



# **EU Action plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries**

Synopsis of the open targeted consultation outcomes

February 2023

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## **1. INTRODUCTION: OBJECTIVES AND STAKEHOLDERS**

This report presents the outcome of the targeted consultation and call for evidence to support the “Action Plan to conserve fisheries resources and protect marine ecosystems”, announced in the EU Biodiversity Strategy for 2030, and renamed “EU Action plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries”.

The attention of the following categories of stakeholders was raised on the consultation:

- Academic/research institutions
- Business associations
- Company/business organisations
- EU citizens
- Environmental organisations
- Non-governmental organisations (NGOs)
- Public authority (authorities and agencies, at national and local level)
- Trade unions

## **2. METHODOLOGY AND TOOLS**

This targeted consultation was carried out through an online questionnaire calling for scientific or factual evidence between 25 October 2021 and 10 January 2022.

The consultation aimed at deepening the understanding of specific issues in view of the ongoing preparation of the Action Plan and at gathering information and evidence on the current state of the conservation of sensitive species and habitats, on the availability of innovative, more selective fishing gears and techniques and on identifying measures that could be introduced, where necessary, to limit the use of fishing gear most harmful to biodiversity, including on the seabed. In addition, respondents were asked for input and suggestions on actions that could improve the management, implementation and governance of the relevant fisheries and environmental legislation. The questionnaire covered the following main topics: (i) conserving fisheries resources - selectivity, (ii) protecting marine ecosystems - sensitive habitats, (iii) protecting marine ecosystems - sensitive species, (iv) process and next steps, and (v) regional cooperation. This consultation was analysed quantitatively and qualitatively.

The questionnaire consisted of 47 questions including closed and open questions. In the closed questions respondents replied to a pre-determined selection of answers and in addition they were able to elaborate a written statement of maximum 3000 characters per response. In the open questions respondents were invited to elaborate an answer of 3000 characters maximum per response to provide scientific or factual evidence. In both, closed and open questions, respondents were entitled to upload a document or position paper. In addition, some of the questions allowed the respondents to provide multiple replies (“multiple choice questions”), meaning that each participant in the question could provide several replies.

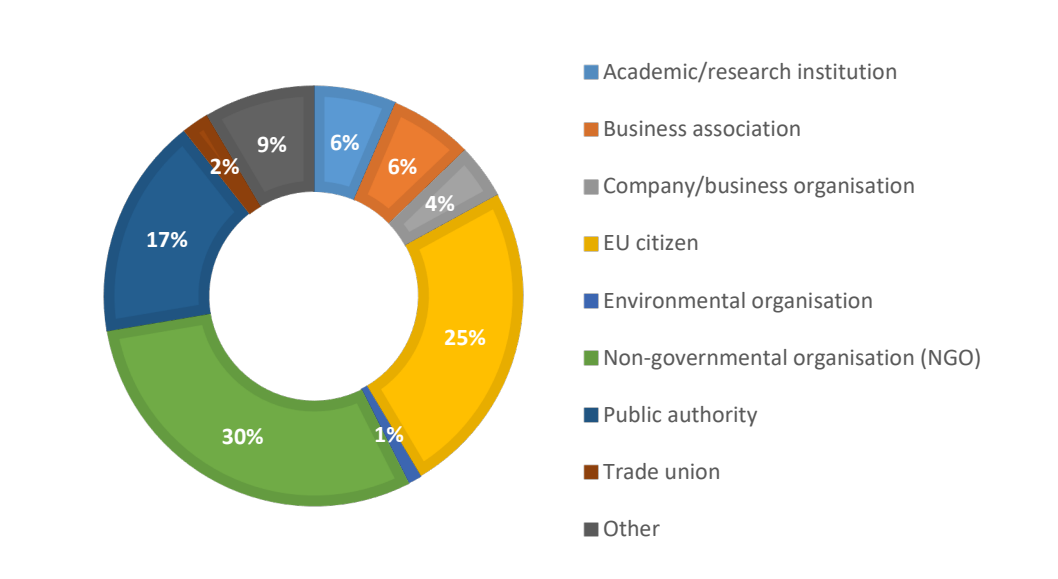
The results of the consultation are presented summarised, following the structure of the survey.

The questionnaire was translated in all EU languages to facilitate contribution of all respondents. Translations of the questionnaire were added to the survey and were all available on 3 December 2021.

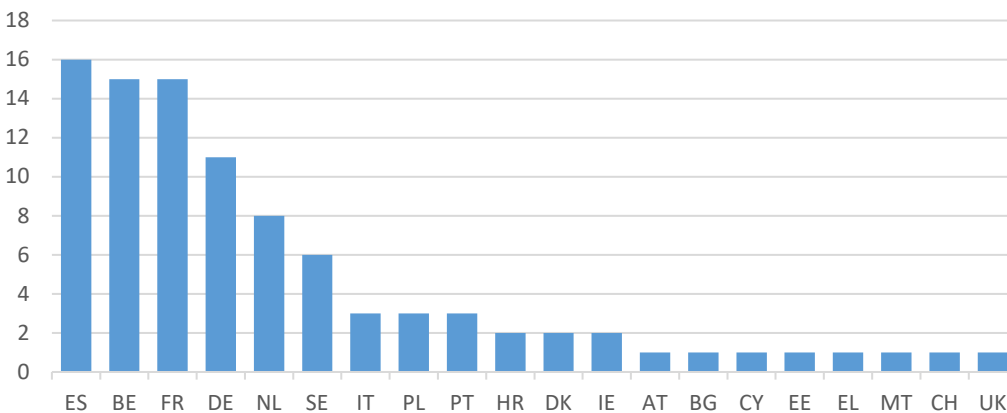
### 3. RESULTS

The targeted consultation received replies from 94 respondents. The following figures summarise the categories and country of origin of the respondents.

*Figure 1 Percentage of respondents to the consultation by categories of stakeholder.*



*Figure 2 Number of respondents to the consultation by country of origin.*



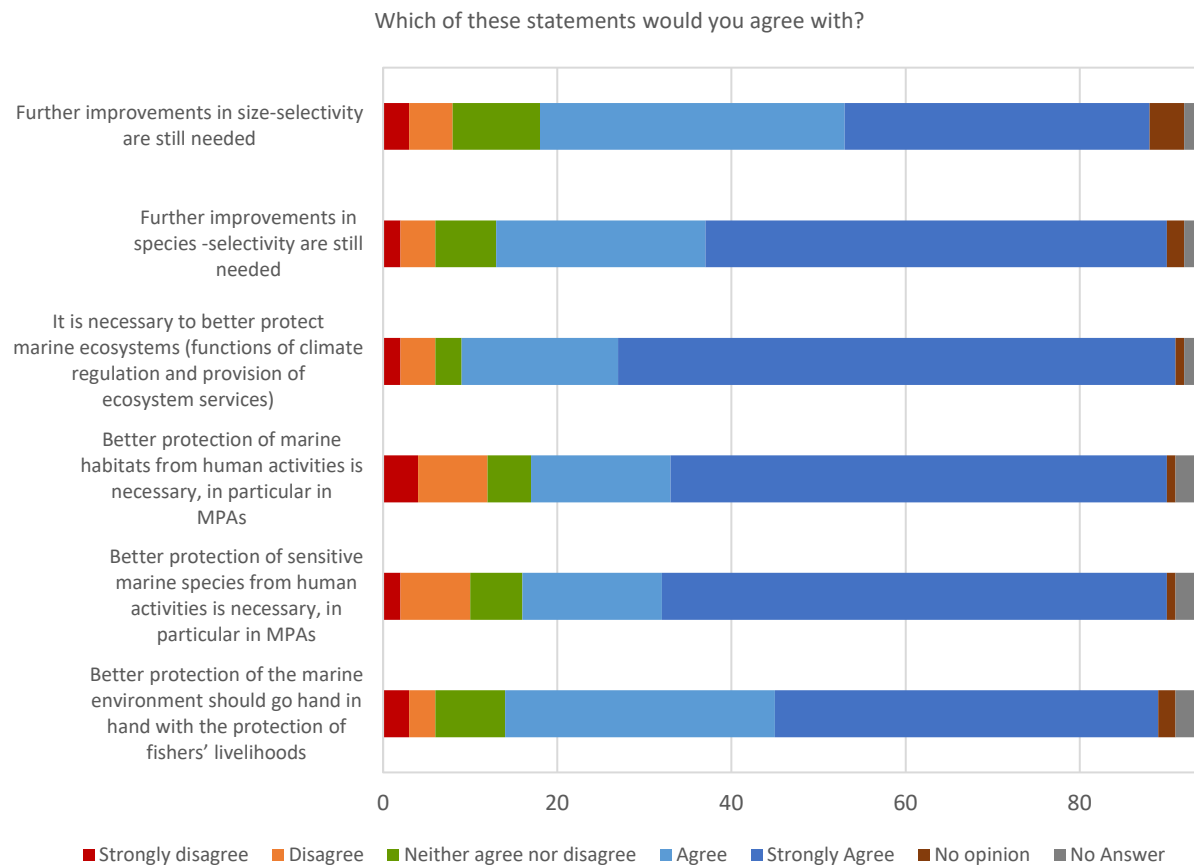
In addition, 8 contributions were received in the form of position papers, by email. These contributions are included in the results of this document, to the extent possible.

