



## MEETING OF MARINE DIRECTORS (9 JUNE 2022)

### BACKGROUND NOTE MSFD REVIEW

**Subject: Review of the Marine Strategy Framework Directive – State of Play Evaluation and Impact Assessment**

#### *1. Introduction*

Article 23 of the Marine Strategy Framework Directive<sup>1</sup> requires the Commission to review the Directive by 15 July 2023. In line with the Commission's Better Regulation guidelines, DG ENV has recently concluded an Evaluation study of the Marine Strategy Framework Directive, and meanwhile has started an Impact Assessment (IA) for a possible future revision of the Directive<sup>2</sup>.

This note explains the policy context, methodology and state of play of the review (outcomes Evaluation study and IA framework). As it concerns work in progress, the approach for the impact assessment, as set out in this note, will further evolve over time. The review is conducted as a **REFIT exercise**, i.e. the Commission's Regulatory Fitness and Performance Programme<sup>3</sup>, which focuses on ensuring that (1) EU legislation is fit for purpose, (2) the regulatory burden is minimised, (3) simplification options are identified (identify overly burdensome and complex aspects of EU legislation).

Given that evidence already started being collected by the Commission during the first implementation cycle and the preparation of its 2020 MSFD implementation report<sup>4</sup>, and because the timeframe for the revision is limited, it was decided that **a back-to-back evaluation and impact assessment** would be the most appropriate way forward.<sup>5</sup>

<sup>1</sup> Directive 2008/56/EC of 17 June 2008 establishing a framework for community action in the field of marine environmental policy.

<sup>2</sup> Evaluation and Impact Assessment for the MSFD Review will be organised 'back to back', where the COM Evaluation will be included in an Annex to the IA, and will be published at the same time with the IA report.

<sup>3</sup> [REFIT – making EU law simpler, less costly and future proof | European Commission \(europa.eu\)](https://ec.europa.eu/euipo/press_corner/news/2020/20200901_refit_making_eu_law_simpler_less_costly_and_future_proof)

<sup>4</sup> [COM\(2020\) 259.](https://ec.europa.eu/euipo/press_corner/news/2020/20200901_refit_making_eu_law_simpler_less_costly_and_future_proof)

<sup>5</sup> More information on [https://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/review\\_of\\_the\\_directive.htm](https://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/review_of_the_directive.htm).

## 2. Policy background/context

The MSFD is a holistic piece of legislation that aims at protecting the seas and oceans around Europe, while enabling sustainable use of marine goods and services. It does so through applying an ecosystem based approach (EBA), which is defined as ‘*an approach to the management of human activities, ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to human reduced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations*’ (art. 1(3) MSFD).

As such, the Directive operates within a wider context of ocean/marine protection, with clear links to other environmental legislation, in particular the **Birds and Habitats Directives** (BHDs)<sup>6</sup> and the **Water Framework Directive**<sup>7</sup>, and broader maritime policy. The review process will consider all relevant instruments and initiatives at EU level for protecting European seas to identify synergies and improve coherence.

The MSFD has been in force since 2008, and is implemented in a six-year cycle, during which Member States assess and report on the status of their marine waters, determine Good Environmental Status (“GES”) for the marine region concerned, set environmental targets and indicators, establish and implement monitoring programmes, as well as identify and report on measures. The Commission assessed the first cycle (2012-2018) in an **implementation report** (COM(2020)259), which highlighted the **achievements and challenges** of the Directive. The **second implementation cycle** started in 2018, which builds on lessons learnt from the first cycle and required Member States to adapt to the new standards set out by the COM(2017) Decision. The assessment of Member States’ reported information has been carried out pursuant to article 12, and a final EU level report with recommendations by COM is expected mid-2022.

The **Zero Pollution Action Plan** also calls for a review of the MSFD and sets a number of pollution reduction targets to be achieved by 2030, which are highly relevant for the MSFD<sup>8</sup>. Furthermore, the review takes place in the context of new ambitions on the protection of the marine environment, following the adoption of the **2030 Biodiversity Strategy**<sup>9</sup> (which, amongst others promises that “*environment-related legislation with an impact on biodiversity is better **implemented, enforced and – where necessary – reviewed and revised***”). In this context, also the **future Nature Conservation Law**, putting forward legally binding nature restoration targets including for marine ecosystems, should be taken into account in the MSFD review, as well as the future **Action Plan on fisheries and ecosystems**.

