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DRAFT REPORT

on the Commission communication: 'Towards a strategy to protect and conserve the marine environment'
(INC02-0539)

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Laura González Álvarez

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PROCEDURAL PAGE

At the sitting of ## the President of Parliament announced that the Committee on the Environment, Public Health and Consumer Policy had been authorised to draw up an own-initiative report, pursuant to Rule 163 of the Rules of Procedure, on the Commission communication: 'Towards a strategy to protect and conserve the marine environment' and the Committee on Fisheries had been asked for its opinion.

At the sitting of ... the President of Parliament announced that he had also referred the matter to the Committee on Fisheries for its opinion.

The Committee on the Environment, Public Health and Consumer Policy had appointed Laura González Álvarez rapporteur at its meeting of 27 November 2002.

It considered the draft report at its meetings of 25 March 2003 and 23 April 2003.

At the latter/last meeting it adopted the motion for a resolution by ... votes to ..., with ... abstention(s)/unanimously.

The following were present for the vote: ... chairman/acting chairman; ... and ..., vice-chairman/vice-chairmen; ..., rapporteur; ..., ... (for ...), ... (for ... pursuant to Rule 153(2)), ... and

The opinion of the Committee on Fisheries is attached.

The report was tabled on

MOTION FOR A RESOLUTION

European Parliament resolution on the Commission communication: 'Towards a strategy to protect and conserve the marine environment' (2003/0000(INI))

The European Parliament,

- having regard to Decision 1600/2002/EC¹ laying down the 6th Community Environment Action Programme that:
 - determines the multiple pressures that come from different human economic activities,
 - indicates the priority of actions towards further protection of marine areas and better integration of environment into other Community policies,
 - calls for the development of a strategy for marine protection,
 - having regard to the Commitments included in the plan of implementation from the WSSD in Johannesburg to:
 - halt the loss of biodiversity and encourage the application of the ecosystem approach by 2010,
 - achieve sustainable fisheries,
 - implement the Global Programme of Action for the Protection of the Marine Environment from land-based activities and the Montreal Declaration on the Protection of the Marine Environment from land-based activities,
 - improve the scientific understanding and assessment of marine and coastal systems,
 - having regard to the importance for the marine environment of the Göteborg European Council conclusions, International Conventions and Protocols,
- A. whereas the protection of the marine environment and in particular the conservation of its biodiversity is a cross-cutting global issue, which was also confirmed at the WSSD in Johannesburg in September 2002,
- B. whereas the political objectives of halting the decline of biodiversity before 2010 and promoting sustainable use of the seas and protecting and conserving marine ecosystems call for the implementation of coherent, coordinated and cost-effective measures to protect and conserve natural habitats, wild fauna and flora in the European seas,
- C. whereas there is a need for a clearer description of the relationship between the marine strategy and other policy areas such as the common fisheries policy, the common agricultural policy, the EU chemicals policy and transport,
- D. whereas there is a need for a much closer integration of environmental protection in the policy making and management of all sectors to secure biodiversity in European marine waters,

¹ OJ L 242 E, 10.9.2003, p. 1.

- E. whereas environmental impact assessment and strategic environmental assessment are recommended as tools to improve the quality and coherence of the development process of activities, plans, programmes and policies,
 - F. whereas, given the recent experience with the Prestige and the slow follow-up of the necessary actions after the Erica accident, the proposed Objective 9 in relation to maritime transport and maritime safety is too weak and should be strengthened,
 - G. taking into account that, as pointed out in section 3(30), many of the problems being experienced at present in the marine environment are the result of a sectoral, geographically-variable range of policies and legislation for marine protection both within EU waters and globally,
 - H. underlining that a large number of problems have yet to be fully addressed and major threats still persist regarding European seas, in some cases to the extent that their structure and function is being jeopardised,
 - I. whereas in the strategy's 'way forward' [section 6(70)], the only underlying principle mentioned is the ecosystem approach, although there is a need to include more emphatically in the strategy the precautionary principle, the polluter-pays principle and sustainable development,
 - J. whereas the issue of enforcement in the marine environment [section 5(66)] has always been problematic and therefore it is a key issue to address as part of the strategy,
 - K. whereas existing monitoring and assessment programmes and the knowledge they have generated reveal a significant number of information gaps on the state of the marine environment, on the processes taking place in the marine ecosystem and on the effectiveness of the existing environmental protection measures;
1. Welcomes the Commission communication 'Towards a strategy to protect and conserve the marine environment' and supports the need for a coherent European Marine Strategy; notes that although the objectives are of an aspirational nature, some of them are not ambitious enough in respect of the time frame or the precision of the objective;
 2. Considers that the lack of a complete information base must not be used to prevent appropriate precautionary action especially where there is clear evidence of significant decline in biodiversity [section 4.1 (50-57)] and believes that the precautionary approach should play a key role, that preventive action should be taken, that environmental damage should, as a priority, be remedied and that the polluter-pays principle should apply;
 3. Requests the Commission to bring forward as soon as possible a thematic strategy on marine environment based on the following elements:
 - the precautionary principle including risk assessments to evaluate long-term effects of policies and actions;

