



POLICY BRIEF 1

May 2023

CrossGov

Coherent and Cross-compliant Ocean Governance for Delivering the Green Deal for European Seas

STRENGTHENING EUROPEAN OCEAN GOVERNANCE IS URGENT

Coherent and cross-compliant marine policies are crucial for the protection of European seas. This policy brief introduces the concepts of coherence and cross-compliance, describes how they are interrelated, and explains their importance for the realization of the European Green Deal.

European seas are among some of the busiest marine regions in the world, where multiple maritime sectors are increasingly competing for limited space and resources. Human and economic activities are creating severe pressures on marine ecosystems, leading to biodiversity loss through pollution, overexploitation, and habitat destruction. Land-based activities add additional pressure on marine ecosystems, for example through run-off from fresh-water basins and agricultural practices. The decline in marine natural

capital poses significant threats to Europe's economy, the livelihoods of coastal communities and the health and wellbeing of European citizens more broadly. Furthermore, climate change heavily impacts marine ecosystems and coastal communities living around coastlines. Policies regulating such pressures and activities are fragmented, often addressing only part of a problem or activity. **Governing European seas effectively requires coherent and cross-compliant policy actions that account for**





interactions across sectors, interests, and governance levels.

The European Parliament calls for improvements through strengthening systematic, integrated, and ambitious governance of European seas. Biodiversity loss and climate change, for example, are interlinked and exacerbate each other, and should therefore be tackled together. This requires governance approaches that identify common challenges, synergies, and areas of cooperation.

Over several decades, complex multi-level and multi-sector policy landscapes have unfolded. This has resulted in a situation where existing legal and policy frameworks contain overlaps, gaps, weaknesses, and inconsistencies. Authorities and actors responsible for implementation are facing significant institutional challenges in complying with multiple policies. At the same time, local communities and other stakeholder groups may not be sufficiently or effectively included in planning, policymaking, and decision-making, negatively affecting legitimacy and inclusiveness. Challenges also arise in the context of science–policy–society interfaces. Mechanisms for scientific advice may be weak and lack processes to systematically handle scientific uncertainty and different knowledge systems. These challenges, and others related to policy coherence, integration, and coordination, have led to unsustainable outcomes. **So far, we have been unsuccessful in ensuring the protection of marine ecosystems and biodiversity in Europe.**

The **European Green Deal**, adopted in 2020, calls for deeply transformative policies in all relevant sectors to create a fair and prosperous society where economic growth is decoupled from resource use, natural ecosystems are protected and restored, and human health improved. Several recent strategies and plans, including the EU Biodiversity Strategy for 2030, the Zero Pollution Action Plan, the Strategy on Climate Adaptation, and the Climate Law, as well as the EU Strategy for a Sustainable Blue Economy, set out an ambitious path for the European seas. The goals and targets that come with these strategies have clear implications for EU policies regulating the marine environment. Ultimately, by 2030, Europe's marine ecosystems and biodiversity should be on their path to recovery.



Governing European seas effectively requires coherent and cross-compliant policy actions that account for interactions across sectors, interests, and governance levels.

The Green Deal is a package of strategies, goals, and targets. Assessment is needed to understand how current and forthcoming EU policies can positively contribute to delivering multiple Green Deal goals and targets. **Realizing the Green Deal as a**

whole requires that achieving certain targets does not significantly impede progress towards achieving other targets. Thus, it requires cross-compliance. While traditionally the concept of 'cross-compliance' has only been used in EU's Common Agriculture Policy, the CrossGov consortium innovatively applies the concept to ocean governance. **CrossGov defines cross-compliance as the delivery of multiple Green Deal strategies, goals, and targets in concert, and assesses the role of coherence in policy design as well as implementation for achieving this (Figure 1).**



This policy brief introduces the concepts of policy coherence and cross-compliance and explains how they are interrelated. While policy coherence is particularly important for policy design and implementation, cross-compliance is a concept that specifically concerns the outcomes and impacts of policies.

