

**ANNEX 1**

**GLOBAL, REGIONAL (NORTH - EAST ATLANTIC AND EUROPEAN) AND DOMESTIC (UK / SCOTTISH) LEGISLATION AND OBLIGATIONS OF RELEVANCE IN SCOTLAND'S SEAS**

**GLOBAL**

<b>Instrument/Commitment</b>	<b>Overall Aim</b>	<b>Clean &amp; safe</b>	<b>Healthy &amp; biologically diverse</b>
Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)	Provide access to information, public participation in decision-making and access to justice in environmental matters	✓	
Agreement on the Conservation of Albatrosses and Petrels (ACAP) (2004)	Conserve albatross and petrel populations. Stop or reverse population declines by coordinating action to mitigate known threats		✓
Biological Diversity Convention (CBD) (1992)	Achieve a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on earth by 2010.		✓
Biological Diversity Convention (CBD) Jakarta Mandate (adopted in 1995, 1998 and updated in 2004)	Promote the conservation and sustainable use of marine and coastal biological diversity		✓
Convention on the Control of Harmful Anti-Fouling Systems on Ships	Prohibit and/or restrict the use of harmful anti-fouling systems on ships	✓	
Convention for the Prevention of Pollution from Ships 1973 (MARPOL 73/78)	Prevent pollution of the marine environment by ships from operational or accidental causes.	✓	
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1975)	Ensure that international trade in specimens of wild animals and plants does not threaten their survival		✓
Convention for the Regulation of Whaling (1946)	Conserve whale stocks		✓
Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention) (1971)	Conserve and use wisely wetlands and their resources.		✓
FAO Code of Conduct for Responsible Fisheries (1995)	Conserve, manage and develop living aquatic resources, with due respect for the ecosystem and biodiversity		✓

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Instrument/Commitment	Overall Aim	Clean & safe	Healthy & biologically diverse
Plan of Action for Reducing Incidental catch of Seabirds in Longline Fisheries (1998)	Reduce the incidental catch of seabirds in longline fisheries		✓
Plan of Action for the Conservation and Management of Sharks (1999)	Conserve and manage sharks and their long-term sustainable use		✓
UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks (2001)	Conserve and manage straddling fish stocks and highly migratory fish stocks		✓
UN Framework Convention on Climate Change (UNFCCC) 1994	Tackle the challenge posed by climate change. Promote and cooperate in systematic observation and development of data archives related to the climate system.	✓	✓
UN Convention on the Law of the Sea (UNCLOS)	Provide a comprehensive new legal regime for the sea and oceans and to establish material rules concerning environmental standards as well as enforcement provisions dealing with pollution of the marine environment.	✓	
World Heritage Convention (1972)	Define and conserve cultural and natural heritage		✓
World Summit on Sustainable Development 2002 (WSSD) - Plan of Implementation	Urgently and where possible by 2015 maintain or restore depleted fish stocks to MSY; Decrease decline in biodiversity by 2010; encourage the application of the ecosystem approach by 2010 and Establish Marine Protected Areas by 2012		✓

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### REGIONAL (NORTH - EAST ATLANTIC AND EUROPEAN)

