



## **Marine Strategy Framework Directive (MSFD)**

### ***Common Implementation Strategy***

#### **Practical arrangements for conducting meetings under the RULES OF PROCEDURE for the Marine Strategy Coordination Group**

[Version, 07/05/2013]

#### **1. Introduction**

The Marine Strategy Coordination Group (MSCG) adopted its new Rules of Procedures (RoP)<sup>1</sup> on 4 February 2013. The practical arrangements do not amend the RoPs but rather explain and illustrate their practical implementation. These practical arrangements are endorsed by the Chairperson of the MSCG and are a living document which will be amended as necessary.

#### **2. Various MSCG documents**

One of the main roles of the MSCG is to give its agreement, guidance and or advice (called "opinions" in Article 6 RoPs) on the various issues set out in article 1 of the rules of procedure. This happens for example through the CIS work programme, guidance documents, technical reports, workshop reports etc. In addition, the MSCG may be asked to give its opinion on formal documents prepared by the Commission, such as draft delegated acts or draft decisions presented to the MSFD Committee.

In practice, documents for the meeting can be divided into, at least, the following types:

1. Documents for opinions (in accordance with article 6);
2. Documents for discussion (not falling under article 6), for example draft documents at a preparatory stage or documents to initiate and facilitate the discussion (such as non-papers, concept papers etc).
3. Documents for information (not falling under article 6).

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<sup>1</sup> <https://circabc.europa.eu/w/browse/3cdbf5a0-c688-4b3c-b983-89e4ab192217>

### 3. Adopting MSCG opinions according to article 6

According to article 6, the MSCG's opinions can take different forms:

- An "opinion", which outlines the view of the MSCG on a document which is not to be adopted by the MSCG (e.g. a draft delegated act).
- A "recommendation" is addressed by the MSCG to a third party (e.g. the RSCs) and can be based -or not- on a specific document.
- A "report" is a document adopted by the MSCG (e.g. a guidance document or a work programme or the summary minutes of the meeting).

Such deliverables will be presented in the form of a final draft with the clear indication (also in the draft agenda) that a formal opinion in accordance to article 6 is sought by the MSCG.

Formal opinions in accordance with article 6 will be relatively rare (one or two per meeting on average) and most of the work and the meetings of the MSCG will be discussions of operational nature which fall outside the scope of article 6.

### 4. Agreeing on and considering other documents

All discussions and comments of the MSCG in the earlier stages of preparing formal opinions according to article 6, e.g. on earlier versions of drafts, are not considered final opinions in accordance with Article 6 but are dealt with as operational discussions and conclusions which will be reflected in the summary record of the meeting (see below) and in subsequent iterations of the draft.

Likewise, the MSCG may or may not draw conclusions from the debate stemming from discussion or information papers and reflect these in the draft minutes. Whenever relevant, the suggested draft conclusions for the summary minutes will be shared in advance on the cover page of a document sent to the MSCG for discussion or information (see the outline of a cover page in Annex 1).

These discussions will be recorded in the summary minutes of the meeting according to article 9). To facilitate the preparation of the meeting, all documents will be listed in an overview and will have a cover page using the template enclosed in Annex 1.

### 5. Summary minutes

As set out in article 9 of the RoPs, "summary minutes on the discussion on each point of the agenda and the opinions delivered by the group shall be drafted by the Commission". Draft summary minutes will be prepared shortly after the meeting. The draft minutes will be structured according to the agenda and contain where relevant the following information per agenda item:

- "introduction": setting out the information provided in the beginning of the agenda item (e.g. reference to documents, presentations, introductory remarks of the Chairperson),

- "discussion": summarising in general the overall discussion taking into account that *"the minutes shall not mention the individual position of participants during the group's deliberations."* If individual or minority views are being expressed in the discussion part, it will be referred to as "one member / observer" or "some members / observers".
- "conclusions": drawing the necessary conclusions from the discussion and the summarising the opinions given by the group. The Chairperson draws draft conclusions during the meeting (either orally or in writing, possibly using the visual aids to display draft conclusions prepared during the meeting). These draft conclusions can be commented by the members and observers and will be added to the draft minutes being subject to the usual approval process as described below.

The summary minutes may be adopted as a report in accordance with article 6, at the meeting itself or via written procedure as described under article 8. As specified in article 6, the group shall adopt its reports by consensus as far as possible, and the chair will actively seek such a consensus.

Since Article 6, starts with "as far as possible", whether to respect . However, such situations should ideally be the exception.

## 6. Deadlines for circulation

Article 5 states that the Commission shall send documents no later than ten working days before the date of the meeting. Article 5 only applies to formal opinions according to article 6, nevertheless, in order to facilitate preparation of the MSCG, the Chairperson will urge all those who prepare documents for the meeting to respect a 10 days deadline for all types of documents.

For formal opinions, the deadline set by Article 5 implies that ten days is a sufficient circulation period and to allow MSCG members to come prepared to take a final decision at MSCG.

In most cases anyway, the documents for opinion will have been prepared and consulted well in advance before the final opinion in accordance to Article 6 will be requested

To facilitate the preparation of the meeting, all documents will be listed in an overview and will have a cover page (see template in Annex 1).

## 7. Terminology for decision making

Decision making by the MSCG will either be through opinions in accordance with Article 6 or (draft) conclusions as part of the summary minutes (see above). In this context, the following terminology will be used in most cases, in particular:

- "The MSCG takes note or welcomes...": this refers to information provided where the MSCG is expected to confirm that it has received this information.
- "The MSCG endorses or agrees ...": this terminology will be used for (draft) conclusion not referring to article 6.

- "The MSCG adopts...": this terminology will be used for opinions given in accordance to Article 6 to differentiate from other conclusions (see above).
- "The MSCG invites...": this refers mainly to actions or request to "third parties", e.g. the Commission, the Marine Directors, the Working Groups or other addressees which need to be specified.

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| <b>TEMPLATE FOR COVER PAGES OF ALL MEETING DOCUMENTS FOR THE<br/>MARINE STRATEGY COORDINATION GROUP</b> |
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**Marine Strategy Framework Directive (MSFD)**

***Common Implementation Strategy***

**[xxx] Meeting of the Marine Strategy Coordination Group (MSCG)**

[Meeting location]

[Meeting date and time]

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|----------------|---|
| Agenda item:   | XXX   |
| Document:      | MSCG [meeting number/year/document number]                                  |
| <b>Title:</b>  | <b>[Title]</b>  |
| Prepared by:   | [author]  |
| Date prepared: | [date]  |
| Background     | [explanatory text including history of the file and procedure, if relevant] |

**The Members of the MSCG are invited to:**

- a. [Take note / discuss / comment]
- b. [Endorse / adopt / agree / invite]
- c. [Follow up / send comments / follow up by Commission, Marine Directors, WGs, etc]

**[Optional] The Members of the MSCG are invited to consider the following draft conclusions:**

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| [text which will be displayed and, if necessary amended, during the meeting and then added as draft conclusions into the draft summary minutes] |
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