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RECOMMENDATION FOR SECOND READING

on the Council common position for adopting 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 Framework Directive)
(9388/2/2007 – C6-0261/2007 – 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 Council common position for adopting 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 Framework Directive) (9388/2/2007 – C6-0261/2007 – 2005/0211(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (9388/2/2007 – C6-0261/2007),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2005)0505)²,
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 62 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A6-0389/2007),
1. Approves the common position as amended;
 2. Instructs its President to forward its position to the Council and Commission.

Council common position

Amendments by Parliament

Amendment 1

Recital 2

(2) It is evident that pressures on natural marine resources and the demand for marine ecological services are *often* too high and that the Community needs to reduce its impact on marine waters.

(2) It is evident that pressures on natural marine resources and the demand for marine ecological services, *such as waste absorption*, are too high and that the Community needs to reduce its impact on marine waters *within and beyond Community territory*.

Amendment 2

Recital 3

¹ OJ C 314 E, 21.12.2006, p. 86.

² Not yet published in OJ.

(3) The marine environment is a precious heritage that must be protected, preserved and, ***where practicable***, restored with the ultimate aim of maintaining biodiversity and providing diverse and dynamic oceans and seas which are clean, healthy and productive. In that respect, this Directive should deliver the environmental pillar of the future Maritime Policy for the European Union.

(3) The marine environment is a precious heritage that must be protected, preserved and restored with the ultimate aim of maintaining biodiversity and providing diverse and dynamic oceans and seas which are clean, healthy and productive. In that respect, this Directive should deliver the environmental pillar of the future Maritime Policy for the European Union ***and, inter alia, promote the integration of environmental considerations into all relevant policy areas.***

Amendment 3
Recital 10

(10) Each Member State should ***therefore*** develop a Marine Strategy for its ***marine*** waters which, while being specific to its own waters, reflects the overall perspective of the Marine Region ***or Sub Region*** concerned. Marine Strategies should culminate in the execution of programmes of measures designed to achieve ***or maintain*** good environmental status. However, Member States should not be required to take specific steps where there is no significant risk to the marine environment, or where the costs would be disproportionate taking account of the risks to the marine environment, provided that any decision not to take action is properly justified.

(10) ***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. However, Member States should not be required to take specific steps where there is no significant risk to the marine environment, or where the costs would be disproportionate taking account of the risks to the marine environment, provided that any decision not to take action is properly justified.

(EP first reading Amendment 9)

Justification

This amendment emphasises that Member States should seek to draw up a single, unique marine strategy per region or sub-region.

Amendment 4
Recital 19

(19) Ensuring the integration of conservation objectives, management measures and monitoring and assessment activities set up for marine protected areas *which Member States may wish to designate as part of programmes of measures* is crucial for the achievement of the objectives of this Directive.

(19) Ensuring the integration of conservation objectives, management measures and monitoring and assessment activities set up for marine protected areas *into Marine Strategies* is crucial for the achievement of the objectives of this Directive.

Amendment 5
Recital 19 a (new)

(19a) Account should also be taken of biodiversity and the potential for marine research associated with deep-water environments of 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

EP first reading amendment 13.

Amendment 6
Recital 21

(21) As a first step in the preparation of programmes of measures, Member States across a Marine Region or Sub-Region should undertake an analysis of the characteristics of, and pressures and impacts on, their marine waters, identifying the predominant pressures and impacts on those waters, and an economic and social analysis of their use and of the cost of degradation of the marine environment. They may use assessments already carried out in the context of Regional Sea Conventions as a basis for their analyses.

(21) As a first step in the preparation of programmes of measures, Member States across a Marine Region or Sub-Region should undertake an analysis of the characteristics *and functions* of, and pressures and impacts on, their marine waters, identifying the predominant pressures and impacts on those waters, and an economic and social analysis of their use and of the cost of degradation of the marine environment. They may use assessments already carried out in the context of Regional Sea Conventions as a basis for

their analyses.

Justification

EP first reading amendment 15.

Amendment 7

Recital 22

(22) On the basis of such analyses, Member States should then determine for their marine waters a set of characteristics for good environmental status. For those purposes, it is appropriate to make provision for the development of criteria and methodological standards to ensure consistency and to allow for comparison between Marine Regions or Sub-Regions of the extent to which good environmental status is being achieved.

(22) On the basis of such analyses, Member States should then determine for their marine waters a set of characteristics for good environmental status. For those purposes, it is appropriate to make provision for the development of criteria and methodological standards to ensure consistency and to allow for comparison between Marine Regions or Sub-Regions of the extent to which good environmental status is being achieved.
These should be developed with the involvement of all interested parties.

Justification

To ensure transparency.

Amendment 8

Recital 25

(25) It is appropriate that Member States take the abovementioned steps, given the precision of focus needed. In order to ensure cohesion of action across the Community as a whole and in relation to commitments at global level, it is essential that Member States notify the Commission of the steps taken, in order to enable the Commission to assess the coherence of action across the Marine Region or Sub-Region concerned and ***to advise Member States*** as appropriate.

(25) It is appropriate that Member States take the abovementioned steps, given the precision of focus needed. In order to ensure cohesion of action across the Community as a whole and in relation to commitments at global level, it is essential that Member States notify the Commission of the steps taken, in order to enable the Commission to assess the coherence of action across the Marine Region or Sub-Region concerned and ***approve such action*** as appropriate.

