Fishing Governance in MPAs: Potentialities for Blue Economy

Country Policy Survey: Spain

WITH THE FINANCIAL SUPPORT OF:
FISHING GOVERNANCE IN MPAS: POTENTIALITIES FOR BLUE ECONOMY

Country Policy survey

SPAIN
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1 ACKNOWLEDGEMENTS

For the preparation of this report, we are deeply grateful to the Spanish government institutions that assist us:

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FishMPABlue project intends to define an integrated management system taking into account on one side, the marine biodiversity and ecosystems, and on the other side one of the human activities, artisanal fisheries, in coastal areas where a Marine Protected Area (MPA) is established.

Based on existing research and the knowledge of MPA managers (collected through a specific inquiry, the project intends to identify the different existing governance models in the world, in the Mediterranean, and in specific European countries of the Mediterranean.

The objective of the project is to integrate the different approaches developed to date on the co-existence of artisanal fisheries and MPAs, to propose models of governance for improving shared benefits between MPA and artisanal fishing, and to design a new project for supporting the co-development of MPA and artisanal fishing with an integrated maritime approach.

As per the project document, the main goals are:

- to propose integrated actions to mitigate the environmental risks, and relevant to address the latter on the transnational scale;
- to improve the knowledge on existing state-of-play of the relationship between artisanal fishing sector and MPAs;
- to develop a “win-win” governance model, where conservation goals and fishing related Blue Economy are planned in an integrated and participative way.

Therefore the main expected outputs/results are:

- Database of at least 20 MPAs (located in 6 EU countries: Italy, France, Spain, Croatia, Greece and Malta) having a management plan which affect the local fishing activities
- Qualitative study on existing conflicts, impacts, synergies, etc. and identification of Best Practices (and/or “Good Lessons”) at Mediterranean level
- Identification of all the potential Blue Economy-related sectors linked to fishing activity in Mediterranean MPAs
- Development of a model of fishing governance (by MPA managers and national relevant institutions) that matches the conservation goals and supports/enhances the local economy (and consensus of local communities)
- Identification of the main stakeholders and potential partners for a project which test such model in Pilot MPAs.

In the framework of the Activity 1.4 “Country-based policy survey” aims at collecting and summarizing the main information on existing policies, governance and initiative dealing with MPAs and/or artisanal fishery. For each of the 6 involved European countries (Italy, France, Spain, Croatia, Greece and Malta) a “Country Report” is being compiled. This country report concerns Spain and presents successively the main institutions (at the central and regional levels, the main legislation, regulations, management, activities and stakeholders that participate in the governance of MPAs.
3 INSTITUTIONAL ARCHITECTURE AND JURIDICAL FRAMEWORK OF MPAS AND OF ARTISANAL FISHERY

1. Governing Bodies for MPAs in Spain at the central and regional levels

Spain is characterized by a multi-level governance structure that includes decentralization of the state to regional governments (called “Comunidades Autónomas” or “Autonomous regions”). Along the Mediterranean seashore, Spain consists of 5 regions (Catalonia, Valencia, Balearic Islands, Murcia and Andalucia), as well as the two Autonomous Cities of Ceuta and Melilla on the Mediterranean coast of Morocco. Competences on maritime and coastal affairs are shared between central and regional governments from each of these regions.

While central government has exclusive authority over the Territorial Sea and the Exclusive Economic Zone, the regional governments are responsible for coastal areas waters, referred to as ‘internal waters’.

1.1. The Ministry of Agriculture, Food and Environment (MAGRAMA)

This Ministry is the competent authority for the application of the Marine Strategy Framework Directive that has been transposed into Spanish legislation by Law 41/2010, on the Protection of the Marine Environment. It carries out the demarcation plan, processing and approving the records that define the boundaries of the shoreline and the territorial waters. In addition, this Minister is the responsible to issue basic legislation on environmental protection issues, develop a protected areas register and prescribe norms and standards for the general management and development of protected areas.

1.1.1. Under this Ministry and the Secretary of Environment is the Directorate-General for Coastal and Marine Sustainability that among other duties is in charge of ICZM, the coordination of the marine strategies, the Network of Marine Protected Areas in Spain, species and marine habitats and the mandatory reports concerning discharges, activities and projects in the marine environment. From this Directorate depends the Department for the protection of the sea (División para la Protección del Mar) whose duties includes the proposed declaration and management of MPAs of Natura 2000, MPAs under international protection figure and other natural marine protected areas whose management corresponds to the State Government as well as the formulation, adoption and monitoring of strategies, plans, programs and measures for the conservation of biological diversity and the marine resources.

1.1.2. Below the General Secretary for Fisheries of the MAGRAMA is the Directorate-General for Fisheries and Aquaculture that exercises different functions among them those related to fisheries in territorial and EU waters, fisheries agreements, the planning of research activities on fisheries, the assessment of fishery resources in order to advise on measures aimed at protecting, managing, conservation and regeneration of fisheries resources. From this Directorate depends the Subdivision General for the Protection of Fisheries Resources (Subdirección Gral. de Protección de los Recursos Pesqueros) that exercises the function of maintenance and monitoring of fishery protection zones within the network of marine reserves in Spain.
1.1.3. National Parks Autonomous Agency (OAPN)

This Agency is the central body for coordinating the Spanish Network of National Parks and the management of each site corresponds to the Autonomous Regional government in whose territory they are. OAPN is responsible also for the follow up and the application of UNESCO Man and Biosphere Program (MAB Programme) and coordinates the Spanish Network of Biosphere Reserves.

1.2. The Regional Administrations

MPA responsibilities can also be shared by national and regional administrations, depending on their locations, and can also involve municipalities or island governments. As such, there are MPAs where different bodies and administrations that have competences in these areas.

Successively, the five coastal region of the Mediterranean coast of Spain are shortly described hereafter:

**Balearic Islands**

The Regional Ministry of Agriculture, Environment and Territory of Baleares is the agency responsible for managing marine reserves. Under this, the Directorate General of Rural and Marine maintain and manage the marine reserves of the autonomous community and the network of MPA.

**Cataluña**

In the Generalitat of Cataluña, the Service of Protected Natural Areas is attached to the Directorate General of the Environment and Biodiversity of the Department of Agriculture, Livestock, Fisheries, Food and Environment. This service coordinate, manage and support the management of natural areas of special protection of Cataluña.

