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**Thematic Strategy on the Protection and Conservation of the Marine Environment**

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## 1. INTRODUCTION

The marine environment is a precious asset. Oceans and seas provide 99% of the available living space on the planet, cover 71% of the Earth's surface and contain 90% of the biosphere and consequently contain more biological diversity than terrestrial and freshwater ecosystems. Marine ecosystems play a key role in climate and weather patterns. Indispensable to life itself, the marine environment is also a great contributor to economic prosperity, social well-being and quality of life.

However, the marine environment is under significant pressure. The pace of degradation of its biodiversity, the level of contamination by dangerous substances and the emerging consequences of climate change are some of the most visible warning signals. The recently released UN Millennium Ecosystem Assessment highlighted depleted fish stocks and harmful algal blooms leading to the destruction of marine life as two of the most significant examples of accelerating, abrupt and potentially irreversible changes to ecosystems.

In light of the increasing concerns in relation to the state of Europe's oceans and seas, the EU's 6<sup>th</sup> Environment Action Programme included a commitment to develop a Thematic Strategy for the protection and conservation of the marine environment (hereinafter the Strategy) with the overall aim "*to promote sustainable use of the seas and conserve marine ecosystems*". While the Strategy is primarily focused on the protection of the regional seas bordered by EU countries, it also takes into account the international dimension in recognition of the importance of reducing the EU's footprint in marine areas in other parts of the world, including the High Seas.

The Strategy is to be seen within the broader context of the development of a new EU Maritime Policy. The need for such a policy stems from the economic, social, and environmental importance of the maritime dimension in Europe, as underlined in the Commission Strategic objectives for 2005-2009. The vision is that of a Europe with a dynamic maritime economy in harmony with the marine environment supported by excellence in marine science. A Green Paper will be presented in the first half of 2006 defining the scope and main orientations of this policy. The Strategy will directly contribute to the work on the future EU Maritime Policy.

The initiatives being taken by the EU on maritime affairs reflect an increasing recognition of both the importance and the sensitivity of marine ecosystems. A number of EU and non-EU countries have launched major policy initiatives in recent years. These policies all take as their starting point that a high level of protection of the marine environment is a *sine qua non* to realise the full economic potential of oceans and seas.

## 2. THE DETERIORATING STATE OF EUROPE'S MARINE ENVIRONMENT

Europe's marine environment is faced with increasing and severe threats. The Commission described these threats in a Communication from 2002<sup>1</sup>. The evidence of the deteriorating status of our seas and oceans has continued to accumulate over the past three years. Europe's

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<sup>1</sup> COM(2002) 539.

marine biodiversity is decreasing and continues to be altered. Marine habitats are being destroyed, degraded and disturbed.

The principal threats to the marine environment that have been identified include the effects of climate change; pollution (including contamination by dangerous substances; from land-based sources; litter, microbiological; oil spills as a result of accidents as well as pollution from shipping and offshore oil and gas exploration; pollution from ship dismantling; and noise pollution); the impacts of commercial fishing; the introduction of non-native (exotic) species principally through discharge of ships' ballast water; nutrient enrichment (eutrophication) and associated algal blooms; and illegal discharges of radionuclides (see impact assessment accompanying the Strategy for more information on threats and pressures).

The current deterioration of the marine environment and the associated erosion of its ecological capital jeopardises the generation of wealth and employment opportunities derived from Europe's oceans and seas. If not addressed, this will undermine the capacity of the EU maritime cluster to make a strong contribution to the Lisbon agenda.

Economic activities that directly depend on the quality of the marine environment would be particularly affected. The key sector of tourism would be severely hit. As regards fisheries, the loss of income from over-fishing of cod alone in the North Sea and Baltic Sea was estimated to reach €400 million in 2002<sup>2</sup>. Other estimates forecast that the turnover of British fisheries could contract to 30% if stocks are badly managed and the industry fails to modernise in order to compete<sup>3</sup>.

### **3. AN INADEQUATE INSTITUTIONAL FRAMEWORK FOR THE MANAGEMENT OF THE SEAS**

There are institutional barriers to improved protection of Europe's marine environment:

- At EU and national level, a number of measures exist which contribute to some extent the protection of the marine environment but most of these measures are sectoral and were not designed specifically for protection of the marine environment.
- Many of Europe's regional seas are the subject of international conventions and a number of these have made excellent contributions to marine protection. However, these conventions have few enforcement powers and this compromises their effectiveness in achieving agreed goals.
- At the global level, there is little articulation between the large number of strategies, conventions and agreements in place. Many international agreements on the marine environment face significant challenges in implementation and enforcement. This is problematic given the global nature of certain marine activities – e.g. shipping.

