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*****I REPORT**

on the proposal for a directive of the European Parliament and of the Council
establishing a Framework for Community Action in the field of Marine
Environmental Policy (Marine Strategy Directive)
(COM(2005)0505 – C6-0346/2005 – 2005/0211(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Marie-Noëlle Lienemann

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive)
(COM(2005)0505 – C6-0346/2005 – 2005/0211(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0505)¹,
 - having regard to Article 251(2) and Article 175(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0346/2005),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Fisheries (A6-0373/2006),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Recital 1 a (new)

(1a) Europe is surrounded by four seas - the Mediterranean, the Baltic, the North Sea and the Black Sea; and by two oceans - the Atlantic and the Arctic.

Amendment 2
Recital 1 b (new)

(1b) The Community's land territory

¹ OJ C ... / Not yet published in OJ.

effectively constitutes a peninsula with a coastline thousands of kilometres long, and the Community's marine territory is larger than its land territory.

Amendment 3
Recital 1 c (new)

(1c) It is evident that the demand on natural marine resources and marine ecological services, such as waste absorption, is too high and that the Community needs to reduce its footprint on the marine waters within and beyond Community territory.

Amendment 4
Recital 1 d (new)

(1d) In view of the particular sensitivities of the Baltic Sea ecosystem, due to its enclosed and brackish nature, Member States surrounding the Baltic should seek to address as a matter of urgency the particular threats to the Baltic Sea, such as eutrophication, the introduction of invasive species and overfishing.

Amendment 5
Recital 2 a (new)

(2a) The thematic strategy on the marine environment - based on an integrated approach - should include, as appropriate, qualitative and quantitative objectives and time schedules that will make it possible to compare and evaluate the measures provided for. Actions geared to the implementation of the strategy should comply with the subsidiarity principle. Consideration should also be given to the increased involvement of interested parties and the better use of the various Community financing instruments directly or indirectly linked to the protection of the

marine environment.

Justification

The strategy for the marine environment should envisage a horizontal approach encompassing all the policies that relate directly or indirectly to the marine environment. Consideration should also be given to the correct use of and links between the various financial instruments and the subsidiarity principle.

Amendment 6
Recital 2 b (new)

(2b) The development and implementation of the strategy should be geared to the conservation of the ecosystem. This approach should consider bio-geographic areas to be protected, as well as human activities that have an impact on the marine environment.

Amendment 7
Recital 2 c (new)

(2c) It is necessary to continue to set biological and environmental targets and reference frameworks taking account of the objectives laid down in Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive)¹, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water², and other internationally agreed objectives.

¹ OJ L 206, 22.7.1992, p. 7.

² OJ L 327, 22.12.2000, p. 1.

Amendment 8
Recital 4

(4) In order to achieve those objectives, a transparent and coherent legislative framework is required, to provide an overall framework for action and to enable the action taken to be coordinated, and consistent, and properly integrated with action under other Community legislation as well as international agreements.

(4) In order to achieve those objectives, a transparent and coherent legislative framework is required, ***which includes a definition of good environmental status and is linked to the principles of the Common Fisheries Policy***, to provide an overall framework for action and to enable the action taken to be coordinated, and consistent, and properly integrated with action under other Community legislation as well as international agreements.

Justification

"Good environmental status" should be defined within the Directive rather than at a later date through the comitology procedure.

Amendment 9
Recital 6

(6) It is therefore appropriate that each Member State should develop a Marine Strategy for its European waters which, while being specific to its own waters, reflects the overall perspective of the Marine Region concerned. Marine Strategies should culminate in the execution of programmes of measures designed to achieve good environmental status.

(6) It is therefore appropriate that ***Member States sharing a Marine Region should ensure that a single, joint Marine Strategy is produced per region or sub-region for the waters falling under their sovereignty or jurisdiction***. Each Member State should develop a Marine Strategy for its European waters which, while being specific to its own waters, reflects the overall perspective of the Marine Region concerned. Marine Strategies should culminate in the execution of programmes of measures designed to achieve good environmental status.

Justification

The amendment is in line with amendment 14 by the rapporteur where it is emphasized that Member States should ensure that a single, joint Marine Strategy will be produced per region or sub-region.

Amendment 10
Recital 8 a (new)

(8a) Due to the interaction of interests of shipping and fishing nations and their vessels and activities in the marine environment, it is imperative to co-ordinate

efforts to protect the marine environment from risks associated with the operation of these vessels in the Marine Region with flag states. Where third-country vessels operate in the Marine Region, Member States should co-ordinate their efforts to protect the marine environment within the framework of existing bodies and institutions.

Justification

The activities of countries that operate vessels within the waters of a Member State may have significant impacts on the environmental state of those waters through ship-source pollution or other operational impacts on the marine environment. Member States should use existing institutional structures to co-ordinate.

Amendment 11

Recital 10 a (new)

(10a) A rational approach should be defined for the full implementation of the Natura 2000 network in the marine environment. This approach should include proposals for adapting the annexes to the Habitats Directive relating to marine habitats and species, and should apply and adjust the necessary technical and financial instrumentation measures.

Justification

It is important to focus on the marine environment in the Natura 2000 network in conjunction with the Habitats Directive, with the aim of establishing new criteria and concomitant technical and financial instrumentation measures.

Amendment 12

Recital 11 a (new)

(11a) It is necessary to invite neighbouring countries to participate in this process and develop partnerships with them, particularly in the Baltic Sea, the Mediterranean Sea and the Black Sea, taking account, inter alia, of the partnership initiatives launched in the context of the 2002 United Nations World Summit on Sustainable Development.

Justification

The strategy for the preservation of the marine environment should be approached from a global perspective. Consequently, its success will also depend on whether or not third countries are participating.

Amendment 13
Recital 11 b (new)

(11b) Account should also be taken of biodiversity and the potential for marine research associated with deep-water environments off the outermost regions and support should be given, under specific programmes, for the drawing-up of scientific studies with a view to the improved characterisation of deep-water ecosystems.

Justification

The lack of information on deep-water environments has already proven to be a serious shortcoming when dealing with a number of matters related to this topic. It is important to provide an incentive for the drawing-up of scientific studies with a view to the improved characterisation of deep-water ecosystems, many of which are completely unknown.

Amendment 14
Recital 11 c (new)

(11c) For an effective protection of marine environment, Member States should create frameworks and platforms that allow for cross-sectored processing of marine affairs. The development of the status of marine waters should therefore not be considered only from the environmental point of view, but should combine the natural science with the economic, social and administrative development of the area.

Justification

A new kind of approach for the marine protection requires abolishing of the traditional sectored thinking. Environment-, science-, health-, commerce- and industrial sectors need to take into consideration matters that traditionally have belonged to the range of other sectors.

Amendment 15

Recital 12

(12) Since the programmes of measures executed under Marine Strategies will be effective only if they are devised on the basis of a sound knowledge of the state of the marine environment in a particular area and tailored as closely as possible to the needs of the waters concerned in the case of each Member State and within the general perspective of the Marine Region concerned, it is necessary to provide for the preparation at national level of an appropriate framework for informed policy-making.

(12) Since the programmes of measures executed under Marine Strategies will be effective ***and as cost-effective as possible*** only if they are devised on the basis of a sound ***scientific*** knowledge of the state of the marine environment in a particular area and tailored as closely as possible to the needs of the waters concerned in the case of each Member State and within the general perspective of the Marine Region concerned, it is necessary to provide for the preparation at national level of an appropriate framework, ***including marine research and monitoring operations***, for informed policy-making.

Justification

The role of science and research should be emphasized in order for the policy making to be as accurate and cost-effective as possible.

Amendment 16

Recital 13

(13) As a first step in that preparation, Member States across a Marine Region should undertake analyses of the characteristics of their marine waters, identifying the predominant pressures and impacts on those waters, their economic and social use and the cost of degradation of the marine environment.

(13) As a first step in that preparation, Member States across a Marine Region should undertake analyses of the characteristics ***and functions*** of their marine waters, identifying the predominant pressures and impacts on those waters, their economic and social use and the cost of degradation of the marine environment.

Justification

Along with the characteristics of the marine waters, it is also important to analyse how the waters function in practice.

Amendment 17

Recital 14 a (new)

(14a) The Community should create the necessary conditions to enable the Member States to benefit from the quality of research and the body of knowledge produced in universities dedicated to the

study of marine sciences. The scientific and technical information required for the implementation of the various stages created by this Directive should thus be obtained from reliable sources and the sustainability of coastal areas where such teaching centres are normally located should be guaranteed.

Justification

European universities devoted to marine environmental sciences produce high-quality information which should be utilised. They should also be supported in the context of the sustainable development of coastal areas. This makes it possible to pursue two objectives at the same time: the sustainability of coastal areas and the acquisition of the information necessary for the Directive to be applied.

Amendment 18
Recital 14 b (new)

(14b) Support for research into the marine environment should be enshrined in the Seventh Framework Programme on research and development.

Justification

European universities and research laboratories devoted to marine environmental sciences produce high-quality information which should be utilised. They should also be supported in the context of the sustainable development of coastal areas. This makes it possible to pursue two objectives at the same time: the sustainability of coastal areas and the acquisition of the information necessary for the Directive to be applied.

Amendment 19
Recital 17 a (new)

(17a) The planning, implementation and management of the programmes of measures may require considerable expenditure. Bearing in mind that the programmes of measures are the means of achieving the objectives of this Directive, the Community should contribute to Member States' expenditure during the preparation, implementation and coordination of those programmes.

Justification

The programmes of measures are the basic tool for achieving the objective of the Directive; they have an impact at Community level and, therefore, provision should be made for a Community contribution to the Member States' expenditure.

