

REPORT OF THE INTER-AC MEETING ORGANISED BY DG MARE, 19TH MARCH 2014, BRUSSELS

Agenda (annex 1):

- 1 Landings obligation
2. Omnibus Regulation
3. Consultation on the new framework of technical measures
4. Update on the multiannual management plans.

The (R)AC MED delegation was made up of the President Giampaolo Buonfiglio, the vice-president Gerard Romiti, the Executive Secretary Rosa Caggiano, and as an observer, Kevin Leleu, coordinator for the implementation of the landings obligation on request of CNPMEM.

1) Ernesto Penas opened the meeting emphasizing that the EC will be able to establish a maximum level of 5% de minimis if, and only if, the management plans to be worked on are received. **The Advisory Councils were encouraged to be proactive in collaborating with the MS to present a discards plan no later than the end of May**, where small pelagics are concerned. He closed by asking the meeting participants what stage had been reached regarding work on the landings obligation.

NWWAC took the floor and expressed concern for the lack of time available.

Mr Penas admitted that there is not much time and that the MS will have to assess the best way to prepare this management plan. He underlined that, even in the areas in which the discussion has reached a more advanced level (such as the Baltic region), this does not mean that it will not be necessary to improve or correct the plan, it will not necessarily be perfect from the first draft.

Mr Buonfiglio took the floor and reminded the participants that initially, in the Mediterranean, the landings obligation for small pelagics caught using pelagic trawlers and purse seiners would only take into account four species subject to minimum landing sizes, as well as Bluefin tuna which is managed separately. In order to manage the effects of the new regulation, the main issue will be the identification of the landing points where it will be possible to gather together this product (discards made up of undersized specimens and other bycatch) and hand it over to the relative industries; as a consequence the areas where this will not be admissible will thus also be defined. The main problem is forecasting the quantities that will be involved in the two cases: in the areas where the discard will have to and will be able to be landed and processed, and the areas where this will not be possible and therefore the bycatch will inevitably be thrown back into the sea due

to the fact that it is impossible to deal with it on landing. He emphasized that this product has been illegal to date and had always been thrown back into the sea without particular restrictions and without being separated from the rest of the discards, therefore basic scientific data are absent. Mr Buonfiglio informed the Meeting that, as a result of the lack of a scientific basis, the MEDAC working group which met recently on the “Omnibus” regulation proposed that, for the first two years after the regulation comes into force, the EC could concede a % forfeit of the established *de minimis* with respect to the total catch of small pelagics, given that the STECF will not be able to receive reliable data on undersized specimens. It was hoped that MEDAC will be in a position to formulate a proposal or draft project in the short term, partly because attempts are being made to activate a dialogue between Italy, Slovenia and Croatia for a joint recommendation from these three MS where the northern Adriatic is concerned. This would take advantage of the opportunities offered by the regionalization introduced with the reform. MEDAC has already informed the three Fisheries Directorates that it is available to coordinate this process and hopes to receive positive signals soon. The President expressed the hope that, during the working group meeting that will be held in Slovenia at the beginning of May, the first drafts of the plans on discards will be ready both relative to the single MS and to more than one MS as joint recommendations. This would also allow sufficient time to be dedicated to checking the content with CSTEP before formal transmission in the second half of the month.

PELAC informed the Meeting that, at the end of last year, a document had been prepared on discards and that the day before this meeting recommendations were presented on the use of the *de minimis* percentage for pelagic fisheries. The complete plan will be ready by April of this year.

2) Mr Penas passed on to the presentation of the proposed regulation named “Omnibus”, which should not be viewed as a new policy but as a new based for the legislator. The aim of this legislative act is to guarantee that, when art. 15 enters into force in relation to the landings obligation for small pelagics, there will not be any legislative gaps. In this sense it can be viewed as technical alignment. Where the adoption of this proposed regulation is concerned the timeframe is very tight, partly due to the forthcoming European Parliament elections and this may not allow for amendments to the regulation on control. On this matter it was underlined that, if legislators do not have sufficient time to adopt the legislative act in question, the discards ban will enter into force anyway. Mr Penas opened the floor for discussion.

Mr Buonfiglio informed the participants that the WG held in Barcelona at the beginning of March saw the formulation of a draft opinion which summarizes the content of the discussion; the procedure for the transmission of the opinion to DG MARE has been initiated. The WG participants agreed that this proposed regulation goes beyond a simple technical alignment, it contains directives that would represent a further judicial, operative and bureaucratic burden. Particular mention is made of the articles that modify the Regulation on control, where the additional bureaucratic burden is underlined in the case of the abolition of a 50kg limit per catch/species for mandatory annotation in the logbook – this will lead to a requirement to take note of every single species. Furthermore, general criticism was levied at long-distance electronic control on separate stowage on board and on the traceability obligation for those fisheries products not destined for



direct human consumption. The draft opinion also proposed that a period of flexibility be introduced for at least the first two years in considering any infringements of the new obligations as falling among the serious breaches of the IUU regulation.

