

BSAC report on Member States' Joint Special Group on the EU Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries (Marine Action Plan)

First meeting - 6 October 2023 (9.00-16.15)

The BSAC was represented by the Chair of the Executive Committee, the Chair of the EBM Working Group and the Executive Secretary who joined online. Representatives of EFFOP and FishSec, BSAC members, also followed the meeting online.

Introduction

The Commission opened the meeting by reminding about the agenda, the presence of Member States representatives in the room and stakeholders online.

The meeting was chaired by both Valerie Tankink from DG MARE and Silvia Bartolini from DG ENV.

Carmen Preising from the Cabinet took the floor for an introduction. She reminded that it was the first time that MS representatives both from the fisheries and the environment were in the same room. The goal was to make progress towards the objectives and enhance cooperation, showing that objectives can reinforce each other and not go against each other.

She recalled that Ursula Van der Leyen reminded in her State of the Union that nature is needed as the basis of our lives and homes. There is a need for more dialogue and less polarisation.

Having a Commissioner for both fisheries and the environment is a first step but it is not sufficient. A dialogue and cooperation between environment and fisheries need to happen at all levels. This group will be instrumental to do that.

She highlighted that there are huge challenges ahead. Despite the recovery of some stocks there was still a lot of efforts to be made. Many factors affected the sea, including many industrial sectors and also fisheries. She specifically mentioned that the Baltic is in a bad state. There is important environmental pollution, looming risk with unexploded ammunitions, and fish stocks in a bad health. Our Baltic Conference was launched by the Commissioner. It brought together all Member States and the Ministries. The Joint Special Group will work in the same way but look, in particular at one stress factor: fisheries, and for all European seas.

She explained that participants have very different backgrounds, knowledge and visions but all want healthy seas to host biodiversity and store carbon and provide healthy food for thriving fishing coastal communities. This was a strong common denominator for working together.

She recalled that the Package publication has provoked lively discussions from both sides for not going to far or not far enough. What is striking is that the criticism focused almost only on the issue of bottom trawling, but this is not the only action in the plan. The Commission has clarified some misunderstandings. The plan is not to ban bottom trawling everywhere next

year. There are dozens of actions proposed and committed to in the Action Plan. The Group has to look at all of them and shift the public attention to these other actions.

She reminded that Member States have to work on a roadmap as a tool for transparency and cooperation, delivering it next year. The roadmaps will allow to measure progress and interact between fisheries and environmental ministries.

She wished participants a very good meeting.

Objectives and administration of the special group

The Commission proposed Rules of Procedures that would set the mandate of the group and its working procedure both for Member States and observers. It will be accepted by writing by Member States.

The group will meet twice per year and intersessional workshops will be organised.

The Commission explained that the management of eel is one topic that should be discussed by the Group. The Commission was thinking of organising a workshop on eel and was interested to see if participants were interested.

The Commission also invited the participants to propose other topics for future workshops by the 6th November.

Overview of the Marine Action Plan

The Commission presented the Marine Action Plan.

First, the Commission clarified the reasons for this presentation of the Action Plan. First, because of the state of European seas that continue to degrade. The Commission knows that fisheries are not the only pressure in the seas. A number of actions are taken on the other pressures. In the context of the Action Plan, the focus is on fisheries. Second, because healthy oceans lead to healthy fish stocks.

The Action Plan is part of the Green Deal including Biodiversity Strategy 2030 and was published with the other communication of the Fisheries Package. The Commission recalled that the EU, including the Council, adopted the Biodiversity Strategy. Regional cooperation was needed to implement it correctly.

The pillars of the action plans were then presented:

1. Gear selectivity and sensitive species

The Commission recalled that sensitive species are at risk. The obligations under the Bird and Habitats Directives and the MSFD were recalled;

To do this, the Commission proposes to introduce new innovative techniques and to boost selectivity. Bycatch limits have to be set and data collection improved. The Commission put

forward a gradual approach focusing first on harbour porpoise and common dolphin and then on other species by 2024 and 2030. The protection of European eel also needed to improve.