The development of the Strategy has already contributed significantly to enhancing the co-ordination of marine protection efforts, in particular with regional seas conventions. Commitments to contribute to the Strategy were taken by the Helsinki Commission on the Protection of the Baltic Sea and the Oslo and Paris Conventions on the Protection of the

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<sup>2</sup> WWF, 2002.

<sup>3</sup> UK Cabinet Office, 2004.

Northeast Atlantic at their Joint Ministerial Meeting held in Bremen in June 2003; and by the Barcelona Convention on the Protection of the Mediterranean Sea at its Ministerial Meeting held in Catania in November 2003.

In order to build on progress made through existing institutions, policies and conventions and to take action to make further progress, there is a need to formulate a clear overarching vision for the marine environment and associated policies. A strong EU policy on marine protection will complement and bolster the current patchwork of institutional arrangements by providing a legally enforceable framework within which Member States will operate with the support of the EU institutions. In particular, with regard to the regional conventions, their long track record of scientific and technical competence and ability to act as a bridge with non-EU countries will make them invaluable partners in delivering the EU Strategy. With regard to the existing institutional and legal arrangements at an international/global level (e.g. IMO, UNCLOS) EU policy will be developed within the context of the Green Paper on Maritime Policy.

#### **4. AN INSUFFICIENT KNOWLEDGE BASE**

Good policy depends on high-quality information. Existing monitoring and assessment programmes are neither integrated nor complete. The knowledge they have generated reveals a significant number of information gaps on the state of Europe's marine environment, the effectiveness of existing measures, and the various threats and pressures posed by human activities.

A new approach to marine monitoring and assessment and the use of scientific information is required across the different levels of governance which should identify and fill knowledge gaps, reduce duplicated data collection and research, and promote the harmonisation, broad dissemination and use of marine science and data. This should result in substantial efficiency gains across sectors and institutions.

This new approach to marine assessment and monitoring will be based upon existing programmes including the Data Collection Regulation under the CFP, and will be tailored to ensure full consistency with relevant Commission new initiatives (INSPIRE and GMES).

#### **5. ADDRESSING THE CHALLENGE**

The aggregate of all existing measures and efforts to protect the marine environment is not sufficient to afford the desired level of protection and conservation.

Preventing further loss of biodiversity and deterioration of the marine environment and fostering the restoration of marine biodiversity requires an integrated policy for protection and restoration which takes into account all pressures and sets clear, operational objectives and actions.

##### **5.1. The overall objective of the Strategy**

The objective of the Strategy is 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.

## 5.2. Key elements in building the Strategy

If the EU is to achieve this ambitious objective, a new approach and principles to inform the design and implementation of a future EU strategy will be required, encompassing:

- **A dual EU/regional approach** setting at EU level common co-operation and approaches among Member States and third countries bordering EU oceans and seas, but leaving the planning and execution of measures to the regional level to take into account the diversity of conditions, problems and needs of marine regions requiring tailor-made solutions.
- **A knowledge-based approach**, in order to achieve informed policy-making.
- **An ecosystem-based approach**, whereby human activities affecting the marine environment will be managed in an integrated manner promoting conservation and sustainable use in an equitable way of oceans and seas.
- **A co-operative approach**, providing for broad engagement with all relevant stakeholders and enhancing co-operation with existing regional seas conventions.

## 5.3. The need for a new policy instrument

If the EU is to protect and conserve the state of the marine environment, greater actions need to be taken and the EU must provide itself with the means to ensure that it delivers. A framework for enhanced co-operation should ensure:

- a high level of protection for Europe's oceans and seas;
- an improved knowledge base to inform policy making;
- integrated and cost-effective actions to reduce pressures;
- effective monitoring and assessment to make sure goals are achieved and actions deliver results.

Several options have been considered (see accompanying impact assessment for details). A first possibility would have been to confine action to tightening up existing legislation and policies affecting the marine environment. After detailed assessment, this option was not chosen as it would not have been sufficient to deliver the high level of protection of the marine environment required by the Treaty: sectoral policies address marine ecosystem components in isolation rather than in combination and their objectives often differ and can even be contradictory.

A second possibility would have been to promote co-operation through voluntary commitments from Member States and regional seas conventions. It would however not have been possible to create an enhanced framework for co-operation if in the context of a such a voluntary arrangement Member States were free to unilaterally lower the level of protection they believe is appropriate, or not to contribute to the development of an improved knowledge base, or to decline to take cost-effective action thereby shifting the burden to others. This option was therefore also not retained.

