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Bonn, 31.03.2016

Sehr geehrter Herr Generaldirektor,

die Bundesrepublik Deutschland beehrt sich Ihnen mitzuteilen, dass die Übermittlung des Maßnahmenprogramms nach Art. 13 Abs. 9 MSRL in Form von xml-Berichten und Text-Berichten an EIONET erfolgt ist. Die EIONET Empfangsbestätigungen finden Sie in Anlage 2 der Ihnen auf dem Postwege zugehenden Originalfassung dieses Schreibens.

Für die Auswertung der übermittelten Berichte ist Folgendes zu berücksichtigen:

- Deutschland nimmt zu diesem Zeitpunkt Möglichkeiten von Fristverlängerung und Ausnahmen nach Art. 14 MSRL nicht in Anspruch. Die Berichterstattung beschränkt sich daher auf Art. 13 MSRL.
- Dem nationalen Maßnahmenprogramm liegen unverändert die 2012 im Rahmen der Umsetzung von Art. 10 MSRL an die EU berichteten operativen Umweltziele zugrunde.
- Anlage 1 zu diesem Anschreiben erläutert die nationalen Berichtskomponenten und enthält einen Index, wo die geforderten Antworten auf die im EU-CIS-MSRL Leitfaden „*Reporting on programmes of measures (Art. 13) and on exceptions (Art. 14)*“ gelisteten Fragenkataloge (Abschnitt 4.4) zu finden sind.



Seite 2

- Punkt d von Abschnitt 5.3 des EU-CIS-MSRL Leitfadens „*Reporting on programmes of measures (Art. 13) and on exceptions (Art. 14)*“ fordert die Mitgliedstaaten auf, alle für die Beantwortung der im Leitfaden gelisteten Fragenkataloge unmittelbar relevanten Dokumente, die nur über URL in Bezug genommen wurden, in ReportNet einzustellen. Wir verstehen diese Anforderung als eine Notwendigkeit, die Berichtsinhalte im Zeitpunkt der Berichterstattung für die Bewertung nach Art. 16 MSRL zu sichern, da Website-Inhalte dynamisch und veränderlich sind. Vor diesem Hintergrund beziehen wir diese Anforderung *nicht* auf die nach Abschnitt 4.4.2 bereitzustellenden Informationen zu WRRL-Maßnahmen. Abschnitt 4.4.2 lässt im Sinne der Vermeidung der Doppelberichterstattung explizit eine URL-Referenz genügen. Die in Bezug genommenen Informationen sind Gegenstand der WRRL-Berichterstattung und liegen der EU-Kommission in einer klar datierten, abgeschlossenen und damit statischen Version vor. Gerne beantworten wir eventuelle Rückfragen im Rahmen der Auswertung nach Art. 16 MSRL.

Hochachtungsvoll,

Joerg Wagner

Anlage 1 Explanatory note linking the German programme of measures and the questions of section 4.4 of the Art. 13 MSFD Reporting Guidance

Anlage 2 ReportNet Confirmations

Anlage 1

Explanatory note linking the German programme of measures and the questions of section 4.4 of the Art. 13 MSFD Reporting Guidance

1. Overview of the German text reporting components

In addition to the xml-reporting files, Germany submits the following text reporting components.

The German Programme of Measures, a draft of which was presented to the public for consultation (1 April – 30 September 2015), comprises of

- a summary report (main text of the Programme of Measures with four Annexes) which provides a *general overview* that answers in principle the questions in section 4.4.1 of the Art. 13 MSFD Reporting Guidance. An index of questions and answers is provided below under point 2.
- detailed information on *new measures* in the form of “measure information sheets” (Addendum 1 to the Programme of Measures) addressing the questions set out in section 4.4.2 of the Art. 13 MSFD Reporting Guidance. An index of questions and answers is provided below under point 3.
- background information on *socio-economic assessment* (Addendum 2 to the Programme of Measures).