Amendment 20 Recital 26

(26) It is appropriate that the Commission should present a first evaluation report on the implementation of this Directive within two years of receiving all programmes of measures and, in any case, by **2021** at the latest. Subsequent Commission reports should be published every six years thereafter.

(26) It is appropriate that the Commission should present a first evaluation report on the implementation of this Directive within two years of receiving all programmes of measures and, in any case, by **2017** at the latest. Subsequent Commission reports should be published every six years thereafter.

Amendment 21 Recital 28

(28) Measures regulating fisheries management can **only** be taken in the context of the Common Fisheries Policy, as set out in Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, based on scientific advice, and are therefore **not** addressed by this Directive. The control of discharges and emissions resulting from the use of radioactive material is regulated by Articles 30 and 31 of the EURATOM Treaty and is therefore not addressed by this Directive.

(28) Measures regulating fisheries management can be taken, ***inter alia***, in the context of the Common Fisheries Policy, as set out in Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, based on scientific advice, and are therefore ***also*** addressed by this Directive. The control of discharges and emissions resulting from the use of radioactive material is regulated by Articles 30 and 31 of the EURATOM Treaty and is therefore not addressed by this Directive.

Justification

Activities such as fishing have a major impact on the marine environment and therefore also fall under this directive.

Amendment 22 Recital 28 a (new)

(28a) Future reform of the Common Fisheries Policy should take into account the environmental impacts of fishing and

the objectives of this Directive.

Justification

Unsustainable fishing is one of the biggest threats to Europe's seas.

Amendment 23
Recital 29 a (new)

(29a) Action by Member States should be based on the precautionary principle and an ecosystem-gear approach.

Amendment 24
Article 1

This Directive establishes a framework ***for the development of Marine Strategies designed*** to achieve good environmental status in the marine environment ~~/by the year 2021 at the latest/~~, ***and to ensure the continued protection and preservation of that environment and the prevention of deterioration.***

For the purposes of this Directive, “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 and climatic factors, as well as physical and chemical conditions including those resulting from human activities in the area concerned.

This Directive establishes a framework ***within which Member States shall*** achieve good environmental status in the marine environment by the year **2017** at the latest ***and take measures which:***

(a) protect and preserve the marine environment or allow recovery of it or, where practicable, restore the function, processes and structure of marine biodiversity and marine ecosystems;

(b) prevent and phase out pollution in the marine environment 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;

(c) limit activities in the marine environment to levels that are sustainable and that do not compromise uses and activities of future generations nor the capacity of marine ecosystems to respond to natural and human-induced changes.

Amendment 25
Article 2

This Directive is applicable to all *European waters on the seaward side of the baseline from which the extent of territorial waters is measured extending to the outmost reach of the area covered by the sovereignty or jurisdiction of Member States including the bed of all those waters and its sub-soils, hereinafter “European marine waters”*.

This Directive is applicable to all European marine waters *and shall take account of the need to ensure the quality of the marine environment of associated and applicant States*.

Amendment 26
Article 2 a (new)

Article 2a

Existing obligations, commitments and initiatives

This Directive shall be without prejudice to:

(a) existing obligations and commitments of Member States, or the Community, at Community or international level regarding environmental protection in European marine waters; and

(b) the competence of Member States in existing international institutional structures.

Justification

This amendment seeks to clarify the role of Member States in Europe's Regional Seas Conventions.

Amendment 27
Article 2 b (new)

Article 2b

Definitions

For the purposes of this Directive:

(1) ‘European marine waters’ shall mean:

- all European waters on the seaward side of the baseline from which the extent of the territorial waters is measured,

extending to the outmost reach of the area covered by the sovereignty or jurisdiction of Member States, including the bed of those waters and its subsoil; and

- all tidal waters - either in or adjacent to the Member States - from which the distance of the territorial waters is measured, and any land or seabed covered continuously or intermittently by those waters;

(2) ‘environmental status’ shall mean the overall status of the environment of the waters in question, taking into account:

(a) the structure, function and processes of the constituent marine ecosystems; and

(b) the components, conditions and factors, whether acoustic, biological, chemical, climatic, geographic, geological, physical or physiographic, which interact and determine the condition, productivity, quality and state of the marine ecosystems referred to in point (a).

The components, conditions and factors referred to in point (b) include those arising as a result of human activities, irrespective of whether such activities occur within or outside the European marine waters in question;

(3) ‘good environmental status’ shall mean the state of the environment when:

(a) the structure, function and processes of the constituent marine ecosystems enable these ecosystems to function in their natural self-maintaining manner. The marine ecosystems retain their natural resilience to broader environmental change;

(b) all human activities within and outside the area in question are managed in a manner that makes their collective pressure on the marine ecosystems compatible with good environmental status. Human activities in the marine environment shall not exceed levels that

are sustainable at the geographical scale appropriate for assessment purposes. The potential for uses and activities of future generations in the marine environment is maintained;

(c) marine biodiversity and ecosystems are protected, their deterioration is avoided, recovery is possible and, where possible, their functions, processes and structure are restored;

(d) pollution and energy, including noise, in the marine environment are steadily reduced so as to ensure that the impact on or risks for marine biodiversity and marine ecosystems, human health or legitimate uses of the sea are minimised; and

(e) all the conditions listed in Annex -I are met;

(4) 'pollution' shall mean the direct or indirect introduction, as a result of human activity, of substances or energy, including noise, into the marine environment which results or may result in such deleterious effects as harm to marine biodiversity and marine ecosystems, hazards to human health and hindrance to legitimate uses of the sea.

(5) 'marine protected areas' shall mean areas in which activities identified as exerting an important pressure and/or impact on the marine environment shall be limited or forbidden. Marine protected areas are identified by Member States during the preparation phase of the Marine Strategy, and belong to a system of marine spatial planning which is consistent at Community, regional and sub-regional level, and in line with international commitments to which the Community is party.

Amendment 28
Article 3, paragraph 1

1. Member States shall, *when implementing their obligations under* this Directive, *take due account of the fact that their European marine waters form an integral part of* the following Marine Regions:

- (a) the Baltic Sea;
- (b) the North East Atlantic Ocean;
- (c) the Mediterranean Sea.

1. Member States shall **implement** this Directive **with reference to** the following Marine Regions:

- (a) the Baltic Sea;
- (b) the North East Atlantic Ocean;
- (c) the Mediterranean Sea;
- (ca) the Black Sea.**

Amendment 29

Article 3, paragraph 2, introductory part

2. Member States may, in order to take into account the specificities of a particular area, implement this Directive by reference to subdivisions of the marine waters referred to in paragraph 1, provided that such subdivisions are delimited in a manner compatible with the following Marine Sub-Regions:

2. Member States may, in order to take into account the specificities of a particular area, implement this Directive by reference to subdivisions of the marine waters referred to in paragraph 1, provided that such subdivisions are delimited in a manner **consistent with international agreements and are** compatible with the following Marine Sub-Regions:

Justification

The International Council for the Exploration of the Seas already has clearly delineated boundaries which are used, notably, for the setting of Total Allowable Catches in the fisheries sector. In order to be effective, any subdivisions of the marine sub-regions should reflect the existing delineations.

Amendment 30

Article 3, paragraph 2, point (b), (ii)

(ii) in the Adriatic Sea, the marine waters covered by the sovereignty or jurisdiction of Italy **and** Slovenia;

(ii) in the Adriatic Sea, the marine waters covered by the sovereignty or jurisdiction of Italy, Slovenia **and Croatia**;

Justification

The situation of Croatia in the Adriatic subregion must be taken into account.

Amendment 31
Article 3, paragraph 2 a (new)

2a. For each Marine Region, the Member States concerned shall achieve good environmental status in the European marine waters within that Region by [2017] at the latest, by means of establishing and implementing a single Marine Strategy for that Region in accordance with the provisions of this Directive.

Member States shall define appropriate management units in their European marine waters in respect of each Marine Region or Sub-Region. The management units shall, where appropriate, take into account existing management, monitoring and reference units, and shall be identified by co-ordinates in the relevant Marine Strategy.

Member States shall inform the Commission of any defined management unit by the date specified in the first subparagraph of Article 23(1).

Amendment 32
Article 4, paragraph -1 (new)

-1. Member States shall achieve good environmental status by establishing and implementing Marine Strategies.

Amendment 33
Article 4, introductory part

Each Member State shall, in respect of each Marine Region concerned, develop a Marine Strategy for its European marine waters in accordance with the following plan of action:

1. Member States sharing a Marine Region shall ensure that a single, joint Marine Strategy is produced per region or sub-region for the waters falling under their sovereignty or jurisdiction within that region. Each Member State shall, in respect of each Marine Region concerned, develop a Marine Strategy for its European

marine waters in accordance with the following plan of action:

Amendment 34
Article 4, point (a)

(a) Preparation:

- (i) an initial assessment, to be completed by [**4** years after date of entry into force], of the current environmental status of the waters concerned and the environmental impact of human activities thereon, in accordance with Article 7;
- (ii) a determination, to be established by [**4** years after date of entry into force], of good environmental status for the waters concerned, in accordance with Article 8(1);
- (iii) establishment, by [**5** years after date of entry into force], of a series of environmental targets, in accordance with Article 9(1);
- (iv) establishment and implementation, by [**6** years after date of entry into force] except where otherwise specified in the relevant Community legislation, of a monitoring programme for ongoing assessment and regular updating of targets, in accordance with Article 10(1);

(a) Preparation:

- (i) an initial assessment, to be completed by [**2** years after date of entry into force], of the current environmental status of the waters concerned and the environmental impact of human activities thereon, in accordance with Article 7;
- (ii) a determination, to be established by [**2** years after date of entry into force], of good environmental status for the waters concerned, in accordance with Article 8(1);
- (iii) establishment, by [**3** years after date of entry into force], of a series of environmental targets, in accordance with Article 9(1);
- (iv) establishment and implementation, by [**3** years after date of entry into force] except where otherwise specified in the relevant Community legislation, of a monitoring programme for ongoing assessment and regular updating of targets, in accordance with Article 10(1);

Amendment 35
Article 4, point (b)

(b) Programmes of measures:

- (i) development, by **2016** at the latest, of a programme of measures designed to achieve good environment status, in accordance with Article 12(1), (2) and (3);
- (ii) entry into operation of the programme provided for in point (i), by **2018** at the latest, in accordance with Article 12(6).