Based on the above, the Commission considers that in order to achieve the objective of the Strategy a binding legal commitment is required. As regards the choice of instrument, a flexible approach has been taken respecting subsidiarity. The Commission proposes a Marine Strategy Directive, ambitious in its scope but not overly prescriptive in its tools. A prescriptive instrument would have been the wrong avenue, making it impossible to take into account the regional dimension.

#### **5.4. Features of the Marine Strategy Directive**

The objective is to achieve good environmental status of Europe's marine environment by 2021. This date will coincide with the first review of River Basin Management Plans under the EU Water Framework Directive (WFD), allowing for synergies on the further implementation of both Directives.

The Directive will only define common objectives and principles at EU level. The Directive will establish European Marine Regions and identify potential sub-regions as management units for implementation, on the basis of hydrological, oceanographic and bio-geographic features. No specific management measures will be set down at EU level.

For the marine waters under their sovereignty or jurisdiction within each Marine Region or sub-region, Member States will be required to develop in close cooperation with one another Marine Strategies including an assessment of pressures and threats impacting upon the marine environment; regional environmental objectives; indicators and monitoring measures to evaluate progress towards these objectives. On this basis, Member States will be requested to develop and implement programmes of measures in order to achieve good environmental status, in close collaboration with other Member States and third countries concerned. To do so, they will be encouraged to work within regional seas conventions.

When issues identified by Member States fall within the scope of Community competence, Member States will be required to inform the Commission. The Commission may indicate how EU policies are addressing the problem or refer, when relevant, to planned adjustments or measures to be taken as part of the management and regular policy-making cycle of these policies – e.g. CFP or Common Agricultural Policy (CAP). Where issues concern activities that are dealt with in the context of global agreements and conventions such as UNCLOS or IMO, a co-ordinated EU position in these bodies may be developed.

The Directive foresees special situations and areas where it would be impossible for a Member State to achieve the level of ambition of the environmental targets set, in order to take into account the particular contexts of certain Marine Regions.

The implementation process will be iterative and management will be adaptive through regular reviews taking into account data collected from monitoring programmes, new developments and the impacts of measures introduced.

## **6. SYNERGIES WITH OTHER POLICIES**

### **6.1. The future EU Maritime Policy**

The Communication of March 2005 on the future EU Maritime Policy underlines the growing international recognition that ocean affairs are interlinked and require a comprehensive

approach to manage effectively the competing uses of the seas and bolster their growth potential without impairing marine ecosystems.

In developing improved co-ordination in relation to environmental issues, the Strategy will deliver the environmental pillar of the future Maritime Policy. It will set out the course of action required to protect marine ecosystems upon which the sustainable wealth, productivity and employment opportunities, and broader human welfare derived from oceans and seas depend.

One of the central issues to be tackled by the future Maritime Policy will be the question of the overall governance framework through which the users and uses of oceans and seas can be regulated. This will be addressed in the Green Paper on Maritime Policy. The governance arrangements foreseen in the Marine Strategy constitute a first step. Options for further development of a broader governance framework to be elaborated under the maritime policy should also take account of the highly diverse legal and political specificities in each of the European regional seas, ranging from the Baltic Sea with seven EU Member States and the Russian Federation to the Mediterranean where Exclusive Economic Zones have not been declared and the EU has to work jointly with a number of third countries.

## **6.2. Other EU policies**

### *6.2.1. Synergies with other environmental measures and initiatives*

While a number of measures and initiatives have been taken at EU level which contribute to some extent to the protection of the marine environment, these measures were not specifically designed to protect the marine environment

- In enhancing environmental protection of sea catchment areas inland through improved freshwater quality, implementation of the WFD will make an important contribution. Regular discussions between the Commission and Member States Water Directors –overseeing the implementation process of the WFD through its Common Implementation Strategy- on the Strategy and its articulation with the WFD will continue to take place building upon past practice, in order to optimise synergies.
- Implementation of other relevant EU water legislation – Urban Waste Water Treatment and Nitrates Directives- also remains a priority as it will lead to reductions in marine eutrophication.
- Continued efforts to combat climate change contribute to achieving the objectives of the Strategy. In this context, the contribution of off-shore wind power to reducing greenhouse gas emissions should be evaluated in a balanced way taking into account environmental as well as competitiveness aspects.
- The Strategy does not override or obviate obligations under the Habitats and Birds Directives in the marine environment. The Strategy will however foster longer-term support for the protection and restoration of these habitats and species, in particular by improving the wider environmental condition of the marine environment.
- Given the inextricable links between the coastal zone and the marine environment, the implementation of the Strategy will provide a supportive framework for the

national strategies foreseen by the Recommendation on Integrated Coastal Zone Management and for spatial planning in general.

