

**Transposition Note to the Conservation of Offshore Marine Habitats and Species
Regulations 2017 No. 1013**

Directive 1992/43/EEC on the conservation of natural habitats and of wild flora and fauna			
Articles	Objectives	Implementation	Responsibility
1	Definitions are provided for the purposes of the Directive.	Regulation 2(2)(a) provides for expressions used in these Regulations to have the same meaning as those in the Directive.	
3(2)	Member States are required to contribute to the creation of the Natura 2000 network and, to that end, to designate special areas of conservation, in accordance with Article 4.	Regulation 11 provides for the designation of special areas of conservation in the offshore marine area. See also implementation of Article 4.	Relevant administration (defined in regulation 11(3) as the Scottish Ministers for sites in the Scottish offshore region, the Welsh Ministers for sites in the Welsh offshore region, and the Secretary of State in any other case)
4(1)	<p>Each member State is required to propose a list of those sites it considers are eligible for selection as sites of Community importance. The list should indicate which Annex I natural habitat types and which Annex II species the sites host and be accompanied by certain information relating to each site.</p> <p>An additional obligation requires member states to propose adaptations to the list in the light of surveillance carried out pursuant to Article 11.</p>	<p>Regulation 7(1) requires the Secretary of State to transmit to the Commission a list of sites regarded as eligible for selection in the offshore marine area.</p> <p>Regulations 7(2) and 7(3) require the Scottish Ministers and Welsh Ministers to transmit to the Secretary of State a list of such sites.</p> <p>Regulations 7(4) to 7(8) prescribe the criteria for site selection, whilst regulations 7(9) and 7(10) set out the information which the lists must contain and the format that must be used in supplying such information.</p> <p>Regulation 9 makes provision for the Secretary of State, the Scottish Ministers, and the Welsh Ministers to propose modifications to the list of sites which has been transmitted to the Commission in the light of surveillance.</p>	<p>Secretary of State in the offshore marine area, the Scottish Ministers in the Scottish offshore region, and the Welsh Ministers in the Welsh offshore region</p> <p>Secretary of State in the offshore marine area, the Scottish Ministers in the Scottish offshore region, and the Welsh Ministers in the Welsh offshore region</p>
4(4)	Once a site has been adopted by the Commission as a site of Community importance, the Member State in question is required to designate it as a special area of conservation as soon as possible and within six years at the most. Member States must, in addition, establish	Regulation 11(1) requires the relevant administration to designate sites as special areas of conservation in accordance with the timeframe in the Directive. In addition, an obligation is imposed on the relevant administration by regulation 11(2) to establish priorities for special areas of conservation.	Relevant administration (defined in regulation 11(3) as the Scottish Ministers for sites in the Scottish offshore region, the Welsh Ministers for sites in the Welsh offshore region, and the Secretary of State in any other case)

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	<p>priorities for designated sites relating to their importance to the favourable conservation status of certain habitats and species, the coherence of the Natura 2000, and exposure to threats of degradation or destruction.</p>		
4(5)	<p>As soon as a site is adopted as a site of Community importance by the Commission, it is to be made subject to the site protection provisions in Article 6(2), (3) and (4).</p>	<p>Regulations 18 and 27 include in the definitions of “European offshore marine site” and “European site”, respectively, the type of site referred to in Article 4(5). Such sites will therefore be protected under regulations 28 to 37.</p> <p>In addition, regulation 26 ensures that competent authorities exercise their functions in a way that protects these sites, and regulation 38 creates offences in respect of European marine sites (see transposition of Article 6(2) of the Directive and Article 4 of the Wild Birds Directive).</p>	<p>Competent authorities (see definition in regulation 5)</p>
5	<p>The Commission may find that a site (hosting a priority natural habitat type or priority species) should have been included in the list of sites submitted by a member State. In these circumstances, a bilateral consultation procedure may be initiated between the member State and the Commission for the purpose of comparing the scientific data used by each. If, on expiry of a consultation period not exceeding 6 months, the dispute remains unresolved, the Commission must forward to the Council a proposal relating to the selection of the site as a site of Community importance. The Council must take a decision within 3 months of the date of the referral.</p> <p>Whilst such a site is under</p>	<p>Regulations 10, 18 and 27 make provision for the type of site referred to in Article 5(1).</p> <p>In addition, regulation 26 ensures that competent authorities exercise their functions to secure the protection of these sites (see transposition of Article 6(2)).</p>	<p>Competent authorities</p>

