

INTERREG MED PROGRAMME

FISHMPABLUE2 PROJECT

**WP5 “Capitalisation”
Deliv. 5.1.1 “Policy principles (conservation and fisheries)”
and Deliv. 5.1.2 “National adapted recommendations”**

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1. Introduction

The FishMPABlue2 project contributes to a suite of important public policies-based targets for the sustainable development of the Mediterranean marine environment, as:

- The EU “Common Fisheries Policy” and “Marine Strategy Framework Directive” objectives to achieve Good Environmental Status by 2020
- “Mediterranean Action Plan II” priorities to promote sustainable fisheries by means of sustainable models of small scale fisheries management.
- “Convention on Biological Diversity” commitment (Aichi target n.11) to protect 10% of territorial waters (presently around 5% in the Mediterranean sea)
- “Sustainable Development Goal” n.14 “Conserve and sustainably use the oceans, seas and marine resources for sustainable development”, in particular its Target 14.5 “By 2020, conserve at least 10 per cent of coastal and marine areas, consistent with national and international law and based on the best available scientific information” and Target 14.b “Provide access for small-scale artisanal fishers to marine resources and markets”
- The General Fisheries Commission for the Mediterranean (GFCM/FAO) “Regional Plan of Action for Small Scale Fisheries (SSF)” aims to reinforce the capacities of the sector to promote its sustainability including that of the fishery resources and the environments upon which they depend.

The FishMPABlue2 project, in support of these goals, has developed and tested new governance practices for sustainable small scale fisheries. The lessons learned from these practical experiences of fishers and marine protected area (MPA) managers working together to resolve real management issues are captured in the **Policy Principles** for better governance of small scale fisheries (SSF) in MPAs which are presented in this report, and in a separately published ‘FishMPABlue2 SSF Governance Toolkit’.

The Project’s previous work had shown that conflict between legal frameworks for nature conservation and for fisheries hampered progress towards more sustainable fisheries, requiring action at national levels to resolve. A summary of the applicable policy frameworks is presented in Annex 1.

In March and April 2019 **National Technical Workshops** were held in each project country with the aim of identifying gaps and hindrances in terms of legal and administrative frameworks for the successful implementation of the “SSF Governance Toolkit” and to make recommendations for change.

At the same time as the FishMPABlue2 project was underway, the General Fisheries Commission for the Mediterranean (GFCM) was preparing a Regional Plan of Action for Small Scale Fisheries in the Mediterranean and Black Sea. This was adopted by the GFCM Contracting Parties in September 2018, committing States to ensure the long-term environmental, economic and social sustainability of small-scale fisheries. The plan promotes better recognition of the important role of small scale fisheries, which constitute over 84% of the fishing fleet and 44% of fishing capacity, employ at least 62% of the total workforce onboard fishing vessels and account for approximately 24% of the total

landing value from capture fisheries in the region. As well as calling for increased engagement with SSF and the sector's greater involvement in decision-making, the plan commits signatories to "ensure that the establishment of MPAs is carried out in a participatory manner taking into consideration the reality of small-scale fisheries livelihoods".

2. Background to FishMPABlue2

An analysis of existing small scale fisheries (SSF) undergoing in 31 MPAs from 5 Mediterranean countries, aiming to propose strategies that would strengthen and enhance MPAs' SSF management capacities, identified the following enabling conditions for a successful SSF management:

- 1) Fishers representation in MPA decision-making bodies
- 2) "Enforcement", i.e. fostering MPA capacities in surveillance and patrolling
- 3) Fishers' engagement in MPA activities (e.g. monitoring, patrolling)
- 4) Support for sustainable fishery-related products/services (e.g. short production and distribution chain, pesca-tourism, quality labels)
- 5) Management plan for SSF within MPA, developed with fishers

A list of measures and interventions designed to achieve these conditions and therefore contributing to improved MPA management effectiveness was prepared as a final output of FishMPABlue1 project (<http://www.medmaritimeprojects.eu/section/fishmpablue>).

The FishMPABlue2 project (<https://fishmpablue-2.interreg-med.eu/>) tested some of these management measures in 11 pilot MPAs in 6 Mediterranean countries: the objective was to assess and quantify the effectiveness of the measures in achieving expected results in terms of MPA ecological results, benefits delivered to SSF and social acceptance of MPA by stakeholders.

During the tests four themes emerged as being fundamental to successful management of SSF in MPAs. As a group these elements represent a **governance model** (figure 1): when present **together** they provide the basis for successfully implementing a wide range of other supporting measures, such as sustainable fishing practices, local marketing of fish products, pesca-tourism and more.

Thus, a mechanism to involve fishers in MPA decision making regarding fisheries enables inclusive governance of fisheries resources in MPAs. An integrated management plan prepared by MPA managers and fishers representatives together, provides a framework for day to day and strategic management. Surveillance and enforcement of the plan's fisheries management measures ensures its objectives can be met and secures the trust of those who have signed up to the plan. Regular monitoring of fish catches and fish stocks provide important management information, which can be fed back into the management measures set out in the plan.

