

Action plan to protect marine ecosystems for sustainable fisheries

SUMMARY

On 21 February 2023, the European Commission published a 'fisheries and oceans' package, including an action plan for reconciling marine protection and fisheries. With this plan, the Commission is hoping to achieve more consistent implementation of EU environmental and fisheries policies. The main aim is to make fishing practices more sustainable by improving gear selectivity and reducing impacts on sensitive species (such as dolphins) and the seabed.

On seabeds, the Commission is calling for a ban on mobile bottom fishing in marine protected areas (MPAs) by 2030. To address the negative socio-economic impacts of this, it is proposing measures to ensure a 'just transition' (by making better use of EU funding instruments, in particular for innovation – for instance, to develop new techniques – and for diversification of economic activities).

The Commission presented the action plan to the European Parliament's Committee on Fisheries (PECH) on 1 March 2023 and the EU Commissioner for Environment, Oceans and Fisheries provided additional clarifications at the PECH meeting on 26 April 2023. Key to the debate is the legal framework for the proposed actions. Environmental policy is a shared competence of the Member States and the Union, and the Marine Strategy Framework Directive (MSFD) introduced an integrated approach to the marine ecosystem. To achieve the MSFD objectives, Member States need to adopt national measures, such as better protection and conservation of seabed habitats and reduction of bycatch from fisheries.

According to the Commission, the proposed measures are intended to implement existing environmental legislation. They are non-binding recommendations for national plans – roadmaps to be drawn up by Member States – to explore ways to reduce the environmental impact of fishing. When it comes to the common fisheries policy, regionalisation would be the appropriate instrument. This means taking regional differences and different levels of government into account when making decisions. The PECH committee is currently preparing an own-initiative report on the action plan.



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Introduction

On 21 February 2023, the Commission published a ['fisheries and oceans' package](#) consisting of four communications: two reports on the functioning of existing policies, and two papers proposing actions in the light of the [European Green Deal](#).

- The two evaluation reports assess [the functioning of the common fisheries policy \(CFP\)](#) and the [functioning of the common organisation of the markets \(CMO\) in fishery and aquaculture products](#). Both reports are legal obligations under Article 49 of the [CFP Regulation](#) and Article 48 of [CMO Regulation](#).
- The two other communications are [on the energy transition of the EU fisheries and aquaculture sector](#) and on [reconciling marine protection and fisheries](#).

This briefing provides an overview of the latter communication – **'Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries'** – hereinafter referred to as 'the action plan'. The [action plan](#) was published together with a [synopsis](#) of the targeted consultation.

Background

Under the EU Treaties, the 'conservation of marine biological resources' falls under the exclusive competences of the EU. This means that Member States cannot legislate on matters referring to marine fisheries resources. Such legislation is implemented through EU regulations directly applicable in the Member States, and forms the core of the CFP. Environmental policy, on the other hand, is a shared competence of the EU and its Member States. Therefore, EU environmental law is mainly in the form of directives. These are legally binding on the Member States in terms of their objectives and deadlines for implementation, but they must first be transposed into national law.

In EU fisheries policy, the current CFP framework, resulting from the 2013 reform, aims to ensure that EU fisheries are sustainable – environmentally, economically and socially. The reform introduced the objective of keeping exploitation of all stocks at sustainable levels and provided several major tools to support progress towards this goal. One of these was the regionalisation of decision-making. This means that there is the possibility to take measures in a specific sea basin on the basis of joint recommendations from the Member States concerned. According to the action plan, this 'regional approach' is the appropriate CFP instrument to implement conservation measures in fisheries management, as it takes account of regional differences and the different layers of competence at all levels of governance (national and local, regional and EU level).

In EU environmental policy, the Marine Strategy Framework Directive ([MSFD](#)), in force since 2008, provides the overall EU framework for marine protection. It required Member States to define and implement measures to achieve 'good environmental status' (GES) in their marine waters by 2020, and addresses various pressures such as eutrophication, marine litter, incidental by-catch and damage to the seabed.

According to the [2020 implementation report](#) on the MSFD, putting into practice the objectives of both the MSFD and common fisheries policy would improve the protection of fish stocks, biodiversity and habitats. It mentions that while information about the (commercially exploited) fish stocks is more or less available under the common fisheries policy, other criteria such as the mortality of (sensitive) species linked to incidental by-catch or the physical disturbance to the seabed by fishing activities are not systematically reported by Member States.

