



**Marine Strategy Framework Directive (MSFD)**  
***Common Implementation Strategy***

**Reporting on Programmes of Measures (Art. 13) and  
on exceptions (Art. 14) for the Marine Strategy  
Framework Directive**

**(5 November 2015)**

Further guidance for reporting, including use of the MSFD web reporting tool and schemas is available from: <http://icm.eionet.europa.eu/schemas/dir200856ec/resources2015>.

***Disclaimer:***

*This document has been developed through a collaborative programme involving the European Commission, all EU Member States, the Accession Countries, and Norway, international organisations, including the Regional Sea Conventions and other stakeholders and Non-Governmental Organisations. The document should be regarded as presenting an informal consensus position on best practice agreed by all partners. However, the document does not necessarily represent the official, formal position of any of the partners. Hence, the views expressed in the document do not necessarily represent the views of the European Commission.*

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## Contents

1	Introduction.....	3
2	Purpose of reporting .....	4
3	Setting the scene .....	5
3.1	Definitions of <i>Measures</i> and <i>Programme of Measures</i> .....	5
3.1.1	Types of measures under the MSFD .....	5
3.2	Links to reporting of measures under the WFD .....	6
3.3	Use of measures under other policies.....	7
3.4	Joint documentation of regional measures .....	7
4	Structure and content of reports for MSFD Articles 13 and 14 .....	7
4.1	Overall approach .....	7
4.2	Use of Key Types of Measures (KTMs) .....	8
4.2.1	WFD Key Types of Measures .....	8
4.2.2	Basis for and list of MSFD KTMs .....	9
4.2.3	Linking the different categories of measures to KTMs .....	10
4.3	Reporting package on MSFD PoMs and exceptions .....	11
4.4	Summary Report on the Programme of Measures and exceptions.....	13
4.4.1	General overview section.....	13
4.4.2	Existing and new measures in the PoM .....	15
4.4.3	Reporting on exceptions .....	17
4.5	Reporting Sheet on the Programme of Measures and exceptions .....	19
4.5.1	Introduction.....	19
4.5.2	Linking the reports to geographic areas.....	20
4.5.3	Details of the reporting sheet .....	20
4.6	Reporting under WFD on MSFD-relevant measures .....	28
5	Procedures and format for reporting on MSFD Articles 13 and 14 .....	29
5.1	Technical support for reporting .....	29
5.2	Reporting language .....	29
5.3	Formal notification .....	29

# Marine Strategy Framework Directive (MSFD)

## Common Implementation Strategy

### Reporting on Programmes of Measures (Art. 13) and on exceptions (Art. 14) for the Marine Strategy Framework Directive

## 1 Introduction

According to Article 5(2)(b) of the Marine Strategy Framework Directive (MSFD), Member States shall develop a Programme of Measures (PoM) by 2015 at the latest and notify the European Commission of their PoM within three months (Article 13(9)) (i.e. by 31 March 2016). Any exceptions which the Member State seeks under MSFD Article 14 are to be clearly identified and substantiated in the PoM. The Commission will undertake an assessment of the Member States' PoMs (Article 16) and provide guidance to the Member States on these within six months of receiving all these notifications. This assessment is expected to be presented in the form of national and regional assessment reports, as was done for the Commission's Article 12 assessment (COM(2014) 97) of the Member State Article 8, 9 and 10 reports.

The aim of the PoM is set out in MSFD Art. 13(1) (emphasis added):

#### Art. 13(1)

*Member States shall, in respect of each marine region or subregion concerned, identify the measures which need to be taken in order to achieve or maintain good environmental status, as determined pursuant to Article 9(1), in their marine waters.*

*Those measures shall be devised on the basis of the initial assessment made pursuant to Article 8(1) and by reference to the environmental targets established pursuant to Article 10(1), and taking into consideration the types of measures listed in Annex VI.*

This document provides non-binding guidance on reporting on MSFD PoMs and on exceptions:

- It provides an overview of relevant frameworks upon which the reporting of the MSFD PoMs and Exceptions is built;
- It presents the conceptual framework for reporting on the MSFD PoM and on Exceptions and the expected final reporting products;
- It provides specific guidance on the different elements of the reports.

The document is based on:

- The provisions of the MSFD, in particular Articles 13 (Programmes of measures), 14 (Exceptions) and 16 (Commission's assessment) and Annex VI;
- The document entitled "Programmes of measures under MSFD – Recommendations for establishment/implementation and related reporting" (hereafter referred to as the *PoM Recommendation*)<sup>1</sup>, particularly on Annex 2 of the Recommendation; the *PoM Recommendation* describes the content of the PoM and the process to develop it.
- WFD reporting guidance 2016<sup>2</sup>.

<sup>1</sup> [GD10 - MSFD recommendations on measures and exceptions](#)

<sup>2</sup> [WFD reporting guidance 2016 version 4.9](#) at [http://cdr.eionet.europa.eu/help/WFD/WFD\\_521\\_2016](http://cdr.eionet.europa.eu/help/WFD/WFD_521_2016). A new version is due in June 2015. The final version will be stored in the "official documents / published guidance" folder in Circabc (<https://circabc.europa.eu/w/browse/a3c92123-1013-47ff-b832-16e1caa9a>).

This reporting guidance has been developed with the aim of assisting and facilitating reporting by Member States in their implementation of the Directive. It does not constitute formal interpretation of the Directive.

## 2 Purpose of reporting

MSFD Article 13(9) provides that Member States shall notify the Commission and other relevant Member States of their programme of measures within 3 months of their establishment (i.e. by 31 March 2016).

The reporting will give the opportunity to the Commission under Article 16 to assess whether the PoMs constitute an appropriate framework to meet the requirements of the MSFD. Reporting is meant for compliance checking (need to have) and so needs to deliver sufficiently detailed information for this purpose.

The Directive assumes that Member States base their programme of measures on the measures needing to be taken to achieve their environmental targets and hence to achieve or maintain good environmental status as determined in their Marine Strategies. If Member States update their Marine Strategies and accordingly their Programme of Measures, an update needs to be reported to the Commission.

It is important to recall the main purpose of reporting and the joint objectives and interest that the European Commission and the Member States, together with the Regional Sea Conventions (RSC) and the European Environment Agency (EEA), should have in making reporting a success and an important exercise which is worthwhile investing in. The uses and benefits of reporting at national, regional, European and global levels are outlined in *Approach to reporting for the Marine Strategy Framework Directive (2012)*<sup>3</sup>.

The requirement in EU legislation to report is a result of the legal system of the EU and the special role of the European Commission in this system, namely its role as "Guardian of the Treaty". However, this role has to be seen increasingly in the wider context of accountability and good governance of EU action and the responsibility for the European Commission and the Member States together to demonstrate that:

- EU legislation achieves its results in an effective and efficient manner;
- The level of ambition, efforts and level playing field for the internal market are comparable, if not harmonised, between the Member States;
- Member States respect the letter and the spirit of the law;
- Effective policy implementation leads to the envisaged policy objective, which in this case is the improvement of the state of the marine environment leading to GES.

For these purposes, comparable reporting information is a prerequisite. Any flexibility that is introduced in the reporting system (e.g. text fields, options) needs to be carefully considered and included only where it adds value and understanding. The reporting system needs to acknowledge that Member States should have flexibility in developing their programmes of measures and that programmes may need to be further improved and refined in the future. However to assess programmes of measures, the information needs to be made available in a consistent, comparable format.

In summary, when setting up the PoMs, it is important that the Member States consult the public and demonstrate to the Commission the extent to which they have set up their MSFD programmes of

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<sup>3</sup> [http://ec.europa.eu/environment/marine/publications/index\\_en.htm](http://ec.europa.eu/environment/marine/publications/index_en.htm)

measures in a way which is "complete, adequate, consistent, coherent and coordinated". The following sections are the result of the work in WG DIKE and the drafting group to develop the overall approach to reporting on PoMs and exceptions.

### 3 Setting the scene

#### 3.1 Definitions of Measures and Programme of Measures

The *PoM Recommendation* defines a **measure** in the MSFD as: "**any action on a national, regional, European or international level which is intended to help achieve or maintain GES and to achieve the environmental targets.**"

While MSFD measures are expected to primarily focus on changing the spatial and/or temporal distribution and intensity of pressures from human activities (and hence lead to recovery of the marine ecosystems), direct actions to improve environmental status, such as active restoration of habitats and reintroductions of species, can also be included as measures under the MSFD.

Research activities could be submitted as a supplementary list to the PoM but are not treated as measures. Activities to fill gaps for other parts of the Directive (e.g. Art 8, 9, 10, 11) are by definition not measures.

The *PoM Recommendation* defines a **Programme of Measures** (PoM) as: "**a set of measures that the Member State is responsible for implementing, put into context with each other, referring to the environmental targets they address. The Programme of Measures includes existing and new measures.**"

##### 3.1.1 Types of measures under the MSFD

Four categories of measures have been defined in the *PoM Recommendation* (Table 1). These provide a basis for deciding on needs for cost-benefit analyses (CBA) and cost-effectiveness analyses (CEA). The distinction between 'existing measures' (type 1) and 'new measures' (type 2) also provides a basis for defining reporting needs.

