Recommendation n.º 86

Actual impacts on the fisheries sector in the Outermost Regions of the closure of marine areas for the protection of Vulnerable Marine Ecosystems

The true scale of the impact of closing a fishing area in an Outermost Region (OR) is not the percentage of its Exclusive Economic Zone (EEZ) formally covered, but the percentage of the area that is actually fishable, productive and accessible and that ceases to be available, together with the displacement of effort and the effects on the entire value chain. Accordingly, with regard to the actual impacts on the coastal fisheries sector in the waters of the ORs, we submit the following:

Having regard to our Recommendation n.º 30, in which asked the European Commission to request a specific scientific support to study Vulnerable Marine Ecosystems (VMEs) in the ORs, including coastal areas and deep-sea areas and the various relevant bathymetric zones, taking into account the specific characteristics of each region and the competent scientific bodies in each geographical area;

Having regard to our Recommendation n.º 55 on Maritime Spatial Planning, which drew attention to the need for decisions based on robust science, effective participation, gradual implementation, continuous monitoring and adequate compensation, bearing in mind that in the ORs the area actually available for fishing may represent only a very small fraction of their EEZ. In oceanic territories, fishing is concentrated on coastal strips, slopes, banks and seamounts. A polygon that is small on the scale of the EEZ may remove a large share of the usable fishing grounds and of the areas of highest productivity or operational safety;

Having regard to our Recommendation n.º 72, which characterises small-scale fishing in the ORs as commercial, traditional and environmentally friendly fishing, with a low impact on fishery resources, on which coastal communities are strongly dependent, and which relies on the ability to alternate areas, depths and species according to the state of the sea, seasonality, the vessel's range and quotas. The fragmentation of space reduces alternatives, increases sailing time and may force vessels to operate in less safe weather or bathymetric conditions;

Having regard to Article 349 of the Treaty on the Functioning of the European Union (TFEU), which allows specific measures to address the permanent structural, social and economic constraints of the ORs, including remoteness, insularity, the small size of their markets and dependence on a small number of activities;

Whereas Regulation (EU) 2016/2336 applies specific requirements to operations with bottom gears at depths of more than 400 m and prohibits such gears in the areas listed as areas where VMEs are known to occur or are likely to occur, while Implementing Regulation (EU) 2022/1614 delimited the polygons currently closed in Union waters of the North-East Atlantic, within the territorial and material scope of application of this Regulation;

Whereas the legal framework applicable to the protection of VME is not identical across the nine ORs; consequently, protection measures must be assessed taking into account the location of each OR, the applicable legal regime and the ecological and fisheries characteristics of the affected areas;

Whereas the General Court of the European Union, by judgment of 11 June 2025, in Case T-681/22, Spain v Commission, dismissed the action brought against Implementing Regulation (EU) 2022/1614, a judgment which was the subject of an appeal by Spain to the Court of Justice of the European Union in Case C-562/25 P;

Whereas the VME closures come on top of marine protected areas, maritime spatial planning, renewable energy, telecommunications cables, defence, navigation, fishing quotas, technical measures and climate change, and whereas assessing each restriction in isolation underestimates the cumulative loss of space, income and resilience;

Whereas the legal category of bottom gears includes mobile gears and static gears in contact with the seabed, although their respective mechanisms, intensity and extent of impact may be materially different;

Whereas the Scientific, Technical and Economic Committee for Fisheries (STECF), in its STECF report 24-09, observed between 2022 and 2023, in the statistical rectangles containing existing closures and for bottom-contacting gears, an aggregate reduction of 16% in fishing days, 20% in landings and 11% in value, but expressly cautioned that these results are preliminary, do not isolate the causal effect of the closures and cannot be extrapolated to the ORs, nor do they, in themselves, allow the observed variations to be attributed solely to the closures of the VME;

Whereas the direct economic effects may include reduced catches and income, longer and more costly trips, loss of regularity of supply, devaluation of licences and vessels, reduced capacity to retain crews and greater exposure to price fluctuations. These effects should be measured by vessel, fishing gear, port and region, and not merely by national average;

Whereas the existing data on small-scale fishing in the ORs are deficient, in many cases lacking georeferenced depth information, which prevents an accurate determination of the environmental and socioeconomic impacts, and whereas this uncertainty should trigger greater investment in data collection, gradual measures and adaptive review, and should not operate automatically against this part of the sector, which is under-represented in current databases;

Whereas the same report identified particularly serious gaps for Portugal and for small-scale fishing, namely the lack of vessel-level data, the insufficient representation of vessels without a vessel monitoring system (VMS) or electronic logbook, the absence of the depth variable and a spatial resolution much coarser than that of the VME polygons;

