

OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic

Meeting of the Coordination Group (CoG)

London (Secretariat): 26-27 October 2011

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## Progress on regional coordination of the implementation of the MSFD

Presented by the Secretariat

**CoG is invited to note the state of play of regional coordination of MSFD implementation and review advice from ICG MSFD on progress of OSPAR subsidiary bodies on GES related work.**

### Background

*Guidance work agreed by CoG(1)2011 and OSPAR 2011*

1. CoG(1) 2011 in May agreed on specific priorities for further work on individual descriptors in the period up to December 2011 as summarised at **Annex 1**. CoG also concluded on general arrangements for intersessional work in 2011 (CoG(1) 2011 Summary Record, §3.15), including that, as a priority, OSPAR subsidiary bodies should finalise the GES advice documents by December 2011.
2. OSPAR 2011 in June endorsed the conclusions from CoG and agreed on additional work on individual descriptors as summarised at **Annex 1**. Drawing on conclusions of CoG, OSPAR also agreed on general arrangements for regional coordination work in the period up to December 2011 as at **Annex 2**.

*Considerations and advice from ICG MSFD(3) 2011*

3. ICG MSFD(3) 2011 in September primarily focussed on reviewing progress by Contracting Parties in coordination of the GES determination, targets and indicators as agreed by CoG 2010 through the ICG MSFD terms of reference (CoG(2) 11/3/Info.1). The following report follows the structure of the final report of ICG MSFD(3) 2011, which is available at the OSPAR website.
4. The content of the advice material on the various descriptors is summarised in **Annex 3** which has been updated by the Secretariat and the ICG MSFD Chair following ICG MSFD(3) 2011.

### Regional Coordination of the implementation of the MSFD

5. In reviewing progress of OSPAR work related to the implementation of the MSFD, ICG MSFD(3) 2011 considered the following specific issues around progress on coordination.

*Coordination on national approaches to Descriptors 1, 2, 4, and 6*

6. ICG MSFD noted arrangements in place for the Netherlands to host an OSPAR Workshop on MSFD Descriptors 1,2,4 and 6 (2-4 November 2011) (ICG MSFD(3) 11/3/3). In discussion, the following points were noted:

- a. a preparatory team, consisting of ICG COBAM participants, had been set up to organise the Workshop, which will be conducted under the lead of ICG MSFD;

- b. preparatory work for the Workshop was underway, including the development of an inventory of national sets of species and habitats and related GES targets and indicators for Descriptors 1,2,4 and 6. The completion of this inventory should be a priority prior to the Workshop;
  - c. the Workshop should focus on facilitating (sub)regional coordination of nationally selected indicator species and habitats, as well as targets for Descriptors 1,2,4 and 6;
  - d. OSPAR work on the development of an EcoQO on seabird population trends should inform the preparatory material for the Workshop;
  - e. linkages with HELCOM work on biodiversity Descriptors should be explored in preparation for the Workshop;
  - f. participation in the Workshop by national policy leads on MSFD, as well as experts in marine biodiversity involved in the implementation of the MSFD, should be particularly encouraged.
7. ICG MSFD welcomed arrangements made in preparation for the OSPAR Workshop on MSFD biodiversity Descriptors and based on discussion, agreed:
- a. to invite Contracting Parties to submit their comments on the updated terms of reference of the OSPAR Workshop (ICG MSFD(3) 11/3/3, Annex 1) to the lead of the Workshop preparatory team Lisette Enserink by 30 September 2011 at the latest;
  - b. to welcome the offer of the United Kingdom through Kylie Bamford to liaise with the Workshop preparatory team to feed any other ICG MSFD comments into the team in preparation for the Workshop.
  - c. **to advise CoG(2) 2011 that:**
    - i. **the scope of work of the OSPAR Workshop should be expanded to include GES Descriptor 2 (non-indigenous species);**
    - ii. **a separate session should be scheduled to deal with Descriptor 2 within the framework of the Workshop;**
    - iii. **participation of HELCOM in the Workshop should be explored in order to take advantage of on-going HELCOM work on biodiversity Descriptors.** The Secretariat in cooperation with the lead of the Workshop preparatory team Lisette Enserink to explore this possibility.

*Coordination on national approaches to Descriptors other than 1, 2, 4, and 6*

8. ICG MSFD noted that while a process was in place for Contracting Parties to share information on national definitions of GES, targets and indicators for Descriptors 1, 2, 4 and 6 through the OSPAR Workshop described above (cf §§5-6), for all other Descriptors no formal process was in place for Contracting Parties to share the same information, although OSPAR 2011 proposed that ICG ML should make this a priority for Descriptor 10 and ICG MSFD should consider this for Descriptor 7.
9. In the discussion ICG MSFD noted the following main views:
- a. although the development of MSFD targets is the responsibility of individual countries rather than Regional Sea Conventions, OSPAR has a major role to play when it comes to coordination, since Member States are requested to use Regional Sea Conventions to ensure the coordinated development of strategies for each marine region. OSPAR should therefore continue its efforts in order to find opportunities for regional coordination as far as possible in the limited time period;
  - b. there was still time to share information on Descriptors other than 1, 2, 4 and 6, including options such as a workshop, written procedures, bilateral interaction or using the next ICG MSFD meeting in December as a platform to share the relevant information;

- c. coordination on national approaches to Descriptor 8 was a priority in the period up to December 2011, in particular as regards oil. As a result, the Netherlands and the United Kingdom are co-leading a small preparatory group to feed relevant information into MIME 2011 (5-9 December 2011);
  - d. in determining GES, Contracting Parties had adopted different perspectives, some of them with a qualitative approach and others a quantitative one. It was not without difficulties to converge both perspectives;
  - e. OSPAR EcoQO on seabird population trends should be taken into account by Contracting Parties when adopted.
10. Based on discussion ICG MSFD agreed:
- a. to invite the Netherlands and the United Kingdom, as co-leaders of the small preparatory group working on oil-related issues with regards to Descriptor 8, to report to the next ICG MSFD meeting on MIME 2011 conclusions on this issue;
  - b. **to advise CoG(2) 2011:**
    - i. on the state of regional coordination of the implementation of the MSFD to be updated by the Secretariat;
    - ii. **that the next ICG MSFD meeting should be mainly used as a forum for sharing information on national definitions of GES, targets and indicators for Descriptors 3, 5, 7, 8, 9, 10 and 11.** A small preparatory group led by the United Kingdom will put in place the necessary intersessional arrangements to take this forward.

