



## Baltic Marine Environment Protection Commission

Group for the Implementation of the Ecosystem Approach

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*Note that this document was submitted after the established deadline. It will be decided by the Meeting whether the document can be discussed or is postponed to the next meeting.*

### Background

EU Member States reported in 2016 their programmes of measures to achieve good environmental status by 2020 according to Art. 13 MSFD. Member States had complemented their national programmes of measures with a regionally agreed "[Joint documentation of regional coordination of Programmes of Measures in the Baltic Sea area](#)".

Art. 17 MSFD requires EU Member States to ensure that, in respect of each marine region or subregion concerned, marine strategies are kept up to date. For this purpose, Member States shall review, in a coordinated manner as referred to in Article 5 MSFD, every six years *inter alia* the programmes of measures established pursuant to Art. 13(2) MSFD. This review and the reporting of updated programmes of measures to the EU are due by 31 March 2022.

A Member State shall identify instances within its marine waters clearly in its programme of measures, where for any of the reasons listed in Art. 14 (1) MSFD environmental targets or good environmental status cannot be achieved in every aspect through measures taken by that Member States, or cannot be achieved within the time schedule concerned (Art. 14 (1) subpara. 2 MSFD). The Member State concerned shall substantiate its view and consider the consequences for Member States in the marine region or subregion concerned (Art. 14 (1) subpara. 2 MSFD). The Member State concerned shall however take appropriate ad hoc measures aiming to continue pursuing the environmental targets, to prevent further deterioration in the status of the marine waters and to mitigate the adverse impact at the level of the marine region or subregion concerned or in the marine waters of other Member States (Art. 14 (1) subpara. 3 MSFD).

On 31 July 2018, the EU Commission published its assessment according to Art. 16 MSFD concerning Member State's programmes of measures, reported in 2016. On 17 April 2019, the EU Commission submitted draft regional reports to the EU MSFD CIS Marine Strategy Coordination Group ([MSCG 24-2019-13](#)), which evaluated the coherence of Member States' programmes of measures within each marine region. An initial summary of the evaluation as well as the country-wise and EU-wide recommendations of the EU Commission are summarised in [document 3-5](#) to this Meeting. So far, the EU Commission has not issued region-specific recommendations.

Attached are questions to ignite the exchange of considerations by Member States on the update of their programmes of measures and to guide arrangements (a work plan) for regional coordination of programmes of measures.

### Action requested

The Meeting is invited to agree on arrangements (preferably in the form of a work plan) to support the Contracting Parties who are also EU Member State in taking regional coordination of the review and update of national programmes forward.

## Regional coordination: Update of MSFD Programmes of Measures

Regional coordination includes, the exchange of Member States on

- approaches and timelines of Member States in updating the Programmes of Measures
- their expectations for regional coordination of the update of the Programmes of Measures
- needs and opportunities for coordination and joint actions

Such exchanges are the basis for concrete planning of regional coordination and activities for the review and update of national Programmes of Measures.

### Guiding questions for regional coordination and actions

- How to address the planning of measures beyond 2020, given that 2020 is the year by which GES should be achieved?
- How to address achieving GES for eutrophication and contaminants given WFD 2027 objectives?
- How do Member States approach gap analysis and the process of deducting new measures? How can the SOM process contribute to this process at national level?
- How can the renewed BSAP relate to the MSFD Programmes of Measures?
- How to approach the risks of failing GES by 2020 and to improved regional coherence? Risks of failing GES may imply considerations of:
  - prolongations/exceptions and their justification
  - impacts on other Member States' waters and implications for achieving GES at regional level
  - ad hoc measures to continue pursuing environmental targets, to prevent further deterioration in the status, and to mitigate the adverse impacts at the level of marine regions or subregions concerned or in the marine water of other Member States
- How, if at all, should regional coordination be documented (cf. experience with "Joint documentation" prepared as a "roof report" through GEAR in 2015)?
- What can be priority topics for regional actions / coordinated measures, taking into account the EU Commission's Art. 16 MSFD report?