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## **NSAC Advice Ref. 17-2021** **NSAC Advice on the EU Biodiversity Strategy**

*This paper was approved with consensus by the NSAC Executive Committee on 14 September 2021.*

### **1. Background**

In spring 2020, the Commission presented its Biodiversity Strategy which stated that it aimed to tackle climate change and environmental degradation by protecting areas of high biodiversity and climate value, restoring degraded ecosystems, fostering transformative change and introducing measures for the global biodiversity challenge. For marine ecosystems, the Commission is preparing an Action Plan to conserve fisheries resources and protect marine ecosystems, while safeguarding sustainable fisheries and seafood supply. This Action Plan will be informed by the evaluation of the Technical Measures Regulation ((EU) 1241/2019), initially scheduled for December 2020, but postponed due to the COVID-19 crisis. In addition, the EU Nature Restoration Plan will encompass a commitment to propose legally binding nature restoration targets in 2021. The key objective will be the restoration of degraded ecosystems, in particular those with the most potential to capture and store carbon and to prevent and reduce the impact of natural disasters<sup>1</sup> and other human-made interferences.

In its Inception Impact Assessment, the Commission notes that ecosystems can be effectively restored by reducing key human pressures, including pollution and over-exploitation of resources. To this end, the Commission proposed an increase in the designated network of Marine Protected Areas (MPAs) from 10% to at least 30% with one-third of these – 10% of EU seas - being strictly protected areas of high biodiversity and climate value. These targets were agreed and adopted by the Council of the EU in their conclusions in October 2020. The NSAC takes note that the European Commission shall put forward criteria and guidance for additional designations of MPAs, which is the responsibility of Member States.

The NSAC notes that further clarification from the European Commission, in addition to the relevant national and regional bodies, is required in order to determine if the Biodiversity Strategy targets are to be considered at regional and/or at national level, as trans-boundary elements that may require multilateral actions must be taken into account. The Commission will also look to reconcile bottom-contacting gear with biodiversity targets and, where

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<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1590574123338&uri=CELEX:52020DC0380>



necessary, limit these. EMFAF has, among other things, proposed to support the transition to sustainable and low carbon-fishing<sup>2</sup>.

In September 2020, the NSAC addressed to the Commission a set of questions<sup>3</sup> to better understand the Biodiversity Strategy and its implications on the fishing sector. An extensive and elaborate response<sup>4</sup> was received on December 1, 2020. In our letter we note that the 10% strict protection is no longer specifically referenced in the Post-2020 Global Biodiversity Framework discussion paper drafted by parties to the United Nations Convention on Biological Diversity,<sup>5</sup> however, as pointed out in the Commission's reply to question 8, the EU and its Member States decided to keep a high ambition on the conservation and restoration within its waters, including the 10% strictly protected. The Commission's response mentions that it is currently preparing criteria and guidance for the identification and designation of additional protected areas, including a definition for strict protection, done in consultation with MS and the European Environment Agency (EEA), due end of 2021.

The Biodiversity Strategy itself is ambitious in scope and there are several aspects of the Strategy that the members of the NSAC would like to address. This paper will focus on those that in the opinion of NSAC members need prioritized consideration, namely MPAs and provisions on fishing gear such as bottom-contacting gear. The NSAC also highlights that fisheries measures should be proportionate as referred to in Article 11 of the Common Fisheries Policy (CFP). Where such measures are applicable, a transitional period should be considered to allow impacted fishing fleet segments to adapt to the measures. Recommendations addressing other areas are likely to follow.

The Biodiversity Strategy is part of the overarching goal of a transition to a sustainable and climate-friendly economy. In this context it should be highlighted that the "Planetary health diet" (EAT Lancet-Commission<sup>6</sup>) states the need to increase the share of fish-products in human diet until 2050 by 50% to achieve a more sustainable and climate-friendly food supply. This would bring added value to the seafood industry as conserving marine stocks could increase annual profits of the seafood industry by more than €49 billion, thereby utilising the synergies and potential of sustainable resource utilisation in fisheries and the added value of effective management.

