

# ***PARALIA NATURE***

## **Workshop Report**

**Marine Protected Areas  
ISELP, Brussels, 7 January 2004**

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IMI report series report nr. 9 March 2004

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## I. Introduction

This is a workshop report in the perspective of the Working Group Marine Protected Areas (MPAs) in the phase 2 of the Paralia Nature project.

Paralia Nature is an informal co-operation project between governments, NGOs, ports, industry, expert and academic organisations focusing on improvement of interface project and nature protection policy in view of the EC Birds Directive and Habitats Directive. Phase 2 seeks to identify solutions and develop guidance on selected priorities via three established working groups. One of these working groups is the WG Marine Protected Areas.

The aim of this workshop is to investigate how and under which conditions MPAs can be established that restrict fishery or other activities. The focus of the working group is to help providing the necessary information for the development of initiatives of MPAs projects in North Western Europe that restrict fishery and furthermore, plan to implement restrictions beyond the 3 mile zone. The working group focuses particularly on initiatives which are already in a further stage of development, e.g. in Germany. In this report, summaries of presentations of the main MPA projects in Europe are included that seek to restrict fishery within and beyond the three mile zone, including fishery carried by fishermen from other Members States.

In the European Mediterranean countries there are more advanced experiences with the development of management plans for designated areas in the marine environment, such as the Port-Cros and Porquerolles islands of France. Though the scale of projects seems to be smaller in the Mediterranean countries compared to projects in North Western Europe, however, an extension of the marine reserves at the Port-Cros and Porquerolles islands have been planned.

The German example of designating a marine protected area, in accordance to the German law, next to the National Park Wadden Sea Schleswig-Holstein shows it is possible to realise a zero-use zone in practise within the three mile zone of the marine environment. Also for this reserve, plans beyond the three mile exist.

The UK has put a lot of effort in the development of management plans for the marine environment as part of an ecologically coherent network. This should inform priorities at a site level to maintain ecological coherence and conservation status in favour of environmental pressures.

Belgium has a Federal law for protection of the marine environment of the North Sea. So far designation of MPAs has not been carried out in the Belgian part of the North Sea. However, proposals for SPAs have been submitted, and the 'new' Belgian Minister competent for the North Sea intends to apply the law to designate SPAs in near future.

Further actions to be taken by the WG, as follow-up of the workshop, will include more research on the process of developing management plans in different Member States, including stakeholders consultation on management measures for MPAs.

## II. Background

The obligation to carry out protective measures for the loss of protected habitats or species at sea has given rise to proposals of MPAs, where fishing is restricted. In some cases, such areas are also meant as compensatory measures for infrastructure projects.

The implementation of MPAs, however, opens several questions of both legal and ecological nature. These questions need to be answered carefully in order to understand how MPAs can be set up. Throughout discussions and analysis it is particularly important to focus not only on the EC Habitats Directive and Birds Directive, but also to focus on the implications arising from the ongoing reform of the Common Fishery Policy, as well as the current international debate on MPAs.

In the framework of the Paralia Nature project it was decided to establish a WG on MPAs. The goal of the working group is to clarify further; how and under which conditions MPAs can be established, restricting fishery or other activities, in order to provide necessary information supporting the development of MPAs projects.

### Activities of the WG Marine Protected Areas

In order to assess if MPAs can be set up, the WG has to take into account several aspects. First of all, it is necessary to understand to what extent MPAs are compatible with the measures regulating the Common Fishery Policy (CFP) of the EU.

To some extent the creation of MPAs seems to harmonise with the fishery context of the EU. Notably, the CFP allows for a framework aiming at conservation and protection of marine resources, as stated in the Council Regulation establishing a Community System for Fisheries and Aquaculture<sup>1</sup> (art. 2). The protection of the marine ecosystem is also necessary in order to comply with the EC Treaty obligation of integrating environmental considerations into other Community policies (art. 6 EC Treaty). Furthermore, in its Green Paper on the Future of the Common Fishery Policy<sup>2</sup>, the European Commission put great emphasis on the importance of conservation measures, partly due to the recognition of the growing threats to the sustainability of fish stocks, as a consequence, *inter alia*, of the over-exploitation of the marine resources.

