

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

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Table of content

1. ABOUT SIMWESTMED	1
2. INTRODUCTION	1
3. ACTORS	4
3.1. Spain	4
National Administrations	4
Regional administration.....	5
Technical bodies	6
Civil Society	6
3.2. France	8
National administrations	10
Technical bodies	10
Other bodies	11
Local government	11
Civil Society	12
3.3. Italy	12
National administration	12
Technical bodies	12
Civil Society	13
3.4. Malta	14
National administrations	14
Technical bodies	14
Civil Society	14
3.5. MedPAN (2008)	15
4. INTERNATIONAL CONVENTIONS AND AGREEMENTS FOR MARINE CONSERVATION	16
4.1. United Nations Convention on the Law of the Sea (UNCLOS - 1982)	16
4.2. Convention on Biological Diversity (1992)	16
4.3. Sustainable Development Agenda 2030 (2015)	17
4.4. Bonn Convention (1993)	17
4.5. Bern Convention (1979)	17
4.6. Ramsar Convention (1971)	18
RAMSAR in Spain	18
RAMSAR in France	19
RAMSAR in Italy	19
RAMSAR in Malta	20
4.7. UNESCO Man and Biosphere (1971 – Biosphere Reserves)	20
MaB in Spain	20
MaB in France	21
MaB in Italy	21
MaB in Malta	21
4.8. UNESCO World Heritage	21
5. NATURA 2000 NETWORK	24

5.1. EU guidance	24
Objectives	24
Conservation measures	24
Regulation.....	25
Designation.....	25
5.2. N2000 in Spain	26
Governance and Actors	26
Designation.....	27
Management Tool	28
Regulation.....	28
5.3. N2000 in France	29
Governance and Actors	29
Management Tool	29
Regulation.....	30
5.4. N2000 in Italy	31
Governance and actors.....	31
Management Plan.....	31
Measures	31
5.5. N2000 in Malta	32
Governance and actors.....	32
Management Tool	32
Regulation.....	32
6. REGIONAL FRAMEWORK FOR MPAS : BARCELONA CONVENTION	34
6.1. Designation	34
6.2. Management Tool	35
6.3. Regulation	35
6.4. Specially Protected Areas Regional Action Center (SPA/RAC)	36
7. NATIONAL MPA CATEGORIES	37
7.1. Spain	38
Parques (National Parks and Natural Parks)	38
Reserva Natural (Natural Reserve)	40
Area Marina Protegida (Marine Protected Area)	41
Monumento Natural (Natural Monument)	42
Paisaje Protegido (Protected Landscape)	42
Reserva Marina (Marine Reserve)	43
Regional MPAs.....	44
7.2. France	45
Parc National (National Park)	45
Réserve Naturelle Nationale (National Nature Reserve).....	46
Parcs Naturel Marin (Marine Nature Park).....	47
Arrêté de protection de biotope (Biotope Protection by Law).....	48
Maritime Public Domain of the Conservatoire du Littoral	48
Territorial MPAs.....	49
7.3. Italy	51
General framework.....	51
Parco Nazionale (National Park)	52

Parco Naturale (Nature Park)	53
Riserva Naturale Marina (Marine Nature Reserve)	53
Area Marina Protetta (Marine Protected Area).....	54
Altre Aree Naturali Protette (Other Natural Protected Area)	54
Aree di reperimento terrestri e marine (Recovery Marine and Terrestrial Areas).....	54
7.4. Malta	55
Management	55
8. CONCLUSION	56

Table of Figures

Figure 1: MPAs present at the SIMWESTMED Region.....	3
Figure 2 : Delimitations of the Maritime space in France. Source: AFB, 2014.....	9
Figure 3 : The United Nations SDGs 14. Source: United Nations, 2018.	17
Figure 4: Map of declared SPAMI (Source UNEP/RAC-SPA, dec. 2017)	36

Table of tables

Tableau 1 : UNESCO World Heritage Site selection criteria	22
Tableau 2 : Terminology of N2000 acronyms	26
Tableau 3 : National MPA categories (original and English name).....	37

1. ABOUT SIMWESTMED

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 SIMWESTMED project was launched in early 2017 as part of the calls projects corresponding to the “Western Mediterranean” region. The associating partners Spanish, Italian, Maltese and French proposed various actions, aiming to:

- Establish enlightening baselines on cross-border issues in the region
- Promote the sharing and synthesis of data necessary for MSP
- Promote the sharing of good practices concerning several aspects of MSP (determination of roles, involvement of stakeholders, prospective, evaluation of the interactions between activities).

This specific Report, part of the component on Spatial Demands, aims to provide an overview on the legal basis for marine protection, the current actors involved on the national processes and the different categories of MPAs present at the SIMNORAT Region.

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 (MSP) and Marine Protected Areas (MPAs).¹

Maritime spatial planning, as defined by the MSP Directive, is “a tool that enables stakeholders to apply coordinated, integrated and transboundary approaches.”² 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.³ MPAs contribute to protecting ecosystems on which resources and other services depend, those areas for this reason must be considered on the MSP process.

According to IUCN, a Marine Protected Area 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”.⁴

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.⁵ There are many kinds of marine protected areas that meet this broad definition, and which can have a wide range of conservation objectives.⁶ Such objectives can include:

Ecological Objectives:

- Ensure the ecosystem a long-term viability,

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

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

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

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

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

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

- Protect threatened and endangered species
- Preserve habitats considered critical for the survival and lifecycle of species
- Prevent outside activities to damage the ecosystem of an MPA.⁷

Socio-economic Objectives:

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

Differences are present on the different categories designated by international legal instruments. The differences are present on the conservation objectives, management and regulation. Spain, France, Italy and Malta, have also different national categories of MPAs that are designated by national legal instruments.

It is essential to understand the objectives, management and regulations of MPAs in order to better develop cross-border cooperation on environment related issues. For this reason, this report will present in details the differences between the several categories of MPAs present at the SIMWESTMED Region.

Marine conservation is an ample topic and there are many different tools to protect the environment, once of those, Marine Protected Areas. In order to maintain the focus and to follow the purpose of this analysis, this study will centralise the attention on the topic of Marine Protected Areas. MPAs were chosen on this study as the marine conservation tool, once they have 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:

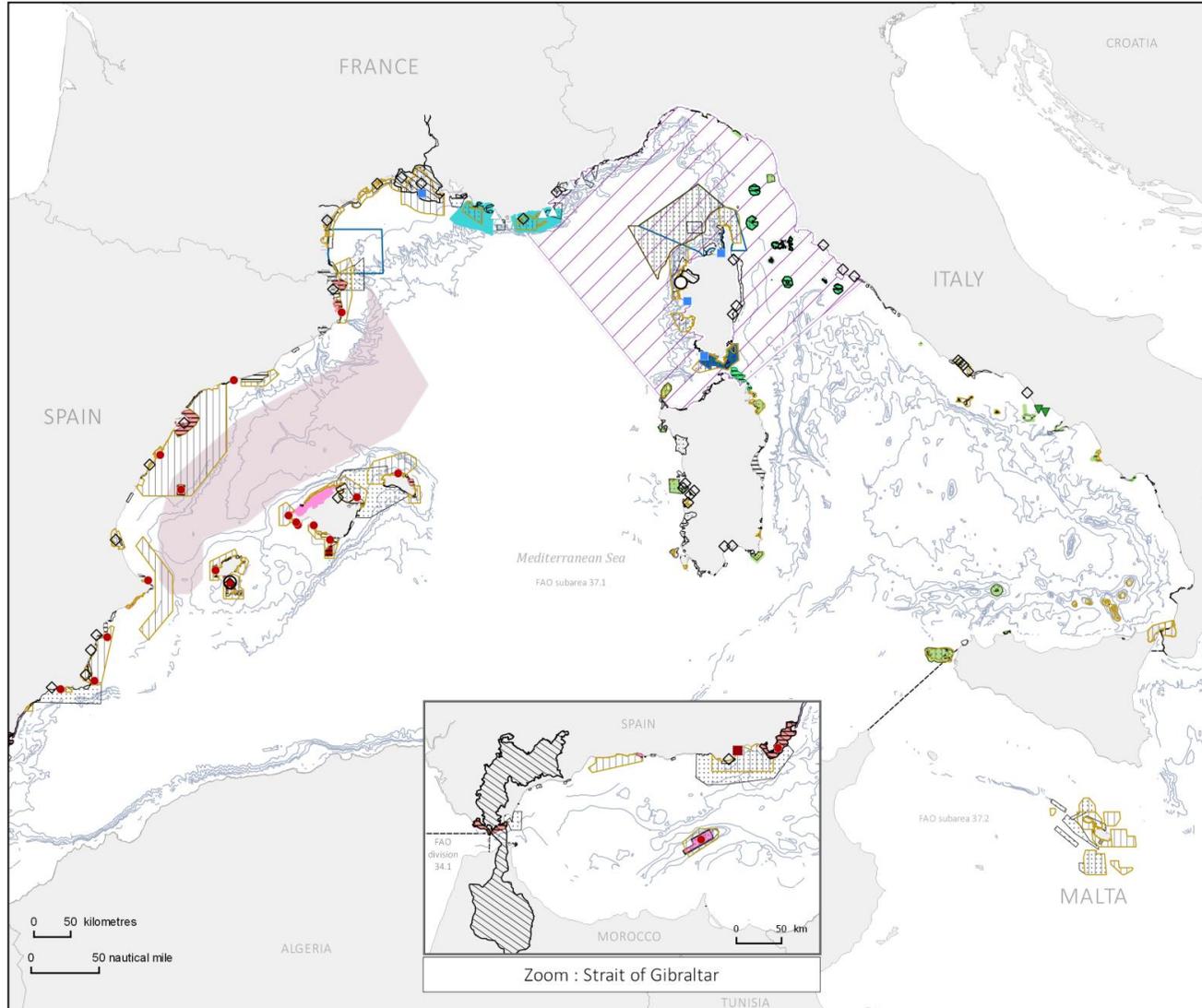
- The different legal basis for marine conservation (international and national level),
- Main actors involved on marine conservation
- MPA categories present at the SIMNORAT Region considering:
 - Conservation objectives
 - Management
 - Regulations in force.

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

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

⁹ https://www.iucn.org/sites/dev/files/natural_solutions_-_sdgs_final_2.pdf

SIMWESTMED AREA STUDY - MEDITERRANEAN SEA
Marine protected areas network



International marine protected areas

- Biosphere reserve (5)
- Natura 2000 - EU Birds directive (71)
- Natura 2000 - EU Habitats directive (241)
- Natura 2000 - EU Habitats and Birds directive (45)
- Pelagos sanctuary for mediterranean marine mammals
- Specially protected areas of mediterranean importance (Barcelona Convention) (20)
- Wetlands of International Importance (Ramsar) (point) (35)
- World heritage site (UNESCO) (2) (point)

French marine protected areas

- Biotope protection order (4) (point)
- Maritime public domain assigned (7) (point)
- National park (2)
- Natural marine park (2)
- Nature reserve (2)

Italian marine protected areas

- Marine protected area (18)
- National park (2)
- Underwater park (2) (point)

Spanish marine protected areas

- Marine protected area (1)
- Marine reserve and nature reserve (19) (point)
- National park (1)
- Nature park (7)
- Protected landscape (3)
- Natural monument (1)

Additional information :

- Isobath
- Limit between FAO subareas 34.1, 37.1 and 37.2

AGENCE FRANÇAISE
 POUR LA BIODIVERSITÉ
 ÉTABLISSEMENT PUBLIC DE L'ÉTAT



Data source:
 AFB (ges_omon_amp_aamp_pol_wgs84); MedPAN (National_MPAs_WGS84, Natura_2000_WGS84, World_heritage_sites_WGS84, SPAMIs_WGS84, Biosphere_reserves_WGS84)
 Système de coordonnées : EPSG 4326 - WGS84

Figure 1: MPAs present at the SIMWESTMED Region

3. ACTORS

The governance process of MPAs, require the participation of several different actors. This section of the study, present the different actors by country in Spain, France, Italy and Malta. Those actors are divided by types. Only actors that have a relevant role for marine protected areas were included on this analysis.

