



Marine Strategy Framework Directive (MSFD)
Common Implementation Strategy
6th meeting of the
Working Group on Data, Information and Knowledge Exchange (WG DIKE)

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MINUTES of the sixth meeting of WG DIKE

1 Opening of the meeting and adoption of the Agenda

The Commission opened the sixth meeting of WG DIKE and welcomed the participants. The meeting was chaired by Joachim d'Eugenio, Deputy Head of DG Environment's Marine Environment and Water Industries Unit. The first session addressed agenda items 2 and 3 and was held jointly with DG MARE's Marine Observation and Data Expert Group (MODEG) in order to discuss common issues and develop synergies in the work carried out by the two groups, particularly in the context of EMODnet. The joint DIKE-MODEG session was co-chaired by Franciscus Colijn, Chair of MODEG, who welcomed the opportunity to discuss common issues with WG DIKE.

A list of participants to the meeting is given in **Annex 1**. The papers and presentations for the meeting are listed in **Annex 2** and are available on CIRCACB¹. The draft agenda (DIKE 6/2012/01-Rev 1) was adopted with minor modifications.

2 Green Paper on Marine Knowledge 2020

2.1 Next steps for Marine Knowledge 2020, including impact assessment

The Commission (Iain Shephard, DG MARE) presented the Green Paper "Marine knowledge 2020: from seabed mapping to ocean forecasting" launched by the Commission in August 2012 (DIKE 6/2012/14). The paper has much relevance to marine data and information for environmental

<https://circabc.europa.eu/w/browse/33bc0074-1872-454e-b7f1-d7446892234d>

purposes, including the MSFD. The Marine Knowledge initiative is now in its second phase of development (first phase from 2008 to 2010); the Green Paper presents the roadmap for its third phase of development which aims to create seamless multi-resolution digital seabed maps for all European waters. The aim of the consultation is to determine the different options for developing these maps and associated data gathering and data flow mechanisms. A follow-up impact assessment will then look at these various options. The Commission wished to set an agenda which addresses all aspects and can benefit all sectors (public and research institutions, NGOs, private sector). The Green Paper is under public consultation until 15 December 2012.

The links between Marine Knowledge, and more particularly the European Marine Observation and Data Network (EMODnet), and the MSFD reporting process were considered the main item for discussion. Section 5.6 of the Green Paper discusses briefly the links between EMODnet and environmental reporting at EU level (including MSFD) but does not go into detail on how this might best be achieved. Members of WG DIKE were consequently encouraged to offer their views through the public consultation on how the development of EMODnet could support the MSFD, particularly the requirements of MSFD Article 19(3). There were two main issues to consider: the content (i.e. different types of data) and the infrastructure to share the data (institutional arrangements, technical standards, metadata, etc.).

The following issues were raised in discussion:

- Links between the Marine Knowledge initiative and JPI Oceans. JPI Oceans is an initiative of 18 coastal European states, gathered together to develop joint research programmes (including through shared resources).
- Possibilities for organisations that are not part of the EMODnet consortia to join and/or the possibility to create a new partnership. Several Member States indicated that it would be important that at least one national institute is present in the consortia developing the EMODnet portals. DG MARE and other participants involved in EMODnet mentioned that more and more organisations want to join the consortia and that they are working on extending them. The Commission advised that EMODnet's funding is managed through a regulatory committee to which all Member States participate and therefore encouraged the participants to liaise with their representative in the committee to discuss these issues. Possibilities for organisations to link their data if they are not part of the consortia; this was considered a very important issue, as not all countries could participate in the consortia for every theme and should be actively addressed in the next phase of EMODnet. Support to smaller countries and institutes to enable them to contribute data would be helpful.
- Access to the data via a single portal, rather than several as at present, would be helpful.
- Development of a portal on human activities is expected to start from January 2013.

The members of WG DIKE were strongly encouraged to take part in the on-line consultation on the Green Paper at http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/marine-knowledge-2020/index_en.htm. They were also encouraged to send their comments directly by email to DG MARE and DG ENV, as this offered a more flexible format for responses, **by 15 December 2012**.

2.2 Study for impact assessment, with particular reference to MSFD needs and costs

The Green Paper will be followed by an impact assessment that will address possible options for achieving the aims of the Marine Knowledge initiative. The impact assessment will be informed by a study undertaken by the consultant COWI. Among other things, this study will aim to provide input on the nature and scale of data management issues within the Member States and Croatia resulting from the implementation of the MSFD. This input will be important in order to find opportunities at the European level, including use of EMODnet, that could support Member States in their work and potentially lead to reduced data management costs. In order to do this, the consultant presented a questionnaire on costs in relation to implementation of the MSFD (DIKE 6/2012/02, 6/2012/15). They acknowledged that the questionnaire coincides with the MSFD reporting deadline and that future

activities, for example setting up monitoring programmes, might not yet have been defined. Therefore Member States were asked to provide their best estimates.

The Commission indicated that the purpose of this study and the questionnaire was to provide evidence of the monetary costs to Member States of their reporting and monitoring obligations and to assess, through a cost-benefit analysis, whether developing a European-wide system, which would be less fragmented, could save Member States resources while getting better results. In the long-run, developing such a system could mean that Member State's formal reporting could be reduced to a minimum if relevant information and data were already being shared.

Denmark had already tested the questionnaire and advised the meeting that it was a good opportunity to provide information relevant for the on-going processes of MSFD implementation. France, who had also contributed to the development of the questionnaire, mentioned that estimates of the costs of future monitoring would be difficult to provide. Germany advised that more emphasis was needed on the harmonization of data sets before looking into technical standards.

Member States were requested to send their completed questionnaires to COWI (Julia Teysen, jtey@cowi.dk) by **22 November 2012**.

