



MSFD Review

Evaluation and Impact Assessment *(state of play)*

*Stakeholder workshop
15 November 2022*

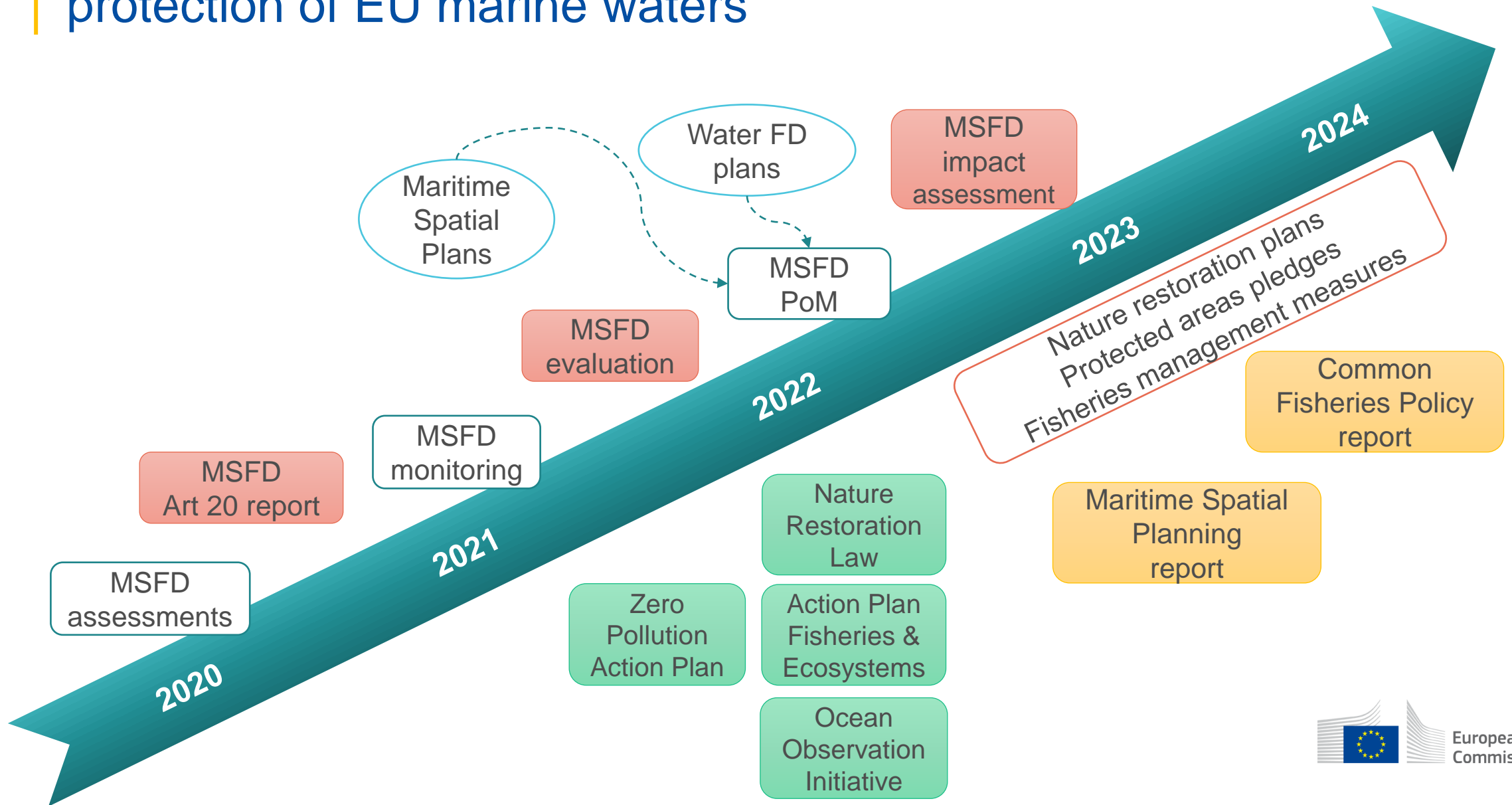
Content

