Stepping over maritime boundaries and applying new normative tools in EU Environmental Law

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7th Framework Research Programme

- Options for Delivering Ecosystem-Based Marine Management
  - 17 research partners including Israel and Turkey
  - Theme ENV.2009.2.2.1.1, Project No. 244273
  - Further information is available online: http://www.liv.ac.uk/odemm/

2009 Manado Ocean Declaration

- calls upon States to apply precautionary and "ecosystem approaches with a view to achieving long-term conservation, management and sustainable use of marine living resources."


EU and the Law of the Sea

- 27 Member States (22)
- Semi-Enclosed Seas...Regional Seas...International Straits
- 97% of external trade by sea
- Iceland, Croatia, Turkey

EU Maritime Claims 2010

<table>
<thead>
<tr>
<th>Category</th>
<th>Extent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Straight Baselines</td>
<td>20 MS, except Belgium and Greece</td>
</tr>
<tr>
<td>Territorial Sea</td>
<td>12M territorial sea, Greece 6M</td>
</tr>
<tr>
<td>Contiguous Zone</td>
<td>11 MS claim 24M, Finland 14M</td>
</tr>
<tr>
<td>Exclusive Economic Zone</td>
<td>19 MS, (cf. UK, ITA ecological zone)</td>
</tr>
<tr>
<td>Exclusive Fishery Zone</td>
<td>UK, Malta 25M, Spain Med. Sea</td>
</tr>
<tr>
<td>Continental Shelf</td>
<td>22 (8 MS, 200nm/EXPL)</td>
</tr>
<tr>
<td>CLCS submissions</td>
<td>6 MS: DK, FRA, IRL, ESP, UK, PRT</td>
</tr>
</tbody>
</table>

Source: DfID&CO July 2010
EU Treaties

- Principle of conferral
  - EU must "only act within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein" 

Art 5(2) Treaty on European Union

European Treaties

- Principle of Conferral
- Exclusive Competence MS
  - Maritime boundaries
- Exclusive Competence EU
  - Fisheries Measures
- Shared Competence
  - Environment/Marine
    - Subsidiarity & proportionality

Fishery Limits

- 1964 European Fishing Convention
- 1976 Hague Resolution
  - 200 miles in Atlantic
- 2010...extended fisheries zones in the Mediterranean Sea

ICES Statistical Areas

Regional Convention Areas

What happens when limits adjusted?

UK TS and Fishery Limits in South West
Maritime limits & stakeholder consultation structures

Membership of RACs

<table>
<thead>
<tr>
<th>Area</th>
<th>Members covering Member States</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Sea</td>
<td>Belgium, Denmark, Germany, Spain, France, Netherlands, Poland, Sweden, UK</td>
</tr>
<tr>
<td>Pelagics</td>
<td>Denmark, Germany, Spain, France, Ireland, Netherlands, Poland, Portugal, Sweden, UK</td>
</tr>
<tr>
<td>North-Western Waters</td>
<td>Belgium, Spain, France, Ireland, Netherlands, and UK</td>
</tr>
<tr>
<td>Baltic Sea</td>
<td>Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden</td>
</tr>
<tr>
<td>High Seas/Long- Distance Fleet</td>
<td>Denmark, Germany, Estonia, Spain, France, Ireland, Italy, Lithuania, Netherlands, Poland, Portugal and UK</td>
</tr>
<tr>
<td>South-Western Waters</td>
<td>Belgium, Spain, France, Portugal and Netherlands</td>
</tr>
<tr>
<td>Mediterranean Sea</td>
<td>Bulgaria, Cyprus, France, Greece, Italy, Malta, Romania, Slovenia and Spain</td>
</tr>
</tbody>
</table>

MPAs and Maritime Boundaries

- Habitats Directive
- Designation by Member States
- Rhumb Lines

OSPAR MPAs

- 159 sites designated
- 147,322 km² (1.06%) (0.57% of EEZs)
- Spatial management measures, EIA, seasonal closures
- 111 in TS; 33 in EEZ and 6 in ABNJ

OSPAR MPAs in ABNJ

1. Milne Seamount in ABNJ
2. Charlie-Gibbs Fracture Zone
   A. Northern Area
   - Seabed on ECS Iceland
   B. Southern Area
   - ABNJ...working with competent authorities management measures
3. Altair/Antiaitai/ Josephine Seamounts and Mid-Atlantic Ridge North of Azores
   - OSPAR high seas...Portugal seabed


- Requires all Member States to achieve and maintain good “environmental status” in the marine environment by 2020
- Normative basis.. Ecosystem Approach
- Regional Seas approach

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**Water Framework Directive**

- “Good chemical status”...in marine waters within 12M of baseline by 2020
- “Good ecological status”...in marine waters within 1M of baseline by 2020

**Maritime boundaries and disasters**

- Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster

**Jurisdictional Model**

<table>
<thead>
<tr>
<th>Baseline</th>
<th>Territorial Continents</th>
<th>National Waters</th>
<th>Internal Waters</th>
<th>Territorial Sea</th>
<th>Exclusive Economic Zone</th>
<th>High Seas</th>
<th>Global Ocean</th>
</tr>
</thead>
</table>

**Conclusions**

- EU Law and policy evolving
- Maritime boundaries: absence of uniformity in MS practice
- EU implementing ecosystems approach – MPAs – Regional perspective under the MSFD
- True to the letter and spirit of 1982 Convention

**Publications**

Thank You!

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