

BLUE MANIFESTO

THE ROADMAP
TO A HEALTHY OCEAN

Thriving marine and
coastal ecosystems for a
climate-resilient future

IN 2030



2021

Progress Assessment

Full Report



BLUE MANIFESTO



2021 Progress Assessment

Full Report

June 2022

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This report was produced in May and June 2022 on behalf of the six Blue Manifesto lead NGOs Seas At Risk, BirdLife Europe & Central Asia, Oceana, Surfrider Europe ClientEarth, and WWF by consultants Irene Kingma and Christine Absil from the Ocean Future Collective.

The assessment is based on analysis of institutional text and publications, NGO research and position papers as well as expert interviews and was reviewed twice by the lead NGOs. The final assessment represents a balance of opinions that does not necessarily represent in all aspects the internal position of the lead NGOs, their members, or the Blue Manifesto's endorsers, but is supported by the lead NGOs in its conclusions.



Summary

This report reviews the progress on the milestones of the Blue Manifesto, following these milestones should deliver a healthy ocean by 2030. This second assessment reviews progress towards achieving the milestones set for 2021 and updates the milestones for 2020. Of the eight milestones for 2021, only one is assessed as to be on track to be fully met, while two are on track to at least partly deliver on their targets. Three milestones are not met and two others have insufficient progress even for an indicative score. The 2020 scoring was adjusted for several milestones: one was scored down from green to yellow, one from yellow to red, and one milestone that could not be scored last year has now been scored yellow. This makes the revised overall outcome for 2020 more negative than initially reported, with four milestones not achieved, six only partly achieved and just two fully achieved. Even though delays caused by the Covid-19 pandemic still play a part in delaying progress the overall picture that emerges is that more effort will be needed to achieve the ambitions set out by the EU in the EU Green Deal and Biodiversity Strategy that are echoed in the Manifesto.

Introduction

In 2019, over 100 non-governmental organisations (NGOs) signed the [Blue Manifesto](#), a roadmap for policy makers and legislators on the choices that will need to be made to strengthen and improve the existing European Union (EU) marine policy framework. Where other policy papers provide recommendations and suggestions, the Blue Manifesto gives an operational timeline of the concrete steps that need to be taken now and in the coming years if Europe's seas are to thrive. Each year has specific milestones aligned to EU and international policy and legislation. Following these will ensure that Europe is on a path to a sustainable future, with flourishing healthy seas in 2030. The milestones are designed to be scored, allowing progress to be assessed each year. Where possible, they are linked to existing or scheduled policy and legislative processes.

The [2020 progress assessment](#) found that, due to delays caused by the Covid-19 Pandemic, most milestones had not been fully met, although a majority were on track to be partially achieved. Again in 2021, the COVID-19 pandemic caused delays in almost all EU files, including in the implementation of legislative files at Member State level.

























New 2021 Milestones and updated Milestones for 2020

The Blue Manifesto lists eight new milestones, many of which build on the milestones for 2020. The 2020 milestones that were not concluded in last year's assessment have now been reassessed and the update added to this year's score.

Overall result 2021

Nr	Milestone 2021	Text with targets	overall scoring
12	Control Regulation	EU revises the Control Regulation to ensure full compliance of the fishing sector with fisheries and nature laws (1), requiring fully documented and transparent fisheries (2), and to ensure that no products from IUU fisheries reach the EU market (3).	
13	Bycatch of Sensitive Species	EU countries implement effective fisheries management measures to eliminate bycatch of sensitive species (1)	
14	Maritime Spatial Plans	EU countries adopt ecosystem-based Maritime Spatial Plans which include at least 30% of highly or fully protected MPAs (1) and areas for human activities allocated based on ecosystem sensitivity (2)	
15	Common Agriculture Policy reform	EU adopts a fundamental reform of the Common Agricultural Policy that aims to stop the loss of nutrients from fertilisers and manure into soil and water bodies (1), causing eutrophication, by fully implementing EU water and nitrates legislation in agriculture (2)	
16a	Port Reception Facilities	EU countries transpose into national law the Directives on Port Reception Facilities (1) and on Single Use Plastics (2) with ambitious consumption reduction targets for food containers and beverage cups (2).	
16b	Single use Plastics		
17	Global Ocean Treaty	EU countries ratify and implement the Global Ocean Treaty (1)	
18	Emission Trading System	EU includes shipping in its Emissions Trading System (1)	

Updated results 2020

Nr	Milestone 2020	Text with targets	2020 score	2021 score
1	Biodiversity Strategy 2030	EU adopts a Biodiversity Strategy 2030 that protects marine sensitive species (1) and habitats (2) and fish stock recovery areas (3), eliminates destructive fishing (4) and includes legally binding ocean restoration targets (5).		
2	Farm to Fork Strategy	EU adopts a Farm to Fork strategy that fully takes into account the ecological and climate impacts of fisheries and aquaculture (1) and addresses responsible consumption (2) and sustainably and traceable seafood (3)		
3	Circular Economy Action Plan	EU adopts a new Circular Economy Action Plan that includes measures to reduce absolute resource use, including plastic (1), increase resource efficiency (2) and prevents leakage of plastics and microplastics in the sea (3)		
4a	Chemical Strategy &	EU adopts a Chemicals strategy for sustainability (1) and a Zero-pollution strategy (2) with clear goals to prevent exposure to harmful chemicals in air, soil and water (through the Water Quality Action Plan) to ensure a non-toxic environment for current and future generations		
4b	Zero Pollution Action Plan			
5	Offshore Wind Strategy	EU adopts an Offshore Wind Strategy which fully takes into account the impacts on marine ecosystems of the development of offshore wind energy production plants (1)		
6	European Maritime Fisheries and Aquaculture Fund	EU allocates at least 21 billion EUR of the Multiannual Financial Framework for 2021-2027 to protect nature (1), with at least 50% of the European Maritime Fisheries Fund to restore the marine environment, collect data and control fisheries (2), and revises the State Aid guidelines for fisheries and aquaculture to prohibit granting of harmful subsidies (3)		
7	Energy Taxation Directive	EU removes fuel tax exemptions for fishing vessels and shipping under the revised Energy Taxation Directive		
8	CBD Global Biodiversity Framework	EU pushes for the adoption of a Post-2020 Global Biodiversity Framework under the Convention on Biological Diversity with protection (1) and restoration (2) targets for marine ecosystems globally.		
9	Sustainable shipping at IMO	EU pushes for the adoption of urgent short-term measures at the International Maritime Organization to ban Heavy Fuel Oils in the Arctic (1) and reduce ship speed (2) to decrease GHG emissions, noise levels and whale strikes.		
10	Global Ocean Treaty	EU pushes for the adoption of an ambitious Global Ocean Treaty to protect marine biodiversity in areas beyond national jurisdiction worldwide at the 4th session of the Intergovernmental Conference on Biodiversity Beyond National Jurisdiction.		
11	Moratorium on Deep Seabed Mining	EU establishes a moratorium on deep seabed mining (1), stops financial support to research into deep seabed mining technology (2) and, with EU countries, pushes for the adoption of a global moratorium in the International Seabed Authority (3).		

