

**REPORT OF THE WORKING GROUP ON MEDITERRANEAN REGULATION  
ROME 20 APRIL 2011**

Participants: see attached list

Coordinator: Giampaolo Buonfiglio

Attached papers: Agenda, MED RAC Opinion 8 June 2010; Letter from DG Lowri Evans on MED RAC Opinion 8 June 2010; Joint position of AGCI Agrital, Federcoopescas and Lega Pesca; juridical position of FNCCP; slides presented by Fabio Fiorentino.

1. The working group on the Mediterranean Regulation met in Rome on 20 April 2011 to check on the state of the art regarding the application of the Regulation and to analyze the applicative aspects and difficulties.
2. The MED RAC Executive Secretary opened the meeting and thanked the participants for their attendance. Before adopting the Agenda, she communicated that, due to a technical problem, the juridical opinion of FNCCP had not been received by the Secretariat, therefore, she proposed to include it among the contributions received, as well as that of the 3 Italian cooperative associations. The Executive Secretary informed the group about its aim, the rules of procedure forecasted for the MED RAC working groups and the dual role of the coordinator who deals with the group coordination and information to the Executive Committee on the meeting results. The Agenda was then approved and Giampaolo Buonfiglio, of Agci Agrital, was appointed coordinator.
3. Mr. Buonfiglio took the floor confirming that the impact assessment of the technical measures forecasted in the Mediterranean Regulation had already been discussed last year and, in June, an EC opinion had been issued. He then briefly summarized its contents, reminding all that the MED RAC had requested an impact evaluation useful to check the need for any possible changes to the Regulation. Unfortunately, up to now, no evaluation of this type had been carried out, (the response to the RAC's opinion - entrusted by Commissioner Damanaki to DG Evans – postpones any evaluation to when the application of the Regulation in its entirety becomes effective and this would still require a number of years), and, therefore, the working group had been called to discuss the present situation on the application of the Regulation. It had been already clear from the meeting in Marbella that the EC attitude was one of not conceding any exceptions, leaving it to the member states to cope with any difficulties encountered. However, there are management plans forecasted by the EC Regulation n.1967/2006 to request exemptions, even if this option is still not very clear regarding the concrete possibilities to achieve them, as many of the plans presented had either not as yet been responded to or if they had, the response had been negative. To better understand how to deal with the problem of exemptions, as way of an example or "*case study*", it was decided to include, in item 3 of the Agenda, the presentation of the Italian experience in implementing the management plans in Italy.
4. Fabio Fiorentino, head of the CNR of Mazzara del Vallo, was invited to speak, presenting the situation of the management plans presented by Italy to the EC and he described the methodology applied considering three aspects: biological (renewing the stocks), economic (better economic conditions for the sector), social (maximizing employment). The examples he referred to concerned cod in the GSA 15 and the pink prawn in the GSA 16.
5. The coordinator thanked Fiorentino for his presentation and underlined how the example of the pink prawn

demonstrated that the member states could present management plans for the GSA as in this case, and they could request exemptions for the GSA (basically the distance from the coast, as in the Mediterranean Reg., the mesh and the filament cannot be exempted) with some hope that it would be received. The alternative was to request modifications to the text of the Regulation, but by means of a long procedure that would have to originate from a number of Member States sufficient to support the initiative for the Commission and in the Council, and then, in the European Parliament. Therefore, the first way seemed to be the more feasible considering that it was in the interests of the production sector to safeguard the resources and socio-economic aspects. A step towards approaching the European Parliament, and the respective ministries, would, however, be necessary on other open dossiers, such as, for example, the one on waste, included in the CFP Reform. The EC is actually oriented to eliminating the waste problem, prohibiting the discarding of under-sized fish into the sea, and authorizing, instead, minimum landing size for all the catch, as can be seen in notices reaching us of some indiscretions in the CFP Reform. Moreover, there was also talk of applying individual transferable rights beginning from 2012.

