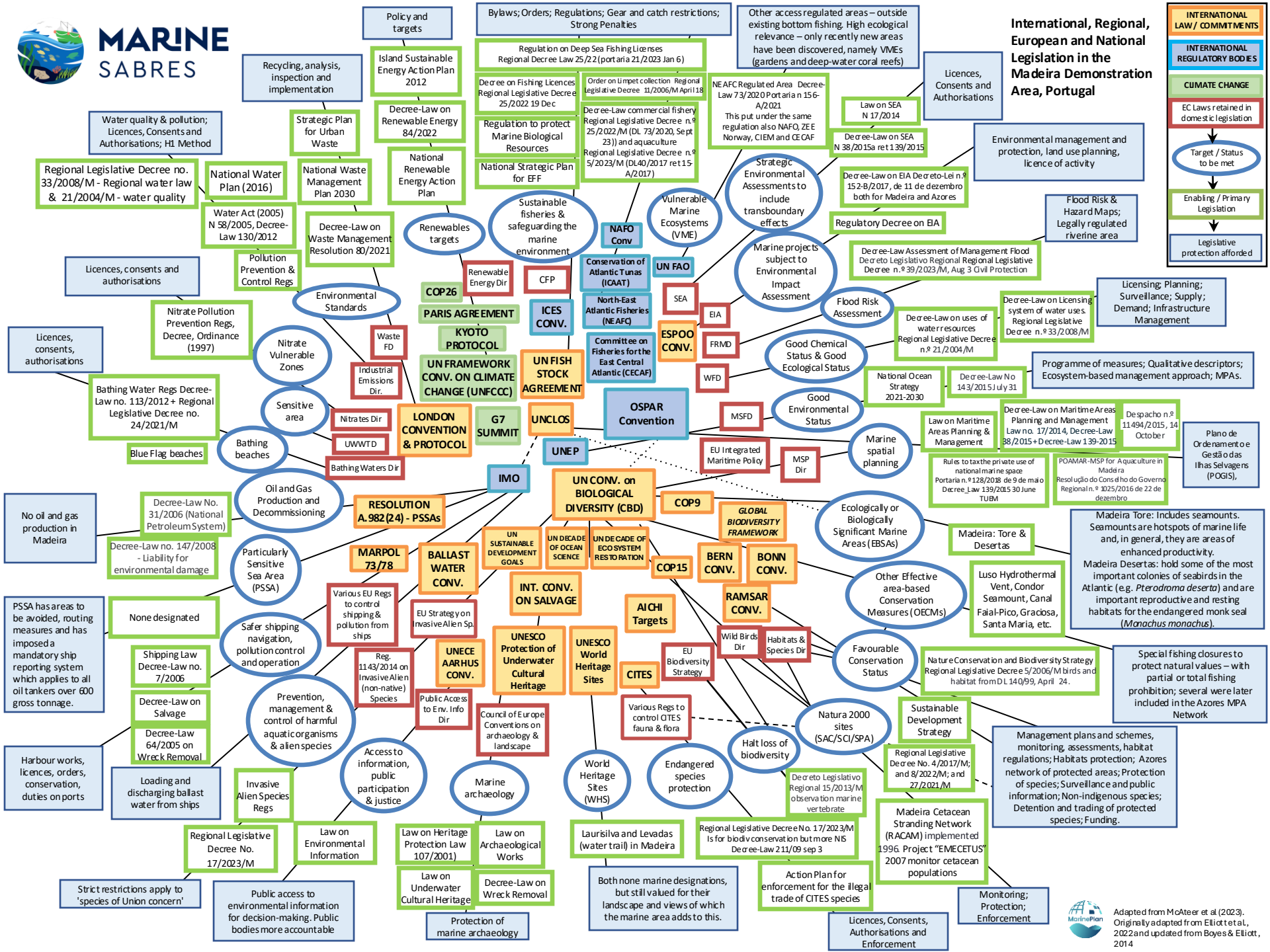
MARINE SABRES
International, Regional, European and National Legislation in the Madeira Demonstration Area, Portugal
INTERNATIONAL LAW / COMMITMENTS
INTERNATIONAL REGULATORY BODIES
CLIMATE CHANGE
EC Laws retained in domestic legislation
Target / Status to be met
Enabling / Primary Legislation
Legislative protection afforded
Policy and targets
Bylaws; Orders; Regulations; Gear and catch restrictions; Strong Penalties
Other access regulated areas – outside existing bottom fishing. High ecological relevance – only recently new areas have been discovered, namely VMEs (gardens and deep-water coral reefs)
Licences, Consents and Authorisations
Recycling, analysis, inspection and implementation
Island Sustainable Energy Action Plan 2012
Regulation on Deep Sea Fishing Licenses Regional Decree Law 25/22 (portaria 21/2023 Jan 6)
Decree on Fishing Licences Regional Legislative Decree 25/2022 19 Dec
Order on Limpet collection Regional Legislative Decree 11/2006/M April 18
Decree-Law commercial fishery Regional Legislative Decree n.º 25/2022/M (DL 73/2020, Sept 23)) and aquaculture Regional Legislative Decree n.º 5/2023/M (DL40/2017 ret 15-A/2017)
NEAFC Regulated Area Decree-Law 73/2020 Portaria n 156-A/2021 This put under the same regulation also NAFO, ZEE Norway, CIEM and CECAF
Law on SEA N 17/2014
Decree-Law on SEA N 38/2015a ret 139/2015
Water quality & pollution; Licences, Consents and Authorisations; H1 Method
Strategic Plan for Urban Waste
Decree-Law on Renewable Energy 84/2022
Regulation to protect Marine Biological Resources
National Strategic Plan for EFF
Regional Legislative Decree no. 33/2008/M - Regional water law & 21/2004/M - water quality
National Water Plan (2016)
National Waste Management Plan 2030
National Renewable Energy Action Plan
Water Act (2005) N 58/2005, Decree-Law 130/2012
Decree-Law on Waste Management Resolution 80/2021
Renewables targets
Sustainable fisheries & safeguarding the marine environment
NAFO Conv
Vulnerable Marine Ecosystems (VME)
Strategic Environmental Assessments to include transboundary effects
Environmental management and protection, land use planning, licence of activity
Decree-Law on EIA Decreto-Lei n.º 152-B/2017, de 11 de dezembro both for Madeira and Azores
Regulatory Decree on EIA
Flood Risk & Hazard Maps; Legally regulated riverine area
Licences, consents and authorisations
Pollution Prevention & Control Regs
Renewable Energy Dir
CFP
Conservation of Atlantic Tunas (ICAAT)
