



SEA and EU Marine Strategy Framework Directive (MSFD):

Introduction of MSFD: relationship with SEA

Andrea Weiß

MSFD-Secretariat Function for the Federal Ministry of the Environment

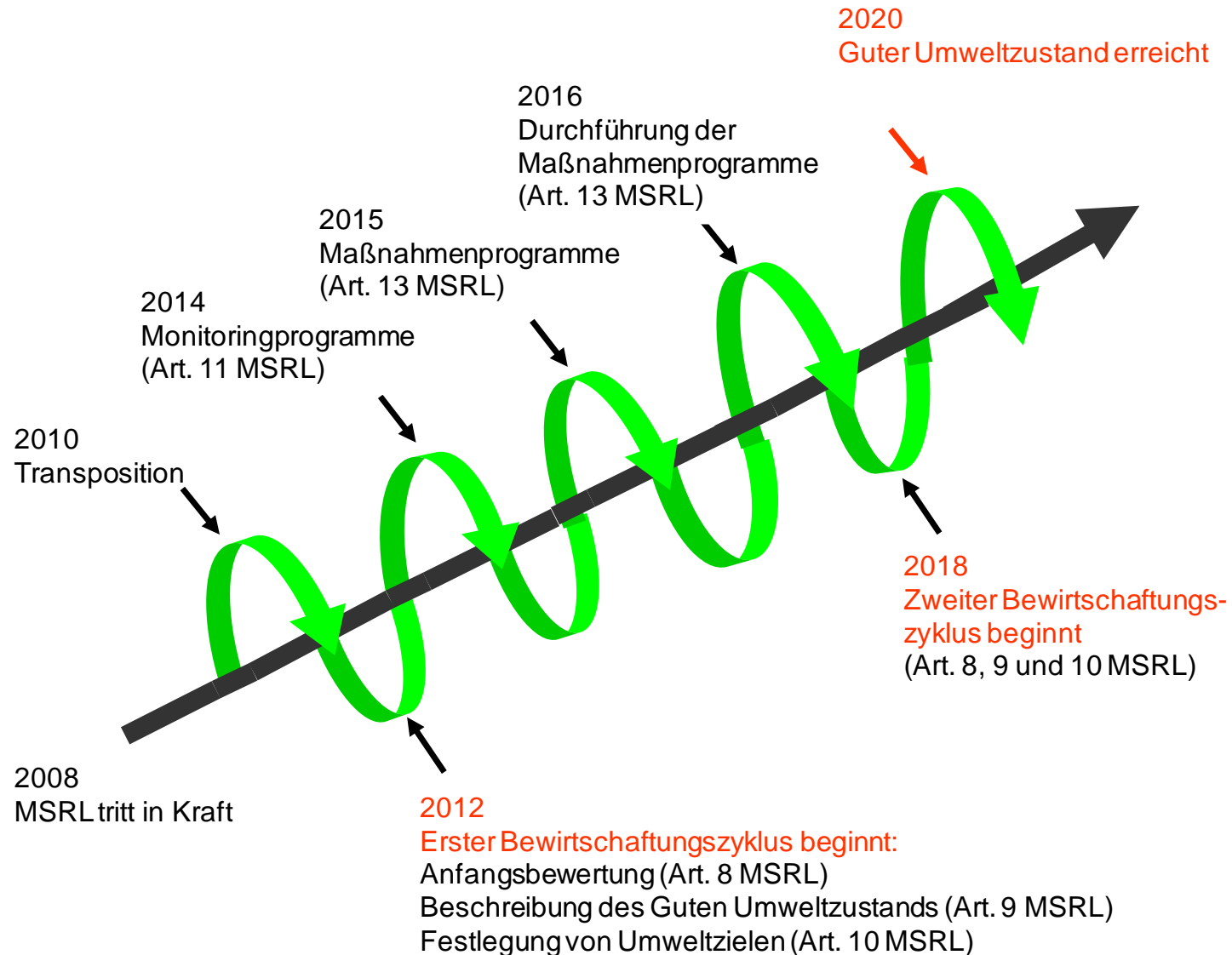


MSFD in a nutshell

- Achieve or maintain good environmental status (GES) by 2020
- Establish environmental targets to address pressures and to guide progress towards GES
- Set up programmes of measures to achieve targets and GES
- Monitor and assess progress and environmental status



