



General Fisheries Commission for the Mediterranean
Commission Générale des Pêches pour la Méditerranée



LaMed-1 Project

Italy

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Overview of the fisheries legal framework

Local and regional level

In Italy, the Administrative Regions have the competence on fisheries in the internal waters and until today they haven't had an important role in maritime fisheries management.

But now, for the principle of subsidiarity that inspires the European Fisheries Fund (EFF) and Italian Legislation, Administrative Regions manage funds and projects and take on greater importance, for example for some types of Management Plans.

Subsidiarity is also linked with the local level and with the involvement of the stakeholder that are mentioned many times in Italian legislation.

Regions have also a competence on aquaculture management.



Overview of the fisheries legal framework

National level and legislative framework

Management of maritime fishery is a competence of the *Fishery and Aquaculture General Directorate of Ministry of Agricultural, Food and Forestry Policies*.

- L 963/1965 - *Maritime fisheries discipline*.
- D.P.R. 2 October 1968, n. 1639 - *Executive Regulation of the L. 963/1965*.
- L 41/1982 - *Plane for rationalization and develop of maritime fishery* (repealed).
- D.Lgs. 153/2004 - *Application of L. 38/2003 on maritime fisheries*.
- D.Lgs. 154/2004 - *Fisheries and aquaculture modernization*.

All these regulations consider **sustainability** in its various dimensions (ecological/economic/social) **as a priority management goal**.



Overview of the fisheries legal framework

European Union Level

The European Union, through the Common Fisheries Policy (CFP) shall establish, **through the Regulations**, the general rules which Italian legislation should comply with.

The objective of the CFP is to ensure a balanced exploitation of the resources, as well as to create sustainable economic, environmental and social conditions during the full cycle of fisheries, from fishers to consumers.

With this aim, the EU adopted a “**precautionary approach**”, on which the resources protection measures (mitigation of the impacts of fishing on the ecosystem) are founded.



Overview of the fisheries legal framework

Reg. (EC) 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea

Art.1

This Regulation shall apply:

(a) to the conservation, management and exploitation of living aquatic resources where such activities are pursued

(i) in the maritime waters of the Mediterranean Sea to the east of the line 5°36' W (hereinafter Mediterranean Sea) falling under the sovereignty or jurisdiction of Member States;

(ii) by Community fishing vessels in the Mediterranean Sea outside the waters referred to in (i);

(iii) by nationals of Member States, without prejudice to the primary responsibility of the flag State, in the Mediterranean Sea, outside the waters referred to in (i); and

(b) to marketing of fishery products caught in the Mediterranean Sea.



Overview of the fisheries legal framework

Global or international Level

Italy, as a member of EU or as a single State, is member of many international bodies and organizations that have a role in the fisheries management (UN, FAO GFCM, ICCAT, etc.)

Moreover, Italy signed or supported several international agreements:

- United Nations Convention on the Law of the Sea (UNCLOS)
- Convention for the protection of the Mediterranean Sea against pollution
- Protocol about Integrated Coastal Zone Management (ICZM)

and so on



Overview of the fisheries legal framework

The European and Italian legislation provides several and many important types of fisheries Management Plans:

From the National legislation:

- **Three-year National Program** (D.M 154/2004).

From the EU legislation:

- **National Management Plans on species** (reg. (EC) 2371/2002 - on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy);
- **Management Plans for specific fisheries systems** (reg. (EC) 1967/2006 - concerning management measures for the sustainable exploitation of fisheries resources in the Mediterranean Sea);
- **local or regional Management Plans** (according to the provisions of Reg. (EC) 1198/2006 - on the European Fisheries Fund) which takes into account the specificities of different areas.



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Access regimes to fisheries resources

Licenses

D.P.R. 1639/68 classifies fishing activity in four categories (art. 9):

- local costal fishing, up to 6 miles from the coast;
- near-coastal fishing, up to 40 miles from the coast;
- high-sea fishing, in the waters of the Mediterranean Sea;
- oceanic fishing, beyond the Straits.

Fishing licences were introduced into the Italian legislation by the Article 4 of Law 41/82 to replace the previous fishing permits (Article 12, Law 963/65).

