

European Union legislation:

Habitats Directive,
Marine Strategy Framework
Directive and applicable
fisheries regulations



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ECS/ASCOBANS/ACCOBAMS
Workshop

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State of nature in the EU: status and pressures

Habitats Directive: species protection and marine
Natura 2000 network

Marine Strategy Framework Directive

Fisheries regulations: CFP, data collection
framework and technical measures



7th Environment Action Program

- **2020** timeframe, **2050** vision, **9** priority objectives
- Commitment by EU and its **Member States**

THEMATIC OBJECTIVES:

- **Protect, conserve and enhance the EU's natural capital**
Fully implement the EU Biodiversity Strategy
- **Green & competitive growth – low-carbon, resource-efficient economy**
- **Health & environment, human well-being**

LOCAL, REGIONAL, GLOBAL DIMENSION:

- **Urban environment**
- **International**

ENABLING FRAMEWORK:

- **Implementation**
- **Information, knowledge base**
- **Investment**
- **Integration, coherence**





EU biodiversity strategy to 2020

"Our life insurance, our natural capital"

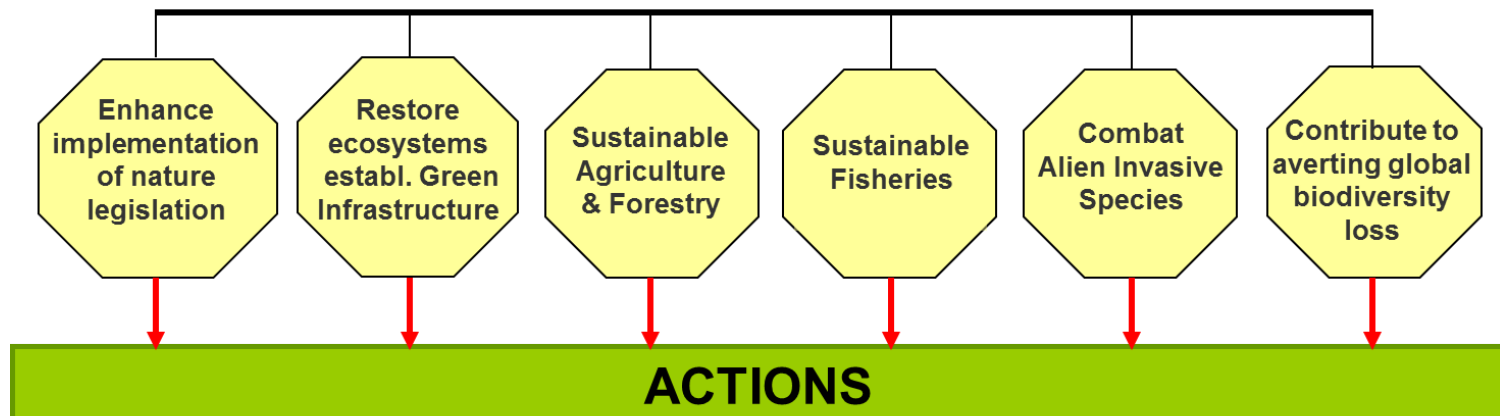
A 2050 VISION

European Union biodiversity and the ecosystem services it provides – its natural capital – are protected, valued and appropriately restored.

A 2020 HEADLINE TARGET

Halt the loss of biodiversity and ecosystem services in the EU and restore them insofar as feasible, and step up the EU's contribution to averting global biodiversity loss.

6 TARGETS



EU Biodiversity Strategy

Target 1 - Nature conservation

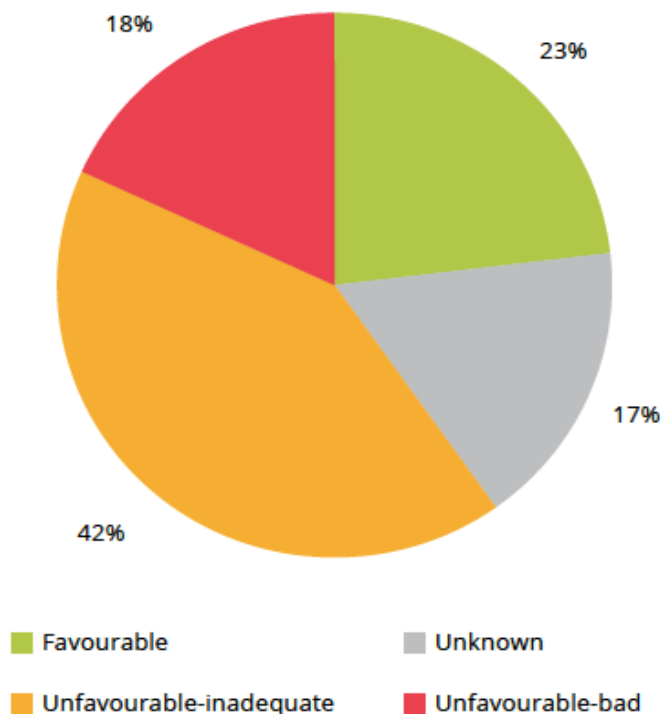
➤ *To halt the deterioration in the status of all species and habitats covered by EU nature legislation and achieve a significant and measurable improvement in their status by 2020*

- Complete the establishment of the Natura 2000 network, incl. in the marine part, and ensure good management
- Ensure adequate financing of Natura 2000 sites
- Increase stakeholder awareness and involvement and improve enforcement
- Improve and streamline monitoring and reporting

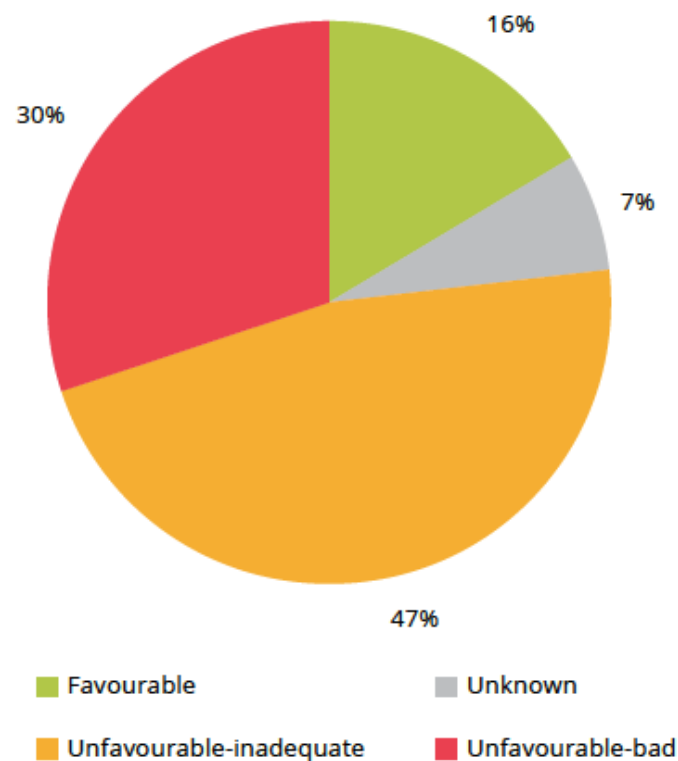
State of nature in the EU

Results from reporting under Birds and Habitats directives 2007–2012

Only one quarter of EU non-bird species has **favourable conservation status**, while **60%** has **unfavourable status**



Conservation status of **habitats**, EU level



Conservation status of **non-bird species**, EU level

Conservation status (CS) of habitats and trends

The share of **favourable assessments** of marine habitats is **very low** and for some the status is still unknown.

