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NSAC Advice Ref. 11-2526 NSAC Advice on MSFD revision

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Executive Summary

This section provides an overview of the key NSAC recommendations concerning MSFD review.

- The revision of the MSFD is an opportunity to shift from a fragmented, compliance-driven system towards a **more coherent, adaptive, and outcome-oriented** model of marine governance.
- Stronger implementation requires **clearer objectives, improved policy coordination, and governance structures** that better reflect the complexity of marine socio-ecological systems.
- The MSFD should be reframed as a **co-management tool** focused on delivering targeted actions per descriptor, rather than primarily a compliance and reporting framework.
- Failure to **achieve GES** across descriptors should be assessed critically and openly, recognising the complexity of underlying drivers and avoiding overly simplified explanations.
- The EU should prioritise maintaining a **viable, nature-friendly domestic seafood production system**, while promoting global sustainability by exporting both surplus production and sustainable fishing practices.
- **Socio-economic analysis** should be used proactively to inform and shape the selection of measures, rather than retrospectively to justify pre-determined decisions. This is especially crucial to maintain the long-term viability and **attractiveness of the fisheries sector** for younger generations.
- Fostering closer integration of **science and policy** within stakeholder structures, alongside the proactive development of regional socio-ecological models through ecosystem-based management could position ACs as legitimate stakeholder bodies, in time potentially leading to effective co-management.
- Stronger **integration with the MSPD** is needed, including a clearer spatial dimension in selected descriptors and refined assessment approaches, particularly for measure



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- design. This could enable simultaneous consideration of ecological, social, and economic factors in line with ecosystem-based management.
- Stronger **policy alignment with the CFP** would ensure coherence between marine environmental objectives and fisheries management. This should be supported by enhanced coordination between DG ENV and DG MARE, enabling improved information exchange and a clearer division of responsibilities.
 - The Fisheries & Aquaculture **Vision for 2040** could help bridge several EU policy domains by embedding fisheries governance more explicitly within broader marine ecosystem objectives.
 - Rather than introducing additional binding legislation, the Commission should better **utilise the MSFD's existing framework** to focus on how environmental goals can be achieved in practice.
 - The MSFD should enable **transition and innovation** towards sustainable marine use, supported by adequate funding, without imposing disproportionate socio-economic burdens that may hinder adaptation.
 - Many pressures on marine ecosystems originate on **land**, including nutrient runoff, pollution, coastal development, and watershed management. Addressing these requires stronger coordination between marine policies and land-based frameworks, such as agriculture, river basin management, spatial planning, and coastal development policies.
 - Greater **clarity of roles**, more **transparent participation** pathways, and earlier, more **meaningful stakeholder engagement** in technical and policy processes would allow for more coherent, efficient, and widely supported implementation of the MSFD.
 - Lessons from **third countries** such as Norway and the United Kingdom may provide useful insights for improving governance coherence and effectiveness.
 - Stakeholder **engagement** should be strengthened through earlier, more transparent, and more meaningful participation, with clearer pathways for engagement and co-design of measures.
 - Successful examples of **bottom-up approaches** have demonstrated their value in improving buy-in, social acceptability, and implementation effectiveness of intended measures.
 - **Behavioural perspectives** should be better integrated into policy design to bridge the gap between regulatory intentions and real-world outcomes, ultimately supporting the long-term sustainability of marine ecosystems.

1 Background

Since 2008, the Marine Strategy Framework Directive (MSFD) has attempted to achieve good environmental status (GES) in all EU marine waters by 2020, ensuring that European seas and oceans are clean, healthy and productive, and that the use of marine resources is in line with nature's capacity. A recent evaluation of the MSFD¹, conducted 15 years after its implementation, concluded that the Directive has been partially effective in reaching its objectives, but not yet achieving the GES in all EU waters and for all 11 descriptors. Failure to reach objective is influenced by the complexity of the legislation, lack of clarity around key

¹ https://environment.ec.europa.eu/document/659eea3a-8a00-410e-bc2f-f94baf210c9b_en

concepts and definitions, lack of alignment with other legislative frameworks, and weak governance and limited capacity in Member States. In Spring 2025, the Ocean Pact announced that the Commission will revise the MSFD to accelerate progress towards environmental objectives, simplify implementation, and reduce the administrative burden of reporting and data management.

Within the Ecosystem Working Group (EWG), NSAC members regularly discuss the North Sea ecosystem and its interaction with fisheries, alongside relevant legislation regulating the impacts of human activities on marine habitats. Along with the North Western Waters AC, in 2022, we submitted a comprehensive advice on the MSFD review,² commenting on the implementation of the directive. Over the years, we have also produced several papers addressing one or multiple MSFD descriptors, including a paper on pollution in the Skagerrak and Kattegat³, and another one on the circularity of fishing gear⁴.

With the aim of supporting the upcoming revision of the MSFD by drawing on the expertise and experience of its members to identify priority areas, and by facilitating ad hoc expert presentations on selected topics to inform improvements in the Directive's design and implementation, in 2025, NSAC established a Focus Group on MSFD. The group met regularly over recent months, which led to the development of this advice.