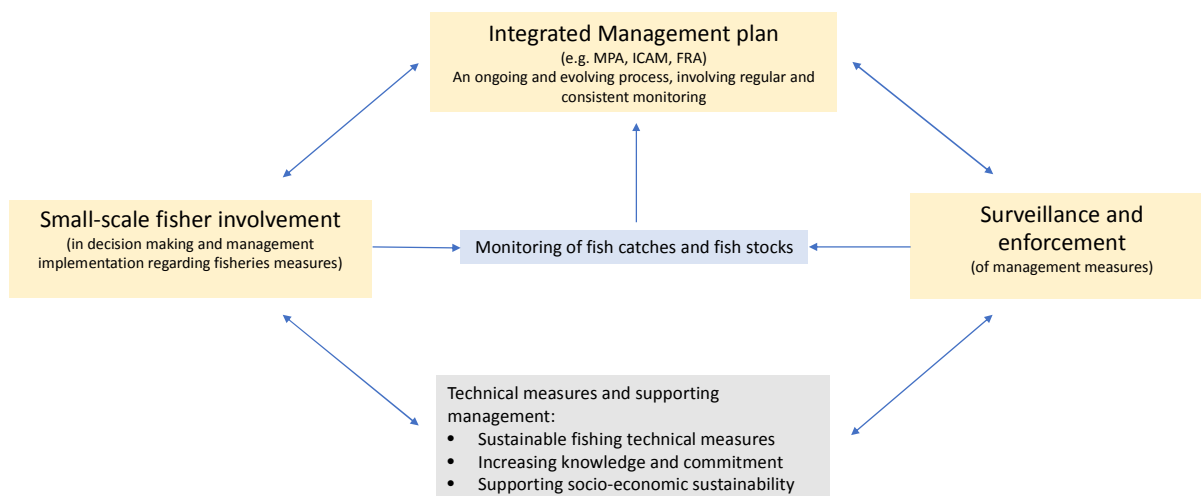


Figure 1. Governance model

3. Policy Principles

These principles for good policy making regarding SSF management in MPAs are derived from the practical experience of testing the FishMPABlue2 Governance Toolkit in 11 locations spanning 6 countries. As such they are widely applicable across diverse legal systems and cultural and geographical contexts.

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To accompany the **development of the blue economy** there needs to be also an **adaptation and increased capacity** in the institutions of governance especially, but not only, at the **local level**. The following principles should be followed to design and reform governance of SSF in MPAs:

1. Whilst designation of MPAs is a national responsibility, MPA management must be localised so as to respond to unique local factors (uses, users, pressures, opportunities) and the necessary local scale of management
2. Nature protection and fisheries laws should fit for purpose. In particular, they should be sufficient to **enable** the deployment of appropriate **technical measures** to control **unsustainable fishing**. This should be **supported** by adequate **enforcement powers** (to prevent **illegal, unreported and unregulated** fishing - IUU), also making provision for **shared responsibilities** between institutions such that enforcement can be **delegated** to an appropriate **local level** (where additional resources may be secured through methods of **fisher participatory surveillance** etc).
3. Fisher involvement in decision making for MPAs helps to build knowledge and understanding of MPA conservation needs and management actions, and for MPA managers to understand fishing issues and perspectives. Because of the importance of sustainably managing SSF (potential direct impacts on biodiversity; potential impacts on coastal communities) **fisher participation in marine management (MPAs and other marine management zones such as FRAs, coastal zones), specifically regarding fishery management measures, should be prioritised.**
4. **Alternative resource allocation systems**, such as TURFs (territorial use rights for fisheries) and quasi-TURFs provide incentives for local participatory management.
5. The EU Principle of open access to fish stocks is strongly defended by the fishing industry but hampers co-management efforts. TURFs are difficult to implement as a result. However, **technical measures** such as licence conditions, zoning, marking gears, etc can be used to incentivise local fishers towards sustainable fisheries and to manage fishing effort whilst more formal TURFs are developed and tested.
6. Communications must be improved and **institutionalised, vertically and horizontally**: between fishers and fishery-environment regulators, and between fishery and environment regulators at all levels, adapting existing mechanisms where they exist.

7. Time should be allowed to build trust and capacities and to test and deploy new measures, which in turn needs stability (commitment to providing resources; personnel and legal stability etc)
8. Surveillance should be backed up with enforcement (powers and resources) at the **local level**
9. The lack of regulation of **recreational fishing** undermines efforts to manage fish stocks and erodes trust between fishers and all levels of government. **Monitoring and regulation** of recreational fishing should be introduced to ensure effective management of SSF.
10. Local monitoring systems should be established and maintained **to demonstrate the benefits** of management measures, which enables recognition of their value, provides an evidence base for adaptive management, and forms a basis for innovative management approaches.
11. **Livelihood transformations are necessary to move to a sustainable Blue Economy.** These transformations should embody a sustainable livelihoods approach for small scale fishers, supported by **awareness, training, and access to finance.**

4. National adapted recommendations

4.1 National Technical Workshops

In each project country the relevant project partner(s) organized a National Technical Workshop (Table 1) bringing together policy-makers, MPA managers and fishers, in order to discuss the state-of-play of the interactions between MPAs and SSF (and corresponding legislation) at national level and to identify some potential actions to improve the situation, starting from the results of FishMPABlue2 project (mainly the SSF Governance Toolkit).

