

# **Offshore Marine Protected Areas**

A meeting organised at

**The Scottish Parliament, Holyrood Edinburgh**

On **March 5<sup>th</sup> - 6<sup>th</sup> 2008** by the

North Sea Regional Advisory Council  
North Western Waters Regional Advisory Council  
South Western Waters Regional Advisory Council  
Pelagic Regional Advisory Council



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## EXECUTIVE SUMMARY

1. A meeting took place at the Scottish Parliament, Holyrood Edinburgh, on March 5th and 6th 2008, on the subject of Offshore Marine Protected Areas (MPAs). The meeting was organised by the North Sea Regional Advisory Council, the North Western Waters Regional Advisory Council, the South Western Waters Regional Advisory Council and the Pelagic Regional Advisory Council. It was attended (see Appendix) by representatives of the other Regional Advisory Councils (RACs), participants from the European Commission, representatives of several Member State governments and their agencies, and a number of invited experts on MPAs.
2. Euan Dunn, Chair of the Spatial Planning Working Group of the North Sea RAC, emphasised that the focus of the meeting was the requirement for Member States to submit initial lists of offshore marine sites for designation to the Commission by the 1st of September 2008. This requirement was to meet the EU's commitment to create a marine Natura 2000 network for protecting marine habitats, birds and other species listed in the Annexes of the Birds Directive and the Habitats Directive. Some countries, like Germany, were well advanced in designating sites, while others still had much to do. There was an urgent need for the RACs to square up to this new challenge. The RACs had a special role to play in establishing offshore MPAs as they provided a regional and international forum where stakeholders could be consulted. The knowledge of the fisheries sector would also be vitally important in determining how best to manage fishing in and around designated sites.
3. Fotios Papoulias, from DG Environment of the European Commission, described the context of offshore marine sites in terms of the Commission's Marine Conservation Policy. Natura 2000 set out a common approach to conservation action across all Member States. The aim was to restore or maintain key habitats and species at favourable conservation status. Human activities like fishing were not automatically excluded from such sites. The emphasis was on ensuring that human activities were sustainable and compatible with their conservation objectives. There was an obligation to designate Natura 2000 sites not only in territorial waters, but also in waters where sovereign rights were exercised. The application of Nature Conservation Directives to offshore sites had proved more challenging than originally expected. There had been a need for legal clarification, and lack of scientific knowledge had made the designation of sites difficult. The Commission had prepared a guidance document on implementation of the Habitats and Birds Directives in the marine environment. Substantive proposals for offshore sites were to be submitted by September 2008. A Marine Bio-geographical Seminar would then be carried out to assess the proposals at a regional seas level. Further surveys and proposals would fill any gaps. There was a need for the designations to be synchronised and coherent. The sites themselves were at risk until they were given appropriate protection at a

Community level. There would be a need for early consideration of management measures, including those for fisheries, within the designated sites.

4. In discussion, concerns emerged over the process for designating sites. Under the Directives the designation of sites was the responsibility of Member States. The legal text of the Directives sought to protect special sites based on scientific information; other factors must not be allowed to prevail over this objective. Consultation was left to Member States. Some countries had closely involved all those affected, others had not. Fishers said that consultation over the designation of sites had been inadequate. They believed that social and economic aspects were important and should be taken into account. They also thought that the designation of sites needed buy-in from those likely to be affected. There was concern that there was a lack of equity in the way different Member States were interpreting the Directives, designating sites and proposing to manage sites.
5. Mark Tasker, of the International Council for the Exploration of the Sea (ICES), described the lessons learned from the establishment of an MPA at Rockall Bank. The North East Atlantic Fisheries Commission had asked ICES for information on the distribution of cold-water corals on the Western slopes of the Rockall Bank and to indicate appropriate boundaries for the closure of areas where cold-water corals were affected by fishing activities. Three sources of information had been used: records of the distribution from the scientific literature; fishers' knowledge; and satellite tracks of vessels fishing in the area. Areas of coral where there was no or low fishing activity were identified and by November 2006 part of Rockall Bank had been identified and designated as a protected area. The process had involved full consultation with stakeholders, including fishers. Designation of Natura 2000 sites was a different process. EU Member States had a responsibility to protect certain habitats and species by means of protected areas, but did not have powers to control fishing by vessels from other Member States. The European Commission had sole competence to bring forward fisheries management measures through the CFP regulations. There was now a need for these separate legislative processes to converge.
6. Fishers agreed that the exercise on Rockall Bank had been carried out very effectively. What was now being proposed was very different. Current Natura 2000 proposals had not involved fishermen until a very late stage. Commission representatives emphasised that the Rockall Bank proposals had been discussed in an international context where agreement had to be reached by different parties. Natura 2000 initiatives had to be undertaken by Member States to fulfil their obligations under a European directive. Under that directive fishers and other stakeholders had no role in deciding which sites should be protected. Indeed, the Commission cannot question which areas should be protected and which should not.
7. A fisherman's perspective was given by Ian Gatt, President of the Scottish Fishermen's Federation. The designation of Rockall Bank as a protected area had worked because there had been co-operation between all the interested parties and a willingness to work towards a common goal. There had been concessions by all parties. The proposals now coming forward for Natura 2000 sites included important fishing areas but there had been no input from the fishing industry in

selecting these sites. Fishermen were not against MPAs. However, scientific justification should be provided for the sites. Moreover, the fishing industry needed to be involved from the start of any process to designate MPAs, and site boundaries needed to fit the purpose they had been designed for. Fishers from other countries agreed that they would prefer to deal with proposals for the new Natura 2000 sites in the same way as Rockall Bank.

8. In discussion it was pointed out that Member States were under a legal obligation to nominate sites for protection, and decisions on selecting and designating sites had to be based on strictly nature conservation – not socio-economic – priorities. The Habitats and Birds Directives were based on the principle of subsidiarity, with Member States playing the key role in selecting sites. Nevertheless, designated sites would have to be maintained in favourable condition and the Commission would have to decide which measures should be applied to manage fisheries at those sites. The management measures would have to be discussed with fishers and an appropriate framework had to be developed for achieving this. Once the proposed sites were known, but before the Commission took a view, the RACs could be involved in seeking greater clarity.
9. It emerged during the discussion that we were seeing the transference of rules designed for land-based sites to offshore waters as a result of a court decision. Habitats given priority in the annexes to the Habitats Directive had essentially been inshore ones, notably sandbanks and rocky reefs. Now that the Directive had been extended offshore it was only those listed habitats which were to receive protection. Other important offshore habitats could not be put forward for protection. Concern was expressed over the lack of coherence between Member States in designating offshore sites. There had been a lack of objective data to aid in site selection and fishers had not been consulted at an early enough stage to bring in their expertise. It was evident that the RACs now had an important role to play in examining particular proposals.
10. Professor Michel Kaiser in opening the second day of the conference confirmed that Natura 2000 sites were designed to meet conservation objectives. They were not fisheries management tools, nor were they designed specifically to enhance commercially important species. The legislation applying to Natura 2000 sites was, with hindsight, inappropriate to offshore areas, but it was not practical to change this at such a late stage. Experience with the Rockall Bank conservation area had shown how we might achieve Marine Protected Areas through the involvement of fishers. He believed that it was sensible to include an option to review protected areas after a period of time, say five years, as new information became available from scientists and users of the areas. Over the past few years there had been a gradual change of approach and he believed that all were emerging into a more positive, thoughtful and pragmatic era which valued common-sense decision-making. The RACs provided excellent examples of how to achieve stakeholder involvement.
11. Ernesto Penas of the Directorate General of Fisheries and Maritime Affairs explained that the Commission was now obliged to implement a wave of proposals for MPAs coming forward from Member States to comply with Natura 2000 requirements. A method had to be developed for handling them in a fair

and systematic way. The four-stage process would involve examination by scientific bodies, followed by consultation with stakeholders (including the RACs), then examination by control experts (Commission and Member States), and finally implementation through Community fisheries legislation. As site proposals from Member States were submitted, the Commission intended to analyse them systematically in batches for given areas, and to encourage Member States to apply an integrated, coherent approach. There were four areas where RACs would be well placed to contribute: suggesting technical improvements; providing information on fleet activity; ensuring a level playing field by removing discrimination; and avoiding side effects by commenting on fishing effort displacement. The proposed new Technical Measures Regulation offered a fast-track mechanism for processing and adopting site proposals via a management committee of Member States. During discussion, it emerged that the Commission could not challenge the boundaries the Member State proposed for sites; but the RACs had the right to recommend changes to boundaries, particularly with respect to buffer zones inserted to improve control.

12. Søren Anker Pedersen, ICES, described a 3-year ICES research project (EMPAS) that was developing proposals to manage fisheries in each of the ten Natura 2000 sites proposed in German offshore waters (EEZ) in the North and Baltic Seas. The project was looking at the type of fishing activities expected to have impacts on protected habitats and species in the Natura 2000 sites. These activities might have direct effects through by-catch of protected fish species, invertebrates, seals, whales, and seabirds, or impact on the fauna and flora of protected habitats such as reefs and sandbanks. They might also cause indirect effects by disturbing the balance of food resources of protected species. A systematic approach was being taken with all types of fisheries and all species to identify potential conflicts, and fishermen were contributing significantly to the studies.
13. In discussion, fishers questioned whether the fine-scale approach taken by the EMPAS Project with respect to the German Natura 2000 sites in the North Sea and Baltic Sea would work in the same way for offshore sites in the North-East Atlantic. There was also concern whether appropriate assessments would be required for fishing activities, and when they might be necessary. It was suggested that if an effective management plan for an area was in place, and activities were assessed as having no significant effect on protected habitats and species, then no further assessment would be needed.
14. Mr Olivier Abellard, of the French Agence des Aires Marines Protégées, said that France was on target to finish adapting Natura 2000 to the sea by June 2008. It aimed to create ten marine nature parks covering large areas by 2012. The first marine park had been set up in Brittany in 2007. Its boundaries were currently considered temporary and flexible for a trial period. It was expected that marine parks would cover some 30-40% of French territorial waters and in Western France some were expected to extend beyond the 12 mile limit, although it was not proposed to define offshore sites at present. France was also seeking partners for a new project to establish a MPA Cooperation Programme in the North East Atlantic and was in discussion with the UK, Spain and Portugal over the funding of such a major project. It was hoped that it might result in a network of Atlantic MPAs. Discussions on marine parks in France had involved all stakeholders and

Olivier Abellard believed that RACs should play a big part in the process of designating MPAs.

