



## NEW ACTION: Conservation & Sustainable Sea-Food: the case of «Celtic Seas – slope of Bay of Biscay» Natura 2000 site

### Short description

French authorities committed to increase the number of strictly Protected MPAs from 1.6% to at least 10% of the Exclusive Economic Zone (EEZ) by using the current Natura 2000 sites. During the second cycle of MSP potential strictly-protected MPAs are submitted to the national public debate (physical and online consultation of general public and sectoral activities from 18/12/2023 to 18/04/2024).

### Project partner(s) responsible for the preparation of the new action

UBO, CEREMA, IFREMER

### Action typology

(iv) Zoning  
(v) Analysis

### Topics addressed

D1.1 Establishment of new or enlargement of strictly marine protected areas (10% target) and definition of strict protection

**Sustainable sea-food production/ EU food security**

C.1.2 Minimise fishing impacts on vulnerable habitats

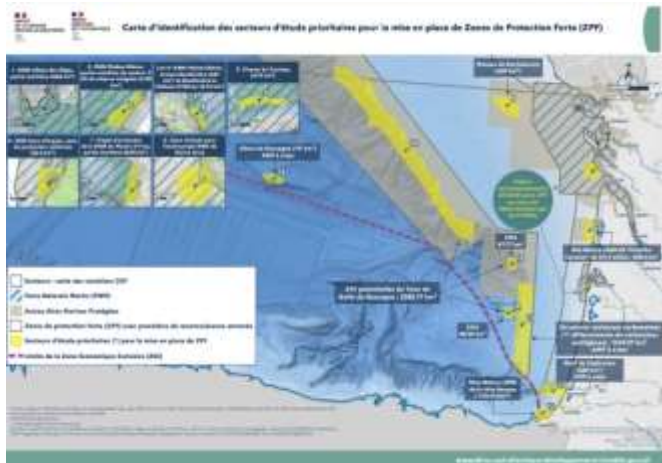
C.1.3 Minimising bycatch and unwanted fishing

C.1.7 1 D 1.16 Coordinated, transboundary initiatives

**Just transition: public participation to the MSP design and implementation**

### Geographical scope

The study area - Natura 2000 site "Celtic Seas – Bay of Biscay Slopes" - is located in the Bay of Biscay, within the French EEZ and represents an area of 71,860.94 km<sup>2</sup>. The potential Strictly protected MPA are represented in yellow (number 14) and cover an area of 3,395.77 km<sup>2</sup>.



### Sectors/Activity involved

Nature protection and restoration & Fisheries (Habitats and species conservation & deep fisheries industry).

### How does the new action support the Green Deal in MSP

Shift to strictly-protected Marine Areas aims to achieve better protection and conservation of vulnerable habitats, marine species (birds & mammals) and biodiversity. While increasing the surface area of strictly protected areas will help to protect marine biodiversity, it will also reduce the supply of seafood products to European consumers as well as the economic and social benefits of French, Spanish, and Belgium fleets operating in deep waters fisheries in those areas. Strictly-protected MPAs of Celtic sea-Slop Bay of Biscay are currently the subject to a consultation process, in the framework of the second French MSP cycle.

This factsheet complements the analysis undertaken in the framework of MSP-Green task 3.1 on MPAs and fisheries activity.

The process undertaken by MSP, namely the public consultation, is seen by national and regional administrations as an opportunity to inform the designation of future strictly-protected MPAs. Citizens, sectoral activities and eNGO's participation is perceived as the best way to designate these areas. An important contribution of this analysis is to cast light on the fact that the Common Fisheries Policy (CFP) already provides the necessary legal framework to designate and enforce strictly protected MPAs as far as fisheries-related measures are concerned.

### Governance context

The decision to create strictly-protected areas within existing MPAs stems from various environmental policies. At EU level, the Biodiversity Strategy for 2030 ("Bringing nature back into our lives") states that "at least 30% of the sea should be protected in the EU", and "at least one third of protected areas – representing 10% of EU sea – should be strictly protected". At national level, the National Biodiversity Strategy 2030 (SNB) meets France's commitments under the Convention on Biological Diversity (CBD) and European Union environmental objectives; the National Strategy for Protected Areas, sets targets for the creation of new MPAs and strictly-protected MPAs in the EEZ. The last legal frame mentioned is the Environmental Act of 2000.

