



PLASMAR

Bases para la planificación sostenible de áreas marinas en la Macaronesia

DELIVERABLE 2.1.1B- TECHNICAL REPORT ON IMPLEMENTATION OF THE ENVIRONMENTAL LEGISLATION IN THE MACARONESIAN REGION

INTRODUCTION DOCUMENT

ANDREJ ABRAMIC, SACHI KAUSHIK, YAIZA FERNANDEZ – PALACIOS, ALEJANDRO GARCIA, RICARDO HAROUN

To cite this report:

Abramic, A; Haroun, R; Kaushik, S; Fernandez-Palacios, Y; Garcia, A. 2018. DELIVERABLE 2.1.1B3 - TECHNICAL REPORT ON IMPLEMENTATION OF THE ENVIRONMENTAL LEGISLATION IN THE MACARONESIAN REGION – Introduction. ECOAQUA - University Las Palmas de Gran Canaria. Report prepared as part of PLASMAR Project (co-financed by ERDF as part of POMAC 2014-2020). .

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**Deliverable 2.1.1b- technical report on
implementation of the environmental legislation
in the Macaronesian region**

- Introduction document -

1.1 Integrated Marine Management

One of the PLASMAR objectives is to develop and apply ecosystem-based approach methodology on Blue Growth sectoral development, in order to find the balance between maritime sectors development and environmental planning, supporting socio-economic growth and ensuring environmental services. This specific action, (2.1.1b), includes various analyses on the status of implementation of the EU environmental legislation in the Macaronesian region. This study lists the requirements of the EU environmental directives which are applicable to marine and coastal areas, current implementation status, including applied actions. Finally, based on the results of these studies, we expect to identify synergies and barriers to the development of the maritime sectors and environmental planning. It is necessary to understand what is already done on the implementation of the environmental policies to be applied, so it can be considered and potentially reused in the Maritime Spatial Planning process (Figure 1).



Figure 1 - Schematic overlapping of environmental legislation with MSP process and Directive 2014/89/EC, source DG MARE

Environmental planning includes a framework that applies to most of the EU environmental legislation:

1. Assessing the initial / current state of the environment, identifying relevant pressures and current impacts.
2. Defining ecological/environmental status that should be obtained or preserved
3. Initiating monitoring programmes, to survey environmental changes
4. Applying environmental/ecological measures
5. Closing the implementing cycle (4 - 8 years) with environmental planning assessment (evaluation of applied environmental measures and current state of the environment), initiating next implantation cycle

Environmental planning cycles are defined with clear deadlines for the implementation of the measures required by legal instruments and which are related to reporting obligations. The Marine Strategy Framework Directive 2008/56/EC (MSFD) is an environmental planning legislation, formally adopted by European Union in 2008. It is an European legal instrument on Integrated Marine (environmental) Management (IMM), as the Directive requirements overlap with the European environmental legislation that partially applies to the sea (Figure 1 and Figure 2). The MSFD includes: the requirements on Good Ecological Status for coastal waters established by the Water Framework Directive 2000/60/EC; the preservation of marine habitats and species defined by the Habitat Directive 92/43/EEC; downsizing the nutrient pressures on coastal and marine waters, established by the Nitrate Directive 91/676/EEC; decreasing concentration of the priority substances in water, sediment and biota, included in the Environmental Quality Standards Directive 2008/105/EC, etc...

The MSFD implementation supports sustainable maritime development, applying an ecosystem approach and considering mainly the marine environment, but also social, political and economic factors. It establishes marine environmental framework -, rationalized Good Environmental Status (GES) defines principal marine components and related level of preservation that needs to be obtained. To steer to the GES, European countries need to establish strategies that apply measures for protecting and preserving the marine environment, reducing pressures and mitigating the impacts.