## 2. NSAC Advice

### 2.1 General

The NSAC understands the need for and supports the EU Biodiversity Strategy with its four pillars: the EU-network of protected areas, the nature restoration plan, transformative change and the global biodiversity challenge. Establishment of MPAs, other effective area-based conservation measures (OECMs) and ecological corridors are important tools for achieving sustainable maritime development, Good Environmental Status (GES) and Favourable Conservation Status (FCS) in the EU, as laid down under the Marine Strategy Framework Directive and the Birds and Habitats Directives. We would like to note here that while this

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<sup>2</sup> [https://ec.europa.eu/oceans-and-fisheries/funding/emfaf\\_en#ecl-inpage-642](https://ec.europa.eu/oceans-and-fisheries/funding/emfaf_en#ecl-inpage-642)

<sup>3</sup> [https://www.nsrac.org/wp-content/uploads/2020/08/4.1-EU-Biodiversity-Strategy\\_NSAC\\_Questions.pdf](https://www.nsrac.org/wp-content/uploads/2020/08/4.1-EU-Biodiversity-Strategy_NSAC_Questions.pdf)

<sup>4</sup> [https://www.nsrac.org/wp-content/uploads/2020/10/Reply\\_to-NSAC\\_questions\\_BDS.pdf](https://www.nsrac.org/wp-content/uploads/2020/10/Reply_to-NSAC_questions_BDS.pdf)

<sup>5</sup> <https://www.cbd.int/doc/c/705d/6b4b/a1a463c1b19392bde6fa08f3/sbstta-24-03-en.pdf>

<sup>6</sup> [https://eatforum.org/content/uploads/2019/07/EAT-Lancet\\_Commission\\_Summary\\_Report.pdf](https://eatforum.org/content/uploads/2019/07/EAT-Lancet_Commission_Summary_Report.pdf)

paper focuses mainly on MPAs and bottom-contacting gear, we remain open to address other pillars in potential subsequent advice.

The NSAC further supports the ambition of the Biodiversity Strategy to enable the restoration and protection of species and habitats and is aware that their future recovery will require a robust debate on what will be necessary to meet conservation targets with measures that will not be immediately profitable in the short to medium term for certain stakeholders. On this basis it is important to foster cooperation and mutual understanding amongst all parties involved to further the common objective of enabling the development of healthy marine and coastal ecosystems, which is paramount and one that is shared across all sectors and stakeholders. In this respect it is in line with the CFP, where, for example in Article 11, the Basic Regulation sets out ambitions for the protection of the marine environment, for the sustainable management of all commercially exploited species, and in particular for the achievement of GES by 2020. The NSAC suggests that when formulating the criteria and guidance for identifying and designating additional areas, harmonisation is sought with these ambitions.

The NSAC recognises the need to develop a new action plan to conserve fisheries resources and protect marine ecosystems which is planned in 2021. Considering the ambitions and the timeframe the NSAC suggests initiating, as a matter of urgency, the (scientific) dialogue which is required on how to *“reconcile the use of bottom-contacting fishing gear with biodiversity goals in a fair and just way for all”* as stated in the Biodiversity Strategy. The same goes for ensuring that MPAs and OECMs are positively supporting the objectives of the Biodiversity Strategy. It is key that the aims of the MPAs and OECMs are clearly defined and scientifically assessed to be able to meet their aims, and that monitoring and follow up surveys are able to show that the MPAs are delivering on its aims.

Throughout the years the NSAC has provided its expertise in defining MPA areas in Sweden<sup>7</sup>, Denmark<sup>9</sup> and Germany<sup>10</sup>. In 2020 we produced an extensive piece of advice on the Dogger Bank process<sup>11</sup>, one of the more contentious processes of defining fisheries management measures in MPAs in recent years, where we stressed the importance of inclusion of relevant stakeholders in such considerations as early in the process as possible. To ensure a high level of compliance with management measures in existing and new MPAs, the NSAC believes that it is of utmost importance to apply a participatory and multilateral regional approach in the Commission’s deliberations related to the conservation of marine resources, so the designation of areas are clearly understood. Given the different levels of degradation of the marine environment and varying levels of compliance in the different geographical areas, it is only by including and considering stakeholder expertise from fishers and scientists alongside other regional stakeholders that the right balance can be struck between ecosystem conservation on the one hand, and socio-economic viability of the relevant fleet segments on the other.