1. Policy context and process
2. Evaluation outcomes
3. Impact Assessment (preliminary work)
4. Next steps and timeline

1. Policy context and process

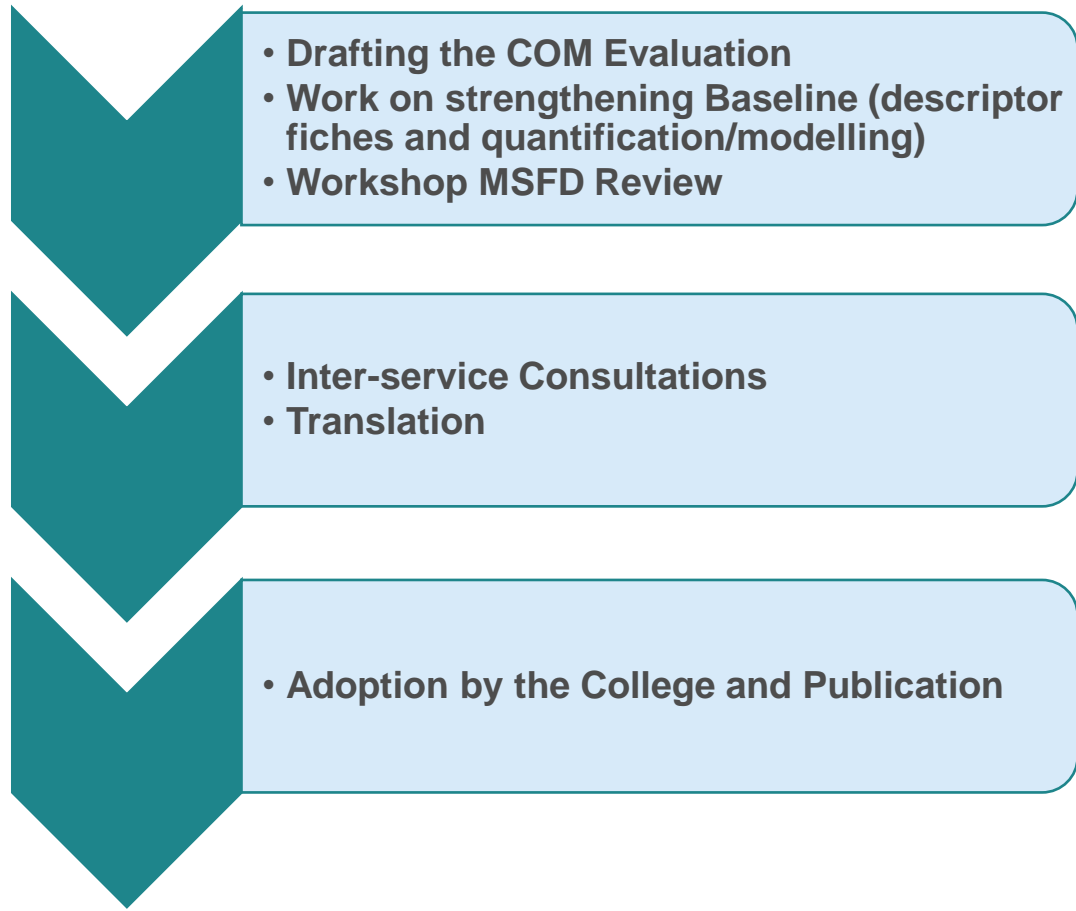
Policy context

protection of EU marine waters

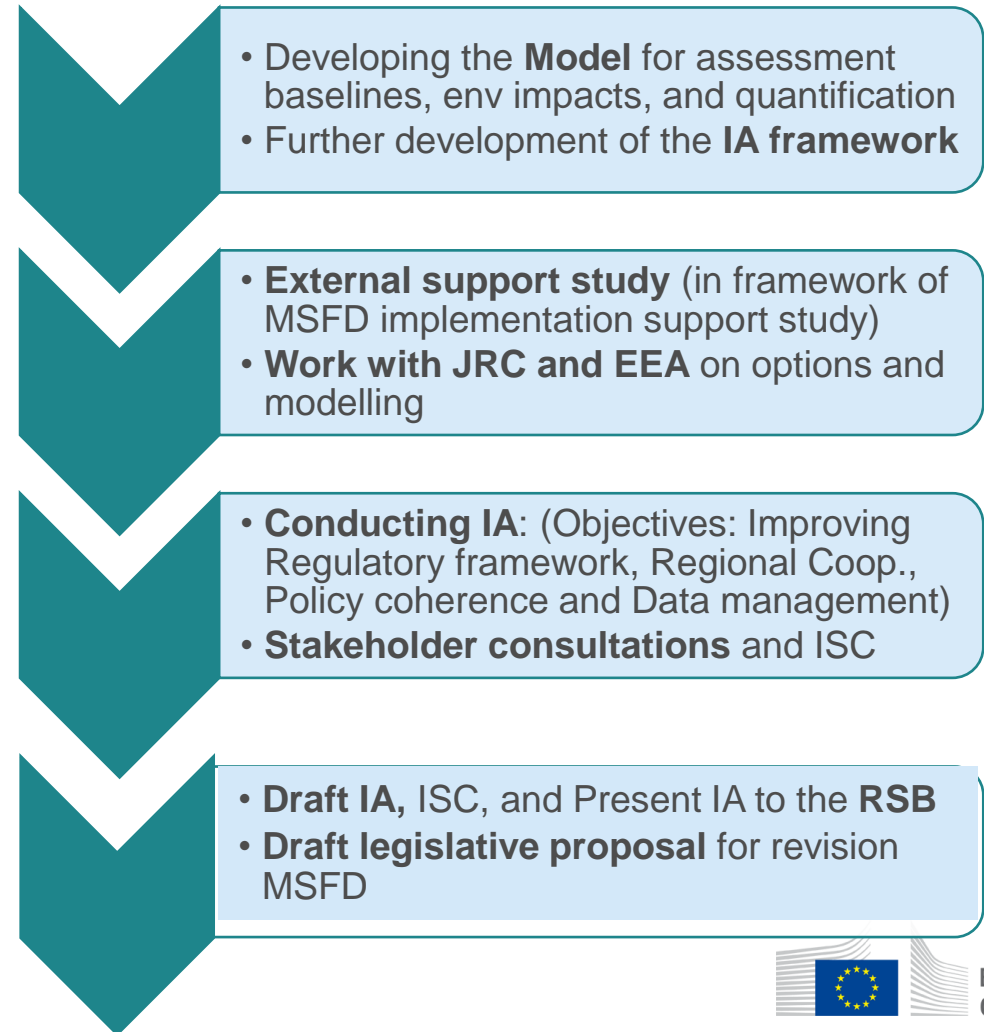


Review Process ('REFIT, Better Regulation')