Annex 2 of the Programme of Measures (main text) gives a concise overview of the existing and new measures for achieving good environmental status in the programme period 2016 –2021. It is the basis for xml-reporting and links the xml-measure-reports for the North and the Baltic Sea with the summary report, the measure information sheets on new measures and the following complementary reports on existing measures, answering the questions in section 4.4.2 of the Art. 13 Reporting Guidance:

- a *summary of existing measures* (Excel file) with a short description of the measure (except for WFD measures), relational information on pressures, characteristics, descriptors, environmental targets and KTMs and, where available, reference/URL where details on a measure can be found.
- the “LAWA-BLANO-measure catalogue” with an overview and a short description of the *WFD measures* included in the updated WFD programmes of measures 2016–2021. The catalogue has also been updated to include the new measures proposed in the MSFD programme of measures and shows the potential for measures under WFD and MSFD to mutually support the objectives and the management of human pressures under both Directives. The MSFD xml-reports include the URL for the WFD ReportNet reporting which in turn links up with the MSFD reporting as described in Section 4.6 of the Art. 13 Reporting Guidance.
- for details on the WFD measures (section 4.4.2), we refer to the relevant WFD-reports, submitted in accordance with the 2016 Reporting Guidance to the appropriate WFD ReportNet folder.

2. Index: General Overview (Section 4.4.1 Reporting Guidance)

4.4.1 General overview (Reporting Guidance 14-15)	Sections and Annexes refer to the Programme of measures (main text)
<p>1. Environmental targets</p> <p>a. Which version of your environmental targets (Article 10) does the PoM address (e.g. as reported in 2012; revised update on ReportNet; revised update available at national level)? Provide date and web link.</p> <p>b. Did you set any operational targets that relate to concrete implementation measures to support their achievement (Annex IV (2))?</p>	<p>Section 3 (Approach) and Annex 1 (2012 operational environmental targets)</p>
<p>2. Inventory and assessment of existing measures</p> <p>a. Provide an overview of the existing measures (WFD, other); specific details are provided in the chapter 'Existing and new measures of the PoM' (see section 4.4.2);</p> <p>b. Based on your review of existing measures (Article 13(2)), provide an analysis of the contribution of existing measures towards achieving or maintaining GES (the baseline scenario, taking into ongoing account implementation of existing measures and forthcoming legislation or international agreements) and the gap that needs to be addressed (gap analysis) to deliver the environmental targets and to achieve or maintain GES? This analysis should provide a link between the existing measures and the KTMs.</p> <p>c. Provide a reference to where the information referred to in MSFD Article 13(4) and 13(5) is made publicly available, as required under Article 13(6).</p>	<p>Section 3 (Approach) and Section 3.1 (Inventory of existing measures), and</p> <ul style="list-style-type: none"> - Annex 2 (Overview of existing and new measures to achieve the environmental targets) - Annex 3 (Overview of selected existing national, EU and international legal basis) - LAWA-BLANO-measure catalogue (on WFD measures) - Compilation of existing measures (other than WFD measures) <p>Section 3.1 (Inventory of existing measures), and Sections 2.1-2.7 – overview per overarching environmental target For links to KTMs see documentation listed for question 2a.</p> <p>Section 3.2, sub-section on spatial protection measures</p>
<p>3. New measures</p> <p>a. Describe the method or approach to selecting new measures;</p> <p>b. Provide a summary of the new measures; specific details are provided in the chapter 'Existing and new measures of the PoM' (see section 4.4.3);</p> <p>c. When selecting new measures, how have you ensured that they are based on / take into account (Article 13(3)):</p> <ol style="list-style-type: none"> i. Technical feasibility; ii. Sustainable development: a combination of Impact Assessment (environmental, social and economic), cost-effectiveness analysis and cost-benefit analysis7?; <p>d. Describe how the new measures will be implemented (e.g. by legal, policy, socio-economic and financial instrument), including an overview of potentially co-financed measures (Article 22) where relevant;</p> <p>e. Indicate whether further spatial protection measures will be identified and the purpose for which they are put in place (Article 13(4)). How will these contribute to coherent and representative networks of marine protected areas, adequately covering the diversity of the constituent ecosystems in the (sub)region?</p>	<p>Section 3.2 (New measures)</p> <p>Sections 2.1-2.7 – overview per overarching environmental target, and Annex 2 (Overview of existing and new measures to achieve the environmental targets)</p> <p>Section 3.2, sub-section on technical feasibility and sustainability, and</p> <ul style="list-style-type: none"> - Addendum 2: Background document on socio-economic assessments (methodologies) - Addendum 1: Measure information sheets (assessment result) <p>Annex 2 (overview of existing and new measures to achieve the environmental targets), and Addendum 1: Measure information sheets</p> <p>Section 3.2, sub-section on spatial protection measures</p>

