

REPORT

Meeting: **Joint Special Group on Marine Action Plan**

Parties: **DG MARE, Member States, stakeholders**

Date: **6 October 2023**

Location: **Brussels/online**

Rapporteur: **Tamara Talevska**

This was the first meeting of the **Joint Special Group on Marine Action Plan**, with the aim to support the Commission and Member States with the **implementation of the action plan (AP)** and ensure the coherence and effectiveness of those actions. It will also monitor progress of the initiatives announced in the AP, mainly through facilitating the discussion between the Commission and the Member States' authorities concerned with the action plan. Member States are members of the special group (one participant from fisheries and one from environmental authorities), whilst stakeholder organisations are invited as observers.

The purpose of the special group is to engage in constructive exchanges to share best practices and identify the appropriate solutions that will allow marine ecosystems to recover and fisheries and coastal communities to flourish, in line with our global and EU commitments, in particular the Biodiversity Strategy for 2030. This requires fully exploiting the tools and instruments under the common fisheries policy as a means to improve coherence with and contribute to the implementation of EU environmental legislation, and to effectively coordinate the implementation of both policies to reach their respective objectives.

The aim of the first meeting of the special group was to enable an exchange of experiences between Member States and with the Commission and to guide Member States in the preparation of the roadmaps requested in the action plan. The discussion in this first meeting focussed on size-selectivity, sensitive species and the seabed, in particular on the already existing legal obligations under the Birds and Habitats Directives (BHD), the Marine Strategy Framework Directive (MSFD) and the Technical Measures Regulation (TMR).

Developments in the Council: the Council examined the draft Council conclusions on the fisheries policy package on 26 June 2023. The discussions have not led to reaching a consensus on the conclusions. The Presidency was, however, in a position to conclude that 26 delegations supported the text in its entirety while one delegation (Italy) did not support it.

The Commission provided a short outline of the actions set out in the Action Plan and vowed to provide further guidance to the Member States on filling the roadmap templates. The Commission recalled, in particular, the existing legal obligations related to Chapter 2 of the action plan.

As for the fisheries legislation, fishing activities need to be environmentally sustainable, and **gear selectivity is therefore important**. When designing new conservation measures, these

should be aimed at improving current fishing patterns to ensure the sustainable exploitation of commercial species, while contributing to ensure that incidental catches of sensitive marine species and the negative impacts on the environment are minimised. The Commission will also highlight the tools available to Member States under the CFP and in particular the **Technical Measures Regulation** to put in place fisheries conservation measures, as well as the need for **faster deployment of technological and gear innovation** to decrease the impact of fishing activities on the marine environment, and the need to ensure financing of the activities in the action plan.

The Commission reiterated the MS obligations as per the Action Plan.

In terms of **sensitive species**, Member States need to:

- develop threshold values for mortality due to bycatch for vulnerable species, as part of the MSFD implementation and to adopt fisheries management measures to implement these threshold values (through national measures or, where relevant, by submission of joint recommendations);
- monitor bycatch and adopt fisheries management measures (through national measures or, where relevant, by submission of joint recommendations) to avoid and/or reduce by-catch of strictly protected species under the Birds and Habitats Directives and species protected in Natura 2000 sites;
- improve the protection of the European eel by adopting or updating existing eel management plans under the EU Eel Regulation in full coherence with relevant environmental legislation, and to strengthen the transboundary cooperation.

For **seabed protection**, Member States need to:

- develop threshold values on the 'maximum allowable extent of seabed that can be lost or adversely affected by human pressures' as part of the MSFD implementation and to adopt fisheries management measures to implement these threshold values (through national measures or, where relevant, by submission of joint recommendations);
- adopt fisheries management measures (through national measures or, where relevant, by submission of joint recommendations) to achieve conservation objectives of relevant Natura 2000 sites protecting seabed habitats and habitats of species related to seabed as well as to avoid their deterioration.

