**Enforcement @ Sea : Expect the Unexpected ?**

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**Section 1. Scope of application of the Habitats Directive**

The scope of application of the Habitats Directive and the Birds Directive is “the European Territory of the Member States to which the Treaty applies”. The question immediately arises: does it apply to the seas on which the Member States have jurisdiction?

The answer is, without doubt, positive. Nine of the natural habitats listed in Annex I and II of the directives are specifically maritime ones. These are:

1110 Sandbanks which are slightly covered by sea water all the time

1120 Posidonia beds (*Posidonion oceanicae*)

1130 Estuaries

1140 Mudflats and sandflats not covered by seawater at low tide

1150 Coastal lagoons

1160 Large shallow inlets and bays

1170 Reefs

1180 Submarine structures made by leaking gases

8330 Submerged or partially submerged sea caves

Some of the species listed in annex II are also maritime ones[[1]](#footnote-1). So are some species listed in annexes I and II of the Birds Directive[[2]](#footnote-2).

It must be recognized that, in the first ten years of implementation of the directive, most of the efforts concerned land sites. On 25.000 protected sites, only 1800 are maritime ones.

There can thus be no doubt that the directive applies to the territorial seas of the Member States. A second question therefore arises immediately: does it apply to areas beyond the territorial seas?

At first, Member States argued that the directive only applied to their territorial seas. In the *2007 Guidelines for the establishment of the Natura 2000 network in the maritime environment*[[3]](#footnote-3), the Commission stated that

“Recognition by a coastal State of exclusive rights in a maritime zone brings not only rights but obligations, such as the preservation of these natural resources. Therefore, European law relative to the conservation of natural resources applies in all maritime areas where Member States exercise such rights. That includes the following maritime areas:

- The internal waters and the Territorial Sea,

- The Exclusive Economic Zone (EEZ) and/or to other areas where Member States are exercising equivalent sovereign rights (fishing protection zones, environmental protection)”[[4]](#footnote-4).

 This was a reminder of what the Commission already stated in its communication of 14.07.1999 regarding fisheries management and nature conservation in the Marine environment[[5]](#footnote-5):

“The provisions of the "Habitats" Directive automatically apply to the marine habitats and marine species located in territorial waters (maximum 12 miles). However, if a Member State exerts its sovereign rights in an exclusive economic zone of 200 nautical miles (for example, the granting of an operating licence for a drilling platform), it thereby considers itself competent to enforce national laws in that area, and consequently the Commission considers in this case that the "Habitats" Directive also applies, in that Community legislation is an integral part of national legislation” (…) “The "Habitats" Directive obliges Member States to take the measures needed to establish a strict protection system of certain marine animal species in their natural range. This includes in particular the establishment by the Member States of a system to monitor the incidental capture and killing of these species (as for example the monk seal, sea turtles or cetaceans) and of further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned. Several by-catch monitoring schemes have already been co-financed by the Community, in particular under the Research programmes on fisheries (AIR- FAIR projects)”.

The European Court of Justice had already stated in 1978 that, regarding a regulation “any extension of Member States' maritime zones automatically entailed the same extension of the regulation's field of application”[[6]](#footnote-6). Regarding the Habitats Directives, the Court reached the same solution in case C-6/04[[7]](#footnote-7). In her Opinion, Advocate General Kokott stated that:

“The Habitats Directive is consequently applicable outside the territorial waters of the United Kingdom if two conditions are met. First, the United Kingdom must have extended sovereign rights to the area outside territorial waters and, second, the Habitats Directive must require to be interpreted as extending to that area. … While the Habitats Directive admittedly contains no express rule concerning its territorial scope, it is consonant with its objectives to apply it beyond coastal waters. In accordance with Article 2(1), the directive is meant to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies. This objective supports the conclusion that the area within which the directive applies coincides with that of the Treaty. In accordance with the aforementioned case-law, the area within which the Treaty applies is not limited to the territorial waters. Also, the directive protects habitats such as reefs and species such as sea mammals which are frequently, in part even predominantly, to be found outside territorial waters”[[8]](#footnote-8).