15. In discussion it was evident that fishers did not accept that the level of consultation with fishermen implied by Olivier Abellard had taken place. Lack of participation of local fishing communities was a problem and sustainable fishing would only be possible if fishing communities were brought fully onboard, and convinced that any measures would be good for the environment and the industry. Fishers agreed, however, that the RACs could be a useful platform to facilitate discussions on this matter.
16. Reinhard Priebe gave the Commission's overview. There was an overriding need to protect marine areas and proposals under Natura 2000. The process was not perfect, as it was originally designed for use on land, but everyone had to live with the imperfections. The Commission had established comprehensive guidelines on the procedures to be followed. A regional approach should perhaps be adopted by Member States and, as there appeared to be a broad feeling of lack of transparency, consultation at an early stage was recommended. Encouraging and facilitating this consultation was perhaps a role for the RACs. The RACs could help to design appropriate measures and provide advice. They must communicate to their members that the MPAs are designed to protect the environment, not to keep fishermen out.
17. In summing up, Euan Dunn said that the RACs needed time to do as much advanced thinking as possible on MPAs in their particular regional seas. The RACs could take the initiative of writing to Member States, urging them to consult on proposals for sites, as the UK had done, and to ask that the RACs are given advance notice of the likely position of further sites. The second area where RACs could be proactive was assistance with mapping areas of fishing activity and provision of VMS data. The North Sea RAC had already facilitated this for the North Sea. Moreover, the RACs could be proactive by ensuring they responded to the forthcoming proposal on the new Technical Measures Regulation as the mechanism for fast-tracking site proposals.
18. Finally, Euan highlighted the fact that, in addressing complex issues such as MPAs, the RACs lacked the necessary resources for translating knowledge into policy. This remark was echoed by Tony Hawkins in his final comments. The seminar had certainly demonstrated the importance of the RACs in bringing stakeholders together with Member States and the Commission to discuss management issues. However, if RACs were to play the wider role envisaged for them then they needed additional resources.

## **Introduction**

Euan Dunn, Chair of the Spatial Planning Working Group of the North Sea RAC

Euan Dunn warmly welcomed participants to this joint RACs meeting on offshore Marine Protected Areas (MPAs).

We were meeting within the Scottish Parliament building through the courtesy of Roseanna Cunningham MSP, Convener of the Rural Affairs and Environment Committee of the Scottish Parliament. The conference was being co-hosted by four of the Regional Advisory Councils: the North Sea RAC, North Western Waters RAC, South Western Waters RAC and Pelagic RAC. The Secretariats and members of all four RACs were represented and in addition we welcomed representatives from the other three RACs – the Baltic Sea, the Long Distance and – still to be formally established - the Mediterranean RAC. This was the first time that stakeholders from all seven RACs, covering all of the Community Waters, had gathered together under one roof to discuss a topic of common interest. The European Commission were also represented and we would be hearing presentations from both DG Fisheries and DG Environment since the issue we were addressing was important to both. We were fortunate to have with us Reinhard Priebe, Director of Conservation Policy in DG Fisheries and Maritime Affairs. Reinhard would be telling us about the Commission's overall strategy for implementing offshore marine Natura 2000 sites. We also had with us representatives of several Member State governments and their agencies, and a number of invited experts on MPAs.

The immediate focus of the meeting was the requirement, under the EU Habitats and Birds Directives, for Member States to submit their initial list of offshore marine sites for designation to the Commission by the 1<sup>st</sup> of September this year. This was to meet the EU's commitment to create a marine Natura 2000 network for protecting marine habitats, birds and other species listed in the Annexes of the two Directives. Sites for protecting marine habitats are known as Special Areas of Conservation (or SACs), those for protecting marine birds are known as Special Protection Areas (or SPAs). A comprehensive network of such sites, accompanied by agreed management measures, was required to be in place by 2012. Some of us who were not so familiar with the EU legislation might think that this was all rather sudden and hurried, but in fact the Birds Directive entered into force nearly 30 years ago and the Habitats Directive over 15 years ago. However it was only in 1999 that a court hearing decreed that the Habitats and Birds Directives should apply offshore, beyond the 12-mile territorial limits of Member States.

With the September 2008 deadline looming for Member States to submit the initial list of Natura 2000 sites in their own waters, different Member States were at various stages of announcing their sites and consulting on them. Some countries, like Germany, were well advanced in their consultation with the fisheries sector and other stakeholders. Other countries were lagging further behind and still had much to do.



These issues are already actively engaging some of the RACs: For example, the North Western Waters RAC had given advice to the Commission last year on deepwater sites West of Ireland, put forward to protect cold-water coral.

There was an urgent need for the RACs to be thinking about these sites and sharing knowledge so that we could learn from each other about how to square up to this new challenge. At present we did not have a joined-up 'map' of what the overall marine Natura 2000 network in Community Waters would look like, and how it would be managed. It was clear, however, that the establishment of the network was highly relevant to commercial fishing; one of the activities at sea most likely to be affected by creating Marine Protected Areas (MPAs). The emerging network map was also keenly awaited by conservationists who were concerned to see that a sufficiently representative area of the marine environment was protected under the Directives.

The key issues to be addressed at our meeting included:

- Clarification of how Natura 2000 sites are chosen and located, and how their boundaries are drawn up
- The need for a 'level playing field' in how different Member States interpret the Directives and manage sites. Without this, there is a danger of discrimination as vessels move from one Member State's waters to another's.
- Potential displacement of fishing effort if MPAs exclude fishing from traditional fishing grounds, and other socio-economic consequences.
- How should different sorts of sites be managed for fishing? For example, what kind of vessels and fishing gears will have access to different sorts of sites, and might this provide an incentive to adapt to more selective fishing gears?

There is no avoiding the fact that a Natura 2000 network will - and must be - established within the next 5 years. So the real purpose of this meeting was to see what role all those involved – RAC stakeholders, decision-makers and other practitioners – could play in helping to anticipate and resolve potential conflicts between the objectives of Natura 2000 on the one hand, and fisheries on the other.

The RACs had a special role to play in this for two reasons:

- Firstly, they are a key regional and international forum where all interested stakeholders can be consulted and make a contribution.
- Secondly, and critically, the fishing sector has unique first-hand knowledge of where and how they fish which will be vitally important in determining how best to manage fishing in and around these sites.

The Rockall case study we would hear about showed how the fishing industry had already played a key role in arriving at an array of sites which protect coral while also maintaining fishing opportunities in the area.

This was a very important meeting for the RACs. We hoped it would produce joined-up thinking, and would chart some of the next steps that needed to be taken by everyone, including the Member States and the Commission, to find out how fisheries could best co-exist with the emerging MPAs. We would hear a number of presentations over the next two days but we had also factored in significant plenary time for discussion. We were aiming to come up with some conclusions and recommendations by tomorrow afternoon. It was very much up to participants to make sure that happened.

# FIRST SESSION

Chair: Bertie Armstrong, Chief Executive of the Scottish Fishermen's Federation

## Establishment of Natura 2000 network in the marine environment

Fotios Papoulias, European Commission, DG Environment

Fotios Papoulias described the European Commission's Marine Conservation Policy in the context of the EU Biodiversity Policy. The Biodiversity Policy has arisen from a Council Declaration made in Gothenburg which committed the Commission to protect and restore habitats and natural systems and to halt the loss of biodiversity by 2010. Within the policy there is a thematic strategy for the protection and conservation of the marine environment, based on the establishment of a Natura 2000 network of marine sites.

Natura 2000 itself is aimed at the setting up of an EU-wide ecological network of protected areas under the Habitats Directive. Those areas are:

- Special Areas of Conservation (SACs) under the Habitats & Species Directive
- Special Protection Areas (SPAs) under Birds Directive

Natura 2000 sets out a common approach/standard for conservation action across all Member States. The aim is to restore or maintain key habitats and species at favourable conservation status. It provides a common mechanism for protection of areas of high biodiversity importance for listed habitats and species. It is a strong instrument for integration of biodiversity requirements into other EU policy areas (fisheries, agriculture, regional development etc.) and embraces nature reserves, national parks and private areas. Human activities are not automatically excluded from the sites. The emphasis is on ensuring that such activities are sustainable and compatible with the conservation objectives of the sites. There are currently 25.000 sites, covering almost 20 % of the territory of 25 Member States. The network is largely completed on land and now needs to be extended to marine and especially offshore sites.

Site designation is based exclusively on scientific criteria. For SPAs it is necessary to use ornithological criteria, with Member States designating the 'most suitable territories'. For SACs, the criteria are given in the Directive. Member States propose national lists of sites of Community importance and the Commission & other Member States then agree a Community list. Subsequently the Member States then designate the areas as SACs. There is no legal difference between marine and terrestrial environments in relation to the implementation of the Birds and Habitats Directives.

There is now an obligation to designate Natura 2000 sites not only in territorial waters, but also in waters where sovereign rights are exercised. 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, then obligations also exist to apply the appropriate National and Community legislation. The same reasoning also applies to the Continental shelf. The European Court of Justice has confirmed the application of Natura 2000 to offshore marine sites and it is evident that the Natura 2000 network has to be extended into all areas where rights on the exploitation of natural resources are exercised: internal waters, territorial seas, EEZ and continental shelf.

