



STATUTORY INSTRUMENTS.

**S.I. No. 249 of 2011**

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EUROPEAN COMMUNITIES (MARINE STRATEGY FRAMEWORK)  
REGULATIONS 2011

**(Prn. A11/0890)**

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I, PHIL HOGAN, Minister for the Environment, Community and Local Government in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008<sup>1</sup>, hereby make the following Regulations:

1. These Regulations may be cited as the European Communities (Marine Strategy Framework) Regulations 2011.

2. (1) In these Regulations—

“Directive 2008/56/EC” means Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008<sup>1</sup>;

“marine waters to which these Regulations apply” shall be construed in accordance with Regulation 3(1);

“Minister” means the Minister for the Environment, Community and Local Government.

(2) A word or expression that is used in these Regulations and is also used in Directive 2008/56/EC has, unless the contrary intention appears, the same meaning in these Regulations that it has in that Directive.

3. (1) For the purposes of these Regulations and having regard to the definition of marine waters in Article 3(1) of Directive 2008/56/EC, the marine waters to which these Regulations apply are—

(a) the waters referred to in paragraph (a) of that Article in respect of which the State has jurisdiction, and

(b) the coastal waters, referred to in paragraph (b) of that Article, of the State.

(2) For the purposes of these Regulations, account shall be taken of the trans-boundary effects on the quality of the marine environment of third States in the same marine region.

(3) These Regulations shall not apply to activities the sole purpose of which is defence or national security.

<sup>1</sup>OJ L164, 25.6.2008, p.19.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 3rd June, 2011.*

(4) Notwithstanding paragraph (3), where activities referred to in that paragraph are carried out, the person carrying out those activities shall, insofar as is reasonable and practicable, carry out such activities in a manner that is compatible with these Regulations.

4. For the purposes of these Regulations—

- (a) the Minister,
- (b) the Minister for Tourism, Culture and Sport,
- (c) the Minister for Agriculture, Fisheries and Food,
- (d) the Minister for Transport, Tourism and Sport, and
- (e) the Minister for Communications, Energy and Natural Resources,

shall take due account of the fact that the marine waters to which these Regulations apply form an integral part of the North-east Atlantic Ocean marine region.

5. (1) The Minister shall, in respect of the marine region referred to in Regulation 4, develop a marine strategy for the marine waters to which these Regulations apply in accordance with paragraphs (2) and (3).

(2) The Minister shall cooperate with any other Member State with which the marine region referred to in paragraph (1) is shared for the purpose of—

- (a) ensuring that within that marine region the measures required to achieve the objectives of Directive 2008/56/EC, are coherent and coordinated across that marine region in accordance with the plan of action, set out in paragraph (3), and
- (b) without prejudice to the generality of subparagraph (a), ensuring that within that marine region the different elements of the marine strategies referred to in subparagraphs (a) and (b) of paragraph (3), that are required to achieve the objectives of Directive 2008/56/EC, are coherent and coordinated across that marine region in accordance with the plan of action set out in paragraph (3).

(3) The Minister shall—

- (a) for the purposes of the preparation of a marine strategy—
  - (i) cause an initial assessment to be carried out and completed in accordance with Article 5(2)(a) of Directive 2008/56/EC and Regulation 8 which shall be an initial assessment of the current environmental status of the marine waters to which these Regulations apply and the environmental impact of human activities on them,

- (ii) cause a determination, to be established in accordance with Article 5(2)(a) of Directive 2008/56/EC and Regulation 9, of good environmental status of the marine waters to which these Regulations apply,
  - (iii) establish, in accordance with Article 5(2)(a) of Directive 2008/56/EC and Regulation 10, a series of environmental targets and associated indicators, and
  - (iv) establish and implement a monitoring programme for ongoing assessment and regular updating of targets in accordance with Article 5(2)(a) of Directive 2008/56/EC and Regulation 11 except where otherwise specified in the relevant Community legislation, and
- (b) for the purpose of the development of a programme of measures—
- (i) develop, in accordance with Article 5(2)(b)(i) of Directive 2008/56/EC and Regulation 12, a programme of measures designed to achieve or maintain good environmental status, and
  - (ii) cause that programme of measures to enter into operation in accordance with Article 5(2)(b)(ii) of Directive 2008/56/EC.
- (4) For the purposes of paragraphs (1), (2) and (3)—
- (a) the Minister for Agriculture, Fisheries and Food,
  - (b) the Minister for Tourism, Culture and Sport,
  - (c) the Minister for Transport, Tourism and Sport, and
  - (d) the Minister for Communications, Energy and Natural Resources,
- shall—
- (i) provide the Minister with—
    - (I) information that is required for such purposes as the Minister may from time to time request, and
    - (II) such assistance as the Minister may from time to time request for such purposes, and
  - (ii) take such action as may be required for such purposes,
- within such period, having regard to paragraphs (2) and (3), as the Minister may specify.
- (5) Where the status of the sea is so critical as to necessitate urgent action, the Minister shall devise a plan of action in accordance with paragraphs (1), (2)

and (3) in agreement with any other Member State that is also located in the marine region referred to in Regulation 4.

