



Submission to Commission's Consultation on the Development of a regulation establishing a multi-annual Plan for the management of the Northern Adriatic small pelagic fisheries

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Introduction

BirdLife Europe welcomes this consultation on the development of a multi-annual plan (MAP) for the management of the Northern Adriatic small pelagic fisheries. BirdLife Europe is a partnership of 48 national conservation organisations and one of six regional secretariats that compose BirdLife International. BirdLife Europe's unique local to global approach enables it to deliver high impact and long-term conservation for the benefit of nature and people. With what concerns marine and fisheries issues, the BirdLife Europe's partnership work is focused on improving the situation for seabirds, including through monitoring and surveying at sea, thus enabling close relationships with fisherman and local authorities as means of implementing needed conservation measures. The scientific knowledge derived from our local work is translated to EU policy issues aiming at improving EU legislation that relates to the environment and biodiversity. The BirdLife Europe partnership has over 4.100 staff members working on nature conservation, we represent more than 2 million members and we own or manage over 6.000 nature sites covering over 320.000 hectares. Our Partners are present in 47 European and Central Asian countries including all EU Member States.

General remarks

We take note of the need for a targeted multiannual plan on small pelagic. However, we feel that the plan should also account for demersal fishing, especially as fishers carry both types of gears on board their vessels and interchange between fisheries. The GFCM database clearly shows this link, where around 70% of fishers registered to fish for demersal fish (using bottom otter trawlers) are also registered to fish for pelagic fish (and carry the gear on-board). Furthermore, some fishers use the same gears (e.g. gillnets) for both demersal and pelagic fisheries by placing it at different trophic levels. Therefore, for some of the responses to the consultation questions, we also highlight the demersal fisheries.

We also welcome that the consultation highlights the need to integrate an ecosystem based approach to fisheries management. However, we regret that other key elements of Article 2 are not also stated at the outset, namely the obligation to apply, respectively, a precautionary approach and the support to other environmental legislations. Therefore, this and other MAPs must also make explicit mention of the need for compliance with the Birds and Habitats Directives (as required by Article 2.5(j) of the CFP).

The assessment of the MAP's efficacy, and need for revision (Article 10.3 of the CFP) and adaptive management, must be evaluated against compliance with all Article 2 elements.

In this regard, we would have expected greater alignment in the Commission's introduction with the Article 10 of the CFP, as well reflected in language of the Communication *Concerning a consultation on Fishing Opportunities for 2015 under the Common Fisheries Policy*¹, namely *'Plans should provide a robust a lasting framework for management, ensuring the sustainability of fisheries with high yields*

¹ COM(2014)338final



for the fishing industry, while taking into account an ecosystem based approach to fisheries management by minimising negative impacts on fishing activities on the marine ecosystem’.

In complying with these obligations under the CFP, the MAP must (i) make it clear that Fmsy is a limit, not a target; (ii) include clear, Article 2.2-compliant biomass reference limits linked to harvest control rules that adjust F according to best available evidence on biomass levels; (iii) set safeguards to ensure that F is reduced when a stock falls below the requisite biomass reference point, with the aim of restoring biomass as soon as possible.

In governance terms, in keeping with Article 18 of the CFP, it is also essential that this MAP endorses a robust regional approach to decision-making. This in turn requires the Commission to facilitate and foster the conditions in which this can happen in a coherent and transparent way, open to the continuing input of NGOs and other stakeholders through the Advisory Council and regional management body.

Furthermore, the elements mentioned above were either missing or were inadequately integrated in the Baltic MAP, as demonstrated by the European Parliament and Agriculture and Fisheries Council in their respective positions and intent in their correction of the Baltic MAP. Therefore the same neglect must not be repeated, and the elements above must clearly be included in the Northern Adriatic Sea MAP.

BirdLife makes the following responses to the Commission’s questions:

Q1. Is the existing legislative framework sufficient to meet the objectives of the CFP in the Northern Adriatic Sea?

The current legislative framework in place for the Northern Adriatic does not sufficiently transpose the objectives of the Common Fisheries Policy (CFP), in particular achieving levels capable of producing maximum sustainable yield by 2015 and the multi-species and ecosystem based approach to fisheries management.

Q2. Does it need to be complemented by an additional fisheries management framework?