Linked to this consultation, several NGOs organised a campaign of public participation and approximately 18.000 emails were sent by citizens calling for an immediate ban on bottom trawling.

### 3.1 Broad objectives

The first question was an introduction to the questionnaire, and the 94 respondents were asked to rate their level of agreement on a scale ranging from “strongly disagree” to “strongly agree” for six statements on the key topics of the questionnaire. These topics included the need for improvements in selectivity, protection of marine ecosystems, habitats and sensitive species, as well as the importance of securing fishers’ livelihood. Most respondents showed concerns with the current protection of the marine environment and perceived it as insufficient. They signalled the need for more efforts to increase selectivity and reduce accidental catches of non-targeted species and better protect marine habitats from human activities, in particular in marine protected areas (MPAs). They also expressed that this should be achieved while considering the livelihoods of the fisheries communities. Last but not least, it was underlined that climate change mitigation should be included in the decision-making in fisheries, according to most of the stakeholders.

*Figure 3 Views of respondents on the needs for improvements in selectivity, better protection of marine ecosystems, habitats and species, as well as fishers’ livelihood.*



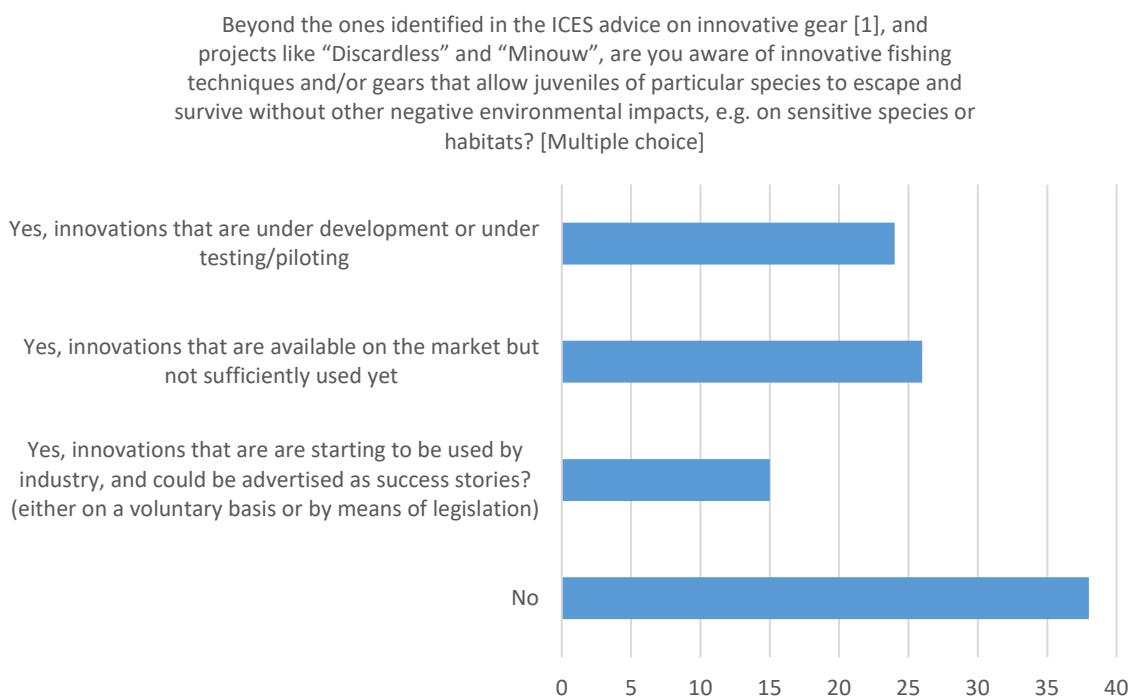
### 3.2 Conserving fisheries resources - selectivity (size- and species selectivity)

The respondents were invited to give their view and evidence<sup>1</sup> regarding the improvement needed in size- and species selectivity as well as provide evidence on the key topics:

- specific areas and/or for specific species where too many juveniles or too many sexually mature fish may still be caught
- projects of new and innovative fishing techniques
- challenges encountered when adopting these innovations

**48 respondents indicated having evidence that too many juveniles and sexually mature fish are caught, of which 23 included information supporting this statement.** The European eel, North Sea and Baltic cod, or hake in the Mediterranean are the most cited as examples.

82 respondents<sup>2</sup> answered the question on innovative gears<sup>3</sup>. Many respondents answered that there were not aware of such techniques. Among those aware, escape devices, real-time monitoring and innovations in trawls were highlighted as the most successful adaptations to increase juveniles' survival and reduce bycatch. The following figure summarises the replies received:



<sup>1</sup> Throughout this report, for ease of reading, the term 'evidence' refers to 'factual/scientific evidence or other structured information' as per the terminology used in the questionnaire. "Structured information", in this questionnaire, means "information collected as part of a systematic reporting system, survey or study that is representative of the fishery and the resources, ecosystem or the habitat/species of concern".

