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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**EU Action Plan: Protecting and restoring marine ecosystems for sustainable and
resilient fisheries**

1. INTRODUCTION

Our ocean and seas cover 70% of the Planet's surface and more than 65% of European territory. Healthy marine ecosystems are essential for life on Earth and play a key role in guaranteeing planetary wellbeing. They are one of the greatest sources of biodiversity and food, regulate climate, are a major carbon sink¹ and bring substantial health, social and economic benefits to coastal communities.

According to the latest IBPES report², one out of five people in the world depends on wild species for food and income, with fisheries constituting a major source of food from wild species. Preserving these resources through sustainable practices is therefore more critical than ever to reach the UN Sustainable Development Goals.

Sustainably managed and caught fish constitutes a high quality and affordable protein which has a relatively low carbon footprint (³), is essential to ensure food security and maintain the basis for economic activities and contributes to the protection of biodiversity and the fight against climate change.

However, fishers and the fisheries sector are facing a number of difficulties. Next to the existential threats of climate change and biodiversity loss, first Brexit, then the COVID pandemic and now the Russian ruthless invasion of Ukraine and its consequences pose great challenges to the fishing sector⁴, in particular through massive market disruptions, shortages of essential raw materials, the sharp price rise of marine fuel and fish feed as well as the obvious danger caused by military operations and mines in the Black Sea. Contrary to the agri-food sector, the EU is not self-sufficient when it comes to seafood, but import-dependent, including as regards raw material imports for fish processing. This points to the urgent need to make EU fisheries more resilient, including as regards increasing the EU's strategic autonomy and environmental sustainability and decreasing its dependency on seafood and feed imports as well as on fossil fuels for its fleet.

The EU has reacted quickly to the socio-economic consequences of the pandemic and of the war in Ukraine, proposing two emergency packages in 2020 and 2022 respectively to support the fisheries sector. These included various measures that have helped to alleviate some of the adverse financial consequences caused by these two crises⁵.

¹ Report from the Commission to the European Parliament and the Council on the implementation of the Marine Strategy Framework Directive (Directive 2008/56/EC) COM(2020)259

² IPBES (2022): Summary for policymakers of the thematic assessment of the sustainable use of wild species of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. J.-M. Fromentin, M.R. Emery, J. Donaldson, M.-C. Danner, A. Hallosserie, D. Kieling, G. Balachander, E.S. Barron, R.P. Chaudhary, M. Gasalla, M. Halmy, C. Hicks, M.S. Park, B. Parlee, J. Rice, T. Ticktin, and D. Tittensor (eds.). IPBES secretariat, Bonn, Germany. 33 pages. <https://doi.org/10.5281/zenodo.6425599>.

³) <https://www.nature.com/articles/s43247-022-00516-4>

⁴ Including aquaculture and processing industry.

⁵ Measures regarding COVID, EU Regulation 2020/560, and measures regarding the war in Ukraine, Commission Implementing Decision 2022/500 and EU Regulation 2022/1278

In parallel to addressing the challenges posed by the COVID crisis and the war, we cannot afford losing sight of the vital need to ensure sustainability of our food systems so that the risks stemming from climate change and biodiversity loss do not jeopardise the availability of the goods and services that healthy marine ecosystems provide to fishers, coastal communities and humanity at large. Food systems, including those of fish and seafood, cannot be resilient to disruptions and adversities if they are not sustainable. This is one of the key lessons learnt from the recent crisis and this is what the EU's Biodiversity and Farm to Fork Strategies aim for.

The principle of sustainable fisheries is firmly anchored in EU legislation and full implementation of the common fisheries policy (CFP) by EU Member States as well as effective promotion of its principles at international level is therefore key in this context.

In addition, making Europe's fisheries more resilient also means ensuring that they contribute to the protection and restoration of marine ecosystems on which they depend.

While only a healthy marine environment with healthy fish stocks and rich biodiversity will guarantee a prosperous future for our fisheries communities in the medium and long term, marine ecosystems are under ever growing threat⁶ by climate change and a variety of other pressures linked to human activities⁷, such as maritime transport, energy production, tourism, agriculture, industry, but also unsustainable and illegal, unreported and unregulated fishing⁸. Today, only 12% of EU seas are designated as protected areas, and less than 1% are strictly protected⁹.

Protecting and restoring Europe's seas and oceans has become more essential than ever to counter the harmful impacts of the triple planetary crises of climate change, biodiversity loss and pollution on our economies and societies, including the fishing sector and coastal communities. We need to urgently step-up efforts at EU level to reverse the decline of marine ecosystems by addressing all pressures, including through more sustainable and modern fisheries management, to respect the commitment of the EU Biodiversity Strategy to legally protect 30% of our seas, of which one third is to be strictly protected, restore marine ecosystems, and encourage and inspire the world to follow.

Sustainable fisheries can and must play a key role in enhancing the protection of Europe's marine ecosystems and achieving good environmental status of EU seas and oceans. With the CFP, the EU has a solid legislative framework, which embeds environmental objectives and complements EU environmental legislation. This Action Plan outlines a vision as well as concrete actions showing how existing regulatory tools linking the EU's marine environmental policy with its fisheries policy can be used more effectively and what additional actions will have to be taken to protect and restore marine ecosystems for more resilient fisheries.

⁶ IPBES' most recent reports reflect that the health of ecosystems on which we and all other species depend is deteriorating more rapidly than ever and that we are eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide. (Global Assessment 2020, Value Assessment 2022)

⁷ Report from the Commission to the European Parliament and the Council on the implementation of the Marine Strategy Framework Directive (Directive 2008/56/EC) COM(2020)259 final

⁸ European Environment Agency. 2019. Marine messages II. Navigating the course towards clean, healthy and productive seas through implementation of an ecosystem-based approach.

⁹ See Commission staff working document. Criteria and guidance for protected areas designations. SWD(2022) 23 final and <https://www.eionet.europa.eu/etcs/etc-icm/products/etc-icm-reports/etc-icm-report-3-2020-spatial-analysis-of-marine-protected-area-networks-in-europe2019s-seas-iii>

This Action Plan builds on the EU Biodiversity Strategy for 2030, on the first Report on the implementation of the Technical Measures Regulation¹⁰ and also addresses the shortcomings identified in the special report of the European Court of Auditors on the marine environment¹¹, which clearly raised the red flag over the EU's sea protection. It takes into account contributions received from stakeholders and citizens during broad consultation¹².

It is part of the Commission's efforts to achieve a more coherent and synergetic implementation of the EU's environmental policy and legislation, better aligned with the CFP and its three sustainability pillars and providing a forward-looking strategy on how to better apply the ecosystem-based approach to fisheries management. As such, this Action Plan also provides an input to the upcoming Communication on the functioning of the CFP, including the assessment of how it contributes to environmental objectives.

In recent years, progress has been made as regards improvement of selectivity and investments in fishing gears with lower impact on the marine environment, including through support from EMFF/EMFAF. However, further action is necessary and these efforts need to be stepped up to produce truly transformational changes. The Commission wants to empower, support and accompany our fishers to lead the structural transition towards fishing practices that are less harmful to marine ecosystems and thus towards a future of EU fisheries that is more environmentally sustainable and therefore also socially and economically more viable. Fishers, as stewards of the sea, will be at the forefront of this transformation. The transformation has to be just and fair to succeed, supported not only by public policy and financing but also by changes in consumer behaviour and market developments.

In line with the Court of Auditors' findings and recommendations¹³, this Action Plan puts a particular focus on marine protected areas (MPAs) and the contribution of fisheries management to more effective protection and restoration of marine biodiversity in those areas.

The objective of the EU Biodiversity Strategy by 2030 to legally protect 30% of EU seas and to strictly protect one third of this area, welcomed and supported by both the European Parliament and the EU Member States¹⁴, requires Member States to designate new MPAs and to establish conservation measures to effectively protect them. This coherent trans-European nature network will strengthen the protection of Europe's marine biodiversity, whilst delivering substantial socio-economic benefits to the fishers and coastal communities, as well as society at large, including through an increased fish biomass. Investments in MPAs, in particular strictly protected areas¹⁵, have shown to generate strong

¹⁰ Report from the Commission to the European Parliament and the Council on the implementation of the Technical Measures Regulation (Article 31 of Regulation (EU) 2019/1241) (COM(2021) 583 final)

¹¹ ECA Special Report 26/2020: Marine environment: EU protection is wide but not deep, <https://op.europa.eu/webpub/eca/special-reports/marine-environment-26-2020/en/>

¹² Synopsis of the consultation attached as annex to this Communication

¹³ ECA Special Report, as above. See also, European Environment Agency, *Marine protected areas in Europe's seas An overview and perspectives for the future*, EEA Report No 3/2015.