Table 1: Categories of measures (adapted from the *PoM Recommendation*)

Measures	Measure category	Cost-effectiveness analysis (CEA)	Cost-benefit analysis (CBA)
Article 13(1) & 13(2) <i>Measures relevant for the maintenance and achievement of GES under the MSFD that <u>have been adopted under other policies and implemented</u></i>	EXISTING 1.a	No	No
Article 13(1) & 13(2) <i>Measures relevant for the maintenance and achievement of GES under the MSFD that <u>have been adopted under other policies but that have not yet been implemented or fully implemented</u></i>	EXISTING 1.b	No	No
Art 13(3) <i>Additional measures to achieve GES which build on existing EU legislation and international agreements but go beyond what is already required under these</i>	NEW 2.a	Yes* Case by case	Yes* Case by case
Art 13(3) <i>Additional measures to achieve GES which do not build on existing EU legislation or international agreements, i.e. that are completely new</i>	NEW 2.b	Yes	Yes

Additionally, the *PoM Recommendation* recognises that measures may have different modes of action (Table 2), whilst MSFD Annex VI outlines different types of measures (Table 3) which are to be considered when devising the measures. These categorisations can be helpful in developing and describing the measures, but have not been used to structure the reporting.

**Table 2: Modes of action of measures (from PoM Recommendation)**

N°	Mode of action
1	<b>Technical:</b> an actual action that one can see (and measure) in the field. In principle a wide range of measures have a primarily technical mode of action.
2	<b>Legislative:</b> Adapting or supplementing national environmental law and other national legislation influencing the marine environment to implement environmental targets and to achieve/maintain GES.
3	<b>Economic:</b> such as economic incentives that provide financial motives to stimulate a desired behaviour or discouraging an unwanted behaviour. Financial instruments are often aimed at the uptake of technical measures. For example, a subsidy for beach resorts of 20 Euros for each additional garbage bin they place.
4	<b>Policy driven:</b> Policy instruments can be economic incentives, but also other instruments, such as voluntary agreements with stakeholders, communication strategies, awareness raising, and education. For example, the government launches an information campaign to make the beach resorts aware of the new subsidy they can get for placing more garbage bins, or beach resorts informing their customers where the litter bins are located, or teachers telling children it is fun to collect waste and put it in a litter bin and gives you a clean beach as well.

**Table 3: Types of measures provided in MSFD Annex VI that Member States should consider when devising their measures.**

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

## 3.2 Links to reporting of measures under the WFD

At the Water Directors' and Marine Directors' meeting of 5-6 June 2014 in Heraklion, Greece it was agreed to develop the MSFD PoMs and their reporting in close conjunction with the PoMs reporting for the WFD, which is due by 22 March 2016. Considering that the 2016 Reporting Guidance of the WFD<sup>4</sup> had already been developed and agreed, and considering that many measures to improve the status of the marine environment are land-based and thus should be considered under the WFD, the MSFD reporting will follow the WFD reporting guidance, to the extent possible and feasible. An important aspect of this coordinated reporting is that under the MSFD, in line with the WFD reporting, measures are to be aggregated under a predefined set of **Key Types of Measures (KTMs)** (see section 4.3).

<sup>4</sup> [WFD reporting guidance 2016](#) (Version 4.3 to WG DIS of 13 October 2014).

The need for coordinated WFD-MSFD reporting does not exclude the addressing of specific issues under the MSFD. For example, the need for cooperation within the MSFD (sub)regions, as required under MSFD Article 5(2), in order to develop a coherent and consistent approach is more developed under the MSFD, whereas the reporting on the WFD is more detailed in terms of cost reporting and economic analysis. WFD reporting, already in its second reporting cycle, is able to report quantitative figures whilst under the MSFD more substantial data gaps are anticipated and hence a more descriptive approach to reporting is proposed.

### 3.3 Use of measures under other policies

Besides measures reported under the WFD, existing measures under other policies can also contribute to achieving or maintaining GES in the marine environment and to the MSFD environmental targets.

Under the MSFD reporting, measures under ‘other policies’ refer specifically to those which are not reported under the WFD. These include measures under the Common Fisheries Policy, the Habitats and Birds Directives, sanitary regulations on sea food, measures on offshore pollution and those of Regional Sea Conventions and other international agreements, as well as national measures. It is important that these other existing measures are considered in the gap analysis on needs for measures under MSFD and incorporated, where relevant, into the MSFD PoM.

### 3.4 Joint documentation of regional measures

To improve consistency of the reporting between Member States, some reporting could be prepared jointly, in cooperation with relevant Member States in the **Regional Sea Convention** or other international agreements. Some regional/international measures provide an umbrella for more specific measures that are defined and implemented nationally. In such cases, the more broadly-defined regional/international measure could be documented jointly and supported by the more specific national measures which are documented by the individual Member States. Such an approach could be appropriate, for example, for RSC Marine Litter Action Plans.

## 4 Structure and content of reports for MSFD Articles 13 and 14

### 4.1 Overall approach

In order to not repeat reporting efforts already undertaken through the Water Framework Directive (WFD) in 2016, and to ensure consistency, comparability and coordinated action with WFD implementation, the proposed approach for reporting of the MSFD PoMs is to build upon the existing WFD reporting framework in the following ways:

- a. Use the 2016 WFD reporting for land-based measures which are relevant to MSFD but which are already being reported under WFD;
- b. Use the WFD approach to organise the measures by Key Types of Measures (KTMs) categories. The KTMs reflect the main types of pressure that the measures need to address in order to achieve the MSFD environmental targets and to achieve or maintain GES;
- c. Use the WFD approach to report on new ‘MSFD measures’, by using an adapted WFD template for describing each measure and by having this information held at national level (on a national web site) rather than reported directly to the Commission (as xml files).

This approach reduces the reporting requirements for MSFD to:

- a. Reporting on measures which are additional to those reported under WFD in 2016, either existing measures under other policies or new ‘MSFD measures’, and grouping these according to a set of MSFD KTMs;

- b. Reporting on issues which are specific to the MSFD, such as links to Article 10 environmental targets and to the GES descriptors, regional cooperation and exceptions.

## 4.2 Use of Key Types of Measures (KTMs)

The basis for a coordinated reporting between the WFD and MSFD, as agreed by the Marine and Water Directors, is the use of a joint set of Key Types of Measures (KTMs). In the WFD 2016 Reporting Guidance, a set of 25 KTMs has been developed (section 4.2.1); additional KTMs are needed for the MSFD to address sea-based pressures and other types of action in marine waters (section 4.2.2).

KTMs are used to organise the measures (of which there could be many per Member State) under a defined set of categories. These categories are directly relevant to the main pressures or to generic types of measures. In this way, the KTMs provide a means to report and assess the contribution of the individual measures to the achievement of good ecological status (WFD) and good environmental status (MSFD).

### 4.2.1 WFD Key Types of Measures

In the WFD 2016 reporting guidance, detailed reporting schemes have been developed. These include reporting based on 25 Key Types of Measures (KTMs). The KTMs have been predefined as the categories under which measures have to be reported. The 2016 KTMs are based on the KTMs defined for the 2012 progress reports on the implementation of the programme of measures, the new ones reported by Member States in 2012 and commonly reported significant pressures not previously incorporated by predefined KTMs. Table 4 shows the KTMs as included in the WFD 2016 reporting guidance.

Considering that many of the pressures on the European seas are land-based, many of the WFD KTMs and associated measures are also relevant to the marine environment. Thus these measures can help to achieve or maintain GES and to achieve the environmental targets set under the MSFD. An indicative relationship of each WFD KTM to the relevant MSFD descriptors is shown in Table 4; the actual relationship in each country will vary according to the WFD measures selected and their contribution to achieving or maintaining GES.

**Table 4: List of WFD Key Types of Measures and an indicative relationship to the MSFD and its GES Descriptors**

N°	WFD KTM description	Indicative relevance to MSFD
1	Construction or upgrades of wastewater treatment plants	Relevant for the reduction of nutrient loads & solid particles (D5, D10)
2	Reduce nutrient pollution from agriculture	Relevant for the reduction of nutrient loads (D5)
3	Reduce pesticides pollution from agriculture	Relevant for the reduction of contaminants loads (D8, D9)
4	Remediation of contaminated sites (historical pollution including sediments, groundwater, soil)	Relevant for the reduction of contaminants loads (D8, D9)
5	Improving longitudinal continuity (e.g. establishing fish passes, demolishing old dams)	Relevant in relation to diadromous fish (D1) and sediments (D7)
6	Improving hydromorphological conditions of water bodies other than longitudinal continuity (e.g. river restoration, improvement of riparian areas, removal of hard embankments, reconnecting rivers to floodplains, improvement of hydromorphological condition of transitional and coastal waters, etc.)	Relevant (D7)
7	Improvements in flow regime and/or establishment of ecological flows	Relevant (D7)
8	Water efficiency technical measures for irrigation, industry, energy and households	Unlikely