Amendment 9

Recital 29

(29) However, the flexibility introduced for special cases should be subject to control at Community level. As regards the first special case, it is therefore appropriate that, in the course of assessment, due consideration be given to the efficacy of any ad hoc measures taken. Moreover, in cases where the Member State refers to action taken for **overriding** reasons of public interest, **it** should **be ensured** that any **changes** to the marine environment as a consequence do not permanently preclude or compromise the achievement of good environmental status in the Marine Region or Sub-Region concerned or across marine waters of other Member States. **The Commission should advise Member States accordingly if it considers that the measures envisaged are not sufficient or suitable to ensure coherence of action across the Marine Region or Sub-Region concerned.**

(29) However, the flexibility introduced for special cases should be subject to control at Community level. As regards the first special case, it is therefore appropriate that, in the course of assessment **to be made by the Commission before approving the programme of measures**, due consideration be given to the efficacy of any ad hoc measures taken. Moreover, in cases where the Member State refers to action taken for reasons of public interest, **the Commission** should **ensure** that any **modifications or alterations made** to the marine environment as a consequence do not permanently preclude or compromise the achievement of good environmental status in the Marine Region or Sub-Region concerned or across marine waters of other Member States.

Amendment 10
Recital 34

(34) 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.

(34) **It is appropriate that** the Commission 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.

(EP first reading Amendment 20)

Amendment 11
Recital 36

(36) Measures regulating fisheries management **should** be taken **only** 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

(36) 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 **this Directive does not therefore address such measures. Articles 30 and 31 of the EURATOM Treaty regulate** discharges and emissions resulting from the use of radioactive material and this Directive **should** therefore not address them.

fisheries resources under the Common Fisheries Policy, based on scientific advice, and **are also addressed by this Directive.** The EURATOM Treaty **regulates** discharges and emissions resulting from the use of radioactive material and this Directive therefore **does** not address them.

Justification

Retabling amendment 21 first reading.

The reference only to Articles 30 and 31 of the Euratom Treaty to justify excluding regulation of 'discharges and emissions resulting from the use of radioactive material' from the scope of the directive does not provide for the most appropriate legal basis.

Amendment 12

Recital 37

(37) The Common Fisheries Policy should take into account the environmental impacts of fishing and the objectives of this Directive.

(37) The Common Fisheries Policy, **including in the future reform**, should take into account the environmental impacts of fishing and the objectives of this Directive.

Amendment 13

Recital 39

(39) Since the objectives of this Directive, namely protection and preservation of the marine environment, the prevention of its deterioration and **where practicable** the restoration of that environment in areas where it has been adversely affected, cannot be sufficiently achieved by Member States and can therefore, by reason of the scale and effects of the Directive, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

(39) Since the objectives of this Directive, namely protection and preservation of the marine environment, the prevention of its deterioration and the restoration of that environment in areas where it has been adversely affected, cannot be sufficiently achieved by Member States and can therefore, by reason of the scale and effects of the Directive, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Amendment 14
Article 1

1. This Directive establishes a framework for the protection and preservation of the marine environment, the prevention of its deterioration and, where practicable, the restoration of that environment in areas where it has been adversely affected.

For that purpose, Marine Strategies shall be developed and implemented with the aim of achieving or maintaining good environmental status in the marine environment by the year 2021 at the latest.

2. Marine Strategies shall apply an ecosystem-based approach to the management of human activities while enabling the sustainable use of marine goods and services.

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

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 its recovery 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 or human-induced changes.

(EP first reading Amendment 85)

Amendment 15
Article 2, paragraph 1

1. This Directive shall apply to all marine waters as defined in Article 3(1).

1. This Directive shall apply to all marine waters as defined in Article 3(1), ***and shall take account of the need to ensure the quality of the marine environment of associated and applicant States.***

Justification

Adverse effects on the marine environment do not respect international boundaries or jurisdictions. Therefore it is essential that there is close co-operation between all states involved.

Amendment 16 Article 3, point 1

1) "marine waters" means waters, the seabed and subsoil on the seaward side of the baseline from which the extent of territorial waters is measured extending to the outmost reach of the area where a Member State has and/or exercises jurisdictional rights, in accordance with the UNCLOS, with the exception of waters adjacent to the countries and territories mentioned in Annex II to the Treaty and the French Overseas Departments and Collectivities. ***Marine waters on the seaward side of the baseline to which Directive 2000/60/EC applies are included only in so far as relevant elements for the protection of the marine environment which are outside the scope of Directive 2000/60/EC are concerned;***

1) "marine waters" means

(a) waters, the seabed and subsoil on the seaward side of the baseline from which the extent of territorial waters is measured extending to the outmost reach of the area where a Member State has and/or exercises jurisdictional rights, in accordance with the UNCLOS, with the exception of waters adjacent to the countries and territories mentioned in Annex II to the Treaty and the French Overseas Departments and Collectivities; ***and***

(b) all tidal waters, either in or adjacent to the Member States, situated on the landward side of the baseline from which

the extent of the territorial waters is measured, and any land or sea-bed covered intermittently or continuously by those waters.