*Descriptor 3 (commercial fish and shellfish)*

11. ICES presented the main outcomes of its Workshop on GES Descriptor 3, which took place on 5-7 July 2011 (ICG MSFD(3) 11/3/4). Main conclusions of the ICES Workshop included a roadmap for further work to be carried out in preparation for a 2<sup>nd</sup> ICES Workshop, scheduled for 5-7 October 2011.
12. ICG MSFD welcomed the ICES report and noted the following main views in discussion:
- a. there was some reservation on how the advice by ICES would be taken up nationally;
  - b. ICES advice should be made available to EU WG GES in order to check appropriateness of the advice not to interfere with fisheries management;
  - c. there were a number of issues in the ICES advice that would require further clarification including for example the use of FMSY as reference indicator on fishing mortality or the threshold for inclusion of species.
13. Following discussion and noting that the forthcoming ICES 2nd Workshop (5-7 October 2011) would provide ICES with the opportunity to address ICG MSFD comments, ICG MSFD agreed:
- a. to invite Contracting Parties to send their comments on the ICES report (ICG MSFD(3) 1/3/4) to ICES representative Eugene Nixon by 30 September 2011 at the latest;
  - b. to invite ICES to report on the outcomes of its 2<sup>nd</sup> Workshop to the next ICG MSFD meeting;
  - c. to ask the Secretariat to explore the possibility of DG MARE to attend next ICG MSFD meeting.

*Descriptor 7 (hydrographical conditions)*

14. The Netherlands presented the draft advice document for Descriptor 7, as updated following OSPAR 2011, including short, medium and long term proposals for taking forward regional coordination work on this Descriptor (ICG MSFD(3) 11/3/2 and 11/3/Info.5). Since it did not seem to be a significant priority in the short-term, no further work on Descriptor 7 is recommended up to EIHA 2012 beyond Contracting Parties

continuing to use ICG MSFD as a forum for exchanging information on their approaches for defining GES and developing targets and indicators for this Descriptor. In the medium-term, future arrangements were proposed through EIHA 2012, addressing the establishment of a possible ICG-hydrological conditions with terms of reference that set out the tasks to be undertaken in the period up to OSPAR 2013. In the long-term, it is suggested that OSPAR should continue to address the spatial and temporal cumulative effects of different activities on hydrographical conditions.

15. ICG MSFD noted the following main points in the ensuing discussion:

- a. Descriptor 7 is meant to address new developments, large-scale developments and permanent alterations;
- b. Descriptor 7 was related to planned activities that will have to fulfil EIA requirements. For some Contracting Parties it was not clear enough how references to this Descriptor in their EIA legislation had to be addressed;
- c. there was a need to clarify the exact meaning of the terms “minimum” and “significant” as regards impacts by human activities on hydrographical conditions;
- d. the obstruction of bird migration routes and collision risks with offshore wind pylons were not adequately captured under any Descriptors. Divergent views were expressed as to the most suitable Descriptor for covering these impacts (i.e. Descriptor 1 or Descriptor 7 ), with pros and cons for both sides;
- e. in the view of some Contracting Parties there was not a strong link between the proposed targets and the criteria set out in the 2010 Commission Decision on criteria and methodological standards on GES on marine waters;
- f. hydrographical conditions covered under the MSFD and the WFD were not entirely comparable;
- g. closer coordination between Descriptor 7 and Descriptor 5 (eutrophication) should also be considered;
- h. §6 of the advice document should be further refined, keeping in mind that the leaving in place of disused offshore installations, either wholly or partly, is prohibited within the OSPAR maritime area (OSPAR Decision 98/3 on the disposal of disused offshore installations);
- i. the importance of the Strategic Environmental Assessment in relation to Descriptor 7 should be stressed in the advice document;
- j. a decision should be made on the most appropriate scale for assessing Descriptor 7 (i.e. EUNIS level 3 or 4);
- k. the quantitative approach taken by Belgium as to Descriptor 7 might inform on-going work in other Contracting Parties.

16. Based on discussion, ICG MSFD agreed:

- a. **to advise CoG(2) 2011 that the most appropriate scale for assessing Descriptor 7 was EUNIS level 3.**
- b. to invite:
  - i. Contracting Parties to send their comments on the advice document on GES Descriptor 7 (ICG MSFD(3) 11/3/2) to the Chair of EIHA Lex Oosterbaan by 30 September 2011 at the latest;
  - ii. the Netherlands to finalise the document based on the comments received for consideration by ICG MSFD(4) 2011;

- iii. Belgium to make available to ICG MSFD members information on its quantitative approach to Descriptor 7 through the basecamp forum.

#### *Geographic assessment scales*

17. ICG MSFD noted that discussion on geographic assessment scales, in relation to setting targets and indicators for GES Descriptors, was still on-going and re-stated that need for coordination on the topic had become more urgent (ICG MSFD(3) 11/3/1). In a short discussion, it was mentioned that focus on point source concentration effects should be avoided when working on assessment scales for Descriptor 8 and that geographic assessment scales issues should not be addressed in a generic way, but specific to each Descriptor.

18. ICG MSFD agreed:

- a. **to advise CoG(2) 2011 that the question of geographic assessment scales should be reviewed at the next ICG MSFD meeting;**
- b. to invite Germany, with the assistance of the UK, to prepare a discussion paper on geographic assessment scales for the next ICG MSFD meeting.

