



Our Ref:SH/MSFD1
Your Ref:

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Dear Emma

Consultation on the Marine Strategy Framework Directive; Putting in place the legal framework for implementation

Introduction

This letter is in response to your consultation above. It is made on behalf of Seafish following discussions with its Marine Environmental Legislation Expert Group. This group consists of cross sector industry representation, as well as country government departments and agencies.

Seafish is a non-departmental public body that provides support to all sectors of the seafood industry. It has no official mandate for involvement in resource or environmental management but has an obvious interest in the outcomes of the management processes. Seafish has a publicly stated commitment to “the sustainable and efficient harvesting of those resources on which the UK seafood industry depends, the protection of marine ecosystems, and the development of marine aquaculture based on sustainable resource utilisation and best environmental practice”.

This response begins by addressing some broad issues in the general comment section and then moves on to a specific issue of concern.

General Comment

It is proposed that this legislation be enacted at a UK level, rather than separately

by the devolved administrations. Of course because of the nature of seas it is entirely appropriate that they are not divided arbitrarily along the lines of terrestrial borders, and we fully support this approach. Indeed, the Directive recognises that the seas will need to be dealt with at a regional level and encourages countries to work together, and although this is not stressed in the transposition legislation we would also welcome a regional seas approach. It would seem logical, at a time when the Common Fisheries Policy (CFP) is being reformed and there are moves to introduce management of fisheries at a regional seas level for these two pieces of legislation to be integrated in some way.

However, we also have slight concerns about this single piece of legislation for the UK. Much of the consultation is taken up with addressing how the devolved administrations will interact, and we hope that the ensuing process will not be over complicated and difficult for bodies outside the administration to understand.

Specific Issue

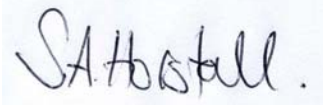
During the whole consultative process in the run up to the enactment of the Water Framework Directive (WFD) the shellfish industry expressed concern that its main form of environmental protection was to be repealed by the process. The Shellfish Waters Directive (SWD) is scheduled for repeal in 2013 and it provides protection for the industry from environmental pollution ensuring that waters in which shellfish are grown are kept clean. It is still unclear quite how this protection will be maintained under WFD although the industry now has assurances that it will, but we are less than anxious to have to repeat this lengthy process, as for one thing we no longer have the luxury of much more than a decade in which to achieve the protection before repeal.

The problem lies in the fact that whilst shellfish growing waters may be protected under WFD some of them lie outside the one nautical mile to which it applies in England and Wales. This of course is not a problem in Scotland, as the WFD applies out to three nautical miles. So without equivalent protection under MSFD these waters will be vulnerable to increased pollution and unsafe levels of contaminants. We would ask therefore that the necessary protection be built into the MSFD at this stage.

Also under Schedule 2 Part 3 of the draft regulations there is a definition of coastal waters under the WFD. It states that these waters extend to one nautical mile from the shore, but of course in Scotland they extend to three nautical miles. Perhaps this could be clarified.

I hope this response is useful, should you have any comments or queries, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, reading "S. A. Horsfall." The signature is written in a cursive style with a period at the end.

S. A. Horsfall
Environmental Consultant