

BSAC recommendations concerning the development of offshore windfarms and fisheries interactions

Background

Offshore wind energy will play an important role in a decarbonised European energy system. In view of the European objective to decarbonise Europe before 2050, there is a need to understand and anticipate future interaction and possible conflict between fisheries and windfarms and associated mitigating measures.

Current political situation and agreed targets

Renewable energy from the seas can be a cornerstone of the clean energy transition.

As part of the EU Green Deal announced in December 2019¹, the Commission presented the **Offshore Renewable Energy Strategy**² in November 2020. It proposes concrete ways forward to support the long-term sustainable development of the offshore wind sector and set the above-mentioned targets. The current legislative framework at EU level includes the **Renewable Energy Directive**, which is being revised since July 2021³. It sets in law the emission reduction targets and other measures pertaining to renewable energy and energy systems. The revised directive is expected to be adopted by the first quarter of 2023.

After Russia's unprecedented military attack on Ukraine, security of supply concerns exacerbated the situation. In May 2022, the Commission published the **Repower EU Plan**⁴. The plan includes short- and medium-term measures for "*Rapid roll out of solar and wind energy projects combined with renewable hydrogen deployment*" and "*New legislation and recommendations for faster permitting of renewables especially in dedicated 'go-to areas' with low environmental risk*" and "*Increase the European renewables target for 2030 from 40% to 45%*". In July 2022, the European Parliament published its own initiative procedure **report on the impact on the fishing sector of offshore windfarms (OWF) and other renewable energy systems** (2019/2158(INI))⁵. Among other things, it stresses that "*stakeholder collaboration in the design, implementation and management of OFWs is key to resolving issues of common interest*"; and that "*cooperative co-design approaches to the deployment of OFWs, in order to combine them with other uses, can reduce the potential impact on fisheries, strengthen the relationship between the various sectors involved and*

¹ https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en#thematicareas

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0741>

³ https://energy.ec.europa.eu/topics/renewable-energy/renewable-energy-directive-targets-and-rules/renewable-energy-directive_en#:~:text=In%20July%202021%2C%20the%20Commission,EU's%20energy%20consumption%20by%202030.

⁴ https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal/repowereu-affordable-secure-and-sustainable-energy-europe_en

⁵ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0338_EN.pdf

allow for beneficial cooperation between them". Specific to the Baltic Sea, Baltic Ministers agreed in August 2022 the **Marienburg Declaration**⁶. It announces a combined ambitions for offshore wind in the Baltic Sea region of at least 19.6 GW by 2030, seven times the current capacity. It also recognises the substantial potential for offshore wind power in the Baltic Sea basin, reaching up to 93 GW.

Offshore windfarm planning is also related to Marine Spatial Planning (MSP) and the EU **MSP Directive**⁷ (2014). The **first report on progress in implementing the Directive** (COM(2022) 185 final)⁸ was adopted May 2022. The report concludes that maritime spatial planning is an effective and strategic tool to coordinate the different activities at sea and prevent conflicts over the use of maritime space.

Scientists emphasise large knowledge gaps regarding the impact of OWF on fisheries, negative as well as potential positive effects. Several research projects are on-going in the European Union to fill these gaps.

⁶ <https://www.regeringen.dk/media/11544/the-marienburg-declaration-300822.pdf>

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0089>

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022DC0185>

Advice and recommendations

The BSAC Ecosystem Based Management Working Group, at its meetings held on 26th October 2022 and 17th February 2023, discussed the effects of offshore wind farms (OWF) on fisheries. The reports from these meetings are available on BSAC website. The recommendations were adopted by the BSAC ExCom through written procedure on 5th April 2023.

The BSAC recognises the importance of decarbonising the European energy system and the role of OWF in this endeavour. This political priority needs to follow strict guidance not to come at unbalanced expense of traditional activities such as commercial and recreational fisheries and livelihoods.

Commitments of the offshore wind farms renewable installation objectives are huge with regards to the Baltic Sea size and level of current activity at sea. Its specific conditions as a shallow and enclosed brackish sea with severely impacted ecosystems and poor environmental status also stresses the need for an even more precautionary approach to offshore windfarm developments.

Concerning the development of offshore wind farms in the Baltic and their impact on fisheries, it is recommended by the BSAC in consensus that:

1. Identified effects of OWF on the ecosystem and fisheries, both negative and positive ones, should be recognised along with persisting knowledge gaps.

Effects of OWF are different during each phase of the development of OWF, from construction to decommissioning. OWF are likely to bring changes to ecosystems and food webs. For scientists studying these ecosystems and fisheries, OWF will add a layer of complexity in the understanding of processes.

Knowledge gaps (among others: impact of bigger wind farms, cumulative impact of OWF and of other activities, impact on fish reproduction, impact on fish migration, integration with fish stock advice) need to be filled by conducting monitoring programmes, new, different scale studies (not restricted to case studies), and further research. This is particularly important in the Baltic Sea regarding the current state of the ecosystem.

The costs to fill those gaps have to be recognised and accounted for by political institutions and decision makers.

The BSAC welcomes the European Commission non-recurrent request to ICES on the impact of OWF on fisheries and invites the European Commission to consider asking for such advice on regular basis.

2. Consultation and involvement of all stakeholders, and coordination of Member States are given the highest priority.

The aim of consultations and coordination should be to maximise the efficiency of OWF installations and at the same time reduce the need for space and negative impacts on the ecosystem, food production, and other sea-based economic activities.

