Summary of MCS Position

The majority of environmental legislation governing UK seas emanates from the European Union. The charitable objectives of MCS relate to the conservation of the marine environment and our current strategy has a focus on UK seas. Therefore, any potential changes to the existence or efficacy of EU legal frameworks where they relate to the UK or wider marine environment is relevant to us because they could reduce our capacity to deliver on our charitable objectives. That's why we work to influence crucial pieces of EU legislation and how the UK government chooses to implement them.

Membership of the European Union has delivered substantial and largely effective conservation of the marine environment. Thanks to EU Directives:

- We don’t spend our British seaside holidays swimming in sewage as a result of the water quality standards set by the EU Bathing Water Directive;
- The best bits of our seas are protected through the designation of special nature reserves, known as Marine Protected Areas (MPAs) under the EU Habitats and Birds Directives;
- Countries across the EU must work together to protect and improve the quality of the sea and all that it contains. This is achieved through adoption of the Marine Strategy Framework Directive (MSFD);
- Commercial fisheries must not cause overfishing by 2020, and the discarding of commercial species must come to an end by 2019 under the radically reformed Common Fisheries Policy (CFP);
- Civil society has additional and effective means to hold the UK Government to account in relation to how well it looks after our environment.

While we do have some national marine legislation, most notably the UK Marine & Coastal Access Act and Marine (Scotland) Act, these are primarily to fill the gaps of EU legislation and do not replace it. National boundaries are of no relevance to any form of pollution or marine wildlife, so we need supranational governance, legal frameworks and cooperation to achieve shared environmental standards. MCS objectives of protecting the marine environment are therefore best achieved through a trans-boundary framework. It is our hope that the information we present in this position statement will support our members in their decision-making relating to membership of the EU, as well as anyone else interested in how different outcomes of an EU Referendum might affect them and the environment around them.

Individual pieces of EU legislation that concern us

1. EU Bathing Water Directive

The Bathing Water Directive (76/106/EEC), and the revised Bathing Water Directive (2006/7/EC), have been instrumental in improving the quality of UK bathing waters and of coastal waters more generally. Before their implementation many UK beaches were impacted by untreated sewage. In 1990 just 27% of UK bathing waters met the minimum mandatory standard for water quality, leaving the majority of beaches unfit for swimming due to the risk to public health. Since 1990 there has been massive investment in improvements to sewage treatment, thanks primarily to the standards set by the Directive, and in 2014 99.2% of bathing waters met the minimum mandatory standard. Public interest in the quality of UK bathing waters and whether beaches comply with the European standards has ensured that the Directive has remained high profile, prompting Government...
agencies, water companies, local councils, beach managers, land owners and NGOs to invest resources in improving coastal water quality.

Thanks to the European standards set by the Directive, massive investment has been made to improve sewage treatment. Over 600 UK beaches are now monitored during the summer with 95% meeting minimum standards at the end of last summer. As well as setting standards for water quality the Directive requires that this information is made available to beach visitors along with information about the effects of short term pollution. Although more investment is still needed to ensure that the remaining 5% of ‘Poor’ bathing waters meet the standards in the future, the Directive has ensured the continual improvement in water quality at many coastal bathing waters. This has not only provided benefits for public health and the quality of the environment but has also benefitted coastal tourism and businesses that rely on the quality of UK beaches, supporting a seaside economy worth £3.6bn a year.

2. EU Common Fisheries Policy (CFP)

Until recently the CFP was considered a failure by conservationists and fisherman alike, with failing fish stocks, falling numbers of fishermen and desolated fishing communities. This was the stark situation that faced MEPs in 2011 ahead of the Commission’s proposals for a reformed CFP. This failure was the driving force behind the need for a strong and ambitious reform of the 2013 CFP across stakeholders and Member States.

Two and half years of heated negotiation resulted in Member States and fishermen being provided with greater opportunity to manage the seas that relate to them through a more regionalised approach to management. Ambitious targets were agreed and the reformed CFP was introduced in 2014 with legal commitment of:

- bringing fishing levels in line with scientific advice and Maximum Sustainable Yield;
- putting an end to the practice of discarding through a landing obligation for commercial species;
- decentralising fisheries management through the establishment of long term management plans; and
- increasing the potential for greater rewards for low-impact sustainable practices.

The UK took a leading role in both the EU Parliament and Council of Ministers to drive forward this positive change. MCS considers the radically reformed CFP a success and it is now one of the key pieces of legislation the EU can be proud of – if implemented as intended. The UK is playing a leading role in driving forward the constructive implementation of legislation in the fisheries, and regions of importance to the UK fishing and aquaculture industries.