Why?	How?
<ul style="list-style-type: none"> • Sensitive and threatened species are at risk • Existing obligations under the Birds and Habitats Directives to monitor bycatch and avoid significant negative impact on the species • Existing obligations under the Marine Strategy Framework Directive to establish bycatch threshold values and take measures to achieve them. 	<ul style="list-style-type: none"> • New, innovative techniques to boost selectivity • Set limits for incidental bycatch (MSFD threshold values) and implement measures to reduce bycatch to those limits (through national measures or joint recommendations); improve bycatch data collection • Gradual approach to minimise/reduce bycatches to enable recovery of: <ul style="list-style-type: none"> 2023 → the harbour porpoise (Baltic and Black Seas, Iberian Atlantic) and the common dolphin (Bay of Biscay) 2024 → angel sharks, common skate, guitarfish, Maltese skate, great white shark, sand tiger shark, smalltooth sand tiger shark, spiny butterfly ray, sturgeons, marine turtles, Balearic shearwater and Mediterranean monk seal 2030 → remaining sensitive marine species • Improve the protection of the European eel

2. Protection of the seabed

The Commission recalled that seabed are often important habitats but also carbon sinks. The obligations under MSFD and Birds and Habitats Directives were recalled along with the measures present in the CFP. First measures had to be taken on N2000 sites and then a roadmap established to prioritise MPA ban on bottom contacting gears by 2030.

Why?	How?	
<ul style="list-style-type: none"> • Essential habitats, fish nurseries & spawning areas, carbon sink • Existing obligations under the Birds and Habitats Directives to manage Natura 2000 sites and under the MSFD to achieve good environmental status. • Fisheries management measures to be taken under the CFP: Commission staff working document on the procedures under the CFP (Article 11), new guidance in preparation. 	<p>Transition to better protection of the seabed:</p> <ul style="list-style-type: none"> • March 2024 → national measures/proposals for joint recommendations for all Natura 2000 sites under Habitats Directive (HD) protecting the seabed and marine species • March 2024 → roadmap for all MPAs by 2030 	

3. Fair Transition

The Action Plan will engage with stakeholders and Member States to help connect the dots and ensure that the funds are used.

Energy transition is a challenge for the sector but also comes with opportunities. It is linked to the Action Plan. The roll out of innovations should be supported, allowing to lesser environmental impact and fuel costs for fisheries.

The Commission also wants to ensure that a dialogue is in place to understand the needs on the ground.

<p>Why?</p> <ul style="list-style-type: none"> • The proposed transition will have beneficial returns but will also entail social and economic impacts on operators and communities: from small shifts in fishing operations to larger changes, all actors would need to adapt. • In line with one of the pillars of the European Green Deal, this transition should be inclusive and fair. 	<p>How?</p> <ul style="list-style-type: none"> • Engage with fishing communities in the transition to more selective, less harmful and less fuel-consuming fishing practices. • Ensure the relevant actors have access to corresponding EU, national, and private resources to support the use of less damaging fishing techniques and projects that implement the Natura 2000 network and meet the Action Plan objectives • The Commission will facilitate a workshop on access to funding opportunities by end 2023, working closely with Member States. It will implement smart specialisation strategies and set up direct management grants to over €7m.
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4. Governance and process

The Joint Special Group will play an important role in the implementation of the Action Plan.

The Action Plan is here to implement the Biodiversity Strategy for 2030. It prioritises some actions.

Member States will also prepare roadmaps according to a template provided by the Commission by March 2024.

Member States raised a few questions on the legal basis of the Action Plan.

In response, the Commission explained that the objective of the roadmaps was not to add an administrative burden but to facilitate cooperation.

The Commission worked on regional pledges in relation to the MPA, namely 30% and 10% targets. A meeting on MPAs was scheduled for the Baltic in Riga in November to look at both land and sea progress.

In spring 2024, the Commission will issue a report on progress towards the Biodiversity Strategy.

The Commission also explained that they are working with ICES on the social dimension of the CFP and will be able to share some information on this topic later on.