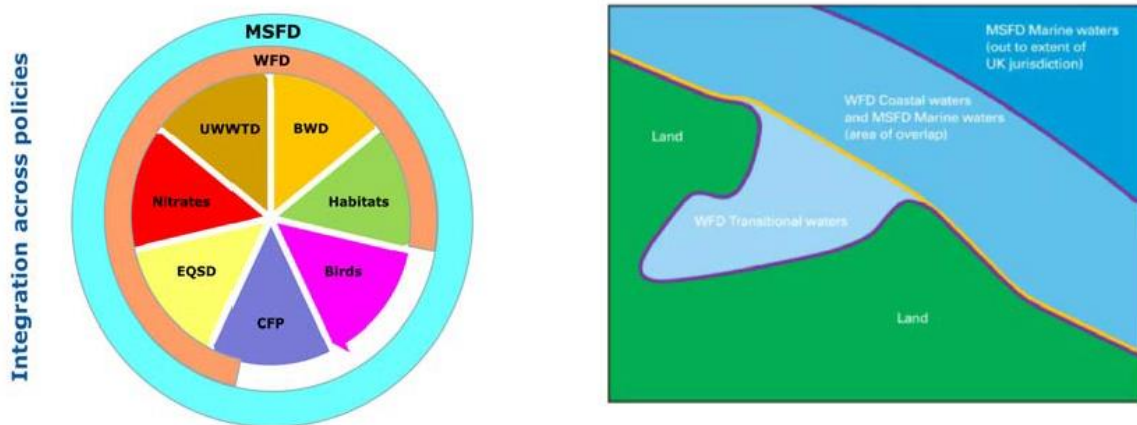
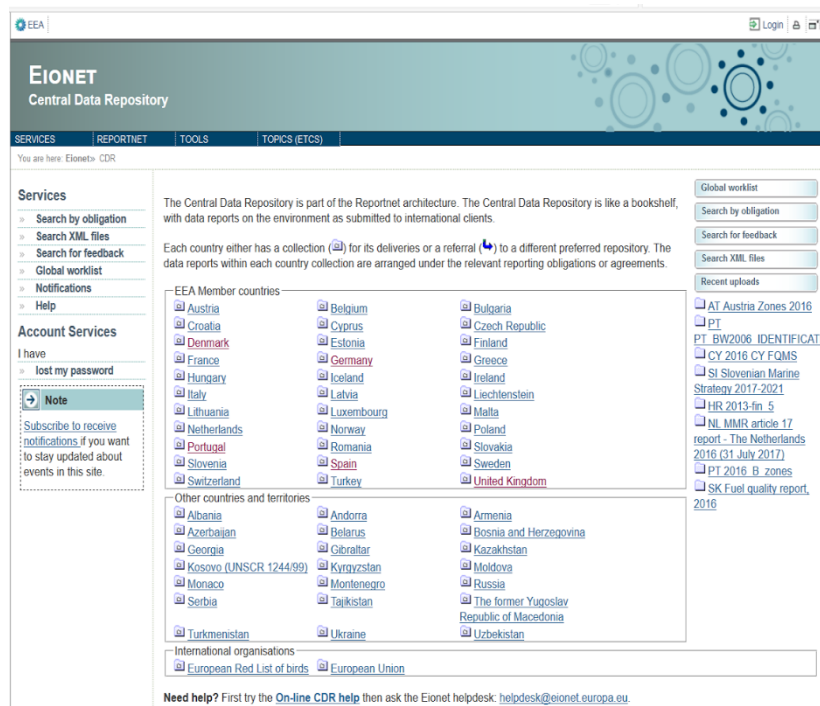


Figure 2 - Towards integrated marine environmental information; overlaps of MSFD and WFD (sources: a Working Group on Data, Information and Knowledge Exchange report 2012; b. UK Department for Environment Food & Rural Affairs)

1.2 Marine Strategy Framework Directive Implementation Information Sources

The European Environment Agency (EEA) reporting infrastructure was used for the assessment of the current state of implementation of the environmental directives. The European Environment Information and Observation Network (EIONET) is an European portal developed to support and improve the environmental data and information flows, providing web based solutions/tools and applications. REPORTNET is a reporting document repository and an integrating part of the EIONET portal. It is developed to assist European countries in their reporting task, providing information & data flows to the international organizations, mainly to the European Commission & EEA, but also to United Nations organizations/conventions and other international bodies (as European regional sea conventions, International Maritime Organization, etc.). Additionally to supporting the binding conventions responsibilities, REPORTNET contributes to increasing the transparency of the environmental planning and management processes in Europe, providing public availability to most of the reported documents, files and data.

