



Brussels,
MARE.D.3/MMM

**Subject: Reply to BSAC Advice on the Communication from the Commission
“Action Plan: Protecting and restoring marine ecosystems for
sustainable and resilient fisheries”**

Dear Mr Zielinski,

Thank you for your very comprehensive recommendations of 4 December 2023 on the Marine Action Plan.

Much has been discussed since its adoption as part of the “Fisheries and Oceans Package” in February 2023. Amongst other fora, in the recently created joint special group of Member States which met for the first time on 6 October 2023 and to which BSAC has also participated as observer. Nevertheless, the importance of this action plan and the key role of Advisory Councils in the attainment of its objectives merit further explanations from our side.

Biodiversity is essential to safeguard our food security and it is our best ally to avert the adverse impact of climate change on our way of life and our planet’s capability to continue supporting life. The ability to ensure food security in the long term requires policy interventions that reinforce sustainability and resilience of the food systems in view of the pressure on natural resources, including due to climate change. This is precisely the purpose of the proposed actions which will pave the way for a transition towards more sustainable and resilient fisheries to safeguard availability and affordability of seafood products in the long term.

We are well aware that fishing is not the only pressure affecting the environment. It is acknowledged in the Action Plan and in the European Green Deal that all human activities need to do their part in this transition. This Action Plan is the opportunity for our fishers and all stakeholders to show their commitment to protect the ecosystem on which they depend. The EU indeed acts comprehensively on human impacts affecting the marine environment, be it through the implementation of the Marine Strategy Framework

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Directive, the Birds and Habitats directives, the Water Framework Directive, or through implementing the Zero pollution action plan.

While some deadlines proposed may appear tight, it is the response to the urgency of some of the measures that we need to take.

Actions to improve fishing selectivity and reduce the impact of fisheries on sensitive species:

Setting by-catch threshold values through regional/subregional cooperation is required according to Commission Decision (EU) 2017/848 (Descriptor D1C1, Annex, Part II). I am pleased to read that BSAC stands ready to work together with BALTFISH on this important topic and to follow up on the work which has already begun on seabirds and on the harbour porpoise. Cooperation with HELCOM should also be a priority for BSAC as their coordinating role in the process of setting threshold values is recognised in the Commission Decision (recital 18). In any event, we don't have to wait for these thresholds to be adopted to implement measures for those species which need urgent action.

Concerning the harbour porpoise, we acknowledge the effort in 2021 of BALTFISH and BSAC to adopt a joint recommendation containing mitigation measures to reduce incidental catches of this critically endangered species. However, the harbour porpoise is at the edge of extinction, and more is needed. We encourage you to work with BALTFISH on strong and long-term measures protecting these animals from being by-caught in nets in the whole Baltic Sea. Avoiding the extinction of the harbour porpoise and ensuring its full recovery to a favourable status is a legal requirement under the EU Habitats Directive and a commitment of the Commission and all Member States made under the EU Biodiversity Strategy for 2030.

The protection of sturgeons is also particularly relevant in the Baltic Sea.

On European eels, I echo the general aim of the Action Plan. While recognising that not only fishing is affecting this critically endangered species, Member States need to step up their conservation efforts and move forward towards the best practices. We do agree that eels need to be protected in all habitats, be it marine or freshwater, from all forms of human activity – including pollution, mortality in hydroelectric turbines and barriers to migration as well as fishing. Coordinated and holistic action on all of these pressures, not just fishing, is needed to safeguard this iconic species. And this is recognised in the Marine Action Plan, where the Commission is calling on Member States to update their Eel Management Plans by June 2024 or adopt new plans in full coherence with the relevant environmental legislation. As suggested in the first meeting of the Joint Special Group, the Commission is currently exploring the organisation of the workshop on eels in view of enhancing the conservation efforts. Concerning the agreement on Biodiversity Beyond National Jurisdiction and the protection of the European eel, the EU is working towards a speedy ratification of the Agreement and is already looking at the future implementation and will look into proposals to best protect marine biodiversity.

Testing and producing more biodegradable gears to minimise the risk of marine litter shows how the EU fishing industry is committed with more sustainable activity. I can only encourage you and congratulate you on this involvement.

Additional measures to boost selectivity, increasing stocks size, STECF advice on technical measures:

Year after year the fisheries sector and the Member States administrations have made efforts to try to keep commercial species at sustainable levels. These efforts came in the form of catch limits to decrease fishing mortality, effort limitation to alleviate pressure, area-specific measures (including closures) to reduce catches of small fish and the adoption of gear specifications that would decrease the catches of small fish. The Marine Action Plan emphasises the importance of these. Their implementation will require a combination of technical measures based on science and innovation which will contribute to improving the selectivity of fishing gear and to minimising the impact on the ecosystem. These are the objectives of the EU “Technical Measures” Regulation 2019/1241.

The intention is to bring commercial stocks to sustainable levels so as to obtain the highest yields for our fishers. To achieve this, selectivity should be managed so as to avoid catching fish of the younger age groups. To avoid a waste of resources through attrition, disease, predation and slow growth, fishing should not target excessively old animals either.

The aim is to identify the sizes of fishes whose capture would render the highest yields in the long term¹ and then to identify what changes would be necessary and feasible to reach these highest yields. This should be implemented through scientific analysis and development with stakeholder involvement and through shared ownership of the measures to be implemented.

We know that further scientific advice is necessary, and this cannot be achieved overnight. This exercise is for the mid to long term. Identifying optimum sizes is only the first step. This should be followed by a gradual approach to changing fishing techniques and fishing gears. The process must take account of feasibility and changes in social and economic circumstances, in catches, in catch value and in environmental impacts.