The review will be carried out in parallel to the drafting of a **report on the functioning of the Common Fisheries Policies**, as well as of an **implementation report and a possible evaluation of the Maritime Spatial Planning Directive**<sup>10</sup>. Both instruments have direct relevance to the MSFD policy framework and operational implementation. All these actions together should result in ‘**good status**’ of EU seas and ocean (including ‘*good environmental status*’ under MSFD, ‘*good chemical status*’ and ‘*good ecological status*’ under the WFD, ‘*favourable conservation status*’ under the BHDs).

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<sup>6</sup> Directive 92/43/EEC (Habitats Directive) and Directive 2009/147/EC (Birds Directive)

<sup>7</sup> Directive 2000/60/EC

<sup>8</sup> In particular those reduction targets related to pressures at sea, such as: 50% reduction of nutrient losses, 50% reduction of plastic litter at sea, significant reduction of total waste generation

<sup>9</sup> See [https://ec.europa.eu/environment/strategy/biodiversity-strategy-2030\\_en](https://ec.europa.eu/environment/strategy/biodiversity-strategy-2030_en)

<sup>10</sup> [Directive 2014/89/EU](#).

### 3. MSFD Evaluation – methodology and outcomes

An external evaluation study<sup>11</sup> has been conducted in line with the Better Regulation principles, which builds on the 2020 MSFD Implementation Report, as well as a wide range of stakeholder consultations and literature review.

The evaluation questions that have been considered in this exercise include those addressing the *Effectiveness, Efficiency, Relevance, Coherence, EU added value* of the Directive. A summary of the outcomes of the study per evaluation question is provided below.

#### 3.1 Intervention logic

To be able to answer these questions, an **intervention logic** was developed that describes how the action/legislation was originally designed to meet its objectives, as laid down in the act. The evaluation should describe how well the objectives were met, and where they have not been met what were the main problem drivers.

The main/overall objective of the Directive is ‘to achieve or maintain **good environmental status** in the marine environment (for all EU marine waters) by 2020 at the latest. Good Environmental Status has been defined in article 3(5): ‘*environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas, which are clean, healthy and productive.., and the use of the marine environment is at a level that is sustainable..*’). To achieve this overall objective, the Directive requires the establishment of an **integrated framework** (integration of the EBA), with a number of **process-based objectives**:

- (1) Develop **national marine strategies** to protect and preserve the marine environment, based on 11 ‘descriptors’ (see Art. 9 and Annex I); As part of their marine strategies Member States have to make an **assessment of the environmental status** of their marine waters, and **determine good environmental status** for their marine waters on basis of the 11 descriptors.
- (2) Ensure coherence/integration between environmental concerns and other policies related to the marine environment (**policy coherence**) (see Art. 1);
- (3) Ensure **regional coherence** by cooperating through the **Regional Seas Conventions** when implementing the Directive (see Art. 5);
- (4) Collect **marine data and knowledge** to ensure informed decision-making (see Art. 8).

#### 3.2 Main outcomes of the Evaluation study

The external evaluation study has drawn a number of conclusions per evaluation question, building on an extensive review of the literature, as well as input from the public and targeted consultations:

##### **Effectiveness:**

- The Directive has been partially effective:
  - **Marine strategies** have largely been developed, with significant improvements made in reporting between the 1<sup>st</sup> and 2<sup>nd</sup> cycle. As such an integrated framework has been put in place.

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<sup>11</sup> Support study conducted by the Milieu/Acteon consortium (final draft: April 2022)

- However, at the overall level, **GES** has not been achieved for EU seas and ocean (the 2020 deadline has not been complied with): ecosystems continue to decline, and pressures have not been eliminated. On descriptor level, GES has been achieved for some descriptors in certain marine areas, but not for all (threshold values have not yet been developed at regional/EU level for all descriptors).
- Large quantity of **monitoring data** are generated on the state of the marine environment, but important data gaps persist in GES determination/quantification
- **Regional cooperation** has increased, but there are great disparities between marine regions.
- **Programmes of Measures** ('PoMs') only partially cover the pressures and progress towards GES and achievement of the environmental targets for all MSFD Descriptors, although the selection and implementation of measures often focused predominantly on existing measures developed under other legislation. This raises concerns that the PoMs are neither ambitious enough nor sufficient to achieve GES, let alone by the 2020 deadline.

