

SUBSIDIARY LEGISLATION 549.62**MARINE POLICY FRAMEWORK REGULATIONS**

4th March, 2011

LEGAL NOTICE 73 of 2011, as amended by Legal Notice 365 of 2018.

1. (1) The title of these regulations is the Marine Policy Framework Regulations. Citation and scope.

(2) The scope of these regulations is to establish a framework within which Malta shall take the necessary measures to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest and to transpose the provisions of Directive 2008/56/EC of the European Parliament and of the Council, as amended by Commission Directive 2017/845/EU 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.

(3) These regulations shall contribute to coherence between, and aim to ensure the integration of environmental concerns into the different policies, agreements and legislative measures which have an impact on the marine environment.

(4) These regulations shall apply to all marine waters as defined in regulation 2(1) and shall take account of the transboundary effects on the quality of the marine environment of third States in the same marine region or subregion as defined in regulation 5.

(5) These regulations shall not apply to activities the sole purpose of which is defence or national security. Effort shall be made however to ensure that such activities are conducted in a manner that is compatible, so far as reasonable and practicable, with the objectives of these regulations.

2. (1) In these regulations the following definitions shall apply: Definitions.

"the competent authority" means the Office of the Prime Minister, and such other body or person as the Prime Minister may prescribe and different bodies or persons may be designated as the competent authority for different provisions and different purposes of these regulations;

"criteria" means distinctive technical features that are closely linked to qualitative descriptors;

"environmental status" means the overall state of the environment in marine waters, taking into account the structure, function and processes of the constituent marine ecosystems together with natural physiographic, geographic, biological, geological and climatic factors, as well as physical, acoustic and chemical conditions, including those resulting from human activities inside or outside the area concerned;

"environmental target" means a qualitative or quantitative statement on the desired condition of the different components of, and pressures and impacts on, marine waters in respect of each marine region or subregion. Environmental targets are established in accordance with regulation 8;

"good environmental status" means the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive within their intrinsic conditions, and the use of the marine environment is at a level that is sustainable, thus safeguarding the potential for uses and activities by current and future generations, namely:

- (a) the structure, functions and processes of the constituent marine ecosystems, together with the associated physiographic, geographic, geological and climatic factors, allow those ecosystems to function fully and to maintain their resilience to human-induced environmental change. Marine species and habitats are protected, human-induced decline of biodiversity is prevented and diverse biological components function in balance;
- (b) hydro-morphological, physical and chemical properties of the ecosystems, including those properties which result from human activities in the area concerned, support the ecosystems as described above. Anthropogenic inputs of substances and energy, including noise, into the marine environment do not cause pollution effects;

"marine region" means a sea region which is identified under regulation 5. Marine regions and their subregions are designated for the purpose of facilitating implementation of Directive 2008/56/EC and are determined taking into account hydrological, oceanographic and biogeographic features;

"marine strategy" means the strategy to be developed and implemented in respect of each marine region or subregion concerned as laid down in regulation 4;

"marine waters" means -

- (a) waters, the seabed and subsoil on the seaward side of the baseline from which the extent of territorial waters is measured extending to the outmost reach of the area where Malta has and, or exercises jurisdictional rights, in accordance with the United Nations Convention on the Law of the Sea and general international law;
- (b) coastal waters as defined by the Water Policy Framework Regulations, their seabed and their subsoil, in so far as particular aspects of the environmental status of the marine environment are not already addressed through those regulations or other legislation;

"pollution" means the direct or indirect introduction into the

marine environment, as a result of human activity, of substances or energy, including human-induced marine underwater noise, which results or is likely to result in deleterious effects such as harm to living resources and marine ecosystems, including loss of biodiversity, hazards to human health, the hindering of marine activities, including fishing, tourism and recreation and other legitimate uses of the sea, impairment of the quality for use of sea water and reduction of amenities or, in general, impairment of the sustainable use of marine goods and services;

"regional cooperation" means cooperation and coordination of activities between EU Member States and, whenever possible, third countries sharing the same marine region or subregion, for the purpose of developing and implementing marine strategies;

"regional sea convention" means any of the international conventions or international agreements together with their governing bodies established for the purpose of protecting the marine environment of the marine regions referred to in regulation 5, such as the Convention on the Protection of the Marine Environment of the Baltic Sea, the Convention for the Protection of the Marine Environment of the North-east Atlantic and the Convention for the Marine Environment and the Coastal Region of the Mediterranean Sea.

