

Ms Charlina Vitcheva
Director-General for Maritime Affairs and Fisheries
European Commission
Rue Josef II 99
1000 Brussels
Belgium

Cc: North Sea Member States

NSAC Advice Ref. 01-2425 **NSAC Advice on Fisheries-OECMs**

This paper was approved with consensus by the NSAC Executive Committee on 18 November 2024 via written procedure.

1 Background

On 29 September 2023, the NSAC Ecosystem Working Group Chair and the Executive Secretary attended a Workshop on Fisheries Other Effective area-based Conservation Measures (OECMs) co-organised by the European Bureau for Conservation and Development (NSAC member) and DG ENV entitled “Understanding OECMs to achieve the 30 by 30 target”¹.

The reporting from this Workshop to the members of the NSAC Ecosystem Working Group on 27 November meeting spurred a discussion on a potential value in drafting NSAC advice on fisheries-OECMs. A detailed presentation on OECMs ensued at the Working Group meeting of 1 February by the Chair of the IUCN Fisheries Expert Group, where the initial draft of the advice was also presented.

The purpose of the following advice is to assess the state of play of the current conservation measures and their anticipated contribution to 30% of ecosystem protection by 2030 and identify if and how OECMs could play a role in the European context, notably through the EU Biodiversity Strategy 2030. Finally, we provide a list of recommendations to the Commission and the North Sea Member States on how to advance this concept in a way that certainly contributes to environmental objectives and genuinely engages fishing communities in action to preserve and restore marine ecosystems.