Assessment method

For the 2020 assessment a method was developed that defines progress indicators for each of the milestones and their sub-targets.

The assessment is two-sided, one side is the scoring of the progress in the processes associated with the milestones, this is scored in percentage towards completion. The other side is the delivery of the sub-targets within the milestone, this is scored through a traffic light system, with red indicating the targets have not been met, yellow that they are partly met and green that they have been delivered on in full.

For those milestones linked to new EU legislation or policy the progress is dependent on the timeline of the legislative and policy processes. These processes follow a fixed path from inception to conclusion, which can be scored along a progress axis. A full legislative process takes longer than the adoption of strategy or action plan as there is no co-decision step involved in the latter (figure 1).

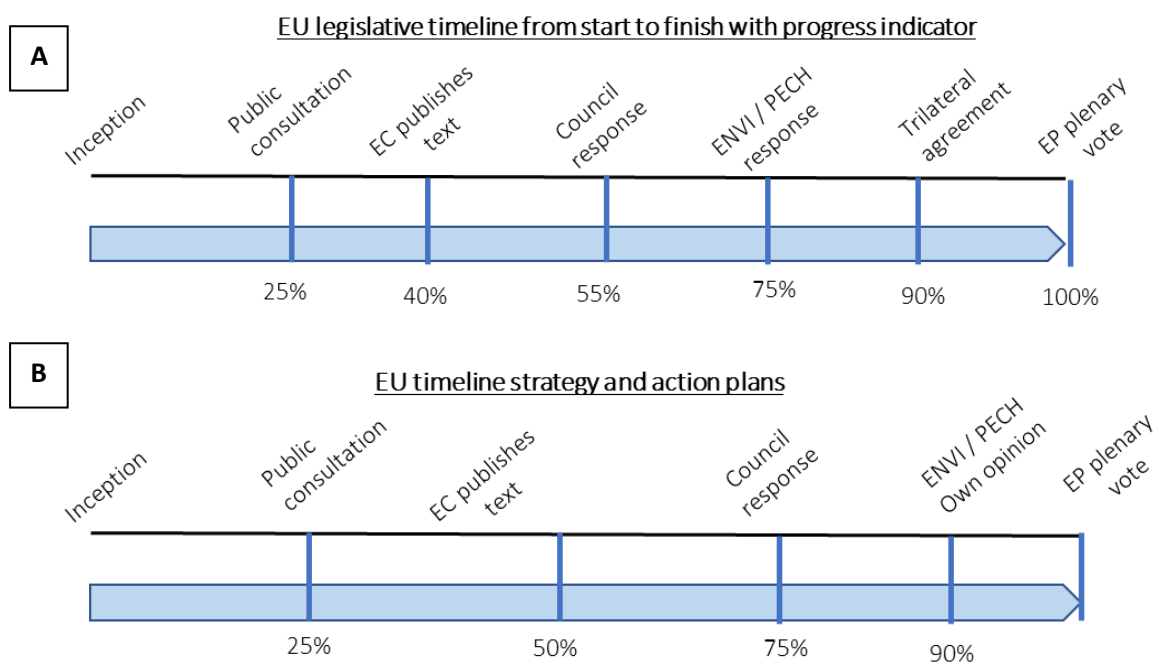


Figure 1: progress indicators for full EC/Council/EP legislative process (A), and the process for a Strategy or Action Plan (B)

For milestones that have no direct link to a specific external policy process assessment was based on expert opinion. For these we asked the experts on the relevant files from the Blue Manifestos core NGOs to give their validated opinion on the progress.

The second element in the assessment is the scoring of the targets for each of the milestones in a traffic light format with red indicating a target is not met, yellow that it is partially met and green indicating the objective has been achieved (figure 2).

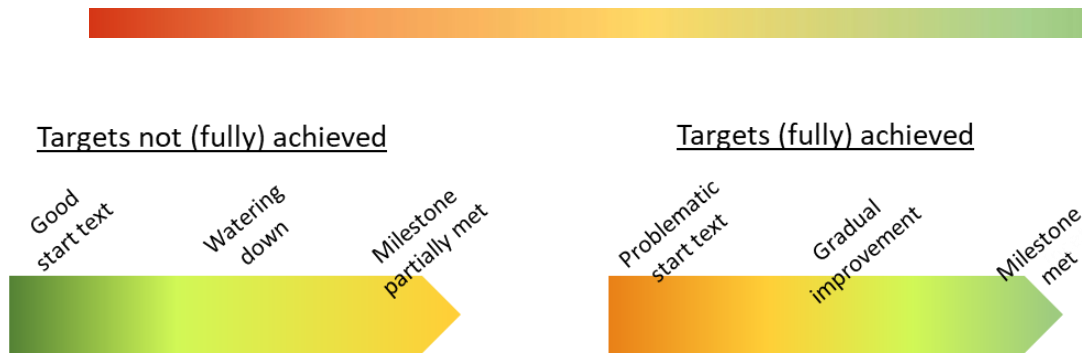


Figure 2. Examples of colour coding for progress indicator bars

Colour coding was based as much as possible on the exact wording of the manifesto which was compared to wording in the policy and legislative documents related to them. Sub-targets were scored down when 1) the sub-target was not reflected in the official text, 2) the wording was there but there was no associated action to ensure it was implemented, 3) no or little action was taken by the Commission on Member States towards completing the milestone.

For milestones that are only just starting or those where there is little clarity on the direction the process is heading we did not include a colour but kept those in grey. In the 2021 assessment two milestones (16a and 17) have not had any progress toward delivery so are scored at 0%.

These two elements are combined in progress indicators for each target within a milestone where a gradual change in colour represents the change towards achieving the target during the implementation process.

Assessment

Milestone 12: Fisheries Control Regulation

EU revises the Control Regulation to ensure full compliance of the fishing sector with fisheries and nature laws (1), requiring fully documented and transparent fisheries (2), and to ensure that no products from IUU fisheries reach the EU market (3).

12. Fisheries control regulation



sub-targets

- Ensure full compliance with law
- Require FDF & transparency
- Prevent IUU from reaching EU

Progress **75%**; trilogue on this regulation has started and is expected to conclude into early 2023.

