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JOINT NATURE CONSERVATION COMMITTEE

**UPDATE TO THE JOINT COMMITTEE ON CONSERVATION-RELATED
MARINE INITIATIVES IN THE UK, EUROPE AND NORTH-EAST ATLANTIC**

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1. Introduction

This paper provides information on a range of UK and European marine issues that JNCC staff have been involved with in recent months and which may have an impact on the future work of the Joint Committee.

2. Harbour porpoise bycatch

2.1 As described in JNCC paper 04 P06, the European Council introduced Regulations to reduce harbour porpoise bycatch in March 2004. These required the introduction of acoustic devices ("pingers") in certain bottom-set gill net fisheries being undertaken by vessels over 12m in length. The first such introduction was required from August 2005 (in the North Sea) with other fisheries being included after that date. It is too early for any results of this measure to be assessed. There has been some further development of pingers to make them more robust and easier to handle in certain fisheries - although this does not yet seem to have calmed the anxieties of some fishers concerned about their introduction

2.2 In November 2004, the UK Government introduced a regulation banning fishing (with certain exceptions) using pelagic trawls for bass in territorial waters off south-west England. A judicial review was bought by Greenpeace in the High Court in London concerning this regulation and the bycatch of common dolphins in pelagic trawls in the western Channel and south-west Approaches more generally. The hearings related to this review have been completed and a finding is expected in 2-3 months.

3. UK Marine Monitoring Programme

3.1 The Marine Waterways Division of Defra (with the support of the devolved administrations) is in the initial stages of developing a UK Marine Monitoring Strategy (UKMMS) to optimise marine monitoring (including surveillance).

- 3.2 At present, the goals of the strategy are to:
- i. ensure compliance with international monitoring obligations;
 - ii. document ecosystem trends;
 - iii. encourage stakeholder contributions (research and technological innovation);
 - iv. ensure data availability;
 - v. enhance co-operation.
- 3.3 The UKMMS will define the overall structure for future marine monitoring, define the roles and responsibilities of those responsible for carrying out the monitoring programme, deal with issues of data quality and storage, and methods of reporting. The proposed new structure is being developed to encompass the lessons learnt from the production of the 'state of the seas' report *Charting Progress* and allow for assessment at regular intervals.
- 3.4 Defra has received provisional comments from members of the Marine Monitoring Coordination Group and are likely to issue a draft monitoring vision, probably for wider consultation, by the end of August. The proposed restructuring includes the formation of a top level Marine Assessment Policy Committee made up of Defra policy customers, other Government Departments and the devolved administrations. This group will adopt 'the vision' in early September and thus complete phase one of the process. It has been suggested that phase two will include finalising the spending review bid (September 2005); implementing changes to the overall structure and re-organising groups (December 2005), and trialling the annual report card for the Marine Climate Change Impact Partnership (2006). Finally, phase three will implement the new structure for data collection and management (2007). This timetable may change following wider consultation.

4. Marine Spatial Planning

- 4.1 Defra has commissioned a research project to develop a pilot Spatial Plan for the Irish Sea in order to test ideas and concepts relating to marine spatial planning. The project will run until late autumn 2005 and is being undertaken by a consortium comprising ABPmer, Terence O'Rourke Ltd, Risk & Policy Analysts, Geotek, Hartley Anderson and Coastal Management for Sustainability.
- 4.2 The country agencies have formed an inter-agency working group to support the work of the pilot and this has met three times. Work has also been undertaken by the group inter-sessionally to provide input to specific consultations relating to the research project. Specifically, staff from the country conservation agencies and JNCC attended the stakeholder workshop in June to discuss and have input to the initial draft of the Irish Sea spatial plan and the marine spatial planning process.
- 4.3 The inter-agency group working group will meet again in September to follow up any work that has arisen from the stakeholder workshop and maintain input into the research project. Whilst staff changes within the JNCC have limited

the input we have been able to provide into the project, coordinated work by all the agencies with the JNCC has ensured consistent input on objectives relating to conservation of biodiversity and geodiversity.

5. Marine Bill

- 5.1 The Government is committed to introducing a Marine Bill within the lifespan of the current Parliament. Current intentions are to introduce the Bill in the second session of the new Parliament (*ca* November 2006 - January 2007). If the Bill gains cross-party support, this could mean an Act by early summer 2007.
- 5.2 Current activity within the relevant Government Departments is focused on identifying the matters to be included within the Bill. It is expected that a public document indicating the nature of these will be published in the autumn/early winter of 2005, with the intention of publishing a draft Bill in the summer of 2006.
- 5.3 The probable content of the Bill is expected to include provisions relating to: i) rationalising and consolidating authorisations required in relation to certain coastal and marine developments, ii) fisheries management reforms, iii) legislation needed to give effect to those recommendations of the Review of Marine Nature Conservation accepted by Government and requiring legislation (the Government response to the RMNC report is expected in the autumn of 2005), iv) measures to facilitate Sustainable Development in the marine environment (this may include Spatial Planning), and v) prospectively a Marine Management Agency, although the tasks/responsibilities of such an agency are still being considered.
- 5.4 The geographical scope of the Bill will be determined largely by its eventual content. The current expectation is that it will cover UK waters outside 12n miles, territorial waters adjacent to England and, to an uncertain extent, also territorial waters adjacent to Wales and Northern Ireland.