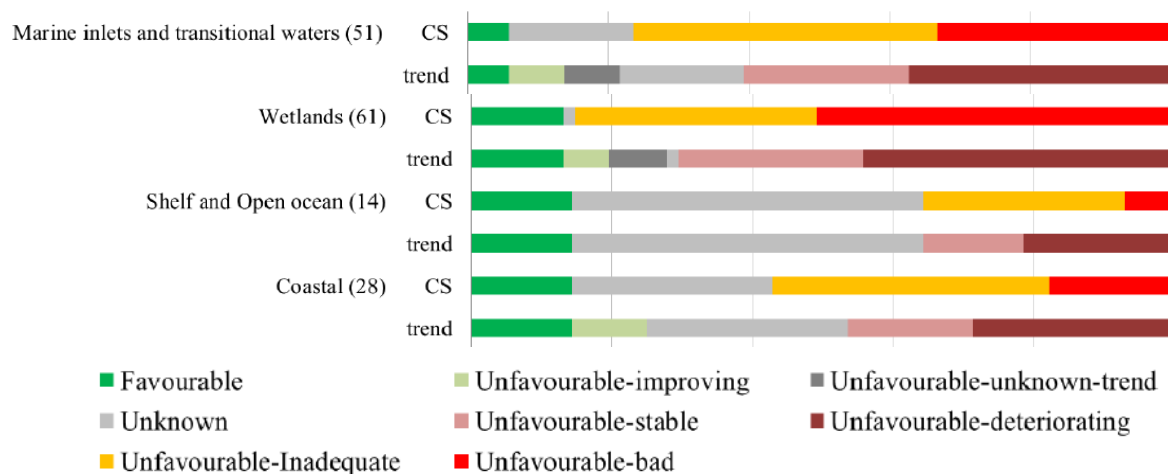
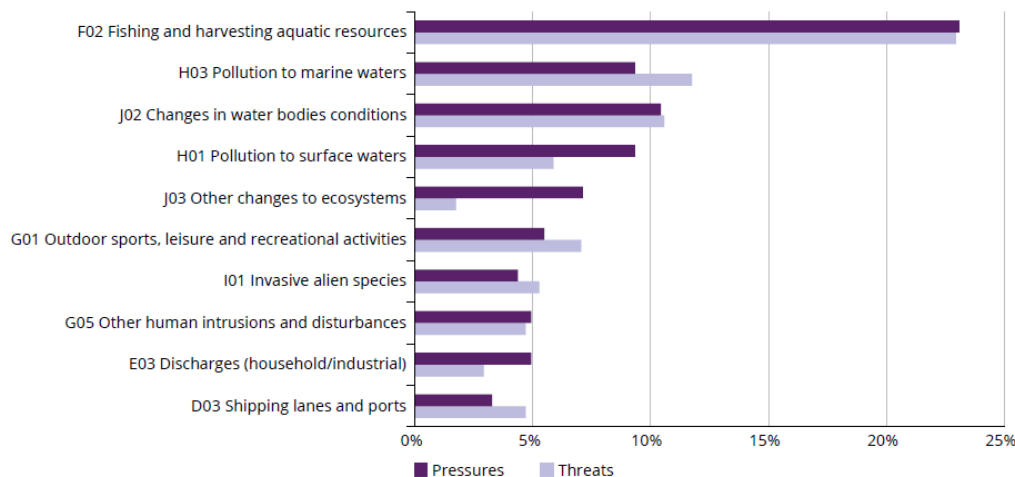


Figure 4.48 Top 10 (% of frequency) reported high-ranked pressures and threats for habitats associated with coastal ecosystem

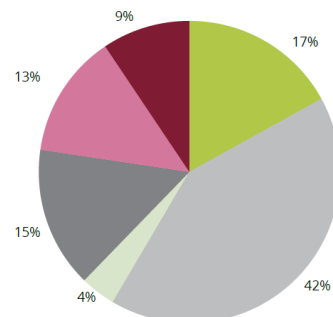
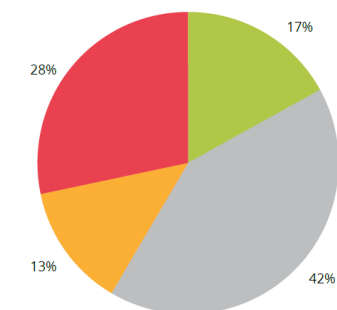


Fishing and harvesting aquatic resources is the highest ranking pressure and threat to species and habitats of coastal, shelf and open ocean areas.

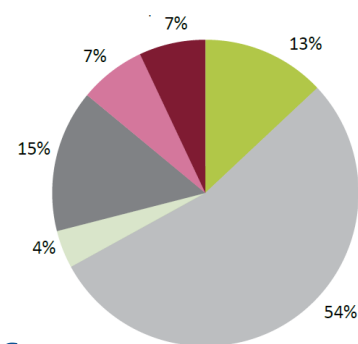
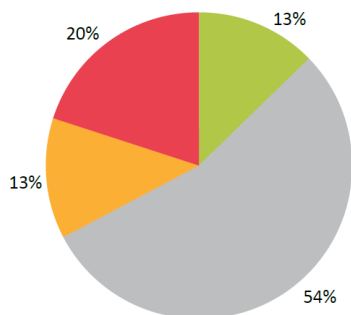
Conservation status

Short-term trend

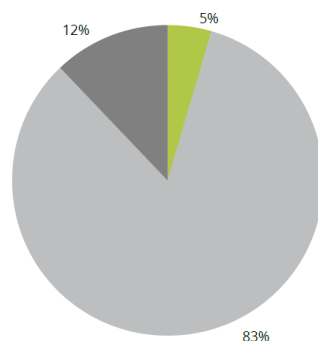
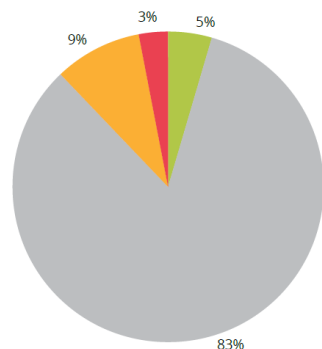
Coastal