6. Mr. Vizcarro, FNCCP, was given the floor and presented the legal opinion prepared on the mesh minimum size, Mediterranean Regulation ex art. 9.3.2. The problem arose during the inspections when doubts emerged on the interpretations of mesh modifications, or mesh square from 40 or rhomboidal of 50, particularly regarding the part of the net to be modified. The FNCCP asked to change only the cod-end of the net, due to the interpretation supplied by the expert consulted. CRPMEM LR also shared the legal opinion of FNCCP.
7. Federcoopesca presented the unified position of the 3 Italian cooperative associations concerning the seriousness of the situation individuated relative to the height and the depth of the purse seine, the minimum size of clams and the diameter of netting twine. Anapi Pesca also agreed and signed the opinion.
8. Lega Pesca pointed out that with the application of the local management plans, as included in the EFF ex art.37, some restrictions could be overcome at a local level.
9. FNCCP confirmed that, in Catalonia, the fleet most hit by the articles of the Mediterranean Regulation was the small-scale fishing fleet.
10. Pepma informed the meeting that, in Greece, the territorial waters limit was at 6 nautical miles, due to the presence of small islands and a low and deep continental shelf. She also mentioned that in Greece, due to national regulations, many areas (e.g. gulfs) are closed for fishing with trawlers and purse-seines. According to Greek regulations, the blackout period for trawling lasts from June 1 to October 1, for purse-seines from December 15 until the end of February, and two days before and after full moon, and no compensation was forecasted for the blackout periods. She pointed out that, in Greece, due to implementation of the European regulation 1967/2006, two are the main problems: a) the distance from the coast-line where trawlers can operate, and b) the restriction for purse-seines to operate in depths greater than the 70% of the total net height.
11. The coordinator mentioned that some of the problems highlighted could only be solved by the single Member State, while, the more general problem regarding obtaining exemptions such as that of the distance from the coast, for example, could be admitted only when there were management plans such as those presented for Sicily. For the gear, a revision on the technical part relevant to the Regulation would need to be requested. Another important issue concerned the fact that also when the management plans were presented to the EC, there was no guarantee on the transparency and times involved for the procedure.
12. KGZS communicated that the fishermen had already had to change all their fishing nets, and, as well, Slovenia had presented management plans still being drawn up.
13. Profilmer appealed to the RAC for the principle of non-discrimination to be applied among EC fishermen. Moreover, he asked for the reason why the smaller vessels had to fill in a logbook.
14. The WWF was against any request for exemptions. Yet, it was in favour, in the case where an exemption was supported by a scientific evaluation.
15. EAA asked for an interpretative clarification between art. 55 of Regulation 1224/2009 and art.17 of the Mediterranean Regulation concerning the absolute prohibition on the sale of any species caught during



sports fishing competitions.

16. IVEAEMPA believed that to solicit the EC it would be better to raise the awareness of the European Parliament and inform it about the conclusions arrived at by this group.
17. The coordinator proposed to present to the Executive Committee a new MED RAC position to be sent to the EC, where it was confirmed that a part of the opinion of 8 June 2010 remained without a response, and as well, there was the need for a technical review of the Regulation aimed at evaluating any changes. Moreover, there was the need to ask the EC to speed up the “*comitology*” procedure through which the requests for exemptions with management plans had to pass, as it was too slow. Since the presentation of some management plans a year ago, no confirmations had been received. As well, the coordinator proposed attaching the proposals that had been presented in the working group (particularly the modifications in 3 points indicated by the Italian cooperative associations), and the legal opinion of FNCCP on the cod-end of the net. In the conclusion of the opinion, he suggested to ask the EC to organize a workshop on the Mediterranean Regulation between DG MARE and the RACs that would examine the proposal for a technical revision. This meeting would be important also given that no EC representative had participated in the group. This proposal would also be sent to the European Parliament.
18. Concerning EAA’s request for a clarification between the Mediterranean Regulation and the Regulation on Controls, the coordinator proposed that the Secretariat send a letter directly to the EC.
19. The GFCM delegate presented a questionnaire on legislation in the Mediterranean basin, sent to all GFCM member countries, and of which the results would be discussed in September.
20. The coordinator read the opinion proposal, mentioning that OCEANA had expressly requested to be included among the members who had abstained from accepting the MED RAC opinion of June 8 2010. The opinion draft was approved by those present.

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