BirdLife believes that effective implementation of the CFP requires a new regional EU framework that comprehensively tackles the CFP objectives. Therefore, the new framework should transpose the good practices already in place under the recent GFCM decision and national plans. All measures for the Northern Adriatic, including for demersal fisheries, should sit under one fisheries management plan for the area. Furthermore, having strongly promoted the comprehensive need for long-term management plans ever since our response to the CFP Green paper in 2009, we strongly support that the existing framework is replaced to also ensure that the landing obligation is properly implemented.

Q3. Would amendments to the abovementioned existing plans (national and GFCM) suffice to accommodate the objectives of the new CFP in the Northern Adriatic Sea?



As stated under Q2, effective implementation of the CFP required a new regional EU framework that will be inefficient if it is foreseen as amendments to the existing plans. Furthermore, as stipulated in the CFP under Article 18 to ensure joint cooperation between the Member States, joint recommendation in accordance with plans need to be adopted by the European Commission as delegated acts. The current existing plans fail to deliver joint and coordinated cooperation for ensuring species are not overfished and that the impact to ecosystems is minimised.

Q4: Do you consider that small pelagic fisheries in the Northern Adriatic would be better managed under a single and consistent EU management framework?

Please justify your answers.

Yes, see answer to Q2 and Q3.

Q5. Do you consider an EU multiannual plan for the small pelagic fisheries in the Northern Adriatic Sea that takes account of interactions between the fisheries, a good approach?

Given the inevitable interactions of exploiting the Northern Adriatic's fishery, involving multiple Member States and métiers, we strongly support the approach of a mixed fisheries multi-annual management plan.

Such an approach in the Adriatic is necessary fulfilment of Article 9.3 of the CFP that MAPs shall cover '*mixed fisheries or where the dynamics of stocks relate to one another, fisheries exploiting several stocks in a relevant geographical area, taking into account knowledge about the interactions between fish stocks, fisheries and marine ecosystems*'.

Moreover, an ecosystem-based approach to managing Northern Adriatic fisheries demands nothing less than a multi-annual mixed fisheries approach if we are to address in a coherent and effective way the relevant trophic and cumulative impacts. In this regard, a mixed fisheries MAP approach is also a prerequisite for delivery of good environmental status across several MSFD descriptors (notably D1, D3, D4, D6).

This coherence also requires an integrated approach of the Adriatic small pelagic fisheries MAP with any other Adriatic MAPs, notably for fisheries on demersal level. Therefore, we also believe that the plan should also manage the demersal fisheries together with the small pelagic fisheries of the Northern Adriatic as the fishers that use pelagic gear, also use demersal gear. In particular the plan should include the gillnet fisheries (e.g. for sea bream, whiting, common Pandora, common sole, mullet, European flounder, and common cuttlefish). This will facilitate the implementation of technical measures by fishers, in which interaction between fisheries and non-target species, such as the Mediterranean Shag, Loggerhead turtles, and Bottlenose dolphins, which are by-caught when using both sets of gears.

Q6. With regard to the list outlined above, which elements should be included in a possible EU multiannual management plan for fisheries in the Northern Adriatic Sea in light of the objectives and challenges of the new CFP?



All of the objectives of the CFP need to also form part of the objectives of EU multiannual management plan. This includes technical measures for this region that ensures that species will not be harvested above the scientific advised catch limit as to ensure that stocks are above levels capable of producing Maximum Sustainable Yield. Furthermore, to meet the CFP objectives, the plan also has to adopt an ecosystem based approach and ensure that technical measures support this integration.

Q7. Do you think that the plan should include elements to ensure that the landing obligation is properly implemented? If yes, which elements do you consider should be introduced, in line with Article 15 of the CFP basic regulation?

Yes, we consider this a necessary and logical response, not only to Article 15.5 of the CFP which requires details of the landing obligation to be specified in multi-annual plans, but also to Article 2 which sets a new high bar for ecologically sustainable fisheries. We therefore believe that no exemptions are justifiable. Furthermore, the landing obligation needs to also be implemented not just for small pelagic fisheries, but also all other species (including those falling under the demersal fisheries) in the Mediterranean as listed under Annex III of Regulation (EC) No 1967/2006.

