

# TAKING MARINE PROTECTED AREAS INTO ACCOUNT IN THE CONTEXT OF MARITIME SPATIAL PLANNING

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Version 2



Supporting Implementation of Maritime Spatial Planning in the  
Northern European Atlantic

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# 1. ABOUT SIMNORAT

As part of the support to the implementation of the European Directive on Maritime Spatial Planning (Directive 2014/89/EU known as MSP Directive), a series of European projects, have been financed by DG MARE and focus on strengthening the cross-border cooperation in Maritime Spatial Planning (MSP).

The SIMNORAT project was launched in early 2017 as part of the calls projects corresponding to the “Northern European Atlantic” region. The associating partners Spanish, Portuguese and French proposed various actions, aiming to:

- Support the Implementation of the Directive on Marine Spatial Planning (MSP) in Member States' marine waters
- Launch and carry out concrete, cross-border MSP cooperation between Member States in the Northern Atlantic, involving three Member States and the relevant authorities responsible for MSP in the selected area, and the Conference of Peripheral Maritime Regions of Europe (CPMR) for the Level of the Regions.

This specific Report, part of the component on Spatial Demands, aims to provide an overview on the current state and potential marine protected areas within the SIMNORAT area. This report describes the different MPA categories existing at the SIMNORAT area, and their legal basis (including national and international legislation).

## 2. INTRODUCTION

Due to the continuing increasing demands for sea space, as well as environmental degradation from overfishing, pollution and habitat destruction, new approaches to the management of human activities and marine resources have emerged, such as Maritime Spatial Planning and Marine Protected Areas (MPAs).<sup>1</sup>

Maritime spatial planning, as defined by the MSP Directive, is “a tool that enables stakeholders to apply coordinated, integrated and transboundary approaches.”<sup>2</sup> Marine Protected Areas are geographically defined areas, designated and managed to achieve specific conservation objectives and as such aim to protect and conserve the marine environment.

The main objective of MSP is to seek the balance on demands for development with the need to protect the environment, achieving social, environmental and economic objectives, in an open and planned approach.<sup>3</sup> MPAs contribute to protect ecosystems, on which many services to depend. For this reason, those areas reason must be considered on the MSP process.

According to *the* International Union for Conservation of Nature (IUCN) description, a Marine Protected Area (MPA) is “a clear defined geographical space, recognised, dedicated and managed, through legal or effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values”.<sup>4</sup>

Marine protected areas, are divided by different categories that can aim for different objectives. Those objectives will determine the scope of protection of the MPA; it can include environmental, socio-economic aspects and cultural/historical features.<sup>5</sup> There are many kinds of marine protected areas that meet this broad definition, and which can have a wide range of conservation objectives.<sup>6</sup> Such objectives can include environmental, socio-economic aspects and cultural/historical features:

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<sup>1</sup> Kenchington, R. A., Ward, T. J., & Hegerl, E. J. (2003). The benefits of marine protected areas. Department of the Environment and Heritage.

<sup>2</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0089&from=EN>

<sup>3</sup> Ehler, C., & Douvère, F. (2009). Marine spatial planning: a step-by-step approach toward ecosystem based management. UNESCO/IOC.

<sup>4</sup> <https://www.iucn.org/theme/protected-areas/about>

<sup>5</sup> <http://www.protectplanetoccean.org/collections/introduction/introbox/mpas/introduction-item.html>

<sup>6</sup> <http://www.protectplanetoccean.org/collections/introduction/introbox/mpas/introduction-item.html>

**Ecological objectives:**

- Ensure the ecosystems' a long-term viability,
- Protect threatened and endangered species,
- Preserve habitats considered critical for the survival and lifecycle of species,
- Prevent outside activities to damage MPAs' ecosystems.<sup>7</sup>

**Socio-economic objectives:**

- Provide human welfare,
- Preserve historical and cultural sites,
- Facilitate conservation, education and tourism,
- Develop research, training and monitoring environmental effects of human activities.<sup>8</sup>
- Support sustainable development of human activities.<sup>9</sup>

It is crucial to understand MPAs objectives as well as management and regulations (which can also vary between categories) in order to better took these protection instrument into account in MSP and to develop cross-border cooperation on environment related issues. For this reason, this report will present in detail the differences between the several categories of MPAs present at the SIMNORAT area (figure 1).

It has to be reminded that MPA is not the only way to address protection of marine ecosystems. Conservation issues are also tackled through global regulations enforced beyond MPA perimeters. However, this study focuses only on MPAs because of they are spatially delimited. Hence, they show a direct relation with spatial demands for MSP.

This report, considered the term MPA in the general sense, taking into account the various categories designated to conservation purpose. The objective of this report is to provide a view on:

- Main actors involved on marine conservation (Authorities, technical bodies, NGOs) for each country
- The MPA categories present at the SIMNORAT area analysing legal basis, conservation objectives, management and governance processes or regulations in force. This at different levels:
  - International MPA categories
  - EU MPA categories
  - Regional MPA categories (OSPAR)
  - National MPA categories

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<sup>7</sup> <http://www.protectplanetoccean.org/collections/introduction/introbox/mpas/introduction-item.html>

<sup>8</sup> <http://www.protectplanetoccean.org/collections/introduction/introbox/mpas/introduction-item.html>

<sup>9</sup> [https://www.iucn.org/sites/dev/files/natural\\_solutions\\_-\\_sdgs\\_final\\_2.pdf](https://www.iucn.org/sites/dev/files/natural_solutions_-_sdgs_final_2.pdf)





**REGION IV OSPAR - BAY OF BISCAY AND IBERIAN COAST**  
**Marine protected areas network**

Edited in : 11/2018

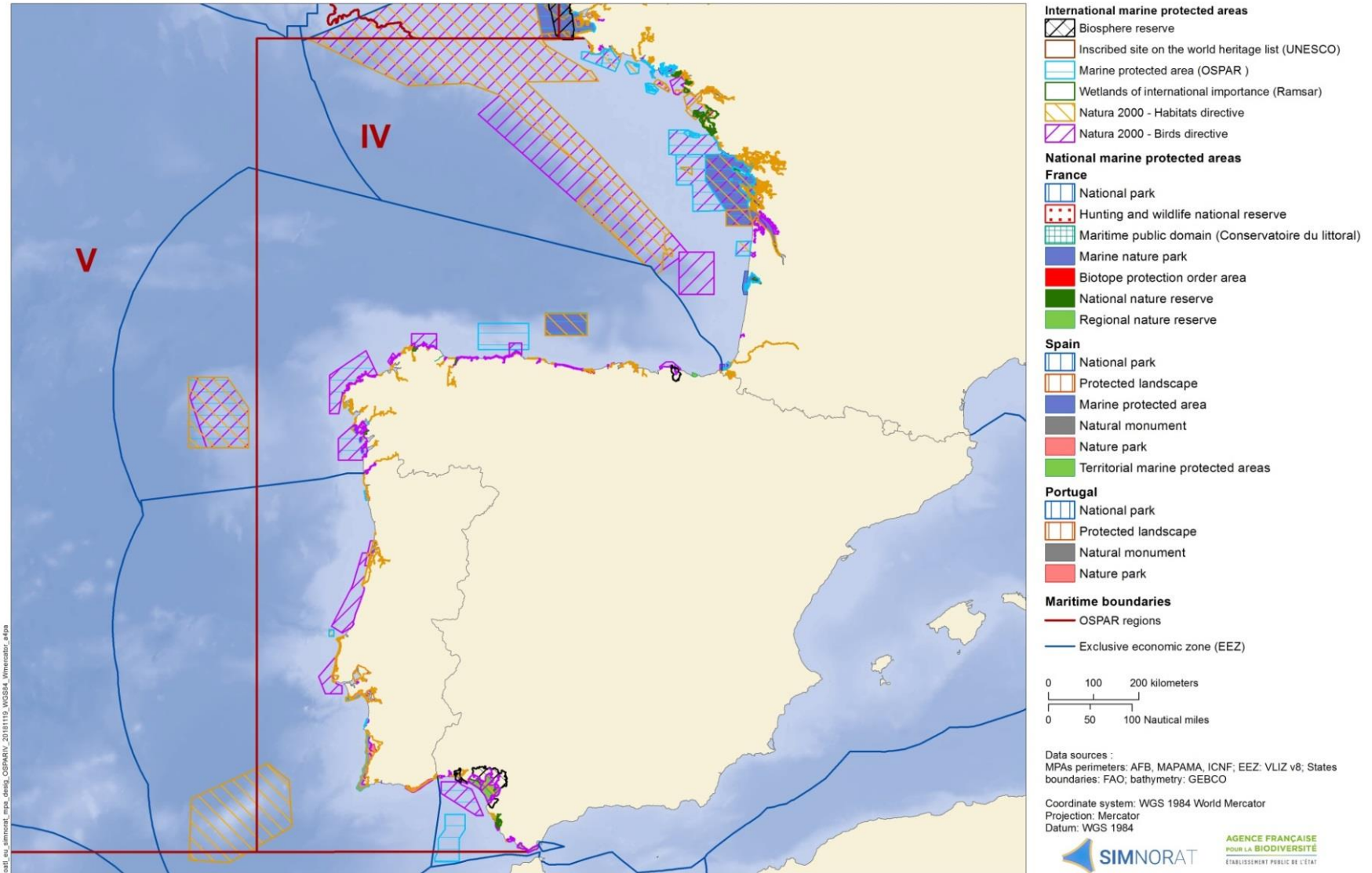


Figure 1: MPAs present at the OSPAR Region IV. Sources: SIMNORAT, 2018.

### 3. ACTORS BY COUNTRY

MPAs' governance processes require the participation of several different actors. This section presents the different actors by country in Portugal, Spain and France. Those actors are divided by types. Only actors that have a relevant role for marine protected areas were included in this analysis.

In this analysis, actors are considered as:

- **National Authority:** Responsible authority in charge of MPA designation, management and regulation process (e.g. Ministries)
- **Technical and Scientific Bodies:** Research bodies that may work on the field of marine conservation, maritime affairs, investigation (e.g. Universities, sectorial institutes)
- **Civil Society:** Non-governmental organisations and institutions that manifest interest and will of citizens and have an important role on MPAs (those bodies may be involved on the management, depending on the country).

#### 3.1. Portugal

The Institute for Nature Conservation and Forests (ICNF - Instituto da Conservação da Natureza e das Florestas) is the national authority for Nature Conservation and Biodiversity, and is responsible for ensuring the management of the National Network of Protected Areas as well as implementing the EU Natura 2000 Network. The management of marine protected areas in the soil and subsoil of the sea and in the column and surface of waters beyond the territorial sea is the responsibility of the Directorate-General for Natural Resources, Safety and Maritime Services (DGRM – Direção Geral dos Recursos Naturais, Segurança e Serviços Marítimos), in liaison with ICNF.

The responsibility for the monitoring of these areas is dependent on the type of protected area. If it is included in the National Network of Protected Areas, ICNF is the main responsible authority. On the other hand, if those protected areas are totally marine and are located beyond the territorial sea, the responsible institution for monitoring is DGRM in articulation with the Portuguese Institute of the Sea and Atmosphere (IPMA - Instituto Português do Mar e da Atmosfera), namely for the MPA which are set under the MSFD.

In 2017<sup>10</sup>, a National Working Group for MPAs was created with the aim of evaluating the existent MPAs, and to propose the designation of new areas, in order to create a coherent network of MPAs. The following authorities are part of the working group:

The following authorities are part of the working group:

- Ministry of the Sea, which coordinates the working group,
- Cabinet of the Secretariat of Fisheries,
- Directorate-General for Natural Resources, Safety and Maritime Services (DGRM),
- Directorate-General for Maritime Policy (DGPM)<sup>11</sup>,
- Portuguese Task Group for the Extension of the Continental Shelf (EMEPC)<sup>12</sup>,
- Portuguese Institute of the Sea and Atmosphere (IPMA),
- Directorate General for the Maritime Authority (DGAM)<sup>13</sup>,
- Autonomous Regions Madeira and Azores Governments,
- Hydrographic institute,
- Universities of Aveiro, Porto, Algarve, Lisbon and Azores,

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<sup>10</sup> Dispatch no. 1/2017, 6 of March

<sup>11</sup> In Portuguese: **Direção-Geral de Política do Mar**

<sup>12</sup> In Portuguese: **Estrutura de Missão para a Extensão da Plataforma Continental**

<sup>13</sup> In Portuguese: **Direção-Geral de Autoridade Marítima**

- Platform PONG Pesca,
- Oceano Azul Foundation,
- Portuguese Society for the Study of Birds (SPEA),
- WWF,
- Seas at Risk,
- Nature Protection League (LPN).

## National Administrations

### Directorate-General for Natural Resources, Safety and Maritime Services (DGRM)

The DGRM is a government board of the Ministry of the Sea with administrative autonomy. Among its attributions, we highlight those concerning marine protected areas (Decree Law no. 49-A/2012, February 29<sup>th</sup>):

- propose, in articulation with the National Authority for Nature Conservation and Biodiversity (ICNF), the creation of MPAs;
- ensure the management of the MPAs of national interest and collaborate in the management of MPAs of regional or local scope, namely through the elaboration, evaluation and review of respective spatial plans;
- participate, at technical and scientific level, in the definition and promotion of strategies for the MPAs' protection defined at national, Community or international level;
- coordinate the national participation in the OSPAR Convention;
- license and supervise, within the scope of its competences, the use of MPAs' waters.

## Regional administration

In Portugal, the autonomous regions (Madeira and Azores archipelagos) have administrative and legislative autonomy, with its own representatives and executive and administrative powers.

Regional authorities are responsible for the designation and management of MPAs falling into "territorial categories", or for coastal MPAs where the link land-sea has been scientifically demonstrated. The creation of protected areas becomes effective through Regional Legislative Decrees.

In SIMNORAT region, there are no Autonomous Regions.

## Technical and scientific bodies

### Institute for Nature Conservation and Forests (ICNF)

The ICNF is a public institute, integrated into the indirect administration of the State, with administrative and financial autonomy.<sup>14</sup> ICNF is the national authority for the nature conservation and biodiversity. Among its functions are the proposition, monitoring and implementation of nature conservation policies. In collaboration with the Portuguese Agency of Environment (APA – Agência Portuguesa do Ambiente), the ICNF secures the conservation and sustainable management of species and habitats. It is the responsible authority for the elaboration and implementation of plans, programs and actions dedicated to management and monitoring of the protected areas.

Concerning MPAs, the ICNF is responsible for the management of national MPAs, in cooperation with the DGRM and the Portuguese Institute for the Sea and Atmosphere (IPMA). The ICNF also promotes the revision of spatial plans for MPAs, developing instruments of management for the N2000 Network, assuring the connectivity referent to migration, geographical distribution and genetic exchange of species.

The ICNF can propose the creation of MPAs, securing the management of areas of national interest, in cooperation with the DGRM and IPMA. The ICNF can follow activities of research in areas of marine

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<sup>14</sup> <http://www2.icnf.pt/portal/icnf/missao>

conservation and propose orientation for funding, in cooperation with services or State organisms with similar duties.

### **Portuguese Institute for Sea and Atmosphere I.P. (IPMA, IP).**

The IPMA is a public institution part of the indirect administration of the State, under the oversight and tutelage of Ministry of the Sea. The IPMA has the responsibilities at the national level in the fields of the sea and the atmosphere, concentrating its efforts on research projects that revert to direct applications with use in the operational activity.<sup>15</sup> The IPMA also supports strategic plans in terms of analysis and surveys, research and monitoring.<sup>16</sup>

Regarding their role on MPAs, the IPMA is responsible for:

- Promote the sustainable exploitation of marine resources, ensuring the systematic assessment of the environmental status and preservation of marine biodiversity
- Contribute to the definition and implementation of policies concerning the preservation and quality of environment
- When necessary, the IPMA exercises its attribution in articulation with the services and institutions of other areas of the Public Administration or private sector, in particular on the fields of scientific research and culture.<sup>17</sup>

### **Hydrographic Institute (IH)**

The Hydrographic Institute (IH) is a technical body of the Portuguese Navy, created by Decree-Law nº. 43177/1960, 22 September. The IH's main mission is to ensure activities related to the marine sciences and techniques to be applied in the military area and to contribute to the country's development in the areas of science and defense of the marine environment. It is a recognized institution for the ocean knowledge and research.

### **Portuguese Task Group for the Extension of the Continental Shelf (EMEPC)**

The EMEPC was created to prepare and deliver the extended continental shelf submission to the United Nations (UN) and to interact with the Commission on the Limits of the Continental Shelf (CLCS), during its consideration. The increase of knowledge on the morphology and the geological and hydrographic characteristics of the seabed is one of its main objectives. The task group also work to maintain updated the database structure that support the extension of the continental shelf project, continuing the National Sea Information System (SNIMar), in coordination with IPMA and the Directorate-General for Marine Policy (DGPM).<sup>18</sup>

### **Academia and Associated Laboratories**

Several Universities and its associated laboratories work towards marine conservation, namely in scientific research related with MPAs. It is the case of Centre for Environmental and Marine Studies (CESAM) the Interdisciplinary Centre of Marine and Environmental Research (CIIMAR), Marine and Environmental Sciences Centre (MARE), Centre of Marine Sciences (CCMAR) and Centre for Marine and Environmental Research (CIMA)<sup>19</sup>.

## **Civil Society**

### **Oceanário de Lisboa**

The Oceanário de Lisboa is a large public aquarium opened in 1998. It collaborates with several institutions with a view to promoting ocean sustainability. Besides developing educational activities, it supports scientific research and marine biodiversity conservation projects, and provides consulting services.<sup>20</sup> Octoparque is one of the conservation projects sponsored by Oceanário, developed in

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<sup>15</sup> <https://www.ipma.pt/pt/oipma/>

<sup>16</sup> <https://www.ipma.pt/pt/oipma/oque/recursos-marinhos/index.jsp>

<sup>17</sup> [http://d2ouvy59p0dg6k.cloudfront.net/downloads/2017\\_03\\_08\\_relatorio\\_wwffevereiro\\_prova4.pdf](http://d2ouvy59p0dg6k.cloudfront.net/downloads/2017_03_08_relatorio_wwffevereiro_prova4.pdf)

<sup>18</sup> <https://www.emepc.pt/missao?lang=en>

<sup>19</sup> <https://www.dgrm.mm.gov.pt/reas-marinhas-protégidas>

<sup>20</sup> <https://www.oceanario.pt/en/about-us>

collaboration with IPMA and ICNF. This project aims to prevent the octopus fishing at the Marine Park Professor Luiz Saldanha.<sup>21</sup>

As result of a partnership with the International Union for Conservation of Nature (IUCN), the Oceanário de Lisboa staff includes, since 2018, an IUCN Marine RED LIST Officer devoted to the assessment of the risk of extinction of marine species, playing a key role in the increase of the number of species assessed.

### **Oceano Azul Foundation**

The Oceano Azul Foundation is a non-profitable private law corporate entity with the purpose of contributing to the sustainability of a healthy and productive ocean. It seeks to develop ocean literacy and deepen society's understanding and knowledge of the importance of ocean sustainability; to contribute to the conservation of the oceans, promoting the value of biodiversity and the development of sustainable uses; and to contribute towards a new governance of the ocean.<sup>22</sup> The Oceano Azul Foundation is one of the entities that integrate the National Working Group for MPAs.<sup>23</sup>

### **Pong-Pesca**

The platform Pong-Pesca is a network of the main NGOs that work on the marine and coastal environment in Portugal. Its aim is to promote the sustainable exploration of the fishing resources, including social, economic and ecological aspects. The main objective is to create a Forum of dialogue and work between the NGOs that develop the work on the coastal and marine environment in Portugal. The Pong-Pesca is also reference on the discussion and reflection about fisheries, representing the link between the fisheries sector and the other stakeholders.<sup>24</sup>

Other topics are also under the interest of the network, such as:

- Environment state of oceans and coast,
- Aquaculture,
- Management of marine environment and the coast.

### **World Wildlife Fund - (WWF)**

In Portugal, WWF works with marine conservation and fisheries since 2014. Regarding MPAs, the WWF Portugal, developed a study about Portuguese MPAs<sup>25</sup>, this study explores governance, duties, management and monitoring which was the first one of this kind, since this information is dispersed.

## **3.2. Spain**

The main responsible national authority for offshore marine conservation in Spain is the “Ministerio para la transición ecológica”<sup>26</sup> (MITECO). On the regional and local level, the Spanish regions (Autonomous Communities) have responsibility on the designation and management of coastal MPAs.<sup>27</sup> The criteria to establish the competence between these two administrations follows the rule of the ecological connectivity. If a Marine Protected Area has ecological connectivity with a protected space in land, the competence will be of the Autonomous Community, in any other case in external waters, the competence will be of the central state (MITECO). Also, Autonomous Communities are competent when consider.

### **RAMPE (Network of Marine Protected Areas in Spain – Red de Areas Marinas Protegidas de España):**

In Spain protected areas with marine features, may be part of the RAMPE (including management and declaration), as established by Law 41/2010 of December 29<sup>th</sup> of Marine Environment Protection<sup>28</sup>, which includes an entire title about RAMPE, Title III: Network of Marine Protected Areas and marine species and habitats protection (articles 24 to 30). In this section, there is the information about objectives, types of

<sup>21</sup> <https://www.oceanario.pt/conservacao/quem-financiamos/>

<sup>22</sup> <https://www.oceanoazulfoundation.org/>

<sup>23</sup> <https://www.dgrm.mm.gov.pt/reas-marinhas-protegidas>

<sup>24</sup> <https://pongpesca.wordpress.com/sobre/>

<sup>25</sup> WWF, Horta e Costa, B. (2017). MPA X-ray – Diagnóstico das Áreas Marinhas Protegidas Portuguesas. WWF Portugal. Portugal, 79pp.