In 2018 the European Commission proposed a revision of the Fisheries Control Regulation to the European Parliament and the Council. This revision was needed to align the regulation with the 2013 reformed CFP and to include key elements that had not been part the 2009 regulation, specifically¹:

- all fishing are to have vessels a tracking system, either via a satellite connection or land based
- catch documentation through e-logbook for all fishing vessels
- continuous monitoring of engine power of certain vessels using towed gear
- improving traceability in high risk fisheries by linking products back to the fishing trip where it was caught throughout the supply chain
- a list of infringements and serious infringements, including proposals for immediate enforcement measures
- an obligation for a minimum number of vessels (to be assessed through a risk-based approach) to install CCTV to monitor compliance with the Landing Obligation

The Parliament was not able to respond to this draft before the end of the legislature in 2019 so it was carried over to the new legislature and given a new rapporteur Clara Aguilera (S&D, Spain). ²

Parliament introduced some additions that strengthened the Commission proposal, specifically a simplified electronic logbook for small vessels under 12 metres, and the requirement of the creation of a public 'Union register' of infringements. In addition it adopted an amendment making it mandatory for a minimum percentage of fishing vessels over 12 metres considered at a high risk of non-compliance with the landing obligation to be equipped with CCTV. The EP also introduced elements that severely weaken the Commission's proposal. It raises the margin of tolerance in logbook estimates (from 10 % to 20 % for species from small pelagic and mixed fisheries, and to 25 % for tuna species) and in transshipment declarations (from 10 % to 15 %)³. It also limited the continuous engine-power monitoring to vessels exceeding 221 kilowatts that operate under fishing effort regimes.⁴

The Council general approach undermines many of the provisions from Commission and EP versions of the regulation. It removes almost all requirements for Removes Electronic Monitoring, embraces the increased margin of tolerance and removes many of the options for serious infringement.⁵

The European Parliament report on the Control Regulation was adopted in March 2021. On 28 June 2021, the Council adopted its general approach on a compromise text. Trilogue negotiations have been launched in September 2021 and are still ongoing, they are currently expected to conclude in the first quarter of 2023.

Milestone 13: Eliminate bycatch of sensitive species

EU countries implement effective fisheries management measures to eliminate bycatch of sensitive species (1)

Progress **0%**: After discussion with the Blue Manifesto core NGO group the assessors chose to link the deliverable of the milestone to the Action Plan to Conserve Fisheries Resources and Protect Marine Ecosystems⁶, which is to be published before the summer of 2022. This was a pragmatic choice as the subject of bycatch reduction and species protection is complex and spread out over many different policy and legislation fields so developing an universal scoring that would do justice to this complexity and be of relevance within the Blue Manifesto was not thought to be feasible.

13. Bycatch of Sensitive species

0%

sub-target

Eliminate bycatch

The Action Plan will have a detailed section on reducing the bycatch of sensitive species and will be followed by pledges from all EU member states on how they will implement the objectives of the plan. In subsequent instalments of the manifesto the progress on implementation of these pledges will be scored.

It is important to note here that the subject of reducing and eliminating bycatch of sensitive species such as marine mammals⁷, sea birds⁸, sharks and rays⁹ and endangered fish species like eel¹⁰ and sturgeon¹¹ has been a focus area for decades. Even though there are numerous action plans and legislative files^{12,13,14} on this subject progress on bycatch reduction has been slow and very limited. This is why this target was scored orange in the assessment.

For example, the EU Action Plan for reducing the incidental catch of seabirds in fishing gears (EU-POA) adopted in 2012 had the objective to “minimise and, where possible, eliminate the incidental catches of seabirds, by EU vessels operating in EU and non-EU waters, as well as by non-EU vessels operating in EU waters”. But the lack of implementation has hindered progress, and seabird bycatch in the EU, and by EU vessels fishing outside EU waters, remains a pressing issue. BirdLife’s 2021 report¹⁵ shows that of the 30 actions contained in the EU-POA, 19 have not been implemented, and a further 8 have been only partially implemented, meaning that implementation is either completely missing or lacking for 90% of actions. Despite its ambitious objective, the EU-POA has fallen a long way short.

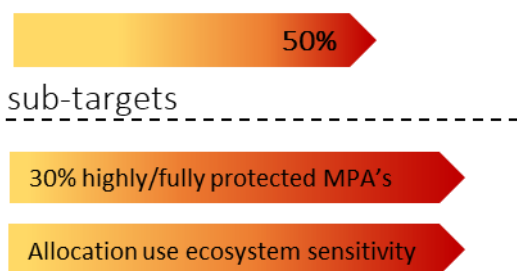
There are some recent examples of interventions by the European Commission that have led to the adoption of strong measures. All of these only came into force after population levels dropped to such a low level that emergency measures were needed to prevent population collapse or even extinction. Two recent examples:

- **Baltic harbour Porpoise:** in 2019 a request was made by NGO's for the Commission to take emergency measures since only a few hundred individuals of this species remained¹⁶. The Commission accepted this request and asked ICES to come up with advice on emergency measures to limit mortality.¹⁷ This advice was subsequently discussed within BaltFish, the regional fisheries body for the Baltic and in April 2022 the BaltFish Joint Recommendation was translated into a Delegated Act (DA)¹⁸. The DA does not eliminate all bycatch as it does not apply to the whole range of the species.
- **Shortfin Mako Shark:** this highly migratory species is managed through International Council for the Catches of Atlantic Tuna (ICCAT) after a stock evaluation from 2018 found this species to be in strong decline the ICCAT scientific authority advised on a retention ban throughout the ICCAT area to allow the populations to rebuild¹⁹. Both in 2019 and 2020 the EU voted against proposals for a retention ban instead opting for a bycatch allowance in longline fisheries. Only after considerable civil society pressure and several member states pushing for a total ban did the Commission support a total ban in November 2021²⁰.

Milestone 14: Maritime Spatial Plans

EU countries adopt ecosystem-based Maritime Spatial Plans which include at least 30% of highly or fully protected MPAs (1) and areas for human activities allocated based on ecosystem sensitivity (2)

14. Maritime Spatial Plans




Progress **50%:** Most member states are seriously lagging behind with the implementation of highly protected areas.

Of the 22 coastal Member States in the EU, only six have met the EU's deadline (March 31st 2021) to submit their Maritime Spatial Plans²¹, as a press release by WWF²² concluded. The plans are also rather patchy and some of the plans are incomplete. As for those Member States who missed the deadline some are slightly delayed, but

countries like Greece and Italy are a long way off from developing and adopting their plans. In Germany, although a plan has been in force since 2009, the updated plan based on the EU Directive will only be adopted later in the year. Similarly, although Lithuania and Malta have plans in force, they are from 2015 and not the result of the MSP directive.

An analysis²³ of the marine spatial plans of eight EU countries (Belgium, Denmark, Germany, Ireland, the Netherlands, Portugal, Slovenia and Sweden) showed that most of the countries are still mainly focusing on economic interests over biodiversity and climate targets in their marine spatial plans. Only two EU countries out of eight analysed followed the precautionary principle in their MSP plans and only three of them followed an ecosystem-based approach. Two out of eight countries (Belgium and Germany) have designated at least 30% Marine Protected Areas. Belgium claims to have 36,5% of their seas assigned as Marine Protected Areas, while Germany has assigned 45%. Neither of the countries have assigned areas with strict protection. In all eight countries, shipping, sand extraction, fisheries, military use and recreation are taking place in many of the designated protected areas. Only the Netherlands has assigned at least 10% of their seas as strictly protected. Despite the renewable energy plans, two countries are still drilling oil. Even though seven countries included



renewable energy in their Maritime Spatial Plans, Belgium and Sweden have allocated wind farms in marine protected areas and Denmark will potentially do so in the future. Belgium and The Netherlands are using mitigation measures for offshore wind farms: building nature inclusive, mimicking gravel beds and oyster reef restoration.

