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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 1071

Adopted 23 November 2010

**Requirements for the Assessment of the Marine Environmental Status, Determination of a Good Marine Environmental Status and the Development of the Marine Environment Targets**

*Issued pursuant to*

*Section 8, Paragraph three, Section 9, Paragraph two and Section 10, Paragraph five of*

*the Marine Environment Protection and Management Law*

**I. General Provisions**

1. This Regulation prescribes:

1.1. the content and type of the information to be included in the assessment of the marine environment status (hereinafter – the marine assessment);

1.2. qualitative descriptors for the determination of a good marine environment status;

1.3. lists of features, pressures and impacts characterising the marine environment status;

1.4. requirements for the development of marine environment targets and the indicators related thereto.

2. Upon a request of the Latvian Institute of Aquatic Ecology, State authorities, local governments, State and local government capital companies, as well as other authorities shall, free of charge or in accordance with the price list of paid services, submit thereto the available information needed for the development of the marine assessment and for the determination of marine environment targets, including:

2.1. geospatial information and digital maps;

2.2. monitoring of surface water, air and biological diversity, as well as other types of environmental monitoring data;

2.3. information which has been acquired while fulfilling the requirements prescribed in the laws and regulations referred to in Section 13, Paragraph one of the Marine Environment Protection and Management Law;

2.4. nature protection plans for specially protected nature territories.

**II. Content and Type of the Information to be Included in the Marine Assessment**

3. The marine assessment shall be developed for the marine waters of Latvia in the Eastern Gotland Basin of the Baltic Sea and the Gulf of Riga.

4. When developing the marine assessment, the actual marine status shall be analysed and the main marine properties shall be characterised by taking into consideration the ecosystem elements, parameters and features referred to in Table 1 of Annex 1 to this Regulation and characteristic to the marine waters of the Baltic Sea Region, as well as their change patterns. When updating the marine assessment, patterns which have been observed since the development of the previous marine assessment shall be assessed separately.

*[15 January 2019]*

5. When analysing the pressures put on the sea and their reciprocal impact, as well as the impact of human activities on the marine environment:

5.1. the extent and prevalence of the anthropogenic pressures referred to in Table 2 of Annex 1 to this Regulation, the consequences and changes caused thereby in the marine environment, as well as the possible patterns shall be qualitatively and quantitatively described;

5.2. the damage caused to the marine environment shall be assessed, including an indication whether changes caused by physical, hydrological, chemical and biological interferences or damages referred to in Table 2 of Annex 1 to this Regulation have been found in the assessed marine waters and ecosystems, as well as the spatial distribution and dimensions of such changes;

5.3. the cumulative and synergetic (mutual) effects of the main pressures shall be assessed individually;

5.4. the potential impacts of the observed and projected climate change on marine waters and the marine ecosystem as a whole, as well as the changes in other pressures driven by climate change shall be described.

6. When analysing the impact of transboundary pollution, the transboundary transfer of air and water pollution shall be assessed, sources of such pollution in the Baltic Sea catchment area, the amount and proportion thereof in the total marine pollution, as well as the change patterns in transboundary pollution shall be indicated.

7. When analysing the socio-economic aspects of the use of the sea, as well as the losses resulting from the probable gradual deterioration of the marine environment quality and the weakening of the the marine ecosystem capacity, the following shall be prepared:

7.1. a description of the services and resources provided by the marine ecosystem, as well as of their users and an assessment of the value of the respective services, indicating the following:

7.1.1. the economic, social, cultural and ecological value of the services and resources;

7.1.2. the direct or indirect added value of the types of the use of the sea and employment;

7.1.3. the services and resources affected by human activities;