This advice focuses and comments on horizontal aspects of the MSFD framework, highlighting overarching themes and issues that members consider should be considered in the review, such as advancing full-spectrum sustainability, improving policy coherence across the EU legal acquis, and promoting a more democratic process in the setting of societal objectives and the implementation of measures. Further advice will complement these horizontal observations with thematic recommendations on the MSFD Descriptors that most affect demersal fisheries, namely Descriptors 3 and 6.

We would like to thank the Commission for the opportunity to provide comments on this important and comprehensive legislative instrument, which contributes to the protection of EU marine ecosystems and biodiversity, while taking fisheries into account as an essential part of the marine system.

2 Advancing full-spectrum sustainability

The MSFD establishes the foundation necessary to ensure the conservation and sustainable use of marine biodiversity and, as such, constitutes important cross-cutting legislation for safeguarding the marine environment in the European Union. At the same time, it is widely recognised that sustainability comprises three key dimensions: environmental, economic, and social. While the MSFD places strong emphasis on the ecological component, it does not integrate or consider the other two dimensions of sustainability, risking implementation failures due to lack of trade-off considerations and buy-in.

² https://www.nsrac.org/wp-content/uploads/2022/03/05-2122-NSAC-NWWAC-Advice-on-MSFD-review_final.pdf

³ <https://www.nsrac.org/wp-content/uploads/2025/02/09-2425-NSAC-Advice-on-Pollution-in-the-SkaKat.pdf>

⁴ <https://www.nsrac.org/wp-content/uploads/2020/07/13-1920-NSAC-Advice-on-Circular-Design-of-Fishing-Gear.pdf>

NSAC believes that a more balanced and holistic approach to sustainability is critical to the success of the future MSFD. Such an approach should ensure robust environmental protection of marine ecosystems while also fully recognising the economic and social contributions through ecosystem services inherent to the sustainable development of European seas and society. This can be achieved through bottom-up ecosystem-based management as a guiding principle in extraction activities and uses of space.

2.1 Ecological sustainability

While the MSFD is a key driver of new measures to protect the marine environment and to ensure its sustainable use, the OSPAR quality status report (June 2023⁵) notes that, despite some improvements in the North-East Atlantic, trends indicate that biodiversity continues to decline and habitats are being degraded across many parts of the OSPAR maritime area. As for other EU marine regions, GES has not yet been achieved in the North Sea across most descriptors. Further work is needed to harmonise measures among Member States for key descriptors (i.e., seabed integrity and biodiversity) and to ensure measures are designed to remedy existing problems in an effective manner. Lessons can be drawn from measures developed under the marine litter descriptor, which have demonstrated the value of regionally coherent approaches in addressing shared challenges. Greater focus should also be given to ecosystem restoration (both active and passive), in coherence with the new Nature Restoration Regulation, rather than focusing solely on the reduction of pressures. The failure to achieve GES across descriptors should be analysed with a critical and open mind, avoiding simplified explanations to complex issues. Implementation failure happens rarely due to simple unwillingness to adapt.

In this context, it is important to note that the North Sea is one of the most intensively used marine systems in the world⁶, subject to multiple pressures that affect the environment in diverse and interacting ways. MSFD assessments remain largely pressure-specific, while ecological responses are often cumulative and not linear. The MSFD should therefore operationalise the assessment and management of cumulative effects more effectively within its decision-making framework.

Additionally, the environmental perspective often remains too narrow and does not sufficiently consider broader systemic implications. For example, the European Union imports approximately 68% of its seafood from external sources⁷, which may be subject to lower sustainability standards than those applied within the EU. A more holistic, system-wide approach is therefore needed, rather than one focused on individual sectors or disciplines, or indeed one that stops at EU borders. Outsourcing EU food production to less sustainable international producers will undermine food security, increase risks such as food fraud, and perpetuate socially and ecologically unsustainable practices globally, making everyone worse off. A much better model would be to sustain a viable nature-friendly seafood production at home and export both, the surplus production and sustainable fishing practices to the rest of the world.

⁵ <https://oap.ospar.org/en/ospar-assessments/quality-status-reports/qsr-2023/>

⁶ Jentoft, S., & Knol, M. (2014). Marine spatial planning: risk or opportunity for fisheries in the North Sea. *Maritime Studies*, 13(1). doi:10.1186/2212-9790-13-1

⁷ [https://ec.europa.eu/transparency/documents-register/detail?ref=SWD\(2026\)120&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=SWD(2026)120&lang=en)

2.2 Socio-economic sustainability

As per Article 13 of the MSFD, when drawing up programmes of measures, Member States are required to give due consideration to sustainable development and, in particular, to the social and economic impacts of the measures planned. In practice, however, it remains challenging to clearly understand and assess how environmental objectives interact with the livelihoods of coastal communities and regional economies. Particularly social aspects are not well understood or quantified. There is a risk they are not given the same weight as more easily quantifiable environmental targets. This concern is especially relevant for coastal fisheries, whose livelihoods are closely tied to specific fishing grounds and who often have limited capacity to relocate or adapt to alternative areas. Insufficient integration of socio-economic considerations into the design and assessment of measures risks undermining the long-term viability of coastal fishing communities. This highlights the need for a more robust framework to ensure these vital, albeit non-quantifiable, social dimensions are fully integrated into the assessment.