Nevertheless, we understand that there could be provisions for de minimis exemptions of up to 5 % of total annual catches of all species subject to the landing obligation fisheries for (small pelagic includes mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardine, sprat). As stated under Article 15, the de minimis exemption shall only apply in the following cases:

- where scientific evidence indicates that increases in selectivity are very difficult to achieve; or
- to avoid disproportionate costs of handling unwanted catches, for those fishing gears where unwanted catches per fishing gear do not represent more than a certain percentage, to be established in a plan, of total annual catch of that gear.

Furthermore, all catches under the 5% de minimis exemption shall not be counted against the relevant quotas, all such catches are still to be fully recorded.

Q8. What combination of tools (including public support under the European Maritime and Fisheries Fund) is to be preferred to achieve the environmental objectives of the CFP in the Northern Adriatic Sea minimising at the same time short-term economic and social impacts on the fishing fleet and the coastal communities depending on these fisheries?

In order to achieve the environmental objectives of the CFP, including the coherence with the MSFD, Birds and Habitats Directives, the combination of tools should include:

- Technical measures under fisheries management plans;
- Data collection which aligns with fisheries management and environmental objectives;
- Effective control and enforcement established;
- Support from a financial mechanisms such as the EMFF.

Q9. What combination of tools is to be preferred with a view to minimise administrative burden on fishermen and management costs of fisheries administrations?

Please justify your answers.



In order to minimise administrative burden on fishermen and management costs of fisheries administrations, this MAP will need to also account for demersal fisheries. Fishers in the Northern Adriatic interchange gears for pelagic and demersal, and also use the same gear (at different trophic levels) to fish for both pelagic and demersal. Therefore, it would be highly burdensome for fishermen to have a MAP that only accounts for small pelagic fisheries.

Q10. Which species can be identified as defining the fisheries and which other (secondary) species should also be covered by the plan?

To restrict the scope of the plan to the ‘main’ species and ‘secondary’ species is effectively a false dichotomy in that both main target and by-catch species are subject to Article 2.2 of the CFP, and need to meet the same targets for achieving good environmental status under MSFD measures. In this sense, Article 10 of the CFP on content of MAPs should not discriminate between main target and bycatch species. Moreover, in this regard, ‘bycatch’ applies to both commercial and non-target species including fish and other taxa such as seabirds and marine mammals.

Q11. Which management approach, tools and safeguards could be used for the management of secondary target species under the plan?

See answer to Q10

Q12. Within the timeframe of 2020 at the latest, which deadline do you consider more appropriate for achieving MSY for small pelagic stocks in the Northern Adriatic Sea? And which one more realistic?

The CFP establishes the deadline for achieving MSY as end of 2015, of which at the latest 2020 with justified reason. Therefore, finding another “appropriate” deadline is going against the objectives of the CFP. Therefore, all efforts should be made to achieve MSY by end of 2015, and if not possible with a justifiable reason, Member States should make the effort to do so as closest to this deadline.

Q13. What other possible management measures, not yet applied in the Mediterranean, do you consider more appropriate in view of further limiting catches and/or fishing effort?

Catch limits in the form of Total allowable catches and quotas are not set at EU level as it is done for the Baltic and Atlantic. In the Mediterranean, fisheries are instead managed by limiting fishing effort. However, recent studies have shown that this has not had much of an impact in management of fisheries. Therefore, BirdLife believes that a quota system as is applied for the Atlantic and Baltic in Europe, should also apply for the Mediterranean.

Q14. Which ecosystem-related issues could be considered in the context of the plan, and what measures would be appropriate to minimise these impacts?



The need for the MAP's compliance with the MSFD, the Birds and Habitats Directives and the CFP has already been stressed in previous questions. We regard the mixed fishery MAP and other MAPs as vital delivery mechanisms for the ecosystem objectives of these legislations.

Technical measures need to be incorporated for dealing with environmental objectives includes bycatch species (commercial and non-target) and species of minor importance to fishers. The MAP must specify and define bespoke measures for reducing the capture of minor and by-catch species. Several such measures could be adopted through regionalisation:

- i) Modifications of fishing gear and other mitigation measures to minimise unwanted catches of Endangered, Threatened or Protected (ETP) species such as certain seabirds, sea turtles cetaceans, sharks and rays.
- ii) Restricted or selective use of gears in vulnerable areas (e.g. as proposed in the case of mobile, bottom-contacting gears in the Dogger Bank for the protection of benthic communities)
- iii) Spatial closures/Marine Protected Areas (MPAs), either real-time, seasonal or permanent
- iv) For sharks and rays, best practice in terms of trawl duration, holding tanks and handling protocols to ensure maximum survival for species that must or may be returned to the sea.

