

GENERAL FISHERIES COMMISSION FOR THE MEDITERRANEAN

Report of the

GFCM WORKSHOP ON ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE MEDITERRANEAN

Rome, 23 and 26 June 2004



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PREPARATION OF THIS DOCUMENT

This is the final report of the GFCM Workshop on Illegal, Unreported and Unregulated (IUU) Fishing in the Mediterranean. The Workshop was convened in response to a recommendation of the twenty-eighth session of the General Fisheries Commission for the Mediterranean (Tangiers, Morocco, 14–17 October 2003). It was organized by the GFCM Secretariat with the assistance of FAO project GCP/INT/942/JPN (“Support to the Plan of Implementation of the World Summit on Sustainable Development” [WSSD]) financed by the Fisheries Agency of Japan as well as by the FAO FishCode Programme, through component project GCP/INT/849/USA (“Support for Implementation of IPOA/IUU Fishing”) and through the FishCodeTrust (MTF/GLO/125/MUL).

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Ms Judith Swan, FAO Consultant, prepared Appendix D to this report and contributed as resource person at the Workshop. Her contribution is hereby recognized with many thanks.

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FAO Fisheries Officers, Regional and Subregional Offices

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ABSTRACT

The evolving management role of regional fisheries management organizations (RFMOs), as agreed in recent international fisheries instruments, is set out, together with agreed provisions relating to illegal, unreported and unregulated (IUU) fishing. Issues common to IUU fishing and management of fishing capacity are described, especially as contained in the International Plans of Action (IPOAs) relating to these areas.

The status and implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) in the Mediterranean is described, referring to: the contexts in which IUU fishing has been addressed by the General Fisheries Commission for the Mediterranean (GFCM); adoption of national plans of action (NPOAs) on IUU fishing by GFCM Members; and adoption by the European Union (EU) Fisheries Council of conclusions on IUU fishing.

Many RFMOs have been active in implementing the IPOA-IUU, and their decisions, actions and measures are described.

Possible options for implementing the IPOA-IUU in the Mediterranean are identified, noting some features of existing fisheries management relating to IUU fishing. The features include the diverse national legal frameworks, activities in the subregions covered by the CopeMed and AdriaMed projects and monitoring, control and surveillance in the region. A possible process and considerations for implementation of the IPOA-IUU by GFCM is described, and in conclusion the potential effects on fisheries management are noted.

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ABBREVIATIONS AND ACRONYMS

AV list	authorized vessel list (“white” list)
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CECAF	Fishery Commission for the Eastern Central Atlantic
CTMFM	Comisión Técnica Mixta del Frente Marítimo
EC	European Commission
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FFA	South Pacific Forum Fisheries Agency
GFCM	General Fisheries Commission for the Mediterranean
GFCM/SAC	Scientific Advisory Committee of GFCM
IATTC	Inter-American Tropical Tuna Commission
IBSFC	International Baltic Sea Fishery Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICES	International Council for the Exploration of the Sea
IOTC	Indian Ocean Tuna Commission
IPHC	International Pacific Halibut Commission
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IUU	illegal, unreported and unregulated
IUU list	IUU vessel list (“black” list)
MCS	monitoring, control and surveillance
NAFO	Northwest Atlantic Fisheries Organization
NAMMCO	North Atlantic Marine Mammal Commission
NASCO	North Atlantic Salmon Conservation Organization
NEAFC	North-East Atlantic Fisheries Commission
NPAFC	North Pacific Anadromous Fish Commission
NPOA	National Plan of Action
RECOFI	Regional Commission for Fisheries
RFBs	regional fishery bodies
RFMOs	regional fisheries management organizations
SWG-IUU	Special Working Group on IUU Fishing Activities
VMS	vessel monitoring system

OPENING OF THE WORKSHOP

1. The Workshop of the General Fisheries Commission for the Mediterranean (GFCM) on Illegal, Unreported and Unregulated (IUU) Fishing in the Mediterranean was held in Rome, Italy, on 23 and 26 June 2004.¹
2. The Workshop was opened by Mr Alain Bonzon, Secretary of the Commission. Participants were welcomed by Mr Jean-François Pulvenis de Seligny, Director of the FAO Fishery Policy and Planning Division, who underlined the importance of their work in developing plans and strategies for consideration by GFCM in its efforts to combat IUU fishing.
3. The Secretary emphasized the importance of considering a practical, step-by-step approach to the implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) within the GFCM framework. He stated that the objective of the Workshop was to suggest a Work Plan for the Commission with suggestions on how to address various areas of IUU fishing in the Mediterranean.
4. The Secretary provided the background to this Workshop. He noted relevant measures taken by GFCM over the years and recalled that, at its twenty-eighth session in October 2003, GFCM reviewed issues common to IUU fishing, including the status and implementation of the IPOA-IUU in the Mediterranean and recent actions and measures taken by selected regional fisheries management organizations (RFMOs) in this respect. The Commission acknowledged the wish expressed by Members that the implementation of the IPOA-IUU be addressed at both national and regional levels through GFCM. It decided to adopt a step-by-step approach so that the various dimensions of the issue could be tackled in a holistic manner. In this respect, some delegations recalled that the establishment of “white” and “black” lists of vessels should be the initial undertaking.
5. The Commission agreed that a workshop of experts from GFCM Members on Illegal, Unreported and Unregulated Fishing in the Mediterranean should be organized immediately after the June 2004 FAO Technical Consultation to Review Progress and Promote the Full Implementation of the IPOA to Prevent, Deter and Eliminate IUU Fishing and the IPOA for the Management of Fishing Capacity (June 2004 FAO Technical Consultation).
6. The Secretary referred to the subsequent Declaration of the Ministerial Conference for the Sustainable Development of Fisheries in the Mediterranean, November, 2003 (the 2003 Ministerial Declaration), and noted that the Declaration, making specific reference to GFCM,
 - invited GFCM to adopt at its twenty-ninth session effective measures based on the FAO IPOA-IUU, with priority for establishing procedures for identifying vessels carrying out IUU activities (black list) as well as action to be taken against these vessels, and furthermore, drawing up registers of vessels authorized to fish (white list);
 - referred to principles upon which the implementation by GFCM of a system of inspection, tailored to the specific nature of the Mediterranean fisheries, should be based;² and
 - invited the GFCM to adopt in 2004 policy guidelines of the control scheme with the aim of progressively developing measures defining in particular the obligations of the parties and the use of new technologies and mechanisms for inspection at sea and in port.

¹ Names of participants may be found in Appendix B, pp. 10–11.

² The principles specified were that (a) it must be in accordance with the provisions of the Agreement establishing the GFCM and relevant existing international law; (b) the emphasis must be placed on the primary responsibility of the flag state as well as on the responsibility of the port state and of the coastal state to ensure compliance with management measures; and (c) account must be taken of the cost-effectiveness of both the general measures applicable to all fisheries and the specific measures applicable on a case-by-case basis to certain fisheries.

7. Based on the above background and relevant measures adopted by GFCM, the Secretary invited the Workshop to formulate a Work Plan suggesting how various areas of IUU fishing in the Mediterranean could be addressed and taking into account the practicalities of a step-by-step approach and cost-efficiency considerations.

ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE WORKSHOP

8. The Workshop adopted the agenda (attached as Appendix A). In so doing, the participants agreed upon working arrangements and the process to be followed: review the status of IUU fishing in the Mediterranean and relevant issues, present issues of concern at national level, consider the practicalities of a step-by-step approach and formulate a Work Plan suggesting how various areas of IUU fishing in the Mediterranean could be addressed.

9. The list of documents put before the Workshop is provided as Appendix C.

STATUS OF IUU FISHING IN THE MEDITERRANEAN

10. The Workshop reviewed information and issues raised in the working document prepared by the Secretariat, "Review of activity, measures and other considerations relating to IUU fishing in the Mediterranean" (Appendix D)³; hereafter referred to as "Review of Activity". It also took note of the Information Paper prepared for the twenty-eighth session of the GFCM, "Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing"⁴, and suggested that it be published in the *GFCM Studies and Review Series*.

11. The Workshop considered a presentation of the following areas in the Review of Activity that referred to:

- relevant decisions and actions by the GFCM and the European Commission, as described above;
- relevant activity and constraints in GFCM Members for adopting measures against IUU fishing (in particular the differences in national laws relating to monitoring, control and surveillance (MCS), as reported in P. Cacaud, Fisheries Laws and Regulation in the Mediterranean, *Studies and Reviews, General Fisheries Commission for the Mediterranean*, No. 75 (in press and available as a draft report); in MCS technical capacity; and as evidenced by GFCM Members responses to GFCM and FAO questionnaires regarding implementation of the IPOA-IUU);
- the practical implications of the decision to adopt a step-by-step approach, including the establishment of vessel lists, control systems and requirements for inspections;
- practical implications of relevant paragraphs of the 2003 Ministerial Declaration; and
- summary options for consideration for establishment of a special working group.

12. The Workshop considered the MCS legal requirements among Members in relation to the following as set out in the Review of Activity: a register or record of fishing vessels; inspection, enforcement and observer programmes; reporting; transshipment; and vessel monitoring systems (VMS). In each category, the requirements varied from country to country, and the benefit of harmonizing some of these laws, especially those that relate to any measures on IUU fishing that may be adopted by the Commission, was addressed.

³ The reader should note that the report in Appendix D has been edited and will differ slightly from the original working document in terms of formatting and table numbering; the content remains identical.

⁴ GFCM/XXVIII/2003/Inf.6.

13. Because there is no comprehensive information available on MCS technical capacity, some Members' responses to questionnaires on implementation of the IPOA-IUU provided the basis for an assessment, as described in the Review of Activity. Although the results are not based on responses from all Members, they do indicate trends. On that basis, the least capacity was indicated by responding Members for requirements for VMS, radio and/or fax; observer programmes; and reports on high seas fishing. The EC Action Plan for capacity strengthening was reviewed, in particular the use of VMS for certain fleets; revision of the logbook system; and requirements for improved matching among vessel characteristics, fishing licences and permits.

14. The responses to the questionnaires indicated key national-level constraints to addressing IUU fishing, including lack of:

- adequate financial means;
- adequate means of control;
- technical means of inspection;
- input/output control mechanisms,
- catch verification systems;
- qualified human resources;
- adequate legislative measures; and
- technical and scientific support.

15. The Workshop noted constraints in identifying and quantifying IUU activities, including uneven data submission by Members, uneven institutional capacity and the limited MCS capacity of many Members. Key databases were described, including MedFisis, the International Commission for the Conservation of Atlantic Tunas (ICCAT) List of IUU large-scale longline vessels and the GFCM capture database.

16. In that context, and to identify and quantify IUU activities, participants were presented with fishing statistics. An analysis of the joint FAO/ICCAT tuna statistics reported by non-GFCM members fishing in the Mediterranean was given first. Since 1997, catches of other species have been comprised mainly of sharks, which peaked in 2001 at around 74 tonnes, compared with 14 tonnes in 2000 and 19 tonnes in 2002. Figures for other marine species caught showed a level of 7 tonnes in 2000 and 12 tonnes in 2001, with nothing for 2002 and the years prior to 2000. The percentage of tuna catches by non-coastal, non-GFCM members, out of total tuna catches in the Mediterranean, was reported as 1.11 percent for 2002. The percentage varied between a high of 4 percent in 1997 and a low of 0.3 percent in 2000. Even more dramatic was the percentage of catches reported by non-coastal, non-GFCM Members of total catches in the Mediterranean. The tuna catch constituted less than 0.01 percent of the total catch, and the catch of other species consistently hovered near 0 percent, ranging from 0.09–0.02 percent in recent years.

17. The statistics demonstrated that any decision to combat IUU fishing would need to take into account the fact that there is negligible reported fishing of species other than shark and tuna by non-coastal, non-GFCM states in the region. It was noted that this situation raises issues relating to the costs and benefits of any proposed activities, and would favour activities that could be carried out with commensurately minimal costs.

18. The Workshop considered the special relationship between GFCM and ICCAT, and acknowledged that strengthened cooperation was needed between them for IUU fishing related to tuna species in the Mediterranean.

19. In the ensuing discussion, and with regard to identifying the magnitude of IUU fishing regarding species other than tuna, the expert from the EC observed that establishing lists of vessels authorized to operate in the GFCM area would make it possible to identify the vessels which are fishing without being registered from those which are registered, and could thus make it possible to facilitate quantifying IUU fishing in the Mediterranean.

20. In discussion, some participants considered that the mandate, functions and conservation and management measures of some organizations differ from those of GFCM. In particular, the following special circumstances of IUU fishing as it relates to GFCM were noted:

- The IPOA-IUU defines illegal and unregulated fishing in terms of the binding conservation measures of RFMOs, and unreported fishing in terms of reporting procedures of RFMOs; GFCM has adopted only eight management measures since 1995, only two of which are binding.⁵
- GFCM management measures generally aim to encourage members to take measures with specific objectives (e.g. minimizing capture of small pelagics), rather than to set regional limits for fishing such as quotas.
- GFCM Mediterranean fisheries are characterized by: relatively small vessel size; vessel authorization not specifically related to GFCM management measures; localized approaches; negligible catch of non-tuna by non-member non-coastal states; uneven data and information submission; and a wide range of MCS laws and technical capacities among Members.

Still, it could be pointed out that most of the following particularities characterize RFMOs that have taken effective IUU measures: tuna/single species; common measures; few landing ports; common approach to cooperating non-contracting parties; ongoing coordination due to movement of large-scale vessels between regions (common fleets); and management measures such as regional limits for fishing/allocations. Participants from the EC emphasized nonetheless the importance of the adoption by all RFMOs of the same tools to combat IUU fishing, noting action taken in ICCAT, the Inter-American Tropical Tuna Commission (IATTC) and the Indian Ocean Tuna Commission (IOTC).

21. It was pointed out that the tools used to combat IUU fishing should fit the special circumstances of Mediterranean fisheries and the GFCM mandate, function and conservation and management measures. In addition, it must be possible realistically to meet and implement requirements at national level, in keeping with a cost-effective approach. In this context, a measure such as establishment of a regional fishing vessel register would be a first priority, and others relating to sighting, inspection and VMS could be addressed at a later stage taking into consideration the special circumstances of Mediterranean fisheries and the GFCM mandate. In particular, the GFCM Agreement may have to be reviewed to ensure that measures such as inspection at sea can be effectively taken and efficiently implemented.

22. Many participants emphasized the importance of ensuring that regional requirements relating to IUU fishing be met at the national level through adequate MCS technical capacity and legislation. In general, they endorsed a “bottom up” approach, from national to regional level.

⁵ The measures adopted concern the following areas: three measures on tuna (ICCAT coordination); two on vessel length; two on gear and aircraft; and one on the environment. In particular, reference was made to GFCM Resolution 95/2 which established a minimum length limit of 15 metres for the application of the 1993 FAO Compliance Agreement, and the draft questionnaire approved by the twenty-first session of GFCM in 1995 relating to fleet composition, national practices for the allocation of a flag, registration and authorization to fish for fishing vessels and effort control systems. In addition, the Workshop specifically considered ICCAT Recommendation 02-22 concerning the establishment of an ICCAT Record of Vessels over 24 metres authorized to operate in the Convention Area, and a general outline of integrated monitoring measures adopted by ICCAT.

23. A presentation on the MedFisis project was made by the project coordinator, to describe the progress that has been made in establishing databases at national level (including vessel registers) for GFCM developing Member countries. MedFisis activities were explained, including a census of fishing fleets and a catch assessment survey. The coordinator suggested that the vessel registers could be a potential tool to report IUU fishing automatically, but that because they operate at national level, a mandate for such reporting to the regional level should be envisaged. In addition, the modalities for defining IUU fishing, for purposes of a regional statistical record, need to be further elaborated. It was noted that MedFisis could be used as a link to establish a regional vessel register. A standard for the provision of data would need to be agreed. In this respect, the system of data transmission utilized by sending Excel files to the ICCAT Secretariat was recognized.

24. In discussion, it was recalled that criteria for a regional vessel register have already been adopted by GFCM, especially regarding length of vessel and related attributes, and they may need to be updated.

ISSUES OF CONCERN AT NATIONAL LEVEL

25. Participants informed the Workshop of activities (including legal and technical) undertaken at national and Community level to combat IUU fishing. It was noted that Spain is the only GFCM Member to have adopted a National Plan of Action to implement the IPOA-IUU (NPOA-IUU)⁶, and that Japan has continued to implement the IPOA-IUU without adopting a formal NPOA-IUU.

26. Progress at the Community level was described by participants from the EC, including establishment of a new agency for administration of the Community fisheries control and enforcement system, and the 2002 reports by EU Members on serious infringements in their waters. It was acknowledged that penalties for serious offences should be correspondingly high, but that they currently vary throughout the region. In this context, the benefits of a survey on penalties were discussed, and a related problem of securing convictions was raised by the participant from Malta.

27. On a national level, the participant from the Libyan Arab Jamahiriya introduced fisheries legislation that had been revised.

28. In general, many participants referred to the fact that their MCS operations concern mainly coastal, not high seas, fisheries. In fact, much of the IUU fishing was reported to be caused by incursions by fishing vessels from neighbouring countries (e.g. in Morocco), by unreported fishing (e.g. Croatia, Malta), or fishing during closed seasons (e.g. swordfish in Turkey). The participant from Malta also noted that lack of adequate control over transshipments was an impediment to combating IUU fishing. MCS over high seas fishing was considered to be expensive and beyond the current capacity of many Members. It was noted, as set out in the Review of Activity that only four GFCM Members currently require VMS, but three others are in various stages of planning to require it.

29. Regarding VMS, the participant from Morocco noted that the system is operational for the Atlantic in respect of boats longer than 24 metres, and the participant from Malta referred to a pilot study in view of EU membership and related requirements, along with their cost. The participant from Croatia emphasized that the high costs of maintaining such a system could be excessive in view of the relatively low value of the fishery to the country. The participant from the Libyan Arab Jamahiriya noted that the costs should be carefully weighed. The EC participants explained the current VMS requirements and assistance to its Member States in that regard.

30. It was noted that there is no regional profile of the agency responsible in each country for conducting either MCS (e.g. Coast Guard, immigration services, etc.) or the operations (e.g. patrol boats, fishers reporting on other fishers, VMS, etc.). Logbook systems are not in place in all GFCM

⁶ Please note in addition the existence of a European Community level plan to implement the IPOA-IUU.

Members (for example, Morocco has not yet established a system, but Turkey has made logbooks obligatory for vessels over 12 metres and Malta for vessels over 10 metres). However, it was expected that the MedFisis project would address logbook requirements.

31. Several participants suggested that a survey of technical MCS capacity and practice, building on the work of existing subregional projects, could be useful in addressing IUU fishing and especially in working towards an authorized fishing vessel list. The participants from the EC recalled that the Venice Declaration has stipulated the urgent adoption of concrete measures, and that the establishment of white and black vessel lists will make it possible to better identify and analyse the magnitude of IUU fishing in the Mediterranean.

32. Participants noted the results of the GFCM questionnaire regarding the effectiveness of measures to combat IUU fishing at national level (Tables 3–5, and Appendix E.). The responses indicated that, of a range of measures taken, the measure most Members indicated as effective was the comprehensive information maintained on their country's register of fishing vessels. In discussion, participants generally confirmed this result, but indicated that national institutional capacity and mechanisms for inspection, enforcement, an observer programme and VMS were not as developed, nor were they a priority in some countries.

33. Participants expressed the importance of all GFCM Members preparing National Plans of Actions on IUU fishing.

SALIENT ISSUES AT REGIONAL LEVEL

34. Discussion then took place on issues of concern at national level, and salient issues at regional level, including: a register or record of fishing vessels; inspection, enforcement and an observer programme; reporting; transshipment; and VMS.

