

Jan Vernon
Risk & Policy Analysts Limited
20 Hadleigh Close
London SW20 9AW

jan@rpalon.demon.co.uk

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Dear Ms Vernon

Wildlife and Countryside Link response to Defra's consultation on the European Commission's Marine Strategy Package

Wildlife and Countryside Link is a coalition of the UK's major environmental non-governmental organisations concerned with the conservation, enjoyment and protection of wildlife, the countryside and the marine environment. Together our members have the support of over 8 million people in the UK. Many of the undersigned organisations were represented during the stakeholder process through which the Thematic Strategy for the Protection and Conservation of the Marine Environment (EMS) was developed.

Link supports the initiative of the European Commission to implement the EMS through a legal framework. While there are a number of EU measures which contribute to the protection of the marine environment, none of them was designed specifically for this purpose and there is no integrated policy on the protection of Europe's seas. The effectiveness of the large number of international conventions and commitments relevant to protecting Europe's seas is limited by inadequate enforcement, and consequently poor implementation. We believe that the proposed Marine Strategy Directive can add real value by setting common environmental standards for all EU marine waters, and by ensuring that member states implement an integrated approach to managing the impacts of human activities, to secure the protection and recovery of marine ecosystems.

We welcome Defra's recent initiatives to improve protection and management of the marine environment, in particular the ongoing development of a Marine Bill. However, we would stress that the UK's seas can only benefit from similar action being taken by other member states. In this regard, we would like to highlight the synergies between the proposed Directive and Defra's work to develop a Marine Bill. Implementation of an ecosystem-based approach to managing human activities at sea is a central theme of this work, and we would argue that both Marine Spatial Planning and in particular Marine Ecosystem Objectives, which we understand are likely to be elements of the Bill, are tools that mesh well with the requirements of the proposed Directive.



Wildlife and Countryside Link
89 Albert Embankment, London SE1 7TP

T: 020 7820 8600
F: 020 7820 8620
E: enquiry@wcl.org.uk
W: www.wcl.org.uk

"Bringing voluntary organisations in the UK together to protect and enhance wildlife and landscape, and to further the quiet enjoyment and appreciation of the countryside"

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The process of agreeing and implementing a Directive provides the UK with an opportunity to share its experience to influence the approaches taken. Further, while it should not constrain those member states or regional agreements wishing to be more pro-active in protecting the marine environment, a Directive should ensure that certain minimum marine environmental standards apply throughout Europe's seas.

We recognise that Defra has a number of concerns regarding the proposed Directive, not least that 'Good Environmental Status' is undefined, and that, as such, Defra feels the costs of meeting the Directive's requirements are unknown. We would again emphasise the synergies (and as such, overlap in likely costs) between the proposed Directive and the likely component measures of the Marine Bill, as well as other, international, commitments to protecting the marine environment. We do not believe determining Good Environmental Status means re-inventing the wheel. As acknowledged in the partial Regulatory Impact Assessment (RIA) of the proposal, the likely costs associated with implementing the Directive cannot currently be accurately assessed. At this early stage in the development of the Directive, we therefore do not believe that costs should be presented as a reason to simply lobby against the 'Good Environmental Status' proposal. Instead, we strongly believe that Defra should aim to improve and strengthen the Commission's proposal through negotiation. Rather than seeking to undermine the key element of the proposal – the objective to achieve Good Environmental Status – Defra should promote transparent discussion of how this should be defined.

Comments on the proposed Marine Strategy Directive

Link supports the vision at the heart of the EMS "*to protect and restore Europe's oceans and seas and ensure that human activities are carried out in a sustainable manner so that current and future generations enjoy and benefit from biologically diverse and dynamic oceans and seas that are safe, clean, healthy and productive*" which emphasises the need for an integrated approach to managing the impacts of human activities on the marine environment – an ecosystem-based approach. However, we are concerned that, in its current form, the proposed Directive falls short of the framework needed to deliver this vision. The following key points need to be addressed.