#### *HELCOM/OSPAR Workshop on MSFD coordination*

19. Sweden presented draft terms of reference for an interregional HELCOM/OSPAR Workshop for developing common principles for comprehensive assessment of GES (ICG MSFD(3) 11/3/6). The Workshop is scheduled for 28-29 November 2011. In the discussion, there was some reservation over the timing of the Workshop as it might put its success at risk if Contracting Parties had not sufficiently advanced their work. It was suggested that the Workshop should be postponed until the 2nd half of 2012, in order to allow Contracting Parties to take best advantage of its outcomes. It was also mentioned that on-going work in EU WG GES on the development of a common understating of Articles 8, 9 and 10 of the MSFD should inform the future Workshop. Based on discussion, ICG MSFD agreed **to advise COG(2) 2011 that the joint HELCOM/OSPAR Workshop on MSFD coordination should be postponed until the 2<sup>nd</sup> half of 2012.**

#### *Initial Assessment coordination*

20. ICG MSFD recalled that CoG(1)2011 had re-instated its terms of reference for the period 2011/2012, which included the task to facilitate the coordination in relation to the initial assessment. In a short discussion, it was pointed out that OSPAR Quality Status Report 2010 together with its underlying assessment reports provided the basis for coordination of national initial assessments across the North-East Atlantic and that Contracting Parties were able to refer to these OSPAR products in their national initial assessments. It was also noted that the best way to identify issues on coordination in relation to the initial assessment was through bilateral consultations, and that, if issues are identified, ICG MSFD should be informed. Based on the discussion, ICG MSFD agreed to invite:

- a. **the United Kingdom to further elaborate on the above approach and present a discussion paper for CoG(2) 2011;**
- b. the **Secretariat to submit the discussion paper prepared by the United Kingdom to ICG MSFD for endorsement before its presentation to CoG(2) 2011.**

21. This is further reported in CoG(2) 11/3/3.

#### **Summary**

22. The following key points summarise the paragraphs above:

- a. The relevant OSPAR Committees and intersessional groups have produced guidance on approaches to defining GES and setting targets and indicators for Descriptors 1, 2, 4, 5, 6, 7, 8, 10 and 11;



- b. The advice document for Descriptors 1, 2, 4 and 6 and the advice documents for Descriptors 5 and 8 (including 9) have been agreed by ICG-MSFD, CoG and the OSPAR Commission and have been shared with other EU countries via CIRCA;
- c. The remaining advice documents will be finalised between now and December 2011 and will be shared with other EU countries once they have been agreed by ICG-MSFD;
- d. ICES is taking forward scientific work to underpin methodologies for determining GES and target setting for D 3 and to provide input on fisheries aspects to D 1, 4 and 6. An ICES Workshop is scheduled for 5-7 October 2011 and results will be reported to ICG MSFD in December;
- e. An OSPAR workshop will be taking place on 2-4 November 2011 to support the process of coordinating national approaches to defining GES and setting targets and indicators for Descriptors 1, 2, 4 and 6;
- f. The ICG-MSFD meeting in on 14 December 2011 will be used to share information and coordinate national approaches to defining GES and setting targets and indicators for the remaining Descriptors (D 3, 5, 7, 8, 9, 10 and 11).





### Action requested

23. CoG is invited:

- a. to note progress on regional coordination of the MSFD;
- b. to consider the specific advice of ICG MSFD(3) 2011 at §§ 7, 10, 16, 18, 19, and 20 above and conclude on the advised actions and any other actions needed to take regional coordination forward.

## Overview of the state of play of advice documentation for GES descriptors

Descriptors	Advice documents (reference or embedded)	Specific priorities and guidance of work in period up to December 2011 agreed by CoG(1) 2011	Additional specific priorities and guidance of work in period up to December 2011 agreed by OSPAR 2011
D 1, 4, 6 (biodiversity, food web, seafloor integrity)	 2001_D01-2-4-6_draft_advice_manual.doc	<p>ICG COBAM</p> <ul style="list-style-type: none"> <li>- Priority to finalise advice on methodological approaches, including: articulation of links between D 1, 4 and 6; criteria for prioritising or selecting areas (e.g. pressure thresholds) to allow assumptions for GES in areas with limited human activities and associated pressures; integration of pressures (and impacts)</li> <li>- Clarify gaps in pressure and impact work and advise OSPAR 2011 on arrangements as necessary, e.g. a workshop in early autumn 2011, to help integration of pressure work with ICG COBAM work</li> <li>- Shift emphasis of work to coordination of practical application of the advice ICG-C</li> <li>- Revisit agenda to address identified gaps in pressure related work (and, probably less feasible, in impact related work)</li> </ul>	<p>ICG COBAM</p> <ul style="list-style-type: none"> <li>- Identify a common set of species at OSPAR regional and sub-regional level as basis for a consolidated list of species acting as indicators for the biodiversity related descriptors</li> <li>- Inclusion of an up-front summary table to indicate status of regional coordination for the various biodiversity descriptors</li> <li>- Continued work on the practical application of scales</li> <li>- Inclusion of target setting for biodiversity associated with the risk of collision for seabirds and migrating birds with structures that extent above sea level</li> <li>- No feasible to hold a workshop on pressure and state linkages before December 2011</li> </ul>
D 2 (non-indigenous species)	Included in D 1, 4, 6	<ul style="list-style-type: none"> <li>- Efforts to improve prevention of the introduction of non-indigenous species is the main tool for achieving GES and efforts should concentrate on the pressure side/measures</li> <li>- while pressure-related work is important, additional work was not a priority for 2011/2012 but for the second MSFD-cycle</li> <li>- EIHA should develop arrangement for taking the pressure-related aspects of descriptor 2 forward</li> </ul>	
D 3 (commercial fish and shellfish)		<ul style="list-style-type: none"> <li>- Support for ICES to take the work on D 3 forward</li> <li>- Representative of ICG COBAM to participate in the ICES Core Team for D 3 to help making the link with OSPAR work on D 1, 4, 6</li> <li>- ICES and Secretariat to report consolidated terms of reference for the core team and arrangements for the first workshop to OSPAR 2011</li> </ul>	<ul style="list-style-type: none"> <li>- First ICES workshop (5-7 July 2011) to scope and discuss concepts for the work and address the comments of GoG relating to the specification of work as set out in the ToR for the Core Group</li> </ul>
D 5 (eutrophication)	 2002_D05_draft_vice.doc	<p>ICG EUT</p> <ul style="list-style-type: none"> <li>- Revisit progress on methodologies and update advice document accordingly as appropriate</li> <li>- Address linkages between descriptor 5 and biodiversity descriptors, especially D4</li> </ul>	

