Associazione Consiglio Consultivo Regionale del Mediterraneo - CCR MED – RAC MED - Registered Office/Siège Social/Sede Legale Via Nazionale, 243 - 00184 Roma (Italy) - Tax identification number/Numéro d'identification fiscal/Codice Fiscale 97534810581

Informative document on the state of small pelagic fisheries in GSA 17

Working Group 1*
Focus Group on GSA 17

Croatia

Italy

Slovenia

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Co-funded by the European Union

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Introduction

At the MEDAC meeting held in Split in October 2014 the decision was taken to create a specific Focus Group within Working Group 1 (EC fisheries policies) which, in view of the reformed CFP and employing a bottom-up approach, could contribute to the preparation of the Commission's proposal of regulation for a Long Term Management Plan for GSA 17 (North Adriatic), as requested at the meeting "Towards Long Terms Management Plan" held in Bruxelles on 9th September 2014.

The Focus Group is made up of representatives from Croatia, Italy and Slovenia. The FG has met several times:

- Split (Croatia) 8th October 2014
- Rome (Italy) 20th November 2014
- Rome (Italy) 11th March 2015
- Marseille (France) 23rd April 2015
- Madrid (Spain) 11th June 2015

Representatives of the European Commission DG Mare, the European Fisheries Control Agency of Vigo, the scientific research community, as well as industry representatives took part constructively in the various meetings. Several different aspects relating to the main issues surrounding small pelagic fisheries in the Adriatic were covered.

At the meeting held in Rome in March 2015, it was decided to proceed in two phases:

- 1st phase: the preparation of an informative document on the state of small pelagic fisheries in GSA 17, to support the Commission in view of the preparation of the basic regulation for a LTMP in the area.
- 2nd phase: an in-depth analysis of possible technical measures to be applied, according to the procedures described in Article 18 of the regulation (EU) 1380/13 (regionalization), once the basic regulation of the European Parliament and of the Council has been definitively approved.

The objective of this document, the 1st phase of the work, is to provide the European Commission with information which is as up-to-date as possible on fisheries activities related to small pelagic species in GSA 17 – northern Adriatic Sea, so as to have a solid foundation on which to prepare its proposal for multiannual management plan.

The procedure which will lead to approval of the future European Parliament and Council regulation establishing a multiannual plan for small pelagics in GSA 17, established by DG MARE, involves various phases of consultation, including that with the Advisory Council of the area concerned. Moreover, prior to the preparation of the multi-annual plan, an extensive impact assessment must be carried out, to do this it is essential to possess a thorough understanding of the current situation and the possible impact in the three key thematic areas of the CFP: environmental, social and economic.

This document, therefore, illustrates the current situation of fisheries in GSA 17 with reference to small pelagics and by single Member State. The main items are: presence or absence of a management plan in the area for the fisheries involved; technical measures present at country level; marine protected areas; other protected areas; other constraints identified.

CROATIA

1. MEASURES AT EU LEVEL

Basic legal framework regulating technical elements of fisheries in Mediterranean is the Council Regulation (EC) No. 1967/2006 (hereinafter: Mediterranean Regulation). Having the fact that the provisions of Regulations are directly applicable in Member States, they do not require particular transposition into the national legal framework.

1.1. Obligatory fishing licence

The Article 4(9) of the Council Regulation (EC) No. 1224/2009 (hereinafter: Control Regulation) defines the obligation of issuing the fishing licence for commercial exploitation of living marine resources. The mentioned licence should contain at least information required for identification of a particular vessel, description of its technical characteristics and its equipment.

1.2. Limitation of fishing capacity and Fleet register

By accession to the European Union on the 1 July 2013, the total fishing capacity of Croatian fishing fleet was limited to a maximum of 53.452 GT and 426.064 kW (Annex II of the European Parliament and of the Council (EU) No 1380/2013 (hereinafter: Basic Regulation). Based on Article 22(7) of the Basic Regulation, the total national capacity of the fishing fleet must never be exceeded. The article 23 of the Basic Regulation describes the entry-exit scheme in a way that new capacity can enter the fleet only if is compensated by withdrawal of at least the same capacity from the fleet. Furthermore, the article 24 of the Basic Regulation sets the obligation of recording information on behalf of the Member states on the ownership, vessels characteristics and gears as well as of the activities of Union's vessels. Member states are obliged to inform European Commission on the mentioned information which are included in the EU Fishing Fleet Register.

1.3. Obligation related to fleet monitoring

In line with the obligation set by the Article 9 of the Control Regulation, Member state must ensure that vessels above 15 meters are equipped with a satellite vessel monitoring system. In addition to this, the obligation of installation of electronic logbooks is defined by Article 15 of the Control Regulation.

1.4. Gear dimensions

The minimum mesh size of the purse seine net for small pelagics is defined by the Article 9(5) of the Mediterranean Regulation and it is limited to minimum 14 mm. Furthermore, the Annex II of the Mediterranean Regulation defines the way of measuring the net drop of a purse seine net and it sets maximum length to 800 m, and it limits its height to maximum 120 m. In addition, the Article 13 of the Mediterranean Regulation defines that the purse seine net must not be used on depths less than 70% of its height.

Announcement of request for derogation from the provisions of the Mediterranean Regulation

Within the framework of its Management plan for purse seine net – *srdelara*, Croatia announced the request for derogation from the provisions of the Article 13(3)(2) defining the maximum height of the purse seine net in relation to the sea depth as well as from the provisions of the Annex II Mediterranean Regulation defining the maximum height of the net to 120 m.

Related to this, Croatia, Italy and Slovenia have requested an opinion of the independent experts which should be used as the justification for the request for derogation. The study of the team of independent experts shall be used as a basis for drafting of the official request for derogation planned to be included within the Multiannual management plan for Adriatic.

1.5. Spatial restrictions

By way of Article 13(3) of the Mediterranean Regulation, fishing for purse seine nets is forbidden within the 300 meters off the coast or within the 50 m isobathe if this depth is reached within the shorter distance. Provisions of the Article 4 forbid using the purse seine nets over the *Posidonia* beds, unless such activities are foreseen by the corresponding management plan and if the gear does not touch the bottom while in use. By way of using the mathematical model it is estimated that 145.129,9284 ha is covered by the *Posidonia* beds. Having the fact that along the eastern coast of Adriatic *Posidonia* can be found on depths less than 30 meters, Croatia does not have any additional spatial restriction measures in place over these areas.

1.6. Minimum sizes

By way of Annex III of the Mediterranean Regulation the minimum sizes of fish and other marine organisms are defined. Under the minimum sizes for the listed species they cannot be caught, held onboard, transhipped, landed, transported, stored, sold, displayed or offered for sale. In line with these provisions, the minimum size for sardine (*Sardina pilchardus*) is set to 11 cm, while for

anchovy (*Engraulis encrasicolus*) it is set to 9 cm, for mackerel (*Scomber spp.*) to 18 cm, and for horse mackerel (*Trachurus spp.*) to 15 cm.

1.7. Landing obligation

The Delegated Regulation of the European Commission (EU) No. 1392/2014 allows for a derogation from the Article 15(1) of the Basic Regulation, and sets *de minimis* in northern Adriatic (GSA 17) to up to 5% of the total annual catch of small pelagics caught by purse seine nets.

2. MEASURES INCLUDED INTO THE NATIONAL MANAGEMENT PLANS

In line with the obligations stemming from the Article 19 of the Basic Regulation, Croatia has developed the national management plan for purse seine net – srdelara which is in force as of May 2014. The Plan is applicable to active purse seine fleet including vessels which have purse seine net – srdelara listed in their commercial fishing license. The plan foreseen the number of management measures with the aim of reaching the biological, social and economic objectives set by the plan. Revision of the plan is foreseen every three years.

Authorisation

One of the measures foreseen by the Management plan is the process of authorisation which is obligatory under the Article 19(6) of the Mediterranean Regulation. Authorisation implies a process of issuing a special fishing permit for fishing with the purse seine – srdelara by applying a certain set of criteria such as historical data on fishing activity over a determined reference period (20 fishing days within the period from 1 July 2009 till 30 June 2014).

