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Legislation

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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Regulation (EU) No 772/2010 of 1 September 2010 amending Regulation (EC) No 555/2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector** 1

Commission Regulation (EU) No 773/2010 of 1 September 2010 establishing the standard import values for determining the entry price of certain fruit and vegetables 4

DECISIONS

2010/475/EU:

- ★ **Commission Decision of 30 August 2010 amending Decision 2006/594/EC fixing an indicative allocation by Member State of the commitment appropriations for the Convergence Objective for the period 2007-2013 as regards additional allocations for the Czech Republic, Poland and Slovakia (notified under document C(2010) 5817)**..... 6

Price: EUR 3

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

2010/476/EU:

- ★ **Commission Decision of 30 August 2010 amending Decision 2006/593/EC fixing an indicative allocation by Member State of the commitment appropriations for the Regional competitiveness and employment objective for the period 2007-2013 as regards the Czech Republic and Slovakia** (notified under document C(2010) 5818)..... 11

2010/477/EU:

- ★ **Commission Decision of 1 September 2010 on criteria and methodological standards on good environmental status of marine waters** (notified under document C(2010) 5956) ⁽¹⁾..... 14



⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 772/2010

of 1 September 2010

amending Regulation (EC) No 555/2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾ and in particular Article 103za, in conjunction with Article 4 thereof,

Whereas:

- (1) Point (d) of the first paragraph of Article 4 of Commission Regulation (EC) No 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector ⁽²⁾ provides that the support for promotion and information on third-country markets lasts no longer than three years for a given beneficiary in a given third-country.
- (2) In the light of the experience gained during the implementation of those support actions, it is necessary to foresee their renewal by two years at the most, given the specificity of the promotion and information actions in third countries, which for example require longer administrative formalities at Member State and third country level.
- (3) Article 5(1) of Regulation (EC) No 555/2008 foresees that Member States shall lay down the application procedure, in particular to provide detailed rules on evaluating any given supported action. It is also necessary to provide an obligation for the Member

States to lay down the procedure for the possible renewal of the support, as well as a prior evaluation of supported actions.

- (4) Article 9(1) of Regulation (EC) No 555/2008 describes the financial management of restructuring and conversion of vineyards, without however establishing specific provisions relating to the control of the operations. The operations of restructuring and conversion of vineyards may in certain cases be subject to multiple on-the-spot checks without bringing an improvement of the administrative and financial costs they involve.
- (5) Article 81 of Regulation (EC) No 555/2008 lays down provisions relating to monitoring of the production potential only. Although the operations of restructuring and conversion of vineyards are closely related to the operations relating to production potential, they are currently excluded from the application of that Article. In order to simplify the control system, it is necessary to establish rules concerning the verification of operations of restructuring and conversion of vineyards similar to the current rules concerning the verification of production potential operations.
- (6) In order to simplify the verification of the operations of restructuring and conversion of vineyards, provisions should be made for allowing, in addition to the use of graphical tools, the use of equivalent instruments which also allow identification, measurement and localisation of the parcel.
- (7) Regulation (EC) No 555/2008 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 170, 30.6.2008, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 555/2008 is amended as follows:

(1) In Article 4, first paragraph, point (d) is replaced by the following:

'(d) The support for promotion and information lasts no longer than three years for a given beneficiary in a given third-country; however, if necessary, it may be renewed once, for a period no longer than two years;'

(2) Article 5(1) is amended as follows:

(a) the introductory phrase is replaced by the following:

'Member States shall lay down the application procedure and the procedure for the possible renewal, as referred to in point (d) of the first paragraph of Article 4, which shall in particular provide detailed rules on;'

(b) point (e) is replaced by the following:

'(e) evaluating any given supported action. In case of renewal in accordance with point (d) of the first paragraph of Article 4, the results of the supported actions shall in addition be evaluated prior to the renewal.'

(3) In Article 9(1), the first subparagraph is replaced by the following:

'Support shall be paid once it is ascertained that either a single operation or all the operations covered by the support application, according to the choice made by the Member State for the management of the measure, have been implemented and checked on-the-spot, in accordance with Article 81 of this Regulation.'

(4) Article 81 is replaced by the following:

Article 81

Control related to the production potential and to the operations of restructuring and conversion of vineyards

1. In order to verify the compliance with the provisions on production potential laid down in Section IVa of Chapter III of Title I of Part II of Regulation (EC) No 1234/2007, including the transitional prohibition on new planting laid down in Article 85g(1) of that Regulation, as well as with the provisions foreseen in Article 103q of that Regulation relating to operations of restructuring and conversion of vineyards, Member States shall make use of the vineyard register.

2. When granting replanting rights as foreseen in Article 85i of Regulation (EC) No 1234/2007, areas shall be systematically verified before and after the execution of the grubbing up. The plots to be checked shall be those for which a replanting right is to be granted.

The control before the grubbing-up shall also cover the verification of the existence of the vineyard concerned.

This control shall be carried out by an on-the-spot check. However, if the Member State has available a reliable updated computerised vineyard register, the control may be carried out administratively and the obligation of an on-the-spot check before grubbing-up may be limited to 5 % of the applications, on an annual basis, in order to confirm the reliability of the administrative control system. Should such an on-the-spot check reveal significant irregularities or discrepancies in a region or part of a region, the competent authority shall appropriately increase the number of on-the-spot checks during the year concerned and the following year.

3. Areas receiving a grubbing-up premium shall be systematically verified before and after the grubbing up. The plots to be verified shall be those which are subject to an application for aid.

The control before the grubbing-up shall also cover the verification of the existence of the vineyard concerned, the area planted determined in accordance with Article 75 and whether the given area has been properly tended.

This control shall be carried out by an on-the-spot check. However, if the Member State has available a graphical tool or an equivalent instrument that allows measurement of the area planted in accordance with Article 75 in the computerised vineyard register, and reliable updated information about the parcel being properly tended, the control may be carried out administratively and the obligation to carry out an on-the-spot check before the grubbing up, may be limited to 5 % of the applications in order to confirm the reliability of the administrative control system. Should such an on-the-spot check reveal significant irregularities or discrepancies in a region or part of a region, the competent authority shall increase the number of on-the-spot checks appropriately during the year concerned.

4. The control that the grubbing-up has actually taken place, shall be carried out by an on-the-spot check. In the case of grubbing up of the entire vineyard parcel or if the resolution of the remote sensing is equal to or better than 1 m², the verification may be carried out by remote sensing.

5. As regards areas receiving a grubbing-up premium, without prejudice to paragraph 3, third subparagraph and paragraph 4, at least one of the two verifications mentioned in the first subparagraph of paragraph 3 shall be carried out by an on-the-spot check.

6. Areas receiving aid for operations of restructuring and conversion of vineyards shall be systematically verified before and after the execution of the operations. The plots to be checked shall be those for which an application for aid has been submitted.

The control before the operations shall also cover the verification of the existence of the vineyard concerned, the area planted determined in accordance with Article 75 and the exclusion of the case of normal renewal of vineyards as defined in Article 6.

The control referred to in the second subparagraph shall be carried out by an on-the-spot check. However, if the Member State has available a graphical tool or an equivalent instrument that allows measurement of the area planted in accordance with Article 75 in the computerised vineyard register, and reliable updated information about the planted grape wine varieties, the control may be carried out administratively and, consequently, the obligation to

carry out an on-the-spot check before the execution of the operations may be limited to 5 % of the applications in order to confirm the reliability of the administrative control system. Should such an on-the-spot check reveal significant irregularities or discrepancies in a region or part of a region, the competent authority shall increase the number of on-the-spot checks appropriately during the year concerned.'