<sup>26</sup> Previously “Ministério da Agricultura e Pesca, Alimentação e Ambiente »

<sup>27</sup> <http://fundacion-biodiversidad.es/es/biodiversidad-marina-y-litoral/proyectos-propios/sumergete-en-las-profundidades-del-mar>

<sup>28</sup> <https://www.boe.es/buscar/act.php?id=BOE-A-2010-20050>

MPA in Spain, creation and management of MPS in Spain, MPA management plan and monitoring and surveillance of MPA.

The public organisms will watch over the correct use of the natural resources in order to protect them, conserve them, improve the quality of life and defend and restore the environment. The powers are shared between the State, the Autonomous Communities and the municipalities. In the constitution the basic competences are distributed taking into account the separation of executive and normative aspects of the environmental action.<sup>29</sup>

The main type of governance in the Spanish MPAs is governance by government (national, federal or sub-national agency) and shared governance (collaborative management).<sup>30</sup>

## National Administrations

### **Ministerio para la transición ecológica<sup>31</sup>**

The “Ministerio para la Transición Ecológica” is the responsible body for protection of natural and biological heritage, resources of fishing, maritime issues and water.<sup>32</sup> It’s also the responsible authority in Spain for the implementation of Maritime Spatial Planning through it’s Sub-Directorate general of Protection of the Sea.<sup>33</sup>

In Spain, the [Law 42/2007 of December 13<sup>th</sup>](#), for Natural Heritage and Biodiversity, establishes the obligation of cooperation between the Public Administrations, creating the “Comisión Estatal para el Patrimonio Natural y la Biodiversidad”, as the responsible body for consultation and cooperation between the State and the Autonomous Communities.

The [Royal Decree 1424/2008, of August 14<sup>th</sup>](#), determinates the composition and the functions of the Estate Commission, establishing the specialized Committees. The “Comité de Flora y Fauna Silvestre” coordinates actions relative to the conservation of species of fauna and flora. This Committee is integrated by representatives of the Autonomous Communities and of the MITECO.

### **Ministerio de Agricultura, Pesca y Alimentación**

The “Ministerio de Agricultura, Pesca y Alimentación” has the state competence in fishing resources and aquaculture in external waters. The organism is responsible to elaborate general strategies and plans for fishing resources and establishing international fishing regulations.

According to the article 7 of the “Real Decreto 904/2018, de 20 de julio, por el que se desarrolla la estructura orgánica básica del Ministerio de Agricultura, Pesca y Alimentación, y por el que se modifica el Real Decreto 595/2018, de 22 de junio, por el que se establece la estructura orgánica básica de los departamentos ministeriales”, this body has to participate in the investigation of fishing resources and aquaculture planning.

### **Fundación Biodiversidad**

The organism is a public sector foundation that belongs to the MITECO. It has been created in 1998 in order to protect the biodiversity. The role of the foundation is to contribute to the protection and conservation of the Spanish natural heritage and the biodiversity. The Foundation works in execution of conservation projects (e.g. EU projects), in collaboration with NGOs and other bodies such as Universities.<sup>34</sup>

The Foundation coordinated the following projects dealing with the management and regulation of MPAs:

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<sup>29</sup> <https://www.cerem.es/blog/estructura-de-la-legislacion-ambiental-en-espana>

<sup>30</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>31</sup> Previously “Ministério da Agricultura e Pesca, Alimentação e Ambiente »

<sup>32</sup> <http://www.mapama.gob.es/es/ministerio/funciones-estructura/default.aspx>

<sup>33</sup> <http://mapama.gob.es/>

<sup>34</sup> <http://fundacion-biodiversidad.es/es/conocenos>

- **LIFE INTEMARES (2016–2024):** “Integrated, innovative and participatory management of Natura 2000 network in Spanish marine environment”<sup>35</sup>. The main objective of this project is to achieve a consolidated network of N2000, managed on an effective way with participation of all sectors.
- **LIFE INDEMARES (2009-2014):** “Inventory and designation of marine Natura 2000 areas in Spanish seas”, this project, worked the scientific basis for the enlargement of the Natura 2000 network in the marine environment in Spain, by the identification of the spaces of high ecological value. The main result of this project was the declaration of 39 marine SPAs, and 10 SCIs. This surface included the protection of more than 8% of the marine surface of Spain.<sup>36</sup>

## Regional administration

In Spain, the autonomous communities are an administrative territorial entity that within the constitutional system is endowed with a certain legislative autonomy, with its own representatives and certain executive and administrative powers.<sup>37</sup>

Regional authorities are responsible for the designation and management of MPAs falling into “territorial categories”, or for coastal MPAs where the link land-sea has been scientifically demonstrated.<sup>38</sup>

The local administrations of the SIMNORAT Region are the following:

- **Galicia:** Xunta de Galicia – Consejería de Medio Ambiente e Ordenación do Territorio<sup>39</sup>
- **País Vasco:** Gobierno Vasco – Departamento de Medio Ambiente, Planificación Territorial y Vivienda<sup>40</sup>
- **Cantabria:** Gobierno de Cantabria – Consejería de Medio Ambiente, Ordenación del Territorio y Urbanismo<sup>41</sup>
- **Asturias:** Gobierno del Principado de Asturias – Consejería de Infraestructuras, Ordenación del Territorio y Medio Ambiente- Red Ambiental de Asturias<sup>42</sup>
- **Andalucía:** Junta de Andalucía – Consejería de Medio Ambiente y Ordenación del Territorio.

## Technical bodies

### Spanish Institute of Oceanography (IEO)

The Spanish Institute of Oceanography<sup>43</sup> is a public organism that depends on the Ministry of Science, Innovation and Universities. The IEO is a body dedicated to the investigation of the marine sciences that counts with a unit dealing with marine conservation.

The main topics explored by the IEO are the sustainable fishing resources and marine environment. The IEO represents Spain in most of the international scientific and technological forums related to the sea and its resources.

The main topics explored by the IEO are the sustainable fishing resources and marine environment. It has the role of representing the State in international scientific and technological forums, related to the sea and its resources in coordination with the Ministries of Foreign Affairs, European Union and Cooperation (also the MITECO)<sup>44</sup>.

The IEO is the referent organism for the declaration of protection zones of fisheries, marine protected

<sup>35</sup> <http://fundacion-biodiversidad.es/es/biodiversidad-marina-y-litoral/proyectos-propios/life-ip-paf-intemares>

<sup>36</sup> <http://fundacion-biodiversidad.es/es/biodiversidad-marina-y-litoral/proyectos-propios/sumergete-en-las-profundidades-del-mar>

<sup>37</sup> <http://www.congreso.es/consti/constitucion/indice/titulos/articulos.jsp?ini=143&fin=158&tipo=2>

<sup>38</sup> <http://fundacion-biodiversidad.es/es/biodiversidad-marina-y-litoral/proyectos-propios/sumergete-en-las-profundidades-del-mar>

<sup>39</sup> [http://cmaot.xunta.gal/seccion-](http://cmaot.xunta.gal/seccion-tema/c/Conservacion?content=Direccion_Xeral_Conservacion_Natureza/Espazos_protexidos/seccion.html&sub=Rede_natura_2000/)

[tema/c/Conservacion?content=Direccion\\_Xeral\\_Conservacion\\_Natureza/Espazos\\_protexidos/seccion.html&sub=Rede\\_natura\\_2000/](http://cmaot.xunta.gal/seccion-tema/c/Conservacion?content=Direccion_Xeral_Conservacion_Natureza/Espazos_protexidos/seccion.html&sub=Rede_natura_2000/)

<sup>40</sup> <http://www.euskadi.eus/web01-a1ingdib/es>

<sup>41</sup> <http://natura2000.ihcantabria.com/proyectos/>

<sup>42</sup> <https://www.asturias.es/portal/site/medioambiente/menuitem.4691a4f57147e2c2553cbf10a6108a0c/?vgnnextoid=fcd25b51cb90c110VgnVCM1000006a01a8c0RCRD&i18n.http.lang=es>

<sup>43</sup> In Spanish: Instituto Español de Oceanografía

<sup>44</sup> <http://www.ieo.es/es/funciones;jsessionid=2E241D3D0CDBC178F2EC542BDC009115>

areas and other spaces on the maritime domain of Spain,<sup>45</sup> by dealing with scientific studies to justify the declaration of important areas as MPAs (e.g. on the identification of habitats and species of community importance).

### Universities

In Spain, several Universities are involved on marine conservation, such as the case of the University of Seville<sup>46</sup>, University of Vigo<sup>47</sup>, Universidad de La Coruña or University of Oviedo. Those Universities are involved on the development of methodologies (and development of studies) to monitor the environment, involving MPAs.

### AZTI – Technological Expert Center on marine and food innovation

The AZTI is a specialized technology centre compliant with RVCTI<sup>2</sup> (Basque Science, Technology and Innovation) indicators and the CIT register. That conducts strategic applied research to generate knowledge, focused on the Basque Country economic and social development.<sup>48</sup>

The center also has research applied to the marine environment, providing knowledge on the functioning of the coastal systems in order to attain a sustainable management of marine goods and services.<sup>49</sup> AZTI is also involved on investigation of responsible fishing practices, in order to achieve sustainable fishing activities by economic and competitive fleet.<sup>50</sup>

The main areas of specialisation in marine research are:

- Marine Ecosystem Functioning
- Sustainable fisheries management
- Marine and coastal environmental management
- Efficient use of resources: aquaculture and maritime technologies.<sup>51</sup>

### Civil Society

In Spain, the role of NGOs is very important for biodiversity conservation. NGOs takes part in numerous projects, in some occasions being partners of main projects of protection of seas, for example, WWF Spain<sup>52</sup> and Seo-Birdlife<sup>53</sup> were and are participants of LIFE+ INDEMARES and LIFE PAF INTEMARES. The “[Law 42/2007 of December 13<sup>th</sup>](#)”, for Natural Heritage and Biodiversity” indicates in different articles the role of NGOs in nature protection:

- Article 8: The “Consejo Estatal para el Patrimonio Natural y la Biodiversidad” is the organism responsible to carry out the public participation in natural heritage and biodiversity. It integrates the participation of the State, Autonomous Communities, professional organizations, scientists and NGOs.
- Article 13: To elaborate and approve the Strategic Plan of Natural Heritage and Biodiversity, NGOs should be consulted during public participation.
- Article 22: To elaborate and approve the Natural Resources Ordinance Plans, NGOs should be consulted during public participation.

MITECO website has a NGOs database that includes all organizations having a participation in biodiversity protection<sup>54</sup>.

<sup>45</sup> <https://www.boe.es/buscar/act.php?id=BOE-A-2010-20050> – Article 27

<sup>46</sup> [http://www.us.es/estudios/master/master\\_M158/asignatura\\_51580020/proyecto\\_990263](http://www.us.es/estudios/master/master_M158/asignatura_51580020/proyecto_990263)

<sup>47</sup> <https://tv.uvigo.es/es/video/mm/18767.html>

<sup>48</sup> <http://www.azti.es/clients/>

<sup>49</sup> <http://www.azti.es/marine-research/>

<sup>50</sup> <http://www.azti.es/marine-research/>

<sup>51</sup> <http://www.azti.es/marine-research/>

<sup>52</sup> [https://www.wwf.es/nuestro\\_trabajo\\_/oceanos/](https://www.wwf.es/nuestro_trabajo_/oceanos/)

<sup>53</sup> <https://www.seo.org/>

<sup>54</sup> <https://www.miteco.gob.es/va/calidad-y-evaluacion-ambiental/organismos-y-organizaciones/entidades-ambientales/ong/>



### **World Wild Fund (WWF) - Spain**

Internationally, WWF works providing support for local communities on identifying the most suitable and critical places to establish Marine Protected Area, support on the participation in MPAs co-management and develop alternative sources of income for livelihoods around MPAs.<sup>55</sup>

The WWF NGO works directly on the management and proposal of designation of MPAs in Spain, participating on projects with the Spanish administrations, such as the case of INTEMARES and INDEMARES.

WWF Spain is an institution actively involved in protection and conservation of seas, by supporting on the effective participation of society on conservation, especially targeting communication with users of the marine space.<sup>56</sup>

The NGO seeks to contribute on the process of sustainable maritime spatial planning. By proposing the creation of a "Corridor of Cetaceans" in the Mediterranean, project that turned recently to reality with the creation of the MPA through Royal Decree.<sup>57</sup>

### **Oceana**

Oceana, founded in 2001, is an international organisation focused in ocean conservation with its European headquarters in Madrid. Oceana works strategically with dedicated campaigns in order to achieve diverse and abundant oceans. The NGO is also dedicated to advocate for science-based fishery management and restoring the world oceans<sup>58</sup>.

The NGO have also works on the documentation of the Mediterranean seabed, providing a register of areas of special interest.<sup>59</sup>

OCEANA participated in LIFE+ INDEMARES as a partner to contribute in the investigation in one area proposed in Alboran Sea.

### **SEO Birdlife**

The SEO Birdlife is a Society founded in 1954 that aim to conserve nature and biodiversity in Spain. The NGO focus on protecting the wild birds present in the Spanish territory, contributing to the worldwide biodiversity.

The NGO also provide scientific studies in order to increase the knowledge about birds and habitats. The SEO Birdlife also acts on topics related to water contamination, exploitation of resources and nature conservation including marine birds.<sup>60</sup>

## **3.3 France**

In France, due to the principle of "decentralised state", the central government acts within territories through the representative authority called: Prefects". The Prefects may act on different scales, maritime fronts, regions or departments.

The main maritime and coastal affairs, including the MPAs creation and regulation, are made by the State (represented by Prefects). The different Prefects and devolved administrations, play an important role in MPA regulation on the French waters, for example, they may be part of the MPAs management boards, creation and enforcement of the regulation at the sea (e.g. surveillance services).

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<sup>55</sup> [http://wwf.panda.org/our\\_work/oceans/solutions/protection/protected\\_areas/improving\\_management/](http://wwf.panda.org/our_work/oceans/solutions/protection/protected_areas/improving_management/)

<sup>56</sup> [https://www.wwf.es/nuestro\\_trabajo\\_oceanos/areas\\_marinas\\_protegidas/](https://www.wwf.es/nuestro_trabajo_oceanos/areas_marinas_protegidas/)

<sup>57</sup> [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2018-9034](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2018-9034)

<sup>58</sup> <http://oceana.org/what-we-do>

<sup>59</sup> [http://www.indemares.es/sites/default/files/areas\\_marinas\\_protegidas\\_cuenca\\_mediterranea\\_oceana.pdf](http://www.indemares.es/sites/default/files/areas_marinas_protegidas_cuenca_mediterranea_oceana.pdf)

<sup>60</sup> <https://www.seo.org/trabajamos-en/aguas/>

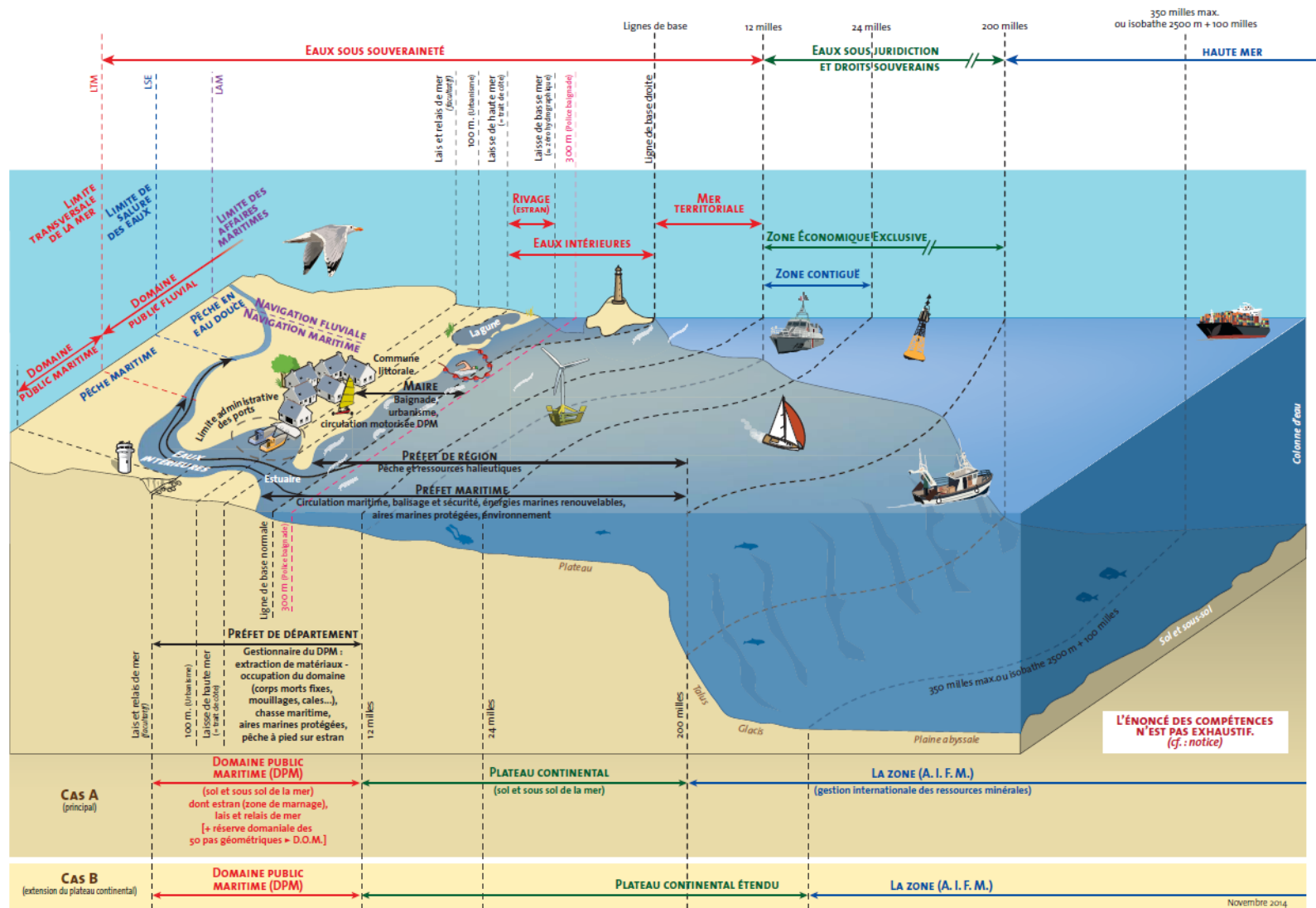


Figure 2 : Delimitations of the Maritime space in France. Source: AFB, 2014.

## National administrations

At the central level, the **Ministère de la Transition Ecologique et Solidaire**, is the public body in France responsible for developing policies on sustainable development, environment, green technologies and the maritime infrastructure. The Ministry is the main body providing funds for the French Biodiversity Agency.<sup>61</sup>

### Maritime Prefecture

It is the administration under the direct authority of the maritime Prefect, who is also in charge of functions on maritime safeguard,<sup>62</sup> in addition of being the State representative at Sea. There are three maritime prefects in mainland France, one for each region (North Sea, Mediterranean and Atlantic).

### Direction Interrégionale de la Mer (DIRMs)

The DIRMs in France are Directorates of the Sea, in charge of applying public policy on the maritime domain. They are placed under the responsibility of the region prefect and are also at the disposal of the maritime and the department prefect.

### Directions Régionales de l'environnement, de l'aménagement et du Logement (DREAL)

The DREAL is a service of the State at the region scale. This body is under service of the Prefect of a Region, and the Prefects of the Departments<sup>63</sup>. There are three DREALs in the French OSPAR IV region waters: Bretagne, Pays de la Loire and Nouvelle-Aquitaine. Basically, the DREAL is the responsible body for the coordination of land public policies from the Ministère de la Transition écologique et solidaire<sup>64</sup>.

Between the main responsibilities of the DREAL, it can be highlighted the management of territory, the prevention of risks, the preservation of resources, land planning, public information and awareness (education)<sup>65</sup>.

### Direction départementale des Territoires et de la Mer (DDTM)

Placed under the responsibility of the department Prefect, they are acting at the department level for enforcement of land public policies and marine ones that affect seabeds under the 12 nautical miles.

