

Briefing: Coherence of Fisheries Management with Achieving Environmental Obligations

October 2015

Background

The new Common Fisheries Policy, adopted in 2013, has revolutionised the way fisheries management in Europe should happen. The new CFP makes it fundamental that fisheries management applies an ecosystem based approach¹ and that it is coherent with environmental obligations². Furthermore, the new CFP also applies a regionalised approach to fisheries management, with the aim of ensuring that management is more effective and empowering for stakeholders, targeting sea basin specificities including the fisheries and the regional ecosystems.

Marine Strategy Framework Directive (MSFD)³ and achieving Good Environmental Status (GES)

The aim of the MSFD, adopted in June 2008, is to achieve or maintain Good Environmental Status of all EU marine waters by 2020 at the latest. This means that the environmental status of marine waters are clean, healthy and productive, which includes ensuring the sustainability of fisheries. On that basis, each Member State sets out targets to achieve GES and assesses their progress through 11 “descriptors” (elements with specific goals that make up GES e.g. ‘Biodiversity is maintained’ or ‘The population of commercial fish species is healthy’). Once their targets and associated indicators have been developed (deadline was July 2012), Member States specify their means to achieve them, first by identifying what data needs to be collected and monitored. Member States then develop a set of programmes that detail the actions that will need to be taken to achieve these goals. These ‘monitoring programmes’ (implementation deadline July 2014) and ‘programmes of measures’ (by 2015) can either be ongoing current activities, such as already delivered through the implementation of the CFP, implementation of the Birds and Habitats Directives, or new programmes as appropriate if gaps are identified.

Coherence must be also achieved between the MSFD and with fisheries management under the CFP to ensure that the CFP-related goals for achieving GES are also reached, including those to prevent the loss of biodiversity. Therefore, fisheries regional multiannual plans and the recommendations that Member States will make, based on those plans, need to be coherent with the actions that the MSFD envisions. In cases where certain actions cannot be delivered by fisheries management under the CFP, then the MSFD requires Member States to establish a new programme of measures to fill that gap.

Such measures under the CFP might therefore be taken to achieve, for example, sustainable seabird populations, healthy population structures of fish stocks, healthy food webs, and sea floor integrity.

¹ Article

² Article 2.5j, Article 11

³ Directive 2008/56/EC

Natura 2000

Natura 2000 is the centrepiece of EU nature & biodiversity legislation, aimed at the establishment of a coherent and well-managed network of protected areas, for the conservation of species and their natural habitats. It consists of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designed under the Habitats and Birds Directives.

The Natura 2000 network applies both on land and at sea.

- **Birds Directive** sets out rules for the protection of all wild bird species in the EU, including seabirds which are considered the most threatened taxonomic group in Europe.
- **Habitats Directive** aims to protect species and habitats of “European importance” and ensure their “favourable conservation status”.

Under the reformed CFP, the development and management of fisheries should therefore take account of the conservation objectives of those Natura 2000 protected sites in order to support – or at least not hinder– their full implementation. Fisheries should therefore be strictly controlled within these sites, on the basis of comprehensive and periodical **impact assessments** applying to both new and existing fishing activities and covering the cumulative effects of all human activities in the area. When these assessments show adverse effects of the fisheries on critical ecosystem components of the protected sites, the fishing activities should be suspended until their impacts are minimised to acceptable levels (i.e. with the use of more environmentally friendly methods).

Furthermore, achieving the conservation objectives for Natura 2000 sites goes well beyond ‘minimising negative impacts’, rather the objective may be explicit restoration. This means that regional fisheries management might be required to, for example, to improve the quality of the habitat.

What tools are available under the Common Fisheries Policy to achieve coherence?

Fisheries management should contribute to achieving EU environmental objectives, including GES of seas and the favourable conservation status of species and habitats through:

- Horizontal Technical solutions (i.e. “measures” which are defined as rules governing how and where fishers may fish and include rules on types of fishing gear, closed areas and other measures to protect the marine environment) for identified EU wide problems.
- Regional Multiannual Plans that address the problems regionally and their solutions (regional technical measures)
- Specific conservation measures that can be adopted, usually under emergency situations, in order to comply with the obligations deriving from the Birds and Habitats Directives
- Data collection that addresses impacts of the fisheries on the wider marine environment, including the rates of incidental catches of seabirds and other non-target species, direct impacts on marine habitats (especially Natura 2000 sites) and indirect impacts on food webs.

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