

The Fisheries Bill:

Effective management of offshore Marine Protected Areas

Introduction

Marine Protected Areas (MPAs) are vital to ensure the future health of UK marine ecosystems and associated wildlife. Fisheries within MPAs in UK offshore waters (beyond 12 nautical miles) are managed through the Common Fisheries Policy (CFP). It is important that leaving the EU does not create a legal vacuum so these sites cannot be managed. Currently, management measures for any offshore MPA must be agreed by all EU member states with a fisheries management interest in the area before final ratification by the European Commission. This has led to a weakening of management proposals in several sites due to strong lobbying from foreign fishing organisations who fish in the UK's MPAs. New legislation must enable MPAs in UK offshore waters to continue to be managed after Brexit and ensure that the UK government and the devolved administrations have the final say in protecting these important sites. Protection in English waters should be further strengthened by the consideration of 'whole site' management, as set out in the government's 25 year environment plan.

The current status of offshore MPAs around the UK

Approximately 24 per cent of UK waters are within MPAs.

England, Wales and Northern Ireland

Defra is consulting on additional offshore sites in English and Northern Irish waters, covering an area of 8,272 km². These sites would contribute to the 'blue belt' of 32 protected areas in offshore waters around England, Wales and Northern Ireland. The Marine Management Organisation and Natural Resources Wales are responsible for managing licensable activities in these sites, but fisheries management measures have yet to be finalised.

Scotland

The European Commission considers that five sites in the Scottish offshore environment are 'well-managed'. The management proposals for the remaining 19 sites, which include Vulnerable Marine Ecosystems and key deep sea habitats, will be subject to formal consultation with other EU member states in 2018, with a view to the measures coming into force before the end of March 2019.

Withdrawal Act and existing management measures

Management measures for offshore MPAs in UK waters put in place by the European Commission prior to the UK leaving the EU should be brought across through the European Union (Withdrawal) Act 2018. However, measures have, or will have, been agreed through the process set out in Articles 11 and 18 of the CFP and, as a result, may represent a compromise in terms of the final level of future protection. Once new legislation is in place, these measures should be revisited and management strengthened as necessary.

Future fisheries management, new legislation and MPAs

It is essential that future fisheries management is assigned sufficient resources to enable the effective management of MPAs in UK offshore waters. Legislation must allow for:

- the 'carry across' of all existing management measures to ensure existing levels of protection are not lost;
- the ability to put new fisheries management measures in place to ensure that all MPAs are protected, including those already designated or which may be designated in the future;
- the final decision on management to be made by the UK or the devolved administrations, removing the effective veto that other member states have on fisheries management in UK waters.

Greener UK's recommendations

Greener UK supports legislation giving the UK government and devolved administrations the power to designate and implement effective fisheries management in offshore protected areas, including European Marine Sites (EMSs). This is an extension of existing powers to cover EMSs and also a clarification of the existing powers in relation to protected areas in the Marine and Coastal Access Act 2009 (MACA).

Once the UK leaves the EU, its central and devolved administrations should consult on, but not be legally required to account for, the interests of foreign fishing industries or the respective flag states when managing offshore MPAs, as Article 11 of the CFP requires.

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