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	consideration by the member State and the Commission, or pending a decision by the Council, it must be protected under Article 6(2).		
6(1)	Member States are required to establish, for special areas of conservation, the necessary conservation measures involving, if need be, appropriate management plans and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the Annex II species present on the sites.	<p>Regulations 21, 22 and 23 impose a duty on the Joint Nature Conservation Committee to establish conservation objectives, and provide competent authorities with powers to establish a management scheme for a site with a corresponding duty on those competent authorities to take reasonable steps to exercise their functions in accordance with such scheme.</p> <p>Regulation 24 provides for consultation on the coordinated management of European offshore marine sites and other member states' special areas of conservation and special protection areas, where such sites and areas adjoin one another.</p> <p>Regulation 25 provides that in so far as a competent authority's functions may be so exercised, that they are exercised to give effect to Article 6(1) by taking conservation measures.</p>	<p>Joint Nature Conservation Committee and competent authorities</p> <p>Secretary of State in the offshore marine area, the Scottish Ministers in the Scottish offshore region, and the Welsh Ministers in the Welsh offshore region</p> <p>Competent authorities</p>
6(2)	<p>Member States are required to take appropriate steps to avoid, in special areas of conservation, the deterioration of natural habitats and the habitats of species as well as the disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of the Directive.</p> <p>Also see the entries relating to Articles 4(5), 5 and 7.</p>	<p>Regulation 26 provides that in so far as a competent authority's functions may be so exercised, that they are exercised to secure that appropriate steps are taken to avoid the disturbance of species specified in regulation 26(3) or the deterioration of habitat or habitat types specified in regulation 26(4).</p> <p>This requirement applies to (a) special areas of conservation in the offshore marine area (as required by Article 6(2) itself), (b) sites in the offshore marine area that have been placed on the list referred to in the third paragraph of Article 4(2) (as required by Article 4(5)), (c) sites in the offshore marine area in respect of which consultation has been initiated under Article 5(1), during the consultation period or until such time as the Council makes a decision under Article 5(3) in relation to the site</p>	Competent authorities

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		<p>(as required by Article 5(4)), and (d) special protection areas in the offshore marine area (as required by Article 7).</p> <p>Regulation 33 provides for competent authorities to review, and thereafter affirm, modify or revoke, existing decisions, consents, permissions or other authorisations in respect of plans or projects that could affect a European offshore marine site. For the purposes of the review the competent authority must make an appropriate assessment of the implications for the site in view of its conservation objectives.</p> <p>In respect of certain categories of offshore marine site, regulation 38(7) makes it an offence (subject to certain exceptions) to intentionally or recklessly damage or destroy the habitat found in special areas of conservation in the offshore marine area and sites in the offshore marine area that have been placed on the list referred to in the third paragraph of Article 4(2). In addition, regulation 38(5) makes it an offence to intentionally disturb animals of certain species (at a level of disturbance set out in the Regulations) whilst such animals are in sites in the offshore marine area that have been placed on the list referred to in the third paragraph of Article 4(2).</p>	<p>Competent authorities</p>
<p>6(3)</p>	<p>Member States are required to ensure that plans or projects likely to have a significant effect on a special area of conservation are subject to an appropriate assessment. This assessment considers the implications of a plan or project in view of a site's conservation objectives. Subject to Article 6(4), competent authorities may not agree to a plan or project unless it is ascertained that the plan or project will not have an adverse effect on the</p>	<p>Regulation 28 ensures that appropriate assessments are carried out for new plans or projects in the offshore marine area where they are likely to have a significant effect on a European site (i.e. a protected site in a terrestrial area or in inshore waters) or a European offshore marine site.</p> <p>Subject to regulation 29, regulation 28(5) ensures that a plan or project cannot be agreed to where, in light of the conclusions of the appropriate assessment, it is not possible to conclude that the plan or project will not adversely affect the integrity of the site concerned.</p>	<p>Competent authorities</p> <p>Competent authorities</p>

