

**Opinion of the European Economic and Social Committee on the 'proposal for a Council Regulation concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea and amending Regulations (EC) No. 2847/93 and (EC) No. 973/2001'**

(COM(2003) 589 final -2003/0229 (CNS))

(2004/C 110/17)

On 16 December 2003, the Council decided to consult the European Economic and Social Committee, under Article 37 of the Treaty establishing the European Community, on the above-mentioned proposal

On 27 January 2004, the Bureau of the European Economic and Social Committee instructed the Section for Agriculture, Rural Development and the Environment to prepare its work on the subject.

In view of the urgency of the matter, the Committee appointed Mr Sarró Iparraguirre as rapporteur-general at its 406<sup>th</sup> plenary session held on 25 and 26 February 2004 (meeting of 26 February). The opinion was adopted by 63 votes to two, with three abstentions.

## 1. Introduction

1.1. The proposal for a regulation <sup>(1)</sup> is intended to amend Council Regulation (EC) No. 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean <sup>(2)</sup>, taking into account the main points of the Communication from the Commission to the Council and the European Parliament laying down a Community Action Plan for the conservation and sustainable exploitation of fisheries resources in the Mediterranean Sea under the Common Fisheries Policy <sup>(3)</sup>.

1.2. In the same context it proposes amendments to Council Regulation (EEC) No. 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(4)</sup> and Council Regulation (EC) No. 973/2001 of 14 May 2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species. <sup>(5)</sup>

1.3. In its proposal for a Regulation - consisting of 26 recitals, eleven chapters and five annexes - the Commission recommends a series of management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea. These management measures consist in regulating protected areas, species and habitats; laying down restrictions on fishing gear; fixing minimum sizes for certain species; regulating non-commercial fishing; making it possible to establish management plans; introducing control measures;

fixing certain conditions for catches of highly migratory species; and establishing certain provisions for the waters around Malta.

## 2. General comments

2.1 The EESC has stated its views on fisheries management in the Mediterranean in previous opinions <sup>(6)</sup>. We think it helpful to include in this opinion the conclusions of the Committee's 1998 opinion on management of fish stocks in the Mediterranean, since these are relevant and important, provide an overview of fishing in the Mediterranean and are still completely valid:

- The Mediterranean displays a number of specific features to which management systems must be geared if they are to be effective.
- The efficacy of management systems will also depend on their fairness, thus preventing discrimination.
- Scientific research funding must be stepped up still further, giving greater dynamism to the GFCM and making it the leading body, but without neglecting scientific cooperation through joint studies by Mediterranean countries.
- Situations clearly differ, requiring real and comprehensive harmonization of Mediterranean fisheries. Harmonization will only be possible following the gradual removal of all the derogations contained in Regulation (EC) No 1626/94, when not scientifically justified, with the same technical measures applying to all fleets.
- The Committee would urge that fishermen be consulted on the proposed legislation, thereby involving them in its application. This would give greater force to the proposal made by the EU within the GFCM concerning the creation of a committee on which fishermen would be directly represented.

<sup>(1)</sup> COM(2003) 589 final

<sup>(2)</sup> OJ L 171, 6.7.1994, p. 1. Regulation as last amended by Regulation (EC) No 973/2001 (OJ L 137, 19.5.2001)

<sup>(3)</sup> OJ C 133, 6.6.2003

<sup>(4)</sup> OJ L 261, 20.10.1993, p.1.

<sup>(5)</sup> OJ L 137, 19.5.2001, p.1.

<sup>(6)</sup> OJ C 133, 6.6.2003

- Appropriate steps must be taken against producers who infringe resource conservation rules. Responsible trade must be encouraged so as to prevent the current unfair competition, particularly with regard to third country fleets.
- The establishment of protected fishery zones in the Mediterranean is the type of measure capable of ensuring that resource protection and conservation measures are effective.
- The diplomatic conferences must do more than issue declarations of intent. There must be closer cooperation between all the countries, working together at an early stage to prepare conclusions which can be put into practice immediately.
- Small-scale fishing must have priority over its industrial counterpart in the transition to sustainable fishing in the Mediterranean. The interests of the Mediterranean countries should come before those of other countries.

2.2 In point 2.6 of Opinion CESE 402/2003, the Committee notes: 'Integrated fisheries management requires an analysis of biological, economic and social aspects, appropriate management instruments, and dialogue between the sector, the authorities and the scientific community.'