The Council Conclusions on the Strategy for the Integration of Environmental Concerns and Sustainable development into the Common Fisheries policy, adopted at Luxembourg on 25 April 2001, include also the following considerations:

“The Habitats and Birds Directives (5), and specially the associated network of protected sites in the marine environment "Natura 2000", constitute a key element for the protection of the marine ecosystem which may have consequences on fisheries. Member States are encouraged, in co-operation with the Commission, to continue their work towards the full implementation of these directives in their exclusive economic zones*”*[[9]](#footnote-9)*.*

A definitive answer was provided by the 2008 Marine Strategy Framework Directive[[10]](#footnote-10). Article 13 of the Framework Directive provides that:

“4. Programmes of measures established pursuant to this Article shall include spatial protection measures, contributing to coherent and representative networks of marine protected areas, adequately covering the diversity of the constituent ecosystems, such as special areas of conservation pursuant to the Habitats Directive, special protection areas pursuant to the Birds Directive, and marine protected areas as agreed by the Community or Member States concerned in the framework of international or regional agreements to which they are parties”.

The territorial scope of the framework directive being defined as:

“waters, the seabed and subsoil on the seaward side of the baseline from which the extent of territorial waters is measured extending to the outmost reach of the area where a Member State has and/or exercises jurisdictional rights, in accordance with the UNCLOS”[[11]](#footnote-11).

There can be no doubt that Member States do not only have the right, but also the obligation, to take environmental measures aiming at protecting Natura 2000 sites within their EEZ, according to the relevant UNCLOS articles[[12]](#footnote-12).

A last question arises. Can a European text have an extraterritorial application? The answer is, without doubt, positive. In the *Kramer* case[[13]](#footnote-13), the Court stated, in a case regarding the competence of the Community to adopt regulations regarding fishing on the high seas, that “it follows (…) from the very nature of things that the rule-making authority of the Community *ratione materiae* also extends – in so far as the Member States have similar authority under public international law – to fishing on the high seas”. When reported to environmental protection, it means that the Union is competent to take measures outside the territory of its Member states as far as these are competent under international law to adopt them[[14]](#footnote-14).

**Section 2: Jurisdiction of Member States under International Law to enforce the Habitats Directive**

The question is, therefore: do Member states have authority under international law to take measures relating to the protection of the environment beyond their territorial seas?

As stated in the above-mentioned *2007 Guidelines for the establishment of the Natura 2000 network in the maritime environmen*t[[15]](#footnote-15): “A coastal State has different competencies in different sea zones. In global terms, the further offshore one goes, the less the Coastal State’s exclusive competencies are to legislate and/or to enforce legislation. Some of the competencies are shared at Community level. Commercial fishing is a relevant policy where the Community has exclusive legislative jurisdiction. Some activities like military, mining or petrol prospecting/exploitation fall under national competencies over the entire Continental Shelf. Other sectors such as marine transport have different regulatory regimes for different marine zones, with different regulatory authorities”[[16]](#footnote-16).

The international legal framework is defined by the 1982 *United Nations Convention on the Law of the Sea* (hereafter UNCLOS)*,* and more specificallyArticle 56 § 1 of the Convention, which deals with the Exclusive Economic Zone (EEZ)[[17]](#footnote-17), which states:

“In the exclusive economic zone, the coastal State has:

(a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

(b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:

(i) the establishment and use of artificial islands, installations and structures;

(ii) marine scientific research;

**(iii) the protection and preservation of the marine environment**”.

The sovereign rights and jurisdictions provided in Article 56 (a) and (b) need to be claimed by the coastal State in order to be exercised. In practice, this has been done by the proclamation of an EEZ by most Member States[[18]](#footnote-18).

The 1982 UNCLOS seems to make a difference between the sectors where coastal States have “sovereign rights” and those where it has “jurisdiction”. In fact, this *distinguo* has no practical consequences, because the jurisdiction is qualified as “exclusive”[[19]](#footnote-19).

Article 61 (3) UNCLOS is even more precise about conservation measures by stating:

“In taking (stock conservation measures) the coastal state shall take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened »[[20]](#footnote-20).

Article 77 UNCLOS concerning the rights of the coastal State over the continental shelf is also relevant. It states that:

“1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The rights referred to in paragraph 1 are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the coastal State.

3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.

4. The natural resources referred to in this Part consist of the mineral and other non-living resources of the sea-bed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant  physical contact with the sea-bed or the subsoil”.

