

COUNTDOWN 2010 for Marine Ecosystems

European Expert Workshop

Berlin, Germany

18 – 20 April 2007

KEY MESSAGES FOR ENHANCING MARINE CONSERVATION



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Preamble

Human impacts such as overfishing, contamination, acidification, and climate change are driving the loss of marine biodiversity and decrease the benefits that humans can derive from the seas. Our seas and oceans are essential for global food security, for sustaining economic prosperity, and for the environmental health of our planet.

Approximately 100 experts from 18 European Union Member States, UN organizations, regional seas conventions and NGOs met in Berlin during the German EU Presidency, 18-20 April 2007, and agreed on the following key messages.

These messages emphasise the importance of the active contribution of the European Union to improve the conservation and sustainable use of marine biodiversity and outline important immediate steps towards reaching the EU target to halt biodiversity loss by 2010.

The Berlin Marine Expert Workshop considered three main themes: i) the marine Natura 2000 network; ii) future EU marine policy (the Marine Strategy Directive and the Maritime Policy); and iii) protecting biodiversity beyond national jurisdiction. The participants recommended the full and timely implementation of the marine Natura 2000 network, including the integration and efficient management of all human activities, better integration of biodiversity conservation objectives into all sectors of EU maritime policy, and emphasised the urgent need for measures to halt the loss of biodiversity in the high seas and seabed beyond national jurisdiction. The need to establish marine protected areas beyond national jurisdiction through collaborative processes consistent with international law was stressed, and the possible scope and elements of an Implementation Agreement for the protection of marine biodiversity beyond national jurisdiction were discussed.

The key messages from this meeting will support the “Triple EU Presidency” of Germany, Portugal and Slovenia in their ongoing efforts to improve marine conservation from the coastal zones to the Seas beyond national jurisdiction. Building on key processes such as the Potsdam G8+5 initiative, this document offers guidance for the completion of a coherent Natura 2000 network across the EU and especially in the offshore areas, the development of the future EU maritime policy, and the preparations for, amongst others, the CBD COP9, the United Nations Informal Working Group meeting on biodiversity beyond national jurisdiction in early 2008, the IUCN World Conservation Congress, and relevant EU and global processes.

Theme I. Marine Natura 2000 network

Although there has been considerable progress with the establishment of Natura 2000 areas in the marine environment in the last decade, progress continues to be too slow to fulfil the EU biodiversity targets.

In relation to designation and management of Natura 2000 sites, the following messages were identified:

Designation

The European Commission has circulated a timetable for completing the designation of marine Natura 2000 sites which was agreed with the Nature Directors of Member States in May 2006:

Case 1: Mid 2007 – completion of the process of proposal/designation of sites which have already been scientifically identified as potential Natura 2000 sites.

Case 2: Mid 2008 – completion of further scientific investigation with a view to determining if other areas should be included in Natura 2000 and of the process of their proposal/designation.

Case 3: Mid 2008 – clear identification of additional scientific work that would be required for full completion of the Natura 2000 network, if this is not possible by 2008, and a clear time frame for achieving this.

The following messages and steps are considered essential for achieving this timeline:

- In working to fulfil this timetable it is necessary that work is taken forward on the basis of existing information whilst recognising that it will improve with greater scientific knowledge. A variety of methodologies such as modelling can be used to support this process.
- In the offshore area, there are advantages to considering the designation of relatively large sites, rather than many small sites (e.g. in terms of dealing with threats, management and monitoring).
- In identifying the marine Natura 2000 sites, there is also a need to apply the precautionary principle more widely in order to balance the need for urgent protection with the scarcity of economic resources for carrying out full research campaigns.
- Regarding Case 3 (see above), where it is not possible to gather enough scientific information to identify sites by 2008, particularly for large offshore areas, Member States should work together and with the Commission to develop a positive approach and ambitious timetable for completing the Natura 2000 network in those areas.
- The development of the Natura 2000 network and Marine Protected Areas (other MPA) networks including those under European Regional Sea Conventions will have mutual benefits and when implemented will contribute to achieving the targets of Countdown 2010.
- The scientific community is encouraged and invited to actively engage in the identification and selection process, particularly with regard to offshore sites.