### **Efficiency:**

- Costs of implementing the Directive, i.e. administrative and adjustment costs appear limited<sup>12</sup> compared to the (potential) total benefits from implementation of the marine strategies (efficiency and welfare gains<sup>13</sup>), which should lead to achievement of GES.
- Efficiency is hampered by policy incoherence, lack of regional cooperation in certain regions, regulatory complexity and inefficient reporting processes (reporting burden).

### **Relevance:**

- Need for public intervention to protect the marine environment and sustainable use of marine resources remains as relevant now as at the time of MSFD adoption. Achieving GES as main overall objective is considered an appropriate concept to steer implementation, provided it is defined at EU or regional level, and accompanied by operational environmental targets to monitor progress.
- Findings confirm that the MSFD continues to play a role in meeting environmental, sectoral and horizontal policy objectives, by providing a framework for collecting data and information to support other policies, and by contributing to deliver on international objectives to which the EU is committed.
- The MSFD offers a high level of flexibility to Member States (in particular as regards the assessments, defining GES and setting of targets), while there are no limitations within the Directive preventing adaptation to scientific and technical progress. However, this flexibility opens the door to setting of low level of ambition and an overall reliance on existing policies to deliver change on the ground.

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<sup>12</sup> Total compliance costs have been estimated between EUR 447.25 million – EUR 462.97 million per year

<sup>13</sup> Total welfare gains from reaching GES (full implementation MSFD) have been estimated at 13.6 billion euros

### **Coherence:**

- The MSFD was designed to work in coordination with other EU policies, in particular water and nature policies. The implementation of these policies is fundamental in contributing to the achievement of the MSFD. However, some ambiguities and overlaps (i.e. in relation to species and pressures covered, and reporting timelines) result in a duplication in reporting and/or remaining policy gaps, which are not adequately addressed.
- There are serious concerns about the coherence of MSFD with wider EU sectoral policy objectives. Where links are made, the processes lack clear guidance to allow for effective data sharing and ensure effective coordination between different authorities (both at national and regional level).
- Impacts from climate change on marine waters are not sufficiently integrated in the Directive.

### **EU added value:**

- There is a continued need for EU action in the area of marine environment protection, as fragile marine ecosystems continue to be under severe pressure from human activities;
- The main added value of the MSFD relate to its holistic, cross-sectoral approach along with the improved knowledge base, also serving other policy development;
- The transboundary nature of the marine environment and flexible approach enshrined in the Directive were considered compliant with the principles of subsidiarity and proportionality.

## ***4. Impact Assessment***

As shown above, the Evaluation has **defined a number of problems** (i.e. the problem definition) which provide the basis for the Impact Assessment ('IA'). The IA will look at addressing these problems through future action, and will assess the impacts of the different options.

### **4.1 Main problem drivers:**

The main problems<sup>14</sup> that were identified in the Evaluation can be categorised as follows:

- 1. Regulatory framework missing clear objectives and operational targets;**
- 2. Insufficient implementation and enforcement;**
- 3. Insufficient regional cooperation and coordination;**
- 4. Insufficient coherence with relevant EU legislation and policies;**
- 5. Inadequate data management.**

There is a range of **underlying root-causes** for each one of the problems mentioned above, relating to both regulatory and implementation failures (see Annex 1).

These together have resulted in an inadequate level of protection of the seas and oceans and GES not being achieved.

### **4.2 Objectives**

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<sup>14</sup> The 5 problem categories are also referred to as 'Problem Drivers' of the overall problem of GES not having been achieved

The overall objective for the revision will be to *contribute to a better protection of the marine environment*. This should be achieved through an **integrated framework** that is based on clear regulatory provisions and effective implementation mechanisms.

In this context, the following **specific objectives** have been defined:

1. Provide for clear objectives, operational targets and effective procedures;
2. Strengthen implementation and enforcement;
3. Improve regional cooperation and coordination;
4. Improve policy coherence;
5. Ensure effective data management.