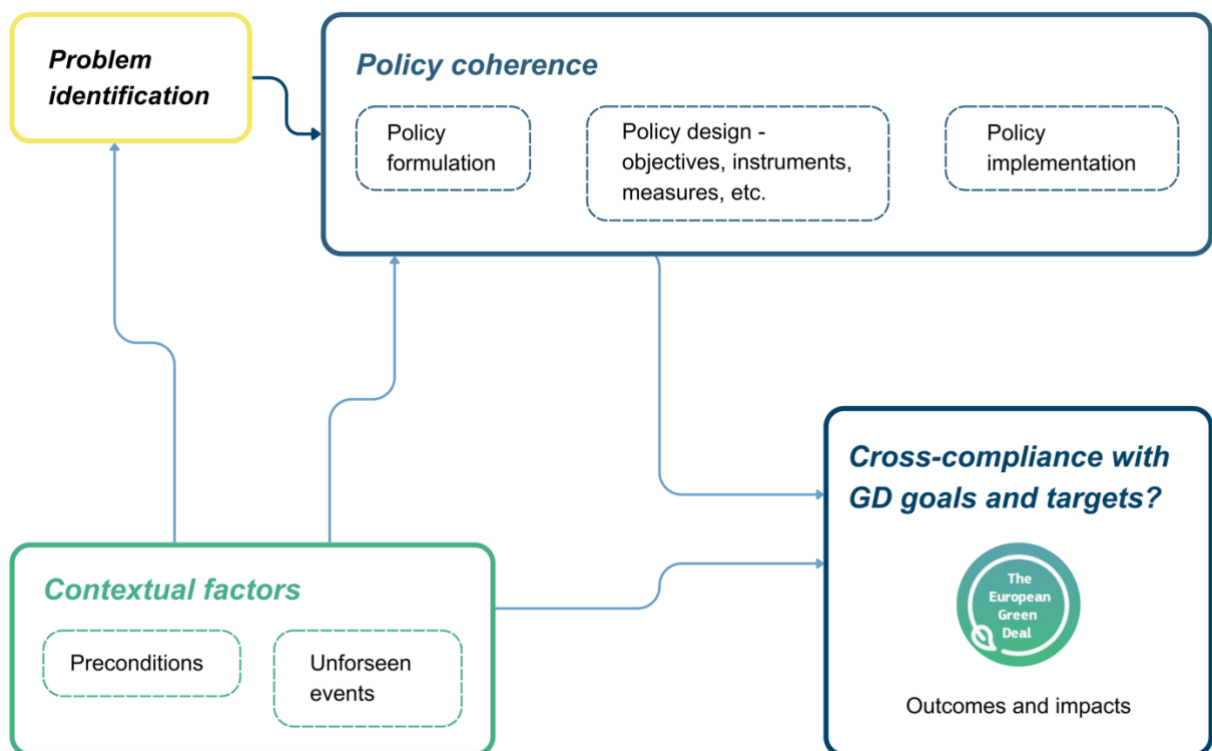


Figure 1 Policy coherence and cross-compliance in a policy-analytical framework. Inspired by Nilsson et al 2012.

THE HORIZON EUROPE FUNDED CROSSGOV PROJECT (2022-2025)

The CrossGov consortium explores cross-compliance within ocean governance and unravels the role of policy coherence in that regard.

Recognizing the urgent need to improve ocean governance and to realize the Green Deal for European seas, the CrossGov consortium joins forces to investigate how enhanced coherence of policies across sectors and between governance levels can underpin progress towards achieving cross-compliance with the EU Green Deal's goals and targets. In particular, CrossGov focuses on goals and

targets for the protection of marine ecosystems and biodiversity, zero pollution, nature-based climate adaptation and mitigation and the EU's ambition for a just transition (Figure 2). The EU's ambition for biodiversity, climate, pollution and leaving no one behind form the foundation for sustainable economic growth and supporting citizens' health and livelihood.