## Technical bodies

### L'Agence française pour la biodiversité (AFB)

The French Agency for Biodiversity (previous Agence des aires marines protégées or MPAs Agency) is a public institution of the Ministry of Transition of Ecology and Solidarity. It carries out missions to support the implementation of public policies in the areas of knowledge, preservation, management and restoration of biodiversity of terrestrial, aquatic and marine environments. It supports other public actors and works in close partnership with socio-economic actors. Other task led by the AFB, is the mobilization of citizens regarding biodiversity issues.<sup>66</sup>

### National Museum of Natural History

The Museum is a research centre that encompasses a wide range of disciplines on its research. The institution is also responsible for sharing knowledge, through education and dissemination activities including nature conservation.<sup>67</sup>

The Museum has a Centre of Expertise on Data and Nature that encompasses a mix of teams, including the French Agency of Biodiversity and the National Center for the Scientific Research (CNRS). This unit

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<sup>61</sup> <https://www.ecologique-solidaire.gouv.fr/aires-marines-protégées>

<sup>62</sup> <https://www.premar-atlantique.gouv.fr/>

<sup>63</sup> <https://www.ecologique-solidaire.gouv.fr/services-deconcentres-du-ministere>

<sup>64</sup> <https://www.ecologique-solidaire.gouv.fr/services-deconcentres-du-ministere>

<sup>65</sup> <https://www.ecologique-solidaire.gouv.fr/services-deconcentres-du-ministere>

<sup>66</sup> <https://www.afbiodiversite.fr/fr/lagence-francaise-pour-la-biodiversite>

<sup>67</sup> <http://www.mnhn.fr/en/about-museum/presentation>

provides scientific and technical expertise on biodiversity and geodiversity in France for the benefit of knowledge and conservation policies (including marine themes).<sup>68</sup>

The Center also provides, within the framework of national/EU public policies support for the technical and scientific animation to the services of the State, the local authorities and the public establishments in charge of the biodiversity and natural spaces. It brings its scientific expertise to socio-economic actors who implement actions for biodiversity in environmental policy.<sup>69</sup>

### Other bodies

The **Conservatoire du Littoral** is a public body, supervised by the Ministry Ecological Transition involved on MPAs management. This body established a MPA category with its same name: “Conservatoire du Littoral. The managers of this category include also local authorities, public entities and NGOs. This category of MPA aim to set up management partnerships for protected areas, primarily between local communities, promoting local sense of ownership of their sites.<sup>70</sup>

The **Reserves Naturelles de France (RNF)**, is an association that aim to enhance the level of management of the protected areas. Their RNF also supports policies on natural heritage protection, representing the network of nature reserves with different instances.<sup>71</sup>

The **Forum des Gestionnaires d’AMP**, is an informal network that aim to collect and share information between MPA members, and distribute among the network (e.g. stakeholders, managers) involved in MPA management.<sup>72</sup> The network allows managers to exchange issues they deal on their daily lives (e.g. specifications for the purchase of a boat, or how to monitor a particular activity within the MPA).<sup>73</sup>

**IFREMER** is a public industrial and commercial institute, under the supervision of the Ministry of Higher Education and Research and the Ministry of the Environment, Energy and the Sea<sup>74</sup>. It is responsible for undertaking research and expert assessment on the oceans. The Institute is also responsible for monitoring the environment, and manages ocean databases. IFREMER also designs and implements tools for observation, experimentation and monitoring<sup>75</sup>. The work conducted by IFREMER has also collaboration from scientific community and institutional partners from many different countries. The institution carries out targeted research to address societal questions such as effects of climate change, marine Biodiversity, pollution Prevention or seafood quality.<sup>76</sup> The Institute also manages the Fisheries Information System that contributes to the development of public decisions on fisheries management. IFREMER also identifies the functional fish areas that are about to be protected in France. The institute also works in partnership with the Agency for Biodiversity, in France and overseas, contributing to the uses and governance of MPAs, improving scientific exchanges with MPAs managers.<sup>77</sup>

### Local government

As explained above, management competences at sea remain to the State and its representatives (the prefects) in French waters. However, the management of some MPAs can be entrusted to local collectivities, municipalities particularly. In this case, municipalities, as any other MPA manager, have to set the management plan and ensure that agreed actions are enforced. This way, collectivities can propose to the State, in accordance with the MPA management board if it exists, some regulations and measures at sea.

In the French Atlantic waters, several N2000 marine sites such as the “Archipel des Glénan”, “Golfe du Morbihan Cote Ouest de Rhuys” or “Côte Basque Rocheuse et extension au large” (list not exhaustive) are

<sup>68</sup> <http://patrinat.mnhn.fr/un%20service%20du%20Mus%C3%A9um>

<sup>69</sup> <http://patrinat.mnhn.fr/un%20service%20du%20Mus%C3%A9um>

<sup>70</sup> <https://www.partenariat-francais-eau.fr/?ressource=protected-areas-in-france>

<sup>71</sup> <http://www.reserves-naturelles.org/>

<sup>72</sup> <http://www.forum-aires-marines.fr/Le-Forum>

<sup>73</sup> <http://www.forum-aires-marines.fr/Le-Forum/Les-objectifs-du-reseau>

<sup>74</sup> <https://wwz.ifremer.fr/en/The-Institute>

<sup>75</sup> <https://wwz.ifremer.fr/en/The-Institute>

<sup>76</sup> <https://wwz.ifremer.fr/en/The-Institute>

<sup>77</sup> <https://wwz.ifremer.fr/Appui-a-la-puissance-publique/Eau-Biodiversite/Biodiversite-Marine>

managed by municipalities or grouping of its. Some pieces of maritime domain of the conservatoire du littoral are managed this way as well.

### Civil Society

In France lot of NGOs take part of MPA management through their involvement in management boards. Partnership between NGOs and MPA managers are also set to carry out management action.

Several NGOs are directly in charge of the management of protected areas, by delegation from the State competent authorities (prefects). These NGOs in charge of MPA management could be national or regional organization or local organization created especially to manage a MPA. For instance the NGO **Ligue pour la Protection des Oiseaux (LPO)** is the mandated manager of several Nature Reserves such as “Moese-Oléron”, “Lillot des Niges” or “Casse de la Belle Henriette” Nature Reserves, **France Nature Environnement (FNE)** through its Aquitaine branch SEPANSO manage the “Banc d’Arguin Nature Reserve”

Along with NGOs, MPA management could be delegated to stakeholder organization, such as fishermen organization. For example, the “Plateau de Rochebonne” Special Area of Conservation is managed by the national fishing committee, the “Roches de Penmarch” Special Protection Area is manage by the Brittany regional fishing committee.

## 4. INTERNATIONAL CONVENTIONS AND AGREEMENTS FOR MARINE CONSERVATION

This section gives an overview of the global conventions and agreements for marine conservation in the SIMNORAT region and beyond.

On the one hand, several of those conventions encourage countries to work on transboundary cooperation, as they support them in addressing common goals and protect the environment, at a transboundary and global level. However, they do not give provision to States for creating specific Marine Protected Areas. This is the case for example for United Nations Law of the Sea, Convention on Biological Diversity, Sustainable Development Agenda 2030.

On the other hand, several conventions contain provisions on the designation and management of areas for protection, with specific projects. The different protected areas designated by those instruments, may be of coastal or marine nature, therefore these areas are considered MPAs. This concerns for example Ramsar or World Heritage Convention.

### 4.1. United Nations Convention on the Law of the Sea

The United Nations Convention on the Law of the Sea is the umbrella Convention for numerous existing international agreements covering the oceans. It establishes the international legal framework for the use of marine resources and protection of the marine environment. The Convention was opened for signature on 1982 and entered into force in 1994. The the protection of highly migratory species of fish stocks and marine mammals<sup>78</sup> it is safeguarded by the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea.

### 4.2. Convention on Biological Diversity

The Convention on Biological Diversity (CBD) is an international legally-binding treaty that aims to conserve biodiversity; sustainably use biodiversity; with fair and equitable sharing of the benefits arising from the use of genetic resources. Its overall objective is to encourage actions, which will lead to a sustainable future. The Convention on Biological Diversity (CBD) was opened for signature at the Earth Summit in Rio de Janeiro on 5 June 1992 and entered into force on 29 December 1993.<sup>79</sup>

The CBD's governing body is the Conference of the Parties (COP). This ultimate authority of all governments (or Parties) that have ratified the treaty meets every two years to review progress, set priorities and commit to work plans<sup>80</sup>. The CBD, include other Protocols, such as Cartagena Protocol on Biosafety, and Nagoya Protocol on the Access and Benefit Sharing of Genetic Resources.

*Nagoya Protocol*: (ES: Ratified / FR: Ratified / PT: Ratified)<sup>81</sup>

The CBD established a Strategic Plan to be accomplished by the signatory countries in the timeframe of 2011-2020. This Strategic Plan is divided by Strategic Goals and targets to achieve these Goals (designated as Aichi Targets). The Strategic Goal C related with the improvement of the status of biodiversity by safeguarding ecosystems, species and genetic diversity, encloses the specific Aichi Target 11, which states by 2020, at least 17% of terrestrial and inland water, and 10% of coastal and marine areas, shall be conserved by effective-ecologically representative, well connected systems of protected areas, integrated to the wider landscape and seascapes.

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<sup>78</sup> [http://www.un.org/depts/los/convention\\_agreements/convention\\_overview\\_convention.htm](http://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm)

<sup>79</sup> <http://www.un.org/en/events/biodiversityday/convention.shtml>

<sup>80</sup> <http://www.un.org/en/events/biodiversityday/convention.shtml>

<sup>81</sup> <https://www.cbd.int/abs/nagoya-protocol/signatories/>

### 4.3. Bonn Convention

The Convention on the Conservation of Migratory Species of Wild Animals, or Bonn Convention (1993), aims to conserve terrestrial, marine and avian migratory species throughout their range. The protection is made by defining strict protection for the endangered migratory, by concluding multilateral Agreements for the conservation and management of migratory species which require or would benefit from international cooperation and by undertaking co-operative research activities<sup>82</sup>.

### 4.4. Bern Convention

The Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979), ensure the conservation of wild fauna and flora species and their habitats, especially those whose conservation required co-operation between several countries. The measures State Parties provide, include the planning and pollution control. A Steering Committee provides monitoring provisions for the wild flora, and their needs, the same Committee is also responsible to make recommendations to the Parties<sup>83</sup>.

The Commitments of the parties are to promote national conservation policies, consider the environmental impact of planning and development; promote education and information on conservation; share practice and expertise on biodiversity management; harmonise legislation on biodiversity protection; and co-ordinate environmental research.

## 4.1. Sustainable Development Agenda 2030

The Sustainable Development Agenda 2030 is a plan for action to eradicate poverty and achieve sustainable development by 2030. This commitment was signed in 2015, and proposed 17 Sustainable Development Goals (SDGS) (Figure 3). Its implementation will take place during the period of 2016-2030.

The SDG with more relevance for the Oceans is the SDG 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.<sup>84</sup> This SDG 14 sets the target to 2020, to conserve at least 10 per cent of coastal and marine areas, consistent with national and international law, based on the best available scientific data. It also aims to sustainably manage and protect marine and coastal ecosystems to avoid adverse impacts, including the strengthening of their resilience.<sup>85</sup>

The 2030 Agenda is not legally binding, however, it is expected that governments take ownership and establish national frameworks to achieve the Goals.<sup>86</sup>

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<sup>82</sup> <http://rod.eionet.europa.eu/instruments/551>

<sup>83</sup> <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/104>

<sup>84</sup> <https://sdgcompass.org/sdgs/sdg-14/>

<sup>85</sup> <https://sustainabledevelopment.un.org/sdg14>

<sup>86</sup> <http://www.un.org/sustainabledevelopment/development-agenda/>



Figure 3 : The United Nations SDGs 14. Source: United Nations, 2018.

## 4.2. Ramsar Convention

The Ramsar Convention (1971) goal is “the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world”.<sup>87</sup>

The main aim of the Convention is to protect wetlands ecosystems services and their supply of fresh water. The wetlands defined by the Convention, include all lakes and rivers, underground aquifers, swamps and marshes, wet grasslands, peat lands, oases, estuaries, deltas and tidal flats, mangroves and other coastal areas, coral reefs, and all human-made sites such as fish ponds, rice paddies, reservoirs and salt pans<sup>88</sup>.

In order to achieve this Goal, the contracted parties, are invited to:

- Work towards the wise use of all their wetlands;
- Designate suitable wetlands for the list of Wetlands of International Importance (the “Ramsar List”) and ensure their management;
- Cooperate internationally on transboundary wetlands, shared wetland systems and shared species.

The Ramsar Convention, have a Strategic Plan for the period between 2016-2024, which also aims to contribute to the achievement of the Sustainable Development Goals 2030 of the UN.<sup>89</sup>

### RAMSAR in Portugal

The Ramsar Convention entered into force in Portugal on 24 March 1981, under the Decreto n.º 101/80, de 9 de outubro, and ratified in 24 of November of this same year.<sup>90</sup>

Portugal at national level has designated 31 sites at national level.<sup>91</sup> The Ramsar sites present in the Portuguese mainland region (excluding Madeira and Azores) are 18, from those 7 are coastal sites present at the SIMNORAT region.<sup>92</sup>

<sup>87</sup> <https://www.ramsar.org/about/the-ramsar-convention-and-its-mission>

<sup>88</sup> <https://www.ramsar.org/about/the-ramsar-convention-and-its-mission>

<sup>89</sup> <https://www.ramsar.org/about/the-ramsar-convention-and-its-mission>

<sup>90</sup> <http://www2.icnf.pt/portal/pn/biodiversidade/ei/ramsar>

<sup>91</sup> <https://www.ramsar.org/wetland/portugal>

<sup>92</sup> <https://www.ramsar.org/wetland/portugal>



The responsible authority for the management of the Ramsar sites is the ICNF.

## RAMSAR in Spain

Spain ratified the Ramsar Convention in 1982, the instrument of accession is the "[BOE 199 of 20 August 1982](#)".<sup>93</sup> In the Spanish case, there is a "Protocol for the inclusion of Spanish wetlands in the List of International Importance of the Ramsar Convention" developed within the framework of the Wetlands Committee.

The Steering Committee for the Ramsar Convention, was created under the [Royal Decree 2488/1994, de 23 de diciembre, "por el que se determinan las funciones de la Comisión Nacional de Protección de la Naturaleza"](#)<sup>94</sup> (nowadays the « Comisión Estatal para el Patrimonio Natural y la Biodiversidad »). It is composed by a representative of each Autonomous Community and the "Ministerio para la Transición Ecológica".<sup>95</sup>

For designation, requests for wetlands inclusion in the Ramsar List are first considered by the Committee on Wetlands that verifies if the sites have met the Ramsar criteria established by the Convention. Later this is communicated to the State Commission for Natural Heritage and Biodiversity. Followed by an administrative process, that culminates in the effective inclusion of the wetland in the Ramsar List.<sup>96</sup>

Spain at national level has 75 designated sites.<sup>97</sup> SIMNORAT region for Spain has 19 Ramsar sites declared<sup>98</sup>.

## RAMSAR in France

France is a contracting party of the Convention since 1986<sup>99</sup>. The national legal instrument is the Arrêté du 24 juin 2008 that establishes the criteria for delimitation of wetlands in France, applying the Articles L. 214-7-1 et R. 211-108 of the French Environmental Code<sup>100</sup>.

France also has a National Action Plan for Wetlands 2014-2018. This Action Plan represents the major contribution to the implementation of the Ramsar Convention in France and the French National Strategy for Biodiversity. The Action Plan is also a concrete contribution to the implementation of the European Directives, such as the Water Framework Directive, the Flood Risk Assessment and Management Directive, the Renewable Energy Directive, and the Birds and Habitats Directives.<sup>101</sup>

The responsible authority for the management and designation of the Ramsar sites is the Direction of water and Biodiversity of the Ministry of Environment.<sup>102</sup><sup>103</sup> <sup>104</sup>

The same authority is the one responsible for the management and the implementation of national wetland policy. The technical correspondent for the Ramsar Convention in France is the National Society for the Protection of Nature (SNPN)<sup>105</sup>.

In France, there is also the existence of a National Wetland Group, under the Grenelle Governance System, that support the implementation of wetland policy and the Ramsar Convention. Other bodies are

<sup>93</sup> [http://www.mapama.gob.es/es/biodiversidad/temas/ecosistemas-y-conectividad/conservacion-de-humedales/ch\\_hum\\_ramsar\\_esp\\_lista.aspx](http://www.mapama.gob.es/es/biodiversidad/temas/ecosistemas-y-conectividad/conservacion-de-humedales/ch_hum_ramsar_esp_lista.aspx)

<sup>94</sup> <http://www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.7e1cf46ddf59bb227a9ebe205510e1ca/?vgnextoid=6e2bbfe08a7a5010VgnVCM1000000624e50aRCRD&vgnnextchannel=a22ca0d0851f4310VgnVCM2000000624e50aRCRD>

<sup>95</sup> <http://www.juntadeandalucia.es/medioambiente/site/portalweb/menuitem.7e1cf46ddf59bb227a9ebe205510e1ca/?vgnextoid=6e2bbfe08a7a5010VgnVCM1000000624e50aRCRD&vgnnextchannel=a22ca0d0851f4310VgnVCM2000000624e50aRCRD>

<sup>96</sup> [http://www.mapama.gob.es/es/biodiversidad/temas/ecosistemas-y-conectividad/conservacion-de-humedales/ch\\_hum\\_ramsar\\_esp\\_lista.aspx](http://www.mapama.gob.es/es/biodiversidad/temas/ecosistemas-y-conectividad/conservacion-de-humedales/ch_hum_ramsar_esp_lista.aspx)

<sup>97</sup> <https://www.ramsar.org/wetland/spain>

<sup>98</sup> [https://www.miteco.gob.es/es/biodiversidad/temas/ecosistemas-y-conectividad/conservacion-de-humedales/ch\\_hum\\_ramsar\\_esp\\_lista.aspx](https://www.miteco.gob.es/es/biodiversidad/temas/ecosistemas-y-conectividad/conservacion-de-humedales/ch_hum_ramsar_esp_lista.aspx)

<sup>99</sup> <https://www.ecologique-solidaire.gouv.fr/protection-des-milieux-humides>

<sup>100</sup> <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000019151510>

<sup>101</sup> <https://www.ecologique-solidaire.gouv.fr/protection-des-milieux-humides>

<sup>102</sup> In French: Direction de l'eau et de la Biodiversité du Ministère de l'environnement

<sup>103</sup> Directorate of Water and Biodiversity of the Ministry of the Environment of France

<sup>104</sup> <https://www.ecologique-solidaire.gouv.fr/protection-des-milieux-humides>

<sup>105</sup> <https://www.ecologique-solidaire.gouv.fr/protection-des-milieux-humides>

also present, such as the scientific and technical group. Other groups include the local points for communication, education and public participation<sup>106</sup>.

France has nationally, designated 48 sites.<sup>107</sup> Eleven of those sites are present at the Atlantic coast.<sup>108</sup> The same authority is the one responsible for the management and the implementation of national wetland policy. The non-governmental correspondent for the Ramsar Convention in France is the National Society for the Protection of Nature (SNPN).<sup>109</sup>

In France, there is also the existence of a National Wetland Group, under the Grenelle Governance System, that support the implementation of wetland policy and the Ramsar Convention. Other bodies are also present, such as the scientific and technical group. Other groups include the local points for communication, education and public participation.<sup>110</sup>

### 4.3. UNESCO Man and Biosphere

The Man and Biosphere Program (1971 – Biosphere Reserve), is an intergovernmental scientific program that aims to establish a scientific basis for the improvement of the relations between humans and their environments.

Biosphere reserves are designated under the Man and Biosphere Program, and are areas that can comprise terrestrial, marine and coastal ecosystems. Each Biosphere Reserve aims to connect conservation of biodiversity with their sustainable use. Those sites are ‘Science for Sustainability Support Sites’ – and places for testing interdisciplinary approaches to understanding and managing changes and interactions between social and ecological systems, including conflict prevention and management of biodiversity.<sup>111</sup>

Biosphere reserves are nominated by national governments and remain under the sovereign jurisdiction of the states where they are located. Their status is internationally recognized by UNESCO. Some sites can be of transboundary nature; either marine or terrestrial transboundary sites.

The main instruments that guide the action for the international establishment of Biosphere Reserves is the Lima Action Plan (2016-2025) and its Man and Biosphere (MaB) Strategy 2015-2025.

The Biosphere Reserves, comprising marine areas (at the SIMNORAT project region) are:

- Urbaidai (Basque Country), Marismas de Odiel<sup>112</sup> (Huelva) and Doñana<sup>113</sup> (Gulf of Cadiz) in Spain.
- Iroise Biosphere Reserve<sup>114</sup> in France.
- Berlengas Islands in Portugal.<sup>115</sup>

#### MaB in Portugal

Portugal is associated to the MaB since late 1981 (by the Dispatch nº 9051/2015, 13 of August)<sup>116</sup>, and contributes with 10 Biosphere Reserves to the total World Network.

The Portuguese competent authority for the Biosphere Reserves management is the Institute for Nature Conservation and Forests (ICNF), which also chairs the MaB National Committee (Dispatch no. 9051/2015, 13 of August). Other institutions have representation within the National Committee, such as:

<sup>106</sup> <https://www.ecologique-solidaire.gouv.fr/protection-des-milieux-humides>

<sup>107</sup> <https://www.ramsar.org/country-profiles>

<sup>108</sup> <https://www.ramsar.org/country-profiles>

<sup>109</sup> <https://www.ecologique-solidaire.gouv.fr/protection-des-milieux-humides>

<sup>110</sup> <https://www.ecologique-solidaire.gouv.fr/protection-des-milieux-humides>

<sup>111</sup> <http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/biosphere-reserves/>

<sup>112</sup> [www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=SPA+07](http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=SPA+07)

<sup>113</sup> [www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=SPA+04](http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=SPA+04)

<sup>114</sup> <http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=FRA+05>

<sup>115</sup> <http://www2.icnf.pt/portal/pn/biodiversidade/ei/resource/img/mab/rb-berleng-map/view>

<sup>116</sup> <http://www2.icnf.pt/portal/pn/biodiversidade/ei/MaB>

Managing authorities:

- The Biosphere Reserves Managers
- Tourism of Portugal (Turismo de Portugal I.P.)
- National Council for Environment and Sustainable Development<sup>117</sup> (CNADS)
- UNESCO National Commission / Ministry of Foreign Affairs<sup>118 119</sup>.

### MaB in Spain

In Spain, the development of the functions of the MaB Programme, as well the MaB Spanish Committee of the Biosphere Reserves, are established by the [Royal Decree 342/2007, of March 9th](#).<sup>120</sup>

In Spain, there is the existence of the Red Española de Reservas de la Biosfera (REBR), the national network of Biosphere Reserves. This network of reserves is different of single BRs, once the network support common actions.<sup>121</sup> This role is assumed by the [Autonomous Organism of National Parks](#) (OAPN for its initials in Spanish),<sup>122</sup> under the auspices of the “Ministerio para la Transición Ecológica”.