(2) For the purposes of these regulations, any reference to Directives of the European Parliament and of the Council, shall be read and construed as if reference is made to the provisions of the regulations transposing the provisions of such directive into Maltese law.

3. (1) There shall be one marine strategy developed and implemented for Malta's marine waters.

Co-ordination of administrative arrangements.

(2) The competent authority shall take all the necessary measures to ensure the appropriate administrative arrangements for the application of these regulations.

(3) The competent authority shall take all the necessary measures to ensure that the requirements of these regulations, in particular for the development of the initial assessment under regulation 6, integrated monitoring programme under regulation 9 and the programme of measures under regulation 10, are co-ordinated.

(4) The endorsement of the Minister responsible for the environment shall be sought on the environmental targets.

(5) The endorsement of the government shall be sought on the marine strategy and the program of measures.

4. (1) The marine strategy shall be developed and implemented in accordance with the plan of action set out in regulation 5(2), in order to:

Development of marine strategy.

- (a) protect and preserve the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected;

- (b) prevent and reduce inputs in the marine environment, with a view to phasing out pollution as defined in regulation 2(1), so as to ensure that there are no significant impacts on or risks to marine biodiversity, marine ecosystems, human health or legitimate uses of the sea.

(2) The ecosystem-based approach to the management of human activities shall be applied when developing and implementing the marine strategy, ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations.

Regional
cooperation.

5. (1) In developing the marine strategy, the competent authority shall take due account of the fact that Malta's marine waters form an integral part of the Ionian Sea and the Central Mediterranean Sea marine subregion within the marine region of the Mediterranean Sea.

(2) The competent authority shall ensure cooperation with EU Member States sharing the same marine subregion to ensure that, the measures required to achieve the objectives of these regulations, in particular the different elements of the marine strategies referred to in paragraphs (a) and (b), are coherent and coordinated across the Ionian Sea and the Central Mediterranean Sea marine subregion, in accordance with the following plan of action towards a common approach:

(a) preparation:

- (i) an initial assessment, to be completed by 15 July 2012 of the current environmental status of the waters concerned and the environmental impact of human activities thereon, in accordance with regulation 6;
- (ii) a determination, to be established by 15 July 2012 of good environmental status for the waters concerned, in accordance with regulation 7;
- (iii) establishment, by 15 July 2012, of a series of environmental targets and associated indicators, in accordance with regulation 8(1);
- (iv) establishment and implementation, by 15 July 2014 except where otherwise specified in the relevant Community legislation, of a monitoring programme for ongoing assessment and regular updating of targets, in accordance with regulation 9(1);

(b) programme of measures:

- (i) development, by 2015 at the latest, of a programme of measures designed to achieve or maintain good environmental status, in accordance with regulation 10(1), (2), (3) and

(4);

- (ii) entry into operation of the programme provided for in sub-paragraph (i), by 2016 at the latest, in accordance with regulation 10(11).

(3) In the event that the status of the Ionian Sea and the Central Mediterranean Sea subregion is so critical as to necessitate urgent action, Malta will work together with the EU Member States having borders on the same marine subregion to devise a plan of action in accordance with regulation 4(1), which includes an earlier entry into operation of programmes of measures as well as possible stricter protective measures, provided that this does not prevent good environmental status from being achieved or maintained in another marine region or subregion.