35. Participants emphasized the importance of establishing a regional system that would address the special circumstances of Mediterranean fisheries, subregional activities, cost-effectiveness, and the capacity of GFCM. It was noted that the functions, mandate and activities of GFCM are distinguishable from most other RFMOs, especially those concerned generally with single species, larger vessels, interregional activity and more easily traceable landings. Special circumstances of GFCM observed by participants included the localized approach to fisheries management, with a focus on shared stocks and operational units. GFCM activities to address these management needs were noted, including under the AdriaMed, CopeMed, MedsudMed and MedFisis projects. In this sense, the Workshop endorsed a "toolbox" approach to implementing the IPOA-IUU, rather than adopting approaches taken by other RFMOs.

36. The Workshop discussed priorities concerning inspection, enforcement and observer programmes, transshipment and VMS at a regional level. Although questions were raised concerning the legal authority for at-sea inspection and enforcement, other participants expressed the view that the Agreement does provide the GFCM with sufficient legal authority.

IDENTIFYING AND QUANTIFYING IUU ACTIVITIES

37. The Workshop addressed the difficulties in identifying and quantifying IUU activities as described above under "Status of IUU Fishing in the Mediterranean" (paras. 10–24) and in the Review of Activity (see Appendix D), and noted in particular the negligible fishing for non-tuna species reported in the Mediterranean by non-member non-coastal states since 1997. Participants indicated that further identification and quantification should be based on GFCM management measures, in particular the operational units.

IMPLICATIONS OF A STEP-BY-STEP APPROACH AND OPTIONS FOR ADDRESSING IUU FISHING FOR CONSIDERATION BY GFCM

38. After considering the implications of a step-by-step approach, the Workshop identified principles and priority activities for combating IUU fishing in the Mediterranean, and recommended the establishment of a GFCM Special Working Group on IUU Fishing (“IUU Special Working Group”) as described below. The following options for addressing IUU fishing could be considered at the twenty-ninth session of GFCM.

1.1 Principles

1. There should be a focus on implementing IPOA-IUU tools that respond to specific GFCM management needs at subregional and regional levels. In this context, differences between GFCM and other RFMOs should be taken into account, especially noting GFCM priorities including operational units, the extent and value of fisheries managed, resolutions, localized approaches, special characteristics of Mediterranean fisheries and aspects of GFCM Membership.
2. A holistic approach should be taken that addresses the special circumstances of IUU fishing in the GFCM Area.
3. Existing relevant GFCM initiatives and projects should be taken into account, including CopeMed, AdriaMed, MedsudMed and MedFisis.
4. Members should be requested, as appropriate, to provide input for activities and identify needs and next steps as appropriate, consistent with a “bottom up” approach.

1.2 Priorities

1. Establish a regional vessel register for designated classes of vessels, including taking the following steps:
 - define criteria (e.g. the fisheries, vessel type);
 - develop national lists of vessels;
 - establish a data and information system (noting relevance of MedFisis project);
 - collate and process available data; and
 - establish a preliminary regional list of authorized vessels according to agreed criteria.
2. Establish a reporting procedure.
3. Establish a framework for a control scheme.
4. Promote compatible legal approaches to GFCM conservation and management measures among members, including by completing and finalizing the current study and taking account of the results of this Workshop.
5. Continue to evaluate MCS technical capacity at national level among all GFCM Members, especially with regard to improving reporting systems.
6. Based on the analysis of the white and black vessel lists, further assess the extent of IUU fishing by non-contracting parties in the Mediterranean.

1.3 Options for addressing IUU fishing

1. The Commission should establish a special working group to make recommendations addressing the problem of IUU fishing, taking into account the principles and priorities

recommended by the Workshop and the results of relevant surveys, to be called “IUU Special Working Group”.

2. The IUU Special Working Group should be mandated to consider the need for a medium-term regional project to address IUU fishing activities in the Mediterranean.
3. The Commission should provide guidance on the institutional arrangements for the IUU Special Working Group.
4. The Commission should invite its Members to formulate National Plans of Action on IUU Fishing and to implement them.

ANY OTHER MATTERS

39. The participants from the EC envisaged that the Community may probably suggest proposals concerning control measures at the next plenary session of GFCM.

CLOSE OF THE WORKSHOP

40. The Secretary thanked the participants for their dedication and productive efforts to review the practical implications concerning the guidance expressed by the Commission made at the twenty-eighth session, namely that a step-by-step approach be taken to combat IUU fishing, and the invitation of the 2003 Ministerial Declaration to consider certain measures in that regard.

41. The participants agreed that the Secretary should circulate a draft report of the Workshop for their review and comment, and that the final report will be considered at the twenty-ninth session of GFCM.

42. The Secretary thanked the Government of Japan and the FAO FishCode Programme for their kind support in funding this important Workshop.

Agenda

1. Opening of the Workshop
2. Adoption of the agenda and arrangements for the Workshop
3. Status of IUU fishing in the Mediterranean
4. Issues of concern at national level
5. Salient issues at regional level
 - Register or record of fishing vessels
 - Inspection, enforcement and an observer programme
 - Reporting
 - Transshipment
 - VMS
6. Identifying and quantifying IUU activities
7. Implications of a step-by-step approach, and options for addressing IUU fishing for consideration by GFCM
 - Principles
 - Priorities
 - Options for addressing IUU fishing
8. Any other matters
9. Close of the Workshop

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APPENDIX C

List of documents

- Provisional Agenda
- Provisional List of Participants
- Review of activity, measures and other considerations relating to illegal, unreported and unregulated (IUU) fishing in the Mediterranean
- Summary of Responses from GFCM Members to FAO questionnaire for states on the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU)

Other documents were made available to the Workshop. These included:

PUBLICATIONS

- FAO Fisheries Department. Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. *FAO Technical Guidelines for Responsible Fisheries*. No. 9. Rome, 2002. 122p.
- FAO General Fisheries Commission for the Mediterranean. report of the twenty-eighth session. Tangiers, Morocco, 14–17 October 2003. *GFCM Report*. No. 28. Rome, 2003. 21p. [also available at this Workshop as GFCM/XXVIII/2003/Inf.6].
- FAO. International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing. Rome, 2001. 24p.
- FAO. Report of the Expert Consultation on Fishing Vessels Operating under Open Registries and their Impact on Illegal, Unreported and Unregulated Fishing. Miami, Florida, United States of America, 23–25 September 2003. *FAO Fisheries Report*. No. 722. Rome, 2004. 168p.
- General Fisheries Council for the Mediterranean. Report of the *Ad hoc* Meeting of Experts on the Application of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, Malta, 6–8 March 1995. *FAO Fisheries Report*. No. 522. Rome, 1995. 49p [bilingual EN/FR].
- Swan, J. International action and responses by Regional Fishery Bodies or Arrangements to prevent, deter and eliminate illegal, unreported and unregulated fishing. *FAO Fisheries Circular*. No. 996. Rome, 2004. 64p.
- Swan, J. National Plans to combat illegal, unreported and unregulated fishing: Models for coastal and small island developing states, for use in FAO Workshops to enhance national capacity to elaborate NPOAs-IUU. *FAO/FishCode Review*. No. 6. Rome, 2003. 76p.

PHOTOCOPIES

- Commission of the European Communities. Communication from the Commission to the Council and the European Parliament. Reports from Member States on behaviours which seriously infringed the rules of the Common Fisheries Policy in 2002. Brussels, 15.12.2003, COM (2003) 782 final.

- ICCAT. General Outline of Integrated Monitoring Measures Adopted by ICCAT. 02-31.
- ICCAT. Recommendation by ICCAT concerning the establishment of an ICCAT record of vessels over 24 metres authorized to operate in the convention area. 02-22. 3.
- Lebanon. Document, letter from FAO Representative from Lebanon, 17 June 2004. 5p. Answer to questionnaire on IUU fishing.
- Official Journal of the European Union. Council Regulation (EC) No 869/2004 of 26 April 2004 amending Regulation (EC) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish
- Official Journal of the European Union. Council Regulation (EC) No 831/2004 of 26 April 2004 amending Regulation (EC) No 973/2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species
- Spanish Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA-IUU). November 2002.
- TC IUU-CAP/2004/Made Available Document, EUROPE. Technical Consultation to Review Progress and Promote the Full Implementation of the IPOA to Prevent, Deter and Eliminate IUU Fishing and the IPOA for the Management of fishing Capacity, Rome, Italy, 24–29 June 2004. International Plan of Action for the Management of Fishing Capacity (IPOA-Capacity): review of Progress in Europe. 31p.
- Powerpoint Presentation: FAO, Review of activity, measures and other considerations relating to illegal, unreported and unregulated fishing in the Mediterranean. 7p.

Review of activity, measures and other considerations relating to illegal, unreported and unregulated (IUU) fishing in the Mediterranean¹

**by
Judith Swan**

1 Background

1.1 Introduction

The General Fisheries Commission for the Mediterranean (GFCM) has addressed issues relating to illegal, unreported and unregulated (IUU) fishing activities in a number of contexts over the past decade², and more recently in the context of the FAO International Plan of Action to Prevent, Deter and Eliminate IUU fishing (IPOA-IUU). GFCM has considered the need for information on non-Member fishing vessels (1994–95), the need to develop a control scheme for “flag of convenience” vessels and the diffusion of misinformation on IUU fishing by several groups (2000)³ and the implementation of MedFisis, a regional project to help countries raise the minimum standard in fisheries statistics system, which foresees the establishment of a Vessel Register. It was recognized that the number of shared fisheries already identified justifies common action to be taken for those fisheries at international levels.⁴

More recently, at its twenty-eighth session (October 2003), GFCM reviewed issues common to combating IUU fishing, including the status and implementation of the IPOA-IUU in the Mediterranean and recent actions and measures taken by selected regional fisheries management organizations (RFMOs) in this respect. The Commission acknowledged the wish expressed by Members that the implementation of the IPOA-IUU be addressed both at national level and at regional level through GFCM. It decided to adopt a step-by-step approach whereby the various dimensions of the issue could be tackled in a holistic manner. In this respect, some delegations suggested that the establishment of “white” and “black” lists of vessels could be an initial undertaking.⁵

The Commission agreed that a workshop of Experts from GFCM countries should be organized immediately following the June 2004 FAO Technical Consultation to Review Progress and Promote the Full Implementation of the IPOA to Prevent, Deter and Eliminate IUU Fishing and the IPOA for the Management of Fishing Capacity (June 2004 FAO Technical Consultation).

¹ This appendix was originally circulated as the background working document for the GFCM Workshop held on 23 and 26 June 2004. Published here with slight editorial modifications with respect to the original working document, it contains the full report of the development initiatives to combat illegal, unreported and unregulated (IUU) fishing activities. It refers to issues relating to implementation of the IPOA-IUU in the Mediterranean (Black Sea excluded), and the progress and constraints of GFCM members in combating IUU fishing activities. In particular, it refers to adoption of national plans of action and related instruments by GFCM members, existing national law relating to monitoring, control and surveillance (MCS), and existing MCS technical capacity among members. Efforts to identify and quantify IUU fishing activities in the Mediterranean are reported, and members’ constraints in addressing these activities are reviewed. Practical implications of decisions relating to steps GFCM may consider taking are described, and summary options for consideration for establishment of a special working group are recommended.

² These are described in detail in GFCM/XXVIII/Inf.6.

³ Report of the twenty-fifth session, paras. 33 and 35. The Secretariat was asked to address this situation using all means available.

⁴ The 2002 EC Community Action Plan for conservation and sustainable exploitation of fisheries resources in the Mediterranean Sea under the Common Fisheries Policy, approved by the EC Council.

⁵ Report of the twenty-eighth session, paras. 53 and 54.

Subsequently, the Declaration adopted by the Ministerial Conference for the Sustainable Development of Fisheries in the Mediterranean in November 2003 (2003 Ministerial Declaration), in relation to IUU fishing, reiterated and built upon the approach adopted by the twenty-eighth session of the GFCM.⁶ The Declaration:

- invited GFCM to adopt at its twenty-ninth session effective measures based on the FAO IPOA-IUU, with priority for establishing procedures for identifying vessels carrying out IUU activities (black list), as well as action to be taken against these vessels, and furthermore, drawing up registers of vessels authorized to fish (white list);
- referred to principles upon which the implementation by GFCM of a system of inspection, tailored to the specific nature of the Mediterranean fisheries, should be based;⁷ and
- invited the GFCM to adopt in 2004 policy guidelines of the control scheme with the aim of progressively developing measures defining in particular the obligations of the Parties, the use of new technologies and mechanisms for inspection at sea and in port.

Each of these areas is discussed below in this document.

1.2 Issues relating to implementation of the IPOA-IUU by GFCM

As noted in the information paper prepared for the twenty-eighth session of GFCM, “Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and its Relations and Effects of the Management of Fishing Capacity in the Mediterranean”⁸, a number of international fisheries instruments have been concluded that have broadened and strengthened the role of RFMOs in fisheries management.⁹ Many GFCM Members have ratified one or more of these instruments, which have progressively defined the role and responsibilities of coastal states, flag states, port states and RFMOs, including duties relating to high seas fishing.

Many of the provisions in the international instruments provided the impetus for RFMOs to agree on specific measures relating to IUU fishing, including information and data requirements, establishment of registers, requirements for high seas fishing, landings, port inspection and transshipment, inspection and enforcement and cooperation with non-members.

In particular, the IPOA-IUU, a voluntary instrument, reinforces these provisions and calls upon states to develop and implement national plans of action by 2004 that should include actions to implement initiatives adopted by regional fisheries management organizations (RFMOs). This target date has been reinforced at high levels, including by the World Summit on Sustainable Development in 2002 and United Nations General Assembly Resolutions in 2003.

The objective of the IPOA-IUU is to prevent, deter and eliminate IUU fishing by providing all states with a “toolbox” of comprehensive, transparent and effective measures by which to act, including through RFMOs. The IPOA-IUU sets out the responsibilities of all states and flag states, measures to be taken by coastal states and port states, and internationally agreed market-related measures. It refers also to responsibilities and measures of states acting through RFMOs, and of states that are not members of RFMOs. The measures are integrated, and should be applied in accordance with international and other applicable law.

⁶ Ministerial Declaration, paras. 8 and 9.

⁷ The principles specified are that (a) it must be in accordance with the provisions of the Agreement establishing the GFCM and relevant existing international law; (b) the emphasis must be placed on the primary responsibility of the flag state as well as on the responsibility of the port state and of the coastal state to ensure compliance with management measures; and (c) account must be taken of the cost-effectiveness of both the general measures applicable to all fisheries and the specific measures applicable on a case-by-case basis to certain fisheries.

⁸ GFCM/XXVIII/Inf.6.

⁹ The instruments include the 1982 United Nations Convention on the Law of the Sea, the 1993 FAO Compliance Agreement, the 1995 United Nations Fish Stocks Agreement and the 1995 FAO Code of Conduct for Responsible Fisheries and its International Plans of Action.

Implementation of the IPOA-IUU through GFCM could yield a number of positive effects. Overall objectives could be to restore the health of the Mediterranean fish stocks subject to management by GFCM and achieve long-term conservation and sustainable use of the resources. Depending on the measures and actions agreed, implementation could promote improved and integrated fisheries management. This could encompass reliable and comprehensive databases, strengthened MCS, improved institutional capacities of Members, strengthened implementation of flag state responsibility and enhanced cooperation among GFCM Members, as well as between GFCM, other RFMOs, states and entities. It could also serve as a focus for development and technical assistance.

Effective implementation of the IPOA-IUU as it relates to the needs of the GFCM would depend on the commitment of GFCM Members, and on long-term planning.

1.3 Progress on the implementation of the IPOA-IUU reported by regional fishery bodies or arrangements and states

Questionnaires were distributed by FAO to regional fishery bodies (RFBs) and states in late 2003 to provide a basis for assessing the progress in implementation of the IPOA-IUU, in preparation for the June 2004 FAO Technical Consultation. The responses by RFBs, showing actions and measures taken to implement the IPOA-IUU and explained in documents prepared for the Consultation, are summarized in Table 1; those of the states are summarized in Tables 2 (two parts) and 3.

For RFBs, the level of activity in implementing the paragraphs of the IPOA-IUU was assessed by noting the number of RFBs reporting that they had taken relevant measures or actions: *significant activity* was indicated where nine to eleven RFBs had implemented the measure or action; *moderate activity* was shown where six to eight RFBs responded affirmatively; and *some activity* was indicated where there were five or less “yes” responses. The results are presented in the three sections of Table 1, showing where the RFBs that have indicated activity in various areas.¹⁰

In general, RFBs have undertaken significant to moderate activity in the priority areas identified for action by GFCM and the 2003 Ministerial Declaration. In this regard, the responses indicate:

- *significant activity* for measures such as maintaining and exchange records of authorized fishing vessels, maintaining a record of IUU fishing vessels, MCS¹¹ and determining policy objectives for internal purposes;
- *moderate activity* for port control measures, development of boarding and inspection regimes and the definition of presumptions for IUU fishing and support vessels, and measures/actions relating to flag state responsibility.

For states, the responses of ten GFCM Members¹² to the FAO questionnaire were extracted from the responses of other FAO Members, and these In general, activity is uneven among respondents in implementing specific actions and measures specified under each area of the IPOA-IUU, but on the whole the responses indicate:

- *significant activity* (up to ten respondents) in the areas of law and policy, measures/actions in relation to nationals, requirements for fishing vessels, responsibilities of a flag state and cooperation through regional fishery management organizations;
- *moderate activity* (no more than eight respondents) in the areas of MCS, catch determination and verification and internationally agreed market related measures;
- *some activity* (no more than five respondents) in the areas of high seas fishing activities, knowledge of fishing vessel position in areas of national jurisdiction¹³, access by foreign

¹⁰ See J. Swan, International action and responses by Regional Fishery Bodies or Arrangements to prevent, deter and eliminate illegal, unreported and unregulated fishing, *FAO Fisheries Circular*, No. 996, Rome, 2004 (64 p).

¹¹ Specifically, promoting implementation of MCS by members in their jurisdictions, real-time catch and vessel monitoring systems, monitoring landings and regulation of transshipment.

¹² Algeria, Cyprus, EC, Egypt, Japan, Lebanon, Malta, Morocco, Tunisia and Turkey.

¹³ Except for capacity strengthening.

fishing vessels¹⁴, information and inspections¹⁵, measures/actions against IUU fishing and formulation of a national plan of action to combat IUU fishing (NPOA-IUU).

Specific questions to which all ten respondents indicated “yes” were:

- Do you think your state’s nationals are generally aware of the effects of IUU fishing?
- Is it an offence for your state’s nationals to undermine conservation and management measures of RFMOs?
- Does your state have the means to control the fishing activities of the vessels registered in your state?

Although these results are based on responses by only ten GFCM Members, they indicate trends and areas in which greater national level activity may be needed for areas identified by GFCM as priorities, such as MCS, inspections and taking measures/actions against IUU fishing.

1.4 Effectiveness of measures and actions of GFCM Members in implementing the IPOA-IUU

A specific questionnaire (in three parts) was distributed to GFCM Members to prepare for the June 2004 Workshop on IUU fishing in the Mediterranean, with the objectives of seeking Members’ views as to the effectiveness of their measures to combat IUU fishing, identifying the major types of IUU fishing in areas under their jurisdiction and identifying constraints and solutions for combating IUU fishing activities in the GFCM Region. Prior to the Workshop, six Members had responded¹⁶, and the responses are summarized in Tables 3–5.

