

24 September 2002

Dear Colleague

OFFSHORE NATURA 2000 SEMINAR – 17 AND 18 JUNE 2002

I am pleased to send with this letter a Report on the Seminar held at Gatwick on 17 and 18 June 2002 about Natura 2000 in Offshore Waters.

I should like to thank all those who attended the seminar for their contributions in making it an informative and stimulating event. Our primary aim had been to present and test the conclusions and recommendations contained in the JNCC's Report on site selection in UK Offshore Waters. We were therefore pleased at the broad support which was expressed for the JNCC's proposed approach, and also that the seminar helped to clarify a number of detailed issues which will require further consideration as we progress the selection and classification of offshore sites.

I hope that the discussions will also have assisted participants from other Member States and candidate countries in considering implementation of the Birds and Habitats Directives in their own offshore waters.

The Seminar was not the only opportunity for comment on the JNCC's Report. In parallel the JNCC sought written and electronic feedback from the individuals and organisations to whom the report was circulated following its publication in May. Comments from that exercise were requested by the end of September 2002. The JNCC will be reflecting on the Seminar conclusions and other comments received in offering further advice to the UK Government.

The JNCC's Report (Report Number 325) on site selection in UK Offshore Waters will continue to be available in electronic format at:

<http://www.jncc.gov.uk/Publications/JNCC325/intro325.htm>.

The Report of the Seminar is also being made available on the JNCC's website at:

<http://www.jncc.gov.uk>

Yours sincerely



Martin Capstick
Head of European Wildlife Division



Natura 2000 in Offshore Waters:

Note of the European Seminar on 17-18 June 2002 at Gatwick, UK, on the Implementation of the EC Habitats and Birds Directives in offshore waters and Concluding Principles

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1. NOTE OF THE MEETING

Introduction and context of meeting

The UK Government is currently taking steps to implement the Habitats Directive in its offshore waters³ in response to the 1999 High Court judgement and has also agreed to take parallel steps to apply the requirements of the Birds Directive. As part of the implementation the JNCC were asked by UK government to provide advice necessary to identify areas that may qualify as possible offshore SACs and SPAs. The project was conducted by JNCC under a steering group consisting of representatives from sponsoring government departments (Department for Environment, Food and Rural Affairs (DEFRA) and Department for Trade and Industry (DTI)), other government departments and devolved administrations. To ensure that this work carried out for UK offshore areas is integrated with that already done for inshore waters, representatives of each of the UK country conservation agencies were also on the Steering Group, and were closely involved in the technical aspects of the project. The project was broken down into several steps:

1. Identify and agree relevant habitats and species under the Habitats and Birds Directives in the UK offshore area.
2. Consider habitat definitions for Annex I habitats found in the UK offshore area.
3. Consider site selection criteria for Annex I habitats and Annex II species under the Habitats Directive in relation to selection of sites in the offshore area.
4. Consider site selection for Birds Directive Annex I and migratory species in relation to selection of sites in all UK marine waters.
5. Collate existing data on relevant habitats and species in the UK offshore area.

The project was completed in May 2002 with the publication of the JNCC Report No. 325 Natura 2000 in UK Offshore Waters. The Executive summary of that report is reproduced here at section 2. During the project, the need for consultation with European colleagues was identified as a key step in the implementation of the Directives in UK offshore waters. Therefore, in June 2002, DEFRA hosted a two-day meeting of scientific and policy representatives of Member States of the European Union and states which are acceding to the Union which have offshore maritime areas, non-governmental organisations, and scientists who have contributed to the work. Discussions on the selection of Natura 2000 sites in offshore waters were divided into a session which focussed on wide-ranging marine species including Habitats Directive Annex II species and Birds Directive species and a session on Habitats Directive Annex I habitats. Notes of the sessions are presented here and are representative of the discussion only. Delegates contributed to and broadly agreed a set of concluding principles for the seminar which are also presented in this document.

Delegates were invited to complete a questionnaire summarising the current implementation of the Directives in their offshore waters and any progress made so far to identify relevant habitats and species or designate sites which are fully detached from the coastline. The results of this questionnaire are summarised at the back of this document. A summary of a speech delivered by José Rizo Martin, DG Environment at the opening of the seminar is also provided.

³ UK offshore waters comprise the waters between the limit of the territorial sea and the limit of the UK Continental Shelf designations (where the UK exercises her sovereign rights of exploration and exploitation of natural resources of the seabed and subsoil).

Natura 2000 in Offshore Waters - A European Commission perspective

José Rizo Martin (DG Environment, European Commission) spoke of a new political atmosphere in Europe with regard to the marine environment. The EC, whilst acknowledging that current implementation of the Habitats Directive is still lacking in some areas, looks to a full application of the Directive by 2010 in all areas, including to the limit of Member States' Exclusive Economic Zones.

The European Commission sees the revision of the Common Fisheries Policy as a good catalyst for the full implementation of the Directive in the marine environment. Other strategic initiatives such as the 2002 Bergen Declaration and the EC's developing Marine Strategy provide impetus for pushing forward implementation of the Habitats Directive.

The Commission see the UK project on implementation of Natura 2000 in offshore waters as a very important contribution to knowledge and congratulate the UK. The Commission affirms the need for scientific information to underpin selection of SACs and accepts the difficulties of acquiring scientific information for the offshore environment. Whilst the Commission accepts that each Member State will need a slightly different approach, it would encourage Member States to follow the UK lead.

The EU has now accepted the first list of Sites of Community Importance for the Macaronesian region with acknowledgement that there is a current lack of information which may lead to new sites being proposed as new information comes to light. The Commission envisages this to be the model to be followed throughout the entire EU as this will enable progress to be made. The EC encourages Member States to propose sites no matter how hard protection will be. If a site is designated then the site should be easier to protect as it then has the status of being of Community Importance and, therefore, becomes the responsibility of the Community to protect it.

Selection of Natura 2000 sites (SPAs and SACs) for wide ranging mobile marine species (Birds Directive Annex 1 and migratory marine species and Habitats Directive Annex II marine species)

Introduction to data available and possible UK approaches

A presentation was given on the work undertaken by JNCC on wide-ranging species for the implementation of the Habitats and Birds Directives in UK offshore waters. This presentation was based on Johnston *et al.* (2002) which should be referred to for further information. This was followed by discussions on the data available and possible approaches for site identification in Member States. Mobile marine species in the UK considered for SAC selection under the Habitats Directive are bottlenose dolphin, harbour porpoise, grey seals and common seals. There are 56 species of Annex I and migratory seabirds which would be considered for SPA site selection under the Birds Directive in the UK.