N°	WFD KTM description	Indicative relevance to MSFD
9	Water pricing policy measures for the implementation of the recovery of cost of water services from households	Unlikely
10	Water pricing policy measures for the implementation of the recovery of cost of water services from industry	Unlikely
11	Water pricing policy measures for the implementation of the recovery of cost of water services from agriculture	Unlikely
12	Advisory services for agriculture	Relevant for nutrient and pesticide reduction (D5, D8, D9)
13	Drinking water protection measures (e.g. establishment of safeguard zones, buffer zones etc.)	Relevant for seawater desalination (D7)
14	Research, improvement of knowledge base reducing uncertainty	Relevant, could be applied to all descriptors
15	Measures for the phasing-out of emissions, discharges and losses of priority hazardous substances or for the reduction of emissions, discharges and losses of priority substances	Relevant for the reduction of contaminant loads (D8, D9)
16	Upgrades or improvements of industrial wastewater treatment plants (including farms)	Relevant for the reduction of nutrients, solid particles and contaminant loads (D5, D8, D9, D10)
17	Measures to reduce sediment from soil erosion and surface run-off	Possibly relevant for the reduction of nutrients & sediments (D5, D7)
18	Measures to prevent or control the adverse impacts of invasive alien species and introduced diseases	Relevant (D2)
19	Measures to prevent or control the adverse impacts of recreation including angling	Relevant (D2, D3, D10, D11)
20	Measures to prevent or control the adverse impacts of fishing and other exploitation/removal of animal and plants	Relevant (D1,D3, D4, D6)
21	Measures to prevent or control the input of pollution from urban areas, transport and built infrastructure	Relevant for the reduction of pollution in general (D5, D8, D9, D10, D11)
22	Measures to prevent or control the input of pollution from forestry	Possibly relevant for the reduction of nutrient and contaminant loads (D5, D8, D9)
23	Natural water retention measures	Relevant for positive effects on nutrients and sediment transport (D5, D7)
24	Adaptation to climate change	Relevant, in particular when related to the coastal zone (D1, D4, D6, D7)
25	Measures to counteract acidification	Unlikely (WFD KTM refers to freshwater systems)

#### 4.2.2 Basis for and list of MSFD KTMs

There is a need to have additional "new" KTMs which are mainly focused on sea-based (and air-based) pressures in order to cover any new MSFD-specific measures. This extension to the existing WFD approach facilitates comparability and the consolidation of information at the EU level.

The set of additional KTMs needed for the MSFD, which are not yet covered under the WFD, is given in Table 5. These are based on the list of pressures in MSFD Annex III Table 2. Several KTMs address additional needs that are not directly related to a specific pressure; these can be found at the bottom of Table 5. Considering that the list of KTMs is part of a coordinated reporting and that many WFD KTMs can contribute to achieving environmental targets and GES for the MSFD, the numbering of MSFD KTMs has been set to continue from that of the WFD KTMs.

**Table 5: Key Types of Measures (KTM) for the MSFD, supplementing the WFD KTMs listed in Table 4.**

N°	Additional KTMs for MSFD reporting
26	Measures to reduce physical loss <sup>5</sup> of seabed habitats in marine waters (and not reported under KTM 6 in relation to WFD Coastal Waters)
27	Measures to reduce physical damage <sup>6</sup> 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, radio-nuclides) 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
35	Measures to reduce biological disturbances in the marine environment from the extraction of species, including incidental non-target catches
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)
37	Measures to restore and conserve marine ecosystems, including habitats and species
38	Measures related to Spatial Protection Measures for the marine environment (not reported under another KTM)
39	Other measures

The measures identified as relevant for the MSFD PoM, both existing measures under WFD and other policies and new 'MSFD measures', are to be assigned to the relevant KTM (either the WFD KTMs or the MSFD KTMs) to provide consistency in the reporting and thus facilitate assessment of the PoMs by the Commission under MSFD Article 16. Each measure is to be assigned to the most relevant KTM, but where necessary can be assigned to several KTMs.

#### 4.2.3 Linking the different categories of measures to KTMs

The PoM Recommendation provides four categories of measures, which are in place or new and the set of KTMs provided an overarching structure under which the measures are aggregated. Table 6 shows this relationship, illustrated with examples of existing (WFD, other) and new MSFD measures for selected KTMs.

<sup>5</sup> 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.

<sup>6</sup> 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.

Table 6: Examples of existing and new measures for selected KTM, indicating how they could be treated in reporting

KTM n°	KTM description	Examples of individual measures associated to KTM	Measure category	Report category
1	Construction or upgrades of wastewater treatment plants	Treatment of urban waste water to reduce Nitrate and Phosphate inputs to fresh and marine waters	Existing: 1a (existing plants) or 1b (new plants)	WFD
		Upgrading a Wastewater Treatment Plants to reduce the inflows of plastics into the marine environment	New 2b	MSFD
2	Reduce nutrient pollution from agriculture	Reduce application of fertiliser to agricultural fields	Existing 1a/1b	WFD
		Use of winter cover crops to reduce nutrient leaching into the groundwater	Existing 1a/1b	WFD
27	Measures to reduce physical damage to the marine environment (not reported under WFD Coastal Waters)	Restrictions on seabed trawling in selected areas	New 2a	Other (CFP)
		Permits for deep-sea mining exploitation	New 2b	MSFD
29	Measures to reduce marine litter	Beach litter removal plan	New 2b	MSFD
		Economic incentives to deposit shipping waste, including old fishing gear, at port reception facilities	New 2a	MSFD
31	Measures to reduce contamination by hazardous substances (synthetic substances, non-synthetic substances, radio-nuclides) and the systematic and/or intentional release of substances in the marine environment from sea-based or air-based sources	Measures to control offshore pollution from oil and gas operations	Existing 1a	Other (e.g. RSC measure)
38	Measures related to Spatial Protection Measures for the marine environment (not reported under another KTM)	Additional MPAs to protect offshore habitats	New 2a	Other (e.g. RSC measure)

### 4.3 Reporting package on MSFD PoMs and exceptions

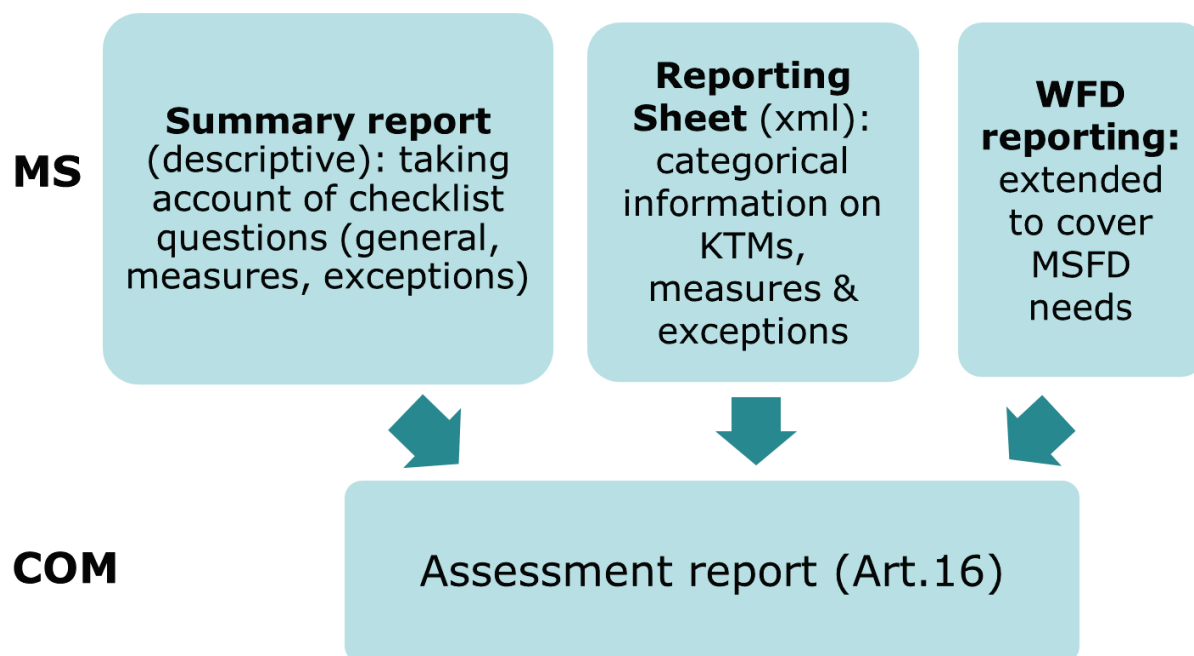
The reporting package for the Member State Programme of Measures, including exceptions, consists of the following (Figure 1):

- a. **Summary Report** on the Programme of Measures, which provides a text-based overview of the PoM(s) (e.g. on general approaches to their preparation) and more specific details on the measures and any exceptions. Reference to measures reported under the WFD in 2016, and on existing measures under other policies, can be kept to a minimum. This report should be made available at a suitable national web site for access by stakeholders and other states, and be uploaded to ReportNet.