¹⁴ <https://data.consilium.europa.eu/doc/document/ST-12210-2020-INIT/en/pdf>

¹⁵ See https://environment.ec.europa.eu/publications/criteria-and-guidance-protected-areas-designations-staff-working-document_en

economic return and multiply the amount of fish and marine life. Every euro invested in marine protected areas could generate a return of at least three euros¹⁶.

But to deliver benefits for nature and people, marine protected areas need to be effectively managed. This means protecting fish spawning and nursery areas, managing fishing mortality rates, as well as restoring core areas for sensitive species and habitats. This Action Plan therefore proposes measures to effectively deliver on the commitments of the EU Biodiversity Strategy and existing EU environmental policy and legislation to establish the necessary fisheries management measures in all MPAs.

To put Europe's biodiversity on the path to recovery, the Commission has also proposed a pioneering legal framework with ambitious targets for nature restoration¹⁷, including at sea. To reach them, restoration measures will be needed also outside MPAs. Once adopted by the co-legislators, an effective implementation of the Nature Restoration Law by Member States at sea will be crucial also to create the necessary resilience of the fisheries sector.

Just a few weeks after the 15th conference of the parties to the Convention on Biological Diversity (COP15) in Montreal, this Action Plan also reflects the EU's ambition to lead by example, as well as its determination for an ambitious post-2020 global biodiversity framework.

2. MOVING TOWARDS MORE SUSTAINABLE FISHING PRACTICES

Today's pressures on the marine environment are manifold and need to be addressed in a coherent way¹⁸. Establishing and effectively managing MPAs, in line with the ambition of the EU Biodiversity Strategy for 2030, and a fisheries management that provides effective incentives and bold action to introduce more sustainable fishing practices and lower-impact fishing gear can reduce an important part of this pressure, namely by minimising incidental catches of sensitive species, protecting fish spawning and nursery areas and their juveniles, and reducing the impact on sensitive habitats, and in particular the seabed.

The decisions made by fishers as to when, where and how to fish affect the species that are caught as well as the quantity and the sizes of fish and by-catch, and thus the sustainability of fishing operations. The rules governing this aspect of fishing, commonly referred to as "technical measures", have been updated in 2019¹⁹, providing for a coherent set of measures contributing to the environmental objectives and creating the flexibility required to complement these through regional approaches. The Technical Measures Regulation

¹⁶ Estimates by Rander et al. (2015), [The benefits to people of expanding Marine Protected Areas](#).

¹⁷ Proposal for a Regulation of the European Parliament and of the Council on nature restoration. COM(2022) 304 final

¹⁸ REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the implementation of the Marine Strategy Framework Directive (Directive 2008/56/EC), COM(2022) 259final

¹⁹ Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 ((*OJ L 198 25.7.2019, p. 105*))

contains a set of baseline rules for selective fishing in each of the sea basins, for example different sizes and shapes of mesh in fishing nets to catch only certain fish-sizes, sorting grids and panels allowing certain species to escape or spatial and temporal closures of fishing areas, for example during reproduction²⁰.

Improving gear selectivity and reducing incidental catches of sensitive species²¹

One of the objectives of such rules is to minimise and where possible eliminate incidental catches of sensitive marine species. While fish and other marine species face multiple threats, such as overfishing, pollution, disturbance or destruction and degradation of their habitats, for some of them the incidental capture in fishing gear is one of the main threats. It has contributed to the decline of populations of several species, and although most of them are strictly protected by EU nature legislation, some are still threatened with extinction, in particular vulnerable fish species, including several sharks²², sea turtles, marine mammals, such as the Baltic harbour porpoise and Mediterranean monk seals, and seabirds, such as the Balearic shearwater. They all face threats from static net fisheries, whilst marine mammals are also often caught in large pelagic trawls, seabirds in longline fisheries and sea turtles in trawls and longlines.

Solutions to avoid such incidental captures are largely available and already required by EU environmental legislation and the CFP. These include technical changes to fishing gears or fishing restrictions in times and areas of a particularly high presence of the relevant sensitive species.

There is already work planned or in progress, including pilot projects, to further protect sensitive species across the EU marine regions, although with different levels of ambition and speed. ⁽²³⁾ However, more needs to be done and Member States need to show more ambition, in line with their obligations under EU legislation as well as commitments under the EU Biodiversity Strategy for 2030. They should make full use of the tools available under the EU fisheries policy to urgently implement measures, which are already available and scientifically assessed. These include, for example, the short-term closure of certain fishery areas or the installation of acoustic deterrent devices, which according to scientific advice would contribute to the recovery of the Baltic proper harbour porpoises or the common dolphins in the Bay of Biscay.

²⁰ Annexes V to XI to Regulation 2019/1241

²¹ As defined in Article 6 (8) of Regulation (EU) 2019/1241

²² Unless specified otherwise, the references to "sharks" in this document should be understood as covering all species of the class Chondrichthyes (sharks, rays, skates, and chimeras).

²³) In the Baltic Sea, Member States are preparing the adoption of measures to reduce the incidental catches of the critically endangered Baltic proper harbour porpoise by means of area closures in line with the scientific advice. In the Mediterranean and Black Seas, within the context of the General Fisheries Commission for the Mediterranean (GFCM), Member States are preparing further mitigation measures to protect sensitive species, such as reduction of catches of endangered sharks and protection of nurseries. In the Black Sea, measures to protect sturgeons and the harbour porpoise are equally being prepared. In the northeast Atlantic, contracting parties have established measures under the Oslo-Paris Convention (OSPAR) to enable the recovery of threatened or declining species and to halt the decline of marine birds. For the Baltic Sea, Helsinki Convention (HELCOM) aims to map high-risk areas for seabirds, to assess the effectiveness of conservation efforts to protect waterbirds, to maintain or improve the status of coastal fish species and to limit pressures on threatened and declining species.

In particular, Member States should swiftly take measures to reduce incidental catches of seabirds in fishing gear and protect sharks²⁴, accompanied by improved monitoring systems to identify the extent and distribution of incidental catches. Achieving good environmental status of marine ecosystems, including through strictly protected areas, must involve the restoration of carbon-rich ecosystems as well as important fish spawning and nursery areas, which can also provide benefits to fishing through spill-over of fish to adjacent areas.

Concerning commercially exploited fish species, achieving maximum sustainable yield (MSY) levels is a key principle of the CFP and contributes to the good environmental status of commercial fish populations. This can be done by limiting catches or fishing effort and by ensuring that fishing activities are highly selective so that only targeted species and only certain quantities, ages and sizes of fish are caught.

Many new and innovative solutions exist to further improve the sustainability of fishing techniques, such as the use of more selective fishing gear, monitoring tools to identify areas of concentration of juveniles, and measures to avoid such areas²⁵. Renewed joint efforts are needed by Member States to pursue and speed up the preparation of national measures and joint recommendations⁽²⁶⁾ and to support GFCM recommendations ensuring that such innovative tools and practices are effectively developed and taken up. Appropriate incentives and support for the fisheries communities concerned, including a good use of available EU funds, are crucial in this regard.

The Commission will support Member States by seeking advice from scientific institutions on how the current fishing patterns of the EU fleet can be improved and where relevant in view of new scientific advice may also make use of its implementing powers under the Technical Measures Regulation related to the design of fishing gear²⁷ to ensure a level playing field in the implementation of the provisions concerning gear selectivity.

For the critically endangered species that are commercially exploited, such as the European eel, improving the conservation is particularly important and urgent. As the management and conservation of this migratory species depends on tackling various human activities, it therefore requires a comprehensive approach covering different policies.

Actions to improve fishing selectivity and reduce harmful impacts on sensitive species and their habitats:

Member States action:

- Adopt national measures or submit joint recommendations to the Commission to minimise bycatch (or reduce it to the level that enables full recovery) of:

²⁴ EU Regulation 2019/1241.

²⁵ Such as projects included in DISCARDLESS, MINOW, (SMARTFISH?) and ICES advice on innovative gears.

²⁶ As defined in Article 15 of Regulation 2019/1241 (TMR) or Article 11 of Regulation 1380/2013 (CFP). See also

<https://ec.europa.eu/environment/nature/natura2000/marine/docs/Marine%20SWD%20288%20final.pdf>.

