

Draft Road map for BG to develop the MSFD POM

Version 2- 11/03/2015

Introduction, Background and Aim of the document

The EU Marine Strategy Framework Directive (2008/56/EC; MSFD) establishes a framework within which Member States shall take the necessary measures to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest. Each Member State shall, in respect of each marine region or subregion concerned, develop a marine strategy for its marine waters starting with an initial assessment of the state of the environment (Art. 8 MSFD), the determination of good environmental status (GES, Art. 9 MSFD) and the establishment of environmental targets (Art. 10 MSFD) by 2012. Based on those steps, Art. 13 MSFD requires Member States to establish regionally coordinated and coherent programmes of measures by the end of 2015. Member States shall notify the EU Commission of their programmes of measures by 31 March 2016. The programmes of measures must be operational by 31 December 2016. They will be reviewed every 6 years. The EU Commission and the EU Member States work together in the MSFD Common Implementation Strategy process to develop guidance documents, including on Art. 13 and Art. 14 MSFD, in order to provide a common understanding and a common starting point for a coordinated MSFD implementation.

In its evaluation according to Art. 12 MSFD of the national reports in relation to Art. 8, 9 and 10 MSFD, the EU Commission made a number of recommendations that should be addressed by Member States in the further MSFD implementation process. The Art. 12 MSFD evaluation also found that the coordination of the MSFD implementation in the four EU marine regions requires improvement and recommends that, with support from the EU, the contribution of Member States to regional work should be reinforced for the purposes of the MSFD, in particular in the Mediterranean and the Black Seas.

In support of the establishment of programmes of measures under Art. 13 MSFD a EU project with Bulgaria and Romania is under its way (Technical and administrative support for the joint implementation of the Marine Strategy Framework Directive (MSFD) in Bulgaria and Romania – Phase 2 – see <http://www.msfdblacksea.eu>). The project focus is on transboundary issues and coordination of associated measures and started at the beginning of 2015. Further the German AAP project aims at facilitating the establishment by Black Sea Basin Directorate (BSBD, situated in Varna) of national programmes of measures under Art. 13 MSFD in time for reporting to the EU Commission by end of March 2016.

This road map outlines the steps required in BG of the implementation of the EU Marine Strategy Framework Directive in the period 2015 – 2016, taking account of their national obligations under the Directive. The roadmap also outlines how the AAP and EU projects mentioned above could be streamlined and makes best use out of the elements which both projects can contribute to achieve the overall aim of establishing a POM.

The following documents have been used as a basis for developing the roadmap:

- Final inception report of the technical and administrative support for the joint implementation of the Marine Strategy Framework Directive (MSFD) in Bulgaria and Romania – Phase II
- Kick off minutes of both projects

- EU recommendations on the POM under the MSFD¹

Please note: This document is a living document and will be updated regularly. Certain aspects may develop over time and change. If regularly updated, the road map will serve as an effective tool for managing the development of the POM under the MSFD.

¹ <https://circabc.europa.eu/sd/a/0ee797dd-d92c-4d7c-a9f9-5dffb36d2065/GD10%20-%20MSFD%20recommendations%20on%20measures%20and%20exceptions%20-%20final.pdf>

Detailed roadmap

Step	What to achieve?	What to do and by whom?	Information need	Related Capacity building event/Workshop	Deadline
1. Select measures					
1.1 Use initial assessment(Art. 8 MSFD) and Article 10: (Establishment of environmental targets) as a basis to identify existing measures	List of existing measures	FT/IS: Support BG in identifying existing measures and development of a list of existing measures. This will be done via a check list template to be sent to relevant authorities establish link to other EU relevant legislation	<ul style="list-style-type: none"> • Initial Assessments (Art. 8) and any new information that has been generated since than • Article 10: Establishment of environmental targets • Survey along other/own authorities on existing measures 		Feb/March 15
1.2 Identify pressures where no measures exist and propose measures	List of potential new measures	<p>All: brainstorm about national and transboundary measures to fill the gaps towards GES and targets aimed at different sectors, starting with existing measures and complemented with new measures</p> <p>Arcadis: will draw up a list of (possible) new transboundary measures</p> <p>FT/IS/UBA: will draw up a list of (possible) new national measures (complimenting the list of transboundary), will contribute with examples from DE in the brainstorming. establish link to other EU relevant legislation</p>	<ul style="list-style-type: none"> • List of measures from DE and other countries 	Arcadis: CBE 1a: Brainstorm long list / gap analysis	Feb/March 15
1.3 Select measures	List of new measures	<p>Acardis: Develop selection criteria for joint measures (BG/RO) & consulted and agreed with BG and RO authorities</p> <p>FT/IS/BG: apply/refine selection criteria (for joint measures) to national measures & support the informal consultation with other ministries and stakeholders;</p>	<ul style="list-style-type: none"> • Selection criteria used in DE and other MS • Strategy to set up informal consultation 	Arcadis: CBE 2a: Defining selection criteria CBE 2b: Brainstorm short list (common measures) CBE 6a: work session selected measures - selected topics (1) + sectorial consultation	<p>July 15</p> <p>August 15</p>

