



European Sea Ports Organisation (ESPO)

EU Policy on Ports and Environment

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Summary

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environmental legislation**
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I – A few words about ESPO



- Founded in 1993
- Represents European seaport authorities (members)
- Members from EU+EEA
- Secretariat in Brussels
- Recognised counterpart of EU institutions



I – A few words about ESPO

Main activities:

- Raising awareness of the economic importance of ports for the total economy of the EU
- Trying to keep a balanced 'level-playing-field'
- Providing detailed information about EU ports to the European institutions
- Providing detailed information about European legislation to ESPO members: the port authorities
- Trying to influence the legislative process and minimize negative effects for the economic well-being of ports
- Encourage ports to be proactive in protecting the environment



II – 4 Legislative proposals

1. Proposal for a Marine Strategy Framework Directive
2. Art. 16 WFD Daughter Directive: proposal for a Directive on Environmental Quality Standards in the field of water policy
3. Proposal for an Ambient Air Quality Directive
4. Proposal for a Directive amending the Waste Directive



II.1 – Proposal for a Marine Strategy Directive

Timeframe:

- October 2005: Directive proposal of the Commission
- Nov/Dec 2006: Adopted position EP & Council 1st reading
- October 2007: Start second reading
- Expected adoption: Early 2008





II.1 – Proposal for a Marine Strategy Directive

Contents:

- Aimed at achieving ‘good environmental status’ by 2021 for marine waters.
- GES to be determined per marine region
- Initial assessment of actual environmental state per region
- Outcome of assessment is basis for programmes of measures
- Directive is applicable to all European waters on the seaward side of the baseline from which the extent of territorial waters is measured

ESPO concerns:

- Geographical overlap with WFD area for coastal waters (increased bureaucracy)
- Effects on dredging (especially in the marine protected areas)
- Effects on shipping (ballast water, engine noise)



II.1 – Proposal for a Marine Strategy Directive

Amendments Parliament:

- Achieving ‘good environmental status’ by 2017 for marine waters
- Far reaching sectoral measures (e.g. for shipping, extraction/disposal seabed)
- Inclusion of “tidal waters”
- Mandatory designation of marine protected areas

Amendments Council:

- Target date for good environmental status by 2021
- Sectoral measures only if it affects GES in a specific region
- Less overlap with Water Framework Directive (geographical and targets)

II.2 – Proposal for a Directive on Environmental Quality Standards (EQS) in the field of water policy

Timeframe:

- July 2006: Directive proposal of the Commission
- May/June 2007: Adopted position EP & Council 1st reading
- Expected start second reading: November/December 2007
- Expected adoption: April/May 2008





II.2 – Proposal for a Directive on Environmental Quality Standards (EQS) in the field of water policy

Contents:

- Directive proposal based on Article 16 Water Framework Directive
- Aimed at cessation of emissions, discharges and losses of priority substances
- List of Environmental Quality Standards for these priority substances in the water column
- Level of priority substances cannot increase in sediment or biota

ESPO concerns:

- Could dredging operations constitute a loss (overspill/plume)?
- Could disposal of dredged material result in a increase of priority substances in sediment?
- If yes, this could have huge financial effects (UK Reg. Impact Assessment)



II.2 – Proposal for a Directive on Environmental Quality Standards (EQS) in the field of water policy

Amendments Parliament:

- Additional substances to priority substances list
- Commission should develop EQS for sediment & biota
- Better reference to technical feasibility and disproportionate costs
- Exemption: Priority substances and pollutants released from sediments as the result of shipping, dredging or natural phenomena shall not be regarded as losses

Amendments Council:

- No, specific exemption for navigation sector
- Member States may opt to apply EQS for sediment
- Sediment monitoring aimed at reliable long term trend analysis
- Commission shall, by 2025, verify that emissions, discharges and losses make progress towards compliance with reduction or cessation (Art.4)

II.3 – Proposal for an Ambient Air Quality Directive

Timeframe:

- September 2005: Directive proposal of the Commission
- Sept/Oct 2006: Adopted position EP & Council 1st reading
- October 2007: Start second reading
- Expected adoption: Early 2008





II.3 – Proposal for an Ambient Air Quality Directive

Contents:

- Adapted limit values for NO_x, SO₂ and PM₁₀ as of 2015
- A new limit value for PM_{2,5} as of 2015
- Compliance with limit values for whole territory of a Member State
- For areas where compliance is not possible, Member States have to make programmes of measures