- the concept of sustainability including establishing benchmarks for protection and conservation objectives as well as for action targets;
 - an integrated approach to address threats caused by all human activities impacting the marine environment and a careful assessment of their impact on the marine environment and the mutual influence and dependency of such impacts;
 - an integrated approach regarding coastal and offshore marine management;
 - a regional approach taking into account regional diversities on ecological characteristics, threats as well as socio-economic aspects;
4. Does not share the Commission's views that 'evaluating and managing the long-term consequences of current and future practices on other sectors and on the marine environment, even without full knowledge, will be equivalent to adopting an ecosystem-based approach on the precautionary principle' [section 1(8)]; is of the opinion that the communication should refer to the definition of an ecosystem-based approach which should build from existing appropriate initiatives such as EU Directives, the Bergen Declaration, mandates under OSPAR, HELCOM and ICES on ecological quality objectives and work in the Baltic framework under Agenda 21;
 5. Asks the EU to ratify as soon as possible the regional and international conventions and agreements that have not been ratified so far;
 6. Welcomes further work on sustainable fisheries, fisheries management and the effects of fisheries on the wider marine environment; supports further work on the interaction of fisheries with seabirds and considers that inventories and mapping [section 4.1(49)] will be critical to achieving effective integration of sectoral interests through marine spatial planning;
 7. Calls for the maintenance of fish stocks at levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis;
 8. Considers that in order to improve the knowledge base to which the communication refers in relation to surveys, science, monitoring and decision-making and reach the ambitious targets set out in this strategy, more resources need to be made available;
 9. Expresses its concern that Action 2 appears to limit the Commission to the Natura 2000 network as the only tool to protect biodiversity and considers that the protection and conservation aspect of this communication should be put beyond the limits of the Natura 2000 network, which is restricted in the marine environment;
 10. Regrets that the control measures of the marine conventions aimed at protecting the marine environment are difficult to enforce and asks the Commission to put more emphasis on implementation, reporting and enforcement [section 8.1(80)];
 11. Considers that stakeholder involvement, public participation and dialogue are essential in the fulfilment of the objectives on biodiversity and sustainable use of marine resources including the further development of the marine strategy;

12. Considers that the programme aimed at enhancing the protection of species and habitats in European waters (Action 2) should not be awaited until 2005 and that European action should contribute to the establishment of the network of marine protected areas called for by WSSD;
13. Stresses that in Objective 4 (hazardous substances) and in the related Actions (5 to 8) a clear time frame, in line with existing commitments, should be included;
14. Considers that the policy in relation to hazardous substances (Action 6) should also include consideration of the impact of pharmaceuticals and veterinary medicines in the marine environment and that there is a need to strengthen the language in this action to reflect that the integration really has to take place and should not 'only' be aimed for;
15. Expresses the view that Objective 7 (chronic oil pollution) should also address oil from land-based sources which ends up in the marine environment;
16. Expresses the view that litter from land-based waste deposits should also be considered in Objective 8 and Action 13 when drawing up measures to reduce and prevent marine litter;
17. Asks the Commission to strengthen the safety of maritime transport in order to protect the marine environment, to consider the related issues of liability and sanctions and to fully implement without delay the conclusions of the Transport and Environment Councils in December 2002;
18. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States and candidate states, and to all relevant marine authorities.

EXPLANATORY STATEMENT

Introduction

The communication from the European Commission 'Towards a strategy to protect and conserve the marine environment' describes the current state of the marine environment and the pressures and threats at play, mainly due to human activities: fishing, industrial activities, transport, agriculture, the exploitation of gas and oilfields, the accidental introduction of non-indigenous species, the repercussions of climate change, etc. It also reviews all the existing European, national, regional and international legislative and regulatory provisions linked to protection of the marine environment, recognizing their generally disparate and sector-specific nature and acknowledging that there is no integrated policy on protection of the marine environment at the European Union level.

Any future Community strategy will therefore need to remedy this state of affairs. Thus, the Commission sets out 14 ambitious objectives with a view to promoting the sustainable use of seas and the conservation of marine ecosystems and proposes a series of 23 actions needed to achieve these objectives.

The rapporteur is of the opinion that while some progress has been made in recent years to improve the quality status of the marine environment the general state of it is unsatisfactory, a large number of problems have yet to be fully addressed and major threats still persist. So, there is a need for a stronger political commitment to implementing existing legislation and for the perpetrators to be made liable.