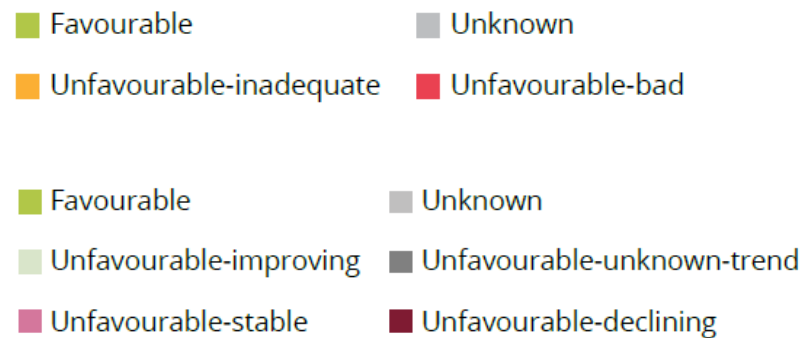
Shelf



Open ocean



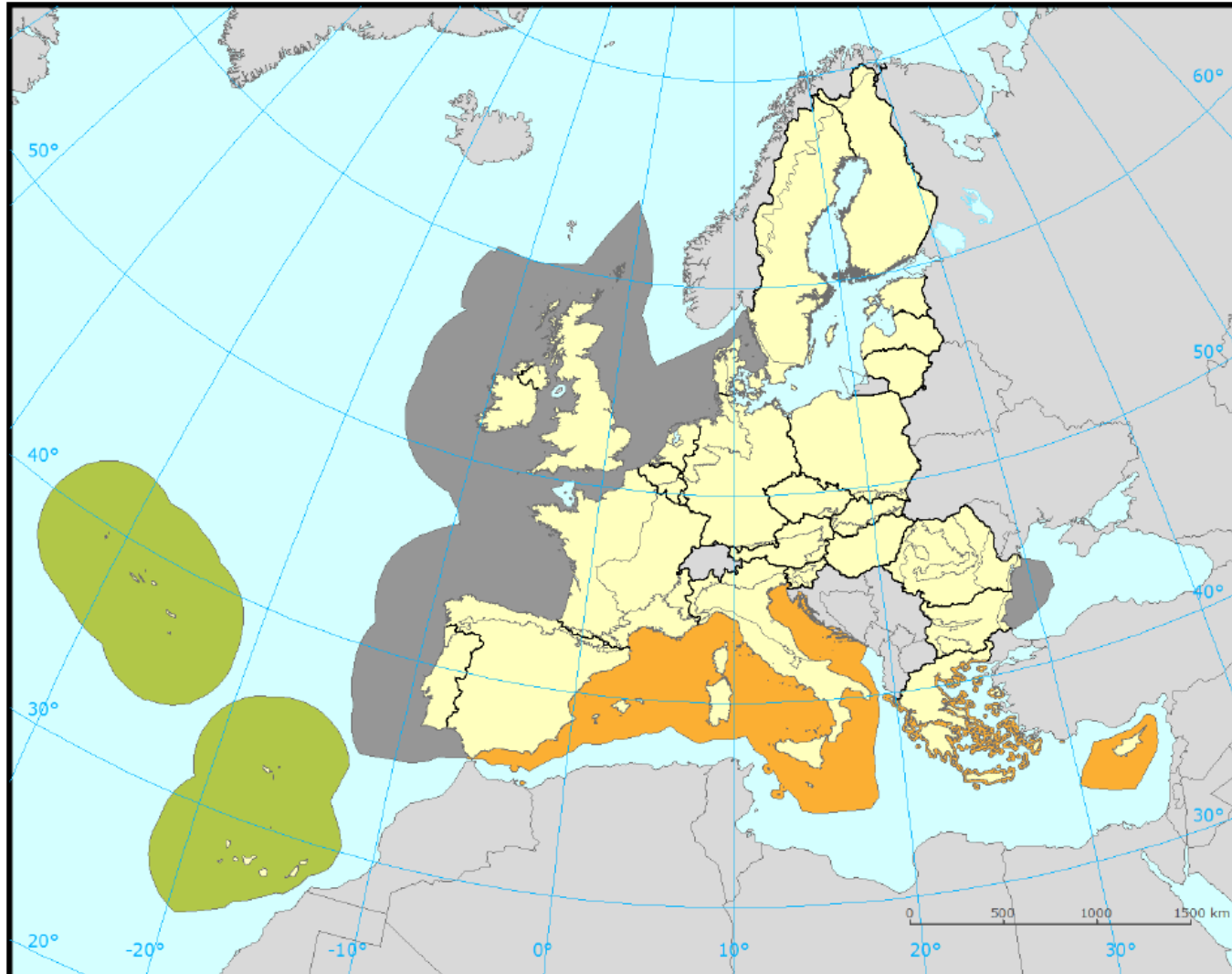
Conservation status and trend of (non-bird) species associated with marine ecosystems



Conservation status and species distribution

Latest reporting under Habitats directive

Tursiops truncatus



Tursiops truncatus

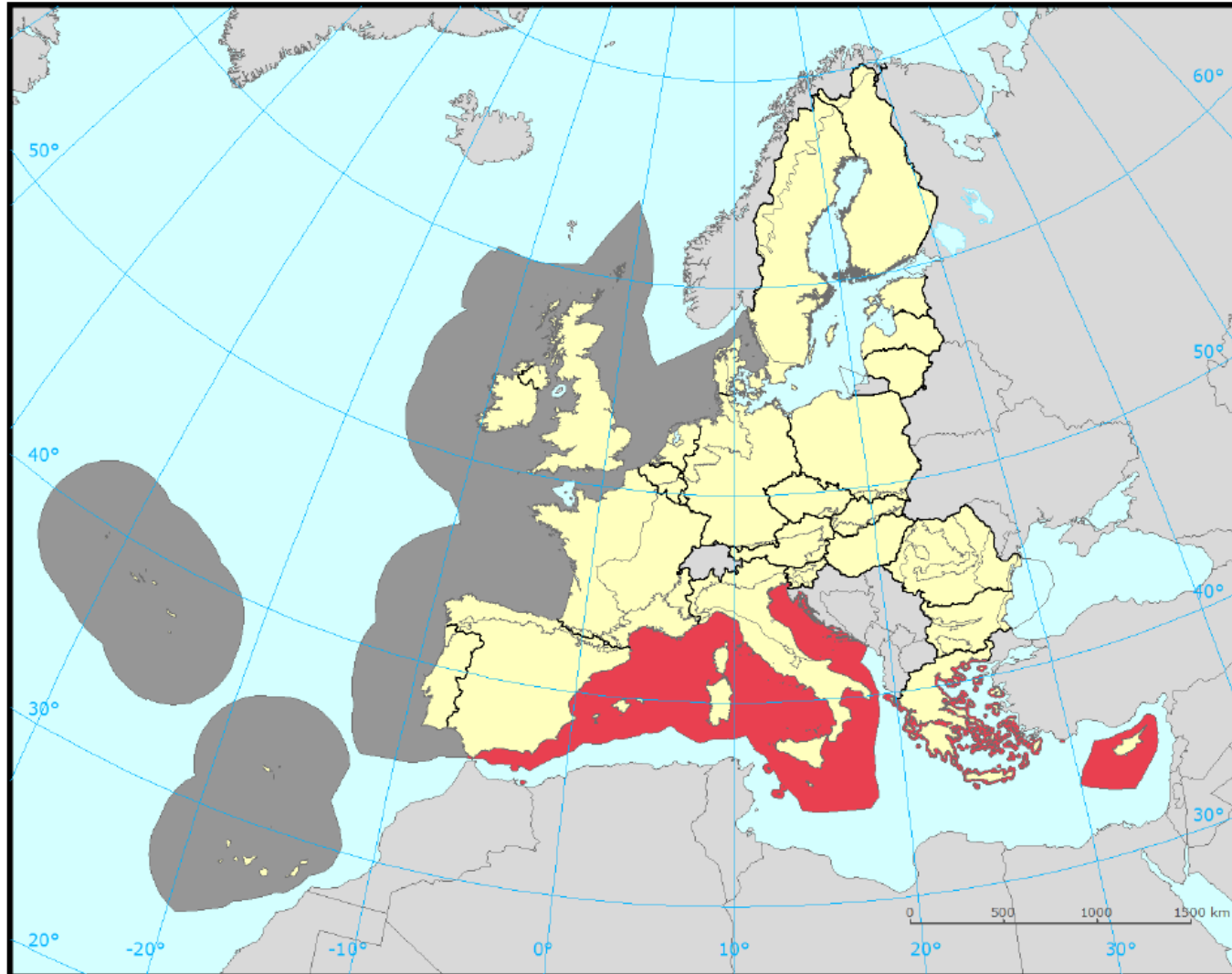
Conservation status at the EU biogeographical level

- Favourable
- Unfavourable – inadequate
- Unfavourable – bad
- Unknown
- EU Member States
- Outside data coverage
- Biogeographical and marine regions