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 1 September 2010.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 773/2010
of 1 September 2010
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 September 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 1 September 2010.

*For the Commission,
On behalf of the President,
Jean-Luc DEMARTY
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	41,0
	ZZ	41,0
0707 00 05	TR	141,2
	ZZ	141,2
0709 90 70	TR	126,2
	ZZ	126,2
0805 50 10	AR	107,0
	CL	159,0
	TR	153,5
	UY	75,6
	ZA	133,6
	ZZ	125,7
0806 10 10	BA	91,2
	EG	131,2
	IL	123,0
	TR	112,7
	ZA	147,0
	ZZ	121,0
0808 10 80	AR	92,9
	BR	69,6
	CL	103,2
	CN	65,6
	NZ	89,6
	US	95,6
	ZA	88,5
	ZZ	86,4
0808 20 50	AR	115,4
	CL	96,6
	CN	70,5
	TR	133,1
	ZA	100,4
	ZZ	103,2
0809 30	TR	143,9
	ZZ	143,9
0809 40 05	BA	53,2
	IL	161,0
	XS	52,3
	ZZ	88,8

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COMMISSION DECISION

of 30 August 2010

amending Decision 2006/594/EC fixing an indicative allocation by Member State of the commitment appropriations for the Convergence Objective for the period 2007-2013 as regards additional allocations for the Czech Republic, Poland and Slovakia

(notified under document C(2010) 5817)

(2010/475/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions for the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 ⁽¹⁾, and in particular Article 18(2) thereof,

Whereas:

- (1) By Decision 2006/594/EC ⁽²⁾, as amended by Decision 2007/191/EC ⁽³⁾, the Commission fixed an indicative allocation by Member State of the commitment appropriations for the Convergence Objective for the period 2007 to 2013.
- (2) In accordance with paragraph 10 of Annex II to Regulation (EC) No 1083/2006, in 2010 it has been established that the cumulated GDP for the years 2007 to 2009 in the Czech Republic, in Poland and in Slovakia has each diverged by more than $\pm 5\%$ from the cumulated GDP estimated in accordance with paragraph 9 of Annex II to Regulation (EC) No 1083/2006, including as a consequence of exchange rate changes. The amounts allocated for the period 2011 to 2013 to the Czech Republic, Poland and Slovakia should therefore be adjusted accordingly.
- (3) In accordance with points 16 and 17 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽⁴⁾ on 16 April 2010 the Commission adopted the Communication on the technical adjustment of the financial framework for 2011 in line with movements

in GNI, including the adjustment of amounts allocated from funds supporting cohesion to the Member States concerned by divergence between estimated and actual GDP for the period 2007-2009 ⁽⁵⁾, by which it informed that a positive adjustment is necessary for the Czech Republic of EUR 237 045 801, for Poland of EUR 632 392 153 and for Slovakia of EUR 137 711 534, to be shared in equal amounts in 2011, 2012 and 2013.

- (4) In order to establish the amounts allocated to the Member States concerned, it is necessary to take into account the pro-rata allocation between the Convergence and Regional competitiveness and employment objectives in the current programming period 2007-2013 for each of the Member States concerned and the need to make the most efficient use of the allocation of the funds to projects currently being implemented. Therefore, this Decision should allocate only the part of the overall positive adjustments concerning the Convergence objective.
- (5) For reasons of efficiency, it is appropriate to replace the amounts in the row Total of Table 2 of Annex III to Decision 2006/594/EC for the years 2007 to 2010 since they do not reflect the figures given for Bulgaria.
- (6) Decision 2006/594/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2006/594/EC is amended as follows:

1. Annex I is replaced by the text set out in Annex I to this Decision;
2. Annex III is replaced by the text set out in Annex II to this Decision.

⁽¹⁾ OJ L 210, 31.7.2006, p. 25.

⁽²⁾ OJ L 243, 6.9.2006, p. 37.

⁽³⁾ OJ L 87, 28.3.2007, p. 18.

⁽⁴⁾ OJ C 139, 14.6.2006, p. 1.

⁽⁵⁾ COM(2010) 160 final.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 August 2010.

For the Commission
Johannes HAHN
Member of the Commission

ANNEX I

ANNEX I

Indicative allocation by Member State of the commitment appropriations for the regions eligible for funding from the Structural Funds under the Convergence Objective for the period from 1 January 2007 to 31 December 2013

(EUR)

Member States	TABLE 1 — Amount of appropriations (2004 prices)							
	Regions eligible under the Convergence Objective	Additional funding referred to in Annex II of Regulation (EC) No 1083/2006 under point:						
		10	14	20	24	26	28	30
Bulgaria	3 863 601 178							
Česká republika	15 111 066 754	197 709 105						
Deutschland	10 360 473 669							166 582 500
Eesti	1 955 979 029				31 365 110			
Elláda	8 358 352 296							
España	17 283 774 067					1 396 500 000		
France	2 403 498 342			427 408 905				
Italia	17 993 716 405						825 930 000	
Latvija	2 586 694 732				53 886 609			
Lietuva	3 875 516 071				79 933 567			
Magyarország	12 622 187 455							
Malta	493 750 177							
Polska	38 507 171 321	359 874 111	880 349 050					
Portugal	15 143 387 819			58 206 001				
România	11 115 420 983							
Slovenija	2 401 302 729							
Slovensko	6 214 921 468	110 544 803						
United Kingdom	2 429 762 895							
Total	172 720 577 390	668 128 019	880 349 050	485 614 906	165 185 286	1 396 500 000	825 930 000	166 582 500

Member State	TABLE 2 — Yearly breakdown of appropriations (2004 prices)						
	2007	2008	2009	2010	2011	2012	2013
Bulgaria	300 892 058	431 830 557	576 458 082	595 526 527	625 067 349	653 446 232	680 380 373
Česká republika	1 993 246 617	2 050 979 461	2 106 089 584	2 162 632 571	2 283 395 438	2 332 343 673	2 380 088 515
Deutschland	1 503 865 167	1 503 865 167	1 503 865 167	1 503 865 167	1 503 865 167	1 503 865 167	1 503 865 167
Eesti	229 977 253	245 929 572	262 982 602	281 212 290	300 982 256	322 136 118	344 124 048
Elláda	1 194 050 328	1 194 050 328	1 194 050 328	1 194 050 328	1 194 050 328	1 194 050 328	1 194 050 328
España	2 668 610 581	2 668 610 581	2 668 610 581	2 668 610 581	2 668 610 581	2 668 610 581	2 668 610 581
France	404 415 321	404 415 321	404 415 321	404 415 321	404 415 321	404 415 321	404 415 321
Italia	2 688 520 915	2 688 520 915	2 688 520 915	2 688 520 915	2 688 520 915	2 688 520 915	2 688 520 915
Latvija	308 012 292	330 054 158	353 328 505	376 808 997	400 322 218	424 084 983	447 970 188
Lietuva	528 903 377	525 252 930	525 724 448	549 071 072	581 530 171	606 085 051	638 882 589
Magyarország	1 838 275 243	1 749 371 409	1 634 208 005	1 659 921 561	1 847 533 517	1 913 391 641	1 979 486 079
Malta	81 152 175	73 854 132	68 610 286	61 225 559	61 225 559	68 610 286	79 072 180
Polska	5 686 360 306	5 705 409 032	5 720 681 799	5 535 346 918	5 679 612 617	5 699 319 089	5 720 664 721
Portugal	2 171 656 260	2 171 656 260	2 171 656 260	2 171 656 260	2 171 656 260	2 171 656 260	2 171 656 260
România	782 254 110	1 123 289 385	1 498 844 810	1 773 286 696	1 875 412 911	1 979 406 577	2 082 926 494
Slovenija	423 258 365	397 135 571	370 643 430	343 781 942	316 551 106	288 950 923	260 981 392
Slovensko	939 878 406	896 645 972	845 960 417	765 136 058	845 313 158	910 570 647	1 121 961 613
United Kingdom	347 108 985	347 108 985	347 108 985	347 108 985	347 108 985	347 108 985	347 108 985
Total	24 090 437 759	24 507 979 736	24 941 759 525	25 082 177 748	25 795 173 857	26 176 572 777	26 714 765 749'

