Commission Directive (EU) 2017/845 of 17 May 2017 amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies (Text with EEA relevance)

COMMISSION DIRECTIVE (EU) 2017/845

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive)[(1)], and in particular Article 24(1) thereof,

Whereas:

(1) Annex III to Directive 2008/56/EC lays down the indicative lists of characteristics, pressures and impacts which are referred to in Articles 8(1), 9(1), 9(3), 10(1), 11(1) and 24 of that Directive.

(2) In 2012, on the basis of the initial assessment of their marine waters made pursuant to Article 8(1) of Directive 2008/56/EC and as part of the first cycle of implementation of their marine strategies, Member States notified to the Commission a set of characteristics for good environmental status and their environmental targets, in accordance with Articles 9(2) and 10(2) of Directive 2008/56/EC, respectively. The Commission's assessment[(2)] of those Member State's reports, undertaken in accordance with Article 12 of that Directive, highlighted that more efforts were urgently needed if Member States and the Union are to reach good environmental status by 2020.

(3) To ensure that the second cycle of implementation of the marine strategies of the Member States further contributes to the achievement of the objectives of Directive 2008/56/EC and yields more consistent determinations of good environmental status, the Commission recommended in its report on the first phase of implementation that, at Union level, the Commission services and Member States collaborate to revise, strengthen and improve Commission Decision 2010/477/EU[(3)] by 2015, aiming at a clearer, simpler, more concise, more coherent and comparable set of good environmental status criteria and methodological standards and, at the same time, review Annex III of the Marine Strategy Framework Directive, and if necessary revise it, and develop specific guidance to ensure a more coherent and consistent approach for assessments in the next implementation cycle.

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(4) The review of Annex III to Directive 2008/56/EC is needed to complement the review of Decision 2010/477/EU. Furthermore, the relationship between Annex III to Directive 2008/56/EC and the qualitative descriptors for determining good environmental status listed in Annex I to that Directive is only implicit in that Directive and, therefore, not sufficiently clear. The Commission, in a staff working paper from 2011[(4)], explained relationships between the qualitative descriptors listed in Annex I to Directive 2008/56/EC, the elements set out in Annex III to that Directive, and the criteria and indicators set out in Decision 2010/477/EU, but could provide only a partial answer due to their inherent content. A revision of Annex III to Directive 2008/56/EC is needed in order to further clarify those relationships and facilitate implementation, better linking ecosystem elements, and anthropogenic pressures and impacts on the marine environment with the descriptors in Annex I to Directive 2008/56/EC and the outcome of the review of Decision 2010/477/EU.

(5) Annex III to Directive 2008/56/EC should provide elements for assessment (Article 8(1) of that Directive) with regard to good environmental status (Article 9(1) of that Directive), provide elements for monitoring (Article 11(1) of that Directive), which are complementary to assessment (e.g. temperature, salinity), and provide elements for consideration when setting targets (Article 10(1) of the Directive). The relevance of these elements will vary by region and Member State due to differing regional characteristics. This means that elements need to be addressed only if they are considered ‘essential features and characteristics’ or ‘predominant pressures and impacts’ as referred to in points (a) and (b) of Article 8(1) of Directive 2008/56/EC, respectively, and if they occur in the relevant Member State's waters.

(6) It is important to ensure that the elements set out in Annex III to Directive 2008/56/EC are clearly related to the qualitative descriptors of Annex I to that Directive and to the criteria and methodological standards on good environmental status of marine waters laid down by the Commission on the basis of Article 9(3) of Directive 2008/56/EC, as well as to their application in relation to Articles 8, 9, 10 and 11 of Directive 2008/56/EC. In this context, those elements need to be generic and generally applicable across the Union, considering that more specific elements can be laid down by the Commission on the basis of Article 9(3) of Directive 2008/56/EC or in the context of determining sets of characteristics for good environmental status under Article 9(1) of that Directive.

(7) Tables 1 and 2 of Annex III to Directive 2008/56/EC should be clarified to more clearly relate to state elements (Table 1) and to pressure elements and their impacts (Table 2), and to directly link the elements listed in them with the qualitative descriptors laid down in Annex I of that Directive and through this with the criteria laid down by the Commission on the basis of Article 9(3) of Directive 2008/56/EC.

(8) To guide the assessments on uses of marine waters under point (c) of Article 8(1) of Directive 2008/56/EC, and on human activities under point (b) of Article 8(1), and associated monitoring provided under Article 11 of that Directive, Table 2 should be extended to contain an indicative list of uses and human activities in order to ensure consistency in their assessment across the marine regions and subregions.

(9) Annex III to Directive 2008/56/EC should therefore be amended accordingly.

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(10) The measures provided for in this Directive are in accordance with the opinion of the regulatory committee established under Article 25(1) of Directive 2008/56/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2008/56/EC is replaced by the text set out in the Annex to this Directive.

Article 2

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 7 December 2018 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

3 The obligation to transpose this Directive shall not apply to Member States without marine waters.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 17 May 2017.

For the Commission

The President

Jean-Claude JUNCKER