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<sup>7</sup> <https://www.nsrac.org/wp-content/uploads/2017/11/10-1718-Swedish-Proposal-for-Management-Measures-in-MPAs.pdf>

<sup>8</sup> <https://www.nsrac.org/wp-content/uploads/2020/10/17-1920-NSAC-Advice-on-JR-on-Swedish-MPAs-in-Kattegat.pdf>

<sup>9</sup> <https://www.nsrac.org/wp-content/uploads/2020/11/02-2021-NSACAdvice-on-the-JR-on-Danish-MSFD-areas-in-Kattegat.pdf>

<sup>10</sup> <https://www.nsrac.org/wp-content/uploads/2021/04/11-2021-NSAC-Advice-on-JR-on-MPAs-in-German-EEZ.pdf>

<sup>11</sup> <https://www.nsrac.org/wp-content/uploads/2020/06/09-1920-NSAC-Advice-on-Dogger-Bank-Process.pdf>

Finally, NSAC suggests the Commission seize the opportunity the Biodiversity Strategy provides to improve the implementation and enhance and complement the CFP by means of the Action Plan, protecting fisheries resources and marine ecosystems by sustainable fishing requirements and introducing climate considerations in fisheries management. Additionally, the Strategy should be aligned with other related regulations, such as the MSFD and Natura 2000.

## 2.2 MPAs and Other-Effective Conservation Measures (OECMs)

In its response<sup>12</sup> to the NSAC letter the Commission cited the Waldron report<sup>13</sup>, a study that highlights and promotes the economic benefits of extending the network of marine protected areas up to 30%. The report mentions that the financial and economic benefits of 30% protection exceeds the costs by a factor of at least 5:1. The NSAC would like to note that while the Strategy indeed highlights that enlarging protected areas has an economic imperative, for marine ecosystems the Strategy also references a study<sup>14</sup> estimating that for marine ecosystems every euro invested in marine protected areas would generate a return of €3. In the same study the abstract highlights that: *“The results show that the global benefits of expanding MPAs exceed their costs by a factor 1.4–2.7 depending on the location and extent of MPA expansion. Targeting protection towards pristine areas with high biodiversity yields higher net returns than focusing on areas with low biodiversity or areas that have experienced high human impact.”* (Brander et al. 2020). The NSAC notes that the estimations of economic benefits from MPAs vary greatly and may be applicable in certain circumstances and scenarios (modelled or otherwise). However, these aspects may not always translate in the North Sea context. Nevertheless, the NSAC agrees that it merits consideration and recommends that a detailed analysis be carried out to assess if potential secondary economic benefits for certain fisheries and stocks are feasible in MPAs that are effectively managed and protected in the North Sea.

While there has been statements and research on the socio-economic benefits of protected areas, it is still a subject of debate for many stakeholders. Looking further into the Waldron report the authors acknowledge that, while other sectors, such as tourism, might benefit, on the shorter (undefined) and immediate term certain aspects of the fisheries sector is expected to experience losses. By way of example, whilst noting the conservation benefits of the expansion of the Great Barrier Reef, there were nonetheless losses arising from the displacement of fishing activities that were underestimated, which had a negative impact for the affected fishers.<sup>15</sup> Others, on the other hand, assert that the long term benefits associated with the effective management of fishery restricted areas involving a participatory approach, that some international studies demonstrate, leads to higher biomass and future yields<sup>16</sup>.

These can be observed in the use of No Take Zones as scientific reference sites for long term stock management, and via the spillover effect from No Take Zones in MPAs which can help fish populations effectively recover within an MPA and adjacent areas, thereby increasing

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<sup>12</sup> [https://www.nsrac.org/wp-content/uploads/2020/10/Reply\\_to-NSAC\\_questions\\_BDS.pdf](https://www.nsrac.org/wp-content/uploads/2020/10/Reply_to-NSAC_questions_BDS.pdf)

<sup>13</sup> [https://www.conservation.cam.ac.uk/files/waldron\\_report\\_30\\_by\\_30\\_publish.pdf](https://www.conservation.cam.ac.uk/files/waldron_report_30_by_30_publish.pdf)

<sup>14</sup> Brander et al. (2020). The global costs and benefits of expanding Marine Protected Areas. Marine Policy, Volume 116, 2020.

