



Coastal management

Integrated Coastal Zone Management (ICZM)
Common Fisheries Policy Regulation
Marine Strategy Framework Directive
Water Framework Directive (WFD)

Natural resources and eco system services

The image displays a variety of icons representing different natural resources and ecosystem services. These include marine resources (crab, fish), shipping (ship), recreation (sailboat), mineral resources (hammer and pickaxe, oil pump), renewable energy (wind turbines), economy (bar chart with people), fossil fuels (barrel of oil), wildlife (eagle, fish), climate (cloud with rain), temperature (thermometer), and weather (sun with clouds).

- **Food**

- **Transportation**

- **Recreation**

- **Source of resources:**

- Mined for minerals
- Drilled for crude oil
- Used to find biomedical organisms, which can provide us with medicine

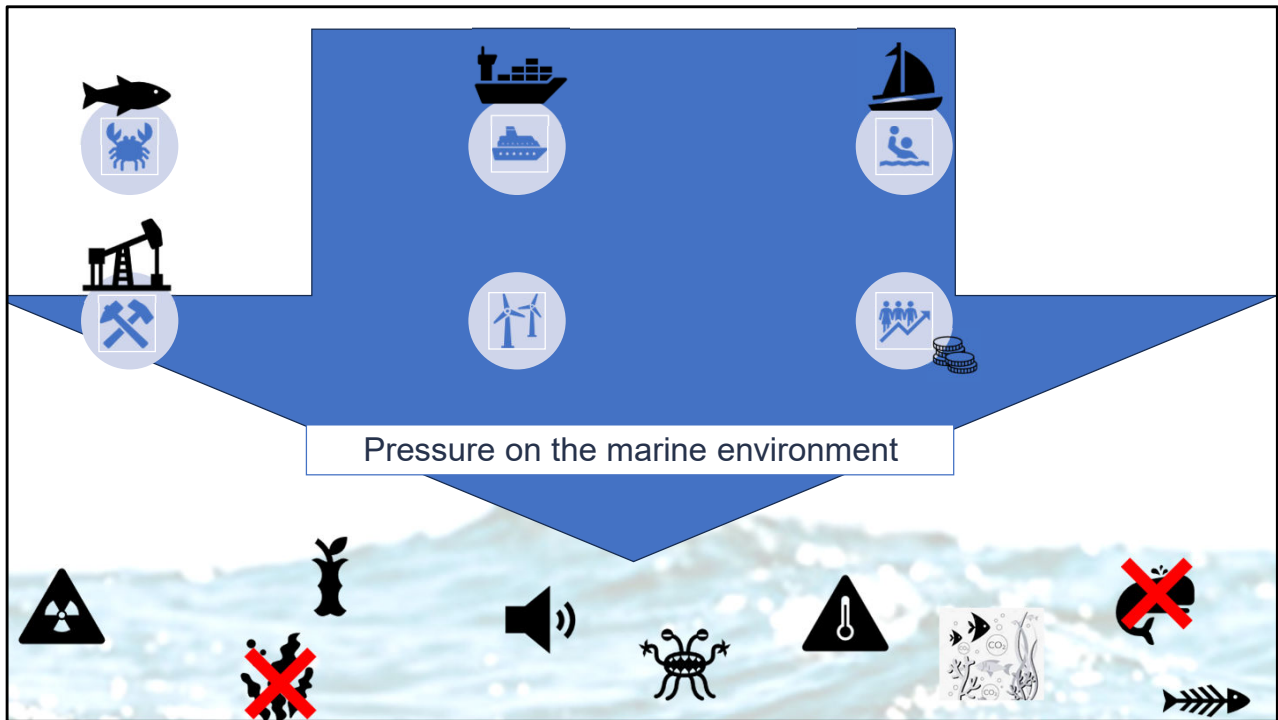
- **Employment opportunities**

- **Environmental protection:**

- Protects us from extreme weather
- Plays a critical role in removing carbon from the atmosphere

- Helps keep our climate stable to a certain degree

All in all, we need the sea, and we need to protect it somehow.



But, by using it, we also create a lot of pressure on the marine environment → pollution, biodiversity loss, seabed damage, over-exploitation, spread of non-indigenous species, underwater noise, ocean warming and acidifications.

Pressures in EU:

[Marine environment - European Commission](#)



46% of coastal water area suffers from intense eutrophication



32% to 53% of sharks and rays are threatened by bycatch

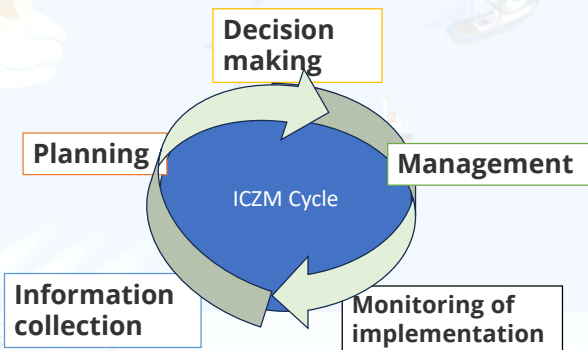


79% of the coastal seabed is disturbed due to bottom trawling

Integrated Coastal Zone Management

ICZM = Integrated Coastal Zone Management

A dynamic, multidisciplinary and iterative **process** to promote sustainable management of coastal zones.



What to do about managing the environment and oceans?

There is a range of approaches to managing the environment sustainably while allowing the use of ocean resources. These approaches incorporate many principles, including those of sustainable development.

One Key Approach: Integrated Coastal Zone Management (ICZM)

- **What it is:** A process aimed at promoting sustainable management.
- **How it works:**
 - Involves **informed participation and cooperation** of all stakeholders.
 - Assesses societal goals for a given coastal area.
 - Takes actions to meet these goals.
- **Objective:**

- Over time, seeks to balance **environmental, economic, social, cultural, and recreational objectives**.
- Essentially, it is **sustainable development** under a different framework.

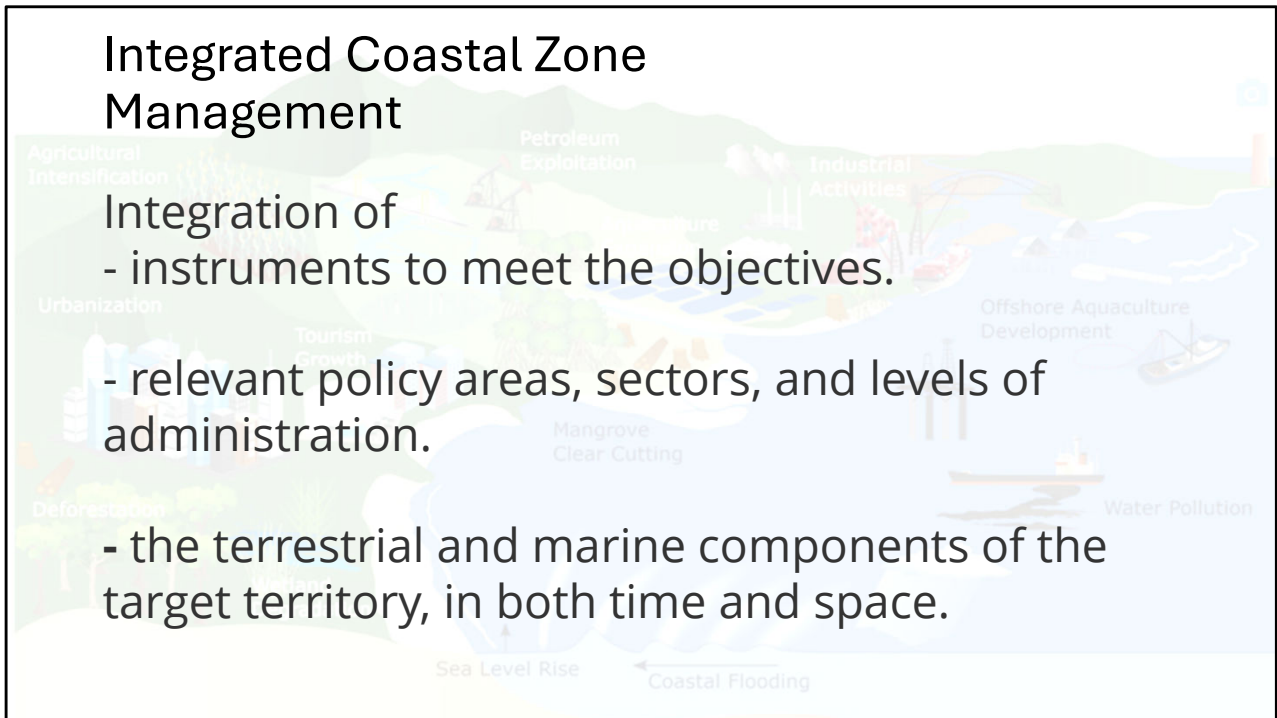
Integrated Coastal Zone Management

Integration of

- instruments to meet the objectives.