In general, very little consideration is often given to the social acceptability of proposed measures, as well as to the economic costs related to their implementation. Socio-economic analysis should be used to inform and shape the selection of measures, rather than to justify decisions that have already been taken. Greater attention should be paid to the socio-economic impacts on communities affected by environmental regulation, including through the development of targeted support plans and economic diversification strategies. This is particularly relevant for the fisheries sector. The socio-economic dimension should also not be overlooked due to its direct link to the generational renewal of the EU fishing fleet. The sector is currently facing significant challenges, including difficulties in attracting young workers, an ageing fleet, and challenging working conditions. To ensure the continued attractiveness and long-term viability of the sector for younger generations, due consideration must be given to the socio-economic impacts of regulatory measures.

In all this, the health of the human population is closely linked to both, the health of marine ecosystems and socio-economic status. Fishery resources are connected to human health through their role in providing high-quality nutrition. Marine fish are a major source of essential nutrients, including omega-3 fatty acids, vitamins, and trace minerals that contribute to cardiovascular health, cognitive development, and overall well-being. Within the context of the revision of the MSFD, maintaining healthy and productive marine ecosystems is therefore not only an environmental objective but also a public health priority. Degradation of marine ecosystems can reduce fish availability and quality, while also increasing the risk of contaminants and harmful algae blooms entering the food chain. Ensuring good environmental status of marine waters helps safeguard both the sustainability of fish stocks and the safety and nutritional value of seafood consumed by European populations. Furthermore, it is a cornerstone of food sovereignty, empowering coastal communities and society at large to maintain control over their local, sustainable food systems. At the same time, strong socio-economic basis sustains individuals, coastal communities and societies at large. Integrating human health considerations more explicitly into the MSFD framework could therefore strengthen the policy's societal relevance, highlighting the direct links between ecosystem health, sustainable fisheries, and long-term public health outcomes.

2.3 Improving socio-ecological systems as a whole (definitions of GES and EBM)

A systemic implementation of the MSFD requires governance models that balance environmental protection with sustainable economic activity. Marine ecosystems are affected by multiple sectors, including fisheries, shipping, offshore energy, and tourism simultaneously, yet implementation often remains fragmented. Capacity limitations within administrations frequently lead to siloed policies, fragmented and weak stakeholder engagement, and insufficient coordination between EU institutions, regional sea conventions, and national authorities, as well as sea's users.

While GES is defined under Article 3(5) of the MSFD, a key challenge remains the lack of a unified operational definition of GES across Member States⁸. Although the Directive defines eleven descriptors, countries apply different indicators and thresholds, which complicates comparisons and coordinated management. Clearer, jointly agreed, and more quantitative GES definitions would improve monitoring, accountability, and policy effectiveness.

Economic assessments indicate that the MSFD generates a positive cost–benefit outcome. Achieving GES could deliver around €15.8 billion annually in socio-economic benefits through improved ecosystem services, fisheries productivity, tourism, and coastal resilience. At the same time, further reductions in administrative burden, such as streamlined reporting and harmonized data systems, could improve efficiency.

Climate change remains insufficiently integrated into the MSFD framework, while having significant impact. Impacts such as ocean warming, acidification, and shifting species distributions affect marine ecosystems and should be more explicitly reflected in monitoring, targets, and adaptive management measures.

Some countries, such as France, have begun integrating ecological and socio-economic assessments when developing MSFD measures, demonstrating the potential of cross-sectoral approaches. Nevertheless, fragmented governance structures and limited institutional capacity continue to hinder systemic implementation.

2.4 Science-policy-society interface for EBM

Systemic problems require solutions that reside outside of what normal science and policy can provide. The science-policy interface depends on social and natural sciences to develop management approaches and indicators that sustain society and the environment while ensuring space for deliberation and negotiation of values (Steger, et al., 2018)⁹. The need for a level of convergence between disciplines is widely recognized and wildly underperformed. For this exchange to happen, disciplinary boundaries need to become permeable.

Boundary organisations have in recent years been hailed as useful interfaces where the boundaries between science and policy blend to give way to improved effectiveness through

⁸ https://environment.ec.europa.eu/document/659eea3a-8a00-410e-bc2f-f94baf210c9b_en

⁹ Steger, C., Hirsch, S., Evers, C., Branoff, B., Petrova, M., Pincus-Nielsen, M., . . . van Riper, C. J. (2018). Ecosystem Services as Boundary Objects for Transdisciplinary Collaboration. *Ecological Economics*, 143, 153-160. Retrieved August 18, 2024, from <https://doi.org/10.1016/j.ecolecon.2017.07.016>

enhanced credibility, relevance and legitimacy (Heink, et al., 2015)¹⁰. Achieving acceptable policy objectives requires active involvement of stakeholders in decision-making processes and identification of users' needs (Iwamoto, et al., 2019; Link J. S., 2002)¹¹.

