



## Fishing industry response to the Evaluation of the EU Biodiversity Strategy to 2020

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### **Draft position paper EAPO-Europêche**

Europêche and EAPO would like to take the opportunity of the public consultations to comment on the evaluation of the EU Biodiversity Strategy to 2020 and the one on the development of legally binding EU nature restoration targets.

#### **1. The Biodiversity Strategy to 2020**

The Biodiversity Strategy to 2020 has allowed for significant improvement in terms of marine biodiversity. The Strategy's integration in the fisheries policies has led to important achievements under Target 4: *"Ensure the sustainable use of fisheries resources and marine ecosystems"*. However, the Strategy suffered from a lack of integration with other sectoral policies, lacked efficiency because of an ill-put focus on MPAs, and did not assimilate enough the Common Fisheries Policy's (CFP) goals.

The Strategy's integration in the reform of the CFP of 2013 and the Regulation (EU) 2019/1241 on the conservation of fishery resources & the protection of marine ecosystems through technical measures has led to important achievements. The Biodiversity Target 4 is an example of success as the CFP reform has taken it into account and Total Allowable Catches have been set by the European Commission in line with scientific advices and aiming at Maximum Sustainable Yields (MSY) for EU fish stocks. In addition, since 1983 environmental aspects are fully integrated in the CFP, primarily in connection with fish stocks and since its last revisions (2002 and 2013) more widely in connection with marine ecosystems. The subsequent decrease of the fishing fleets' sizes, and more generally of fishing pressure, has led to huge improvements over the past years in terms of fish stock biomass (reaching, in 2018, 50% more fish in the North-East Atlantic Ocean since 2010) according to STECF<sup>1</sup>.

In addition, in recent years the CFP, also in connection with the objectives of the Marine Strategy Framework Directive (MSFD), has enabled the implementation of measures to limit the impacts on habitats and protected species, including outside of Marine Protected Areas (MPAs). These regulations have been increasing in number recently. The fishing industry has been proactive for many years in the preservation of marine ecosystems and biodiversity and wants this observation to be shared.

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<sup>1</sup> <https://publications.jrc.ec.europa.eu/repository/bitstream/JRC120481/kj-ax-20-002-en-n.pdf>

### Gaps in the implementation and lack of integration of the Strategy in Blue Economy policies

In other policy areas the Biodiversity Strategy to 2020 has not been as successful. There have been gaps in the implementation and a lack of integration of the Strategy in some sectoral policies. For instance, many new Blue Economy activities, not fisheries, have been shown under MSFD reporting<sup>2</sup> to be the main ones causing physical loss of benthic habitats. These include land claim and flood defence, port construction, solid waste disposal, renewable energy production and aquaculture with unsustainable practices. They should have been better addressed in the Strategy.

Furthermore, the impact of trade policies is not enough considered. The Biodiversity Strategy and the trade policies have important interactions. For example, not taking enough into account the need for EU local food sustainable production, can lead to lowering EU food production, and increasing imports from third countries with less stringent environmental standards. Relying on increasing imports not only threatens food security but also risks displacing issues and exporting negative environmental externalities. It discriminates the EU fishermen, undermines the viability of the sector by decreasing its productivity and capacity to invest in improving social and environmental performance, further restricts the sustainable use of the oceans, subjects fish products to additional taxation and makes EU fisheries the target of discrediting campaigns.

Furthermore, the Green Deal zero-emission target for 2050 and the targets set in the Offshore Renewable Energy Strategy will lead to increased installation of offshore wind farms, with negative consequences on marine species, habitats and the biodiversity. In fact, there are huge knowledge gaps when it comes to the ecological and environmental effects and the impact of producing offshore wind energy on marine life and ecosystems. Moreover, the assessments of economic and socio-cultural effects of offshore renewables on other Blue Economy sectors are lacking in empirical studies. Therefore, the Biodiversity Strategy itself and its objectives ought to be better incorporated into the Blue Economy policies, the energy policies, and trade policies.

### Additional shortcomings of the Strategy: the focus on MPAs statistics

Setting up arbitrary figures of protected areas size is not the solution for ensuring sustainable use of resources and marine ecosystems. It does not have the desired effect in practice because it does not raise the right questions. Before setting up MPAs, it is important to define what is to be protected, why, and how to protect it efficiently. Currently Member States do not even have to indicate whether their reported protected areas have clear site-specific conservation objectives and measures in place. As such some areas are likely to not be counted as contributing to the EU Biodiversity Strategy targets<sup>3</sup>. Establishing many 'paper parks' with zero efficiency in meeting their objectives is not the right approach.