A task of the WG is to define the conditions for the creation of MPAs, taking into account the provisions regulating the CFP and the new legal setting arising from the expected reform of the CFP. The following issues are recognised as particularly relevant:

- Identification of the competent authorities for the designation of the MPAs
- Problems of enforcement of the regulations establishing these areas
- Mechanism for the economic compensation of fishermen

A second essential task of the WG is to find a way to overcome the problems associated with the existing ecological uncertainty about MPAs. This means it is necessary to demonstrate if MPAs can compensate for losses of natural habitats or species and thus ensure effective compliance with the Habitats and Birds directives.

The evaluation of existing studies of MPAs (the report "Fully Protected Marine Reserves. A Guide" by WWF) as well as the analysis of protection measures already in place (Wadden Sea Trilateral Co-operation) will provide a useful support to the activities of the WG.

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<sup>1</sup> Council Regulation (EEC) No 3760/92.

<sup>2</sup> European Commission, COM (2001) 135 final, 20th March 2001.

### III. Workshop Programme

- 14.00 INTRODUCTION – PARALIA NATURE AND MARINE PROTECTED AREAS**  
Introduction by *Mr Frank Neumann*,  
Institute for Infrastructure, Environment and Innovation, Belgium
- 14.20\* THE HABITATS DIRECTIVE AND MARINE PROTECTED AREAS**  
Presentation by *Mr Placido Hernandez Aguilar*,  
European Commission, DG Environment
- 14.50 BREAK**
- 15.15 CASE STUDIES**
- 15.15\* THE CASE OF PORT-CROS, FRANCE**  
Presentation by *Mrs Nicole Jensen*,  
National Park of Port-Cros, France
- 15.45\* MARINE PROTECTED AREAS IN THE NATIONAL PARK WADDEN SEA SCHLESWIG-HOLSTEIN, GERMANY**  
Presentation by *Dr. Bernd Scherer*,  
Ministry for the Environment, Nature Conservation and Agriculture of the State of Schleswig-Holstein, Germany
- 16.15\* OVERVIEW OF THE STRUCTURE OF THE FISHERIES SUPPLY CHAIN**  
Presentation by *Mr Philip Rodgers*,  
The Centre for Fisheries Economics Research Ltd, The UK
- 16.45 DISCUSSION**  
1. Habitats Directive and EU Fisheries Policy  
2. MPA management  
3. Experiences in MPA development
- 17.15 CONCLUSIONS & FOLLOW-UP ACTIONS**
- 17.30 DEPARTURE**

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\* Presentation includes 10 minutes of questions

## IV. Presentations

### Introduction - PARALIA NATURE and Marine Protected Areas

**Dr. Frank Neumann, Institute for Infrastructure,  
Environment and Innovation, Belgium**

Paralia Nature is an informal co-operation project between governments, NGOs, ports, industry, expert and academic organisations focusing on improvement of interface project and nature protection policy in view of the EC Birds Directive and Habitats Directive.

Project and financing partners include DIREN-Haute Normandie (regional delegation of the French Ministry for the Environment), Dutch Ministry of Transport – Zeeland Directorate, and the port authorities of Antwerp, Hamburg and Rotterdam.

Phase 1 of the Paralia Nature project ran between December 2000 and April 2002. It covered, amongst others: effect analysis and mitigation; generation of alternative solutions; IROPI; mitigation and compensation. Some of the findings and outcomes of this 1<sup>st</sup> phase are as follows:

- Early integration and stakeholders involvement prevent delays and legal implications
- There is lack of information and communication
- Designation does not mean locking up
- Clarity is being provided through informal contacts with the Commission
- Common problems and solutions have been identified
- Final report of the 1<sup>st</sup> phase has been produced

The Paralia Nature project is now in its second phase. The objective is to further develop the priorities that have been decided upon in the first phase, and to provide practical guidance for plans and projects in coastal zones:

