

A CONTRIBUTION FROM



**TO THE DEBATE ON THE
APPLICATION OF MANAGEMENT
MEASURES TO
MEDITERRANEAN FISHERIES**

November 2004

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Oceana's comments on the Commission's proposals to create fisheries regulation in the Mediterranean zone

At Oceana we take a very positive view of the efforts being made by the Fisheries Directorate-General and the European Commission to establish criteria of sustainability in Mediterranean fisheries in accordance with the recently-passed new EU Common Fisheries Policy.

At the same time, we believe that many of the Commission's proposals, which on occasion do not have a scientific basis but are more closely geared towards trying to achieve a minimum common denominator that is capable of establishing acceptable criteria for all the stakeholders involved, even when not regarded as "biologically acceptable", do conform to an intelligent strategy in trying to channel the problems and lay the foundations to building the path towards improving Mediterranean fisheries.

Many of the "sacrifices" being proposed by the Commission are difficult to accept from a technical, scientific and conservationist point of view, as on occasion they entail "legalising" the constant violations to current legislation in order to integrate them within a plan that allows resource management to be brought into line in the future.

Thus despite the fact that certain measures may entail a significant setback, a step backwards, or even putting the biological viability of certain species at risk, at Oceana we are prepared to accept the valiant mission being proposed by the Commission to try to find viable solutions to an environmental, economic and social problem of this scale, if, indeed, these measures are truly geared towards achieving an effective and plausible agenda that will guide us on the right road. In other words, we are willing to consider short-term sacrifices if these are going to bring about evident benefits in the medium and long term.

In the text that appears below, our intention is to express Oceana's initial standpoint, which is totally open to discussion and to finding solutions, in which not only do we articulate our agreements and discrepancies with the Commission's proposals, but also put forward alternative solutions that we hope will be taken into consideration.

We believe there is a need for the essence of this plan, or compilation of measures for the management of Mediterranean fisheries, to clearly indicate that the objective is to achieve sustainable management of resources and recover the dynamic and biocenosis of the different ecosystems and marine habitats, including their species, populations, etc.

It would also be important for all exceptions to be clearly indicated, always within a management plan and as part of the catch quotas. As indicated in article 17, no plan for managing, protecting or creating closed zones should be set in stone, but should rather be at the service of scientific advances, a principle which is entirely applicable to the other articles and proposals.

It would be of equal interest to mention that this strategy is aimed at species both with and without commercial value so that within the established deadlines they can achieve replenishment of at least 75% of their biomass, including populations, age blocks, etc. This request may not be an “initial or main objective” at this stage of negotiations, but it should be included as a target objective when reviewing compliance with the present directive within five years.

Detailed below are our comments on both the proposal for a Council Regulation COM(2003)589 and the text resulting from the meeting with the different stakeholders involved on 1 October 2004.

On the Regulation proposal of the Commission:

Article 3) Protected species

- We believe it is necessary to add to point (1) the BARCOM lists, with regard to the SPAMI agreement (annexes II and III), which include more species than those detailed in annex IV of the EU Habitats Directive, as the member states are also part of this agreement.
- The species listed in other annexes should also be included, whether of the Habitats Directive or other international agreements to which the EU is a signatory, in a third section which states the obligatory nature of reporting on their capture

Article 4) Protected habitats

- We believe the reference to both *Posidonia oceanica* and “other marine phanerogams” is a very positive one, and we urge the Commission to maintain the text just as it is in their proposal
- We are very pleased that the text drawn up following the meeting with the stakeholders involved has taken into account some of the proposals made by Oceana last year to the various European institutions with regard to the inclusion of other vulnerable habitats. However, we believe that there should be a more generic reference to all biogenic reefs, and a specific reference to ecosystems with a high ecological value, such as coralline algae, maërl beds, deep-sea corals, mollusc beds (Vermetidae, Mytilidae) and kelp forests.
- The door should be left open for the inclusion of other habitats/ecosystems of high ecological value discovered by scientific research that are vulnerable to physical destruction from the use of trawling or other fishing gear.

Article 5) Protected areas

- It would be expedient to define the different types of oceanic sea beds and ecosystems and the need for protected representation, as is the case with protected spaces on land, including the denigrated sandy and muddy sea beds, which also fulfil a role in the marine ecosystem.