The access to a 500 meters zone around the oil platforms and the windmills farms can be subject to authorization by the relevant coastal State. This could be viewed as a way to protect specific sites from navigation disturbance.

Concerning the pipelines: the relevant coastal State may not forbid the laying down of pipelines on its seabed. It can, however, impose their location (in order, for example, to avoir disturbances to Natura 2000 sites).

Article 192 UNCLOS also expressively provides for the States to protect and preserve the marine environment. More specifically, article 194 paragraph 5 UNCLOS provides for the member States to take all measures “necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life”.

There is a difference between regulatory power and enforcement power: do member States have the authority to enforce EU environmental legislations within their Exclusive Economic Zones?

It must not be forgotten that the EEZ is a high sea zone, where the coastal State can only exercise limited powers. If no exception to the freedom regime of the high sea is provided by UNCLOS, this freedom regime applies.

Five activities can be harmful to Habitat 2000 sites:

* Fishing
* Pollution by ships
* Exploitation of the sea-bed
* Navigation
* Leisure, tourism and sport activities.

**§ 1. Fisheries**

Article 56 UNCLOS recognizes sovereign rights to the coastal States for the exploitation and the management of living resources in their EEZ. This question should therefore cause no problems. A coastal State can indeed always establish closed areas where all catches are prohibited within its EEZ. It can also totally prohibit the catch of marine mammals[[21]](#footnote-21) or the use of intrusive fishing methods and gear within it.

Member States have agreed to delegate their national responsibilities in fisheries management to the Union, establishing the Common Fisheries Policy (CFP) as an exclusive Union competence. Therefore, there is a legal obligation to implement measures under the CFP whenever fishing restriction measures at EU level are required in order to address important conservation problems in the marine environment. **Council Regulation (EC) 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy**[[22]](#footnote-22) applies.

**A. Fisheries within the territorial seas: article 9 of regulation 2371/02**

On the basis of Article 9, Member States can take non-discriminatory measures for the conservation and management of fisheries resources and to minimize the effect of fishing on the conservation of the marine ecosystems within 12 nautical miles of their coast provided that the Union has not adopted conservation and management measures specifically for this area. If these measures are liable to affect the vessels of another Member State, a consultation procedure with the Commission, other Member States and the Regional Advisory Councils concerned is necessary before the adoption of the measures. Measures applying to fishing vessels from other Member States shall be subject to the procedures laid down in Article 8(3) to (6) concerning Member Sates Emergency measures[[23]](#footnote-23).

In cases where a Member State considers that a fishing activity has to be regulated in order to protect a Natura 2000 site, but it has not the competence to do so on the basis of the Regulation 2371/2002, it is for the Union to finally take fisheries measures. In practice, the Member State concerned will provide the data at its disposal to the Commission, indicating the measures that it considers appropriate. However, neither the Commission’s right of initiative in proposing fisheries measures, nor the Council’s broad legislative discretion in adopting such measures, can be legally restricted by the request of the Member State. Nevertheless, the Commission and the Council while exercising their legislative discretion in the fisheries sector have to comply with article 6 of the Treaty obliging the integration of environmental protection requirements in all Union policies.

Within their EEZ, Member States may take measures for the conservation and management of stocks in waters under their sovereignty or jurisdiction provided that:

(a) they apply solely to fishing vessels flying the flag of the Member State concerned and registered in the Union or, in the case of fishing activities which are not conducted by a fishing vessel, to persons established in the Member State concerned and

(b) they are compatible with the objectives set out in Article 2(1) and no less stringent than existing Union legislation.

Other vessels are subject to rules adopted by the European Union within the CFP. For these, the Member State concerned can address the Commission a request for the adoption of specific measures. The Commission will present them to the Council and the European Parliament.

This request must be sustained by:

* Comprehensive description of the natural features including distribution within the site
* Scientific rationale for the site’s selection in accordance with the information provided in the Natura 2000 data form. Intrinsic value of its features. Specific conservation objectives.
* Basis for the spatial extent of the site boundary clearly justified in terms of conservation objectives
* Threats to habitats and species from different types of fishing gear. List of other human activities in the area that could damage the habitats.
* Fleet activity in the area and in the region, distribution of fleets (by nation, gear and species) and information on target and by-catch species, all over the last 3 years.
* Seasonal trends in fisheries over the last 3 years.
* Proposed fisheries management measures to maintain the habitats features in favorable condition. Are they proportionate and enforceable? Other measures that apply to this area.
* Control measures envisaged by the Member State, possible ecological and control buffer zones to ensure site protection and/or effective control and monitoring measures.
* Measures to monitor and assess the maintenance and/or recovery of the features within the site.
* Coordination with neighbouring Member States as appropriate.
* Evaluation of possible displacement of fishing effort and impact on new areas[[24]](#footnote-24).

