

## ROADMAP

Roadmaps aim to inform citizens and stakeholders about the Commission's work in order to allow them to provide feedback and to participate effectively in future consultation activities. Citizens and stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to make available any relevant information that they may have.

<b>TITLE OF THE INITIATIVE</b>	Action plan to conserve fisheries resources and protect marine ecosystems
<b>LEAD DG – RESPONSIBLE UNIT</b>	DG MARE, Unit D3; DG ENV Units C2 & D3
<b>LIKELY TYPE OF INITIATIVE</b>	Commission Communication
<b>INDICATIVE PLANNING</b>	4th quarter 2021
<b>ADDITIONAL INFORMATION</b>	This action is one of the deliverables under the <i>EU Biodiversity Strategy for 2030</i>

This Roadmap is provided for information purposes only and its content might change. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by the Roadmap, including its timing, are subject to change.

### A. Context, Problem definition and Subsidiarity Check

#### Context

This action plan is one of the deliverables announced in the EU Biodiversity Strategy for 2030. In the strategy it is indicated that *“The Commission will also propose a new action plan to conserve fisheries resources and protect marine ecosystems by 2021. Where necessary, measures will be introduced to limit the use of fishing gear most harmful to biodiversity, including on the seabed. It will also look at how to reconcile the use of bottom-contacting fishing gear with biodiversity goals, given it is now the most damaging activity to the seabed. This must be done in a fair and just way for all. The European Maritime and Fisheries Fund should also support the transition to more selective and less damaging fishing techniques.”*. The Action Plan is also linked to the reporting under the recently adopted Technical Measures Regulation<sup>1</sup> as a means to put forward concrete recommendations. It will also be linked with the implementation of other Biodiversity Strategy actions and of the environmental legislation, notably the Birds, Habitats and Marine Strategy Framework Directives.

#### Problem the initiative aims to tackle

The EU has comprehensive policies and legislation to protect the marine environment. The common fisheries policy has among its key objectives to ensure that fishing is environmentally sustainable and to ensure that negative impacts of fishing activities on the marine ecosystem are reduced. As a result, the management measures that have been put in place over the last couple of decades have managed to reduce certain pressures. The strategies set up under the Marine Strategy Framework Directive have put a framework for holistically protecting the marine environment.

Yet, marine ecosystems remain under threat. For example, more than 65% of seabed habitats protected under the Habitats Directive are in unfavourable conservation status<sup>1</sup>. Marine species are not faring much better with very large knowledge gaps<sup>2</sup>, in particular for cetaceans. Certain fishing activities have a negative impact on the marine environment, for example due to the incidental catches of marine mammals, marine reptiles, seabirds and other sensitive species or due to the disturbance of seabed habitats, including through the use of specific fishing gears such as bottom

<sup>1</sup> <https://www.eea.europa.eu/publications/soer-2020>

<sup>2</sup> COM(2020)259, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0259>

contacting fishing gear, which is now the most damaging activity to the seabed. Halting marine biodiversity loss therefore remains a challenge.

This is why the common fisheries policy includes technical measures, such as area closures, gear changes and mitigation measures, to reduce such adverse impacts on sensitive species and habitats. The Technical Measures Regulation simplified the myriad of existing rules and thus strengthened the ability to achieve the environmental objectives of the common fisheries policy. Among other objectives, the Regulation aims to have in place fisheries management measures for the purposes of complying with the EU environmental legislation, in particular the Birds and Habitats and the Marine Strategy Framework Directives. It also foresees a new mechanism to monitor progress and introduce corrective measures where and when necessary. The main element of this mechanism is the report that will be presented to the European Parliament and the Council for the first time by mid-2021, and every third year thereafter, and the obligation of Member States to submit a plan of actions within 12 months of the submission of the Commission's report if at regional level there is evidence that the objectives and targets of the Regulation have not been met.

The common fisheries policy provides a specific framework for Member States to introduce the fisheries management measures necessary to comply with their obligations under the EU environmental legislation on marine protected areas<sup>3</sup>. However, the application of this provision has been challenging. Recently the Court of Auditors<sup>4</sup> recommended better linking in practice the EU's marine biodiversity policy with the common fisheries policy. In view of the new framework put in place under the Technical Measures Regulation, this initiative will therefore amongst others look at the actions necessary to protect sensitive species and habitats, which would facilitate better implementation of the Marine Strategy Framework Directive and the Birds and Habitats Directives and faster application of conservation measures under the common fisheries policy, thus contributing to the European Green Deal by making fisheries more sustainable, protecting marine ecosystems and their biodiversity.

