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| **Marine Strategy Framework Directive (MSFD)**  ***Common Implementation Strategy*** | |
| **Tenth Meeting of the Marine Strategy Coordination Group (MSCG)**  Conference Centre Albert Borschette, Rue Froissart 36, 1040 Brussels  06-07 May 2013 | |
| Agenda item: | **7** | |
| Document: | MSCG/10/2013/17 | |
| Title: | DRAFT Strategy for implementation of MSFD Article 19(3) | |
| Prepared by: | EEA and ENV D2 | |
| Date prepared: | 30/04/2013 | |
| Background | In the November 2012 meeting with Marine Directors (MD), it was concluded that the draft long-term strategy for implementation of Art. 19(3) should be further developed and finalised, including provision of further detail on the technical requirements and how it can be delivered.  The 7th meeting of WG DIKE in March 2013 provided further input to the forward strategy, but concluded the paper needed further work, particularly to better frame the wider context of the Article and to set out a high-level vision to guide forward work. These aspects have been addressed in the revised paper attached, which has been distributed for further consultation with WG DIKE until 31 May. A revised version will be used to help guide the meeting of the DIKE Technical Group on 4 July.  In view of the Marine Directors' expectation that a finalized strategy would be presented to them in May 2013, but that it has not yet been fully agreed with WG DIKE, the latest version is presented to MSCG for information and to note progress, with the intension of bringing a final version to Marine Directors in December 2013. | |

**MSCG is invited to:**

Note the ongoing work of WG DIKE on a strategy for implementation of Art. 19(3), in particular its links to and dependence upon wider implementation of the Directive, including GES (Art. 9), environmental targets (Art. 10), monitoring programmes (Art. 11) and future assessments (Art. 8).DRAFT Strategy for implementation of MSFD Art. 19(3)

# Background

Discussions on implementation of MSFD Art. 19(3), which addresses data and information resulting from the initial assessment and from monitoring programmes, were initiated at the meeting of WG DIKE in March 2012 (DIKE 5/2012/09), and further progressed by the DIKE Technical Group (DIKE TG1/20102/05) and the following meeting of WG DIKE (DIKE 6/2012/04). Interim results of this work, which included a proposal for handling the Article as regards the 2012 Initial Assessment and a draft strategy for longer-term implementation, were presented to MSCG (MSCG 8/2012/04) and to Marine Directors (Doc 2.2) in November 2012.

The Marine Directors (MD) drew the following conclusions:

1. Further develop the long-term strategy for implementation of Art. 19(3), including further detail on the technical requirements and how it can be delivered, with a view to bringing a finalized strategy to the May 2013 meeting of Marine Directors for endorsement;
2. Progress technical delivery of Art. 19(3) through a Technical Group of WG DIKE according to the Terms of Reference for the group;
3. Make the necessary arrangements for Member States to provide access and use rights to data and information resulting from the initial assessments, including via the 'metadata catalogue' option.

Three options were identified for implementation relating to the 2012 Initial Assessments; arrangements were put in place to use the 'metadata catalogue' option via an additional XML file. Member States were requested to inform the Commission of their intended option (by 15 January 2013) and to submit the associated information, if possible, with their final updates of the Article 8 assessments by April 2013.

In March 2013, the 7th WG DIKE meeting considered a revised draft strategy for longer-term implementation of Article 19(3) (DIKE 7/2013/05); this provided more detail on what, how and when this should be achieved. WG DIKE felt that the wider context of the Article had not been adequately framed and the paper needed to set out a high-level vision to guide forward work.

The paper presented here addresses the comments and input from the 7th WG-DIKE meeting.

# Requirements of Art. 19(3)

MSFD Art. 19(3) sets out the requirements for Member States in relation to data and information resulting from the initial assessments and from monitoring programmes:

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| Art. 19. 3. “With regard to access to environmental information, Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (1) shall apply.  In accordance with Directive 2007/2/EC, Member States shall provide the Commission, for the performance of its tasks in relation to this Directive, in particular the review of the status of the marine environment in the Community under Article 20(3)(b), with access and use rights in respect of data and information resulting from the initial assessments made pursuant to Article 8 and from the monitoring programmes established pursuant to Article 11.  No later than six months after the data and information resulting from the initial assessment made pursuant to Article 8 and from the monitoring programmes established pursuant to Article 11 have become available, such information and data shall also be made available to the European Environment Agency, for the performance of its tasks.” |

# Setting Art. 19(3) in context

Implementation of Art. 19(3) needs to be set in the context of overall and longer-term requirements of the directive, as this will ensure most efficient use of Member State resources and help ensure more effective overall delivery of the directive, particularly in support of achieving regional coherence of future assessments.

Future MSFD **assessments** under Article 8 are needed to assess the progress towards achieving Good Environmental Status (GES), as defined under Article 9, and to assess progress with environmental targets set under Article 10. These assessments are typically based on **characteristics**, related to the 11 Descriptors of GES and their associated criteria or to the **indicators** associated to particular targets.

The indicators and assessments are in turn dependent upon **data** (e.g. on aspects of environmental state, on pressures from human activities, on the activities themselves and on measures and socio-economic issues). The data will typically be collected through the monitoring programmes established under Article 11, but may also come from other sources[[1]](#footnote-1).