²⁷ Articles 8(5) and 24(1), (a), (c), (d), (g) of Regulation (EU) N0 2019/1241.

- By the end of 2023: the harbour porpoise in the Baltic Proper and the Black Sea, the Iberian Atlantic and the common dolphin in the Bay of Biscay²⁸,
 - By the end of 2024: angel sharks, common skate, balearic shearwater, sturgeons, guitarfish, maltese skate, great white shark, sand tiger shark, smalltooth sand tiger sharks, spiny butterfly ray, Mediterranean monk seals and marine turtles.
 - By 2030: all species in unfavourable conservation status or threatened by extinction and protected under EU law, and any other sensitive marine species in need of protection, according to the process set out in the Commission Decision (EU) 2017/848 (²⁹).
- By the end of 2022, submit a list of areas that should be further protected to ensure the recovery of sensitive species, as part of Member States' pledges to achieve the targets under the EU Biodiversity Strategy for 2030, prioritising those species that are endangered or in unfavourable conservation status.
 - By end of 2023, jointly agree on threshold values for the maximum allowable mortality rate from incidental catch, in the context of the Common Implementation Strategy of the Marine Strategy Framework Directive (MSFD), and adopt relevant fisheries management measures to implement them without delay, through national measures or joint recommendations.
 - Based in the work by STECF and other scientific institutions, such as ICES, put forward measures to develop and implement further selectivity improvements, starting with the fish stocks for which the highest biological gains can be expected, including:
 - new and innovative gear techniques to reduce catches of small fish;
 - spatial-temporal measures where there is clear evidence of high concentrations of fish below the minimum conservation reference size (MCRS).
 - Improve the protection of European eel by adopting or updating existing Eel Management Plans under the Eel Regulation³⁰, as relevant, in light of new knowledge and in order to strengthen conservation and management measures.

These should address: i) fisheries impact (both commercial and recreational and at all stages of the species' life-cycle) and, ii) non-fisheries-related impacts, namely through the implementation of relevant legislation, such as the Water Framework Directive, the Habitats Directive, the Marine Strategy Framework Directive and future Nature Restoration Law, including by restoring eel habitats, improving the

²⁸ Inter alia by fully implementing measures advised in ICES. 2020. EU request on emergency measures to prevent bycatch of common dolphin (*Delphinus delphis*) and Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Northeast Atlantic. In Report of the ICES Advisory Committee, 2020. ICES Advice 2020, sr.2020.04. <https://10.17895/ices.advice.6023>, or measures with an equivalent effect.

²⁹ Namely, “[s]pecies of birds, mammals, reptiles and non-commercially-exploited species of fish and cephalopods, which are at risk from incidental by-catch in the region or subregion”, Commission Decision (EU) 2017/848, Annex, Part II, Criteria and methodological standards, specifications and standardised methods for monitoring and assessment of essential features and characteristics and current environmental status of marine waters under point (a) of Article 8(1) of Directive 2008/56/EC.

³⁰ Reference to be added

connectivity of rivers and addressing barriers to migration, and by enhancing transboundary cooperation.

- By 2030, establish new and effectively manage all marine protected areas, ensuring, at the latest by 2024, strict protection of important fish spawning and nursery areas.

Commission action:

By 2024, will look carefully, in the frame of the report on the implementation of the Technical Measures Regulation, into the catching, retaining, transshipping, landing and selling of species threatened with extinction or in ‘unfavourable conservation status’ under the Habitats Directive.

- In 2023, adopt detailed specifications for turtle excluder devices in shrimp trawls in the EU waters of the Indian Ocean and West Atlantic, via an implementing act based on the Technical Measures Regulation’s Article 24.1(g).
- By the end of 2024, adopt rules on bird-scaring lines and weighted lines in all sea basins, via an implementing act based on the Technical Measures Regulation’s Article 24.1(f).
- On the basis of the threshold values adopted by Member States under the MSFD³¹ established by the end of 2023, propose, without delay, limits for incidental by-catch of the species covered by the MSFD under the CFP tools³²
- By the end of 2023, adopt implementing rules under Article 24 of the Technical Measures Regulation to improve selectivity of the gear
- Request the Scientific, Technical and Economic Committee for Fisheries (STECF) to continue the ongoing³³ work and provide advice on:
 - o By the end of 2022 evaluating the optimum sizes at which fish should begin to be caught in fishing gear in order to obtain the highest long-term yield
 - o By the end of 2023 optimising fishing gears, taking into account their selectivity, the mix of species being targeted, and both the long-term gains and the transitional consequences in economic and social terms.
- During the first half of 2024, assess progress in the implementation of actions proposed improve fishing selectivity and reduce harmful impacts on sensitive species and their habitats, and consider whether further action is necessary to reinforce the effective implementation, including by means of a legislative proposal based on a thorough impact assessment .

³¹ As per Decision 2017/848/EU.

³² Such as regulations on fishing opportunities, in line with scientific advice

³³ Building upon the work by STECF on technical measures: STECF EWG 20-02, <https://stecf.jrc.ec.europa.eu/web/stecf/ewg2002> and STECF 21-07: <https://stecf.jrc.ec.europa.eu/ewg2107>

Reducing the impact of fisheries on sensitive habitats, in particular the seabed

Another important objective of the CFP, building on the requirements of the EU environmental legislation, is to ensure that the negative environmental impacts of fishing on marine habitats are minimised.

Healthy seabed habitats are key components of marine ecosystems. Their rich biodiversity provides nursery and spawning grounds for many species and contributes to maintaining the structure and functioning of marine food webs and climate regulation.

Fishing using certain mobile bottom-contacting gears (mobile bottom fishing)³⁴, and in particular bottom trawling, is among the most widespread and damaging activities to the seabed and its associated habitats³⁵, with the most intensely fished areas trawled more than 10 times a year³⁶.

Our ocean and seas, and in particular their sediments, are a major natural carbon sink, and the importance of storing and maintaining blue carbon in marine habitats for tackling climate change is increasingly recognised³⁷. While marine carbon stores are still less well understood than land-based sources of carbon, recent evidence³⁸ suggests that disturbing seabed sediment directly impacts its carbon storage capacity.

Seabed biodiversity, however, can recover if pressure, such as from mobile bottom fishing, is reduced³⁹, bringing important benefits for ecosystems and society, including for fisheries.

EU law already requires protection and restoration of the seabed. Under environmental legislation, Member States must take measures to protect the seabed to achieve good environmental status. They must also take the necessary measures in marine Natura 2000 sites to contribute to achieving or maintaining favourable conservation status of certain seabed habitats. Mobile bottom fishing is fully banned under the CFP in the Mediterranean Sea in the narrow coastal area, deeper than 1000 metres, and in the Atlantic deeper than

³⁴ As referred to in Table 1 of the report from the Scientific, Technical and Economic Committee for Fisheries (STECF), ‘Support of the Action plan to conserve fisheries resources and protect marine ecosystems (STECF-OWP-22-01), Bastardie, F. and Doerner, H. editor(s), EUR 28359 EN, Publications Office of the European Union, Luxembourg, 2022, ISBN 978-92-76-52911-8, doi:10.2760/25269, JRC129455. The list includes: boat dredges, mechanised dredges including suction dredges, bottom otter trawl, otter twin trawl, bottom pair trawl, beach seines, Danish seines (anchored seine), pair seines, Scottish seines (fly shooting seine), boat seines, beam trawl.

³⁵ Fishing was found to be the most extensive human marine activities causing disturbance to the seafloor across regional seas of Europe, and for the North Sea preliminary assessment showed that bottom fishing accounted for about 95% of disturbance causing physical abrasion (ICES 2019). In addition, the EEA has assessed that 79% of the EU’s coastal seabed is disturbed by bottom-trawling (EU Commission, MSFD implementation report, 2020).

³⁶ <https://www.eea.europa.eu/data-and-maps/figures/bottom-trawl-fishing-intensity-in>

³⁷ 2022 United Nations Conference to Support the Implementation of Sustainable Development Goal 14, ‘[Our ocean, our future, our responsibility: draft declaration](#)’, Lisbon, 27 June–1 July 2022.

³⁸ EEA, *Carbon stocks and sequestration in terrestrial and marine ecosystems: a lever for nature restoration? A quick scan for terrestrial and marine EUNIS habitat type*, Wageningen, November 2020; see also: Cavan & Hill, [2021](#); Duarte et al., [2020](#); Luisetti et al., [2019](#); Pusceddu et al., [2014](#).