D 7 (hydrology)	 0302_Updated Advice D7_following O	<ul style="list-style-type: none"> <li>- Work on descriptor is at an early state of information exchange</li> <li>- Work is also undertaken by ICES working groups</li> <li>- The Netherlands to propose to OSPAR 2011 how to take work on D 7 forward</li> </ul>	<ul style="list-style-type: none"> <li>- The Netherlands to finalise the advice document based on comments received following OSPAR for consideration by ICG MSFD(3) 2011</li> <li>ICG MSFD</li> <li>- Conclude on the need for any short-term action on regional coordination</li> <li>- Provide a basis for discussion at EIHA 2012 on longer term actions</li> </ul>
D 8 (hazardous substances)	 2003_D08_draft advice.doc	<ul style="list-style-type: none"> <li>- Further coordination of methodologies for setting targets and indicators is still required in 2011/2012</li> </ul> MIME <ul style="list-style-type: none"> <li>- Seek to deliver Environmental Assessment Criteria (EACs) for all (pre)CEMP components</li> <li>- Clarify the role of EACs in relation to indicators for pollution effects</li> <li>- Take account of ongoing review of WFD Daughter Directive (Environmental Quality Standards-EQS)</li> </ul> HASEC <ul style="list-style-type: none"> <li>- Clarify scope of descriptor 8 in relation to oil as a contaminant</li> <li>- Seek possibilities for updating the advice document on target setting</li> <li>- Seek cooperation with OIC on oil and hazardous substances</li> </ul> European Commission <ul style="list-style-type: none"> <li>- Clarify scope of MSFD for radioactive substances</li> </ul>	<ul style="list-style-type: none"> <li>- Oil is a contaminant in the meaning of the MSFD</li> <li>- Coordination of national approaches to cover oil under the MSFD was a priority in the period up to December 2011</li> </ul> MIME <ul style="list-style-type: none"> <li>- Develop advice on methodologies for defining GES, target setting and indicators for oil following the approach for hazardous substances</li> <li>- Update the advice document accordingly</li> </ul> Preparatory Group <ul style="list-style-type: none"> <li>- Work up the scope of non-synthetic contaminants in oil and oil-related work based on the MSFD requirements to provide a starting point for MIME</li> </ul> European Commission <ul style="list-style-type: none"> <li>- Clarify scope of MSFD for radioactive substances</li> </ul>
D 9 (contaminants in seafood)	Covered in advice for D 8	<ul style="list-style-type: none"> <li>- No specific action was needed. Implications of D 9 are sufficiently taken into account in the development of EACs for contaminants</li> </ul>	
D 10 (marine litter)	 2005_D10_advice and_background.d	ICG ML <ul style="list-style-type: none"> <li>- Continue work on target setting to maximize coordination</li> <li>- Consider adaptation of North Sea EcoQO for plastic particles in fulmar for use in other OSPAR Regions</li> </ul>	
D 11 (noise)	 2006_D11_advice and_background.d	<ul style="list-style-type: none"> <li>- Work is taken forward in the EU through TSG-Noise</li> <li>- EIHA 2012 to review work of TSG-Noise on noise and any additional forms of energy introduction</li> </ul>	



# Terms of reference for regional coordination work in the period up to December 2011

(Source: OSPAR 2011 Summary Record, Annex 4)

1. CoG(1) 2011 concluded that national progress on the implementation of the MSFD differed and for most Contracting Parties December 2011 was the latest point in time to take account of OSPAR advice in national work, but for some Contracting Parties this was even earlier. There was therefore a need to prioritise work in the period up to December 2011 with a view to capitalising on current work in order to maximise opportunities for regional coordination, noting that a pragmatic approach to coordination was needed in the first MSFD cycle and that the process was to continue beyond 2012.
2. In the period up to December 2011, OSPAR subsidiary bodies will
  - a. as a priority, consolidate the advice on methodologies for determining GES, target setting and indicators in relation to GES descriptors 1, 2, 4, 5, 6, 7, 8, 10 and 11, noting that work on GES descriptor 2 will be limited on aspects of state. In addition to specific guidance developed by CoG(1) 2011 (see CoG(1) 2011 summary record), this includes
    - (i) if not yet done so, inclusion of short policy-relevant summaries using those of descriptors 7, 10 and 11 as a model;
    - (ii) methodological advice for applying risk-based considerations to the selection of the most appropriate indicators related to criteria for assessment towards GES, and thereby ultimately help coordinating approaches to selecting or prioritising areas for focussed future monitoring and assessment efforts;
    - (iii) advice from other OSPAR subsidiary bodies where interactions with those groups or specific descriptor work has been identified. This includes guidance by ICG COBAM on linking pressure aspects and state of biodiversity (cf. ICG COBAM advice manual for descriptors 1, 2, 4 and 6);
  - b. start information exchange between Contracting Parties on national targets and indicators;
  - c. report progress to ICG MSFD and CoG.
3. OSPAR subsidiary bodies will consolidate advice documents as soon as possible in the period up to December 2011 for sharing with OSPAR Contracting Parties, in order to allow the advice to influence the regional coordination process in this first MSFD cycle. Latest versions of documentation will be uploaded by the Secretariat to the InterMSFD meeting folder.
4. Chairs/convenors of OSPAR subsidiary bodies tasked with MSFD-related work are encouraged to make direct contact with each other, if and as needed, to understand the needs to link with work of other OSPAR subsidiary bodies. The Secretariat will facilitate this process. A list of chairs/convenors of OSPAR subsidiary bodies tasked with MSFD-related work is available in the InterMSFD meeting folder on the OSPAR website.
5. Contracting Parties are encouraged to support the success of these arrangements by ensuring good coordination of relevant experts and policy leads within their countries.
6. Within its terms of reference, ICG MSFD will be tasked in 2011 with signing off consolidated advice documents in December for sharing with the wider EU framework and to advise CoG among others on
  - a. progress with the development of national targets and indicators, opportunities for regional coordination of targets and indicators in 2012, and proposal for further coordination in the

development of (sub)regional targets and indicators between 2012 and 2018, bearing in mind that target setting is foremost a national responsibility;

- b. a common understanding of the application of risk-based considerations, as outlined in Part A of Commission Decision 2010/477/EU, for selecting the most appropriate indicators related to the criteria for assessment of progress towards good environmental status;
- c. options for taking forward future regional work on descriptors 2, 7 and 11 through OSPAR subsidiary bodies;
- d. any input required into the ICES process for the work on descriptor 3;
- e. arrangements (including the need for any additional meeting) for improving the links between pressure and state work across GES descriptors and for seeking mutual comparability of targets and indicators across GES descriptors;
- f. a joint OSPAR/HELCOM Workshop on MSFD coordination based on any proposal from Sweden.

