

The European Marine Strategy Framework Directive: barriers to its implementation

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what is it?

Art 1 (1) *‘This Directive establishes a framework within which Member States shall take the necessary measures to achieve or maintain **good environmental status (GES)** in the marine environment **by the year 2020 at the latest**’.*

‘Each Member State should therefore develop a **marine strategy** [...]’.

‘By applying an **Ecosystem-Based Approach** to the management of human activities while enabling a **sustainable use of marine goods and services**, priority should be given to **achieving or maintaining good environmental status** in the Community’s marine environment, to continuing its protection and preservation, and to preventing subsequent deterioration’.

‘Ensure the **active involvement of the general public** in the establishment, implementation and updating of marine strategies’.



Article 8: Assessment

*'In respect of each marine region or subregion, Member States shall make an **initial assessment** of their marine waters' (coastal, transitional and territorial waters):*

- a) Analysis of essential features and characteristics (of the marine waters) and **current environmental status**;
- b) Analysis of predominant **pressures and impacts**, including human activity, on the environmental status of these waters;
- c) An **economic and social analysis** of the **use of those waters** and the **cost of degradation of the marine environment**.

Article 9: Determination of GES

*Determine a set of **characteristics for GES** on the basis of the qualitative descriptors listed in Annex 1 of the Directive.*

Article 10: Establishment of environmental targets

*Establish a comprehensive set of **environmental targets and associated indicators** for their marine waters so as to guide progress towards achieving GES.*



What was the forecast about this first phase?

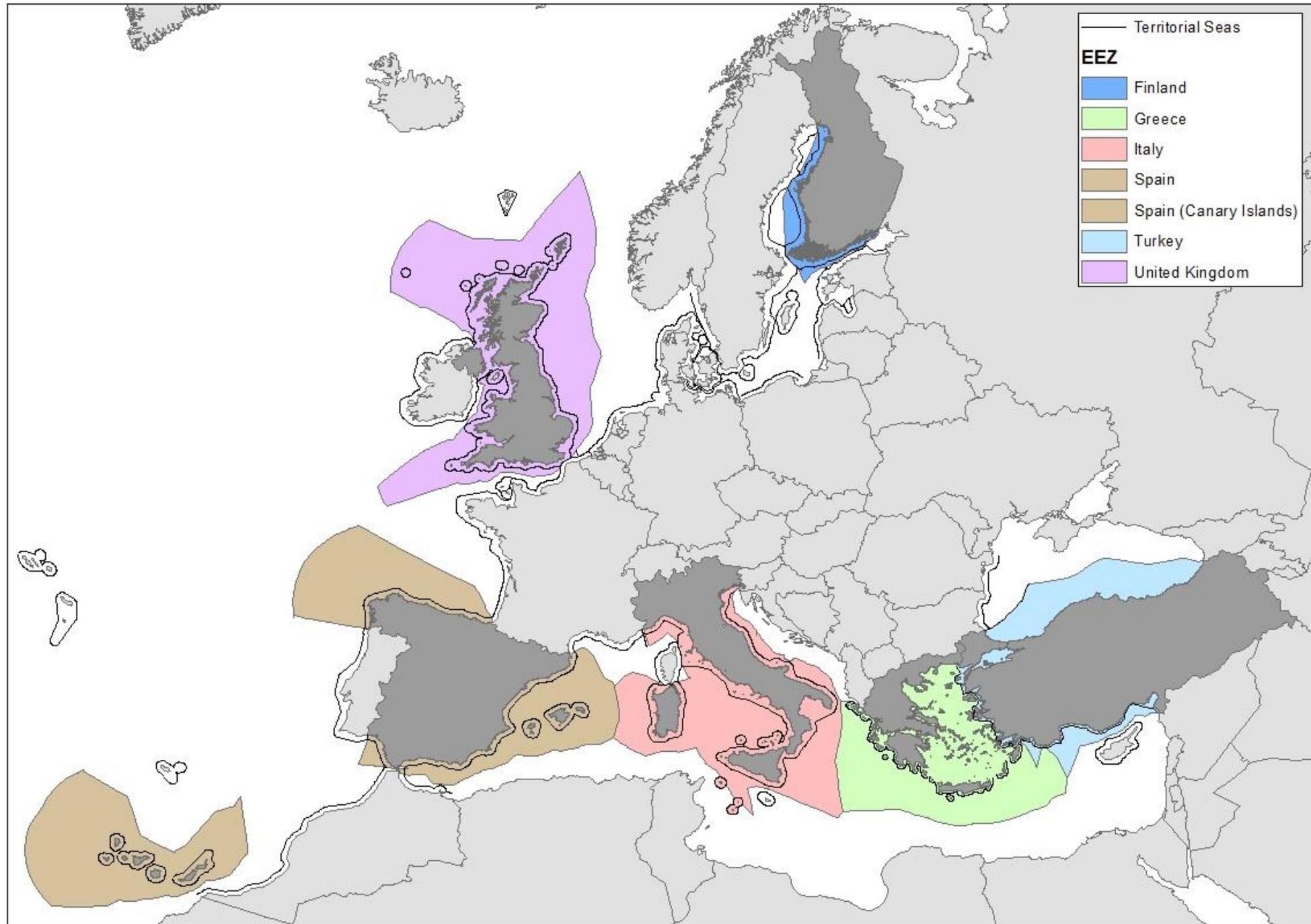
- The first part of the Marine Strategy preparation phase is going to be developmental (a 'test run')
- Flexibility in the text to allow for regional (and in some cases local) specificity (e.g. definition of GES and GES targets, definition of coastal areas etc.)
- Challenging socio-economic analysis for the use of marine waters and the cost of degradation
- The production of guidance documents following the 'Common Implementation Strategy'
- The use of working groups to provide guidance
- Stimulate an interdisciplinary approach for the management of the marine environment (adaptive management)



1. How successful has the implementation of **the first part of the Marine Strategy preparation phase** been?
2. Have any **barriers** to it or to the full implementation of the MSFD been identified?