³⁹ See for instance: Hiddink, J.G., et al, ‘[Global analysis of depletion and recovery of seabed biota after bottom trawling disturbance](#)’, Proceedings of the National Academy of Sciences, 2017.

800 metres, with notably a closure of 16 419 km² of vulnerable marine ecosystems (⁴⁰). Bottom fishing is further restricted in particularly sensitive areas through a variety of measures and regulations (⁴¹). In addition, some Member States have taken steps to ban or restrict bottom fishing in certain areas through national measures and submission of joint recommendations under the CFP⁴². Besides, in November 2022, the GFCM decided, based on an EU proposal, to launch an assessment of the potential impact of changing the depth limits of the existing fishing restrictions in depths between 600 and 800m, with a view to possibly introducing restrictions also in shallower waters.

However, overall mobile bottom fishing remains still widespread in EU waters. For instance, in the North East Atlantic, it occurs across 80-90% of the fishable areas⁴³, including in many Natura 2000 sites and other MPAs. This puts at risk the proper implementation of EU legislation and achievement of global conservation targets under the Convention on Biological Diversity⁴⁴, and risks undermining progress on climate change mitigation. The impact of mobile bottom fishing on the marine environment also jeopardises the sustainability of fisheries and the medium- and longer-term availability of fish. Not only does it harm the ecosystems on which those fisheries depend, but it is also particularly fuel-intensive, coming with considerable costs for the sector, and having a particularly high carbon footprint⁴⁵. By its very nature, mobile bottom fishing is among the least selective fishing methods and produces disproportionate amounts of unwanted catch⁴⁶ and discards. The latter creates particular concerns especially in times where the EU is intensifying its efforts to reduce its food waste⁴⁷, a highly relevant topic also in the context of the broader debate on global food security.

Continued efforts to protect and restore the seabed will be needed, including through moving away from mobile bottom fishing, and, in parallel, ensuring that it is not replaced with equal or worse alternatives. Urgent protection and restoration of seabed habitats in MPAs is particularly necessary considering their importance as hotspots of EU marine biodiversity and long-standing legal obligations for their effective management.

⁴⁰) Commission Implementing Regulation (EU) 2022/1614 of 15 September 2022 determining the existing deep-sea fishing areas and establishing a list of areas where vulnerable marine ecosystems are known to occur or are likely to occur, OJ L 242, 19.9.2022, p. 1–141

⁴¹) For example, Annex II of Regulation (EU) 2019/1241.

⁴² Since 2013 Member States have agreed in 5 Joint Recommendations on the limitation of BT in several areas of the Greater North Sea and the Baltic Sea, inter alia to protect ecologically sensitive reefs. There are also national measures adopted in some Member States, measures included in the management plans under the Mediterranean Regulation and GFCM measures in place.

⁴³ International Council for the Exploration of the Sea (ICES) advice for the European Atlantic waters and Baltic Sea, *EU request on how management scenarios to reduce mobile bottom fishing disturbance on seafloor habitats affect fisheries landing and value*, ICES Special Request Advice, 24 June 2021.

According to this ICES advice, similar patterns have been identified in the Mediterranean and Black Seas although differences in methodology means that the results are not directly comparable.

⁴⁴ [Elevated trawling inside protected areas undermines conservation outcomes in a global fishing hot spot | Science](#)

⁴⁵ Energy audit and carbon footprint in trawl fisheries (<https://www.nature.com/articles/s41597-022-01478-0>)

⁴⁶ IPBES report wild species: “Bycatch is a well-known issue for several large-scale fisheries, such as the shrimp or bottom trawl fisheries”

⁴⁷ The revision of the Waste Framework Directive, planned for 2023, will help to reduce food in line with the United Nations Sustainable Development Goals and the Commission’s priorities for 2023.

The Commission therefore calls on Member States to make full use of the tools available under the CFP and take national measures and submit joint recommendations without delay, and with concrete and time-bound steps and actions to ensure a gradual phase out of mobile bottom fishing in all existing MPAs. In doing so Member States must have due regard to the scientific advice and the overall effect of the measures on the marine ecosystem and in particular should avoid triggering changes in fishing practices that could have a deleterious effect, such as increasing the impacts on marine ecosystems or sensitive species by other types of fishing gear. While priority should be given to Natura 2000 MPAs, the objective should be to have the phase out completed in all MPAs at the very latest by 2030. Also, such activities shall not be allowed in any of the newly established MPAs.

To secure compliance with the MSFD and meet the targets proposed in the Nature Restoration Law, protection and restoration of the seabed needs to happen also beyond MPAs. To this effect, Member States should swiftly agree on and implement the thresholds values for seabed integrity currently being developed under the MSFD.

With the development of more innovative tools aimed at limiting the impacts of these fishing gears, further exchanges should also take place with the sector in the future to ensure further innovation and take up of new solutions on the ground as well as that the measures taken remain fit-for-purpose in view of the technological developments.

Actions to reduce the impact of fishing on sensitive habitats, and in particular the seabed

Member States action:

- By X/ 2023 (TBC during ISC), starting with the completion of the Natura 2000 network and according to the process agreed under the Biodiversity strategy⁴⁸, submit ‘pledges’ for the designation of new MPAs⁴⁹ to legally protect at least 30% of EU seas by 2030, one third of which should be strictly protected, indicating that mobile bottom fishing will be prohibited therein.
- By the end of July 2023, in the context of the Member State roadmaps for the implementation of this Action Plan, provide a detailed planning of national measures and joint recommendations to be adopted to make sure that mobile bottom fishing is prohibited in at least 20% of each Member State’s marine waters as a contribution towards the Biodiversity Strategy target of protecting 30% of the seas by 2030. The planning should include at least details on the identification of areas where mobile bottom fishing should be prohibited, taking into account the above-mentioned Member States’ pledges for new MPAs by 2030, as well as details on the Member States and fleets concerned by the measures in those areas.
- By the end of March 2024, adopt national measures or, where appropriate, propose measures for joint recommendations to the respective regional groups to prohibit mobile bottom fishing in MPAS [within existing Natura 2000 sites] which have either seabed protection as their conservation objective or non-bird species protection and thus should also protect the seabed as the habitat of those species.

⁴⁸ See https://environment.ec.europa.eu/system/files/2022-01/SWD_guidance_protected_areas.pdf

⁴⁹ And/or other area-based conservation measures (OECMs).

- Until 2030, adopt national measures and, where relevant, submit joint recommendations to phase out mobile bottom fishing in all existing MPAs and not allowing mobile bottom-fishing in newly established MPAs in order to achieve the target of phasing out mobile bottom fishing from all MPAs by 2030 at the latest.
- By first half of 2023, finalise the adoption of common standards for the good environmental status of the seabed in the context of the MSFD Common Implementation Strategy, including threshold values for the maximum allowable extent of seabed that can be adversely affected by human pressures, and adopt relevant measures to implement them without delay.

Commission action:

- Facilitate Member States' submission of pledges regarding the designation of new MPAs, including of a strict protection.
- Facilitate Member States' submission of joint recommendations to phase out bottom fishing from MPAs and adopt delegated acts, taking into account any available scientific advice, swiftly after the submission of each complete Joint Recommendation by Regional Groups of Member States.
- Monitor and regularly report on progress within the Regional Groups of Member States on the joint recommendations.
- Support the development and take up of innovative solutions aimed at limiting the impacts of bottom fishing activities, building on a request for an ICES advice on innovative gears to be delivered by end 2023.
- During the first half of 2024, assess progress in the implementation of actions proposed to reduce the impact of fishing on sensitive habitats, and in particular the seabed, and consider whether further action is necessary to reinforce their effective implementation, including by means of a legislative proposal based on a thorough impact assessment.

3. SECURING A FAIR AND JUST TRANSITION FOR ALL

Some of the measures proposed in this Action Plan may require more immediate change, while others are to be rolled out more gradually. The European Green Deal envisages a fair and just transition of society and the economy towards an inclusive and truly sustainable development model that allows the achievement of the EU's climate, biodiversity, zero pollution and food security objectives, also in line with the new approach towards a sustainable blue economy in the EU. Fairness and inclusiveness are the pre-condition for the success of the green transition.

