



# MINUTES

## FOCUS GROUP CLIMATE & ENVIRONMENT

Virtual meeting via Teams

Thursday 26 September 2024, 10:30 – 12:00 CET

### 1. Welcome and introductions

The Chair Alexandra Philippe welcomed all participants to the meeting. The agenda was adopted as drafted. Action points from last meeting (virtual, 13 October 2023):

1	Members to submit comments using the Excel table circulated by the Secretariat along with all additional information by 20 October
2	Secretariat to draft advice based on information received and taking into account today's discussions
3	Secretariat to circulate draft minutes of the meeting as soon as possible
4	Secretariat to circulate updated Terms of Reference for approval.
5	Following approval of the ToR, Secretariat to reach out to all NWWAC members to attract additional members.
6	Secretariat to keep members informed of Commission communications regarding membership in the Energy Transition Partnership and workshop on 28 November

All action points were completed.

### 2. NWWAC advice and COM response

The Chair mentioned the NWWAC advice on the Communication from the Commission “On the Energy Transition of the EU Fisheries and Aquaculture sector” and DG MARE’s response to it, received in March 2024.

The AC had asked was about the Energy Transition Partnership (ETP) and if the AC could get involved. The Commission replied positively to this proposal and added that is looking forward to the AC feedback on addressing the technology gap. DG MARE acknowledged the financing issues linked with the energy transition and the question of defining fishing capacity.

Overall, most of the work will be done at the ETP level. Therefore, the Chair proposed to focus into that rather than produce a counter-response to DG MARE’s letter.

John Lynch raised the issue of available technology which also Vitcheva referred to in relation to EMFAF financing opportunities. These however are quite restricted to finance more energy efficient machinery. In his view, the AC should be prepared to give advice to the Commission coming up to the next funding programme on how to deal with the financing of more energy efficient equipment



and machinery. He added that ETP events have been useful and providing relevant information, but the technology hasn't been evolved and the Commission have stated that they would allow the private sector to drive the technological development. *"I think that those are significant gaps for our sector"*.

In the Chair's opinion, what the the Commission is saying in the the Communication is that it is already possible to advance in the energy efficiency with some technology already available, but it costs a lot, especially in relation to alternative fuel. She suggested to review a study by DG MARE on the technology available that the Commission mentioned in their response. Overall, she agreed that the AC needs to be prepared for the next funding programme, even if the fund remains relatively small and it might be difficult to finance the transition with it. Maybe other types of investment could be considered to target research and development of technology applicable to fishing vessels.

The Chair then mentioned the AC application to join the ETP support group. This support group will be created to be very active in the work on the roadmap that is supposed to be published by the end of the year. The NWWAC applied to the group, but it seems to be a lot of involvement and it's still unclear whether the AC human resources will allow that. *"We will do our best to to be a really a part of this process"*.

Matilde Vallerani added that hopefully more information will be communicated at the next Inter-AC meeting on 4 October.

**ACTION:** Keep the topic of funding support to energy efficiency technology on the agenda of this Focus Group.

### **3. Progress to date on EU Nature Restoration Regulation and MSFD Seabed Thresholds – Richard Cronin, DHLGH**

Slides are available [here](#). Following Cronin's presentation, the Chair opened the floor for questions.

Lynch asked Cronin to define the difference between restoration and protection. He also questioned how far restoration efforts should go, specifically in relation to areas that have been fished.