Implementation steps





Good environmental status – scope of MSFD

D1 Biodiversity

D2 Non-indigenous species

D3 Commercial fish stocks

D4 Food web

D5 Eutrophication

D6 Seafloor integrity

D7 Hydromorphology

D8 Contaminants (environment)

D9 Contaminants (sea food)

D10 Marine litter

D11 Underwater noise

Biological quality elements

- Marine Mammals
- Fish
- Birds
- Benthic habitats
- Pelagic habitats
- Food webs

Pressures and impacts of human activities

- physical damage and loss
- biological disturbance
- inputs (e.g. contaminants, nutrients, litter, noise)



Synergies with other policies

EU policies - examples

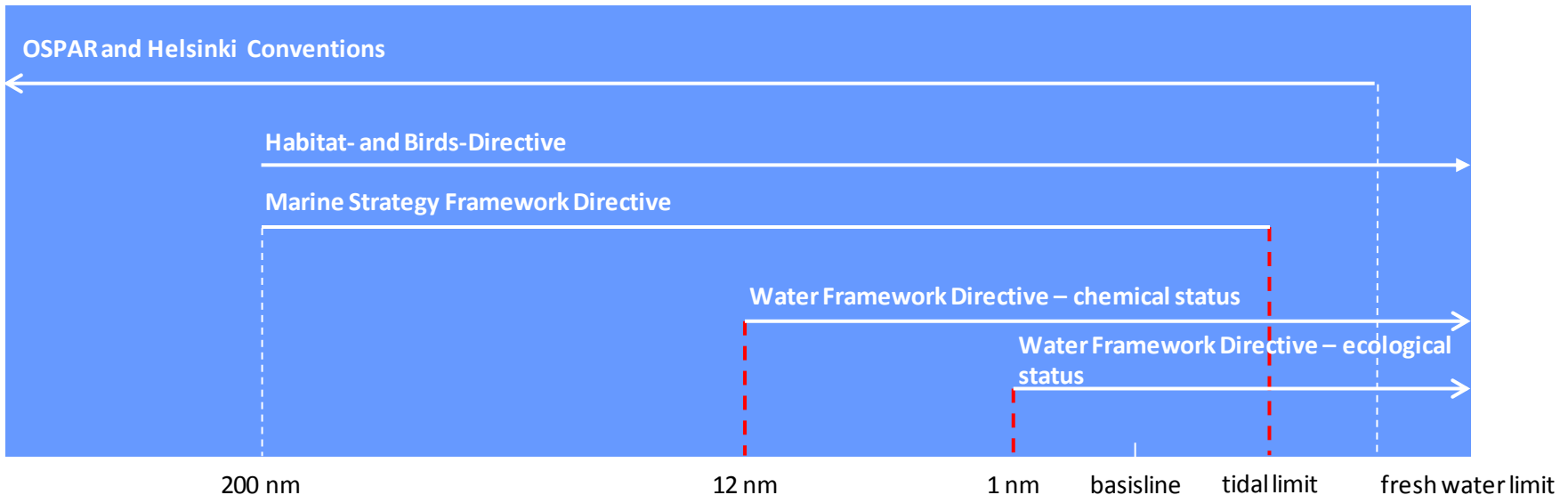
- Water (e.g. WFD, Nitrates-D, Bathing Water-D, UWWT-D)
- Nature (e.g. Habitat- and Birds-D)
- Biodiversity
- Air
- Chemicals
- Integrated pollution prevention
- Common Fisheries Policy
- Common Agricultural Policy
- ...

