

Baltic Sea Centre's comments on the EU Commission's combined evaluation roadmap/inception impact assessment of the Marine Strategy Framework Directive

Summary:

- The marine ecosystems are not in good environmental status so a stronger directive is necessary. The BSC has yet not a final view on the best future policy option.
- A fundamental problem is that measures need to be taken in other policy areas in order to achieve the goals of the MSFD. In particular the fisheries policy area has failed to deliver despite the explicit connection to the MSFD in the reformed CFP.
- In the absence of agreed threshold values for descriptors and criteria a precautionary principle should be applied for sectors such as fisheries whose impacts can delay achievement of good environmental status.
- MPAs are an important tool but have no or too weak restrictions on permitted activities.
- Areas free of human disturbance are essential reference tools for research.
- The cumulative impacts of multiple stress factors on ecosystems and/or species must be taken into regard in marine spatial planning and in management plans for protected areas.
- Monitoring should be better designed to enable evaluation of effectiveness of specific measures and temporal trends in emissions of hazardous substances and environmental levels.
- In the revision of the Urban Wastewater Treatment Directive, UWWTD, criteria need to be developed for minimum chemical wastewater quality that address micropollutants and their mixtures and a clear connection must be established to the Marine Strategy Framework Directive.
- The connection between the CAP and the MSFD should improve.

Stockholm University Baltic Sea Centre

The need for revision

The Baltic Sea Centre fully supports the need to sharpen, better implement etc the directive but has at this moment in the process, no opinion regarding whether or not the MSFD should be repealed, revised fully or only slightly updated.

Presently, we limit our comments to the issues below which a revision process should take into account.

Regarding problems the initiative aims to tackle; a good, functional protection and management of the marine ecosystems are still lacking. The environmental impact is still putting severe stress on the ecosystems.

Species and habitats

Many studies and reports show the poor or bad status for **species and habitats** in the EU, including protected species and habitats. Despite ambitious targets, the EU Biodiversity Strategy to 2020 has failed to protect species and habitats in the EU, which is our main critique. In the **marine environment, protected areas** have been significantly expanded since 2011, but unfortunately have not had the intended effect – to protect species and habitats – due to the fact that there are often no or too weak restrictions on which activities that are permitted in these areas. There is a significant number of activities like commercial fishing, dredging, construction, shipping and boat traffic that occur in Natura 2000 areas, which have contributed to the failure to achieve the targets 1 and 4 in the Biodiversity Strategy.

The quality of protection is key, relating for instance to what kind of human activities are allowed in the protected area. Management requirements must be strongly incentivised and monitored as per full implementation of the Nature Directives and Marine Directive.

All marine protected areas are not in need of the same kind of protection, thus the management requirements and restrictions on activities should be adapted to fit the purpose of the area. **Strict protection** will be important to protect sensitive species and/or habitats. In areas with strict protection all potential disturbing activities should be regulated. Also, buffer zones may be needed around strictly protected areas. Recent research from Stockholm University has showed that marine **buffer zones** may be important to protect species and/or habitats from sediment resuspension from bottom trawling. Turbidity and sedimentation can have negative effects on e.g. fish, benthic organisms and habitats. Connectivity is another important issue to consider and improve, ensuring that the network of protected areas is functional for the species and habitats it aims to preserve, allowing for movement of individuals and gene flow. Protection should not only be geographically defined but also have temporal dimensions, e.g. taking spawning areas and times for fish into consideration.

Along with the work to protect sensitive environments, there are strong arguments for establishing **areas free of any human disturbance** in all types of habitats that occur in a region, not only the most sensitive habitats. Firstly, such areas show the natural species composition and biogeochemical processes and can serve as ecological references to study the effects of bottom trawling and other disturbances on the marine environment. Lack of comparable, non-trawled areas has been identified as a major challenge for studies of long-

term effects of trawling on benthic communities and seabed biogeochemistry. Secondly, protecting areas representative of different types of marine ecosystems is in line with the precautionary principle of ecosystem-based marine management, providing a refuge for benthic species that can help rebuild populations in impacted areas.

The **cumulative impacts of multiple stress factors** on ecosystems and/or species must be taken into regard in marine spatial planning and in management plans for protected areas. Climate change and ocean acidification constitutes additional stress factors that may increase species sensitivity to other factors. These factors will be difficult to eliminate on shorter time scales, which makes it extra important to take measures to reduce other marine stress factors, such as eutrophication, emissions of hazardous substances including oil spills, use of destructive fishing practices, and deep-sea mining. Intensive shipping routes should not be allowed to pass through protected areas if species or habitats are threatened.

We would like to stress the importance of limiting bottom trawling to protect biodiversity, sea bottom integrity, and biogeochemical processes; taking measures to strengthen stocks of predatory fish in coastal areas; introducing ecosystem-based management; and take measures against physical impacts on coastal areas.