7. ICG MSFD will take oversight that work relating to regional coordination of targets and indicators is not duplicated within OSPAR and in relation to the EU. There is a particular need for cooperation between the relevant chairs and convenors of ICG MSFD, ICG COBAM and EU WG GES to ensure that the agenda to be set for the meetings of ICG COBAM, ICG MSFD, the EU WG GES workshop on targets and indicators (7 September) and an OSPAR workshop on biodiversity descriptors (hosted by the Netherlands) are fully coordinated to dove-tail and maximise regional coordination through those meetings.

8. The following table provides an overview of meeting arrangements and deadlines for regional coordination work in the period up to December 2011.

Group	Meeting venue	Descriptor	Planned milestones in 2011						
			July	August	September	October	November	December	
ICES WKMSFD	Copenhagen	3	5-7 July: 1 <sup>st</sup> Workshop						
EU WG DIKE	Brussels				5-6 September				
EU WG GES	Brussels				7 September, informal workshop				
ICG MSFD	Brussels	All			8 September				
EU WG GES	Brussels	All			27-28 September				
ICG MSFD/COBAM	Netherlands	1,2,4,6					2 ½ day workshop, 2-4 November		
EU WG DIKE	Brussels						7-8 November		
EU Noise Group	Teddington (UK)	11				6-7 October			
EU Litter Group	Varna	10				12-14 October			
ICG-SEA/ WG ESA	Bonn					13-14 October			
CoG/HOD	London	All				26-27 October (with ½ day HOD on 27 October)			
ICG EUT	Dessau	5					15-18 November		
ICG C	No meeting	1, 4, 6							
ICG ML	Ostend	10					28-29 November		
WG MIME	Copenhagen	8							5-9 December
ICES WKMSFD	No meeting	3				5-7 October: 2 <sup>nd</sup> Workshop:			Early December, core team report
ICG MSFD	Madrid	All							14 December

## Coordination in relation to each descriptor

### **Descriptors 1, 2, 4 and 6: ICG-COBAM Advice Document**

1. ICG COBAM finalised the advice manual as reported at OSPAR 11/3/3-Add.1 and considered the current version of the manual fit for sharing within the wider EU context. The advice manual was revised by ICG COBAM(2) 2011 during its meeting in Bergen, Norway (18-20 May 2011), in the light of guidance from BDC 2011, CoG(1) 2011 and advice delivered by ICES. OSPAR 2011 agreed to share the advice manual submitted to its meeting with the EU subject to a disclaimer that the advice manual was a living document and does not prejudice the ongoing decision making process in Contracting Parties and their final conclusion in 2012. The advice manual has been circulated for sharing with the EU through CIRCA. This advice manual represents more than a year of ICG COBAM work. Most Contracting Parties are contributing to ICG COBAM work, thus providing a high level of coordination.

### Current level of coordination among CPs on determining GES, thresholds, targets and indicators

2. The advice manual presents the following elements:

- Relationship between descriptors, both in between biodiversity descriptors (notably approach to choosing biodiversity components for each descriptor: treatment of benthic habitats in D1 and/or D6) and between biodiversity descriptors and the other descriptors (need for a global overview of pressures on biodiversity components in order to work on descriptor 1);
- Methodologies to set baselines for the biodiversity descriptors (based on the Utrecht workshop on approaches to define GES for biodiversity descriptors): a common understanding had been reached in Utrecht on which method (reference/unimpacted state, baseline as a past/current state, expert judgment) to use for each type of habitat (sediment/rock/pelagic habitats) and group of species (mammals, fish/cephalopods, birds, reptiles);
  - a. For the species groups and pelagic habitats, this comprises a baseline set as a past (method B), or current state (method C) in addition to expert judgement;
  - b. For the sediment and rock habitat groups, the balance tended to lie with a combination of current or past reference conditions (methods Ai-iii) again combined with expert judgment;
- Methodologies to set targets by reference to the baseline (trend-based (direction and/or rate of change from baseline), deviation as a number from baseline, target as baseline);
- Existing biodiversity targets and indicators (from other EU policies and international conventions) and link to EcoQO, from which experience and knowledge should be used for MSFD;
- An understanding of GES for biodiversity, taking into account all pressures cannot be removed from the marine environment. GES can be determined on a quantitative and/or qualitative basis and should accommodate some level of impact. Besides, taking into account ecosystems dynamics and climate change, some criteria for species might not be useful to determine GES (population size, species composition); they can be used at functional group level.

3. The work of ICG COBAM has also touched more general subjects, looking forward into future steps of MSFD implementation, such as:

- Consideration of the use of pressure targets and the precautionary principle;
- Requirements for coordinated monitoring;
- Need for coordination of targets between all descriptors.

State of work in relation to the development of common approaches and assessment of what level of coordination can be expected by 2012

4. Development of common methodologies for GES definition and target setting in relation to biodiversity is well advanced and following discussions in BDC and CoG, ICG COBAM agreed to move towards sharing information on the national application of the methodologies set out in the advice manual. Sharing experience, consolidate the advice manual, working toward identifying common indicators at regional or subregional level and developing a set of assessment areas were identified as the main actions for COBAM by mid-2012.

State of discussion on geographic assessment scales in relation to setting targets and indicators for this Descriptor

5. Reflection has been ongoing in ICG COBAM regarding assessment scales, and “ecologically relevant scales” are put forward, that should take into account both the relevant scale for the biodiversity component and the relevant scale for management measures.