Member States shared specific inputs guided by the **questions sent by the Commission** and listed below:

a. Governance is a key factor for success: how does your Member State envisage coordination between national (and regional where relevant) authorities, between Member States, between the Commission and the Member States and with stakeholders? Does your Member State have best practices to share with the group?

b. How does your Member State envisage implementing the actions related to gear selectivity, protection of sensitive species and protection of the seabed under the action plan?

c. What best practices and challenges has your Member State identified related to the implementation of the action plan or parts thereof?

In general remarks, it was stated that having a **Commissioner covering both fisheries and environmental dossiers has proven beneficial, but not sufficient** for breaking the silos between the two departments and identifying and making use of the synergies between them. Common understanding, less polarisation and continued dialogue at all levels were underlined as a necessary underlying condition.

It was stressed several times that **fisheries are only one of the pressures** in marine environment and that **holistic approach** is needed to address all stressors (climate change, eutrophication, tourism, transport, pollution etc., including fisheries). Fishing communities shall be defended in this regard.

This group was said not to seek to replace any of the efforts at national or regional levels, but to complement them and **bridge gaps where needed**. The group is set to operate in full transparency with stakeholders as observers. The group will **meet 2x per year**.

Commission informed that **inter-sessional workshops** will be organised in spring 2024 and individual workshops on topics identified/proposed by the MS (i.e. on the **management of eel**). **By 6th of November any topics should be sent by MS to the Commission.**

Specifically on **gear selectivity and sensitive species**, the MS should focus on:

- Innovative techniques and gear for improved selectivity;
- Limits of incidental bycatch, measures to reduce bycatch to those limits and improve data collection;
- Minimise/reduce bycatches (2023 harbour porpoise, common dolphin, 2024 angel shark etc., 2030 remaining sensitive species, also according to the IUCN vulnerable species list)
- Improve the protection of the European eel.

The Commissions underlined the importance of MS' willingness to **adopt or update the regional management plans**, implementation of the acquis from the Water Framework directive, Habitats directive and MSFD.

In relation to protection of the seabed, MS should:

- Transition to better protection of the seabed (March 2024 – national measures for Natura2000 sites under Habitat directive protecting the seabed and marine species; March 2024 – roadmap of Action Plan-related measures by 2030)
- **No ban on bottom trawling foreseen in the upcoming years, but phasing out mobile bottom trawling in some areas will be necessary. In some cases the transition to more innovative gear will be sufficient.**

In terms of **fair transition**, the Commission will:

- support the MS in the transition, encourage and employ a bottom-up approach through dialogue and knowledge sharing, but also offer support in terms of funding
- workshop on access to funding opportunities through EMFAF, LIFE, regional development funds etc. will be organised by end of 2023.
- Encourage dialogue through different platforms for different voices to be heard from national administrations as well as stakeholders.

In relation to **Governance and process** of the Action Plan implementation, the Commission outlined that this will be done through:

- Joint special group on Marine Action Plan
- MS roadmaps (due in spring 2024)
- Operationalising objectives by 2030 as per biodiversity strategy.

On **MS roadmaps**, the Commission clarified that:

- MS received templates for relaying existing and planned measures to ensure comparability and transparency: <https://circabc.europa.eu/ui/group/8ba8dc69-4226-4d6d-92d7-9ba25b40fc50/library/bd1f0dfe-68b0-4fed-9635-991f1b38d617/details>
- Focus should be on key measures: selectivity, sensitive species, seabed and research/innovation
- Short-term measures and long-term planning for 2030
- Co-creation of the roadmap shall be sought with other MS and stakeholders (through regionalisation)
- Commission is ready to support MS in this endeavour.

There is a need for more knowledge, further work on the ground, and investment in innovations. The state of play in innovation needs to be determined and DG MARE intends to work closely with DG Innovation, including exploring utilisation of **Horizon Europe programme for additional necessary technical measures**.

The MS are requested to produce roadmaps by **March 2024**, including the **state of play of existing national measures** and measures for addressing further gaps.