<sup>15</sup> W. J. Fletcher et al (2015), ‘No-take zones in the GBR and fisheries predictions’, pp. 15-16.

<sup>16</sup> Di Lorenzo et al. (2016). Spillover from marine protected areas to adjacent fisheries has an ecological and a fishery component. Journal for Nature Conservation, Volume 32, 2016.

yields. A meta-analysis carried out on existing MPAs in southern Europe showed that *“these effects depended on the time of protection and on the size of the no-take area. CPUE of both target species and the marketable catch increased gradually by 2–4% per year over a long time period (at least 30 years)”*<sup>17</sup>. The same study reported that fish recovery areas (also called ‘fish stock development area’ or ‘no take zones’) in some regions, exhibited higher biomass and abundance of commercial fish species which generates long term economic benefits for fishers and coastal communities. Again, these studies are not necessarily directly transferable to the North Sea due to different regional management characteristics. It is also important to note that these positive benefits rely on the effective management and control of protected areas. The NSAC recommends further research to better understand the magnitude of this impact as well as any other potential unintended consequences, particularly regarding the environmental, economic and social costs of (1) redistribution of the fishing pressure to other areas, (2) loss of livelihoods, (3) overdependence on foreign tourism (see impact of the pandemic) on local economies and resilience, (4) redistribution of wealth and compensations to those negatively impacted or excluded; and (5) the impact of the externalization of these costs on the national social security system. In the North Sea, in some countries like Denmark, fishing organisations have supported the proposal to have 10% of the sea strictly protected and having No Take zones in the MPAs of their North Sea areas. However, if the increased protection of the sea areas causes significant negative economic consequences for certain fishers, the parties agreed to recommend that politicians discuss the possibilities for a targeted support to the fisheries with focus on a sustainable transformation.

Despite potential positive effects in the longer term, closing of areas will affect the socio-economic viability of certain segments of fishing fleets. The NSAC recommends that socio-economic effects are thoroughly studied and assessed prior to implementation of such measures, including consideration of opportunity costs and resource availability on new fishing grounds in case of displacement.<sup>18</sup> The NSAC finds it equally important to perform sound scientific analyses of fisheries impacts on the North Sea ecosystem based on fisheries distribution of effort and landings, and it agrees that activities within MPAs should not be detrimental to the conservation objectives.

The implementation of any conservation measure should be compatible with Article 11 of the CFP and based on best scientific evidence. Additionally, to ensure that marine spatial planning with a co-existence approach causes minimum disturbance and mitigate potential conflicts between the involved actors, three things are important<sup>19</sup> 1) early stakeholder consultation to detect conflict potential at an early stage and acknowledgement of the importance of all actors, including fisheries; 2) facilitation of negotiation processes by independent third parties and the creation of guidelines for the expansion of spatial measures; and 3) mitigation of the associated loss of income.

As indicated above, the NSAC acknowledges that MPAs can have both positive ecological benefits for marine ecosystems, and socio-economic benefits for certain coastal communities, including in the North Sea, in certain sectors. According to the EU Blue Growth strategy, coastal and maritime tourism is the biggest sector in terms of gross added value and employment. For instance, in the protected area of the Wadden intertidal and subtidal zone of the North Sea, nature serves as an asset that provides economic and social benefits, which is highlighted by the Wadden Sea’s designation as a Particular Sensitive Sea Area (PSSA) by

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<sup>17</sup> Vandeperre et al. (2010). Effects of no-take area size and age of marine protected areas on fisheries yields: A meta-analytical approach. *Fish and Fisheries*. 12. 412 – 426.

<sup>18</sup> [https://www.europarl.europa.eu/cmsdata/215224/652.212EN\\_rev.pdf](https://www.europarl.europa.eu/cmsdata/215224/652.212EN_rev.pdf) (page 17)

<sup>19</sup> [https://www.europarl.europa.eu/cmsdata/215224/652.212EN\\_rev.pdf](https://www.europarl.europa.eu/cmsdata/215224/652.212EN_rev.pdf) (page 12)

the International Maritime Organisation. In 2009, the Wadden Sea was inscribed on UNESCO's World Heritage List<sup>20</sup> in recognition of the 'Outstanding Universal Value'<sup>21</sup> of the area and the progress made in protecting and managing it for more than a generation<sup>22</sup>. The World Heritage Committee "*requests the Parties to prepare and implement an overall Tourism Development Strategy for the property that fully considers the integrity and ecological requirements of the property and that provides a consistent approach to tourism operations in the property*". In order to implement the request of the World Heritage Committee, the State Parties Denmark, Germany and The Netherlands established a trilateral Task Group Sustainable Tourism Strategy (TG-STs) in 2010 with participation of tourism stakeholders and NGOs to develop a joint strategy and action plan<sup>23</sup>. Together these contribute to a successful management of the MPA in the Wadden Sea.