(b) Programmes of measures:

- (i) development, by **2012** at the latest, of a programme of measures designed to achieve good environment status, in accordance with Article 12(1), (2) and (3);
- (ii) entry into operation of the programme provided for in point (i), by **2014** at the latest, in accordance with Article 12(6).

Amendment 36

Article 4, paragraph 1 a (new)

1a. Where Member States, sharing a particular Marine Region or Sub-Region, agree on implementing the steps outlined in paragraph 1, points (a) and (b) more swiftly than indicated, they shall inform the Commission of their revised timetable and proceed accordingly.

Those Member States shall receive appropriate support from the EU for their greater efforts to improve the environment by making the area a pilot area.

The provisions in points (a) and (b) shall not prevent any Member State from maintaining or introducing more stringent protective measures.

Or. en

Amendment 37

Article 4, paragraph 1 b (new)

1b. Member States shall establish appropriate mechanisms to ensure that the steps outlined in paragraph 1 with respect to Articles 7, 8, 9, 10 and 12 are developed and implemented in compliance with Article 5 and in a manner that delivers a single, joint Marine Strategy per Region and joint reporting on the components specified under these Articles.

For each Marine Region, the Member State or the competent authority shall, within three months, forward the report to the Commission and the Member States concerned.

Amendment 38

Article 4, paragraph 1 c (new)

1c. The Baltic Sea marine region could be a pilot area to implement the marine strategy. The forthcoming Baltic Sea

Action Plan from the Helsinki Convention (HELCOM) could be a useful resource in using the Baltic Sea as a pilot area to implement the marine strategy.

A common programme of measures for the Baltic Sea marine region in accordance with Article 12(1)(i) and (ii) shall be developed by Member States in the region, by 2010 at the latest, to achieve good environmental status in the Baltic Sea marine region.

Justification

It is well known that the environmental state of the Baltic Sea is very urgent. Eight of nine states around the Baltic Sea is member states of the European Union. The Baltic Sea Marine Region could therefore be suitable as a pilot area to implement the marine strategy.

Amendment 39
Article 4 a (new)

Article 4a

Marine protected areas

1. In their strategies, Member States shall lay down measures for the protection of areas, by Region and Sub-region, designated as "marine protected areas".

As part of their strategies per region and subregion, Member States shall, if necessary, also take measures to establish closed marine nature reserves with the aim of protecting and preserving the most vulnerable marine ecosystems and biodiversity.

2. A Member State establishing a programme of measures shall include amongst the measures in its programme the use of spatial protection measures, including but not limited to the use of special areas of conservation pursuant to Directive 92/43/EEC, the use of special protection areas pursuant to Council Directive 79/409/EC/EEC of 2 April 1979 on the conservation of wild birds², and marine protected areas as agreed in Decision VII/5 of the Conference of the

Parties to the Convention on Biological Diversity, as well as stemming from any other international or regional agreements to which the Community is a party.

3. Member States shall ensure that these areas contribute to a coherent and representative network of marine protected areas by 2012 at the latest, which includes areas of sufficient size that are fully protected from all extractive uses, to protect, inter alia, spawning, nursery and feeding grounds and to enable the integrity, structure and functioning of ecosystems to be maintained or recovered.

4. Member States shall establish one or more registers for such marine protected areas, which shall be finalised at least three years after the entry into force of this Directive.

5. The public shall have access to the information contained in the register(s).

6. The marine protected area register(s) for each Marine Region or Sub-Region shall be reviewed and updated.

² *OJ L 103, 25.4.1979, p.1.*

Amendment 40
Article 5, title

Co-ordination *and co-operation*

Co-ordination *with third countries*

Justification

The activities of land-locked countries and countries that operate vessels within the waters of a Member State may have significant impacts on the environmental state of those waters through land-base and ship-source pollution. The directive provides that Member States should 'where practical and appropriate' use existing institutional structures to co-ordinate with one another.

Amendment 41
Article 5, paragraph 1

1. For the purposes of this Directive, Member States with marine waters within the same Marine Region or Sub-Region shall co-ordinate their actions.

Where practical and appropriate, Member States shall use existing institutional structures established in that Marine Region or Sub-Region.

1. For the purposes of this Directive, Member States with marine waters within the same Marine Region or Sub-Region shall ***cooperate and*** co-ordinate their actions.

Where practical and appropriate, Member States shall use existing institutional structures established in that Marine Region or Sub-Region ***and, as far as possible, the programmes and activities adopted there, to which suitable adjustments shall be made, particularly with a view to bringing them into line with Article 18.***

Amendment 42
Article 5, paragraph 2, subparagraph 1

2. For the ***purposes of this Directive***, Member States shall, ***within each Marine Region or Sub-Region***, make every effort to co-ordinate their actions with third countries having sovereignty or jurisdiction over ***waters in the same Region or Sub-Region.***

2. For the ***purpose of establishing and implementing a Marine Strategy***, Member States shall make every effort to coordinate their actions with:

(a) third countries having sovereignty or jurisdiction over maritime zones in the Marine Region in question;

(b) third countries whose flag vessels operate in the Marine Region in question; and

(c) third countries that are land-locked but have on their territories point or diffuse sources of pollution that is transferred to the Marine Region in question by means of rivers or the atmosphere.

Justification

The activities of land-locked countries and countries that operate vessels within the waters of a Member State may have significant impacts on the environmental state of those waters through land-base and shipsource pollution. The Directive provides that Member States should ‘where practical and appropriate’ use existing institutional structures to co-ordinate with one another.

Amendment 43
Article 5, paragraph 2, subparagraph 2 a (new)

In the context of international and regional agreements, which the EU has concluded with organisations and third countries which have sovereignty or jurisdiction, Member States and the Commission shall:

- over waters bordering on European marine waters,***
- over ships operating in European marine waters and***
- over land which may cause pollution of European marine waters,***

promote the adoption of measures and programmes for marine strategies in accordance with the provisions of Chapters II and III.

Justification

It is considered necessary to promote international cooperation with third countries and international or regional organisations with a view to their adopting marine strategies to cover regions or sub-regions with European marine waters.

Amendment 44
Article 5, paragraph 2 a (new)

2a. The Commission shall, by 2007, establish a regulatory framework, focussing on environmental criteria, so as to ensure that all relevant stakeholders are being consulted prior to major infrastructure projects in the marine environment.

Justification

An example of the need for better impact assessment and coordination is the planned gas pipeline which is to pass through the Baltic Sea, from Viborg in the Russian part of the Gulf of Finland to Greifswald in Germany. There are few rules in EU environment legislation which clarify what needs to be done ahead of such infrastructure projects from an environmental point of view. What are the minimum requirements, from an EU environment perspective, of a stakeholder who, for example, wishes to lay a pipeline through an already

highly polluted sea where the damage caused during construction and in the event of an accident may have devastating environmental consequences? Furthermore, toxic bottom sediment will have to be disrupted and there are lethal remnants which have lain on the seabed since the world wars, including thousands of semi-corroded mines and chemical weapons.

Amendment 45
Article 5, paragraph 2 b (new)

2b. Support from the EU, e.g. under the agricultural policy, may be allocated only to stakeholders who can show that their activities exhibit a balance in terms of nutrients, i.e. that they are not beset by large-scale nutrient leakage to water recipients.

Justification

Several of the EU's marine resources suffer severely from eutrophication. In order to achieve consistent EU policy and legislation, it must be ensured that CAP support and other support does not indirectly or directly destroy another vital EU resource by way of EU aid.

Amendment 46
Article 6, heading

Competent authorities

Competent ***national*** authorities

Amendment 47
Article 7, paragraph 1, introductory part

1. Member States shall make an initial assessment of their European marine waters, comprising the following:

1. ***For each Marine Region***, Member States shall make an initial assessment of their European marine waters, comprising the following:

Amendment 48
Article 7, paragraph 1, point (a)

(a) an analysis of the essential characteristics and current environmental status of those waters, based on the non-exhaustive list of elements set out in Table 1 of Annex II, and covering the habitat types, the biological components, the physico-chemical characteristics and the hydromorphology;

(a) an analysis of the essential characteristics, ***functions*** and current environmental status of those waters, based on the non-exhaustive list of elements set out in Table 1 of Annex II, and covering the habitat types, the biological components, the physico-chemical characteristics and the

hydromorphology;

Justification

Along with the characteristics of the marine waters, it is also important to analyse how the waters function in practice.

Amendment 49

Article 7, paragraph 1, point (b)

(b) an analysis of the predominant pressures and impacts, including human activity, on the ***characteristics and*** environmental status of those waters ***based on the non-exhaustive list of elements set out in Table 2 of Annex II, and covering the qualitative and quantitative mix of the various pressures, as well as discernible trends;***

(b) an analysis of the predominant pressures and impacts, including human activity, on the environmental status of those waters ***that:***

(i) is based on the non-exhaustive list of elements set out in Table 2 of Annex [II];

(ii) covers cumulative and synergistic effects, as well as discernible trends; and

(iii) takes into account relevant assessments that have been prepared pursuant to existing European legislation.