<sup>2</sup> Multiple choice question; 103 replies altogether

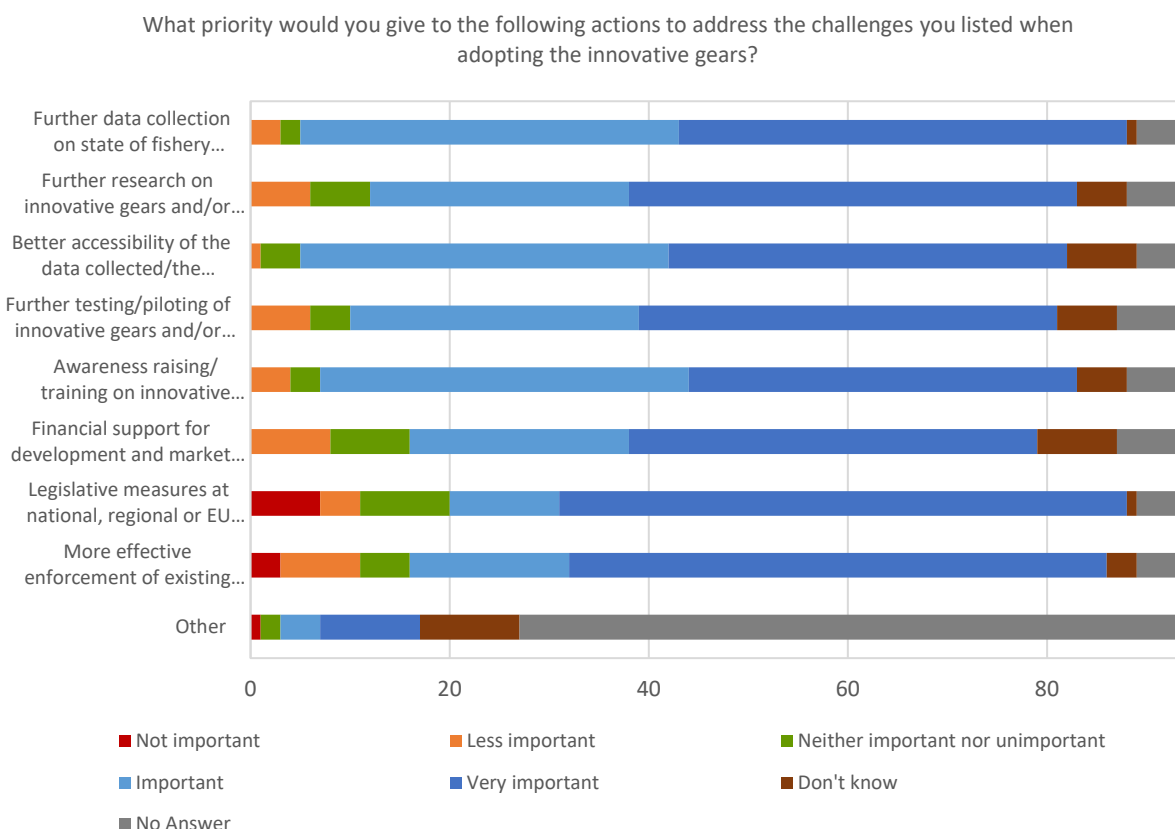
<sup>3</sup> ICES advice on innovative gear, ICES 2020. <https://www.ices.dk/news-and-events/news-archive/news/Pages/InnovativeFishingGear.aspx>



Many respondents indicated innovations that are under development or under testing/piloting related to increasing selectivity of various trawling techniques such as Escape Corridor, Roofless-175 selectivity device (escape opening) for demersal trawlers in the Baltic Sea to reduce cod bycatch, mesh modifications to reduce juvenile's bycatch, light devices to increase selectivity (Project SELUX) and optimised codends for brown shrimp fishery in the North Sea (CRANNET) among others. In addition, several responses presented evidence of innovations to reduce the impact of fishing traps such as innovative cod traps in the Baltic Sea and Creeling in Swedish Norway lobster fisheries.

68 respondents<sup>4</sup> answered on challenges when adopting the innovative fishing practices. **22 answered having evidence that making the switch would be too costly. 15 indicated having evidence that making the switch involves too much effort and training**, while 14 stated having evidence that no significant challenges were encountered. 34 respondents provided additional input, focusing in particular on the economic loss due to initial investment and maintenance, and the loss of effectiveness of selective gears compared to 'traditional' gears. Additional input also highlighted the lack of incentive to adopt innovative gears e.g. training and economic compensation and the lack of enforcement to adopt such gears.

**Most of the stakeholders are of the opinion that to overcome the challenges mentioned above, enhanced data collection, more research and testing are the most necessary changes:**



<sup>4</sup> Multiple choice question; 85 replies altogether

### 3.3 Protecting marine ecosystems - sensitive habitats

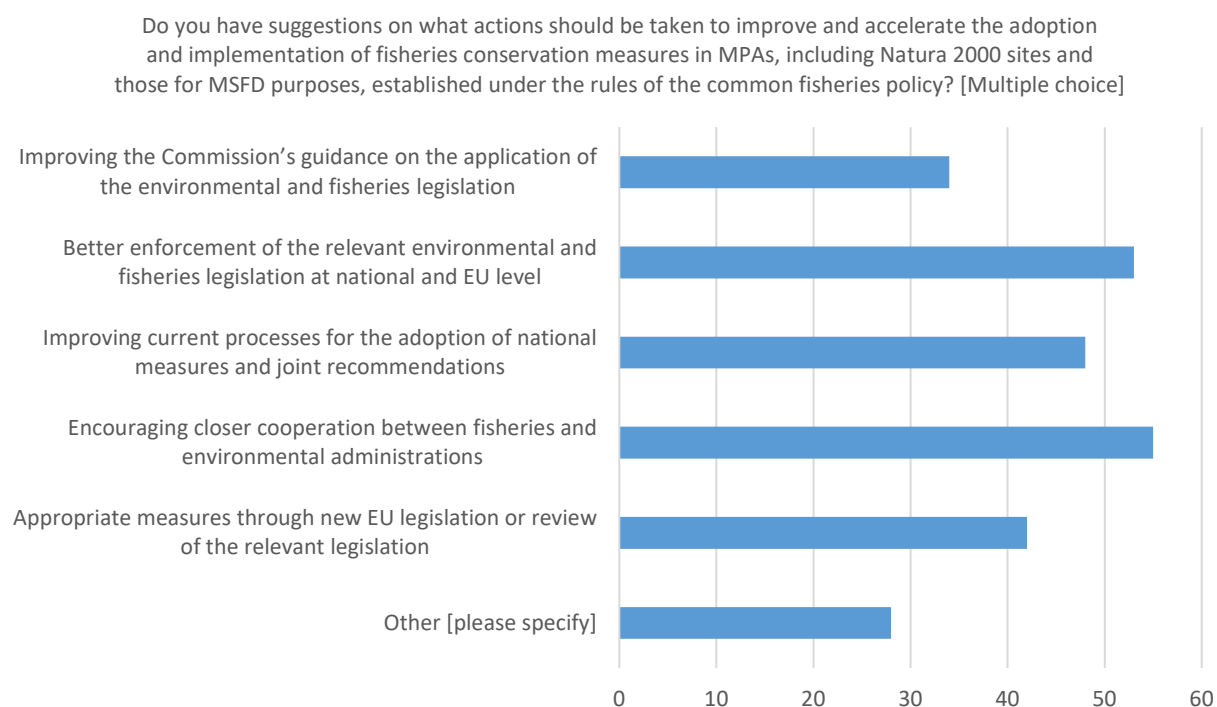
#### 3.3.1 Transversal questions on protecting marine ecosystems

Stakeholders were invited to provide factual/scientific evidence on several general questions concerning the protection of the marine ecosystems.

**38 respondents indicated having evidence that there is a need for specific improvement in the implementation of existing management measures to protect seabed habitats in specific Natura 2000 sites and other MPAs.** Around two-thirds of the 38 responses to this question indicated that the main need for improvement falls into the implementation of fishing management measures followed by offshore drilling and dredging as the most impacting activities carried out inside MPAs. 37 respondents indicated having evidence that additional management measures to protect seabed habitat in MPAs are necessary, and out of those, 20 indicated of the need for additional measures to limit or ban bottom contacting gears inside MPAs. Several respondents stressed that management measures are needed to mitigate the impact of climate change in the MPAs management plans e.g. protection of carbon-rich areas from degradation. Additional input was also provided suggesting including alternative approaches into management plans e.g. applying an ecosystem-based approach instead of feature-based approaches to effectively protect wider ecosystem processes and function and favour restoration, and implementing co-management models for MPAs inviting all interested stakeholders including the fisheries sector.