¹ <https://ebcd.org/understanding-oecms-to-achieve-the-30-by-30-target/>

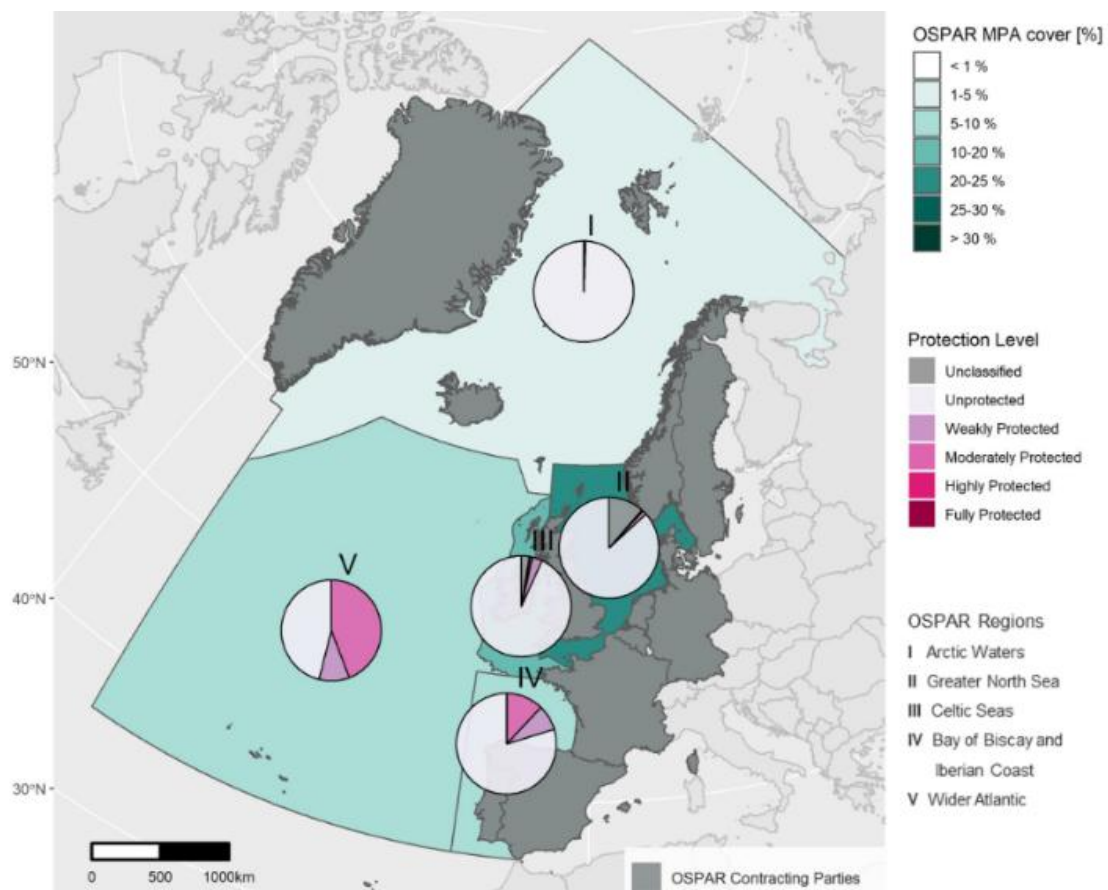


2 Marine ecosystem conservation – State of Play

The North-East Atlantic Environment Strategy (NEAES) 2030 sets out the goal of OSPAR Contracting Parties to further develop the OSPAR Network of marine protected areas (MPAs) in the North-East Atlantic and to guarantee that: *by 2030 the network of marine protected areas (MPAs) and other effective conservation measures (OECMs) cover at least 30% of the OSPAR maritime area and to ensure it is representative, ecologically coherent and effectively managed to achieve its conservation objectives.*

The EU Commission has also set out strong objectives for marine protection in its waters. This began with the adoption of the Habitats Directive in 1992 and has been continually re-emphasised in later policy outlines, the latest being the 2030 Biodiversity Strategy which sets a target of protecting 30% of the marine habitat with 10% being strictly protected.

The North Sea falls under the category 20-25% MPA coverage². In the North Sea, rather than quantity of designated conservation areas, the issue is presented by the insufficient level of protection. Most of the existing areas have few to no measures in place to restrict human



² [2023 Status Report on the OSPAR Network of Marine Protected Areas](#): OSPAR Region II, the Greater North Sea, has an MPA coverage of 20.2%.

activities, and in many cases no management plan in place³. Future work should focus on implementing management measures considered necessary to achieve the conservation objectives of the protected features of conservation areas and further effective protection towards 30%, including through the use of OECMs. In parallel, there is a need for long-term monitoring programs to be established to evaluate the effectiveness of such management measures to conclude with greater confidence that the conservation objectives of the conservation areas are being achieved. In addition, work should progress on improving methods of evaluating the degree to which the OSPAR MPA and OECM network is well-managed to support a more sophisticated assessment as to whether or not the network is delivering a genuine conservation benefit to targeted habitats, species, and ecological processes.

3 Understanding Fisheries-OECMs

Other Effective area-based Conservation Measures (OECMs) have been formally defined as “geographically defined area **other than a protected area**, which is governed and managed in ways that achieve **positive and sustained long-term outcomes for the in-situ conservation** of biodiversity, with associated ecosystem functions and services and, where applicable, cultural, spiritual, socioeconomic, and other locally relevant values”⁴.

Decision 14/8 of the Convention for Biological Diversity (CBD) sets out criteria to fulfill for an area-based management tool to be recognised as an OECM⁴. All CBD Parties are encouraged in the Decision to facilitate the mainstreaming of OECMs into key sectors, such as agriculture, fisheries, forestry, mining, energy, tourism and transportation, independently of their primary objective.

This advice focuses on Fisheries-OECMs. Formally reported OECMs can be counted against the 30 by 30 target, complementing the MPAs networks, as also recognised by the EU Biodiversity Strategy.

OECM CBD criteria⁵

Criterion A	The area is not currently recognized as a protected area
Criterion B	The area is governed and managed <ul style="list-style-type: none"> – The area is a geographically defined space – The area has legitimate governance – Authorities

³ Roessger, J., Claudet, J., & Horta e Costa, B. (2022). Turning the tide on protection illusions: The underprotected MPAs of the ‘OSPAR Regional Sea Convention.’ *Marine Policy*, 142(April), 105109. <https://doi.org/10.1016/j.marpol.2022.105109>

