



COMMISSION SUB-EXPERT GROUP ON MARINE ISSUES UNDER THE NATURE DIRECTIVES
SUB-GROUP TO THE INFORMAL COMMISSION EXPERT GROUP “EU BIODIVERSITY PLATFORM”
TERMS OF REFERENCE

1. BACKGROUND

The Birds (BD) and Habitats (HD) Directives (BHD) aim to safeguard biodiversity in the EU through the conservation of natural habitats and wild fauna and flora. The Directives created the Natura 2000 network of protected areas, comprising special areas of conservation under the HD and special protection areas under the BD, which need to be effectively managed to make a significant contribution to the Directives’ objectives.

The sub-group ”Marine Expert Group” (MEG) under the BHD was established in 2003 to support the implementation of the Directives in the marine environment.

The MEG first focused on facilitating the process of designation of marine Natura 2000 sites, for example through the development of the “Guidelines for the establishment of the Natura 2000 network in the marine environment”, which were published in 2007. Then it continued to provide a platform for the exchange of ideas and information on the management of marine Natura 2000 sites.

The Nature and Marine directors of the Member States have supported an integrated approach for the implementation of the EU biodiversity, nature, water and marine policies. They called for further cooperation on fisheries measures and their integration in the common fisheries policy (CFP), on the designation and management of marine protected areas under the BHD and the Marine Strategy Framework Directive (MSFD) and on streamlining of reporting under the BHD and the MSFD. At their meeting in September 2012, the Nature Directors acknowledged the important work of the group and suggested its mandate should be sufficiently broad to cover these aspects.

In 2020, the Commission adopted a new Biodiversity strategy for 2030 with ambitious commitments to protect and restore nature, including in the marine environment. Therefore, there is a need to discuss the designation and management of a wider network of marine protected areas, marine restoration and other marine relevant commitments in the Strategy linked to the implementation of the BHD.

In order to reflect the new situation and the MEGs’ additional tasks in relation to the Biodiversity Strategy, it is necessary to define more clearly the terms of reference for the future work of the MEG as a sub-group of the “EU Biodiversity Platform” (EUBP) under the BHD. The EUBP is the successor of the Coordination Group on Nature and Biodiversity (CGBN).

For any aspect not explicitly mentioned in these terms of reference, the sub-group shall operate in compliance with the terms of reference and rules of procedure of the EUBP and the Commission's horizontal rules on expert groups ('the horizontal rules')¹. As a sub-group, the MEG shall, besides the relevant committees under the BHD and the sub-Expert Group on the Nature Directives (NADEG), report to the EUBP.

2. TASKS

The MEG's tasks shall be:

- (a) to establish cooperation and coordination between the Commission, Member States and stakeholders on questions relating to the implementation of Union legislation, programmes and policies in the field of nature and biodiversity for the marine environment,
- (b) to facilitate the exchange of experience and good practice in the fields of:
 - i) designation and management of marine Natura 2000 sites (e.g. progress in designation and effective management of sites within the biogeographical regions, reviewing/providing relevant guidance and case studies, reviewing funding possibilities, etc.),
 - ii) synergies between the BHD and the MSFD (e.g. coherence between marine Natura 2000 designations and requirements for marine protected areas (MPAs) under the MSFD, facilitating the use of BHD monitoring data for the assessment of Good Environmental Status (GES) under the MSFD, streamlining reporting under the BHD and the MSFD, exchange of information and expertise on the management of MPAs under the MSFD, contribution of favourable conservation status (FCS) of habitats and species to the GES, etc.),
 - iii) management of fishing and other human activities in accordance with the BHD (e.g. monitoring/assessing the effects of activities on marine BHD species and habitats, measures taken by Member States to reduce these effects, including best practice examples, and reviewing relevant guidance and case studies, etc.), and
 - iv) implementation of the Biodiversity Strategy for 2030 – marine relevant commitments (e.g. additional designation and effective management of MPAs, bycatch of protected species, restoration of marine biodiversity, etc.).

3. MEMBERSHIP

1. The sub-group shall be composed of maximum 60 members.
2. Members shall be Member States' authorities, [27], organisations (including companies, associations, non-governmental organisations, trade unions, universities, research institutes, law firms and consultancies) [not more than 20], and other public entities (such as third countries' authorities, including candidate countries' authorities, Union bodies, offices or agencies and international organisations) [not more than 13].
3. Member States' authorities, organisations and other public entities shall nominate their representatives and shall be responsible for ensuring that their representatives provide a

¹ C(2016) 3301.

high level of expertise. The Directorate-General for the Environment (DG ENV) may refuse the nomination by an organisation of a representative if it considers this nomination inappropriate in the light of the requirements specified in the call for applications. In such case, the organisation concerned shall be asked to appoint another representative.

4. Members who are no longer capable of contributing effectively to the sub-group's deliberations, who, in the opinion of DG ENV, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the sub-group and may be replaced for the remainder of their term of office.

4. SELECTION PROCESS

The members of the sub-group are also members of the main expert group "EU Biodiversity Platform" to which the sub-group reports. Those members were appointed as a result of the "Call for applications for the selection of members of the Expert Group "EU Biodiversity Platform" (EUBP)" (22/01/22-18/02/22, Expert Group Register Code 334).

5. OPERATION

1. The group shall be chaired by DG ENV. Discussion on specific themes can be co-chaired by representatives from Member States.
2. The working language shall be English.
3. Meetings of the group shall be held on Commission premises in Brussels or on line, depending on the circumstances, on average once a year or more often as needed.
4. For the distribution of papers and presentations, a public CIRCA-platform site² is used.

Done in Brussels, on 28 March 2022.

² [marine_n2000 - Library \(europa.eu\)](https://marine.n2000-library.europa.eu)