

# Framework for community action in the field of marine environmental policy. Marine Strategy Framework Directive

2005/0211(COD) - 24/10/2005 - Document attached to the procedure

## COMMISSION'S IMPACT ASSESSMENT

*For further information regarding the context of this issue, please refer to the summary of the Commission's initial proposal for establishing a Framework for Community Action in the field of Marine Environmental Policy COM(2005)0504 and 0505.*

### 1- POLICY OPTIONS AND IMPACTS

Having eliminated the options of no action, the tightening up existing legislation, a prescriptive legislative instrument, a purely national approach or loose cooperation through the open method of coordination and, lastly, a Council Decision, the Commission's impact assessment examined the following policy options.

**1.1- Option A - A strictly voluntary approach based on a Communication setting non-binding recommendations, without new legislative measures:** Implementation of the Marine Strategy would be based on voluntary political commitment from Member States and regional marine protection organisations. The Communication would briefly describe the state of the marine environment, the pressures acting on the marine environment and the need for action. It would:

- Set out an overall vision for the protection of the marine environment,
- Describe why any approach to marine protection needs to recognise the differences in the character of the different marine areas in the EU in terms of their physical, chemical and hydrological characteristics, their ecology, the pressures and threats impacting upon the seas and the economic and social conditions of the bordering countries.
- Suggest an ecosystem-based approach to protecting the marine environment.
- Recommend the identification of Marine Regions as being the most appropriate level to prepare Marine Strategies.
- Explain how the EU Marine Strategy will interface with non-EU countries and with the international and regional conventions and commissions which already exist for the protection of European regional seas.

A close alternative to this option would be to couple the Communication with a Recommendation outlining in greater detail steps to be taken to implement the marine strategy. However, as neither of these options has any binding force, they were rejected by the Commission.

**1.2- Option B - A flexible legal instrument:** This legal instrument would be ambitious in its scope but not overly prescriptive in its tools. It would translate the Communication's approach and general ambition into an operational objective, to be further defined at regional level. This objective would be to protect, conserve and improve the quality of the marine environment through the achievement of a desirable environmental status in European seas within a defined time period. In line with the approach, a number of steps would need to be undertaken:

- In recognition of the current gaps in knowledge, assessment and monitoring of the marine environment, the Directive would in particular set common principles and objectives and commit to a common monitoring and assessment process.
- A Marine Strategy, defined as an integrated framework for the adaptive management of human activities impacting on the marine region, would also be prepared for Member States' marine waters within each Marine Region.
- In preparing the Marine Strategies, there would be an obligation to:
  - assess the pressures and threats impacting upon the marine environment and the costs (including environmental costs) of these pressures.
  - Develop a monitoring and assessment programme to be carried out in each sea according to general indications given in the Directive but taking full account of the monitoring and assessment programmes which are already in place.
  - On the basis of the assessment programmes and the monitoring information a draft Marine Strategy for Member States' marine waters with Marine Region would be drawn up. The Strategy would distinguish between actions that can be implemented at regional or national levels and measures that can only be implemented at the level of the EU (Common Fisheries Policy, Common Agricultural Policy, marketing and use of chemicals) or globally (e.g. shipping through the International Maritime Organisation).

## IMPACT

The anticipated impacts of the Commission's chosen option, Option B, are the following:

In the short term, **indirect environmental benefits** would be associated with this option including in particular: more effective management of Europe's marine environment; enhanced knowledge through the establishment of an integrated monitoring and assessment framework; further awareness-raising through the diffusion information and knowledge gained and through increased engagement with stakeholders in each step of the process from the characterisation of marine regions onwards; increased political attention to marine ecosystems at Member State level due to the need to transpose the Marine Framework Directive and deliver improved protection of the marine environment. In the longer term, this option would set out the framework through which good ecosystem status of Europe's marine environment could be achieved. While the impact of the strategy would require some time to become apparent as marine ecosystems are slow to react to reduced pressures, some significant benefits are to be reaped.

In the short term, the establishment of common principles and approaches for the development of the implementation plans will initially impose **costs on government**.

It is not possible to fully anticipate the measures that will emerge from regional implementation plans to be developed as part of the Marine Strategy. Problems and priorities faced by Europe's different seas and oceans are not uniform as they are based upon specific social, economic and environmental contexts and distinct ecological features.

Expected benefits from the implementation phase: The most important benefit is avoiding costs of no-action. Restrictions on certain marine-related economic activities required to protect marine ecosystems seem to be compensated by long-term gains on regulatory and information efficiencies, e.g. increased tourism prospects or more productive fisheries. By identifying programmes of measures, implementation plans will lead to costs to address the threats to the marine environment. All sectors would not be equally affected: direct users of the marine environment (fisheries, aquaculture, tourism) will benefit more

significantly in the long term from the measures proposed than those carrying out activities that pose threats to the marine environment (such as shipping). In the short term, the burden of implementation will primarily fall on users that most directly damage the marine environment (e.g. fisheries).

The most significant **social** benefit would be in securing employment in marine-related industries which would be considerably threatened under a no additional action scenario or a non binding approach because of their dependency on the marine environment. However, in the short-term Marine Strategies are likely to have negative social effects such as increased unemployment in some sectors, e.g. fisheries and unsustainable tourism. However, important shifts from activities degrading or depleting the marine environment to activities likely to benefit from increased quality of the marine environment – such as ecotourism or management of marine protected areas – are to be anticipated. In the long term, it is expected that sustainable employment in marine-related industries would outweigh these short-term negative effects.

## **2- FOLLOW-UP**

The Strategy would be implemented through Marine Strategies to be developed for each Marine Region. Each Strategy would establish an integrated framework for achievement of environmental objectives. Under Option B, the development of Strategies would be binding.

The proposed timetable is that the assessment and characterisation process be completed within 4 years after the entry into force of the Directive; and that the monitoring system be developed within 6 years. As regards the completion of programmes of measures, the target date is 2016. The target date for achieving good environmental status is 2021