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Delegations will find attached written comments by the Spanish and Croatian delegations on the above-mentioned document.



**COMMENTS OF SPAIN ON COMMISSION NON PAPER ABOUT FISHING
POSSIBILITIES FOR 2022 IN MEDITERRANEAN SEA (updating Document
COM (2021) 548 Final)**

Spain has been waiting with big expectation the concrete proposal for fishing days in Mediterranean Sea in 2022 and our first comment is to express our deep frustration and disappointment with the proposal. Even, according to previous informal messages from the Commission, some of the ideas collected in its proposal had already been previously pointed in non-formal way these last previous months.

With this proposal the Commission seems to keep in the aim of pushing forward in the same and limited tool of the fishing effort regime to get the objective of MSY in 2025, apparently not only listening to the industry's complains and Member States suggestions and efforts, but also scientific statements.

Common Fisheries Policy states that the decisions should be based on the best scientific available and, firstly, it is very remarkable that the STECF final report of the EWG 21-11 on stock assessments in the Western Mediterranean is, apparently, not available yet. However, in this sense Spain keeps recognizing, as we have always done, that situation of main fishing stocks in the Mediterranean need actions to approach them to a sustainable fishing pattern. But the main way chosen, reduction of the effort regime, raises doubts in STECF reports.

So, the last one, EWG-21-13, states in page 12 and 13 the following about regime effort: *"STECF observes that **most of the updated F-E relations still show no relationship between fishing effort and fishing mortality** (time series 2015-2020). Some relationships show a negative slope, so that larger effort corresponded to lower fishing mortality in the historical time series and differ largely from the regressions that are forced through the origin (assuming that zero effort implies zero fishing mortality). For those stocks where a meaningful and significant relationship was observed, it is important to note that single data points seem to be driving the trend. This implies that, **as already stated in the EWG 20-13 report, future reductions in effort expressed as fishing days will likely not translate into equivalent reductions in fishing mortality (hyperstability), and it might take some years before significant reductions in fishing mortality are observed.**"* And later, in page 35 we read: *"a major concern regarding the management of mixed demersal fisheries by effort limits is the **uncertain relationship between fishing effort and fishing mortality, which implies that a reduction of fishing effort in terms of e.g. days at sea will likely not translate into an equivalent reduction of fishing mortality (an effect referred to as "hyperstability"). The main reasons for this are well documented by previous working groups.**"*



Commission knows, and it's already asked to Member States for its implementation, that there are any other measures to get the goal, as closures areas or selectivity improvement, whose implementation has started. But management measures in fisheries are not an on/off switch bottom, on the contrary, time is needed both to put them in place and to check their results by the corresponding scientific assessment.

Regarding closure areas STEFC points in its 67th Plenary report PLEN-21-02 of last summer (page 32) that ***“spatial and temporal closures alone may not contribute to achieving the objectives of the plan since they may not reduce the overall fishing pressure but merely lead to effort displacement toward other fishing grounds, in an attempt for fishers to maintain stable catches levels on the targeted species (as anticipated by the simulation study), and possibly toward other gears, other species and other habitats.”***

Both elements, effort regime and closures, appear in the Regulation (UE) 1022/2019 as the main tools to get the aim and the objectives. But STEFC reports, up to this date the best scientific information available, raise doubts about the appropriateness of both measures. The question isn't that both instruments are not valid, they are, but further studies and analysis about the way to implement them are needed. But in the meantime, Commission appears to choose the option of keep moving forward, especially with the effort regime, as we have already pointed at the beginning of these comments.

Mentioned Regulation (UE) 1022/2019 specifies in its article 13 the possibility of approving some specific conservation measures, as between others specifications of characteristics of fishing gear to ensure or improve selectivity, to reduce unwanted catches or to minimise the negative impact on the ecosystem. In this sense we would like to see back to the mentioned STEFC 67th Plenary report PLEN-21-02 that in its page 32 clearly states that ***“a considerable reduction in juvenile catches ranging from 43.9% (hake) to 63.8% (deep-water rose shrimp) could be obtained by increasing the selectivity by adopting 45 mm and 50 mm square mesh codends compared to the codend in use by the trawl fleets (40 mm square mesh)”***.

With all this previous considerations we believe that Commission proposal does not have in mind collateral elements that, not only can be an alternative to the regime effort, but also have the positive input of scientific reports and deserve, on one side, to be considered, and on the other side, once that at least Spain has showed its firm willing of moving forward in this way, the needed time to check the eventual positive results. Much more if we considered the doubts raised by STEFC about the potential benefits of the effort regime itself. In this sense we want to point once again that new closure areas under article 11.3 are in the



procedure to be published and legally adopted under national Spanish regulation probably at the end of this month after compulsory internal proceeding rules. And regarding selectivity, Spain has been working very hard during the 2nd half of this years in trials to prove the effectiveness of mesh size of 45 mm for coastal fishery and 50 mm for deep-fishery (blue and red shrimp), carried out along the Spanish coast with several commercial vessels and observers on board, with the view to its implementation in national regulation once these assays are ended.

