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PelAC reference: 2526PAC59

Subject: PelAC advice on the revision of the Marine Strategy Framework Directive

Dear Ms Charlina Vitcheva,

Please find attached the Pelagic Advisory Council's advice on the revision of the Marine Strategy Framework Directive (MSFD).

We hope that you can take the content of the advice into consideration.

Kind regards,



Esben Sverdrup-Jensen
Chair of the Pelagic Advisory Council





Annex: PelAC advice on the revision of the Marine Strategy Framework Directive

1. Background

Articles 11 and 191 to 193 of the TFEU establishes the European Union as the competent body for environmental policy. The MSFD was established in 2008 following the 6th Community Environment Action Programme set to promote sustainable use of the seas and conserving marine ecosystems. Under the MSFD, 11 qualitative descriptors of what the environment will look like when GES has been achieved were described. To further detail the criteria and methodological standards to use for each of the descriptors, the Commission published a decision in 2017 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment. The MSFD creates a series of steps to be carried out by MS to develop their Marine strategies:

1. Initial assessment, determination of GES and establishment of environmental targets
2. Set-up and implementation of monitoring programmes for the ongoing assessment of the environmental status of their marine waters
3. Programmes of measures (PoMs) to achieve GES where not currently achieved

2. State of the North-East Atlantic Basin

According to the quality status report, released in June 2023 by OSPAR and based on data spanning the 2009-2021 period, trends indicate that biodiversity is declining and habitats are being degraded across many parts of the OSPAR Maritime Area.

Despite progress in some areas, the marine environment continues to face significant threats from pollution, and climate change. While discharges of hazardous substances from the oil, gas, and nuclear sectors have decreased, many marine species still suffer from high levels of mercury and PCBs, particularly in sub-regions where sediment pollution is less severe. Nutrient pollution has been reduced, especially from agricultural, wastewater, and industrial sources, but persistent issues remain in river plumes and coastal areas.

Marine litter presents a mixed picture: although overall volumes and beach litter have declined, seafloor litter remains widespread. Noise pollution is also emerging as a growing concern.

Biodiversity loss is a critical issue. Despite efforts to reduce fishing pressure since 2003, marine birds, mammals, fish, and habitats continue to decline, with marine bird populations deteriorating further since 2017. Human activities, are exacerbating these pressures, undermining the resilience of marine ecosystems.

Climate change and ocean acidification are driving major shifts in the North-East Atlantic, further threatening biodiversity. These challenges are compounded by ongoing human pressures, leaving marine ecosystems increasingly vulnerable. Notably, the current MSFD does not address climate change or ocean acidification, highlighting a significant gap in protective measures.

The conclusions of the Quality Status Report make two findings clear:

- additional measures are needed to change the current trajectory;
- the measures taken so far need to be implemented more effectively.





3. Support the development of Marine science and data collection needed to support the implementation of MSFD

The implementation of MSFD remains challenging due to a lack of knowledge on the current state of marine ecosystems. This knowledge gap also includes the understanding of interannual variability and changes in ecosystems. For pelagic species, biological indicators cannot be interpreted without taking into consideration the effects of climate change and shifts in productivity regimes. Changes in distribution should also be included. The changing marine environment poses a threat to current data collection and monitoring programmes that are needed to assess the reaching of GES. Any revision of the directive should be accompanied by the development of an ambitious data collection EU programme.

As the revision seeks to harmonize monitoring and reduce reporting burdens, it should also explore how evolving digital data systems can support environmental assessments. Global interoperable traceability frameworks, such as the Global Dialogue on Seafood Traceability (GDST), demonstrate increasing capacity to capture structured fisheries sustainability, labor conditions, and animal welfare-related data across fisheries supply chains. Over time, such systems may help facilitate integration of additional data.

The changes in marine ecosystems highlight the need to:

- Improve monitoring programmes and surveys to capture the current state of marine ecosystems, to detect and evaluate any negative changes when new entrants are introduced.
- Support the monitoring programmes through dedicated European funds to avoid uneven level playing fields between Member States
- Explore the use of digital tools to reduce reporting burdens, improve data collection and reduce costs of monitoring programmes

4. Hierarchy of regulations/Coherence

Direct translation of the EU's exclusive competence on fisheries, the Common Fisheries Regulation remains the main European piece of regulation that addresses European Fisheries across the EU. Under article 2, the CFP aims *"to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield"*.

The objective of the CFP as described in its article 2 come into contradiction with MSFD descriptor 3 for commercial fish and shellfish that sets the objective to have *"Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock"*.