The application of Nature Conservation Directives to offshore sites has proved more challenging than originally expected. There has been a need for legal clarification, and a lack of scientific knowledge to enable sites to be designated because of the high costs of carrying out research and surveys in offshore marine areas. The Commission has prepared a guidance document on implementation of the Habitats and Birds Directives in the Marine Environment. The Guidelines provide an overview of the legal and policy context. The document lists habitat types & species, and it outlines procedures for site identification, assessment and selection rationale for both SPAs and SACs. It also provides guidance on the management of Natura 2000 marine sites, including matters relating to fisheries. The guidelines can be obtained through the link:

[www.ec.europa.eu/environment/nature/natura2000/marine/index\\_en.htm](http://www.ec.europa.eu/environment/nature/natura2000/marine/index_en.htm)

A significant number of sites have been designated in the sea, but nearly all of them are in coastal waters. More than 1500 sites are concentrated in waters out to 12 miles. However, there are less than 20 sites in offshore waters. Ninety percent of EU seas and oceans do not have protected sites, and the Natura 2000 network covers only a small part of total marine waters.

The Commission has now asked Member States to step up progress on the identification of offshore sites (so far, only Germany has largely completed its Natura 2000 proposals for the marine environment). The Commission has asked for substantive proposals to be submitted by September 2008. A marine bio-geographical seminar will then be carried out to assess the proposals at a regional seas level (Atlantic, Baltic, Mediterranean, Black Sea). There will be further surveys for supplementary proposals after 2008 to fill in any gaps. There is a need for the designations to be synchronised and coherent. The sites themselves are at risk until they are given appropriate protection but this can only be supplied at a Community level. There will be a need for early consideration of management measures, including those for fisheries, in order to ensure timely implementation. With respect to fishing any regulatory measures will have to be undertaken through legislation relating to the Common Fisheries Policy.

*In the ensuing discussion Dr Peter Breckling of the German Fisheries Association pointed out that not everyone had accepted the method of designating marine Natura 2000 sites adopted by the German Government. The data sheets which reported on the status of these sites have not been seen by everyone, and some of them are*

*inaccurate. The Commission has to agree to the proposed sites and he hoped that the Commission would tell Member States to revise their proposals where the data sheets were incorrect. He had wanted to see a transparent process adopted for the designation of sites - in Germany that had not been the case. Fotios Papoulias confirmed that standard data forms did have to be completed and data provided on each site, with the conservation status clearly stated. The criteria for completion were set out clearly in the Directive. The Commission could not comment on the procedures adopted by Member States. What was important for the Community was to have coherent presentations at the regional seas level. The adequacy of the data would be considered at regional seas seminars led by the EU Environment Agency. Stakeholders could be present and relevant information would be considered.*

*Michael Park of the Scottish Fishermen's Federation said that there was now an opportunity to do things right, but the process was very complex. In some instances there was a lack of scientific knowledge and we should not rush into designating sites based on inadequate data. Did the process have to be completed so quickly? In reply Fotios Papoulias said that a marine expert group had worked for four and a half years to finalise the strategy. It had tried to fill in the gaps and establish clear standards and it was now time to make further progress.*

*Michael Andersen of the Danish Fishermen's Association said that the fishing industry was not against nature conservation but it questioned whether this process was right. Scientific data had been taken into account, but not social and economic considerations. That did not seem fair. The German sites showed that conflict might have been avoided if the views of stakeholders had been considered at an early stage. The designation of sites needed common ownership and buy-in from those likely to be affected. Shouldn't the Commission seek an input from stakeholders? Fotios Papoulias thought it was important to merge scientific with social and economic considerations but the text of the Directive had been agreed. The legal text sought to protect special sites based on scientific information. It did not say anything either for or against consultation. That was left to Member States. Some countries had closely involved those affected. Others had not. Other considerations should not be allowed to prevail over the main objective of protecting special sites.*

*Christian Pusch of the Federal Agency for Nature Conservation in Germany said, in relation to Peter Breckling's intervention, that the German Government had followed the requirements of the EU Birds and Habitats Directives closely, and that there had been intensive stakeholder participation in the process of site designation. Currently there is an ongoing project (EMPAS) to analyse possible conflicts between fisheries and nature conservation objectives in marine Natura 2000 sites in the German EEZ, which will create the scientific background necessary to inform management measures. While fisheries organisations from Denmark and Netherlands are participating, German fisheries representatives had so far failed to take part.*

## **Finding boundaries from imperfect information: Lessons from the Rockall Bank closure**

Mark Tasker, International Council for the Exploration of the Sea

In 2000 the European Commission had requested ICES' help with the "identification of areas where cold-water corals may be affected by fishing". The response had included a catalogue of sites in the NE Atlantic where *Lophelia* occurred as well as a review of known effects of various fishing gears. The best known and most obvious effect upon corals was from trawling but long-term effects from the persistent use of bottom-set nets and lines were also likely.

In 2005 there had been a question from the North East Atlantic Fisheries Commission (NEAFC) to ICES: to "provide information on the distribution of cold-water corals on the Western slopes of the Rockall Bank to indicate appropriate boundaries of any closure of areas where cold-water corals are affected by fishing activities". Rockall Bank is an area which straddles EU waters and the High Seas.

The ICES advice went through two stages. First the advice of expert groups was sought. Advice came from the Working Group on Deep-water Ecology and also from the Working Group on the Biology and Assessment of Deep Sea Fisheries Resources. Then the Advisory Committee on Ecosystems (ACE) was consulted. Three sources of information were used:

1. *Lophelia pertusa* records were taken from the scientific literature; these were actual records, including some recent visual observations – however, these had not been collected in a systematic way, the positions were not always accurately recorded, and many of the records were old.
2. Fishers' knowledge was sought; this was up-to-date – however, it had not been derived in a systematic way, it might not have been complete or accurate, and the sample size was low.
3. Satellite tracking (VMS) data were obtained for fishing vessels; these had been collected in a comprehensive and scientific way – however, fishers may not have fished in an area for reasons other than the presence of coral, data were absent for some fleets and the interpretation of the data was not straightforward.

The most suitable areas to protect coral were deemed to be those areas containing recorded coral concentrations where there was no or low fishing activity. Advice to this effect went from ICES to NEAFC in September 2005 and was also provided to the European Commission. NEAFC met in November 2005 and decided to take no decision but it met again in November 2006 and then decided on a closure of part of Rockall Bank. This closure was implemented in both EU and NEAFC waters, but an area on the SW Rockall Bank was not closed, pending the consideration of further evidence.

It is often difficult to obtain information on the status and condition of offshore sites. In identifying suitable areas to close, all available information should be used (suitably weighted) including:

- scientific surveys,
- fisherman's knowledge (preferably with documented evidence) and
- location of fishing activities known not to impact coral.

The boundary of any closed area should be relatively easy to enforce and should take account of the need to avoid 'accidental damage'.

EU Member States have a responsibility to protect certain habitats and species by means of protected areas (through the Habitats Directive). However, the European Commission has sole competence to bring forward fisheries management measures (unless derogated). Through the CFP regulations the Commission has to 'minimise the impact of fishing activities on marine ecosystems' (2371/2002). It can do this by adopting 'zones and/or periods in which fishing activities are prohibited or restricted'. There is now a need for these separate legislative processes to converge. In bringing them together it will be important to ensure that the best available scientific information is used, including VMS. Closure or protection must be on an appropriate scale. Principles must be established for;

- Deciding upon the boundaries of sites,
- Consulting on their management, and
- Scientific review and evaluation.

*In discussion it was the view of Marc Ghiglia, a French fishermen's representative that the exercise on Rockall Bank had been carried out very effectively. What was now being proposed was very different. At Rockall Bank, the areas being protected had been clearly identified and were sites whose conservation status was high. The Irish had designated areas which no longer had any special features. The British Natura 2000 proposals had not involved fishermen until a very late stage. Why hadn't the same procedures and spirit of cooperation been adopted for designating the Natura 2000 areas as for Rockall Bank? Mark Tasker said that one factor to take into account was that, apart from legal impediments, VMS data can be very difficult to collect and is not even available from some jurisdictions. There is a need to make VMS available for more than just enforcement purposes. Fotios Papoulias said that the procedures required were very different in the two cases (Rockall Bank and Natura 2000). Ernesto Penas, also from the Commission, added that there was one very important difference. The Rockall Bank proposals had been discussed in an international context where agreement had to be reached by different parties. The British and Irish initiatives, on the other hand, had been undertaken by Member States to fulfil their obligations under a European Directive. Under that Directive fishers and other stakeholders had no role in deciding which sites should be protected. Also, the Commission cannot question which areas should be protected and which should not. Moreover, the North Western Waters RAC itself had been divided on the sites proposed by Ireland. Michael Andersen said that fishers could help identify sites, and their assistance would be invaluable in deciding which sites were worthy of designation, and which areas were least affected by fishing. It could make a big difference to fishermen whether one sandbank was chosen rather than another. The German choice of sites had been flawed in this respect.*

## **A Fisherman's Perspective of Marine Protected Areas**

Ian Gatt, President of the Scottish Fishermen's Federation

Ian Gatt said he was a skipper and trawler owner who fished in the North Sea and on the West Coast of Scotland. He had been involved in the designation of the Rockall Bank sites. The Scottish fishing industry had first heard about MPAs in the late 90's when proposals had come forward within NEAFC to close seamounts on the mid-Atlantic Ridge. The closures had taken place in 2004. Subsequently proposals had come forward for closures on Hatton Bank and Rockall Bank. The proposals for Rockall confirmed that MPAs were on our doorstep and were a reality for the Scottish fleet. Fishermen's initial reaction had been one of uncertainty. They had wondered how the closures would affect them through loss of revenue, loss of fishing grounds and disruption of fishing patterns. They had also asked about the purpose of the MPAs. Why were these sites being designated? What were the benefits of designation? What were the MPAs intended to protect? What were fishermen to do? Should they do nothing and hope the problem goes away, or should they engage in the debate? In the case of the MPA proposed for Rockall Bank the SFF had contacted the WWF. The WWF had agreed to a meeting and through that meeting it had been possible to set out a clear set of shared objectives. Those objectives had been:

- To protect the *Lophelia* coral beds found at the NW end of the Rockall Bank
- To accurately define and map the areas of coral
- To avoid closing areas of NW Rockall to fishing where there was no coral present
- To prohibit bottom trawling or bottom-set fishing gear in the defined area of coral

Information had been gathered to achieve these objectives. VMS data on vessel movements had been collected together by Jason Hall-Spencer (University of Plymouth, UK). Fishermen's Charts and knowledge had been assembled. Scientific survey data had been provided by Fisheries Research Services (FRS, Scotland), the UK Joint Nature Conservation Committee (JNCC) and other bodies, and geological data had been obtained from the British Geological Survey (BGS) and other institutes. The designation of the Rockall Bank had worked because there had been joint co-operation between all the interested parties and a willingness to work together for a common goal. There had been concessions by all parties. It had also been recognised that site boundaries did not have to be simple polygon shapes.