In May 2020, the Commission published its [2030 EU biodiversity strategy](#) as part of the European Green Deal. In this strategy, the Commission announced an 'action plan to conserve fisheries resources and protect marine ecosystems'. It was originally planned for 2021. The strategy announced that the action plan would 'limit the use of fishing gear most harmful to biodiversity, including on the seabed' and would look at how to 'reconcile the use of bottom-contacting fishing

gear with biodiversity goals, given it is now the most damaging activity to the seabed'. This would be done in 'a fair and just way for all', with the European Maritime and Fisheries Fund ([EMFAF](#)) supporting the transition to more selective and less damaging fishing techniques.

The long-awaited action plan was finally published only in February 2023, as part of the aforementioned package. With the action plan, the Commission aims to achieve more consistent implementation of EU environmental and fisheries policy, while also contributing to the objective of legally and effectively protecting **30%** of EU marine waters by 2030 (as set out in the 2030 EU biodiversity strategy). The action plan also addresses shortcomings identified in the special report of the European Court of Auditors (ECA) on the marine environment entitled '[Marine environment: EU protection is wide but not deep](#)'. Marine protected areas ([MPAs](#)) – geographically distinct zones for which conservation objectives are set – are a globally recognised tool for the management and enhancement of marine ecosystems. They set conservation objectives through a variety of protective measures, including fishing restrictions. However, according to the ECA report, MPAs in the EU provide limited protection in practice.

In the light of its latter objective, ahead of its action plan in September 2022, the Commission adopted an implementing act to limit bottom trawling in deep-sea fisheries (by closing 87 sensitive zones to all bottom fishing gear), with the aim of protecting vulnerable marine ecosystems (VMEs) at depths of between 800 and 400 metres (see box).

Deep-sea fisheries – Ban on bottom trawling

In line with the [Regulation 2016/2336](#) on deep-sea fisheries (the Deep-sea Access Regulation), the Commission adopted an implementing act on [15 September 2022](#) closing **87 sensitive zones** to all bottom fishing gear in the EU waters of the North-East Atlantic. The Deep-sea Access Regulation already banned bottom trawling below 800 metres in 2016 and, with the new act, the Commission implemented Article 9 of that regulation to protect vulnerable marine ecosystems (VMEs) at depths of between 800 and 400 metres. The new rules are based on [scientific advice](#) from the International Council for the Exploration of the Sea (ICES) and entered into force on 9 October 2022.

Specifically, the implementing act closed 87 areas, located off the coasts of Spain, France, Ireland and Portugal, to all bottom fishing gears (i.e. bottom trawls, dredges, bottom-set gill nets, bottom-set longlines, pots and traps). The total area of the closures is 16 419 km², representing 1.16% of the EU waters of the North-East Atlantic, and 17% of the part of these waters between 800 and 400 metres deep.

The Commission requested further [ICES advice](#) on where VMEs are known to occur or are likely to occur (VMEs as listed in the Deep-sea access Regulation). The [advice](#) was published on 18 April 2023. At the PECH meeting of 26 April 2023, the EU Commissioner noted that the total area covered by VMEs appears to be smaller (although there could also be some extensions of areas) and clarified that now an opinion from the Commission's Scientific, Technical and Economic Committee for Fisheries (STECF) will follow, expected in July 2023, after which the Commission may possibly amend the implementing decision in autumn 2023.

The action plan

Objectives

As summarised in the [questions and answers](#), published together with the press release on the action plan, the main aim of the plan is make fishing practices more sustainable, by moving towards more selective fishing gear, using technological innovations to prevent incidental catches of sensitive species, and gradually phasing out mobile bottom fishing in all MPAs by 2030.

To achieve these objectives, the action plan presents a series of actions grouped around the following five themes:

- making fishing practices more sustainable, by
- improving **gear selectivity** and reducing the impact of fisheries on **sensitive species**;

- reducing the impact of fisheries on the **seabed**;
- securing a fair and just transition for all (i.e. addressing the **socio-economic impact**);
- strengthening the knowledge base and research and innovation;
- monitoring and enforcement;
- **governance**, stakeholder involvement and outreach.

An overview of these actions can be found in the following sub-chapters.

Fishing practices: Gear selectivity and sensitive species

Measures that determine how, where and when fishers are allowed to fish fall under [Regulation 2019/1241](#) (the **Technical Measures Regulation**). This regulation establishes basic rules for selective fishing in each sea basin, for example by specifying the mesh sizes of fishing nets (to catch only fish of certain sizes) and through spatial or time-related closures of fishing areas (to protect fish spawning and nursery areas and to reduce impacts on sensitive habitats, in particular the seabed).