- Develop an informal dialogue at a policy level with the European Commission and with European and national environmental groups,
- Explore the implications of the European framework of fishery (EU fisheries policy) and nature protection policy (Natura 2000, Birds and Habitats Directives) for large coastal zone infrastructure projects and their compensation,
- Establish more structured co-operation on Natura 2000 and estuaries; creation of discussion platform [www.imiparalianature.org](http://www.imiparalianature.org)

Phase 2 seeks to identify solutions and develop guidance on three main selected priorities through three established Working Groups on respectively:

- Species Protection,
- Marine Protected Areas
- Management Plans, including monitoring, mitigation and compensatory

Another objective of the second phase is to expand the Paralia Nature platform to other governments, ports, and NGOs, including Southern and Nordic parts of Europe, and to continue the informal interaction with the European Commission.

The aim of this workshop is to exchange expertise and experience in view of key sites in the marine environment; to increase awareness of some of the challenges presented and solutions being implemented in different parts of the EC. Besides this presents also a

timely opportunity for contacts between all the delegates, each of you active in dealing with the implementation of the marine element of the Habitats Directive.

### **The case of Port-Cros**

#### **Mrs Nicole Jensen, National Park of Port-Cros, France**

The Port-Cros and Porquerolles islands belong to the 37 Natura 2000 pilot sites in France. A first document has been drafted for these sites for the period 1999-2001. In 2002 a new consultation was organised by France for the presentation of Community Interest Sites, which resulted in a modification of the protected perimeter at sea. This concerns Port-Cros and Porquerolles, which are declared Special Protected Areas in accordance to the Birds Directive.

France chose the contractual option for dealing with the rural users and stakeholders; such as fishery and yachting. Thus the site managers are faced with the difficulty of dealing with the marine environment, where there is no property law.

In the Mediterranean the concerned marine habitat is the posidonia bed (grassland): A protected species. It is a common species, however, it is threatened by the different coastal and offshore activities, such as port constructions, dike extensions, works at sea, trailing fishing nets, boat anchors and pollution.

#### How to organise the protection of the posidonia bed marine habitat?

The protection of the posidonia bed implies the control of destructive activities:

##### 1) Construction at sea

Construction at sea regards all dike and port schemes as well as other protection systems. Since it is a protected species, all these works are subject to authorisations and impact studies. On the other hand discharge of rubble, diverse materials or other kind of pollution are not subject to specific permits, wherefore they seem more dangerous.

##### 2) Fishing

The posidonia bed is particularly threatened by trawl fishing, what is called 'gangui' in the Mediterranean Sea. Nevertheless, this traditional fishing method is in danger of disappearing and is subject to negotiations at EU level with regard to its existence and conditions of use.

##### 3) Leisure navigation/yachting

Yachting is in the western Mediterranean one of the most important activities, and the strong summer flows and activities threaten seriously the marine beds. Indeed, the Mediterranean yachtsman is not always a good sailor. Furthermore, the use of electric systems to lift up the anchors damage the posidonia bed. The strong recommendation, or even obligation, to use buoys in order to set upright the anchors before they are being lifted up would limit the grassland destruction. This is part of the solutions for this fishery within protected areas.

#### NATURA 2000 at Port-Cros and Porquerolles Islands

The Port-Cros islands and the surrounding small islands have had the National Park status since 1963. The protected perimeter concerns 600 meter of surrounding water, making it the first European marine park. Fishery with trawl nets as well as underwater fishing are forbidden.

The Porquerolles island has a marine zone of 500 meter, which allows the planning of protection measures for the grass bed. Thus The Port-Cros islands and the Porquerolles island are two different kind of marine areas:

- The Port-Cros has all the legitimacy to make the marine authorities adopt strong protective and user measures, e.g. they plan throughout the next three years to forbid access of boats that are not equipped with storage tanks for used water
- At the Porquerolles island the legitimacy of the park, including the marine zone, is purely based on its mission of the site manager

#### Fishing at Port-Cros and Porquerolles Islands

At Port-Cros the damage problem of the marine beds by the fishing nets is non-existent due to the law. Furthermore, professional marine fishing is regulated by the maritime authorities and subject to the acceptance of a charter of good practice established by the park. This charter is signed every year after an annual adaptation, in co-operation with the fishermen and fishing organisations.

