



Reaction of the Federal Public Service Health, Food Chain Safety and Environment of Belgium on the NSAC advice REF. 19-2525 on the fisheries management measures for GES in the Belgian Part of the North Sea of 5 September 2025.

1. Background

On the 23rd of June 2025 a request for advice was sent to NSAC by the Federal Public Service Health, Food Chain Safety and Environment. This request related to the Joint Recommendation (JR) regarding Fisheries Management Measures under Article 11 and 18 of Regulation (EU) No 1380/2013 of The European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy to protect the bottom integrity and the occurring habitats in three sites to achieve the good environmental status under the Marine Strategy Framework Directive (MSFD) 2008/56/EC and reach a favourable conservation status in the Vlaamse Banken under the Habitats Directive (HD) 92/43/EEC.

The request for advice consisted of the [draft joint recommendation](#) and a [background document](#) (incl. [5 annexes](#)) that are based on two extensive scientific studies^{1,2}. The draft joint recommendation and the background document were already negotiated with all the concerned member states in an ad hoc Scheveningen Group. Those states deemed both documents ready for further treatment in the Scheveningen group. This implies that they recognize that all relevant information on the measures required, including their rationale, scientific evidence in support and details on their practical implementation and enforcement have been provided in the BD and that they agree to ask for the validation of the JR and the included measures in the high level Scheveningen group.

During this consultation the French government raised several questions that are repeated in the NSAC advice. The responses and argumentations provided to the French authorities, which subsequently agreed to the draft Joint Recommendation, are compiled into the 3th part of this reaction '3. Detailed response'.

2. General considerations

It is intended that the NSAC is an advisory committee representing fisheries and other interested organizations. For the Executive Committee a 60% / 40% balance between organizations with fishing interests and other interest groups is envisaged. At the moment there is however only one other interested organization represented versus 12 fishing members (stated on the NSAC-website). Irrespective of the content of the advice, this imbalance highly weakens the advice as a just and accurate representation of all relevant



stakeholders' views. Looking into the advice, the dominant focus on the concerns of the fisheries sector, and mainly the French fishermen, without recognizing the need for protective measures. Furthermore, the Belgian obligations of the under the MSFD, the HD and the recently adopted Nature Restoration Law are largely ignored.

The Belgian federal government recognizes the need for stronger protection of the marine environment, as also stated by many scientific institutes, governments, environmental organizations and a broad range of stakeholders. In the Belgian part of the North Sea (BPNS) this includes the need for a better protection of the shallow sandbanks, the gravel beds and the *Lanice conchilega* aggregations.

The scientific study in preparation of management measures¹ indicated that fisheries management measures are required in the BPNS in order to move towards the Good Environmental Status (GES) required under the MSFD and to reach the favorable conservation status of the habitats which are protected under the HD. Stakeholders were consulted on the design of this scientific study¹ that not only took into account the natural values present but also the characteristics of the fishing activities and the impact on fisheries. The emerging advice formed the basis for the proposed management measures and the three proposed areas. After the delineation of the biologically valuable areas that would profit the most of extra protection causing the least impact on fisheries an additional study analyzing the fisheries activities in those areas and in the BPNS was conducted based on the data delivered by the fisheries authorities.

As the measures focus on the bad status of the bottom integrity and of the benthic habitats, the pressure of all fishing techniques touching the bottom has to be taken into consideration. The first passage of mobile bottom gear has a very high impact on the bottom integrity and on the habitats present, and frequent passages afterwards hinder their restoration. Therefore, it was advised to exclude all forms of mobile fishing gear disturbing the bottom from three areas where valuable parts of the shallow sandbanks, the gravel beds and the *Lanice conchilega* aggregations occur. The gravel bed systems are very sensitive to disturbance due to the typical slow growing, long living, sessile epifaunal species they harbour. Even though the relative impact of passive fisheries touching the bottom in comparison with mobile fishing gears touching the bottom is low, the impact is still there and might have substantial effects on these sensitive habitats. Following the precautionary principle, it was advised also to prohibit all forms of passive fishing interacting with the bottom in the two areas where these gravel beds occur, especially to give a chance to the restoration of the sensitive gravel bed fauna and of the oyster beds that have totally disappeared.

It has to be recognized that the proposed measures have an impact on the fisheries in the BPNS, especially on the Dutch, the Belgian and the French fleet, but based on the scientific underpinning of the proposed measures, the stakeholder involvement and the analysis performed these measures were considered as proportionate by the ad hoc Scheveningen group. The scientific study¹ and the recent assessment of the environmental status³ clearly show that the proposed measures are needed to reach the GES and to ensure the long-term sustainable use of marine resources.



3. Detailed response

The NSAC advice is an important and obligatory step within the Article 11 procedure as this provides relevant input from stakeholders in the process. As mentioned earlier, the intended composition of the NSAC advisory committee was not respected, which has led to an unbalanced advice. Therefore, we feel obliged to clarify a number of points.