There had also been cooperation in designating an MPA at the Empress of Britain Bank, an area in international waters. NEAFC had asked ICES in 2007 for advice on coral distribution at the Empress of Britain Bank. The ICES group ACE (Advisory Committee on Ecosystems) had dealt with the request. The NWWRAC had been invited by ACE to participate in the advisory process.

Now, however, we were faced with proposals for new Natura 2000 sites coming forward from Member States. Included amongst the seven sites proposed by the UK is Stanton Bank, an important fishing area. There had been no input from the fishing industry in selecting these sites. Site selection should have a robust scientific



justification and the site boundary should encompass the feature it is intended to protect. This is not the case for Stanton Bank. The designation is intended to protect a bedrock reef but muddy substrate is present at much of the site and supports a fishery for Nephrops. The site is covering more than it was designed to protect. We have to ask what is the benefit of protecting an area of the seabed which has been fished for decades and does not fit within the conservation objectives of the proposed site? Had the fishing industry been involved at an earlier stage potential conflict could have been avoided and a more sensible solution put in place.

Fishermen are not against MPAs. However, there needs to be the right scientific justification and evidence provided. The fishing industry needs to be involved from the start of any process to designate any MPAs and the site boundaries need to fit the purpose they were designed for. To ensure that boundaries are appropriate, MPAs should be revisited when new information comes to light. We believe it would be better to look for MPA sites in areas where there is little or no fishing activity taking place. We also believe that pelagic fisheries, which do not touch the seabed, must not be caught up in any MPA regulations.

*Fishers from other countries agreed with Ian Gatt that they would have preferred to deal with proposals for the new Natura 2000 sites in the same way as Rockall Bank. There were certainly problems in defining buffer zones around sites but these buffer zones did not need to be wide. Five hundred metre buffer zones sufficed around the North Sea oil platforms and that would also be appropriate for most MPAs.*

*Mark Tasker pointed out that the proposed UK SACs had not yet gone to the Commission. They were still open for consultation. The Scottish Fishermen's Federation (SFF) had presented its views and these would be taken into account. The boundaries might change. Christian Pusch added that Natura 2000 sites are not necessarily no-take zones. We simply have to manage activities which are harmful to the conservation objectives of habitats and species. This could require restricting activities (e.g. sand and gravel extraction) which are in conflict with fishing activities as well as nature conservation. So you could have shared interests between fisheries and nature conservation in the regulation of such activities. Some scepticism was expressed by fishers, however. Ian Gatt said that the scientific justification for some of the sites was poor. A French fisherman said that we had to avoid different Member States creating a patchwork of sites which were not related in any way, and wanted to know who the UK was consulting in other European countries. He had asked for a list of sites from all Member States, but so far he had not received anything. There was a need for wider consultation. Mark Tasker agreed that with offshore sites there was a need to coordinate consultation through the RACs. Benoit Guerin said that in the case of a coral bank you can see what the management will be but what is the outcome likely to be for sandbanks – what do the Member States want?*

*In chairing the plenary session Bertie Armstrong thought there were several issues emerging:*

- *Consultation, or the lack of it*
- *Achievement of a level playing field. Member States were responding in very different ways to the deadline set by the Commission for designating sites*
- *Displacement of fishing activity*

- *Lack of information on which to designate sites and decide their boundaries*
- *The importance of fishers' knowledge*

*French fishers thought that we should be told what would now happen, once these sites went forward to the Commission. We still did not know which activities would be permitted within the proposed Armoric marine park. We cannot discuss things adequately until all the proposals are placed on the table.*

*Mark Tasker said that Member States were under a legal obligation to nominate sites for protection. Comments from fishermen could not be used in the decision on what goes forward. However, those sites would have to be maintained in a favourable condition and it would be necessary to consult fishermen on the potential management measures to protect the sites. Fotios Papoulias confirmed that the designation of Natura 2000 sites involved a two stage process. First, Member States had to decide which areas needed protection. Then, they had to decide which management measures should be applied. The imposition of management measures would have to be discussed with others and required openness and transparency. We had to develop an appropriate framework for achieving this.*

*Euan Dunn said that the RACs were in a difficult position. We still did not know for the North Sea what the total package of proposals would be. Member States had not come to the RACs with their proposals well in advance. Nor were they approaching this issue in a joined-up way. The RACs did not have the resources to take on additional tasks. Where do we look for a joined-up approach – what role would the Commission play? Fotios Papoulias had promised regional bio-geographic seminars. When would those come forward and would the RACs be involved?*

*Reinhard Priebe addressed what the problem really was and whose responsibility it was to find solutions. The Habitats and Birds Directives came from a different century. They were based on subsidiarity so the Member States have to play a key role. Sites were conceived within Member States and then the Commission looked at them to ensure they were appropriate. The first sites had been based on land, estuaries and inshore waters, where they were purely of national concern, but they had now extended to offshore waters where they became of international concern. In fisheries, although there is some decentralisation, the Commission plays a major role. With respect to consultation on marine sites, the RACs were the only cross-country consultation bodies so they certainly must play a role. They had limited resources, so they could become overloaded if they had to respond separately to all Member States' proposals. However, given the subsidiarity issue, responsibility for consultation on these sites could not be passed to the Commission. We need to have some pragmatism, and trust the Member States to find flexible mechanisms for achieving full consultation.*

*Fotios Papoulias reiterated that the first stage in designating sites took place at the national level. It then came forward to the Community level. Scientific and technical seminars would be held, involving Member States and also representatives of important interest groups for the areas being discussed. This appraisal would be followed by regional seas seminars, and all the proposals from Member States potentially revised in the light of their overall coherence. The RACs could become involved in these discussions. All this is covered by the Commission's guidelines. Ian*

*Gatt was concerned about practicalities. The RACs have working groups but their Executive Committees met relatively infrequently. It is very hard for the RACs to put forward their ideas if they are only given a few weeks to respond. The period of consultation must be longer.*

*Lorcan Ó Cinnéide said that this was a meeting of stakeholders. There was a legal structure and mechanism propelling these proposals which did not take account of our views. DG Fisheries had to discuss these emerging proposals with the RACs. Our main unease is over the lack of definition of these proposals. How large should these areas be? What is the scale of the concept? There is also the question of consultation. The RACs are unable to respond on a short timescale. The Irish proposals had been very poorly assembled and there had been little consultation. Are we simply here to be informed, or are modifications possible to the Natura 2000 process which might improve our ability to implement marine sites?*

*Mike Parry of the Welsh Federation of Fishermen was concerned over the quality of the information on which the selection of sites was based. The data does not approach that available for terrestrial sites, so why are we settling for less? Michael Andersen thought that the RACs could be useful for disseminating information. They did not have to react themselves. Mark Ghiglia thought the timeline for consultation over UK sites had been too short. His organisation had received little time to reply. They needed to be able to assemble data, and answer in English. French fishers were affected by two areas but do not have time to provide a full response on either. How can professionals be consulted more fully on such proposals?*

*Clare Eno of the Countryside Council for Wales said that many of the points raised concerned the management of sites. On inshore sites her organisation tried hard to work with stakeholders, and to arrive at simple shapes for protected sites as these were easier to enforce. She was concerned by suggestions that sites should be complex.*

*Bertie Armstrong thought that we had seen the transference of rules designed for land-based sites to the sea. There were clear difficulties in doing this and there were many holes in the process. What can we do to fix the process itself? Nathalie Steins believed that the current consultation procedures were only concerned with nature conservation objectives. When would proposals for managing the fisheries within these areas come forward? A lot of these sites will be in the waters of Member States and used by fleets flagged to different countries. Management measures for sites could not be imposed by Member States on fishers from other Member States. There has to be consultation under Article 9<sup>1</sup>. Who is now responsible for that consultation; the Commission or the Member States?*

*Sean O'Donoghue said that from a pelagic standpoint there were three outstanding issues; consultation, coordination and justification. We had learned from the Irish and UK consultations that discussion was needed at an earlier stage. Sites should not be designated without prior consultation. The process was piecemeal and we needed*

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<sup>1</sup> In Regulation 2371/2002, Article 9 requires that 'Where measures to be adopted by a Member State are liable to affect the vessels of another Member State, such measures shall be adopted only after the Commission, the Member State and the Regional Advisory Councils concerned have been consulted on a draft of the measures accompanied by an explanatory memorandum'.

