



Viewpoint

Mission impossible: Discard management plans for the EU Mediterranean fisheries under the reformed Common Fisheries Policy



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ABSTRACT

The landings obligation (or 'discard ban') included in the new EU Common Fisheries Policy prohibits the discarding of species subject to catch limits and those subject to minimum size limits in the Mediterranean Sea. However, some exemptions may apply, and to this end a discards management plan is required. Based on the recent joint recommendations for discard management plans in the Mediterranean, it was identified that in order to compile an eligible future discard management plan for the Mediterranean fisheries and apply for any exemption, a series of steps will have to be taken towards defining a legal framework under which Mediterranean fisheries can be assessed for their performance. The current system seems inadequate to document actual catches, urges to be updated and above all disqualifies Mediterranean fisheries from being granted any eligible discard management plan. The current long-standing legislative framework, tailored to deal with the 'peculiarities' of Mediterranean fisheries by establishing an effort-based management scheme, has now become an immovable obstacle towards dealing with unwanted catches. Mediterranean stakeholders will have to decide if it is worth moving from an effort-based to a catch-based management system, or if the benefits realized by the former would be difficult to be counterbalanced under any other system.

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1. Introduction

The term 'discards' in fisheries refers to the part of the catch returned to the sea, often dead (Catchpole et al., 2013). Reasons for discarding include legal obligations (e.g. minimum landing sizes, species quota exhausted) or economic incentives (e.g.: low or no market value). Ethically they constitute a waste of natural resources; under an ecological standpoint they negatively impact the marine ecosystem provoking changes in the overall structure of trophic webs and habitats, which in turn risks the sustainability of current fisheries (Bellido et al., 2011). From a managers' perspective, the problem is to meet simultaneously both socio-economic and biological objectives and develop suitable performance indicators to measure progress towards these objectives (Alverson et al., 1994; Catchpole et al., 2011); from a fishers' angle it is an extra cost both in labour and money to deal with (Pascoe, 1997). Finally, discarding results in the loss of valuable scientific information, complicating the stock assessment process, as the real

fishing mortality applied to fish stock is not quantified (Diamond and Beukers-Stewart, 2011).

European Union (EU) fisheries are responsible for quite a high level of discarding (Feekings et al., 2012) attributed to unselective fishing techniques, excess fishing effort, and patchy distribution of species (Johnsen and Eliassen, 2011). The European Commission (EC) has identified the 'discard problem' as a driver of poor economic performance and a significant component of marine ecosystem functioning (Commission's green paper on the reform of the CFP—COM 2009/163 final). Towards eradicating this problem the reformed Common Fisheries Policy (CFP—EU regulation 1380/2013) introduced the obligation to land all catches. This represents a fundamental shift in the management approach to EU fisheries, switching from landings monitoring to catches monitoring. Furthermore, regionalized decision making becomes a management option and member States may carry out pilot projects to avoid, minimize and eliminate unwanted catches (Bellido Milán et al., 2014).

However, it contains a number of exemptions, namely species not covered by catch limits; species where high survivability can be demonstrated and; limited volumes of permissible discards which can be triggered under certain conditions, the so called *de minimis* exemptions, as well as inter-species and interannual quota flexibility mechanisms.

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Herein it is argued that due to the current legislative framework governing the Mediterranean fisheries (largely differentiating from the remaining EU fisheries), they may not be eligible for fulfilling any of the foreseen exemptions, which are to be discussed throughout this document.

2. EU Mediterranean fisheries discards and the landings obligation

The main reasons for discarding in the Mediterranean are economic and regulatory: (i) absence of commercial value for some species (economic), (ii) low value of legally sized species which are discarded to save space and ice for other more valuable species (economic), and (iii) specimens not reaching minimum landing size (regulatory) (Bellido Millán et al., 2014; Tsagarakis et al., 2013). Significant part of the catch (small/immature/juvenile individuals) that should have been discarded may reach the market if there is sufficient economic incentive for a 'bonus' source of income; a black market has been in place for long.

Discards in the region are estimated at around 230,000 t or 18.6% (13.3–26.8%) of the catch (Tsagarakis et al., 2013). However, studies on discards cover only a small proportion of the total fishing activity in the Mediterranean Sea, indicating a shortage of information (Carbonell et al., 2003; Fabi and Grati, 2005; Machias et al., 2001; Moranta et al., 2000; Sanchez et al., 2007; Santojanni et al., 2005; Tzanatos et al., 2007). This issue has been acknowledged, among others, as an important constraint for performing reliable stock assessments (Caddy, 2009).