On this analysis the actors are considered as:

- **National Authority:** Responsible authority in charge of MPA designation, management and regulation process (e.g. Ministries)
- **Technical Bodies:** Research bodies that may work on the field of marine conservation, maritime affairs, investigation (e.g. University)
- **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. Spain

The main responsible national authority for off-shore marine conservation in Spain is the “Ministerio para la transición ecológica”¹⁰ (MITECO). On the regional and local level, the Spanish regions (Autonomous Communities) have responsibility on the designation and management of coastal MPAs.¹¹ 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 29th of Marine Environment Protection¹², 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 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.¹³

The main type of governance in the Spanish MPAs is governance by government (national, federal or sub-national agency) and shared governance (collaborative management).¹⁴

National Administrations

Ministerio para la transición ecológica¹⁵

The “Ministerio para la transición ecológica” is the responsible body for protection of natural and biological heritage, resources of fishing, maritime issues and water.¹⁶ It’s also the responsible authority in

¹⁰ Previously “Ministério da Agricultura e Pesca, Alimentação e Ambiente »

¹¹ <http://fundacion-biodiversidad.es/es/biodiversidad-marina-y-litoral/proyectos-proprios/sumergete-en-las-profundidades-del-mar>

¹² <https://www.boe.es/buscar/act.php?id=BOE-A-2010-20050>

¹³ <https://www.cerem.es/blog/estructura-de-la-legislacion-ambiental-en-espana>

¹⁴ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

¹⁵ Previously “Ministério da Agricultura e Pesca, Alimentação e Ambiente »

¹⁶ <http://www.mapama.gob.es/es/ministerio/funciones-estructura/default.aspx>

Spain for the implementation of Maritime Spatial Planning through its Sub-Directorate general of Protection of the Sea.¹⁷

In Spain, the [Law 42/2007 of December 13th](#), 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 14th](#), 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.¹⁸

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

- **LIFE INTEMARES (2016–2024):** “Integrated, innovative and participatory management of Natura 2000 network in Spanish marine environment”¹⁹. 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.²⁰

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.²¹

Regional authorities are responsible for the designation and management of MPAs falling into “territorial categories”, or as mentioned before, for coastal MPAs where the link between a land protected area and the MPA, has been scientifically demonstrated.²²

¹⁷ <http://mapama.gob.es/>

¹⁸ <http://fundacion-biodiversidad.es/es/conocenos>

¹⁹ <http://fundacion-biodiversidad.es/es/biodiversidad-marina-y-litoral/proyectos-propios/life-ip-paf-intemares>

²⁰ <http://fundacion-biodiversidad.es/es/biodiversidad-marina-y-litoral/proyectos-propios/sumergete-en-las-profundidades-del-mar>

²¹ <http://www.congreso.es/consti/constitucion/indice/titulos/articulos.jsp?ini=143&fin=158&tipo=2>

²² <http://fundacion-biodiversidad.es/es/biodiversidad-marina-y-litoral/proyectos-propios/sumergete-en-las-profundidades-del-mar>

The regional administrations of the SIMWESTMED Region are the following:

- **Andalucía:** Comunidad Autónoma de Andalucía, Junta de Andalucía – Consejería de Medio Ambiente y Ordenación del Territorio.
- **Región de Murcia:** Consejería de Agricultura y Agua – Comunidad Autónoma de la Región de Murcia²³
- **Comunidad Valenciana:** Generalitat Valenciana, Consejería de Agricultura, Pesca y Alimentación²⁴
- **Cataluña:** Generalitat de Cataluña – Medio Ambiente²⁵
- **Islas Baleares:** Govern Illes Balears – Servicio de Recursos Marinos.²⁶

Technical bodies

Spanish Institute of Oceanography (IEO)

The Spanish Institute of Oceanography²⁷ 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)²⁸.

The IEO is the referent organism for the declaration of protection zones of fisheries, marine protected areas and other spaces on the maritime domain of Spain,²⁹ 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 Seville³⁰, University of Málaga or University of Barcelona³¹. Those Universities are involved on the development of methodologies (and development of studies) to monitor the environment, involving MPAs.

Civil Society

In Spain, the role of NGOs is very important for biodiversity conservation. NGOs take part in numerous projects, in some occasions being partners of main projects of protection of seas, for example, WWF Spain³² and Seo-Birdlife³³ were and are participants of LIFE+ INDEMARES and LIFE PAF INTEMARES. The “[Law 42/2007 of December 13th](#), for Natural Heritage and Biodiversity” indicates in different articles the role of NGOs in nature protection:

²³ <http://www.carm.es/web/pagina?IDCONTENIDO=1&IDTIPO=180>

²⁴ <http://www.agroambient.gva.es/web/pesca/reservas-marinas>

²⁵ <https://web.gencat.cat/es/temes/mediambient/>

²⁶ <http://www.caib.es/govern/organigrama/area.do?coduo=1160&lang=es>

²⁷ In Spanish: Instituto Español de Oceanografía

²⁸ <http://www.ieo.es/es/funciones;jsessionId=2E241D3D0CDBC178F2EC542BDC009115>

²⁹ <https://www.boe.es/buscar/act.php?id=BOE-A-2010-20050> – Article 27

³⁰ http://www.us.es/estudios/master/master_M158/asignatura_51580020/proyecto_990263

³¹ <http://www.ub.edu/irbio/ESambitrecerca.php>

³² https://www.wwf.es/nuestro_trabajo_/oceanos/

³³ <https://www.seo.org/>

- 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 protection³⁴.

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.³⁵

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.³⁶

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.³⁷

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 oceans³⁸.

The NGO have also works on the documentation of the Mediterranean seabed, providing a register of areas of special interest.³⁹

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

Submon – Catalonia

The Submon is an organisation that provides services related to conservation, study and awareness of the marine environment⁴⁰, that also is specialized into collaborate with other organizations and academic institutions.⁴¹

The institution also carries out work related to development of environmental studies (e.g. monitoring of marine fauna, bionomic cartography, and acoustic studies and monitoring of cetaceans, etc). Or the development of action and management plans (e.g. management plans for MPAs and technical assistance

³⁴ <https://www.miteco.gob.es/va/calidad-y-evaluacion-ambiental/organismos-y-organizaciones/entidades-ambientales/ong/>

³⁵ http://wwf.panda.org/our_work/oceans/solutions/protection/protected_areas/improving_management/

³⁶ https://www.wwf.es/nuestro_trabajo_/oceanos/areas_marinas_protegidas/

³⁷ https://www.boe.es/diario_boe/txt.php?id=BOE-A-2018-9034

³⁸ <http://oceana.org/what-we-do>

³⁹ http://www.indemares.es/sites/default/files/areas_marinas_protegidas_cuenca_mediterranea_oceana.pdf

⁴⁰ <http://www.submon.org/en/thecompany/>

⁴¹ <http://www.submon.org/en/thecompany/>

for MPAs).⁴²

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.⁴³

3.2. 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).

⁴² <http://www.submon.org/en/our-services/planes-de-accion-y-gestion/>

⁴³ <https://www.seo.org/trabajamos-en/aguas/>

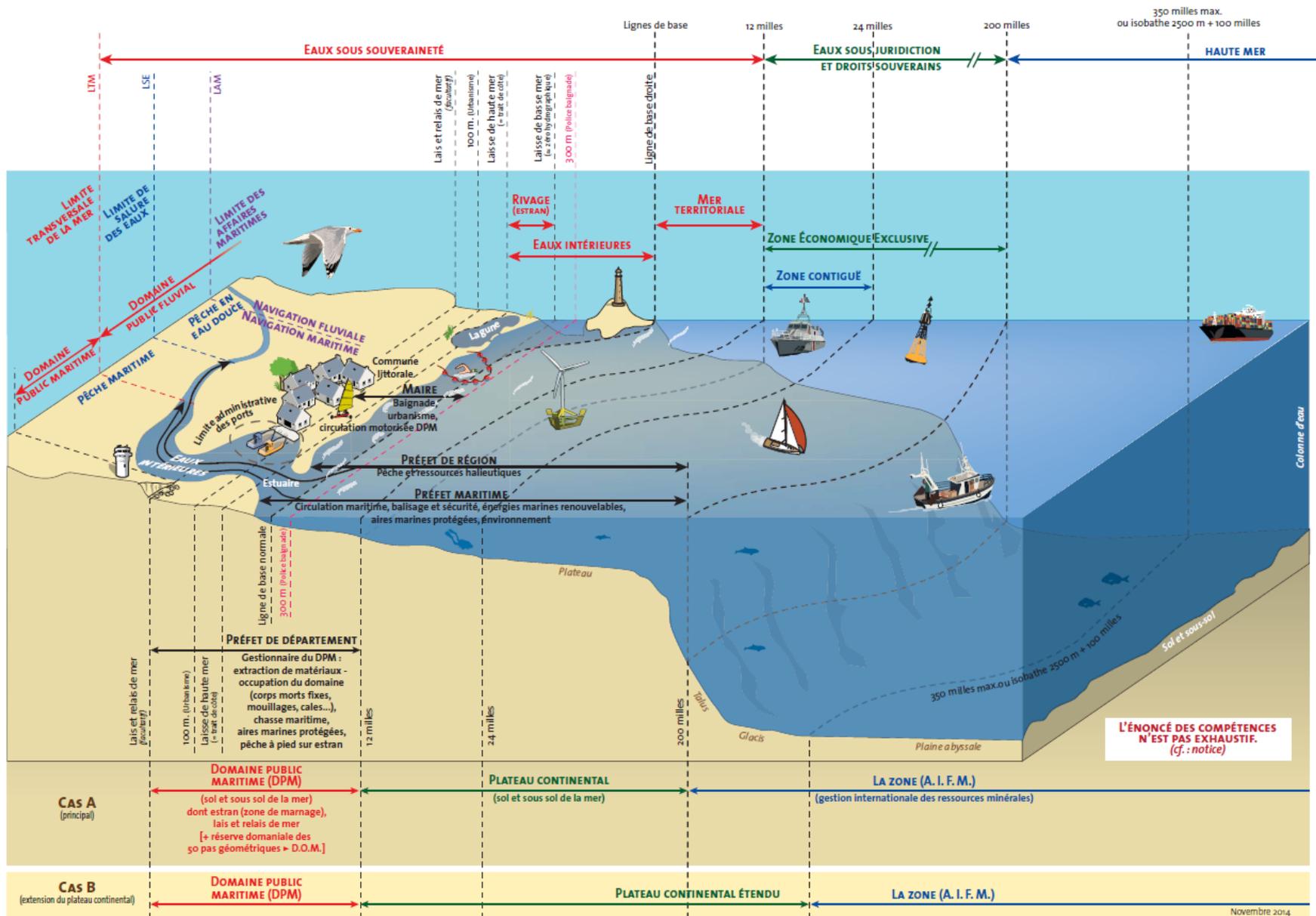


Figure 2 : Delimitations of the Maritime space in France. Source: AFB, 2014.

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.⁴⁴

Maritime Prefecture

It is the administration under the direct authority of the maritime Prefect, who is also in charge of functions on maritime safeguard,⁴⁵ 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 Departments⁴⁶. There are three DREALs in the French Mediterranean waters: Provence Alpes Côte d'Azur (PACA), Corse and Occitanie. Basically, the DREAL is the responsible body for the coordination of land public policie from the Ministère de la Transition écologique et solidaire⁴⁷.

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)⁴⁸.

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 leaded by the AFB, is the mobilization of citizens regarding biodiversity issues.⁴⁹

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.⁵⁰

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

⁴⁴ <https://www.ecologique-solidaire.gouv.fr/aires-marines-protégées>

⁴⁵ <https://www.premar-atlantique.gouv.fr/>

⁴⁶ <https://www.ecologique-solidaire.gouv.fr/services-deconcentres-du-ministere>

⁴⁷ <https://www.ecologique-solidaire.gouv.fr/services-deconcentres-du-ministere>

⁴⁸ <https://www.ecologique-solidaire.gouv.fr/services-deconcentres-du-ministere>

⁴⁹ <https://www.afbiodiversite.fr/fr/lagence-francaise-pour-la-biodiversite>

⁵⁰ <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).⁵¹

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.⁵²

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.⁵³

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.⁵⁴

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.⁵⁵ 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).⁵⁶

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](#)⁵⁷. 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 monitoring⁵⁸. 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.⁵⁹ 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.⁶⁰

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 Mediterranean waters, several N2000 marine sites such as the “Baie de la Ciotat”, “Cap d’Antibes” or “Posidonies du Cap d’Agdes” (list not exhaustive) are managed by municipalities or grouping

⁵¹ <http://patrinat.mnhn.fr/un%20service%20du%20Mus%C3%A9um>

⁵² <http://patrinat.mnhn.fr/un%20service%20du%20Mus%C3%A9um>

⁵³ <https://www.partenariat-francais-eau.fr/?ressource=protected-areas-in-france>

⁵⁴ <http://www.reserves-naturelles.org/>

⁵⁵ <http://www.forum-aires-marines.fr/Le-Forum>

⁵⁶ <http://www.forum-aires-marines.fr/Le-Forum/Les-objectifs-du-reseau>

⁵⁷ <https://wwz.ifremer.fr/en/The-Institute>

⁵⁸ <https://wwz.ifremer.fr/en/The-Institute>

⁵⁹ <https://wwz.ifremer.fr/en/The-Institute>

⁶⁰ <https://wwz.ifremer.fr/Appui-a-la-puissance-publique/Eau-Biodiversite/Biodiversite-Marine>

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.

Along with NGOs, MPA management could be delegated to stakeholder organization, such as fishermen organization.

There is currently no example of MPA managed by NGOs or stakeholder organizations in the French Mediterranean contrary to the Atlantic front.

3.3. Italy

National administration

At a central level, the primary responsibility for environmental policies is attributed to the Ministry of the Environment and the Protection of Land and Sea (MATTM), whose competences concern⁶¹:

- The development of environmental legislation and related national regulations and plans
- The supervision and updating of environmental legislation of the regions
- Reporting about the local state of the environment
- Enactment of environmental impacts assessment and issue of authorisations for large installations⁶²

The MATTM is also supported by the “[Comando Carabinieri](#)”⁶³, for the protection of the environment and by the “Corpo delle Capitanerie di Porto”⁶⁴ which are assigned tasks of surveillance, prevention and repression of environmental violations. Within the MATTM, the Marine Environmental Department of the Corps of Port Authorities operates in the structure of the Minister's direct collaboration⁶⁵.

Regarding the implementation of European and national policies relating to sectors that may impact the environment (e.g. energy, transport, industry, agriculture) the MATTM participate with the other administrations concerned, in high level committees⁶⁶.