- relevant policy areas, sectors, and levels of administration.

- the terrestrial and marine components of the target territory, in both time and space.



2002 EU
Recommendation on
ICZM (2002/413/EC)

II

(Acts whose publication is not obligatory)

COUNCIL

**RECOMMENDATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 30 May 2002
concerning the implementation of Integrated Coastal Zone Management in Europe
(2002/413/EC)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European Commu-
nity, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social
Committee (3),

(4) Population growth and the development of economic
activities are increasingly threatening for both the envi-
ronmental and social equilibria of coastal zones.

(5) The decline of fishing activity and related employment
makes many fisheries-dependent areas particularly
vulnerable.

(6) Existing regional disparities in the Community affect the

This recommendation outlines the steps that the member states can use to develop marine, national strategies for integrated coastal zone

2002 EU
Recommendation on
ICZM (2002/413/EC)



Principle	Description of principle
1	Enable a holistic approach
2	Enable a participatory approach
3	Improve consideration of natural processes
4	Enable a locally specific approach
5	Support a long term view
6	Involve relevant stakeholders
7	Introduce a combination of policy and technical instruments
8	Adaptive approaches

2002 EU
Recommendation on
ICZM (2002/413/EC)

To implement:

National Strategies for ICZM	Based on an analysis of the existing situation, including social, economic, and environmental factors.
Integrated Policy Approach	Integration of sectoral policies that impact coastal zones; eg.. fisheries, tourism, transport, and environmental protection, to ensure that the different policies work together coherently to achieve sustainable coastal development.
Public Participation	Essential to ensure that the diverse interests and knowledge of stakeholders are reflected in coastal management
Sustainability Indicators	To monitor and assess the effectiveness of ICZM strategies and actions. Help to track progress and inform decision-making.
Research and Data Collection	To improve the understanding of coastal dynamics and the impacts of human activities. Critical for informed decision-making.
Cooperation and Coordination	Particularly in transboundary coastal areas, to ensure coherent and coordinated management of shared coastal zones

2002 EU Recommendation on ICZM (2002/413/EC):

→ encourages the member states to implement national strategies for coastal zone management. → it should be based on an analysis of the existing situation in coastal zones.

→ integrated policy approach, meaning that we should integrate the different sectoral policies that covers the coastal zones.

→ We also should use public participation → to ensure that diverse interests are taken care of, and that interests of stakeholders are reflected in the coastal zone management.

→ Sustainability indicators are recommended to monitor and assess. → kind of a measurement stick: you need to know what are we measuring, because if we don't know that, it's very difficult to measure → we have to decide on what sustainability indicators to use to measure and to track progress, or not progress, it depends.

→ The member states are encouraged to invest in research data in research and data

collection, and this is to improve the understanding of the coastal dynamics.

→ Member states are also encouraged to cooperate in both regional levels and EU levels, and if there are other countries involved with other countries as well.

While there are only 6 headlines here, but all the 8 principles are considered enshrined in these headlines.

2002 EU
Recommendation on
ICZM (2002/413/EC)

Implement ICZM through
the use of EU
instruments and
programmes

- [Water Framework Directive \(WFD 2000\)](#)
- [Strategic Environmental Assessment Directive \(SEA 2001\)](#)
- [Environmental Impact Assessment Directive \(EIA 1997\)](#)
- [European Spatial Development Perspective \(ESDP 1999\)](#)
- [INSPIRE Directive 2007](#)
- [Structural Funds and the Cohesion Fund](#)
- [Development of the European Marine Strategy](#)
- [European Marine Strategy Framework Directive](#)
- [Common Fisheries Policy](#)
- [Green Paper for an EU Maritime Policy](#)
- [Integrated Maritime Policy for the European Union](#)
- [Birds Directive, Habitats Directive, NATURA 2000](#)
- [Quality of Bathing Water Directive \(1976, agreed for amendment in 2005\)](#)
- [Quality required of shellfish waters Directive \(1979\)](#)

In summary, this Recommendation

C-669/16

Commission v. United Kingdom of Great Britain and Northern Ireland
Action under Article 258 TFEU for failure to fulfil obligations



Designation of special areas of conservation (SACs) for the protection of the harbour porpoise (*Phocoena phocoena*)



Case C-669/16

makes it really visible how integrated

coastal zone management can be used.

- emphasises the importance of the Habitat's directive also in marine areas.
- infringement case: the European Commission claimed that the UK had failed to designate sites for the protection of these species, the harbour porpoise.
- Problem: they had failed to suggest sites to the representation within its territory of the habitat (it should relate to this representation of sites in the territory).

C-669/16

The EUCJ:

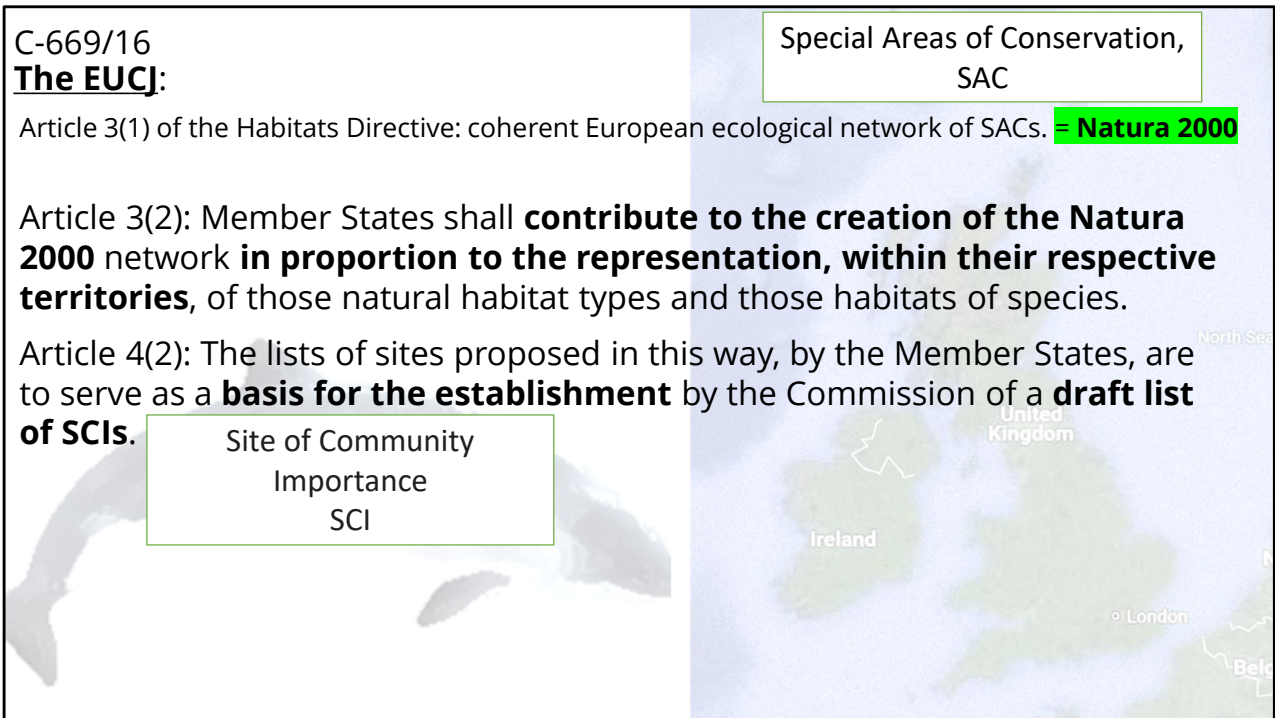
Special Areas of Conservation,
SAC

Article 3(1) of the Habitats Directive: coherent European ecological network of SACs. **- Natura 2000**

Article 3(2): Member States shall **contribute to the creation of the Natura 2000 network in proportion to the representation, within their respective territories**, of those natural habitat types and those habitats of species.