While fish and other marine species face multiple threats (overfishing, pollution, climate change, and disturbance or destruction and degradation of their habitats), for some, **incidental capture** in fishing gear is one of the greatest threats. **Vulnerable species** – including several sharks, sea turtles, marine mammals and seabirds – are at the greatest risk. While work to improve the protection of sensitive species across the EU's marine regions is in progress, the Commission believes that more needs to be done to meet the commitments made under the EU's 2030 biodiversity strategy.

The Commission is therefore calling on Member States to take full advantage of CFP measures, such as the combination of **fisheries closures** and the use of **acoustic devices**, which, according to [scientific advice](#), would help the recovery of dolphins and porpoises. Member States should improve monitoring systems to identify the extent and distribution of incidental by-catches, in particular of the marine mammals that die every year because of entanglement in fishing gear.

Achieving and maintaining fisheries at **maximum sustainable yield** levels (MSY, i.e. the largest amount of fish that can be taken from a stock without affecting its reproduction) is a key principle of the CFP and contributes to the GES of commercial fish stocks. In addition to limiting catches, this should be achieved through **highly selective fishing gear** – so that fishers catch only targeted species and only certain quantities, ages and sizes of these species – and protecting important **fish spawning grounds and nursery areas**. This requires joint action by Member States to pursue and accelerate work on national measures and joint recommendations on the take-up of new innovative practices. The Commission would also support Member States by seeking scientific advice on how to improve fishing patterns, and, where necessary, using implementing powers under the Technical Measures Regulation on gear design.

Particular importance would be given to critically endangered species that are commercially fished, in particular the **European eel**.

In short, the actions relating to 'improving gear selectivity and reducing the impact of fisheries on sensitive species' can be summarised as follows.

- The Commission calls on Member States to:
 - develop thresholds and related national measures or joint recommendations to reduce incidental catch mortality for vulnerable species (with deadlines depending on the species, for instance the end of 2023 for the common dolphin in the Bay of Biscay);
 - improve the protection of European eel by adopting or updating existing eel management plans under the [Eel Regulation](#) (by July 2024);
 - update MSFD national programmes of measures to include appropriate measures against the loss of fishing gear and related marine litter (by March 2027);

- implement new gear to reduce catches of small fish, implement location or time-specific fishing closures on concentrations of small fish, create and effectively manage MPAs to ensure protection of fish spawning or nursery grounds (by 2030).
- On the action plan, the Commission would:
 - request, in 2023, scientific advice on both the optimum sizes of fish that can be caught in fishing gear, in order to obtain the highest long-term yield, and on how to improve fishing gear (taking into account selectivity and the mix of targeted species);
 - assess the catch and sale of endangered species as part of the implementation report on the Technical Measures Regulation (by end of 2024);
 - prepare implementing rules under the Technical Measures Regulation to improve the gear selectivity, develop specifications for turtle excluder devices in shrimp trawls in EU waters of the Indian Ocean and the Western Atlantic, and establish rules on bird-scaring lines in all sea basins (by end of 2024);
 - limit incidental catches of certain species by means of available CFP tools (such as the Annual Fishing Opportunities Regulations, in line with scientific advice and in accordance with the above thresholds to be set by Member States.

Fishing practices: Impact of fisheries on the seabed

The second and most controversial set of actions under the 'fishing practices' heading seeks to reduce the impact of **fishing on the seabed**. Healthy seabed habitats are an important part of healthy marine ecosystems and fishing with mobile bottom-contact gear, especially **bottom trawling**, is considered one of the harmful activities to the seabed. According to the action plan, 79 % of the coastal seabed is considered to be physically disturbed, mainly as a result of bottom trawling. There is also growing recognition of the role of seas and oceans as a [natural carbon sink](#) and bottom-contact gear can release large amounts of carbon stored in the seabed into the water.

The action plan therefore includes actions aimed at reducing bottom-contact fishing, which would bring major benefits for ecosystems and society, including fisheries, 'by restoring fish stocks and increasing fish biomass'. As regards the current legal framework, the Commission points to the [MSFD Directive](#), which 'requires Member States to take measures on seabed protection to achieve GES' and to the measures that Member States must take in marine 'Natura 2000' sites to contribute to achieving or maintaining the 'favourable conservation status' of certain seabed habitats. The Commission also points to the existing restrictions that have already been introduced under the CFP (for example through restrictions under the Deep-sea Access Regulation or the Technical Measures Regulation). However, the Commission believes that more needs to be done as bottom fishing is widespread in EU waters, 'including in many Natura 2000 sites and other MPAs'. According to the action plan, the seabed habitats in MPAs should be urgently protected and restored, especially given their importance as hotspots of marine biodiversity.