**Valencia**

The Regional Ministry of Infrastructure, territory and environment of the Generalitat of Valencia, under the Subdirectory of Environment, the Services of Management for Protected Areas performs administrative and technical activities related to these areas and its management.

**Murcia**

In Murcia, the Directorate General for Environment under the Regional Ministry of Agriculture and Water performs duties related to fisheries and protected areas among others. Below, the Department for Planning, Protected Areas and Natural Environment supervise and acts on technical and administrative measures for PA. Another department, The Department of Biodiversity, Hunting and Fisheries develop the strategies, guidelines, plans and programs for the conservation and sustainable use of biological diversity.

**Andalucía**

Here, there are two regional Ministries that play a role in MPA governance and fisheries. The Regional Ministry of Environment and Spatial Planning and the Regional Ministry of Agriculture,
**Fisheries and Development.** Under the first, the General Secretary of Integrated Management of Environment and Water, supervises two bodies of importance for MPAs:

- Directorate General for Management of the Environment that provides management and policy coordination for monitoring and conservation of marine habitats and species among others.
- Directorate General of Natural Areas and Citizen Participation that supervise the terrestrial and marine protected areas.

The Agency of Environment and Water, is a public agency attached to the Regional Ministry of Environment and Spatial Planning to provide technical services related to environment, including monitoring programmes on marine species.

Also of relevance is the General Directorate of Fisheries and Aquaculture from the **Regional Ministry of Agriculture, Fisheries and Development** which implements the census and monitoring of the coastal fishing fleet and its resources as well as the marine reserves of fishing interest.

**1.3. Coordination mechanisms between the regional governments and the central government**

The conservation of natural heritage and biodiversity requires the establishments of mechanisms for coordination and cooperation between the central government and the autonomous communities. The **State Commission for the Natural Heritage and Biodiversity** is created under Law 42/2007, as a consultative body and cooperation between the State and the Autonomous Communities (regional authorities) in order to ensure more efficient management in the process of decision-making for conservation of biodiversity. This Commission relies on a set of specialized committees including the Committee on Protected Natural Areas, the Committee of Wild Flora and Fauna and the Spanish Inventory Committee for Natural Heritage and Biodiversity.

Moreover, the Law 42/2007 also created the **State Council for Natural Heritage and Biodiversity** as an organ of public participation in the field of conservation and sustainable use of natural heritage and biodiversity, to ensure the participation of representative professional, scientific, business, labour and environmentalists organizations.

An **Interministerial Committee on Marine Strategies** has also being created to coordinate the development, implementation and monitoring of marine planning. It also works on the establishment of the Monitoring Committees of the Marine Strategies, whose mission is to monitor and facilitate the coordination between state and regional administrations in the implementation of the marine strategies. Among the functions of these different committees is the coordination and cooperation in matters relating to the protection of marine biodiversity, both in terms of species and habitats as well as marine protected areas, including the Natura 2000 network.

**2. Legal Instruments (State level)**

Spanish national laws with a direct, specific effect on biodiversity conservation in MPA, fisheries and other related issues include the following:

- The Royal Decree 1315/1997 that established the national waters comprise of interior and territorial waters, as well as the fisheries protection areas.
- The Royal Decree 1997/1995 established measures to protect Spanish biodiversity through the conservation of natural habitats and wild fauna and flora. Later on, the **Law of Natural
Heritage and Biodiversity (2007) established the basic legal framework for the conservation, sustainable use, improvement and restoration of Spain’s natural heritage and biodiversity. It provides specifically for marine biodiversity and establishes some basic regulations, including Marine Protected Areas (MPA) to be used alongside other classifications of nature protection. From this law also comes the Strategic Plan for National Heritage and Biodiversity.

- The Law 3/2001 of 26th March by the State Maritime Fisheries establishes the national fisheries legal framework and regulates the creation and management of Marine Reserves of national authority. This law points out the measures to be taken in exterior waters in terms of: conservation (i.e. regulation of gears, fishing effort, areas or times of no-fishing, limitation of catches, minimum sizes), protection and regeneration (i.e. protection areas, preventive measures), fisheries activity management for rationalization of fishing effort (i.e. fishing vessels register, fishing authorizations, logbook, landing declarations), recreational fisheries as well as control and inspection. Furthermore, each fishing gear has its own regulation with respect to fishing capacity, effort (maximum days at sea) and technical characteristics.

- The fisheries legal framework is based on EU legislation on Common Fisheries Policy (CFP), mainly on Council Regulation (EC) n°2371/2002 and Council Regulation (EC) n°1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea. Thereafter, the Ministerial Order ARM/143/2010 established a comprehensive Management Plan for the conservation of fisheries resources within the Mediterranean including closed areas; authorized distances and depths for trawling; protected habitats; prohibited gears or volume of daily landings for some species.

- The Ministerial Order of July 24th, 2000 lay down the rules governing the recreational sea fishing and the following Royal Decree 347/2011, of 11th March, regulates recreational fisheries in offshore waters.

- The Law 2/2013, of 29 May, on the Protection and Sustainable Use of the Coastline, amending Law 22/1998, of 28 July, the Coastal Law, is a recent legal instrument for coastal protection and preservation. The aim is to pursue that environmental protection of the coast is completely compatible with the economic development of coastal areas.

- The Law 41/2010, of 29 December, on the Protection of the Marine Environment, transposes the EU Marine Strategy Framework Directive (2008/56/CE), with the objective of extending environmental protection to Spanish waters and establishes the general planning framework for ensuring the good environmental status of the marine environment. The law on the Protection of the Marine Environment also includes provisions for the protection of marine biodiversity, for example those relating to the formal creation of the Spanish Network for Protected Marine Areas.

Spain is also subject to the main European Union Regulations with conservation and fisheries repercussions. At the international level, Spain also participates in major conventions and international agreements of nature protection, including the Barcelona Convention, Bonn and Ramsar Convention as well as CITES and CBD. The Barcelona Convention agreement includes the designation of Special Protected Areas of Importance for the Mediterranean (SPAMIs) within the framework of Special Protected Areas and Biodiversity Protocol (SAP/BIO).

