

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4530 of 20 December, 2018

LEGAL NOTICE NO.285 OF 2018.

ENVIRONMENT ACT 2005

MARINE STRATEGY (AMENDMENT) REGULATIONS 2018

In exercise of the powers conferred upon it by section 18(c) of the Environment Act 2005 and all other enabling powers, and for the purposes of further transposing into the law of Gibraltar Commission Directive (EU) 2017/845 of 17 May 2017 amending Directive 2008/56/EC as regards the indicative lists of elements to be taken into account for the preparation of marine strategies, the Government has made these Regulations -

Title.

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

Commencement.

2. These Regulations come into operation on the day of publication.

Amendment of Marine Strategy Regulations 2011.

3. Schedule 3 to the Marine Strategy Regulations 2011 is to be deleted and substituted with:

SCHEDULE 3

Table 1

Structure, functions and processes of marine ecosystems

With particular relevance for point (a) of Regulation 6(1), and Regulations 7 and 9

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Theme	Ecosystem elements	Possible parameters and characteristics (Note 1)	Relevant qualitative descriptors laid down in Schedule 1 (Notes 2 and 3)
Species	Species groups (Note 4) of marine birds, mammals, reptiles, fish and cephalopods of the marine region or subregion	Spatial and temporal variation per species or population: <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) Species composition of the group	(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	Per habitat type: <ul style="list-style-type: none"> - habitat distribution and extent (and volume, if appropriate) - species composition, abundance and / or biomass (special and temporal variation) - size and age structure of species (if 	(1); (6)

		<ul style="list-style-type: none"> - appropriate) physical, hydrological and chemical characteristics <p>Additionally for pelagic habitats:</p> <ul style="list-style-type: none"> - chlorophyll a concentration - plankton boom frequencies and spatial extent 	
Ecosystems, including food webs	<p>Ecosystem structure, functions and processes, comprising:</p> <ul style="list-style-type: none"> - physical and hydrological characteristics - chemical characteristics - biological characteristics - functions and processes 		

Notes related to Table 1

Note 1: An indicative list of relevant parameters and characteristics for species, habitats and ecosystems is given, reflective parameters affected by the pressures of Table 2 of this Schedule and of relevance to criteria laid down in accordance with Article 9(3) of the Directive. The particular parameters and characteristics to be used for monitoring and assessment should be determined in accordance with the requirements of these Regulations, including those of its Regulations 6 to 9.

Note 2: The numbers in this column refer to the respective numbered points in Schedule 1.

Note 3: Only the state-based qualitative descriptors (1), (3), (4) and (6) which have criteria laid down in accordance with Article 9(3) of the Directive are listed in Table 1. All other, pressure-based, qualitative descriptors under Schedule 1 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 2017 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 Decision (EU) 2017/848

Table 2

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

2a. Anthropogenic pressures on the marine environment

With particular relevant for points (a) and (b) of Regulation 6(1), and Regulations 7, 8 and 9

Theme	Pressure (Note 1)	Possible parameters	Relevant qualitative descriptors laid down in Schedule 1 (Notes 2 and 3)
Biological	Input or spread of non-indigenous species	Intensity of, and spatial temporal variation in, the pressure in the marine environment and, where relevant, at source	(2)
	Input of microbial pathogens		
	Input of genetically modified species and translocation of native species	For assessment of environmental impacts of the pressure, select relevant ecosystem	

	Loss of, or change to, natural biological communities due to cultivation of animal or plant species	elements and parameters from Table 1	
	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	Input of nutrients – diffuse sources, point		(5)

energy	sources, atmospheric deposition		
	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)		

<p>2b. Uses and human activities in or affecting the marine environment with particular relevant for points (b) and (c) of Article 8 (1) of the Directive when carrying out an assessment under Regulation 6(1) (only activities marked * are relevant for Regulation 6(2), and Regulations 8 and 10)</p>	
Theme	Activity
Physical restructuring of rivers, coastline or seabed (water management)	Land claim
	Canalisation and other watercourse modification
	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*
Cultivating 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, subregulations (3) and (4))
Education and research	Research, survey and educational activities*

Notes related to Table 2

Note 1: Assessment 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 refer to the respective numbered points in Schedule 1.

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 Article 9(3) of the Directive, are listed in Table 2a. All other, state-based, qualitative descriptors under Schedule 1 may be relevant for each theme.

Dated 20th December, 2018.

DR J CORTES,
Minister with responsibility for the environment.

EXPLANATORY MEMORANDUM

These Regulations incorporate the indicative lists of elements to be taken into account for the preparation of marine strategies as required by Commission Directive (EU) 2017/845 which amends Directive 2008/56/EC of the European Parliament and of the Council.