



## **REPORT**

### **Horizontal Working Group Marine Spatial Planning (MSP) BEC Bilbao, 14<sup>th</sup> April 2011**

**14:00 – 16:30 h**

Chair: Iwan Ball

Rapporteur: Alexandre Rodríguez

#### **1. Welcome**

##### **- Presentation of speakers and participants**

The Chairman welcomed all attendees and opened the meeting with a round of presentations.

The list of members and observers attending this meeting can be found in Annex I.

##### **- Adoption of the agenda**

The Chairman reported the attendees that point 3 “*Interface between Marine Spatial Planning and Fisheries Policy*” had been removed due to the absence of the appointed speakers. The Secretariat contacted with Martin Pastoors and Luc Van Hoof from IMARES (Netherlands), as well as from Marine Institute (Ireland) to provide a presentation on the links and interactions between MSP and ecosystem based approach to fisheries management. Unfortunately, none of them were available for that date due to previous commitments acquired. However, they all showed a high interest in being informed about the outcomes of the meeting and participate in future ones if happening.

The agenda was therefore adopted with the removal of point 3.

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- Adoption of the report of the last meeting (Madrid, 4<sup>th</sup> of March 2010):

The meeting report from the previous meeting was approved and adopted with no further comments or changes.

- Setting the Scene by the Chair, Dr. Iwan Ball

The Chair provided an outline of the structure of the workshop. An overview of marine spatial planning (MSP) was also provided along with some thoughts on what do we want to achieve and where the RAC could provide relevant advice. The Chair's presentation is available in the NWWRAC website.

The purpose of this meeting was that participants:

- are better informed of the development of marine spatial planning initiatives at the European level and how they can effectively engage in the process
- understand the relevance of marine spatial planning to their sector's activities and the potential impacts, benefits and opportunities it presents
- have the opportunity to express their views on the marine spatial planning process directly to the Commission
- success to identify ways in which the NWWRAC can add value to the process or facilitate engagement with the fishing sector

Some form of a comprehensive MSP will be introduced in EU waters sooner rather than later. This is a result of the requirement of achieving a "good environmental status" for marine ecosystems in 2020 as stated in the Marine Strategy Framework Directive. However, this is still an open process and the stakeholders influence to shape the MSP and reflect their concerns remains still an opportunity.

The MSP should not serve as a plan merely designed to set Marine Protected Areas. It has a lot more to offer in the setting of biological and socio-economic objectives. One of the main challenges that stakeholders must confront is the existing multiplicity and number of MPA initiatives being currently developed in several Member States can create sometimes some confusion. All stakeholders should be treated on equal foot.

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Although there are several definitions of MSP and a multiplicity of legal and policy drivers, there is a common understanding on what MSP needs to be:

- Ecosystem-based but it can only manage human activities
- Integrated
- Area-based
- Adaptive
- Strategic and anticipatory
- Participatory, allowing stakeholders to be actively involved in the process

There is indeed an increasing concern on the public opinion/civil society about climate change and impacts of maritime activities in the ecosystems.

Taken into account all of the above, fishing industry must learn to deal with uncertainty and anticipate their needs and identify areas of high and low priority for fishing pressure. A combination of measures for spatial approach to fisheries management (i.e. development of fisheries related objectives for MSP) seems to be the key to find tailored solutions.

A quick round of preliminary questions was opened.

The Commission was asked about the planning and timing in terms of producing a proposal of legislation and to provide detailed explanations on the public consultation recently launched including a questionnaire on Marine Spatial Planning (MSP) and Integrated Coastal Zone Management (ICZM).

A reflection about the social benefits of the MSFD and the role of the RACs in the MSP framework were made from the floor. The MSFD cites the RACs as advisory body and forum for stakeholder input to be translated into the development of indicators. It was agreed that a clear link should be established with the process of CFP reform and the regionalised architecture foreseen.

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## 2. Maritime Spatial Planning in the EU – Presentation by European Commission

Hermienn Busschbach from DG MARE provided a presentation on the EU policy process and the roadmap on Maritime Spatial Planning. The presentation is available in the NWWRAC website.

Regarding the EU policy process, the speaker highlighted the ten key principles on MSP (being the overarching one the ecosystem approach):

1. Using MSP according to area and type of activity
2. Defining objectives to guide MSP
3. Developing MSP in a transparent manner
4. Stakeholder participation
5. Coordination within Member States – simplifying decision processes
6. Ensuring the legal effect of national MSP
7. Cross-border cooperation and consultation
8. Incorporating monitoring and evaluation in the planning process
9. Achieving coherence between terrestrial and maritime spatial planning
10. Strong data and knowledge base

The speaker announced that a progress report was published last November for MSP and it is been available online on DG MARE website<sup>1</sup>

Concerning the public Consultation on Impact Assessments, the speaker explained that the DG MARE has recently launched an online questionnaire to collect background information for the Impact Assessment which the Commission launched in December 2010 on options for action on MSP and ICZM. The survey is anonymous and can be fulfilled by any interested parties by the 20<sup>th</sup> of May. The aim of the consultation is to gather stakeholder feedback about the status and future of both MSP and ICZM in the EU, and to assess where further action would be most useful.

