



REPLIES OF THE EUROPEAN COMMISSION

TO THE EUROPEAN COURT OF AUDITORS' SPECIAL REPORT

on marine protected areas

Contents

I. THE COMMISSION REPLIES IN BRIEF.....	2
II. REPLIES TO THE RECOMMENDATIONS.....	5
Recommendation 1 - Encourage the development of a coherent trans-European network of marine protected areas.....	5
Recommendation 2 - Work with Member States to ensure that the designation of marine protected areas translates into applicable protective measures.....	5
Recommendation 3 –Work with Member States to support an effective transition towards environmental objectives, sustainable livelihoods and competitive industries by promoting strong stakeholder engagement.....	7
Recommendation 4 - Strengthen adaptive management and monitoring of marine protected areas.....	9

This document presents the replies of the European Commission to observations of a special report of the European Court of Auditors, in line with Article 265 of the [Financial Regulation](#). These replies are to be published by the European Court of Auditors together with the special report.

I. THE COMMISSION REPLIES IN BRIEF

The Commission welcomes the European Court of Auditors' special report on marine protected areas (MPAs). It acknowledges that, after years of progress in protecting marine biodiversity in the EU through the implementation of the Birds¹, Habitats² and Marine Strategy Framework³ Directives, further efforts are needed to meet the objectives of the EU biodiversity strategy for 2030⁴ and of the Kunming-Montreal global biodiversity framework to halt biodiversity loss and restore ecosystems.

EU environmental legislation requires both the designation and the effective management of MPAs. The principal instrument for doing so is the Natura 2000 network, the world's largest coordinated network of protected areas, established under the Birds and Habitats Directives. To date, more than 3,000 marine Natura 2000 sites have been designated across the EU, covering over 9% of Member States' marine waters. That network makes the largest contribution to the EU MPA network which currently covers about 13.7% of EU Member States' marine area. In addition, under the Marine Strategy Framework Directive, Member States are required to include spatial protection measures in their programmes of measures with a view to achieving good environmental status.

Under the EU biodiversity strategy for 2030, the EU committed to expanding the network of marine protected areas to protect at least 30% of the area of EU seas, with one third of that area subject to strict protection, thereby contributing to a coherent and effectively managed network of MPAs. The marine action plan⁵ reaffirmed this commitment in the context of protecting and restoring marine ecosystems for sustainable and resilient fisheries. Furthermore, the Nature Restoration Regulation⁶ sets the overarching objective of restoring at least 20% of the EU's land and sea areas by 2030, and all ecosystems in need of restoration by 2050.

To help the EU and its Member States achieve the protected area targets in the biodiversity strategy, the Commission published, in 2022, criteria and guidance for identifying and

¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Codified version) OJ L 20, 26.1.2010, pp. 7–25

² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora OJ L 206, 22.7.1992, pp. 7–50

³ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (Text with EEA relevance) OJ L 164, 25.6.2008, pp. 19–40

⁴ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS EU Biodiversity Strategy for 2030 Bringing nature back into our lives (COM/2020/380 final)

⁵ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS EU Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries (COM/2023/102 final)

⁶ Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869 (Text with EEA relevance) PE/74/2023/REV/1 OJ L, 2024/1991, 29.7.2024

designating additional protected areas and for their appropriate management planning⁷, as well as for prioritising species and habitats for restoration to achieve a good conservation status⁸. Through a series of implementation support events, seminars and workshops, the EU is currently continuing to support Member States and gather also interested stakeholders.

Multiple pressures and various economic activities impact the marine environment, including in MPAs. Fisheries is usually identified, alongside sea floor damage, pollution (nutrients, contaminants, marine litter, noise) and invasive species, as one of the key pressures on the EU's seas, that are often linked to sectors like transport, energy, tourism, agriculture, and industry. Climate change is also making conditions worse through sea level rise, deoxygenation, acidification, and warming, which are harming ecosystems and their services. Therefore, a holistic, cross-sector approach with better cooperation, coordination, and governance is essential to address these challenges.