One of the commitments in the Strategy is to "*effectively manage all protected areas, defining clear conservation objectives and measures, and monitoring them appropriately.*" This is a welcome statement, particularly due to recent findings by Probst et al.<sup>24</sup> that the overlap between consistent core areas of migratory species and Natura 2000 protected areas is weak, pointing to a suboptimal efficacy of some of the existing MPAs in achieving desired conservation objectives. The findings also state that mobile species benefit from spatial conservation measures within the greater North Sea, but that the current Natura 2000 MPA network may need to be extended. In this respect the criteria for effective management and protection of highly mobile species must be science based.<sup>25</sup> It is evident that mobile and dynamic systems like the North Sea that are also adversely impacted by climate change and relevant anthropogenic pressures are best conserved by following the best available scientific information and adaptable tools. The NSAC recommends that the management of sub-optimally managed areas are revised and monitoring improved to ensure effective management and protection. To this end the NSAC welcomes the Commission's commitment to implement a contract in 2021-2022 to define and test a system to assess the management effectiveness of EU MPAs, as stated in the Commission's response. The NSAC highlights that regional differences need to be considered in this assessment. This is essential for ensuring greater effectiveness of the measures across all MS as well as their proportionality and necessity.

Finally, without prejudice to the ambitions and goals of the EU Biodiversity Strategy, including having at least 30% of EU seas being protected with one-third – 10% of EU seas - being strictly protected, the NSAC would like to stress the importance for the Biodiversity Strategy to be well-aligned with international targets and this entails due consideration for both MPAs and OECMs as defined in Decision 14/8 of the Convention on Biological Diversity. In this context, there is a clear need for identification based on science and local knowledge, and for a full stakeholder participation in equitable governance and management.

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<sup>20</sup> <https://www.waddensea-worldheritage.org/convention-and-nomination>

<sup>21</sup> <https://www.waddensea-worldheritage.org/becoming-world-heritage>

<sup>22</sup> <https://www.waddensea-worldheritage.org/one-wadden-sea-one-global-heritage>

<sup>23</sup> <https://www.waddensea->

[worldheritage.org/sites/default/files/2016\\_state%20of%20conservation%20report.pdf](https://www.waddensea-)

<sup>24</sup> <https://www.nsrac.org/wp-content/uploads/2021/01/Probst-et-al-2021-NS-core-areas-demersal-species.pdf>

<sup>25</sup> Breen et al. (2015). Temperate Marine Protected Areas and highly mobile fish: A review. *Ocean & Coastal Management*. 105. 75-83.

### 2.3 Bottom-contacting gear

One of the measures that will be considered in the Action Plan is the reduction of environmental impact of bottom-contacting fishing gear. The Commission communicated in their reply to the NSAC letter that management solutions will be sought to help ensure continued fishing, as long as stocks are fished at sustainable levels, and at the same time provide greater protection for the marine environment, especially the seabed and its habitats. It further says that the solutions need to involve the fishing sector to help achieve both objectives in a balanced way.

The NSAC welcomes this conclusion, however we would like to remind that cooperation with fishers on further enhancing sustainability in all areas of conservation and protection of ecosystems is already taking place. Sustainability is enshrined in the CFP and fishers are proactively engaged in finding solutions for the protection of the marine environment.