- b. **Reporting Sheet** which includes mainly categorical information which will facilitate the assessment by the Commission of adequacy, consistency and coherence between Member States and across the marine (sub)regions and enable the preparation of statistical information on the PoMs. The report is to be uploaded to ReportNet as xml files.
- c. **Extended WFD reporting**, to cover the MSFD needs, for land-based measures reported under WFD but which also contribute to achieving or maintaining the MSFD environmental targets and GES in the marine environment. A coordinated approach between the MSFD and WFD implementation processes in each Member State will be necessary to make the relevant links between the two reporting processes. This information is reported via the WFD reporting process due in March 2016.

As has been done for MSFD reports on Article 8, 9 and 10 (in 2012) and Article 11 (in 2014), the reports need to be clearly presented according to each of the (sub)regions relevant for the Member State. This can be handled as follows:

- a. Summary Report. Member States can either prepare a separate report per (sub)region or present a single report covering all the relevant (sub)regions. In the latter case, it should be clear where there are differences in the PoM or exceptions for the different (sub)regions, for example, whether some measures or exceptions apply to one (sub)region but not another.
- b. Reporting Sheet. A separate xml file needs to be prepared for each (sub)region. For those Member States using the on-line web reporting tool, this is handled by enabling the report to be prepared for the first (sub)region and then copied for subsequent (sub)regions. Where necessary, the subsequent (sub)region reports can be adjusted to suit sub-region specific aspects.
- c. WFD reporting. This is undertaken according to WFD reporting areas (River Basin Districts or sub-units); the MSFD (sub)regional aspect is handled in the MSFD Reporting Sheet.



**Figure 1: Components of the Member State reporting package for the MSFD Programmes of Measures, including exceptions (which are to be used for the Commission's Article 16 assessment).**

In cases where Member States will prepare and submit joint documentation for a (sub)region (e.g. as being prepared in some Regional Sea Conventions) in support of the MS Summary Report, it should also be clear as to which MSFD (sub)region(s) the relevant in relation to any details given on measures.

Based on the Member State's reports (which may include joint reporting), the Commission will undertake an **EU assessment** that will fulfil the provisions of MSFD Article 16. A first version of the proposed assessment framework for this was presented to WG DIKE in September 2014 ([DIKE 10-2014-03](#)).

## 4.4 Summary Report on the Programme of Measures and exceptions

The Member State's Summary Report provides narrative information on the Programme of Measures and is to include the following sections:

- a. **General overview:** indicating the version of environmental targets used for the PoM, the outcomes of the assessment of existing measures, the proposed new measures, the adequacy of the PoM to achieve the targets and GES, any exceptions sought, regional cooperation and transboundary impacts, and the public consultation and administrative processes.
- b. **Measures in the PoM:** concise information is to be included on existing measures at an aggregated level (measures of type 1a and 1b). More detailed information is to be included for new measures (types 2a and 2b).
- c. **Exceptions:** details on the exceptions being sought by the Member State, including the concerned targets, spatial coverage, type of exception and relevant KTM. Justification is to be provided on why an exception is being sought, including the planned mitigation actions.

The content of each section is further outlined in the following sections. The topics and questions are a checklist of the information to be included in the Summary Report; however the Member State may wish to add further information which it considers necessary for the benefit of its stakeholders, other states or the Commission.

The contents defined here should be the basis for the public consultation undertaken in accordance with MSFD Article 19(2)(d). Member States could choose to use this Summary Report or to develop a specific report tailored to the needs of the Public Consultation. If the latter is the case, Member States are invited to make reference to the report used for public consultation in their Summary Report.

### 4.4.1 General overview section

The following "table of contents" (and guiding questions in each section) is to be included in the general overview section, based on the *PoM Recommendation* section IV.5 and Annex 2 section 3.4.1. Additional questions/information can be added if the Member State wishes.

#### 1. Environmental targets

- 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.
- b. Did you set any operational targets that relate to concrete implementation measures to support their achievement (Annex IV (2))?

#### 2. Inventory and assessment of existing measures

- 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);
- 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 KTM.

- 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).

### **3. New measures**

- a. Describe the method or approach to selecting new measures;
- 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);
- c. When selecting new measures, how have you ensured that they are based on / take into account (Article 13(3)):
  - i. Technical feasibility;
  - ii. Sustainable development: a combination of Impact Assessment (environmental, social and economic), cost-effectiveness analysis and cost-benefit analysis<sup>7</sup>;
- 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;
- 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?

### **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).
- 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.

### **5. Links to other policies**

- a. Describe the overall coordination or input to other EU legislation and policies (including international agreements);

### **6. Regional cooperation and transboundary impacts**

- a. Describe how (sub)regional coordination in development of your PoM was undertaken,

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<sup>7</sup> Following the *PoM Recommendation*, sustainability is not to be assessed separately, but as a combination of impact assessment, SEA and CEA/CBA.

and what were the key outcomes (e.g. coordinated national PoMs, joint measures, identification of issues for EU/international consideration) (Article 5(2)).

- 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?

#### **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), 3<sup>rd</sup> 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?

#### **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)).

#### **4.4.2 Existing and new measures in the PoM**

This section should provide a list of all the measures which are part of the MSFD PoM and thus considered to be contributing to achieving your environmental targets and to achieving or maintaining GES. The measures should be summarised as follows:

##### **WFD measures (types 1a, 1b)**

Very limited information need be included on measures which are reported in 2016 under WFD and which contribute to your MSFD PoM, as the WFD reporting exercise for 2016 will capture full details (see section 4.6).

Provide a list of the relevant WFD KTMs. Lists of the individual measures are not needed here, but a reference/URL should be provided to where the following details<sup>8</sup> on the individual measures can be found:

- a. Measure code.
- b. Measure name.
- c. Type of measure (basic: Article 11(3)(a), basic: Article 11(3)(b-I), supplementary: Article 11(4)).

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<sup>8</sup> See section 10.1.9 (Guidance on the contents of the RBMPs/background documents) of the 2016 WFD Reporting Guidance.

- d. Water categories in which it is applicable.
- e. Geographic coverage of the measure (national, RBD, Sub-unit, water body level).
- f. Whether the measure was already in place in the first RBMP, is being modified or is new in the second RBMP.
- g. Description of the measure (e.g. experience in the first cycle (if relevant), pressures tackled, voluntary or mandatory).
- h. The contribution that the measure is expected to make towards the achievement of WFD Environmental Objectives in the second and third planning cycles.
- i. Any potential obstacles to its successful implementation.
- j. The lead organisation or Competent Authority responsible for the implementation of the measure.
- k. Partners responsible for assisting in the implementation of the measure (e.g. Amenity Groups, Non-Governmental Organisations (e.g. nature and river trusts), farmers, water industry, industry, local authorities, forestry agencies, mining and quarrying agencies, households, rural land managers and owners, navigation agencies, transport agencies, marine and fisheries agencies, nature agencies and regulators, other government departments, other).
- l. Information relating to the cost and financing of the measure and, in particular, whether financing has been secured for the second planning cycle.
- m. Sources of Funding (e.g. EU (Structural, Cohesion, Rural Development, Fisheries, LIFE or RTD), national funds (revenues from water charges, general budget)).

#### **Other existing measures (types 1a, 1b)**

Only limited and concise information needs to be reported. These measures can be listed at a suitable level of aggregation to avoid an unnecessary level of detail (suitable aggregations could be, for example: measures to reduce contaminants under the OSPAR Convention; the protected area provisions of the Habitats Directive; provisions under the CFP to manage the quantities of fish taken).

Provide a list of other existing measures and, where possible, a source reference to the reports or URL web site link where details on each measure can be found. This detail should cover, as far as possible, a short description of the measure and the relational information on pressures, characteristics, descriptors, environmental targets and KTMs. The reference/URL should be directly relevant to your marine waters rather than a general reference to the EU or international policy.

#### **New measures for MSFD (types 2a, 2b)**

For each new measure, more detailed reporting is needed in this section of the Summary Report. The following information, based on the fields that are agreed upon in the WFD 2016 guidance, is needed:

- a. Measure code
- b. Measure name
- c. Description, including mode of implementation (e.g. technical, legal, policy, economic) (see Table 2)
- d. For measure type 2a, give policy(s) used (e.g. Habitats Directive, RSC measure)
- e. CEA undertaken (Not needed/Yes/No)
- f. CBA undertaken (Not needed/Yes/No)

- g. Responsible Competent Authority(s) (from MS Art. 7 report)
- h. Responsible delivery authorities/organisations (if different to Competent Authority)
- i. Temporal coverage (start date, end date if appropriate)
- j. Financing (state of securing, source of funding)
- k. Level of coordination in implementation (e.g. local, national, regional)
- l. Obstacles to implementation, if any
- m. How will the effectiveness of the measure, once implemented, be assessed?
- n. Relevant KTM (under WFD or MSFD); if more than one KTM is listed, give a clear indication of the relative contribution of the measure to each KTM listed
- o. Relevant environmental targets (from MS Art. 10 report)
- p. Further information, if available (URL link)

This information could be presented as a 'fact-sheet' per measure.

#### 4.4.3 Reporting on exceptions

If the Member State seeks to apply for an exception, as provided under MSFD Article 14, the following information is to be reported:

- a. Exception code
- b. Exception name
- c. Exception type (according to options under Art. 14) and justification
- d. Mitigation – consequences for other Member States, ad-hoc measures taken and mitigation
- e. Relevant targets
- f. Relevant GES Descriptors
- g. Relevant Annex III elements
- h. Spatial coverage of the exception ((sub)regions, assessment areas, geographic zones<sup>9</sup>)
- i. Further information, if available (URL link)

All exceptions should be supported with a justification, using the template provided in Table 7.

