



STATUTORY INSTRUMENTS.

S.I. No. 648 of 2018



EUROPEAN COMMUNITIES (MARINE STRATEGY FRAMEWORK)
(AMENDMENT) REGULATIONS 2018

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I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008¹ as amended by Commission Directive (EU) 2017/845 of 17 May 2017², hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Marine Strategy Framework) (Amendment) Regulations 2018.

2. These Regulations come into operation on 7 December 2018.

3. The European Communities (Marine Strategy Framework) Regulations 2011 (S.I. No. 249 of 2011) are amended—

(a) in Regulation 2, by the substitution of the following definition for the definition of Directive:

“ ‘Directive 2008/56/EC’ means Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008¹ as amended by Commission Directive (EU) 2017/845 of 17 May 2017²;”,

and

(b) by the substitution of the following Schedule for Schedule 1:

¹OJ No. L164, 25.6.2008, p. 19

²OJ No. L125, 18.5.2017, p.27

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 15th January, 2019.*

“SCHEDULE 1

Regulation 8

Indicative lists of ecosystem elements, anthropogenic pressures and human activities relevant to the marine waters

Table 1

Structure, functions and processes of marine ecosystems

Theme (1)	Ecosystem elements (2)	Possible parameters and characteristics (Note 1) (3)	Relevant qualitative descriptors laid down in SCHEDULE 2 (Notes 2 and 3) (4)
Species	Species groups (Note 4) of marine birds, mammals, reptiles, fish and cephalopods of the marine region or subregion	<p>Spatial and temporal variation per species or population:</p> <ul style="list-style-type: none"> - distribution, abundance and/or biomass - size, age and sex structure - fecundity, survival and mortality/injury rates - behaviour including movement and migration - habitat for the species (extent, suitability) <p>Species composition of the group</p>	(1); (3)
Habitats	Broad habitat types of the water column (pelagic) and seabed (benthic) (Note 5), or other habitat types, including their associated biological communities throughout the marine region or subregion	<p>Per habitat type:</p> <ul style="list-style-type: none"> - habitat distribution and extent (and volume, if appropriate) - species composition, abundance and/or biomass (spatial and temporal variation) - size and age structure of species (if appropriate) - physical, hydrological and chemical characteristics <p>Additionally for pelagic habitats:</p> <ul style="list-style-type: none"> - chlorophyll a concentration - plankton bloom frequencies and spatial extent 	(1); (6)

Theme (1)	Ecosystem elements (2)	Possible parameters and characteristics (Note 1) (3)	Relevant qualitative descriptors laid down in SCHEDULE 2 (Notes 2 and 3) (4)
Ecosystems, including food webs	Ecosystem structure, functions and processes, comprising: - physical and hydrological characteristics - chemical characteristics - biological characteristics - functions and processes	Spatial and temporal variation in: - temperature and ice - hydrology (wave and current regimes; upwelling, mixing, residence time, freshwater input; sea level) - bathymetry - turbidity (silt/sediment loads), transparency, sound - seabed substrate and morphology - salinity, nutrients (N, P), organic carbon, dissolved gases (pCO ₂ , O ₂) and pH - links between habitats and species of marine birds, mammals, reptiles, fish and cephalopods - pelagic-benthic community structure - productivity	(1); (4)

Notes related to Table 1

Note 1: An indicative list of relevant parameters and characteristics for species, habitats and ecosystems is given, reflecting parameters affected by the pressures referred to in Table 2 and of relevance to criteria laid down in accordance with Regulation 9(3). The particular parameters and characteristics to be used for monitoring and assessment should be determined in accordance with these Regulations.

Note 2: The numbers in this column (column (4)) refer to the respective numbered points in Schedule 2.

Note 3: Only the qualitative descriptors (1), (3), (4) and (6) which have criteria laid down in accordance with Regulation 9(3) are listed in Table 1. All other, pressure-based, qualitative descriptors under Schedule 2 may be relevant for each theme.

Note 4: These species groups are further specified in Part II of the Annex to Commission Decision (EU) 2017/848 of 17 May 2017³ laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU.

Note 5: These broad habitat types are further specified in Part II of the Annex to Commission Decision (EU) 2017/848 of 17 May 2017³.