Underpinning these are a range of **operational objectives** per objective, which to a large extent reflect the root causes of the different problems identified above.

The Commission services are currently working on a comprehensive **set of policy measures and options** to achieve each one of the objectives. The options will eventually have to be assessed on their economic, environmental and social impacts. This work will be undertaken in consultation with a wide range of stakeholders. *See the attached **Impact Assessment Framework in Annex 1** for an overview of the root causes of the five different problem drivers, as well as corresponding objectives and a preliminary list of options and measures to address the problems. **Annex 2** presents the corresponding figures.*

### **5. Indicative timeline**

An external support study contributing to the impact assessment, should be finalised by the end of the year (2022). Public consultation activities will be undertaken in 2<sup>nd</sup> and 3<sup>rd</sup> quarter of 2022. The Commission's draft impact assessment report will be submitted to the Regulatory Scrutiny Board for internal examination in February 2023. The draft Commission evaluation will be annexed to this report. Depending on the outcome of the impact assessment, this process should allow the Commission to submit a legislative proposal for a possible revision in the **second half of 2023**.

**Encl: Appendix 1 Overview table** of problem drivers, root-causes, specific and operational objectives, and preliminary options/measures ('IA Framework'); **Appendix 2 Figures/diagrams** presenting the problems, objectives, and options/measures for each operational objective (PPT presentation).

## Impact assessment MSFD Review (*version 23 May 2022*)

### Problems, Objectives and Policy Options/Measures

<b>Overall Problem and Specific Problems</b>
<p>Overall Problem: <b>EU marine waters are not in ‘Good Environmental Status’.</b> <i>Marine strategies have not resulted in overall improvement of the EU seas and ocean (across all descriptors, and have not sufficiently reduced pressures at sea; the Directive has not reached its full potential of ensuring <b>an eco-system based approach</b> to the protection of marine waters (Note: we can further illustrate this by making reference to a number of specific descriptors/pressures).</i></p> <p><b>Five Specific Problems</b> were identified, referred to as ‘<b>Problem Drivers</b>’ (PD): <b>PD1.</b> Regulatory framework missing clear objectives and operational targets <b>PD2.</b> Insufficient implementation <b>PD3.</b> Insufficient regional cooperation and coordination <b>PD4.</b> Insufficient coherence with other legislation and policies <b>PD5.</b> Inadequate data management: insufficient data quality, ineffective data collection/sharing and communication</p> <p>A list of <b>Root causes</b> has been identified for each PD (see the lists below)</p>
<b>Overall and Specific Objectives</b>
<p><b>Overall Objective:</b> <i>To contribute to better protection of the marine environment through an integrated framework that is based on clear regulatory provisions and effective implementation mechanisms</i></p> <p><b>Specific Objectives (SO)</b> have been set in relation to the five Problem Drivers. <b>SO1:</b> Provide for clear objectives, operational targets and effective procedures <b>SO2:</b> Improve implementation and enforcement mechanisms to ensure effective delivery <b>SO3:</b> Improve regional cooperation and coordination <b>SO4:</b> Improve policy coherence <b>SO5:</b> Improve data management: facilitate data collection, reduce reporting, and improve data use/communication</p>
<b>Operational Objectives have been identified for each SO. A series of policy sub-options (alternatives) and/or complementary measures have been identified for each Operational Objective.</b>

*1.1.1. Problem Driver 1: Inadequate regulatory framework missing clear objectives and operational targets*

<b>Root causes identified for PD 1</b>
<ol style="list-style-type: none"><li>1. Objectives unclear and lacking in adequate specificity.</li><li>2. Complexity of legislation: key definitions and concepts missing clarity, complex requirements for setting Threshold Values (TV).</li><li>3. Deadline for achieving Good Environmental Status of 2020 unrealistic.</li><li>4. No operational targets in the Directive (towards achieving GES): current environmental targets not sufficiently operational (set by MS) and not measurable.</li><li>5. GES determined at MS level.</li><li>6. Process for determining GES/TVs not clearly stated in the Directive.</li></ol>

