



GREENPEACE



POSITION STATEMENT

June 2005

Translating global commitments into real action - Our demands for an EU Marine Framework Directive

The environmental NGOs – BirdLife International, Greenpeace, IFAW (International Fund for Animal Welfare), Oceana, Seas at Risk and WWF – are calling upon the Commission to deliver, and the Member States to support, a robust and effective legislative proposal for a Marine Framework Directive. The Commission, together with the Member States, has a unique opportunity this year to lay the basis for a long overdue, coherent and effective EU marine policy - their first real chance to translate global commitments into real action for the management of both Europe's seas and areas beyond national jurisdiction.

The results of the Commission's two year long consultation, and the momentum created by the subsequent Environment Council conclusions in December 2004, provide a strong case for a flexible but legally binding instrument to protect marine ecosystems and encourage environmentally responsible and sustainable use. As a product of the EU's Sixth Environmental Action Programme as well as a significant contribution to the EU Sustainable Development Strategy, environmental NGOs trust that the European Marine Strategy, which is due in July 2005, will provide the draft legislative framework that guarantees the future health and sustainability of Europe's coastal and marine environments.

A marine framework directive should further provide the opportunity to improve policy integration, required under Article 6 of the EC Treaty, and consolidation, echoing commitments for better regulation contained in the EU Sustainable Development Strategy (SDS), the Laeken Summit Conclusions and the Commission white paper on simplifying and improving the regulatory environment (COM(2002)278). Harmonising minimum environmental standards across the Community should also help provide a more level playing field for the sustainable development of Europe's seas, while not constraining those Member States who wish to be more pro-active in protecting and conserving the marine environment.

The decision to launch a consultation process on a future EU Maritime Policy must complement and not stall, diminish or in any way undermine the progress that has already been made regarding an EU Marine Strategy.

The deterioration of Europe's seas is evident in all regions - the Mediterranean, the North East Atlantic, the Baltic Sea and the Black Sea – and is symptomatic of a global marine crisis. An EU Framework Directive to protect the marine environment and deliver ecosystem-based management must therefore apply to all of Europe's regional seas and territories, and involve as far as possible neighbouring countries. It must also address the EU's footprint on the marine environment in areas beyond the Community's territories.

It is further essential that the Marine Framework Directive includes all of the following elements:

- **It must adequately address the full range of human-induced threats that impact on our marine environment, requiring integration of all sectoral marine policies under a single regulatory framework.** This should include, amongst others, aspects of regulatory control on fishing, shipping, oil and gas exploration, sand and gravel extraction, tourism, coastal development and pollution from land-based sources. Where necessary, secondary legislation should be drafted.
- **It must be based on the guiding principles for EU environmental policy,** as stated in the EC Treaty, which include: the precautionary principle, the principle that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay. These principles should be placed at the heart of the Directive, and should be fully implemented at all levels of governance within the EU and internationally.
- **It must be based on an ecosystem approach to managing human activities, involving strategic environmental assessment and spatial planning,** and include clear, enforceable targets, allowing recovery and restoration where necessary, with the overall aim of a healthy marine environment, which can provide resources and services within sustainable and ecological limits.
- **It must safeguard and build on existing regional and international commitments and legislation, and in doing so must safeguard the role of the regional seas conventions.** The possibility for future stricter or more aspirational regional standards must persist.
- **It must include a clear legal timetable for its implementation, and for the development of further instruments, including secondary legislation where appropriate.**
- **It must establish effective mechanisms to facilitate enforcement and compliance,** including funding, reporting and monitoring provisions.
- **It must include new, or amend and improve, existing provisions for the establishment of a representative network of marine protected areas.**
- **It must contain provisions for monitoring and reporting requirements, at least equal to those contained in other environmental legislation.** In particular, research should address the information gap that still exists with respect to certain aspects of the marine environment. The goal should be to facilitate effective adaptive management.
- **It must form the basic policy that informs European decision-making on the marine environment in areas beyond the jurisdiction of the European Union, including the high seas.**
- **A high degree of transparency and stakeholder participation** needs to be ensured in the continuing development of the Marine Framework Directive and any resulting instruments.

It is time for the European Community to take their regulatory responsibility seriously by acting now to improve marine protection and deliver an ecosystem-based approach to the management of Europe's seas. A robust and effective proposal by the European Commission for an EU Marine Framework Directive has to provide the basis for agreement on an effective, integrative approach at the EU level that delivers on global

commitments and does not stand in the way of stricter and more far-reaching regulation or goals in the future. We urge the Member States, represented in the Council and the European Parliament, to effectively build on the proposal and to translate existing global commitments into real action.

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