Discussion points

Analysis of data:

- The EC endorsed the methods and proposals set out in JNCC Report 325 and recommended that the report should act as a guiding document for other Member States as they investigate the most appropriate methods to use to select SACs and SPAs in their jurisdiction. Existing working groups and future collaboration should be used to maintain standards and adopt common approaches where possible.
- There was consensus on using the best available data in an appropriate way. If good data are not available then data gathering is a priority.
- The division for seabirds between 'inshore' and 'offshore' species at c. 15 km demonstrated by the UK analysis is unlikely to be the same for other Member States. A similar technique could be employed in other Member States (where data are available) to determine where the division lies on a case by case basis.
- Splitting species into dispersed and aggregating groups helps. Aggregating species lend themselves better to site-based protection than do dispersed species.
- There was agreement that the broad process undertaken so far for mobile species by the UK is good, however, the specific spatial analysis technique used for identification of marine Important Bird Areas (IBAs), and the underlying assumptions need further investigation and analyses to be applicable to selection of SPAs. Other models as well as the published Skov *et al.* 1995 model need to be investigated.
- Habitat information and presence of prey species needs to be used in an appropriate way to help the identification of most suitable areas and could be used as co-variables in analysis. This has been successfully used in Italy to identify a cetacean sanctuary based on a stable upwelling where krill is concentrated. Further refinement is then needed to select sites. Denmark is using information on currents and seabed type within the analysis of seaduck distribution derived from aerial survey counts.

Site selection:

- Concern was expressed by Birdlife that using spatial analysis to identify sites was 'data driven' and that a better understanding of species ecology is needed to interpret their distributions.
- Selection must be based on good science in order to select sites which are appropriate for the interest feature and will make a meaningful contribution to favourable conservation status. Some alteration of boundaries for SACs/SCIs is possible if further data becomes available and an SAC/SCI may be delisted if its interest feature is lost from the site through natural movement. SPAs cannot be reduced in size or declassified except where genuine error can be demonstrated. Therefore, site designation must be based on reliable information.
- Very large sites may not be pragmatic and could be hard to justify to stakeholders. If sites were based on shifting features such as fronts they would need to be large to encompass the geographical range of the feature which concentrates the birds and/or species. However, a site needs to be of a size practical for management of activities.

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- Site selection could be complemented by selection based on multi-species assemblages with a high diversity.
- Site selection might be best organised by sea area with co-ordination between Member States to get a coherent network which best contributes to favourable conservation status of species.
- A common approach in site selection might be difficult due to variations in individual Member State competence and data availability. A lack of common approach could lead to a sub-optimal network. The development of site selection criteria for SPAs is the responsibility of individual Member States although co-operation is encouraged to share knowledge and achieve a common approach where possible.

Management of sites:

- Needs to be taken into account in site selection - particularly whether management of the site can help species achieve favourable conservation status.
- Designations might be static, but management can be flexible. There are examples of terrestrial sites where the interest features are not present at all times and the management regime is adjusted accordingly. This would be applicable if sites are placed in regions where the interest feature is transient, e.g. at seasonal front feeding areas or fish spawning aggregations.
- Stakeholders need to be engaged in the process. However, site selection must be based on scientific criteria.

Special⁴ measures:

- Special measures are appropriate to use whether sites are designated or not and will address problems of protecting mobile species when feeding on highly mobile prey. However, the question of when site-based measures are appropriate was not resolved.
- Special measures are an appropriate method of protecting species whilst further data is collected, which may then lead to sites being identified.
- Member States have conservation duties throughout their sea areas where special measures can be employed to help achieve favourable conservation status.
- International conventions/agreements are an important way of framing special measures.

⁴ The term 'special measures' is here intended to mean non-site-based measures in general introduced under formal agreements or International Conventions (see examples in JNCC Report 325), and is not used in the specific context of 'special conservation measures' (i.e. SPAs in UK) in Article 4 of the Birds Directive.

Selection of Natura 2000 sites (SACs) for Annex I habitats

Data available, habitat interpretations and UK proposed approach

A presentation was given on the work undertaken by JNCC on Annex I habitats for the implementation of the Habitats Directive in UK offshore waters. This presentation was based on Johnston *et al.* (2002) which should be referred to for further information. This was followed by discussions on habitats definitions, data availability and methods for selecting boundaries. Annex I habitats present in UK offshore waters are shallow sandbanks, reefs and submarine structures made by leaking gases.

Discussion points

Habitat definitions:

- Annex I of the Habitats Directive does not represent the full range of habitats within the marine environment, and the habitat definitions are deficient for marine habitats.
- There was acknowledgement by the European Topic Centre that the EU Interpretation Manual (EC 1999) was not written with offshore habitats in mind and that further interpretations may be appropriate in the long term. In the short term the Commission is clear in advising that Member States should work with the current annexes and interpretations to designate sites.
- It is likely that the EU Interpretation Manual (EC 1999) carries some legal weight due to it being referred to in the 1997 amendment to the Habitats Directive. Any legal challenge to a designation would refer strongly to the definitions for habitats given in the Interpretation manual.
- Consistency in interpretation of definitions within a Member State is important. Further discussions on consistency of interpretations between Member States in offshore areas (particularly the North Sea) will need to occur.
- The European scientific working group would be a useful forum for discussion of definitions and other points raised from this meeting. These could be added to the agenda for future meetings.
- Sandbanks and the 20 m depth contour:
 - The UK will use the 20 m contour as the basis for selecting sandbank SACs in line with current EU interpretation. Germany will use the lower limit of the photic zone as a guide for selecting sandbank sites.
 - Restricting the habitat to primarily areas in less than 20 m water depth excludes the more diverse areas of sand which occur between sandbanks and in deeper, less disturbed sandbanks
 - Differences in interpretation of the importance of the 20 m depth contour in the selection of sites could provide opportunities for legal challenges to the designation of sites by industry.

Reinterpretation may be useful in the short term to help define trans-boundary areas like the Dogger Bank where differences in interpretation of the habitat type by different Member States will be highly apparent if sites are selected. However, any reinterpretation has implications for existing sites.

- Reefs: finer gravel areas are accepted as a habitat missing from Annex I to the Directive.
- Reefs: Consideration of the ecology of the seabed, e.g. substratum stable enough to support an epifaunal community, should be considered when deciding whether to include stony seabed areas as reef.
- Submarine structures: examples of ‘pockmarks with carbonate structures’ were thought to fit within this definition (they are a version of cold water seeps). This habitat is also thought to occur within Irish waters.

Level of information to propose a site:

- Geophysical information was acknowledged as useful to identify broad areas of relevant habitat and most Member States currently have this information. The physical information needs to be reliable enough to ensure the physical characteristics of the area meet the Annex I habitat description.