(6) Subject to paragraph (7), a plan of action referred to in paragraph (5) shall include—

- (a) an earlier entry into operation of programmes of measures, and
- (b) where appropriate, stricter protective measures,

if such plan or entry into operation does not, or such stricter protective measures do not, prevent good environmental status being achieved, or maintained, in another marine region or marine subregion.

(7) Where a plan of action referred to in paragraph (6) prevents good environmental status from being achieved, or maintained, in another marine region the Minister shall, in accordance with Article 5(3) of Directive 2008/56/EC, inform the Commission as provided for in that Article and invite the Commission to consider the supportive action referred to in that Article.

(8) For the purposes of paragraphs (5) and (6), a Minister referred to in paragraphs (a) to (d) of paragraph (4) shall—

- (a) provide the Minister with—
  - (i) information in writing that is required for such purposes as the Minister may from time to time request,
  - (ii) such assistance as the Minister may from time to time request for such purposes, and
- (b) take such action as may be required for those purposes,

within such period as the Minister may specify.

6. (1) For the purposes of achieving the coordination referred to in Regulation 5(2), the Minister shall, where he or she considers it is practical and appropriate, use existing regional institutional cooperation structures, including those under the Regional Sea Conventions, that apply to the marine region referred to in Regulation 4.

(2) For the purposes of establishing and implementing a marine strategy, the Minister shall, within the marine region referred to in Regulation 4—

- (a) take all steps reasonably open to him or her, to coordinate actions with third countries having sovereignty or jurisdiction over waters in the same marine region using relevant international forums, including mechanisms and structures of Regional Sea Conventions, and
- (b) build, in so far as possible, on relevant existing programmes and activities developed in the framework of structures stemming from international agreements including the Regional Sea Conventions.

(3) Coordination and cooperation shall be extended, where appropriate, to all Member States in the catchment area of the marine region referred to in Regulation 4, including land-locked countries, in order to allow other Member States within that region to meet their obligations under Directive 2008/56/EC, and for that purpose the Minister shall use established cooperation structures specified in that Directive or Directive 2000/60/EC<sup>2</sup>.

7. (1) For the purposes of these Regulations and Directive 2008/56/EC, the Minister is designated as the authority competent for the implementation of these Regulations and that Directive in respect of the marine waters to which these Regulations apply.

(2) For the purposes of the cooperation and coordination referred to in Regulation 6(1), the Minister is designated as the authority competent for that cooperation and coordination.

(3) The Minister shall consult with—

- (a) the Minister for Agriculture, Fisheries and Food,
- (b) the Minister for Tourism, Culture and Sport,
- (c) the Minister for Transport, Tourism and Sport, and
- (d) the Minister for Communications, Energy and Natural Resources,

in relation to the cooperation and consultation referred to in Regulation 6.

(4) The Minister may, for the purposes of the cooperation and consultation referred to in paragraph (3), request any Minister referred to in that paragraph—

(a) to provide the Minister with—

- (i) information in writing that is required for those purposes as the Minister may from time to time request,
- (ii) such assistance as the Minister may require for those purposes, and

(b) to take any action as may be required for those purposes,

within such period as the Minister may specify.

8. (1) The Minister shall, in consultation with the Ministers referred to in paragraphs (a) to (d) of Regulation 5(4), in respect of the marine region referred to in Regulation 4, cause an initial assessment of the marine waters to which these Regulations apply to be carried out taking account of existing data where such data is available.

(2) An initial assessment referred to in paragraph (1) shall comprise—

<sup>2</sup>OJ L 327, 22.12.2000, p.1.