3 Access to and standards for data from MSFD reporting (Art. 19.3)

3.1 Report on the outcomes of the WG DIKE technical group meeting

The Commission (David Connor, DG ENV) presented the outcomes of the 3 July 2012 meeting of the WG DIKE technical group (DIKE 6/2012/03). Three points in particular came out of the meeting that were not already on the present agenda:

- a. On the basis of the proposals made previously by Germany on the use of grid systems, the discussions progressed in terms of clarifying some uncertainties, in particular with regard to the distinction between the submission of geographic data and the visualisation of information that had been reported.
- b. Member States had already collected a lot of information and data on marine activities as part of the MSFD initial assessment. Good use should be made of these data in the development of the proposed EMODnet portal on human activities.
- c. When setting up these data systems on human activities, it would be best to use sustainable data sources, i.e. the data should come from organisations that are actively managing and updating them.

3.2 Forward process for implementation of Art. 19(3)

The Commission (David Connor, DG ENV) presented a forward strategy for implementation of Art. 19(3) on access to data and information from MSFD assessments and monitoring programmes (DIKE 6/2012/04). The strategy stressed the need to focus on establishing common data sets that would support future assessments, including data collected in MSFD monitoring programmes, and set out four aims to be achieved in time for the next (2018) assessments. The strategy was based on previous discussions within WG DIKE.

The Commission indicated that the paper is an overarching strategy which looks at the bigger picture. It could act as a reference document to organise future technical work before getting into detail at a later stage. The document could be a joint product of WG DIKE and MODEG which sets out a strategy that could be presented to the Marine Directors in May 2013 for endorsement. Two main issues should in particular be considered:

- a. The technical development of the process and the various elements that should be developed.

- b. Questions related to governance, in particular the interrelations between MODEG and WG DIKE (e.g. need for further meetings, exchange of documents, etc.), but also with public authorities, public organisations holding the data, etc.

Several topics were raised in discussion:

- It was suggested that to address the links between WG DIKE and MODEG and the need for more information on EMODnet, a workshop could be organised, during which the EMODnet portals were demonstrated and technical questions asked by WG DIKE members. The chair of MODEG supported this idea and suggested WG DIKE think about its needs in relation to EMODnet in advance of such a workshop so that it could be tailored to their needs. The Commission agreed that it was important to strengthen the links between WG DIKE and MODEG in order to increase knowledge on both sides about the two processes (MSFD and EMODnet).
- The need under MSFD to bring together multiple datasets to undertake assessments of, for example, eutrophication. This issue would be examined in the next phase of EMODnet.
- The need to reflect on governance issues related to the legal requirements of MSFD compared with the expert-led process of EMODnet.
- The need to describe more clearly how EMODnet could facilitate access to MSFD data;
- EMODnet was not aimed at specific users, but of general use. Each user community often needed bespoke products; as such 'industry products' may differ to those needed for MSFD purposes. EMODnet should focus on products of wide use to many user groups.
- There was a long history of cooperation in the Regional Sea Conventions that should be acknowledged in the paper. It would be important to develop an inventory of what data were held, their status and potential uses for MSFD. The possibility to link their data to EMODnet should be examined, as was already the case for HELCOM's biology data.

Members of both WG DIKE and MODEG indicated their general support for the strategy, concluding that:

- a. The overall aims outlined in the paper were supported;
- b. The paper needed further work to develop its detail;
- c. The links between the work done for the implementation of Article 19.3 and the on-going work within EMODnet needed to be further developed in the paper. Such work was best developed through the proposed DIKE technical group and MODEG;
- d. MODEG should be invited to prepare a workshop which provides an opportunity for WG DIKE members to become more familiar with the EMODnet work and portals in the context of MSFD needs.
- e. The strategy would be developed as a joint MODEG/DIKE product in time for presentation to Marine Directors in May 2013.

As the meeting had not had time to fully review Paper 4, further comments, including specific aspects that needed further development, would be welcomed **by 30 November 2012**.

3.3 Proposal for metadata catalogue

The ETC-ICM (Neil Holdsworth, ICES) presented paper DIKE 6/2012/05 on "Implementation of Art. 19.3 – proposal for a metadata catalogue" which had been updated on the basis of discussions during the WG DIKE technical meeting of 3 July 2012 (DIKE 6/2012/16). The proposal was to collate a list of data sets from the MSFD initial assessments in order to determine their level of commonality across Member States. This would allow Member States to fulfil their obligations under Art. 19(3)

and help identify those datasets that offered the best prospects for a common process towards 2018, as outlined in the strategy paper (section 3.2).

It was noted that the relationships with data and metadata used under the INSPIRE Directive should be considered, and that use of an MSFD metadata catalogue should avoid double reporting (e.g. reporting something that was reported under another Directive or to a Regional Sea Convention). Some participants wanted to focus on the medium and longer term, as expressed in the strategy, rather than on the 2012 reporting cycle, especially as their initial assessments were mostly drawn from available literature rather than directly using datasets.

The Commission requested Member States to inform them **by 15 January 2013** on how they intended to fulfil their obligations under Art. 19(3), noting that use of this metadata catalogue was one option.

WG DIKE was invited to provide comments on Paper 5 **by 12 November 2012**. Depending on the comments received, and on discussions at the MSCG, the Commission would judge whether the paper should be presented to the Marine Directors in November.

3.4 Further development of “quick wins”, including links to INSPIRE and EMODnet

The ETC-ICM (Neil Holdsworth, ICES) presented paper DIKE 6/2012/06 on developed access to data through use of EMODnet; the paper was previously presented to the WG DIKE technical meeting of 3 July 2012 (DIKE 6/2012/17) and provided a useful basis for joint discussion between WG DIKE and EMODnet.

The possibility to make use of the data already available in the Regional Sea Conventions was raised. The Commission responded that what mattered at this stage was to look at the process of how to share data, rather than at the content of the data already shared. However it is clear that the Regional Sea Conventions should be involved in the process.

The necessity to develop the comparability of data across various organisations and Member States was noted. Other relevant points were made as part of the wider discussions on item 3.

3.5 Close of session with MODEG

The Commission concluded the joint session by saying that it had been very helpful in bringing the two groups together to improve understanding and develop a joint forward process. Both groups should keep thinking about the best way to enhance cooperation and support the development of the strategy. The chair of MODEG reflected that the proposed strategy was a good way forward and encouraged further cooperation, e.g. through an EMODnet/MSFD workshop. He also informed the meeting that the German government is providing funds for seabed mapping to the extent of €2.5million per year for three years.