1. Good Environmental Status

The proposed Directive requires Member States to define Good Environmental Status (GES) for their marine waters, based on generic criteria to be established through a comitology process within two years of the Directive coming into force. We believe it is essential that at least a qualitative definition of GES is included in the draft Directive, so that it can be discussed and debated during the co-decision process, also engaging the European Parliament, to ensure that appropriately ambitious and comparable standards are applied throughout Europe's seas. The definition of GES must take account of all human impacts on marine ecosystems, to promote a truly integrated, ecosystem-based approach to their management. It should encompass the strategic



goals and objectives which were defined through the stakeholder process to develop the EMS.

2. Failure to address all human impacts

The proposed Directive explicitly excludes measures relating to fisheries management, this being the remit of the Common Fisheries Policy that is a matter of Community competency. This is in spite of the fact that the Commission has recognised that overfishing and damaging fishing practices are among the principal threats to marine ecosystems. The proposed Directive requires Member States to inform the Commission of issues they cannot tackle through national measures, but which may prevent them from achieving GES of their marine waters. As mentioned above, we consider it crucial that all impacts – including those from fishing – are taken into account in defining GES. In addition, a corresponding requirement for the Commission to take action on such difficult issues when notified by a Member State is needed.

We note the concern expressed in the partial RIA that another of the most significant threats to marine ecosystems – climate change – would not be addressed by implementation of the proposed Directive. We would contend that, while the Directive will not halt climate change, implementation of measures, under the Directive, for the protection and recovery of marine ecosystems are needed to improve their resilience (and hence the sustainability of marine resources) in the face of climate change.

3. Weak requirement for regional co-operation

It is clear from the preamble of the Directive that the Commission's intention, reflecting the current arrangements through the regional seas conventions and the consensus built during the stakeholder process, is that this framework directive should be implemented at the level of marine regions and/or sub-regions. We agree that the regional approach is appropriate, and suggest that it should be more strongly enshrined in the MSD, which currently simply requires member states within the same Marine Regions or Sub-Regions to co-ordinate their actions. The proposal could be strengthened by introducing requirements for Member States within a Marine Region to ensure (and report on) consistency in their assessment and monitoring procedures, to jointly establish regional environmental targets, and to produce a joint report demonstrating consistency in the programmes of measures adopted by each Member State to meet these targets.

We do not share the UK concerns that the MSD may weaken regional conventions, in particular OSPAR. We believe that strong legal commitments in the MSD will contribute to rather than detract from OSPAR commitments.

4. Timetable

We do not accept the concern expressed in the Regulatory Impact Assessment that 2021 may be too ambitious a target date for achievement of GES. On the contrary, we question whether it is sufficiently ambitious, given Member States' existing commitments, such as the completion of the marine Natura 2000 network by 2008,



with management measures to be in place by 2010, and, for contracting parties to OSPAR and HELCOM, the designation of an ecologically coherent network of well-managed MPAs in the maritime areas of the North East Atlantic and the Baltic by 2010. Actions such as the designation of MPAs are urgently needed, and this Directive should not derail Member States' commitment to meeting these targets, which ultimately are likely to make important contributions towards the achievement of GES. We wish to see a strong statement in the Directive that its provisions are without prejudice to existing obligations and commitments.

In conclusion, we support the Commission's proposal for a Marine Strategy Directive, but believe that a number of improvements are necessary to make it sufficiently robust. We believe that the Directive can add value to the UK Government's work to protect national waters, and, through international conventions, the regional seas. We urge Defra to seek positive changes to the Directive through negotiation, rather than attempting to undermine the Commission's proposal.

Yours sincerely,



Joan Edwards
Chair, Wildlife & Countryside Link Marine Task Force

On behalf of the following organisations:

- Buglife – The Invertebrate Conservation Trust
- Greenpeace
- Herpetological Conservation Trust
- International Fund for Animal Welfare (IFAW)
- Marine Connection
- Marine Conservation Society
- Royal Society for the Protection of Birds (RSPB)
- Whale and Dolphin Conservation Society (WDACS)
- The Wildlife Trusts
- WWF-UK



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