Amendment 50

Article 7, paragraph 2

2. The analyses referred to in paragraph 1 shall take into account elements regarding coastal, transitional and territorial waters covered by relevant provisions of Directive 2000/60/EC so as to produce a comprehensive assessment of the status of the marine environment.

2. The analyses referred to in paragraph 1 shall take into account elements regarding coastal, transitional and territorial waters covered by relevant provisions of Directive 2000/60/EC ***as well as relevant provisions of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment¹, Directive 2006/7/EC of the European Parliament and the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC² and the proposed Directive on environmental quality standards and emission controls in the field of water³,*** so as to produce a comprehensive assessment of the status of

the marine environment.

¹ OJ L 135, 30.5.1991, p. 40.

² OJ L 64, 4.3.2006, p. 37.

³ COM(2006)0397.

Justification

The assessment of the elements described in Annex II for the determination of good environmental status and analyses referred to in paragraph 1 should build on and complement existing and forthcoming legislation in order to avoid duplication of work.

Amendment 51

Article 7, paragraph 2 a (new)

2a. For each Marine Region, Member States preparing assessments pursuant to paragraph 1 shall, by means of the coordination established pursuant to Article 4(1a), make every effort to ensure that:

(a) their assessment methodologies are consistent between Member States in the same Region;

(b) transboundary impacts and transboundary features are taken into account; and

(c) the views of Member States in the same Marine Region are taken into account.

Amendment 52

Article 7, paragraph 2 b (new)

2b. Data and information resulting from the initial assessment shall be made available to the European Environment Agency, as well as to the relevant regional marine and fisheries organisations and conventions, no later than three months after completion of that assessment, for use in pan-European marine assessments, in particular the review of the status of the marine environment in the

Community under Article 19(2)(b).

Amendment 53
Article 8, paragraph 1

1. By reference to the initial assessment made pursuant to Article 7(1), Member States shall, in respect of each Marine Region concerned, determine for the European marine waters a set of characteristics for good environmental status, on the basis of the generic qualitative descriptors, criteria and standards provided for in ***paragraph 3***.

They shall take into account the elements listed in ***Annex II and, in particular, the*** habitat types, ***the*** biological components, ***the*** physico-chemical characteristics, ***the*** hydromorphology.

1. By reference to the initial assessment made pursuant to Article 7(1), Member States shall, in respect of each Marine Region concerned, determine for the European marine waters a set of ***specific*** characteristics for good environmental status, on the basis of the generic qualitative descriptors, criteria and standards provided for in ***Annexes -I and II***.

They shall take into account, ***inter alia***, the elements listed in ***Annexes -I and II on*** habitat types, biological components, physico-chemical characteristics ***and*** hydromorphology.

Amendment 54
Article 8, paragraph 3

3. The Commission, after consultation of all interested parties, shall, by [2 years after the date of entry into force] at the latest, lay down, in accordance with the procedure referred to in Article [22(2)] and on the basis of Annex II, generic qualitative descriptors, detailed criteria and standards for the recognition of good environmental status.

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Amendment 55
Article 9, paragraph 1

1. On the basis of the initial assessment made pursuant to Article 7(1), Member States shall, in respect of each Marine Region concerned, establish a comprehensive set of environmental targets and associated indicators for all of their European marine waters, taking into account

1. On the basis of the initial assessment made pursuant to Article 7(1), Member States shall, in respect of each Marine Region concerned, establish ***jointly a single*** comprehensive set of environmental targets, ***designed to achieve good environmental status, by [2017] at the latest***, and associated

the non-exhaustive list of characteristics set out in Annex III.

When devising those targets and indicators, Member States shall take into account the continuing application of existing environmental targets, set out at national, Community or international level in respect of the same waters.

indicators, taking into account the non-exhaustive list of characteristics set out in Annex III.

When devising those targets and indicators, Member States shall take into account the continuing application of existing environmental targets, set out at national, Community or international level in respect of the same waters, **and ensure that relevant transboundary impacts and transboundary features are also taken into account.**

Justification

This amendment is in line with the concept of establishing a single Marine Strategy per marine region or subregion, which has been introduced by the rapporteur. It seeks to ensure that a single set of targets and indicators be agreed for each marine region or sub-region, thus promoting consistency and an even playing field, and facilitating monitoring and assessment of the environmental state across the region. In the marine environment, even more so than in the terrestrial environment, transboundary impacts and features have to be taken into account.

Amendment 56

Article 10, paragraph 1, subparagraph 2

Those programmes shall be consistent within Marine Regions or Sub-Regions and shall build upon provisions for assessment and monitoring laid down by relevant Community legislation or under international agreements.

Those programmes shall be consistent within Marine Regions or Sub-Regions and shall build upon provisions for assessment and monitoring laid down by relevant Community legislation, **in particular Directives 79/409/EEC and 92/43/EEC**, or under international agreements, **or upon Community initiatives on spatial data infrastructure and GMES (Global Monitoring for Environment and Security), in particular in the marine service to the extent that such requirements relate to the Member State's European marine waters in the aforementioned Marine Region.**

Justification

To ensure consistency with the Birds and Habitats Directives.

Amendment 57
Article 10, paragraph 2

2. Member States ***shall notify the monitoring programmes to the Commission no later than three months after their establishment.***

2. For each marine region or sub-region the Member States shall draw up a monitoring programme in accordance with paragraph 1 above and must - in the interests of coordination - take the necessary action to ensure that:

(a) monitoring methods are consistent across the Member States and are based on clearly defined common targets;

(b) relevant transboundary impacts and transboundary features are taken into account.

Justification

The purpose of this amendment is to improve the coordination and the consistency of the checks carried out under the programmes. Its aim is to ensure that characteristic cross-border effects and factors are taken into account at the monitoring stage.

Amendment 58
Article 10, paragraph 3 a (new)

3a. Data and information resulting from these monitoring programmes shall be made available to the European Environment Agency, as well as to the relevant regional marine and fisheries organisations and conventions, no later than three months after completion of those programmes, for use in pan-European marine assessments, in particular the review of the status of the marine environment in the Community under Article 19(2)(b).

Amendment 59
Article 10 a (new)

Article 10a
Marine Pollution

Member States shall adopt measures and programmes for the traceability and detectability of marine pollution.

Amendment 60

Article 12, paragraph 1, subparagraph 2

Those measures shall be devised on the basis of the initial assessment made pursuant to Article 7(1) and by reference to the environmental targets established pursuant to Article 9(1), ***and*** taking into consideration the types of measure listed in Annex V.

Those measures shall be devised on the basis of the initial assessment made pursuant to Article 7(1) and by reference to the environmental targets established pursuant to Article 9(1), taking into consideration the types of measure listed in Annex V, ***relevant transboundary impacts and features, and shall be based on the following environmental principles:***

(i) the precautionary principle and the principles that preventive action should be taken, that environmental damage should, as a priority, be rectified at source and that the polluter should pay;

(ii) an ecosystem-based approach.

Justification

Explicit reference to the environmental principles of the EU's conservation policy should reinforce their application and provides consistency with the broader direction of EU environmental policy.

Amendment 61

Article 12, paragraph 1, subparagraph 2 a (new)

Member States shall decide on the measures which must be taken pursuant to Article 10a concerning the traceability and detectability of marine pollution.

Justification

It is considered necessary to provide for the adoption of measures concerning the traceability and detectability of marine pollution in order to locate the source of the pollution immediately and deal with it effectively.

Amendment 62

Article 12, paragraph 1 a (new)

1a. Member States' programmes of measures shall include spatial protection

measures. These measures shall include but not be limited to the use of special areas of conservation pursuant to Directive 92/43/EEC, special protection areas pursuant to Directive 79/409/EEC, and marine protected areas as agreed in Decision VII/5 of the Conference of the Parties to the Convention on Biological Diversity, as well as those stemming from any other international or regional agreements to which the Community is a party.

Member States shall ensure that these areas contribute to a coherent and representative network of marine protected areas by 2012 at the latest. The network shall include areas of sufficient size to be fully protected from all extractive uses, in order to safeguard, inter alia, spawning, nursery and feeding grounds, and to enable the integrity, structure and functioning of ecosystems to be maintained or recovered.

Amendment 63
Article 12, paragraph 2

2. Member States shall integrate the measures devised pursuant to paragraph 1 into a programme of measures, taking into account measures required under relevant Community legislation or international agreements.

2. Member States shall integrate the measures devised pursuant to paragraph 1 into a programme of measures, taking into account measures required under relevant Community legislation or international agreements. ***In particular, Member States shall give due consideration to the benefits derived from the implementation of Directive 91/271/EEC, Directive 2006/7/EC and the proposed Directive on environmental quality standards and emission controls in the field of water policy and amending Directive 2000/60/EC.***

Justification

Meeting the standards of the Water Framework Directive and its daughter directive on environmental quality standards and pollution controls, the revised Bathing Waters Directive, and the Urban Wastewater Directive will specifically have positive impacts on the marine environment, and will assist in meeting the environmental objectives of the MSD. Improved co-ordination and the consistent application of measures will minimise the potential for duplication or omissions across the scope of measures, ensure consistent application over the

geographical area covered by the measure and facilitate consistent implementation timescales.

Amendment 64
Article 12, paragraph 2 a (new)

2a. The programmes of measures shall include:

(a) measures relating to territorial, transitional and coastal waters covered by Directive 2000/60/EC; and

(b) marine protected area protection measures covered by Article 4a.