Country	Date	Location
Croatia	22 nd March 2019	Zagreb
France	20 th March 2019	Marseille
Greece	20 th March 2019	Athens
Italy	21 st March 2019	Rome
Slovenia	12 th April 2019	Strunjan
Spain	14 th March 2019	Madrid

In most of the countries such workshops (bringing together fishery and nature conservation-related policy maker and experts) was occurring **for the first time**, and therefore its results can be considered as a preliminary brainstorming for future, more structured discussions.

In any case from all the experiences it was clear that these forums should be formalised, meet regularly and identify an agreed work-programme towards the national implementation of the Regional Plan of Action (RPOA) for small scale fisheries (addressing conflicts with environmental legislation where they arise).

The workshops were tasked with identifying barriers and hindrances to improved governance of SSF in MPAs in the respective country. The workshop reports which are annexed set out the priorities amongst those attending. Management of fisheries and the marine natural environment are complex policy and juridical areas. The workshop reports provide starting points for on-going discussion, negotiation and decision-making, and contribute to the national recommendations set out below.

4.2 General recommendations

1. An overarching recommendation, therefore, is that a **National Technical Workshop** should be formalised for each country in a nationally appropriate format to provide a cross-sectoral and inclusive forum for these discussions and negotiations to take place. This process has the advantage of helping to limit controversy and conflict, and avoid wasted resources as the national government takes measures to implement the RPOA on SSF.
2. A second overarching recommendation is that each country should define a **roadmap** for setting up a comprehensive plan regarding the management of SSF within and around MPAs. This should be integrated with national Operational Programmes for **European Maritime and Fisheries Fund**, so as to provide access for funds to support its implementation. The **European Commission** can play an important role in ensuring this takes place through its approval mechanism for these operational programmes.

To guide the content of these roadmaps, the FishMPABlue2 partnership proposes a phased approach for improving SSF governance in MPAs:

Phase I (up to 1.5 years):

- design a national system for localised MPA enforcement, fishers participatory surveillance and monitoring;
- institutionalise sector communications (horizontal and vertical);
- set up co-management/participatory mechanisms, using FishMPABlue2 Governance toolkit as a reference point. (N.B. These actions are consistent with the GFCM RPOA and will assist in meeting national commitments for its implementation)

Phase II (up to 3 years):

- Nature protection and fisheries laws are reviewed and made fit for purpose.
- Alternative resource allocation systems, such as TURFs (Territorial Use Rights for Fisheries) and quasi-TURFs (application of technical measures) should be developed and piloted.
- SSF National Plan of Action is adopted

Phase III: SSF Plan of Action is fully implemented

An expert panel, reviewing these recommendations (Oct 2019. Rome) urged that national authorities acknowledge and take into account the following:

1. Prevention of illegal fishing activity can be achieved through 'smart enforcement' - the creation of enforcement 'hotspots' in MPAs for a time to discourage illegal fishers, without having to permanently increase enforcement resources.
2. Enforcement powers are often very narrow, and often weak for infringement of MPA rules compared to fishery rules. Reform is needed.
3. The EU Principle of open access to fish stocks is strongly defended but hampers co-management efforts. Territorial Use Rights for Fisheries are difficult to implement as a result. However, technical measures can be used to incentivise local fishers and to manage fishing effort, such as licence conditions, zoning, marking gears, etc.
4. European Maritime and Fisheries Fund (EMFF) can be a valuable instrument to promote innovation and good management of SSF in MPAs. However, its administrative procedures need to be streamlined and maximum use made of Fisheries Local Action Groups (FLAGs) to coordinate and to scale up investment. ***The national Operating Programmes currently being developed should address this need.***
5. MPAs are well placed to provide technical assistance to fishers to gain access to EMFF funds, where they are provided with sufficient resources to do so
6. More data is needed for SSF management in MPAs. With good data (long-term data sets; common methodology; indicators for reporting) it is much clearer to all stakeholders what management measures are needed.

4.3 National recommendations

Included in this section are the recommendations to be taken into account by each specific country. They have been drafted by the relevant project partner(s), based on the actual results of the FishMPABlue2 project at national level and the discussion held in the relevant National Technical Workshop. They provide a positive basis for further dialogue between all parties.

