Seafish Marine Environmental Legislation Expert Group

Update December 2013

Common Fisheries Policy Reform

The CFP and the CMO have now been adopted and come into force on the 1st January 2014. The fisheries fund (EMFF) is running slightly behind schedule and is likely to commence during mid 2014.

The recent agreement of the reform of the Common Fisheries Policy (CFP) cements the obligation to land all catches into EU law. This "landing obligation" put in place to end the wasteful practice of discarding marketable fish back into the sea will be introduced progressively starting from 1 January 2015. On the 18th December the European Commission began the process of implementing the landing obligation through the adoption of a proposal that amends a number of regulations dealing with technical conservation measure.

These are rules governing how and where fishermen may fish including details on types of fishing gear used, closed areas and other measures to protect the marine environment. These changes are necessary to remove any legal and practical impediments to implementation of the landing obligation. Amendments are specifically needed to the rules governing the permitted composition of catches and to replace current minimum landing sizes with minimum conservation references sizes.

This proposal aligns the current control regulation with the landing obligation by amending provisions governing reporting and storage of catches, as well as establishing rules for the use of remote electronic monitoring systems (REM) and the carrying of observers on board to monitor compliance. It is also intended to make violation of the landing obligation by operators a serious infringement.

This is a first step towards implementation. As a second step, the Commission intends to present a proposal for a new regionalised framework for technical conservation measures, which will facilitate the full implementation of the landing obligation over time. It will also incorporate the new, regionalised approach to the implementation of multiannual plans, which is another central element of the new CFP.


A monitoring programme needs to be developed to measure progress towards achieving Good Environmental Status (GES) by July 2014, and a public summary of this is required. The purpose of the monitoring programme is to measure progress towards achieving good environmental status. Good environmental status is required to be achieved by 2020. Defra are
Currently developing the monitoring programme and they will consult on it in January 2014. The consultation will have summaries of each of the descriptors monitoring programmes, and details of how this will meet the requirements of the directive. Of course it is expected that some areas will already satisfy good environmental status, but where changes need to be made then they will be addressed by the programme of measures, which needs to be in place by 2016.

Work on the programme of measures will be undertaken in 2014 and consultation on this will probably be in spring 2015. Work has started on assessing where existing legislation can contribute towards achieving GES and then identifying any gaps which exist. The next Defra organised workshop for stakeholders will take place in January 2014.

**Scotland**

Scotland had a number of marine related consultations which closed in November, they will now analyse the responses and bring forward proposals in 2014. With regard to the European marine sites in Scottish waters these have been assessed and the conclusion is that they meet the requirements so that changes of the order currently being seen in England will not be necessary. The latest information can be found in the newsletter, which can be found here;


**England**

**English Marine Protected Areas**

Earlier this year Defra consulted on 31 of the 127 sites which had been proposed by the regional conservation zone projects. Of the 31 sites which were in the 1st tranche consultation, they have now designated and laid the orders for 27. Of the remaining 4, two have been rejected, and the other two are still being considered. Defra propose two further tranches, with work starting on the possible sites immediately, followed by two consultations, one in 2015 and one in 2016. The conservation zone projects also proposed a number of reference areas (no take zones) as yet these have not been actioned as they have met with strong opposition. There will be a review of the reference areas proposal which will take place in 2014. They will not be repeating the regional projects process.

Further information can be found here;


In England there is an ongoing review into European marine sites to determine if they are providing adequate protection. Thus far those sites identified as “red” in the process have been reviewed and some byelaws are being introduced by the end of 2013 to offer increased protection. As the process moves into 2014 the “amber” sites will start to be reviewed, these constitute the vast majority of sites and so it is anticipated that there will be many changes necessary.

**Marine Planning - England**

The MMO consultation on the east marine plans closed in October. They are now analysing the responses and are holding meetings with respondents. If particular issues remain unresolved then there may be a second consultation which would focus on those specific issues.

The planning process for the south is progressing with local workshops continuing to be held for stakeholders. Latest information can be found here;


**Wales**

Wales has been working on its new Marine and Seafood Strategy, which is a comprehensive strategic action plan for marine and fisheries. It is an integrated approach to policy making for both the seas and the coast and includes the development of joint marine plans for inshore and offshore and publishing a statement of public participation. The Welsh Minister has said that he shares the vision for the fishing industry which was outlined by them in their report Striking the Balance and that Welsh government want to work with the fishing industry to develop co-management arrangements. Wales expects the statement of public participation to be produced by the end of 2013 with the first marine plans available at the end of 2015. It is still considering any action necessary on marine conservation zones.

**Invasive Non-native Species**

Europe is proposing new legislation to combat the growing threat of invasive non-native species which it estimates cost the European economy more than 12 billion euros per year, and causes damage to native species and biodiversity. Whilst the problem is undoubtedly a European one which requires action from member states in a co-ordinated fashion it is also easy to see that some species will be native in some countries and considered a pest species in others. The Commission is now negotiating with Member States to draw up a list of species and more information can be found here;

There was a meeting mid December where a number of issues were discussed particularly the proposal to have an arbitrary cap on the number of invasive species which can be included in the legislation. The draft opinion of the PECHE committee can be located here:


**Welsh Government Marine and Fisheries Strategic Action Plan. 26 November 2013.**

The aim is to double Wales’ annual finfish aquaculture output from 1,000 tonnes to 2,000 tonnes by 2020 and double shellfish production from 8000 to 16000 tonnes by 2020.  
http://wales.gov.uk/newsroom/environmentandcountryside/2013/131126marine/?lang=en

**EU Marine Planning**

The parliament held a vote on the planning and coastal zone management directive which has been proposed on the 12th December. Its position has disappointed some environmentalists who believe that the proposals have been significantly watered down in favour of the EU’s “blue growth” agenda, and even that the final version could undermine some environmental legislation. The process now moves onto the triilogue discussions between parliament, the council and the commission.

**Other Consultations and News**

**Wales – Environment Bill White Paper**

This consultation is about how best to ensure sustainable use and conservation of the natural resources in Wales.


**DEFRA – Fisheries review of the balance of competencies**

The coalition government is committed to deepening public understanding of the consequences to the UK of EU membership so that the UK is in a position to discuss relevant issues with the EU. Defra is asking for opinions on how EU legislation impacts on UK business in the fisheries sector. The full consultation which closes in January can be found at:

https://consult.defra.gov.uk/eu/boc-fisheries

**DEFRA – A Coastal Concordat for England**

Defra have published the above which is an agreement between DEFRA, the Department for Communities and Local Government, the Department for Transport, the Marine Management Organisation, the Environment Agency, Natural England and the Local Government Association’s Coastal Special Interest Group. It aims to provide a single regulatory point of
contact for coastal projects to streamline the process and so to assist sustainable development. It can be accessed here;


EU Marine Knowledge 2020

In August 2012 the EU carried out a consultation on its green paper for marine knowledge 2020. The outcomes have now been published and can be viewed here;


EU Marine Biotechnology

A consultation has been launched by the EU on marine biotechnology. It closes in February 2014 and can be found here;