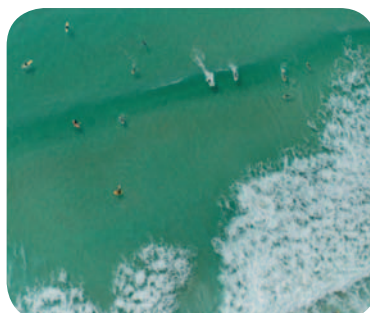




## Overview of current legislation applicable to marine protected areas in the Atlantic arc countries partnering the MAIA project

**MAIA partners**

**2012**



**Overview Report**

Overview of current legislation  
applicable to marine protected areas  
in the Atlantic arc countries partnering  
the MAIA project



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# Contents

SUMMARY .....	5
I. FRAMEWORK OF THE STUDY .....	6
1. AIMS AND EXPECTED RESULTS .....	6
2. METHODOLOGY .....	6
3. PREREQUISITES - KEYS .....	7
A. Categories .....	7
B. Type of category .....	7
C. Official goals or aims .....	8
D. Governance .....	9
E. Sea areas under international law of the sea .....	9
F. Marine zones defined in the North-East Atlantic .....	10
II. INTERNATIONAL INSTITUTIONAL FRAMEWORK IN THE ATLANTIC ARC .....	13
1. CONVENTION ON BIOLOGICAL DIVERSITY (CBD) .....	13
2. OSPAR CONVENTION .....	13
3. THE “MARINE STRATEGY” FRAMEWORK DIRECTIVE .....	14
4. “HABITATS” DIRECTIVE AND “BIRDS” DIRECTIVE .....	14
A. “Habitats” Directive .....	14
B. “Birds” Directive .....	15
III. LIST OF CATEGORIES OF MARINE PROTECTED AREAS, BY PARTNER COUNTRY .....	16
1. PORTUGAL (MAINLAND) .....	16
A. Categories officially regarded as “national” MPAs .....	16
B. Categories officially regarded as “international” MPAs .....	17
C. Categories NOT regarded as MPAs .....	17
2. SPAIN .....	18
A. Categories officially regarded as “national”/“state” MPAs .....	18
B. Categories officially regarded as “international” MPAs .....	19
3. FRANCE .....	20
A. Categories officially regarded as “national” MPAs .....	20
B. Categories officially regarded as “international” MPAs .....	21
C. Categories NOT regarded as MPAs .....	22
4. UNITED KINGDOM .....	23
A. Categories officially regarded as “national” MPAs .....	23
B. Categories officially regarded as “international” MPAs .....	24
C. Categories NOT regarded as MPAs .....	24
5. SUMMARY .....	25

IV. CATEGORIES OFFICIALLY REGARDED AS “NATIONAL” MPAS, BY PARTNER COUNTRY.....

31

1. CATEGORIES OFFICIALLY REGARDED AS “NATIONAL”-TYPE MPAS IN MAINLAND PORTUGAL.....

31

2. CATEGORIES OFFICIALLY REGARDED AS “NATIONAL”-TYPE MPAS IN SPAIN.....

33

A. Categories officially regarded as “national”-type MPAs.....

33

B. Categories officially regarded as “territorial”-type MPAs.....

37

3. CATEGORIES OFFICIALLY REGARDED AS “NATIONAL”-TYPE MPAS IN FRANCE.....

42

A. Categories officially regarded as “national”-type MPAs.....

42

B. Category officially regarded as a “territorial”-type MPA in France.....

47

4. CATEGORIES OFFICIALLY REGARDED AS “NATIONAL”-TYPE MPAS IN THE UNITED KINGDOM.....

49

A. Marine Conservation Zone – English onshore waters and English Welsh and Northern Irish offshore waters. ..

49

B. Nature Conservation MPA – Scotland.....

50

C. Sites of Special Scientific Interest, SSSI – England, Wales, Scotland / Areas of Special Scientific Interest, ASSI – Northern Ireland.....

50

V. CATEGORIES OFFICIALLY REGARDED AS “INTERNATIONAL” MPAS, BY PARTNER COUNTRY.....

53

1. CATEGORIES UNDER THE EUROPEAN “HABITATS” AND “BIRDS” DIRECTIVES, REFERRED TO AS “NATURA 2000” (PORTUGAL, SPAIN, FRANCE, UK) .....

54

2. WETLANDS OF INTERNATIONAL IMPORTANCE RAMSAR (SPAIN, FRANCE, UK) .....

55

3. BIOSPHERE RESERVE - UNESCO (SPAIN, FRANCE).....

60

4. UNESCO WORLD HERITAGE SITES (SPAIN, FRANCE).....

62

5. MPA - OSPAR (SPAIN, FRANCE).....

63

VI. CATEGORIES NOT OFFICIALLY REGARDED AS MPAS, BY PARTNER COUNTRY.....

65

1. FRANCE.....

65

A. Categories not officially regarded as “national” MPAs in France .....

65

B. Categories not officially regarded as “international”-type MPAs in France .....

67

2. UNITED KINGDOM.....

67

A. Categories not officially regarded as “national”-type MPAs in the UK.....

67

B. Categories not officially regarded as “international”-type MPAs in the UK.....

69

TABLE OF FIGURES AND ILLUSTRATIONS .....

71

TABLE OF TABLES .....

72

APPENDICES .....

73

# SUMMARY

## “Overview of current legislation applicable to marine protected areas in the Atlantic arc countries partnering the MAIA project”

This study, conducted by each of the MAIA project partner countries (Portugal, Spain, France and the UK) aims to draw up an initial overview of the current legislative frameworks relating to marine protected areas (MPA). The acronym “MPA” encompasses a wide range of legal tools, approaches and aims which need to be understood in greater depth.

Sharing knowledge of these tools is one of the primary aims of the MAIA project: improved understanding and mutual understanding for improved cooperation.

Therefore, this summary will be useful to the project partners, but also to all the stakeholders, to further their knowledge of the legal tools of

MPAs in force in our neighbouring countries in the Atlantic arc.

This initial comparison of legislation relating to MPAs, which can differ greatly from one country to another, specifies how the countries organise and legally implement marine environment protection policies using the “marine protected area” tool.

This study is also the first point of input of the MAIA geographic database which will be one of the cornerstones of the MAIA network: the knowledge base of MPAs in the Atlantic arc countries and also a base for analysing the MPA network in the light of international goals (OSPAR in particular).

# I. FRAMEWORK OF THE STUDY

## 1. Aims and expected results

This study, conducted by each of the MAIA project partner countries (Portugal, Spain, France and the UK) aims to draw up an initial overview of the legislative frameworks, in force, relating to marine protected areas (MPA).

The acronym “MPA” encompasses a wide range of tools, approaches and aims which need to be understood in greater depth.

The MAIA partners seek to enhance and share this wealth and diversity to improve mutual understanding and foster the development of a network of marine protected areas that is coherent, efficient and accepted in the Atlantic arc.

The first step consists in improving knowledge of the legislative framework applicable to these various marine area management tools.

This document provides an initial comparison of legislation relating to MPAs, which can differ greatly from one country to another. It specifies

how the countries organise and legally implement marine environment protection policies using the “marine protected area” tool.

Each of the partners presented their national MPA legislative framework at a MAIA workshop held in Paris in May 2011. The session was entirely devoted to information sharing and was particularly instructive. It allowed all the participants to gain further insights into the variability of the systems.

This study is also the first point of input of the MAIA geographic database which will be one of the cornerstones of the MAIA network: the knowledge base of MPAs in the Atlantic arc countries and also a base for analysing the MPA network in the light of international goals (OSPAR in particular). This report, which is representative of the national legislative frameworks at the time of drafting, will therefore be input into the MAIA geographic database and updated on a regular basis.

country and a second part presenting each of the MPA categories (Appendix 3: Questionnaire).

The first part of the questionnaire aims to establish whether the country has:

- A national or territorial entity officially in charge of MPAs (Agency, specific public organization, etc.);
- An official strategy for MPA development;
- An official law defining or listing categories regarded as MPAs.

The partners were then asked to list:

- The national, territorial or international cate-

- gories of protected sites **officially recognized as MPAs** by the country.
- The national, territorial or international categories of protected sites **not officially regarded as MPAs** in the country.

The second part of the questionnaire aims to provide a standardised and detailed description of the legal provisions applicable to each category listed in the first section (application area at sea, official goals, obligation to develop

a management plan, definition of the type of governance, information relative to funding, and number of sites in the category on the reporting date in the country, where available).

The analysis framework developed provides an overview of the legislative framework in each partner country and a common perspective for all categories existing on the Atlantic seaboard.

## 3. Prerequisites - Keys

### A. Categories<sup>1</sup>

The categories of protected areas (marine or land) are defined by legislation relative to nature protection (laws, by-laws/decrees, codes, statutes, etc.). The type of legislation varies between the countries.

Even though categories have similar names in various countries, such as the “national park” category, their objectives, type of governance and funding etc. are not necessarily the same.

In this document, we have decided to use only the original names of categories for each country. The name of each category is presented in its original version followed by its English translation.

E.g. Zona da protecção especial (Special Protection Area)

A table containing the translations of all these categories in English is provided at the end of the document.

### B. Type of category

A category may be “national” or “international” according to international classification standards.

A category is “national” when it is created by means of regulations, outside all international legal frameworks.

A category is “international” when it refers to a protected area designated under an international directive, convention or treaty (UNESCO / OSPAR / RAMSAR / Natura 2000 / etc.).

The category is “international” where the legal document covering several countries has been transposed into national law, such as sites designated for example under the “Habitats” directive or the “Birds” directive (Natura 2000).

Sites designated under a legal document concerning more than one country have an “international” category.

To cover the legislative diversity of the four countries in question, a “territorial” type was added to the MAIA questionnaire to take the local specificities of each partner country into account. This ‘sub-type’ added for our study

<sup>1</sup> – The word designation may also be used. In this document, the words “designation” and “category” are equivalent.



encompasses different notions depending on the country, briefly presented below.

For France, a région means a territorial community with a local government that is responsible, in terms of marine protected areas, for designating sites in the category “Réserve naturelle régionale” (Regional Nature Reserve).

For the UK, the term “region/territory” used in the questionnaire was applied to the nations that make up the United Kingdom, i.e. England, Wales, Scotland and Northern Ireland.

In Spain, the autonomous communities, which are regional authorities, have extensive powers in respect of marine protected areas. However, the Spanish government is responsible for the designation and management of all MPAs located in waters under Spanish jurisdiction. An MPA is within the remit of the autonomous community when it is located in a coastal zone or in interior waters and where there is scientific evidence of the ecological continuity between the land protected area and the marine area.

Given this highly decentralized administrative configuration, the term “national” does not correctly reflect the Spanish situation; the term “state” is more appropriate to describe categories of protected natural areas common to the whole of Spain. The autonomous communities may define their own categories of protected natural area.

This “territorial” sub-type is not used in the WDPA (World Database on Protected Areas) which defines the common model of descriptors for protected areas worldwide<sup>2</sup>.

Therefore, all the categories of this “sub-type” have been ultimately grouped together in the “national” type, in compliance with international standards, for the analysis, presentation and use of the information collected.

Thus, for France, the category “réserve naturelle régionale” is of “national” type, as are the categories used in UK “nations” or the Spanish autonomous communities (such as Galicia) or Portuguese communities (like the Azores).

Regarding Portugal, only **categories applicable to the mainland part** of the country have been considered in this document; the Azores and Madeira being autonomous regions (and not project partners to date), they have not been integrated into the study.

C. Official goals or aims

A protected area is designated for a certain number of official aims (goals), which must then be achieved. The words “aim” or “goal” here mean the “objective in view” or the “required state”.

As part of this study, the partners defined a list of eleven goals:

- 1. Maintain, conserve and restore biodiversity, the natural heritage of habitats, species and landscapes **under protection status**
- 2. Maintain, conserve and restore biodiversity, the natural heritage of habitats, species and landscapes **out of protection status**
- 3. Maintain key ecological functions (spawning grounds, nurseries, feeding grounds, rest places, areas of productivity, etc.)
- 4. Protect, preserve and restore cultural heritage
- 5. Promote sustainable management / development of socio-economic activities
- 6. Manage use of natural resources
- 7. Improve the governance of the MPA territory
- 8. Improve the quality of water
- 9. Environmental awareness and education
- 10. Encourage scientific research
- 11. Create socio-economic added value;

D. Governance

To obtain an optimal description of how the various categories function, the partners decided to collect information on the governance of each category, when this is defined by the reference documents.

The IUCN governance typology was used to collect consistent information. So, where the type of governance is specified in the reference documents, it has been converted into its corresponding IUCN category.

The IUCN recognizes<sup>3</sup> four major types of protected area governance, and each one may be associated with any management objective:

- (A) Governance by government
- (B) Shared governance

- (C) Private governance
- (D) Governance by indigenous peoples and local communities

E. Sea areas under international law of the sea

The application areas of MPAs may differ depending on their category. For this study, the following application areas were considered:

- Territorial Sea up to 12 nautical miles;
- Exclusive Economic Zone (EEZ) up to 200 nautical miles and possibly the continental shelf if extended;
- Save extension of the EEZ, international waters beyond 200 nautical miles.

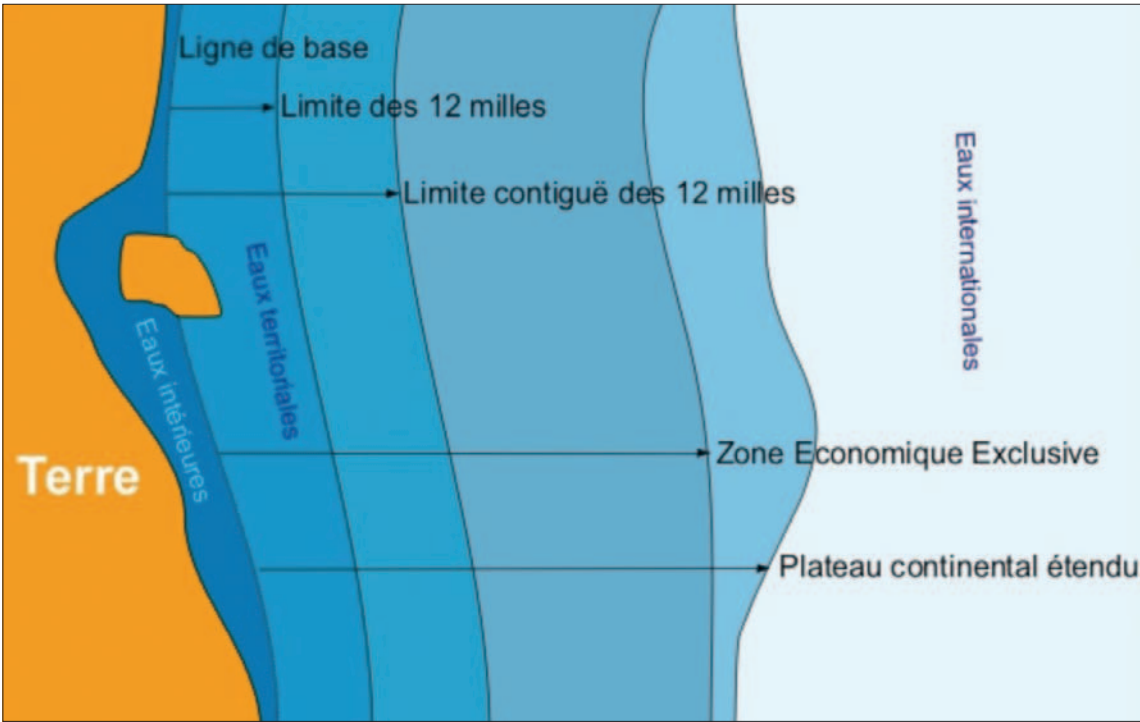


Figure 1: Representation of sea areas under international law of the sea [source: [www.ifremer.fr](http://www.ifremer.fr)]

Terra  
Águas interiores  
Linha de base  
Limite das 12 milhas náuticas  
Contiguo Limite das 24 milhas náuticas  
Águas territoriais marítimas  
Zona Económica Exclusiva  
Plataforma continental estendida  
Águas internacionais

2 – United Nations Environment Programme World Conservation Monitoring Centre (WCMC) Protected Planet The Protected Areas Portal Data Standards for the World Database on Protected Areas ; BETA VERSION 1 ; January 2010.