Although the responses are not representative of the full membership, some trends are apparent from the information received. Interestingly, they are similar to the trends identified by the responses of ten GFCM Members to the FAO questionnaire for states described above in Section 1.3, for which Members were asked to indicate whether measures had been taken. In the GFCM questionnaire, focus was placed more on the respondents’ views of the effectiveness of the measures they had taken. Both questionnaires were based on the measures in the IPOA-IUU.

Four or more respondents indicated that the following national measures are highly effective in combating IUU fishing:

- national laws in respect of control of national vessels and vessel information;
- the means to control registered vessels;
- comprehensive information on the register of fishing vessels; and
- for port access, requirements for reasonable advance notice of entry into port, a copy of the authorization to fish and details of the fishing trip and quantities of fish on board.

A total of four or more respondents indicated that the following national measures are of low-to-medium effectiveness, or are not applicable:

- effectiveness of national laws in respect of fishing information, port inspections, authority for high seas boarding and inspections and enforcement (use of technologies such as VSM and offences, fines);
- mechanisms for inspection at sea;
- mechanisms for inspection in port;
- comprehensive high seas fishing vessel data submitted to FAO;

¹⁴ Several indicated this was not applicable, or “n/a”.

¹⁵ Several indicated “n/a”, but advance notice of entry into port is required by six respondents.

¹⁶ Algeria, EU, Italy, Japan, Libyan A.J. and Turkey.

- catch verification procedures;
- requirement for VMS for foreign fishing vessels;
- cooperation through RFMOs on market-related measures to combat IUU fishing;
- steps to prevent trade or import of IUU caught fish; and
- priority for formulating and adopting an NPOA-IUU.

The responses relating to the types of IUU fishing and constraints and solutions for combating IUU fishing activities are summarized below in Section 2.4.2.

2 Relevant activity and constraints among GFCM Members for combating IUU fishing

2.1 Adoption of National Plans of Action (NPOAs) and related instruments by GFCM Members

At the present time there is insufficient information to describe the IUU fishing situation for all GFCM Members, but responses by some GFCM Members to the FAO questionnaire to states on implementation of the IPOA-IUU, described above, refer to different types of IUU fishing of current concern. These include:

- using illegal fishing gear and methods;
- fishing in prohibited areas;
- fishing during closed seasons.

Although this indicates that a number of GFCM Members acknowledge the problems associated with IUU fishing activities in their areas, Spain appears to be the only GFCM Member State to have prepared and published an NPOA-IUU. The Plan sets out Spanish initiatives taken under all relevant headings of the IPOA-IUU.¹⁷ Regarding regional fisheries management organizations (RFMOs), the IPOA-IUU refers especially to existing national regulations dealing with activities by flags of convenience and non-cooperating parties in RFMOs. In its proposed programme of new measures, the NPOA suggests it would be useful to draw up lists of vessels and states involved in IUU fishing, complemented by an information system enabling the continuous updating of information.

Other GFCM Members have indicated their views on the implementation of the IPOA-IUU at national level. Japan noted that it had already implemented all the necessary measures to combat IUU fishing, and Egypt referred to its review of the fisheries law and management regulations in light of the FAO Code of Conduct for Responsible Fisheries and GFCM regulations. Morocco indicated that it has formulated or begun formulation of an NPOA-IUU. GFCM Members that have indicated they have not yet done so are Algeria, Cyprus, Lebanon and Tunisia.

On a regional level, the EU Fisheries Council adopted conclusions and measures on IUU Fishing in 2002. Directly applicable only to the EU members of GFCM, they urge the European Commission (EC) to actively exercise its competences with regard to EU Members and in international fora, especially among the RFMOs, in order to attain specific objectives, including to:

- elaborate registers of authorized vessels and lists of unauthorized or illegal vessels in RFMOs;
- draw up lists of states or territories that do not cooperate with the RFMOs, which might be subject to transparent and non-discriminatory trade measures;

¹⁷ Including responsibilities of all states, flag states, coastal states and port states, internationally agreed market measures and research, as well as through regional fisheries management organizations and special requirements of developing countries.

- take measures of control over nationals and Community residents who use flags of convenience as a means to evade those measures of regulation and conservation that have been established;
- implement monitoring, control and surveillance programmes in each RFMO;
- identify and quantify illegal catches, and determine the origin of these catches in order to act before the corresponding flag state;
- implement regimes of classification or documentation regarding fish species that so require, as an additional measure of international control;
- define the rights and obligations of the port state concerning the access of fishing vessels to port facilities; and
- provide assistance for developing countries to fulfil the commitments they have to undertake in relation with the IPOA-IUU.

Some of these objectives, relevant to GFCM, are currently under review, such as elaborating registers of authorized vessels and lists of unauthorized or illegal vessels in RFMOs, and implementing MCS programmes in RFMOs.

2.2 Summary of existing MCS-related law in GFCM Members

The mechanisms, tools and needs of existing fisheries management in the Mediterranean relating to IUU fishing are under review. To this end, national laws and regulations for fisheries management have been reviewed under CopeMed for the western Mediterranean and AdriaMed for the Adriatic Sea.¹⁸ A similar exercise is ongoing for the Eastern Mediterranean basin. In addition, there has been a review to identify the type of MCS measures introduced by Mediterranean coastal state in their fisheries legislation to ensure effective monitoring and control of fishing vessels operating under their jurisdiction and of fishing vessels flying their flag on the high seas.¹⁹ This review, summarized below, provides preliminary comparative information for assessing needs for implementing regional measures pursuant to the IPOA-IUU into the national law of GFCM Members.

The review of MCS measures in the legislation of GFCM Members identifies nine types of measures, described below, but does not extend to an assessment of the implementation of such measures. For this reason, this section should be considered together with the summary description of MCS technical capacity in GFCM Members, in Section 2.3 below. The measures are summarized in Table 6.

The nine types of measures reviewed are generally recommended by the IPOA-IUU as actions or measures which states should take, and references to the IPOA-IUU are given in the text below. On the whole, the review shows a need for the strengthening of these measures on a national basis in order to provide a basis for combating IUU fishing, and for harmonizing them to the extent appropriate for purposes agreed in GFCM.

¹⁸ The reviews respectively cover: CopeMed – Algeria, Morocco, Tunisia, Libyan A.J., Malta, Italy, France, Spain and the European Union; and AdriaMed – Albania, Croatia, Italy and Slovenia. The CopeMed review shows great variances in marine fisheries management frameworks and measures. For the most part commercial fishing within areas of national jurisdiction is reserved for national flag vessels, and only four countries require authorizations for national fishing vessels to fish beyond areas of national jurisdiction. Access agreements are usually required for non-national vessels. It provides for a comparative table on fishing effort showing by country a variety of measures, including limitation of fishing licenses and effort by areas/seasons, and management by quota or total allowable catch (TAC). All states have regulations on minimum size of fish and gear or fishing methods. Most regulate the length, tonnage and power of vessels. The AdriaMed review describes inter alia access regimes, conservation and management measures and MCS. It shows a wide variety of practices with respect to licensing for the various subsectors, effort and gear limitation and fisheries reserves, and for MCS purposes, registers, landing requirements, data collection, and observers.

¹⁹ P. Cacaud, Fisheries laws and regulation in the Mediterranean: a comparative study, *Studies and Reviews, General Fisheries Commission for the Mediterranean*, No. 75, Rome, FAO, 43p [in press].

2.2.1 *Register or record of fishing vessels*

The IPOA-IUU contains a number of paragraphs relating to fishing vessel registration²⁰, with the general objective of providing the means for states to ensure that vessels entitled to fly their flag do not engage in or support IUU fishing. For example, guidelines are provided for states to avoid flagging vessels with a history of non-compliance. Similarly, a number of tools for the maintenance of a record of fishing vessels are suggested²¹, including identifying the owners and operators, and specific information required to be recorded for flag vessels, including those authorized to fish on the high seas.

Although many GFCM Members have requirements to keep a register or record of fishing vessels²², there are discrepancies as to the information required, the classification of vessels on the registers²³, prerequisites to registration²⁴ and the administrative arrangements.²⁵ Based on the information available, it was not possible to determine whether the use of the terminology “register” or “record” had any legal implications.

Legislation relating to registers of fishing vessels underpins the operation of the MedFisis project to establish such registers for GFCM Members. Although that project can be instrumental in harmonizing such databases, and is technologically capable of modifying databases in a flexible manner towards that end, such action would depend to a great extent on harmonization of legal requirements in each Member.

2.2.2 *Register of fishers*

Some GFCM Members require a register of professional fishers to be kept²⁶, but the objective or use of each register and benefits of registration are unclear according to available information. Registers are maintained at various levels in various states – local and central or both. The requirements for entry into the log, as well as the requirements for de-registration vary significantly. On the basis of available information, it does not appear that IUU fishing constitutes a basis for de-registration, unless, as in one case, it is repeated and serious.²⁷ The IPOA-IUU does not specifically refer to a register of fishers.

2.2.3 *Vessel marking*

The IPOA-IUU states that authorizations to fish should require the marking of fishing vessels in accordance with internationally recognized standards, such as the FAO Standard Specification and Guidelines for the Marking and Identification of Fishing Vessels. Vessels’ fishing gear should similarly be marked in accordance with internationally recognized standards.²⁸

A number of GFCM Members require vessel marking²⁹, but from available information, many do not refer to the FAO Standard Specifications for Marking and Identification of Fishing Vessels. Marking standards vary, as do requirements of the items to be identified in marking, such as registration number, licence number and/or fishing gear.

²⁰ Paras. 34–40.

²¹ Paras. 42, 42.1–42.6 and 43.

²² Six countries: Albania, Libyan A.J., Malta, Slovenia, Spain and Syrian A. R., and the EU. No information was available for Greece and Lebanon.

²³ For example, Albania and Croatia distinguish between large and small vessels; in Albania, large vessels are defined as those having a deck.

²⁴ For example, registration of fishing vessels is a consequence of licensing rather than a prerequisite in Albania and Slovenia.

²⁵ Some countries require registers to be kept at local level and others at district or national level, or a combination of the levels.

²⁶ Albania, Algeria, Italy, Spain and Syrian A. R.

²⁷ For example, in Italy, any person having been convicted for more than five major violations of the fisheries law is barred from registration in the register of professional fishers.

²⁸ Paragraph 47.8. of the IPOA-IUU.

²⁹ Including Albania, Cyprus, Egypt, EU, France, Libyan A.J., Malta, Morocco, Syrian A.R. and Turkey.

2.2.4 *Inspection and enforcement*

The IPOA-IUU provides that states should undertake comprehensive and effective monitoring, control and surveillance (MCS) of fishing from its commencement, through the point of landing, to final destination, including by ensuring effective implementation of national and, where appropriate, internationally agreed boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and of inspection officers, and noting that such regimes are provided for in certain international agreements, such as the 1995 UN Fish Stocks Agreement, and apply only to the parties to those agreements.³⁰

Many GFCM Members have legislation to allow for inspections of fishing vessels in areas of national jurisdiction.³¹ The review did not indicate that legislation exists to allow for inspections beyond areas of national jurisdiction, except for the EU Member States.³²

The extent of the authority (other than geographical) of the inspectors for each Member is unclear, but could eventually be relevant for any harmonized or regional inspection scheme that may be agreed.

A major objective of inspections is to gather designated information and submit it to national authorities and as appropriate the flag state³³, but it is not clear what information the Member's legislation requires to be submitted. This could be a point for further elaboration and harmonization.

Inspections should be distinguished from enforcement activity and authority. The powers of fisheries enforcement officers, which can include searches and seizures, evidence gathering and use of reasonable force, constitute a fundamental element of MCS for purposes of combating IUU fishing. It could also be appropriate in the enforcement of VMS systems.

³⁰ Paragraph 24.10.

³¹ Albania, Croatia, Malta, Spain, Slovenia, Syrian A.R. and Tunisia are cited in the review, and it is noted that while no specific provisions with respect to inspection were found in the legislation of other countries, it is likely that enforcement officers in the other countries are also empowered to inspect fishing vessels.

³² EU Member States are authorized to:

(a) inspect Community vessels flying their flag in all Community waters outside waters under the sovereignty of another Member State;

(b) carry out inspections in accordance with the rules of the Common Fisheries Policy (CFP) relating to fishing activities in all Community waters outside waters under their sovereignty on fishing vessels, only:

(i) after authorization of the coastal Member State concerned; or

(ii) where a specific monitoring programme has been adopted in accordance with Art. 34c of Regulation (EEC) No. 2847/93; and

(c) inspect Community fishing vessels flying the flag of another Member State in international waters.

³³ For example, paragraph 58 of the IPOA-IUU states that: In the exercise of their right to inspect fishing vessels, port states should collect the following information and remit it to the flag state and, where appropriate, the relevant regional fisheries management organization:

58.1 the flag state of the vessel and identification details;

58.2 name, nationality, and qualifications of the master and the fishing master;

58.3 fishing gear;

58.4 catch on board, including origin, species, form, and quantity;

58.5 where appropriate, other information required by relevant regional fisheries management organizations or other international agreements; and

58.6 total landed and transshipped catch.

2.2.5 Reporting

Reporting requirements assist in developing a database for fisheries management and for effective MCS. The IPOA-IUU notes that vessel authorizations should include a number of specified catch reporting conditions³⁴, and reporting and other conditions for transshipping, where it is permitted.³⁵

Although reporting requirements are found in the fisheries legislation of most Members, and apply to both national and foreign fishing vessels, the specific requirements appear to be uneven in terms of the time the reports are submitted (e.g. after fishing trips, monthly, annually) and the contents of the report. Logbooks are required by a number of states³⁶, and must provide information on the quantity of fish caught, the size, species, place of catch and the gear. However, the class of vessels required to keep logbooks varies, for example commercial fishing vessels³⁷, or vessels over 10 metres³⁸ in length.

There is no information available indicating whether other reporting statistics stated in the IPOA-IUU are required, such as time series of catch and effort statistics, discard statistics or transshipment statistics.

Prioritization and harmonization of reporting requirements would therefore appear to be a consideration for combating IUU fishing for stocks managed by GFCM, including the ability to implement any regional standard that may be agreed for reporting.

2.2.6 Landing of catch

The IPOA-IUU encourages states to strengthen port control in order to combat IUU fishing through the adoption of port state measures regulating, *inter alia*, access to ports and landing of catch.³⁹ In addition, the IPOA-IUU sets out the information that port states should collect and remit to the flag state and relevant RFMO.⁴⁰ Provisions regulating the landing of catch in national ports of Mediterranean coastal states were identified in the legislation of twelve Members.⁴¹

Some states require that all catches taken in waters under national jurisdiction be landed in a national port.⁴² Some states prohibit landings in port unless they are monitored by a fisheries inspector⁴³, and others have an authorization scheme to land catch in a national port.⁴⁴ Advance notice of entry into port is required by some Members⁴⁵, but the advance time required varies, and in some cases this requirement may apply only to foreign vessels.⁴⁶ In several Members, fish or fish products can only be landed in designated ports.⁴⁷

³⁴ Such as the following, under paragraph 47.2:

- 47.2.1 time series of catch and effort statistics by vessel;
- 47.2.2 total catch in number, nominal weight, or both, by species (both target and non-target) as is appropriate to each fishery period (nominal weight is defined as the live weight equivalent of the catch);
- 47.2.3 discard statistics, including estimates where necessary, reported as number or nominal weight by species, as is appropriate to each fishery;
- 47.2.4 effort statistics appropriate to each fishing method; and
- 47.2.5 fishing location, date and time fished and other statistics on fishing operations.

³⁵ Para. 47.3.

³⁶ Required by Algeria, Croatia, France, Israel, Slovenia, Spain, Syria and the EU.

³⁷ Croatia and Israel.

³⁸ Slovenia and the EU.

³⁹ IPOA-IUU, paras. 52–64.

⁴⁰ Para. 58.

⁴¹ Albania, Algeria, Cyprus, France, Israel, Libyan A.J., Malta, Slovenia, Spain, Syrian A.R. and Tunisia and in EU law.

⁴² Albania, Algeria and Tunisia.

⁴³ Algeria and Tunisia.

⁴⁴ Cyprus and Israel.

⁴⁵ Slovenia, Spain and the EU.

⁴⁶ E.g. Slovenia, which requires this for vessels registered in a non-EU Member State.

⁴⁷ France, Libyan A.J., Slovenia, Spain, Syrian A. R. and the EU.

There is no available information to indicate whether states are implementing legislation as encouraged by the IPOA-IUU regarding the information to be collected and transmitted upon inspection in port. This may be a useful MCS tool for GFCM consideration.

2.2.7 *Transshipment*

The IPOA-IUU calls for flag states to ensure that none of their vessels re-supply a fishing vessel engaged in IUU activities or transship fish to or from these vessels.⁴⁸ Flag states should also ensure that their fishing, transport and support vessels involved in transshipment at sea have a prior authorization to fish and report specified information.⁴⁹

Further, the IPOA-IUU calls for flag states to make information from catch and transshipment reports available, aggregated according to areas and species, in a full, timely and regular manner.⁵⁰

Transshipment requirements among GFCM Members are highly uneven. Provisions regulating the transshipment of fish or fish products are found in the fisheries laws of some Members.⁵¹ In one Member, transshipment at sea is strictly prohibited, except in case of *force majeure*.⁵² In the other Members, transshipment is subject to an authorization scheme. In one Member⁵³, this requirement applies only for transshipment at sea, whereas in the other states it is required for both transshipments at sea and in port. In one Member, the authorization scheme applies only to foreign fishing vessels, while transshipment by that state's fishing vessels is subject to an advance notice procedure.⁵⁴ In EU law, prior authorization is only required for third-country fishing vessels.

In two Members⁵⁵, masters of fishing vessels are required to provide any prescribed information pursuant to any transshipment.

2.2.8 *Observer programmes*

The IPOA-IUU encourages states to implement, where appropriate, observer programmes in accordance with relevant national, regional or international standards, including the requirement for vessels under their jurisdiction to carry observers on board⁵⁶, and to require observer coverage as a condition of an authorization to fish.⁵⁷

Fisheries legislation of some Members provides for the establishment of observer programmes.⁵⁸ In two Members⁵⁹, the fisheries law contains language enabling the competent authority to impose the placing of observers on board any vessel. License holders have a duty to allow designated observers to stay on board and to facilitate the performance of their duties. In one Member⁶⁰, the master of any foreign fishing vessel authorized to fish for highly migratory species within its waters is required to embark two observers on board, one appointed by the fisheries administration, the other by the coast guard. EU law stipulates that Member States are responsible for placing observers on board fishing vessels.

⁴⁸ Paragraph 48.

⁴⁹ Paragraph 49. The information includes:

- 49.1 the date and location of all of their transshipments of fish at sea;
- 49.2 the weight by species and catch area of the catch transshipped;
- 49.3 the name, registration, flag and other information related to the identification of the vessels involved in the transshipment; and
- 49.4 the port of landing of the transshipped catch.

⁵⁰ Paragraph 50.

⁵¹ Algeria, Libyan A.J., Spain and Tunisia; in EU law.

⁵² Algeria. As far as could be established, there was no provision regulating transshipment in port.

⁵³ Libyan A.J.

⁵⁴ Spain.

⁵⁵ Malta and Spain.

⁵⁶ Paragraph 24.4.

⁵⁷ Paragraph 47.4.

⁵⁸ Albania, Algeria, Malta and EU law.

⁵⁹ Albania and Malta.

⁶⁰ Algeria.

It is acknowledged that observer programmes may not necessarily be required in fisheries legislation, but may operate de facto on national or regional bases. In that case, the appointment, functions and authority of observers – and duties of masters and crew towards them – should at least be included in national legislation. Information on the legal provisions relating to observers, as distinct from observer programmes, was not available.