Cronin explained that when we talk about protection, we're referring to preserving something that is currently in a pristine or undisturbed state. For example, consider abyssal sediments in deep oceans—areas we can't easily reach. We might want to protect them because they serve as huge natural carbon stores, but there's no need for restoration since they remain untouched and undamaged. Similarly, hydrothermal vents, which are highly sensitive to human activity, need protection because they can't withstand any interference, but restoration isn't necessary as they're in good condition. Restoration comes into play when a habitat has been degraded or damaged. There might be a protected site with restoration objectives, such as restoring a population or extending a habitat. *"For example, if a habitat that supports a specific industry, like fishing, is degraded, we may need to restore it. However, restoring 90% of that habitat could essentially mean restoring all of it, which might conflict with ongoing activities like fishing. If the restoration effort isn't compatible with current activity, it could mean the end of that activity unless it adapts"*, said Cronin. In his view, it is important to identify the baseline condition of the habitat. This raises the question:



What year do we use as the reference point for what a "restored" habitat should look like? For instance, commercial fishing in certain areas under the European Union goes back to the 1970s. Should we use that period as the baseline, or something later like the Habitats Directive from 1991? The baseline we choose will greatly influence the restoration targets. Furthermore, there are cases where restoration may no longer be possible due to climate change or significant alterations to the environment. This is where exemptions come in, as some habitats simply can't be restored if they've fundamentally changed or ceased to exist.

Lynch found the baseline issue interesting and noted that, while anecdotal, there's no doubt that fishing had been taking place for much longer than since the 1970s. He mentioned that fishing likely became more industrialized around that time, but in many cases, nature would have evolved and adapted to this activity over the years. Lynch suggested that by moving away from fishing, we are now expecting nature to readapt to a new situation once again.

Cronin agreed with Lynch and added that if management of the ecosystem doesn't take into account the needs of all living things as well as humans, it will be impossible to meet environmental obligations. He also acknowledged another perspective, which influenced the creation of the Nature Restoration Law, where nature is seen as separate from humans. According to this view, humans and nature are in conflict, and the solution is to end the conflict by separating humans from nature. He noted that society's conversation on this issue is flawed, particularly as urban populations become disconnected from the realities of food production, which is contributing to a misunderstanding of humans' relationship with nature. The broader point he raised is that nature has adapted to human activities over time. Deciding on a reference condition for restoration will be a challenge, and ultimately, the discussion will lead to calls for reducing certain activities, such as less intensive farming and fishing, or different forestry practices. He also questioned how we currently balance environmental protection with food production. When consumers buy fish, meat, or milk, they don't directly pay for nature protection. While laws are in place to safeguard the environment, the current state of rivers and seas suggests that these regulations may not be sufficient. He argued that there should be a more direct link between the production of goods, such as food or energy, and environmental protection. Using carbon taxes as an example, he pointed out that while we now charge for burning oil and gas to incentivize renewable energy, there is no equivalent tax for food production. He acknowledged that such a tax would be highly unpopular, referencing the unrest in the Netherlands as an example of what can happen when these policies are implemented poorly.

Lynch commented on the potential impact of implementing a plan for an age of restoration and marine protected areas to achieve a good environmental status in Europe, particularly for fisheries and the seabed. If the EU were to adopt such measures while continuing to import food or fish from outside the EU where similar environmental protections are not in place, there are concerns about how EU industries would be able to compete. He noted that the product from European industries might become more expensive to cover the costs associated with restoration efforts, further complicating the competitiveness of local businesses against imports from regions with less stringent regulations.

The Chair fully agreed with the necessity for the industry to react ahead of the process because there is a tendency to be caught off guard. There is increasing involvement with ACs, ICES and the



scientific process, which may help clarify the data needed for the initial steps. However, she found it difficult to understand the Nature Restoration Law. While it seems beneficial to group all sectors under one regulation, it complicates interactions with other legal instruments like the MSFD. *“In my view, separate descriptors should have been created for restoration, and perhaps binding targets could have been established”*, she said. She felt that the situation is challenging in terms of stakeholder engagement. There are missing steps in the current framework, and it’s hard to access the necessary descriptors. *“While we are working with threshold values and joint recommendations, decisions are being made administratively. This leaves a gap in stakeholder engagement, leading to democratic problems”*. The legal framework seems outdated compared to current requirements for engagement, and while thresholds like the 10% pressure on the seabed are being implemented, there is already a revision of the MSFD ongoing and stakeholders are missing the chance to contribute before reacting. This is a significant issue. Regarding MPAs, the Chair agreed that strictly protected areas weren't the original policy decision. On restoration, she wondered whether passive restoration is being considered beyond fisheries restrictions. Finally, she asked about the MSCG voting system, whether it is consensus-based or majority-based.