At some point, both managers and scientists will have to admit that the true level of catches (landings and discards) for EU Mediterranean fisheries is currently unknown. Regulation (EC) No. 1224/2009 requires that "Masters of Community fishing vessels shall also record in their fishing logbook all estimated discards above 50 kg of live-weight equivalent in volume for any species". A typical Mediterranean vessel (>80% less than 12 m of length—classified under small scale coastal fisheries) will rarely make a daily catch of 50 kg per species. STECF (2013) identified that EU logbook records reported a minor 0.06% of the actual amount estimated from scientific observer trips. Furthermore, the General Fisheries Commission for the Mediterranean reviewing the status of logbook data collection in Mediterranean EU countries (GFCM, 2009) concluded that information in the logbooks suffers from falsification, misreporting, incompleteness and ineligibility. Mediterranean fisheries are renowned for their culture of non-compliance (Mikhailov et al., 2006); a recent study estimated unreported catch and discards as high as 43% of total removals from 1950s to 2010 (Coll et al., 2014). Current levels of control and enforcement are insufficient to confront fleets with a large number of vessels; likelihood of facing an inspection for reasons related to discarding is extremely low: once every four years in the Greek fisheries (Damalas and Vassilopoulou, 2013). It seems that the impacts of Mediterranean fisheries on fish stocks and marine ecosystems need to be reassessed based on new approaches, either shifting towards simple catch-based management or the more elaborate ecosystem based management.

Nevertheless, under the EU fisheries management scheme, that is to say the CFP, the Mediterranean has always been dealt with caution, and specific regulations (the so-called 'Mediterranean regulations'—COM 1626/1994 and COM 1967/2006) were explicitly introduced. The reason for this 'privileged' treatment was stated in paragraph 22 of these legal documents: "...in view of the specific characteristics of many Mediterranean fisheries, which are restricted to certain geographical sub-zones, and taking into account the tradition of applying effort management system at sub-regional level, it is appropriate to provide for the establishment of

Community and national management plans, combining in particular effort management with specific technical measures...". So taking the special characteristics and the significant regional differences in the state of fish stocks within the Mediterranean Sea (Quetglas et al., 2011; Cardinale et al., 2013) as a given, an effort-regulating regime has been considered as the most appropriate management strategy and this was in line with the advice of most international fisheries agencies, particularly the General Fisheries Commission for the Mediterranean (GFCM). The effectiveness of this management approach was recently evaluated: between 85% and 95% of currently assessed Mediterranean stocks are considered overexploited and an overall reduction of almost 50% in fishing mortality is needed to reach sustainable levels of harvesting (Cardinale and Osio, 2013; Colloca et al., 2013; Merino et al., 2015). It has been suggested that such a reduction in fishing mortality can be achieved through improvements in selectivity and no excessive effort cutbacks (Colloca et al., 2013; Merino et al., 2015).

The landings obligation (or 'discard ban') included under Article 15 of the new CFP basic regulation (COM 1380/2013) prohibits the discarding of species subject to catch limits (i.e. TAC and quota species) and those subject to minimum size limits in the Mediterranean Sea. Inclusion of fisheries will be done gradually according a timetable (2015–2019) based on 'the species defining the fishery'.

Some voices of concern have already been raised (Sardà et al., 2013; Bellido Millán et al., 2014), the key issues being: (i) species covered with a minimum landing size under national regulations that are not covered under the EU regulations, and (ii) absence of total allowable catches (TACs). Under these circumstances, it is feared that the discard ban may lead to an increase in catching undersized/juvenile fish; these are not counted against a given quota and their transformation into fishmeal might turn them into a commercially attractive 'target'. Concerns about an increase of black market for juveniles, most probably overlook the common secret of a long-established black market (Coll et al., 2014).

The official reaction of the Mediterranean fisheries sector to the new regulation was a letter to the Commissioner and General Director of the Directorate General for Maritime Affairs and Fisheries (DG MARE) suggesting "that the Mediterranean be exempted from the landing obligation, leaving it to multi-annual management plans to prepare suitable gear selectivity measures and that all necessary measures be intensified to ensure the full respect of existing regulations" (RACMED 30 April 2013)¹. In its reply DG MARE ruled out such an option, 'encouraging' RACMED to begin working on how to implement the landing obligation (28/05/2013)².

However, in certain circumstances, the landings obligation may not apply: in the case of a species whose capture is forbidden, when a species is exhibiting "high survivability", or situations that fall under *de minimis* exemptions. The *de minimis* exemption, under certain conditions, allows fishermen to discard species that would otherwise be subject to the landing obligation. In order to make use of these beneficial exemptions, a discard management plan is required which shall define the survival rates, the percentage of discard and reasonable justification for doing so.

3. Discard management plans for the Mediterranean fisheries

Even before the official adoption of the landings obligation under the CFP reform by the European Parliament (10 December 2013), the Scientific Technical and Economic Committee for Fisheries (STECF) of the European Commission has been contacted from

¹ (http://www.racmed.eu/images/stories/avis/2013/133_Lettera_scarti_EN.pdf).

² (http://www.racmed.eu/images/stories/avis/2013/178bis_EC_Reply_poison-discards.pdf).

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