Technical bodies

Consiglio Nazionale di Ricerca (CNR) - Istituto per l'Ambiente Marino Costiero (IAMC)

The CNR is the National Council for Research in Italy. This public body, was founded in 1932 and in the past operated as advisory body of the Government on research⁶⁷. From the 1989, the CNR is an Institution Body, in charge of develop research projects, promote innovation and competitively, and internationalize

⁶¹ <http://www.salute.gov.it/pianoNazionaleIntegrato2015/dettaglioPianoNazionaleIntegrato2015.jsp?cap=capitolo2&sez=pni-cap2-autoritacompetenti&id=15>

⁶² <http://www.salute.gov.it/pianoNazionaleIntegrato2015/dettaglioPianoNazionaleIntegrato2015.jsp?cap=capitolo2&sez=pni-cap2-autoritacompetenti&id=15>

⁶³ Police

⁶⁴ Port Authority

⁶⁵ <http://www.salute.gov.it/pianoNazionaleIntegrato2015/dettaglioPianoNazionaleIntegrato2015.jsp?cap=capitolo2&sez=pni-cap2-autoritacompetenti&id=15>

⁶⁶ <http://www.salute.gov.it/pianoNazionaleIntegrato2015/dettaglioPianoNazionaleIntegrato2015.jsp?cap=capitolo2&sez=pni-cap2-autoritacompetenti&id=15>

⁶⁷ <https://www.cnr.it/it/chi-siamo>

the Italian research⁶⁸.

Two departments of this Institution are in dealing with MPAs:

- Sesione di Mazara del Vallo: between many tasks, it also deals with the study of MPAs as instrument of management of fisheries.
- S.S.S. di Castellmare del Golfo: evaluates the efficiency and the effects of MPAs.⁶⁹

Istituto Scienze Marine (ISMAR)

The ISMAR, is a Institute, part of the CNR, dedicated to the research on Polar, Oceanic and Mediterranean areas. One of the topics of research is the marine habitats and ecology, the increasing pollution of coastal and deep areas and fisheries resources exploitation⁷⁰.

The ISMAR is involved on projects for the management of MPAs, such as the Project IMPACT, where the aim is to manage MPAs near port zones.⁷¹

Istituto Superiore per la Protezione e la Ricerca Ambientale (ISPRA)

The ISPRA, was established by the “[Legge 133/2008](#)” of the “[Decreto Legge 25 Giugno 2008, n. 112](#)”. The ISPRA, is a public body, with legal duties under the public law, it also acts on technical scientific, organizational, financial, managerial, administrative autonomy⁷².

The ISPRA is supervised by the Ministero dell ‘ambiente e della tutela del territorio e del mare. The Minister makes use of the Institute in the exercise of its attributions, giving the general directives for the pursuit of institutional tasks. Without prejudice the performance of the tasks, services and activities assigned to the Institute under current legislation, the priorities relating to further tasks are also indicated, with a view to prioritizing the functions of support to the Ministry of the Environment⁷³.

ISPRA is also involved on the research of potential impacts on MPAs in partnership with other bodies, such as the case of plastics on the Marine Protected Areas on the project “Plastic Busters MPA”, for instance.⁷⁴

Civil Society

Thethys

Thethys mission is to conserve marine environment and biodiversity, supporting international marine conservation policies and processes, as well developing, promoting and implementing public awareness and education.⁷⁵

Medasset (Mediterranean Association to Save the Sea Turtles)

The international NGO, has an active role in role regarding the conservation of sea turtles. The Medasset, is also a Permanent Observer-Member to the Bernn Convention. The NGO acts in four different axes: education, policy, awareness raising and research.⁷⁶

WWF Italia

In Italy, the WWF provide capacity building and support to MPAs to local communities, fishermen’s, tourism companies and park managers to improve on the management of Marine Protected Areas.⁷⁷ The

⁶⁸ <https://www.cnr.it/it/istituto/002/attivita-ricerca/istituto-per-l-ambiente-marino-costiero-iamc>

⁶⁹ <https://www.cnr.it/it/istituto/002/attivita-ricerca/istituto-per-l-ambiente-marino-costiero-iamc>

⁷⁰ <https://www.cnr.it/it/istituto/080/istituto-di-scienze-marine-ismar>

⁷¹ <http://www.ismar.cnr.it/progetti/progetti-internazionali/progetti-in-corso-cte-interreg/progetto-impact/?searchterm=aree%20marine%20protette>

⁷² <http://www.isprambiente.gov.it/it/ispra>

⁷³ <http://www.isprambiente.gov.it/it/ispra>

⁷⁴ <http://plasticbusters.unisi.it/>

⁷⁵ <https://www.thethys.org/>

⁷⁶ <http://www.medasset.org/meet-medasset/>

⁷⁷

http://wwf.panda.org/what_we_do/how_we_work/our_global_goals/oceans/solutions/protection/protected_areas/improving_management/

NGO also works with national and international policy makers, in order to establish the baseline knowledge for effective management.⁷⁸

3.4. Malta

National administrations

Ministry for Sustainable Development, the Environment and Climate Change

In Malta, the Ministry for Sustainable Development, the Environment and Climate change, is the major responsible body for environmental issues, parks, as well as aspects related to agriculture and fisheries⁷⁹.

Environment and Resources Authority (ERA)

The [Malta Environment and Resources Authority](#), have regulatory responsibilities relating protected areas. The Environment & Resources Authority (ERA) is involved in the management of various protected areas. Apart from its consultative role, management interventions have also been considered (directly or indirectly); including the regulation of beach facility operators and the restriction to illegal activities⁸⁰.

Other national authorities involved in the MPA process include:

- Department of Fisheries & Aquaculture (DFA)
- Planning Authority (PA)
- Ministry for Gozo
- Ministry for Transport, Infrastructure and Capital Projects / Transport Malta (TM)
- Armed Forces of Malta (AFM)
- Malta Police Force
- Ministry for Tourism / Malta Tourism Authority (MTA)
- Gozo Tourism Association
- Water Services Association
- Malta Marittima Agency

Technical bodies

University of Malta

The Conservation Biology Research Group (CBRG) at the Department of Biology of the University of Malta, is involved with wild species assessments. The University works on training and educating on the areas of expertise related to nature conservation.⁸¹

Civil Society

Nature Trust Malta

The nature trust in Malta, is a non-profit and non-governmental environmental organisation that deal with environment conservation in the Maltese Islands. The institution works for the legal protection of various plants and animals, avoiding extinction of endemic species⁸².

The Nature Trust is also active on environmental education by various means, working on awareness of nature conservation. The NGO is also involved on habitats conservation programmes and creation of MPAs⁸³.

The Nature Trust Malta, manages a number of sites, including the ones with marine features; such as:

- Marsaxlokk Saline Marshland - Nature Reserve

⁷⁸ http://www.wwf.it/ambiente/aree_protette/aree_marine_protette/

⁷⁹ <https://www.gov.mt/en/Services-And-Information/Pages/Environmental-Regulation.aspx>

⁸⁰ <https://era.org.mt/en/Pages/Site-Management.aspx>

⁸¹ <https://www.um.edu.mt/newsoncampus/researchinitiatives/archive/marineconservationresearch>

⁸² <https://www.naturetrustmalta.org/who-we-are/>

⁸³ <https://www.naturetrustmalta.org/who-we-are/>

- Pembroke - SAC
- Majjistral Nature and History Park – (managed with other NGOs in collaboration) Natura 2000.⁸⁴

Other organizations

A broad range of civil organizations is involved in different ways in the management of Maltese MPAs

- BirdLife Malta (BLM)
- Gaia Foundation
- Sharklab Malta
- Din l-Art Hejwa
- Local Councils
- Commercial fishing cooperatives
- Recreational fishing cooperative
- Shipping operators
- Bunkering operators
- Aquaculture operators
- Tourist boating and marine recreation operators
- Diving operators
- Coastal businesses
- Yacht clubs
- Marina committees

3.5. MedPAN (2008)

The MedPAN is a international organisation, was created in 2008 after the request of Mediterranean MPA managers, with the aim to coordinate the network of Mediterranean Marine Protected Areas that existed since the 90s. It is a nonprofit organisation, governed by the [French Law of 1901](#).

MedPAN work with its: member and partners, governmental and non-governmental organisations at local, national, regional and international level. The MedPAN, also has a Board of Directors, Secretariat, Scientific Committee and Advisory Committee composed by Members of all Mediterranean countries participant of MedPAN⁸⁵.

The MedPAN, works on the mission to promote, by a partnership approach, the sustainability and operation of a network of marine protected areas in the Mediterranean. Some of the main activities of the MedPAN, can be resumed in:

- Development of MAPAMED (Mediterranean MPA database)
- Development of studies about the State of Play on MPAs in the Mediterranean
- Scientific surveillance

Exchange experiences between MPAs managers⁸⁶

⁸⁴ <https://www.naturetrustmalta.org/what-we-do/natural-parks/>

⁸⁵ <http://medpan.org/about/medpan/organisation/>

⁸⁶ http://medpan.org/main_activities/

4. INTERNATIONAL CONVENTIONS AND AGREEMENTS FOR MARINE CONSERVATION

This section gives an overview of the global conventions and agreements for marine conservation.

One hand, several of them enables countries to work on transboundary cooperation. Those conventions also support countries to address common goals and protect the environment, at a transboundary and global level, and not only inside of MPAs boundaries. However, they don't 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...

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 (UNCLOS - 1982)

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. The UNCLOS is also a tool for the protection of highly migratory species of fish stocks and marine mammals.⁸⁷

4.2. Convention on Biological Diversity (1992)

The [Convention on Biological Diversity \(CBD\)](#) is an international legally-binding treaty that aim 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 1993.⁸⁸

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 plans⁸⁹. The CBD, include other Protocols, such as Cartagena Protocol on Biosafety, and Nagoya Protocol on the Access and Benefit Sharing of Genetic Resources.

Cartagena Protocol: (ES: Ratified / FR: Approved / IT: Ratified / MT: Accepted)⁹⁰

Nagoya Protocol: (ES: Ratified / FR: Ratified / IT: Signed / MT: Accepted)⁹¹

Aichi Target 11: 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 Goals, the Strategic Goal C, and aim to improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity. The Specific Aichi Target 11, specify that at 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.

⁸⁷ http://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm

⁸⁸ <http://www.un.org/en/events/biodiversityday/convention.shtml>

⁸⁹ <http://www.un.org/en/events/biodiversityday/convention.shtml>

⁹⁰ <https://bch.cbd.int/protocol/parties/>

⁹¹ <https://www.cbd.int/abs/nagoya-protocol/signatories/>

4.3. Sustainable Development Agenda 2030 (2015)

The Sustainable Development Agenda 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) which, 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.⁹²

The 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 data⁹³. It also aims to sustainably manage and protect marine and coastal ecosystems to avoid adverse impacts, including the strengthening of their resilience.⁹⁴

The 2030 Agenda is not legally binding, however, it is expected that governments take ownership and establish national frameworks to achieve the Goals.⁹⁵



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

4.4. Bonn Convention (1993)

The Convention on the Conservation of Migratory Species of Wild Animals, or Bonn Convention, 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 activities⁹⁶.

4.5. Bern Convention (1979)

The Bern Convention on the Conservation of European Wildlife and Natural Habitats, ensure the conservation of wild fauna and flora species and their habitats, especially those whose conservation

⁹² <https://sdgcompass.org/sdgs/sdg-14/>

⁹³ <https://sustainabledevelopment.un.org/sdg14>

⁹⁴ <https://sustainabledevelopment.un.org/sdg14>

⁹⁵ <http://www.un.org/sustainabledevelopment/development-agenda/>

⁹⁶ <http://rod.eionet.europa.eu/instruments/551>

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 Parties⁹⁷.

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.

4.6. Ramsar Convention (1971)

The Ramsar Convention 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”.⁹⁸

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 pans⁹⁹.

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.¹⁰⁰

Mediterranean (MedWet)

The Mediterranean Wetlands Initiative (MedWet), was established in 1991, and brought together 27 Mediterranean and peri-Mediterranean countries that are Parties to the Ramsar Convention. The initiative is composed by a Committee, Steering Group, Technical Network and Secretariat. The MedWet acts as the Advisor Body to the Ramsar Convention in the Region. MedWet works with a large number of partners in the region and participates in the promotion and execution of specific projects to further its mission.

RAMSAR in Spain

Spain ratified the Ramsar Convention in 1982, the instrument of accession is the “[BOE 199 of 20 August 1982](#)”.¹⁰¹ 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](#)”¹⁰² (nowadays the « Comisión Estatal para el Patrimonio Natural y la Biodiversidad »). It is

⁹⁷ <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/104>

⁹⁸ <https://www.ramsar.org/about/the-ramsar-convention-and-its-mission>

⁹⁹ <https://www.ramsar.org/about/the-ramsar-convention-and-its-mission>

¹⁰⁰ <https://www.ramsar.org/about/the-ramsar-convention-and-its-mission>

¹⁰¹ http://www.mapama.gob.es/es/biodiversidad/temas/ecosistemas-y-conectividad/conservacion-de-humedales/ch_hum_ramsar_esp_lista.aspx

¹⁰²

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

composed by a representative of each Autonomous Community and the “Ministerio para la transición ecológica”.¹⁰³

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.¹⁰⁴

Spain at national level has 74 designated sites. The Mediterranean Ramsar Sites are 28, including coastal sites and the Balearis Islands sites.¹⁰⁵

RAMSAR in France

France is a contracting party of the Convention since 1986¹⁰⁶. 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](#)¹⁰⁷.

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.¹⁰⁸

The responsible authority for the management and designation of the Ramsar sites is the Direction of water and Biodiversity of the Ministry of Environment.^{109 110 111}

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)¹¹².

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 participation¹¹³.

France has nationally, designated 48 sites.¹¹⁴ Twelve of those sites are present at the Mediterranean region. Including seven sites present at the Corse Island.¹¹⁵

RAMSAR in Italy

In Italy, the Ramsar Convention, was ratified and enforced by the [Presidential Decree](#) of March 13, 1976, n. 448 and with the subsequent [Presidential Decree](#) of 11 February 1987, n. 184 that reports the unofficial Italian translation of the text of the International Convention of Ramsar¹¹⁶.