7.2. a brief general socio-economic description of Latvia. The socio-economic description shall indicate the the types of uses and human activities in or affecting the marine environment that have been referred to in Table 2, Paragraph two of Annex 1 to this Regulation and economic sectors which create the anthropogenic pressures referred to in Table 2, Paragraph one of Table 2 of Annex 1 to this Regulation in the marine environment, including civil engineering (for example, construction of hydrotechnical objects), operations of ports and ship wharfs, maritime transport and pipeline transport, fishery and fish-farming, processing and mining industries (mining of mineral resources at sea), agriculture, energy, tourism, utilities, by characterising the current and foreseeable development and growth potential of these sectors, and also by making the qualitative and, if possible, quantitative assessment of the pressures created by these sectors, their socio-economic significance and foreseeable development trends, main impact on the marine environment, and the significance of good marine environmental status and the services and resources provided by the marine ecosystem for the activities and development of these sectors;

7.3. a summary of the pressures caused by the types of the use of the sea and their foreseeable development trends, as well as of the impact on the marine environment by qualitatively and quantitatively assessing the current and future effects of gradual deterioration of the quality of the marine environment, if the pressures would not be reduced, as well as the losses caused by the deterioration of the quality of the marine environment;

7.4. a summary of the measures provided for in the current laws and regulations, and development planning documents which will have a positive impact on the quality of the marine environment, and the investment programmes related thereto, including the foreseeable effect of such measures and the resources needed for their implementation.

*[15 January 2019]*

8. The marine assessment shall include the geospatial information and digital maps characterising the condition of the marine ecosystem and marine environment of Latvia, indicating at least the following:

8.1. the marine borders of the Republic of Latvia on the joint map of the Baltic Sea;

8.2. topography of the seabed, the depth and salinity of the marine waters;

8.3. marine protected areas, including protected marine habitats;

8.4. the marine territories affected by the main pressures, as well as the economic activities and other types of pressures;

8.5. the characterisation of the marine environmental status obtained as a result of analysis (including by providing information regarding eutrophication, biological diversity, pollution).

*[15 January 2019]*

**III. Qualitative Descriptors for Determining Good Marine Environmental Status and the Requirements for the Development of Marine Environment Targets**

9. When determining a good marine environmental status, the marine assessment which has been drawn up in accordance with Chapter II of this Regulation, as well as the following provision of this Regulation shall be taken into account:

9.1. the structural elements, functions and processes of the marine ecosystem indicated in Table 1 of Annex 1 and the anthropogenic pressures, uses and human activities in or affecting the marine environment referred to in Table 2 of Annex 1;

9.2. the qualitative descriptors referred to in Annex 2.

*[15 January 2019]*

10. Marine environment targets (hereinafter – the targets) and the indicators related thereto shall be determined by taking into account the marine assessment developed in accordance with Chapter II of this Regulation, and complying with the following requirements:

10.1. the anthropogenic pressures, uses and human activities in or affecting the marine environment that have been referred to in Table 2 of Annex 1 to this Regulation shall be taken into account;

10.2. the targets shall be set so that:

10.2.1. the targets would indicate the preferable situation, which corresponds to the characteristics of a good marine environmental status;

10.2.2. the targets and the indicators related thereto would be measurable and allow the monitoring of marine environment and making of the marine assessment;

10.2.3. the targets of activities specified for specific measures to be implemented to achieve or maintain a good marine environmental status would stimulate their fulfilment;

10.3. the marine environmental status to be achieved or maintained shall be indicated. The relevant status shall be expressed in measurable units, which correspond with the characteristics of the marine environmental status of Latvia;

10.4. coherence between all targets shall be ensured and inconsistencies between them shall be eliminated;

10.5. the resources needed for the achievement of targets shall be specified;

10.6. the timescale for the achievement of targets, also interim targets if any have been set, shall be specified;

10.7. the indicators intended to manage the progress of achieving the targets and to promote their achievement shall be specified;

10.8. where necessary, the base level or reference conditions (for the targets and limit values) shall be specified;

10.9. when setting the targets, social and economic concerns shall be taken into consideration;

10.10. in order to achieve a good marine environmental status and to implement the targets specified in the Marine Environment Protection and Management Law, the consistency of the targets with the targets specified by the European Union and its Member States in accordance with the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area and other relevant international agreements shall be ensured.

