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Report of the Working Group (WG1) on the impact of EC legislation on fisheries activities in the Mediterranean

IVEAEMPA, Barcelona, 5th March 2014

Participants: see attached list

Coordinator: Gian Ludovico Ceccaroni.

Attached documents: agenda, slides presented by MedArtNet.

The GL1 met in Barcelona on March 5th 2014, part of the meeting was dedicated to further analysis of the results of the previous day's meeting on discards, as well as to the presentation of the consultation launched by DG MARE on technical measures. Before adopting the Agenda, the coordinator pointed out that at the end of the previous day an attempt was made to prepare a MEDAC opinion on the proposed "Omnibus" regulation, including mention of all the day's interventions. The coordinator moved straight on to the adoption of the Agenda, which was adopted without changes. However, before starting discussion of the issues set out in the Agenda he presented the opinion on "Omnibus", written in English. The representatives of the French associations requested more time to study the proposal.

The coordinator decided to analyse the draft opinion on "Omnibus", later and passed the floor to the FNCP representative who wished to reopen the debate on drilling and oil exploration that is taking place in the Balearics.

The representative of OCEANA informed the Meeting that they are working against these drilling activities and have submitted studies on the impact on the ecosystem, which will be sent to the MEDAC Secretariat. The WWF representative also announced that they too are working actively against drilling, both in Italy and Spain and they will send all documentation to the MEDAC Secretariat.

The FBCP representative recalled that in the Balearic Islands there have already been demonstrations and transversal pressure groups have been established against oil prospecting.

Mr Luis Garcia, Director of the Castellón Cofradía of shipowners, also speaking on behalf of the Valencia Cofradía, informed the meeting that drilling activities are not only being carried out on the east coast and the Balearic Islands, and that he, as a representative of the fisheries sector, is opposed to drilling for many reasons. Mr Garcia reiterated that the environment is not only an issue for the individual Member States but for everyone. He concluded by pointing out that just 3 /1000 will be earned from drilling for oil, which cannot be considered as industrial level



benefits for Spain. He informed the meeting that he will send all the scientific material in his possession to MEDAC and requested the preparation of a document on the matter.

The representative of AGCI Agrital informed the Meeting that, since 2012, the maritime districts of the Strait of Sicily have prevented both prospecting and drilling activities. He concluded by reiterating that environmental problems are shared between states, affecting both European and non EU countries.

The IVEAEMPA representative asked MEDAC to express an opinion on this matter. She argued that significant investment is required on maritime spatial planning involving all stakeholders. The Mediterranean needs such planning in order to avoid the various sectors interfering with each other.

Mr Buonfiglio recalled that not only the DG MARE but also the Commissioner for foreign policy as well as the competent national ministries need to be involved in this issue.

1. Continuation of the discards WG on the progress made and the report of the national working groups on the implementation of the landing obligation where unwanted catches are concerned, according to art. 15 of Regulation (EU) 1380/2013

The coordinator asked the representative of DG MARE clarification on "high survival" of species. Mr Rihan of DG MARE explained that article 15 foresees the possibility to exempt species that have a high survival rate from the landing obligation, but this must be supported by available scientific data. Mr Rihan specified that, in the short term, it will not be possible to demonstrate a high survival rate, but it would be helpful to seek assistance from STECF to calculate short and long term mortality.

The coordinator recalled that, during the previous day's meeting, a further question was raised about the destination of the undersized specimens caught, which cannot be destined for direct human consumption: in his opinion, this product could be used as live bait, as this possibility is clearly mentioned in article 15. Mr Rihan of DG MARE confirmed that any undesired catches of undersized specimens can be used as bait for animal feed.

The Chairman pointed out that DG Mare had made clear on several occasions that, although the problem of discards is not explicitly mentioned in the EFF, it could come under the chapter on sustainability, thus the MS can set up pilot projects (referred to in Article .14) using what's left of the EFF, without having to wait for the EMFF.