*a list of all the sites likely to come forward, together with an indication of the total area likely to be affected. Is there, for example, a goal of 20% coverage? On justification it did not make sense for the Pelagic RAC to have to do a lot of work to seek derogation for pelagic fisheries for the Irish sites. There had been no justification for including pelagic fisheries in the first place. We had to seek pragmatic solutions to these problems.*

*Mark Tasker accepted that there was a need for a longer period of consultation. There also needed to be greater warning over future tranches of sites. Unfortunately we could not improve the quality of the underlying science, as there was little money available to do this. On the total percentage of a habitat to be designated we could only go on what had been done on land. Member States were open to infraction proceedings if they did not declare a high enough percentage. If Member States had to consult before they identified sites who should be involved? It is not just fishermen, it's also the oil and gas industry, gravel extractors etc. So we have to be even-handed and transparent and it had to be remembered that Member States had to convince the Commission that social and economic factors had not played a part in site selection. On management of the selected sites, ICES would be asked about appropriate management measures. For pelagic fisheries, there needed to be some assurance that the fisheries were truly pelagic and could not affect a site.*

*Lindsay Harris of the UK Fisheries Department (Defra) said that the current process was clearly unsatisfactory. We were dealing with terrestrial legislation which didn't quite fit its application to offshore sites. Member States (excluding Germany) had been late in designating sites. His department had tried to deal with consultation as best they could, but they had to be realistic and had to meet the September 2008 deadline. Could the RACs play a useful role here? The Commission had mentioned geographical groups. Once all the proposed sites were known, but before the Commission took a view, then the RACs could be involved in seeking greater clarity. Some Member States would be happy to facilitate that.*

*Willem de Boer, a Dutch fisherman, said that only two weeks ago he had seen the proposals for the Norfolk sandbanks. He could not get a clear answer to his question on the justification for designating these sites. He had simply been told that the UK was required by law to designate sandbanks. He had asked a Dutch scientist if there was any sense to these proposals. The answer had been no! Two of the cleanest fishing grounds in the North Sea had been designated without any justification. Mark Tasker replied that the reason for designating sandbanks was complex. The Habitats Directive had not been intended to extend into offshore waters, only into shallow coastal areas. However, it had been extended offshore through a court ruling. The habitats given priority in the annexes to the Directive had essentially been inshore ones, like sandbanks and rocky reefs. Now that the Directive had been extended offshore Member States had to seek out and protect those listed habitats. Other important offshore habitats had not been listed and currently received no protection. He could not see a way around this. We were stuck with sandbanks and reefs and some of them were undoubtedly worth protecting – but not all of them.*

*Fotios Papoulias wished to deal with Nathalie Stein's query about when and how proposals for managing the fisheries within these areas would come forward. Legally, the Commission had to follow the current process, and he was not convinced*

*that there was anything wrong with it. Subsidiarity applied and many Member States had done well in designating sites, followed by collective assessment at the Community level. With offshore sites, trans-boundary issues were raised and the Commission had to become involved. The current timetable, with a deadline of September 2008, had been agreed with Member States in 2005-6. There are still many decisions to be taken but we had to meet our obligations agreed in Johannesburg in 2002. On the question of sandbanks, these had been defined for the coastal zone. There might be a case for adding other habitat types now the Directive had been extended offshore. However, there is no precise target in terms of area coverage. What the Commission wanted was sufficient representation of the identified features, including buffer zones.*

*Jean-Pierre Plormel, a French fisherman, thought that when a legislative text was not suitable it should be altered. To the UK he wished to say that if you wanted to go forward you had to tell the full truth. Member States had to be honest about their intentions and had to consult fishermen through the RACs. The RACs had an important role to play in examining the coherence of particular proposals. There had to be consistency between the zones coming forward from different Member States, and scientific justification for the proposals. Fishermen believed that greater protection should be given to the restoration of inshore areas affected by activities on land. Some estuarine environments which provided nursery areas had been completely destroyed and these areas needed to be given priority.*

*Mark Ruskell of the RSPB thought that not enough had been said about the management of the designated sites. The Commission, as the competent authority, had to develop management plans for the fisheries in these areas. How did the Commission intend to consult on these plans? Mercedes Rodríguez Moreda (of OPP-07-LUGO) agreed and said that there were multiple jurisdictions here. Environmental policy was impinging upon fisheries policy. Who would decide on fishing within the MPAs?*

*Reinhard Priebe said that these were very valid questions which he hoped the Commission would answer on the second day of the meeting. It was not unique to have several policy areas overlapping. Environmental issues were often cross-cutting. It was very clear that any inconsistencies were on the procedural aspects. He had heard no criticism of MPAs per se. The uncertainties on procedures would need some clarification. The designation of sites would go ahead this year. You will not be given more time. The Directives themselves would not be revised. The 1992 Directive and its lack of implementation by some Member States was one of the saddest stories of EU policy-making. The September 2008 deadline will be adhered to.*

*Bertie Armstrong summed up. He agreed with Mr Priebe that no-one had questioned the need for appropriate and reasonable protection of special sites. We were all willing participants. However, the process itself was flawed. The Directives had been applied to offshore sites because of a legal challenge. They had not been intended to apply to offshore habitats and the listing of habitats was inappropriate. Some of the sites which had been designated were important to the fishing industry. There had been a lack of objective data to aid in their selection and the fishing industry had not been consulted at an early enough stage to bring in their expertise.*

## SECOND SESSION

Chair: Professor Michel Kaiser, University of North Wales, Bangor

Professor Mike Kaiser welcomed delegates to the second day of the conference and gave a brief overview of the previous day's proceedings. He suggested that industry learn lessons from elsewhere in the world, especially Chile and Australia, where a bottom-up approach with full stakeholder involvement exemplified best practice. He believed that the RACs are an excellent example of how to achieve involvement because they had buy-in from key stakeholders. Such an approach would enable a move in the right direction.

He said that it should not be forgotten that Natura 2000 sites were designed to meet conservation objectives, rather than to have a positive effect on fisheries. They are not fisheries management tools, nor are they designed specifically to enhance commercially important species. If their designation had this effect, then it would be a bonus rather than an intention.

He recounted that the framework informing the legislation applicable to the implementation of Natura 2000 sites was, with hindsight, inappropriate, but it was not practical to change this at such a late stage. He also noted that marine science systems, unlike terrestrial ones, are imperfect as there are many gaps in scientists' knowledge. However, science is improving all the time and Member States must do their best with the information available to meet the legal deadlines without excuse.

Evidence from the Rockall Bank conservation area was an excellent example of how to achieve such aims. He believes that it was sensible to integrate an option to review the protected areas after a period of time, e.g. five years, as new scientific and stakeholder information becomes available.

He said that socio-economics was critical to an understanding of the likelihood of a successful outcome of a designated area in terms of compliance and other secondary effects that may be more damaging. There was a need to understand the likelihood of fishermen complying with a designation, and only by understanding the socio-economic drivers could Member States predict what fishermen are likely to do and where they will want to fish. This is an area that must be taken into account if the overall conservation objectives are to be achieved.

Over the past few years there has been a gradual change of approach by all stakeholders and he believed that all were emerging into a more positive, thoughtful and pragmatic era which values common-sense decision-making. He was optimistic that the emerging Natura 2000 framework would help provide a platform for achieving sustainable use of the environment and its conservation objectives.

## Marine Protected Areas as a tool for fisheries management

Ernesto Penas, DG Fisheries and Maritime Affairs

Ernesto Penas spoke about MPAs as both an instrument for fisheries management and for the protection of biodiversity. In fisheries management they are used to protect juveniles and spawning aggregations, while biodiversity conservation is afforded through the protection of habitats and endangered species (Habitats Directive), and also specifically seabirds (Birds Directive).

The concept of MPAs was not new, and experience had already been gained in using MPAs as a management tool under the CFP. Examples included closed areas to protect cold-water coral *Lophelia pertusa* in the Azores, West of Ireland, and the Darwin Mounds, and closed areas to protect kittiwakes *Rissa tridactyla* from being endangered due to commercial sandeel fishing. MPA measures were also in place to protect sea-grass beds in the Mediterranean, to protect spawning and juvenile aggregations of cod in the North and Celtic seas, and to protect Southern Hake juveniles.

He explained that what has changed is that instead of looking at each measure on an isolated case-by-case basis the Commission now intended to implement a wave of proposals to comply with Natura 2000 requirements. Given the large number of proposals anticipated under Natura 2000, the old approach was no longer applicable, so a method of handling them in a fair and systematic way had to be developed.

The guidelines set out a four-stage process towards implementation, namely examination by scientific bodies, followed by consultation with stakeholders (RACs etc), then examination by control experts (Commission and the Member State concerned), and finally implementation in Community fisheries legislation.

Ernesto Penas said that he hoped to use this Edinburgh seminar to discuss the guidelines and to develop them. This was a new policy area for the Commission, which was used to taking the initiative, not waiting for Member States to take it. The onus for proposing MPAs is down to Member States, while developing the management system to conform to the CFP is the responsibility of the Commission.

He explained that calling for examination by scientific bodies such as ICES and STECF was not intended to be a duplication of effort, nor to call into question Member State science, but to provide peer review that would give international credibility. It would also concentrate on certain elements that, in the Commission's experience, were not developed sufficiently by Member States. In particular it would allow for the evaluation of closed areas on fishing, together with the types of activities that might be compatible with or, conversely, damage the species and habitats which the areas were designed to protect. These areas will be part of the whole picture of management of maritime areas and need to be assessed as part of that management system. By gaining an insight into activities that will be compatible with the conservation objective of the areas, it is possible that some fishing activity might be found to be acceptable.

What was important was to avoid case-by-case requests, as scientific bodies would have trouble following everything up. As the site proposals from Member States are submitted in 2008, the Commission intends to analyse them systematically in batches for given areas, and to encourage Member States to apply an integrated, coherent approach.

Examination by control experts was crucial for effective implementation. It would not be possible to call into question a Member State's request for protection, but it would be possible to query the size of the buffer zone needed to effect control. Large protected areas make control easier and cheaper, whilst small areas make it difficult and expensive. He suggested using VMS data to map out areas for protection that did not conflict greatly with fishing activity in the areas in question. Whilst ideal conditions would combine effective control with proportionality of the MPA, this was not always possible and Mr Penas mentioned the controversial exclusion of pelagic fishing by the Irish authorities in a proposed zone last year in order to facilitate control of the area.

He suggested that there are four possible areas where the RACs would be well placed to contribute to the process, but said they should feel free to make recommendations on any aspects. The four areas were, respectively: suggesting technical improvements; providing information on fleet activity; ensuring a level playing field by removing discrimination; and avoiding side effects by commenting on fishing effort displacement.

He believed that the RACs should concentrate their efforts on these specific aspects and not waste effort trying to duplicate science or other activity being undertaken elsewhere.

There was a need for all concerned to strike the correct balance in terms of meeting deadlines and allowing enough time for reviewers to consider the implications of the proposals. He mentioned the considerable criticism levelled at the Irish authorities for granting so little time for their pelagic proposals to be fully assessed before implementation.

In looking at how the proposals are implemented in the CFP, Mr Penas said that there are several possibilities. Using Commission emergency measures was not the correct option, but they can be used for unplanned, unforeseen circumstances. In this case, the implementation is only in force for 6 months at a time before it is reviewed.

