

# Risk-based Management: Adoption and Implementation

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## Objectives

- Determine current national **consenting practices**, operational experiences and difficulties;
- Compare and contrast **approaches to implementation** of overarching EU legislation such as EIA, Birds & Habitats Directives, etc.
- Introduce **risk-based management** approaches using the Survey, Deploy & Monitor (SDM) methodology as an example;
- Discuss the potential legal and regulatory **issues potentially associated with implementation** of a risk-based management approach, and
- Identify **what is required** to enable a risk-based management approach



## National Processes

- **Uncertainty** regarding roles, processes, application and interpretation of legislation across all participating Member States.
- **Fragmentation** between Government Departments and lack of synergy with on-shore planning.
- **Co-operation, co-ordination and communication** mechanisms between authorities.
- **Guidance** is needed to support and inform the consenting process.



## EU Legislation

- Different countries are implementing certain EU legislation **more strongly** than in others
- **Coherency** across nations and consistency within countries
- **EIA** is too formulaic – does not help to clarify uncertainties
- Mechanisms to **transfer knowledge** from one country to another especially regarding priority species
- Clear need for **improved datasets** – accessibility and interoperability of data is an issue.



## Role of Regulators

- Balance between regulators need for **certainty** and developers need for **flexibility**
- View that MRE is **experimental** rather than commercial in some countries
- **Guidance** – statutory or not?
- In the absence of regulatory guidance what fills the gap?
- Involvement and collaboration with the scientific community: **science-policy** interface



## Survey, Deploy and Monitor

### Positives:

- SDM merely **guides** on what pre-consent environmental information may be required.
- Maps generated for SDM might reveal potential issues early on, which would **assist developers** in planning their projects.
- SDM can offer developers of small, low-risk projects a **reasonable possibility** that only one year of survey work will be required.



## Survey, Deploy and Monitor

### Limitations:

- SDM may not offer **sufficient certainty** to enable developers to convince backers of the viability of the project.
- SDM is not suitable or should not be applied to **large-scale** (mega) projects.
- The possibility of a competent authority **funding** part (or all) of the pre-consent survey work should be further explored.
- Needs a strong data and information base before being adopted.
- SDM could act as a way of transferring knowledge from developers to regulators.



## Conclusions

- If there is RBM, **information** on how it is implemented needs to be available to developers and scientists.
- Decision to **formally adopt** RBM will depend on national situation and capacity.
- Needs to be **common** terminology and definitions – and agreement on them!
- Link between risks identified and subsequent environmental monitoring / mitigation measures.