Concerning professional fishing at Porquerolles it has been discussed with the fishermen to implement resource management measures. The planned system would be equivalent to the one already existing in the park, including consultation of the fishermen.

#### Leisure fishing at Port-Cros and Porquerolles Islands

Leisure fishing is strongly limited at Port-Cros in accordance to the park status. However, the inhabitants do and will not accept the total loss of their practices, wherefore the park plans new measures: Limiting the fishing practices during high season.

At Porquerolles general principles of leisure fishing limitation are being applied. At the moment only an evaluation of the existing protection measures is planned.

#### Anchoring at Port-Cros and Porquerolles Islands

Prospective options to solve the problem with open berth anchoring:

- Creation of protected areas. However, this would only confirm the pressure on the surrounding areas, wherefore the system should be exclusively kept for extremely sensitive areas
- The fallow system: Five to ten year rotation zones of anchoring. However, the slow rebuilding pace of grass bed and the difficulty related to inform the boats can be troublesome
- Organised anchoring: Permanent berth anchoring that do not harm the grass bed and allow limitation of boats, which brings a balance to the flow of visitors. Its implementation and maintenance costs would imply the creation of a tax, meaning the creation of access rights to a protected area. This practice is not in use in France.
- Participatory system: All the users should sign a charter of good practice. This charter would make them respect the posidonia bed, concerning its non-rooting up and the non-pollution of the waters. This perspective is obviously not easy to implement in practice but could become a Natura label of yachtsmen and of concerned areas.

### **The Habitats Directive and Marine Protected Areas**

#### **Mr. Placido Hernandez-Aguilar, DG Environment, European Commission**

The application of the Habitats Directive in the marine environment has been more challenging than originally expected. There is a lack of scientific knowledge and considerable high costs of carrying out research/survey in offshore marine environment. Further work is needed to develop a common understanding in order to designate and



manage marine NATURA 2000 sites. Thus nature directors have asked the European Commission to establish a working group under the Habitats Committee. As a result of that the Habitats Committee of November 2002 created a marine working group (MEG) in order to progress with the definition of practical guidelines to apply the Directives in the marine environment. Three working subgroups (MEG) were established:

First subgroup (chair: Germany)

- Propose habitats and species for which offshore marine NATURA 2000 sites should be considered
- Precise definitions of existing marine habitats

Second subgroup (chair: The UK)

- Propose means to locate and assess these habitats types and species
- Propose site selection rationale

Third subgroup (chair: The Netherlands)

- Consider management measures for site protection
- Consider alternative/complementary conservation measures for wide ranging species

More horizontal actions to be developed:

- A list of habitats types
- A list of marine Annex II species
- A list of marine birds
- Marine geographical information

Draft lists and documents from the three working subgroups have been elaborated.

The first priority of the Marine Working Group is to undertake the necessary actions for delivering a *guidance document* on implementation of the EC Habitats Directive and Birds Directive in the marine environment. The guidelines document is intended as a document of the European Commission services. It will be prepared under its responsibility looking for the largest consensus of the working group.

Planned outcome of the MEG:

- The target of 2004 is to prepare a guidance document on the implementation of the Habitats Directive and the Birds Directive in the marine environment
- A more long term perspective of reviewing marine interests of annexes of the Habitats and Birds Directives
- Contribution to the EU marine strategy

Second meeting of the Marine Expert Group on 17 and 18 November 2003:

- Discussion of all draft documents already elaborated by working subgroups for endorsement/approval
- Identification of remaining difficulties and solution paths (who, how, when...)
- Discussing the model of table of contents regarding future guidance document and identification of duties to be implemented and members for lead activities

Third meeting of the Marine Expert Group in the spring of 2004:

- Discussion of the first draft guidelines document
- Identification of basic agreed elements to elaborate final proposal and remaining subjects

The prospective key actions will be the exchange of information aiming to develop a final consensus and to increase compilation by the working subgroups and the European Commission.