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- Care must be taken in using geological information obtained by seismic survey, as this is directed at obtaining sub-surface geology. It is seabed surface geology which contributes to determining what type of biological community will be present.
- Interpolated seabed data (such as the British Geological Survey seabed sediment maps) may be used to help identify areas of habitat, but consideration must be given to the resolution of such data and whether adequate ground-truthing has been carried out. Such data are not adequate on their own.
- Physical characteristics play a large role in determining the fauna present. Physical characteristics could be used to infer differences in fauna between two different regions of Annex I habitat and help to achieve representativity within a suite of offshore SACs. Verifying the seabed fauna is necessary if this approach is taken.
- Biological information in offshore areas is sparse for all Member States waters.
- SACs must be proposed for their biological interest and not just for their physical attributes. Therefore, delegates could not recommend a process which did not include an investigation of biological attributes within the selection of candidate SACs.
- Sufficient biological information needs to be available to come to a reasoned view on the importance of the site and its contribution to nature conservation. The level of information to come to a reasoned view will vary.
- The Commission advised caution over designating a site with insufficient information which may cause the site to be withdrawn after further research. It is advisable to implement wider special measures initially around the area under investigation and then take action when information is sufficient to support the decision to designate.

Setting site boundaries:

- Boundaries need to be based on good science, focusing in the first place on the interest feature for sites. However, for all habitats (particularly extensive and patchy habitats, e.g. iceberg ploughmarks, cold water coral reef) boundaries should be wider rather than tight around habitats and should be pragmatic and bear in mind future management needs. Existing systems, e.g. ICES blocks, could be used so long as they are fully justified and appropriate.
- Large sites are anticipated by the Commission in the offshore marine area.
- The precautionary principle should be used in setting boundaries around sites where uncertainty exists over the full extent of the interest feature. The management regime could be varied within the site and remain flexible to accommodate future information acquisition.

References

EC (1999) Interpretation manual of European Union habitats. Version EUR 15/2. European Commission (DG Environment), Brussels, 121 pp.

Johnston CM, Turnbull CG & Tasker ML (2002) Natura 2000 in UK Offshore Waters. JNCC Report 325. Joint Nature Conservation Committee, Peterborough, 162 pp.

Skov H, Durinck J, Leopold MF & Tasker ML (1995) Important bird areas for seabirds in the North Sea. BirdLife International, Cambridge.

2. JNCC REPORT 325 – SUMMARY

Selection of SACs and SPAs in the UK has so far been confined to terrestrial sites and within UK territorial seas. As a result of a UK court judgement in 1999, the UK Government is taking steps to implement the Habitats Directive in offshore waters and has also agreed to take parallel steps to apply the requirements of the Birds Directive to all relevant marine waters. The UK offshore area in the context of this report refers to the area from the 12 nautical mile territorial seas limit out to the UK Continental Shelf designated areas limits.

This report represents the outcome of work carried out by JNCC, on behalf of UK Government, to provide information necessary to identify those areas in UK offshore waters that may contain species or habitats for which sites are required to be considered as possible SACs or SPAs. This work has not been directed at consideration of inshore marine sites, and it is not intended that it should directly result in any amendments to existing inshore candidate SACs. However, the report presents some information relevant to the selection of inshore SACs and SPAs.

Habitats Directive Annex I habitats in the UK offshore area

Four habitat types listed on Annex I to the Habitats Directive are known to or potentially occur in UK offshore waters:

- Sandbanks which are slightly covered by sea water all the time
- Reefs
- Submarine structure made by leaking gases
- Submerged or partially submerged sea caves

The habitat definitions used for inshore marine SAC selection are applicable, with minor clarification of national interpretation, to habitats found in UK offshore waters. Submarine structures made by leaking gases are not found in UK inshore waters, and further work will be required to determine if some UK examples of ‘pockmarks’ in offshore waters fit within the definition of this habitat type. The criteria and principles used for inshore and terrestrial SAC selection in the UK have been reviewed in relation to the possible occurrence of Annex I habitats in UK offshore waters and the identification of possible sites. These have been found to be applicable to habitats in UK offshore waters, and will be used during the site selection process.

The location and extent of areas of possible Annex I habitat in offshore waters have been mapped using existing BGS geological seabed map interpretations. Biological and other data available for potential Annex I habitat in UK offshore waters have been collated. Limited biological data are available for a number of areas of potential Annex I habitat. For a number of areas of potential Annex I habitat there are no biological data available.

Shallow sandbanks are found in UK offshore waters off north and north-east Norfolk, in the outer Thames Estuary, off the south-east coast of Kent and off the north-east coast of the Isle of Man. Reef habitat occurs in the English Channel, Celtic Sea, Irish Sea and west and north of Scotland extending far out into the North Atlantic; reef is scarce in the North Sea. In the northern North Sea, ‘pockmarks’ containing carbonate structures deposited by methane-oxidising bacteria occur, these structures may fit within the definition of the Annex I habitat of ‘submarine structures made by leaking gases’. No sea caves have yet been identified in UK offshore waters. Several areas of potential Annex I sandbank and reef habitat in the UK offshore area extend into the offshore areas of other EU Member States, and inshore into UK territorial waters.

Habitats Directive Annex II species

There are four species listed on Annex II of the Habitats Directive known to occur in UK offshore waters for which selection of SACs will be considered:

- Grey seal (*Halichoerus grypus*)

- Common seal (*Phoca vitulina*)
- Bottlenose dolphin (*Tursiops truncatus*)
- Harbour porpoise (*Phocoena phocoena*)

For the two seal species, coastal SACs have already been proposed in the UK to protect their selected breeding colonies and moulting and haul-out sites, and three SACs have been proposed for bottlenose dolphin within UK territorial waters. The UK currently has no proposed SACs for harbour porpoise.

The criteria and principles used for SAC selection for Annex II species in UK inshore waters are reviewed, and issues which may be encountered during consideration of areas as possible SACs are identified. The above four species are typically wide ranging, thus making it difficult to identify specific areas which may be deemed essential to their life and reproduction, and which may, therefore, be considered for proposal as SACs.

Relevant information on the distribution of Annex II species in UK offshore waters is limited. Further analysis of data, and further survey in some cases, will be required to identify any areas in UK waters away from the coast which may qualify as SACs for these species.

Birds Directive Annex I and migratory species

The consideration of marine SPAs in this report is set within the wider context of the JNCC's current work to identify marine SPAs from the coast to the limit of UK offshore waters. Three types of marine SPAs are being developed in the UK (for both inshore and offshore waters):

- Extensions to SPA breeding colonies;
- inshore areas used by birds in the non-breeding seasons (divers, grebes & seaduck);
- marine feeding areas.

Marine SPAs are being considered for 56 bird species which are either on Annex I of the Birds Directive or are migratory species which regularly occur in UK waters. This report primarily offers recommendations concerned with the identification of SPAs as marine feeding areas.

The Birds Directive does not specify criteria for the selection of SPAs. Guidelines on selection of SPAs previously issued by the JNCC are aimed at the selection of terrestrial and coastal sites. These guidelines will act as a good starting point for development or may need modification to be relevant for selection of SPAs in the marine environment.