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	integrity of the site concerned.		
6(4)	Article 6(4) allows a plan or project to be carried out despite a negative assessment under Article 6(3). However, this is only where there is no alternative solution, where the plan or project must be carried out for imperative reasons of overriding public interest, and, where compensatory measures are taken to ensure that the overall coherence of Natura 2000 is protected.	<p>Regulation 29 allows for plans or projects to be agreed to by a competent authority for imperative reasons of overriding public interest and where there is no alternative solution.</p> <p>Regulation 30 contains procedures for agreement to plans and projects in England and Northern Ireland. Regulation 31 contains procedures for agreement to plans and procedures in Scotland. Regulation 32 contains procedures for agreement to plans and projects in Wales.</p> <p>Regulation 36 requires compensatory measures to be secured when a plan or project has been permitted to proceed in such circumstances.</p>	<p>Competent authorities</p> <p>Competent authorities, Secretary of State, Scottish Ministers and Welsh Ministers</p> <p>Secretary of State, Scottish Ministers, Welsh Ministers or Northern Ireland Departments</p>
7	Obligations under Article 6(2), (3) and (4) of the Directive shall replace obligations under the first sentence of Article 4(4) of the Wild Birds Directive in respect of special protection areas classified under the Wild Birds Directive (see below table for details of the transposition of the Wild Birds Directive).	<p>Regulations 26 and 38 as described above in respect of Article 6(2), apply to special protection areas classified under the Wild Birds Directive. Further protection is provided under regulation 38(6), which creates an offence relating to special protection areas for birds. This meets the obligations under Article 7 of the Habitats Directive to apply Article 6(2) of the Habitats Directive to special protection areas for birds.</p> <p>The definition of “European offshore marine site” in regulation 18(d) covers sites classified as special protection areas. Consequently, protection is provided to these sites under regulation 28, as described above in respect of Article 6(3). This meets the obligations under Article 7 of the Habitats Directive to apply Article 6(3) of the Habitats Directive to special protection areas for birds.</p> <p>Regulations 29 and 36, as described above in respect of Article 6(4), apply to sites classified as special protection areas. This meets the obligations under Article 7 of the Habitats Directive to apply Article 6(4) of the Habitats Directive to special protection</p>	<p>Competent authorities</p> <p>Competent authorities</p> <p>Competent authorities</p>

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		areas for birds.	
11	Member States are required to undertake surveillance of the conservation status of habitats and species of wild fauna and flora of Community interest with particular regard to priority habitat types and priority species.	Regulation 50 requires the Secretary of State, the Scottish Ministers, and the Welsh Ministers to make arrangements for the surveillance required by Article 11. It also ensures that information relating to such surveillance is shared amongst administrations. This ensures that a co-ordinated approach is taken to surveillance measures across the UK.	Secretary of State in the offshore marine area, the Scottish Ministers in the Scottish offshore region and the Welsh Ministers in the Welsh offshore region
12(1)	Member States must establish a system of strict protection for those animal species listed in Annex IV(a) to the Directive in their natural range.	Regulation 45(1) provides the necessary protection through the creation of a number of criminal offences which relate to Annex IV(a) species whose natural range includes the offshore marine area. These species are listed in Schedule 1 to the Regulations and are known as European protected species (of animals). It is an offence to deliberately capture, injure, kill, or disturb (in a way set out in the Regulations) any of these animals, to deliberately take or destroy their eggs, or to damage, destroy or do anything to cause the deterioration of a breeding site or resting place of such an animal.	
12(2)	Member States are required to prohibit the keeping, transport and sale or exchange, and offering for sale or exchange, of specimens taken from the wild of all the animal species listed in Annex IV(a) to the Directive. The requirement does not apply in relation to specimens legally taken from the wild before the Directive is implemented.	Regulation 45(3) makes it an offence to keep, transport, sell or exchange, or offer for sale or exchange any live or dead wild animal of any the species or subspecies listed in Annex IV(a) (or any part of or anything derived from such an animal). Regulations 46(4) and 46(10) provide a defence to deal with the exception regarding specimens taken before the implementation of the Directive.	
12(4)	Member States are required to establish a system to monitor the	Regulation 52 requires the relevant administration to make arrangements to establish a system for monitoring	Relevant administration (defined in regulation 52(8)(b) as Secretary of