¹⁰³

<http://www.juntadeandalucia.es/medioambiente/site/porta/web/menuitem.7e1cf46ddf59bb227a9e205510e1ca/?vgnnextoid=6e2bbfe08a7a5010VgnVCM1000000624e50aRCRD&vgnnextchannel=a22ca0d0851f4310VgnVCM2000000624e50aRCRD>

¹⁰⁴ http://www.mapama.gob.es/es/biodiversidad/temas/ecosistemas-y-conectividad/conservacion-de-humedales/ch_hum_ramsar_esp_lista.aspx

¹⁰⁵ <https://www.ramsar.org/wetland/spain>

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

¹⁰⁷ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000019151510>

¹⁰⁸ <https://www.ecologique-solidaire.gouv.fr/protection-des-milieux-humides>

¹⁰⁹ In French: Direction de l’eau et de la Biodiversité du Ministère de l’environnement
¹¹⁰ Directorate of Water and Biodiversity of the Ministry of the Environment of France

¹¹¹ <https://www.ecologique-solidaire.gouv.fr/protection-des-milieux-humides>

¹¹² <https://www.ecologique-solidaire.gouv.fr/protection-des-milieux-humides>

¹¹³ <https://www.ecologique-solidaire.gouv.fr/protection-des-milieux-humides>

¹¹⁴ <https://www.ramsar.org/country-profiles>

¹¹⁵ <https://www.ramsar.org/country-profiles>

¹¹⁶ <http://www.minambiente.it/pagina/elenco-delle-zone-umide>

In Italy, the responsible authority for the Ramsar Convention is the Italian Ministry for the Environment Land and Sea¹¹⁷, other authority that is also responsible for the Ramsar sites is the Institute for Environmental Protection and Research.

Italy has in total 56 sites. At the Mediterranean Region, Italy counts with 27 sites, at the coastal region, including the sites located at the Sardinia and Sicily islands.¹¹⁸

RAMSAR in Malta

The Ramsar Convention came into force in Malta on 30 January of 1989. Malta has presented 2 sites with Wetland Importance, with a total surface of 16 hectares¹¹⁹. Those sites are Ghadira and Is-Sismar, both coastal areas¹²⁰.

In Malta, the responsible authority for Ramsar Sites is the Malta Environment and Planning Authority, the [Environment Protection Department](#) is the competent department.

4.7. UNESCO Man and Biosphere (1971 – Biosphere Reserves)

The Man and Biosphere Program, 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 use¹²¹. 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.¹²²

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 present at the study area of SIMWESTMED region (with marine features) are:

- Menorca¹²³, Cabo de Gata-Nijar¹²⁴, DOÑANA¹²⁵, Marismas del Odiel¹²⁶ in Spain.
- Valee du Fango (Corse)¹²⁷, Camargue¹²⁸ in France.
- Tuscan Islands¹²⁹, Somma-Vesuvio and Miglio D’Oro¹³⁰ and Selva Pisana¹³¹ in Italy.

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](#).¹³²

¹¹⁷ <http://www.minambiente.it/pagina/elenco-delle-zone-umide>

¹¹⁸ <https://www.ramsar.org/wetland/italy>

¹¹⁹ http://ramsar.rgis.ch/cda/en/ramsar-pubs-notes-anno-malta/main/ramsar/1-30-168%5E16525_4000_0_

¹²⁰ http://ramsar.rgis.ch/cda/en/ramsar-pubs-notes-anno-malta/main/ramsar/1-30-168%5E16525_4000_0_

¹²¹ <http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/biosphere-reserves/>

¹²² <http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/biosphere-reserves/>

¹²³ <http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=SPA+13>

¹²⁴ <http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=SPA+15>

¹²⁵ <http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=SPA+04>

¹²⁶ <http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=SPA+07>

¹²⁷ <http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=FRA+02>

¹²⁸ <http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=FRA+03>

¹²⁹ <http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?code=ITA+07&mode=all>

¹³⁰ <http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=ITA+05>

¹³¹ <http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=ITA+08>

¹³² <http://rerb.oapn.es/documentacion-y-difusion/normativa>

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.¹³³ This role is assumed by the [Autonomous Organism of National Parks](#) (OAPN for its initials in Spanish),¹³⁴ 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](#)¹³⁵ are established by the [Environmental Code](#)¹³⁶.

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.¹³⁷

MaB in Italy

The first Italian registrations to the MAB Programme, date back to the 70s.¹³⁸ In Italy, some Biosphere Reserves are managed by State bodies (e.g. Corpo Forestale dello Stato) with NGOs (such as WWF).¹³⁹

In Italy, the "Direzione Regionale per la protezione della natura e del mare", is the competent body that guarantees the conservation and management of the UNESCO Biosphere Reserves sites by the "Decreto del Ministero dell'Ambiente e della Tutela del Territorio e del Mare 12 giugno 2009 n. 51."¹⁴⁰

MaB in Malta

Until the date of 29 of June of 2017, Malta had no Biosphere Reserve designated into its territory.¹⁴¹

4.8. 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.¹⁴² 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).

¹³³ <http://rerb.oapn.es/red-espanola-de-reservas-de-la-biosfera/que-es-la-rerb>

¹³⁴ <http://www.mapama.gob.es/es/parques-nacionales-oapn/default.aspx>

¹³⁵ <http://www.assemblee-nationale.fr/14/ta/ta0803.asp>

¹³⁶ <https://www.mab-france.org/fr/actualite/les-reserves-de-biosphere-dans-le-code-de-lenvironnement/>

¹³⁷ <https://mab-france.org/en/french-mab/structure-of-mab-france/>

¹³⁸ <http://www.minambiente.it/pagina/le-aree-mab-italia>

¹³⁹ <http://www.minambiente.it/pagina/le-aree-mab-italia>

¹⁴⁰ U. prot GAB-DEC-2011-0000226 del 12/11/2011. Ministero dell'Ambiente e della Tutela del Territorio e del Mare - Ufficio Gabineto - Decreti.

¹⁴¹ http://www.unesco.org/eri/cp/factsheets/MLT_facts_figures.pdf

¹⁴² <http://whc.unesco.org/en/convention/>

Tableau 1 : UNESCO World Heritage Site selection criteria

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

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 Value¹⁴³.

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 species¹⁴⁴.

However, the management of World Heritage sites depends on their type of complexity.¹⁴⁵ 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.¹⁴⁶

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.¹⁴⁷

¹⁴³ <http://whc.unesco.org/en/nominations/>

¹⁴⁴ whc.unesco.org/document/101510

¹⁴⁵ <https://whc.unesco.org/document/125839>

¹⁴⁶ <https://whc.unesco.org/document/125839>

¹⁴⁷ <https://whc.unesco.org/en/conventiontext/>

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 space¹⁴⁸. The World Heritage sites present at the SIMWESTMED Region are:

- Ibiza Biodiversity and Culture¹⁴⁹ in Spain
- Gulf of Porto - Calanche of Piana, Gulf of Girolata, Scandola Reserve¹⁵⁰ in France
- Portovenere, Cinque Terre and the Islands¹⁵¹, Costiera Amalfitana¹⁵², Archeological Areas of Pompei¹⁵³ and Aeolian Islands¹⁵⁴ in Italy.

¹⁴⁸ <http://whc.unesco.org/en/marine-programme/>

¹⁴⁹ <http://whc.unesco.org/en/list/417>

¹⁵⁰ <http://whc.unesco.org/en/list/258>

¹⁵¹ <http://whc.unesco.org/en/list/826>

¹⁵² <http://whc.unesco.org/en/list/830>

¹⁵³ <http://whc.unesco.org/en/list/829>

¹⁵⁴ <http://whc.unesco.org/en/list/908>

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 territory¹⁵⁵. 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 guidance

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.¹⁵⁶ 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.¹⁵⁷

The **Birds Directive** aim to protect all wild birds and their habitats across the EU. The **Habitats Directive** adopted 13 years later, aim to protect around other 1000 other rare, threatened or endemic species of wild animals and plants.¹⁵⁸

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.¹⁵⁹

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.¹⁶⁰

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.¹⁶¹

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).¹⁶²

¹⁵⁵ http://ec.europa.eu/environment/nature/natura2000/index_en.htm

¹⁵⁶ <http://ec.europa.eu/environment/nature/info/pubs/docs/brochures/nat2000/en.pdf>

¹⁵⁷ <http://ec.europa.eu/environment/nature/info/pubs/docs/brochures/nat2000/en.pdf>

¹⁵⁸ <http://ec.europa.eu/environment/nature/info/pubs/docs/brochures/nat2000/en.pdf>

¹⁵⁹ <http://ec.europa.eu/environment/nature/info/pubs/docs/brochures/nat2000/en.pdf>

¹⁶⁰ <http://ec.europa.eu/environment/nature/info/pubs/docs/brochures/nat2000/en.pdf>

¹⁶¹ http://ec.europa.eu/environment/nature/natura2000/faq_en.htm

¹⁶² 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.¹⁶³

The preparation of measures requires planning and the elaboration of detailed technical specifications to ensure their correct implementation.¹⁶⁴ 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).¹⁶⁵

Measures can be divided into:

- **Statutory conservation measures:** specific legal requirements that allow or restrict activities on the site.¹⁶⁶
- **Contractual Measures:** Involve establishing contracts or agreements usually among managing authorities and land owners or users in the site.¹⁶⁷
- **Voluntary conservation measures:** The complexity of the conservation measures may require other kinds of agreements and other types of specific measures, such as voluntary measures¹⁶⁸. In the Celtic Seas region, France is one example that applies the voluntary measures.

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.¹⁶⁹

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.¹⁷⁰ 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 6.¹⁷¹

Designation

Habitats Directives (1992)

There are three stages in the selection of 'Special Areas of Conservation (SACs)'.¹⁷² There are three stages in the selection of SACs¹⁷³:

- *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 analyze 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.¹⁷⁴
- *Third stage:* Once the list of SCI is adopted, the Member States can designate those sites are

¹⁶³ http://ec.europa.eu/environment/nature/natura2000/faq_en.htm

¹⁶⁴ http://ec.europa.eu/environment/nature/natura2000/faq_en.htm

¹⁶⁵ http://ec.europa.eu/environment/nature/natura2000/faq_en.htm

¹⁶⁶ Establishing conservation measures for Natura 2000 sites, European Commission 2014

¹⁶⁷ <http://ec.europa.eu/environment/nature/natura2000/management/docs/conservation%20measures.pdf>

¹⁶⁸ <http://ec.europa.eu/environment/nature/natura2000/management/docs/conservation%20measures.pdf>

¹⁶⁹ http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ_rulings%20Art_%206%20-%20Final%20Sept%202014-2.pdf

¹⁷⁰ http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ_rulings%20Art_%206%20-%20Final%20Sept%202014-2.pdf

¹⁷¹ http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ_rulings%20Art_%206%20-%20Final%20Sept%202014-2.pdf

¹⁷² http://ec.europa.eu/environment/nature/natura2000/sites_hab/index_en.htm

¹⁷³ http://ec.europa.eu/environment/nature/natura2000/sites_hab/index_en.htm

¹⁷⁴ 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.¹⁷⁵

Birds Directives (1979 – amended in 2009)

The Birds Directives 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).¹⁷⁶

Tableau 2 : Terminology of N2000 acronyms

Terminology				
	Spanish	French	Italian	Malta (English)
Habitats	Lugar de importancia comunitaria (LIC)	Site d'importance communautaire (SIC)	Sito di interesse comunitario (SIC)	Site of Community Importance (SCI)
	Zonas especiales de conservación (ZEC)	Zone spéciale de conservation (ZSC)	Zona Speciale di Conservazione (ZSC)	Special Area of Conservation (SAC)
Birds	Zona de especial protección para las aves (ZEPA)	Zone de protection spéciale (ZPS)	Zona di protezione speciale (ZPS)	Special Protection Areas (SPA)

5.2. N2000 in Spain

The Habitats and Birds Directives have been transposed to the Spanish Law: [Law 42/2007, of December 13th, “del Patrimonio Natural y de la Biodiversidad”](#)¹⁷⁷, chapter III: Natura 2000 protected areas (articles 42 to 49).

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 administration¹⁷⁸. This Ministry is also the responsible body regarding financing issues of the Natura 2000 Network¹⁷⁹.

¹⁷⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>

¹⁷⁶ http://ec.europa.eu/environment/nature/natura2000/sites_birds/index_en.htm

¹⁷⁷ http://www.boe.es/diario_boe/txt.php?id=BOE-A-2007-21490

¹⁷⁸ http://www.mapama.gob.es/es/biodiversidad/temas/espacios-protegidos/red-natura-2000/rn_pres_administraciones.aspx

¹⁷⁹ http://www.mapama.gob.es/es/biodiversidad/temas/espacios-protegidos/red-natura-2000/rn_pres_administraciones.aspx

The MPAs in Spain, that have ecological connectivity with a protected area in land are competence of the Autonomous Communities (Regions), if the MPA 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 of the Environment. Those orientations, constitute the orientation for planning and management of the designated sites, and need approval of the "Sectoral Conference of the Environment"^{180, 181}.

In Spain, all public administrations, in their respective areas of competence, ensure the conservation and 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.¹⁸²

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 programmes of education, the awareness for the users of the territory,
- Integrate in the sectoral policies, the objectives of conservation and valuation of natural heritage.¹⁸³

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. Also 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 SCIs¹⁸⁴.

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 plan¹⁸⁵.

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.

¹⁸⁰ In Spanish: Conferencia Sectorial de Meio Ambiente

¹⁸¹ <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

¹⁸² <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

¹⁸³ <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

¹⁸⁴ <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

¹⁸⁵ <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

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

Management Tool

When a protected area hosts a 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 27th](#). On this case, a management and recovery plan is required to ensure the conservation of the species¹⁸⁶.

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 conservation¹⁸⁷.

