

DEVE-016

Brussels, 29 April 2003

OPINION

of the Committee of the Regions

of 9 April 2003

on the

**Communication from the Commission to the Council and the European Parliament -
Towards a strategy to protect and conserve the marine environment**

COM(2002) 539 final

THE COMMITTEE OF THE REGIONS

HAVING REGARD TO the European Commission Communication - Towards a strategy to protect and conserve the marine environment (COM(2002) 539 final);

HAVING REGARD TO the European Commission's decision of 2 October 2002 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

HAVING REGARD TO the decision of its Bureau of 12 March 2002 to instruct the Commission for Sustainable Development to draw up an opinion on this subject;

HAVING REGARD TO its Opinion on the Sixth Environment Action Programme (CdR 36/2001 fin)¹;

HAVING REGARD TO its draft opinion (CdR 24/2003 rev. 1) adopted by the Commission for Sustainable Development on 20 February 2003 (rapporteur: **Mr Wim van Gelder**, Queen's Commissioner for the Province of Zeeland, (NL-EPP);

unanimously adopted the following opinion at its 49th plenary session of 9 and 10 April 2003 (meeting of 9 April):

1. The Committee of the Regions' views

The Committee of the Regions

1. **welcomes** the plans for a European strategy to protect and conserve the marine environment, as required under the Sixth European Environment Action Programme;
2. **endorses** the need for an overall, integrated marine protection policy at EU level, given the regional and sectoral fragmentation of policy;
3. **is convinced** that healthy seas and oceans, including coastal zones and estuaries, (in other words the marine environment) are of vital importance not only on ecological grounds, but also from an economic and social point of view;
4. **would** also **stress** the importance of a healthy marine environment for local and regional communities. The contrary was clearly illustrated recently by the impact of the Prestige oil tanker disaster on local communities on the northern coast of Spain, and, more recently still, by the Tricolor disaster off the Belgian and south-west Netherlands coast;
5. **would welcome** a strategic, pan European approach to such disasters managed by the European Maritime Safety Agency; one of the objectives of the Agency should therefore be to ensure that disaster control mechanisms are put in place immediately after an accident and enabled to act without delay in controlling pollution from maritime disasters;
6. **recognises** that a healthy marine environment is under serious threat from countless human activities both at sea and on land. These include the discharge of hazardous substances and nutrients, the extraction from the marine environment of commodities such as fish, oil, sand, gravel and energy, and all climate-changing activities;
7. **believes** that it would be extremely difficult, if not impossible, to repair the damage done to the marine environment. This is often virtually irreversible, particularly given the sheer scale of the processes involved. It is essential, as far as possible, to avoid the need for reactive measures. That can be done by pursuing a pro-active approach underpinned by the precautionary principle and reflected in "no-regret" measures;
8. **endorses the view** that an ecosystem approach is essential for any sustainable use of the

seas. This is the only way to ensure that the seas are not used in ways detrimental to their ecology, to other uses or to future generations. The ecosystem approach must be applied at global level;

9. **considers** that greater attention must be paid to spatial planning as a tool for giving practical shape to sustainable use. Sustainability must be reflected not only in the intensity and type of use, but also in its location as well. As a tool, spatial planning can be seen as a practical expression of the precautionary principle and, for that reason, must be applied not only in any special areas of conservation set up, but outside them as well. Specific spatial planning rules must be drawn up, underpinned by an overall approach to EU sea areas;
10. **considers** that a sustainable use of the seas is impossible without support from the regional and municipal communities as well. Interactive planning procedures can play a key role in this regard, and due consideration must be given to this aspect in developing the strategy;
11. **feels** that policy integration is needed not only at EU level but at municipal and regional level as well. That will help address the need for regional support referred to above, both for the policy itself and for the development of spatial planning as a tool for the sustainable use of the marine environment;
12. **endorses** the communication's point about lack of adequate knowledge. Work must be stepped up to improve the knowledge base;
13. **recognises** at the same time that we cannot wait until that knowledge base is in place and, also, that there are limits to how far such knowledge can be developed. These limiting factors must be borne in mind when formulating policy. The precautionary principle must therefore be a key starting point in any policy development. Furthermore, this aspect must also be reflected in the enforceability of rules and regulations. One example of that is the "Clean Ship" concept, which thus requires active support;
14. **backs** EU Commissioner **Loyola de Palacio**'s policy regarding tighter timetables for the double-hulling of seaworthy ships, and the training requirements and professional skills of seafarers;
15. **considers** that the difficulties facing the marine environment can be tackled more effectively if the costs of (potential) environmental damage are carried by the polluter. Environmental costs should become an integral part of company accounts. Potential environmental damage should also be reflected in insurance premiums, for instance for

ships;

16. **agrees** that, given the complex nature of the issues involved, the communication cannot at this stage set out the strategy itself, but is just one step towards it. The Committee **appreciates** the structured approach to the proposed actions, but **wonders** whether some of the actions could not be couched in more specific terms. Also, a number of the objectives have no deadline for completion. The Committee, feels, however, that deadlines could be set;
17. **wonders** when, if ever, a communication will be published setting out the strategy (in more detail).

