Introduction
This document has been prepared for CEDA members by the CEDA Environment Commission (CEC) to inform them about the implementation process of the EU Marine Strategy Framework Directive and CEDA’s involvement in the process.

What is the EU Marine Strategy Framework Directive (MSFD)?
The aim of the European Union's ambitious Marine Strategy Framework Directive 2008/56/EC (adopted in June 2008) is to protect more effectively the marine environment across Europe. It aims to achieve good environmental status (GES) of the EU's marine waters by 2020 and to protect the resource base upon which marine-related economic and social activities depend. The Marine Strategy Framework Directive (MSFD) constitutes the vital environmental component of the European Union’s future maritime policy, designed to achieve the full economic potential of oceans and seas in harmony with the marine environment.

To comply with the MSFD EU Member States (MS) must progressively develop Marine Strategies (action plans) in several steps:

- MS have to transpose the Directive into national law by: July 2010
- MS have to complete the initial assessment of their seas and have to define Good Environmental Status (GES), including targets and indicators by: July 2012
- MS have to establish monitoring programmes by: July 2014
- MS have to design programme of measures by: July 2015
- MS have to implement programme of measures by: July 2016
- GES have to be achieved for MS seas by: July 2020

The MSFD aims at ensuring that our seas will remain healthy for future generations while allowing the continuation of sustainable uses of the sea. It is an important Directive that creates a framework for marine waters by adding to and expanding the approaches initiated by, amongst others, the Water Framework Directive, Environmental Impact Assessment, Strategic Environmental Assessment and Birds and Habitats Directives. The Directive does not propose what specific measures should be taken to achieve GES, except for a reference to the use of Marine Protected Areas. Instead, development of appropriate programmes of measures is left to Member States.

Why is the MSFD relevant for dredging activities?
The MSFD mainly applies to marine waters (normally beyond 1 nautical mile) and will influence activities including sediment management, sand mining, laying of cables and pipelines, dredging for the offshore and wind farm industries etc. Navigation dredging and new constructions (harbours, breakwaters, bridges, and tunnels), land reclamation, coastal protection may also be affected where
these activities occur in marine waters (i.e. beyond coastal waters). The MSFD will provide guidance to Member States about how to decide what GES means for their seas. In turn, it is likely that Member States will consider the extent to which economic activities, such as dredging in marine waters, may affect the achievement of GES in their seas. It is possible that Member States will require consideration of the Directive as part of Environmental Impact Assessments thereby forming part of the consenting process potentially including mitigating measures and monitoring programmes. However, as GES is to be achieved at the regional or sub-regional sea level there is currently considerable uncertainty about how (or whether) Member States will apply the MSFD at project level.

The MFSD will operate in a very complex environment spread out over a multitude of geographical sea-borders and, for litter, cetaceans and noise along differing coastal- and estuarine systems. For these reasons it is clear that the implementation process needs to be considered carefully. Furthermore, the seas throughout the Member States are highly variable requiring an approach where EU regulation is sufficiently high level (hence a ‘framework’ directive) and national regulations implemented locally.

**How is the implementation of the MSFD organized?**

To facilitate the success of the MSFD implementation the Marine Directors established an organisation structure for a **Common Implementation Strategy (CIS)** and set up the **Marine Strategic Co-ordination Group (MSCG)**. MSCG co-ordinates the different working groups and all main activities under the CIS. MSCG is chaired by the Commission and formed by participants of all Member States. It is open to relevant international organizations (e.g. OSPAR, HELCOM) and to NGO’s and stakeholders. Currently some 30 stakeholders participate in the MSCG, CEDA being one of them. Under the MSCG several Working Groups and Task Groups have been established by the Commission. The composition of these is the same as of the MSCG.

**How is the navigation and dredging sector input organised?**

The Commission encourages stakeholders to work together to co-ordinate their input to the MSFD implementation process through so called “thematic clusters”. In response to this, stakeholder organizations with interests in maritime navigation and dredging proactively initiated a “navigation cluster” known as the Marine Strategy Navigation Group (MSNG)*. The task of the MSNG is to coordinate the exchange of knowledge, experience and views and where possible and relevant to translate the knowledge available within the combined membership of the participating associations into professional advice that can be used in the implementation process of the MSFD. Chaired by CEDA (Nicola Clay, HR Wallingford, UK), MSNG was formed approximately one year ago and has been actively participating in the MSCG and its working groups since.

**Why is CEDA involved and what is CEDA’s role on MSNG?**

CEDA welcomes the adoption of MSFD and supports the principle of protecting the marine environment across Europe whilst, importantly, allowing sustainable uses to continue. Within CEDA’s broad membership considerable knowledge and expertise is available about several topics...
that are being addressed by the CIS of MSFD. We wish to make this expertise, as well as our extensive network, available to the Commission during the implementation of the MSFD. It is important to remember that CEDA is not a lobby organisation and we do not intend to engage in any lobbying activity. We are going to safeguard CEDA’s independent status. We want to ensure however, that decisions affecting our member’s future activities will be based on the best scientific knowledge and practical experience available.

CEDA has a dual role on the MSNG; as a member and as Chair. As a member CEDA may provide comment and opinion on papers prepared by the group and input to discussion at MSNG meetings. However, as Chair CEDA must identify and represent the agreed position of the MSNG.

Within CEDA, this work is carried out under the auspices of the CEDA Environment Commission. A dedicated task group called CEDA MSFD Advisory Group has been set up as a consultation platform for developing the CEDA position on particular issues. This group acts mainly as a corresponding group and meets when the need arises.