*[15 January 2019]*

11. After setting the targets and determining the set of indicators related thereto, as well as the base level or reference conditions (for the targets and limit values), a complex evaluation shall be made by comparing them with the targets specified in the Marine Environment Protection and Management Law, in order to assess whether the achievement of the targets will ensure an adequate marine environment status.

**Informative Reference to the Directives of the European Union**

*[15 January 2019]*

The Regulation contains legal norms arising from:

1) Directive 2008/56/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (Marine Strategy Framework Directive);

2) Commission Directive (EU) 2017/845 of 17 May 2017 amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies.

Prime Minister, Minister for Regional Development and

Local Government V. Dombrovskis

Minister for Environment R. Vējonis

**Annex 1**

Cabinet Regulation No. 1071

23 November 2010

**Indicative Lists of Marine Ecosystem Elements, Anthropogenic Pressures and Human Activities Affecting the Marine Environment**

*[15 January 2019]*

**Structure, Functions and Processes of Marine Ecosystems**

Table 1

|  |  |  |  |
| --- | --- | --- | --- |
| Theme | Ecosystem elements | Possible parameters and characteristics1 | Qualitative descriptors laid down in Annex 2 to this Regulation2 |
| 1. Species | Groups of species of marine birds, mammals, reptiles, fish and cephalopods occurring in the marine waters of Latvia and the Baltic Sea region3 | 1.1. Spatial and temporal variation per species or population:1.1.1. distribution, occurrence and/or biomass;1.1.2. size, age and sex structure;1.1.3. fecundity, survival and mortality or injury rates;1.1.4. behaviour, including movement and migration;1.1.5. habitat for the species (extent, suitability).1.2. Species composition of the group | 1. Biological diversity.3. Commercially exploited species |
| 2. Habitats | Broad habitat types of the water column (pelagic) and seabed (benthic)4, or other habitat types, including their associated biological communities or other habitats, including associated biocenosis in the Baltic Sea region | 2.1. Per habitat type:2.1.1. habitat distribution and extent (and volume, if appropriate);2.1.2. species composition, abundance and/ or biomass (spatial and temporal variation);2.1.3. size and age structure of species (if appropriate);2.1.4. physical, hydrological and chemical characteristics.2.2. Additionally for pelagic habitats:2.2.1. concentration of chlorophyll;2.2.2. plankton bloom frequencies and spatial extent | 1. Biological diversity.6. Seabed integrity |
| 3. Ecosystems, including food webs | Ecosystem structure, functions and processes comprising:1) physical and hydrological characteristics;2) chemical characteristics;3) biological characteristics;4) functions and processes | 3.1. Spatial and temporal variation:3.1.1. temperature and ice;3.1.2. hydrology (wave and current regimes; upwelling, mixing, residence time, freshwater input; sea level);3.1.3. bathymetry;3.1.4. turbidity (silt/sediment loads), transparency, sound;3.1.5. seabed substrate and morphology;3.1.6. salinity, nutrients (N, P), organic carbon, dissolved gases (pCO2,O2) and pH;3.1.7. links between habitats and species of marine birds, mammals, reptiles, fish and cephalopods;3.1.8. pelagic-benthic community structure;3.1.9. productivity | 1. Biological diversity.4. Food webs |

Notes.

1 This list of the parameters and characteristics for species, habitats and ecosystems is indicative and reflects parameters affected by the pressures indicated in Table 2 of this Annex and subject to the criteria for good marine environmental status specified in the Marine Environment Protection and Management Law. The particular parameters and characteristics to be used for monitoring and assessment should be determined in accordance with the requirements of the Marine Environment Protection and Management Law.

2 Table 1 of this Annex includes only those state-based qualitative descriptors (1., 3., 4. and 6.) which have criteria laid down in accordance with the Marine Environment Protection and Management Law and harmonised within the framework of the regional cooperation of the Baltic Sea. The pressure-based qualitative descriptors (2., 5., 7., 8., 9., 10. and 11.) referred to in Annex 2 to this Regulation shall be relevant for any of the themes referred to in Table 1 of this Annex.