It is mentioned that the projected measures would have a direct and severe impact on the French fleet and that the envisaged prohibition would eliminate 88% of the value and 81% of the volumes landed by French vessels operating in Belgium. The NSAC also stresses the disproportionate nature of these losses, which directly threaten the viability of French artisanal fisheries in the North Sea.

- As fisheries activities are present all over the BPNS it is recognized that the proposed measures will have an impact on fishing activities in the proposed areas. Efforts were made to minimize this impact as much as possible from the beginning of the process by elaborate stakeholder involvement and by using the Marxan-model in order to select biologically valuable areas taking into account the fishing activities.
- The fisheries analysis performed², which used the data made available by the French authorities, indicated that up to 50% of the landings for the French fleet come from the proposed areas. This is considerably lower than the numbers mentioned in the advice without clear reference.
- The French fishing activity in the BPNS (number of vessels, landings, fishing hours) is limited, especially when compared to the Dutch fleet. The proposed measures would impact less than 10 French vessels, which is a very small portion of the entire French fleet in the North Sea. Therefore, when it comes to absolute number of fishing hours, value and weight of the landings, the impact of the measures on the French fishermen is considerably lower than on the Dutch and Belgian fishermen (see Table 1). Therefore, it was considered that the proposed measures and their impact are proportionate.

		Area 1	Area 2	Area 3	Area 1+2+3	BPNS
Belgium	Fishing Hours	28	102	671	801	20548
	Value (1000 euro)	11	58	115	184	3402
	Weight (ton)	3	11	34	49	944
France	Fishing Hours	91	372	*	464	859
	Value (1000 euro)	25	103	*	129	248
	Weight (ton)	11	43	*	54	99
Netherlands	Fishing Hours	434	1883	1288	3605	42534
	Value (1000 euro)	282	1649	357	2289	16820
	Weight (ton)	84	388	95	567	4285
Other countries	Fishing Hours	82	179	~	261	1481
	Value (1000 euro)	24	45	~	70	422
	Weight (ton)	10	10	~	19	119

* < 5 vessels; ~ a single occurrence.

Table 1: Average fishing hours, value of landings (1000 euro) and landed weight (ton) in the proposed management areas and in the BPNS for Belgium, France and the Netherlands (2007 – 2022) as well as for Other countries (2009-2022). (Verlé et al. 2023)



It is mentioned that Zone 1 is not part of Natura 2000 and is therefore not subject to specific legal conservation obligations. A reference is made towards the EU law and the need for measures to be properly justified, necessary, and proportionate to the pressures identified.

- The necessity, the extent and the location of the measures is underpinned by the extensive scientific study that clearly underlines that the proposed fisheries management measures are required in the BPNS in order to move towards the GES required under the MSFD and to reach the favorable conservation status of the habitats protected under the HD.
- The MSFD, the Habitats Directive and the Nature Restoration Regulation apply to the entire BPNS and therefore the measures taken in order to reach the targets of these directives and this regulation are not to be limited to the designated Natura 2000 areas.

It is mentioned that no robust causal link had been established between passive fishing activities and any decline in gravel habitats.

- The gravel beds harbours a number of slow growing, long living, sessile epifaunal species. These species do not have the capacity to move when abrasion takes place and are very sensitive to disturbances. Because of the slow growth and high sensitivity of these typical hard substrate species, restoration of the gravel bed community is a rather slow and sensitive process. So as these gravel bed communities are destroyed fast and recover very slowly, it is important to give them the highest possible level of protection.
- The impacts of passive fishing gears such as gill nets and trammel nets are poorly understood compared to mobile fishing^{4,5,6}. However, passive gears are known to overturn cobbles and bury, uproot, flatten, remove, crush or break sessile long living benthic species^{5,7,8,9,10}. In addition to the immediate impact of the anchors and weights fixing the passive gear (e.g. gill nets) to the seafloor¹¹, the damage occurs during retrieval of the nets that are likely to entangle in hard substrates causing overturn of boulders, snagging and breaking the corals and other habitat-forming species^{11,12,13,14,15}. Entanglement can be expected with any habitat-forming or 3D-growing species such as sponges, bryozoans and hydrozoans. Furthermore, ghost gillnets or trammel nets (lost fishing gear) often damage the natural hard substrate sessile fauna and reefs¹⁶. Since the fisheries management measures are designed to promote abundance of long-living and habitat-forming species, the presence of any bottom-contacting fisheries either active or passive could hamper this goal.
- Passive fisheries have a lower impact on the benthic habitats and their associated fauna compared to bottom trawling⁴, yet the impact still exists and is affecting the habitats nevertheless. Therefore it was decided to follow the precautionary principle and to recognize explicitly the level and type of uncertainty that may exist concerning the environmental consequences of human activities¹⁷.



