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Review

Recent European initiatives in marine protection policy: towards lasting protection for Europe's seas?

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ARTICLE INFO

Published on line 23 January 2009

Keywords:

European maritime policy
Marine Strategy Framework
Directive
Marine protection
Fisheries
Eutrophication
Maritime industry
Agriculture

ABSTRACT

The seas and oceans are increasingly a focus of policy interest in Europe. This is mirrored in wide-ranging activities to manage and protect the marine environment, which raises the question of whether such activities go towards developing sustainable management of the seas. Sustainable management calls for an integrated and cross-sectoral approach in order to protect highly valuable marine biodiversity from sea- and land-based activities of all kinds. While some recent developments are fairly promising, there are still no moves on the policy agenda towards uniting all relevant European policy sectors – and particularly the Common Agricultural Policy and the Common Fisheries Policy – under the shared objective of sustainable management and protection of the marine environment and its resources.

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1. Introduction

Our seas are under ongoing pressure from a huge number of anthropogenic factors. The marine environment is affected by marine activities such as fishing, shipping, oil and gas exploration, sand and gravel extraction, mariculture and tourism, and by land-based activities such as agricultural and industrial production. These activities lead to loss of species and populations, physical damage to marine habitats, nutrient and chemical pollution, littering of the sea, introduction of non-indigenous species, and noise exposure. Anthropogenic climate change further adds to these diverse pressures, altering water temperatures, sea levels and the pH levels of marine waters. All these elements can have an additive impact on marine habitats. Among other things, the Baltic Sea is consequently at risk of long-term eutrophication, and the commercially most important fish stocks in the Northeast Atlantic already deviate 30% from safe biological limits (ICES, 2003, 2007).

This paper is based on the Environmental Report published by the German Advisory Council on the Environment in June 2008 (SRU, 2008).

2. Problems and action areas

In the following, we survey the main pressures on marine ecosystems and recent developments in European policies to protect the marine environment from such pressures.

2.1. Fisheries

Fishing and the harvesting of other marine species for human and animal consumption comprise the most significant use of sea and ocean biological resources. Mismanagement in European fisheries and environmental damage caused by the fishing industry have been subjects of debate for many years. The main impacts of fisheries are overexploitation of

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doi:10.1016/j.envsci.2008.12.008

fish stocks, discards and mortality of non-target species, and physical destruction of marine habitats by fishing activities, with benthic communities particularly hard hit by trawling. The prime reason for the failure to implement sustainable fisheries management in European waters is the Common Fisheries Policy (CFP), which is still dominated by short-term economic and political interests. Despite warnings from various quarters, there are no signs of substantial change in this misguided policy to date. In its present form, the CFP has major shortcomings: apart from environmental damage, the current mismanagement destroys jobs and places the long-term use of highly valuable natural resources at risk. Sustainably managed fish stocks can produce higher yields than overexploited fish stocks (SRU, 2004).

It is not yet known whether the endangered fish stocks can recover even if the fisheries were to be shut down completely in the near future. Factors that might speak against fast recovery include occupation of ecological niches in the meantime by other species and changes in habitats due to climate change (Caddy and Agnew, 2003). A very well known example of the difficulties in predicting trends in fish stocks relates to the cod population off the coast of Labrador and Newfoundland, which collapsed in the early 1990s and has not recovered since, despite near total closure of the fisheries (Hutchings and Myers, 1994).

2.1.1. Fisheries management

There is an urgent need for a new fisheries management system in Europe that places greater responsibility on fishers by ensuring that the status of fish stocks features more prominently in their business calculations. A promising approach is the introduction of a flexible quota management system in the form of individual transferable quotas (ITQs) or territorial user rights in fisheries (TURFs) (Hentrich and Salomon, 2006). TURFs are practicable in areas with a broad distribution of relatively static stocks of the kinds targeted by coastal fisheries, whereas ITQs can be implemented for mobile (offshore) fish stocks.

European-wide harmonisation of the catch quota management system is necessary in any case. Contrary to current practice, the total allowable catch (TAC) for the two regulatory alternatives just mentioned also needs to be set on the basis of scientific recommendations. As considerable natural variability makes future trends in fish stocks very hard to predict, extra weight must be given to the precautionary principle in this connection.

The precautionary principle should be taken into consideration in particular in discussions on maximum sustainable yield (MSY), a stock management concept agreed to by member states in Johannesburg. The European Commission plans to adopt this management tool (European Commission, 2006b) even though it places too little emphasis on the precautionary aspect and is thus unsuited to the management of the fish stocks (Kell and Fromentin, 2006). Another criticism of this somewhat dated concept is that it is based on insufficient data concerning landings and discards and fails to incorporate the ecosystem approach. Finally, the MSY concept permits catch quotas that theoretically guarantee stock preservation, but the optimum ratio of catch effort to catch quantity is exceeded (Endres and Querner, 2000).

A substantial reduction of the European fishing fleet is urgently necessary, especially in fisheries where individual

stocks are under severe pressure. It is therefore essential to withdraw all subsidies that even indirectly contribute to maintaining overcapacity or run contrary to sustainable fisheries management (SRU, 2004).

Alongside structural changes, short-term measures such as the closure of specific fisheries and recovery programmes for overexploited fish stocks are a priority to avoid further damage.

2.1.2. Illegal fishing activities

Illegal fishing further adds to the overexploitation of fish stocks. Large quantities of illegally caught fish, including from European waters, are still landed in ports across the Community (Clover, 2005). For example, there are still large numbers of unreported landings of cod from the Baltic Sea (ICES, 2007). The European Commission is called upon to take action here, as member state monitoring mechanisms often fail and the detection of unlawful activities has hardly any consequences.

Moreover, the European Commission continues to pinpoint deficits in law enforcement relating to illegal fishing activities (European Commission, 2007d). Sanctions of severe infringements of fishing rights are also too mild to be a deterrent. According to the European Commission, European Union citizens involved in illegal fishing outside European waters have rarely been prosecuted to date.

To address the identified deficits, the European Commission presented on 17 October 2007 a proposal for a Council Regulation Establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing (European Commission, 2007d). The measures proposed by the Commission include:

- A European Community IUU vessel list and a list of non-cooperating states in fighting IUU fishing activities.
- Requiring member states to inspect in their ports at least 15% of landings, transshipments and on-board processing operations by third country fishing vessels each year.
- Banning IUU vessels flying the flag of a third country from entering ports of member states, except in case of force majeure.
- Prohibiting the import into the Community of fishery products from IUU vessels.

The proposed Council Regulation is certainly an important step in the fight against IUU fishing, but it only serves to stop such fishing outside European waters. What is missing is a critical analysis of Europe's policy on IUU fishing in its own territory where there is a manifest lack of enforcement, with IUU offences still inadequately pursued (Sissenwine and Symes, 2007). It is necessary for the European Commission to take its responsibilities seriously in any case and pay attention to the enforcement of applicable law by the member states. Reducing overcapacity in the European fishing fleet and hence economic pressure on the fleet due to dwindling fish stocks will also help resolve the problems of IUU fishing.

2.1.3. Marine protected areas

Action is also needed to protect non-target species and marine habitats from fishing activities. To secure area-specific

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