Conservation status and species distribution

Latest reporting under Habitats directive

Physeter catodon



Physeter catodon

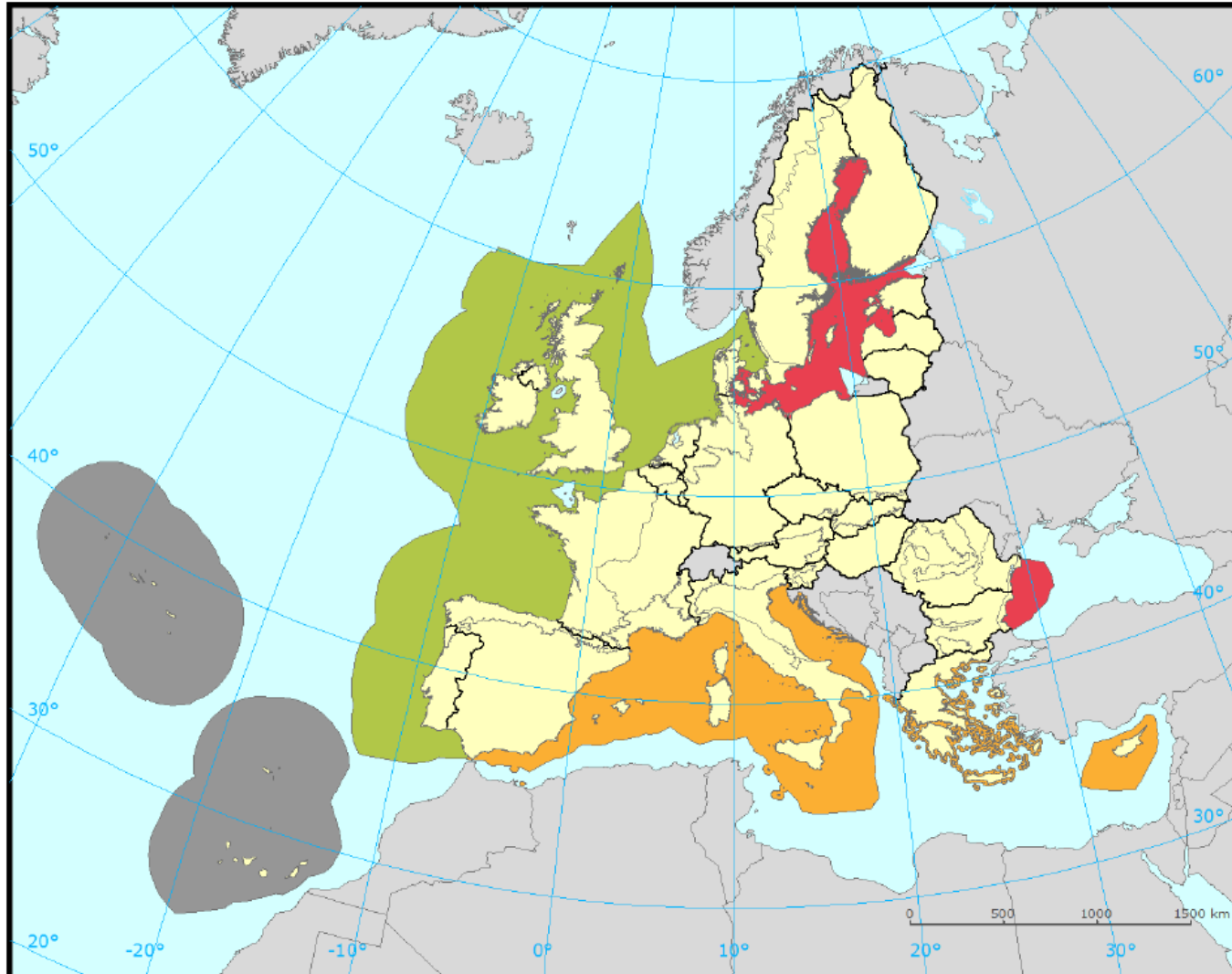
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Conservation status and species distribution

Latest reporting under Habitats directive

Phocoena phocoena

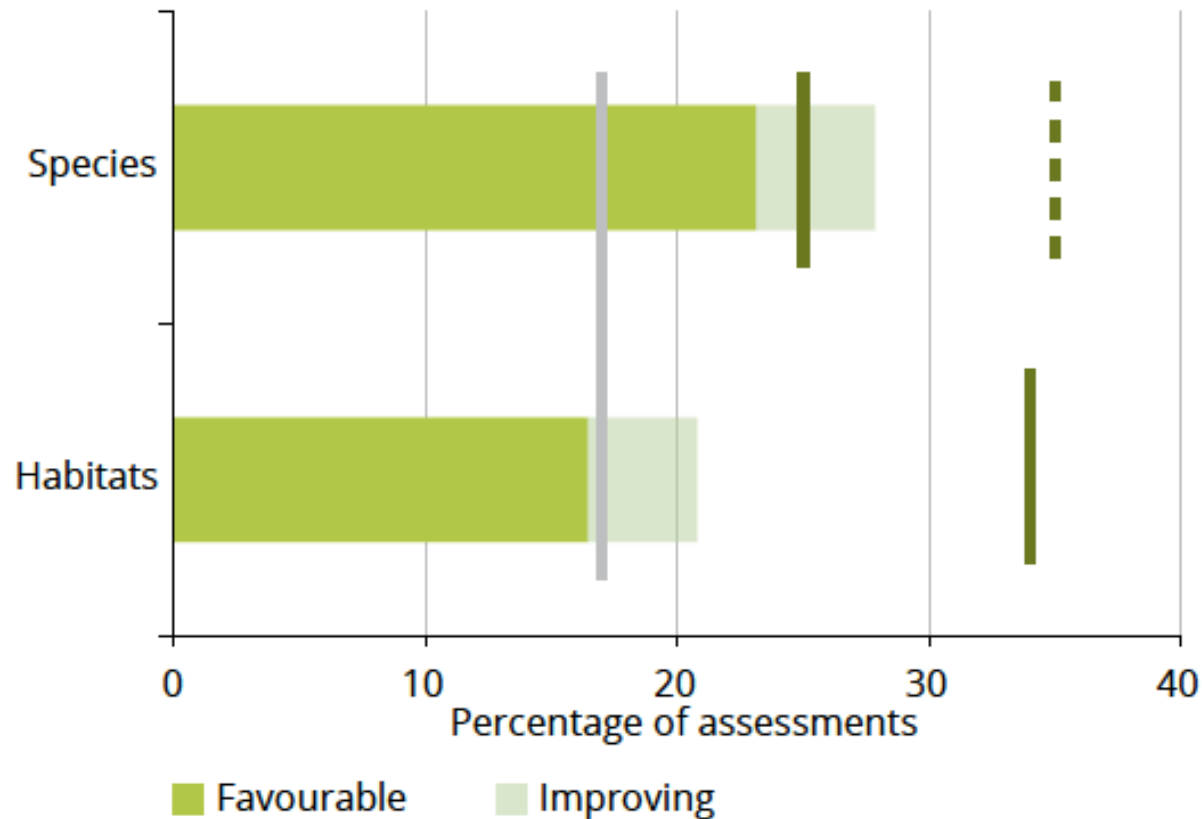


Phocoena phocoena

Conservation status at the EU biogeographical level

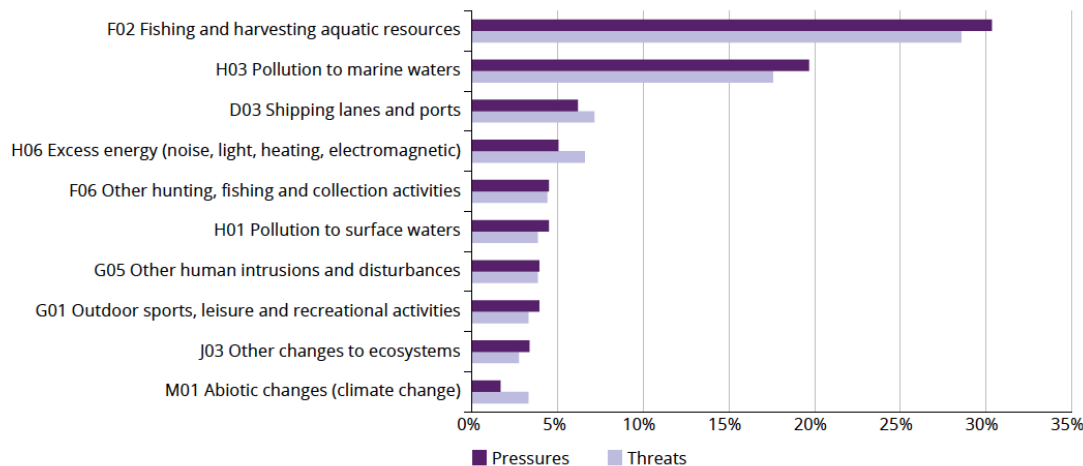
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- Unfavourable – inadequate
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- EU Member States
- Outside data coverage
- Biogeographical and marine regions