- Equally, seamounts and other geological features should be given special treatment.

Article 6) National protected areas

- In collaboration with the Barcelona Convention, the EU should safeguard the designation and defence of national protected areas, such as those included in the SPAMI agreement.
- It would be useful to create a multidisciplinary group to evaluate the expedience of creating broader protection zones in which human impacts and activities could gradually be limited, to include the creation of “buffer” or transit zones which may not appear to merit such protection in terms of their biological wealth but whose role in biocenosis or the ecological dynamic make this advisable.

Article 7) Prohibited fishing gear and practices

- We agree with the Commission, with the option of including other techniques and apparatus if this is recommended by scientific research.
- It would be expedient to include a clarifying note indicating the impossibility of including new methods, techniques, tackle or practices if they are not preceded by a positive study on their environmental impact.

Article 8) Minimum mesh sizes

- With regard to towed nets, we recommend upholding the Commission’s proposal.
- With regard to pelagic trawling: as mentioned further on, it would be expedient to prepare evaluation plans on its viability.

Article 9) Minimum hook size

- We have no comments on this article as yet

Article 10) Attachments to and rigging of trawl nets

- We have no comments on this article as yet

Article 11) Dimensions of fishing gears

- We have no comments on this article as yet

Article 12) Minimum distances and depths

- In point (1) on hydraulic dredges, it should be noted that they can be authorised for use in this area (1.5 miles) so long as they can provide scientific evidence that proves that their use does not cause significant damage to the marine environment or vulnerable species.

- Not just the total live weight of the catch should be taken into account, but scales should be established that limit the capture or impact on species included in the annexes of the Habitats Directive or the SPAMI.

Article 13) Minimum size of marine organisms

- It is very positive that the need for all exceptions to the rule to be encompassed within a management plan is always mentioned. And wherever possible, with the aim of ensuring that these exceptions gradually disappear with time.

Article 14) Artificial restocking

- The catches of organisms smaller than the authorised size should be integrated in a management plan and as part of the total TACs.

Article 15) Leisure fisheries

- OK

Article 16) Community-level management plans

- OK

Article 17) Management plans for certain fisheries

- In point (4) there should be a paragraph that deals explicitly with reducing accidental catches and other harmful effects on vulnerable species.
- The temporary closure of fisheries or zones when not only the volume of accidental catches exceeds a set limit but also when the impact (whether accidental catches or other) on vulnerable species is endangering the conservation, recovery or normal dynamic of these species, habitats or ecosystems.

Article 18) Catch of target species

- Once again, there is no reference to sensitive species

Article 19) Transshipment

- OK

Article 20) Designated ports

- OK

Article 21) Monitoring of catches

- Either in this point or in a concurrent regulation, the obligatory nature of recording accidental catches should begin to be incorporated, especially in the case of species included in the annexes of European laws and directives or international agreements to which the EU is a signatory.

Article 22) Restrictions on the use of certain types of vessels and gears

- The first point should include any type of net, from gillnets to driftnets, regardless of their name or whether they are anchored or not, either to the sea bed or to a boat
- With regard to elasmobranchs, and particularly sharks, a complementary programme should be set up that addresses the FAO's International Plan of Action (IPOA-Sharks) and prohibits or limits the catches of vulnerable species such as the basking shark (*Cetorhinus maximus*), the great white shark (*Carcharodon carcharias*), etc.
- Point (3) establishes a closed season for the swordfish fishery which is not backed up by scientific studies but by labour dictates. It is well known that the most appropriate closed seasons for this species (and in general to reduce the environmental impact on this fishery) do not correspond to the dates proposed by the Commission. Indeed, there is already a "de facto" closed season as a result of the small number of longlining vessels working during this time due to reduced yields and rough seas. The Commission should establish a programme for optimising this fishery. Oceana is attaching an annex detailing its contributions towards finding methods for improving this fishery.

