

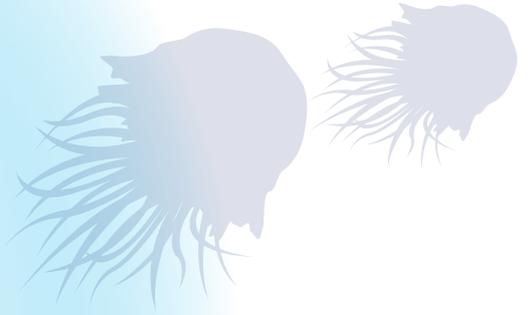


2022  
PROGRESS  
ASSESSMENT  
FULL REPORT

**BLUE  
MANIFESTO**

THE ROADMAP  
TO A HEALTHY OCEAN  
IN **2030**

Thriving marine and  
coastal ecosystems for a  
climate-resilient future



# BLUE MANIFESTO

2022

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## PROGRESS ASSESSMENT FULL REPORT

JUNE 2023

This assessment was conducted by  
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Ocean Future Collective

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*This report was produced in April and May 2023 on behalf of the six Blue Manifesto lead NGOs: BirdLife Europe & Central Asia, ClientEarth, Oceana, Seas At Risk, Surfrider Europe, 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. Cut-off point for information used in the assessment was 30 April 2023.*

*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 endorsers, but is supported by the lead NGOs in its conclusions.*



# SUMMARY

This report reviews the progress – if any – on the milestones of the Blue Manifesto, the roadmap to a healthy ocean by 2030. This third assessment looks at the milestones set for 2022 and updates the milestones for 2021 and 2020. When comparing the scoring between these three years, it is clear that there is a negative trend forming in achieving the targets under each milestone. None of the six new milestones for 2022 score green, and three of them score red. For 2021, one milestone had to be scored down from yellow to red. A key cause of the negative trend in reaching the manifesto’s targets is the shift in targets towards the responsibilities of the EU Member States rather than the European Commission. Implementation at country level is progressing slowly and is often not in line with agreed legislation at EU level or international standards. This is reflected in the two 2020 milestones that have been updated to score green. Both refer to international agreements signed this year: the Kunming-Montreal Global Biodiversity Framework and the so-called “high seas treaty” on marine biodiversity of areas beyond national jurisdiction (BBNJ). While the EU countries are willing to sign up to binding conservation goals in international forums, these legal commitments are not yet reflected in EU internal implementation. One exception is the Single-Use Plastic Directive, which is now fully implemented by virtually all Member States, with some countries going beyond what is required at EU level.

In 2022, the European Commission again started infringement procedures against several Member States for not delivering on their legal obligations related to different milestones. Civil society organisations have also been successful in court cases on the lack of implementation of EU laws and protection of the marine environment. For future Blue Manifesto assessments, it will be interesting to assess if the need for legal enforcement of existing legislation is a trend that will increase in the coming years.

# ASSESSMENT METHOD

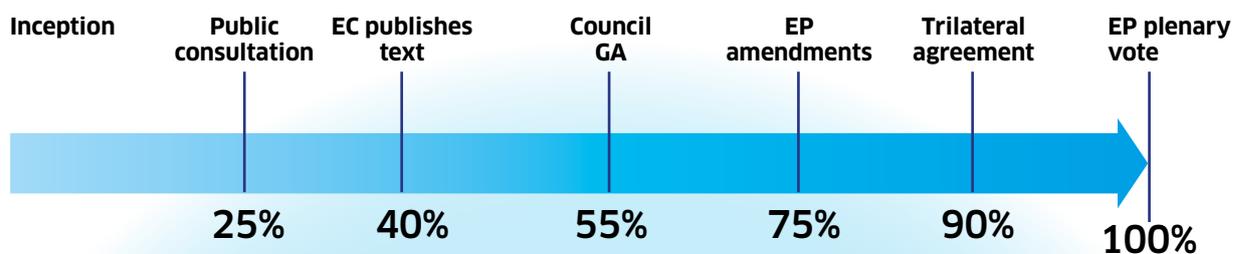
For the 2020 assessment, a method was developed that defines progress indicators for each of the milestones and their sub-targets.

The assessment is two-sided: one side scores progress on the processes associated with the milestones, in percentage towards completion; the other side is the delivery of the sub-targets within the milestone, scored through a traffic light system – red showing targets not met, yellow showing targets partly met, and green showing targets delivered in full.

For those milestones linked to new EU legislation or policy, progress depends 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 a strategy or action plan, which have no co-decision step (Figure 1).

For milestones with no direct link to a specific external policy process, assessment was based on expert opinion from the experts on the relevant files from the Blue Manifesto’s core non-governmental organisations (NGOs).

## A EU LEGISLATIVE TIMELINE FROM START TO FINISH WITH PROGRESS INDICATOR



## B EU TIMELINE STRATEGY AND ACTION PLANS

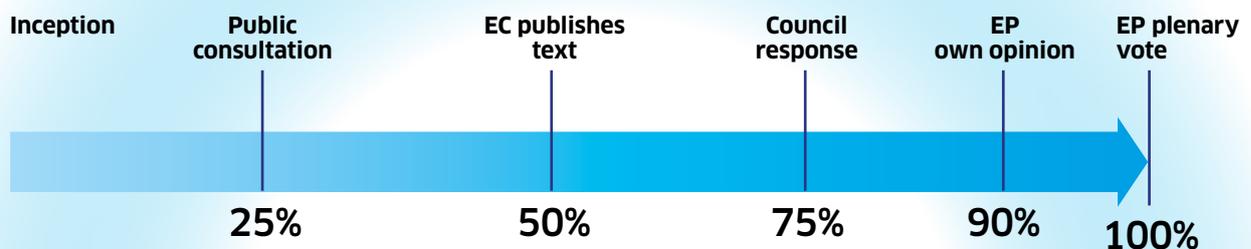
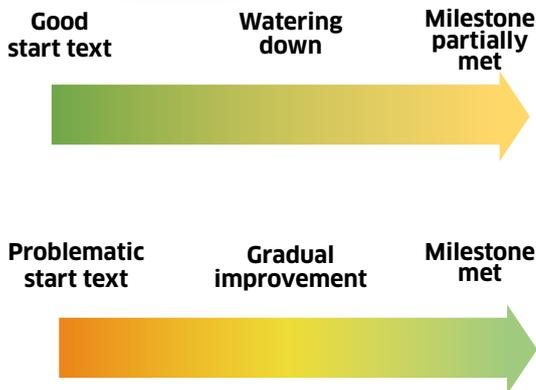


figure 1: Progress indicators for full European Commission/Council/European Parliament legislative process (A), and the process for a strategy or action plan (B)

# ASSESSMENT METHOD

**FIGURE 2 / EXAMPLES OF COLOUR CODING FOR PROGRESS INDICATOR BARS**



The second element in the assessment is scoring the targets for each of the milestones in a traffic-light format (Figure 2).

To the extent possible, colour coding was based on comparing the exact wording of the Manifesto with wording in the relevant policy and legislative documents.

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.

Milestones that are only just starting, or where there is little clarity on the direction of the process, were kept in blank, this is the case, for example, for milestone 17 (from 2021). Because milestone 13 is not linked to a specific process or outcome we chose not to score to attach a progress score to this milestone, only a colour coding.

**These two assessment 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.**

# INTRODUCTION

Signed by more than 100 non-governmental organisations (NGOs) in 2019, the Blue Manifesto outlines a plan for policymakers and legislators to strengthen and enhance the European Union (EU) marine policy framework. It presents a practical timeline of concrete steps that must be taken now and in coming years to ensure that Europe reaches its goals for ocean protection and sustainable marine management. The Manifesto comprises specific yearly milestones in accordance with EU and international policy and legislation, which, if followed, will guide Europe towards a sustainable future with flourishing and healthy seas by 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.

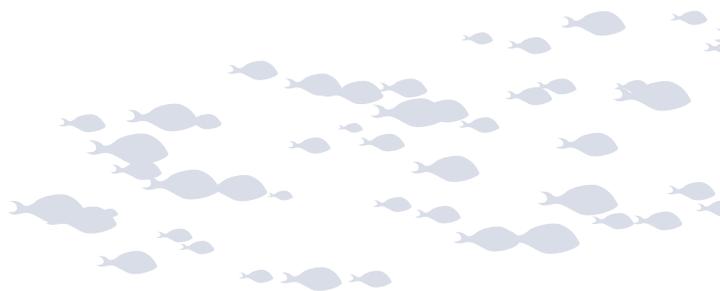
Two previous progress assessments for the 2020 and 2021 milestones showed that several milestones had not been met, due to delays caused by the COVID-19 pandemic and other setbacks. These milestones are updated in this 2022 assessment.

# New2022

## MILESTONES AND UPDATED MILESTONES FOR 2021 AND 2020

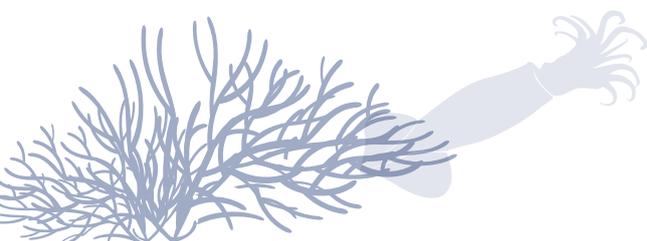
The Blue Manifesto lists six new milestones for 2022, many of which build on the milestones for 2021 and 2020. The 2021 and 2020 milestones that had not yet concluded when the 2021 assessment was published have been reassessed and are updated here.

