**Marine Strategy Framework Directive - UK**

The MSFD is the European legislation that seeks to ensure the quality of marine waters within the community. It contains the requirement for waters to reach good environmental status by 2020 where possible. Good environmental status is different from the requirement in the Water Framework Directive (WFD) to achieve good ecological status, although the legislation does have many similarities. Good environmental status is in fact a lower standard overall than good ecological status but there are different descriptors and indicators contained within MSFD. Like WFD it contains the clause to allow states to opt out of particular measures if they are disproportionately expensive. It also contains some measures which are in addition to the WFD, such as litter and noise.

The current consultation on measures splits the 11 indicators into three different groups which depend on whether new measures are proposed, or more data is needed etc. These groups are;

pelagic habitats, commercially exploited fish, eutrophication, hydrographical conditions, contaminants, and contaminants in seafood - measures are expected to ensure GES is maintained or achieved

benthic habitats, marine mammals, birds and fish - the proposed and already in place measures will contribute to the maintenance or achievement of GES and it would be premature to introduce new measures until a better understanding of the causes of declines and impact of measures is available

non-native invasive species, marine litter and underwater noise - existing measures will contribute towards the achievement of GES but more data is needed to develop effective targets and indicators before it can be said whether additional measures are required

As many of these proposed measures will impact on our industries It is important that we respond to the consultation which runs until the 24th of April, and it can be found here;

The EU is also actively discussing progress made on MSFD and what needs to be done for Member States to achieve good environmental status. Recently, an opinion was written by Mr Hermann Kuhn following discussion with industry (including Seafish) which will be discussed and voted by ENVE Members during the ENVE Commission meeting on 3 March.

If you would like a copy of this opinion, please contact me at s_horsfall@seafish.co.uk


As you probably already know the Water Framework Directive (WFD) is the European legislation that controls water quality for water in rivers, estuaries and coastal waters. The legislation promotes water quality by making it a requirement to achieve good ecological status in these waters. Every six years plans are produced which detail what needs to happen over the next period to ensure good ecological status is attained, or evidence why this is not practical.

These plans therefore represent our industries opportunity to influence what happens during the next six years. It was recognised in the last cycle, which was the first, that coastal waters were not given as much consideration as inland waters because of the difficulties involved, so there is a real focus this time on rectifying this. It is our opportunity to have our say on the next six years of water quality, which includes fishing in inshore waters.

The plans are currently out for consultation, and there are a few key issues for our industries to consider;

1. The aim of WFD is to achieve good ecological status. That is judged on a number of criteria, but these are cumulative, think of it like a points system, for illustration they may have to stay below 100 negative points. Fishing in that area may be 20 points at the moment, and the total of all effects 89. They need to build some new flood defences, and they will add 25 to the total, but they can't go above 100, so it would be easy to just restrict fishing to stay below 100. That is a simplistic view, but we need to make sure our industries are not being targeted to enable other industries to continue.

2. There is a "get out clause" in WFD for what is called heavily modified water-bodies. These are those that are allowed not to achieve good ecological status because there are already too many anthropogenic effects. Some areas are classed as highly modified because of fishing effort. The proposal is to de-classify some of these, and we need to look at these specifically to see if this will result in reduced fishing effort being enforced in the future.

3. Shellfish waters are protected areas under WFD. This means in theory they are not
allowed to deteriorate in terms of water quality. But we all know shellfish waters are being downgraded under the classification system. These need to be investigated individually to understand why they are deteriorating and then to suggest ways to at least keep them the same if not improve them.

4. Although shellfish waters are protected areas under WFD the Shellfish Waters Directive, which protected our waters, has been repealed. Scotland has already introduced legislation which keeps the protections previously enjoyed, but despite promises from Defra, England still has no legislation. This is a key issue and needs to be given as high a profile as possible in the consultation responses.

5. Historically the government in England has been content to aim for shellfish waters to be Grade B. This is recognised as too low a target and significant efforts should be made to bring as many waters as possible up to Grade A. Again, it is really important to make this point in the consultation responses.