Advisory Councils are seen as an integral part in the dialogue between science, policy and society, helping to refine, discuss, and negotiate broader policy objectives and targeted operational goals. They provide deliberative space where stakeholder views, needs and preferred management options can be discussed. When engaged early and systematically, stakeholders help ensure that policy proposals and scientific requests are well-formulated and context-informed, enhancing the relevance and robustness of outputs through added scrutiny and balance. The critical role of the Advisory Councils is therefore to coherently communicate the expertise of stakeholders towards policymakers and managers. By channelling the practical knowledge and solutions from these on-the-ground experts, the ACs ensure that policy is informed by and responsive to real-world practice.

The narrative where one stakeholder's profit is predicated on another stakeholder's loss needs to be changed. This is not to say that a win-win scenario is an obvious outcome, but that all actors are aware of the trade-offs and uncertainties, and conscious and informed decisions are made inclusively. Fostering further integration of science and policy into stakeholder structures (or vice versa) and proactively designing regional socio-ecological models through application of EBM could position ACs as legitimate stakeholder bodies, in time potentially leading to effective co-management.

3 Policy coherence and how to get there

The lack of coherence within the EU marine acquis, resulting in unnecessary, overlapping administrative burdens, operational challenges, and increased costs for stakeholders, is widely recognized as a significant issue. Efforts are currently underway to better align existing legislation, with the aim of establishing a single reference framework and a shared vision for the future, one that would ideally bring the various policy components together into a coherent whole.

Crucially, coherent and coordinated steps in implementation must also be taken at the national level within each Member State to ensure a level playing field for all stakeholders. Encouraging examples of good practice already exist. France has developed a single maritime strategic document that combines elements of the Marine Strategy Framework Directive and the Maritime Spatial Planning Directive. Finland is integrating MSFD implementation with Water Framework Directive river basin management plans. Italy has established coordination of monitoring activities across policy frameworks, while Norway has integrated stakeholder councils that support both horizontal and vertical coordination.

According to the Commission's Member State MSFD measures assessment report¹², the adoption of the Marine Action Plan (MAP) in 2023 has also contributed to advancing the objectives of the MSFD, notably by calling on Member States to take action to better reconcile

¹⁰ Heink, U., Marquard, E., Heubach, K., Jax, K., Kugel, C., Neßhöver, C., . . . Vandewalle, M. (2015). Conceptualizing credibility, relevance and legitimacy for evaluating the effectiveness of science-policy interfaces: Challenges and opportunities. *Science and Public Policy*, 1-14. doi:10.1093/scipol/scu082

¹¹ Iwamoto, M. M., Dorton, J., Newton, J., Yerta, M., Gibeaut, J., Shyka, T., . . . Currier, R. (2019). Meeting Regional, Coastal and Ocean User Needs With Tailored Data Products: A Stakeholder-Driven Process. *Frontiers in Marine Science*, 6. Retrieved December 28, 2024, from <https://doi.org/10.3389/fmars.2019.00290>

¹² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2025%3A3%3AFIN&qid=1738676411960>

fishing activities with environmental protection goals. The Joint Action Group on the MAP has played an important role in bringing together different perspectives and facilitating mutual learning. However, further steps are needed to enable a more systematic and efficient exchange of information, as well as to ensure stronger and more inclusive participation of relevant stakeholders.

3.1 Ocean Act

The Ocean Act was announced in the Ocean Pact in 2025 and intends to build on the Maritime Spatial Planning Directive (MSPD). According to the annex of the Ocean Pact, it would consolidate different binding and aspirational targets into a single act to improve clarity.

The main selling point of the Ocean Act is simplification and better coordination between DG MARE and DG ENV, aiming to break down silos. However, there is concern that combining portfolios could create confusion, departmental complexity and even legal conflicts and uncertainty, leading to binding targets that are not properly thought through, potentially causing problems with implementation.

While MSFD and MSPD could operate separately if updated, merging them could offer benefits, including: single reporting, unified strategy and authority, coordinated monitoring and consultation, integrated ecological and socio-economic planning, and strengthened ocean system perspectives.¹³ Achieving effective integration would still depend on political will, resources, institutional culture, and the alignment of sectoral policies outside the directives' mandates. Examples from CrossGov suggest that stronger application of environmental and strategic impact assessments, cumulative effect analysis, ecosystem boundary definitions, and conditionality in financing could facilitate integration between MSFD (ecological focus) and MSPD (spatial and blue sector focus).

Stronger connections are required, including a more explicit consideration of the spatial dimension of certain descriptors and refinements in assessments, particularly for selecting measures. By combining the directives, ecological, social, and economic factors could be assessed simultaneously, aligning with the ecosystem-based management principle. However, simply translating some descriptors into spatial measures could lead to more restrictive activity bans, creating less nuanced trade-offs. This is a significant concern, as fisheries often bear the primary impact of spatial closures, even when these Marine Protected Areas are also intended to compensate for other impacts on the marine environment.

Moreover, merging the directives could create issues when crises or rapidly emerging pressures occur, due to differing priorities or institutional cultures. Safeguards should be put in place to ensure that cooperation and policy integration remain effective, even during events like oil spills or other urgent pressures.