Spanish biosphere reserves are declared under the UNESCO Man and Biosphere programme (MaB) and coordinated by OAPN. The purpose of the biosphere reserves are to respond in practice to the increasingly urgent need to reconcile the conservation of biological diversity with the desire for economic and social development and the maintenance of the associated cultural values.
The concept of **Marine Reserve of Fishing Interest** in the Spanish legislation (Law 3/2001 of 26th March, State Marine Fisheries) was until recently the only supported by the Ministry of Agriculture, Fisheries and Food. It is defined as:

“*areas established to improve fisheries management (target species, areas, seasons, fishing methods ... ) and where as a byproduct of its implementation can be potentially protecting certain species or habitats non-target species (by reducing the effort fishing or permanent closure of some areas)*”.

Later on, the figure of **Marine Protected Area (MPA)**, focused on the concept of maintaining the sustainability of the oceans and biodiversity, has appeared from the Law of Natural Heritage and Biodiversity (Law 42/2007, of December 13th) that first defined this concept and provides for the creation of a Network of Marine Protected Areas (also called “RAMPE”). Since then, the first marine protected area (MPA) designated under this regulation at national level in non-coastal waters has been “El Cachucho” (also known as “Le Danois Bank”), a seamount located 60 kilometers off the coast of Llanes in Asturias, in the Atlantic Sea.

In this law, MPA is defined as “*An area for the protection of ecosystems, communities or biological or geological elements of the marine environment, including intertidal and subtidal areas that deserve special protection because of its rarity, fragility, importance or uniqueness.*”

Regardless of the category or figure to be used for the protection of the marine area, limitations on the exploitation of fishery resources in offshore waters will be made following Article 18 of Law 3/2001 of 26 March of State Marine Fisheries.

The **RAMPE** included the need for a Master Plan, criteria for the inclusion of areas in the network and minimum management criteria. It comprises the protected areas in Spain’s marine environment that characterize the country’s marine natural heritage, regardless of whether they are included in other EU or international protection networks. Today, the network through the resolutions of the State Department of Sustainability of the Coast and Sea is composed of central managed led marine reserves of fisheries interest regulated by Law 3/2001 on state marine fisheries, the Natura 2000 sites of the Macaronesia region and explicitly declared Marine Protected Areas such as the MPA and Special Area of Conservation (SAC of Natura 2000) of El Cachucho. Other national and regional marine protected areas need to be assessed for their inclusion in the RAMPE although it seems to be assumed that areas categorised under regional legislation are also included in the network.

The Autonomous Regions exert exclusive competence within internal waters and have exclusive responsibilities over maritime fishing within this area, harvesting of shellfish and aquaculture, as established in the Spanish Constitution. They have control over the coastal fishing fleet, exploitation plans and licenses, commercialization, monitoring, sanctions, inspections and control, protection and conservation of fishing resources.

The national administration retains exclusive responsibilities in the elaboration of basic legislation for the country but the Autonomous Regions can carry out and expand this legislation. The legislation at regional and state levels for the protected areas and uses is consequently quite rich and complex. For the marine environment, we can find more than 18 different denominations of protection for protected areas and in some cases, the same name as a figure of protection can have different objectives or different figures can have similar definitions (see following Table).
At National level, depending on the assets and values to protect, and on the management objectives that need to be accomplished, the protected natural areas, whether terrestrial or marine, are classified, at least in one of the following categories: a) Parks. b) Natural Reserves. c) Marine Protected Areas. d) Natural Monuments. e) Protected Landscapes. The category of designation also regulates the type of activities that are allowed or prohibited within the protected area.

<table>
<thead>
<tr>
<th>Protection category</th>
<th>Intent</th>
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<tbody>
<tr>
<td><strong>Park</strong>¹</td>
<td>Natural areas that, due to their beautiful landscapes, the representativeness of their ecosystems or the uniqueness of its flora, fauna or their geological diversity, including its geomorphological formations, have ecological, aesthetic, educational and scientific values whose conservation deserves preferential attention.</td>
</tr>
<tr>
<td><strong>Natural Reserve</strong></td>
<td>Natural Reserves are natural areas, whose creation aims at the protection of ecosystems, communities or biological elements, for their rarity, fragility, importance or singularity deserves a special protection</td>
</tr>
<tr>
<td><strong>Marine Protected Area</strong>²</td>
<td>Natural areas designated for the protection of marine ecosystems, communities or biological or geological elements, including intertidal and subtidal areas that because of their rarity, fragility, importance or uniqueness, deserve special protection.</td>
</tr>
<tr>
<td><strong>Natural Monument</strong></td>
<td>Spaces or elements of nature basically constituted by notorious formations for its uniqueness, rarity or beauty that are worthy of special protection.</td>
</tr>
<tr>
<td><strong>Protected Landscapes</strong></td>
<td>Parts of the territory that competent authorities, through its applicable planning, and according to the Landscape Convention Council of Europe, deemed worthy of special protection for its natural, aesthetic and cultural. The main objectives of are the conservation of its singular values and the preservation of the harmonious interaction nature and culture in a given area.</td>
</tr>
</tbody>
</table>

¹ Although Parks are currently managed at the regional level, they are declared by the State following a specific legislation.

² Marine areas may adopt this specific category or any other protection figure according to this law, in which case, its status will be applicable to these other figures, notwithstanding its inclusion in the Network of Marine Protected Areas.
Legal framework at the regional level

In the different Autonomous region, the legal framework for the establishment of regional protected areas and fisheries related issues is given by the following laws, decrees and orders:

**Andalucía**
- Andalusian Regional Law 2 dated July 18th, 1989, approving the inventory of protected natural spaces in Andalusia and establishing additional measures for their protection. This law established the Andalusian Network of Natural Protected Spaces (RENPA) with PA of different typologies and functions.
- Decree 64/2012 of 13th March that regulates the days and times for shellfishing activities and commercial fishing and the system for tracking and tracing of Andalusian fishing vessels (Cajas verdes).

**Cataluña**
- The Cataluña regional Law to establish and regulate the system of protected areas dated 12/1985 was later amended by the Law 12/2006. It also has a Decree 328/1992, of 14.12.1992, by which the Plan of natural areas of interest is approved.
- The Law 2/2010, of 18th February on fisheries and maritime action (DOGC. 5580 to March 4, 2010 and BOE. 63 of March 13, 2010) that establish the figure of the “marine reserves of fisheries and shellfish interest” as areas for their special characteristics that are considered suitable for the regeneration of fish or shellfish resources.