Possible methods for selection of Natura 2000 sites for wide ranging mobile marine species

A number of the scientific difficulties encountered when attempting to identify areas suitable for consideration as SACs for wide ranging marine mammals are very similar to those encountered when attempting to identify areas for consideration as SPAs for wide ranging birds in the marine environment. The main difficulty in identifying potentially important areas which may qualify as SACs or SPAs for both groups, is in applying existing site selection criteria in an environment with no or few obvious natural boundaries, and to species which are widely dispersed, highly mobile and may be difficult to observe.

A brief review of three published methods that could be used to identify marine areas for both birds and Annex II species is presented. These involve identification of specific areas by: defining generic radii around existing land-based breeding colonies based on predicted foraging ranges; spatial analysis of data on distribution of the species at sea to identify areas of greater density of records for each species; and identification of particular habitat important to the species (e.g. sand areas used by sandeels, shelf break, ocean fronts).

'Special measures', to manage particular activities for particular species, could be applied either in addition to site identification, or where sites cannot be identified. Examples of special measures already in place are given

and their applicability to Annex II species and Annex I and migratory bird species is discussed. Different groups of species will need to be addressed in different ways due to differences in data availability and differences in their distribution and behaviour at sea.

Conclusions

Annex I habitats in UK offshore waters

Before a list of possible offshore SACs can be proposed to the UK Government, decisions on the level of information necessary for an offshore area to be proposed as a SAC need to be made, including whether interpolated geological seabed data will provide sufficient information for SAC proposal. A number of habitat-specific site identification problems also require resolution:

- Distinction between areas of boulders and cobbles (i.e. stony reef) and of other gravel.
- Determination of site boundaries around suitable areas of widely distributed reef (e.g. iceberg ploughmark areas) in the absence of suitable data on their distribution.
- Determination of the location and extent of biogenic reefs.
- Determination of the full extent of shallow sandbanks and their associated sandy habitats (as opposed to the extent of sandy sediments in less than 20 m water depth) in UK offshore waters.
- Decision as to whether some UK examples of ‘pockmarks’ containing carbonate accretions fit the Annex I habitat definition of ‘submarine structures made by leaking gases’.

A number of these decisions would benefit from further consultation with other EU Member States, especially because some areas of potential Annex I sandbank and reef habitat extend across Member State boundaries. Any list of SACs proposed for UK offshore waters needs to complement the existing inshore site series. SAC site selection ought to follow a similar process to that used previously for inshore, coastal and terrestrial sites.

Habitats Directive Annex II species

Data on distribution of seals (particularly common seals *Phoca vitulina*) at sea in UK waters are very sparse. From examination of the limited data currently available, it may be possible to identify preferred feeding areas for seals in UK inshore and offshore waters. If such areas can be identified, it remains to be established whether they would be considered areas ‘essential to the life and reproduction’ of the species, and consequently whether they should be considered as possible SACs. Where sites cannot be identified, or in addition to site identification, further special measures may be required to ensure the conservation of the species.

A recent map showing distribution of bottlenose dolphin in NW European waters indicates that this species is not widely distributed in UK waters. However, spatial analysis of distribution data for bottlenose dolphin in UK offshore waters may indicate areas of elevated population density in addition to those already identified as SACs in UK inshore waters. If such areas can be identified, they may then be considered against the criteria for SAC selection. Where sites in UK offshore waters cannot be identified, or in addition to site identification, further special measures may be required to ensure the conservation of the species.

UK is currently examining data for all UK waters to try to identify specific areas where harbour porpoise may have:

- Continuous or regular presence;
- elevated population density; or
- areas with good adult to young ratio.

If such specific areas can be identified, and where they are deemed essential to the life and reproduction of the species, they should be considered as SACs. Where sites cannot be identified, or in addition to site identification, further special measures may be required to ensure the conservation of the species.

Birds Directive Annex I and migratory species

The list of Birds Directive Annex I and regularly occurring migratory species which occur in UK marine waters consists of groups of birds with very different dispersion patterns, some of which breed in the UK, and some of which are only found in UK waters at certain times of year. Therefore, in order to identify areas that may qualify as SPAs, the bird species must be sub-divided into groups that follow similar distribution patterns. Work is already in progress to identify seaward extensions to existing breeding colony SPAs for those species that breed at coastal sites in the UK. Progress is also being made on identification of important inshore marine areas in the UK for aggregations of birds in the non-breeding seasons, including for divers, grebes and seaduck.

Consideration of possible methods of identification of the most suitable areas for feeding seabird species in UK waters has been initiated, including a preliminary analysis of data from the European Seabirds at Sea database. The preliminary analysis indicates that the list of Annex I and migratory birds splits logically into four groups, according firstly to the data available for each species, and secondly, to their distribution at sea. The first group consists of those species that are adequately represented in the European Seabirds at Sea database, and for which spatial analyses could be performed to identify areas of high density. The second consists of those species with few records in the database, for which spatial analyses of these data would not be appropriate. These two groups then naturally each split into those species which occur primarily inshore (from the coast to 15 km or approximately 8 nautical miles), and those species which occur primarily offshore (greater than 15 km from the coast).

Further data analysis and consideration is required to determine whether SPAs for feeding areas for these four groups of species can be identified. If this is possible, such areas should be considered against the JNCC SPA selection guidelines. Modification of JNCC SPA selection guidelines or development of marine SPA guidelines will proceed in parallel to the work on identifying areas as possible marine SPAs.

3. CONCLUDING PRINCIPLES

1. The European Seminar, held on 17 and 18 June 2002, considered the implementation of the EC Habitats and Birds Directives in offshore waters and the process of identifying marine Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) beyond territorial waters. Representatives from the European Commission, European Topic Centre, a range of Member States, candidate countries and non-governmental organisations participated in the discussions.
2. Participants noted that the EC Directives apply beyond the territorial seas of EU Member States to the limits of their offshore jurisdiction
3. Participants acknowledged the UK's proposals for implementation of the EC Habitats and Birds Directives in offshore waters, and the support of the European Commission for the steps being taken.
4. The Joint Nature Conservation Committee (JNCC)'s Report Number 325 '*Natura 2000 in UK Offshore Waters: Advice to support the implementation of the EC Habitats and Birds Directives in UK offshore waters*' was used as the basis for discussion.
5. The Report's conclusions and recommendations were welcomed as a rational and scientific approach to the issues of site identification and selection in UK offshore waters.
6. Discussion of the JNCC Report led to the following key observations, which seminar participants considered worthy of further consideration by the European Commission and Member States:-