Thus the requirements of Article 19(3) have direct links to Articles 8 and 11, as already specifically stated in the Article, but also can be considered to have links to Articles 9 and 10 which provide the basis against which the monitoring and assessments are undertaken. In this sense, the data and information under Article 19(3) is an integral part of the overall MSFD implementation process.

A key element of the directive is the need for Member States to achieve **coherence and consistency** within and between the MSFD regions and subregions (Art. 5(2)). This relates *inter alia* to the determination of GES, to the assessments and to the monitoring, and consequently to the data needed to support these elements. Achieving consistency within and between regions and subregions in the data used for indicators and assessments will consequently be a key element in achieving overall coherence in delivery of the directive; such coherence in data will help lead to consistent outcomes for the assessments of environmental status.

It is therefore proposed that the forward strategy for work under Art. 19(3) should be:

1. Directly linked to the wider processes of monitoring and assessment (Articles 11 and 8) which in turn are linked to the definition of GES and environmental targets (Articles 9 and 10);
2. Directed towards implementation at subregional and regional scales (and where appropriate broader scales), via the indicators which are/will be used by more than one country.
3. Focused on data and assessment needs for the next assessments due in 2018, and linked to the monitoring programmes due in 2014.

# Vision and long-term objectives

Based on the proposal to fully incorporate the implementation of Article 19(3) into the wider process of MSFD monitoring and assessments (section 2), the forward vision for implementation of the article is as follows:

**To develop harmonised spatial and time-series data sets which are aggregated to appropriate regional or subregional scales for use in the next indicator-based MSFD Article 8 assessments (due in 2018). The data sets will be developed progressively with Member States and regional organisations, as assessment needs become established, ultimately aiming to address all aspects of the Article 8 assessment. The data sets will be readily available for use in assessments through WISE-Marine and, where possible, in EMODnet.**

In support of this vision, the long-term objectives (i.e. by 2018) in regards to access to data[[2]](#footnote-2) are:

1. To have defined a prioritized list of data sets (either data or data products)[[3]](#footnote-3), directly linked to all indicators and monitoring programmes and which will support future assessments, and that are common at a sub-region, region or EU level (as appropriate, depending on the topic and appropriate regional scale) in support of 2018 MSFD Art. 8 and afterwards the Art. 20.3b assessments;
2. To have agreed the thematic content and format of each data set, according to the needs of MSFD for use in assessments, such that the data sets can be readily aggregated (within countries, within regions, at EU level); these should use relevant INSPIRE standards and where needed more detailed standards/specifications. The fitness of those additional standards/specifications provided by, for example SeaDataNet, EMODnet and Eionet, for these purposes has been investigated and agreed;
3. To have established effective and efficient data management mechanisms at national and EU levels which allow ready access to the data[[4]](#footnote-4), for the EEA and the EC according to the requirements of MSFD Article 19(3) and for other countries, regional organisations and stakeholders, including regular updating of the data as new data are collected. This should make best use of existing mechanisms, including reporting under other EU Directives, the Data Collection Framework, EMODnet[[5]](#footnote-5), Copernicus (formerly GMES) and Regional Sea Convention mechanisms and work progressively towards decentralised data management systems;
4. To have established public access[[6]](#footnote-6) to the data and data products via web portals, preferably via a single portal, including use of WISE-Marine and EMODnet, such that the data are readily available (down-loadable) to Member States, Regional Sea Conventions and others to support regional coherence in future assessments.

# Nature of data/data products resulting from the Art. 8 assessments

As the Art. 8 assessments address a wide range of topics relating to features and characteristics of marine waters, pressures and impacts upon them, uses and activities and the costs of degradation, the nature of the data produced can be expected to be equally broad. These can be considered to fall into three broad categories:

1. Data and information relating to the current state, which provides details about the character, distribution and/or intensity of a particular topic. Such data and information can be attributed to specific areas (whether broadly defined as a large area or specifically located) and in many cases can be presented as maps of distribution/intensity (e.g. a habitat map, a pressure intensity map, a map of human activity);
2. Data and information relating to changes in the topic over time, thus providing information on trends.
3. Socio-economic data and projections for future developments stemming from reporting of Article 8(1.c).

# Identifying a prioritized list of data sets for 2018

To achieve a greater level of coherence and consistency at the sub-regional and regional scale in the next Article 8 assessments (due in 2018) than was possible for the 2012 assessments, it will be necessary to, well ahead of time, have a much clearer definition of the data which are needed by Member States, where possible working together via Regional Sea Conventions, to support the assessments. The assessments need to be comparable within and between marine regions and/or subregions (MSFD Annex V.8) and for this data will need to be consistent amongst Member States (Art. 11(2a)) and where necessary aggregated (MSFD Annex V.7) to enable coherent assessments to be undertaken.