- (a) an analysis of the essential features and characteristics, and current environmental status of those marine waters, based on the indicative lists of elements set out in Table 1 of Schedule 1, and covering the physical and chemical features, the habitat types, the biological features and the hydro-morphology,
  - (b) an analysis of the predominant pressures and impacts, including human activity, on the environmental status of those marine waters which—
    - (i) is based on the indicative list of elements set out in Table 2 of Schedule 1, and covers the qualitative and quantitative mix of the various pressures, as well as discernible trends,
    - (ii) covers the main cumulative and synergetic effects, and
    - (iii) takes account of the relevant assessments which have been made pursuant to existing Community legislation, and
  - (c) an economic and social analysis of the use of those marine waters and of the costs of degradation of the marine environment.
- (3) The analyses referred to in paragraph (2) shall—
- (a) take into account elements regarding coastal, transitional and territorial waters to which relevant provisions of existing Community legislation apply, and, without prejudice to the generality of the foregoing take into account such elements regarding such waters to which Directive 2000/60/EC applies, and
  - (b) take into account, or use as their basis, other relevant assessments including those carried out jointly in the context of the Regional Sea Conventions so as to produce a comprehensive assessment of the status of the marine environment.
- (4) For the purposes of preparing the initial assessment referred to in paragraph (1), the Minister shall, by means of the coordination established pursuant to Regulations 5 and 6, take all steps reasonably open to him or her to ensure that—
- (a) assessment methodologies are consistent across the marine region referred to in Regulation 4,
  - and
  - (b) transboundary impacts and transboundary features are taken into account.
9. (1) Having regard to the initial assessment carried out under Regulation 8, the Minister shall, in consultation with the Ministers referred to in paragraphs (a) to (d) of Regulation 5(4), in respect of the marine region referred to in

Regulation 4, determine for the marine waters to which these Regulations apply a set of characteristics for good environmental status on the basis of the qualitative descriptors specified in Schedule 2.

(2) The Minister shall take into account—

- (a) the indicative lists of elements set out in Table 1 of Schedule 1 and, in particular, physical and chemical features, habitat types, biological features and hydro-morphology, and
- (b) the pressures or impacts of human activities in the marine region referred to in Regulation 4 having regard to the indicative lists set out in Table 2 of Schedule 1.

(3) For the purpose of this Regulation, the Minister shall apply the criteria and methodological standards laid down in accordance with Article 9(3) of Directive 2008/56/EC in order to provide consistency and to allow for comparison between marine regions in relation to the extent to which good environmental status is being achieved.

10. (1) On the basis of the initial assessment made pursuant to Regulation 8, the Minister shall, in consultation with the Ministers referred to in paragraphs (a) to (d) of Regulation 5(4), establish, in respect of the marine region referred to in Regulation 4—

- (a) a comprehensive set of environmental targets, and
- (b) associated indicators,

for the marine waters to which these Regulations apply for the purpose of guiding progress towards achieving good environmental status in the marine environment, taking into account the indicative lists of pressures and impacts set out in Table 2 of Schedule 1 and of characteristics set out in Schedule 3.

(2) When devising those targets and indicators, the Minister shall take into account the continuing application of relevant existing environmental targets laid down at national, Community or international level in respect of the same waters, ensuring that these targets are mutually compatible and that relevant transboundary impacts and transboundary features are also taken into account, to the extent possible.

(3) When providing information and assistance and taking action, if any, pursuant to Regulation 5(4), a Minister referred to in paragraph (a) to (d) of that Regulation shall take into account the relevant existing environmental targets laid down at national, Community or international level in respect of the same waters for the purpose of ensuring that the environmental targets and indicators established in accordance with this Regulation are mutually compatible and the relevant transboundary impacts and transboundary features are taken into account to the extent possible.



11. (1) On the basis of the initial assessment made pursuant to Regulation 8, the Minister shall, in consultation with the Ministers referred to in paragraphs (a) to (d) of Regulation 5(4), establish and implement coordinated monitoring programmes for the ongoing assessment of the environmental status of the marine waters to which these Regulations apply—

(a) on the basis of—

- (i) the indicative lists of elements set out in Schedule 1, and
- (ii) the list set out in Schedule 4, and

(b) by reference to the environmental targets established pursuant to Regulation 10.

(2) For the purposes of paragraph (1), a monitoring programme shall—

(a) be compatible with other such programmes within the marine region referred to in Regulation 4, and

(b) build on, and be compatible with, relevant provisions for assessment and monitoring—

- (i) laid down by Community legislation, including the Habitats Directive<sup>3</sup> and the Birds Directive<sup>4</sup>, or
- (ii) under international agreements.

(3) The Minister shall draw up monitoring programmes in accordance with paragraphs (1) and (2) and shall, in the interest of coherence and coordination, take all steps reasonably open to him or her to ensure that—

(a) monitoring methods are consistent across that marine region so as to facilitate comparability of monitoring results, and

(b) relevant transboundary impacts and transboundary features are taken into account.