Regarding the accessibility, REPORTNET was chosen as a main tool and data/information source point. Additionally to the EEA infrastructure, information & data available on the local level was used, delivered and hosted directly by institutions that are responsible for the environmental legislation implementation. For the development of this deliverable, the information available on MSFD - Competence Centre (<http://mcc.jrc.ec.europa.eu>) was also consulted. This includes running projects that support MSFD implementation in Macaronesia region, available publications and technical/science reports.



The screenshot shows the EIONET Central Data Repository interface. The main content area displays a list of countries and territories, categorized into EEA Member countries and Other countries and territories. The EEA Member countries list includes: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, and Turkey. The Other countries and territories list includes: Albania, Andorra, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Georgia, Gibraltar, Kazakhstan, Kosovo (UNSCR 1244/99), Kyrgyzstan, Moldova, Monaco, Montenegro, Russia, Serbia, Tajikistan, The former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine, and Uzbekistan. The interface also features a search bar, a global worklist, and a note section.

Figure 1 - Reportnet infrastructure includes data and information from 33 EEA member countries and 21 additional countries, publicly available. <https://www.eionet.europa.eu/reportnet>

REPORTNET was accessed during 2017 in order to examine the state of the play of the environmental planning & marine protection/preservation application processes in the Macaronesia. Analyses were separately done for each group of islands: Madeira, Azores and Canaries.

