

REVIVING OCEAN LIFE IN EU MARINE PROTECTED AREAS

Enforcing Nature Laws

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A healthy marine environment is essential for climate regulation, biodiversity, and the sustainability of fisheries. Yet across EU seas, destructive fishing practices, such as bottom trawling, continue to degrade critical marine ecosystems, undermine food security, and threaten coastal livelihoods.

Natura 2000, established under the Birds and Habitats Directives, is the EU's cornerstone legal framework for protecting Europe's most critical and vulnerable biodiversity. Despite binding legal protections and political pledges to safeguard 30% of EU seas by 2030, destructive fishing practices persist within marine protected areas (Natura 2000 sites). Effective conservation measures are largely absent. As a result, no marine habitats in four out of five EU regions are in favourable condition, and nearly 80% of the coastal seabed suffers physical disturbance. Each year of inaction deepens the ecological crisis, causing irreversible damage to marine biodiversity.

Widespread non-compliance, including failures to assess or restrict harmful fishing, stem from political inaction, regulatory loopholes, and continued pressure from the fishing sector. Recently, the destructive nature of bottom trawling and the Member States' failure to act have been acknowledged by the European Commission's Marine Action Plan calling for a ban of mobile bottom fishing in Natura 2000 sites. Yet, bottom trawling continues unabated across the EU, in 77% of France's, 85% of Germany's, and 44% of Italy's marine Natura 2000 sites. Our investigations in France, Germany and Italy expose the shortcomings in enforcing EU nature laws.

Urgent action is needed to ensure Member States uphold their legal obligations and environmental commitments, safeguard marine biodiversity, and secure the long-term health of Europe's seas.

Recommendations:

- **Deliver on effective management:** EU Member States should fully use the legal tools under the CFP Regulation and the Habitats Directive to regulate harmful fishing and **ban bottom trawling in all Natura 2000 sites** with sensitive seabed habitats and species, in line with the precautionary principle.
- **Urgent enforcement of EU Nature laws:** the European Commission should initiate **infringement procedures against Member States** failing to meet their legal obligations under the Habitats Directive, ensuring the full implementation of the Marine Action Plan, and tracking progress by publishing performance on Natura 2000 management and bottom-trawling bans.

1. Legal and political framework

Under the EU Biodiversity Strategy for 2030¹ and the Kunming-Montreal Global Biodiversity Framework², EU Member States have committed to protecting 30% of land and sea by 2030, including 10% under strict protection. A key instrument to achieve this goal is the Natura 2000 network, established in 1992 by the Birds³ and Habitats⁴ Directives, which sets up a legal framework to safeguard the most valuable and threatened habitats and species in dedicated protected areas, known as Natura 2000 sites.

The framework requires Member States to take measures to maintain, or where necessary, restore marine habitats and species to a favourable conservation status.⁵ It also obliges them to take “appropriate steps” to prevent the deterioration of habitats and the habitats of species.⁶

In line with the nature directives, the pursuit of the sites’ conservation objectives must lead to the prohibition of activities incompatible with maintaining or restoring the favourable conservation status of species and habitats that justified the site’s designation. Given that fishing activities are the main cause of marine biodiversity decline⁷, Member States must impose restrictions on fishing activities, affecting both vessels flagged to their own country and those flagged to other EU Member States.

To facilitate the implementation of fishing restrictions within marine Natura 2000 sites, the CFP Regulation⁸ introduced in 2013 the mechanisms necessary for implementing environmental legislation across EU marine waters. Within the Exclusive Economic Zone (EEZ), Member States may unilaterally adopt conservation measures necessary to comply with their obligations under EU environmental legislation (such as the Habitats Directive), provided these measures do not affect vessels flying the flag of another Member State. Where measures do affect such vessels, they must be adopted by the Commission through a joint recommendation procedure involving the Member States concerned.⁹ In their territorial sea (within 12 nautical miles), Member States retain the competence to unilaterally adopt conservation measures, including those affecting vessels from other Member States, provided these measures are non-discriminatory and adopted following consultation with the relevant Member States.¹⁰

The provisions under the Habitats Directive and the CFP should work together to safeguard marine Natura 2000 sites. In addition, the precautionary and preventive principles, embedded in EU environmental policy,¹¹ underpin both frameworks. A lack of full scientific certainty should not delay actions to prevent environmental harm, and proactive steps should be taken as soon as a potential risk of deterioration is identified. EU law mandates that if an ongoing fishing activity risks degrading a protected habitat, authorities must restrict it and take measures to prevent future activities that could cause similar harm.

Despite the clarity of the CFP’s and Habitats Directive’s requirements, implementation has been limited. Only 4% of Natura 2000 sites are covered by fisheries management measures compatible with the sites’ conservation objectives.¹² In its 2023 Communication ‘The Common Fisheries Policy today and tomorrow’, the European Commission calls on Member States to “enhance synergies between fisheries and environmental policies and thus reinforce the CFP’s contribution to the EU’s environmental objectives”.¹³



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2. Critical decline of marine ecosystems in Natura 2000 sites

The EU's Natura 2000 network, the largest system of protected areas in the world, covers 550,000 km² of EU marine waters, with a target of 1.35 million km² by 2030. Yet, the state of marine habitats and species in the EU is alarming. In the latest EU State of Nature report,¹⁴ no marine habitats were found to be in a 'favourable' conservation status in four out of five marine biogeographical regions.¹⁵ Most are rated 'poor' or 'bad,' indicating significant deterioration and insufficient recovery.