Oceana and WWF expressed divergent views that were noted in the opinion. Mr Buonfiglio's intervention concluded by mentioning the widespread concern in the Mediterranean that a parallel market will be created for all bycatch and undersized specimens, and that this mechanism will paradoxically encourage the capture of these products.

NSAC informed the Meeting that its comments will soon be sent on this proposed regulation and that this contribution will include technical amendments to the text.

Mr Penas took the floor to emphasize that, where separate stowage is concerned, a system will need to be put into place that separates the fish destined for consumption and that which is not for human consumption, however the regulation contains a series of waivers. He underlined that Omnibus has only been envisioned with the aim of removing legislative inconsistencies.

Mr Buonfiglio pointed out that the operative difficulties on board depend on various factors, and during the WGs the representatives of workers' unions underlined that this extra work on board will fall on the fishers. Moreover, separation of fisheries products increases working time and will therefore impact negatively on the time available to rest between fishery operations. These could appear to be secondary issues, but in some conditions this is not the case (for example on board medium to small vessels in bad weather and sea conditions). In many cases it could be extremely difficult to implement the meticulous level of annotation and storage as is proposed in the draft regulation. He concluded by stating that, although it is true that some waivers are foreseen, their implementation will only cause further confusion. The risk being that, if the directive is confused and not fully applicable, as well as not being agreed on, the fisher will tend not to apply it at all.

Mr Penas encouraged the ACs to present their comments/opinions for discussion by the dialogue.

- 3) Mr Penas then presented the consultation on technical measures, aiming to achieve legislative simplification, a management system where technical measures are concerned which gives greater say to the decentralized bodies. The consultation document is purposely generic and general, the idea being to create a framework regulation involving shared decision-making that contains a minimum number of common regulations that move towards regionalization. It is not considered necessary to have detailed rules as has been the case in the past.

BSAC stressed that for conditions to be equal, the same rules should exist for all the Baltic basin. Mr Penas replied that decentralization implies that every effort is made to render regionalization applicable to all nations involved, not only the European states.

NSAC will send a document with some specifications, underlining that above all it will be necessary to avoid excessively restrictive measures in a regulation; the hope was expressed that, in the future, instead of indicating the mesh to be used, a percentage to be respected will be the indication



provided. Mr Penas agreed that the intention is to give fewer orders, but this change of direction does not depend on the EC alone, it will be necessary to create trust among the MS.

Mr Buonfiglio received this new approach positively, stating that if it goes ahead it would represent a Copernican revolution, given that to date the opposite has been the case where technical measures are concerned. Small scale fisheries, in the Mediterranean at least, have been characterized by the use of several kinds of gear and even where the same target species is concerned different systems are adopted in different areas. He recalled that the main criticism for the technical measures in force is that they have removed this diversity and standardized regionally-specific fisheries traditions and cultures according to a single model. He expressed the hope that an approach based on trust (rather than on one-upmanship) would lead to the abolition of this system. He concluded by saying that if all fishing gear were to be updated it would be necessary to begin from the analysis of the impact of each single capture system with an analytic approach that could help to mend the lack of trust between fishers and the institutions.

Mr Penas encouraged the ACs to send in a contribution on the consultation.

- 4) Ernesto Bianchi took the floor to present the current state of the multi-annual management plans that are necessary for the application of the new CFP. He informed the Meeting that, after a further meeting with the task force that is planned for the beginning of April, the conclusion of a kind of planned agreement will be reached. He closed by stating that the ACs will be informed as soon as the time-frame has been decided, hoping that after Easter DG MARE will be in a position to provide further information.

Mr Lowri Evans closed the discussion by apologizing for not having been present since the beginning of the meeting. Where the landings obligation is concerned, he informed the participants that DG MARE has realized that an overly complex mechanism has been created and that it is now hoped that the best possible results can be attained with the tools available. Mr Evans emphasized that DG MARE intends to act as a facilitator where the application of the landings obligation is concerned. It will be necessary to use good sense in its interpretation, knowing that there is an underlying lack of knowledge on the data. Where regionalization is concerned, he informed the Meeting that progress has been made on the extension of the Baltic model almost to the Mediterranean basin. Moreover the *de minimis* should be applied residually (unwanted catch), in other words only to deal with whatever cannot be resolved in any other way. The aim of the Omnibus proposal is to prepare a judicial framework in order to provide legal certainties to the fishers who will be subject to the landings obligation from January 2015. Lastly he concluded on the matter of the multi annual management plans by expressing the hope that the legislators will reach an agreement by the end of April.

BSAC asked when the delegated acts on the operational protocol for the ACs would be published. Mr Penas replied that they should be ready by the end of May.