The process of submitting the request for authorisation, as well as the terms and criteria which must be met so as to obtain the authorisation are defined by the **Ordinance on commercial fishing by using the purse seine srdelara („Official gazette“ No. 101/2014, 106/2014, 125/2014, 140/2014, 147/2014, 2/2015, 37/2015 and 44/2015)**. By applying the provisions of this Ordinance, only those vessels to which the authorisation was issued may perform fishing using purse seine net - srdelara, while a request for issuing the authorisation was denied to those vessels which did not meet the defined terms and criteria. By applying this process, the total potential capacity of fleet targeting small pelagic stocks including all vessels which had purse seine srdelara listed among gears in their respective licenses was decreased and limited to those vessels which met the

defined terms and criteria, i.e. vessels which had historical record of fishing activity with this gear in a reference period. By way of this, it is possible to maintain the fishing capacity at a certain level and to prevent its increase through activation of old or inclusion of new vessels.

Authorisation of fishing with purse seine srdelara net is under way as of August 2014 and has so far resulted with 246 issued authorisations. Although not all requests have been processed yet, the total number of authorised vessels is not expected to increase significantly.

3. MEASURES WITHIN THE GFCM MANAGEMENT PLAN FOR ADRIATIC

Recommendation GFCM/2013/37/1

By way of this Recommendation the Multiannual management plan for small pelagic stocks in GSA 17 has been established as well as transitional measures for GSA 18. The Recommendation contains provisions on the objectives and management measures in relation to reference values for stocks of sardine and anchovy as well as technical measures and measures of limiting the reference capacity and effort.

The Recommendation is defining the following elements:

- the general objective of the management plan: coherence with the precautionary approach and providing long term yields consistent with maximum sustainable yield,
- specific objectives: attaining the general objective while maintaining the exploitation rate at 0,4, spawning stock biomasses for sardine and anchovy at the level of defined reference points along with the maintaining the level of fishing capacity and effort exerted in the year 2011,
- management measures in relation to defined reference values,
- technical measures – minimum sizes for sardine and anchovy (11 cm and 9 cm respectively) as well as the need to protect the areas of aggregation of anchovy and sardine juveniles,
- capacity and effort limitation measures – obligation to submit list of fleet (trawlers, purse seiners and vessels using surrounding nets without purse line) and registered harbours by 30 November 2013 and 31 October 2013 respectively; the obligation to limit the fishing effort to maximum 180 fishing days per year (including 5 fishing days (later modified to 20 days per month)),

- obligation to establish national programme for control, monitoring and surveillance.

Recommendation GFCM/2014/38/1

Having the unfavourable trends regarding the status of the small pelagic stocks in Adriatic, the Recommendation GFCM/2014/38/1 on precautionary and emergency measures for 2015 in GSA 17 was enforced based on scientific advice.

The following measures are foreseen as precautionary and emergency measures for 2015:

- limiting the fishing effort to maximum of 180 fishing days per year and 20 fishing days per month
- limiting the fishing effort when targeting anchovy to 144 fishing days per year.
- obligation to establish the spatial and temporal restrictions of no less than 15 continuous days and up to 30 continuous days during the period from 1 April to 31 August for the purpose of protection of anchovy during its spawning season.

4. MEASURES AT NATIONAL LEVEL

Having in mind that provisions of the GFCM Recommendations, although binding to Contracting parties, needed to be transposed into the national legal framework (until the transposition into the EU legal framework), Croatia did this by way of Ordinances. The following text provides overview over the measures transposed from GFCM Recommendation as well as those measures which are stricter than provisions of the EU legal framework as well as other national level measures.

4.1. Ordinance on commercial fishing using purse seine net - srdelara

The Ordinance on commercial fishing using purse seine net – srdelara ("Official gazette" No 101/2014, 106/2014, 125/2014, 140/2014, 147/2014, 2/2015, 37/2015 and 44/2015) contains provisions on the obligation of implementing authorisation process in terms of describing the manner of implementation as well as terms and criteria for issuing authorisations (as mentioned earlier) but it also contains provisions defining elements related to commercial fishing using purse seine net – srdelara itself as well as construction and technical performances of the gear and equipment used for fishing.

Having the specificities related to the manner of fishing with purse seine net – srdelara by using lights along the eastern coast of Adriatic, it is defined that a fishing operation must not begin before the sunset nor end after the sunrise. Besides this, while fishing with the purse seine net – srdelara, it is allowed to use the sources of artificial light of a maximum power of 16000 W over the entire Croatian fishing sea.

As one of the preconditions for obtaining the authorisation for fishing with purse seine net – srdelara, the vessel should have had the VMS device and electronic logbook installed. Exceptionally, for vessels smaller than 15 m the transition period for installing the VMS and/or electronic logbook has been ensured.

This Ordinance also transposes the provisions of the Recommendations GFCM/37/2013/1 and GFCM/38/2014/1 on the limitation of the fishing effort to maximum 20 fishing days per month and 180 fishing days per year (144 fishing days per year when targeting anchovy).

4.2. Ordinance on spatial and temporal restrictions regarding the commercial fishing using purse seine net – srdelara

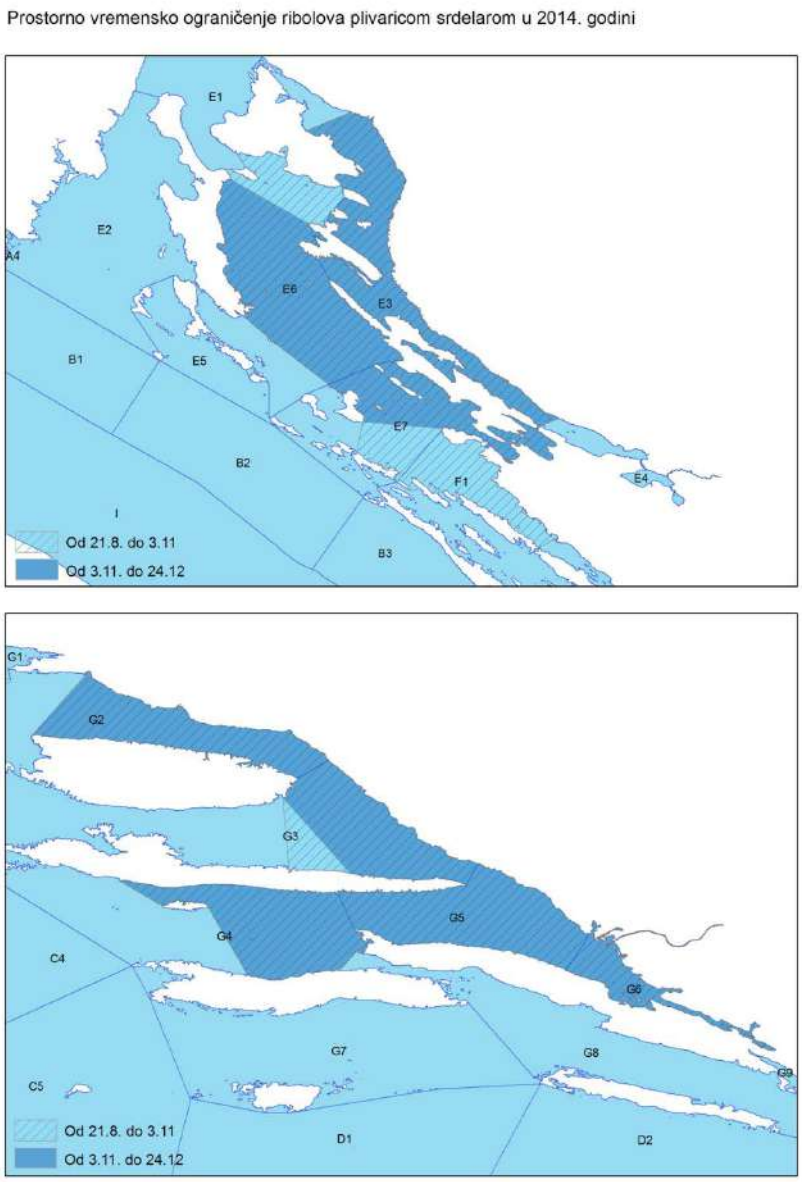
Croatia has for a number of years in place temporal restriction regarding the use of purse seine net – srdelara in duration of 15 to 30 days during the cold part of the year (December-January) - with minor modifications over the years - and for the purpose of protection of sardine during its spawning season. However, as of 2014 the spatial and temporal restrictions regarding the use of purse seine net – srdelara is regulated by a specific subordinate legislative act which is being adopted for each calendar year. By way of this, the **Ordinance on spatial and temporal closures regarding commercial fishing at sea by using purse seine net – srdelara in 2014 („Official gazette“ No. 101/2014, 106/2014 and 132/2014)** included provisions on temporal closure of fishing using purse seine net – srdelara in the entire Croatian fishing sea during the period from 1 to 31 December with the interruption during the period from 14 to 24 December 2014 in such a way that during this period each vessel could have had maximum 5 fishing days.