Participants were requested to confirm or not their support for the proposed strategy **by 12 November 2012** and to provide their written comments on Paper 4 **by 30 November 2012**. Final arrangements for papers 4 and 5 were agreed under item 5.

4 Update on Common Implementation Strategy activities of relevance to WG DIKE

4.1 Report on the Marine Directors’ meeting of 4-5 June 2012

The Commission (David Connor, DG ENV) presented the main issues of relevance (DIKE 6/2012/07), namely:

- a. The integration between policies on water, marine and biodiversity was further discussed, with an aim to ensure as much synergy as possible;
- b. The 2012 reporting package was endorsed.

The next Marine and Water Directors' meeting is in November in Cyprus. The draft agenda is still under discussion with the Cypriot presidency, but was expected to include:

- Links with biodiversity and water policies;
- Follow-up on the workshop on the links between the WFD and the MSFD;
- Discussion on progress and future steps on reporting.

4.2 Report on other MSFD CIS activities

The meeting took note of the minutes of the 5th WG DIKE meeting of March 2012 (DIKE 6/2012/08) and of the overall work plan of the MSFD Common Implementation Strategy (DIKE 6/2012/09). The current set up of three working groups would remain but the use of other arrangements (e.g. workshops), for issues where, in particular, there is overlap between the three working groups, will be encouraged.

5 Access to and standards for data from MSFD reporting (Art. 19.3)

5.1 Review of progress by technical group (3 July meeting, 30 October meeting with MODEG) and Draft Terms of Reference for a forward process via a Technical Group

This agenda item relates to the discussions held the day before in the joint session with MODEG.

Paper DIKE 6/2012/10 on a draft Terms of Reference for a technical group was presented by the Commission. The discussions with MODEG had shown that a lot of progress on technical implementation of Art. 19.3 had been made, in particular through the meeting of the technical group in July, but that much more work is still needed. Considering this, the Commission recommended that a technical group is set up to support WG DIKE.

Many Member States supported the idea of creating a technical group but considered the ToRs were too broad. A list of priority topics for future work should be included in the ToRs giving a clear mandate from WG DIKE. The drafting of reporting sheets was considered a more conceptual task which should be addressed by WG DIKE itself. The EEA agreed to chair the group but asked if a Member State would be willing to co-chair.

from the Paris workshop in June 2012 on links between MSFD and WFD processes. The Commission agreed that the MSFD community should look into the work already done for the WFD implementation, in particular in relation to technical standards. However, the Commission indicated that there could be practical difficulties in joining the two groups, considering the different levels of maturity and development of the two processes. Also while some issues are similar, others are unique to the MSFD (e.g. data from different regional seas, Marine Knowledge and EMODnet). The Commission agreed that the work already done for the WFD would be reviewed to identify possible areas of synergy. On this basis, it was concluded that the groups should work separately for the time being.

The Commission said it would revise the ToRs to reflect, in particular:

- a. That any work done by the technical group is under the mandate of WG DIKE;
- b. The drafting of the reporting sheets should be done first and foremost by WG DIKE. Only when it comes to very technical issues, requiring specific technical expertise, should the use of the technical group be considered;
- c. The ToRs should provide a general mandate, with WG DIKE plenary meetings providing the opportunity to define more specifically what the technical group would do in the coming six months;
- d. The priority work should build on the discussions of the joint MODEG/DIKE session and the papers presented (on metadata, technical standards and EMODnet);

- e. Links with MODEG and with the work on metadata and EMODnet should be included, as the technical group would be the appropriate forum to take this forward.

WG DIKE were asked to provide comments on the revised ToRs **by 19 November**. Based on this, if the Commission considered there was sufficient support, it would present a revised ToRs to the Marine Directors for interim endorsement. In case the ToRs were not finalized by then, the Commission would ask the Marine Directors to agree that the technical group has a first meeting and present a final ToRs to Marine Directors in May 2013.

The ToRs would be part of a broader paper which encompassed lessons learned from 2012 reporting, the draft strategy for addressing Art. 19(3) and options on access to data and information resulting from the initial assessment, including a metadata catalogue approach, reflecting conclusions under item 3.

6 Progress on the map of marine regions and subregions

The EEA (Trine Christiansen) presented progress on preparation of a map showing the MSFD regions and subregions and the areas of Member State marine waters within these regions (DIKE 6/2012/11). A number of changes had been made following previous comments by Member States. The EEA recalled that it was not its responsibility to set boundaries for regions, but rather it reflects the information given by Member States, provided that they agree with their neighbours.

The two main questions to Member States were:

- a. Whether Member States agree on the boundaries between regions and subregions;
- b. How could any areas where there is not yet an agreement between Member States (e.g. on areas of national jurisdiction) be shown on the map?

In discussion the following points were raised:

- The boundary for the Adriatic subregion needed confirmation between Greece and Italy;
- The jurisdictional areas of Malta, Greece and Cyprus needed boundary data from these states;
- Denmark would provide GIS shapefiles for shelf areas claimed by the Faroes;
- Portugal would submit boundaries for the Azores EEZ to correct a mapping error;
- The Netherlands would provide GIS shapefiles so that an area of freshwater could be excluded;
- Several Member States questioned the need to indicate areas of non-agreement between countries through use of grey shading;
- The boundary of the coastline and with WFD transitional waters marked the formal inner boundary for MSFD purposes. The EEA advised that it is preparing a boundary layer using WFD shape files although there remained issues about the WFD coastal waters boundary date.
- The title of the map should be changed to “Marine regions and subregions within which Member States are implementing the MSFD”. The Commission and the EEA agreed to make the change.

The Commission indicated that it wished to have the map formally agreed through the Art. 25 Committee and have it released by the time its Art. 12 report in autumn 2013. It was useful to show the marine areas where Member States are implementing both the MSFD and WFD in a clear manner which reflects the overlapping nature of the two directives. As such it would be useful to have a map which also shows the boundaries of WFD coastal waters (1nm, territorial waters) and transitional waters. Member States were requested to continue working with the EEA to resolve outstanding issues, including those identified above.