General comments

'Oceans, seas, islands and coastal areas form an integrated and essential component of the Earth's ecosystem and are critical for global food security' (from paragraph 29 of the Plan of Implementation, WSSD, Johannesburg). Human activities are having a growing impact on the integrity of natural ecosystems, and there is consequently a need to shoulder responsibility for protecting and conserving them.

The two main references for an integrated policy to protect and conserve the marine environment remain the 6th Environment Action Programme (6th EAP) and the Strategy for Sustainable Development drawn up in line with the conclusions of the World Summit in Johannesburg, in September 2002. This merging of the Community level and the international level shows how much is at stake and calls for a demanding approach, since the marine environment knows no frontiers, nor exclusive zones.

Looking at the main priority fields of action under the 6th EAP, it becomes clear that each of them is connected to the marine environment. The consequences of climate change for the oceans will involve not only a rise in sea levels but will also affect ecosystems. Marine biodiversity (aquatic fauna and flora) is being endangered by human activity on a daily basis. A responsible answer would be the sustainable use of natural marine resources and the management of waste, at the level of rivers, coastal areas and also the sea, which is sometimes regarded as an enormous dustbin. The application of an ecosystem-based approach to fishing would make it possible to maintain or restore fish stocks and safeguard marine biodiversity.

Future Community legislation on environmental liability and the polluter-pays principle must be capable of guaranteeing the effective protection of the marine environment. The losses of biodiversity caused by accidents at sea have not yet been scientifically quantified. Nor have the social and economic consequences. Only a few months ago, the Prestige disaster highlighted the urgent need to protect the marine environment and review the rules on maritime transport.

Specific remarks on the proposed objectives and actions

Although the objectives of the Commission's communication are of an aspirational nature, some are considered as too ambitious as no technologies are available to reach the objectives and others are considered as not ambitious enough, e.g. in respect of the time frame or the precision of the objective.

The development of a coherent marine strategy should be based on:

- an integrated approach to address threats caused by all human activities impacting the marine environment and a careful assessment of their impact on it;
- the precautionary principle including risk assessments to evaluate long-term effects of policies and actions;
- the concept of sustainability including establishing benchmarks for protection and conservation objectives as well as for action targets;
- an integrated approach regarding coastal and offshore marine management, and
- a regional approach taking into account regional diversities on ecological characteristics, threats as well as socio-economic aspects.

Loss of biodiversity and destruction of habitats

Fisheries and biodiversity (objective 3) should have an associated target; WSSD put a target of not later than 2015. Aquaculture is only addressed in relation to the introduction of non-indigenous species; there is a need to include also other aspects of the impact of aquaculture on the marine environment. The programme aimed at reinforcing the protection of species and habitats in European waters (action 2) should not be awaited until 2005 and should not limit the Commission to the Natura 2000 network as the only tool to protect biodiversity.

Hazardous substances

In objective 4 we should include a clear time frame in line with existing commitments. The policy in relation to hazardous substances should also include consideration of the impact of pharmaceuticals and veterinary medicines on the marine environment. Concerning action 6, there is a need for a stronger commitment so as to reflect that the integration really has to take place and should not only be aimed for.

Eutrophication

In action 9 only NOx emissions to air from seagoing ships are addressed; this action should be broadened so as to include emissions of hazardous substances and nitrogen.

Chronic oil pollution

Objective 7 should also address oil from land-based sources which ends up in the marine environment.

Litter

Litter from land-based deposits should also be considered in objective 8 and action 13 when drawing up measures to reduce and prevent marine litter. The objective should be focused to the complete elimination of marine litter by 2010.

Maritime transport

The recent accidents made it evident that objective 9 and action 14 are too weak and should be strengthened; stronger commitments are needed on maritime safety, along with a radical change in international shipping law and the implementation without delay of the conclusions of the Transport and Environment Councils in December 2002. Only heavy penal sanctions are able to deter people from deliberately causing pollution or doing so owing to negligence. Current international legislation has major shortcomings in this respect, as it is primarily based on the concept of compensation rather than liability.

Enhancing coordination and cooperation

As part of the integrated approach at the heart of this strategy, this objective needs to be more focused and a target set against which success can be measured. Regarding objective 12, a link should be made to the Commission's White Paper on good governance and a reference should be included in action 19 to the recommendation on integrated coastal zone management.

Improving the knowledge base

Existing monitoring and assessment programmes and the knowledge they have generated reveal a significant number of information gaps on the state of the marine environment, on the processes taking place in the marine ecosystem and on the effectiveness of the existing environmental protection measures.

A link should be included on the development of an EU Directive on monitoring and reporting.