



Brussels,
MARE/D3/FB (2021)

Subject: Your Advice Ref. 17-2021

Dear Mr Skau Fisher,

I would like to thank you for your advice on the EU Biodiversity Strategy.

First, I would like to clarify that the target to legally protect 30% of the EU's sea area by 2030, of which one third should be strictly protected, is an EU level target. The Strategy indicates that the target relates to the EU as a whole and could be broken down according to the EU bio-geographical regions and sea basins, or at a more local level. Indeed, there is non-biding guidance that the target should be achieved in each EU bio-geographical region and sea basin. Individual Member States are expected to contribute to it in a way that is proportional to the natural values they host and to their potential for restoration. Other effective area-based conservation measures (OECMs) will contribute to this target when they fulfil specific criteria developed in the above-mentioned guidance on protected areas. Furthermore, this target should not be confused with the 30% conservation improvement target under the Strategy¹, which is conceived as a national-level target, without any further regional or biogeographical breakdown below the national level.

Effective stakeholder participation is crucial to create local ownership in all stages of protected area management, from the designation phase to the management and monitoring. Since the responsibility for the identification, designation and effective management of protected areas lies with the Member States' authorities, it is essential that they involve in the process all relevant stakeholders, including sea users, local communities and NGOs, in a fair and participatory way. Concerning the EU process, wide stakeholder groups have taken part in discussions on the guidance for protected areas designations in the framework of the sub-expert group on marine issues (MEG) and sub-expert group on the nature directives (NADEG) meetings on this subject. Moreover,

¹ The target aims to ensure that at least 30% of species and habitats not currently in favourable status are in that category or show a strong positive trend.

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the first introductory seminar for the pledge and review process in the marine biogeographical regions took place on 9-10 December 2021 with the participation of Member States and interested stakeholders. Among the latter were members of the Baltic Sea Advisory Council and the Mediterranean Advisory Council.

More generally, when it comes to the conservation of biological aquatic resources and the management of fisheries exploiting them, the Common Fisheries Policy applies, in which the relevant stakeholders in the Advisory Councils play an important role as do the Member States regional fisheries. The Commission takes the recommendations from the ACs into account in the decision-making process.

The effective management of all marine protected areas (MPAs), including Natura 2000 sites, is a high priority for the Commission and one of the key commitments in the EU Biodiversity Strategy for 2030. Still, more efforts are needed to ensure the effective management of protected areas throughout the EU so that they can deliver their conservation objectives as stipulated under EU legislation.

I would like to highlight that the management of MPAs, including the Natura 2000 sites, is a duty of the Member States. Management systems have to include proper monitoring of protected habitats and species as well as the assessment and monitoring of MPAs' management effectiveness. Concerning the legal obligations for management of Natura 2000 sites, the Commission has launched infringement procedures against 14 Member States, whilst it is investigating the level of compliance for several others.

In order to assist Member States in this task and to enable an EU level assessment of the management effectiveness in the future, the Commission has launched a contract at the end of 2020 to define and test a system to assess the management effectiveness of marine Natura 2000 sites and other EU MPAs. A workshop to discuss a draft methodology to assess the management effectiveness took place in October 2021 with the participation of Member States experts and stakeholders.

Furthermore, the Commission has recently launched in parallel three studies on MPAs and fisheries that aim at providing and improving the basic scientific knowledge needed for fisheries-management measures to be established and/or adjusted in existing EU MPAs (North and Baltic Seas, Atlantic EU Western Waters and some outermost regions, Mediterranean and Black Seas). To achieve this aim, the studies will focus on characterising the existing MPAs and the fishing activities that take place within them and in their surrounding areas. Through case studies, the spatial redistribution of fishing activities in response to MPA implementation will be assessed. Overall, the studies will lead to improved knowledge on the integration of fisheries in MPA management and aim to contribute to the long-term sustainability of biological resources.

Concerning the alignment to international targets, notably under the Convention on the Biological Diversity, the Commission considers that we need an ambitious European contribution to achieve the international targets on tackling global biodiversity and climate crisis. The EU is committed to lead by example on environmental protection and sustainable use of natural resources not only within its borders, but also outside. These objectives of the EU Biodiversity strategy for 2030 have been endorsed by the Member States in the Council conclusions adopted in October 2020.