Evaluation

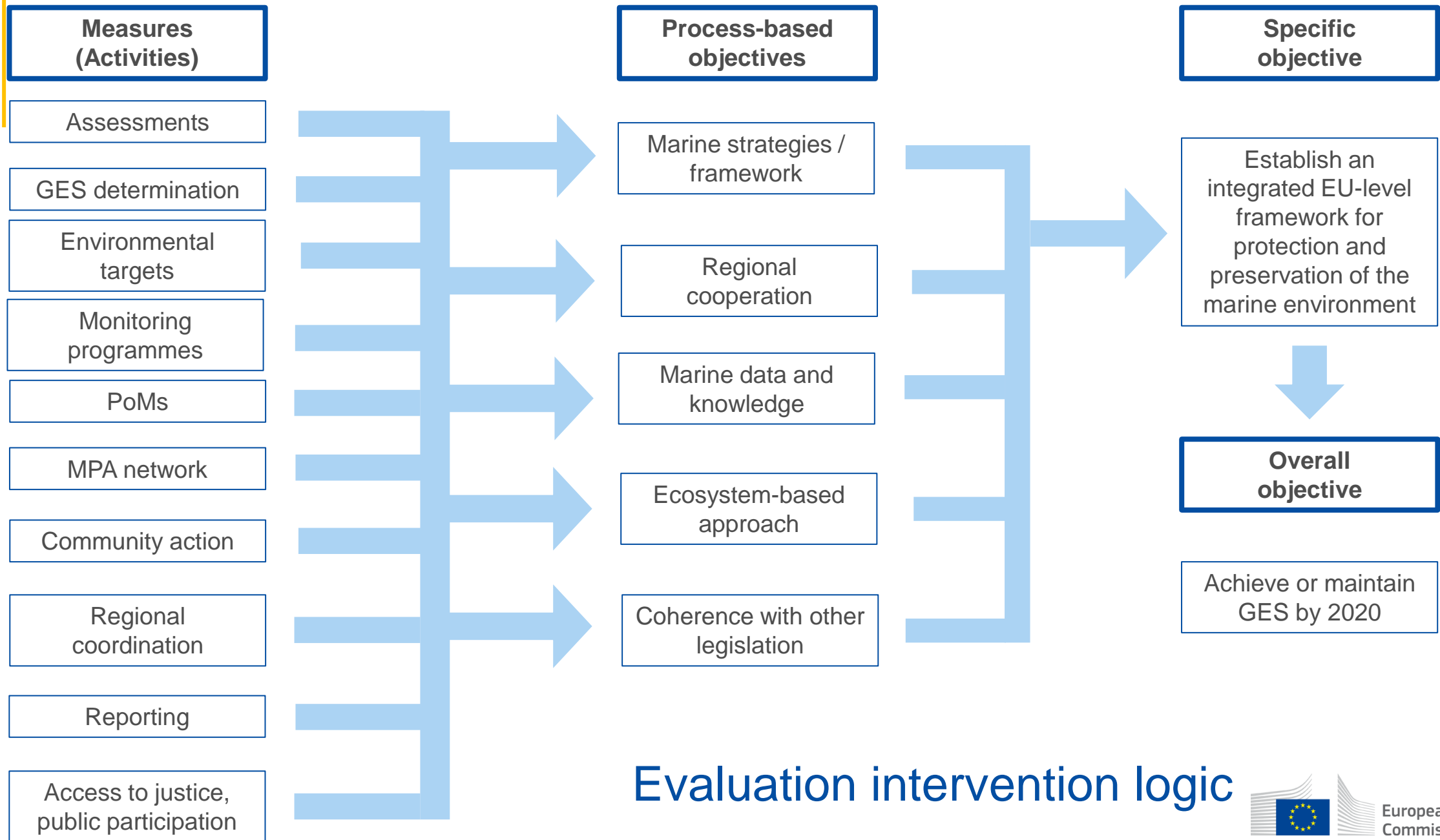


(future) Impact Assessment



2. Evaluation

- Intervention logic
- Outcomes Evaluation study
- TIA results and recommendations



Evaluation intervention logic

Main outcomes from the Evaluation study (1)

- **Effectiveness:**
 - Overall, **GES** not achieved (2020 ddl): biodiversity continues to decline, ecosystems under threat and pressures have not reduced; at descriptor level progress/achievements made but only for certain areas and descriptors.
 - **Marine strategies** have been developed, significant improvements in reporting between the 1st and 2nd cycle, CIS coordination, and large quantity on data generated on state of the marine environment; important gaps persist in GES determination/quantification, environmental target setting, PoMs and monitoring; regional cooperation/coordination has increased, but still disparities across marine regions
- **Efficiency:** Costs of implementing the Directive outweighed by the (potential) benefits from implementing marine strategies/achieving GES.

Main outcomes from the Evaluation study (2)

- **Coherence:** gaps and overlaps with related environmental legislation; insufficient integration/application of MSFD principles and objectives in sectoral legislation (maritime, agriculture, energy); insufficient integration of climate change impacts
- **Relevance and EU added value** were confirmed (need for EU action in the area of marine protection), but shortcomings identified, such as insufficient integration of climate change impacts. Adherence of the proportionality and subsidiarity principles, but high degree of flexibility leads to low ambition.
- **Regulatory / governance / information failures**, falling in five main categories: *1. regulatory framework, 2. implementation & enforcement, 3. regional cooperation, 4. coherence, 5. data management.*

Main outcomes from the TIA for the evaluation of impacts on EU regions (1)

- **ESPON TIA Quick Check approach: Set of indicators and Workshop (3 June 2022)**
- **Benefits expected in coastal regions** with a high tourist intensity, and high level of fishing activities from positive ecological impacts on the fish population (longer term) (*Irish Sea and French Atlantic coast, as well as the regions of the Greater North Sea*);
- **Positive health impacts expected for population** living in coastal regions (*southern and eastern coast of the Baltic Sea, Black Sea coast and at eastern coast Adriatic Sea*)
- **Improvement in governance and better quality of law enforcement** in coastal regions (*Greek and Croatian Adriatic coast, French Mediterranean, Baltic Sea coastline*)
- **Improved protection of special conservation areas** from strict implementation (*Macronesia, coastal waters of Spain, France, Italy, Denmark, Germany*)
- **Reduction in (oil and gas) exploitation** would have **positive effects on the marine environment**, in particular decreased actual disturbance to the sea and its subsoil (*Greater North Sea, Baltic Sea*)