ANNEX II

'ANNEX III

Indicative allocation by Member State of the commitment appropriations for the Member States eligible for funding from the Cohesion Fund under the Convergence Objective for the period from 1 January 2007 to 31 December 2013

(EUR)

Member State	TABLE 1 — Amount of appropriations (2004 prices)		
		Additional funding referred to in Annex II of Regulation (EC) No 1083/2006 under paragraph:	
		10	24
Bulgaria	2 009 650 238		
Česká republika	7 809 984 551		
Eesti	1 000 465 639		16 157 785
Elláda	3 280 399 675		
Kýpros/Kibris	193 005 267		
Latvija	1 331 962 318		27 759 767
Lietuva	1 987 693 262		41 177 899
Magyarország	7 570 173 505		
Malta	251 648 410		
Polska	19 512 850 811	179 937 056	
Portugal	2 715 031 963		
România	5 754 788 708		
Slovenija	1 235 595 457		
Slovensko	3 424 078 134		
Total	58 077 327 938	179 937 056	85 095 451

(EUR)

Member State	TABLE 2 — Tearly breakdown of appropriations (2004 prices)						
	2007	2008	2009	2010	2011	2012	2013
Bulgaria	161 567 407	227 036 657	299 350 419	308 884 642	323 655 053	337 844 495	351 311 565
Česká republika	1 032 973 476	1 061 839 898	1 089 394 960	1 117 666 453	1 144 441 732	1 169 574 794	1 194 093 238
Eesti	118 267 391	126 243 551	134 770 066	143 884 910	153 769 893	164 346 824	175 340 789
Elláda	468 628 525	468 628 525	468 628 525	468 628 525	468 628 525	468 628 525	468 628 525
Kýpros/Kibris	52 598 692	42 866 160	33 133 627	23 401 096	13 668 564	13 668 564	13 668 564
Latvija	159 639 206	170 660 138	182 297 312	194 037 557	205 794 168	217 675 551	229 618 153
Lietuva	180 857 472	230 966 558	277 869 373	303 013 907	320 491 883	348 611 677	367 060 291
Magyarország	328 094 604	687 358 082	1 080 433 910	1 308 130 864	1 343 212 938	1 388 664 318	1 434 278 789
Malta	24 809 997	32 469 219	37 971 049	45 716 955	45 716 955	37 971 049	26 993 186
Polska	1 883 652 471	2 208 285 009	2 532 817 229	2 755 750 999	3 136 326 090	3 437 744 747	3 738 211 322
Portugal	387 861 709	387 861 709	387 861 709	387 861 709	387 861 709	387 861 709	387 861 709
România	419 281 086	589 798 724	777 576 436	914 797 379	965 860 486	1 017 857 319	1 069 617 278
Slovenija	86 225 407	115 705 905	145 555 750	175 774 942	206 363 481	237 321 369	268 648 603
Slovensko	197 125 902	317 519 267	452 740 053	630 951 164	664 262 430	668 505 352	492 973 966
Total	5 501 583 345	6 667 239 402	7 900 400 418	8 778 501 102	9 380 053 907	9 896 276 293	10 218 305 978

COMMISSION DECISION

of 30 August 2010

amending Decision 2006/593/EC fixing an indicative allocation by Member State of the commitment appropriations for the Regional competitiveness and employment objective for the period 2007-2013 as regards the Czech Republic and Slovakia

(notified under document C(2010) 5818)

(2010/476/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions for the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 ⁽¹⁾, and in particular Article 18(2) thereof,

Whereas:

- (1) By Decision 2006/593/EC ⁽²⁾, the Commission fixed an indicative allocation by Member State of the commitment appropriations for the Regional competitiveness and employment objective for the period 2007 to 2013.
- (2) In accordance with paragraph 10 of Annex II to Regulation (EC) No 1083/2006, in 2010 it has been established that the cumulated GDP for the years 2007 to 2009 in the Czech Republic, in Poland and in Slovakia has each diverged by more than $\pm 5\%$ from the cumulated GDP estimated in accordance with paragraph 9 of Annex II to Regulation (EC) No 1083/2006, including as a consequence of exchange rate changes. The amounts allocated for the period 2011 to 2013 to the Czech Republic and Slovakia should therefore be adjusted accordingly.
- (3) In accordance with points 16 and 17 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽³⁾ on 16 April 2010 the Commission adopted the Communication on the technical adjustment of the financial framework for 2011 in line with movements in GNI, including the adjustment of amounts allocated from funds supporting cohesion to the Member States concerned by divergence between estimated and actual

GDP for the period 2007-2009 ⁽⁴⁾, by which it informed that a positive adjustment is necessary for the Czech Republic of EUR 237 045 801 and for Slovakia of EUR 137 711 534, to be shared in equal amounts in 2011, 2012 and 2013.

- (4) In order to establish the amounts allocated to the Member States concerned, it is necessary to take into account the pro-rata allocation between the Convergence and Regional competitiveness and employment objectives in the current programming period 2007-2013 for each of the Member States concerned and the need to make the most efficient use of the allocation of the funds to projects currently being implemented. Therefore, this Decision should allocate only the part of the overall positive adjustments concerning the Regional competitiveness and employment objective.
- (5) Decision 2006/593/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2006/593/EC is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 August 2010.

For the Commission
Johannes HAHN
Member of the Commission

⁽¹⁾ OJ L 210, 31.7.2006, p. 25.

⁽²⁾ OJ L 243, 6.9.2006, p. 32.

⁽³⁾ OJ C 139, 14.6.2006, p. 1.

⁽⁴⁾ COM(2010) 160 final.

