



Mr. Virginijus Sinkevičius

Commissioner for the Environment, Oceans and Fisheries

European Commission

September 26, 2023

Subject: Urgent meeting request to discuss the articulation between the NRL and the CFP

Dear Commissioner Sinkevičius,

We are reaching out to you on behalf of marine NGOs working on the Nature Restoration Law (NRL), Oceana, Seas At Risk, BLOOM and ClientEarth, as we are **deeply concerned that the trilogue negotiations could deliver an NRL unfit for marine restoration**. This will be the case if the political agreement fails to include a safeguard clause that ensures that marine restoration measures will not be blocked by the improper implementation of certain provisions of the Common Fisheries Policy (CFP) Basic Regulation.

We kindly ask for an urgent meeting to discuss this with you.

As it stands in the Commission's proposal, restoration of marine ecosystems would rely on the process outlined in Article 11 of the CFP when it comes to fisheries related measures in areas beyond a Member State's territorial waters. As you know, the "Joint Recommendation" (JR) process has to date failed to deliver the desired outcomes, as highlighted by the [European Court of Auditors](#). **Without addressing the limitations of this process, Member States will fail to achieve the targets in Article 5 and the overarching objective of restoring 20% of the EU's seas.**

The European Parliament's adopted position includes a new provision (Art 14a), aimed at **resolving the obstacles that the "Joint Recommendation" process would pose to the timely implementation of the NRL, without bypassing the applicable law (the CFP Regulation)**. The clause creates a concrete obligation for all Member States involved, namely both the initiating Member State and the Member States with direct management interests, to jointly submit the agreed recommendations to the Commission (rather than simply enabling them to do so on a voluntary basis, as does the current phrasing of the CFP). Simultaneously, it obliges the European Commission to adopt restoration measures, in the absence of a Joint Recommendation, upon the passing of a certain deadline. The latter is a reiteration of the Commission's existent obligation of CFP Basic Regulation Art 11(4) to take urgent measures in case the non-submission of Joint Recommendations by Member States would jeopardies "the achievement of the objectives associated with the establishment of the conservation measures".

In our view, the solution provided is imperative given the significant effects of fishing on marine biodiversity, including in Marine Protected Areas. We are concerned that the NRL will be toothless if it relies on the implementation practice of article 11 of the CFP, for the reasons explained by the Court of Auditors. The Commission will be unable to ensure compliance with the EU's Guiding Principles of precaution and preventive action if it continues to make compulsory and crucial ocean conservation

and restoration obligations of one Member State conditional on the volition of another Member State.

This amendment is a crucial political opportunity to strengthen the NRL, in contrast with many other proposed amendments that have drained it of added value. The **Commission now has the backing of the Parliament to ensure that fisheries restoration measures are implementable**. We urge you to seize this opportunity and to throw all the weight of the Commission in its support.

The Nature Restoration Law is **a cornerstone tone of the EU Green Deal and will be the environmental legacy of this Commission**. In the **current emergency scenario that we are living, with climatic catastrophes hitting Europe increasingly often**, the Commission cannot be the institution that refuses to improve the long-standing problem of joint recommendations and prevents the Green Deal objective of achieving marine restoration and biodiversity recovery from happening.

We would expect the Commission to be proactive and firm in supporting Art14a in future trilogues, to ensure the proper implementation of the NRL in marine ecosystems.

We also kindly ask for an urgent meeting to discuss this.

Sincerely,



Pascale Moehrle
Executive Director and Vice President
Oceana in Europe



Monica Verbeek
Executive Director
Seas At Risk



Anaïs Berthier
Head of Brussels
ClientEarth



Claire Nouvian
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