Better conserving and protecting marine species and habitats has clear benefits for society and the economy, and in particular for the fishing and coastal communities that depend on healthy marine ecosystems most directly for their livelihoods. For example, scientists have estimated that if 30 percent of the oceans were put under protection, it could increase the

annual global catch by eight million tons—about 10 percent of the catch today.⁽⁵⁰⁾ In addition to fisheries impacts, marine ecosystems are under multiple pressures, including different forms of pollution (contaminants, agricultural, plastics, noise). The EU is fighting marine pollution through a number of legislative and policy initiatives, under the broader framework of the Zero Pollution Action Plan⁵¹. These include setting limits to marine litter, underwater noise, nutrients and contaminants under the MSFD and implementing measures to achieve them, as well as a number of zero pollution reduction targets and actions that will benefit the marine environment.

However, even though the current challenges impacting the fisheries sector, including rising energy prices, would not necessarily coincide with many of the actions presented in this Action Plan, including the gradual phasing out of bottom fishing in all MPAs, the latter action in particular will have social and economic impacts on certain operators and communities⁵². The impacts can range from small shifts in fishing operations that could be easily absorbed, to larger changes in operations which would require mitigation to adjust to structural changes for fishers, their community, and operators all along the supply chain. While in the short-term impacts might be higher than these estimations, due to the combined effect of measures impacting the sector and to the rise in energy prices, they might however also be partially offset by displacement of fishing effort to other fishing areas. In the longer term, they are expected to be more than compensated by the recovery of fish stocks and movement of commercially exploitable fish from MPAs to other fishing areas (spill-over effects).

Impacts are expected to be more significant in fisheries-dependent communities where economic diversification is currently limited, which is why it is important to ensure that the transition is gradual, that Member States take into account local specificities and that communities are supported in this transition, including with financial support measures. At the same time, it is important to recognise that similarly to the experience with the application of Maximum Sustainable Yield, the efforts today should in the medium to longer term be compensated by the recovery of species and habitats and more sustainable fisheries, albeit with a different gear, and through the spill-over effect that leads to the movement of commercially exploitable fish from MPAs to other fishing areas. In addition, the gradual shift from fuel-intensive bottom trawling to less energy-intensive fishing methods can also generate important savings. This would be fully in line with the Commission's long-term efforts to move away as soon as possible from fossil fuels and with its ambition to support the EU fishing fleet, as well as the aquaculture and processing sectors, in their structural energy transition. To further accompany this transition, the Commission will present an Action Plan to support the energy transition of the EU fisheries sector.

Member States should encourage and support fishing communities in the transition foreseen in this Action Plan and help them to strengthen their resilience, to innovate and to adapt. This includes making better use of the available support under the EU funding instruments, in particular for innovation and diversification of economic activities, including for energy transition and to increase gear selectivity. Numerous examples show that EU funding can make a difference, if effectively used, but

⁵⁰ Protecting the global ocean for biodiversity, food and climate | Nature

⁵¹ COM/2021/400 final

⁵² [\(PDF\) Scientific, Technical and Economic Committee for Fisheries \(STECF\) - Support of the Action plan to conserve fisheries resources and protect marine ecosystems \(researchgate.net\)](#)

in the past, the share of EU funding used to support marine conservation was too small⁵³. As confirmed by the Court of Auditors, there is clearly scope to make better use of the available EU budget.

The funds to be primarily used for that purpose are the European Maritime, Fisheries and Aquaculture Fund (EMFAF)⁵⁴ and the LIFE⁵⁵ programme. They have a central role in supporting the policy objectives for climate and biodiversity and the Commission works closely with Member States to make sure that each programme contributes to achieving the horizontal targets set in the multiannual financial framework for these objectives⁵⁶.

Other sources of funding, as highlighted in the Commission's "Find your EU funding programme for the environment" (⁵⁷), include Horizon Europe, the European Regional Development Fund (including Interreg), the European Social Fund+, the European Agricultural Fund for Rural Development, the Connecting Europe Facility and the Recovery and Resilience Facility (⁵⁸). Member States should use these strategically, increase national funding and encourage participation of the private sector, for example through the use of Smart Specialisation Strategies, to channel support for the transition. The Commission will continue to fully support Member States in this regard.

Existing opportunities for diversification and innovation should be fully exploited, starting with those identified in the new strategy for a Sustainable Blue Economy in the EU⁵⁹, which looks at developing new business models to reduce the environmental footprint of the sector through digitisation and innovative gears and techniques. To ensure that fisheries communities in transition can fully benefit from the various opportunities for economic diversification arising in other blue economy sectors, the Commission will also launch a dedicated discussion in the context of the future Blue Forum, which will involve the different stakeholders and actors using the maritime space.

Additionally, through targeted training and upskilling, via EU support under Erasmus+, EMFAF or ESF+, this transition could build bridges with other sectors of the blue economy, such as algae production or regenerative sea farming⁶⁰, deployment of renewable energy resources and sustainable aquaculture. Improved environmental sustainability, for

⁵³ Court of Auditors Special Report 26/2020: Marine environment: EU protection is wide but not deep, page 46

⁵⁴ Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004. 13% of the fund is directly managed by the Commission

⁵⁵ Regulation (EU) 2021/783 of the European Parliament and of the Council of 29 April 2021 establishing a Programme for the Environment and Climate Action (LIFE), and repealing Regulation (EU) No 1293/2013, OJ L 172, 17.5.2021

⁵⁶ As regards the EMFAF budget of €5.3 billion available to the Member States for the years 2021 – 2027, Member States draft programmes plan for the allocation of 29% for biodiversity, and 56% for climate change (state of play 28 September 2022). The LIFE programme has a budget of 5.43 billion € for the years 2021-2027 and finances projects for the protection and conservation of the marine environment and the reduction of pressures on marine ecosystems.

⁵⁷ DOI 10.2779/768079

⁵⁸ add references during ISC

⁵⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a new approach for a sustainable blue economy in the EU Transforming the EU's Blue Economy for a Sustainable Future. COM/2021/240 final

⁶⁰ regenerative sea farming refers to growing seaweed and shellfish in underwater coastal gardens.

example through effectively managed MPAs, can provide additional or alternative livelihoods for local fishing communities, notably through nature tourism including well-managed recreational fishing. Finally, as several positive examples already show⁶¹, EU support can also be provided for fishers to retrieve and collect litter and lost fishing gears, valuing the role of fishers as stewards of the sea.

Actions to ensure a fair and just transition and maximize the use of the available support instruments:

Member States action:

- Take urgent measures to encourage the allocation of sufficient funding and promote its use, to strategically mobilise available resources under EU and national or private funding sources to promote in particular projects to:
 - o encourage less damaging fishing techniques and projects that implement the EU-wide Natura 2000 network, in accordance with the needs identified in Member States' prioritised action frameworks⁶²;

Commission action:

- Facilitate access to funding opportunities, by
 - o organizing and hosting, by May 2023, an online conference for Member States to guide and promote the use of the relevant funds for the implementation of this Action plan.
 - o In the context of monitoring the implementation of the EMFAF, closely working with Member States to encourage delivery on specific actions supporting the objectives of this Action Plan, as well as tapping into complementary funding possibilities available under other programmes, including LIFE.
 - o Implementing smart specialisation strategies to prioritise regional research and innovation investments in blue economy sectors, including fisheries.
- Continue preparations for an initiative to decarbonise the fisheries sector. (⁶³)
- By the end of 2023, put EMFAF grants with a value of more than €7 million in place to support projects which contribute to the development of the next generation of blue skills and to provide opportunities for attractive, sustainable maritime careers.

⁶¹ https://oceans-and-fisheries.ec.europa.eu/news/joining-hands-eu-fight-marine-litter-2021-09-29_en; and <https://audiovisual.ec.europa.eu/en/video/I-175441?&lg=EN/EN>

⁶² Adopted by Member States pursuant to Article 8 of the Habitats Directive

⁶³ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13619-EU-fisheries-and-aquaculture-energy-transition_en

4. STRENGTHENING THE KNOWLEDGE BASE AND RESEARCH AND INNOVATION

A sound knowledge base is needed to design and develop appropriate actions to manage fisheries and protect the marine environment. This in turn requires systematic data collection and scientific monitoring, based on robust methodologies. While the absence of complete scientific information cannot justify postponing or failing to take the necessary measures, it highlights the need for reinforced investments to identify knowledge gaps and devise actions to address these.

Member States use a variety of approaches and a combination of instruments to monitor marine ecosystems and environmental pressures, notably through the Data Collection Framework (DCF)⁶⁴ and monitoring programmes under the MSFD⁶⁵ and the Birds and Habitats Directives (BHD)⁶⁶. However, further efforts are needed to ensure that monitoring and data collection are fully adequate for assessing the impacts of fishing on marine habitats and species..