3 – Dudley, N. (Editor) (2008). Guidelines for Applying Protected Area Management Categories. Gland, Switzerland : IUCN. x + 86pp

It should be noted that the United Kingdom differs from the other partner countries by having specific zoning. In addition to the UK Continental Shelf Designated Area, the UK has introduced

a British Fishery Limit, plus a further Pollution Zone. It also has a Renewable Energy Zone which also extends to a maximum of 200 nautical miles. The UK does not therefore currently have an EEZ.

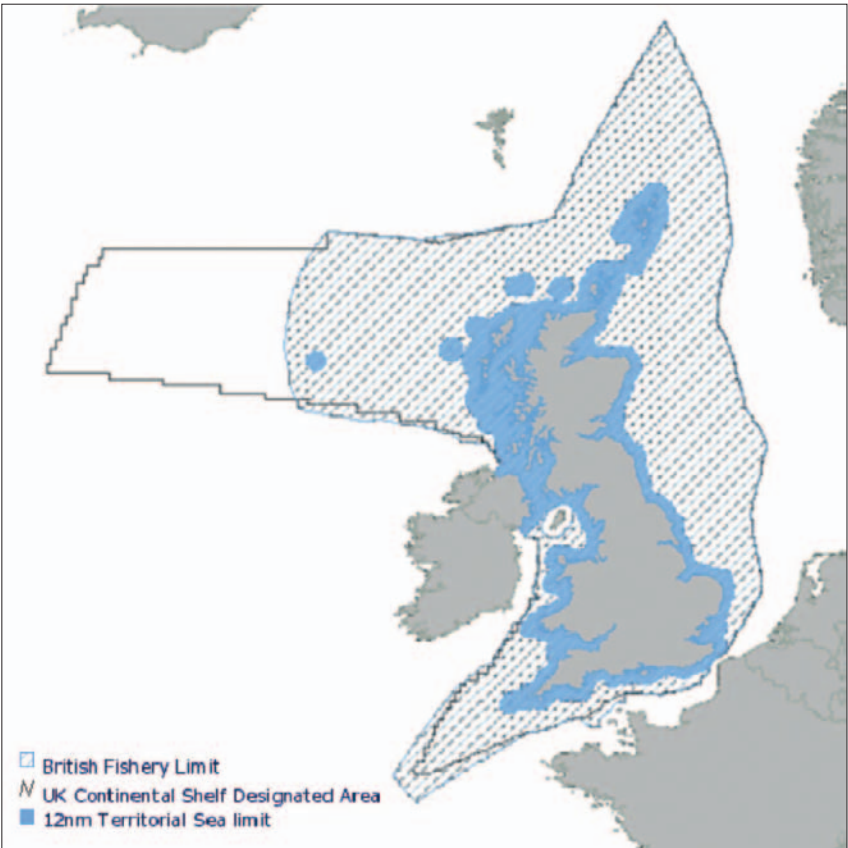


Figure 2: Representation of part of UK sea areas (source: JNCC)

F. Marine zones defined in the North-East Atlantic

Several marine areas are defined in the North-East Atlantic, the main ones of which are established within international and European legislative frameworks such as:

- The OSPAR convention;
- The RAC (Regional Advisory Councils);
- The “Marine Strategy” framework directive.

MAIA covers:

- Four of the five areas defined by the OSPAR Convention: III Celtic Seas, IV Bay of Biscay and Iberian Coast, V Wider Atlantic and, to a certain extent, II Greater North Sea.
- The areas of jurisdiction of three Regional Advisory Councils: North western waters RAC, South western waters RAC, part of Distance waters RAC.

a) Zoning defined by the OSPAR Convention



- I. Arctic Waters
- II. Greater North Sea
- III. Celtic Seas
- IV. Bay of Biscay and Iberian Coast
- V. Wider Atlantic

Figure 3: Diagram of zoning defined by the OSPAR Convention.

b) Zoning defined by the Common Fisheries Policy, relative to the areas of jurisdiction of the Regional Advisory Councils (RAC).



Figure 4: Diagram of the zones defined by the Common Fisheries Policy, relative to the areas of the Regional Advisory Councils (RAC).



The RACs consist of management units based on biological criteria. They cover sea areas which are the concern of at least two Member States. An RAC is therefore established for:

- the Baltic Sea;
- the Mediterranean Sea;
- the North Sea;
- North-Western Waters;
- South-Western Waters;
- Pelagic stocks;
- the High Seas / Long Distance Fleet.

Where a matter is of interest to various RACs, they will coordinate their positions and adopt joint recommendations on that issue.

**c) Zoning defined by the “Marine Strategy” Framework Directive**

The MSFD zoning is based on existing zones defined by the regional seas conventions (OSPAR and Barcelona). The MSFD defines four marine regions:

- the Baltic Sea;
- the North-East Atlantic Ocean: Bay of Biscay, the Celtic Seas, the North Sea including the Channel;
- the Mediterranean Sea;
- the Black Sea.

## II. INTERNATIONAL INSTITUTIONAL FRAMEWORK IN THE ATLANTIC ARC

The network of marine protected areas in the Atlantic arc is part of the international legislative landscape relative to the conservation of biodiversity and the marine environment and contributes to European commitments in respect of:

- the Convention on Biological Diversity (CBD - Aichi Target 11) for the creation and efficient management of marine protected areas;
- the regional cooperation required pursuant to Article 13 of the “Marine Strategy” framework directive.

### 1. Convention on Biological Diversity (CBD)

The Convention on Biological Diversity (CBD) came into force on 29 December 1993. It has three main objectives:

- The conservation of biological diversity;
- The sustainable use of its components;
- The fair and equitable sharing of the benefits arising from the use of genetic resources.

As a Party to the Convention on Biological Diversity, the European Union encourages Member States to achieve the goal of creating 10% of marine protected areas by 2020 set by the decisions of the Nagoya Conference in October 2010 (COP 10 of the CBD – Aichi Target 11).

[www.cdb.int](http://www.cdb.int)

### 2. OSPAR Convention

The OSPAR Convention is the current legal instrument guiding international cooperation on the protection of the marine environment of the North-East Atlantic. Work under the Convention is managed by the OSPAR Commission, made up of representatives of the Governments of 15 Contracting Parties and the European Commission, representing the European Union.

The OSPAR Convention has developed and introduced a set of five thematic strategies to address the main threats that it has identified concerning issues within its remit: biodiversity and ecosystems, eutrophication, hazardous substances,

the offshore oil and gas industry, and radioactive substances.

One of the four constituent elements of the “Biological diversity and ecosystems” strategy of the OSPAR Commission relates to the development of a network of MPAs.

The OSPAR Convention aims to establish a network of well-managed marine protected areas.

In practice, this category relies on sites already designated nationally in waters under national jurisdiction.

[www.ospar.org](http://www.ospar.org)

### 3. The “Marine Strategy” framework directive (DCSMM)

One of the working focuses of the “Marine Strategy” framework directive is to achieve or maintain a good environmental status of the marine waters by 2020. It stems from the proposed marine strategy of the European Commission contained in a blue book approved by the European Council on 14 December 2007, which aims to promote an integrated marine policy for the European Union (“Marine Strategy” framework directive, no. 2008/56/EC of the European Parliament and of the Council of 17 June 2008).

It therefore requires European Union Member States to take all the necessary measures to reduce the impacts of activities on the marine environment. This environmental directive develops an ecosystem approach to the marine envi-

ronment, in connection with other European directives (Natura 2000, Water framework directive, etc.): it aims to maintain or restore the good state of marine ecosystems (conserved biological diversity, interactions between species and habitats, dynamic and productive oceans), while enabling future generations to continue making use of the sea, in a sustainable manner.

Note that the MAIA network contributes to certain European regional cooperation objectives under Article 13 of the “Marine Strategy” framework directive.

<http://ec.europa.eu/environment/water/marine>

Once designated at national level, these SCIs will become:

- SAC, Special Area of Conservation, in the UK;
- ZSC, Zone spéciale de conservation, in France;
- ZEC, Zona especial de conservación, in Spain;
- ZEC, Zona especial de conservação, in Portugal.

[“Habitats” Directive](#)

#### B. “Birds” Directive

Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (this is the codified version of Directive 79/409/EEC as amended) is one of the EU’s most important pieces of nature legislation, creating a comprehensive scheme of protection for all wild bird species naturally occurring in the Union.

The directive recognizes that habitat loss and degradation are the most serious threats to the conservation of wild birds. It therefore places great emphasis on the protection of habitats for endangered as well as migratory species (listed in Annex I), especially through the establishment of a coherent network of Special Protection Areas (SPAs) comprising all the most suitable territories for these species. Since 1994, all SPAs form an integral part of the NATURA 2000 ecological network.

[“Birds” Directive](#)

### 4. “Habitats” Directive and “Birds” Directive

The respective aims of these two directives are:

- the conservation of natural habitats and wild fauna and flora;
- the conservation of wild birds.

They both establish dedicated protection areas forming part of the Natura 2000 network:

- Special Area of Conservation (SAC) for the protection of habitats, plants and animals of community interest;
- Special Protection Area (SPA) for endangered birds and migratory species.

Natura 2000 areas having a marine part are considered to be marine protected areas. This “international” category is common to all the countries in the Atlantic arc. These marine sites make a significant contribution to the network of MPAs.

tats” directive, aims to contribute to maintaining biodiversity in the Member States by defining a common framework for the conservation of habitats, plants and animals of community interest.

The “Habitats” directive establishes the Natura 2000 network comprising special areas of conservation designated by the Member States under the directive.

#### Note :

Sites of Community Importance are designated under the “Habitats” directive (92/43/EEC). They are formally approved by the European Commission but are yet to be designated by the national government.

They are called:

- SCI, Site of Community Importance, in the UK;
- SIC, Site d’importance communautaire, in France;
- LIC, Lugar de proyecto de importancia comunitaria, in Spain;
- SIC, Sítio de importância comunitário, in Portugal.

#### A. “Habitats” Directive

Directive 92/43/ECC of the Council of 21 May 1992 on the conservation of natural habitats and wild fauna and flora known as the “Habi-



### III. LIST OF CATEGORIES OF MARINE PROTECTED AREAS, BY PARTNER COUNTRY

This chapter presents a summary of the following information, by country (compiled in summary tables):

- Reference documents,
- Categories officially recognized as “national”

#### 1. Portugal (mainland)

In Portugal, the ICNB – Instituto da Conservação da Natureza e da Biodiversidade (Institute for nature conservation and biodiversity) is the national body in charge of MPA matters (designation and management). This institute has been part of the Portuguese Ministry of Agriculture, Sea, Environment and Spatial Planning since the end of 2011.

The official document defining the global strategy for nature conservation including MPA network implementation is the “**Resolução do Conselho de Ministros nº152/2001 de 11 Outubro**”.

The official document defining and/or listing the various categories of sites considered to be MPAs is the “**Decreto-Lei nº142/2008 de 24 Julho**”.

For memory, the autonomous regions of Azores and Madeira are not included in this study.

- MPAs,
- Categories officially recognized as “international” MPAs under European, international and regional instruments,
  - Categories NOT recognized as MPAs.

#### A. Categories officially regarded as “national” MPAs

Two categories of protected area are currently officially recognized as “national” marine protected areas in mainland Portugal:

- Parque natural** with a marine part (Nature Park);
- Reserva natural** with a marine part (Nature Reserve).
- In the future, MPAs could be designated under other national categories such as:
- Parque nacional** (National Park);
- Monumento natural** (Natural Monument);
- Paisagem protegida** (Protected Landscape).

At the present moment, none of these three categories of protected area have any example with a marine part and no projects are currently underway.

These three categories will not be presented in this document.

#### B. Categories officially regarded as “international” MPAs

##### a) Sites listed under European instruments

Three categories of protected area are officially recognized as “international”-type marine protected areas in mainland Portugal. They are sites in the Natura 2000 network designated under the European “Birds” and “Habitats” directives and having a marine part.

**Sítio de importância comunitário (SIC)** with a marine part – “Habitats” Directive 92/43/EEC (Site of Community Importance (SCI)),

**Zona especial de conservação (ZEC)** with a marine part – “Habitats” Directive 92/43/EEC (Special Area of Conservation (SAC)),

**Zona de protecção especial (ZPE)** with a marine part – “Birds” Directive 2009/147/EC (Special Protection Area (SPA)).

##### b) Sites listed under international instruments

One category is officially regarded as an “international” MPA:

**Reserva da Biosfera** with a marine area - Resolution approving the Seville Strategy for Biosphere Reserves (UNESCO); one site designated in 2011 under this international instrument: Berlengas Biosphere Reserve.

#### C. Categories NOT regarded as MPAs

The following categories are not found in mainland Portugal.

**Zona humida RAMSAR** with a marine area - Convention on Wetlands of International Importance (RAMSAR); in mainland Portugal, existing RAMSAR sites do not have a marine component.

**Bem inscrito no património mundial da UNESCO** with a marine area – Convention Concerning the Protection of the World Cultural and Natural Heritage (Site Inscribed on the World Heritage List (UNESCO). Only one site is currently proposed: Arrabida, but not yet evaluated or listed.

**Area marinha protegida OSPAR** – OSPAR Convention - Annex V on the protection and conservation of the ecosystems and biological diversity (Marine Protected Area (OSPAR)). Sites designated under this category are classified under regional instruments (Azores and Madeira).

## 2. Spain

In Spain, the Ministerio de Agricultura, Alimentación y Medio Ambiente (Ministry of the Environment) is the national body in charge of MPA matters.

Coastal or marine protected natural areas (*ENP Espacios Naturales Protegidos*) must meet a number of criteria to be regarded as an integral part of Spain’s official MPA network. These criteria are currently being defined but here, we will nonetheless present all the categories currently considered to be potential MPAs in Spain.

The autonomous communities, which are regional authorities, are responsible for the designation and management of MPAs falling into “territorial” categories or for coastal MPAs where the functional land-sea link between a land protected area and its adjacent marine site has been scientifically demonstrated.

For Galicia, the Conselleria do medio Rural e do Mar de la Xunta de Galicia is the authority in charge of the sea and thus of MPAs.

The official document defining the global strategy for MPA network implementation is:

“Ley 41/2010, de 29 de diciembre, de Protección del Medio marino”. This law transposes the European Marine Strategy Framework Directive (2008/56/EEC).

The official documents defining and/or listing the various categories of sites recognized as MPAs are:

“Real Decreto 1599/2011, de 4 de noviembre, por el que se establecen los criterios de integración de los espacios marinos protegidos en la Red de Áreas Marinas Protegidas de España (RAMPE). (BOE núm. 294, de 7 de diciembre de 2011)”;

“Artículo 26 de la Ley 41/2010, de 29 de diciembre, de Protección del Medio marino”;

“Arts. 29 y 32 de la Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad”;

“Art. 3 de la Ley 5/2007, de 3 de abril, de la Red de Parques Nacionales”;

“Art. 13 de la Ley 3/2001, de 26 de marzo, de Pesca Marítima del Estado”.

Note that other documents exist at regional level such as the Galician Fisheries Law.

In order to improve coordination between the Spanish government and the regions, the Real Decreto 715/2012, de 20 de abril has been approved. It establishes the **Inter-Ministerial Committee of Marine Strategies** (Comisión Interministerial de Estrategias Marinas). This Committee aims to coordinate all the Administrations with activities in the marine environment and their marine policies. This Committee will coordinate the creation, development and monitoring of marine environment planning.

### A. Categories officially regarded as “national”/”state” MPAs

As the term “national” is ill-suited to the situation in Spain and is little used, we propose the word “state” to better reflect their situation.

Six categories of natural protected area are officially regarded as “national”/”state” marine protected areas in Spain.

Natural protected areas are legally defined by “Art. 29 de la Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad”:

- **Parque natural** or **nacional** with a marine area (Nature or National Park);
- **Reserva natural** with a marine area (Nature Reserve);
- **Área marina protegida** (Marine Protected Area);

- **Monumento natural** with a marine area (Natural Monument);
- **Paisaje protegido** with a marine area (Protected Landscape);
- **Reserva marina** (Marine Reserve).