Since the entry into force of the MSFD in 2008, the Maritime Spatial Planning Directive has been approved, the Renewable Energy Directive and its 2 revisions entered into force, the Convention on Biological Diversity has been approved. These regulations have greatly increased the pressure on maritime space.

To address the increased number of legislations addressing the marine environment, the Commission published the European Ocean Pact in June 2025 with the aim of creating a unified and coordinated plan for managing the Ocean.





The PelAC hopes that the European Ocean Act can improve the coordination and coherence between all Ocean-related European Policies. In that sense, the PelAC supports the change to align Descriptor 3 with the MSY objective.

Effective implementation of the MSFD also requires meaningful stakeholder involvement and strong coordination among relevant authorities. The PelAC supports early and continuous engagement of fisheries, aquaculture, maritime sectors, environmental NGOs and coastal communities, directly or through Advisory Councils, throughout the revision and implementation process. The PelAC also encourages reinforced coordination between DG ENV and DG MARE to ensure cross-sectoral consistency, improve policy coherence and avoid administrative silos.

5. Threshold Values

The initial directive legally defined Good Environmental Status, however transcribing the legal definition into a set of descriptors proved challenging, leading the Commission to publish a decision establishing criteria and methodological standards for GES. This led to the setting up of Threshold Values: *“a value or range of values that allows for an assessment of the quality level achieved for a particular criterion, thereby contributing to the assessment of the extent to which good environmental status is being achieved.”*

Currently, the Commission has set threshold values for underwater noise and is working on the definition of Threshold Values for D6C5: Seabed integrity.

The Threshold values are currently discussed in the Marine Strategy Expert Group, in a dedicated Technical Group on Seabed Integrity. DGENVI sent a special request to ICES to support TG seabed work towards proposing threshold values for seabed integrity descriptor 6 under MSFD. The outputs of the advice are expected to be discussed within the work of the Marine Strategy Expert Group and once approved to be put in legislation through Commission Decision. The lack of involvement of stakeholders and co-legislators may hinder the implementation of said TV. The PelAC would suggest opening the discussion and implementing the TV through the usual legislative process to ensure that the impacts are assessed within a dedicated impact assessment.

6. Ecosystem-Based Fisheries Management

The Marine Strategy Framework Directive (MSFD) establishes the ecosystem-based approach (EBA) as a core principle for achieving and maintaining Good Environmental Status (GES). However, the recent evaluation showed that it remains difficult to operationalise in practice, often remaining high-level and weakly linked to sectoral decision-making and concrete management actions, resulting in uneven progress towards GES.

Fisheries represent one of the most monitored and manageable activities on marine ecosystems and therefore a critical sector through which EBA can be clarified and delivered in practice. Decisions on catch limits, effort, technical and spatial measures are taken regularly, are strongly evidence-based, and already rely on indicators, reference points and adaptive processes. Moreover, multiple treaties and conventions require fisheries managers to account for the impact of fishing activity on the health of the entire ecosystem, not just targeted fish stocks. To effectively translate these obligations into practice, managers have begun to implement an approach known as ecosystem-based fisheries management (EBFM), which accounts for interactions among species, fishing activities, habitats and wider environmental concerns such as climate change.





The revision of the MSFD offers an opportunity to clarify EBA by explicitly recognising EBFM as a concrete implementation pathway, understood as a necessary and incremental step towards a broader, inter-sectoral, ecosystem-based approach (see for example the FAO Implementation Monitoring Tool). Through EBFM, ecosystem considerations can be embedded directly into fisheries decision-making, translating GES into operational objectives supported by actionable indicators, thresholds and pre-agreed management responses, applied at the scale at which fisheries decisions are taken (e.g. stock-specific, spatial, or fleet-based measures). In operationalising EBA, consideration could also be given to condition-based indicators that reflect cumulative stressors and organism-level impacts where scientifically feasible.

This approach aligns naturally with the MSFD's pressure-based logic and descriptor framework and strengthens the link between environmental objectives and concrete management action. We note that, while many global marine policy frameworks utilise the terminology of EBA or ecosystem-based management (EBM), very few operationalise it through specific objectives, targets and thresholds. To avoid perpetuating this phenomenon, a revised MSFD should combine legal clarity on what constitutes EBA and link this definition concretely to its pre-existing indicator set.

A key implementation gap under the existing MSFD lies in the disconnect between high-level GES ambitions and routine management decisions.