<b>Specific Objectives and Operational Objectives</b>
<p><b>Specific Objective (SO1):</b> Provide for clear objectives, operational targets and effective procedures</p> <p><b>Operational Objective 1.1:</b> Clarify GES determination procedure to improve effectiveness and coherence</p> <p><b>Operational Objective 1.2:</b> Provide for environmental targets to improve effectiveness and harmonisation</p> <p><b>Operational Objective 1.3:</b> Provide for a set of realistic deadlines for the achievement of GES</p>

<b>PD 1: Inadequate regulatory framework, missing clear objectives and operational targets</b>	<b>Root Causes addressed<sup>15</sup></b>
<b><i>SO 1: Provide for clear objectives, operational targets and effective procedures</i></b>	
<b>Operational objective 1.1 Clarify GES determination procedure</b>	
<p><b>Sub-option 1:</b> GES TVs no longer defined at Member State level, but set jointly at <b>Union level:</b></p> <ul style="list-style-type: none"> <li>a. Provide for <b>Union level process</b> (under the Common implementation strategy - CIS) to define mandatory Threshold Values (TVs) for all Descriptors/Criteria</li> <li>b. Union level setting of mandatory <b>EU-wide TVs</b> and/or <b>Regional TVs</b></li> <li>c. Set mandatory deadlines for the determination of GES and TVs</li> <li>d. Include TVs in an Annex to the Directive (and provide for a review clause)</li> </ul>	
<p><b>Sub-option 2:</b> GES TVs no longer defined at Member State level, but set jointly at <b>Regional (or sub-regional) level:</b></p> <ul style="list-style-type: none"> <li>a. Provide for <b>Regional level process</b> (within the RSCs or specific regional groups) to set up TVs for all Descriptors/Criteria</li> <li>b. Regional level setting of mandatory (<b>Regional</b>) TVs (either through the RSC or in regional groups under the CIS)<sup>16</sup></li> <li>c. Set mandatory deadlines for determination of GES and TVs</li> <li>d. Include TVs in an Annex to the Directive (and provide for a review clause)</li> </ul>	
<p><b>Sub-option 3:</b> GES TVs remain being developed at <b>Member State level</b> (baseline: reflecting flexibility under the COM(2017) Decision), but procedure for adoption of quantified TVs will be clarified including corresponding adoption deadline(s) and their legal status:</p> <ul style="list-style-type: none"> <li>a. Define the notion of GES per Descriptor through changes to criteria and parameters in the 2017 COM Decision on GES and modification of the list of Descriptors in Annex I to the Directive</li> <li>b. Integrate the 2017 COM GES Decision in an Annex to the Directive</li> </ul>	

<sup>15</sup> This section will be completed once the list of root-causes is finalised

<sup>16</sup> This option is linked to the sub-options defined for sub-objective 3.1 (under SO3 – improve regional cooperation/coordination)



c. Set mandatory deadline for determination of GES and TVs d. Include TVs in an Annex to the Directive (and provide for a review clause)	
<b>Operational objective 1.2 Provide for environmental targets to improve effectiveness and harmonisation</b>	<b>Root Causes Addressed</b>
<b>Sub-option 1:</b> Provide for mandatory <b>EU-wide</b> environmental targets, including interim targets, for all descriptors (both pressure and state based descriptors)	
<b>Sub-option 2:</b> Provide for the development of <b>Regional</b> environmental targets, including interim targets, for all descriptors (both pressure and state based descriptors)	
<b>Sub-option 3:</b> Provide for mandatory <b>EU-wide</b> environmental targets, including interim targets, for all descriptors (only for pressure based descriptors)	
<b>Sub-option 4:</b> Provide for the development of <b>Regional</b> environmental targets, including interim targets, for all descriptors (only for pressure based descriptors)	
<b>Operational objective 1.3 Provide for a set of deadlines for the achievement of GES</b>	
<b>Sub-option 1:</b> Maintain the deadline to achieve <b>GES across all Descriptors</b> for all Member States by a certain deadline, e.g. 2030 (SDGs) or 2050 (Green Deal)	
<b>Sub-option 2:</b> No deadline to achieve GES	
<b>Operational objective 1.4 Provide for a set of deadlines for the achievement of GES environmental targets</b>	
Sub-option 1: Set <b>Union-wide</b> deadlines for the achievement of the <b>environmental targets</b>	
<b>Sub-option 2:</b> Set <b>Regional-level</b> deadlines for the achievement of the environmental targets	