There is ongoing STECF work to provide technical and scientific knowledge to help Member States and stakeholders to move towards better selectivity standards, so improving the efficiency of fishing and reducing unwanted impacts on commercial stocks, on sensitive species and on the marine ecosystems.

We recall that the **STECF Expert Working Group on technical measures met in Ispra from 22nd to 26th January 2024**, with the participation of biologists, economists and gear technologists. All Advisory Councils were invited as observers, and I am pleased to see that the BSAC actively participated in the discussions during the whole week. Let me reassure you that stakeholders will be informed on any development regarding this work.

As was set out in the Marine Action Plan, in the Fisheries and Ocean package and in the Technical Measures Regulation discussions, the development of new measures will remain at the initiative of Member States through regionalisation.

Nevertheless, the Commission has the legal obligation of **assessing how current technical measures are implemented** particularly with respect to how selectivity is improved and the impact on the environment minimised. My services are now drafting the second report on technical measures, based inter alia on the outcome of the recent

consultations with Advisory Councils. I thank you for your participation in this consultation, as your opinions will play an important part in this report.

Let me also draw your attention to the **latest ICES advice on innovative gears commissioned by DG MARE, released on 16 October 2023²**, the second that ICES delivers, and that will feed into the second report on the implementation of the technical measures regulation. This, along with the first one released three years ago, provides a comprehensive catalogue of technologies and deepens on the socio-economic aspect.

How the technical measures are implemented follows a double strand: the Commission can act where the **implementing powers** allows so, and once again, the Member States can, at any time, put forward joint recommendations to amend the relevant parts of the regulation in line with new technical developments.

Work is also progressing on the Implementing Regulation. Stakeholders will also be consulted following the rules of procedure for these cases with the Advisory Council having a primary role in the process.

Action to reduce the impact of fisheries on the seabed:

Protecting the seabed is a common goal we have already agreed on, and that should be in everyone's interest. Furthermore, there is already a legal obligation since 2008 in the Marine Strategy Framework Directive for all EU Member States to ensure good environmental status of the seabed. In 2022, Member State experts have agreed that to reach good environmental status in relation to seafloor integrity, a maximum of 25% of each seabed habitat can be adversely affected by anthropogenic pressures.

Concerning the measures to protect the seabed in Natura 2000 sites where this is part of their conservation objectives, that obligation is long overdue under the Birds and Habitats Directives. The deadlines proposed in the action plan for putting in place national measures or proposing joint recommendations reflects the urgency to fully comply with that legal obligation.

For other MPAs, the action plan indeed proposed a stepwise approach. The aim is to reduce the environmental impacts of fishing in line with the objectives of the common fisheries policy and of the Union environmental legislation, as well as the commitments the Union has undertaken under its Biodiversity Strategy for 2030 and the Kunming-Montreal Global Biodiversity Framework.

The Biodiversity Strategy states that the designation of additional protected and strictly protected areas will be a responsibility of the Member States. Here, once again, the participation, advice and commitment of stakeholders would be essential to adopt the measures leading to the protection of designated sites from all harmful activities.

The Marine Action Plan is not recommending a blanket ban on bottom fishing. Commissioner Sinkevičius has explained that the objective is working together to find the best ways to protect our precious ecosystems. Innovation is key in this task. We need to encourage the use of fishing techniques that have less impact on the seabed and collect the scientific evidence underpinning this.

² <https://www.ices.dk/news-and-events/news-archive/news/Pages/InnovativeGear.aspx>

It is indispensable that within each region, all elements are considered. This is why the Marine Action Plan leaves the development of detailed measures as appropriate to each area and fishery in the hands of the Member States as provided for by the CFP, working in regional groups to develop joint recommendations.

Securing a fair and just transition for all:

The transition that the Marine Action Plan (and the Fisheries and Ocean package) is proposing will come with costs and benefits for our fishers. They cannot be left alone in this process. The EU has a wide array of funds that can be used to achieve the goals. In April 2024, the Commission will organise a dedicated workshop to explore the different funding options.

We know that the fishermen and citizens in the affected regions themselves have a very high interest in preserving their nature and livelihoods. They are the ones who know best the regional and local specificities, developments in innovation and technologies, and can weigh the local environmental, economic and social impacts. That is why the process of transition is ultimately in the hands of the national authorities.

Strengthening the knowledge base and research and innovation:

Thanks to collaboration of scientists and fishers, today a wide range of technical measures are known that could improve the way the fish are caught (from gear modifications to identification of new areas with high presence of juveniles). We need now to scale up those good examples, and we can only encourage the commitment of fishers to innovation. Their participation in scientific research is essential.

Monitoring and enforcement:

We agree that we have to improve the monitoring and enforcement, using all available tools at hand. I thank the engagement of the Baltic Sea fishers on projects dedicated to this goal.

Governance, stakeholder involvement and outreach:

Diversity is part of the identity of the European Union. This is also translated into the governance of our seas and our fishing activities. Recognising the diverse features of European seas and fishing activity, the Marine Action Plan deliberately leaves the implementation of this action plan to the Member States and stakeholders. The tool of the regionalisation of the CFP is the way by which all factors will be taken into consideration. And for this, the active role of all Advisory Councils is essential.

The relevance of the Marine Action Plan is such that all voices need to be heard. With this objective, a dedicated stakeholder consultation was launched through an online questionnaire between 25 October 2021 and 10 January 2022. The consultation was accessible on the “have your say” portal. The action plan builds on the results and main findings of this consultation, which were published at the same time as the Marine Action Plan.

Should you have any further questions on this reply, please contact Ms Julia Rubeck, coordinator of the Advisory Councils (Julia.RUBECK@ec.europa.eu , +32 2 29 68889), who will forward them to the relevant colleagues.

Yours faithfully,

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