(4) In order to achieve the coordination referred to in sub-regulation (2), the competent authority shall, where practical and appropriate, use existing regional institutional cooperation structures, and as far as possible, build upon relevant existing programmes and activities developed in the framework of structures stemming from international agreements including those under the Convention for the Marine Environment and the Coastal Region of the Mediterranean Sea.

(5) For the purpose of establishing and implementing the marine strategy, the competent authority shall make every effort, using relevant international forums, including mechanisms, structures and building upon relevant existing programmes and activities developed in the framework of the Convention for the Marine Environment and the Coastal Region of the Mediterranean Sea, to coordinate actions with third countries having sovereignty or jurisdiction over waters in the Ionian Sea and the Central Mediterranean Sea marine subregion.

6. (1) The competent authority shall make an initial assessment of Malta's marine waters, taking account of existing data where available and comprising the following: Assessment.

- (a) an analysis of the essential features and characteristics, and current environmental status of those waters, based on the indicative lists of elements set out in Table 1 of Schedule II, and covering the physical and chemical features, the habitat types, the biological features and the hydro-morphology;
- (b) an analysis of the predominant pressures and impacts, including human activity, on the environmental status of those waters which:
 - (i) is based on the indicative lists of elements set out in Table 2 of Schedule II, and covers the qualitative and quantitative mix of the various pressures, as well as discernible trends;
 - (ii) covers the main cumulative and synergetic effects; and
 - (iii) takes account of the relevant assessments which have been made pursuant to existing Community

legislation;

- (c) an economic and social analysis of the use of those waters and of the cost of degradation of the marine environment.

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(2) The analyses referred to in sub-regulation (1) shall take into account elements regarding coastal, transitional and territorial waters covered by relevant provisions of existing legislation, in particular the Water Policy Framework Regulations. They shall also take into account, or use as their basis, other relevant assessments such as those carried out jointly in the context of Regional Sea Conventions, so as to produce a comprehensive assessment of the status of the marine environment.

(3) In preparing assessments pursuant to subregulation (1), the competent authority shall, by means of the coordination established pursuant to regulations 4 and 5, make every effort to ensure that:

- (a) assessment methodologies are consistent across the Ionian Sea and the Central Mediterranean Sea marine subregion;
- (b) transboundary impacts and transboundary features are taken into account.

Determination of good environmental status.

7. (1) Good environmental status shall be determined at the level of the marine subregion as referred to in regulation 5 on the basis of the qualitative descriptors in Schedule I. Adaptive management on the basis of the ecosystem approach shall be applied with the aim of attaining good environmental status.

(2) By reference to the initial assessment made pursuant to regulation 6(1), the competent authority, in respect of Ionian Sea and the Central Mediterranean Sea marine subregion, shall determine, for Malta's marine waters, a set of characteristics for good environmental status, on the basis of the qualitative descriptors listed in Schedule I. The competent authority shall take into account the indicative lists of elements set out in Table 1 of Schedule II and, in particular, physical and chemical features, habitat types, biological features and hydromorphology.

(3) The competent authority shall also take into account the pressures or impacts of human activities in each marine region or subregion, having regard to the indicative lists set out in Table 2 of Schedule II.

Establishment of environment targets.

8. (1) On the basis of the initial assessment made pursuant to regulation 6(1), the competent authority shall, in respect of Ionian Sea and the Central Mediterranean Sea marine subregion, establish a comprehensive set of environmental targets and associated indicators for Malta's marine waters so as to guide progress towards achieving good environmental status in the marine environment, taking into account the indicative lists of pressures and impacts set out in Table 2 of Schedule II, and of characteristics set out in Schedule III.

(2) When devising those targets and indicators, the competent authority shall take into account the continuing application of

relevant existing environmental targets laid down at national, EU or international level in respect of the same waters, ensuring that these targets are mutually compatible and that relevant transboundary impacts and transboundary features are also taken into account, to the extent possible.