Scientific advice is asked to ICES (International Council for the Exploration of the Seas) and/or STEFC (Scientific, technical and Economic Committee for Fisheries), which will be requested to:

* Review scientific basic for conservation needs.
* Review and evaluate all relevant information on fishing activities in the proposed areas, to assess possible impact to these fisheries of closure or other potential management measures.
* Evaluate whether the boundary of the proposed area is appropriate for delimiting the fisheries management measures needed to protect the habitats for which the area has been proposed.
* On the basis of known impacts of fishing gears active in the vicinity, evaluate what management measures would be suitable to achieve the conservation objectives of the proposed protected area.
* Review possible monitoring needs.
* Identify data gaps[[25]](#footnote-25).
1. **Member States emergency measures : article 8 of Regulation 2371/02**

Article 8 of regulation 2371/02 provides that Member State may take emergency measures, the duration of which shall not exceed three months, if there is evidence of a serious and unforeseen threat to the conservation of living aquatic resources, or to the marine ecosystem resulting from fishing activities, in waters falling under the sovereignty or jurisdiction of a Member State where any undue delay would result in damage that would be difficult to repair. Those measures apply to vessels flying their flag AND other vessels.

Member States intending to take emergency measures shall notify their intention to the Commission, the other Member States and the Regional Advisory Councils concerned by sending a draft of those measures, together with an explanatory memorandum, before adopting them. The Commission shall confirm, cancel or amend the measure within 15 working days of the date of notification. The Council, acting by qualified majority, may take a different decision within one month of the date of receipt of the referral.

Due to their limited duration such measures will only exceptionally be considered in the framework of establishment of conservation measures addressing an environmental concern of a more permanent character.

1. **Commission emergency measures : article 7 of Regulation 2371/02**

If there is evidence of a serious threat to the conservation of living aquatic resources, or to the marine eco-system resulting from fishing activities and requiring immediate action, the Commission, at the substantiated request of a Member State or on its own initiative, may decide on emergency measures which shall last not more than six months. The Commission may take a new decision to extend the emergency measures for no more than six months.

In 2003 and 2004 the Commission adopted under the emergency procedure two Regulations on the protection of deep-water coral reefs from the effects of trawling in the Darwin Mounds (North West of Scotland)[[26]](#footnote-26). These measures were made permanent in 2004[[27]](#footnote-27).

In areas beyond Member States sovereignty or jurisdiction, the Union shall, where appropriate, promote actions to be taken through appropriate international fisheries conventions.

1. **The forthcoming Regulation**

In 2011, the Commission has published a proposal for a new Regulation on Common fishery Policy[[28]](#footnote-28). This proposal is more concerned about the protection of special areas of conversation. Article 12 of this proposal expressively states that:

“1. In special areas of conservation within the meaning of Article 6 of Directive 92/43/EEC, of Article 4 of Directive 2009/147/EC and of Article 13(4) of Directive 2008/56/EC, fishing activities shall be conducted by Member States in such a way so as to alleviate the impact from fishing activities in such special areas of conservation.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 55, to specify fishing related measures to alleviate the impact of fishing activities in special areas of conservation”.

Measures taken by the coastal State will however be limited to ships flying its flag. Article 17 of the proposal states that:

“1. In a multiannual plan established pursuant to Articles 9, 10 and 11 Member States may be authorised to adopt measures, in accordance with that multiannual plan, which specify the conservation measures applicable to **vessels flying their flag** in relation to stocks in Union waters for which they have been allocated fishing opportunities”.