**Comunidad of Valencia**
- The Law 11/1994 from 27th December (DOGV no. 2423) for the establishment and development of plans for use and management of protected areas in the Comunidad of Valencia.
- The Law 9/1998, of 15th December on fisheries in Valencia region [DOGV no. 3,395, of December 17th] that establish as special areas of protection the sites declared by Decree 219/1997 by the Valencian Government as marine reserves and the zones of artificial reefs authorized in the inland waters of Valencia in which there is restricting fishing measures.

**Balearic Islands**
- The Law 1/1991 of 30th January, on Natural Areas and the Urban Planning Schemes for Special Protected Areas of the Balearic Islands (BOIB 09/03/1991)
- The Law 6/2013, of 7th November on Marine Fish, Shellfish and Aquaculture in the Balearic Islands. It introduces new measures as multi-annual management plans, recovery plans for specific species, experimental plans, censuses of vessels or fishing quotas. It also reinforces the designation of marine reserves and the establishment of the Network of MPA in
Baleares. For the first time, this law also regulates recreational fisheries activities and “pescaturismo”.
The definition of a marine reserve in Baleares is “marina area where the exploitation of living resources is regulated to increase the stocking of fingerlings and promote the proliferation of exploited marine species as well as protect marine ecosystems with different ecological characteristics”.

Murcia

- The Law 4/1992 of Planning and Land Protection of the Region of Murcia (BORM 14/08/1992), in its third additional provision that reclassified and declares a number of protected natural areas.

**Designation procedure/abolishment of PAs**

The declarations of MPAs, located in offshore waters (territorial) are made by the Ministry of Agriculture, Food and Environment (MAGRAMA) and those that are in coastal waters are declared by the Autonomous Regions.

It corresponds to the Autonomous Region declare and define the formula for managing protected natural areas within their territory and its marine waters when, for the latter, there is strong evidence of the ecological continuity between both environments and it may affect the terrestrial PA.

In the case of marine reserves of fishing interest in coastal areas, their declaration and management is made by the fishing competent regional authorities and for those in territorial waters, by the MAGRAMA (General Secretary of Fisheries). Natura 2000 sites are, in the same manner, are declared and managed by the Environmental autonomous region authorities if they are in coastal areas and by the central government if they are in territorial seas.

If a PA extends over two autonomous regions, the responsibility lays in the national level.

Those MPA with both coastal and territorial waters, therefore have a dual statement. Examples of such as cases are in Tabarca Island in Alicante, Cala Ratjada in Mallorca and Cabo de Palos-Islas Hormigas in Murcia. There are protected areas under regional declaration that have also marine reserves under national declaration within the boundaries.

In Baleares Islands, the Administration of the autonomous community and the different island councils, by agreement, may share the management of its marine reserves. However, when the territory of a marine reserve falls under different island administrations, there is continuity with the territorial waters or the reserve is declared of regional interest, management rests exclusively with the central Administration of the autonomous community.

National Parks are declared by the Parliament Act and are subject to a common legal framework, the recent Law on National Parks Network (Law 30/2014). Additionally, National Parks had been incorporated into the legal system of the Habitats Directive, from which the Natura 2000 Network comes from. Cabrera National Park is the only Spanish marine park with these characteristics in the
Mediterranean and it is under the management of the Balearic Government (Consejería de Agricultura, Medio Ambiente y Territorio) as prescribed by the Royal Decree 1043/2009.

The General Secretariat of Fisheries of MAGRAMA is the responsible body for the declaration and management of marine reserves in territorial waters. In the reserves established entirely in coastal waters, management falls exclusively within the Autonomous Regional Government, through the competent counseling in fisheries. Marine reserves are not articulated in a formal network, or covered by a Strategic Plan (director or similar) where objectives and priorities are set for the network, its governance mechanisms and participation, organizational structure or coordination. However, the marine reserves in territorial waters, being centrally managed by the General Directorate of Fisheries of MAGRAMA, maintain a greater uniformity in management criteria, management decision-making structure, patrolling mechanisms, etc.

Other institutions that can manage MPAs in Spain are the Balearic Island Councils and the Provincial Council of Barcelona for the Mediterranean Sea as well as the Island Councils of the Canary Islands and the Provincial Councils of the Basque Country for the Atlantic Sea.

Thus, protected areas can be established at the national or departmental (regional) level. Rules and technical and administrative guidelines and procedures for the designation and management of protected areas are described in the corresponding laws.

Some of the existing declared sites have been original proposed for designation and listing by different groups of stakeholders (universities, NGOs, cofradias,..) to the relevant authorities by preparing technical files with the description of the sites and main features of conservation interest. Others have been directly proposed by the regional or state administration. Before approved, the draft proposals are then submitted to public consultation.

The declaration of a MPA, a specific category of protected area as established by the Law 42 / 2007, under state jurisdiction is proposed by the MAGRAMA and carries out by Royal Decree, the highest-ranking instrument of the central government. Draft Royal Decrees are usually submitted by a Ministry and require a report a priori of the Advisory Council on Environment and the Sectorial Conference of Fisheries (Article 27.1 of Law 41/2010). Then they require the approval of the Council of Ministers (Parliament or “Cortes Generales”) and are signed by the Minister of the Environment (MAGRAMA). In the case of areas intended to be declared at the regional level, the proposals are submitted to the Protected Areas Department or Environment Council at the regional level, and then the process continues as outlined above.

The law provides that once a protected area is legally established, as they are declared “for safeguarding the public environmental protection interest” and “are of national/regional relevance”, is extremely difficult to appeal Administrative Court decisions amending or reversing these decisions even if the designated sites poorly satisfy the standing requirements. These legal amendments can only be approved through a law enacted by the Parliament or the highest government authority at the Regional level. In the case of National Parks, the possible loss of status as a national park can be only made by a Parliament Act and it is only justified if the sites had a serious deterioration of its condition. For Natura 2000 sites, decommission of all or part of the area, is only allowed if inevitable changes had been brought by the natural evolution of the site, and after public consultation.

