



Advice

Impact of the “Marine Action Plan” on the Market

Brussels, 6 March 2024

1. Background

On 20 May 2020, the European Commission published the EU Biodiversity Strategy for 2030¹. Among the actions listed in the Commission’s communication was an action plan to conserve fisheries resources and protect marine ecosystems, initially to be published by 2021.

On 21 February 2023, the Commission published a sustainable fisheries and aquaculture package composed of four communications to improve the sector’s sustainability and resilience. Among these four communications was the action plan to conserve fisheries resources and protect marine ecosystems, the “EU Action Plan: Protecting and Restoring Marine Ecosystems for Sustainable and Resilient Fisheries”², hereafter referred to as the “Marine Action Plan”.

The Marine Action Plan includes seven parts: making fishing practices more sustainable, securing a fair and just transition for all, strengthening the knowledge base and research and innovation, monitoring and enforcement, governance, stakeholder involvement and outreach, and framework to implement this action plan. To make fishing practices more sustainable, the Commission calls on Member States to improve gear selectivity and reduce the impact of fisheries on sensitive species and the seabed.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52020DC0380>

² https://oceans-and-fisheries.ec.europa.eu/publications/communication-commission-eu-action-plan-protecting-and-restoring-marine-ecosystems-sustainable-and_en

These actions provide specific deadlines for implementation and rely on the Member States to implement them. The non-binding status of the Marine Action Plan, as a communication, implies that the Commission is not obligated to conduct a socio-economic impact assessment. Certain measures, however, could have an impact on market supply. One such example is the suggested ban on mobile bottom contacting gear in Marine Protected Areas (MPAs) by 2030 coupled with the objective of reaching 30% of protected seas in the EU.

2. Market impacts of the Marine Action Plan

The present advice does not replace an in-depth impact assessment of the Marine Action Plan. Instead, the MAC focused on a few examples of actions included in the Marine Action for which socio-economic data is available to show potential impacts on the market.

2.1. Market impacts of the Marine Action Plan's action to ensure that mobile bottom fishing is phased out in all Marine Protected Areas by 2030

The Scientific, Technical and Economic Committee for Fisheries (STECF)'s "support of the action plan to conserve fisheries resources and protect marine ecosystems (STECF-OWP-22-01)" report³ reviewed a study conducted through two *ad hoc* contracts requested by DG MARE. This report estimates that closing mobile bottom contacting gear in MPAs would, in the absence of adaptation or mitigation measures, reduce the volume of EU landings from EU waters by 16%. In terms of value, the decrease would be approximately 20%⁴. The same report highlights that vessels using mobile-bottom contacting gear spend 1/5 of their activity fishing MPAs.

The same figures are available for vessels below 12 meters and vessels above. The table below compares each category's dependency to MPAs:

³ <https://publications.jrc.ec.europa.eu/repository/handle/JRC129455>

⁴ These figures are average for 2017-2019, do not include UK vessels.

Vessel category	Effort MPA/Effort EU waters %	MPA/EU waters weight %	MPA/EU waters value %
above-12m	21,3%	14,1%	19,3%
below-12m	22,5%	31,2%	28,4%
all vessel categories	21,6%	15,9%	20,0%

Table 1: Average results for 2017-2019, excluding UK data⁵.

Vessels below 12 meters are more dependent on MPAs both in terms of values and weight, for an effort that is very similar to vessels above 12 meters. As MPAs tend to be closer to the shore, smaller vessels are more likely to see their catches impacted.

Overall, according to the study, landings from mobile bottom contacting gears in MPAs represent 307 million euros and 135.300 tonnes. These figures apply with only 12,1% of EU sea being covered by MPAs, according to the European Environmental Agency⁶. The objective being to reach 30%, more information is needed to estimate the overall impact on EU landings, both in volume and in value. STECF also highlights that the following considerations are unaccounted for:

- Displacement of the fleet and stocks
- Conflict of use between fishers and with other activities
- Stock and habitat recovery benefits
- Impact on coastal communities, cultural heritage, food security
- Gear specificities and innovation impact

⁵ Table 4 of the STECF report: <https://publications.jrc.ec.europa.eu/repository/handle/JRC129455>

⁶ <https://www.eea.europa.eu/en/analysis/indicators/marine-protected-areas-in-europes-seas>

STECF however draws an important caveat by stating that “As the approach presented in the GIS report did not evaluate displacement, the analysis is therefore likely to underestimate the ecological and economic benefits of the future closed area scenarios. This is on the assumption that all the impacted fishing landings weight and value will be lost if a band on fishing within MPAs was enforced, or overestimate these benefits if the pressure from the fishing fleets is increased on surrounding areas in an attempt to compensate for the economic losses. STECF reiterates that fleets are expected to adapt to closed areas and to move to other fishing areas to compensate for the loss. When evaluating the effect of closed areas regarding achieving CFP objectives, it is thus of utmost importance to consider these effects from a longer-term perspective”.