In addition, the same Ordinance contained provisions on temporal closure of fishing using the purse seine net – srdelara for vessels larger than 12 m during the period from 21 August till 24 December 2014 in the part of channel area, covering around 28% of the Croatian inner fishing sea (Map 1.).

By way of the Ordinance on spatial and temporal closures regarding commercial fishing at sea by using purse seine net – srdelara in 2015 („Official gazette“ No. 2/2015 and 37/2015) the temporal closure over the entire Croatian fishing sea has been continued also in 2015 starting from 1 January at 12,00 to 31 January at noon.

Apart from the abovementioned this Ordinance has introduced the temporal restriction on using the purse seine net – srdelara in the entire Croatian fishing sea during the warm part of the year in period from 1 May at 12,00 to 31 May at 12,00 for the purpose of protection of anchovy during its spawning season.

Map 1. Spatial and temporal restrictions of fishing with purse seine net – srdelara in the period from 21 August 2014 to 24 December 2014



4.3. Ordinance on special habitats of fish and other marine organisms and regulation of fishing in the Velebit Channel, the Novigrad and Karin Sea, Prokljan Lake, Marina Bay and the Neretva Channel ("Official gazette" br. 148/2004, 152/2004, 55/2005, 96/2006, 123/2009 and 130/2009)

According to the provisions of Ordinance on special habitats of fish and other marine organisms and regulation of fishing in the Velebit Channel, the Novigrad and Karin Sea, Prokljan Lake, Marina bay and the Neretva Channel ("Official gazette" No 148/2004, 152/2004, 55/2005, 96/2006, 123/2009 and 130/2009), fishery with purse seine net - srdelara is forbidden in special habitats which include the following:

- Marine area surrounding mouth of river Dragonja south-east from the line that starts at Cape S. Petar in the course 26^0
- Marine area surrounding mouth of river Mirna (Tara bay) bordered by the line connecting the Cape Poduliki and Cape Kras
- Marine area surrounding mouth of river Raša bordered by the line connecting Cape Ubac and Cape Mulac
- Marine area surrounding Šćuza cove in Medulin bay including the area from the coast to the protecting wall that separates Šćuza cove from the rest of marine zone surrounding Medulin bay.
- Marine area surrounding Klimo cove (island Krk) bordered by the line connecting the Cape Solinji and Cape Glavati
- Marine area surrounding mouth of river Zrmanja bordered by the line connecting Cape S: Nikola and bay of Zališće (till Ždrilo)
- River Gudaća and marine area surrounding mouth of river Gudaća bordered by the line connecting the Cape Peluča and Cape Stinička
- Marine area surrounding Pirovac bay bordered between Prosika – Cape Gradina to the end of Makirina cove
- Marine area surrounding mouth of river Jadro bordered between Cape of beach Mramorno – populated area Čučine in Vranjic
- Marine area surrounding mouth of river Žrnovnica bordered by the line connecting Cape Stobreč – hotel Lav

- Marine area surrounding mouth of river Pantan bordered by the line connecting Resnik and Arbanija to Togit bridge
- Marine area surrounding mouth of river Cetina bordered by the line connecting Dugi rat – Mala Luka
- Marine area surrounding mouth of river Neretva bordered by the line connecting Cape Višnjica and Cape Osik at the distance of 300 m from the cost in course 220 ş
- Marine area surrounding Rijeka Dubrovačka- north-east from line Cape Loznica-Cape Kantafig

  The Ordinance is currently under review and it should include nature parks Telascica and Lastovo Islands.

5. PROTECTED AREAS IN CROATIAN FISHING SEA

National Parks

Part of the fishing sea protected under the category of a national park is forbidden for commercial fisheries. In the area GSA 17 Croatia designated three National parks: National park Mljet, National park Kornati and National park Brijuni which together comprise a total of 195 km^2 of sea (Map 2.).

National park Mljet

National park Mljet covers almost 5400 ha, including marine area 500m off the coast, islets and rocks (amounting to 2439 ha), and the Park takes around one third of the island.

National park Kornati

Total area of the park is 217 km^2. It is an archipelago with 89 islands, islets and rocks. As much as 25% of the park is inland, while the rest of it represents marine ecosystem (167 km^2).

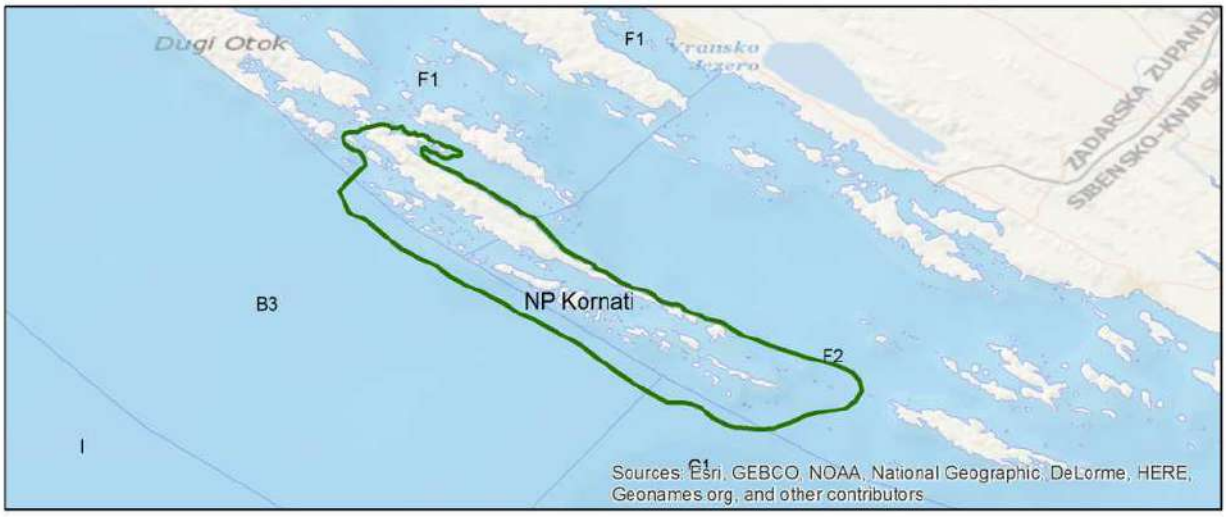
Zoning: http://www.np-kornati.hr/images/plan_upravljanja/Zone_upravljanja.pdf