Seafish is engaging directly with regulators in the consultation process, via the national liaison panel, general industry workshops and individual meetings with regulators, but as I hope you can see this is a huge area, and one where Seafish would very much welcome comments from industry because it is important to comment on problems in local areas in order to influence the plans which we will have for the next six years. So any comments please send these to me.

Consultations on the river basin management plans and the flood risk plans were published on the 10th October. Consultation documents are available here;

**England**

River Basin Management Plans
Flood Risk Management Plans

**Scotland**

The Scottish Environment Protection Agency is consulting on the draft updates to the Solway Tweed river basin management plan. This consultation opened on 20th November 2014. It can be found at:


**Wales**

Natural Resources Wales is consulting on the draft updates to the Dee and Western
Wales river basin management plans. These consultations can be found at:


**Marine Planning**

**EU**

The EU marine planning directive is still waiting for translation into UK legislation. Defra is considering it’s approach to this and has been waiting for clarification on budgets, but it now has this and does not consider that the transposition is a substantial task.

Defra is also in regular discussions with the Commission about marine plans and represents the UK on the Commissions expert group which discusses best practice and information exchange.

**Wales**

Wales has decided to have one national marine plan and they are currently producing the first draft. They are aiming to go out to consultation on the draft sometime before summer 2015 and anticipate publishing the finished plan by the end of the year.

**Scotland**

Like Wales, Scotland has also opted to produce one national level plan. This has been laid before the Scottish parliament for a 40 day parliamentary scrutiny period. The Scottish parliament reported back on this on 2 February 2015 and there are a substantial number of comments which Scottish officials are currently considering.

**England**

The South marine plans are currently under construction with a number of options being considered and discussed with stakeholders currently. Workshops have been held in February which Seafish have attended in order to input into the process.

**Offshore Marine Protected Areas**

The Joint Nature Conservation Committee (JNCC) has published Site Information for all 38 marine protected areas (MPAs) designated in UK offshore waters. This includes detailed sections on current activities and their management. Conservation objectives, conservation advice, and evidence supporting the presence of the protected features in the sites are also included.
England - Marine Conservation Zones

Following the decision reported in the last newsletter by DEFRA to put the proposed reference areas, or no take zones on hold for the moment they have now released a consultation on the second tranche of proposed MCZs. The consultation contains plans to designate a further 23 areas as MCZs and to add features for conservation to 10 of the previously designated areas. The protected features include habitats and species and will have effects on industry.

These proposed sites are linked to the objectives for achieving good environmental status under the MSFD as DEFRA asserts that these will contribute towards the network of well managed marine protected areas which are required under that legislation.

Again the consultation closes on the 24th April, and it can be accessed here:

https://consult.defra.gov.uk/marine/tranche2mczs

Consultation on the Demersal Discard Ban

Following the introduction of the discard ban for pelagic fisheries at the beginning of this year the government have launched a consultation on the discard ban for demersal species which is due to be implemented at the beginning of 2016.

The consultation closes on the 31st March and can be found here:


Development of a regulation establishing a multi-annual plan for the management of North Sea demersal fisheries

The European Commission DG MARE has launched a public consultation on the regulation establishing a multi-annual plan for the management of North Sea demersal fisheries. It is open from 09.02.2015 to 04.05.2015 and can be found here;
Common Fisheries Policy – Demersal Landing Obligation

Defra are seeking views on the discard ban for demersals due to take effect at the beginning of next year. The consultation runs until the end of March and can be found here:


Promoting Best Practice for Inshore Fishermen – Scotland

The Inshore Fisheries Management and Conservation Group (IFMAC) established a short-life working group to discuss the issue of hobby/unlicensed fishermen and report back with possible actions to reduce the incidence of unlicensed fishing.

The working group identified a number of possible actions to reduce the incidence of unlicensed fishermen selling their catch for profit which can be broadly split into two distinct areas: educational and legislative.

This consultation is on legislative options, including consideration of:

- Permits for unlicensed/hobby fishermen
- Creel limits and/or tagging
- Landing limits for different species
- Personal Consumption Definitions

It is open until 24th April and can be found here;

http://www.gov.scot/Publications/2015/01/1444

Consultation on new Management Measures on Crab and Lobster Landings into Orkney

This consultation runs until the 15th May and can be found here:

http://www.gov.scot/Publications/2015/02/9445