**Table 7: Template for reporting an exception under MSFD Article 14**

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<sup>9</sup> As used in Article 11 reporting (Coastal waters, territorial waters, EEZ, etc)

About the exception	Exception code/name	MS-defined list		
	Exception type	List, single	Reason (list, multiple)	Justification for exception
		Art 14.1a MS is not responsible	<ul style="list-style-type: none"><li>Action (e.g. environmental damage) caused by a third party for which the MS is not responsible</li><li>Action needed by another Member State(s)</li><li>Action needed by another non-EU state(s)</li><li>Action needed by EU (e.g. CFP)</li><li>Action needed by another international Competent Authority (e.g. IMO)</li></ul>	Justification (text), including relevant countries or international CAs. If notified under Art 15 provide date notified and letter.
		Art 14.1b Natural causes	<ul style="list-style-type: none"><li>Floods</li><li>Hurricanes/typhoons/storms</li><li>Other</li></ul>	Justification (text)
		Art 14.1c Force majeure	<ul style="list-style-type: none"><li>Armed conflict</li><li>Terrorism</li><li>Major accident</li><li>Other</li></ul>	Justification (text)
		Art 14.1d Over-riding public interest	<ul style="list-style-type: none"><li>Protecting fundamental values for citizens</li><li>Fundamental policies of State and Society<ul style="list-style-type: none"><li>Economic or social activities fulfilling specific obligations of public services</li></ul></li><li>Other</li></ul>	Justification (text), including how it is ensured that achievement of GES is not permanently precluded/compromised.
		Art 14.1e Natural conditions		Justification (text), including specifying the date by when MS will reach GES.
		Art 14.4	<ul style="list-style-type: none"><li>No significant risk</li><li>Disproportionate costs</li></ul>	Justification (text), including: <ul style="list-style-type: none"><li>a substantiation of how there would be no further deterioration and demonstrate that the achievement of GES will not be permanently compromised</li><li>For disproportionate costs, specify which Descriptor(s) and Annex III elements are relevant.</li></ul>
Mitigation (if exception is notified under Art. 14(1))	Consequence(s) for other MS	Text explanation of the consequences for other Member States in the relevant marine (sub)regions		
	Ad-hoc measures taken	List of ad-hoc measures (select relevant measures that are ad-hoc from full list of measures in PoM).		
	Mitigation	Substantiate how the ad-hoc measures aim to: <ul style="list-style-type: none"><li>continue pursuing environmental targets and GES;</li><li>prevent further deterioration in marine water status (for Art 14(1)(b),(c) and (d)) and</li><li>mitigate the adverse impact on marine waters of (sub)region or other MS.</li></ul>		
Links to other MSFD	Relevant Art. 10 targets	From MS Art. 10 report		
	Relevant Art. 9 Descriptors	Descriptors 1-11		

About the	Exception code/name	MS-defined list		
	Exception type	List, single	Reason (list, multiple)	Justification for exception
	Relevant Annex III elements	From reporting list (2012)		
Spatial coverage	Relevant (sub)Regions	From reporting list (2012)		
	Relevant assessment areas	From MS list of MarineUnitIDs (select most appropriate area(s))		
	Relevant geographic zones	From reporting list (2014)		

Member States may wish to include the ad-hoc measures of the mitigation actions that they are required to take under Article 14(1) as an integral part of the programme of measures (i.e. alongside the other measures given in section 4.4.2), but should clearly indicate which these are against each exception.

More information on exceptions is available in Chapter IV of the *PoM Recommendation*.

## 4.5 Reporting Sheet on the Programme of Measures and exceptions

### 4.5.1 Introduction

In addition to the descriptive information in the Summary Report, categorical information on each measure (as reported under section 4.4.2) and exception (as reported under section 4.4.3) is to be reported in xml format to ReportNet. The reporting sheet aims to provide simple links to elements of Articles 8, 9 and 10 that can be used for comparison and to derive statistical information, and be associated to the geographic data ((sub)regions, assessment areas).

The following information is required for the reporting sheet (from the *PoM Recommendation* section 3.5 of Annex 2):

- Measure or exception code
- Measure or exception name
- Policy used (select from list: MSFD, WFD, RSC, national, etc)
- Associated KTMs
- Relevant targets, GES descriptors and Annex III Table 1 characteristics<sup>10</sup>
- Spatial coverage (MS, (sub)regions, assessment areas, geographic zones)
- Further information (web site link to Member State report(s))

Section 4.5.3 converts the items listed above into a Reporting Sheet and guidance.

The reporting makes links between the reporting on Articles 8, 9, 10 and that under Articles 13 and 14; the reporting can consequently make use of information already reported, such as established structures and term lists. This will have the advantage of enabling links to be made in the reporting database between Articles 13/14 and reporting for previous articles, and also in reuse of structures with which Member States are already familiar.

Therefore reuse is made of:

<sup>10</sup> To simplify the reporting on Annex III Table 1 characteristics, the following coarse categories can be used: birds, mammals, reptiles, fish, cephalopods, seabed habitats, water column habitats. One or more options can be selected.

- a. Relevant xml schemas (e.g. geographic boundaries);
- b. Relevant term lists (e.g. lists of pressures, functional groups, habitat types), updating these where needed;
- c. Relevant aspects defined by Member States (e.g. specific environmental targets)<sup>11</sup>.

#### 4.5.2 Linking the reports to geographic areas

It is standard practice that the MSFD reports are linked to specified geographic areas, so that it is clear where the report is intended to apply. Technically, this is handled by labelling each area with a 'MarineUnitID' (in the 4Geo.xml file) and providing GIS (Geographic Information System) shape files of these reporting (assessment) areas. This system was used for the 2012 reporting of Articles 8, 9 and 10, and again for the 2014 reporting of Article 11.

For reporting under Articles 13 and 14, each measure and exception should be assigned to a geographic area of the (sub)region. It is likely that all or most of the required MarineUnitIDs have already been defined by the Member States in 2012 reporting or updated for reporting in 2014:

- a. If the geographic areas needed for PoMs reporting have already been reported, they do not need to be submitted again; simply make a reference to the relevant MarineUnitID in the measures xml file.
- b. If the areas to be used for Article 13 and 14 reporting are not already available in the 2012/14 reporting files, these files (xml and GIS) should be updated and resubmitted to ReportNet when submitting the Article 13/14 reports.

The allocation of measures to MarineUnitIDs can be handled quite simply, as there can be multiple measures associated to a single MarineUnitID. For example, all (or most) of the marine-based measures could be assigned to a single reporting area which covers the entire MS marine waters of a subregion (with variations according to whether it applies in the coastal or offshore zone reflected in the geographic zone question 13). Similarly, all the land-based measures could be assigned to a single MarineUnitID covering the land part of the MS. However, this does not prevent a Member State using a more detailed approach (e.g. allocation of the measures to different subdivisions within a (sub)region).

#### 4.5.3 Details of the reporting sheet

Tables 8 and 9 set out the specific details required in the xml files. The following files can be generated:

- a. A measures.xml, to contain all measures for a (sub)region part of the MS marine waters (or a subdivision of this, if the MS wishes to report at a finer scale);
- b. An exceptions.xml, to contain all exceptions for a (sub)region part of the MS marine waters (or a subdivision of this, if the MS wishes to report at a finer scale);
- c. In cases where MSs wish to report jointly for a (sub)region, a separate xml should be prepared, as this will cover multiple MS in the (sub)region and thus have a different MarineUnitID.

This file can be generated in the following ways:

- a. By completion of the on-line web reporting tool for Articles 13 and 14, where the xml file is generated automatically when the data entered are saved by the Reporter. See ReportNet

<sup>11</sup> Reporting on PoMs is to be linked to the Article 10 environmental targets. These are typically as last reported by the MS during the 2012 reporting, but some countries have notified the Commission since then of updated targets (often linked to the Art. 11 reporting on monitoring). If there are further updates of environmental targets by the time of the PoMs reporting, they need to be notified to the Commission, via the MS permanent representation to the EU.

resources page <http://icm.eionet.europa.eu/schemas/dir200856ec/resources2015> for further guidance.

- b. By generation from a Member State database of the xml file according to the xml specified schema (available on the ReportNet resources page).

The main purpose of the PoMs is to put in place actions and measures which achieve the environmental targets set by the Member State and consequently lead to the achievement (or maintenance) of GES. The measures are therefore linked to the relevant environmental targets and GES descriptors. As some Descriptors are very broad, it is also necessary to link to the ecosystem elements (e.g. birds, mammals, seabed habitats) to which they are relevant.

Table 8: Specification of the MSFD Reporting Sheet for Article 13.