ANNEX

ANNEX I

Indicative allocation by Member State of the commitment appropriations for the regions eligible for funding from the Structural Funds under the Regional competitiveness and employment objective for the period from 1 January 2007 to 31 December 2013

(EUR)

TABLE 1 — Amount of appropriations (2004 prices)

Member State	Regions eligible under the Regional competitiveness and employment objective	Additional funding referred to in Annex II to Regulation (EC) No 1083/2006 under point:							
		10	16	20	23	25	26	28	29
Belgique/België	1 264 522 294								
Česká republika	172 351 284	4 633 651	199 500 000						
Danmark	452 135 320								
Deutschland	8 273 934 718					74 812 500			
España	2 925 887 307						199 500 000		
France	9 000 763 163								99 750 000
Éire/Ireland	260 155 399								
Italia	4 539 667 937							209 475 000	
Luxembourg	44 796 164								
Nederland	1 472 879 499								
Österreich	761 883 269					149 625 000			
Portugal	435 196 895								
Slovensko	398 057 758	7 006 030							
Suomi/Finland	778 631 938			153 552 511					
Sverige	1 077 567 589			215 598 656	149 624 993				
United Kingdom	5 335 717 800								
Total	37 194 148 334	11 639 681	199 500 000	369 151 167	149 624 993	224 437 500	199 500 000	209 475 000	99 750 000

Member State	TABLE 2 — Yearly breakdown of appropriations (2004 prices)						
	2007	2008	2009	2010	2011	2012	2013
Belgique/België	180 646 042	180 646 042	180 646 042	180 646 042	180 646 042	180 646 042	180 646 042
Česká republika	53 121 612	53 121 612	53 121 612	53 121 612	54 696 847	54 665 961	54 635 679
Danmark	64 590 760	64 590 760	64 590 760	64 590 760	64 590 760	64 590 760	64 590 760
Deutschland	1 192 678 174	1 192 678 174	1 192 678 174	1 192 678 174	1 192 678 174	1 192 678 174	1 192 678 174
España	446 483 901	446 483 901	446 483 901	446 483 901	446 483 901	446 483 901	446 483 901
France	1 300 073 309	1 300 073 309	1 300 073 309	1 300 073 309	1 300 073 309	1 300 073 309	1 300 073 309
Éire/Ireland	37 165 057	37 165 057	37 165 057	37 165 057	37 165 057	37 165 057	37 165 057
Italia	678 448 991	678 448 991	678 448 991	678 448 991	678 448 991	678 448 991	678 448 991
Luxembourg	6 399 452	6 399 452	6 399 452	6 399 452	6 399 452	6 399 452	6 399 452
Nederland	210 411 357	210 411 357	210 411 357	210 411 357	210 411 357	210 411 357	210 411 357
Österreich	130 215 467	130 215 467	130 215 467	130 215 467	130 215 467	130 215 467	130 215 467
Portugal	62 170 985	62 170 985	62 170 985	62 170 985	62 170 985	62 170 985	62 170 985
Slovensko	59 287 258	57 274 995	54 915 823	51 153 834	55 518 251	58 543 272	68 370 355
Suomi/Finland	133 169 207	133 169 207	133 169 207	133 169 207	133 169 207	133 169 207	133 169 207
Sverige	206 113 034	206 113 034	206 113 034	206 113 034	206 113 034	206 113 034	206 113 034
United Kingdom	762 245 400	762 245 400	762 245 400	762 245 400	762 245 400	762 245 400	762 245 400
Total	5 523 220 006	5 521 207 743	5 518 848 571	5 515 086 582	5 521 026 234	5 524 020 369	5 533 817 170

COMMISSION DECISION

of 1 September 2010

on criteria and methodological standards on good environmental status of marine waters

(notified under document C(2010) 5956)

(Text with EEA relevance)

(2010/477/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the 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) ⁽¹⁾, and in particular, Article 9(3) thereof,

Whereas:

- (1) The criteria for the achievement of good environmental status are the starting point for the development of coherent approaches in the preparatory stages of marine strategies, including the determination of characteristics of good environmental status and the establishment of a comprehensive set of environmental targets, to be developed in a coherent and coordinated manner in the framework of the requirement of regional cooperation.
- (2) The Commission has consulted all interested parties, including regional sea conventions, in particular on the scientific and technical assessment prepared by the Task Groups set up by the Joint Research Centre and the International Council on the Exploration of the Seas to support the development of criteria and methodological standards.
- (3) One major finding of such scientific and technical work is that there is a substantial need to develop additional scientific understanding for assessing good environmental status in a coherent and holistic manner to support the ecosystem-based approach to management. An improved scientific knowledge needs to be developed, in particular through the Communication 'A European Strategy for Marine and Maritime Research. A coherent European Research Area framework in support of a sustainable use of oceans and seas' ⁽²⁾, in the framework of the Communication 'Europe 2020 A strategy for smart, sustainable and inclusive growth' ⁽³⁾ and in coherence

with other Union legislation and policies. It is also appropriate to integrate later on in the process the forthcoming experience to be developed at national and regional level in the implementation of the preparatory stages of the marine strategies listed in Article 5(2)(a) of Directive 2008/56/EC.

- (4) It is therefore appropriate that the Commission revises this Decision in the framework of Article 25(3) of Directive 2008/56/EC. In addition to revising criteria, the further development of methodological standards is required, in close coordination with the establishment of monitoring programmes. This revision should be carried out as soon as possible after the completion of the assessment required in Article 12 of Directive 2008/56/EC, in time to support a successful update of marine strategies that are due by 2018 pursuant to Article 17 of that Directive, as a further contribution to adaptive management. This is coherent with the fact that the determination of good environmental status may have to be adapted over time, taking into account the dynamic nature of marine ecosystems, their natural variability, and the fact that the pressures and impacts on them may vary with the evolution of different patterns of human activity and the impact of climate change.
- (5) The criteria for good environmental status build on existing obligations and developments in the context of applicable Union legislation, including Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽⁴⁾, which applies to coastal waters, as well as Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁽⁵⁾, Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds ⁽⁶⁾, and a number of instruments developed in the framework of the common fisheries policy, taking also into account, where appropriate, the information and knowledge gathered and approaches developed in the framework of regional conventions. As this Decision contributes to the further development of the concept of good environmental status of marine waters, it supports in relation to marine ecosystems the process to revise the biodiversity strategy of the European Union beyond 2010 and the Biodiversity Action Plan.

⁽¹⁾ OJ L 164, 25.6.2008, p. 19.

⁽²⁾ COM(2008) 534 final.

⁽³⁾ COM(2010) 2020 final.

⁽⁴⁾ OJ L 327, 22.12.2000, p. 1.

⁽⁵⁾ OJ L 206, 22.7.1992, p. 7.

⁽⁶⁾ OJ L 20, 26.1.2010, p. 7.

- (6) Directive 2008/56/EC, which is the environmental pillar of the Integrated Maritime Policy, requires the application of the ecosystem approach to the management of human activities, covering all sectors having an impact on the marine environment. The Green Paper on the Reform of the Common Fisheries Policy ⁽¹⁾ states that the latter must be set up to provide the right instruments to support this ecosystem approach.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 25(1) of Directive 2008/56/EC,

HAS ADOPTED THIS DECISION:

Article 1

Criteria to be used by the Member States to assess the extent to which good environmental status is being achieved, accompanied with references to applicable methodological standards where available, are set out in the Annex.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 September 2010.

For the Commission
Janez POTOČNIK
Member of the Commission

⁽¹⁾ COM(2009) 163 final, p. 19.

