



# Challenges in cross-sectoral marine protection in Europe



Markus Salomon\*, Miriam Dross<sup>1</sup>

German Advisory Council on the Environment, Luisenstr. 46, 10117 Berlin, Germany

## ARTICLE INFO

### Article history:

Received 23 January 2013

Received in revised form

19 February 2013

Accepted 19 February 2013

Available online 16 March 2013

### Keywords:

Marine environment protection

Marine Strategy Framework Directive

Common fisheries policy

Marine spatial planning

Marine protected areas

Common agricultural policy

## ABSTRACT

Marine environment protection in Europe faces a number of challenges. One is the coordination of relevant sectoral policies — such as agricultural and fisheries policies — with regard to marine protection objectives. The question in the following is on how marine protection issues can be more closely integrated in sectoral policies under the conditions prevailing at present. In particular the strength and weaknesses of the Marine Strategy Framework Directive (MSFD) as the key instrument for marine environment protection in Europe are analyzed in this context. In particular, the MSFD does not adequately address all sectors and policies which are relevant to marine environment protection. One possible means of giving the MSFD greater influences on other policies of relevance to marine waters is to integrate the objectives established under the MSFD in the European maritime policy. The aim should be to require the further development of sectoral policies to take unrestricted account of the objectives of the MSFD implementation process. But also other instruments of marine policy such as maritime spatial planning and marine protected areas are crucial to advance the protection of European seas.

© 2013 Elsevier Ltd. All rights reserved.

## 1. Introduction

European seas are adversely affected by a large number of human activities [1–3]. These impacts are due to a wide variety of polluters, such as fisheries, agriculture, shipping, resource extraction and tourism, and also land-based industries. Well known examples are the continuing high level of nutrient inputs from the agricultural sector or damages to seabed habitats by heavy bottom trawling. But marine protection faces special challenges not only as a result of the many different sources of pressures, but also because the seas are subject to many different legal regulations and policies. Predominant examples beside European environmental law are the common fisheries policy (CFP), the common agricultural policy (CAP) and the international obligations regarding the greening of international shipping.

With the adoption of the Marine Strategy Framework Directive 2008/56/EC (MSFD) in 2008, for the first time an integrated approach on the protection of the marine environment in Europe was established. Among other things, this directive obliged member states to implement protective measures at national and regional level. The question arises to what extent the MSFD is able to promote the integration of marine protection in the relevant sectoral

policies. There is not much doubt that the MSFD offers considerable opportunities. The directive provides a comprehensive protection approach in line with the ecosystem approach for European waters. In the following the special challenge of coordinating the relevant sectoral policies with regard to marine protection objectives is discussed. The focus here is on how marine protection issues can be more closely integrated in sectoral policies under the conditions prevailing at present. In particular, the strengths and weaknesses of the MSFD in this context and its interactions with other relevant regulations and policies are discussed.

The present article is based on a chapter of an environmental report published by the German Advisory Council on the Environment in June 2012 [4].

## 2. Obstacles in integrating marine environment protection in sectoral policies

Like already mentioned, marine protection is subject to a wide variety of policies and fields of law [5]. There exist numerous conflicts between marine protection and economically oriented sectoral policies [4,6]. Coordination of all relevant sectoral policies would be necessary for a comprehensive and integration-oriented approach to protection. However, the relevant departments largely work independently of one another. As a result, national and international technical regulations are highly fragmented and are based on sectoral logic and objectives which in some cases are conflicting or contradictory. Past experience has shown that

\* Corresponding author. Tel.: +49 30263696125; fax: +49 30263696109.

E-mail addresses: [Markus.Salomon@umweltrat.de](mailto:Markus.Salomon@umweltrat.de),

[mark\\_salomon@web.de](mailto:mark_salomon@web.de) (M. Salomon), [Miriam.Dross@umweltrat.de](mailto:Miriam.Dross@umweltrat.de) (M. Dross).

<sup>1</sup> Tel.: +49 30 263696108.

sectoral solutions and regulations frequently fall short of the mark when it comes to effective marine protection. Insufficient importance is attached to marine protection, and the relevant policy areas do not accept enough sectoral responsibility for marine protection objectives [7].

Another challenge is the transboundary character of both the use of the seas and their pollution. The protection and use interests associated with the sea are inter-related, not only horizontally (across sectoral policies), but also vertically across several hierarchical levels (international, European, national, and even sub-national). This intertwining involves great challenges not only when it comes to reaching agreement on marine protection measures, but also for their monitoring and enforcement [5].

