

Revised approach to the management of commercial fisheries in European marine sites in England: Project Implementation Plan

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1. Background

The Government has decided to revise the approach to fisheries management within European marine sites (EMS) in England¹. This will ensure that all existing and potential commercial fishing activities in England are carried out in accordance with Article 6 of the European Union (EU) Habitats Directive 92/43/EEC and that the management of sites in UK offshore waters are proposed in accordance with European Commission guidance.

This revised approach will be achieved on a risk-prioritised basis for sites within 12 nautical miles and will be applied to both UK and non-UK fishing vessels in accordance with EU requirements. A project board (PB), to oversee delivery, and an implementation group (IG), to include representatives of key stakeholders in an advisory role, have been set up to ensure that all parties have input in the implementation of the revised approach.

Prioritisation of sites within 12 nautical miles will be achieved by the implementation of a matrix approach, which shows, at a high generic level, gear types and their likely effect on relevant features for which EMS have been designated or classified under EU Habitats Directive and Wild Birds Directive. This generic matrix ('the matrix') should provide regulators with an indicator as to whether the activity requires priority

¹ England, in this context, includes English inshore waters (0 to 12 nautical miles from baselines), and waters in the offshore marine area, but not in the Scottish offshore region – as defined in regulation 2(2) of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

management measures to be introduced to protect that feature without further site level assessment on the impacts of that activity on that feature or whether a further assessment may be necessary.

Under the matrix, fishing activities will be classed as red, amber, green or blue according to the impact of the gear type on the feature(s) for which a site has been designated. The definition for the classifications is annexed to this paper (see Annex I).

The outcomes of this classification and prioritisation exercise will provide the information on which to base the Marine Management Organisation's (MMO) and the inshore fisheries and conservation authorities' (IFCA) management decisions for these sites and, where appropriate, introduce local management measures to prevent damage.

2. Objectives

In order to comply with Article 6 of the Habitats Directive, management measures will be identified for high risk activities and high priority ambers by December 2013.

The MMO will collate a list of EMSs (primarily those outside 12 nautical miles) that will require legislative measures to be proposed by the European Commission (EC) in accordance with the Common Fisheries Policy to ensure adequate protection. The MMO will forward these to the Department for Environment, Food and Rural Affairs (Defra) in order to submit proposals to the EC for any fishery measures needed by the end of 2014.

In relation to all medium and low risk activities the aim is to introduce any necessary management measures to ensure compliance with the Habitats Directive by 2016.

3. Roles and responsibilities

3.1 Project board

A high-level Fisheries in EMS Project Board with working level counterparts will oversee the implementation by regulators of the revised approach for commercial fisheries in EMS. The Fisheries in EMS Project Board will be responsible for:

- a) ensuring the aim and objectives of the project are met
- b) ensuring links with other marine work programmes, other projects and managing dependencies
- c) policy recommendations to ministers

The PB is composed of Defra, MMO, Natural England (NE), Joint Nature Conservation Committee (JNCC), Environment Agency and the Association of IFCAs (AIFCA).

PB shall meet quarterly with further ad hoc meetings as needed.

3.2 Implementation group

The Fisheries in European Marine Sites Implementation Group, which comprises representatives from the fishing industry and environmental non-governmental organisations (NGOs)², will advise the project board and relevant regulators on the implementation of the revised approach to ensure all commercial fishing activities affecting EMS are compliant with the European Union (EU) Habitats Directive.

The group is composed of the PB members plus non-governmental environmental organisations – represented by ClientEarth, the Marine Conservation Society, the Wildlife Trusts – and the fisheries industry – represented by the National Federation of Fishermen's Organisation (NFFO), the New Under Ten Fishermen's Association (NUTFA), Seafish, Shellfish Association of Great Britain (SAGB), MPA Fishing Coalition and local fishermen.

3.3 MMO

MMO has the role of coordinating delivery of the project objectives in respect of the responsibilities of the MMO and the IFCAs in their respective lead areas, including monitoring issues and risks so that contingency arrangements (such as emergency byelaws) can be used if necessary.

MMO to report quarterly to Defra on progress regarding delivery of the project objectives by the MMO and the IFCAs.

MMO and other relevant regulators are responsible and accountable for the implementation of management measures.

3.4 IFCAs and the Environment Agency

IFCAs and the Environment Agency are responsible and accountable for the implementation of management measures within their jurisdiction. The 10 IFCA regulators are represented at the PB by the Association of IFCAs.

3.5 Defra

Defra will oversee the overall delivery of the project objectives.

3.6 Statutory nature conservation bodies

Natural England and the Joint Nature Conservation Committee are responsible for providing advice on conservation status and operations likely to damage EMSs.

4. Evidence

The MMO and IFCAs will draw upon a range of evidence during the preparation of management measures. This will include:

- the risk matrix audit documentation

² For group terms of reference see

www.marinemanagement.org.uk/protecting/conservation/ems_fisheries.htm

Management of fisheries in European marine sites

- statutory nature conservation advice for each site
- review of existing IFCA material with regards to EMS work
- fisheries statistics relevant to the site
- fishing activity mapping data (vessel monitoring system, surveillance, Fishermapping)
- fishing industry and NGO information (if available)
- Cefas literature review material
- Defra evidence project
- MMO and IFCA specialist knowledge

5. Tools

Emergency byelaws will be implemented if the risk to the feature or sub-feature by a fishing gear type is highly likely and management needs to be implemented immediately. The need for these has been assessed through the site action plans and will be monitored throughout the process for implementation.

If appropriate management measures cannot be implemented within the set timeframe (specifically high priority sites by the end of December 2013), emergency byelaws will be implemented however, emergency byelaws can be triggered at any point.

In order to ensure a transparent and consistent approach all parties will work together, share information/evidence and expertise in order to achieve the overall objectives. This has been achieved by the MMO setting up a shared online collaboration tool in February 2013 that can be accessed by all regulators and statutory nature conservation bodies.

6. Management measures

Management measures will be implemented by the IFCAs for sites within 0 to 6 nautical miles, except where another regulator is better placed, such as the Environment Agency.

Where sites straddle the 6 to 12 nautical mile boundary, the MMO will lead to ensure that the most suitable management measure is implemented and complies with IFCA requirements.

Draft impact assessments (IA) for the reds and high priority ambers will be completed by IFCAs and MMO in collaboration with Natural England advisors by the end of March and May 2013 in order to allow for consultation before being presented to IFCA committees by the end of October 2013. Emergency committee meetings can be arranged if required. The MMO will quality check the IFCA byelaws between August and October 2013. The MMO will draft IAs by the end of May 2013 for consultation between June and September 2013.

MMO will present Defra with a list of all EMSs at risk of damage out to 200 nautical miles for further discussion with member states under the Common Fisheries Policy so proposals for offshore EMS can be made to the European Commission for

protection in order to comply with Article 6 of the Habitats Directive by the end of 2016.

7. Timeline

A timeline for delivery of red risk activities by the end of December 2013 with agreed milestones for the implementation of the revised approach and opportunities for engagement can be viewed on the group's website³. A timeline for implementation for amber and green activities will be published shortly.

³ See Management of fisheries in EMS timeline 2013 at www.marinemanagement.org.uk/protecting/conservation/ems_fisheries.htm