## **Marine Protected Areas within the National Park Wadden Sea Schleswig-Holstein**

**Dr. Bernd Scherer, Ministry of the Environment, Nature Protection and Agriculture, Federal State of Schleswig-Holstein, Germany**

The National Park Wadden Sea Schleswig-Holstein is part of the international Wadden Sea, a vast shallow sea area with inter-tidal sand and mud flats, sand banks and dune islands. The National Park was established in 1985, and enlarged in 1999. It is of great international importance for the seal populations as well as for birds.

Two protection zones have been designated. Zone 1 is a highly protected area, access is generally forbidden, also including a fishing restriction zone: A zero-use area. Zone 2 includes a whale protection area with special fishing and shipping regulations to protect harbour porpoises. Thus zone 2 of the Park is accessible to all. Access to zone 1 is regulated through permits issued by the National Park Office.

The sixth Trilateral Governmental Conference:

- Declared co-operation in the field of monitoring and scientific research by, inter alia
- Designating sufficiently large areas, spread evenly over the Wadden Sea, where all exploitation and all disturbing activities are banned and which can serve as reference areas for scientific purposes

This means the MPA is defined as a reference area that should be compared with utilised areas in order to discern human impact from natural variation.

Ecosystem research in the National Park:

- Claimed undisturbed areas in addition to the zero-use zone (zone 1)
- Specified the requirements for the reference areas in order to be natural units based upon morphological, hydrological and ecological criteria
- Proposed two reference areas in two different tidal areas (sheltered, exposed); also to serve the purpose of monitoring and research

In accordance to the new National Park Law, in 1999 Hoernum Tief was designated as a zero-use area. The inner part of this tidal basin was selected as a result of political negotiations. Allowance of activities in Hoernum Tief:

- Entrance admitted within a certain distance off the coast
- Shipping is allowed in the designated shipping lanes
- No activities resulting in destruction, damage, change or long-term disturbance of the area or its components (like in the core areas)
- In addition, no use or exploitation of natural living and non-living resources, e.g. shrimp-fishing, which is allowed in the core zone

Reasons for designating a whale sanctuary off Sylt and Amrum:

- The harbour porpoise is an endangered species in the North Sea - high by-catch rates, underwater noise, over-fishing, toxicants, disturbance by boats and collisions with high speed vessels
- ASCOBANS prescribes the maintenance of favourable conditions for harbour porpoises and their habitats
- FFH prescribes the designation of harbour porpoise conservation areas
- harbour porpoise concentrations are very high off the northern west-coast of Schleswig-Holstein
- The proportion of calves is about three times higher compared to the North Sea
- At least three quarters of the regional population of porpoises are concentrated in the area seawards Sylt and Amrum

Conclusions:

- The region off Sylt and Amrum (and Southern Jutland in Denmark) is an important calving ground
- Following the precautionary principle the region should be protected as a whale sanctuary
- This is only a first step - a package of protection measures is needed for the North Sea

According to the regulation embodied in the German law the following is not allowed within the whale sanctuary:

- To harm whales seriously
- To use set nets higher than 1.3 meters from the seabed
- To conduct industrial fishing
- To use drift nets

### **Overview of the structure of the fisheries supply chain**

**Mr. Philip Rodgers, Centre for Fisheries Economics Research, the UK**

The trend in landings in Europe has remained relatively steady in the last decade. In the EEA member countries Norway and Iceland are the highest producers by quantity followed by Denmark, Spain and the UK. The importance of fish in the Mediterranean is reflected in that the highest producers by value are Spain and Italy, followed then by Norway, France and the UK. Aquaculture production in the EU is worth some •2,500m per year.

The European Union is not self-sufficient in fish supply, but within the EU there are major differences in magnitude of landings and in trade patterns. By value, Denmark, Netherlands and Ireland are net exporters of fish products.

The huge differences in the relationship between quantity of landings and value of landings of the different Member States is mainly due to the differences in the amount of industry fishery in the Member States. E.g. the industry fishery in Denmark is proportionately higher compared to the industry fishery in France, which means the value of landings in Denmark is relatively low compared to France.