ESPO concerns:

- Directive solely focuses on limit values, without clear source control measures EU wide (effecting level playing field)
- More attention to long-term goals instead of short-term measures (e.g. stopping/minimizing traffic flows)
- No attention paid to logistic hubs (e.g. ports which feature an accumulation of transport emissions and industry emissions)
- A strict no-deterioration principle would 'lock' all areas for economic development



II.3 – Proposal for an Ambient Air Quality Directive

Amendments Parliament:

- Very ambitious, emphasize premature deaths due to air pollution
- Lower limit values (especially for PM_{2,5} but with clear reference to source control measures – Euro VI & ship emissions)
- Less strict no-deterioration principle
- And, exemption of assessing air quality at roads and industry areas

Amendments Council:

- Less stringent limit values and a target value for PM_{2,5} for 2015
- However, less focus on source control measures
- Less possibilities for exemptions of assessment (industry areas not included)

II.4 – Proposal for a Directive amending the Waste Directive

Timeframe:

- December 2005: Directive proposal of the Commission
- Feb/June 2006: Adopted position EP & Council 1st reading
- Expected start second reading: November/December 2007
- Expected adoption: April/May 2008





II.4 – Proposal for a Directive amending the Waste Directive

Contents:

- October 2005: Directive proposal of the Commission
- Nov/Dec 2006: Adopted position EP & Council 1st reading
- October 2007: Start second reading
- Expected adoption: Early 2008

ESPO concerns:

- The denomination of sediments (dredged material) as waste
- Difficulties in relation to beneficial use of sediments



II.4 – Proposal for a Directive amending the Waste Directive

Amendments Parliament:

- This Directive shall not cover natural sediments and silt which do not feature hazardous properties as defined in Annex III.

Amendments Council:

- Sediments relocated inside of surface waters for the purpose of managing waters and waterways or of preventing floods or mitigating the effects of floods and droughts shall be excluded from the scope of this Directive if it is proven that the sediments are non-hazardous and without prejudice to compliance with obligations under other relevant Community legislation.

III. – Expected Developments in the field of environmental legislation

1. **Follow-up Maritime Green Paper** - 10 Oct 2007
2. **Commission Communication on EU port policy** - 17 Oct 2007



III.1 – Follow-up Maritime Green Paper

Process

- Green Paper on a future maritime policy for the Union
- Published in June 2006 – consultation closed in June 2007
- Aimed at developing an « overarching maritime policy for the EU »
- One year of consultation mobilised all stakeholders in the whole of the EU



III.1 – Follow-up Maritime Green Paper

10 October 2007 – European Commission’s Maritime Policy Package (Blue Paper)

- Containing results of the Green Paper consultation
- Communication setting out the future policy and objectives and tools needed to develop this
- Action Plan describing the actions in greater detail

Expected action in the environmental field:

1. Maritime Spatial Planning
2. Action in the field of marine data/research
3. Several actions on ship emissions
(connected to other initiatives – e.g. tax reduction for shore side electricity, Green Paper on market based instruments, environmental charging)



III.2 – Commission port policy communication

17 October 2007 – European Commission Communication on port policy

- General port policy orientations after one-year consultation with stakeholders and Member States following the defeat of the Port Services Directive in the European Parliament

Expected action in the environmental field:

1. Guidelines for the application of environmental legislation to port development
2. Facilitating shipping as environmental friendly transport mode by simplification throughout the logistics chain (MoS, Common European Space)



IV - ESPO participation in guidance exercises at EU level

1. Common Implementation Strategy (CIS) of the Water Framework Directive
2. Experts group on estuary management
3. Further guidance on Directive 2000/59 on port reception facilities





IV - ESPO participation in guidance exercises at EU level

1. **Common Implementation Strategy (CIS) of the Water Framework Directive**
 - Commission, Member States, Industry, NGO's
 - Ensuring level-playing-field as regards WFD implementation
 - CIS prepared numerous guidance documents
2. **Experts group on estuary management**
 - Seeking special guidance for estuaries where there is an overlap of Natura 2000 and Water Framework Directive objectives
 - Aimed a more legal certainty for stakeholders operating in estuaries (e.g. dredging)
3. **Further guidance on Directive 2000/59 on port reception facilities**
 - November 2007: implementation report of the Commission
 - No legislative changes foreseen but probably more guidance on specific issues (e.g. waste handling plans, fee-system and exemptions)



