coastal development and aggregate extraction better within programmes as both are frequently highlighted as major threats to seabed habitats.</li> <li>- Provide timescales and estimates of how spatial restrictions of seabed damaging activities will allow for GES to be achieved.</li> </ul> |
| EE           | Not addressed                | Only aquaculture is covered by the PoM (although the specific actions to protect seabed habitats have not been reported by Estonia), but not any of the activities reported under Article 8 (marine-based renewable energy generation and dredging). However, the PoM provides spatial protection for some areas, which could potentially reduce pressures through the restriction of some activities.  |   |
| LV           | Partially addressed          | Physical damage from fisheries is addressed. Physical loss caused by dumping of dredge material is partially covered.   |   |
| LT           | Not addressed                | The measures do not directly address any of the pressures identified in Article 8 reporting (dredging and port operations for both physical loss and damage, and fisheries for physical damage). Bottom-trawl fishing is only indirectly addressed through the monitoring of its impacts. General legislation may address other pressures and activities, however, the PoM does not specify those covered   |   |
| PL           | Addressed                    | Physical damage from fisheries is addressed. Pollution caused by dumping of dredge material and discharge of waste water is covered.  |   |
| DE           | Partially addressed          | Physical loss and damage from fisheries is addressed. Also, habitat loss is covered. But, marine hydrocarbon extraction, marine-based renewable energy generation, solid waste disposal, are not directly addressed (although reported under Article 8).  |   |
| DK           | Partially addressed          | Physical loss or damage from submarine cable and pipeline operations, hydrocarbon extraction, land claim and coastal defence, port operations, solid waste disposal, fisheries and dredging are covered by the PoM. While identified as relevant in the Article 8 report, shipping is not covered by the reported measures, and marine-based renewable energy generation is only partially covered by the measure focusing on artificial reefs (that only aims at compensating some of the effects of energy structures at the end of their lifespan) |   |
| SE           | Partially addressed          | Physical damage and loss from fisheries and dredging are addressed. Impacts from renewable energy, solid waste disposal and shipping are likely to be addressed by spatial protection measures (reported under Article 8). Physical damage from shipping has not been addressed (although reported under Article 8).  |   |