Coastal waters as defined by Directive 2000/60/EC on the landward side of the baseline are also included in so far as particular aspects of environmental status of the marine environment are not already addressed through that Directive;

Amendment 17
Article 3, point 4

4) "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;

4) '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 ***acoustic, biological, geological*** and climatic factors, as well as physical and chemical conditions, including those resulting from human activities in the area concerned, ***irrespective of whether such activities occur within or outside the marine waters in question;***

Amendment 18
Article 3, point 5

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

(a) the structure, functions and processes of the marine ecosystems, together with the associated physiographic, geographic and

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

(a) the structure, functions and processes of the ***constituent*** marine ecosystems, together with the associated physiographic,

climatic factors, allow those ecosystems to function **fully** and to maintain their resilience. Marine species and habitats are protected, human-induced decline of biodiversity is prevented and diverse biological components function in balance;

(b) hydro-morphological, physical and chemical properties of the ecosystems, including those properties which result from human activities in the area concerned, support the ecosystems as described above. Anthropogenic inputs of substances and energy into the marine environment do not cause pollution effects.

Good environmental status shall be determined at the level of the Marine Region or Sub-Region as referred to in Article 4, **on the basis of the generic qualitative descriptors in Annex I**. Adaptive management on the basis of the ecosystem approach shall be applied with **a view to**

geographic, **geological** and climatic factors, allow those ecosystems to function **in the self-maintaining manner which is naturally present** and to maintain their **natural** resilience **to broader environmental change**. Marine species and habitats are protected, **their deterioration is avoided and, where possible, their structure, functions and processes are restored**. Human-induced decline of biodiversity is prevented and diverse biological components function in balance;

(b) hydro-morphological, physical and chemical properties of the ecosystems, including those properties which result from human activities in the area concerned, support the ecosystems as described above. Anthropogenic inputs of substances and energy, **including noise**, into the marine environment **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 that these inputs** do not cause pollution effects;

(ba) 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 do 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; and

(bb) all the conditions listed in Annex I are met.

Good environmental status shall be determined at the level of the Marine Region or Sub-Region as referred to in Article 4. Adaptive management on the basis of the ecosystem approach shall be applied with **the aim of attaining** good environmental status;

progressing towards good environmental status;

Justification

The new version of the amendment remains considerably closer to the Council text, while making all the insertions necessary to improve its language.

Amendment 19
Article 3, point 6

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

6) "criteria" ***refers to the conditions listed in Annex I and*** means distinctive technical features that are closely linked to generic qualitative descriptors.

Amendment 20
Article 3, point 8

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

(8) "pollution" means the direct or indirect introduction into the marine environment, as a result of human activity, of substances, energy ***or*** noise, which results or ***may*** result in deleterious effects such as harm to ***marine biodiversity*** and marine ecosystems, hazards to human health, the hindering of marine activities, including fishing, tourism and recreation and other legitimate uses of the sea, impairment of the quality for use of sea water and reduction of amenities or, in general, impairment of the sustainable use of marine goods and services;

Justification

Reinstating EP first reading amendment 27.

Amendment 21
Article 4, 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.

(EP first reading Amendment 31)

Amendment 22
Article 5, paragraph 1

1. Each Member State shall, in respect of each Marine Region or Sub-Region concerned, develop a Marine Strategy for its marine waters in accordance with the plan of action set out in points (a) and (b) of paragraph 2.

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

Amendment 23
Article 5, paragraph 2, introductory part

2. Member States shall cooperate to ensure that, within each Marine Region or Sub-Region, the measures required to achieve the objectives of this Directive, in particular the different elements of the Marine Strategies referred to in points (a) and (b), are coordinated, as follows:

2. 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 24
Article 5, paragraph 2, point (a)

(a) preparation:

(i) an initial assessment, to be completed

(a) preparation:

(i) an initial assessment, to be completed

by ...*, of the current environmental status of the waters concerned and the environmental impact of human activities thereon, in accordance with Article 8;

(ii) a determination, to be established by ...*, of good environmental status for the waters concerned, in accordance with Article 9(1);

(iii) establishment, by ...**, of a series of environmental targets and associated indicators, in accordance with Article 10(1);

(iv) establishment and implementation, by ...*** 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 11(1);

* **4 years** after the date of entry into force of this Directive.

** **5 years** after the date of entry into force of this Directive.

*** **6 years after the date of entry into force of this Directive.**

by ...* of the current environmental status of the waters concerned and the environmental impact of human activities thereon, in accordance with Article 8;

(ii) a determination, to be established by ...* of good environmental status for the waters concerned, in accordance with Article 9(1);

(iii) establishment, by ...**, of a series of environmental targets and associated indicators, in accordance with Article 10(1);

(iv) establishment and implementation, by ...** 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 11(1);

* **2 years** after the date of entry into force of this Directive.

** **3 years** after the date of entry into force of this Directive.

(EP first reading Amendment 34)

Amendment 25
Article 5, paragraph 2, point (b)

(b) programme of measures:

(i) development, by **2016** at the latest, of a programme of measures designed to achieve or maintain good environmental status, in accordance with Article 13(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 13(7).

(b) programme of measures:

(i) development, by **2012** at the latest, of a programme of measures designed to achieve or maintain good environmental status, in accordance with Article 13(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 13(7).