V – ESPO’s own initiatives in the field of environment

1994: ESPO Environmental Code of Practice

1995: Soil Recycling in European Ports Project

1996: Environmental survey

1997: ECO-Information Project

2001: ESPO Environmental Review

2002: ECOPORTS Project

2003: New ESPO Code of Practice

2004: Update Environmental survey

2007: ESPO Guide document on port development and
Natura 2000



V – ESPO’s own initiatives in the field of environment

2003: New ESPO Code of Practice

Part I – Environmental Policy Code

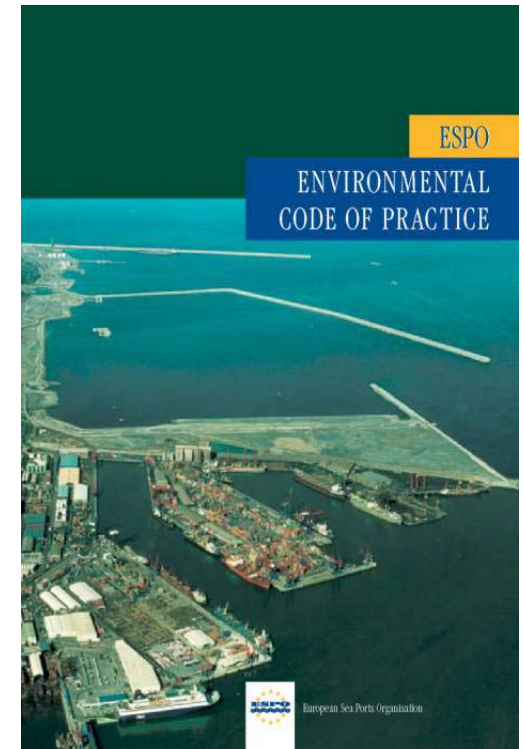
10 Environmental commandments

Part II – Environmental Port Policy Background

Expression of ports’ commitment to environmental improvements

Part III – Handbook of Recommended Environmental Practices

Practical tool for port managers

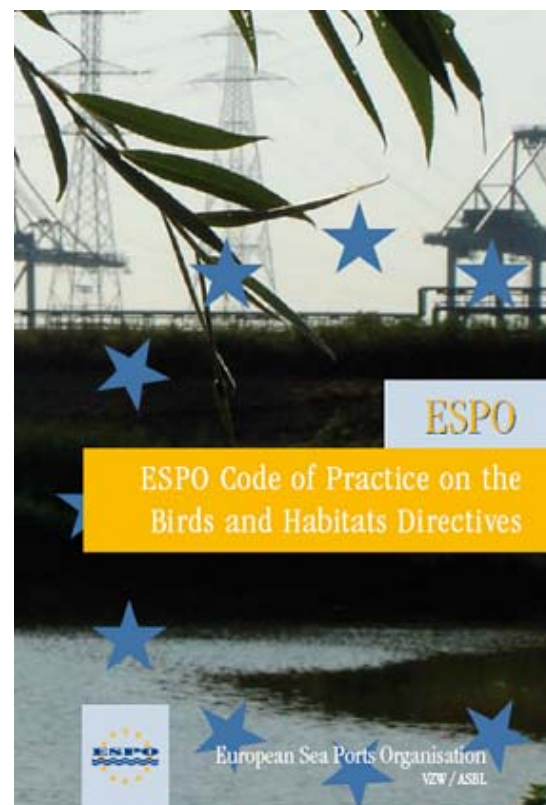




V – ESPO’s own initiatives in the field of environment

2007: ESPO Code of Practice on Birds and Habitats Directives

1. Providing useful guidance tool (recommendations) to port authorities, port planners and local regulators, contributing to better dialogue with NGOs and stakeholders.
2. Attracting the necessary attention of EU policy makers to the outstanding problems and questions.





VI – Enhanced cooperation between ESPO-EcoPorts

From Policy to Practice

From Practice to Policy

- Bringing work programme of ESPO and EcoPorts closer again
- ESPO remains focused on policy making, EcoPorts remains focused on practical solutions in ports and exchange of best practices
- Cooperation should reinforce use of EcoPorts tools (self diagnosis method - SDM - and PERS Certificates – Port Environmental Review System)
- Improving environmental performance of European ports by strong self regulation
- EU legislation should be realistic and feasible, good practices should show commitment of the sector to EU policy makers



Thank you for your attention



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