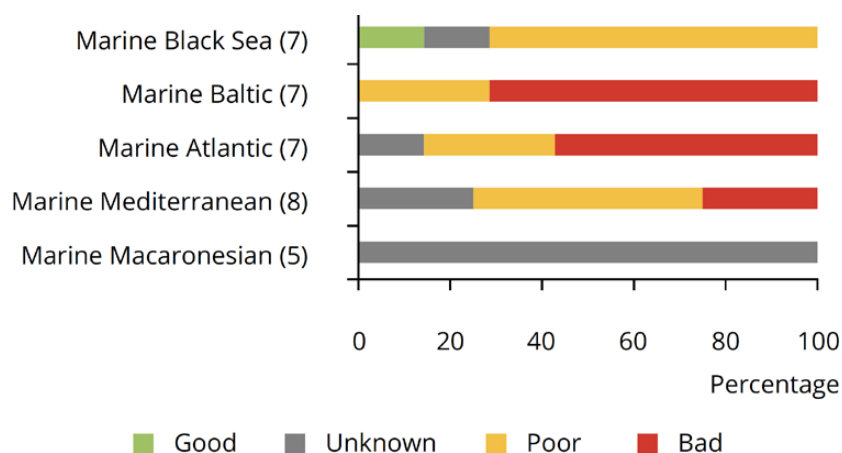


Table 1: Conservation status of marine habitats by EU marine region (EEA State of Nature 2020)

Protected coastal and seabed habitats like seagrass beds, sandbanks, and reefs, listed in Annex I of the Habitats Directive, continue to decline.¹⁶ Marine species dependent on these habitats show similarly troubling trends. In France, for example, over 90% of marine species and habitats protected under the Habitats Directive are in an unfavourable conservation status. The situation reflects a wider EU trend, where crucial habitats such as seagrass meadows (*Posidonia oceanica* beds) and biogenic reefs are shrinking or degrading due to physical disturbance, pollution, and other pressures.

In addition to the obligations under the Habitats Directive, the recently adopted Nature Restoration Regulation¹⁷ requires Member States to implement restoration measures to achieve a favourable conservation status on 30% of currently degraded areas by 2030, with priority given to areas within Natura 2000 sites. Similarly, the Marine Strategy Framework Directive¹⁸ requires Member States to achieve 'Good Environmental Status' (GES) which implies for the seabed that 75% of the habitat remain unaffected by human pressure.¹⁹

The existing EU law clearly recognises the importance of Natura 2000 sites in the conservation of marine biodiversity, and requires the deterioration of habitats and species within these sites is halted and where necessary reversed. However, for this to be achieved, the sites must not only be designated, but also effectively managed. As the European Court of Auditors has noted, "much of the EU's spatially impressive [marine protected area] network provides a false sense of security about positive conservation actions being taken",²⁰ with many sites poorly managed or lacking real protection in practice. This raises serious concerns about Member States' compliance with their obligations under EU environmental law.

Given the generally poor conservation status of protected marine habitats, the continued lack of restrictive fisheries measures in Natura 2000 sites is striking, particularly since fishing is the main cause of marine biodiversity decline.²¹ For example, bottom trawling, one of the most destructive fishing practices for the seabed,²² occurs extensively over protected habitats in Natura 2000 sites.²³

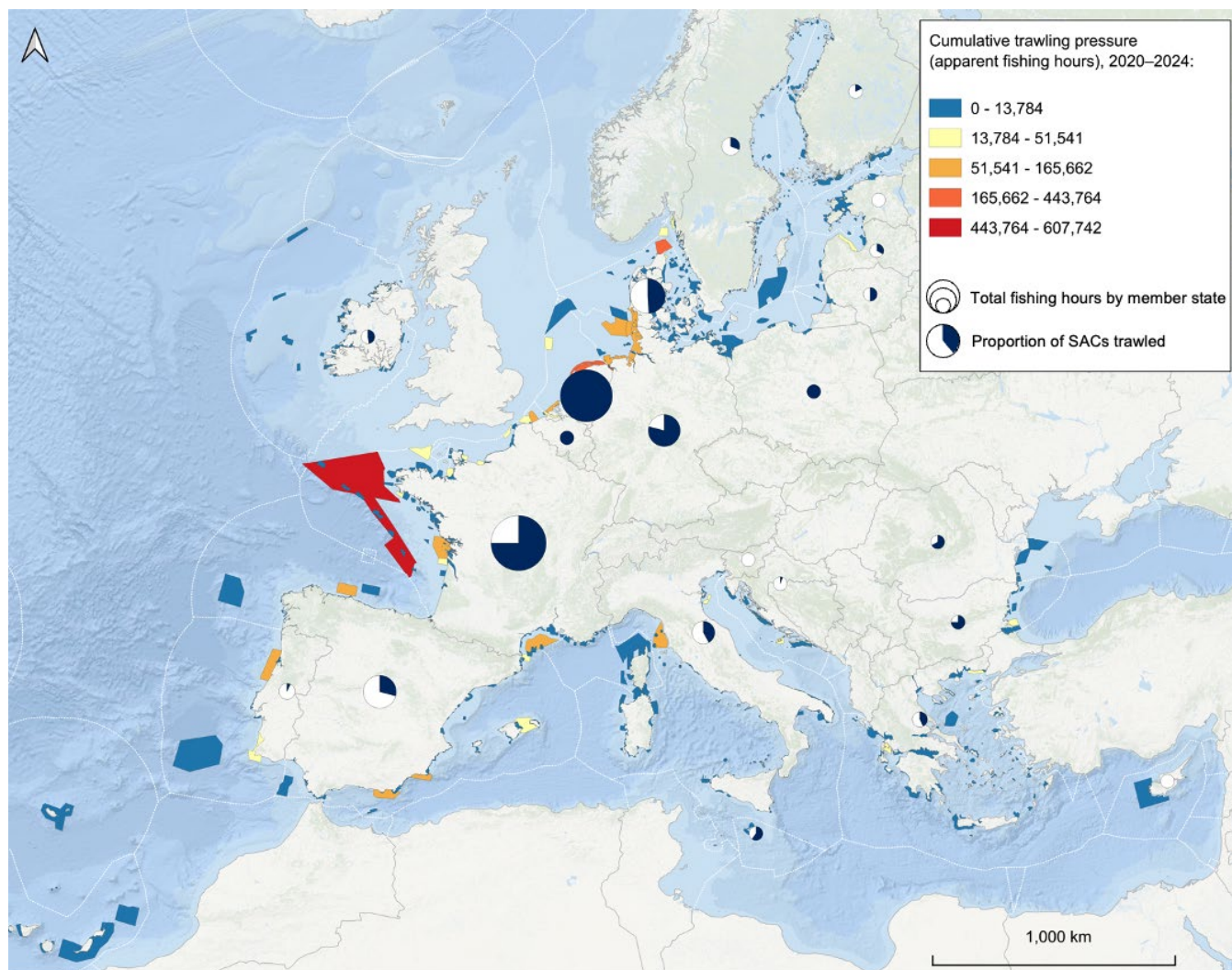
The case of bottom trawling in Natura 2000 sites

Fishing using bottom-contact gear, particularly bottom trawling, is among the most widespread and damaging activities to the seabed and its associated habitats.²⁴ Bottom trawling involves dragging weighted nets and rigid structures along the ocean floor, killing marine life, destroying seabed ecosystems, and releasing carbon from disrupted sediment.