Spain is currently formally defining the procedures for integrating these categories with a marine area into the official MPA network.

#### → Categories officially regarded as “territorial” MPAs

The autonomous governments of the regions may define other categories of natural protected areas specific to them, in compliance with their authority and their legislation on nature protection. In these cases, they are responsible for the designation and the management of these sites.

Eight categories of protected area are officially recognized as “territorial”-type marine protected areas in Spain depending on the regions. The categories below are those developed by the autonomous communities bordering the Atlantic Ocean:

**Parque natural – Andalucía, Canarias, Cantabria, Galicia** (Nature Park – Galicia, Andalusia, Cantabria, Canary Islands);

**Reserva de pesca – Andalucía** (Fishing Reserve – Andalusia);

**Paraje natural – Andalucía** (Natural Landscape – Andalusia);

**Reserva natural parcial – Asturias** (Partial Natural Reserve – Asturias);

**Zona de especial protección de los valores naturales – Galicia** (Special Protection Zone of Natural Values – Galicia);

**Reserva marina de interés pesquero – Galicia** (Marine Reserve of Fishing Interest – Galicia);

**Reserva natural integral – Islas Canarias** (Integral Nature Reserve – Canary Islands);

**Biotopo protegido – País Vasco** (Protected Biotope – Basque Country).

Spain is currently formally defining the procedures for integrating these categories with a marine area into the official MPA network.

### B. Categories officially regarded as “international” MPAs

In Spain, seven categories of protected area are officially recognized as “international”-type marine protected areas (“Art. 49 Áreas protegidas por instrumentos internacionales, Ley 42/2007”).

#### a) Sites listed under European instruments

Sites, with a marine area, in the Natura 2000 network under the European “Birds” and “Habitats” directive, applied as follows:

**Lugar de importancia comunitaria (LIC)** with a marine area – “Habitats” Directive 92/43/EEC (Site of Community Importance (SCI));

**Zona especial de conservación (ZEC)** with a marine area – “Habitats” Directive 92/43/EEC (Special Area of Conservation (SAC));

**Zona de especial protección para las aves (ZEPA)** with a marine area – “Birds” Directive 2009/147/EC (Special Protection Area (SPA)).

#### b) Sites listed under international instruments

**Humedal de importancia internacional or Humedal RAMSAR** with a marine area – Convention on Wetlands of International Importance (RAMSAR);

**Reserva de biosfera** with a marine area – Resolution approving the Seville Strategy for Biosphere Reserves (UNESCO);

*Sitio natural de la lista del patrimonio de la humanidad, de la Convención sobre la protección del patrimonio mundial, cultural y natural* with a marine area – Convention Concerning the Protection of the World Cultural and Natural Heritage (Site Inscribed on the World Heritage List (UNESCO)).

### 3. France

In France, the Ministry in charge of the environment is the organisation that designates most marine protected areas. Its decentralized services, the *Directions régionales de l'environnement, de l'aménagement et du logement (DREAL)*, are responsible for managing and running the sites on a regional level.

The other organisations in charge of MPA matters are:

- The Agence des aires marines protégées (French MPA Agency);
- Muséum national d'Histoire naturelle (National Museum of Natural History);
- Le Conservatoire des espaces littoraux et des rivages lacustres (Coastal Protection Agency); and lastly
- Conseils régionaux (Regional Councils) (for regional nature reserves only).

The first official document defining the global strategy for MPA network implementation is:

“La stratégie nationale pour la création et la gestion d’aires marines protégées : note de doctrine pour les eaux métropolitaines”, approved on 27 November 2007 by the Ministry of the Environment. This document was revised in 2011 and the new version was approved by the Ministry early in 2012.

The official documents defining and/or listing the various categories of sites officially considered to be MPAs are:

- “Loi n° 2006-436 du 14 avril 2006”;
- “Code environnement ART L334-1”;
- “Arrêté ministériel du 3 juin 2011”;

#### → Sites listed under regional instruments

*Área protegida del Convenio OSPAR* – OSPAR Convention – Annex V on the protection and conservation of the ecosystems and biological diversity (Marine Protected Area (OSPAR)).

#### A. Categories officially regarded as “national” MPAs

Six categories of protected area are officially recognized as “national”-type marine protected areas in France:

*Parc national* with a marine area (National Park);

*Réserve naturelle nationale* with a marine area (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* with a marine area (Biotope Protection by-law);

*Réserve nationale de chasse et de faune sauvage* with a marine area (Hunting and Wildlife National Reserve).

These categories may cover land or marine territories, or territories with both land and marine areas. Only the *parc naturel marin* category covers strictly marine territories.

#### → Categories officially regarded as “territorial” MPAs

In France, the *Conseils régionaux* (regional councils), which are regional authorities, and the local authorities of Corsica, may designate a *Réserve naturelle régionale* with a marine area (Regional Nature Reserve).

This category may cover sea territories (marine area under their jurisdiction), and land or land and sea territories.

Sites belonging to these categories and having a marine area are recognized as “national”-type MPAs.

#### B. Categories officially regarded as “international” MPAs

##### a) Sites listed under European instruments

The Natura 2000 network consists of sites classified under the “Habitats” and “Birds” directives:

*Site d'importance communautaire (SIC)* with a marine area – “Habitats” Directive 92/43/EEC (Site of Community Importance (SCI));

*Zone spéciale de conservation (ZSC)* with a marine area – “Habitats” Directive 92/43/EEC (Special Area of Conservation (SAC));

*Zone de protection spéciale (ZPS)* with a marine area – “Birds” Directive 2009/147/EC (Special Protection Area (SPA)).

Until the “arrêté ministériel du 3 juin 2011” was introduced, Natura 2000 categories were the only “international” categories officially regarded as being part of the French MPA network.

The new “international”-type categories are presented below.

##### b) Sites listed under international instruments

*Zone humide d'importance internationale (Ramsar)* with a marine area – Convention on Wetlands of International Importance (RAMSAR);

*Site inscrit au Patrimoine mondial (UNESCO)* – Convention Concerning the Protection of the World Cultural and Natural Heritage (Site Inscribed on the World Heritage List (UNESCO));

*Réserve de biosphère (UNESCO)* – Resolution approving the Seville Strategy for Biosphere Reserves (UNESCO Biosphere Reserve).

##### c) Sites listed under regional instruments

*Aire spécialement protégée marine et côtière (ASP)* – Barcelona Convention;

*Aire spécialement protégée d'importance méditerranéenne (ASPIM)* – Barcelona Convention;

*Zone marine protégée OSPAR* – OSPAR Convention – Annex V on the protection and conservation of the ecosystems and biological diversity (Marine Protected Area (OSPAR));

*Aire protégée au titre du protocole SPAW* – Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region;

For the Indian Ocean, the Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region;

*Aire spécialement protégée de l'Antarctique* – Annex V to the Protocol on Environmental Protection to the Antarctic Treaty on Area Protection and Management.

#### C. Categories NOT regarded as MPAs

In France, there are also some categories of protected sites located in marine zones which are not officially regarded as being part of the MPA network.

##### a) Sites listed under national legislation or territorial legislation (for French overseas territories)

*Cantonement de pêche* (Professional fishing reserve);

*Site classé* (Classified Site): classified sites are designed to safeguard or protect open or built-up



spaces of artistic, historic or scientific interest, or which are legendary or picturesque (Art. L341-1 et seq. and R341-1 et seq. of the French Environmental Code);

**Grand site**: an area considered remarkable for its landscape or natural and cultural qualities, the national dimension of which is recognized by listing a substantial part of the territory under the law of 1930; it receives a large number of visitors and requires sustainable and concerted management in partnership to preserve its value and appeal;

**Sanctuaire PELAGOS** (PELAGOS Sanctuary) – International agreement for the protection of marine mammals - Rome 1999, North-West Mediterranean Sea;

**Sanctuaire Agoa** (AGOA Sanctuary) – Policy declaration with no legal existence for the protection of marine mammals, French West Indies;

**Protection tools developed by the Pays d’Outre-Mer (POM – overseas countries)**, such as for example **Sanctuaires de Nouvelle Calédonie et de Polynésie française** (New Caledonia and French Polynesia Sanctuaries) – Documents by the authorities of New Caledonia and French Polynesia for the protection of marine mammals, Pacific Ocean.

**b) Sites listed under a regional instrument**

Zone protected under the APIA Convention, signed on 12 June 1976, South Pacific Ocean.

These currently non-recognized categories may cover land or marine territories, or territories with land and marine areas. Only **cantonnements** (reserves) and **sanctuaires** (sanctuaries) cover strictly marine territories.

4. United Kingdom

In the UK, several bodies are in charge of MPAs. There is no single entity covering both the territorial sea and the zone beyond 12 nautical miles.

In the territorial seas, national agencies have responsibility for identifying MPAs:

- Natural England for English territorial waters;
- Countryside Council for Wales for Welsh territorial waters;
- Scottish Natural Heritage for Scottish territorial waters;
- Northern Ireland Environment Agency for Northern Ireland territorial waters;
- Joint Nature Conservation Committee (JNCC) for UK offshore waters.

In addition, the Marine Management Organisation (MMO) is responsible for managing activities having an impact on designated marine sites in English waters.

Several official documents contribute to the global strategy for MPA network implementation in the UK:

The “Government’s strategy for contributing to the delivery of a UK network of marine protected areas”, published on 1 April 2010, which applies to territorial waters adjacent to England and the UK’s offshore waters adjacent to England, Wales and Northern Ireland.

“Protecting Welsh seas - A draft strategy for marine protected areas in Wales”, published in September 2009 and applying to Welsh territorial waters.

“A strategy for Marine Nature Conservation in Scotland’s seas”, published in March 2011 and applying to Scottish territorial waters and the Scottish offshore region.

The official documents defining and/or listing the various categories of sites considered to be MPAs are the:

- “Marine and Coastal Act (2009), clause 123”;
- “Marine (Scotland) Act 2010, clause 79”;
- “Northern Ireland draft Marine Bill”;

A. Categories officially regarded as “national” MPAs

Five categories of protected area are officially regarded as “national” marine protected areas in the UK.

**Marine part of Site of Special Scientific Interest (SSSI – England, Wales and Scotland)**;

**Marine part of Area of Special Scientific Interest (ASSI – Northern Ireland)**;

**Marine Conservation Zone (MCZ – English inshore waters and English, Welsh and Northern Irish offshore waters. Note that this category may also include Highly Protected MCZs<sup>4</sup> (HPMCZ – Wales))**;

**Nature Conservation MPA (Scotland)**;

**Future MPA designation defined by Northern Ireland.**

Sites in these categories (the marine parts as far as the SSSI and ASSI are concerned), are recognized as “national” MPAs and are part of the UK’s official MPA network. The UK’s official MPA network will also include “international” MPAs: the marine parts of SACs and SPAs, and the Ramsar Wetlands of International Importance.

There are currently two Marine Nature Reserves in the UK (Skomer and Strangford Lough). It is expected that these sites will become Marine Conservation Zones (MCZs) following implementation of national legislation.

4 – It is expected that the Welsh government will make an announcement regarding the approach towards identifying new national MPAs in Welsh territorial waters in Autumn 2012.

**B. Categories officially regarded as “international” MPAs**

Three categories of protected area are officially recognized as “international”-type marine protected areas in the UK.

**a) Sites listed under European instruments**

The Natura 2000 network consists of sites classified under the “Habitats” and “Birds” directives:

**Marine part of Special Area of Conservation (SAC)** – “Habitats” Directive 92/43/EEC,

**Marine part of Special Protection Area (SPA)** – “Birds” Directive 2009/147/EC.

**b) Sites listed under international instruments**

**Marine part of Wetlands of International Importance (RAMSAR)** – Convention on Wetlands of International Importance.

**NB :** The UK has also reported many marine sites to the OSPAR convention secretariat, yet this “international” category is not listed as being part of the UK’s MPA network (see below). This is because all of the sites which have been submitted as OSPAR marine protected areas in the UK are existing SACs and SPAs with marine parts.

**C. Categories NOT regarded as MPAs**

In the UK, the categories of protected sites established in marine zones but not officially considered as contributing to the UK’s MPA network are sites listed under international and regional instruments:

**a) Sites listed under international instruments**

**Inscribed Site on the World Heritage List** with a marine part – UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage,

**Biosphere Reserve** with a marine part – Resolution approving the Seville Strategy for biosphere reserves.

**b) Sites listed under regional instruments**

**Marine Protected Area (OSPAR)** – OSPAR Convention – Annex V on the protection and conservation of the ecosystems and biological diversity (see note above).

**5. Summary**

Only France has an organization at national level (Agence des aires marines protégées) exclusively dedicated to MPAs for the entire country.

In Portugal, the ICNB is in charge of nature protection activities for land and marine areas. It should also be noted that after the 2011 elections, the ICNB became part of the Portuguese Ministry of Agriculture, Sea, Environment and Spatial Planning. At the time of drafting this report, the institute has become the ICNF (Instituto da Conservação da Natureza e das Florestas).

In the UK, responsibilities for identifying MPAs are shared according to the relevant area at sea: National Agencies are in charge of territorial seas and the JNCC takes charge of offshore waters.

In Spain, depending on the categories, responsibilities are shared between the Spanish Ministry of the Environment and the autonomous communities, which are regional authorities.

The four partner countries have a global strategy for MPA implementation on their territory, particularly in response to the “Marine Strategy” framework directive<sup>5</sup>.

In Spain, the directive has been transposed into national legislation whereas in Portugal, the UK and France, the strategy has been adapted taking specific national and territorial features into account.

It is interesting to note the difference in terms of integration into national legislation of sites protected under international instruments (RAMSAR, UNESCO) or under a regional instrument like the OSPAR Convention for the North-East Atlantic.

The number of categories, i.e. the number of legal tools developed for the conservation of nature and biodiversity, is vast. These tools were initially “designed” for and directed at protecting land environments and adaptations for the marine environment did not emerge until later.

5 – Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive).