2.2.9 *Vessel monitoring systems (VMS)*

The IPOA-IUU encourages states, as part of undertaking comprehensive MCS, to implement – where appropriate – a vessel monitoring system (VMS) in accordance with the relevant national, regional or international standards, including the requirement for vessels under their jurisdiction to carry VMS on board.

This relatively new technology generally involves placement of a transponder on a vessel, administration of a land-based receiver and disposition of information received. VMS has been the subject of a corpus of recently developed laws for various national governments to address the special circumstances of its regulation. Some elements of such laws include the requirements to install and maintain VMS according to certain specifications, inspection of equipment, prohibition from tampering with the equipment, procedures for failure of equipment, information to be transmitted and confidentiality and ownership of information. VMS has been implemented on both national and regional bases, and as noted below in Section 2.3, some GFCM Members are in the process of developing its use.

Some GFCM Members' laws contain provisions on VMS⁶¹, with the most comprehensive established under EU law. It requires any Community fishing vessel and third country vessel operating in Community waters to be equipped with a functioning system which allows detection and identification of that vessel by remote monitoring systems. It applies to vessels exceeding 18 m length overall from 1 January 2004, and to vessels exceeding 15 metres length overall from 1 January 2005.

2.2.10 *Other laws*

Other MCS-related measures in the IPOA-IUU that were not covered in the review summarized above, but may need to be considered in future, include designation of serious infringements, establishment of high fines or penalties⁶², the appointment of enforcement officers (including relevant training standards for fisheries enforcement), powers of enforcement officers (to ensure that they have appropriate powers for enforcing measures suggested by the IPOA-IUU, including at sea, on land, in buildings, vehicles and aircraft, and as appropriate in areas beyond national jurisdiction), laws covering supply to IUU fishing vessels and other related activities, requirements for navigation equipment (in order to promote compliance with demarcated zones), and aspects of regional cooperation such as information confidentiality and cooperation in surveillance and enforcement.

2.3 Summary of existing MCS technical capacity in GFCM Members

Current information on existing MCS technical capacity in GFCM Members has not been compiled in a clear and comprehensive manner, so this summary is sourced from a 2002 EC Communication that sets out an Action Plan for Mediterranean Fisheries⁶³, and information from the responding GFCM Members to an FAO questionnaire on implementation of the IPOA-IUU, used as a basis for the June 2004 FAO Technical Consultation.

⁶¹ Algeria, Malta, Morocco, Slovenia and Spain and EU law.

⁶² For example, Greek law provides administrative and penal penalties for illegal and unauthorized fishing.

⁶³ Communication from the Commission to the Council and the European Parliament laying down a Community Action Plan for the conservation and sustainable exploitation of fisheries resources in the Mediterranean Sea under the Common Fisheries Policy, Brussels, 09.10.2002, COM(2002) 535 final. Also refer to Council Regulation (EC) No. 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

MCS technical capacity is taken to cover not only new technology such as VMS, but the ability to establish and maintain a range of MCS-related activities set out in the IPOA-IUU, such as reporting, requirements for fishing, capacity strengthening, observer programmes and other areas including those for all states, coastal states and port states as set out in the IPOA-IUU.

Although the EC Action Plan is an indication of priorities for EU Member States rather than an explanation of existing MCS technical capacity, and although subsequent follow-up to the priorities is not stated, it identifies areas where such capacity needs to be strengthened. These include:

- use of the VMS system for certain fleets, including vessels longer than 10 metres overall;
- revision of the logbook system;
- improved matching between vessel characteristics, fishing licences and fishing permits;⁶⁴
- setting up a control and reporting framework for recreational fisheries that target shared or straddling stocks or complete with commercial fisheries.

The responses of ten GFCM Members to the FAO questionnaire on implementation of the IPOA-IUU, described in Section 1.3 above, indicate the MCS measures and actions that have been taken by responding Members, and the areas in which further activities are needed. The responses are summarized in Tables 2 and 3.

Eight respondents indicated that they have taken measures to improve MCS⁶⁵, and some of these noted in comments that this has included development of VMS⁶⁶, increasing the control and surveillance activities⁶⁷, adopting procedures for IUU fishing⁶⁸ and strengthening penalties.⁶⁹

In relation to flag state responsibilities, most respondents stated that they require the following:

- registration for all fishing vessels;⁷⁰
- express authorization for vessels to fish within areas of national jurisdiction; and
- express authorization to fish beyond areas of national jurisdiction.

Although most respondents reported that they have the means to control the fishing activities of their registered vessels, some indicated that there are limited human resources or other inefficiencies.⁷¹ Many indicated a policy or practice to avoid registering vessels with a history of IUU fishing, and most indicated that they:

- maintain a comprehensive record of fishing vessels entitled to fly their flag;⁷²
- coordinate the functions of registering fishing vessels and granting authorizations to fish;⁷³
- where their flag vessel is identified as having engaged in IUU fishing, take measures to prevent transshipment, other forms of assistance;⁷⁴
- prohibit or require prior authorization and reporting for transshipment of vessels at sea.⁷⁵

⁶⁴ In particular fishing vessels lacking adequate rigging and equipment to haul a certain gear should not have on the fishing licence the authorization to use that specific gear. In certain fisheries the single net rule might prove useful.

⁶⁵ Cyprus, Egypt, Japan, Malta, Morocco, Tunisia, Turkey, EC.

⁶⁶ Cyprus, Malta, Morocco, Tunisia. Malta requires VMS for vessels over 12 metres, others do not state length requirement.

⁶⁷ Egypt.

⁶⁸ Egypt.

⁶⁹ Turkey.

⁷⁰ Japan does not require registration for non-powered fishing vessels under 1 tonne.

⁷¹ Malta and Lebanon.

⁷² Algeria, Cyprus, Egypt, Japan, Malta, Morocco, Tunisia, Turkey, EC. Lebanon reported it is starting to develop such a record.

⁷³ Algeria, Cyprus, Egypt, Japan, Malta, Morocco, Tunisia, Turkey. Lebanon indicated "No".

⁷⁴ Algeria, Cyprus, Egypt, Japan, Morocco, Tunisia, EC. Turkey indicated "No". Algeria noted transshipment is prohibited under Law 01.11, and Malta indicated this has never happened.

⁷⁵ Algeria, Egypt, Japan, Malta, Morocco, Tunisia, EC. Except Cyprus, and not applicable for Lebanon and Turkey. Egypt does this except in emergency cases.

For high seas fishing activities, some Members report that they have means to ensure their flag vessels do not undermine high seas fishery conservation and management measures⁷⁶, and two reports that they submit high seas fishing data to FAO.

The state of MCS technical capacities of members is reflected in many responses under coastal state responsibilities. Where five or fewer Members stated that they have taken certain actions or measures, it may indicate a generally low MCS technical capacity (although this may also indicate the absence of a proper legal or institutional framework). These areas are:

- knowledge of where most or all fishing vessels are fishing in areas under national jurisdiction;⁷⁷
- use of VMS;⁷⁸
- identification of fishing vessel position through mandatory radio reports;⁷⁹
- mandatory logbook, including frequent vessel position reporting;⁸⁰ and
- independent observer programme.⁸¹

Of the above, the fewest “yes” responses indicating that actions had been taken were for an independent observer programme (two) and mandatory radio reports on vessel position (three). Although only four Members reported use of VMS, another three indicated they are planning to do so.

Areas implemented by six or more responding Members included:

- capacity strengthening to conduct regular patrols where vessels are known to fish;⁸²
- mandatory reports by logbook;⁸³ and
- catch verification procedures, such as port inspection and/or observers.⁸⁴

A relatively high number of responding Members – five – indicated that they do not require VMS, radio and/or fax to determine catch.⁸⁵ Five other respondents indicated that they do have such requirements.⁸⁶

Requirements for granting access to foreign fishing vessels were not applicable for a number of responding Members⁸⁷, but some stated that, before granting access, they verify that foreign fishing vessels have received authorization from their flag state to fish in areas beyond national jurisdiction.⁸⁸

In general, about half of the responding Members indicated that they have taken port state measures, and another four declared that some or all of the measures are not applicable.⁸⁹ Six responding Members reported that they require reasonable advance notice of entry into port⁹⁰, five require details

⁷⁶ Cyprus, Japan, Malta, Tunisia and EC.

⁷⁷ Cyprus, Egypt, Japan, Malta, Tunisia responded “Yes”, Algeria, Lebanon and Turkey “No” and Malta and Morocco “Plan”.

⁷⁸ Japan, Morocco, Tunisia and EC responded “Yes”, Algeria and Lebanon “No” and Cyprus, Malta and Turkey “Plan”.

⁷⁹ Egypt, Japan and EC responded “yes”, Algeria, Cyprus, Lebanon, Malta, Morocco and Tunisia “No” and Turkey “Plan”.

⁸⁰ Algeria, Cyprus, Egypt, Japan and the EC responded “yes”, Lebanon and Tunisia “No” and Turkey and Malta “Plan”.

⁸¹ Morocco and EC responded “yes”; Algeria, Cyprus, Egypt, Japan, Lebanon, Malta and Tunisia responded “No” and Turkey “N/A”.

⁸² Algeria, Cyprus, Egypt, Japan, Lebanon, Morocco, Tunisia and the EC responded “Yes”, Malta “No”, Cyprus “Plan” and Turkey “N/A”.

⁸³ Cyprus, Egypt, Japan, Morocco, Tunisia and the EC responded “Yes”, Algeria, Lebanon and Malta “No” and Turkey indicated this is planned.

⁸⁴ Cyprus, Egypt, Japan, Lebanon, Morocco, Tunisia and the EC responded “Yes”, Turkey “No” and Algeria and Malta plan such measures.

⁸⁵ Algeria, Cyprus, Lebanon, Malta and Tunisia.

⁸⁶ Egypt, Japan, Morocco, Turkey, EC.

⁸⁷ Cyprus, Egypt, Lebanon, Turkey.

⁸⁸ Algeria, Egypt, Japan, Morocco.

⁸⁹ Cyprus, Egypt, Lebanon and Turkey.

⁹⁰ Algeria, Egypt, Japan, Malta, Morocco, EC.

of the fishing trip and quantities of fish on board⁹¹, and three each require a copy of the authorization to fish⁹² and grant access to ports only when vessel inspection can be carried out.⁹³

Five responding Members stated that they require the following information from foreign fishing vessels in port: flag state and vessel identification details; name, nationality and qualifications of the master; fishing gear and catch on board including origin, species, form and quantity.⁹⁴ They also indicated that they prohibit landings and transshipments from vessels in port where there are grounds for suspecting IUU fishing, and immediately report the matter to authorities in the flag state and, as appropriate, to an RFMO or other state where IUU fishing occurred.

However, only two respondents stated that they have taken action against a foreign IUU vessel in their port with the consent of the flag state.⁹⁵

A number of Members indicated cooperation through RFMOs to combat IUU fishing, but in ways that do not closely relate to MCS technical capacity.⁹⁶

2.4 Summary of major constraints to combating IUU fishing in GFCM Members

2.4.1 *Identifying and quantifying IUU fishing activities*

A major constraint to combating IUU fishing in the Mediterranean region is the difficulty of identifying and quantifying IUU fishing activities. This difficulty could be linked partly to concerns about existing weaknesses in fisheries management in the Mediterranean, including uneven data submission by GFCM Members, the need for an operational integrated database, uncertainties in stock evaluations and limited MCS⁹⁷, as well as the unbalanced institutional capacity of Members.

Future measures and actions to combat IUU fishing will involve improved databases to support the decisions. Existing databases include:

- The Capture Database for the GFCM area, maintained at FAO, actually shows a decrease in reported catch to 396 tonnes in 2000, down from 5 685 tonnes in 1996, indicating but not identifying IUU fishing information.
- The FAO High Seas Vessel Authorization Record (HSVAR), which currently contains information from a limited range of countries. However, more countries are providing information and work is under way to integrate this into the Record.
- The MedFisis project, noted above (Section 1.1), aiming at building an integrated regional statistical system able to respond not only to the requirements of the Commission but also to the need of individual countries and other regional⁹⁸ and global⁹⁹ levels of governance. The system would be managed by the GFCM Secretariat, but each register and its statistics would fall under the authority of the relevant national government and its rules and policies for information distribution and confidentiality. The likely difficulty in the longer term will be, in particular for the less developed countries or for countries with limited fisheries outputs, to bear the burden of rather demanding systems. A current objective is to complete a fleet census by the end of 2004 so that standardized information will be available. Next year a pilot study will be launched on all catch and effort surveys in all countries.

⁹¹ Algeria, Egypt, Japan, Malta and Morocco.

⁹² Algeria, Egypt and Morocco.

⁹³ Algeria, Egypt and Morocco.

⁹⁴ Algeria, Egypt, Japan, Malta and Morocco, except Malta does not require information on fishing gear. Lebanon and Turkey each indicated "N/A".

⁹⁵ Egypt and Japan.

⁹⁶ For example, through trade certification schemes.

⁹⁷ Including monitoring of fishing effort as well as fisheries activities.

⁹⁸ E.g. E.U.

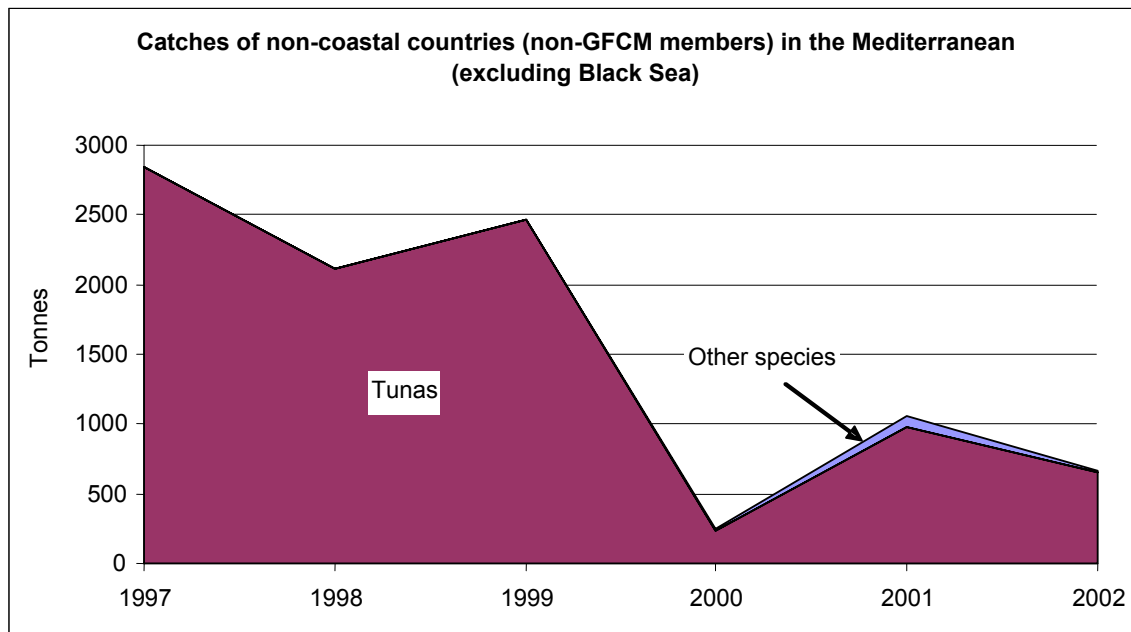
⁹⁹ E.g. FAO/FIGIS.

- The ICCAT “List of Large-Scale Longline Vessels Believed to be Engaged in IUU Fishing Activities in the ICCAT Convention Area and Other Areas”, which lists 378 vessels, a majority being “Flag of Convenience” vessels, but only indicates the area transshipped, rather than fished.

Management measures adopted by ICCAT are relevant to GFCM actions, given the robust GFCM/ICCAT collaboration. ICCAT reported measures aimed at curbing IUU activities to the twenty-fifth session of GFCM (2000), which seemed to have proved effective in reducing IUU activities.¹⁰⁰ It has since adopted a number of measures to combat IUU fishing, including establishment of an ICCAT Record of Vessels over 24 m authorized to operate in the Convention Area¹⁰¹ and a list of vessels presumed to have carried out IUU fishing activities in the ICCAT Convention Area¹⁰² and other measures.¹⁰³

Information on the FAO GFCM database on reported catches of non-coastal countries in the Mediterranean from 1997, in Figure 1, shows that the catch composition is comprised almost entirely of tuna. In fact, it only shows negligible catches of other species in 2000 and 2001.

Figure 1



¹⁰⁰ These were: a reporting/sighting scheme to detect illegal fishing and vessels; a system to monitor imports, landings and transshipments of tunas by IUU vessels; identification and publication of a list of alleged IUU vessels; discouraging the purchase of IUU fish; contacts with flag states of IUU vessels; and non-discriminatory, trade restrictive measures.

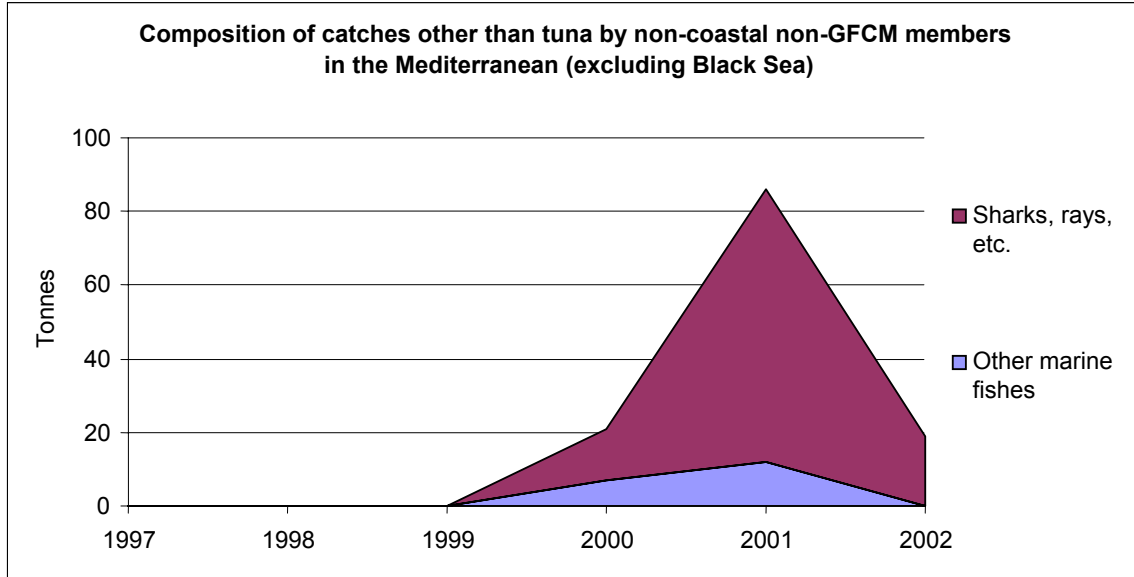
¹⁰¹ Recommendation 02-22 (2003).

¹⁰² Recommendation 02-23 (2002).

¹⁰³ Implementation of the Recommendation Concerning the ICCAT Record of Vessels Resolution 02-24 (2002); Measures to Prevent the Laundering of Catches by Illegal, Unreported and Unregulated (IUU) Large-scale Tuna Longline Fishing Vessels Resolution 02-25 (2002); Concerning Cooperative Actions to Eliminate Illegal, Unreported and Unregulated Fishing Activities by Large Scale Tuna Longline Vessels Resolution 02-26 (2002); Trade Measures Resolution 03-15 (2003); and The Duties of Contracting Parties and Cooperating Non-Contracting Parties, Entities or Fishing Entities in Relation to their Vessels Fishing in the ICCAT Convention Area Recommendation 03-12 (2003).