A combination of such measures (most of which are specified in Articles 7 and 8 of the CFP) may be required, such as seasonal or real-time closures, specifications on gear type, vessel size or horsepower. If the state of the stocks relative to precautionary/conservation reference points or ranges indicates that additional measures are necessary, there should be an agreed framework in place to facilitate their rapid introduction.

Although ETP species are invoked above, the mixed fisheries MAP must also make provisions for avoiding mortality of any species or habitats protected by the Birds and Habitats Directives. This is a legal requirement under Article 2.5(j) of the CFP which requires the CFP to be coherent with not just the MSFD but with '*Union environmental legislation*' generally.

Furthermore, the interactions of the food web needs to also be taken into account when considering the integration of the ecosystem based approach. For example, the composition of the Mediterranean Shag varies within the North Adriatic region where it includes pelagic fish (such as in the areas around breeding sites) and demersal fish (such as in post-breeding sites of the Gulf of Trieste). Therefore, the diet requirements of the Mediterranean shags could be affected by fishing practices.

The MAP will not be able to incorporate appropriate measures or be responsive to adaptive management without adequate monitoring of bycatch. Bycatch of all vulnerable species (such as seabirds, sea turtles, cetaceans and elasmobranchs) should be recorded in e-logbooks. To make this a legal requirement across all these taxa requires the CFP's Data Collection Framework to be amended to require an ecosystem-based data collection and reporting protocol which extends beyond the current regulation's focus on just monitoring the impacts of fisheries on fish.



Ecosystem based approach to fisheries management also goes well beyond ‘minimising negative impacts’, rather the objective may be explicit *restoration*; for example in the case ‘decreasing human pressure on the habitat as a result of mobile bottom-contacting fishing gear, the aim might be to improve the quality of the habitat, restore the habitat to favourable condition, conservation and restoration of a favourable conservation status of the habitat type including its typical and threatened communities and species.

By the same token, the MSFD requires measures not only to minimise negative impacts but also to, variously, achieve sustainable seabird populations, healthy population structures of fish stocks, healthy food webs (which – in the context of the mixed fishery MAP – may call for protection of low trophic level fish), and sea floor integrity. The mixed fishery MAP must align itself with all of this and contain the appropriate toolkit to do so.

We consider that environmental impact assessment for new fisheries, or existing fisheries in relation to European Marine Sites and other MPAs, needs to be integral to the MAP. For example, in the current state of knowledge, and until conclusive evidence is produced of no adverse impact on site integrity, pulse trawling should not be permitted under any circumstances in Natura 2000 sites, other MPAs and any sensitive areas where protection of sensitive benthic fauna and features is a priority. Pulse trawls should be assessed for impacts on, notably, bycatch, damage to and displacement of sensitive species (e.g. elasmobranchs), and benthic communities. Essentially this should be a matter of marine spatial planning in the North Sea to define where pulse trawling is or is not permissible.

Q15. Are there specific measures (such as minimum mesh sizes, permanent or seasonal closures, etc.) that merit increased flexibility under multiannual management and which could be introduced at a regional level to help achieve the objectives of the plan?

As mentioned under Q14, there needs to be technical measures to minimise the impact of the fisheries to the ecosystem, such as modification of gillnets or closed zones for a particular gear type to avoid by-catch of seabirds, sea turtles, dolphins, and elasmobranchs. However, the MAP will not be able to incorporate appropriate measures or be responsive to adaptive management without prior information adequate monitoring of bycatch. Information such as on spatial analysis of gear interaction with ETP species as well as types of gillnets and bycatch occurrence needs to be obtained in order to identify effective and new technical measures. Bycatch of all vulnerable species (such as seabirds, sea turtles, cetaceans and elasmobranchs) should be recorded in e-logbooks. This should be a legal under the CFP’s Data Collection Framework and needs to be amended to require an ecosystem-based data collection and reporting protocol.