Reporting Sheet - xml file				Additional guidance
No.	Topic	Question	Summary information to be provided	
1	MS	Give name(s) of the Member State(s)	Select all relevant from List: Country codes	For joint reporting (e.g. of RSC measures), enter all relevant MS
2	(Sub)region	Give name of the MSFD (Sub)region to which the report refers	Select one from List: (Sub) regions	
3	Spatial coverage_reporting areas	Give the MarineUnitID code for the (sub)region which indicates where the measures will be applied.	Select the relevant MarineUnitID from the list generated in your 4geo.xml file	See section 4.5.2 of this guidance regarding use of MarineUnitIDs, including any possible need to revise the 4geo.xml file and associated GIS shapefiles. For the web reporting form, the Member State-specific lists of MarineUnitIDs from 2012 and 2014 MSFD reporting will be made available as a drop-down list. If the Member State needs to amend the MarineUnitIDs in the 4geo.xml file for this Art. 13/14 report, then the revised set of MarineUnitIDs need to be incorporated in the web forms before the reporting starts.
4	Reporter	Give name of Reporter	Free text	The list of official nominated Reporters for MSFD is managed by the EEA: <a href="http://www.eionet.europa.eu/ldap-roles/?role_id=extranet-msfdreporter-data">http://www.eionet.europa.eu/ldap-roles/?role_id=extranet-msfdreporter-data</a> . Only Reporters who are included in this list should be entered here. If Member States wish to change their nominated Reporter, this should be notified to the EEA (by email to: <a href="mailto:msfd.helpdesk@eionet.europa.eu">msfd.helpdesk@eionet.europa.eu</a> before starting to prepare this report.
5	Date reported	Give date submitted	YYYYMMDD	
6	Measure_code	Provide a unique identifier for the measure.	Use sub(region) code <u>plus</u> MS code <u>plus</u> MS-defined alpha-numeric code	<p>The unique identifier code should comprise:</p> <ul style="list-style-type: none"> <li>a. sub(region) and MS code (e.g. BALDE, MADIT) (required)</li> <li>b. plus M (for measure) + 3 digit number (e.g. M007) (required)</li> <li>c. plus an MS-defined alpha-numeric code (optional, maximum 5 characters)</li> <li>d. The two (or three) parts are separated by dashes.</li> </ul> <p>Full code example: MADIT-M007 or (with MS optional part): MADIT-M007-MED2b</p> <p>For WFD, reporting can be either:</p> <ul style="list-style-type: none"> <li>a. at the KTM level (i.e. report all the WFD KTMs relevant to the MSFD</li> </ul>

Reporting Sheet - xml file				Additional guidance
No.	Topic	Question	Summary information to be provided	
				<p>reporting area), giving each WFD KTM a unique Region/MS/Measure code as per the other individual measures and give the WFD KTM code in the 'measure name' field</p> <p>b. At the WFD measure level (i.e. report all the WFD measures relevant to the MSFD reporting area), giving each WFD measure its unique WFD reporting code, prefixed by the sub(region) and MS code (e.g. BALDE-'WFD measure code'.</p>
7	Measure_name	Give name of measure	Select <u>one</u> from the list of measures in your Summary Report	For WFD measures, give only the relevant WFD KTM name (or the WFD measure name if reporting at WFD measure level)
8	Link to existing policies	Which existing policies already established under Community legislation or international agreements or nationally does the measure come from?	Select all relevant from List: Directives, conventions and other policies	<p>This question is to provide a high-level link only to other relevant policies.</p> <p>For category 1a and 1b measures, specify the existing EU legislation, international agreements and national policies which is the basis for measure. For category 2a measures, specify the EU legislation and international agreements on which the measure builds.</p> <p>For category 2b measures, specify 'Not applicable'.</p>
9	KTM(s)	Give the relevant KTM(s)	Select the most relevant from the List: KTMs	It is preferable to associate each measure to only the most appropriate KTM; however in some circumstances linkage to several KTMs may be necessary
10	Relevant environmental targets	Which environmental target(s) are addressed by the measure?	Select all relevant target(s) from the list (from the MS report on Art. 10)	<p>In the web reporting tool, a list of targets specific to the Member State, and as reported in 2012 or as updated for the 2014 reporting on monitoring programmes, will be provided. If the Member State has further updates to its targets (upon which the PoMs are based), these need to be provided to the Commission so that they can be reflected in the list of targets available in the web reporting tool.</p> <p>If the measure cannot be associated to any of the environmental targets currently reported under Art. 10, then please select '<a href="#">No specific target addressed</a>' from the list.</p>

Reporting Sheet - xml file				Additional guidance
No.	Topic	Question	Summary information to be provided	
11	Relevant GES Descriptors	Which GES Descriptors are addressed by the measure?	Select all relevant from List: Annex I Descriptors	
12	Relevant features from MSFD Annex III	Which high-level elements of Annex III (ecosystem components) are addressed by the measure?	Select all relevant elements from the List: - Birds - Mammals - Reptiles - Fish - Cephalopods - Water column habitats - Seabed habitats	The categories provided here are intentionally very broad to keep reporting simple (also because measures can have benefits for many species or habitats). The specific elements being addressed within these broad categories can be described in the Summary Report, if appropriate. The species group categories should only be used for highly mobile species. Benthic invertebrates and macrophytes are part of the seabed habitats. Pelagic phyto- and zooplankton are part of the water column habitats.
13	Spatial scope_geographic zones	Indicate the coverage of the measure according to the four jurisdictional zones of MSFD Marine Waters (or outside this, either landward or beyond marine waters if appropriate).	Select all relevant from List: Implementation zones	This question is intended to give only a coarse categorization of the areas (zones) covered by the measure. If only a proportion of the selected category is covered by the measure this can be reflected in the Summary Report. "Terrestrial part of MS" refers to any measures above the high water mark. "Continental shelf (beyond EEZ)" refers to measures affecting the MS seabed/subsoil beyond the zone where the Member State has jurisdiction over the water column (e.g. beyond 200nm of EEZs or the Territorial Waters/Contiguous Zone of some Mediterranean states). "Beyond MS Marine Waters" refers to measures in Areas Beyond National Jurisdiction (ABNJ), including measures in the water column/air above MS Continental Shelf areas (i.e. high seas).
14	WFD reporting areas	For WFD KTM (or measures), give the relevant WFD RBD or sub-unit (reporting area) codes.  NOT required for	Select all relevant from your list of WFD codes	In the web reporting tool, a list of WFD reporting areas (RDBs or sub-units) specific to the Member State will be provided.

Reporting Sheet - xml file				Additional guidance
No.	Topic	Question	Summary information to be provided	
		other/MSFD measures		
15	Further information	Provide a URL web link to the specific web page(s) where the Summary Report(s) for Art. 13 can be accessed.	URL web link(s)	Where the MS report includes several reports available in different web sites, provide a web link to each report. The links should cover ALL the reports which the MS wishes to be considered as part of its Art. 13 notifications. This may include a 'roof report' of a Regional Sea Convention, if relevant, and the relevant reports under 2016 reporting of WFD.

**Table 9: Specification of the MSFD Reporting Sheet on exceptions for Article 14.**

Reporting Sheet - xml file				Additional guidance
No.	Topic	Question	Summary information to be provided	
1	MS	Give name(s) of the Member State(s)	Select all relevant from List: Country codes	For joint reporting of exceptions, enter all relevant MS
2	(Sub)region	Give name of the MSFD (Sub)region to which the report refers	Select one from List: (Sub)regions	
3	Spatial coverage_reporting areas	Give the MarineUnitID code for the (sub)region which indicates where the exception will be applied.	Select the relevant MarineUnitID from the list generated in your 4geo.xml file	See section 4.5.2 of this guidance regarding use of MarineUnitIDs, including any possible need to revise the 4geo.xml file and associated GIS shapefiles. For the web reporting form, the Member State-specific lists of MarineUnitIDs from 2012 and 2014 MSFD reporting will be made available as a drop-down list. If the Member State needs to amend the MarineUnitIDs in the 4geo.xml file for this Art. 13/14 report, then the revised set of MarineUnitIDs needs to be incorporated in the web forms before the reporting starts.

Reporting Sheet - xml file				Additional guidance
No.	Topic	Question	Summary information to be provided	
4	Reporter	Give name of Reporter	Free text OR from predefined list?	The list of official nominated Reporters for MSFD is managed by the EEA <a href="http://www.eionet.europa.eu/ldap-roles/?role_id=extranet-msfdreporter-data">http://www.eionet.europa.eu/ldap-roles/?role_id=extranet-msfdreporter-data</a> . Only Reporters who are included in this list should be entered here. If Member States wish to change their nominated Reporter, this should be notified to the EEA (by email to: <a href="mailto:msfd.helpdesk@eionet.europa.eu">msfd.helpdesk@eionet.europa.eu</a> ) before starting to prepare this report.
5	Date reported	Give date submitted	YYYYMMDD	
6	Exception_code	Provide a unique identifier for the exception.	Use sub(region) code <u>plus</u> MS code <u>plus</u> MS-defined alpha-numeric code	The unique identifier code should comprise: <ul style="list-style-type: none"> <li>a. sub(region) and MS code (e.g. BALDE, MADIT) (required)</li> <li>b. plus E (for exception) + 2 digit number (e.g. E01) (required)</li> <li>c. plus an MS-defined alpha-numeric code (optional, maximum 5 characters)</li> <li>d. The two (or three) parts are separated by dashes.</li> </ul> Full code examples: BLKBG-E01 or (with MS optional part): MADIT-E01-MED2b
7	Exception_name	Give name of exception.	Select <u>one</u> from the list of exceptions in your Summary Report	
8	KTMs	Give the relevant KTM(s)	Select the most relevant from the List: KTMs	It is preferable to associate each exception to only the most appropriate KTM; however in some circumstances linkage to several KTMs may be necessary
9	Relevant environmental targets	Which environmental target(s) are not addressed by the exception?	Select all relevant target(s) from the list (from the MS report on Art. 10)	In the web reporting tool, the list of targets provided is as reported by the Member State in 2012 or as updated for the 2014 reporting on monitoring programmes. If the Member State has further updates to its targets (upon which the PoMs are based), these need to be reflected in the list of targets available in the web reporting tool. For exceptions, the targets listed should be restricted to those that are specifically not possible to (fully) achieve as a consequence of applying the exception.