ANNEX

CRITERIA AND METHODOLOGICAL STANDARDS FOR GOOD ENVIRONMENTAL STATUS

PART A

General conditions of application of the criteria for good environmental status

1. The criteria for assessing the extent to which good environmental status is being achieved are specified and numbered in Part B in relation to each of the eleven descriptors of good environmental status set out in Annex I to Directive 2008/56/EC. The criteria are accompanied by a list of related indicators to make such criteria operational and allow subsequent progress. In Part B, criteria are accompanied with references to applicable methodological standards where available. For a number of such criteria and related indicators, the need for further development and additional information is identified, to be further addressed in the process for the revision of this Decision ⁽¹⁾. This Part specifies the general conditions of application of such criteria and related indicators.
2. For most criteria, the assessment and methodologies required need to take into account and, where appropriate, be based on those applicable under existing Community legislation, in particular Directive 2000/60/EC, Directive 2008/105/EC of the European Parliament and of the Council ⁽²⁾, Directive 92/43/EEC, Directive 2009/147/EC and other relevant Union legislation (including under the common fisheries policy, e.g. Council Regulation (EC) No 199/2008 ⁽³⁾), taking also into account reports of the Task Groups set up by the Joint Research Centre and the International Council on the Exploration of the Seas ⁽⁴⁾ and, where relevant, the information and knowledge gathered and the approaches developed in the framework of regional sea conventions.
3. Good environmental status requires that all relevant human activities are carried out in coherence with the requirement of protecting and preserving the marine environment and the concept of sustainable use of marine goods and services by present and future generations referred to in Article 1 of Directive 2008/56/EC. The application of criteria for good environmental status needs to be carried out keeping in mind the need to target assessment and monitoring and to prioritise action in relation to the importance of impacts and threats to marine ecosystems and its components. However, it is important that assessment considers the main cumulative and synergetic effects of impacts on the marine ecosystem, as mentioned in Article 8(1)(b)(ii) of Directive 2008/56/EC.
4. In a number of cases, and in particular taking into account the relation between information needs and the geographical scope of the marine waters concerned, it can be appropriate to apply as a first step some selected criteria and related indicators for an overall screening of the environmental state at a broader scale and only then identify instances and specific areas where, having regard to the importance of impacts and threats in view of the environmental characteristics and/or human pressures, a finer assessment is necessary, involving all relevant indicators related to criteria.
5. The temporal and spatial scale of impacts varies considerably depending on the type of pressure and the sensitivity of the ecosystem components affected. Because of their intrinsic characteristics, some criteria and indicators may require applying various timescales for capturing a range of different processes. When the assessment needs to start at a relatively small spatial scale to be ecologically meaningful (for instance because pressures are localised), it could be necessary to scale up assessments at broader scales, such as at the levels of subdivisions, sub-regions and regions.
6. A combined assessment of the scale, distribution and intensity of the pressures and the extent, vulnerability and resilience of the different ecosystem components including where possible their mapping, allows the identification of areas where marine ecosystems have or may have been adversely affected. It is also a useful basis to assess the scale of the actual or potential impacts marine ecosystems. This approach, which takes into account risk-based considerations, also supports the selection of the most appropriate indicators related to the criteria for assessment of progress towards good environmental status. It also facilitates the development of specific tools that can support an ecosystem-based approach to the management of human activities required to achieve good environmental status through the identification of the sources of pressures and impacts, including their cumulative and synergetic effects. Such tools include spatial protection measures and measures in the list in Annex VI to Directive 2008/56/EC, notably spatial and temporal distribution controls, such as maritime spatial planning.
7. There is a diversity of environmental conditions at sea and of human activities having an impact on it. In particular, diversity exists between regions and even within marine regions, sub-regions and subdivisions. For this reason, the applicability of specific indicators related to the criteria may require considering whether they are ecologically relevant to each situation being assessed.

⁽¹⁾ See recitals 3 and 4.

⁽²⁾ OJ L 348, 24.12.2008, p. 84.

⁽³⁾ OJ L 60, 5.3.2008, p. 1.

⁽⁴⁾ See recital 2.

8. Member States need to consider each of the criteria and related indicators listed in this Annex in order to identify those which are to be used to determine good environmental status. On the basis of the initial assessment, when a Member State considers that it is not appropriate to use one or more of the criteria, it needs to provide the Commission with a justification in the framework of the notification made pursuant to Article 9(2) of Directive 2008/56/EC, when relevant in relation to consistency and comparison between regions and sub-regions. In this context, Member States are subject to the obligation of regional cooperation laid down in Articles 5 and 6 of Directive 2008/56/EC, and in particular to the requirement to ensure that the different elements of the marine strategies are coherent and coordinated across the marine region or sub-region concerned.
9. It is important that the application of the criteria takes into account the results of the initial assessment, required under Article 8 and Annex III to Directive 2008/56/EC, and that they are not carried out in isolation. The initial assessment is the main process for identifying the essential features and characteristics as well as the predominant pressures and impacts on the marine environment, subject to its regular updates and to monitoring programmes. This first assessment needs to be finalised by the date specified in Article 5(2) of Directive 2008/56/EC on the basis of the indicative lists of elements contained in Annex III to that Directive and taking account of existing data where available. Consideration needs to be given to the fact that some criteria and related indicators are acknowledged as being still under development during this initial period.
10. Progress towards good environmental status is taking place in the context of continuous broader changes in the marine environment. Climate change is already having an impact on the marine environment, including on ecosystem processes and functions. In developing their respective marine strategies, Member States need to specify, where appropriate, any evidence of climate change impacts. Adaptive management on the basis of the ecosystem-based approach includes the regular update of the determination of good environmental status.

PART B

Criteria for good environmental status relevant to the descriptors of Annex I to Directive 2008/56/EC

Descriptor 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 climate conditions.

Assessment is required at several ecological levels: ecosystems, habitats (including their associated communities, in the sense of biotopes) and species, which are reflected in the structure of this section, taking into account point 2 of Part A. For certain aspects of this descriptor, additional scientific and technical support is required⁽⁵⁾. To address the broad scope of the descriptor, it is necessary, having regard to Annex III to Directive 2008/56/EC, to prioritise among biodiversity features at the level of species, habitats and ecosystems. This enables the identification of those biodiversity features and those areas where impacts and threats arise and also supports the identification of appropriate indicators among the selected criteria, adequate to the areas and the features concerned⁽⁶⁾. The obligation of regional cooperation contained in Articles 5 and 6 of Directive 2008/56/EC is directly relevant to the process of selection of biodiversity features within regions, sub-regions and subdivisions, including for the establishment, where appropriate, of reference conditions pursuant to Annex IV to Directive 2008/56/EC. Modelling using a geographic information system platform may provide a useful basis for mapping a range of biodiversity features and human activities and their pressures, provided that any errors involved are properly assessed and described when applying the results. This type of data is a prerequisite for ecosystem-based management of human activities and for developing related spatial tools⁽⁷⁾.

Species level

For each region, sub-region or subdivision, taking into account the different species and communities (e.g. for phytoplankton and zooplankton) contained in the indicative list in Table 1 of Annex III to Directive 2008/56/EC, it is necessary to draw up a set of relevant species and functional groups, having regard to point 2 of Part A. The three criteria for the assessment of any species are species distribution, population size and population condition. As to the later, there are cases where it also entails an understanding of population health and inter- and intra-specific relationships. It is also necessary to assess separately subspecies and populations where the initial assessment, or new information available, identifies impacts and potential threats to the status of some of them. The assessment of species also requires an integrated understanding of the distribution, extent and condition of their habitats, coherent with the requirements laid down in Directive 92/43/EEC⁽⁸⁾ and Directive 2009/147/EC, to make sure that there is a sufficiently large habitat to maintain its population, taking into consideration any threat of deterioration or loss of such habitats. In relation to biodiversity at the level of species, the three criteria for assessing progress towards good environmental status, as well as the indicators related respectively to them, are the following:

⁽⁵⁾ See recitals 3 and 4.

⁽⁶⁾ See points 3 to 6 in Part A.

⁽⁷⁾ See point 6 in Part A.