Whether the UK is part of the EU or not, bi-lateral fisheries agreements allowing other EU countries to fish in UK waters may still exist based on historic and other rights. Similarly many British vessels will want to continue fishing in other Member States’ waters: UK vessels currently land significant levels of catch into the Netherlands, Denmark, Ireland, Germany, Spain and France. The UK presently has the 2nd biggest quota allocation from the EU. If the UK was to leave the EU, quota negotiations would still be required between the UK, the EU and any other third country such as Norway. While some renegotiations may benefit a few UK fisheries, others (who fish in other Member States’ waters) risk losses.

Fisheries agreements also exist between the EU and other non-EU countries, for example Norway and Iceland. These agreements aim to ensure that Total Allowable Catches (TACs) and quota agreements are set in line with scientifically sustainable recommendations.

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1 Christina Beatty et al.2010. The Seaside Tourist Industry in England and Wales. Centre for Regional Economic and Social Research. Sheffield Hallam University
However, these agreements can be complicated in nature, and the potential existence of the UK as a separate interested party could:

- increase the level of complexity when negotiating the share of a quota; and
- create the need to renegotiate access for non-EU fleets to UK waters, and access of UK fleets to non-EU waters.

The reformed CFP has the potential to significantly increase UK and other EU catches in the long term, to provide financial and environmental sustainability and to ensure the long-term viability of our marine ecosystems and fishing industry. The UK can and should continue to drive forward meeting the targets outlined in the CFP and wherever possible compel other Member States to do the same.

3. EU Habitats & Birds Directive

The majority of UK Marine Protected Areas (MPAs), by area, are designated under the EU Habitats and Birds Directives (collectively known as the Nature Directives).

The Nature Directives are hence extremely important to maintain and recover marine biodiversity. The habitats that these MPAs protect include:

- estuarine, intertidal mud and saltmarsh habitats covering coastal fringe habitats which support important fish nursery and bird feeding areas. The sites concerned are absolutely vital for spawning, recruitment, growth and feeding of bird, fish and invertebrate species. There has been recognition amongst those in the biodiversity and fisheries sector (both commercial and recreational) that protection of coastal fringe habitats is essential to protecting the natural resources we take for granted at sea. Our coastal waters, particularly in the southwest of England are also home to reefs. Many of the sites are vital for supporting the functioning of ecosystems – and their services such as carbon storage (e.g. Fal and Helford), nutrient recycling (e.g. The Humber), fisheries (all estuarine sites), and sediment stabilisation (seagrass and saltmarsh sites).
- reefs, deep mud areas and complex sandbanks covering offshore sites. The age and size of sites provide for effective MPAs when ‘well-managed’. The offshore waters in the North Sea are vital for supporting dense adult fish populations (such as sole, plaice and cod), and their food (e.g. sand eels). All these sites have biodiversity associated with their unique physical attributes.

The Habitats Directive has resulted in recent (2014) fisheries management measures for inshore sites, mitigation of damage to sensitive port expansion areas where possible, and for business to be maintained. A recent government review on their implementation has found they are an insignificant block to economic growth, whilst allowing for green development.


The MSFD is the first all-encompassing piece of European legislation specifically aimed at the protection of the marine environment. Its ultimate objective is to achieve Good Environmental Status (GES) in all European waters by 2020 at the latest. To achieve this it first requires Member States to undertake assessments of their marine environment, to then develop targets and indicators and monitoring programmes, and finally to develop a programme of measures across 11 Descriptors, ranging from biodiversity and fisheries to eutrophication and litter. Most issues to be tackled by

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http://www.nature.com/nature/journal/vaop/ncurrent/abs/nature13022.html

MSFD: species, contaminants, fish, non-indigenous species and litter, are trans-boundary issues to which administrative and political boundaries are irrelevant. Work to improve the state of our seas therefore needs to involve action by neighbouring states as unilateral action alone will not achieve the improvements needed. MSFD encourages Member States to work with neighbouring countries to implement MSFD, so that GES can be achieved.

5. EU Water Framework Directive

This Directive requires Member States to ensure that rivers and estuaries (to the bay enclosing line) meet Good Ecological Status. It also incorporates various other Directives including the EU Dangerous Substances Directive⁴ to eliminate particularly toxic substances and to reduce pollution from other less severely toxic substances. For any discharges to inland, coastal and territorial surface waters, it is necessary to obtain prior authorisation if the discharge is likely to contain dangerous substances. The Water Framework Directive also incorporates the Priority Substances Directive to take measures aimed at ensuring that the concentrations of certain bioaccumulative substances do not significantly increase in sediment or relevant biota.

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