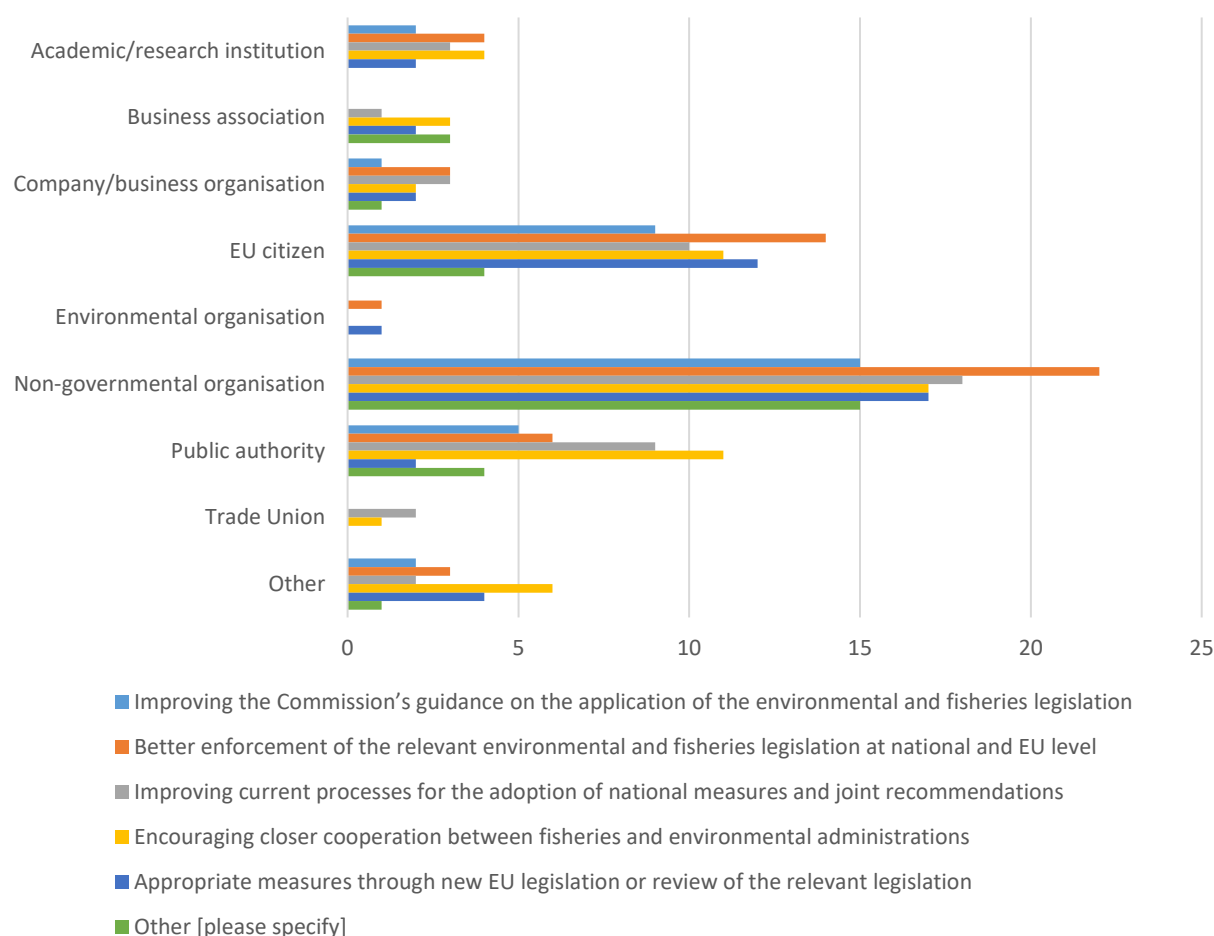
**36 respondents indicated having evidence that specific additional management measures to protect valuable seabed habitats outside MPAs are needed.** Around half of these provided additional input indicating that implementing limitations on bottom trawling and other bottom contacting fishing gears outside the MPAs are needed as a measure to favour restoration.

When asked on actions to improve and accelerate fisheries conservation measures in MPAs, under rules of the common fisheries policy (CFP), 81 responded to this question of which some of them gave several answers<sup>5</sup>, summarised in the graph below:



<sup>5</sup> Multiple choice; 260 replies altogether

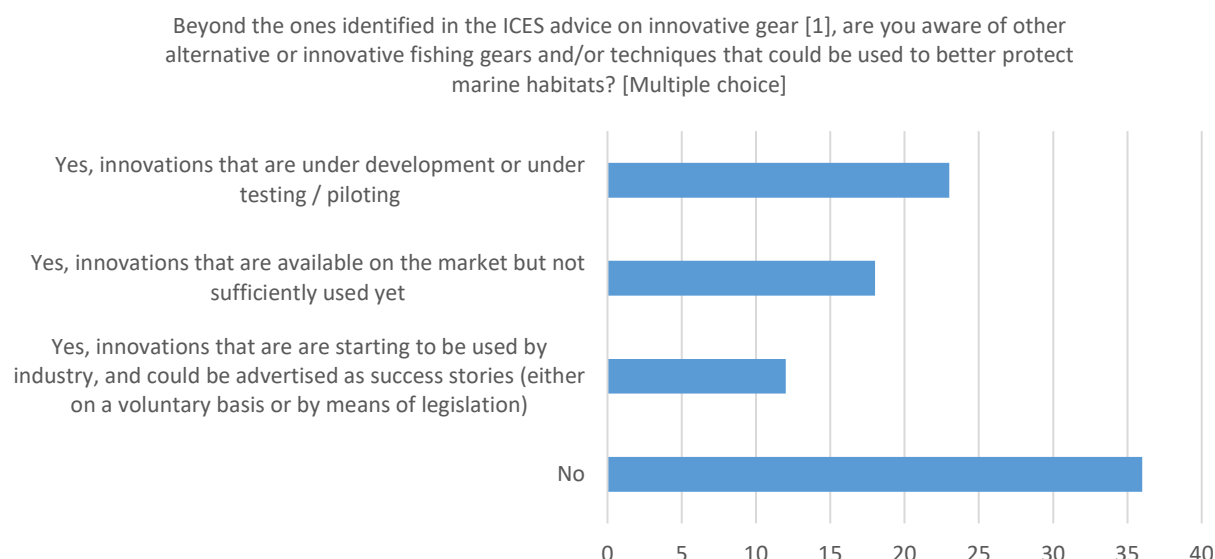
The following graph presents this information per stakeholder category:



When asked regarding priorities to protect specific sensitive habitats, approximately two-thirds of the 32 respondents indicated they had evidence that there is a need for protecting Blue Carbon Ecosystems due to their essential role in climate change mitigation and carbon sequestration function. In addition, about half of the responses stressed there is need of implementing additional measures to protect valuable marine ecosystems (VMEs) such as seagrass meadows, fish spawning and nursery grounds, migration corridors and sensitive seabed habitats from bottom-contacting fishing gears. **When asked about specific fishing gears that may have impact on seabed habitats, 30 respondents indicated having evidence that the use of bottom trawling should be addressed as a priority to reduce the impact on seabed habitats and benthic communities.**

