



Ref.: 191/REL

Rome, 18 July 2014

Report of the Working Group (WG1) on the landings obligation

IVEAEMPA, Barcelona, 4th March 2014

Participants: see attached list

Coordinator: Gian Ludovico Ceccaroni instead of Elena Ghezzi.

Attached documents: Agenda, slides presented by Gian Ludovico Ceccaroni.

1. WG1 met in Barcelona on 4th March 2014 in order to dedicate a day's work to the issue of the landings obligation. The meeting started at 10.00 with a welcome by the director of IVEAEMPA which hosted the meeting, greetings were extended to the many participants and to the Director of Fisheries of the Catalonia region, with whom she collaborated on the project "the Balearic Islands cluster". The director informed the Meeting that, in the Balearic Islands, exploration for crude oil is being carried out, she announced that the EU had recognized that the activity is a source of noise pollution, furthermore she expressed the opinion that this provides an opportunity to take note of what is happening, each MS should prepare plans based on the characteristics of their specific area. The director expressed the hope that MEDAC would work with cluster- and pressure groups, in order to be active participants in the governance process.
2. The director passed the floor to the Director-General for Fisheries of Catalonia, who gave thanks for the invitation and welcomed the participants. He pointed out that the Catalan region has sought dialogue with the Spanish government in order to request that presentation of their doubts and perplexities on the application of the landing obligation to the EC. The Director announced that productive work has been carried out in collaboration with the research community, NGOs and trade unions, however the conclusion was reached that the application of the landings obligation would not be good for fishing activities along the Catalan coast. He therefore hoped that significant results would emerge from this meeting in order to draw attention to the needs of fishers in all areas. He concluded by wishing the meeting every success.
3. Before starting the discussion, the coordinator of WG1 gave the floor to the President, Mr Buonfiglio, who greeted the Mediterranean delegations and thanked IVEAEMPA which had organised all aspects of the two days of work. He pointed out that the work to be carried out in that day's meeting was extremely important and that the Commission attached great importance to the achievement of tangible results. He recalled that with the final approval of the EMFF, the reform of the CFP has almost reached completion: the Advisory



Councils are no longer regional, but the imminent landings obligation presents the most pressing innovation. This issue has already been addressed, but needs closer examination. A few weeks ago at a meeting in Brussels, DG MARE requested that MEDAC focus on the discards ban. He stated that, on the basis of the EC requests, the schedule of meetings had been modified in order to place this matter at the centre of attention. In the next meeting to be held in Slovenia, discussion will take place on discards, perhaps including a first possible regionalization measure of with the northern Adriatic states. If this first experience proves to be effective it could be replicated, with MEDAC as the facilitator in other parts of the Mediterranean, in order to achieve a schedule on the issue of discards in each Member State.

4. The Advisory Councils should deliver the results of their work to the EC by the end of May at the latest. Ideally this would consist of a package of draft projects, as far advanced as possible, indicating methods, difficulties, timing and processes for the management of the discards ban from January 2015 for small pelagics fisheries.
5. The President hopes that the costs will be indicated port by port. Furthermore, this WG could take the opportunity to vote on a document that takes a position on marine noise pollution, as well as providing a document that takes a stance on the issue of the "Omnibus" proposal; above all, however, the meeting should explore the details and problems surrounding the formulation of management plans for discards, so that by April in Slovenia projects can be ready that only need to be redefined and be transmitted to the EC. On a final note, he recalled that the EP has requested that the consultations on the proposed Omnibus be confined to the part relating to pelagic fisheries, as the term is ending and the outgoing Parliament will have to vote before the end of the term.
6. The coordinator thanked the President and passed straight on to the adoption of the Agenda. The Agenda was adopted without changes.

Progress report by the national Working Groups on the implementation of the landing obligation for unwanted catches according to art. 15 of Regulation (EU) 1380/2013

7. In order to assess the difficulties encountered, the coordinator asked the participants to speak on the progress of the various working groups through the focal points of the various states. The coordinator switched to presenting the work carried out in Italy, as he is also the Italian focal point on discards. Using slides, he reported that the Italian working group met as early as December 2013. During the first meeting of the Italian WG, the species and fisheries involved were identified. He further recalled that on 27th February a seminar was organized, which was also attended by Ernesto Bianchi. On this occasion the first results of the in-depth analysis carried out by the working group were presented. During the seminar, thanks to Ernesto Bianchi's intervention, some points were clarified. The seminar stressed the need for current Italian legislation to be revised in the light of the new landing obligation. The coordinator/speaker noted that in Italy the capture of undersized specimens is a criminal offense, punishable with imprisonment from 2 months to 2 years or a fine of 2 000 to 12 000 Euros.
8. Where the CFP reform is concerned, the Meeting was reminded that from January 1st 2015 the obligation to land all catches subject to TAC and quotas will come into force, and in the Mediterranean for small pelagics with a minimum size according to Regulation 1967/06 (anchovy, sardine, mackerel, horse mackerel). In addition to these, thanks for further clarification with the EC, it emerged that all catches of species that have minimum size under the Mediterranean Regulation are subject to the landing obligation when captured by pelagic trawl (Italian "*volante*") or purse seine (Italian " "). For example hake, which has a minimum size,