Article 4(2): The lists of sites proposed in this way, by the Member States, are to serve as a **basis for the establishment** by the Commission of a **draft list of SCIs**.

Site of Community
Importance
SCI



C-669/16
The EUCJ:

Expert report:

Six (6) sites should be designated as SACs.

Plus five (5) potential sites.

UK had proposed ONE (1) site

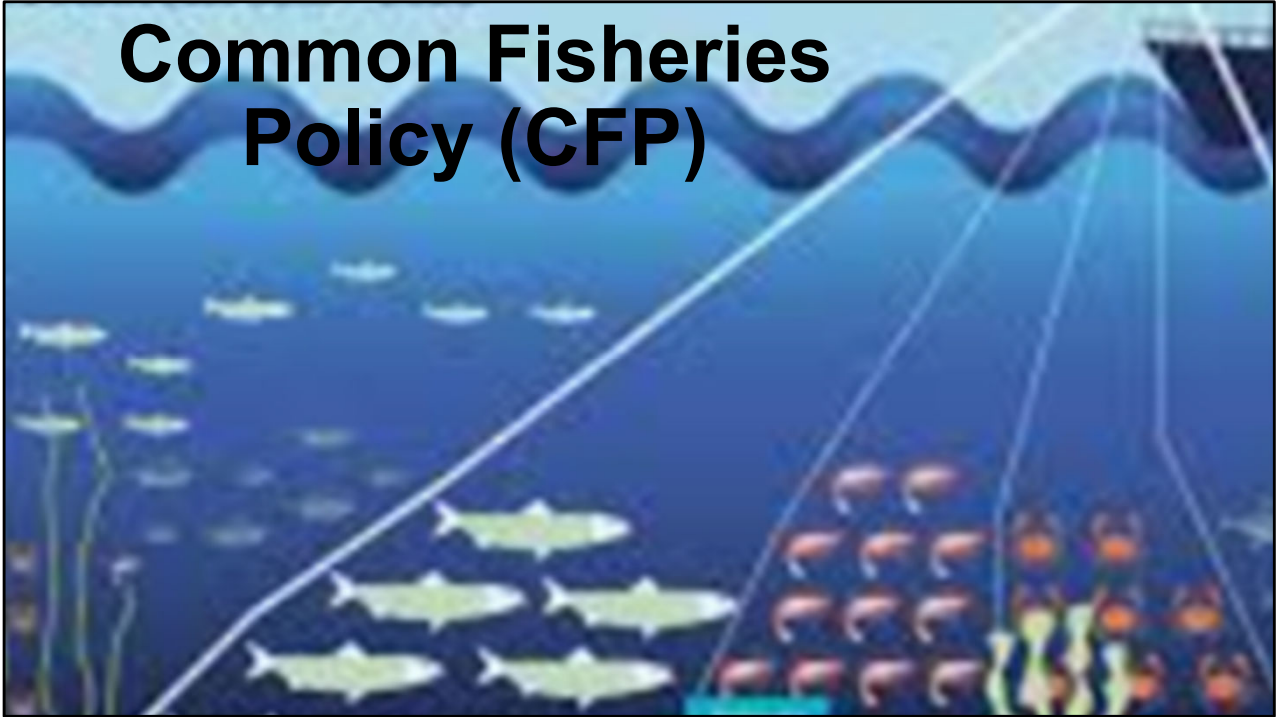
6 + 5

1

By failing to propose and transmit within the prescribed period, a list indicating a sufficient number of sites hosting the harbour porpoise and by failing, to that extent, to contribute, to the creation of the Natura 2000 network in proportion to the representation within its territory of the habitats of that species, UK has failed to fulfil its obligations.

in the shorter version: if you have six, maybe 11 sites in your territory, it's not enough to propose one site.

Common Fisheries Policy (CFP)



Common Fisheries Policy (CFP)

- **What it is:** A framework for the management of fisheries in the European Union.

- **Goal:**

To ensure that fishing and aquaculture are:

- **Environmentally sustainable**
- **Economically sustainable**
- **Socially sustainable**

Legal base

Article 3, the Treaty on the Functioning of the European Union (TFUE)

Article 3

1. The Union shall have exclusive competence in the following areas:

- (a) customs union;
- (b) the establishing of the competition rules necessary for the functioning of the internal market;
- (c) monetary policy for the Member States whose currency is the euro;
- (d) the conservation of marine biological resources under the common fisheries policy;
- (e) common commercial policy.

Environmental Field:

- Based on **Article 4**, which prescribes **shared competence** between Member States and the Union.

• Fisheries Field:

- Based on **Article 3**, which prescribes **exclusive competence** for the Union.

Exclusive competence =

- Only the EU can legislate in this area.
- The EU adopts legally binding acts in fisheries management.

Regulation(EU) No 1380/2013 of 11 December 2013 on the Common Fisheries Policy

A 288 TFEU: Binding in its
entirety and directly
applicable!

Fishing and
aquaculture
activities

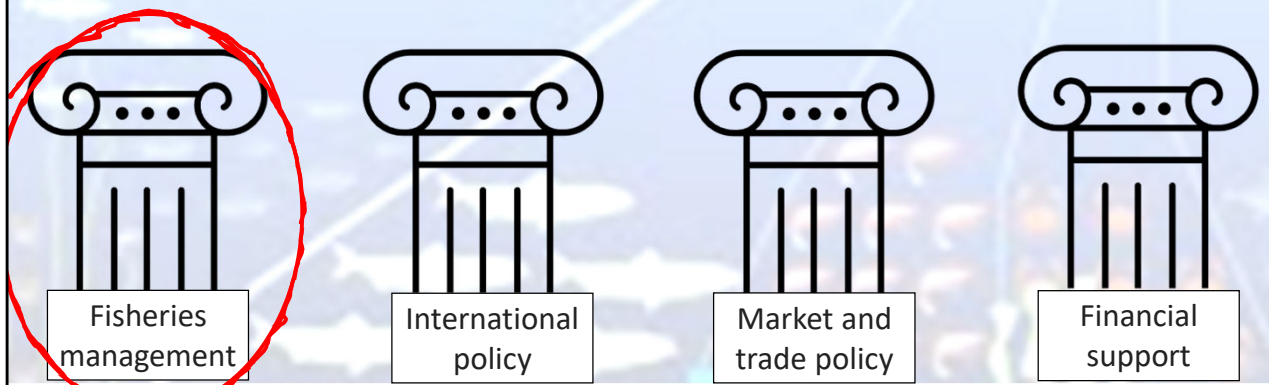


Long-term
environmental,
economic and social
sustainability

Limit the impact of
fishing activities on the
marine ecosystem.

Regulation(EU) No 1380/2013 of 11 December 2013 on the Common Fisheries Policy

A 288 TFEU: Binding in its
entirety and directly
applicable!



Regulation(EU) No 1380/2013 of 11 December 2013 on the Common Fisheries Policy

A 288 TFEU: Binding in its
entirety and directly
applicable!

- Aims to enable fishers to maximise their catches without threatening the reproduction of fish stocks = 'maximum sustainable yield'
- Total allowable catches ("fishing opportunities") are set for most commercial fish stocks,
- **Landing obligation:** to end the wasteful practice of returning unwanted catches to the sea (**discarding**).