UN FAO
Marine projects subject to Environmental Impact Assessment
Decree-Law Assessment of Management Flood Decreto Legislativo Regional Regional Legislative Decree n.º 39/2023/M, Aug 3 Civil Protection
Environmental Standards
COP26
PARIS AGREEMENT
ICES CONV.
North-East Atlantic Fisheries (NEAFC)
SEA
EIA
Flood Risk Assessment
Licensing; Planning; Surveillance; Supply; Demand; Infrastructure Management
Nitrate Pollution Prevention Regs, Decree, Ordinance (1997)
Waste FD
KYOTO PROTOCOL
ESPOO CONV.
FRMD
Decree-Law on Licensing system of water uses. Regional Legislative Decree n.º 33/2008/M
Decree-Law on uses of water resources Regional Legislative Decree n.º 21/2004/M
Licences, consents, authorisations
Nitrate Vulnerable Zones
Industrial Emissions Dir.
UN FRAMEWORK CONV. ON CLIMATE CHANGE (UNFCCC)
UN FISH STOCK AGREEMENT
Committee on Fisheries for the East Central Atlantic (CECAF)
WFD
Good Chemical Status & Good Ecological Status
Programme of measures; Qualitative descriptors; Ecosystem-based management approach; MPAs.
National Ocean Strategy 2021-2030
Decree-Law No 143/2015 July 31
Bathing Water Regs Decree-Law no. 113/2012 + Regional Legislative Decree no. 24/2021/M
Sensitive area
Nitrates Dir
LONDON CONVENTION & PROTOCOL
G7 SUMMIT
UNCLOS
OSPAR Convention
MSFD
Good Environmental Status
Decree-Law on Maritime Areas Planning and Management Law no. 17/2014, Decree-Law 38/2015 + Decree-Law 139-2015
Despacho n.º 11494/2015, 14 October
Plano de Ordenamento e Gestão das Ilhas Selvagens (POGIS),
Bathing beaches
UWWTD
Blue Flag beaches
Bathing Waters Dir
UNEP
EU Integrated Maritime Policy
MSP Dir
Marine spatial planning
Law on Maritime Areas Planning & Management
Rules to tax the private use of national marine space Portaria n.º 128/2018 de 9 de maio Decree_Law 139/2015 30 June TUEM
POAMAR-MSP for Aquaculture in Madeira Resolução do Conselho do Governo Regional n.º 1025/2016 de 22 de dezembro
Oil and Gas Production and Decommissioning
IMO
UN CONV. on BIOLOGICAL DIVERSITY (CBD)
COP9
GLOBAL BIODIVERSITY FRAMEWORK
Ecologically or Biologically Significant Marine Areas (EBSAs)
Madeira: Tore & Desertas
Madeira Tore: Includes seamounts. Seamounts are hotspots of marine life and, in general, they are areas of enhanced productivity. Madeira Desertas: hold some of the most important colonies of seabirds in the Atlantic (e.g. Pterodroma deserta) and are important reproductive and resting habitats for the endangered monk seal (Monachus monachus).
