

Some aspects related to the legislative framework for the protection of the marine environment link with Maritime Spatial Planning

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ABSTRACT. The presentation will focus on legislation which sets up the framework for the protection and preservation of the marine ecosystem, namely the Black Sea ecosystem. In order to achieve the good environmental ecological status of the Black Sea ecosystem, Romania transposed and implemented the specific European legislation as Marine Strategy Framework Directive, Water Framework Directive, Nitrates Directive, Directive on the quality required of shellfish waters, Habitats and Birds Directives . It also should be mentioned that Governmental Emergency Ordinance no. 202/2002 regarding coastal zone management approved with further modification and amendments through the Law no. 280/2003 plays an important role in this process. It is necessary to underline the connection of water and marine protection legislation with Maritime Spatial Planning as well as the important interactions between these areas. The rationale planning of maritime activities will reduce the impact on marine environment and will facilitate the sustainable development and Blue Growth in the Black Sea marine region.

KEYWORDS. water legislation; Marine Strategy Framework Directive; Water Framework Directive; Nitrates Directive; Shellfish Directive; Governmental Emergency Ordinance no. 202/2002 regarding coastal zone management.

I. INTRODUCTION

The aim of the paper is to present some aspects regarding legal framework for the protection and preservation of the Romanian part of the Black ecosystem and the link with Maritime Spatial Planning.

To achieve this desiderate a conceptual model has been made up. The conceptual model focused on the national and regional context.

II. REGIONAL CONTEXT

The Black Sea is a semi-closed sea, with a dense population around it. Due to human pressures, as nutrients, overfishing, petroleum compounds, contaminants, non-indigenous species the Black Sea became one of the most vulnerable ecosystem worldwide. After the '60s years the degradation of ecological status of the Black Sea became worse and worse so the effects were marked by loss of biodiversity and habitats.

In this context of the bad status of the Black Sea, in 1992, the Riparian countries of the Black Sea signed the Convention on the Protection of the Black Sea against Pollution (Bucharest Convention). Thus Bucharest Convention is the legal framework for regional cooperation in order to take measures for the protection and preservation of the marine biodiversity, to halt the losses of marine species and habitats and for the rehabilitation of the ecological status of the marine ecosystem. (Figure 1)



Figure. 1. the Black Sea marine region

It has to underline that in the Black Sea marine region Romania and Bulgaria are EU Members States, Turkey, Georgia, and Ukraine are accessing countries and Russia is non EU countries. Under this perspective only Romania and Bulgaria have the obligations to implement the EU legislation in the water and marine field. One of the important piece of the specific EU legislation is Maritime Integrated Policy with its environmental pillar represented by the Marine Strategy Framework Directive.

However, despite of the differences between the Riparian Countries to the Black Sea joint efforts has been undertaken in the last 20 years in order to recover marine environment. In this respect countries are working to implement actions included in the Black Sea Strategic Action Plan, a legal document signed in 1996 which are covering the main areas defined by the Bucharest Convention namely, pollution monitoring and assessment, pollution coming from land based sources, integrated coastal zone management, biodiversity and landscape protection, environmental safety aspects of shipping and environmental aspects of the management of fisheries and other marine living resources. In all these activities, Romania and Bulgaria are working to create a synergy between the Bucharest Convention, implemented by all six countries, and their obligation as EU Member States.

It was to be emphasized that Black Sea and the Riparian countries benefited by 15 years support of the UNDP/GEF project dedicated to the pollution reduction and recovery of the marine ecosystem.

We have to say that a significant recovery of the marine ecosystem of the Black Sea cannot be achieved only by the Riparian Countries but with the coordinated efforts of the all countries sharing its basin, particularly by reducing pollution in the rivers which are discharging their water in the Black Sea. Considering the transboundary character of these rivers a strong cooperation is needed on the basis of a legally binding instruments.

Unfortunately, except the case of the Danube River there are no such agreements for other transboundary rivers. Even Danube has the most international river basin in the world it is an outstanding example of good cooperation for the transboundary water management. It is important to be said that one of the aims of the Convention for the Protection of the Danube River against pollution is the protection of the Black Sea Environment.

Actually the most important task of the International Commission for the Protection of the Danube River (ICPDR) is the implementation of the Water Framework Directive which practically includes all the other water directives.

In order to coordinate the activities between the two Conventions a Joint Working Group has been established. The main task of this group is to harmonize the monitoring data at the interface of the Danube and Black Sea and to assess the impact of the Danube on the Black Sea environment as well as the effects of the measures taken in the Danube Basin on the Black Sea.

