



VALUABLE PRACTICE: An example of a cross-border MPA (Natura2000 site)

Description

This case study concerns two marine Natura2000 sites located in Bay of Chingoudy, right on the Atlantic border between France and Spain: a Special Area of Conservation (SAC) site classified under the Birds EU Directive (2009/147/EEC), and a Special Protection Area (SPA) site classified under the Habitats EU Directive (92/43/EEC). The bay is surrounding three cities: Irun (SP), Fuenterrabia (SP), and Hendaye (FR). Despite a long collaboration between the two countries on environmental projects and the fact that the bay has the same/similar environmental characteristics across the border, these N2000 sites are managed only by the French administration. On this matter, the EU's plans call for a joint management of cross-border MPAs and promotes "cooperation in the framework of already existing tools within the European framework, such as the Natura2000 network" (AEBR and EU, 2021).

Different maritime activities take place in the bay, resulting in a complex governance structure characterized by many stakeholders and administrative and institutional differences in each country. The roadmap for these 2 sites is under preparation by the French Biodiversity Office (OFB) and a Steering Committee (SC) has just been set up. It is composed mainly by French stakeholders (local/national authorities, NGOs, users' organizations, research institutes, etc) and the two local Spanish surrounding municipalities, and will eventually include other local Spanish stakeholders. Lack of inter-state cooperation in N2000 policy and administrative & jurisdictional differences between the two Member States (MS) makes the bilateral management of the two sites quite difficult. Communication difficulties between equivalent State institutions/bodies across the border is another reason. Thus, the management of these N2000 sites is based on French mechanisms and regulations, despite the desire for cooperation from the local community (i.e. municipalities, local authorities, etc.) and local State's management bodies (OFB) and the inclusion of Spanish stakeholders in the consultations.

According to our field observations, recreational fisheries in the area are regulated through a local co-management approach based on the historic Treaty of the Pyrenees, (1659). The treaty grants historical fishing and mooring rights to the inhabitants of the 3 cross-border municipalities. In a case of implementation of regulatory measures within the perimeter of these sites, it is important to consider that this Treaty still has importance to the local community which could interfere with N2000 policy.

Practice typology

(iii) Process-related practice + (iv) zoning

Topics addressed

Main	D. Biodiversity and ecosystem protection and restoration [D.1. A coherent network of marine protected areas (D.1.5. Multi-use of sea space: combination including biodiversity and ecosystem protection and D.1.6. Coordinated, transboundary initiatives)]
Secondary	A. Climate change mitigation [A.4. Blue carbon sinks - <i>Zostera noltii</i> seagrass (A.4.1. Preserving and restoring coastal vegetation systems as tidal marshes and seagrasses accumulating "blue carbon")]
	B. Climate change adaptation [B.2 Protection of climate-sensitive marine and coastal biodiversity and ecosystems, and landscapes]
	G. Fair and just transition [G.1. Stakeholder participation and G.2. Representativeness of diversity of stakeholders at different levels]

Sectors/Activity involved

Coastal and maritime tourism, recreational and port activities, nature protection and restoration (biodiversity), multisector and others (cross-border cooperation).

Stakeholders involved

Different groups of stakeholders are involved in the area. Management of marine N2000 sites in France is a national competency delegated to the Maritime Prefecture, representing the State at regional sea level. The implementation at regional/local level is in the hands of decentralized State authorities.

French side

Local level: territorial authorities (3 cross-border municipalities; CAPB: representative of local municipalities and current facilitator of marine N2000 sites in the area); Groups/NGOs and local research institutes are consulted and participate to the SC meetings.

Regional/county level: Decentralized State authorities coordinate the implementation of N2000 policy at a regional/county level and have main role in the decision-making processes and the co-definition of the practice (Maritime Prefecture, DDTM, DREAL); Regional research institutes are consulted for the monitoring of species and habitats.

National level: National authorities and agencies (Ministry of the environment, French Biodiversity Office (OFB) (public government body and national scientific and technical coordinator for the implementation of N2000 policy. The OFB is the main manager of these N2000 sites and is in charge of drafting the sites roadmap, implementation and regulation); IFREMER (National research center and scientific coordinator (jointly with OFB) for the implementation of N2000 marine policy).

Spanish side

Local potential stakeholders: Recreational fishing and sports association (consultation); ecological park located in Irun (monitoring, consultation); Basque research institute (AZTI) (monitoring, consultation)

National and Regional stakeholders: Ministry for the ecological transition (MITECO); Coastal demarcations (coordinates the implementation of marine N2000 policy in Spain at a national level: decision-making body, consultation).