RESULT 2022



## RESULTS 2022

NO	MILESTONE 2022	TEXT WITH TARGETS	OVERALL SCORING
19	Urban Waste Water Treatment Directive	EU addresses substances of emerging <b>concern, such as pesticides, pharmaceuticals, and microplastics</b> , in the revised Urban Waste Water Treatment Directive (1)	Yellow
20	Bathing Waters Directive	EU adopts a revised <b>Bathing Waters Directive</b> , which ensures good quality of (1), and <b>safe access to coastal and marine waters</b> (2) with high environmental and health standards.	Red
21	Trawl-free zones	EU establishes <b>trawl-free zones along the whole EU coast to protect the most productive part of our seas</b> (1) and <b>protect all EU Marine Protected Areas</b> from the negative impacts of destructive fishing gears (2).	Red
22	Underwater noise emissions	EU countries adopt <b>legally-binding measures</b> to achieve a constant and measurable <b>reduction in underwater noise emissions</b> (1)	Yellow
23	Offshore oil and gas extraction	EU <b>bans all new offshore oil and gas exploration and production</b> (1) and <b>adopts a strategy to phase-out</b> current offshore oil and gas extraction (2)	Red
24	Extended Producer Responsibility	EU countries set up binding schemes for <b>Extended Producer Responsibility for single-use plastics</b> (1) and fishing gear to maximise <b>eco-design and prevention</b> (2)	Yellow



# UPDATED RESULTS 2021

NR	MILESTONE 2021	TEXT WITH TARGETS	2021 SCORE	2022 SCORE
12	<b>Fisheries Control Regulation</b>	EU revises the <b>Control Regulation</b> 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 illegal, unreported or unregulated (IUU) fisheries reach the EU market (3)		
13	<b>Bycatch of sensitive species</b>	EU countries implement effective <b>fisheries management measures</b> to eliminate bycatch of sensitive species (1).		
14	<b>Maritime Spatial Plans</b>	EU countries adopt <b>ecosystem-based Maritime Spatial Plans which</b> include at least 30% of highly or fully protected MPAs (1) and areas for human activities allocated based on ecosystem sensitivity (2)		
15	<b>Common Agriculture Policy reform</b>	EU adopts a fundamental reform of the <b>Common Agricultural Policy</b> 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)		
16 <sup>a</sup>	<b>Port Reception Facilities</b>	EU countries transpose into national law the <b>Directives on Port Reception Facilities</b> (1) and on Single Use Plastics (2), with ambitious consumption reduction targets for food containers and beverage cups (2)		
16 <sup>b</sup>	<b>Single-Use Plastics Directive</b>			
17	<b>Global Ocean Treaty ratification</b>	EU countries ratify and implement <b>the Global Ocean Treaty</b> (1).		
18	<b>Emissions Trading System</b>	EU includes shipping in its <b>Emissions Trading System</b> (1).		

# UPDATED RESULTS 2020

NR	MILESTONE 2020	TEXT WITH TARGETS	2020 SCORE	2021 SCORE	2022 SCORE
1	<b>Biodiversity Strategy 2030</b>	EU adopts a <b>Biodiversity Strategy 2030</b> 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	<b>Farm to Fork Strategy</b>	EU adopts a <b>Farm to Fork strategy</b> that fully takes into account the ecological and climate impacts of fisheries and aquaculture (1) and addresses responsible consumption (2) and sustainably sourced and traceable seafood (3).			
3	<b>Circular Economy Action Plan</b>	EU adopts a new <b>Circular Economy Action Plan</b> that includes measures to reduce absolute resource use, including plastic (1), increase resource efficiency (2) and to prevent leakage of plastics and microplastics in the sea (3).			

# UPDATED RESULTS 2020

NR	MILESTONE 2020	TEXT WITH TARGETS	2020 SCORE	2021 SCORE	2022 SCORE
4 <sup>a</sup>	Chemicals Strategy	EU adopts a <b>Chemicals strategy for sustainability</b> (1) and a <b>Zero-pollution strategy</b> (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.			
4 <sup>b</sup>	Zero-Pollution Action Plan				
5	Offshore Wind Strategy	EU adopts an <b>Offshore Wind Strategy</b> 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 <b>European Maritime Fisheries Fund</b> to restore the marine environment, collect data and control fisheries (2), and revises the <b>State Aid guidelines for fisheries and aquaculture</b> to prohibit granting of harmful subsidies (3).			
7	Energy Taxation Directive	EU removes <b>fuel tax exemptions</b> for fishing vessels and shipping under the revised Energy Taxation Directive.			
8	Convention on Biological Diversity (CBD) Global Biodiversity Framework	EU pushes for the adoption of a <b>Post-2020 Global Biodiversity Framework</b> under the Convention on Biological Diversity, with protection (1) and restoration (2) targets for marine ecosystems globally.			
9	Sustainable shipping at the International Maritime Organization	EU pushes for the adoption of urgent short-term measures at the International Maritime Organization to <b>ban heavy fuel oil in the Arctic</b> (1) and <b>reduce ship speed</b> (2) to decrease greenhouse gas (GHG) emissions, noise levels and whale strikes.			
10	Global Ocean Treaty Intergovernmental Conference	EU pushes for the adoption of an ambitious <b>Global Ocean Treaty to protect marine biodiversity in areas beyond national jurisdiction</b> worldwide at the 4th session of the Intergovernmental Conference on Biodiversity Beyond National Jurisdiction.			
11	Moratorium on deep-seabed mining	EU establishes a <b>moratorium on deep-seabed mining</b> (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 (ISA) (3).			



## MILESTONE 19: URBAN WASTE WATER TREATMENT DIRECTIVE

Progress on file **50%**: On 26 October 2022, the Commission published a proposal for a revised Directive<sup>1</sup> for integrated water management, with the aim of achieving a pollution-free environment by 2050.



**EU addresses substances of emerging concern, such as pesticides, pharmaceuticals, and microplastics, in the revised Urban Waste Water Treatment Directive<sup>(1)</sup>**

Sub-target	Delivery scoring	Rationale
 <p data-bbox="296 907 630 965">Directive covers pharmaceuticals, pesticides and microplastics</p>	<p data-bbox="630 862 1447 965">The European Commission presented a strong proposal. The European Parliament and Council have yet to agree their positions. Within the Parliament, there is opposition from the ECR group</p>	

To better align the Urban Wastewater Treatment Directive with the EU Green Deal's objective regarding climate action, circular economy and pollution reduction a revision of the UWWTD was announced as part of the deliverables under the Zero Pollution Action Plan. The European Commission tabled a proposal for the revised UWWTD in October 2022. Although 98% of wastewater is collected and 92% is satisfactorily treated, water pollution is still massively observed across Europe with the rise of contaminants of emerging concern and urban wastewater remaining an important pressure on water quality. An update of the legislation from 1991 was therefore needed to incorporate new insights and enhance the protection of the environment and human health. The proposal seeks to tackle sources of pollution not covered by the current legislation, like micropollutants, while addressing also the existing pitfalls of the legislation (pollution from smaller agglomerations, storm water overflows, urban runoff and others). It also aims at reducing greenhouse gas emissions, guaranteeing access to sanitation for all, improving transparency and governance and introducing the surveillance of public health parameters to monitor pandemics.

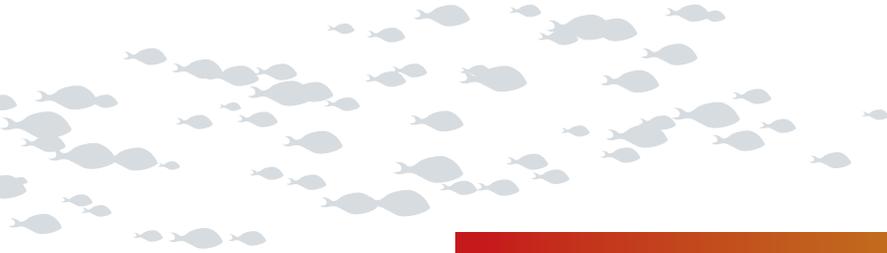
In line with these ambitions, the proposal especially introduces an additional phase of treatment (quaternary) to eliminate a broad spectrum of micropollutants while ensuring that the industry is made responsible for financing this upgrade ('polluter pays principle'). It is foreseen that producers of pharmaceuticals and cosmetics will be required to pay for the removal of micropollutants from their products in wastewater through the establishment of an Extended Producer Responsibility (EPR) Scheme.

The European Parliament ENVI-committee appointed Nils Torvalds as rapporteur<sup>2</sup>. His report is expected to be voted on in ENVI in September, followed by a vote in plenary later in the autumn. A Council general approach on the European Commission proposal is expected in October 2023 so that trilogue can start in November 2023.

NGOs welcome the revised Directive<sup>3</sup>, but noted their concerns about the effective implementation of certain provisions in practice<sup>4</sup>. The organisations welcome the Commission's commitment to tackle the pollution from micropollutants through the introduction of quaternary treatment and the enshrinement of the polluter pays principle through an EPR scheme, as well as the measures to address biocarrier pollution cases.

## MILESTONE 19: URBAN WASTE WATER TREATMENT DIRECTIVE

Surfrider Foundation Europe has expressed its concern about proposed changes to the EPR scheme, by the EP, and the potential unfair burden of costs on citizens and authorities. It also believes that priority should be given to bringing existing plants into compliance, better inspection of Individual and other Appropriate Systems (IAS), and stronger integrated water management plans to prevent and manage stormwater overflows. Additionally, Surfrider urges the rapporteur to address the plastic pollution associated with wastewater by tackling microplastic pollution in sewage sludge disposal and strengthening the proposed measures to prevent biomedica spills and losses at source.



## MILESTONE 20: BATHING WATERS DIRECTIVE

Progress in this file **25%**: The European Commission was due to complete the review of the Bathing Water Directive in 2020<sup>5</sup> but delays saw the completion of the review and legislative proposal postponed until after the next EU elections, with no conclusion before 2025.

### 20 • BATHING WATERS DIRECTIVE

25%



**EU adopts a revised Bathing Waters Directive, which ensures good quality of with high environmental and health standards<sup>(1)</sup> and safe access to coastal and marine waters<sup>(2)</sup>**

Sub-target	Delivery scoring
Ensures good quality + high environment and health standards	The roadmap published in March 2021 had some promising text but the file has now been delayed until after the next European elections and it is unclear if any of these intentions will be met
Safe access to coastal and marine waters	

#### Rationale

The Commission initiated its review process in 2021 with the publication of a roadmap, followed by an open public consultation<sup>6</sup>. As part of the review strategy, several stakeholder workshops were convened, and an Evaluation Study was carried out to support the European Commission in preparing the revision of the Bathing Waters Directive.

The delay until 2025 is a source of concern for NGOs, as pressing challenges still need to be tackled. These include monitoring and addressing chemical pollution of bathing and recreational waters. The postponement means a delay in measures to protect the health and safety of EU citizens using recreational waters<sup>7</sup>.

The first Bathing Water Directive was adopted in 1976 and first revised in 2006. Successive changes in the management of bathing waters in Europe led to great improvements, further protecting the health of citizens. However, for the past 30 years, the legislation has focused mainly on microbial pollution of bathing sites, despite changes in our understanding and awareness of the nature of water pollution. Many sources of contamination affect our water bodies and there is growing concern about their impact on human health and the environment.

## MILESTONE 21: TRAWL-FREE ZONES

Progress in this file **15%**: This milestone is not directly related to a legislative file, directive or action plan, but contains targets for implementation of measures under existing legal frameworks (the Marine Strategy Framework Directive (MSFD), the Birds and Habitats Directives, and the Common Fisheries Policy (CFP) Basic Regulation)<sup>8 9 10</sup>. There has been only very limited progress on excluding bottom trawling and other destructive fisheries from MPAs and there is no progress in protecting coastal zones from trawling. Accordingly, it is scored as not having been met.