Table I: Summary table of the general characteristics of current national regulations applicable to MPAs

	UNITED KINGDOM	PORTUGAL	SPAIN	FRANCE
Bodies in charge of MPAs	At national level			
	There is no single body in charge of MPAs for the whole of the UK	ICNB Instituto da Conservação da Natureza e da Biodiversidade	Ministerio de Agricultura, Alimentación y Medio Ambiente	Ministère en charge de l'environnement, and the decentralized regional services Agence des aires marines protégées Muséum national d'Histoire Naturelle Conservatoire des espaces littoraux et des rivages lacustres
	At territorial level			
	Natural England (English territorial waters) Countryside Council for Wales (Welsh territorial waters) Scottish Natural Heritage (Scottish territorial waters) Northern Ireland Environment Agency (Northern Ireland territorial waters) Joint Nature Conservation Committee (UK offshore waters)		Conselleria do Mar, Xunta de Galicia Conselleria do Medio Rural, Xunta de Galicia Consejería de Medio Ambiente, Ordenación del Territorio e Infraestructuras, Junta de Asturias Consejería de Desarrollo Rural, Ganadería, Pesca y Biodiversidad, Junta de Cantabria Departamento de Medio Ambiente, Planificación Territorial, Ganadería y Pesca, Junta de País Vasco Consejería de Medio Ambiente, Junta de Andalucía Consejería de Agricultura, Ganadería, Pesca y Medio Ambiente, Junta de Islas Canarias	Conseils régionaux

	UNITED KINGDOM	PORTUGAL	SPAIN	FRANCE
Official document defining the global strategy for MPA network implementation	The 'Government's strategy for contributing to the delivery of a UK network of marine protected areas', published on 1 April 2010, which applies to territorial waters adjacent to England and the UK's offshore waters and adjacent to England, Wales and Northern Ireland.  'Protecting Welsh seas - A draft strategy for marine protected areas in Wales', published in September 2009 and applying to Welsh territorial waters.  'A strategy for Marine Nature Conservation in Scotland's seas, published in March 2011 and applying to Scottish territorial waters and the Scottish offshore region.	Resolução do Conselho de Ministros n.º152/2001 de 11 Outubro	Ley 41/2010, de 29 de diciembre, de Protección del Medio marino [transposing the Marine Strategy Framework Directive 2008/56/EC]	The "stratégie nationale pour la création d'aires marines protégées : note de doctrine pour les eaux métropolitaines", approved on 27 November 2007 by the Ministry of the Environment [currently being revised]
Official document defining and/or listing the various categories of protected area officially regarded as MPAs	Marine and Coastal Act (2009): clause 123 Marine (Scotland) Act 2010: clause 79 Northern Ireland draft Marine Bill	Decreto-Lei n.º142/2008 de 24 Julho	Art. 32 de la Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad Título III de la Ley 41/2010, de 29 de diciembre, de Protección del Medio marino [transposing the Marine Strategy Framework Directive 2008/56/EC] Decree 1599/2011, 07/12/2011	Loi n° 2006-436 du 14 avril 2006 Code de l'Environnement ART L334-1 Décret du 3 juin 2011, concernant l'identification d'AMP entrant dans le champ de compétence de l'Agence des aires marines protégées



	UNITED KINGDOM	PORTUGAL	SPAIN	FRANCE
Categories of protected area recognized as MPAs under national legislation	‘National’-type categories			
		Parque natural Reserva natural	Parques (Nacional – Naturales) Reserva naturale Área marina protegida Monumento natural Paisaje protegido Reserva marina	Parc national (*) Réserve naturelle Parc naturel marin Domaine public maritime du Conservatoire du littoral Arrêté de protection de biotope Réserve nationale de chasse et de faune sauvage
	Marine Conservation Zone (England) (Note that this category may also include Highly Protected MCZ - Wales) Nature Conservation MPA Site of Special Scientific Interest (England, Wales, Scotland) Area of Special Scientific Interest (Northern Ireland)		Parque natural (Andalucía, Canarias, Cantabria, Galicia) Reserva de Pesca (Andalucía) Reserva natural parcial (Asturias) Reserva natural integral (Islas Canarias) Zona de especial protección de los Valores Naturales (Galicia) Reserva marina de interés pesquero (Galicia) Paraje natural (Andalucía) Biotopo protegido (País Vasco)	Réserve naturelle régionale
Categories of protected area recognized as MPAs under national legislation	‘Territorial’-type categories (these categories are combined with the ‘national’ categories within the framework of the WDPA)			
	‘International’-type categories			
	<i>European designation</i> Site of Community Importance (SCI) Special Areas of Conservation (SAC)	<i>European designation</i> Sítio de importância comunitária (SIC) Zona especial de conservação (ZEC)	<i>European designation</i> Lugar de importância comunitaria (LIC) Zonas especiales de conservación (ZEC)	<i>European designation</i> Site d’importance communautaire (SIC) Zone spéciale de conservation (ZSC)

	UNITED KINGDOM	PORTUGAL	SPAIN	FRANCE
	Special Protection Area (SPA) Wetlands of International Importance (Ramsar)	Zona de protecção especial (ZPE) <i>International designation</i> Reserva da biosfera (UNESCO)	Zona de especial protección para las aves (ZEPA) <i>International designation</i> Humedal de importancia internacional, or Humedal RAMSAR, with a marine area Sitio natural de la Lista del Patrimonio de la Humanidad, de la Convención sobre la Protección del Patrimonio Mundial, Cultural y Natural, with a marine area Reserva de biosfera, with a marine area <i>Designations under regional convention</i> Área protegida del Convenio OSPAR	Zone de protection spéciale (ZPS) <i>International designation</i> Zone humide d’importance internationale (RAMSAR) Site inscrit au patrimoine mondial de l’UNESCO Réserve de biosphère (UNESCO) <i>Designations under regional convention</i> Zone marine protégée (OSPAR) Aire spécialement protégée marine et côtière (ASP) Aire spécialement protégée d’importance méditerranéenne (ASPIM) Area protected under the SPAW protocol (*) Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region (*) Special protected area in the Antarctic (*)

	UNITED KINGDOM	PORTUGAL	SPAIN	FRANCE
	Site Inscribed on the World Heritage List (UNESCO) Biosphere reserve (UNESCO) Marine Protected Area (OSPAR) (see note above)	Zona húmida RAMSAR Bem inscrito no património mundial da UNESCO Área marinha protegida (OSPAR)		Cantonement de pêche Site classé Grand site PELAGOS Sanctuary (international agreement for the protection of marine mammals - Rome 1999, North-West Mediterranean)* AGOA Sanctuary (policy declaration with no legal existence for the protection of marine mammals, French West Indies)* Area protected under the APIA Convention (South Pacific) signed on 12 June 1976* Protection tools developed by the overseas countries* including New Caledonia and French Polynesia Sanctuaries (documents by the authorities of New Caledonia and French Polynesia for the protection of marine mammals, Pacific Ocean)*
Categories of protected area NOT recognized as MPAs under national legislation / not listed in national legislation as part of the MPA network (see specificities for the UK and Portugal**)				

[\*] French categories of protected area not officially recognized as MPAs and not concerning the Atlantic seaboard; they are not developed in this document.  
[\*\*] Portuguese categories of protected areas in the autonomous regions of Azores and Madeira are not presented in this document.

## IV. CATEGORIES OFFICIALLY REGARDED AS “NATIONAL” MPAS, BY PARTNER COUNTRY

This chapter presents a summary, by country, of the categories officially regarded as “national” or “territorial” MPAs. The following information (compiled in summary tables) will be presented:

- presentation of the relevant categories;
- reference documents for each category, possibly requiring the development of a management plan and specifying the type of governance and funding;
- number of sites inventoried per category (where this information is available).

It should be noted that a distinction is made in this document although international standards do not recognize any “territorial” categories which are integrated into the “national”-type

categories, as is the case, furthermore, in the MAIA geographic database.

To fully present the information collected for all categories of protected area contributing to the official MPA networks of Portugal, Spain, France and the UK, a summary table is included for the national categories of each country.

In Spain, coastal or marine natural protected areas must meet a number of criteria to be considered an integral part of Spain’s official MPA network. These criteria are currently being defined. However, here we will present all categories currently considered to be potential in Spain.

### 1. Categories officially regarded as “national”-type MPAs in mainland Portugal

In Portugal, there are only two “national” categories with a marine component:

*Parque natural*, with a marine area

*Reserva natural*, with a marine area

The reference document relative to these categories is the “Decreto-Lei nº 142/2008 de 24 Julho”

It provides for the development of a management plan and specifies the type of governance and the method of funding.

For both categories, the regulations are not defined in the designation document but are proposed by the manager to the relevant authority. These protected area categories may be

applied to land or marine sites or to sites with both land and marine areas.

Note that other national designations could contribute to the MPA network such as: *Parque nacional* (National Park); *Monumento natural* (Natural Monument) and *Paisagem protegida* (Protected Landscape).

However, at the present moment, none of these categories of protected area have any example with a marine component and no projects are underway.

These three categories are not presented in this document.

Table II: Summary datasheet for “national”-type MPA categories in Portugal		
	PARQUE NATURAL (Nature Park)	RESERVA NATURAL (Nature Reserve)
Reference document	Decreto-Lei nº 142/2008 de 24 Julho	
Legal application area at sea	Territorial Seas	
Physical application area	Seabed Sub-bottom Water column Surface	
Official goals		
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status	X	X
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status	X	X
Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc.)	X	X
Protect, preserve and restore the cultural heritage		
Promote the sustainable management / development of socio-economic activities	X	
Manage use of natural resources		
Improve the governance of the MPA territory		
Improve the quality of water		
Environmental awareness and education		
Encourage scientific research		
Create socio-economic added value		
Development of a management plan required by reference documents	Yes	
Type of governance specified by reference documents (IUCN categories)	(A) Governance by government (national, federal or sub-national agency)	
Type of funding specified by reference documents	Public and/or private	
Number of sites in this category, with a marine area, designated	3	3
... in the Atlantic / Channel	3	3

## 2. Categories officially regarded as “national”-type MPAs in Spain

### A. Categories officially regarded as “national”-type MPAs

Spanish regulations define six categories of sites considered to be MPAs at national level:

**Parque natural** or **nacional** with a marine area (Nature or National Park);

**Reserva natural** with a marine area (Nature Reserve);

**Área marina protegida** (Marine Protected Area);

**Monumento natural** with a marine area (Natural Monument);

**Paisaje protegido** with a marine area (Protected Landscape);

**Reserva marina** (Marine Reserve).

#### a) Parques (Nacional – Naturales)

This category is governed by:

“Art. 32 de la Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad”;

“Art. 3 de la Ley 5/2007, de 3 de abril, de la Red de Parques Nacionales”.

In most cases, regulations governing these sites are stipulated by the law which also provides for the development of a management plan and specifies the type of governance and funding.

#### b) Reserva natural

This category is defined as potentially being recognized as a marine protected area when the sites designated in this category have a marine area:

“Art. 13 de la Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad”.

To date, no Reserva natural in Spain has a marine area.

#### c) Área marina protegida

Spain has introduced a category called Área marina protegida (Marine Protected Area), defined by:

“Art. 6, 15, 32, 45 de la Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad”.

This law specifies the regulations that should apply in most cases, together with the implementation of a management plan. It also stipulates the type of governance and funding.

Only one Área marina protegida is currently designated (Real Decreto 1629/2011, de 14 de noviembre). It is **El Cachucho (Atlantic seaboard)**, located 60 kilometers off the coasts of the Asturias.

#### d) Monumento natural

This category is defined by:

“Art. 33 de la Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad”.

This document specifies the regulations that should apply in most cases but does not provide for the development of a management plan. It does, however, stipulate the type of governance and funding.

There is no site currently designated under the Monumento natural category with a marine area.

#### e) Paisaje protegido

Sites designated in this category and having a marine area may be recognized as marine protected areas:



“Art. 34 de la Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad”

This document specifies the regulations that should apply in most cases. It also stipulates the type of governance and funding but does not provide for the development of a management plan.

In Asturias, three Paisajes protegidos has been declared by Decreto 80/1995, de 12 de mayo [BOPA núm.135, del 13 de junio de 1995]

- Paisaje Protegido de cabo Peñas (only for coastal zone, Cliff)
- Paisaje protegido de la Costa Oriental (Asturias: only for coastal zone, cliff, little island)
- Paisaje protegido de la Costa Occidental

**f) Reserva marina**

This category is defined by:

“Art. 13 de la Ley 3/2001, de 26 de marzo, de Pesca Marítima del Estado”.

However, each Reserva marina is designated by a specific text.

This category is managed by the Ministerio de Agricultura, Alimentación y Medio Ambiente. The designation document defines the regulations in most cases, specifies the type of governance and funding and provides for the development of a management plan.

Table III: Summary datasheet for “national” / “state”-type categories in Spain

	PARQUE NATURAL / NACIONAL	RESERVA NATURAL	AREA MARINA PROTEGIDA	MONUMENTO NATURAL	PAISAJE PROTEGIDO	RESERVA MARINA
Physical application area	Seabed Sub-bottom Water column Surface					
Legal application area at sea		EEZ Extended continental shelf Territorial Sea		High sea EEZ Extended continental shelf Territorial Sea		EEZ Extended continental shelf Territorial Sea
Official goals						
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status	X	X	X	X	X	
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status	X	X	X	X	X	
Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc.)		X	X			X
Protect, preserve and restore the cultural heritage	X			X	X	
Promote the sustainable management / development of socio-economic activities	X		X			X
Manage use of natural resources						X
Improve the governance of the MPA territory						

	PARQUE NATURAL / NACIONAL	RESERVA NATURAL	AREA MARINA PROTEGIDA	MONUMENTO NATURAL	PAISAJE PROTEGIDO	RESERVA MARINA
Improve the quality of water						
Environmental awareness and education						
Encourage scientific research		X	X			
Create socio-economic added value						
Development of a management plan required by reference documents	YES	YES	NO	NO	YES	YES
Type of governance specified by reference documents (IUCN categories)	[A] Governance by government (national / territorial body)					
Type of funding specified by reference documents	Public					
Number of sites in this category, with a marine area, proposed	-	-	1	-	-	-
... in the Atlantic / Channel	-	-	1	-	-	-
Number of sites in this category, with a marine area, designated	3	-	-	-	3	3
... in the Atlantic / Channel	-	-	-	-	-	-

B. Categories officially regarded as “territorial”-type MPAs

The autonomous governments of the regions may define other categories of natural protected areas specific to them, in line with their authority and legislation on nature protection.

For the regions around the Atlantic, the following “territorial”-type categories are defined by the autonomous governments, in addition to the “national” / “state” categories:

*Parque natural – Andalucía, Cantabria, Galicia, Islas Canarias* (Nature Park – Andalusia, Cantabria, Galicia, Canary Islands);

*Reserva de pesca – Andalucía* (Fishing Reserve – Andalusia);

*Paraje natural – Andalucía* (Natural Landscape – Andalusia);

*Reserva natural parcial – Asturias* (Partial Natural Reserve – Asturias);

*Reserva marina de interés pesquero – Galicia* (Marine Reserve of Fishing Interest – Galicia);

*Reserva natural integral – Islas Canarias* (Integral Natural Reserve – Canary Islands);

*Biotopo protegido – País Vasco* (Protected Biotope – Basque Country);

*Zona de especial protección de los valores naturales – Galicia* (Special Protection Zone of Natural Values – Galicia).

This latter category encompasses the “international”-type designations: Lugar de importancia comunitaria (Site of Community Importance (SCI)) and Zona especial de conservación (Special Area of Conservation (SAC)), resulting from the European Habitats Directive and addressed in greater detail further in this document.

a) Parque natural – Andalucía, Cantabria, Galicia, Islas Canarias

This category is managed by the autonomous governments and is described in:

“Art. 30 de la Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad”.

Sites designated under this category may only extend out at sea up to the territorial sea limits if the ecological continuity between the marine ecosystem and the adjacent land zone is proven by sound scientific evidence. In this case only will the autonomous community be in charge of the coastal marine protected site.

There are Parque natural (Natural Parks) with a marine area:

In Andalusia: they are governed by the “Ley 2/1989, de 18 de julio, por la que se aprueba el inventario de Espacios Naturales Protegidos de Andalucía y se establecen medidas adicionales para su protección”, the law on the inventory of natural protected spaces in Andalusia establishing the necessary means for their protection;

In Cantabria: they are governed by the “Ley 4/2006, de 19 de mayo, de Conservación de la Naturaleza de Cantabria”, the law on nature conservation in Cantabria;

In Galicia: they are governed by the “Ley 9/2001, de 21 de agosto, de conservación de la naturaleza”, the nature conservation law;

In the Canary Islands: they are designated by the “Ley 12/1994, 19 diciembre, de Espacios naturales de Canarias”, the law on natural spaces in the Canaries.

In all cases, the regulations of these categories are defined in the designation document which also provides for the development of a management plan.

**b) *Reserva de pesca – Andalucía***

This category only exists in Andalusia:

“Art. 10 Ley 1/2002, de 4 de abril, de ordenación, fomento y control de la Pesca Marítima, el Marisqueo y la Acuicultura Marina (Boletín Oficial de la Junta de Andalucía)”.

Regulations governing this category are defined in the designation document by the relevant authority. The reference document for this category provides for the development of a management plan and specifies the type of governance and funding.

**c) *Paraje natural – Andalucía***

This category is governed by the:

“Ley 2/1989, de 18 de julio, por la que se aprueba el inventario de Espacios Naturales Protegidos de Andalucía y se establecen medidas adicionales para su protección”.

This law on the inventory of natural protected spaces in Andalusia specifies the necessary means for their protection. This “territorial”-type category exists in most autonomous communities but only includes marine areas in Andalusia.

The law provides for the development of regulations and a management plan.

**d) *Reserva natural parcial – Asturias***

This category specific to the Asturias is defined in:

“Ley 5/1991, de 5 de abril, de Protección de los Espacios Naturales”, the law on natural protected spaces.

Sites designated under this category may only extend out at sea up to the territorial sea limits if the ecological continuity between the marine ecosystem and the adjacent land zone is proven by sound scientific evidence. In this case only

will the government of the Asturias be in charge of the coastal marine protected site.

The reference document stipulates that the relevant authority defines the regulations and provides for the development of a management plan.