It was normal procedure to integrate site proposals under Article 37 of the Treaty<sup>2</sup>, which includes a period of consultation before regulation by Parliament, but this process is cumbersome and slow and some of the proposals have taken more than two years, which is not effective. He mentioned that when the Treaty of Lisbon is ratified, then from 2009 this procedure will be subject to co-decision with the Parliament,

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<sup>2</sup> Article 37 of the Lisbon Treaty establishing the European Community provides that 'the Council shall, on a proposal from the Commission and after consulting the European Parliament, acting by a qualified majority, make regulations, issue directives, or take decisions, without prejudice to any recommendations it may also make'.



which will lengthen it considerably. All Member State proposals for Natura 2000 sites received this year will be treated under this regime, which is a concern.

If proposals are implemented under the TAC and quota regulations, as was done for the sites West of Ireland, Darwin Mounds and the Azores, the process is only provisional and must be renewed on an annual basis, which is not a satisfactory way forward.

Taking all the shortcomings in these other instruments into account, the proposed new Technical Measures regulation offers a fast-track mechanism for processing and adopting site proposals via a management committee of Member States, and it is hoped that such a procedure would speed up adoption of the Natura 2000 sites. The proposed regulation was due to be presented to and discussed with Member States within a few weeks of this (Edinburgh) meeting. We have to strike a balance between getting enforcement of the protection regime right and adopting sites fast enough to meet the requirements of the nature conservation Directives. It was possible that a 5-year revision term could be worked into the procedure to make it sufficiently flexible for Member States to adjust sites when necessary.

*Bertie Armstrong, representing Scottish fishers, said there was accord from the floor for appropriate implementation of Natura 2000 sites, but that many were horrified by the approach being taken by the Commission. MPAs were well defined and were not fisheries measures as he understood from the presentation. It was not right to close areas and then try to fit fishing around them – it may be an easier measure of control but was not helpful to fishermen. He mentioned the success at Rockall Bank, where careful inspection of scientific data allowed both conservation activities and fishing to occur in a carefully defined area, and he sought comfort that the approach would be similar in all cases.*

*Ernesto Penas replied that protection of sites is a matter of mixed (fisheries-environment) competence and the Commission can only say what fisheries measures are needed. MPAs were indeed not to be seen as fisheries management areas, but noted that some MPA-like measures have two types of objective. In this (Natura 2000) context, MPAs are intended for biodiversity protection but, in certain cases, fishing activities might be allowed. Establishing a site does not necessarily imply blanket protection; in the first offshore MPAs we adopted in the Azores, tuna fishing was not banned because it did not endanger biodiversity. He said the overriding factor was a strong need to strike a balance between excluding damaging activities and effectiveness of control.*

*Sean O'Donoghue, of the Pelagic RAC, spoke of his disappointment that pelagic fishing had been excluded from Irish areas because of the perception that it would endanger biodiversity despite evidence to the contrary. The Pelagic RAC thought that sufficient scientific and technical arguments had been developed in favour of pelagic fishing, and the RAC had received assurance from national bodies that it was perfectly possible to control pelagic fishing, but these views had been discounted. He asked that the decision to exclude pelagic fisheries be reconsidered by the Commission.*

*Nathalie Steins, Dutch Fish Board, thought that the process of implementation would take time to settle in and asked about procedures under Article 6<sup>3</sup> of the Habitats Directive – would those procedures apply only within the 12 mile zone, or beyond? The Dutch government was putting a management plan into effect in April 2008 and needed to know how to protect its areas from activities by other Member States. What would happen in the case of sites already in place that had management plans already up and running?*

*Stephanie Tachaires, of the South Western Waters RAC, asked how willing the Commission might be to incorporate changes of zone perimeter size, if the RACs made such boundary proposals, given that the Commission says it will not call into question the areas that Member States proposed.*

*Luc Corbusier, of the Belgian Foundation for Sustainable Fisheries, said that more attention should be given to socio-economic factors by Member States and the Commission, when judging Natura 2000 areas. These had been clearly identified in the UNESCO definition of marine spatial planning, which was what Natura 2000 would effectively achieve. “Marine Spatial Planning (MSP) = a process of analyzing and allocating parts of the three-dimensional marine environment to specific uses, to achieve ecological, economic, and social objectives that are usually specified through the political process. The process usually results in a comprehensive plan or vision for a marine region (Ehler & Douvère, UNESCO 2007)”.*

*In reply to Sean O’Donaghue, Ernesto Penas said that the Commission does not have a fixed position on whether or not pelagic fishing can be excluded from or included in an area. With reference to the West of Ireland, the Irish authorities argued in favour of exclusion and the control experts agreed with this position, even though it is accepted that pelagic fishing does not cause environmental harm. In effect, exclusion makes it easier to apply control.*

*In reply to Nathalie Steins, Mr Penas said that each application would have to be judged on a case-by-case basis. Where no historical rights to fish exist in the 6-12 mile zone, the case would seem straightforward. However, proposed areas straddling the boundary would be more complex to deal with.*

*In reply to Stephanie Tachaires, Mr Penas said it was correct that the Commission could not challenge the boundaries the Member State proposed; the Commission is the guardian of the Treaty and can help implementation of the Directives but will not interfere with a Member State’s ambition to protect an area. However, regarding RACs recommending changes to boundaries, it was their right to do so, particularly in regard to buffer zones that caused concern over control. Buffer zones may be invoked according to the modalities of control, and this may be subject to revision.*

*On Luc Corbusier’s socio-economic question, he said that when considering in Council whether to include or exclude fishing activity in an area, socio-economic factors are taken into account, along with the effectiveness of control.*

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<sup>3</sup> Article 6 states that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.

## **Environmentally Sound Fisheries Management in Protected Areas (the EMPAS project)**

Søren Anker Pedersen, EMPAS Coordinator, ICES

Søren Anker Pedersen explained that EMPAS is a 3-year ICES research project with the main aim to develop fisheries management plans for each of ten Natura 2000 sites proposed in German offshore waters in the North and Baltic Seas. The plans were to be based on a conflict analysis between Natura 2000 objectives and the fisheries. It was coordinated by ICES in collaboration with the German Federal Agency for Nature Conservation (BfN), and funded by the German Ministry for Environment, Nature Conservation and Nuclear Safety (BMU).

The project, which began in 2006 and was due to finish later this year (2008), was based around a series of three workshops – one per year. Additional science-based expertise/ information was sought from ICES expert working groups, including the WG on Marine Mammal Ecology, the WG on Seabird Ecology, and the WG on Ecosystem Effects of Fisheries; these were seen important contributors to the process.

He explained that a book had been published in 2006 with a full description of the process and scientific basis which led to the nomination of the ten sites. Additional information is also available on a website: [www.habitatmarenatura2000.de](http://www.habitatmarenatura2000.de). The overall objective of the Natura 2000 network of protected sites on land and in the sea is to halt biodiversity loss by 2010.

A major part of the EMPAS project is to analyse conflicts between fishing activities and protected habitats and species in the Natura 2000 sites. These may have direct effects through by-catch of protected fish species, invertebrates, seals, whales, and seabirds, or by impact of bottom contact gear on the typical fauna and flora of protected habitats which are reefs and sandbanks in the German EEZ of the North and Baltic Seas. They may also cause indirect effects by disturbing the balance of food resources of protected species.

Søren cited examples of the protected reefs and sandbanks in the Pomeranian Bay and on the Adler Ground in the Baltic Sea. He explained that the project had gathered information about the distribution of habitats and species by using, for example, aerial surveys to investigate the density of seabirds, which were then overlaid with data on the distribution of fishing activities, mainly fishing effort calculated from VMS data alongside with local fisheries information. As an example for such a conflict he showed an area over Adler Ground where fishing grounds for set-nets overlap with feeding grounds of wintering seabirds i.e. Long-tailed ducks.

Areas used for mussel dredging and gill-net fisheries had also been examined as these fisheries would potentially impact seabirds by removing their food and by taking them as by-catch. The project found, for example, that conservation of the Long-tailed

duck, *Clangula hyemalis*, conflicted with the needs of gill-net fisheries and mussel fishing.

A systematic approach was taken with all types of fisheries and all species to identify potential conflicts, and fishermen were contributing significantly to the studies. In particular Danish fishermen had been very helpful.

All the information is plotted onto charts and checked against VMS data from countries using the fishing grounds, to see where their interests overlap with that of the conservation aim. All VMS data from fishing vessels in the German EEZ in 2006 has been analysed. A substantial overlap between VMS data and Natura 2000 sites has been found. In the North Sea, the analysis showed a potential conflict between bottom trawling the Natura 2000 protected the habitat types “sandbanks” and “reefs”.

To sum up, for each of the ten sites, the project is looking very closely at local fishing activity and effort, and the development of management proposals are the subject of the final EMPAS workshop to take place 2-4 June 2008. More information, including workshop and interim reports, is available from the EMPAS project web-page: [www.ices.dk/projects/empas.asp](http://www.ices.dk/projects/empas.asp)

*Marc Gighlia, of the Pelagic RAC, commented that it appeared Germany was going for fine management of fisheries activity and wondered if offshore areas were ready for such an approach or if it was even workable. He asked if the Commission could tell us if they intended to deal with all proposed offshore Natura 2000 areas at the same level of detail as we had just heard for the German EEZ.*

*Ernesto Penas said that the process was not simple; many factors had to be taken into account, and these would differ depending on the size of the site, the features to protect, activities in each proposed area, the level of scientific data readily available, and ease of control.*

*Peter Breckling, of the German Fishermen’s Association, said that whilst there might be conflicts over use of an area, the outcome depended on the conservation status of the habitats in question. If the conservation status was good, then there should be no conflict and no management measures needed. Also, it did not necessarily mean that there would be conflict because there was a lot of fishing in an area – there needed to be clear, scientific evidence of a threat. Based on Dutch experience of the need to apply appropriate assessment, he wondered about the need for impact assessments in imposing regulation, and queried whether they would be needed if an effective management plan was put into place. He said that German fishermen had been worried about taking part in the Natura 2000 process, and were fearful that it was a ruse to ban them from particular areas, but the reality had been that dialogue was constructive.*

*Nathalie Steins added that, from the perspective of the Dutch Fisheries Board, she had found, after initial fears, the EMPAS project to be very constructive.*

*Claire Eno, Countryside Council for Wales, said that from their experience of establishing inshore SACs, it takes a while to draw up an effective management plan for each area, but once it is in place, then activities within that area became a test*

case. If they are found to have no significant effect, then no further assessment should be needed.

