

Recommendation n.º 82

European Ocean Act, for the Outermost Regions

Having regard to the call for evidence and the public consultation launched by the European Commission in the course of preparing the “European Ocean Act”, an initiative provided for under the European Ocean Pact and geared towards strengthening the coherence, the coordination and the effective implementation of the European Union's maritime governance;

Whereas the European Commission identifies as the central objectives of this initiative the creation of a common point of reference for the economic, climate, environmental and social targets relating to the ocean, the modernisation of maritime spatial planning, the coordination of the European Ocean Observing System, the simplification of reporting obligations and the reduction of the administrative burden;

Whereas the European Ocean Pact rests on six priorities, including the protection and restoration of ocean health, the competitiveness of a sustainable blue economy, support for coastal and island communities and for the Outermost Regions (ORs), marine research and innovation, maritime security and international ocean governance;

Having regard to the structural specificities of the Outermost Regions (ORs) — *Saint Martin, Guadeloupe, Martinique, Guyane Française, Açores, Madeira, Canarias, Mayotte and La Réunion* —, in particular their remoteness from mainland Europe, their double insularity, the small size of their markets, their dependence on the maritime sector, their climate vulnerability, the importance of small-scale fishing, the potential for sustainable aquaculture development and their limited administrative capacity;

Whereas Article 349 of the Treaty on the Functioning of the European Union recognises the specific characteristics and constraints of the ORs and allows for the adoption of measures adapted to our reality, including in the fields of sustainable fisheries and aquaculture, State aid, access to the structural funds and the horizontal programmes of the European Union;

Whereas Article 17 of the Common Fisheries Policy highlights the need for coordination between the various European policies affecting the oceans, ensuring that environmental, social and economic criteria, as well as the specific characteristics of the ORs, are effectively taken into account;

Having regard to the need to ensure coherent ocean governance, founded on the best available evidence, on the effective participation of stakeholders, on the enforcement of existing legislation and on recognition of the strategic role of the ORs;

The Advisory Council for the Outermost Regions (CCRUP) hereby issues the following

recommendation on the European Ocean Act, with the aim of ensuring that the future legislative initiative fully acknowledges the reality of the ORs, fosters the balanced coexistence of the uses of the sea, strengthens the environmental and economic sustainability of maritime activities and avoids one-size-fits-all approaches that fail to reflect the diversity of the outermost territories.

1. The ORs as a strategic dimension of European ocean policy

The ORs give the European Union a maritime presence that is both unique and global, spanning different ocean basins (West Atlantic, East Atlantic and Indian Ocean) and carrying a geostrategic, environmental, scientific, food-related and economic relevance that far exceeds their territorial scale. Since the waters of the ORs are known for their high biodiversity, it is essential that the European Ocean Act include an approach suited to our territories, avoiding a predominantly continental view of ocean governance.

For the CCRUP, recognition of the ORs must not be confined to a political mention. It must translate into operational instruments, dedicated indicators, tailored consultation mechanisms, adequate funding, regulatory flexibility and differentiated impact assessments, in particular where what is at stake are maritime spatial planning measures, restrictions on access to fishing grounds, environmental targets, data collection, the energy transition, the protection of vulnerable marine ecosystems or the application of new reporting mechanisms.

2. Regulatory coherence, subsidiarity and simplification

The European Ocean Act must add coherence to the existing framework, rather than create an additional layer of parallel or contradictory obligations. Its usefulness will depend on its capacity to articulate clearly the Common Fisheries Policy (CFP), the Marine Strategy Framework Directive, the Maritime Spatial Planning Directive, the legislation applicable to deep-sea fisheries, the biodiversity targets and the instruments relating to the blue economy, to maritime security and to ocean observation.

The CCRUP considers it essential that the future initiative respect the division of competences between the Union and the Member States and preserve the CFP as the dedicated framework for the conservation and management of marine biological resources. At the same time, it must ensure that the marine and fisheries legislation already in force is fully operationalised, monitored and enforced, so that the failure to implement existing instruments is not offset by new, uncoordinated obligations.

3. Maritime spatial planning, coexistence of uses and assessment of cumulative impacts

The growing pressure on maritime space stems from the accumulation of legitimate uses and objectives: nature conservation, fisheries, aquaculture, marine renewable energy, maritime transport, tourism, submarine cables, scientific research, security, defence and, in some ORs, IUU fishing, in particular by foreign vessels. In the ORs, where accessible fishing grounds may be limited and fleets and aquaculture facilities are frequently small-scale or coastal, any spatial change may have disproportionate effects on economic viability, on the passing of the activity from one generation to the next and on local food sovereignty.