Progress to 2020 target for species and habitats



- **Fishing and harvesting aquatic resources** and **pollution of marine waters** are top two pressures/threats for species associated with coastal/shelf ecosystems

Figure 4.52 Top 10 (% of frequency) reported high-ranked pressures and threats for species (Habitats Directive) associated with shelf ecosystem



The two most common types of reported conservation measures for species are '**legal protection of habitats and species**' and '**establish protected areas/sites**'.

EU Habitats Directive:

two pillars of protection

- **Natura 2000 sites**

Tursiops truncatus and *Phocoena phocoena*: core areas of their habitat should be designated as **special areas of conservation** - must be protected under the Natura 2000 network and the sites managed **in accordance with the ecological requirements of the species**.

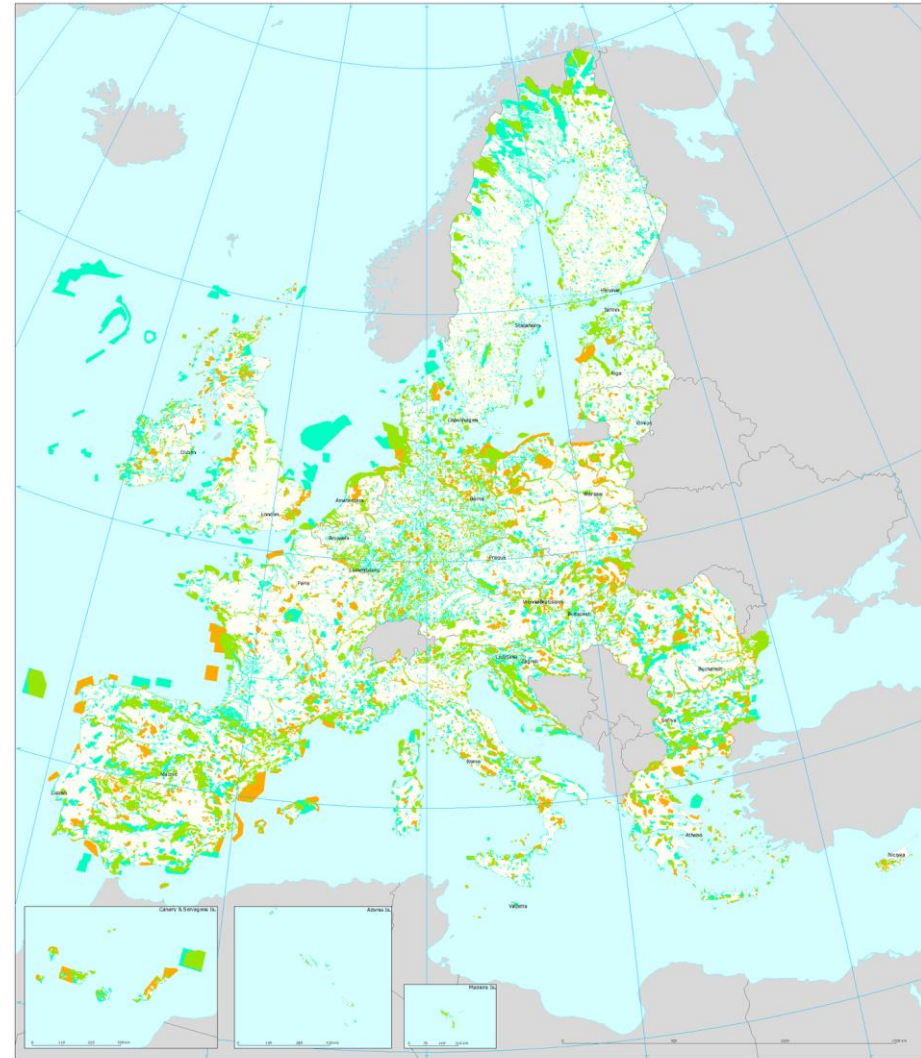
- **Strict protection of species**

A strict protection regime for all cetaceans must be applied **across their entire natural range** within the EU, both within and outside Natura 2000 sites.

Marine Natura 2000 Network

State of play

- More than **3000** marine sites (out of **>27000**)
- Covers **over 5% of EU seas** (**>300.000** km²)
- Network is not complete in the **offshore** area
- Differences across **regional seas**
- Cornerstone of EU nature protection policy: aims to ensure long-term survival of Europe's most valuable/threatened **species and habitats**
- Human activities can take place if they are compatible with **nature conservation objectives**
- Conservation measures in the sites help maintain and restore habitats and species to a **favourable conservation status**
- **Economic benefits** (whole network): 200-300 billion €/year, in the marine e.g. benefit to fish stocks (current coverage): 1,4-1,5 billion €/year



NATURA 2000
■ Birds Directive sites (SPA)
■ Habitats Directive sites pSCT, SCT, SAC
■ Sites - or parts of sites - belonging to both Directives