National park Brijuni

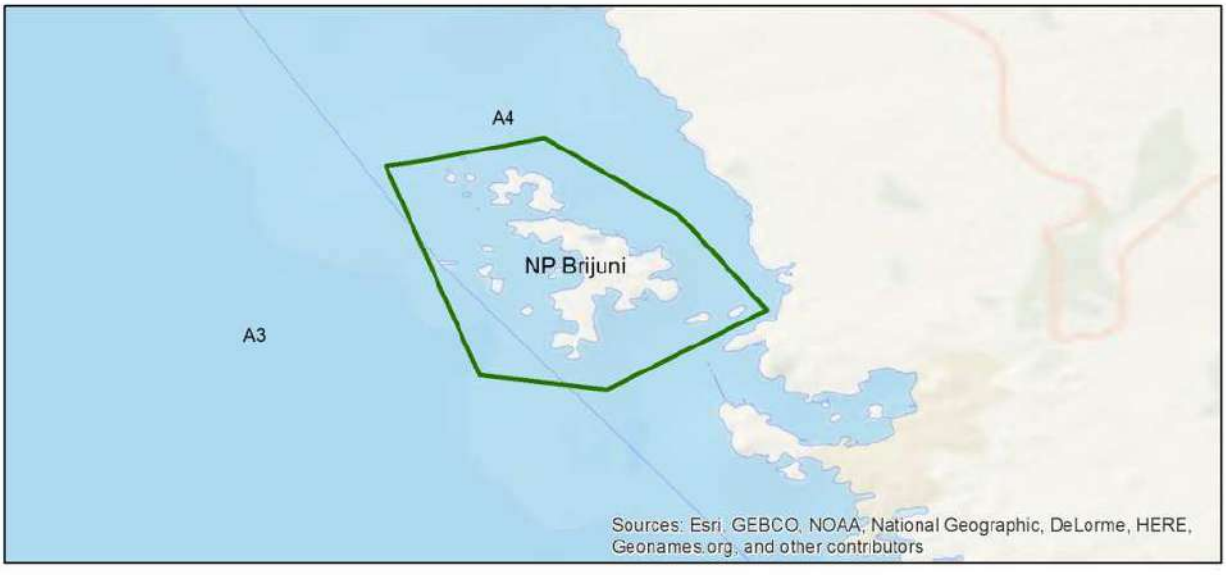
The total area of the national park is 3,395.00 ha, out of which 2,651.70 ha includes marine area. It is an archipegalo of 14 islands and islets.

Slika 2. National parks in GSA 17.

Nacionalni parkovi







There are also other marine protected areas in Croatia, like nature parks and special reserves where fishing should be regulated by ordinances based on the Nature Protection Act.

MPAs can be found on the following webportal:

http://www.bioportal.hr/gis/

6. SITES OF COMMUNITY IMPORTANCE (SCI) - NATURA 2000

http://www.bioportal.hr/gis/

and

http://natura2000.dzzp.hr/natura/

For additional information please contact State Institute for Nature Protection: http://www.dzzp.hr/

7. SPECIAL PROTECTION ZONES- NATURA 2000

http://www.bioportal.hr/gis/

and

http://natura2000.dzzp.hr/natura/

For additional information please contact State Institute for Nature Protection: http://www.dzzp.hr/

ITALY

Without repeating the limitations imposed by European Community or GFCM legislation, the table below illustrates the main measures resulting from national Italian regulations that impact in some way on small pelagic fisheries in the Adriatic.

1. PRESENCE OR ABSENCE OF A MANAGEMENT PLAN IN THE AREA:

In Italy there is a National Management Plan on purse seiners and pelagic trawl fleets in GSA 17, adopted with D.D. MIPAAF 10/10/2011.

2. TECHNICAL MEASURES PRESENT AT COUNTRY LEVEL

Ministerial Decree 16/3/2015: This Decree implements some requirement imposed by GFCM recommendations with regard to small pelagics in the Adriatic (GFCM and GFCM 37/2013/1 38/2014/1). Specifically, for 2015, the provisions of the two Recommendations set a limit of 144 days at sea for active vessels targeting anchovy resources and introduce a 30-day period in which pelagic fisheries are prohibited (from July 1 to July 30, 2015) in the Adriatic Sea between Monfalcone and Termoli, within six miles from the coast. In the case of the second provision, there is an exemption for active vessels registered in category IV licensed for coastal fisheries within 6 miles: these vessels can fish beyond 4 miles from the coast. Lastly, there are indications concerning the requirement to register catches.

Ministerial Decree 23/7/2014 ("closed season 2014") made it compulsory for bottom trawl and pelagic trawl vessels operating between Trieste and Bari to suspend fishery activities for 42 consecutive days. Specifically, for vessels registered in the maritime districts from Trieste to Rimini, temporary suspension of fishery activities was enforced from 28th July to 7th September 2014, while for vessels registered in the maritime districts from Pesaro to Bari compulsory suspension was from 11th August to 21st September 2014. The DM also contains further technical measures to be implemented after the end of the temporary suspension of fishery activities: on an experimental basis, for the ten weeks following the temporary

suspension, in the same fishing area bottom trawl and pelagic trawl activities are to be banned on Fridays and will be carried out at the vessel owner's choice (upon communication to the Maritime Authority) either: a) for a total number of hours that must not exceed 60, spread over 4 days on a weekly basis; or b) prohibited in another day of the week, to be defined by the vessel owner and communicated, up to 9 am on the same day to the Maritime Authority. After these ten weeks, on an experimental basis and again in the area between Trieste and Bari, bottom trawl and pelagic trawl activities will be carried out at the vessel owner's choice (upon communication to the Maritime Authority) either: a) for a total number of hours that must not exceed 72, spread over 5 days on a weekly basis; or b) prohibited in another day of the week, to be defined by the vessel owner and communicated, up to 9 am on the same day to the Maritime Authority.

In addition, from 28th July 2014 to 31st October 2014 in the maritime waters of the Adriatic, except those of Monfalcone and Trieste and in the Ionian sea, bottom trawl and pelagic trawl fisheries are banned within 6 miles from the coast or at depths of less than 60 meters. Exemption: From July 28th to October 31st 2014, vessels registered in category IV licenced for local coastal fisheries within six miles of the coast and fishing vessels with an overall length of up to 15 meters, are authorized to fish from 4 miles offshore.

Ministerial Decree 18/03/2002 (regulating small pelagic fisheries) has regulated small pelagic fisheries in Italy in the waters of the maritime districts from Trieste to Brindisi, carried out with the gears known as "purse seine" and "pelagic trawl". In respect of local customs and practices, the regulation also includes the possibility for the heads of the Port Authorities of Trieste and Monfalcone to establish directives that differ from those stated in this Ministerial Decree. Specifically, the Decree states that purse seine and pelagic trawl fisheries are to be carried out in accordance with the national collective labour contract for fisheries, with the operational programs and the rules adopted for each system carried out by the recognised producers' organisations, as well as in correspondence with existing practices and customs. In terms of technical measures, the Ministerial Decree states that the fishery units that carry out seine fishing and pelagic trawl must observe a temporary suspension of fishery activities as follows:

- «purse seine», from 5 pm on Fridays to 5 pm on Sundays, or alternatively from 5 pm on Saturdays to 5 pm on Mondays;

- For the system known as “pelagic trawl” from midnight on Saturdays to midnight on Mondays.

Decree of the President of the Republic 1639/68, laid down rules for purse seiners, this DPR prohibits (Article 107) the use of purse seines with mechanical closure (known in Italy as “cianciolo”) in areas where water depth is less than 50 meters within three nautical miles from the coast. Moreover, art. 108 prohibits the use of light sources in the areas where water depth is less than 30 meters within three nautical miles from the coast.