could be among pelagic trawl bycatch and in this case it would also be subject to the landing obligation. So the landing obligation is applied to the fishery (purse seine or pelagic trawl) and not to the species.

9. By 1st January 2019 all the remaining species that have a minimum size under the Mediterranean Regulation (sea bass, grouper, sand steenbras, hake, sea bream, sole, mullet, sea bream, lobster, rose shrimp, etc..) Must be landed. The coordinator recalled that the undersized product landed cannot be destined for human consumption, alternative uses must be sought: fish meal and fish oils, biogas, cosmetics, pharmaceuticals, pet foodSome data were provided: 1000kg of sardines and anchovies will yield 200 kg fish meal and about 80 kg of fish oil. The meeting was informed that, following contact with animal feed/ fish meal processing companies, the protein content of oily fish from the Northern Adriatic is quite low, only 40-50%, whereas in order to achieve a good end result, the protein content should be 65%.
10. For species with high survival rates, which would be exempt from the landing, the coordinator points out that a strong scientific basis resulting from research is necessary.
11. The coordinator was keen to point out that currently the only way to obtain *de minimis* exemption is by demonstrating disproportionate handling costs that may arise, especially when the fishing communities are very small. In Italy, unwanted catches from pelagic trawl fisheries are never over 5%, however, this needs to be verified scientifically. He pointed out that with the *de minimis* exemption in place, fishers would discard up to a certain percentage of the annual total of all species that are subject to the landing obligation; at the moment it is not clear whether this is calculated according to the total annual value, or per fishery, in any case it would need to be supported by scientific data. Art .15 states that a *de minimis* exemption of up to 7% can be requested, this does not mean, however that the request will be recognized by the EC, especially if the request is not supported by reliable scientific data. In this case it is highly likely that the EC may decide to reduce the percentage. He concluded his speech by saying that the discards management plan should refer to the various fisheries activities, to the species covered by the landing obligation, to any species with a high survival rate that are exempted from the landing obligation and to the application of the *de minimis* exemption. If the Member States do not submit a discards management plan by June, the EC will proceed regardless, as specified in Art. 15.
12. Mr Buonfiglio took the floor to recall the procedure. Once the DG Mare has received the management plans, they will be sent to STECF for approval, and STECF will verify the scientific basis on which the *de minimis* exemption has been requested. There are no data available on the percentage of undersized specimens, not only because until now this issue has never been studied, but chiefly because it has been illegal to land them. He therefore pointed out that the biggest problem is to quantify the data on which to apply the *de minimis* percentage, and so for the first few years it will only be possible to decide a percentage on the basis of predetermined data.
13. The President recalled that the MEDAC had argued in favor of an exemption from the landing obligation for the Mediterranean, however now that the regulation is in force it is necessary to comprehend how to respect it without negatively impacting on the income of fishery enterprises and on the fishers.
14. The coordinator informed the meeting that in Italy, during the meetings of the National Working Group, efforts were made to identify the main ports with a substantial critical mass, in which a supply chain could be justified. The floor was passed to the representative of DG MARE Dominic Rihan, who works on technical measures in Ernesto Bianchi's unit.