The severe impact of bottom trawling on marine ecosystems is well-documented, ranging from habitat destruction and disruption of ecosystem functions to the reduction of species abundance and richness, as well as the unintended capture of non-target species (bycatch).²⁵ Currently, 79% of the coastal seabed is considered physically disturbed, primarily due to bottom trawling, and a quarter of the EU's coastal area has likely lost its seabed habitats.²⁶

To achieve a favourable conservation status under the Habitats Directive, marine habitats must have a stable or increasing natural range, maintain the specific structures and functions necessary for long-term stability, and ensure that the conservation status of their typical species is favourable. These three criteria are interdependent and must all be fulfilled. Bottom trawling negatively impedes this objective by causing habitat cover loss, the destruction of essential structures and ecosystem functions, and biodiversity loss for habitat-typical species.

Yet bottom trawling is taking place across Europe's marine protected areas. EJF's investigative work, through a widespread analysis of the fishing pressure in several Member States, shows that protected habitats are subjected to significant pressure resulting from the use of bottom trawl fishing gear. It demonstrates that Member States have failed to take the required measures to maintain or restore these habitats to a favourable conservation status. Bottom trawling is currently taking place in 77% of France's, 85% of Germany's, and 44% of Italy's marine Natura 2000 sites.²⁷ The scale of the problem is staggering, with more than 1.7 million hours annually in Europe's marine Natura 2000 sites.



Map 1: Estimate of trawling activity in special areas of conservation (SACs) in total apparent fishing hours over the 2020–2024 period. Darker shades of orange represent more heavily trawled MPAs. Proportions were calculated for sites that are exclusively marine with at least 10 hours of fishing on average per year over the same period (sources: GFW, EEA).

Member State	Fishing hours in Natura 2000 sites	Fishing hours in sites located entirely within 12 NM	Fishing hours in sites located within the EEZ	Proportion of Natura 2000 sites trawled
France	466,978	102,558	364,420	77%
Spain	433,052	95,869	337,182	38%
Netherlands	295,376	277,010	18,366	100%
Germany	191,271	158,539	32,731	85%
Denmark	114,270	48,086	66,184	54%
Italy	91,688	91,688	0	44%
Portugal	30,683	14,626	16,057	19%
Sweden	24,982	9,651	14,645	30%
Bulgaria	21,083	13,098	7,985	75%
Greece	20,339	20,339	0	50%
Belgium	13,974	1,674	12,300	100%

Table 2: Fishing Pressure by trawlers²⁸ in EU Marine Natura 2000 sites (apparent fishing hours, yearly mean 2020-2024)

This alarming situation calls for a critical examination of the shortcomings in the implementation of the Natura 2000 framework, resulting in a failure to effectively shield protected habitats and species from the impacts of fishing activities, particularly bottom trawling.

3. Implementation gaps in Natura 2000 marine sites

Europe's marine Natura 2000 sites are not yet delivering their intended conservation outcomes. Most remain 'paper parks,' offering legal designation without effective on-the-ground protection. The persistently poor status of protected marine habitats signals a widespread failure in implementation.

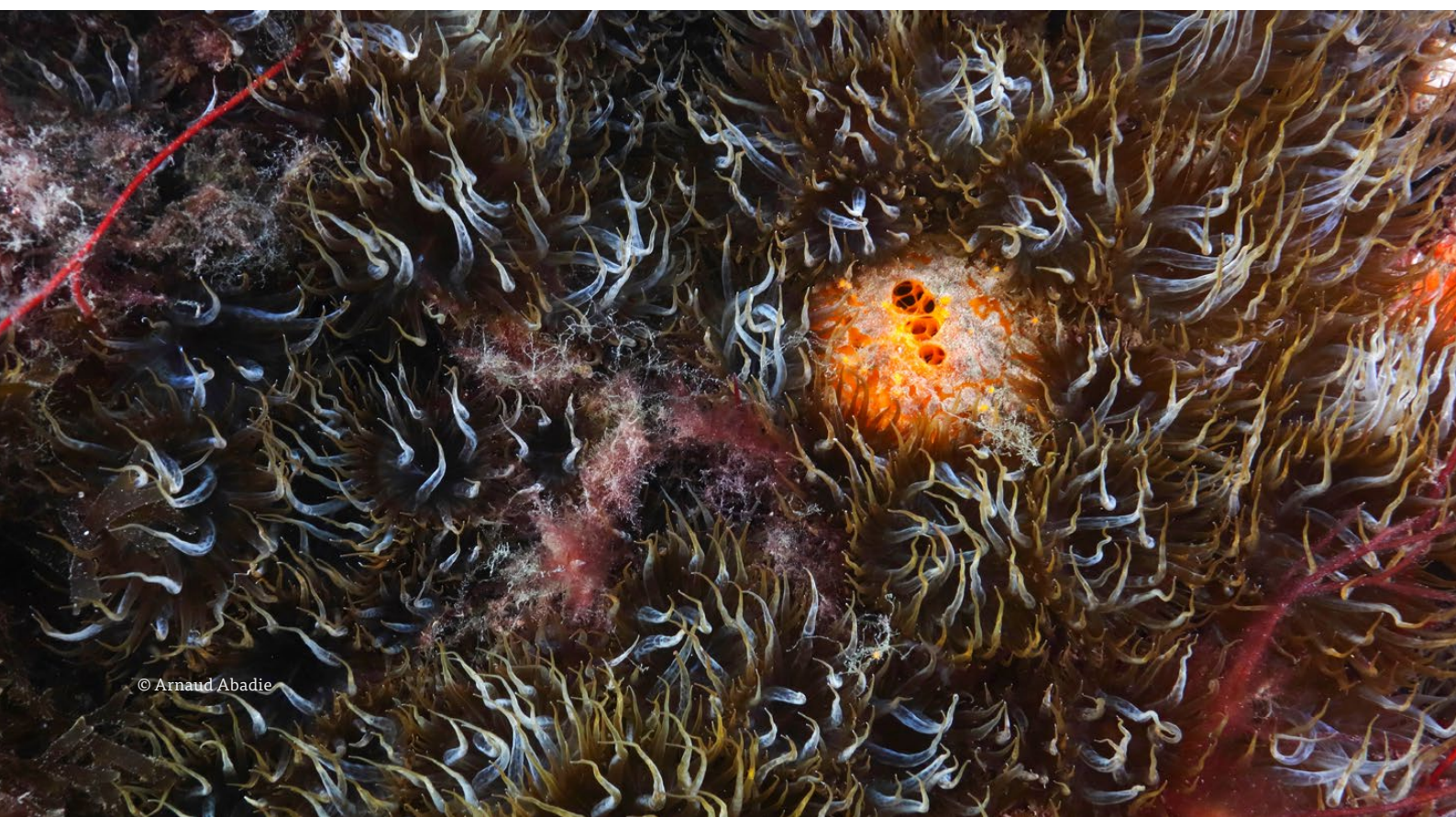
Our investigations reveal that Member States have been slow to translate the requirements of Article 6 of the Habitats Directive into concrete actions effective at protecting habitats and species. Conservation measures, such as fishing gear bans or seasonal closures, are frequently absent or inadequate, and environmental assessments for fishing activities are rarely conducted. This legal failure is compounded by political and administrative hurdles.²⁹ Member States have also repeatedly delayed action due to political pressure from fishing industry stakeholders, prioritising short-term interests over long-term environmental obligations and commitments. The European Court of Auditors highlighted in 2020³⁰ that "the Article 11 procedure often had the consequence that commercial fisheries interests were favoured over nature conservation requirements". While the Habitats Directive clearly applies to all sectors, including fisheries, in practice, fisheries are often exempted or deprioritised within marine Natura 2000 governance.