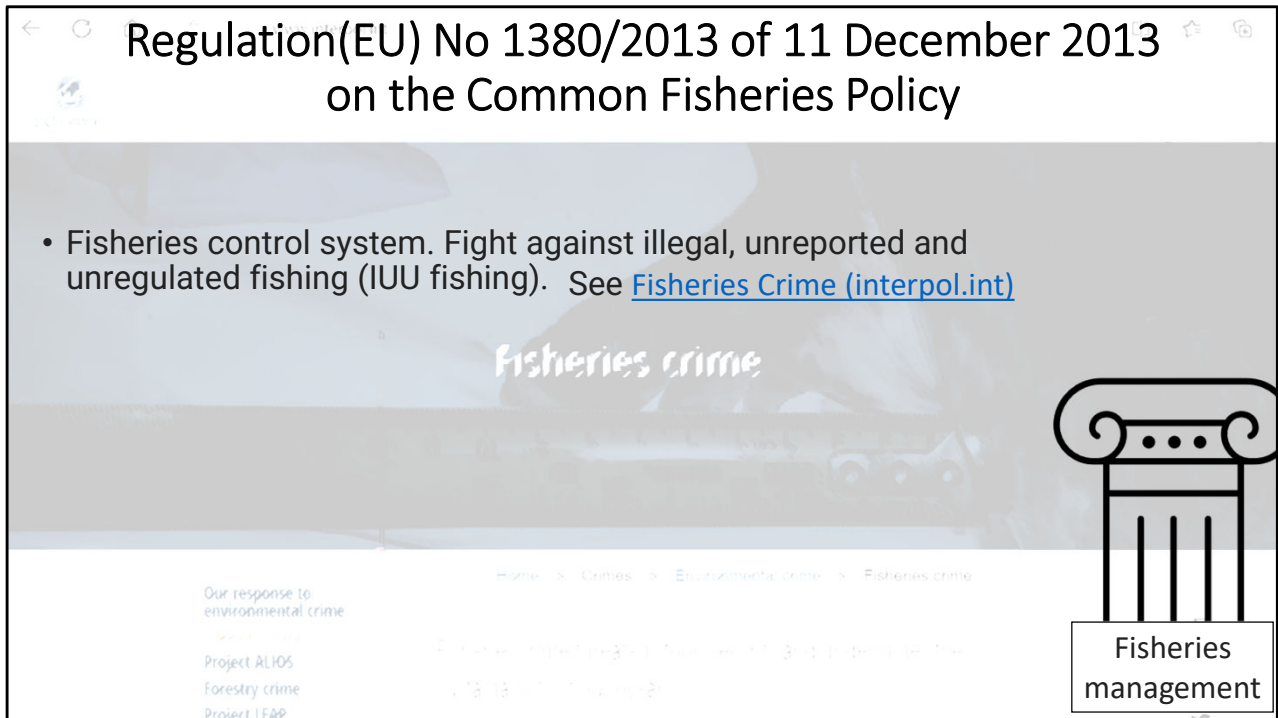
→ Quota
system



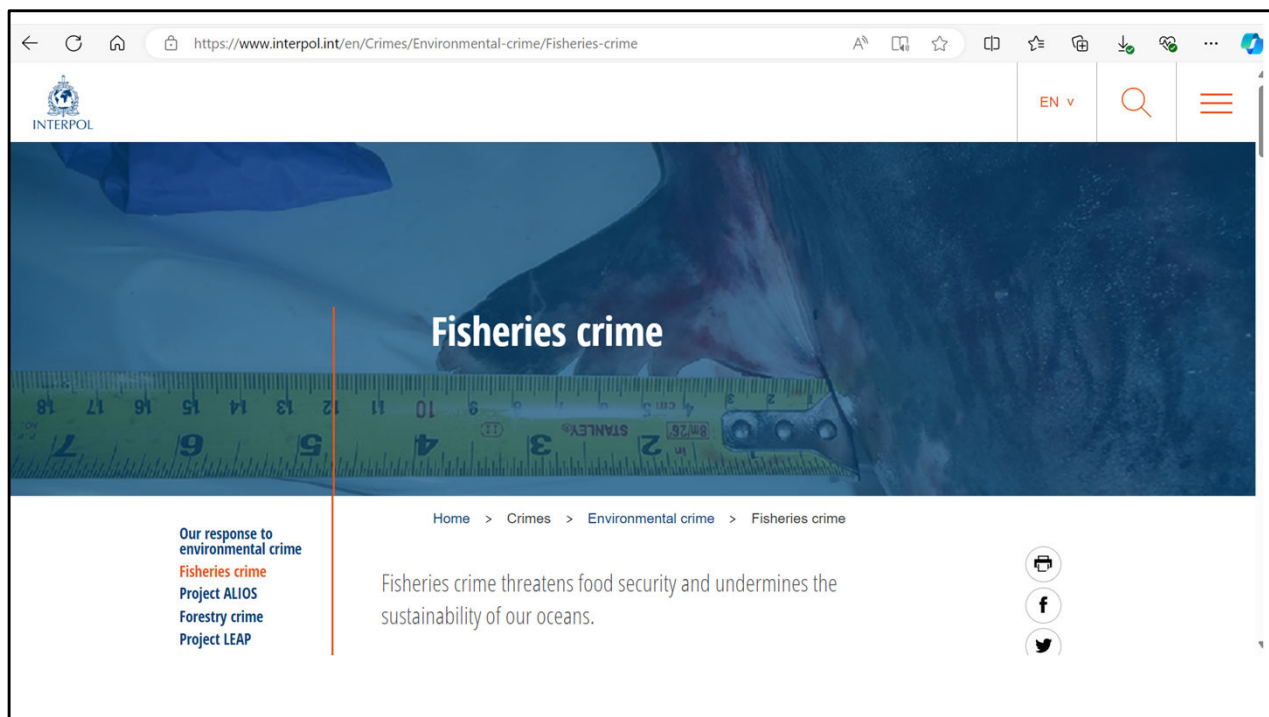
This management and this decision must be based or must be based on scientific advice → the data needed for this is to be collected, managed and made available by the member states

All of this ends up in a quota system, which limits the amount of each species that are allowed to be caught → the member states, they are legally obliged to ensure that their fishing fleets do not exceed these quotas.

Landing obligation → requires fishers to land all of their catches of the regulated commercial species.



This fishery control system ensures compliance with the rules and includes the fight against illegal, unreported, and unregulated fishing, which used to be called IUU fishing.



RELATED DOCUMENTS



Guide to International Law Enforcement
Cooperation in the Fisheries Sector

3.14MB • EN



INTERPOL ENS Fisheries Crime Prospectus

2.89MB • EN



Chasing Red Herrings report

4.8MB • EN



INTERPOL Study on Fisheries Crime in the
West African Coastal Region

1.92MB • EN • FR



Human Trafficking and Forced Labour: The
deceptive and coercive practices
undertaken within the recruitment
process to work on fishing vessels

287.49KB • EN



Fraudulent abuse of flag State registries
for fishing vessels

408.84KB • EN • FR • ES • AR



Human trafficking and modern slavery in
the fisheries sector

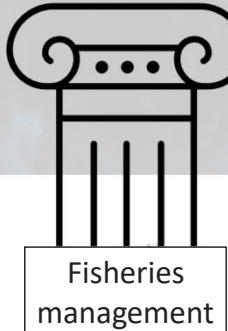
370.6KB • EN • FR • ES • AR

Regulation(EU) No 1380/2013 of 11 December 2013 on the Common Fisheries Policy

- Fisheries control system. Fight against illegal, unreported and unregulated fishing (IUU fishing). See [Fisheries Crime \(interpol.int\)](https://www.interpol.int/Fisheries-Crime)

Regulation (EC) No 1005/2008 (measures so that IUU fishery products do not enter the EU market.)

Regulation (EU) No 1026/2012 (measures in regard to the activities and policies of certain non-EU countries which allow non-sustainable fishing)



Fisheries management

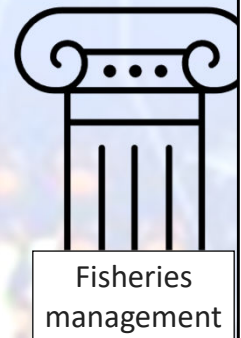


Fisheries management

Regulation(EU) No 1380/2013 of 11 December 2013 on the Common Fisheries Policy

Technical measures: rules that govern how, where and when fishers may fish.

Sustainability measures: Measures to ensure the sustainable management of fish stocks, including habitat protection, and supporting sustainable aquaculture.