4. Adequacy of the PoM and need for exceptions (if any)	
a. Is the PoM as a whole (existing and new measures) sufficient to achieve your environmental targets and to achieve or maintain GES in your marine waters (Article 13(1))? i. Yes, the PoM as a whole is sufficient; ii. No, the PoM is not expected to achieve GES and the targets in every aspect or is not expected to achieve GES and the targets by 2020 and a request for one or more exceptions under MSFD Article 14 is provided (see separate outline for report on each exception). Specify which descriptors and targets are not fully addressed and provide a justification for exceptions (see section 4.4.3).	Section 4 (Achieving good environmental status in 2020), and Sections 2.1-2.7 – overview per overarching environmental target
b. How will the PoM contribute to the achievement or maintenance of GES (Article 13(1)) and environmental targets (Article 13(7))? Where relevant, provide explanations on any actions that will be undertaken (e.g. research, monitoring, survey) to close gaps in the knowledge base and enable improved information on whether the measures are sufficient to achieve the targets and to achieve or maintain GES.	Sections 2.1-2.7 – overview per overarching environmental target, and Sections 2.8
5. Links to other policies	
a. Describe the overall coordination or input to other EU legislation and policies (including international agreements);	Section 3 (Approach) and - Annex 3 (Overview of selected existing national, EU and international legal basis) - Addendum 1: Measure information sheets (see alignment with objectives of other legislation / obligations / conventions)
6. Regional cooperation and transboundary impacts	
a. Describe how (sub)regional coordination in development of your PoM was undertaken, and what were the key outcomes (e.g. coordinated national PoMs, joint measures, identification of issues for EU/international consideration) (Article 5(2)).	Section 5 (Regional coordination), and HELCOM / OSPAR Joint documentation on regional coordination of programmes of measures – See: http://www.ospar.org/documents?v=34719 http://helcom.fi/Documents/Baltic%20sea%20action%20plan/JointDocRegionalPoM.pdf
b. How did you assess the transboundary impacts of your PoM on waters beyond your marine waters (Article 13(8))? c. How and when were any identified transboundary impacts (positive and negative) notified to affected states? Which states were notified and how were their views taken into account in your final PoM?	Section 6 (Strategic Environment Assessment), and Addendum 1: Measure information sheets (see transboundary impact)
7. Public consultation	
a. When was the Public Consultation undertaken (Article 19(2))? b. Where/how? (consultation website) c. Did the Public Consultation include: i. All measures reported under Article 13? ii. All exceptions reported under Article 14? iii. Ad-hoc measures under Article 14(1), 3rd subparagraph? iv. If not, provide a list of the measures and/or exceptions which were not included and a reason for this. d. How was the Public Consultation taken into account?	Section 7 (public consultation) See the www.meeresschutz.info/berichte-Art13.html for additional information (synopsis of received comments; summarizing SEA-statement)
8. Administrative processes	
a. Describe your implementation process, together with your administrative framework (e.g. the policy tools or plans containing the measures, including new measures, for protecting the marine environment, e.g. WFD PoM, National Waste prevention plans) (Articles 13(3), 13(7) and 13(10)).	Section 8 (Consultation and implementation)

3. Index: New measure information (Section 4.4.2 Reporting Guidance)

The detailed information on new measures is compiled in “measure information sheets”. They follow a standard structure as set out below (source: Addendum 1 to the Programme of Measures). The sheets compile information requested by the EU-MSFD-CIS for both xml-reporting and text-reporting as set out in Guidance No 12 “Reporting on Programmes of Measures (Art. 13) and on exceptions (Art. 14) for the Marine Strategy Framework Directive” (“Art. 13 reporting guidance”). The sheets include some additional information for national purposes.

