



ENGLISH HERITAGE

European Commission
Directorate-General for Maritime Affairs and Fisheries
"CFP Reform"
B-1049 Brussels
Belgium

Our ref: EU/CFP

22nd December 2009

Dear Sir/Madam,

Response to the consultation on the European Union Common Fisheries Policy Green Paper

Thank you for the request to comment on the proposals for a review of the Common Fisheries Policy, as detailed in the published Green Paper. This response represents the collective view of English Heritage and is not considered to be confidential.

The work of English Heritage in the UK

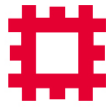
English Heritage is the UK Government's statutory adviser on all aspects of cultural heritage including the English area of the UK territorial seabed, as provided for under the National Heritage Act 2002. English Heritage is an Executive Non-Departmental Public Body sponsored by the Department for Culture, Media and Sport and we report to Parliament through the Secretary of State for Culture, Media and Sport. In the delivery of our duties we work in partnership with central government departments, local authorities, voluntary bodies and the private sector to conserve and enhance the historic environment. We aim to carry out our duties within the framework of a set of *Conservation Principles*. These principles can be summarised as follows:

- The historic environment is a shared resource
- Everyone should be able to participate in sustaining the historic environment
- Understanding the significance of places is vital
- Significant places should be managed to sustain their values
- Decisions about change must be reasonable, transparent and consistent
- Documenting and learning from decisions is essential

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Our responsibility under the Protection of Wrecks Act 1973, within the English area of the UK Territorial Sea, is to consider applications and recommendations for designation, re-designation and de-designation of shipwreck sites. On the basis of our advice the Secretary of State is responsible for designating restricted areas around sites which are, or may be, shipwrecks (and associated contents) of historic, archaeological or artistic importance. The Secretary of State is also responsible for the issuing of licences to authorise certain activities in restricted areas that otherwise constitute a criminal offence. At the end of the Committee's reporting year in March 2009 there were 46 sites designated within the English area of the UK Territorial Sea, which include sites as diverse as the discovery off the Devon coast (England) of a Bronze-Age (13th century BC) Sicilian *strumento*, the first object of Mediterranean origin from that era to be found in north-west Europe through to early 20th century prototype submarines.

The Marine Historic Environment

The number of protected historic shipwrecks is very small and they are only one aspect of English Heritage's interests in promoting the understanding, management and public enjoyment of the historic environment. It is therefore important for us to describe the marine historic environment as also comprising submerged and often buried prehistoric landscape areas and elements, together with archaeological sites and remains of coastal activities (e.g. fish traps) dating from all eras of history. We therefore consider it essential to ensure the management and use of the full range of the historic environment, is conducted in a manner that best serves the public understanding and enjoyment of the whole, and not just of the designated and protected sites.

Other international agreements

Any reform of Common Fisheries Policy should also acknowledge, support and enhance the responsibilities of Member States to other international agreements such as the Council of Europe (Revised) Archaeological Heritage Convention 1992 (the Valletta Convention); the Council of Europe European Landscape Convention 2000 (the Florence Convention); the UNESCO Convention for the Protection of the Underwater Cultural Heritage 2001; the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage 2003; and the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage or "World Heritage". We are also mindful that effort to conserve archaeological interests beyond the Territorial Seas of Member States must be in compliance with The United Nations Convention on the Law of the Sea (UNCLOS) 1982.

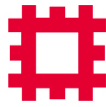
Summary of Response to the Green Paper

We support the European Commission in its publication of this Green Paper and we recognise the importance of putting in place a reformed Common Fisheries Policy to enable progress towards a sustainable European fisheries sector by 2020. We therefore draw your

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attention to how the cultural heritage should continue to be seen as an integral component of environment assessment as provided for within the EU Strategic Environmental Assessment and Environmental Impact Assessment Directives. We also wrote to the Commission in 2007 to comment on how the EU Integrated Maritime Policy Green Paper might address Europe's coastal and marine historic interests and features. In particular, it is important to highlight that such assets are:

- important on European, regional, national and local scales;
- a common heritage that requires collaborative attention and co-ordinated management across national boundaries; and
- often unprotected with limited understanding of how such sites may be affected by activities such as fishing.

