

Charting the course towards healthy seas

An NGO response to the Commission's proposal for an EU Marine Strategy Directive

Greenpeace shares the view of a wider coalition of NGOs that the Commission's proposal for a Marine Strategy Directive falls far short of establishing the holistic framework needed to apply an ecosystem approach to the protection of Europe's seas and the management of marine resources. Most importantly, the proposed Directive puts off key decisions on what constitutes a healthy marine environment to a later date and fails to adequately address sectoral pressures on the marine environment and the international dimension of marine protection. For this reason, Greenpeace – jointly with BirdLife International, WWF and the International Fund for Animal Welfare – has proposed a series of changes, including in the following five priority areas:

1. *Setting a strong objective*

Member States should be obliged to achieve Good Environmental Status (GES) and to improve the health of Europe's seas. Currently, the proposed Directive requires Member States to draw up national strategies 'designed to achieve good environmental status'. This implies only an indirect objective to achieve GES. NGOs have suggested to rephrase the objective contained Article 1 to read: This Directive establishes a framework by which Member States shall achieve Good Environmental Status by [2021] at the latest. [...]

2. *Defining a healthy marine environment and identifying the threats*

The Commission proposal contains no clear vision of what constitutes a healthy marine environment, but rather suggests to produce criteria through a delayed and problematic Comitology procedure. This amongst others creates ambiguity in determining whether proposed measures are appropriately ambitious and comparable between Member States. NGOs have proposed to include a list of criteria that would define GES at EU level and within the Directive. These build on the ecosystem approach, and include a number of conditions that have to be met regarding the management of human activities in the marine environment.

Moreover, NGOs have criticised that the proposal fails to ensure that GES can be achieved in the context of other policies and to clarify interactions between the Directive and other EC law, most notably the Common Fisheries Policy. In simple terms, we cannot protect the marine environment without talking about fish. NGOs have suggested a series of provisions designed to improve linkage between policies.

3. *Sticking to the guiding principles of EU environmental policy and using tested conservation tools*

Any new marine law should be based on and contain explicit reference to the guiding principles of EU environmental policy: the precautionary and polluter-pays principles, the ecosystem approach, the principle that preventive action should be taken and damages should as a priority be rectified at the source. It should also use and further expand on the tool of marine spatial protection by providing for a network of marine reserves. NGOs, including Greenpeace, have provided language that would strengthen the proposal in this respect.

4. *Ensuring collective responsibility*

Without an obligation for collective responsibility, Member States may set different national standards, draw up different definitions of GES, and consequently set different priorities for monitoring and assessing the marine environment. Setting joint targets does not mean that Member States cannot be held individually responsible, but rather requires Member States to also invest in regional co-operation. NGOs have called for amendments that would require Member States to produce a single regional marine strategy per region or sub-region.

5. *Marine protection does not stop at Europe's borders*

A holistic and comprehensive EU marine law should also inform European decision-making on the marine environment in areas beyond the jurisdiction of the EU countries (the so-called external dimension). At a minimum this should commit the EU to applying the principles of good oceans governance (ecosystem approach, precautionary approach, polluter pays principle etc) in international negotiations on oceans governance and to the management of activities of EU citizens and vessels in areas beyond the Community territory.

No watering down of the proposed measures:

Finally, ongoing discussions in the Council Working Group on Environment, in Brussels, have also shown that it is necessary to prevent further weakening of proposed provisions. Greenpeace, together with other NGOs, is particularly concerned to see that national officials are all too keen to reduce the role of the European Commission to an advisory rather than an enforcement body. Proposed changes in the Council concern in particular Articles 11 and 15, which provide for the Commission's role in assessing national strategies as to their adequacy. The text should be maintained as proposed by the Commission.