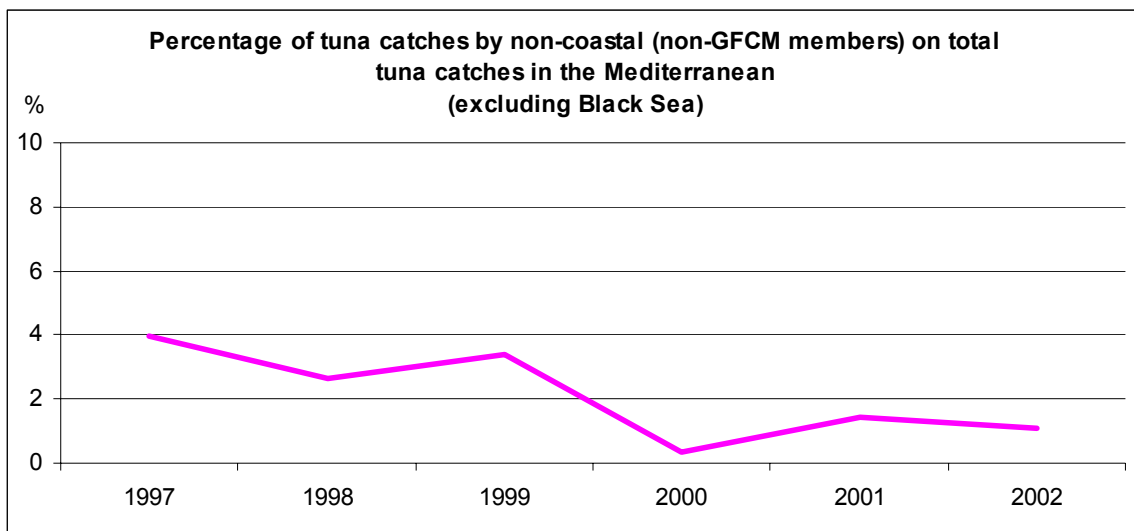
The composition of the catches other than tuna is mainly sharks, as shown in Figure 2. Figures for other marine species caught show a level of 7 tonnes in 2000 and 12 tonnes in 2001, with nothing for 2002 and the years prior to 2000.

Figure 2



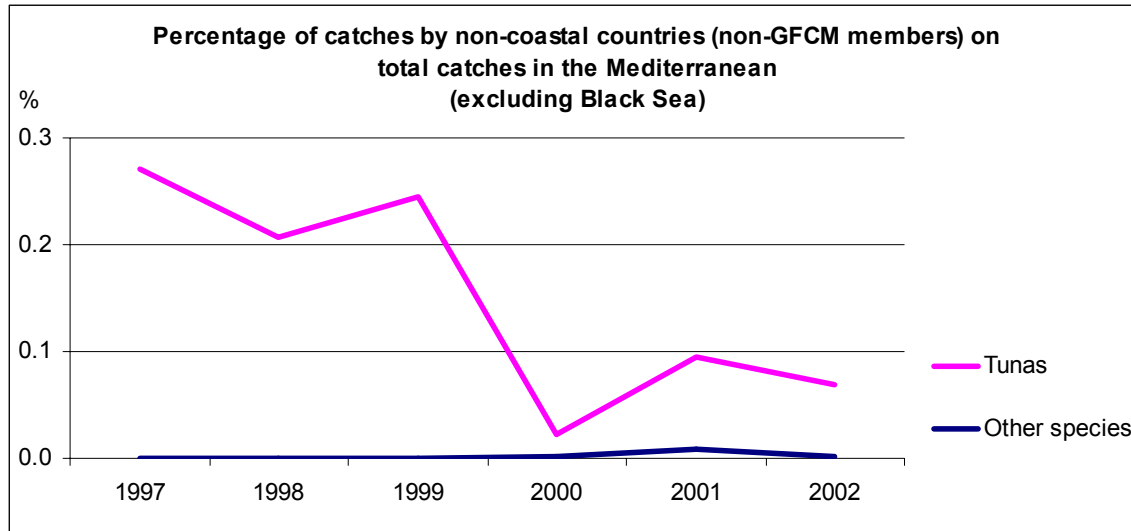
The percentage of tuna catches by non-coastal, non-GFCM members out of the total tuna catches in the Mediterranean are reported between a high of 4 percent in 1997 to a low of 0.3 percent in 2000, as shown in Figure 3. For 2002, it was reported at 1.11 percent.

Figure 3



Even more dramatic was the percentage of catches by non-coastal, non-GFCM Members of total catches in the Mediterranean, shown in Figure 4. This indicates that the tuna catch constituted less than 0.1 percent of the total catch in 2002. The catch of other species consistently hugged the 0 percent line, and was reported at between 0.09 percent and 0.02 percent in recent years.

Figure 4



The statistics shown above collectively demonstrate that any decision to combat IUU fishing would need to take into account the fact that there is negligible reported fishing of species other than shark and tuna by non-coastal, non-GFCM States in the region. This raises issues relating to the costs and benefits of any proposed activities, and would favour activities that can be carried out with commensurately minimal costs.

2.4.2 *Types of IUU fishing and constraints to addressing IUU fishing identified by GFCM Members*

The FAO questionnaires on implementing the IPOA-IUU, which focused on the issue at national level, requested states to identify the main types of IUU fishing and constraints to addressing IUU fishing; these are shown in Tables 2.1 and 2.2. Many respondents cited as the main types of IUU fishing the use of illegal fishing gear, taking prohibited species or undersized fish and fishing in prohibited areas or during closed seasons. One respondent referred to taking non-target species and juveniles and using trawls on the high seas.¹⁰⁴

Constraints to addressing IUU fishing were cited as financial constraints, insufficient means (including limited surveillance by patrol craft), lack of professional training, shortages of MCS instruments, high social costs to enforce laws to lower fishing effort, and no legal basis for combating fishing on the high seas.

The questionnaire subsequently distributed to GFCM Members in May, 2004 requested that they identify constraints for combating IUU fishing in the GFCM region and identify solutions that may be taken at national and/or regional levels. Four responses were received at the time of writing (see Tables 4 and 5.¹⁰⁵ Interestingly, while there was some repetition they tended to enhance the constraints identified at national level, and included:

¹⁰⁴ Morocco.

¹⁰⁵ Algeria, Libyan A.J., Turkey, EC.

- lack of:
 - adequate means of control;
 - technical means of inspection;
 - proper input and output control mechanism and catch verification system;
 - qualified human resources;
 - adequate legislative measures;
 - technical and scientific support; and
 - GFCM register of authorized vessel that defines the type of vessel authorized, the duties of a flag state and the consequences for vessels not included in the register.
- significant economic gains available through IUU fishing;
- insufficient level of fishers' awareness on responsible exploitation; and
- absence of internationally approved control measures and the diversity of such measures encourage the development of IUU fishing above all in international waters.

Some suggested solutions to the above constraints were:

- more effective use of enforcement units;
- use of VMS in association with electronic logbooks;
- implementation of an appropriate system of inspection;
- GFCM establishment of an IUU Vessel List and actions to be taken against these vessels;
- GFCM establishment of an Authorized Vessel List;
- providing the necessary means and capabilities;
- integrating considerations relating to economic gain of IUU fishers into policies and wider initiatives;
- formulation and adoption of new measures in view of recent data available; and
- enhancing awareness and sensitization of fishers.

Although the four responses do not constitute a significant proportion of GFCM Members, they reflect some general concerns in the region.

3 Practical implications of the decision to adopt a step-by-step approach, including the establishment of vessel lists

3.1 Practical implications – general

As noted above, the 2003 Ministerial Declaration invited GFCM to adopt at its twenty-ninth session measures based on the FAO IPOA-IUU with priority for establishing procedures for identifying vessels carrying out IUU activities (black list), as well as action to be taken against these vessels, and furthermore, drawing up registers of vessels authorized to fish (white list).

For purposes of this paper, and to harmonize the language with its use in the IPOA-IUU and by other RFMOs, these lists will be respectively referred to as “IUU Vessel List” (IUU List) and “Authorized Vessel List” (AV List).

Adoption of a step-by-step approach should take into account the priorities of the GFCM, constraints in implementing the IPOA-IUU, precedent in other RFMOs (particularly ICCAT as appropriate), and the need for integrated management, cost-effectiveness and capacity development in setting its agenda.

The fact that many other RFMOs have paved the way by already taking measures to implement the IPOA-IUU should facilitate the task of GFCM.

Practical implications of adopting a step-by-step approach would include the need to establish a working group or groups for specified purposes. Mandate(s) could include review and recommendation of specified steps, such as development of IUU and AV Lists, and recommendation of other steps as appropriate, together with proposed priorities and a timetable. This should include liaison with other RFMOs which have already taken the recommended steps, and can encompass a review of other steps taken by RFMOs.¹⁰⁶

3.2 Practical implications – establishment of an Authorized Vessel List

The agreement to establish AV Lists and IUU Lists as a first step, noted above, is consistent with the measures encouraged by the IPOA-IUU.¹⁰⁷ Most RFMOs have established lists of vessels authorized to fish and exchange them.¹⁰⁸ Some elements of AV Lists required by some RFMOs are shown in Table 7 (p. 70). A number of RFMOs also maintain a record of IUU fishing vessels¹⁰⁹, and have adopted criteria for presuming that a vessel is engaged in IUU fishing activities and therefore can be put on the IUU List. The presumption usually relies on the fact that the vessel is fishing in the Area of Competence, without being on the AV List.

The elements of such lists are similar for some RFBs that have mandates over similar species¹¹⁰, but others tailor the lists to their specific needs. For the GFCM region, however, the AV List would likely be region-specific because it would relate to vessels authorized to fish for species subject to GFCM management measures.

As noted above, most RFMOs have established and maintain an AV list. There are many benefits of adopting an AV List, including:

- promoting compliance in the area of competence;
- establishing a framework for flag state responsibility; and
- providing a basis for exchange of information among members and with other RFMOs.

For GFCM, an objective could be to support compliance with GFCM conservation and management measures. Consideration could be given to noting special features of the measures, such as their application to fishing designated shared stocks by vessels greater than a designated size, or fishing within areas of national jurisdiction of any GFCM member, including the flag state. There are two main issues in deciding this:

- whether to exclude the species covered by ICCAT in the spirit of cooperating with requirements of its existing lists;
- a decision on the requirements for minimum vessel size, which could take into account the GFCM/SAC vessel segmentation and operational units.

¹⁰⁶ Described in document GFCM/XXVIII/Inf.6.

¹⁰⁷ The IPOA-IUU calls upon states, acting through relevant regional fisheries management organizations, to take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter and eliminate IUU fishing. It suggests that consideration should be given to a number of measures and actions, including the following:

- establishment of and cooperation in the exchange of information on vessels engaged in or supporting IUU fishing (paragraph 80.4);
- development and maintenance of records of vessels fishing in the area of competence of a relevant regional fisheries management organization, including both those authorized to fish and those engaged in or supporting IUU fishing (paragraph 80.5).

¹⁰⁸ For example, CCAMLR, CCSBT, CTMFM, FFA, IATTC, IBSFC, ICCAT, IPHC, NAFO, NEAFC.

¹⁰⁹ For example, CCAMLR, CTMFM, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC, NPAFC.

¹¹⁰ A common concern among RFMOs with a mandate over similar species is the fact that large-scale vessels are highly mobile and easily change fishing grounds. They have the potential of operating in the area of competence without timely registration and may also undertake such evasive action as “laundering” fish so they appear as catch of authorized vessels. The development and exchange of lists of authorized vessels is therefore important to combating IUU fishing on an interregional basis.

The procedure to develop an AV List would entail steps along the following lines.

1. Consider the mechanism for adopting the list. This is normally done as a resolution or recommendation of the RFMO, but has also been included in RFB's conservation and enforcement measures¹¹¹ or as part of a general Scheme of Control and Enforcement.¹¹² The RFBs that have adopted the latter two mechanisms have also adopted regional inspection schemes, complete with agreed regional rules, inspectors and procedures.
2. Agreement that only vessels on the AV List will be entitled to engage in fishing activities subject to GFCM management measures. This can be reinforced through inclusion of a deeming clause: non-listed vessels can be "deemed not to be authorized to fish for, retain on board, transship or land" stocks subject to GFCM management measures.
3. Defining vessels:
 - authorized vessels (e.g. authorized by flag state in accordance with GFCM management measures); and
 - minimum requirements for vessels to be listed, such as the size (e.g. 12 m or more).
4. Deciding whether the list of authorized vessels should be open only to Members or to cooperating non-members as well.
5. If it is to be open to cooperating non-members, GFCM should determine the criteria for achieving the status of cooperating non-members.
6. Deciding on the information to be maintained on the list.
7. Deciding on the mechanisms for information collection and dissemination.
8. Establishing confidentiality requirements as appropriate.
9. Deciding on the mechanism for establishment and administration of the AV List; depending on the scope and duties related to this List, associated Lists and information collection and dissemination functions, this could involve assigning a person full time to the task.
10. Deciding on the information to be submitted, in accordance with the IPOA-IUU and other international fisheries instruments.
11. Agreeing on measures that the flag states of authorized vessels must take under national legislation to ensure compliance, which could be based on the ICCAT Recommendation on the Duties of Contracting Parties and Cooperating Non-Contracting Parties, Entities or Fishing Entities in Relation to their Vessels Fishing in the ICCAT Convention Area.¹¹³
12. Agreeing on measures flag states must take to validate statistical information as appropriate.
13. Deciding on publicity and dissemination, such as through the GFCM website and with other RFBs as appropriate.
14. Adopting a resolution or other form of decision that specifies the requirements. Such a resolution may state that vessels not entered into the record are deemed not to be authorized to fish for, retain on board, transship or land the species subject to GFCM management measures.

¹¹¹ NAFO.

¹¹² NEAFC. However, this would not necessarily be relevant for GFCM at this stage.

¹¹³ Recommendation 02-12.

15. Making institutional arrangements to implement the resolution/decision.
16. Encouraging flag states that submit vessels for the AV List to ensure that their national legislation and institutional capacity are able to implement the agreed requirements.

3.3 Practical implications – establishment of an IUU Vessel List and actions to be taken against IUU Vessels

Many RFMOs have established criteria in accordance with the IPOA-IUU¹¹⁴ for a presumption of IUU fishing¹¹⁵ and listing IUU fishing vessels, including those presumed to be fishing.¹¹⁶ The objectives of establishing such a list include allowing for identification and control of IUU fishing, and providing for measures to be taken against vessels on the IUU List. In establishing an IUU Vessel List, care should be taken to ensure that the process is fair, transparent and effective, and that eventualities that would allow for delisting are addressed, such as change of ownership or conclusion of judicial process.

A table showing some key representative measures adopted by two RFMOs relating to the establishment of IUU Lists, is in Tables 8.1 and 8.2. It reflects the need for development of criteria and procedures at regional level, a mechanism agreed with Members for sightings, inspections and follow-up, clear communication responsibilities involving the Secretariat, Members, IUU vessel, flag states and other RFMOs as appropriate, mechanisms at national level for imposition of sanctions and initiation of legal proceedings as appropriate and enough institutional capacity at both levels to implement and maintain the IUU List.

Based on existing practice of other RFMOs, it is suggested that steps along the following lines would need to be considered in establishing an IUU List together with actions to be taken against IUU vessels.

1. Decision on mechanism within GFCM for adopting the IUU List.
2. Defining the circumstances where the presumption will apply, including considerations such as excluding vessels on the AV List, including a sighting by a specified authority/authorities of an unauthorized vessel fishing for fisheries subject to GFCM management measures, extending to transshipment of IUU caught fish, other related activities as appropriate.
3. Defining procedures for sighting and reporting a vessel involved in IUU fishing activities that undermine GFCM management measures. These could include:
 - specifying the reporting authorities;
 - information to be communicated to Secretariat;
 - details of Secretariat's duty to transmit information onward;
 - procedure for sighting party to communicate with IUU fishing vessel;
 - other surveillance procedure as appropriate.
4. Procedures for inspection at sea as appropriate.
5. Procedures for inspection in port as appropriate, including prohibition of landing, transshipping IUU caught fish.

¹¹⁴ Paragraph 80.11: definition of circumstances in which vessels will be presumed to have engaged in or to have supported IUU fishing.

¹¹⁵ E.g. CCAMLR, ICCAT, NEAFC, NAFO.

¹¹⁶ E.g. CCAMLR, CCSBT, IOTC, ICCAT, NEAFC.

6. Procedures for notification of presumed IUU fishing activities to flag state, and requesting that enquiries, measures be taken against vessel.
7. Procedures and criteria for provisional and confirmed lists of IUU vessels. This should include criteria for including vessels on a provisional list, requirements for the Secretariat to communicate with Members in order that they may provide evidence, comments, etc. and possibly review by a Working Group of GFCM to recommend the vessels to be confirmed by the Commission as IUU vessels.
8. Criteria for removal of vessels from IUU Vessel List, for example change of ownership or because the flag state has taken effective action such as imposition of sanctions.
9. Action to be taken by GFCM Members against vessels on IUU List. Such action could include the following:
 - where possible, initiate legal proceedings and ensure that fines and penalties are of adequate severity to provide a deterrent effect;
 - prohibit licensing of IUU vessels fishing in the Area of Competence;
 - prohibit their flag vessels from transshipment or other activities with vessels on IUU List;
 - prohibit supply to IUU vessels;
 - inspect IUU vessels in port;
 - prohibit chartering IUU vessels;
 - refuse registration to IUU vessels;
 - prohibit imports and exports of fish caught by IUU vessels;
 - encourage importers, etc. not to deal with fish caught by IUU vessels;
 - report to GFCM, as appropriate.
10. Harmonize national legislation, to the extent possible, to facilitate the above activities, including inspections, the initiation of legal proceedings and allowing for the imposition of deterrent fines and penalties, especially for offences that may be identified as serious offences by GFCM, consistent with international law.¹¹⁷

4 Practical implications of elements of the 2003 Ministerial Declaration

4.1 Background

The 2003 Ministerial Declaration recognizes that the success of a sustainable policy for the management and conservation of fishery resources involves the implementation by the GFCM of an appropriate system of inspection tailored to the specific nature of Mediterranean fisheries. It invited the GFCM to adopt in 2004 policy guidelines of a control scheme with the aim of progressively

¹¹⁷ The 1995 UN Fish Stocks Agreement identifies serious offences, and some RFMOs (such as NAFO) have identified serious offences. See also EC Report on the Monitoring of the Implementation of the Common Fisheries Policy, Synthesis of the Implementation of the Control System Applicable to the Common Fisheries Policy by Member States, Brussels, 28.09.2001, COM(2001) 526 final and p:\Infr.graves-Rapport2003\greffe2000\Communication-EN Communication from the Commission to the Council and the European Parliament, Behaviour which seriously infringed the rules of the Common Fisheries Policy in 2002.

developing measures defining in particular the obligations of the Parties, the use of new technologies and mechanisms for inspection at sea and in port.

The 2003 Ministerial Declaration took the view that the system of inspection should be based on the following principles:

- (a) It must be in accordance with the provisions of the Agreement establishing the GFCM and relevant existing international law.
- (b) The emphasis must be placed on the primary responsibility of the flag state as well as on the responsibility of the port state and of the coastal state to ensure compliance with management measures.
- (c) Account must be taken of the cost-effectiveness of both the general measures applicable to all fisheries and the specific measures applicable on a case-by-case basis to certain fisheries.

Development of principles for a system of inspection and the formulation of policy guidelines are considered below.