General issues

- a. It was agreed that Member States should seek to use common methodologies and datasets in a consistent way wherever possible in developing proposals for offshore designations.
- b. Best available data should be used to identify sites at the earliest opportunity, where those data are sufficiently robust and reliable. On-going survey and data collection will be required where data are lacking or insufficient.
- c. Any list of sites proposed for offshore waters needs to complement the existing inshore site series for SACs and for SPAs.
- d. Site selection ought to follow a similar process to that used previously for inshore, coastal and terrestrial sites

Offshore Annex I habitat definition and interpretation:

- a. Decisions on the level of information necessary for an area to be proposed as a SAC need to be made. Interpolated physical seabed data, gathered with appropriate survey techniques and adequately ground-truthed, to establish reasonable habitat predictability, can provide primary information for SAC identification. The need for biological data for SAC identification was widely recognised.
 - b. A number of habitat-specific site identification problems also require resolution:
 - distinction between areas of boulders and cobbles (i.e. stony reef) and of 'gravel';
 - determination of site boundaries around suitable areas of widely distributed reef (e.g. iceberg ploughmark areas)
 - determination of location and extent of biogenic reefs;
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- determination of full extent of shallow sandbanks (as opposed to the extent of sandy sediments in less than 20 metres water depth) in offshore waters;

- decision as to whether some examples of 'pockmarks' containing carbonate accretions fit the Annex I habitat definition of 'submarine structures made by leaking gases'.

- c. A number of these decisions would benefit from further consultation and agreement between EU Member States, especially so, as some areas of potential Annex I sandbank and reef habitat extend across Member State boundaries.
- d. Account might be taken of boundaries used for existing sea management purposes where this was compatible with good science.

Site selection for Habitats Directive Annex I habitats

It was recognised that the Habitats Directive currently offers limited opportunities for marine habitats protection, nevertheless, these opportunities are important. In the short term we need to make full use of the existing scope of the Directive but the benefits of additions and/or amendments to the Directive, to better address marine biodiversity needs, should be looked at in the longer term.

Selection of Natura 2000 sites for wide ranging mobile marine species (Birds Directive - Annex I and migratory species, Habitats Directive Annex II species).

Where sites cannot be identified, or in addition to site identification, further special measures will be necessary to ensure the conservation of the species.

Satisfactory methods for determination of site boundaries for mobile species in the marine environment need to be determined.

Seals

- a. From the limited data currently available, it may be possible to identify preferred feeding areas for grey seals (*Halichoerus grypus*) in UK inshore and offshore waters. There are currently no suitable UK data from which preferred feeding areas can be identified for common seals (*Phoca vitulina*).
- b. If such areas can be identified, it remains to be established whether they would be considered areas 'essential to the life and reproduction' of the species, and consequently whether they should be considered as possible SACs.⁵

Bottlenose dolphin

- a. Spatial analysis of distribution data for bottlenose dolphin in offshore waters may indicate areas of elevated population density in addition to those already identified as SACs in inshore waters.
- b. If such areas can be identified, they may then be considered against the criteria for SAC selection.

⁵ MCS believes that data on preferred feeding, breeding and resting areas will clearly indicate areas 'essential to the life and reproduction' of common and grey seals.

Harbour porpoise

- a. It was recalled (Commission note Hab.01/05 of the expert's meeting on 14 December 2000) that Member States should examine data for all marine areas to try to identify specific areas where harbour porpoise may have:
 - continuous or regular presence (although subjected to seasonal variations);
 - good population density (in relation to neighbouring areas)
 - high ratio of young to adults during certain periods of the year.
- b. If such specific areas can be identified, they should be considered as SACs.

Birds

JNCC has recognised three main types of functional concentrations of seabirds to enable the identification of marine SPAs. Other Member States and Candidate Countries may wish to give the JNCC approach further consideration. While aggregations of certain species of seabird may also have to be addressed individually, the three kinds of marine SPA envisaged are:

Seaward extensions of existing breeding colony SPAs

Seabird distribution data from specially designed at-sea surveys are currently being analysed using spatial interpolation tools in order to identify sea areas immediately adjacent to breeding colonies that are important for seabirds;

Coastal marine areas used by birds such as seaduck and divers in the non-breeding season

Aerial survey data and data from the European Seabirds at Sea (ESAS) and Wetland Bird Survey databases are also currently being analysed using similar interpolation techniques⁶ in order to identify those areas near the coast that are used consistently by important aggregations of various species; and

Offshore areas used mainly for feeding

Some preliminary queries of the ESAS database, the primary data source, have been made in order to enable potential analytical approaches to be identified that will aid in delineating likely SPAs in the offshore environment. Similar interpolation tools to those used in identifying other types of marine SPA will be applied in identifying offshore SPAs. Analysis of the ESAS data is appropriate only for certain species of seabird depending on their frequency of occurrence and distribution; other sources of data will need to be investigated for some species.

Data handling for offshore SPA analyses

- a. Preliminary analyses applied to UK data indicate that the list of Annex I and migratory birds could be split into four groups for data handling, according firstly to the data available for each species, and secondly, to their distribution at sea⁷. Further data analysis and consideration is required to determine

⁶ The use of such techniques for SPA identification, including testing of the assumptions on which they are based, is being consulted upon in the UK via the SPA Scientific Working Group.

⁷ BirdLife International has expressed reservations concerning this approach on two grounds:

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whether SPAs for feeding areas can be identified in the UK using this approach⁸. Similar approaches could be considered by other Member States and Candidate Countries. The four groups of species are:

- (i) Species which occur primarily offshore (greater than 15 km or approximately 8 nautical miles from the coast), which are adequately represented in existing datasets for whole UK (i.e. the European Seabirds at Sea database): Spatial analysis could be performed to identify areas of greater population density.
 - (ii) Species which occur primarily offshore (greater than 15 km or 8 nautical miles from the coast), which are not adequately represented in existing datasets for whole UK (i.e. the European Seabirds at Sea database): Spatial analysis is not a suitable method to attempt to identify important areas for these species. Other data may need to be used or obtained, or sites cannot be identified for this group of species.
 - (iii) Species which occur primarily inshore (from the coast to 15 km or 8 nautical miles), which are adequately represented in existing datasets for whole UK (i.e. the European Seabirds at Sea database): Spatial analysis and analysis of aerial survey data could be performed to identify areas of greater population density.
 - (iv) Species which occur primarily inshore (from the coast to 15 km or 8 nautical miles), where no database exists or where there are not adequate records for spatial analysis to be performed.
- b. If this is possible, such areas should be considered against existing SPA selection guidelines.
 - c. Where guidelines were developed primarily for terrestrial and coastal SPAs, modifications or new guidelines may be required. These should be developed in parallel to the work on identifying areas as possible marine SPAs.
 - d. The need to facilitate identification of areas with important seabird assemblages was recognised
 - e. Having full regard to the Birds Directive and subsequent judgements, sites should be selected using ornithological criteria.

a) A concern that selection guidelines will be developed to fit the data rather than selection guidelines to establish a coherent network; and b) The groups of seabirds defined by this approach may not be applicable to all Member States (for example in the Baltic)

⁸ The use of such techniques for SPA identification, including testing of the assumptions on which they are based, will be consulted upon in the UK via the SPA Scientific Working Group.