Step	What to achieve?	What to do and by whom?	Information need	Related Capacity building event/Workshop	Deadline
				CBE 6b: work session selected measures - selected topics (2) + sectorial consultation	
2. Describe measures, Agree on Exceptions and assess how measures will contribute to the target					
2.1 Develop measure Fact sheets	Fact sheets for transboundary and nation measures	Arcadis: develop(ed) fact sheets Template FT/IS: review fact sheets and add issues that might be needed for the national context, first detailed outline of the POM	<ul style="list-style-type: none"> • None as fact sheets have been drafted 		Mid Feb 2015
2.2. Develop method for CBA	Method for CBA	FT/IS: Prepare concept note for a method for the CBA based in the approach developed by Arcadis in the inception report. Contribution DE experience.	<ul style="list-style-type: none"> • Agreed and specified (location, intensity, etc) list of measures • Approaches by other MS and relevant guidance by COM • Detailed cost, effectiveness, and benefit information for the new measures (will be elaborated when step 1 is completed) 	Arcadis: CBE 2d: Preparatory steps CBE/CEA for selected measures	
2.3. Fill Fact sheets for new measures (covering effectiveness, costs, benefits)	Completed fact sheets for new measures	Arcadis: collect and complete Information for transboundary measures (single measure level) FT/IS: Support BG in collecting and completing Information for national measures measures (single measure level)	<ul style="list-style-type: none"> • will be elaborated when step 1 is completed 	Arcadis: CBE 2c: Detailed description selected measures CBE 4: Cost-effectiveness analysis POM	
2.4 assess how measures will contribute to the target and by when (Art 13.7 MSFD)	Estimation on the distance to target	FT/IS: based on the EU recommendation develop a concept note on how to assess how measures will contribute to the target and by when. If possible quantify to which extend the target will be achieved. BG: Compile the relevant information in particular new monitoring information from	<ul style="list-style-type: none"> • information needs currently unknown 		

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		ongoing projects			
2.5 exceptions under Article 14: Exceptions	If needed a list of justification why Art 14 MSFD is applied	FT/IS: develop concept note on how to apply and justify exceptions	• information needs currently unknown		
3. draft POM BG					
3.1 agree on the responsibilities in drafting and a detailed structure of the POM BG	Outline of the PoM and clear responsibilities	All: develop a common PoM structure that integrates the requirements of the MSFD and reflects transboundary and national issues/aspects	• fact sheets		March 2015
3.2.draft PoM BG	First draft PoM BG	Arcadis: Draft joint or coordinated measures showing clear interrelation towards the GES and targets defined by BG and RO („transboundary segment” of the POM) BG: develop the first draft of the national elements of the PoM incl fact sheets of measures; get interministerial agreement on fact sheets FT/IS/UBA: support the drafting by providing technical expertise and strategic direction of the national POM	• input from the previous steps, in particular fact sheets	Arcadis: CBE 5: Review and prioritization PoM implementation needs BG & RO	October 2015
3.3. review PoM BG	Second draft ready for public consultation	FT/IS/UBA: review and comment on the first draft POM BG: reflection/inclusion of comments towards the second draft.	• Public opinion on the PoM		February 16
4. Support SEA					
4.1 scooping	Scooping report	FT/IS: to provide guidance on how to draft the report and what to include	• Information from the initial assessment		August 15
4.2. assessment of reasonable alternatives	Draft Environmental report	FT/IS: to provide guidance on how to draft the report and what to include	• Information from the initial assessment		Begin of December 15
4.3. finalise Environmental report	final Environmental report	FT/IS to provide guidance on how to include the results from the public consultation	• Public opinion on the SEA		February 16
5. Public consultation					
5.1. Prepare public	Strategy for public	Arcadis:	• Information about	Arcadis CBE 1d:	Mid October