6. Regarding habitats, assessment areas could be defined based on hydrographic and oceanographic characteristics. Five assessment areas are identified as an example for the Greater North Sea.

7. Regarding mobile species, assessment areas are greater (whole subregion or region) and could be defined as:

- a. The smallest scale at which significant variation in indicators of GES exists and at which monitoring can feasibly produce accurate data; or
- b. The largest scale at which management measures can be implemented to provide a response to mitigate impacts operating at the scale of (a).

**Descriptor 5 – Eutrophication**

8. This advice document has been prepared by HASEC 2011 on the basis of preparatory work by ICG-COMP and circulated for sharing with the wider EU framework subject to a disclaimer that the advice is a living document and does not prejudice the ongoing decision making process in Contracting Parties and their final conclusion in 2012. The advice document is comprehensive and contains a one-page summary and an overview table of GES criteria, indicators and parameters. There is a high level of convergence of the methods applied in the OSPAR Common Procedure for the assessment of the eutrophication status of the maritime area (COMP) and the GES criteria and indicators with regard to human-induced eutrophication in Member States’ marine waters in the marine region or sub-regions. Parameters for nutrients in seawater and concerning direct and indirect eutrophication effects are also included in the OSPAR Coordinated Environmental Monitoring Programme (CEMP), for which monitoring guidelines and quality assurance procedures are in place.

Current level of coordination among CPs on determining GES, thresholds, targets and indicators

9. The current level of coordination indicates consensus between most Contracting Parties on the approach to the GES indicators on the basis of the COMP parameters that are robust and which will help meet the requirements of the MSFD. The harmonised assessment parameters of the Common Procedure are suitable, and comparable with those of other frameworks, such as the Water Framework Directive, to act as area-specific indicators for the descriptor 5 criteria. The most used indicators for monitoring and assessment are winter nutrients (DIN/DIP, N/P ratio), chlorophyll-a, phytoplankton, macrophytes (e.g. opportunistic macroalgae and seagrass) and oxygen. Additional indicators such as total nitrogen/phosphorus, carbon, zooplankton and primary production could be considered, subject to demonstrating their added value. Assessment of biological elements such as phytoplankton indicator species, macrophytes and possibly zooplankton and primary production could provide links to GES descriptors 1 (biodiversity) and 4 (foodwebs).

10. The methodology used for threshold setting in the Common Procedure is based on the definition of area-specific background values which function as reference points for the assessment. Accordingly, thresholds are defined as a deviation from those area-specific background concentrations, thereby taking account of natural variability. The approach is therefore comparable with other frameworks, such as the Water Framework Directive.

State of work in relation to the development of common approaches and assessment of what level of coordination can be expected by 2012

11. Eutrophication status is the starting point from which to assess the distance to the desired state. From that, specific environmental targets, consisting of both state and pressure targets, can be derived to improve the eutrophication status with the ultimate aim to achieve the status of 'non-problem areas' as identified under the Common Procedure, i.e. a status where human induced eutrophication does not occur. State targets can be based on an integrated set of harmonised assessment parameters of the Common Procedure. Pressure targets can be set for nutrient inputs and relevant important nutrient sources. Trend information collected by OSPAR on riverine inputs and direct discharges and atmospheric deposition, complemented by atmospheric models and nutrient sources monitoring (under development) and suitable pressure indicators can be made available to support this.

12. Contracting Parties are reviewing the Common Procedure in relation to environmental target setting for eutrophication state and pressure related targets with respect to eutrophication. Reduction of human-induced nutrient enrichment is critical to minimising eutrophication effects. It is therefore considered likely that pressure related targets seem to be essential for achieving GES descriptor 5 where there are problem areas as identified under the Common Procedure.

State of discussion on geographic assessment scales in relation to setting targets and indicators for this Descriptor

13. Building on the hydro-morphological criteria of the Common Procedure, Contracting Parties are still considering geographic assessment scales for the purpose of the MSFD. In this work, links with geographic assessment scales of biodiversity assessments (e.g. D1 and D6) should be taken into account. A risk-based approach, emphasising efforts on problem areas, as currently applied in OSPAR, would seem an appropriate approach to eutrophication monitoring and assessment of the OSPAR maritime area (i.e. Member States' marine waters in the marine region of the North East Atlantic).

**Descriptor 7 – Hydrographical Conditions**

14. This advice document has been updated by the Netherlands following OSPAR 2011, which invited the Netherlands to update the advice for ICG MSFD(3) 2011 in light of comments received by Contracting Parties. The advice is based primarily on a document on approaches to Descriptor 7 presented by the Netherlands and discussed at EIHA 2011. At this stage the advice document is unable to indicate whether there is any degree of convergence between Contracting Parties on approaches to determining GES and developing targets, indicators and monitoring programmes for this Descriptor. The advice document will be finalised between now and December 2011.

Current level of coordination among CPs on determining GES, thresholds, targets and indicators

15. The current level of coordination between Contracting Parties is primarily one of information sharing and even this is still at a very early stage. No clear principles for determining GES or setting targets and indicators for this Descriptor have been agreed by OSPAR Contracting Parties. Some initial description of general approaches for defining GES are outlined and an initial proposal for targets (e.g. 'to prevent further deterioration', 'to minimise impact', 'area of different habitats functions stay in comparable quantity and quality') is put forward. Close coordination with the Descriptors covering Biodiversity, Sea Floor Integrity and Food Webs will be necessary due to the links between them. Some of the targets and indicators for these Descriptors may also be relevant in relation to Descriptor 7. As to the experience in target setting for this

Descriptor, it is recommended for the coastal waters to consider in the Initial Assessment only the indicators and characteristics that are not covered by the WFD.