This legal procedure ensures certain stability for the PA if government policies change. The requirements and procedures nonetheless show the difficulties in case of initial inappropriately defined management objectives and the need to change its formal designation.
3. Governance and management of MPAs and Institutional arrangements

The legal status of the different MPA figures showed in their declaration thus provided a different level of administrative regime and empowerment. The ones on territorial waters and national parks are made by Decree approved by the Parliament whereas others are more variable and can be proclaimed only by Minister Order. The low legal status of those declared by a Minister Order (i.e. marine reserves declared by Ministry of Agriculture, Fisheries and Food) contrast with the case of natural protected areas (usually declared by decree or by law made by the Parliament) and explains why at the national level, the marine reserves can only regulated fisheries’ related activities. This existing regime is translated on heterogeneity in the range of transactions requiring approval, the approval procedures and the authorities empowered to manage these processes within different MPAs.

We can distinguish the application of four different governance approaches within the MPAs in Spain:

(I) Managed primarily by the central government under clear legal framework. MPAs are central government-led and managed.

(II) Co-Managed by the central government and the autonomous region with significant decentralisation. There is a sharing of authority and responsibilities between central and autonomous governments and different government agencies. MPAs are managed in accordance with formal regulations and/or through partnerships and negotiations between different parties.

(III) Managed primarily by the autonomous regional government. This involves the decentralisation of legislative and administrative functions to the autonomous regional government.

(IV) Managed primarily by fishing local communities under collective management arrangements and with the participation of the regional/local government. Hence, communities are empowered to develop and enforce rules for managing common pool resources, subject to certain conditions related to biodiversity and resource conservation that are agreed by some type of committee and in some cases, regulated a posteriori by the administration. The central, regional or local government is represented in these committees.

Some NGOs and research institutions and universities play also an active role in the promotion as well as social and environmental programmes of MPAs.

Coordination with other government agencies:

Sometimes formal agreements with other administrations or government institutions are signed in order to facilitate the management and optimize the use of resources in the MPAs.

For example, a memorandum of understanding has been signed with the Navy in to use the building of the lighthouse in Alboran Island, with the Municipality of Denia or Alicante, to control activities or
maintaining surveillance vessels on the island of Tabarca, with the SEPRONA of Spanish Civil Guard to patrol different protected areas in Balearic Islands, etc (see ej. López-Ornat et al., 2014).

However, given the proximity of many protected areas and the lack of financial resources, it would be necessary more coordination between the different administrations that are surrounding the PA.

4. Stakeholder participation described in the law

Stakeholder engagement in Marine Protected Areas (MPAs) in Spain is very diverse and has a wide range of experience in regards to engaging in natural resource management and conservation.

All marine reserves for fisheries have an advisory body, the Monitoring Committee, chaired by the fisheries public administration and with the participation of other stakeholders -usually fishermen’s associations – with sometimes the presence of researchers. Since marine reserves are established under the fisheries authority, they don’t have competency to include other stakeholders although their Monitoring Committee can, occasionally, have the informal participation of other interested stakeholders.

Spain distinguishes itself from most other countries by having strong local fishers’ organizations to represent their constituents, with historical roots and formal roles in the overall fisheries governance of the country. These local fishers’ organizations called “cofradías”, are corporations with legal jurisdiction and decision-making capacity that are defined with territorial limits of action and represent different fishing communities. Through the cofradías, local fishers are a key formal stakeholder, recognized by state law and are therefore entitled to be involved in the implementation of MPAs. Their involvement is particularly present in marine reserves with fisheries interests. The best recognized examples where fishermen are involved in the declaration and implementation of MPAs are in Lira (Os Miñarzos Marine Reserve) and Cedeira, two marine reserves in the Atlantic coast of Galicia. Here, the management body is made of an equal number of representatives of public administration and fisheries professional groups.

In the Mediterranean, the marine reserve of the Hormigas Islands in Costa Brava (Catalonia) is one of the sites where the local fishers (small-scale fishers and trawlers) through their cofradía proposed the original establishment of a MPA, mainly to protect fishers’ interests. As a stakeholder, it was original involved on the decisions regarding the boundaries of the marine reserve as well as some fisheries regulations. However, the actual conflicts with other stakeholders, particularly recreational fishers who were not engaged in the early discussions, the political disputes among different administrations and the financial crisis that Spain is experiencing has led to user conflicts in the governance and management of the site and the decrease wiliness of the local cofradías to be involved further (Chuenpagdee et al. 2013).

Steering Committees composed of representatives of different organizations and groups such as government, fishermen associations (i.e. cofradías), recreational fishermen associations, yacht clubs, conservation organizations (NGOs), scientific institutions, and others are also implemented in each of the regionally declared marine reserve of Balearic Islands. These committees are advisory bodies with public participation that offer their opinion about the management and make proposals and suggestions to the managers, while informing the different social sectors on the condition and operation of the reserves. A similar approach is taken in Cabrera National Park where the Steering Committee is composed of stakeholders from the central and regional government, NGOs, cofradías,
universities and research institutes. The roles of this Committee are to assess and approve the annual management plan for the PA and advice in other issues and activities outside the Park (i.e. petrol prospections).

However, the inclusion of a wide range of users and stakeholders into decision making about the management of MPA through a type of consultative body or Committee is not always the case. Some scientists or scientific institutions working in partnership with other stakeholders have been involved in the initial stages of the design of new sites but their participation and consultation to provide scientific knowledge for the management of declared sites is not regularly done. The new law of National Parks has shifted this tendency and now incorporates the development of a scientific committee to provide advice on scientific issues in the Parks. Most often, however, it is up to site managers to maintain inclusive relationships with scientists and other stakeholders through their efforts directed into regular or occasional meetings, consultations, campaigns, workshops and seminars.