No oil and gas production in Madeira
Decree-Law No. 31/2006 (National Petroleum System)
RESOLUTION A.982(24) - PSSAs
Decree-Law no. 147/2008 - Liability for environmental damage
Particularly Sensitive Sea Area (PSSA)
MARPOL 73/78
BALLAST WATER CONV.
UN SUSTAINABLE DEVELOPMENT GOALS
UN DECADE OF OCEAN SCIENCE
UN DECADE OF ECOSYSTEM RESTORATION
COP15
BERN CONV.
BONN CONV.
RAMSAR CONV.
Other Effective area-based Conservation Measures (OECMs)
Luso Hydrothermal Vent, Condor Seamount, Canal Faial-Pico, Graciosa, Santa Maria, etc.
PSSA has areas to be avoided, routing measures and has imposed a mandatory ship reporting system which applies to all oil tankers over 600 gross tonnage.
None designated
Various EU Regs to control shipping & pollution from ships
EU Strategy on Invasive Alien Sp.
INT. CONV. ON SALVAGE
AICHI Targets
Safer shipping navigation, pollution control and operation
UNECE AARHUS CONV.
UNESCO Protection of Underwater Cultural Heritage
UNESCO World Heritage Sites
CITES
EU Biodiversity Strategy
Wild Birds Dir
Habitats & Species Dir
Favourable Conservation Status
Nature Conservation and Biodiversity Strategy Regional Legislative Decree 5/2006/M birds and habitat from DL 140/99, April 24.
Special fishing closures to protect natural values – with partial or total fishing prohibition; several were later included in the Azores MPA Network
Shipping Law Decree-Law no. 7/2006
Reg. 1143/2014 on Invasive Alien (non-native) Species
Public Access to Env. Info Dir
Council of Europe Conventions on archaeology & landscape
Various Regs to control CITES fauna & flora
Natura 2000 sites (SAC/SCI/SPA)
Sustainable Development Strategy
Decree-Law on Salvage
Decree-Law 64/2005 on Wreck Removal
Prevention, management & control of harmful aquatic organisms & alien species
Halt loss of biodiversity
Management plans and schemes, monitoring, assessments, habitat regulations; Habitats protection; Azores network of protected areas; Protection of species; Surveillance and public information; Non-indigenous species; Detention and trading of protected species; Funding.
Harbour works, licences, orders, conservation, duties on ports
Loading and discharging ballast water from ships
Invasive Alien Species Regs
Access to information, public participation & justice
Marine archaeology
World Heritage Sites (WHS)
Endangered species protection
Regional Legislative Decree No. 4/2017/M; and 8/2022/M; and 27/2021/M
Decreto Legislativo Regional 15/2013/M observation marine vertebrate
Regional Legislative Decree No. 17/2023/M
Regional Legislative Decree No. 17/2023/M Is for biodiv conservation but more NIS Decree-Law 211/09 sep 3
Madeira Cetacean Stranding Network (RACAM) implemented 1996. Project "EMECETUS" 2007 monitor cetacean populations
Regional Legislative Decree No. 17/2023/M
Law on Environmental Information
Law on Heritage Protection Law 107/2001)
Law on Archaeological Works
Laurisilva and Levadas (water trail) in Madeira
Strict restrictions apply to 'species of Union concern'
Public access to environmental information for decision-making. Public bodies more accountable
Law on Underwater Cultural Heritage
Decree-Law on Wreck Removal
Protection of marine archaeology
Both none marine designations, but still valued for their landscape and views of which the marine area adds to this.
Action Plan for enforcement for the illegal trade of CITES species
Licences, Consents, Authorisations and Enforcement
Monitoring; Protection; Enforcement
MarinePlan
Adapted from McAteer et al (2023). Originally adapted from Elliott et al., 2022 and updated from Boyes & Elliott, 2014