- Considerable synergy will be achieved between the Strategy and the implementation of the other Thematic Strategies developed as part of the 6<sup>th</sup> EAP – Air, Soil, Pesticides, Recycling, Resources and Urban environment. In particular, the key issue of emissions from shipping is addressed through the Air Strategy and in particular the recently adopted marine fuel sulphur Directive.
- The tracing of the contamination of marine biota which the Environment & Health Strategy will enable will also contribute to the Strategy.

#### 6.2.2. *Continued efforts on integration*

- The contribution from fisheries will be through the reformed CFP and the environmental remediation measures it foresees, which should benefit biodiversity of harvested fish stocks and of non-target marine species and ecosystems. Synergies will be developed with the newly established Regional Advisory Councils. In light of priority actions emerging from the implementation of the Strategy at regional level, new fisheries management measures may be called for which would need to be considered under the CFP.
- The extensive maritime safety legislative packages developed in the past few years at EU level will play an essential role. Assessments made at regional level as part of the Strategy may point to the need for complementary efforts and initiatives to further reduce the environmental impacts of shipping such as the development of alternative means of transporting crude oil and petroleum products for example by pipelines or by rail
- Land-based human activities have a significant impact upon the quality of the marine environment and this underlines the importance of integrating considerations of marine protection into key policy areas such as agriculture, energy, industry, tourism and coastal and regional development. The relationship between the marine strategy and the peripheral coastal regions of the EU will require particular attention.
- The EU's 7<sup>th</sup> Framework Programme for Research will play an important role by stepping up applied research activities on marine ecosystems and dynamics as well as on the sustainable use of marine resources.
- Actions to ensure the industrial and civil wastes having an impact on the marine environment are properly managed under Community rules should be actively pursued. With regard to the effective management of nuclear waste the Commission would underline the importance of achieving the adoption of its recent proposal on the management of nuclear waste.

#### 6.2.3. *The international dimension*

Implementing the Strategy will enable the EU to fulfil obligations contracted under relevant international agreements and will improve the EU's contribution to globally agreed goals and targets. Equally, Member States are encouraged to ratify and implement international conventions, the purpose of which is to protect the marine environment (e.g. the International

Convention for the Control and Management of Ships' Ballast Water and Sediments and the International Convention on the Control of Harmful Anti-Fouling Systems on Ships). As the marine environment is by essence transboundary, continued EU efforts to advance protection of the marine environment at global level remain a priority, including in the sensitive area of conservation and use of deep water resources.

The EU will continue to lead in the framework of the UN Convention on Biological Diversity (CBD) to implement relevant decisions in order to halt the loss of biodiversity globally. The Strategy will boost the EU's efforts to achieve marine-related CBD objectives. The Commission will intensify steps to increase the sustainability of fisheries agreements with developing countries contracted under the CFP.

EU development co-operation policy continues to remain essential to support developing countries' efforts to protect, conserve and sustainably exploit their own marine resources, including in the area of ship dismantling.

### **6.3. Co-operation with non EU actors**

#### *6.3.1. Co-operation with regional seas conventions*

Regional seas conventions, which provide fora within which the Community, EU Member States and third countries work jointly and have acquired extensive expertise in protecting the marine environment, should be used to promote the necessary co-ordination. The Strategy will facilitate enhanced co-operation with these conventions as well as further stimulate exchanges and cross-fertilisation between them. This will provide the best possible framework for co-operation and permit substantial efficiency gains as no *ad hoc* structure will be established.

#### *6.3.2. Co-operation with third countries*

The Strategy aims at strengthening interaction with third countries with which the EU shares oceans and seas. Bi-lateral frameworks for co-operation between the EU and third countries, including the Partnership and Co-operation Agreements concluded with the majority of the neighbouring countries as well as the Action Plans developed in the context of the European Neighbourhood Policy will be of particular importance. The EU-Russia Energy dialogue will also contribute to the protection of the marine environment by reinforcing the transport of oil over land and by improving the security of the maritime transport of oil.

Appropriate financing support should be channelled through existing and future mechanisms to support co-operation efforts with third countries concerned – in particular, the European Neighbourhood Policy Instrument and other relevant funding instruments.

## **7. CONCLUSION**

The marine environment is under threat. This requires effective EU action as the protection of the resource base is a precondition for achieving sustainable wealth and generating employment from Europe's oceans and seas as well as enhancing quality of life. As the EU seeks to revitalise and reinvigorate its economy, effective protection of the marine environment can make a substantial contribution.

The Strategy will be reviewed in 2010 and feed into the final evaluation of the 6<sup>th</sup> EAP.