These should include improvements in the observations and reporting of incidentally bycaught species by designing targeted monitoring programmes, covering the high-risk fisheries and the potential impacts of all relevant fleet segments, including the smaller vessels where relevant; but also as regards data on recreational fisheries and their impact on the stocks and on the marine environment, including through recreational fishing boats. The updated and modernised Control Regulation⁶⁷, once adopted by the co-legislators, will play an important role in this regard.

Further research and data collection will also be needed to increase the knowledge on the status of the seabed and the impacts of fisheries on seabed habitats, including on the distribution and frequency of bottom fishing activities (⁶⁸) and their impact on carbon sequestration. The Commission will launch a study to quantify the carbon storage capacity of different seabed habitat types in EU waters and the possible impacts of bottom fishing activities on this capacity.

In addition, both the costs and benefits of the transition towards more selective and environmentally less damaging fishing practices for fishers, other economic operators of the sector and society as a whole need to be assessed more systematically. To this purpose, modelling methods should be further developed to better predict and assess the social, economic and environmental effects of existing and future conservation measures. The Commission will, by the end of 2023, start developing a modelling tool to integrate the concept of ‘natural capital’ in economic decisions. This implies assessing and quantifying

⁶⁴ Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008. *OJ L 157, 20.6.2017, p. 1–21.*

⁶⁵ Reference to MSFD (ENV to add)

⁶⁶ Reference to BHD (ENV to add)

⁶⁷ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006. *OJ L 343, 22.12.2009, p. 1–50*

⁶⁸() Data recording under the updated and modernised Control Regulation plays a crucial role in this context

both the economic value of marine ecosystem services and the socio-economic costs and benefits derived from keeping the marine environment healthy.

Requests for scientific advice to bodies such as the International Council for the Exploration of the Seas (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF) are essential to ensure that best available scientific advice guides the policy measures. In this context, and given the legal requirement of consultation of the STECF for the adoption of secondary legislation under the CFP, the Commission welcomes that the composition of the new STECF (2022-2025) ensures expertise in those fields that are particularly relevant for the implementation and support of this Action Plan.

The European Environment Agency (EEA) also provides essential support to the Commission in mapping and assessing the coherence of marine protected area network in EU waters and in assessing the state of marine species, habitats and ecosystems and the pressures impacting them. The EEA's support with the implementation of the Biodiversity Strategy targets on protected areas, including on tracking the fisheries management measures in MPAs will be particularly relevant for the purposes of this Action Plan, and the Commission is considering how to further enhance cooperation with the EEA to support the implementation of this Action Plan, including through adapting existing environmental reporting systems.

The European Marine Observation and Data Network (EMODnet) is an essential tool to strengthening the knowledge base for European Seas and will thus support the efficient implementation of this Action Plan. It provides free and unrestricted access to marine data collected in the field, covering seven thematic disciplines ⁽⁶⁹⁾, EMODnet and Copernicus Marine will be the foundation of the European Digital Twin Ocean, a digital modelling platform which will enhance our abilities to assess and evaluate policy alternatives for the marine environment through testing of different management scenarios, taking into account environmental, social and financial information.

EU funding can support research and innovation to enhance the sustainability of fisheries and conservation and restoration of marine biodiversity, in particular through Horizon Europe and its Mission "Restore our Ocean and Waters by 2030", in synergy with other programmes like EMFAF and LIFE. Mission Ocean and Waters sets ambitious objectives to protect and restore marine and freshwater ecosystems and biodiversity. Smart and environmentally friendly fishing gears, multi-purpose use of marine space, green and energy-efficient small-scale fishing vessels and related operations are among key priorities. This comes in combination with the acquisition of relevant knowledge of various ecosystem components, the development of breakthrough solutions for protecting marine resources and habitats, and improved monitoring methods, including through the use of artificial intelligence.

Actions to Strengthen the knowledge base, research and innovation

Member States action:

- Identify and develop solutions to reduce the environmental impacts of fishing, such as innovative fishing gear, new patterns of fishing, and improved fishing

⁶⁹() Such as on seabed habitats, bathymetry, geology, human activities (e.g. windfarms, aquaculture, vessel traffic) as well as on physical, chemical and biological parameters of the marine environment.

practices, through dedicated national funding for research and stakeholder involvement; in particular through outreach activities and specialised training , e.g. on good practices in marine stewardship, including at regional level.

- By the end of 2023, define objectives and specific data needs per sea basin to monitor the impact of fishing under the environmental and fisheries acquis, involving authorities at regional level as appropriate, and allocate sufficient funds for these activities.
- By the end of 2024⁷⁰, submit updated national DCF work plans that further improve data collection planning and efforts, including in relation to bycatch of sensitive species and impact of fishing on the seabed

Commission action:

- Throughout the 2021-2027 budgetary execution (and in particular in the next work plans of Horizon Europe, including its Ocean Mission, and through EMFAF and LIFE) ensure that available funding is used for advice, research and innovation, notably in relation to designing and testing innovative gears and techniques addressing incidental by-catch, and quantifying the EU's seabed carbon sequestration capacity and the possible impacts of bottom fishing activities.
- By the end of 2023, start developing a modelling tool to integrate the concept of 'natural capital' in economic decisions. This implies assessing and quantifying both the economic value of marine ecosystem services and the socio-economic costs and benefits derived from keeping the marine environment healthy.
- By 2023, gather the seven thematic areas of EMODnet on bathymetry, geology, seabed habitat, chemistry, biology, physics and human activities under a single entry portal, gaining visibility and user friendliness.
- By 2024, publish a study quantifying the EU's seabed carbon storage capacity and possible impacts of bottom fishing activities on this capacity.
- By 2025, develop an interactive platform with knowledge and good practices on selective and innovative gears.
- By 2025, programme in the context of Horizon Europe Mission on Oceans R&I actions to develop scalable solutions aiming at conserving fisheries resources and protect marine ecosystem through marine protected areas, the elimination and reduction of marine pollution and reducing the environmental impact of fishing activities.

5. GOVERNANCE, STAKEHOLDER INVOLVEMENT AND OUTREACH

Successful implementation of environmental and fisheries management measures requires support of all stakeholders, in particular fishers. Transparency, cooperation, outreach,

⁷⁰ Or for some Member States 2027, depending on the duration period of the current work plans

information and inclusiveness in the development of measures and their implementation are therefore essential.

Member States have clear responsibilities and obligations for the protection of the marine environment. The CFP provides tools to implement the fisheries measures needed to contribute to fulfilling these obligations. In particular, the regionalisation approach in the CFP provides the basis for all relevant stakeholders to work together to define and agree on the fisheries measures adapted to the local or regional context and has the potential to ensure the transition from the political ambition to real implementation on the ground.

While regionalisation, from the outset mostly focused on the implementation of the landing obligation, in general has delivered achievements in recent times and in particular since the adoption of the Technical Measures Regulation in 2019, work on the necessary fisheries management measures in marine Natura 2000 sites and other marine protected areas under Article 11 of the CFP ⁷¹ has developed at unequal pace between the different sea basins. Joint recommendations for fisheries measures within MPAs only really started to take up in a more promising way in 2021, but the overall number is still very low and their conservation scope limited. This is not enough considering the importance of these measures for an effective implementation of and compliance with EU legislation on the protection and the restoration of the marine environment. Addressing the triple planetary crisis and the accelerating loss of marine biodiversity and ecosystem integrity, with detrimental socio-economic consequences due to declining fish stocks and food security risks, clearly calls for stepping up the speed and ambition of regionalisation. We need a renewed collective ownership of marine conservation needs and a clear political commitment by all stakeholders and institutions to effectively implement the environmental legislation, use the existing CFP tools contributing thereto and make them work.

Transparency and involvement of all relevant stakeholders and authorities in this process are key. Under the EU Treaties, the conservation of marine biological resources falls under the EU's exclusive competence, whereas environmental policy is managed under shared competence. As a result, separate decision-making processes have developed at all levels, which are not sufficiently coordinated and prevent coherent management measures to be taken and implemented. It is crucial that the two policy areas are better inter-linked and that transparency and coordination between the various authorities and stakeholders improve significantly, thus allowing for the design and development of win-win solutions that benefit both the fishers and the environment.