5. Existing MPAs

A number of Marine Protected Areas (MPAs) has been established along the Spanish Mediterranean coast by the Autonomous Regions and the Central Government:

**National Park:**
- Cabrera Island National Park

**Regional Protected Areas:**

**Cataluña:**
- Parque Natural de Cap de Creus
- Parque Natural de El Montgrí, las Illes Medes y el Baix Ter
- Parque Natural de Delta del Llobregat
- Parque Natural de Delta de l'Ebre
Balearic islands:
- Parque Natural de Sa Dragonera
- Parque Natural de Ses Salines d’Eivisa i Formentera
- Parque Natural de la Peninsula de Llevant
- Parque Natural de s’Albufera des Grau
- Reserva Natural Des Vedrà, Es Vedranell i Els Illots de Ponent

Comunidad de Valencia:
- Parque Natural de Islas Columbretes
- Parque Natural Salines de Santa Pola (salt ponds)
- Paisaje Protegido Desembocadura del Millars (Mouth of estuary without marine area)

Murcia:
- Parque regional Salinas y Arenales de San Pedro
- Paisaje protegido Espacios abiertos e islas del Mar Menor
- Espacio natural Islas e islotes del litoral mediterráneo

Andalucia
- Parque Natural del Estrecho
- Parque Natural Cabo de Gata-Níjar
- Parque Natural La Breña y Marismas del Barbate
- Paraje Natural Isla de Alboran
- Paraje Natural Punta Entinas-Sabinar
- Paraje Natural Acantilados Maro-Cerro Gordo
- Monumento Natural Isla de Terreros e Isla Negra
- Arrecife Barrera de Posidonia
- Isla de San Andrés

Autonomous Cities of Ceuta and Melilla:
- Special Areas of Conservation of Chafarinas Island (LIC, designated by OAPN)
- Special Areas of Conservation Monte Hacho (Ceuta)
Marine reserves of fishing interest:

Currently, in Spain exist 20 marine reserves for fisheries with 14 in the Mediterranean. Of these, seven occupying the territorial waters have been created by the General Secretariat of Fisheries MAGRAMA. Four of them are managed entirely by the state and three are under shared management with the regional Governments, following the legal delimitation with the straight baselines separating the state managed territorial sea from autonomic managed inland waters. Spanish marine reserves are primarily used as a fishery management tool, in order to allow sustainable artisanal fishing. Over the years, conservation of marine biodiversity in general also became one of the core objectives, but the primary focus remains on fisheries.

Managed exclusively by the General Secretary of Fisheries:

- Reserva Marina de Masía Blanca (Cataluña)
- Reserva Marina de las Islas Columbretes (Valencia)
- Reserva Marina de Cabo de Gata- Nijar (Andalucia)
- Reserva Marina y de Pesca de la Isla de Alborán

Co-managed areas by the General Secretary of Fisheries and the autonomous region:

- Reserva Marina de la Isla de Tabarca (Valencia)
- Reserva Marina de Levante de Mallorca- Cala Ratjada (Baleares)
- Reserva Marina de Cabo de Palos e Islas Hormigas (Murcia)

Moreover, there are seven marine reserves in the Mediterranean declared and managed exclusively by different autonomous region:

- Reserva Marina de Cabo de San Antonio (Comunidad Valenciana)
- Reserva Marina de Freus de Ibiza y Formentera (Baleares)
- Reserva Marina de Bahía de Palma (Baleares)
- Reserva Marina de Migjorn de Mallorca (Baleares)
- Reserva Marina Norte de Menorca (Baleares)
- Reserva Marina de Isla Magrats (Baleares)
- Reserva Marina de Isla del Toro (Baleares)

Besides, there are a number of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated respectively under the Habitats Directive and Birds Directive that form part of the Natura 2000 network. The designation of these sites fall in many occasions within the sites designated with other official protection status.

Of the coastal and marine protected areas in the Mediterranean Sea basin in Spain:

- 9 are recognised as Specially Protected Areas of Mediterranean Interest (SPAMI) under the Barcelona Convention. They are Alboran Island, Natural Park of Cabo de Gata-Nijar, Sea Bottom of the Levante of Almeria, Maro-Cerro Gordo Cliffs, Natural Park of Cap de Creus, Medes Islands, Archipelago of Cabrera National Park, Columbretes Islands, Mar Menor and Oriental Mediterranean zone of the Region of Murcia coast
- 4 Biosphere Reserves (Cabo de Gata-Nijar, Delta del Ebro, Menorca Island, Reserva InterContinental del Mediterráneo Andalucía-Morocco).
- Most marine reserves are also declared as International Fishing Protected Areas (Article 7. Regulation (EC ) No. 1967/2006): Columbretes Islands Marine Reserve , Cabo de Palos-
Hormigas Islands, Cabo de Gata-Nijar, Alboran Island, Tabarca, Levante -Cala Ratjada and Masia Blanca.

Activities within the MPAs

The Spanish law includes basic principles for the management of natural resources and biodiversity in PA. It requires competent administrations to formulate natural resource management plans, with specified contents, and which are to prevail over any other planning instruments which may apply over the same areas. For this, there are two relevant instruments of planning and management that are designed and applied. These are the Plan for the regulation of natural resources (PORN) and the Steering plan for use and management (PRUG) or Plan Director for some Autonomous Regions. In the PORN, it has to be described the socio-economic situation of the area, the inventory and the state of conservation of the natural resources in order to establish the level of protection needed and the policy criteria for activities compatible with nature conservation (taking in consideration the precaution approach). On this basis, the PRUG or Plan Director is developed as the main planning instrument for the protected area. It regulates the different professional and recreational fisheries activities (regulation of gears, fishing effort, areas or times of no-fishing,...), anchoring, mooring, diving, swimming, tourism, research and boating activities, or other activities that can be carried out in each PA. It also regulates the norms and general directives for the conservation and the zoning of the site.

Nevertheless, the elaboration of these planning instruments (PRUG or Plan Director) often suffers difficulties and delays due to different reasons such as stakeholder’s agreements, political disagreements, etc.

Most of the existing MPAs are multiple-use and include a no take-zone where the only permitted activities are those of sampling with scientific or monitoring purposes. Generally, the majorities of management regimes either prohibit or regulate close to all of the activities listed above within core zones. They combine both fisheries conservation and biodiversity conservation objectives though the marine reserves have a greater emphasis on the former. In National Parks, recreational fishing is considered incompatible with the objectives of the Parks.

Professional fishing is therefore allowed in accordance with the management category and the specific conditions applicable to each protected area. Both, professional and recreational fishing has nonetheless more restrictive regulations than in the open sea or other coastal areas. Besides, in some MPAs, fishing is temporarily or permanently banned (i.e. Marine reserve of Masia Blanca).

Artisanal fishermen need a specific authorization issued by the MPA management body to carry out fishing operations and thus only those that are in the official census of the fishing concessions scheme of the MPA are allowed to apply. The management plan of the sites regulate artisanal fishing with different level of restrictive regulations (in terms of allowed gears and their technical features), fishing frequency, length and mesh size of fixed nets, number of hooks of fishing lines, etc.