9. (1) On the basis of the initial assessment made pursuant to regulation 6(1), the competent authority shall establish and implement coordinated monitoring programmes for the ongoing assessment of the environmental status of their marine waters on the basis of the indicative lists of elements set out in Schedule II and the list set out in Schedule IV, and by reference to the environmental targets established pursuant to regulation 8.

Monitoring
programs.

(2) Monitoring programmes shall be compatible within marine regions or subregions and shall build upon, and be compatible with, relevant provisions for assessment and monitoring laid down by legislation, including the Habitats and Birds Directives, or under international agreements.

(3) The competent authority shall, in the interest of coherence and coordination, endeavour to ensure that:

- (a) monitoring methods are consistent across the Ionian Sea and the Central Mediterranean Sea marine subregion so as to facilitate comparability of monitoring results;
- (b) relevant transboundary impacts and transboundary features are taken into account.

10. (1) The competent authority shall, in respect of the Ionian Sea and the Central Mediterranean Sea marine subregion, identify the measures which need to be taken in order to achieve or maintain good environmental status, as determined pursuant to regulation 7, in Malta's marine waters.

Programme of
measures.

(2) Those measures shall be devised on the basis of the initial assessment made pursuant to regulation 6(1) and by reference to the environmental targets established pursuant to regulation 8(1), and taking into consideration the types of measures listed in Schedule V.

(3) The competent authority shall integrate the measures devised pursuant to sub-regulation (1) into a programme of measures, taking into account relevant measures required under Community legislation, in particular Directive 2000/60/EC, Council Directive 91/271/EEC concerning urban waste-water treatment and Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality, as well as Directive 2008/105/EC on environmental quality standards in the field of water policy, or international agreements.

(4) When drawing up the programme of measures pursuant to sub-regulation (3), the competent authority shall give due consideration to sustainable development and, in particular, to the social and economic impacts of the measures envisaged.

(5) The competent authority shall ensure that measures are cost-effective and technically feasible, and shall carry out impact assessments, including cost-benefit analyses, prior to the introduction of any new measure.

(6) Programmes of measures established pursuant to this regulation shall include spatial protection measures, contributing to coherent and representative networks of marine protected areas, adequately covering the diversity of the constituent ecosystems, such as special areas of conservation pursuant to the Habitats Directive, special protection areas pursuant to the Birds Directive, and marine protected areas within the framework of international agreements to which Malta is a contracting party.

(7) Where the competent authority considers that the management of a human activity at Community or international level is likely to have a significant impact on the marine environment, particularly in the areas addressed in subregulation (6), it shall, individually or jointly with neighbouring competent authorities, address the relevant competent authority or international organisation concerned with a view to the consideration and possible adoption of measures that may be necessary in order to achieve the objectives of these regulations, so as to enable the integrity, structure and functioning of ecosystems to be maintained or, where appropriate, restored.

(8) By 2013 at the latest, the competent authority shall make publicly available, in respect of the Ionian Sea and the Central Mediterranean Sea marine subregion, relevant information on the areas referred to in sub-regulations (6) and (7).

(9) The competent authority shall indicate in the programme of measures how the measures are to be implemented and how they will contribute to the achievement of the environmental targets established pursuant to regulation 8(1).

(10) The competent authority shall consider the implications of the programme of measure on waters beyond Malta's marine waters in order to minimise the risk of damage to, and if possible have a positive impact on, those waters.

(11) The competent authority shall ensure that the programme of measures is made operational within one year of its establishment.

Exceptions.

11. (1) The competent authority may identify instances within Malta's marine waters where, for any of the reasons listed under paragraphs (a) to (d), the environmental targets or good environmental status cannot be achieved in every aspect through measures taken by the competent authority, or, for reasons referred to under paragraph (e), they cannot be achieved within the time schedule concerned:

- (a) action or inaction for which Malta is not responsible;
- (b) natural causes;
- (c) *force majeure*;
- (d) modifications or alterations to the physical characteristics of marine waters brought about by

actions taken for reasons of overriding public interest which outweigh the negative impact on the environment, including any transboundary impact;

- (e) natural conditions which do not allow timely improvement in the status of the marine waters concerned.