7 Reporting on MSFD Competent Authorities (Art. 7)

7.1 Current status of reporting by Member States

The Commission provided an update on the current status of reporting on competent authorities. Poland is the only outstanding coastal Member State not to have reported because of broader issues related to its transposition of the Directive. The Czech Republic and Hungary, landlocked countries, have not reported either. The Commission reminded Member States that it is aware that there can occasionally be changes in competent authorities within a Member State. If that is the case, the Member State has six months to notify the Commission of these changes, which should be done using the available schema reporting into ReportNet.

The content of what Member States reported on their Competent Authorities is currently being assessed by the Commission. The results will be presented at the MSCG meeting in November. The Commission indicated that, in general, the results were quite good and the Commission was confident that any outstanding issues could be resolved informally. The Commission asked WG DIKE members to look at the presentation on this issue that will be given at the MSCG meeting on 13-14 November, as it will be discussed at the next WG DIKE meeting in March 2013.

8 Reporting on Articles 8, 9 and 10

8.1 Report on development of MSFD database tools and guidance, training and helpdesk

The Commission (David Connor, DG ENV) briefly presented the steps that had taken place over the past year on development of the various elements of the electronic reporting package (DIKE 6/2012/18).

8.2 Status of reporting by Member States and links to Art 12 assessment

The Commission introduced the scoreboard it had released on its website to illustrate the status of reporting by Member States (DIKE 6/2012/19): http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/scoreboard_en.htm. This scoreboard tracks whether Member States have reported on the various articles of the Directive, including on Articles 8, 9 and 10. It is based not only on the letters received through Permanent Representations to the EU but also on the reporting done through the EEA portal ReportNet. Clicking on the fish in the scoreboard leads to the ReportNet website, where the files reported by the Member States can be viewed. The Commission noted that several Member States had locked their files, making them inaccessible to others, and asked whether, in principle, all files could be released to the public, even if a Member State still intends to update the files.

The Commission advised that, according to their legal department, those Member States who do not have a green fish on the scoreboard will be sent a letter in the coming weeks, which will remind them of their reporting obligations under MSFD Articles 9.2 and 10.2. Those Member States that have reported on time were now part of the Article 12 process and under this process might be sent a letter asking for additional information on the basis of results from a completeness check. The assessment had started on a country basis. The coherence assessment could only be done when several Member States from the same marine region/subregion had reported. Reflecting upon the dates indicated by Member States as to when they expected to report, it looked like certain Member States would either not be part of the Article 12 assessment or would cause major delays.

Another important element is the obligation for Member States to undertake a public consultation on their reports; the Commission needed to reflect on what it means when a Member State submits a report to the Commission but had not undertaken a public consultation.

Certain Member States commented on the state of advancement of their reporting:

- a. Croatia indicated that it will submit its reports and reporting sheets once it becomes a Member State on 1 July 2013; however it had started working on them.
- b. Cyprus informed that it has completed the reporting sheets over the summer, and was now putting the information into the database; it should be able to upload the reports by the end of this year;
- c. France mentioned that contrary to what has been presented earlier in the meeting, France will be submitting its paper reports at the end of this year and not in April 2013;
- d. Malta mentioned difficulties it had in completing the reporting sheets with consequent the delays with reporting until the second quarter of 2013;
- e. Poland indicated that the assessment and the reporting sheets were complete but because of formalities linked to transposition, they had to await final approval before submission;
- f. Portugal advised that delays with their reporting could be explained by the fact that the transfer from the reporting sheets to the database was not a linear process;
- g. Slovenia informed that it is currently working on the reporting sheets and is expecting them to be ready by the end of the year;
- h. The UK said that it was waiting for the Article 8 report to be finished before filling in the reporting sheets;

The Commission indicated that it was better to not upload files that were in draft form and which the Member State intended to revise, as the Commission did not wish to waste resources on assessing draft versions. It also advised that Member States could upload only parts of their reporting if these were finalized (e.g. only Art. 8, or 9 or 10); they do not need to wait for the whole package to be ready. The assessment can start on parts of the reporting.

A number of technical questions related to the submission process were addressed²:

1. When does the Commission consider a Member State has reported an electronic file?

The Commission considers that a Member State has reported as soon as the files are in the envelope and the envelope is “released”. When the envelope is still in “draft”, only the Member State can access it and therefore the Commission cannot see whether anything has been reported. When an envelope is in “draft” form, it is considered as not yet reported.

2. What is the difference between the “released” and “end” status of an envelope?

When the Member State releases an envelope it becomes accessible to the public and therefore the automatic validation can start. The Member State can then update the files in the envelope following the results of the automatic validation. When the Member State finalizes an envelope (press “end” button), it cannot update its content anymore and would need to resubmit the whole envelope if it wanted to change something.³ For the Commission to carry out the assessment of Member State reports, it needs to be sure that it is working on the latest version of the files and that the Member State is not updating the files at the same time or expecting to in the future. Therefore it is simpler to finalize the envelopes once changes following the automatic validation have been done. That way the Commission knows that it can start the completeness assessment on these finalized files. In any case, the Member State will be advised which version is being used to carry out the completeness assessment.

3. What should be the content of the letter to be sent to the Commission to announce the submission of the reports?

² Note the responses to these questions have been checked following the meeting and are provided in detail for clarification.

³ If a Member State needs to resubmit an envelope, it does not need to refill the whole database, only to update the fields it wants to change/update.

When a Member State submits its reports on ReportNet, it receives a confirmation of receipt. This confirmation of receipt, along with a cover letter signed by the responsible person in the Member State hierarchy, should be sent to the Commission through their Permanent Representation to the EU in order to be filed. Until the Commission's legal department has received this confirmation of receipt, it will consider that your reporting is not documented. The Commission still considers that you have reported, regardless of whether this letter has been sent, but it is a necessary formal step for the legal department. Legally, it is possible to send only the confirmation of receipt for the paper reports, however if the Member State would like to officially state that its reporting requirements were fulfilled also through the reporting sheets, it should send all the confirmations of receipt (i.e. from paper reports, XML and GIS files).