Next steps:

- MS to map the situation and objectives for their waters and fleets;
- COM to organise workshops and support MS in devising the roadmaps;
- Implementation of concrete measures through national measures and joint recommendations through the CFP and Common implementation strategy of the MSFD and nature directives' expert groups.

Presentation of the state of play by Member States

A round of MS interventions included a list of existing national measures, best practices and challenges. There were generally positive remarks regarding the Joint Special Group and MS

were looking forward to exchange views and practices. A **lack of ecosystem-based approach** to ensure that the needs to society are met within the limits for environment was voiced. MS also expressed frustration with the **ambitious plans and too short deadlines**. A detailed timeline would strengthen the feeling of certainty that sectors need for their daily operations. Extensive **administrative burden** was also shared amongst many MS. Several MS underscored the non-binding nature of the Action Plan (ES, PT, BG, PL, FR), but expressed the willingness to be constructive in this exercise. Consideration of **socio-economic implication** was also urged by some MS (IT, ES), and that the DG Employment and Economic matters should be involved in the exercise. MS underlined the existing **coordination and collaboration** measures between the government departments and with stakeholders. Stressed was also that transition is needed from mere consultation to effective and **inclusive participation (of stakeholders)** – in Ireland this will be included in the upcoming law regulating MPAs. Some MS (BE, LT) complained about the lack of concrete measures and a toolbox expected to be proposed by the Commission, while most hailed regionalisation and the mechanism existing in the regional groupings (HELCOM, OSPAR, BALTFISH, Scheveningen Group, NWW group), including the role of Advisory Councils (LA, LT, EE, IE, DK, SWE). The need to avoid red tape and to **use existing mechanisms** was underlined. The need for additional data and on **habitats mapping** was also expressed. Sound scientific basis shall be used to underpin national and regional measures. **Cross-boundary and cross-sectoral participation** were highlighted, as well as bottom-up approach and active involvement of those stakeholders affected by the measures. Some countries established **a position akin to an Ocean commissioner or cross-sectoral grouping** (DE, DK) intended to break the silos between the environmental and fisheries departments. Precise targeting and tailored measures were also stressed as important, **avoiding blanket approaches**. Several MS listed existing or upcoming national action plans for i.e. migratory and/or sensitive species. Underlined was also important **collaboration between the industry, research community and policy-makers on innovative gear**.

Some MS claimed that there were more challenges than progress. Some **challenges** that were raised were:

- Implementation fatigue, participation fatigue and confusion – more efforts in explaining our story more clearly to those affected;
- low level of trust between stakeholder groups and even within;
- socio-economic issues;
- emerging issue: accusation that there is no level-playing field between the sectors with economic benefit from marine environment;
- regulatory burden for the fishers with existing bans, prohibitions, regulations;
- state aggressor in some sea basins (Black sea, Baltic sea) undermining the MS conservation efforts;
- data and time series lacking for the evaluation of the seabed status; no open access data;
- level playing field between MS and between sectors; also with non-EU states;
- economic losses of the sector due to circular and more selective gear;

- innovation is time and resource intensive and currently there is no workable alternative for mobile bottom-contacting gear;
- Current Technical Measures Regulation hinders innovations – more flexibility is needed;
- Better engagement of fishers and other stakeholders;
- Keeping in mind proportionality and efficiency principles of proposed measures;
- Integration of Other Effective Conservation Measures (OECMs);
- Establishing conservation objectives in MPAs and hinge prohibition of bottom-trawling to specific objectives;
- protection and restoration of migratory species which are currently not regulated in the EU and the cross-border impact;
- Data gaps;
- Not sufficient input from science on EBFM;
- Administrative burden;
- Increase of monitoring of the measures;
- Financing;
- AP deadlines not in line under EMFAF funding activities;
- Agreement on necessary trade-offs;
- Need for scientific experts to participate in setting measures;
- Duplication of processes;
- Demanding timeframe – need to prioritise and avoid red tape;
- Some fisheries, like German crab fishing industry are no longer able to obtain loans due to the AP.