*Christian Pusch, of the German Federal Agency for Nature Conservation (BfN) coordinating the EMPAS project, said that due to a recent change in the German nature conservation law, it was unclear whether there is a need for an impact assessment of fishing activities or not, but he suggested it would be an improvement to have a standardized procedure in the future to measure fisheries impacts on habitats and species. He asked the Commission whether, given that they had said they would be approaching Natura 2000 management on a regional basis, Germany would have to wait until all Member States had worked up their options for management measures before Germany's proposals in the North and Baltic Sea could be discussed. He pointed out that Germany's proposals would be ready this year.*

*Reinhard Priebe, EU Commission, said that it would not be good to go at the pace of the slowest but at present it was not really known how this would be approached.*

*Replying to a point raised by Peter Breckling, Fotios Papoulias, EU Commission, stated that impact assessments would not be required if management plans for a protected area were drawn up that identified the various impacts on and threats to the area, and if measures to ensure good management were subsequently put into place. The assessment should be carried out at the planning stage, and should not apply to each and every fishing licence but he would prefer to speak to the EU's legal service section before giving a proper reply. He believed that the German approach was very good and hoped it might be extended to other Member States.*

## **The Atlantic Region Transnational MPA Project**

Olivier Abellard, Agence des Aires Marines Protégées

Olivier Abellard explained that he was from a new national agency created in 2006 to work on Marine Protected Areas in French waters and in French overseas territories. Funded by the French Ministry of Environment, the agency aimed to support public policies for MPAs, and to contribute actively to the protection of ecosystems, the sustainable development of human activities at sea, and the introduction of integrated coastal zone management.

France was on target to finish adapting Natura 2000 to the sea by June 2008, to create ten marine nature parks covering large areas by 2012, and had already developed a coastal zone strategy that takes seabirds into account. Four full-time people will be employed over the next 2 years to put pilot schemes into operation in four zones, and these will result in a draft management plan being created within two years.

He described the various types of MPAs set up in France that take into account the different activities that occur around the Atlantic and English Channel coasts. The first marine park was set up in Brittany in 2007 and covers more than 2000 sq miles. Its boundaries are currently considered temporary and flexible for a trial period. It is expected that marine parks will cover some 30-40% of French territorial waters and in

Western France some are expected to extend beyond the 12 mile limit, although it is not proposed to define offshore sites at present.

Olivier said that discussions about the parks involve all stakeholders and he believed that RACs should play a big part in this process.

He said that France was also involved in a proposal for a new project – an MPA Cooperation Programme in the North East Atlantic – and that more partners were sought. The project aimed to develop a coherent, integrated management approach to the area that meets the international commitment of Natura 2000 and OSPAR, and to make better connections between scientific, stakeholder and national authority interests. He said that scientific knowledge of the area is not as developed as it could be, and that input from and tie-in with several scientific projects was under consideration.

France is in discussion with the UK, Spain and Portugal over the funding of such a major project and it was hoped that it might result in a network of Atlantic MPAs that would facilitate discussion on common issues to find common solutions.

He believed that the RACs were a good place to exchange information about fisheries and marine environmental policies issues, to discuss the fisheries management implications of MPAs, and to validate each step of the designation process. He asked what the inter-RAC point of view was on this three year program project.

*Jean-Pierre Plormel, the Chair of the traditional fisheries working group of the South Western Waters RAC, found the presentation interesting but did not agree with the level of consultation with fishermen implied by Olivier Abellard. He said this was an area of concern to the 8,000 fishermen he represented. He had a number of issues with the project, not least the lack of participation of local fishing communities and felt this was vital as far as small scale or coastal fishing is concerned. He said that no step could be taken towards achieving sustainable fishing unless fishing communities were fully onboard, and convinced that any measures would be good for the environment and the industry. There are 30,000 boats in the coastal area in France and their livelihoods could be severely affected by restrictions implied by marine parks; fishermen needed to be fully involved in the decision making. The RACs could be a useful platform to facilitate discussions on this matter.*

*Delphine Roncin, CRPM Nord, believed that the whole process sounded too complex and not easily understood by vessel owners and was concerned that the network of MPAs would be state-led. For fishermen, the new designations were taking them further into uncharted territory.*

*Reinhard Priebe, of the EU Commission, gave the Commission's overview on what he had heard over the past two days. He said that there was an overriding need to protect marine areas for the environment and all proposals under Natura 2000 must be presented by Member States by 1<sup>st</sup> September 2008. The process was not perfect, as it was originally designed for use on land, and everyone must live with the imperfections. However, the Commission had established comprehensive guidelines, [www.ec.europa.eu/environment/nature/natura2000/marine/index\\_en.htm](http://www.ec.europa.eu/environment/nature/natura2000/marine/index_en.htm) . for the*

*protection of marine zones and a great deal of information was available on the website.*

*He believed that a regional approach by Member States was the right one, as marine areas are regional rather than national. There appeared to be a broad feeling of lack of transparency in fisheries, especially related to socio-economic factors, so consultation at an early stage was recommended. Encouraging and facilitating this was perhaps a role for the RACs. The CFP must not stand in the way of implementing Natura 2000, nor question the delimitations recommended by Member States. And while the science is not always perfect, it should not be used to argue fine-tuning issues, nor to delay implementation.*

*He said that the role of the RACs was important in helping to design appropriate measures and provide advice, though in doing this they should be aware of the time constraints. They must communicate to members that the MPAs are designed to protect the environment, not to keep fishermen out of their zones. Conserving the environment and maintaining fisheries should be mutually complementary, so the RACs could convince the industry of the usefulness of MPAs. Once areas were up and running, the issue would change to one of control; we should not make measures we cannot control. He was pleased to find at this conference that there appeared to be a general climate of RACs wanting to work together with the Commission and Member States to help with fishery policy measures.*

*On the Irish decision, he said that had caused considerable doubt, suspicion and mistrust about the process. The decision to ban pelagic fishing had been a political one taken by the Member State and, as it was Natura 2000 business, it was not appropriate for the Commission to interfere, although this had been a difficult decision.*

*Peter Breckling explained that when terrestrial designations had first been made, there had been a promise to farmers that every user could continue to operate in the same way as before the process started. However, scientists had since shown that some activities needed to be changed to fit in with conservation activities, and farmers had become disillusioned. Would this happen with marine sites too?*

*He also believed that the RACs should make a statement on the avoidance of effort displacement. With 30% of the German EEZ likely to be within MPAs, he could not see how the inevitable displacement of effort could be achieved without scrapping vessels.*

*Michael Anderson, of the Danish Fishermen's Organisation, agreed that the challenge for the RACs was to convince industry that MPAs were a positive measure. On the issue of control, it was unhelpful and offensive to hear statements like 'easier to control if the area is larger'. The regulations should be prudent and in line with what we want to achieve; creating big areas to facilitate control shouldn't be a driver.*

*Mark Tasker pointed out that on the issue of control, Member States need to be aware of the need for biological monitoring as well as effort control. Monitoring of site features is often lacking and this needs to be in place and built in early on. There was also a question of which activities might be allowed within an MPA. For example, on*

*sandbanks, might fishing be disallowed but drilling for oil sanctioned? Such a situation would be farcical and he asked whether the RACs could invite stakeholders to a discussion on this issue.*

*Mark was pleased to hear that the Commission does not want to use emergency measures to implement the Natura 2000 proposals but pointed out that whatever mechanism is used, once a proposal was received, delays were not acceptable.*

*Replying to Peter Breckling, Ernesto Penas said that RACs are best placed to comment on what is happening in an area as they can consult widely. The RACs are also well placed to advise on effort displacement threats. He hoped that scrapping of the fleet would not be a consequence of implementing Natura 2000, but this would depend on how many sites a Member State designated. He agreed with Michael Anderson that the regulations needed to be prudent and to strike a right balance on size, and the RACs were important in helping to achieve this.*

*In reply to Mark Tasker, he said emergency measures were there only to take care of unforeseen scenarios and to resolve problems in the short term. It was not easy to convince lawyers of the need to introduce emergency measures to deal with issues the Member State should have dealt with previously. Also, emergency measures are at odds with the stakeholder consultation procedure that should be an integral part of implementation.*

*Reinhard Priebe pointed out that there was close coordination in the Commission between environment and fisheries people when dealing with MPAs. He said that control measures were designed to prevent people getting into trouble and were important.*

*Fotios Papoulias said in reply to Peter Breckling that whilst it was widely believed that Natura 2000 was sold to farmers on the basis that there would be no changes, it had always been the case that nothing is allowed unless it is compatible with the environmental objectives and all activities within such areas needed to be assessed carefully. Article 6 of the Habitats Directive explains what needs to be done and what activities need to undergo a permit process. These provisions also apply in the marine habitat to activities such as gravel extraction.*

*Lorcan O'Ceinnede, representing Irish fishers, said that whilst there was apparent acceptance of MPAs as a concept, there was considerable disquiet about their use as a tool for conservation of the environment. Today's discussions had thrown up the complexity of the dichotomy in relation to the process of selection criteria, decision-making levels and the management process. He believed it would be valuable if the processes could be better clarified.*

*Hazel Curtis, Seafish, asked Ernesto Penas whether he really meant to say that socio-economic considerations did not lend themselves to a scientific approach, given that fisheries economists certainly conduct their work in a scientific manner.*

*Mike Parry, of the Welsh Federation of Fisheries Associations, wondered if there would be a level playing field in terms of impact assessments as offshore science is expensive. He asked if the Commission could review the timescale it had laid down*



*for the proposal and designation process, to ensure that enough time was given for all Member States to make carefully considered decisions. A review of operational sites should also be built into the process.*

*Replying to Hazel Curtis, Ernesto Penas confirmed that he did mean that and commented further that the science of fisheries economics lags behind biological science in being able to answer questions and in terms of readily available data. Economics does not have traditional established methods, and social science is even further behind. If one looks at how to protect a coral bed from a biological point of view, it is straightforward - everything that impacts on it must be banned. However, if economics and socio-economics are added into the picture, then the multiplicity effect makes the issue vastly more complex and the data may not exist. The socio-economic side is not so easy to address.*

*He agreed that a facility to review sites and look at their operational performance after a period of time was needed, due to the current level of scientific uncertainty and gaps in knowledge. However, this can only be undertaken if data collection is put in place within well defined matrices and timelines. This is an area where RACs can be important, particularly in collecting socio-economic data and looking at the effectiveness of management.*

## **Summing-up**

Euan Dunn, Chair of the Spatial Planning Working Group of the North Sea RAC

In drawing the meeting towards a conclusion, Euan Dunn thought the discussions had been extremely valuable in highlighting areas where the RACs could be useful in the Natura 2000 process. We were all on a steep learning curve; he wondered how many people here had known about the offshore Natura 2000 guidelines, for example.