(EP first reading Amendment 35)

Amendment 26
Article 5, paragraph 2 a (new)

2a. Member States shall establish appropriate mechanisms to ensure that the steps outlined in paragraph 2 with respect to Articles 8, 9, 10, 11 and 13 are developed and implemented in compliance with Article 6 and in a manner that delivers a single, joint Marine Strategy per Region and joint reporting on the components specified under those 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.

(EP first reading Amendment 37)

Amendment 27
Article 5, paragraph 2 b (new)

2b. The provisions in points (a) and (b) of paragraph 2 shall not prevent any Member State from maintaining or introducing more stringent protective measures.

Justification

Member States must maintain their right to put in place more stringent protection measures.

Amendment 28
Article 5, paragraph 3, introductory part

3. Member States having borders on the same Marine Region or Sub-Region covered by this Directive should, where the status of the sea is so critical as to necessitate urgent action, ***endeavour to agree on*** a plan of action in accordance with paragraph 1 which includes an earlier entry into operation of programmes of measures. In these cases:

3. Member States having borders on the same Marine Region or Sub-Region covered by this Directive should, where the status of the sea is so critical as to necessitate urgent action, ***devise*** a plan of action in accordance with paragraph 1 which includes an earlier entry into operation of programmes of measures. In these cases:

Justification

The formulation in Article 5(3) of the Council's common position does not commit Member States to anything. In order to achieve genuine integration between different sectors in accordance with the Green Paper 'Towards a future Maritime Policy for the Union', a far more binding formulation is required.

Amendment 29

Article 5, paragraph 3, subparagraphs 1 a and 1 b (new)

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 13 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 are 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 30

Article 5, paragraph 4

4. Member States shall develop and implement all the elements of Marine Strategies referred to in points (a) and (b) of paragraph 2, ***but in doing so they shall not be required to take specific steps where there is no significant risk to the marine environment, or where the costs would be disproportionate taking account of the risks to the marine environment.***

Where, for either of these reasons, a Member State does not take any steps, it shall provide the Commission with the

4. Member States shall develop and implement all the elements of Marine Strategies referred to in points (a) and (b) of paragraph 2.

necessary justification to substantiate its decision.

Justification

Council new text is redundant. The article on programmes of measures provides for cost-benefit analysis and for ensuring that measures are cost-effective.

Amendment 31

Article 6, paragraph 2, subparagraph 1

2. For the ***purposes of this Directive***, Member States shall, within each Marine Region or Sub-Region, make every effort, using relevant international fora, including mechanisms and structures of Regional Sea Conventions, to coordinate their actions with third countries having sovereignty or jurisdiction over ***waters in the same Marine Region or Sub-Region***.

2. For the ***purpose of establishing and implementing a Marine Strategy***, Member States shall, within each Marine Region or Sub-Region, make every effort, using relevant international fora, including mechanisms and structures of Regional Sea Conventions, 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 landlocked 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.

(EP first reading Amendment 42)

Justification

The activities of landlocked countries and countries operating flag vessels in the waters of a Member State may have a significant impact on the environmental status of those waters, in the form of pollution from the land or from maritime vessels. The directive stipulates that Member States must, 'when this is feasible and appropriate', use the institutional arrangements which have already been established to coordinate their efforts.

Amendment 32

Article 8, paragraph 1, introductory part and points (a) and (b)

1. Member States shall make an initial assessment of their marine waters, taking account of existing data where available and comprising the following:

(a) an analysis of the essential characteristics and current environmental status of those waters, based on the indicative lists of elements set out in Table 1 of Annex III, and covering the physical and chemical features, the habitat types, the biological features and the hydro-morphology;

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

1. **For each Marine Region**, Member States shall make an initial assessment of their marine waters, taking account of existing data where available and comprising the following:

(a) an analysis of the essential characteristics, **functions** and current environmental status of those waters, based on the indicative lists of elements set out in Table 1 of Annex III, and covering the physical and chemical features, the habitat types, the biological features and the hydro-morphology;

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

(i) **is** based on the indicative lists of elements set out in Table 2 of Annex III, and covering the qualitative and quantitative mix of the various pressures, as well as discernible trends;

(ii) **covers the cumulative and synergetic effects, and**

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

Justification

Supplements the criteria for Member States' assessment of the status of their marine waters.

Amendment 33 Article 8, 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. They shall also take into account, or use as their basis, other

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**

relevant assessments such as those carried out jointly in the context of Regional Sea Conventions, so as to produce a comprehensive assessment of the status of the marine environment.

May 1991 concerning urban waste-water treatment¹, Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality² and Directive .../.../EC of the European Parliament and of the Council of ... on environmental quality standards in the field of water policy³. They shall also take into account, or use as their basis, other relevant assessments such as those carried out jointly in the context of Regional Sea Conventions, so as to produce a comprehensive assessment of the status of the marine environment.

¹ *OJ L 135, 30.5.1991, p. 40. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).*

² *OJ L 64, 4.3.2006, p. 37.*

³ *(COM(2006)0397).*

Justification

The assessment of the elements described in Annex III 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 34 **Article 8, 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 Articles 5 and 6, 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.

(EP first reading Amendment 51)

Amendment 35

Article 8, 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 20 (2)(b).