Response by the Commission

It was clarified by the Commission that while the AP itself is not binding, the measures contained within it are based on existing legally binding directives, such as the Habitats, Birds and Water Framework Directive. The Commission also clarified that the roadmaps should be considered a compass and guidance, and not pose additional bureaucratic burden. The role of this joint group is to seek synergies and not to double the work. The Global Biodiversity Framework is a global commitment on which the Commission will need to report on and these roadmaps shall be used for that. Biogeographical seminars were mentioned as an example - the EU attends those – where the aim is to bring together all national authorities with stakeholders, science, academia, to discuss pledges of MS to achieve protected areas at sea and on land. **As such, the deadline for roadmaps are important for the Commission, so that it can issue a report in spring 2024 about the progress in the implementation of the EU biodiversity strategy.**

The Commission also noted its adoption of strategies on OWF and renewable energy end of October. All these activities require appropriate planning, evidence on sensitive areas, and their overlap with renewables, fisheries, to identify possible synergies.

On the need for a timeline for fair transition the Commission responded that that is in the hands of the MS, depending on the realities in fisheries. The broad objective is 30by30, but priority

areas can be identified. Transitioning and implementation of measures will be conducted by phasing in, so that effects are not too severe and all at once.

It was also clarified that the Commission is internally bound to consult all the services, through the so-called inter-service consultations involving colleagues from different departments as part of better regulation guidelines.

Furthermore, the Commission will look into how to underpin socio-economic objectives through establishing, together with the STECF, specific social indicators to consider the AP more holistically through the ecosystem-based approach. The AP refers to the tools of the existing CFP and ICES working group on social dimension of fisheries was also highlighted.

To the comment on the need for a more concrete toolbox for implementation of the AP, the Commission responded that it is difficult to strike a balance between 'enough' and 'too much' when it comes to restricting guidelines. It urged MS to voice their needs and requirements that the Commission can meet.

On the threshold values for bycatch (requirement under MSFD to achieve Good Environmental Status) the Commission explained that the MS are required to complete this work by end of 2023. They noted that OSPAR, HELCOM as well JRC are involved in this to support MS and offer a platform for an exchange of experience and good practice.

The Commission also note that lots of the measures are already in place and simply need to be consolidated and integrated in a holistic framework of measures to deliver on the objectives. They highlighted that the transition cannot happen without the industry and environmental NGOs, as they are crucial players in the protection of the ecosystems.

Reactions from stakeholders

BSAC called to bridge the gap between environmental and fisheries legislators, noting that the state of the Baltic sea depends on this cooperation. For the European eel they noted it demands upstream and downstream actions. On selectivity in pelagic fishery measures they noted that increase in the mesh size proved detrimental due to high hidden underwater mortality. They also noted that rushing measures might prevent fair transition. ACs, and especially the BSAC, are (or should be) considered an added value to these endeavours. They also highlighted the lack of time for proper intervention.

Seas at Risk alerted about the disturbing dichotomy, where MSs are promoting either the protection of the environment or fisheries and food security. They reminded that there are no fisheries without a healthy environment. The need to look at EBFM was highlighted and the need to reimagine the fisheries, as status quo is not sustainable. With this they referred to the necessary adaptation of gear but also social and economic innovation such as diversification of economic sources and activities. Ocean stewardship was mentioned, and the ocean ranger training as a way for fishers to attain complementary income. They highlighted the share of fish caught for human and non-human consumption. A comment was made on the roadmap templates shared by the Commission, that they are "very technical on gear", but that there's "not much about the socio-economic aspects."

MEDAC highlighted that time and additional funding were needed for technological transition that also needs to be socially just. They again highlighted that the AP was non-binding. In their view, all measures tend to be restrictive, but another route should be found without endangering any of the three pillars. They suggested a further look at the co-management, bottom-up cooperation etc., including the approach adopted at FAO on OECMs (Other Effective Conservation Measures), cooperative routes, and with this aim to achieve sustainable results in all three pillars, with the sector involved from the start. Administrative burden is significant also from fisheries perspective.