*1.1.2. Problem Driver 2: Insufficient implementation*

<b>Root causes identified for PD 2 (Insufficient implementation)</b>
<ol style="list-style-type: none"> <li>1. Exceptions to the achievement of environment targets and/or GES are too broad</li> <li>2. Monitoring programmes only partially cover monitoring needs to measure progress towards GES</li> <li>3. Programmes of Measures only partially cover the pressures that need to be reduced, and measures focus on those required under existing legislation</li> <li>4. MSFD objectives not sufficiently integrated in funding</li> <li>5. Ecosystem-based approach not properly embedded in decision-making</li> </ol>
<b>Specific Objective and Operational Objectives</b>

**Specific Objective (SO2): Improve implementation and enforcement mechanisms to ensure effective delivery**

**Operational Objective 1:** Increase effectiveness of implementation by removing or limiting exceptions

**Operational Objective 2:** Clarify the use of the Ecosystem-based approach

**Operational Objective 3:** Improve the programmes of measures

**Operational Objective 4:** Improve and harmonise monitoring programmes

**Operational Objective 5:** Improve funding mechanisms

<b>PD 2: Insufficient implementation</b>	
<b><i>SO 2: Improve implementation and enforcement mechanisms to ensure effective delivery</i></b>	<b>Root Causes addressed</b>
<b>Operational objective 2.1 Increase effectiveness of implementation by removing or limiting exceptions</b>	
<b>Sub-option 1:</b> Limit the scope of exceptions for not achieving TVs or GES	
<b>Sub-option 2:</b> Remove the possibility for Member States to apply exceptions for not achieving TVs or GES	
<b>Operational objective 2.2 Clarify the use of the Ecosystem-based approach</b>	
<b>Sub-option 1:</b> Clearly define the concept of the Ecosystem-based (EBA) approach in a new article in the MSFD	
<b>Sub-option 2:</b> Provide COM guidance on the application of the EBA according to the current provision in the Directive Article 1 (3)	
<b>Sub-option 3:</b> Move away from EBA concept as currently provided for in the Directive and rely instead on implementing more clearly defined TVs	
<b>Operational objective 2.3 Improve the programmes of measures (PoMs)</b>	
<b>Sub-option 1:</b> Detail further the list of the type of measures to be adopted by MS currently in Annex VI of the Directive by providing a <b>toolbox</b> of measures, and require binding adoption of the PoMs by MS	
<b>Sub-option 2:</b> In addition to sub-option 1 above, provide for a series of mandatory measures per descriptor	
<b>Sub-option 3:</b> Require PoMs to be developed and implemented at Regional level, with binding adoption of the Regional PoMs by the MS concerned	
<b>Complementary measure:</b> Concretely link the measures to the achievement of determined/binding operational targets.	
<b>Operational objective 2.4 Improve and harmonise monitoring</b>	

<b>programmes</b>	
<b>Measure 1:</b> Close monitoring gaps and identify criteria and parameters to be monitored by refining Annex III and Annex V	
<b>Measure 2:</b> Include monitoring template in the Annexes to the Directive.	
<b>Measure 3:</b> Concretely link the monitoring to the achievement of determined/binding operational targets.	
<b>Sub-options (to be determined): any combination of the above three measures</b>	
<b>Operational objective 2.5 Improve funding mechanisms</b>	
<b>Sub-option 1:</b> Promote the use of existing EU funding mechanisms to support the MSFD through dedicated Commission guidance <b>Sub-option 2:</b> Insert procedure in the Directive for Member States to identify measures essential for Union co-financing and provide sufficient funds to ensure proper implementation ( <i>cf. Prioritised Action Frameworks under art. 8 HD</i> )	