2. The Committee of the Regions' recommendations

The Committee of the Regions

1. **recommends** that, given the limits on knowledge development and the virtual irreversibility of the damage to the marine ecosystem, more explicit attention should be paid to the precautionary principle. This must be reflected, among other things, in:
 1. the broader use of spatial planning and strategic environmental assessment, not just in special areas of conservation;
 2. proposals to incorporate environmental costs more fully into company accounts;
 3. the active encouragement of the "Clean Ship" concept;
2. **recommends** policy integration not only at EU level but at regional level as well by building on the model of Regional Advisory Councils mentioned in Action 20, which also involve the relevant local authorities, to establish Integrated Regional Advisory Councils covering all the relevant sectors. This contrasts with Action 20's proposal to "apply this model to other sectors";
3. **recommends** promoting the global application of the ecosystem approach;
4. **recommends** that the Commission strategy recognise and address the potential for a major release of radioactivity to the marine environment arising from an accident or incident involving the *transport* of radioactive materials;
5. **recommends** that deadlines be set for the achievement of Objectives 9, 10 and 12;
6. **recommends** a more precise wording for Actions 7 and 9;
7. **recommends** the publication of a more detailed integrated strategy in conjunction with the report mentioned in Action 19;
8. drawing on these recommendations, **proposes** the following amendments:

PROPOSED AMENDMENTS:

AMENDMENT 1

Section 7: Objectives - Add:

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Eutrophication</p> <p>Objective 5</p> <p>The objective with regard to eutrophication is to eliminate human induced eutrophication problems by 2010 by a progressive reduction of anthropogenic inputs of nutrient to areas in the marine environment where these inputs are likely, directly or indirectly, to cause such problems. Where no regional objectives on eutrophication have been set, regional specific action and timeframes for achieving this objective will be developed in collaboration with the regional marine conventions.</p>	<p>Eutrophication</p> <p>Objective 5</p> <p>The objective with regard to eutrophication is to eliminate reduce human induced eutrophication problems by 2015 (in accordance with the water framework directive) by a progressive reduction of anthropogenic inputs of nutrient to areas in the marine environment where these inputs are likely directly or indirectly, to cause such problems. Where no regional objectives on eutrophication have been set, regional specific action and timeframes for achieving this objective will be developed in collaboration with the regional marine conventions.</p>

Reason:

The objective set in the Commission's strategy to eliminate eutrophication problems by 2010 is unrealistic, particularly from the standpoint of local and regional authorities.

AMENDMENT 2

Section 7: Objectives - Add:

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Objective 9</p> <p>The objective is to reduce the environmental impact of shipping by developing the concept of the "Clean Ship".</p>	<p>Objective 9</p> <p>The objective is to reduce the environmental impact of shipping by developing the concept of the "Clean Ship" <u>which would include the development of a "black box" system for ships similar to that used in aircraft, which would record essential safety and anti pollution information by 2010.</u></p>

AMENDMENT 3

Section 7: Objectives - Add:

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Objective 10</p> <p>The objective is to achieve a quality of the environment where levels of contaminants do not give rise to significant impacts on or risks to human health and well-being.</p>	<p>Objective 10</p> <p>The objective is to achieve <u>by 2010</u> a quality of the environment where levels of contaminants do not give rise to significant impacts on or risks to human health and well-being.</p>

AMENDMENT 4

Section 7: Objectives - Add:

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Objective 12</p> <p>The objective is to realise more effective coordination and cooperation between the different institutions and regional and global conventions, commissions and agreements governing marine protection.</p>	<p>Objective 12</p> <p>The objective is to realise <u>by 2006</u> more effective coordination and cooperation between the different institutions and regional and global conventions, commissions and agreements governing marine protection;</p>

AMENDMENT 5

Section 8.1: Policy action - Amend:

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>81. Where this is likely to lead to designation of Special Areas of Conservation which would have implication for ongoing sectoral activities, the Commission will address the integration of nature protection measures and the various sectoral activities impacting on the marine environment including spatial planning and the application of strategic environment assessments.</p>	<p>81. Where this is likely to lead to designation of Special Areas of Conservation which would have implication for ongoing sectoral activities, the The Commission will address the integration of nature protection measures and the various sectoral activities impacting on the marine environment including spatial planning and the application of strategic environment assessments.</p> <p><u>This will be done in the first instance wherever, under Action 2, Special Areas of Conservation might be designated which would have implications for ongoing sectoral activities.</u></p>

AMENDMENT 6

Section 8.1: Policy action - Amend as follows:

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Action 7</p> <p>In the context of its implementation of its strategy with regard to Dioxins, Furans and PCBs, the Commission will consider the development of an integrated pilot programme for monitoring of dioxins in the environment and in food in relation to human health in the Baltic area.</p>	<p>Action 7</p> <p>In the context of its implementation of its strategy with regard to Dioxins, Furans and PCBs, the Commission will consider <u>by 2004 submit proposals</u> for the development of an integrated pilot programme for monitoring of dioxins in the environment and in food in relation to human health in the Baltic area.</p>