4. SUMMARY OF QUESTIONNAIRE

1. Does your country have jurisdiction over offshore sea areas (12 nautical miles to 200nm from the coast or EEZ)?

Country	Response	Comments
Belgium	Yes	Law of 22 April 1999 on the EEZ of Belgium in the North Sea, published in BS 10.7.99.
Denmark	Yes	Protection of Nature Act. Act no. 85 of 4 February 2002.
Finland	No	Not yet. Currently preparing legislation for a national EEZ.
France	Yes & No	EEZ in the Atlantic Ocean, English Channel, North Sea (and overseas territories, not concerned by Natura 2000). EPA project in the Mediterranean Sea: law project was approved by French government, still to be voted. This EPA will only assess the problems of pollution caused by ships. The perimeter is still to be defined.
France (NGO)	Yes & No	France does not have jurisdiction over offshore sea areas in the Mediterranean (but Yes for Atlantic with EEZ).
Germany	Yes	In the framework of the "UN Convention on the Law of the Sea" (UNCLOS) Germany established an EEZ in the German North and Baltic Sea in 1994 and has jurisdiction within the EEZ with regard to the - Mining Law regulations concerning the exploration and exploitation of the resources and the - Marine Facilities Ordinance concerning the erection, operation and use of facilities.
Italy	No	
Malta	In part	It is very difficult to claim maritime zones up to 200nm in an enclosed sea as the Mediterranean. Thus the EEZ is not claimed for Malta as with all Mediterranean countries, because of the implications. Malta has claimed a 24nm contiguous zone which is valid for sanitary (including health and environmental measures), immigration and other measures. Moreover Malta has also claimed a 25nm limit for fisheries. With respect to the continental shelf we also have settled a boundary with Libya.
Netherlands	Yes	EEZ law entered into force 28.4.2000.
Portugal (Azores mainly)	Yes	Portugal has sovereign rights over the appropriation and utilisation of the living and non-living resources existing in the water column and seabed inside the EEZ and air space over it. As any other state, Portugal shouldn't overlook its duty to protect and preserve the resources within its EEZ. EEZ from EU states will soon become common but Azores, as an ultra-peripheral region, has proposed the establishment of a box within its EEZ sub-area where the Regional Government would maintain jurisdiction. This proposal is currently under evaluation by the EU.
Spain	Yes	
Sweden	Yes	Law of EEZ (part of the Environmental Code)
United Kingdom	Yes	No EEZ yet, but UK claims sovereignty for seabed licensing for oil & gas out to median lines or 200nm (to edge of continental shelf approx. 350nm west of Rockall)
WWF North-East Atlantic Programme		Not applicable

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2. Does suitable domestic legislation exist in your country to allow designation and management of sites beyond 12nm as SACs (Special Areas for Conservation) or SPAs (Special Protection Areas)?

Country	Response	Comments
Belgium	Yes	Law of 20.1.99 on the protection of the Marine Areas under Belgian Jurisdiction. Law includes the option to designation MPAs and take appropriate nature conservation measures, necessary for the protection of these areas. Also provides a basis for taking specific protection measures for species and a prohibition to hunt birds and marine mammals.
Denmark	Yes	Protection of Nature Act. Act no. 85 of 4 February 2002. Also The Hunting and Game Management Act. Act no. 117 of 28 January 1997.
Finland	No	Not yet (see comments for 1).
France	No	Even if the establishment of the new Sanctuary for Marine Mammals protection can be regarded as a marine protected area (but it is neither a cSAC nor an SPA).
France (NGO)	No	But the establishment of the new Sanctuary for marine mammals protection can be regarded as marine protected area (but it is not a SAC or a SPA)
Germany		Yes. The "Bundesnaturschutzgesetz" (BNatSchG - nature conservation act - § 38): provisions for the implementation of the Habitats and Birds Directive in the German EEZ since its amendment 4.4.2002.
Italy	Yes	In relation to the Barcelona Convention.
Malta	Possibly	There is the potential for this legislation, through the Territorial sea and Contiguous Zone Act which gives the Prime minister the right to protect the marine environment especially with regards to pollution (but according to the legal office this can be easily extended to protecting biodiversity in some way), although would need some regulations coming from the Act. Malta is also party to the UNCLOS convention. The Environment Protection Act states through article 9 that the minister has the powers to make regulations declare any areas or sites on land or in internal waters, "or beyond such waters where Malta has jurisdiction for the purpose of protection and control of the environment, to be protected areas and to provide for their protection and to regulate their management."
Netherlands	No	Nature Conservation Act does not apply (yet) beyond territorial waters.
Portugal (Azores mainly)	Yes?	Legislative decree no. 140/99 of 24.4. adapts Habitats and Birds Directives to the national law. Despite making no clear reference to the location of marine areas, this broad decree (which has recently been adapted to the regional legislation of the Azores) has allowed for the designation of SACs beyond the 12 mile limit. However, both decrees broadly overlook management issues of both SACs and SPAs, deferring the definition and implementation of specific management measures to "sectorial plans" which will be approved for individual sites or groups of sites.
Spain	No	Domestic legislation (Royal Decrees 1997/1995 and 1193/1998) don't distinguish between 0-12 or 12-200 nm.
Sweden	Yes	Law of EEZ (part of the Environmental Code)
United Kingdom	Yes, partly	UK Regulations exist to implement Habitats & Birds Directives for oil & gas developments, but not yet (due Autumn 2002) for other industries or more generally.
WWF North-East Atlantic Programme		(Not fully applicable to an international NGO) Based on the latest legal interpretation of the EC, WWF however promotes the application of EU HD and BD, by EU Member States, up to the limit of their offshore jurisdiction. See http://www.ngo.grida.no/wwfneap/Publication/briefings/MPASpatialPlanning.pdf

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3. Has any work been done in your country to identify SAC Habitats or species, or marine SPA species in your offshore waters (12-200nm or EEZ) – include either work specifically for those Directives, or which could be used wholly or in part to identify such areas?