Against that background, maritime spatial planning must remain an instrument for organising and balancing the coexistence of uses, and not an automatic mechanism for displacing existing activities. The designation of protected areas, strictly protected zones, zones dedicated to new uses or exclusions of activity must be preceded by independent environmental, social and economic assessments, including an analysis of cumulative impacts, of the effects of displacement of fishing effort and of the alternatives available.

4. Sustainable fisheries and aquaculture, food sovereignty and a just transition

Commercial fishing, and in particular the low-impact small-scale fishing and aquaculture that predominates in the ORs, are activities that give structure to coastal communities, to the maintenance of local employment, to the passing on of traditional knowledge, to the production of healthy food and to territorial resilience. The European Ocean Act must recognise that strategic function and ensure that ocean protection and the ecological transition do not lead to the marginalisation of the communities that depend directly on the sea.

We further underline the need to consider the transition towards our selective, low-impact fleets as the benchmark for the progressive transformation of the sector. That transition must be just, science-based, accompanied by funding, training, innovation and genuine technical alternatives, and directed towards the progressive reduction of destructive practices, in particular within marine protected areas (MPAs).

Ultimately, the precautionary principle should not hinder the development of fisheries and aquaculture, and its application should be compatible with the objectives of food sovereignty and food security, as well as with ensuring adequate standards in the areas of health, social protection and the environment.

The CCRUP considers that any development of aquaculture in the ORs should be restricted to

small-scale production models, based on species that do not require intensive feeding using fishery resources, and designed as a complementary activity to small-scale fishing, particularly during periods when fishermen are unable to carry out their work, thereby avoiding the promotion of industrial-scale production that competes with fishery resources or jeopardises the marine environment.

5. Ocean observation, data collection and the knowledge held by communities

Ocean governance will only be effective if it rests on data that are robust, comparable and useful for decision-making. Strengthening European coordination of ocean observation is a significant opportunity to improve the collection, sharing and use of marine data. That dimension is of particular importance for the ORs, given their geographical distance, territorial dispersion and structural constraints.

The CCRUP nevertheless draws attention to the limitations of approaches based solely on the interpretation of information, without sufficient field data on the actual state of stocks, ecosystems and activities. The knowledge produced by fishers, professional organisations, non-governmental organisations, regional administrations, universities and research centres must be incorporated in a structured, transparent and verifiable manner, with due regard for scientific quality and for the value of operational knowledge.

6. Enforcement of existing legislation, vulnerable ecosystems and the precautionary principle

The effective protection of marine ecosystems requires the full and coherent enforcement of the legislation already in place, including the instruments relating to deep-sea fishing, to vulnerable marine ecosystems, to marine protected areas, to the protection of biodiversity (including invasive algae and agricultural contaminants), to the fight against illegal, unreported and unregulated fishing and to the international obligations of the European Union.

The CCRUP considers that the effectiveness of the European Ocean Act will also depend on its capacity to promote implementation, coordination and transparency, and not merely on the setting of new objectives.

In fields marked by high scientific uncertainty and potentially irreversible impact, such as deep-sea mining and certain forms of marine geoengineering, the precautionary principle must prevail. The European Union must adopt a clear and consistent position within its own maritime areas and in international fora, having regard to the particular vulnerability of the ecosystems of the ocean basins of the ORs.

Accordingly, **the CCRUP recommends that the European Commission:**

1. **Include a specific chapter or article devoted to the ORs** in the European Ocean Act, with explicit recognition of their strategic role, of their specificities under Article 349 TFEU and of the need for differentiated instruments of implementation, funding, monitoring and evaluation.

2. **Ensure complementarity with the Common Fisheries Policy** by making it clear that the European Ocean Act neither replaces nor weakens the CFP as the dedicated framework for the conservation and management of marine biological resources, and should instead strengthen coherence between ocean policies, without regulatory duplication or legal uncertainty.

3. **Opt for a legislative architecture that is effective and enforceable** by considering the form of a European Union regulation or, should another legal form be chosen, by guaranteeing minimum binding provisions that are directly verifiable and uniformly applicable in the fields of coordination, governance, reporting, ocean observation and the monitoring of targets.

4. **Strengthen governance by sea basin and by territory** by guaranteeing mechanisms for the effective consultation of stakeholders, with the participation of professional fishing and aquaculture organisations, environmental organisations, regional authorities, coastal communities, scientists and users of the sea.

5. **Treat maritime spatial planning (MSP) as an instrument of coexistence** by ensuring that MSP does not become an exclusively environmental tool, or one for the preferential allocation of new uses, but rather a transparent, adaptive and balanced process between conservation, food, energy, transport, security, research and socio-economic development.

