

Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (Text with EEA relevance)

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

1 This Directive establishes a framework within which Member States shall take the necessary measures to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest.

2 For that purpose, marine strategies shall be developed and implemented in order to:

- a protect and preserve the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected;
- b prevent and reduce inputs in the marine environment, with a view to phasing out pollution as defined in Article 3(8), so as to ensure that there are no significant impacts on or risks to marine biodiversity, marine ecosystems, human health or legitimate uses of the sea.

3 Marine strategies shall apply an ecosystem-based 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 respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations.

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

Article 2

Scope

1 This Directive shall apply to all marine waters as defined in Article 3(1), and shall take account of the transboundary effects on the quality of the marine environment of third States in the same marine region or subregion.

2 This Directive shall not apply to activities the sole purpose of which is defence or national security. Member States shall, however, endeavour to ensure that such activities are conducted in a manner that is compatible, so far as reasonable and practicable, with the objectives of this Directive.

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Article 3

Definitions

For the purposes of this Directive the following definitions shall apply:

1. 'marine waters' means:
 - (a) waters, the seabed and subsoil on the seaward side of the baseline from which the extent of territorial waters is measured extending to the outmost reach of the area where a Member State has and/or exercises jurisdictional rights, in accordance with the UNCLOS, with the exception of waters adjacent to the countries and territories mentioned in Annex II to the Treaty and the French Overseas Departments and Collectivities; and
 - (b) coastal waters as defined by Directive 2000/60/EC, their seabed and their subsoil, in so far as particular aspects of the environmental status of the marine environment are not already addressed through that Directive or other Community legislation;
2. 'marine region' means a sea region which is identified under Article 4. Marine regions and their subregions are designated for the purpose of facilitating implementation of this Directive and are determined taking into account hydrological, oceanographic and biogeographic features;
3. 'marine strategy' means the strategy to be developed and implemented in respect of each marine region or subregion concerned as laid down in Article 5;
4. 'environmental status' means the overall state of the environment in marine waters, taking into account the structure, function and processes of the constituent marine ecosystems together with natural physiographic, geographic, biological, geological and climatic factors, as well as physical, acoustic and chemical conditions, including those resulting from human activities inside or outside the area concerned;
5. 'good environmental status' means the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive within their intrinsic conditions, and the use of the marine environment is at a level that is sustainable, thus safeguarding the potential for uses and activities by current and future generations, i.e.:
 - (a) the structure, functions and processes of the constituent marine ecosystems, together with the associated physiographic, geographic, geological and climatic factors, allow those ecosystems to function fully and to maintain their resilience to human-induced environmental change. Marine species and habitats are protected, human-induced decline of biodiversity is prevented and diverse biological components function in balance;
 - (b) hydro-morphological, physical and chemical properties of the ecosystems, including those properties which result from human activities in the area concerned, support the ecosystems as described above. Anthropogenic inputs of substances and energy, including noise, into the marine environment do not cause pollution effects;

Good environmental status shall be determined at the level of the marine region or subregion as referred to in Article 4, on the basis of the qualitative descriptors in Annex

- I. Adaptive management on the basis of the ecosystem approach shall be applied with the aim of attaining good environmental status;
6. ‘criteria’ means distinctive technical features that are closely linked to qualitative descriptors;
 7. ‘environmental target’ means a qualitative or quantitative statement on the desired condition of the different components of, and pressures and impacts on, marine waters in respect of each marine region or subregion. Environmental targets are established in accordance with Article 10;
 8. ‘pollution’ means the direct or indirect introduction into the marine environment, as a result of human activity, of substances or energy, including human-induced marine underwater noise, which results or is likely to result in deleterious effects such as harm to living resources and marine ecosystems, including loss of biodiversity, hazards to human health, the hindering of marine activities, including fishing, tourism and recreation and other legitimate uses of the sea, impairment of the quality for use of sea water and reduction of amenities or, in general, impairment of the sustainable use of marine goods and services;
 9. ‘regional cooperation’ means cooperation and coordination of activities between Member States and, whenever possible, third countries sharing the same marine region or subregion, for the purpose of developing and implementing marine strategies;
 10. ‘regional sea convention’ means any of the international conventions or international agreements together with their governing bodies established for the purpose of protecting the marine environment of the marine regions referred to in Article 4, such as the Convention on the Protection of the Marine Environment of the Baltic Sea, the Convention for the Protection of the Marine Environment of the North-east Atlantic and the Convention for the Marine Environment and the Coastal Region of the Mediterranean Sea.

Article 4

Marine regions or subregions

1 Member States shall, when implementing their obligations under this Directive, take due account of the fact that marine waters covered by their sovereignty or jurisdiction form an integral part of the following marine regions:

- a the Baltic Sea;
- b the North-east Atlantic Ocean;
- c the Mediterranean Sea;
- d the Black Sea.