Commercial and recreational fishing activities can impact habitats and species which are protected in Natura 2000 sites. As the conservation of marine biological resources falls within the exclusive competence of the EU, the common fisheries policy (CFP) applies where their protection and restoration require fishing activities to be regulated. Measures required for Member States to comply with provisions of the Birds, Habitats and Marine Strategy Framework Directives in relation to commercial and recreational fishing activities in marine waters must therefore be adopted in accordance with the rules and procedures laid down in the CFP.

The CFP provides various tools for taking fisheries-related measures that are necessary to comply with environmental obligations. Article 11 of the CFP Regulation⁹ is a key enabler for helping implement conservation measures in marine Natura 2000 sites designated under the Birds and Habitats Directives, where such measures require fishing activities to be regulated. Moreover, fisheries restricted areas (FRAs) were introduced under the Technical Measures Regulation¹⁰ and some of these FRAs in the Baltic Sea coincide with marine Natura 2000 sites. In recent times, Member States have also used other tools in the CFP Regulation, such as Article 20, to establish measures to protect sensitive habitats and species within the 12 nautical miles zone.

The Commission has issued guidance on the establishment of conservation measures under the CFP for Natura 2000 sites and Marine Strategy Framework Directive-relevant

⁷ https://environment.ec.europa.eu/publications/criteria-and-guidance-protected-areas-designations-staff-working-document_en

⁸ <https://circabc.europa.eu/ui/group/fcb355ee-7434-4448-a53d-5dc5d1dac678/library/4d8f2f91-7708-4ed2-ba0e-e7a945a6d56a/details>

⁹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC

¹⁰ Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005

measures¹¹, as well as on the application of the relevant provisions of the Birds and Habitats Directives to the management of Natura 2000 sites in relation to commercial and recreational marine fishing¹².

The recent evaluation of the CFP Regulation¹³, however concluded that where conservation measures require regulating fishing activities under Article 11 of the CFP Regulation, evidence shows that the process ('regionalisation') has proved challenging. While the process clearly supports the delivery of objectives under EU environmental law, it has been slow, and the relatively few measures require compromises in order to ensure their adoption by Member States.

Finally, while MPA coverage has tripled over the past 15 years, not all MPAs are managed effectively and less than 1% of EU seas are protected strictly. This level of protection remains insufficient to counter biodiversity loss and the impacts of climate change. In 2020, the European Environment Agency published a technical briefing on management effectiveness in the EU's Natura 2000 network of protected areas¹⁴. Greater efforts are therefore required, including through restoring degraded marine habitats.

To gain a better understanding of protected areas' management effectiveness at EU level, and to help Member States assess and improve management effectiveness, the Commission is supporting the LIFE PAME-Europe project¹⁵. The project runs from 2024 to 2028 and aims to develop and test the 'PAME Europe Framework', a coordinated approach for evaluating and self-assessing management effectiveness in protected areas across Europe.

The Commission remains committed to achieving the EU biodiversity strategy targets for protected areas including in particular the achievement of a coherent and effectively managed network of marine protected areas, in line with existing obligations under the Birds, Habitats and Marine Strategy Framework Directives. While these policy targets and legal obligations are for Member States to achieve, the Commission will continue providing technical, financial and policy support.

¹¹ SWD(2018) 288 final. Commission Staff Working Document on the establishment of conservation measures under the Common Fisheries Policy for Natura 2000 sites and for Marine Strategy Framework Directive purposes, [https://ec.europa.eu/transparency/documents-register/detail?ref=SWD\(2018\)288&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=SWD(2018)288&lang=en)

¹² European Commission: Directorate-General for Environment, Natura 2000 and fishing – Application of Article 6 of the Habitats Directive and Article 4 of the Birds Directive to marine fishing activities – Commission notice, Publications Office of the European Union, 2025, <https://data.europa.eu/doi/10.2779/1449747>