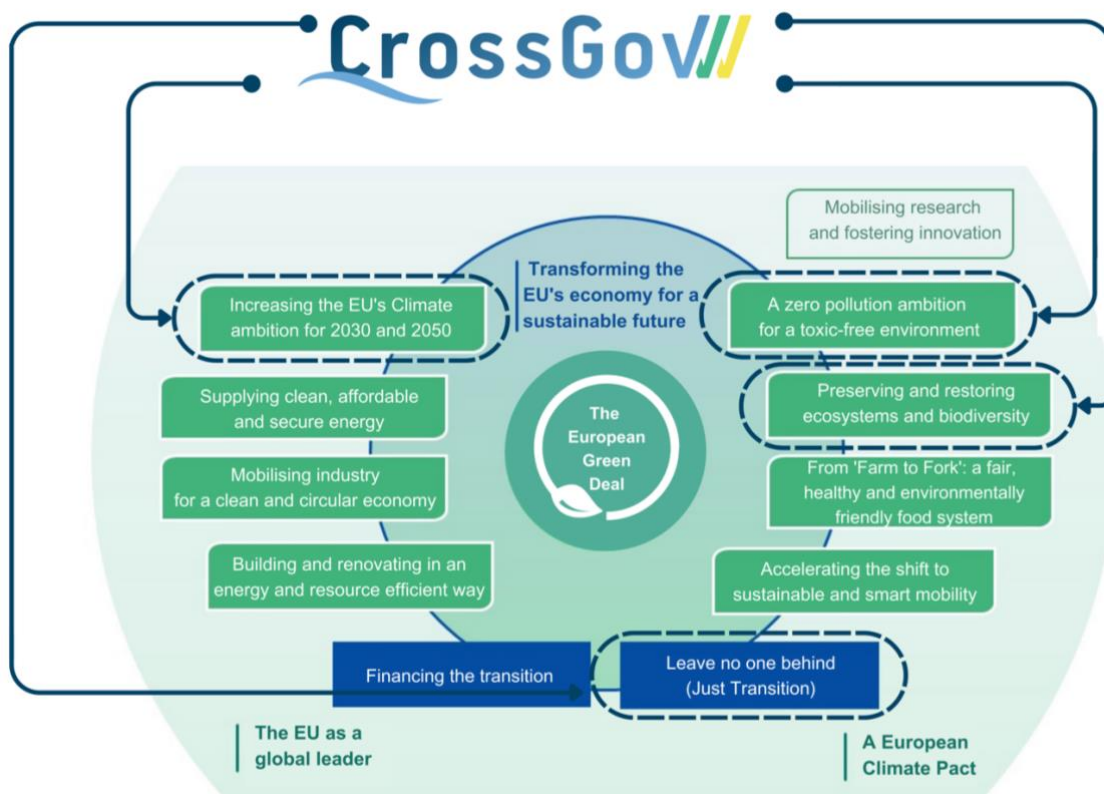


Figure 2 The areas of the European Green Deal in focus in the CrossGov project.

UNDERSTANDING POLICY COHERENCE

Policy coherence is crucial in complex multilevel and multi-sector policy landscapes.

Policy coherence refers to how well different policies work together.

Coherence can be defined as the extent to which policies reinforce each other by promoting synergies or reducing conflicts between their objectives and measures

both in design and implementation. Policy coherence can be assessed within the same governance level (horizontal coherence) or across different governance levels (vertical coherence) (Table1).

Type of Coherence	Description	Example
Horizontal	Coherence between policies within the same policy area at the same governance level.	The Water Framework Directive and the Urban Wastewater Directive are part of the same policy area. Objectives and measures under both Directives should be aligned to achieve good water quality.
	Coherence between policies across different policy areas at the same governance level.	<p>The Water Framework Directive and the Habitats Directive are part of different policy areas. Analysing the goals and means to protect status of waters and biodiversity is a horizontal coherence assessment.</p> <p>Coherence between environmental policy areas (waters, biodiversity) and policy areas aspiring to protect other societal interests, such as food (Common Agriculture Policy and Common Fisheries Policy) or energy production (EU energy policy) also constitutes a horizontal coherence assessment.</p>
Vertical	Coherence between policies from different governance levels .	Coherence of a national climate policy with the EU Climate Law or coherence of the national biodiversity legislation with the proposed EU Nature Restoration Regulation.
	Coherence between single policies and strategic or cross-cutting policies at the same governance level.	<p>Coherence of EU directives with the Biodiversity Strategy goals and targets.</p> <p>Coherence of the national sectoral policies with the national Marine Strategy Framework Directive plans.</p>

Table 1 Description and examples of horizontal and vertical coherence.

1 HORIZONTAL COHERENCE

Horizontal coherence refers to how well policies at the **same governance level** work together. Horizontal coherence across objectives and measures can be evaluated between policies within the same policy area, such as between a policy on urban wastewater and wider EU water policy. It can also be evaluated between policies from different policy areas which may have to work together, such as between water policy and agricultural policy.

Policy landscapes at the EU and (sub)national levels are fragmented. Policies addressing specific sectors, activities or problems also often directly or indirectly affect other sectors and problems. As a result, various policies apply simultaneously to specific (sector) activities or (parts of) environmental problems. An evaluation of horizontal coherence may help identifying excessive

burdens, overlaps, gaps, inconsistencies, implementation problems, and/or obsolete measures. An evaluation may also help identifying potential synergies across policies and policy areas that could be strengthened. This can improve the overall performance of policies.