Framework policies such as the WFD, MSPD, and MSFD have traditionally been approached as stable, “business-as-usual” policies. However, climate change has demonstrated that this assumption is flawed, as shifting conditions – such as changing fish distributions due to climatic shifts - require a more stochastic approach to state, measures, impacts, and effectiveness, incorporating adaptability and capacity to respond to change. The current planning processes do not fully account for these dynamics, and similar considerations may

¹³ <https://crossgov.eu/policy-brief/>

apply to risk management, such as oil spills, where integration across frameworks could be beneficial.

While merger “top-down” could introduce a number of issues and resistance, coherence “from within” could provide a gradual, step-wise approach to alignment. It starts with people from different knowledge fields and departments engaging with each other and actively working on identifying synergies. This collaborative process is essential, and such “coherence from within” must be established and demonstrably effective before any new binding measures are considered.

3.2 Vision 2040 – strategic framework for fisheries within ecosystem limits

The emerging Vision for Fisheries for 2040 provides an opportunity to strengthen policy coherence between fisheries management, marine environmental protection, and spatial planning in the European Union. While MSFD focuses on achieving GES of marine waters and MSPD aims to coordinate the spatial use of marine areas, fisheries policy has traditionally been implemented largely through sector-specific management instruments. A strategic framework for fisheries towards 2040 could help bridge these policy domains by embedding fisheries governance more explicitly within broader marine ecosystem objectives.

The MSFD and GES should be fundamentally repositioned as practical instruments for achieving broader climate and environmental objectives, such as those already outlined in the Nature Restoration Law. Rather than creating additional binding legislation, the Commission should shift its perspective and leverage the MSFD’s detailed framework to answer the critical question of how to reach these goals. The current emphasis on compliance and administration creates an inefficient system where MS struggle with inconsistencies and knowledge gaps. This bureaucratic burden diverts valuable time and resources away from implementing tangible actions that address climate change. A more effective approach would be for the Commission to invest in the MSFD as a tool for co-management, focusing on developing targeted actions for each descriptor.

For the 2040 vision to be successful, the Common Fisheries Policy (CFP) must be at the centre of the strategy. This is not about inventing new objectives from scratch. We must acknowledge that many fisheries measures already serve environmental purposes, and many environmental measures, such as spatial closures, profoundly affect the fishing sector. The current challenge is that these actions are often fragmented, lack full coherence, and fail to recognize the significant work the fishing sector is already putting in to achieve GES. This would help reduce conflicts between resource exploitation and environmental targets while ensuring that fisheries management contributes to the overall resilience of marine ecosystems.

The strategic framework could also improve coherence with the MSPD by strengthening the role of fisheries in maritime spatial planning processes. Fisheries are one of the most spatially dependent maritime sectors, yet they are often insufficiently integrated into spatial allocation decisions. A clearer strategic vision for the sector could support better coordination with other maritime activities such as offshore energy, shipping, and marine conservation, ensuring that

fisheries interests are considered alongside environmental and economic priorities. Here, we draw to NSAC advice on mapping of important fishing grounds, for reference.¹⁴

Finally, the Vision for Fisheries for 2040 could enhance cross-sectoral governance by encouraging integrated planning, shared data systems, and coordinated stakeholder engagement across fisheries, environmental, and spatial planning authorities. By linking long-term fisheries objectives with the environmental goals of the MSFD and the spatial coordination mechanisms of the MSPD, the framework could contribute to a more coherent and systemic approach to sustainable marine management in the EU.

3.3 Simplification, overview of existing policies and optimisation before adding measures

Discussions on regulatory simplification often focus primarily on the European Commission and Member States, while the potential impacts on marine users, such as fishers, receive less attention. In practice, increasing the number of legally binding targets could create additional complexity for users, particularly given the framework nature of MSFD and the risk of unclear or unevenly interpreted definitions. Simplification and the reduction of reporting obligations are currently central to the Commission's mandate. In this context, a more objective-driven approach to the MSFD, rather than one based on multiple binding targets and layered reporting requirements, could be considered, provided that Member States are supported through clear guidance and effective implementation tools. Stress tests could also be introduced to assess which additional measures and reporting requirements are being added, identify areas of overlap, and better understand their cumulative burden.

Policy coherence also requires closer alignment between the MSFD and the CFP, with the CFP remaining the primary basis for fisheries management and the MSFD feeding into it. In particular, Descriptor 3 under the MSFD, which relates to commercially exploited fish and shellfish, does not fully align with the objectives and management mechanisms of the CFP. Addressing this inconsistency is crucial to ensure that environmental frameworks do not inadvertently supersede fisheries-specific legislation, which could lead to legislative bottlenecks management by authorities lacking specialized fisheries expertise and expert networks. As a revision of the CFP is expected in the longer term, likely after discussions on the MSFD and the MSPD, changes to these frameworks could influence the direction of future fisheries policy updates. It is important that certain overarching considerations and objectives are already envisaged.

While overall coherence with EU environmental legislation has been confirmed, inconsistencies remain with the Water Framework Directive and the Habitats Directive. These arise mainly from differences in policy scope, assessment methodologies, and reporting cycles. In coastal waters in particular, overlaps between ecological status assessments under the WFD and the concept of GES under the MSFD create methodological and geographic challenges. Possible options therefore need to be explored, including amendments to one or both directives or adjustments to the scope of coastal waters covered by each framework.