¹³ COMMISSION STAFF WORKING DOCUMENT EVALUATION Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy. SWD(2026)120

¹⁴ European Environment Agency, Management effectiveness in the EU's Natura 2000 network of protected areas, Publications Office, 2020, <https://data.europa.eu/doi/10.2800/717133>

¹⁵ <https://www.europarc.org/about-us/europarc-projects/life-pame-europe/>

II. REPLIES TO THE RECOMMENDATIONS

Recommendation 1 - Encourage the development of a coherent trans-European network of marine protected areas

The Commission should use its broad overview to promote good practices so that the designation of EU marine protected areas takes due account of the relevant ecological criteria for the development of a coherent trans-European network.

(Target implementation date: end of 2029)

The Commission **accepts** recommendation 1.

In line with its role under the Birds, Habitats and Marine Strategy Framework Directives and relevant international and regional frameworks, the Commission will continue to use its cross-EU overview to support and promote good practices in the designation of marine protected areas. This includes encouraging Member States to take due account of relevant ecological criteria, with a view to improving the coherence, representativity and connectivity of the trans-European network of marine protected areas.

The Commission will pursue this through existing cooperation structures with Member States, regional sea conventions and Commission expert groups, as well as through guidance, exchanges of experience and the dissemination of good practices. This work will also build on the available scientific and technical knowledge, including assessments carried out by the European Environment Agency (such as the assessment of the sufficiency of the Natura 2000 network) and by other relevant bodies or EU co-funded scientific projects (such as MPA Europe)¹⁶.

Recommendation 2 - Work with Member States to ensure that the designation of marine protected areas translates into applicable protective measures

The Commission should:

- (a) promote the use of standardised information about conservation objectives and protection measures for marine protected areas, and publish it on one of the existing platforms (e.g. Natura 2000 viewer, the European Marine Observation and Data Network) or on a specific data-monitoring platform;*
- (b) together with Member States, identify shortcomings, bottlenecks and inefficiencies in the process of adopting conservation measures within marine protected areas that affect several Member States' fishing fleets, to streamline the process;*
- (c) encourage the use of innovative solutions to achieve more effective conservation of marine protected areas.*

¹⁶ <https://mpa-europe.eu/project/>

(Target implementation date: end of 2029)

The Commission **accepts** recommendation 2a.

Member States can already use the standard data forms (SDFs) of Natura 2000 sites¹⁷ to provide standardised information about conservation objectives and conservation measures for Natura 2000 sites. SDFs are already publicly available in an open format in the Natura2000 viewer¹⁸ and therefore reflect the information provided by Member States.

While only Member States can provide the necessary information about the conservation objectives and measures for which they are responsible, the Commission will encourage Member States to update the SDFs of their Natura 2000 sites to the new recently adopted format which contains more details about the objectives and measures. The Commission will cooperate further with the European Environment Agency to improve the functionalities of the Natura 2000 viewer and to progressively integrate relevant information into other platforms such as the European Marine Observation and Data Network. The Commission also remains committed to continuing to provide guidance about and sharing good practices and examples of the conservation objectives and measures.

The Commission **accepts** recommendation 2b.

The Commission can only act within the limits of its powers. Within the process of regionalisation under the CFP (where Member States can propose conservation measures to protect marine protected areas from the pressure of fishing), the responsibility for elaborating joint recommendations lies with the Member States. The Commission keeps an overview of the process from the moment it receives the draft joint recommendation until the delegated act is published. Furthermore, the Commission can advise and steer the process, but a substantial part of the work is done at national level (with national stakeholders) and bilaterally between the Member States (without the Commission's involvement).

The Commission has evaluated the CFP Regulation, including the matters related to regionalisation (Article 11 of the Regulation), Advisory Councils, and coherence with environmental legislation. The Commission is currently exploring a follow-up to this evaluation.

To support simplification and to improve efficiency, the Commission could reflect further on optimising procedures / streamlining the process for adopting fisheries conservation measures under regionalisation, especially to identify shortcomings, bottlenecks and inefficiency. To gain a complete picture and to strengthen the efficiency of the whole processes of putting forward the conservation measures for MPAs, the Commission will invite Member States whose fishing fleets are affected by those measures – to also identify such issues.