Policy coherence is important because it can improve efficiency and effectiveness of existing and future policies.

2 VERTICAL COHERENCE

Vertical coherence refers to how well policies are aligned **between different governance levels**. This may involve evaluating whether national policies are in line with the objectives of the European Green Deal, or whether certain national policies are consistent with the overarching environmental goals from the EU Climate Law, the proposed Nature Restoration Regulation, or the EU Directives. Vertical coherence can also be assessed at lower levels of governance, for example between municipality regulations and national policies.

In the EU, large parts of the policies (namely EU Directives) need to be transposed into national legislation. This means that states must incorporate the EU rules into national law. Even though states have some flexibility in the ways of incorporation, coherence towards the original directives should be ensured. After transposition, the policies become effective at the national level. To illustrate, the Water Framework Directive must be transposed into national law and implemented by producing river basin management plans that address water quality problems in river basins. Similarly, the Urban Wastewater

Directive should be transposed into national legislation, setting requirements for the way owners of sewage treatment plants should operate. It is their implementation of the requirements that determine the

impacts of the Directive. Vertical coherence is crucial to ensure a successful multi-level governance framework, characterized by strong interactions across levels and actors

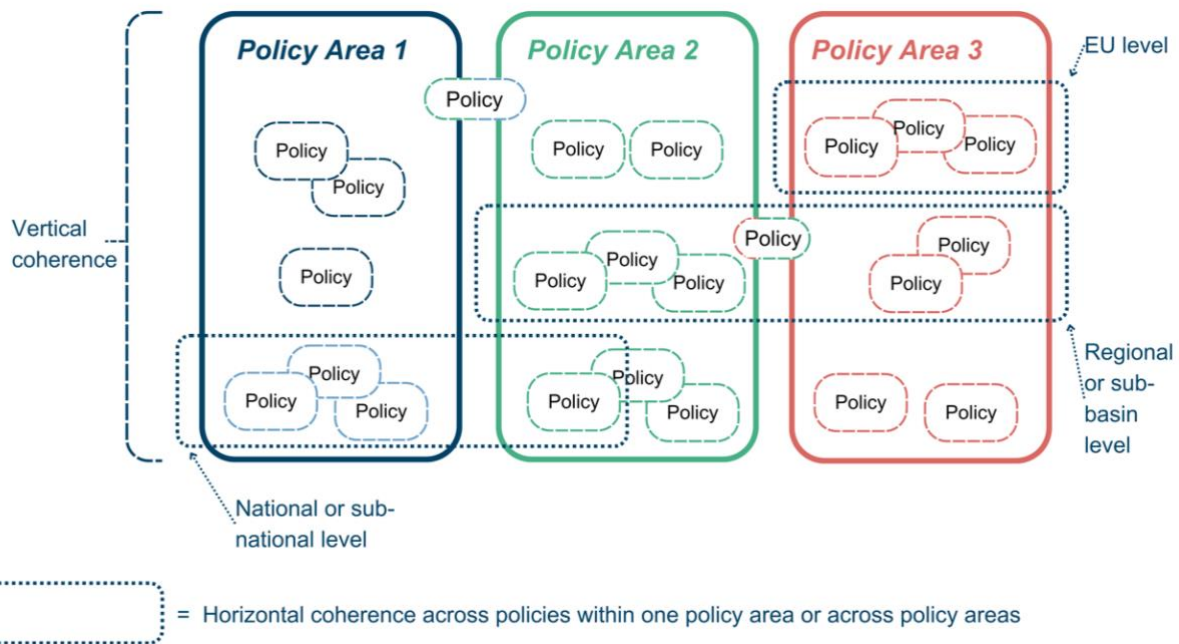


Figure 3 Vertical and horizontal coherence across policies, policy areas, and/or governance levels



CrossGov works on the assumption that both horizontal and vertical coherence are important factors contributing to cross-compliance. Low coherence increases the need to make trade-offs and decisions that negatively affect achieving multiple policy objectives. To illustrate, two policies might be oriented towards the achievement of single goals; these goals can be contradictory. During implementation, a trade-off needs to be made on which goal to prioritise over the other. Low coherence could entail that cross-compliance with multiple Green Deal policies and their targets is not realized at its full potential. **It needs to be explored how exactly coherence across objectives and measures in design and implementation, and other factors, affects cross-compliance and how we can amplify the positive effects.**

CHALLENGES OF CROSS-COMPLIANCE WITH MULTIPLE GOALS

The Green Deal is a package of strategies, goals, and targets. Realizing it as a whole requires that achieving certain targets does not significantly impede progress towards achieving other targets.