Structure of the measure information sheet	Link to “Art. 13 reporting guidance”	Explanatory note																						
Running number and measure title	No. 7 reporting sheet, section 4.4.2 “new measures” no. b	Measure title																						
<i>Level 1: Characteristics</i>																								
Coding	No. 6 reporting sheet section 4.4.2 “new measures” no. a	Marine region: <i>Choose (§ 45a (3) Federal Water Act):</i> <ul style="list-style-type: none"> • <i>Baltic Sea</i> • <i>North Sea</i> 	Catalogue no. of measure: <i>LAWA-BLANO-measure catalogue</i>	EU reporting code: <i>xml-reporting 2016</i>																				
Key-Type-Measures	No. 9 reporting sheet, section 4.4.2 “new measures” no. n	<p><i>KTMs for MSFD are those set out in the EU-MSFD-CIS reporting guidance for Art. 13 MSFD. Measures are assigned to one or several KTMs. In cases of assignment of several KTMs, bolding of a KTM is used, if possible, to identify the main KTM to which the measure contribution links.</i></p> <table border="1"> <thead> <tr> <th>N°</th> <th>Additional KTMs for MSFD reporting</th> </tr> </thead> <tbody> <tr> <td>26</td> <td>Measures to reduce physical loss¹ of seabed habitats in marine waters (and not reported under KTM 6 in relation to WFD Coastal Waters)</td> </tr> <tr> <td>27</td> <td>Measures to reduce physical damage² in marine waters (and not reported under KTM 6 in relation to WFD Coastal Waters)</td> </tr> <tr> <td>28</td> <td>Measures to reduce inputs of energy, including underwater noise, to the marine environment</td> </tr> <tr> <td>29</td> <td>Measures to reduce litter in the marine environment</td> </tr> <tr> <td>30</td> <td>Measures to reduce interferences with hydrological processes in the marine environment (and not reported under KTM 6 in relation to WFD Coastal Waters)</td> </tr> <tr> <td>31</td> <td>Measures to reduce contamination by hazardous substances (synthetic substances, non-synthetic substances, radionuclides) and the systematic and/or intentional release of substances in the marine environment from sea-based or air-based sources</td> </tr> <tr> <td>32</td> <td>Measures to reduce sea-based accidental pollution</td> </tr> <tr> <td>33</td> <td>Measures to reduce nutrient and organic matter inputs to the marine environment from sea-based or air-based sources</td> </tr> <tr> <td>34</td> <td>Measures to reduce the introduction and spread of non-indigenous species in the marine environment and for their control</td> </tr> </tbody> </table>			N°	Additional KTMs for MSFD reporting	26	Measures to reduce physical loss ¹ of seabed habitats in marine waters (and not reported under KTM 6 in relation to WFD Coastal Waters)	27	Measures to reduce physical damage ² in marine waters (and not reported under KTM 6 in relation to WFD Coastal Waters)	28	Measures to reduce inputs of energy, including underwater noise, to the marine environment	29	Measures to reduce litter in the marine environment	30	Measures to reduce interferences with hydrological processes in the marine environment (and not reported under KTM 6 in relation to WFD Coastal Waters)	31	Measures to reduce contamination by hazardous substances (synthetic substances, non-synthetic substances, radionuclides) and the systematic and/or intentional release of substances in the marine environment from sea-based or air-based sources	32	Measures to reduce sea-based accidental pollution	33	Measures to reduce nutrient and organic matter inputs to the marine environment from sea-based or air-based sources	34	Measures to reduce the introduction and spread of non-indigenous species in the marine environment and for their control
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¹ Measures relating to placement of infrastructure and landscape alterations that introduce changes to the sea-floor substratum and morphology and hence permanent loss of marine habitat.

