

Science for Environment Policy

Marine environment adequately covered despite complex legislation

More than 200 pieces of English and EU-wide marine environmental legislation have been analysed in a recent review. While complex, the legislation adequately covered all areas of the marine environment, the authors conclude. However, there is opportunity to remove overlap and conflicts between different legislation and improve cross-border co-operation.

The world's oceans are under threat from a wide range of human activities, from deep-sea trawling to nutrient pollution. In response to these problems, the EU has developed a diverse array of legislation to protect the [marine environment](#). There are now over 200 directives, regulations or other legislation that directly affect marine environmental policy and management.

Marine environment legislation has historically developed in a piecemeal manner, producing a complex patchwork of policies for specific sectors or marine areas to meet the needs of the time. However, more recent legislation such as the [Marine Strategy Framework Directive](#)¹ (MSFD) has moved away from this compartmentalised approach, becoming more holistic.

For this study UK researchers, focusing on England as a case study, mapped out the different types of legislation in terms of their hierarchal 'vertical integration' (e.g. from international law to European law and down to Member States) and their 'horizontal integration' – how well different policy goals and stakeholders interacted, minimising conflicts and maximising synergies. The research used the resulting 'horrendograms' to answer four fundamental questions:

1) Is there sufficient marine legislation to manage the marine environment adequately, giving protection to the natural system while providing ecosystem services and societal benefits?

The authors believed there to be sufficient marine legislation (in that it covers all activities, pressures etc.) which should improve the health of the marine environment when fully implemented, though more cross-border co-ordination would be beneficial. However, some policies conflicted with one another. For example, policies aiming to encourage development of offshore wind power are likely to conflict with the aim of achieving Good Environmental Status for the sea floor, as stipulated under the MSFD.

2) Are all sectors (transport, fisheries etc.) adequately managed or do we require better management or better implementation of the current legislation?

In general, the majority of sectors were adequately managed. However, the authors suggest there were areas of marine governance which still needed to be addressed. For example, funding for some activities could suffer under an austere economic climate. They also highlight that future changes in policy priorities, due to the effects of climate change, may require existing legislation to be amended or even repealed as goals shift.

Continued overleaf...



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1. http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/marine-strategy-framework-directive/index_en.htm

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3) *Is there an important piece of legislation missing?*

All areas of the marine environment were found to be managed under current legislation with no apparent gaps. However, the authors express doubt that the legislation is integrated in the best possible way. They suggest that some areas of the marine environment would benefit from more co-operative, cross-border management which could be achieved using existing legislation, such as the MSFD.

4) *Are the levels of legislation integrated both vertically ('top-down', i.e. does global legislation integrate with national?) and horizontally (i.e. between different administrations or organisations)?*

Vertical integration was found for the majority of sectors. However, in some sectors more efforts are needed. For example, the European Commission has strongly recommended that Member States should ratify the International Convention for the Control and Management of Ships' Ballast Water and Sediments – yet very few have done so.

The researchers found that horizontal integration between international, European and national legislation comprehensively covers the marine environment. However, they cautioned that the success of such legislation will require co-ordination between administrative bodies, not just between their legislative sectors.

The researchers conclude that despite the complexity there is opportunity to simplify the current legislation, by removing policy overlaps and conflicts and improving cross-border co-operation.