As a target, the Commission is calling for a **ban on mobile bottom fishing in all MPAs by 2030**. To begin with, by the **end of March 2024**, Member States would need to adopt national measures or propose joint recommendations to ban mobile bottom fishing in the MPAs that are Natura 2000 sites – designated under the Habitats Directive – that protect the seabed and marine species (**i.e. MPAs with seabed objectives**). In addition, mobile bottom fishing should not be allowed in newly established MPAs.

In preparation of the action plan, the Commission requested scientific advice (see box), namely on a spatial analysis of mobile bottom-contact fishing in MPAs and on the economic impact of the actions envisaged.

Spatial analysis of mobile bottom-contact fishing in MPAs

The Scientific, Technical and Economic Committee for Fisheries (STECF) published a report on 17 June 2022 at the request of the Commission ([STECF-OWP-22-01](#): 'Support of the action plan to conserve fisheries resources and protect marine ecosystems') on mobile bottom contact fisheries and MPAs. More specifically, the study performed a **spatial analysis** of fishing effort and landings data – as provided by the Member States under the EU Data Collection Framework (DCF) – in combination with the spatial data of the different types of MPAs defined in EU waters. The main objective of the exercise (carried out by ad hoc contractors) was to assess the overlap between fishing activities with bottom towed gears and MPAs, as a step towards quantifying the effects on fisheries of the enforcement of protection measures.

However, the STECF concluded that:

- the **spatial data resolution** of fisheries dependent information (FDI) data is **too coarse** and **does not allow a full assessment** of the overlap between fishing activities and MPAs;
- there are uncertainties remaining about which MPAs are included or and which are not;
- a single quality-checked **unified MPA layer** (i.e. a 'shapefile') would be best computed and maintained by EU Commission services or agencies, including all the MPAs of international and national relevance (such a shapefile should also include the type of protection for each polygon of the MPAs - e.g. cetaceans, Natura 2000, etc. – to allow analysis of the potential impact of fishing activity by typology of protection);
- aggregating fishing days **across all vessel categories** (length and gear types) is **not an accurate descriptor** of the actual bottom impact of the bottom contacting gears.

Impact on fisheries of reducing bottom trawling

The Commission also requested the advice of the International Council for the Exploration of the Sea (ICES) on the impact on fisheries of restricting bottom fishing. On 24 June 2021, ICES published its '[special request advice](#)' in response to a request from the Commission on 'how management scenarios to reduce mobile bottom fishing disturbance on seafloor habitats affect fisheries landing and value'. The advice was preceded by two workshops, the first of which was a stakeholder workshop (see also stakeholder views below) and the second was a [technical workshop](#).

The advice includes maps on the distribution of bottom trawling and core fishing grounds. More specifically, the ICES established the fishing pattern for bottom trawling over the period 2013 to 2018 in four regions: the Baltic Sea, the Greater North Sea, the Celtic Seas and the Bay of Biscay and Iberian Coast. It then modelled the impact of reducing bottom trawling. The modelling shows that closing the 'least bottom trawled areas', leads to a large fraction of untrawled habitats and a strongly reduced impact. This would be achieved at a much lower cost to fisheries compared with starting with the highly bottom trawled areas. The loss (in %) of fishing effort associated with these closures is shown in a table. The results show, for example, that collectively for the four regions, the removal of less than 10 % of the total bottom trawling effort (by closing lightly trawled fishing grounds) would increase the total untrawled area to more than 40 % (in each MSFD broad habitat type in each subdivision). The loss of fishing value would vary among fishing métiers and may disproportionately impact local fisheries in certain areas (e.g. the English Channel). The [detailed report](#) from the technical workshop includes a chapter on the economic aspects, by assigning (estimates of) revenues and costs to spatial units (only for the Greater North Sea, Baltic Sea and Celtic Seas).

The ICES advice also mentions benefits for fisheries, such as the potential spillover of fish from areas closed to fishing to those that remain open, an increase in fish abundance and an improved catch per unit of fishing effort. Indirect effects are enhanced resilience and adaptation capacity to climate change and better carbon storage capacity of seabed habitats.

The actions geared towards 'reducing the impact of fisheries on the seabed' can be summarised as follows.