BirdLife assessed the marine spatial plans of four EU Member States (Belgium, Germany, Latvia, and Sweden) against 19 criteria to determine the extent to which the plans are likely to support the achievement of EU environmental and climate objectives²⁴. The assessment shows that all four plans likely to fail to enable the achievement of Good Environmental Status, but they are also likely to significantly increase the cumulative pressures on the marine environment. The plans fail to consider the cumulative impacts across all sectors and to fully account for the volume and intensity of planned/projected activities over the period of the plan. The conservation and restoration of the marine environment should not be treated in the same way as industrial sectors but should define the boundaries and set limits on the scale and intensity of these other uses.

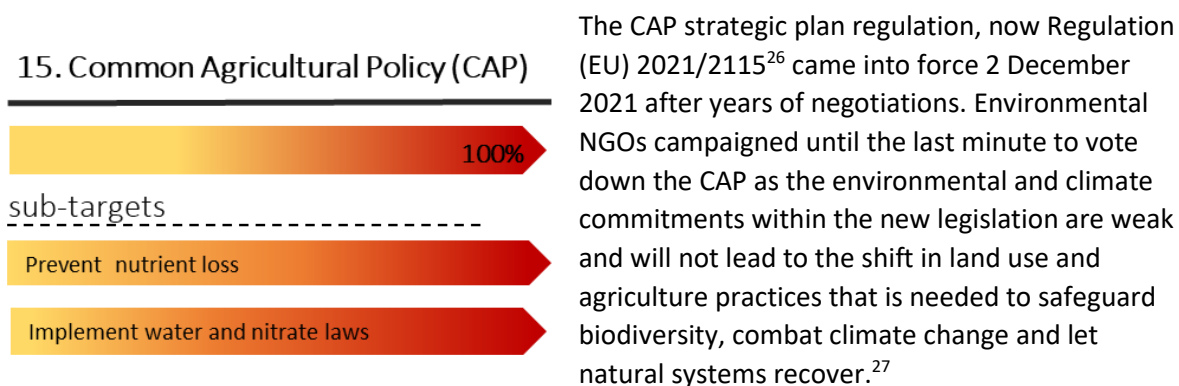
The assessment also makes recommendations for Member States to improve their plans and their implementation, and to ensure that all established and emerging uses of marine space are included.

The urgent need to develop offshore wind farms seems to dominate the developments in relation to maritime spatial plans. The focus is on multi-use of space, and the need for regional coordination. This indeed is essential. However, not mentioning ecosystem sensitivity, the precautionary principle, or ecosystem based management at all, has the risk of losing connection to the Biodiversity Strategy. The connection to the Biodiversity Strategy is further undermined with the REPowerEU²⁵ plan that was presented on May 18th, where the EC proposes a blanket exemption from the evaluations set in the Environmental Impact Assessment Directive and the Birds and Habitats Directives for renewable projects in 'go-to' areas.

Milestone 15 Common Agricultural Policy (CAP)

EU adopts a fundamental reform of the Common Agricultural Policy that aims to stop the loss of nutrients from fertilisers and manure into soil and water bodies (1), causing eutrophication, by fully implementing EU water and nitrates legislation in agriculture (2)

Progress **100%**: the full CAP Regulation was published in December 2021



Main critiques are that funds are still available for intensification and expansion of the livestock sector and that commitment to sustainability are still mostly on a voluntary basis. Conditionality to comply with environmental commitments such as the Nitrate Directive, in order to get the direct payments for farmers, is still too weak to effectively protect ecosystems and sensitive species. The rules on “eco-schemes” mainly support schemes that have proven to be ineffective or even harmful whereas it underfunds schemes that are proven to have a positive effect such as reduction in synthetic fertilizers, pesticides or even measures to prevent pollutants run-offs. Despite the overarching “sustainability and greening” message of the CAP, the legislation does too little to prevent runoff of fertilisers and nutrients. In consequence, sub-target 1 of this milestone is not achieved.

Sub-target 2 is not met either, the CAP text does refer to the relevant legislation which are the Water Framework Directive and nitrates legislation is the Nitrates Directive, but does not provide a binding legislative framework on them. More will be needed to be done on this through the roll out of the Farm to Fork strategy and the Nitrate Action Plan.

Milestone 16: Port Reception Facilities & Single Use Plastic

EU countries transpose into national law the Directives on Port Reception Facilities (1) and on Single Use Plastics (2) with ambitious consumption reduction targets for food containers and beverage cups (2).

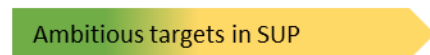
16a. Port Reception Facilities



16b. Single use Plastic



sub-targets



Port Reception Facilities Directive: progress

cannot be scored due to the lack of available data. The Directive was published in June 2019, with Member States legally obliged to transpose it into national law by June 2021. No overview is available of the level of implementation in Member States. To date, no infringement procedures have been filed against any Member State for lack of implementation. Within OSPAR²⁸ and HELCOM²⁹ recommendations have been agreed on coordinating the instalment and operations of Reception Facilities in neighbouring countries.

As part of the Directive on port reception facilities³⁰, the Commission has adopted four implementing regulations on 24 Jan

2022. Implementing regulations call for inspecting and controlling the following elements:

1. Storage capacity for waste in a ship
2. Ships that produce reduced quantities of waste and manage it sustainably
3. Reporting of waste caught in fishing nets
4. Selecting which ships to inspect

SUP Directive; progress **50%**: While implementation has begun, not all Member States have transposed the Directive into law as yet.

In December 2018, representatives of the European Commission, the European Parliament and the EU countries jointly agreed upon a directive on Single Use Plastics to combat the 'plastic soup'. The agreement consists of a set of key measures. From July 2021, the directive has been introduced into the regulations of all EU member states. Under the directive plastic plates, cutlery, polystyrene food containers, beverage cups, balloon rods and straws are banned. Other products will have to be labelled. Manufacturers of disposable plastics will have to start contributing to awareness-raising, collection and clean-up of litter. The ban also applies to products made partly from plastic, or bioplastics.

A recent assessment of the implementation³¹ of the directive at Member States level shows that only a few countries have fully explored the potential offered by the Directive to phase out single-use plastics and set up reduction targets and effective strategies at the national level to prevent plastic pollution. A majority of countries have adopted the bare minimum requirements to comply with the Directive to be adopted. In many countries, the transposition process is still in progress or has barely started.