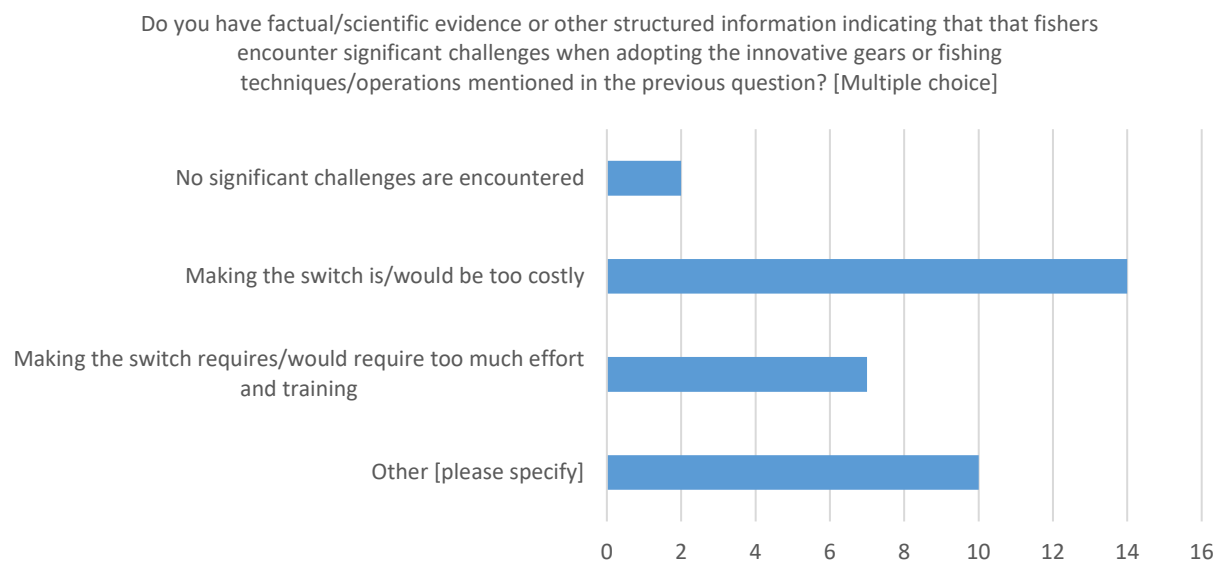
Among the evidence listed, a vast majority of the responses indicated disturbances in the seafloor integrity, alteration of biochemical processes as a result of sediment resuspension introducing nutrients and chemical substances into the water column altering the ecosystem functioning reducing climate change mitigation capacity and resilience to eutrophication, and high unwanted killings due to bycatch.

When asked about innovations that could help the protection of marine habitats, 73 responded to this question of which some of them gave several answers<sup>6</sup>, summarised in the graphic:



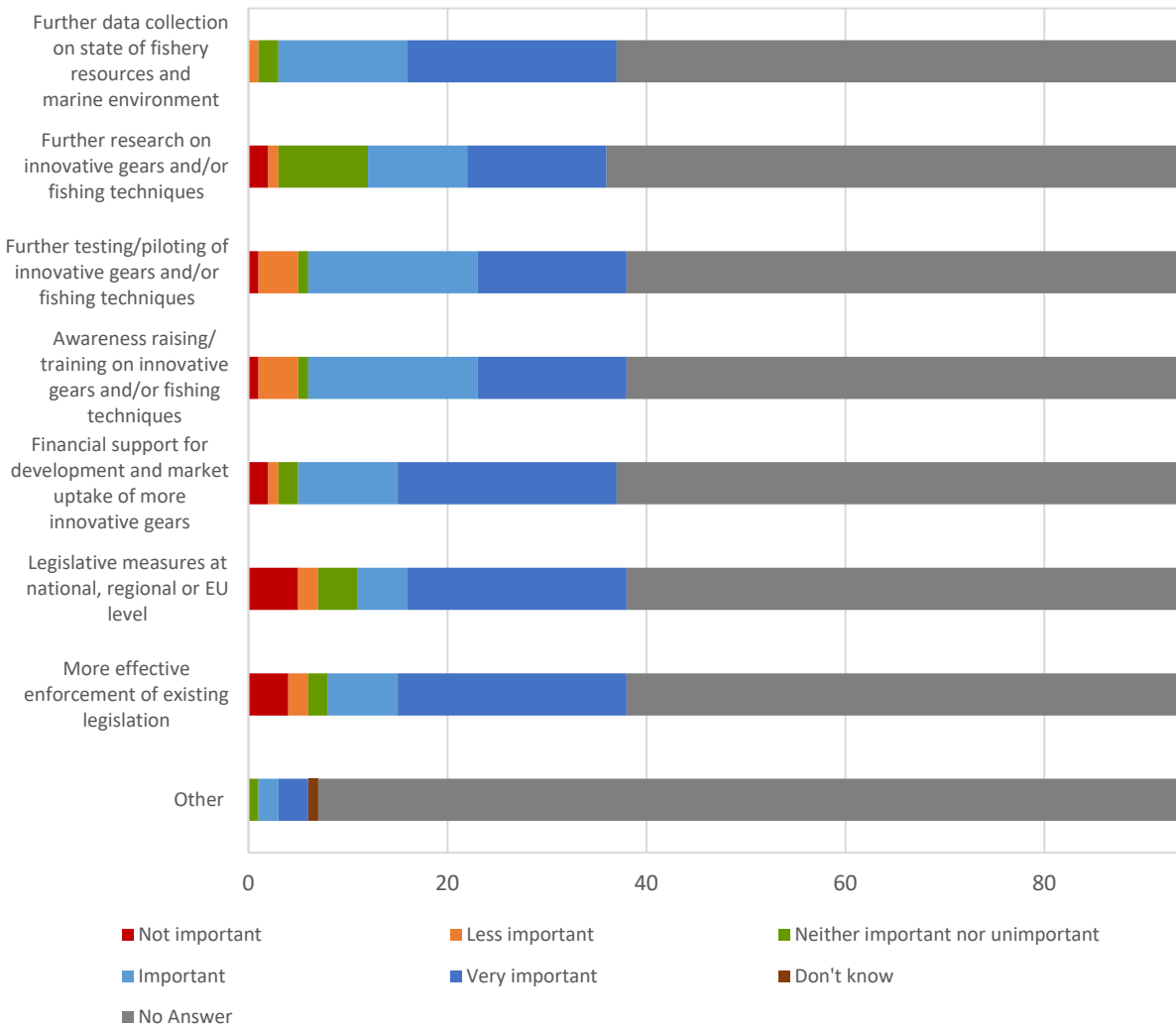
Responses received when asked about innovations that are under development or under testing that are not listed in the ICES report, covered a wide range of innovations such as Real-time monitoring (SMARTFISH project) to allow stop the fishing activity when sensitive species are present; AI innovations for trawlers; Codend design to reduce bycatch of cod; demersal trawls with flying doors and gear modification to reduce plastic waste (DRopS project). On the challenges faced by the industry to incorporate new techniques to better protect marine habitats, 23 respondents participated: **14 respondents indicated having evidence that making the switch to innovative gears would be too costly; 7 respondents indicated that making the switch would require too much effort and training;** and 2 indicated that no significant challenges are faced. In addition, 10 respondents indicated that other challenges might be encountered than suggested by the predefined answers. The two main challenges that were specified in these replies are the need for enforcement of the current environmental legislation such as Habitats Directive and MSFD, using incentives, as well as increasing the control on fisheries techniques e.g., no remote electronic monitoring system, as well as high transition costs for some techniques such as bottom trawling and mechanical dredging which include highly specialised equipment and deck fittings investments.

<sup>6</sup> Multiple choice; 89 replies altogether



Among the main priorities to overcome challenges in adaptation of innovative fishing to better protect marine habitats, respondents indicated further data collection on the state of fishery resources and the marine environment, and pilot testing based on environmental impact assessment of innovative gear impacts on the ecosystems. The need to raise awareness regarding the innovative gears, as well as financial support to cope with the transitional costs for their implementation were considered as key. On the other hand, legislative measures at national, regional or EU level, as well as more effective enforcement of existing legislation were ranked as “not important” and “less important” by a greater number of respondents compared to the other suggested actions.

What priority would you give to the following actions to address the challenges you listed when adopting the innovative gear, or more generally to further protect marine habitats at national, regional or EU level?



### 3.3.2 Bottom trawling

Respondents were then invited to indicate if they have evidence that supports a range of management measures with regard to bottom trawling. 75 respondents replied to this question giving multiple replies<sup>7</sup>:

- **45 respondents stated that they had evidence that supports banning bottom trawling in all MPAs.**
- **28 respondents stated that they had evidence to support an alternative/complementary approach, like the designation of bottom trawling free zones in areas with valuable habitats such as seagrass meadows, coastal areas including biodiversity hotspots and marine carbon stocks, MPAs and nursery areas. 20 respondents stated that they have evidence to support a ban on bottom trawling from “peripheral” fishing grounds with low economic value.**
- **14 respondents indicated that they have evidence which supports that bottom trawling should remain permitted wherever it is currently allowed.**
- 12 respondents indicated having evidence that bottom trawling should be limited (e.g., temporal restrictions, spatial restrictions, reduced effort) in all MPAs.
- 11 respondents indicated having evidence that bottom trawling should be banned only in MPAs aimed at protecting seabed habitats.
- 5 respondents indicated having evidence that bottom trawling should continue to be allowed where innovative/alternative fishing gear is not an option.