12. (1) The Minister shall, in respect of the marine region referred to in Regulation 4, identify, in consultation with the Minister referred to in paragraphs (a) to (d) of Regulation 5(4), the measures which are required to be taken in order to achieve, or maintain, good environmental status, as determined pursuant to Regulation 9, in the marine waters to which these Regulations apply.

(2) The Minister shall devise the measures referred to in paragraph (1)—

(a) on the basis of the initial assessment made pursuant to Regulation 8,

(b) by reference to the environmental targets established pursuant to Regulation 10, and

<sup>3</sup>OJ L 206, 22.07.1992, p.7.

<sup>4</sup>OJ L103, 25.4.1979.

(c) taking into consideration the types of measures listed in Schedule 5.

(3) The Minister shall integrate the measures devised pursuant to paragraphs (1) and (2) into a programme of measures taking into account—

(a) measures required under Community legislation, and

(b) without prejudice to subparagraph (a)—

(i) measures required under—

(I) Directive 2000/60/EC<sup>5</sup>,

(II) Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment<sup>6</sup>, and

(III) Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006<sup>7</sup> concerning the management of bathing water quality,

and

(ii) measures required—

(I) in relation to Community legislation concerning environmental quality standards in the field of water policy, or

(II) pursuant to international agreements.

(4) When drawing up the programme of measures pursuant to paragraph (3), the Minister shall give due consideration to—

(a) sustainable development and,

(b) the social and economic impacts of the measures concerned.

(5) The Minister shall—

(a) ensure that the measures referred to in paragraphs (1) to (4) are cost effective and technically feasible, and

(b) carry out impact assessments, including cost-benefit analyses,

prior to the introduction of any new measure.

(6) A programme of measures established pursuant to this Regulation shall include spatial protection measures which—

(a) contribute to coherent and representative networks of marine protected areas, and

<sup>5</sup>OJ L. 327, 22.12.2000, p. 1.

<sup>6</sup>OJ L.135, 30.05.1991, p. 40.

<sup>7</sup>OJ L.64, 04.03.2006, p. 37.

(b) adequately cover the diversity of the constituent ecosystems.

(7) A spatial protection measure referred to in paragraph (6) includes—

(a) special areas of conservation pursuant to the Habitats Directive,

(b) special protection areas pursuant to the Birds Directive, and

(c) marine protected areas as agreed by the Community, or such other marine protected areas as may be agreed by any Minister of the Government pursuant to an international or regional agreement to which the State is a party.

(8) Where the Minister considers that the management of a human activity at Community or international level is likely to have a significant impact on the marine environment, particularly in respect of a spatial protection measure referred to in paragraphs (6) and (7), the Minister shall address the relevant Community competent authority or the relevant competent authority for the international organisation concerned with a view to the consideration and possible adoption of measures that may be necessary in order to achieve the objectives of Directive 2008/56/EC so as to enable the integrity, structure and functioning of ecosystems to be maintained or, where appropriate, restored.

(9) An address by the Minister pursuant to paragraph (8) may be made jointly with another Member State.

(10) The Minister shall, in respect of the marine region referred to in Regulation 4, make the information on—

(a) special areas of conservation referred to in paragraph (7)(a),

(b) special protection areas referred to in paragraph (7)(b),

and

(c) marine protected areas referred to in paragraph (7)(c),

publicly available in accordance with Article 13(6) of Directive 2008/56/EC.

(11) The programme of measures shall specify how the measures specified in the programme—

(a) are to be implemented, and

(b) will contribute to the achievement of the environmental targets established pursuant to Regulation 10.

(12) The Minister and the Ministers referred to in paragraphs (a) to (d) of Regulation 5(4) shall consider the implications of the programme of measures on waters beyond the marine waters to which these Regulations apply for the purpose of minimising the risk of damage to, and where possible to have a positive effect on, those waters.

(13) Subject to Article 16 of Directive 2008/56/EC, the Minister shall ensure that a programme of measures are made operational within one year of the establishment of that programme.

13. (1) The Minister may identify instances within the marine waters to which these Regulations apply where—

- (a) for any of the reasons specified in subparagraphs (a) to (d) of paragraph (2), the environmental targets or good environmental status cannot be achieved in every aspect through measures taken pursuant to these Regulations, or
- (b) for reasons specified in subparagraph (e) of paragraph (2), those environmental targets or that good environmental status cannot be achieved within the time schedule concerned.