Instrument/Commitment	Overall Aim	Clean & safe	Healthy & biologically diverse
Access to Environmental Information Directive (90/313/EC)	Ensure that environmental information is systematically available and distributed to the public.	✓	
Agreement on Conservation of African-Eurasian Migratory Waterbirds (AEWA)(1995)	Conserve birds that are ecologically dependent on wetlands throughout each species range		✓
Agreement on Conservation of Small Cetaceans of Baltic and North Seas (1992) (ASCOBANS)	Promote close co-operation to achieve and maintain a favourable conservation status for small cetaceans in the North East Atlantic, Irish and North Seas		✓
Animal Health Directive (2006/88/EC)	Provision of animal health requirements for aquaculture animals and products, and on the prevention and control of certain diseases in aquatic animals. (Coming into force 1 August 2008, when 91/67/, 93/53, 95/70 will be repealed)		✓
Assessment of the effects of certain public and private projects on the environment (85/337/EEC) ("EIA Directive")	Undertake environmental assessment of plans and projects likely to have a significant effect on the environment	✓	✓
Bathing Waters Directive (2006/7/EEC) (76/160/EEC not repealed fully until 2014)	Protect the public and the environment from faecal pollution at waters used for bathing by large numbers of users.	✓	
Chlor-alkali Directive (82/176/EEC)	Limit mercury discharges by the chlor-alkali electrolysis industry.	✓	
Common Fisheries Policy (1983)	Manage living aquatic resources to provide sustainable economic, environmental and social conditions		✓
Compound Feedingstuffs Directive (79/373/EEC) (amended by 2002/2/EC)	Regulate the content of animal feeds, including feeding stuff obtained from the processing of fish or other marine animals and complete feeding stuffs for fish	✓	
Conservation of natural habitats and of wild fauna and flora ("Habitats Directive") (92/43/EEC)	Maintain or restore listed natural habitats and wild species at a favourable conservation status, and Introduce robust protection for those habitats and species of European importance		✓
Conservation of wild birds ("Birds Directive") (79/409/EEC)	Conserve and manage human interactions with wild birds		✓
Conservation of European wildlife and natural habitats (1982) Bern Convention	Conserve and protect all wild plant and animal species and their natural habitats		✓
Convention for the International Council for the Exploration of the Seas (ICES)	Promote and encourage research and investigations for the study of the North Atlantic sea and to publish or otherwise disseminate the results of research and investigations.	✓	

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Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention)	Prevent and eliminate pollution from the North-East Atlantic.	✓	
OSPAR Biological Diversity and Ecosystems Strategy	Protect and conserve ecosystems and biological diversity of North East Atlantic from impacts of all human activities, with reference to site-based conservation and achievement of specific Ecological Quality Objectives (EcoQO).	✓	✓
OSPAR Eutrophication Strategy	Combat eutrophication in the OSPAR maritime area, in order to achieve and maintain a healthy marine environment by 2010.	✓	✓
OSPAR Strategy for Hazardous Substances	Prevent pollution of the maritime areas by continuously reducing discharges, emissions and losses of hazardous substances, with the ultimate aim of achieving concentrations in the marine environment near background values for naturally occurring substances and close to zero for man-made synthetic substances.	✓	
OSPAR Strategy for a Joint Assessment and Monitoring Programme	Prepare environmental assessments of the status of the marine environment of the OSPAR maritime area or its regions.	✓	
OSPAR Offshore Oil and Gas Industry Strategy	Prevent and eliminate pollution and take the necessary measures to protect the maritime area against the adverse effects of offshore activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected.	✓	
OSPAR Strategy for Radioactive Substances	Prevent pollution of the maritime area from ionising radiation through progressive and substantial reductions of discharges, emissions and losses of radioactive substances, with the ultimate aim of concentrations in the environment near background values for naturally occurring radioactive substances, and close to zero for artificial radioactive substances by 2020.	✓	
Ministerial Declaration of the Fifth International Conference on Protection of North Sea (2002) Bergen Declaration	Implement an ecosystem approach by identifying and taking action on influences, which are critical to the health of the North Sea ecosystem.	✓	✓

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Convention for Conservation of Salmon in North Atlantic Ocean (TIAS 10789), 1982	Promote the conservation, restoration, enhancement, and rational management of salmon stocks in the North Atlantic Ocean through international cooperation		✓
Convention for the Conservation of Atlantic Tunas (1966)	Provide an effective programme of international cooperation in research and conservation to achieve the maximum sustainable catch of tuna – no tuna in Scottish waters		✓
Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter, 1972 (London Convention)	Prevent the deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures, as well as the deliberate disposal of these vessels or platforms themselves	✓	
Council Directive 96/29/EURATOM	Ensure that the exposure of the population to ionising radiation is kept as low as reasonably achievable.	✓	
Dangerous Substances Directive (76/464/EEC), codified as 2006/11/EC)	Eliminate pollution through the discharge into the aquatic environment, of the various dangerous substances.	✓	
Environmental Liability Directive (2004/35/CE)	Prevent and remedy environmental damage at reasonable cost to society.		✓
European Environment Agency Annual Management Plan - Marine Data (ME-1)	Improve the quality assurance of data flows with emphasis on the five thematic areas.	✓	
Integrated pollution prevention and control Directive (96/61/EC)	Prevent, reduce and eliminate pollution from industrial activities to achieve a high level of protection of the environment by giving priority to intervention at source and ensuring prudent management of natural resources.	✓	
Marine Strategy Framework Directive (due 2008)	Achieve good environmental status in the Community's marine environment by 2020.	✓	✓
Nitrates Directive (91/67/EEC)	Reduce water pollution caused or induced by nitrates from agricultural sources	✓	
North East Atlantic Fisheries Commission Convention (1982)	Maintain the rational exploitation of fish stocks in the Atlantic and Arctic Oceans		✓
Port reception facilities for ship generated waste and cargo residues directive (EC 2000/59	Reduce illegal discharges of ship generated waste and cargo residues to the sea by managing the availability and use of port waste reception facilities.	✓	
Protection of deepwater coral reefs from the effects of trawling (in an area north west of Scotland) EC Council Regulation 602/2004	Prohibit use of bottom trawl or other towed gear that contacts the sea bottom by vessels and protect deepwater coral reefs from the effects of trawling in an area north west of Scotland		✓