### MaB in France

In France, the Biosphere Reserves are designated since 1977, and since 2016<sup>123</sup> are established by the Environmental Code<sup>124</sup>.

The French National Committee for MAB comprises scientists, representatives from relevant government departments, scientific and technical organizations (CNRS, INRA, CIRAD, Muséum national d’Histoire naturelle, universities, IRD), protected area management networks and BRs representatives.<sup>125</sup>

## 4.4. UNESCO World Heritage

The World Heritage Convention was adopted by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in 1972. The Convention recognizes the need of natural and cultural heritage conservation. It also identifies the way that people interact with nature, and the fundamental needs to preserve and balance both.<sup>126</sup> Those five Strategic ‘C’ of the Convention are based on the Credibility, Conservation, Capacity Building, Communication and Communities.

To be included on the World Heritage list, sites must be of outstanding universal value and meet at least one of ten on the selection criteria (Table 1).

The designated sites can be also of marine nature, such as the case of the World Heritage Marine Sites, that are selected once a year, by a nomination, evaluation and inscription process. The main criteria for the selection of those sites, is the level of Outstanding Universal Value<sup>127</sup>.

Those sites can be of nature of:

- Natural phenomena or areas of exceptional natural beauty and aesthetic importance;
- Examples of major stages of earth history (ongoing process of development of landforms);
- Examples of significant ecological and biological process in the evolution of animals and plants;
- Natural habitats including threatened species<sup>128</sup>.

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<sup>117</sup> In Portuguese: Conselho Nacional do Ambiente e do Desenvolvimento Sustentável (CNADS)

<sup>118</sup> In Portuguese: Comissão Nacional da UNESCO (CNU)/ Ministério dos Negócios Estrangeiros

<sup>119</sup> <http://www2.icnf.pt/portal/pn/biodiversidade/ei/MaB>

<sup>120</sup> <http://rerb.oapn.es/documentacion-y-difusion/normativa>

<sup>121</sup> <http://rerb.oapn.es/red-espanola-de-reservas-de-la-biosfera/que-es-la-rerb>

<sup>122</sup> <http://www.mapama.gob.es/es/parques-nacionales-oapn/default.aspx>

<sup>123</sup> <http://www.assemblee-nationale.fr/14/ta/ta0803.asp>

<sup>124</sup> <https://www.mab-france.org/fr/actualite/les-reserves-de-biosphere-dans-le-code-de-lenvironnement/>

<sup>125</sup> <https://mab-france.org/en/french-mab/structure-of-mab-france/>

<sup>126</sup> <http://whc.unesco.org/en/convention/>

<sup>127</sup> <http://whc.unesco.org/en/nominations/>

<sup>128</sup> [whc.unesco.org/document/101510](http://whc.unesco.org/document/101510)

**Table 1 : UNESCO World Heritage Site selection criteria**

<b>1 Represent a masterpiece of a human creative genius</b>	<b>2 Exhibit an important interchange within an of the world</b>	<b>3 To bear a unique or at least exceptional testimony to a cultural tradition or to a civilization</b>	<b>4 To be an outstanding example of a type of building or landscape</b>	<b>5 To be an outstanding example of a traditional human settlement or sea-use which is representative of a culture;</b>
<b>6 To be directly or tangibly associated with events or living traditions,</b>	<b>7 To contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance</b>	<b>8 To be outstanding examples representing major stages of earth's history,</b>	<b>9 To be outstanding examples representing significant on-going ecological and biological processes in the evolution</b>	<b>10 To contain the most important and significant natural habitats for in-situ conservation of biological diversity.</b>

However, the management of World Heritage sites depends on their type of complexity. Their management has to take into account social, economic and environmental concerns, as defined by Article 5 of the Convention. A State Party shall demonstrate, as part of the inscription process, how the site will be managed and provide the existence of a management plan or other management system, that is adequate to protect the property.<sup>129</sup>

The management and measures include:

- Adoption of general policy that gives cultural and natural heritage a function in the local community life
- Development of scientific and technical studies and research, on methods that will make the State capable to counteract the dangers that threat the cultural/natural heritage
- Appropriate legal, scientific, technical and financial measures for the identification, protection, conservation, presentation and rehabilitation of the heritage
- Foster the establishment and develop national and regional centers for training in protection, conservation and presentation of the cultural/natural heritage.<sup>130</sup>

For the World Heritage sites, present at the marine environment, UNESCO develops the World Heritage Marine Programme that aims to protect the heritage present at the marine space<sup>131</sup>. The UNESCO World Heritage sites with marine features present at the SIMNORAT Region are:

- Tower of Hercules<sup>132</sup> in Galicia and Donaña National Park<sup>133</sup> in Spain.
- Port of the Moon, Bordeaux in France.<sup>134</sup>

<sup>129</sup> <https://whc.unesco.org/document/125839>

<sup>130</sup> <https://whc.unesco.org/en/conventiontext/>

<sup>131</sup> <http://whc.unesco.org/en/marine-programme/>

<sup>132</sup> <https://whc.unesco.org/en/list/1312>

<sup>133</sup> <https://whc.unesco.org/en/list/685>

<sup>134</sup> <https://whc.unesco.org/en/list/1256>

## 5. NATURA 2000 NETWORK

The Natura 2000 is the largest coordinated network of protected areas in the world; it extends along the 28 countries of the European Union, both on land and sea. It results from two EU directives:

- The Birds Directive (1979),
- The Habitat Directive (1992).

The marine area protected by the Natura 2000 Network, corresponds to 6% of the total EU marine territory<sup>135</sup>. The Natura 2000 Network encompasses core breeding, resting sites of rare and threatened species and some rare natural habitat types. The aim of the network is to ensure long-term survival of Europe most valuable sites, listed on the Habitats and Birds Directives.

### 5.1. EU Framework

#### Objectives

Together, the EU Birds and Habitats Directive, enable all 28 Member States to work together in the same legislative framework, protecting vulnerable habitats and species across the entire range of the EU, independently of political or administrative boundaries. Sites are selected on scientific grounds so as to ensure the best areas in the EU to protect the species and habitats of EU importance.<sup>136</sup>

The **Birds Directive** aims to protect all wild birds across the EU. The **Habitats Directive** adopted 13 years later, aims to conserve of a wide range of rare, threatened or endemic animal and plant species and its characteristic habitat types.<sup>137</sup>

The overall objective of both Directives is to ensure that species and habitats types to be protected and maintained, or restored to a favourable conservation status, by their natural range within the EU. The aim is to ensure that species and habitats recover sufficiently to enable them to flourish over the long term.<sup>138</sup>

For each Natura 2000 site, conservation objectives and measures need to be set according to the context of the ecological requirements of the species and habitats of EU importance located in the protected area. This process, determines the type of management that is required to maintain and restore the site to a good state of conservation.<sup>139</sup>

#### Conservation measures

The conservation measures of Natura 2000 sites can range from:

- **'doing nothing'** if no additional measures are required other than to continue to manage the site in the way it has been managed,
- **'simple'** measures, such as avoiding disturbance during the reproduction season,
- **'major'** restoration activities involving the extensive removal of non-native species or the hydrological restoration of a wetland for instance.<sup>140</sup>

In some cases, the non-intervention or the strict protection of a Natura 2000 site can be considered as a conservation measure, especially in the case of habitats and species that are very vulnerable to any kind of human intervention. Different types of measures may be necessary in Natura 2000 sites, including restoration activities that require works to be carried out at certain specified times (e.g. restore the hydrology of a wetland).<sup>141</sup>

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<sup>135</sup> [http://ec.europa.eu/environment/nature/natura2000/index\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/index_en.htm)

<sup>136</sup> <http://ec.europa.eu/environment/nature/info/pubs/docs/brochures/nat2000/en.pdf>

<sup>137</sup> <http://ec.europa.eu/environment/nature/info/pubs/docs/brochures/nat2000/en.pdf>

<sup>138</sup> <http://ec.europa.eu/environment/nature/info/pubs/docs/brochures/nat2000/en.pdf>

<sup>139</sup> <http://ec.europa.eu/environment/nature/info/pubs/docs/brochures/nat2000/en.pdf>

<sup>140</sup> [http://ec.europa.eu/environment/nature/natura2000/faq\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/faq_en.htm)

<sup>141</sup> [http://ec.europa.eu/environment/nature/natura2000/faq\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/faq_en.htm)

Some recurring actions may also need to be implemented periodically, in order to maintain or improve the conservation status of a Natura 2000 site. This action can include for instance, the management of hydrological regimes for wetlands areas.<sup>142</sup>

The preparation of measures requires planning and the elaboration of detailed technical specifications to ensure their correct implementation. Monitoring is also part of the conservation measures, once their follow up is important to evaluate the efficacy of the measures.

The implementation of conservation measures is often best achieved if it is accompanied by communication and awareness raising (with people living in the area and the main stakeholders concerned).<sup>143</sup>

Measures can be divided into:

- **Statutory conservation measures:** specific legal requirements that allow or restrict activities on the site.<sup>144</sup>
- **Contractual measures:** Involve establishing contracts or agreements usually among managing authorities and land owners or users in the site.<sup>145</sup>
- **Voluntary conservation measures:** The complexity of the conservation measures may require other kinds of agreements and other types of specific measures, such as voluntary measures<sup>146</sup>. In the OSPAR IV region, France is one example that applies the voluntary measures. In Portugal, Azores island implement voluntary measures as well (Corvo Voluntary Fisheries Reserve).

## Regulation

The Appropriate Assessment (AA) procedure provided by the Habitats Directive ensures that site integrity continues and is maintained, therefore contributing to Favourable Conservation Status. The AA involves a series of steps and tests that need to be applied in sequential order.<sup>147</sup>

The conservation objectives for a particular N2000 site must therefore be taken into account in all AA for plans and projects. Whenever an activity affects the status of marine habitats and species within a N2000 site, Member States shall take all measures necessary to protect the site.<sup>148</sup> The evaluation of impacts of fisheries in N2000 sites, are also an important part of marine site management and application of the Habitats Directive, specifically Article 6.<sup>149</sup>

## Designation

### Habitats Directives (1992)

There are three stages in the selection of 'Special Areas of Conservation (SACs).<sup>150</sup> There are three stages in the selection of SACs<sup>151</sup>:

- *First stage:* Member States that provide assessment of the habitats types in their territory. This is a scientific process based on, criteria determined by the Habitats Directive.
- *Second stage:* Adoption of a list of 'Sites of Community Importance (SCI)'. By the division of biogeographical regions (e.g. Atlantic), scientific seminars are convoked by the Commission in order to analyse the Member States proposals. On those seminars, experts aim to establish the sufficient high quality sites, to ensure conservation of each habitat type and species. Afterwards, 'Sites of Community Importance' is established by Region.<sup>152</sup>
- *Third stage:* Once the list of SCI is adopted, the Member States can designate those sites are

<sup>142</sup> [http://ec.europa.eu/environment/nature/natura2000/faq\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/faq_en.htm)

<sup>143</sup> [http://ec.europa.eu/environment/nature/natura2000/faq\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/faq_en.htm)

<sup>144</sup> Establishing conservation measures for Natura 2000 sites, European Commission 2014

<sup>145</sup> <http://ec.europa.eu/environment/nature/natura2000/management/docs/conservation%20measures.pdf>

<sup>146</sup> <http://ec.europa.eu/environment/nature/natura2000/management/docs/conservation%20measures.pdf>

<sup>147</sup> [http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ\\_rulings%20Art\\_%206%20-%20Final%20Sept%202014-2.pdf](http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ_rulings%20Art_%206%20-%20Final%20Sept%202014-2.pdf)

<sup>148</sup> [http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ\\_rulings%20Art\\_%206%20-%20Final%20Sept%202014-2.pdf](http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ_rulings%20Art_%206%20-%20Final%20Sept%202014-2.pdf)

<sup>149</sup> [http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ\\_rulings%20Art\\_%206%20-%20Final%20Sept%202014-2.pdf](http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ_rulings%20Art_%206%20-%20Final%20Sept%202014-2.pdf)

<sup>150</sup> [http://ec.europa.eu/environment/nature/natura2000/sites\\_hab/index\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/sites_hab/index_en.htm)

<sup>151</sup> [http://ec.europa.eu/environment/nature/natura2000/sites\\_hab/index\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/sites_hab/index_en.htm)

<sup>152</sup> [http://ec.europa.eu/environment/nature/natura2000/platform/knowledge\\_base/143\\_atlantic\\_region\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/platform/knowledge_base/143_atlantic_region_en.htm)

Special Areas of Conservation (SAC), on the limit of six years. Priority shall be given to habitats that are threatened and have more importance in conservation terms. During this period, Member States need to assure the management and conservation status of those sites.

The European Commission drives the process; however the implementation depends on the EU Member States.

The protection of sites includes the breeding sites and resting places. The animal and plant species of Community Interest that need special protection are listed on the Annex of the Habitats Directive. This list indicates: the name of the species or subspecies and the body of species belonging to a higher taxon or to a designed part of that taxon.<sup>153</sup>

#### **Birds Directives (1979 – amended in 2009)**

The Birds Directive aims to protect all of the 500 wild bird species naturally occurring in the European Union. EU Member States are able to decide on the most appropriate sites and designate them as **Special Protection Areas (SPAs)**.

The identification of the SPAs is based mainly in scientific criteria, but Member States can also set some additional criteria. On a basis of information provided by Member States, the EU Commission determines if the sites are sufficient to structure a coherent network for protection of wild Birds (vulnerable and migratory species).<sup>154</sup>

**Table 2 : Terminology of N2000 acronyms**

<i>Terminology</i>				
	<b>Portugal</b>	<b>Spain</b>	<i>France</i>	<i>English</i>
<b>Habitats</b>	Sítio de Importância Comunitária (SIC)	Lugar de importancia comunitaria (LIC)	Site d'importance communautaire (SIC)	Site of Community Importance (SCI)
	Zona Especial de Conservação (ZEC)	Zonas especiales de conservación (ZEC)	Zone spéciale de conservation (ZSC)	Special Area of Conservation (SAC)
<b>Birds</b>	Zona de Proteção Especial (ZPE)	Zona de especial protección para las aves (ZEPA)	Zone de protection spéciale (ZPS)	Special Protection Area (SPA)

<sup>153</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>

<sup>154</sup> [http://ec.europa.eu/environment/nature/natura2000/sites\\_birds/index\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/sites_birds/index_en.htm)

## 5.2. N2000 in Portugal

The Birds and Habitats Directives were transposed into the national law by the Decree-Law no. 140/99 of April 24 (republished by Decree-Law no. 49/2005, of February 24, later amended by Decree-Law no. 156-A/2013, of November 8). In Portugal mainland there are 62 designated sites under Natura 2000 network, of which 60 are recognized as **Site of Community Importance (SCI)** and 42 are classified as **Special Protection Areas (ZPE)**. Figure 4 shows the Portuguese designated SPAs and SCIs with marine area, within the OSPAR region IV.

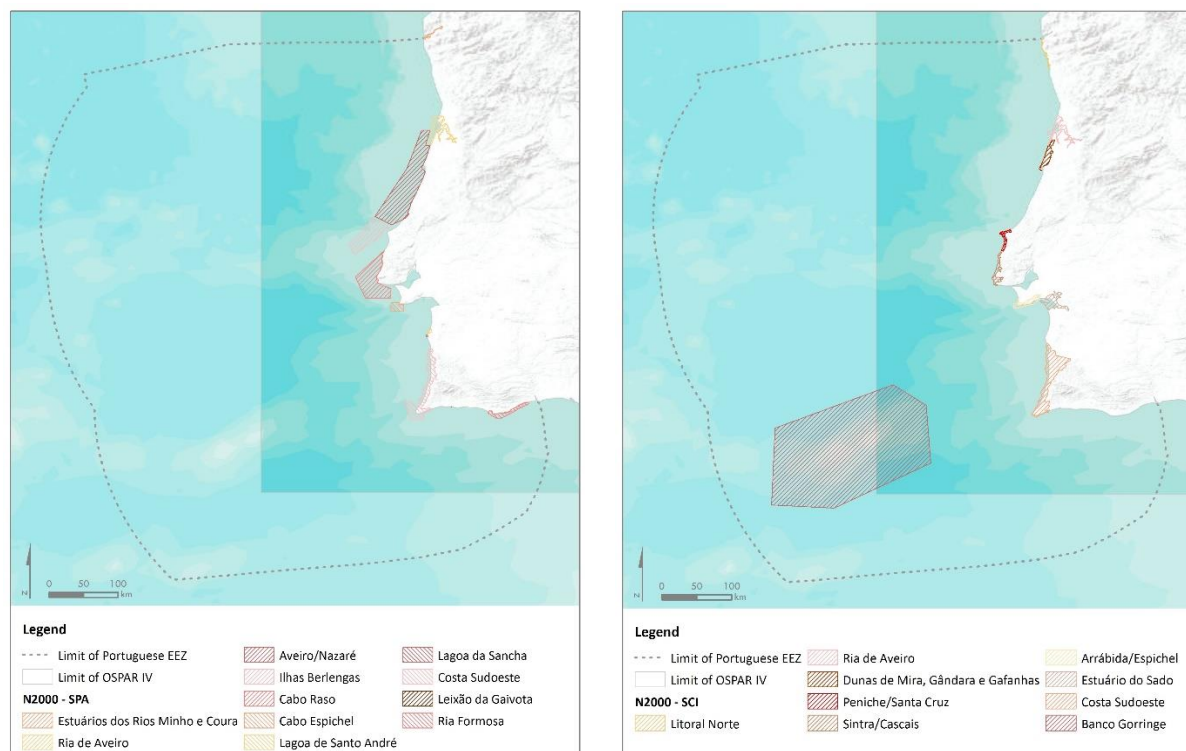


Figure 4 - Portuguese SPAs (left) and SICs (right) sites with a marine area, Source: ICNF, 2015

### Governance and Actors

The responsible body for the designation of Natura 2000 sites in Portugal is the Institute for Nature Conservation and Forests<sup>155</sup> (ICNF).

The safeguarding and the valorization guidelines of SCI and SPA in the Portuguese mainland, and the maintenance of species and habitats are encompassed in the Sectorial Plan of Natura 2000 Network (PSRN2000). This plan is a territorial management document that defines the strategic orientations for the management of the territory of those areas.

It consists in a macro-scale plan (1:100.000) for the continental territory, which characterizes the natural and semi-natural habitats, fauna and flora species present in the Natura 2000 sites and SPAs. The plan, defines strategic guidelines for the management of the territory covered by those areas, considering all the natural values that occur in them.<sup>156</sup>

The Sectorial Plan binds the public entities, depending of their orientations and programmatic norms that will guide de local and central administration. The Plan is also a dynamic document prepared to be updated whenever necessary.

<sup>155</sup> Institute for Conservation of Nature and Forestry

<sup>156</sup> <http://www2.icnf.pt/portal/pn/biodiversidade/rn2000/p-set/q-e>



## Management Tool

**The implementation of management norms established by the** Plano Sectorial Rede Natura 2000 (PSRN2000), is the responsibility of the central and local government, and has the following objectives:

- Establish guidelines for the territorial management of SPAs and SCIs,
- Establish the system of safeguard of resources and natural values of the sites, integrated with uses and management regime, compatible with sustainable development,
- Represent the distribution of habitats cartographically,
- Establish guidelines for the zoning,
- Define measures that ensure valorisation and habitat conservation status,
- Provide guidance on the insertion in the general planning of the measures and restrictions mentioned in the previous paragraphs,
- Define conditions, criteria and process to follow implementation of the environmental impact assessment and the environmental impacts.<sup>157</sup>

However, there are also other planning and management tools and plans in Portugal related with the use and occupation of the territory.<sup>158</sup> The national legislation requires adequate land planning measures, environmental impact assessment, and surveillance enforcement, together with the complementary conservation measures by the management plans.

## Regulation

In Portugal, the management of N2000 network is not limited only to application of spatial planning measures. Regulatory measures and contractual measures are adopted on the SCIs or SPAs.<sup>159</sup>

Some measures for N2000 sites with a marine component can include the management and monitoring of the maritime traffic along the coast, avoiding:

- Tank washes and improper contamination of hydrocarbons and other pollutants
- Dumping of ballast water from ships and of their treatment
- Dissemination of non-indigenous species (invasive and / or pathogenic).<sup>160</sup>

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<sup>157</sup> <https://dre.pt/application/dir/pdf1sdip/2008/07/13901/0000200451.pdf>

<sup>158</sup> <http://ec.europa.eu/environment/nature/natura2000/management/docs/conservation%20measures-Annex%202.pdf>

<sup>159</sup> <http://www2.icnf.pt/portal/pn/biodiversidade/rn2000/gestao/medidas-comp-conserv>

<sup>160</sup> <https://dre.pt/application/dir/pdf1sdip/2008/07/13901/0000200451.pdf>

### 5.3. N2000 in Spain

The Habitats and Birds Directives have been transposed to the Spanish Law: [Law 42/2007, of December 13<sup>th</sup>, “del Patrimonio Natural y de la Biodiversidad”](#)<sup>161</sup>, chapter III: Natura 2000 protected areas (articles 42 to 49).