Croatia

Issue	Recommendations
Lack of legal framework for institutionalization of various fisheries associations	Legal institutionalization of co-management in fisheries.
There is no obligation to create a system for informing stakeholders	It is necessary to amend the Marine Fisheries Act AND Nature protection Act as well as their bylaws to provide a better system for informing stakeholders (existing system too complicated for fishers).
Lack of legal background for involvement of fishers in decision making process	It is necessary to set up the foundations for new legal framework in Croatia that will respect the need of including all relevant stakeholders in decision making process by introducing co-management model. It should be done by amending existing laws and proposing bylaws which will regulate the issue in a more precise way.
Insufficient clearly defined legal acts for better communication between two sides (MPA managers and fishers)	More precise bylaws or regulation should be adopted addressing this issue (to include fishers in more steps of local decision making).
There is no obligation to include stakeholders in the development of strategic documents that plan the work and objectives of the competent authorities	It is necessary to introduce this obligation by amending all relevant laws such are Nature Protection Act, Environmental protection Act, etc.
Potential budget constraints	Extensive involvement of stakeholders in decision making requires increased staff capacity on behalf of the institution that practices co-management and this needs to be taken into account.
Lack of legal authority of the ranger service	It is necessary to amend the Nature Protection Act to grant ranger service wider range of enforcement possibilities.
Insufficient number of punishable offenses prescribed by relevant laws	It is necessary to amend all laws and bylaws regulating offences connected to the fishing activities imposing more restrictive measures or imposing new offences.
Lack of legal obligation for cooperation	It is necessary to continuously raise awareness of competent authorities about the benefits of the cooperation. Introduction of legal provisions in Nature Protection Act that will regulate this obligation in concise and clear way.
Lack of legal framework for territorial rights	It is necessary to monitor and follow up on changes in legislative framework regulating this matter. Once the legal acts which could resolve this issue are identified it is necessary to use public participation rights and address the issue.

France

Issue	Recommendations
Some laws regarding fishery and MPA regulations exist but are not applied and/or enforced	More resources are needed for the enforcement of existing laws
Within and beyond MPAs conflict between artisanal and recreational fisheries are increasing because of a lack of laws at national level regarding the regulation of recreational fishery activities	New law on recreational fishery (at EU and French level), imposing more restricted rules (i.e. permit, quota) and creating more controls, especially in MPA.
French MPAs have the authority to carry out police controls but state services are not sufficiently present at sea	Require more human resources for awareness and enforcement at sea and on land
Lack of information regarding the status of commercial fish stocks which is needed to identify quota and to demonstrate the benefit of local measures - some species are not being monitored	More funds at the national level is needed for adequate long term monitoring of key species. This is needed to inform adaptive management.
Communication between MPAs managing bodies and local fishers is usually good, but it depends on individual willingness and building trust. Change of stakeholder representatives (e. g. new election in a prud'homie every 3 years) is a factor of instability in relations.	Competent national authorities (Ministries of Environment and of Fishery) could request every year a report about such dialogues, in order to stimulate both sides (MPA and fishers) to communicate with each other and to provide continuity in the discussions.
Sanctions related to illegal fishing activities are not always dissuasive enough	Raise awareness of both enforcement and judicial bodies (coast guards, police, prosecutor...) by informing them of illegal activities that seriously damage the environment, especially in MPA
Private stakeholders (as fishers) are often little involved in the MPA decision making system	Involvement of fishermen should be included in management plans - Fishermen need to be represented in the co-piloting of Natura 2000 sites

Greece

Issue	Recommendations
Coordination between government departments is poor, leading to conflicts in policy and activities	Create a Ministerial Committee responsible for MPAs where the two Ministries will be represented (integrated approach)
Data to support the creation and management of MPAs and management of small scale fisheries is insufficient	<p>Funding should be allocated for regular fisheries monitoring to assess the current status in MPAs</p> <p>Policy specifications should be established for fisheries data collection requirements</p>
Policing of fishery regulations, and MPA regulations relating to fishing, is ineffective	The right of MPAs to apply surveillance should be confirmed in law
Controls on fishing are inadequate, leading to biodiversity loss	<p>A review of measures related to fisheries management in the context of both biodiversity and fish stock protection should be made a priority. Recommendations for improved measures should be enacted.</p> <p>The government should ban the use and import of unsustainable fishing gears at National level (i.e. small mesh size for nets, trawlers and seiners as well as small hook size for long lines that are capturing sexually immature animals)</p>
MPAs make too little use of voluntary measures to overcome shortcomings in the legal framework	<p>MPAs should make more use of voluntary measures to achieve their purpose. For example:</p> <p>Management Board Presidents could involve actors in informal ways (e.g. monthly meetings)</p> <p>MPAs could lead the creation of informal co-management schemes</p> <p>MPAs and other actors could participate in funded projects/initiatives that enhance communication and participatory approaches</p> <p>MPAs could share experience and expertise amongst themselves</p>

