LIFE PanPuffinus!

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BirdLife Malta's comments and recommendations for the implementation of the new EU fisheries control Regulation (EU) 2023/2842

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BirdLife Malta welcomes the new EU fisheries control system translated through Regulation (EU) 2023/2842 amending Control Regulation (EC) 1224/2009. This regulation shall bring fundamental changes to the current system of data collection and monitoring of fishing vessels in the Mediterranean. BirdLife Malta welcomes such changes and as far as practicable will support the Department of Fisheries and Aquaculture in the dissemination of our expertise particularly regarding conservation efforts of seabirds.

The Current Situation in the Mediterranean

Fisheries support communities by providing employment to around 260,000 fishers in the Mediterranean and an important source of protein, reported to be an average of 20kg per capita[1]. In the Mediterranean and the Black Sea, an average of 1.31 million tonnes of fish were caught in the 2010s[2]. However, the Mediterranean Sea is classified as a data-poor region in fisheries given its low number of assessed fish stocks. Effective management of fisheries relies upon a robust scientific grasp of current fish stock biomasses and trends. Yet, the absence of comprehensive assessments for many stocks hampers the provision of practical advice, thereby limiting management capabilities[3]. Effective management is crucial for the sustainable use of marine resources and safeguarding fisheries employment and provision of food.

[1] Hilmi, N., Farahmand, S., Lam, V. W., Cinar, M., Safa, A., & Gilloteaux, J. (2021). The impacts of environmental and socio-economic risks on the fisheries in the Mediterranean region. *Sustainability*, *13*(19), 10670.

[2] FAO (2022). The State of World Fisheries and Aquaculture 2022. Towards Blue Transformation. Rome, FAO. https://doi.org/10.4060/cc0461en

[3] Demirel, N., Zengin, M., & Ulman, A. (2020). First Large-Scale Eastern Mediterranean and Black Sea Stock Assessment Reveals a Dramatic Decline. Frontiers in Marine Science, 7, 103. https://doi.org/10.3389/fmars.2020.00103

Fisheries comes with its challenges and one of the primary concerns is the unintentional injury or mortality of marine wildlife, caused by interactions with fishing gear. By-catch is one of the top threats to seabirds, with 195,000 incidental catches of seabirds every year in European waters alone[4]. Data collection on by-catch of vulnerable species is imperative in understanding the nature and extent of this problem. It is the first step towards developing and implementing adequate management measures for reducing by-catch[5].

The new regulation, Regulation (EU) 2023/2842, will modernize the system for control, inspection and enforcement aimed at ensuring compliance with the rules of the common fisheries policy and foster transparency. This is essential towards improving data collection of fish stocks and by-catch.

Monitoring vessel positions through modern technologies

Currently, a Vessel Monitoring System (VMS) is to be installed only on fishing vessels above 12 metres. With the new rules for monitoring fishing vessels, **by 2030, all fishing vessels must gradually have a VMS installed**. This radical change will allow the DFA to increase the level of control on fishing vessels and have information on their whereabouts and their activities. Tracking of small-scale fishing vessels shall also be beneficial for the fishers in terms of safety, ensuring prompt assistance in case of emergencies.

BirdLife Malta (BLM) hopes that information from the VMS will continue to combat Illegal, Unreported and Unregulated Fishing (IUU) in the Maltese waters. Even so, this new measure should not be used as a stand-alone to protect Maltese marine ecosystems from IUU. Currently, Malta's marine protected areas (MPAs), which include marine Special Protected Areas (mSPAs) designated under the Birds Directive, are only partially protected, meaning that these marine areas are designated as protected however they are not thoroughly managed, and some form of fishing is allowed within. **Rigorous management plans of MPAs together with better levels of protection should complement this new regulation.** Levels of protection may vary from no take zones, multi-use zones, temporary or permanent closures and restrictions on destructive gear types. In a recent study, such measures have provided positive results across several countries including increased fishery catch, a spill-over effect and increased fish size, with an overall economic benefit to fisheries. The use of no-take MPAs consistently showed the largest benefits[6].

[4] Ramírez, I., Mitchell, D., Vulcano, A., Rouxel, Y., Marchowski, D., Almeida, A., ... & Paiva, V. H. (2024). Seabird bycatch in European waters. *Animal Conservation*.
[5] FAO (2019). Monitoring the incidental catch of vulnerable species in Mediterranean and Black Sea fisheries: Methodology for data collection. FAO Fisheries and Aquaculture Technical Paper No. 640. Rome, FAO.
[6] Costello, M. J. (2024). Evidence of economic benefits from marine protected areas. *Scientia Marina*, *88*(1), e080-e080.