**e) *Reserva marina de interés pesquero – Galicia***

There is no document defining this category which only exists in Galicia, but two site designation documents contribute to defining it:

The Galician Law refers to “areas marinas pesqueras” declared as “reserves marinas, de acondicionamiento marino y de repoblación marina” (art. 9, Fisheries Law 11/2008)

“Decreto 28/2009, de 29 de enero, por el que se crea la reserva marina de interés pesquero Ría de Cedeira”;

“Decreto 8520077, de 12 de abril, por el que se crea la reserva marina de interés pesquero Os Miñarzos”.

Regulations applying to these sites are specified in the designation decrees. Provision is made for the development of a management plan and the type of governance and funding are also specified.

**f) *Reserva natural integral – Islas Canarias***

The Reservas naturales integrales (Integral Nature Reserve) are governed by:

“Ley 12/1994, 19 diciembre, de Espacios naturales de Canarias”, the law on natural spaces in the Canaries.

They generally have the same perimeters as the Natura 2000 sites found in this region. The relevant authority also defines applicable regulations and requires the development of a management plan.

**g) *Biotopo protegido – País Vasco***

This category which only exists in the Basque Country is described in the:

“Ley 16/1994, de 30 de junio, de conservación de la naturaleza del País Vasco”, the law on nature conservation in the Basque Country.

Regulations are defined in the site designation document and provision is made for management plan implementation.

**h) *Zona de especial protección de los valores naturales – Galicia***

This territorial designation is defined by:

“Ley 9/2001, de 21 de agosto, de conservación de la naturaleza”, the nature conservation law;

“Decreto 72/2004, de 2 de abril, por el que se declaran determinados Espacios como Zonas de Especial Protección de los Valores Naturales”.

This designation encompasses the categories Lugar de importancia comunitaria (LIC) (Site of Community Importance (SCI)) and Zona especial de conservación (ZEC) (Special Area of Conservation (SAC)). The categories resulting from the “Habitats” directives are “international”-type categories and are described below in this document (cf. Table IX).



Table IV: Summary datasheet of “territorial”-type categories for regions on the Spanish Atlantic seaboard.

NB: the category “Zona de especial protección de los valores naturales” is detailed in table IX as it encompasses Natura 2000 sites (international categories)

	RESERVA MARINA DE INTERES DE PESQUERO	RESERVA DE PESCA	PARQUE NATURAL	RESERVA NATURAL PARCIAL	RESERVA NATURAL INTEGRAL	PARAJE NATURAL	BIOTOPO PROTEGIDO
Autonomous community	Galicia	Andalucia	Andalucia Cantabria Galicia Islas Canarias	Asturias	Canarias	Andalucia	País Vasco
Physical application area	Seabed Sub-bottom Water column Surface			Seabed Water column Surface		Seabed Sub-bottom Water column Surface	
Legal application area at sea	Internal waters and extension to the territorial sea in certain cases*				Internal waters only		
Official goals							
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status				X	X	X	X
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status				X	X	X	X
Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc.)	X	X		X	X		X
Protect, preserve and restore the cultural heritage							
Promote the sustainable management / development of socio-economic activities	X	X		X	X	X	X
Manage use of natural resources	X	X			X		

	RESERVA MARINA DE INTERES DE PESQUERO	RESERVA DE PESCA	PARQUE NATURAL	RESERVA NATURAL PARCIAL	RESERVA NATURAL INTEGRAL	PARAJE NATURAL	BIOTOPO PROTEGIDO
Improve the governance of the MPA territory							
Improve the quality of water							
Environmental awareness and education			X				
Encourage scientific research							
Create socio-economic added value							
Development of a management plan required by reference documents	YES						
Type of governance specified by reference documents (IUCN categories)	(A) Governance by government (national, federal or sub-national agency)	(B) Shared governance, collaborative management	[A] Governance by government (national, federal or sub-national agency)				
Type of funding specified by reference documents	Public						
Number of sites in this category, with a marine area, proposed	-	-	-	3	1	-	3
... in the Atlantic / Channel	-	-	-	3	1	-	3
Number of sites in this category, with a marine area, designated	2	1	7	2	-	2	2
... in the Atlantic / Channel	-	-	-	-	-	2	-

\* Sites designated under this category may only extend out at sea up to the territorial sea limits if the ecological continuity between the marine ecosystem and the adjacent land zone is proven by sound scientific evidence. In this case only will the autonomous community be in charge of the coastal marine protected site.

### 3. Categories officially regarded as “national”-type MPAs in France

#### A. Categories officially regarded as “national”-type MPAs

Categories of protected spaces regarded as “national” MPAs in France (where they include a marine area) are defined by the:

“Loi du 14 avril 2006”;

“Arrêté ministériel du 3 juin 2011”.

There are six such categories:

**Parc national** with a marine area (National Park);

**Réserve naturelle nationale** with a marine area (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** with a marine area (Biotope Protection by Law);

**Réserve nationale de chasse et de faune sauvage** with a marine area (Hunting and Wildlife National Reserve).

Apart from the *parcs naturels marins* which are, by definition, solely marine, the other categories were intended at the outset for land sites. Sites designated under these categories are therefore only considered MPAs when they include a marine area.

##### a) Parc national

This category is governed by:

“Code de l’Environnement (Art.L.331-2 à L.331-7, R.331-1 à R.331-12 et R.331-15 à R.331-17)”;

“Loi n° 2006-436 du 14 avril 2006 relative aux parcs nationaux, aux parcs naturels marins et

aux parcs naturels régionaux (JORF 15 avril 2006)”;

“Décret d’application n°2006-943 du 28 juillet 2006 (JORF 29 juillet 2006)”;

“Décret d’application n°2006-944 du 28 juillet 2006 (JORF 29 juillet 2006)”.

These reference documents make provision for the development of a management plan called a *Charte* which must be drafted in consultation with the stakeholders. They also specify the type of governance and funding (R331-40).

The regulations for this category are defined in the designation document but may change and be completed by proposals made by the management body to the relevant authorities.

To date, designated *parcs nationaux* with a marine area are the **parc national de Port-Cros (Mediterranean)**, the **parc national de Guadeloupe (French West Indies)** and the **parc national des Calanques (Mediterranean)**.

There is currently no parc national with a marine area on the French Atlantic seaboard.

##### b) Réserve naturelle nationale

This category of protected area is defined by:

“Code de l’Environnement (Art. L. 332-1 à L. 332-27 et R. 332- 1 à R. 332-29 et R.332-68 à R. 332-81)”;

“Circulaire n°95-47 du 28 mars 1995 relative aux plans de gestion écologique des réserves naturelles”;

“Circulaire n°97-93 du 7 octobre 1997 relative à la désignation et aux missions des organismes gestionnaires de réserves naturelles”;

“Circulaire n°2006-3 du 13 mars 2006 relative à la procédure de création et de gestion des réserves naturelles nationales et des réserves naturelles régionales”.

These reference documents make provision for the development of a management plan (Art. R332-21) and specify the type of governance but not the method of funding.

The regulations for this category of protected area are defined in the designation document.

The exact identification of Réserves naturelles nationales with a marine area is currently underway at national level.

##### c) Parc naturel marin

Parcs naturels marins are defined in:

“Code de l’Environnement (Art. L. 334-3 à L. 334-8 et R. 334-27 à R. 334-38)”;

“Loi n° 2006-436 du 14 avril 2006 relative aux parcs nationaux, aux parcs naturels marins et aux parcs naturels régionaux (JORF 15 avril 2006)”;

The reference documents make provision for drafting and introducing a management plan (to be done by the management committee) and specify both the type of governance and the funding (R334-20).

Regulations specific to this category are not defined in the site designation document. The management body may propose specific regulations to the relevant authority.

Three such sites have already been designated: **Parc naturel marin d’Iroise (Atlantic seaboard / Channel)**, **Parc naturel marin de Mayotte (Indian Ocean)**, and **Parc naturel marin du Golfe du Lion (Mediterranean)**.

Five sites are awaiting designation or are under study (the last two in the list):

- **Parc naturel marin des Trois Estuaires**

- (Atlantique seaboard/ Channel)**
  - **Parc naturel marin des Pertuis charentais et de l’estuaire de la Gironde (Atlantique seaboard)**
  - **Parc naturel marin d’Arcachon (Atlantique seaboard)**
  - **Parc naturel marin du Golfe normand breton (Atlantique seaboard/ Channel)**
  - **Parc naturel marin de Martinique (French West Indies)**

##### d) Domaine public maritime du Conservatoire du littoral

This category is governed by:

“Code de l’Environnement (Art L. 322-1 à L. 322-14 et R.322-1 à 322-42)”;

“Code de l’Urbanisme (Art L. 142-2 et L. 142-3)”;

“Code général des impôts (Art 795-12, 1041, 1716 bis et 384A bis (annexe 2))”;

“Code général de la propriété des personnes publiques (Art L.331-6)”.

These documents provide for the development of a management plan and specify the type of funding (Code environnement (Art. 322-38).

However, as the type of governance is not stipulated, the *Conservatoire de l’Espace Littoral et des Rivages Lacustres (CELRL)* develops agreements on a case-by-case basis with the management authority it selects for a site. The type of governance thus differs depending on the site manager’s status.

The management body proposes regulations to the relevant authority for application. Regulations are not defined when the site is designated.

The number of such sites is currently being counted on a national level.

e) Arrêté de protection de biotope

This category of protected area is defined by:

“Code de l’Environnement (Art L. 411-1, L. 411-2 et R. 411-15 à R. 411-17 et R. 415-1)”;

“Circulaire n° 90-95 du 27 juillet 1990 relative à la protection des biotopes nécessaires aux espèces vivant dans les milieux aquatiques”.

These two documents set out the regulations in force but do not make provision for the drafting of a management plan, or for the type of governance or funding.

The number of such sites is currently being counted on a national level.

f) Réserve nationale de chasse et de faune sauvage

This category of protected area is initially defined in:

“Code de l’Environnement (art 422-27 et 422-28, R422-82 et suivants, R422-92 et suivants)” for the land parts.

They are recognized as MPAs in the:

“Arrêté ministériel du 3 juin 2011, relatif à l’identification de catégorie d’aires protégées entrant dans le champ de compétence de l’Agence des aires marines protégées”.

These reference documents do not provide for the development of a management plan, and they do not specify the type of governance or funding for this category.

The regulations are defined in the designation document.

There is only one *réserve nationale de chasse et de faune sauvage* with a marine area on the French Atlantic seaboard, in the **Golfe du Morbihan**.

Table V: Summary datasheet for French “national”-type categories

	PARC NATIONAL	RÉSERVE NATURELLE NATIONALE	PARC NATUREL MARIN	DOMAINE PUBLIC DU CONSERVATOIRE DU LITTORAL	ARRETE DE PROTECTION DE BIOTOPE	RÉSERVE DE CHASSE ET DE FAUNE SAUVAGE
Physical application area		Seabed Sub-bottom Water column Surface		Seabed Sub-bottom	Seabed Sub-bottom Water column Surface	Sub-bottom Surface
Legal application area at sea			EEZ		Territorial sea	
Official goals						
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status	X	X	X	X	X	X
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status	X	X	X	X		
Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc.)	X	X	X	X		
Protect, preserve and restore the cultural heritage	X		X	X		
Promote the sustainable management / development of socio-economic activities	X		X	X		
Manage use of natural resources	X		X			
Improve the governance of the MPA territory						
Improve the quality of water	X		X			
Environmental awareness and education	X	X	X	X		
Encourage scientific research	X	X	X	X		X
Create socio-economic added value	X	X	X	X		



	PARC NATIONAL	RÉSERVE NATURELLE NATIONALE	PARC NATUREL MARIN	DOMAINE PUBLIC DU CONSERVATOIRE DU LITTORAL	ARRETE DE PROTECTION DE BIOTOPE	RÉSERVE DE CHASSE ET DE FAUNE SAUVAGE
	YES				NO	
	A) Governance by government (national sub-body) (B) Shared governance (collaborative management)	(B) Shared governance (collaborative management)	(A) Governance by government (national sub-body) (B) Shared governance (collaborative management)	Not specified in the documents. Agreements with bodies on a case-by-case basis. Governance depends on the managing body's status and type.	Not specified in the documents	Not specified in the documents
	Public and/or private	Not defined in the documents	Public and/or private (R334-20)	Public and/or private (Code de l'environnement, Art 322-38)	Not specified in the documents	Not specified in the documents
	-	-	5	-	-	-
	-	-	4	-	-	-
	3	Count still in progress	4	Count still in progress	Count still in progress	1
	0	-	1	-	-	1
Development of a management plan required by reference documents						
Type of governance specified by reference documents (IUCN categories)						
Type of funding specified by reference documents						
Number of sites in this category, with a marine area, proposed						
	... in the Atlantic / Channel					
Number of sites in this category, with a marine area, designated						
	... in the Atlantic / Channel					

B. Category officially regarded as a “territorial”-type MPA in France

The only “territorial” category in France is *Réserve naturelle régionale* with a marine area (Regional Nature Reserve).

This category is defined in the:

“Code de l’Environnement (Art L. 332-1 à L. 332-27, R. 332-30 à R. 332-48 et R 332-68 à R. 33- 81)”.

This document makes provision for drafting and introducing a management plan and for various types of governance (R332-41). However, there are no stipulations concerning the funding.

Applicable regulations are introduced by the relevant authority when the site is designated.

There are four Réserves naturelles régionales with a marine area:

- *Réserve naturelle régionale du sillon de Talbert* (Brittany, Atlantic seaboard / Channel)
- *Réserve naturelle de Corse Etang de Biguglia*
- *Réserve naturelle de Corse Scandola*
- *Réserve naturelle de Corse Bouches de Bonifacio*

The **réserves naturelles de Corse** are designated by the *Collectivité territoriale de Corse* (Corsican local government). This category may be considered as MPA when the site has a marine area, but this status is relatively uncommon.

Table VI: Summary datasheet for the French “territorial”-type category

	<i>RÉSERVE NATURELLE RÉGIONALE</i> (Regional Nature Reserve)
Physical application area	Water column Surface
Legal application area at sea	Territorial sea
Official goals	
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status	X
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status	X
Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc.)	X
Protect, preserve and restore the cultural heritage	
Promote the sustainable management / development of socio-economic activities	
Manage use of natural resources	
Improve the governance of the MPA territory	
Improve the quality of water	
Environmental awareness and education	X

	<i>RÉSERVE NATURELLE RÉGIONALE</i> (Regional Nature Reserve)
Encourage scientific research	X
Create socio-economic added value	X
Development of a management plan required by reference documents	YES
Type of governance specified by reference documents (IUCN categories)	Different types (art. R332-41): (A) Governance by government (delegation of management) (C) Private governance: individual or by a non-profit-making association
Type of funding specified by reference documents	Not specified in the documents
Number of sites in this category, with a marine area, designated	4
... in the Atlantic / Channel	1

## 4. Categories officially regarded as “national”-type MPAs in the United Kingdom

In the United Kingdom, two documents currently define the categories of protected sites that are part of the country’s official MPA network:

“Marine and Coastal Act (2009): clause 123”;

“Marine (Scotland) Act 2010: clause 79”.

The following four categories apply at national level for England, Wales, Scotland and Northern Ireland:

*Marine Conservation Zone (MCZs – English onshore waters and English Welsh and Northern Irish offshore waters; Note that this category may also include Highly Protected MCZ<sup>6</sup> (HPMCZ – Wales);*

*Nature Conservation MPA (Scotland);*

*Marine area of Sites of Special Scientific Interest considered to have “marine components” (SSSI – England, Scotland, Wales);*

*Marine area of Areas of Special Scientific Interest considered to have “marine components” (ASSI – Northern Ireland).*

### A. Marine Conservation Zone – English onshore waters and English Welsh and Northern Irish offshore waters <sup>7</sup>

Marine Conservation Zones are defined in the 2009 “Marine Coastal Access Act (Part 5, chap. 1)”.

This document also defines the role and responsibilities of the structure in charge of managing activities impacting MCZs, the Marine Management Organisation, for English territorial waters. It also specifies the type of governance of this category and the method of funding.

Sites will be designated by the relevant ministries.

At the site recommendation stage, potential management measures were identified; however final management measures to be taken will be defined subsequently, after consultation and designation.