### 21 • TRAWL-FREE ZONES

15%



**EU establishes trawl-free zones along the whole EU coast to protect the most productive part of our seas<sup>(1)</sup> and protects all EU MPAs from the negative impacts of destructive fishing gears<sup>(2)</sup>**

Sub-target	Delivery scoring
 Establish trawl-free zones along the EU coast	Progress 0%: there is no centralised database of measures under Article 20 of the Common Fisheries Policy (CFP) and the experts within the Blue Manifesto group are not aware of any active proposals or trawl-free coastal zones. Some protected coastal areas predate the current legislation, but these are deemed ineffective
 Protect all EU MPAs from destructive fishing gears	Progress 25%: there are only a very limited number of no-take MPAs fully closed to destructive fishing techniques (trawling, seining, long lining, etc.). In recent years, areas have been closed to bottom trawling in Germany, Sweden and Denmark. In February 2023, the Netherlands closed three MPAs to all bottom-impacting fisheries

#### Rationale

**Target 1:** This target is interpreted in direct relation with Article 20 of the Common Fisheries Policy (CFP) Basic Regulation, which states that: 'A Member State may take non-discriminatory measures for the conservation and management of fish stocks and the maintenance or improvement of the conservation status of marine ecosystems within 12 nautical miles of its baselines'<sup>11</sup>. There is no centralised database of measures under Article 20 and the experts within the Blue Manifesto group are not aware of any active proposals or trawl-free coastal zones.

Some Member States have protective measures in place that predate the 2013 CFP reform. The Mediterranean Sea and Black Sea have had an inshore restriction of 3 nautical miles (nm) and/or 50 metre (m) depth in place for over 20 years. Despite the multiple derogations that undermine its conservation values, this nevertheless remains a valid, pioneering and replicable measure to safeguard coastal habitats. Sweden has officially a 4nm inshore limit since the 1990s but the legislation is weak, with many derogations and little enforcement. There will be trial closure of specific coastal areas over the next two years to aid spawning cod and herring in the coastal zone. In France, some specific bays and estuaries have been closed to trawling by regional decree since the 1980s (albeit with derogations).

**Target 2:** there are a very limited number of no-take MPAs that are fully closed to all fishing techniques. In recent years, areas have been closed to bottom trawling in Germany (12% of its exclusive economic zone (EEZ)), Sweden and Denmark. In February 2023, the Netherlands closed three MPAs (5% of its EEZ) to all bottom impacting fisheries<sup>12</sup>.

In February 2023, the European Commission published an Action Plan to Conserve Fisheries Resources and Protect Marine Ecosystems<sup>13</sup>. The Plan provides a timeline for Member States to implement existing EU legislation, as well as a political roadmap for the EU to deliver MPAs. It sets out the objective to close all MPAs in the EU to bottom trawling by 2030, alongside short-term measures to reduce bottom impact in Natura 2000 sites. At the AGRIFISH Council meeting of March 2023, all affected Member States expressed strong opposition to the Plan.

## MILESTONE 21: TRAWL-FREE ZONES

### Of further importance to this milestone:

In September 2022, the European Commission closed 87 sites of between 400 and 800m depth to all bottom gears as part of the implementation of the Deep Sea Regulation for Vulnerable Marine Ecosystems (VMEs)<sup>14</sup>. The Member States most impacted by this measure (France, Spain, Portugal) voiced their opposition, but the measure nevertheless remains in force.

At the beginning of 2023, the first-ever threshold values (TVs) for sea-floor integrity under the MSFD (Descriptor 6) were adopted at EU level. An additional third TV for areas without pressures was proposed by a group of Member States, which aimed to create undisturbed reference areas of 10% of each habitat. This additional TV would help to create coherence with other restoration and conservation objectives, e.g. under the Nature Restoration Law, the EU Biodiversity Strategy, and the subsequent Marine Action Plan.

## MILESTONE 22: UNDERWATER NOISE EMISSIONS

**Progress on this file 100%:** As part of the roll-out of the Zero Pollution Action Plan, an assessment framework to define EU threshold values (TV) for continuous underwater noise (TG Noise deliverable 3) was adopted on 29 November 2022<sup>15</sup>. They will contribute to setting limits on where and for how long marine habitats can be exposed to underwater noise.

### 21 • UNDERWATER NOISE EMISSIONS

100%

**EU countries adopt legally binding measures to achieve a constant and measurable reduction in underwater noise emissions<sup>(1)</sup>**

Sub-target	Delivery scoring	Rationale
 Legally binding measures on constant and measurable reduction	Setting the TVs is the first step; they now need to be implemented and accompanied with meaningful monitoring to show effects on marine life over time	<p>The next step is for these TV's to be implemented and accompanied by meaningful monitoring to show the effects on marine life over time. The European Commission can aid this process by creating a guidance document clarifying the measures that should be adopted.</p> <p>The TVs agreed provide an important first step towards regulating acceptable levels of underwater noise. However, as the TVs are above those recommended by experts, and there is a lack of clarity about Member State measures to achieve a constant and measurable reduction, this milestone is scored as only partly met.</p>

## MILESTONE 23: OFFSHORE OIL AND GAS EXTRACTION

Progress on this file **0%**: The EU has yet to propose any new initiative that would ban or at least restrict offshore oil and gas exploration and exploitation, despite calls and provisions in resolutions from the European Parliament.

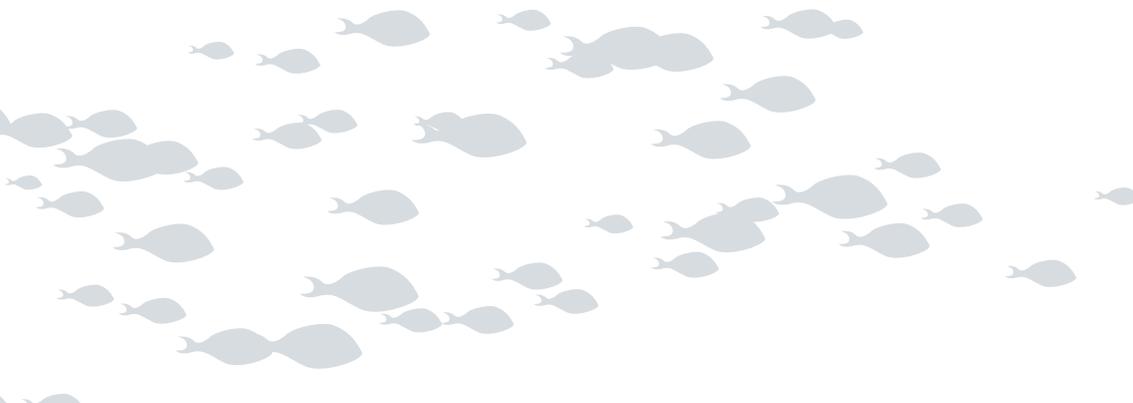
### 23 • OFFSHORE OIL AND GAS EXTRACTION

0%



**EU bans all new offshore oil and gas exploration and production<sup>(1)</sup> and adopts a strategy to phase-out current offshore oil and gas extraction<sup>(2)</sup>**

Sub-target	Delivery scoring	Rationale
Bans all new oil and gas exploration and production	Neither of these targets is reflected in any EU policy	<p>The EU's Offshore Oil and Gas Directive was due to be revised in 2020. However, no revision process has begun and is thus unlikely to be completed by the end of the current term of the Commission. Despite some developments, such as the 2022 publication of a study on offshore platform decommissioning, no additional steps were taken by the Commission. Several initiatives or proposals for policy vehicles were released and discussed since 2020, but it is crucial that this ambition goes beyond political announcements and translates into provisions in legally binding EU texts.</p> <p><b>On 20 February 2023, EU Foreign Ministers failed to reach the unanimous agreement required to adopt a call for a global phase-out of unabated fossil fuels, as part of the bloc's negotiating position at the United Nations (UN) COP28 climate conference later this year.</b></p>
Adopts strategy to phase out oil and gas extraction		



## MILESTONE 24: EXTENDED PRODUCER RESPONSIBILITY

Progress on this file **50%**: Many Member States are adopting EPR schemes as part of their implementation of the Single-Use Plastics Directive. Not all EU countries have transposed EPR measures into national law. Measures for fishing gear will not be implemented before 2025.

### 24 • EXTENDED PRODUCER RESPONSIBILITY

50%



**EU countries set up binding schemes for Extended Producer Responsibility for single-use plastics to maximise eco-design and prevention<sup>(1)</sup> and set up binding schemes for EPR for fishing gear to maximise eco-design and prevention<sup>(2)</sup>**

Sub-target	Delivery scoring
 <p><b>Binding EPR schemes for single use plastics</b></p>	<p>An obligation for producers to cover some costs was introduced in the Single-Use Plastics Directive, but does not cover the full costs of single-use plastics throughout their lifecycle</p>
 <p><b>Binding EPR schemes for single use plastics</b></p>	<p>The deadline to set measures for fishing gear is 1 January 2025</p>

#### Rationale

Directive 2018/851 on waste and waste management states: "Extended producer responsibility scheme' means a set of measures taken by Member States to ensure that producers of products bear financial responsibility or financial and organisational responsibility for the management of the waste stage of a product's life cycle."<sup>16</sup> At national level, under Extended producer responsibility (EPR) regulations, liable companies must mitigate the environmental impacts of their products throughout the entire product lifecycle.

Starting in 2022, for France and/or Germany, marketplaces must confirm that they are complying with EPR regulations in the country where they are selling. As of September 2022, some Member States (e.g. Estonia, Poland, Portugal) had yet to transpose EPR measures into national law and were still agreeing measures. Even where transposition was carried out correctly, most Member States had not set up these new EPR schemes before the deadlines in the Directive and are now late in fulfilling their obligations to have EPR schemes in place for tobacco products (filters, packets, wrappers) by January 2023.

**Target 1 (single-use plastics);** The obligation for producers to cover certain costs for a series of single-use plastics, introduced by the Single-Use Plastics Directive, was a major step forward that made the 'polluter pays principle' concrete. However, this obligation is still some distance from covering the full cost of the harmful economic, environmental, climate, and human health impacts of single-use plastics throughout their lifecycle.

**Target 2 (fishing gear);** The EPR scheme for fishing gear has to be set up at national level (as part of the Single-Use Plastics Directive). EU Member States are on track with the transposition of the corresponding measures (only two countries have yet to officially adopt single-use plastics measures). The deadline to set measures for fishing gear is 1 January 2025.

Both the Port Reception Facilities Directive and Single-Use Plastics Directive contain reporting requirements on waste fishing gear, covering the amount of waste fishing gear collected at national level, the amount of new fishing gear placed on the market, and the amount of passively fished waste collected. To date, however, Member States only needed to report the passively fished waste to the Commission. The Commission has yet to communicate the results for the EU overall, as not all Member States have reported.

# UPDATED MILESTONES 2021

## MILESTONE 12: FISHERIES CONTROL REGULATION

Progress on this file **75%**: Trilogue on this legislation is ongoing and is **expected to conclude under the Swedish Presidency in 2023**.