Main legal inconsistencies and failures:

- **Lack of site-specific conservation objectives and measures:** Most marine Natura 2000 sites lack clear, enforceable objectives and measures tailored to address fishing pressure, in breach of Article 6(1) of the Habitats Directive.
- **Ongoing habitat deterioration:** Evidence shows continued degradation of protected habitats (e.g., reefs, sandbanks) and disturbance to protected species, in violation of Article 6(2) of the Habitats Directive.
- **Failure to conduct appropriate assessments:** Bottom trawling continues within Natura 2000 sites without prior adequate assessments of its impacts, as required under Article 6(3) of the Habitats Directive.
- **Absence of a precautionary approach:** Fishing activities are often authorised without applying the precautionary principle, allowing potentially damaging practices in the face of scientific uncertainty.
- **Delays and political gridlock:** Member States are failing to initiate and adopt necessary conservation measures, despite being empowered under Articles 11 and 20 of the CFP.
- **Insufficient data and mapping:** A lack of up-to-date information on the conservation status of marine habitats and insufficient habitat mapping impedes the ability to set accurate conservation measures, know the impact of threats on habitats and appropriately address them.
- **Misuse of socio-economic considerations:** During stakeholder consultations, socio-economic considerations are prioritised even when not justified, allowing destructive fishing to persist, even when environmental risks are acknowledged.

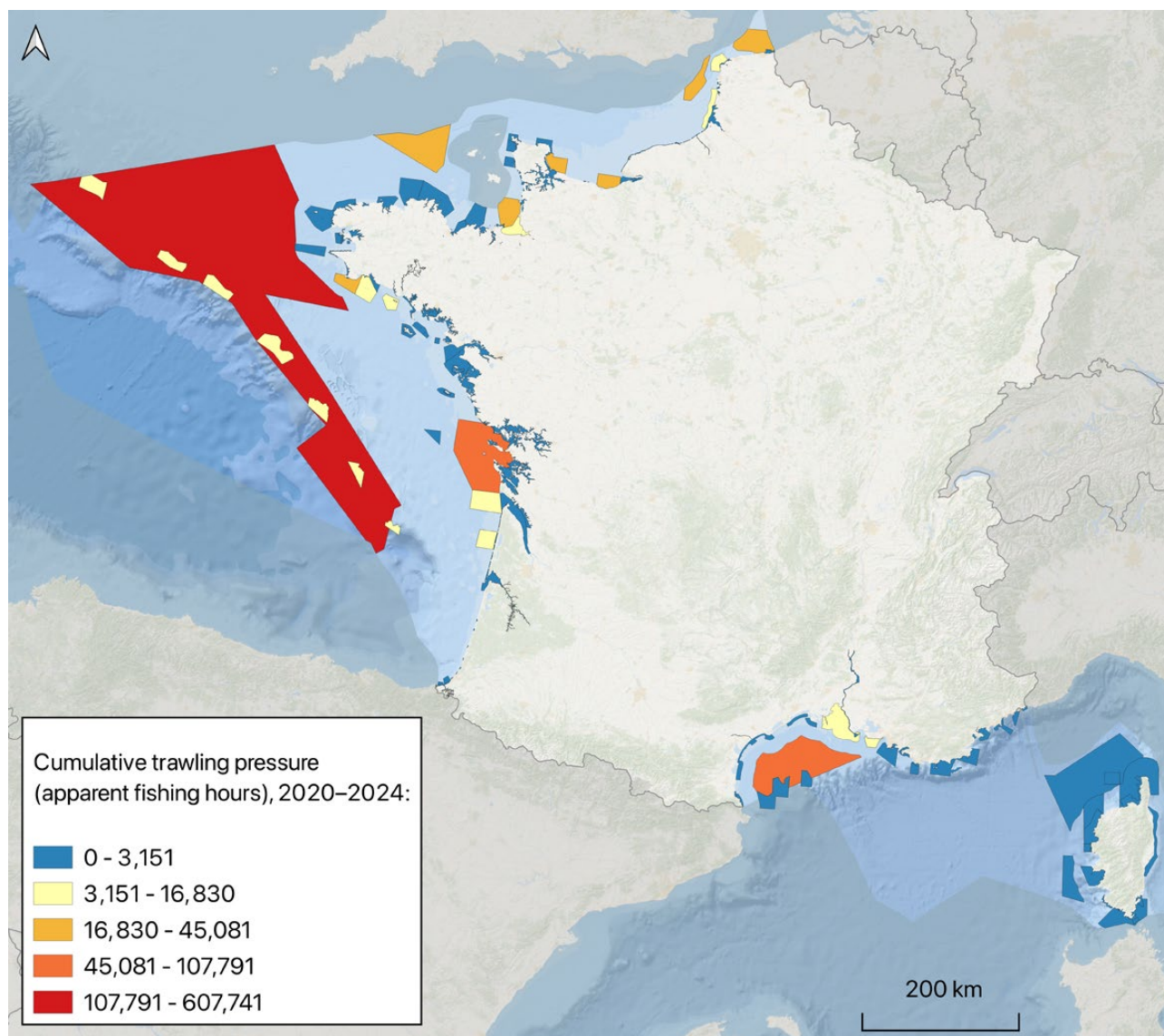
The following case studies in France, Italy, and Germany illustrate the shortcomings in applying EU nature and associated legislation, showcasing different facets of legal and implementation gaps, from regulatory loopholes to administrative inertia and political reluctance.