Management

In order to achieve the targets and objectives of the Natura 2000 network for marine biodiversity conservation, the following messages concern some management aspects of key importance:

- Close co-ordination of actions identified under the Water Framework Directive and Natura 2000, such as management plans, is essential.
- To achieve favourable conservation status in Natura 2000 sites¹, a proactive and precautionary approach in terms of fisheries management should be proposed by the European Commission (DG Environment and DG Fisheries) and advanced by the European Council. This could include a timetable for submissions of proposals to the Fisheries Council in order to streamline the decision making process.
- Proposals for fisheries management measures for Natura 2000 sites could be grouped e.g. on the basis of particular marine regions, gear types, habitats or species. Gathering the necessary scientific information should be strengthened.
- Better dialogue and increased cooperation with fisheries authorities, including ready access to and provision of data on fisheries (e.g. Vessel Monitoring System, logbooks, bycatch), is essential for conservation authorities to effectively manage Natura 2000 sites.
- The Member States should prioritise the use of the EC Fisheries Fund (and other relevant funds including national budgets) to support the identification and management of Natura 2000 sites and implementation of the Habitats and Birds Directives' provisions.
- In the longer term, the 2012 review of the Common Fisheries Policy (CFP) should provide a more streamlined system to enable Member States to meet their environmental obligations including those relating to fisheries management in Natura 2000 sites.

Experts agreed that a necessary step would be to revitalise the EC Marine Expert Working Group as a forum for addressing these messages.

¹ Sites refers to Sites of Community Importance (SCIs), and Special Protection Areas (SPAs) etc.

Theme II. Marine Strategy and Future Maritime Policy

Marine Strategy Directive²

In light of the ongoing discussions of the Marine Strategy Directive the following messages were identified:

- Further serious consideration should be given to the development of criteria for good environmental status for inclusion in the Directive. These criteria should also clearly address issues related to marine biodiversity, including biodiversity's role in maintaining the natural structure and functioning of marine ecosystems.
- There should be more detailed wording on standards in the Directive itself and correspondingly less reliance on the proposed Regulatory Committee.
- In line with the role of the Directive in protecting marine biodiversity, there should be a definition of, amongst others, the term "marine environment" in the Directive.
- The Directive should stress the important role played by the Regional Seas Conventions and should complement and build upon the guidance and measures adopted under those conventions.
- The Directive should make express reference to the precautionary principle; best available techniques; best environmental practice; and to the principles that preventive action should be taken; that environmental damage should as a priority be rectified at source; and that the polluter should pay.
- Consideration should be given to whether the geographic scope of the Directive should include marine internal waters (i.e. marine waters landward of the baseline).
- While avoiding unnecessary bureaucracy, and acknowledging any role for the Commission on this matter, there should be coordination between the Member States in order to ensure consistent interpretation and implementation of the Directive's standards across the European Community as a whole.
- Implementation of the Directive would benefit from the adoption by the Member States of a streamlined common implementation strategy; for a given marine region the relevant Regional Seas Convention could provide an appropriate forum for that purpose. A dialogue between Regional Seas Conventions across Europe should be encouraged, together with the involvement of other international organisations with sectoral competences.
- In the spirit of creating consistency in European Community law, the 2012 review of the Common Fisheries Policy should provide a more streamlined legal framework to enable Member States to achieve Good Environmental Status under the Directive.
- Given the challenge of achieving Good Environmental Status in 2021 only three years after the deadline for entry into operation of the programme of measures in 2018, Member States should seek every opportunity to implement measures prior to 2018 where possible.
- The articles of the Directive should make explicit reference to the role of the Common Fisheries Policy in helping to achieve Good Environmental Status.

A future Maritime Policy

In discussing a future EU maritime policy, the experts agreed on the following key messages:

- The Maritime Policy should be set in the context of climate change impacts and should enable the relevant adaptation, mitigation and integrated actions that will be required for sectors. This should include active contributions to reducing carbon dioxide emissions.
- The Maritime Policy should provide well-specified mechanisms to achieve better integration of environmental protection into all relevant sectors, for example fisheries, transport and agriculture.
- The adoption of the Marine Strategy Directive should not be delayed by the ongoing development of the Maritime Policy.
- Environmental protection should underlie the Maritime Policy rather than being a twin pillar with the Lisbon strategy.
- The environmental component of the Maritime Policy should comprise not just the Marine Strategy Directive but also all other relevant EC environmental obligations including the integration of environmental protection across sectors. The following principles should be firmly reflected in the Maritime Policy: the precautionary principle, ecosystem approach, best available techniques,

² The messages reflect the views of the majority of experts at the meeting. The messages on the Marine Strategy Directive address matters on which decisions in the Council of the European Union have already been taken and are without prejudice to the agreed positions of the Member States adopted in that forum.