(2) The competent authority shall identify such instances clearly in the programme of measures and shall consider the consequences for Member States in Ionian Sea and the Central Mediterranean Sea subregion.

(3) However, the competent authority shall take appropriate *ad hoc* measures aiming to continue pursuing the environmental targets, to prevent further deterioration in the status of the marine waters affected for reasons identified under sub-regulation (1)(b), (c) or (d) and to mitigate the adverse impact at the level of the Ionian Sea and the Central Mediterranean Sea marine subregion or in the marine waters of other Member States.

(4) In the situation covered by subregulation (1)(d), the competent authority shall ensure that the modifications or alterations do not permanently preclude or compromise the achievement of good environmental status at the level of the Ionian Sea and the Central Mediterranean Sea marine subregion or in the marine waters of other Member States.

(5) The *ad hoc* measures referred to in sub-regulation (3) shall be integrated as far as practicable into the programmes of measures.

(6) The competent authority shall develop and implement all the elements of marine strategy referred to in regulation 5(2), but shall not be required, except in respect of the initial assessment described in regulation 6, to take specific steps where there is no significant risk to the marine environment, or where the costs would be disproportionate taking account of the risks to the marine environment, and provided that there is no further deterioration, while avoiding that the achievement of good environmental status be permanently compromised.

(7) Where the competent authority identifies an issue which has an impact on the environmental status of Malta's marine waters and which cannot be tackled by measures adopted at national level, or which is linked to another Community policy or international agreement, it shall prepare a justification to substantiate this view.

12. (1) The competent authority shall ensure that, in respect of the Ionian Sea and the Central Mediterranean Sea marine subregion, the marine strategy for Malta's marine waters is kept up to date. Updating.

(2) For the purposes of sub-regulation (1), the competent authority shall review, in a coordinated manner as referred to in regulation 5, the following elements of the marine strategy every six years after its initial establishment:

- (a) the initial assessment and the determination of good

environmental status, as provided for in regulations 6(1) and 7 respectively;

- (b) the environmental targets established pursuant to regulation 8(1);
- (c) the monitoring programmes established pursuant to regulation 9(1) and (2);
- (d) the programmes of measures established pursuant to regulation 10(3).

Interim reports.

13. The competent authority shall, within three years of the publication of each programme of measures or update thereof in accordance with regulation 12(2), prepare a brief interim report describing progress in the implementation of that programme.

Public consultation and information.

14. (1) In accordance with relevant existing Community legislation, the competent authority shall ensure that all interested parties are given early and effective opportunities to participate in the implementation of these regulations, involving, where possible, existing management bodies or structures, including Regional Sea Conventions, Scientific Advisory Bodies and Regional Advisory Councils.

(2) The competent authority shall publish, and make available to the public for comment, summaries of the following elements of the marine strategy, or the related updates, as follows:

- (a) the initial assessment and the determination of good environmental status, as provided for in regulations 6(1) and 7 respectively;
- (b) the environmental targets established pursuant to regulation 8(1);
- (c) the monitoring programmes established pursuant to regulation 9(1) and (2);
- (d) the programmes of measures established pursuant to regulation 10(3).

(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 shall apply.

SCHEDULE I

Regulation 7

Qualitative descriptors for determining good environmental status

- (1) Biological diversity is maintained. The quality and occurrence of habitats and the distribution and abundance of species are in line with prevailing physiographic, geographic and climatic conditions.
- (2) Non-indigenous species introduced by human activities are at levels that do not adversely alter the ecosystems.
- (3) Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.
- (4) All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity.
- (5) Human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters.
- (6) Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.
- (7) Permanent alteration of hydrographical conditions does not adversely affect marine ecosystems.
- (8) Concentrations of contaminants are at levels not giving rise to pollution effects.
- (9) Contaminants in fish and other seafood for human consumption do not exceed levels established by Community legislation or other relevant standards.
- (10) Properties and quantities of marine litter do not cause harm to the coastal and marine environment.
- (11) Introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment.