Urgent improvements in management and enforcement are needed to restore these critical ecosystems, which will help the EU meet its biodiversity and climate objectives. In some Member States, such as France, administrative courts have recently ruled on these issues and ordered the government to take action in selected Natura 2000 sites to comply with EU law.³¹ What is needed now is proactive political leadership from EU governments to swiftly enforce agreed-upon rules and ensure protection and restoration of ecological integrity across the EU's Natura 2000 sites.



CASE STUDY 1: France - delayed measures and industry pressure

France has one of the largest networks of marine Natura 2000 sites in Europe, with 235 sites covering over 33% of French waters. Although often seen as a leader in marine protection, behind the impressive coverage lie significant management gaps. French authorities have struggled to translate EU legal requirements into effective fisheries restrictions, relying on a site-by-site risk assessment process that has proven cumbersome, slow, and heavily influenced by the fishing sector.



Map 2: Cumulative trawling pressure in Natura 2000 sites in France, 2020 - 2024.

Under French law,³² fishing activities within Natura 2000 sites must undergo a risk assessment (Analyse de Risque Pêche, ARP) to evaluate their impacts on the protected marine habitats and species. The ARP is intended to serve as a collective appropriate assessment for fishing activities: it uses spatial data on habitat distribution and fishing effort to determine whether fishing practices, including bottom trawling, pose a risk of habitat deterioration. If a moderate or high risk is identified, the process requires the proposal of regulatory measures, such as gear bans or effort limits, to ensure fishing does not undermine the site's conservation objectives. These proposed measures are then discussed with the stakeholders and then validated by the site's steering committee. Finally, any agreed-upon measures must be formally adopted by the competent authority (the Prefect) to become binding law.

On paper, this system could reconcile conservation objectives with the fishing industry's concerns. In practice, it has become a bottleneck. As of 2023, over 65% of France's marine Natura 2000 sites³³ have not completed the ARP process for marine habitats, and many had not even begun. The French government aims to finalise the ARPs for all sites by the end of 2026 and adopt regulatory measures by 2027. In the meantime, ecological degradation continues. In the absence of an ARP, national authorities have not adopted fishing restrictions, meaning that in most sites, bottom trawling continues unchecked, contrary to both the Habitats Directive and the precautionary principle enshrined in EU law.

In several Natura 2000 sites, even when the ARP identified clear threats to habitats or the site's conservation objectives, the necessary protective measures were weakened following consultations with fishing industry representatives. Review of the site management documents and meeting records reveals that disagreements between the nature agency and fishery stakeholders frequently led to the weakening of conservation measures, undermining their effectiveness.³⁴

There is a further gap: fishing authorities often fail to enact the protective measures. The national authorities are hesitant to impose new restrictions, especially if there were disagreements with fishing representatives during consultations. As a result, it is common that the agreed-upon measures are not followed by actual regulatory orders or such measures are delayed, leaving harmful fishing activities legal by default.