⁴ <https://www.cbd.int/doc/decisions/cop-14/cop-14-dec-08-en.pdf>

⁵ Table based on Amber Himes-Cornell (FAO) presentation at EBCD Workshop 29.09.2023

Criterion C	Achieves sustained and effective contribution to <i>in situ</i> conservation of biodiversity	<ul style="list-style-type: none"> – The area is managed – The area is effective – Sustained over long term – In situ conservation of biodiversity – Information and monitoring
Criterion D	Associated ecosystem functions and services and cultural, spiritual, socio-economic and other locally relevant values	<ul style="list-style-type: none"> – Ecosystem functions and services – Cultural, spiritual, socio-economic and other locally relevant values

The CBD criteria and guidance provided in Decision 14/8 are generic and apply to all ecosystems and all sectoral closed areas. Additional generic guidance was developed by IUCN-WCPA⁶. Guidance needs to be translated for the application in each relevant economic sector, as provided by the Decision. The full OECM implementation cycle in marine fisheries has been addressed by EBCD/IUCN-CEM-FEG⁷. The FAO also developed a handbook addressing the identification phase of the implementation cycle⁸.

In general, area-based fisheries-OECMs offer several opportunities that should be noted. They can:

- Improve the fisheries sector’s **awareness** of biodiversity conservation issues;
- Identify **effective approaches** that might be duplicated;
- Improve area-based conservation **standards in fisheries**;
- Improve and illustrate fishery measures contributions to **global conservation targets**;
- Strengthen **conservation networks**, complementing MPAs in the area;
- **Improve enforcement** and performance assessments;
- Better recognize and harness **community-based conservation efforts**;
- Better and more transparently address **ecological and socio-economic trade-offs**;
- Strengthen **two-way cooperation** with environmental institutions, increasing synergies between conservation and sustainable use of resources.

4 Fisheries-OECMs and the EU Biodiversity Strategy

The EU Biodiversity Strategy sets a target to legally protect at least 30% of the European Union’s sea area and strictly protect at least a third of the EU’s marine protected areas⁹. In a guidance document¹⁰, the Commission explains what can be counted against these targets and OECMs are eligible upon three conditions:

⁶ <https://portals.iucn.org/library/sites/library/files/documents/PATRS-003-En.pdf>

⁷ <https://www.frontiersin.org/articles/10.3389/fmars.2022.920051/full>

⁸ <https://www.fao.org/3/cc3307en/cc3307en.pdf>

⁹ <https://op.europa.eu/en/publication-detail/-/publication/31e4609f-b91e-11eb-8aca-01aa75ed71a1>

¹⁰ https://environment.ec.europa.eu/system/files/2022-01/SWD_guidance_protected_areas.pdf

- The area is covered by a national or international legislative or administrative act or a contractual arrangement aiming to achieve long-term conservation outcomes;
- Conservation objectives and measures are in place;
- Effective management and monitoring of the biodiversity in the area is in place.

As any other OECMs, the Fisheries-OECMs can potentially be counted against the 30 by 30 target of the EU Biodiversity Strategy following two steps:

1. To be recognised as OECMs by fulfilling the generic CBD criteria (see above) as understood in the fisheries management context.
2. To fulfil the three conditions set by the European Commission in its guidance document (see above).

It is encouraging to notice that regional sea conventions, such as OSPAR and HELCOM, also started looking into OECMs as possible contributing measures to the 30 by 30 pledges and are advancing work on collective understanding and guidance on OECMs. HELCOM designed its own decision tree¹¹ for identifying OECMs, and NSAC also notes similar efforts in the OSPAR Intersessional Correspondence Group on MPAs (ICG-MPAs)¹².

As we continue to follow the processes of identification and designation of OECMs in the Northeast Atlantic by OSPAR, we contend that OECMs should not be designated without clear added value for nature, with clear and measurable conservation and/or restoration objectives, and that measures in the area should aim to lead to nature enhancement/restoration (passive or active). In other words, OECM designation should not be used only to fulfil targets (such as the 30% protection target) without clear conservation added value. At the same time, when designating OECMs, sufficient consideration should be given to socio-economic impacts. To this end, it is advisable that any such measures are designated in collaboration with fisheries stakeholders.