On level of ambition (sub-target 3) some countries have clearly set a path to transition away from

single-use plastics, and promote reusable products and solutions and have adopted or are in the process of adopting quantitative reduction for single-use plastics, further restrictions on single-use plastics and/or reuse targets.

On 3 July 2024, an additional measure will take effect: loose caps on bottles will no longer be allowed. Caps have to be affixed to the bottle. Extended Producer Responsibility (EPR) will be gradually introduced from 5 January 2023. The details are still being worked out. From 2025 onwards, 25% of all soda and water bottles must be made from recycled materials. That percentage increases to 30 by 2030. The precise details and entry date of the extra measures are not known yet.

Milestone 17: BBNJ ratification

EU countries ratify and implement the Global Ocean Treaty (1)

Progress **0%**: The fourth sessions on an international legally binding instrument under the United Nations Convention on the Law of Sea on the conservation and sustainable use of marine biological

diversity of areas beyond national jurisdiction (BBNJ) concluded on the 18th of March 2022 with no agreement reached³². The UN General Assembly has now voted to hold a 5th round of negotiations from the 15th to the 20th of August 2022 at the UN headquarters in New York.

Since there is no treaty to ratify this Milestone has to be put on hold (see also milestone 10 “Global Ocean Treaty” of 2020)

17. BBNJ ratification

 0%

Milestone 18: Emission Trading System

EU includes shipping in its Emissions Trading System (1)

18. Emission Trading Systems

 40%

Progress **40%**: On 14 July, as part of the 'Fit for 55' package³³, the Commission adopted a legislative proposal for a revision of the EU Emissions Trading System (ETS)³⁴, to align it with the target of a 55 % reduction

of EU net greenhouse gas (GHG) emissions by 2030, compared to 1990 levels.

The legislative proposal sets out how the Commission intends to achieve climate neutrality in the EU by 2050, including the intermediate target of an at least 55% net reduction in greenhouse gas emissions by 2030. The package proposes to revise several pieces of EU climate legislation, including the EU ETS, Effort Sharing Regulation, transport and land use legislation, setting out in real terms the ways in which the Commission intends to reach EU climate targets under the European Green Deal. In the revision maritime transport, responsible for 13% of the EU's transport emission, was included in the EU ETS scheme.

The European Parliament report presented in January 2022 to the ENVI committee also embraces the inclusion of maritime transport in the ETS³⁵. It had not been voted on in committee at the time this assessment was published. The Council of ministers has not published a general approach in response to the 'Fit for 55' package yet.

Update Milestones 2020

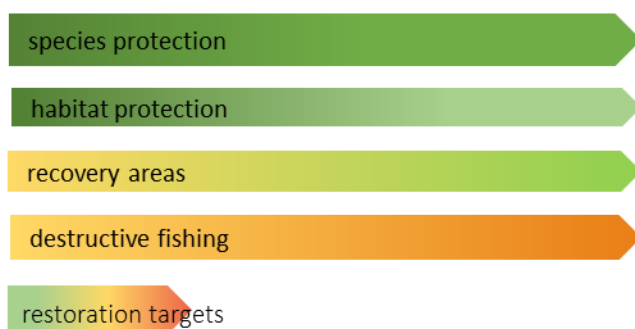
Milestone 1: Biodiversity Strategy 2030

EU adopts a Biodiversity Strategy 2030 that protects marine sensitive species (1) and habitats (2) and fish stock recovery areas (3), eliminates destructive fishing (4) and includes legally binding ocean restoration targets (5).

1. Biodiversity Strategy 2030



sub-targets



Progress on file **100%**; European Parliament plenary vote took place in June 2021. Draft restoration law is scheduled to be released by the European Commission before summer 2022.

Update: The ambition for the Biodiversity Strategy will be further expanded on in the Action plan to conserve fisheries resources and protect marine ecosystems, which is still announced to be published before the summer of 2022. The success of sub-targets 1-4 of this milestone will depend in a large part on the ambition set out in the Action Plan.

By 2024, the European Commission will conduct a midterm assessment of the Biodiversity Strategy which should evaluate whether Member States have put in place governance structures and resources to ensure the strategy is in the process to being fully implemented. In 2023, Member States will have to demonstrate progress in designating new protected areas and integrating ecological corridors.

The European Commission has recently announced it will start a partial revision of the Marine Strategy Framework Directive. As this legislative framework is an important pillar under the Biodiversity Strategy the outcomes of this revision will influence the further developments of this milestone.

The draft for the restoration law has still to be published by the European Commission (announced for 22nd of June 2022). One of the reasons it was further delayed was a debate on food security in the EU after Russia invaded Ukraine. The farm lobby stated that no new limitations should be put on the agriculture sector in a time of such uncertainty.

Milestone 2: Farm to Fork Strategy

EU adopts a Farm to Fork strategy that fully takes into account the ecological and climate impacts of fisheries and aquaculture (1) and addresses responsible consumption (2) and sustainably and traceable seafood (3)

Progress on file **100%**; Since the Farm to Fork Strategy was adopted, emphasis has shifted from regulating producers to empowering consumers.

Update: The traceability of seafood is part of the revision of the Control Regulation (Milestone 12 – 2021). This legislative file is currently in the triilogue phase and expected to conclude in the third quarter of 2022.

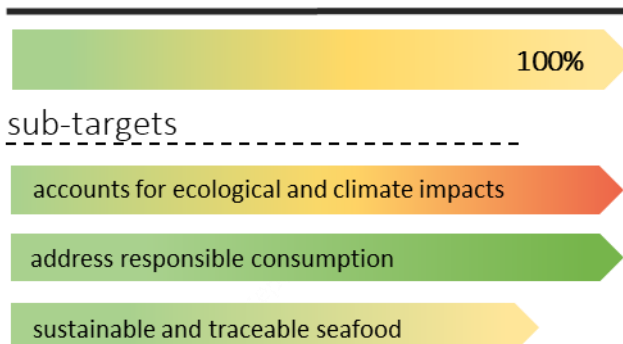
The plan to incorporate sustainability information in the Marketing Standards seems to have been overtaken by parallel developments in other DGs: As part of the Farm to Fork Strategy, the EC has launched the Sustainable Food Systems Framework Initiative³⁶. This initiative aims to make the EU food system sustainable and to integrate sustainability into all food-related policies. It will lay down general principles and objectives, together with the requirements and responsibilities of all actors in the EU food system.

It will lay down rules on sustainability labelling of food products, minimum criteria for sustainable public procurement of food, and governance and monitoring. It is planned for adoption at the end of 2023.

As a part of this initiative, the commission intends to carry out a targeted revision of the Regulation on Food Information to Consumers (FIC) covering front-of-pack nutrition labelling, **origin labelling**, alcohol labelling and date marking. This revision can be very relevant in relation to the sourcing of seafood.