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<sup>1</sup> [http://ec.europa.eu/maritimeaffairs/policy\\_documents\\_en.html](http://ec.europa.eu/maritimeaffairs/policy_documents_en.html)



The information gathered through this consultation will be used as part of an impact assessment and may be used to prepare draft proposals on Maritime Spatial Planning and/or Integrated Coastal Zone Management.

The Commission's representative ended her presentation informing that further studies under consideration include a cross-border cooperation project in the Celtic Sea.

*The Chair thanked the speaker and opened the floor to questions and discussion.*

Iwan Ball asked if there was any directive or legislation in the pipeline.

Thomas Bryan-Brown asked about the interactions of MSP with the CFP reform and the national initiatives on Marine Conservation Zones. He asked if there is a review period for assessing if the legal framework of MSP in place is adequate and projects are working;

Sean O'Donoghue stated that the extent of the MSFD was somehow confusing in the context of CFP. He asked to clarify what is the balance of powers, and if Member States have any competence or influence in shaping and adopting fisheries measures if MSP has to be implemented at national level. We need to know who has the ultimate decision power.

Alexandre Rodríguez agreed with Sean that more information is needed on the interactions between the Integrated Maritime Policy and the Common Fisheries Policy in the EU. In this respect, he brought to the attention of the members a presentation from Dr. Poul Dengbol (ICES Head of Advisory Services) that might provide clarity in understanding the links and differences between them. The clear link being the ecosystem based approach; and the key difference is that while competencies on IMP legislation are shared between the Community institutions and the Member States, the CFP is an exclusive competence of the EU.

Delphine Roncin showed concern on the fact that the CFP does not provide/offer legal certainty nor visibility about the scope of management measures as a result of the MSP rules that will come along. The fishing industry has understood the challenges and already cooperated and participated in several consultations, but still there is a shade of doubt about how the outcomes are to going to affect their activity.

Emiel Brouckaert reminded that the Belgian EEZ have set up specific areas taking into account contributions from fishing industry.

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Barrie Deas showed concern on the displacement of effort that the implementation of the sectoral legislation combined with the designation of sites as a result of Natura 2000 network could create. He suggested following the example of American fisheries and investing more time to reflect before adopting any broad-brush measure.

In reply to the queries posed by the members, the Commission's representative informed that the DG MARE has not taken a decision yet concerning timetable of future legislation. The current consultation on IA might be used for different options. It is the national competence of Member States to discuss on Marine Spatial Planning

Ms. Busschbach replied that current technological developments should play in favour of a better knowledge of fisheries and fishing grounds. That the fishing activities are only one part of the maritime users and space is limited; and that it is up to Member States and national governments to adopt sensible measures to minimise socio-economic impacts while fulfilling its conservation obligations resulting from the MSFD.

The Commission's representative stated as final remark that fishing activities are not specifically planned unless there is a box or site on specific areas where fisheries are expressly not allowed.

**Action:** The Secretariat will upload Mr. Dengbol's presentation at the meeting site<sup>2</sup>.

**Action:** The Secretariat will seek clarification about who has the ultimate responsibility in the decision-making process for setting MSP priorities.

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<sup>2</sup> This presentation was given at a MEFEPO Stakeholders Forum in Dublin (November 2010) and, by request of the NWWRAC Secretariat, at the MIRAC meeting held in Copenhagen (January 2011).



### 3. Update on the UK MPA Network – Presentation by JNCC

Johnny Murt (JNCC liaison officer with Stakeholders) provided a detailed presentation on the MCZ designation process and the ongoing projects in UK waters. A diagram with the international and European legal obligations to develop an ecologically coherent network of sites was displayed to illustrate the legal basis of the UK MPA.

In terms of timetable, JNCC is running now on the third iteration. A public consultation is expected to be launched in 2012, and the designation of sites should be completed by the end of that year.

Specific explanations were given to the projects “Finding Sanctuary”, “Balanced Seas” and “Irish Sea Marine Conservation Zones”, with an enumeration of upcoming meetings where the participation of stakeholders is expected / encouraged.

It is worthy to note here that socio-economic considerations might be taken into account in these projects for the designation of sites; and that impact assessments will be carried out for each individual MCZ if designated.

Amy Ridgeway (JNCC officer) made a presentation on Natura 2000 sites. There are a total of 94 marine SACs and 107 SPAs with marine components (being only 3 of these entirely marines). She explained the areas actually being under search for SACs and the potential candidate areas already identified.