Amendment 65
Article 12, paragraph 6 a (new)

6a. After having consulted all interested parties, the Commission shall, at the latest [three years after the entry into force of this directive], in accordance with the procedure referred to in Article [22(2)], adopt detailed criteria and standards for the application of good ocean governance principles.

Justification

It is important that clear criteria and standards should be adopted indicating what exactly good ocean governance principles comprise, so that Member States know what they are required to comply with in order to draw up the strategies on the basis of these principles.

Amendment 66
Article 13

Special areas

1. Where a Member State identifies an ***area within its European marine waters where***, because of any of the following reasons, the environmental targets cannot be achieved through measures taken by that Member State, it shall identify that ***area*** clearly in its programme of measures and provide the Commission with the ***evidence*** necessary to substantiate its view:

Exceptions

1. Where a Member State ***which has established a programme of measures pursuant to Article 12(1)*** identifies an ***instance in which***, because of any of the following reasons, the environmental targets ***and good environmental status*** cannot be achieved through measures taken by that Member State, it shall identify that ***instance*** clearly in its programme of measures and provide the Commission

with the *explanations* necessary to substantiate its view:

(a) the environmental target is not relevant to that Member State, by virtue of the characteristic owing to which the Member State is not concerned;

(b) the power to adopt the measure or measures in question does not rest exclusively with that Member State, by virtue of Community law;

(c) the power to adopt the measure or measures in question does not rest exclusively with that Member State, by virtue of international law;

(a) action or inaction on the part of another Member State *or* a third country;

(b) natural causes or force majeure;

(c) modifications or alterations to the physical characteristics of marine waters brought about by actions taken for overriding reasons of public interest *which outweighed the negative impact on the environment*.

However, the Member State concerned shall take appropriate ad hoc measures to prevent further deterioration in the status of the marine waters affected and to mitigate the adverse impact within the Marine Region concerned.

2. In the situation covered by point (c) of paragraph 1, Member States shall ensure that the modifications or alterations do not permanently exclude or compromise the achievement of good environmental status in the Marine Region concerned.

3. The ad hoc measures referred to in the

(ca) action or inaction on the part of another Member State, a third country, *the European Community or any other international organisation;*

(cb) natural causes or force majeure;

(cc) climate change;

(cd) modifications or alterations to the physical characteristics of marine waters brought about by actions taken for overriding *priority* reasons of public interest.

2. Any Member State invoking reason (b), (c), (ca), (cb) or (cc) in paragraph 1 shall include appropriate ad hoc measures, *consistent with Community and international law, in its programme of measures in order to minimise the extent to which good environmental status cannot accordingly be achieved in the European marine waters* within the Marine Region concerned.

3. Any Member State invoking reason (cd) in paragraph 1 shall ensure that the modifications or alterations do not permanently exclude or compromise the achievement of good environmental status in the European marine waters within the Marine Region concerned.

3a. When a Member State invokes reason

second subparagraph of paragraph 1 shall form an integral part of a programme of measures.

(b) in paragraph 1, and the Commission accepts the validity of that reason, the Commission shall promptly take all necessary actions within the limits of its powers to ensure that the environmental target in question is achieved.

Amendment 67
Article 18, paragraph 1 a (new)

1a. Pursuant to paragraph 1, Member States shall, where possible, involve interested parties using existing management bodies or structures, including Regional Seas Conventions, Scientific Advisory Bodies and Regional Advisory Councils (RACs).

Justification

Where existing structures can be used to facilitate consultation, this should be done. The dialogue with the fishing industry in particular should be co-ordinated through Regional (Fisheries) Advisory bodies, and consultation of the scientific community should be taken through e.g. ICES and the Regional Conventions.

Amendment by Marie-Noëlle Lienemann

Amendment 68
Article 18, paragraph 1 b (new)

1a. Member States shall set up a structure for consultation and regular exchanges of information involving the appropriate local authorities, experts, NGOs and all users concerned in the Marine Region or Sub-region. That structure must be directly linked to the regional advisory fisheries councils which have been advocated by the EU.

Or. fr

Justification

The purpose of this is to ensure that information is more transparent.

Amendment 69
Article 19, paragraph 1, subparagraph 1

1. The Commission shall publish a first evaluation report on the implementation of this Directive within two years of receiving all programmes of measures and, in any case, by **2021** at the latest.

1. The Commission shall publish a first evaluation report on the implementation of this Directive within two years of receiving all programmes of measures and, in any case, by **2017** at the latest.

Amendment 70
Article 19, paragraph 1a (new)

1a. The Commission shall publish [4 years after the date of entry into force] a report pinpointing any conflicts or complementarities between improvements to this Directive and the obligations and commitments mentioned in Article 2a.

That report shall be submitted to the European Parliament and to the Council.

Justification

The purpose of this amendment is to ensure that any conflict between improving existing Community policies such as the common fisheries policy and nature-conservation policy is identified and dealt with and that any complementarities are built upon.

Amendment 71
Article 19, paragraph 2 a (new)

2a. By [2 years after the entry into force of this Directive], the Commission shall report on the state of the marine environment of Arctic waters of importance for the Community and, where appropriate, propose to the European Parliament and the Council relevant measures for their protection, with a view to establishing the Arctic as a protected area, similar to the Antarctic, and designated as a "natural reserve devoted to peace and science".

Member States that have European marine waters that include waters in the Arctic shall make the findings of the initial assessment in respect of these waters available to the Arctic Council.

Justification

The Arctic is a unique ecosystem. The risks from existing and future exploitation in the region should be carefully assessed especially taking into account the effects of climate change leading to increased parts of the region transforming from an region covered with ice into a sea.

Amendment 72 Article 19 a (new)

Article 19a

Progress report on protected areas

By [24 months after the entry into force of this Directive], the Commission shall report on progress in the establishment of a global network of protected areas and time/area closures for the protection of nursery grounds and periods in line with the commitment under Decision VII/5 of the Convention on Biological Diversity, and the Community's contribution to achieving such a network.

On this basis, the Commission shall propose, as appropriate, in accordance with procedures laid down in the Treaty, any additional Community measures needed to meet the aim of protecting a representative network of marine protected areas by 2012.

Justification

The European Community, as a signatory party to the Convention on Biological Diversity, is obliged to protect a representative network of marine protected areas by 2012, and time/area closures for the protection of nursery grounds and periods. In developing the Community network of protected areas further, the Commission shall assess the Community's contribution to a representative global network of marine protected areas, and suggest further measures where necessary

Amendment 73 Article 20

The Commission shall review this Directive by [15 years after the date of entry into force] and shall, where appropriate, propose any **necessary** amendments.

1. The Commission shall review this Directive by [10 years after the date of entry into force] and shall, where appropriate, submit to the European Parliament and the Council any proposals for amendments necessary in order to:

(a) facilitate the achievement of good environmental status in European marine waters if such status has not been achieved by 2017;

(b) facilitate the maintenance of good environmental status in European marine waters if such status has been achieved by 2017.

2. The Commission shall take into account, inter alia, the first evaluation report prepared pursuant to Article 19(1).

Amendment 74
Article 20 a (new)

Article 20a

Community financing

1. Given the priority inherently attached to the establishment of a marine strategy, the implementation of this Directive shall be supported by Community financial instruments, as from 2007.

2. The programmes drawn up by the Member States shall be co-financed by the EU in accordance with existing financial instruments.

Amendment 75
Article 21, paragraph 1

1. Annexes II, III and IV shall be adapted to scientific and technical progress in accordance with the procedure referred to in Article ***[22(2)]***, taking into account the periods for the review and updating of Marine Strategies, laid down in Article 16(2).

1. Annexes II, III and IV shall be adapted to scientific and technical progress in accordance with the procedure referred to in Article ***[22(2a)]***, taking into account the periods for the review and updating of Marine Strategies, laid down in Article 16(2).

Justification

Following the introduction of the new comitology provisions (Council Decision 2006/512/EC of 17 July 2006), it is necessary to adapt pending legislation. In the case of the Marine Strategy Directive, the new regulatory procedure with scrutiny should apply to the adaptation of Annexes II, III and IV to scientific and technical progress, as they are measures of general scope designed to amend non-essential elements of the basic instrument in the meaning of

Amendment 76

Article 21, paragraph 2, introductory part

2. Where necessary, the Commission may, in accordance with the procedure referred to in Article [22(2)], adopt the following:

2. Where necessary, the Commission may, in accordance with the procedure referred to in Article [22(2a)], adopt the following:

Justification

Following the introduction of the new comitology provisions (Council Decision 2006/512/EC of 17 July 2006), it is necessary to adapt pending legislation. In the case of the Marine Strategy Directive, the new regulatory procedure with scrutiny should apply to the adoption of standards for the application of Annexes II, III and IV and the adoption of technical formats for the purposes of transmission and processing of data, including statistical and cartographic data. They are measures of general scope designed to amend non-essential elements of the basic instrument in the meaning of Decision 2006/512/EC.

Amendment 77

Article 22, paragraph 2a (new)

2a. Where reference is made to this paragraph, Articles 5a and 7 of Decision 1999/468/EC as amended by Decision 2006/512/EC shall apply.

Justification

Following the introduction of the new comitology provisions (Council Decision 2006/512/EC of 17 July 2006), it is necessary to adapt pending legislation. This amendment introduces the new "regulatory procedure with scrutiny", to the Marine Strategy Directive .

Amendment 78

Article 22 a (new)

Article 22a

Waters beyond European marine waters

The European Parliament and the Council, or the Council, as appropriate, shall adopt Community measures to improve the environmental status of waters beyond European marine waters where such improvement is possible by means of controls on activities within the competence of the Community or the Member States.