15. Mr Rihan took the floor and recalled that, as already stated, from January 1st 2015 all catches will be included in the landing obligation, while bluefin tuna does not fall within this obligation. There are 3 procedures for the implementation of the landing obligation: the multi-annual plan described in art. 18 of Regulation 1967/2006; the discards management plan and, if these are not successful, the plan prepared by the European Commission. In the third case, the SM will formulate recommendations in consultation with the EC (regionalization). Mr Rihan reiterated that the time available is limited, and that if the EC decides that the discards management plan is not satisfactory, it would have to be re-evaluated by the STECF to check that there are no irregularities. If the EC decides to intervene, from a technical point of view, on the *de minimis* percentage, this would lead to a political debate that could last for years. For species with a high survival rate, the STECF has prepared guidelines with particular reference to pelagic species. The *de minimis* percentage would only be applied when absolutely necessary, and can be linked to the target species or targets maritime district. Furthermore, this percentage should be within the MSY target and must be documented. He also pointed out that the percentage of 5/7 % is applicable where there is a discards management plan, otherwise the EC shall only apply a percentage that at the most will be 5%. Regarding the cost of disposal of undersized specimens, he stated that this is a very serious problem that does not only affect the Mediterranean, fishers should avoid capture as far as possible.
16. The President pointed out the bycatch of undersized specimens should be considered for purse seine and pelagic trawl fisheries and not bottom trawlers. If pelagic trawlers or purse seine fisheries catch an undersized hake, it should be landed because it is bycatch, i.e. not the target species of the two fisheries involved; if a demersal trawler catches an undersized specimen Mackerel it must be discarded, until 2019 at the latest.
17. The FNCP representative thanked the coordinator for the presentation and Mr Rihan for the clarifications provided, he pointed out that in the Mediterranean discards cannot be managed as there is no TAC, the meeting was informed that the FNCP has established a working group for the Mediterranean coordinated by Mr. Molina who took the floor. Mr. Molina announced that they met on 25th February to discuss all the issues that were addressed during the morning of the current meeting. He stated the opinion that the landing obligation risks damaging the marine food chain and that its application will cause further problems for fishers.
18. The coordinator recalled that the Regulation has now been approved and cannot be modified.
19. The CNPMEM Representative took the floor to illustrate the document sent to the MEDAC secretariat, this document aimed to work towards some sort of protocol to coordinate the various studies. For the moment, unfortunately, little progress has been made mainly due to a lack of data, a sore point for the Mediterranean. She stated that attempts have been made to estimate discards and they are working on demersal as well as on pelagic species. Firstly they are attempting to describe the maritime districts that are subject to the discards ban for pelagic species, describing the activity and where the discards come into it. She also recalled that, in addition to the estimates of discards and the assessment of purse seine selectivity, we must also estimate the costs of purse seine fisheries. At the moment, along the French Mediterranean coast, there are very few industries that already process discards.
20. The EMPA representative intervened and stated that discards are a problem because they are not profitable, they are just a problem for fishers. In addition, he pointed out that in the Balearic Islands will not be easy to manage discards once landed. EMPA has requested data on discards and received those for 2005, while



those for 2011 have not arrived yet. He wondered how work can be carried out on the landing obligation when these data are not available, and how this Regulation can be applied.

21. The FNCCP representative stated that this is the usual problem of regulations coming from other areas that, when applied to the Mediterranean, prove to be unworkable. The economic situation in the fisheries sector is very difficult, with the introduction of the discards management plan not only will there be a considerable amount of work to carry out with no profit, but an illegal market for these undersized specimens will also emerge.
22. The ETF representative intervened, mentioning that the management of discards will result in the loss of jobs and rising unemployment, as was the case during the decommissioning of fishing vessels
23. On the basis of these statements, the President pointed out that the discards management plan will be an opportunity to outline three areas: ports in which discards are gathered, areas where the *de minimis* exemption will be essential, and places with no solution, such as the Balearic Islands where there are logistical problems.
24. The HGK representative informed the meeting that in Croatia sardines are mainly caught with purse seine nets and discards amount to less than 100 tonnes per year, it will be very difficult to comply with these landing obligations. She therefore expressed the opinion that they can rely on the application of *de minimis*, but the problem is that there are no scientific data to support this hypothesis and to demonstrate that the discards are less than 1%.
25. The OCEANA representative wondered how to reduce the problem of discards rather than planning to build infrastructure to manage them.
26. The FBCP representative noted that technical measures have already been defined in the regulation, but there is a contradiction on the definition of *de minimis* on a scientific basis, when scientific data are not available. He stated that for demersal trawl scientific data will be available once started, but how will discards be handled in the Balearic where there is no industry to deal with them and costs will be much higher than revenues?
27. The EC representative Mr Rihan summarised the interventions made so far by saying that there are no reliable data. The percentage of discards from pelagic fisheries is minimal, on the basis of interventions by representatives of Croatia and the Balearic Islands. He proposed that MEDAC ask the EC for STECF and GFCM consultation. With regard to *de minimis* exemption, he noted that the issues outlined are similar, a key step would now be the drafting of a basic document describing why selectivity cannot be improved. He concluded that it is important to have some indication of the approximate landings in order to calculate and assign the *de minimis* percentage.
28. The President informed the meeting that for pelagic species there is not sufficient time to plan research involving technical measures to reduce discards and the capture of undersized specimens, unless such research is already available. If there are indications available already, he proposed that these should be shared and circulated so as to check if the national management plans can be introduced. The management plans are to be delivered in the short term and he stated the belief that the section on selectivity should mention that steps to improve selectivity have yet to be identified. The President reiterated that the EC is willing, in these initial stages, to admit approximate data. He noted that the managing the monitoring of discards will not be easy, because once *de minimis* exemption has been approved, each MS will need to have



a system to record catches. He concluded his speech in reply to the OCEANA representative, saying that a waste management tariff needs to be established and subsequently paid.