**What were the main developments of the MSFD implementation so far and what was MSNG’s (CEDA’s) input?**

The focus of the MSFD implementation over the first part of 2010 has been the transposition process by Member States and, of particular interest to the navigation sector, the development of criteria and methodological standards for the descriptors of Good Environmental Status (GES) -the MSFD lists 11 qualitative descriptors which represent high level aims for which GES should be achieved by 2020. In practice this means deriving a common understanding of what GES is and how the status of ecosystems should be quantified with respect to the general definitions of the descriptors (Article 3 and Annex I of the Directive). Some of the 11 descriptors recognised by the Directive such as biological diversity, non-indigenous species, sea-floor integrity, hydrographical conditions, concentrations of contaminants and energy (including underwater noise) are of relevance to the navigation and dredging sectors. MSNG made several formal submissions to the Commission and the GES Working Groups. MSNG was pleased to see in the Commission’s draft Decision about the GES that MSNG’s input was effective and was taken seriously. These formal submissions can be downloaded from www.dredging.org/MSFD.

The other potentially relevant area for the navigation and dredging sector on which recently considerable work is currently being carried out is the economic and social assessment of the implementation of the Directive. The provisions in the Directive to allow Member States to define what comprises programmes of measures may result in an inconsistent and inequitable implementation of programmes of measures within the Member States which would alter the level playing field for cross boundary sectors like navigation.

**Aspects that need further attention**

It is important to consider the new MSFD within the context of existing national- and international governance. In several cases there are already policies and regulations at national level and care has to be taken not to create contradictory legislation.
In particular, now that the Directive is being transposed, the following need to be addressed with care:

- Interaction (transpose) with existing frameworks such as OSPAR and Water Framework Directive, IMO but also national dredging-related legislation.

- Experiences with descriptors in other regulatory frameworks (e.g. OSPAR, HELCOM and other regional and international conventions) – are they truly effective? Are they easy to monitor? Are they geographically similar? What are the outcomes of monitoring programmes?

- Consideration of the economic and social consequences of meeting GES – what will it mean for dredging projects?

Are different Member States taking different approaches to the MSFD – much of the detail of how the Directive will be implemented is left to Member State level – are you seeing different requirements in different areas?

**CEDA needs your input!**

We are looking for stakeholders from the dredging community that will join us in the discussion and provide valuable information and input to help tackling the questions above. If you are a governmental authority, port authority, contractor, engineer, NGO or all of the above, please contact us and let us know how you would like to be involved. (MSNG Chair, Nicola Clay: n.clay@hrwallingford.co.uk; CEDA EC Chairman, Polite Laboyrie: polite.laboyrie@rws.nl; CEDA General Manager, Anna Csiti: csiti@dredging.org).

The full text of the Directive, the MSNG position papers and documents produced so far as well as link to the official EU web-site of the MSFD can be found on the CEDA web site at www.dredging.org/MSFD

**CEDA’s work relating to other EU Directives**

CEDA is actively involved as an independent provider of technical/scientific information in the work relating to the implementation of the EU Water Framework Directive and the EU revised Waste Directive. Information about these activities can also be fond on the CEDA website.

See Glossary on the next page

* MSNG members include Central Dredging Association (CEDA), European Boating Association, European Boating Industry (EBI), European Community Shipowners Association (ECSA), European Seaports Organisation (ESPO), European Dredging Association (EuDA)**, International Council of Marine Industry Associations (ICOMIA) International Salvage Union and the International Navigation Association (PIANC).

** Corresponding member
### Glossary

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<tr>
<th>Acronym</th>
<th>Definition</th>
<th>Explanation</th>
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<tr>
<td>CEDA</td>
<td>Central Dredging Association</td>
<td>An independent, non-profit, non-governmental, professional society for the dredging industry serving Europe, Africa and the Middle-East.</td>
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<td>CIS</td>
<td>Common Implementation Strategy</td>
<td>A strategy prepared in 2008 to ensure coherence and consistency of Member States’ implementation of the MSFD.</td>
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<td>GES</td>
<td>Good Environmental Status</td>
<td>The environmental standard (made up of 11 descriptors) which must be achieved in Europe’s seas by 2020.</td>
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<td>HELCOM</td>
<td>Helsinki Convention</td>
<td>Governing body for 1992 “Convention on the Protection of the Marine Environment of the Baltic Sea Area” signed by all the countries bordering on the Baltic Sea and by the European Economic Community</td>
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<tr>
<td>MS</td>
<td>European Union Member States</td>
<td>A country that has signed and ratified the <a href="https://eur-Lex.europa.eu">treaties of the European Union</a> (EU).</td>
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<td>MSCG</td>
<td>Marine Strategic Coordination Group</td>
<td>Group chaired by the Commission responsible for overseeing the implementation of the MSFD. Includes Member States and stakeholder organisations.</td>
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<td>OSPAR</td>
<td>OSPAR Convention, OSPAR Commission (the same acronym is often used interchangeably for both)</td>
<td>Administrator of the Oslo and Paris Conventions for the protection of the marine environment of the North-East Atlantic.</td>
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<tr>
<td>MSNG</td>
<td>Marine Strategy Navigation Group</td>
<td>Cluster of navigation organisations chaired by CEDA and responsible for the sector’s coordinated input to the MSFD.</td>
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