Although Art. 19(3) does not specifically address indicators, it will need to link to on-going MSFD-relevant indicator activities at regional and European level, in order to identify the most appropriate data streams, particularly those undertaken by the Regional Sea Conventions (RSCs), in the two MSFD technical sub-groups on marine litter and on noise, and on fisheries by ICES, as part of the ‘Descriptor D3+’ process. The aim will be to work through all Descriptors and their relevant indicators and identify, on a case by case basis, the most appropriate data streams and mechanisms for handling them. Principles for selecting activities include:

1. Focus on data for indicators which have a high degree of commonality at sub-regional, regional or EU levels, eventually progressing to cover all GES descriptors;
2. Establish mechanisms to access data including use of mechanisms already in place with the Regional Sea Conventions and ICES and/or the use of INSPIRE and EMODnet, to support future indicator-based assessments;
3. Establish an overview of existing methods to aggregate the data into sub-regional, regional or EU-level datasets;
4. Where appropriate, establish periodic/regular updating mechanisms which support trend-based indicator assessments;
5. Develop an appropriate mechanism for reporting of socio-economic data, in line with the needs identified by WG ESA.
6. Develop an appropriate mechanism for European projects, such as EUSeaMap and the Copernicus (formerly GMES) Marine Service[[7]](#footnote-7), that work to develop MSFD-relevant datasets that could be used by MS or RSCs.

Aspects of these activities are covered by all three working groups under the MSFD CIS, and it will be ensured that, to the extent possible, the activities under Art 19(3) will build upon agreements made under Working Groups DIKE, GES and ESA. The activities reflect the situation around specific indicators. In some cases, like for marine litter and noise, it will be realistic to develop common European approaches based upon the methods being developed by the TSGs, but for most topics the relevant scale for common data sets will be the regional or sub-regional scale. The work in MSFD CIS has been arranged in such a way that these topics are covered by WG-GES, particularly through the discussions on monitoring, and for socio-economic data by WG-ESA, and hence the outcome of activities in WG-DIKE will have a strong dependency on agreements eventually made in WG-GES and WG-ESA. While the activities below all contribute to the effective development of a data sharing mechanism, some will be carried out by WG-GES, others by WG-DIKE.

# Approach

The specific development of data flows relevant for Art. 19(3) will be discussed in DIKE Technical Group meetings to take place in the period 2013-2016, ultimately focusing on the selection of data, the associated monitoring programmes, and how to most appropriately establish data flows in support for a given theme. Five more specific objectives are proposed to develop this activity:

1. Identify where existing data flows, e.g. for Regional Sea Conventions and ICES, are well established and provide common data sets with appropriate quality assurance processes, and set priorities for development of new data sets;
2. Clarify the relationship between the datasets and the MSFD monitoring programmes;
3. Define the parameters and format of the data, based where possible on existing standards, e.g. SeaDataNet;
4. Initiate processes to define how each dataset can meet INSPIRE standards, including the preparation of INSPIRE-compliant datasets; and
5. Identify the most appropriate dataflow mechanism.

A phased approach was already introduced in 2012 where the first phase (2012-2013) was used to initiate the discussions needed on how to best organise existing data flows to the EEA, taking a combination of the exiting approach, the infrastructure and support provided by EMODnet projects and the infrastructure provided by INSPIRE into consideration. This was outlined in terms of five quick wins in support of a proof of concept for the three objectives above (DIKE 5/2012/09, DIKE 6/2012/06, DIKE 7/2013/08). The work on these activities will continue in 2013 and reports will go back to MS through WG-DIKE.

In the second phase, 2014-2016, DIKE TG meetings could be dedicated to the themes given by the 11 MSFD descriptors, and implementing the concept developed in the first period, but taking the specifics of each descriptor into consideration. Also in this phase, the five specific objectives will guide the work, ensuring the engagement with Regional and/or European activities and research projects to the greatest extent possible.

To allow agreement to be reached on data flows, the meetings will be prepared with working documents and following each technical group meeting specific recommendations from the Technical Group will be put forward to WG-DIKE. For example, a working paper could, on a specific theme, outline considerations around the five specific objectives, as well as options for recommendations for data exchange. Those recommendations could be made in the form of data fact sheets describing the elements of the data to be exchanged as well as the specific data-flow mechanism. If agreed by WG-DIKE, a collection of data fact sheets describing relevant data flows for the 11 descriptors will then be available, for adoption by Marine Directors in 2016, and for use in the 2018 reporting round.

1. See MSCG 10/2013/07 Monitoring under MSFD. Recommendations for implementation and reporting. [↑](#footnote-ref-1)
2. The term 'data' in this document refers to both data and data sets or products unless more specifically referring only to one of these. [↑](#footnote-ref-2)
3. Noting that prioritisation is easier for certain topics (e.g. nutrients, hazardous substances) than other topics (e.g. biodiversity). [↑](#footnote-ref-3)
4. Recognising that data flows for some types of MSFD data, e.g. underwater noise, are not yet well established. [↑](#footnote-ref-4)
5. Needs further analysis on the benefits, practical implications and which data are most appropriate for this mechanism. [↑](#footnote-ref-5)
6. Certain data may need to be aggregated or coarsened (e.g. to overcome commercial sensitivities). [↑](#footnote-ref-6)
7. Currently delivered by the FP7 MyOcean2 project [↑](#footnote-ref-7)