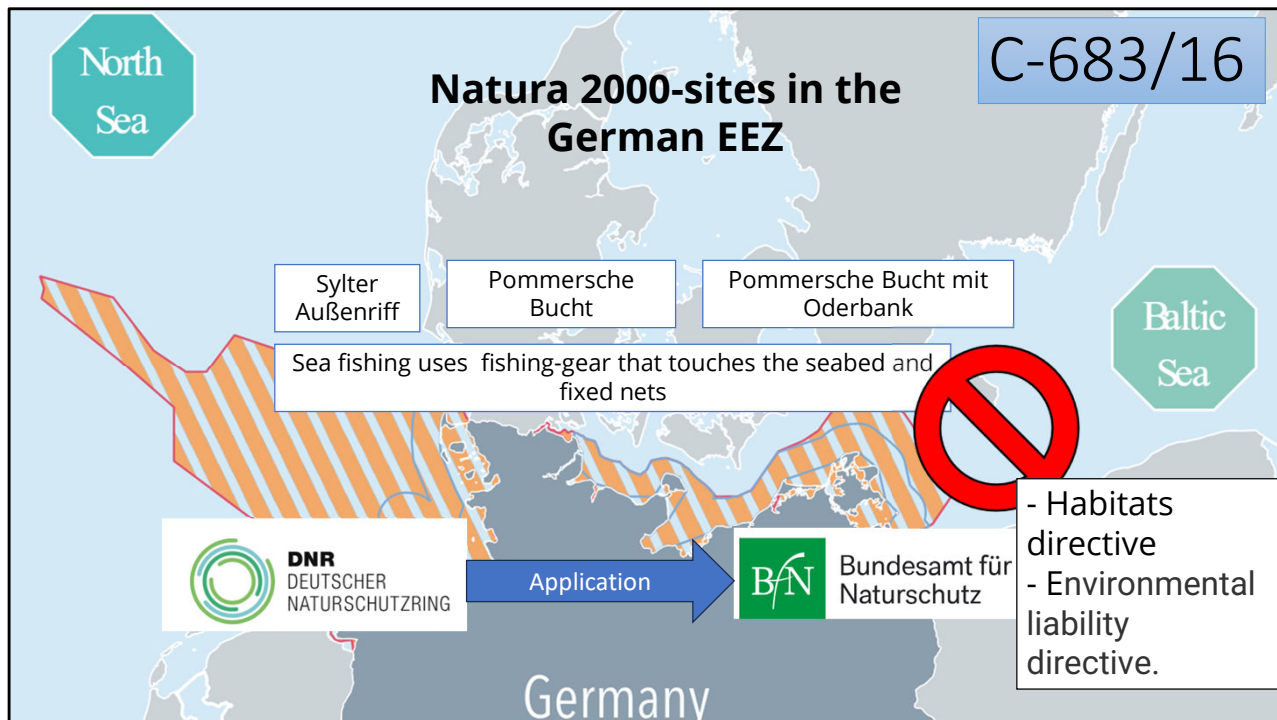


Member states must implement measures to ensure the sustainable management of fish stocks, including habitat protection and supporting sustainable aquaculture → Article 11

Regulation(EU) No 1380/2013 of 11 December 2013 on the Common Fisheries Policy

Conservation measures necessary for compliance with obligations under Union environmental legislation (A 11)

1. Member States are empowered to adopt conservation measures not affecting fishing vessels of other Member States that are applicable to waters under their sovereignty or jurisdiction and that are necessary for the purpose of complying with their obligations under Article 13(4) of the Marine Strategy Framework Directive, Article 4 of the Birds Directive or Article 6 of the Habitats Directive, provided that those measures are compatible with the objectives set out in Article 2 of this Regulation, meet the objectives of the relevant Union legislation that they intend to implement, and are at least as stringent as measures under Union law.



Fishers used gear that touched the seabed and also used fixed nets → affected reefs,

- An NGO made an application to Bundesamt für Naturschutz and asked them to prohibit the use of such gear in these areas.
- they claimed that the use of these techniques with fixed nets and seabed gears, it was incompatible with Article 6 (2) of the Habitats Directive, and that this prohibition to use this kind of gear was a necessary preventive and remedial measure that the competent authorities were required to take within the meaning of the environmental liability directive.
- The Bundesamt für Naturschutz, they said, "Nope, we can't do this." for reasons of competence, we cannot prohibit fishing gears. It's for the EU to do. We can't do that
- appealed and in the end, the Verwaltungsgericht in Köln turned to the CJEU

C-683/16

North
Sea

Has the Federal Republic of Germany
competence to prohibit fishing gear?



**Conservation measures necessary for compliance with obligations under Union
environmental legislation (A 11)**

1. Member States are empowered to adopt conservation measures not affecting fishing vessels of other Member States that are applicable to waters under their sovereignty or jurisdiction and that are necessary for the purpose of complying with their obligations under Article 13(4) of the Marine Strategy Framework Directive, Article 4 of the Birds Directive or Article 6 of the Habitats Directive, provided that those measures are compatible with the objectives set out in Article 2 of this Regulation, meet the objectives of the relevant Union legislation that they intend to implement, and are at least as stringent as measures under Union law.



Then unfortunately, some fishing vessels of other member states sail into the pictures and it becomes more complicated, because these kinds of measures would affect fishing vessels of other member states, and the prohibition cannot be adopted by Germany.

C-683/16

Sea

Has the Federal Republic of Germany
competence to prohibit fishing gear?

No Environmental
Liability Directive!

**Conservation measures necessary for compliance with obligations under Union
environmental legislation (A 11)**

1. Member States are empowered to adopt conservation measures not affecting fishing vessels of other Member States that are applicable to waters under their sovereignty or jurisdiction and that are necessary for the purpose of complying with their obligations under Article 13(4) of the **Marine Strategy Framework Directive**, Article 4 of the **Birds Directive** or Article 6 of the **Habitats Directive**, provided that those measures are compatible with the objectives set out in Article 2 of this Regulation, meet the objectives of the relevant Union legislation that they intend to implement, and are at least as stringent as measures under Union law.

Germany

And then they turn to the Environmental Liability Directive and ask the same question: can this be a measure under this directive that is okay to do?

It's not mentioned in Article 11. So no, it *cannot* adopt measures necessary for the implementation of the liability directive because it's not mentioned in Article 11.

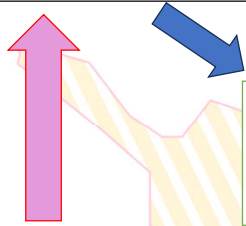
C-683/16

Sea

Has the Federal Republic of Germany
competence to prohibit fishing gear?

Article 3 TFEU

The Union has exclusive competence!



**Conservation measures necessary for
compliance with obligations under
Union environmental legislation (A 11)**

Empowers the member
states to adopt
conservation measures to
a certain extent

Baltic
Sea

Germany

As a starting point: Article 3 the Union has exclusive competence to a certain degree, it has given back the competence to the member states in Article 11, but if it's not mentioned there, the competence goes back to the Union.

Marine Strategy Framework Directive (MSFD).

Official Journal of the European Union DIRECTIVES 2008/56/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 June 2008 on a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (Text with EEA relevance) impact on marine waters regardless occur. (3) The marine environment is a complex system which must be protected, preserved and restored. The ultimate aim of this Directive is to ensure that the marine environment is managed in a sustainable manner, taking into account the need to protect, preserve and restore the marine environment, and to ensure that the marine environment is managed in a sustainable manner, taking into account the need to protect, preserve and restore the marine environment. 25.6.2008 SV Europeiska unionens officiella tidning DIREKTIV EUROPAPARLAMENTETS OCH RÅDETS av den 17 juni 2008 om upprättande av en ram för gemenskapens åtgärder på området havsmiljö (Text av betydelse för EES) EUROPAPARLAMENTET OCH EUROPEISKA UNIONENS RÅD HAR ANTAGIT DETTA DIREKTIV	25.6.2008 RO Jurnalul Oficial al Uniunii Europene L 164/19 DIRECTIVE DIRECTIVA 2008/56/CE A PARLAMENTULUI EUROPEAN ȘI A CONSILIULUI din 17 iunie 2008 de instituire a unui cadru de acțiune comunitară în domeniul politicii privind mediul marin (Directiva-cadru „Strategia pentru mediul marin”) (Text cu relevanță pentru SEE) PARLAMENTUL EUROPEAN ȘI CONSILIUL UNIUNII EUROPENE, având în vedere Tratatul de instituire a Comunității Europene, în special articolul 175 alineatul (1), având în vedere propunerea Comisiei, având în vedere avizul Comitetului Economic și Social European ⁽¹⁾, având în vedere avizul Comitetului Regiunilor ⁽²⁾, (3) Mediul marin este o moștenire prețioasă care trebuie protejată, conservată și, în măsura posibilului, refăcută, obiectivul final fiind acela de a menține biodiversitatea și de a asigura mări și oceane variate și dinamice, care să fie curate, sănătoase și productive. În acest sens, prezenta directivă ar trebui, printre altele, să promoveze integrarea preocupărilor de mediu în cadrul tuturor politicilor relevante și să constituie pilonul de mediu pentru viitoarea politică maritimă a Uniunii Europene. (4) În conformitate cu Decizia nr. 1600/2002/CE a Parlamentului European și a Consiliului din 22 iulie 2002 de stabilire a celui de-al șaselea program comunitar de acțiune pentru mediu ⁽³⁾, a fost elaborată o strategie tematică pentru protecția și conservarea mediului marin, cu obiectivul global de a promova utilizarea
--	---

Marine Strategy Framework Directive (MSFD).