Reporting Sheet - xml file				Additional guidance
No.	Topic	Question	Summary information to be provided	
10	Relevant GES Descriptors	Which GES Descriptors are affected by the exception?	Select all relevant from List: Annex I Descriptors	
11	Relevant features from MSFD Annex III	Which high-level elements of Annex III (ecosystem components) are affected by the exception?	Select all relevant elements from the List: - Birds - Mammals - Reptiles - Fish - Cephalopods - Water column habitats - Seabed habitats	The categories provided here are intentionally very broad to keep reporting simple (also because measures can have benefits for many species or habitats). The specific elements affected within these broad categories can be described in the Summary Report, if appropriate. The species group categories should only be used for highly mobile species. Benthic invertebrates and macrophytes are part of the seabed habitats. Pelagic phyto- and zooplankton are part of the water column habitats.
12	Spatial scope_geographic zones	Indicate the coverage of the exception according to the four jurisdictional zones of MSFD Marine Waters (or outside this, either landward or beyond marine waters if appropriate).	Select all relevant from List: Implementation zones	This question is intended to give only a coarse categorization of the areas (zones) covered by the exception. If only a proportion of the selected category is covered by the exception this can be reflected in the Summary Report. "Terrestrial part of MS" refers to any exceptions above the high water mark. "Continental shelf (beyond EEZ)" refers to exceptions affecting the MS seabed/subsoil beyond the zone where the Member State has jurisdiction over the water column (e.g. beyond 200nm of EEZs or the Territorial Waters/Contiguous Zone of some Mediterranean states). "Beyond MS Marine Waters" refers to exceptions in Areas Beyond National Jurisdiction (ABNJ), including exceptions in the water column/air above MS Continental Shelf areas (i.e. high seas).
13	Further information	Provide a URL web link to the specific web page(s) where the Summary Report(s) for Art. 14 can be accessed.	URL web link(s)	Where the MS report includes several reports available in different web sites, provide a web link to each report. The links should cover ALL the reports which the MS wishes to be considered as part of its Art. 14 notifications. This may include a 'roof report' of a Regional Sea Convention, if relevant, and the relevant reports under 2016 reporting of WFD.

## 4.6 Reporting under WFD on MSFD-relevant measures

The measures reported under the WFD KTMs in 2016 are expected to make a relevant and significant contribution to achieving the targets and GES for the MSFD, especially to address land-based pressures which are also affecting the marine environment.

In order to avoid reporting of relevant measures under both WFD and MSFD, the 2016 WFD reporting guidance has been adapted to include linkages to the MSFD by means of new reporting questions that cover the MSFD. These are listed in the text box below.

### Questions related to MSFD in the 2016 WFD reporting on measures:

- a. Is this measure relevant for the purpose of the Marine Strategy Framework Directive?
- b. Has the preparations of the WFD RBMP/PoM been coordinated with the implementation of the Marine Strategy Framework Directive?
- c. In developing the WFD PoM, have you assessed the need for additional measures/more stringent measures beyond those required by the WFD in order to contribute to the achievement of the relevant MSFD objectives in coastal and marine environment?
- d. If MSFD Assessment is “yes”, for which issues are additional measures needed to meet the MSFD objectives? Choice is given between Nutrients, chemicals, litter, others
- e. Please provide a reference to where more information can be found on the coordination with the MSFD implementation and the consideration of the MSFD objectives in developing the WFD PoM.
- f. Was joint consultation carried out on the Marine Strategy? If yes, provide more information in the RBMP/background documents.

A question on MSFD relevance has been included in the section entitled “Mapping KTMs to individual measures”, as shown below.

### Existing question in WFD reporting:

**Schema element:** MSFDRellevance

**Field type / facets:** Yes, No, Unknown

**Guidance:** Required: Is this measure relevant for the purpose of the Marine Strategy Framework Directive?

Further details on linkages to the MSFD can be found in sections 9.2.3.2 and 10.2.1.2 of the WFD reporting guidance. The issue of measures which are relevant for the MSFD is covered in section 10.1.8.2. Whether an assessment of the need for additional measures for MSFD was done and what those additional measures are for is also in section 10.2.1.2.

More specific information on the relevance of the WFD KTMs to MSFD implementation is required, in particular, to make the links to the relevant environmental targets, GES descriptors and Annex III characteristics. Rather than add this detail to the WFD reporting (which could be at a river basin resolution), the information is captured in the MSFD Reporting Sheet (xml) (section 4.5). This will ensure the linkages are made to WFD reporting whilst allowing the specific MSFD information to be kept with similar information for non-WFD measures. If a Member State wishes to report the link between MSFD targets and GES Descriptors and the specific WFD measures, this information could

be added to the MS report (fact sheet) for the WFD measure (for reporting in the MSFD xml, the links will be made only at the KTM level).

## 5 Procedures and format for reporting on MSFD Articles 13 and 14

This section outlines the mechanisms for preparing the reporting information, its formats and the transmission procedure as part of the formal requirement to notify the Commission, as required under MSFD Art. 13(9).

### 5.1 Technical support for reporting

For details on the technical preparation of the reports, including use of the on-line web-form application for reporting and preparation of xml schemas, please refer to the EEA ReportNet resource page: <http://icm.eionet.europa.eu/schemas/dir200856ec/resources2015>.

During the reporting process, a **Helpdesk** ([msfd.helpdesk@eionet.europa.eu](mailto:msfd.helpdesk@eionet.europa.eu)) will be in operation to support both content and technical queries which may arise.

### 5.2 Reporting language<sup>12</sup>

Member States have the right to complete the reporting sheets in any official EU language.

However, reporting in English is strongly encouraged by the Commission for the following reasons:

- a. The information reported will be needed to support and enhance ongoing cooperation amongst Member States within a region or subregion (when the information is made accessible via WISE-Marine, for example); use of a common language will facilitate such cooperation.
- b. The translation of a Member State's information into a common language will support its further use in aggregation of the information to regional, European and global scales for ongoing State of the Environment reporting.
- c. The Commission has 6 months in which to undertake its Article 16 assessment. It will greatly assist this process if the information is available in a common language. This short time period means it is not feasible to have the information formally translated; consequently, translation by the Member State itself prior to submission will help avoid misinterpretation of the information reported.

Some Member States may not want to take the responsibility to submit the content of the reporting sheet in English, as there is a risk of mis-interpretation due to the translation between the adopted version (in national language) and what would be considered as the “official reported information” by the Commission that will be used for the article 16 assessment. On the other hand, translation by the Commission Services in order to undertake its Article 16 assessment is also subject to possible risks of misinterpretation of what was reported by the Member State.

### 5.3 Formal notification

Formal notification of the Member State's report(s) according to Article 13(9) should follow the standard practice, as follows:

The Member State's Permanent Representation to the European Commission should send to the Commission a) a suitable cover letter indicating the relevant Directive and article to which the notification refers and b) the receipt(s) obtained from ReportNet of all the reports (files) that have been deposited in relation to this notification.

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<sup>12</sup> Modified from: European Commission. 2012. Guidance for 2012 reporting under the MSFD, using the MSFD database tool. Version 1.0. DG Environment, Brussels. pp164. [MSFD 2012 reporting guidance incl database v1.0.doc](#)

The cover letter and ReportNet receipt(s) can be sent in hard copy or electronically (as pdf).

The reports deposited in ReportNet as part of the notification should be as follows:

- a. Summary Report. This is a text-based report which can be uploaded in pdf, html or other appropriate formats. The report should also be posted on a suitable national web site where it is available to stakeholders and other States;
- b. Validated Measures.XML files which hold the data and information defined in the Reporting Sheet; these are generated automatically by completing the Web-forms or can be generated from Member State databases;
- c. Relevant WFD reports, submitted in accordance with the 2016 WFD Reporting Guidance to the appropriate WFD ReportNet folder;
- d. A copy of information<sup>13</sup>, held in a web-based data system or other web site which is referenced by a URL in the Summary Report or Reporting Sheet, which is providing information relating directly the questions in this Reporting Guidance and which the Member State considers necessary for the Commission to do its Article 16 assessment and understand the rest of the Member State report<sup>14</sup>. This is required to provide a snapshot of the information held on a web-site at the time of reporting, and ensures the Commission can refer to a date-stamped version of the information that the Member State has formally included in its report.

