

Fisheries in European Marine Sites Implementation Group: Terms of reference

Purpose

1. The Fisheries in European Marine Sites Implementation Group (IG) will advise the Secretary of State and relevant regulators on the implementation of the revised approach to ensure all commercial fishing activities affecting European marine sites (EMSs) are compliant with the European Union (EU) Habitats Directive.

Context

2. EMSs include special areas of conservation (SACs) and special protection areas (SPAs). Together, SACs and SPAs form part of a network of marine protected areas (MPAs) across the European Union (EU), called the 'Natura 2000 network' (N2K). The aim of this network is to maintain or restore natural habitats and species of wild flora and fauna at favourable conservation status across the European Union¹.

3. The UK is committed to the **protection and sustainable use** of the marine environment in line with EU and national legislation. The European N2K and the establishment and management of an ecologically coherent network of marine protected areas in the UK are a key contribution to achieving this aim.

4. Government and fishery regulators in England – primarily the Marine Management Organisation (MMO) and inshore fisheries and conservation authorities (IFCAs)² – have legal obligations to ensure that fishing activities, which could adversely affect EMSs, are managed in a manner that secures compliance with the requirements of Article 6 of the EU Habitats Directive^{3 4}. Conservation of these sites contributes to the delivery of the Department for Environment, Food and Rural Affairs' (Defra) aim to conserve and enhance the marine environment and promote sustainable fisheries.

5. In order to ensure that EMSs receive the requisite level of protection, and ensure our compliance with our legal obligations under EU directives, government has decided to revise the approach to the management of commercial fisheries within EMSs **in England**⁵. This will ensure that all existing and potential commercial fishing activities that can be carried out in EMSs are subject to an assessment of their impact on the conservation objectives for site features, initially at a high level 'generic' scale, and then, as necessary, assessment of their impacts at a site specific level. Regulators and other relevant authorities can then take management decisions in respect of EMSs in light of these assessments.

¹ Article 3(1) of the Habitats Directive 92/43/EEC.

² There could also be other relevant regulators or competent authorities with responsibility for a particular site.

³ See Regulation 9 of the Conservation of Habitats and Species Regulations 2010 (as amended).

⁴ As a matter of government policy, proposed and candidate SPAs/SACs should be afforded the same protection as an EMS (paragraph 118 – National Planning Policy Framework).

⁵ England, in this context, includes English inshore waters, and offshore waters not in the Scottish Zone.

6. The revised approach will be applied on a risk-prioritised, phased basis which will be applied to both UK and non-UK fishing vessels in accordance with the EU requirements. It will focus first on sites that contain features where evidence suggests there is significant risk that certain types of fishing activities could prevent the achievement of conservation objectives.

7. An implementation plan for this revised approach will be drawn up by the end October 2012. This will provide more detailed information on the process and the timelines that will be followed. This will include setting out the roles and responsibilities of relevant authorities, the delivery of advice on high risk features and damaging activities, and an agreed timeline for the delivery of assessments and management measures. The aim is to ensure that implementation will be phased, so that sites with features identified as high risk (red), in relation to the effects of fishing activities, should have management measures identified and introduced by the end of December 2013⁶. For the remaining EMSs the required risk-prioritised, phased assessments (amber) and implementation of management measures should be completed by the end of 2016.

Membership

8. The IG will be chaired by Defra and include representatives from those marine stakeholders with a direct interest in this new approach.

9. Recognising that the revised approach will have an impact on a number of key marine stakeholders and delivery bodies, the IG will include representatives from each of those organisations able to provide advice on how the revised approach can be implemented effectively and practically, considering the impacts of management measures available and suitable timetables of delivery.

10. Members of the IG may appoint deputies to attend in their place. Deputies should be notified to the secretariat in advance of meetings.

11. Additional attendees may be invited dependent on subjects to be discussed.

IG roles and responsibilities

12. The IG will:

- ensure shared understanding of the new approach to ensure compliance with the EU Habitats Directive
- help ensure information is disseminated through regular organisations channels, membership/network so that relevant stakeholders and all those affected are kept informed, as appropriate, advising how best to achieve this
- provide views or comments on the assessment of the sensitivity of site features to fishing activities by gear type that will inform decisions for the delivery of a risk-based, phased approach
- advise on the timetable for implementation, highlighting any risk or issues that need to be resolved

⁶ The expectation is that management measures will be in place by end December 2013. However, the group recognises that the introduction of legislative instruments is subject to a defined procedure, including the possibility of inquiries, which could lead to an extended timeline for implementation.

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- discuss and highlight any practical issues that should be considered, such as the implications of any displacement of fishing activity, understanding of resources required, information sources and gaps, timing and other actual 'implementation' and transitional issues.

13. Decisions on appropriate management measures required for fishing activities in individual sites **will not** be taken by the group. This will be a matter for the regulators and relevant authorities, working with those affected, drawing upon the range of legislative and management tools available to those organisations.

Frequency of meetings

14. The IG will meet fortnightly until the implementation plan has been agreed (end October 2012). The arrangements for future meetings and frequency of meetings will be reviewed.

15. Where possible, meetings will be held using remote conferencing facilities, but there will be occasions when face-to-face meetings will be required.

16. Minutes will be taken to record substantive points of decisions and action points only.

17. Where necessary, items will be cleared by correspondence (including by email).

Secretariat

18. Defra (Marine Biodiversity) will provide the secretariat for the board, to include organising the meeting programme, collating and distributing papers and taking minutes of the meetings.

19. Papers must be approved by the business owner; and sign-off by the Senior Responsible Officer (SRO).

20. Papers should be sent out one week before meetings take place. Late papers can be discussed with the approval of the SRO.

Membership list

Organisation	Member	Role
Defra	Nigel Gooding Head of Marine Biodiversity	IG Chair Project Senior Responsible Officer (SRO)
Defra	Gavin Ross Head of Sustainable Fisheries	Project Deputy SRO
Defra	John Clorley Marine Biodiversity (European and International)	Project Business Owner
Defra	Kesia Trench Marine Biodiversity (European and International)	Project Manager Point of contact for Secretariat

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Organisation	Member	Role
Defra	Niall Malone Marine Biodiversity (European and International)	Point of contact for Secretariat
MMO	Andrew Beattie Director of Operations	Regulator
MMO	Neil Wellum Marine Conservation and Enforcement Team (MCET)	Regulator
MMO	Leanne Stockdale Marine Conservation and Enforcement Team (MCET)	Regulator
MMO	Elaine Young Marine Conservation and Enforcement Team (MCET)	Regulator
Association of IFCAs	Stephen Bolt	Regulator
IFCA	Tim Robbins	Regulator
IFCA	Eden Hannam	Regulator
Environment Agency	Geoff Bateman Head of Fisheries and Biodiversity	Regulator
Natural England (statutory nature conservation body)	Alan Law Marine Director	Relevant authority – conservation advice
Joint Nature Conservation Committee (statutory nature conservation body)	John Goold Marine Director	Relevant authority – conservation advice
ClientEarth	Sandy Luk Head of Biodiversity Programme	Environmental non-governmental organisation
Marine Conservation Society	Melissa Moore Senior Policy Officer	Environmental non-governmental organisation
The Wildlife Trusts	Joan Edwards Head of Living Seas	Environmental non-governmental organisation
New Under Ten Fishermen's Association	Jerry Percy Chief Executive	Fishing industry
MPA Fishing Coalition	Stephen Lockwood	Fishing industry
National Federation of Fishermen's Organisation	Barry Deas Chief Executive	Fishing industry
Sea Fish Industry Authority	Mark Gray Environmental Assessment Support Officer	Fishing industry