Another part of the sustainable food systems initiative is the plan to tackle 'green claims' with a unified product lifecycle methodology, in order to protect consumers against non-substantiated claims. Indeed there is a need for harmonised standards to test green claims across the EU. However, the proposed methodology (PEF, Product Environmental Footprint) is very much based on life cycle assessments, but these are not equipped to cover the full range of environmental impacts for seafood products, as for example, biodiversity impacts are not part of the PEF method. If the PEF method would be applied for seafood (or other agricultural products), that incomplete information may be misleading. Adoption of the **Initiative on substantiating Green Claims**³⁷ is foreseen in autumn 2022.

2. Farm to Fork Strategy



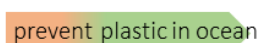
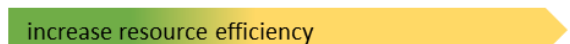
Milestone 3: Circular Economy Action Plan

EU adopts a new Circular Economy Action Plan that includes measures to reduce absolute resource use, including plastic (1), increase resource efficiency (2) and prevents leakage of plastics and microplastics in the sea (3)

3. Circular Economy Action Plan



sub-targets



Progress **100%**: concluded fully in 2021.

Update: The process around this action plan³⁸ concluded in 2020 apart from the third target: prevention of plastics and microplastics leakage in the sea. For this target the European Commission launched a public consultation on how best to reduce the amount of unintentionally released microplastics into the environment³⁹. This public consultation will support the European Commission's initiative on Microplastics pollution as a key deliverable of the Circular Economy Action

Plan and the Zero Pollution Action Plan.

The consultation focusses on sources which are known to release the largest quantity of microplastics such as plastic pellets, synthetic textiles and tyres. Additional sources such as paints, geotextiles, and detergent capsules for laundry and dishwashers are also being evaluated.

In parallel, alarming amounts of microplastics have been identified as resulting from the deliberate manufacture and addition to both consumer and industry products. They represent an unprecedented pollution accounting for billions of particles in the ocean and seas, our lands and our ecosystems. In 2020 the EU institutions adopted the new circular economy plan in which they commit to measures to restrict the use of intentionally added microplastics as of 2021. In line with this commitment, the European Chemicals Agency's (ECHA) had been asked to prepare a proposal for a restriction under the chemical regulation REACH and delivered its proposal in February 2021, together with the opinions of its scientific committees. While effective solutions are within our reach and impactful measures could be tabled, the adoption process has been facing unjustified delay which could see emissions of around 42,630 tonnes' worth of microplastics emitted into the environment. In accordance with the legal deadline set in REACH (Art. 133(4)), the Commission should have delivered a proposal in May 2021. Yet, no proposal has been put forward. The latest timeline provided by EU authorities indicates the restriction would be adopted in Quarter 3 2022 while the Commission's intent to restrict these microplastics dates back to 2017.

In addition, most of the texts announced in the circular economy action plan for 2020 or 2021 - such as the initiative on single use plastics in food services, a legislative proposal for a sustainable product policy initiative, a legislative proposal empowering consumers in the green transition, legislative and non-legislative measures establishing a new "right to repair", a legislative proposal on substantiating green claims, on the review of the Industrial Emissions Directive, on the review of essential requirements for packaging and reduction of (over)packaging and packaging waste. A policy framework for bio-based plastics and biodegradable or compostable plastics - were not delivered on time and have not been released yet.

Milestone 4: Chemical Strategy & Zero-Pollution Action Plan

EU adopts a Chemicals strategy for sustainability (1) and a Zero-pollution strategy (2) with clear goals to prevent exposure to harmful chemicals in air, soil and water (through the Water Quality Action Plan) to ensure a non-toxic environment for current and future generations

Progress on Chemicals Strategy **100%**: the Chemicals Strategy was fully endorsed by the Council in March 2021.

4. Chemical Strategy for Sustainability

100%

Zero-Pollution Action Plan for Air, Water and Soil **100%**: the Plan was concluded in 2021, but implementation at Member State level is ongoing, as is development of legislation.

4. Zero-Pollution Action Plan

100%

Update: The process on the Zero-Pollution Action Plan for Air, Water and Soil⁴⁰ has concluded, responses to the plan from European Parliament and Council were positive but did little to strengthen the targets in the plan. Additional initiatives on microplastic (see Milestone 3) and underwater noise will be developed.

In April 2022, an ambitious **Restrictions Roadmap**⁴¹ was announced, a political commitment to use existing legislation (REACH) to ban the most harmful chemicals in a speeded up process. If implemented, the action will be the largest ever regulatory removal of authorised chemicals anywhere and covers chemicals that environmental, consumer and health groups have fought against for decades, according to the European Environmental Bureau. It applies to all flame retardants, chemicals that are frequently linked to cancer, and all bisphenols. It will also ban all forms of PVC, and restrict all PFAS (per- and polyfluoroalkyl substances), plus around 2,000 harmful chemicals found in baby diapers, pacifiers and other childcare products. Thousands of the most notorious chemicals will be rapidly banned in Europe. The Restrictions Roadmap is part of the Zero-pollution goal in the EU. The move was welcomed by environmental NGOs.

Milestone 5: Offshore Wind Strategy

EU adopts an Offshore Wind Strategy which fully takes into account the impacts on marine ecosystems of the development of offshore wind energy production plants.

5. Offshore Wind Strategy

100%

Progress **100%**: The EU offshore Energy Strategy⁴² was published by the Commission in November 2020. The Strategy sets out a vision to ensure that the planning of offshore renewable energy is compatible with

biodiversity protection but that this needs to be achieved within the existing legal framework (e.g. Maritime Spatial Planning Directive, Marine Strategy Framework Directive, Habitats and Birds Directives, Strategic Environmental Assessment Directive). In December 2020 the Council adopted conclusions to the strategy.

Update: In February 2022, The European Parliament adopted a response to the European Commission's offshore renewables Strategy. The MEPs set out recommendations on how to deploy offshore wind more quickly. The report stresses that meeting the 2030 and 2050 targets requires faster deployment of offshore renewable energy (ORE), but maritime space and coasts must be

managed more sustainably. This response seems to be not in line with the EU Biodiversity Strategy and protected areas as there is no mention of having an Ecosystem Based Approach (or something similar) to plan renewable energy activities in EU waters.