4. After the automatic validation, a Member State receives a list of errors to be corrected. Should the Member State wait for the Commission letter requesting additional information, following the completeness check, before resubmitting the files?

These are two different steps that should not be mixed up: the automatic validation and the Art. 12 completeness check:

The automatic validation provides a first opportunity for the Member State to correct errors identified. It can decide to ignore these and finalize the envelope(s), regardless of the error messages, or choose to correct the XML files and submit the envelope again. In either case, there is no need to go through the Commission during the validation check, as this step is a discussion only between the Member State and the EEA consultant (Atkins). The Member State should confirm to Atkins that it has finalized its files and "end" the submission.

The assessment of completeness under Art. 12 starts only after the Member State has finalized its submission following the automatic check. If the Member State chooses to ignore the validation check and submits files that contain errors, these errors may be flagged in the follow-up completeness check and may be presented to the Member State again. On the basis of the completeness check, the Member State may be sent a letter from the Commission requesting additional information. This letter can provide the Member State with an opportunity to explain why there are gaps in its reporting. The Member State response to this request could be either updated XML files or a letter explaining the gaps (both submitted via ReportNet). All letters from and to the Commission will be published in order to ensure transparency.

8.3 Lessons learned from the 2012 reporting process

The discussions under this agenda item related to the lessons learned from the 2012 reporting process and what should or should not be done for the next reporting cycle. In particular the timetable and sequencing of what should be done first for future reporting cycles should be clearly defined.

David Connor (DG ENV) presented the Commission's initial reflections on the process and its proposals for a forward timetable aimed at overcoming some of the issues identified, particularly with regard to having the reporting sheets and tools ready well in advance of reporting deadlines (DIKE 6/2012/18).

Germany (Joachim Heidemeier) presented their initial considerations on the process and in particular on the difficulties it had experienced (DIKE 6/2012/20). In particular, Germany highlighted that their complex internal structure, with five coastal Länder, imposes significant time constraints on their overall reporting process which needed to be taken into account in future reporting rounds.

Other Member States commented that since they had not yet finished their electronic reporting, it was difficult to already reflect upon lessons learned and requested this issue be discussed again at the next meeting of WG DIKE in March 2013. However, a number of issues were raised by Member States on their experiences to date:

- The publication of final XML schemas was recommended as the effective starting point for Member State reporting. The final schemas became available only in July 2012, whilst certain Member States had started using a previous draft version.
- The final reporting requirements, in terms of an MSFD database and the schemas, needed to become available much earlier in relation to the reporting deadline, even if the reporting sheets were agreed in good time;
- The MSFD database tool contained many tables of very similar structure and could be more streamlined in its design, in a relational database;
- The reporting sheets should avoid, where possible, use of free text entries, and move to more quantitative reporting and structured, pre-defined answers. However free text is still important to be provide explanations on the quality of what is reported and on its limitations. However, in order to have structured, quantitative, information, methodologies are needed and these exist at present only for certain topics (e.g. contaminants);
- The use of existing processes, in particular what is being done in the Regional Sea Conventions (RSCs), should be reviewed and made better use of. However, this was not suitable for all regions.
- The Commission’s evaluation process (under Art. 12) should define the reporting content;
- There should be an evaluation of the consistency in reporting by Member States, which could inform the use of the 2012 information and future ways of reporting;
- Several Member States felt that conceptual discussions on the reporting sheets should have taken place before they were developed technically (and not in parallel as had happened with Article 8). In order to achieve this, it was important to distinguish between the responsibilities of WG GES (on content-related aspects) and those of WG DIKE (on technical aspects).

Following these points from Member States, the Commission offered the following observations on process and content:

- It acknowledged that the development of reporting systems for Art. 8, 9 and 10 should ideally have been earlier, but this was due in part to needing the GES Decision to be finalised and awaiting agreement on conceptual developments within WG GES on Art. 9 and 10.
- Member States had been advised that the schemas and database tools would be modified based upon the outcomes of the Member State testing phase.
- It was important to make good use of existing reporting, but the level of maturity within the Regional Sea Conventions was very different. The situation in Baltic and Atlantic regions was sometimes very different to that in the Mediterranean and Black Seas; the Commission needed consistent reporting across all regions. It was for Member States to decide whether to follow the approaches in their RSC, e.g. on use of common indicators.
- Regarding reporting content in relation to its evaluation, the Commission reflected that the MSFD is an ambiguous, conceptual Directive which does not always lend itself to clear, easy, reporting in which the Commission can readily say “this is what you will judged upon”. However, it agreed in principle on the need to define reporting requirements carefully in relation to their evaluation and further use and would aim at achieving this in the long term. Because the Directive was not precise in its reporting needs, the Commission was not able to fix the conditions of its evaluation in advance. As an independent monitor, it needed to be able to adjust the parameters of the evaluation, especially in the light of varying responses across the regions. This discussion can be picked up again once the Article 12 assessment is over.

- The Commission advised that it is the responsibility of WG DIKE to discuss reporting in its entirety, and not just the technical aspects. WG DIKE should therefore start discussing the reporting aspects of the Article 11 requirements as early as the present meeting and should not wait until WG GES had finished its discussions on concepts. Otherwise there is a risk of being very late with the development of the reporting system for Art. 11, as had been the case in the 2012 reporting cycle. In addition, the work of the two groups is complementary as the discussions on the conceptual aspects are currently taking place in the WG GES workshops.
- With regard to the upcoming milestones (Article 11), the Commission proposed to establish an overall timeline which would be ambitious but which would offer a buffer in case of delays. This would be discussed at the forthcoming MSCG meeting.