To determine the characteristics of good environmental status in a marine region or subregion as provided for in regulation 7, the competent authority shall consider each of the qualitative descriptors listed in this Schedule in order to identify those descriptors which are to be used to determine good environmental status for that marine region or subregion. When the competent authority consider that it is not appropriate to use one or more of those descriptors, they shall provide a justification.

Substituted by:
L.N. 365 of 2018.

SCHEDULE II

Regulations 6, 7, 8 and 9

Indicative lists of ecosystem elements, anthropogenic pressures and human activities relevant to the marine waters

Table 1

Structure, functions and processes of marine ecosystems with particular relevance for point (a) of regulation 6(1), and regulations 7 and 9.

Theme	Ecosystem elements	Possible parameters and characteristics (Note 1)	Relevant qualitative descriptors laid down in Schedule I (Notes 2 and 3)
Species	Species groups (Note 4) of marine birds, mammals, reptiles, fish and cephalopods of the marine region or subregion	Spatial and temporal variation per species or population: — distribution, abundance and/or biomass — size, age and sex structure — fecundity, survival and mortality/injury rates — behaviour including movement and migration — habitat for the species (extent, suitability) Species composition of the group	(1); (3)
Habitats	Broad habitat types of the water column (pelagic) and seabed (benthic) (Note 5), or other habitat types, including their associated biological communities throughout the marine region or subregion	Per habitat type: — habitat distribution and extent (and volume, if appropriate) — species composition, abundance and/or biomass (spatial and temporal variation) — size and age structure of species (if appropriate) — physical, hydrological and chemical characteristics Additionally for pelagic habitats: — chlorophyll a concentration — plankton bloom frequencies and spatial extent	(1); (6)

Ecosystems, including food webs	Ecosystem structure, functions and processes, comprising: — physical and hydrological characteristics — chemical characteristics — biological characteristics — functions and processes	Spatial and temporal variation in: — temperature and ice — hydrology (wave and current regimes; upwelling, mixing, residence time, freshwater input; sea level) — bathymetry — turbidity (silt/sediment loads), transparency, sound — seabed substrate and morphology — salinity, nutrients (N, P), organic carbon, dissolved gases (pCO₂, O₂) and pH — links between habitats and species of marine birds, mammals, reptiles, fish and cephalopods — pelagic-benthic community structure — productivity	(1); (4)
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Notes related to Table 1

- Note 1: An indicative list of relevant parameters and characteristics for species, habitats and ecosystems is given, reflecting parameters affected by the pressures of Table 2 of this Schedule and of relevance to criteria laid down in accordance with Article 9(3) of Directive 2008/56/EC. The particular parameters and characteristics to be used for monitoring and assessment should be determined in accordance with the requirements of these regulations, including those of regulations 6, 7, 8 and 9.
- Note 2: The numbers in this column refer to the respective numbered points in Schedule I.
- Note 3: Only the state-based qualitative descriptors (1), (3), (4) and (6) which have criteria laid down in accordance with Article 9(3) of Directive 2008/56/EC are listed in Table 1. All other, pressure-based, qualitative descriptors under Schedule I may be relevant for each theme.
- Note 4: These species groups are further specified in Part II of the Annex to Commission Decision (EU) 2017/848 of 17 May 2017 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU.
- Note 5: These broad habitat types are further specified in Part II of the Annex to Decision (EU) 2017/848.