(2) For the purposes of paragraph (1), the reasons referred to in that paragraph are:

- (a) action or inaction for which the State is not responsible;
- (b) natural causes;
- (c) force majeure;
- (d) modifications or alterations to the physical characteristics of the marine waters to which these Regulations apply brought about by actions taken for reasons of overriding public interest which outweigh the negative impact on the environment, including any transboundary impact;
- (e) natural conditions which do not allow timely improvement in the status of the marine waters to which these Regulations apply.

(3) Where the Minister identifies an instance in accordance with paragraph (1)—

- (a) the instance shall be identified clearly in the programme of measures in accordance with Article 14(1) of Directive 2008/56/EC, and
- (b) the Minister shall consider, in identifying instances, the consequences for the other Member States in the marine region referred to in Regulation 4.

(4) Where the Minister identifies an instance in accordance with paragraph (1) the Minister shall—

- (a) take appropriate measures as appear to the Minister to be necessary for the purpose of—
  - (i) continuing the pursuit of those environmental targets,

- (ii) preventing further deterioration in the status of the marine waters affected for the reasons specified in subparagraphs (b), (c) or (d) of paragraph (2), and
- (iii) mitigating the adverse impact at the level of the marine region referred to in Regulation 4 or in the marine waters of another Member State, and

(b) integrate the measures referred to in subparagraph (a), as far as is practicable, into the programme of measures.

(5) In respect of a modification or alteration, referred to in paragraph (2)(d), to the physical characteristics of the marine waters referred to in that paragraph the Minister shall take all steps reasonably open to him or her to ensure that the modifications or alterations concerned do not permanently preclude or compromise the achievement of good environmental status at the level of the marine region referred to in Regulation 4 or the marine waters of any other Member State.

14. (1) The Minister shall develop and implement all the elements of marine strategies referred to in Regulation 5 but nothing in these Regulations shall be construed as requiring the Minister, except in respect of the initial assessment referred to in Regulation 8, to take specific steps to develop and implement all such elements where—

- (a) there is no significant risk to the marine environment, or
- (b) the costs would be disproportionate taking account of the risks to the marine environment,

if there is no further deterioration.

(2) Where the Minister does not, in accordance with subparagraph (a) or (b) of paragraph (1), take any steps referred to in that paragraph, the Minister shall notify the Commission of the reasons for his or her decision not to take such steps and shall set out the grounds on which not taking those steps will not permanently compromise the achievement of good environmental status.

15. (1) Where the Minister identifies an issue which—

- (a) has an impact on the environmental status of the marine waters to which these Regulations apply, and
- (b) cannot be addressed by measures adopted in accordance with these Regulations or is linked to another Community policy or international agreement,

the Minister shall, in accordance with Article 15 of Directive 2008/56/EC, inform the Commission of the reasons on which it is considered that such impact cannot be dealt with.

(2) Where a Minister referred to in paragraph (a) to (d) of Regulation 5(4) identifies an issue which has an impact on the environmental status of the marine waters to which these Regulations apply and which cannot be dealt with by measures adopted in accordance with these Regulations or is linked to another Community policy or international agreement, he or she shall, as soon as practicable, notify the Minister accordingly and set out the reasons on which it is considered that such impact cannot be dealt with.

(3) Where the Minister is satisfied that action by Community institutions is required the Minister shall, in accordance with Article 15 of Directive 2008/56/EC, make recommendations referred to in that Article.

16. (1) The Minister shall ensure that, in respect of the marine region referred to in Regulation 4, marine strategies developed in accordance with these Regulations are kept up to date.

(2) For the purpose of paragraph (1), the Minister shall, in a coordinated manner referred to in Regulation 5, review—

- (a) the initial assessment, in accordance with the procedure set out in Regulation 8, every 6 years following the date of the establishment of the first initial assessment,
- (b) the determination of good environmental status, in accordance with the procedure set out in Regulation 9, every 6 years following the date of the establishment of the first such determination,
- (c) the environmental targets every 6 years following the date of the establishment of the first such targets pursuant to Regulation 10,
- (d) the monitoring programmes every 6 years following the establishment of the first such programme pursuant to Regulation 11, and
- (e) the programme of measures every 6 years following the establishment of the first such programme pursuant to Regulation 12.

(3) Where, following a review under paragraph (1), the initial assessment, the determination of good environmental status, the environmental targets, the monitoring programmes or the programme of measures are updated, the Minister shall, in accordance with Article 17(3) of Directive 2008/56/EC, send the details of the updated provisions as provided for in that Article.