6. **Make prior assessment of cumulative impacts mandatory** including environmental, social, economic and territorial impacts, before any measure that restricts access to maritime space or significantly alters areas traditionally used by commercial fishing, in particular by the coastal and small-scale fleets of the ORs.

7. **Recognise the food sovereignty and resilience of the communities of the ORs** as a strategic objective of European ocean governance, on an equal footing with environmental protection and the energy transition, ensuring that sustainable local fish production in the ORs is valued rather than penalised by one-size-fits-all measures.

8. **Promote a just transition towards low-impact fisheries** taking as a benchmark the selective, lower-impact practices found in the majority of OR fleets, supporting innovation, training, the safe modernisation of vessels and the progressive replacement of destructive practices, with realistic timetables, consultation of the sector and adequate funding.

9. **Ensure an energy transition** for the fishing fleets of the ORs that is tailored to the technical, operational and economic characteristics of the different fleets and fishing gear. Ensure that investments in new technologies, propulsion systems and lower-emission fuels are accompanied by adequate funding, realistic transition periods and support for the adaptation of the port and supply infrastructure necessary for their use. Ensure also that any changes to the technical characteristics of vessels resulting from the adoption of new energy technologies are assessed taking into account the specific characteristics of small fleets and without compromising their economic and operational viability.

10. **Give priority to specific, proportionate and coherent protection of marine protected areas**, in line with their conservation objectives (for example: bird-scaring devices on longliners for a marine area intended to protect birds, or the rerouting of maritime traffic, such as cargo vessels, where noise is identified as the principal source of disturbance).

11. **Establish a regular, scientifically grounded review of Vulnerable Marine Ecosystems (VME) closures** by ensuring that the updating of areas protecting VME takes place at appropriate intervals, on the basis of the best available science, of field data and of the participation of users of the sea and of the competent regional authorities.

12. **Avoid a proliferation of reporting obligations** by creating an information system that is simplified, interoperable and proportionate to the administrative and technological capacity of the ORs and of small organisations, without shifting excessive administrative costs onto operators and associations.

13. **Regulate and ensure that removal is promoted** of invasive algae and of agricultural contaminants in our waters.

14. **Include climate adaptation mechanisms and periodic review** by providing for maritime spatial planning plans and measures to be reviewed in the light of shifts in species distribution, acidification, ocean warming, extreme events and new scientific evidence, while avoiding the paralysis of uses in a context of growing uncertainty.

15. **Uphold the precautionary principle in relation to deep-sea mining and marine geoengineering** by supporting an international moratorium or precautionary pause for as long as there is insufficient scientific knowledge, robust governance mechanisms and guarantees that no serious or irreversible harm will occur, including in the basins of the ORs.

16. **Guarantee dedicated funding and technical assistance** so that the ORs are able to take full part in the implementation of the European Ocean Act, including data collection, enforcement, the ecological transition, administrative capacity-building and the involvement of communities.

17. Create a monitoring dashboard with OR indicators integrated into the future monitoring system of the European Ocean Pact, allowing transparent oversight of the delivery of targets relating to sustainable fishing and aquaculture, habitat protection, food sovereignty, coastal employment, administrative burden, public consultation and investment in the ORs.

18. Ensure that the new European targets are territorially proportionate avoiding one-size-fits-all approaches that take no account of the geography, fleet size, scientific capacity, economic structure, food dependency and logistical constraints of the ORs.

19. Guarantee the protection of traditional knowledge and the fair sharing of benefits: Urge that the future legislation incorporate specific mechanisms to protect the traditional knowledge of the fishers of the ORs, recognising the value of that knowledge in the sustainable management of resources. Effective participation protocols should be established so that local small-scale fishing communities take part in the sharing of the benefits arising from research into and the exploitation of marine resources in the ocean basins of the ORs, preventing the misappropriation of their cultural and technical heritage.

The CCRUP therefore considers that the European Ocean Act may represent a significant opportunity to improve the coherence of European ocean policy, to reduce administrative fragmentation, to strengthen the enforcement of existing legislation and to place the ocean at the heart of an integrated strategy of sustainability, competitiveness, knowledge and resilience.

That opportunity will only materialise if the future legislative initiative fully recognises the ORs as strategic maritime territories of the European Union, if it respects subsidiarity and the existing legislative frameworks, if it secures the effective participation of stakeholders and if it strikes an objective balance between the protection of marine ecosystems and the continuation of activities that are sustainable and essential to coastal communities.