2.3 In the Committee's view, the Commission's proposal for a regulation neither fulfils the expectations raised by its action plan<sup>(7)</sup> nor takes account of the guidelines set out by the Committee in its two earlier opinions, for the following reasons.

2.3.1 The Commission fails to set out the reasons for its belief that Regulation (EC) No 1626/94 should be revised. The EESC considers the measures introduced in that regulation to have failed, because, among other things, many exceptions were allowed, resulting in unequal treatment of different countries and sectors, which in turn has resulted in the absence of a real common fisheries policy in the Mediterranean.

2.3.2 The Commission has not adequately justified the technical proposals presented from a scientific point of view. We do not know which scientific and technical studies the Commission based its proposals on because no reference is made to them.

2.3.3 The Commission also fails once again to mention and take account of the economic and social aspects of fishing in the Mediterranean, omitting any reference to the potential impact of the measures proposed on businesses,

workers and coastal areas that are highly dependent on fishing.

2.3.4 The proposal for a regulation does not pay enough attention to the role of management systems based on trade regulation, nor does it mention problems relating to trade in catches from vessels flying flags of convenience fishing illegally in the Mediterranean. Moreover, there is no provision for a mechanism to effectively ensure the safety of fish products.

2.3.5 The Commission does not highlight the importance of increasing multilateral cooperation, through the GFCM<sup>(8)</sup>, so that rules fixed for the Community countries also apply to fleets of third countries fishing in the Mediterranean Sea.

The EESC therefore asks the Commission to strengthen the role of FAO regional projects such as COPEMED and ADRIAMED.

2.3.6 The Commission merely adjusts existing technical measures, making them more restrictive, without providing for possible innovative alternatives by exploring more selective mechanisms.

## 2.4 Negative aspects of the proposal for a regulation

Of the eleven chapters of the regulation, those displaying negative aspects are analysed first.

2.4.1 With regard to Chapter IV, restrictions concerning fishing gears, the EESC would point out the following:

2.4.1.1 The wording of the articles is ambiguous and confused and leaves the door open to exceptions which could once again cause the measures to fail by not reflecting a true common fisheries policy. The EESC considers that the articles should be more clearly worded and exceptions eliminated, pending measures harmonised in the European Union and capable of harmonisation with non-EU countries involved in fishing in the Mediterranean.

2.4.1.2 The definition of the various kinds of fishing gear is confused. The areas regulated in accordance with international standards, e.g. the FAO's 1980 ISCFG,<sup>(9)</sup> should be defined, at least distinguishing towed gears and encircling nets from smaller gear. Similarly, the various towed nets should be regulated separately so that the general measures provided for trawl nets do not affect others, such as seines, which are local in character.

2.4.1.3 The document does not include drift nets among prohibited fishing gear and practices. The Committee considers that drift nets, especially those designed for catching highly migratory species, should be specifically included in the list of prohibited fishing gear.

<sup>(7)</sup> OJ C 133, 6.6.2003

<sup>(8)</sup> General Fisheries Commission for the Mediterranean

<sup>(9)</sup> International Standard Classification Fishing Gears.

2.4.1.4 With regard to minimum mesh sizes, the proposals are not based on reliable scientific studies and the practical application of the Commission proposals could mean the disappearance of numerous fishing-sector firms and jobs, as activities would cease to be profitable. For this reason, the EESC suggests that, before any firm decision is taken on minimum mesh sizes, the Commission should step up scientific research to improve our knowledge of the kind of materials to be used in order to test their selectivity, thus enabling fishing activity to continue in the future.

2.4.1.5 The minimum size of hooks used to catch voracious red sea bream is unjustified. Existing scientific data, which are a result of tests of hook selectivity in relation to the mature size of the species, prompt the EESC to recommend that hook size be set at 3.95 cm in length and less than 1.65 cm in width. On the other hand, in the case of bottom and surface-set longlines, the total number of hooks should be limited in line with the total length of the gear. Thus, the former should be limited to 3,000 hooks and the latter, depending on whether swordfish or other species are being caught, should be limited to 2,000 and 10,000 hooks respectively.

2.4.1.6 With regard to the minimum distances and depths for the use of fishing gear proposed by the Commission, the EESC considers that the wording of the article is once again ambiguous and that it leads to confusion. Application of the Commission's proposals would undoubtedly lead to the disappearance of the shellfish industry from the greater part of the Mediterranean seaboard. The Committee considers that limiting fishing activity on the basis of minimum distance from the coast could have detrimental effects as a result of the uneven shape of the continental shelf in the Mediterranean. For this reason, the EESC is in favour of limiting fishing activity on the basis of minimum depth. The Committee therefore proposes that, in the case of towed gear, fishing be prohibited within the 50 metres isobath and, in the case of encircling nets, within the 35 metres isobath.