#### **Basis for EU intervention (legal basis and subsidiarity check)**

The action plan will bridge the fisheries and environmental competences of the Union. Some of the actions will be linked to the reporting requirement under Article 31 of the above mentioned Technical Measures Regulation. The conservation of marine biological resources falls under the exclusive competence of the Union. Consequently the subsidiarity principle does not apply for these actions. Moreover EU environmental legislation also covers the protection and conservation of the marine environment, including the restoration of marine ecosystems.

#### **B. What does the initiative aim to achieve and how**

The overall objective of this initiative is to concretely exploit the synergies between the fisheries and environmental policies. It will directly contribute to one of the main objectives of the European Green Deal, to turn environmental and climate challenges into opportunities.

More specifically, the initiative will contain recommendations and actions that in practice link the implementation of the common fisheries policy with environmental legislation and policy, notably the Birds, Habitats and the Marine Strategy Framework Directives. It will identify clearly where and by when action is required by Member States and the Commission to conserve fisheries resources and protect marine ecosystems. The Action Plan will in particular:

- Identify actions needed to **increase selectivity** and reduce and where possible **eliminate bycatch of sensitive species**, focusing on those threatened with extinction and in unfavourable conservation status;
- Explore ways and identify actions to significantly improve the implementation of **fisheries management measures necessary to achieve the objectives of the environmental**

<sup>3</sup> Article 11 of Regulation 1380/2013

<sup>4</sup> ECA [Special Report 26/2020: Marine environment: EU protection is wide but not deep](#)

**legislation** by making full use of the possibilities under the CFP; **in particular in Natura 2000 sites** and other marine protected areas, to achieve in accordance with the commitment in the Biodiversity Strategy that these measures should be established in all marine protected areas by 2030;

- Identify measures that will be introduced, where necessary, to limit the use of fishing gear most harmful to biodiversity, including on the seabed;
- Build on the legal requirement for Member States to determine and achieve good environmental status for **seabed integrity** under the Marine Strategy Framework Directive, which includes the development of threshold values; identify avenues on how to achieve these values in a “fair and just way for all” while at the same time increasing the carbon storage capacity of marine sediments and contributing to reducing CO<sub>2</sub> emissions;
- Explore ways to secure a **more effective inter-play** between the possibilities provided for under the common fisheries policy to effectively contribute to the environmental objectives and Article 6 of the Birds and Habitats Directives and Article 15 of the Marine Strategy Framework Directive; notably, as regards to the latter, in the context of the review of the Marine Strategy Framework Directive;
- Strengthen the **implementation** of the relevant acquis;
- Improve the availability and quality of **marine knowledge and information**, notably through the environmental reporting obligations and fisheries data collection framework;
- Explore the possibilities under the **EU funding instruments** to support the objectives of the action plan (e.g. EMFAF, LIFE, ERDF, Horizon) and, where relevant, actively encourage Member States in their use to support the Biodiversity objectives.

As relevant, the actions will be based on the Technical measures report, scientific advice and other information available to the Commission, taking into consideration other ongoing initiatives under the Biodiversity Strategy. The tracking of progress of the implementation of the Action plan will be integrated in the reporting mechanism under Technical Measures Regulation and relevant environmental legislation.

The action plan will come on top and in full synergy with other actions already undertaken in the context of the common fisheries policy as well as with the implementation of the Biodiversity Strategy, such as the extension and effective management of the marine protected areas or the adoption of legally binding restoration targets.

### C. Better regulation

#### Consultation of citizens and stakeholders

The initiative will be prepared on the basis of a consultation of Member States, Advisory Councils and Commission’s expert groups<sup>5</sup>, complemented with an online targeted consultation of stakeholders.

#### Evidence base and data collection

No impact assessment will be carried out as the action plan will be based on the report assessing the implementation of the Technical Measures Regulation in accordance with its Article 31 (1) and (2) (see above). Scientific input will be provided by the Scientific, Technical and Economic Committee for Fisheries and, where relevant, other independent scientific bodies recognised at Union or international level. If certain individual actions will require an impact assessment, this will be carried out in accordance with the Better Regulation Guidelines. The action plan will also build on the findings from the reporting under the Birds and Habitats Directives, as well as the Article 20 report of the Marine Strategy Framework Directive. It will also build on the work being carried out under the MSFD technical expert subgroup on seabed integrity and notably the advice from the

<sup>5</sup> Such as those supporting the implementation of environmental legislation

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<sup>1</sup> Article 31 to [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, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005