The aim is:

GES

To achieve a **good environmental status** of the EU's marine waters

To **sustainably protect the resource base**

Use of marine resources must be conducted at a sustainable level, ensuring their continuity for future generations.



- adopted in 2008
- Aim: to maintain clean, healthy, productive and resilient marine ecosystems while securing a more sustainable use of marine resources.

Marine Strategy Framework Directive (MSFD).

in a manner that is compatible with the assessment and practicable, with the objectives of this Directive.

CHAPTER I GENERAL PROVISIONS

Article 1

Subject matter

1. This Directive establishes a framework within which 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.

2. For that purpose, marine strategies shall be developed and implemented in order to:

⁽¹⁾ OJ C 364, 18.12.2000, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

Article 3

Definitions

For the purposes of this Directive the following definitions shall apply:

1. 'marine waters' means:

- (a) waters, the seabed and subsoil on the seaward side of the baseline from which the extent of territorial waters is measured extending to the outmost reach of the area where a Member State has and/or exercises jurisdictional rights, in accordance with the UNCLOS, with the exception of waters adjacent to the countries and territories mentioned in Annex II to the Treaty and the French Overseas Departments and Collectivities; and

Have we reached the goal of this marine strategy directive? I don't think so.

Article 3 (5)

5. 'good environmental status' means the environmental status of marine waters where these provide **ecologically diverse and dynamic oceans and seas which are clean, healthy and productive** within their intrinsic conditions, and the use of the marine environment is at a level that is **sustainable**, thus safeguarding the potential for uses and activities by

Pressure on the marine environment
on at sustainable level

Use the sea in a sustainable way!

Keep the ocean clean or clean it up!

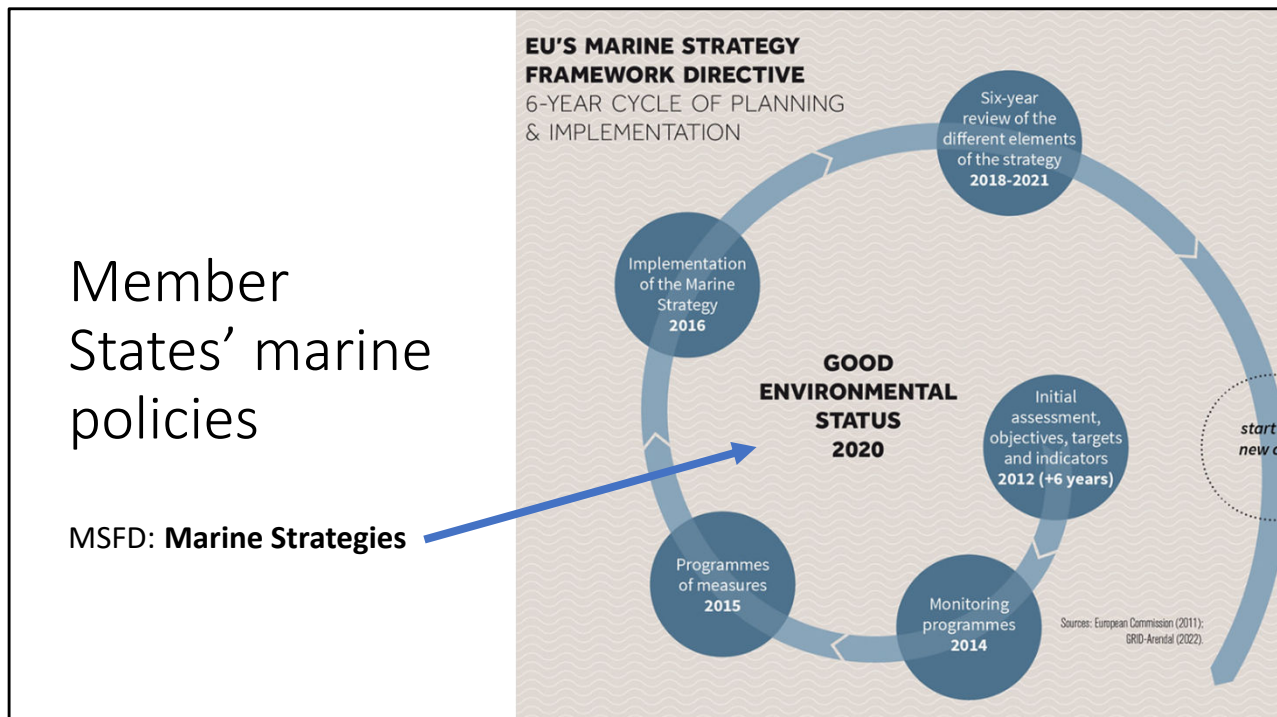
Ecologically diverse and dynamic oceans and seas

clean, healthy and productive

We know very well that the Member States shall take the measures necessary and we shall reach and maintain good environmental status.



What is this miracle that we need? According to the directive, we actually find a kind of miracle in Article 5: the *marine strategies*. still. → member states they must develop and implement marine strategies for each marine region or sub-region concerned in accordance with this plan of action.



This is supposed to be a cyclic adventure, we have passed the first cycle, we're into the second cycle.

Case C-510/20:

Procedural obligations

Case C-510/20:

The Republic of Bulgaria had not (within the prescribed time limits):

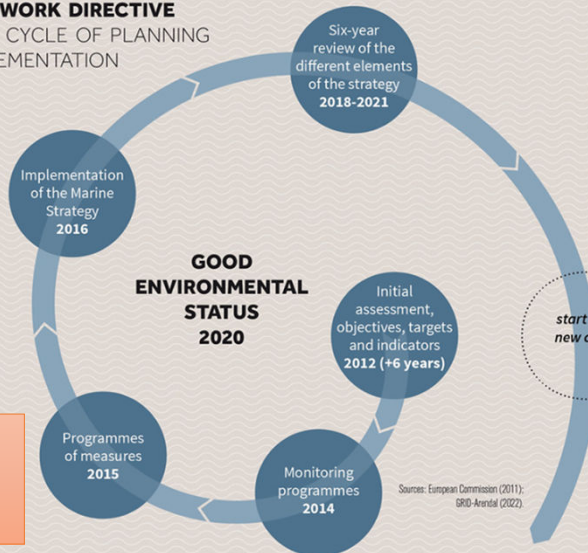
→ reviewed, as specified in Article 5, the initial assessment and determination of good environmental status and the environmental targets,

→ sent the details of the update to the Commission.

The Republic of Bulgaria has failed to fulfil its obligations under Article 17(2)(a) and (b) and Article 17(3) of MSFD

EU'S MARINE STRATEGY FRAMEWORK DIRECTIVE

6-YEAR CYCLE OF PLANNING & IMPLEMENTATION



importance of planning

Case regarding Bulgaria who had not within their prescribed time limits reviewed and identified the initial assessment and determination of good environmental status, as environmental status is specified in Article 5.

This worked for the second step. These updates were not sent to the Commission → Bulgaria had failed to fulfill its obligations

MSFD: Cooperation with non-EU countries through regional sea conventions



- The Convention for the Protection of the Marine Environment of the Baltic Sea (Helsinki Convention - HELCOM),



- The Convention for the Protection of the Marine Environment of the North-east Atlantic (Oslo-Paris Convention - OSPAR),



Mediterranean
Action Plan
Barcelona
Convention

- The Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention – UNEP-MAP)



- The Convention for the Protection of the Black Sea against Pollution (Bucharest Convention).

