

REPORT

Meeting: **The Future of Our Seas (MSFD Stakeholder Conference)**

Parties: **EU Commission, stakeholders**

Date: **17 December 2021**

Location: **Online**

Rapporteur: **Tamara Talevska**

1. Opening speech

Event's [agenda](#).

The Conference was opened by Commissioner Sinkevičius stressing the importance of finding a balance between human activities and protection of resources. He noted that coherent policies are needed and that expanding human activities require alignment with policies designed to enable this expansion in a sustainable way. He hoped that with the MSFD review the EU will be able to improve the health of its seas. He highlighted that following MSY levels embedded in the CFP is one step towards this mission. A counter argument heard later was that MSY benchmark is not ideal and not a sign of good environmental status, since some stock which are at e.g. 6% of historic abundance are still considered sustainably fished when fishing mortality is at MSY levels.

It was further noted that seas are critical for human wellbeing, particularly since around half of EU population lives within 50km from the sea. The EU has a special role on the global stage and is a leader in marine protection judging by the sheer MPA coverage. However, in many aspects the MPA ambition falls short of actions, which creates a problem of credibility. In order to remain a credible player on the global stage, the EU needs to properly manage and monitor its designated MPAs.

It was commonly recognized that the EU has been failing on stated initiatives and that there was a serious implementation gap. MPAs were considered the most effective tool for sustainable use of the seas, for managing pressures and impact on ecosystems, particularly where the biodiversity is most degraded. It was added that climate change is further adding to degradation of marine ecosystems as it accelerates biodiversity loss. This is particularly noticeable in closed seas where stocks are unable to move further north and where pressure reductions have not been realized, such as the Mediterranean.

To achieve visible success in nature conservation and sustainable use of resources, policies on land need to be aligned with policies at sea. Baltic sea was exposed as an example for long term systemic and strategic collaboration, where timely implementation of marine policies was harmonised with those on land.

Way forward was identified through the following aspects/actions:

- Better implementation of policies
- Full implementation
- Clear targets and deadlines
- Cooperation between the MSFD and maritime policy
- Alignment of nature directives and MSFD
- Coherent well-managed network of MPAs.

Sustainability should be considered as guiding principle, together with:

- Precautionary principle
- Cumulative effects as basis for management, MSP
- Ban on harmful subsidies
- Restoration of marine environment
- More systemic knowledge

During the plenary session speakers agreed that the current MSFD is well aligned with the EU Climate Directive and EU Green Deal and that it is not its content that is problematic, but the lack of its implementation. One element of the EU Green deal is that policies are connected, as the ecosystems themselves are connected too. These connections need to be made on a policy level with crucial cooperation with and between MS.

A question of the right balance between economic activity and environmental objective was raised. There was also a reproach that too much responsibility for the current state of the seas is placed on fisheries and that other pressures should be better accounted for equally. A balance between social, economic and environmental activities is needed. There seem to be a mis-perception that the MSFD will account for the environment and the CFP will take care of the socio-economic aspect. Instead, both of the policies should take thorough consideration of all three pillars of sustainability. Process-based MSFD was said to have very few effective measures to obtain GES. What is needed are effective enforcement mechanisms.

The main problem identified was that GES is dependent on measures defined in e.g. sector policies such as CFP. Clearly defined measures and political will to protect marine environment are crucial. Overfishing resulting from lack of ambition in the AGRIFISH Council contributes to loss of biodiversity, the long-term socio-economic impact of which is not being taken into account due to alleged ministers' shortsightedness.

Another issue identified was organizational deficit with only one Directorate-General being engaged in MSFD implementation, when in fact it is an overarching policy. Lack of resources is particularly problematic with severely understaffed teams responsible for implementation of MSFD.

One of the suggestions was to include GES thresholds in MSFD implementation along the lines of "if seabed integrity is not reached by 2026, bottom trawling must go".

Bringing financial incentives and investments to the EU Green Deal agenda was considered crucial with a stress on ecosystem-based management. Connections need to be clear, implementation and compliance regimes need to be stronger. It was agreed that incentives need to be accompanied with enforcement measures for visible progress. If MS do not make a progress, the Commission should start infringement procedures. However, this is undesirable as it would take additional time.

It was agreed that any approach needs to be based upon science. There is not an area that human can exploit without there being an impact on nature and nature has limits. The question is one of trade-off.