Each Member State has the right to submit any further information it considers appropriate as part of its formal notification under Article 13(9). This could, for example, include joint documentation ('roof report') prepared via a Regional Sea Convention or summary documentation used for the Article 19(2) public consultation (where this differs to the Summary Report itself).

The Member State may wish to provide a document (e.g. as a separate letter) which is effectively an index to where the responses to each section and question of section 4.4 can be found in their Summary Report.

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<sup>13</sup> There is no specified format for these copies, but formats which allow searching/extraction of text would be most helpful.

<sup>14</sup> This is not intended to relate to information, such as detailed descriptions of methodologies for data collection, which is not directly answering the Reporting Sheet questions but which adds further 'in-depth' detail.

## Annex 1: Term lists for Article 13/14 reporting

A number of term lists from the 2012 reporting sheets (on Art. 8, 9, 10) and 2014 reporting sheets are also relevant to 2016 reporting on PoMs and exceptions. The lists below are additional to these.

List	List_short_name	List_long_name
Key Types of Measures	WFD01 Waste water treatment plants	Construction or upgrades of wastewater treatment plants
	WFD02 Nutrients from agriculture	Reduce nutrient pollution from agriculture
	WFD03 Pesticides from agriculture	Reduce pesticides pollution from agriculture.
	WFD04 Historical contamination	Remediation of contaminated sites (historical pollution including sediments, groundwater, soil).
	WFD05 Longitudinal continuity	Improving longitudinal continuity (e.g. establishing fish passes, demolishing old dams).
	WFD06 Hydromorphology	Improving hydromorphological conditions of water bodies other than longitudinal continuity (e.g. river restoration, improvement of riparian areas, removal of hard embankments, reconnecting rivers to floodplains, improvement of hydromorphological condition of transitional and coastal waters, etc.).
	WFD07 Flow regime	Improvements in flow regime and/or establishment of ecological flows.
	WFD08 Water efficiency	Water efficiency technical measures for irrigation, industry, energy and households
	WFD09 Water pricing households	Water pricing policy measures for the implementation of the recovery of cost of water services from households
	WFD10 Water pricing industry	Water pricing policy measures for the implementation of the recovery of cost of water services from industry
	WFD11 Water pricing agriculture	Water pricing policy measures for the implementation of the recovery of cost of water services from agriculture
	WFD12 Advice agriculture	Advisory services for agriculture
	WFD13 Drinking water	Drinking water protection measures (e.g. establishment of safeguard zones, buffer zones etc.)
	WFD14 Research & knowledge	Research, improvement of knowledge base reducing uncertainty.
	WFD15 Phase out priority substances	Measures for the phasing-out of emissions, discharges and losses of priority hazardous substances or for the reduction of emissions, discharges and losses of priority substances.
	WFD16 Industrial waste water treatment	Upgrades or improvements of industrial wastewater treatment plants (including farms)
	WFD17 Soil erosion	Measures to reduce sediment from soil erosion and surface run-off
	WFD18 Invasive alien species	Measures to prevent or control the adverse impacts of invasive alien species and introduced diseases
	WFD19 Recreation & angling	Measures to prevent or control the adverse impacts of recreation including angling
	WFD20 Fishing & other exploitation	Measures to prevent or control the adverse impacts of fishing and other exploitation/removal of animal and plants
	WFD21 Urban & transport pollution	Measures to prevent or control the input of pollution from urban areas, transport and built infrastructure

List	List_short_name	List_long_name
	WFD22 Forestry pollution	Measures to prevent or control the input of pollution from forestry
	WFD23 Water retention	Natural water retention measures
	WFD24 Climate change adaptation	Adaptation to climate change
	WFD25 Freshwater acidification	Measures to counteract acidification (in freshwater systems)
	MSFD26 Physical loss	Measures to reduce physical loss of seabed habitats in the marine environment (beyond WFD coastal waters)
	MSFD 27 Physical damage	Measures to reduce physical damage to the marine environment (beyond WFD Coastal waters)
	MSFD28 Energy inputs	Measures to reduce inputs of energy to the marine environment, including underwater noise
	MSFD29 Litter	Measures to reduce marine litter
	MSFD30 Hydrological processes	Measures to reduce interferences with hydrological processes in the marine environment (beyond WFD Coastal waters)
	MSFD31 Contamination	Measures to reduce contamination by hazardous substances (synthetic substances, non-synthetic substances, radio-nuclides) and the systematic and/or intentional release of substances in the marine environment from sea-based or air-based sources
	MSFD32 Accidental pollution	Measures to reduce sea-based accidental pollution
	MSFD33 Nutrient enrichment	Measures to reduce nutrient and organic matter inputs to the marine environment from sea-based or air-based sources
	MSFD34 Non-indigenous species	Measures to reduce the introduction and spread of non-indigenous species in the marine environment and for their control
	MSFD35 Extraction of species	Measures to reduce biological disturbances in the marine environment from the extraction of species including incidental non-target catches
	MSFD36 Other biological disturbance	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)
	MSFD37 Restore & conserve marine ecosystems	Measures to restore and conserve marine ecosystems, including habitats and species
	MSFD38 Spatial protection	Measures related to Spatial Protection Measures for the marine environment (not reported under another KTM)
	MSFD39 Other measures	Other measures
Measure types	Legal	Legal
	Policy	Policy
	Economic	Economic (e.g. incentives)
	Technical	Technical
	Local	Local
	Sub-national	Sub-national
	National	National
	Bilateral	Bilateral (one/several other states)
	Sub-regional	Sub-regional
	Regional	Regional
Coordination level		

List	List_short_name	List_long_name
	EU level	EU level
	International	International
Implementation zones	MS land/FW	Terrestrial part of MS
	WFD TW	Transitional waters (WFD)
	WFD CW	Coastal waters (WFD)
	Territorial waters	Territorial waters
	EEZ	EEZ (or similar)
	CS (beyond EEZ)	Continental shelf (beyond EEZ)
	Beyond MS waters	Beyond MS Marine Waters
Directives, conventions & other policies	BathingWater	Bathing Water Directive (76/160/EEC)
	Birds	Birds Directive (79/409/EEC)
	DrinkingWater	Drinking Water Directive (80/778/EEC) as amended by Directive (98/83/EC)
	EIA Directive	Environmental Impact Assessment Directive (85/337/EEC)
	Habitats	Habitats Directive (92/43/EEC)
	IPPC	Integrated Pollution Prevention Control Directive (96/61/EC)
	Seveso	Major Accidents (Seveso) Directive (96/82/EC)
	Nitrates	Nitrates Directive (91/676/EEC)
	PPPP	Placing of plant protection products on the market (Regulation EC/1107/2007)
	SSD	Sewage Sludge Directive (86/278/EEC)
	UWWTD	Urban Waste Water Treatment Directive (91/271/EEC)
	WaterFD	Water Framework Directive (2000/60/EC)
	FD	Floods Directive (2007/60/EC)
	IAER	Prevention and management of the introduction and spread of invasive alien species (Regulation 1143/2014)
	WasteFD	Waste Framework Directive (2008/98/EC)
	NEC	Directive on National Emission Ceilings for certain pollutants (2001/81/EC)
	REACH	Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (EC 1907/2006)
	CFP	Common Fisheries Policy
	CFP-DC-MAP	Common Fisheries Policy - Data Collection Framework (DC-MAP)
	EUBiodivStrategy	EU Biodiversity Strategy
	CBD	Convention on Biological Diversity
	CMS	Convention on Migratory Species
	LTRAP	UNECE Convention on long-range transboundary air pollution
	HELCOM	Helsinki Convention
	OSPAR	OSPAR Convention
	BarCon	Barcelona Convention UNEP/MAP
	BuchCon	Bucharest Convention
	TWSC	Trilateral Wadden Sea Cooperation
	GFCM	General Fisheries Commission for the Mediterranean
	ICCAT	International Commission for the Conservation of Atlantic Tunas
	NEAFC	North East Atlantic Fisheries Commission
	IMO	International Maritime Organisation (all conventions)
	IMO-LondonCon	Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (IMO-LC)

List	List_short_name	List_long_name
	IMO-MARPOL	International Convention for the Prevention of Pollution from Ships (IMO-MARPOL)
	IMO-BallastWaterCon	International Convention for the Control and Management of Ships' Ballast Water and Sediments (IMO-BWC)
	IMO-AntiFoulingCon	International Convention on the Control of Harmful Anti-fouling Systems on Ships (IMO-AFS)
	IMO-OilPollutionRespCon	International Convention on Oil Pollution Preparedness, Response and Co-operation including Protocol on Preparedness, Response and Co-operation to pollution Incidents by Hazardous and Noxious Substances (IMO-OPRC)
	IMO-LiabilityCompensation	<b>IMO conventions covering liability and compensation, including:</b> International Convention on Civil Liability for Oil Pollution Damage (IMO-CLC) 1992 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (IMO-Fund) Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material (IMO-Nuclear)
	Other international	Other international policies (specify)
	National	National policies (specify)
	Other	Other (specify)
	Not applicable	Not applicable