Such measures shall be adopted on the

basis of proposals submitted by the Commission within [4 years after the date of entry into force of this Directive] in accordance with procedures laid down in the Treaty.

Amendment 79
Article 23, paragraph 1, subparagraph 1

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [*three* years after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [*two* years after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Amendment 80
Annex I (new)

ANNEX --I

Conditions referred to in Articles 2b and 8

(a) using relevant ‘trend’ information, the natural diversity of a Marine Region is maintained (where trends are stable) and restored (where downward trends have been recorded), including ecosystems, habitats and species, paying particular attention to those that are vulnerable to the impacts of human activities due to certain ecological characteristics, e.g. fragile, sensitive, slow growth, low fecundity, long-lived, edge of range, poor gene flow and genetically distinct sub-populations;

(b) populations of all living marine resources have been restored to and are maintained at levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity, exhibiting a population age and size distribution that is indicative of a

healthy stock;

(c) the distribution and the abundance of species which are not directly exploited must not be (substantially) affected by human activity;

(d) the adverse impacts of fishing practices on the marine environment have been reduced, including impacts on the seabed and the bycatch of non-target species and juvenile fish;

(e) population levels of species of small 'forage' fish, low in the food chain, are sustainable, especially in recognition of their importance to dependent predators, including commercially valuable fish, and to the sustainability of ecosystems and their resource base;

(f) concentrations of ecotoxic substances of anthropic origin (including synthetic substances and chemicals which disrupt hormonal functioning) are near zero and ensuring that they cannot directly or indirectly harm the environment or human health;

(g) concentrations of naturally occurring ecotoxic substances are near to the ecosystem's natural levels;

(h) the impact of organic pollutants and fertilisers from riverine or land-based sources, from aquaculture or from effluents from sewers and other outflows is below the levels which could affect the environment, human health or the legitimate use of the sea and the coasts;

((i) eutrophication, caused by, for example, nutrient emissions such as phosphorus and nitrogen, has been minimised to a level where it no longer causes adverse effects, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in the bottom waters;

(j) impacts on marine and coastal ecosystems, including habitats and species, resulting from the exploration or

exploitation of the seabed, subsoil or sedentary species have been minimised and do not adversely affect the structural and ecological integrity of benthic and associated ecosystems;

(k) the quantity of litter in marine and coastal environments has been reduced to a level which ensures that it does not pose a threat to marine species and habitats, human health and the safety and economy of coastal communities;

(l) the regulated release of oil from platforms and pipelines and the use of harmful drilling muds have been stopped and accidental releases of these substances have been minimised;

(m) harmful operational releases and releases from shipping have been eliminated and the risk of accidents which may result in harmful releases has been reduced to a minimum;

(n) the intentional release of non-native species into the marine and coastal environment is prohibited, accidental releases have been minimised, and ballast water has been eliminated as a possible source of introduction. Use of new or novel (including non-native and genetically modified) species in aquaculture is prohibited without prior impact assessment;

(o) impacts on marine and coastal habitats and species resulting from man-made constructions have been minimised and do not adversely affect the structural and ecological integrity of benthic and associated ecosystems, nor the ability of coastal and marine habitats and species to adapt their range and distribution in the face of climate change;

(p) noise pollution from (for example) shipping and underwater acoustic equipment has been reduced to a minimum with a view to preventing any detrimental effect on marine life, human health or the legitimate use of the sea and

the coasts;

(q) any storage of carbon dioxide into the seabed and subsoil is prohibited unless authorisation is granted subject to international law, a prior environmental impact assessment is performed in accordance with Directive 85/337/EEC and relevant international conventions, and regular monitoring and controls are put in place;

(r) the systematic/intentional release of solid materials, liquids or gases into the seabed/subsoil are addressed in an impact assessment and authorised in advance of any release;

(s) in each region the proportion of marine areas protected from potentially harmful human activities, and also the diversity of the constituent ecosystems present in those areas, are sufficient to make an effective contribution to a regional and global network of protected marine areas.

EXPLANATORY STATEMENT

1. Introduction

The European Community must equip itself with an effective marine protection policy to prevent further losses of biodiversity and the deterioration of the marine environment and to restore the balance of the marine ecosystem. The policy should be conceived as a comprehensive plan to protect and restore the European marine environment, taking account of all existing constraints and setting out clear operational measures and targets.

Two-thirds of the planet is covered by sea water. The marine environment is home to vital resources and its ecosystem provides essential services, for instance by regulating the climate, recycling nutrients, absorbing waste and producing oxygen. Marine ecosystems also account for 80% of life on our planet, making the marine environment crucial to our social and economic prosperity as well as our health.

Europe is surrounded by four seas and two oceans. From the (closed) Black Sea to the (open) northeast Atlantic Ocean, the waters are home to diverse ecosystems and cover several biogeographical regions. The European coastline is 100 000 km long and the Community's marine territory is larger than its land territory. At least 16% of European citizens live on the coast and for many of them the sea is their livelihood, while for others it is a place for relaxation and sport, and a source of food and of inspiration.

The deterioration of the marine environment has become evident all over the world and European waters are no exception. The threats are often cross-border and essentially come from overfishing, destructive fishing techniques, the disposal at sea of waste and pollutants from the coast, noise pollution caused by vessels, maritime transport infrastructures, degassing and underwater acoustic activity, but also from invasive species, the impact of climate change, gravel extraction, drilling for oil and coastal urbanisation. In the case of closed or partially closed seas, such as the Black Sea, the Baltic Sea and the Mediterranean, the risk of pollution is particularly high.

Overfishing, the use of destructive fishing techniques and global warming are considered the most serious threats to the world's marine environment, while commercial fish stocks in Europe are falling to a critical level. The fisheries industry depends on the health of marine ecosystems and their ability to regenerate. Over the last 50 years, the loss of an estimated two-thirds of the main predators, such as tuna and swordfish, is a clear sign of the urgent need to take action to protect marine biodiversity. Eutrophication (nutrient pollution), coastal development and the many activities that rely on the sea, in addition to the fragile state of marine ecosystems, are the direct causes of the disappearance of the ecological resources found in the marine environment.

The environmental, social and economic benefits of a sustainable use of maritime resources and ecosystem services are considerable. Furthermore, the cost of restoring the capacity of damaged ecosystems is much higher than that of protecting them. However, the failure of current measures to control and reduce the pressure and threats weighing on European waters

is widely recognised. The sectoral nature of policies up to this point has led to the introduction of multiple layers of policies, legislation and national, regional and international programmes and action plans, making it impossible for a comprehensive action framework to emerge. Progress following national measures taken by individual Member States has been hampered by other countries bordering the same maritime area. Similarly, international cooperation, particularly under the Regional Seas Convention, has had limited success, as the Convention has little binding force and there is insufficient monitoring of non-contracting parties, undermining the effectiveness and scope of the agreed objectives.

The proposal for a Marine Strategy Directive is timely and long awaited. It should make it possible to consolidate and bolster the existing political framework for the protection of Europe's marine environment. Its effectiveness will determine the future health of Europe's seas and it has the potential to secure the environmental basis necessary for the sustainable use of marine resources and ecosystem services, in Europe and beyond. This report therefore suggests a number of amendments to strengthen the Commission's proposal, in line with the ambitious but vital task it has set itself. The proposed framework is not stringent enough with regard to the objectives to be attained, nor is it clear enough to be genuinely operational in terms of the cooperation that must be secured among Member States and third countries if its objectives are to be achieved.

The Commission has also proposed that the Marine Strategy Directive should form the environmental pillar of the new European maritime policy, which is currently being discussed and on which a Green Paper will be published next year. Only a tougher directive can provide an adequate foundation for the development of a sustainable European maritime policy.

2. Summary of the proposal

The development of the Thematic Strategy for the marine environment was set in motion by the 6th Environment Action Programme (6th EAP) adopted by the Council and Parliament for the period 2002-2012, as a key means of achieving the programme's objectives. The Commission proposal for a Marine Strategy Directive (COM(2005)0505) was adopted in October 2005 and forms an integral part of the European Marine Thematic Strategy. It was preceded by three years of consultations and a Commission communication entitled 'Towards a strategy to protect and conserve the marine environment' (COM(2002)0539).

The directive is intended to fill a gap in European environmental policy, which is focused on spatial management, by putting forward a framework for the development of strategies seeking to achieve good environmental status by 2021. To this end, the directive establishes a set of management entities taking the form of 'European Marine Regions', making it necessary for the Member States to formulate marine strategies involving an initial assessment of the marine environment in the States, the setting of environmental targets, the establishment of a monitoring programme for ongoing assessment and regular updating of targets and the development of a programme of measures designed to achieve good environmental status. The Member States must also determine exactly what good environmental status consists in for the waters under their jurisdiction.

The directive also identifies a number of exceptions to cover cases where it will not be possible to achieve good environmental status by means of measures taken under the

directive. Where action is possible, Member States are required actively to cooperate with one another and with relevant third countries, with a view to achieving good environmental status.

3. Overview of rapporteur's approach

The rapporteur has sought to cut implementation times, ensure that good environmental status is identified in an thorough, ambitious, manner, that the action strategies are actually implemented by the Marine Regions and Sub-regions and that cooperation between Member States and with third countries is effective and in keeping with existing international conventions and agreements.

4. Detailed explanation of the amendments tabled

Article 1 of the proposal for a directive establishes a framework for the development of Marine Strategies 'designed to achieve good environmental status in the marine environment'. This does not mean that the directive obliges Member States to achieve good environmental status. Given the rapid deterioration of the marine environment, the rapporteur has tabled amendments seeking to bolster this objective on the basis of the Member States' duty to achieve good environmental status, while making provision for a number of exceptions. Such exceptions are necessary in cases where the environmental status of marine waters does not come exclusively within the competence or under the control of the Member States concerned.