It is mentioned that the potential risks to the displacement of fishing effort may not have been fully assessed in the Belgian proposal. A reference to potential cumulative effects due to the parallel closure of 43 UK MPA's is made.

- Within the background document, displacement is treated and presumed consequences are elaborated recognizing that the available knowledge is still limited. The implementation of the proposed measures will directly impact certain fishermen who will have to adapt their activities, which will require additional efforts. However, it is assumed that displacement of fisheries to the surrounding areas will most likely have a limited impact on the available resources as these surroundings are already frequently fished. It is therefore considered that the positive effects of the measures, both the recovery of the bottom integrity and the habitats and the possible spill over, will outweigh the displacement effects.
- Cooperation and information exchange with other countries and stakeholders is pursued, but the Belgian government can't lower or abandon its ambitions because of measures taken by other countries.

The advice states that the designation of the Princess Elisabeth Zone (PEZ) for offshore renewable energy within the proposed management areas is inconsistent.

- As already indicated in the background document, Belgium will act coherently to all activities that may have an impact on the bottom integrity and the habitats in the proposed zones. When the PEZ zone for offshore renewable energy was designated, it was stated that development of windfarms in this area will only be possible on the condition that the activity obtains a Natura 2000 permit based on an appropriate assessment. It was also stated very clearly that emplacement of windmills in the gravel beds will not be allowed so this must clearly be taken into account in the design of the parks.
- For the Belgian government the overlap of the fisheries management measures with the PEZ zone was not considered as an incoherence taking into account the severe restrictions that will apply to the offshore windmills. The overlap was rather seen as an opportunity as it underlines the natural value of the area towards the offshore wind sector, and it concerns an area that probably would be closed for fishing activities in the future. for security reasons
- There will also be an obligatory monitoring program to follow-up the impact of the windfarms on top of the restrictions that will be taken up in the environmental permit and the Natura 2000 permit in order to limit bottom-disturbance, to protect the gravel beds and to support biodiversity during the operational phase.
- In the advice of NSAC reference is also made to other heavy industrial activities that would be authorized on the gravel beds, but it is not clear which specific activities are meant here. In any case every project that is planned to take place in the Natura 2000 area 'Vlaamse Banken' or that can potentially have an effect on the area must obtain a Natura 2000 permit.



The NSAC regrets the limited consultation in Belgian spatial planning;

- The development and revision of the marine spatial plan (MSP) is a separate process that pays a lot of attention to stakeholder involvement, which is even legally anchored.
- As the BPNS is a very busy marine region that has historically evolved, the MSP starts from the existing situation, the current and future needs and obligations and the input of all concerned authorities and stakeholders. Based on that, changes to the existing situation are proposed and negotiated within the advisory committee where all Belgian authorities, including the Flemish Agency for Agriculture and Fisheries. The resulting draft MSP is presented to all stakeholders and the broader public during a public consultation after which the plan is finalized considering the input received.
- A formal consultation on the draft MSP and a consultation on the strategic environmental assessment, expressly inviting the neighboring countries, including France, to participate has also been organized.

The NSAC flags that initially Belgian authorities described these zones as “search areas,” but the current direction suggests a move toward a full ban on bottom trawling.

- In the MSP 2020-2026, three zones (the so called ‘search zones’) were designated for research into the possibility of enacting spatial measures with regards to fishing techniques. The MSP also clearly mentions that within these zones, areas with spatial restrictions in order to conserve bottom integrity and to achieve GES can be designated. At the time the MSP 2020-2026 was developed, a ban wasn’t envisaged, only the possibility to take the needed measures to reach the targets under MSFD and the HD. The study of Pecceu et al. (2021)¹ provides the scientific advice to designate three areas where all forms of mobile fishing gear disturbing the bottom are banned and proposed a ban on all forms of passive fishing gear disturbing the bottom in two of these areas. Based on that and on the fisheries analysis² the process on the adoption of fisheries management measures in the BPNS was started. In the following MSP there will no longer be search zones and the three proposed areas will be included.

The advice refers to the numerous projects demonstrating that trawling has evolved towards practices more respectful of marine habitats and asks Belgium to take these technological improvements into account.

- We want to express our appreciation for the information exchange and collaboration with the sector, which has taken shape in recent years, and for the projects and efforts off the fishing sector in order to reduce pressure and strengthen the sustainability of the sector. The outcomes of these efforts will be taken into account in the future environmental policy. As the scientific advice clearly stated the proposed measures are needed in order to restore the heavily impacted habitats, the valuable evolution to more sustainable trawling practices did however not offer the needed reduction of the fisheries pressure within the proposed management areas.



Belgium is responsible to protect the marine environment and to safeguard sustainable use of the marine environment and the related ecosystem services. Therefore, we need to reach the GES and the favorable conservation status of the habitats present in the BPNS. **Based on all the above the Federal Public Service Health, Food Chain Safety and Environment are convinced that the proposed measures are highly needed, proportionate and well underpinned.**

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