### 12 • FISHERIES CONTROL REGULATION

**75%**

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

Sub-target	Delivery scoring
Ensure full compliance with law	The Council approach removes many offences defined as serious infringements and reduces options for enforcement of offences
Require FDF & transparency	Commission draft was on a risk-based approach, only on vessels above 12 meters (m). Both European Parliament amendments and Council general approach reduce electronic monitoring options
Require FDF & transparency	European Parliament and Council propose amendments to increase the margin of tolerance in logbook estimates, potentially increasing the amount of illegally caught fish on the EU market

#### Rationale

**UPDATE:** As stated in the 2021 assessment, both the European Parliament and the Council position severely undermined the draft proposal by the European Commission<sup>17</sup>.

Although the European Parliament position<sup>18</sup> introduced some additions that strengthened the Commission proposal (simplified electronic logbook for small vessels, creation of a public 'Union register' of infringements, minimum percentage of fishing vessels over 12m considered at high risk of non-compliance with the landing obligation to be equipped with CCTV), it also contained elements that severely weakened the Commission's proposal. It raised 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 trans-shipment declarations (from 10% to 15%)<sup>19</sup>. It also limited the continuous engine-power monitoring to vessels exceeding 221 kilowatts that operate under fishing effort regimes<sup>20</sup>.

The Council's general approach further undermined the Commission proposal and, if adopted, would constitute a weakening of the legislation compared to the current laws. It would remove almost all requirements for remote electronic monitoring, enable the margin of tolerance suggested by the European Parliament, and weaken the sanctioning system for infringements of CFP rules<sup>21</sup>.

# MILESTONE 13: ELIMINATE BYCATCH OF SENSITIVE SPECIES

Progress on this file ?%: **Progress cannot be scored as the milestone is not directly related to one legislative file, directive or action plan and there is no central, consistent, transparent database of all measures taken by Member States.**

## 13 • ELIMINATE BYCATCH OF SENSITIVE SPECIES

? %



**EU countries implement effective fisheries management measures to eliminate bycatch of sensitive species<sup>(1)</sup>**

Sub-target	Delivery scoring	Rationale
 <p><b>Eliminate bycatch of ETP species</b></p>	<p>Updated to reflect the Action Plan for Fisheries Resources and Ecosystem Protection, which has a section on bycatch of ETP species that lists existing legal objectives. Member States are requested to pledge how the Action Plan will be implemented in their waters</p>	<p>Reducing and eliminating bycatch of sensitive species such as marine mammal<sup>22</sup>, sea birds<sup>23</sup>, sharks and rays<sup>24</sup>, and endangered fish species such as eel<sup>25</sup> and sturgeon<sup>26</sup> has been a focus area for decades. The non-binding action plans adopted to address the issue have not been successful in rebuilding biodiversity, which is on a negative trend throughout the EU.</p> <p><b>Update:</b> This milestone was updated to take into account the Action Plan to Conserve Fisheries Resources and Protect Marine Ecosystems<sup>27</sup>, a deliverable under the Biodiversity Strategy. The Plan was originally scheduled for 2021 and was finally published in February 2023.</p> <p>The Action Plan has a section on bycatch reduction of sensitive species, which sets out existing (legal) objectives for Member States and provides timelines. The overall ambition for the reduction of bycatch sensitive species is low. Member States are now requested by the Commission to provide a roadmap on how they plan to implement the Action Plan. In a recent exchange with the Commission in the AGRIFISH Council, most Fisheries Ministers voiced their opposition to many parts of the Plan<sup>28</sup>.</p> <p>Member States' lack of progress on taking protective measures to eliminate bycatch of sensitive species required under EU law is further exemplified by the increasing number of infringement actions taken by the European Commission<sup>29 30</sup>.</p> <p>The use of legal action against Member States for lack of implementation of protective measures for which they have a legal obligation is a new development. On 20 March 2023, the Council of State in France, the highest administrative court, ordered a temporary ban to fishing in parts of the Atlantic to protect dolphins from being caught as bycatch, after several NGOs brought a case against the French government.</p>



## MILESTONE 14: MARITIME SPATIAL PLANS

Progress on this file **90%**: Almost all coastal Member States have finalised their Marine Spatial Plans (MSPs). On 19 April 2023, the European Commission started infringement procedures against Bulgaria, Greece, Romania, Italy and Cyprus for failing to establish MSPs.

### 14 • MARITIME SPATIAL PLANS

90%

EU countries adopt ecosystem-based MSPs that include at least 30% of highly or fully protected MPAs<sup>(1)</sup> and areas for human activities allocated based on ecosystem sensitivity<sup>(2)</sup>

Sub-target	Delivery scoring
 <p>30% highly/fully protected MPAs</p>	<p>Very few EU countries have designated highly or fully protected MPAs within their MSPs. No countries designate 30% of their exclusive economic zone (EEZ) as highly protected MPAs</p>
 <p>Allocation through ecosystem sensitivity</p>	<p>This target is not reflected in the MSPs, where the urgent need to develop offshore wind farms is given precedence over ecosystem vulnerability</p>

#### Rationale

Of the 22 coastal Member States, most have now adopted a Maritime Spatial Plan (MSP) for their waters, or are well advanced in the process. However, none of the MSPs adopted by EU Member States reflect the targets of this milestone. All Member States have failed to designate adequate and effective MPAs covering at least 30% of national waters, despite the deadline to achieve this level of protection being only eight years away.

**Update:** Spain's plan was adopted on 28 February 2023. Portugal and Croatia have not finalised their full plans. The Situation Plan for Azores (PSOEMA) is still pending. Croatia transposed the Maritime Spatial Planning Directive into national legislation in 2017 but is developing a new generation of plans to improve the integrity of marine spatial planning, effective monitoring, and reporting on the state of the maritime area.

On 19 April 2023, the European Commission started infringement procedures against Bulgaria, Greece, Romania, Italy and Cyprus for failing to establish MSP.<sup>31</sup>

The European Commission has developed a website: the European Maritime Spatial Planning Platform as a service for Member States to share relevant knowledge and experiences and make this information publicly available<sup>32</sup>. The Commission has asked Member States to upload their MSP through the EMODNet portal<sup>33</sup> so that plans are available and easily accessible in relation to other maritime and fisheries information and regulations. So far only eight plans are available through this platform.

**TARGET 1:** As reported in the 2021 assessment, none of the plans includes a description of how the Member States will reach 30% highly or fully protected MPAs.

Of note here is that the EU is a signatory to the Kunming-Montreal Global Biodiversity Framework (see milestone 8), a legally binding treaty in which Member States have committed to protecting 30% of their waters in MPAs by 2030. Pursuant to the EU Biodiversity Strategy, the Commission has asked Member States to pledge how they will implement the 30% target in their waters by the end of 2022. At the Marine Expert Group meeting in March 2023, however, the Commission reported that only two had submitted their pledges.

**TARGET 2:** The target to allocate areas for human activities based on ecosystem sensitivity does not feature specifically in any of the MSPs adopted. However, all have some form of ecological assessment before activities are allowed to commence.

The development of offshore wind farms as part of the transition to renewable energy seems to dominate advances in relation to MSPs. The focus in Member States is on multi-

**MILESTONE 14: MARITIME SPATIAL PLANS**

use of space, and the need for regional coordination. Although essential, failing to mention ecosystem sensitivity, the precautionary principle, or ecosystem-based management in national MSPs risks losing connection to the Biodiversity Strategy.

This connection to the Biodiversity Strategy was further undermined with the REPowerEU<sup>34</sup> plan presented on 18 May 2022, where the European Commission proposed a blanket exemption from the evaluations set in the Environmental Impact Assessment (EIA) Directive and the Birds and Habitats Directives for renewable projects in ‘go-to’ areas.

**MILESTONE 15:  
COMMON AGRICULTURAL POLICY - NOT UPDATED**

NOT UPDATED Progress: **100%**: The full regulation was published in December 2021.

**15 • COMMON AGRICULTURAL POLICY - NOT UPDATED**

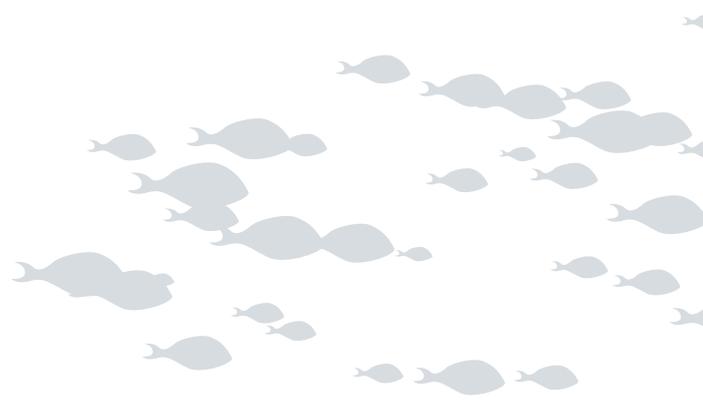
**100%**

**EU adopts a fundamental reform of the CAP that aims to stop the loss of nutrients from fertilisers and manure into soil and water bodies<sup>(1)</sup>, causing eutrophication, by fully implementing EU water and nitrates legislation in agriculture<sup>(2)</sup>**

Sub-target	Delivery scoring
Prevents loss of nutrients	Not fully achieved, as the legislation does little to end destructive practices that cause runoff of fertiliser and nutrients
Implementation of water & nitrate legislation	CAP refers to the relevant legislation but does not provide binding targets. This target will need to be further addressed in Farm to Fork Strategy and Nitrates Directive

**Rationale**

The CAP Strategic Plan Regulation, now Regulation (EU) 2021/2115<sup>35</sup>, came into force on 2 December 2021 after years of negotiations. Environmental NGOs campaigned until the last minute to vote down the CAP, as the environmental and climate commitments within the new legislation are weak and will not lead to the shift in land use and agriculture practices needed to safeguard biodiversity, combat climate change, and let natural systems recover<sup>36</sup>.



## MILESTONE 16a: PORT RECEPTION FACILITIES DIRECTIVESPECIES

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.

### 16a • PORT RECEPTION FACILITIES DIRECTIVE

? %



## MILESTONE 16b: SINGLE-USE PLASTICS DIRECTIVE

Progress on this file **90%**: Implementation of the Single-Use Plastics Directive has begun, but not all Member States have transposed it into law yet. The European Commission has started infringement procedures against 11 countries.

### 16 • SINGLE-USE PLASTICS DIRECTIVE

90%



EU countries transpose into national law the Directives on Port Reception Facilities<sup>(1)</sup> and on Single-Use Plastics<sup>(2)</sup>, with ambitious consumption reduction targets for food containers and beverage cups<sup>(3)</sup>

Sub-target	Delivery scoring
Transpose port reception facilities directive	Directive adopted in 2019 but no data available on transposing into national law by Member States
Implement ambitious reduction targets in SUP directive	Countries that have transposed the Directive are showing high levels of ambition, at times surpassing what is legally required at EU level

#### Rationale

There is no centralised database on the level of implementation of the **Port Reception Facilities Directive**. Within OSPAR<sup>37</sup> and HELCOM<sup>38</sup>, recommendations have been agreed on coordinating the instalment and operations of reception facilities in neighbouring countries.