17. (1) The Minister shall, in accordance with relevant Community legislation, ensure that all interested parties are given early and effective opportunities to participate in the implementation of Directive 2008/56/EC involving, where possible, existing management bodies or structures, including Regional Sea Conventions, Scientific Advisory Bodies and Regional Advisory Councils.

(2) The Minister shall publish and make available to the public for comment, summaries of the following elements of the marine strategy, or any such element which has been updated in accordance with Regulation 16—

- (a) the initial assessment referred to in Regulation 8 and the determination of good environmental status referred to in Regulation 10,
- (b) the environmental targets established pursuant to Regulation 10,
- (c) the monitoring programme established pursuant to Regulation 11, and
- (d) the programme of measures established pursuant to Regulation 12.

(3) With regard to access to environmental information, the European Communities (Access to Information on the Environment) Regulations 2007 (S.I. No. 133 of 2007) shall apply to such access.

(4) In accordance with the European Communities (Establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)) Regulations 2010 (S.I. No. 382 of 2010) the Minister shall provide the Commission with access and use rights in respect of data and information resulting from—

- (a) the initial assessment pursuant to Regulation 8, and
- (b) the monitoring programme established pursuant to Regulation 11.

(5) The Minister shall provide the European Environment Agency with data and information referred to in Article 19(3) in accordance with that Article.

## SCHEDULE 1

## INDICATIVE LIST OF CHARACTERISTICS, PRESSURES AND IMPACTS

Table 1

## Characteristics

Physical and chemical features	<ul style="list-style-type: none"> <li>— Topography and bathymetry of the seabed,</li> <li>— annual and seasonal temperature regime and ice cover, current velocity, upwelling, wave exposure, mixing characteristics, turbidity, residence time,</li> <li>— spatial and temporal distribution of salinity,</li> <li>— spatial and temporal distribution of nutrients (DIN, TN, DIP, TP, TOC) and oxygen,</li> <li>— pH, pCO<sub>2</sub> profiles or equivalent information used to measure marine acidification.</li> </ul>
Habitat types	<ul style="list-style-type: none"> <li>— The predominant seabed and water column habitat type with a description of the characteristic physical and chemical features, such as depth, water temperature regime, currents and other water movements, salinity, structure and substrata composition of the seabed,</li> <li>— identification and mapping of special habitat types, especially those recognised or identified under Community legislation (the Habitats Directive and the Birds Directive) or international conventions as being of special scientific or biodiversity interest,</li> <li>— habitats in areas which by virtue of their characteristics, location or strategic importance merit a particular reference. This may include areas subject to intense or specific pressures or areas which merit a specific protection regime.</li> </ul>
Biological features	<ul style="list-style-type: none"> <li>— A description of the biological communities associated with the predominant seabed and water column habitats. This would include information on the phytoplankton and zooplankton communities, including the species and seasonal and geographical variability,</li> <li>— information on angiosperms, macro-algae and invertebrate bottom fauna, including species composition, biomass and annual/seasonal variability,</li> <li>— information on the structure of fish populations, including the abundance, distribution and age/size structure of the populations,</li> <li>— a description of the population dynamics, natural and actual range and status of species of marine mammals and reptiles occurring in the marine region or subregion,</li> <li>— a description of the population dynamics, natural and actual range and status of species of seabirds occurring in the marine region or subregion,</li> <li>— a description of the population dynamics, natural and actual range and status of other species occurring in the marine region or subregion which are the subject of Community legislation or international agreements,</li> <li>— an inventory of the temporal occurrence, abundance and spatial distribution of nonindigenous, exotic species or, where relevant, genetically distinct forms of native species, which are present in the marine region or subregion.</li> </ul>



Other features	<ul style="list-style-type: none"><li>— A description of the situation with regard to chemicals, including chemicals giving rise to concern, sediment contamination, hotspots, health issues and contamination of biota (especially biota meant for human consumption),</li><li>— a description of any other features or characteristics typical of or specific to the marine region or subregion.</li></ul>
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Table 2