In legal terms, compliance is about transposing and applying legal requirements correctly and promptly. Usually this concerns compliance in relation to a single policy with specific objectives. CrossGov is investigating cross-compliance across the different goals and targets of the European Green Deal. Cross-compliance requires the correct

implementation of policies to deliver their specified goals and targets and, in addition, supporting the delivery of other targets under the Green Deal (Figure 4). This requires studying not only the extent to which policies are adhered to, but also the results of the implementation (outcomes and impacts).

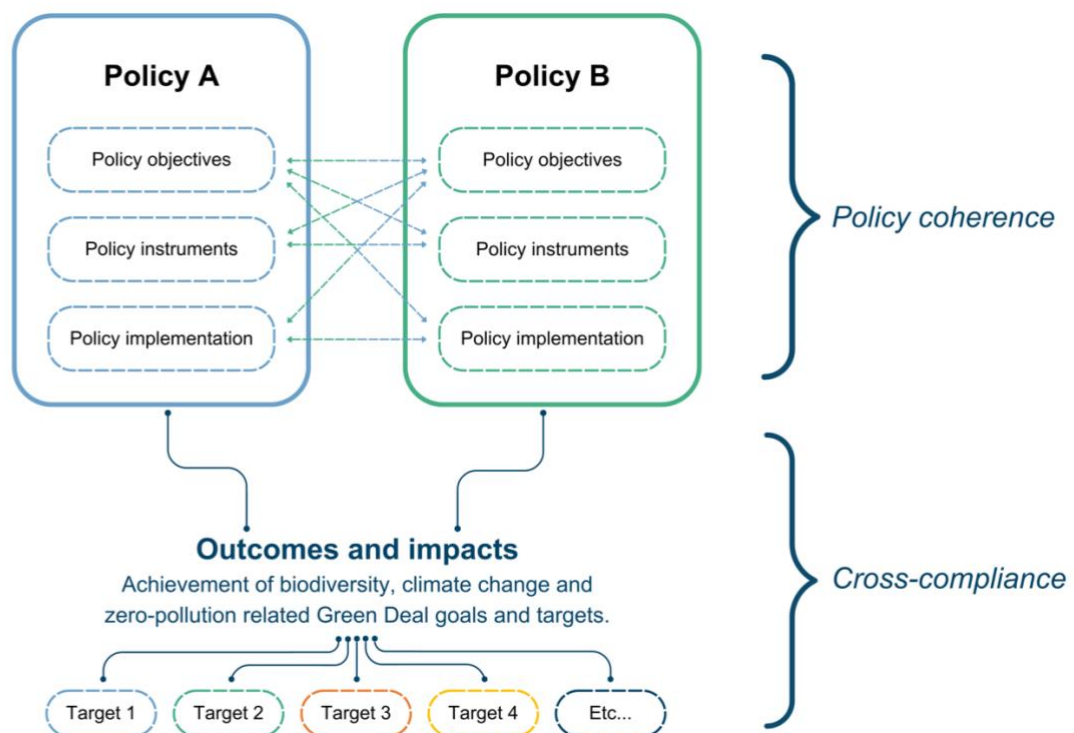


Figure 4 Cross-compliance requires that policies (both through design and implementation) contribute to multiple targets at the same time. Adapted from Nilsson 2012.

Cross-compliance is not a black and white phenomenon and different degrees of cross-compliance can be achieved. Complying with and achieving specific Green Deal related targets can **negatively affect achieving other targets**. In policy landscapes with low coherence, cross-compliance with multiple targets is in jeopardy and trade-offs often need to be made.

Provided that there is a high level of coherence, **policies can also positively reinforce one another by creating synergies that facilitate achieving other Green Deal related targets**. At a minimum though, a policy should not hinder progress towards reaching other policies' objectives and targets.



EXAMPLE

The EU Green Deal has set the target to expand Europe's offshore wind energy capacity to 60GW by 2030. This will require the expansion of offshore wind energy installations, with potential consequences for biodiversity and ecosystems. The construction and operation of offshore wind energy installations may destroy habitats, displace species, or disrupt nursery sites, feeding areas or migratory routes. Without careful planning and environmental impact assessments, the drive to increase Europe's offshore wind energy capacity might conflict with targets on restoration and no deterioration of habitats and species.