European Marine Board, an independent thinktank for marine science policy, writing policy and scientific papers on energy transition, coastal resilience, habitat mapping, EBFM (see [EcoScope project](#)). They offered to provide assistance to MS with implementation of the AP, especially on fisheries impact with bycatch on vulnerable species. Tools will also be used to forecast socio-economic consequences, including in the North Sea.

NSAC highlighted some of the advice in relation to AP. Energy transition in a fair fashion was noted as crucial, and the need to link activities with other EU policy files, such as the blue economy. Key messages:

- Planned high coverage of the North Sea with OWFs leading loss of fishing grounds;
- Legal situation: with all kinds of restrictive measures for fisheries planned, there is a need for clear descriptions of biodiversity gains before the measures are proposed;
- Roadmap timeline is ambitious for an effective consultation process;
- The need by the Commission and MS to formulate precise and detailed questions and requests for AC advice, upon which ACs can form FGs. Clearly formulated questions are important for us to be constructive.

Oceana noted that marine biodiversity is in poor status, and that three decades of legal obligations to protect marine species have not been met. On bottom trawling they noted that there is ample evidence that this technique is harmful. They also reminded of ICES conclusion that bottom trawling may be carried out in smaller areas with minimal economic loss. It was noted that MS should work together to adopt JR on Natura2000, and bottom trawled gear should not be allowed in MPAs. They also supported the adoption of OECMs in parallel.

NWWAC reminded of their [advice on marine action plan](#), balanced between the conservation and socio-economic aspects, while also highlighting the food security aspect. They adopted a holistic approach to also account for other activities in marine environment. Stakeholder engagement remains crucial for the achievement of Good Environmental Status in the NWW. They highlighted that they were ready to support NWW regional group with further advice.

WWF noted that they will continue to support policy-makers with science-based reports, and continue to engage with relevant stakeholders for maximum outreach and impact.

MAC informed that the topic is in their work programme and that they are intending to provide advice focused on the market perspective, particularly on the impact on the supply to the market and other socioeconomic effects.

Environmental Justice Foundation stressed the need for urgent solutions for protection of the environment and the need to go further with different mechanisms, initiatives, projects. A change is needed in the paradigm of sustainability in business, which currently is driving the collapse of the marine biodiversity. They also noted that there is no need to wait for further data collection due to the general obligation to protect nature. MPAs are considered key conservation tools, but they need to be effectively managed. Social and economic benefits to local communities were also stressed.

SWWAC recognised that the statements from MS were very polarised depending on whether they came from an environmental or fisheries administration. The need for improved science and the inclusion of socio-economic aspects was noted. Wide participation and more realistic timeframe for the roadmap were crucial.

Coalition Clean Baltic strongly supported AP, with a note that best practice examples and innovation are needed to start shifting the silos. Development of the roadmaps is important, and even though the plan is not legally binding, it is based on legally binding obligations. The strategy for fulfilling these obligations should be carried out in a coordinated way. They noted Baltic sea as an example of what will happen in other seas if concrete action comes too late.

Sharkproject called for action on sharks and rays, noting fishing as the main threat to them. Improving the selectivity of gear for reduction in elasmobranch bycatch was deemed necessary. By the end of 2030, the MS should adopt measures to reduce bycatch for elasmobranch species. The MS urgently need to start working on this transition and involving all of the stakeholders. The current list of sensitive species is not complete and should be revised.

Birdlife Europe stressed that the existing legislation is binding, but that implementation is lacking. Working with stakeholders on mitigation measures will prove crucial in the following years.

Regional cooperation group underlined the need for further data collection, the use of AI for data processing, and the need to launch big research processes to aid the development of conservation measures.