3. MARINE PROTECTED AREAS IN ITALY - GSA 17

The Italian Marine Protected Areas are illustrated the following figure:

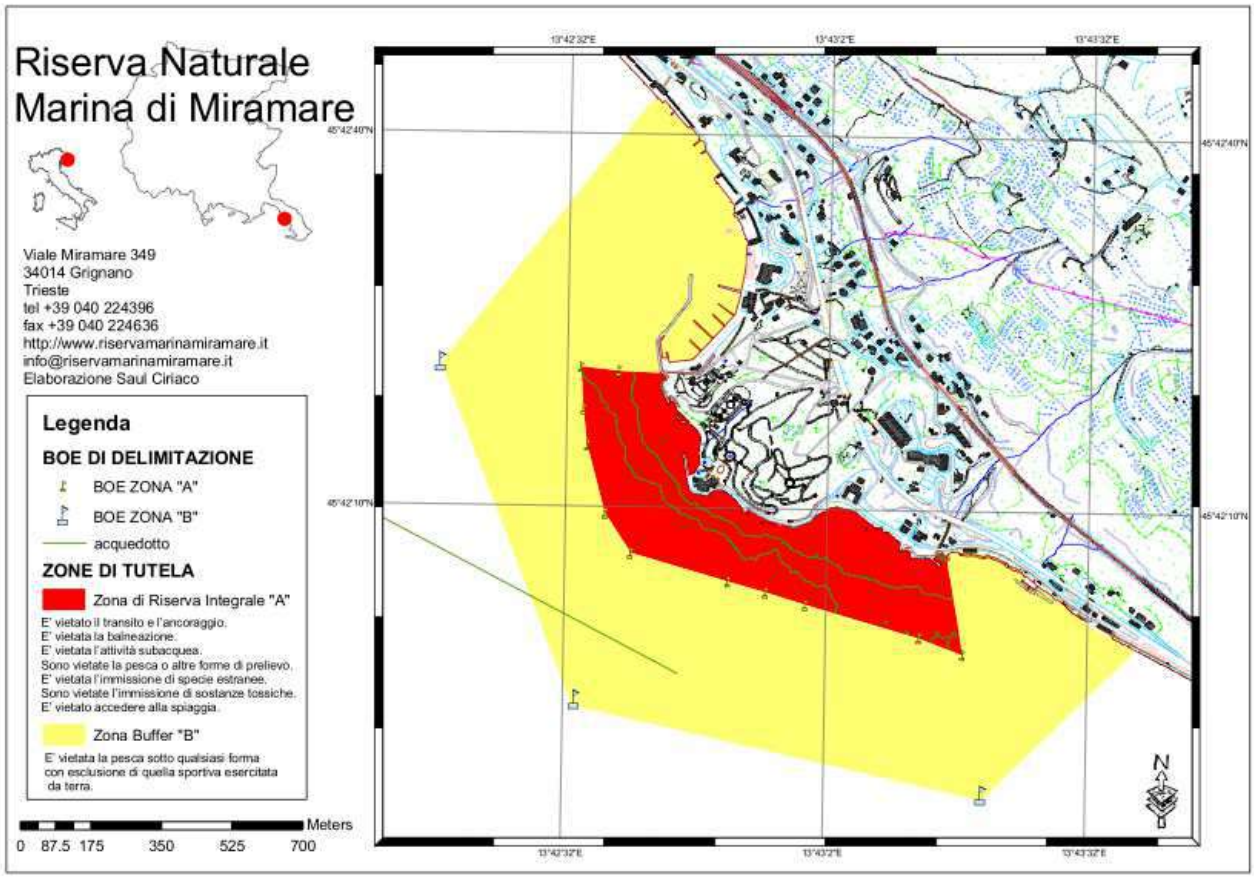


In particular in GSA 17 there are the Marine Protected Areas of Miramare, Torre del Cerrano and the Tremiti Islands.

The Protected Marine Reserve of Miramare (Friuli Venezia Giulia): Established by the Inter-ministerial Decree of 12th November 1986: Establishment of the Marine Reserve of Miramare in the Gulf of Trieste.

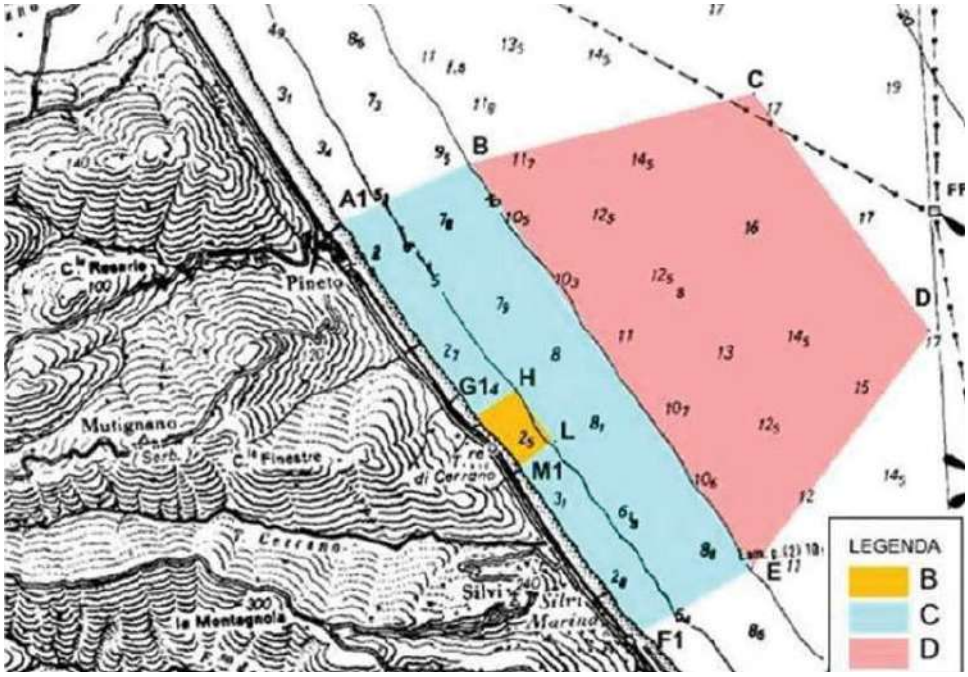
Description (*from the website of the Reserve*). In the 30-hectare protected area, in a 200 m area from the coast line, a regime of full protection is in force. In this area there is a corridor of about 1 hectare which corresponds to the rocks on which Miramare Castle stands, here guided scuba diving activities are carried out. Around the fully protected area there is a buffer zone of partial protection (established by the Trieste Port Authority orders n. 76/95 and 28/98). This second area of 90 hectares is a 400 metre wide belt, in which commercial fishing and anchoring are banned.

In Area A fisheries are permanently forbidden.



Torre del Cerrano (Abruzzo) : Established by Decree of the Ministry for the Environment and Protection of the Territory and the Sea, issued on 21-10-2009.

The Torre del Cerrano Marine Protected Area extends up to 3 nautical miles offshore and for 7 km in length, of which 2.5 km are sand dunes along the coast, from the mouth of the river Calvano, which runs through the town of Pineto, up to center of Silvi, level with the railway station. The Marine Protected Area is approximately 37 square kilometers in size and includes a restricted zone B, a square of about one kilometer per side in front of Torre Cerrano, an area C that is 14 square km in size and goes up to about 2 km from the coast, and a wide area D, trapezoidal in shape which is about 22 square kilometers in size and reaches the 3 nautical mile mark.



(Torre del Cerrano)

Tremiti Islands: Established by the Inter-ministerial Decree of 14th July 1989: Establishment of the Marine Reserve called Isole Tremiti.

