



MARINE STRATEGY FRAMEWORK DIRECTIVE

Regional Training

Links between MSFD and other EU Directives

Annex 3

Background document

ECRAN - XXXXX

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Beneficiaries:

**ECRAN beneficiary countries (Albania, Bosnia and Herzegovina,
former Yugoslav Republic of Macedonia, Kosovo*,
Montenegro, Republic of Serbia and Turkey)**

Reference: <http://ec.europa.eu/enlargement/taieux>.





Coordination between Water Framework Directive and Marine Strategy Framework Directive

List of Abbreviations

Bucharest Convention

Full Name

The Convention on the Protection of the Black Sea Against Pollution as signed in 1992 in Bucharest, Romania

AG

Advisory Groups of the Commission on the Protection of the Black Sea Against Pollution
Black Sea

BS

BSC

Commission on the Protection of the Black Sea Against Pollution (Black Sea Commission)

BSC PS

Permanent Secretariat to the Commission on the Protection of the Black Sea Against Pollution (Black Sea Commission)

BSIS

Black Sea Information System

BSIMAP

Black Sea Integrated Monitoring and Assessment Program

SOE, SOE template

(Template for the preparation of the) State of Environment Report, 5 year report published by the Commission on the Protection of the Black Sea Against Pollution on the state of the Black Sea environment

BSSAP Implementation Report

5 year report published by the Commission on the Protection of the

EIA

Environmental Impact Assessment

BS SAP

Strategic Action Plan for the Environmental Protection of the Black Sea (2009)

CIS

Common Implementation Strategy (refers to the Marine Strategy Framework Directive)

GES

Good Environmental Status (as defined in the Marine Strategy Framework Directive)

PMA AG/AC – PMA or AG PMA/PMA AC

PMA Advisory Group/Activity Center

CBD AG or AG CBD

Advisory Group on the Conservation of Biological Diversity

LBS AG or AG LBS

Advisory Group on Control of Pollution from Land Based Sources of Pollution



1. Background

The implementation of the MSFD will occur in combination with other EU policies, ensuring coherence between EU's maritime policy, Common Fisheries Policy and the existing water and nature directives, Habitats Directive (92/43/EEC), Birds Directive (2009/147/EC codified version of Council Directive 79/409/EEC) and Water Framework Directive, WFD (2000/60/EC).

EU Marine Directors have recognised the need to align the implementation of WFD and MSFD closely in cooperation with stakeholders.

A successful implementation of the MSFD throughout its extended policy cycle, depends by the assessment of the characteristics for good environmental status (GES) and the establishment of targets and indicators, based on common criteria and methodological standards to be developed, and the entry into operation by 2016 of

ambitious programmes of measures necessary to achieve good environmental status, as well as the need for a co-ordinated implementation of the MSFD and the WFD, in particular for coastal waters.

Actions taken on land and, especially, action taken to improve the quality of rivers and coastal waters have an impact on the sea as a whole. Actions taken to comply with the Water Framework and Habitats Directives may help a country towards achieving GES for its marine waters. For example, measures taken to avoid chemical contamination of rivers will reduce the level of contaminants entering the sea, and measures to protect special areas of habitat may also improve the biodiversity of marine mammals.

2. Links between the MSFD and WFD

There are strong links between the Marine Strategy Framework Directive (MSFD) and the Water Framework Directive (WFD). WFD relates to improving and protecting the chemical and biological status of surface waters throughout a river basin catchment from rivers, lakes and groundwaters through to estuaries (transitional) and coastal waters to one nautical mile out to sea and overlaps with MSFD in coastal waters (see Figure 1).

The main difference between the Directives is that the scope of Good Environmental Status under MSFD is broader, covering a greater range of biodiversity components and pressures which are not included.



MSFD and WFD also have comparable objectives, with MSFD focussed on the achievement of Good Environmental Status in marine waters, and WFD aiming to achieve Good Ecological and Good Chemical Status.

The Good Environmental Status is not exactly equivalent to Good Ecological/Chemical Status, but still there are some significant areas of overlap, particularly in relation to chemical quality, the effects of nutrient enrichment (eutrophication) and aspects of ecological quality and hydromorphological quality.