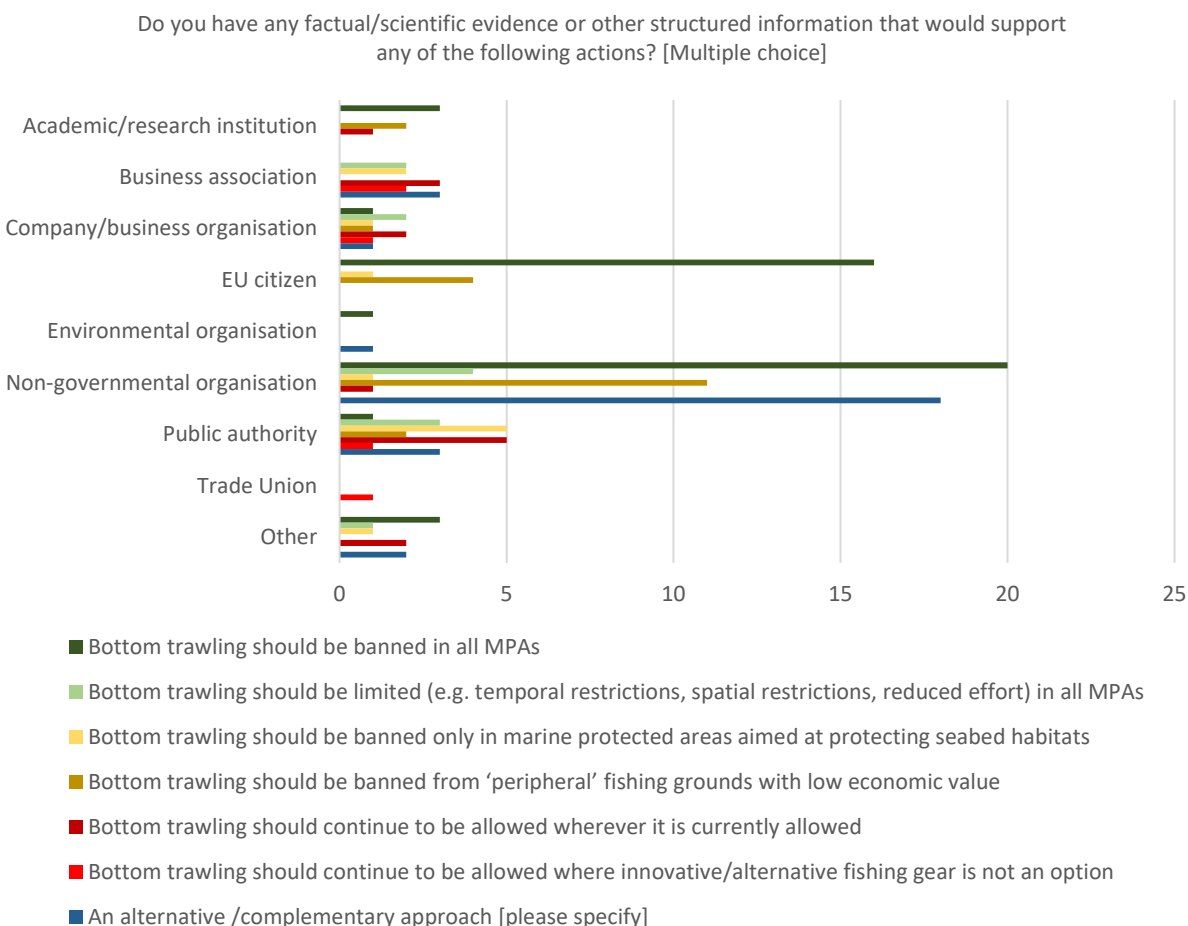
Additional input was provided on other effective area-based conservation measures (OECMs) as an alternative approach, which would enhance the protection of biodiversity outside the current scope of the protected areas.

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<sup>7</sup> Multiple choice; 135 replies altogether



The following graph summarises the replies received:



Regarding the question whether available data was sufficient to feed a decision on a possible ban on bottom trawling, responses were split. 39 participants to the survey indicated that the research and information available was sufficient to feed a decision of a possible ban on bottom trawling. However, the same number of stakeholders stated that more research is needed before deciding on this matter. Among those, around ten indicated that more information and/or research is needed regarding the socioeconomic impact of implementing a potential ban or limitation on bottom trawling, the current status of seabed habitats, potential alternatives to the ban such as reduction the bottom trawling in peripheral areas and innovative fishing gear applications.

**38 respondents agreed that other activities (such as anchoring, dredging or infrastructure construction) should also be taken into account when limiting bottom-trawling.** Approximately two-thirds of the respondents highlighted that sea-based activities will increase in the near future which subsequently exert more pressure on the seabed habitats, therefore assessing the impact of these activities together with fisheries is necessary when implementing conservation measures.

**23 respondents replied to the question of whether the inclusion of “core” and “peripheral” areas as defined by ICES in national maritime spatial plans (MSPs) would benefit the implementation of the approach proposed by ICES on trade-offs between reducing the impact of mobile fishing on seafloor and fisheries landings and value<sup>8</sup>. Half of the 23 respondents gave a positive opinion.** Several respondents provided additional input that the most updated scientific knowledge should be considered and an adequate definition of “core” and “peripheral” areas should be used. Additional input was also provided highlighting that fishing grounds can change overtime and that areas should be assessed before designation to avoid overlap with biologically valuable areas e.g., spawning areas. **The other half of the 23 respondents did not support the inclusion of “core” and “peripheral” fishing grounds areas in national MSPs**, stating that that ecosystem should be protected from destructive fishing gears e.g., bottom trawling, independently of the fishing effort.

### **3.4 Protecting marine ecosystems - sensitive species**

With regard to the protection of sensitive species from bycatch, almost all of **40 respondents answered that they have evidence showing that additional measures to prevent incidental bycatch of sensitive species are needed.**

When asked for evidence on specific fishing gears or techniques that need to be addressed as a priority to reduce the impact on sensitive species, 43 respondents answered the question. The majority of the 43 respondents indicated having evidence that static nets in general and specifically gillnets/longlines are the fishing gears causing the most damage to sensitive species and half of those provided additional input on the impact of trawling on e.g. cetaceans.

**26 respondents indicated having evidence that additional measures to improve the current implementation of the drift-net ban are needed** and that extending its coverage is also needed. When asked for specific fishing gears or techniques that need to be addressed as a priority to reduce the impact on sensitive species, the majority of the 43 respondents to this question indicated static nets in general and specifically gillnets/longlines. Some respondents provided additional input in relation to specific measures needed in the Mediterranean and the Baltic Sea to reduce the impact on sensitive species such as cetaceans of illegal and small-scale drift nets, respectively. It was also stressed that due to the lack of data there is a need to accurately assess the importance of drift nets in the mortality of sensitive species from bycatch.