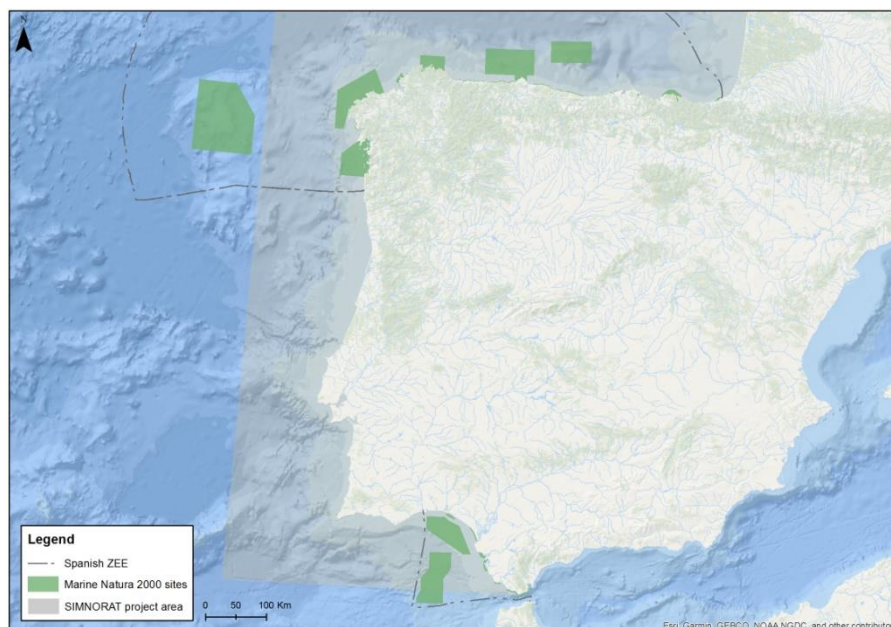


Figure 5 - Spanish N2000 Network in the OSPAR IV region

#### Governance and Actors

In Spain, “Ministerio para la Transición Ecológica” (MITECO) is the responsible body for the dialogue with EU in all matters related to the Natura 2000 Network. This Ministry has the competences regarding the designation and management of certain marine areas that form part of this network. It also has the coordinating role among the Autonomous Communities in matters relevant to the designation, conservation, and administration. This Ministry is also the responsible body regarding financing issues of the Natura 2000 Network<sup>162</sup>.

The marine Natura 2000 sites in Spain, that have ecological connectivity with a protected area in land are competence of the Autonomous Communities (Regions), if the site do not have (or cannot prove) the ecological connectivity, the competence for management is of the Central State (Through the MITECO).

Other important body is the Committee of Protected Natural Spaces. This body is attached to the State Commission for Natural Heritage and Biodiversity. It is the body of coordination and cooperation between the Autonomous Communities and the “Ministerio para la Transición Ecológica” in matters related to the conservation of Protected Natural Spaces.

In order to prepare the Conservation Guidelines of the Natura 2000 Network in Spain, a specific working group was created in 2009 within the Committee, composed of technicians from most of the Autonomous Communities and from the former Ministry for the Ecologic Transition. Those orientations, constitute the orientation for planning and management of the designated sites, and need approval of the “Sectoral Conference of the Environment”<sup>163</sup>,<sup>164</sup>.

In Spain, all public administrations, in their respective areas of competence, ensure the conservation and

<sup>161</sup> [http://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2007-21490](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2007-21490)

<sup>162</sup> [http://www.mapama.gob.es/es/biodiversidad/temas/espacios-prottegidos/red-natura-2000/rn\\_pres\\_administraciones.aspx](http://www.mapama.gob.es/es/biodiversidad/temas/espacios-prottegidos/red-natura-2000/rn_pres_administraciones.aspx)

<sup>163</sup> In Spanish: Conferencia Sectorial de Meio Ambiente

<sup>164</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

rational utilization of the natural heritage by the national territory and in maritime waters under sovereignty or Spanish jurisdiction, including the EEZ and the continental shelf, independently of its ownership or legal regime, taking into account especially threatened habitats and species wild animals under special protection.<sup>165</sup>

The public administrations in Spain are in charge of:

- Promote public participation in activities,
- Identify, eliminate and modify incentives, contrary to the natural heritage and biodiversity preservation,
- Promote the use of fiscal measures on protected areas,
- Promote by training programs of education, the awareness for the users of the territory,
- Integrate in the sectoral policies, the objectives of conservation and valuation of natural heritage.<sup>166</sup>

The Autonomous Communities have the powers to designate areas of the Natura 2000 Network present in their territories. They also have duties for their conservation and management. The competences regarding the designation of these zones are exercised from the proposal of the places to be included in the Network until their final declaration as SACs. In addition, the competencies for implementation of measures are of those Regions.

### Designation

On the case of exclusive marine areas, the “Ministerio para la Transición Ecológica” is the responsible authority for designation. However, on some cases, the Autonomous Community will elaborate, according to the required criteria, the list of places located on the Spanish territory that can be declared as SAC. The proposal will indicate the types of habitats and species of community interest are existent on the place. The ministry, propose the list to the approval of the European Commission, in order to have the recognition as SCIs<sup>167</sup>.

Once the list of SCIs is approved by the European Commission, those sites, are declared by the Autonomous Communities as SACs, on a timeframe of six years with the approval of the equivalent management plan<sup>168</sup>.

For SPA declarations, depending on its competence, the Autonomous Community or the State elaborates a list of important bird areas which is sent to de European Commission. After the information of the European Commission, these areas became SPA.

All Marine Natura 2000 Areas are included in RAMPE (Network of Marine Protected Areas in Spain).

### Management Tool

When a protected area hosts specific endangered species included on the ‘National Spanish List of Endangered Species’, it may lead to the designation of critical areas defined by the [Law 4/1989 of March 27<sup>th</sup>](#). On this case, a management and recovery plan is required to ensure the conservation of the species<sup>169</sup>.

The management plans or instruments, for Natura 2000 sites, specific to the places or integrated into other plans development shall include at least the objectives of conservation of the place, and the appropriate measures to maintain those places on a favorable state of conservation<sup>170</sup>.

The management plans, are specifically developed by the Autonomous Communities, in the case of the Mediterranean the following authorities<sup>171</sup>:

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<sup>165</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

<sup>166</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

<sup>167</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

<sup>168</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

<sup>169</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

<sup>170</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

<sup>171</sup> [http://www.mapama.gob.es/es/biodiversidad/temas/espacios-protégidos/red-natura-2000/rn\\_doc\\_en\\_CCAA.aspx](http://www.mapama.gob.es/es/biodiversidad/temas/espacios-protégidos/red-natura-2000/rn_doc_en_CCAA.aspx)

- **Galicia:** Council of Galicia – Department of Environment and Territory Planning<sup>172</sup>
- **País Vasco:** Basque Government – Department of Environment, Territory Planning and Housing<sup>173</sup>
- **Cantabria:** Government of Cantabria – Department of Environment, Territorial Planning and Urbanism<sup>174</sup>
- **Asturias:** Government of Asturias– Department of Infrastructures, Territorial Planning and Environment – Environmental Network of Asturias<sup>175</sup>
- **Andalucía:** Council of Andalucía – Department of Environment and Territorial Planning.<sup>176</sup>

The Autonomous Communities (in the case of coastal sites) are responsible for the elaboration and approval of the recovery plans and the conservation plans for the species under threat<sup>177</sup>.

## Regulation

As mentioned before, in 2011, the former Ministry of Environment with the collaboration of the Autonomous Communities, elaborated the Conservation [Guidelines of the Natura 2000 Network in Spain](#), with the objective of support the Public Administrations competent in the planning and management of Natura 2000 sites<sup>178</sup>.

The Autonomous Communities shall adopt the necessary ways to guarantee the conservation of biodiversity, attending mainly to the preservation of the endangered habitats and their specific protection regimes<sup>179</sup>.

In accordance with the provisions of the Habitats Directive and Law 42/2007, of December 13, of the Natural Heritage and Biodiversity, when the proper evaluation of a certain plan, program or project concludes that it will affect an area of the Natura 2000 Network, but, despite this, the competent authorities decide to authorize it, all necessary compensatory measures must be adopted to ensure that the overall coherence of the Network is guaranteed<sup>180</sup>.

Compensatory measures should always be considered as a last resource and will be applied after carrying out a study alternatives of the plan, program or project, to rule out that there is no environmental and technically viable alternative that does not affect the Natura 2000 Network<sup>181</sup>.

In Spain, due to public interest reason, a compensatory measure can only be declared in accordance to a Law and by the public agreement of the Council of Ministers (in the case of a plan that need approval of the General Administration of the State) or the body responsible for the corresponding Autonomous Community<sup>182</sup>.

<sup>172</sup> [http://cmaot.xunta.gal/seccion-](http://cmaot.xunta.gal/seccion-tema/c/Conservacion?content=Direccion_Xeral_Conservacion_Natureza/Espazos_protexidos/seccion.html&sub=Rede_natura_2000/)

[tema/c/Conservacion?content=Direccion\\_Xeral\\_Conservacion\\_Natureza/Espazos\\_protexidos/seccion.html&sub=Rede\\_natura\\_2000/](http://cmaot.xunta.gal/seccion-tema/c/Conservacion?content=Direccion_Xeral_Conservacion_Natureza/Espazos_protexidos/seccion.html&sub=Rede_natura_2000/)

<sup>173</sup> <http://www.euskadi.eus/web01-a1ingdib/es>

<sup>174</sup> <http://natura2000.ihcantabria.com/proyectos/>

<sup>175</sup> <https://www.asturias.es/portal/site/medioambiente/menuitem.4691a4f57147e2c2553cbf10a6108a0c/?vgnnextoid=fcd25b51cb90c110VgnVCM1000006a01a8c0RCRD&i18n.http.lang=es>

<sup>176</sup> <http://www.juntadeandalucia.es/medioambiente/site/portalweb/>

<sup>177</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

<sup>178</sup> [http://www.mapama.gob.es/es/biodiversidad/temas/espacios-prottegidos/red-natura-2000/rn\\_espana.aspx](http://www.mapama.gob.es/es/biodiversidad/temas/espacios-prottegidos/red-natura-2000/rn_espana.aspx)

<sup>179</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

<sup>180</sup> [http://www.mapama.gob.es/es/biodiversidad/temas/espacios-prottegidos/red-natura-2000/rn\\_cons\\_medidas\\_compensatorias.aspx](http://www.mapama.gob.es/es/biodiversidad/temas/espacios-prottegidos/red-natura-2000/rn_cons_medidas_compensatorias.aspx)

<sup>181</sup> [http://www.mapama.gob.es/es/biodiversidad/temas/espacios-prottegidos/red-natura-2000/rn\\_cons\\_medidas\\_compensatorias.aspx](http://www.mapama.gob.es/es/biodiversidad/temas/espacios-prottegidos/red-natura-2000/rn_cons_medidas_compensatorias.aspx)

<sup>182</sup> [http://www.mapama.gob.es/es/biodiversidad/temas/espacios-prottegidos/red-natura-2000/rn\\_cons\\_medidas\\_compensatorias.aspx](http://www.mapama.gob.es/es/biodiversidad/temas/espacios-prottegidos/red-natura-2000/rn_cons_medidas_compensatorias.aspx)

## 5.4. N2000 in France

In France, the transposition of the EU provisions of Habitats Directive was made by the Order of 11 April 2001, and two decrees of application, integrated in the legislative part of the Environment Code and the Rural Code.<sup>183</sup>

### Governance and Actors

In France, many actors are involved on the governance of Natura 2000 sites. It remains to the Ministry in charge of the Environment to guarantee pursuit and the achievement of the objectives of the Birds and Habitats Directives. The Ministry is also responsible for setting administrative and technical framework for the establishment and management of the network, or the designation of the coordinating Prefect in case the region spread over several departments.<sup>184</sup>

At sea, the Maritime Prefect, as the State representative, is the responsible authority for the implementation of the Birds and Habitats Directives. He is also the authority that presides the steering committee (COFIL), and that conducts the elaboration of the Management document (DOCOB)<sup>185</sup>.

Other actors such as “Scientific actors”, are present in France, such as the case of the “National Museum of Natural History”, in charge of look after the scientific objectives of the N2000 sites and answer to the questions of the EU Commission.<sup>186</sup>

The French Agency for Biodiversity plays also an important role in the N2000 implementation, by supporting the management at the network scale and by directly managing part of marine sites.

At the site scale, the “Comite de Pilotage” or COFIL, gathers local actors such as economic stakeholders, local collectivities and civil society. It’s the official body for consultation. One of the responsibilities, is to develop the DOCOB for the management site, each COFIL has a DOCOB<sup>187</sup>.

The number of COFIL members is not defined and left to the choice of the competent authority (Departmental Prefect, Maritime Prefect or Coordinator) according to the characteristics of each site. Depending on the type of site (terrestrial, marine or mixed, integrating or not military sites, parts of national park) the COFIL is made up of members who may be different with respect to the specificities of each site<sup>188</sup>.

### Management Tool

In France, the management of the N2000 sites is implemented on the basis of objective documents (DOCOB). The DOCOB defines outlines for sites management and financial provisions.<sup>189</sup> The content of this Natura 2000 site guideline document is defined by the Environmental Code of France.

An agreement is concluded between the State and the local authority, in order to define the necessary methods and means of assistance for the development of the Document of Objectives and the monitoring of its implementation<sup>190</sup>.

The DOCOB may be revised, in particular following an assessment of the conservation status of species and habitats periodically conducted by the Prefect, in conjunction with the steering committee. If necessary, this revision is conducted under the same conditions as those for its initial elaboration.<sup>191</sup>

The content of a DOCOB include:

<sup>183</sup> <http://www.espaces-naturels.info/quels-effets-pour-citoyen-francais>

<sup>184</sup> [http://www.paca.developpement-durable.gouv.fr/IMG/pdf/Fiche\\_acteurs\\_cle0d7c14.pdf](http://www.paca.developpement-durable.gouv.fr/IMG/pdf/Fiche_acteurs_cle0d7c14.pdf)

<sup>185</sup> [http://www.paca.developpement-durable.gouv.fr/IMG/pdf/Fiche\\_acteurs\\_cle0d7c14.pdf](http://www.paca.developpement-durable.gouv.fr/IMG/pdf/Fiche_acteurs_cle0d7c14.pdf)

<sup>186</sup> <https://www.mnhn.fr/en/about-museum/missions/expertise>

<sup>187</sup> <https://www.ecologique-solidaire.gouv.fr/reseau-europeen-natura-2000-1#e6>

<sup>188</sup> <https://www.ecologique-solidaire.gouv.fr/reseau-europeen-natura-2000-1#e6>

<sup>189</sup> [https://www.legifrance.gouv.fr/affichCode.do;jsessionid=A27141EA1592DE19BFC38EC60A4FF021.tplgfr24s\\_2?idSectionTA=LEGISCTA000006176524&cidTexte=LEGITEXT000006074220&dateTexte=20180322#LEGIARTI000033035748](https://www.legifrance.gouv.fr/affichCode.do;jsessionid=A27141EA1592DE19BFC38EC60A4FF021.tplgfr24s_2?idSectionTA=LEGISCTA000006176524&cidTexte=LEGITEXT000006074220&dateTexte=20180322#LEGIARTI000033035748)

<sup>190</sup> *Ibidem*

<sup>191</sup> <https://www.ecologique-solidaire.gouv.fr/reseau-europeen-natura-2000-1>

- An introductory report describing the conservation status and ecological requirements of the natural habitats and species that justify the designation of the site (including cartographic location, protection measures and actions)
- The objectives of sustainable development of the site, that will ensure conservation and restoration of natural habitats that justify the designation of the site (including economic, social, cultural activities)
- Proposals for measures of all kinds to achieve these objectives, indicating priorities for their implementation, taking into account the state of conservation of habitats and species at national level and site level
- The list of Natura 2000 contracts, include the agro-environmental contracts, and the specifications applicable to these contracts (including the objective pursued, the scope of application, the eligibility criteria, the environmental obligations, the habitat and species concern and estimated coast)
- The list of commitments covered by the N2000 charter of the site
- The procedures for monitoring, the proposed measures and methods for monitoring habitats and species in order to assess their state of conservation.<sup>192</sup>

## Regulation

In France, two types of voluntary measures may be used: contracts and charters. The "Natura 2000 contracts" are agreed between the State and various local organisations (often local authorities, stakeholder organisations and NGOs) and bring financial support to enforce actions needed to achieve the objectives in the DOCOB.<sup>193</sup>

Statutory measures could be taken as well. They have to take into account economic, social and cultural requirements, as well as regional and local specificities<sup>194</sup>. They should be adapted to the specific threats that impact on these natural habitats and species. They are not about to lead to a prohibition of human activities as long as they do not have significant effects with the conservation objectives.<sup>195</sup>

An important part of N2000 sites management in France, rely on the Appropriate Assessment. The impact assessment regime was transposed by the "Loi du 1er août 2008", and the "Loi du 12 juillet 2010", called "Grenelle II"<sup>196</sup>.

The impact assessment in France is based on the called "positive" lists which, instead of prohibiting or limiting, propose to submit to impact assessment a certain number of planning documents, programs, activities, works, installations, demonstrations or interventions in the natural environment before authorizing their realisation<sup>197</sup>.

This system of lists, enable each project leader to know whether or not he is concerned by the Natura 2000 impact assessment system. The lists may be of national scope and local scope (that apply in the territory of the department of the seafront ("Façade maritime"))<sup>198</sup>.

The Prefect is the responsible authority that decides to submit to an impact assessment any project that may destabilize the conservation objectives of the N2000 sites. This measure is called "safeguard-cause"<sup>199</sup>, and is provided by article L414-4 of the Environmental Code.<sup>200</sup>

<sup>192</sup>[https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=A23DF1BFCD205BF0ABC01F1434FB95F4.tpdila12v\\_2?idArticle=LEGIARTI000030974131&cidTexte=LEGITEXT000006074220&categorieLien=id&dateTexte=](https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=A23DF1BFCD205BF0ABC01F1434FB95F4.tpdila12v_2?idArticle=LEGIARTI000030974131&cidTexte=LEGITEXT000006074220&categorieLien=id&dateTexte=)

<sup>193</sup> <https://circabc.europa.eu/sd/a/a35db32f-37c1-4236-993e-d06000df6494/20130322-N2000%20conservation%20measures-final%20draft.pdf>

<sup>194</sup> <https://circabc.europa.eu/sd/a/a35db32f-37c1-4236-993e-d06000df6494/20130322-N2000%20conservation%20measures-final%20draft.pdf>

<sup>195</sup> <https://circabc.europa.eu/sd/a/a35db32f-37c1-4236-993e-d06000df6494/20130322-N2000%20conservation%20measures-final%20draft.pdf>

<sup>196</sup> <http://www.paca.developpement-durable.gouv.fr/principe-et-champ-d-application-a7707.html>

<sup>197</sup> <http://www.paca.developpement-durable.gouv.fr/principe-et-champ-d-application-a7707.html>

<sup>198</sup> <http://www.paca.developpement-durable.gouv.fr/principe-et-champ-d-application-a7707.html>

<sup>199</sup> "Mesure Filet" in French

<sup>200</sup> <http://www.paca.developpement-durable.gouv.fr/principe-et-champ-d-application-a7707.html>

## 6. REGIONAL FRAMEWORK FOR MPAs: OSPAR CONVENTION

The OSPAR Convention (Oslo-Paris Convention - 1992) is the mechanism by which 15 governments and the EU cooperate for the protection of the marine environment of the North-East Atlantic.

The OSPAR definition for a Marine Protected Area is<sup>201</sup>:

*“an area within the [OSPAR] maritime area for which protective, conservation, restorative or precautionary measures, consistent with international law have been instituted for the purpose of protecting and conserving species, habitats, ecosystems or ecological processes of the marine environment” (OSPAR 2003 Annex 9 A-4.44a).*

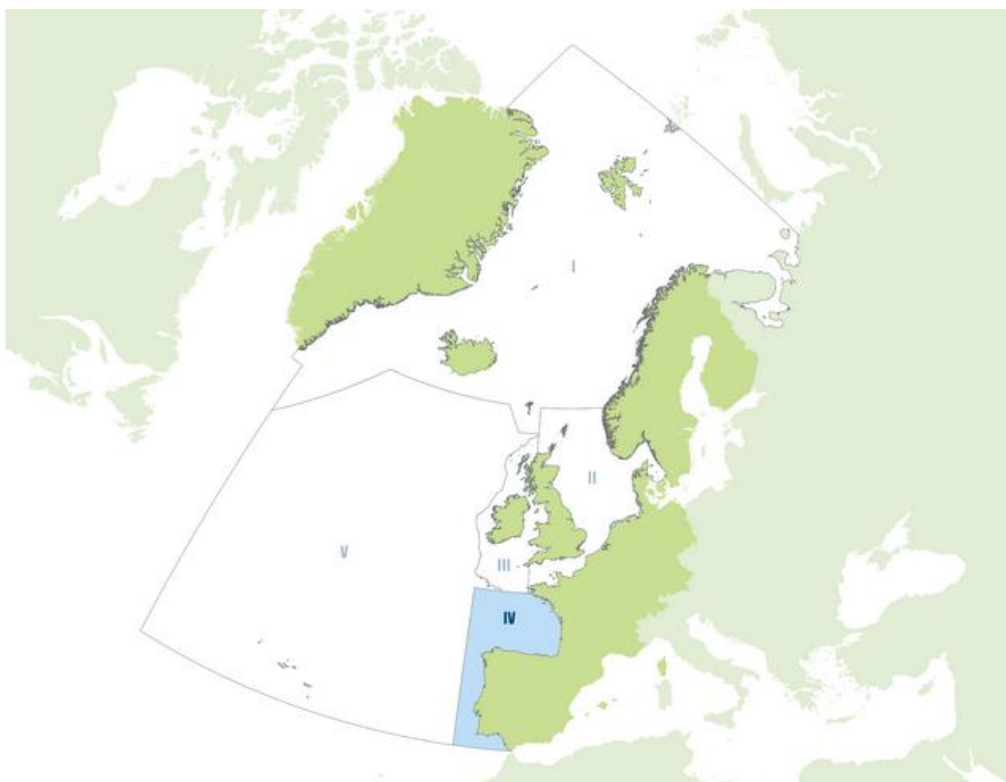


Figure 6 - OSPAR region IV within the global OSPAR region – source: OSPAR commission, 2017<sup>202</sup>

### 6.1. OSPAR Marine Protected Areas

#### Objectives

OSPAR’s strategic objective is to achieve an ecologically coherent network of well-managed marine protected areas across the OSPAR maritime area, consistent with the CBD<sup>203</sup>. The Contracting Parties have committed to implement appropriate measures to eliminate pollution, as well as to conduct scientific and technical research to evaluate the implementation of the Convention. OSPAR seeks to progress implementation of the ecosystem approach along with addressing identified key threats through five thematic strategies.