If we are to truly strive for sustainable fisheries and protection of overfished species and other sensitive species, including seabirds, cetaceans, sharks, sea turtles and seagrasses, we must employ an ecosystem-based approach to protecting Maltese waters. **Protection of habitats which serve important functions to species, including nursery and spawning grounds, foraging and seabird rafting areas, is vital** for the adoption of an ecosystem-based approach to managing fishery resources. The introduction of VMS on all fishing vessels shall foster better control of vessels, fishing activities and ultimately protection of such habitats.

Through better monitoring of fishing activities, BLM also trusts that **reliable data shall be made available for the Maritime Spatial Planning (MSP)**, which is currently in the process of being reviewed. MSP should be an important tool for spatial and temporal management of Maltese marine ecosystems and to foster collaboration between stakeholders. In addition to this, **data on fisheries effort from fishing vessels of all sizes shall provide accurate information on the overlap with mSPAs**. In the past years BLM have identified Marine Important Bird Areas and ultimately mSPAs for the Maltese seabird populations, including their foraging hotspots within the Maltese Fishing Management Zone (25nm), identifying possible conflicts and interaction with fishers[7].

In areas showing spatial overlaps between fishers activity and seabird presence, **we recommend mitigation measures including night setting of lines and nets, when possible for the fishery, while keeping deck lighting to a minimum.** Another best practice measure is to **implement discard management** and avoid discards during setting or hauling, which applies across all gear types. This will reduce seabird interaction and the likelihood of bycatch occurring. Through the EU LIFE PanPuffinus! Project, **BLM has also been working with fishers to test a mitigation measure using a scarybird deterrent to reduce interactions with seabirds**. Generally, this mitigation measure has been accepted by the fishers and its efficiency on longline fishing operations is being tested.

Electronic reporting systems

BLM welcomes the new regulations vis-à-vis the **installation of Electronic Reporting Systems (ERS) on vessels above 18 meters, regardless of size, starting from 2025**. A key element in the ERS reform is the introduction of electronic logbooks, in which the fishing vessel master must record and report data electronically rather than in paper format. BLM recognizes the DFA's effort in progressively introducing new technology to fishers via the distribution of tablets to every full and part-time commercial fishermen and the implementation of a customized Fisheries Integrated Information System.
As per the new regulations, **from 2028, fishers of vessels under 12 metres will also be able to report their catches electronically using mobile apps.** These modern tools are useful for small

[7] Lago, P., & Metzger, B. (2020). Review of the diet and foraging behaviour of three species of tubenoses breeding in the Maltese Islands.

scale operators because they facilitate ease of access and ultimately fish traceability. At the same time, these tools shall provide crucial data for fishery sciences and management of marine resources.

Whilst these electronic reporting systems shall revamp the current data collection system, it shall impact fishers who might be reluctant or have limited capacity in conforming to the new requirements. This risks to be counterproductive to the goal of reducing IUU, where fishers illegalities might be on the increase due to unreported or mis-reported catches. **Efficient control and inspection are expected together with rigorous education and training for the fishers**. It is also recognized that through the new legislation, **financial penalties and a point system for serious infringements will be put in place for masters of vessels**. This shall be an incentive for masters to refrain from willfully participating in illegalities. However, **we suggest providing sufficient training, resources, and support to help fishers adopt sustainable fishing practices and comply with regulations**. It is also recommended that training is ongoing, and 'refresher' courses are held every few years. We also recommend that such training is provided as part of the licensing process, ensuring awareness and building capacity at an early stage. Whilst BLM recognizes that these major changes to management of fisheries are through government centered regulations, **we suggest that fishers should be involved in the process of the implementation and decision making**. Using their experience to better inform how data collection through e-logbooks can be designed in a user-friendly and efficient manner is one way how fishers can become involved in the process. Fishers should be given a sense of ownership in the management and implementation of this new regulation as this not only results in higher stakeholder by-in but also ensures the long-term adoption of these measures.