A transparent dialogue on OWF should be established with stakeholders (including Advisory Councils), involving and consulting them at local, national and sea basin level. It should cover topics such as OWF developments, Maritime Spatial Planning (MSP), fisheries data, cumulative environmental impacts. This dialogue should continue along all phases of OWF development.

At sea basin level, the dialogue could take place through an independent Baltic regional entity. BSAC strongly recommends all Baltic Countries to make sure that BSAC secretariat is kept informed of relevant consultations and stakeholder events. The BSAC welcomes the European Commission's initiative to create discussion platforms such as the Blue Forum and other initiatives such as The Offshore Coalition for Energy and Nature – OCEaN⁹. All stakeholders should however be included in such fora and the means for participation should also be provided.

Processes are vastly different from one Member State to another in terms of regulations, consultation of stakeholders, assessments of impact, monitoring and compensation. Member States should continue to share knowledge and best practises.

Balancing spatial use of offshore wind farms with other uses of the sea, including fisheries, should take place in accordance with the EU maritime spatial planning framework (MSP). Transboundary cooperation has been initiated through MSP. However, coordination between Member States needs to increase and improve in terms of the planning of OWF (and grids), (standardised & cumulative) environmental and socioeconomic impact assessments, data monitoring.

3. Co-existence plans are developed and access to fishing within OWF should always be preferred to compensation.

OWF and fisheries

Co-existence plans (also called *multi-use* or *co-location* plans) are needed to minimise disruption for fisheries by allowing fishing within OWF. Conditions for access should be clearly defined (*fishing, gear types, vessel size, minimum exclusion zones*) with, if needed, a case-by-case approach to restrictions depending on OWF characteristics. This requires legal possibilities. Each area is unique which makes it sometimes difficult for Member States to take a regional approach. Still, the BSAC strongly recommends alignment between Member States on this issue.

The BSAC recognises that OWF access for fishing might not be possible for all types of fishing gears.

Other difficulties to allow for access in practice are linked to risk and safety management. They include the lack of clarity on liability, and the fishers' insurance coverage and price premiums. Member State should help bring legal clarity and additional costs should be borne by OWF developers.

The possibility of fishing within OWF can be enhanced by anticipation, careful planning and transboundary coordination (specifically in the MSP, through the choice/use of some technologies and design -spacing of windmills-, cable burial, proper timing of construction, and building of safety capacity).

OWF and marine protected areas (MPAs)

The BSAC members have divergent views on the OWF in marine protected areas:

- Some stakeholders foresee the possibility for OWF to be installed within MPAs depending on the MPA's objective. They also highlight the spatial squeeze in the Baltic, requiring that some areas should serve several purposes if possible. In their view, a more flexible approach is needed to the co-existence of sustainable energy production, marine protected areas and

⁹ <https://offshore-coalition.eu/>

fisheries. Therefore, a case by case approach is needed before excluding fishing and OWF from protected areas.

- Other stakeholders clearly consider that MPAs should be excluded from OWF developments.

4. Standardised and cumulative environmental and socioeconomic impact assessments are carried out independently and transparently, and accompanied by continued long term monitoring.

Environmental and socio-economic impact assessments principles need to be standardised and harmonised within and across Member States. They should measure cumulative effects and be carried out by an independent party.

Overriding public interests should not prevent to conduct impact assessments and take their conclusions into account.

Impact assessments should take place ex-ante and ex-post and be accompanied by long term continued transparent monitoring. OWF can be used as ocean observation platforms to increase scientific understanding of the marine ecosystems and filling in knowledge gaps.

These impact assessments should assess responsibility for damage and be used to decide what kind of compensation is needed (see hereunder).

5. Compensation schemes (both environmental compensation and socio-economic compensations) should be implemented where residual effects persist and/or where co-existence between offshore wind farms and fisheries is not possible.

Compensation should always come after avoiding and/or reducing environmental impact and loss of fishing ground.

It should cover environmental impact (for example loss of spawning grounds, seafloor damage, impact on fish migration routes) as well as socio-economic impact (for example loss of fishing grounds, loss of income). All stakeholders affected by OWF development should benefit from compensations (commercial and recreational fishers, and other sea users).

Methodology, nature, amount, and distribution processes of compensations should be agreed before installation of OWF. Compensation schemes need to be flexible to account, among others, for unforeseen cumulative impacts. Guarantees should also be given on decommissioning funds.

Funding mechanisms functioning differs greatly from one Member State to another and there is a need for greater harmonisation between Member States. Funding should be continuous rather than a one of payment. For compensation of socio-economic impact, the example of the OWF tax developed in France and redistributed to cities, environmental public agencies, and fishers' representations at regional and national levels, and others seemed like a best practice that could be adopted.

A framework is needed with a pre-agreed *Code of Best Practices for compensation schemes and their funding*. Such Code could be developed by an independent Baltic regional entity.

A compensation fund at regional level was discussed by BSAC stakeholders and still needs further reflections. It is unclear for now how to raise the fund, how beneficiaries could be selected, what should it support in practice, who should be responsible for it. It could capitalise on experiences of other regional funds such as the example of the Baltic Sea Action Plan Fund¹⁰.

¹⁰ <https://www.nib.int/who-we-are/our-impact/disclosure/bsap-fund>