- The Commission calls on Member States to:
 - develop thresholds and related national measures or joint recommendations on the 'maximum allowable extent of seabed that can be lost or adversely affected by human pressures' (by the end of 2023);
 - adopt national measures or joint recommendations to ban mobile bottom fishing in those MPAs that are Natura 2000 sites designated under the Habitats Directive that protect the seabed and marine species, and provide a detailed planning on how these contribute to the phase-out by 2030 (by the end of March 2024);
 - adopt national measures or joint recommendations to ensure that mobile bottom fishing is phased out in all MPAs by 2030.
- The Commission would:
 - monitor and track progress on the joint recommendations;
 - support the uptake of innovative solutions aimed at limiting the impact of bottom fishing, building on a request for ICES advice, expected by the end of 2023.

Securing a fair and just transition for all

While the above-mentioned actions would bring long-term benefits to fisheries, the gradual phasing-out of mobile bottom fishing in MPAs would have negative socio-economic consequences on operators and fishing communities. Therefore, a 'just transition' would have to be ensured.

According to the action plan, the impacts could be partially offset by relocating to other fishing areas or by economic diversification (via opportunities in other blue economy sectors).

Nevertheless, the transition would need to be gradual and Member States would need to factor in the needs of local communities, which may involve financial support through various EU funds, notably EMFAF and the EU's funding instrument for the environment and climate action ([LIFE](#)). The action plan also points to the increased energy prices, whereby a gradual shift from fuel-intensive bottom trawling to less energy-intensive fishing methods may also generate major savings.

The listed actions related to ensuring a just transition can be summarised as follows.

- The Commission calls on Member States to take measures to ensure that sufficient financial resources are made available by strategically mobilising available funds (including through projects that support the use of less damaging fishing techniques or projects that implement the Natura 2000-network).
- The Commission would:
 - facilitate access to funding opportunities by organising a workshop for Member States in 2023, working closely with Member States on EMFAF and LIFE implementation, and implement smart specialisation strategies ([S3](#)) to prioritise regional research and innovation in the blue economy (including fisheries);
 - set up grants (with a value of over €7 million) under the part of the EMFAF budget that is directly managed by the Commission, in order to support projects contributing to the development of skills and careers in the blue economy.

Strengthening the knowledge base and research and innovation

Member States use various instruments to **collect data** on marine ecosystems and related pressures, in particular through [Regulation 2017/1004](#) (the Data Collection Framework (DCF) Regulation on the collection of fisheries data), the monitoring programmes under the MSFD, and the [Birds](#) and [Habitats](#) Directives. However, according to the action plan, more data is needed to assess the impact

of fishing on habitats and species, including of incidental by-catch and recreational fisheries. The [Fisheries Control Regulation](#) –under revision– could also contribute to better data collection.

More research and data collection is also needed on the status of the seabed and the **impact of fisheries on seabed habitats**, including the distribution of bottom-contact fishing activities and their impact on carbon stored in seabed sediments. The Commission is planning to launch a study to quantify the carbon storage capacity of different seabed habitat types and the potential impacts of bottom fishing on this capacity. The Commission would also develop a tool to incorporate the concept of **natural capital** in economic decisions, including by quantifying the economic value of marine ecosystems and the socio-economic costs and benefits of keeping them healthy.

The Commission would also seek related scientific advice from bodies such as ICES and the Scientific, Technical and Economic Committee for Fisheries (STECF), while the European Environment Agency (EEA) would provide essential support for the implementation of the action plan (including on tracking fisheries management measures in MPAs). Free and open marine data, provided through the European Marine Observation and Data Network (EMODnet) or the [EU's Copernicus Marine Service](#) would also provide valuable support in building a knowledge base.

Under [Horizon Europe](#), the EU's research programme, the EU funds research and innovation projects to support the sustainability of fisheries and the conservation and restoration of marine biodiversity, in particular through its mission to '[Restore our ocean and waters by 2030](#)' (the oceans and waters mission). Such missions are a novelty in the Horizon Europe programme and the oceans and waters mission promotes practical solutions to address ocean challenges and supports regional cooperation through [lighthouse projects](#) in major sea and river basins. Support for data collection, research and innovation is also available through the EMFAF and LIFE programmes.

The actions mentioned in the field of knowledge and research can be summarised as follows.