<sup>201</sup> <http://jncc.defra.gov.uk/page-3370-theme=textonly>

<sup>202</sup> <https://www.ospar.org/convention/the-north-east-atlantic>

<sup>203</sup> OSPAR MPAs <https://oap.ospar.org/en/ospar-assessments/intermediate-assessment-2017/key-messages-and-highlights/network-ospar-marine-protected-areas-expanding/>

One of these strategies is the Biodiversity and Ecosystems Strategy which main objective is “to halt and prevent by 2020 further loss of biodiversity in the OSPAR maritime area, to protect and conserve ecosystems and to restore, where practicable, marine areas which have been adversely affected”.<sup>204</sup>

To achieve its objectives, the Strategy stipulates that the OSPAR Commission will focus on “integrated management of human activities” through the further development and implementation of tools such as Marine Spatial Planning, impact assessment and socio-economic assessment to reduce pressures affecting the marine environment.<sup>205</sup>

### Management Tool

In order to assist the Contracting Parties, OSPAR developed Guidelines for the management of Marine Protected Areas<sup>206</sup>. This guidance document enhances the importance of management plans as valuable tools to support Member States to achieve the objectives of the OSPAR MPA Network.<sup>207</sup>

The guidance document, also states that International and European legislation may assist on the implementation of management measures for OSPAR MPAs. National legislation may also be required to support the management of OSPAR MPA network within the EEZ.

The effectiveness of the management measures will need to be evaluated and the management plan will need to be adapted as necessary and appropriate on a regular basis. OSPAR also recommends Contracting Parties to actively involve stakeholders in early process of the management plan.<sup>208</sup>

## 6.2. OSPAR in Portugal

Portugal ratified the OSPAR Convention by the Decree-Law nº 59/97 of 31 October. The Directorate-General for Natural Resources, Safety and Maritime Services (DGRM) is the national representative in the OSPAR Convention.

Portugal contributes with 13 MPAs to the OSPAR MPA Network, which five are marine areas adjacent to the mainland, which are also classified under the National Network of Protected Areas, (see fig 07), and all the others are distributed in the marine region.

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<sup>204</sup> <http://jncc.defra.gov.uk/page-3370>

<sup>205</sup> [https://www.ospar.org/site/assets/files/1466/biodiversity\\_strategy.pdf](https://www.ospar.org/site/assets/files/1466/biodiversity_strategy.pdf)

<sup>206</sup> <https://www.ospar.org/work-areas/bdc/marine-protected-areas/guidance-for-the-development-and-management-of-the-ospar-network>

<sup>207</sup> <https://www.ospar.org/documents?d=32690>

<sup>208</sup> <https://www.ospar.org/documents?d=32690>



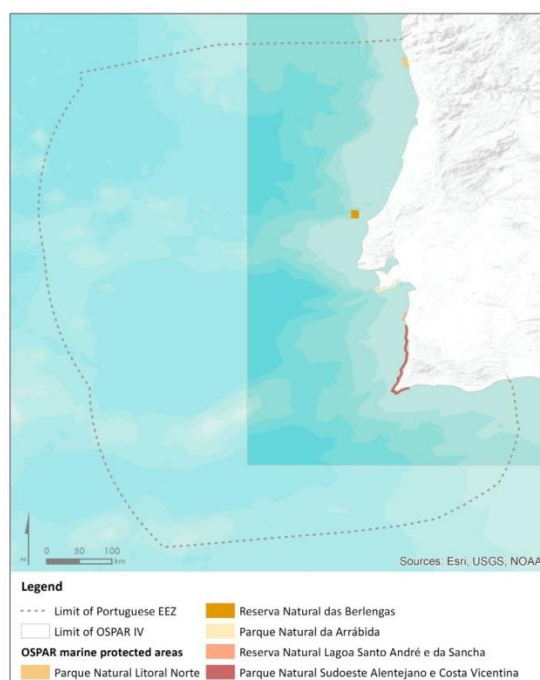


Figure 7 - Portuguese OSPAR MPAs under the OSPAR IV region, Source: ICNF, 2015.

## 6.4. OSPAR in Spain

The Ministry for Ecological Transition<sup>209</sup> (MITECO) is the responsible body for the declaration and management of the OSPAR Marine Protected Areas located in marine areas under national sovereignty or jurisdiction, provided that there is no ecological continuity of the marine ecosystem with a natural terrestrial protected area.

It is the responsibility of the Autonomous Communities to declare and manage the OSPAR Marine Protected Areas when, in each case, there is such ecological continuity in each case, supported by the best scientific evidence available.<sup>210</sup>

The OSPAR Convention was ratified in Spain by the “Instrumento de 25 de Enero de 1994”, published in the BOE<sup>211</sup> of 14 of June of 1998.<sup>212</sup>

## 6.5. OSPAR in France

The Ministry in charge of the OSPAR Convention in France, is the ... (to be developed). The French Agency of Biodiversity (AFB) is the responsible body for the gathering information and organising seminars. Is also the responsible body for the designation of MPAs<sup>213</sup>.

France has been tasked by the OSPAR Secretariat with the development of the OSPAR MPA GIS database. This was taken forward with the experience gained by the European cooperation project, MAIA<sup>214</sup>, which also created a network of MPA managers and stakeholders in the Atlantic Arc<sup>215</sup>.

<sup>209</sup> <https://www.mapama.gob.es/es>

<sup>210</sup> [http://www.mapama.gob.es/es/biodiversidad/temas/espacios-protegidos/espacios-protegidos-por-instrumentos-internacionales/en\\_ap OSPAR.aspx](http://www.mapama.gob.es/es/biodiversidad/temas/espacios-protegidos/espacios-protegidos-por-instrumentos-internacionales/en_ap OSPAR.aspx)

<sup>211</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-1998-14941>

<sup>212</sup> [http://www.mapama.gob.es/es/costas/temas/proteccion-medio-marino/proteccion-internacional-mar/convenios-internacionales/convenio\\_ospar.aspx](http://www.mapama.gob.es/es/costas/temas/proteccion-medio-marino/proteccion-internacional-mar/convenios-internacionales/convenio_ospar.aspx)

<sup>213</sup> <http://www.aire-marines.fr/Partager/Mers-regionales-et-accords-internationaux/Atlantique-nord-est>

<sup>214</sup> <http://www.maia-network.org/>

<sup>215</sup> MAIA European Project [http://www.maia-network.org/upload/iedit/11/pj/1529\\_4487\\_4p\\_MAIA\\_EN\\_BD.pdf](http://www.maia-network.org/upload/iedit/11/pj/1529_4487_4p_MAIA_EN_BD.pdf)

## 7. NATIONAL MPA CATEGORIES

Besides the International Conventions and agreements, each different country also provides national categories of MPAs by national law. This session is dedicated to describe each national category objectives and management.

**Table 3 : National categories of Protected Areas (original and English name)**

Original Name	English Name
<b>Portugal</b>	
Parque Natural	Natural Park
Reserva Natural	Nature Reserve
Parque Nacional	Nature Monument
Monumento Natural	Nature Monument
Paisagem Protegida	Protected Landscape
<b>Spain</b>	
Parque	Park
Reserva Natural	Natural Reserve
Area Marina Protegida	Marine Protected Area
Monumento Natural	Natural Monument
Paisaje Protegido	Protected Landscape
Reserva Marina	Marine Reserve
<b>Regional</b>	
Parque Natural (Galicia, Andalucia)	Nature Park
Reserva de Pesca (Andalucia)	Fishing Reserve
Paraje Natural (Andalucia)	Natural Landscape
Reserva Natural Parcial (Asturias)	Partial Nature Reserve
Zona Especial proteccion de los valores naturales (Galicia)	Special zone for the protection of natural values
Reserva Marina de interés pesquero (Galicia)	Marine Reserve of fishing interest
Biotopo Protegido	Protected Biotope
<b>France</b>	
Parc National	National Park
Réserve naturelle nationale	National Nature Reserve
Parc naturel marin	Marine Nature Park
Domaine public maritime du Conservatoire du littoral	Marine State Property Managed by Conservatoire du Littoral
Arrêté de protection de biotope	Biotope Protection by-Law
Réserve nationale de chasse et de faune sauvage	Hunting and Wildlife National Reserve

## 7.1. Portugal

The National Network of Protected Areas (RNAP) is composed by the protected areas classified under Decree-Law no. 142/2008, of July 24 (revised by Decree-Law no. 202/2015, October 15), and the respective regional classification diplomas. These protected areas can be terrestrial, aquatic or marine. The classification of national protected areas may be proposed by the national authority (ICNF) or by any public or private entity; however the technical assessment is responsibility of the ICNF. In the case of protected areas of regional or local scope, its classification may be done by local authorities or Associations of Municipalities.

There are five typologies of Protected Areas: National Park (Parque Nacional); Natural Park (Parque Natural); Nature Reserve (Reserva Natural); Protected Landscape (Paisagem Protegida); and Nature Monument (Monumento Natural). In the cases where the protected areas cover marine areas, their management plans may designate:

- Marine reserves – with the goal of adopting measures aimed at protecting marine communities and sensitive habitats, ensuring the marine biodiversity; or
- Marine parks - with the goal of adopting measures aimed at the protection, enhancement and sustainable use of marine resources through the harmonious integration of human activities.

All National Parks, Natural Parks of national scope, Nature Reserves and Protected Landscape of national scope must have a Special Programme. The norms or guidelines of the Special Programs for safeguarding natural resources and values of marine protected areas are integrated into the national maritime spatial plan (Plano de Situação do Ordenamento do Espaço Marítimo, PSOEM).

Within the OSPAR region IV, there are seven protected areas under the RNAP, which incorporate marine areas (Figure 8): 3 Natural Parks, 3 Nature Reserves and 1 Nature Monument. At local level, there is one MPA managed by a municipality (MPA Avencas).

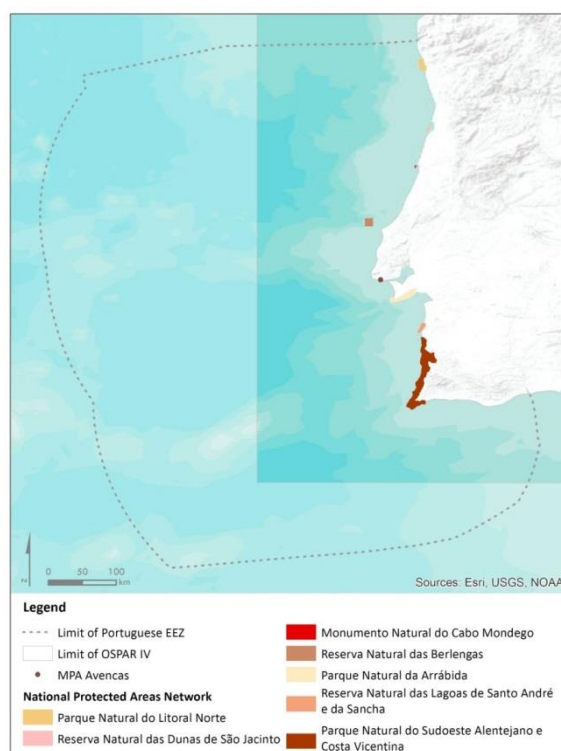


Figure 8 - Portuguese protected areas (including marine ecosystems) within OSPAR IV region (ICNF, 2015)

## Parque Natural (Natural Parks)

Natural Park is an area that contains ecosystems (natural or semi natural), where the long-term preservation of biodiversity depends on human activities, ensuring a sustainable flow of natural products and services.<sup>216</sup> When they integrate marine areas, their management plans may designate Marine Parks, which aim the protection, enhancement and sustainable use of marine resources through the harmonious integration of human activities.

There are 3 Natural Parks in the OPSAR region IV, each one with a marine park and a spatial/management plan:

- Parque Natural do Litoral Norte – Ministers Council Resolution no. 175/2008, November 24;
- Parque Natural da Arrábida – Ministers Council Resolution no. 141/2005, August 23;
- Natural do Sudoeste Alentejano e Costa Vicentina - Ministers Council Resolution no. 11-B/2011, February 4.

## Reservas Natural (Nature Reserves)

Nature Reserve is an area that contains ecological, geological and physiographic features. It can also contain attributes of scientific, ecological or educational value.<sup>217</sup> Marine Reserves are an extension of the terrestrial network on “Natural Reserves”. The Marine Reserves, have as objective, the adoption of measures made to the protection of sensible communities and habitats, securing the marine biodiversity.<sup>218</sup>

There are 3 Nature Reserves in the OPSAR region IV, each one with a spatial/management plan:

- Reserva Natural das Dunas de São Jacinto - Ministers Council Resolution no. 76/2005, March 21;
- Reserva Natural das Berlengas – Ministers Council Resolution no. 180/2008, November 24;
- Reserva Natural das Lagoas de Santo André e da Sancha - Ministers Council Resolution no. 117/2007, August 23.

The Berlengas Nature Reserve has designated a Marine Reserve.

## Monumento Natural (Natural Monument)

The objective of a Natural Monument is the protection of natural values, namely notable occurrences of the geological heritage, the integrity of its characteristics and the immediate surrounding areas, and the adoption of measures compatible with the objectives of its classification.<sup>219</sup> Cabo Mondego is the only Natural Monument with marine geological features.<sup>220</sup> Although it does not have a management plan, there are restricted and interdicted activities established in the Decree Law no. 82/2007, October 3, which designated this protected area.

## Area Marinha Protegida Local (Local Marine Protected Area)

At the OSPAR Region IV, Portugal has only one Local MPA, the Marine Protected Area of Avencas, managed locally by the municipality of Cascais.<sup>221</sup> This MPA is not yet in integrated in the National Network of Protected Areas. The Ministers Council Resolution no. 64/2016, October 19, establishes the management guidelines for this MPA within the scope of the Coastal Zone Management Plan for Cidadela-Forte de São Julião da Barra stretch.

<sup>216</sup> <http://www2.icnf.pt/portal/ap/tipol-ap>

<sup>217</sup> <https://dre.pt/application/dir/pdf1sdip/2008/11/22800/0831508332.PDF>

<sup>218</sup> <http://www.idesporto.pt/DATA/DOCS/LEGISLACAO/doc130.pdf>

<sup>219</sup> <http://www2.icnf.pt/portal/ap/tipol-ap>

<sup>220</sup> <https://dre.pt/application/dir/pdf1sdip/2007/10/19100/0709107092.pdf>

<sup>221</sup> <https://ambiente.cascais.pt/pt/espacos/outros-espacos/area-marinha-protegida-das-avencas>

## 7.2. Spain

The figure, of Marine Protected Area (MPA), was created in Spain by the "Law 42/2007, of 13 December, of Natural Heritage and Biodiversity" (article 33), as one of the categories of classification of natural spaces.

According to this Law, it may form part of the Network of Marine Protected Areas, or RAMPE.<sup>222</sup> The related law describes the different MPAs category that may be present on the Spanish Territory:

- Marine Protected Areas,
- Natura 2000 areas: SCI, SAC and SPA,
- Other categories of Marine Protected Areas according to Law 42/2007, of 13 December, of Natural Heritage and Biodiversity,
- Marine Protected Areas from International Conventions or Normative,
- Marine Reserves regulated by Law 2/2001 of State's Maritime Fisheries.

The "Law 41/2010, of 29 December, of protection of the marine environment" (which transposed the MSFD), created formally the RAMPE (regulated by Royal Decree 1599/2011, of 4th November), regulates and establishes the objectives, the natural places and the tools for management and designation. This Law also specifies the functions of the "Ministerio para la Transición Ecológica".<sup>223</sup> This document also lists the protected spaces that may be included in the network (mentioned in table 3) that are those described under Act 42/2007, of December 13<sup>th</sup> (including areas protected by international instruments), and the figure "Marine reserve" under Act 3/2001, of 26 March, of State's Maritime Fisheries.

The "Royal decree 1599/2011, of 4th November"<sup>224</sup>, that establishes the integration criteria for the marine protected areas on RAMPE, establish objectives such as:

- Ensure the protection, conservation and recovery of the natural heritage and the Spanish marine biodiversity.
- Protect and conserve the species, habitats and ecological processes of the Spanish seas.
- Guarantee the maintenance of the ecological values
- Contribute to the maintenance of traditional uses and uses compatible with the conservation of natural values
- Contribute to the development of the conservation measures
- Promote the conservation of ecological corridors
- Promote a better scientific knowledge in matters related to the marine environment
- Develop coherence of international MPA networks, especially Specially Protected Areas of Mediterranean Importance (SPAMI) of the Convention for the protection of the marine environment and the coastal region of the Mediterranean, as well as the European Natura 2000 Marine Ecological Network, as well as the European Natura 2000
- Contribute to achieve or maintain a good environmental status
- Contribute to the education and environmental awareness of society

### Parques (National Parks and Natural Parks)

There categories National Parks and Natural Parks are slightly different. The main difference is that **National Parks** are governed by the principle of "non-intervention" due to the fact that they normally are very pristine areas that historically has suffer of a little human intervention, while **Natural Parks** in principle are places with more interventions than national parks, where more uses are allowed although the use of natural resources can be limited, prohibiting in any case those incompatible with the purposes that justify their creation.<sup>225</sup>

<sup>222</sup> <http://www.mapama.gob.es/es/costas/temas/proteccion-medio-marino/biodiversidad-marina/espacios-marinos-prottegidos/red-areas-marinas-prottegidas-espana/red-rampe-index.aspx>

<sup>223</sup> <http://www.mapama.gob.es/es/costas/temas/proteccion-medio-marino/biodiversidad-marina/espacios-marinos-prottegidos/red-areas-marinas-prottegidas-espana/red-rampe-index.aspx>

<sup>224</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2011-19209>

<sup>225</sup> <http://www.europarc.org/wp-content/uploads/2017/06/yearbook-of-Protected-Areas-2016-EUOPARC-Espa%C3%B1a.pdf>

Moreover, the usual management of a National Park with marine features remains to the State (“Ministerio para la Transición Ecológica”), when planning and management of National Parks can be the competence of the Autonomous Communities.<sup>226</sup>

### Definition of Parks

“Natural areas that, because of the beauty of their landscapes, the representativeness of their ecosystems or the uniqueness of their flora, their fauna or their geological diversity, including their geomorphological formations, have ecological, aesthetic, educational and scientific values whose conservation deserves preferential attention”.<sup>227</sup>

Those categories are governed by “[Law 42/2007, of 13 December](#)” in both cases; and also by, “Law 30/2014 of National Parks” in the case of National Parks. The regulation that govern those sites in most cases, are stipulated by their declaration rules which also provides for the development of a management plan and specifies the type of governance and funding.<sup>228</sup>

### Objectives

The objective of a National Park is to preserve the integrity of its natural values and landscapes, considering the social benefits. The National Parks, also promote environmental awareness of society, scientific research and sustainable development, in coherence with the maintenance of cultural values, intangible heritage and traditional activities and uses.<sup>229</sup>

Other objectives of a National Park may include:

- Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status and out of protection status,
- Protect, preserve and restore the cultural heritage,
- Promote sustainable management and development of socio-economic activities.<sup>230</sup>

### Management

The basic management document that set objectives for conservation on the National Parks is the Master Plan of the National Parks Network. This tool defines the objectives of conservation, research, public use, training and awareness. It also contemplates the framework of actions in cooperation with other Administrations.<sup>231</sup>

The management of the Marine Parks, is under competence of the State (by the marine conservation competent authority) and of the Autonomous Community, in case the ecological continuity is scientifically demonstrated between the marine area and the protected space on land.

When the management is made by the Autonomous Communities they have the following duties<sup>232</sup>:

- The administration and management of the Natural Parks
- The approbation and execution of Plans of use and management of Parks.

Those mentioned Plans, prevails under the urban plans. When the uses are not compatible, the proposal shall be reviewed by the competent authorities.<sup>233</sup>

Article 31 of [Law 42/2007 of December 13th](#) establishes the Plan of Uses and Management (PRUG) as a planning tool in the protected natural spaces of the Park category, whether National Parks or Natural Parks. The Article 18 of [Law 30/2014 of December 3rd](#), of National Parks establishes that the instruments of management are “the Director Plan of the National Parks network, as well as those that, in their area of competence, are agreed by the autonomous communities for those areas of activity that require a more

<sup>226</sup> <http://www.europarc.org/wp-content/uploads/2017/06/yearbook-of-Protected-Areas-2016-EUOPARC-Espa%C3%B1a.pdf>

<sup>227</sup> [http://www.mapama.gob.es/es/biodiversidad/temas/espacios-protegidos/espacios-naturales-protegidos/enp\\_categorias.aspx](http://www.mapama.gob.es/es/biodiversidad/temas/espacios-protegidos/espacios-naturales-protegidos/enp_categorias.aspx)

<sup>228</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>229</sup> <https://www.boe.es/buscar/.../BOE-A-2014-12588-consolidado.pdf>

<sup>230</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>231</sup> <http://www.mapama.gob.es/es/red-parques-nacionales/la-red/gestion/responsabilidad.aspx>

<sup>232</sup> <http://www.mapama.gob.es/es/red-parques-nacionales/la-red/gestion/responsabilidad.aspx>

<sup>233</sup> [http://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2007-21490](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2007-21490)

detailed formulation of the one contemplated in the Master Plan for Use and Management (that is, the sectoral plans).<sup>234</sup>

Therefore, the Master Plan of the National Parks Network shall include<sup>235</sup>:

- Strategic conservation objectives of National Parks (public use, research, monitoring, training, awareness)
- Objectives to be achieved (nationally and internationally)
- Actions to maintain and promote the coherence of the National Parks
- Basic Guidelines for planning, conservation and coordination
- Program of common actions of the Network (also procedures of monitoring and evaluation)
- Criteria for projects selection (that may be subject if state funding)
- Criteria for conservation and basic management
- Criteria to determine existence of danger to the integrity or national security.