The Strategy states that where necessary, measures will be introduced to limit the use of fishing gear most harmful to biodiversity, including on the seabed. It will also look at how to reconcile the use of bottom-contacting fishing gear with biodiversity goals, which must be done in a fair and just way for all and using the best available scientific knowledge. The Action Plan will explore options to reconcile the use of bottom-contacting fishing gear with biodiversity goals. While it is evident to most that that bottom contacting gears have an impact on the seabed, the NSAC understands that gears permitted should be aligned with the conservation goals and objectives of the MPA. As stated in the Biodiversity Strategy, the European Maritime and Fisheries Fund should also support a successful transition to more selective and less impacting fishing techniques, and the NSAC welcomes this. A successful transition to more selective and less damaging fishing techniques, where feasible, must be ensured to achieve MSY targets in the CFP. Examples of fisheries where the transition to different gears would be problematic are the fishery for *Pandalus* shrimp in Skagerrak and the Norwegian Deep and the fishery for Norway lobster in Kattegat and Skagerrak and sole in the North Sea. Trying to target these stocks with set nets or creels is not technically feasible for *Pandalus* shrimp, and for Norway lobster and sole fisheries quota utilisation would further decrease. One could further worry that loss of gear from the fishery would increase, which would be an undesirable side effect of such a change. In the North Sea there are examples of bottom-contacting gears in specific habitats and fisheries where the impact has not yet been sufficiently assessed or separated, while others have mixed observable effects.

The European Environment Agency (EEA) has reported that 86 % of the assessed seabed in the Greater North Sea and the Celtic Sea shows evidence of physical disturbance by bottom-touching fishing gear with 58% of the area highly disturbed, and the recoverability of seabed habitats is questionable.<sup>26</sup> For the impact of fisheries in the North Sea, approximately 60% of North Sea seafloor is trawled at least once per year<sup>27</sup>. To optimise the use of spatial measures MPAs should be effectively designated according to the best available scientific advice and ensure MPAs are placed where they are likely to meet their targets and support the aim for higher biodiversity. The NSAC also believes that protection of areas should be targeted towards areas designated for the achievement of GES, and/or in addition to the effective restoration, protection and management of areas of high biodiversity and climate value. The reference from Rijnsdorp et al. (2020) states: "*Trawling is highly aggregated in core fishing grounds where the status of the seafloor is low but the catch per unit of effort (CPUE) per unit of impact is high, in contrast to peripheral grounds, where CPUE per unit of impact is*

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<sup>26</sup> <https://www.eea.europa.eu/publications/marine-messages-2>

<sup>27</sup> Rijnsdorp et al. ICES Journal of Marine Science, Volume 77, Issue 5, September 2020.

*low*". Based on this, considerations on the possible effect of displacement of current fishing effort should also be taken into account and researched. Implementing fishery restrictions to core fishing grounds, where catches and ecological impacts are higher than in other non-core areas, will displace fishing vessels into new areas. This will be an environmental effect to consider, in the absence of fishing vessel decommissioning schemes. Further to this it is important to note that measures that may cause impacted fishers in certain fleet segments to spend more time at sea, such as travelling into areas with lower catches per unit effort, risks increased CO<sub>2</sub> emissions. The NSAC recommends that a science-based approach should be taken between protecting marine habitats, while at the same time reconcile this with access to important fishing grounds. As a key approach, the NSAC advises the European Commission to increase focus on research into the spatial, environmental and socio-economic effects of fisheries closures and displacement, as well as gear development, and ensure a scientific impact assessment on any future legislation that aims to minimize the use of bottom-contacting gear. In this context, the NSAC acknowledges the most recent advice<sup>28</sup> by the International Council for the Exploration of the Sea (ICES) which estimates that a 10% reduction of bottom-trawling effort from peripheral fishing grounds could result in 30-40% seafloor untrawled; and 26% reduction in 70% of seafloor untrawled in the NE Atlantic waters. Such reductions would bring relatively low loss to the fishing sector but significant gains for the marine environment—these include restoring biodiversity and mitigating climate change.

#### 2.4 Cooperation with Fisheries on MPAs

Taking into account all other industrial developments in the North Sea, MPAs may help sustain fisheries in a sustainable manner with access to their fishing grounds. This has to be investigated, evaluated and decided site-specific with clear impact assessments to prevent damage for the fisheries without gaining a benefit for the environment. Successful case examples in Europe that could serve as a model of fishers participating in the effective management and protection of MPAs in North Sea who retain fishing access, would include the VIBEG, and VisWad in the Netherlands, which utilises the bottom-up approach. In these MPAs local fisheries and their representative organisation are involved in the administration and all the decisions taken by the authorities. Local fishers are also involved in the surveillance and monitoring of the protected area.