To reflect the commitment to accelerate action and improve transparency, Member States should prepare and publish roadmaps outlining the national measures, as well as other measures they intend to put forward through joint recommendations or through work in RFMOs, that are necessary to fulfil the objectives of the Action Plan, including the envisaged timeline. The contribution of these actions to the objectives of the Biodiversity Strategy will be monitored in view of the Strategy's mid-term review.

To assist Member States in ensuring coherence and effectiveness, the Commission will create a new joint fisheries-environment expert group, with the aim to facilitate knowledge-sharing and discussions between the two communities and to monitor progress on the implementation of Member States' Roadmaps. The Commission will also continue to encourage other EU Institutions as well as Member States' authorities to strengthen the cooperation between fisheries and environment parties and experts and will convene a

⁷¹ See footnote xx about Article 11 of Regulation 1380/2013 (CFP)

High-level Roundtable for Sustainable Fisheries to steer the implementation of this Action Plan.

In order to improve clarity and facilitate the implementation of the existing legal framework, the Commission has provided guidance on the roles and responsibilities of all actors in the procedures foreseen in Article 11 of the CFP⁷² and will also provide guidance on Article 6 of the Habitats Directive and fisheries legislation.

Finally, reducing the impact of fishing on the marine environment entails an active role not only for stakeholders and Member States, but also for consumers and markets. This is crucial to encourage demand for fish sourced with minimised environmental and climate impacts. Private eco-labelling initiatives have shown that consumers are keen to purchase products that advertise a more sustainable approach to the management of fish stocks. It is important to continue work on an harmonised EU food sustainability production under the Sustainable Food System Framework and on a revision of EU fish marketing standards to inform consumers on the impacts of fishing on marine ecosystems, as announced in the Farm to Fork Strategy and the new approach to the Sustainable Blue Economy. These initiatives should cover also imported seafood.

Improving the governance, stakeholder involvement and outreach:

Member States action:

- Prepare and publish, by July 2023, roadmaps⁷³ that outline the measures necessary for the implementation of this Action Plan, including the timelines for their adoption/ submission, and proposals to enhance the coordination of relevant competent national authorities, as well as relevant stakeholders.

Commission action:

- In 2023, establish a new joint fisheries and environment expert group specifically tasked to support the Commission and Member States in implementing the Action Plan and monitoring its progress.
- In 2023, establish a High-level Roundtable for Sustainable Fisheries.
- By 2024, adopt a guidance document on Natura 2000 and fisheries⁷⁴.
- In 2023, improve information on sustainability aspects for consumers through a EU framework for food sustainability labelling.
- During the first half of 2024, assess progress in the implementation of this Action Plan and consider whether further action is necessary to reinforce the effective implementation of any of the measures presented in this Action Plan, including by means of a legislative proposal based on a thorough impact assessment.

⁷² [Marine SWD 288 final.pdf \(europa.eu\)](#)

⁷³ Templates for the roadmaps will be provided by the Commission to guide Member States in the process.

⁷⁴ Covering the application of Article 6 of the Habitats Directive (legal requirements for the protection and management of Natura 2000 sites designated under the Birds and Habitats Directives) in relation to fishing activities

6. CONTROL AND ENFORCEMENT

EU fisheries and environmental legislation are only as good as their implementation. This calls for action by Member States to implement, control and enforce the rules, and by the Commission to monitor Member States' compliance with them.

Member States' control and enforcement of the CFP rules⁷⁵ are mainly regulated by the Fisheries Control Regulation which the Commission proposed to strengthen in 2018⁷⁶. After more than four years of interinstitutional discussions and negotiations, this revision urgently needs to be concluded so that an updated, more modern and more effective control system can enter into force and support the transition towards more sustainable fisheries.

In addition to the implementation of the Environmental Crime Directive⁷⁷, the Commission's enforcement action over the past two decades has been central to progress with the correct implementation of the biodiversity-related legislation and the CFP rules⁷⁸. The Biodiversity Strategy strengthened the Commission's commitment on enforcement, for example on the completion and effective management of Natura 2000 sites and on bycatch of protected species.

The Commission will strengthen enforcement under the MSFD, which so far has only focused on reporting requirements, and will pursue more substantive cases of incorrect implementation of the Directive. In the context of the ongoing review of the Directive, the Commission will also assess its enforceability. Member States have so far underused the possibility to call for action by EU institutions wherever they identify an issue which has an impact on the environmental status of its marine waters, which cannot be tackled by national measures, or which is linked to another policy, such as fisheries⁷⁹. The European Court of Auditors concluded that this weakened coordination between policy areas⁸⁰. The Commission is assessing the above-mentioned provision in the context of the review of the MSFD and, based on its findings, may propose a revision to improve its fitness for purpose.

The European Fisheries Control Agency (EFCA)⁸¹, supported in certain areas by the European Maritime Safety Agency (EMSA) and the European Border and Coast Guard Agency (FRONTEX), also assists Member States and the Commission in fulfilling their tasks and obligations under the CFP, which interplays with several pieces of environmental law. Thus, in the future the EFCA's work programme should also encompass fisheries control actions that contribute specifically to achieving the objectives of this Action Plan. This should also entail specific actions in the EFCA's Joint Deployment Plans, in line with

⁷⁵ Rules of the common fisheries policy means Union legislation on the conservation, management and exploitation of living aquatic resources, on aquaculture and on processing, transport and marketing of fisheries and aquaculture products (Article 4(2) of Council Regulation (EC) No 1224/2009).

⁷⁶ Reference to proposal

⁷⁷ Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, OJ L 328, 6.12.2008, p. 28–37

⁷⁸ The second five-year report on the implementation the Control Regulation provides a state of play as regards enforcement actions taken by the Commission between 2015 and 2019: [EUR-Lex - 52021DC0316 - EN - EUR-Lex \(europa.eu\)](#)

⁷⁹ Article 15 of the MSFD

⁸⁰ Special Report [26/2020](#): Marine environment: EU protection is wide but not deep', page 47, recommendation 87, reference to Article 15 of the MSFD.

⁸¹ Regulation (EU) No 2019/173

the Commission Implementing Decision⁸² establishing specific control and inspection programmes (SCIPs).

Actions to improve implementation, control and enforcement

Member States action:

- Support in the context of negotiations on the new Fisheries Control Regulation the improvement of fisheries control activities, including through the use of innovative tools such as Remote Electronic Monitoring (REM), enhanced data recording on sensitive species and distribution of fishing effort, and ensure that the EMFAF allocation are translated into effective and strong actions for control, inspection and enforcement.
- Assess compliance with environment and fisheries rules, and review or adapt measures, as well as dedicate appropriate resources to support the implementation of this action plan.

Commission action:

- Strengthen implementation and enforcement of environment and fisheries rules, through:
 - o continuing or initiating infringement proceedings where appropriate, in particular where environmental law is not sufficiently implemented within fisheries policies.
 - o making use of available tools, such as audits and control action plans together with Member States.
- Continue working with the co-legislators to ensure swift adoption of an ambitious revised Control Regulation.
- In 2023, launch a revision of the Commission Implementing Decision establishing specific control and inspection programmes (SCIPs) for certain fisheries, with the objective to align it to this Action Plan by 2024.
- Work with EFCA to align the joint deployment plans to the revised SCIPs and align the future work programme to the objectives of this Action Plan.

7. INTERNATIONAL DIMENSION

Conserving fisheries resources and protecting marine ecosystems is a global challenge. 2022 is a pivotal year for the ocean, that has become more and more prominent in the international debates on climate and biodiversity, with the EU calling for protecting at least 30% thereof, by 2030, focussing on areas particularly important for biodiversity and ensuring their effective management; establishing additional MPAs in the Southern Ocean; banning deep-sea mining and harmful fisheries practices; setting binding rules on

⁸² Commission implementing Decision (EU) 2018/1986 of 13 December 2018 establishing specific control and inspection programmes for certain fisheries and repealing Implementing Decisions 2012/807/EU, 2013/328/EU, 2013/305/EU and 2014/156/EU, OJ L 317/29 of 14 December 2018

plastics⁸³; and further integrating the ocean in the international climate discussions⁸⁴. The negotiations of a new global biodiversity framework, of a new Treaty on protecting the high seas as well as of a new legally binding agreement on plastic pollution allow the EU to confirm its leadership at multilateral level. Through its active participation in the negotiations of a new post-2020 global biodiversity framework and of a new UN High Seas Treaty on Biodiversity Beyond National Jurisdiction (BBNJ), the EU is translating the ambition of this Action Plan at the international level. At COP15 in Montreal, the EU has promoted the protection of at least 30% of marine areas by 2030 as well as the restoration of 3 billion hectares of both land and ocean (⁸⁵). The new BBNJ Treaty will be instrumental for conserving and sustainably using marine resources, including through establishing MPAs and setting minimum requirements for activities carried out in the High Seas.