The President reiterated that within the next two months, MEDAC must present a joint recommendation on discards to be sent to the MS. In this regard he proposed the establishment of a standard project design organized in two parts: one general and one more specific for each GSA, in which along the shores, supply chain stations are marked with an "x", these are places where the discarded product will be collected and its processing organised. At these supply chain stations the product to be processed will need to be quantified. It will be important to give a dimension to this activity because if it is possible to identify the number of vessels that land this part of the catch at the "x" stations, then it will be possible indirectly to calculate the portion of the fleet that needs *de minimis* exemption, and as a consequence indicate and apply for the *de minimis* percentage.

The President announced that the Italian working group would attempt to prepare this project outline in order to send it to all other associations, so as to follow the same framework or create an alternative plan providing reasons. It would be preferable to set up a standardised Mediterranean project including the following elements: how many and which supply chain stations; the quantity of product that can be processed and how much of the product it will not be possible to land at these stations, making it necessary to apply *de minimis* exemption.



The WWF representative suggested establishing a *de minimis* percentage for each fishery. She pointed out that existing methodologies could be used to discover what is in the net.

The President specified that it will be possible to amend the system which will start on January 1st, and that the MEDAC proposes a fixed percentage *de minimis* that can be revised after 2 years on the basis of data collection.

The UNACOMAR representative, who was not present at the previous day's meeting, took the floor and reminded the participants that, from the outset, there was opposition to the discards system because it is not possible to apply the landing obligation in the Mediterranean.

The President informed him that these considerations were the starting point for the previous day's meeting, he added that if a discards management plan is not submitted, no *de minimis* percentage will be approved by the EC in June. This could expose fishing companies to charges of improper conduct, pressed by the maritime authority and many vessels would have their licenses withdrawn. The President pointed out that we must try to avoid damaging fishing enterprises.

The FNCCP representative requested clarification on the feasibility of the landing obligation in the Mediterranean, pointing out that in Catalonia pelagic trawl is not practiced, he therefore wondered how harmonization of the *de minimis* can take place in the Mediterranean, given that each area has its own specific characteristics.

The representative of ALCP and FNCP informed the participants that articles written by scientists and researchers were sent to MEDAC, which in turn forwarded them to all members. These articles demonstrated the problems caused by discards and the risk that a black market would be created with the application of 'Article 15. He announced that by mid-March the FNCP would receive information on the quantities of discards that will be produced, therefore before this it would not be possible to proceed along the lines suggested by the President. He further highlighted that discards management will result in extra work for the fishers with the resulting increase in labour costs. Moreover there will be the issue of storage when discards are landed.

The WWF representative pointed out that the law is in force and must be applied without losing sight of the goal of improving the state of the seas.

The CRPMEM LR representative claimed that this regulation is inapplicable because it establishes unattainable goals with a very tight schedule.

Mr Buonfiglio recalled that this regulation had been approved by the EP and the Council and may only be amended by another regulation approved by the triad. The EC cannot do anything about the schedule as the regulation in question was adopted by co-decision. In light of the statements made so far, he proposed the creation of a shared MEDAC folder in which the Italian project design would be inserted, together with other proposed frameworks once available, in order to facilitate the task. He emphasized how important it is to highlight all the applicative difficulties.

The coordinator Mr Ceccaroni intervened to recall that only a few guidelines had been made available. Where the management of any supply chain is concerned, the producers' organisations and fishers should verify which ports will achieve a sufficient quantity of product to justify the establishment of a supply chain. He informed the meeting that there are ports in the north Adriatic in which there may be a quantity of landed discards that would justify a supply chain station, as discards could reach 5% of the catch. He concluded that the greatest difficulty is to get an idea of the quantities of discards that will be produced.



The representative of DG MARE was keen to point out that, in the management plans, it is very important to consider each individual fishery, given that in the North Sea for example discards of up to 80% are mentioned, while in the Mediterranean very low quantities of waste are expected. The advisory councils should be consulted by the MS (regionalization), he further pointed out that one of Lowri Evans' clear messages is the spirit achieving a truly consultative and constructive process, without legal obligations.