The previous Marine Nature Reserve at Lundy Island became an MCZ in 2010. The first designations of new MCZs will be made at the end of summer 2013.

Note that the designation “marine nature reserve” in Wales (one site designated) will be converted into a MCZ once the designation process has been completed in this nation. It is likely that the marine nature reserve in Northern Ireland will also be converted to a MCZ under national legislation.

<sup>6</sup>- It is expected that the Welsh Government will make an announcement regarding the approach towards identifying new national MPAs in Welsh territorial waters in Autumn 2012.

<sup>7</sup>- Note that this category may also include Highly Protected MCZs (HPMCZs – Wales)

B. Nature Conservation MPA – Scotland

This category is defined in the 2010 “Marine [Scotland] Act”.

This document defines both the type of governance and funding.

It states that the relevant authorities may establish a management plan for sites in this category: the Marine Management Scheme for Nature Conservation MPAs.

Sites are designated by the Scottish minister in charge of MPAs. The designation document defines what is protected and the conservation objectives.

C. Sites of Special Scientific Interest, SSSI – England, Wales, Scotland / Areas of Special Scientific Interest, ASSI – Northern Ireland

These categories are equivalent but their name differs depending on whether they are in England, Wales, Scotland or Northern Ireland. The reference documents relating to these categories are the:

- 1981 “Wildlife and Countryside Act”, for England, Wales and Scotland;
- 2002 “Environment (Northern Ireland) Order” for Northern Ireland.

Pursuant to these documents, regulations are defined by the relevant authority at the time of site designation. Management agreements must be signed with stakeholders (historically with the landowners as these sites were initially land-based), but the reference documents do not strictly provide for drafting a management plan.

The types of governance and funding are defined in the reference documents.

Several projects have been set up to identify MPAs in UK waters. In due course, new national MPAs (e.g. MCZs, Nature Conservation MPAs) will be designated in territorial and offshore waters of England, Wales, Scotland and Northern Ireland.

Table VII: Summary datasheet for UK “national”-type categories.

	MARINE CONSERVATION ZONE (and possibly HIGHLY PROTECTED MARINE CONSERVATION ZONE in Wales)	NATURE CONSERVATION MPA	SITES OF SPECIAL SCIENTIFIC INTEREST SSSI	AREAS OF SPECIAL SCIENTIFIC INTEREST ASSI
Nation	MCZ – English inshore waters and English, Welsh and Northern Irish offshore waters.  (Note that this category may also include Highly Protected MCZs in Welsh territorial waters)	Scotland	England, Wales, Scotland	Northern Ireland
Physical application area	Seabed Sub-bottom Water column Surface	Seabed Sub-bottom	Seabed Sub-bottom	
Legal application area at sea	MCZs can be designated within English territorial waters and English, Welsh and Northern Irish offshore waters.  Highly Protected MCZs may be designated in Welsh territorial waters	MCZs in Scottish offshore waters will be called Nature conservation MPAs. Nature conservation MPAs can be designated in Scottish territorial waters.	SSSIs can be designated in territorial waters of Scotland, Wales and England	ASSIs can be designated in territorial waters of Northern Ireland.
Official goals				
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status	X	X	X	X
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status	X	X		
Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc.)	X	X		
Protect, preserve and restore the cultural heritage				



	MARINE CONSERVATION ZONE (and possibly HIGHLY PROTECTED MARINE CONSERVATION ZONE in Wales)	NATURE CONSERVATION MPA	SITES OF SPECIAL SCIENTIFIC INTEREST SSSI	AREAS OF SPECIAL SCIENTIFIC INTEREST ASSI
Promote the sustainable management / development of socio-economic activities		Sustainable management		
Manage use of natural resources				
Improve the governance of the MPA territory				
Improve the quality of water				
Environmental awareness and education			Potentially	Potentially
Encourage scientific research	X			
Create socio-economic added value				
Development of a management plan required by reference documents	The Marine and Coastal Access Act (2009) specifies the duties on the MMO and public authorities to manage activities which affect MCZs	The Marine (Scotland) Act 2010 specifies that relevant authorities may establish marine management schemes for Nature conservation MPAs	Yes - management agreements with landowners (not strictly management plans)	Yes - management agreements with landowners (not strictly management plans)
Type of governance specified by the reference document (IUCN category)	By the government (sub-national body)			
Type of funding specified by the reference document	Public			
Number of sites in this category, with a marine area, proposed	In progress		-	-
... in the Atlantic / Channel			-	-
Number of sites in this category, with a marine area, designated	In progress		The identification of SSSIs and ASSIs with a marine area is currently being done by national agencies	
... in the Atlantic / Channel			-	

## V. CATEGORIES OFFICIALLY REGARDED AS “INTERNATIONAL” MPAS, BY PARTNER COUNTRY

Certain “international” categories are recognized as MPAs under national legislation, but this recognition differs from one country to another.

Table VIII: Summary of “international”-type categories officially recognized as MPA in the partner countries national legislation.

	UK	PORTUGAL	SPAIN	FRANCE
<b>Natura 2000</b> <ul style="list-style-type: none"><li>– <i>Site of Community Importance (SCI)</i> with a marine area – Habitats Directive 92/43/EEC</li><li>– <i>Special Area of Conservation (SAC)</i> with a marine area – Habitats Directive 92/43/EEC</li><li>– <i>Special Protection Area (SPA)</i> with a marine area – Birds Directive 2009/147/EC</li></ul>	Yes	Yes	Yes	Yes
<b>Wetlands of International Importance (Ramsar)</b> with a marine area	Yes	Yes*	Yes	Yes
<b>Biosphere Reserve (UNESCO)</b> with a marine area	-	Yes**	Yes	Yes
<b>World Heritage Site (UNESCO)</b> with a marine area	-	Yes***	Yes	Yes
<b>Marine Protected Area (OSPAR)</b>	-	Yes****	Yes	Yes

For Portugal:

[\*] The existing mainland Wetlands of International Importance (RAMSAR) do not have any marine component

[\*\*] In 2011, the Berlengas Biosphere Reserve was designated

[\*\*\*] Arrabida has been proposed for inscription as a World Heritage site

[\*\*\*\*] Existing OSPAR MPAs are located in Azores and Madeira, autonomous regions which are not considered for this study.

Details of “international” categories that **are not** recognized as MPAs under the partner countries national legislation are provided in the next section.

## 1. Categories under the European “Habitats” and “Birds” directives, referred to as “Natura 2000” (Portugal, Spain, France, UK)



Figure 5: Natura 2000 logo  
(ec.europa.eu)

Two European directives make provision for the creation of protected areas:

- The “Birds” directive no. 79/409/EC of 2 April 1979 on the conservation of wild birds, which provides for the creation of Special Protection Areas (SPA).
- The “Habitats” directive no. 92/43/EEC of 21 May 1992 on the conservation of natural habitats and wild fauna and flora, which provides for the creation of Special Areas of Conservation (SAC) (Special Protection Area (SPA)).

These two directives have been transposed into the Member States national legislations. Sites thus designated and having a marine area (or which are completely marine) have different application areas depending on the country. Likewise, their official goals may differ. The main difference, however, lies in the progress made in the site designation process (primarily as far as marine sites are concerned).

Sites designated under the “Habitats” directive, which have been formally approved by the Euro-

pean Commission but are yet to be designated by the national government are called:

*Site d'importance communautaire (SIC)*, in France;

*Site of Community Importance (SCI)*, in the UK;

*Lugar de importancia comunitaria (LIC)*, in Spain;

*Sítio de importância comunitária (SIC)*, in Portugal.

Once designated at national level, these SCIs will become:

*Zone spéciale de conservation (ZSC)*, in France;

*Special Area of Conservation (SAC)*, in the UK;

*Zonas especiales de conservación (ZEC)*, in Spain;

*Zona especial de conservação (ZEC)*, in Portugal.

Sites designated under the “Birds” directive and officially designated by the national government are called:

*Zone de protection spéciale (ZPS)*, in France;

*Special Protection Areas (SPA)*, in the UK;

*Zona de especial protección para las aves (ZEPA)*, in Spain;

*Zona de protecção especial (ZPE)*, in Portugal.

The Natura 2000 case, which concerns all the partner countries, shows that the application of European directives may differ from one partner country to another, both in terms of the official goals of the categories and their type of governance or funding.

## 2. Wetlands of International Importance RAMSAR (Spain, France, UK)



Figure 6: RAMSAR convention logo (www.ramsar.org)

The Convention on Wetlands of International Importance, called the Ramsar Convention, is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. The treaty was adopted in 1971 and came into force in 1975.

([www.ramsar.org](http://www.ramsar.org)).

Sites classified under this international instrument which have a marine area are officially recognized as MPAs (or as contributing to the official MPA network) in Spain, France and the UK.

In Portugal, this category is not yet officially considered as contributing to the Portuguese MPA network but may be part of it in future. In mainland Portugal, existing RAMSAR sites do not have a marine component.

The UK uses RAMSAR sites contributing to UK implementation of the EC Water Framework Directive, thus giving this tool more weight than the other partner countries.

Table IX : Summary datasheet concerning the three **Natura 2000** “international” categories in which sites with a marine area are recognized as MPAs in the UK, France, Spain and Portugal.

	<i><b>UNITED KINGDOM</b></i>	<i><b>MAINLAND PORTUGAL</b></i>	<i><b>SPAIN</b></i>	<i><b>FRANCE</b></i>
<b>National legislation transposing the two European directives</b>	The Conservation of Natural, Habitats &c. Regulation 1994. The Conservation of Habitats and Species Regulations 2010 (as amended) The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) The Conservation (Natural Habitats, & c.) Regulations (Northern Ireland) 1995	Decreto-Lei nº 149/99 de 24 Abril Decreto-Lei nº 49/2005 de 24 Fevereiro	CAPITULO III. Articulo 31 de la Ley 42/2007 del 13 de diciembre, del Patrimonio Natural y de la Biodiversidad  In Spain, each Natura 2000 site is designated by a specific document and subsequently managed by the Autonomous Government, except for exclusively marine sites.	Code de l'environnement (Art. L. 414-1 à L. 414-7, R. 414-1 à R. 414-24)  Code rural (Art. L. 313-1, L. 341-1, R. 311-1, R. 311-2 et R. 341-7 à R. 341-20)  Code général des impôts (Art. 1395 E)
<b>Regulations</b>	Not defined in the ministerial designation decision.	Not defined in the designation documents but proposed by the management authority to the relevant authorities.	Defined in the site designation documents by the relevant authorities.	Not defined in the designation documents but proposed by the management authority to the relevant authorities.
<b>Physical application area</b>	Seabed Sub-bottom Water column Surface			
<b>Legal application area at sea</b>	British Fishery Limit (200 nm) UK Continental Shelf Designated Area beyond British Fishery Limit (only for habitat features associated with the seabed) Territorial seas	Territorial seas	EEZ  Extended continental shelf Territorial seas	EEZ  Extended continental shelf Territorial seas

	<i><b>UNITED KINGDOM</b></i>	<i><b>MAINLAND PORTUGAL</b></i>	<i><b>SPAIN</b></i>	<i><b>FRANCE</b></i>
<b>Official goals</b>				
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status	X	X	X	X
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status			X	
Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc.)	Only for Special Areas of Conservation (SAC)		X	
Protect, preserve and restore the cultural heritage				
Promote the sustainable management / development of socio-economic activities				
Manage use of natural resources				
Improve the governance of the MPA territory				
Improve the quality of water				
Environmental awareness and education				
Encourage scientific research			X	
Create socio-economic added value				
<b>Development of a management plan required by the reference documents</b>	The documents provide that a Management Scheme may be drawn up for all Natura 2000 sites, but this is not compulsory.	Provided for in the documents.	Provided for in the documents.	Provided for in the documents and called an objectives document (DOCOB).



	UNITED KINGDOM	MAINLAND PORTUGAL	SPAIN	FRANCE
Type of governance (IUCN categories)	(A) Governmental: national sub-entity	A) Governance by government (national / territorial body or national sub-entity or delegated management) (B) Shared governance (concerted or joint management) (C) Private governance (individual)	(A) Governance by government (national/ territorial body)	(B) Shared governance (concerted management)
Type of funding specified by reference documents	Public	Public et/ou privé	Public	Non prévu dans les textes
Number of sites in this category, with a marine area, proposed	6 possible SACs with marine components in UK	-	-	-
Number of sites in this category, with a marine area, designated	102 Special Areas of Conservation (SAC) and Sites of Community Importance (SCI) with marine components in UK 107 Special Protection Areas (SPA) with marine components in UK	5 Sítios de importância comunitária (SIC) 7 Zona de Protecção Especial (ZPE)	Information not available when the report was written.	The exact identification of Natura 2000 sites with a marine area is in progress and should be available by end-2012.
... in the Atlantic / Channel	-	-	-	-

Table X: Summary datasheet concerning the “Wetlands of International Importance (RAMSAR)” “international” category in which sites with a marine area are recognized as MPAs in the UK, France and Spain			
	<i>UK</i>	<i>SPAIN</i>	<i>FRANCE</i>
National legislation relative to this convention		Artículo 65 de la Ley 42/2007, del 13 de diciembre, del Patrimonio Natural y de la Biodiversidad	Treaty ratified by France in 1987. Décret n°87-126 20/02/1987 Décret 95-143 6/02/1995] Circulaire du 24 décembre 2009, circular implementing the RAMSAR convention in France Arrêté ministériel du 3 juin 2011
Physical application area	Seabed Sub-bottom Water column Surface		Water column Surface
Legal application area at sea	Territorial seas		
Official goals			
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status	X	X	X
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status	X	X	X
Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc.)	X	X	X
Protect, preserve and restore the cultural heritage			X
Promote the sustainable management / development of socio-economic activities	X Sustainable development of wetlands		
Manage use of natural resources			
Improve the governance of the MPA territory			

	<i>UK</i>	<i>SPAIN</i>	<i>FRANCE</i>
Improve the quality of water	RAMSAR sites contribute to implementation of the Water Framework Directive		X
Environmental awareness and education			
Encourage scientific research			
Create socio-economic added value			
Management plan development required by the reference documents	Not stipulated by the documents	Stipulated by the documents	Stipulated by the documents
Type of governance (IUCN categories)	Not defined by the documents	(A) Governmental: national / territorial body	Not defined by the documents
Type of funding specified by reference documents	Not stipulated by the documents	Public	Not stipulated by the documents
Number of sites in this category, with a marine area, proposed	RAMSAR sites with a marine area are currently being identified by national agencies	-	-
... in the Atlantic / Channel		-	-
Number of sites in this category, with a marine area, designated		4	22
... in the Atlantic / Channel		4	6

### 3. Biosphere Reserve - UNESCO (Spain, France)

Biosphere reserves are sites designated by national governments and recognized by UNESCO within the framework of the Man and Biosphere (MAB) programme to promote sustainable development based on the combined efforts of local communities and the scientific world. These reserves seek to reconcile conservation of natural and cultural diversity, and economic and social development. They are therefore ideal to test and develop innovative approaches to sustainable development from local to international scales ([www.unesco.org](http://www.unesco.org)).

[\[www.unesco.org\]](http://www.unesco.org)



Figure 7: UNESCO - MAB logo ([www.unesco.org](http://www.unesco.org))

In Portugal, this category of protected site established in marine zones is not yet officially considered as contributing to the Portuguese MPA network but may be part of it in future.

One site was designated in 2011 under this international instrument: Berlengas Biosphere Reserve with a marine component

Table XI: Summary table concerning the “Biosphere Reserve (UNESCO)” “international” category in which sites with a marine area are recognized as MPAs in France and Spain.