³OJ No. L125, 18.5.2017, p. 43

Table 2

Anthropogenic pressures, uses and human activities in or affecting the marine environment

2a. Anthropogenic pressures on the marine environment			
Theme (1)	Pressure (Note 1) (2)	Possible parameters (3)	Relevant qualitative descriptors laid down in Schedule 2 (Notes 2 and 3) (4)
Biological	Input or spread of non-indigenous species	Intensity of, and spatial and temporal variation in, the pressure in the marine environment and, where relevant, at source For assessment of environmental impacts of the pressure, select relevant ecosystem elements and parameters from Table 1	(2)
	Input of microbial pathogens		
	Input of genetically modified species and translocation of native species		
	Loss of, or change to, natural biological communities due to cultivation of animal or plant species		
	Disturbance of species (e.g. where they breed, rest and feed) due to human presence		
	Extraction of, or mortality/injury to, wild species (by commercial and recreational fishing and other activities)		(3)
Physical	Physical disturbance to seabed (temporary or reversible)		(6); (7)
	Physical loss (due to permanent change of seabed substrate or morphology and to extraction of seabed substrate)		
	Changes to hydrological conditions		
Substances, litter and energy	Input of nutrients — diffuse sources, point sources, atmospheric deposition		(5)
	Input of organic matter — diffuse sources and point sources		
	Input of other substances (e.g. synthetic substances, non-synthetic substances, radionuclides) — diffuse sources, point sources, atmospheric deposition, acute events		(8); (9)
	Input of litter (solid waste matter, including micro-sized litter)		(10)
	Input of anthropogenic sound (impulsive, continuous)		(11)
	Input of other forms of energy (including electromagnetic fields, light and heat)		
	Input of water — point sources (e.g. brine)		

2b. Uses and human activities in or affecting the marine environment (only activities marked * are relevant for the purposes of Regulation 8(2)(c))	
Theme	Activity
Physical restructuring of rivers, coastline or seabed (water management)	Land claim
	Canalisation and other watercourse modifications
	Coastal defence and flood protection*
	Offshore structures (other than for oil/gas/renewables)*
	Restructuring of seabed morphology, including dredging and depositing of materials*
Extraction of non-living resources	Extraction of minerals (rock, metal ores, gravel, sand, shell)*
	Extraction of oil and gas, including infrastructure*
	Extraction of salt*
	Extraction of water*
Production of energy	Renewable energy generation (wind, wave and tidal power), including infrastructure*
	Non-renewable energy generation
	Transmission of electricity and communications (cables)*
Extraction of living resources	Fish and shellfish harvesting (professional, recreational)*
	Fish and shellfish processing*
	Marine plant harvesting*
	Hunting and collecting for other purposes*
Cultivation of living resources	Aquaculture — marine, including infrastructure*
	Aquaculture — freshwater
	Agriculture
	Forestry
Transport	Transport infrastructure*
	Transport — shipping*
	Transport — air
	Transport — land
Urban and industrial uses	Urban uses
	Industrial uses
	Waste treatment and disposal*
Tourism and leisure	Tourism and leisure infrastructure*
	Tourism and leisure activities*
Security/defence	Military operations (subject to Regulation 3(3))
Education and research	Research, survey and educational activities*

Notes related to Table 2

Note 1: Assessments of pressures should address their levels in the marine environment and, if appropriate, the rates of input (from land-based or atmospheric sources) to the marine environment.

Note 2: The numbers in this column (column (4)) refer to the correspondingly numbered paragraphs in Schedule 2.

Note 3: Only pressure-based qualitative descriptors (2), (3), (5), (6), (7), (8), (9), (10) and (11), which have criteria laid down in accordance with Regulation 9(3), are listed in the part of Table 2 entitled “2a. Anthropogenic pressures on the marine environment”. All other qualitative descriptors under Schedule 2 may be relevant for each theme.”.



GIVEN under my Official Seal,
19 December 2018.

EOGHAN MURPHY,
Minister for Housing Planning and Local Government.

EXPLANATORY NOTE

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

This Statutory Instrument gives further effect to Directive 2008/56/EC of 17 June 2008 (Marine Strategy Framework Directive) as amended by Commission Directive (EU) 2017/845 of May 2017 which makes technical amendments to the Marine Strategy Framework Directive.

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