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	<p>incidental capture and killing of animals of the species listed in Annex IV(a).</p> <p>Member States are also required to take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned.</p>	<p>the capture or killing of Annex IV(a) animal species in the offshore marine area. From time to time the relevant administration must (a) consult the other administrations about monitoring arrangements, (b) provide the other administrations with information considered appropriate from the monitoring and (c) review the monitoring arrangements, and revise them as appropriate.</p> <p>Regulation 53 requires the Secretary of State, the Scottish Ministers, the Welsh Ministers, and any Northern Ireland Department, to make arrangements for further research or to ensure that conservation measures are taken with respect to the incidental capture or killing of Annex IV(a) animal species in circumstances where they consider it necessary in the light of monitoring under regulation 52 or otherwise for the purposes of Article 12(4).</p>	<p>State in the offshore marine area, the Scottish Ministers in the Scottish offshore region and the Welsh Ministers in the Welsh offshore region)</p> <p>Secretary of State, Scottish Ministers, Welsh Ministers or Northern Ireland Departments</p>
13(1)(b)	<p>Member States are required to establish a system of strict protection for wild plants of the species listed in Annex IV(b) to the Habitats Directive. The system must prohibit the keeping, transportation, sale, exchange and offering for sale or exchange of the protected species.</p> <p>The requirement does not apply to specimens legally taken in the wild before the Directive was implemented.</p>	<p>Regulation 49(1) makes it an offence to keep, transport, sell or exchange, or offer for sale or exchange any live or dead wild plant of any the species or subspecies listed in Annex II(b) or Annex IV(b) (or any part of or anything derived from such a plant).</p> <p>Regulations 49(4) and 49(6) provide a defence relating to the exception in Article 13(1)(b) for specimens taken before the Directive was implemented.</p>	
14	<p>In light of surveillance carried out under Article 11, Member States are required to take measures they deem necessary to ensure that the taking in the wild, and exploitation, of plants and animals of species listed in Annex V to the Directive is compatible with them being maintained at a</p>	<p>Regulation 51 imposes a duty on the Secretary of State, the Scottish Ministers, the Welsh Ministers, and any Northern Ireland Department to take measures, where considered necessary, in the light of surveillance carried out pursuant to regulation 50 or otherwise carried out for the purposes of Article 11, to ensure that the taking and exploitation in the wild of specimens of Annex V species is compatible with them being</p>	<p>Secretary of State, the Scottish Ministers, the Welsh Ministers, or any Northern Ireland Department</p>