The regulations and its amendments are described in the PRUG or Plan Director and need to be approved by an order or decree, depending of the PA.
Patrolling and enforcement

In general, in the marine reserves of fishing interest, there is general agreement on the importance of monitoring and the higher percentage of the budget is dedicated to patrolling, given the high cost of this activity at sea (certificated personnel, vessels, maintenance, fuel). However, due to the economic crisis and the shorten of the central and regional government funds, it has been necessary to seek alternatives to cover these expenses, such as the establishment of agreements between governments (municipalities, autonomous community) or institutions (López-Ornat et al., 2014). The Municipality of Alicante for example, works through an agreement with the General Secretariat of Fisheries in maintaining the surveillance vessels to patrol the island of Tabarca and its marine reserve. Through this agreement, the General Secretariat of Fisheries brings two boats and the Autonomous Community one, being the fuel costs assumed by the Municipality of Alicante.

In Cabrera National park, patrolling is carried out with the support also of other administrations, such as the Seprona (Nature Protection Service) of the Spanish Civil Guard, an institution responsible for state nature conservation and management of the hunting and fishing industry.

The management costs could also be minimized by relying on surveillance from land and sea with automated systems, geo-referenced cameras, the combined use of radar and GPS locators as blue boxes or AIS, and with time or spatial restrictions on access to different areas in the reserves. For instance, Andalucia Region under the management of Regional Authority of Agriculture and Fisheries has initiated the implementation of the Location and Track System for Andalusian Fishing Vessels (SLSEPA) for the monitoring the coastal fishery resources, the compliance with legal provisions and the safety at sea. This programme, also called the “Green Boxes” has being implemented with the support of the Regional Authority of governance and justice and the Authority of Economy, Innovation and Science and covers fishing in protected and no protected sites.

Nevertheless and despite the occasional use of these new approaches, patrolling in most MPAs is seems insufficient and remains a challenge for the future (López-Ornat et al., 2014).
Penalties and incentives

The Law 42/2007 of 13 December on Natural Heritage and Biodiversity sets out the general provisions, classification and grading of offenses as well as the classification of penalties, and the prevalence of criminal or administrative liability on sanctions in PA. For the regional and state marine reserves there is equally a detailed procedure to establish infringements and impose penalties or sanctions with the different Decrees for each site.

The personnel responsible for patrolling the PA, which sometimes are in charge of file legal denunciations, transfers to the Fishing Councils, fishing inspectors or the instructors of justice the records of infringements to initiate the process for sanctioning. However, often even when there is an adequate regulatory regime for the MPA, its applicability is very long and difficult due the lack of capacity for monitoring and control, as well as the lack of personnel with sufficient powers to impose sanctions. In those cases, collaboration agreements with other institutions that have the power to impose administrative sanctions (Spanish Civil Guard,...) need to be sought.

The implementation of an adequate programme for patrolling and imposing sanctions can be further slow if there is not political will, particularly when there is strong opposition from some recreational and commercial fishing stakeholders. Moreover, prosecutions often result in penalties that are not commensurate with the potential gains to be made from illegal activities.

Very few incentives have been developed with respect to fishermen in marine protected areas. Legal incentives are important to control incoming poachers and to ensure a better enforcement of fishing regulations. Examples of incentives employed include the allocation and reinforcement of territorial user rights for fishermen (TURFs) in the Os Minarzos Marine Reserve (Oliveira, in press). Here, fishermen are encouraged to assist management agencies in the enforcement of fishery rules. Additional legal incentives such as the revocation of fishing quotas from fishermen that are sanctioned and reallocating them to the remaining quota holders to encourage compliance with regulations have been little explored.

Economic and participatory incentives for resource protection such as the active participation of fishermen in tag and release studies designed to improve scientific understanding of stock dynamics and the potential effects of marine protected areas on fish conservation are seldom used. In the MPA of Columbretes as an example, the Spanish Oceanographic Institute (IEO) in agreement with the General Secretary of Fisheries carries out fisheries assessments of the reserve effect with the aid of local fishermen. They financially compensate fishermen during these works as well to those that return tagged lobsters (*Palinurus elephas*) that are part of the marking and recapture programme.

Funding mechanisms

Funding for the ordinary expenses of national-level protected areas and for marine reserves comes mainly from the national budget. The Treasury Department or the Ministry of Finance or Economy through the Parliament defines the spending limits for the different institutions and the annual approved budget for the national environmental programme and the protected areas. Governmental budget allocations can also be allocated to investment and management expenses for MPAs through formal collaboration agreements with regional governents and implementing agencies. OAPN, the National Parks Authority, has also an annual budget that dedicates to reinforce the network of National Parks and can provide additional financial resources through negotiation with the regional
goverments. In the case of Cabrera National Park, there are also governent funds available for socio-economic programmes in the area of influence of the Park.

Co-managed sites or those declared and managed at the regional level also receive direct funding from the Department of the Environment and/or Fisheries in the Regional Governments through the implementing agencies, subregional delegations, PA network departments or directly to the site management body.

Some programmes and initiatives have been cofinanced from the European Fisheries Fund or other EU funding programmes. The placing of buoys to avoid the impacts of both professional and recreational boats on Posidonia meadows and the installation of artificial reefs in Natura 2000 sites in Andalucia for example, has received the funds from the EU Life Programme for Nature. Likewise, the oldest Marine Reserve of Tabarca Island, declared in 1986, had initially most of the financial resources for the creation of the reserve and its management from the European Structural and Cohesion Funds, although now the Government of Spain is in charge of providing adequate financial means.

Funding for research and monitoring activities in the MPAs is highly variable, depending on the financial resources given by central and regional governents for research groups, monitoring agencies and universities near the sites. There is also limited funds from international or private foundations and enterprises, mostly for short-term projects implemented by local and international NGOs and researchers, and sometimes through direct agreements with the Protected Area Management Bodies.

In addition to these main funding sources, protected areas could generate income, such as from visitor fees, which only in very few instances their revenues are managed directly by the areas themselves instead of being in the Public Treasury. Medes Islands located in Cataluña, represents the only marine example where the two main recreational activities (glass-bottom boat tours and SCUBA diving) pay a fee directly to the Park Authority and these revenues are re-invested into the MPA management (personnel, maintenance, meetings, monitoring, etc.).

