

Catalan Conference of Environmental Law

Category: Paper

Towards a 2020 / 2021 “full compliance” of the Marine Strategy Framework and the Marine Spatial Planning Directives. Issues and current status

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## Abstract

### **Towards a 2020 / 2021 “full compliance” of the Marine Strategy Framework and the Marine Spatial Planning Directives. Issues and current status**

The Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive - MSFD - is a very important law instrument that plays a critical role as a “law environmental tool” for marine ecosystems jointly with the so-called Environment Directive and the Marine Spatial Planning Directive.

The MSFD helps in reporting situations. It has also established a deadline for all the EU members to assure that at least certain areas are protected. Concretely, Article 1 of the MSFD states that *“the Member States shall take the necessary measures to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest”*.

On the other hand, the Marine Spatial Planning Directive (Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning - MSP ) refers to the allocation of the “human impact” on the marine environment. In this regard, certain areas and activities should be re-distributed according to the so-called MSP plans in order to ensure marine sustainability. This Directive has a roadmap as well, referred to its implementation by 2021.

As far as the situation in the Mediterranean, both, the MSFD and the MSP Directive could be of great importance if applied efficiently. As a result of some hazard activities caused by humans, the risk of extinction of different species in certain areas such as the Gorgonies has increased. Action should be taken, not only to prevent a damage that could reach a point of no return but to ensure the capacity of marine ecosystems to rebound themselves. The author will provide detailed examples of the human impact on the marine mammal population and the rise of carbon isotope levels.

The author will discuss how the effective transposition of the MSP and the MSFD would help to prevent damage and to mitigate the human impact on marine ecosystems. Moreover, the work will analyze the role of the 2004/35/CE Directive as a tool that embraces the so-called “polluter pays” principle.

Lastly, the present work will refer to Marine Cadastre, the protection of SPAMIs (Specially Protected Areas of Mediterranean Importance) and the use of satellite earth observation technologies (Copernicus) and their legal implications within the MSP and the MSFD.