

Conservation of fishery resources: sustainable exploitation in the Mediterranean Sea

2003/0229(CNS) - 10/07/2012 - Follow-up document

This report is submitted in accordance with the provisions of Article 9.3 (3) of Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea.

To recall, Article 9.3 lays down the **minimum mesh size to be used at the cod-end of towed nets** (i.e. trawl nets; boat seines and shore seines). The main objective of setting a minimum mesh size for towed gears was **to avoid further increase in mortality rates of juveniles**.

Article 9.3 stipulates in its sub-paragraph (3) that the Commission will submit by 30 June 2012 a report on the implementation of this provision to the European Parliament and the Council. This is the aim of this report.

Commission's working basis: Article 9.3(3) specifies that the Commission should take into account information delivered by Member States before 31 December 2011. As no information was received by the Commission by that date, at the beginning of 2012 the Commission services asked all Mediterranean Member States to provide data on the degree of implementation of the minimum mesh size requirements, the cost incurred by operators and the possible impact on selectivity. Replies were received from Cyprus, France, Spain, Italy, Malta and Slovenia, and were used in the report. The Commission also used the information collected and observations made during verification missions carried out by Commission officials from July 2010 to April 2012.

Interpretation problems: inspections carried out by the Commission and contacts with national administrations revealed that **Member States did not correctly interpret Article 9.3, in particular regarding the allowable mesh size in the parts of the net outside the cod-end**. In order to ensure coherent and correct application of the Article, the Commission has provided the Member States with detailed guidance.

Information provided by Member States: Member States were requested to provide information on the way Article 9.3 was implemented. The Commission analysed the information provided by Member States, which gives an overview of the various aspects of implementation. This analysis excludes Greece who had not provided the information requested at the time of the drafting of this report.

Vessels overwhelmingly use a diamond shaped mesh. Only 95 out of 2 525 use a square mesh, while 2 430 use a diamond one. According to Article 9.3 the use of diamond meshes at the cod-end has to be duly justified by ship-owners. The Commission therefore sought to know what justifications ship-owners presented in this respect. The reason for the use of diamond meshes is that they come at a lower cost as they are more widely available on local markets.

The report states that most Member States declared that the changes in the nets had been completed by 31 May 2010, which was the end of the transitional period for compliance. The minimum mesh size is not always applied in the same way in the Mediterranean area and **Article 9.3 cannot therefore be considered as fully implemented yet**.

Impact on selectivity: the Commission asked Member States to provide information on catch composition by size and species before and after the replacement of the nets. Data on catch composition

were provided by three Member States and data on size by two only. They indicate that the change of the nets affected the species composition to a small extent, but had a **clearer impact on sizes, which increased over 10% after the change of the nets**. This means that catch of juveniles has to some extent decreased, which is already a good indicator that the increase in mesh size can be efficient.

Inspections on the mesh sizes: the Commission carried out verification missions under Title X of the Control Regulation to check, *inter alia*, how Article 9.3 was being enforced by Member States. These verifications found in many instances that gear was not in conformity with minimum mesh requirements, even after the transitional period had expired on 31 May 2010. Although some progress could be seen in some Member States in 2011, many trawler nets with illegal mesh sizes could still be observed. This clearly indicates that, in order to properly enforce the minimum mesh size, Member States will have to strengthen their control efforts and/or **apply stricter sanctions**.

A further shortcoming in the controls carried out by Member States was the frequent absence of appropriate mesh measuring instruments. Since June 2008, in line with Council Regulation 517/2008, the determination of mesh size has to be performed with specific EC-gauges, for which this regulation sets the exact specifications. If the measurement is made with other types of instruments, it is not considered to be legal. Thus, even in the case where a mesh size is obviously less than the minimum allowed, no sanctions can be applied if the infringement is not established with the correct instruments.

In conclusion, there are still significant shortcomings in the implementation and enforcement of the minimum mesh size in towed nets in Member States. One of the reasons for the delay in implementation involves the problem of interpretation Member States had with the provisions of Article 9.3. These provisions have been clarified by the Commission and should now be understood and applied in the same way by all Member States.

In order to enforce minimum mesh size, the Commission expects Member States to apply more rigorous and targeted control, using the appropriate measuring instruments, and make sure sanctions are sufficiently deterrent.

In view of the explanations provided, the Commission has asked all Member States to take urgent measures to ensure full and correct application of these provisions and to closely monitor the state of play to ensure that full implementation is reached. Where appropriate, the Commission will not hesitate to make use of the means available to it under the Treaty to ensure compliance with the concerned provisions.