The CFP regards fishing as the only factor of influence on fish stocks. Strategic ecosystem approach should be taken instead, focusing on multi sectoral and multispecies assessments. Department silos was identified with fisheries departments not reflecting on environmental policies. The CFP needs to better link up with questions of ecosystems, state of biodiversity, reality of climate change. A question to scientists would be whether they are being asked the right questions. Questions and requests to scientists should be rephrased and grouped together in a form of multi-stock advice requests. Holistic outlook should be considered, looking at multiple pressures at the same time in what would be an analysis of the ecosystem state. Ecosystem-based management should be implemented in a systemic approach that offers holistic consideration.

Commentary on directive review was that reforming the directive will not ensure compliance if enforcement mechanisms are not in place. Cross-sectoral cooperation needs to be enhanced and departmental silos needs to be overcome.

MSFD review is legally required by 2023. It was considered a good timing to encapsulate it to broader perspectives on e.g. climate, pollution. DG MARE's momentum is in joint work on conservation of fisheries resources. Solutions need to be brought about that are socially just, economically viable and can re-boost environment. Decision-making needs to be fed with best data. Awareness should be raised and cooperation boosted between all the parties that have responsibility of driving this change.

2. Session A3: Taking action – Measures

This session looked more specifically at measures: why are measures taken in some areas, and not others, at what level should they be taken, what makes them effective.

Measures are actions, initiatives or decisions which may improve the status of descriptors. Integration of measures can be selective to achieve GES.

It was acknowledged that the link in the directive between the descriptors and measures is well done, however there is lack of definition and data. Precautionary principle should be applied in a quest that uncertainties do not prevent action.

Speakers answered to a question of whether local authorities should be involved in MSFD when devising measures with a definite yes. Stakeholder involvement remains important and desired as well.

Measurable targets are needed, commitments need to be transformed into legal obligations. There is a need for enhanced cooperation amongst regional seas conventions.

MPAs must remain key component of any strategy. They are most effective tools to protect marine environment and to reduce the overall burden on habitats. They are a vital element and have a major potential in blue carbon.

Defining the necessary measures in different MS to improve the state of seas depends on the MS and the descriptor. For some MS the added value of blue economy is high, while for other countries it's lower on a list of priorities which affects the resources dedicated to MSFD.

Cooperation between science and administration should be strengthened, national authorities should be more involved in activities to get the necessary knowledge. Scientific and technical officials should focus to get more practical results to support the implementation of measures.

Scientists and stakeholders should be included to improve ocean literacy and increase pressure to act. The more we know the more we will feel compelled to act. NGOs and civil society will have the greatest role to spur the actions needed. On collaboration between regional seas conventions: it is important that we share our resources and expertise.

In MPAs binding targets and concrete measures are needed. Pledge is not enough, we have to take action. At the beginning it will always be paper parks as this is the first step in implementation. Second step is adding measures. Measures need to be sensible – not no-take-no-go universally, but consider trade-offs. “Negotiations are successful if everybody is more or less angry.” Current MPAs are work in progress. OECM can go further than MPA as a paper park – MPAs need to be adequately managed.

A boost in the blue economy should involve the private sector to invest in the future of our seas. New paradigm is needed promoting sustainability and changing the way we develop economic activity. Involve activities to promote new sustainable activities in marine sector. Blue and the green are linked - the MSFD and MSP are under the same umbrella (in Spain). In other countries different people are responsible for green and blue sectors. This silos should be broken.

The local and regional areas should be included and their reflections considered. It is important to let countries and local communities recognize the essential characteristics of micro/macro and mezzo level of measures in MSFD and their implementation. Recognizing what is relevant for local communities and set priorities and relevance for regions.

There was a question of whether a more overarching “Ocean Law” is needed. Ocean law would promote immediate action in a form of actions plans, however MSFD could suffice if all bring themselves to action. The discussion on the governance of the oceans is ongoing: UNCLOS, climate change convention, BBNJ convention. Whether something larger to cover all this is needed is still a discussion with no definite answer.

Lack of knowledge and the precautionary principle to drive actions was mentioned, recognizing at the same time that it is difficult to use the precautionary principle when there is socio-economic impact. The key in supporting the economic sectors for the transition is to leave nobody behind, while keeping in mind the unavoidable nature of socio-economic implications. Question of trade-offs is a tough discussion. However, decisions have to be taken, lack of information should not prevent decision-making. Discussions with stakeholders are important. Each project will undergo environmental impact assessment, however strategic planning should be begin now.