This is, for example, the case when Member States share competence with the Community or an international body, or when the deterioration of the marine environment is due to pressures either totally or partially beyond the control of Member States (e.g. climate change).

The rapporteur stresses the need to define the concept of good environmental status, so as to be able clearly to determine the types of measures required in order to achieve it. The amendments are partly a response to consultations conducted with interested parties, particularly on the agreed objectives of protecting ecosystems, preventing their deterioration and allowing the recovery or restoration of their functions, preventing pollution, keeping marine services, freight and all other activities at sustainable levels which do not jeopardise use by future generations or the capacity of marine ecosystems to respond to both natural and man-made changes. The amendments also reflect a desire not to delay the definition of 'good environmental status', listing the conditions required in order to define it.

Given the transboundary nature of most or all pressures on the marine environment, good environmental status can be achieved in European Marine Regions only if the Member States cooperate or coordinate their action with that of other Member States and with third countries.

The provisions have been strengthened and, where necessary, new provisions have been inserted, including a requirement for Member States to introduce appropriate mechanisms to facilitate the development of a single, coordinated Marine Strategy and the drafting of a joint report per Region.

In view of the imminent accession of Romania and Bulgaria, the Black Sea has been included among the Regions to be covered by the directive. Furthermore, the rapporteur has included a reference to the Arctic region and other international waters and external marine waters,

which should be expanded upon and clarified during the debate in Parliament with a view to possible improvements in the monitoring of protection measures.

Many of the waters have remained intact and constitute a particularly fragile ecosystem. However, existing and emerging threats, such as over-fishing, toxic contamination from ocean-going vessels carrying ecotoxic substances, climate change resulting in an increase in the surface temperature of the sea and melting of the icecap and increased exploitation of resources, including oil and natural gas, could have a serious environmental impact on ecosystems. These waters, of which the Arctic Ocean forms a large part, are a cause for concern in the European economic area.

It should be added that marine protected areas (MPAs) are an important tool for the purposes of protecting marine ecosystems, preserving marine biodiversity and making marine ecosystems more resistant over the long term.

The directive needs to recognise, flesh out and improve EU legislation and international agreements. Amendments have been tabled with a view to ensuring consistency between implementation of such agreements and the directive.

Lastly, the time frames proposed by the Commission are too long, given the urgency of the situation. The rapporteur suggests that the good environmental status target of 2021 be brought forward to 2017 and that the various stages in the process be shortened: the initial assessment and the determination of good environmental status should take two years instead of four; the introduction of environmental targets and the implementation of the monitoring programmes, three years instead of six; and the development of the programme of measures should be scheduled for 2012 instead of 2016, while the programme should be brought into operation in 2014 instead of 2018.

7.9.2006

OPINION OF THE COMMITTEE ON FISHERIES

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a directive of the European Parliament and of the Council establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive)
(COM(2005)0505 – C6-0346/2005 – 2005/0211(COD))

Draftsman: Ioannis Gklavakis

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SHORT JUSTIFICATION

The development of a separate strategy within the 6th Environment Action Programme aimed at improving the marine environment is an important Commission initiative in that it goes hand in hand with the objectives of the common fisheries policy.

There is an urgent need to develop an integrated policy for protecting the seas because the various forms of pollution and the reduction in biodiversity are contributing to the degradation of the marine environment, which has been intensifying in recent years despite efforts to counter it. Hitherto, the policies developed to tackle the problem of the pollution and degradation of marine ecosystems have been fragmented, not integrated with the result that, very often, their objectives are mutually incompatible. The Commission's decision to consolidate policies in the fields of the environment, fisheries, shipping, transport, agriculture, research and regional development into a common framework is a dynamic response to the problem covered by the marine strategy directive.

The impact assessment¹ for the proposed directive concluded that marine pollution from land and marine activities ultimately has a direct and indirect effect on fisheries. In particular, marine pollution is transforming the composition of marine ecosystems, changing their biological components and the various stages of the food chain and, thereby, affecting their fish populations. Similarly, pollution of the waters by certain pollutants affects the health and reproduction of fish and, even worse, has an impact on human health owing to the possible consumption of contaminated fish.

Similar results are obtained for the Baltic Sea, the Black Sea, the north-east Atlantic Ocean and the Mediterranean Sea owing to agricultural, industrial and urban waste. There is

¹ SEC(2005)1290.

particularly substantial degradation of marine ecosystems caused by oil spills as a result of the increased number of accidents at sea. On a considerable number of occasions, fishing in coastal areas is completely suspended for long periods of time because of oil slicks. Consequently, the cost to fisheries and its dependent activities is severe. It is a fact that those employed in that sector are now calling for action.

However, owing to the transboundary nature of the sea, it is not possible to achieve *good environmental status of the marine environment* by implementing policies at Community level alone; measures must also be taken at regional level. All the States involved must cooperate to coordinate their efforts and harmonise the policies which they implement in their marine regions. In the process of such cooperation and, taking account of the particular features of each region, biological data must be collected, as far as possible, in accordance with common standards. This will produce a highly detailed assessment of the needs of each region, a comparison of research findings and a better evaluation of the impact of the Strategy.

Another important point to be examined is the method of funding the measures under the Strategy. It has been estimated that administrative expenditure for the first two years will amount to € 90 million annually while, after the first two years, the cost will fall to € 70 million annually. The fact that there is no reference to the method of funding measures to be taken by the Member States is a point of contention.

Finally, the most sensitive marine regions will have to be handled with particular care. Member States operating in these regions will probably need to carry out further studies on a wider scale than that laid down in this directive, which will also involve greater cost.

Conclusions:

The contribution of marine and ocean biodiversity to economic development and social prosperity makes it essential to develop the marine environment strategy.

The impact assessment for the Strategy shows that fisheries are directly affected by multiple marine pollution caused by human activity. Consequently, interdependence of the common fisheries policy and the Strategy should be accentuated. This directive should constitute the basis for future Community policies on the marine environment.

It is important that the Strategy provides flexibility in the States involved owing to the diverse nature of the European marine regions. However, it is appropriate to adopt common standards for collecting biological data. Marine research will be instrumental in this respect. Concerted efforts are also needed to monitor the implementation of the Strategy and to evaluate the results in order to achieve the ultimate objective, i.e. good environmental status of the marine environment by 2021.

Finally, it should be stressed that one of the basic objectives of the common fisheries policy is to achieve a balance between fisheries and environmental goals. This delicate balance should be taken into account in every Community policy which affects fisheries, a principle to be applied immediately by this Strategy:

AMENDMENTS

The Committee on Fisheries calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1
Recital 3 a (new)

(3a) There is a need to define a thematic strategy on the marine environment - based on an integrated approach - which should include, as appropriate, qualitative and quantitative objectives and time schedules that will make it possible to compare and evaluate the measures provided for. Actions geared to the implementation of the strategy should comply with the subsidiarity principle. Consideration should also be given to the increased involvement of interested parties and the better use of the various Community financing instruments directly or indirectly linked to the protection of the marine environment.

Justification

The strategy for the marine environment should envisage a horizontal approach encompassing all the policies that relate directly or indirectly to the marine environment. Consideration should also be given to the correct use of and links between the various financial instruments and the subsidiarity principle.

Amendment 2
Recital 3 b (new)

(3b) The development and implementation of the strategy should be geared to the conservation of the ecosystem. This approach should consider bio-geographic areas to be protected, as well as human activities that have an impact on the marine environment.

¹ Not yet published in OJ.

Amendment 3
Recital 3 c (new)

(3c) It is necessary to continue to set biological and environmental targets and reference frameworks taking account of the objectives laid down in Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive)¹, Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water², and other internationally agreed objectives.

¹ OJ L 206, 22.7.1992, p. 7.

¹ OJ L 327, 22.12.2000, p. 1.

Amendment 4
Recital 4

(4) In order to achieve those objectives, a transparent and coherent legislative framework is required, to provide an overall framework for action and to enable the action taken to be coordinated, and consistent, and properly integrated with action under other Community legislation as well as international agreements.

(4) In order to achieve those objectives, a transparent and coherent legislative framework is required, ***linked with the principles of the common fisheries policy***, to provide an overall framework for action and to enable the action taken to be coordinated, and consistent, and properly integrated with action under other Community legislation as well as international agreements.

Amendment 5
Recital 4

(4) In order to achieve those objectives, a transparent and coherent legislative framework is required, to provide an overall framework for action and to enable the action taken to be coordinated, and consistent, and properly integrated with action under other Community legislation as

(4) In order to achieve those objectives, a transparent and coherent legislative framework is required, ***including a definition of good environmental status***, to provide an overall framework for action and to enable the action taken to be coordinated, and consistent, and properly integrated with

well as international agreements.

action under other Community legislation as well as international agreements.

Justification

"Good environmental status" should be defined within the Directive rather than at a later date through the comitology procedure.

Amendment 6

Recital 10 a (new)

(10a) A rational approach should be defined for the full implementation of the Natura 2000 network in the marine environment. This approach should include proposals for adapting the annexes to the Habitats Directive relating to marine habitats and species, and should apply and adjust the necessary technical and financial instrumentation measures.

Justification

It is important to focus on the marine environment in the Natura 2000 network in conjunction with the Habitats Directive, with the aim of establishing new criteria and concomitant technical and financial instrumentation measures.