¹⁴ https://www.nsrac.org/wp-content/uploads/2025/05/13-2425_NSAC_Advice_on_Mapping-Fishing-Grounds.pdf

Research initiatives such as the CrossGov Horizon Europe project¹⁵ aim to improve understanding of policy coherence and integration across marine-related policies in support of biodiversity protection, zero pollution, and climate adaptation, in line with the European Green Deal. Assessing different scenarios for administrative burden and policy efficiency could help inform future reforms. At the same time, emerging policy instruments such as the Nature Restoration Regulation raise questions about their interaction with the MSFD. Integrating restoration thresholds into the MSFD may prove challenging, particularly given variations in data availability across descriptors and sectors – for instance, much more data exists on the environmental impacts of demersal fisheries than installation and maintenance of offshore wind parks, while socio-economic data on both are lacking. To support balanced decision-making, comparable information across sectors should be collected to better assess environmental pressures and evaluate trade-offs, risks, and overall sustainability, including economic and social considerations.

3.4 Inter-departmental cooperation as a prerequisite for coherence

The process for establishing threshold values, used as targets for several descriptors and currently determined by the Marine Strategy Coordination Group (MSCG), should be strengthened through broader stakeholder engagement and comprehensive impact assessments prior to their adoption. At present, this process is largely driven by environmental administrations, with limited input from the fisheries departments and insufficient consultation with affected stakeholders. Should threshold values become binding targets under a revised MSFD, it will be essential to ensure that their development is supported by transparent assessments of environmental effectiveness, socio-economic impacts, and implementation feasibility.

In parallel, stronger policy alignment, particularly with CFP, is necessary to ensure coherence between marine environmental objectives and fisheries management. Enhanced coordination between the European Commission's DG ENV and DG MARE should support improved information exchange and clearer delineation of responsibilities. Other suggestions include chair rotation or joint chairing of MSCG meetings. The European Commission holds a key role in strengthening policy coherence by bringing stakeholders together around shared objectives and effective policy solutions, notably through structures such as the ACs, which bring together a wide range of actors and provide significant collective expertise and practical knowledge.

Future measures should also ensure the equitable distribution of obligations across maritime sectors, especially where available data originate predominantly from fisheries activities. The MSFD should facilitate transition and innovation toward sustainable marine use without imposing disproportionate burdens on socio-economic sectors stifling innovation, supported by appropriate funding mechanisms. In this context, the results of ongoing European Commission impact assessment of MSFD will be important to inform evidence-based policy advice and should be requested and considered in the review process. This includes the detailed findings concerning the MSFD itself, as well as the assessments of the specific indicators and their thresholds, as well as implementation in MS. These results are vital to ensure that policy advice is evidence-based and fully considered during the review process.

¹⁵ <https://crossgov.eu/policy-brief/>

3.5 Land-based vs sea-based governance links (horizontal integration besides vertical one)

In the context of the revision of MSFD, greater attention should be given to strengthening the links between land-based and sea-based governance. While vertical integration across governance levels, from EU to national and regional implementation, is essential, horizontal integration across sectors and policy areas is equally important for effective marine management. Many pressures affecting marine ecosystems originate on land, including nutrient runoff, pollution, coastal development, and watershed management. Addressing these pressures therefore requires stronger coordination between marine policies and land-based frameworks such as river basin management, agriculture, spatial planning, and coastal development policies. Improving horizontal policy integration would help ensure that measures taken under the MSFD are supported by complementary actions on land, enabling a more holistic ecosystem-based approach and increasing the effectiveness of efforts to achieve and maintain Good Environmental Status of European seas.

Horizontal integration in marine governance means coordinating policies, sectors, and institutions that operate at the same governance level (i.e., across ministries, agencies, or economic sectors) so that they pursue consistent objectives and avoid conflicting measures. Some mechanisms that can support horizontal integration include: cross-sector policy coordination through joint policy planning, shared targets, and coordinated implementation timelines across sectors such as fisheries, agriculture, transport, energy, and coastal development; inter-ministerial governance structures acting as coordination platforms or inter-ministerial working groups that bring together environmental, fisheries, agriculture, transport, and planning authorities; integrated spatial and ecosystem planning linking marine planning with catchment-level management; shared data and monitoring systems, with shared environmental, fisheries, and socio-economic data across sectors improving understanding of cumulative pressures and supports more coherent policy decisions; stakeholder collaboration through platforms such as the Advisory Councils demonstrate how diverse expertise can inform more integrated decision-making; and joint impact assessments where conducting cross-sector environmental and socio-economic impact assessments before adopting measures can help identify trade-offs, avoid duplication, and ensure that policies reinforce rather than undermine each other.