Finally, a question was raised on the 2013 deadline on MPAs and whether there was a need to create a reporting sheet for that specific issue. The Commission recalled that there were two specific issues:

- a. The requirement of the Directive was for Member States to make the information on MPAs publicly available. There was no need for a reporting sheet.
- b. The requirement to include spatial protection measures for MPAs in the programme of measures should be covered through the reporting sheets for the programme of measures.

The Commission asked the meeting to reflect upon the proposed time lines for development of reporting requirements for Art. 11 and 13 and updated reporting in 2018 for Art. 8, 9 and 10. These would be included in a reporting paper to the Marine Directors in November 2012 and so any comments should be received prior to the MSCG meeting (**by 12 November 2012**).

9 Reporting of 2014 monitoring programmes (Art. 11)

The Commission (Cyril Michel, ENV) and consultants MRAG (Conor O'Kane) presented initial ideas for Member State reporting on monitoring programmes, following the requirements of MSFD Art. 11 (DIKE 6/2012/12, 6/2012/21). The presentation dealt with the development of concepts and frameworks for reporting. The main issues to be discussed were the options on how to structure the information on monitoring programmes and how to proceed with development of reporting sheets.

The Commission wanted to present the agreed reporting sheets to the Marine Directors in May 2013, in order to have them available to Member States in good time for their internal processes. One possibility was to set up a drafting group to start working on the reporting sheets and enable a more concrete set of sheets to be presented to the next WG DIKE meeting in March 2013. Considering that the next meeting of WG GES was scheduled for February 2013, the drafting group could also identify the issues on which WG GES could provide an input.

The issue of the responsibility for drafting the reporting sheets was raised. Several Member States requested that before discussing their technical development within WG DIKE, their content should be discussed in WG GES and WG ESA. It was mentioned that the cancellation of the plenary meeting of WG GES scheduled for October might have delayed such discussions.

The Commission stated that WG GES currently worked under a different setting, through dedicated workshops on specific topics (related to the 11 GES descriptors), during which monitoring is one of the issues addressed. It also disagreed that the content of the reporting sheets could only be discussed in WG GES and ESA. The results of the workshops and WG ESA meetings should feed into the development of the reporting sheets, but WG DIKE has the main role to play in their development, including content-wise. It advised that if WG DIKE waits for the other working groups to finalize their discussions on the content, before starting its work, there is a high risk of delay in finalising the reporting sheets.

Many Member States indicated that the paper was a good starting point for the development of the reporting sheets but would welcome the opportunity to provide more detailed comments. Some considered that a structure by themes made more sense considering the need to relate to the GES descriptors, but other options (e.g. by indicator) should also be explored since certain descriptors, and in particular the biodiversity descriptors, are complex. Some Member States mentioned that in any case they would favour a simple process for the reporting on monitoring, which should be developed with the requirements of Article 19(3) in mind in order to avoid double work (e.g. include spatial and temporal resolution, but leave detail of monitoring positions to Art. 19(3)). It was noted that monitoring of economic and social aspects was not part of this reporting. Finally, the Commission mentioned that the paper as it stands would be made available to WG GES in order to increase synergies with their work.

With regard to the timetable, the Commission aimed to have a revised document as well as draft reporting sheets ready for discussion at a meeting of a drafting group in January. It would also consider presenting the drafting group as a joint WG DIKE/WG GES group in order to have a comprehensive, conceptual discussion on the reporting elements. An invitation to be part of the drafting group would be sent to all Member States. There was no particular expectation that all Member States should attend and each could also decide internally which expert to send (e.g. from WG DIKE or WG GES).

The Commission requested written comments on the discussion paper (Paper 12) **by 30 November 2012** to MRAG (c.okane@mrug.co.uk), copied to DG Environment (Cyril.MICHEL@ec.europa.eu). The Commission needed to make arrangements for the organisation of the January meeting and would advise on a date and venue.

10 Streamlining of reporting

This agenda item was not discussed because of time constraints. Work is on-going in this area and it will be included on the agenda of the next meeting.

11 GMES marine service

The EEA (Trine Christiansen) and DG ENTR (Torsten Riedlinger) presented the latest developments and prospects in relation to the GMES marine service and its relationship to MSFD (DIKE 6/2012/13). In particular, it presented the outcomes of workshops in January and September 2012 on the GMES marine service, that particularly considered user needs, including for MSFD implementation. The GMES User Forum meeting in October 2012 had welcomed input on MSFD needs. MyOcean was an FP7 research project, but from 2014 the GMES marine service would become an operational Commission service; it now needed further specificity in relation to MSFD needs of Member States and RSCs.

Several Member States said that they had used the services of GMES for the MSFD 2012 reporting cycle. A number of other Member States expressed their interest in using them for future reporting requirements. There was however some problems related to the transparency of the process for engaging with GMES and to the usability of certain products. It was not always clear how best to use the products and at which scale (local, national, regional, EU, global). There currently were limitations in the resolution of some My Ocean models for application in Member State waters which needed to be addressed. Member States indicated their general support for GMES services and the MyOcean project and that WG DIKE should invest further efforts into working with the GMES services.

The EEA asked Member States to send comments on Paper 13 **by 30 November**, and said the topic could be integrated into the agenda of the DIKE technical group. MyOcean is holding a workshop in March 2013, so this is the right moment to start discussing these issues.

The Commission noted that a lot of effort is being made to try and bring various marine information systems (e.g. GMES, Marine Knowledge, EMODnet, WISE-Marine) together in a coherent infrastructure. However it is important to remember that the main areas of application of the GMES services concern the Member States and not the Commission. Therefore they should consider their needs and input at appropriate times and fora to ensure their needs are catered for.

12 UN regular process for global assessment of the oceans

The Commission (Aurore Maillet, DG ENV) presented the latest developments in relation to the UN Regular Process (UN-RP) which had been tasked to develop a global assessment of the oceans by 2014. The work is already starting through involvement of a number of nominated experts, facilitated by a series of regional workshops. EU involvement in developing the outline structure of the assessment had led to some further alignment with MSFD assessments.