Table 2

Anthropogenic pressures, uses and human activities
in or affecting the marine environment

2a. Anthropogenic pressures on the marine environment with particular relevance for points (a) and (b) of regulation 6(1) and regulations 7, 8 and 9			
Theme	Pressure (Note 1)	Possible parameters	Relevant qualitative descriptors laid down in Schedule 1 (Notes 2 and 3)
Biological	Input or spread of non-indigenous species	Intensity of, and spatial and temporal variation in, the pressure in the marine environment and, where relevant, at source For assessment of environmental impacts of the pressure, select relevant ecosystem elements and parameters from Table 1	(2)
	Input of microbial pathogens		
	Input of genetically modified species and translocation of native species		
	Loss of, or change to, natural biological communities due to cultivation of animal or plant species		
	Disturbance of species (e.g. where they breed, rest and feed) due to human presence		
	Extraction of, or mortality/injury to, wild species (by commercial and recreational fishing and other activities)		(3)
Physical	Physical disturbance to seabed (temporary or reversible)		(6); (7)
	Physical loss (due to permanent change of seabed substrate or morphology and to extraction of seabed substrate)		
	Changes to hydrological conditions		
Substances, litter and energy	Input of nutrients — diffuse sources, point sources, atmospheric deposition		(5)
	Input of organic matter — diffuse sources and point sources		
	Input of other substances (e.g. synthetic substances, non-synthetic substances, radionuclides) — diffuse sources, point sources, atmospheric deposition, acute events		(8); (9)
	Input of litter (solid waste matter, including micro-sized litter)		(10)
	Input of anthropogenic sound (impulsive, continuous)		(11)
	Input of other forms of energy (including electromagnetic fields, light and heat)		
	Input of water — point sources (e.g. brine)		

2b. Uses and human activities in or affecting the marine environment with particular relevance for points (b) and (c) of regulation 6 (1) (only activities marked * are relevant for point (c) of regulation 6(1)), and regulations 8 and 10	
Theme	Activity
Physical restructuring of rivers, coastline or seabed (water management)	Land claim
	Canalisation and other watercourse modifications
	Coastal defence and flood protection*
	Offshore structures (other than for oil/gas/renewables)*
	Restructuring of seabed morphology, including dredging and depositing of materials*
Extraction of non-living resources	Extraction of minerals (rock, metal ores, gravel, sand, shell)*
	Extraction of oil and gas, including infrastructure*
	Extraction of salt*
	Extraction of water*
Production of energy	Renewable energy generation (wind, wave and tidal power), including infrastructure*
	Non-renewable energy generation
	Transmission of electricity and communications (cables)*
Extraction of living resources	Fish and shellfish harvesting (professional, recreational)*
	Fish and shellfish processing*
	Marine plant harvesting*
	Hunting and collecting for other purposes*
Cultivation of living resources	Aquaculture — marine, including infrastructure*
	Aquaculture — freshwater
	Agriculture
	Forestry
Transport	Transport infrastructure*
	Transport — shipping*
	Transport — air
	Transport — land
Urban and industrial uses	Urban uses
	Industrial uses
	Waste treatment and disposal*

Tourism and leisure	Tourism and leisure infrastructure*
	Tourism and leisure activities*
Security/defence	Military operations (subject to regulation 1(5))
Education and research	Research, survey and educational activities*

Notes related to Table 2

- Note 1: Assessments of pressures should address their levels in the marine environment and, if appropriate, the rates of input (from land-based or atmospheric sources) to the marine environment.
- Note 2: The numbers in this column refer to the respective numbered points in Schedule I.
- Note 3: Only pressure-based qualitative descriptors (2), (3), (5), (6), (7), (8), (9), (10) and (11), which have criteria laid down in accordance with Article 9(3) of Directive 2008/56/EC, are listed in Table 2a. All other, state-based, qualitative descriptors under Schedule I may be relevant for each theme."

