Legal framework for EU marine protected areas

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This presentation will cover:

1. The international context
2. Relevant EU legislation
3. Management measures
4. Art 11 of the CFP
5. Member State specific environmental/conservation legislation related to MPAs
For those of you who don’t know us -

• ClientEarth is a non-profit environmental law organisation

• We use law, science and policy to tackle key environmental challenges

• We work on climate change, energy, environmental justice, biodiversity (including fisheries), forests and human health
The International Context

- OSPAR Convention – ecologically coherent network of MPAs by 2012
- Convention on Biological Diversity’s Aichi Biodiversity Targets includes protecting 10% of coastal and marine areas by 2020
- Convention on Wetlands of International Importance (RAMSAR)
Relevant EU legislation

- Birds Directive (SPAs)
- Habitats Directive (SACs)
  - Annex 1 → habitats
  - Annex 2 → species
  - ‘coherent and representative networks of MPAs by 2016 at the latest’

“Natura 2000 network”
Habitats Directive – Article 6

- Prevention (Art. 6(2))
- Procedural safeguards for plans and projects (Art 6(3))
- Possible derogation: reasons of overriding public interest (Art 6(4))
EU environmental law & Art 11 of the CFP

- Relates to conservation measures required under:
  - Art 6 of the Habitats Directive
  - Art 4 of the Birds Directive
  - Art 13(4) of the MSFD

- Measures must meet objectives of HD/BD/MSFD (as relevant) and CFP, and abide by TFEU:
  - Consistency between EU policy (Art 7)
  - Integration principle (Art 11)
  - Precautionary principle (Art 191(2))
EU environmental law & Art 11 of the CFP

iMS identify necessary conservation measures

If the conservation measure is urgent (at any point)

iMS can adopt measures domestically

If other MS affected -

Commission passes necessary measure(s) through delegated act or Comm Decision (initially for 12 months, can be extended for 12 more months)

Is it likely to affect other MS w/ a DMI?

No

iMS adopts measures (BAU)

Yes/maybe

iMS gives “relevant info” to the Commission and MS w/ DMI

MS decide to pursue JR

MS do **not** pursue JR

Begin co-legislative procedure

JR **not** submitted within 6 months, or incompatible with objectives

JR agreed and submitted within 6 months **and** is compatible with objectives

JR not submitted within 6 months, or incompatible with objectives

Commission passes delegated act
Thank you

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