3 The species groups shall be laid down in more detail in accordance with the laws and regulations in the field of the protection of species and habitats and the lists of species drawn up within the framework of the regional cooperation of the Baltic Sea, as well as Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC and Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy.

4 These habitats shall be laid down in more detail in accordance with the laws and regulations regarding the conservation of species and habitats, the European Natural Information System Habitats (EUNIS) classification and within the framework of the regional cooperation of the Baltic Sea.

**Anthropogenic Pressures, Types of Uses and Human Activities In or Affecting the Marine Environment**

Table 2

|  |
| --- |
| **1. Anthropogenic pressures on the marine environment**with particular relevance for Paragraphs 3, 4, 5 and 6 and Chapter III of this Regulation, and also the marine environment monitoring programme specified in Section 11 of the Marine Environment Protection and Management Law |
| Theme | Pressure1 | Possible parameters | Qualitative descriptors defined in Annex 2 to this Regulation2 |
| 1.1. Biological pressures | 1.1.1. Input or spread of indigenous species | Intensity of, and spatial and temporal variation in, the pressure in the marine environment and, where relevant, at sourceFor assessment of environmental impacts of the pressure, select relevant ecosystem elements and parameters from Table 1 of this Annex | 2. Non-indigenous species.3. Commercially exploited species |
| 1.1.2. Input of microbial pathogens |
| 1.1.3. Input of genetically modified species and translocation of native species |
| 1.1.4. Loss of, or change to, natural biological communities due to cultivation of animal or plant species |
| 1.1.5. Disturbance of species (e.g. where they breed, rest and feed) due to human presence |
| 1.1.6. Extraction of, or mortality/injury to, wild species (by commercial and recreational fishing and other activities) |
| 1.2. Physical pressures | 1.2.1. Physical disturbance to seabed (temporary or reversible) |   | 6. Seabed integrity7. Hydrographical conditions |
| 1.2.2. Physical loss (due to permanent change of seabed substrate or morphology and to extraction of seabed substrate) |
| 1.2.3. Changes to hydrological conditions |
| 1.3. Substances, litter, energy | 1.3.1. Input of nutrients – diffuse sources, point sources, atmospheric deposition | 5. Eutrophication |
| 1.3.2. Input of organic matter —– diffuse sources and point sources |
| 1.3.3. Input of other substances (e.g. synthetic substances, non-synthetic substances, radionuclides) – diffuse sources, point sources, atmospheric deposition, acute events | 8. Contaminants and compounds.9. Contaminants and compounds in organisms for human consumption |
| 1.3.4. Input of litter (solid waste matter, including micro-sized litter) | 10. Litter |
| 1.3.5. Input of anthropogenic sound (impulsive, continuous) | 11. Energy |
| 1.3.6. Input of other forms of energy (including electromagnetic fields, light and heat) |
| 1.3.7. Input of other forms of energy (including electromagnetic fields, light and heat) |
| **2. Uses and human activities in or affecting the marine environment**with particular relevance for Paragraphs 5, 73 and 10 of this Regulation, and also for the programme of measures specified in Section 13 of the Marine Environment Protection and Management Law |
| Theme | Activity |
| 2.1. Physical restructuring of rivers, coastline or seabed (water management) | 2.1.1. Land claim |
| 2.1.2. Canalisation and other watercourse modifications |
| 2.1.3. Coastal defence and flood protection\* |
| 2.1.4. Offshore structures (other than for oil/gas/renewables)\* |
| 2.1.5. Restructuring of seabed morphology, including dredging and depositing of materials\* |
| 2.2. Extraction of non-living resources | 2.2.1. Extraction of minerals (rock, metal ores, gravel, sand, shell)\* |
| 2.2.2. Extraction of oil and gas, including infrastructure\* |
| 2.2.3. Extraction of salt |
| 2.2.4. Water Abstraction\* |
| 2.3. Production of energy | 2.3.1. Renewable energy generation (wind, wave and tidal power), including infrastructure\* |
| 2.3.2. Non-renewable energy generation\* |
| 2.3.3. Transmission of electricity and communications (cables)\* |
| 2.4. Extraction of living resources | 2.4.1. Fish and shellfish harvesting (professional, recreational)\* |
| 2.4.2. Fish and shellfish processing\* |
| 2.4.3. Marine plant harvesting\* |
| 2.4.4. Hunting and collecting for other purposes\* |
| 2.5. Cultivation of living resources | 2.5.1. Aquaculture – marine, including infrastructure\* |
| 2.5.2. Aquaculture – freshwater\* |
| 2.5.3. Agriculture |
| 2.5.4. Forestry |
| 2.6. Transport | 2.6.1. Transport infrastructure\* |
| 2.6.2. Maritime transport\* |
| 2.6.3. Air transport |
| 2.6.4. Land transport |
| 2.7. Urban and industrial uses | 2.7.1. Urban uses |
| 2.7.2. Industrial uses |
| 2.7.3. Waste treatment and disposal\* |
| 2.8. Tourism and leisure | 2.8.1. Tourism and leisure infrastructure\* |
| 2.8.2. Tourism and leisure activities\* |
| 2.9. Security and defence | 2.9.1. Activities related to State defence and protection of State security4 |
| 2.10. Education and research | 2.10.1. Activies related to research, survey and education\* |

