



***European Economic and Social Committee***

**NAT/745**

**Multiannual recovery plan for Mediterranean swordfish**

## **OPINION**

European Economic and Social Committee

**Proposal for a Regulation of the European Parliament and of the Council on a multiannual recovery plan for Mediterranean swordfish and amending Regulations (EC) No 1967/2006 and (EU) 2017/2107**

**[COM(2018) 229 final – 2018/0109 (COD)]**

Rapporteur working alone: **Gabriel SARRÓ IPARRAGUIRRE**

European Parliament referral	02/05/2018
Council referral	14/05/2018
Legal basis	Articles 43(2) and 304 of the Treaty on the Functioning of the European Union
Plenary Assembly decision	22/05/2018
Section responsible	Agriculture, Rural Development and the Environment
Adopted in section	05/09/2018
Adopted at plenary	19/09/2018
Plenary session No	537
Outcome of vote (for/against/abstentions)	181/1/3

## **1. Conclusions and recommendations**

- 1.1 The EESC broadly supports the European Commission proposal, which seeks to transpose Recommendation 16-05 of the International Commission for the Conservation of Atlantic Tunas (ICCAT) into EU law. The recommendation establishes a multiannual recovery plan for Mediterranean swordfish and is aimed at achieving a biomass of that stock corresponding to a maximum sustainable yield (MSY) by 2031, with at least a 60% probability of achieving that objective.
- 1.2 The Committee finds that the European Commission has not simply transposed the ICCAT recommendation but introduced a number of points into its proposal that are not reflected in the recommendation and that may put the European fleet at a competitive disadvantage vis-à-vis the fleets of coastal third countries, such as Morocco, Algeria, Tunisia and Turkey, which are also involved in such fishing activities. In light of this, and in order to avoid socio-economic consequences for European employers and employees that are more serious than those facing other countries, the EESC urges the co-legislators to take into account the specific comments mentioned below.
- 1.3 The EESC calls on the Commission, the Member States and countries bordering the Mediterranean to use all means necessary to achieve the total eradication of driftnets, the use of which has been prohibited since 1998, with the aim of preventing the illegal capture and sale of Mediterranean swordfish, the impact that this has on the market and the resulting unfair competition for the fleet that complies with the rules.

## **2. Summary of the Commission proposal**

- 2.1 Given the alarming situation facing Mediterranean swordfish (*Xiphias gladius*), at its annual meeting in 2016 the ICCAT adopted Recommendation 16-05 establishing a 15-year recovery plan for that species. The recommendation lays down rules for the conservation, management and control of the Mediterranean stock of swordfish so as to achieve a biomass corresponding to an MSY by 2031, with at least a 60% probability of achieving that objective.
- 2.2 The proposed regulation that is the subject of this opinion transposes the abovementioned recommendation – which has been directly applicable since 2017 – into EU law so that the EU can comply with its international obligations and provide operators with legal certainty regarding the rules and obligations to which they are subject.
- 2.3 The main elements of the recovery plan are as follows: the establishment of a total allowable catch (TAC) of 10 500 tonnes, which will be reduced gradually; the establishment of a minimum conservation reference size of 100 cm lower jaw to fork length, or weighing 11.4 kg of round weight, or 10.2 kg of gilled and gutted weight; the establishment of a maximum number of 2 500 hooks that may be set or taken on board; a closure period of three months from 1 January until 31 March each year; limitation of the number of authorised vessels, and control measures similar to the ones that exist for bluefin tuna.

### 3. **General comments**

- 3.1 The EESC agrees that ICCAT Recommendation 16-05 should be transposed into EU law and therefore supports the European Commission's initiative.
- 3.2 However, the Committee has noted that the Commission proposal goes beyond the ICCAT recommendation and introduces new requirements that are not included in that recommendation. Bearing in mind that the stock in question is exploited not only by the EU fleet, but also by all other countries bordering the Mediterranean, either through fishing activity specifically aimed at that stock, such as Morocco, Algeria, Tunisia and Turkey, or through incidental catches, the Committee considers it inappropriate to introduce such additional measures unilaterally, as they could discriminate against the EU fleet and have socio-economic consequences for EU operators that differ from those facing other countries involved in such fishing activities.
- 3.2.1 Looking to future negotiations, the Committee urges the Commission to work more intensively with third countries within the ICCAT to reach agreements that, without distorting competition between fishermen, accelerate the recovery of the biomass and its transition to the MSY level.
- 3.3 The Committee reminds the Commission that the use of driftnets to catch Mediterranean swordfish has been banned since 1998. Taking into account the impact on the stock of Mediterranean swordfish of the illegal use, by certain operators, of this prohibited gear and the unfair competition that this entails for operators who comply with the rules, the EESC calls on the Commission, the Member States and coastal countries to use all means necessary to completely eradicate driftnets.