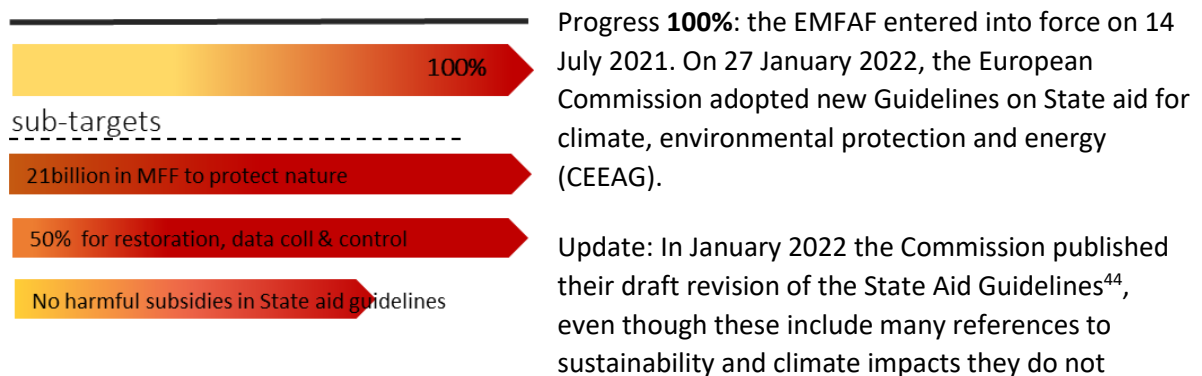
The EP recalls its guidance that sustainable development of the ocean can no longer rely on single-sector management, but requires a more holistic, integrated approach. Multi-use is not limited to sharing the 'same' maritime space, but should encompass joint use of infrastructure and other assets and joint activities. The EP underlines the urgency of ensuring sufficient space for the development of offshore renewable energy, and considers that multi-use needs should be proactively facilitated and incentivised through public regulatory bodies and respective support programmes, going well beyond mere spatial planning solutions.

The plan to become independent of Russian fossil fuels presented on May 18th 2022 by the European Commission announced further investments in gas infrastructure and the roll-back of environmental regulation to ease permitting wind farms. In this REPowerEU⁴³ plan an exemption from the evaluations set in the Environmental Impact Assessment Directive and the Birds and Habitats Directives is proposed for renewable projects in 'go-to' areas that will be defined by Member States. This risks further reduction of protected Marine areas.

Milestone 6: European Maritime Fisheries and Aquaculture Fund

EU allocates at least 21 billion EUR of the Multiannual Financial Framework for 2021-2027 to protect nature (1), with at least 50% of the European Maritime Fisheries Fund to restore the marine environment, collect data and control fisheries (2), and revises the State Aid guidelines for fisheries and aquaculture to prohibit granting of harmful subsidies (3)

6. MFF and EMFAF revision

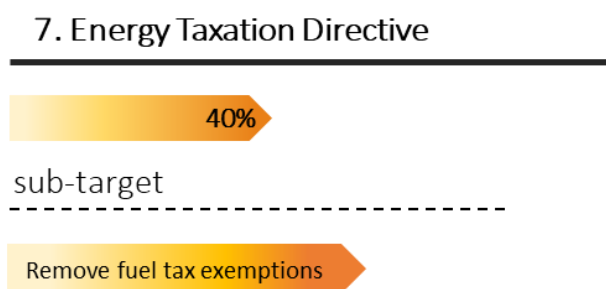


prohibit the granting of harmful fuel subsidies in fisheries and aquaculture. However this subject will be partly addressed in the revision of the Energy Taxation Directive (Milestone 7, see below).

Milestone 7: Energy Taxation Directive

EU removes fuel tax exemptions for fishing vessels and shipping under the revised Energy Taxation Directive

Progress **40%**: On 14 July 2021, the Commission adopted a proposal for a revision of the Energy Taxation Directive⁴⁵. Its aim is to align the taxation of energy products with EU energy and climate policies, promote clean technologies and remove outdated exemptions and reduced rates that currently encourage the use of fossil fuels. On the mandatory tax exemptions for fishing vessels it makes clear that Fossil fuels used as fuel for intra-EU air transport, maritime transport and fishing should no longer be fully exempt from energy taxation in the EU.



However in the Commission the level of taxation applied to fishing vessels is still lower than that applied to consumers and Member States can opt to exempt extra-EU (long distance) vessels from taxation.

Since this is a council-regulatory file co-decision does not apply here. The negotiations are therefore between the Commission and the Council only. The Council is still examining the Commission's proposal and has not published its General Approach yet. This file is not expected to finish before the end of 2023 and even may continue into 2024. The Economic and Monetary Affairs Committee (ECON) in the European Parliament will vote on an opinion in response to the Commission's proposal on June 14th 2022, followed by a plenary vote in September.

Furthermore, with fuel prices rising globally due to Russia invading Ukraine, the European Commission has allowed member states to further subsidise fuel for the fishing sector to help with rising operational costs⁴⁶.

Milestone 8: CBD Global Biodiversity Framework

EU pushes for the adoption of a Post-2020 Global Biodiversity Framework under the Convention on Biological Diversity with protection (1) and restoration (2) targets for marine ecosystems globally.

Progress **80%**: COP15 was originally meant to take place in October 2020 but has now been postponed several times due to COVID-19, it is now scheduled for August 2022, to be held in Kunming China. However, due to the current strict lockdown in many parts of China this might change again.

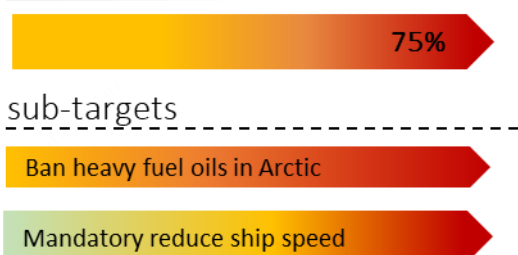


The 0.5 draft⁴⁷ of the Post-2020 Global Biodiversity Framework produced by the CBD Open-Ended Working Groups contains proposals for targets on protection and restoration, which the EU supports, and advocates to be legally-binding. In March 2022 the working group held another preliminary session to the CoP in Geneva⁴⁸, little progress towards finding agreement on the framework text was made there, with many countries still firmly opposed to strong, binding language.⁴⁹ A fourth meeting of the Working Group is planned in June in Nairobi, Kenya⁵⁰.

Milestone 9: Sustainable shipping at IMO

EU pushes for the adoption of urgent short-term measures at the International Maritime Organization to ban Heavy Fuel Oils in the Arctic (1) and reduce ship speed (2) to decrease GHG emissions, noise levels and whale strikes.

9. Sustainable shipping at IMO



Progress **50%**: In 2018 the European Parliament adopted an Agenda for the future of our oceans in the context of the 2030 Sustainable Development Goals⁵¹. As part of this agenda, it called for an integrated European Union policy on the Arctic and for the Commission and the Member States to “*work actively towards rapid finalisation of the protracted IMO work plan on reducing black carbon (BC)*

emissions from ships sailing in the Arctic with a view to slowing down rapid temperature increases in the polar regions”. It also called on the Commission, by 2020 at the latest and in the absence of adequate international measures, to put forward proposals on rules for vessels calling at EU ports prior to journeys through Arctic waters, with a view to prohibiting the use and carriage of heavy fuel oil (HFO).