3.6 Roles and competencies of different actors (OSPAR, ICES, DG ENV, DG MARE, Scheveningen Group)

A variety of actors are involved in the MSFD implementation. However, roles and responsibilities are not always fully clear or transparent to all stakeholders. The directive falls under the competence of DG Environment, which is responsible for implementation oversight, coordination with Member States, and the assessment of national marine strategies. Where the MSFD intersects with fisheries, maritime policy, or the blue economy, DG MARE comes into play providing technical and operation input. In practice, however, its role within coordination structures such as the Marine Strategy Coordination Group is often perceived as primarily consultative. A more structured shared coordination approach, such as joint agenda-setting or a formal vice-chair role, could support stronger policy integration, enhance fishing sector's buy-in, and reinforce shared responsibility for achieving environmental outcomes.

However, without careful and clear alignment, such an approach also risks creating conflicting rules and measures, generating contradictions with the CFP, or imposing double reporting burdens on operators, particularly SMEs.

OSPAR plays a crucial role in coordinating regional cooperation for MSFD implementation in the North-East Atlantic¹⁶. However, evaluation findings point to variations in coherence across regions and to declining engagement by some Member States in regional cooperation. NSAC members perceive OSPAR's role as not fully clear, with insufficiently transparent participation pathways. Clarifying OSPAR's role and providing clearer guidance on how, when, and where stakeholders can contribute, such as through publicly available participation maps, defined consultation timelines, and regular stakeholder dialogues aligned with MSFD cycles, could improve transparency and ensure more timely and policy-relevant engagement. Expanding opportunities for stakeholders to contribute to the co-development and testing of indicators and measures could further strengthen implementation feasibility and stakeholder ownership. Experiences from **HELCOM** demonstrate the value of predictable engagement structures, clear participation frameworks, and early stakeholder involvement in technical development processes.

Another important coordination level, particularly where environmental objectives require fisheries management measures, is the regional Member State group level, such as the **Scheveningen Group**. The group helps operationalize sectoral measures and support regional coherence. However, their role in MSFD-related discussions remains relatively limited and not highly visible to external stakeholders. MSFD issues are not a recurring agenda item in the Scheveningen Technical Group, where Advisory Councils are typically informed rather than involved in discussions. Engagement often occurs only at the stage of joint recommendation proposals, resulting in reactive rather than proactive stakeholder input. Strengthening the continuity and visibility of MSFD-related discussions at this level could improve early engagement and support more effective coordination of fisheries-related measures.

Finally, **ICES** supports the implementation through independent scientific advice, particularly in the development of indicators, assessment methods, and regional coordination of scientific work. While stakeholders contribute through expert participation, data provision, and consultations, engagement often takes place at later stages of methodological development and participation pathways are not always clearly visible.

MSFD implementation relies on a complex multi-level governance. Across all levels, a recurring challenge is not the absence of stakeholder involvement, but the timing, visibility, and consistency of engagement. Strengthening clarity of roles, improving transparency of participation pathways, and enabling earlier and meaningful stakeholder involvement in technical and policy development processes would support more coherent, efficient, and broadly supported implementation of the MSFD.

3.7 Cooperation with third countries and GNSBI model

In the context of the review of the MSFD, policy coherence and governance could be strengthened by critically evaluating the approaches adopted in neighbouring non-EU

¹⁶ <https://www.ospar.org/work-areas/cross-cutting-issues/msfd/supporting-documentation>

countries such as the United Kingdom and Norway. However, rather than simply considering these models, it is equally important to learn from their shortcomings and avoid replicating certain strategies. As maritime ecosystems and sea basins are shared, understanding how these countries organize marine environmental governance, fisheries management, and spatial planning could provide useful insights for improving coordination and effectiveness within EU frameworks. In particular, cooperation mechanisms such as the Greater North Sea Basin Initiative could play an important role in ensuring policy coherence at a high political level across the wider North Sea region, facilitating the alignment of environmental objectives, sectoral policies, and regional governance approaches, provided that such initiatives grant the fisheries sector the same weight and consideration as other maritime sectors.

4. Co-creation for effectiveness: setting societal objectives and implementation of measures

One could argue that a regulation is only as effective as its implementation in practice. To be implementable, it must set objectives and targets that are both realistic and achievable, developed through collaboration with the actors responsible for delivering them on the ground. Measures designed without sufficient engagement from affected sectors or communities may encounter resistance, delays, or partial implementation, even when legally adopted.

Inclusive and transparent decision-making in the setting of objectives and the design of measures is therefore essential to achieving GES under the MSFD, particularly in complex regional systems such as the North Sea. In this context, democratic and participatory governance is not only a matter of legitimacy, but a practical condition for ensuring that environmental ambition translates into effective and sustained action.

4.1 Politically imposed vs. co-created objectives & genuine stakeholder involvement

Strengthening the effectiveness of the MSFD is less about choosing between ambition and flexibility, and more about ensuring that objectives are co-created, implementable, and measurable within a multi-level governance system. While binding targets can provide clarity, their effectiveness ultimately depends on the level of ownership and feasibility at Member State level. Targets perceived as externally imposed or insufficiently adapted to regional realities risk low compliance and repeated infringement procedures without necessarily delivering improved environmental outcomes. Successful examples of bottom-up approaches, such as establishment of Swedish MPA Bratten in the Skagerrak and active restoration initiatives involving fishers in both Belgium and Denmark demonstrate that inclusive development of objectives can increase buy-in, ensure social acceptability of objectives, and improve the likelihood of effective implementation.

