

REPORT *Summary*

Meeting: **MSFD stakeholder workshop**
Parties: **DG ENV, stakeholders**
Date: **15 November 2022**
Location: **DG ENV, Breydel Buildig 2, Brussels**
Rapporteur: **Tamara Talevska**

1 Background

The Marine Strategy Framework Directive (MSFD) entered into force in 2008 with the objective of achieving Good Environmental Status (GES) by 2020. MSFD was put into place to protect marine ecosystems and biodiversity. Eleven descriptors were set out to help Member States achieving GES. The directive is legally due to be reviewed by 2023. To this end, the Commission launched in 2021 a public consultation and organized a stakeholder's event (17 December 2021). This workshop was part of the stakeholder's consultation aimed at presenting ongoing COM work and gathering views from stakeholders on plans to move forward with MSFD revision. It is worth mentioning that the NWWAC and NSAC were the only ACs allowed (after active enquiry & request) to attend the workshop, and this only because we have contributed to consultation with an advice paper.

The DG Environment has decided to postpone the revision of the MSFD until after the next EU elections when new Commission mandate is in place. For that reason, the review is not mentioned in the Commission's work programme for 2023. Postponement will contribute to ensuring coherence among the various upcoming sectoral legislative acts, e.g., the nature restoration law, CFP Report, Action plan to conserve fisheries resources and protect marine ecosystems, REPowerEU Strategy, Zero pollution action plan, CAP strategic plans etc. It will also allow the European Parliament to digest all the ongoing legislative proposals before a new comprehensive MSFD proposal is tabled.

2 Evaluation and Impact assessment (state of play)

The MSFD brings together policies from various domains, which are taken into account in the evaluation. This evaluation will provide the baseline, i.e., identify problems to inform the legislative revision. An impact assessment will be carried out back-to-back with evaluation

study to determine which solutions might be most suitable. This will be supported by two studies analysing different descriptors.

Timeline: Currently the focus is on evaluation study, which will analyse the outcome of MS Programme of Measures, which the MS had to provide by 2022. Draft report of the study will be available shortly. More stakeholder conferences are planned to take place in 2023, with a supporting study published in May 2023. From 2023 and on, impact assessment is planned take place based on JRC/EEA modelling exercise.

3 Draft Descriptor Fiches

Currently draft descriptor fiches (collecting information on each descriptor (D) from different sources) are available for D1 (biodiversity), D4 (food webs), D6 (seafloor integrity), D5 (eutrophication), D10 (marine litter). These are summary documents and not meant to be exhaustive. JRC, ICES, OSPAR & HELCOM all have carried out substantial work on the various descriptors, some of which are better informed (e.g. marine litter, mammals) than others (pelagic habitats, food webs). In addition, some descriptors have no thresholds attached and there may not be enough knowledge to define thresholds.

Common Implementation Strategy (CIS) Groups come into play here, such as TG Seabed, TG Noise, WG GES etc. The NSAC is represented in TG Seabed. Regional Sea Conventions (RSC) determine which descriptors are covered in different regions. Some align with MSFD descriptors and some less so. In terms of coherence, there are some gaps and some overlaps with other environmental legislation.

Discussion is ongoing on how to factor in climate change, impacting all descriptors and driving mitigation/adaptation measures, such as the increase in renewable energy production. There was an idea of adding a descriptor for climate change, through it has since been disputed, since climate change is an all-pervasive factor affecting all descriptors.

Going forward the focus will be on which descriptors are needed, which can be abandoned, or redrafted, and which ones fit in the overall baseline. The new external study will cover the remainder of descriptors, so that all of them are covered. Integration of ecosystem-based approach will be in focus as well as the role of MSP.

Some policy recommendations included multilevel governance approach, integration of EU funding policies, transnational interreg programmes and strategies, cross-sectoral links and other policies, and harmonisation of data.

Inventory of targets and objectives is one of the options being considered by the Joint Research Council (JRC) as part of the review in addition to the work on definitions. This could improve policy coherence and better data management. Meanwhile the COM is going to review the fiches which have been prepared by the contractors and stakeholders will be able to submit comments. There was a proposal to include in the fiches information on the drivers

for identified issues as well as to identify policies directly related and needing specific attention in finding solutions.

4 Assessing the costs & benefits of the MSFD

This ex-post evaluation of the efficiency looked at costs and benefits, which factors are influencing these and how the two relate to costs versus benefits and distribution of these. The analysis was informed by data from the first socio-economic analysis, Programme of Measures (PoM from 6 MS), statistical information (on labour costs, population etc.), stakeholder views through surveys and interviews, and analysis of Common Implementation strategy. Benefits were evaluated using Willingness to Pay (WTP) studies through which potential aggregate benefits were assessed to approx. 14 billion EUR/year for a complete achievement of GES. It is, however, unclear what share of benefits have already been delivered and to what descriptor can they be ascribed to. Conclusion was that compliance costs are minimal compared to the benefits.