SCHEDULE III

Regulation 9

Indicative list of characteristics to be taken into account for setting environmental targets

- (1) Adequate coverage of the elements characterising marine waters under the sovereignty or jurisdiction of Member States within a marine region or subregion.
- (2) Need to set -
 - (a) targets establishing desired conditions based on the definition of good environmental status;
 - (b) measurable targets and associated indicators that allow for monitoring and assessment; and
 - (c) operational targets relating to concrete implementation measures to support their achievement.
- (3) Specification of environmental status to be achieved or maintained and formulation of that status in terms of measurable properties of the elements characterising the marine waters of a Member State within a marine region or subregion.
- (4) Consistency of the set of targets; absence of conflicts between them.
- (5) Specification of the resources needed for the achievement of targets.
- (6) Formulation of targets, including possible interim targets, with a timescale for their achievement.
- (7) Specification of indicators intended to monitor progress and guide management decisions with a view to achieving targets.
- (8) Where appropriate, specification of reference points (target and limit

reference points).

(9) Due consideration of social and economic concerns in the setting of targets.

(10) Examination of the set of environmental targets, associated indicators and limit and target reference points developed in light of the environmental objectives laid down in regulation 1, in order to assess whether the achievement of the targets would lead the marine waters falling under the sovereignty or jurisdiction of Member States within a marine region to a status matching them.

(11) Compatibility of targets with objectives to which the Community and its Member States have committed themselves under relevant international and regional agreements, making use of those that are most relevant for the marine region or subregion concerned with a view to achieving the environmental objectives laid down in regulation 1.

(12) When the set of targets and indicators has been assembled, they should be examined together relative to the environmental objectives laid down in regulation 1 to assess whether the achievement of the targets would lead the marine environment to a status matching them.

SCHEDULE IV

Regulation 9

Monitoring programmes

(1) Need to provide information for an assessment of the environmental status and for an estimate of the distance from, and progress towards, good environmental status in accordance with Schedule I and with the criteria and methodological standards to be defined by the European Commission.

(2) Need to ensure the generation of information enabling the identification of suitable indicators for the environmental targets provided for in regulation 8.

(3) Need to ensure the generation of information allowing the assessment of the impact of the measures referred to in regulation 10.

(4) Need to include activities to identify the cause of the change and hence the possible corrective measures that would need to be taken to restore the good environmental status, when deviations from the desired status range have been identified.

(5) Need to provide information on chemical contaminants in species for human consumption from commercial fishing areas.

(6) Need to include activities to confirm that the corrective measures deliver the desired changes and not any unwanted side effects.

(7) Need to aggregate the information on the basis of marine regions or subregions in accordance with regulation 5.

(8) Need to ensure comparability of assessment approaches and methods within and between marine regions and/or subregions.

(9) Need to develop technical specifications and standardised methods for monitoring at Community level, so as to allow comparability of information.

(10) Need to ensure, as far as possible, compatibility with existing programmes developed at regional and international level with a view to fostering consistency

between these programmes and avoiding duplication of effort, making use of those monitoring guidelines that are the most relevant for the marine region or subregion concerned.

(11) Need to include, as part of the initial assessment provided for in regulation 6, an assessment of major changes in the environmental conditions as well as, where necessary, new and emerging issues.

(12) Need to address, as part of the initial assessment provided for in regulation 6, the relevant elements listed in Schedule I including their natural variability and to evaluate the trends towards the achievement of the environmental targets laid down pursuant to regulation 8, using, as appropriate, the indicators established and their limit or target reference points.

SCHEDULE V

Regulation 10

Programmes of measures

(1) Input controls: management measures that influence the amount of a human activity that is permitted.

(2) Output controls: management measures that influence the degree of perturbation of an ecosystem component that is permitted.

(3) Spatial and temporal distribution controls: management measures that influence where and when an activity is allowed to occur.

(4) Management coordination measures: tools to ensure that management is coordinated.

(5) Measures to improve the traceability, where feasible, of marine pollution.

(6) Economic incentives: management measures which make it in the economic interest of those using the marine ecosystems to act in ways which help to achieve the good environmental status objective.

(7) Mitigation and remediation tools: management tools which guide human activities to restore damaged components of marine ecosystems.

(8) Communication, stakeholder involvement and raising public awareness.