Italy

Issue	Recommendations
Communication between MPAs managing bodies and local fishers is usually good, but it depends on individual willingness, i.e. there is no specific rules (except the ones dealing with public institutions' accountability) to organize and stabilize such dialogue	Competent national authorities (Ministries of Environment and of Fishery) could ask every year a report about such dialogue, in order to stimulate both sides (MPA and fishers) to communicate each other
Existing laws (and policy, at least at government level) do not allow that the MPA decision making system involves private stakeholders (as fishers) in the decision making process	Waiting for a new law that allows the integration of local fishers representatives in the Managing Board of the MPA, one first concrete action could be to force each MPA in defining a specific "SSF management plan", involving in its drafting and monitoring the local fishers representatives
Time is needed to build trust and capacities and to test and deploy new measures, which in turn needs stability (commitment to providing resources; personnel and legal stability etc.)	Actual involvement of fishers in some MPA-run activities (e.g. surveillance, monitoring, raising awareness towards conservation, marine litter collection, etc.), with funds for reimbursing fishers' involvement in activities that consume time (and fuel) of an economic operator as fisher are. Availability of funds for reimbursing the damages caused by protected species (e.g. cetaceans) to fishery activity (e.g. to the nets)
In Italy surveillance of MPAs is task of concerned Port Authorities; in several cases this is not enough (for lack of human resources, equipment, etc.)	Surveillance carried out by Port Authorities should be complemented by patrolling provided by other public institutions or directly by MPAs' "ranger" (the latter is not foreseen by existing laws)
In many Italian MPAs conflict between artisanal and recreational fisheries are increasing, also because of a lack of a law at national level regarding for instance management of recreational fishery within an MPA	New law on recreational fishery, imposing them more restricted rules and creating more controls
Adequate monitoring should be in place to inform adaptive management, but neither Ministry of Environment nor MPAs have adequate funds for assuring a stable and comprehensive monitoring (in terms of surface/habitats/species coverage, periods of the year, etc.)	More funds from the governmental level (e.g. from the Ministry of Fishery, as already occurred last year)
In most of Italian MPAs both MPA managing body and local fishers are willing to cooperate, but there is no juridical framework, very few funds, and not a consolidated model for such cooperation	Some MPAs declare that fishers want to get involved in a co-management process: expressing such will is a statement of 'soft' power and should be exploited. Indeed it could be institutionalised in a positive way with negotiation of some sort of "Charter" (like the European Charter for Sustainable Tourism https://www.euoparc.org/sustainable-tourism/charter-principles/)
In Italy there is the lack of legal framework for establishing territorial rights for local fishers	New law for allowing to appoint special "territorial rights" to local artisanal fishers, in order to gain their support towards the conservation goals

Slovenia

Issue	Recommendations
There is no legal obligation for involvement of the fishers associations in the decision making	Legal institutionalization of co-management in fisheries.
Process related to fisheries legislation other than general public consultations	Introduce higher involvement of fishers in decision making through fisheries legislation finally leading to co-management.
There is a possibility of commenting through the process of public consultations but this process is not completely functional and there is no obligation for creating functional system	Introduce higher involvement of fishers in decision making through fisheries legislation finally leading to co-management.
Lack of legal background for involvement of fishers in decision making process	Introduce higher involvement of fishers in decision making through fisheries legislation finally leading to co-management.
Procedure for adopting strategic documents related to the management of protected areas is already too demanding	Introduce amendments in laws and bylaws that would ease the process of adopting the strategic documents related to the management of protected areas on the institutional level by enabling decision making through co-management body.
There is no obligation to include stakeholders in the development of strategic documents that plan the work and objectives of the competent authorities	Introduce amendments in laws and bylaws that would include stakeholders in the process of development of strategic documents that plan the work and objectives of the competent authorities.
Potential budget constraints	Extensive involvement of stakeholders in decision making requires increased staff capacity on behalf of the institution that practices co-management and this needs to be taken into account.
Lack of legal authority of the ranger service	It is necessary to amend the Nature Protection Act to grant ranger service wider range of enforcement possibilities.
Insufficient number of punishable offenses prescribed by relevant laws	Introduce new amendments in the relevant legislation related to the illegal activities on the bases of the inputs gathered from MPA offenses database and coordinate it with co-management body.
Lack of legal obligation for cooperation	Legal institutionalization of co-management in fisheries.
Lack of legal framework for territorial rights	It is necessary to monitor and follow up on changes in legislative framework regulating this matter. Once the legal acts which could resolve this issue are identified it is necessary to use public participation rights and address the issue.
There are no legal boundaries for adoption of monitoring processes	Introduce amendments in relevant laws and bylaws to enable adoption of monitoring processes.