The management plans, are specifically developed by the Autonomous Communities, in the case of the Mediterranean the following authorities¹⁸⁸:

- **Andalucía:** Department of Environment of Andalucia¹⁸⁹
- **Murcia Region:** General Direction for the Environment¹⁹⁰
- **Valencian Community:** Department of Habitation, Public Works and Organisation of the Territory¹⁹¹
- **Catalonia:** Generalitat of Catalonia – Department of Territory and Sustainability¹⁹²
- **Balearic Islands:** Nature Network of the Balearic Islands¹⁹³

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 threat¹⁹⁴.

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 sites¹⁹⁵.

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 regimes¹⁹⁶.

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 guaranteed¹⁹⁷.

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 Network¹⁹⁸.

In Spain, due to public interest reason, a compensatory measure can only be declared in accordance to a

¹⁸⁶ <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

¹⁸⁷ <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

¹⁸⁸ http://www.mapama.gob.es/es/biodiversidad/temas/espacios-protegidos/red-natura-2000/rn_doc_en_CCAA.aspx

¹⁸⁹ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

¹⁹⁰ <http://www.murcianatural.carm.es/web/guest/red-natura-2000>

¹⁹¹ <http://www.habitatge.gva.es/>

¹⁹² http://mediambient.gencat.cat/ca/05_ambits_dactuacio/

¹⁹³ <http://xarxanatura.es/?idi=es&seccion=>

¹⁹⁴ <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

¹⁹⁵ http://www.mapama.gob.es/es/biodiversidad/temas/espacios-protegidos/red-natura-2000/rn_espana.aspx

¹⁹⁶ <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

¹⁹⁷ http://www.mapama.gob.es/es/biodiversidad/temas/espacios-protegidos/red-natura-2000/rn_cons_medidas_compensatorias.aspx

¹⁹⁸ http://www.mapama.gob.es/es/biodiversidad/temas/espacios-protegidos/red-natura-2000/rn_cons_medidas_compensatorias.aspx

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 Community¹⁹⁹.

5.3. 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.²⁰⁰

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 guarantees 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.²⁰¹

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 (COPIL), and that conducts the elaboration of the Management document (DOCOB)²⁰².

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.²⁰³

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 COPIL, 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 COPIL has a DOCOB²⁰⁴.

The number of COPIL 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 COPIL is made up of members who may be different with respect to the specificities of each site²⁰⁵.

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.²⁰⁶ 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 implementation²⁰⁷.

¹⁹⁹ http://www.mapama.gob.es/es/biodiversidad/temas/espacios-prottegidos/red-natura-2000/rn_cons_medidas_compensatorias.aspx

²⁰⁰ <http://www.espaces-naturels.info/quels-effets-pour-citoyen-francais>

²⁰¹ http://www.paca.developpement-durable.gouv.fr/IMG/pdf/Fiche_acteurs_cle0d7c14.pdf

²⁰² http://www.paca.developpement-durable.gouv.fr/IMG/pdf/Fiche_acteurs_cle0d7c14.pdf

²⁰³ <https://www.mnhn.fr/en/about-museum/missions/expertise>

²⁰⁴ <https://www.ecologique-solidaire.gouv.fr/reseau-europeen-natura-2000-1#e6>

²⁰⁵ <https://www.ecologique-solidaire.gouv.fr/reseau-europeen-natura-2000-1#e6>

²⁰⁶

https://www.legifrance.gouv.fr/affichCode.do;jsessionid=A27141EA1592DE19BFC38EC60A4FF021.tplgfr24s_2?idSectionTA=LEGISCTA000006176524&cidTexte=LEGITEXT000006074220&dateTexte=20180322#LEGIARTI000033035748

²⁰⁷ Ibidem

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.²⁰⁸

The content of a DOCOB include:

- 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 agri-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 cost)
- 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.²⁰⁹

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.²¹⁰

Statutory measures could be taken as well. They have to take into account economic, social and cultural requirements, as well as regional and local specificities²¹¹. 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.²¹²

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"²¹³. 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, installations, demonstrations or interventions in the natural environment before authorizing their realisation²¹⁴. 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"))²¹⁵. The Prefect is the responsible authority that decides to submit to an impact assessment

²⁰⁸ <https://www.ecologique-solidaire.gouv.fr/reseau-europeen-natura-2000-1>

²⁰⁹

https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=A23DF1BFCD205BF0ABC01F1434FB95F4.tpdila12v_2?idArticle=LEGIARTI000030974131&cidTexte=LEGITEXT000006074220&categorieLien=id&dateTexte=

²¹⁰ <https://circabc.europa.eu/sd/a/a35db32f-37c1-4236-993e-d06000df6494/20130322-N2000%20conservation%20measures-final%20draft.pdf>

²¹¹ <https://circabc.europa.eu/sd/a/a35db32f-37c1-4236-993e-d06000df6494/20130322-N2000%20conservation%20measures-final%20draft.pdf>

²¹² <https://circabc.europa.eu/sd/a/a35db32f-37c1-4236-993e-d06000df6494/20130322-N2000%20conservation%20measures-final%20draft.pdf>

²¹³ <http://www.paca.developpement-durable.gouv.fr/principe-et-champ-d-application-a7707.html>

²¹⁴ <http://www.paca.developpement-durable.gouv.fr/principe-et-champ-d-application-a7707.html>

²¹⁵ <http://www.paca.developpement-durable.gouv.fr/principe-et-champ-d-application-a7707.html>

any project that may destabilize the conservation objectives of the N2000 sites. This measure is called “safeguard-cause”^{216 217}.

5.4. N2000 in Italy

Governance and actors

In Italy, the identification of the SCIs, is under the responsibility of the Regions and the Autonomous Provinces, that transmit the data to the Ministry of Environment and Protection of the Territory and Sea. This process is organised according to the EU Standard Form (completed with maps), after verifying the completeness and consistency of the data, the Ministry transmits the database and the maps to the EU Commission²¹⁸.

The identification of the SPAs, is also of responsibility to the Regions and Autonomous Provinces, that pass the data to the Ministry of Environment and Protection of the Territory and Sea. After verifying the completeness of the information acquired, the Ministry transmits the data to the EU Commission. The SPAs are intended as designated by the date of transmission to the Commission; the updated list of SPAs is of public access in the “[List of SPAs](#)” section of the Ministry Website²¹⁹.

The Regions, may adopt a specific legislation concerning N2000 sites, they may provide specific forms of exercise the planning powers (e.g. delegating the powers to the Provinces on the adoption of the management plan).²²⁰ The regions may also limit themselves to exercise only administrative functions.²²¹ In the absence of the specific provisions, the Region or the Autonomous Province is the responsible for the adoption of management plans.²²²

Management Plan

In Italy, according to the Presidential Decree 357/97 and the subsequent additions, the Regions and Autonomous Communities, are the responsible for the management of the Natura 2000 sites.

When used, the management plans must take into account the particularities of each site, and all activities existent and planned²²³. The management plan, can be a separated document, or can be incorporated into other possible development plans (e.g. urban planning, territorial planning), at different scales.²²⁴

The eventual management plan of a site is strictly connected to the functionality of the habitat and the presence of species that gave origin to propose of the N2000 site.²²⁵ The management strategy has to take into account the needs of the habitats and the species present in the site, on a territorial scale.²²⁶

The drafting of a management plan in Italy, is not mandatory, however the Ministry of Environment, published Guidelines to assist the local administrations in deciding if the management plan is necessary.²²⁷ The guidelines also provide the main guidance for the proper management of a Natura 2000 site, with a view to integrating the network into spatial planning tools.²²⁸

Measures

In Italy, the Autonomous Regions and Provinces have to take the necessary measures to safeguard and

²¹⁶ “Mesure Filet” in French

²¹⁷ <http://www.paca.developpement-durable.gouv.fr/principe-et-champ-d-application-a7707.html>

²¹⁸ <http://www.minambiente.it/pagina/rete-natura-2000>

²¹⁹ <http://www.minambiente.it/pagina/rete-natura-2000>

²²⁰ http://www.minambiente.it/sites/default/files/archivio/allegati/rete_natura_2000/manuale_gestione_siti_natura2000.pdf

²²¹ http://www.minambiente.it/sites/default/files/archivio/allegati/rete_natura_2000/manuale_gestione_siti_natura2000.pdf

²²² http://www.minambiente.it/sites/default/files/archivio/allegati/rete_natura_2000/manuale_gestione_siti_natura2000.pdf

²²³ <http://www.comunitambiente.it/wp/gestione>

²²⁴ <http://www.comunitambiente.it/wp/gestione>

²²⁵ http://www.minambiente.it/sites/default/files/archivio/allegati/rete_natura_2000/manuale_gestione_siti_natura2000.pdf

²²⁶ http://www.minambiente.it/sites/default/files/archivio/allegati/rete_natura_2000/manuale_gestione_siti_natura2000.pdf

²²⁷ <http://www.comunitambiente.it/wp/gestione>

²²⁸ <http://www.comunitambiente.it/wp/gestione>

protect the sites of Community Interest, as defined by the D.P.R. 357/97 e s.m.i.²²⁹ Regions and provinces, must ensure appropriate measures to prevent the degradation of natural habitats and species habitats, as well as the disturbance of the species for which the sites have been designated, within six months of their designation.²³⁰

In Italy, the regions and autonomous provinces also have to:

- Publish on the official regional and provincial bulletins, the lists of SCI and SPAs, identifying each autonomous region and province
- Apply the environmental impact assessment
- Indicate the planning and management of the sites.²³¹

Not all the regions and autonomous provinces in Italy, after having identified the sites of N2000 network, have published their own provision of a list of identified sites. For this reason, the Ministero dell'Ambiente e della Tutela del Territorio²³², issued the [Decreto 3 aprile 2000](#), containing the list of N2000 sites.²³³

The regions present at the SIMWESTMED delimitation that have published the Acts²³⁴, are the following:

- **Toscana:** L.R. 6.04.2000, n. 56
- **Liguria:** Giunta Regionale 08.06.2001, n. 646
- **Sicilia:** G.U.R.S. 15 Dicembre 2000, n.57
- **Sardegna:** Sardinia approves the technical and scientific update of the boundaries of the proposed SCI by publishing the relative list
- **Basilicata:** with the Act of June 2003, the region proceeded to publish the list of SCI and SPA in anticipation of the adoption and implementation of the "Guidelines for the management of Natura 2000 sites" issued by the Ministero dell'Ambiente e della Tutela del Territorio
- **Calabria:** L.R. 14 luglio 2003, n.10 Norme in materia di aree protette
- **Lazio:** L.R. 6.10.1991, n. 29 Norme in materia di aree naturali protette regionali.²³⁵

If eventually, the current use of the site and the ordinary planning does not compromise the functionality of the management plan, then the only necessary measure is a monitoring action.²³⁶

5.5. N2000 in Malta

The Habitats Directive and the Birds Directive are transposed to the [Environmental Protection Act](#) of Malta²³⁷.

Governance and actors

The government of Malta, the Environment and Resources Authority (ERA) and other government agencies, are responsible for the implementation and enforcement of regulations related to the Natura 2000 network in Malta²³⁸.

Management Tool

The management plans are not legally binding in Malta²³⁹. To date, there is no management plan in place for N2000 marine sites in Malta.

Regulation

²²⁹ http://www.minambiente.it/sites/default/files/archivio/allegati/rete_natura_2000/manuale_gestione_siti_natura2000.pdf

²³⁰ http://www.minambiente.it/sites/default/files/archivio/allegati/rete_natura_2000/manuale_gestione_siti_natura2000.pdf

²³¹ http://www.minambiente.it/sites/default/files/archivio/allegati/rete_natura_2000/manuale_gestione_siti_natura2000.pdf

²³² Ministry of the Environment and Territory Protection

²³³ http://www.minambiente.it/sites/default/files/archivio/allegati/rete_natura_2000/manuale_gestione_siti_natura2000.pdf

²³⁴ http://www.minambiente.it/sites/default/files/archivio/allegati/rete_natura_2000/manuale_gestione_siti_natura2000.pdf

²³⁵ http://www.minambiente.it/sites/default/files/archivio/allegati/rete_natura_2000/manuale_gestione_siti_natura2000.pdf

²³⁶ http://www.minambiente.it/sites/default/files/archivio/allegati/rete_natura_2000/manuale_gestione_siti_natura2000.pdf

²³⁷ <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=27255&l=>

²³⁸ https://era.org.mt/en/Documents/L-Inhawi%20tal-Ghadira_ManagementPlan.pdf

²³⁹ <http://ec.europa.eu/environment/nature/natura2000/management/docs/conservation%20measures-Annex%202.pdf>

Malta is at the stage to establish the management measures for the marine protected areas²⁴⁰. In the interim, the marine sites are governed by existing national regulations which offer some elements of protection. In particular, the developments and activities are screened, and an appropriate assessment is prepared to identify the potential negative impacts and how they can be mitigated. Sectors such as fisheries and maritime transport are regulated through the respective Acts and their subsidiary legislation.²⁴¹

²⁴⁰ https://era.org.mt/en/Documents/PublicConsultation_ManagementMaltaMarineN2K.PDF

²⁴¹ https://era.org.mt/en/Documents/PublicConsultation_ManagementMaltaMarineN2K.PDF

6. REGIONAL FRAMEWORK FOR MPAs : BARCELONA CONVENTION

The **Barcelona Convention** is the agreement for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, adopted in 1976 and amended 1995²⁴²²⁴³. The main objective of the Convention, according to the first paragraph of its art. 4 is to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area so as to contribute towards its sustainable development

Contracting parties for this Convention are today 22, including Spain, France, Italy, Malta and the European Union. All Contracting Parties have determined to ensure the protection of the Mediterranean marine and coastal environment, supporting regional and national plans to achieve sustainable development²⁴⁴.