He listed a number of points where the RACs could be proactive. The first of these was the issue of consultation. We had heard in the meeting that the RACs cannot look to the Commission or to Member States to give us the big picture of where the proposed site network will be located. We had heard from Fotios Papoulias about the Marine Bio-geographical Seminar at which there would be an overall assessment at regional sea level and potential revision of Community lists to achieve coherence. This was obviously a key stage in the process but Euan was concerned that this was taking place at an advanced stage and the RACs needed time to do as much advanced thinking as possible. It will be equally difficult for anyone outside the RACs to build up a picture until September, when the proposals will be in and the picture made clearer.

One area of responsibility the RACs could take was to write to the Ministries of Member States, urging them to come forward with and consult on proposals for sites, as the UK has done. They should also ask that RACs are given advance notice of the likely position of new sites. He noted that these future tranches of sites are not just

coming forward for no good reason: the first sites to be proposed are those where information exists, but where this is lacking the process to propose others takes longer, and better dialogue with the RACs could help to facilitate that process.

The second area where the RACs could be proactive was assistance with mapping areas of fishing activity and provision of VMS data. The North Sea RAC had already facilitated this for the North Sea. Euan said he valued Nathalie Stein's intervention about the constructive engagement of the Dutch Fish Board with the EMPAS project. He said that the NSRAC experience had been that the industry was originally wary about providing spatial information on fishing activity for fear it might be used against them and accelerate MPA designation. He thought this fear was unfounded but that it would be even worse if the fishermen did not participate and if everything was decided for them by others. So it was better to be proactive – unless we know where fishing happens, we can't deal with pressures on fishing space, whether from MPAs, wind-farms or anything else.

Thirdly, the RACs could be proactive by ensuring they responded to the forthcoming proposal on the new Technical Measures Regulation as the mechanism for fast-tracking site proposals. The RACs also needed to put the MPA issue itself on their agenda. The NSRAC was fortunate to have a Spatial Planning Working Group to address this, and admittedly it was not that easy to replicate this model in some of the other RACs. But the RACs had, in his view, given insufficient attention to the ecosystem approach to fisheries in general, and this needed to change, as this meeting was showing. The NGOs had a particular role to play in fostering this approach, and ensuring that the nature conservation Directives were implemented. For example, Euan's own organisation, BirdLife International, was acutely aware that while progress was being made on implementing the Habitats Directive, most Member States still had to implement the Birds Directive offshore.

Lastly, he highlighted the fact that, in addressing complex issues such as MPAs, the RACs lacked the necessary resources for translating knowledge into policy. ICES cannot fulfil this role and certainly cannot address socio-economic issues. Dedicated funding to the RACs is needed from the Commission to address this need.

## **Rapporteur's Comments**

### **Tony Hawkins, the North Sea Regional Advisory Council**

Tony Hawkins thanked Euan for conceiving the idea of the seminar and for bringing everyone together. He believed that the seminar had given all concerned a better appreciation of the problems facing Member States, which were obliged as a result of a court ruling to come forward with proposals for offshore areas, and the Commission which had to consider the designated areas and then take responsibility for regulating fishing within them. Effectively, policy was being decided on the hoof.

There was always going to be a problem integrating environmental legislation, which was created before stakeholder involvement became fashionable, with fisheries legislation, where the participation of fishers and other interests was seen as absolutely crucial. The difficulty of merging different interests was becoming more apparent as the implementation stage for Marine Protected Areas was being reached.

It was important to control activities that might harm the environment, but this could only be achieved successfully if all those affected by the proposals were able to play a full part and were given the opportunity to become involved.

There was a problem over a lack of science because obtaining sufficient data for offshore sites was difficult and very expensive. The question of displacement of effort needed input from fishermen, as did the issue of control. However, consultation was often problematical. Some Member States were reluctant to involve marine users perhaps feeling their input would be inappropriate; while others thought stakeholder participation was vital. Consultation was required sooner rather than later, as was shown with the Rockall Bank conservation area, where fishermen were involved in negotiations at an early stage.

Natura 2000 had been designed for terrestrial and inshore sites, and the court decision in 1999 to include offshore waters had undoubtedly brought problems, although there was a view that the process could not now be changed. An even bigger problem was the lack of global vision. There was no overall strategy for putting forward marine sites. Designation was being left to individual Member States. Some were enthusiastic but others were not, and this was bound to lead to inconsistencies. A more coherent approach was needed, particularly in offshore North Atlantic waters. There were many areas where Member States needed to get together to propose a network of MPAs. The seminar had made it clear that there must be better collaboration. It had certainly demonstrated the importance of the RACs in bringing stakeholders together to discuss management issues. However, if the RACs were to play a greater role in the Natura 2000 process, then there was a clear need for additional funding. RACs were created to play a long-term strategic role in fisheries management. It was difficult for them to provide advice in the short-term one, as they operated through consensus. Tony Hawkins concluded that the wish to place additional responsibilities on the RACs was a clear measure of their success. We had to wonder how we could ever manage without them!

*In conclusion, Euan Dunn thanked Mike Kaiser and Bertie Armstrong for chairing the two sessions; all the speakers; the rapporteurs Tony Hawkins and Nicki Holmyard; Mark Ruskell for organising the arrangements at the Scottish Parliament including the evening reception; Roseanna Cunningham MSP Convener of the Rural Affairs and Environment Committee of the Scottish Parliament for hosting and speaking at the reception; the interpreters for an excellent job; Ann Bell of the NSRAC, Patricia Comiskey of the NWWRAC for leading on communication and much else behind the scenes; the Secretariats of all the other RACs for their assistance in facilitating the seminar, and finally the staff of the Scottish Parliament for their assistance.*

## Appendix

### ATTENDEES

Name	Organisation
Ann Bell	North Sea RAC
Audrey Jones	Natural England
Aukje Coers	Pelagic RAC
Benoit Guerin	South Western Waters RAC
Bertie Armstrong	Scottish Fishermen's Federation
Bill Turrell	FRS
Borja Velasco Tuduri	Member State Representative Spain
Charlotte Johnston	JNCC (UK)
Christian Pusch	BfN
Claire Laspougeas	North Western Waters RAC
Clara Fernandez Fernandez	Long Distance RAC
Clara Hennissart	Mediterranean RAC
Clare Eno	Countryside Council for Wales
Cora Markensteijn	North Sea RAC
Dave Donnan	Scottish Natural Heritage
David Mallon	Scottish Government
Delphin Roncin	North Sea RAC
Ditte Degnbol	IFM
Eamon Murphy	Scottish Government
Ernesto Penas-Lado	EU Commission
Euan Dunn	RSPB/BirdLife International
Fotios Papoulias	EU Commission
Frank Strang	Scottish Government
Giles Bartlett	World Wildlife Fund
Hazel Curtis	SeaFish
Heino Fock	German Institute of Sea Fisheries
Helen McLachlan	Pelagic RAC
Henrik S Lund	North Sea RAC
Hugo Andersson	North Sea RAC
Ian Gatt	Scottish Fishermen's Federation
Jean-Pierre Plormel	South Western Waters RAC
Jenny Brough	Scottish Government
Jesús Lourido	North Western Waters RAC
John Crudden	Pelagic RAC
José Beltran	Pelagic RAC
Joyce Walker	North Sea RAC
Karen Dijkstra	Member State Representative Netherlands
Konstantinos Kalamantis	Pelagic RAC
Lindsay Harris	Member State Representative UK
Lorcan O'Ceinnede	North Western Waters RAC
Louise Cunningham	Scottish Government
Luc Corbisier	North Sea RAC
Marc Gighlia	Pelagic RAC
Mark Duffy	Natural England
Mark Ruskell	Royal Society for the Protection of Birds
Mark Tasker	ICES/JNCC
Mercedes Rodríguez Moreda	OPP-07-LUGO/South Western Waters RAC

Michael Andersen	North Sea RAC
Michael Park	SWFPA
Michael Walsh	North Western Waters RAC
Michel Kaiser	Bangor University
Mike Parry	North Western Waters RAC
Nathalie Steins	North Sea RAC
Nicki Holmyard	Rapporteur
Olivier Abellard	French MPA agency
Patricia Comiskey	NWWRAC Secretariat
Peter Breckling	North Sea RAC
Phil Alcock	Scottish Government
Reinhard Priebe	EU Commission
Rob Blyth-Skyrme	Natural England
Sabine Christainsen	North Western Waters RAC
Sancia van der Meij	Pelagic RAC
Sean O'Donoghue	Pelagic RAC
Søren Anker Pedersen	ICES
Stéphanie Tachoures	South Western Waters RAC
Tobias Kern-Jespersen	Baltic Sea RAC
Tom Hooper	Finding Sanctuary
Tony Hawkins	Rapporteur
Vanessa Stelzenmuller	CEFAS
Wim de Boer	North Western Waters RAC
Xoan Lopez	South Western Waters RAC
Yves Foezon	South Western Waters RAC