

INDEMARES (LIFE07 NAT/E/000732)
**Inventario y Designación de la Red natura 2000 en Áreas
Marinas del Estado Español**

Madrid, Spain
8 June 2009

*Natura 2000 in the marine environment:
state of implementation and next steps*

Paulo Paixão
Nature Protection and Biodiversity Unit
European Commission
DG Environment



Topics of this presentation

Natura 2000 in the marine environment: state of implementation and next steps

- Where are we? Present situation. Need for extension of the network to the offshore environment.
- Presentation of guidelines document
 - Applicability of environmental community law in different marine areas
 - Definitions of habitat types/Main habitat types in the offshore
 - Site selection rationale
 - Management issues
- Next steps: Designation process (deadlines, time scale, scientific seminar, updating Community lists...) and Management



Some basic data: Europe is a maritime continent

- Over two thirds of the EU's external borders are coastal.
- Europe is surrounded by two oceans (the Atlantic and the Arctic) and by four seas (the Baltic, the North Sea, the Mediterranean and the Black Sea)
- the maritime spaces under the jurisdiction of its Member States are larger than their terrestrial territory.



Where are we?

Birds and Habitats Directives

c. 5 000 **SPAs**

a marine part is noted in c. 10% of these SPAs, of which c. 50 are totally marine

c. 65 000 km² of marine area



c. 20 000 **SCIs**

< 7% in which a marine part is noted

c. 85 000 km² of marine area





Where are we?

Natura 2000 network in the marine

- a significant number of sites are designated in the marine, but nearly all of them concentrated in coastal areas.

- More than 1500 sites having a marine component are concentrated in the first 12 miles
- Less than 50 sites in offshore waters



The offshore gap

Natura 2000 covering only few % of few maritime area (coastal)



Constructing the Marine Natura 2000 Network

How to address the offshore gap?

- Meeting of MS' Nature Directors. Agreement on further work to develop a common understanding of the provisions to designate Natura 2000 sites in the offshore.
- The Commission was asked to establish a working group in order to progress with the definition of guidelines to apply the Directives in the marine zone.
- The Commission working for delivering a ***guidance document***

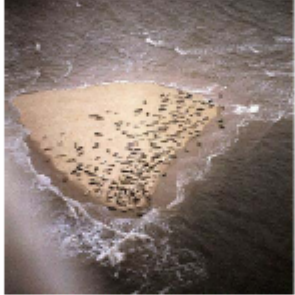


Marine guidelines document

The Guidelines document has been prepared by the Commission services looking for the largest possible consensus


Guidelines

**for the establishment of the
Natura 2000 network in the marine environment.
Application of the Habitats and Birds Directives**



© European Wildlife Sea Secretariat

This is a working draft for internal use of the Commission. It has been elaborated for launching an ISC. The document aims to reflect only the views of the Commission services on this issue and is not of a binding nature.



NATURA 2000



Marine guidelines document

1. INTRODUCTION AND BACKGROUND

- a. Need for a guidance document, Scope, Structure, Limits...

2. BROADER CONTEXT

- a. Policy framework (biodiversity policy, marine strategy, coastal policy, Water framework directive...)
- b. Different marine zones. Application of Nature legislation in the European seas. Applicability of Nature Directives in the Sea.
- c. Some legal aspects related to the implementation of environmental legislation to marine environment.
- d. Links with Regional and International Organisations and Agreements
- e. Trans frontier issues for site designation and management



Marine guidelines document

Site designation

3 HABITAT TYPES AND SPECIES REQUIRING MARINE NATURA 2000 SITES.

- a. Marine Habitat types' definitions. Update of "Interpretation Manual of European Union Habitats".
- b. Identification of existing marine Habitat types and Species of European importance for different Member States.

4 AN APPROACH FOR LOCATING AND SELECTING MARINE NATURA2000 SITES.

- a. Locating and assessing Annex I Habitats; Site selection rationale for SACs/SCIs
- b. Locating and assessing Annex II species; Site selection rationale
- c. Identifying Special Protection Areas for seabirds and other waterbirds. Site selection rationale for SPAs
- d. Site boundaries



Marine guidelines document

Management

5. MANAGEMENT MEASURES TO PROTECT MARINE NATURA 2000 SITES.

- a. The legal basis for protection.
- b. Conservation objectives
- c. Definition of conservation measures and their application
- d. Management plans contents and time scale for a Management Plan
- e. Pressures and impact of human activities.
- f. Impact assessment. The basic technique of the construction of matrices
- g. Human activities in marine Natura 2000 sites
 - i. Alien Species
 - ii. Pollution (including noise)
 - iii. Exploration and extraction of Oil and Gas resources...
 - iv. [...]



Marine guidelines document

Management

5. MANAGEMENT MEASURES TO PROTECT MARINE NATURA 2000 SITES. (cont.)

iv. Fisheries.

