

# Science for Environment Policy

## More coordinated legislation needed to ensure the Good Environmental Status of European seas

A range of legislation, including the [Marine Strategy Framework Directive \(MSFD\)](#), is designed to ensure the 'Good Environmental Status' (GES) of EU seas by 2020. Researchers have assessed the MSFD in relation to existing maritime policies, concluding that coordination between directives is important to achieve GES.

Europe has over 200 policy initiatives for the conservation and sustainable use of marine resources<sup>1</sup>. Of these, the MSFD was approved in 2008 to protect, preserve and restore the quality of the marine environment across Europe. It was also developed to integrate other measures to protect the marine environment, as some policies, such as the [Water Framework Directive \(WFD\)](#) and the [Common Fisheries Policy \(CFP\)](#), target more specific pressures. The MSFD requires Member States to develop a marine strategy, which includes a Programme of Measures (PoM), to achieve GES.

This study, which was part of the DEVOTES project<sup>2</sup>, reviewed key maritime policies for achieving GES. The researchers examined how Member States use and integrate existing legislation and policies to implement their PoM, the potential opportunities and difficulties associated with this, and external barriers to achieving GES. The study used case studies of three Member States: Greece, Spain and the UK.

The researchers say there are conflicting objectives within and between Member States in implementing the MSFD. For example, GES and its descriptor indicators are left to the individual interpretation of the Member States, which may lead to differences in implementation.

The MSFD is reliant on existing legislation. For example, the PoM for each Member State should be based on existing requirements such as monitoring requirements under the [Habitats](#) and [Birds](#) Directives. Other directives with overlaps in requirements or aims include the WFD, CFP, the [Urban Waste Water Treatment Directive \(UWWTD\)](#), [Integrated Maritime Policy \(IMP\)](#) and the [Maritime Spatial Planning Directive \(MSP\)](#), say the authors.

Furthermore, different legal instruments can use different boundaries for different marine regions, which was identified as a major barrier to achieving GES. This can, for example, cause difficulties in reporting fishery stocks for different geographical areas under the CFP, or assessing the [chemical](#) status of waters in the case of the WFD.

[Blue growth](#) initiatives, which aim to develop social and economic growth within European seas, were identified as another challenge to achieving GES. The researchers say blue growth may conflict with MSFD objectives by emphasising economic growth over environmental protection. Shipping, oil and gas exploration, renewable energy, off-shore aquaculture, the cruise industry, carbon capture and storage and seabed mining are all new or rapidly developing sectors, which may negatively affect marine ecosystems. It is important that these developments consider ecological impacts through environmental impact assessments (EIA). EIA is an integral part of granting development consent to individual projects that are likely to have significant impact on the environment. It is important to consider the cumulative effect of these developments. The [Strategic Impact Assessment](#)<sup>3</sup> and Marine Spatial Planning Directives provide for a comprehensive, systematic and transparent assessment of environmental, social and economic impacts as well as appropriate planning to address any possible negative impacts from economic development.

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<http://www.sciencedirect.com/science/article/pii/S0025326X16304830>

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1. Boyes, S.J., Elliot, M. (2014). Marine legislation – The ultimate 'horrendogram': International law, European directives & national implementation. *Marine Pollution Bulletin*. 86: 39–47.

2. [DEVOTES](#) (DEvelopment Of innovative Tools for understanding marine biodiversity and assessing good Environmental Status) was funded by the European Commission under its Seventh Framework Programme.

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## More coordinated legislation needed to ensure the Good Environmental Status of European seas (continued)

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3. [http://ec.europa.eu/environment/eia/index\\_en.htm](http://ec.europa.eu/environment/eia/index_en.htm)

The case studies also demonstrate that Member States are producing their PoM in different ways, and are at different stages. For example, the UK finalised its PoM in December 2015, primarily using existing policy to meet the needs of the MSFD, which the researchers suggest may be insufficient to achieve GES. The UK PoM relies on current programmes and targets to monitor marine habitats — such as those under the WFD — and it is uncertain how effectively these measures can be scaled up to meet the requirements of the MSFD at a sub-regional level. By contrast, the public consultation process for the Spanish PoM was completed in spring 2016 and identified existing measures from current EU and national legislation, but also developed 95 new measures. However, the PoM has not yet been formally notified in Spain.

Greece has not made its PoM public yet, possibly demonstrating the difficulties faced by certain countries in documenting the required measures within deadlines. Greece is currently facing major fiscal and societal challenges; as such, the researchers say that it is not surprising that they are failing to meet the MSFD timeline. They say it is expected that the Greek PoM will also largely use existing environmental measures from current EU policies.

Finally, the researchers provide recommendations to overcome gaps and barriers in legislation and meet GES. In particular, they recommend increased coordination between related policy instruments. This could include common definitions, targets and data collection. They also say an overreliance on measures within existing legislation may be to the detriment of environmental protection. The researchers say Member States should consider new measures, where necessary, to achieve GES under the MSFD, although they acknowledge that this represents a challenge.

