

The Marine Strategy Framework Directive – a brief overview

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- Good Environmental Status
- GES by 2020 as a driver, not a target
- Measures and costs
- Regional approaches and the links with Common Fisheries Policy

GOOD ENVIRONMENTAL STATUS

- 11 descriptors, ranging from biodiversity through commercial fish stocks to energy (effectively, noise)
- Commission decision by July 2010 on “criteria” and methodologies – what you measure and how you assess it

- “distinctive technical features that are closely linked to qualitative descriptors
- Units of measurement, not levels of ambition
- Member States determine GES using the criteria

EUROPE DOES NOT DETERMINE GES

- Member States determine GES “at the regional level” using criteria set down in Community decision.
- Having determined what GES is, Member States must set targets and indicators by 2012 – monitoring programmes follow, then programmes of measures by 2015

Marine Protected Areas an exception

- Article 13 requires publication of proposals for a coherent network of MPAs by 2013 - before the monitoring programme and main programme of measures have to be in place!
- UK planning network by 2012 using powers in Marine Act

SO WHAT WILL THE MEASURES BE?

- Key point is that the Directive positively requires them to be cost-effective, and gives Member States exemption from taking measures whose costs exceed their benefits
- This means we may not be required to achieve GES by 2020 – GES is effectively a policy driver, not a target.

WHAT WILL THE MEASURES BE (2)

- ABP-MER report a first attempt to scope possible measures and their costs – much more work needed
- Does not use excessive cost filter – so cost figures are too high
- Some radical ideas!

STOP BEING COY – WHAT WILL THE MEASURES REALLY BE?

- Fisheries a key pressure – but measures almost exclusively for CFP
- We need more work on litter and noise to clarify the level of benefit from reducing them
- No absolute requirements in Directive except that we should have a network of MPAs

Regional Seas and the CFP

- Directive requires coordination through regional sea conventions – OSPAR a good platform, but needs to strengthen and focus its activity
- Measures for fisheries will be decided through CFP – so GES needs to drive that, too.

MSFD vs Water Framework

Water Framework

- GES ignores human use of waters
- Target levels of quality fixed in EU law
- Cost benefit can only justify delay to 2027

MSFD

- GES acknowledges human activities
- Drivers (GES) and targets fixed by Member States
- Cost benefit can justify indefinite delay so long as GES still aimed for

EU Implementation – the story so far

- Implementation steered by six-monthly marine directors' meetings – jointly with water directors
- Expert groups so far on GES, data, economic and social assessment

Working group on GES

- Has commissioned work from scientific experts on criteria
- Results rather sketchy so far, but we need to decide on criteria by March!
- Solution likely to be an interim one, with scope for review

- Some stakeholders trying to discuss levels of ambition, when the discussion is about criteria
- We need criteria which can be used to measure all possible levels of ambition

- Commission/EEA confusing questions of compliance with question of how best to communicate information on seas to Europe's public
- “All publicly-funded data free of access?”

- UK co-leading with Sweden
- Only just kicked off – focus is on article 8 (1) (c)
- “an economic and social analysis of the use of those waters and of the cost of degradation of the marine environment”

Next Steps

- Committee decision on criteria by July
- Proposal by March to EP
- Data work will resume once criteria have been clarified

Transposition of MSFD in the UK

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Contents

- General approach to transposition
- How coordination with the Devolved Administrations will work
- Impact Assessment

General Approach to transposition

- High level – Governments are competent authorities at this stage
- European Communities Act regulations
- Haven't copied out whole Directive – regs impose necessary duties (eg to prepare a strategy) and confer powers

Coordination with the Devolved Administrations

- One marine strategy for the whole UK (assessment, GES determination, targets, monitoring programme, measures)?
- Assessment, GES determination and targets done for UK as a whole – tasks of monitoring and devising programmes of measures are devolved.

A coherent strategy for the UK

- Duty on all competent authorities to cooperate
- Requirements for consent where actions of one competent authority would affect the responsibilities of the other partner to the Devolution Settlement

Responsibility for actual measures

- Responsibility stays where it was put by the relevant Devolution Settlement
- So eg Scotland may have to ask UK Govt to take measures to help implement Scottish programme of measures

- Not easy to do when we don't know what criteria are, let alone what GES might be!
- IA focusses on transaction costs of implementation
- Actual measures will need to be proportionate – key difference to Water Framework!