EXAMPLE

Offshore wind energy installations have been found to create new habitats for marine species like crustaceans and fish. Requirements to apply nature positive designs in offshore wind energy installations may further contribute to positive effects for biodiversity. Thus, developing offshore wind energy installations as a climate change mitigation measure may at the same time, enhance and protect biodiversity. In this way, achieving the 60GW offshore wind energy target may contribute to the restoration of degraded ecosystems, and support achieving positive trend for habitats and species.





EXAMPLE

A Marine Protected Area that establishes fisheries no take zones or restricts fishing activities within its boundaries, for example to protect important nursery habitats or juvenile fish, may reduce biodiversity loss while also helping to restore fish stocks. Such a Marine Protected Area would contribute to the 30% protection target while also supporting policies on sustainable fisheries and maximum sustainable yield.

Achieving a high degree of cross-compliance is not easy. Several traditional barriers towards compliance with single policy objectives still exist. To illustrate, effective measures to achieve legal compliance might be lacking; and responsibilities related to implementation and compliance are at times divided and unclear for complex environmental problems and transboundary ecosystems and resources. Several implementation and compliance challenges stem from historical reasons and are directly linked to the design of the policies. At the design phase, some policies have been the result of intense debate and negotiations. Several of the objectives, requirements, measures, and other means have also been the result of political compromises, creating interpretation and compliance difficulties.

Furthermore, vagueness and flexibility are sometimes built into the policies on purpose to be able to reach an agreement, and to provide actors and authorities responsible for implementation the discretion to consider specific needs and circumstances. Neither evaluating nor achieving compliance is therefore an easy task.

Aiming for cross-compliance adds an additional layer of complexity. There is a need to develop cross-compliance evaluation methodology to enable assessing the extent to which policies contribute to the realization of multiple European Green Deal goals and targets. CrossGov is developing such an evaluation framework and aims to study mechanisms that can facilitate achieving multiple goals and targets of relevance for European seas.



A focus on cross-compliance is needed because delivering the Green Deal requires the concurrent realization of multiple goals and targets in the years ahead

TOWARDS CROSS-COMPLIANCE AND THE REALIZATION OF THE GREEN DEAL

Horizontally and vertically coherent policies alone do not ensure cross-compliant outcomes. Cross-compliance is likely to be affected by (in)coherent EU and (sub)national policy landscapes, but also by numerous other factors as will be explored in the CrossGov project.

Policies are often designed to promote single, specific interests and are often managed by specialized institutions that have their own legal mandates, organizational structures, internal logics and traditions, and external networks of policy actors. **Complex multi-level governance arrangements, delineated by, among others, sectoral responsibilities, power imbalances across actors and sectors, political inertia and knowledge gaps are all relevant factors that need to be addressed in situations where multiple, and sometimes conflicting, objectives are aimed for.**

When several authorities and actors hold responsibility for different aspects of the same activity, they may act at cross-purpose. Even where several authorities and actors share the burden of an environmental problem, a 'regulatory commons' dynamic can exist, in which no agency has enough incentive to act. Combinations of inaction and conflicting action may also arise.

Progress towards cross-compliance can be achieved over time though, and in correlation with the necessary changes in (clusters of) policies. When policies are not fit-for-purpose to ensure cross-compliant policy outcomes, they need to be (re)evaluated to reduce existing inconsistencies and contradictory aims and requirements, or incoherent implementation practices. Overlapping mandates may also have positive effects that could enhance cross-compliance. Through an adaptive approach based on continuous evaluation of outcomes and impacts and review of policies and implementation mechanisms, cross-compliance can be gradually improved (Figure 5).