Whereas the STECF recognised that local displacements of small-scale fishing are not detected by aggregated data and that the assessment should incorporate the effort-concentration effect, the interactions between gears, other management measures, such as the distribution of species, and the quality of the reference scenario;

Having regard to the information presented to our Working Group on Benthic and Demersal Fisheries, in March 2026, according to which ICES is developing methods to assess the intensity and impact of static gears, with a methodological review scheduled for 2027 and a possible progressive integration of OR-specific elements in subsequent work;

Whereas VME provide important ecosystem services and, consequently, the evaluation of protection measures must take into account, as a whole, the expected environmental benefits, the socioeconomic costs to fishing communities and the possible indirect effects arising from the displacement of fishing effort;

Finally, whereas the fisheries sector of the ORs does not dispute the need to protect VMEs and has taken part in the creation of marine protected areas, but demands that conservation deliver verifiable benefits without causing, through inadequate design, the collapse of small-scale fishing activities that depend on a very limited fishable area.

In view of the above, the CCRUP recommends to the European Commission and the Member States concerned that they:

1. In collaboration with ICES and the relevant regional and national scientific, promote specific studies for the ORs, following up on our Recommendation n.º 30, covering coastal and deep-sea areas, as well as the various relevant bathymetric zones, and producing: VME mapping and levels of uncertainty; where possible, assess the temporal evolution of the spatial distribution and fishing effort by gear type; overlap with the areas actually fishable; an assessment of the intensity of static gears; and management options that avoid significant adverse impacts through the least restrictive measures that enable conservation objectives to be achieved.

2. Promote, for the period 2027-2029, a specific scientific and socioeconomic programme for the ORs, funded by the European Union and the Member States, with guaranteed and effective participation from the relevant scientific and technical bodies from Portugal, Spain, France and the ORs themselves. The programme should establish harmonised methodologies and comparable data on the distribution of VMEs, fishing activity, the intensity of different fishing gears, the effects of protection measures and their socioeconomic repercussions, avoiding transferring to the fishing sector the costs resulting from a lack of scientific information. Similarly, it should ensure that methodologies and conclusions are properly adapted to the ecological, bathymetric, fishing and socioeconomic characteristics of each OR, avoiding the automatic extrapolation of results obtained in other regions or basins where there is insufficient scientific basis.

3. Adopt the area actually fishable as the central unit of impact, measuring, for each OR, port, segment and fishing gear: the percentage of the productive and accessible area closed; the actual existence of alternatives; the additional distance; days at sea; the costs of the closure for the fisheries sector; the volume of landings; the value of landings; crew income; and employment and economic activity onshore, with the percentage of the EEZ considered solely as contextual information, and taking into account seasonality, bathymetry, typical weather conditions, vessel autonomy and safety conditions for navigation.

4. Delimit closures with operational precision, aligning polygons, bathymetry and electronic charts and preventing cartographic uncertainties from producing, in practice, additional closures at depths not covered. The coordinates, grounds, data, margins of uncertainty and applicable rules should be public and accessible in formats that can be used on board.

5. Evaluate the displacement and of the concentration effect, including pressure on the remaining areas, conflicts between gears, maritime safety, fuel consumption, emissions and the redistribution of catches by species.

6. **Establish automatic compensation, sufficient and proportionate to the loss incurred,** with a specific allocation for the ORs under Article 349 TFEU and the coordinated mobilisation of the European Maritime, Fisheries and Aquaculture Fund (EMFAF) and of national instruments. Compensation should cover vessel owners, crew members and operators directly dependent on landings, additional costs, stoppages, gear adaptation and temporary loss of income, without excluding micro-enterprises through disproportionate administrative requirements.

7. **Introduce binding and adaptive ecological and socioeconomic monitoring,** with a baseline prior to the closure, indicators published for each OR, an annual report and a formal review no later than 24 months after entry into force. The review should make it possible to maintain, strengthen, reduce, redesign or lift measures in the light of the results on the status of VMEs, biomass, effort displacement and the viability of the sector.

8. **Guarantee the effective participation of the CCRUP,** from the definition of the terms of reference through to the validation of data and scenarios. The CCRUP should be invited to participate in consultation processes and relevant work carried out by ICES and STECF, in accordance with the applicable rules on participation, and should receive a reasoned response on the acceptance or rejection of the contributions submitted.

9. **Ensure coherence, control and equity among users of maritime space,** integrating VME closures, marine protected areas and other uses into a single map and assessment, and strengthening enforcement against illegal, unreported and unregulated fishing.