4.2 Developing principles on which to base the implementation by GFCM of an appropriate system of inspection tailored to the specific nature of the Mediterranean fisheries

The development of systems of inspection through RFMOs has gathered momentum over the past decade, in accordance with relevant international law and principles.¹¹⁸ Systems have been developed for inspection both in port and at sea, and a summary of relevant measures and institutional arrangements taken by some RFMOs is in Table 9. Many of these systems may not be applicable to the nature of the Mediterranean fisheries, because of factors such as:

- a negligible IUU high seas reported catch for non-tuna species in the Mediterranean as noted above;
- the relatively elaborate institutional arrangements that exist in the RFMOs and their member states to carry out implementation responsibilities as indicated in Table 9;
- the lack of appropriate capacity and equipment of some GFCM Members;
- the indication by a number of GFCM Members in response to the FAO and GFCM questionnaires that mounting such inspections may not be priorities.

However, many of the principles upon which these systems are based could be relevant to any future GFCM inspection policy or initiative, to the extent that they are consistent with international law and applicable to the nature of Mediterranean fisheries.

Prior to considering the principles that may be appropriate for GFCM, it is suggested that a decision be taken first, based on a needs assessment, that a system of inspection should be established.

At such time as the principles underlying an inspection system may be considered, it is suggested that they be as broad as possible. This would acknowledge the fact that GFCM Members may not have considered elements of a system of inspection, including policy guidelines or its objective and scope. Further, adoption of broad principles would promote open-ended consideration of an inspection system appropriate for Mediterranean fisheries, and, should such a system be agreed, the elements it might contain.

Some basic principles for an inspection system that could be considered appear below. While the principles elaborated in the 2003 Ministerial Declaration have been included, some amendments, as noted, are suggested for consideration:

¹¹⁸ In particular, the 1995 UN Fish Stocks Agreement refers to such systems of inspection in relation to the high seas in Articles 21 and 22.

(a) A system of inspection must be in accordance with the provisions of the Agreement establishing the GFCM and relevant international law¹¹⁹ (note that the GFCM Agreement would need to be reviewed to establish whether an amendment is needed to accommodate an inspection scheme).

(b) The emphasis must be placed on the primary responsibility of the flag state as well as on the responsibility of the port state and of the coastal state, as may be appropriate, to ensure compliance with the management measures designated under an agreed GFCM inspection scheme.¹²⁰

or: The emphasis must be placed on the primary responsibility of the flag state to ensure compliance with the management measures designated under an agreed system of inspection, and must take full account of the rights and duties of port states and coastal states to take measures in accordance with international law and an agreed system of inspection to promote the effectiveness of GFCM fisheries conservation and management measures.¹²¹

(c) The GFCM system of inspection must be cost-effective.¹²²

(d) The GFCM system of inspection must be non-discriminatory.

(e) Development of a system of inspection must be in accordance with policy guidelines for a control scheme adopted by GFCM.

It is suggested that the principles be considered together with policy guidelines on a control scheme, described in the next section.

4.3 Formulation of policy guidelines on a control scheme, with the aim of progressively developing measures defining, in particular, the obligations of Members, the use of new technologies and mechanisms for inspection at sea and in port

In considering the formulation of policy guidelines on a control scheme, the objectives of such a scheme should first be identified – for example to control fishing for all or some specified species, fisheries or stocks subject to GFCM conservation and management measures. In this context, the issue of whether to include tuna and tuna-like species in such a scheme should be considered, mindful of cooperation with ICCAT, as should the scope of the GFCM management measures and the incidence of fishing for non-tuna marine species. A decision on the objective would be instrumental in guiding the formulation of the scope and other elements of such a policy.

Second, the principles on which the policy guidelines are based should be agreed, noting the discussion above.

Third, the scope of the policy should be considered. Some relevant issues are: the type of activities the policy should embrace, the area or stocks to which it should be applied, the financial, institutional and

¹¹⁹ As expressed in the 2003 Ministerial Declaration, except for reference to relevant “existing” international law. It is suggested that the word “existing” not be included because (a) if it had ceased to exist, it would not be relevant; and (b) “existing” implies the law that exists at the point in time that the principles were adopted. It does not therefore take into account that international law is a dynamic and changing system, and implies that any future international law is precluded from consideration.

¹²⁰ As expressed in the 2003 Ministerial Declaration, except that as it stood it indicated that at-sea and in-port inspections will be carried out. This predetermines the scheme, which has not yet been considered. Therefore, the language “as may be appropriate” was added. Language was also added to identify management measures “designated under an agreed GFCM inspection scheme”. Otherwise it could be thought to apply to any management measures, including national measures of GFCM Members.

¹²¹ This version is based more fully on the language used in international instruments, and is respectful of port state and coastal state sovereignty, which could likely be an issue for some Members.

¹²² The principle of cost-effectiveness suggested in the 2003 Ministerial Declaration is unclear, as it makes no explicit reference to an inspection system. Instead, it refers to general and specific measures, which could be understood to mean general “measures” against IUU fishing or conservation and management “measures”. Or, if it does refer to an inspection system it appears to prejudice the form and procedures for an inspection scheme by assuming it will apply both to all fisheries and to specific fisheries. In addition, it recommends only that cost-effectiveness is something to be taken into account, but this does not connote implementation.

capacity considerations in implementation and technological capabilities. Various RFMOs have adopted control schemes that have a very broad scope, featuring RFMO-authorized high seas inspectors and special pennants for boarding and inspection activities. However, these may or may not be relevant to GFCM, in terms of the differences in mandate, fisheries and stocks to be managed, membership, geographical considerations and institutional capabilities.

Some types of activities that could form the scope of a control scheme are suggested below. The scope should be identified, bearing in mind cost-effective and efficient means of attaining the agreed objective of the policy.

(a) Activities that could be carried out by the Secretariat with the cooperation of the members, in a cost-effective manner. These activities would likely require additional personnel and some focused review by a subsidiary body of GFCM. Examples of such activities would include the following:

- establishing databases for members on fishing vessels and operational units, and cooperating with members to exchange relevant information with the Secretariat and other members as appropriate (i.e. a continuation of the MedFisis project);
- establishing and maintaining registers authorized and IUU fishing vessels and making information available to Members and other RFMOs as appropriate for their follow-up action;
- promoting harmonization among Members in such areas as data and information collection and exchange (e.g. through agreed reporting forms and requirements) and legal provisions (e.g. for specified MCS requirements, and for sanctions against IUU fishing such as prohibition of landings, transshipments, trade, and appropriately high penalties for serious offences).

(b) Activities that would require more significant institutional strengthening for GFCM and capacity development, legal reform and institutional strengthening in many Members.

- A system of inspection that may, *inter alia*, comprise the following elements:
 - monitoring of landings, catches and fishing effort, including statistical follow-up for management purposes;
 - port inspections – by inspectors authorized by the port state, possibly in accordance with GFCM guidelines;
 - inspections at sea – by inspectors authorized by GFCM and/or Member States;
 - procedures for inspections in port and at sea;
 - procedures for investigation and action following an alleged violation of GFCM conservation and management measures, including procedures for exchanging information;
 - provisions for appropriate action when inspections reveal serious violations, and follow-up with a view to securing the effective exercise of flag state responsibility.
- The use of new technologies on a regional basis, discussed below, such as VMS and electronic logbooks.

Fourth, once the objective and scope of the policy guidelines are determined, **a process for identification and prioritization of outputs** could be addressed. This could include:

- establishment of a special working group to review, elaborate and prioritize specific activities in view of the objective and scope of the policy guidelines;
- identification of some specific activities to be considered by the special working group for implementation – these could include, as suggested in the 2003 Ministerial Declaration, progressively developing measures defining the obligations of Members, the use of new

technologies and mechanisms for inspection at sea and in port, to the extent that they fall within the agreed scope of the control scheme (described further below);

- liaison by the special working group with other RFMOs that have implemented the specific activities identified;
- setting a target date if appropriate for the report of the special working group.

If it is decided to progressively develop measures defining the obligations of Members, use of new technologies and mechanisms for inspection at sea and in port, the decision should be taken with the fullest understanding possible of what may be involved. While it is not possible to explain what is involved without a decision as to the scope of the activities that may be agreed, a profile of some relevant considerations is provided here to enhance the appreciation of what may be involved.

Obligations of Members: The obligations associated with improved control systems could include such areas as human capacity development, institutional strengthening, law reform, dedicated time, personnel for regional initiatives, acquisition and maintenance of appropriate technology and attendant financial obligations. In the case of developing coastal states, it would mean ensuring that appropriate financial assistance and scientific and technical support is obtained. In particular, many Members would need to ensure that trained personnel is available for carrying out tasks such as inspection and enforcement, scientific functions, legal development and enforcement, and the use of new technologies. The formulation of a specific regional support project could be considered in this regard.

Use of new technologies: The term “new technologies” refers to a range of items, including: computerized databases; automatic cross-checking facilities of these information systems; VMS information integrated with the data contained in the computerized catch and effort registration systems; and electronic fishing logbooks and remote sensing by satellite as a complementary tool to VMS. Before embarking on a course to define measures for the use of new technologies, it may first be useful to take an inventory of existing MCS practices and technologies in GFCM Members, particularly databases and fisheries enforcement activities. An analysis of Members’ practices and policies that govern fisheries enforcement¹²³ would be useful as part of a systematic assessment of the need for new technologies. It could also be instructive to understand the effectiveness of existing arrangements in terms of the impact on the fisheries, and whether the use of all the new technologies described above, or some of them, would be appropriate for the fisheries concerned.

Mechanisms for inspection at sea and in port: A progressive development of measures defining mechanisms for inspection at sea and in port would depend on a decision by GFCM that such an inspection scheme should be developed, which has significant financial implications, and should be preceded by consideration of the fisheries and stocks within GFCM’s mandate that should fall within an inspection system, if at all; whether IUU fishing for such fisheries and stocks is significant; and if so, whether IUU fishing can be successfully deterred through a cost-effective inspection system.

Otherwise, measures defining inspection mechanisms at sea and in port are complex and comprehensive, as shown in Table 9. RFMOs that have adopted such procedures generally have a mandate over a wide area of high seas where significant IUU fishing is taking place. Consideration of current trends towards extending jurisdiction would have to be taken into account as well.

Measures to develop such mechanisms would need to be taken at national and regional levels, and would include: agreed basis for inspection at sea and in port; agreed purposes of inspection; agreed boarding and inspection procedures for high seas inspections; a joint inspection and surveillance scheme; an agreed protocol regarding the authorization of the inspectors, and national laws stating the inspectors authorities, required procedures and reporting responsibilities (that had been agreed at regional level); minimum standards in conducting inspections; designating what inspections are to include (e.g. vessels documents, log books, fishing gear, catch on board and any other matter relating to the vessel’s activities in the GFCM area), prohibitions if inspection produces evidence of IUU

¹²³ For example, designation of what initiates enforcement activity: reports of sightings, routine patrols, port inspections? Is this activity based on a current database of fishing activities? Is there a policy to prioritize prosecutions of serious offences, or offences in relation to certain species or infringements? Is there a policy to use technologically advanced methods or is this not practicable?

fishing, such as landing, transshipment, etc.; requirements for transmission of information regarding the results of inspection; other procedures for the Secretariat and national authorities to take for follow-up action; requiring national governments to adopt laws that provide for appropriate sanctions for vessels that do not comply with inspections or enforcement, and that provide for activities on the high seas if appropriate; establishing or designating a subsidiary body in GFCM to monitor, report and make recommendations in relation to the inspections; and other institutional strengthening of GFCM.

5 Summary options for consideration for establishment of a special working group

It is clear that the topics covered in this “Review of activity, measures and other considerations relating to IUU fishing in the Mediterranean” raise a number of issues that should be further considered by GFCM. Because of the complexity of the issues and the potential benefits of identifying the most effective and efficient way forward, some options are presented below for consideration for establishment of a special working group. They are based on the 2003 Ministerial Declaration which, as noted above, invited the GFCM to adopt at its twenty-ninth session:

- effective measures to combat IUU fishing, with priority to establishing an IUU Vessel List, as well as actions to be taken against these vessels, and drawing up registers of vessels authorized to fish (AV list); and
- the policy guidelines of a control scheme with the aim of progressively developing measures defining in particular the obligations of the Parties, the use of new technologies and mechanisms for inspection at sea and in port.

This review has examined aspects of each of these points, and in addition has reported information on the Mediterranean fisheries, Members’ laws and implementation of the IPOA-IUU, including MCS capabilities. In general, although initiatives such as MedFisis and the regional legal review have taken steps to make it increasingly possible to work from a broader information basis, it appears that there is significant scope for further activities to harmonize and strengthen efforts to combat IUU fishing. However, such activities should be identified and pursued on the basis of the management objectives and measures of GFCM, and of a realistic evaluation of the needs and capabilities of GFCM and its membership.

For that reason, a special working group should be established to review and make recommendations on mechanisms, principles and policy guidelines to combat IUU fishing (“The Special Working Group on IUU Fishing Activities”, or SWG-IUU). Some options for consideration relating to the establishment and terms of reference of the SWG-IUU appear below.

1. The SWG-IUU should be comprised of a balance of Members, representing GFCM subregions equitably.
2. The SWG-IUU should take note of information in the present Review of Activity, including:
 - the circumstances of IUU fishing specific to the Mediterranean and to the mandate and activities of GFCM;
 - existing information on relevant legal and MCS capabilities, constraints and needs of GFCM Members;
 - the management objectives and measures of GFCM;
 - the practical implications of the Commission’s decision at the twenty-eighth session to adopt a step-by-step approach to combating IUU fishing;
 - the practical implications of the 2003 Ministerial Declaration.
3. In view of its conclusions reached under item 2 above, the SWG-IUU should recommend the next steps to be taken by GFCM to combat IUU fishing, either generally or specifically. General steps may include, *inter alia*, further information gathering and assessment; specific needs assessment; and

liaison with other RFMOs. Specifically, the SWG-IUU should assess and make recommendations on the advantages and/or disadvantages involved in GFCM adopting the following actions and measures, and as appropriate propose priority steps:

- the establishment of an IUU Vessel List, including cost/benefit, procedures, institutional arrangements and a timetable;
- the establishment of an Authorized Vessel List, including cost/benefit, procedures institutional arrangements and a timetable;
- the development of a system of inspection tailored to the specific nature of the Mediterranean fisheries, and principles upon which to base such a system;
- formulation of policy guidelines on a control scheme with the aim of progressively developing measures defining, in particular, the obligations of Members, the use of new technologies and mechanisms for inspection at sea or in port.

It is foreseen that, in taking a step-by-step approach, and ensuring that effective steps are taken in response to clear needs and capabilities in the GFCM region, the SWG-IUU will be able to steward an active and meaningful role for GFCM over time in efforts to combat IUU fishing.

Annex
Tables (FAO and GFCM questionnaires)

**Summary of responses from Regional Fishery Bodies to FAO questionnaire (late 2003)
on the IPOA-IUU:
Tables 1.1, 1.2, 1.3¹²⁴**

Introductory note

FAO's 2001 International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU), elaborated under the 1995 FAO Code of Conduct for Responsible Fisheries, has become prominently visible and the subject of ongoing high-level attention.

At the international level, FAO has undertaken a wide range of activities to support the implementation of the IPOA-IUU, and other United Nations and international agencies and fora have been similarly active in addressing the implementation of the IPOA-IUU.

At the regional level, the secretariats of many regional fishery bodies or arrangements (RFBs), including regional fisheries management organizations (RFMOs), have indicated their priorities, activities, challenges, successes and needs in implementing the IPOA-IUU through responses to a questionnaire. RFBs reported implementation, to varying degrees, all of the tools provided in the IPOA-IUU. However, most RFBs have indicated that many challenges lie ahead. One significant and continuing challenge is estimating the extent and effects of IUU fishing.

Most respondents perceived the main causes of IUU fishing as the lack of effective flag state control by both members and non-members, the operation of open registries and the profit motive. Flag state control was also identified as an area where some effective measures have been taken, but mostly where improved measures are needed.

A predominant issue for most RFBs was monitoring, control and surveillance (MCS). Relevant activities were identified as major challenges in combating IUU fishing activity, and certain MCS measures were cited as "effective" by some and "needed" by others. Trade and marketing measures, a major issue for those RFBs that have already adopted such measures, were described as both effective and having a positive impact on reducing IUU fishing.

In general, RFBs indicated significant activity in implementing to certain aspects the information, institutional and policy measures in the IPOA-IUU, and in developing MCS and compliance measures. Items where moderate but increasing activity was reported tended to be IUU-specific, or have otherwise become prominent in the battle against IUU fishing, such as flag state responsibility, port state control and the development of action plans.

The items where only some respondents indicated implementation, largely focused on measures or action that may not be broadly applicable, such as those relating to marketing, trade, chartering arrangements and coordination with other RFBs on policy and enforcement.

Five RFBs indicated that their measures had a positive impact on combating species-specific IUU fishing, and trends indicate that RFBs are continuing to adopt an increasing range of measures that implement the IPOA-IUU. However, some operational problems were also signalled. Although trends show increasing activity by RFBs in implementing the IPOA-IUU, there is still a need for continuing and intensified efforts to combat IUU fishing on a global scale, accompanied by timely monitoring and evaluation of those efforts.

¹²⁴ Excerpt from FAO Document TC-IUU-CAP/2004/3. Questionnaires were distributed by FAO to regional fishery bodies (RFBs) in late 2003 to provide a basis for assessing the progress in implementation of the IPOA-IUU, in preparation for the June 2004 FAO Technical Consultation.

Table 1.1 Significant activity reported by RFBs: 9–11 “yes” responses¹²⁵

- Institutional strengthening undertaken to enhance capacity to combat IUU fishing¹²⁶
- Development of compliance measures¹²⁷
- Development, implementation of comprehensive arrangements for mandatory reporting¹²⁸
- Maintain record of fishing vessels – authorized¹²⁹
- Maintain a record of fishing vessels – IUU¹³⁰
- MCS – promoting implementation of MCS by members in their jurisdictions¹³¹
- MCS – real time catch and vessel monitoring systems¹³²
- MCS – monitoring landings¹³³
- MCS – regulation of transshipment¹³⁴
- Compilation, exchange of information on details of measures taken on IUU fishing¹³⁵
- Records of authorized vessels compiled, exchanged¹³⁶
- Policy objectives determined for internal purposes¹³⁷
- Institutional mechanisms strengthened – reporting, information requirements¹³⁸
- Regularize coordination with other RFMOs – information¹³⁹

¹²⁵ ICCAT has advised that it responded “yes” to a number of questions, particularly relating to MCS, where measures have been adopted but are not expected to formally enter into force until June 2004.

¹²⁶ Question 1. CCAMLR, CCSBT, CECAF, CTMFM, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC, NPAFC.

¹²⁷ Question 2. CCAMLR, CCSBT, CTMFM, FFA, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC.

¹²⁸ Question 3. CCAMLR, CCSBT, FFA, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC.

¹²⁹ Question 5. CCAMLR, CCSBT, CTMFM, FFA, IATTC, IBSFC, ICCAT, IPHC, NAFO, NEAFC.

¹³⁰ Question 6. CCAMLR, CTMFM, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC, NPAFC.

¹³¹ Question 8. CCAMLR, CECAF, CTMFM, FFA, IBSFC, ICCAT, NAFO, NASCO, NEAFC.

¹³² Question 9. CCAMLR, CTMFM, FFA, IATTC, IBSFC, ICCAT, IPHC, NAFO, NEAFC.

¹³³ Question 10. CCAMLR, CECAF, CMFM, IATTC, IBSFC, ICCAT, IPHC, NAFO, NEAFC.

¹³⁴ Question 12. CCAMLR, CECAF, FFA, IATTC, IBSFC, ICCAT, IPHC, NAFO, NEAFC.

¹³⁵ Question 20. CCAMLR, CCSBT, CTMFM, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC, NPAFC.