Spain

Issues	Recommendations
Effective communication may be hindered due to: <ul style="list-style-type: none"> - a lack of knowledge and interpretation of the specific regulations of each area - a lack or misunderstanding of information exchanges among the administrations and MPA sites 	More coordination and cooperation between MPA and administrations based on a common language <i>See also below recommendation to agree on common goals for MPA</i>
Lack of political will to provide sufficient funding capacity	Need to clarify what type of participation of the economic and social actors involved is wanted at the political level in the management of MPAs
No common goal according MPA typologies, nor clear MPA framework for developing a coherent MPA network. No common co-management framework or model	Create a forum to enlarge discussion with fishermen, administrations and civil society to share knowledge and set priorities for MPA development Develop common vision and objectives together Clarify the scope of the decisions that can be made in the participatory body.
Improving surveillance No difference between management and control of compliance with the law	As a starting principle, surveillance must be exercised by the person with deterrent capacity. Approve the protection of the marine area with the highest possible legal rank so that it has implications for all sectors
The need to report catches has not always been the norm. Insufficient information about what, how much and how it is captured in marine reserves. Difficulties when creating management bodies for each area.	The legal framework should facilitate solutions based on the co-responsibility of fishermen

5. Conclusions

Across the six countries there are a number of common issues of concern (Table 2):

Informing and involving stakeholders. The legal frameworks and administrative systems for informing fishers and others regarding fishery laws and management measures and involving them in the making or implementation of them are often lacking or inadequate.

Surveillance and enforcement powers. These powers are often centralised and under-resourced, leaving little capacity at the local level. There are insufficient powers and resources to delegate surveillance and enforcement to the local level.

Territorial use rights for fisheries (TURFs) lack a legal framework. This hampers the ability to develop co-management approaches with local fishers, because of access rights by others with no stake in the local resource.

Resources for enforcement and monitoring. The resources for monitoring and enforcement of regulations in force are insufficient. Consequently, Regulations and technical measures may be ineffective.

Recreational fishing controls. Recreational fishing has grown considerably in volume and its impact undermines fishery management measures.

Vertical and horizontal coordination. Coordination between government departments and with regional and local bodies is often poor, leading to inconsistencies and unintended consequences.

Table 2: Common issues requiring action at national level						
	Informing and involving stakeholders	Surveillance and enforcement powers	Territorial use rights	Resources for enforcement and monitoring	Recreational fishing controls	Vertical and horizontal coordination
Croatia	X	X	X	X		
France		X		X	X	X
Greece	X	X		X		X
Italy	X	X	X	X		
Slovenia	X	X	X	X		
Spain	X	X		X		X

National Technical Workshops provide an inclusive forum to develop responses to these, and other relevant issues and so make progress implementing the RPoA on SSF.

Annex 1: Background information on wildlife protection and fisheries management law

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FishMPABlue2 – Briefing paper on Fisheries Regulation and Nature protection regulation in the Mediterranean waters of the European Union.

This paper is intended to signpost useful background information for organisers and participants of the FishMPABlue2 project National Technical Workshops.

Mediterranean Fisheries Regulations

In the European Union, fisheries are governed at the Community level by the Common Fisheries Policy. There is a specific Regulation relating to the Mediterranean, as well as general EU-wide provisions. Member States are also able to make national measures, such as technical measures and fish stock recovery plans. A full (but short) up-to-date summary can be found [here](#) and is reproduced below for convenience.

1.1 The rules in force

Mediterranean fisheries are governed using an ecosystem approach to fisheries management that fully integrates the environmental dimension. [Council Regulation \(EC\) No 1967/2006](#), also known as the ‘**Mediterranean Regulation**’, has been in force since January 2007 (or since June 2010 for some provisions that enjoyed a grace period). The Regulation aims at:

- protecting juvenile fish, which are mostly concentrated in coastal zones
- improving species and size selectivity, in particular for trawlers
- establishing maximum dimensions for certain fishing gears, to curb the fishing effort
- preventing conflicts between fishermen, with special attention given to small-scale coastal fishermen. This is to be achieved by banning more active gears, such as trawlers and purse seines, from coastal areas
- establishing a minimum landing size for several important species
- enlarging the network of marine protected areas
- having decentralised management of multiannual management plans that are established first at national level through the adoption of compulsory national management plans.

In a nutshell, the Mediterranean Regulation contains two sets of rules:

1. **management measures and obligations** intended to protect sensitive habitats from the impact of fishing activities, to enlarge the network of marine protected areas and to prohibit destructive fishing practices;
2. **technical measures** on the dimension, number and selectivity of the fishing gears allowed in the various fisheries, such as minimum mesh size, twine thickness and other technical requirements (read more #4)

Under the Regulation, EU countries must develop more detailed rules through long-term management plans for fisheries in their territorial waters. If the need arises for international rules or if an EU country fails to amend a national plan considered inadequate, the Commission can propose **long-term EU management plans**.

To adapt to the local specificities of certain fisheries, it is possible to obtain local **derogations** to certain rules, as long as they do not jeopardise environmental compatibility and sustainable exploitation. The adoption of a long-term management plan is one of the basic preconditions for granting possible derogations and is an obligation in itself. EU countries are also required to map sensitive fish habitats and designate an improved network of protected areas.

A formal evaluation of the effectiveness of the Mediterranean Regulation and its alignment to the new Common Fisheries Policy is currently under way.