Cronin explained that Article 25 of the MSFD establishes a committee to assist the European Commission in decision-making. He highlighted the need for active participation, criticizing the passive involvement of groups like the NWWAC and noting that meaningful participation leads to better outcomes through collaboration and understanding. Consultation, in contrast, often becomes a mere "box-ticking" exercise. On restoration efforts, Cronin differentiated between passive restoration, which focuses on reducing environmental pressure, and active restoration, which requires hands-on efforts in ecosystems like reefs and salt marshes. He noted that large-scale restoration techniques like ocean engineering are risky and not currently a focus at the EU level. Cronin also criticized the separation of nature restoration from the MSFD, calling it unnecessarily complex, and emphasized the importance of regional and sectoral flexibility in marine regulations. On expert groups, Cronin emphasized the need for stakeholder involvement, particularly in discussions on sea floor threshold values and marine litter, where fishing gear is a key issue. He stressed that sectors with relevant expertise are often absent from these discussions, and changes are needed to allow for broader participation. Cronin highlighted the difficulties Member States face working with bodies like the Joint Research Centre and the European Environment Agency, advocating for more voices in decision-making processes. Regarding MPAs) Cronin expressed concern over the interpretation of "strictly protected" as a complete ban on human activity, arguing that this approach is unscientific and impossible to enforce. He pointed out that marine scientists do not support this extreme view and emphasized the need for a more practical, scientifically grounded approach to MPAs.

The Chair acknowledged the importance of the MSCG and other expert-level groups, noting that while following everything requires significant human resources, the NWWAC will try their best. She also felt that if the AC agreed to provide advice on the MSFD, this would facilitate the AC contributions during meetings. Currently, the Advisory Council representatives can only voice agreed-upon positions from all stakeholders.

Cronin expressed frustration about the effectiveness of subordinate groups within the MSCG. He suggested that these groups often do not produce practical solutions, describing meetings as



unengaging and not productive. He emphasized the importance of utilizing human resources effectively, for example by leveraging networks to identify and nominate knowledgeable individuals to represent the AC's interests in these groups. He pointed out that representatives do not need formal affiliation with an organization, just a trusted nomination. He also highlighted a significant gap in representation within the socio-economic subgroup of the MSFD, noting that it primarily consists of academic economists and lacks input from social and cultural perspectives related to marine environments. He believes that this missing input is crucial for comprehensive discussions and has been overlooked since 2016. Currently, he feels the group is not fulfilling its potential, as they are focused on assessing the cost of marine degradation without considering broader impacts on communities and identities.

#### 4. Next steps

The Chair proposed that the AC develops advice on the MSFD. She recalled previous work done by the NSAC related to this topic and emphasized the importance of considering the interconnections with the Nature Restoration Law in the discussions. The advice should advocate for a more effective and thoughtful approach to participation, highlighting the need for broader engagement and creative solutions to enhance the input and involvement of various stakeholders in the process.

**ACTION:** The Focus Group will work on drafting advice on stakeholder engagement in MSFD processes.

#### 5. Summary of actions agreed

- 1) Keep the topic of funding support to energy efficiency technology on the agenda of this Focus Group.
- 2) The Focus Group will work on drafting advice on stakeholder engagement in MSFD processes.

#### 6. Participants

Name	Organisation
Richard Cronin	Irish Department of Housing, Local Government and Heritage
Falke de Sager	Rederscentrale
John Lynch	ISEFPO
Alexandra Philippe	EBCD
Corentine Piton	France Peche Durable et Responsable
Matilde Vallerani	NWWAC Secretariat