



Paris, 25 May 2023

POLITICAL OPINION

**Political opinion on the protection of the French fisheries sector
and on measures recommended within the framework of the
“EU Action Plan: Protecting and restoring marine ecosystems
for sustainable and resilient fisheries” presented on 21
February 2023 by the European Commission**

The French Senate European Affairs Committee,

Having regard to Articles 3, 4, 7, 11, 13, 38 and 43 of the Treaty on the Functioning of the European Union,

Having regard to Article 37 of the Charter of Fundamental Rights of the European Union,

Having regard to the Kunming-Montreal Global Biodiversity Framework of 18 December 2022,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources,

Having regard to Council Directive 92/43/EEC, of 21 May 1992, on the conservation of natural habitats and of wild fauna and flora (“Habitats” Directive),

Having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive),

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC,

Having regard to Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004,

Having regard to Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning,

Having regard to Regulation (EU) 2016/2336 of the European Parliament and of the Council of 14 December 2016 establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic and repealing Council Regulation (EC) No 2347/2002,

Having regard to Article L. 110-4 of the French Environment Code,

Having regard to Commission Implementing Regulation (EU) 2022/1614 of 15 September 2022 determining the existing deep-sea fishing areas and establishing a list of areas where vulnerable marine ecosystems are known to occur or are likely to occur,

Having regard to the Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 December 2019, “The European Green Deal”, COM(2019) 640 final,

Having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 20 May 2020 on the EU Biodiversity Strategy for 2030, “Bringing nature back into our lives”, COM(2020) 380 final,

Having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 20 May 2020 on the “Farm to Fork” Strategy, “For a fair, healthy and environmentally-friendly food system”,

Having regard to the Communication from the Commission to the European Parliament and the Council of 1st June 2022, “Towards more sustainable fishing in the EU: state of play and orientations for 2023”, COM(2022) 253 final,

Having regard to the Communication from the Commission to the European Parliament and the Council of 21 February 2023, “The common fisheries policy today and tomorrow: a Fisheries and Oceans Pact towards sustainable, science-based, innovative and inclusive fisheries management”, COM(2023) 103 final,

Having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 21 February 2023, “EU Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries”, COM(2023) 102 final,

Having regard to the European Parliament Resolution of 3 May 2022, “Toward a sustainable blue economy in the EU: the role of the fisheries and aquaculture sectors”, 2021/2188(INI),

Having regard to the Conclusions of the Council of the European Union of 16 October 2020 approving the EU Biodiversity Strategy for 2030, in “The need for urgent action”, 11829/20,

Having regard to the Conclusions of the Agriculture and Fisheries Council of 20 March 2023,

Having regard to the European Commission Staff Working Document of 28 January 2022, “Criteria and guidance for protected areas designations”, SWD(2022) 23 final,

Whereas the European Union and the Member States exercise shared competences in the fisheries sector, apart from the conservation of marine biological resources, which is the exclusive competence of the Union;

Whereas the Common Fisheries Policy pursues the dual objective of preserving fish stocks and guaranteeing stable income and jobs for fishermen;

Whereas, in the framework of the Biodiversity Strategy for 2030, the European Union has set itself the objective of legally protecting at least 30% of its sea area by 2030, including 10% under strict protection, whereas at present only 12% of European waters are protected, of which less than 1% are fully protected;

Whereas to this end, the European Union has undertaken to create a coherent network of protected areas, based on the Natura 2000 network and complemented by additional areas designated by the Member States;

Whereas in France, proactive policy promoting the protection of marine biodiversity has resulted in the creation of 565 marine protected areas, ensuring a high level of protection for 33% of French waters today compared to 16.5% in 2015;

Whereas eleven major categories of marine protected area are recognised in France, including in particular the Natura 2000 sites but also marine nature parks, national parks, natural reserves and fishery conservation areas;

Whereas the vast network of French protected areas are therefore characterised by a wide variety of statutes and practices, constituting, within the country, a source of wealth and resilience;

Whereas the use of various legal statuses to protect marine areas reflects the need to take into account the specific features of the ecosystems concerned, in order to best reconcile the preservation of natural heritage with the sustainable development of maritime or leisure activities;

Whereas some marine protected areas are thus intended solely for the protection of birds;

Whereas efforts have been made in recent years by French fishermen, scientists and local authority officials to help the recovery of fish stocks, in order to ensure the sustainability of their activities;