1.2 The main fisheries management instruments currently used in the Mediterranean Sea

a) **Fishing limits:** Mediterranean fisheries in EU waters are managed through:

- Input measures (i.e. effort management). This is the traditional way of managing fisheries in the Mediterranean Sea.
- In a few cases, output measures (i.e. TAC for bluefin tuna and swordfish, and recently catch limits for the small pelagic fisheries in the Adriatic Sea).
- minimum conservation reference sizes
- closed areas (to protect sensitive habitats)
- closed seasons (to protect juveniles or spawning stocks)
- restrictions on gear construction (mesh size, gear dimensions etc.).

b) **International rules:** Mediterranean fisheries are also regulated by the GFCM and by ICCAT for highly migratory species. At the [40th annual session of the GFCM](#) in Malta from 30 May to 3 June 2016, a set of recommendations were adopted for fisheries conservation and management. The recommendations covered the following issues:

- a mid-term strategy (2017-2020) toward the sustainability of Mediterranean and Black Sea fisheries;
- a regional scheme on port State measures to combat IUU fishing activities;
- the Data Collection Reference Framework;
- on red coral;
- a minimum conservation reference size for hake in the Mediterranean Sea;

- a multiannual plan for hake and deep-water rose shrimp in the Strait of Sicily; including setting up a working group to develop an inspection scheme in this area;
- on scientific monitoring, management and control of turbot fisheries in the Black Sea;
- further emergency measures for small pelagics stocks (anchovy and sardines) in the Adriatic Sea;
- on sustainable small-scale fisheries.

Coastal fisheries are mainly regulated by each EU country through its own national legislation and national management plans.

c) **National rules:** So far EU countries have adopted 35 national management plans (under Article 19 of the Mediterranean Regulation) for fisheries conducted within their territorial waters. Five more are in preparation.

d) **EU rules:** Article 18 of the Mediterranean Regulation provides for the adoption of EU management plans (in co-decision) for specific fisheries, in areas totally or partially beyond the territorial waters of EU countries. There are currently no EU plans in force in the Mediterranean, but two are in preparation:

- one on small pelagic species in the Adriatic Sea;
- one on demersal species in the western Mediterranean.

e) **Landing obligation:** a [landing obligation for small pelagic stocks](#) in the Mediterranean has been in force since 1 January 2015. Its implementation is currently regulated by a temporary three-year discard plan. Discard plans for [turbot fisheries in the Black Sea](#), for [certain demersal fisheries](#) in the Mediterranean Sea and for [clams in Italian waters](#) entered into force on 1 January 2017.

Mediterranean wildlife protection regulations

The European Commission's main wildlife protection mechanism is the Natura 2000 network of protected areas. Member States have their own laws for wildlife protection, on land and in marine waters. The EU's competence is restricted to maintain an ecologically coherent network of sites for the conservation of threatened habitats and species. The aim of the network is to ensure the long-term survival of Europe's most valuable and threatened species and habitats, listed under both the [Birds Directive](#) and the [Habitats Directive](#). See [here](#) for more information.

Fisheries management in Natura 2000 sites is regulated and guided by numerous international, regional, EU and national provisions, plans and agreements not all of which have a specific fisheries management remit.

Most important are:

- The EU Habitats and Birds Directives which set out the basic legal requirements for management of marine Natura 2000 sites
- The EU Marine Strategy Framework Directive which requires Member States to include in their programmes of measures, spatial protection measures contributing to coherent and representative networks of MPAs, and to achieving good environmental status (GES)
- The EU Common Fisheries Policy which aims to ensure that fishing and aquaculture are environmentally, economically and socially sustainable. Dedicated rules apply for the adoption fishery laws/Regulation for wildlife conservation purposes by Member States where necessary for compliance with Union environmental legislation (i.e. to protect Natura 2000 habitats and species).

A 2017 [workshop](#) focussed on the challenges and solutions to management of fisheries in Natura 2000 sites. The [background document](#) of the workshop is very comprehensive and informative. A short extract is produced in the box below. [Annex 2](#) to this report provides a useful summary of fisheries management measures in Natura 2000 sites.

What is relevant to FishMPABlue2?

In practice, success or failure in fisheries management in MPAs come down to local management: how the national environmental and fishery laws and Regulations (implemented to enact EU Directives, or for national priorities) are applied at the local level. It is this dynamic that we need National Technical Workshop participants to consider. That is, are there barriers and hindrances created by the interaction (or lack of it) between EU Fisheries and EU Nature conservation laws?

The EU provides an overview of the management of fisheries in marine Natura 2000 sites [here](#), and a review of measures that may be applied under CFP regulation in Natura 2000 sites [here](#). Other measures may be possible under national powers.