The Barcelona Convention is complemented by a series of Protocols adopted by the Contracting Parties, including, the Protocol for Specially Protected Areas and Biological Diversity in the Mediterranean (SPA/BD Protocol), with the objective of promoting conservation, protection and restoration of the health ecosystems in the Mediterranean²⁴⁵. According to its art.3 the Parties shall take the necessary measures to: (a) protect, preserve and manage in a sustainable and environmentally sound way areas of particular natural or cultural value, notably by the establishment of specially protected areas; (b) protect, preserve and manage threatened or endangered species of flora and fauna. In the framework of the SPA/BD Protocol, the contracting parties of the Barcelona Convention, established a list of **Specially Protected Areas of the Mediterranean Importance (SPAMIs)**, in order to promote cooperation in the management and conservation of natural areas and in the protection of threatened species and habitats (art. 8.1_)²⁴⁶.

The SPAMIs can be either established in marine and coastal zones under jurisdiction of the Parties or in areas on the high seas. The main objective of this category of MPAs is the conservation of the natural heritage.²⁴⁷ Sites included in the SPAMI list may be of importance for conserving components of biological diversity; contain ecosystems specific to the Mediterranean area or the habitats or endangered species; be of areas of special interest at the scientific, esthetic, cultural or educational levels²⁴⁸.

6.1. Designation

The establishment of SPAMIs follows a specific process provided for in the SPA/BD Protocol. SPAMIs may be established in the marine and coastal zones subject to the sovereignty or jurisdiction of the Parties or in zones partly or wholly on the high seas. When proposing the inclusion of an area in the SPAMI List they provide an introductory report containing information on the area's geographical location, its physical and ecological characteristics, its legal status, its management plans and the means for their implementation, as well as a statement justifying its Mediterranean importance. The SPAMIs designation comes as an additional layer and may be overlapping with other designations present at the region.²⁴⁹ The SPAMIs may be considered as a label of protection contributing to the conservation of the area through the management plans and means of implementation submitted with the proposal for their establishment.²⁵⁰

²⁴² The Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention) was adopted on 16 February 1976. In 1995, the Contracting Parties adopted substantive Amendments to the Barcelona Convention of 1976, renamed Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, and which entered into force in 2004.

²⁴³ http://ec.europa.eu/environment/marine/international-cooperation/regional-sea-conventions/barcelona-convention/index_en.htm

²⁴⁴ http://ec.europa.eu/environment/marine/international-cooperation/regional-sea-conventions/barcelona-convention/index_en.htm

²⁴⁵ <https://www.ecolex.org/details/treaty/protocol-concerning-specially-protected-areas-and-biological-diversity-in-the-mediterranean-tre-001220/>

²⁴⁶ <http://www.rac-spa.org/spami>

²⁴⁷ <http://www.rac-spa.org/spami>

²⁴⁸ <http://www.rac-spa.org/spami>

²⁴⁹ MedPan, 2016.

²⁵⁰ MedPan, 2016.

When adopting a SPAMI, the Contracting Parties recognise the special importance of the area for the Mediterranean and agree to comply with the measures applicable to the area, thus commonly endorsing the responsibility for its protection.²⁵¹

6.2. Management Tool

All SPAMIs have a legal status guaranteeing their effective long-term protection. Those areas (SPAMIs) should have a management body with sufficient powers (income and human resources) to prevent and control activities on the protected area. Each SPAMI requires a management plan, where management measures are set. A continuous monitoring process is required as well.²⁵²

The Contracting Parties to the Barcelona Convention agree to ensure that all nationals, companies and ships flying national flags comply with SPAMI management measures.²⁵³

There are also several certification schemes, which stipulate various types of restrictions for activities in the protected area.²⁵⁴

6.3. Regulation

The Specially Protected Areas and Biological Diversity Protocol stipulates that the Parties develop guidelines for establishing and managing protected areas and lists appropriate measures which the Parties must adopt.²⁵⁵

These measures include: prohibition of discharge or unloading of waste, regulation of shipping operations, regulation of introduction of any [non-indigenous](#) or [genetically modified](#) species, regulation or prohibition of any activity involving the exploration or modification of the soil or subsoil of an area, regulation or prohibition of wildlife exploitation activities, and other measures protecting the ecological and biological processes and the countryside. Traditional activities of local populations are exempt from the provisions of this particular protocol, as long as they do not endanger the protected ecosystems.²⁵⁶

In their COP 19 (Athens Greece, February 2016) the Contracting Parties to the Barcelona Convention adopted a Roadmap for a Comprehensive Coherent Network of Well-Managed MPAs to Achieve Aichi Target 11 in the Mediterranean with the view to guide the Contracting Parties to the Barcelona Convention and harmonize their efforts to achieve the globally agreed Aichi Target 11.

The Roadmap sets out four main objectives namely to:

- Strengthen networks of protected areas at national and Mediterranean levels, including in the high seas and in ABNJ, as a contribution to the relevant globally agreed goals and targets.
- Improve the network of Mediterranean MPAs through effective and equitable management.
- Promote the sharing of environmental and socio-economic benefits of Mediterranean MPAs, and the MPAs integration into the broader context of sustainable use of the marine environment and the implementation of the ecosystem and marine spatial planning approaches.
- Ensure the stability of the network of Mediterranean MPAs by enhancing their financial sustainability

²⁵¹ MedPan, 2016.

²⁵² http://rac-spa.org/sites/default/files/protocole_aspdb/protocol_eng.pdf

²⁵³ http://rac-spa.org/sites/default/files/protocole_aspdb/protocol_eng.pdf

²⁵⁴ http://rac-spa.org/sites/default/files/protocole_aspdb/protocol_eng.pdf

²⁵⁵ http://rac-spa.org/sites/default/files/protocole_aspdb/protocol_eng.pdf

²⁵⁶ http://rac-spa.org/sites/default/files/protocole_aspdb/protocol_eng.pdf



SPAMIs and their year of inclusion in the SPAMI List: 35 sites (as per last update of the SPAMI List in December 2017)

ALBANIA AL1 Karaburun Sazan National Marine Park (2016)	ITALY IT1 Piemmirio Protected Area (2008) IT2 Marine Protected Area of Portofino (2005) IT3 Miramare Marine Protected Area (2008) IT4 Tavolara-Punta Coda Cavallo Marine Protected Area (2008) IT5 Marine Protected Area of Torre Guaceto (2006) IT6 Marine Protected Area Punta Campanella (2009) IT7 Marine Protected Area of Capo Caccia-Isola Piana (2009) IT8 Ponto Cesareo Marine Protected Area (2012) IT9 Capo Carbonara Marine Protected Area (2012) IT10 Marine Protected Area of Penisola del Sinis (2012)	LEBANON LB1 Palm Islands Nature Reserve (2012) LB2 Tyre Coast Nature Reserve (2012)	ES9 Mar Menor (2001)
ALGERIA DZ1 Banc des Kabyles Marine Reserve (2005) DZ2 Habibas Islands (2005)	MOROCCO MA1 Al-Hoceima National Park (2009)	SPAIN ES1 Maro-Cerro Gordo Cliffs (2003) ES2 Archipelago of Cabrera National Park (2003) ES3 Natural Park of Cabo de Gata-Níjar (2001) ES4 Natural Park of Cap de Creus (2001) ES5 Sea Bottom of the Levante of Almeria (2001) ES6 Alboran Island (2001) ES7 Columbretes Islands (2001) ES8 Medes Islands (2001)	TUNISIA TN1 La Galle Archipelago (2001) TN2 Kneiss Islands (2001) TN3 Zembra and Zembretta National Park (2001)
CYPRUS CY1 Lara – Toxeffra Turtle Reserve (2013)	FRANCE, ITALY AND MONACO Int1 Pelagos Sanctuary for the Conservation of Marine Mammals (2001)		
FRANCE FR1 Port-Cros National Park (2001) FR2 Natural Reserve of Bouches de Bonifacio (2009) FR3 The Blue Coast Marine Park (2012) FR4 The Embiez Archipelago - Six Fours (2012) FR5 Calanques National Park - (2017)			

Figure 4: Map of declared SPAMI (Source UNEP/RAC-SPA, dec. 2017)

6.4. Specially Protected Areas Regional Action Center (SPA/RAC)

It is one of the Regional Activity Centers established in the framework of UN Environment/Mediterranean Action Plan with the objective to contribute to the protection and preservation and sustainable management of marine and coastal areas of particular natural and cultural value and threatened and endangered species of flora and fauna. SPA/RAC provides assistance to the Contracting Parties to the Barcelona Convention in meeting their obligations under the Convention, and especially under the Specially Protected Areas and Biodiversity Protocol; and implementing the Strategic Action Program for the Conservation of Biological Biodiversity in the Mediterranean Region (SAP BIO).

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.

Tableau 3 : National MPA categories (original and English name)

Original Name	English Name
Spain	
Parque	Park
Reserva Natural	Natural Reserve
Area Marina Protegida	Marine Protected Area
Reserva Natural Parcial	Partial Natural Reserve
Monumento Natural	Natural Monument
Paisaje Protegido	Protected Landscape
Reserva Marina	Marine Reserve
(Regional)	
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
France	
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
Italy	
Parco Nazionale	National Park
Parco Naturale	Nature Park
Riserva Naturale Marina	Marine Nature Reserve
Area Marina Protetta	Marine Protected Area
Altre Aree Naturali Protette	Other Natural Protected Area
Aree di reperimento terrestri e marino	Recovery Areas
Malta	
No national category of protected area at sea	

7.1. 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.²⁵⁷ 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".²⁵⁸ 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 13th (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"²⁵⁹, 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)

The 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.²⁶⁰

²⁵⁷ <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>

²⁵⁸ <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>

²⁵⁹ <https://www.boe.es/buscar/doc.php?id=BOE-A-2011-19209>

²⁶⁰ <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 Natural Parks can be the competence of the Autonomous Communities.²⁶¹

In the Mediterranean Spanish waters, one National Park exists: the « Parque Nacional marítimo-terrestre del Archipiélago de Cabrera »²⁶². The National Park is located in Balearic Islands, it is also SAC, SPA and SPAMI protected areas.

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”.²⁶³

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.²⁶⁴

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.²⁶⁵

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.²⁶⁶

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.²⁶⁷

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 a protected space on land.

When the management is made by the Autonomous Communities they have the following duties²⁶⁸:

- 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.²⁶⁹

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

²⁶¹ <http://www.euoparc.org/wp-content/uploads/2017/06/yearbook-of-Protected-Areas-2016-EUOPARC-Espa%C3%B1a.pdf>

²⁶² <https://www.miteco.gob.es/es/red-parques-nacionales/nuestros-parques/cabrera/>

²⁶³ http://www.mapama.gob.es/es/biodiversidad/temas/espacios-protegidos/espacios-naturales-protegidos/enp_categorias.aspx

²⁶⁴ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

²⁶⁵ <https://www.boe.es/buscar/.../BOE-A-2014-12588-consolidado.pdf>

²⁶⁶ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

²⁶⁷ <http://www.mapama.gob.es/es/red-parques-nacionales/la-red/gestion/responsabilidad.aspx>

²⁶⁸ <http://www.mapama.gob.es/es/red-parques-nacionales/la-red/gestion/responsabilidad.aspx>

²⁶⁹ http://www.boe.es/diario_boe/txt.php?id=BOE-A-2007-21490

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 detailed formulation of the one contemplated in the Master Plan for Use and Management (that is, the sectoral plans).²⁷⁰

Therefore, the Master Plan of the National Parks Network shall include²⁷¹:

- 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 13th and [Law 30/2014](#), of December 3rd, 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.²⁷²

Reserva Natural (Natural Reserve)

The category of Reserva Natural, could be considered as a MPA if the designated site have a marine area. The [art. 13 of Law 42/2007, of December 13th, “del Patrimonio Natural y de la Biodiversidad”](#), provides the legal basis for this MPA category.

The following Natural Reserves are examples present at the Mediterranean in Spain:

- Roques de Salmor²⁷³
- Marina de Les Medes²⁷⁴
- Cap Gros-Cap de Creus²⁷⁵
- Cap de Norfeu.²⁷⁶

Objective

Natural Reserves 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.²⁷⁷

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.²⁷⁸

²⁷⁰ <https://www.boe.es/buscar/act.php?id=BOE-A-2014-12588>

²⁷¹ <https://www.boe.es/buscar/act.php?id=BOE-A-2014-12588>

²⁷² http://www.boe.es/diario_boe/txt.php?id=BOE-A-2007-21490

²⁷³ <https://www.protectedplanet.net/roques-de-salmor-nature-reserve-integral>

²⁷⁴ <https://www.protectedplanet.net/marina-de-les-medes-nature-reserve-parcial>

²⁷⁵ <https://www.protectedplanet.net/cap-gros-cap-de-creus-nature-reserve-parcial>

²⁷⁶ <https://www.protectedplanet.net/cap-de-norfeu-nature-reserve-parcial>

²⁷⁷ <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

²⁷⁸ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

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 42/2007 of December the 13th](#) 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, conservation or education (however on these cases, is necessary to ask for an administrative permission).²⁷⁹

Area Marina Protegida (Marine Protected Area)

This category is defined by the [Law 42/2007 of 13th December](#) and regulated by [Law 41/2010, of December 29th, 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”.²⁸⁰

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.²⁸¹

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.²⁸²

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.

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 APM 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 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

²⁷⁹ <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

²⁸⁰ https://www.boe.es/diario_boe/txt.php?id=BOE-A-2018-9034

²⁸¹ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

²⁸² <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

inside the marine reserve. It also requires a Management Plan.