From the Fisheries side, the Common Fisheries Policy (2013) provides the legal framework for fisheries management and conservation measures. A few other EU regulations or communications play an important role in designing strictly-protected areas such as Regulation 2016/2336 laying down specific conditions for fishing for deep-sea stocks in the North-East Atlantic. This regulation introduces spatial and fishing gears restrictions in Celtic Sea - Slope of Bay of Biscay aimed at protection of deep waters habitats, eg. cold waters corals.

The communication from the EU Commission to the Parliament on EU Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries (21/02/2023) is another text supporting the implementation of strictly-protected MPAs. At national level, the Rural and Maritime Fishing Act (2010) transposed the CFP into national law.

With regard to Natura 2000, the Ministry for Ecological Transition (MTE) is the authority responsible for the establishment of Natura 2000 (marine) sites and the implementation of the EU "Birds" and "Habitats" directives in France. The management of marine Natura 2000 sites can then be entrusted to various entities, such as the French Biodiversity Office, local authorities or fisheries industry organisations, e-NGOs, etc.

The management of offshore Natura 2000 sites is still complex and only 3 have been created. The Natura 2000 site of "Celtic Seas-Slope of Bay of Biscay slope" is the largest one. The bylaw for its designation was subject of online public consultation. This Natura 2000 is managed by the Préfecture Maritime de l'Atlantique because it is located and shared by two maritime interregional administrations (South Atlantic and the Northern Atlantic and Western Channel). During the public consultation of the 2nd MSP cycle to be held in these maritime regions, participants (citizens, eNGOs, sectoral activities, etc.) will make suggestions to support the designation of strictly protected areas.

In France, competence in fisheries management is granted to fisheries organisations within the territorial sea (12n). Quota management and multi-year plans are the responsibility of producer



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organisations (POs). Conservation measures, in particular the creation of Natura 2000 and strictly-protected MPAs, are under the responsibility of national authorities.

CFP provides the legal framework to comply with obligations under Union environmental legislation (Art. 11 to 15). Articles 18 and 19 allow the creation of regional cooperation between Member States (MS) if conservation measures within the EEZ of one MS apply to their nationals. For example, the legal basis of the French authorities' ban (2024) on seasonal fishing in the Bay of Biscay is Article 13 of the CFP, which refers to emergency measures in the event of threats to species or habitats requiring immediate action. The same article allows national authorities to apply the seasonal closure to all vessels using specific gears operating in the area, including those of other Member States. France's decision to close an area for the conservation of species or habitats must be communicated to the Commission and then to the Member States whose nationals use the area. Thus, **new stakeholders** are added to the new process. The legal framework provided by the CFP reinforces the MSP process for designating strictly protected MPAs.

### Other stakeholders to be involved in the new action

Stakeholders: General Directorate for Maritime Affairs Fisheries and Aquaculture (DGAMPA), Ministry for Ecological Transition, French Biodiversity Office é (OFB), Regional and district fisheries authorities (DIRM; DTTM) and fisheries organisations (CNPM, CRPM, DDPM), Seafronts Strategic Committees.

New stakeholders: European Commission (DG MARE and DG Environment), national authorities of Member States having fishing vessels operating in the area, organisations representing the interests of fishing fleets at EU level (EUROPECHE, European Association of Fish Producers Organisation (EAPO), Trade Unions representing the crew members on board interests. Regional Fisheries Advisories Council's environmental NGO's and citizens participating to MSP public consultation.

### Description of the new action

As far as the French MSP is concerned, existing coastal and offshore MPAs (including Natura 2000 marine sites) are represented in the four MSP documents. These sites are in line with the objectives of the French authorities to convert at least 30% of its EEZ into MPAs by 2030 as part of the national biodiversity strategy (SNB2030). France has also committed to strengthening the protection of these sites by declaring at least 10% of EEZ as strictly protected MPAs by 2030. To achieve the objective, several potentially strictly protected MPAs were mapped and shared during the ongoing public consultation for the 2nd cycle of the MSP. Once the public consultation is completed (end of April 2024), the selected MPAs will feed into the final identification of strictly protected MPAs in the revised MSP plans

The proclamation of certain zones of existing MPAs as strictly-protected areas may result in restrictions or total ban for human economic or recreational activities, such as fishing (bottom trawling, longline fishing, ...), which are perceived as "incompatible with strong protection" (IUCN-French Committee Report, 2021). Fishers and their organisations have claimed for more involvement in the preparation of the project and integration into MPAs governance. This is already the case in other MPAs, such as Natura 2000 marine sites managed by fisheries organisations, or Marine Nature Parks in which fisheries organisations are part of governing bodies.