² Measures which address other types of sea-floor disturbance (e.g. bottom fishing, gravel extraction) which can change the nature of the seabed and its habitats but which are not of a permanent nature.

		<p>35 Measures to reduce biological disturbances in the marine environment from the extraction of species, including incidental non-target catches</p> <hr/> <p>36 Measures to reduce other types of biological disturbance, including death, injury, disturbance, translocation of native marine species, the introduction of microbial pathogens and the introduction of genetically-modified individuals of marine species (e.g. from aquaculture)</p> <hr/> <p>37 Measures to restore and conserve marine ecosystems, including habitats and species</p> <hr/> <p>38 Measures related to Spatial Protection Measures for the marine environment (not reported under another KTM)</p> <hr/> <p>39 Other measures</p>
EU measure category	No 8 reporting sheet, section 4.4.2 "new measures" no. d	<p><i>Assignment of a measure to</i></p> <ul style="list-style-type: none"> - <i>Category 2a</i> <i>Additional measures to achieve and maintain GES which build upon existing implementation processes regarding other EU legislation and international agreements but go beyond what is already required under these.</i> - <i>Category 2b</i> <i>Additional measures to achieve and maintain GES, which do not build upon existing EU legislation or international agreements.</i> <hr/> <p><i>For category 2a measures, specification of the EU legislation and international agreements on which the measure builds (e.g. Habitat Directive, OSPAR, HELCOM, MARPOL)</i></p>
Operational environmental target	No 10 reporting sheet, section 4.4.2 "new measures" no. o	<p><i>Assignment of the measure to the relevant national operational environmental targets, established in 2012 (see 2012 report on the establishment of environmental targets for North and Baltic Sea (Art. 10 MSFD)). The list of operational environmental targets is attached in Annex 1 to the Programme of Measures (main text) for information.</i></p>
Descriptors	No 11 reporting sheet	<p><i>Assignment of the measure to the relevant descriptors (Annex I MSFD). The descriptors are listed as short title:</i></p> <p><i>D1 – Biological diversity</i> <i>D2 – Non-indigenous species</i> <i>D3 – Status of commercial fish and shellfish species</i> <i>D4 – Food web</i> <i>D5 – Eutrophication</i> <i>D6 – Seafloor integrity</i> <i>D7 – Hydrographic conditions</i> <i>D8 – Contaminants</i> <i>D9 – Contaminants in seafood</i> <i>D10 – Marine Litter</i> <i>D11 – Introduction of energy</i></p>
Main pressures		<p><i>Based on the 2012 initial assessment (see 2012 reports for North and Baltic Sea), assignment of the measure to the pressures in Annex III, Table 2 MSFD:</i></p> <ul style="list-style-type: none"> • <i>Physical loss</i> • <i>Physical damage</i> • <i>Other physical disturbance</i> • <i>Interference with hydrological processes</i> • <i>Contamination with hazardous substances</i> • <i>Systematic and/or intentional release of substances</i> • <i>Enrichment with nutrients and organic matter</i> • <i>Biological disturbance</i>

