MEDAC - Registered Office Via XX Settembre, 20 - c/o MIPAFT - 00187 Rome (Italy) - Tax identification number 97534810581 - Association registered with the Prefecture of Rome as a legal entity n.1224/2017

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Rome, 24 October 2018

To Member States
(CY,FR,GR,HR,IT,MT,SI,SP)

To Director General
Joao Aguiar Machado
EC - DG MARE

With reference to the imminent deadline of 1st January 2019, which marks the entry into force of the Landing Obligation for all species[1], we would like to draw to your attention the joint recommendation already produced by the MEDAC (protocol 132/2018, 22 May 2018). In this document we strive to underline the technical and economic reasons that make the creation of facilities for the processing, freezing and sale of undersized specimens unfeasible in all eight Mediterranean Member States. The non-feasibility of these facilities, that some would like to see proven with the support of scientific data, can be appreciated if we consider the total lack of projects or initiatives both from the private and from the public sectors This fisheries product, if landed, would have to be destroyed as special waste with all related costs being borne by the companies. The fact that this cost (0.5- 1 euro/kg) is disproportionate and excessive if added to the high costs that fishery enterprises already have to sustain – especially trawl fisheries – has not been calculated on a scientific basis, however it can easily be deduced from an analysis of cost/income of fisheries enterprises and from the reactions they have to any increase in costs (for example, the cost of fuel). This excessive cost would trigger the condition foreseen in Article 15 paragraph 5 letter c point ii of the Basic Regulation (exemption as a result of disproportionate costs).

These reasons for authorising exceptions and granting de minimis exemptions for all species listed in Annex III of the Mediterranean Regulation make it advisable, in our opinion, for the EC to grant high de minimis rates while also prompting a different approach to the reduction of catches of undersized specimens. In particular, our recommendation focused on the need for Member States to prepare management plans with the aim of reducing catches of undersized specimens in the areas, in the seasons and for the capture systems indicated in the results of scientific research and included in our joint recommendation. These plans, which could be formulated and implemented in the space of a few months on the basis of existing data, should represent the condition that would be necessary to obtain de minimis exemption and must also include the adoption of technical

[1] It is to be noted that NGOs members of MEDAC firmly oppose the approach of requesting overall *de minimis* exemptions "as high as possible", as it was already reported in the minority statement submitted by Oceana on the MEDAC opinion. This approach does not fulfil the conditions under CFP art. 15.5 as disproportionate costs or the difficulty of increasing selectivity are not provided with due argument. The adoption of fishing technologies and practices to increase selectivity and reduce unwanted catches are the purpose of the landing obligation.

info@med-ac.eu
+39 06.46.65.21.12 T
+39 06.60.51.32.59 F

med-ac.eu
Via XX Settembre, 20
00187 Roma (Italy)

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solutions identified within various research programmes (Minouw, Galion) that aim to increase gear selectivity.

So, with just a few months to go before the entry into force of the Landing Obligations, we do not have the impression that the Member States are working on this issue, nor do we note that the text under discussion for the Delegated Act relative to the granting of *de minimis* exemptions for the year 2019, and subsequent years, carries any explicit reference to Article 15 para.5 letter c point ii.

The stakeholders are, therefore, extremely concerned that there will be widespread non-compliance with the Landing Obligation by fishing enterprises in the Mediterranean, this concern also extends to the lack of an alternative strategy targeting a reduction in the capture of undersized specimens, which was the aim of lawmakers in the preparation of the basic regulation.

We therefore hope that the reasons given in our joint recommendation for the preparation of management plans as a complementary measure to the landing ban shall be taken into greater consideration; moreover, that the delegated act granting *de minimis* exemption from the LO, as well as specifying exemptions on the basis of the high survival rate of some species, shall also consider exemptions for other species for reasons of disproportionate costs, as stipulated in Article 15 para.5 letter c point ii.

Please do not hesitate to contact us for any further clarification.
Yours faithfully

The President
Giampaolo Buonfiglio

info@med-ac.eu
+39 06.46.65.21.12 T
+39 06.60.51.32.59 F

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