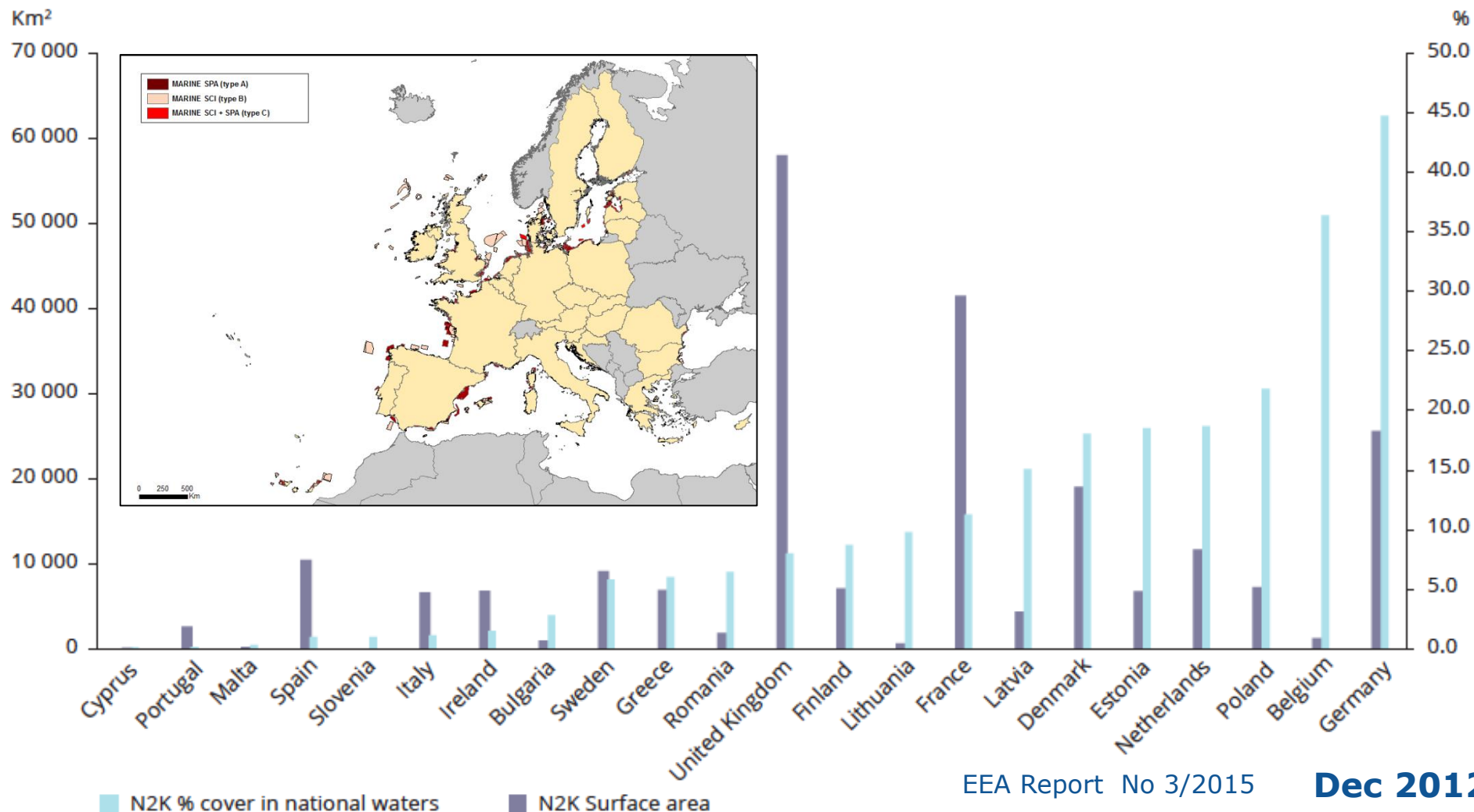
European Environment Agency



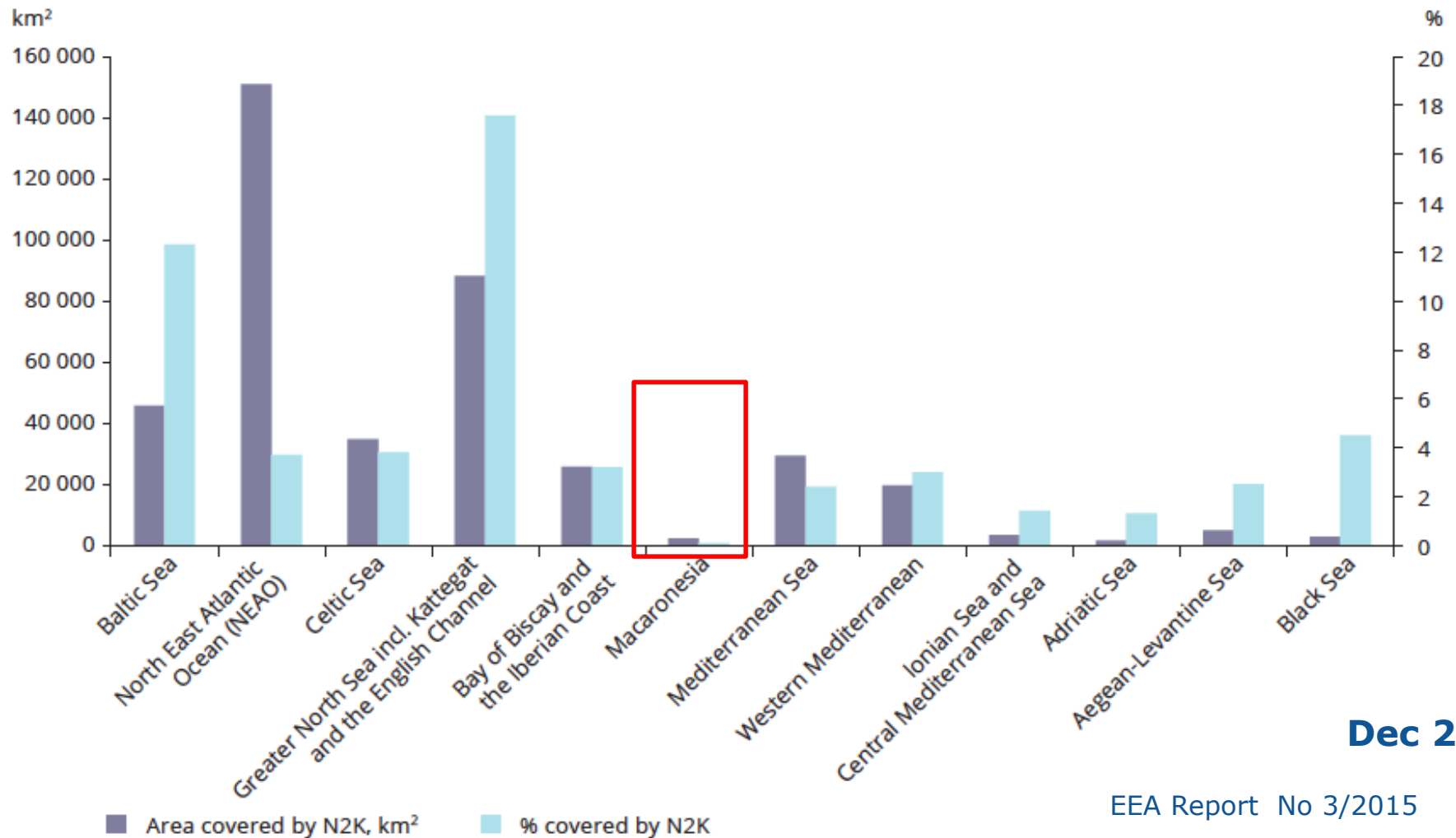
Report:
Natura 2000 - 2014 ENR compiled from databases from the Member States.
Source: background map: © Eurostat/Mapbox/Compassionate and 2014 ENR.
Source of Natura 2000 sites for: Europe, updated 2014.
Map: Europe, updated 2014.
Map: Europe, updated 2014.

