

OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic
Meeting of the Coordination Group (CoG)
Videoconference: 10 May 2021

ICG-MSFD updated Terms of Reference

ICG-MSFD's role

1. The Marine Strategy Framework Directive (MSFD) requires EU Member States sharing a marine region or sub-region to cooperate to ensure that the measures required to achieve the objectives of the Directive are coherent and coordinated across the marine region or sub-region concerned. In order to achieve the coordination Member States shall, where practical and appropriate, use existing regional institutional cooperation structures, including those under Regional Sea Conventions.
2. At the OSPAR ministerial meeting in 2010, Ministers affirmed that the OSPAR Commission would facilitate the coordinated and coherent implementation of the Directive. The OSPAR strategy has identified those issues for which coordination is needed and tasks related to this are described in the terms of reference for the OSPAR Committees.
3. Based on the requirements of the MSFD the four working areas considered in ICG-MSFD's programme of work are:
 - a. Assessment, GES and monitoring (MSFD art. 8, 9, 11 MSFD and Commission Decision)
 - b. Environmental targets and measures (art 10, 13, 14 MSFD);
 - c. Cross-cutting issues, including cooperation with other Regional Seas Conventions;
 - d. Regular update of coherent MSFD implementation plan in relation to the EU CIS work programme.

The supporting role

4. The supporting role from the Intersessional Correspondence Group for implementation of the Marine Strategy Framework Directive (ICG-MSFD) to CoG relates directly to the responsibility of CoG and the Committees within the workflows of OSPAR.
5. One of CoG's responsibilities is to facilitate a regionally coordinated implementation of the MSFD by making the best use of OSPAR, bearing in mind that OSPAR is not the implementation body of the MSFD. ICG-MSFD helps CoG to fulfil this task, but ultimately CoG (comprising of EU as well as non-EU Member States) decides where to go, what to do and instructs the Committees to match OSPAR's activities for the Northeast Atlantic Strategy with the EU-member states coordination requirements for the MSFD.

Relationship to the OSPAR strategy, QSR and CIS

6. According to the OSPAR strategy measurable indicators and targets will be developed and implemented, either by Contracting Parties or, where appropriate, within the OSPAR Commission, to assess status and progress towards objectives for both the OSPAR Commission and the EU Marine Strategy Framework Directive, based where appropriate on the European Commission Decision on criteria on good environmental status under Article 9(3) of the EU Marine Strategy Framework Directive and the Ecological Quality Objectives for the North Sea.
7. In delivering its tasks, the ICG-MSFD will, drawing on information from the thematic Committees, consider progress and identify gaps in the coordinated implementation of the MSFD and advise CoG on potential activities. ICG-MSFD will also identify EU MS' needs and give advice regarding the QSR and its underpinning JAMP assessments in order for them to be solid building blocks for the EU MS national assessments.
8. CoG will consult with Committees and OSPAR will decide on further work to be included in the work programmes of the Committees.
9. Coordination with non-EU MS should be considered by the thematic Committees based on initiatives by *inter alia* ICG-MSFD or the thematic Committees. This would include considerations of whether an indicator should be developed for Region I and Region II outside the MSFD maritime area, and opportunities for enhanced coherence of environmental targets between EU MS and non-EU MS sharing the same OSPAR region, and possible additional areas for future measures.
10. The ICG-MSFD provides a strong link between the OSPAR coordination activities and the European Commission's Common Implementation Strategy (CIS) for the MSFD. This will be assisted by participation of the European Commission in ICG-MSFD.

Key activities

11. ICG-MSFD will cover progress in the national implementation of the MSFD and support CoG in facilitating coordination across OSPAR countries of the Directive's requirements for coherent and coordinated implementation in the North-East Atlantic region. This will include the following key activities:
 - a. progress reports on the process and contents of the [Initial] assessment, the determination of good environmental status, environmental targets and indicators, monitoring programmes, and programmes of measures;
 - b. identify opportunities for enhanced coherence of environmental targets, monitoring programmes and measures;
 - c. development of advice considered necessary to facilitate a coordinated and coherent approach to the implementation of the MSFD across OSPAR, including on timings based on the OSPAR road map, which will be updated as necessary;
 - d. consideration of national practices and challenges concerning the implementation of the Directive that may be supported by experiences of other OSPAR Contracting Parties / member states, or by the outcome of other processes in OSPAR or under the European Commission;
 - e. consideration of interregional and sub-regional issues.

12. ICG-MSFD will produce an overview of all the products, tools, and general knowledge that is being generated in either national, European, OSPAR or ICES working groups and other processes. Based on this overview the ICG-MSFD will identify methods and other tools needed for a coordinated implementation of the MSFD across OSPAR and will identify gaps in knowledge.

- a. These gaps will be reported to CoG, and ICG-MSFD will provide CoG with advice on how these gaps could be filled.
- b. The advice ICG-MSFD gives to CoG will be communicated in a transparent manner, in order to give other ICGs, working groups, or Committees under OSPAR and the groups under the EC Common Implementation Strategy the chance to make use of this at an early stage.

Meetings and Participation

13. ICG-MSFD should meet twice a year, unless otherwise requested by CoG or unless developments in the implementation process demand another frequency.

14. The membership of ICG-MSFD should be flexible to accommodate the need to utilise the information being generated across a wide range of fora. Thus, there is membership of Contracting Parties, inviting other interested bodies as appropriate.