Belgium hosted a UN North Atlantic and European regional workshop in Brussels in June 2012 to discuss potential input to this global assessment. This should include information from the Regional Sea Conventions, as well as from the initial assessments undertaken by Member States for the MSFD. A key point was to not ask Member States to undertake further work, but for the UN-RP to re-use the information reported for the purposes of MSFD Article 8.

One Member State mentioned that it had concerns over the consistency of the information coming from the MSFD reporting and asked whether Member States would be given the chance to see what information from their initial assessment the Commission would provide to the UN process. The Commission reassured Member States, stating that they would have the opportunity to approve submissions from the Commission.

13 Any Other Business

The Commission advised that the EU document-sharing platform CIRCA had recently been transferred to a new platform called CIRCABC, which included the structures and content of the old Marine Strategy folder. One of the operational consequences was that access and user management had become extremely complicated. Therefore the Commission had proposed that CIRCACB content on the Marine Strategy becomes entirely public (except for the content of the MSFD Art. 25 Committee folders). This means some adaptation from now of the documents uploaded to CIRCACB (e.g. no email addresses of meeting participants in the minutes). In addition, it means that experts need to be aware that documents and presentations will be in the public domain. If they object to this, they should let the Commission know. As this applies also to old files, a screening process will take place and old files that might be controversial could be deleted if the expert/Member State wished.

14 Closing remarks and next meetings

Joachim d'Eugenio closed the meeting by thanking all participants for their active contributions and by stating that a lot of progress had been made in many areas. The next meeting of the WG DIKE is scheduled for mid-March and the meeting of the drafting group for January.

Annex 1 – List of participants at meeting of WG DIKE, 30-31 October 2012

Member State representatives			
BELGIUM			
BULGARIA			
CYPRUS			
DENMARK	Broch	Kirsten	Danish Nature Agency
DENMARK	Raben-Levetzau	Joachim	Danish Nature Agency
ESTONIA	Villmann	Agnes	Ministry of Environment of Estonia
FINLAND	Bruun	Jan-Erik	Marine Research Centre, Finnish Environment Institute (SYKE)
FRANCE	Brillaud	Valérie	Ministère de l'écologie, du développement durable et de l'énergie
FRANCE	Percelay	Julie	Ministère de l'écologie, du développement durable et de l'énergie
GERMANY	Heidemeier	Joachim	German Federal Environment Agency
GERMANY	Hiemke	Ramon	Landesamt für Landwirtschaft, Umwelt und ländliche
GERMANY	Kleber	Sven-Henrik	Bundesanstalt für Gewässerkunde
GERMANY	Melles	Johannes	Bundesamt für Seeschifffahrt und Hydrographie
GERMANY	Narberhaus	Ingo	Bundesamt für Naturschutz, Außenstelle Insel Vilm
GERMANY	Reimers	Hans-Christian	Landesamt für Landwirtschaft, Umwelt und ländliche Räume des Landes Schleswig-Holstein
GREECE			
IRELAND	Duggan	Pat	Department of the Environment, Heritage and Local Government
IRELAND	Robinson	Alison	Compass Informatics
ITALY	Giorgi	Giordano	Istituto Superiore per la Protezione e la Ricerca Ambientale
ITALY	Rizzo	Anna-Maria	Ministero dell'Ambiente e Tutela del Territorio e del Mare
LATVIA	Stendzeniece	Diana	Latvian Institute of Aquatic Ecology
LITHUANIA			
MALTA	Grima Connell	Matthew	Malta Environment and Planning Authority
NETHERLANDS	Kinneging	Niels	Ministry of Infrastructure and the Environment, Directorate General for Water
NETHERLANDS	van der Graaf	Sandra	Rijkswaterstaat Centre for Water Management
POLAND	Krzyminski	Włodzimierz	The Institute of Meteorology and Water Management
PORTUGAL	Dias	Frederico	Estrutura de Missão para os Assuntos do Mar/Task Group For Maritime Affairs
ROMANIA	Beciu	Eugenia	National Administration of Romanian Waters
SLOVENIA	Gosar	Leon	Institute for Water of the Republic of Slovenia

SLOVENIA	Peterlin	Monika	Institute for Water of the Republic of Slovenia
SPAIN	Arrieta Algarra	Sagrario	Ministerio de Agricultura, Alimentación y Medio Ambiente
SWEDEN	Pettersson	Karin	Swedish Agency for Marine and Water Management (SwAM)
UK	Emmerson	Richard	Department for Environment, Food and Rural Affairs
UK	Foden	Jo	Centre for Environment, Fisheries and Aquaculture Science (CEFAS)
Non-Member State representatives			
CROATIA	Alavanja	Snježana	Croatian Environment Agency
CROATIA	Ivanković	Damir	Institute of Oceanography and Fisheries
Regional Sea Conventions			
Helsinki Convention	Kaitaranta	Joni	HELCOM Secretariat
OSPAR Convention	Corcoran	Emily	OSPAR Secretariat
OSPAR Convention	Moulton	Chris	OSPAR Secretariat
Stakeholders			
EUCC	Longhorn	Roger	EUCC - The Coastal & Marine Union
Europêche	Voces de Onaindi	Daniel	Europêche
ICES	Holdsworth	Neil	International Council for the Exploration of the Sea
European Commission, EEA and consultants			
Consultant	Belin	Alice	Milieu Ltd
Consultant	O'Kane	Conor	MRAG consortium
European Commission	Connor	David	DG Environment
European Commission	D'Eugenio	Joachim	DG Environment
European Commission	Maillet	Aurore	DG Environment
European Commission	Michel	Cyril	DG Environment
European Commission	Nunes de Lima	Maria Vanda	DG Joint Research Centre (IES)
European Commission	Riedlinger	Torsten	DG Enterprise
European Commission	Shepherd	Iain	DG Maritime Affairs and Fisheries
European Environment Agency	Belchior	Constança	EEA
European Environment Agency	Christiansen	Trine	EEA
European Topic Centre	Holdsworth	Neil	ETC on Inland, Coastal and Marine waters (ICES)

