



Brussels,  
MARE.D.3/MMM

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

Dear Mr Brouckaert,

Thank you for your very comprehensive advice on the Marine Action Plan

Much has been discussed since its adoption as part of the “Fisheries and Ocean 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 I was glad to see that the NWW Advisory Council was an active participant at this meeting as observer.

I am sure that many of the questions or comments raised in your advice have been already answered during the meeting. However, the importance of this Action Plan, and the key role of the Advisory Councils in achieving its objectives merit further explanations from our side.

Regarding the nature of the Action Plan, I will confirm once again that the **Action Plan is not new legislation**, instead it is built on existing environmental and fisheries legislation. Full implementation of the Action Plan will therefore help achieve requirements of EU legislation. The Action Plan will deliver positive effects for the fishing sector and society as a whole, as regards food security and also by increasing the resilience of ecosystems to climate change.

We recognise that some **deadlines** proposed may **appear tight**; it is the response to the urgency of some of the measures that we need to take.

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It is globally acknowledged that biodiversity is essential to safeguard **our food security**<sup>1</sup>. The ability to ensure food security in the long-term requires policy interventions that reinforce sustainability and resilience of the food system in view of the pressure on climate or natural resources. This is precisely the purpose of the actions proposed, 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.

I am well aware that **fishing is not the only pressure** affecting our marine ecosystems. It is acknowledged in the Action Plan and in the European Green Deal that all human activities need to do their part. This Action Plan is the opportunity for our fishers and all stakeholders to show their commitment to protect the ecosystem on which they depend.

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 activities, the Action Plan deliberately leaves in the hands of the Member States and stakeholders to opt on how to make this Action Plan real. The tool of the **regionalisation** of the Common Fisheries Policy 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 Action Plan has been produced considering the opinions of all interested stakeholders, advisory councils included. This was the objective of the dedicated stakeholders consultation, launched through an online questionnaire to which the NWWAC replied. More information on how this information was treated can be found in the synopsis accompanying the Action Plan<sup>2</sup>.

The transition that the Action Plan 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 proposed. In spring 2024, the Commission will organise a dedicated workshop to explore the different funding options and we will inform Member States and stakeholders nearer to the date.

### **Reducing the impact on the seabed:**

Protecting the seabed is a common goal we have already agreed on, and that should be in everyone's interest. Furthermore, since 2008 there is already a legal obligation for all EU Member States to better protect 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.

The Action Plan is **not proposing a blanket ban on bottom fishing**. Commissioner Sinkevicius has explained, and this was also clarified in the above-mentioned meeting, that the objective is working together to find the best ways to protect our valuable 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. The examples listed in your letter of new technologies and gears are good evidence that the cooperation and commitment of fishers is essential.

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<sup>1</sup> Biodiversity loss threatens food systems World Economic Forum (2020), The Global Risks Report 2020.

<sup>2</sup> <https://op.europa.eu/en/publication-detail/-/publication/293c498e-b1bf-11ed-8912-01aa75ed71a1>

This must be taken into account by the Member States in the regional groups when they work on joint recommendations to be submitted for the purposes of this Action Plan.

### **Dependence on imports:**

We are aware of the EU dependence on imports. Restoring biodiversity will make the fisheries sector more resilient in view of ensuring food security in the face of climate change. Food sovereignty and the availability of high-quality food for all citizens are indeed crucial.

We cannot do this alone. The EU has a strong track record and continues promoting sustainable fishing worldwide through its key pillars: zero tolerance to IUU fishing, promoting sustainability in regional fisheries management organisations, concluding sustainable fisheries partnership agreements with third countries, and incorporating sustainable fisheries and management of marine resources in EU trade agreements.

The success of this high ambition leadership has shown results in the past months with the WTO agreement on curbing unsustainable fisheries subsidies worldwide and the conclusion of a historic agreement on biodiversity in areas beyond national jurisdiction.

All these actions help strengthening environmental standards all over the world and contribute to a level-playing field between the EU and other regions in the world. This will continue to be the case, based on the strengthened commitments made in the IOG communication and the CFP package.

### **Making fishing practices more sustainable: sensitive species:**

On developing threshold values for the maximum allowable mortality rate from incidental catches in fisheries, the work is ongoing under the implementation of the Marine Strategy Framework Directive. The process to set those threshold values, as you rightly underline, needs to be science-based and allowing for relevant stakeholders to be appropriately consulted and involved. According to Commission Decision (EU) 2017/848, those threshold values need to be set through regional/subregional cooperation and the role of the Regional Sea Conventions, such as OSPAR, in coordinating this process is recognised in Recital 18. The Commission is supporting Member States and regional organisations that have been working on the issue of bycatch threshold values for many years, to accelerate the process and ensure that such values are set by the end of this year as stipulated in the Action Plan. Supporting this activity by moderating the development of the approach and its application across European marine regions will enable a harmonised process that takes into consideration all the previous and ongoing work performed in different fora.