¹³⁶ Question 21. CCAMLR, CCSBT, CECAF, CTMFM, FFA, IATTC, IBSFC, ICCAT, IPHC, NAFO, NEAFC.

¹³⁷ Question 22. CCAMLR, CCSBT, CTMFM, IBSFC, ICCAT, IPHC, NAFO, NASCO, NPAFC.

¹³⁸ Question 28. CCAMLR, CCSBT, CTMFM, IATTC, IBSFC, ICCAT, NAFO, NASCO, NAPFC.

¹³⁹ Question 30. CCAMLR, CCSBT, CTMFM, FFA, IATTC, ICCAT, IPHC, NAFO, NASCO, NEAFC.

Table 1.2 Moderate activity reported by RFBs: 6–8 “yes” responses

- Information exchange on IUU fishing, support vessels¹⁴⁰
- MCS – port control measures¹⁴¹
- Development of boarding and inspection regimes¹⁴²
- Development of observer programmes¹⁴³
- Definition of presumptions for IUU fishing, support¹⁴⁴
- Development of action plans to combat IUU fishing¹⁴⁵
- Estimates undertaken of the extent, magnitude and character of IUU activities¹⁴⁶
- Policy objectives determined for coordination with RFMOs¹⁴⁷
- Institutional mechanisms strengthened – mandate¹⁴⁸
- Institutional mechanisms strengthened – functions¹⁴⁹
- Institutional mechanisms strengthened – decision-making¹⁵⁰
- Cooperation with non-members¹⁵¹
- Measures/actions relating to flag state responsibility¹⁵²

¹⁴⁰ Question 4. CCAMLR, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC, NPAFC.

¹⁴¹ Question 11. CCAMLR, CTMFM, FFA, IBSFC, IPHC, NAFO, NASCO.

¹⁴² Question 13. CCAMLR, FFA, IBSFC, IPHC, NAFO, NEAFC, NPAFC.

¹⁴³ Question 14. CCAMLR, CCSBT, CTMFM, FFA, IATTC, IBSFC, IPHC, NAFO.

¹⁴⁴ Question 16. CCAMLR, CCSBT, IATTC, ICCAT, NAFO, NEAFC.

¹⁴⁵ Question 17. CCSBT, CTMFM, IBSFC, ICCAT, NASCO, NPAFC.

¹⁴⁶ Question 19. CCAMLR, CTMFM, IATTC, ICCAT, NAFO, NASCO, NEAFC, NPAFC.

¹⁴⁷ Question 23. CCAMLR, CCSBT, CTMFM, ICCAT, NAFO, NASCO.

¹⁴⁸ Question 24. CCAMLR, CCSBT, CTMFM, IATTC, IBSFC, ICCAT, NAFO, NASCO.

¹⁴⁹ Question 25. CCAMLR, CCSBT, CTMFM, IATTC, IBSFC, ICCAT, NAFO.

¹⁵⁰ Question 27. CCAMLR, CCSBT, CTMFM, IATTC, IBSFC, ICCAT, NAFO, NPAFC.

¹⁵¹ Question 34. CCAMLR, CCSBT, FFA, IATTC, ICCAT, NASCO, NEAFC, NPAFC.

¹⁵² Question 35. CCSBT, FFA, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC.

Table 1.3 *Some* activity reported by RFBs: 5 or fewer “yes” responses

- Development of methods of compiling and using trade information to monitor IUU fishing¹⁵³
- Market-related measures to combat IUU fishing¹⁵⁴
- Examination of chartering arrangements¹⁵⁵
- Institutional mechanisms strengthened – finance¹⁵⁶
- Institutional mechanisms strengthened – enforcement schemes¹⁵⁷
- Regularize coordination with other RFMOs – enforcement¹⁵⁸
- Regularize coordination with other RFMOs – trade¹⁵⁹
- Timely, effective implementation of policies and measures: internally, with other RFMOs and internationally¹⁶⁰
- Other measures/action not covered above¹⁶¹

¹⁵³ Question 7. CCAMLR, CCSBT, IATTC, IBSFC, ICCAT.

¹⁵⁴ Question 15. CCAMLR, CCSBT, IATTC, ICCAT, IPHC.

¹⁵⁵ Question 18. CCAMLR, ICCAT, NAFO.

¹⁵⁶ Question 26. CCAMLR, CCSBT, IATTC, ICCAT, NAFO.

¹⁵⁷ Question 29. CCAMLR, CTMFM, IBSFC, NAFO, NPAFC.

¹⁵⁸ Question 31. CCAMLR, CTMFM, NASCO.

¹⁵⁹ Question 32. IATTC.

¹⁶⁰ Question 33. CCAMLR, IATTC, NAFO, NASCO.

¹⁶¹ Question 36. CTMFM.

Summary of responses from GFCM Members to FAO questionnaire (late 2003) on the IPOA-IUU

Tables 2.1, 2.2: Introduction

Questionnaires were distributed by FAO to states in late 2003 to provide a basis for assessing the progress in implementation of the IPOA-IUU, in preparation for the June 2004 FAO Technical Consultation. The objective of the questionnaires was to seek information on the progress of the implementation by Members of the FAO IPOA-IUU. The following ten GFCM Members responded:

- Algeria
- Cyprus
- Egypt
- Japan
- Lebanon
- Malta
- Morocco
- Tunisia
- Turkey
- European Community

The results are presented in two parts: Table 2.1, which could be useful for identifying general trends, shows the total number of GFCM Members that responded to each question; and Table 2.2 identifies the Members and any comments they provided.

Table 2.1 GFCM Members' responses to FAO questionnaire on IPOA-IUU for states. Part I: Summary

Yes: Your state has undertaken measures/action described
 No: No measures/action have been undertaken
 Plan: There are plans to undertake some or more measures/action
 n/a: Question is not applicable to your circumstances

Comment on any item below

ALL STATES	Yes	No	Plan	n/a
Law and Policy				
1. Has there been a review in your state of IUU fishing activities?	7	2		
2. has a policy or strategy on IUU fishing been developed?	9	1		
3. Have national laws and regulations relating to IUU fishing been reviewed?	8	2		
(a) If "Yes" – Have national laws and regulations relating to IUU fishing been adopted?	6			1
Measures/Actions in respect of your state's nationals				
4. Do you think your state's nationals are generally aware of the effects of IUU fishing?	10			
5. Have your state's nationals been made aware of the effects of IUU fishing by the government or any fisheries stakeholder group or organization?	9	1		
6. Are your state's nationals being discouraged from doing business with those engaged in IUU fishing?	8		1	1
7. Is it an offence for your state's nationals to:				
(a) Violate fishery laws of other states?	7	2	1	
(b) Undermine conservation and management measures of RFMOs?	10			
8. Are your state's nationals being discouraged from registering their vessels in another state which an RFMO has identified as undermining its conservation and management measures?	5	2		3
9. Does your state subsidize or economically support activities related to IUU fishing?		10		
Monitoring, control and surveillance (MCS)				
10. Have measures been taken to improve MCS?	8	2	1	
Requirements for fishing vessels				
11. Is registration required for all fishing vessels?	9	1		
12. Are all vessels that fish <i>within</i> areas of national jurisdiction required to have express authorization to fish (e.g. by licences, authorized categories such as "subsistence fishing", permission or other)?	8	2		
13. Are all vessels that fish <i>beyond</i> areas of national jurisdiction required to have express authorization (including licenses for high seas fishing)?	9	1		
Responsibilities of a flag state				
14. Does your state have the means to control the fishing activities of the vessels registered in your state?	10		2 ¹	
15. Is there a policy or practice to avoid registering vessels with a history of IUU fishing?	7	2		1
16. Does your state maintain a comprehensive record of fishing vessels entitled to fly your flag?	9			1
17. Does your state coordinate the functions of registering fishing vessels and granting authorizations to fish?	8	1		
18. Where your state's flag vessel is identified as having engaged in IUU fishing, do you take measures to prevent transshipment or other forms of assistance to it?	7	1		2
19. Do you prohibit, or require prior authorization and reporting for transshipment of your vessels at sea?	7	1		2

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¹ Two states responding with "Plan" also responded with "Yes".

Table 2.1 (cont.)

High Seas Fishing Activities (Please respond only if your flag vessels fish on the high seas)				
20. Does your state have means to ensure your flag vessels do not undermine high seas fishery conservation and management measures (such as requiring licences, reporting for high seas fishing)?	5		2	2
(a) If "Yes" – Please comment on the measures				
(b) If "No" – Does your state authorize other states to board and inspect your flag vessels on the high seas on your behalf?				1
21. Does your state submit high seas fishing data to FAO?	2	2		3
COASTAL STATES				
Knowledge of fishing vessel position in areas of national jurisdiction				
22. Do your officials know where <i>most or all</i> fishing vessels are fishing in your area of national jurisdiction?	5	3	2	
(a) If "No" – Do you know where <i>some</i> fishing vessels are fishing in your waters?	2	1		
23. Does your state use any of the following tools that assist in identifying vessel position?				
(a) mandatory radio reports on vessel position ?	3	6	1	
(b) mandatory logbook, including frequent vessel position reporting?	5	2	2	
(c) independent observer programme?	2	7	1	
(d) capacity strengthening to conduct regular patrols where vessels are known to fish?	8	1	1	1
(e) use of vessel monitoring systems (VMS)?	4	2	3	
Catch determination and verification				
24. Is your state able to determine the catch of <i>most or all</i> vessels fishing in your waters?	8	1	1	
(a) If "No" – Are you able to determine the catch of <i>some</i> vessels fishing in your waters?	1	1		
25. Does your state require any of the following reports to determine catch?				
(a) mandatory reports by logbook?	6	2	2	
(b) VMS, radio and/or fax?	5	4	1	
26. Does your state have catch verification procedures, such as port inspections and/or observers?	7	1	2	
Access by foreign fishing vessels				
27. Before granting access to any foreign fishing vessel, does your state verify that the vessel has received authorization from its flag state to fish in areas beyond the flag state jurisdiction?	5		1	3
28. Does your state, in respect of foreign fishing vessels:				
(a) avoid granting access to those with a history of IUU fishing?	3		1	3
(b) grant access to those without a request from the flag state, or give an indication that it does not object?		4		3
(c) maintain a record of those authorized to fish in waters under your jurisdiction?	4		1	4
(d) require the use of vessel monitoring systems (VMS)?	3	1	1	4
(e) cooperate with other states in developing joint or common rules for fisheries access?	4		2	3

Table 2.1 (cont.)

PORT STATES				
Information and Inspections				
29. Does your state require foreign fishing vessels seeking port access to provide information on:				
(a) reasonable advance notice of entry into port?	6			4
(b) a copy of the authorization to fish?	3	1	1	3
(c) details of the fishing trip and quantities of fish on board?	5		1	3
30. Does your state require other vessels engaged in fishing related activities to provide the information indicated in (a) to (c) above?	3	2		3
31. Does your state only grant foreign fishing vessel access to your ports when vessel inspections can be carried out?	3	2		3
32. Does your state require the following information from foreign fishing vessels in your port				
(a) flag state of vessel and identification details?	5			2
(b) name, nationality and qualifications of the master and the fishing master?	5			2
(c) fishing gear?	4	1		2
(d) catch on board, including origin, species, form and quantity?	5			2
(e) other information required by RFMO or international agreement?	3	2		2
33. Does your state provide the information in (a) to (e) above to the flag state and relevant RFMO?	3	2		2
Measures/Actions against IUU fishing				
34. Where there are reasonable grounds for suspecting IUU fishing, does your state:				
(a) prohibit landings and transshipments from the IUU vessel in port?	5			2
(b) immediately report the matter to relevant authorities in the flag state, and, as appropriate, an RFMO or other state where IUU fishing occurred?	5	1		2
35. Has your state taken any action against a foreign IUU vessel in your port with the consent of the flag state?	2	3		2
36. Has your state cooperated, through RFMOs, to adopt and/or strengthen schemes to:				
(a) prevent landings, transshipments of IUU caught fish?	4	1		2
(b) prohibit landings by non-members' vessels where there is a presumption of IUU fishing, based on <i>identification</i> by RFMO?	4	1		2
INTERNATIONALLY AGREED MARKET RELATED MEASURES				
37. Has your state cooperated under the auspices of a regional organization to develop and implement internationally agreed market-related measures to combat IUU fishing?	6	3		1
38. Has your state taken the following steps to prevent trade or import of IUU caught fish:				
(a) encouraging individuals and companies not to do business with others who are engaged in or support IUU fishing?	5	2	1	1
(b) adopting laws that make it a violation to conduct business or trade in fish or fish products derived from IUU fishing?	4	3	1	1
(c) participating in catch certification schemes of RFMOs?	7	1		1
COOPERATION THROUGH REGIONAL FISHERY MANAGEMENT ORGANIZATIONS				
39. Does your state cooperate through RFMOs to combat IUU fishing?	9	1		
40. Have any decisions or actions taken by RFMOs to combat IUU fishing been implemented at national level?	5	2	1	
NATIONAL PLAN OF ACTION (NPOA-IUU)				
41. Has your state formulated or begun formulation of an NPOA-IUU?	4	5	1	

Table 2.2 GFCM Members' responses to FAO questionnaire on IPOA-IUU for states. Part 2: Country responses.

Yes: Your state has undertaken measures/action described

No: No measures/action have been undertaken

Plan: There are plans to undertake some or more measures/action

n/a: Question is not applicable to your circumstances

QUESTION	Yes	No	Plan	N/A	Comments
ALL STATES					
Law and Policy					
1. Has there been a review in your state of IUU fishing activities?	Cyprus, Egypt, Japan, Lebanon, Morocco, Tunisia, EC	Algeria, Malta			
2. Has a policy or strategy on IUU fishing been developed?	Algeria, Cyprus, Egypt, Japan, Malta, Morocco, Tunisia, Turkey, EC	Lebanon			Algeria It has been considered as an infraction that may result in imprisonment.
3. Have national laws and regulations relating to IUU fishing been reviewed?	Cyprus, Egypt, Japan, Lebanon, Malta, Morocco, Turkey, EC	Algeria, Tunisia			
a. If "Yes" – Have national laws and regulations relating to IUU fishing been adopted?	Cyprus, Egypt, Japan, Malta, Morocco, Turkey			Lebanon	Lebanon About to adopt a national law
Measures/Actions in respect of your state's nationals					
4. Do you think your state's nationals are generally aware of the effects of IUU fishing?	Algeria, Cyprus, Egypt, Japan, Lebanon, Malta, Morocco, Tunisia, Turkey, EC				
5. Have your state's nationals been made aware of the effects of IUU fishing by the government or any fisheries stakeholder group or organization?	Algeria, Cyprus, Egypt, Japan, Malta, Morocco, Tunisia, Turkey, EC	Lebanon			Algeria Through organization of seminars, study groups; Cyprus Through circulars and seminars; Egypt Through bulletins, association, seminars, conferences, TV programmes and newspapers; Lebanon No, due to lack of funds; Malta Publication in Maltese of Code of Conduct for Resp. Fisheries and Seminar; Morocco Meeting with professionals, medias,

QUESTION	Yes	No	Plan	N/A	Comments
					awareness campaign; Tunisia Through audio-visual means and education programmes; EC Advisory Committee on Fisheries and Aquaculture (ACFA), Report for the Parliament (White paper), Government Bulletin, Poster for the Consumers, and website of the government
(a) If “Yes” or “Plan”– Through what means?					
6. Are your state’s nationals being discouraged from doing business with those engaged in IUU fishing?	Algeria, Cyprus, Egypt, Japan, Lebanon, Morocco, Tunisia, EC		Turkey	Malta	
7. Is it an offence for your state’s nationals to:					
a) Violate fishery laws of other states?	Algeria, Cyprus, Egypt, Japan, Lebanon, Morocco, EC	Tunisia, Malta	Turkey		
b) Undermine conservation and management measures of RFMOs?	Algeria, Cyprus, Egypt, Japan, Lebanon, Malta, Morocco, Tunisia, Turkey, EC				
8. Are your state’s nationals being discouraged from registering their vessels in another state which an RFMO has identified as undermining its conservation and management measures?	Cyprus, Egypt, Japan, Tunisia, EC	Lebanon, Malta		Algeria, Morocco, Turkey	Algeria These circumstances don’t exist in Algeria.
9. Does your state subsidize or economically support activities related to IUU fishing?		Algeria, Cyprus, Egypt, Japan, Lebanon, Malta, Morocco, Tunisia, Turkey, EC			
(a) If “Yes” – Has any action been taken to terminate this?				Malta	

QUESTION	Yes	No	Plan	N/A	Comments
Monitoring, control and surveillance (MCS)					
10. Have measures been taken to improve MCS?	Cyprus, Egypt, Japan, Malta, Morocco, Tunisia, Turkey, EC	Algeria, Lebanon	Malta		<p>Cyprus A Fishing Vessel monitoring (surveillance) through satellite system is in progress and it will be in full operation by May 2004</p> <p>Egypt Increase control and surveillance activities by assistant of coast guard (ministry of defence), current inspection for the fishing boats nets as well as the fish catches. Procedures taken against the IUU fishing are: confiscate the catches and the nets. Stop non-compliant vessels from fishing for 6 months 1st time and completely if they engage in IUU fishing 2nd time</p> <p>Malta Yes- Sampling of vessels under 10 meters. Plan – Logbook for vessels over 10 meters. VMS vessels over 12 meters. Observer on board/port inspections.</p> <p>Morocco Position of vessels by satellite VMS</p> <p>Tunisia Plan to use VMS on a wide basis after tests</p> <p>Turkey The penalties were amended and made more discouraging</p> <p>EC Council Regulation (EC) No. 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy</p>
If “Yes” or “Plan” – Please comment:					
FLAG STATES					
Requirements for fishing vessels					
11. Is registration required for all fishing vessels?	Algeria, Cyprus, Egypt, Lebanon, Malta, Morocco, Tunisia, Turkey, EC	Japan			<p>Egypt The vessels must be inspected and registered by Ports & Lighthouses Administration before licensed by GAFRD for fishing; Japan Non-powered fishing vessels less than 1 metric ton</p>
(a) If “No” – Please comment on exemptions, e.g. by size, category (e.g. subsistence vessels).					
12. Are all vessels that fish <i>within</i> areas of national jurisdiction required to have express authorization to fish	Cyprus, Egypt, Malta, Morocco, Lebanon, Tunisia, Turkey, EC	Algeria, Japan			Algeria – A permit to fish is required under the law 01.11 of July 2001 relating to aquaculture

QUESTION	Yes	No	Plan	N/A	Comments
(e.g. by licences, authorized categories such as “subsistence fishing”, permission or other)?					
13. Are all vessels that fish <i>beyond</i> areas of national jurisdiction required to have express authorization (including licenses for high seas fishing)?	Cyprus, Egypt, Japan, Lebanon, Malta, Morocco, Tunisia, Turkey, EC	Algeria			
Responsibilities of flag state					
14. Does your state have the means to control the fishing activities of the vessels registered in your state?	Algeria, Cyprus, Egypt, Japan, Lebanon, Malta, Morocco, Tunisia, Turkey, EC		Cyprus, Malta		Cyprus Installation of VMS. Strengthening of inspections with additional personnel. Purchase of a new patrol Boat. Malta With limitations e.g. Limited human resources Lebanon Yes but the means are not efficient
(a) If “Plan” – Please comment on any plans to strengthen control over those activities.					
15. Is there a policy or practice to avoid registering vessels with a history of IUU fishing?	Algeria, Cyprus, Egypt, Japan, Morocco, Tunisia, EC	Turkey, Malta		Lebanon	Egypt If they are engaged IUU fishing for two times. But in the 1 st time they just stop from fishing for 6 months according to the fishing law
16. Does your state maintain a comprehensive record of fishing vessels entitled to fly your flag?	Algeria, Cyprus, Egypt, Japan, Malta, Morocco, Tunisia, Turkey, EC			Lebanon	Lebanon Starting to develop such a record
17. Does your state coordinate the functions of registering fishing vessels and granting authorizations to fish?	Algeria, Cyprus, Egypt, Japan, Malta, Morocco, Tunisia, Turkey	Lebanon			
18. Where your state’s flag vessel is identified as having engaged in IUU fishing, do you take measures to prevent transshipment or other forms of assistance to it?	Algeria, Cyprus, Egypt, Japan, Morocco, Tunisia, EC	Turkey		Lebanon, Malta	Algeria Transshipment is prohibited under law 01.11 Malta Has never happened