State of work in relation to the development of common approaches and assessment of what level of coordination can be expected by 2012

16. The following arrangements are proposed in the advice document for taking forward regional work on Descriptor 7 through EIHA:

- Short-term (up to EIHA 2012). Since Descriptor 7 is not a priority for Contracting Parties no short-term action is recommended for Descriptor 7;
- Medium-term (EIHA 2012-OSPAR 2013). A proposal is put forward for EIHA 2012 to consider the establishment of an ICG-hydrological conditions with clear terms of reference setting out the tasks to be addressed in the period up to 2013. These should include:
  - a. Coordinate methodologies on the the determination of GES and the development of targets and indicators for measuring progress towards GES Descriptor 7 (EIHA 2011/12 product 21);
  - b. Coordinate data and develop methodological standards for (monitoring of) hydrographical conditions at the scale of marine regions (starting with identification of existing best practice).
- Long-term. It is advised that OSPAR should continue to address the spatial and temporal cumulative effects of different activities on hydrographical conditions. This should be part of existing work of ICG-G.

State of discussion on geographic assessment scales in relation to setting targets and indicators for this Descriptor

17. Limited discussion has taken place on geographic assessment scales in relation to this Descriptor. The advice document suggests that very large scale assessment (e.g. at the scale of the North Sea) could be meaningless for this Descriptor, but also suggests that local scale assessment should be avoided, as this is better addressed through other legislation (e.g. EIA and Birds and Habitats Directives). It suggests the most appropriate scale for assessment is EUNIS level 3. Work on assessment scales would need to tie in with the predominant habitats being used for descriptors 1 and 6 (which are based on EUNIS).

**Descriptor 8 – Contaminants**

18. This advice document has been prepared by HASEC 2011 on the basis of contributions by MIME 2010 and circulated for sharing with the wider EU framework subject to a disclaimer that the advice is a living document and does not prejudice the ongoing decision making process in Contracting Parties and their final conclusion in 2012. The advice document contains a one-page summary and an overview table in the form of an overview table of GES criteria, indicators and parameters. There is a high level of convergence of the methods already applied in the OSPAR Coordinated Environmental Monitoring Programme (CEMP). The CEMP is that part of the monitoring within the OSPAR Joint Assessment and Monitoring Programme (JAMP) where the national contributions overlap and are co-ordinated. The aim of the CEMP is to deliver comparable data from across the OSPAR maritime area, which can be used in assessments to address the specific questions raised in the JAMP, that are building blocks towards periodic holistic assessments of the quality status of the OSPAR maritime area (QSR).

Current level of coordination among CPs on determining GES, thresholds, targets and indicators

19. For the GES criterion concerning concentrations of contaminants, there is good consensus between Contracting Parties on the approach to this indicator measured in the relevant matrix for the substances listed on a mandatory basis cf. part A of the CEMP: cadmium, mercury, lead, PAHs, PCBs and certain brominated flame retardants (in fish, shellfish and sediments). TBT is assessed by monitoring concentrations in sediments and biota. The CEMP is being extended to include planar PCBs, alkylated PAHs, dioxins and furans, and PFOS as soon as monitoring guidelines, quality assurance procedures and assessment tools

have been established (so far included in the pre-CEMP Part B concerning monitoring on a voluntary basis). OSPAR has a long-term objective in the form of background concentrations for man-made substances (zero) and naturally occurring substances. Environmental assessment criteria, as a yardstick for marine life being at risk from concentrations of hazardous substances based on toxicity data have been developed but they are under review.

20. There seems to be some consensus on a proposal for monitoring of certain substances in sea bird eggs, which could provide a good matrix for contaminants in the higher trophic level linked to descriptor 4 (marine food webs) but this would need further development. For Descriptor 9, monitoring of contaminants in fish and other seafood should not exceed levels established by Community legislation or other relevant standards. Associated monitoring is usually based on fish and shellfish taken from the market and therefore it is often difficult to link contamination clearly with the source. Combining monitoring for descriptor 8 may be possible for shellfish, but not for fish.

21. For the GES criterion concerning effects of contaminants there is consensus on the indicator TBT-specific effects (imposex in gastropods) and an index (VSDI classes) is available for the application of this parameter. Other general biological effects techniques are developed by OSPAR/ICES, eight of which are included in the Pre-CEMP. It would be necessary to see how any effects targets can supplement EACs and could be related to measures, which would make such techniques meaningful.

22. There is also an overview of data streams/indicators/models available within OSPAR which may be relevant to link with pressures, such as atmospheric inputs and deposition (CAMP), and riverine inputs and direct discharges (RID). Annual reports from Contracting Parties on discharges from point sources (offshore oil and gas, chlor-alkali industry) and diffuse sources (contaminants in dredged/dumped material) also contribute to pressure indicators.

23. For occurrence, origin, extent of significant acute pollution effects and their impact on biota physically affected by this pollution there is consensus that this is best addressed by Member States, the Bonn Agreement or IMO. Parameters, assessment criteria and monitoring should take account of multilateral agreements.

State of work in relation to the development of common approaches and assessment of what level of coordination can be expected by 2012

24. MIME 2011 will carry out further work, and prepare proposals for HASEC 2012 to draw up conclusions on indicators and targets to guide progress towards good environmental status for hazardous substances. Key activities for MIME will include (i) significant further work in 2011/12 to develop EACs or equivalent effect levels, noting that there is some urgency for this work given agreement among CPs at HASEC to use EACs as thresholds for their indicators, (ii) testing of biological effects techniques in assessments with a view to selecting a limited number of techniques for coordinated monitoring and fostering their practical use and integration with chemical monitoring, and (iii) in light of national approaches on oil under Descriptor 8, development of advice on methodologies for defining GES, target setting and indicators for oil following the approach for hazardous substances and taking into account relevant work by OIC and Contracting Parties's approaches to acute oil spills. The clarification of the role of biological effects as targets under MSFD is unlikely to happen by 2012. INPUT 2012 will work on the review of CAMP and RID principles and component coverage, and on data and information collection to quantify sources of priority chemicals that will also help the coordinated implementation of the MSFD. Coordination of national approaches to cover oil under the MSFD is a priority in the period up to 2011. A preparatory group is envisaged to prepare a starting point for MIME 2011 on this issue.