As part of the Directive on Port Reception Facilities<sup>39</sup>, the Commission adopted four implementing regulations on 24 January 2022. These will enable inspection and control of 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 ships to inspect.

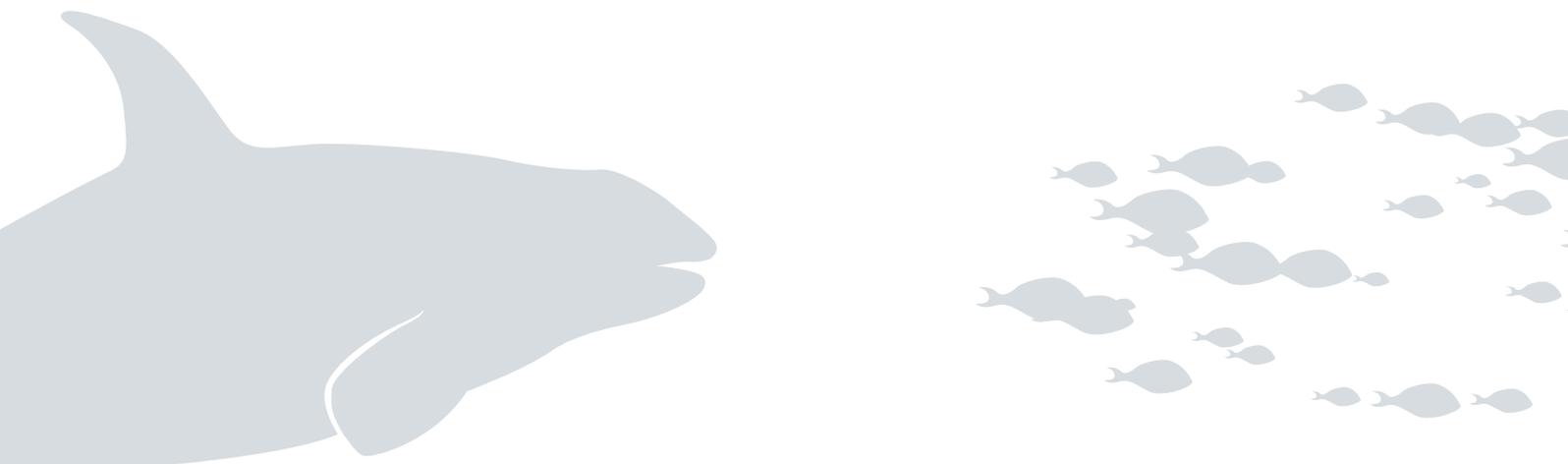
Most member states have transposed the **Single Use Plastics Directive** into law, but not all. In September 2022, the Commission took legal steps<sup>40</sup> against 11 Member States, calling on them to step-up implementation of the Directive to reduce the impact of certain plastic products on the environment and human health. Belgium, Denmark, Estonia, Ireland, France, Croatia, Latvia, Poland, Portugal, Slovenia, and Finland have not notified the Commission of the measures necessary to ensure full transposition of the Directive.

## MILESTONE 16b: SINGLE-USE PLASTICS DIRECTIVE

In December 2018, representatives of the European Commission, the European Parliament and the EU Member States jointly agreed the Directive on Single-Use Plastics, containing a set of key measures to combat 'plastic soup'. The Directive was introduced into the regulations of all EU Member States from July 2021. Under the Directive, plastic plates, cutlery, polystyrene food containers, beverage cups, balloon rods and straws are banned, and 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<sup>41</sup> of the implementation of the Single-Use Plastics Directive at Member State level shows that few countries have not explored the Directive's full potential to phase-out single-use plastics and set national strategies and reduction targets to prevent plastic pollution. The majority of countries have now adopted the requirements to comply with the Directive (except Italy and Poland), while one-third go beyond the minimum requirements of the Directive in their national legislation. On level of ambition (sub-target three), more than half of EU countries have clearly set a path to transition away from single-use plastics, and promote reusable products and solutions or have adopted/are in the process of adopting quantitative reductions for single-use plastics, restrictions on single-use plastics, and/or reuse targets.

An additional measure will take effect on 3 July 2024, when loose caps on bottles will no longer be allowed (caps will have to be affixed to the bottle). Extended Producer Responsibility (EPR) will be introduced gradually from 5 January 2023, starting with tobacco products with plastic filters and filters, as well as packets and wrappers, followed by cups for beverages, food containers, beverage containers (with a capacity of up to three litres), lightweight plastic carrier bags, fishing gear, balloons and wet wipes, by December 2024. The details of these schemes are still being worked out at national level. From 2025 onwards, 25% of all polyethylene terephthalate (PET) beverage bottles must be made from recycled materials, increasing to 30% by 2030 for all (not just PET) beverage bottles. The Single-Use Plastics Directive requires Member States to take the measures necessary to achieve an ambitious and sustained reduction in the consumption of food containers and cups for beverages (and their caps and lids). According to the Directive, those measures shall achieve a measurable quantitative reduction in consumption by 2026 compared to 2022. The Directive also states that Member States should take the necessary measures to collect beverage bottles with a capacity of up to three litres (including their caps and lids) separately for recycling, with two targets set: by 2025: 77% of such products placed on the market in a given year by weight; by 2029: 90%. The implementation and enforcement of these



## MILESTONE 17: GLOBAL OCEAN TREATY - RATIFICATION

Progress on this file **0%: The Treaty on the protection of marine biological diversity on Biodiversity Beyond National Jurisdiction concluded on 3 March 2023, with a final agreement on the legal framework to govern the high seas. The final text will now have to be ratified in a special meeting of the United Nations (UN) (no date yet).**

### 17 • GLOBAL OCEAN TREATY - RATIFICATION

0%



#### EU countries ratify and implement the Global Ocean Treaty<sup>(1)</sup>

Sub-target	Delivery scoring	Rationale
Ratify and implement BBNJ treaty	No date set for ratification meeting	The implementation process can only begin after it has been ratified. This will happen at a special meeting of the UN, for which no date has yet been set (see milestone 10 Global Ocean Treaty of 2020).

## MILESTONE 18: EMISSION TRADING SYSTEM

**Progress on this file 100%:** The draft legislation (Fit for 55 package) was published in July 2021. In February 2023, the European Parliament and Council reached a deal on EU ETS and the Social Climate Fund, which includes shipping.

### 18 • EMISSION TRADING SYSTEM

100%



#### EU includes shipping in its ETS<sup>(1)</sup>

Sub-target	Delivery scoring	Rationale
ETS includes shipping	Final agreed legislative text includes shipping in ETS	This is part of the Fit for 55 package, a set of proposals to revise and update EU legislation and to put in place new initiatives to ensure that EU policies are into line with the climate goals agreed by the Council and the European Parliament to reduce EU emissions by at least 55% by 2030. The Commission proposal for an Emission Trading System (ETS) contained shipping as part of its strategy to reduce GHG emissions from the shipping industry <sup>42</sup> .  Update: In February 2023, the European Parliament and Council reached a deal on the EU ETS and the Social Climate Fund <sup>43</sup> , which includes shipping.

# UPDATED MILESTONES 2020

## MILESTONE 1: BIODIVERSITY STRATEGY 2030

**Progress on this file 100%:** European Parliament plenary vote on the Biodiversity Strategy was held in June 2021. A draft of the Restoration Law was released by the Commission in June 2022, ENVI committee in EP has adopted its position, Council has not agreed a General Approach yet.

### 1 • BIODIVERSITY STRATEGY 2030

100%

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

Sub-target	Delivery scoring
Species protection	Ambition is strongly worded in Strategy text, delivery will depend on concrete targets in Action Plan to Conserve Fisheries Resources and Protect Marine Ecosystems
Habitat protection	Covered in Strategy text, but success is closely linked to target 4 (destructive fishing). Delivery will depend on concrete targets in Action Plan to Conserve Fisheries Resources and Protect Marine Ecosystems
Recovery areas	Commitment to strictly protect 10% of Europe's land and seas, delivery will depend on concrete targets in Action Plan to Conserve Fisheries Resources and Protect Marine Ecosystems
Destructive fishing	Wording in Strategy text not strong enough to deliver this target
Binding restoration targets	<b>Progress 55%: Commission proposal was published in June 2022 and includes binding targets. The ENVI Committee report strengthens targets, but there is some opposition from conservation factions in the European Parliament for the plenary vote. The Council has not agreed its general approach</b>

#### Rationale

As legally binding restorations targets are not part of the Biodiversity Strategy, but, rather, the new Restoration Law, this target was assessed separately.

**Update:** The ambition for the Biodiversity Strategy was expanded in the Action Plan to Conserve Fisheries Resources and Protect Marine Ecosystems, which was published in February 2023<sup>44</sup> (see milestone 21). The successful implementation of sub-targets 1-4 of this milestone will depend on the ambition set out in the Action Plan and follow-up at Member State level.

By 2024, the European Commission will conduct a mid-term assessment of the Biodiversity Strategy to evaluate whether Member States have put in place governance structures and resources to fully implement the Strategy. In 2023, Member States will have to demonstrate progress in designating new protected areas and integrating ecological corridors.

#### Target 5: Nature Restoration Law: progress: 55%

On 22 June 2022, the European Commission tabled a proposal for a Regulation on Nature Restoration<sup>45</sup>. The proposal sets multiple binding restoration targets and obligations across a broad range of ecosystems, from forests and agricultural land to urban areas, rivers and marine habitats, complementing existing legislation. These nature restoration measures should cover at least 20% of the EU's land and sea areas by 2030, and all ecosystems in need of restoration by 2050. However, no financial mechanism is defined to ensure adequate funding for the restoration targets.

## MILESTONE 1: BIODIVERSITY STRATEGY 2030

At the European Parliament, the file was handled by the ENVI Committee, which appointed Member of the European Parliament (MEP) César Luena (S&D, Spain) as rapporteur. In the ENVI report, adopted in January 2023, the Committee proposed increasing the EU overarching restoration objective from at least 20% to 30% of the EU's land and seas by 2030, in line with Parliament's Resolution on the EU Biodiversity Strategy for 2030. It also suggested setting higher targets for the restoration of terrestrial, coastal, freshwater and marine ecosystems<sup>46</sup>. The report is now facing some opposition from conservative factions in the Parliament, which could influence the forthcoming plenary vote.

The Council has yet to present a general approach to the file, but this is expected before summer 2023.

