

MARINE STRATEGY DIRECTIVE – BACKGROUND Q&A

1st Reading agreement in Council, expected 18 December 2006

Europe and its seas

At least 16% of the EU population lives by the coast and many more of us depend on the sea for work, spend leisure time at the beach, swim and pursue watersports, and eat seafood. Most people are unaware of what is happening beyond the beach, however. The list of threats to the sea is long: destructive fishing practices, littering and pollution at sea and from shore, noise pollution from shipping, oil drilling and underwater acoustic devices, invasive species, the impacts of climate change, gravel extraction, oil exploration and coastal construction, to name but a few.

What, when and why?

In October 2005, the European Commission proposed a draft marine protection law – the EU Marine Strategy Directive (COM(2005)505). This Directive is aimed at filling a gap in the EU's environment policy, which is currently land-focused: although seas cover over 50% of Europe's geographical area, there currently exists no protection of the marine environment. The Directive proposes a framework for the development of national strategies to improve the health of Europe's seas by 2021.

On **18 December**, the Council of EU Environment Ministers is expected to reach its first reading agreement on the Marine Strategy Directive. This follows their debate in October on the protection of Europe's seas. The Finnish Presidency had said that passing this legislation was one of its priorities.

The need for marine legislation at EU level was identified in 2000, in the EU's Sixth Environmental Action Programme, which called for the development of a comprehensive EU law on ocean protection. The Commission led a three-year consultation with stakeholders prior to publishing its proposal in October 2005.

The European Parliament has voted to strengthen marine protection under the Directive, adopting 90 amendments to the proposal at a plenary session on 14 November.

Following political agreement among Environment Ministers in December, the German Presidency is expected to oversee translation and adoption of the first Common Position, before the file is transferred back to the Parliament and on to the Portuguese Presidency.

Timetable:

10 October 06	<i>European Parliament Environment Committee vote</i>
23 October 06	<i>Environment Council – political debate</i>
13-16 November 06	<i>European Parliament plenary vote</i>
18 December 06	<i>Environment Council – political agreement</i>

What does the Marine Strategy Directive demand of Member States?

The Marine Strategy Directive requires Member States to draw up national strategies to enable them to achieve a healthy marine environment, or 'Good Environmental Status' - by 2021.

As part of delivering national strategies, Member States have to produce:

- i) an environmental assessment of the current state of their marine waters;
- ii) a list of environmental targets;
- iii) a monitoring programme; and
- iv) a programme of measures.

Greenpeace advises that instead of producing national strategies, Member States should co-operate to produce a single strategy for each marine region, e.g one joint strategy for the Baltic. Targets and programmes of measures, in particular, should be consistent within an entire marine region.

What will the Directive change?

The Marine Strategy Directive has the potential to put the fish back into our seas. A strong Directive will require Member States to implement measures - such as establishing marine reserves – that will ensure the long-term sustainability of all activities in the marine environment and so bring benefits to those who depend on the sea for their livelihoods. Implementing the Directive will mean changes in how Europe's fisheries are managed and thus is also likely to require changes to the Common Fisheries Policy (CFP).

Greenpeace is concerned that EU environment ministers show little ambition and that the Council text lacks even the most basic commitments to protect areas of the sea from fishing and other destructive activities. The Netherlands, UK, France, Greece, Denmark, Slovenia, Malta and Portugal have all attempted to weaken commitments in the Directive to the point that they become non-binding, aspirational targets, through the change of wording to '*aim to achieve*' rather than '*to achieve*', and saying measures should only be taken '*as far as reasonable and practicable*' and '*at no disproportionate cost*'.

Who is saying what?

The European Parliament adopted 90 amendments to the Directive, most strengthening the Commission's proposal. In particular, the Parliament wants to speed up the timetable for implementing the Directive, spell out what it means to achieve a Good Environmental Status (GES), bind Member States into achieving this (rather than to simply aim to achieve stronger protection), and require the setting up of marine reserves.