Natura 2000 and fisheries management in the Mediterranean Sea

Natura 2000 in the Mediterranean Sea Marine Natura 2000 sites currently cover approximately 7% of EU waters (for basic data see the Natura 2000 barometer in the latest Natura 2000 newsletter⁷). The marine network is not complete as there are still gaps in designation, especially in the offshore area beyond 1 NM and particularly beyond territorial waters (see Table 1). The Natura 2000 network currently covers 4.9% of the Mediterranean waters of EU Member States, with the most significant coverage within 1NM of the coast. At the same time Natura 2000 makes a significant contribution to the overall MPA coverage in the Mediterranean Sea which is currently more than 7% of its waters. Eight marine habitats from Annex I and 12 marine species (including anadromous fish) from Annex II of the Habitats Directive are present in marine areas where Member States exercise jurisdiction in the Mediterranean Sea (i.e. territorial waters, EEZ, other declared marine zones). There are also sixty-six seabirds and waterbird species listed in Annex I of the Birds Directive and regularly occurring migratory species in the Mediterranean Member States' marine waters for which SPAs should be considered. Together these are the habitats and species for which marine Natura 2000 sites have to be designated. Most Member States are currently involved in projects aiming at filling gaps in designation.

Other types of area based conservation measures contribute to and sometimes overlap with the Natura 2000 network in the Mediterranean. These include nationally designated sites as well as those declared as part of regional or international agreements and initiatives such as "specially protected areas of Mediterranean importance" (SPAMI) under the Barcelona Convention, "fisheries restricted areas" (FRA) of the General Fisheries Commission for the Mediterranean (GFCM) or World

Heritage Sites. There are also scientific labels for geographically defined areas such as "ecologically and biologically significant areas" (EBSA) and "important marine mammal areas" (IMMA). The MAPAMED (MedPAN) database indicates that as of October 2016, at least 76 MPAs in the Mediterranean have at least one no-go, no-take or no-fishing zone, covering a total of 976 km². This equates to 0.04% of the Mediterranean Sea.

Several gear types could be of particular concern in relation to their interaction with Natura 2000 habitats and species. Mobile demersal gears, such as dredges and trawls, disturb the substratum, dislodge and remove species and, depending on frequency of use and gear type, can change the topography of the seabed and the turbidity of overlying waters over various time scales. The species composition and diversity of the seabed communities, for example on reefs, are also impacted and may change as a result of mobile demersal gear use. Large fragile sessile organisms such as corals and sponges are particularly at risk of impact from these gear types. The so called Mediterranean Regulation prohibits certain fishing activities in order to protect endangered habitats.

Furthermore, it is estimated that every year across Europe more than 200,000 seabirds die as bycatch in fishing gears. Hook and line fisheries, such as bottom and surface longlines are of concern because of associated incidental catch of seabirds, for example of species like the Balearic and the Yelkouan Shearwater. These types of fishing gear are also known to result in the incidental capture of turtles and marine mammals. The same groups of species are also vulnerable to entanglement in nets (set and drift) and seines as well as abandoned and lost nets (ghost fishing). A GFCM recommendation includes measures to reduce bycatch of seabirds in fisheries in the Mediterranean. The Commission proposal for new technical measures regulation mandates the use of mitigation measures to prevent bycatch of seabirds in longline fisheries and extends the use of mitigation tools to reduce incidental catches of cetaceans into the Mediterranean.

The framework for management of fisheries in Natura 2000 sites, the EU Birds and Habitats Directives, require conservation measures which correspond to the ecological requirements of the habitats and species for which Natura 2000 sites have been designated, and to avoid the deterioration and disturbance of these features (Article 6 of the Habitats Directive). The management of fisheries is often required to achieve these objectives in marine Natura 2000 sites.

These legal obligations need to be considered within the context of existing governance framework in the Mediterranean. Most of the countries surrounding the Mediterranean Sea have established territorial waters. Generally, this is a zone which extends out to 12 NM (nautical miles) from the coast but it is narrower in some cases (e.g. 6 NM zone in Greece). Some countries have claimed an exclusive fishing zone (e.g. Malta) and there are also some bilateral agreements on delimitation of continental shelf (e.g. between France and Monaco). Most of the EU Mediterranean countries, especially in the Western Mediterranean have claimed an exclusive economic zone (EEZ) or fishing zone beyond all of their territorial waters. Co-ordination of fisheries management for regionally shared fish stocks, with the exception of tuna-like species, is the responsibility of the General Fisheries Commission for the Mediterranean and the Black Sea (GFCM). Tuna and tuna-like species are under the purview of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The fisheries of Member States fall under the ambit of the Regional Fisheries Management Organisations (RFMO), the EU Common Fisheries Policy, and national provisions.

Fisheries management in Natura 2000 sites is regulated and guided by numerous international, regional, EU and national provisions, plans and agreements not all of which have a specific fisheries management remit. Foremost amongst the supranational provisions are:

- The EU Habitats and Birds Directives which set out the basic legal requirements for management of marine Natura 2000 sites.
- The EU Marine Strategy Framework Directive which requires Member States to include in their programmes of measures, spatial protection measures contributing to coherent and representative networks of MPAs, and to achieving good environmental status (GES),
- The EU Common Fisheries Policy which aims to ensure that fishing and aquaculture are environmentally, economically and socially sustainable.