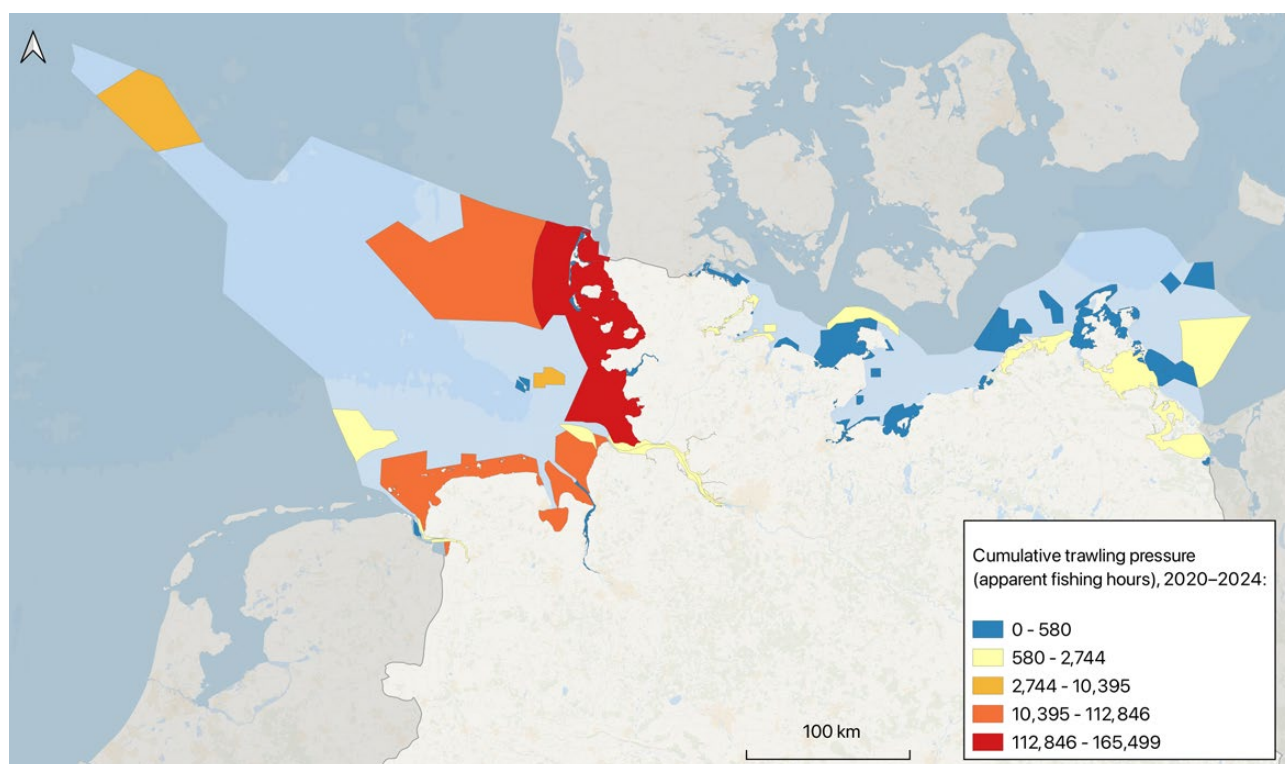
Stakeholder consultation with the fishing sector is meant to ensure that necessary conservation measures take socio-economic impacts into account and remain proportionate. This process, fully aligned with the Habitats Directive, is complementary, not an alternative, to the Member States' legal obligation to protect habitats.³⁵ Environmental obligations remain binding and can only be derogated from in strictly defined cases of imperative reasons of overriding public interest. However, in practice, these consultations are often misused as negotiation platforms, resulting in the weakening of conservation measures, sometimes to the point of rendering them ineffective. Prioritising local economic interests over biodiversity and climate goals violates both French and EU environmental law.

These systemic failures are evident across multiple sites. In the *Pertuis Charentais* site on the Atlantic coast, designated for reefs and sandbanks, bottom trawling is still widespread years after designation, with no measures in place, while the ARP process drags on, contributing to habitat decline. Similar patterns appear in sites like *Baie de Seine occidentale* and *Bancs des Flandres*, where scientific assessments showed significant habitat risk from bottom trawling pressure, but authorities delayed or weakened protective measures, implementing only minimal, ineffective, restrictions.

France is thus failing to comply with its obligations under the Habitats Directive. By not establishing necessary conservation measures nor preventing ongoing habitat deterioration, France is in breach of Article 6(1) and 6(2) of the Habitats Directive. The precautionary and preventive principles are effectively being ignored: instead of acting when there is evidence of risk of deterioration, authorities have waited for lengthy studies or consensus, during which habitats have continued to deteriorate. French courts have begun to acknowledge this, ordering the national authorities to strengthen protection in Natura 2000 sites. Moving forward, France needs to accelerate the ARP process and immediately enforce no-trawling zones on sensitive habitats to comply with EU law and meet its biodiversity commitments.

CASE STUDY 2: Germany - fragmented competences and political reluctance

Germany faces a distinct set of challenges in regulating fishing within Natura 2000 sites, rooted in its federal governance structure and socio-economic considerations. In Germany, fisheries management is a shared competence between the federal government (Bund) and the coastal states (Länder).³⁶ The Bund has exclusive authority in the Exclusive Economic Zone (EEZ, 12–200 NM), while the Länder are mainly responsible for the territorial sea (0–12 NM) unless federal law preempts their action. This has led to fragmented governance and faulty coordination between these entities. In practice, some Länder have been hesitant to impose fishing restrictions in their waters due to uncertainty about legal competence and fear of conflict with the fishing sector.



Map 3: Cumulative trawling pressure in Natura 2000 sites in Germany, 2020 - 2024.

A key issue has been the misinterpretation of the CFP rules by the Länder. Some Länder officials argue they can not regulate fishing by foreign vessels in the 12 NM zone because of CFP rules and the need to avoid discrimination.

These are the arguments argued:

- **Misinterpretation of Article 5(2) CFP:** specifically, the view that Member States cannot adopt Part III measures (including Article 20 of the CFP) if these would affect fishing rights defined in Annex I.
- **Perception of procedural complexity:** the idea that the consultation process required under Article 20 of the CFP with other Member States creates excessively high legal or administrative barriers, discouraging Länder from initiating restrictions.
- **Assumption of regulatory overlap:** a view that EU-level regulations applying in these areas, though potentially insufficient, prevent national or subnational measures.

This misinterpretation of EU law has led to a conservative approach to marine ecosystem protection against destructive fishing practices and inaction by German authorities. EU law is clear that Germany retains the right to enact non-discriminatory fisheries measures in the territorial sea after simple consultations.

Another barrier has been political reluctance driven by cultural and economic factors. The German North Sea coast, for instance, has a long tradition of brown shrimp trawling, a fishery woven into local heritage in communities of Lower Saxony and Schleswig-Holstein. This fishery uses small beam trawls in the Wadden Sea and shallow North Sea, areas that overlap with Natura 2000 sites (including the Wadden Sea UNESCO World Heritage Site). Despite evidence that shrimp trawling can disturb benthic habitats, proposals to restrict it face strong pushback. Local politicians often defend the shrimp fleet, citing its cultural importance and tourism appeal (fresh “Nordseekrabben” are a regional delicacy). Economically, however, the fishery’s importance is relatively modest: revenues have declined in recent years³⁷ (e.g. falling from €40 million to €25 million in 2024), and the sector contributes only a small fraction of coastal GDP.³⁸ Nonetheless, the symbolic weight of this traditional fishery has made authorities wary of imposing no-trawling zones, even in ecologically sensitive areas. Similar patterns of reluctance occur with other fisheries; the overall mindset has been to avoid upsetting the status quo.

