



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,  
MARE/A2/LBS

**Subject: AAC Recommendation on the European Union Marine Strategy Framework Directive**

Dear Mr Thomsen,

I would like to thank you for your Recommendation on the European Union Marine Strategy Framework Directive. We have taken good note of the recommendations given and will ensure that they feed into the ongoing review process. The Commission plans to adopt and publish an Evaluation of the Directive in early 2025.

Allow me to make a few observations on the recommendations and statements in the document.

- Regarding the statement on the Directive's approach to **reducing nitrogen and phosphate concentrations in seawater**, which may be suitable for improving GES, but can at the same time lead to **impoverishment in water nutrients** rendering the areas unsuitable for shellfish farming:

Member States are required to define Good Environmental Status ('GES') for their waters across 11 MSFD descriptors, including for Descriptor 5 '**eutrophication**'. Upon defining GES, Member States shall develop and implement a monitoring programme and ultimately take the necessary measures to achieve or maintain Good Environmental Status in the marine environment by the year 2020 (Article 1). The digital platform WiseMarine, managed by the European Environment Agency (EEA), which provides an assessment dashboard of the EEA, shows that<sup>(1)</sup>.

The Commission Decision 2017/848 of 17 May 2017 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, specifies that for Descriptor 5 in coastal waters Member States shall use the nutrient threshold values that

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<sup>(1)</sup> [https://water.europa.eu/marine/data-maps-and-tools/msfd-reporting-information-products/ges-assessment-dashboards/ges-marine\\_waters](https://water.europa.eu/marine/data-maps-and-tools/msfd-reporting-information-products/ges-assessment-dashboards/ges-marine_waters)

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have been developed in the framework of the Water Framework Directive (WFD). In the WFD, thresholds for good status are established as a slight deviation from reference conditions corresponding to a situation undisturbed by any anthropic pressures (see WFD annex V). The objective is therefore not to reduce the nutrient concentrations below the natural level, but to a level corresponding to a slight, acceptable level of pollution, low enough to support the environmental objectives. The WFD also takes into account that the natural reference conditions are heterogeneous, so that Member States have to define different water body types and associated reference conditions (see WFD annex II). This allows that natural specificities of certain areas can lead to heterogenized thresholds.

- Regarding the statement on the **inclusion of GES as a precondition for shellfish production to be considered ‘organic’**, leading to **declassification** of sea areas, where GES has not been attained:

Council Regulation (EU) 2018/848 stipulates in Part III of Annex II 3.1.3.2. “*With regard to bivalve molluscs and other species which are not fed by man, but instead feed on natural plankton, the following rules shall apply: .... (b) the growing areas shall be suitable from a health point of view and shall either be of high ecological status as defined by Directive 2000/60/EC or of good environmental status as defined by Directive 2008/56/EC or of equivalent quality to: the production zones classed as A in Regulation (EC) No 854/2004, until 13 December 2019, or the corresponding classification areas set out in the implementing acts adopted by the Commission in accordance with Article 18(8) of Regulation (EU) 2017/625, from 14 December 2019.*” On this basis, *national competent authorities* shall verify that organic production of bivalve molluscs and of other species fed on natural plankton, is carried out in growing areas which complies with at least one of the three categories above mentioned, GES being one of them. Therefore, the GES declassification may not directly lead to a restriction for the organic production if the growing zone complies with other criteria (i.e. Class A zone or high ecological status under Directive 2000/60/EC).

- Regarding the AAC’s conclusion that ‘the MSFD is **neither coherent nor mainstreamed with EU aquaculture production-related policies and other legal instruments for aquaculture**, including the allocation of zones for aquaculture (spatial planning) or with the Commission’s 2021 Strategic Guidelines for Aquaculture. Furthermore, the MSFD is not aligned with other EU policies, such as the Food Hygiene Package, or with broader policies, such as those related to food security in the EU.’:

In this respect, please note that the MSFD is a framework directive. As such, it does not regulate specific sectors. At the same time, the MSFD aims to contribute to policy coherence between, and aims to ensure the integration of environmental concerns into, the different policies which have an impact on the marine environment (Art.1(4)). In the evaluation of the MSFD, which should be published later this year, the lack of policy coherence is one of the problem areas identified, especially between MSFD and EU policies governing the blue economy, which has limited the Directive’s effectiveness in achieving its objectives, in particular the achievement of GES. This is one the areas to be addressed in a possible future revision of the Directive. As part of the revision, the Commission should be undertaking an Impact Assessment, which will consider the economic, social and environmental impacts of considered policy options. In addition to the issue of coherence, the Commission will look into ways of improving the Directive’s

overall legislative framework (options for further harmonisation), and the inclusion of climate change considerations.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Julia Rubeck, our Advisory Councils coordinator, via the functional mailbox [MARE-AC@ec.europa.eu](mailto:MARE-AC@ec.europa.eu).

Yours sincerely,

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