It also called on the Commission and the Member States “*to assess and promote the application of speed restrictions to ships at IMO level in order to reduce emissions, taking into account the Energy Efficiency Design Index (EEDI) and the Ship Energy Efficiency Management Plan (SEEMP), and the fact that in the road and rail sectors speed limits are commonplace; underlines that the internal and external economic benefit of lower ship speeds outweigh the costs; notes that slow steaming is comparatively easy to monitor and enforce, resulting in a low administrative burden on stakeholders*”

Council conclusions on Oceans and Seas⁵² reiterated in 2019 the necessary work at IMO level.

However, little progress has been made regarding the Arctic HFO ban, nor with short-term measures to reduce shipping’s CO2 emissions.

With the support of EU member states the IMO has approved a draft Arctic HFO ban that will not enter into force until 2024, and that contains exemptions (for vessels with protected bunker tanks and the potential for Arctic state waivers) which means it will not have a significant impact on the carriage or use of HFO, nor emissions of back carbon until 2029. Civil society strongly resisted taking this draft agreement forward as it gives the impression of IMO action when in fact it represents too little action, too late. The EU did not do enough to block this flawed regulation. Final adoption was due in June 2021. This weak IMO outcome makes a strong case for regional EU action to tackle HFO use and ship BC emissions in the Arctic, but there is no evidence at present suggesting that the EU will ensure this happens.

Update: The ban on Arctic HFO was adopted at IMO level in June 2021. However, it only enters into force in 2024, and has a substantial number of exemptions and waivers for the first 5 years. Therefore, the ban is not going to be effective until 2029.

After the failed attempt on reduction of ship speed in 2020 no new proposals intended to achieve this have been tabled.



First measures to address pellet loss from ships after the large spillage of pellets caused by a tanker carrying plastics burning and sinking of the coast of Sri Lanka in 2021 have been on the agenda of IMO, but no measures were adopted so far. The first discussions focused solely on depolluting the environment and did not address plastic pellet pollution from ships at source.

Milestone 10: Global Ocean Treaty Intergovernmental Conference on Biodiversity Beyond National Jurisdiction (BBNJ)

EU pushes for the adoption of an ambitious Global Ocean Treaty to protect marine biodiversity in areas beyond national jurisdiction worldwide at the 4th session of the Intergovernmental Conference on Biodiversity Beyond National Jurisdiction.

10. BBNJ

Progress **100%**: The fourth sessions on an international legally binding instrument under the United Nations Convention on the Law of Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) concluded on the 18th of March 2022 with no agreement reached. The UN General Assembly has now voted to hold a 5th round of negotiations from the 15th to the 20th of August 2022 at the UN headquarters in New York.^{53,54}



The European Commission formed a so-called High Ambition Coalition⁵⁵ together with 13 other countries, including India, Australia, Canada and Britain, who endorsed the same strong goal and binding text for curbing biodiversity loss. EU could not prevent the process from derailing so no agreement could be reached. The Commission was expected to release a text on Ocean governance on June 8th, but delays have been announced.

Milestone 11: Moratorium on Deep Seabed Mining

EU establishes a moratorium on deep seabed mining (1), stops financial support to research into deep seabed mining technology (2) and, with EU countries, pushes for the adoption of a global moratorium in the International Seabed Authority (3).

11. Deep Seabed Mining moratorium



sub-targets

Moratorium on deep seabed mining

Stop support for research in DSM

Push for global moratorium

Progress **50%**: Once the Biodiversity Strategy 2030 process is concluded, next steps would be to implement a moratorium in Member State legislation.

Update: On 8 September 2021, the European Commission published its 2021 Strategic Foresight Report⁵⁶, announcing plans to step-up deep-sea mining exploration. On the same day, the Congress of the International Union for Conservation of Nature (IUCN) voted

overwhelmingly in favour of a moratorium on deep-sea mining. The 2021 International Seabed Authority (ISA) Assembly meeting was held in December. No decision has been made in relation to a moratorium. The Commission's continued ambiguous stance on deep-sea mining remains very risky

The announcement to step-up deep-sea mining exploration stands in contrast to the EU Biodiversity Strategy's commitments to strong precautionary measures and the call of the European Parliament for a moratorium. In a joint letter to Seas At Risk from July 2021, the Directors General of DG GROW, MARE and ENV reiterated the wording of the EU Biodiversity Strategy: 'In line with the precautionary principle and the ecosystem-based approach, the EU advocates that marine minerals cannot be exploited before the effects of deep-sea mining on the marine environment, biodiversity and human activities have been sufficiently researched, the risks understood and the technologies and operational practices able to demonstrate no serious harm to the environment.' However, in its 2021 Strategic Foresight Report, the Commission seems primarily concerned with diversifying and securing greater supply of raw materials, concluding that '*... novel ways of sourcing, such as seabed and space mining need to be explored in accordance with internationally agreed principles and commitments.*'

A positive development is the Spanish Government's first step towards banning deep-sea mining in its national waters in. A Royal Decree establishes new criteria for activities carried out in the country's jurisdiction, effectively endorsing a moratorium which would provide a global and official pause on deep-sea mining.



Conclusion

In the 2020 Assessment the outcome was positive, even though many targets had not been achieved. Since many files had not gone through their full adoption progress there was still room to address some of the shortcomings. Looking at the update of the Milestones for 2020 the conclusion has to be that this ambition has not been met. Overall scoring is lower than last year with most of the files now completed.

In the 2021 Assessment it is important to point out that delays or lack of ambition on implementation at a Member State level seems to be hindrance to achieving certain milestones. And on other files, like the Control Regulation for example, the stance of the Council of Ministers seriously wates down the ambition in the Commission proposal.

On the positive side we note some strong proposals, like on Emission Trading Systems (ETS), coming from the Commission and an active role in international negotiations on the Global Ocean Treaty (BBNJ) and Convention on Biological Diversity (CBD). There were also examples of the Commission initiating emergency measures for highly endangered species that, even though they came after many conservation deadlines had been missed, had a positive outcome for the species concerned.

It could be advisable, before the 2022 assessment, to update the Blue Manifesto, not to change the ambition or objectives but rather to ensure that the milestones and sub-targets are clear and measurable.

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⁵³ United Nations; Planning 5th meeting on BBNJ; https://ec.europa.eu/oceans-and-fisheries/news/eu-committed-protection-biodiversity-ocean-2022-03-21_en



⁵⁴ United Nations Agenda for BBNJ meetings; <https://www.un.org/bbnj/>

⁵⁵ European Commission; EU actions on high ambition coalition for BBNJ; https://ec.europa.eu/oceans-and-fisheries/ocean/international-ocean-governance/protecting-ocean-time-action_en

⁵⁶ Communication from the Commission to the European Parliament and the Council: 2021 Strategic Foresight Report; Sep 2021; <https://population-europe.eu/research/books-and-reports/communication-commission-european-parliament-and-council-2021-strategic#:~:text=This%202021%20Strategic%20Foresight%20Report,that%20will%20shape%20Europe's%20future.>