In consideration of these points, it is important to stress the intrinsic and inseparable nature of the marine historic environment as part of our general identity. We therefore encourage the Commission to apply particular attention to how mechanisms for environmental assessment that could be applied to Common Fisheries Reform will include cultural heritage. To support consideration of such factors we are keen to see engagement between the European Commission and professional networks such as Europae Archaeologiae Consilium (www.e-a-c.org/), the European Heritage Network (www.european-heritage.coe.int) and the European Association of Archaeologists (www.e-a-a.org/). In addition, it is entirely appropriate in the delivery of a sustainable development agenda to follow key principles, such as protection *in-situ*, to safeguard sites that are of archaeological importance. Elaboration of these principles is provided by the International Council on Monuments and Sites (ICOMOS), an association of professionals throughout the world that works for the conservation and protection of cultural heritage (<http://www.icomos.org/>).

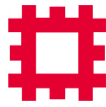
We are aware that it is within the competencies of the European Union to encourage co-operation between Member States and to support activities that conserve and safeguard cultural heritage of European significance. We therefore maintain that any reform of Common Fisheries Policy should support Integrated Maritime Policy objectives to develop European-wide initiatives, but with responsibility for regional delivery, that recognise the shared character of Europe's cultural heritage and that promotes its long term management. We therefore suggest the involvement of the Directorate-General for Education and Culture is secured to ensure such matters are carried forward into the delivery of a reformed Common Fisheries Policy.

The following annex (appended to this letter) provides our responses to those questions raised in the Green Paper consultation document that are relevant to our responsibilities for the historic environment.

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Yours sincerely,

Dr Christopher Pater
Maritime Archaeology Team

Cc Adrian Olivier (English Heritage, Director – Strategy)
 Ian Oxley (Head of Maritime Archaeology Team)
 Alexandra Coxen (Senior International Policy Advisor)
 Liz Ager (DCMS)
 Sian Rees (Cadw)
 Philip Robertson (Historic Scotland)
 Rhonda Robinson (EHS, Northern Ireland)

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Annex I - Tabulated responses to specific questions

Question.	Comment
<p><u>From Section 4.2 “Focusing the policy objectives”</u></p> <p>How can the objectives regarding ecological, economic and social sustainability be defined in a clear, prioritised manner which gives guidance in the short term and ensures the long-term sustainability and viability of fisheries?</p>	<p>The Green Paper should support further discussion about how all objectives for Common Fisheries Policy reform should be predicated on the principle of Maximum Sustainable Yield (MSY) and how fisheries should be managed accordingly, at a regional scale, and in regard to all aspects of sustainability (ecological, economic and social). Consequently, attention should be focused on agreeing whether the Strategic Environmental Assessment (SEA) Directive should be applied to the fisheries sector and by whom. We add that, in all instances, it is important to use an agreed interpretation of what we understand the marine environment to comprise and to ensure that a process of assessment is completed at the correct scale.</p>
<p><u>From Section 4.2 “Focusing the policy objectives”</u></p> <p>How can indicators and targets for implementation be defined to provide proper guidance for decision making and accountability? How should timeframes be identified for achieving targets?</p>	<p>The decision must be taken if the primary action is to deliver MSY across all fishery sectors. If such a decision is made then any system of indicators and targets must be delivered regionally through a binding framework and one that enhances the functions already performed by Member States to comply with SEA and Marine Strategy Framework Directive (MSFD).</p>
<p><u>From Section 4.3 “Focusing the decision-making framework on core long-term principles”</u></p> <p>How could the advisory role of stakeholders be enhanced in relation to decision making?</p>	<p>Any enhancement of responsibility must be linked to effective long-term “ownership” of the matters to be addressed which should support effective regional and local decision making. It is suggested that all aspects of the marine environment, including cultural heritage, must therefore support the information and evidence-base for effective decision making.</p>
<p><u>From Section 5.1 “A differentiated fishing regime to protect small-scale coastal fleets?”</u></p> <p>How should small-scale fisheries be defined in terms of their links to coastal communities?</p>	<p>In our response (dated 21st June 2007) to the EU Maritime Policy Green Paper consultation we stated how:</p> <p>“Our historic environment is a major force in creating the distinctiveness which is so much a part of the quality of life in Europe’s coastal regions.”</p> <p>It therefore seems valid that to reinforce links between fisheries and communities attention is directed at the material evidence of fishing activity as a component of</p>