2.4.2 With regard to Chapter V, minimum sizes of marine organisms and artificial restocking, the EESC would make the following comments:

2.4.2.1 The European Commission cites no scientific arguments to justify the sizes proposed. In some cases, such as that of hake, the proposal to reduce the size from 20 to 15 cm is both inconsistent and indefensible from the biological, scientific or economic point of view. In other cases, such as that of swordfish, the Commission proposes a size, although ICCAT<sup>(10)</sup> has not yet made any recommendation. In other cases, such as that of clams, the Commission has decided to eliminate the minimum size without taking account of the serious effects which this could have on the market.

2.4.2.2 The EESC considers that allowing catches of fries of sardine exceptionally is a biologically inappropriate measure, a

bad precedent and out of line with the general increase in minimum sizes.

2.4.3. The measures for highly migratory species proposed in Chapter IX do not have a sufficient scientific basis for adoption. As these are management methods which affect international resources regulated by ICCAT, the EESC considers that they should be regulated by this organisation through its recommendations. ICCAT makes no specific recommendation for Mediterranean swordfish, so that the Commission's proposals for a minimum size for longline hooks, a four-month moratorium on fishing with pelagic longliners and a minimum size for swordfish should be rejected. If these recommendations were adopted, they would spell the end for the fishing with longlines based on these species.

## *2.5 Positive aspects of the proposal for a regulation still leaving room for improvement*

2.5.1 Chapter II deals with protected species and habitats, prohibiting fishing above beds of seagrass (*posidonia oceanica*) or other marine phanerogams. The EESC welcomes this, but considers that coral or maerl beds should also be included.

2.5.2 Protected areas, both national and Community, are dealt with in Chapter III. The Committee approves the establishment of an instrument to protect juvenile and spawning stock.

2.5.3 The EESC agrees that there is a need to regulate non-commercial or recreational fishing, as the Commission does in Chapter VI of the proposal. However, it considers that the use of bottom-set longlines should be prohibited and that all the EU Member States should be required to have licensing systems which would make it possible to assess the real scale of these activities. On the other hand, the proposal prohibits the marketing of catches of marine organisms resulting from leisure fisheries. The Committee considers that the marketing of fish products deriving from sporting contests should be allowed on an exceptional basis, providing that the proceeds of such sales are used for non-commercial purposes in order to prevent concealed trade and facilitate health checks.

2.5.4 Chapter VII deals with national and Community management plans. The EESC considers that the management plans can be a useful instrument which, combining the management of fishing activities with specific technical measures, can be geared to the specific characteristics of a large number of Mediterranean fisheries. However, the Committee would draw attention to the danger of the management plans being used to derogate from the general provisions of the regulation. The proposal should therefore stipulate that any management measures contemplated must be more restrictive than the regulation's provisions. It should thus be made clear that the management plans may not include any measures which are less restrictive than the provisions of the draft regulation with regard to selectivity, discarding and fishing activity.

<sup>(10)</sup> ICCAT: International Commission for the Conservation of Atlantic Tuna:

2.5.5 The EESC considers the control measures laid down in Chapter VIII to be necessary but that catches made using bottom-set longlines and gillnets should be included among those which may be landed and marketed for the first time only at ports designated by the Member States. Similarly, the requirement that amounts greater than 10 kg of live-weight equivalent of certain species be recorded in the logbook could be a source of unnecessary administrative work. The Committee therefore proposes that, in the case of vessels based in ports where catches are immediately registered with the competent authorities, market sales receipts be deemed equivalent to entries in the log book, with the requirement for the latter thus being eliminated.

2.6 The EESC will not assess the content of Chapter X, measures for the waters around Malta, as these are provisions

implementing agreements enshrined in the 2003 Maltese Accession Treaty.

### 3. Conclusion

3.1 In view of the above and of the general opposition to the proposal from fishermen in the EU's four Mediterranean states, the EESC proposes that the Commission withdraw the proposal.

3.2 In view of its concern that effective management methods be put in place as soon as possible to ensure sustainable exploitation of fishery resources in the Mediterranean, the EESC calls on the Commission to reformulate its proposal for a Regulation without delay, taking into account the comments contained in this opinion.

Brussels, 26 February 2004.

*The President*  
*of the European Economic and Social*  
*Committee*  
Roger BRIESCH

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