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Subject: Concern and recommendations of the Coastal & Marine Union (EUCC) in the process of the implementation of the Marine Strategy Framework Directive

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The Coastal & Marine Union (EUCC) welcomes the European Union's aim to establish an effective protection scheme for the marine environment across Europe. EUCC is interested in being fully engaged in the future process of the implementation of the Marine Strategy Framework Directive (MSFD).

During the third meeting of WG GES on 1st and 2nd February 2010, the participants were encouraged to submit comments in writing. On behalf of EUCC, I'd like to congratulate the Working Group and the Task Groups to the valuable and important progress they have made in their difficult endeavour.

The GES task groups have done good work, given the short time available for the very ambitious objective of indicating how to measure good marine environmental status. The reports show that the task groups are aware of the limitations inherent to the chosen work process. Our knowledge of the marine ecosystem is still fairly limited. Drivers of marine ecosystem change are generally not well understood and it is often difficult to distinguish between natural and human causes of temporal or spatial fluctuations in the marine ecosystem. The question: "how far should a specific disturbance be reduced to ensure a non-significant impact (i.e. below a certain specified level) on the marine ecosystem", can only be answered in few cases.

Minimising human disturbance of the marine ecosystem as much as reasonably possible should be a general principle. Based on the above considerations it seems that monitoring/targeting indicators of human disturbing activities provides a more pertinent approach to the reduction of disturbance than monitoring/targeting the status of the ecosystem. This holds particularly for indicators of ecosystem functioning, which are more relevant for understanding than for target setting. Setting targets (i.e. setting "reasonably acceptable" limits to disturbing activities in the general societal context) belongs more to the realm of politics than to the realm of science.

We welcome the guidance of the task groups for defining appropriate indicators and we welcome the information they have gathered that may help setting targets. It is our opinion that the selection of indicators and the setting of targets requires more specific work and should be discussed further among member states around regional seas in concert with regional sea stakeholders.

In support of the ongoing efforts, EUCC likes to provide the following input particularly to the discussion of Descriptors 4 (foodweb), 10 (marine litter), and 11 (energy).

Descriptor 4 *"All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity."*

EUCC would like to emphasize the concern of all the organizations that collaborated in the UN Year of the Dolphin (2007) about the impact of bycatch of slowly reproducing top predators in fishing gear, especially dolphins, porpoises, seals and marine turtles. Research results indicate that a collapse of top predators can destabilize components of the food web.

Furthermore, the selective depletion of specific fish stocks through extensive fishing is viewed as a major threat to the balance in the food web and to the sustained existence of top predators in European waters. EUCC suggests also to take into account other predators indicating predator performance which reflects long-term viability of components, notably cetaceans.

Descriptor 10 *“Properties and quantities of marine litter do not cause harm to the coastal and marine environment.”*

EUCC would like to support the concerns raised by several representatives during the meeting, when the threat of derelict fishing gear (ghost gear) was pointed out that may continue to “fish” long after it has been discarded or lost. These entanglements are known to affect large numbers of crustaceans and to include marine mammals, seals, turtles and other non-target species. Therefore EUCC recommends that more reflection is given to (the absence of) biodegradable “ghost” gear as indicator for GES.

Clearance of “ghost” nets and phasing out non-biodegradable fishing gear by law would reduce entanglement of marine wildlife without affecting fishing yield, and should be seriously considered.

This concern should be reflected in Descriptor 10.

Descriptor 11 *“Introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment.”*

The impact of underwater noise on marine life and especially on cetaceans is of major concern to EUCC and we thus second the statements provided by both the Dutch and German delegates as well as the concerns raised by both ASCOBANS and IFAW.

EUCC also likes to support the suggestion to add a 4th indicator to measure the impact on marine life more directly.

Furthermore the indicators as addressed now are fairly strict and might prohibit later adjustments, according to new knowledge. EUCC recommends with regard to the indicator for low and mid-frequency impulsive sound that as long as there is not sufficient certainty about the threshold of a safe sound exposure levels not causing harm to the marine life, the precautionary principle should be taken into account.

EUCC also recommends that governments consider a strategic approach to siting of marine renewable developments; to include Strategic Environmental Assessments and Environmental Impact Assessments carried out prior to the decision making on of marine renewable energy developments and taking into account the construction phase and *cumulative* impacts;

To conclude, EUCC would like to raise its concern about the heat input in shallow waters, e.g. by offshore pile-driving and near shore power plants, that can cause serious, albeit local effects on the marine area around.

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