## MILESTONE 2: FARM TO FORK STRATEGY

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

### 2 • FARM TO FORK STRATEGY 2030

100%

**EU adopts a Farm to Fork Strategy that fully takes into account the ecological and climate impacts of fisheries and aquaculture<sup>(1)</sup> and addresses responsible consumption<sup>(2)</sup> and sustainable and traceable seafood<sup>(3)</sup>.**

Sub-target	Delivery scoring
Accounts for ecological and climate impacts	Covered in the Strategy, but success depends on strengthening the implementation of the environmental protection articles in the CFP, which is lacking to date
Addresses responsible consumption	A Sustainable Food Systems Framework Initiative was launched, laying down rules on sustainability labelling of food products and minimum criteria for sustainable public procurement of food. It is uncertain whether regulating consumer information for seafood can deliver on biodiversity objectives.
Sustainable and traceable seafood	<b>It remains to be seen if traceability can be guaranteed, as the proposed Fisheries Control Regulation has exemptions for processed, preserved and prepared products. Without traceability, sustainability cannot be guaranteed</b>

### Rationale

Since the Farm to Fork Strategy was adopted, emphasis has shifted from regulating producers to empowering consumers.

**Update 2021:** The traceability of seafood is part of the revision of the Fisheries Control Regulation (milestone 12 – 2021). This legislative file is currently in the trilogue phase and is expected to conclude in Q3 2022.

The plan to incorporate sustainability information in marketing standards seems to have been overtaken by parallel developments in other directorates-general (DGs). As part of the Farm to Fork Strategy, the European Commission launched the Sustainable Food Systems Framework Initiative<sup>47</sup>, which is planned for adoption at the end of 2023. The 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 also set out rules on sustainability labelling of food products, minimum criteria for sustainable public procurement of food, and governance and monitoring.

## MILESTONE 2 : FARM TO FORK STRATEGY

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 could be very relevant in relation to the sourcing of seafood.

**Update 2022:** Traceability has improved little, as the proposed Fisheries Control Regulation has exemptions for processed, preserved and prepared products, presenting a significant loophole within the current EU regulations.

The Commission adoption of a legislative Sustainable Food Systems Framework Initiative<sup>48</sup> is envisaged in 2023. The revision of the marketing standards in the Common Markets Organisation Regulation in order to include seafood sustainability information will be carried out as part of the Sustainable Food Systems framework. The extent to which ecological and climate impacts will be incorporated remains unclear.

## MILESTONE 3: CIRCULAR ECONOMY ACTION PLAN

**Progress on this file 100%:** The European Parliament adopted a Resolution on the Circular Economy Action Plan in February 2021. The European Commission has an overarching Plastics Strategy to tackle plastic pollution and marine litter, which includes the Directive on Single-Use Plastics, the Directive on Plastic Bags, and a Delegated Regulation on Plastic Waste Shipments. **In August 2022, the Commission published a proposal to restrict intentionally added microplastics.**

### 3 • CIRCULAR ECONOMY ACTION PLAN

100%

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

Sub-target	Delivery scoring
Reduce resource use	Reflected in the final text but without clear targets and not stipulating all materials to be covered. Final results will depend on the concrete targets in legislation that will be developed in relation to this Action Plan
Increase resource efficiency	
Prevent plastic in ocean	<b>The microplastics proposal would prohibit the addition of synthetic polymer microparticles below 5 mm and fibre-like particles below 15 mm that are used intentionally in products and may result in environmental release</b>

#### Rationale

The Action Plan<sup>49</sup> was published in 2020, with a follow-up strategy to be developed for microplastics. In 2022, this remains outstanding. The European Commission launched a public consultation on how best to reduce the amount of unintentionally released microplastics into the environment<sup>50</sup>. Measures have now been pushed back to May 2023, with a more reduced scope than initially planned.

On 30 August 2022, the European Commission released a draft proposal to restrict intentionally added microplastics. That restriction would comprise synthetic polymer microparticles below 5 millimetres (mm) and fibre-like particles below 15mm that are used intentionally in products and may result in environmental release.

### MILESTONE 3 : CIRCULAR ECONOMY ACTION PLAN

Most of the initiatives announced in the Circular Economy Action Plan for 2020 and 2021 were delivered in 2022. These included 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, and a policy framework for bio-based plastics and biodegradable or compostable plastics.

The proposal for a **Directive on Substantiating Green Claims**<sup>51</sup> was published on 22 March 2023. The proposal reinforces overarching strategies, such as the Biodiversity Strategy 2030, and complements strategies targeting specific sectors, such as the Farm to Fork Strategy. The option of using one standard methodology to substantiate environmental claims is not pursued because there are too many environmental aspects, such as sustainability of the targeted fish stock, for which the environmental footprint (PEF) methods are not a suitable sole method of substantiation.

## MILESTONE 4a: CHEMICALS STRATEGY

**Progress on this file 100%:** Fully endorsed by the Council in March 2021.

### 4a • CHEMICAL STRATEGY

100%



## MILESTONE 4b: ZERO POLLUTION ACTION PLAN

**Progress 100%:** the Plan was concluded in 2021. Implementation at Member State level is ongoing, as is development of legislation.

### 4b • ZERO POLLUTION ACTION PLAN

100%



**EU adopts a Chemicals Strategy for sustainability<sup>(1)</sup> and a Zero Pollution Action Plan<sup>(2)</sup>, 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.**

Sub-target	Delivery scoring
Clear goals to prevent harmful chemical in the environment	Framework adopted for reducing harmful chemicals in the environment and a future non-toxic environment, including clear goals
Chemical in the environment	Zero Pollution Action Plan: Commission text for Plan only recaps existing tools and fails to address all sources of ocean pollution <b>The reform of Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) legislation is delayed until after the next EU elections. This postpones setting key targets and risks watering down ambition in the legislation</b>

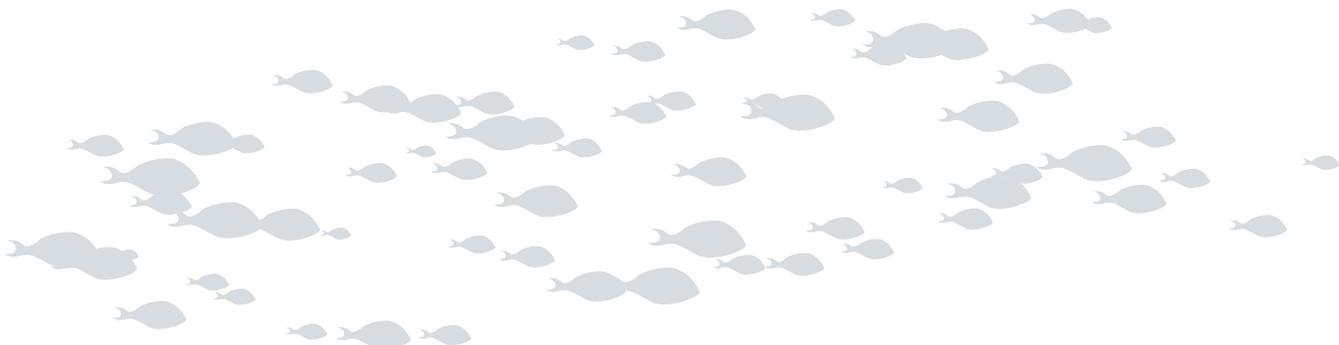
**Update 2022:** The European Commission is delaying the necessary reform of the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation (the core piece of chemicals regulation) until late 2023. The Commission's proposal was originally expected by March 2023 at the latest. This delay means that the European Parliament and Council will not be able to deliver the reform before the next elections<sup>52</sup>.

Under the Zero Pollution Action Plan, the European Commission had announced measures to tackle pollution from microplastics and set two key targets: a 50% general reduction of marine litter; and a 30% reduction of microplastics emissions, both by 2030. Although the Action Plan is now in place, the commitments it contains need to translate into policy proposals. The vote on the REACH restriction on intentionally added microplastics was first announced in 2021 and postponed several times to (now expected at the end of April). The publication of a proposed package of measures on non-intentionally released microplastics has also been delayed and targets remain outstanding. These targets also echo commitments made under the European Green Deal, the Circular Economy Action Plan and the EU Plastics Strategy. NGOs are advocating<sup>53</sup> for an integrated approach at EU level to prevent microplastic pollution, with complementary and mandatory regulatory measures across all responsible sectors in order to tackle all sources of non-intentionally added/unintentionally release microplastics, generate changes in plastic production and consumption, and reduce harmful microplastics release at source.

In October 2022, as part of its zero pollution package, the European Commission issued a proposal<sup>54</sup> for revised lists of pollutants affecting surface and groundwaters. It aimed to update the lists of priority substances for surface and groundwater, along with their associated legal TVS and monitoring and reporting requirements.

This obligation was initially set in the Water Framework Directive (WFD), Environmental Quality Standards Directive (EQSD) and Groundwater Directive. According to these Directives, the Commission is legally obliged to regularly review these lists of pollutants every six years. This revision also contributes to the Chemicals Strategy, which includes actions to address specific groups of substances.

The WFD and its daughter directives constitute the founding basis for the EU framework for managing contaminants in the aquatic and marine environment, with strong links to the MSFD. However, some of the proposed amendments to the WFD raise particular concerns - for example the deadline to phase out priority hazardous substances would be scrapped. River basin-specific pollutants (RBSPs) will include EU-wide thresholds and will be considered in the assessment of chemical status. However, the RBSPs should not be discarded from the assessment of ecological status and their mixture effect could be a fitting indicator. There are also concerns about lowering the monitoring frequency for ubiquitous, persistent, bioaccumulative and toxic substances (uPBTs). Some of the substances concerned, such as per- and polyfluoroalkyl substances (PFAS) - which have been in European news since the beginning of the year - are still in active use and need to be closely controlled, if not removed entirely. Overall, the proposal misses the opportunity to better address the negative cocktail effect of chemical mixtures. There is also a lack of emphasis on broad chemical screening techniques to provide a more comprehensive picture of chemical water pollution.



## MILESTONE 5: OFFSHORE WIND STRATEGY – NOT UPDATED

**Progress on this file 100%:** the EU offshore Energy Strategy<sup>55</sup> was published by the Commission in November 2020. In response, the European Parliament prepared an own initiative report by the Committee on Industry, Research and Energy (ITRE), which was approved in plenary in February 2022.

### 5 • OFFSHORE WIND STRATEGY – NOT UPDATED

100%

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

Sub-target	Delivery scoring
 The environment	Text on plan states that planning of offshore renewable energy is to be compatible with biodiversity protection but only gives existing tools (Marine Strategy Framework Directive (MSFD), Natura 2000, etc.) to accomplish this. The European Parliament report only mentions an ecosystem-based approach to planning offshore wind in the recitals.

## MILESTONE 6: EUROPEAN MARITIME FISHERIES AND AQUACULTURE FUND

**Progress on this file 100%:** The EMFAF entered into force on 14 July 2021, and on 27 January 2022, the Commission adopted new guidelines on State aid for climate, environmental protection and energy (CEEAG).