5 Modelling of MSFD descriptors in support of the MSFD review

The JRC is developing a modelling framework for different descriptors with threshold values proposed by MS. Blue2 is a digital twin of the hydrosphere with different models (ocean, hydrodynamic, food web etc.) to evaluate policy options. The model shows the attainment of target values through different levels of legislative implementation (full ban on plastics vs. Single Use Plastics Directive etc.). Dynamic baseline model would show state-of-play when there is no revision of MSFD or when different revision options are applied, including the difference between regional or EU path of revision. Following the question on why fisheries indicators for North Sea are missing the response was that North Sea and North East Atlantic currently have no capabilities to assess indicators and model them on fisheries.

Developing a dynamic baseline scenario follows the definition of baseline scenario and model parameters that can reflect changes between policy options, in which drivers, activities, pressures, environmental status and impacts are defined. Some of the trends identified in marine environment are the increasing demand for sustainable food production (fisheries), blue economy sectors, expanding demands for energy supply, other activities (tourism, transport).

Some of the current research and innovations include: Horizon Europe (Mission on “Healthy oceans, seas and coastal inland waters”), Digital Twin of the ocean and all waters, Lighthouses mission roll out 2022-25 (platforms to demonstrate innovative solutions for challenges in marine environment – Atlantic lighthouse along 4 others).

Included in the baseline scenario is EU response to pressures, which is reflected in development of MSFD, but also other legislative acts (EU Biodiversity Strategy, Farm to Fork, Zero pollution Action Plan, etc.)

6 Targets and Thresholds for MSFD

Marine Strategy Framework Directive - Competence Centre:

<https://mcc.jrc.ec.europa.eu/main/index.py>

Marine Strategy Framework Directive - Thresholds for MSFD criteria: state of play and next steps <https://publications.jrc.ec.europa.eu/repository/handle/JRC128344>

There were 9277 reported targets from EU MS (not from all MS and not for all descriptors). D6 has almost 1000 targets reported (but no threshold method or value). Targets include trends, thresholds, measures, pressures.

Recommendations on targets:

- Technical harmonisation
- Common definitions and agreements
- Improved use of target codes
- Quantitative targets to improve applicability
- Targets for pressure reduction most efficient
- Dedicated targets per descriptor and criteria useful
- Clearly defined role of targets (in relation to assessments and measures)
- Targets to be measurable in order to be verifiable
- Targets to be quantitative, expressed as commitment, expressed in a Unit relatable to MSFD, related to concrete measures (ex: x% reduction of Y until 20ZZ; reaching Y by 202x).

Thresholds define reference condition and deviation from it. Thresholds currently identified for: biodiversity, invasive species, seabed, contaminants, litter, noise. In an overview of Threshold agreed methods and threshold values it was observed that D6 (seabed integrity) has none. Complete setup is needed to be able to come up with baseline assessment. Improvement are needed in relation to extended monitoring, technical collaborative work, joint interpretations through guidance, adjustments in content of criteria/descriptor.

Some of the comments touched upon lack of comparability between MS (limited coherence due to different approach in defining targets), the need for baseline data to be able to assess whether measures are reaching their objective. General observation was that target values can be wind in the sails or direction points in GPS system – they still need to be better defined. Assessment of baseline is a complex exercise and there seem often to be confusion on the overlapping timelines for baseline reference scenario (e.g. timelines of the current and future directive).

7 Roundtable discussion

Roundtable included discussion on the suitable timeline for the revision and evaluation of the upcoming MSFD and policy coherence and data management.

On timeline: Baseline situation without any policy change would mean the current MSFD in place and using that to measure changes that take place henceforth. If the timeline for revision and implementation is too short (e.g. 2030), the new changes might not be visible yet, therefore a longer timeline is needed (i.e. 2050). During this time, it is important to monitor other sector developments which will have implications on descriptors, such as e.g. reduction in fisheries, proliferation of offshore renewables, developments in other regulations etc.

It is also important to factor in intangible costs, such as the gap in the implementation which can create a lack of trust and frustration of the sectors and the public with institutions. Alignment of reporting and assessment periods would be beneficial (current reporting is based on 2 year old datasets).

Integrating MSFD objectives into other sector policies is important to ensure coherence. New MSFD aims to be strengthened so that consideration in other regulatory acts is more likely. An overarching “Ocean law” was mentioned (by an NGO) as a possible overarching piece of legislation with links to MSP, stressing not only the protection but also sustainable use of the sea. Participants acknowledged the need to recognise regional differences and the role RSC can play in data collection.

The NSAC stressed the importance of breaking silos mentality between the DG ENV and DG MARE when considering policies dealing with fisheries and marine ecosystems. Cooperation between departments and stakeholder involvement from early stages remains important to ensure compliance.