2002 EU
Recommendation on
ICZM (2002/413/EC)

To implement:

National Strategies for ICZM	Based on an analysis of the existing situation, including social, economic, and environmental factors.
Integrated Policy Approach	Integration of sectoral policies that impact coastal zones; eg.. fisheries, tourism, transport, and environmental protection, to ensure that the different policies work together coherently to achieve sustainable coastal development.
Public Participation	Essential to ensure that the diverse interests and knowledge of stakeholders are reflected in coastal management
Sustainability Indicators	To monitor and assess the effectiveness of ICZM strategies and actions. Help to track progress and inform decision-making.
Research and Data Collection	To improve the understanding of coastal dynamics and the impacts of human activities. Critical for informed decision-making.
Cooperation and Coordination	Particularly in transboundary coastal areas, to ensure coherent and coordinated management of shared coastal zones

The Water Framework Directive (2000/60/EC), WFD



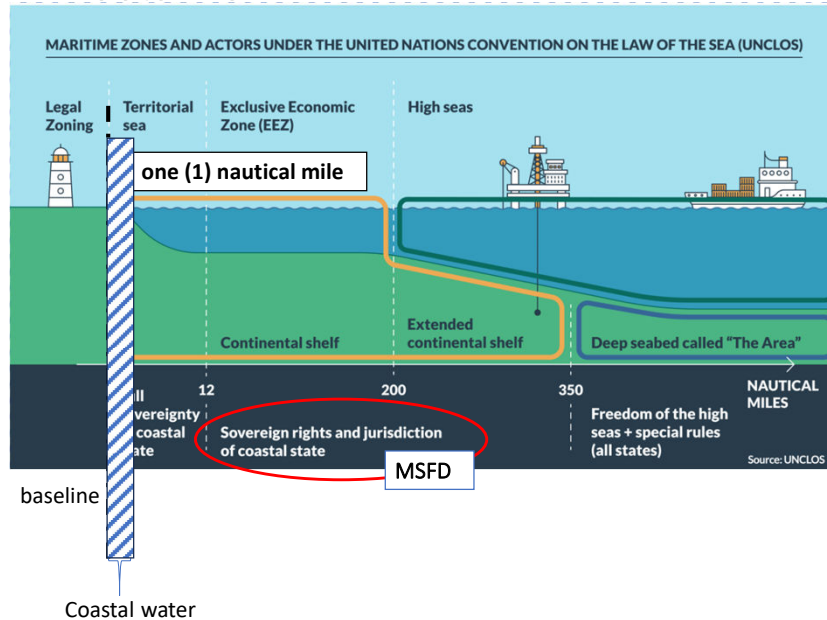
Article 1

The purpose of this Directive is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater

two reasons why it is relevant:

1. Both the marine directive and the Water Framework Directive cover the coastal zones
2. They are very similar in how they frame their water management and prescribed results.

WFD meets MSFD



The Marine Strategy Framework Directive covers the seabed and subsoil on the seaward side of the baseline, from which the extent of the territorial waters is measured extending to the outmost reach of the area where a member state has or exercises jurisdictional rights in accordance with the UNCLOS.

The water framework directive covers coastal waters. And coastal waters means surface water on the landward side of a line, every point of which is at the distance of one nautical mile on the seaward side from the nearest point of the baseline from which the breadth of the territorial waters is.

It's measured, in short, one nautical mile outside the land. If we have an archipelago, it's one nautical mile outside the island that is furthest out in the ocean. → it can be quite a big area that is covered by both directives, especially if we have an archipelago in the country.

Article 4

Environmental objectives

1. In making operational the programmes of measures specified in the **river basin management plans**:

(a) for surface waters

(i) Member States shall implement the necessary measures to **prevent deterioration** of the status of all bodies of surface water, subject to the application of paragraphs 6 and 7 and without prejudice to paragraph 8;

(ii) Member States shall protect, enhance and restore all bodies of surface water, subject to the application of subparagraph (iii) for artificial and heavily modified bodies of water, with the aim of **achieving good surface water status** at the latest 15 years after the date of entry into force of this Directive, in accordance with the provisions laid down in Annex V, subject to the application of extensions determined in accordance with paragraph 4 and to the application of paragraphs 5, 6 and 7 without prejudice to paragraph 8;

The Water Framework Directive (2000/60/EC), WFD

Article 1

The purpose of this Directive is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater

Good water status = the status achieved by a surface water body when **both its ecological status and its chemical status are at least 'good'**. (A 2.18)

The Water Framework Directive also prescribes that we should have good water status.

Good water status (article 4)



Good ecological
status/good
ecological potential

Good chemical
status

Article 1

The purpose of this Directive is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater

(b) for groundwater

- (i) Member States shall implement the measures necessary to prevent or limit the input of pollutants into groundwater and to ~~prevent the deterioration~~ of the status of all bodies of groundwater, subject to the application of paragraphs 6 and 7 and without prejudice to paragraph 8 of this Article and subject to the application of Article 11(3)(j);

- (ii) Member States shall protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge of groundwater, with the aim of ~~achieving good groundwater status~~ at the latest 15 years after the date of entry into force of this Directive, in accordance with the provisions laid down in Annex V, subject to the application of extensions determined in accordance with paragraph 4 and to the application of paragraphs 5, 6 and 7 without prejudice to paragraph 8 of this Article and subject to the application of Article 11(3)(j);

Article 2

- 20. 'Good groundwater status' means the status achieved by a groundwater body when both its quantitative status and its chemical status are at least 'good'.

Good water status (article 4)

Surface waters

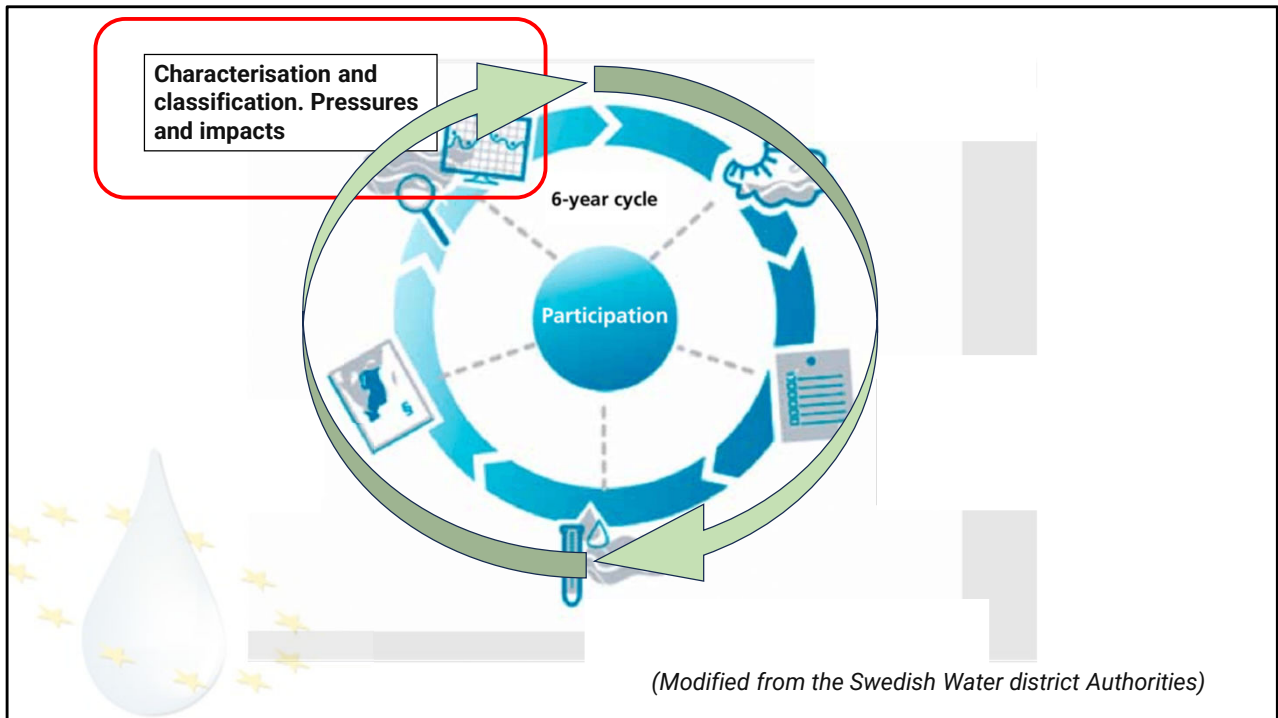
Good ecological
status/good
ecological potential

Good chemical
status

Groundwater

Good quantitative
status

Good chemical
status



circular planning cycle for six years
similar to the Marine Directive's cycle.
characterization and classification

The CJEU:

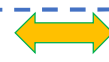
Case C-559/19

The ultimate objective of WFD is to achieve 'good status' of all EU waters, including groundwater