Whereas, among the measures envisaged for protecting and restoring marine ecosystems for sustainable and resilient fisheries in the marine Action Plan, the Commission invites Member States to adopt national measures to ban mobile bottom fishing in the Natura 2000 sites designated under the “Habitats” Directive by the end of March 2024, and gradually phase out mobile bottom fishing in all marine protected areas by 2030;

Whereas this measure would nullify the concerted efforts made so far by fishermen, researchers and State and local authority representatives to minimise the impact of fishing in marine protected areas, especially in the framework of fishing risk analyses currently being developed;

Whereas the Commission thus recommends a uniform ban on mobile bottom fishing in all marine protected areas, without taking into account the specific features of these areas, or the characteristics specific to the various types of mobile bottom trawling gear;

Whereas, consequently, this Action Plan is unaware of the reality of artisanal fishing, which operates to a very large extent in marine protected areas;

Whereas therefore every year, more than 23,000 tonnes of fish are caught by small-scale French fishing in marine protected areas, i.e. more than 38.9% of the volume of landings by these vessels, for a total of 28.7 million euros, i.e. 32.9% of the landed value;

Whereas at national level, insofar as marine protected areas represent about 44% of the Exclusive Economic Zone, the implementation of the Commission’s Action Plan would result in the disappearance of a third of the French fleet by 2030, thus depriving more than 4,350 sea-fishermen of their jobs on board

1,200 vessels, representing 36% of volumes landed, according to the National Fisheries Committee;

Whereas it is probable that the impact of the Commission's Action Plan will greatly exceed the estimate, since in the marine fishing sector, one job on board ship usually generates three or four jobs on land;

Whereas at European level, according to the European Bottom Fishing Alliance, a ban on mobile bottom fishing in marine protected areas would have an impact on the activity of 7,000 vessels, corresponding to 25% of volumes landed and 38% of the total income of the European fleet;

Whereas the Union is already the world's largest importer of fishery products and such a reduction in volumes caught by European vessels would necessarily lead to an increase in imports from third countries using less sustainable and less selective fishing techniques;

Whereas this new orientation is the culmination of initiatives taken by the Commission in recent years to restrict mobile bottom fishing, since this practice has been banned since 2016 at depths of more than 800 metres and since 2022 in 87 areas more than 400 metres deep with vulnerable marine ecosystems, representing 1.16% of Community waters;

Welcomes the Commission's commitment to protecting biodiversity and stresses the importance of preserving marine habitats that are home to a great diversity of species and contribute to long-term carbon sequestration;

Welcomes, therefore, the recent concluding of the International Treaty to Protect the High Seas, signed in New York on 4 March 2023 under the aegis of the United Nations;

Calls for continuing and deeper scientific work to identify areas where marine ecosystems are vulnerable, and where the use of some bottom fishing trawling gear could be harmful;

Recalls nevertheless that any restrictions on mobile bottom fishing should be consistent with the objectives of the Common Fisheries Policy, which is also responsible for ensuring a fair standard of living for the fishing sector and ensuring the security of food supplies within the Union;

Considers therefore that such restrictions should imperatively be proportionate, targeted and ad hoc, in order to take into account the characteristics of each type of fishing gear, the specific features of the different geographic areas targeted and changes in environmental, economic and social parameters;

Requests therefore that, as a matter of priority, fishing risk analyses currently being prepared should be completed, as this process will guarantee that any restrictions put on mobile bottom fishing are the subject of a joint decision and correspond to the conservation objectives and the specific characteristics of each site;

Is therefore firmly opposed to a general ban on mobile bottom fishing being applied uniformly to all Natura 2000 areas from 2024, and to all marine protected areas from 2030;

Notes the paradoxical nature of such a measure, which would penalise States all the more when they have invested in creating and managing marine protected areas and have thus demonstrated their commitment to preserving biodiversity;

Warns against the scale of the economic and social consequences of such a ban, which would pose a substantial risk to the viability of the French and European fisheries sectors and would therefore inevitably undermine the Union's food sovereignty;

Deeply regrets that the publication of the Commission's Action Plan was not accompanied by any prior consultation or impact study so that its precise effect could be assessed;

Notes that, while the Commission's Action Plan is not legally binding at this stage, there is no guarantee that this will remain the case, given that during the first half of 2024, as part of the mid-

term review of the Biodiversity Strategy, the Commission intends to examine whether new measures or legislation are needed to improve its implementation.