

## **News Release**

### **Scottish Ministers failing in legal duties to protect and restore seafloor, concludes ESS**

A new report published by Environmental Standards Scotland (ESS) has today concluded that Scottish Ministers have been both non-compliant and ineffective in fulfilling their legal duties under the Marine Strategy Regulations 2010 in relation to the protection and restoration of the seafloor.

The Marine Strategy Regulations 2010 place a legal duty on Scottish Ministers to take measures to achieve Good Environmental Status (GES) for the marine environment. However, in a new report published today, **“Protecting Scotland’s seafloor: an assessment of Scottish Ministers’ implementation of the Marine Strategy Regulations 2010,”** ESS concludes that there is a persistent gap between ambition and delivery with progress characterised as slow, inadequate and falling short of key targets.

### **Systemic failings with planning, monitoring and implementation**

GES is assessed through 11 descriptors covering different components of the marine environment. When it comes to achieving GES for the seafloor integrity descriptor, ESS’ report identifies consistent and systemic failings in how Scottish Ministers **plan**, **monitor** and **implement** their legal duties.

ESS’ report further concludes that these failings have contributed to the UK failing to meet the 2020 target to achieve GES for seafloor habitats under the Marine Strategy Regulations 2010.

On the issue of monitoring, ESS finds Scottish Ministers are **non-compliant with environmental law** because current programmes lack sufficient data to assess seafloor status across Scotland's marine regions, despite this being a statutory requirement.

On both planning and implementation, ESS has found that Scottish Ministers have been **ineffective in their implementation of environmental law**.

On planning, the report concludes that fundamental steps have not been taken to develop and implement an effective Programme of Measures (PoM), which is essential for achieving GES. When it comes to implementation, fragmented responsibilities, weak accountability, delays with putting measures into practice and poor integration of marine objectives across policy areas, have all undermined delivery of GES for seafloor integrity.

### **Recommendations for urgent action**

ESS is today calling on Scottish Ministers to agree a plan of remedial action, with a clear timeline for delivery, to resolve the issues highlighted in ESS' report, and ensure full compliance with - and effective delivery of – their statutory duties under the Marine Strategy Regulations 2010.

ESS' recommendations include a call on Scottish Ministers to:

- undertake an assessment on how the 2025 PoM will contribute to seafloor integrity targets in Scotland and introduce new or additional measures if the assessment shows that current measures are insufficient to achieve targets
- ensure that gaps in data no longer hinder robust assessment of seafloor status in Scotland and ensure that measures taken to achieve GES can be properly monitored and evaluated

- explain how it will improve coordination across its policies and with other UK administrations to deliver the UK Marine Strategy effectively

Mark Roberts, Chief Executive of ESS, said: “Healthy seas matter to everyone. They provide food, regulate the climate, support jobs and protect the coastline. However, our analysis reveals that Scottish Ministers are failing in their legal duties to safeguard these benefits.

“While plans and measures are in place, there is little evidence to show how these actions will achieve the stated environmental targets. There has been no proper assessment of whether the current measures are enough, or whether additional action is needed. Monitoring of seabed conditions is also inadequate - and has declined over time. Unclear roles, poor coordination across policies and delays in putting measures into practice have further undermined delivery in this area.

“Our report must serve as a wake-up call for Scottish Ministers: without swift, decisive action, achieving GES for seafloor integrity will remain out of reach and the legal duties of Scottish Ministers will remain unmet.”

If Scottish Ministers fail to act on the back of the report, ESS will consider its options for taking enforcement action against the Scottish Government.

**ENDS**

Notes to editors:

- i) Read the ESS report, “**Protecting Scotland’s seafloor: an assessment of Scottish Ministers’ implementation of the Marine Strategy Regulations 2010,**” including full findings and recommendations, here: [Protecting Scotland's seafloor: an assessment of Scottish Ministers' implementation of the Marine Strategy Regulations 2010 - Environmental Standards Scotland](#)

- ii) Alongside the main report, ESS is today also publishing a technical paper on [the effects of marine protected areas on benthic habitat condition and the extent of their associated assemblages](#). This summer, ESS will publish a second technical paper on [the effects of non-spatial fisheries management under the UK Marine Strategy on seafloor integrity](#). Together, these papers present the results of systematic evidence reviews which have synthesised current scientific understanding of the effectiveness of marine protection areas and other fisheries management measures for improving seafloor integrity.
- iii) These reports build upon on a growing body of work and analysis produced by ESS over the past 12 months on the legal duties of Scottish Ministers in relation to the marine environment. In August 2025, ESS responded to the UK Marine Strategy assessment and consultation. ESS concluded that the assessment and consultation lacked the rigour and transparency necessary to enable independent evaluation of the state of the UK seas.

In March 2026, ESS published a technical paper that demonstrated that more quantitative and spatially specific assessment of how Marine Protected Areas contribute to GES targets is both feasible and informative and could increase transparency to the assessment process used to evaluate GES in Scottish waters.

- iv) [About ESS](#). ESS' functions are set out in the [UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#), and include: scrutinising and investigating public authorities' **compliance** with environmental law, the **effectiveness** of the law and how it is implemented and applied in Scotland. We also aim to identify areas where environmental legislation is inadequate or could be improved.

v) For more information, please contact  
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