⁽⁸⁾ 'Assessment, monitoring and reporting of conservation status — Preparing the 2001-2007 report under Article 17 of the Habitats Directive', 15 March 2005, accepted in the Habitats Committee on 20 April 2005.

1.1. Species distribution

- Distributional range (1.1.1)
- Distributional pattern within the latter, where appropriate (1.1.2)
- Area covered by the species (for sessile/benthic species) (1.1.3)

1.2. Population size

- Population abundance and/or biomass, as appropriate (1.2.1)

1.3. Population condition

- Population demographic characteristics (e.g. body size or age class structure, sex ratio, fecundity rates, survival/mortality rates) (1.3.1)
- Population genetic structure, where appropriate (1.3.2).

Habitat level

For the purpose of Directive 2008/56/EC, the term habitat addresses both the abiotic characteristics and the associated biological community, treating both elements together in the sense of the term biotope. A set of habitat types needs to be drawn up for each region, sub-region or subdivision, taking into account the different habitats contained in the indicative list in Table 1 of Annex III and having regard to the instruments mentioned in point 2 of Part A. Such instruments also refer to a number of habitat complexes (which means assessing, where appropriate, the composition, extent and relative proportions of habitats within such complexes) and to functional habitats (such as spawning, breeding and feeding areas and migration routes). Additional efforts for a coherent classification of marine habitats, supported by adequate mapping, are essential for assessment at habitat level, taking also into account variations along the gradient of distance from the coast and depth (e.g. coastal, shelf and deep sea). The three criteria for the assessment of habitats are their distribution, extent and condition (for the latter, in particular the condition of typical species and communities), accompanied with the indicators related respectively to them. The assessment of habitat condition requires an integrated understanding of the status of associated communities and species, coherent with the requirements laid down in Directive 92/43/EEC⁽⁹⁾ and Directive 2009/147/EC, including where appropriate an assessment of their functional traits.

1.4. Habitat distribution

- Distributional range (1.4.1)
- Distributional pattern (1.4.2)

1.5. Habitat extent

- Habitat area (1.5.1)
- Habitat volume, where relevant (1.5.2)

1.6. Habitat condition

- Condition of the typical species and communities (1.6.1)
- Relative abundance and/or biomass, as appropriate (1.6.2)
- Physical, hydrological and chemical conditions (1.6.3).

Ecosystem level

1.7. Ecosystem structure

- Composition and relative proportions of ecosystem components (habitats and species) (1.7.1).

In addition, the interactions between the structural components of the ecosystem are fundamental for assessing ecosystem processes and functions for the purpose of the overall determination of good environmental status, having regard, inter alia, to Articles 1, 3(5) and 9(1) of Directive 2008/56/EC. Other functional aspects addressed through other descriptors of good environmental status (such as descriptors 4 and 6), as well as connectivity and resilience considerations, are also important for addressing ecosystem processes and functions.

⁽⁹⁾ See footnote 8.

Descriptor 2: Non-indigenous species introduced by human activities are at levels that do not adversely alter the ecosystem.

The identification and assessment of pathways and vectors of spreading of non-indigenous species as a result of human activities is a prerequisite to prevent that such species introduced as a result of human activities reach levels that adversely affect the ecosystems and to mitigate any impacts. The initial assessment has to take into account that some introductions due to human activities are already regulated at Union level⁽¹⁰⁾ to assess and minimise their possible impact on aquatic ecosystems and that some non-indigenous species have commonly been used in aquaculture for a long time and are already subject to specific permit treatment within the existing Regulations⁽¹¹⁾. There is still only limited knowledge about the effects of the non-indigenous species on the environment. Additional scientific and technical development is required for developing potentially useful indicators⁽¹²⁾, especially of impacts of invasive non-indigenous species (such as bio-pollution indexes), which remain the main concern for achieving good environmental status. The priority in relation to assessment and monitoring⁽¹³⁾ relates to state characterisation, which is a prerequisite for assessment of the magnitude of impacts but does not determine in itself the achievement of good environmental status for this descriptor.

2.1. Abundance and state characterisation of non-indigenous species, in particular invasive species

- Trends in abundance, temporal occurrence and spatial distribution in the wild of non-indigenous species, particularly invasive non-indigenous species, notably in risk areas, in relation to the main vectors and pathways of spreading of such species (2.1.1)

2.2. Environmental impact of invasive non-indigenous species

- Ratio between invasive non-indigenous species and native species in some well studied taxonomic groups (e.g. fish, macroalgae, molluscs) that may provide a measure of change in species composition (e.g. further to the displacement of native species) (2.2.1)
- Impacts of non-indigenous invasive species at the level of species, habitats and ecosystem, where feasible (2.2.2).

Descriptor 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.

This section applies for all the stocks covered by Regulation (EC) No 199/2008 (within the geographical scope of Directive 2008/56/EC) and similar obligations under the common fisheries policy. For these and for other stocks, its application depends on the data available (taking the data collection provisions of Regulation (EC) No 199/2008 into account), which will determine the most appropriate indicators to be used. For this descriptor, the three criteria for assessing progress towards good environmental status, as well as the indicators related respectively to them, are the following.

3.1. Level of pressure of the fishing activity

Primary indicator. The primary indicator for the level of pressure of the fishing activity is the following:

- Fishing mortality (F) (3.1.1).

Achieving or maintaining good environmental status requires that F values are equal to or lower than F_{MSY} , the level capable of producing Maximum Sustainable Yield (MSY). This means that in mixed fisheries and where ecosystem interactions are important, long term management plans may result in exploiting some stocks more lightly than at F_{MSY} levels in order not to prejudice the exploitation at F_{MSY} of other species⁽¹⁴⁾.

F is estimated from appropriate analytical assessments based on the analysis of catch (to be taken as all removals from the stock, including discards and unaccounted catch) at age or at length and ancillary information. Where the knowledge of the population dynamics of the stock do not allow to carry out simulations, scientific judgement of F values associated to the yield-per-recruit curve (Y/R), combined with other information on the historical performance of the fishery or on the population dynamics of similar stocks, can be used.

⁽¹⁰⁾ Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture (OJ L 168, 28.6.2007, p. 1).

⁽¹¹⁾ See Annex IV to Regulation (EC) No 708/2007.

⁽¹²⁾ See recitals 3 and 4.

⁽¹³⁾ See point 9 in Part A.

⁽¹⁴⁾ Communication 'Implementing sustainability in EU fisheries through maximum sustainable yield' (COM(2006) 360 final).

Secondary indicators (if analytical assessments yielding values for F are not available):

- Ratio between catch and biomass index (hereinafter 'catch/biomass ratio') (3.1.2).

The value for the indicator that reflects F_{MSY} needs to be determined by scientific judgement following analysis of the observed historical trends of the indicator combined with other information on the historical performance of the fishery. Where stock production-based assessments are available, the catch/biomass ratio yielding MSY can be taken as indicative reference.

Alternatively to the catch/biomass ratio, secondary indicators may be developed on the basis of any other appropriate proxy for fishing mortality, adequately justified.

3.2. Reproductive capacity of the stock

Primary indicator. The primary indicator for the reproductive capacity of the stock is the following:

- Spawning Stock Biomass (SSB) (3.2.1).

This is estimated from appropriate analytical assessments based on the analysis of catch at age or at length and ancillary information.

Where an analytical assessment allows the estimation of SSB, the reference value reflecting full reproductive capacity is SSB_{MSY} , i.e. the spawning stock biomass that would achieve MSY under a fishing mortality equal to F_{MSY} . Any observed SSB value equal to or greater than SSB_{MSY} is considered to meet this criterion.