Justification

The European Environment Agency should be provided with all relevant information for the purpose of facilitating a central database and for use in pan-European status reports for Europe's seas.

Amendment 36

Article 9, paragraph 1, subparagraph 1

1. By reference to the initial assessment made pursuant to Article 8(1), Member States shall, in respect of each Marine Region or Sub-Region concerned, determine, for the marine waters, a set of characteristics for good environmental status, on the basis of the ***generic qualitative descriptors*** listed in Annex I ***as well as criteria and methodological standards provided for in paragraph 3 of this Article.***

1. By reference to the initial assessment made pursuant to Article 8(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 ***conditions*** listed in Annex I ***and the characteristics, pressures and impacts listed in Annex III.***

(EP first reading Amendment 53)

Amendment 37
Article 9, paragraph 3

3. Criteria and methodological standards for the determination of good environmental status, which are designed to amend non essential elements of this Directive by supplementing it, shall be laid down, on the basis of Annexes I and III, in accordance with the regulatory procedure with scrutiny referred to in Article 23(3) by ...* in such a way as to ensure consistency and to allow for comparison between Marine Regions or Sub Regions of the extent to which good environmental status is being achieved. Before proposing such criteria and standards the Commission shall consult all interested parties, including Regional Sea Conventions. *deleted*

* 2 years after entry into force of this Directive.

(EP first reading Amendment 54)

Amendment 38
Article 10, paragraph 1

1. On the basis of the initial assessment made pursuant to Article 8(1), Member States shall, in respect of each Marine Region **or Sub-Region**, establish a comprehensive set of environmental targets **and associated indicators for their marine waters so as to guide progress towards achieving** good environmental status **in the marine environment**, taking into account the **indicative** list of characteristics set out in Annex IV.

When devising those targets and indicators, Member States shall take into account the continuing application of **relevant** existing environmental targets **laid down** at national, Community or international level in respect of the same waters, **ensuring that these targets are mutually**

1. On the basis of the initial assessment made pursuant to Article 8(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 indicators**, taking into account the **non-exhaustive** list of characteristics set out in Annex IV.

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**

compatible.

transboundary features are also taken into account.

(EP first reading Amendment 55)

Justification

This amendment is consistent with the concept of establishing a single marine strategy for each region or sub-region introduced by Parliament at first reading. It seeks to ensure that a single set of environmental objectives and indicators is adopted for each marine region or sub-region. Even more than the land environment, the marine environment must be the subject of a policy which takes account of transboundary impacts and features.

Amendment 39

Article 11, paragraph 1, subparagraph 2

Monitoring programmes shall build upon, and be compatible with, relevant provisions for assessment and monitoring laid down by Community legislation or under international agreements.

Monitoring programmes ***shall be consistent within Marine Regions or Sub-Regions and*** shall build upon, and be compatible with, relevant provisions for assessment and monitoring laid down by Community legislation, ***in particular the Habitats and Birds Directives***, 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 services to the extent that such requirements relate to the Member State's marine waters in the aforementioned Marine Region.***

Justification

Explicit reference of 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 40

Article 11, paragraph 1 a (new)

1a. For each Marine Region or Sub-Region the Member States shall draw up a monitoring programme in accordance with paragraph 1 and shall - 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.

(EP first reading Amendment 57)

Justification

This amendment seeks to improve the coordination and consistency of the checks carried out as part of the programmes. Its aim is to ensure that proper account is taken of relevant transboundary impacts and transboundary features during the monitoring phase.

Amendment 41

Article 11, 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 20(2)(b).

Justification

The European Environment Agency should be provided with all relevant information for the purpose of facilitating a central database and for use in pan-European status reports for Europe's seas.

Amendment 42

Article 12

Article 12

Notifications and Commission's ***advice***

On the basis of all the notifications made

Article 12

Notifications and Commission's ***assessment***

On the basis of the notifications made

pursuant to Articles 9(2), 10(2) and 11(2) in respect of each Marine Region or Sub-Region, the Commission shall **advise** each Member State **on whether** the elements notified constitute an appropriate framework **to meet** the requirements of this Directive.

In **formulating its advice**, the Commission shall consider the coherence of frameworks within the different Marine Regions or Sub-Regions and across the Community and may ask the Member State concerned to provide any additional information that is **available and** necessary.

pursuant to Articles 9(2), 10(2) and 11(2) in respect of each Marine Region or Sub-Region, the Commission shall **assess whether, in the case of** each Member State, the elements notified constitute an appropriate framework **for achieving good environmental status in keeping** the requirements of this Directive.

In **drawing up those assessments**, the Commission shall consider the coherence of frameworks within the different Marine Regions or Sub-Regions and across the Community and may ask the Member State concerned to provide any additional information that is necessary.

Within six months of receiving notification of the monitoring programmes drawn up pursuant to Article 11, the Commission may decide, in the case of any Member State, to reject the monitoring programme or any aspect thereof, on the basis that it does not comply with this Directive.

Amendment 43

Article 13, paragraph 1, subparagraph 2

Those measures shall be devised on the basis of the initial assessment made pursuant to Article 8(1) and by reference to the environmental targets established pursuant to Article 10(1), **and** taking into consideration the types of measures listed in Annex VI.