2 Member States may, in order to take into account the specificities of a particular area, implement this Directive by reference to subdivisions at the appropriate level of the marine waters referred to in paragraph 1, provided that such subdivisions are delimited in a manner compatible with the following marine subregions:

- a in the North-east Atlantic Ocean:
 - (i) the Greater North Sea, including the Kattegat, and the English Channel;
 - (ii) the Celtic Seas;

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- (iii) the Bay of Biscay and the Iberian Coast;
- (iv) in the Atlantic Ocean, the Macaronesian biogeographic region, being the waters surrounding the Azores, Madeira and the Canary Islands;
- b in the Mediterranean Sea:
 - (i) the Western Mediterranean Sea;
 - (ii) the Adriatic Sea;
 - (iii) the Ionian Sea and the Central Mediterranean Sea;
 - (iv) the Aegean-Levantine Sea.

Member States shall inform the Commission of any subdivisions by the date specified in the first subparagraph of Article 26(1) but may revise these upon completion of the initial assessment referred in Article 5(2), point (a)(i).

Article 5

Marine strategies

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

2 Member States sharing a marine region or subregion shall cooperate to ensure that, within each marine region or subregion, the measures required to achieve the objectives of this Directive, in particular the different elements of the marine strategies referred to in points (a) and (b), are coherent and coordinated across the marine region or subregion concerned, in accordance with the following plan of action for which Member States concerned endeavour to follow a common approach:

- a preparation:
 - (i) an initial assessment, to be completed by 15 July 2012 of the current environmental status of the waters concerned and the environmental impact of human activities thereon, in accordance with Article 8;
 - (ii) a determination, to be established by 15 July 2012 of good environmental status for the waters concerned, in accordance with Article 9(1);
 - (iii) establishment, by 15 July 2012, of a series of environmental targets and associated indicators, in accordance with Article 10(1);
 - (iv) establishment and implementation, by 15 July 2014 except where otherwise specified in the relevant Community legislation, of a monitoring programme for ongoing assessment and regular updating of targets, in accordance with Article 11(1);
- b programme of measures:
 - (i) development, by 2015 at the latest, of a programme of measures designed to achieve or maintain good environmental status, in accordance with Article 13(1), (2) and (3);

- (ii) entry into operation of the programme provided for in point (i), by 2016 at the latest, in accordance with Article 13(10).

3 Member States having borders on the same marine region or subregion covered by this Directive should, where the status of the sea is so critical as to necessitate urgent action, devise a plan of action in accordance with paragraph 1 which includes an earlier entry into operation of programmes of measures as well as possible stricter protective measures, provided that this does not prevent good environmental status from being achieved or maintained in another marine region or subregion. In these cases:

- a the Member States concerned shall inform the Commission of their revised timetable and proceed accordingly;
- b the Commission shall be invited to consider providing supportive action to Member States for their enhanced efforts to improve the marine environment by making the region in question a pilot project.

Article 6

Regional cooperation

1 In order to achieve the coordination referred to in Article 5(2), Member States shall, where practical and appropriate, use existing regional institutional cooperation structures, including those under Regional Sea Conventions, covering that marine region or subregion.

2 For the purpose of establishing and implementing marine strategies, Member States shall, within each marine region or subregion, make every effort, using relevant international forums, including mechanisms and structures of Regional Sea Conventions, to coordinate their actions with third countries having sovereignty or jurisdiction over waters in the same marine region or subregion.

In that context, Member States shall, as far as possible, build upon relevant existing programmes and activities developed in the framework of structures stemming from international agreements such as Regional Sea Conventions.

Coordination and cooperation shall be extended, where appropriate, to all Member States in the catchment area of a marine region or subregion, including land-locked countries, in order to allow Member States within that marine region or subregion to meet their obligations under this Directive, using established cooperation structures prescribed in this Directive or in Directive 2000/60/EC.

Article 7

Competent authorities

1 Member States shall, by 15 July 2010, for each marine region or subregion concerned, designate the authority or authorities competent for the implementation of this Directive with respect to their marine waters.

By 15 January 2011, Member States shall provide the Commission with a list of the competent authorities designated, together with the items of information listed in Annex II.

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At the same time, Member States shall send to the Commission a list of their competent authorities as regards those international bodies in which they participate and which are relevant for the implementation of this Directive.

Member States within the catchment area of each marine region or subregion shall also designate the authority or authorities competent for cooperation and coordination as referred to in Article 6.

2 Member States shall inform the Commission of any changes to the information provided pursuant to paragraph 1 within six months of such a change coming into effect.