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	favourable conservation status.	maintained at favourable conservation status. Where the Secretary of State, the Scottish Ministers, the Welsh Ministers, or any Northern Ireland Department considers that measures are necessary, he must make arrangements for surveillance to establish whether the taking in the wild or exploitation of specimens of the species concerned are compatible with its maintenance at favourable conservation status.	
15	Member States are required to prohibit the use of all indiscriminate means capable of causing local disappearance of, or serious disturbance to, populations of species listed in Annexes IV(a) and V(a) to the Directive. Member States are also required to prohibit the use of certain means or forms of taking or killing of the species listed in Annexes VI(a) and VI(b) to the Directive.	Regulation 47 makes it an offence to use for the purpose of capturing or killing European protected species of animals (i.e. Annex IV(a) species) and animals listed in Schedule 3 to the Regulations (Annex V animal species), any of the means that are specified in regulations 47(2)(c) and 47(2)(d), 47(3) and 47(4). In addition, in regulation 47(2)(b), it generally prohibits the use of indiscriminate means of killing or capturing that are capable of causing the local disappearance of, or serious disturbance to, a population of European Protected Species of animals or animals listed in Schedule 3 to the Regulations.	
16(1)	This Article allows for derogations to be made against the protection provided for under Articles 12, 13, 14 and 15. This is on the basis that there is no satisfactory alternative, the derogation is made for one of the purposes specified in Article 16, and provided that the derogation is not detrimental to the maintenance of favourable conservation status of the species concerned.	Regulations 55(5), 55(8) and 55(10) allow for the granting of licences legalising what would otherwise be offences under regulations 45, 47 and 49. Regulations 55(7) and 55(9) provide that no licence can be granted unless this is consistent with the conditions set out for making a derogation under Article 16.	Relevant administration (defined in regulation 55(15) as the Scottish Ministers in the Scottish offshore region, the Welsh Ministers in the Welsh offshore region and the Secretary of State (i) in any other part of the offshore marine area and (ii) for the activities set out in regulation 55(16)
16(2)	Member States are required to report to the Commission every 2 years on derogations under	Regulation 79 makes provision for the Secretary of State to send derogation reports to the Commission every two years.	Secretary of State

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	Article 16(1).		
17	Every six years member States are required to send progress reports to the Commission on the implementation of the Directive.	Regulation 79 makes provision for the Secretary of State to send reports on the implementation of measures under the Directive to the Commission for every six year period.	Secretary of State
18	Member States and the Commission are required to encourage necessary research and scientific work having regard to the objectives set out in Article 2 and the surveillance obligations in Article 11. There is a requirement for such research and work to be exchanged for the purpose of ensuring co-ordination of research at the member State and Community level.	Regulation 74 requires the Secretary of State, the Scottish Ministers, and the Welsh Ministers to take such steps to encourage research and scientific work as they consider necessary, having regard to the objectives in Article 2, and the obligations in Article 11, of the Directive. There is an obligation in regulation 74(2) to supply the Commission and other Member States information relating to the offshore marine area.	Secretary of State in the offshore marine area, the Scottish Ministers in the Scottish offshore region and the Welsh Ministers in the Welsh offshore region
22(a)	Member States are required to study the desirability of re-introducing native Annex IV species where this may contribute to their conservation. Such a species can only be re-introduced if an investigation has been carried out establishing that such re-introduction would contribute effectively to re-establishing the species at a favourable conservation status. The investigation must include a public consultation and take account of other member States' experience.	Regulation 76 requires the relevant administration to make arrangements for a study into the desirability of re-introducing native Annex IV species where he considers that such re-introduction might contribute to that species' conservation. It also contains provisions setting out the pre-conditions for re-introduction.	Relevant administration (defined in regulation 76(8) as the Scottish Ministers in the Scottish offshore region, the Welsh Ministers in the Welsh offshore region, and the Secretary of State in any other part of the offshore marine area)
22(b)	Member States are required to ensure that the deliberate introduction of non-native species is regulated so that it doesn't prejudice natural habitats or species in their natural range.	Regulation 54 makes it an offence to introduce into any relevant part of the waters in the offshore marine area any live animal or plant whose natural range does not include the offshore marine area. A 'relevant part' of the waters is any part where the introduction would give rise to a risk of prejudice to natural habitats within	