Further research is needed to address the fact that a SSB corresponding to MSY may not be achieved for all stocks simultaneously due to possible interactions between them.

Where simulation models do not allow the estimation of a reliable value for SSB_{MSY} , then the reference to be used for the purpose of this criterion is SSB_{pa} , which is the minimum SSB value for which there is a high probability that the stock is able to replenish itself under the prevailing exploitation conditions.

Secondary indicators (if analytical assessments yielding values for SSB are not available):

- Biomass indices (3.2.2).

It can be used if such indices can be obtained for the fraction of the population that is sexually mature. In such cases, such indices need to be used when scientific judgement is able to determine, through detailed analysis of the historical trends of the indicator combined with other information on the historical performance of the fishery, that there is a high probability that the stock will be able to replenish itself under the prevailing exploitation conditions.

3.3. Population age and size distribution

Primary indicators. Healthy stocks are characterised by high proportion of old, large individuals. Indicators based on the relative abundance of large fish include:

- Proportion of fish larger than the mean size of first sexual maturation (3.3.1)
- Mean maximum length across all species found in research vessel surveys (3.3.2)
- 95 % percentile of the fish length distribution observed in research vessel surveys (3.3.3).

Secondary indicator.

- Size at first sexual maturation, which may reflect the extent of undesirable genetic effects of exploitation (3.3.4).

For the two sets of indicators (proportion of old fish and size at first sexual maturation), expert judgement is required for determining whether there is a high probability that the intrinsic genetic diversity of the stock will not be undermined. The expert judgement needs to be made following an analysis of the time series available for the indicator, together with any other information on the biology of the species.

Descriptor 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.

This descriptor concerns important functional aspects such as energy flows and the structure of food webs (size and abundance). Additional scientific and technical support is required, at this stage, for the further development of criteria and potentially useful indicators to address the relationships within the food web ⁽¹⁵⁾.

4.1. Productivity (production per unit biomass) of key species or trophic groups

To address energy flows in food webs, adequate indicators need to be developed further to assess the performance of the main predator-prey processes, reflecting the long-term viability of components in the part of the food web that they inhabit, based on the experience in some sub-regions in selecting appropriate species (e.g. mammals, seabirds).

- Performance of key predator species using their production per unit biomass (productivity) (4.1.1).

4.2. Proportion of selected species at the top of food webs

To address the structure of food webs, size and abundance of components, there is a need to assess the proportion of selected species at the top of food webs. Indicators need to be further developed, based on the experience in some sub-regions. For large fish, data are available from fish monitoring surveys.

- Large fish (by weight) (4.2.1).

4.3. Abundance/distribution of key trophic groups/species

- Abundance trends of functionally important selected groups/species (4.3.1).

It is necessary to identify changes in population status potentially affecting food web structure. Detailed indicators need to be further specified, taking account of their importance to the food webs, on the basis of suitable groups/species in a region, sub-region or subdivision, including where appropriate:

- groups with fast turnover rates (e.g. phytoplankton, zooplankton, jellyfish, bivalve molluscs, short-living pelagic fish) that will respond quickly to ecosystem change and are useful as early warning indicators,
- groups/species that are targeted by human activities or that are indirectly affected by them (in particular, by-catch and discards),
- habitat-defining groups/species,
- groups/species at the top of the food web,
- long-distance anadromous and catadromous migrating species,
- groups/species that are tightly linked to specific groups/species at another trophic level.

Descriptor 5: Human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algal blooms and oxygen deficiency in bottom waters.

The assessment of eutrophication in marine waters needs to take into account the assessment for coastal and transitional waters under Directive 2000/60/EC (Annex V, 1.2.3 and 1.2.4) and related guidance ⁽¹⁶⁾, in a way which ensures comparability, taking also into consideration the information and knowledge gathered and approaches developed in the framework of regional sea conventions. Based on a screening procedure as part of the initial assessment, risk-based considerations may be taken into account to assess eutrophication in an efficient manner ⁽¹⁷⁾. The assessment needs to combine information on nutrient levels and on a range of those primary effects and of secondary effects which are ecologically relevant ⁽¹⁸⁾, taking into account relevant temporal scales. Considering that the concentration of nutrients is related to nutrient loads from rivers in the catchment area, cooperation with landlocked Member States using established cooperation structures in accordance with the third subparagraph of Article 6(2) of Directive 2008/56/EC is particularly relevant.

⁽¹⁵⁾ See recitals 3 and 4.

⁽¹⁶⁾ *Guidance Document on the Eutrophication Assessment in the Context of European Water Policies, Document No 23*. European Commission (2009). See <http://circa.europa.eu/Public/irc/env/wfd/library>

⁽¹⁷⁾ See points 3 to 6 in Part A.

⁽¹⁸⁾ See point 7 in Part A.

5.1. Nutrients levels

- Nutrients concentration in the water column (5.1.1)
- Nutrient ratios (silica, nitrogen and phosphorus), where appropriate (5.1.2)

5.2. Direct effects of nutrient enrichment

- Chlorophyll concentration in the water column (5.2.1)
- Water transparency related to increase in suspended algae, where relevant (5.2.2)
- Abundance of opportunistic macroalgae (5.2.3)
- Species shift in floristic composition such as diatom to flagellate ratio, benthic to pelagic shifts, as well as bloom events of nuisance/toxic algal blooms (e.g. cyanobacteria) caused by human activities (5.2.4)

5.3. Indirect effects of nutrient enrichment

- Abundance of perennial seaweeds and seagrasses (e.g. fucoids, eelgrass and Neptune grass) adversely impacted by decrease in water transparency (5.3.1)
- Dissolved oxygen, i.e. changes due to increased organic matter decomposition and size of the area concerned (5.3.2).

Descriptor 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.

The objective is that human pressures on the seabed do not hinder the ecosystem components to retain their natural diversity, productivity and dynamic ecological processes, having regard to ecosystem resilience. The scale of assessment for this descriptor may be particularly challenging because of the patchy nature of the features of some benthic ecosystems and of several human pressures. Assessment and monitoring needs to be carried out further to an initial screening of impacts and threats to biodiversity features and human pressures, as well as an integration of assessment results from smaller to broader scales, covering where appropriate a subdivision, sub-region or region ⁽¹⁹⁾.

6.1. Physical damage, having regard to substrate characteristics

The main concern for management purposes is the magnitude of impacts of human activities on seafloor substrates structuring the benthic habitats. Among the substrate types, biogenic substrates, which are the most sensitive to physical disturbance, provide a range of functions that support benthic habitats and communities.

- Type, abundance, biomass and areal extent of relevant biogenic substrate (6.1.1)
- Extent of the seabed significantly affected by human activities for the different substrate types (6.1.2).

6.2. Condition of benthic community

The characteristics of the benthic community such as species composition, size composition and functional traits provide an important indication of the potential of the ecosystem to function well. Information on the structure and dynamics of communities is obtained, as appropriate, by measuring species diversity, productivity (abundance or biomass), tolerant or sensitive taxa and taxocene dominance and size composition of a community, reflected by the proportion of small and large individuals.

- Presence of particularly sensitive and/or tolerant species (6.2.1)
- Multi-metric indexes assessing benthic community condition and functionality, such as species diversity and richness, proportion of opportunistic to sensitive species (6.2.2)
- Proportion of biomass or number of individuals in the macrobenthos above some specified length/size (6.2.3)
- Parameters describing the characteristics (shape, slope and intercept) of the size spectrum of the benthic community (6.2.4).