### 4. **Specific comments**

- 4.1 Article 8 establishing a capacity limitation by gear type not only transposes point 6 of the ICCAT recommendation, which stipulates that, "A capacity limitation shall be applied for the duration of the Recovery plan. In 2017 CPCs<sup>1</sup> shall limit the number of their fishing vessels authorised to fish for Mediterranean swordfish to the average yearly number of their vessels that fished for, retained on board, transhipped, transported, or landed Mediterranean swordfish over the period 2013-2016. However, CPCs may decide to use the number of their vessels that fished for, retained on board, transhipped, transported, or landed Mediterranean swordfish in 2016, if this number is inferior to the average yearly number of vessels over the period 2013-2016. This limit shall be applied by gear type for catching vessels." Rather, it also limits this to the option which results in a smaller number of vessels. The Committee therefore recommends using the literal wording of point 6 of ICCAT Recommendation 16-05.
- 4.2 The EESC believes that the wording of Article 10(2) might cause confusion and could be interpreted as proposing a complete ban on longline gear, when in reality the aim of the ICCAT recommendation is to prevent juvenile swordfish being caught with the small hooks used by vessels fishing for Mediterranean albacore. The Committee therefore suggests the following

---

<sup>1</sup> Contracting parties to the ICCAT Convention.

wording: "In order to protect Mediterranean swordfish, a closure period shall apply to the targeted fishing of Mediterranean albacore (*Thunnus alalunga*) from the 1 October to 30 November of each year."

- 4.3 Article 14(2) is one article where the Commission adopts a more restrictive approach than the ICCAT recommendation, since it stipulates that an "additional 2 500 replacement unrigged hooks shall be allowed on board fishing vessels for trips longer than 2 days." Point 18 of the recommendation, on the other hand, allows the hooks to be rigged. The Commission proposal would create an operational problem for vessel crew, who must comply with an ever increasing number of obligations. The EESC therefore recommends that the term "unrigged" be removed from that article and the wording of the recommendation be used: "A second set of rigged hooks may be allowed on board for trips longer than 2 days provided that it is duly lashed and stowed in lower decks so that it may not readily be used."
- 4.4 Article 18(2) stipulates that, "For control purposes, the transmission of VMS<sup>2</sup> data from catching vessels that are authorised to fish Mediterranean swordfish shall not be interrupted when vessels are in port." The Committee believes that this proposal may generate additional unnecessary costs for fishermen and therefore proposes, on the basis of Article 18(2) of Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, that the VMS can be switched off in port, provided that it is guaranteed to be switched off and on again with the vessel in the same position.
- 4.5 In Article 20(2), the Commission once again goes beyond what is stipulated in ICCAT Recommendation 16-05, in that it proposes that scientific observers be deployed on at least 20% of pelagic longline vessels targeting Mediterranean swordfish. However, point 44 of the ICCAT recommendation states: "Each CPC shall ensure that national scientific observers are deployed on at least 5% of its pelagic longline vessels over 15m length overall targeting Mediterranean swordfish." The EESC considers the increase in coverage to 20% unjustified and disproportionate in the case of small vessels, which have problems relating to space and cost and would face serious difficulties in meeting that requirement. Moreover, third country fleets would continue to be able to maintain a coverage of only 5%. The Committee therefore recommends maintaining the mandatory 5% required by the ICCAT.

---

2

Vessel Monitoring System

- 4.6 Article 24(2) specifies that masters of Union fishing vessels under 12 metres in total length shall, at least four hours before the estimated time of arrival at the port, notify the competent authority of the Member State of a number of pieces of information. In view of the problems that this requirement may cause for the small-scale fleet at certain times, the EESC proposes adding a sentence allowing the Member State to amend the notification period of four hours in exceptional cases. For example, a wording similar to the one used in Article 31(3) of Regulation 1627/2016 on the bluefin tuna recovery plan could be applied: "Where Member States are authorised under applicable Union legislation to apply a shorter notification period than that referred to in paragraphs 1 and 2, the estimated quantities of bluefin tuna retained on board may be notified at the thus applicable time of notification prior to arrival. If the fishing grounds are less than four hours from the port, the estimated quantities of bluefin tuna retained on board may be modified at any time prior to arrival."

Brussels, 19 September 2018

Luca JAHIER

The president of the European Economic and Social Committee

---