CASE STUDIES – Member States' marine waters



Source: Claus et al. (2014);
'Maritime boundaries'
EUROSION
Database
(2002-2004).



CASE STUDIES – Survey

Country	National Law	Responsible Agencies	First phase of the MSFD implementation (process)					Barriers			How to overcome barriers	
			Competent authorities	Art. 8 Assess.	Art. 9 GES	Art. 10 Targets and indicators	Stakeholder involvement	Legislative & Administr.	Knowledge	Econ. climate		
									Ecosystem Based Approach	Socio-econ.		
MS	The name, number, and date of the transposing law	Responsible agencies for the implementation of the MSFD	Competent authorities for the first phase of the MSFD implementation	Process and data applied for a) Analysis of current environmental status b) Analysis of pressures and impacts c) Socio-economic analysis: use of marine waters; cost of degradation	Process and data	Process and data	Which stakeholders were involved and at which stage of the first phase of the MSFD implementation	Legislative and administrative issues encountered	Knowledge issues encountered especially for the EBA	Knowledge issues encountered especially for the ES Framework	The impact of the financial crisis on the first phase of the MSFD implementation	What is needed to overcome the barriers encountered and fully implement the MSFD



How successful has the implementation of the first part of the Marine Strategy preparation phase been?



- ✓ An enthusiastic first approach to the implementation of the MSFD.
- ✓ It did stimulate an interdisciplinary discussion to implement an adaptive management in the marine environment
- ✓ The current economic climate **did not stop the will** of Member States to be cohesive and better harmonise the methodologies required by the implementation of the Directive to preserve the marine environment for a sustainable future.
- ✓ Limited stakeholder involvement.
- ✓ Barriers **did challenge** the implementation of the first part of the Marine Strategy preparation phase, but **may be overcome (lessons learnt)** for the full implementation of the MSFD.



Have any barriers to it or to the full implementation of the MSFD been identified?

Results are based on literature review and the case study survey

Legislative barriers:
key definitions and concepts are too general; no quantitative guidance in the definition of GES and GES targets; no guidance or protocols on how data needs to be collected; time frame – too long? too short?

North Eastern Atlantic: OSPAR;
Baltic Sea: HELCOM;
Mediterranean Sea: Barcelona Convention;
Black Sea: Bucharest Convention.

Administrative barriers:
limited methodological harmonisation in data collection and analysis; limited coordination between MSFD and other Directives; limited national institutional coordination; limited coordination by the Regional Seas Conventions

The current economic climate:
budget austerity may limit targeted new research, but may incentivise more efficient data collection.

Knowledge barriers:
For some descriptors, limited biophysical and socio-economic data for the purposes of the MSFD; limited time (till July 2012) and resources to fill in those gaps (would by 2018 be enough?); lack of experience in interdisciplinary analysis.



Barriers in the application of an Ecosystem-Based Approach and of an Ecosystem Services Framework



MSFD: *‘Marine strategies shall apply an **Ecosystem-Based Approach** to the management of human activities, ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of **GES** and that the **capacity of marine ecosystems to respond to human induced changes** is not compromised, while enabling the **sustainable use of marine goods and services by present and future generations**’*

Ecosystem services provide a natural bridge between the natural and social systems and are an essential element of an **Ecosystem-Based Approach (O’Higgins and Gilbert, 2014)**

Ecosystem services: “the aspects of ecosystems utilised (actively or passively) to produce human well-being” (Fisher et al. 2009)

*The Ecosystem Services Framework allows for the **measurement of welfare changes based on changes in the state of the ecosystem and the services it provides.***

The MSFD does not directly recommend the use of the Ecosystem Services Framework, but was one of the methods considered in the WG ESA



- **More time** to fill in data gaps (next round of the MSFD implementation starts in 2018)
- **Better integration** between policy makers and knowledge providers (e.g. Universities and research centres for an interdisciplinary approach)
- **Better coordination and harmonisation** of methods for data collection and analysis within Regional Seas
- **Better coordination** within each Member State administrations
- Wider and more timely **stakeholder involvement**
- **Overcome uncertainties** on how changes in ecosystem state translate to changes in the provision of ecosystem services and fill in the gaps in knowledge on how changes in marine ecosystem service provision translate to changes in welfare

- ❖ Is party to the **Barcelona Convention** and the **Bucharest Convention**;
- ❖ As a **non-EU Member State** is not obliged to implement the MFSD;
- ❖ As a **candidate country for EU membership** they are in the process of bringing their national legislation in line with European policy;
- ❖ **Legislation conformity has not been established for the MSFD yet**;
- ❖ Other national environmental legislation totally or partially already conforms to other Directives;
- ❖ Lessons learned by MS in the implementation of the first part of the Marine Strategy preparation phase may help candidate MS to harmonise with the Directive.



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