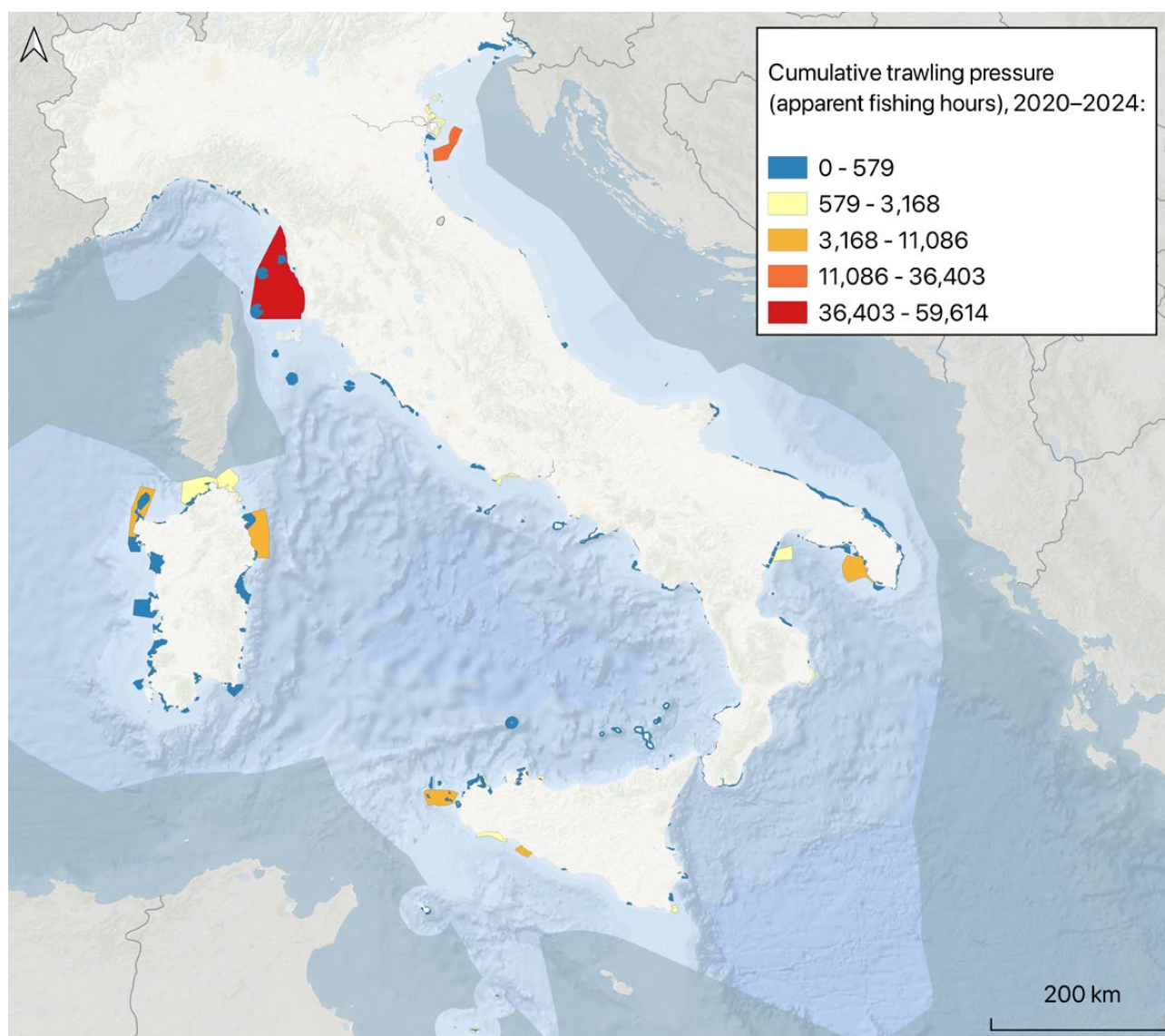
Consequently, Germany has been slow to implement fisheries measures in marine Natura 2000 sites. Some progress has been made for parts of the EEZ, but most coastal Natura 2000 sites still lack comprehensive fisheries regulations. Notably, the requirement for appropriate assessments under Article 6(3) of the Habitats Directive is generally not being applied to fishing activities. German authorities typically do not treat ongoing fisheries as “plans or projects” that need assessment, a stance at odds with European case law.³⁹ For instance, in the *Niedersächsisches Wattenmeer* site, shrimp fishing continues without an assessment, even though studies suggested it might prevent achieving the site’s conservation objectives for intertidal habitats, such as sandbanks and reefs. Likewise, in the *Erweiterung Libben, Steilküste und Blockgründe Wittow und Arkona* reef site (German Baltic), trawling was allowed to continue on a portion of the reef via exemptions, without a prior assessment “beyond all reasonable doubt” that such activity would not harm the habitat, in a clear violation of the precautionary requirement in Article 6(3) of the Habitats Directive.

In summary, Germany’s implementation gaps arise from institutional fragmentation, misinterpretation of legal tools, and political hesitancy to regulate fisheries. The result has been delayed or diluted action, to the detriment of protected habitats like the Wadden Sea tidal flats, offshore sandbanks, and biogenic reefs in the Baltic and North Seas. Overcoming these challenges will require clearer Bund-Länder coordination and the courage to prioritise long-term ecosystem health over short-term political convenience.



CASE STUDY 3: Italy - lack of designation, mapping, and enforcement

Italy's marine Natura 2000 implementation has been plagued by chronic under-designation and management and enforcement shortfalls, with a lack of habitat distribution and health data hindering effective conservation. Historically, Italy has designated far fewer marine sites than required, leaving important habitats unprotected. Even after expansions of its Natura 2000 network in the marine environment, Italy has only 6.9% of its waters under protection, well below the EU average (12.1%) and the 30% by 2030 target.⁴⁰



Map 4: Cumulative trawling pressure (apparent fishing hours) in Natura 2000 sites in Italy, 2020 - 2024.