Step	What to achieve?	What to do and by whom?	Information need	Related Capacity building event/Workshop	Deadline
consultation	consultation	FT/IS/UBA : prepare a concept note on how to organise and format of the public consultation process considering legal and practical issues BG : finalise the interministerial agreement on measures	common rules and the culture of PP in BG	Practicalities consultation process	15
5.2. Conduct public consultation for draft POM and environmental report (SEA)	Public consultation among stakeholders and the informed public	BG : Conduct public consultation for draft POM and environmental report (SEA) DT/IS/UBA : provide strategic support	• none		Begin of December 15/ January 2016?
5.3. Reflect results from the public consultation	Selection of submission that will be further considered	DT/IS/UBA : provide support to the reflection	• Public opinion on the SEA and PoM		February 16
6. finalise POM and SEA					
6.1. Include results from the public consultation in the POM	Chapter in the POM on "Public consultation Information" and revision of the relevant POM chapters		• Draft PoM		February 16
6.2 Include results from the public consultation in the environmental report (SEA)	Final PoM		• None		February 16
7. Reporting to the COM					
7.1. reporting to the COM	Completed WISE templates	FT/IS : support the reporting to Wise by providing a helpdesk	• Final PoM		Begin Feb 16. End March 16
8. Draft guidance for the second cycle and identify PoM implementation needs for the future					
8.1. Draft guidance for the second cycle	Guidance for the second cycle	FT/IS : draft guidance based on the various concept notes, the experiences made and the results from the Phase II project. The draft guidance will be discussed with the relevant BG authorities and based on this discussion revised and finalised.	• Lessons learned from the previous steps		Tbd

Step	What to achieve?	What to do and by whom?	Information need	Related Capacity building event/Workshop	Deadline
8.2. identify PoM implementation needs for the future	Document outlining the PoM implementation needs for the future	<p>Arcadis: identify future POM implementation needs for BG and RO. The priority will be further structured according to the needs if the administrations (strengthen the collaboration at national level – inter sectorial, inter ministerial, at regional level, stakeholder involvement), the research needs and equipment and infrastructure needs for the implementation and coordination of the POM</p> <p>FT/IS: identify future POM implementation needs for BG in particular detailing the issues mentioned above and strengthen the link to other relevant policies such as WFD and N2000</p>	<ul style="list-style-type: none"> • None 		<p>Acardis: ??</p> <p>FT/IS tbd</p>
9. Ensure that the programmes are made operational within one year of their establishment					
9.1.	Operational POM	FT/IS: provide help desk for questions related to making certain measures operational.	<ul style="list-style-type: none"> • Information on the implementation progress 		March 16 onwards

Annex: DRAFT Content of the Programme of Measures

(see Programmes of measures under the Marine Strategy Framework Directive Recommendations for implementation and reporting² (Final version, 25 November 2014))

Overview

1. Environmental targets
2. An overview of the existing measures with reference to their original publication;
3. A short analysis of the contribution of existing measures towards GES (baseline) and the gap that needs to be addressed (gap analysis);
4. A List of new measures including a summary:
 - a. Category 2.a: if described elsewhere, brief details with reference to document containing exhaustive description (e.g. WFD PoM...) , if not full description (ref chap IV.3)
 - b. Category 2.b : full description (ref chap IV.3)
5. justification for exceptions where no measures will be taken / adequacy of the PoM
6. administrative process.

The summary for the new measures shall contain:

- Method for selecting measures,
- Implementation (e.g. by legal, policy, socio-economic and financial instrument), including overview of co-financed measures (art 22) where relevant,
- Identification of spatial protection measures and the purpose for which they are put in place (e.g. contributing to coherent and representative networks of marine protected areas art 13.4),
- Cost –effectiveness and/or cost benefits of the measures (how it has been taken into account?)and sustainability (art 13.3),
- Overall coordination or input to other EU legislation and policies (including international agreements),
- Overall regional coordination including possible impacts on the waters of other countries(art13.8),
- Public consultation information.

² <https://circabc.europa.eu/sd/a/0ee797dd-d92c-4d7c-a9f9-5dff36d2065/GD10%20-%20MSFD%20recommendations%20on%20measures%20and%20exceptions%20-%20final.pdf>