Today, the absence of sufficient funds to properly manage most MPA remains a key challenge. The economic crisis has resulted in a decrease in the budgetary allocation from the government for conservation, which has in turn reduced the management activities in some sites. The government needs to create alternative mechanisms and incentives to encourage sharing management costs with willing conservation organizations, private companies, local communities and individuals. The new law of National Parks has for the first time open this door by promoting private-public instruments that allow the incorporation of additional financial resources to the management of parks.

Other legal tools for area or resource protection

At the regional level, some regional governments have established their own regional biodiversity conservation systems and strategies, including the Plans Director for the network of protected areas, Masters plans for the littoral zones, coastal regional management plans, hidrological plans as well as different projects and measures for the rehabilitation and conservation of different protected areas and species of interest and mitigate the effect of trawling (i.e. Balearic islands).
Spain also has elaborated the Catalogo of Invasive Alien Species with the Royal Decree 630/2013, of 2nd August and the Royal Decree 139/2011, of February 4th with the Spanish Catalogue of Endangered Species and the List of Wild Species under Special Protection.

6. Effectiveness of MPAs: Evidence of benefits of MPAs to fisheries

There is currently little data about the effectiveness of the Spanish MPAs for fisheries, being quite often dependent of the interest of the different researchers groups nearby and the funds available. The lack of continuity in research funding has been a very important problem, which has resulted in the interruption of a number of good monitoring programs and fisheries orientated research in MPAs including marine reserves (López-Ornat et al., 2014). The effects of MPAs for the biodiversity and its productivity are more evident in the Integral Reserves, where diving or fishing of any kind is not allowed.

The effect of the Spanish marine reserves on fisheries resources is difficult to quantify because of the limited reliability of records of artisanal fisheries, and the lack of specific research or continuous monitoring and comparability among them. A recent questionnaire to managers and scientists in the marine reserves revealed the perception that sizes of commercial species as well as the catches seems to have increased since the declaration of the reserves (López-Ornat et al., 2014). In the same manner, a number of studies had shown the effects of the Spanish marine reserves on target species generally show positive effects (see review by López-Ornat et al., 2014 and FishMPA Blue report 2.3).

The quality of the fishery records are however quite unreliable and precludes conclusions about the results obtained in the MPAs. For this, the investment on similar programme than the ones under installation in Andalucia to incorporate automatic location tracking devices on board of artisanal fishing vessels could be very interesting. It has allowed the first evaluation of the benefits for fisheries in Natura 2000 sites with seagrass meadows (Life+ Andalucia Posidonia project 2013).

Management for many sites is often poorly coordinated between a range of institutions, resulting in variable and often conflicting policies and practices being applied. This is also applicable in MPAs where there is a spatial continuity of PA figures but fisheries regulations and measures differ, creating a struggle in their application.

In addition, Spanish marine protected areas are frequently managed in isolation from adjacent buffer areas (even adjacent terrestrial areas) and very little provision is made for sharing management responsibilities with surrounding administrative authorities, enterprises and local communities.

4 Policies: in design phase, adopted or implemented

The Strategic Plan of the Natural Heritage and Biodiversity in Spain represents the implementation of the Strategic Plan of the Convention on Biological Diversity and the Aichi Targets. The Strategic Plan for 2011-2020 recognizes the insufficient integration of biodiversity into other policies and provides a strategic objective to ”Address the underlying causes of biodiversity loss by mainstreaming biodiversity governmental all areas and society”. It sets a series of targets and promotes actions for
the integration of sectorial policies, in particular those that are related to special management and natural resources (fisheries, tourism and development).

Some of the current areas of work at a national level, relates to the declaration of marine protected areas and to the launch of the Spanish Inventory of Marine Habitats and Species. Spain is at the moment revising the new proposals for Natura 2000 and conducting the designation of Special Areas of Conservation (SAC) following the EU Habitat Directive. It is also under preparation by the Secretariat General Fisheries of MAGRAMA a general management plan for all marine reserves.

Following the EU Water Framework Directive, it is also in public consultation the Draft Revision of the Hydrological Plan, Draft Plan of Flood and Risk Management and the Strategic Environmental Study.

Regarding climate change, the current policies only focus on terrestrial protected areas and renewable energies.

Various regional governments are organizing their own regional conservation systems, to implement site conservation strategies at that level. For example, a proposal for the establishment of a fisheries protected area in Andalusia, along the coast of the Granada province, between the coastal towns of Calahonda and Castell de Ferro has being developed and is supported by the Regional Government (Junta de Andalucía).

### 5  BEST PRACTICES: IMPLEMENTED OR UNDERGOING

Some major projects took place in the last years in Spain:

- “Proyecto Beneficios ambientales y sociales de las reservas marinas de interés pesquero” whose main objective was to analyze the environmental, fisheries and social benefits of a number of marine fisheries reserves in Spain, Atlantic and Mediterranean (2014). These reserves aim to conserve biodiversity and resource use through agreements between the administration and the main users. This project is run by Fundación Fernando González Bernáldez and EUROPARC-España, with the collaboration of Fundación Lonxanet and the finance assistance of EU Fisheries Funds through Fundación Biodiversidad of Ministerio de Agricultura, Alimentación y Medio Ambiente. All the information from the project are available at: [www.redeuroparc.org/reservasmarinas.jsp](http://www.redeuroparc.org/reservasmarinas.jsp)

- “Proyecto Pescares” whose main objective were capacity building and awareness raising to the different stakeholders in marine reserves, mainly fishers, recreational divers, researchers and centers for formation. The project was developed for the 2 reserves: Cabo de Gata- Nijar y Cabo de Palos-Islas Hormigas. It has been developed by Océano Alfa and funded by the European Fisheries Fund (EFF) and Fundación Biodiversidad. More information from the project is available at: [www.proyectopescares.com](http://www.proyectopescares.com)

- “RECMARE” (Recuperación de una población explotada en una nueva área protegida adyacente a una reserva marina efectiva). This project carry out by the IEO (Instituto español de Oceanografía; 2013-2015) aims to assess the pattern of recovery of exploited benthic species in the new limits of Columbretes Marine Reserve after its extension. For this the project will monitor the European spiny lobster *Palinurus elephas* in the older and new limits of the reserve together with the adjacent fished areas over a three-year period covering
years 4 to 6 after MPA expansion. More information is available at: http://www.ba.ieo.es/es/investigacion/proyectos

6 REFERENCE DOCUMENTS