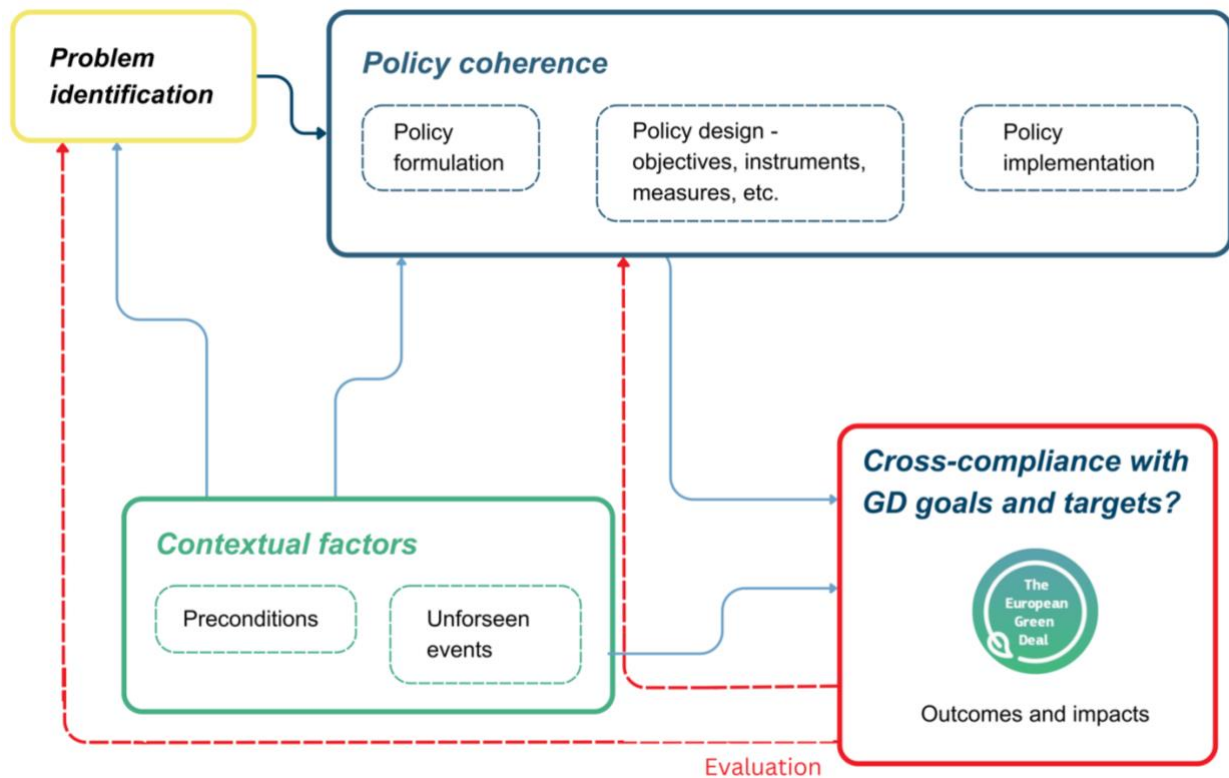


Figure 5 Through an adaptive approach based on continuous evaluation and review of policies and their implantation, cross-compliance can be improved.

THE AMBITIONS OF THE CROSSGOV PROJECT

In the CrossGov project, we explore how policy (in)coherence affects the possibility to achieve cross-compliant outcomes, and which factors positively or negatively impact this relationship.

The overarching aim of CrossGov is to strengthen European ocean governance and facilitate the realization of the Green Deal ambitions. The project investigates the design of EU policies and selected national policies relevant to ocean governance as well as implementation arrangements in several case study areas

in the North Sea, Baltic Sea, and the Mediterranean Sea. The project also explores barriers and opportunities for enhanced coherence and cross-compliance and guides the policymaking community towards the delivery of multiple Green Deal policies and goals through carefully designed roadmaps.

Glossary in CrossGov

Ocean Governance refers to the entire policy landscape and its implementation that affects marine ecosystems, coupling marine with land-based policy and regulatory frameworks. It also refers to the formal and informal processes of collective decision-making, planning, deliberating, and capacity building by governmental, market, and civil society actors.

Policy coherence refers to how well different policies work together. Coherence can be defined as the extent to which policies reinforce each other by promoting synergies or reducing conflicts between their objectives and measures both in design and implementation.

Cross-compliance refers to the concurrent achievement of multiple Green Deal policies and their associated goals and targets.

Policy refers to a set of objectives, rules and measures that provide guidance for solving a particular societal issue. In CrossGov, policy encompasses substantive documents such as white papers and strategies as well as specific laws and regulations, or directives.

Policy area refers to a substantive policy cluster that has formed around societal or sectoral interests. Often, a cluster is managed by specialized institutions and subject to sector-specific path dependencies.

Policy landscape refers to the set of policy clusters and its associated policies that directly and indirectly affect the oceans.

This policy brief is a product of the CrossGov project and has been developed within Work Package 1 'Scope and Methods for CrossGov research'.

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