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Questions and Answers on the Mediterranean Fisheries Regulation

What are the specificities of the Mediterranean basin?

In the Mediterranean mainly multi-species and multi-gears fishing activities undertaken by small vessels (mostly below 10 m overall length) and spread over a wide system of landing places take place. For this kind of small vessels the compilation of logbooks is not compulsory.

These characteristics make it impossible to adopt and enforce a reliable management system based on catch limitations (i.e. total allowable catches). Therefore, no catch limits (TACs) are set annually by the EU institutions for Mediterranean fisheries¹.

Given the large areas of high seas and no "Community waters" beyond the territorial limit of 12 nautical miles (6 in the case of Greece), international cooperation is essential to develop the joint management of the fisheries and to deliver sustainable exploitation while aiming to create a level-playing field. The EU is active within multilateral organisations such as the General Fisheries Commission for the Mediterranean and ICCAT to improve scientific knowledge and create a level playing field on which to promote sustainability.

Is the state of major Mediterranean stocks and fisheries in good conditions?

The Scientific, Technical and Economic Committee for Fisheries of the Commission (STECF) underlines that more than 54% out of the 46 stocks assessed for fishing pressure are overfished (i.e. they are exploited too young and with too high a fishing effort) and about 28% out of the 42 stocks assessed for stock size are considered at low levels.

Several demersal stocks (i.e. the species living in closer vicinity with the sea bottom, e.g. hake, red mullets, red shrimps, common sole, etc.) are overexploited. Moreover, certain small pelagic stocks (i.e. anchovy and sardine) are also in poor conditions in several areas.

What is the aim of the Mediterranean Regulation and what is its added value?

The Mediterranean Regulation which entered into force on January 2007 replaced the previous "Regulation on technical Measures in the Mediterranean" dating from 1994². It applies to the 7 EU member states bordering the Mediterranean: Spain, France, Italy, Slovenia, Greece, Cyprus and Malta.

¹ Only in the case of bluefin tuna, a TAC is decided annually by ICCAT for the Atlantic and the Mediterranean and this TAC is then allocated amongst ICCAT members (including the European Union).

² Council Regulation (EC) No 1626/94

The aim of the Regulation is to ensure the sustainable exploitation of resources through an ecosystem approach to fisheries management by implementing certain technical measures (i.e. minimum distances from the coast, minimum mesh sizes, maximum overall dimensions of fishing gears, minimum size of organisms, etc), and to promote a different approach to fisheries management based on a decentralized decision-making process and on setting up multi-annual management plans both at national and community level.

It is not a mere technical measures regulation. It tackles the current fisheries problems in the much wider context of an ecosystem approach to fisheries management, it integrates the environmental dimension, and it spells out the specific role of each actor, in line with good governance principles.

The necessary flexibility to adapt the basic principles to the various local fisheries and situations is ensured by a 'bottom-up' integrated approach: unlike the top-down rules applied in other sea basins, Member States are requested to draw up National Management Plans for the fisheries in their territorial waters.

Which Technical measures are foreseen in the Regulation?

Technical measures foreseen in the Mediterranean Regulation touch different issues, including: protection of sensitive habitats, prohibition to use dangerous fishing practices, improvement of the selectivity of trawlers, minimum hook size, limitation of the maximum dimensions of passive fishing gears, limitation of the active fishing gears operations (e.g. trawlers, purse seines, dredges etc.) in coastal areas (distance to coast, depths etc), limitations on the minimum size of fish and other marine organisms which can be caught and prohibition to use professional fishing nets for recreational fishing.

What are National Management Plans?

As a key element of the Regulation, Member States are requested to draw up National Management Plans for the fisheries in their territorial waters.

The management plans shall address fisheries conducted by trawl nets, boat seines, shore seines, surrounding nets and dredges, and they have to fulfil the requirements set out.

National management plans are important to decentralize important issues while keeping common standards for all MS and a way to start implementing a long-term approach to fisheries management in the Mediterranean.

What are the consequences of the failure to adopt National Management Plans?

Failing to adopt an adequate national management plan for a given fishery is first of all a breach of the Regulation. The first set of national management plans for the most important fishing gears had to be adopted by MS by December 2007. Member states submitted plans which either did not fulfil the requirements or were rather late with respect to this first deadline. Other management plans could be submitted at a later stage.

Given how important it is that MS establish national management plans in line with the requirements, talks between the Commission and the MS concerned are underway with a view to overcome the problems encountered so far.

However, should the delays in setting up adequate national plans persist, the Commission will table proposals for Community-level management plans.