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Recovery of the European eel – EC Regulation (1100/2007).	Establishing measures for the recovery of the stock of the European eel		✓
Shellfish Growing Waters Directive (2006/113EC)	Protect and improve waters including shellfish waters against pollution and to safeguard shellfish populations	✓	
Shellfish Hygiene Regulations (EC 853/2004; 854/2004, 2073/2005 and 2074/2005)	Monitor shellfish harvesting areas to ensure shellfish are fit for human consumption. This includes responsibility for the designation of harvesting areas, setting standards and reporting the classification of harvesting areas. The degree of shellfish contamination monitored determines the amount of depuration (purification) required before the produce may be commercially marketed.		✓
Shellfish Waters Directive (2006/113 EC)	Protect and improve waters including shellfish waters against pollution and to safeguard shellfish populations from harmful consequences resulting from the discharge of pollutant substances into the sea		✓
Shipments of Waste (EU Regulation 1013/2006)	Lays out control system for international transfers of wastes classified as red, and green, including some outright prohibitions and exemptions	✓	
Strategic Environment Assessment (SEA) Directive (2001/42/EC)	Protect and enhance the environment by ensuring those Plans, Programmes and Strategies that are likely to result in significant environmental effects are properly assessed, including public consultation		✓
Titanium Dioxide Directive (78/176/EEC)	Prevention and progressive reduction, with a view to its elimination, of pollution caused by waste from the titanium dioxide industry (no industry in Scotland)	✓	
Urban Waste Water Treatment Directive (91/271/EEC)	Protect the environment from the adverse effects of sewage discharges	✓	✓
Water Framework Directive (2000/60/EC)	Achieve good ecological status of water bodies by 2015. Prevent further deterioration, protect and enhance status of aquatic ecosystems and associated wetlands.	✓	✓

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### DOMESTIC (UK / SCOTTISH)

Instrument/Commitment	Overall Aim	Clean & safe	Healthy & biologically diverse
Antisocial Behaviour etc. (Scotland) Act 2004	Reduce defacement by litter of any place on land or water to which Section 87 applies. (Scotland)	✓	
Aquaculture and Fisheries (Scotland) Act 2007	Makes provision relating to fish farms and shellfish farms; to the parasite <i>Gyrodactylus salaris</i> ; to salmon and freshwater fisheries and sea fisheries; to payments connected with aquaculture and fisheries; and for connected purposes.		✓
Conservation (Natural Habitats &c.) Regulations 1994	Achieve favourable conservation status of habitats and species.		✓
Conservation of Seals Act 1970	Prohibit the killing, injuring or taking of seals during the breeding season		✓
Control of Major Accident Hazard (COMAH) Regulations 1999 and amended in 2005	Implement Directive 96/82/EC (known as the Seveso II Directive) Relevant to the chemical industry, but also to some storage activities, explosives and nuclear sites, and other industries where threshold quantities of dangerous substances identified in the Regulations are kept or used.	✓	
Environment Act 1995	Establishment of Scottish Environment Protection Agency. Control of pollution Protect, manage and conserve the environment (including marine and aquatic aspects of the environment)	✓	✓
Environmental Information (Scotland) Regulations 2004	Made under Freedom of Information (Scotland) Act 2002. EIRs provide the public with a right to request access to environmental information held by public bodies	✓	✓
Environmental Protection Act 1990	Control pollution arising from industrial and other processes.	✓	
Food and Environment Protection Act 1985 (FEPA)	Protect the marine ecosystem and human health through the control of the deposit of articles or materials in the sea / tidal waters		✓
Freedom of Information (Scotland) Act 2002	Provision for the disclosure of information held by public authorities or by persons providing services for them.	✓	✓
Identification of Bathing Waters: Bathing Waters (Classification)(Scotland) Direction 1999	Treat designated waters as ones which meet the criteria of the Bathing Waters (Classification)(Scotland) Regulations 1991	✓	
Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996	Control operational pollution of discharge oil	✓	