	<i>SPAIN</i>	<i>FRANCE</i>
National reference legislation integrating this international instrument into national law	Artículo 65 de la Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad	Décret du 3 juin 2011, Art.2
Regulations	Defined in the designation documents by the relevant authorities.	
Physical application area	Seabed Sub-bottom Water column Surface	
Legal application area at sea	High Sea EEZ Extended continental shelf Territorial seas	EEZ Extended continental shelf Territorial seas
Official goals		
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status	X	X
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status	X	
Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc.)	X	
Protect, preserve and restore the cultural heritage	X	X
Promote the sustainable management / development of socio-economic activities	X	
Manage use of natural resources		
Improve the governance of the MPA territory		
Improve the quality of water		
Environmental awareness and education		
Encourage scientific research	X	
Create socio-economic added value		
Development of a management plan required by reference documents	Yes	Not provided for by the documents
Type of governance (IUCN categories)	(A) Governmental: national / territorial body	Not specified in the documents
Type of funding specified by reference documents	Public	Not specified in the documents
Number of sites in this category, with a marine area, designated	7	5
... in the Atlantic / Channel	7	1

4. UNESCO World Heritage Sites (Spain, France)

The most original feature of the 1972 “Convention concerning the protection of the world cultural and natural heritage” is that it combines notions of nature protection and preservation of cultural heritage in a single document. The Convention acknowledges the interaction between human beings and nature and the fundamental need to preserve the balance between the two [www.whc.unesco.org].

Since the decree was published on 3 June 2011, France has recognized sites included on the UNESCO World Heritage list and having a marine area as MPAs. It has one listed site with a marine area on its western Atlantic-Channel seaboard: **Mont Saint-Michel et sa baie** (listed since 1979).

The reference documents do not specify the development of a management plan, the type of governance or the funding method.

Similarly, Spain recognizes UNESCO World Heritage sites with a marine area as MPAs under the name: **Sitios naturales de la Lista del Patrimonio de la Humanidad, de la Convención sobre la Protección del Patrimonio Mundial, Cultural y Natural**.

In Portugal, this category of protected site established in marine zones is not yet not officially considered as contributing to the Portuguese MPA network but may be part of it in future.

**One Bem Inscrito no Património Mundial da UNESCO** with a marine component is currently proposed: Arrabidà, but not yet evaluated or listed.

	FRANCE	SPAIN
Protect, preserve and restore the cultural heritage		
Promote the sustainable management / development of socio-economic activities		
Manage use of natural resources		
Improve the governance of the MPA territory		
Improve the quality of water		
Environmental awareness and education		
Encourage scientific research		
Create socio-economic added value		
Development of a management plan	Not specified by the documents	
Number of sites in this category, with a marine area, designated	3	-
... in the Atlantic / Channel	1	-

Table XII: Data concerning implementation of the UNESCO World Heritage Site network in France and Spain.

	FRANCE	SPAIN
National legislation relative to the convention	– Décret n°76-160 10/02/1976 – Arrêté du 3/06/2011	Ley 42/2007 Art 49
Physical application area	Seabed Sub-bottom Water column Surface	
Legal application area at sea	EEZ Extended continental shelf Territorial seas	
Official goals for this category		
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status	X	X
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status		X
Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc.)	X	X

5. MPA - OSPAR (Spain, France)



Figure 8: OSPAR Convention logo (www.ospar.org)

The Convention for the Protection of the Marine Environment of the North-East Atlantic, the “OSPAR Convention”, was signed at the Ministerial Meeting of the Oslo and Paris Commissions, in Paris, on 22 September 1992.

France ratified this convention on 17 February 1998 and since the decree of 3 June 2011, it has recognized sites listed under this regional instrument as official MPAs.

Spain also recognizes sites listed under the OSPAR convention as official MPAs pursuant to the “Ley 42/2007 Art 49”.

Sites listed under the OSPAR Convention are not recognized in the 2009 “Marine and coastal Act” defining the categories of MPA recognized as forming part of the UK’s official MPA network. However, the UK has designated many OSPAR MPAs which correspond to sites also designated under the European Birds or Habitats directives.

In Portugal, this category of protected site established in marine zones is not yet officially considered as contributing to the Portuguese MPA network but may be part of it in future.

In Portugal, designated **Area Marinha Protegida (OSPAR)** sites are located in autonomous regions (Azores and Madeira) not considered in this study.



Table XIII: Data concerning implementation of the OSPAR MPA network in France and Spain.

	FRANCE	SPAIN
National legislation relating to this convention	– Décret n°2005-145-14/02/2005 – Décret du 3/06/2011	Ley 42/2007, Art 49
Physical application area	Seabed Sub-bottom Water column Surface	
Legal application area at sea	High Sea EEZ Extended continental shelf Territorial seas	
Official goals for this category		
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status	X	X
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status	X	
Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc.)	X	
Protect, preserve and restore the cultural heritage	X	
Promote the sustainable management / development of socio-economic activities		
Manage use of natural resources	X	
Improve the governance of the MPA territory		
Improve the quality of water	X	
Environmental awareness and education	X	
Encourage scientific research	X	
Create socio-economic added value	X	
Development of a management plan	YES	NO
Number of sites in this category designated	11 New proposal in progress (2012)	2
... in the Atlantic / Channel	11	2 El Cachucho Islas Atlánticas (Parque nacional)

# VI. CATEGORIES NOT OFFICIALLY REGARDED AS MPAS,BY PARTNER COUNTRY

In mainland Portugal and Spain, all “national”-type categories (i.e. national and those we have described as “territorial” in this document), are part of their official MPA network.

However, in France and the UK, certain sites with a marine area listed in a “national” or “international” category do exist but are not recognized as part of the country’s official MPA network.

## 1. France

### A. Categories not officially regarded as “national” MPAs in France

#### a) Cantonnement de pêche

Cantonnements de pêche are defined in the “Code Rural et de la pêche maritime (Art. L922-2)”.

The French Ministry of Agriculture and Fisheries or the Regional Prefect have authority to define regulations governing these areas in response to requests and proposals from professional fishermen.

There are currently 40 *Cantonnements de pêche* designated, including 25 in the Channel / Atlantic. However, some of these sites are regarded as obsolete (not respected, not managed or not assessed) by professional fishermen as they are no longer relevant to current fishing practices.

#### b) Site classé

This type of site is governed by the “Code de l’environnement (Art. L. 341-1 et R. 341-1)”.

The documents do not make provision for the development of a management plan, the type of governance or the type of funding for either of these two categories.

### B. Categories not officially regarded as “international”-type MPAs in France

Sites designated under the Convention on Conservation of Nature in the South Pacific are not currently recognized as MPAs in France.

Table XIV:  
Comparison of areas of jurisdiction and goals for “national”-type categories not regarded as MPAs in France

	CANTONNEMENT DE PÊCHE	SITES CLASSÉS
Physical application area	Seabed Water column Surface	
Legal application area at sea	Territorial seas	
Official goals		
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status		
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status		
Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc.)		
Protect, preserve and restore the cultural heritage		X
Promote the sustainable management / development of socio-economic activities		
Manage use of natural resources	X	
Improve the governance of the MPA territory		
Improve the quality of water		
Environmental awareness and education		
Encourage scientific research		
Create socio-economic added value		
Development of a management plan	Not provided for in the documents	Not provided for in the documents
Number of sites of this type proposed		Identification of sites with a marine area in progress
... in the Atlantic / Channel		
Number of sites of this type designated	40	
... in the Atlantic / Channel	25	

## 2. United Kingdom

### A. Categories not officially regarded as “national”-type MPAs in the UK

In Scotland, there are two categories of marine protected site which may be considered to contribute to the national network, under the 2010 Marine (Scotland) Act:

- Demonstration and Research MPAs;
- Historic MPAs

To date, no sites in these categories are designated in Scotland.

#### a) Demonstration and Research MPAs

The designation document will specify the protected features and conservation objectives, but will not set out actual regulations.

This reference document specifies that the relevant authorities may establish Marine Management Schemes for these sites and also specifies the type of governance and funding.

Demonstration & Research MPAs can be established for the purpose of demonstrating, or carrying out research on sustainable methods of marine management or exploitation in Scottish territorial waters.

#### b) Historic MPAs

This reference document does not require the development of a management plan for this category but it does specify the type of governance and funding.

The site designation documents will specify the protected features and conservation objectives, but not the regulations.

The objective of designating Historic MPAs is to help preserve Scotland’s most important historic marine assets. Historic MPAs ensure protection of the wealth of historic assets found on the seabed, within the 12 nautical mile zone.

Table XV :  
Comparison of areas of jurisdiction and goals of “national”-type categories  
not regarded as MPAs in the UK (Scotland)

	DEMONSTRATION AND RESEARCH MPA	HISTORIC MPA
Physical application area	Seabed Sub-bottom Water column Surface	
Legal application area at sea	Scottish territorial waters	
Official goals		
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status		
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status		
Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc.)		
Protect, preserve and restore the cultural heritage		X
Promote the sustainable management / development of socio-economic activities	X	
Manage use of natural resources	X	
Improve the governance of the MPA territory		
Improve the quality of water		
Environmental awareness and education	X	X
Encourage scientific research	X	
Create socio-economic added value	X	
Type of governance (IUCN categories)	(A) Governmental (sub-national body)	
Type of funding specified by reference documents	Public	
Number of sites in this category proposed	-	-
... in the Atlantic / Channel	-	-
Number of sites in this category designated	-	-
... in the Atlantic / Channel	-	-

**B. Categories not officially regarded as “international”-type MPAs in the UK**

In the UK, there are sites listed under international or regional instruments with marine areas which are not recognized as contributing to the official MPA network. Such “international”-type categories include:

**a) World Heritage Sites (UNESCO)**

There is no official document in national law to define this category.

**b) Biosphere Reserve (UNESCO)**

There is no official document in national law to define this category.

**c) Marine Protected Area (OSPAR)**

The UK has a very dense network of OSPAR MPAs: the UK has currently identified 170 OSPAR MPAs (in September 2012).

This number should increase as the next tranche of OSPAR MPAs are recommended in December 2012. All of the sites which have been submitted as OSPAR MPAs in the UK are existing Natura 2000 sites, therefore as such, all of the OSPAR MPAs are part of the UK MPA network.

All sites which meet at least one of the OSPAR selection criteria, once designated under the European Habitats Directive [92/43/EEC], can contribute to the OSPAR MPA network.

Table XVI :  
Comparison of areas of jurisdiction and goals of “international”-type categories not regarded as MPAs in the UK

	<i>WORLD HERITAGE SITE (UNESCO)</i>	<i>BIOSPHERE RESERVE (UNESCO)</i>	<i>OSPAR MPA</i>
Physical application area	Information not available	Information not available	Seabed Sub-bottom Water column Surface
Legal application area at sea	Information not available	Information not available	High Sea British Fishery Limits Extended continental shelf Territorial seas
Official goals			
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, under protection status	X	X	X
Maintain, conserve and restore biodiversity, the natural heritage of habitats, species, landscapes and seascapes, out of protection status	X	X	X
Maintain key ecological functions (spawning grounds, nurseries, feeding and rest areas, etc.)	X	X	X
Protect, preserve and restore the cultural heritage	X		

	<i>WORLD HERITAGE SITE (UNESCO)</i>	<i>BIOSPHERE RESERVE (UNESCO)</i>	<i>OSPAR MPA</i>
Sustainable management/ development of socio-economic activities		X	
Improve environmental education and awareness among the general public		X	
Encourage scientific research		X	
Create socio-economic added value			X
<b>Number of sites in this category proposed</b>	-	-	
... in the Atlantic / Channel	-	-	-
<b>Number of sites in this category designated</b>	3	3	170
... in the Atlantic / Channel	-	-	-

# Table of figures and illustrations

Figure 1: Representation of sea areas under international law of the sea  
(source: [www.lfremer.fr](http://www.lfremer.fr)) .....

10

Figure 2: Representation of part of UK sea areas (source: JNCC) .....

10

Figure 3: Diagram of zoning defined by the OSPAR Convention.....

11

Figure 4: Diagram of the zones defined by the Common Fisheries Policy,  
relative to the areas of the Regional Advisory Councils (RAC) .....

12

Figure 5: Natura 2000 logo ([ec.europa.eu](http://ec.europa.eu)) .....

56

Figure 6: RAMSAR convention logo ([www.ramsar.org](http://www.ramsar.org)).....

57

Figure 7: UNESCO - MAB logo ([www.unesco.org](http://www.unesco.org)).....

62

Figure 8: OSPAR Convention logo ([www.ospar.org](http://www.ospar.org)).....

65



# Table of Tables

Table I: Summary table of the general characteristics of current national regulations applicable to MPAs .....	26
Table II: Summary datasheet for “national”-type MPA categories in Portugal.....	32
Table III: Summary datasheet for “national” / “state”-type categories in Spain.....	35
Table IV: Summary datasheet of “territorial”-type categories for regions on the Spanish Atlantic seaboard. ....	40
Table V: Summary datasheet for French “national”-type categories .....	45
Table VI: Summary datasheet for the French “territorial”-type category .....	48
Table VII: Summary datasheet for UK “national”-type categories.....	51
Table VIII: Summary of “international”-type categories officially recognized as MPAs in the partner countries national legislation.....	53
Table IX: Summary datasheet concerning the three <b>Natura 2000</b> “international” categories in which sites with a marine area are recognized as MPAs in the UK, France, Spain and Portugal. ....	56
Table X: Summary datasheet concerning the “ <b>Wetlands of International Importance (RAMSAR)</b> ” “international” category in which sites with a marine area are recognized as MPAs in the UK, France and Spain.....	59
Table XI: Summary table concerning the “ <b>Biosphere Reserve (UNESCO)</b> ” “international” category in which sites with a marine area are recognized as MPAs in France and Spain. ....	61
Table XII: Data concerning implementation of the UNESCO World Heritage Site network in France and Spain. ....	62
Table XIII: Data concerning implementation of the OSPAR MPA network in France and Spain.....	63
Table XIV: Comparison of areas of jurisdiction and goals for “national”-type categories not regarded as MPAs in France .....	66
Table XV: Comparison of areas of jurisdiction and goals of “national”-type categories not regarded as MPAs in the UK (Scotland) .....	68
Table XVI: Comparison of areas of jurisdiction and goals of “international”-type categories not regarded as MPAs in the UK .....	69

# Appendices

<b>APPENDIX 1</b>	
FEW DEFINITIONS.....	74
A. WDPA (World Database on Protected Areas) standard for protected areas.....	74
B. Category (or designation) .....	74
C. Marine Protected Area .....	74
D. Management plan (or scheme).....	75
E. Official goals of an MPA .....	75
<b>APPENDIX 2</b>	
SUMMARY OF CATEGORIES OFFICIALLY REGARDED AS MPAS, BY PARTNER COUNTRY .....	76
A. Categories officially regarded as MPAs in mainland Portugal (the autonomous regions are not covered in this document). ....	76
B. Categories officially regarded as MPAs in Spain .....	77
C. Categories officially regarded as MPAs in France .....	78
D. Categories officially regarded as MPAs in the UK .....	79
E. Summary and correspondence of the names of categories resulting from the European “Birds” and “Habitats” directives in the languages of the partner countries. ....	79
<b>APPENDIX 3</b>	
QUESTIONNAIRE DEVELOPED TO COLLECT THE INFORMATION .....	80

## Appendix 1 : A few definitions

### A. WDPA (World Database on Protected Areas) standard for protected areas

The WCMC (World Conservation Monitoring Center) is the entity of the UNEP (United Nations Environment Program) specializing in biodiversity assessment. As such, it lists land and marine protected areas (development of the WDPA - World Database on Protected Areas – within the framework of the protected area program).

Each perimeter of protected area, including MPAs, is indexed, described by a dozen or so attributes (official name, status, etc.) and geolocated (georeferenced polygon). These so-called “standard” attributes (Data Standards for the World Database on Protected Areas<sup>8</sup>) are like a **dataset**. They can therefore be used in various contexts.

We have used the WDPA typology (national – international) in our study.

In order to present the national specificities, we have also used a “territorial” sub-type to separately cover categories specific to the UK “nations”, the French regions or the Spanish or Portuguese autonomous regions.

Categories falling within the “territorial” sub-type are fully integrated into the standard “national” type.

### B. Category (or designation)

The categories of protected areas (marine or land) are defined by national legislation on nature conservation (laws, by-laws/decrees, codes, statutes, etc.). The type of legislation varies between the countries.

A category (or designation) is defined legally, officially and recognized as such at a national level.

Nota bene: The term designation is also used in English. The words “category” and “designation” are equivalent in this document.

All the categories officially regarded as MPAs form the legislative corpus governing the legal implementation of MPA networks.