## Pressures and Impacts

Physical loss	<ul style="list-style-type: none"> <li>— Smothering (including smothering by man-made structures, disposal of dredge spoil),</li> <li>— sealing (including sealing by permanent constructions).</li> </ul>
Physical damage	<ul style="list-style-type: none"> <li>— Changes in siltation (e.g. by outfalls, increased run-off, dredging/disposal of dredge spoil),</li> <li>— abrasion (e.g. impact on the seabed of commercial fishing, boating, anchoring),</li> <li>— selective extraction (e.g. exploration and exploitation of living and non-living resources on seabed and subsoil).</li> </ul>
Other physical disturbance	<ul style="list-style-type: none"> <li>— Underwater noise (e.g. from shipping, underwater acoustic equipment),</li> <li>— marine litter.</li> </ul>
Interference with hydrological processes	<ul style="list-style-type: none"> <li>— Significant changes in thermal regime (e.g. by outfalls from power stations),</li> <li>— significant changes in salinity regime (e.g. by constructions impeding water movements, water abstraction).</li> </ul>
Contamination by hazardous substances	<ul style="list-style-type: none"> <li>— Introduction of synthetic compounds (e.g. priority substances under Directive 2000/60/EC which are relevant for the marine environment such as pesticides, antifoulants, pharmaceuticals, resulting, for example, from losses from diffuse sources, pollution by ships, atmospheric deposition and biologically active substances),</li> <li>— introduction of non-synthetic substances and compounds (e.g. heavy metals, hydrocarbons, resulting, for example, from pollution by ships and oil, gas and mineral exploration and exploitation, atmospheric deposition, riverine inputs),</li> <li>— introduction of radio-nuclides.</li> </ul>
Systematic or intentional release of substances or both	<ul style="list-style-type: none"> <li>— Introduction of other substances, whether solid, liquid or gas, in marine waters, resulting from their systematic or intentional release or both into the marine environment, as permitted in accordance with other Community legislation and/or international conventions.</li> </ul>
Nutrient and organic matter enrichment	<ul style="list-style-type: none"> <li>— Inputs of fertilisers and other nitrogen — and phosphorus-rich substances (including such inputs from point and diffuse sources, including agriculture, aquaculture, atmospheric deposition),</li> <li>— inputs of organic matter (including sewers, mariculture, riverine inputs).</li> </ul>
Biological disturbance	<ul style="list-style-type: none"> <li>— Introduction of microbial pathogens,</li> <li>— introduction of non-indigenous species and translocations,</li> <li>— selective extraction of species, including incidental non-target catches (including by commercial and recreational fishing).</li> </ul>

## SCHEDULE 2

*Regulation 9.*

## QUALITATIVE DESCRIPTORS FOR DETERMINING GOOD ENVIRONMENTAL STATUS

- (1) Biological diversity is maintained. The quality and occurrence of habitats and the distribution and abundance of species are in line with prevailing physiographic, geographic and climatic conditions.
- (2) Non-indigenous species introduced by human activities are at levels that do not adversely alter the ecosystems.
- (3) Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.
- (4) All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity.
- (5) Human-induced eutrophication is minimised, especially adverse effects of them, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters.
- (6) Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.
- (7) Permanent alteration of hydrographical conditions does not adversely affect marine ecosystems.
- (8) Concentrations of contaminants are at levels not giving rise to pollution effects.
- (9) Contaminants in fish and other seafood for human consumption do not exceed levels established by Community legislation or other relevant standards.
- (10) Properties and quantities of marine litter do not cause harm to the coastal and marine environment.
- (11) Introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment.

To determine the characteristics of good environmental status in the marine region referred to in Regulation 4 as provided for in Regulation 9, the Minister shall consider each of the qualitative descriptors listed in this Schedule in order to identify those descriptors which are to be used to determine good environmental status for that marine region. Where the Minister is satisfied that it is not appropriate to use one or more of those descriptors, the reasons shall be specified in the notification made pursuant to Article 9(2) of Directive 2008/56/EC.

## SCHEDULE 3

## INDICATIVE LIST OF CHARACTERISTICS TO BE TAKEN INTO ACCOUNT FOR SETTING ENVIRONMENTAL TARGETS

- (1) Adequate coverage of the elements characterising marine waters to which these Regulations apply within the marine region referred to in Regulation 4.
- (2) Need to set (a) targets establishing desired conditions based on the definition of good environmental status; (b) measurable targets and associated indicators that allow for monitoring and assessment; and (c) operational targets relating to concrete implementation measures to support their achievement.
- (3) Specification of environmental status to be achieved or maintained and formulation of that status in terms of measurable properties of the elements characterising the marine waters to which these Regulations apply within the marine region referred to in Regulation 4.
- (4) Consistency of the set of targets; absence of conflicts between them.
- (5) Specification of the resources needed for the achievement of targets.
- (6) Formulation of targets, including possible interim targets, with a timescale for their achievement.
- (7) Specification of indicators intended to monitor progress and guide management decisions with a view to achieving targets.
- (8) Where appropriate, specification of reference points (target and limit reference points).
- (9) Due consideration of social and economic concerns in the setting of targets.
- (10) Examination of the set of environmental targets, associated indicators and limit and target reference points developed in light of the environmental objectives laid down in Article 1 of Directive 2008/56/EC, in order to assess whether the achievement of the targets would lead the marine waters to which these Regulations apply within the marine region referred to in Regulation 4 to a status matching them.
- (11) Compatibility of targets with objectives to which the Community and its Member States have committed themselves under relevant international and regional agreements, making use of those that are most relevant for the marine region referred to in Regulation 4 with a view to achieving the environmental objectives laid down in Article 1 of Directive 2008/56/EC.
- (12) When the set of targets and indicators has been assembled, they should be examined together relative to the environmental objectives laid down in Article 1 of Directive 2008/56/EC to assess whether the achievement of the targets would lead the marine environment to a status matching them.