Notes.

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.

2 Table 2, Paragraph one of this Annex shall include only the pressure-based qualitative descriptors (2, 3, 5, 6, 7, 8, 9, 10 and 11), which have criteria laid down in accordance with the Marine Environment Protection and Management Law. All other, state-based, qualitative descriptors referred to in Annex 2 to this Regulation may be relevant for any of the themes referred to in Table 2 of this Annex.

3 Only those activities marked with an asterisk (\*) shall be applicable to Sub-paragraph 7.3 of this Regulation.

4 In accordance with Section 2, Paragraph three of the Marine Environment Protection and Management Law.

**Annex 2**

Cabinet Regulation No. 1071

23 November 2010

**Qualitative Descriptors for Determining Good Marine Environmental Status**

*[15 January 2019]*

|  |  |  |
| --- | --- | --- |
| No. | Qualitative descriptors | Description |
| 1. | Biological diversity | Biological diversity is maintained. The quality and occurrence of habitats, as well as the distribution and diversity of species are in line with prevailing physiographic and climatic conditions |
| 2. | Non-indigenous species | Non-indigenous species introduced by human activities do not adversely alter the ecosystem |
| 3. | Commercially exploited species | The biological indicators characterising populations of commercially exploited fish, shellfish and molluscs are within safe biological limits, the population age and size distribution is indicative of a healthy stock of fish, shellfish and molluscs |
| 4. | Food webs | All elements of the known marine food webs occur at normal abundance and diversity to the extent ensuring the long-term abundance of the species and the retention of their full reproductive capacity |
| 5. | Eutrophication | Human-induced eutrophication and the adverse effects thereof is minimised, for example, losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters |
| 6. | Seabed integrity | Sea-floor integrity is at the level that ensures the necessary structure and functions of the ecosystem are safeguarded and benthic ecosystems are not adversely affected |
| 7. | Hydrographical conditions | Permanent alteration of hydrological conditions does not adversely affect marine ecosystems |
| 8. | Contaminants and compounds | Concentrations of contaminants and compounds do not give rise to pollution effects |
| 9. | Contaminants and compounds in organisms for human consumption | Contaminants and compounds in fish and other seafood for human consumption do not exceed the levels established in laws and regulations |
| 10. | Litter | Properties and quantities of marine litter do not cause harm to the coastal and marine environment |
| 11. | Energy | Energy introduced into the sea, including underwater noise level, does not adversely affect the marine environment |

Minister for Environment R. Vējonis