The fishing sector is actually one of the most affected sectors by the current environmental threats causing biodiversity loss (such as ocean warming, acidification, pollution and habitat degradation). However, MPAs including strictly protected areas, often act to conserve rather than improve

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<sup>2</sup> [https://ec.europa.eu/info/sites/info/files/com2020\\_259\\_final\\_en.pdf](https://ec.europa.eu/info/sites/info/files/com2020_259_final_en.pdf)

<sup>3</sup> European Commission, 2020. Commission Staff Working Document - Review of the status of the marine environment in the European Union Towards clean, healthy and productive oceans and seas, SWD (2020) 61 final, Brussels.

biodiversity and environmental quality<sup>4</sup>. While Européche and EAPO recognise the value of spatial and or temporal management measures, particularly in the context of the implementation of the ecosystem approach to fisheries, these methods are merely complementary to more structural and technical measures aimed to ensuring sustainable management of resources and fishing activities, and without which area-based measures may be totally ineffective.

The EU fishing industry also underlines the fact that such a choice of management of conservation by a coverage percentage of protected areas in EU waters, or banning fishing activities, would simply have the effect of giving a good conscience to those who would continue to eat imported fish from third countries with little concern for sustainability. Countries of whose production methods are probably already much less respectful than European practices and do not bear the same high environmental standards. This practice of 'shifting' the footprint on biodiversity to less endowed and weakly managed third countries must absolutely be reconsidered.

#### Further reflection on the Biodiversity Strategy to 2020 record

In terms of target, the most scientifically sensible approach is to adopt a sea-basin approach. Targets at Member State level are not appropriate as they do not follow natural divisions.

More than the implementation of the Strategy, it is the EU fisheries policies and the efforts of the fishers to improve their track record that have led to significant positive impacts in terms of fish stock and marine environment health as highlighted previously. It is important to recall the "steady progress in implementing the CFP" that has led to virtually 100% of landings in the North-East Atlantic coming from sustainable, healthy fish stocks<sup>5</sup>. By improving the coordination of the Strategy with other EU policies, this progress should not be undermined by other sectors operating in the marine environment without the same caution applied. For any Blue Economy sector, when decisions have to be taken before the required knowledge is available and such decisions may cause an impact on the environment, the precautionary principle in accordance with Article 191 (2) of the Treaty on the Functioning of the European Union (TFEU) should apply.

The Strategy itself did not take very much into account the objectives of the CFP. Namely, one of the principal objectives of the CFP is to achieve high long term fishing yields. An efficient tool to reach such a goal is effective management like the one established under the CFP. The fishing sector fully endorses the FAO target of 100% of seascapes to be sustainably managed on the basis of the ecosystem approach. Furthermore, ensuring proper management is the most efficient way to achieve the UN Sustainable Development Goal (SDG) 14 while achieving other equally relevant SDGs such as food security and socio-economic development simultaneously. As such a separate approach would lead to certain failure. EAPO and Européche point at the importance of "Other Effective area-based Conservation Measures" (OECMs), like closing off certain fishing gears in certain areas rich in seagrass beds, as this does not only protect essential fish species but also the seagrass bed habitat, other marine species, and contributes to the carbon management. Area-based fisheries management measures that may meet the OECM criteria are widely used in fisheries management plans and processes, making the marine fishery sector well-poised to become a leader in identifying OECMs, and

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<sup>4</sup> ICF Consulting Services Limited (2018). Study of the economic benefits of Marine Protected Areas. European Commission, Brussels. Final report, page 23.

<sup>5</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019SC0205&from=EN>

in showing and strengthening the contribution of such spatial fisheries management to the conservation and sustainable use of, and reduction of the collateral impact on, biodiversity<sup>6</sup>.

Finally, socio-economic considerations have also largely been forgotten in the Strategy. While the EU fishing fleet strives for fishing responsibly and sustainably, it also aims to uphold its strong contribution to other important EU objectives such as food security and socio-economic development, specifically in rural coastal areas. A balanced approach of the ecological, economic, and social pillars of sustainability needs to be reached.