The objectives of this Action Plan are coherent with the EU's related commitment at international level, outlined in the Joint Communication on International Ocean Governance⁸⁶, and in line with the objectives of the external dimension of the CFP. As the proposal for a Nature Restoration Law and the Joint Communication, this Action Plan reflects the EU's determination to lead by example and strengthens its credibility and legitimacy in this context.

The European Union, while enhancing its standards of conservation of marine biological resources and the protection of marine biodiversity and ecosystems as described above, should uphold at least the same standards when its vessels fish on the high seas or in the exclusive economic zone (EEZ) of third countries as when they fish in EU waters.

The adoption of rules to promote the conservation of the ocean will need to be accompanied by measures to ensure that they are observed. Hence, the strict monitoring and control of their flagged vessels by Member States will be necessary to ensure that the EU long distance fleet continues to comply with its international obligations and effectively implements the provisions adopted by international and regional organisations.

With the contribution of the EU, a number of conservation and management measures have already been adopted in most, if not all RFMOs, in particular with respect to sharks, sea turtles, marine mammals and seabirds bycatches, as well as to the protection of vulnerable marine ecosystems from potential significant adverse impacts by fishing activities⁸⁷. Sustainable fisheries partnership agreements (SFPAs) also contribute to fostering international fisheries governance through promotion of sustainable fisheries in third countries. Under the MSFD, regionalised decision-making is also required, including

⁸³ Resolution 5/14 "End Plastic Pollution: towards an international legally binding instrument", adopted by the United Nations Environment Assembly (UNEA) on 2 March 2022. UNEP/EA.5/Res.14.

⁸⁴ Report of the Conference of the Parties on its twenty-sixth session, held in Glasgow from 31 October to 13 November 2021. Decision 1/CP.26 Glasgow Climate Pact. FCCC/CP/2021/12/Add.1

⁸⁵ Council conclusions on Convention on Biological Diversity (CBD): Preparation of the Fifteenth meeting of the Conference of the Parties (COP 15) to the CBD on 24 October 2022. 13975/22.

⁸⁶ Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Setting the course for a sustainable blue planet - Joint Communication on the EU's International Ocean Governance agenda JOIN(2022) 28 final

⁸⁷ Particularly relevant were the adopted EU proposals on full retention bans of Mobulid rays in IATTC and IOTC and whitetip sharks in IATTC, blue shark management in IOTC and by-catch mitigation in CCSBT, just to mention a few. The EU contribution also formed the basis for the resolution on mako shark agreed by ICCAT. The EU has also submitted several proposals in RFMOs over recent years to address shark fining and to reduce by-catch in fish aggregating devices (FADs).

through cooperation with third countries, bilaterally and/or through relevant international instruments such as Regional Sea Conventions⁸⁸.

To bring together fisheries and environmental objectives, it will also be important to strengthen cooperation and ensure constant dialogue between the relevant regional organisations, in particular RFMOs and RSCs, as well as between the competent environmental and fisheries authorities of the participating States preparing the relevant deliberations and measures. This will be particularly important to ensure an effective implementation of the future BBNJ agreement, with new Marine Protected Areas in the High Seas that are properly managed and do not remain paper parks.

In this context, further efforts and close cooperation between the competent authorities will be needed as well to effectively implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as well as the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and its daughter agreements, such as the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) through fisheries policies.

Actions to adopt ambitious international rules for the protection of sensitive species, habitats and the marine environment

Member States action:

- Strengthen the monitoring, control and surveillance of the EU long distance fleet flagged to Member States operating in areas managed by regional fisheries management organisations, to ensure that those vessels are fully compliant with the provisions adopted by those organisations and provide for the effective implementation of conservation and management measures adopted by international and regional organisations to promote the long-term management of the stocks under their purview and protect marine biodiversity, habitats and ecosystems.

Commission action:

- Promote high standards for the protection of marine biodiversity, habitats and ecosystems at multilateral global settings, such as FAO, in RFMOs and bilaterally, including for the adoption and effective application of an ecosystem approach to fisheries management.
- Promote better cooperation between relevant RFMOs, Regional Sea Conventions and other relevant international instruments and between the competent environmental and fisheries authorities preparing the relevant discussions and deliberations.
- [COP15 related action, to be made more precise at a later stage]

⁸⁸ Four regional sea conventions cover EU marine waters: the Convention for the Protection of the Marine Environment of the Baltic Sea (Helsinki Convention - HELCOM), the Convention for the Protection of the Marine Environment of the North-east Atlantic (Oslo-Paris Convention - OSPAR), the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention – UNEP-MAP) and the Convention for the Protection of the Black Sea against Pollution (Bucharest Convention). The EU is a contracting party to the first three.

- In 2023, support the conclusion of an ambitious legally binding UN High Seas Treaty to protect biodiversity beyond national jurisdiction.
- In 2023, support the conclusion of an ambitious legally binding UN Treaty on Plastics, including the issue of abandoned, lost or otherwise discarded fishing gear.

8. CONCLUSION: FRAMEWORK FOR THE IMPLEMENTATION OF THIS ACTION PLAN

The latest IPBES Nature assessment report highlights that the way nature is valued in political and economic decisions is both a key driver of the global biodiversity crisis and a vital opportunity to address it, and that the consideration of the multiple values of nature is often excluded in policy decisions.⁸⁹

This Action Plan sets out various actions and support measures to better protect fisheries resources and marine ecosystems and to ensure more coherence and better coordination between environmental and fisheries policies at all levels. It thus accompanies the transition of the fisheries sector towards more sustainable fishing practices and more resilience. It guides Member States to prioritise measures, with a particular focus on the protection of sensitive species and the seabed and on the improvement of fishing selectivity.

To effectively implement these measures and make them work, fisheries and the environmental actors, as well as the Commission, the Member States and the European Parliament need to work closely together. While a renewed political commitment and impetus is necessary, the regionalisation process established under the CFP remains the appropriate framework to implement this Action Plan, as it allows the regional differences and circumstances to be taken into account. Within this process, particular attention is required for the ongoing work at the General Fisheries Commission for the Mediterranean (GFCM), taking into account the need to work with third countries operating in Mediterranean fisheries.

The Commission proposes the following framework for the implementation of this Action Plan:

- By July 2023, Member States submit to the Commission roadmaps outlining the national measures, as well as other measures they intend to put forward through joint recommendations or through work in RFMOs, that are necessary to fulfil the objectives of the Action Plan, including the envisaged timeline to 2030. In particular, the roadmap should include more details on how the Member State will ensure that mobile bottom fishing is prohibited in at least 20% of their marine

⁸⁹ IPBES Assessment Report on the Diverse Values and Valuation of Nature 8 July 2022: https://zenodo.org/record/6832427#.Yt_bcjDBybg: “Economic and political decisions have predominantly prioritised certain values of nature, particularly market-based instrumental values of nature, such as those associated with food produced intensively. Although often privileged in policymaking, these market values do not adequately reflect how changes in nature affect people’s quality of life. Furthermore, policymaking overlooks the many non-market values associated with nature’s contributions to people, such as climate regulation and cultural identity.”

waters as an interim milestone towards the 2030 Biodiversity Strategy 30% target. These roadmaps should be made public.

- By September 2023, the Commission calls the first meeting of the new joint fisheries and environment expert group to discuss the national roadmaps, provide further guidance and start the tracking process. This meeting will be followed by the first meeting of the High-level Roundtable for Sustainable Fisheries.
- During the first half of 2024, the Commission will adopt its second report on the Technical Measures Regulation, which will feed into the mid-term review of the Biodiversity Strategy, also due in the first half of 2024, and will assess progress in the implementation of this Action Plan and the Technical Measures Regulation. Progress will be measured against (1) the measures announced and outlined in the Roadmaps until 2030, as well as (2) the national measures, Joint Recommendations or work through RFMOs, taken or submitted by March 2024, to protect habitats and species covered by this action plan.
- Depending on its assessment on progress made, and in line with its right of initiative, the Commission will consider whether further action is necessary to reinforce the effective implementation of any of the measures presented in this Action Plan, including by means of a legislative proposal based on a thorough impact assessment.