29. The EMPA representative asked for clarification on where purse seine fisheries are concerned: if undersized specimens can be released before the net is brought onboard. The Coordinator replied that the fish can be released from the net at any time before the net is hauled onboard.

Exchange of views on the proposed "Omnibus" regulation COM (2013) 889 final. on transitional measures to eliminate legal and practical obstacles to the implementation of the landing obligation. Possible adoption of a document to be presented to the ExCom.

30. The coordinator moved on to present the proposed "Omnibus" regulation, noting that this proposal should just cover harmonizing measures for the implementation of the landing obligation, but instead it introduces new requirements for fishermen, such as the obligation to install onboard cameras, remote control, traceability and the registration of all fisheries products not intended for human consumption. The text of the Omnibus regulation also states that all catches of undersized specimens must be arranged in separate boxes so that they can be identified separately from the commercial product.
31. The coordinator gave the floor to the ETF representative to illustrate a legal opinion on the possible introduction of cameras and control systems on board, that is in contrast with the Italian personal data protection laws which ban the recording of employees while working (article 4, Italian law 300 of 20 May 1970), except when there is an agreement between the employer and the employee. He further noted that this proposal does not take into account the time it will take fishers to carry out separate stowage, time that will not be remunerated, and the space onboard that will be occupied by discards that will limit space for the commercial catch.
32. Mr Buonfiglio informed the meeting that he participated in the Europêche delegation at a meeting held at DG Mare, and most of the comments so far made were also expressed on that occasion; the EC has demonstrated its readiness and is proceeding to make changes. He further informed the participants that, on the following day, an informal meeting with all the General Managers of fisheries would take place to discuss the landing obligation and the MSY. Moreover, in the course of this meeting, the possibility that management plans could be formulated by several Member States together will almost certainly also be formalized, and if a joint recommendation emerges which includes both regionalization and the discards ban, the EC take it into greater consideration. He informed the meeting that the discards management plans must be submitted by June 1, and no longer at the end of June. So there are just two months left. This means that for the next meeting of this group, scheduled for late April early May, the draft management plans should already be almost final.
33. The President passed the floor to Mr Rihan, the representative of DG MARE, who confirmed the statements made by Mr Buonfiglio on the meeting with Europêche; he also noted with regard to the cameras on board, that this is not a requirement, it aims rather to provide monitoring tools, some other states have laws similar to the Italian personal data protection law. He pointed out that small vessels are not obliged to comply with the rule of separate storage on board; in terms of sanctions that have been defined by many as too strict, a reply will depend on the co-legislators. He concluded his speech by recalling that the European Parliament elections are taking place shortly and that it would seem that the EP has announced that will only approve the part of the Omnibus regulation that covers the landing obligation, starting from January 1st 2015.



34. The coordinator thanked Mr Rihan and proposed that the participants prepare a MEDAC opinion including all the interventions made, to be presented at the following day's meeting. All participants agree with this proposal.

Nomination of a coordinator for Working Group 1

35. The Executive Secretary took the floor and announced that the Secretariat had not received any requests for nominations and asked if anyone present was willing to apply for the role of coordinator of this working group, that does not only deal with discards but with all legislation concerning the reform to the CFP. As there were no candidates, the Executive Secretary asked the outgoing coordinator if he was willing to continue and thus reapply. The coordinator agreed and was therefore confirmed with the approval of all present.

Any other matters

36. The Coordinator gave the floor to the ETF representative Mr Pucillo who presented the project that was launched by the Flai CGIL with the support of the ETF and in collaboration with other European trade unions, called: "The impact of the reform of the Common Fisheries Policy and the contribution of collective negotiation to create better jobs: measures for information and training in the field of fisheries and aquaculture in Europe for workers' organizations" , the purpose of this project is to comprehend and analyse the state of collective negotiation in Europe in the field of fisheries and aquaculture. The Executive Secretary informed the meeting that the questionnaire had already been sent to all members of MEDAC by email.

37. There were no further contributions, so the coordinator closed the proceedings, thanking everyone for their participation and the interpreters for their work.

