

Draft Working arrangements

for the 'Marine Strategic Co-ordination Group (MSCG)' under the Common Implementation Strategy

[DOCUMENT TO BE ENDORSED BY MARINE DIRECTORS IN BRNO IN MAY 2009]

1 INTRODUCTION

Further to the agreement of Water Directors in 2008, the meeting of ad hoc marine experts, which had the mandate to adopt organisational decisions for the implementation of the Marine Strategy Framework Directive (2009/56/EC) ('MSFD'), agreed in February 2009 the establishment of a Common Implementation Strategy under the leadership of the Marine

Directors. The Marine Directors have endorsed the decision to establish a Marine Strategic

Coordination Group ('MSCG').

As a summary, the MSCG has been established for the co-ordination of the different working

groups and activities under the common strategy. The MSCG will evaluate the outcome of the

different working groups and prepare documents and reports for the Marine Directors' meetings and give guidance to the key activities. The MSCG operates on the basis of the

overall work programme.

The MSCG will be chaired by the Commission and formed by participants of all Member

States. Participants of EFTA EEA countries¹ and candidate countries are allowed to participate as observers. NGO's and stakeholders may be invited as observers and/or consulted. The chairmen of the working groups of the key activities should participate in

meetings of the MSCG where relevant with a view to its agenda.

In addition to these points, a number of pragmatic working arrangements are set out below.

These arrangements intend to facilitate the work and to make the functioning of the MSCG

more pragmatic and transparent. However, they may be reviewed or adapted progressively or

exceptions may be applied, where appropriate, in order to react on specific situations more efficiently.

¹ Norway and Iceland, represented by its Marine Directors, are associated with the activities of the EU Marine Directors' meetings, on the assumption that internal processes are ongoing for the incorporation of the MSFD to Annex

XX of the EEA agreement.

2 RULES OF PROCEDURE OF THE MSCG

2.1 Objectives

The specific objectives of the MSCG are:

- to monitor the work progress of the activities under the Common Implementation Strategy;
- to co-ordinate the activities and establish and discuss linkages between the different working groups;
- to provide guidance on emerging questions from the working groups;
- to help prepare the Marine Directors meetings, so that Directors are able to give guidance to the MSCG on the Common Implementation Strategy where this is necessary;
- to develop the strategy further, where necessary.

2.2 Participation

The MSCG is chaired by the Commission and includes representatives of all Member States, in addition to observers, including EFTA EEA countries, candidate countries, organisations representing stakeholders, including industrial, scientific and environmental organisations and international governmental organisations (IGO, in particular regional sea conventions), and the leaders of the CIS Working Groups.

2.2.1 General interest organisations

Stakeholder organisations interested in joining the MSCG should send an application to the Commission. The application will be assessed taking into account the criteria set out below.

Two levels of participation are possible:

□ **Level 1:** organisations that fully meet the following criteria for participating in the MSCG:

1. The applying organisation should be a European umbrella organisation of national or regional organisations and
 2. The applying organisation should have a specific profile with regard to community marine policy and
 3. The applying organisation should have demonstrated in the past its policy profile and relevance.
 4. The organisation has to show that its participation in the process will produce an added value to the CIS (only applied for international governmental organisations)
- Level 1 organisations have the right to attend the MSCG meetings, subject to the internal arrangements of their thematic cluster to share the assigned number of seats (see below).

Organisations represented in the MSCG can nominate experts to participate in Working Groups.

□ **Level 2:** those organisations that do not fully meet all criteria. These organisations have full access to WFD CIRCA but no right to participate in the MSCG meetings. However,

they can provide written contributions through their thematic cluster or through the Commission.

The number of level 1 or level 2 organisations is not limited; however, participating in the

MSCG meeting implies that stakeholders get organised in such a way that the number of seats

in each meeting does not exceed an agreed maximum. One stakeholder may also take the

points of other stakeholders e.g. if a certain overlap of interests exists.

For that purpose, organisations will be grouped where possible in thematic clusters of similar

interests. The total number of seats reserved for organisations in the MSCG will be 35. Each

thematic cluster will have a maximum number of seats reserved. The clusters and the number

of maximum seats per cluster will be determined as an Annex to this document. The agreed

maximum number of seats and/or the existing thematic clusters may need to be reviewed

regularly by Marine Directors to accommodate new fields of action that come under the CIS

in the future.