1.1.3. *Problem Driver 3: Insufficient regional cooperation/coordination*

<b>Root causes identified under PD 3</b>
<ol style="list-style-type: none"> <li>1. Main implementation structures at regional level (i.e. the Regional Sea Conventions) are not EU structures/bodies.</li> <li>2. Relationship between the Directive (EU legal instrument) and the RSCs unclear: RSC remain separate mechanisms operating under a different legal regime than EU bodies/Directives.</li> <li>3. Non-EU membership of many of the RSC's signatories, leading to difficulties to achieve objectives and targets regionally and within individual Member States.</li> <li>4. Conflicting policy interests/agendas at national and EU level also reflected at regional level.</li> <li>5. Different environmental and geopolitical history/contexts in the marine regions: success of regional cooperation varies by geography.</li> <li>6. Member States not sufficiently working together to ensure a coherent and coordinated approach across marine regions</li> </ol>
<b>Specific Objective and Operational Objectives</b>
<p><b>Specific Objective (SO3):</b> Improve regional cooperation and coordination</p> <p><b>Operational Objective 1:</b> Boost regional cooperation in the development and implementation of the marine strategies</p> <p><b>Operational Objective 2:</b> Improve cooperation with non-EU countries in the same sea-basin</p>

<b>PD 3: Insufficient regional cooperation/coordination</b>	
<b>SO3: Improve regional cooperation and coordination</b>	<b>Root Causes addressed*</b>
<b>Operational objective 3.1: Boost regional cooperation in the implementation of the marine strategies</b>	
<b>Sub-option 1:</b> Set up (sub-) regional groups for MSFD implementation outside of	

RSCs and within the CIS.	
<b>Sub-option 2:</b> Formalise the rules governing the interactions between COM and RSCs, describing the exact roles.	
<b>Operational objective 3.2: Improve cooperation with non-EU countries in the same sea-basin</b>	
<b>Sub-option 1:</b> <i>[to be defined further]</i>	
<b>Sub-option 2:</b> Promote further use of existing EU mechanisms (e.g. Interreg) to bring together EU (and non-EU) MS to work together on implementation of marine strategies	

*1.1.4. Problem Driver 4: Insufficient coherence with other legislation and policies*

<b>Root causes identified under PD 4</b>
<ol style="list-style-type: none"> <li>1. Ambiguities and overlaps in scope and provisions between MSFD and related legislation lead to a duplication in reporting and potential gaps.</li> <li>2. Inconsistencies and overlaps with WFD: geographic scope, reporting timeline, pressures.</li> <li>3. Inconsistencies with Nature Directives: reporting cycle.</li> <li>4. Growing trends/pressures not well integrated (maritime transport, generation of renewable energy, climate change)</li> <li>5. Climate change impacts not integrated in MSFD monitoring and assessments.</li> <li>6. Insufficient allocation of EU funding to MSFD measures.</li> <li>7. Descriptors not aligned with UN indicators for SDG14.</li> <li>8. Conflicting policy interests/agendas at national and EU level. National and EU administrations working in silos.</li> </ol>
<b>Specific Objective and Operational Objectives</b>
<p><b>Specific Objective (SO4):</b> Improve policy coherence</p> <p><b>Operational Objective 4.1:</b> Align and promote MSFD provisions and objectives within relevant EU legislation</p> <p><b>Operational Objective 4.2:</b> Improve cooperation between competent authorities</p> <p><b>Operational Objective 4.3:</b> Incorporate climate change impacts in the Directive</p>

<b>PD 4: Insufficient coherence with other legislation relevant to protection and management of the marine environment</b>	<b>Root Causes addressed</b>
<b>SO4: Improve policy coherence</b>	
<b>Operational objective 4.1 Align and promote MSFD provisions and objectives within relevant EU environmental legislation</b>	
<p><b>Measures:</b> Technical alignment with relevant EU <b>environmental legislation</b>, i.e. the WFD and BHD, and EIA/SEA Directives (adopting all/one of the possible measures below:</p> <ol style="list-style-type: none"> <li>a. Amend MSFD reporting cycle to align with WFD and BHD</li> <li>b. Update guidance/lists</li> </ol>	