- The Commission calls on Member States to:
 - stimulate innovation in fishing gear, patterns and practices by using dedicated national and EU funding, in particular for research and stakeholder involvement;
 - define objectives and specific data needs for each sea basin to monitor the impact of fishing on ecosystems and carbon sequestration (by the end of 2023);
 - submit updated national DCF work plans to improve planning and data collection efforts, including on by-catch of sensitive species and the impact of fishing on the seabed (by the end of 2024).
- The Commission would:
 - promote the use of funding for advice, research and innovation, in particular through Horizon, EMFAF and LIFE, and on the topics of innovative fishing gear and techniques to address incidental by-catch, the quantification of seabed carbon sequestration capacity and the potential impacts of bottom fishing;
 - developing a modelling tool to incorporate the concept of 'natural capital' into economic decisions (by the end of 2023);
 - bring together the seven EMODnet's thematic areas of bathymetry, geology, seabed habitat, chemistry, biology, physics and human activities on a single portal, to improve visibility and user friendliness (by the end of 2023);
 - launch a study quantifying the EU's seabed carbon storage capacity and the possible impacts of bottom-fishing activities on this capacity (in 2024);
 - start preparatory work for the development of an interactive platform on selective and innovative fishing gear, sharing knowledge and good practices (in 2024);
 - develop solutions through the Horizon Europe 2025-2027 work programmes to conserve fisheries resources and marine ecosystems by creating MPAs and by reducing pollution and the environmental impact of fishing (by the end of 2025).

Monitoring and enforcement

Rules for monitoring and enforcement of the CFP are laid down through the fisheries control system, of which [Regulation 1224/2009](#) (the Control Regulation) forms the core. The latest [implementation report](#) on the Control Regulation provides the state-of-play on enforcement action taken by the Commission between 2015 and 2019. As mentioned above, fisheries control is currently under review (the subject of interinstitutional negotiations) and the new system aims to modernise and strengthen the existing system.

As announced in the [biodiversity strategy](#), the Commission would also step up implementation and enforcement of EU environmental law. For example, on implementation of the MSFD, the Commission has so far focused on reporting requirements but would now pursue more substantive cases of incorrect implementation of the directive. In the context of the ongoing review of the directive, the Commission would also assess the need to clarify certain legal obligations. As for the Birds and Habitats Directives, enforcement would focus on the completion and effective management of Natura 2000 sites and on species-protection provisions (e.g. avoidance of by-catch).

The Commission also proposes that the next work programme of the European Fisheries Control Agency ([EFCA](#)) should contribute specifically to the objectives of the action plan.

In short, the actions on monitoring and enforcement can be summarised as follows.

- The Commission calls on Member States to:
 - improve the monitoring of fisheries (in the context of the update of the Control Regulation, e.g. through remote electronic monitoring, improved catch registration, reporting of sensitive species), using their EMAF budget;
 - allocate sufficient resources to assess compliance with environmental and fisheries rules and review the measures needed to implement the action plan.
- The Commission would:
 - continue to work with the co-legislators to achieve swift adoption of the new Control Regulation;
 - step up enforcement of environmental and fisheries rules, for example through infringement proceedings and audits and monitoring of national plans;
 - revise the [Commission Implementing Decision](#) establishing specific control and inspection programmes (SCIPs) in order to align it with the action plan (by 2024);
 - work with EFCA to align the [EFCA joint deployment plans](#) with the revised SCIPs and to align the EFCA's future work programme with the objectives of the action plan.

Governance, stakeholder involvement and outreach

The CFP Regulation, notably its Article 11 'Conservation measures necessary for compliance with obligations under Union environmental legislation' establishes a link between fisheries and environmental policy. This article provides that Member States may submit joint recommendations for conservation measures – as part of fisheries management – in their sea basins. According to the action plan, this regionalisation of decision-making has worked well in certain areas of the CFP (e.g. on the landing obligation or on technical measures), but has progressed very unevenly when it comes to fisheries management measures in marine Natura 2000 sites. According to the action plan, the joint recommendations for fisheries measures within MPAs only started to accelerate from 2021, but the overall number is still very low and their conservation scope limited. The Commission therefore proposes that Member States prepare and publish roadmaps (covering national measures and joint recommendations), necessary to fulfil the objectives of the action plan. The Commission would therefore provide Member States with guidance to facilitate the preparation of the roadmaps. Furthermore, to support the process, the Commission would set up a new 'joint special group', with stakeholders as observers. This group would hold a first meeting in autumn 2023.

A brief summary of the governance actions mentioned is given below.