TIA (2): Policy Recommendations

- **A multilevel governance approach** needed to support implementation
- **Integration into the EU funding policies** necessary
- **Transnational Interreg Programmes and macroregional strategies** offer a platform for cooperation
- **Cross-sectoral links MSFD and other policies**, in particular fishing policies
- **Need for harmonized data** for assessing the environmental status of marine regions would enable monitoring progress

3. Preliminary work on the Impact Assessment (*for future MSFD revision*)

- Process
- Problem definition and Objectives
- Options

Problems, drivers, causes

Overall problem:

EU marine waters are not in 'Good Environmental Status'

Marine strategies have not resulted in overall improvement of the EU seas and ocean (across all descriptors, and have not sufficiently reduced pressures at sea)

Problem drivers

Root causes

Objectives

General objective:

Contribute to a better protection of the marine environment by setting in place a robust EU integrated framework

Specific objectives

Operational objectives

Policy measures/options

For each operational objective:

Policy measures and sub-options aimed at achieving the specific/operational objectives

Combinations of preferred sub-options into option packages; Identify the Preferred option

Outputs, results, impacts

For each proposed option/measure:

Expected outputs and results

Expected impacts

Assessment of impacts

Policy context

IA process

EU Green Deal, Biodiversity Strategy, Nature Restoration Law, Zero Pollution Action Plan, Sustainable Blue economy, Ocean Observation initiative

Root causes

- Scope of the Directive too wide
- Complexity of legislation
- Operational targets missing in the Directive
- GES determined at MS level
- Environmental targets not defined

- PoMs only partially covering pressures
- Monitoring only partially measuring progress GES
- Insufficient funding and political willingness

- Main implementation structures at regional level not EU structures/bodies
- Relationship between EC and RSCs unclear Non-EU membership of RSC's
- Conflicting policy interests/agendas at regional level

- Inconsistencies and overlaps with WFD & Nature Directives
- Growing trends/pressures not well integrated
- Climate change impacts objectives not integrated

- Large amount of data to be collected & assessed
- Data collection not standardized across MS
- Complexity of data infrastructures
- Lack of standardised methods for monitoring and assessing different elements of MSFD
- Reporting requirements not based on needs



Problem drivers

Inadequate regulatory framework, **missing clear objectives, operational targets**

Insufficient **implementation and enforcement**

Insufficient **regional cooperation and coordination**

Insufficient **coherence with other legislation & policies**

Inadequate **data management**: data quality, data collection/sharing, and communication



Main problems

Overall goal of achieving GES by 2020 has not been met: seas are not *'clean, healthy, productive and resilient'*

In particular:

- Directive has not resulted in overall improvement of the state of seas/ocean
- Pressures at sea from human activities have not been sufficiently reduced

Objectives of the revision

Overall objective: **contribute to protection and preservation of the marine environment**

Specific objectives:

- (1) Improve the **regulatory framework**: provide for clear objectives and operational targets
- (2) Improve **implementation and enforcement**
- (3) Improve **regional cooperation and coordination**
- (4) Improve **policy coherence**
- (5) Improve data management

Subset of operational objectives (Under each one of the specific objectives)

Option packages (preliminary)

- **Baseline scenario:** continuation of the current policy (no change).
- **Repeal option**
- **Strengthen implementation/enforcement through guidance/recommendations**
- **Strengthen governance of the regulatory framework:**
 - **MS level: further defining GES**, including amending the **COM (2017) decision**
 - **Harmonisation at regional level:** regional cooperation and coordination
 - **Harmonisation at EU level:** determine/reconsider the concept of GES

4. Next steps / work with JRC and EEA

- *MSFD COM Evaluation*
- *Work with JRC and EEA*
- *(external) support study*

Timeline (preliminary)

**MSFD Review Stakeholder
Workshop**

15 November 2022

ISG on COM Evaluation

First half of 2023

Finalise COM Evaluation

Current mandate

Support study

May 2023: *(projected) start date*

Work with JRC/EEA

Modelling (Blue 2): baseline development, environmental impacts and quantification;

Development of policy measures and options, with focus on environmental targets, policy coherence and data management (data roadmap)

Thank you for your attention