



## **“Consultation on a new framework for technical measures in the reformed CFP”**

### **MEDAC POSITION**

#### **INTRODUCTION**

MEDAC noted that Regulation 1967/2006 (the so-called Mediterranean Regulation) provides technical measures for all fishing activities in the Mediterranean. However an approach based on technical measures designed in the framework of a scientific fisheries management plan is considered much more effective than the current approach. The technical measures should take into account the specific nature of each fishery, and they need to include very rapid and effective decision-making processes in order to adapt to the circumstances and the evolution of the species involved. MEDAC hopes that its contribution is taken into account in order to formulate technical measures with the full involvement of stakeholders. MEDAC has, on several occasions, broached the issue of reviewing the Mediterranean regulation in order to proceed with the regionalization described in the CFP Basic Regulation and to achieve a simpler and more effective legal framework.

#### **1) How can we best ensure that technical measures can be adapted and respond to changing conditions in the fisheries at regional level?**

MEDAC believes that the content of the framework regulation should strike a balance between setting the basic provisions that establish the minimum standards required in special circumstances, and the flexibility to further develop these or other provisions/guidelines on a regional basis (specific measures). Management plans at local level allow accurate assessment of the state of the resource, the measures to be taken at any time with the involvement and participation of stakeholders and the government. The development of regional management plans is foreseen in Article 18 of Regulation (EU) 1380/2013, through close collaboration with the Member States that have interests in the management of shared resources.

#### **2) What are the essential elements of the basic framework legislation on technical measures? Should reference gear be included?**

MEDAC calls for the drafting of an exhaustive basic regulation and a more specific regulation reflecting the specific local situations. However, the basic regulation should include definitions, the main thrust of the



management plans, prohibited destructive practices, such as the use of explosives, and prohibited species. It should also refer to the common rules for the control of mesh size or the control of the size of organisms, or any other control steps.

**3) Are there measures that you consider superfluous and which should simply be abolished?**

MEDAC has already pointed out two opinions on technical measures on Mediterranean Regulation (ref.25/10 of 8<sup>th</sup> June 2010, and ref. 160/AV of 10<sup>th</sup> June 2011) in attachment.

MEDAC is prepared for further in depth consultation on specific articles and points on technical measures which in our opinion should be either deleted, changed or more specified.

**4) How can we guarantee that the regulations are clear and simple, and that they stay that way over time?**

First of all, MEDAC states its confusion over this question and expressed some difficulty in replying, as it had been specifically requested that the landing obligation be waived in the Mediterranean. This opinion was shared almost unanimously by the associations that are part of this AC.

MEDAC believes that the rules should be as simple and clear as possible, so as to achieve a high level of observance by the fishery sector. However, it is essential that the simplification of the rules is clearly linked to the principle of reducing unwanted catches as well as the fulfillment of the objectives of the CFP. This simplification can only be achieved if stakeholders are involved in the design of the rules and management process , without entering into excessive detail, leaving local technical definitions to the specifications that will be made at local level or in the context of regionalization. Sector organizations and Advisory Councils should be able to become more responsible and to promote self-regulation, given that those involved have a vested interest in demonstrating the impact of technical measures on the resources (monitoring basic results).

**5) What incentives can be inserted - and how – into the technical measures at regional level, taking into account the fact that the introduction of the landing obligation is an incentive to be more selective?**

MEDAC believes that technical measures must be clear and enforceable. Excessive complication does not improve compliance with the rules and above all does not benefit anyone. MEDAC therefore proposes to formulate a few rules that are clear, applicable, comprehensible and shared, these should be defined locally on the basis of the best scientific advice, such as the temporary ban on fishing in nursery areas, fishing ban in certain periods of the year, certification of nets and so on.

**6) Are there areas in which soft-law could be applied to support technical measures?**

Activities which jeopardize the future of the fishing area or ecosystem should not be allowed. Mesh certification will avoid the need to take measurements at sea

**7) Are there specific fishery activities that require an immediate reduction/prevention of accidental capture?**



Indeed, but it is necessary to intervene on specific technical and management measures for each fishery and identify measures that guarantee the socio-economic and environmental sustainability in the management plans. MEDAC believes that multiannual management plans are a suitable tool for the preparation of appropriate measures on gear selectivity, in order to regulate fishing effort and to reduce the by-catch.

- 8) If increased selectivity and preventive measures such as fishery closure periods and the requirement to change fishing areas are important initiatives to reduce bycatch, would it be appropriate to develop these on a regional scale or by co-decision procedures?**

MEDAC believes that these measures should be developed at local level and not by co-decision in order to develop more detailed measures, such as taking into account the characteristics of the fishing gear or the definition of the technical measures within specific management plans, agreed among national administrations, the scientific community and stakeholders.

- 9) Which technical regulations will prevent more selectively fishing practices and the avoidance of bycatch, or even encourage discards?**

The increase in gear selectivity or the elimination of the practice of discards depend on the introduction of new technical and management measures according to what already proposed in point 7

- 10) How can we incorporate mitigation measures for the protection of species such as whales, sea lions and sea birds, as well as sensitive habitats, into the framework of the technical measures**

MEDAC considers that the protection of the species mentioned would be satisfactorily addressed with specific and currently existing measures that should be integrated into fisheries management. It would be desirable that the EC worked to better define the mapping of sensitive habitats and improve dissemination and information.

- 11) Are there mitigation measures that should be applied to all fishery activities or are these measures primarily regional in nature?**

Guidelines relating to the environment should be applied to all fisheries activities, but it is at national or regional level that these measures should be developed and implemented. In addition, MEDAC also considers it appropriate to take into account financial compensation for workers and businesses during periods of inactivity, at least those imposed as emergency measures imposed for the protection and preservation of the biomass, in order to achieve a balance between the legitimate economic expectations of the fishers and society's expectations concerning the reduction of environmental impact to a minimum.

- 12) Is it necessary to define a separate set of technical standards for the different marine basins or would it be preferable to establish a common framework?**

MEDAC hopes that a common European framework will be established principles with common basic standards and principles. At the same time, this framework should provide sufficient flexibility to the regions at basin level in order to detail special measures and/or go beyond the measures provided for in the Framework Regulation.