Opinion of *Organización de Productores Asociados de Grandes Atuneros Congeladores* (OPAGAC), of *Organisation des Producteurs de Thon Congelé et Surgelé* (ORTHONGEL) of *Europêche* and of *Comité National des Pêches Maritimes et des Élevages Marins* (CNPMEM)

With regard to recommendation n.º 8, the organisations OPAGAC, ORTHONGEL, *Europêche* and CNPMEM consider that a just transition towards low-impact fishing in the ORs should be promoted, strengthening the monitoring of fleets based in the ORs and supporting innovation, training, the safe modernisation of vessels and the progressive replacement of destructive practices¹, with realistic timetables, consultation of the sector and adequate funding.

Opinion of *Organización de Productores Asociados de Grandes Atuneros Congeladores* (OPAGAC), *Organisation des Producteurs de Thon Congelé et Surgelé* (ORTHONGEL) and *Europêche*

With regard to recommendation n.º 19, the organisations OPAGAC, ORTHONGEL and *Europêche* consider that the protection of traditional knowledge and the fair sharing of benefits should be guaranteed, and that the systems for monitoring and controlling fishing in the ORs should be strengthened in order to identify fishing activities and their impacts on marine resources. They further take the view that EU Member States should be encouraged to consider mechanisms protecting the traditional knowledge of the fishers of the ORs, recognising, where appropriate, its value in the sustainable management of resources. Each Member State should consider establishing effective participation protocols enabling fishing communities to take part in the sharing of the benefits arising from research into and the exploitation of marine resources in their ocean basins, preventing the misappropriation of their cultural and technical heritage.

¹ FAO. Code of Conduct for Responsible Fisheries (1995), which establishes the prohibition of the use of "dynamite, poisons and other destructive fishing practices"; European Commission. Communication COM(2007) 604 final, "Destructive fishing practices in the high seas and the protection of vulnerable ecosystems"; Regulation (EU) 2018/973 of the European Parliament and of the Council, recital 2, which recalls the European Union's commitment to putting an end to "destructive fishing practices".

Opinion of *Asociación Tinerfeña de Amigos de la Naturaleza*, of *Federación Provincial de Cofradías de Pescadores de Santa Cruz de Tenerife* and Sciaena

With regard to recommendation n.º 9, the *Asociación Tinerfeña de Amigos de la Naturaleza*, the *Federación Provincial de Cofradías de Pescadores de Santa Cruz de Tenerife* and Sciaena consider that priority should be given to the effective protection of marine protected areas, guaranteeing the prohibition of fishing practices and other activities incompatible with their conservation objectives, including bottom trawling, industrial aquaculture and other destructive fisheries and activities² or non-selective ones, as well as, where appropriate, bottom-set or surface longline fishing methods that generate a high bycatch of protected or threatened species, while permitting surface fishing with hook and line wherever this is compatible with those objectives.

Furthermore, the conservation of marine protected areas must be incompatible with any activity liable to damage marine habitats, to contribute to the overexploitation of fisheries resources, to cause the bycatch of protected or threatened species, or to generate significant environmental impacts. Likewise, activities liable to produce discharges, to alter the ecological status of the marine environment or to compromise the maintenance or recovery of a favourable conservation status of ecosystems must be excluded.

In particular, intensive aquaculture activities must be excluded where, by reason of their characteristics, location, size or production system, they are liable to cause excessive enrichment with nutrients and organic matter, alteration of the seabed, the spread of diseases and parasites, the introduction of non-native species, the escape of farmed specimens or any other impact incompatible with the conservation objectives of the marine protected area.

Consequently, they consider that any activity liable to compromise the natural values, habitats or species that gave rise to the designation of the protected area must be excluded or, where appropriate, made conditional on scientific proof of its compatibility with the conservation objectives.

² FAO. Code of Conduct for Responsible Fisheries (1995), which establishes the prohibition of the use of "dynamite, poisons and other destructive fishing practices"; European Commission. Communication COM(2007) 604 final, "Destructive fishing practices in the high seas and the protection of vulnerable ecosystems"; Regulation (EU) 2018/973 of the European Parliament and of the Council, recital 2, which recalls the European Union's commitment to putting an end to "destructive fishing practices".

Opinion of *Asociación Tinerfeña de Amigos de la Naturaleza* and of *Federación Provincial de Cofradías de Pescadores de Santa Cruz de Tenerife*

The *Asociación Tinerfeña de Amigos de la Naturaleza* and the *Federación Provincial de Cofradías de Pescadores de Santa Cruz de Tenerife* do not agree with the following statement in the third paragraph of point 4: «Ultimately, the precautionary principle must not hinder the development of fisheries and aquaculture [...]», considering that this is fundamentally incompatible with the strict application of the precautionary principle advocated by the recommendation in other sections.