Operating sustainably is ultimately more profitable than not acting at all. Some actors will certainly be impacted, but fear of environmental measures impacting economic activities should not deter us from acting. Losses are not unavoidable. The current recovery plan is a

great opportunity to promote transition without leaving people behind. Well-planned-out transition can benefit industries and people. Here, digitalization will be important – in the marine sector new technologies for monitoring will be imperative for data collections, to get information and create links not yet understood.

The future Directive has to bring onboard the climate change which is not accounted for at the moment. There should be more focus on regulation and implementation of measures. Some guidance is there, but we need something more developed. Coordination and monitoring will be important. The EU funds need to be channeled to local communities. European task force should be established. Currently there are a lot of measures set up in many places at the same time, what we need is pulling together the resources and share expertise. More synergies are needed.

3. Session B3: Fragmentation and transboundary cooperation

Session B3 dealt with fragmentation amongst national institution sectors and in transboundary cooperation. For MS to improve implementation and enforcement cross-sectoral and cross-country cooperation are needed. This work is ongoing, but there is silos between sectoral laws (CFP) and nature conservation (MSFD), the former overriding the latter. Coordination over regions, countries and sectors is vital. Channeling EU funds to marine environment is necessary particularly in countries where this hasn't been a priority so far. Article 15 MSFD stipulates coordination with the CFP, however so far the article hasn't been implemented properly.

There is a red tape with heavy reporting requirements. Simplified reporting would help to focus on the essential and produce less volumes and more action. A common platform for reporting was mentioned as possible solution.

There was a reproach voiced on the way the Commission is reporting on MSY objective, stating that their perception is too optimistic. There are still big gaps in achieving MSY and this should be reflected in the reports. The Commission should also show leadership in the way it addresses overarching policies. Increased cooperation between DG ENV and DG MARE is fundamental in promoting progress. The COM and the MS should be willing to take decisions on e.g. quota limits – this was considered the only way to reach GES.

There was a proposal to reinvent the common name of the Directive, stating that a more common/relatable name is needed, like a “Blue planet regulation” or “EU ocean regulation”. Clear linkages between healthy seas, healthy food, healthy environment, healthy communities should be translated in a clear language, closer to the people.

It was believed that MSFD is strong, and that re-opening the Directive would give an opportunity to MS to cherry pick.

A proposal was voiced to merge JRs under CFP. The regional seas could work together to come up with joint JRs.

MSP was said to be an instrument for MS to implement, tackling a challenge to spur coordination in eco-connectivity, corridors, biodiversity while taking into account economic activities. It seems to be a challenge to use existing data to form quality information – current data are not used to promote actions. Sectors should take ownership, responsibility for action.

Would mandatory targets for regions and sectors be viable? It's important to set objectives that are measurable and feasible. The COM is successful at setting non-specific objectives, but is less effective in measuring them. Measurable goals sound great, but the viability questions persist.

4. Plenary

The following conclusions were proposed in the plenary session:

- Measures are not being enforced. Data and science-based decision making required. Data gathering should not be an excuse for inaction.
- Time is scarce, processes need to be accelerated.
- Indicators – ongoing discussion on how many is ideal?
- Directive allows for coherence; it is not automatic or static.
- Responsibility is shared between EU and national levels – sectoral involvement is important.
- Political challenge, need for holistic view.
- MSP looking forward, and MSFD reaching backwards.
- Better coordination between regional conventions.
- Simplified reporting needed, a shared platform as a potential solution.
- Put the measures at the heart of legislation and link them to targets.
- Improve the knowledge base and rely on experts.
- Lack of knowledge and data is no excuse for inaction – need for precautionary principle, action, progress.
- Cross-regional cooperation, cross-sectorial ownership as a measure to improve MSFD.
- Measures integrated to ocean law (as in climate law).
- Better narrative, language that people can relate to.

5. Closing

The conference was closed by Patrick Child, Director-General of DG Environment and Charlina Vltcheva, DG Maritime Affairs and Fisheries stating that there is a strong support to objectives of the Directive and highlighting the importance of alignment and cooperation between the two DGs. Blue economy was stressed as a potential of marine environment to contribute to climate mitigation, which can only be achieved with healthy oceans.

Way forward: In the first half of 2022 there will be different scenarios tested and assessed against the environmental, social and economic impacts. Further stakeholder consultation will take place in the second half of 2022.