Impact on fisheries:

Zone A: commercial fisheries permanently banned

Zones B and C: commercial fisheries banned unless authorised by the managing authority

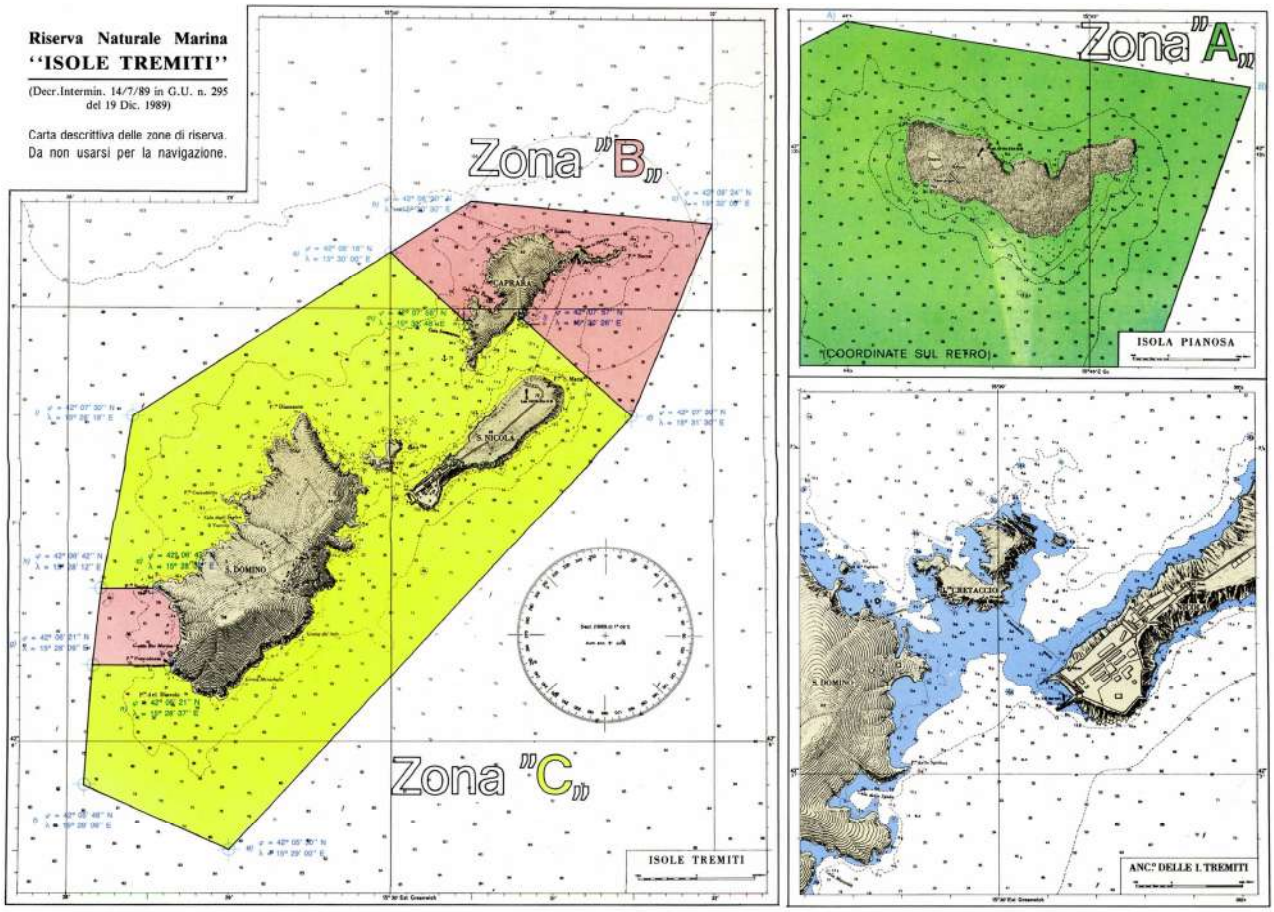


Fig. 2.A – Area della Riserva Marina delle Isole Tremiti.

From the site of the Marine Protected Area: The Tremiti Islands is an archipelago located about 12 miles north of the Gargano promontory. It consists of three main islands: S. Domino, S. Nicola and Caprara, a small island called Cretaccio lies between the three islands and a smaller island called Pianosa is located at a distance of about 12 miles to the NE of the first three and more than 30 miles from the Gargano coast. With less than 3 km^2 and 20 km of coast, the Tremiti archipelago is an example of rare beauty, due to the uncontaminated sea bed and also thanks to the landscape and the historical and architectural features present, mainly on the two largest islands: S. Domino and S. Nicola. In 1989, in order to protect and preserve this unique heritage of flora and fauna, the "Tremiti Islands Marine Nature Reserve" was established with a Decree on 14.07.1989. When the Gargano National Park was established in 1991, the management of the Reserve was transferred to the Gargano National Park authorities.

4. SITES OF COMMUNITY IMPORTANCE (SCI) - NATURA 2000

Code	Denomination	Biogeographical Region	Region
IT3250047	Tegnue di Chioggia	Continental	Veneto
IT3250048	Tegnue di Porto Falconera	Continental	Veneto
IT3330009	Trezze San Pietro e Bardelli	Continental	Friuli
IT4070026	Relitto della Piattaforma Paguro	Continental	Emilia Romagna
IT7120215	Torre del Cerrano	Continental	Abruzzo
IT9110011	Isole Tremiti	Mediterranean	Apulia

5. SPECIAL PROTECTION ZONES – NATURA 2000

Code	Denomination	Biogeographical Region	Region
IT3320037	Laguna di Marano e Grado	Continental	Friuli
IT3330005	Foce dell'Isonzo - Isola della Cona	Continental	Friuli
IT3330006	Valle Cavanata e Banco Mula di Muggia	Continental	Friuli
IT3250041	Valle Vecchia - Zumelle - Valli di Bibione	Continental	Veneto
IT4060005	Sacca di Goro, Po di Goro, Valle Dindona, Foce del Po di Volano	Continental	Emilia Romagna
IT9110040	Isole Tremiti	Mediterranean	Puglia
IT3250040	Foce del Tagliamento	Continental	Veneto

6. BIOLOGICAL PROTECTION ZONES

Since D.P.R. 963 of 1965 came into force ("Regulation of Marine Fisheries" - now repealed) and its implementing regulation, Presidential Decree 1639 of 1968, it has been possible to include the protection of certain areas that are important for the protection of biological resources in the management of commercial fisheries (Art. 98), through the establishment of biological protection zones by the Ministry responsible for sea fishing (currently the Ministry of Agriculture, Food and Forestry Policies). These rules which allow for the establishment of Biological Protection Zones, are specific to fishery activities and are over 15 years ahead of the legislation on Marine Protected Areas, approved in 1982. Biological Protection Zones are based on the possibility to ban or limit

any fishery activities, whatever means is used for capture, in terms of time and place in areas of the sea which, on the basis of scientific or technical studies, are recognized as being reproduction, nursery or development areas for marine species of economic importance or which are threatened by excessively intense exploitation.

Name	Place	ESTABLISHING DECREE	Situation	BANS DECREED 22/01/2009	Commercial fisheries 22/01/2009
Barbare Area	Offshore – Marche region	16 March 2004	active	Fishing juveniles	**The use of gill nets, seine nets and traps allowed. The use of long lines is allowed but only on the surface**
Area outside Ravenna	Offshore - Ravenna	16 March 2004	active	Fishing juveniles	**The use of traps, gill nets and longlines is allowed**
Tremiti Area	Isole Tremiti	18 February 2004	active	Fishing juveniles	**Bottom trawl and pelagic trawl allowed from 1st November to 31 March. The use of gill nets, longlines, seine nets and traps is allowed**
Tenue- Chioggia Area	Chioggia	16 March 2004	suspended	Fishing juveniles	**The use of gill nets is only allowed in the canals connecting the 4 rocky areas covered by the first BPZ decree**
Tegnue di Porto Falconera Area	Caorle	16 December 2004	active	Fishing juveniles	**All fishery activites are banned**
Miramare Area	Around Trieste	16 March 2004	active	Fishing juveniles	**The use of gill nets and seine nets is allowed. Traps are only allowed to capture cuttlefish and mantis shrimp**

7. OTHER RESTRICTIONS IDENTIFIED

- **Regasification terminal**, ADRIATIC LNG (Chioggia Maritime District), which is positioned in the following coordinates: Lat.45 ° 05'.30 N - Long. 012 ° 35'.10 E: in the security area (a circular area, the centre of which is the centre of the terminal and with a range of 2 Km). In this area all fishery activities are banned.

