

Instrumentos Jurídicos sobre Especies Exóticas Invasoras Marinas

Legal Instruments on Marine Invasive Alien
Species

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Conferencia Europea sobre **Especies Exóticas Invasoras**
European Conference on **Invasive Alien Species**

Madrid 15-16 enero de 2008
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Instrumentos Jurídicos sobre Especies Exóticas Invasoras Marinas

Legal Instruments on Marine Invasive Alien Species

1. GLOBAL GOVERNANCE OF THE MARINE ENVIRONMENT
2. GLOBAL (ENV.) INSTRUMENTS ON IAS
3. SECTORAL INSTRUMENTS TO ADDRESS MARINE IAS
4. REGIONAL APPROACHES TO THE MARINE IAS
5. EUROPEAN INSTRUMENTS
6. THE CASE OF SPAIN

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1. GLOBAL GOVERNANCE MARINE ENVIRONMENT

- United Nations Convention Law of the Sea (UNCLOS, 1982) (art. 196.1)
 1. States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto.
- REGIONAL SEAS (UNEP and other initiatives)

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1. GLOBAL GOVERNANCE MARINE ENVIRONMENT

- **SECTORAL INSTITUTIONS:**
 - Fisheries: FAO, Regional Fisheries Organizations
 - Maritime Transport: IMO
 - Other institutions

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2. GLOBAL INSTRUMENTS

- AGENDA 21: Chapter 15 (15.3 alien organisms) and Chapter 17 (17.30- ballast water)
- CBD: article 8.h- Decisions VI/23 and VIII/27
- Global Invasive Species Programme (GISP): Global Strategy on IAS

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3. SECTORAL INSTRUMENTS

VECTORS:

1. Ballast Water
2. Aquaculture
3. Biofouling
4. Transoceanic connections (intal. channels)
5. Aquariofilia

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3. SECTORAL INSTRUMENTS

INTERNATIONAL MARITIME ORGANIZATION:

- Guidelines for the Control and Management of Ships' Ballast Water to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens [Res. A.868 (20), 1997]
- International Convention for the Control and Management of Ships' Ballast Water and

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3. SECTORAL INSTRUMENTS

BALLAST WATER CONVENTION

- Objective: prevent, minimize and eliminate the transfer of harmful aquatic organisms and pathogens (art. 2)
- Implementation: flag, (coastal) and port States
- Develop national policies, strategies or programmes for Ballast Water Management in its ports and waters under its jurisdiction
- Establishment of concentration-based ballast water performance standards

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3. SECTORAL INSTRUMENTS

BALLAST WATER CONVENTION

- Sediment Reception Facilities (art. 5)
- Scientific and Technical Research and Monitoring (art. 6) [facilitate information to other Parties (on request)]
- Survey and Certification (art. 7)
- Violations (art. 8)
- Inspection of ships (art. 9)

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3. SECTORAL INSTRUMENTS

BALLAST WATER CONVENTION

- Detection of Violations and Control of Ships (art. 10)
- Notification of Control Actions (art. 11)
- Undue delay to ships (art. 12)
- Technical assistance, cooperation and regional cooperation (art. 13)
- Communication of information (art. 14)

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3. SECTORAL INSTRUMENTS

ANNEX- Regulations for the Control and Management of Ships's Ballast Water and Sediments

SECTION B.- Management and Control Requirements for Ships [Management Plan (B-1), Record Book (B-2), Management for Ships (B-3), Exchange (B-4)]

SECTION C. - Special Requirements in Certain

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3. SECTORAL INSTRUMENTS

ANNEX- Regulations for the Control and Management of Ships's Ballast Water and Sediments

SECTION D.- Standards for Ballast Water Management

- D-1.- Ballast Water Exchange Standard
- D-2.- Ballast Water Performance Standard

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3. SECTORAL INSTRUMENTS

Removal of Barriers to the Effective Implementation of Ballast Water Control and Management Measures in Developing Countries (GloBallast Programme)

Partnership IMO, GEF, UNDP, governments and shipping industry.

Assisting developing countries to implement

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3. SECTORAL INSTRUMENTS

FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES (1995)

- Unintentional or intentional introductions of species related to fisheries and aquaculture (9.3.1-9.3.3)

CODE OF PRACTICE ON THE INTRODUCTION AND TRANSFERS OF MARINE ORGANISMS (ICES, 2004)

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3. SECTORAL INSTRUMENTS

INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS (IMO, 2001)

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4. REGIONAL APPROACHES TO MARINE IAS

MEDITERRANEAN SEA:

- ACTION PLAN CONCERNING SPECIES INTRODUCTIONS AND INVASIVE SPECIES:
 - Development of coordinated measures to prevent, control and monitor the effects of species introduction. (strengthening the capacity, collecting reliable scientific data,

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4. REGIONAL APPROACHES TO MARINE IAS

MEDITERRANEAN SEA:

- PRIORITIES (regional level):
 - Coordinating and supporting the compiling and regular updating of Mediterranean-wide lists of non-indigenous species;
 - Adopting regional guidelines;
 - Coordinating actions of neighbouring states;
 - Establishment of monitoring and early warning networks;

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4. REGIONAL APPROACHES TO MARINE IAS

MEDITERRANEAN SEA:

- PRIORITIES (national level):
 - Encouraging necessary actions aimed at improving the available knowledge;
 - Supporting information exchanges
 - Encouraging the implementation of scientifically-backed regionally-harmonised measures of prevention and control.

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4. REGIONAL APPROACHES TO MARINE IAS

MEDITERRANEAN SEA:

- ACTIONS (National level):
 - Data collection;
 - Legislation;
 - Institutional Framework;
 - National.

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4. REGIONAL APPROACHES TO MARINE IAS

MEDITERRANEAN SEA:

- ACTIONS (Regional level):
 - Data collection and dissemination;
 - Regional project on fouling and ballast water and sediments;
 - Training
 - Public education and awareness.
- Regional Activity Centre for Specially Protected Areas.

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4. REGIONAL APPROACHES TO MARINE IAS

MEDITERRANEAN SEA:

- Draft Guidelines for Controlling the Vectors of Introduction into the Mediterranean of non-indigenous Species and Invasive Marine Species.
- Draft Guide for Risk Analysis Assessing the Impacts of the Introduction of non-indigenous Species.
- Draft Implementation Timetable for the Action

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4. REGIONAL APPROACHES TO MARINE IAS

OSPAR CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC

- Development of a Regional Management Strategy for Ballast Water Management in North West Europe

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5. EUROPEAN INSTRUMENTS

REGULATION 708/2007 concerning use of alien and locally absent species in aquaculture

Environmental Liability Directive (2004/35)

Marine Strategy Directive

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6. THE CASE OF SPAIN

New Law 42/2007 concerning Natural Heritage and Biodiversity

Art. 61.- Spanish Inventory of IAS

- Important threat to native species, hábitats...
- There is scientific and technical information
- Effects: general prohibition of possession, transport, trade on life or dead individuals...
- Need to Develop National Strategies

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CONCLUSIONS

- Most of the legal instruments are “soft law” instruments (exceptions: BWC, some Regulations EU level)
- Any framework at the EU level should:
 - Specify the special features of the marine environment
 - Address (and coordinate internally) the existing instruments
 - Improve coordination between different agencies
 - Boost research on marine IAS

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Thank you very much for your
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