On the issue of spatial resolution and scale when overlapping fishing grid cells and MPAs, it is also important to keep in mind that STECF points to assumptions likely to be a major approximation, which can lead to significant uncertainties in the results , stating “STECF underlines that this misalignment of data spatial resolution thus induces inherent uncertainty, impairing the objective of providing accurate estimates of effort and landing weight and value made in the MPAs of the EU-27 Waters”.

Finally, STECF’s review does not assess the impact on other ancillary activities onshore nor on the value chain. The MAC would like to emphasise that accurately assessing the impact on the supply of individual species is challenging due to the non-linear nature of consumption and compensation between species as well as the complexity of replicating consumer behaviour. It would, nonetheless, be of use to assess the flows between supply, processing and consumption.

2.2. Market impacts of the Marine Action Plan’s action to protect marine species and limit bycatch

The Marine Action Plan includes provisions to limit bycatch of sensitive species, in line with the EU Common Fisheries Policy and the Technical Measures Regulation. To do so, they call on Member States to, first, *“adopt national measures or to submit joint recommendations to the Commission to minimise by-catch (or reduce it to the level that enables the full recovery of the populations) of by the end of 2023: harbour porpoise in the Baltic Proper and the Black Sea, the Iberian Atlantic and the common dolphin in the Bay of Biscay”*. It then calls for such measures to be adopted for *“all remaining sensitive marine species that are at risk of incidental catches, prioritising those in “unfavourable conservation status” or threatened by extinction”*.

With regards to the aforementioned species, France has published a national action plan to limit bycatches of small cetaceans in the Bay of Biscay, after the European Commission initiated an infringement procedure against France on the matter, and following the ruling of the French highest administrative court. This national action plan intends the following measures:

- Reduce unwanted bycatches by combining a 30-day zonal closures from 2024 to 2026 with the installation of bycatch mitigation measures devices aboard vessels;
- Assess the effectiveness of bycatch reduction devices on small cetaceans on Bay of Biscay netters;
- Combine a better understanding of with a better estimation of small cetacean bycatches by gear in the Bay of Biscay.

The 30-day zonal closure will be the most impacting in terms of market supply and socio-economic impact and has been estimated to lead to a loss of approximately 18% of turnover for gillnetters⁷. Examples of species likely to see a decrease in supply are sole, seabass, whiting and hake. The impact on the supply chain will lead to a decrease in turnover of approximately of €68

⁷ Analyse des conséquences économiques pour la filière pêche de scénarios d’interdiction de la pêche professionnelle en vue de réduire les prises accidentelles de dauphins dans le golfe de Gascogne, JUILLET 2020, AGLIA, SCOPE.

million. It is important to note that this estimate does not consider displacement nor conflict of use between fishers and with other maritime activities.

3. Recommendations

- a) Considering that the Marine Action Plan calls on Member States to implement a ban on mobile bottom contacting gears in MPAs by 2030, it is crucial for the European Commission to conduct a comprehensive socioeconomic impact assessment of all actions included in the Marine Action Plan, except for those already based on legal texts for which impact assessments already took place such as the Technical Measures Regulation, focusing on both the producing sector and the market. Both in terms of supply and imports.
- b) To diversify and strengthen the financial resources available for implementing the Marine Action Plan, the European Commission and Member States should explore additional funding mechanisms alongside the European Maritime Fisheries and Aquaculture Fund, such as: engaging with private sectors for co-funding opportunities, utilising green bonds or environmental impact investments, and seeking collaborations with international organisations and NGOs for joint funding initiatives;
- c) When preparing national roadmaps, Member States should map out the existing legislative landscapes to ensure full coherence and consistency between all marine legislations and policies, notably the Common Fisheries Policy, the Technical Measures Regulation, the upcoming Nature Restoration law, the Birds and Habitats Directives, the Marine Strategy Framework Directive, the Maritime Spatial Planning Directive, and the Marine Action Plan, as part of the EU 2030 biodiversity strategy;
- d) When preparing national roadmaps, Member States should collaborate closely with the European Commission to ensure a level-playing-field in the implementation process. In this work, practical examples on how different laws can be harmoniously implemented



should be provided, while also providing recommendations to stakeholders on navigating complex legislative frameworks;

- e) Call on the European Commission to organise, through the Joint Special Group, a workshop dedicated to the mitigation of impacts on the market of fishery and aquaculture products following a comprehensive socioeconomic impact assessment to be conducted;
- f) Call on Member States to evaluate and, to the extent possible, mitigate the socio-economic and market impacts of technical measures adopted to protect sensitive species.