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		<p>their natural range or a risk of prejudice to wild native flora and fauna.</p> <p>This offence does not apply where: introduction results from to ballast water operations needed to secure the safety of a person or ship; and all reasonably practicable steps were taken to avoid discharging the water in an area which will have a negative impact on our native flora or fauna and to minimise any such negative impact.</p>	
22(c)	<p>Member States are required to promote education and general information on the need to protect wild species of wild fauna and flora and to conserve their habitats and natural habitats.</p>	<p>Regulation 75 makes provision for the Joint Nature Conservation Committee to take such steps as it considers appropriate to promote public awareness of, and disseminate information on, the need to protect species and conserve habitats found in the offshore marine area.</p>	<p>Joint Nature Conservation Committee</p>

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Directive 2009/147/EC on the conservation of wild birds			
Articles	Objectives	Implementation	Responsibility
2 3	<p>Member States shall take the requisite measures to maintain the population of the species referred to in Article 1 at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.</p> <p>Member States shall take measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all species of birds referred to in Article 1.</p> <p>The preservation, maintenance and re-establishment of biotopes and habitat shall include measures to: create protected areas; upkeep and manage in accordance with the ecological needs of habitats inside and outside the protected zones; re-establish destroyed biotopes; create biotopes.</p>	<p>Regulation 6(3) requires a competent authority to exercise its functions to secure the objective in regulation 6(4). That objective is the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds, including by means of the upkeep, management and creation of such habitat, as appropriate, having regard to the requirements of Article 2 of the Directive.</p> <p>Regulation 6(6) provides that in section 123(3)(a) of the Marine and Coastal Access Act 2009 (creation of network of conservation sites), the reference to “the conservation or improvement of the marine environment” includes the objective in regulation 6(4) and accordingly the duty in section 124 of that Act (to report on the section 123 network objective) applies in relation to the objective in regulation 6(4).</p> <p>Regulation 6(7) provides that account must be taken of economic and recreational requirements in considering which measures may be appropriate to secure or contribute to the objective in regulation 6(4).</p> <p>Regulation 22(2)(a) requires a management scheme for a European offshore marine site to set out how a competent authority proposes to exercise its functions so as to secure compliance with the Directive.</p>	Competent authorities (see definition in regulation 5)
4(1)	Member States are required to take special conservation measures for the habitats of the bird species listed in Annex I to the Directive. Member States are required to classify the most suitable territories as special	Regulations 12(1), 12(2)(a), 13(1), 13(2) and 13(3)(a) require the Secretary of State, the Scottish Ministers, and the Welsh Ministers to classify as special protection areas those sites which are most suitable in number and size for the conservation of the species listed in Annex I to the Directive.	Secretary of State in the offshore marine area, the Scottish Ministers in the Scottish offshore region and the Welsh Ministers in the Welsh offshore region

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	protected areas.		
4(2)	Member States are also required to take special conservation measures and classify special protection areas for regularly occurring migratory species not listed in Annex I to the Directive.	Regulations 12(1), 12(2)(b), 13(1), 13(2) and 13(3)(b) require the Secretary of State, the Scottish Ministers, and the Welsh Ministers to classify as special protection areas those sites which are most suitable in number and size for the conservation of regularly occurring migratory species not listed in Annex I to the Directive.	Secretary of State in the offshore marine area, the Scottish Ministers in the Scottish offshore region and the Welsh Ministers in the Welsh offshore region
4(3)	Member States are required to send the Commission relevant information about special protection areas so that it can take appropriate initiatives to co-ordinate and make sure that the areas form a coherent whole which meet the protection requirements of the Directive.	Regulation 12(4) sets out the information that the Secretary of State must provide to the Commission in relation to sites classified under regulations 12(1) and 13, and regulation 12(5) prescribes the format that must be used in supplying such information to the Commission.	Secretary of State
4(4)	In respect of special protection areas, Member States are required to take appropriate steps to avoid the pollution or deterioration of habitats or disturbance of birds that would be significant with regard to the objectives of the Directive. Note that this obligation has been superseded by Article 7 of the Habitats Directive (see table above).	In respect of special protection areas classified under Article 4(1) or (2) of the Directive, Article 7 of the Habitats Directive replaces obligations under Article 4(4) of the Directive with obligations under Article 6(2), (3) and (4) of the Habitats Directive. See table above for details of the transposition of the Habitats Directive.	
4(4)	Outside Article 4(1) and (2) protection areas, Member States are required to strive to avoid pollution or deterioration of habitats.	Regulation 26(11) requires a competent authority exercising any function in or in relation to the offshore marine area to use all reasonable endeavours to avoid any pollution or deterioration of habitats for wild birds.	Competent authorities

