

Agreement on Fisheries Management Zone

On Friday, June, 28, 2002, Malta closed negotiations on the area of fisheries after more than a year of intense discussions. Malta and the EU reached an agreement on a 25-mile fisheries management zone around the Maltese islands to protect Malta's fragile marine ecosystem.

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KEY OBJECTIVES OF THE EU'S COMMON FISHERIES POLICY

Conservation: to protect fish resources by regulating the amount of fish taken from the sea, by allowing young fish to reproduce and by ensuring that measures are respected.

Structures: to help the fishing and aquaculture industries adapt their equipment and organisations to the constraints imposed by scarce resources and the market.

Markets: to maintain a common organisation of the market in fish products and to match supply and demand for the benefit of both fishermen and consumers.

Relations with the outside world: to conclude fisheries agreements at an international level within regional and international fisheries organisations for common conservation measures in deep-sea fisheries.



The EU's Fisheries policy

The Common Fisheries Policy (CFP) is the European Union's policy for the management of fisheries and aquaculture. The EU Treaty states that there should be common rules in this area adopted at EU level and implemented in all EU countries. Fish are a natural and a dynamic resource and therefore they are considered as a common resource. In so doing, this policy must take into account the biological, economic and social dimension of fishing.

AGREEMENT ON THE MALTA'S 25-MILE FISHING ZONE

IN THE 12 MILES	12 TO 25-MILE ZONE	OUTSIDE 25 MILES
↓	↓	↓
Today		
Only Maltese fishermen	Only Maltese fishermen	Maltese fishermen can fish in international waters
Without negotiations		
Only Maltese fishermen	Maltese and EU fisherman	Maltese fishermen can fish in: <ul style="list-style-type: none"> • International waters • EU waters • Waters of non-EU countries which conclude a fisheries agreement with the EU
As a result of negotiations		
Only Maltese fishermen	Only fishermen who hold a licence today . No new licences will be issued. Amount of fishing cannot increase.	Maltese fishermen can fish in: <ul style="list-style-type: none"> • International waters • EU waters • Waters of non-EU countries which conclude a fisheries agreement with the EU
↑	↑	↑
IN THE 12 MILES	12 TO 25-MILE ZONE	OUTSIDE 25 MILES

Malta's Fisheries Policy

In Malta, the fisheries sector has, like agriculture, multi-functional characteristics particularly in view of its traditional social and cultural dimensions. It provides a typical seascape in the main fishing villages, which in itself is a tourist attraction. As an island that largely depends on tourism, the availability of fresh fish, particularly species that are typical to Malta, is of utmost importance.

The main fish caught in Malta are blue fin tuna, the dolphin fish (commonly known as *lampuki*) and swordfish. Over the past years, fish landings every year have ranged between some 850 and 1,050 tonnes.

In general, the Maltese fishing fleet may be categorised as an artisanal fleet. There are only 370 people registered as professional full-time fishermen owning some 314 vessels some of which are quite small. The average age of the fleet is around twenty years old. A further 1,500 boats or so are owned by part-time fishermen. They differ substantially in shape, size, gear utilised and hours spent in fishing activities. Both professional and amateur fishermen fish in coastal waters and other areas. However the larger part of fish landings originates from the high seas, that is, from international waters.

Why a 25-mile Fisheries Management Zone?

The main negotiating issue in this area is well known. Over the past 30 years, Malta has managed a fishing zone of 25 miles around the Maltese islands in an effort to conserve fish stocks. On the other hand, EU law states that although member states may keep the first 12 miles from their shore base-lines exclusively to their own nationals only, beyond this point the sea is part of Community waters and fishing should be free from restrictions for all EU fishermen.

This means that Malta's negotiations had to concentrate on the fishing activity that can take place in the area around Malta between 12 and 25 miles. After membership, only Maltese fishermen will be able to continue fishing in the first 12 miles. But unless Malta negotiated on this issue, fishermen from EU countries would be able to fish freely in Malta's 25-mile zone beyond the 12 miles. This is a concern for Maltese fishermen and the scientific community alike. They argue that unrestricted access to the 25-mile zone would leave an indelible mark on the sustainability of the fish stocks in this ecologically important area. The concern also stems from the



fact that neighbouring fishing fleets are known to be better equipped and more technologically advanced.

