



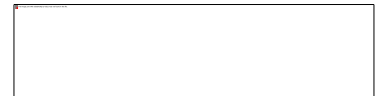
MSFD Review

Evaluation and Impact Assessment *(state of play)*

NWWAC Horizontal Working Group 13 September 2022

Content

1. Background and Policy context
2. Evaluation – final report of the evaluation study (Milieu/Acteon)
3. Impact Assessment: problem definition, objectives, preliminary options
4. Timeline



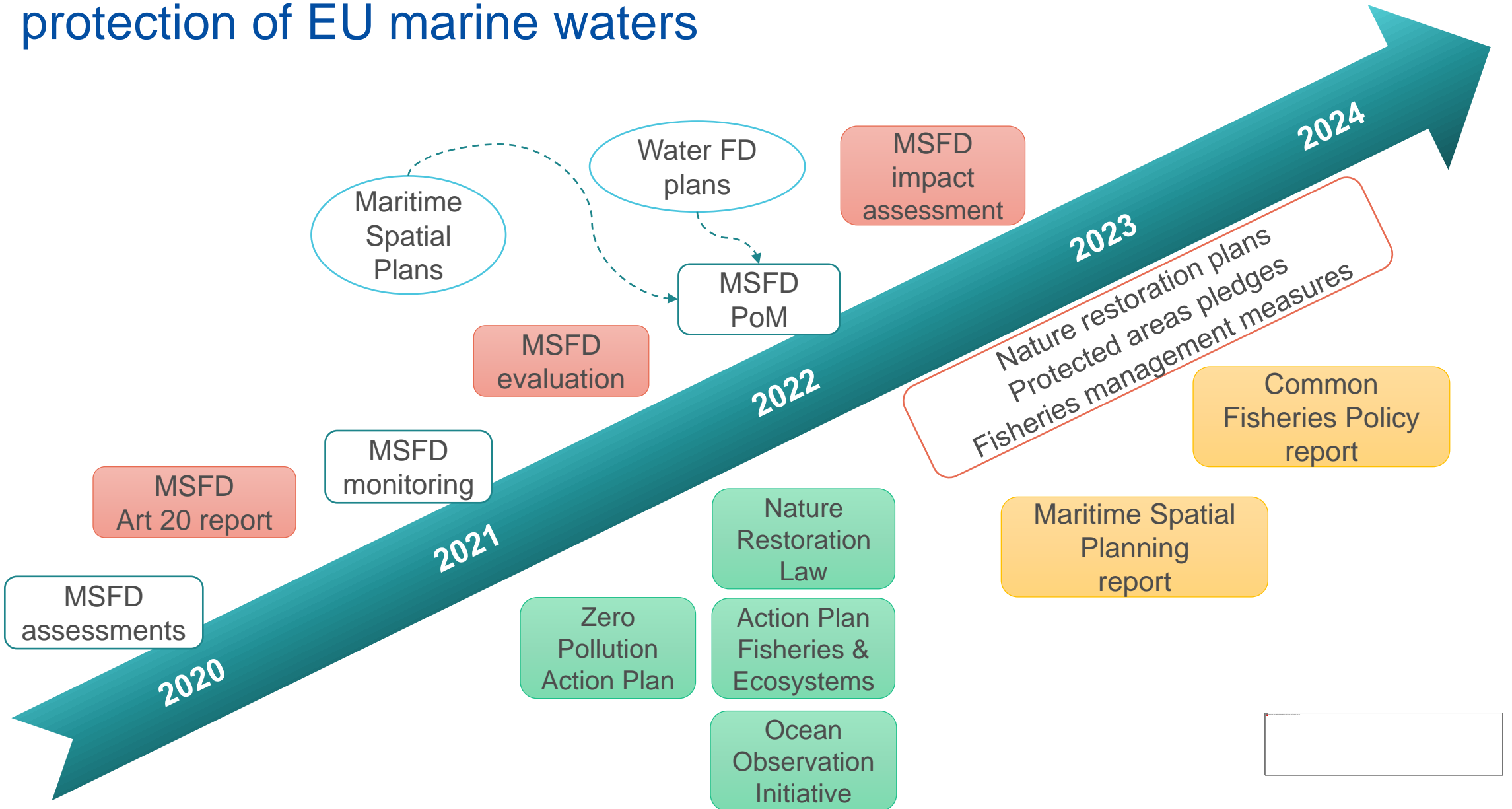
1. Background

- Why a review of the MSFD?
- ‘Back-to-Back exercise
- REFIT / COM Guidelines on Better Regulation