In relation with this issue of the improveness of selectivity we would like also to make a special remark on another issue of the very most importance that is the socioeconomic aspect. In this sense, selectivity could be a good alternative to underpin the socioeconomic pillar on the Fisheries Common Policy. The last EWG 21-13 STECF report reinforce this approach as it is stated in page 16: *“STECF concludes though that all scenarios tested with mixed fisheries models predict, as in previous years, some worsening of the economic performance of the fleets during the first years of implementation. [...]Nevertheless, STECF concludes that according to the simulation results, **an improvement in selectivity would significantly improve the status of several (stocks) with only limited negative economic impacts during the simulation period (2021-2025)**”.*

Moving on to the concrete proposals, we want to raise the following comments. The establishment of a new effort regime for longliners, whose catches in Spain of hake and red mullet are less of 10% of the total catches of these species in Mediterranean basin, doesn't have any justification as such level of catches are not significant, being this one of the reasons that Regulation (UE) 1241/2019 points in its article 7.5 to extend the effort regime to other gears: *“where the best available scientific advice shows significant catches of a particular stock with fishing gear other than trawls, maximum allowable fishing effort may be set for such particular gear on the basis of such scientific advice”*. In Spain there are many artisanal vessels that at some time of the year can potentially use, between other gears, small long liners. So this new effort regime would pose a significant complexity to the management, added to the already very difficult one linked to the trawlers fleet. And another comment on this is that we don't know the origin of calculations to get to the figures that are in the proposal.

Regarding the TAC proposal for blue and red shrimp, we want to recall again STEFC report EWG-21-13, that in its page 173 points that: *“However, the Commission highlighted that where scientific advice shows that the fishing effort regime is not sufficient to meet the objectives or targets, management measures based on total allowable catches (TAC) should be introduced in order to complement the effort regime. A fishing effort regime intends to regulate fishing effort, while a TAC regime intends to regulate catches. But in both cases, the ultimate objective is not effort or catch, but to obtain and maintain a fishing mortality F which is in line with a given objective, typically F_{msy} . However, F*



cannot be measured and controlled directly, so regulating effort and catches are thus only an indirect manner to regulate fishing mortality, assuming that there is some linkages between the two." But there are any other passages in the same report that question the suitability of the TAC:

- *"STECF notes thus that especially the results from an implementation of a TAC should be taken with caution as this is the first time this instrument is considered; the results are very preliminary. STECF observes that if scenarios based on TAC will be pursued in the future, proper discussions on how to implement these scenarios should be performed prior to the next EWG, also in order to apply them consistently across models to the extent possible."* (page 14)
- *"STECF notes that the implementation of the TAC scenarios is still preliminary and simplistic in the IAM simulations".* (page 14)
- *"STECF concludes that additional intersessional work is needed before the EWG next year, to improve the modelling of TACs scenarios."* (page 16)

When STEFC has clearly stated the lack of relationship between effort regime and reduction in f , Commission goes beyond joining to the first one the second mechanism. What's more, both could be mutually excluding as there is no point for fishermen in having fishing days if there is no quota, or in the opposite, have quota available if there aren't any more fishing days available.

Finally we consider that the legal basis of the TAC is fully questionable under the multiannual plan as it is not considered, at any article, along the Regulation (UE) 2019/1022.

In relation with the level of fishing effort regime proposed for trawlers in 2022, Spain obviously rejects any additional decrease as proposed by COM, of a new 7,5% to be accumulated to the already carried out, also for mentioned reasons above (such as the lack of a direct correlation with fishing mortality). Over 20.000 fishing days have been already reduced to Spanish fishing industry, 17,5%, in 2021 respect to 2015-2017. But, in practice, joining 2020 final use of the allocated fishing days and the foreseen in 2021, in only two years more than 50.000 fishing days have been not carried out by the current number of Spanish trawlers in the Mediterranean. This enormous effort by the fishing industry is not being recognized. Together with the established closures, it has created a totally new scenario for its management in a very short time, which still needs adaptation by the fleet, also taking account that the effects of COVID pandemic are unfortunately present as well.

As a final comment, the measures proposed would have a deep social, economic and employment impacts, a dimension that is included in the objectives of Common Fisheries Policy unavoidable pillars of the sustainability. An aspect, the



socio economic impact, that Commission seems to consider only under the perspective of the use of European Maritime Fisheries and Aquaculture Fund for the cessation of fishing activities, both temporary or permanent. For this last one, any vessel removed implies the immediate cease of employments on board and in the end, when many vessels finish their fishing activity, the losses of employment are consequent in land, in auctions and local markets, something that due to the economic structure in the Spanish Mediterranean coast are very linked. We would like to point again that bottom trawlers are the backbone of the Spanish fishing industry in the Mediterranean, with a majority of landings and sales in our ports and auctions, and Commission services could see during the recent visits to Spain.

So, as a summary, we reject the proposal because we consider that against the pure reduction on fishing days and new effort regime for new gears, there are valid and scientific proven alternatives, mainly the improvement in selectivity that would have better results in the reduction on fishing mortality than the only application of effort regime, and at the same time, as mentioned before, would have a lesser socioeconomic impact compared with the effort regime scenario proposed.

Madrid, 30th November 2021

Written comments of CROATIA

on the proposal for amendments to Commission Proposal COM (2021) 548 final for a Council Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas.

Croatia would like to express its comments on Article 11 of the Commission proposal, where point (2) is replaced by the following: *“The maximum allowable fishing effort and the maximum fleet capacity for demersal stocks within the scope of this Article are set out in Annex IV.”*

To be in line with the final wording of Recommendation GFCM/44/2021/1 and its paragraph 3., Croatia is proposing a new point (3) as follows: **“A Member state may amend its fishing effort allocation from the Annex IV by transferring fishing days across fishing effort groups of the same geographical area and/or gear, provided that it applies a national conversion factor which is supported by the best available scientific advice.”**

We believe that it is necessary to transpose the full mechanism as it is foreseen by the GFCM Recommendation in order to be consistent and to allow Member states to manage their fishing opportunities in line with provisions of Multiannual plan for demersal species in Adriatic.
