

# ClientEarth's response to the Commission roadmap: Maritime sector – a green post-COVID future

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ClientEarth welcomes the opportunity to provide feedback to the roadmap published by the European Commission on a new approach for a sustainable blue economy in the European Union (EU).

In its roadmap, the Commission states that *“Public authorities should oversee the transition and make sure that the Blue Economy can recover speedily and fairly from the crisis, contribute to the European Green Deal (with particular regard to greenhouse gas emissions, circular economy, sustainable food systems and biodiversity) and become truly sustainable from an environmental, economic and social perspective”*. ClientEarth would like to point out that when it comes to these three dimensions of sustainability, reaching a good environmental status across all EU seas is the necessary pre-condition to allow for the other two dimensions (economic and social sustainability) to be fully implemented in the long-term. However, recent reports from the European Commission, the European Environment Agency and the European Court of Auditors have underlined that so far, in Europe, we are still far from having reached that objective, which in turn prevents us from achieving long-term economic and social sustainability. Concrete actions and a clear timetable to reverse these worrying trends can be found in the Blue Manifesto, an action plan supported by over 100 NGOs across Europe.

The aim of the future Communication on a sustainable Blue Economy will be to provide guidance on how to: 1) meet the European Green Deal Objectives at sea; 2) foster economic and social recovery; 3) use

EU funds for the period 2021-2027. This should be done by tackling the following issues: climate change and biodiversity loss; compartmentalisation; knowledge gaps and rapid change. We would like to comment on several of these aspects, especially as they relate to fisheries.

## Meet the European Green Deal objectives at sea

### Remove the fuel tax exemption for fishing vessels in the Energy Taxation Directive

One of the objectives of the European Green Deal is to ensure that energy is clean, reliable and affordable. To implement this change, the European Commission is going to propose a revision of the Energy Taxation Directive. This piece of legislation currently contains a fuel tax exemption for fishing vessels, which should be removed during this upcoming revision process. This would help the EU to meet its climate objectives and also to contribute further to the elimination of harmful fisheries subsidies. These subsidies lead to an increased capacity of the fishing fleets and, in the end, to overfishing.<sup>1</sup>

### Adopt an ambitious Action to conserve fisheries resources and protect marine ecosystems

The European Green Deal also aims to preserve Europe's natural capital, notably through the adoption and implementation of a new EU Biodiversity Strategy for 2030. Under this strategy, the Commission has to propose an Action Plan to conserve fisheries resources and protect marine ecosystems. It is key that this Action Plan is as ambitious as possible and supports productive and resilient fish populations. It should also include measures to protect sensitive species from the impacts of fisheries (such as bycatch) and tackle the impacts of bottom-trawling on marine ecosystems by prohibiting its use in EU Marine Protected Areas and when necessary to protect sensitive habitats. Finally, it should also ensure that deep-sea ecosystems are protected by effectively implementing the EU Deep-Sea Regulation.

### Enhance traceability of fisheries products under the Farm to Fork Strategy

A Farm to Fork Strategy has been developed under the framework of the European Green Deal. In order to reach its objective to fight Illegal, Unreported and Unregulated fishing, it will be key to enhance the traceability of fisheries products in the EU market, regardless of whether they are imported products or originate from the EU itself. To that end, EU decision-makers should take advantage of the ongoing revision of the EU Fisheries Control System to improve and digitalise their own traceability systems, as a means to improve the transmission of data along the supply chain and ultimately the information provided to consumers.<sup>2</sup> As the largest importer of seafood products in the world, improving traceability in the EU also means the urgent adoption and mandatory use of an EU wide database for fish imports and therefore the use of the Commission's IT system CATCH by all Members States and economic operators alike.<sup>3</sup>

Importantly, the Farm to Fork Strategy should not be used to promote fish consumption as an alternative to meat and lead to an increase of fish consumption across the EU. On the contrary, given the situation of fish stocks worldwide and the impacts of fishing activities on marine ecosystems, and also taking into consideration the fact that on average, EU citizens eat more fish than recommended by scientists, the

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<sup>1</sup> See: <https://www.clientearth.org/latest/latest-updates/opinions/overfishing-why-funding-fuel-could-cause-eu-fisheries-to-tank/>.

<sup>2</sup> <https://www.es.clientearth.org/la-revision-del-sistema-de-control-de-la-pesca-en-la-ue-una-reforma-necesaria/>

<sup>3</sup> <https://www.clientearth.org/latest/latest-updates/events/going-digital-why-an-eu-wide-database-can-help-stop-imports-of-illegal-fish/>

message to the public should rather be “eat less, but better fish” – fully traceable fish that is responsibly sourced and comes from sustainable sources or from low-impact fisheries.