### Uses regulation

In a National Park, in summary, uses regulations are established in its declaration rule as well as its PRUG (Plan of Uses and Management) always in coherence with the objectives of [Law 42/2007](#), of December 13<sup>th</sup> and [Law 30/2014](#), of December 3<sup>rd</sup>, of National Parks and in line with the Master Plan of the National Parks Network.

Uses can be restricted or prohibited in case of conflict with the conservation objectives. Parks however allow the entrance of visitors with limitations.<sup>236</sup>

### Reserva Natural (Natural Reserve)

The category of Reserva Natural is recognized as a MPA when the sites designated in this category, have a marine area. The Law 42/2007, de 13 de diciembre provides the legislative framework for the designation and management of the Natural Reserves in Spain<sup>237</sup>.

### Objective

The Natural Reserve, are natural spaces that have as goal, protect the ecosystems, communities and biological elements, that due to their rarity, importance or singularity, deserve a different valorization.<sup>238</sup>

Between other objectives:

- Maintain, conserve and restore biodiversity, natural heritage of habitats, species, landscapes and seascapes, under protection status and out of protection status
- Maintain the key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc)
- Promote sustainable management and development of socio-economic activities.<sup>239</sup>

### Management

No detailed information about management of Natural Reserves is present at the date on the “Ley 42/2007”.

### Uses regulation

The regulation for the Natural Reserves is contained at the [Law 42/200 of December the 13<sup>th</sup>](#) for Natural Heritage and Biodiversity. Measures for the Natural Reserves include the limited exploitation of resources, only on cases that the exploitation is compatible with the conservation objective of the place. It's also forbidden the collection of biological material, only allowed when used for investigation,

<sup>234</sup> <https://www.boe.es/buscar/act.php?id=BOE-A-2014-12588>

<sup>235</sup> <https://www.boe.es/buscar/act.php?id=BOE-A-2014-12588>

<sup>236</sup> [http://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2007-21490](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2007-21490)

<sup>237</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>238</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

<sup>239</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

conservation or education (however on these cases, is necessary to ask for an administrative permission).<sup>240</sup>

### Area Marina Protegida (Marine Protected Area)

This category is defined by the [Law 42/2007 of 13<sup>th</sup> December](#) and regulated by [Law 41/2010, of December 29<sup>th</sup>, of Marine Environment Protection](#). This Law for the marine environment protection specifies the regulations that should apply in most cases, with the implementation of a management plan.

At the Mediterranean, a new MPA has just been declared in June 2018, the “Cetacean migration corridor of the Mediterranean”.<sup>241</sup>

In Spain, one example of designated Marine Protected Area by the [Royal Decree 1629/2011](#) of 14 November is the “El Cachucho” (Le Danois Bank), whose management plan is currently under revision. This MPA is located in the SIMNORAT Region, at the Atlantic Seaboard, located 60 kilometers from the coast of Asturias.<sup>242</sup>

#### Objectives

The main objectives of this category are to:

- Maintain, conserve and restore biodiversity, natural heritage of habitats, species, landscapes and seascapes under and out protection status,
- Maintain the key ecological functions (spawning grounds, nurseries, feeding and rest areas),
- Promote the sustainable management/ development of socio economic activities,
- Encourage scientific research.

The objective of this category is to protect the natural spaces, designated to the protection of ecosystems, communities and biological elements of the marine environment (including tidal zones), that due to their rarity, fragility, importance or singularity, deserve a special protection.<sup>243</sup>

#### Management

The category Marine Protected Area requires management plans or tools of planning that can establish at least the conservation measures, necessary to limit the exploitation of the natural resources. These will be implicit in their declaration rules.

The management of the Marine Protected Areas included in the Network (RAMPE) will be adjusted to the minimum common criteria that are dictated for the coordinated and coherent management of the Network. That is, the Master Plan of the Network of Marine Protected Areas of Spain, regulated in article 29 of [Law 41/2010](#), of December 29, will establish the minimum common management criteria applicable to marine protected areas included in the Network.

Independently of the category used for the protection, the limits in the exploitation of the fisheries resources in external waters will be as established in the article [18 of Law 3/2001, of 26 March, of Maritime State’s Fisheries](#).<sup>244</sup>

#### Regulation

MPA regulations are implicit depending on the type of Marine Protected Area which has been declared, according to article 26 of types of MPA:

- Marine Protected Areas: These areas are declared by Royal Decree and require a Management Plan.
- Natura 2000 areas: SCI, SAC and SPA are declared by Ministerial Order. SAC and SPA require also a Management Plan for each area.
- Other categories of Marine Protected Areas according to Law 42/2007, of 13 December, of

<sup>240</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

<sup>241</sup> [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2018-9034](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2018-9034)

<sup>242</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>243</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

<sup>244</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>



Natural Heritage and Biodiversity: In case, Marine National Parks are declared by law and needs a Plan of Uses and Management (PRUG).

- Marine Protected Areas from International Conventions or Normative.

Marine Reserves regulated by Law 2/2001 of State's Maritime Fisheries: Marine Reserves are declared by Ministerial Order in its articles indicate restrictions and uses for different sectors inside the marine reserve. It also requires a Management Plan.

### Monumento Natural (Natural Monument)

This category is defined by the [Ley 42/2007, de 13 de diciembre](#). This document specifies the regulations that should apply in most cases on a Monumento Natural. Nonetheless, it does not provide for the development of a management plan. It does however; stipulate the type of governance and funding. Currently, there is no site designated under the Monumento Natural category with a marine area<sup>245</sup>.

#### Objectives

The Natural Monuments are spaces or elements of the nature that are composed of elements of singularity, rarity or beauty that deserve special protection.<sup>246</sup> Natural Monuments may also be singular of trees, geological / paleontological formation; depending on their scientific and cultural value.

Main objectives are:

- Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status
- Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status
- Protect, preserve and restore the cultural heritage.<sup>247</sup>

#### Management

The development of a management plan is not required by the reference documents.<sup>248</sup>

#### Uses regulation

In Natural Monuments the exploitation of resources will be limited, except when this exploitation is fully consistent with the conservation of the values that are intended to be protected, in accordance with what is established in its declaration or management rules. In some cases, for reasons of investigation conservation or because they are eco-compatible, economic activities can be allowed, after the pertinent administrative authorization.<sup>249</sup>

### Paisaje Protegido (Protected Landscape)

Protected Landscapes are parts of the territory that the competent Administrations (Autonomous Communities), through the applicable planning, for their natural, aesthetic and cultural values, and in accordance with the Landscape Convention of the Council of Europe, consider that they deserve special protection.

The sites designated in this category, having a marine area, may be included in the RAMPE by the Art.26 of Act 41/2010, of December 29th, of Marine Environment Protection.

#### Objectives

The main objectives for this category are:

- The conservation of the singular values that characterise the Landscape,
- The preservation of the harmonious interaction between nature and heritage, on a determined zone

<sup>245</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>246</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

<sup>247</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>248</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>249</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

This category, will seek to maintain the practices of traditional character that contribute to the preservation of the natural resources and cultural values.<sup>250</sup>

### Management

The management is made by the Autonomous Communities, without interfering on the correspondent competences of other public administrations.

### Uses regulation

The regulation and restriction for this category, is specified on the Ley 42/2007 and applies to most categories of MPA.<sup>251</sup>

## Reserva Marina (Marine Reserve)

This category is defined by the article 13 of the [Law 3/2001 of March 26<sup>th</sup>](#), “de Pesca Marítima del Estado”. Since this category is defined by an act concerning maritime fisheries targeting restoration/increment of stocks and not conservation, it is not considered strictly a MPA. However, it is included in RAMPE

Each Reserva Marina is designated by a specific text. This category is managed by the Ministry of Agriculture, Fisheries and Food (MAPA). The designation document defines the type of governance and funding, and the framework for the development of a management plan.<sup>252</sup>

Of the 20 declared Marine Reserves in Spain<sup>253</sup>, 10 are inland waters and are exclusive competence of the fisheries administration of each autonomous community. The other 10 Marine Reserves are managed by the General Secretariat of fishing (5 shared with the Autonomous Communities through collaborative agreements that allow shared and coordinate actions).<sup>254</sup>

### Objective

The main objective of a Marine Reserve is to:

- Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc),
- Promote the sustainable management / development of socio-economic activities,
- Manage use of natural resources.<sup>255</sup>

### Management

In Spain Marine Reserves require the development of a management plan. As mentioned before, management answer to criteria regarding the place in which the reserve is located (internal or external waters) with the case of some of them being managed in a collaborative way between the central state and the regions.

### Uses regulation

The protection measures of this category will determine the limitations or the prohibition of activities such as industrial fishing and practices like trawling and seining. Artisanal fisheries and other activities that can alter the natural balance and the conservation objectives should also be regulated.<sup>256</sup>

The designation document defines the regulations in most cases.<sup>257</sup>

In some Marine Reserves in Spain, there is a zoning that delimits the uses, including fishing activities of any kind and practices of diving.<sup>258</sup> Other protection measures of Marine Reserves, include the elimination

<sup>250</sup> <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

<sup>251</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>252</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>253</sup> To date of the mentioned report: <http://www.euoparc.org/wp-content/uploads/2017/06/yearbook-of-Protected-Areas-2016-EUOPARC-Espa%C3%B1a.pdf>

<sup>254</sup> <http://www.euoparc.org/wp-content/uploads/2017/06/yearbook-of-Protected-Areas-2016-EUOPARC-Espa%C3%B1a.pdf>

<sup>255</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>256</sup> <https://www.boe.es/buscar/pdf/2001/BOE-A-2001-6008-consolidado.pdf>

<sup>257</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>258</sup> <http://www.euoparc.org/wp-content/uploads/2017/06/yearbook-of-Protected-Areas-2016-EUOPARC-Espa%C3%B1a.pdf>

of industrial fishing and practices (such as trawling and seining), regulation of artisanal fisheries and other activities such as diving.<sup>259</sup>

## Regional MPAs

### *Parque Natural (Nature Park) –Cantabria, Galicia and Canary Islands*

The Parque Natural is a MPA category provided by a national regulation “[Art. 30 of the Law 42/2007 of December 13th](#)” (see national/natural parks section above). However, this category is that it can be declared and managed by autonomous governments, if an ecological continuity between the marine ecosystems and an adjacent land protected area can be proved.

In Cantabria, this category is governed by the Law 4/2006 of May 19<sup>th</sup>.

In Galicia, this category is governed by the Law 9/2001 of August 21<sup>th</sup>.<sup>260</sup>

### **Management**

This category is managed by the Autonomous Communities.<sup>261</sup> Article 31 of Law 42/2007 establishes the PRUG (by its initials in Spanish- Plan Rector de Uso y Gestión) as a planning instrument in the protected natural spaces of the Park category, whether National Parks or Natural Parks.

### **Regulation**

The regulation for this category is specified on the designation documents that also provide for the development of management plans.<sup>262</sup> It is established by an Act 42/2007, of December 13<sup>th</sup>, of Natural Heritage and Biodiversity.

### *Reserva de Pesca (Fishing Reserve) - Andalucía*

This category is exclusive of the Andalucía Region, and is defined by the Article 10 of the [Law 1/2002](#) of April 4<sup>th</sup> “de ordenamento, fomento y control de la Pesca Maritima” of spatial planning and control of fishing and aquaculture.

### **Regulation**

The regulations governing this category of MPA are defined in the designation document by the relevant authority. The reference document for this category defined the development of management plans and specifies the types of governance and funding.<sup>263</sup>

- The Consejería de Agricultura y Pesca will establish protection measures, these being those that directly affect the environment in which the fishing resources are developed. The following are considered included in these measures.
- The establishment, definition and regulation of zones or bottoms forbidden to the fishing activity, temporarily or permanently, or reserved preferentially or exclusively, to selective fishing methods,
- The declaration and regulation of maritime protected areas,
- The installation of artificial protection reefs.

### *Paraje Natural (Natural Landscape) – Andalucía*

This category is governed by the “Ley 2/1989” of 18 July, and establishes the inventory of natural protected species in Andalucía, specifying their necessary needs for protection. This type of category exists in the autonomous communities, but includes marine areas only in Andalucía. The Law also provide framework for regulations and management plans.<sup>264</sup>

### *Reserva Natural Parcial (Partial Natural Reserve) – Asturias*

This category is governed by the “Ley 2/1989” of 18 July, and establishes the inventory of natural

<sup>259</sup> <http://www.euoparc.org/wp-content/uploads/2017/06/yearbook-of-Protected-Areas-2016-EUOPARC-Espa%C3%B1a.pdf>

<sup>260</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>261</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>262</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>263</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>264</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

protected species in Andalucía, specifying their necessary needs for protection. The Law also provide framework for regulations and management plans.<sup>265</sup>

In this case, only the government of Asturias is in charge of the coastal marine protected site. The reference document provides regulations and measures for the development of a management plan<sup>266</sup>.

### Objective

- Maintain, conserve and restore biodiversity, natural heritage of habitats and species, landscapes and seascapes, under and out of protection status,
- Maintain key ecological functions (spawning grounds, nurseries, feeding and resting areas),
- Promote sustainable management, development of socio-economic activities.<sup>267</sup>

### Management Tool

The Nature Reserves will develop governing plans for use and management that will be processes as:

- They will be first approved by the Environment Agency, and then submitted for public information for a period of one month,
- They will be sent for information in the same period, to the affected town or council.

The management of Marine Reserves will be made by a “Conservador”, if required, one “Conservador” can be named to each Reserve that may need.<sup>268</sup>

### Regulation

The exploitation of resources is forbidden in them, unless, for reasons of research, education or conservation, the same prior administrative authorization is allowed.<sup>269</sup>

#### *Reserva Marina de Interés Pesquero (Marine Reserve of Fishing Interest) – Galicia*

There is no document defining the category that only exists in Galicia, however, two site designations documents contribute to the definition:

The Galician Law refers to “areas marinas pesqueras”, declared as “reservas marinas” on the [Decree 28/2009, of January 29<sup>th</sup>](#) and the Decree 85/2007 of April 12<sup>th</sup>.

### Objective

- Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas)
- Promote the sustainable management / development of socio-economic activities,
- Manage the use of natural resources.<sup>270</sup>

### Regulation

The regulations applying to those sites are specified in the designation decrees. The provision is made for the development of a management plan, and the type of governance and funding are also specified.<sup>271</sup>

#### *Biotopo Protegido (Protected Biotope) – País Vasco*

This category only exists in the Basque Country, and it is described by the [Law 16/1994 of June 30<sup>th</sup>](#), the Law on conservation of nature at the Basque Country. The regulations are defined in the site designation document and provision is made for management plan implementation<sup>272</sup>.

<sup>265</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>266</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>267</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>268</sup> [http://noticias.juridicas.com/base\\_datos/CCAA/as-15-1991.t3.html#c4s3](http://noticias.juridicas.com/base_datos/CCAA/as-15-1991.t3.html#c4s3)

<sup>269</sup> [http://noticias.juridicas.com/base\\_datos/CCAA/as-15-1991.t3.html#c4s3](http://noticias.juridicas.com/base_datos/CCAA/as-15-1991.t3.html#c4s3)

<sup>270</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>271</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>272</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

## Objective

- Maintain, conserve and restore biodiversity, natural heritage of habitats and species, landscapes and seascapes, under and out of protection status,
- Maintain key ecological functions (spawning grounds, nurseries, feeding and resting areas),
- Promote the sustainable management and development of socio-economic activities.<sup>273</sup>

## Regulation

Regulations are not defined on the site designation documents.<sup>274</sup>

*Zona de Especial Protección de los Valores Naturales (Special Protection Zone of Natural Values) – Galicia*

The designation on this category is defined by the [Law 9/2001 of August 21st “de conservación de la naturaleza”](#). This designation encompasses the categories Site of Community Importance (SCI) and the Special Area of Conservation (SAC), resulting from the Habitats Directive. The EU Directive is an international type, of category and both categories are described on this document.<sup>275</sup>

## Objective

The main objectives of this category are to:

- Promote and profit the sustainable use of the resources of the area,
- Establish preventive measures to avoid the loss and progressive loss of soil,
- Ensure the maintenance of uses that will increase the carbon sequestration capacity, once is important to mitigate the effects of global climate change.<sup>276</sup>

## Management Tool

The general directorate responsible for nature conservation will be responsible for the implementation of the management measures contained in the plan, in coordination with the competent public administrations and with other organs of the General Administration of the Autonomous Community of Galicia.<sup>277</sup>

## Regulation

The exploitation of marine resources can be carried out in the natural area in such a way that will not reduce the conservation status of the habitats, as defined in the Annex I of the [Habitats Directive 92/43/EEC](#), as well as the priority areas of species of interest for conservation.

The development of aquaculture activities, as well as the installation of their establishments, must be carried out incorporating the criteria, principles and norms established in the Galician Aquaculture Master Plan, adapting the sector regulations.<sup>278</sup> The recreational fishing activities may be carried out in the natural area, in accordance with the provisions of the [“Decreto 211/1999 de 17 de junio”](#) that regulates the maritime recreational fisheries.

In order to guarantee the conservation of natural habitats of community interest and species of interest for conservation, the autonomous regional body responsible for fisheries and maritime matters, in coordination with the autonomous regional body responsible for the conservation of nature, may establish specific management rules for the exploitation of marine resources within the natural space.<sup>279</sup>

The marine debris deposited on the sand and pebble beaches make up the [habitat of community interest 1210](#). For this reason, its use or withdrawal will be regulated as part of the cleaning tasks carried out on many beaches, in order to avoid depletion or disappearance within the natural space.<sup>280</sup>

<sup>273</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>274</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>275</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>276</sup> [https://www.xunta.gal/dog/Publicados/2014/20140331/AnuncioCA02-270314-0001\\_es.html](https://www.xunta.gal/dog/Publicados/2014/20140331/AnuncioCA02-270314-0001_es.html)

<sup>277</sup> [https://www.xunta.gal/dog/Publicados/2014/20140331/AnuncioCA02-270314-0001\\_es.html](https://www.xunta.gal/dog/Publicados/2014/20140331/AnuncioCA02-270314-0001_es.html)

<sup>278</sup> [https://www.xunta.gal/dog/Publicados/2014/20140331/AnuncioCA02-270314-0001\\_es.html](https://www.xunta.gal/dog/Publicados/2014/20140331/AnuncioCA02-270314-0001_es.html)

<sup>279</sup> [https://www.xunta.gal/dog/Publicados/2014/20140331/AnuncioCA02-270314-0001\\_es.html](https://www.xunta.gal/dog/Publicados/2014/20140331/AnuncioCA02-270314-0001_es.html)

<sup>280</sup> [https://www.xunta.gal/dog/Publicados/2014/20140331/AnuncioCA02-270314-0001\\_es.html](https://www.xunta.gal/dog/Publicados/2014/20140331/AnuncioCA02-270314-0001_es.html)

## 7.3. France

### Parc National (National Park)

This category of MPA, is governed by the [Environmental Code](#), the “[Loi n° 2006-436 du 14 avril 2006](#)”, the “[Décret d’application n°2006-943 du 28 juillet 2006](#)” and the “[Décret d’application n°2006-944 du 28 juillet 2006](#)”.

Some regulations of the National Parks, can be directly defined in the designation order, and may be completed by others from the management body and the relevant authorities.

National Parks with marine parts are located in the Mediterranean and in the overseas territories. There is no example of this category in the Atlantic front.

#### Objective

The objective of a National Park is to protect large ecosystems, as well cultural heritage and landscapes. The sites are divided into two components, “core zone” and “partnership area”.

- **Core zone:** area of strict protection, where biological diversity protection is particularly aimed.
- **Partnership area:** area that aim to promote economic, social and cultural sustainable development, preventing impacts on the zone

The national parks in France, aim to find a balance between biodiversity protection and use of natural resources, combined with an increasing role of local authorities.<sup>281</sup>

#### Management

The main management document is the National Park Charter. It is drafted in consultation with stakeholders and establishes the conservation objectives for the Core Area, regarding cultural and natural heritage conservation. For the partnership area, this document set the guidelines for conservation, enhancement and sustainable development. This document also specify the type of governance and funding.

A lot of decisions concerning NPs are made by the management board (also called “administrative council”). The management board makes decisions concerning management of national parks, specific regulations for restricting human activities. The management board of each park includes representatives of the central government, the regional or local authorities, and members of civil society (for ex. landowners, users, representatives of NGOs).

The park director has a power of decision – making concerning NP management. For terrestrial parts (including coastal areas), he has the responsibility to enforce regulations within the core area.

Two committees are providing assistance to the management board – a scientific committee (consists of the qualified scientists) of and an economic, social and cultural committee (consists of the representatives from the civil society, like NGOs, individuals who are involved in the park’s economic, social and cultural activities).