- **Oil rigs off the coast of Emilia Romagna**

SLOVENIA

In Slovenia there aren't active pelagic trawl fleet. Landings of small pelagic fish by the Slovenian fleet were reduced by 87 % in 2012 in comparison to previous years through the scrapping of vessels which targeted small pelagics. Scrapping was implemented using co-financing from the European Fisheries Fund (EFF) and the only two remaining vessels that were actively using pelagic trawl were scrapped as part of the implementation of this measure. As a result of this measure the national fleet capacity decreased for 37,63 % in terms of gross tonnage and for 19,2 % in terms of engine power. As a consequence the annual landings of the Slovenian fishermen decreased for more than a half, and, in particular, the composition of the landings changed, mainly as a result of a substantial reduction of small pelagics landings.

These figures make it self-evident that Slovenian fleet has already contributed in a large measure to the reduction of fishing effort on sardine and anchovy in the North Adriatic Sea, especially because the Slovenian fisheries sector is very small. (20 vessels have license for purse seine, only 4 of these vessels were active in 2014).

1. TECHNICAL MEASURES AND MANAGEMENT PLAN(S) FOR THE FISHERIES INVOLVED

Council Regulation (EC) No 1967/2006 (Mediterranean Regulation):

Article 4(1) of Council Regulation (EC) No 1967/2006 prohibits fishing with purse seines (PS) above seagrass beds, particularly beds of *Posidonia oceanica* or other marine phanerogams.

Restrictions regarding the smallest distance and depth for the use of fishing gear: Article 13(3) of Council Regulation (EC) No 1967/2006 prohibits the use of purse seines (PS) within 300 metres of the coast or within the 50 metres isobath where that depth is reached at a shorter distance from the coast.

Purse seines (PS) may not be used at depths that are less than 70% of the overall drop of the purse seine (PS) itself as measured in Annex II of Council Regulation (EC) No 1967/2006 (second subparagraph, paragraph three of Article 13 of Council Regulation (EC) No 1967/2006).

Restrictions regarding mesh sizes: Article 9(5) of Council Regulation (EC) No 1967/2006 sets the minimum mesh size at 14 mm for surrounding nets.

Restrictions regarding the dimensions of fishing gear: Article 12 of Council Regulation (EC) No 1967/2006 sets the length of netting materials at 800 m and the depth at 120 m (except in the case of seines for tuna).

GFCM Recommendations (GFCM/37/2013/1 and GFCM/38/2014/1) :

In accordance with the multiannual management plan (GFCM/37/2013/1) trawlers and purse seiners for small pelagic stocks /…/, irrespective of the vessel's length overall, shall not operate for more than 20 fishing days per month and shall not exceed 180 fishing days per year.

In accordance with the precautionary and emergency measures for the year 2015 (GFCM/38/2014/1), each fishing vessel targeting anchovy shall not exceed 144 fishing days per year. In addition, also a closure of fisheries needs to be applied in accordance with the precautionary and emergency measures for the year 2015.

Slovenia imposed a closure of the fishery in the period 1-15 April 2015 for the vessels fishing for small pelagic species. The area of the closure is all waters under the jurisdiction of the Republic of Slovenia.

National Management pursuant to Article 19 of the Mediterranean Regulation.

Management plan of the Republic of Slovenia for certain fisheries determines the following additional management measures for Slovenian purse seines:

- since 2012 temporary non-issuing of new licenses has been applied, meaning that no new fishing licenses that would allow use of purse seine (PS) were issued and thus preventing potential increase of effort.
- reduction of fishing effort through permanent as well as temporary cessation of fishing activities: the measure of the permanent cessation of fishing activity (scrapping) with the support from the European Fisheries Fund (EFF) was carried out in the period 2012-2013. As a result of the implementation of this measure segment using purse seines (PS) is the only remaining segment targeting small pelagics as the only pair of vessels using pelagic pair trawlers were scrapped.

Commission Delegated Regulation (EU) No 1392/2014 establishing a discard plan for certain small pelagic fisheries in the Mediterranean Sea

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities may be discarded: in the northern Adriatic Sea, up to 5 % of the total annual catches of species subject to minimum sizes in the small pelagic mid-water trawl and purse seines fisheries set out in point 2 of the Annex.

2. ADDITIONAL NATIONAL TECHNICAL MEASURES

- Fishing licenses required as a prerequisite that allows fishing activities.
- Fishing logbooks required for all vessels with purse seines and for all quantities and species of fish caught: in accordance with Slovenian national legislation (Regulation on the traceability of catches, Official Journal of the Republic of Slovenia No 2/13), all quantities of all species of fish caught and discarded have to be recorded in fishing logbooks, and all active vessels in the Slovenian fishing fleet, including vessels below 10 meters of length, have to fill in fishing logbooks.
- VMS: all Slovenian fishing vessels active with purse seines have VMS installed although they are all under 15 m of length overall.
- A national sampling plan for weighing on board: in Slovenia the weighing operation is performed by the fishermen. Therefore there is a sampling plan to allow the masters of fishing vessels to weigh, as provided in Paragraphs 3 and 4 of Article 60 of the Control Regulation (Council Regulation (EC) No 1224/2009).

3. MARINE PROTECTED AREAS

Marine Fisheries Act (OJ RS No 115/06): prohibited commercial and leisure fisheries in Portorož and Strunjan Fishing Reserves. Exceptions: fishing aggregations of the winter mullet shoals (special licenses required) and leisure fishing from the shoreline.

4. OTHER PROTECTION AREAS

There are currently four Natura 2000 areas designated at sea in Slovenia: Debeli rtič, Strunjan nature reserve, Posidonia bed and Punta Madona in Piran; in addition, designation of new Natura 2000 areas at sea is being considered.

5. OTHER CONSTRAINTS IDENTIFIED

It needs to be taken into account that Slovenian fishermen perform their fishing activities in a very limited area situated in the northernmost part of the Adriatic, where the fishing season is only possible between April and September and maybe part of October. These circumstances (short fishing season) limit possible fishing days available to our few fishermen to a great extent and these potential available fishing days are even further reduced because of the rule of maximum 20 fishing days per month established in the GFCM Multiannual management plan for small pelagics in the GSA 17.

The coexistence of purse seine fishing activities with vessels using passive gears is regulated through national Rules on detailed marking of fishing gear and to ensure sustainable use of fish (OJ RS, no. 87/2008). To avoid the conflicts between active and passive fishing gears, these types of gears are temporally and spatially separated.

Many other uses of the already very limited sea area that are not related to fisheries impede fishing in Slovenian sea, most of all implementation of the maritime traffic separation scheme in Trieste Bay, agreed between Croatia, Slovenia and Italy.

6. MAIN ISSUES DETECTED

The fishery targeting small pelagic species in Slovenia is very small and its impact on the exploitation of these stocks is almost negligible it is important that this tradition in Slovenia is preserved particularly because there are, only few vessels left that use purse seines which represents a sustainable fishing technique. This fishery is in addition, in particular because of its small dimension, very burdened with the existing regulatory provisions.

In the National Management prepared pursuant to Article 19 of the Mediterranean Regulation, Slovenia submitted a request for derogation in accordance with Paragraph 5 of Article 13 of Council Regulation (EC) No 1967/2006, from the second sub-paragraph of third Paragraph of Article 13 of Council Regulation (EC) No 1967/2006 regarding the use of purse seines for catching

mullets (*Mugilidae*). The derogation would allow fishing vessels to use purse seines with an overall drop of up to 120 m, measured in accordance with Annex II of Council Regulation (EC) No 1967/2006. Four vessels are subject of the request for derogation that fish for mullets (*Mugilidae*) in the territorial sea of the Republic of Slovenia.