## **2. The Biodiversity Strategy to 2030: Development of legally binding EU nature restoration targets**

The new EU Biodiversity Strategy to 2030 should build on the previous one and learn from its shortcomings. EAPO and Européche have already provided their views<sup>7</sup> on the Strategy that ignores fisheries management achievements and puts the EU food production at risk.

The development of legally binding EU nature restoration targets will also need to capitalise on the failures of the previous Biodiversity Strategy (see part 1).

The EU fishing sector recalls that at present 41% of the assessed fish and shellfish stocks in the North East Atlantic Ocean and the Baltic Sea are within safe biological limits, meaning that the number of stocks within safe biological limits has almost doubled, from 15 in 2003 to 29 in 2017. Moreover, the fishing mortality in these regions is on average near the levels producing MSY, reaching almost 100% in the North East Atlantic<sup>3</sup>. These results can be attributed to the effects of effective fisheries management.

### Not confusing targets with instruments

As a general matter, rather than focusing on legally binding tools, the nature restoration targets should actually set achievement targets. As learned from the MSFD implementation, setting a deadline (and encompassing targets) to achieve an objective such as environmental restoration, prevents Member States actually from committing and works counterproductive<sup>3</sup>.

There is no need for arbitrary political decisions not based on science and difficult to implement like the one put forward on MPA coverage. Rather, it is important to examine what should be restored, why, and how on a case-by-case basis in order to identify the most efficient tools. This approach is now needed more than ever in light of increasing pressure from new activities linked to the Blue Economy and from climate change on habitats and species. Concerning the latter, calls for banning fishing activities from carbon sink areas or 'blue carbon' habitats should be evaluated as there is low scientific confidence that control of sediment disturbance would be actually effective in terms of climate mitigation<sup>8</sup>.

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<sup>6</sup> <http://www.fao.org/3/ca7194en/CA7194EN.pdf>, page 9.

<sup>7</sup> <http://www.eapo.com/UserFiles/EAPO20-23.pdf>, <https://europeche.chil.me/post/eu-biodiversity-strategy-ignores-fisheries-management-achievements-the-strategy--299956>

<sup>8</sup> IPCC, 2019: IPCC Special Report on the Ocean and Cryosphere in a Changing Climate [H.-O. Pörtner, D.C. Roberts, V. Masson-Delmotte, P. Zhai, M. Tignor, E. Poloczanska, K. Mintenbeck, A. Alegría, M. Nicolai, A. Okem, J. Petzold, B. Rama, N.M. Weyer (eds.)]. In press.

Defining nature restoration targets which are legally binding should be in correspondence with scientifically demonstrated needs that have a clear indication of restoration measures and should effectively act on the entirety of sources of pressure causing the restoration need. The EU fishing industry recalls that environmental management by quantified objectives goes beyond ecosystem management aiming to protect what should be protected, especially when the restoration targets are to be determined per EU Member State. This approach does not anticipate nor address the real needs reported by an assessment and an analysis of the risks of degradation of the habitats and species' states.

#### Integrated focus and balanced approach

For the next nature restoration targets some specific focus should be given to new Blue Economy activities, the impact on trade policies (particularly on sustainable seafood production) and conflicting land and sea use.

As declared in the impact assessment, the twin aim, besides restoring degraded ecosystems, is to ensure the sustainable use of ecosystems and to improve knowledge and monitoring. Therefore, fisheries management should be counted as a conservation tool and restored ecosystems should contribute to further sustainable development and should not be fenced-off in MPAs.

Furthermore, EAPO and Européche recommend increasing research and cooperation between policy makers, scientists and stakeholders across sea-basins. Following the Article 11 of the TFEU<sup>9</sup>, the targets set have to be ambitious but also proportional and achievable. They should be set at EU level, but individual ones should be set at regional (sea-basin) level.

Rather than re-inventing the wheel, greater policy integration should be achieved and thus the restoration targets should be built on legislation already in place such as the Birds and Habitats Directives, the CFP, the Water Framework Directive and the MSFD. Focus should be put first on implementing these existing policies and overcoming the current challenges that prevent their effectiveness, such as the lack of resources, the slow recovery of marine ecosystems and the lack of political will.

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<sup>9</sup> “Environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development.”