

## Marine & Coastal Related EU Directives

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## Three phases of European water legislation

Third wave reflects the "combined approach" (emission limit values and water quality objectives used to mutually reinforce each other)

1999

Water framework directive

(ensuring the overall consistency of EU water policy)

- waters must reach "good status" targets

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## EU Water Legislation

Three phases of European water legislation

First wave - focused on water quality objectives

1975 - 1980 directives on:

- Dangerous Substances
- Surface Water
- Fishing Waters
- Shellfish Waters
- Bathing Waters
- Groundwater
- Drinking Water

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## Water Framework Directive 2000/60/EC

The Directive aims to establish an integrated approach to water protection, improvement and sustainable use.

water is not a commercial product, but.....a heritage which must be protected, defended

- ☑ 2003 Transposed into national law, River Basin Districts identified
- ☑ 2004 Characterisation of surface and groundwaters. Impacts - Economic analysis, boundaries of identified, water status defined, Register of protected areas
- ☑ 2006 Environmental monitoring established, RBD Work programme for production of River Basin Management Plans for each RBD published
- ☑ 2007 Interim overview of the significant water management issues for each RBD to be published
- ☑ 2008 Draft River Basin Management Plans to be published for consultation
- ☑ 2009 River Basin Management Plans to be finalised and published Programmes of measures to be established in each RBD to meet environmental objectives
- ☑ 2010 Water pricing policies to be in place
- ☑ 2012 Programmes of measures to be fully operational Interim; progress reports to be prepared on implementation of planned programmes of measures
- ☑ 2015 Main environmental objectives to be met River Basin Management Plans to be reviewed and updated every six years thereafter



## Three phases of European water legislation

Second wave of EU water legislation  
(based on emission limit value approach)

- ☑ 1988 - 1998
- ☑ Urban Waste Water Treatment Directive (UWWT)
- ☑ Nitrate Directive
- ☑ Revision Of Drinking Water Directive
- ☑ Bathing Water Directive

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## Dangerous Substances Directive (76/464/EEC)

### List I

- ☑ The 18 substances regulated
- ☑ under "so called daughter Directives"
- ☑ "PBT"

### List II

- ☑ • All other substances belonging to the categories included in Annex I (List I and List II)
- ☑ • Deleterious effect on the aquatic environment
- ☑ Minimum 139 substances (some of which are Priority Substances)
- ☑ • Identified by the Member States
- ☑ • Reason must be given in the PRPs why a substance (of the 139) is not of concern

- ☑ Waters to achieve good ecological and chemical status

- ☑ National Screening programme

- ☑ Leading to regulations

- ☑ Nitrates Regulations

- ☑ Urban Waste Water Discharge Regulations

- ☑ Regulations to govern the discharge from Marine Installations


- ☑ Work in tandem with Water Framework Directive

- ☑ Marine Installations

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## Shellfish Waters Directive 79/923/EEC

- Aim: To contribute to the quality of Shellfish directly edible by man
- Designate those waters needing protection or improvement
- Coastal brackish waters (bivalve and gastropod molluscs)
- Environmental Directive
- Designate waters in need of protection or improvement
- Implement action programme to reduce pollution
- Parameter 12 faecal coliforms
- 14 designations made
- A further 40 under consideration
- Case against Ireland in the ECJ
- Will lead to real improvements in water quality


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## Nature Directives

- Habitats Directive
- Birds Directive


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## Bathing Waters Directive 76/160/EC

- Aim: Protect public health and the environment from faecal pollution at bathing waters
- Quality parameters
  - Microbiological parameters
  - Physical-chemical parameters
  - Other substances causing pollution
- QUALITY OF BATHING WATERS REGULATIONS, S.I. No. 155 of 1992 (122 Seawater Designations)
- Policies and Principles (Articles 5, 6 and 8)
  - Prevention of untreated wastewater discharge
  - Ensuring the bathing water quality standards
  - Prohibition of all kinds of waste disposal
  - Discharge permission
  - Compliance with the limit values
  - Performing monitoring


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## Habitats Directive 92/43/EEC

- Main aim of the EC Habitats Directive is to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species at a favourable conservation status, introducing robust protection for those habitats and species of European importance
- European Union (Natural Habitats) Regulations, S.I. 94/1997 and amendments SI 233/1998 & SI 378/2005
- It aims to protect some 220 habitats and approximately 1000 species listed in the directive's Annexes
- 16 priority habitat types
- Irish habitats include, sand dunes, machair (flat sandy plains on the north and west coasts), estuaries and sea inlets. species afforded protection includes the Bottle-Nosed Dolphin, Otter.
- Ireland has identified 424 sites as candidate Special Areas of Conservation.
- Regulations to enshrine designations expected in 2008