This analysis develops the issue of the Natura 2000 marine site "Celtic Seas – Slope of Bay of Biscay". The site is located in an area

used by French and foreign fishing fleets (BEL, IR, UK, SP, ...). The proposed strictly protected MPAs cover a substantial area (3395.77 km<sup>2</sup>). The enforcement of restrictions and bans to the fishing industry may have a negative impact on all fleets and the EU seafood market. Fishing restrictions in this potentially strictly protected MPA could result in the displacement of French and other MS fleets to other areas where vessels are already operating. These issues highlight the lack of alignment between environmental and fisheries policies applied at national or European level and the lack of a map of fishing areas in MSP documents.

### Possible challenges/risks related to the new action

The main challenges are:

- ✓ Lack of maps of current fishing areas in MSP
- ✓ Attenuation tensions between marine conservation and fisheries industry objectives.
- ✓ Capacity of MS to find the right arguments to inform and convince other MS to accept its decision concerning strictly protected areas
- ✓ Monitoring of strictly protected areas
- ✓ Displacement of the fleets into new areas for which don't have historical rights (apply to foreigner fleet)
- ✓ Avoid tensions between old users and newcomers
- ✓ MSP should consider the traditional users of the sea and guaranteeing the future to small scale fisheries.

### Gaps or elements that that the new action does not consider

The designation of strictly protected MPAs in the Bay of Biscay comes on top of the many other difficulties encountered by French fishing fleets, such as: the reduction in fishing zones due to the arrival of new users; seasonal or spatial closures of fisheries to protect marine mammals or vulnerable habitats; the reallocation or loss of fishing rights after Brexit, etc. In response to these difficulties, more restrictive rules have been set up, such as the ban on bottom trawling for langoustines around the Glénan Islands or the seasonal ban for netters, pelagic trawlers in the Bay of Biscay to protect dolphins, etc.

The new action analysis (the designation process of strictly protected MPAs highlights how implementing the EU Biodiversity strategies MPA targets can lead to important tension with some sectors. For instance, major national mobilisations were organised by fishers of their organisations, such as "Operation Dead Channel", port blockades, demonstrations and others, claiming the right to manage or to sit on the management or executive boards of Natura 2000 offshore sites.

To address the gap between fishing activities and MPAs and the MSP, it would be helpful if the MSP document, which is now under public debate, would provide maps of fishing zones in a similar way to those provided for MPAs. Fishing zone maps in MSP documents could help reduce the competition between the protection of marine biodiversity and sustainable fisheries. Different maps of fishing zones are available, one of them produced by the VALPENA project (supported by EMFAF& French contribution) in partnership with fisheries organisations and the other, albeit incomplete, from the European Union's compulsory vessel monitoring systems (VMS). Because vessels under 12 meters in lengths are not equipped with VMS, it is currently more difficult to account for their activities in MSP.

Another gap is to communicate in time with the European Commission (DG MARE and DG ENV) and other Member States having fishing fleets operating in the designated areas. So, MSP approved by a MS and its citizens/users doesn't automatically apply respect from citizens/users from other Member States. Our case



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casts light on the importance for national authorities to comply with the time limits in relation to providing information and consulting other Member States and the relevant Fisheries Advisory Councils.

### Replicability /Elements which can be capitalised

Taking and applying initiatives with an impact on other Member States' citizens/users require effective cooperation from the decision-making state in terms of providing information and ensuring consultation. To this end, Member States should comply with the entire European legal framework - in this example, the CFP regulation. The CFP, through its chapter on the regionalisation of fisheries management, enables the Member States to introduce restrictive measures to protect biodiversity habitats and species.

The other element to highlight is the importance attached by the national authorities to the four-month national public debate, involving users and citizens, linked to the second cycle of the MSP. The national public debate conducted by an independent body (the National Commission for Public Debate) is considered to be the best tool for delineating the zones to implement the strictly protected MPAs within the current potential areas and suggest potential new.