



Coordinamento Nazionale del Settore della Pesca



RACMED

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Mediterranean Regulation(1967/06): impact, critical points, required revision.

The Regulation was approved in the Council session of December 2006, following a procedure that had taken three years, during this time much criticism was levied at the regulation from different parties and at various levels, and a disastrous impact was forecast (to the extent that several amendments were made with respect to the original EC proposal), the Regulation came into force in March 2007 without provoking any obvious damage.

This can be explained in the light of the long deferral that was granted within the regulation itself: the entry into force of the most critical measures was granted a further 3 years (until 31st May 2010). In particular this referred to the minimum mesh size for trawl nets (art. 9) and the minimum distance from the coast and the depth for the use of the different fishing gear (art. 13); on the other hand the measures contemplated in art. 11 and 12 entered into force immediately (with reference to annexes I and II), as well as art. 15 (minimum landing sizes) although tolerance of 15% was granted for undersized specimens of hake until the end of 2008.

On 31st May 2010. When the minimum mesh sizes and distances from the coast came into force there were heated protests in the ports of all Mediterranean member states.

Other problems, that are still not fully resolved, concerned art. 19 (management plans for fisheries activities in territorial waters), including their relation to the stipulations of the EFF and the relative time-scale. Indeed, the management plans for these fisheries activities in territorial waters still require clarification in many cases, and additional information is still required by the Commission, in other cases they are being set up.

Three years after the entire regulation came into force, there are still applicative difficulties and the disadvantages that this situation causes. Moreover, the benefits that this regulation should have brought about where the conservation of resources is concerned, are still not entirely clear. On the basis of the most recent stock assessment, the resources are still seriously over exploited.

The negative impacts on fishing activities mainly concern:



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a) The decrease in CPUE in trawl fisheries.

On the basis of the declarations made by fishing enterprises, with some variations according to the GSA, at first the adoption of 40 mm square mesh or 50 mm diamond mesh appeared to cause lower catches in terms of weight, although they were more profitable due to the larger number of medium sized specimens that have a higher market value, however over time the situation stabilized and CPUE both in terms of value and weight, was decidedly unsatisfactory.

This loss of product was particularly significant in some areas, and among other species concerned cephalopods with a short life cycle, which do not recover in time for the following season.

It should be noted that the "European mesh" (40 mm square mesh or 50 mm diamond mesh) which appears to be more selective, does not allow entire specimens to escape, but leaves them damaged with very low chances of survival. This can be clearly noted during fishing operations.

Several objections emerged from the application of the minimum mesh size in the codend of trawl nets, among which those relative to rigging the net outside the codend (see the legal opinion transmitted to the EC with a note by RAC MED on 10th June 2011).

The most serious consequences were noted in areas (such as the north Adriatic) where the lack of derogation from the minimum trawl net size does not allow capture of fish whose adult specimens have small dimensions (big scale sand smelt and musky octopus).

b) An increase in the number of fines, sanctions and a rise in the points on licenses, not as a result of illegal actions but due to the potential to catch undersized specimens and therefore store them on board even though fishing nets corresponding to the legal standards are used. Zero tolerance concerning the detention of undersized specimens on board and the listing such actions among the most serious offences under Regulation 1224/2008 leaves fishing enterprises open to frequent fines by the maritime authorities. The effect of the landing requirement (which for the Mediterranean will directly concern undersized specimens) that is to be adopted with the reform, will certainly alter this situation (although it is still not completely clear in what way), and we hope that this will be in the short term. It is obvious that if the fishing vessels start landing undersized specimens this will constitute self-declaration of liability unless the current regulation is overturned.

c) On the matter of minimum sizes and zero tolerance of their capture and trading, that of the clam (*Venus* spp.) has been at the origin of significant problems (and fines) due to the large numbers that are traded. It would seem that minimum size is not a critical factor to safeguard the resources, at least where the stocks are subjected to active management practices - in the areas where they are intensely fished, measures are applied such as the seeding and rotation of fishing areas, periodic suspension of fishing activities and maximum daily catch allowances. The reintroduction of a margin of tolerance or, as in the case of small pelagics, of a maximum number of individuals/kg is strongly hoped for.

It should also be noted that there are other minimum sizes (for lobster and Atlantic horse mackerel as indicated by our Spanish colleagues from Murcia and the Balearic Islands) that do not appear to be justified by the current data and which cause difficulties and disadvantages for fishing enterprises.

d) The minimum distances from the coast and minimum depths for fishing activities, as regulated by art. 13, for which derogations are possible in the presence of a series of specific conditions, are still among the most controversial points. The time-scale for the preparation, examination and possible integration, re-examination, and possible final approval of these derogations is incredible long. Moreover, the exclusion of certain areas from any kind of exemption due to the lack of one specific condition has at times appeared to be incongruous. Where trawl fisheries are concerned (therefore an exception to the current regulation would allow fisheries within the mile and a half up to 0.7 miles from the coast and within the 50 m isobaths) several fleets have requested the simplification of the system and of the predominant consideration of the bathymetry. Furthermore the application of the limit of 0.3 nautical miles for hydraulic dredgers, as well as reducing the fishing range (and concentrating effort in the remaining area), has made it impossible for those fishing enterprises targeting the species of mollusc (*Ensis* spp.) that only inhabit the prohibited area to continue their activities.

e) The technical specifications and gear characteristics detailed in annexes I and II have caused several problems in adaptation and in some cases are debatable, for example concerning the approach used which has imposed identical, standard parameters on the wealth of different gear present in the Mediterranean (these technical differences express the deep knowledge of the fishers and the cultural wealth inherent in the profession, which is specific to each area and each target species, knowledge that is sent down through generations and through centuries of regional traditions).

Among these measures, the reduction of the twine thickness in the codend that “must not have a twine thickness of more than 3.0 mm” (annex I, B: technical conditions in the rigging of trawl nets, point 11) is particularly incomprehensible and unpopular among fishers, especially in Spain where it is a source of problems due to the frequent breakage of nets and the additional costs. (NB: on 8th June 2010 the RAC MED Executive Committee unanimously approved – therefore with the votes of the NGOs in favour – the request sent to the Commission to revert the twine thickness to 5 mm).

To summarise, in revising Reg. 1967/2006 the sector does not expect a substantial transformation, but a critical, technical and scientific re-examination of some aspects that are highly critical from an applicative point of view and which have a significant socio-economic impact as well as having a doubtful effect on resource conservation:

- The possibility for derogation through management plans, where the minimum mesh size of the codend of trawl nets is concerned (under certain conditions where it can be demonstrated that the “European mesh size” has not brought about any advantages), which has impeded the capture of species whose adult specimens have small dimensions
- Minimum distance from the coast to be re-established according to the resource and with primary consideration being given to the isobaths, at least for molluscs.
- The revision of some minimum landing sizes (clams, lobster, Atlantic horse mackerel) reinstatement of a percentage tolerance and/or the introduction of the alternative of the number of individuals/kg for bivalve molluscs.
- The technical characteristics of the gear: revision (requested on several occasions since the consultation phase before approval) of annexes I and II in order to remove the parts that are incomprehensible (and criticized), difficult to apply and non-influential for resource conservation (for example annex I point h: no one has a clear idea of what is forbidden...).