Additionally, the D.M. 26.7.1995 specifies the procedure for granting the licences (that the fishers asked directly to Ministry) and divides the various "fishing systems" according to the fishing gear used. Therefore, 12 different systems, corresponding to as many fishing gears, may be issued.



Access regimes to fisheries resources

Every boat must have one fisheries license **but one boat can be authorized to use more than one “fishery system”**.

Fishing vessels may be classified on the basis of their type of licence and of their maximum distance from the coast within which they are authorized to operate. This distance mainly depends on their on-board safety equipment and seaworthiness certificate issued by a special technical office (“RINA”, the company managing the Italian naval Registry).

Existing also some special permissions for some specific activities or species: e.g. Bluefin tuna (with time restrictions).

The system of Total Allowable Catches (TACs) exists only for Bluefin tuna.



Access regimes to fisheries resources

In the Italian legislation, the distinction between large scale fishery and **small scale fishery ("piccola pesca")** is very important.

The D.M. 14.9.1999 defines artisanal fishing as the fishing carried out by vessels:

- having an overall length of less than 12 metres;
- operating within the 12 mile zone;
- having one or more of the following licences: passive gears, drift nets, longlines, harpoon.

It also exists the possibility to create consortiums between fishers belonging to the same District with powers of self-control and management of the fishing activities in the same District (Co.GE.PA) as well as for the bivalve molluscs (CO.GE.VO).



Conservation and management measures

Spatial restrictions

Biological Protected Areas (*Zone di Tutela Biologica - ZTBs*): as laid down in L. 963/65 and D.P.R. 1639/1968, the creation of Biological Protected Areas has the purpose of monitoring and controlling fishing activities in sites where - based on scientific evidence - reproduction or growth of marine species of economic relevance or depleted by overexploitation take place.

In most cases, the designation of a Biological Protected Area implies a ban on fishing only with specified systems or gear, usually bottom trawl or pelagic trawl.

In this case the Authority that makes the decision is the Ministry of Agricultural, Food and Forestry Policies.

Until now, the Ministry has designated 13 Biological Protected Areas and the first four were established by a Ministerial Decree of 16 June 1998.



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Italian ZTBs





Conservation and management measures

Spatial restrictions

Marine Protected Areas (MPAs):

Marine Protected Areas are 27. They cover a total of about 188.000 hectares of sea surface and about 603.54 km of coast.

There are also two National Parks with sea coasts (76.000 hectares).

The Authority that makes the decision in this case is the *Ministry of Environment and Territory and Sea Protection*.

Each area is divided into three types of zones with different levels of protection.

Italy also has a sanctuary of marine mammals or “cetacean sanctuary” and 2 submarine parks: the underwater park of Baia in the Gulf of Pozzuoli and the one of Gaiola in the Gulf of Naples. Their marine environment has a high historical, archaeological-environmental and cultural value.



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Conservation and management measures

Spatial restrictions - **Minimum distances and depths for the use of fishing gear**

Reg.(EC) 1967/2006 - Article 13

- 1. The use of towed gears shall be prohibited within 3 nautical miles of the coast or within the 50 m isobaths where that depth is reached at a shorter distance from the coast.*
 - 2. The use of trawl nets shall be prohibited within 1,5 nautical miles of the coast. The use of boat dredges and of hydraulic dredges shall be prohibited within 0,3 nautical miles of the coast.*
 - 3. The use of purse seines shall be prohibited within 300 meters of the coast or within the 50 meters isobaths where that depth is reached at a shorter distance from the coast.*
- A purse seine shall not be deployed at depths less than 70 %.*



Conservation and management measures

Closed seasons

In Italy there is a period of one or two months in which the use of trawling nets is temporary prohibited ("fermo pesca").

This measure exists from many years in the Adriatic Sea but in the last years was introduced also in Tyrrhenian Regions and in Sicily.

Overall there are periods of fishing closure for particular species, like Bluefin tuna and Swordfish. But normally this periods are established by ICCAT/European Commission and only adopted by Italian Government.

Closed season exists also for some species of shell fish like clam (two months) razor clam (six months in Adriatic Sea and two in Tyrrhenian Sea) and for other species, but they are different between different Regions or Maritime District.