A category may be “national” or “international” according to international classification standards.

A category is “national” when it is created by means of regulations, outside all international legal frameworks.

A category is “international” when it refers to a protected area designated under an international directive, convention or treaty (UNESCO / OSPAR / RAMSAR / Natura 2000 / etc.).

The category is “international” where the legal document covering several countries has been transposed into national law, such as sites designated for example under the “Habitats” directive or the “Birds” directive (Natura 2000). Sites designated under a legal document concerning more than one country have an “international” category.

### C. Marine Protected Area

The IUCN - International Union for Conservation of Nature – defines a marine protected area as: “a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.”

This objective may be combined with a local socio-economic development aim or with sustainable resource management. Various types of bodies (local or national) with different statuses and types of governance may be in charge of management.

A marine protected area also involves the **implementation of management measures** to achieve protection: charter of good conduct, regulations, supervision, scientific monitoring, mediation, information to the public, etc.

### D. Management plan (or scheme)

A management scheme is a planning document drafted for several years and setting out the means and measures used to achieve the official goals relating to the designation of the marine protected area.

### E. Official goals of an MPA

A protected area is designated for a certain number of official aims (goals), which must then be achieved. The words “aim” or “goal” here mean the “objective in view” or the “required state”.

8 – UNEP-WCMC. 2010. Data Standards for the World Database on Protected Areas, UNEP-WCMC.

## Appendix 2 : Summary of categories officially regarded as MPAs, by partner country

The tables below list the categories of MPA recognized by each MAIA project partner country. An English translation is given for each category. These official names are those used in the MAIA geographic database that you will find on the website [www.maia-network.org](http://www.maia-network.org) in the form of datasheets or dynamic maps.

### A. Categories officially regarded as MPAs in mainland Portugal (the autonomous regions are not covered in this document).

Portuguese	English	Existence of marine site(s) designated in this category on the Atlantic seaboard for mainland Portugal
“National”-type categories		
<i>Parque natural</i>	Nature Park	Yes
<i>Reserva natural</i>	Nature Reserve	Yes
“International”-type categories		
<i>Sítio de importância comunitária (SIC)</i>	Site of Community Importance (SCI)	Yes
<i>Zona especial de conservação (ZEC)</i>	Special Area of Conservation (SAC)	Yes
<i>Zona de protecção especial (ZPE)</i>	Special Protection Area (SPA)	Yes
<i>Reserva da biosfera</i>	Biosphere Reserve (UNESCO)	Yes

### B. Categories officially regarded as MPAs in Spain

Spanish	English	Existence of marine site(s) designated in this category on the Atlantic seaboard
'National' / 'state' or 'territorial'-type categories		
<i>Parque natural</i>	Nature Park	Yes
<i>Parque nacional</i>	National Park	Yes
<i>Reserva natural</i>	Nature Reserve	No
<i>Área marina protegida</i>	Marine Protected Area	No (1 proposed)
<i>Monumento natural</i>	Natural Monument	No
<i>Paisaje protegido</i>	Protected Landscape	No
<i>Reserva marina</i>	Marine Reserve	Yes
<i>Reserva de pesca (Andalucía)</i>	Fishing Reserve (Andalusia)	Yes
<i>Paraje natural (Andalucía)</i>	Natural Landscape (Andalusia)	Yes
<i>Reserva natural parcial (Asturias)</i>	Partial Natural Reserve (Asturias)	Yes
<i>Reserva natural integral (Islas Canarias)</i>	Integral Natural Reserve (Canary Islands)	Yes
<i>Reserva marina de interés pesquero (Galicia)</i>	Marine Reserve of Fishing Interest (Galicia)	Yes
<i>Zona de especial protección de los valores naturales (Galicia)</i>	Special Protection Zone of Natural Values (Galicia)	Yes
<i>Biotopo protegido (País Vasco)</i>	Protected Biotope (Basque country)	Yes
“International”-type categories		
<i>Sitio Ramsar</i>	Wetlands of International Importance (RAMSAR)	Yes
<i>Reserva de Biosfera</i>	Biosphere Reserve (UNESCO)	Yes
<i>Sitio natural de la lista del patrimonio de la humanidad, de la Convención sobre la protección del patrimonio mundial, cultural y natural</i>	Site Inscribed on the World Heritage List	No
<i>Área marina protegida OSPAR</i>	Marine Protected Area (OSPAR)	Yes
<i>Lugar de importancia comunitaria (LIC)</i>	Site of Community Importance (SCI)	Yes
<i>Zona especial de conservación (ZEC)</i>	Special Area of Conservation (SAC)	Yes
<i>Zona de especial protección para las aves (ZEPA)</i>	Special Protection Area (SPA)	Yes

C. Categories officially regarded as MPAs in France

French	English	Existence of marine site(s) designated in this category on the Atlantic seaboard
“National”-type categories		
Parc national	National Park	No
Réserve naturelle nationale	National Nature Reserve	Yes
Réserve naturelle régionale	Regional 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	
“International”-type categories		
Zone humide d'importance internationale (RAMSAR)	Wetlands of International Importance (RAMSAR)	Yes
Réserve de biosphère (UNESCO)	Biosphere Reserve (UNESCO)	
Site inscrit au Patrimoine mondial de l'UNESCO	Site inscribed on the World Heritage List (UNESCO)	
Zone marine protégée OSPAR	Marine Protected Area (OSPAR)	
Aire spécialement protégée (ASP - convention de Barcelone)	Specially Protected Area (SPA) (Barcelona Convention)	No
Aire spécialement protégée d'importance méditerranéenne (ASPIM - convention de Barcelone)	Specially Protected Area of Mediterranean Importance (SPAMIs) (Barcelona Convention)	
Aire protégée du protocole SPAW (convention de Carthagène)	Protected Area of the SPAW Protocol (Carthage Convention)	
Zone protégée de l'Océan indien	Protected Area of Indian Ocean.	
Aire spécialement protégée de l'Antarctique	Specially Protected Areas of Antarctic	
Site d'importance communautaire (SIC)	Site of Community Importance (SCI)	
Zone spéciale de conservation (ZSC)	Special Area of Conservation (SAC)	Yes
Zone de protection spéciale (ZPS)	Special Protection Area (SPA)	Yes

D. Categories officially regarded as MPAs in the UK

	Existence of marine site(s) designated in this category on the Atlantic seaboard
“National”-type categories	
Marine areas of Sites of Special Scientific Interest <i>considered to have “marine components”</i> (SSSI – England, Scotland and Wales)	Yes
Marine areas of Areas of Special Scientific Interest <i>considered to have “marine components”</i> (ASSI – Northern Ireland).	Yes
Marine Conservation Zone (MCZ – England) This category may include Highly Protected MCZ (HPMCZ – Wales)	Yes
Nature conservation MPA (Scotland)	
“International”-type categories	
Marine areas of RAMSAR Sites <i>considered to have “marine components”</i>	Yes
Marine areas of Special areas of conservation (SAC) <i>considered to have “marine components”</i>	Yes
Marine areas of Special Protection Areas (SPA) <i>considered to have “marine components”</i>	Yes

E. Summary and correspondence of the names of categories resulting from the European “Birds” and “Habitats” directives in the languages of the partner countries.

English	Portuguese	Spanish	French
Site of Community Importance (SCI)	Sítio de Importância Comunitária (SIC)	Lugar de Importancia Comunitaria (LIC)	Site d'Importance Communautaire (SIC)
Special Area of Conservation (SAC)	Zona Especial de Conservação (ZEC)	Zona Especial de Conservación (ZEC)	Zone Spéciale de Conservation (ZSC)
Special Protection Area (SPA)	Zona de Protecção Especial (ZPE)	Zona de Especial Protección para las Aves (ZEPA)	Zone de Protection Spéciale (ZPS)



# Appendix 3 : Questionnaire developed to collect the information

The questionnaire is divided in two parts :

1. General feature concerning MPA legislation in your country : how are described MPAs in your national legislation (designations) ;

2. Details for each marine protected sites categories (=designation) listed : this part must be copied/pasted as many times as there are marine protected sites categories listed.

## PART 1

### NATIONAL BODY?

Is there a national body in charge of the MPA issues provided by the law in your country? (yes/No)

If there is a national body in charge of MPAs issues, please give its name in original language and its name translated in English.

### REGIONAL BODY?

Are there regional bodies in charge of the MPA issues provided by the law in your country? (yes/No)

If there are national bodies in charge of MPAs issues, please give their names in original language and the names in English

If there are regional bodies in charge of MPAs issues, please give their names translated in English

### GLOBAL STRATEGY?

Is there a global reflection – strategy about MPA planning? (Yes /No)

If yes is there an official text (law, act, recommendation, official strategy, etc.) about it? (yes/no)

If there is an official text about a global reflection concerning MPA planning, please give the text references (name, title, n°, date, etc.)

### OFFICIAL TEXT?

Is there an official text (law, act, etc.) which defines and/or lists the different marine protected site categories considered as Marine Protected Areas? (Yes /non)

If yes, give the legislative reference(s) of this text(s)

Please, give the name, code, date of the text defining or listing the marine protected sites categories considered as MPAs

### MARINE PROTECTED SITES?

List of the marine protected sites categories considered as National Marine Protected Areas by the law in your country

Please give, in the original language, the list of the marine (exclusive or mixed) protected sites categories considered as National Marine Protected Areas by the law in your country (and in English)

### REGIONAL MARINE PROTECTED AREAS?

List of the marine (exclusive or mixed) protected sites categories considered as Regional Marine Protected Areas by the law in your country

Please give the list of the marine (exclusive or mixed) protected sites categories considered as Regional Marine Protected Areas by the law in your country in original language and in English.

(Here regional is considered as local government for Spain (like Xunta Galicia) or more or less independent region like Scotland for UK for example).

### INTERNATIONAL MARINE PROTECTED AREAS?

List of the marine protected sites categories considered as International (supra national) Marine Protected Areas by the law in your country in the original language.

Please, give the list of the marine (exclusive or mixed) protected sites categories considered as International (supra national) Marine Protected Areas by the law in your country in the original language.

Sites designed by a text concerning more than one state will be: “international” even if there is a transcription of the international text in the national law ie: Natura 2000, RAMSAR, etc.

### OTHER MARINE PROTECTED AREAS?

List of the marine protected sites type which aren’t consider as National or regional MPAs regarding your national regulation

Please give the list of marine protected sites which aren’t consider as National or Regional

## PART 2

### NAME OF THE CATEGORY

Please give the name of the marine protected site considered as MPA by the law, in original language

### LEGAL REFERENCES.

#### Legal references for this category

Give the legal reference (text, law, act) about this specific category if there is one.

Web site where the legal references can be found  
Regulations for this category are:

- defined in the designation act by the relevant authority?
- not defined in the designation act but proposed by the management authority to the relevant authority?
- not defined in the designation act but proposed and ratified/adopted by the management authority only?

### PHYSICAL SPACES.

Physical spaces where this MPA category can be enforced at sea

Please answer yes or no for each items (Yes or No)

- bottom of the sea
- subsoil
- water column
- sea surface

STATUS of location where this category can be enforced at sea

Please answer yes or no for each items.

- High sea
- EEZ

MPAs regarding your national regulation (in original language and in English)

List of the marine (exclusive or mixed) protected sites types which aren’t consider as International MPAs regarding your national regulation.

Please give the list of marine protected sites which aren’t consider as International MPAs regarding your national regulation

- Designated continental shelf
- Territorial sea
- Anywhere

### OBJECTIVES OF THIS CATEGORY

Please answer yes or no for each items.

- To maintain conserve restore biodiversity, natural heritage of habitats, species, landscapes, and seascapes under protection status
- To maintain conserve restore biodiversity, natural heritage of habitats, species, landscapes and seascapes, out of protection status
- To maintain key ecological functions (spawning areas, nursery, feeding zone, rest areas, productivity areas, etc.)
- To protect, conserve, restore Cultural heritage
- Sustainable management /development of socio-economic activities
- Management of exploited naturals resources
- To improve the Governance of the MPA territory
- To improve Water quality
- To improve environment education and public awareness raising
- For scientific research
- To create socio economic added value

### MANAGEMENT PLAN.

Does the reference text(s) of this category provide the development of a management plan? (Yes / no)

**GOVERNANCE.**  
**Does the reference text(s) of this category provide the governance type? (Yes/ no)**  
Please answer yes or no for each IUCN governance type (if relevant)

- A/ Governance by government – Federal / National Agency in charge
- A/ Governance by government – Sub-National Agency in charge
- A/ Governance by government – Government delegated management
- B/ Shared governance – Transboundary Managment
- B/ Shared governance – Collaborative management
- B/ Shared governance – Joint management
- C/ Private Governance – Individuals
- C/ Private Governance – Non for profit organisation
- C/ Private Governance – For profit organisation
- D/ Governance by indigenous peoples and/or local communities – Indigenous People
- D/ Governance by indigenous peoples and/or local communities – Local communities

**FUNDING SYSTEM.**  
**Does the reference text(s) of this category provide the funding system type? (yes/no)**  
If yes, please answer yes or no for each items

- public
- private
- both
- others (if others please specify)

**NUMBER OF MPAs.**  
**Number of MPAs in this category for marine sites in your country**  
Please give the number of MPAs in this category in your country and if the MPA are designated or proposed

- proposed
- designated

**REMARKS.**  
Please feel free to add remarks, documents, experiences you think which is interesting for this study.

## Développer un réseau d'aires marines protégées sur l'arc Atlantique

Le projet de coopération MAIA vise la constitution d'un réseau de **gestionnaires et d'acteurs** d'aires marines protégées (AMP). Ce réseau humain, **force de proposition** à l'échelle internationale en matière de désignation, de gouvernance, de gestion, œuvrera au **déploiement d'un réseau d'aires marines protégées** représentatif, cohérent, efficace et accepté sur l'arc Atlantique.

MAIA s'organise en 4 groupes de travail technique :

- *État des lieux des AMP existantes*
- *Stratégies de suivi*
- *Plans de gestion*
- *Intégration des acteurs*

MAIA réunit 9 partenaires **impliqués dans la désignation et la gestion d'AMP**, issus de quatre pays européens : Royaume-Uni, France, Espagne et Portugal.

L'Agence des aires marines protégées, en tant que chef de file, assure la coordination globale du projet.

### Plan d'action 2010 – 2012

**Des ateliers techniques** sur des problématiques de gestion communes aux AMP de l'arc Atlantique.

**Des visites de sites dans chaque pays partenaire** qui visent le partage de savoir-faire.

**Des analyses transversales** afin de comparer les situations des AMP de l'arc Atlantique.

**Des études de terrain** réalisées par les partenaires, qui alimentent les échanges au sein du réseau.

**Un site web** dédié qui intègre un espace collaboratif réservé, une base documentaire et une base de données SIG qui établira un point de référence de l'état des AMP sur la façade Atlantique.

**La réalisation et la diffusion de ressources documentaires.**

## Towards an Atlantic network of Marine Protected Areas

The purpose of the European Marine Protected Areas in the Atlantic arc (MAIA) project is to create a **network of MPA managers and stakeholders**. This human network will take initiatives on an international level in terms of designation, governance and management to therefore enhance the **development of a consistent, efficient and accepted MPAs network** in the Atlantic arc.

MAIA is structured in 4 main technical lines of work :

- *State-of-play of the existing MPAs*
- *Setting up common monitoring strategies*
- *Implementing management plans*
- *Involving stakeholders*

MAIA gathers 9 partners from 4 countries : United Kingdom, France, Spain and Portugal, **involved in MPAs designation and management**.

As lead partner, the French Marine Protected Areas Agency, coordinates the project implementation.

### The 2010 – 2012 Action Plan

**Organization of technical workshops** on common MPA management issues in the Atlantic arc.

**Site visits in each partner country** to enhance the sharing of information, knowledge and know-how.

**Overview reports** to compare MPAs' situation in the Atlantic arc.

**Field studies** to be carried out by MAIA partners, promoting the exchanges within the network.

**Creation of a dedicated website**, including a private collaborative space, a document database and a GIS database used to establish a baseline on the status of MPAs in the Atlantic arc.

**Production and dissemination of document resources.**

[www.maia-network.org](http://www.maia-network.org)