Regional Seas Conventions

- OSPAR Convention: North-East Atlantic
- Helsinki Convention: Baltic Sea
- Barcelona Convention: Mediterranean
- Bucharest Convention: Black Sea

International agreements - examples

- IMO (shipping)
- UNECE (air pollution)
- Nature (various agreements)
- ...





Regional dimension of the MSFD



Art. 3(5) MSFD:

Regional determination of GES

Art. 4 MSFD:

Definition of (sub)regions

Art. 5 MSFD:

Regional coordination and coherence –
multilateral, bilateral

Art. 6 MSFD:

- (1) Cooperation using existing structures
(→ Regional Sea Conventions)
- (2) Cooperation with non-EU countries
and land-locked countries





Programmes of Measures (Art. 13 MSFD)

Contents:

- Measures necessary to achieve or maintain GES: contribution of measures to the achievement of environmental targets
- Integration of „existing“ measures
- Spatial protection measures
- Consideration to sustainable development
- Exceptions for not or not timely achieving GES, associated ad hoc measures / mitigation of effect at the level of (sub)region and consideration of the consequences for MS in the (sub)region
- **Art. 13(8) MSFD: Consider the implications on waters beyond national waters in order to minimise the risk of damage to, and if possible have a positive impact on, those waters**

Process:

- Public consultation (Art. 19(2) MSFD)
- Regional coordination



Measures

Measures

- Any action on a national, European or international level with a view to achieving or maintaining GES and with reference to the environmental targets.
- Annex VI MSFD: modes of action
- Reporting: technical, legislative, economic, policy driven

„New“ Measures

- technically feasible
- cost-effective
- impact assessment including cost-benefit analysis
- Art. 13(5) and Art. 15 MSFD: Action by EU or international organisations

Illustration

Permits for deep-sea mining

Upgrade of waste water treatment plants to hold back micro plastic particles

Amendment of Parliament Act to introduce product design requirements

Beach litter removal plan

Measure to control offshore pollution from oil and gas operations

Fisheries closures (spatial)

Management plans for marine protected areas

Promotion of IMO measure

Example: German implementation

Parallel, interactive processes in 2014:

– *§ 45h Federal Water Act:*

Development of national PoM
(consideration of transboundary impact
at the level of each new measure)

– *§ 14b and No 1.9 Annex 3 Federal EIA Act:*

Strategic Environmental Assessment

– *§ 45k Federal Water Act:*

Regional coordination of measures

Joining the processes in 2015:

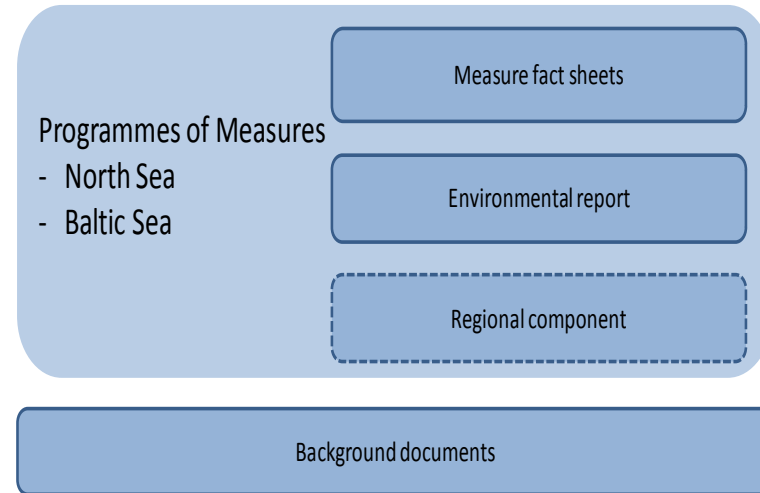
– Formal public consultation

- DE: 1 April – 30 September 2015 (Draft PoM and environmental report)
- HELCOM CPs: November 2014 – December 2015