Those measures shall be devised on the basis of the initial assessment made pursuant to Article 8(1) and by reference to the environmental targets established pursuant to Article 10(1), taking into consideration the types of measures listed in Annex VI, **relevant transboundary impacts and features, and shall be based on the following environmental principles:**

(a) 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;

(b) an ecosystem-based approach.

Member States shall decide on the measures which must be taken concerning the detectability and traceability of marine

pollution.

Amendment 44
Article 13, paragraph 2

2. Member States shall integrate the measures devised pursuant to paragraph 1 into a programme of measures, taking into account relevant measures required under Community legislation, in particular Directive 2000/60/EC, or international agreements.

2. Member States shall integrate the measures devised pursuant to paragraph 1 into a programme of measures, taking into account relevant measures required under Community legislation, in particular Directive 2000/60/EC, ***Directive 91/271/EEC, Directive 2006/7/EC and Directive .../.../EC [on environmental quality standards in the field of water policy]***, or international agreements.

Justification

Meeting the standards of the above-mentioned Directives 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 45
Article 13, paragraph 3, subparagraph 1

3. When drawing up the programme of measures pursuant to paragraph 2, Member States shall give due consideration to sustainable development and, in particular, to the social and economic impacts of the measures envisaged.

3. When drawing up the programme of measures pursuant to paragraph 2, Member States shall give due consideration to sustainable development and, in particular, to the social and economic impacts of the measures envisaged. ***Member States shall create administrative frameworks and platforms that allow for cross-sectored processing of marine affairs in order to combine environmental science and measures with the economic, social and administrative development of the area and benefit from such interaction.***

Justification

EP first reading amendment 88.

Amendment 46
Article 13, paragraph 4

4. Programmes of measures established pursuant to this Article *should* include measures *such as* the use of special areas of conservation pursuant to Directive 92/43/EEC and the use of special protection areas pursuant to Directive 79/409/EEC, and marine protected areas as agreed by the Community or Member States concerned in the framework of international or regional agreements to which they are parties.

In this context Member States *should* ensure that these areas contribute to a coherent and representative network of marine protected areas.

4. Programmes of measures established pursuant to this Article *shall* include *spatial protection* measures, *including but not limited to* the use of special areas of conservation pursuant to *the Habitats* Directive and the use of special protection areas pursuant to *the Birds* Directive, and marine protected areas as agreed by the Community or Member States concerned in the framework of international or regional agreements to which they are parties, *including Decision VII/5 of the Conference of the Parties to the Convention on Biological Diversity*.

In this context 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 restored.*

The programmes of measures shall also include those measures relating to territorial, transitional and coastal waters covered by Directive 2000/60/EC.

*Member States shall establish one or more registers for such marine protected areas, which shall be finalised by ... * at the latest.*

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

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

** 3 years after the date of entry into force of this Directive.*

Amendment 47
Article 13, paragraph 5

5. Member States shall indicate in their programmes of measures how the measures are to be implemented and how they will contribute to the achievement of the environmental targets established pursuant to Article 10(1).

5. Member States shall indicate in their programmes of measures how the measures are to be implemented and how they will contribute to the achievement of **good environmental status** and the environmental targets established pursuant to Article 10(1).

Justification

Replaces Amendments 15 & 23 (marine protected areas).

Amendment 48
Article 13, paragraph 7 a (new)

7a. After having consulted all interested parties, the Commission shall, by ... * at the latest, adopt in accordance with the regulatory procedure with scrutiny referred to in Article 23(3) detailed criteria and standards for the application of good ocean governance principles.

**** 3 years after the entry into force of this Directive.***

Justification

Retabling EP first reading amendment 65.

Amendment 49
Article 14

1. A Member State ***may identify specific areas within its marine waters where, for any of the reasons listed under points (a) to (d), the environmental targets cannot be achieved through measures taken by that Member State, or, for reasons referred to under point (e), they cannot be achieved within the time schedule concerned:***

1. ***Where a Member State which has established a programme of measures pursuant to Article 13 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***

(a) action or inaction for which the Member State concerned is not responsible;

(b) natural causes;

(c) *force majeure*;

(d) ***changes to the*** characteristics of marine waters brought about by actions taken for reasons of overriding public interest which outweigh the negative impact on the environment, including any transboundary impact;

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

The Member State ***concerned shall identify such areas clearly in its programme of measures and shall substantiate its view to the Commission. In identifying specific areas a Member State*** shall consider the consequences for Member States in the Marine Region or Sub-Region concerned.

However, ***the*** Member State ***concerned*** shall take appropriate ad hoc measures ***aiming*** to continue pursuing the environmental targets, to prevent further deterioration in the status of the marine waters ***affected for reasons identified under points (b), (c) or (d)*** and to mitigate the adverse impact at the level of the Marine Region or Sub-Region concerned

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;

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

(-ab) 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 a third country, the European Community or any other international organisation*** for which the Member State concerned is not responsible;

(b) natural causes;

(c) *force majeure*;

(ca) climate change;

(d) ***modifications or alterations to the physical*** characteristics of marine waters brought about by actions taken for reasons of overriding public interest which outweigh the negative impact on the environment, including any transboundary impact.

The Member State shall consider the consequences for Member States in the Marine Region or Sub-Region concerned.