6. Marine Thematic Strategy

- 6.1 It had been anticipated that the Marine Thematic Strategy developed under the 6th Environment Action Plan would be adopted by the European Commission during the summer of 2005. However, the adoption process has been complicated by discussions on the appropriate mechanism for the delivery of the strategy by the European Union. The European Commission proposes to proceed by combining a Communication with a legislative instrument in the form of a Framework Directive. The proposed Framework Directive would have as its objective the achievement of good environmental status within Europe's marine environment by 2021. No specific management measures would be set down at EU level, but Member States would be required to develop marine strategies at the scale of the marine region or sub-region. Regional environmental objectives would be set, programmes of measures operated to meet the objectives, and a suite of indicators and monitoring measures identified to evaluate progress towards the objectives. No timetable

for the adoption of these proposals by the European Commission has been published but adoption is anticipated by the end of 2005. It is our understanding that the Marine Thematic Strategy would be adopted by the European Commission at the same time as the adoption of the Communication and Framework Directive.

7. European Union Maritime Green Paper

- 7.1 In March 2005, the President of the European Commission and the Commissioner for Fisheries and Maritime Affairs launched an internal Communication to the European Commission establishing a Maritime Task Force in order to develop a future European Maritime Policy ('Towards a future Maritime Policy for the Union: A European vision for the ocean and seas'). The Task Force, which will be directed and politically guided by a Steering Group of Commissioners¹ will explore the future of EU Maritime Policy and prepare a Green Paper on the potential benefits from integration of sea-related policies, to be published in the first half of 2006.
- 7.2 The Communication identifies the importance of sea-related activities for the European economy. Twenty Member States have coasts stretching to almost 70,000 km; almost half of the EU population live less than 50 km from the coast and the EU maritime economy accounted for over 40% of the GNP. The Communication suggests an integrated approach, involving coordination and collaboration on global and regional levels to boost the economic potential of the sea, as it would avoid conflicts and enhance synergies between various industrial, technological and commercial sea-related activities. Overall the communication appears to be aimed as much at the Commission itself as it does at external stakeholders. A formal consultation process after the release of the Green Paper is envisaged. However, stakeholder engagement will be encouraged already during the preparation process of the Green Paper.
- 7.3 The country agency Chief Executives met with Commission officials in May to discuss, *inter alia* the Green Paper. The Commission had a particular interest in five areas - energy (including methane), ports (highlighting the conflict of environment and economic interests at play and the possible upside of port development to shift freight transport from road to water), the management of undersea cables/pipelines (e.g. optical cabling to improve internet networks), and the state of play with the UK Marine Bill. Additionally they mentioned the possibility of making better use of inland waterways to link to port developments.
- 7.4 The uncertainty surrounding the Green Paper, both in scope and relationship to the Marine Thematic Strategy (which, we understand, is intended to be its environmental component), necessitates our attention. Our action will be determined by opportunities for influence and by developments in specifics.

¹ The Steering Group will be composed as follows: Vice- President for Enterprise and Industry, Vice- President for Transport, Commissioner for Environment, Commissioner for Regional Policy, Commissioner for Fisheries and Maritime Affairs (Chair), Commissioner for Research and the Commissioner for Energy.

8. OSPAR

- 8.1 Annex V of the OSPAR Convention relates to the protection and conservation of the ecosystems and biological diversity of the OSPAR maritime area (the sea area of the north-east Atlantic). The OSPAR Commission in 1998 adopted the Sintra Statement, to promote the establishment of a network of marine protected areas to ensure the sustainable use and protection and conservation of marine biological diversity and its ecosystems. Since that time, work on marine protected areas and on protection of habitats and species under Annex V of the OSPAR Convention has been proceeding, with considerable input from JNCC on behalf of UK Government.
- 8.2 As part of the work under OSPAR Annex V, the OSPAR Commission in June 2003 approved a recommendation to establish an ecologically coherent network of well-managed marine protected areas by 2010. The purpose of this network of MPAs is to:
- i. protect, conserve and restore species, habitats and ecological processes which have been adversely affected by human activities;
 - ii. prevent degradation of, and damage to, species, habitats and ecological processes, following the precautionary principle;
 - iii. protect and conserve areas that best represent the range of species, habitats and ecological processes in the maritime area.
- 8.3 In November 2003, the first meeting of the Marine protected Areas, Species and Habitats (MASH) working group of the OSPAR Biodiversity Committee (BDC) agreed that the development of the common and theoretical and practical aspects of what would constitute an ecologically coherent OSPAR network of Marine Protected Areas was a fundamental and priority area of work to be started immediately. The UK agreed to prepare for MASH 2004 a discussion document setting out proposals for what would constitute an ecologically coherent network of MPAs. The content of this paper was presented to the Joint Committee for information in September 2004.
- 8.4 In October 2004, MASH 2004 welcomed the work presented by the UK and requested further guidance on three specific concepts which required additional consideration and the development of a set of criteria to enable an assessment of how sites submitted for designation contribute to achieving an ecologically coherent network.

- 8.5 At the request of Defra, the Support Unit of the JNCC commenced preparation of a new discussion document in February 2004 to stimulate thought on the further areas for development. This was circulated to staff in the country conservation agencies, government departments and devolved administrations for comment and discussed at the OSPAR Intersessional Consultative Group on MPAs in April 2005. Subsequently, the document for submission to MASH 2005 has been developed in full consultation with marine and strategy staff from the country agencies, government departments and devolved administrations. This document will be provided by the UK to MASH which meets in Bristol between the 3rd and the 7th October, 2005. JNCC staff will provide scientific advice to Defra at the meeting. Some further work on this subject may arise from MASH to prepare for the submission of documents to the Biodiversity Committee which meets in early 2006.