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MEDAC advice on the Action Plan to protect and restore marine ecosystems for sustainable and resilient fisheries

The MEDAC met on 22 and 23 February in Barcelona and DG MARE representatives presented the EC package of measures to improve the sustainability and resilience of the EU's fisheries and aquaculture sector. In particular, the debate has been started on the Action plan to protect and restore marine ecosystems for sustainable and resilient fisheries.

Contents of the Action Plan to protect and restore marine ecosystems for sustainable and resilient fisheries

The MEDAC noted that the documents presented by the Commission come as a package and recognizes the importance of the message that there cannot be sustainable fisheries, unless both the impacts of fishing on marine ecosystems and climate impacts are addressed jointly[1].

The fisheries sector in the Mediterranean has been applying, on its own initiative and for years, sustainability measures, always seeking the collaboration and support of the responsible administrations and scientific teams and expresses its availability to continue collaborating to guarantee the sustainability of professional fishery as well as of all related activities that depend on it.

Nevertheless, the new environmental approach coming from the Action plan to protect and restore marine ecosystems for sustainable and resilient fisheries, through the increasing areas and restrictions in the MPAs poses a high risk of a significant impact on the fishery sector. This action plan, despite recognising an improvement of the protection of the seabed by the gradual elimination of mobile bottom fishing in all MPAs will produce **structural changes**, with social and economic impacts on operators and fishing communities throughout the entire supply chain. The measures of the action plan cannot be implemented with urgency if a fair transition is sought. So, the timeframe foreseen should exclude the wording used in the Action Plan text (for example "*implement urgently*", "*close in the short term*", "*accelerate*", "*without delay*", "*resolute action is required*", etc). In this gradual transition, it is intended to encourage technological changes that are not currently available and that, in any case, will require time and additional investments that should be made available to support the transition in this period of crisis for the fishery sector.

Moreover, the structure of the Action plan to protect and restore marine ecosystems for sustainable and resilient fisheries could complicate the consultation process between the 60% and 40%.

Further information and studies should be carried out on the already existing areas where the mobile bottom fishing is forbidden. Professional fishing must be seen in a wider context

[1] WWF, MedReact, Legambiente deem that: "*The measures presented in the Action Plan are critical to bridge the decades of separation between fisheries and environmental policies that have contributed to deplete fish populations and put the ecosystems upon which fishers depend, under enormous pressure. The ambitious targets set in the CFP and Biodiversity Strategy, cannot be hindered by the inaction of Member States.*"

of the use of maritime space, where fishing is combined with other uses and environmental policies. In this sense a clear **definition of "Marine Protected Area"** (MPA) has to be provided to understand the needed overall picture of the Mediterranean in terms of areas already protected, as Fishery restricted areas, zones dedicated/planned to be devoted to energy production, etc. In the Action Plan the MPAs include the areas of the Natura 2000 network. These areas are classified according two categories: Site of Community Importance (SCI) and the Special Protection Area (SPA), foreseen by the Habitat Directive.
The effects of the closures to mobile bottom fishing activity in the increasing MPAs[2] should be carefully analysed in order to assess the socioeconomic consequences considering inter alia:

- the impact on fishery market and the processing sector, and then on the fishery communities.

- Consequent increase of imports to supplement the loss of catches from mobile bottom fishing in MPAs, from third countries with less worker's rights and worse working conditions, less regulations in force on fishery sustainability and environmental conservation, etc.

- The whole process towards sustainability of the mobile bottom fishing activity though the collaboration and co-management best practices involving the fishery sector from the beginning (bottom-up approach) risks to be distorted and useless despite all the efforts made so far.

- The displacement of the fleet due to the phasing out of mobile bottom fishing from MPAs contradicts the effort for the decarbonisation[3] of the EU fleet: other solutions aimed to reduce the impact should be deeply analysed.

A critical aspect to be addressed is that in the Mediterranean the mobile bottom fishing activities include extra-EU countries and their fleets could be not subject to the same restrictions (for example Greece-Turkey or Sicily channel), until similar measures are adopted by the GFCM.

Furthermore, the MEDAC reiterates the following actions alternative to the phasing out of mobile bottom fishing in MPAs, already sent to DG MARE in relation to the roadmap on the Action Plan[4]:
"*• Restrict mobile bottom contacting gears in all Mediterranean coastal waters impacted by cumulative pressures, including land-based pressures, to restore productivity.*
• Mobile bottom contacting fishing gear footprint cannot be expanded, it must be reduced and frozen for "new fisheries" to historically affected ground.
• Exclude mobile bottom contacting fishing gears from MPAs - with the inclusive participation of stakeholders - where these pose a risk to the achievement of conservation

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[2] *"In line with the objectives of the new global biodiversity framework and the EU 2030 Biodiversity Strategy to protect 30% of Europe's sea area, the EU can reduce a significant share of this pressure by creating new MPAs and effectively managing existing ones as well as by making fishing practices more sustainable, including through the use of low-impact fishing gears."* EU Action plan COM(2023) 102 final.