## SCHEDULE 4

*Regulation 11.*

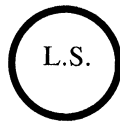
## MONITORING PROGRAMMES

- (1) Need to provide information for an assessment of the environmental status and for an estimate of the distance from, and progress towards, good environmental status in accordance with Schedule 1 and with the criteria and methodological standards to be defined pursuant to Article 9(3) of Directive 2008/56/EC.
- (2) Need to ensure the generation of information enabling the identification of suitable indicators for the environmental targets provided for in Regulation 10.
- (3) Need to ensure the generation of information allowing the assessment of the impact of the measures referred to in Regulation 12.
- (4) Need to include activities to identify the cause of the change and hence the possible corrective measures that would need to be taken to restore the good environmental status, when deviations from the desired status range have been identified.
- (5) Need to provide information on chemical contaminants in species for human consumption from commercial fishing areas.
- (6) Need to include activities to confirm that the corrective measures deliver the desired changes and not any unwanted side effects.
- (7) Need to aggregate the information on the basis of marine regions or subregions in accordance with Article 4 of Directive 2008/56/EC.
- (8) Need to ensure comparability of assessment approaches and methods within and between marine regions or subregions or both.
- (9) Need to develop technical specifications and standardised methods for monitoring at Community level, so as to allow comparability of information.
- (10) Need to ensure, as far as possible, compatibility with existing programmes developed at regional and international level with a view to fostering consistency between these programmes and avoiding duplication of effort, making use of those monitoring guidelines that are the most relevant for the marine region referred to in Regulation 4.
- (11) Need to include, as part of the initial assessment provided for in Regulation 8, an assessment of major changes in the environmental conditions as well as, where necessary, new and emerging issues.
- (12) Need to address, as part of the initial assessment provided for in Regulation 8, the relevant elements listed in Schedule 1 including their natural variability and to evaluate the trends towards the achievement of the environmental targets laid down pursuant to Regulation 10, using, as appropriate, the indicators established and their limit or target reference points.

## SCHEDULE 5

## PROGRAMMES OF MEASURES

- (1) Input controls: management measures that influence the amount of a human activity that is permitted.
- (2) Output controls: management measures that influence the degree of perturbation of an ecosystem component that is permitted.
- (3) Spatial and temporal distribution controls: management measures that influence where and when an activity is allowed to occur.
- (4) Management coordination measures: tools to ensure that management is coordinated.
- (5) Measures to improve the traceability, where feasible, of marine pollution.
- (6) Economic incentives: management measures which make it in the economic interest of those using the marine ecosystems to act in ways which help to achieve the good environmental status objective.
- (7) Mitigation and remediation tools: management tools which guide human activities to restore damaged components of marine ecosystems.
- (8) Communication, stakeholder involvement and raising public awareness.



GIVEN under my Official Seal,  
31 May 2011.

PHIL HOGAN,  
Minister for the Environment, Community and  
Local Government.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations provide for the transposition into Irish national law of the Marine Strategy Framework Directive<sup>1</sup>.

These Regulations require the Minister for the Environment, Community and Local Government, with the assistance of other relevant Ministers, to develop a marine strategy for Ireland's marine waters. The aim of this strategy is to achieve good environmental status in Ireland's marine waters by the year 2020 at the latest.

For this purpose the Regulations require, *inter alia*—

- an initial assessment of the status of Ireland's marine waters, a determination of good environmental status and the establishment of a series of environmental targets and associated indicators in 2012.
- the establishment and implementation of monitoring programmes for ongoing assessment and regular updates of targets in 2014.
- the development of a programme of measures designed to achieve or maintain good environmental status in 2015 and
- the entry into operation of that programme of measures by 2016.

<sup>1</sup>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. OJ L164. 25.6.2008. p.19.

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