5 Recommendations and stakeholder considerations

According to Articles 11 and 191 to 193 of the Treaty on the Functioning of the European Union (TFEU), the EU is competent to act in all areas of environmental policy. However, the scope for action is limited by the principle of subsidiarity. The competence of proposing concrete measures for the conservation of the environment is thus primarily delegated to the Member States which have committed to providing pledges to fulfill the 30% of protected areas. Since fishery-OECMs fall under the category of fisheries technical measures aimed at conserving target biodiversity, fishery-OECMs would be under the Commission's remit. The Commission is also responsible for setting the overall direction/strategies for environmental

¹¹ <https://helcom.fi/wp-content/uploads/2023/06/Regional-common-understanding-of-the-OECM-criteria-and-potential-OECM-identification-tree.pdf>

¹² OSPAR ICG-MPA, 7-9 November 2023: <https://www.ospar.org/meetings/archive/intersessional-correspondence-group-on-marine-protected-areas-5>

protection and integration of environmental considerations into other policies. In many instances, strengthened cooperation between the fisheries' legitimate authority (DG MARE) and the biodiversity authority (DG ENV) is needed and should be ensured.

With this in mind, we advise:

To the **Commission**:

1. To **raise awareness and offer guidance** to Member States and stakeholders (particularly fisheries stakeholders) on the possibility and requirements for area-based management measures to be recognised or enhanced as Fisheries-OECMs, in order to be counted against the EU Biodiversity Strategy 30 by 30 target.
2. To **enhance collaboration** between DG MARE and DG ENV with the view of advancing marine environmental protection through all management measures at disposal and in close collaboration with the fisheries stakeholders.
3. To **support and promote pilot studies** on designating and managing fisheries-OECMs in the European waters.
4. To ensure **knowledge platforms** for managers and stakeholders to exchange views, practices and challenges, with communication efforts to disseminate these EU-wide.
5. To **recognise regional Advisory Councils** as appropriate fora for stakeholder engagement in providing input on identification and evaluation of specific fisheries-OECMs.

To the **Member States**, we advise:

1. To consider the potential identification, enhancement, and effective use of OECMs through **existing fisheries spatial (technical) measures, following from the Technical Measures Regulation**, as contribution to the 30 by 30 target and as a way to reinforce the link and synergies between conservation efforts and sustainable fisheries management measures.
2. To **collaborate with stakeholders systematically** to identify possible OECMs in the North Sea basin using the criteria defined by the CBD and using independent scientific underpinning.
3. To mobilize expert and local knowledge to address any **potential concerns and/or conflicts** early in the process of designation and, if possible, before.
4. To engage in cross-border collaboration in the regional MS groupings or wider (OSPAR, HELCOM) to ensure **level-playing field and synergies** from similar processes.
5. To address **connectivity, ecological representation, and complementarity** of area-based measures.
6. To account for **climate change impacts** in long-term planning.
7. To identify and integrate **local values** in an **ecosystem-based approach** to planning, demonstrate compliance of fisheries-OECMs with OECMs criteria and long-term effectiveness using appropriate level of evidence, and to develop approaches for both data-poor and data-rich environments.
8. To ensure **appropriate monitoring** of fisheries-OECMs in achieving conservation objectives, in addition to fisheries objectives.
9. To promote **cooperation between fisheries and environmental departments** at national level to prioritise those measures that are legitimate for the wider society and cover multiple societal objectives.

10. To ensure **equity in access** to processes and allocation of costs and benefits.
11. To support and promote eventual **successful case studies** on designating and managing OECMs in European waters.

6 Conclusion

To increase the legitimacy and effectiveness of fisheries conservation measures, it is vital that fisheries and environmental stakeholders and departments work together to protect the marine environment, biological resources, and sectors dependent on them. Through fisheries-OECMs the sector can continue to contribute to those efforts, while at the same time benefit from valuable exchanges across fields and disciplines, promoting shared understanding and trust between the different players. The NSAC wishes to thank the Commission and North Sea Member States for considering our recommendations on OECMs, and remains available for further consultations on the subject.