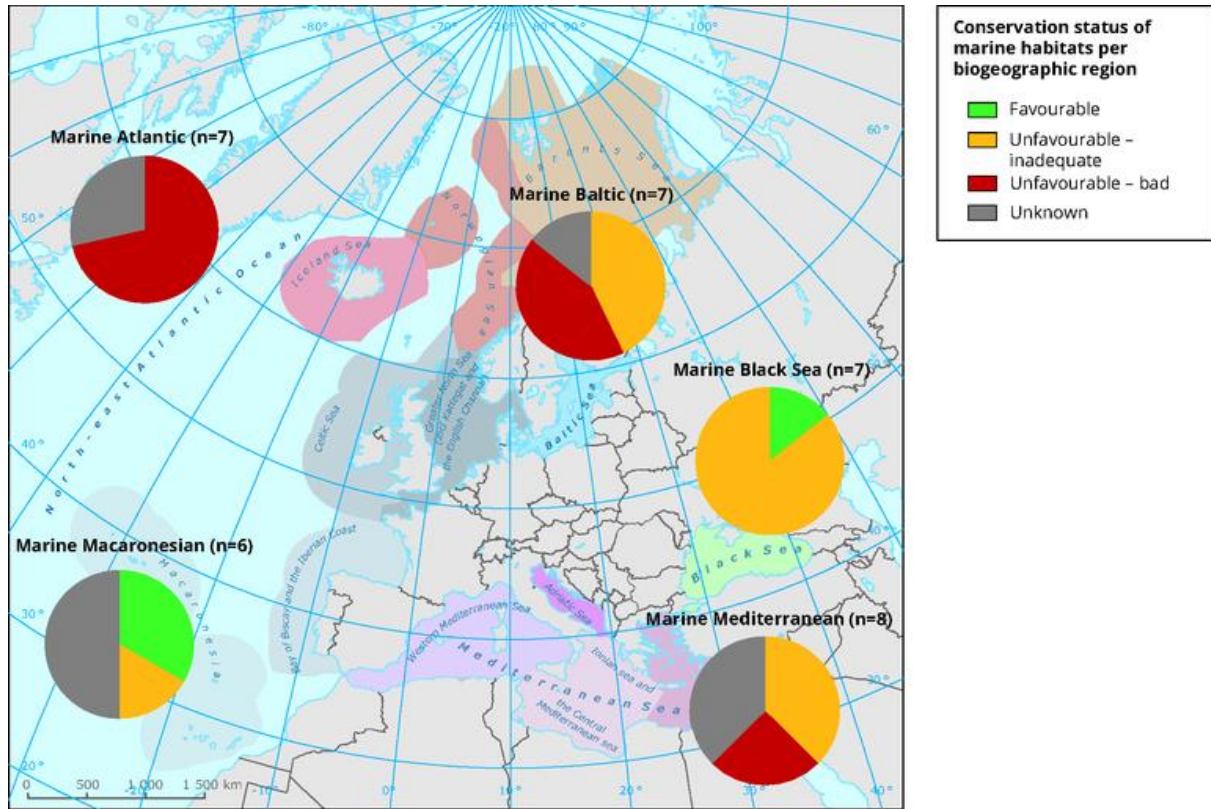


Figure 2 - Conservation status of marine habitats per marine regions, source EEA Reportnet

The implementation of the MSFD in the Macaronesia European marine sub-region were analyzed through the documents repository that hosts the reports provided by the MS's, i.e. Portugal and Spain among others. For the purpose of the study, the reported documents were analyzed, structured XML reports and delivered (spatial) data.

These reports include documents provided for reporting related to the *Initial Assessments and Determination of Good Environmental Status & Establishment of Environmental Targets* (2012); reporting on *Establishing of Monitoring Programmes* (2014) and finally delivering *Programmes of Measures and Marine Protected Areas* (2016).

In Table 1 are listed the reporting requirements and deadlines for the MSFD implementation, starting in 2010, initiating the cycle in 2012 and finalizing in 2018.

MSFD			
Reporting on	Reporting deadline	Reporting sheet status	Reporting process
Notification of subdivision of marine regions/sub-regions (Art. 4.2)	15-Jun-10	done	done
MSFD report on Marine Region or Subregion competent authority or authorities (Art. 6; Art. 7; Annex II)	1-Jun-12	done	done
MSFD reporting on Initial Assessments (Art. 8, Art. 19),	15-Oct-12	done	done
MSFD reporting on Good Environmental Status (Art.9),			
MSFD reporting on Env. targets & associated indicators (Art. 10)			
MSFD reporting on related reporting on Geographic areas, (Art. 6; Art. 8; Art.9; Art.10)			done
MSFD Monitoring Programmes (Art. 11, Art. 19 annex V)	15-Oct-14	done	done
MSFD Programmes of Measures including establishment of Marine Protected Areas (Art. 13; Art. 19; Annex VI)	31-Dec-15	done	done/in progress
MSFD progress on implementation of Programmes of Measures (Art. 13, 18 and Annex VI)	31-Dec-18	in development	-

Table 1: reporting requirement on MSFD implementing actions - 2010, 2012- 2018 - six year cycle (Source Deliverable D1.2 Analysis of requirements that link INSPIRE and MSFD done within Joint Research Centre Marine Pilot project)

Three project partners (one per each Macaronesia archipelago) were involved in the development of this study:

- The analysis for **Madeira** was delivered by the Secretaria Regional do Ambiente e dos Recursos Naturais, and is included as a separate report;
- The analysis for **Azores** was delivered by the Direção Regional dos Assuntos do Mar, and is included as a separate report;
- The analysis for **Canaries** was delivered by ECOAQUA Institute in the Universidad de Las Palmas de Gran Canaria, and is included as a separate report.

The proposed time frame for the development of this task was six months, but the final results were delivered in January 2018.

References

- European Commission (2008a): “Directive 2008/56/EC of the European Parliament and of the Council establishing a framework for community action in the field of marine environmental policy” *Off. J. Eur. Union*, vol. 164, pp. 19–40
- European Commission (2010a): “COMMISSION DECISION 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine
- European Commission (2017a): “COMMISSION DECISION 2017/848/EU of 17 May 2017 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardized methods for monitoring and assessment, and repealing Decision 2010/477/EU” *Off. J. Eur. Union*, L125, pp.43-74.
- European Commission, Joint Research Centre, project INSPIRE Marine Pilot “D1.2 *Analysis of requirements that link INSPIRE and MSFD*” 2014