Particular focus on fisheries activities as having potential significant effects on Natura 2000 sites and being an exclusive community competence

iv. Shipping and shipping infrastructures

v. Electricity power generation at sea: Wind farms and other infrastructure types

vi. Military activities

vii. Coastal developments. Integrated Coastal Management

viii. Dredging. Gravel and sand extraction

ix. Tourism, recreational navigation, maritime sports, diving

6 LINKS BETWEEN COMMUNITY POLICY ON FISHING AND THE "HABITATS" AND "BIRDS" DIRECTIVES.

a The Common Fisheries Policy

a Measures to be taken related with fisheries



Constructing the Marine Natura 2000 Network

Some Legal Aspects

- No legal difference between marine and terrestrial environments in relation to the implementation of the Birds and Habitats Directive. (Inshore= offshore also)
- Final obligation of delivering a favourable conservation status to protected areas is the same in both environments.
- Site designation process is exclusively based on scientific criteria.
- Future management challenges should not be a determining element in this process.
- Human activities are possible. Regulated following art 6 of Habitats Directive



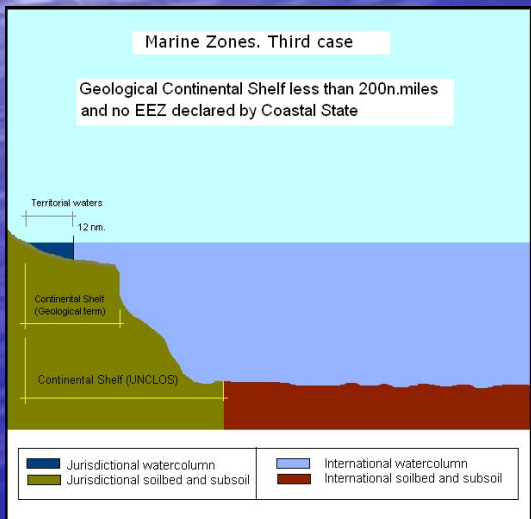
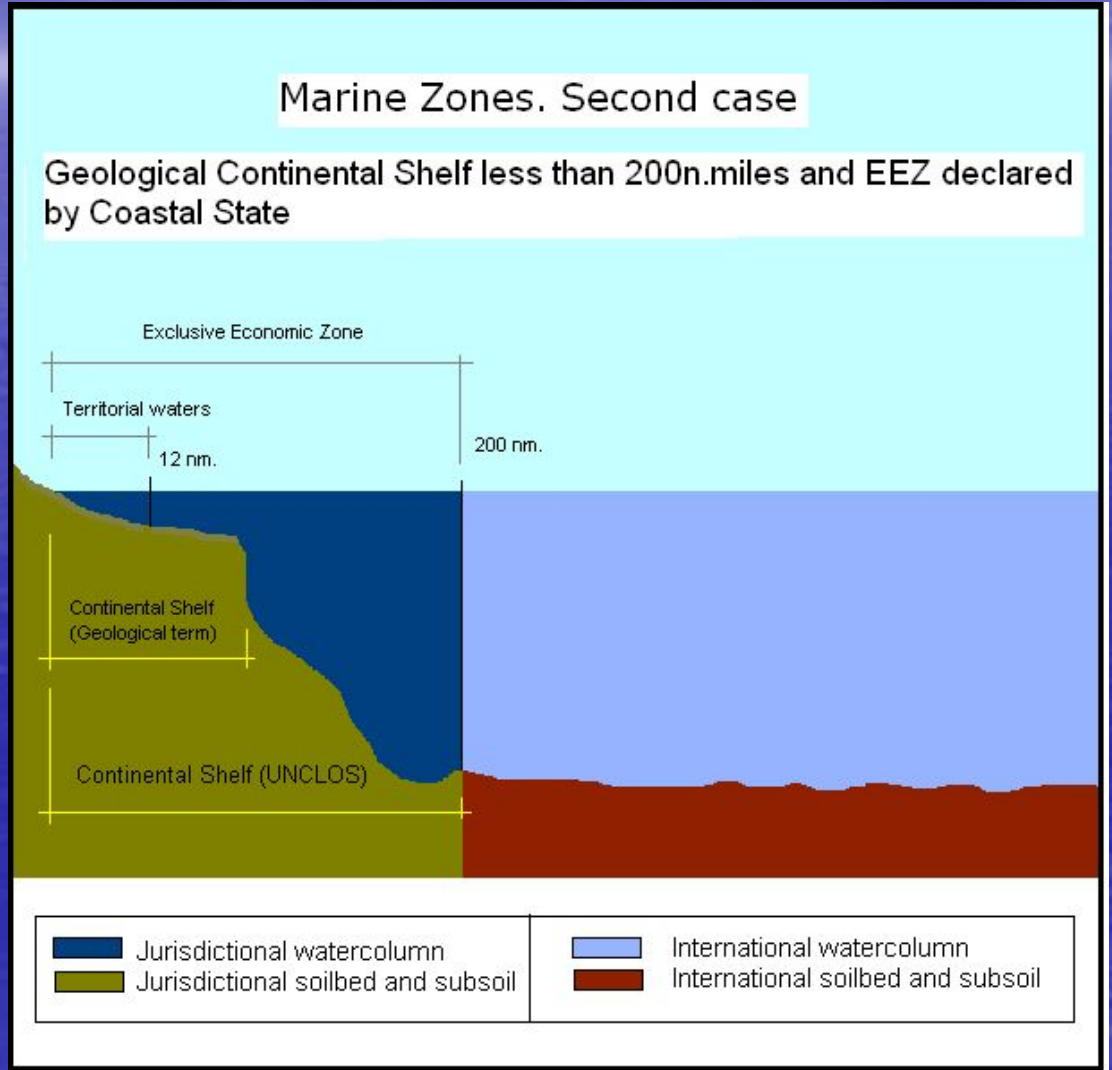
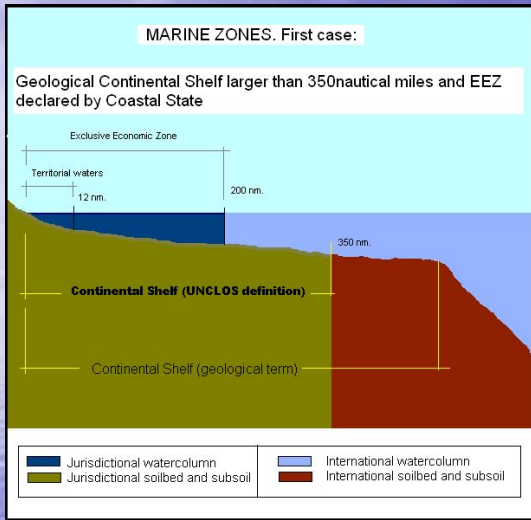
Constructing the Marine Natura 2000 Network