Some candidate SACs highlighted under study:

- Wight-Barfleur
- Pisces Reef Complex
- Crocker Carbonate Slabs

Furthermore, there will be a 12 week public offshore consultation in summer 2011 on scientific justification for sites and boundaries; and on impact assessment (including the socio-economic effects on site designation for UK economy only, legal requirement under national law). A letter will be sent to the NWWRAC inviting to participate in this process. Additionally, colleagues from DEFRA and Marine Scotland will be happy to make a presentation on the MCZ projects for Scottish and Welsh waters.

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The Chair thanked the speakers and opened the floor to questions and discussion.

Hugo González asked what was the overall extension of MPAs and if there was a minimum target. He also wondered if it would be possible to find an adequate balance to allow the fishing activity continuing in future.

Sean O'Donoghue asked who would be the competent authority (UK Government or the EU) to set the terms of reference of the impact assessment and the addressees of the consultation.

Emiel Brouckaert suggested that JNCC worked on putting the proposed management measures in the website, so the fishing industry representatives are in a position to assess how measures are going to impact in the fisheries.

Daniel Lefèvre asked if JNCC had consulted other Member States or organisations. He stated that the POs are the ones to consult as they have the knowledge to refine the types and dynamics of fishing activities (target species, types of fleets, area in where they operate...).

Delphine Roncin thanked the speakers for the presentation and showed her satisfaction with the fact that non-UK fishermen are being consulted, contrary to what happened in France. She confirmed that she had replied a questionnaire online from JNCC giving precise answers to the questions posed (e.g. number of vessels, areas of operation...)

However, Ms. Roncin showed some doubts about the composition and openness of the management groups and asked for further explanations about procedures.

Iwan Ball talked about the lack of French data and wondered if MEFEP0 project could have that sort of information.

The JNCC representatives made the following replies:

- JNCC role is to submit to DEFRA a proposal for designation of offshore sites. It is DEFRA the governmental competent body in UK to take the decision on designated sites, therefore it is a political decision although must be based on science and represent a coherent network of MPAs.
- Management advice will be given for each habitat type, and the impact of fishing gears in particular type of habitats will be assessed as a vulnerability factor.

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- Depending on the objective to pursue (i.e. maintain or restore the habitats), tougher measures will be applied. Management measures will be adaptive.
- There is not a very clear picture of fishing activities beyond the VMS data. Other sectors like oil and gas industries know and report exactly where they are located have many figures and strong legal support. It is necessary for fishermen to provide more data on type and characteristics of fisheries activities so it can be taken into account in the assessment.
- It is important that stakeholders are involved in discussions since the outset, i.e. conservation objectives and not wait until management measures are proposed. As an example, the Finding Sanctuary Project has three French and two Belgian fishing industry representatives.

A copy of the presentation from JNCC is available on the NWWRAC website.

**Action:** Secretariat will ask JNCC to provide a letter from Fisheries Minister Richard Benyon in reply to a request of the MPA Stakeholder Group in where it is explained the effect that any regulatory management measures will have on both UK and non-UK vessels regarding MCZ sites beyond 6 nautical miles in UK waters.

**Action:** JNCC officers to forward Sean's query to DEFRA regarding competencies for consultation and development of impact assessment.

**The meeting was adjourned at 16:45**

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## ANNEX I. LIST OF PARTICIPANTS

<b><u>MEMBERS</u></b>		
<b><u>Name</u></b>	<b><u>Surname/s</u></b>	<b><u>Organization</u></b>
Emiel	Brouckaert	Rederscentrale
Luc	Corbisier	SDVO
Víctor	Badiola	OPPAO-CEPESCA
Iwan	Ball	WWF - <b>Chairman</b>
Tom	Bryan-Brown	Manx FPO
Juan Carlos	Corrás Arias	Pescagalicia-Arpega-Obarco
Barrie	Deas	NFFO
Caroline	Gamblin	CNPMEM
Antón	González	Wales and West Coast FPA
Hugo	González	ANASOL
Sam	Lambourn	NWWRAC Chairperson
Daniel	Lefèvre	CRPM Basse Normandie
Sean	O'Donoghue	Kyllibegs FO
José Luis	Otero	Lonja de La Coruña, S.A.
Mike	Park	SWFPA
Delphine	Roncin	CRPM Nord-Pas de Calais
Paul	Trebilcock	Cornish FPO

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<b>OBSERVERS</b>		
<b><u>Name</u></b>	<b><u>Surname/s</u></b>	<b><u>Organization</u></b>
Hermien	Busschbach	DG MARE - European Commission
Johnny	Murt	Joint Nature Conservation Committee
Amy	Ridgeway	Joint Nature Conservation Committee

<b>NWWRAC SECRETARIAT</b>		
Conor	Nolan	Executive Secretary
Alexandre	Rodríguez	Executive Assistant, Policy Coordinator
Joanna	McGrath	Executive Assistant, Administration and Finances

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