### 6 • EUROPEAN MARITIME FISHERIES AND AQUACULTURE FUND

100%

**EU allocates at least EUR 21 billion of the Multiannual Financial Framework for 2021-2027 to protect nature<sup>(1)</sup>, with at least 50% of the EMFAF to restore the marine environment, collect data and control fisheries<sup>(2)</sup>, and revises the State aid guidelines for fisheries and aquaculture to prohibit granting of harmful subsidies<sup>(3)</sup>.**

Sub-target	Delivery scoring
 21 billion in MFF to protect nature	No funds exclusively for nature protection incorporated in the final text
 50% for restoration, data collection and control	15% of the EMFAF budget for data collection, the same as in 2014. There is no budget ringfenced for environmental restoration or control
 No harmful subsidies in state aid guidelines	<b>Revised State aid guidelines have been adopted, but final text does not guarantee that no harmful subsidies will be granted</b>

#### Rationale

**Update:** The revised State Aid Guidelines have been adopted and entered into force. While in the balancing test assessment of aid measures, the guidelines now consider the risk of overfishing (scored negative impact), the EU Biodiversity Strategy only 'may' be taken into consideration (scored as a positive impact, if the measure reflects that Union policy). The final text therefore does not guarantee that no harmful subsidies can be granted under the state aid guidelines.

## MILESTONE 7: ENERGY TAXATION DIRECTIVE

Progress on this file **60%**: In July 2021, the European Commission presented a proposal for a revision of the Energy Taxation Directive. Its aim is to align the taxation of energy products with EU energy and climate policy, promote clean technologies, and remove outdated exemptions and reduced rates that encourage the use of fossil fuels. It proposes to remove the current mandatory tax exemption for fishing vessels. As this is a taxation matter, it will be a Council regulation only. The Council general approach is not expected until the end of 2023 or early 2024.

### 7 • ENERGY TAXATION DIRECTIVE 60%



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

Sub-target	Delivery scoring	Rationale
<div style="background-color: #FFD700; width: 100%; height: 15px; margin-bottom: 5px;"></div> <div style="background-color: #FFD700; width: 60%; height: 15px; margin-bottom: 5px;"></div> <p>Remove fuel tax exemptions</p>	<p>The Commission proposal contains the removal of mandatory tax exemptions. However, the level of fuel taxation applied to fishing vessels is still lower than that applied to consumers, and Member States can opt to exempt long distance fishing vessels operating outside EU waters</p>	<p>In the Commission proposal, however, the level of fuel taxation applied to fishing vessels is still lower than that applied to consumers, and Member States can opt to exempt long distance fishing vessels operating outside EU waters.</p>
<p><b>Update:</b> As this is a taxation matter, this will be a Council regulation only. The negotiations are therefore taking place only between the European Commission and the Council. The Council is still examining the Commission's proposal and has yet to publish its general approach. This file is not expected to finish before the end of 2023 and may even continue into 2024.</p>		

## MILESTONE 8: CBD GLOBAL BIODIVERSITY FRAMEWORK

Progress on this file **100%**: CBD COP15, originally scheduled for October 2020, finally took place in November 2022 in Montreal, where an agreement was reached. The Kunming-Montreal Global Biodiversity Framework includes four goals and 23 targets to be achieved by 2030<sup>55</sup>.

### 8 • CBD GLOBAL BIODIVERSITY FRAMEWORK 100%



**EU pushes for the adoption of a post-2020 Global Biodiversity Framework under the CBD with protection<sup>(1)</sup> and restoration<sup>(2)</sup> targets for marine ecosystems globally**

Sub-target	Delivery scoring
<div style="background-color: #92D050; width: 100%; height: 15px; margin-bottom: 5px;"></div> <div style="background-color: #92D050; width: 100%; height: 15px; margin-bottom: 5px;"></div> <p>Binding protection targets</p>	<p>Target 1 of the treaty delivers binding protection targets</p>
<div style="background-color: #92D050; width: 100%; height: 15px; margin-bottom: 5px;"></div> <div style="background-color: #92D050; width: 100%; height: 15px; margin-bottom: 5px;"></div> <p>Binding restoration targets</p>	<p>Target 2 of the treaty delivers binding restoration targets</p>

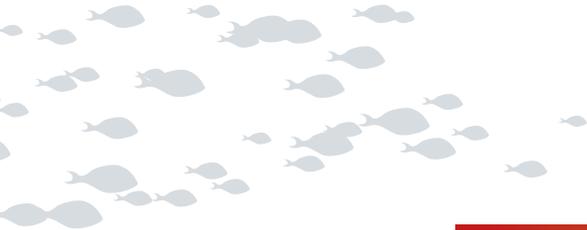
**Targets 1 and 2 align with the targets of milestone 8:**

**TARGET 1:** Ensure that all areas are under participatory, integrated, biodiversity-inclusive spatial planning and/or effective management processes addressing land and sea use change, to bring the loss of areas of high biodiversity importance, including ecosystems of high ecological integrity, close to zero by 2030, while respecting the rights of indigenous peoples and local communities.

**TARGET 2:** Ensure that, by 2030, at least 30% of areas of degraded terrestrial, inland water, and coastal and marine ecosystems are under effective restoration, in order to enhance biodiversity and ecosystem functions and services, ecological integrity and connectivity.

The framework agreement also includes the obligation to protect at least 30% of terrestrial, inland water, and coastal and marine areas.

The European Commission has asked Member States to pledge their implementation of the framework in their waters by the end of March 2023 (see milestone 14 – Maritime Spatial Plans).



## MILESTONE 9: SUSTAINABLE SHIPPING AT IMO

Progress on this file **75%**: The Arctic heavy fuel oil ban was adopted in June 2021. No progress has been made on making a reduction of ship speed mandatory.

### 9 • SUSTAINABLE SHIPPING AT IMO

75%



**EU pushes for the adoption of urgent short-term measures at the IMO to ban heavy fuel oils in the Arctic<sup>(1)</sup> and reduce ship speed<sup>(2)</sup> to decrease GHG emissions, noise levels and whale strikes**

Sub-target	Delivery scoring
Ban heavy fuel oils in Arctic	Arctic heavy fuel oil ban will not enter into force until 2024. Given the exemptions (for vessels with protected bunker tanks) and the potential for State Arctic waivers, it will not have a significant impact
Mandatory reduce ship speed	Civil society proposals to IMO for an urgent and ambitious short-term measure to cut ship GHG emissions proposals did not progress, in part because of insufficient support from the EU

In 2018, the European Parliament adopted an Agenda for the future of our oceans in the context of the 2030 Sustainable Development Goals (SDGs)<sup>58</sup>. As part of that Agenda, it called for an integrated EU 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 oils.

## MILESTONE 9 : SUSTAINABLE SHIPPING AT IMO

The Parliament 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’.

**In 2019**, the Council Conclusions on Oceans and Seas<sup>59</sup> reiterated the work needed at IMO level. However, little progress has been made on the Arctic heavy fuel oil ban, nor with short-term measures to reduce GHG emissions from shipping.

With the support of EU Member States, the IMO approved a draft Arctic heavy fuel oil ban that will enter into force in 2024 (final adoption was due in June 2021). The ban 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 heavy fuel oils, nor on emissions of black carbon, until 2029. Civil society strongly resisted progressing this draft agreement, as it gives a false impression of IMO action. The EU did not do enough to block this flawed regulation. While this weak IMO outcome creates a strong case for regional EU action on heavy fuel oil use and black carbon emissions in the Arctic, there is no evidence to suggest this will happen.

**Update 2021:** The ban on Arctic heavy fuel oils 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 five years, meaning that it is not going to be effective until 2029.

After the failed attempt on reduction of ships’ speed in 2020, no new proposals have been tabled in the area.

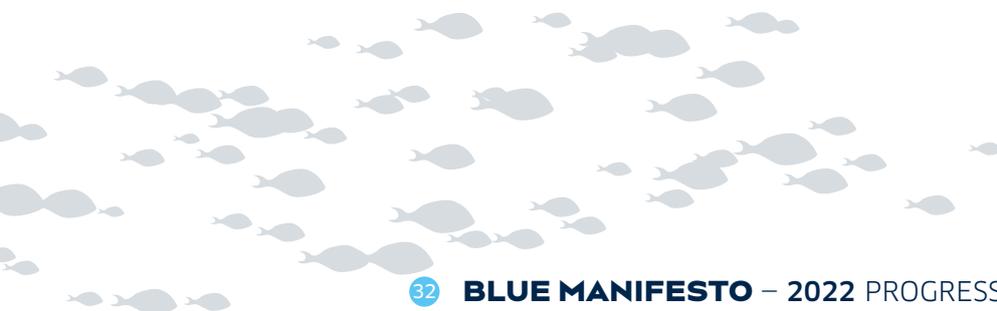
**Update 2022:** Amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex VI entered into force on 1 November 2022. Developed under the framework of the Initial IMO Strategy on Reduction of GHG Emissions from Ships, agreed in 2018, these technical and operational amendments require ships to improve their energy efficiency in the short term and thereby reduce their GHG emissions.

**From 1 January 2023**, it is mandatory for all ships to calculate their attained Energy Efficiency Existing Ship Index (EEXI) to measure their energy efficiency, and to initiate the collection of data for the reporting of their annual operational carbon intensity indicator (CII) and CII rating<sup>60</sup>.

**In December 2022**, the IMO’s Marine Environment Protection Committee (MEPC) decided, at the request of Spain, France, Italy and Monaco, to declare the North-Western Mediterranean region a **Particularly Sensitive Sea Area (PSSA)**<sup>61</sup>, with the aim of reducing ships’ collisions with the large cetaceans (sperm whales and fin whales) in the area. Unfortunately, the associated protective measures proposed for the PSSA only amount to recommendations to seafarers.

The MEPC also discussed making the Western Mediterranean a PSSA, in respect of collisions between ships and cetaceans. This proposal was made jointly by France, Spain, Italy and Monaco and should be finally adopted in July 2023. If adopted and robust, this could be a positive step forward.

IMO has a clear role in introducing binding obligations to protect the marine environment from sea-based sources of plastic pollution. Almost five years since the adoption of the IMO Action Plan to Address Marine Plastic Litter from Ships, very little progress has been made.



## MILESTONE 10: GLOBAL OCEAN TREATY - INTERGOVERNMENTAL CONFERENCE

**Progress on this file 100%:** The fifth session on an international legally binding instrument under the UNCLOS, on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) concluded on 3 March 2023, with a final agreement on the legal framework to govern the high seas. The agreement creates a framework for the establishment of high-seas MPAs and will align the work of management bodies for improved cooperation and less cumulative impact on the high seas.

The agreed text is now going through the final proofing stage and will be formally ratified at a special meeting of the UN (date yet to be agreed).