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Conservation and management measures

Minimum mesh size and minimum sizes of marine organisms

Reg. (EC) 1967/2006 - Article 9

For towed nets, other than those referred to in Paragraph 4, the minimum mesh size shall be:

(1) until 30 June 2008: 40 mm;

(2) from 1 July 2008, the net referred to in Point 1 shall be replaced by a square-meshed net of 40 mm at the cod-end or, at the duly justified request of the ship owner, by diamond meshed net of 50 mm.

Also, minimum sizes of marine organisms exist for many species



Conservation and management measures

Other measures

In Italy there are also artificial reefs and/or fish aggregating devices or artificial reefs.

These have been experimented since 1970.

Today, there are over 60 reefs of this type, half of which are located in the Adriatic Sea (Cattolica, Rimini, Senigallia, Porto Garibaldi, Gulf of Trieste), where trophic characteristics (high concentration of nutrients and shallow sea floor) are particularly suitable for using this management strategy.

But there isn't a unitary legal regime for the establishment of these artificial structures.



Monitoring, control and surveillance measures

Within the European Community, the issue of fisheries control and surveillance is beyond national borders. Indeed, a **Community Fisheries' Control Agency (CFCA)** was established.

The Agency is based in **Vigo** (Spain) and now, few years from its foundation, it's in a phase of strong implementation.

The Agency promotes a uniform and effective implementation of legislation and regulations, by pooling Community and national control & inspection resources and co-ordinating enforcement activities.



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Monitoring, control and surveillance measures

In Italy, the maritime fisheries' monitoring & control activity is carried out by the Ministry of Agricultural, Food and Forestry Policies through the "**Capitanerie di Porto**" (**Italian Coast Guard**).

Also Police Forces, which have judicial policing powers, may control fishing in both territorial and inland waters.

In compliance with Community Directives, the *Italian Coast Guard Headquarters* set up a network of **Control Centres** as part of its Operations Centres, at both central and local level: i) at central level, the "Centro di Controllo Nazionale della Pesca" (CCNP, National Fishing Control Centre); and ii) at local level, within 16 "Direzioni Marittime" (Maritime Directorates), the "Centro di Controllo Area Pesca" (CCAP - Fishing Control Sub Centres).

The personnel of It.C.G. exercises its control over the full cycle of fisheries: at sea, on land, at sales outlets and supply centres.

The control at sea is usually carried out through naval aircrafts or surface vessels.



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Monitoring, control and surveillance measures

An important instrument for the surveillance activity is the Vessel Monitoring System (VMS), carried out through the devices named “blue box”: the Reg. (EC) 2371/2002 provides that, beginning on 1 January 2005, fishing vessels with an overall length exceeding 15 m “shall have installed on board a functioning system which allows detection and identification of that vessel by remote monitoring systems”.

Subsequent Regulation (UE) 404/2011 lays down “detailed provisions regarding satellite-based Vessel Monitoring Systems”.

The monitoring system should be capable of automatically deliver data at least every two hours to the National Fishery Monitoring Centre (FMC). The Member State should record and store the data for a specified period. Moreover, every six months, the Member State should submit to the Commission a report on the operation of its FMC.



Monitoring, control and surveillance measures



- An annual control and inspection program of all the activity concerning Bluefin tuna was laid down in order to apply the provisions of ICCAT and UE Commission legislation (ie Reg. CE 302/09 and ICCAT Recommendation 09-11)



- An annual control and inspection program against the illegal use of driftnets was set up in order to ensure this type of gear is fully banned.

Until a long-term Management Plan for Swordfish will be planned, ICCAT recommends to prohibit catching of SWO during the period from 1 October to 30 November each year.



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Enforcement procedures and sanctions

During the 2010, a total amount of 765 penal violations and 2787 administrative ones were detected along the whole fishery chain.

Sea contest - main tasks

1. Ensure compliance with the Reg. 1967/2006 rules especially concerning the:

- use of allowed fishing gear;
- respect of minimum distance from the coast;
- protection of certain marine species.

2. Ensure compliance with IUU rules.

Land contest - main tasks

1. detection of frauds;

2. control of correct tags;

3. control of the traceability of fisheries and aquaculture products;

4. control of documents which fisheries products shall be accompanied by.