III. NATIONAL CONTEXT

Romania has built its marine strategy using national and EU legal framework and regional agreements (Bucharest Convention, RO- BG Agreement, and International Convention for the protection of the Danube River, etc).

The main legal framework consists of:

- Government Emergency Ordinance 71/2010 for establishing the strategy on marine environment,
- Governmental Emergency Ordinance 202/2002 regarding coastal zone management approved with further modification and amendments through the Law no. 280/2003
- Water Law 107/1996 with further modifications and amendments
- Government Emergency Ordinance 57/2007 on the regime of natural protected area, and preservation of natural habitats, of wild flora and fauna, approval with amendments by Law 49/2011
- Government Emergency Ordinance no. 202/2002 regarding coastal zone management approved with further modification and amendments through the Law no. 280/2003.

The Government Emergency Ordinance 71/2010 for establishing the strategy on marine environment transposed the Marine Strategy Framework Directive into the national legislation and was adopted by Law 6/2011 and amended by Law 205/2013.

The Government Emergency Ordinance 71/2010 is applied to Romanian marine waters and sets up the framework for taking all necessary measures to achieve or to maintain the good environmental status of the Romanian Black Sea marine ecosystem by 2020. The ecological status is set up using the 11 Descriptors (figure 2). These Descriptors could be affected by the human activities and this is a strong reason to plan all these maritime activities for reducing the pressures and impacts.

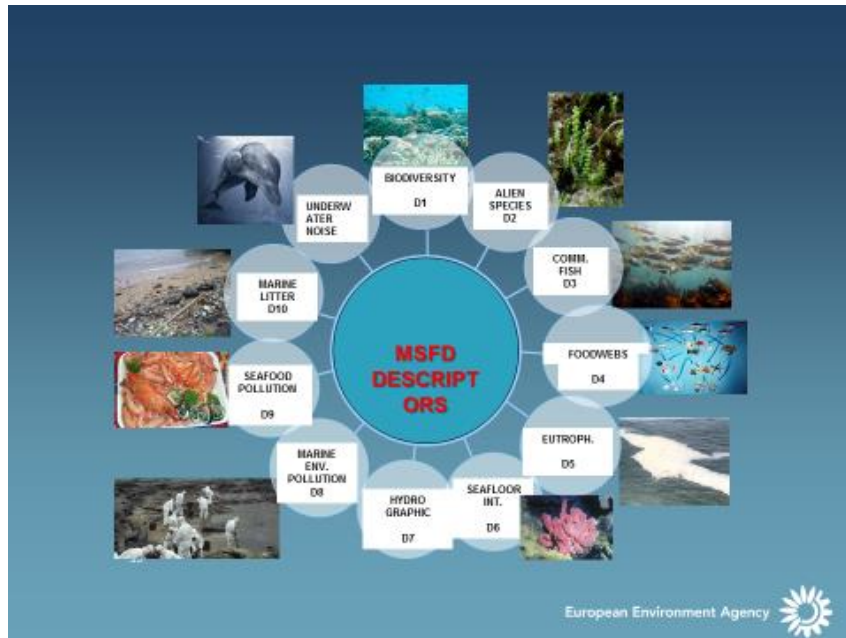


Figure. 2.

To achieve the Good Environmental Status of the Black Sea by 2020 the monitoring programme and the programme of measures have been set up in first cycle of the implementation. It has to underline that this framework also ensures the integration of the maritime activities into Maritime Integrated Policy to reduce the environmental impacts of these activities in order to have a sustainable development of the Black Sea marine region

Water Law 107/1996 with further modifications and amendments transposed the Water Framework Directive. According to the provisions of art 2, one of the purpose of the Water Law no. 107/1996, is to protect the aquatic ecosystems in the vicinity of the coastal areas, in gulfs or in the Black Sea.

The aim of *Water Framework Directive 2000/60/EC* is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater and achieve good water status or good ecological potential in all waters, including coastal waters.

The *Government Emergency Ordinance no. 202/2002 regarding coastal zone management approved with further modification and amendments through the Law no. 280/2003* provides the general framework of the management of the coastal area belonging to the public state domain. Also the territorial sea, natural resources of the exclusive economic zone and of the continental shelf of the state, are public property, and their management is integrated into the overall management of the coastal zone.

It also has provision on the use the coastal area, taking into account main economic activities, such as agriculture, military activities, energy producing and natural resources exploitation, fishing and marine aquaculture, forestry, industrial activities, tourism, transport, water management, waste management.

It has also provisions on the restrictions and prohibitions, such as prohibition of the execution, within those areas designated for territorial planning subject to natural risk of

landslides, flooding and erosion due to sea or rivers, of any construction, except for those designated for protecting the area to natural risks.