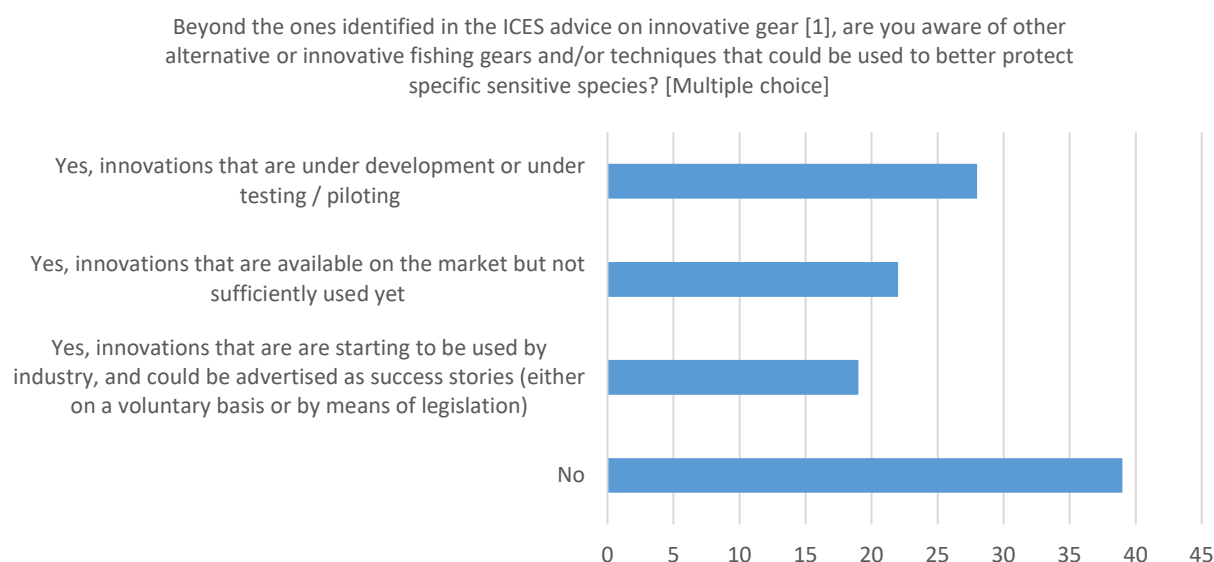
40 respondents to the questionnaire indicated having evidence that specific species, groups of species or populations due to their conservation status should be given priority to in reducing the impact of bycatch, highlighting especially populations of dolphins such as bottlenose dolphins in the Mediterranean Sea, Bay of Biscay and the Black Sea, Baltic populations of harbour porpoise and sperm whales in the Mediterranean Sea. Respondents provided additional input that most impacted groups from bycatch are species of seabirds (northern fulmar, northern gannet, European shag, common guillemot, razorbill and Atlantic puffin) and species of sharks and rays (tope shark). Further, the need to prioritise measures to reduce bycatch on turtle species present

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<sup>8</sup> ICES advice on how management scenarios to reduce mobile bottom fishing disturbance on seafloor habitats affect fisheries landing and value, ICES 2021. <https://www.ices.dk/news-and-events/news-archive/news/Pages/seaflooradvice.aspx>

in the Iberian waters (leatherback, green, hawksbill turtles), species of seals in the Mediterranean Sea (monk seal populations) and migratory species (salmon, sturgeon species and European eel) was stressed.

Some respondents mentioned being aware that innovations on static gears, e.g., deterrents, ropeless equipment, etc., were efficient adaptations in reducing sensitive species bycatch. Similarly to previous chapters, respondents were asked if they were aware of the use of innovative technologies to mitigate the impact of fishing gears that could be used to better protect specific sensitive species. 73 responded<sup>9</sup>, with the following results:



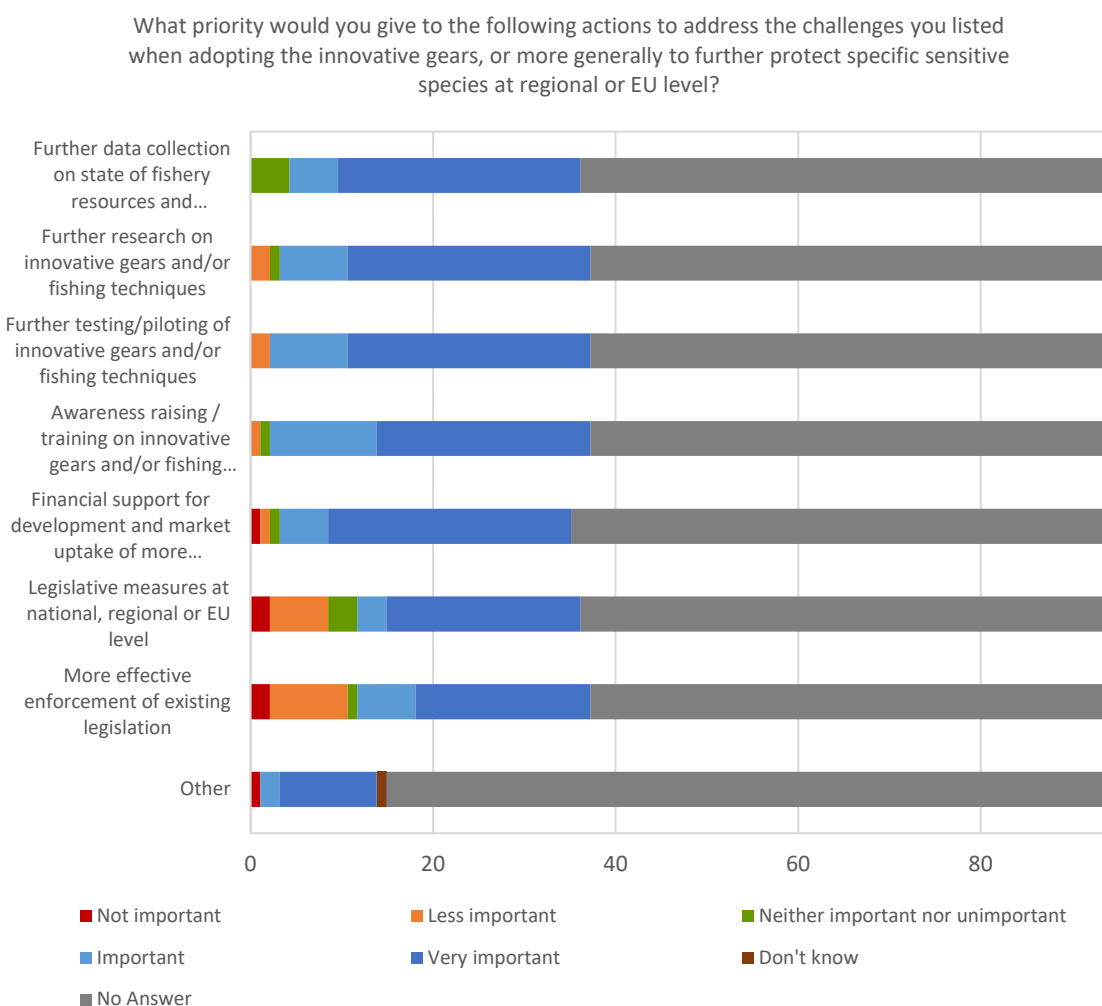
On innovations that are available on the market but not sufficiently used yet, most of the 17 responses listed innovations related to the use of fish traps and pots such as replacing static nets with fish traps and pots; enhancing the use of pontoon traps and the use of sinking groundline is for pot/trap fisheries on soft seabed. Several of the responses numbered visual deterrents used on static nets such as lights and kites to avoid seabirds and mammals. A few respondents stressed that innovations must be in tandem with additional restrictive measures such as spatial-temporal closures and measures aiming to reduce fishing effort.

27 respondents answered the question on the challenges encountered when adopting the innovations mentioned above<sup>10</sup>. 12 respondents indicated having evidence that no significant challenges were encountered, on the other hand **11 respondents indicated having evidence that making the switch would be too costly and financial support would be essential. 7 respondents answered having evidence that making the transition would require too much effort and training.** 8 respondents indicated having evidence for other challenges which mostly pointed to the fact that the transition and implementation of innovative gear would require an initial investment such as modernisation of the fleet.