[3] *Russo T, D'Andrea L, Franceschini S, Accadia P, Cucco A, Garofalo G,Gristina M, Parisi A, Quattrocchi G, Sabatella RF, Sinerchia M, Canu DM, Cataudella S and Fiorentino F (2019) Simulating the Effects of Alternative Management Measures of Trawl Fisheries in the Central Mediterranean Sea: Application of a Multi-Species Bio-economic Modeling Approach. Front. Mar. Sci. 6:542. doi: 10.3389/fmars.2019.00542*

[4] MEDAC supplementary advice Ref. 18/2022

objectives related to biodiversity recovery aiming at protecting sensitive species, seafloor and critical habitats for climate change mitigation e.g. seagrass beds, reefs,sandbanks, mudflats as well as fish spawning and nursery areas.
• Mobile bottom contacting fishing (gear) should be excluded from the 10% strictly protected areas and only be allowed in a certain part of the MPA if it is not in conflict with the protection goals and if there is a permit process based on an EIA statement and consultation.
• Develop monitoring plans with ecosystem indicators to assess the cumulative impact on the sensitive habitats and the seabed substrates most affected by mobile bottom contacting fishing gear.
• Mandatory and effective control tracking and surveillance systems to prevent IUU fishing and monitor & record catches, discard and bycatch as well as AIS & VMS to monitor trawling is not occurring in mobile bottom contacting gear banned areas (such as trawling-banned areas). Improve selectivity and accountability of the fisheries (see Minouw or Implemed projects as examples) by working with fishers for an inclusive transition towards improved sustainability (e.g., to low impact fisheries).
• EU Commission to undertake a risk assessment (or SWOT analysis) on the ecological, economic, and social aspects of reducing the footprint of mobile bottom contacting gear in EU waters.
• Prioritise research into the footprint of bottom contact gears from the perspective of potential disruption of biogeochemical carbon sequestration pathways, and the full carbon footprint of those fisheries, including fuel and transportation costs."

The MEDAC already shared several advice on social and economic aspects. Recently, in the advice Ref.: 12/2023 the MEDAC analysed some indicators highlighting the significant reduction between 2008 and 2021 of the European fishing fleet in the Mediterranean.

Methodology on the consultation on the Action Plan to protect and restore marine ecosystems for sustainable and resilient fisheries

About the "*broad consultation*" process referred in the introduction of the Action plan to protect and restore marine ecosystems for sustainable and resilient fisheries (pg. 3) the MEDAC reiterates the supplementary advice (Ref. 18/2022) already sent to DG MARE providing its contribution to the roadmap: "*Due consideration should be given to the fact that individual citizens may respond by simply expressing their opinion, while* ***ACs on the other hand almost always need to reach a consensus in order to express an opinion****, which is achieved by mediating between the positions of the different groups of stakeholders that make up the AC*[5]*. This requires time for proper dialogue and debate (unless the situation*

[5] Joint-AC letter on contributions from Advisory Councils in Commission public consultations (Ref. 63/2022): "[…] *However, the ACs wish to highlight another important issue felt was left under-emphasized, namely* ***the weight given by the Commission to the AC response***. ***ACs differ from individuals and individual interest groups in terms of representativity****, but also in terms of structure and working processes. Considering the broad composition of the ACs (consisting both of industry sectors as well as other interest groups) and the efforts required to reach consensus between groups of diverging interests,* ***we do not think it is appropriate that responses originating from ACs are treated on an equal scale as responses submitted by individuals or individual interest groups****. Responses from ACs are the result of a deliberative process which ends in a balanced compromise position, often adopted by consensus. When evaluating all responses, we feel that evidence-based (consensus) advice originating from a broad group of stakeholders with in-depth knowledge on the issues at hand should bear its due weight, and thus have enhanced consideration over individual responses."*

calls for an urgent written procedure to be used, however this does not allow compromise texts to be defined, producing responses that can only ever be partial and fragmentary).
The correct approach is crucial when the consultation deals with issues as broad and complex as the conservation of resources, fisheries management and the protection of marine ecosystems *(too broad and complex perhaps for a consultation), even more so when the consultation is linked to an Action Plan*."
Finally, the MEDAC, as Stakeholder's platform, prioritizes the transparency of the entire consultation process. It is fundamental to know how the ACs contributions have been taken into account in the "Synopsis of the consultation" attached to the Communication.

Furthermore, **about the Par. 6 "Governance, stakeholders and outreach"** *"To support Member States with the implementation of the action plan and ensure coherence and effectiveness, the Commission will create a new joint special group for Member States, with stakeholders as observers. The aim will be to facilitate knowledge sharing and discussions between fisheries and environmental communities, as well as to give the Member States' a platform for transparency and dialogue on the implementation of their roadmaps. The Commission will also continue to encourage other EU institutions and national authorities to increase transparency and cooperation between fisheries and environmental parties and experts."*

The MEDAC asks for more transparency and clarity referring to the role of the Advisory Councils, considering that in the above-mentioned part 6 of the Action plan dedicated to stakeholders, the Advisory Councils are cited once despite "The Commission delegated Regulation" n. 2022/204 enlarging to the environmental topics too the scope of ACs.
Whereas…
"(9) In order to ensure a balanced functioning of the Advisory Councils, it is necessary that organisations promoting horizontal principles such as the protection of the environment, consumers and human rights, health, promotion of equality or animal health or welfare are classified as sector organisations when they are representative of the sector in the sense of recitals (7) or (8). [..]"
In particular, in pg.21 it is stated *"To support Member States with the implementation of the action plan and ensure coherence and effectiveness, the Commission will create a new joint special group for Member States, with stakeholders as observers"*. **The MEDAC is asking why the ACs are not the main actors in this phase, considering the pluriannual experience and the recent enlargement of ACs platform and the already started collaboration with DG ENVI offices.**