Amendment 7

Recital 11 a (new)

(11a) It is necessary to invite neighbouring countries to participate in this process and develop partnerships with them, particularly in the Baltic Sea, the Mediterranean Sea and the Black Sea, taking account, inter alia, of the partnership initiatives launched in the context of the 2002 United Nations World Summit on Sustainable Development.

Justification

The strategy for the preservation of the marine environment should be approached from a global perspective. Consequently, its success will also depend on whether or not third countries are participating.

Amendment 8

Recital 11 b (new)

(11b) Account should also be taken of biodiversity and the potential for marine research associated with deep-water environments off the outermost regions and support should be given, under specific programmes, for the drawing-up of scientific studies with a view to the improved characterisation of deep-water ecosystems.

Justification

The lack of information on deep-water environments has already proven to be a serious shortcoming when dealing with a number of matters related to this topic. It is important to provide an incentive for the drawing-up of scientific studies with a view to the improved characterisation of deep-water ecosystems, many of which are completely unknown.

Amendment 9
Recital 13 a (new)

(13a) The Community should create the necessary conditions to enable the Member States to benefit from the quality of research and the body of knowledge produced in universities dedicated to the study of marine sciences. The scientific and technical information required for the implementation of the various stages created by this Directive should thus be obtained from reliable sources and the sustainability of coastal areas where such teaching centres are normally located should be guaranteed.

Justification

European universities devoted to marine environmental sciences produce high-quality information which should be utilised. They should also be supported in the context of the sustainable development of coastal areas. This makes it possible to pursue two objectives at the same time: the sustainability of coastal areas and the acquisition of the information necessary for the Directive to be applied.

Amendment 10
Recital 13 b (new)

(13b) Support for research into the marine environment should be enshrined in the Seventh Framework Programme on

research and development.

Justification

European universities and research laboratories devoted to marine environmental sciences produce high-quality information which should be utilised. They should also be supported in the context of the sustainable development of coastal areas. This makes it possible to pursue two objectives at the same time: the sustainability of coastal areas and the acquisition of the information necessary for the Directive to be applied.

Amendment 11

Recital 16 a (new)

(16a) The planning, implementation and management of the programmes of measures may require considerable expenditure. Bearing in mind that the programmes of measures are the means of achieving the objectives of this Directive, the Community should contribute to Member States' expenditure during the preparation, implementation and coordination of those programmes.

Justification

The programmes of measures are the basic tool for achieving the objective of the Directive; they have an impact at Community level and, therefore, provision should be made for a Community contribution to the Member States' expenditure.

Amendment 12

Recital 30 a (new)

(30a) It is necessary to cover the economic and social costs of implementing this Directive.

Amendment 13

Article 1, Title

Subject-matter

Subject-matter ***and scope***

Amendment 14

Article 1, paragraph 2

For the purposes of this Directive,

For the purposes of this Directive,

“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 and climatic factors, **as well as physical and chemical conditions including** those resulting from human activities **in the area concerned**.

“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 **acoustic, biological, chemical, geological**, natural physiographic, geographic and climatic factors **which interact and determine the condition, productivity, quality and state of the marine ecosystems**. **The components, conditions and factors to be taken into account include** those resulting from human activities.

"Good environmental status" means the point at which, in respect of the European marine waters in question, all of the conditions listed in Annex Ia exist in respect of those waters.

Justification

The amendment expands the factors to be taken into account when considering the marine environment and it emphasises that human activities outside the marine area concerned can have an impact on the status of the marine environment. Finally, the amendment introduces a description of good environmental status that is then expanded upon in the proposed new Annex I(a)

Amendment 15

Article 3, paragraph 2, introductory part

2. Member States may, in order to take into account the specificities of a particular area, implement this Directive by reference to subdivisions of the marine waters referred to in paragraph 1, provided that such subdivisions are delimited in a manner compatible with the following Marine Sub-Regions:

2. Member States may, in order to take into account the specificities of a particular area, implement this Directive by reference to subdivisions of the marine waters referred to in paragraph 1, provided that such subdivisions are delimited in a manner **consistent with international agreements and are** compatible with the following Marine Sub-Regions:

Justification

The International Council for the Exploration of the Seas already has clearly delineated boundaries which are used, notably, for the setting of Total Allowable Catches in the fisheries sector. In order to be effective, any subdivisions of the marine sub-regions should reflect the existing delineations.

Amendment 16

Article 7, paragraph 2 a (new)

2a. The assessment of the status of each marine region shall be carried out by the Member States, where possible on the basis of a harmonised methodology, taking account of the technical adaptations set out in Article 21.

Justification

The assessment of the status of each marine region is dependent on the collection of data, as set out in Annex II. The assessment should be made on the basis of common standards so that the conclusions are reliable and comparable.

Amendment 17

Article 19, paragraph 1, subparagraph 2 a (new)

The Commission shall examine the financial implications of this Directive and the possibility of cofunding, giving priority to the most sensitive regions.

Justification

Having already received all the programmes of measures, the Commission is in a position to assess the financial implications of the Directive and the possibility of cofunding the Member States' measures, particularly in the most sensitive regions.

Amendment 18

Chapter IV a (new), Article 20 a (new)

Chapter IVa

Financing mechanisms

Article 20a

Co-financing

The programmes drawn up by the Member States shall be co-financed by the EU in accordance with the financial instruments provided for in the Fourth Community Support Framework.

Amendment 19

Chapter IV b (new), Article 20 b (new)

Chapter IVb

Community financing

Article 20b

Inclusion in the Community budgets

Given the priority inherently attached to the establishment of a marine strategy, this Directive shall be included in the Community budgets as from 2007.

Amendment 20

Chapter IV c (new), Article 20 c (new)

Chapter IVc

Financing

Article 20c

Financing criteria

1. The programmes submitted by the Member States shall be co-financed by the Community taking account of the following criteria:

(a) size of the exclusive economic zones of the various Member States;

(b) bathymetric features of the biogeographic regions covered in the programmes; and

(c) socio-economic impact of the measures proposed in the programmes.

Amendment 21

Annex I a (new)

Annex Ia

The definition of ‘good environmental status’ is based upon the principles of sustainable development.

It shall include, but shall not be restricted to, the following principle:

Populations of commercially exploited fish and shellfish should remain within safe biological limits and the impact of fishing practices on the marine environment

should be minimised.

Justification

"Good environmental status" should be defined within the Directive.

PROCEDURE

Title	Proposal for a directive of the European Parliament and of the Council establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive)
References	COM(2005)0505 – C6-0346/2005 – 2005/0211(COD)
Committee responsible	ENVI
Opinion by Date announced in plenary	PECH 15.11.2005
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Ioannis Gklavakis 14.12.2005
Previous drafts(wo)man	
Discussed in committee	23.2.2006 20.6.2006
Date adopted	28.8.2006
Result of final vote	+: 17 –: 0 0: 0
Members present for the final vote	Iles Braghetto, Luis Manuel Capoulas Santos, Paulo Casaca, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Alfred Gomolka, Heinz Kindermann, Henrik Dam Kristensen, Albert Jan Maat, Rosa Miguélez Ramos, Philippe Morillon, Willi Piecyk, Dirk Sterckx, Struan Stevenson, Margie Sudre
Substitute(s) present for the final vote	Dorette Corbey, Carl Schlyter
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	...

PROCEDURE

Title	Proposal for a directive of the European Parliament and of the Council establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive)				
References	COM(2005)0505 – C6-0346/2005 – 2005/0211(COD)				
Date submitted to Parliament	24.10.2005				
Committee responsible Date announced in plenary	ENVI 15.11.2005				
Committee(s) asked for opinion(s) Date announced in plenary	PECH 15.11.2005	TRAN 15.11.2005			
Not delivering opinion(s) Date of decision	TRAN 22.11.2005				
Enhanced cooperation Date announced in plenary					
Rapporteur(s) Date appointed	Marie-Noëlle Lienemann 14.12.2005				
Previous rapporteur(s)					
Simplified procedure – date of decision					
Legal basis disputed Date of JURI opinion					
Financial endowment amended Date of BUDG opinion					
European Economic and Social Committee consulted – date of decision in plenary					
Committee of the Regions consulted – date of decision in plenary					
Discussed in committee	30.5.2006	13.9.2006	10.10.2006		
Date adopted	10.10.2006				
Result of final vote	<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;">+ 52 – 0 0 1</div> </div>				
Members present for the final vote	Adamos Adamou, Georgs Andrejevs, Liam Aylward, Irena Belohorská, John Bowis, Frieda Brepoels, Hiltrud Breyer, Martin Callanan, Chris Davies, Avril Doyle, Mojca Drčar Murko, Anne Ferreira, Karl-Heinz Florenz, Matthias Groote, Cristina Gutiérrez-Cortines, Satu Hassi, Jens Holm, Mary Honeyball, Marie Anne Isler Béguin, Caroline Jackson, Dan Jørgensen, Eija-Riitta Korhola, Urszula Krupa, Aldis Kušķis, Marie-Noëlle Lienemann, Linda McAvan, Marios Matsakis, Roberto Musacchio, Riitta Myller, Péter Olajos, Vittorio Prodi, Guido Sacconi, Karin Scheele, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Kathy Sinnott, Bogusław Sonik, María Sornosa Martínez, Antonios Trakatellis, Evangelia Tzampazi, Thomas Ulmer, Marcello Vernola, Anja Weisgerber, Åsa Westlund, Anders Wijkman				
Substitute(s) present for the final vote	Bairbre de Brún, Hélène Goudin, Henrik Lax, Miroslav Mikolášik, Amalia Sartori, Pál Schmitt, Bart Staes				
Substitute(s) under Rule 178(2) present for the final vote	Fausto Correia				

Date tabled	24.10.2006
Comments (available in one language only)	...