### 10 • GLOBAL OCEAN TREATY - INTERGOVERNMENTAL CONFERENCE

100%

**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 BBNJ**

Sub-target	Delivery scoring	Rationale
 <p>EU pushes for ambitious treaty text</p>	<p>The EU led a high-ambition coalition, together with 16 other countries, including India, Australia, Canada, the United States (US) and the United Kingdom (UK), endorsing the same strong goal and binding text for curbing biodiversity loss</p>	<p>The EU led a High Ambition Coalition<sup>62</sup>, together with 16 other countries<sup>63</sup>, including India, Australia, Canada, the United States (US) and the United Kingdom (UK), endorsing the same strong goal and binding text for curbing biodiversity loss.</p>

## MILESTONE 11: MORATORIUM ON DEEP SEABED MINING

**Progress on this file 50%:** Once the Biodiversity Strategy process is concluded, the next steps are to start implementing a moratorium in Member State legislation. 2022 marked a slight shift in the European Commission's position in relation to deep seabed mining. The European Parliament has reiterated its call for a moratorium on destructive deep seabed mining.

### 11 • MORATORIUM ON DEEP SEABED MINING

50%

Sub-target	Delivery scoring
 <p>Moratorium on deep seabed mining</p>	<p>The 2020 EU Biodiversity Strategy implicitly calls for a moratorium on deep seabed mining, as does the Blue Economy Strategy. These strong words have not resulted in any concrete action</p>
 <p>Stop financial support for research on deep seabed mining</p>	<p>This is difficult to achieve, as any research into environmental effects can also have an element of technology research. In 2022, the Commission continued to fund deep seabed mining technological research under the monitoring and supervising system for exploration and future exploitation activities in the deep sea (RIA) call</p>
 <p>Push for global moratorium</p>	<p>In its June 2022 Joint Communication on the EU's International Ocean Governance agenda, the Commission issued a call to 'prohibit deep-sea mining until scientific gaps are properly filled, no harmful effects arise from mining and the marine environment is effectively protected'</p>

## Rationale

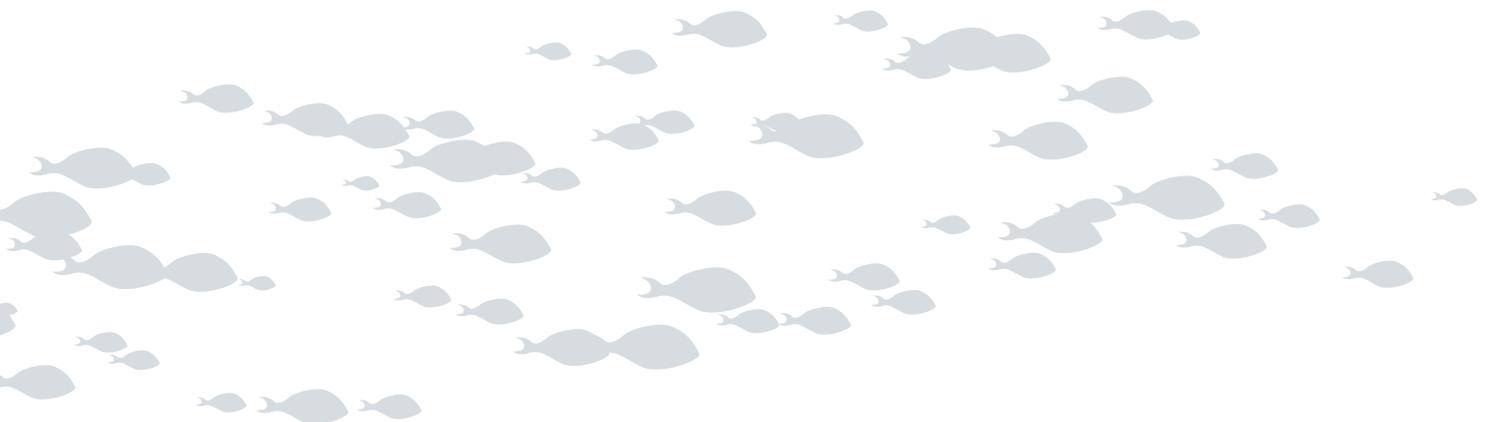
The principles on which the Commission's position is based are presented in the proposal for a Council Decision on the position to be taken on behalf of the EU at the meetings of the ISA Council and Assembly.<sup>64</sup>

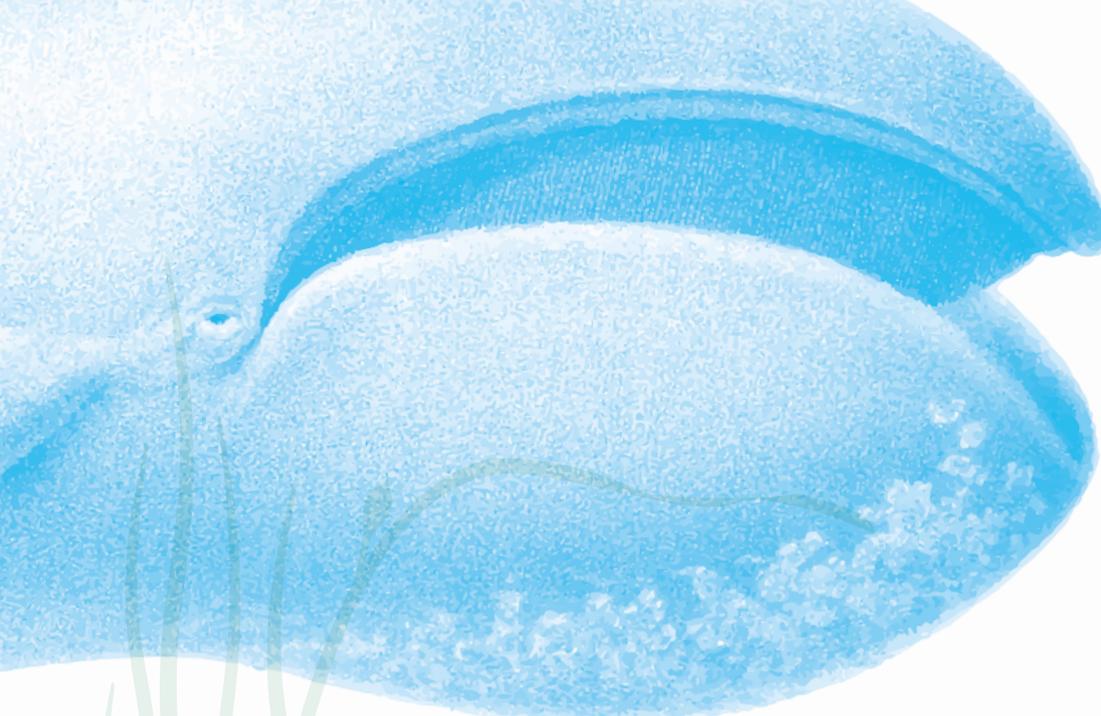
**Update 2022:** 2022 marked a slight shift in the European Commission's position on deep seabed mining. The European Parliament has reiterated its call for a moratorium on destructive deep seabed mining. In its June 2022 Joint Communication on the EU's International Ocean Governance agenda<sup>65</sup>, the Commission issued a call to 'prohibit deep-sea mining until scientific gaps are properly filled, no harmful effects arise from mining and the marine environment is effectively protected'. At around the same time, the European Investment Bank (EIB) included the 'extraction of mineral deposits from the deep sea' among bank-wide excluded activities<sup>66</sup>, considering it among other unacceptable projects in climate and environmental terms.

In July, Spain was the first EU country to express its support for a 'precautionary pause' of deep seabed mining at the ISA. In November, France also spoke out in favour of full prohibition, while Germany shifted to supporting a precautionary pause. In March 2023, Finland called on the ISA for no exploitation of the seabed to commence before strict environmental standards were in place, and stressed that more scientific research was needed. Researchers<sup>67</sup> stated that all current management measures of the ISA were not sufficient to protect the marine environment from harmful mining impact. However, at the March 2023 meeting, the ISA Council again failed to agree on a procedure to handle applications for provisional licences after the two-year deadline expires on 9 July 2023.

Meanwhile, the Commission has continued to fund deep seabed mining technological research under the 'Monitoring and supervising system for exploration and future exploitation activities in the deep sea (RIA)'<sup>68</sup> call. In 2022, the TRIDENT (technology-based impact assessment system for sustainable, transparent deep sea mining exploration and exploitation) project was granted EUR 11.8 million. The project has been strongly criticised for its intention to conduct tests at Mount Tropic, a vulnerable marine ecosystem that has been proposed as a Marine Area of Ecological or Biological Importance (AIEB).

In September 2022, the European Commission announced the process for the adoption of a Critical Raw Materials Act. The proposal for the regulation<sup>69</sup>, released in March 2023, includes in the definition of extractive activities that would fall under the scope of the Regulation, the 'primary extraction of ores, minerals (...) including from a (...) mineral occurrence under water'. This would potentially qualify deep seabed mining operations for recognition as strategic projects, with streamlined approval procedures and access to EU funds. Perhaps even more importantly, while the proposal refers to a circular economy and a recycling target, it does not include a reduction target for primary metal demand, the main driver of deep seabed mining.



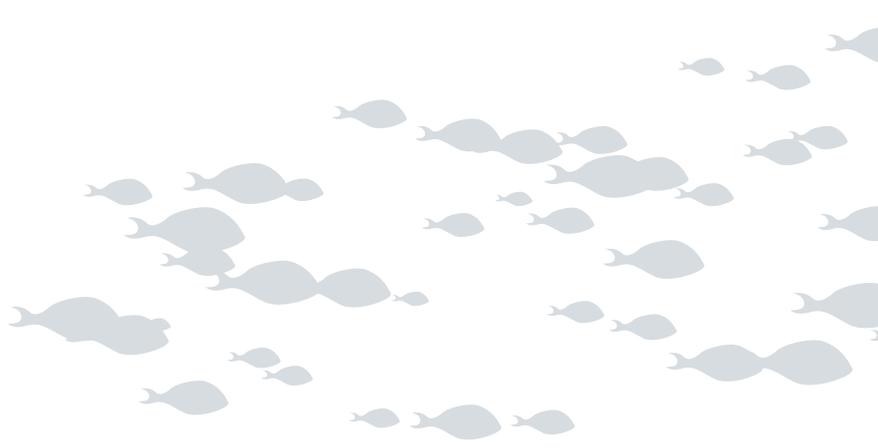


# CONCLUSION

None of the new milestones for 2022 score green and three of the six milestones score red. For 2021, one milestone had to be scored down from yellow to red. A key cause of the negative trend in reaching the Manifesto's targets is the shift towards the responsibilities of the EU Member States rather than the Commission. Implementation at country level appears less ambitious than either the European Commission or international standards. This is reflected in the two milestones for 2020 that were updated to score green: both referred to international agreements (CBD; High Seas Treaty). While EU countries are willing to sign up to ambitious conservation goals in international forums, these are then not followed through in EU internal implementation of legislation.

On the positive side, there were strong proposals from the Commission (including the Emission Trading System), international negotiations on the Global Ocean Treaty (BBNJ) and CBD, with two strong frameworks that can form the basis for sustainable measures in the EU.

For future assessments it would be advisable to update the Blue Manifesto to ensure that the milestones and sub-targets are clear, measurable and take into consideration policy developments and changing political contexts.



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