Features	No. 12 reporting sheet	<p>Based on the 2012 initial assessment (see 2012 reports for North and Baltic Sea), assignment of the measure to the relevant features:</p> <ul style="list-style-type: none"> • Seabirds and coastal birds • Marine mammals • Reptiles • Fish • Cephalopodes • Benthic habitats • Pelagic habitats
Alignment with objectives of other legislation / obligations / conventions	Section 4.4.2 “new measures” no. d	Necessary conformity with selected important requirements.
Need for trans-national regulation		Indication of the need for regulation at EU, regional or international level, in order to achieve MSFD environmental targets.
<i>Level 2: Measure description</i>		
Measure description	Section 4.4.2 “new measures” no. c	Description of the contents of the measure.
Mode / instruments of implementation	Section 4.4.2 “new measures” no. c	<p>Listing of relevant implementation modes:</p> <ul style="list-style-type: none"> • Legal • Technical • Political • Economic <p>If relevant, indication of concrete instruments which can/should be use for implementing the measure.</p>
Spatial reference	No. 13 reporting sheet	<p>Indication of the coverage of the measure according to jurisdictional zones:</p> <ul style="list-style-type: none"> - Terrestrial - Transitional waters (WFD) - Coastal waters (WFD) - Territorial sea - Exclusive Economic Zone - Continental shelf beyond EEZ - Waters beyond national jurisdiction <p>In the text report components, the terms „territorial sea“ and „coastal waters (WFD)“ were not used. Instead the term „coastal waters“ in the meaning of § 3 No. 2 Federal Water Act (WHG) was used. The WHD defines “coastal waters” as the territorial see (up to 12 nautical miles seaward of the baseline) and the waters landwards of the baseline up to the coastline at medium tide or the seaward limits of fresh waters. For the purpose of the national reports, harbours are subsumed under “terrestrial part of MS”.</p>
Measure reasoning	Section 4.4.1 no. 4b	<p>Need for the measure</p> <p>Reasoning based on the 2012 initial assessment (see 2012 reports for North and Baltic Sea).</p> <hr/> <p>Contribution of the measure to achieving the operational environmental target.</p> <p>As far as possible, indication how the measure contributes to the target.</p>
Transboundary impact	Section 4.4.1 no. 6a	Indication whether and how the measure acts on the protection values of MSFD/Federal Water Act and possibly on the status of water of other states in the marine region.
Costs	Section 4.4.2 no. e and f	Cost indication is dependent on the state of knowledge and on the level of specificity of the measure.

Socio-economic assessments	Section 4.4.2 no. e and f	Cost-effectiveness (CBE) <i>See Background Document on socio-economic assessment for approach and method. The emphasis is on information e.g. in form of scientific studies, which demonstrate the effectiveness of the measure. Alternatively, effectiveness is indicated by means of expert judgement.</i>
		Initial socio-economic assessment (CBA) <i>See Background Document on socio-economic assessment for approach and method.</i>
Coordination in implementation	Section 4.4.2 no. k	Required level of coordination in implementing the measure: <ul style="list-style-type: none"> • Local • National • EU • Regional (OSPAR/HELCOM) • International <i>If applicable, a short explanation is given.</i>
Responsible authority	Section 4.4.2 no. g and h	<i>List of possible authorities/organisations for delivering the measure. Responsibilities will be specified together with the further specification of the measure.</i>
Funding	Section 4.4.2 no. j	<i>State of securing the funding and indication of any EU-funding that might be relevant.</i>
Indicators	Section 4.4.2 no. m	<i>In many cases, indicators to assess effectiveness of the implemented measure are those which have been reported in 2012 associated with the operational environmental targets (see Annex 1 of the 2012 report on the establishment of environmental targets under Art. 10 MSFD for North and Baltic Sea). If relevant, complementary indicators to follow-up the implementation of the measure are proposed.</i>
Temporal planning of the implementation / execution of the measure	Section 4.4.2 no. i	<i>Information on when the implementation / execution of the measure is expected to start.</i>
Obstacles to implementation	Section 4.4.2 no. l	<i>Indication of expected difficulties in the implementation. In many cases, such difficulties were not evident when the programme of measures was established since the measure still need to be operationalized.</i>
<i>Strategic environment assessment information</i>		
Additional protection values concerning the Impact Assessment Act (UVPG)		<i>The outcome of the SEA-assessment of those protection values determined in determining the scope of the SEA-assessment which are not covered by MSFD/Federal Water Act and hence the programme of measures. The SEA-scoping process is documented for information in Annex 4 of the programme of measures (main text).</i>
Reasonable alternatives		<i>Documentation of dismissed alternatives to the measure including the option of no action.</i>