



DG ENVIRONMENT - MSFD stakeholder workshop

Brussels, 15 November 2022

Context

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 good environmental status. The directive is legally due to be reviewed by 2023 (article 23 MSFD).

To this end, the Commission launched in 2021 a public consultation and organized a stakeholder's event (17 December 2021). This workshop is part of this stakeholders' consultation for the Commission to gather opinions on how to move forward with MSFD.

Introduction

As the policy environment is constantly moving, and it is important to consider all new elements fully, DG Environment has decided to postpone the revision of the MSFD until after the next EU elections when a new mandate is in place. Therefore, the review is not mentioned in the Commission's work programme for 2023. This will contribute to ensuring coherence among the various sectors following new pieces of legislation, e.g., the nature restoration law (specifically Art. 5 on the marine environment). The CFP implementation report is being presented at the end of 2022 and will be analysed. The Action Plan to conserve fisheries resources and protect marine ecosystems is also in the making and needs to be taken into consideration. In addition, the CAP strategic plans are also important for tackling pollution upstream which lead to pressure on the marine environment, RePower EU Action Plan also must be taken into account. There is a lot of competition for use of marine environment and it important to address all needs.

In addition, Parliament is overburdened with legislative proposals already and no new proposals will be put forward. Therefore, DG ENV is going to wait until the new mandate is in place before tabling a new legislative proposal on the MSDF.

01 Evaluation and Impact assessment (state of play) - Ana Bobo Remijn (DG ENV)

The presentation can be found [here](#).

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 the problems, to inform the legislative revisions. An impact assessment will be carried out to determine which the best solutions might be. This will be supported by a new study. The review is a time-consuming complicated process.



Q&A

Q: Does “exploitation” also refer to “exploration” when it comes to the reduction of impacts from oil and gas?

A: The indicator refers to both exploitation and exploration. TIA report will be published at the end of 2022 on the DG Environment website.

Q: There is a need for additional work on the review by stakeholders, are there additional workshops being planned, or the setting up of an “ad hoc” group?

A: Stakeholder consultations will be held regularly in 2023.

02 Draft Descriptor Fiches - Alicia McNeill (Milieu Law & Policy Consulting)

The presentation can be found [here](#).

Currently draft descriptor fiches are available for D1, D4, D6, D5, D10. These are summary documents and not meant to be exhaustive. JRC, ICES, OSPAR & HELCOM all have carried out a lot of work on the various descriptors, some of which are better informed than others. Also, some descriptors have no thresholds attached and there may not be enough knowledge to define thresholds.

CIS groups – Common Implementation Strategy – come into play here, such as TG Seabed, TG Noise, WG GES etc.

RSC – Regional Sea Conventions determine which descriptors are covered in different regions. Some align with MSFD descriptors and some less so.

There are discussions on how to factor in climate change, as it has impact on all descriptors, and in addition drives mitigation/adaptation measures, such as 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 that affects all other descriptors.

Going forward the question 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 remaining 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.

Q&A

Q: Is there going to be an inventory of targets and objectives?

A: This is one of the options that is being considered as part of the review in addition to the work on definitions. This could improve policy coherence and better data management. This is something that the JRC has been working on.

Q: Is further work planned on the fiches?



A: Yes, the COM is going to review the fiches which have been prepared by the contractors and stakeholders can submit comments.

Q: Trying to communicate the MSFD to stakeholders, it would be useful to include some information in the fiches on the drivers of what is causing the problems. It would also be useful to identify the policies that are directly related and which need specific attention in finding solutions.

A: some of these are already included in the first part of the fiches but these can be strengthened.

03 Assessing the costs & benefits of the MSFD - Pierre Strosser (ACTeon)

The presentation can be found [here](#).

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 evaluate 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.

04 Modelling of MSFD descriptors in support of the MSFD review - Diego Macias (JRC)

The presentation can be found [here](#).

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.

Ref – reference scenario

Bau – business as usual

HAS – high ambition scenario

05 Developing a dynamic baseline scenario - Rianne van Duinen (ACTeon)

The presentation can be found [here](#).

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 increasing demand for sustainable food



production (fisheries), blue economy sectors, expanded demands for energy supply, other activities (tourism, transport).

Some of the research and innovation 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 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.)

06 Targets and Thresholds for MSFD - Georg Hanke (JRC)

The presentation can be found [here](#).

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 (but 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 needed
- Need for common definitions and agreements
- Need for improved use of target codes
- Quantitative targets use would improve applicability
- Most efficient are targets for pressure reduction
- Dedicated targets per descriptor and criteria would be useful
- Role of targets should be clearly defined (in relation to assessments and measures)
- Targets need to be measurable to be verifiable
- Targets should be quantitative, expressed commitment, expressed in a Unit relatable to MSFD, related to concrete measures (ex: x% reduction of Y until 20ZZ; reaching Y by 202x)

Thresholds



Thresholds define reference condition and deviation from it. Identified thresholds currently in: 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.

Outcomes of the roundtable discussions

Baseline scenario

The assessment for the baseline is still a complex exercise, particularly regarding the time horizon. There is often a confusion between the time horizon for the assessment and what should be new deadlines in the revised directive.

Another issue related to this definition related to the actual needed for impact to be realised. The baseline refers to the state as it is without any change in policy. And if there were to be a revision of the MSFD in 2025 with several years for review, coming into force and implementation this would take it past 2030, so longer term thinking is needed, possibly 2050.

Regarding sectoral development, participants felt that it is likely that several uses of the marine environment increase, though others may decrease, possibly also related to MSP.

Intangible costs were mentioned, specifically when policies are made but not fully implemented, they result in a lack of trust in institutions. This could be identified in order to be avoided.

Lessons could be learned from MS which may have modelled impacts of the MSFD work they have been carrying out over the past years so another workshop may be useful. It's important to look ahead that any new modelling tools will support the MS going forward with MSFD implementation.

Policy coherence and data management

The link to implementation was raised as well as the issue of funding with an additional need for support from the RSC regarding implementation. Stakeholder involvement is vital.

In order to align legislation, alignment with assessments needs to be taken into account as well. An overarching "oceans' law" was mentioned as were the links with MSP where it is important not to only consider protection but also sustainable use of the sea. Participants acknowledged the need to recognise regional differences and the role RSC can play regarding data collection.

The MSP was mentioned as an important piece of legislation which needs to be taken into account when talking about policy coherence. It is important to integrate MSFD objectives into other sectoral policies.

Input from MSFD work in the reviews of the CFP and CAP is important.



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Should data be assessed at regional level or continue at MS level? Regional actors must be involved in data management.