Country	Response - Annex I habitats	Response - Annex II species	Response - Birds Directive
Belgium	No. In 1996, an area of 17,000 ha inside Territorial waters comprising the whole existing Ramsar 'Vlaamse Banken' site, has been proposed as an SCI under the EC Habitats Directive.		The designation of a SPA within 12 nm is currently in preparation.
Denmark	Yes. Four reefs (now SACS, 1170) are located outside 12 nm. The marine algae vegetation has been monitored two times a year since 1989 in The National Monitoring Program	Yes. The National Monitoring Program	Yes. The National Monitoring Program.
Finland	No. No activities have been taken so far for defining sites as have no national EEZ. Information beyond 12 nm is inadequate for site designation.	No. No activities have been taken so far for defining sites as have no national EEZ. Information beyond 12 nm is inadequate for site designation.	No. No activities have been taken so far for defining sites as have no national EEZ.
France	? We are gathering the existing data.	? IDEM	? IDEM
France (NGO)	No response	No response	No response
Germany	Yes for all. -Especially for EU Directives: Starting and ongoing research projects. -In the framework of OSPAR for the NE Atlantic: ongoing work on identifying MPAs and -In the framework of HELCOM: ongoing work on identifying "Baltic Sea Protected Areas (BSPAs).		
Italy	No response	Yes. All cetaceans and all sea turtles.	No response
Malta	No such work as yet but a contract on <i>Posidonia</i> will map this priority habitat around Malta and beyond the 12 nm particularly in one particular area which is known to be <50m deep which is called Hurd's Bank.	We do have some information from sightings of cetaceans and turtles in the offshore area.	We and NGOs may have some information on certain species.
Netherlands	Yes. Data available but no sites identified.	Yes. Data available but no sites identified.	Yes. Data available for site identification.
Portugal (Azores mainly)	D. João de Castro Bank - surveys of macroalgae and macrofauna; chemical and physical characterisation of shallow water vents; ecotoxicology work (heavy metal concentration in particular species)	<i>Caretta caretta</i> - occurrence, telemetry, tagging, by-catch mortality, alternative fishing gears for impacting fishery. <i>Tursiops truncatus</i> - occurrence, abundance, photo-identification, genetics. <i>Phocoena phocoena</i> - visual and acoustic survey: Result: <u>no occurrence</u>	

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3. Cont.

Country	Response - Annex I habitats	Response - Annex II species	Response - Birds Directive
Spain		<p>Yes. Inventories of cetaceans in Spanish waters (Mediterranean, Atlantic and Canarian waters, 1992-1998)</p> <p>Project on identification of important areas for cetaceans in the Mediterranean (1999-2002).</p> <p>Proposals for SACs (<i>Tursiops</i> and <i>Phocoena</i>) by Spanish Cetacean Society and WWF/Adena.</p>	
Sweden	Yes. Random samples by diving.		Yes. Skov H et al: Inventory of coastal and marine IBA in the Baltic Sea.
United Kingdom	Yes, see JNCC Report 325	Yes, see JNCC Report 325	Yes, see JNCC Report 325
WWF North-East Atlantic Programme	In June, WWF UK and International published the report on Implementation of the EU Habitats Directive Offshore: Natura 2000 sites for reefs and submerged sandbanks.	Some of the Marine Protected Areas proposed by WWF for the entire NE Atlantic (OSPAR) area have been justified by their importance for Harbour porpoise.	

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4. Which Habitats Directive Annex I habitats do you know or think you might have within your offshore area?

Country	Sandbanks	Reefs	Gas structures	Sea caves	Others
Belgium	✓	✗	✗	✗	
Denmark	✓ In the north Sea but possibly below 20 m	✓ As mentioned above and also in the North Sea but not verified	✓ In the Kattegat area. No verification in the North Sea outside 12 nm	✗	
Finland	Possibly	Possibly	✗	✗	
France	✓	✓	✗	✓	✓ 1120 Posidonia beds, in the Mediterranean Sea
France (NGO)	No response				
Germany	✓	✓	✗	✗	
Italy	No response	No response	No response	No response	Pelagic
Malta	Maybe	✓	Don't know	Probably yes	Possibly <i>Posidonia</i> meadows
Netherlands	No (unless this habitat is not limited to shallow nearshore waters)	✗	✗	✗	
Portugal (Azores mainly)	✗	✓ including shallow-water reefs with hydrothermal vents	✗	✗	Seamounts; Hydrothermal vent sites
Spain	✗	✓	✗	✗	
Sweden	✓	✓	✗	✗	
United Kingdom	✓	✓	✓ possibly	None known	
WWF North-East Atlantic Programme	Sites of this category have been specified EEZ-wise for NE Atlantic countries in www.ngo.grida.no/wwfneap/Projects/reflink.htm#reefsbanks . Maps and data also available for the Mediterranean.	Sites of this category have been specified EEZ-wise for NE Atlantic countries in report (see before). Maps and data also available for the Mediterranean	While the Commission decision of 28.12.2001 adopting the list of SCIs for the Macaronesian biogeographical region leaves the list open to alteration with regard to reefs, WWF believes that hydrothermal vents of the Azores should be included.		

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5. Which Habitats Directive Annex II species do you know or think you might have within your offshore area?

Country	Grey seal	Common seal	Bottlenose dolphin	Harbour porpoise	Loggerhead turtle	Otter	Lampern	Lamprey	Sturgeon	Shad	Other
Belgium	✓	✓	✓	✓	✗	✗	✓	✓	✗	✗	
Denmark	✓	✓	✓	✓	✗	✗	?	?	✗	✗	
Finland	✓	✗	✗	✓	✗	✗	? No data available from offshore areas	? No data available from offshore areas (occasional occurrence)	✗	✗	
France	✓	✓	✓	✓	✓ But a few compared to Greece	✗	✓	✓	✓	✓ Both species	✓ <i>Aphanius fasciatus</i> , <i>Salmo salar</i>
France (NGO)	No more seals in the French Mediterranean		✓ Most in territorial waters		✓ But a few compared to Greece						
Germany	✓	✓	✗	✓	✗	✗	✓	✓	✓	✓ <i>Alosa alosa</i> & <i>Alosa fallax</i>	<i>Coregonus oxyrhynchus</i>
Italy	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗	
Malta	✗	✗	✓ Population studies not yet available	Maybe. No recent records	✓ No nesting beaches.	✗	✗	✓	✗	✓ <i>Alosa fallax</i> and poss. <i>A. alosa</i>	
Netherlands	✓	✓	Extinct inshore	✓	✗	✗	✓	✓	Vagrant inland	✓	
Portugal (Azores mainly)	✗	✗	✓	✗	✓ More common in Azores and Madeira sub-areas	✗	✗	✗	✗	✗	
Spain	Occasional (north Atlantic area)	Occasional (north Atlantic area)	✓	✓	✓	✗	✓	✓	✓	✗	
Sweden	✓	✓	✗	✓	✗	✗	✗	✗	✗	✗	
United Kingdom	✓	✓	✓	✓	✓ Vagrant	Not known	Not known	Not known	Not known	Not known	
WWF North-East Atlantic Programme	No response										

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6. Do you have any marine SACs under the Habitats Directive which are completely unconnected to the coastline (i.e. not offshore islands and rocks)?