In the Mediterranean countries there is a considerable higher willingness to pay for fishery compared to North-European countries. Furthermore, the average wage in fisheries as % of the national average differ considerably among the Member States, which means there is a diverse income distribution in the fishery throughout the EU.

## V. Conclusion

Throughout the plenary discussion several topics appeared. The following conclusions have been considered to be the most important:

### 1. EC guidance on the implementation of the Habitats and the Birds directives

The European Commission has created a marine working group (MEG) under the Habitats Committee of November 2002. The target of the MEG is to prepare a guidance document on the implementation of the Habitats Directive and the Birds Directive in the marine environment and furthermore, to develop a more long-term perspective of reviewing the marine interests of the annexes of the Habitats and Birds directives. Three sub-WGs have been established under the MEG. The first WG will propose new habitat types and species as well as precise definitions of existing marine habitats. The second WG will propose means to locate and assess the habitat types and species. The third WG will consider management measures for site protection and alternative/complementary conservation measures for wide ranging species.

### 2. Designation of a MPA in accordance to the law in Germany

The German federal state Schleswig-Holstein issued a law for the North Sea in order to protect further marine sites, and two protection zones have been designated in accordance to the regulation. This German example of designating a MPA in accordance to the German law - next to the National Park Wadden Sea Schleswig-Holstein - shows it is possible in practise to carry out a 0-use zone in the marine environment. Furthermore, European procedures have been prepared in Schleswig-Holstein, which will start at the end of 2004 with the purpose to restrict fishermen from other Member States, especially fishermen from Denmark and the Netherlands, to carry out fishery within the designated MPA.

One of the possibilities to take measures preventing fishery within the German designated MPA is the 'Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy'. However, there seem to be lack of experiences with this regulation. Up to date concrete measures have been planned to prevent fishery within MPAs, and it seems useful to follow-up and exchange further experiences with the prospective implementation of the measures.

### 3. Valuable experiences with management plans of marine areas in the UK

In particular, the UK has put a great effort into the development of management plans for the marine environment, e.g. the development of the Coastal Habitat Management Plans (CHaMP). CHaMPs are an approach to strategic manage coastal habitats and wildlife. They identify and predict habitats' losses and gains, and come up with measures of how to mitigate and compensate for prospective habitats losses. These measures include modifications of existing flood and coastal defences in order to keep pace with rising sea levels.

### 4. A Belgian federal law for the North Sea

Belgium has a Federal law for protection of the marine environment of the North Sea. So far designation of MPAs has not been carried out in the Belgian part of the North Sea. However, proposals for SPAs have been submitted by MUMM and some scientific institutions, and the 'new' Belgian Minister competent for the North Sea intends to apply the law to designate SPAs in near future.

### **5. Management plans contra designation of MPAs**

There was some discussion of whether to designate MPAs prior to the development of management plans for the MPAs. It was stated that designation of MPAs should not happen before it is clear what the management plans will contain. However, considerable opposition stated that currently it is urgent to designate MPAs, wherefore it can not wait until the management plans have been carried out in practise. Thus it can be concluded that it seems better to designate prior to the management plans. In view of management plans for MPAs there was a common interest in sharing further knowledge and information.

### **6. Experiences with management plans in the Mediterranean countries**

In some Mediterranean countries there are advanced experiences of developing management plans for designated areas in the marine environment, such as the Port-Cros and Porquerolles islands. The scale of projects seems to be smaller compared to scale of projects in the NWE. Nevertheless, it could be valuable to compare further MPAs in Northern and Southern Europe as well as stakeholders participation in the development processes in order to agree on management measures.

## **VI. Follow-up**

The follow-up of the workshop will involve among others further exploration for the following items:

- Development of management plans for MPAs, particularly as regards stakeholders participation in the development of measures for management plans
- Development of EU common fishery policy, e.g. experiences with the procedures under the Council Regulation 2371/2002
- Relationship between the EU fisheries policy and the EC Habitats Directive, as relevant for the development of MPAs
- Feasibility for a more consolidated platform for the exchange of information concerning MPAs

Actions taken will include the identification of common solutions, and results of applied research will be presented in workshops and seminars if found necessary.

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