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## RAC MED OPINION ON THE PROPOSED REGULATION OF THE European Maritime and Fisheries Fund (EMFF)

The Executive Committee, met in Rome on 27<sup>th</sup> March 2012, adopted the opinion proposed by the Working Group 1 (WG1), held in Rome on 28<sup>th</sup> February 2012, to discuss the proposal for a regulation on the EMFF, with particular emphasis on the aspects which could be critical for Mediterranean fisheries. The RAC MED expressed the following considerations.

The RAC MED stated its appreciation of the presence of several innovative features in the regulation proposal which differ from the directions taken by the EC to date. Among these there is the particular importance given to aquaculture; the measure that includes the fishers' spouse (thus the family unit); the increase in the contributions to small scale fisheries from 60 % to 75 %; the possibility to modernize vessels, albeit only in the context of health and safety on board.

The RAC MED also expressed its support for the attention that the EMFF shows towards employment, training, enterprise start-up, eco-innovation, promotion of social dialogue and cooperation between fishers and researchers. The RAC MED was unanimous in its appreciation of the abolition of the convergence criteria for the renewal of the redistribution of resources between the various regions.

It was stated, however, that many of the abovementioned positive aspects could be significantly limited by the time scale and the changes that have been activated by the Reform of the CFP that is still under discussion. In particular:

- The fact that the EMFF regulation proposal aims to simplify current practices is positive, however the use of the various structural funds to complement each other could have the opposite effect, accumulating the flaws and complicating the management of each single fund. Furthermore, the introduction of new procedures could cause a further increase in costs for national administrations when implementing them.
- The fact that just one body would make the payments should logically lead to one single way of accessing the funds and one single way to account for expenditures.
- The introduction of Transferable Fishery Concessions (TFC), the risks of which, together with the critical aspects, have already been documented in the opinion expressed by RAC MED on the CFP Reform (prot.n.266 of 28<sup>th</sup> October 2011), could lead to an extremely significant rate of fleet reduction in a very short time, as highlighted in the forecasts expressed in the recent EC "non-paper". This is also related to the general economic crisis which is particularly serious for the fisheries sector given the continued increase in



fuel prices. The TFC system could cause a sudden, severe increase in unemployment without developing any accompanying measures for the crew. Furthermore, within the measures set out by the Reform and by the EMFF, the difference between vessel owners and the crew employed to work on the vessel should be taken into consideration. This fast-changing situation could make a system of “social shock absorbers” necessary, as well as rapid intervention on matters of diversification and requalification, as planned by the EMFF, which do not appear to be contemplated adequately.

- The attention paid to employment, youth etc. could in actual fact be just a good intention that is not accomplished. The RAC MED therefore expressed its opinion that abandoning demolitions with immediate effect is not appropriate and that a period of “phasing out” would be more suitable so as to allow for a more gradual transition towards the new system of TFCs or mechanism to reduce fishing capacity, many aspects of which are still unclear where the Mediterranean is concerned (the definition of concession in relation to fishing effort).
- The definition given in article 6.1b is misleading, it should be more clearly specified that the issue is reconversion and not diversification, with no limits where vessel size is concerned; and referring to art. 32.6 the financial assistance to retrofit vessels used for coastal fishing is not enough to reconvert those vessels to other activities (art.32.6).
- It is necessary to improve the definition of the kinds of measures that will be possible and admissible where the consolidation of fishery operators’ incomes is concerned.
- It is necessary to establish an EC definition of fishing tourism in order to create a standard judicial basis on which each Member State can base its independent legislation on this matter. This definition should clearly indicate that fishing tourism is an activity carried out by professional fishers and as such is a legitimate part of their work. The RAC MED opinion (prot.124 of 5<sup>th</sup> May 2011) already stressed that fishing tourism should not be considered as a branch of recreational fisheries.
- Considering the eco-biological importance of the temporary fisheries closure periods, abandoning this measure would not be a rational step in the application of policies that aim to replenish stocks. It could be argued that the temporary fisheries closure period as a fisheries management tool needs some refining and improved criteria for its implementation but it should not be abolished.
- Financial support for the replacement or modernization of main or auxiliary engines should be granted for small scale fisheries vessels (art.39.2)
- The RAC MED expressed its disapproval of the abolition of financial support for some interventions, such as art. 41 comma 4 which does not allow for the allocation of funds for the construction of new ports; and where article 33 is concerned, the proposal was made to add and *ad hoc* intervention that could be financed in order to invest in measures for safety on board.
- The condition that requires all the catch to be brought ashore risks reducing profits for the fishers (see the RAC MED opinion on the reform of the Common Fisheries Policy prot.266 of 28<sup>th</sup> October 2011), due to the reduction of space on board and the volume of the refrigeration units.



- The RAC MED underlined the importance of reexamining the definition of small scale fisheries, as already stated in the Opinion of 28<sup>th</sup> October, given that a single parameter is not regarded as sufficient, especially considering the differences between the fleets that operate in the Mediterranean and those in the seas of north Europe.
- The RAC MED proposes that the EMFF could foresee the financing of environmentally sustainable projects between commercial fishermen and recreational ones, in order for recreational fishery to encourage greater attention for a responsible and sustainable activity.
- Another critical aspect is the introduction of conditionality, not so much the principle itself but rather the potentially serious consequences of its literal application in the face of major violations and penalization for the operators should the Member States, and not the operators themselves, not comply.
- The introduction of a principle of conditionality is a significant improvement over previous instruments. However, as already stressed in the past, in addition to complying with the rules of conservation, conditionality should be also applied to the working conditions and to the application of labor legislation and to collective employment agreements. Although the European Commission states that there are legal obstacles to the extension of compliance to social legislation, it is worth noting that, in some Member States and at European level in other sectors, this principle is already applied to the fisheries sector.
- An excessive use of delegated acts in some parts of the EMFF regulation proposal leads to an insufficient definition of the measures to be implemented and consequently to uncertainty as to how the EC will carry out these measures, which could mean that decisions are taken once implementation is already underway.

In the context of the procedures of co-decision that have been set up, the RAC MED hopes that the issues which have arisen will be adequately examined and thus adapted in such a way that the EMFF will become better able to respond to the crucial changes that are being introduced by the reform to the CFP and to the real needs of the fishery operators.

**N.B.:** this Opinion was fully supported by all the participants in the RAC MED except OCEANA and WWF.

OCEANA was against the construction of new ports and all the measures that would increase fishing capacity, directly or indirectly. OCEANA wished to see the funds invested in scientific activities and underlined its opposition to engine revision and an increase in engine power.

WWF expressed its objection on some issues, and considers that the financial support given to aquaculture in the CFP proposal it is absolutely disproportionate. WWF is concerned by the diversification of fishermen towards aquaculture and on the over dimensioning of aquaculture. WWF considers that TFCs should not be the only mechanism to reduce fleet capacity and hopes that the proposal would be amended accordingly. WWF believes that temporary fisheries closure periods should be dealt with in management plans irrespective of EMFF funding. WWF believes that the CFP proposal should make funding for fleets, vessels and gears conditional upon adequate assessment of fishing capacity in relation to available fishing opportunities. WWF believes that conditionality is necessary and that the elimination of overcapacity should be a precondition for granting funding for onboard vessel improvement. WWF considers that the delegated acts are a necessary system which will improve transparency to the EMFF measures.