## Foster economic and social recovery

To tackle the economic and social crisis resulting from the pandemic, climate change and biodiversity loss, national governments and the EU are going to invest a large amount of money into the Blue Economy sector. It is key that this public money is not spent on subsidies which are harmful for the environment, but rather invested in policies that will enable the marine environment to recover and to sustain a fair and resilient Blue Economy.

Together with its partner NGOs, ClientEarth has developed two position papers on how to tackle the COVID crisis and ensure a green recovery for our oceans and seas.

The first paper, ‘Setting the Right Safety Net: a framework for fisheries support policies in response to COVID-19’,<sup>4</sup> develops ten principles which should be used as a framework to assess whether fisheries support policies in response to COVID-19 will aid the path towards a healthier fishing sector, public and marine environment.

These principles are:

- Concurrent crisis response;
- Efficiency;
- Rationality;
- Speed;
- Institutional integrity;
- Anti-abuse;
- Consultation;
- Clarity and transparency;
- Conditionality;
- Integration.

The second paper, ‘Turning the Tide on EU Seas with a Green Recovery’,<sup>5</sup> provides examples of investment opportunities to illustrate how a Green Recovery for the oceans is possible. It shows how actions aimed *inter alia* at actively restoring marine ecosystems, enabling transparent, accountable and more selective fishing activities or stopping plastic pollution at its source would contribute to a sustainable recovery at sea.

## Guidance on the use of EU funds for the period 2021-2027

### Rapid change

One of the key issues that the planned Communication on the Sustainable Blue Economy aims to tackle is rapid change. Rapid change is understood as being *inter alia* the development of new and advanced IT

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<sup>4</sup> <https://www.documents.clientearth.org/library/download-info/setting-the-right-safety-net-a-framework-for-fisheries-support-policies-in-response-to-covid-19/>

<sup>5</sup> <https://www.documents.clientearth.org/library/download-info/turning-the-tide-on-eu-seas-with-a-green-recovery/>

tools. As indicated above, in order to meet the objectives of the European Green Deal and of the Farm to Fork Strategy, it will be key to implement a more effective traceability system for fisheries products, using the new IT tools at our disposal. In addition to that, modern monitoring and control technologies, such as REM/CCTV, shall also be more widely used and could assist with data collection for fisheries. It is key that EU funds for the 2021-2027 period strongly support the implementation of these tools.

## The EU as a global leader in the sustainable use of oceans and marine resources

In its roadmap, the Commission indicates that: *“the new approach to sustainable blue economy is bound to confirm the EU’s role as standard setter in environmental technology and leader in the sustainable use of oceans and marine resources, thus underpinning the EU’s policy on international ocean governance”*. At the moment, negotiations are ongoing at the World Trade Organisation (WTO) level on the elimination of harmful fisheries subsidies. What is necessary in that context is that the EU lives by its commitment to be a true leader in international ocean governance and not only advocates for an ambitious agreement to be reached at the WTO level, but also leads by example and bans harmful fisheries subsidies in its next European Maritime and Fisheries Fund (EMFF). It should also dedicate sufficient resources exclusively to protect and restore marine biodiversity. In a recent report, the European Court of Auditors explicitly recommended that by 2023, the Commission, together with the Member States, identify how to increase the contribution of the EMFF to marine conservation objectives. The Court noted that in the four Member States it visited to prepare its report, only 6% of EMFF money was spent on conservation measures. NGOs have long been advocating for 25% of EMFF money to be ring-fenced for nature protection.

## Conclusion - Compartmentalisation

In its roadmap, the Commission rightly notes that the multitude of sectors covered by the Blue Economy *“need to adopt a coherent approach if they are to meet sustainability objectives, including those on pollution, biodiversity and climate change”*. To do so, there should be, at all levels, a common understanding of the issues at stake and, in turn, concerted and coherent actions to tackle them. To that end, the different EU institutions and services involved should push for a coherent, honest and non-misleading message when it comes to the evaluation of the real status of EU fisheries and of the EU marine environment.<sup>6</sup>

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<sup>6</sup> See for example: <https://www.documents.clientearth.org/wp-content/uploads/library/2020-07-30-lets-get-the-numbers-right-what-proportion-of-fish-stocks-are-sustainably-managed-in-the-eu-ce-en.pdf>.