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5	<p>Member States are required to establish a general system of protection for all species of birds referred to in Article 1.</p>	<p>Regulation 40 provides the necessary protection through the creation of a number of offences which relate to wild birds (subject to certain exemptions).</p> <p>It is an offence: to deliberately keep, capture, injure or kill, any wild bird; to take, damage or destroy the nest of any wild bird (while it is in use or being built); or to keep, take or destroy an egg of any wild bird.</p>	
6	<p>Member States are required to prohibit the sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognisable parts or derivatives of such birds, in relation to all the bird species referred to in Article 1.</p> <p>The requirement does not apply to those species referred to in Annex III, Part A provided that the birds have been legally killed or captured or otherwise legally acquired.</p>	<p>Regulation 43 makes it an offence to be in possession of, to transport for the purpose of sale, to sell or to offer or expose for sale: any live or dead wild bird, or any part of, or anything derived from, such a bird; or an egg of a wild bird.</p> <p>Regulation 43(3) provides an exemption in respect of any bird species referred to in Part A of Annex III of the Directive, or any egg of such a bird, or anything derived from such a bird where the bird, egg or other thing was lawfully killed or taken, or had been lawfully sold or otherwise lawfully acquired.</p>	
8	<p>Member States are required to prohibit the use of all means, arrangements or methods used for the large-scale or non-selective capture or killing of birds or capable of causing the local disappearance of a species, in particular the use of those listed in Annex IV, point (a).</p> <p>Member States are required to prohibit any hunting from the modes of transport and under the conditions mentioned in Annex IV, point (b).</p>	<p>Regulation 42(1) makes it an offence to use for the purpose of capturing or killing any wild bird any of the means specified regulation 42(2) or any other means which is indiscriminate or capable of causing the local disappearance of any species of wild bird. It also makes it an offence to use for the purpose of capturing or killing any wild bird any means of capturing or killing from a mechanically propelled vehicle while in immediate pursuit of a wild bird.</p>	

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9	<p>This Article allows for derogations to be made against the protection provided for under Articles 5, 6, 7 and 8. This is on the basis that there is no satisfactory solution and the derogation is made for one of the purposes specified in Article 9.</p>	<p>Regulations 55(1), 55(3) and 55(5) allow for the granting of licences legalising what would otherwise be offences under regulations 40, 42 and 43. Regulations 55(2) and 55(4) provide that no licence can be granted unless there is no alternative solution and it is consistent with the conditions set out for making a derogation under Article 9.</p>	<p>Relevant administration (defined in regulation 55(15) as the Scottish Ministers in the Scottish offshore region, the Welsh Ministers in the Welsh offshore region and the Secretary of State (i) in any other part of the offshore marine area and (ii) for the activities set out in regulation 55(16)</p>
10	<p>Member States shall encourage research and any work required as a basis for the protection, management and use of the population of all species of bird referred to in Article 1. Particular attention shall be paid to research and work on the subjects listed in Annex V.</p> <p>Member States shall send the Commission any information required to enable it to take appropriate measures for the coordination of such research and work.</p>	<p>Regulation 74 requires the Secretary of State, the Scottish Ministers, and the Welsh Ministers to take such steps to encourage research and scientific work as they consider necessary for the purposes of the protection or management, and in relation to the use, of any population of wild birds.</p> <p>There is an obligation in regulation 74(2) to supply the Commission information relating to the offshore marine area.</p>	<p>Secretary of State in the offshore marine area, the Scottish Ministers in the Scottish offshore region and the Welsh Ministers in the Welsh offshore region</p>