Article 23) Minimum size

- The minimum size proposals for swordfish are totally unacceptable from a scientific and good fisheries management point of view. It is well known that Atlantic swordfish do not breed until they reach a size bigger than what is established as acceptable for their commercialisation, and the same applies to the stock in the Mediterranean, so this would encourage the fishing of immature fish and make it impossible to recover the stock
- As mentioned in the introduction to this document, this type of measure can only ever be acceptable if encompassed within a management plan for the future geared towards progressively eliminating catches of immature fish. This is something that is lacking in this article.

Article 24) The Maltese management zone

- By way of advice, we recommend reducing trawling within the Maltese zone to the point of elimination.

Article 25) Dolphin fishery

- OK

Articles 26 to 30) Final Provisions

- OK

NOTE:

Other articles that we, at Oceana, feel are lacking are:

- 1) The obligatory nature of management plans and TACs
- 2) On-board observers programme
- 3)

Comments on the annexes:

ANNEX III – Minimum sizes

- Plan to increase minimum sizes until reaching a L50 at the very least.
- Five-year plan:
 - o The sizes for Engraulidae and Clupeidae are fairly well established. In this case, the advisability or not of increasing the minimum size should be looked at in five years.
 - o Sparidae are also fairly well regulated, although for many species it would be advisable to increase the minimum size:
 - *Diplodus puntazzo*, *D. vulgaris* and *Pagrus pagrus*, to 20-25 cm.
 - *Sparus aurata* to 25-30 cm.
 - *Pagellus erythrinus* and *P. acarne*, to 18-20 cm.
 - o The minimum size for Serranidae and Polyprionidae should be increased to 60 cm.
 - o The minimum size of Mullidae should be set at 14-15 cm. (we particularly need to bear in mind that *Mullus surmuletus* matures later, so the minimum size for both species could be differentiated, although we recommend maintaining the same size to facilitate its management).
 - o The minimum size for Moronidae should also be increased in order for *Dicentrarchus labrax* to have a minimum of 30 cm.
 - o The size for *Solea vulgaris* is pretty much in accordance with its mature size, although it would be advisable to work on setting it at 30 cm.
 - o In the case of Carangidae, species from the *Trachurus* genus should have their minimum size increased to at least 20 cm.
 - o And for Scombridae (*Scomber spp.*), the minimum size should be set at 25-30 cm.
 - o In the case of hake (*Merluccius merluccius*), the minimum size being proposed is the most unacceptable of all. Under no circumstances should there be a reduction in the minimum size of 20 cm. currently established for the Mediterranean. The Recovery Plan for this species should set itself the target of establishing a minimum size of 30 cm. within 5 years and 35-40 cm. within 10 years.

Oceana's rejection of this proposal is due to the critical state of this resource which could well be considered for a moratorium or very strict measures to prevent its collapse.

Views on the document drawn up by the Commission following its meeting with the different stakeholders involved

Point (3) Protected species and habitats

As mentioned above, protection for all species of marine phanerogams should be maintained, and other biogenic reefs should be included as well as the species appearing in the annexes of the Habitats Directive, the Barcelona Convention (with a special emphasis on SPAMI) and other international conventions.

We totally agree with prohibiting the exploitation of bivalves such as *Litophaga litophaga* and *Pholas dactylus*

With regard to the prohibition of trawling below 1,000 metres: as stated by the Commission, at the present time there is no fishery operating at these depths, but a precautionary action of this type would be welcome. On the other hand, given the special characteristics of deep sea beds and the species that inhabit them, the Commission should establish a working group in order to draw up a concurrent plan for deep-sea fisheries, including the prohibition of commercial catches for those species that are unable to withstand commercial exploitation (i.e. *Hoplostethus spp.*).

It is also recommended that the marine cartography of the Mediterranean sea establishes protection zones against bottom trawling and other fishing techniques that can impact on seamounts, underwater volcanoes and canyons and other geological features of major interest.

Point (4) Protected areas

A working group needs to be set up to establish protected areas, expand existing ones, create buffer zones, etc., with a special emphasis on areas of reproduction, breeding, feeding, transit, etc., and to evaluate the possibility of creating the entity of “critical habitat or area of fishery interest”.

We agree with the continual process.