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	<p>our cultural heritage, for example, the Fishing Heritage Centre (Grimsby, England) and the “Time and Tide” museum in Great Yarmouth (England), a European Museum of the Year finalist in 2006. We add that museums and other heritage centres play an important role in supporting local and regional identity through acting as a repository for archaeological material and historic archives. For example, sites subject to specific archaeological and historic investigations such as the medieval fishing village of Walraversijde (Belgium).</p>
<p><u>From section 5.3 “Relative stability and access to coastal fisheries”</u></p> <p>Should access to the 12 nm zone be reserved for small-scale fishing vessels?</p>	<p>We note that particular attention is given to historic fishing patterns as influencing where fishing takes place, but attention must now be directed at qualifying the historical characteristics of such activities in consideration of delivering sustainable management. In this regard it would seem relevant to determine how SEA, or any alternative system of assessment, is required to inform management of any small-scale fishing activity within 12 nm.</p>
<p><u>From section 5.5 “Integrating the Common Fisheries Policy in the broader maritime policy Context”</u></p> <p>Where specifically is integration within the IMP required?</p>	<p>It is important to stress that co-ordination between CFP reform and IMP delivery should ensure that appropriate attention is directed at examining the interaction between fishing and effective long term management of our shared cultural material. In particular we draw your attention to the following statements made in the subsequent “An Integrated Maritime Policy for the European Union” (Ref: COM(2007) 575):</p> <p>“Equally significant are the recreational, aesthetic and cultural uses we make of the seas and the ecosystem services they provide.”</p> <p>And</p> <p>“An Integrated Maritime Policy should seek to raise the visibility of Maritime Europe, and improve the image of maritime activities and the seafaring professions. It should also promote Europe's maritime heritage, supporting maritime communities, including port-cities and traditional fisheries communities, their artefacts and traditional skills, and promoting links between them that enhance their knowledge and visibility.”</p>
<p><u>From section 5.5 “Integrating the Common Fisheries Policy in the</u></p>	<p>In our response (dated 21st June 2007) to the EU Maritime Policy Green Paper consultation we made the</p>

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<p><u>broader maritime policy Context</u></p> <p>How can the future CFP contribute to the continued access of fisheries, including both fishing fleets and aquaculture, to marine space, within an integrated spatial planning framework?</p>	<p>following statement which we continue to support:</p> <p>“We support the introduction of marine spatial planning on a regional basis as we believe that such a planning framework is the only mechanism to properly integrate the historic environment with the rest of the environment in a sustainable development agenda, as such interests exist as a substantive dimension of the marine environment, with values and benefits to the wider public across Europe.”</p>
<p><u>From section 5.5 “Integrating the Common Fisheries Policy in the broader maritime policy Context”</u></p> <p>How can the future CFP best ensure consistency with the Marine Strategy Framework Directive and its implementation?</p>	<p>We suggest that a consistent approach is essential with regard to social and economic factors as included within the Marine Strategy Framework Directive. The development of a synchronised approach to effectively gather and use quantitative and qualitative information about such factors should receive particular attention. It therefore seems appropriate to direct your attention to the following statement made in “An Integrated Maritime Policy for the European Union”:</p> <p>“The need for improved socioeconomic data on the maritime sectors and coastal regions is also clear as difficulties in obtaining this information are limiting the ability of regional stakeholders to develop rational, long-term plans and investments.”</p>
<p><u>From section 5.6 “The knowledge base for the policy”</u></p> <p>How can we better promote stakeholder involvement in research projects, and incorporate stakeholder knowledge in research-based advice?</p>	<p>To promote stakeholder involvement it is necessary to identify stakeholder interest from the individual; to the collective (e.g. coastal community); and the corporate (e.g. commercial business). Emphasis must therefore be directed at developing a thematic research programme which should support activities promoted through IMP, such as the concept of a “European Atlas of the Seas” and through events such as the annual European Maritime Day to listen to and engage with stakeholders to ensure that any advice produced is based on wide support and regional ownership.</p>