Geographical scope

The area is located at the West Spanish-French border (Basque Country region, South-Atlantic marine sub-region) and covers two French Natura2000 MPAs:

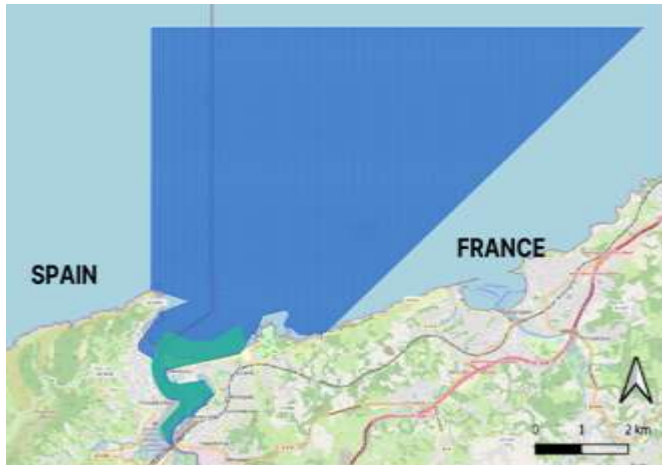
-“Bay of Chingoudy” (342 ha): Special Protection Area, Habitats EU Directive - FR7200774.

-“Bidassoa estuary and Bay of Fuenterrabia” (9.457 ha): Special Area of Conservation, Birds EU Directive - FR7212013

Total surface: 9.799 ha.



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Green area: Special Protection Area;

Blue area: Special Area of Conservation

Purple line: Marine border between Spain and France.

Governance context

In France, N2000 sites are under the responsibility of the Ministry of the environment (MTES). This responsibility is delegated at regional and local levels to decentralize State authorities. All rely on the OFB (governmental body) for implementing the N2000 policy (drafting of roadmaps, site management...).

In Spain, regarding MPAs management in marine and coastal domains, there is a distinction between internal waters (competency of Autonomous Communities) and external waters (competency of the Central government). Precisely, the management of coastal MPAs can be carried out either by the Central government (centralized by the Ministry of the Ecological Transition (MITECO) through the Coastal Demarcations or the Autonomous Communities, whether the MPA constitutes a geological or ecological extension of a terrestrial protected area or is located in internal waters.

Unlike in France, marine N2000 sites are not necessarily managed at local or regional levels. Different types of stakeholders can participate and manage N2000 sites, as such as territorial and district authorities, State authorities, fishers organizations or NGO's. Preparation of the roadmaps and management of the N2000 request the participation of all of them as they share a common area.

How this MSP practice can support the EU Green Deal

The aspects in which this practice mainly supports EGD are D. Biodiversity and ecosystem protection and restoration through *D.1 A coherent network of marine protected areas* and *D.1.6 Coordinated, transboundary initiatives* through the will to protect habitats and species across the border. There is a logic behind having a co-managed protected area that focuses on environmental aspects and marine connectivity rather than borders, even though this is still difficult today. It also supports *D.1.5. Multi-use of the sea space, combination including biodiversity and ecosystem protection* through the management of marine activities in order to ensure a low environmental impact on habitats and species in the area. Additionally, *B.2. Protection of climate-sensitive marine and coastal biodiversity and ecosystems, and landscapes* through the preservation of *Zostera noltii* seagrasses, considered to be blue carbon sinks (Sousa A.I. et al, 2019).

This is an example of a cross-border MPA in which, despite the existing collaboration between two EU MS on environmental

matters, it is still difficult to achieve a joint management of a marine N2000 sites. Administrative and jurisdictional differences and basically divergent approaches prevent an effective common management. The achievement of a joint management of cross-border valuable ecological sites seems to request the definition of a shared mechanism and the common designation of valuable ecological sites based on shared environmental aspects.

Challenges/gaps/inconsistencies still to be addressed

Limitations identified in the practice towards the achievement of EGD objectives:

- ✓ Taking the cross-border and transboundary initiatives element of the EGD: it is difficult to ensure inter-state management of MPAs as there are few examples of marine N2000 cross-border sites in the EU. National administrative systems, legislations and competencies of governance bodies vary between countries and make common management of MPA's complicated.
- ✓ Taking the Just and inclusive transition element of the EGD: Although there is a willingness of the French Administration to include and consult all relevant Spanish stakeholders, they have not been yet involved in the management process of the sites. There is still a lack of communication between local administrations and the difficulty lies mainly in finding the right interlocutors and defining which role they will play in the management process.
- ✓ Taking the multi-use of sea space element of the EGD: The presence of many activities (shipping, recreational and professional fishing, sports, ...) implies that regulations are different according to national jurisdictions. However, a good practice of common and shared management in this area is the Treaty of Pyrenees, that allows joint management of recreational fishing activities across the border.

Replicability /Elements which can be capitalised

This example illustrates the difficulties met by the two EU MS to cooperate for the protection of marine biodiversity at a cross-border level. The lack of cooperation is probably due to a misunderstanding of the administrative systems and mechanisms of each MS. Understanding these mechanisms and the governance structures of MS in order to create links between both countries' administrations is necessary. In Spain, marine biodiversity protection and MSP competences belong to a national level administration, while in France these responsibilities are decentralized through regional and local States authorities. In order to achieve a common management of these cross-border valuable ecological sites, a shared mechanism is needed. A common definition of the perimeter of the N2000 sites by French and Spanish national authorities would have allowed a country-to-country cooperation and a better co-management of the sites. To request the participation of MS at the appropriate scale level is important for the success of cross-border projects. The creation of a common Steering Committee from the beginning of the practice is also a basis for a cooperative process promoting joint cross-border consultations and concrete actions. The Treaty of the Pyrenees could lead the path to national French and Spanish authorities to implement and continue ongoing collaborations regarding marine N2000 policy.