<sup>9</sup> multiple choice; 108 replies altogether

<sup>10</sup> multiple choice; 38 replies altogether

Respondents were given a list of priority actions that would help address the challenges encountered and they were given the possibility to indicate additional actions. Respondents identified as important the increase of data collection and monitoring programmes e.g., remote electronic monitoring on bycatch to adequately develop and test innovative gears. Several responses indicated that there is a need for financial support for both developing innovative gear (e.g., pilot experiments) and mitigation solutions such as modifications to the way the gear is set, sinking ground line, and ropeless technologies to remove the vertical line, as well as to incentivise the transition to this gear and fishing techniques. Several respondents stressed that there is a requirement for enforcing the current legislation as well as implementing new measures to reduce the dependency on static nets. Other actions suggested by respondents to address the challenges include the need to prioritise the long-term independent monitoring of sensitive species as well as on board monitoring e.g., remote electronic monitoring, the data collection on the interaction between fishing activities and sensitive species, increase the research to develop technical and spatial mitigation solutions for sensitive species and critical areas, and increase the transparency of the fisheries activities e.g., inspections.



The last questions of this chapter sought the opinion of, and collection of evidence from stakeholders on the approach to manage the sensitive species in view of current knowledge gaps. Respondents had to choose whether a 2-step approach should be envisaged, with short term actions focusing on a set of priority species, combined with further data gathering on other species in view of longer-term actions as a second step. 43 respondents agreed that the two-step approach is appropriate. 24 of these respondents elaborated their reply and indicated that the 2-step approach allows taking immediate action in the short term for those sensitive species in priority and in the long term, it allows to gather additional data to define bycatch mitigation actions for those remaining species that currently present uncertainties, as well as for the development of innovative technologies and practices such as post-capture protocols and escapement devices. 16 respondents did not support the 2-step approach and, of those, 13 indicated amongst others, the risk of further delaying essential actions such as the limitation of pelagic trawling in the Bay of Biscay for which there is enough evidence to take immediate action. In addition, several responses stressed that for those cases where there is data deficiency, the precautionary approach should be considered in order to implement actions while new data is collected and review the actions in the future if needed. 17 respondents suggested alternative approaches such as implementing the precautionary approach when implementing actions or to focus on fishing gears or fisheries with a high risk of bycatch.

### 3.5 Process and next steps

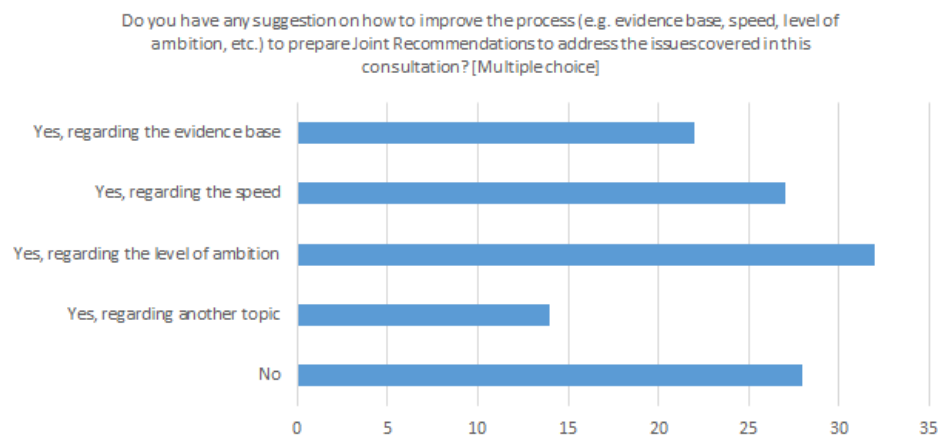
Respondents were invited to provide evidence on whether the actions taken by Member States to protect the marine environment delivered the expected results. Respondents were also invited to share examples of good practices taken elsewhere that could serve as examples of good management.

**18 participants to the survey indicated having evidence that Member States actions through the instruments discussed in the questionnaire have not yet met the objective of protecting the marine environment.** However, 31 participants reported knowing of good practices implemented by Member States and 10 of them presented detailed successful examples of limitations or bans for bottom-contacting gears and measures to reduce bycatch such as noise deterrents. Additional examples of successfully implemented fisheries limitations in specific areas for restoration and conservation purposes were provided e.g., the Balearic Islands, Reunion Island and Gulf of Valencia.

Stakeholders were invited to choose from a predetermined list on how to improve the process when preparing Joint Recommendations. 79 respondents answered this question<sup>11</sup>, and their results are summarised in the following graph:

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<sup>11</sup> Multiple choice; 123 replies altogether



When asked to elaborate on their answers, the majority of those who provided additional text (45 in total) indicated to a certain extent that there is a need to overcome the lack of ambition in Joint Recommendations as an essential aspect to improve. Approximately half of the respondents stressed that Joint Recommendations should be based on the Precautionary Principle as well as scientific advice exclusively instead of commercial interests. About one-third of the respondents indicated that there is a need to increase regional cooperation between the Member States. A similar number of responses were received indicating that there is a need for further guidance in the process for Joint Recommendations.

**35 respondents indicated that there are examples showing that managing the effects of fishing on marine ecosystems and protecting them have produced social and economic benefits for the local communities.** Approximately two-thirds of those 35 respondents presented examples of the socio-economic benefits of implementing MPAs.

**36 respondents also stressed that increased cooperation is needed between environmental and fisheries authorities** e.g. alignment in drafting and implementation of environmental and fisheries legislation, in order to achieve the objectives of the CFP.

### 3.6 Regional cooperation

In order to further strengthen Regional Fisheries Management Organizations (RFMOs) in their mandate to promote the conservation and sustainable management of fish stocks and their ecosystems, 8 respondents indicated that there is a need to increase the coherence between national and regional administrations and in the RFMOs to provide a legal framework for conservation objectives. A similar number of responses stressed that there is also a need to increase transparency and cooperation through better communication, cross-institutional dialogue, inter-agency cooperation and data sharing. **Some examples of good functioning and successful RFMOs were underlined by the participants that could be applied elsewhere,** such as:

- ICCAT programme for the recovery of shortfin mako sharks

- adoption by the IOTC of "fins naturally attached" (FNA) policy for all sharks landed within the remit of this management body
- ICCAT to recover the bluefin tuna
- CCAMLR management measures to reduce seabirds bycatch, closures of bottom trawling and other unselective gear such as driftnets in sensitive areas in the NEAFC, GFCM, NAFO
- ICCAT Management Procedure for the Northern Albacore

27 respondents replied to the question related to the role of the Sustainable Fisheries Partnership Agreements (SFPAs). 7 respondents indicated that there is a need for improving coherence by, for instance, equating EU legislation with third countries and RFMOs legislations; alignment of SFPAs with the SDGs; linking SFPAs and other fisheries agreements to regional management policies and negotiations. Out of those, 6 respondents stressed that there is a need to increase transparency and traceability. Several respondents indicated that the role of SFPAs could be strengthened by including more diverse stakeholders such as third countries, civil partners, the scientific community and socio-economic advisors.

Regarding the relationships with neighbouring countries, 36 participants shared their views. Roughly half of the 36 respondents indicated a need to strengthen cooperation between EU and third countries by increasing dialogue and coherence such as between international agreements and EU legislation, by improving the integration of conservation and sustainability objectives into its EU Neighbourhood Policies and regional cooperation instruments; align the external dimension of the CFP with the EU trade policy to increase traceability of fisheries products and expand and strengthen the work of RFMOs. Several respondents highlighted that the ecosystem-based approach, scientific advice, and the precautionary principle should be applied to fishing management decisions. In addition, several responses stressed that there is a need to increase transparency.

In order to strengthen the role of Regional Sea Conventions for promoting the protection of marine ecosystems, several participants suggested that more regional and international cooperation is needed to make regionalisation more effective to benefit both CFP and MSFD e.g., increase collaboration between HELCOM and BALTFISH on issues of common interest within their respective mandates.