The coordinator took the floor to ask if our the French delegation had had the chance to review the text relating to the proposed Omnibus regulation.

The CNPMEM representative intervened, stating that the text incorporated the comments made on the previous day, there was only one issue concerning the growth of small pelagic fish species in the Gulf of Lion: the French associations considered proposing amendments according to Article 3, in order to ask experts to re-examine the relationship between the minimum landing size and size at first maturity of the various species. She concludes that it would not mean changing the text, but wondered if this comment could be inserted into the transmission letter.

The President Buonfiglio stated that the proposal made by CNPMEM was not pertinent to the text of the Omnibus proposal and that comments could be made on the proposed Omnibus regulation in the hope of a revision of the minimum landing size according to the size at first maturity. He recalled that the amendment to the Mediterranean regulation only concerns the removal the rules that contrast the application of the landing obligation. The revision of minimum landing sizes would require the approval of the Scientific Committee, which would take at least a year, and in view of the European elections this is not an appropriate time for such a request.

The WWF representative presented her comments on the draft Omnibus regulation and stated her opposition to the amendment to art. 7.2 because there are no scientific data, and therefore such data should be collected. Where Article. 7.8 is concerned, she expressed her disagreement with the separation of species that are below the minimum size in separate tanks, it should be the commercial species that are separated. Lastly she proposed a transition period relative to the points system for serious infringements.

The President proposed the addition of the comments made by the NGOs in which they explain the reasons for their disagreement with the draft MEDAC opinion.

The FNCP representative suggested attaching an article published in a Spanish fishing journal which argues that the landing obligation will fuel the market for fishmeal.

The President reiterated that, in the covering letter, this request made by FNCP would also be included.

2. Consultation on the new series of technical measures in the framework of the reformed CFP: exchange of opinions and possible preparation of an opinion to present to the ExCom

Work resumed with the discussion of technical measures in the new CFP.

Mr Buonfiglio announced that the consultation was initiated by the EC with the aim of gathering information in order to establish a solid and up-to-date legal basis on accepted technical measures in the short and medium term, as in the context of regionalization and of the multi-annual plans foreseen in the reform, a number of specific measures and exceptions may be negotiated with the MS if they have agreed on joint recommendations. He pointed out that the consultation would expire on April 25. The task of MEDAC was to suggest simpler and more efficient new rules to the EC, in relation to the established goals. He stressed that this consultation would provide an opportunity to readdress the amendment of all the technical measures that are not easily applicable, such as the “*torçal*” problem.



He encouraged all components of MEDAC to reach an agreement and asked those present to send their contributions to the MEDAC Secretariat by April 5th.

The representative of DG MARE explained that the purpose of this consultation was to find a way to change the governance structure. The intent being that of achieving more facilities for each region, and the following three functions: 1. A set of common rules that will be permanent in order to establish basic standards (such as the definition of fishing gear, vulnerable ecosystems); 2. Given that it is a transition period, steps will be taken to ensure that these facilities continue to work in order to maintain the measures that will only be changed after a specific plan for regionalization has been prepared; 3. A vehicle for regionalization, providing a common legal framework within which to operate. Mr Rihan noted that the aim is to avoid a situation in which there are extremely detailed regulations and to avoid political debate on highly technical issues.

3. Presentation of the Mediterranean Platform of Artisanal Fishers (MedArtNet) – possible collaboration with MEDAC

The coordinator gave the floor to Mauricio Pulido who used slides to present the Mediterranean Platform of Artisanal Fishers (MedArtNet), whose objectives are: to bring Mediterranean fishers together in order to develop sustainable fisheries activities, to promote co-management of fisheries; to enhance local ecological knowledge.

There were no further contributions, the coordinator therefore closed the proceedings by thanking everyone for their participation and the interpreters for their work.