List of MODEG members at the joint WG DIKE/MODEG session, 30 October 2012

MODEG members				
	Lodewijk	Abspoel	Ministry of Infrastructure & Environment	Den Haag, Netherlands
	Jean-Marie	Beckers	Liège University	Liège, Belgium
	Frédérique	Blanc	CLS	Saint-Agne, France
	Antonio	Bode	Oceanographic Centre of Coruna	Coruna, Spain
	Jean-François	Bourillet	IFREMER	Brest, France
	Simon	Claus	Flanders Marine Institute	Ostend, Belgium
	Franciscus	Colijn	GmbHBereich Entwicklung Operationelle Systeme	Geesthacht, Germany
	Hans	Dahlin	EuroGOOS	Norrköping, Sweden
	Nic	Flemming	National Oceanography Centre	Southampton, UK
	Juliusz	Gajewski	Maritime Institute	Pomorskie, Poland
	Robert	Gatliff	British Geological Survey	Edinburgh, UK
	Lars	Hansen	Royal Danish Administration of Navigation and Hydrography	Copenhagen, Denmark
	Neil	Holdsworth	International Council for Exploration of the Sea	Copenhagen, Denmark
	Antoine	Mangin	ACRI-ST	Sophia Antipolis, France
	Dick	Schaap	MARIS	Voorburg, Netherlands
	Angela	Schäfer	University Bremen	Bremen, Germany
	Stefania	Sparnocchia	CNR-Istituto di Scienze Marine	Trieste, Italy
	Willem	Stolte	DELTA RES	Delft, Netherlands
	Henry	Vallius	Geological Survey of Finland	Espoo, Finland
	Bernard	Vanheule	International Association of Oil & Gas Producers - OGP Europe	Brussels, Belgium

Annex 2 – List of papers and presentations (available on CIRCACB)⁴

Item	Agenda item	Document reference	Documents, presentations
1	Opening of the meeting and Adoption of the Agenda	DIKE 6/2012/01-Rev1	Draft agenda (DG ENV)
	Green Paper on Marine Knowledge 2020		
	<ul style="list-style-type: none"> Study for impact assessment, with particular reference to MSFD needs and costs 	DIKE 6/2012/14	Marine Knowledge 2020: Green Paper (DG MARE)
2	<ul style="list-style-type: none"> Next steps for Marine Knowledge 2020, including impact assessment 	DIKE 6/2012/02 DIKE 6/2012/15	Marine Knowledge 2020 – Green Paper and questionnaire on MSFD issues Questionnaire on the data costs related to the MSFD implementation up to 2020 (COWI)
	Access to and standards for data from MSFD reporting (Art. 19.3)		
	<ul style="list-style-type: none"> Report on the outcomes of the WG DIKE technical group meeting (3 July 2012) 	DIKE 6/2012/03	Minutes of the technical group meeting of WG DIKE
	<ul style="list-style-type: none"> Forward process and timelines to develop technical content, data formats and standards, access and aggregation 	DIKE 6/2012/04	Forward process for implementation of MSFD Art. 19.3 (ENV/EEA)
3	<ul style="list-style-type: none"> Proposal for metadata catalogue 	DIKE 6/2012/05 DIKE 6/2012/16	Implementation of Art19.3 Metadata catalogue (EEA/ETC-ICM) Capturing metadata: Implementation of MSFD art. 19.3 – via a metadata catalogue (EEA)
	<ul style="list-style-type: none"> Further development of 'quick wins', including links to INSPIRE and EMODnet 	DIKE 6/2012/06 DIKE 6/2012/17	Data Access (EEA/ETC-ICM) Quick win 2: DATA NETWORK (EEA/ETC-ICM)
	Update on Common Implementation Strategy activities of relevance to WG DIKE		
4	<ul style="list-style-type: none"> Report on the Marine Directors' meeting (4-5 June 2012) 	DIKE 6/2012/07	Conclusions of Marine Directors
	<ul style="list-style-type: none"> Report on other MSFD CIS activities 	DIKE 6/2012/08 DIKE 6/2012/09	Minutes of 5 th meeting of WG DIKE MSFD CIS work plan
	Access to and standards for data from MSFD reporting (Art. 19.3)		
5	<ul style="list-style-type: none"> Review of progress by technical group (3 July meeting, 30 October meeting with MODEG) 		
	<ul style="list-style-type: none"> Draft Terms of Reference for a forward process via a Technical Group 	DIKE 6/2012/10	Draft ToRs for Technical Group (ENV)

⁴<https://circabc.europa.eu/w/browse/33bc0074-1872-454e-b7f1-d7446892234d>

Item	Agenda item	Document reference	Documents, presentations
6	Progress on the map of marine regions and subregions (Art. 4)	DIKE 6/2012/11	Marine regions and subregions (EEA)
7	Reporting on MSFD Competent Authorities (Art. 7) <ul style="list-style-type: none"> Current status of reporting by Member States 		
8	Reporting on Art. 8, 9 and 10 <ul style="list-style-type: none"> Report on development of MSFD database tools and guidance, training and helpdesk Handling of geographic data Status of reporting by Member States and links to Art. 12 assessment Lessons learned from reporting process 	DIKE 6/2012/18 DIKE 6/2012/19 DIKE 6/2012/20	Status of reporting on Art 8, 9 and 10 (DG ENV) MSFD Scoreboard (DG ENV) Lessons learned on reporting (DE)
9	Reporting of 2014 monitoring programmes (Art. 11) <ul style="list-style-type: none"> Initial proposals for reporting sheets 	DIKE 6/2012/12 DIKE 6/2012/21	Reporting sheet outline for monitoring programmes (MRAG) A framework for reporting on MSFD monitoring programmes (MRAG)
10	Streamlining of reporting <ul style="list-style-type: none"> Initial outcomes of review of relationships to other Directives and conventions 	DIKE 6/2012/22	WISE Marine streamlining of reporting
11	GMES marine service <ul style="list-style-type: none"> Proposals for further development to support MSFD 	DIKE 6/2012/13	GMES Marine Service (EEA)
13	UN regular process for global assessment of the oceans <ul style="list-style-type: none"> Follow-up to regional workshop and future input 		