Tour de table with Member States

The Commission had asked 3 questions to the Member States in addressing the Action Plan (see background document). They pertained to governance, selectivity, and best practices and challenges.

All Member States presented the cooperation between their fisheries and environmental ministries, highlighting that there was good cooperation. They welcomed more cooperation between Member States. They also mentioned work ongoing at the regional level through regional seas conventions, Member States groups and Advisory Councils. They called on more cooperation and across ministries and Member States.

Many Member States explained that they supported the 30% and 10% goals for MPAs but that measures applying in MPAs should be relevant with the objectives they were set up for.

Baltic Member States recalled the important work done by BALTFISH when it comes to selectivity of fishing gears, and harbour porpoise by-catch. They also mentioned the good collaboration with the BSAC and the added value of working with stakeholders. The work with HELCOM was also mentioned.

Some Baltic MS also explained that the presence of Russia in the Baltic was a specific challenge for this sea.

Other Baltic MS welcomed the proposal of the Commission to work on the eel file under this Group.

Some Member States questioned the legal basis of the Rules of Procedure of the group and the roadmap deadline set by the Commission.

Other highlighted that more funding was needed to overcome challenges when it comes to the implementation of the Action Plan. The additional administrative burden of the Action Plan was also brought up by some Member States.

Stakeholders' interventions

The Commission gave the floor to the stakeholders and asked them to focus on additional comments and sharing best practices and concrete good examples on top of what was heard from the Member States.

The Chair of BSAC Executive Committee presented the BSAC views on the topic.

He thanked the Commission for inviting the Baltic Sea Advisory Council as an observer to the first meeting of the Joint Special Group on 6th October 2023.

He reminded that the BSAC started to study the Commission fisheries package and has been preparing a draft recommendation during Working Groups meetings in September. The recommendation on the Fisheries Package is not validated yet. It is however possible to highlight some key points featured in the discussions of BSAC members:

In the past years, the BSAC has been actively calling to bridge the gap between environmental and fisheries legislation, the health of the Baltic Sea in fact depends on it.

The BSAC very much welcomes the Action referring to the creation of the Joint Special Group.

The BSAC sent a letter to the Commission regarding the European eel. In addition to specific recommendations on eel, the BSAC recommends to include the European eel in the work programme of this Joint Special Group as one example of a topics demanding upstream and downstream actions.

Further discussion in BSAC on the Action Plan included:

- Concerns that rushing some measures might prevent a fair transition.
- Recommendations to clarify statements related to selectivity and in particular distinguish on increase and improvement of selectivity that are not necessarily related (for example for pelagic fish, changing size selectivity by increasing mesh size is most likely detrimental, due to high hidden underwater mortality).
- The need to focus more on keeping the age and size structure of the pelagic fish stocks.
- Other action-specific remarks that will be included in the recommendation from BSAC.

Finally, the BSAC Chair highlighted the need to ensure a coherent approach in the implementation of the marine Action Plan and expressed hope that this Joint Special Group will rise to this challenge.

The BSAC recommended that work inside the group is carried out with transparency and that Advisory Councils and stakeholders continue to be invited to its meetings. In particular more time should be given to stakeholders and they should be allowed to join in person. The BSAC can in that way support the implementation of the Action Plan by actively engaging in this group and providing input and advice.

Other stakeholders took the floor: the advisory councils, environmental NGOs and fisheries representatives. Environmental NGOs recalled that the obligations stemming from the Directives are dating back from many years ago and should be implemented as soon as possible. The fisheries representatives reminded that the ban of bottom trawling is not a legal requirement and that the Action Plan creates confusion.

Further comments were made by the different stakeholders representatives.

Wrap up and next steps

The Communication acted that there will be a workshop on eel and another one on funding. The date will be decided later. They will take place online. All documents will be uploaded to the Commission's cloud.

The next meeting of the Joint Special Group will take place around June.

Fisheries Committee of the EP has an INI report on the Action Plan and it will be discussed on 9th October.

The Inter-AC will take place on 10th October for stakeholders to express their positions.

End of the meeting