#### 2.5 Financial implications

The NSAC agrees with the Commission on the use of EMFAF. Financial support should be available to the entire value chain for any necessary changes needed to help achieving the Biodiversity Strategy objectives in a balanced way, including addressing the potential impacts on fisher livelihoods. First and foremost, it is important to jointly work and find appropriate management solutions in order to support the implementation of the Biodiversity Strategy and effectively manage and protect 30% of the EU seas.

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<sup>28</sup> <https://www.ices.dk/sites/pub/Publication%20Reports/Forms/DispForm.aspx?ID=37785>



### 3. Conclusion and summary of main points

Below we provide you with a list of main considerations and recommendations.

- The NSAC understands the need for and **supports the EU Biodiversity Strategy and the Nature Restoration Plan** to conserve fisheries resources and protect marine ecosystems, while safeguarding sustainable fisheries and seafood supply.
- NSAC suggests the Commission seizes the opportunity that the Biodiversity Strategy and the Action Plan provide to **improve the implementation and enhance and complement the CFP** and other relevant EU policy legislation and introduce climate considerations in fisheries management.
- The NSAC seeks clarification from the European Commission to determine if the Biodiversity Strategy **targets are to be considered at regional and/or at national level.**
- The NSAC highlights that, as referred to in the CFP, **fisheries measures should be proportional and taken within a regional framework.** A **transitional period** should be considered to allow impacted fishing fleet segments to adapt to the necessary measures.
- NSAC suggests continuing the scientific dialogue on how to **reconcile the use of bottom-contacting fishing gear** with biodiversity goals in a fair and just way for all, and integrating this in the Biodiversity Strategy and the Action Plan.
- It is key that the **aims of the MPAs and OECMs are clearly defined** and scientifically assessed to be able to meet their aims, and that **monitoring and follow up surveys** are able to show that the MPAs are delivering on its aims.
- It is important to apply a **participatory and multilateral regional approach** in the Commission's deliberations related to the conservation of marine resources, so that the designation of areas are clearly understood.
- The NSAC foresees that some of the measures in the North Sea would **not be immediately profitable** in the short to medium term for certain stakeholders, particularly the affected fishers. The NSAC recommends that **socio-economic and environmental impacts are thoroughly studied** and assessed prior to implementation of such measures, including consideration of opportunity costs and resource availability on new fishing grounds **in case of displacement**, as well as any potential benefits of effectively managed and protected MPAs in the North Sea region. The NSAC finds it important to perform sound **scientific analyses of fisheries impacts on the North Sea ecosystem** based on fisheries distribution of effort and landings, and it agrees that activities within MPAs should not be detrimental to the conservation objectives.
- The NSAC finds it important to **assess the management effectiveness of EU MPAs**, and highlights that **regional differences** need to be considered in this assessment.
- The NSAC recommends that the management of **sub-optimally managed areas are revised and monitoring improved** to ensure effective management and protection.
- It is important to ensure that marine spatial planning with a **co-existence approach** causes minimum disturbance and mitigate potential conflicts between the involved actors.
- Criteria for effective **management and protection of highly mobile species** must be science based.
- Without prejudice to the ambitions and goals of the EU Biodiversity Strategy, including having at least 30% of EU seas being protected with one-third – 10% of EU seas - being strictly protected, NSAC highlights the **importance for the Biodiversity Strategy to be well-aligned with international targets.**

- The NSAC welcomes Commission's statement that **management solutions will be sought in collaboration with fishing sector** to help ensure continued fishing, as long as stocks are fished at sustainable levels, and at the same time provide greater protection for the marine environment, especially the seabed and its habitats.
- To optimise the use of spatial measures, the NSAC believes that **protection of areas should be targeted towards areas designated for the achievement of GES**, and/or in addition to restoration and the protection of areas of high biodiversity and climate value.
- A **successful transition to more selective and less impacting gears, where feasible**, must be ensured to achieve MSY targets in the CFP.
- **Financial support should be available through EMFAF to the entire value chain** for any necessary changes needed to help achieving the Biodiversity Strategy objectives.