Although various international and regional conventions have been adopted to prevent adverse impacts on the marine environment, for example the UN Convention on the Law of the Sea (UNCLOS) and the Convention on the Protection of the Marine Environment of the Northeast Atlantic (OSPAR Convention) as well as the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention), the problem of resistance by business interests to the creation or tightening of environmental standards is joined by the difficulty of agreeing on common standards at international level. The work carried out in connexion with the regional marine protection conventions has a special position. In the past these have frequently played a pioneering role compared with the EU, because the negotiating process there has often developed a dynamic of its own, resulting in the achievement of quite far-reaching decisions on marine protection. On the other hand it has not proved possible under the OSPAR and Helsinki Conventions to take any decisions reinforced by sanctions [7]. In general, the international and regional conventions lack ways and means of ensuring national compliance [8,9].

### 3. The example of international shipping

Shipping is a prominent example for economic uses that endanger the marine environment. In the following the field of tensions and constraints between the interests of the shipping sector and the requirements of marine protection is discussed. However, similar conflicts exist in other areas, e.g. fisheries [10], agriculture, oil and gas production, sand and gravel extraction, offshore wind energy, and the laying of submarine pipelines and cables [5].

Marine shipping forms the backbone of the maritime industry, which also embraces the economic areas of ports, shipyards, shipping lines, the supply industry and marine technology. In the EU, 90% of foreign and 40% of domestic trade goes by sea [11]. In view of the increasing pressure of competition, especially from outside Europe, one central objective of European maritime economic policy is to maintain competitiveness and safeguard jobs in the marine shipping industry [11]. Marine shipping makes a considerable contribution to environmental pollution of the seas by emissions of atmospheric pollutants and greenhouse gases, noise emissions, operational release and illegal disposal of oil residues, inputs of waste and antifouling agents, and the introduction of alien species via ballast water in particular. On the other hand shipping is to a large extent subject to international regulations. UNCLOS assigns a special status to marine shipping by guaranteeing its freedom and giving priority to main shipping routes. Shipping enjoys a position of pre-eminence under international law. However, it is also bound by numerous international obligations to take measures to protect the environment [9,12]. The most important convention of the International Maritime Organization (IMO) is the International Convention for

the Prevention of Pollution from Ships, of 2 November 1973 (MARPOL). Other IMO conventions relate to marine pollution by oil, waste and hazardous substances, antifouling agents, ballast water control, and ship recycling. They are supplemented by regional conventions, such as the OSPAR Convention and the Helsinki Convention. The directive 1999/32/EC relating to a reduction in the sulphur content of certain liquid fuels (amended in 2005) is an example for European initiatives to reduce the environmental impacts from shipping. However, generally speaking, it is particularly difficult to lay down environmental standards for shipping at international or regional level [13]. In many areas it has so far proved impossible to reach an agreement between the 170 member states of the IMO. For example, there is still lack of ambitious environmental standards in this sector for emissions of CO<sub>2</sub>, particulates and NO<sub>x</sub> [3]. The scope for individual coastal states to take the initiative themselves and introduce environmental regulations for marine shipping is limited by the pre-eminent position of shipping under international law.

## 4. The way forward

The easiest way to integrate marine protection objectives in sectoral policies would be an effective regulatory framework that defined action targets which can be operationalised. However, the necessary overarching coordination and the necessary political prioritisation of objectives with regard to marine waters suffer from the fact that political initiatives frequently come to a halt at the departmental boundaries of sectoral authorities. The initiative for a European maritime policy is a first step on the way to overcoming this problem (see below). The MSFD as the environmental pillar of European maritime policy embodies the hope that an integrating, cross-sectoral policy will strengthen the interests of marine protection [14,15].

### 4.1. The European maritime policy

The idea of an integrated European maritime policy was first given concrete shape by the European Commission in mid 2006 in the Green Paper “Towards a future Maritime Policy for the Union: a European vision for the oceans and seas” [16]. The resulting discussion process did not begin until after the European protection approach and the MSFD had already been set in motion, and must therefore be regarded as a largely independent political process. The intention of the Green Paper was to bring about closer coordination of the sectoral policies relating to marine waters [17]. The focus was on use aspects. With regard to protection, explicit reference was made to the legal implementation of the maritime strategy and the MSFD. The Directorate-General for Maritime Affairs and Fisheries was responsible for the Green Paper; also involved were the six Directorates-General for the Environment, Enterprise and Industry, Transport, Energy, Regional Policy and Research. The five central chapters of the Green Paper relate to: use of the seas; the quality of life in coastal regions; tools for managing relations with the oceans; governance; and Europe’s maritime heritage and maritime identity.

The Green Paper draws attention to the special importance of the seas as economic regions and sets out a large number of objectives for a European maritime policy. For example, it is to strengthen growth and employment in the maritime sector, but also ensure protection of the seas in accordance with the principles of an ecosystem approach. The Green Paper focuses on the intention to achieve use of the seas that is viable in the long term. It stresses that Europe can profit only from marine resources if these are not endangered by serious environmental impacts and over-exploitation. According to the Green Paper, this

Download English Version:

<https://daneshyari.com/en/article/7491668>

Download Persian Version:

<https://daneshyari.com/article/7491668>

[Daneshyari.com](https://daneshyari.com)