*Data under CC-BY 4.0

Marine Natura 2000 in EU Member States



Area of regional seas covered by N2000

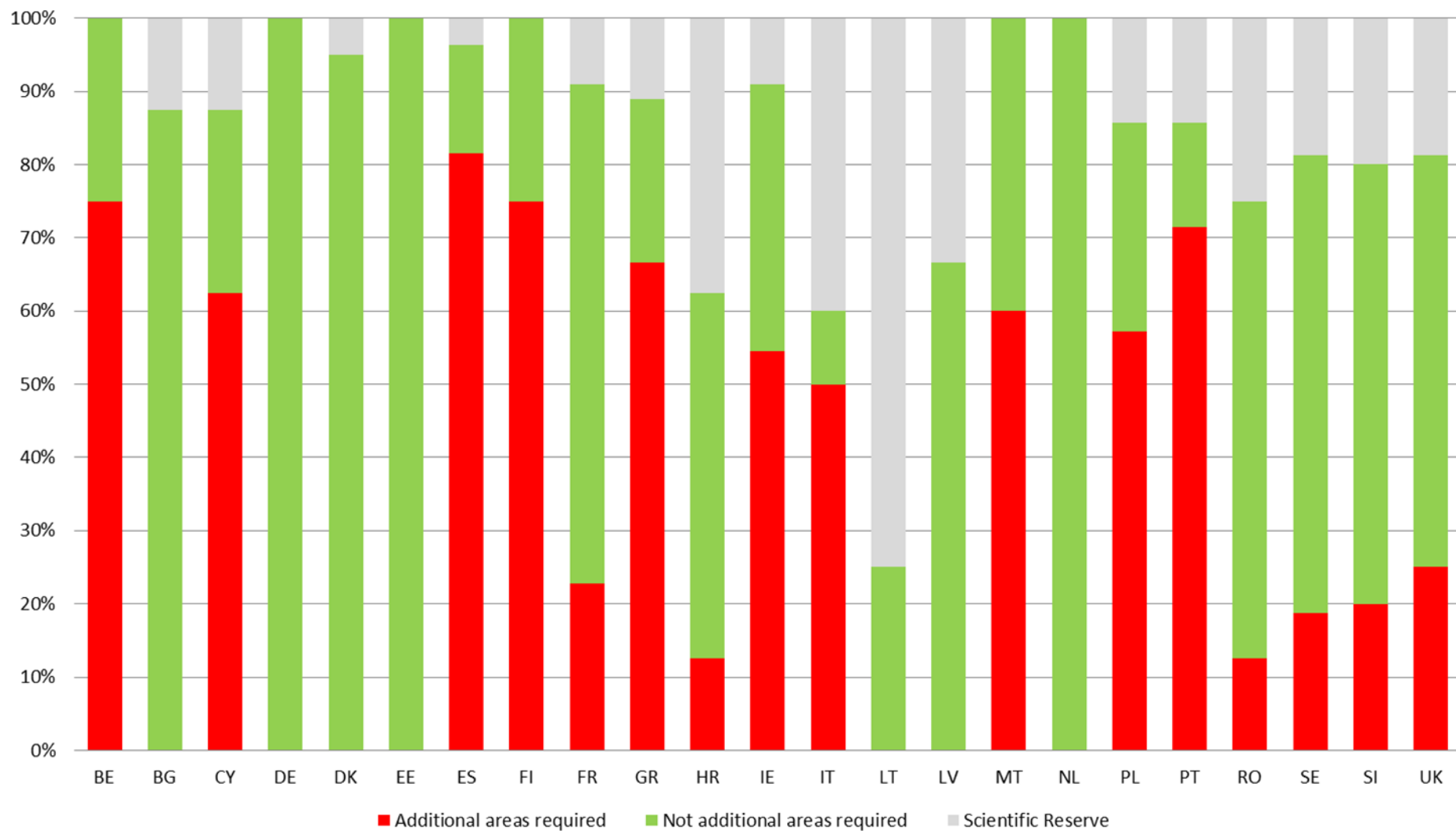


Dec 2012

Sufficiency of marine SCI network

Marine Region	Habitats			Species		
	N. Conclusions	SUF	% SUF	N. Conclusions	SUF	% SUF
Atlantic	31	16	51,61	70	38	54,29
Baltic	20	12	60,00	34	19	55,88
Mediterranean	39	17	43,59	37	8	21,62
Black Sea	8	3	37,50	8	3	37,50
Macaronesian	7	0	0,00	7	1	14,29

Marine conclusions 2015 by MS



Objective of Habitats Directive

Within all Natura 2000 sites:

- ❖ *Avoid damaging activities that could significantly disturb the species and/or habitats for which the site has been designated;*
- ❖ *Positive measures are taken, where necessary to maintain and restore those habitats and species to a favourable conservation status in their natural range*



The ultimate objective is to ensure that the species and habitats reach "favourable conservation status"

Management of N2000 - priorities

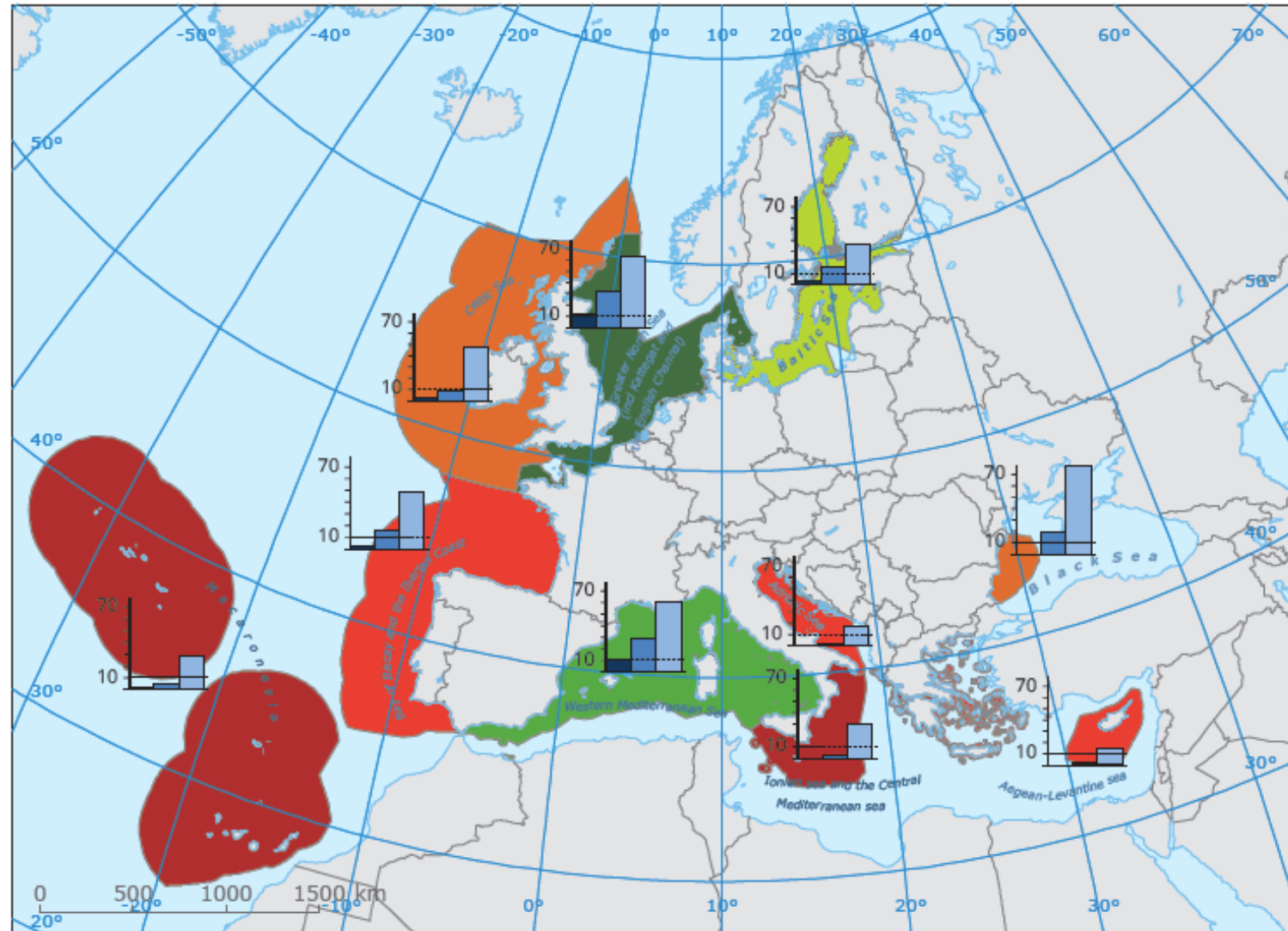
- Setting **conservation objectives**
 - Application of appropriate **conservation measures**
 - Legal, statutory or contractual arrangements
 - Management plans
 - Full stakeholder engagement and **better regional cooperation**
- EC guidance documents - Economic benefits/win-win solutions and examples of good practice