Prevent deterioration

Protect, enhance and restore with the aim of achieving good status

Measures
necessary



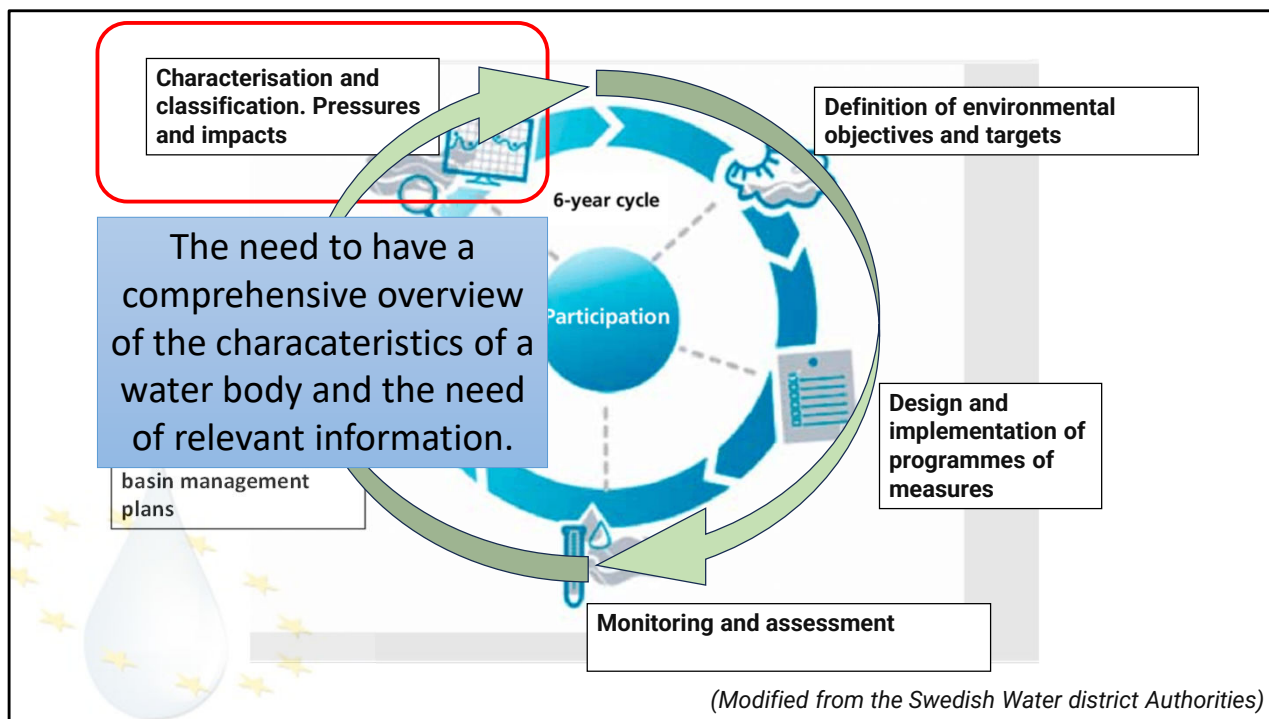
Management
plan for the river
basin district

C-43/10, para 52

The obligations laid down in Article 4(1)(a) and (b) for surface water and groundwater are binding.

Article 4(1)(b) **does not simply set out mere management-planning objectives, but has binding effects**, once the ecological status of the body of water concerned has been determined, **at each stage of the procedure prescribed by the WFD**

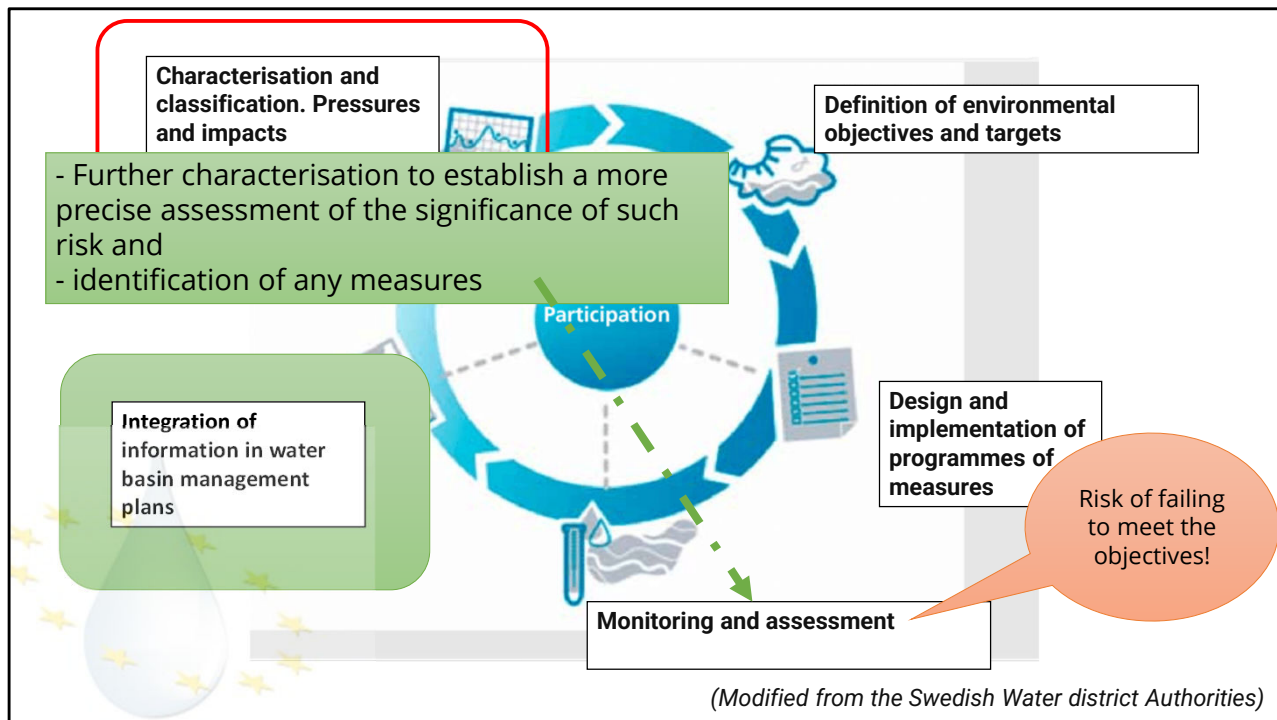
Legend:
- Double border: urban
- Mangroves
- Softwood forest
- Sandy beaches
- City areas
- Shrubland
- Woodland



need to identify also the pressures when you characterize and classify the waters, pressures and impacts

The Court really emphasizes this because we need to understand what kind of waters do we have here, and what risks do we have.

And especially when there are risks, and if we fail to meet the objectives, then we really need to take a look at it, and understand what's happening.



The CJEU:

Case C-559/19

Hydrological plan

Does not contain all the information necessary to determine the impact of human activity on the bodies of groundwater.

Pressures resulting from

- illegal water abstraction
- abstraction for urban supply, in particular for that tourist area

Conclusion: The Kingdom of Spain has failed to fulfil its obligations by not taking into account illegal water abstraction and the abstraction of water intended for urban supply when estimating the abstraction of groundwater from the Doñana region in the context of the further characterisation.

hydrological plan in a protected area in Spain

there were some illegal water abstraction going on in this area, and some of the abstraction was intended for urban supply and also for touristic reasons, but these abstractions were not taken into account in the hydrological plan for this area.

Even if it's illegal, you need to consider it.



It's not about coastal management, but I think it's very, very important because it really affects us as judges. It shows the importance of how to interpret Directives and the consequences of them.

C-461/13 Weser

Bund für Umwelt und Naturschutz Deutschland

The Member States (including its authorities) are required to **refuse authorisation for an individual project** - where it may **cause a deterioration** of the status of a body of surface water or - where it **jeopardises the attainment of good surface water** status or of good ecological potential and good surface water chemical status by the date laid down by the directive.

Exemptions in article 4.7!

Obligations for member states:

- no deterioration of the water status, and
- achieve and protect good surface water status

See Case C-346/14 *the Schwarze Sulm*

The Water Framework Directive (2000/60/EC), WFD

obligation for member states to prevent deterioration and to achieve and protect good surface water status. 'And' = both.

The Court is very clear in this case that member states and member states that includes authorities and courts are required to refuse authorization for any individual project, if the project that they apply for may cause attrition of the status of surface water or where it jeopardizes the attainment of good surface water status. So either of the cases, if it's going to be deterioration, no to the project, or if it jeopardizes the achievement of good surface water status, no to the project. If not, of course, one of the exemptions in Article 4(7) are applicable.

Be careful when reading the Case C-346/14 *the Schwarze Sulm* in this context because it is an infringement case, which means that the burden of proof is on the Commission.



I would like you to take just a few seconds to reflect...