Policy context

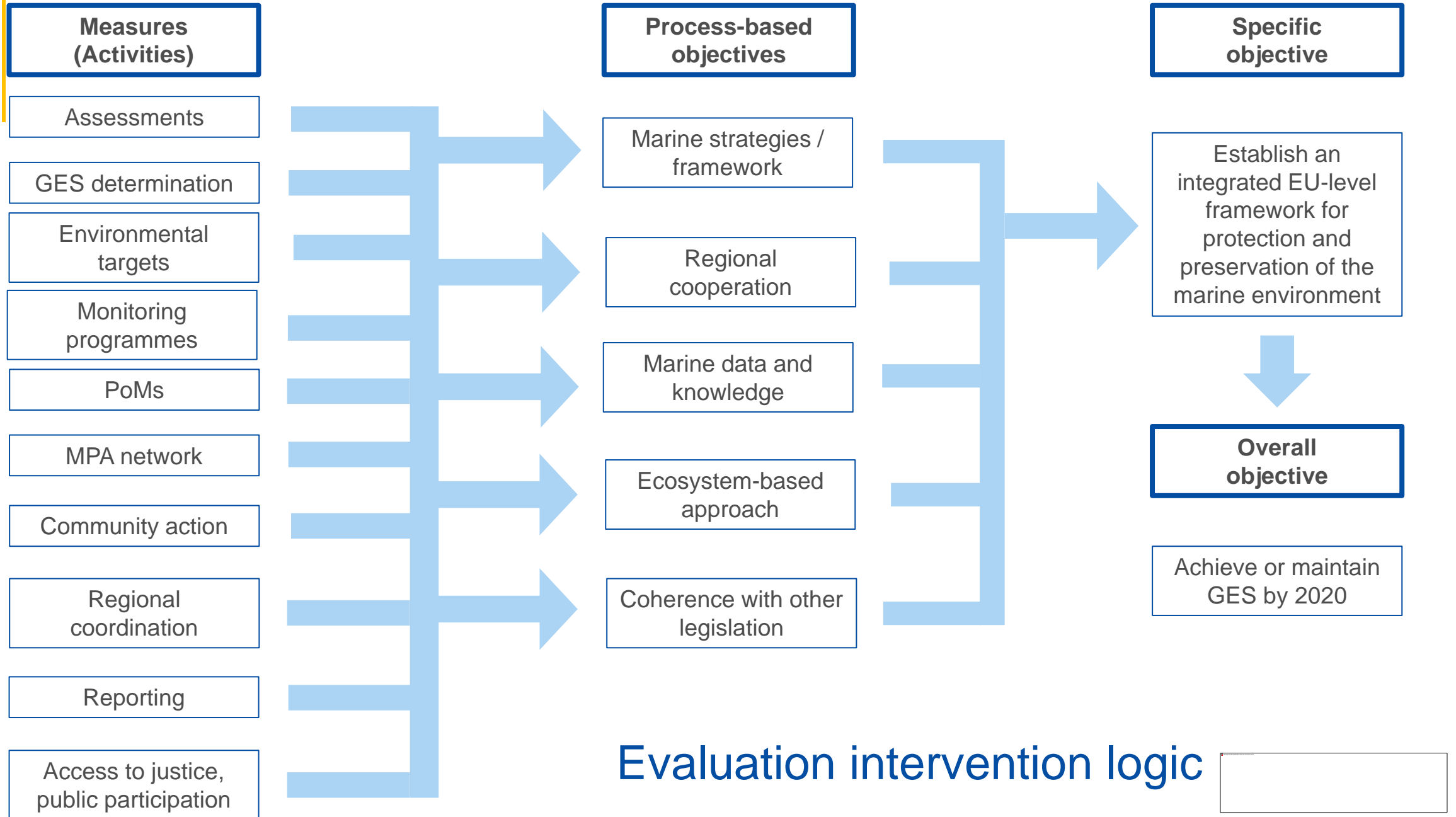
protection of EU marine waters



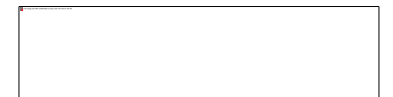
2. MSFD Review: Evaluation

- Intervention logic
- Evaluation study - Main outcomes





Evaluation intervention logic

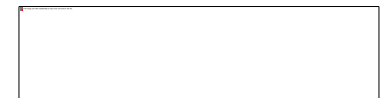


Main outcomes from the evaluation study (1)

- **Effectiveness:**
 - Overall, **GES** not achieved (2020 ddl): ecosystems continue to decline, and pressures have not been eliminated; 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 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.



3. MSFD Review: Impact Assessment

- Problem definition
- Objectives
- Options (preliminary)



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



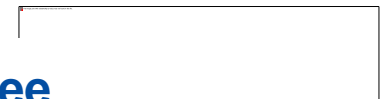
Main problems

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

Problem Tree



Objectives of the revision

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

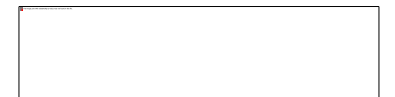
Specific objectives:

- (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



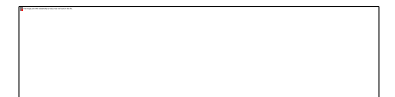
4. MSFD Review – Timeline /next steps



Timeline for the revision process

(under internal discussion)

- **Q1 2022:** Kick-off IA; finalise IA framework; 3rd meeting ISG (3/2) and ad hoc group meeting (27/1).
- **Q2 2022:** organise stakeholder consultations, upstream meeting with RSB (31/5); meeting of the ad hoc group; ongoing discussions with contractor (IA support study), JRC, EEA, Interim report Milieu/Acteon (June);
- **Q3 2022:** drafting of the COM Evaluation (based on the evaluation report Milieu); (drafting COM Impact Assessment report). ISG discussion on the progress of the review;
- **Q4 2022:** ISG meetings on the COM draft Evaluation;
- **Q2 2023:** Submission of the COM review (to be adopted and published by July 2023)



Q3 & Q4 2022 (next steps)

Work with JRC/EEA	<ul style="list-style-type: none">• Modelling (baseline and IA main options)• Development of the options (GES/TVs and targets)
Internal Workshops and consultations	<ul style="list-style-type: none">• Focus groups (descriptor fiches)• Stakeholder Workshop (November)
Territorial Impact Assessment	Workshop (DG REGIO/ESPON tool): 13 June 2022 and internal workshops (data management and policy coherence: June)



Thank you



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