In 2021, the European Commission initiated an infringement procedure against Italy, citing that its Natura 2000 network did not adequately cover the habitats and species in need of protection, particularly in the marine environment.⁴¹ This prompted Italy to substantially increase its marine protected area, from about 5,800 km² in 2017 to 23,300 km² in 2024.⁴² However, this still falls well short of the 30% target. In addition to issues with coverage, Italy has already faced infringement proceedings in 2015 and 2019⁴³ for failing to designate hundreds of SCIs as SACs within the deadline, and for generally and persistently failing to define site-specific conservation objectives and measures.⁴⁴ These shortcomings persist: many sites still lack clear conservation objectives or measures, meaning Article 6(1) of the Habitats Directive is not fully implemented.

Another fundamental problem in Italy is the lack of scientific data and mapping for marine habitats, which severely hampers management.⁴⁵ Aside from a nationwide mapping of *Posidonia oceanica* seagrass beds in 2012, Italy has no comprehensive habitat maps for most sites. Critical habitats like sandbanks (1110) and reefs (1170) are often not precisely mapped within sites designated for their protection. This absence of information makes it impossible to design targeted conservation measures or enforce regulations. For example, in the *Fondali dell'Arcipelago delle Isole Egadi* site, designated as Natura 2000 site 30 years ago to protect reefs and sandbanks, no habitat maps are available. The outdated *Posidonia oceanica* maps (now over a decade old) likely underestimate current seagrass extent. Under EU law, such uncertainty should trigger the precautionary principle, requiring authorities to adopt interim protective measures (such as temporary fishing bans across entire sites) until thorough mapping is done.

Where regulations restricting bottom trawling do exist, enforcement remains a major challenge. Italy's national laws⁴⁶ and the EU Mediterranean Regulation⁴⁷ provide a framework for restricting bottom trawling in certain cases. Notably, the use of towed gears is prohibited within the 3 NM of the coast, or closer to shore where the 50 m depth is reached at a shorter distance, as well as above seagrass beds, coralligenous reefs, and maërl habitats in the Mediterranean. These rules, in theory, offer protection for shallow-water habitats and *Posidonia oceanica* beds (1120), across all Italian waters, including within Natura 2000 sites. However, evidence shows that these rules are poorly enforced.⁴⁸ In the *Capo San Marco – Sciacca* site in Sicily, which should be legally off-limits to trawling due to proximity to shore, monitoring data revealed an average of 634 hours of trawling per year occurring over the protected habitats. This clearly indicates ongoing illegal fishing that is not effectively stopped by Italian authorities, undermining the site's conservation objectives. Similar situations are found in other sites: for example, bottom trawling over coralligenous reefs in the *Fondali Punta Manara* site. Consequently, Italy is violating Article 6(2) of the Habitats Directive by failing to take timely measures to halt activities causing habitat deterioration. Regulation on paper is not enough if not actually implemented - "appropriate steps" under EU law include the actual enforcement of bans.

Italy also does not generally conduct Habitats Directive assessments for fishing activities. There is no routine application of Article 6(3) of the Habitats Directive to assess the impacts of bottom trawling in marine Natura 2000 sites. This runs contrary to the clear requirement that any plan or project (including recurrent ones) that may significantly affect a site be assessed. Given bottom trawling's well-documented impact, failing to assess its impacts on the site is a legal oversight. As a result, fisheries have continued without regard for the site's conservation needs.

In summary, Italy's case highlights a range of governance gaps: slow designation of sites, missing conservation objectives and measures, inadequate mapping, and weak enforcement, all of which contribute to ongoing damage in Natura 2000 areas. Closing these gaps will require strong political will, investing in marine habitat mapping, dedicating resources to control fisheries, and swiftly implementing the existing legal provisions. Until then, Italy's Natura 2000 sites will fall short of their potential to protect biodiversity and support the EU's wider conservation and climate goals.



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Endnotes

- 1 EU Commission (2020) EU Biodiversity Strategy for 2030: Bringing nature back into our lives, Doc. COM/2020/380 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52020DC0380>. EU Member States have adopted the Council's conclusions on the Strategy and approved its objectives: <https://data.consilium.europa.eu/doc/document/ST-11829-2020-INIT/en/pdf>.
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- 6 Article 6(2) Habitats Directive.
- 7 IPBES (2019) Global Assessment Report on Biodiversity and Ecosystem Services – Summary for policymakers, <https://zenodo.org/records/3553579>.
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- 9 Article 11 CFP.
- 10 Article 20 CFP.
- 11 Article 191(2) TFEU.
- 12 EEA (2024) 'Fisheries management measures in Natura 2000 sites and other marine protected areas: Results of the call for information from Member States', Meeting of the Marine Expert Group, April 2024 [on file with EJF].
- 13 COM/2023/103 The common fisheries policy today and tomorrow: a Fisheries and Oceans Pact towards sustainable, science-based, innovative and inclusive fisheries management: "Work on conservation measures under Article 11 of the CFP Regulation started to accelerate only as of 2021. It has progressed at a very uneven pace in the different sea basins. As outlined in the marine action plan, Member States need to renew their commitment to increase the efficiency, speed and level of ambition of regionalised work, especially with regard to the implementation of environmental legislation under Article 11 of the CFP. For this purpose, Member States should address the lack of sufficient resources for the work in regional groups, further increase stakeholder involvement, and strengthen the scientific base."
- 14 European Environmental Agency (2020) 'State of nature in the EU: Results from reporting under the nature directives 2013-2018.' No 10/2020, p. 42, <https://www.eea.europa.eu/publications/state-of-nature-in-the-eu-2020>.
- 15 The Marine Black Sea is the only marine region with good conservation status reported (with 14%).
- 16 Boschetti S. T., Palialexis A., Connor D., Marine Strategy Framework Directive, Review and analysis of EU Member States' 2018 reports. Descriptor 6: Sea-floor integrity and Descriptor 1: Benthic habitats, EUR 30716 EN, Publications Office of the European Union, Luxembourg, 2021, ISBN 978-92-79-38014-6, doi:10.2760/355956, JRC125288.

- 17 Regulation (EU) No. 1380/2013 of the European Parliament and of the Council 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.
- 18 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)
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