A derogation is needed regarding the drop of purse seines – i.e. from the second paragraph of Article 13(3) of Regulation (EC) No 1967/2006 which states that a "purse seine shall not be deployed at depths less than 70 % of the overall drop of the purse seine itself as measured in Annex II of this Regulation". In relation to this, Croatia, Italy and Slovenia have commissioned a study on technical properties of purse seine fisheries targeting small pelagic species in the Adriatic Sea and on impact of the use of purse seines on marine environment in order to examine the appropriateness of the net drop rule. The preparation of this study is in its final stages. Preliminary results of the study show that:

- The interaction of purse seine with the bottom and its impact seems to be negligible
- Fishing activities with purse seines in the GSA 17 were never recorded within 300 meters of the coast or in protected areas
- Purse seine used in the GSA 17 is a highly species-selective gear as it exclusively targets sardine and anchovy;
- The amount of by-catch species is negligible.

The small pelagics fishing fleet in Slovenia consists of only 4 active vessels using purse seines as a traditional fishing technique; if this segment disappears, there will be no more active vessels fishing for small pelagic species in the Slovenian fishing fleet. **Therefore, from the perspective of Slovenian fisheries, the aim of the management plan should be to preserve this segment of the fleet for future generations and to allow them to use purse seines in traditional dimensions**.

Socio-economic aspects related with the Management Plan for the GSA 17

In order to complete the framework developed during the work of the FG on GSA 17, coordinators of GL1 and GL5 proposed this questionnaire, to know more about socioeconomic aspects. This part should be a base of general knowledge to frame the proposed management plan, keeping environmental and socio-economic aspects in balance.

1) Is there in your country a definition of the "fishing entrepreneur"? (*If so, please, specify the regulatory reference)*

ITALY: Yes, in Italy there is a legal definition of the fishing entrepreneur in Legislative Decree 4/2012, in which Article 4 reads: "*A fishing entrepreneur is the holder of a fishing license, / ... /, who carries out commercial fishery activities and related activities professionally and as an individual, with a partner or in a company*". Professional fisheries are: "*organised commercial activities that are carried out in marine, brackish or fresh water, with the aim of finding living aquatic organisms; setting, hauling, positioning, trawling and recovering fishing gear; bringing the catch on board, transshipment, retaining on board, processing on board, transfer, storing in cages, fattening and landing of fish and fishery products*. "
Related activities include, for example, embarking people who are not part of the vessel crew for tourism and recreational purposes, which is called "fishing tourism"; while hospitality, recreational, educational and cultural activities and services on land, which aim to give added value to fishery resources and the socio-cultural aspects of fisheries have a separate name in Italy: "ichthyic tourism". It should not be forgotten that in Italy fisheries cooperatives and consortia are also considered fishing entrepreneurs when they mainly use their members' products or when they provide goods and services to these same members in order to carry out the specific activities of a fishing entrepreneur.

SLOVENIA: Entrepreneurs in the area of commercial marine fisheries in Slovenia can either be legal persons, self-employed fishermen or fishermen – physical persons. While legal persons and self-employed entrepreneurs are defined in other legislation, Marine Fisheries Act includes provisions on self-employed fishermen and fishermen – physical persons (Art. 41 and 42 of Marine Fisheries Act, OJ RS No 115/06). In reality, most of the Slovenian fishermen are self-employed and are owners of the fishing vessels with which they perform fishing activities.

CROATIA: Commercial marine fisheries encompass commercial fisheries *sensu stricto* and the new category of small scale coastal fishery, which is limited in terms of gears and manner of operation. Entrepreneurs in the area of commercial marine fisheries in Croatia can be legal entity -COMPANY established and organized in accordance with the Companies Act NN 68/2013. It can also be legal entity – self-employed fishermen CRAFTSMEN- organized in accordance with the *Zakon o obrtu* Official Gazette (NN) 49/03.
Small scale coastal fishermen are defined in Marine Fisheries Act (NN 81/13, NN 14/14 i NN 152/14) and Ordinance on small scale coastal fishery (NN 08/15, NN 15/15 i NN 19/15)

2) Are there national work contracts specific to the fisheries sector? (*possible reference*) If so, please describe the main purpose

ITALY: At national level, the most representative collective labour contracts (CCNL) adopted between trade unions and employers' associations (both cooperative and not) are: FEDERPESCA / CGIL-CISL-UIL and AGCI Agrital/FEDERCOOPESCA/Lega Pesca- CGIL-CISL-UIL .

SLOVENIA: No.

CROATIA: No national work contracts. The rights and obligations of entrepreneur and employees are defined in a general Labour law, NN.: 93/2014. However, some of the aspects are covered in national Ordinance on working hours, holidays and leave for workers on-board fishing vessels NN no .: 82/.2010.

3) Briefly describe the pay system and the protection of workers (compulsory social security and insurance aspects)

ITALY: In most cases, in addition to providing appropriate protection for workers, the employer provides the employee with a share, in other words the crew member receives compensation that is proportionate to the size of the catch, this share is calculated according to specific parameters of distribution. The "share" is guaranteed and safeguarded by a "minimum monetary guarantee" should a minimum amount not be reached in a set period of time. In this case the vessel owner grants the worker the difference between the share and the minimum monetary guarantee. In Italy there is a compulsory social security system, which, through the payment of contributions to the National Institute of Social Security of the Ministry of Welfare (called “INPS”) provides some protection, both in terms of insurance and social security. The insurance covers injuries, illness and maternity, while the social security protection guarantees pension coverage after a certain

number of years (> 35) of contribution payments. The contributions are paid both by the company and by the worker, in different percentages.

SLOVENIA: In Slovenia, a minimum wage has to be guaranteed to those employed, i.e. by legal persons and by private entrepreneurs, in accordance with the Minimum Wage Act (OJ RS No 13/10). However, it is a special characteristic of the Slovenian fisheries sector that owners of the fisheries enterprises are the fishermen themselves (as private entrepreneurs) which means that since they employ themselves, they can only pay their wages from their own income.

CROATIA: for all fishermen employed in companies basic wage is defined in above mentioned *Labor law, NN.: 93/2014.* They also have maritime addition defined in Maritime Law NN, No 181/04, 76/07, 146/08, 61/11, 56/13, 26/15)
The right to health insurance is provided with *The Law on Compulsory Health Insurance* (NN No. 80/13, 137/13), and pension insurance with *Pension Insurance Act* (NN no. 157/13. 151/14 and, 33/15)

4) During mandatory fishing closure is there any form of income support or any other intervention to mitigate the impact on companies and workers?

ITALY: In recent years, as an exception to the general rule, the fisheries sector also sees the right for fishers to receive a salary when they are forced to stop fishing for reasons beyond the control of the vessel owner. The amount is equal to 80% of the minimum monetary guarantee. The EMFF under certain conditions can help support fishers' incomes in case of involuntary suspension of activities.

SLOVENIA: Currently, there is no systematic form of income support or other intervention for the Slovenian fishermen during mandatory closures of fisheries for small pelagic fish. Support has been foreseen in the future framework of implementation of the European Maritime and Fisheries Fund in Slovenia, through the measure Temporary cessation of fishing activities. However, the problem is that this support cannot replace the missing income but only the minimum wage cost for the duration of the closure. This means that the fishermen can still be at a loss as a particular fishing month can represent most of a year's income depending on the season.

CROATIA: No, apart from insufficient funds from European Fisheries Fund /European Maritime and Fisheries Fund.

5) Please describe briefly the main costs for the fishing industry (fuel, labor, depreciation, taxation)

ITALY: The main cost of the Italian fishing enterprises is generally represented by fuel (diesel). This particularly applies to bottom trawlers or pelagic trawlers. Therefore purse seiners are less affected. The price of diesel for fishing vessels is exempt from excise duty and VAT. Other significant costs are represented by the cost of labor, which as mentioned before, it is paid "as a share" and to a lesser extent from taxation, which, in Italy, is based on the corporate income (revenues minus costs).

SLOVENIA: According to socio-economic data, most costs of the Slovenian fishermen are represented by the costs of labour and wages, followed by costs of energy consumption such as fuel costs, depreciation costs and repair and maintenance costs.

CROATIA: The main cost of the Croatian fishing enterprises are costs for repair and maintenance of boats and gears, fuel costs and then costs of labour and wages.

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