In strategies and measures aiming at biological recovery in coastal waters and reducing physical impacts, it is key to have an understanding for that land and sea are connected, as ecosystems and in processes. Thus, strategies and measures need to reflect this. Species such as migratory fish must be able to migrate between the sea, coastal waters and inland waters, physical barriers must be removed and all relevant authorities need to be involved in this work.

Fisheries

Fisheries policy has failed to deliver its contribution to the achievement of *good environmental status* both for commercially fished stocks and for a number of other indicators. Progress has been disappointing despite the explicit reference to the MSFD in the revised CFP and the reorganization of the Commission so the Commissioner responsible for the CFP is also responsible for the MSFD. The Commission should specifically request ICES to integrate ecosystem considerations relevant to the achievement of the objectives of the MSFD in its advice on fisheries. At present there is not even reference to the size and age structure of the fish stocks (D3C3 in the MSFD) even when this information is available in the

ICES working groups. Information included in ICES ecosystem overviews is not integrated into fisheries advice. This lack seriously hampers the ability of fisheries management to implement the ecosystem-based approach as mandated in the Basic Regulation.

One reason is the lack of thresholds that were to be established under the Commission implementing decision from 2017 have not been established. However, instead of applying the precautionary approach as mandated by the Basic Regulation, fisheries management has tended to simply ignore **the ecosystem-based approach** even at the level of considerations of impacts of fishing on associated commercial fisheries. A future implementing decision should make explicit that in the absence of threshold values a precautionary buffer shall be applied to sectors whose impacts can impede achievement of good environmental status. For example,

fishing at 80% of MSY would contribute to the improvement of a number of fisheries-related descriptors. This would give an incentive for Member States to actually establish the thresholds as mandated in the current implementing decision. As things stand now, there are in some cases indirect incentives for Member States to not establish such threshold values, as these would make it clearer that the particular aspect of good environmental status is not being achieved. In the presence of indications that descriptors or their criteria are developing in the wrong direction, the precautionary buffer should increase. The Commission should request that ICES integrate these MSFD-relevant ecosystem impacts in its fisheries advice.

Hazardous substances

Regarding chemical pollution, the MSFD and its POMs would benefit from including more of a **source to sea perspective**, and a closer connection to the WFD. It is understandable to avoid duplication of measures under various legislation and action programmes under the WFD. The risk with this reasoning, however, is that measures in the water authorities' action programmes have only an inland and coastal perspective, and not also a marine perspective. Since most of the chemical pollutants present in the sea come from activities on land or coast, this means that action on land is most important and that no measures may be needed at all in the marine environment action programme. It is also the case that even for those substances that have sea-based sources, land-based inputs are often dominant. This means that sea-based sources receive unjustifiably high focus as the action programme has to be filled with some measures, i.e. it leads to inefficient actions being prioritised.

The **indicators** for hazardous substances do not cover all problems related to chemical pollution in the sea, i.e. substances covered by the indicators do not represent the wider chemical pollution in the sea and the possible combination effects. Therefore, there is a need to further build up knowledge and develop indicators. Action programmes could for example include knowledge-building measures such as various types of screening activities to identify new environmental toxins, with a specific focus on high-risk chemicals, substances of very high concern, SVHCs (e.g. very persistent and very bioaccumulative chemicals, vPvB; chemicals that are carcinogenic, mutagenic or toxic for reproduction, CMR; endocrine-disrupting chemicals, EDCs).

In the context of the **Zero Pollution Action Plan and MSFD**, monitoring should be better designed to enable evaluation of effectiveness of specific measures and temporal trends in emissions of hazardous substances and environmental levels. Currently compiled data under e.g. MSFD, WFD, IED/E-PRTR etc are not appropriate for this evaluation due to differences in monitoring and reporting approaches between nations and also over time.

In the revision of the **Urban Wastewater Treatment Directive, UWWTD**, criteria need to be developed for minimum chemical wastewater quality that address micropollutants and their mixtures. A clear connection must be established to the Marine Strategy Framework Directive and the Water Framework Directive (MSFD and WFD) ensuring that the UWWTD functions as a means of also achieving good chemical/ecological/environmental status of surface waters with regard to chemicals of emerging concern and other micropollutants. The connection should allow for flexibility in the definition of good status as science and policy progress.

Eutrophication

As was stated above in relation to hazardous chemicals, to combat eutrophication actions on land are most important. Measures addressing waste water treatment plants and agriculture are central areas for action. Regarding agriculture, among a number of relevant policy areas, the Common Agricultural Policy, CAP, is of high concern. Presently the programmes and actions in the CAP mainly focus on inland waters and do not consider the marine environment enough. The linkages between CAP and MSFD could be improved.

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