During the pre-ministerial discussions, Sweden and Italy and to a lesser extent Belgium and Germany supported the strongest possible agreement. These states, supported in this case by Cyprus, also opposed a weakening of the objective that would require Member States to '*aim to achieve*' Good Environmental Status. France objected to language that would require the setting up of marine reserves in line with the Convention on Biological Diversity; significant parts of the text were deleted when France received support from the Netherlands, the UK, Denmark, Portugal and Malta. The UK and the Netherlands seem least committed to a strong Directive.

Will the Marine Strategy Directive impact on the Common Fisheries Policy?

The Directive does not address the threats from fishing, thus reinforcing the exclusive powers of the Common Fisheries Policy. This is problematic, as it leaves the protection of a significant part of marine life – fish - to a policy which has resulted in the collapse of up to 80 percent of fish stocks.

Without urgent and decisive action it will be impossible to halt the loss of marine biodiversity by the agreed date of 2010. The crises in Europe's fisheries is thus also a failure of the EU's environment policy – and cannot be expected to be put right by tinkering with the rules and regulations of the Common Fisheries Policy. This is why Greenpeace is calling for 40% of Europe's seas to be protected from extractive and destructive uses through the Marine Strategy Directive. This could help prevent the fishing sector from cutting the rope from under its own feet.

Environment Ministers are side-stepping their duty to protect all marine life as long as they do not adopt measures - such as marine reserves - that could save species like cod and tuna from being hunted to extinction.

This is a framework directive. What is the process/timeline for follow-up pieces of legislation?

The Marine Strategy Directive sets an EU framework for action at regional seas level, which will be legally binding on Member States. It does not, in its current form, suggest follow-up pieces of legislation. Instead, it requires Member States to produce strategies designed to deliver on the objective of achieving 'Good Environmental Status' in Europe's marine waters.

What constitutes a 'healthy marine environment', or Good Environmental Status (GES)?

To achieve GES, the Marine Strategy Directive should ensure that:

- ❖ The natural biodiversity of Europe's marine regions, and the structure, functions and processes of Europe's marine ecosystems are protected and restored;
- ❖ Marine ecosystems function in a self-maintaining manner and retain a natural level of resilience to broader environmental change;

- ❖ Impacts from human activities are minimised or prevented, so that ecosystem integrity is maintained; and
- ❖ The use of marine species and of non-living marine resources is conducted in a manner and at a scale which does not damage ecosystem integrity, in the case of species maintains an age/size distribution that is indicative of a healthy population, does not pose a threat to human health or other legitimate uses of the sea and does not reduce the potential for uses and activities of future generations.

Greenpeace, together with seven other NGOs, has proposed a list of conditions describing Good Environmental Status in the marine environment: <http://www.greenpeace.eu/downloads/oceans/NGOpaperGES.pdf>

Would large sections of national waters be affected by marine reserves?

Greenpeace is calling for 40% of Europe's seas to be designated as marine reserves. Off-shore it will be most effective to establish large-scale marine reserves; for coastal waters, a patchwork of smaller marine reserves would ensure access to fishing grounds for coastal communities.

What sort of compensation would fishermen get?

A fishing career in Europe does not offer good long-term prospects at present: 75 to 90% of all fish stocks are already overexploited or collapsing. Without a drastic change in our behaviour, there will be no fish left. Marine reserves can help make fishing sustainable. It will only be possible to making a living from the sea in the future if we put the life back into Europe's seas today.

Governments have already committed to the establishment of a global network of marine reserves through the Convention on Biological Diversity and the World Summit on Sustainable Development; they are bound by EU law to establish such reserves.

What is controversial about this issue?

Some Member States and parts of the European Commission prefer to talk vaguely about protecting the environment rather than addressing the threats of fishing, mining, oil and gas extraction etc. Greenpeace calls on Europe's Environment Ministers to join the European Parliament in addressing the threats as well as the ecosystem protection.

Greenpeace European Unit, October 2006

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