Concerning the optimisation of spatial measures, the Strategy recognises that 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. Under the Marine Strategy Framework Directive (MSFD), Member States have to achieve good environmental status (GES), including for seabed integrity, across all of their marine waters. The MSFD requires Member States to set threshold values which define the required quality of seabed habitats and the maximum allowable extent of habitat, which can be lost or in an impacted state. The seabed thresholds are being developed through an MSFD expert group (Technical Group on Seabed). The MSFD experts are committed to propose EU threshold values for seabed integrity in 2022. Subsequently, Member States have to formally report on these values in late 2024 under Article 9 of the MSFD as part of their determination of good environmental status. They then must take measures to reach these levels as part of their marine strategies.

With regard to the upcoming *Action Plan to conserve fisheries resources and protect marine ecosystems*, the aim will be to build bridges between the environmental and fisheries policies as a means to provide a strong contribution to the delivery on the objectives of the Biodiversity Strategy. It will build on the Technical Measures report adopted last September, as well as on the consultation that took place on this topic.

As announced in the Biodiversity Strategy, we will indeed be looking in that frame at how to reconcile the use of bottom-contacting fishing gear with biodiversity goals. Bottom-contacting fishing gear is not the only fishing gear of concern, but we do need to recognize that bottom-contacting gear has in some areas a major impact on seabed ecosystems. For instance, science demonstrates that 90% of seabed disturbance and damage in the North Sea comes from bottom-contacting gear. On the other hand, we are also aware that bottom trawlers form an important part of the European industry, by providing direct employment on-board (24 200 jobs full time equivalents or 25% of EU fleet employment) as well as ancillary employment in fishing communities (total employment amounts to 40 000 jobs). We should not forget also the importance of the EU fisheries sector in terms of food supply and the high standards it follows. We certainly need to ensure a balance between immediate socio-economic challenges and urgent protection of the marine environment. This is why, along the principles of the CFP, the Action Plan will be based on science and focused on the most serious problems. We will not aim at any blanket approach of banning gears. Instead, we will look at how best to protect the seabed and work on the basis of science to see how to balance the decisions.

The Action Plan will form the advance environmental pillar of the report on the CFP that is due by the end of this year and will look at the functioning of the CFP and at how to strengthen its implementation. I would like to invite you to participate in the online consultation that was launched in December on this topic.

Finally, I would like to recall that for the EU Biodiversity Strategy for 2030 to be successful, significant investments are required across all EU Member States. To help unlock the investments needed, private and public funding should be mobilized at national and EU level, including through a range of different programmes within the 2021-2027 long-term EU budget. When it comes to the conservation of biological aquatic resources and the management of fisheries exploiting them, the European Maritime, Fisheries and Aquaculture Fund (EMFAF) will be a key contributor to the European Green Deal and related Biodiversity and Farm to Fork strategies. The EMFAF will continue supporting the transition to low-impact and sustainable fisheries and aquaculture, as well as the protection and restoration of marine biodiversity and ecosystems in order to achieve a good environmental status in the marine environment.

Since the eligibility rules of the EMFAF are not pre-defined at EU level, Member States can develop any action that contributes to the scope of the fund as described in its priorities and specific objectives and is in line with the general eligibility principles stipulated in the EMFAF Regulation² as well as with the eligibility rules established at national level. Under the so-called “shared management”, the content of EMFAF programmes is defined in partnership with Member States. Throughout the ongoing programming negotiations, the Commission is striving to encourage Member States to increase their spending on actions with a focus on protecting nature and reversing the degradation of marine ecosystems in accordance with the relevant objectives of the EU Biodiversity Strategy for 2030.

With this letter, I hope to have addressed your main topics of concern. I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Pascale COLSON, coordinator of the Advisory Councils (Pascale.COLSON@ec.europa.eu; +32.2.295.62.73), who will forward them to relevant colleagues.

Yours sincerely,

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² 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.