The Commission will assess whether a new applicant meets the established criteria (level 1 or

2) and will forward its assessment to the MSCG for possible comments. The applicant organisation should specify in which thematic cluster it wants to be.

2.2.2 Technical interest organisations

Some organisations may participate in specific working groups only, and not in the MSCG.

The following criteria are used to assess applications to participate in specific working groups:

5. The organisation should have a specific expertise on the subject of the working group or

6. The organisation provides a consolidated and representative expert view of an European umbrella organisation or

7. The organisation provides specific expertise from a European project directly related

to the subject of the working group

Taking into account those criteria, the Commission and the respective working group leaders

will accept or reject the application. The MSCG will be informed of the decision.

Organisations represented in any working group can have full access to WFD CIRCA.

2.3 Organisational issues

The MSCG will be held at least two times per year depending on the need for co-ordination.

In general, the meeting will be scheduled for one day. The Commission will maintain and

update an annual meeting plan that will be available in CIRCA Interest Group 'Marine Strategy'. The confirmations, invitations and the draft agenda for the meetings should be made

available within two weeks in advance.

The exchange of documents will be done electronically. All members of the MSCG have

access to the CIRCA Interest Group 'Marine Strategy' which enables them, amongst other

things, to access and download all documents produced within the context of the

Common

Implementation Strategy.

The working language is English. During the MSCG meetings, interpretation will be provided

where possible in French, German, Italian and Spanish, depending on factors such as the

facilities used and possible decisions on prioritisation by the interpretation services of the

European Commission.

4

The Commission shall draw up a draft summary outlining the outcome and the conclusions of

the meeting of the MSCG. Any delegation may comment on the draft summary record, the

presented working documents or on any item on the agenda of the meeting. The deadline for

such comments shall be set by the Commission.

2.4 Decision making

The MSCG works on the basis of co-operation and open exchange of views.

Decisions should,

where possible, be made on the basis of consensus. If no consensus can be achieved, the

diverging views should be reflected in a transparent way. This applies in particular in the event

that strategic decisions need to be made in order to meet certain deadlines (for instance for the

purpose of decisions to be adopted by the Committee established by the MSFD).

2.5 Relationship to Working Groups

The leaders of the Working Groups shall report regularly the progress of work to the MSCG.

In addition, the links between the different groups and the emerging issues from the working

groups shall be presented in order to enable the MSCG to provide guidance on those questions

where working groups do not have the mandate to decide upon or cannot reach a common

understanding. The MSCG shall ensure that communication, co-ordination and co-operation

between the different activities is maximised by encouraging initiatives such as joint meetings,

joint drafting groups and/or joint testing of guidance.

Finally, the MSCG discusses and approves draft guidance documents presented by the working groups for submission to the Marine Directors.

2.6 Relationship to Marine Directors

The MSCG prepares the biannual meetings of the Marine Directors, in particular in relation to the activities under the Common Implementation Strategy. On proposal of the respective Presidency, the MSCG discusses the agenda and identifies those issues within the Common Implementation Strategy which require in-depth discussion of the Marine Directors. Furthermore, the MSCG identifies emerging issues from the working groups which require the political guidance of the Marine Directors. Finally, the MSCG approves the submission for endorsement by the Marine Directors of documents and deliverables produced by the different working groups, as set out below. The Commission, Presidency and MSCG shall ensure that all issues for the Marine Directors are prepared for consideration in an efficient and effective way in order to facilitate endorsement of proposed deliverables as a basis for carrying forward implementation work.

Every Marine Directors meeting will have a specific agenda point to endorse, in a single batch, all those deliverables that have been agreed at the MSCG meeting, and that have no political implications, that the MSCG proposes the Marine Directors to address. The MSCG will recommend whether a finalised deliverable should go into one of the following two options:

- Direct endorsement: this means there is no presentation in the Marine Directors meeting and no discussion is foreseen;
- Discussion point: this means there will be a presentation and discussion in the Marine Directors meeting