Seminars on Natura 2000 management – forum for discussions

- One of the topics: wide ranging species

Towards a coherent MPA network in EU

- An extensive international and EU policy framework which supports the creation of MPAs in European seas already exists
- Marine N2000 significantly contributes to establishing coherent and representative network of MPAs
- The MSFD aims to launch measures for achieving or maintaining GES in the marine environment by 2020. The use of 'spatial protection measures' contributing to the creation of coherent and representative networks of MPAs
- EU Directive establishing a framework for maritime spatial planning is to contribute to the effective management of maritime activities and the sustainable use of marine resources in the marine environment



Habitats Directive: Strict protection of species

- **A preventive character:** to avoid and prevent a number of situations that could negatively impact a species.
- **Species-by-species approach**, taking account of the specific needs of each species.
- Provisions on **strict protection**.
- Close link to **Art. 6: management of Natura 2000**

System of strict protection is prohibiting:

- all forms of **deliberate capture or killing** of specimens of these species in the wild;
 - **deliberate disturbance** of these species, particularly during the period of breeding, rearing, hibernation and migration;
 - deliberate destruction or taking of eggs from the wild;
 - **deterioration or destruction of breeding sites or resting places.**
 - the keeping, transport and sale or exchange, and offering for sale or exchange, of specimens taken from the wild
-
- **A system to monitor the incidental capture and killing** of the animal species listed in Annex IV. In the light of the information gathered, take further research or **conservation measures** as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned.

Knowledge base

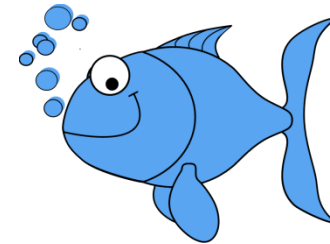
- **Good knowledge** of a species (range, distribution, occurrence, biology, ecology, threats and sensitivity, conservation needs, etc.) and **regular surveillance** of its conservation status over time are essential preconditions for any meaningful **conservation strategy**.
- How can we bridge the knowledge gap?
- **Cooperation at EU level** and transboundary cooperation is essential for mobile species.

Conservation measures

- **Conservation measures** should always be **proportionate and appropriate** to the objective pursued, i.e. maintaining and restoring favourable conservation status.
- Measures must be **coherent, coordinated and effectively enforced** on the ground.
- **Guidance** (COM guidance on Article 12 HD)
- **Codes of conduct** (e.g. for seismic surveys/noise mitigation)
- **Species action plans** (national, regional, int.) constitute an effective means of implementation

Addressing pressures: links to other policy areas

- The Common Fisheries Policy
- Fisheries measures for Natura 2000
- Data collection and technical measures
- The Marine Strategy Framework Directive
- Programme of measures
- Spatial protection measures
- The Maritime Spatial Planning Directive
- Maritime spatial plans



The new Common Fisheries Policy

- **Fisheries management measures** for Natura 2000 and other MPAs (CFP Art. 11)
 - Joint recommendations – Commission delegated acts
- Completed or ongoing work (DK, NL, SE, UK...) – Lessons learnt:
 - The need of sound **scientific knowledge** and mapping of habitats to be protected.
 - The importance of **close and early stakeholder involvement** and **transparency** of procedures towards preparing joint recommendations.
 - Measures need to be **proportionate** and avoid discrimination.
 - The **conservation objectives** of the sites must be the starting point.
 - The process can be lengthy and needs therefore to be **carefully planned**, especially re. requirements on regionalisation under Art. 11/18 CFP.
 - Adequate **monitoring** is a significant challenge.

Data collection framework/EU MAP

New Data collection framework and EU Multiannual plan

COMMISSION PROPOSAL ensuring consistency with new CFP:

- Result-based management – not over-prescriptive
- Simplification of the rules
- Regionalisation
- Define **WHAT** needs to be collected, not **HOW**
- *Cooperation between MS to draft workplans*

Provisions to collect data on incidental catch and impact of fisheries on marine ecosystems – to be used to define necessary conservation measures

Technical measures regulation

History of technical measures in European fisheries legislation: numerous regulations, amendments, implementing rules - suboptimal performance, complex rules and lack of stakeholder involvement.

NEW COMMISSION PROPOSAL: ensuring consistency with new CFP and other EU policy (BHD, MSFD)

- Result-based management
- Simplification of the rules
- Regionalisation

Provisions on mitigation measures or restrictions to reduce incidental catch and impact on marine ecosystems

COM proposal: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2016:134:FIN>

SECTION 3: PROTECTION OF SENSITIVE SPECIES AND HABITATS

Article 12

Bycatches of marine mammals, seabirds and marine reptiles

- 1. The deliberate catching, retention on board, transshipment or landing of marine mammals or marine reptiles referred to in Annexes II and IV to Directive 92/43/EEC and of species of seabirds covered by Directive 2009/147/EC shall be prohibited.*
- 2. When caught as bycatch, species referred to in paragraph 1 shall not be harmed and specimens shall be promptly released.*
- 3. Notwithstanding paragraphs 1 and 2, the retention on board, transshipment or landing of specimens of marine species referred to in paragraph 1 which have been caught as bycatch, shall be authorised as far as this activity is necessary to secure assistance for the recovery of the individual animals and provided that the competent national authorities concerned have been fully informed in advance.*
- 4. On the basis of the best available scientific advice a Member State may put in place for vessels flying its flag, mitigation measures or restrictions on the use of certain gears pursuant to the procedure laid down in Article 19 of Regulation (EU) No 1380/2013. Such measures shall minimise and where possible eliminate the catches of the species referred to in paragraph 1 and shall be compatible with the objectives set out in Article 2 of Regulation (EU) 1380/2013 and be at least as stringent as technical measures applicable under Union law.**
- 5. Measures adopted pursuant to in paragraph 4 of this Article shall aim at achieving the target set out in Article 4(1)(b).*

Marine Strategy Framework Directive

EU legal instrument for marine protection overarching goal: ***to achieve Good Environmental Status by 2020***

How to achieve GES? By establishing marine strategies which include:

- *Initial assessment, environmental targets and definition of GES*
- *Monitoring Programmes*
- *Programmes of measures*
(by March 2016)



The status of cetaceans (MSFD)

- GES has 11 descriptors - 4 of them especially relevant for cetaceans
- The status of cetaceans is assessed under descriptor 1 (*biodiversity*): data inflow from Habitat Directive reporting and RSCs
- The pressures on cetaceans are dealt with under descriptor 3 (*incidental catch by commercial fisheries*), descriptor 8 (*heavy metal contamination*) and descriptor 11 (*underwater noise*)

Synergies between nature legislation and MSFD

COM FAQ document: *Links between the MSFD and the Nature Directives: Interactions, overlaps and potential areas for closer coordination (2012)*

e.g.

What is the relationship between Good Environmental Status & Favourable Conservation Status?

Are there overlaps in the monitoring requirements of the different Directives ?

How do the more general conservation measures required under the Directives inter-relate?

How can the Directives complement each other in taking forward integrated Policy & Planning?

Towards a coherent protection regime

- **Full implementation** of all EU policies, strategies, Regional Sea Conventions and other international agreements + national strategies – *Is there an implementation gap?*
- **Policy integration** (ecosystem approach): MSFD/BHD/WFD/MSPD/CFP, ICZM – joint measures and adaptive management – *Is there something missing?*
- **Financing** (monitoring, restoration, management of N2000, reducing by-catch): ESIF 2014-2020 (-EMFF), LIFE, INTERREG,...
– *Is it accessible?*
- *Supporting activities under N2000 Marine Expert Group*
- *Seminars on Natura 2000 management – forum for discussions*
– *Any other suggestions?*

Thank you for your attention

More information on our internet site:

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