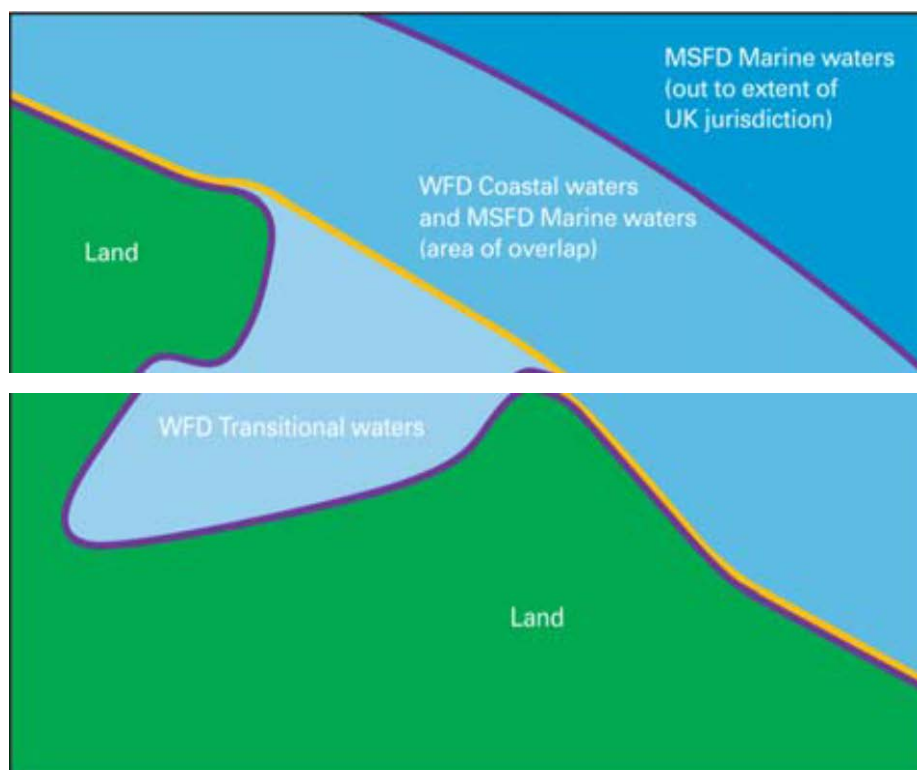


Figure 1: MSFD/WFD boundaries

MSFD explicitly recognises the overlaps with WFD and makes it clear that in coastal waters, MSFD is only intended to apply to those aspects of Good Environmental Status which are not already covered by WFD (e.g. noise, litter, aspects of biodiversity).



For issues which are already covered by WFD in coastal waters (e.g. contaminants, the MSFD targets and indicators should be compatible with the existing requirements of the WFD.

Where the Marine and Water Framework Directives overlap – in coastal areas – the MSFD will require additional measures to address litter and noise.

The MSFD requires that Member States' programmes of measures should include **spatial protection measures**.

These include noise, litter, most commercial fish species and some other aspects of biodiversity (e.g. marine mammals¹).

The assessment scales are also different, with MSFD requiring the achievement of Good Environmental Status at the level of the relevant subregions whereas the WFD assesses the chemical and ecological status of each individual coastal water body.

The two Directives also take different approaches to protecting the marine environment. WFD splits the ecosystem into its constituent parts and assesses the individual quality of each part separately, basing overall status on the quality of the worst element. In contrast, MSFD takes a more holistic, functional approach, focussing on a set of 11 descriptors which, taken together, articulate Good Environmental Status.

In wider marine waters outside the coastal area, WFD and its related Directives will still provide some support for the achievement of Good Environmental Status. For contaminants (Descriptor 8) and eutrophication (Descriptor 5), given that most of the human activities which cause these pressures are either terrestrial in nature, or are taking place in the coastal zone, measures taken under WFD and its related Directives might not be sufficient to achieve Good Environmental Status for these Descriptors across the marine area. For impacts on hydrographical conditions (Descriptor 7), the application of WFD in the coastal area, plus the wider application of the Environmental Impact Assessment Directive through the marine licensing process, would help to achieve Good Environmental Status for this Descriptor across the marine waters.

¹ In terms of biodiversity the WFD covers a) benthic invertebrates, b) macroalgae, c) angiosperms (seagrass and saltmarsh), d) phytoplankton and, e) estuarine fish. WFD does not cover zooplankton, seabirds, coastal water fish or marine mammals.



How will monitoring and assessment across the two Directives be aligned?

The monitoring programmes for MSFD with those for WFD should be harmonized. One option is to use relevant WFD assessment tools for contaminants, eutrophication and the assessment of certain seafloor habitats to reach MSFD targets and indicators.

For Descriptor 5 (eutrophication), the MSFD targets apply both to coastal waters and wider marine waters. The target is expressed in a way which is consistent with existing WFD targets/tools, and will use some of the WFD tools for part of the assessment of Good Environmental Status, although these would be applied at a broader scale than an individual WFD water body.

For Descriptors 1 (biodiversity) and 6 (seafloor integrity) several WFD tools were proposed as potential indicators for the condition of seafloor habitats, both in coastal waters and with the potential of being applied more broadly to marine waters.

These WFD tools would form part of the assessment of Good Environmental Status for these Descriptors, although they would need to be applied as part of a wider scale assessment than the individual water body scale.

3. Links between the MSFD and other EU Directives

Annex 1 to the MSFD sets out a descriptor that “Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.” Much commercial fishing is managed through the **Common Fisheries Policy**. The condition of commercial fish stocks is one of the descriptors of GES.

The MSFD requires a Member State to notify the Commission if the operation of a Community policy is having an effect on its ability to achieve GES, and obliges the Commission to propose appropriate action to the Council and Parliament. It also specifies – in Article 14 – that Member States may cite such cases – where they are not responsible for the action which is necessary if GES is to be achieved – as a reason why environmental targets or GES itself cannot be achieved.

Article 14 provides other such exceptions for natural causes, force majeure, bad natural conditions and overriding public interest.

In coastal waters, the measures taken under WFD and its related Directives (e.g. the Nitrates Directive and Urban Waste Water Treatment Directive) should be sufficient to achieve Good Environmental Status in relation to pressures such as contaminants (Descriptor 8), eutrophication (Descriptor 5) and impacts on hydrographical conditions (Descriptor 7). For these pressures it can be

the case that businesses operating in the coastal environment will need to take specific additional measures to meet the requirements of MSFD.



For those aspects of Good Environmental Status which are not covered by the WFD (e.g. litter, noise and some aspects of biodiversity), MSFD may lead to additional action affecting coastal waters.

To achieve good environmental status, there is a need for enhanced efforts to implement **the Birds** and **Habitats Directives** at sea, and to complete the designation and to put in place management of Natura 2000 marine networks as well as of networks of marine protected areas in the framework of international or regional sea conventions in accordance with the MSFD.