There are no changes regarding measures affecting vessels flying the flag of another Member State. These measures still need the consultation of the Commission, the relevant Member State and the relevant advisory Councils, even within the territorial sea of the Member State intending to adopt the conservation measures. Article 26 of the Proposal states indeed that:

1. A Member State may take non-discriminatory measures for the conservation and management of fish stocks **and to minimise the effect of fishing on the conservation** **of marine eco-systems** within 12 nautical miles of its baselines provided that the Union has not adopted measures addressing conservation and management specifically for that area. The Member State measures shall be compatible with the objectives set out in Articles 2 and 3 and no less stringent than those in existing Union legislation.

2. Where conservation and management measures to be adopted by a Member State are liable to affect fishing vessels of other Member States, such measures shall be adopted only after consulting the Commission, the relevant Member States and relevant Advisory Councils on a draft of the measures accompanied by an explanatory memorandum”.

**$ 2. Pollution by ships**

The coastal State has, in application of article 56 of UNCLOS, jurisdiction to adopt and enforce regulations regarding the prevention of pollution within its EEZ.

Several relevant regional seas conventions, like the OSPAR, Helsinki, Barcelona or Bucharest Conventions, have developed strategies to reduce pollution in the sea. These strategies (e.g: Hazardous Substances Strategy adopted by OSPAR) set the objective of preventing pollution of the maritime area by continuously reducing discharges, emissions and losses of hazardous substances.

**$ 3. Pollution resulting from the exploitation of the continental shelf or the EEZ**

Article 76 of UNCLOS gives coastal States the right to manage of exploring and exploiting the non-living resources (both mineral and non-mineral) of the sea-bed (oil, gas, sand…). These activities can be very intrusive and pose threats to fragile ecosystems[[29]](#footnote-29). They always require the consent of the coastal State. It can therefore forbid the exploitation of zones which could harm Natura 2000 sites.

The coastal State also enjoys the right to authorize the construction of artificial islands, whatever their purpose (including the *offshore wind farms*). It can therefore prohibit the establishment of artificial islands within or near Natura 2000 sites or, on the contrary, take advantage of the potential prohibition of navigation within a 500 meters zone around the wind farms to protect sites from navigation disturbances.

**$ 4. Navigation**

There will be areas of overlap between marine Natura 2000 sites and dense maritime traffic areas (some already designated sites are there). In such cases, Member States will have to pay particular attention to ensuring the necessary measures are taken to protect these sites from potentially damaging activities linked to shipping, through preventive programmes and emergency action plans to minimize the negative effects in case of accidental or deliberate ship-source oil spills.

In these areas, the powers of the coastal State are very limited. Article 58 (1) UNCLOS sates that:

“In the EEZ all States (…) enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in article 87 of navigation (…) « .

While article 78(2) UNCLOS states that:

“The exercise of the rights of the coastal state over the continental shelf must not infringe or result in any unjustifiable interference with navigation and other rights and freedoms of other States as provided for in this Convention”.

It may therefore be appropriate to regulate vessel traffic. In such cases, Member States should ask the International Maritime Organization (IMO) to consider designating a “Particularly Sensitive Sea Area” (PSSA) to include this Natura 2000 site (or group of sites) thus decreasing the harmful effects of international shipping. A Particularly Sensitive Sea Area (PSSA) is an area that needs special protection through designation by IMO because of its significance for recognized ecological, socio-economic or scientific reasons and which has been demonstrated to be vulnerable to damage by international maritime activities. PSSA status can be used to protect valuable marine and coastal habitats as well as marine wildlife, and to improve maritime safety[[30]](#footnote-30).

**§ 5. Leisure, tourism and sporting activities**

Activities such as whale-watching could be harmless to the Natura 2000 sites but perturbing for the whales. Scuba-diving is even more possibly harmful, divers being able to touch and damage reefs.

As first sight, the coastal State has very reduced powers to take measures regarding these activities. The 1982 UNCLOS is mute on the question. The general regime of the High Seas should therefore apply. Coastal States would have no jurisdiction to adopt regulations on these subjects.

Some authors[[31]](#footnote-31) consider that those activities resort to the economic exploitation of the EEZ. In this case, Article 56 (a) of the 1982 UNCLOS would apply, and the coastal State should have sovereign rights “with regard to other activities for the economic exploitation and exploration of the zone”. The coastal State should therefore be allowed to take measures in order to regulate these activities near or within the Natura 2000 sites. Most EU Members have acted so, for example Portugal for the managing of whale-watching tours near Madera.