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## Urban Waste Water Directive 91/271/EEC

- Aim: protect the environment from the adverse effects of urban waste water discharges and discharges from certain industrial sectors
- Urban Waste Water Treatment Regulations 2001 (S.I. No 254 of 2001)
- The Directive specifies, as the norm, secondary treatment for sewage discharges
- Where receiving waters are vulnerable to eutrophication the Directive requires higher, or tertiary, standards of treatment;
- Provide for monitoring procedures in relation to treatment plants and make provision for pre-treatment requirements in relation to industrial waste water entering collection systems and urban waste water treatment plants,

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## Birds Directive 79/409/EEC

- Aim: to protect all European wild birds and the habitats of listed species, in particular, through the designation of Special Protection Areas
- S.I. No. 898 of 2004
- Trigger 1% of the Population of a species for a site
- 132 Special Protection Areas
- More than half of all SPA's marine.
- The designation of an area as a site as and SPA or SAC does not mean the limitation of activities within the site and surrounding area if these are environmentally sustainable and do not affect the integrity of the area or its habitats, or the objectives of species conservation.


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## Other environmental Directives

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## Public Participation Directive 2003/35/EC

**Aim:** provide for public participation in consent systems and improving access to justice for developments requiring an EIA

Individual regulations for each consent system

- Define the public concerned
- Inform by public at an early stage
- Make information available to the Public
- Give public and early and effective opportunity to participate
- Other member states - similar rights to the Public.
- Inform the Public of the decision;
- Access to a review procedure before a court or other independent body,

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## Strategic Environmental Assessment Directive 2001/42/EC

**Aim:** To provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development

- Area Based for Plans and Policies
- Specific sites may be designated as strategic development zones for development of economic or social importance to the State.
- Once designated, a planning scheme must be prepared setting out how the site is to be developed.
- SAC and SPA require and SEA
- Mandatory consultation

Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004)

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## Public Access to Environmental Information Directive 2003/4/EC

**Aim:**

- Right of access to environmental information held by or for public authorities
- Set out the basic terms and conditions of its exercise;
- Ensure that, as a matter or course, environmental information is progressively made available and disseminated to the public, in particular, by means of

- Repeals 1990 Directive
- Information - given a wide definition
- Public authority is defined
- Right to information on demand
- Exceptions
- Refusal
- Timescale - "as soon as possible" and within "one month"
- Charges - "reasonable" charge
- Review of decision administrative & court of law
- Voluntary dissemination of information

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## Environmental Impact Assessment Directive 85/337/EEC


**Aim:**

- Protect human health,
- Contribute to a better environment
- Ensure maintenance of the diversity of species
- Maintain the reproductive capacity of the ecosystem

- Site Specific
- Harmonisation of consent systems
- Specified developments (Annex I & II)
- Access to Information
- Public Consultation

European Communities (Environmental Impact Assessment) Regulations, 1989 (S.I. No. 349 of 1989).

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## Environmental Liability Directive 2004/35/EC

**AIM:** The prevention and remedying of environmental damage - specifically, damage to habitats and species protected by EC law, damage to water resources, and land contamination which presents a threat to human health

- Polluters should bear the cost of remediating the damage they cause to the environment, or of prevention measures
- Polluters would meet their liability by remediating the damaged environment directly (Economic loss excluded)
- Competent authorities may take action to remediate or prevent damage and recover the costs from the operator.
- Liability determined w.r.t. damage to land, water and biodiversity
- defences would exist for damage caused by an act of armed conflict, natural phenomenon, or from compliance with a permit, and State-of the Art.
- Individuals may request action by a competent authority, and seek judicial review of the authority's action or inaction.

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### Marine Environmental Strategy Directive

A framework for the protection and preservation of the marine environment, the prevention of its deterioration and where practicable the restoration of that environment in areas where it has been adversely affected move "where practicable" to cover prevention of deterioration as well.

**Strategy Development**

- Description and assessment of current environmental status including the environmental impact of human activities
- Determination of good environmental status Establishment of environmental targets
- Monitoring programme
- Develop programme of measures towards good environmental status
- Entry into operation of programmes of measures
- Strategies to be devised building upon existing programmes and activities developed in the framework of international agreements, e.g. regional seas conventions + iterative approach – adaptive management – regular reviews

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### Maritime Green Paper

A European Vision for the Oceans and Seas

- Anchored within the Lisbon strategy, - reflecting ecosystem-based management
- How public authorities can help to maximise the Oceans assets
- Special role of coastal regions in maritime affairs
- Tools for enhancing the sustainable management of our relations with the oceans and seas.
- Integrated form of policy making
- Reclaiming Europe's Maritime Heritage and Reaffirming Europe's Maritime Identity
- Consultation to June 2007

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