Point (5) Restrictions concerning fishing gear

In 5.1

- OK
- Immediate prohibition of rock-hopping equipment and similar artefacts

In 5.2

- Maintain the proposals in the case of trawlers, as the damage caused by this fleet is unacceptable.
- Prevent the “reduction” of discards being camouflaged by the practice of commercialising by-catches. The aim should be to increase selectivity.
- It is well-known that diamond-shaped nets do not solve any problems and that, in general, their selectivity is lower than square-shaped meshes (with some exceptions). These measures should be combined with the

protection of breeding grounds. Meanwhile, it is necessary to evaluate the ecological, economic and social viability of bottom trawling.

- Long-term plans should only be accepted when they are the only option for achieving the proposed objectives and they do not put the status of commercial stocks and other species at serious risk. The possibility of delaying the increase in mesh sizes from going into effect should therefore be given very careful attention.
- Analyzing the viability of pelagic trawling, especially when there are alternative methods with a lower impact that might be affected. Prohibition of weights and chains in pelagic trawling and closure of zones with a high level of accidental catches. In addition, an on-board observers programme needs to be implemented to compile scientific information that will enable these fisheries to be properly managed.
- In agreement with the case of fixed nets; the proposal of the sector to increase mesh sizes is very positive.
- With regard to hake, please see the comments made earlier.

In 5.3

- As detailed in the attached annex on the swordfish fishery, in the case of *Pagellus bagaraveo*, studies should be undertaken to improve the selectivity of hooks, including: a) time that lines are set and retrieved; b) season and zone; c) depth; y d) size and shape of hooks.

In 5.5

- Prohibition of pair trawling
- Prohibition of trawl nets with wide vertical openings
- Restrictions on engine power and GRT

In 5.6

- With regard to hydraulic dredges, see previous comments on the need for an impact study.
- With regard to trawlers, we agree with eliminating all derogations or special permits.
- Exceptions should not be accepted until protected areas have been established, including sandy and muddy sea beds. In any event, all of them should be encompassed within a plan for progressive elimination.

In point (6) Other species

- With regard to 6.1, we maintain the view given above on hake
- With regard to 6.2, see objections in Annex III
- In agreement with 6.3
- With regard to 6.4, we agree with the Commission, but catches of young sardines need to be included in TACs
- In agreement with 6.5

Points (7) and (8) Leisure fishing and management plans

- No comments, except those given above on minimum sizes and those mentioned by the Commission and the CFP, as well as international agreements (IPOA, CITES, BARCOM, etc.)

Point (9) Control measures

- In agreement with 9.1
- In agreement with 9.2

Point (10) Measures for highly migratory species

- Collaboration with ICCAT to establish a swordfish recovery plan. But according to the Commission, in the event that ICCAT does not adopt effective measures, the EU should put its own plan into action.
- Totally in agreement with 10.1.1
- With regard to 10.1.2, see swordfish recovery plan
- Ditto 10.1.3
- With regard to 10.2, we should not reduce the acceptable size. There is no scientific justification for this and it endangers the status of the stock.

ANNEX I

SWORDFISH FISHERIES IN THE MEDITERRANEAN

According to information from the ICCAT and the GFCM, the main fishing techniques carried out in the Mediterranean for catching swordfish are superficial longlining and driftnetting, with some catches by means of other techniques, such as harpooning or various fixed nets¹.

As has been recognised by different scientific forums, the majority of catches made in the Mediterranean correspond to young species with an LJFL of less than 1.2 metres². This is due to the overexploitation of the stock, but also to the fact that most of the fishing effort takes place in the superficial layers of the sea in the thermocline which, as is well known, is mainly used by young fish, while the adults prefer deeper waters³.

The different methods of increasing the selectivity of fishing gear for catching swordfish need to take into account: a) the size of the hook; b) the depth at which the fishing effort takes place; and c) the season of the year and the time of day that fishing takes place.

These factors, amongst others, must therefore be taken into consideration when it comes to improving swordfish yields.

As a result of our work, and our experience of over a decade of studies on board longliners in the Mediterranean, we have been able to confirm that improving the selectivity of fisheries can also have a significant effect on reducing the catches of accessory species, or accidental catches, such as sea turtles and rays⁴.

It is obvious that during the first few years it will also be necessary to reduce the quota of catches of this species in the Mediterranean in order to allow it to recover and to bring fisheries in line with the resource.

