

José Manuel Barroso  
President of the European Commission  
European Commission  
1049 Brussels  
Belgium

Thursday, 29 September 2005

Dear President Barroso,

**Re: Delays in the Publication of the European Marine Strategy**

We wrote to you on 18 July, to express our concern that the European Commission may further delay the publication of the proposals for a European Marine Thematic Strategy and a Marine Framework Directive. Although WWF has received a response from you to a letter on the thematic strategies generally (2 September), the coalition has not received a reply to our letter outlining concerns specific to the development of the European Marine Strategy. We remain concerned that matters outlined therein have not been addressed with the urgency and courtesy, which we believe they merit.

With every day that the publication of the European Marine Strategy package is delayed beyond the deadline of July 2005, the European Commission is failing its obligations under Decision 1600/2002. The hesitation in proposing marine legislation at EU level also calls into question the Community's commitment to sustainability. In addition, it appears to contradict the Commission's role under the Treaty of the European Community, which requires Community measures if and in so far as the objectives of the action cannot be sufficiently achieved by the Member States (Article 5) and provides that agreements, such as the regional seas conventions, which have been concluded by the Community 'shall be binding on the institutions of the Community and on Member States' (Article 300(7)).

In accordance with the Sixth Environmental Action Programme, the European Marine Strategy is to 'include an identification of the proposals that are required to reach the objectives set out in the Programme and the procedures foreseen for their adoption,' and further the European Community is to adopt of 'legislative proposals arising from these strategies.' (Article 4) Moreover, the Strategy must be adopted in accordance with Article 251 of the EC Treaty (Article 4), implying that the European Parliament and Council must be involved in agreeing the form and content of the legal instrument. The Strategy and resulting proposals should have been submitted to the European Parliament and Council by July 2005.

Considering the thorough process 'towards a European Marine Strategy', and the fact that a draft Strategy and legislative proposal were finalised by the Directorate-General for Environment in time for publication in July and have since passed the Commission's interservice consultation, it appears that the continued delay is of a political rather than technical nature.

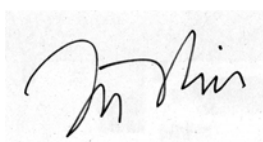
We are dismayed by persistent signs that the European Commission's agenda for economic reform and increased competitiveness appear to be putting into peril the

suite of environmental measures under development in DG Environment, including the draft Framework Directive on marine protection. We trust that the Commission will act without delay by presenting a legislative proposal that provides measurable targets for the protection of the marine environment at Community level.

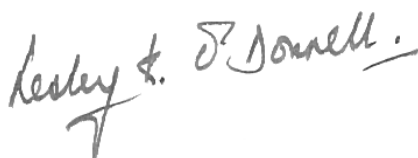
As President of the Commission, we believe you are in a position to ensure that the proposals elaborated by DG Environment are afforded the political support necessary to ensure that effective marine legislation is being pursued. We look forward to hearing how the Commission plans to quickly act on its commitments.

Yours sincerely,

Jorgo Riss, Director, Greenpeace European Unit



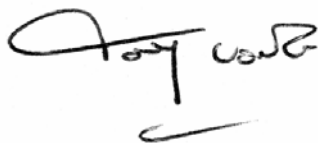
Lesley O'Donnell, Director, International Fund for Animal Welfare EU



Hans Revier, President, Seas At Risk



Tony Long, Director, WWF European Policy Office



Niki Sporrang, Director, The Fisheries Secretariat