- The Commission calls on Member States to:
 - prepare and publish roadmaps with measures and joint recommendations needed to implement the action plan, including proposals to improve coordination between national authorities and stakeholders (by the end of March 2024).
- The Commission would:
 - establish a 'joint special group', with stakeholders as observers, specifically tasked with providing the Commission and Member States with support (in 2023);
 - adopt a guidance document on Natura 2000 and fisheries (by the end of 2024);
 - keep the Parliament, the Council, the Economic and Social Committee and the Committee of the Regions up to date on the implementation of the action plan.

In the first half of 2024, the Commission would adopt its second report on the Technical Measures Regulation. This would feed into the mid-term review of the biodiversity strategy (also due in the first half of 2024), which would assess progress on implementing the action plan.

Stakeholder views

In March and April 2021, in preparation of its **special request advice**, ICES organised two **workshops** (a stakeholder workshop and a technical workshop, see also the box above): the stakeholder [workshop](#) aimed to obtain inputs from stakeholders on how to quantify fisheries value and seabed impacts, on the management options to reduce the impact of bottom-fishing on seabed habitats, and on how to present the trade-offs. Representatives from fisheries organisations, environmental non-governmental organisations (NGOs) and governments discussed each of these topics. No attempts to reach consensus were made. All groups mentioned the importance of maintaining ecosystem services and protecting sensitive habitats. Most **fisheries representatives** expressed a preference for avoiding spatial closures and favouring **technical gear modifications** instead. **Environmental organisations**, on the other hand, preferred **spatial exclusions** as a priority management measure. All groups agreed that **prioritising 'low fishing effort areas'**, when closing areas for fishing, was the best approach to minimise seabed impact while maximising fisheries value. Freezing trawling to a historic footprint was not preferred by any of the groups. The participants generally preferred maps over figures as a means of presenting trade-offs.

In September 2022, [more than 200 scientists](#) signed a [statement calling for a ban](#) on bottom trawling in the EU's MPAs. According to the statement, bottom trawling and other industrial extractive activities are conducted in 59 % of the EU's MPAs, putting vulnerable species at high risk and affecting biodiversity. The statement states that 'no-take MPAs' can increase adjacent fishery catches and ensure the long-term profitability of local fisheries, while the prohibition – and the transition to low-impact fisheries – can be financed by redirecting EU fisheries subsidies. To achieve the greatest ecological and economic benefits, bottom trawling should not be relocated elsewhere.

A [policy briefing](#) published in May 2021 from the Stockholm University Baltic Sea Centre looks at the extensive effects on marine life and seafloor integrity of bottom trawling and recommends establishing **more and larger trawl-free areas**, encompassing all types of seabed habitats, and using alternative gears, such as **passive gears** or **trawls with less impact** on the seabed.

A [report](#) by the New Economics Foundation includes a **costs and benefits analysis** for a bottom fishing ban in MPAs. It concludes that the costs of implementing a ban outweigh the benefits in the first two years. However, from year 3 onwards, there would be an annual net benefit, which rises sharply up to year 5, as the ecosystem service impacts would become increasingly more pronounced.

The European bottom fisheries alliance ([EBFA](#)) was founded in March 2022 by fishing organisations to support the use of active bottom gears. According to the organisation, it represents some 7 000 vessels from 14 countries, accounting for **25 % of EU landings**. In a joint [press release](#) with

[Europêche](#), a fishing industry association, the organisation states that the proposed ban would have one clear beneficiary, namely non-EU bottom trawlers, as those vessels would fill in the supply gap. The organisation welcomes the proposal of the action plan to channel the process through **regionalisation** (instead of a legally binding law at EU level), however, it criticises the 'political' proposal that any new MPA designation would automatically exclude bottom fishing. According to the organisation, MPAs offer different degrees of protection and may be established for the conservation of other natural resources such as mammals, birds or turtles, not the seabed. The EBFA therefore considers the prohibition by default of mobile bottom gears in MPAs as disproportionate, unjustified and not based on the best available science. According to the organisation, there would be no recovery/spill-over effect since '99 % of the landings from EU managed stocks in the North-East Atlantic come from species fished at maximum sustainable yield level'. As an economic value, the organisation notes that a potential ban of mobile bottom gears in current MPAs (covering roughly 10% of EU waters) may cause an overall economic impact of around **€870 million per year**.