It is obvious that the provisions of the integrated coastal zone management should be considered within the maritime policy and maritime planning because will make the connection between the activities on the sea and those developed in the coastal area.

Government Emergency Ordinance 57/2007 on the regime of natural protected area, and preservation of natural habitats, of wild flora and fauna, approval with amendments by Law 49/2011 transposed Birds Directive and Habitats Directive into national legislation. The aim of this document is to set up the framework for preservation and conservation biodiversity and habitats. It is necessary to include and consider this legal document within the maritime planning because the marine human activities could have a negative impact on the marine birds and marine habitats.

The objectives of *Government Decision No. 964 / 2000 regarding the approval of the Action Plan for the waters protection against the pollution by nitrates resulted from agricultural sources and for starting up the Commission and Support Group for the implementation of the Action Plan for the protection of waters against pollution with nitrates from agriculture sources* are reducing water pollution caused or induced by nitrates from agricultural sources and preventing further such pollution in order to protect human health and living resources and aquatic ecosystems and to safeguard other legitimate uses of water.

The Government Decision 201/2000 on Technical Norms regarding the quality of shellfish waters transposed the Directive 79/973/CE amended by Directive 2006/113 on the quality required of shellfish waters. It should be mention that the Government Decision 201/2000 on Technical Norms regarding the quality of shellfish waters was amended by the Government Decision 467/2006 on amended the Technical Norms regarding the quality of shellfish waters set up under The Government Decision 201/2000. This legal document establishes the framework for the protection and improvement the water quality for shellfish (bivalve, and gastropod mollusks) against pollution and applies those coastal waters designated by Romania as needing protection or improvement for sustaining the life and growth of the shellfish.

The annexes of this legal document stipulates the values of physical and chemical parameters to sustain the life and growth of the mollusks. If the parameters do not comply with the requested values Romanian has to adopt all necessary measures to reach those values.

According to the requirements of the *Joint Order of Ministry of Environment and Sustainable Development and Ministry of Agriculture and Rural Development 1950/2007/38/2008 for mapping and classification of marine waters suitable for the shellfish growth and exploitation* 4 areas for growing and exploitation of shellfish have been established and notified to the European Commission. Since 2000 until 2015 the parameters of Annex 1 of the Ministerial Order have been monitored. Within the first designed area Sulina –Sf. Gheorghe the analyses showed that some chemical parameters did not complied with the values because of the Danube River impact. Taking into consideration the results of the monitoring this area was eliminated as unsuitable for growing shellfish. Thus this Ministerial Order was amended by *Joint Order of Ministry of Environment, Water and Forest and Ministry of Agriculture and Rural Development 983/1699/2015*, to the effect that there are 3 areas suitable for growing and developing shellfish.

Another important document is *Order nr.1888/2007 of Ministry of Environment and Sustainable Development on approval the list of halogenated organic compounds and heavy metals, and the maximum allowance concentration of halogenated organic compounds and*

heavy metals which set up the list of halogenated organic compounds and heavy metals which affect the life of shellfish and maximum allowance concentration for them.

It has to point out that to perform the obligations under Marine Strategy Framework Directive and due to complexity of the marine ecosystem, Ministry of Waters and Forest has enhanced the cooperation with the Black Sea Commission under Bucharest Convention and with Bulgaria under Agreement between the Ministry of Environment and Water of the Republic of Bulgaria and the Ministry of Environment and Water Management of Romania on Cooperation in the Field of Water Management.

According to the requirements of the Marine Strategy Framework Directive the authorities responsible for and their duties as well have been set up. It has to point out that have been taken into consideration only the authorities and the institutions/organizations which have the maritime activities in the Black Sea marine region. Ministry of Waters and Forest is central authority in the water field responsible for the implementation marine national strategy and development of marine policy.

IV. CONCLUSIONS

We consider that the integrated maritime policy of the European Union brings added value in the field of environment protection because of the integrated approach. According to the requirements of the Marine Strategy Romania sets up a proper legal and institutional framework for the conservation and preservation of the Black Sea ecosystem.

To achieve a good environmental status in the Black Sea marine region the Maritime Spatial Planning has an important role because the maritime activities will be planned in order to minimize their effects and their pressures are kept at a compatible level with the good environmental status. Therefore we consider that the implementation of Maritime Spatial Planning will help us for performing our responsibilities for the protection of the marine environment.

And last but not the least we have to support the marine research to understand the marine ecosystem, the effects of human activities for taking actions in a proper manner, actually to have a sustainable development in the Black Sea marine region.

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