For example, the recently declared Mediterranean Cetacean Migration Corridor contains two main regulations are directly indicated in its designation text:

- The use of active systems destined to underground geological research will not be allowed, except those related to permits for investigation or exploitation in force.
- Any type of hydrocarbon extractive activity shall be prohibited, except for those related to research or exploitation permits in force.

Monumento Natural (Natural Monument)

This category is defined by the Law Act 42/2007, of December 13th , of Natural Heritage and Biodiversity modified by Act 33/2015, of September 21st , which modifies the Law of Natural Heritage and Biodiversity. This document specifies the regulations that should apply in most cases but does not provide the development of a management plan. It does, however, stipulate the type of governance and funding.²⁸³

In the Mediterranean, several little sites are designated under this MPA category, such as:

- Arrecife Barrera de Posidonia²⁸⁴
- Isla de Terreros e Islas Negra²⁸⁵
- Peñones de San Cristóbal²⁸⁶

Objectives

The Natural Monuments are spaces or elements of the nature that are composed of elements of nature of singularity, rarity or beauty that deserve special protection.²⁸⁷ Natural Monuments may also be on nature of threes, geological / paleontological formation; depending on their scientific and cultural value.

Management

The development of a management plan is not required by the reference documents.²⁸⁸

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.²⁸⁹

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.

In the Spanish Mediterranean, there are only coastal protected landscapes:

- “Paisaje Protegido de Cuatro Calas” (Comunidad de Murcia)
- “Paisaje Protegido de la desembocadura del Riu Millars” (Comunidad Valenciana)

²⁸³ <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

²⁸⁴ <https://www.protectedplanet.net/arrecife-barrera-de-posidonia-natural-monument>

²⁸⁵ <https://www.protectedplanet.net/isla-de-terreros-e-islas-negra-natural-monument>

²⁸⁶ <https://www.protectedplanet.net/penones-de-san-cristobal-natural-monument>

²⁸⁷ <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

²⁸⁸ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

²⁸⁹ <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

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

This category, will seek to maintain the practices of traditional character that contribute to the preservation of the natural resources and cultural values.²⁹⁰

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.²⁹¹

Reserva Marina (Marine Reserve)

This category is defined by the article 13 of the [Law 3/2001 of March 26th](#), “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 regulations in most cases, specifying the type of governance and funding, and the framework for the development of a management plan.²⁹²

Of the 20 declared Marine Reserves in Spain²⁹³, 10 are inland waters and are exclusive competence of the fisheries administration of each Autonomous Community.²⁹⁴ 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).²⁹⁵

The present Marine Reserves in the Spanish Mediterranean waters are²⁹⁶:

- Masía Blanca
- Islas Columbretes
- Levante de Mallorca Cala Rajada
- Isla de Tabarca
- Cabo de Palos – Islas Hormigas
- Cabo de Gata – Nijjas
- Isla de Alboran.

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.²⁹⁷

²⁹⁰ <https://www.boe.es/boe/dias/2007/12/14/pdfs/A51275-51327.pdf>

²⁹¹ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

²⁹² http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

²⁹³ 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>

²⁹⁴ <http://www.euoparc.org/wp-content/uploads/2017/06/yearbook-of-Protected-Areas-2016-EUOPARC-Espa%C3%B1a.pdf>

²⁹⁵ <http://www.euoparc.org/wp-content/uploads/2017/06/yearbook-of-Protected-Areas-2016-EUOPARC-Espa%C3%B1a.pdf>

²⁹⁶ <https://www.mapama.gob.es/app/reservas-marinas-espana/rmarinas-intro.asp>

²⁹⁷ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

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.²⁹⁸

The designation document defines the regulations in most cases.²⁹⁹

In some Marine Reserves in Spain, there is a zoning that delimits the uses, including fishing activities of any kind and practices of diving.³⁰⁰ Other protection measures of Marine Reserves, include the elimination of industrial fishing and practices (such as trawling and seining), regulation of artisanal fisheries and other activities such as diving.³⁰¹

Regional MPAs

Parque Natural (Nature Park) – Andalucía

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.

Natural parks exist in Andalucía as well as in Cantabria and Galicia for the Atlantic front. In Andalucía they are governed by the “Law 2/1989 of July 18th” where all the necessary means for the protection of this category are established.

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 4th “de ordenamento, fomento y control de la Pesca Marítima” 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.³⁰²

- 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

²⁹⁸ <https://www.boe.es/buscar/pdf/2001/BOE-A-2001-6008-consolidado.pdf>

²⁹⁹ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

³⁰⁰ <http://www.euoparc.org/wp-content/uploads/2017/06/yearbook-of-Protected-Areas-2016-EUOPARC-Espa%C3%B1a.pdf>

³⁰¹ <http://www.euoparc.org/wp-content/uploads/2017/06/yearbook-of-Protected-Areas-2016-EUOPARC-Espa%C3%B1a.pdf>

³⁰² http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

framework for regulations and management plans.³⁰³

7.2. 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.

In the Mediterranean, the National Marine Parks are National Park of Port- Cros and National Park of Calanques.³⁰⁴

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.³⁰⁵

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

³⁰³ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

³⁰⁴ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

³⁰⁵ Article 3, Order of 23 February 2007 on the fundamental principles applicable to natural parks

levels of protection. The specific regulations can be directly stipulated in the legal text for designation, especially for the core area.³⁰⁶

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.

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.³⁰⁷

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”³⁰⁸. 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.

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.³⁰⁹

³⁰⁶ Environmental Code, Art. L. 334-5

³⁰⁷ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

³⁰⁸ Environmental Code, Art. R. 332 – 15.

³⁰⁹ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

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 funding³¹⁰.

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.³¹¹ 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 necessary³¹².

The Mediterranean sites of France included in this category are “**Parc Naturel Marin du golfe du Lion**” and “**Parc Naturel Marin du Cap Corse et des Agriates**”.

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.³¹³

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.

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

³¹⁰ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

³¹¹ Armelle Guignier, Michel Prieur. Legal Framework for Protected Areas: France, p 26.

³¹² http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

³¹³ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

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 region³¹⁴. 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 municipalities³¹⁵.

In the Mediterranean French waters and coasts, several areas are protected under this status:

- Grotte Marine de Temuli Sagone (designated in 2000)
- Île Bruzzi et îlot aux moines (designated in 1992)
- Saint Florent (designated in 1998)

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.³¹⁶

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.

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.³¹⁷

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](#)

³¹⁴ <http://ct78.espaces-naturels.fr/arrete-de-protection-de-biotope>

³¹⁵ <http://ct78.espaces-naturels.fr/arrete-de-protection-de-biotope>

³¹⁶ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

³¹⁷ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

[Lacustres](#)³¹⁸ (CELRL), develops agreements with the management authority to select the sites. The type of governance thus, differs depending on the site management status³¹⁹.

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.³²⁰

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.³²¹

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 doctrine³²², 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.³²³
- **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’.³²⁴

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 deliberative assemblies of the local communities concerned by the activity of the Conservatoire du Littoral and lake shores.³²⁵

Regulation

Regulations are not defined when the site is designated.³²⁶

Territorial MPAs

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

³¹⁸ <http://www.conservatoire-du-littoral.fr/>

³¹⁹ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

³²⁰ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

³²¹ <http://www.conservatoire-du-littoral.fr/3-le-conservatoire.htm>

³²² <http://www.conservatoire-du-littoral.fr/3-le-conservatoire.htm>

³²³ <http://www.conservatoire-du-littoral.fr/3-le-conservatoire.htm>

³²⁴ <http://www.conservatoire-du-littoral.fr/3-le-conservatoire.htm>

³²⁵ https://www.legifrance.gouv.fr/affichCode.do;jsessionid=70BC7FE6A10A54867977471ED169379B.tplgfr38s_3?idSectionTA=LEGISCTA000006188382&cidTexte=LEGITEXT000006074220&dateTexte=20180613

³²⁶ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

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.³²⁷ However, there are no stipulations concerning the funding. The regulations are introduced by the relevant authority when the site is designated.³²⁸

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.³²⁹

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.³³⁰

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.³³¹

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.³³²

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.³³³

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.³³⁴

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.³³⁵

³²⁷ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

³²⁸ http://www.maia-network.org/upload/iedit/11/pj/956_7801_MAIA_rapport_2013_anglais_BD4.pdf

³²⁹ <http://www.conservation-nature.fr/article3.php?id=118>

³³⁰ <http://www.conservation-nature.fr/article3.php?id=118>

³³¹ <http://www.conservation-nature.fr/article3.php?id=118>

³³² <http://www.conservation-nature.fr/article3.php?id=118>

³³³ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000257340>

³³⁴ <http://www.conservation-nature.fr/article3.php?id=118>

³³⁵ <http://www.conservation-nature.fr/article3.php?id=118>

7.3. Italy

The legal framework for the establishment of protected areas in Italy, count mainly with the:

- "[Legge 31 dicembre 1982, n. 979](#)", that settled rules for the institution of Marine Reserves³³⁶
- "[Legge Galasso, n. 431/85](#)", that was supplemented by the "[Decreto Legislativo 490/99](#)", the legislation on protection of cultural heritage.
- "[Legge quadro sulle aree naturali protette, n. 394/91](#)" that was later integrated and partially amended by the [Legge n. 426/98](#).³³⁷
- The "[Legge istitutiva del ministero dell'ambiente, n. 349/86](#)", establishes that MPAs have to be settled by the Ministry of Environment.³³⁸

General framework

Management

The protection and management of protected natural areas in Italy, is made mainly by the State, the regions and local authorities, that in cooperation implement agreements, pursuant to the [D.P.R. 24 luglio 1977, n. 616](#), and article 27 of the "[Legge di 8 giugno 1990, n. 142](#)".³³⁹

The State, the regions, the local authorities, other public and private entities and the Park Communities may also promote the territorial agreements referred to in the "[Legge di 23 December 1996, n. 662](#)".³⁴⁰

The main responsibilities delegated to the regions are concerning to the:

- The administrative functions regarding the protection of natural heritage, as well as their identification, protection and sanctions.
- The concession of authorizations or their modifications.³⁴¹

The responsible bodies for the management of protected areas in Italy are different according to the type of area (public, national, regional autonomous bodies, consortia, municipalities or associations). For the marine protected areas, the Port Authorities are also involved on the management.³⁴²

In the Italian MPAs the surveillance is made by the Harbor offices with their staff, in combination with the municipal and national police (municipal guards, traffic police, carabinieri and state police).³⁴³

Through a special agreement with the ministry of environment, the management can be granted to bodies such as public or scientific recognised associations. A Commission is organised in order to make proposals and suggestions for all subjects related to the functioning of the area itself. This Commission mainly will evaluate the regulations implemented and the organisation of the area, regarding also the expenses related to the management.³⁴⁴

Regulation

The geographical limits of the MPAs in Italy, are defined by the [Istituto Idrografico della Marina](#),³⁴⁵ those limits also define the restriction of navigation inside MPAs, without required authorisation.³⁴⁶

Mainly in all marine protected areas, the following activities are restricted / prohibited:

- Capture, collection and damage of animal and plant species, as well the removal of minerals and archeological finds

³³⁶ <http://www.islepark.it/ente-parco/normativa>

³³⁷ <http://www.islepark.it/ente-parco/normativa>

³³⁸ <http://www.islepark.it/ente-parco/normativa>

³³⁹ <http://www.islepark.it/ente-parco/normativa>

³⁴⁰ http://www.dolomitipark.it/doc_pdf/leggi_regolamenti/Legge_394-1991_Legge_quadro_aree_protette.PDF

³⁴¹ <http://bes.indire.it/wp-content/uploads/2014/02/Decreto-del-Presidente-della-Repubblica-24.07.77-n.616.pdf>

³⁴² [http://www.parks.it/indice/faq aree.protette.html#D-2:](http://www.parks.it/indice/faq aree.protette.html#D-2)

³⁴³ [http://www.parks.it/indice/faq aree.protette.html#D-2:](http://www.parks.it/indice/faq aree.protette.html#D-2)

³⁴⁴ <http://www.agriturist.it/it/legge-quadro-aree-protette/30-5029.html>

³⁴⁵ Italian Hidrographic Institute of Navy

³⁴⁶ http://www.dolomitipark.it/doc_pdf/leggi_regolamenti/Legge_394-1991_Legge_quadro_aree_protette.PDF

- Alteration of the geophysical environment and the chemical and hydrobiological characteristics of the waters
- Carrying out advertising activities
- Introduction of weapons, explosives and any other mean of destruction and capture
- Motorised navigation
- Any form of solid and liquid waste.³⁴⁷

Funds

In Italy the protected areas are financed with public funds from the State and regions. However, many parks have self-financing mechanisms, by tourism services, environmental educational activities, sales of craft products, for example.³⁴⁸

Parco Nazionale (National Park)

National Parks are of terrestrial, fluvial, lake or marine areas that contain one or more intact or even partially altered ecosystems by anthropic interventions.³⁴⁹ The instruments of management and regulation are present at the “Legge Quadro n.394 del 6 dicembre 1991”.