This was the main negotiating point. Malta wanted to maintain a conservation zone of 25 miles around Malta in which only small scale, coastal fishing is allowed. This zone would be managed by the Maltese authorities in a way that would allow the fish stocks around Malta to be fished in a sustainable way.

Specific management of the zone

Apart from the agreement that the fishing effort in the zone will not be increased, agreement was also reached on technical details on how the zone should be managed for conservation purposes.

In particular, only vessels smaller than 12 metres will be allowed to practice fishing in the zone since these are considered as boats which practice small scale coastal fishing and which are therefore least harmful to the ecological environment. This means that for a boat from any other country to fish in Malta's 25-mile zone it would have to be smaller than 12 metres. But it is known that it is not financially feasible for boats of this size to do so because of the fuel costs incurred in covering the distance. Certain EU countries also have national laws that ban boats that are smaller than 12 metres from leaving their coastal waters. All these factors make it very difficult for foreign boats to operate in Malta's 25-mile zone.

Equally, however, since the agreed measures do not discriminate between Maltese and EU fishermen, the outcome of negotiations also means that as a rule, Maltese fisherman who own boats that are larger than 12 metres and fish in the 25-mile zone will not be able to continue doing so in the same way. This category of fishermen is made up of less than 50 boats. But they will be assisted to be able to fish outside the zone, as shall be explained below.

By way of exception to the above arrangement, four types of fishing activities will nevertheless be allowed in Malta's 25-mile zone by vessels that may be larger than 12 metres. These are the following:

What was negotiated?

During negotiations, the EU acknowledged Malta's efforts to conserve fish stocks for the past 30 years and accepted that Malta's membership should not lead to a decline in the protection of fish stocks in this zone. Agreement was therefore reached on a 25-mile zone around the Maltese Islands that will be managed by the Maltese Authorities for conservation purposes. This agreement will be incorporated into EU law and will apply on an indefinite basis.

As a result, it was agreed that the fishing effort in the zone shall not be increased after membership since the 25-mile zone has today already reached its maximum sustainable yield. A list of all the fishing vessels that have fished in the area will be drawn up by the Maltese Authorities. Only fishing boats registered on this list would be allowed to fish in the zone and there can be no increase in their numbers. This means that the Maltese authorities will not be granting any new licences for fishing boats and whoever wants to start fishing, whether a Maltese or EU citizen, must purchase an existing licence.

a) Trawling

Trawling in designated areas within the conservation areas will be allowed, although the total trawling capacity within the 25-mile zone should not increase from its present level. The size limitation of trawlers has been set at 24 metres.

This means that only trawlers smaller than 24 metres will be allowed to trawl in the conservation area and within this area trawling can only take place in the areas that are specifically designated for trawling. As a further restriction, in areas where the depth of the sea floor is less than 200 metres, such as the Hurd Bank, apart from being smaller than 24 metres, trawlers must also have an engine capacity that does not exceed 250 hp (horse power). Again, there can be no further registration of trawlers, both local or foreign that can fish in the zone.

b) Fishing for lampuki

The management regime adopted through the years by the Maltese Authorities for the fishing of dolphin fish, commonly known as *lampuki*, was looked upon very favourably by the EU. In Malta, the government issues permits for fish aggregating devices (FADs) which are laid in the sea along straight-line courses. There are around 130 possible locations where these courses may be placed around the Maltese Islands. In recent years, Maltese fishermen have taken up around 110 of these courses. Upon Malta's accession, any remainder will be available to EU fisherman who may wish to apply for a permit to fish for *lampuki*. There is no size restrictions on the vessels fishing for *lampuki*. This means that a boat which is larger than 12 metres can fish for *lampuki* during the *lampuki* season in the conservation area. But of course, only Maltese fishermen will be allowed to fish for *lampuki* in the 12 miles from the Maltese shores.

c) Lampara

There are no restrictions on *lampara* fishing. This is small pelagic purse seining which means fishing with a net that closes up around schools of fish such as bogue (*vopi*) and mackerel (*kavalli*) with the aid of light. This type of fishing is dying out and there are very few fishermen who still practice it in Malta. *Lampara* fishing by other EU countries mainly targets anchovies and sardines. These are only found in very small quantities in Malta's 25-mile zone.