#### Regulation

The management guidelines for National Parks are contained in each management plan. Each Marine Park has a management plan that defines actions to be taken for its protection, research and sustainable development. Regulations may differ between the core zone and the partnership area, due to different levels of protection. The specific regulations can be directly stipulated in the legal text for designation, especially for the core area.<sup>282</sup>

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<sup>281</sup> Article 3, Order of 23 February 2007 on the fundamental principles applicable to natural parks

<sup>282</sup> Environmental Code, Art. L. 334-5

## Réserve Naturelle Nationale (National Nature Reserve)

This category is defined by: “[Code de l’Environnement](#)”, “[Circulaire n°95-47 du 28 mars 1995](#)”; “[Circulaire n°97-93 du 7 octobre 1997](#)”; “[Circulaire n°2006-3 du 13 mars 2006](#)”.

Nature Reserves have the aim of protecting the natural environment from potential harmful human activities. The main goal of Nature Reserves is to provide protection for sites of national interest.

National Nature reserves located in the OSPAR IV region are:

- Prés salés d’Ares et de Lege Cap Ferret (designated in 1983),
- Moeze-Oleron (designated in 1985),
- Marais de Séné (designated in 1996),
- Lilleau des Niges (designated in 1980),
- François le Bail (designated in 1982),
- Courant d’Huchet (designated in 1981),
- Casse de la Belle Henriette (designated in 2011),
- Banc d’Arguin (designated in 1972),
- Baie de l’Aiguillon (designated in 1996).

### Objective

Provide long-term protection for unique, functional and ecological representative habitats, as well species of exceptional heritage value. Preservation of animal or plant species that are endangered in all parts of the national territory, protect outstanding biotopes and geological formations.

Related objectives may include:

- Maintain, conserve and restore biodiversity, natural heritage of habitats, species, landscapes and seascapes, under and out protection status,
- Maintain the key ecological functions (spawning grounds, nurseries, feeding and rest areas)
- Create environmental awareness and education,
- Encourage scientific research.<sup>283</sup>

### Management

The reserve management plan defines the required environmental conservation, maintenance or restoration measures. Activities that may affect the environmental integrity are prohibited. The plan is the principal document that contains provisions for management of a specific nature reserve. Management plans are mandatory for each nature reserve in France. The plan should be approved by the relevant Prefectures, taking into consideration the recommendations of the advisory committee and scientific advice for the particular area.

Duty to manage National Reserves remains to the Maritime Prefect. For each reserve, he appoints a manager for a period of 3 years. Therefore, the manager acts on behalf of a state and the regional state authorities provide support to the management team.

Besides that, two committees are designated:

- An advisory committee is created for controlling functioning of the reserve. The committee consists of “representatives of the civil and military authorities and public entities, representatives of local authorities or their groupings, representatives of landowners and users, qualified scientists and representatives of registered civil society organizations”<sup>284</sup>. The main responsibility of the committee is to advise on the implementation of the management plan for the nature reserves.
- Nature reserves must have a scientific council, which is appointed by the prefect. The council’s task is to conduct scientific studies in order to ensure the conservation and protection of the natural habitats within the nature reserves. It is consulted on any scientific matter.

<sup>283</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>284</sup> Environmental Code, Art. R. 332 – 15.

## Regulation

This category makes provision for the development of management plans, by the mentioned documents (e.g. Environmental Code and Circulaire 95-47, 97-93 and 2006-3). Other specific regulations of this category, is defined in the designation document.<sup>285</sup>

### Parcs Naturel Marin (Marine Nature Park)

This category is defined by the “[Code de l’Environnement](#)” and the “[Loi n° 2006-436 du 14 avril 2006](#)”. The reference documents make provision for drafting and introducing a management plan and specify both the type of governance and the funding<sup>286</sup>.

This category was created with a specific focus to protect the marine environment. The uniqueness of the environment is taken into account by the creation of an adaptive tool designed to ensure consistency of activities carried out in marine areas.<sup>287</sup> Marine nature parks use an integrated approach, taking into consideration the various uses of marine areas and the ecological and economic issues involved.

The regulations specific to the Marine Nature Parks are not defined in the site designation document, and the management body can specify regulations if necessary<sup>288</sup>.

In the Atlantic front, 3 Nature Marine Parks are designated : “Parc Naturel Marin du Bassin d’Arcachon”, “Parc Naturel Marin de l’estuaire de la Gironde et de la Mer des Pertuis” and at the very up north of the OSPAR IV region, the “Parc Naturel Marin d’Iroise”.

## Objective

Marine Nature Parks are designated under 3 main pillars which are knowledge on the marine environment, protection of the marine environment and sustainable development of the area.

Objectives of this category of MPA are:

- Protection of habitat and species pointed out by legal texts of protection
- Protection of other habitat and species
- Maintain of key ecological functions
- Protection of cultural heritage
- Promote the sustainable development of maritime uses
- Manage the use of all resources
- Improve waters quality
- Create environmental awareness and education
- Encourage scientific research
- Create socio-economic added value.<sup>289</sup>

## Management

A main characteristic of Nature Marine Parks is to involve a broad range of actors the decision-making process: national and local authorities, economic stakeholders, NGOs and civil society. This board makes decisions on all matters relating to the park, under the authority of the state representatives, who remains the final decision for any action or regulation within the Park perimeter. The responsibilities of the management board include the development of an action plan for the implementation, monitoring and evaluation of the management plan.

Management guidelines for Marine Parks are contained in the management plan. Each Park has a management plan that defines the actions to be taken for the protection, research and sustainable development. Management has a long-term view, with duration of 15 years. It is developed under the authority of the management board, within 3 years of the Marine Park’s creation.

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<sup>285</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>286</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>287</sup> Armelle Guignier, Michel Prieur. Legal Framework for Protected Areas: France, p 26.

<sup>288</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>289</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)



The French Biodiversity Agency is in charge of effective management. A dedicated team is in charge of providing information to the management board to support its decision. The park team is also in charge of the monitoring and the regulation enforcement.

### Regulation

The legal text governing the creation of a Marine Natural Park does not contain any specific provision limiting or banning activities within that sea. The management board has responsibility to propose new regulations in a collaborative process with stakeholders. The State, public authorities and organisations involved in the management of the marine nature park ensure that actions and resources are coherent with the objectives and measures of the management plan.

In some cases, the management board restricts some activities. It has the authority to grant permission for development of projects and licensing that may have an impact on the environmental conservation objectives of the park. The management board also has the power to regulate some activities, preventing impacts from human activities on the marine environment.

### Arrêté de protection de biotope (Biotope Protection by Law)

This category of MPA, is defined by the "[Code de l'Environnement](#)" and the "[Circulaire n° 90-95 du 27 juillet 1990](#)".

The initiative of the designation belongs to the State, under the responsibility of the Prefect of the concerned region<sup>290</sup>. Nature protection associations often provide support state services (DREAL) in the definition of projects. The texts do not require the advice of the municipal council, but in practice the advice is used. In practice, a monitoring committee placed with the prefect sometimes provides management and monitoring rankings and sometimes involve the DREAL, associations or municipalities<sup>291</sup>.

In the OSPAR IV region, several areas are protected under this status:

- Île aux Moutons, îlots Enez ar Razed et Penneg Ern (designated in 2004)
- Îlot de Rion (designated in 2008)
- Pointe de l'Aiguillon (designated in 1998)
- Zone de tranquillité pour l'avifaune du Golfe du Morbihan (designated in 2016)

### Objective

A biotope protection order is a regulatory tool that aims to conserve habitats of protected species. This may include feeding, resting or breeding sites, as well as sites critical for the survival of key protected species. A biotope protection order can also be used to prohibit any action that might harm the environment, such as use of chemicals or destruction of plants.<sup>292</sup>

This category also has as objective to maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status.<sup>293</sup>

### Management

A biotope protection order sets up regulation of activities that may have a negative impact on biotope conservation. It can also provide for ecological restoration measures. This category of MPA is usually not supported by a management plan, as the purpose of this category is to ensure strict environmental conservation.

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<sup>290</sup> <http://ct78.espaces-naturels.fr/arrete-de-protection-de-biotope>

<sup>291</sup> <http://ct78.espaces-naturels.fr/arrete-de-protection-de-biotope>

<sup>292</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>293</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

## Regulations

This category is governed by the Environmental Code and the Ministerial Circular of July 1990, on the protection of biotopes needed for living species in aquatic environments. Both documents do not specify requirements for drafting a management plan, how they will be governed or funded.<sup>294</sup>

### Maritime Public Domain of the Conservatoire du Littoral

This category is governed by the “[Code de l’Environnement](#)”; the “[Code de l’Urbanisme](#)”; the “[Code général des impôts](#)” and the “Code général de la propriété des personnes publiques”. These documents provide for the development of a management plan and specify the type of funding. The type of governance is not specified, and the [Conservatoire de l’Espace Littoral et des Rivages Lacustres](#)<sup>295</sup> (CELRL), develops agreements with the management authority to select the sites. The type of governance thus, differs depending on the site management status<sup>296</sup>.

The management body can propose regulations to the relevant authority, the regulation are not defined when the site is designated.

## Objective

The main goals of this category include:

- Maintain, conserve and restore the biodiversity, natural heritage of habitats, species, landscapes and seascapes under and out of protection status
- Maintain the key ecological functions (spawning grounds, nurseries, feeding and rest areas)
- Protect, preserve and restore cultural heritage
- Promote sustainable management and development of socio-economic activities
- Create environmental awareness and education
- Encourage scientific research
- Create socio-economic added value.<sup>297</sup>

## Management

As provided by the Law, the Conservatoire exercises its responsibilities as owner in partnership with most often, local authorities or public institutions, or even approved associations such as the League for the Protection of Birds, or the National Society for the Protection of Nature.<sup>298</sup>

This management approach, responds to a relatively new social demand for conservation, and even “Recreation” of nature. This process evokes that the patrimonial management of the land and maritime domain of the Conservatoire is thus a flexible and evolving doctrine<sup>299</sup>, based on guidelines:

- **Demonstrate**; not theoretical, but concretely, the relevance of a Interdisciplinary and multi-territorial management, based on consultation and recognition of natural, historical and cultural richness, including the immaterial heritage.<sup>300</sup>
- **Avoid**: The vision that, what is the common heritage is exposed to degradation. This obligation, calls for each site to develop a real project that protects the natural dynamics as well as the poetic value and identity of the landscape, appropriated by the populations. The effects of the restoration must be measured, reversible and as far as possible ‘invisible’.<sup>301</sup>

This category is managed by a board of directors composed of equal numbers of State representatives, qualified persons and a staff representative, members of the Parliament as well as members of the

<sup>294</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>295</sup> <http://www.conservatoire-du-littoral.fr/>

<sup>296</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>297</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>298</sup> <http://www.conservatoire-du-littoral.fr/3-le-conservatoire.htm>

<sup>299</sup> <http://www.conservatoire-du-littoral.fr/3-le-conservatoire.htm>

<sup>300</sup> <http://www.conservatoire-du-littoral.fr/3-le-conservatoire.htm>

<sup>301</sup> <http://www.conservatoire-du-littoral.fr/3-le-conservatoire.htm>

deliberative assemblies of the local communities concerned by the activity of the Conservatoire du Littoral and lake shores.<sup>302</sup>

### Regulation

Regulations are not defined when the site is designated.<sup>303</sup>

## Réserve Nationale de Chasse et de Faune Sauvage

This category, is protected by the “[Code de l’Environnement](#)” for the land parts. The category was recognised as an MPA in the “[Arrêté ministériel du 3 juin 2011](#)”. Those documents do not provide for the development of a management plan, and do not specify the type of governance and funding for the category. Regulations are defined on the designation document.<sup>304</sup>

The only MPA of this category, present at the SIMNORAT region is the Réserve Nationale de Chasse et de Faune Sauvage with a Marine Area on the French Atlantic seaboard, in the Golfe du Morbihan.<sup>305</sup>

### Objective

The main objectives of this category, is to:

- Protect migratory bird populations in accordance with the international commitments, ensuring the protection of the natural environments essential for the protection of endangered species;
- Ensure the protection of the natural environments, promoting the development of management tools for wildlife species and their habitats;
- Contribute to the sustainable development of hunting in rural areas.<sup>306</sup>

### Management Tool

This category is managed in coordination with the French Agency for Biodiversity. The role of the AFB for instance on the Gulf of Morbihan, is to support the implementation of actions of the manager, on the level of:

- The National Hunting and Wildlife Reserve since 2011
- The Special Protection Area (SPA)
- Ramsar Area, that covers the eastern part of the Gulf, due to the exceptional numbers of waterbirds.

In practice, the National Office for Hunting and Wildlife (ONCFS) as a manager, joined in the past the MPAs Managers Forum of France. This combination, brought benefits for the regional and national level.

The ONCFS also participates on the shorebird and benthos monitoring network coordinated by the “Reserves Naturelles de France”, in partnership with the French Agency for Biodiversity on several projects (e.g. monitoring of eelgrass, implementation of pilot actions on fishing in France, for example).<sup>307</sup>

### Regulation

Regulations are not defined on the support documents.

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<sup>302</sup> [https://www.legifrance.gouv.fr/affichCode.do;jsessionid=70BC7FE6A10A54867977471ED169379B.tplgfr38s\\_3?idSectionTA=LEGISCTA00006188382&cidTexte=LEGITEXT000006074220&dateTexte=20180613](https://www.legifrance.gouv.fr/affichCode.do;jsessionid=70BC7FE6A10A54867977471ED169379B.tplgfr38s_3?idSectionTA=LEGISCTA00006188382&cidTexte=LEGITEXT000006074220&dateTexte=20180613)

<sup>303</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>304</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>305</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>306</sup> <http://www.aires-marines.fr/Les-aires-marines-protegees/Categories-d-aires-marines-protegees/Reserve-nationale-de-chasse-et-de-faune-sauvage>

<sup>307</sup> <http://www.aires-marines.fr/Les-aires-marines-protegees/Categories-d-aires-marines-protegees/Reserve-nationale-de-chasse-et-de-faune-sauvage>

## Territorial MPAs

### *Réserve Naturelle Régionale (Regional Nature Reserve) - with a marine area*

The only “territorial” category in France is Réserve Naturelle Régionale with a marine area. This category is defined by the “[Code de l’Environnement](#)”. This document makes provision for drafting and introducing a management plan and for various types of governance.<sup>308</sup> However, there are no stipulations concerning the funding. The regulations are introduced by the relevant authority when the site is designated.<sup>309</sup>

#### **Objective**

Their purpose is to ensure the conservation of elements of the natural environment of national interest or the implementation of a Community regulation or an obligation resulting from an international convention.<sup>310</sup>

Are considered objectives for this category also:

- The preservation of animal or plant species and endangered habitats in all or part of the French national territory
- The reconstitution of animal or plant populations or their habitats
- The preservation of outstanding biotopes and geological, geomorphologic or speleological formations
- Preservation or development of stages on major flyways of wildlife
- Scientific or technical studies essential for the development of human knowledge
- The preservation of sites of particular interest for the study of the evolution of life and the first human activities.<sup>311</sup>

#### **Management**

The management of Nature Reserves may be entrusted by convention to public institutions, public interest groups or associations governed by the “[Loi du 1er juillet 1901](#)” on the association contract.<sup>312</sup>

The management of a Nature Reserve is driven by a management plan, in agreement with an advisory committee. The advisory committee is the local board, where various actors are (administrations, owners, local elected officials and local associations) are part.<sup>313</sup>

The management plan is established over six years, with an adjustment after 3 years. The management plan can encompass:

- Ecological and socio-economic diagnosis, a synthesis of the issues, maps with the boundaries
- A definition of the objectives, divided into actions, presented in annual tables (with coasts and schedule for the operations of the site), as well the location of works on a map.<sup>314</sup>

#### **Regulation**

The act of designation of an RNR may prohibit activities, executions of works and installations, traffic, disposal of materials, residues and detritus of any nature that may harm the natural environment.<sup>315</sup> In contrast with the National Reserves, the regulation or prohibition of hunting, fishing, extraction of materials and water is not provided for the RNR. The protection measures in place must be justified by the need for the preservation of species or geological heritage. The regulation of the reserve, also need to take into account the interest of maintaining existing traditional activities when they are compatible with the protection interests of the reserve.<sup>316</sup>

<sup>308</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>309</sup> [http://www.maia-network.org/upload/iedit/11/pj/956\\_7801\\_MAIA\\_rapport\\_2013\\_anglais\\_BD4.pdf](http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf)

<sup>310</sup> <http://www.conservation-nature.fr/article3.php?id=118>

<sup>311</sup> <http://www.conservation-nature.fr/article3.php?id=118>

<sup>312</sup> <http://www.conservation-nature.fr/article3.php?id=118>

<sup>313</sup> <http://www.conservation-nature.fr/article3.php?id=118>

<sup>314</sup> <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000257340>

<sup>315</sup> <http://www.conservation-nature.fr/article3.php?id=118>

<sup>316</sup> <http://www.conservation-nature.fr/article3.php?id=118>

## 8. CONCLUSION

This study provides a clear view on the different International Conventions aiming at the protection of marine biodiversity and the different categories of MPAs that those Conventions provide. It also analyses the differences between national categories, showing that the level of protection, objective of conservation and regulations can differ country by country. The comparison shows that when two countries call a designated site with the same name, for example 'Nature Reserve', it does not mean that different countries have the same protection level on those sites.<sup>317</sup>

In some cases, MPAs of different categories overlap. However, this overlap of designations does not necessarily mean that a site is better protected than if there is only one designation. It all depends on what management measures are actually implemented on site<sup>318</sup>. This also points at the need to bring coherence between management from various designations in the same area.

The governance in each country is also another process that can be very different, affecting the management measures in place.<sup>319</sup> The strength of protection of a given designation is thus, specific to each country and specific to each site.<sup>320</sup>

The protection level provided on a MPA, however, have to be consistent with the conservation objectives and the existent pressures affecting the region, where a MPA is designated.<sup>321</sup>

MPA networks and their objectives have to be addressed through the MSP processes. By taking national conservation objectives into account along with economic targets, the planning process can enhance coherence and strength of conservation policies. Planning maritime uses in the vicinity of the MPA can limit pressures arising within their perimeter (for example when considering chemical release or turbidity that can be transported by water flows). It can also guaranty the connectivity between several MPAs by prohibiting activities that can have negative effects on biological exchanges.

Moreover, along with the setting up of an MPA network, the implementation of the Marine Strategy Framework Directive is another main way to reach the good environmental status of marine waters. Coherence between MSFD and MSP implementation is a major perspective to address environmental stakes, and so MPA objectives, through MSP.

Furthermore, MPAs encompass a large range of regulation for maritime uses. Since sustainable development of maritime uses is emerging as an important objective for several categories of MPAs, measures taken through the MPA network management can be considered as a way to enforce marine spatial plans set up through MSP processes.

Maritime Spatial Planning also presents an opportunity to communities to get involved in effective management of the ecosystems around them,<sup>322</sup> acting as a local governance tool. The process of establishing and managing MPAs requires careful planning and sensitive management,<sup>323</sup> it allows the inclusive representation of stakeholders in the planning process.<sup>324</sup> Marine protected areas are a governance tool that allows the participation of sectors and civil society, serving as a process to foster public engagement in MSP.

Much of the MSP concept is already used and developed on many parts of the world, on the management of MPAs.<sup>325</sup> One example of this approach is described in the [Best Practice Guide](#), published by UNESCO,<sup>326</sup> where MSP is used as a management approach for UNESCO Marine World Heritage Sites.

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<sup>317</sup> [http://d2ouvy59p0dg6k.cloudfront.net/downloads/medpan\\_forum\\_mpa\\_2016\\_\\_\\_brochure\\_a4\\_en\\_web\\_1\\_.pdf](http://d2ouvy59p0dg6k.cloudfront.net/downloads/medpan_forum_mpa_2016___brochure_a4_en_web_1_.pdf)

<sup>318</sup> [http://d2ouvy59p0dg6k.cloudfront.net/downloads/medpan\\_forum\\_mpa\\_2016\\_\\_\\_brochure\\_a4\\_en\\_web\\_1\\_.pdf](http://d2ouvy59p0dg6k.cloudfront.net/downloads/medpan_forum_mpa_2016___brochure_a4_en_web_1_.pdf)

<sup>319</sup> [http://d2ouvy59p0dg6k.cloudfront.net/downloads/medpan\\_forum\\_mpa\\_2016\\_\\_\\_brochure\\_a4\\_en\\_web\\_1\\_.pdf](http://d2ouvy59p0dg6k.cloudfront.net/downloads/medpan_forum_mpa_2016___brochure_a4_en_web_1_.pdf)

<sup>320</sup> [http://d2ouvy59p0dg6k.cloudfront.net/downloads/medpan\\_forum\\_mpa\\_2016\\_\\_\\_brochure\\_a4\\_en\\_web\\_1\\_.pdf](http://d2ouvy59p0dg6k.cloudfront.net/downloads/medpan_forum_mpa_2016___brochure_a4_en_web_1_.pdf)

<sup>321</sup> MedPan, 2016.

<sup>322</sup> <https://whc.unesco.org/document/137595>

<sup>323</sup> [http://assets.wwf.org.uk/downloads/mpas\\_marinespatialplanning.pdf](http://assets.wwf.org.uk/downloads/mpas_marinespatialplanning.pdf)

<sup>324</sup> [http://assets.wwf.org.uk/downloads/mpas\\_marinespatialplanning.pdf](http://assets.wwf.org.uk/downloads/mpas_marinespatialplanning.pdf)

<sup>325</sup> [http://www.imr.no/filarkiv/2011/02/agardy\\_et\\_al-2011.pdf/en](http://www.imr.no/filarkiv/2011/02/agardy_et_al-2011.pdf/en)

<sup>326</sup> <https://whc.unesco.org/document/137595>

To conclude, link between MSP implementation and MPA management need to be strengthened. This report aims to contribute to this challenge by providing a clearer view on MPA management and regulation to planners and decision makers.