State of discussion on geographic assessment scales in relation to setting targets and indicators for this Descriptor

25. Good environmental status shall be determined at the level of the marine region or subregion. The QSR 2010 showed many instances where status was compromised at a smaller scale. This needs further



thought, but using a risk-based approach could enable different types of targets to be set where there are many problems, or where there are few or no problems. CEMP monitoring mainly focused on coastal areas because, in many cases, the response of the ecosystem to pollution control measures can best be assessed there, close to discharge and emission sources. Increasing attention is being paid to monitoring offshore areas, where a number of human activities take place and as awareness of the significance of long-range transport of contaminants has increased. CEMP monitoring is less intensive in deeper waters. Work is underway to develop smaller scale assessment areas to improve spatial design of CEMP monitoring. Considerations of additional means to improve spatial resolution of monitoring include use of novel techniques such as passive sampling and biota matrices involving wider ranging species (e.g. specific seabird species), providing opportunities to link with biodiversity assessments, in particular work done on descriptor 4.

#### ***Descriptor 9 – Contaminants in fish and other seafood for human consumption***

26. This descriptor has been addressed in the advice document for descriptor 8, suggesting that there are limited implications for regional coordination. This concerns the need to consider the relation of values for EACs and equivalent effect limits under descriptor 8 to the EU food limit values used under descriptor 9. Combining the monitoring for environmental protection and food safety has proved impossible (for fish) in the past; there may be a possibility for some combined monitoring for shellfish. CoG(1) 2011 agreed that no action was needed for coordinating this Descriptor and this specific guidance was endorsed by OSPAR.

#### ***Descriptor 10 – Marine Litter***

27. This advice document has been collated by the Netherlands on the basis of a questionnaire sent to all Contracting Parties. The advice document itself is very short (4 pages), but is supported by a background document produced on the basis of a workshop held by the ICG-ML in November 2010. At this stage the advice document indicates the level of convergence in the approach Contracting Parties are taking to the development of targets, indicators and monitoring programmes for this Descriptor, as well as outlining a few key principles which could be followed across OSPAR Contracting Parties. The advice document will be finalised between now and December 2011.

#### ***Current level of coordination among CPs on determining GES, thresholds, targets and indicators***

28. The current level of coordination between Contracting Parties is primarily one of information sharing, however, some key principles for setting targets and indicators and developing monitoring programmes have been proposed through the ICG-ML workshop in November.

29. The results of the information sharing indicate that there is a reasonably strong level on convergence between the Contracting Parties on how to determine GES and set targets and indicators for this Descriptor. In relation to litter on beaches the advice document indicates a good degree of consensus between CPs on how to set targets and indicators and on how to monitor this parameter (using the OSPAR beach litter monitoring programme). For litter in the water column (including floating litter and water column litter) consensus between Contracting Parties is less strong, with different views about how to monitoring these parameters and their usefulness as targets for GES. For litter on the seabed there is reasonable consensus about determining GES and setting targets, using International Bottom Trawl Surveys to carry out the necessary monitoring. For micro-particles there was strong consensus that more research is needed both to establish the level of impact and to look at monitoring methodologies. In relation to litter ingested by animals, a significant number of Contracting Parties are considering using the Fulmars EcoQO, noting that further effort is needed to link the plastic levels to impact on the birds, but other possibilities are also under discussion.

#### ***State of work in relation to the development of common approaches and assessment of what level of coordination can be expected by 2012***

30. It is unclear from the advice document whether any efforts are being made to further develop common approaches to the determination of GES or target setting for this Descriptor. The EU TSG-Litter has a remit

to look at monitoring methodologies for litter, but its work on GES and targets and indicators is limited to information exchange.

31. However, on the basis of the information exchange by Contracting Parties it looks possible that a good degree of consensus could be established by 2012, especially in relation to targets and monitoring methodologies for beach litter and sea-floor litter. How far it is possible to develop such consensus will depend on the direction of the TSG-Litter work and the willingness of Contracting Parties to engage in further regional level work on this Descriptor between now and 2012.

State of discussion on geographic assessment scales in relation to setting targets and indicators for this Descriptor

32. A very brief discussion of assessment scales is included in the advice document, suggesting that it is appropriate to assess this Descriptor at the scale of the OSPAR maritime area or the OSPAR regions (MSFD sub-regions).

**Descriptor 11 – Underwater Noise**

33. This advice document has been collated by the Netherlands on the basis of a questionnaire sent to all Contracting Parties. The advice document itself is very short (3 pages), but is supported by a 20 page background document. At this stage the advice document indicates the level of convergence in the approach Contracting Parties are taking to the development of targets, indicators and monitoring programmes for this Descriptor, but does not attempt to define any key principles to be followed across OSPAR Contracting Parties.

Current level of coordination among CPs on determining GES, thresholds, targets and indicators

34. The current level of coordination between Contracting Parties is primarily one of information sharing and even this is still at a very early stage. No clear principles for determining GES or setting targets and indicators for this Descriptor have been agreed by OSPAR Contracting Parties.

35. On the basis of the information sharing exercise it would appear that different Contracting Parties are at quite different stages of development in relation to this Descriptor. However, at least in relation to possible monitoring methodologies some degree of consensus seems to be emerging. A number of Contracting Parties felt that indicator 11.1.1 could be assessed using a register of information of anthropogenic activities that produce noise, using environmental impact assessment reports, permits, licenses, registers etc. For indicator 11.2.1 there was some consensus that establishment of a network of ambient noise monitoring stations and use of appropriate modelling techniques would be an appropriate way forward. There seems to be strong consensus on the need for coordination in relation to monitoring methodologies for ambient sound and on the need for further research into the impacts of noise on marine life.

State of work in relation to the development of common approaches and assessment of what level of coordination can be expected by 2012

36. The EU TSG-Noise has been set up to develop monitoring methodologies in relation to this Descriptor and to share best practice and developing possible options for determining GES and setting targets in relation to this Descriptor. Many Contracting Parties feel that further work on this Descriptor is difficult until the TSG-Noise completes its work later this year. At this stage it is hard to say what level of coordination can be expected by 2012 – this will depend on the outcome of the TSG-Noise group and on Contracting Parties' willingness to carry out more detailed coordination between now and 2012.

State of discussion on geographic assessment scales in relation to setting targets and indicators for this Descriptor

37. No discussions have taken place as yet. It is anticipated that the TSG Noise will provide guidance on this point.