d) Fishing for tuna, swordfish and other highly migratory fish

Migratory fish do not fall into the remit of the conservation area as by their very nature, being migratory, they are not a resource of the area. The aim of the conservation area is to protect the resources of the area itself. During negotiations, Malta presented to the EU a number of studies which show the negative effects of purse-seining and industrial long-lining (two very intensive fishing methods) in the area. The EU recognised the conflict that exists between these intensive active fishing methods and the less intensive passive fishing operations practiced by the Maltese fishing fleet. For this reason, the EU together with Malta as a member state will, on accession ensure sustainable fishing in this regard.

Maltese fishermen affected by the arrangement

While the majority of the catch of the larger Maltese vessels has always been caught outside the 25-mile zone, as explained above there is a number of Maltese vessels that today also fish in the 25-mile zone but after membership will not be able to continue doing so in the same way.

AID PROGRAMME FOR FISHING VESSELS		
	PHASE A	PHASE B
TRAWLERS OVER 24 METRES WILL HAVE TO FISH ONLY OUTSIDE THE 25-MILE ZONE.	Lm20,000-Lm50,000 PER BOAT	
TRAWLERS UNDER 24 METRES WITH AN ENGINE GREATER THAN 250HP WHICH WILL BE ABLE TO FISH IN WATERS DEEPER THAN 200 METRES WITHIN THE 25-MILE ZONE AND ANYWHERE OUTSIDE THIS ZONE.	Lm10,000-Lm25,000 PER BOAT	
TRAWLERS UNDER 24 METRES WITH AN ENGINE EQUAL TO AND SMALLER THAN 250HP WHICH WILL BE ABLE TO FISH ANYWHERE IN THE ZONE OR OUTSIDE		Lm2,500-Lm5,000 PER BOAT
ALL OTHER FISHING VESSELS OVER 12 METRES WILL HAVE TO FISH TOTALLY OUTSIDE 25-MILE ZONE.	Lm20,000 PER FULL-TIME BOAT	Lm10,000 PER MARKET FISHERMEN OR PART-TIME BOAT
ALL OTHER FISHING VESSELS OVER 12 METRES INVOLVED IN LAMPUKI & LAMPARA FISHERIES WILL STILL BE ABLE TO CARRY OUT THESE FISHERIES IN THE 25 MILE ZONE	Lm15,000 PER FULL-TIME BOAT	Lm7,500 PER MARKET FISHERMEN OR PART-TIME BOAT
ALL VESSELS (60) THAT ARE OVER 24 METRES OR OVER 12 METRES BUT WILL PARTICIPATE IN FISHERIES IN THE 25-MILE ZONE WILL CARRY A VMS.		Lm115,260
ALL OTHER FISHING VESSELS BETWEEN 8 – 11.99 METRES		Lm2,500 PER FULL-TIME BOAT Lm1,000 PER MARKET FISHERMEN OR PART-TIME BOAT
ALL OTHER FISHING VESSELS BETWEEN 6 – 7.99 METRES		Lm1,000 PER FULL-TIME BOAT Lm500 PER MARKET FISHERMEN OR PART-TIME BOAT
TOTAL AID		Lm2,402,760
NOTES: Phase A is aid directed at vessels that will be effected by the Special Management Regime. These vessels need to upgrade their operations to be able to fish outside the 25-mile zone and remain competitive. Phase B is aid directed at all other vessels to enable them to align to health and safety requirements on board as contemplated by the new Fishing Vessel Regulation.		

In order to address this problem, the Maltese Government announced that it would give these fishermen financial aid to allow them to upgrade their equipment to enhance their fishing efficiency and be able to fish outside the zone. This aid is being given over a period of 18 months and will focus on improving the efficiency of the boat as well as bringing the fishing boat in line with new health and safety requirements (see table). The Fisheries Division within the Ministry of Agriculture and Fisheries will discuss with every boat owner to establish what is needed to make the fishing vessel safer and more efficient.