Legal Aspects: What does European Waters means?

- Obligation to apply nature legislation not only in territorial waters, but also in waters where sovereign rights are exercised. (European Court of Justice judgement C-6/04 of 20 October 2005)
- Recognition by a coastal State of an Economic Exclusive Zone (EEZ) brings not only rights but obligations. If rights are exercised over natural (living and non-living) resources, obligations exist to apply the appropriate National and Community legislation. Same reasoning for the Continental shelf.
- Natura 2000 network to be extended within the area where rights on the exploitation of natural resources are exercised: internal waters, territorial sea, EEZ or other areas where Member States are exercising equivalent sovereign rights and Continental shelf.



Applicability of environmental legislation





Site selection rationale

- locating, assessing and site selection rationale for:
 - *SPA under Birds directives (coastal and offshore)*
 - *SCI hosting habitat types listed in Annex I of the Habitats Directive*
 - *SCI for species listed in annex II of the Habitats Directive*



Fisheries document

FISHERIES MEASURES FOR MARINE NATURA 2000 SITES

A consistent approach to requests for fisheries management measures under the Common Fisheries Policy

http://ec.europa.eu/environment/nature/natura2000/marine/docs/fish_measures.pdf

- good coordination between fishery and environmental authorities at Member State level and with stakeholders
- Different procedures apply depending on the jurisdiction in which the Natura 2000 site is located:
 - within 12 nm of the coast (with or without Community measures)
 - within 12 nm of the coast (affecting only own national fishing vessels, or also the vessels of other Member States)
 - beyond 12 nm of the coast: Member States must address a formal request of adoption of such measures to the Directorate General of Fisheries and Maritime Affairs (DG MARE)
 - Scientific advice
 - Commission's proposal
 - Adoption of measures



Next steps: Some priorities for nature protection

1. Full establishment of Natura 2000 at sea (focus on the offshore environment EEZs and Continental Shelf)
 - Updating Community lists of SCI including existing proposals made from MS to the Commission
 - Designation of SPAs for completing the marine network
 - Selection by MS of SCIs and proposals to the Commission (2007, 2008 targets) for completing the marine network
 - Marine seminars
2. Species protection provisions beyond sites
3. Further work on management / monitoring issues and guidance, where needed
4. Future possible adaptation of Annexes for marine habitats / species
5. Other issues like possible noise regulations



Some key issues

- to increase knowledge of habitats and species
 - o Identification of existing biodiversity
 - o Populations, trends, conservation status
 - o Ecosystems
 - o Migratory species
- to reduce impact / disturbance affecting marine
 - o Human activities
 - o Climate change



Muchas gracias

http://ec.europa.eu/environment/nature/index_en.htm

paulo.domingos-paixao@ec.europa.eu