In any event, we do not need to wait for these threshold values to be developed to act. We already have plenty of information, both in terms of species status and on the mitigation measures. We urgently need to step up and adopt these measures to protect iconic species such as the common dolphin in the Bay of Biscay. We couldn't agree more on the need for legislators, stakeholders and civil society to get involved on the shared management. It is crucial that we all play our role, given the delicate situation of some cetacean populations.

We know there are already measures in place to protect them, but more conservation efforts need to be done.

You mention the list of innovative techniques and gears that could help us protect skates and rays. I encourage you to continue testing, even, not limited to the protection of these species. It is only with the involvement of fishers that we can implement new gear techniques that would help us in our objectives.

On European sturgeon, this migratory species is critically endangered and strictly protected under the EU law, which means that its capture in the wild is prohibited. I would appreciate if you could share with us the relevant information proving the survivability of this species when accidentally caught by fishing gears, to help us better understand how to preserve this species. On European eel, I echo the general aim of the Action Plan; while recognising that not only fishing is affecting this critically endangered migratory species, Member States need to step up their conservation efforts and move forward towards the best practices. Eels need to be protected in all habitats, either marine or freshwaters, 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 these pressures, not just fishing, is needed to safeguard this iconic species and those fishing communities depending on it for their living. And this is recognised in the Action Plan, where the Commission is calling on Member States to update their Eel Management Plans 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 a Workshop on eels in view of enhancing the conservation efforts and will soon come back to the ACs with further details.

Testing and producing more biodegradable gears is another good example that you share with us, which shows how the EU fishing industry is committed with more sustainable activity. I can only encourage and congratulate the NWWAC and its members on this involvement.

#### **Additional measures to boost selectivity:**

All the examples of good techniques and efforts made by the EU fishing industry that you underlined in your letter show the commitment of fishers to protect the source of their income. These efforts have paid off; many stocks are fished sustainably. The profitability of the EU fishing fleet has improved substantially, improving its resilience in the face of short-term shocks and longer-term threats<sup>3</sup>.

However, we cannot be self-indulgent. We need to progress, to bring the remaining stocks to sustainable levels, and to grant the optimum yields for our fishers. To achieve this, the exploitation patterns should avoid fishing on younger age groups. Fishing should not target too old animals either, to avoid a waste of resources through attrition, disease, predation and slow growth.

We are aware of previous work on this topic as you mention, however inconclusive. This is the reason why the Commission requested further scientific advice<sup>4</sup> to identify the theoretical optimal ages at which commercial fish species should ideally be caught in order to maximise their yields and ensure the availability of food supplies at reasonable prices.

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<sup>3</sup> [https://oceans-and-fisheries.ec.europa.eu/publications/sustainable-fishing-eu-state-play-and-orientations-2024\\_en](https://oceans-and-fisheries.ec.europa.eu/publications/sustainable-fishing-eu-state-play-and-orientations-2024_en)

<sup>4</sup> STECF(2021) Review of the Technical Measures Regulation.

The objective is to identify the length of fishes that would render the highest yields, and then, sketch what changes would be necessary (and feasible) to reach these highest yields, acting as a driver for positive change, sharing ownership of the future measures implemented.

This exercise is for the mid-long run. Identifying optimum lengths is only the first step, that will be followed by developing a progressive stepwise approach on the changes in fishing techniques/patterns that are feasible: what changes need to be done, and what will be the consequences of these changes (socio-economic changes in catches, catch value and environmental).

**The intention with this scientific work is providing technical and scientific knowledge that help MS and stakeholders** include in their programming the measures aiming at higher selectivity standards. In line with this, the last meeting of the dedicated Expert Working Group (STECF-EWG<sup>5</sup>), took place on 22-26 January. I am happy to see that NWWAC actively participated in this group, offering the point of view of the stakeholders.

This is what the Action Plan intends to achieve, and this will require a combination of effective technical measures. These are the grounds of the EU Regulation 2019/1241<sup>6</sup>, (the Technical Measures Regulation), the legal framework to achieve these goals.

By no means the intention is setting new binding measures, which as recalled for other topics in the Action Plan, will be in the hands of the MS via regionalisation.

You rightly mention the need of **assessing how current technical measures are implemented**. Indeed, we cannot forget that the goal of the Technical Measures Regulation is progressing on how the fishing patterns are improved and impact on environment minimised; while it does not set any concrete target, it does demand to assess the progress.