The Commission **accepts** recommendation 2c.

¹⁷ Commission Implementing Decision (EU) 2023/2806 of 15 December 2023 concerning a site information format for Natura 2000 sites (notified under document C(2023)8623)

¹⁸ <https://natura2000.eea.europa.eu/>

The Commission will encourage the development, testing and uptake of innovative approaches and tools that can improve the effectiveness of MPA conservation, including through existing EU policy frameworks, scientific support, funding instruments and the exchange of best practices (for example through its EU Blue Parks initiative). The EU Blue Parks initiative is a collaborative effort launched under the EU Mission Ocean and Waters, to accelerate marine conservation. It focuses on science-based solutions for setting, managing and expanding MPAs across European sea basins, including nationally and internationally designated MPAs, Natura 2000 marine and coastal sites and other designated marine conservation zones. The EU blue Parks initiative includes EU funded projects in Horizon Europe work programmes, and an EU Blue Park community of practices which enable knowledge exchanges, governance developments and the sharing of good practices for MPA management by national, regional and local authorities.

The Commission will continue to encourage, under the CFP, the use of innovative solutions in fisheries to minimise, and where possible, eliminate negative impacts on the marine environment, and is already supporting Member States e.g. through the European Maritime, Fisheries and Aquaculture Fund. The Commission highlights that it is for Member States to make use of EU funds and of innovative solutions to achieve more effective conservation of marine protected areas.

Regarding future EU financial support, including support for innovation in MPA management, the Commission cannot prejudge the ongoing legislative and political negotiations between the European Parliament and the Council on the 2028–2034 multiannual financial framework.

Recommendation 3 –Work with Member States to support an effective transition towards environmental objectives, sustainable livelihoods and competitive industries by promoting strong stakeholder engagement

The Commission should support member states:

- (a) in identifying and implementing actions that mitigate the socio-economic impact of conservation measures, including those related to fishing restrictions, on the livelihoods of coastal communities; promoting approaches that enhance the benefits associated with marine protected areas;***
- (b) in their efforts to ensure that local stakeholders are meaningfully involved in decisions pertaining to marine protected areas***

(Target implementation date: end of 2029)

The Commission **accepts** recommendation 3a.

The Commission can only act within the limits of its powers. It is Member States' prerogative and responsibility to consider the environmental and socio-economic impacts of conservation measures in MPAs, including those related to fishing restrictions. The Commission can help Member States to identify and implement actions that mitigate the socio-economic impact on the coastal fishing communities of fisheries conservation measures in MPAs, including

those related to fishing restrictions. EU funds and Member States' national budgets can help mitigate the socio-economic impacts of conservation measures. However, it is Member States' decision whether to address the issues.

The Commission **accepts** recommendation 3b.

The Commission can only act within the limits of its powers.

The Commission acknowledges the importance of local stakeholders' involvement in decisions pertaining to the MPAs. Member States play a crucial role in engaging their coastal communities and local stakeholders in co-designing and co-managing MPAs. The Commission will support Member States in their efforts to do so, and it will consider the most suitable approaches. From the CFP perspective and in relation to fisheries conservation and management, while the Commission is aware that various stakeholder fora exist at local and regional scale (for example the North Sea Agreement bringing together the administrations and some stakeholders), it does not have the capacity nor the competence to follow up on the decisions taken within numerous local consultation fora or bodies.

At the EU level, the Advisory Councils (ACs) under the CFP are an established stakeholder consultation mechanism, including under the regionalisation (Article 11 of the CFP Regulation and Article 15 of the Technical Measures Regulation). The Commission's guidance on Natura 2000 and fisheries, and its earlier guidance on Article 11 of the CFP Regulation provide examples of legal obligations and good practices, including in relation to early stakeholder engagement. In addition, the Commission is working with the existing 11 ACs to ensure that small-scale fishers (SSFs) are better represented and heard within the ACs. As such, the Commission recommended creating focus groups, or even working groups dedicated to SSFs and several ACs have already created dedicated structures focusing on SSFs. The Commission will continue its efforts in this area of work.