Country	Sites	Boundaries defined by:
Belgium	No	
Denmark	Briseis Flak (25 km from the coast) 1170 Reef. Store Middelgrund (30 km from the coast) 1170 Reef. Kims Ryg (27 km from the coast) 1170 Reef.	Information from charts, information from the National Geological Survey and information from the National Monitoring Programme.
Finland	No	
France	No	
France (NGO)	No	
Germany	Saga Bank, Baltic Sea (c. 2 km from coast). Reefs. Presence of Annex II species unknown.	Natural features (bank) combined with practical boundaries (rectangle).
Italy	No SAC but have a Cetacean Sanctuary determined through the Barcelona Convention (ASPIM)	Area is defined by transect coming from the islands of Corsica and Sardinia to the continent.
Malta	No	
Netherlands	No	
Portugal (Azores mainly)	Baixa do Sul (c1.55 nm from coast). Reefs, <i>Tursiops truncatus</i> & <i>Caretta caretta</i> D. João de Castro Bank (c. 40 nm from coast). Reefs, <i>Tursiops truncatus</i> & <i>Caretta caretta</i> . Formigas islets and Dollabarat reef (20 nm from coast). Reefs, <i>Tursiops truncatus</i> & <i>Caretta caretta</i>	Circles with a 1/5 nm radius were centred over the shallowest points of the two first sites in a way that the shallower reefs were included in circular SACs. For the Formigas islets and Dollabarat reef the -200m bathymetric line was used as the SAC limit.
Spain	No	
Sweden	Hoburgs Bank (15 km from coast). Sandbanks, Reefs, Grey Seal.	Preliminary boundaries defined by using depth contours.
United Kingdom	No	
WWF North-East Atlantic Programme	Yes	

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7. Do you have any marine SPAs which are completely unconnected to the coastline (i.e. not offshore islands and rocks)?

Country	Sites	Boundaries defined by:
Belgium	No	
Denmark	Vresen (0.25 km from the coast) Feeding area and wintering area.	Depth contour - 10 m.
Finland	No	
France	No	
France (NGO)	Yes, Cap Couronne (less than 1 km from coast). SPA for fishing regulation.	
Germany	1. Stoller Grund, Mittel Grund, Baltic Sea (c. 2 km from coast). Wintering area, migratory species. 2. Saga Bank (c. 2 km from coast).	Natural features (banks) combined with practical boundaries (rectangles).
Italy	No response	
Malta	No	
Netherlands	Two inshore marine sites (mainly within 3 nm from the coastline; in total over 2000 km ² apart from estuaries and intertidal areas). Designated as SPA in particular for Common Scoter and Eider (1% thresholds met) and Red-throated Diver (one of five most important areas in Netherlands).	IBA sites identified in 1994 (Van den Tempel & Osieck (1994) Areas important for birds in the Netherlands. Vogelbescherming Nederland, Zeist (study commissioned by Dutch government).
Portugal (Azores mainly)	No	
Spain	No	
Sweden	Hoburgs Bank (15 km from coast). Feeding and wintering area for large numbers of <i>Clangula himmalis</i> , <i>Somateria mollissima</i> & <i>Cephus grylle</i> .	Preliminary boundaries defined by using depth contours.
United Kingdom	No	
WWF North-East Atlantic Programme	No response	

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8. In your country, have selection criteria been used or developed to select marine SPAs for birds? Please give details/reference.

Country	Response
Belgium	No
Denmark	1% criteria and/or 20,000 individuals.
Finland	Criteria are given in the Standard Data Forms submitted to the Commission.
France	No
France (NGO)	No response
Germany	Under preparation; ongoing project on establishing criteria in accordance with Article 4 (1-2) Birds Directive.
Italy	No response
Malta	No SPAs yet but will use guidelines set out by the Birds Directive and Annex 1 of the Protocol concerning SPAs and biological diversity in the Mediterranean and the criteria established for the Emerald Network and Natura 2000 and the SPAMI list.
Netherlands	Used IBAs
Portugal (Azores mainly)	No. There is insufficient knowledge on the distribution of seabirds while offshore. No telemetry studies have been done to establish feeding grounds. Currently available knowledge suggests that offshore feeding grounds are not stable and clearly spatially defined as birds usually feed in association with highly dynamic oceanographic features such as moving and transient fronts and eddies.
Spain	Presence of birds (Directive 79/409/EEc): inventory of distribution areas; SPAs including enough percentage of those distribution areas.
Sweden	Criteria defined in Article 4.2 of the Directive and the IBA criteria.
United Kingdom	Criteria developed by JNCC for terrestrial use will be modified or added-to for marine areas (no marine areas selected yet – work is in progress)
WWF North-East Atlantic Programme	Not applicable

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9. Do your marine SPAs relate to Important Bird Areas (IBAs) identified by Birdlife (Skov *et al.* 1994)?

Country	Response	Overlap?	IBA basis for SPA?	Coincidental?	Comments
Belgium	Yes	Yes	No	No	
Denmark	Yes and No	Yes	No	-	
Finland	Yes	Yes, partly	-	-	
France	Yes	Yes	Yes	-	But it was completed by a national approach (ZICO (Zones importantes pour la conservation des Oiseaux)). ZICO is wider than IBAs but it is an inventory (not all the sites are to be proposed as SPA).
France (NGO)	No response				
Germany	Yes	Yes, mainly	Yes	-	SPAs are parts of IBAs
Italy	No				
Malta	N/A				Do have 4 coastal IBAs
Netherlands	Yes	Yes, the SPAs contain small parts of Skov's Cap Gris Nez - Schiermonnikoog	No, both sites were identified in IBA94		Both SPAs were identified in national IBA inventory (IBA94) thus independently from Skov <i>et al.</i> (1994). The latter study was not considered useful because of the unclear methodology and the inclusion of irrelevant species.
Portugal (Azores mainly)	No, as no existing SPA covers any portion of sea.				For the terrestrial and coastal SPAs, IBAs were taken into account.
Spain	Yes	Yes. Some of SPAs.	Yes. Some of them.	Yes. Some of them	
Sweden	Yes	Yes	Yes	Yes	
United Kingdom	No				IBAs will be considered during the selection of marine SPAs
WWF North-East Atlantic Programme	No response				

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10. If no selection criteria have been used, and SPAs are not based on IBAs, what criteria were used?

Country	Response
Belgium	Belgium does not have a SPA and the future one will not be an offshore one.
Denmark	See response to 8.
Finland	
France	National Inventory of important zones for birds conservation (ZICO) (but no real marine SPAs yet in France).
France (NGO)	
Germany	
Italy	Not known by respondent.
Malta	
Netherlands	IBA94 work.
Portugal (Azores mainly)	The only SPA in the Azores are coastal and terrestrial and do not include any maritime area.
Spain	
Sweden	
United Kingdom	
WWF North-East Atlantic Programme	