

## **Ecosystem-based management: Making it work in the EU**

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### **Abstract**

The European Union is currently developing an elaborate regulatory framework for the implementation of an ecosystems based approach to the management of human activities in the marine environment with a view to halting the loss of biodiversity and protecting fragile marine habitats. This paper explains how this development has its normative basis in a number of international and European legal instruments including: the 1982 United Nations Convention on the Law of the Sea; the 1992 Convention on Biological Diversity; the European Treaties; the Marine Strategy Framework Directive; the Habitats Directive; the common fisheries policy; the European integrated maritime policy; a number of judgements of the European Court of Justice; as well as in several soft law initiatives concerning marine spatial planning and integrated coastal zone management. This paper describes a range of legal and technical obstacles which must be overcome by the scientific and legal communities if the ecosystem approach is to be applied in practice by the 22 coastal Member States of the EU. In particular, it focuses on how European law is evolving rapidly and placing new demands on national data collection and marine environmental monitoring programmes, as well as on the institutional structures in the Member States that are responsible for licensing and planning. The paper concludes by suggesting a number of legal and technical options for improving the regulatory framework and to address the dilemma of incomplete scientific information regarding the status and functioning of marine ecosystems.