As remarked at the beginning of this letter, the regionalisation plays a key role bringing together the regional specificities as well as the socio-economic considerations. It provides the due flexibility and time to adapt to the necessary transition. While offering this flexibility, in return, the Technical Measures Regulation sets the need to measure the progress. This is the legal obligation for the Commission<sup>7</sup>, and as you know, the first report was adopted in September 2021. We are now in the process of elaborating the second **report on technical measures**, for which all ACs have been consulted<sup>8</sup>. I thank you for your involvement and participation in this consultation.

I agree with you on the **complexity of the current technical measures applicable in North Western Waters**, which makes the managing of some iconic species (such as hake) a very complex issue. How the technical measures are implemented follows a double strand: the Commission can act where the implementing powers allow so, and once again, the MS can, at any time, amend the regulation to adapt and include the most updated and innovative gears.

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<sup>5</sup> STECF 23-15

<sup>6</sup> Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures.

<sup>7</sup> Art 31.1 of EU Regulation 2019/1241.

<sup>8</sup> Questionnaire- Implementation of the Technical Measures Regulation – Ares (2023)6664226

### **Innovation and fishers involvement in research:**

Thanks to collaboration between 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 occurrence of juveniles). You mention a few, with good results already. 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.

Let me also draw your attention to the latest ICES advice on innovative gears at DG MARE request, released on 16 October<sup>9</sup>, 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. Your opinions and experience will be most welcome.

### **Managing Marine Protected Areas:**

The proved benefits of properly managed MPAs with clear conservation objectives are the reason why the Action Plan proposes this action. Controlled, and when necessary, reduced fishing effort will help to increase fish abundance, improving the respective catch per unit of effort. Benefits that due to the spillover effect will shift from the closed areas to those that remain open.

As you point out, each of the sites would require its own management plan that considers the specific features of the site.

The Biodiversity Strategy states, echoing the relevant existing environmental legislation, that the designation of additional protected and strictly protected areas will be a responsibility of Member States.

Here, once again, the participation, advice and commitment of stakeholders would be essential to adopt the measures leading to the more effective protection of designated sites.

The EU targets under the Biodiversity Strategy concern MPAs (Natura 2000 sites and national MPAs) but also OECMs (other area-based effective conservation measures), provided they comply with the CBD criteria to be recognised as OECMs, then they can be reported as contributing to the EU 30% target.

### **Securing a fair and just transition:**

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

The transition to more respectful fishing practices will come with a cost. But our fishers need to know that they are not alone in this.

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<sup>9</sup> <https://www.ices.dk/news-and-events/news-archive/news/Pages/InnovativeGear.aspx>

There are ample financial opportunities that can be used to implement this action plan, notably:

- The European Maritime, Fisheries and Aquaculture Fund (EMFAF)
- the LIFE programme.

Member States should strategically use such funds in combination with other EU funding instruments, in order to maximise opportunities and channel support for the European Green Deal transition. The cross-departmental nature of the action plan will also ensure that funds are shared between the relevant national authorities.

Other complementary sources of funding include:

- Horizon Europe
- the European Regional Development Fund (including Interreg)
- the European Social Fund+
- the European Agricultural Fund for Rural Development
- the Connecting Europe Facility
- the Recovery and Resilience Facility.

To help the Member States implement the Action Plan, and as announced at the first meeting of the Joint Special group, we will organise a dedicated workshop on how to make full use of funding opportunities. We will duly inform you nearer to the date.

### **Strengthening the knowledge base:**

The Action Plan calls for a robust data collection and research in line with the obligations under the existing legislation.

Member States should therefore fully use financial support already available to them to implement those requirements.

The Action Plan helps Member States prioritise those data collection and monitoring efforts that are necessary for its implementation, notably through the Data Collection Framework (DCF) and monitoring programmes under the EU Marine Strategy Framework Directive, the Birds Directive and the Habitats Directive.

The Action Plan also highlights areas that require further research, and the Commission will continue to work with the scientific community.

We need to improve for example our knowledge on the impact of all relevant fisheries including recreational fisheries, on bycatch of sensitive species and on seabed habitats and their carbon sequestration capability. It would be also useful to develop a tool to incorporate the concept of ‘natural capital’ in economic decisions.

This will require the full engagement of the scientific community, notably through the scientific bodies such as ICES and the STECF.

Moreover, the EU research and innovation agenda supports the sustainability of fisheries, conservation and restoration of marine biodiversity. EU funding is available for the

scientific community through Horizon Europe and in particular its mission ‘Restore our Ocean and waters’.

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

Yours sincerely,

Charlina VITCHEVA