For all the above reasons, we are putting forward the following five-year plan:

- 2005-2008: Study on the selectivity of fishing gear

A three-year scientific study should be carried out in order to establish the effectiveness of the following measures:

- o Increase in hook size (to 1)
 - o Greater depth of casting fishing gear
 - o Improvements in retrieving the gear to reduce hours of daylight in the water
 - o Use of circular hooks to reduce accidental catches
 - o Evaluating the possibility of establishing closed seasons or prohibited zones
- 2005-2010: Plan for replenishing swordfish stock
 - o Establishment of catch quotas that bring the fishing effort into line with the resource
 - 2005: 12,000 tonnes
 - 2006: 11,000 tonnes
 - 2007: 10,000 tonnes
 - 2008: 11,000 tonnes

- 2009: 12,000 tonnes
 - 2010: 13-15,000 tonnes
- 2009-2010: Implementation of measures to reduce the catches of juveniles and accidental catches
 - If the studies are positive and the current results are corroborated:
 - Limit the number of hooks
 - Increase the size of hooks
 - Make the use of rounded hooks mandatory
 - Develop systems to speed up the retrieval of longlines to prevent them being in the water during daylight hours
 - Establish minimum distances from the coast and minimum depths below the thermocline.
- 2005-2010: Establishment of a minimum size based on scientific knowledge of the maturity of this species, allowing a margin of error to ensure reproduction rates and replenishment of the species as well as regeneration of the fish stock, to include all kinds of age blocks.
 - 2005: 1.2 m LJFL
 - 2006: 1.3 m LJFL
 - 2007: 1.4 m LJFL
 - 2008: 1.4 m LJFL
 - 2008: 1.5 m LJFL
 - 2009: 1.6 m LJFL

In the Atlantic, it is estimated that fish are mature at the age of five, while in the Mediterranean maturity would appear to be slightly more advanced⁵ (with a length of 142 cm in the case of female fish⁶ as opposed to the 158 cm in Atlantic fish).

All these measures should be complemented by the total prohibition of the use of any kind of drift net for catching large pelagic species.

¹ ICCAT (2003). Swordfish. Report 2002-2003. International Commission for the Conservation of Atlantic Tunas. Madrid, Spain.

² ICCAT (2003). Swordfish. Report 2002-2003. International Commission for the Conservation of Atlantic Tunas. Madrid, Spain; Ward, P & S. Elscot (2000). Broadbill swordfish: Status of world fisheries. Bureau of Rural Sciences, Canberra.

³ Ver, por ejemplo: ICCAT (2004). 2003 ICCAT MEDITERRANEAN SWORDFISH STOCK ASSESSMENT SESSION. SCRS/2003/015 Col. Vol. Sci. Pap. ICCAT, 56(3): 789-837 (2004), Madrid, Spain, 26-29 May 2003; Takahashi M., Okamura H., Yokawa K. & M. Okazaki (2003). Swimming behaviour and migration of a swordfish recorded by an archival tag *Marine and Freshwater Research* 54(4) 527 – 534, 19 August 2003.

⁴ Muchos de estos datos están recogidos en: Aguilar, R., Mas, J. & X. Pastor (1992). Impact of Spanish swordfish longline fisheries on the loggerhead sea turtle *Caretta caretta* population in the Western Mediterranean. 12th Annual Workshop on Sea Turtle Biology and Conservation. Jeckill Island, GA (USA); Aguilar R., Mas J. & X Pastor (1993). Las tortugas marinas y la pesca con palangre de superficie en el Mediterráneo. Greenpeace Internacional. Proyecto Mediterráneo. Palma de Mallorca. Islas Baleares. Agosto 1993.

⁵ ICCAT (2002). Report of the Standing Committee on Research and Statistics (SCRS). International Commission for the Conservation of Atlantic Tunas. Madrid, Spain.

⁶ de la Serna, J.M., Ortiz de Urbina J.M., & D. Macias (1996). Observations on sex ratio, maturity and fecundity by length-class for swordfish (*Xiphias gladius*) captured with surface longline in the Western Mediterranean. Int. Comm. Conserv. Atl. Tunas, Coll. Vol. Sci. Pap., vol. 45(1): 115–139.