Ambition can be strengthened without relying solely on rigid outcome targets. Binding requirements on measures or intermediate steps, have been identified as more workable in complex marine systems. Given the transboundary nature of many marine pressures, environmental outcomes cannot always be fully controlled by individual Member States. This is particularly evident in regions such as the North Sea, where pressures may originate beyond

national or EU jurisdiction, and where regional cooperation through bodies such as OSPAR plays a central role.

A related challenge concerns the role of guidance and technical frameworks. Guidelines developed with limited stakeholder consultation may be perceived as de facto binding, as seen in other EU policy contexts such as the Multiannual Financial Framework and the application of the Do No Significant Harm principle. To avoid unintended rigidity and ensure legitimacy, it is essential that guidance development processes remain transparent and participatory throughout. This helps prevent oversimplification of complex environmental objectives and supports a governance model based on shared responsibility and practical implementation.

4.2 Psychology behind decision-making, positive incentives, bottom-up governance & positive competitiveness

In the context of the revision of the MSFD, greater attention should be given to the behavioral and governance dimensions of policy implementation. Insights from decision-making psychology and behavioral improvements can help encourage behavioral change and support long-term structural transformation.¹⁷ Such perspectives also improve understanding of how management measures and economic conditions influence stakeholder behavior. Framing environmental objectives in ways that promote positive competitiveness, rather than focusing solely on regulatory compliance, may motivate stakeholders to support gradual but meaningful improvements in marine sustainability.

At the same time, stakeholder engagement processes are often perceived as insufficiently genuine, particularly when consultations are conducted within very short timeframes. Ensuring workable timelines for participation is therefore essential, alongside improved communication mechanisms that allow stakeholders to contribute effectively through policy papers, technical discussions, and presentations within advisory bodies such as the Advisory Councils established under the CFP. Strengthening these participatory processes could enhance both policy legitimacy and implementation outcomes.

Marine governance in the European Union increasingly recognizes that environmental outcomes are shaped not only by ecological dynamics and economic incentives, but also by human behavior. Traditional economic models assume rational actors with complete information who consistently maximize utility. In reality, decision-making in complex and uncertain environments such as fisheries often deviates from these assumptions. Behavioral economics integrates insights from psychology and economics to better understand how individuals make decisions and respond to policy measures.

Fishers frequently operate under conditions of uncertainty, incomplete information, and time pressure. Under bounded rationality, individuals rely on simplified decision rules rather than fully processing all available information. This can lead to continued reliance on traditional fishing grounds despite shifting stock distributions, slow adoption of new technologies, or resistance to complex policy changes. Designing clearer and more accessible regulations can therefore improve compliance.

¹⁷

https://www.researchgate.net/publication/390852321_Behavioural_Economics_in_Marine_Fisheries_Management_A_Systematic_Review

Behavioral biases further shape responses to management measures. Loss aversion means that restrictions such as catch limits or spatial closures are often perceived as immediate losses rather than long-term sustainability measures. Policies framed in terms of preventing future losses, such as stock collapse or long-term economic decline, may therefore be more acceptable to stakeholders.

Social norms also play an important role. Fishing communities are embedded in strong social networks where peer expectations influence behavior, meaning compliance often depends not only on enforcement but also on social acceptance. Participatory governance, cooperative research, and community engagement can strengthen these norms and support sustainable practices.

Integrating behavioral insights into marine governance can therefore complement traditional regulatory approaches. By improving policy design, stakeholder engagement, and communication, behavioral perspectives can help bridge the gap between regulatory intentions and real-world outcomes, ultimately supporting the long-term sustainability of marine ecosystems and the communities that depend on them.

5. Conclusion

In conclusion, the revision of the MSFD presents an important opportunity to move from a fragmented and compliance-driven framework towards a more coherent, adaptive, and effective model of marine governance. While the Directive remains a cornerstone of EU marine environmental policy, its limited success in achieving Good Environmental Status demonstrates that stronger implementation does not simply require more targets or stricter obligations. It requires clearer objectives, better coordination across policies, and governance structures that reflect the complexity of marine socio-ecological systems.

A revised MSFD should embrace full-spectrum sustainability by balancing environmental ambition with economic resilience, social well-being, food security, and public health considerations. It should strengthen coherence with the CFP, MSPD, Nature Restoration Regulation, and land-based policies, while reducing duplication and unnecessary administrative burdens. Greater clarity on roles, responsibilities, and stakeholder participation across governance levels will also be essential.

Most importantly, the future MSFD must shift toward genuine co-creation of objectives and measures. Fishers, coastal communities, scientists, policymakers, and civil society all have a role in shaping realistic and effective solutions. By combining ecosystem protection with practical implementation and democratic legitimacy, the revised Directive can deliver healthier seas and resilient coastal communities.

NSAC members thank the Commission for taking their views into consideration in the forthcoming revision of a crucial piece of legislation for safeguarding marine ecosystems and biodiversity. We remain at the Commission's disposal to provide any further clarification on the content of this advice and to engage in continued dialogue and follow-up on the topic.