Theme III. High Seas Biodiversity Conservation

Challenges and Opportunities for Meeting the 2010 and 2012 Targets

best environmental practice and the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.

- The Maritime Policy should require that marine and coastal spatial planning, based on an ecosystem approach, provides the framework for management of marine activities.
- The Maritime Policy should emphasise opportunities for training and capacity building on sustainable use and environmental protection.
- The Maritime Policy should recognise that more environmental knowledge is required to fulfil its purposes and that funding should be provided for directed scientific research at EC level to facilitate this.

Sixty-four percent of the world's oceans occur outside national jurisdiction and biodiversity in these areas is under increasing threat. Whereas the United Nations Convention on the Law of the Sea (UNCLOS) provides the overarching legal framework for all activities in the oceans, the legal regime and its implementation are currently insufficient to achieve an integrated approach to oceans governance. In particular, to meet the 2010 and 2012 targets, a twin-track approach is suggested:

- Immediate measures to be taken under existing legal instruments and agreements both within European context and beyond; and
- Measures to be taken to promote an Implementation Agreement to UNCLOS, as currently supported by the European Union, to provide

for ecosystem-based management of biodiversity beyond national jurisdiction.

The marine experts of the Berlin meeting recognised that in taking this twin-track approach, action is required not just on immediately implementable measures, but also on actions to pave the way for longer-term measures, including the Implementation Agreement. The need for such action, the experts felt, is heightened by the increasing level of certainty about the scale and nature of impacts of climate change on the marine environment. Marine protected areas (MPAs) are needed to build resilience into these ecosystems. The urgent actions to protect areas beyond national jurisdiction must be fully integrated and recognised in the development of a possible future European Maritime Policy.



Existing instruments and agreements within Europe

In considering the actions that should be taken using existing instruments and agreements, the Berlin Marine Expert Workshop agreed on the following messages and concluded that in the European context, the following elements are important in the next 24 months:

- Establish more pilot MPAs in the high seas and seabed beyond national jurisdiction through regional seas conventions, to gain implementation and management experience;
- Establish closer coordination between fisheries and environment/conservation bodies:
- Regional seas organisations and Regional Fisheries Management Organisations (RFMOs), in particular between OSPAR and the North-East Atlantic Fisheries Commission (NEAFC), building on existing cooperation; and between the Barcelona Convention and the General Fisheries Commission for the Mediterranean (GFCM), regarding high seas spatial protection measures;
- At the Member State and European Community level to enhance coherent action concerning marine biodiversity and fisheries and also with respect to development assistance.
- Achieve more fisheries closures through RFMOs and other area protection measures through sectoral policies;
- Identify other potential MPA sites beyond national jurisdiction, for example through OSPAR's ongoing work with scientists;
- Identify and communicate lessons learned (positive and negative) from the Pelagos marine sanctuary (straddling territorial seas and high seas areas in the Mediterranean);
- Develop and promote Codes of Conduct for scientific activities in the high seas and deep seas of the Northeast Atlantic (as already begun in OSPAR) and the Mediterranean.

Existing instruments and agreements outside of Europe

Outside the European context, the following actions are important in the next 24 months:

- Promote the formalisation, funding and broadening of the mandate of the UN ad hoc open-ended informal Working Group on Biodiversity beyond National Jurisdiction
- Work out an appropriate follow-up to the G8+5 Environment Ministers "Potsdam Initiative"³ on a Global Network of Marine Protected Areas to maintain high level government momentum on the issue;
- Work to ensure wide acceptance of criteria for MPAs beyond national jurisdiction as will be developed at the CBD Portugal Workshop, drawing from existing examples such as OSPAR (e.g. through the attendance of relevant bodies and also through ensuring that the criteria are taken up in their work);
- Hold a joint meeting of the general non-tuna RFMOs to exchange best practices and review the outcomes of performance assessments, and undertake this in association with relevant environmental representatives, e.g. regional seas organizations, environmental experts and NGOs;
- Participate in the South Pacific RFMO negotiations to pursue implementation of UNGA Resolution 61/105 in relation to interim measures for fishing with bottom gear but also to ensure establishment of a comprehensive fisheries conservation and management regime;
- Contribute to the Ministerial debate at the CITES Conference of Parties in June 2007 on the Conference of the Parties' role in marine species conservation and also to the plenary debates on agenda items regarding the listing of marine species (including commercial species), consideration of marine issues in the Strategic Vision, and the implications of "Introduction from the Sea" for marine species caught in areas beyond national jurisdiction.

