MEDAC - Registered Office/Sège Social/Sede Legale Via Nazionale, 243 - 00184 Roma (Italy) - Tax identification number/Numéro d'identification fiscal/Codice Fiscale 97534810581

Ref.: 76/2016

Rome, 1st March 2016

Ernesto Penas Lado

Director General Policy Development and coordination

Hubert Gambs

Director General Mediterranean and Black Sea

Cc Member States

Subject: Landing Obligation

Dear all,

With reference to article 15, paragraph 1 letter d) of EU Regulation 1380/2013 (CFP), which states "*From 1st January 2017 at the latest for the species which define the fisheries…*", we became aware informally and without prior knowledge that the STECF was planning to prepare a document indicating these species by Member State and by fishing gear.

Considering that the possible proposals for the management of discards of this species should be presented to DG MARE by Member States (regionalisation ex art. 18 Basic Regulation) by next June, so that they can potentially be adopted and translated into European Commission (EC) delegated acts so as to enter into force on 1st January 2017, we hereby present some questions and suggestions in order to proceed with the rapid initiation of a MEDAC response to collaborate on fulfilling our commitment with landing obligations deadlines.

a) We suggest that the STECF document should be formally transmitted to the Member States and to the MEDAC so as to let them know which discards management plans the EC expects to see implemented by 1st January 2017. Thus, it could be useful information to guide us to prepare our own recommendations.
b) The definition of Article 15 paragraph 1 letter d), is open to interpretation for us. For example, it is not clear: what percentage of the economic or commercial value and

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quantity of catch per gear is represented by "*the species which define the fisheries….*",what percentage has been considered by the STECF and if Member States can vary this percentage at their discretion (if different percentages are presented for the different Member States it would be difficult to proceed with regionalised proposals according to art.18).

c) Species which define fisheries in the Mediterranean, concerned by the landings obligation, are only those present in Annex III of the Mediterranean Regulation 1967/2006. We would like to know if any by-catch of those species present in Annex III caught by fisheries that target species not present in annex III should be considered.

d) Article 15, paragraph 5 letter c) point ii, on the matter of "*de minimis*" exemptions mentions disproportionate costs. We would like to know the criteria used to consider that costs are disproportionate. Moreover, accidental catch is mentioned as representing more than "*a certain percentage*". We would like to know who decides this percentage, Member States or EC, and if it could change according to the case in question.

We would be very grateful if you could answer these questions as they would be very useful and would help us to prepare our own advices. We look forward to receiving a reply as soon as possible,

Yours sincererly,

Giampaolo Buonfiglio
President