Lost fishing gear

The **fishing logbook will also include details about fishing gear and lost equipment, which will be conveyed to the European Commission and published annually**. It has been estimated that annually, a staggering 6.4 million tons of fishing gear are lost in our oceans, leading to entanglement or ingestion incidents among vulnerable species such as fish, sharks, cetaceans, birds, and turtles[8]. Over the past two years, the collaborative efforts of NGO Zibel and committed volunteers have resulted in the retrieval of more than 115 abandoned fishing nets along Malta's coastline[9]. This significant endeavor highlights the urgent concern surrounding lost fishing gear in our waters. BLM anticipates that the implementation of this new measure will shed light on the scale of this issue, facilitating more informed management strategies to address it effectively. We would like to stress again the **importance of education and training to fishers for better compilation of data to inform mitigation strategies and ultimately to reduce incidences of abandoned or lost fishing nets**.

[8] Richardson, K., Hardesty, B. D., & Wilcox, C. (2019). Estimates of fishing gear loss rates at a global scale: A literature review and meta-analysis. Fish and Fisheries, 20(6), 1218-1231.
[9] https://www.zibel.org/

Remote electronic monitoring

Remote electronic monitoring, which include the installation of closed-circuit television (CCTV) on board vessels bigger than 18 metres, is a measure which shall complement the VMS and e-logbook, for better control and transparency of fisheries in Maltese waters. BLM aspires for this data to be **beneficial in terms of by-catch data collection and/or gear interactions with sensitive species**, understanding better how and when interactions occur, enhancing their protection and conservation efforts.

Reporting of By-Catch

We are also pleased to see a focus on reporting of by-catch, where **starting in 2026, masters will also electronically record any by-catches of sensitive species, indicating whether they were released alive, injured, or dead**. This will be a notable progression towards quantifying by-catch and implementing mitigation measures. **BLM hopes that with more accurate data on incidental catches of vulnerable species, governments and the European Union will be driven to enforce stronger protective measures, such as mandating mitigation strategies for fishers through national legislation**. Nonetheless, the latter should only be executed through proper training and assistance from the competent authorities.

The reporting of by-catch will continue to add a strain on the amount of information that fishers have to report, naturally leading to frustration and reluctance to provide accurate data. **Education and training to fishers on how to report by-catch of sensitive species, the use and benefits of mitigation measures and accurate identification of seabirds along with other sensitive species should be a focus of communication and outreach with fishers in the coming years.** Fisheries fundings should be allocated for education and training, and we recommend that this training becomes part of the licensing process. The European Maritime and Fisheries Fund (EMFF) is a funding mechanism which has in the previous years provided funding for such purposes and should be considered for the seamless introduction of these new regulation to fishers[10].

Presently, data on seabird by-catch in Maltese waters is not representative. BLM has been working on collecting data on seabird by-catch through the EU LIFE PanPuffinus! Project. Between January 2023 and February 2024, 37 questionnaires were collected from fishermen to

[10] Mitchell D., Puymartin A., Volcano A., Campos B. (2021). Off the Hook? Reducing seabird by-catch in the EU. https://www.birdlife.org/wp-content/uploads/2021/12/off_the_hook_recducing_seabird_by-catch_in_the_eu_bleca_report.pdf.

assess bycatch issues out of which 10 fishermen reported having problems with bycatch. This represents approximately 27.03% of the questionnaires collected.

Hence, this additional measure will contribute valuable insights into the present situation. In the meanwhile, we recommend specifically including seabird by-catch, along with other sensitive or threatened species, in paper logbook until they are fully substituted by electronic ones. **Both the paper logbook and e-logbook should contain seabird by-catch entry to fill in. This should also be complemented with increasing on-board observations made by trained observers to ensure collection of reliable and accurate data.**

Final Comments

This new regulation should encourage a link with other ocean-related EU policies. For instance, integrating the EU Marine Strategy Framework Directive into the management of local fisheries will contribute to a comprehensive system that ensures effective conservation measures and sustainable practices within Maltese waters. Regarding seabird by-catch, the new regulation will help implement the GFCM's recommendation (GFCM/44/2021/13) on the mitigation of fisheries impacts for the conservation of seabirds in the Mediterranean Sea.

To conclude, Regulation (EU) 2023/2842 shall modernize fisheries control, inspection, and enforcement, improving data collection and transparency. BLM fully supports this regulation but we stress the need for comprehensive management of MPAs and training and support for fishers. Moreover, involving fishers in decision-making is essential for successful implementation. Addressing lost fishing gear is also critical, as it causes significant marine wildlife harm. Continuous education and funding support are key to ensure fishers adapt to these changes and contribute to sustainable fisheries management. By addressing these multifaceted issues, the regulation can significantly enhance the sustainability and ecological health of marine environments.