**Conclusion**

The coastal member State has the obligation take measures in order to protect Natura 2000 sites within its territorial waters and its EEZ. Its jurisdiction is however subject to the rights of other States arising from the 1982 UNCLOS. This is particularly true for disturbances potentially arising from navigation, for which the powers of the coastal State are very limited. Only the intervention of the IMO, and the designation of particularly sensitive sea areas, can help to solve this problem.

1. 18 species are concerned: monk seals, bottlenose dolphins, harbor porpoises… [↑](#footnote-ref-1)
2. Petrels, stukas…. [↑](#footnote-ref-2)
3. http://ec.europa.eu/environment/nature/natura2000/marine/docs/marine\_guidelines.pdf [↑](#footnote-ref-3)
4. Guidelines, p. 18. [↑](#footnote-ref-4)
5. COM 363(1999). [↑](#footnote-ref-5)
6. Case 61/77 *Commission* v *Ireland* [1978] ECR 417, paras 45-51. [↑](#footnote-ref-6)
7. Case C-6/04 *Commission v United Kingdom* [2005] ECR I-9017. [↑](#footnote-ref-7)
8. Point 132-134 of the Opinion. [↑](#footnote-ref-8)
9. Point 15 of the Conclusions. [↑](#footnote-ref-9)
10. Directive 2008/56/EC of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive), *OJ* 2008, L 164/19. [↑](#footnote-ref-10)
11. Article 3 (1) a of the Framework Directive. [↑](#footnote-ref-11)
12. See *infra*, section 2. [↑](#footnote-ref-12)
13. Joined Cases 3/76, 4/76 and 6/76 *Kramer* [1976] ECR 1279, paragraphs 30/33. [↑](#footnote-ref-13)
14. See on this point J.H. Jans, « The Habitats Directive », *Journal of Environmental Law* Vol. 12 n° 3, p. 383. [↑](#footnote-ref-14)
15. See *supra*, footnote 3. [↑](#footnote-ref-15)
16. Guidelines, p. 22. [↑](#footnote-ref-16)
17. The EEZ extends up to 200 miles from the baselines. [↑](#footnote-ref-17)
18. Greece and the United Kingdom have not proclamed an EEZ. [↑](#footnote-ref-18)
19. See F. Orrego Vacuna, “La zone économique exclusive”, *CCHAIL* 1986, vol. IV, p. 68. [↑](#footnote-ref-19)
20. This article deals more specifically with the protection of sea mammals and birds. [↑](#footnote-ref-20)
21. See Article 65 UNCLOS. [↑](#footnote-ref-21)
22. OJ [2002] L 358/59. [↑](#footnote-ref-22)
23. See for example the Commission Decision of **11 June 2008 on the confirmation of measures proposed by the Netherlands for the conservation of marine eco-systems in the Voordelta area (notified under document number C(2008) 2415), *OJ* [2008], L 332/1, and the** Commission Implementing Decision of 24 September 2012 confirming measures proposed by the Netherlands for the protection of marine areas of conservation in the North Sea Coastal Zone, the Vlakte van de Raan and the Voordelta (notified under document C(2012) 6510), *OJ* [2012], L 291/1. [↑](#footnote-ref-23)
24. European Commission, DG MARE and DG Environment, *Fisheries Measures for marine Natura 2000 sites*, p. 4. [↑](#footnote-ref-24)
25. Idem, pp. 5-6. [↑](#footnote-ref-25)
26. Regulations (EC) 1475/2003 (*OJ* [2003], L 211/14) and (EC) 263/2004 (*OJ* [2004], L 46/11. [↑](#footnote-ref-26)
27. Council Regulation (EC) 602/2004, *OJ* [2004], L 97/30. [↑](#footnote-ref-27)
28. Proposal COM(2011) 425. [↑](#footnote-ref-28)
29. See T. DUX, *Specially Protected Marine Areas in the Exclusive Economic Zone.* Berlin, LIT, 2011, p. 477. [↑](#footnote-ref-29)
30. Guidelines on designating a "particularly sensitive sea area" (PSSA) are contained in IMO Resolution A.927(22). [↑](#footnote-ref-30)
31. See for example T. DUX, *Specially Protected Marine Areas in the Exclusive Economic Zone.* Berlin, LIT, 2011, p. 481. [↑](#footnote-ref-31)