

2014



**COMMENTS RECEIVED BY SOME
EXCOM MEMBERS¹ ON A JOINT
RECOMMENDATION DISCARDS
MANAGEMENT PLAN
(Art. 15 Reg. 1380/2013)**

¹ *Comments are literally reported as received by MEDAC Secretariat*



ITALIAN ASSOCIATIONS – (AGCI Agrital, FEDERCOOPESCA, FEDERPESCA, Lega Pesca, EAA)

The aforementioned Italian Associations recognize the validity of the scientific and technical work of the draft joint recommendation, however, we point out the following.

As it came out during the various discussions and as it is highlighted in the general part of the draft, the pelagic trawl and the purse seine due to their specific characteristics, are operating in a different way. For this reason we believe that a differentiation of the *de minimis* percentage in all GSAs between the two fisheries should be kept and reflected in the percentages proposed for the *deminimis* in GSA 17 as well.

The reasons behind this have been well articulated in the text and it has to do with the fact that the purse seine is a more selective gear than the pelagic trawl.

Therefore, during the Working groups meeting it was suggested to adopt the following percentages for *de minimis* for GSA 17:

Purse Seine: 3%

Pelagic Trawl 7%

In addition, EAA stress the fact that there cannot be any agreement with *de minimis* percentage above 5%.



OCEANA

Oceana, member of the Executive Committee of the MEDAC, is not in a position neither for approving nor for rejecting the joint advice proposed by MEDAC due to the short timeline with which the document has been circulated. The joint advice, a 104 pages document long, has been circulated for the first time among the MEDAC members at 15:13 CET on the 5th of June 2014 with deadline for feedback set on the 6th of June close of business.

Oceana finds this attitude contrasting with the regionalisation process promoted in the Common Fishery Policy (Art. 18 and 45). The procedure adopted in this case is contrary to the spirit of the newly adopted Common Fishery Policy.

Oceana kindly requests MEDAC to annex Oceana's position to the document "ADVICE FOR A JOINT RECOMMENDATION DISCARDS MANAGEMENT PLAN (Art. 15 Reg. 1380/2013)" to be submitted to DG MARE, along with circulating Oceana's inputs to all the MEDAC members.

Background

EC Reg. 1380/2013 (thereafter, Common Fisheries Policy, CFP) is the starting point for a fisheries management based on the precautionary approach and scientific advices. In particular, under the new CFP, Member States (MSs) shall:

- gradually eliminate discards, on a case-by-case basis, taking into account the best available scientific advice, by avoiding and reducing, as far as possible, unwanted catches, and by gradually ensuring that catches are landed; Art. 2.5 a)
- where necessary, make the best use of unwanted catches, without creating a market for such of those catches that are below the minimum conservation reference size Art. 2.5 b)

Moreover, Article 15 of the CFP regulates the landing obligation also detailing de minimis exemptions only in the following cases (Art.15.5c):

- (i) where scientific evidence indicates that increases in selectivity are very difficult to achieve; or
- (ii) to avoid disproportionate costs of handling unwanted catches, for those fishing gears where unwanted catches per fishing gear do not represent more than a certain percentage, to be established in a plan, of total annual catch of that gear.

The joint recommendation of Mediterranean Advisory Council (MEDAC) proposes an "Adaptive approach" where "de minimis" rule would be applied in the first two years at a fixed rate (the first year for the collection of real data and the second for data processing), and then apply it the percentage of actual catches from the third year onwards."

Oceana's recommendations

Oceana urges MEDAC to take into consideration the following recommendations:

- The landing obligation, as per Art. 15 Reg. 1380/2013, is a provision aimed at identifying more selective fishing techniques. This has to go in parallel with ad-hoc management plan for targeted species. Therefore, any proposal for a management plan of discards shall go hand in hand with measures designed specifically



to i) identify and protect Essential Fish Habitats² in particular those hosting juveniles fish aggregations, along with the definition of spatial and temporal closure areas ii) improve the selectivity of fishing gears and fishing techniques, iii) improve the scientific evidence on the selectivity of the gear.

- The MEDAC proposed joint recommendation on discards management plan lacks of a clear strategy to improve the selectivity of fishing techniques. In particular, no specific reference to restriction or closure of fishing activities in spawning, feeding and nursery areas, based on available scientific data is made. On the other hand, Essential Fish Habitats should be the starting point to identify management measures to reduce discards in small pelagic fisheries in the Mediterranean Sea.

In the proposed joint recommendation, the *de minimis* exemption is requested from all the MSs without complying with the provisions set in Art 15.5c. In particular, in the proposal it is reported that small pelagic fisheries - mainly purse seiners (PS) - is highly selective but, on the other hand, high percentages of *de minimis* exception are demanded for this specific fishing gear.

As an example: for Purse Seine fisheries in Balearic Islands (GSA 5), it is reported that over a 10-days i.e. corresponding to “certain times of the year when some specimens of mackerel are below the minimum size”, an average value of 1.09% of discards has been detected. On the other hand, in the joint recommendation document, a 7% of *de minimis* exemption is requested instead of making concrete proposals to improve selectivity i.e. setting spatial and temporal closures to avoid catching undersized individuals.

Thus, Oceana urges that *de minimis* should only be applied only when scientific evidences demonstrating a reduction in unwanted catches are provided.

Moreover, Oceana believes that there is not a cornerstone to request the *de minimis* exemption in relation to Art.15.5c ii) “avoid disproportionate costs of handling”. Overall, in the joint recommendation document, it is reported that landing obligation will imply a highly increase of costs but no concrete cost estimation is provided and “disproportionate costs” are not demonstrated.

In conclusion, Oceana considers that more effort should be invested in defining a sustainable solution to the management of the landings in line with the EC Reg. 1380/2013.

² As per STECF definition: ESSENTIAL FISH HABITAT (EFH) is a habitat identified as essential to the ecological and biological requirements for critical life history stages of exploited fish species, and which may require special protection to improve stock status and long term sustainability.



WWF appreciates the efforts of the MedAC in developing this joint recommendation, but regrets the limited time available (24 hours) to provide comments to such an extensive document.

We understand that the final goal of Article 15 of Regulation 1380/2013 is the minimization as much as possible of the undesired catches, and particularly in the Mediterranean of undersized fish. Therefore, we believe that any discard management plan in this regard should be ideally within the context of a comprehensive management plan for each specific fishery and should include measures addressing the protection of the more vulnerable life stages of the target species (as time/area closures) as well as measures to improve selectivity by implementing the currently available and innovative technology. We understand that the management plan should be adaptive including new data and scientific recommendations. However, it is our view that the “de minimis” exception should be granted only after all efforts to reduce unwanted catches at fishery level, based on the available science, have been considered from the starting implementation date, and reduction of the current amounts of unwanted catches have been forecasted.