In the context of fisheries, a critical step in the process of adopting EBFM is the development of “ecological objectives” – targets that are more comprehensive and dynamic than the objectives used in traditional, single-species management. In relation to the MSFD, ecological objectives provide a critical bridge between these two levels. They could translate MSFD descriptors into measurable, action-oriented management intent, by specifying what should be avoided, maintained, or recovered in ecological terms. Properly formulated, ecological objectives can require fisheries managers to minimize ecological harm, maintain ecosystem structure and functioning, and promote recovery where degradation has occurred.

Ecological objectives such as GES are most effective when embedded in existing management tools and governance processes, rather than implemented as standalone environmental measures. In the context of fisheries, relevant tools include fisheries management plans and multiannual strategies, harvest strategies (also called management procedures) and management strategy evaluation (MSE), as well as regional fisheries cooperation frameworks.

EBFM would be used as a showcase of how EBM can be implemented and should show the way other sectors can reduce their impacts and help reach GES.

The PelAC nevertheless underlines that recognizing EBFM as an operational contribution to the ecosystem-based approach should not result in a transfer of responsibilities between Union policies. The CFP remains a sectoral policy designed to ensure the sustainable exploitation of living marine biological resources and should not be the only implementation vehicle for environmental objectives falling under other legal frameworks. Achieving GES requires coordinated action across all sectors exerting pressures on the marine environment. The revision of the MSFD should therefore consider the alignment and distinction between policy objectives, fully respect the principles of subsidiarity and proportionality, and ensure that measures remain adapted to regional and local circumstances where appropriate.





7. Conclusion

The PelAC is fully aligned with the objectives set in the Marine Strategy Framework Directive of reaching Good Environmental Status (GES) in European Waters by 2020.

Sustainable marine ecosystems are needed to ensure sustainable fishing resources and a viable pelagic fishing sector. Considering the efforts invested in setting up an initial assessment (article 8), determination of GES (article 9), establishment of environmental targets (article 10), monitoring programmes (article 11), Programme of measures (article 13) and Threshold Values, the PelAC is of the opinion that the Commission that the revision should focus on the implementation of current objectives.

Beyond technical improvements, the PelAC considers that the revision should also provide an opportunity to revisit the governance of the Directive itself. Since the adoption of the MSFD in 2008 and Commission Decision (EU) 2017/848 establishing methodological standards for GES, the implementation framework has progressively evolved into a highly technical process with limited stakeholder debate. Improving the operability, legitimacy and acceptability of the Directive requires that its most consequential methodological choices be subject to open stakeholder consultation and appropriate impact assessment, while continuing to rely on the best available scientific advice.

The PelAC recommends that:

- All sectors impacting the Ocean should Avoid, Reduce and Mitigate their impacts to pursue the achievement of GES across all EU waters.
- Enhance the implementation of existing measures, including on land, to ensure they are effectively applied across Member State to avoid the situation faced by the Baltic Sea, where eutrophication is the first impact on marine ecosystems.
- Develop a comprehensive EU data collection program to address knowledge gaps on marine ecosystem states, interannual variability, and climate change impacts. The data collection program should be funded via EU funds to ensure consistency and avoid disparities between Member States. The use of digital tools should be favoured to reduce reporting burdens, improve data collection and reduce monitoring costs.
- Align the MSFD with other EU regulations, such as the Maritime Spatial Planning Directive, Nature Restoration Law, and Renewable Energy Directive, to ensure a unified approach to ocean governance. This should be done through the European Ocean Act. The alignment should also focus on harmonising definitions (e.g., Good Environmental Status in MSFD and "good condition" in Regulation EU 2024/1991) to avoid contradictions and streamline implementation. The alignment should also resolve contradictions between the CFP (which focuses on maximum sustainable yield) and MSFD Descriptor 3 (which aims for populations within safe biological limits). In that sense, the PelAC supports the change to align Descriptor 3 with the MSY objective.
- Ensure that the definition of GES, the associated descriptors, criteria and threshold values are supported by transparent decision processes, informed by the best available science and appropriate impact assessments, with adequate involvement of co-legislators and stakeholders.





- Adopt a source-to-sea approach to address indirect pressures on marine environments, including pressures occurring on land, including eutrophication, ensuring accountability across all sectors (not just fisheries).
- Explicitly recognize EBFM as a concrete pathway for implementing the MSFD's ecosystem-based approach (EBA). The Revision of MSFD should embed ecological objectives into fisheries management tools (e.g., management plans, harvest strategies, and multiannual strategies) to bridge the gap between high-level GES ambitions and operational decision-making. EBFM can serve as a model to demonstrate how other sectors can reduce their impacts and contribute to achieving GES.
- Secure legal clarity on what constitutes EBA and links this definition concretely to its pre-existing indicator set;
- Address/recognise climate change or ocean acidification as drivers threatening marine biodiversity