However, ***any*** Member State ***invoking (-aa), (-ab), (a), (b), (c) or (ca)*** shall take 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 and with the aim*** to continue

or in the marine waters of other Member States.

2. In the situation covered by point (d) of paragraph 1, Member States shall ensure that the **changes** do not permanently preclude or compromise the achievement of good environmental status at the level of the Marine Region or Sub-Region concerned or in the marine waters of other Member States.

3. The ad hoc measures referred to in the third subparagraph of paragraph 1 shall be integrated as far as practicable into the programmes of measures.

pursuing the environmental targets, to prevent further deterioration in the status of the marine waters and to mitigate the adverse impact at the level of the Marine Region or Sub-Region concerned or in the marine waters of other Member States.

2. Any Member State invoking reasons (d) in paragraph 1 shall ensure that the modifications and alterations do not permanently preclude or compromise the achievement of good environmental status at the level of the Marine Region or Sub-Region concerned or in the marine waters of other Member States.

3. When a Member State invokes reason (-aa) in paragraph 1, and the Commission accepts the validity of that reason, the Commission shall promptly take all necessary action pursuant to Article 15.

Justification

Retabling EP first reading amendment 66.

Amendment 50 Article 16

Notifications and Commission's **advice**

On the basis of the notifications of programmes of measures made pursuant to Article 13(6), the Commission shall **advise** each Member State **on whether** the programmes notified constitute an appropriate framework for achieving good environmental status **as determined pursuant to Article 9(1).**

In **formulating its advice**, the Commission shall consider the coherence of programmes of measures across the Community and may ask the Member State concerned to provide any additional information that is available and necessary.

Notifications and Commission's **assessment**

On the basis of the notifications of programmes of measures made pursuant to Article 13(6), the Commission shall **assess whether, in the case of** each Member State, the programmes notified constitute an appropriate framework for achieving good environmental status **in keeping with the requirements of this Directive.**

In **drawing up those assessments**, the Commission shall consider the coherence of programmes of measures across the Community and may ask the Member State concerned to provide any additional information that is necessary.

Within six months of receiving notification of the programmes of measures, the Commission may decide, in the case of any Member State, to reject the programme of

measures or any aspect thereof, on the basis that it does not comply with this Directive.

Amendment 51

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

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.

Amendment 52

Article 20, 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.

(EP first reading Amendment 69)

Amendment 53

Article 20, paragraph 1 a (new)

1a. By ... * at the latest, the Commission shall publish a report highlighting any conflicts or complementarities between improvements to this Directive and the existing obligations, commitments and initiatives of the Member States or the Community at Community or international level in the sphere of environmental protection in European marine waters.

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

** 4 years after the date of entry into force of this Directive.*

(EP first reading Amendment 70)

Justification

The aim of this amendment is to ensure that any conflict arising from efforts to improve existing Community policies, such as the common fisheries policy and nature conservation policy, is identified and addressed and any complementarity is increased.

Amendment 54
Article 20, paragraph 2 a (new)

2a. By ... *, 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 which 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.

**2 years after the date of entry into force of this Directive.*

(EP first reading Amendment 71)

Justification

The Arctic is a unique ecosystem. The risks stemming from the current and future exploitation of the region must be carefully considered, in particular in the light of the impact which climate change is having on a growing part of the Arctic region, which consists of an ice flow.

Amendment 55
Article 20 a (new)

Article 20a

Progress report on protected areas

By ..., 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.

** 2 years after the entry into force of this Directive.*

Justification

As party to the Convention on Biological Diversity, the EC 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 (EP first reading amendment 72).

Amendment 56

Article 21

The Commission shall review this Directive by ...* and shall, where appropriate, ***propose any necessary amendments.***

1. The Commission shall review this Directive by ...* 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 20(1).

* **15 years** after the date of entry into force of this Directive.

* **10 years** after the date of entry into force of this Directive

(EP first reading Amendment 73)

Amendment 57
Article 21 a (new)

Article 21a

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.

(EP first reading Amendment 74)

Amendment 58
Article 23 a (new)

Article 23a

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 not later than ...* in accordance with procedures laid down in the Treaty.

****4 years after the date of entry into force of this Directive.***

(EP first reading Amendment 78)

Amendment 59

Article 24, paragraph 1, subparagraph 1

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

**** 3 years*** after the date of entry into force of this Directive.

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

**** 2 years*** after the date of entry into force of this Directive.

(EP first reading Amendment 79)

Amendment 60

Annex I

Generic qualitative descriptors to be considered when determining good environmental status (referred to in Articles 3, point (5), 9(1), 9(3) and 22)

(1) All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity.

Conditions referred to in Articles 3 and 9

(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 most vulnerable to the impacts of human activities due to certain ecological

(2) Non-indigenous species introduced by human activities are at levels that do not adversely alter the ecosystems.

(3) Populations of all commercially exploited fish and shellfish are within safe biological limits.

(4) Human-induced eutrophication is minimised, especially adverse effects thereof.

(5) Species and habitats show a distribution, abundance and quality in line with prevailing physiographic, geographic and climatic conditions. Biodiversity is maintained.

(6) Sea floor integrity is at a level at which the functions of the ecosystems are safeguarded.