Several environmental organisations welcome the action plan, while also voicing elements of criticism. [Bloom](#) criticises the **very long delay** in adopting the action plan and considers the measures proposed as weak (not legally binding), with the only real step forward being the proposed **ban on bottom fishing** in MPAs. NGO [Oceana](#) believes that banning bottom trawling in all MPAs should have been 'an immediate minimum requirement' and is disappointed that the action plan does not propose precautionary management solutions to limit the impact of fishing on important blue carbon habitats. The [International Fund for Animal Welfare](#) focuses on the **incidental by-catch of sensitive species** (such as birds, dolphins and harbour porpoises). According to the organisation, the tools and solutions used to protect those species already exist, but the action plan lacks concrete steps for implementation and enforcement. Similarly, [BirdLife](#) focuses in its statement on the incidental by-catch of seabirds. According to BirdLife, EU countries have largely failed in their obligations to address this issue and the Commission does not take legal action to address it. The organisation [Seas at Risk](#) also believes that the Commission should be more determined to use its powers to ensure that dolphins, whales and sharks are properly protected, as required by legislation, and regrets that the ban on bottom trawling in all MPAs would **only become mandatory by 2030**. The NGO [Our Fish](#) welcomes the proposal to **map seabed carbon and the impact of bottom trawling** in EU waters but considers the proposal as too little and too slow.

On the implementing act closing 87 **deep-sea areas** to bottom trawling, the government of Spain has filed an [appeal for annulment](#) to the Court of Justice of the EU. According to Spain, the measure is disproportionate, has not considered the possible impacts on the fishing fleet and violates the principles of the CFP of seeking a balance between the protection of marine biodiversity and the maintenance of sustainable fishing. At the Agriculture and Fisheries Council meeting on [20 March 2023](#), EU fisheries ministers held a first exchange of views on the Commission's new package of documents. Like the criticism of the closure of deep-sea areas, [many Member States](#) highlighted the implications for the EU's fishing industry of the proposed **phase-out of bottom trawling in MPAs**, with very strong opposition to the ban from [Spain and France](#).

European Parliament

The European Parliament strongly supports the targets of the biodiversity strategy. Prior to the publication of the strategy, it advocated for the target of at least **30 % MPAs** in EU waters in its [2020 resolution on the Green Deal](#). Parliament then expressed its 'strong support' for the EU targets in its [2021 resolution on the biodiversity strategy](#). In that same resolution, it also expressed concern over the 'widespread physical disturbance of the seafloor in coastal EU waters in particular as a result of **bottom trawling**'. In its [2022 resolution on international ocean governance](#), the European Parliament reiterated its strong support for protecting at least 30 % of the EU's marine areas and of strictly protecting at least 10 % of the EU's marine areas. It also reiterates its call for the EU 'to protect and restore ecosystems, in particular those on the seabed, in line with the MSFD, protecting them from human activities that could disturb and release carbon into the water column, such as

bottom-contacting fishing operations'. However, in the same resolution, Parliament regrets that the recent Commission implementing regulation on **deep-sea fisheries** (see box above) was adopted with **insufficient data and stakeholder consultation** and urges the Commission to 'revise its decision in light of upcoming advice from the International Council for the Exploration of the Sea' and 'once a socio-economic impact assessment is available' (this advice was published in April 2023, see box on deep-sea fisheries above).

The Commission presented the package of documents to the PECH committee on [1 March 2023](#). The Commission noted that the action plan should be seen in the context of the review of the CFP and the priorities set by the biodiversity strategy. Among the critical reactions from the MEPs, were complaints that the actions lack a **legal basis** and that there is no differentiation by **sea basin**. Many MEPs highlighted the importance of the sector and criticised the fact that the Commission did not come with a **socio-economic impact analysis** of the proposed ban (echoing Parliament's criticism on the recent implementing act on deep-sea fisheries). One group of MEPs welcomed the phasing-out of bottom trawling in MPAs and posed questions on how to enforce the plan. On the question of legality, the Commission responded that the proposed actions derived from existing legislation (the Commission gave the example of a new infringement procedure relating to stranded dolphins in the Bay of Biscay), while other actions would be based on joint recommendations by Member States (in line with the principle of regionalisation under the CFP). In the PECH meeting of 26 April 2023, the EU Commissioner for Environment, Oceans and Fisheries clarified that the proposed measures are not legally binding but rather recommendations for national plans – roadmaps to be drawn up by Member States – to explore solutions and techniques to reduce the environmental impact of fishing. The [PECH committee](#) is currently preparing an own-initiative report on the action plan.

EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

Scholaert F. and Jacobs K., [EU action on ocean governance and achieving SDG 14](#), EPRS, European Parliament, June 2022.

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