Moreover, the absence of a mandatory plan excludes the possibility to obtain most of the derogations regarding the distance from the coast (e.g. trawlers, dredges, purse seine, etc.), the mesh size for boat seines and shore seines, or the operation on sea grass beds with certain fishing gears. The absence of adequate national management plans makes it impossible to authorize, certain fisheries exploiting very small sardines (bianchetto; poutine), the transparent goby (rossetto; nonnat;) or the sandeel (cicerello, lancon,), or using dredges for bivalve molluscs at shorter distances from the coast etc.

Have traditional fisheries become illegal now?

The Mediterranean regulation was adopted unanimously at the end of 2006 and allowed for a three-year-long phasing in (which ended on 31 May 2010) of certain provisions. These must now be applied without further delay.

Most of the traditional and highly selective fisheries (e.g. boat seines for fry of sardine, transparent goby, sandeel, etc) may easily continue to operate, but within a more transparent, sustainable and modern management framework thanks to the national management plans which member states must draw up and which must meet the conditions laid down in the Regulation. On the other hand, fisheries that have a seriously negative impact on the marine environment or are unsustainable will not be able to carry on.

It is clear that some degree of change is needed to ensure a sustainable future for fisheries, with higher production and a healthy state of marine ecosystems. This is why trawl fisheries, which are highly unselective, cannot benefit from any derogation to the minimum mesh size and must respect, much like other fisheries, the minimum distances off the coast.

Member States were supposed to deliver exhaustive and adequate information justifying the maintenance of certain traditional fisheries, but they are rather behind schedule in that process. Talks between the Commission and the concerned Member States are underway and more information is needed before the procedures to grant derogations to some traditional fisheries can be finalised.

Can bivalve molluscs such as clams, bean clams, razor clams etc. continue to be fished in coastal areas?

Yes, bivalve molluscs can continue to be fished in coastal areas provided that the minimum size, whenever established, is respected and that the fishing gears used to fish these organisms comply with the minimum dimensions and the minimum distances from the coast. The rationale behind these rules is to protect the sea bed and its vegetation from the impact of the fishing gear (dredges).

Adjusting the minimum distance from the coast to local factors is possible, provided that adequate scientific information is provided for each area and that a national management plan is submitted to the Commission and subsequently adopted.

Unfortunately, some Member States have submitted their requests quite late, while others submitted incomplete or incorrect documentation. Talks with the national governments concerned are underway. The Commission will do its utmost to cope with these situations: wherever the information submitted is satisfactory, the derogation procedures will be carried out as rapidly as possible. But the positive outcome of these cases is very much in the hands of the Member States. Needless to say, pending the closure of the files, the provisions in force as from 1 June 2010 apply.

How many multiannual management plans should the various MS submit in order to comply? Who is going to check those plans?

In line with the bottom-up approach of the Regulation and in view of developing a culture of sustainable fisheries in the long run, multi-annual national management plans have been made mandatory for all fisheries carried out in territorial waters with trawl nets, boat seines, shore seines, surrounding nets and dredges. Therefore, each member state has to submit a plan for each of these fisheries if they are carried out in its waters.

Moreover, national management plans are also a basic requirement for derogations, ie the adjustment of the general rules to local conditions. The main goal here was to improve governance and to allow local fishing communities to actively contribute to sustainability by means of long-term management plans.

So the number of management plans may be significant and this was one of the reasons why a transition period of 3 and a half years was envisaged in the Regulation.

Regrettably, except for a few cases most plans were submitted rather late and were unsatisfactory. Most of the work, therefore, still remains to be done.

The management plans are evaluated by both the Scientific, Technical and Economic Committee for Fisheries (STECF) and the Commission services. STECF is an independent advisory body composed by highly qualified and internationally recognised scientists. The European Commission must consult this body before presenting any proposal on fisheries management, conservation and sustainable exploitation of fisheries resources.

Is it true that there will be no fishing at all in the Mediterranean until all Member States have submitted their plans?

No, this is not true. It is true that submitting and adopting national management plans is an obligation for Member States. If they remain non-compliant with the Regulation, this may give rise to infringement procedures on the one hand and on the other may also lead the Commission to submit the Council with Community-level management plans concerning fisheries carried out in territorial waters.

What happens if fishermen continue to carry out fisheries which disregard of the rules? What will the Commission do?

The Commission is going to enhance its inspections so as to ascertain whether and to what extent Member States enforce the relevant provisions of the Mediterranean Regulation. In case of non-respect of the rules by member states, the Commission will have to resort to infringement procedures against the member states in question.

Will funding be available to compensate fishermen who cannot fish anymore?

European Fisheries Fund (EFF) funds can support the technical adaptation of fishing gears in line with legislation until this becomes mandatory. EFF funds can also be used for vessel scrapping and other measures, as long as these are foreseen in the national operational programme under the EFF.