Furthermore, under the EU strategy on resilient, prosperous and liveable coastal communities adopted on 10 June 2026 (COM(2026)530 final), the Commission recognises the importance of the co-design and co-management of protected areas for involving local stakeholders (e.g. fishers) in improving conservation outcomes: 'Co-management involving local stakeholders, especially fishers, in the designation and management of protected areas, can improve conservation outcomes and the long-term viability of measures. By combining science with local knowledge, it can increase compliance, reduce conflict and support climate adaptation. It can also deliver local benefits through restoration, monitoring and stewardship jobs, as well as revenues from nature restoration and blue carbon credits. The Commission encourages community-led local development initiatives in coastal and fisheries areas (FLAGs/LAGs)¹⁹ to support marine stewardship, restoration and nature-based projects. Member States are also invited to ensure that coastal communities are actively involved on decisions pertaining to marine protected areas.' One of the flagship actions under this strategy states that: 'The Commission will promote structured co-management partnerships (including fishers) for protected areas and will support Member States and local authorities to embed stakeholder involvement in planning, monitoring and periodic review of the plans' and "will foster cooperation and strategic partnerships between national and coastal

¹⁹ FLAG – fisheries local action group / LAG – local action group

communities' authorities'. The Commission will further encourage addressing these needs as described in this Strategy.

Moreover, maritime spatial planning (MSP), although not mentioned in the context of stakeholders' participation and engagement in the report, it is actually the tool used by France and Ireland to consult and involve stakeholders at an early stage (before the designation of an MPA), as exemplified by the 'Conseil Maritime de Façade'. Some Member States set up continuous consultation processes (e.g. France's Conseil Maritime de Façade) in application of Directive 2014/89 (the MSP Directive), Articles 6 and 9. Since MSP concerns early and consultative planning, the Commission will continue to work with Member States on setting up early and continuous dialogue with the different stakeholders when drawing up maritime spatial plans that include conservation measures (within the framework of the Maritime Spatial Planning Directive and all the existing supporting tools associated with the implementation of that Directive).

Finally, the Nature Restoration Regulation (Article 14(20)) requires that 'Member States shall ensure that the preparation of the restoration plan is open, transparent, inclusive and effective and that the public, including all relevant stakeholders, is given early and effective opportunities to participate in its preparation. Consultations shall comply with the requirements set out in Directive 2001/42/EC'.

Recommendation 4 - Strengthen adaptive management and monitoring of marine protected areas

The Commission should provide support for the adaptive management of marine protected areas on the basis of coherent data, in particular by proposing a robust methodology for assessing management effectiveness.

(Target implementation date: end of 2029)

The Commission **accepts** recommendation 4.

The Commission agrees on the importance of strengthening the effective and adaptive management of MPAs by improving the availability, coherence and use of data, as well as by promoting more consistent approaches to assessing the effectiveness of MPA management. To this end, the Commission has already allocated EUR €1.6 million to the LIFE-PAME Europe project²⁰ until the end of 2028 to develop a 'flexible, adaptable framework tailored to the diverse needs of EU Member States' for assessing the effectiveness of MPA management. The project builds upon internationally established state-of-the-art tools and methodologies for measuring management effectiveness, such as IUCN METT-4 and the World Wildlife Fund Rapid Assessment and Prioritization of Protected Area Management methodology.

The Commission, with the support of the European Environment Agency, intends to set up a digital assessment and reporting tool based on the LIFE PAME-Europe framework. This tool will enable Member States to report their management effectiveness evaluations to a

²⁰ <https://www.europarc.org/about-us/europarc-projects/life-pame-europe/>

common EU dataset in a coherent way, and to better implement adaptive management strategies.