Descriptor 7: Permanent alteration of hydrographical conditions does not adversely affect marine ecosystems.

⁽¹⁹⁾ See points 3 to 6 in Part A.

Permanent alterations of the hydrographical conditions by human activities may consist for instance of changes in the tidal regime, sediment and freshwater transport, current or wave action, leading to modifications of the physical and chemical characteristics set out in Table 1 of Annex III to Directive 2008/56/EC. Such changes may be particularly relevant whenever they have the potential to affect marine ecosystems at a broader scale and their assessment may provide an early warning of possible impacts on the ecosystem. For coastal waters, Directive 2000/60/EC sets hydro-morphological objectives that need to be addressed through measures in the context of river basin management plans. A case by case approach is necessary to assess the impact of activities. Tools such as environmental impact assessment, strategic environmental assessment and maritime spatial planning may contribute to evaluate and assess the extent and the cumulative aspects of impacts from such activities. It is however important to ensure that any such tools provide for adequate elements to assess potential impacts on the marine environment, including transboundary considerations.

7.1. Spatial characterisation of permanent alterations

- Extent of area affected by permanent alterations (7.1.1)

7.2. Impact of permanent hydrographical changes

- Spatial extent of habitats affected by the permanent alteration (7.2.1)
- Changes in habitats, in particular the functions provided (e.g. spawning, breeding and feeding areas and migration routes of fish, birds and mammals), due to altered hydrographical conditions (7.2.2).

Descriptor 8: Concentrations of contaminants are at levels not giving rise to pollution effects.

The concentration of contaminants in the marine environment and their effects need to be assessed taking into account the impacts and threats to the ecosystem⁽²⁰⁾. Relevant provisions of Directive 2000/60/EC in territorial and/or coastal waters have to be taken into consideration to ensure proper coordination of the implementation of the two legal frameworks, having also regard to the information and knowledge gathered and approaches developed in regional sea conventions. The Member States have to consider the substances or groups of substances, where relevant for the marine environment, that:

- (i) exceed the relevant Environmental Quality Standards set out pursuant to Article 2(35) and Annex V to Directive 2000/60/EC in coastal or territorial waters adjacent to the marine region or sub-region, be it in water, sediment and biota; and/or
- (ii) are listed as priority substances in Annex X to Directive 2000/60/EC and further regulated in Directive 2008/105/EC, which are discharged into the concerned marine region, sub-region or subdivision; and/or
- (iii) are contaminants and their total releases (including losses, discharges or emissions) may entail significant risks to the marine environment from past and present pollution in the marine region, sub-region or subdivision concerned, including as a consequence of acute pollution events following incidents involving for instance hazardous and noxious substances.

Progress towards good environmental status will depend on whether pollution is progressively being phased out, i.e. the presence of contaminants in the marine environment and their biological effects are kept within acceptable limits, so as to ensure that there are no significant impacts on or risk to the marine environment.

8.1. Concentration of contaminants

- Concentration of the contaminants mentioned above, measured in the relevant matrix (such as biota, sediment and water) in a way that ensures comparability with the assessments under Directive 2000/60/EC (8.1.1)

8.2. Effects of contaminants

- Levels of pollution effects on the ecosystem components concerned, having regard to the selected biological processes and taxonomic groups where a cause/effect relationship has been established and needs to be monitored (8.2.1)
- Occurrence, origin (where possible), extent of significant acute pollution events (e.g. slicks from oil and oil products) and their impact on biota physically affected by this pollution (8.2.2).

Descriptor 9: Contaminants in fish and other seafood for human consumption do not exceed levels established by Community legislation or other relevant standards.

⁽²⁰⁾ See points 3 and 4 in Part A.

In the different regions or sub-regions, Member States need to monitor in edible tissues (muscle, liver, roe, flesh, soft parts as appropriate) of fish, crustaceans, molluscs and echinoderms, as well as seaweed, caught or harvested in the wild, the possible presence of substances for which maximum levels are established at European, regional, or national level for products destined to human consumption.

9.1. Levels, number and frequency of contaminants

- Actual levels of contaminants that have been detected and number of contaminants which have exceeded maximum regulatory levels (9.1.1)
- Frequency of regulatory levels being exceeded (9.1.2).

Descriptor 10: Properties and quantities of marine litter do not cause harm to the coastal and marine environment.

The distribution of litter is highly variable, which needs to be taken into consideration for monitoring programmes. It is necessary to identify the activity to which it is linked including, where possible, its origin. There is still a need for further development of several indicators, notably those relating to biological impacts and to micro-particles, as well as for the enhanced assessment of their potential toxicity ⁽²¹⁾.

10.1. Characteristics of litter in the marine and coastal environment

- Trends in the amount of litter washed ashore and/or deposited on coastlines, including analysis of its composition, spatial distribution and, where possible, source (10.1.1)
- Trends in the amount of litter in the water column (including floating at the surface) and deposited on the sea-floor, including analysis of its composition, spatial distribution and, where possible, source (10.1.2)
- Trends in the amount, distribution and, where possible, composition of micro-particles (in particular micro-plastics) (10.1.3)

10.2. Impacts of litter on marine life

- Trends in the amount and composition of litter ingested by marine animals (e.g. stomach analysis) (10.2.1).

This indicator needs to be developed further, based on the experience in some sub-regions (e.g. North Sea), to be adapted in other regions.

Descriptor 11: Introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment.

Together with underwater noise, which is highlighted throughout Directive 2008/56/EC, other forms of energy input have the potential to impact on components of marine ecosystems, such as thermal energy, electromagnetic fields and light. Additional scientific and technical progress is still required to support the further development of criteria related to this descriptor ⁽²²⁾, including in relation to impacts of introduction of energy on marine life, relevant noise and frequency levels (which may need to be adapted, where appropriate, subject to the requirement of regional cooperation). At the current stage, the main orientations for the measurement of underwater noise have been identified as a first priority in relation to assessment and monitoring ⁽²³⁾, subject to further development, including in relation to mapping. Anthropogenic sounds may be of short duration (e.g. impulsive such as from seismic surveys and piling for wind farms and platforms, as well as explosions) or be long lasting (e.g. continuous such as dredging, shipping and energy installations) affecting organisms in different ways. Most commercial activities entailing high level noise levels affecting relatively broad areas are executed under regulated conditions subject to a license. This creates the opportunity for coordinating coherent requirements for measuring such loud impulsive sounds.

11.1. Distribution in time and place of loud, low and mid frequency impulsive sounds

- Proportion of days and their distribution within a calendar year over areas of a determined surface, as well as their spatial distribution, in which anthropogenic sound sources exceed levels that are likely to entail significant impact on marine animals measured as Sound Exposure Level (in dB re 1 μ Pa².s) or as peak sound pressure level (in dB re 1 μ Pa_{peak}) at one metre, measured over the frequency band 10 Hz to 10 kHz (11.1.1)

11.2. Continuous low frequency sound

- Trends in the ambient noise level within the 1/3 octave bands 63 and 125 Hz (centre frequency) (re 1 μ Pa RMS; average noise level in these octave bands over a year) measured by observation stations and/or with the use of models if appropriate (11.2.1).

⁽²¹⁾ See recitals 3 and 4.

⁽²²⁾ See recitals 3 and 4.

⁽²³⁾ See point 9 in Part A.

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