³ 'Global network of MPAs: We will intensify our research and enhance our cooperation regarding the high seas in order to identify those habitats that merit protection and to ensure their protection.'

UNCLOS Implementation Agreement

To increase global support for an Implementation Agreement to UNCLOS, the expert messages for possible ways forward include:

- Development of background studies:
 - a gap analysis to identify regulatory and governance gaps;
 - an “options” paper on scope and content of the Implementation Agreement;
 - a case study to provide an example of a situation which is not currently covered under existing regulation in order to demonstrate the need for an Implementation Agreement (e.g. the Mid-Atlantic Ridge).
- An informal meeting of interested Member States under the German EU Presidency to obtain clarification on key issues identified by the Working Group that could be brought together in an elaborated options paper.
- Subsequent joint meetings, under the triple Presidency, involving a broader range of EU constituencies such as the Working Groups of the Council, including the Working Party on International Environmental Issues, the External Fisheries Group, and the Working Group on the Law of the Sea (COMAR), on the scope and elements of the Implementation Agreement.

- Possibly a conference for the international community to explore and discuss the scope and elements of the Implementation Agreement and to provide a forum for further informal discussion. Such a conference could be sponsored by the European Union and other like-minded States.

The experts supported the objectives and principles of the Implementation Agreement as drafted in the Workshop background paper and concluded that the following areas were priorities for clarification under this process:

- Scope of the Implementation Agreement;
- Institutional arrangements;
- Financing;
- Enforcement.

In relation to the scope of the possible Implementation Agreement, the Berlin Marine Expert Workshop noted that priorities would be: integrated spatial planning, including networks of high seas MPAs, strategic environmental assessment and environmental impact assessment, and an articulation of how enforcement would occur. However, there was less clarity on other issues such as marine genetic resources and RFMO reform. Experts also noted the importance of capacity building and marine scientific research.

There is a need to listen to and account for the perspectives of the international community and to more broadly engage with key states and stakeholders. As next opportunities for such discussions were noted:

June 2007:

UN Informal Consultative Process

July 2007: Conference on Maritime Policy and Globalisation organised by the Conference on Peripheral Maritime Regions of Europe and the Azores Regional Government

October 2007: IUCN Symposium on options for High Seas governance

Early 2008:

UNGA Working Group on BBNJ

April 2008:

Global Oceans Forum

May 2008: CBD COP9

October 2008:

IUCN World Conservation Congress

The Berlin Marine Expert Workshop recommended that Member States and the European Commission assist and support the IUCN/WCPA Marine led work in cooperation with the World Conservation Monitoring Centre to improve the quality of the World Data Base on Protected Areas, including MPAs beyond national jurisdiction, as well as its work on behalf of the CBD regarding Interactive Mapping of high seas and seabed biodiversity and biogeography.

Progress in marine conservation should be continuously monitored as an indicator of performance towards the 2010 and 2012 targets, and the Millennium Development Goals. The Countdown 2010 initiative is one of the recognised frameworks in which this should be promoted.



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The European expert workshop “Countdown 2010 for Marine Ecosystems” took place in Berlin, Germany, from the 18 to 20 April 2007.

As part of Germany’s contributions to the Countdown 2010 initiative, the workshop was jointly hosted by the German Federal Ministry for the Environment, the German Federal Agency for Nature Protection (BfN) and the World Conservation Union (IUCN).

European governments have promised to halt the loss of biological diversity on land and in the seas by 2010. The initiative Countdown 2010 - hosted by the World Conservation Union (IUCN) - supports these and other ambitious conservation targets in collaboration with governments and civil society.

For further information, please contact the IUCN Regional Office for Europe and visit the conference website www.countdown2010.net/marine.

IUCN Regional Office for Europe
Boulevard Louis Schmidt 64
1040 Brussels
Belgium

Tel.: +32 2 732 8299

Fax: +32 2 732 9499

E-mail: Europe@iucn.org

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