Europeche reminded of Ursula Von der Leyen's SOTEU speech, where she highlighted the need to reconcile nature conservation with food production. They noted that the seabed disturbance target is not built on any existing regulation. In addition, internationally FAO is not talking about the need to reduce bottom fishing, and that both, MPAs and OECMs should contribute to the 30% protection. They noted that AP creates confusions and red tape. They also summarised the European economic and social committee's recommendations:

- Environmental protection strategy must be based on innovation instead of blanket banning of activities;
- The need to retain jobs in Europe;
Additional incentives needed for just transition;
- Internal and external policies should be aligned and coherent;
- Need to avoid jeopardising food security

- Need to consider the high cost the AP poses for society as a whole;

EBFA highlighted the dialogue with stakeholders on how to minimize the impact on seabed. Administrations should overcome the silos approach to sustainable food production and nature protection and all departments should be involved in sustainable fisheries measures. The need for balanced approach to food security and reconciliation with nature conservation was deemed crucial, again quoting Von der Leyen's speech. A question was posed whether the Commission is pursuing the intention to phase out bottom trawling by 2030. They also criticised the disregards of international obligations and the fact that there is no reference to OECMs, which are highly recommended for RFMOs. They are noted the lack of socio-economic evaluation of the consequences for the AP. The need to use solid scientific research when making a case for or against bottom trawling was also stressed, referring to retracted Sala paper. The need for level playing field was also underlined as well as further investigation of negative repercussions of OWF, especially when processes are sped up with the excuse of "overriding public interest".

LDAC highlighted that there is a requirement for coherence between the internal and external dimensions of the CFP. This dictates that the same approach should be used not only in community waters, but also in all oceans worldwide. In view of this, the LDAC is aware of the need for compatibility between the EU Marine Action Plan, other EU commitments and legal obligations reached in international fora. Relating to this, the Secretariat has a mandate of its membership to collate all relevant information and evidence, and to identify international legislative instruments concerning biodiversity and conservation of the marine environment (e.g: CBD or the recently adopted UN Treaty BBNJ. Some of the targets and provisions in these instruments are relevant for the Marine Action Plan, for example: aim to achieve 30% MPAs by 2023; capacity building or the protection of the seabed...) In the coming months, the LDAC will consider issuing its own advice or commission an external study on this topic. In this regard, two aspects will be included as part of this study: Observance of the internationally agreed rules and regulations and the Implementation of a level playing field.

LIFE queried how the COM expects the stakeholders to formally get involved in this process from the small-scale fisheries perspective. They noted that the SSF livelihoods are at risk from nature degradation and as such they welcome the AP with its 30by30 objective. Further MPA designations are welcome, however co-management should be ensured. They pointed to the EP resolution on co-management. On the prohibition of bottom trawling in MPAs they noted that management decisions will depend on objectives set for those MPAs. On the fisheries interaction with sensitive species, exchange with fisheries will remain of critical importance. They also noted that MS should make use of further reduction of TACs.

EAPO noted that it represents thousands of vessels in EU, also small-scale category, in fact most members are SSF. They reminded of the low carbon footprint of seafood compared to other protein sources: the CO₂ footprint of 1 week of beef consumption equals to 1 year worth of consumption of seafood. Also important to keep in mind is that every time costs are added to fisheries and fish products, it forces people to choose other, environmentally less friendly products. They highlighted two issues: the need to improve selectivity and the particularly complicated process of obtaining approval for selective gear and energy transition, where

there is a dire need to remove barriers that do not allow fishing companies to invest in green solutions.

The Commission invited further written input which will be shared with all participants.

Conclusion

The Joint Special Group was considered an added value for connecting the dots between the two seemingly opposing files: sustainable seafood production and nature conservation.

The Commission reminded again of the upcoming workshops on the European eel and one on funding opportunities. The next meeting of the Joint Special Group is planned for **June 2024**.

They also reminded of the upcoming PECH committee INI report on AP, due on 9th October and the Inter-AC planned on the 10th October.