<ul style="list-style-type: none"> <li>c. Align pressures (descriptors)</li> <li>d. Amend geographic scope</li> <li>e. Amend MSFD definitions</li> <li>f. Linking MSFD clearly to the EIA/SEA Directives</li> </ul>	
<p><b>Operational objective 4.2 Align and promote MSFD provisions and objectives within relevant EU maritime legislation</b></p>	
<p><b>Measures:</b> Alignment with relevant EU maritime legislation, including:</p> <ul style="list-style-type: none"> <li>a) Alignment with <b>Maritime Spatial Planning Directive</b>: scope, objectives and timelines</li> <li>b) Improve the protection of MPAs against negative impacts from fishing, through an amendment of Article 15 in conjunction with art. 13(4) MSFD</li> <li>c) Establish consolidated links with EU legislation addressing individual pressures (SUPD for litter, Offshore safety directive for oil &amp; gas, including decommissioning)</li> </ul>	
<p><b>Operational objective 4.2 Improve cooperation between competent authorities</b></p>	
<p>Measure: Provide for strict requirement in the Directive for interdepartmental cooperation at Member State level/ or division of responsibilities<sup>17</sup></p> <p><i>[sub-options to be defined]</i></p>	
<p><b>Operational objective 4.3 Incorporate climate change impacts in the Directive</b></p>	
<p><b>Sub-option 1:</b> Create a new descriptor addressing climate change</p>	
<p><b>Sub-option 2:</b> Include climate change in the list of pressures (Annex III) and more thoroughly integrate it into existing descriptors (e.g. D7)</p>	
<p><b>Complementary measure:</b> Provide COM guidance on the integration of climate impacts during development of marine strategies, including within EIA and SEA)</p>	

*1.1.5. Problem Driver 5: Inadequate data management: insufficient data quality, ineffective data collection/sharing and communication*

<p>1.1.5.1. Root causes identified under PD 5</p>
<ol style="list-style-type: none"> <li>1. Large amount of data to be collected and assessed under current MSFD</li> <li>2. Data gaps remain (especially for less mature Descriptors)</li> <li>3. Data collection not harmonised/standardised across Member State, administrations and policy frameworks (making it difficult to compare data)</li> <li>4. Complexity of data infrastructures at national and EU levels</li> <li>5. Lack of harmonised/ standardised methods for monitoring and assessment (individual and cumulative)</li> <li>6. Reporting requirements not effectively linked to enforcement and communication needs</li> <li>7. Public access to data is limited, affecting public participation in the marine</li> </ol>

<sup>17</sup> Would this pass the subsidiarity test in view of the MSFD being a Directive

<p>strategies</p> <p>8. Insufficient monitoring</p>
<p><b>Specific Objective (SO5): <i>Improve data management: facilitate data collection, reduce reporting, and improve data use/communication</i></b></p> <p><b>Operational Objective 5.1:</b> Reduce and facilitate MSFD reporting</p> <p><b>Operational Objective 5.2:</b> Improve communication and transparency</p>

<b>PD 5: Inadequate data management: data quality, data collection/sharing, and communication</b>	<b>Root Causes addressed*</b>
<i>SO5: Improve data management: facilitate data collection, reduce reporting, and improve data use and communication</i>	
<b>Operational objective 5.1 Reduce and facilitate MSFD data use for knowledge building</b>	
<b>Sub-option 1:</b> COM/EEA to harvest data needed from national databases to produce assessments	
<b>Sub-option 2:</b> COM/EEA to produce assessments based on raw data reported by MS in a central repository (Reportnet)	
<b>Complementary measure:</b> Provide for continuous reporting for Article 8 assessments and monitoring instead of cyclical reporting	
<b>Operational objective 5.2 Reduce and facilitate MSFD data use data for compliance control</b>	
<b>Measure:</b> Remove/lessen the obligation to report on monitoring programmes	
<b>Measure:</b> Lessen the reporting obligations for the PoMs	
<b>Measure:</b> Strengthen the reporting obligation on the environmental targets (progress towards and achievement of targets)	
<b>Measure:</b> Update and specify technical and digitalisation requirements (mandate e-reporting) in line with INSPIRE Directive, and provide for marine reporting units	
<b>Sub-options (to be determined): any combination of the above four measures</b>	
<b>Operational objective 5.3: Improve data use for communication and transparency</b>	
<b>Measure:</b> Provide for high-level proxies to monitor progress and communicate on progress/results: i.e. a limited set of indicators to be monitored and reported to a wide audience, showing progress towards GES	
<b>Measure:</b> Improve communication to the public and transparency of reported information through awareness campaigns	
<b>Measure :</b> Strengthen requirements for public consultation by Member States on Assessments and GES determination, monitoring programmes and PoMs	
<b>Sub-options (to be determined): any combination of the above three measures</b>	