Health and Safety requirements

Under the new rules both full-time and part-time fishermen will need to state how far out at sea they operate and have corresponding life saving equipment. For example, if a boat operates only three miles out, it would need less health and safety equipment than if it operates outside the 25-mile zone. The Government will subsidise in part the cost incurred in meeting these requirements (see table).

Lampuki

One of the most economically important fish for Maltese fishermen is the dolphin fish or *lampuki*. Malta negotiated the inclusion of *lampuki* among the EU fish for which a withdrawal mechanism exists. This means that when there is excess supply of *lampuki* on the local market, the EU helps fishermen, through their Producers' Organisations, to withdraw a certain amount of fish from the market so that the price remains stable. This ensures that the fisherman is left with a decent sum in his pocket and does not end up being paid a pittance for his catch. This aid to Producers' Organisation exists only for fish that are on the EU list. Other fish of local economic importance are already included in various schedules of EU regulations and local Producers' Organisations will be able to receive this aid on a variety of species.

What is a Producers' Organisation?

They are organisations formed by fishermen or fish farmers to take measures to ensure the best marketing conditions for their products. While membership is voluntary, members must respect rules in their production and marketing operations. In this way, they contribute to the objectives of the common organisation of the market. These organisations, which number over 160 in the EU, allow producers themselves to adapt production to market demand. Producers' Organisations must meet a number of conditions before they are recognised by the relevant Member State. They must represent a minimum level of economic activity in the area they propose to cover. They must not operate any discrimination in terms of the nationality or geographical location of potential members. And they must meet the necessary legal requirements in the Member State concerned.

In order to be representative, the organisation must include in its membership at least a set percentage of vessels operating in the area and it must also ensure that a minimum amount of its members' production is sold in that area. EU countries can provide financial support to help the creation and the running of Producers' Organisations. Some EU funding may also be available but the objective is for the members, in the long run, to be self-financing.

Monitoring

One of the most important measures to be implemented is a monitoring system that will be utilised to control the management of the zone. This system would allow the Maltese authorities to monitor every vessel over 12 metres eligible to fish within the 25-mile zone. These vessels would be required to carry what is known as a "Blue Box" on board which keeps track of what kind of fishing activity is being carried out and in which areas.

Funding from the EU

The EU has a specific fund for fishermen. This is called the Financial Instrument for Fisheries Guidance (FIFG). Its aim is to contribute to a sustainable balance between fisheries resources and their exploitation. It also seeks to increase the competitiveness of structures and the development of viable enterprises in the fisheries industry, improve the value-added to fisheries and aquaculture products and to revitalise areas dependent on fishing.

Assistance from the FIFG fund may be obtained after membership and the Maltese Government prepared a programme for the fisheries sector which would be financed by the EU after accession. The Maltese programme will request aid for the modernisation of the Maltese fishing fleet, for the improvement of port facilities and for the improvement at the local Fish market – the *pixkerija* – including adequate cold storage facilities.

This fund has been used in other countries to promote various activities in regions where fishing is of high economic importance. For instance, in the Dutch town of Urk it funded the establishment of a museum dedicated to fishing. In Bremerhaven, an old port area was transformed into an educational centre for fishing related studies. In Greece the EU invested heavily with the local Producers' Organisation to promote aquaculture.

The type of projects that can be funded by the EU vary. It largely depends on how much the local Producers' Organisation will come up with projects that will benefit the fishing community in Malta and Gozo.

Aquaculture

Aquaculture has received financial support from the EU since 1971. Limited at first to inland fish farming, EU support was later extended to other areas. Aquaculture projects can benefit from financial support from the Financial Instrument for Fisheries Guidance (FIFG). Projects include the modernisation of existing premises or the building of new ones, the installation or improvement of water circulation systems on site, installation of new equipment; upgrading of hygiene standards and reducing the impact on the environment.

On aquaculture, the Maltese Government has already negotiated trade concessions so that Maltese produce can be exported to the EU. Until 2001, Maltese exports to the EU had to bear a tariff of 15% in order to enter the EU market. This had a negative impact on the competitiveness of Maltese produce. From 2002, this tariff went down to 7.5% and it will be removed completely from 2003. Maltese exports to the EU are also restricted by a quota which will be completely removed by the end of 2003.



Malta's official negotiating position paper on this area
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