(7) Permanent alteration of hydrographical conditions does not adversely affect marine ecosystems.

(8) Concentrations of contaminants are at levels not giving rise to pollution effects.

(9) Contaminants in fish and other seafood for human consumption do not exceed levels established by Community legislation or other relevant standards.

characteristics, e.g. fragility, sensitivity, slow growth, low fecundity, longevity, location at 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 sea-bed and by-catches 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 for the sustainability of ecosystems and their resource base;

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

(g) 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;

(h) eutrophication, caused, for example, by emissions of nutrients such as phosphorus and nitrogen, has been reduced to a level where it can no longer

(10) Properties and quantities of marine litter do not cause harm to the marine environment.

(11) Introduction of energy, including underwater noise, does not adversely affect the marine environment.

To determine the characteristics of good environmental status in a Marine Region or Sub Region as provided for in Article 9(1) of this Directive, Member States shall consider each of the generic qualitative descriptors listed in this Annex in order to identify those descriptors which are to be used to determine good environmental status for that Marine Region or Sub-Region. When a Member State considers that it is not appropriate to use one or several of those descriptors, it shall provide the Commission with a justification in the framework of the notification made pursuant to Article 9(2) of this Directive.

cause adverse effects, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in the bottom waters;

(i) impacts on marine and coastal ecosystems, including habitats and species, resulting from the exploration or exploitation of the sea-bed, sub-soil or sedentary species, have been minimised and do not adversely affect the structural and ecological integrity of benthic and associated ecosystems;

(j) 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;

(k) 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;

(l) 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;

(m) the systematic and/or intentional release of liquids or gases into the water column has been prohibited and the release of solid materials into the water column is prohibited unless authorisation has been granted in keeping with international law and a prior assessment of the impact on the environment has been carried out in accordance with Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment¹ and with the relevant international agreements;

(n) the systematic and/or intentional release of liquids, gases or solid materials into the sea-bed and/or sub-soil has been prohibited unless authorisation has been granted, subject to regular monitoring and control as regards liquids and gases, in keeping with international law and a prior assessment of the impact on the environment has been carried out in accordance with Directive 85/337/EEC and with the relevant international agreements;

(o) 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.

¹ OJ L 175, 5.7.1985, p. 40. Directive as last amended by Directive 2003/35/EC of the European Parliament and of the Council (OJ L 156, 25.6.2003, p. 17)..

Justification

Replaces Amendment 33. The legal situation with regard to the capture of CO₂ in the seabed has changed. The new text reflects the International Convention (the 'London Protocol') as amended in November 2006 to permit carbon dioxide capture in the seabed/subsoil.

Amendment 61

Annex III, table 2, Contamination by hazardous substances", indent 3

- Introduction of radio nuclide.

deleted

Justification

EP Amendment 90 at 1st reading. The mention of 'introduction of radio nuclide' in this list is contrary to Recital 36, which provides that 'The EURATOM Treaty regulates discharges and emissions resulting from the use of radioactive material and this Directive therefore does not address them'.

Amendment 62

Annex VI, point (1)

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

(1) Input controls: management measures that influence the amount of a human activity that is permitted, ***including measures to ensure that European subsidies do not compromise the achievement of the objectives of this Directive.***

Justification

EP first reading amendments to Article 8.

Amendment 63

Annex VI, point 4 a (new)

(4a) Measures to improve the detectability and traceability of marine pollution.

Justification

EP first reading amendments to Articles 14 and 16.

PROCEDURE

Title	Community action in the field of marine environmental policy
References	09388/2/2007 - C6-0261/2007 - 2005/0211(COD)
Date of Parliament's first reading – P number	14.11.2006 T6-0482/2006
Commission proposal	COM(2005)0505 - C6-0346/2005
Date receipt of common position announced in plenary	6.9.2007
Committee responsible Date announced in plenary	ENVI 6.9.2007
Rapporteur(s) Date appointed	Marie-Noëlle Lienemann 14.12.2005
Date adopted	9.10.2007
Result of final vote	+: 40 –: 0 0: 4
Members present for the final vote	Adamos Adamou, Margrete Auken, Pilar Ayuso, Irena Belohorská, Johannes Blokland, John Bowis, Frieda Brepoels, Hiltrud Breyer, Martin Callanan, Dorette Corbey, Jill Evans, Anne Ferreira, Karl-Heinz Florenz, Françoise Grossetête, Satu Hassi, Jens Holm, Marie Anne Isler Béguin, Caroline Jackson, Dan Jørgensen, Christa Klač, Eija-Riitta Korhola, Urszula Krupa, Aldis Kušķis, Marie-Noëlle Lienemann, Jules Maaten, Linda McAvan, Miroslav Ouzký, Vladko Todorov Panayotov, Vittorio Prodi, Frédérique Ries, Guido Sacconi, Daciana Octavia Sârbu, Carl Schlyter, Richard Seeber, María Sornosa Martínez, Antonios Trakatellis, Evangelia Tzampazi, Anja Weisgerber
Substitute(s) present for the final vote	Milan Gaľa, Miroslav Mikolášik, Lambert van Nistelrooij
Substitute(s) under Rule 178(2) present for the final vote	Paulo Casaca, Manuel Medina Ortega, Vincenzo Aita