

MEDAC position on the Regulation Proposal on Technical Measures COM (2016)134

The Technical Measures Framework proposal (TCM) provides a good opportunity for the European Parliament and the Council to agree on a framework which is coherent, consistent and ambitious in meeting the Common Fisheries Policy (CFP) objectives and the European Union (EU) Environmental legislation.

The current proposal aims at simplifying the existing legal framework which is composed by 31 regulations difficult to implement not only for the complexity of the norms but for its fragmentariness and to align the existing regulation with the obligation set in the Common Fishery Policy (Reg. 1380/2013). MEDAC welcomes this new simplified Regulation proposal as a tool to reinforce compliance among the fishing sector that report to have lost confidence in regulations due to the high number of norms they had to comply with.

The intention to provide a framework of common objectives is strategic and we must underline the importance to set quantitative targets as they are essential to ensure that baseline measures and any subsequent regional proposal deliver what the framework sets out to achieve.

The reform of the CFP created an innovative strategy for fisheries management, introducing regionalization and encouraging participation of stakeholders. MEDAC welcomed this new approach and started to work in this regard.

In the meantime, MEDAC would like to individually address some of the main key issues related to the proposal which have a direct impact in the Mediterranean catching sector, in order to contribute to the strengthening of sustainability of fishing fisheries activities.

- 1) It is worth noting that up until recently, policy decisions were taken exclusively by Council and detailed technical measures were delivered as EU Regulations rather than as regionally devised rules that would have accommodated the specificities of each fishery and sea basin. In this respect, the exhaustive micro-management approach together with the intention of EU institutions to compile all technical details under a single framework brought about a complex legal system for fishers to comply with, with little room for maneuver adapting. Regionalization now is a tool to encourage participation of all stakeholders and empower fishermen and their engagement so that they can work in close cooperation with MSs, ACs and scientists to create tailor-made measures that consider the specificities of each fishery areas and safeguard their environmental conditions. It is expected that simplification of the existing regulations will result in better understanding and acceptance by operators, national authorities and stakeholders; higher level of compliance by fishers and easier enforcement of controls; and strengthen the alignment with environmental policy objectives.
- 2) During the Inter-AC meeting, held on December 5, 2016, DG MARE recalled that in the case of the Mediterranean in particular there are sub-regional requirements that can be managed

through regionalisation. Moreover, DG MARE recalled that article 18 of Reg.(EU) No 1380/2013 (*henceforth*, the CFP Basic Reg.) sets out the guiding principles of regionalisation for conservation measures, even in cases where there are no multi-annual management plans. Moreover, when there is a specific issue that relates to just one Member State (MS), it can present individual proposals, having a direct management interest, on modifying current conservation measures in the framework of discard management plans work (as in the case of the discards management plan for bivalve molluscs in the Adriatic Sea), with the previous consultation and collaboration of the ACs. If this proposal is accepted by the European Commission (EC) it can be transposed into a delegated regulation. MEDAC welcomes this possibility involving just one MS submitting agreed recommendations that define appropriate conservation measures at the local level. Thus avoiding the waiting for the co-decision procedure that can take long , such as that one on small pelagics in the Adriatic Sea which has not yet published.

- 3) The MEDAC acknowledges the importance of the fishing resources for the future of the fisheries. Therefore highlights that MCRS shouldn't be set below spawning size according the more recent scientific information, and it should be set for all the species of commercial and recreational interest (for example nowadays there isn't any MCRS for *Dentex dentex*; *Lichia ama*; *Seriola dumerili*; *Coriphaena hippurus*; *Umbrina cirrosa*). Furthermore the MEDAC suggests that restrictions on the use of passive gears (traps and longlines) by Recreational fisheries should be included in Annex IX.
- 4) The MEDAC notes that control and enforcement measures, and a system for monitoring the effectiveness of technical measures at achieving their objectives, will become even more important as the new framework moves towards a more result-based management. To ensure that the new rules are followed and to maintain a level playing field for vessels operating in the EU waters, MSs must help to develop a "culture of compliance" through effective control and monitoring measures.
- 5) Taking full advantage of the possibilities given by art. 18 of Reg UE 1380/2013, MEDAC believes that any further technical measure must be clear and easily applicable, it will simultaneously be able to reach environmental, economic and social sustainability, rewarding fishermen's good behaviour. The real results of these new measures application must be evaluated in a medium time to verify their implementation and effectiveness.

In spite of these developments, it is important to underline that the proposal for a Technical Measure Regulation raises questions concerning, in particular, certain definitions, the procedure related to regionalization, the introduction of more binding measures. MEDAC will investigate more thoroughly the proposal in its future Working Group, formulate an official position.