Objective

The features of this park can be of physical, geological, geo-morphological or biological formations of international or national importance for naturalistic values, scientific, aesthetic, cultural, educational and recreational activities that require the intervention of the State for the purpose of their conservation for present and future generations.³⁵⁰

Management

The management bodies of the National Parks, under the vigilance of the Italian Ministry of Environment³⁵¹, are composed of:

- A president
- A directive Council
- An executive Body
- A board of Auditors
- The Local community of the Park.³⁵²

Regulation

Inside parks, some activities and works are prohibited, in case they may compromise the protection of the landscape and natural environments protected with particular regard to protected flora and fauna and their respective habitats.³⁵³

Those activities may include:

- Capture, killing and damage of animal species as well plant species
- Introduction of alien species
- Modification of water regime
- Use of explosives and weapons for means of destruction or capture.³⁵⁴

The surveillance in MPAs is carried out by the Port Authorities, pursuant to Article 28 of the “legge 31 dicembre 1982, n. 979.”³⁵⁵

³⁴⁷ <http://www.agriturist.it/it/legge-quadro-aree-protette/30-5029.html>

³⁴⁸ <http://www.parks.it/indice/faq.ree.protette.html#D-2>:

³⁴⁹ <http://www.minambiente.it/pagina/classificazione-delle-aree-naturali-protette>

³⁵⁰ <http://www.minambiente.it/pagina/classificazione-delle-aree-naturali-protette>

³⁵¹ <http://www.minambiente.it/pagina/organismi-di-gestione>

³⁵² <http://www.minambiente.it/pagina/organismi-di-gestione>

³⁵³ <http://www.parks.it/federparchi/leggi/394.html#anchor%20art11>

³⁵⁴ <http://www.parks.it/federparchi/leggi/394.html#anchor%20art11>

³⁵⁵ <http://www.agriturist.it/it/legge-quadro-aree-protette/30-5029.html>

Parco Naturale (Nature Park)

The Natural Parks are constituted of terrestrial, fluvial and eventually marine areas close to the coast that may have a natural and environmental value.³⁵⁶ They constitute a homogeneous system identified by the natural assets of the places, by the landscape and artistic values and by the cultural traditions of the local populations.³⁵⁷

The classification and establishment of the Natural Parks are carried out in agreement with the Italian regions³⁵⁸, for this reason each region has an Institutional Regional Law³⁵⁹. The classification and establishment of Natural Parks of regional and local interest are carried out by the regions.³⁶⁰

Management

For the management of park, agreements may be stipulated with public bodies, private entities, as well as with local communities.³⁶¹

Regulation

The regulation of a Park encompasses the regulation of activities permitted on the territory, respecting its characteristics, in particular:

- Circulation of any means of transport
- Carrying out of scientific and biologic research activities
- Limitation of sound and light emissions.³⁶²

Riserva Naturale Marina (Marine Nature Reserve)

Regarding the marine environment, protected areas such as Marine Nature Reserves are defined under the Geneva Protocol on Mediterranean areas particularly protected as per Law 5 March 1985, n. 127.³⁶³ The "[Legge 21 dicembre 1982, n. 979](#)", also describes the regulations for Marine Nature Reserves.³⁶⁴

The classification and establishment of Nature Reserves (including marine) are carried out in agreement with the Italian regions.³⁶⁵ The classification and establishment of Marine Nature Reserves of regional and local interest are carried out by the regions.³⁶⁶

Objective

The Marine Nature Reserves category consist of terrestrial, fluvial, lake or marine areas that contain one or more naturalistically relevant species of flora and fauna, or present one or more ecosystems that are important for biological diversity or for the conservation of genetic resources. The Marine Nature Reserves can be state or regional based on the relevance of the interests represented in them.³⁶⁷

Management

The Minister of environment promotes and coordinates all the activities of protection, research and development of the sea and resources, ensuring the achievement of the institutional aims of each Reserve by the Central Inspectorate for the Defense of the Sea (Ispettorato Centrale).³⁶⁸

The supervision and possible management of Marine Nature Reserves are made by the Central Inspectorate itself, of the competent Port Authorities.³⁶⁹ Each Harbor Office contains a commission for the

³⁵⁶ <http://www.parks.it/federparchi/leggi/394.html#anchor%20art2>

³⁵⁷ <http://www.parks.it/federparchi/leggi/394.html#anchor%20art2>

³⁵⁸ http://www.dolomitipark.it/doc_pdf/leggi_regolamenti/Legge_394-1991_Legge_quadro_aree_protette.PDF

³⁵⁹ <http://www.parks.it/federparchi/leggi/394.html#anchor%20art2>

³⁶⁰ http://www.dolomitipark.it/doc_pdf/leggi_regolamenti/Legge_394-1991_Legge_quadro_aree_protette.PDF

³⁶¹ <http://www.parks.it/federparchi/leggi/394.html#anchor%20art2>

³⁶² <http://www.minambiente.it/pagina/strumenti-di-gestione>

³⁶³ http://www.dolomitipark.it/doc_pdf/leggi_regolamenti/Legge_394-1991_Legge_quadro_aree_protette.PDF

³⁶⁴ http://www.amptavolara.com/fileadmin/amptavolara/documenti/decreti_e_regolamenti/Legge_31_dicembre_1982_n_979.pdf

³⁶⁵ http://www.dolomitipark.it/doc_pdf/leggi_regolamenti/Legge_394-1991_Legge_quadro_aree_protette.PDF

³⁶⁶ http://www.dolomitipark.it/doc_pdf/leggi_regolamenti/Legge_394-1991_Legge_quadro_aree_protette.PDF

³⁶⁷ Ibidem

³⁶⁸ http://www.amptavolara.com/fileadmin/amptavolara/documenti/decreti_e_regolamenti/Legge_31_dicembre_1982_n_979.pdf

³⁶⁹ http://www.amptavolara.com/fileadmin/amptavolara/documenti/decreti_e_regolamenti/Legge_31_dicembre_1982_n_979.pdf

Marine Nature Reserves.³⁷⁰

This commission contains:

- The Port Commander who presides the Commission
- Two representatives of the riparian municipality designated by the municipality
- A representative of the regions territorially concerned
- A representative of the economic-productive categories designated by the Chamber of Commerce for each of the provinces where the Reserve has been set up
- Two experts appointed in relation to the particular purposes/objectives of the Reserve
- A representative of a naturalistic association.³⁷¹

Regulation

In particular, on a Marine Nature Reserves, some activities are limited or prohibited, such as:

- Removal of mineral formations
- Navigation
- Fishing (sportive and professional)
- Hunting, capture and collection of natural and vegetal species
- Alteration of the biochemical characteristics of the water
- Introduction of explosives and other activities that may cause damage to the realisation of study and research programmes on the Marine Nature Reserves.³⁷²

Area Marina Protetta (Marine Protected Area)

The designation of the category of Marine Protected Area in Italy is made by a Ministerial Decree. This Law provides flexibility to implement adaptive management (e.g. operational objectives and regulations).³⁷³

The achievement of the institutional aims of each marine protected area is ensured through the Central Inspectorate for the defense of the sea.

Management

The management of the marine protected areas is made by the Competent Port Authorities in Italy.³⁷⁴ With the authorisation of the Ministry of Environment, the management of MPAs can be made by public authorities, scientific institutions or associations.³⁷⁵

Altre Aree Naturali Protette (Other Natural Protected Area)

Other protected natural areas are areas (e.g. oases of environmental associations, suburban parks, etc.) that do not fall within the previous classes. They are divided into public management areas, and established with regional laws or equivalent provisions, and privately managed areas, established by formal public measures or by contractual acts such as concessions or equivalent forms.³⁷⁶

Areas of this category of regional nature, can be split into publicly-managed areas, i.e. those set up by regional laws or equivalent legal provisions, and privately-run areas, set up by formal public provisions or by contractual processes such as concessions or their equivalent.³⁷⁷

Aree di reperimento terrestri e marine (Recovery Marine and Terrestrial Areas)

Land and marine areas indicated by [Legge 394/91](#) and Legge 979/82, constitute areas whose conservation

³⁷⁰ http://www.amptavolara.com/fileadmin/amptavolara/documenti/decreti_e_regolamenti/Legge_31_dicembre_1982_n_979.pdf

³⁷¹ http://www.amptavolara.com/fileadmin/amptavolara/documenti/decreti_e_regolamenti/Legge_31_dicembre_1982_n_979.pdf

³⁷² http://www.amptavolara.com/fileadmin/amptavolara/documenti/decreti_e_regolamenti/Legge_31_dicembre_1982_n_979.pdf

³⁷³ MedPan, 2016.

³⁷⁴ <http://www.parks.it/federparchi/leggi/394.html#anchor%20art19>

³⁷⁵ <http://www.parks.it/federparchi/leggi/394.html#anchor%20art19>

³⁷⁶ <http://www.minambiente.it/pagina/classificazione-delle-aree-naturali-protette>

³⁷⁷ <http://www.parks.it/indice/Efaq/aree.protette.html#D-1>:

through the establishment of protected areas is considered a priority.³⁷⁸ The Council for the defense of the sea, however, can identify, in accordance with Article 26 of the “Legge 31 dicembre 1982, n. 979”, other marine areas of particular interest.³⁷⁹

7.4. Malta

The main instrument for the protection of marine habitats and biodiversity is the Environment Protection Act of 2016 and its subsidiary legislation (which includes the Marine Mammals Protection Regulations) and the Fisheries Conservation and Management Act (2001). The Development Planning Act of 2016, primarily through the Plans and policies adopted through its provisions may support designations by regulating the location of maritime uses within or adjacent to MPAs.

Management

Currently, the Maltese MPA network is exclusively composed of N2000 sites, both under Bird Directive (Special Protection Area) and Habitat Directive (Sites of Community Interest and Special Areas of Conservation).

The planning and management of the MPA network is framed by national guidance³⁸⁰ summarized below.

Effective designation and management involve the use of zoning within the MPA. Different areas within the same MPA may be designated under different categories and for different uses, according to the characteristics of the site, and the management objectives identified³⁸¹.

In Malta, the management plans for MPAs, are required for the enactment of zoning regulations, determination of the site carrying capacity, day to day management and review and management of plans and procedures³⁸².

On a MPA in Malta, the activities that the management plan shall include are:

- Maritime traffic
- Fishing activities
- Swimming zone
- Diving
- Other activities that may occur on the sea³⁸³.

The management plans require approval from the MEPA Board. The implementation of the management plans requires formulation of a management agreement between the site owner/s (users), the agencies and organisations responsible for the site management.³⁸⁴

To date, Malta is at the stage where it has to establish the management measures for the MPAs. Those sites are being governed by existing national regulations that offer some elements of protection. A process of screen of activities is made, in order to assess the potential negative impacts and how can be mitigated.³⁸⁵

Other sectors, such as the fisheries and maritime transport, are regulated by respective Acts and their subsidiary legislation. This process ensures the protection of natural features. Additionally, a conservation plan identifies the areas of species of interest (e.g. Bottlenose Dolphin and Loggerhead Turtle).³⁸⁶

³⁷⁸ <http://www.minambiente.it/pagina/classificazione-delle-aree-naturali-protette>

³⁷⁹ <http://www.parks.it/federparchi/leggi/394.html#anchor%20art19>

³⁸⁰ <http://www.pa.org.mt/file.aspx?f=583>

³⁸¹ <http://www.pa.org.mt/file.aspx?f=583>

³⁸² <http://www.pa.org.mt/file.aspx?f=583>

³⁸³ <http://www.pa.org.mt/file.aspx?f=583>

³⁸⁴ <http://www.pa.org.mt/file.aspx?f=583>

³⁸⁵ https://era.org.mt/en/Documents/PublicConsultation_ManagementMaltaMarineN2K.PDF

³⁸⁶ https://era.org.mt/en/Documents/PublicConsultation_ManagementMaltaMarineN2K.PDF

8. CONCLUSION

This study provides a clear view on the different International Conventions relating to the protection of the environment 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.³⁸⁷

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.³⁸⁸ 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.³⁸⁹ The strength of protection of a given designation is thus, specific to each country and specific to each site.³⁹⁰

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.³⁹¹ For example, as explained in the MEDPan study about the State of Play of MPAs in the Mediterranean, when an MPA intends to protect the noble pen shell (*Pinna nobilis*) specie, in an area where strong anchoring pressure is existent, measures should obviously be taken either to forbid or regulate anchoring, or to set up mooring buoys³⁹². The protection level of an MPA, even if recognised as essential, is often overlooked due to methodological difficulties in creating a robust and easy way to use indicators with clear targets, as indicated by MedPan³⁹³. When considered, it is often estimated either as the proportion of MPAs (or MPA zones) which are strongly protected (e.g. no-take areas) or as the proportion of a region covered by such strongly protected areas³⁹⁴.

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 providing activities creating shutting biological exchanges off.

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.

In another hand, 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, measure 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,³⁹⁵ acting as a local governance tool. The process of establishing and managing MPAs requires careful planning and sensitive management,³⁹⁶ it allows the

³⁸⁷ http://d2ouvy59p0dg6k.cloudfront.net/downloads/medpan_forum_mpa_2016__brochure_a4_en_web_1_.pdf

³⁸⁸ http://d2ouvy59p0dg6k.cloudfront.net/downloads/medpan_forum_mpa_2016__brochure_a4_en_web_1_.pdf

³⁸⁹ http://d2ouvy59p0dg6k.cloudfront.net/downloads/medpan_forum_mpa_2016__brochure_a4_en_web_1_.pdf

³⁹⁰ http://d2ouvy59p0dg6k.cloudfront.net/downloads/medpan_forum_mpa_2016__brochure_a4_en_web_1_.pdf

³⁹¹ MedPan, 2016.

³⁹² MedPan, 2016.

³⁹³ MedPan, 2016.

³⁹⁴ MedPan, 2016.

³⁹⁵ Ibid

³⁹⁶ http://assets.wwf.org.uk/downloads/mpas_marinespatialplanning.pdf

inclusive representation of stakeholders in the planning process.³⁹⁷ 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.³⁹⁸ One example of this approach is described in the [Best Practice Guide](#), published by UNESCO,³⁹⁹ where MSP is used as a management approach for UNESCO Marine World Heritage Sites.

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.

³⁹⁷ http://assets.wwf.org.uk/downloads/mpas_marinespatialplanning.pdf

³⁹⁸ http://www.imr.no/filarkiv/2011/02/agardy_et_al-2011.pdf/en

³⁹⁹ <https://whc.unesco.org/document/137595>