AMENDMENT 7

Section 8.1: Policy action - Add:

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Action 9</p> <p>To facilitate a more systematic approach towards combating marine eutrophication, the Commission will:</p> <ul style="list-style-type: none"> • pursue a more vigorous enforcement and implementation of the nitrates and urban wastewater directives; • 	<p>Action 9</p> <p>To facilitate a more systematic approach towards combating marine eutrophication, the Commission will:</p> <ul style="list-style-type: none"> • pursue a more vigorous enforcement and implementation of the nitrates and urban wastewater directives, <u>and submit proposals to that end by 2004;</u> •

AMENDMENT 8

Section 8.1: Policy action - Add:

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Action 14</p> <p>The Commission will:</p> <ul style="list-style-type: none"> • in the future assisted by the European Maritime Safety Agency, continue to review the effectiveness of EU legislation in the maritime safety field with special emphasis being given on the recently adopted measures to prevent maritime pollution accidents; • continue to actively promote initiatives aimed at minimising environmental 	<p>Action 14</p> <p>The Commission will:</p> <ul style="list-style-type: none"> • in the future assisted by the European Maritime Safety Agency, continue to review the effectiveness of EU legislation in the maritime safety field with special emphasis being given on the recently adopted measures to prevent maritime pollution accidents; • continue to actively promote initiatives aimed at minimising environmental

harm caused by maritime transport and will support efforts to develop the concept of a Clean Ship.	harm caused by maritime transport and will <u>actively</u> support efforts to develop the concept of a Clean Ship <u>including the development of a Sea Traffic Control System</u> for maritime transport.
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AMENDMENT 9

Section 8.1: Policy action - Add new text:

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<p>Action (new)</p> <p>The Commission will by 2004 submit proposals designed to ensure that the costs of (potential) environmental damage are more explicitly reflected in the business results of the (potential) polluters.</p>

AMENDMENT 10

Section 8.2: Enhancing coordination and cooperation - Add:

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Action 19</p> <p>The Commission will:</p> <ul style="list-style-type: none"> • establish an interservice group to consider all issues related to marine protection and ensure effective co-ordination of the sectoral regulations; • establish a work programme involving a sharing of work with Member States, regional organisations and other stakeholders to realise the objectives of the Marine Strategy; • publish a report by June 2004 on the results of these initiatives together with recommendations for further action. 	<p>Action 19</p> <p>The Commission will:</p> <ul style="list-style-type: none"> • establish an interservice group to consider all issues related to marine protection and ensure effective co-ordination of the sectoral regulations; • establish a work programme involving a sharing of work with Member States, regional organisations and other stakeholders to realise the objectives of the Marine Strategy; • publish a report by June 2004 on the results of these initiatives together with a <u>more detailed integral strategy and</u> recommendations for further action.

AMENDMENT 11

Section 8.2: Enhancing coordination and cooperation - Amend as follows:

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Action 20</p> <p>Where the Commission, within the reform of the CFP, has proposed to establish Regional Advisory Councils with a broad membership including representatives from fisheries and aquaculture sectors, environmental and consumer interests, national and/or regional administrations, and scientists, it will seek to apply this model in other sectors.</p>	<p>Action 20</p> <p>Where the Commission, within the reform of the CFP, has proposed to establish Regional Advisory Councils with a broad membership including representatives from fisheries and aquaculture sectors, environmental and consumer interests, national and/or regional <u>and relevant local administrations</u>, and scientists, it will seek to apply this model in other sectors. <u>to build on this model in such a way that Integrated Regional Advisory Councils are established, aimed at all the relevant, interconnected sectors.</u></p>

AMENDMENT 12

Section 8.2: Enhancing coordination and cooperation - Add:

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Action 22</p> <p>At global level, the Commission will:</p> <ul style="list-style-type: none"> • promote improved co-ordination between all bodies dealing with marine protection in the framework of UNCLOS and Agenda 21 chapter 17; • ensure co-ordinated Community position in intergovernmental organisations to facilitate a broad pan European consensus and European influence; • pursue on-going dialogue and international scientific and technological research cooperation with partner countries and regions interested in promoting the ecosystem-based approach to the marine environment; • ○ 	<p>Action 22</p> <p>At global level, the Commission will:</p> <ul style="list-style-type: none"> • promote improved co-ordination between all bodies dealing with marine protection in the framework of UNCLOS and Agenda 21 chapter 17; • ensure co-ordinated Community position in intergovernmental organisations to facilitate a broad pan European consensus and European influence; • pursue on-going dialogue and international scientific and technological research cooperation with partner countries and regions interested in promoting the ecosystem-based approach to the marine environment, <u>and actively promote this approach;</u> ○

Brussels, 9 April 2003

The President

of the

The Secretary-General

of the

Committee of the Regions

Committee of the Regions

Albert Bore

Vincenzo Falcone

¹ OJ C 357, 14.12.2001, p. 44

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CdR 24/2003 fin EN/o-NL/NT/ht

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