– Established PoM and environmental report: End 2015

EU reporting PoM: March 2016

Programmes operational by end 2016

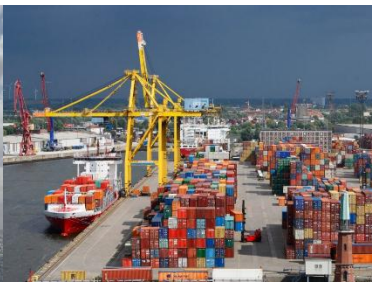




Example: German SEA

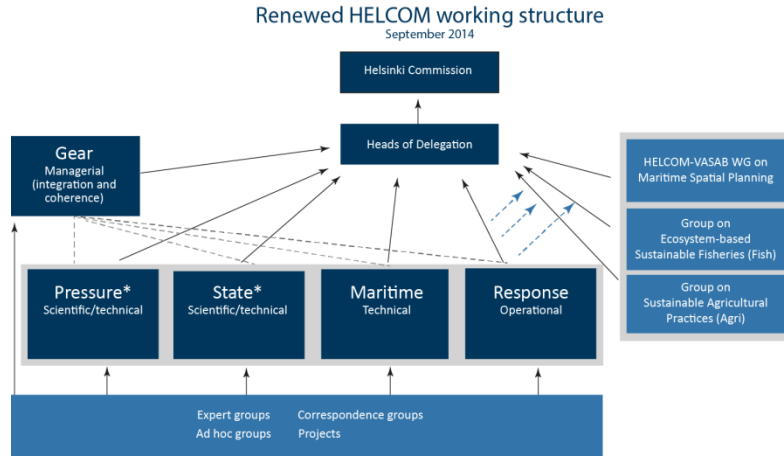
Scoping 10 July – 10 August 2014

- Integration of the environmental report into the PoM
- Based on preliminary proposal of „new“ measures
- Focus on substantial environmental impacts not covered in the planning of the measures (e.g. terrestrial ecosystems, landscape, climate, air quality, cultural heritage) and interactions (i.e. shift of a pressure in space or to another environmental medium or aspect)
- Possible alternatives to the measure
- Depth and detail of assessment corresponds to programmatic nature of the measure – impacts resulting from specific decisions, projects or actions will be considered in later planning or permitting procedures („tiered approach“)





Example: HELCOM Coordination



* Tentative names

Full names of the permanent working groups

Gear = Group on the Implementation of the Ecosystem Approach

State* = Working Group on the State of the Environment and Nature Conservation*

Pressure* = Working Group on Reduction of Pressures from the Baltic Sea Catchment Area*

Maritime Working Group

Response Working Group

■ Permanent
■ Time-limited / ad hoc

GEAR / Intersessional Group on Programmes of Measures:

– Information exchange on measures and procedures (e.g. SEA, public consultation)

– Coordination of measures:

- coordination of national measures
- regional measures (e.g. regional action plan on marine litter)
- concerted regional action in relation to third parties (EU, international organisations, land-locked countries)

– Joint documentation („roof reports“)

HELCOM *acquis*

Baltic Sea Action Plan

MINISTERIAL COPENHAGEN MEETING 3 OCTOBER 2013
Ministerial Declarations
Moscow 2010
Copenhagen 2013

HELCOM
Recommendations
Agreements



Concluding considerations

- MSFD provides a number of challenges also for procedures resulting from e.g.:
 - Environmental programme
 - Comprehensive and integrative nature
 - Regional dimension
 - Timing
- No requirement for SEA of PoM in MSFD: most HELCOM CPs opt for national SEA
- Transboundary impacts are an integral part of the development of PoM and bi- and multilateral coordination with neighbours
- HELCOM provides platform for coordination and exchange of information, including consultation on transboundary impacts and associated procedures
- Consultations with Baltic Sea States on SEA are taking place in HELCOM