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Merchant Shipping & Maritime Security Act 1997	Powers to deal with emergencies at sea, pollution control and marine safety, funding of maritime services, liability and compensation, protection of wrecks, maritime security and to provide amendments to Merchant Shipping Act 1995.	✓	
Nature Conservation (Scotland) Act 2004	Protect and enhance Scottish biodiversity		✓
Offshore Marine Conservation Regulations 2007	Transposes the Birds and habitats Directive in the offshore marine environment.		✓
Pollution Prevention and Control Act 1999	Provisions for implementing Directive 96/61/EC (Integrated Pollution Prevention & Control). Regulating industrial and commercial activities which may cause environmental pollution and to prevent and control emissions that are capable of causing any pollution.	✓	
Pollution Prevention and Control (Scotland) Regulations 2000	Lay out the detailed PPC regime under the Pollution Prevention and Control Act 1999.	✓	
Protection of Water against Agriculture Pollution (Scotland) Regulations 1996 (amended by Designation of Nitrate Vulnerable Zones (Scotland) Regs. 2000)	Concerning the protection of waters against pollution caused by nitrates from agricultural sources. Scottish Ministers are under a duty to designate NVZs and to review them at least every 4 years	✓	
Radioactive Substances Act 1993	Prevent exposure to radiation resulting from the inadequate control of radioactive materials and accumulation and disposal of radioactive waste	✓	
Radioactive Substances (Basic Safety Standards)(Scotland) Direction 2000	Transposes EC Directive 96/29/EURATOM Basic Safety Standards, imposes duties on SEPA to ensure compliance with public dose limits and to assess competence in relation to undertakings	✓	
Radioactive Substances (Basic Safety Standards)(Scotland) Regulations 2000	Amend the Radioactive Substances Act 1993 in order to implement in part the Basic Safety Standards Directive (Council Directive 96/29/EURATOM)	✓	
Radiation (Emergency Preparedness and Public Information) Regulations 2001	Set out the requirements for protection of the public in the event of an accident involving radiation. SEPA may be involved in the clean up of an incident for the disposal of radioactive waste.	✓	
Surface Waters (Shellfish)(Classification) (Scotland) Regulations 1997	Introduce the system for classifying the quality of coastal or surface waters needing protection and improvement to support shellfish life and growth	✓	✓
Transfrontier Shipment of radioactive Waste Regulations 1993	Lay out UK Control System ( for pre-notification& tracking) for import & export of waste. Enforcing authorities of consigning and receiving countries will be involved.	✓	

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Transfrontier Shipment of Waste Regulations 2007	Gives effect to the European Waste Shipment Regulation and sets out relevant offences relating to import/export of wastes	✓	
UK Biodiversity and Action Plan (BAP) 2002 being delivered in Scotland by the Scottish Biodiversity Strategy, 2004.	Conserve the UK's biodiversity through action plans to halt biodiversity decline by 2010		✓
Urban Waste Water Treatment (Scotland) Regulations 1994, and Amendment Regulations 2003	Ensure all cities and towns are provided with collection systems and treatment plants for their urban waste water	✓	
Water Environment and Water Services (Scotland) Act 2003	Sets out new arrangements for the protection of the water environment	✓	
Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003 & Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004	Set out the arrangements to be put in place by the government administrations and environment agencies within the area to ensure the planning, consultation and implementation of measures to achieve the objectives for the water environment.	✓	
Water Environment (Controlled Activities)(Scotland) Regulations 2005 (CAR)	Sets out provision for control of abstraction, impoundment, engineering and discharge activities under the Water Environment and Water Services Act. The regulations provide for risk based regime of regulation.	✓	✓
Wildlife and Countryside Act (1981)	Control the killing, injuring, taking, or trading of selected wild birds or animal. Prevent the establishment of non-native species which may be detrimental to native wildlife. Protection and creation of habitats		✓