QUESTION	Yes	No	Plan	N/A	Comments
19. Do you prohibit, or require prior authorization and reporting for transshipment of your vessels at sea?	Algeria, Egypt, Japan, Malta, Morocco, Tunisia, EC	Cyprus		Lebanon, Turkey	Egypt Except in the emergency cases Malta Require authorization
High Seas Fishing Activities Please respond only if your flag vessels fish on the high seas					
20. Does your state have means to ensure your flag vessels do not undermine high seas fishery conservation and management measures (such as requiring licences, reporting for high seas fishing)?	Cyprus, Japan, Malta, Tunisia, EC		Cyprus, Malta	Egypt, Turkey	Egypt There is no Egyptian vessels fishing in the high seas. Malta See 10 (a) Licence Plan Tunisia Vessel inspections are a requirement and mandatory for vessels to be licensed.
(a) If “Yes” – Please comment on the measures					
(b) If “No” – Does your state authorize other states to board and inspect your flag vessels on the high seas on your behalf?				Turkey	
21. Does your state submit high seas fishing data to FAO?	Japan, Malta	Tunisia, EC		Cyprus, Egypt, Turkey	Malta Distant water fleet landing declared by New Zealand
COASTAL STATES					
Knowledge of fishing vessel position in areas of national jurisdiction					
22. Do your officials know where <i>most or all</i> fishing vessels are fishing in your area of national jurisdiction?	Cyprus, Egypt, Japan, Malta, Tunisia	Algeria, Lebanon, Turkey	Malta, Morocco		Algeria Through a network of maritime stations. Along the coast, where activities have been observed relating to certain fleets operating in the coastal zone. Egypt Each fishing vessels is licensed to fish in a certain fishing area (fishing right system) Malta This will improve with introduction of VMS
(a) If “No”– Do you know where <i>some</i> fishing vessels are fishing in your waters? (Please provide comment so we may understand your situation.)	Algeria, Turkey	Lebanon			

QUESTION	Yes	No	Plan	N/A	Comments
23. Does your state use any of the following tools that assist in identifying vessel position?					
(a) mandatory radio reports on vessel position ?	Egypt, Japan, EC	Algeria, Cyprus, Lebanon, Malta, Morocco, Tunisia	Turkey		Egypt By ports and lighthouses administration Lebanon Lack of funds preclude these activities
(b) mandatory logbook, including frequent vessel position reporting?	Algeria, Cyprus, Egypt, Japan, EC	Lebanon, Tunisia	Turkey, Malta		Egypt By ports and lighthouses administration, GAFRD and Coast guards.
(c) independent observer programme?	Morocco, EC	Algeria, Cyprus, Egypt, Japan, Lebanon, Malta, Tunisia		Turkey	
(d) capacity strengthening to conduct regular patrols where vessels are known to fish?	Algeria, Cyprus, Egypt, Japan, Lebanon, Morocco, Tunisia, EC	Malta	Cyprus	Turkey	
(e) use of vessel monitoring systems (VMS)?	Japan, Morocco, Tunisia, EC	Algeria, Lebanon	Cyprus, Malta, Turkey		Algeria An initiative to develop a project under bilateral cooperation; Tunisia In test phase at present.
Catch determination and verification					
24. Is your state able to determine the catch of <i>most or all</i> vessels fishing in your waters?	Algeria, Cyprus, Egypt, Japan, Malta, Morocco, Tunisia, EC	Lebanon	Turkey		Algeria – Through a system of systematic observation of vessels.
(a) If “No” – Are you able to determine the catch of <i>some</i> vessels fishing in your waters? (Please provide comment so we may understand your situation.)	Egypt	Lebanon			
25. Does your state require any of the following reports to determine catch?					
(a) mandatory reports by logbook	Cyprus, Egypt, Japan, Morocco, Tunisia, EC	Algeria, Lebanon, Malta	Turkey		Malta As from 1 st May 2004 Tunisia Mandatory reports from catch logs for vessels greater than 15m.

QUESTION	Yes	No	Plan	N/A	Comments
(b) VMS, radio and/or fax	Egypt, Japan, Morocco, Turkey, EC	Algeria, Cyprus, Lebanon, Malta, Tunisia			Malta VMS as from 1 st May 2004
26. Does your state have catch verification procedures, such as port inspections and/or observers?	Cyprus, Egypt, Japan, Lebanon, Morocco, Tunisia, EC	Turkey	Algeria, Malta		Malta As from 1 st May 2004 (subject to availability of human resources) Lebanon No
Access by foreign fishing vessels					
27. Before granting access to any foreign fishing vessel, does your state verify that the vessel has received authorization from its flag state to fish in areas beyond the flag state's jurisdiction?	Algeria, Egypt, Japan, Morocco, EC			Cyprus, Lebanon, Malta, Turkey	Malta Malta has recently become an EU member state and will follow EC guidelines in this regard. Lebanon Does not grant access to any foreign fishing vessels. Tunisia No foreign fishing vessel is granted access to ports
28. Does your state, in respect of foreign fishing vessels:					
(a) avoid granting access to those with a history of IUU fishing?	Algeria, Egypt, Japan		Malta	Cyprus, Lebanon, Turkey	
(b) grant access to those without a request from the flag state, or give an indication that it does not object?		Algeria, Egypt, Japan, Morocco		Cyprus, Lebanon, Turkey	Egypt Except in emergencies
(c) maintain a record of those authorized to fish in waters under your jurisdiction?	Algeria, Japan, Morocco, EC		Malta	Cyprus, Egypt, Lebanon, Turkey	
(d) require the use of vessel monitoring systems (VMS)?	Japan, Morocco, EC	Algeria	Malta	Cyprus, Egypt, Lebanon, Turkey	
(e) cooperate with other states in developing joint or common rules for fisheries access?	Egypt, Japan, Morocco, EC		Algeria, Malta	Cyprus, Lebanon, Turkey	

QUESTION	Yes	No	Plan	N/A	Comments
PORT STATES					
Information and Inspections					
29. Does your state require foreign fishing vessels seeking port access to provide information on:					
(a) reasonable advance notice of entry into port?	Algeria, Egypt, Japan, Malta, Morocco, EC			Cyprus, Egypt, Lebanon, Turkey	Egypt If it occurs
(b) a copy of the authorization to fish?	Algeria, Egypt, Morocco	Japan	Malta	Cyprus, Lebanon, Turkey	Algeria – Yes, especially regarding quantities of fish on board; Egypt If it occurs
(c) details of the fishing trip and quantities of fish on board?	Algeria, Egypt, Japan, Malta, Morocco		Malta	Cyprus, Lebanon, Turkey	Algeria – Fishing is reserved for national vessels. Egypt If it occurs; Malta Fish on board (at present) copy of catch logbook in the future.
30. Does your state require other vessels engaged in fishing-related activities to provide the information indicated in (a) to (c) above?	Egypt, Japan, Morocco	Algeria, Malta		Cyprus, Lebanon, Turkey	Egypt If it occurs
31. Does your state only grant foreign fishing vessel access to your ports when vessel inspections can be carried out?	Algeria, Egypt, Morocco	Japan, Malta		Cyprus, Lebanon, Turkey	
32. Does your state require the following information from foreign fishing vessels in your port:					
(a) flag state of vessel and identification details?	Algeria, Egypt, Japan, Malta, Morocco			Lebanon, Turkey	Japan Information on flag state only
(b) name, nationality and qualifications of the master and the fishing master?	Algeria, Egypt, Japan, Malta, Morocco			Lebanon, Turkey	Japan Information on name and nationality of the master only
(c) fishing gear?	Algeria, Egypt, Japan, Morocco	Malta		Lebanon, Turkey	

QUESTION	Yes	No	Plan	N/A	Comments
(d) catch on board, including origin, species, form and quantity?	Algeria, Egypt, Japan, Malta, Morocco			Lebanon, Turkey	
(e) other information required by RFMO or international agreement?	Algeria, Egypt, Malta	Japan, Morocco		Lebanon, Turkey	Malta ICCAT Certification
33. Does your state provide the information in (a) to (e) above to the flag state and relevant RFMO?	Algeria, Egypt, Malta	Japan, Morocco		Lebanon, Turkey	Algeria Only to competent regional fishery organizations; Malta If requested
Measures/Actions against IUU fishing					
34. Where there are reasonable grounds for suspecting IUU fishing, does your state:					
(a) prohibit landings and transshipments from the IUU vessel in port?	Algeria, Egypt, Japan, Malta, EC			Lebanon, Turkey	Algeria The vessel is arrested Japan Direct landings and transshipments to Japan by foreign fishing vessels are prohibited.
(b) immediately report the matter to relevant authorities in the flag state, and, as appropriate, an RFMO or other state where IUU fishing occurred?	Algeria, Egypt, Japan, Morocco, EC	Malta		Lebanon, Turkey	Malta Landings almost always prohibited. Transshipment is prohibited in the case of IUU.
35. Has your state taken any action against a foreign IUU vessel in your port with the consent of the flag state?	Egypt, Japan	Algeria, Morocco, Malta		Lebanon, Turkey	Egypt If it occurs
36. Has your state cooperated, through RFMOs, to adopt and/or strengthen schemes to:					
(a) prevent landings, transshipments of IUU caught fish?	Egypt, Japan, Malta, EC	Algeria		Lebanon, Turkey	Malta Landing by foreign vessels not permitted
(b) prohibit landings by non-members' vessels where there is a presumption of IUU fishing, based on <i>identification</i> by RFMO?	Egypt, Japan, Malta, EC	Algeria		Lebanon, Turkey	Algeria This information does not reach us Malta As above

QUESTION	Yes	No	Plan	N/A	Comments
INTERNATIONALLY AGREED MARKET RELATED MEASURES					
37. Has your state cooperated under the auspices of a regional organization to develop and implement internationally agreed market-related measures to combat IUU fishing?	Cyprus, Japan, Malta, Morocco, Tunisia, EC	Algeria, Egypt, Lebanon		Turkey	Malta Re BFT
38. Has your state taken the following steps to prevent trade or import of IUU caught fish:					
(a) encouraging individuals and companies not to do business with others who are engaged in or support IUU fishing?	Cyprus, Japan, Morocco, Tunisia, Turkey	Egypt, Malta	Algeria	Lebanon	
(b) adopting laws that make it a violation to conduct business or trade in fish or fish products derived from IUU fishing?	Egypt, Japan, Morocco, EC	Malta, Tunisia, Turkey	Algeria	Lebanon	
(c) participating in catch certification schemes of RFMOs?	Cyprus, Japan, Malta, Morocco, Tunisia, Turkey, EC	Algeria, Egypt		Lebanon	Malta ICCAT
COOPERATION THROUGH REGIONAL FISHERY MANAGEMENT ORGANIZATIONS					
39. Does your state cooperate through RFMOs to combat IUU fishing?	Algeria, Cyprus, Egypt, Japan, Malta, Morocco, Tunisia, Turkey, EC	Lebanon			Malta ICCAT
40. Have any decisions or actions taken by RFMOs to combat IUU fishing been implemented at national level?	Egypt, Malta, Japan, Tunisia, EC	Cyprus, Lebanon	Algeria		Malta BFT for export must have an ICCAT certifica. BFT for re export must present original ICCAT Certificate and a re export certificate is reissued. Tunisia Respect ICCAT decisions on tuna.
If “Yes – Please comment on any effective areas of cooperation.					
NATIONAL PLAN OF ACTION (NPOA-IUU)					
41. Has your state formulated or begun formulation of an NPOA-IUU?	Egypt, Malta, ICCAT, Morocco, EC	Algeria, Cyprus, Japan, Lebanon, Tunisia	Turkey		Egypt Review the fishing law and the management regulations according to the code of conduct and GFCM regulations Japan has already implemented almost all the necessary

QUESTION	Yes	No	Plan	N/A	Comments
					measures to combat IUU fishery Malta December 2004. Produce for publication.
If “Yes “ – Please provide or comment on a realistic estimated date for completion of the plan.					

GFCM Questionnaire (three parts, Tables 3–5) distributed to GFCM Members (2003) on IUU fishing in the Mediterranean, seeking Members' views about effectiveness of their measures to combat IUU fishing, identifying the major types of IUU fishing in areas under their jurisdiction and identifying constraints and solutions for combating IUU fishing activities in the GFCM Region

Table 3, Part I: Effectiveness of measures

LAW AND POLICY	Low	Medium	High	N/A	Comment
1. Please indicate the effectiveness of your country's laws in combating IUU fishing in respect of					
a. control of national persons	Libyan A.J.	Turkey, EU	Algeria, Italy, Japan		
b. control of national vessels	Libyan A.J.	Turkey	Algeria, Italy, Japan, EU		
c. vessel information		Libyan A.J., Turkey	Algeria, Italy, Japan, EU		
d. fishing information	Turkey	Algeria, Italy, Libyan A.J.	Algeria, Japan, EU		Turkey Fishing logbook is obligatory for vessels longer than 12 m
e. trade information		Italy, Libyan A.J.	Japan, EU		
f. port inspections	Turkey	Italy, Libyan A.J., EU	Algeria, Japan		
g. authority for high seas boarding and inspections	Algeria, Japan	Italy	Libyan A.J.	Turkey, EU	EU Member States
h. enforcement (powers of enforcement officers)		Italy, Japan, Turkey	Algeria, Libyan A.J., EU		
i. enforcement (use of technologies such as VMS)	Algeria, Turkey	Italy	Japan, Libyan A.J.	EU	EU Member States
j. enforcement (offences, fines)		Italy, Japan, Turkey	Algeria, Libyan A.J.	EU	EU Exchange of information
k. other MCS (please identify where reform may be needed)					
2. What is the level of the priority in your country for adopting a policy to combat IUU fishing?		Italy, Libyan A.J., Turkey	Italy, Japan, EU		
MONITORING CONTROL AND SURVEILLANCE – TECHNICAL CAPACITY					
3. How effective are your country's mechanisms for inspection at sea?	Libyan A.J.	Algeria, Italy, Turkey	Japan	EU	EU Member States

4. How effective are your country's mechanisms for inspection in port?	Turkey	Italy, Libyan A.J.	Algeria, Japan	EU	EU Member States
FLAG STATE RESPONSIBILITIES	Low	Medium	High	N/A	Comment
5. To what extent does your country consider IUU fishing to be a disqualification for the registration of fishing vessels?	EU		Algeria, Japan, Turkey	Italy, Libyan A.J.	
6. To what extent does your country have the means to control its registered vessels?	Libyan A.J.	Turkey	Algeria, Italy, Japan, EU		
7. How comprehensive is the information maintained on your country's register of fishing vessels?		Libyan A.J.	Algeria, Italy, Japan, Turkey, EU		
8. How comprehensive is the <i>high seas fishing</i> data your country submits to FAO?	Algeria		Japan, EU	Italy, Libyan A.J., Turkey	
9. How comprehensive is the <i>fishing vessel</i> data your country submits to FAO?		Algeria	Japan, Turkey, EU	Italy, Libyan A.J.	
CATCH DETERMINATION AND VERIFICATION	Low	Medium	High	N/A	Comment
10. How effective are your country's mechanisms to determine the catch of your flag vessels?	Libyan A.J.	Algeria, Turkey	Italy, Japan, EU		
11. How effective are your country's catch verification procedures (e.g. port inspection, observers)?	Libyan A.J., Turkey	Algeria, Italy	Japan, EU		
ACCESS BY FOREIGN FISHING VESSELS	Low	Medium	High	N/A	Comment
12. Please indicate how effectively your country implements the following requirements in respect of foreign fishing vessels.					Turkey In framework of current legislation, foreign fishing vessels are not allowed to enter and fish in Turkish territorial waters.
a. authorization from flag state to fish in waters beyond its jurisdiction			Algeria, Japan	Italy, Libyan A.J., Turkey, EU	
b. prohibition of access to vessels with a history of IUU fishing			Algeria, Japan	Italy, Libyan A.J., Turkey, EU	
c. maintain a record of foreign vessels authorized to fish		Libyan A.J.	Algeria, Japan, EU	Italy, Turkey,	
d. require VMS for foreign fishing vessels		Japan	EU	Algeria, Italy, Turkey	

PORT STATE MEASURES	Low	Medium	High	N/A	Comment
13. How effectively does your country implement the following information requirements for fishing vessels seeking port access?					Turkey In current legislation, there is no obligation to advance notice of entry into port or declaration on the details of fishing trip and volume of fish on board in order to entry into port.
a. reasonable advance notice of entry into port			Algeria, Japan, Libyan A.J., EU	Italy, Turkey	
b. a copy of the authorization to fish			Algeria, Japan, Libyan A.J., EU	Italy, Turkey	
c. details of the fishing trip and quantities of fish on board			Algeria, Japan, Libyan A.J., EU	Italy, Turkey	
14. How effectively does your country take action against vessels in port where there are reasonable grounds for suspecting IUU fishing (for example by prohibiting landings and transshipments, reporting to RFMO)?	Libyan A.J.		Japan, EU	Italy, Algeria	
15. How effectively has your country cooperated through RFMOs on schemes to prevent landings, transshipments of IUU caught fish?	Libyan A.J.		Algeria, Japan, EU	Italy, Turkey	
INTERNATIONALLY AGREED MARKET-RELATED MEASURES	Low	Medium	High	N/A	Comment
16. How effectively has your country cooperated through RFMOs on market-related measures to combat IUU fishing?	Turkey	Algeria	Japan, EU	Italy, Libyan A.J.	
17. How effective are the steps that your country has taken to prevent trade or import of IUU caught fish?	Turkey	Algeria	Japan, EU	Italy, Libyan A.J.	
NATIONAL PLAN OF ACTION TO COMBAT IUU FISHING	Low	Medium	High	N/A	Comment
18. What is the priority in your country for formulating and adopting an NPOA-IUU?	Japan, Libyan A.J.	Italy, Turkey	Algeria, EU		

Table 4, Part II: Types, extent and impact of IUU fishing in the GFCM region

Please briefly identify the following elements of IUU fishing with reference to up to three main types of IUU fishing in areas under your country's jurisdiction, or in the GFCM Region.

Main types of IUU fishing (gear, species, as appropriate)	Extent, impact (volumes, TAC percentage, values, other)	Intensity, gravity (number of vessels, trends, other)
Algeria: Long line tuna fish Libyan A.J.: Trawl fishing Turkey: Access to closed areas		
Algeria: Trawls demersal fish Turkey: Using illegal, non-selective fishing gears		
Algeria: Drifting nets Turkey: Catch of undersized fish		

Table 5, Part III: Constraints and solutions for combating IUU fishing activities in the GFCM region

Please identify up to three main constraints for your country in combating IUU fishing in the GFCM Region.	Please identify key solutions for these constraints, that may be taken at national and/or regional levels.
<p>Algeria: Lack of adequate means of control.</p> <p>Libyan A.J.: Lack of technical means for inspection</p> <p>Turkey: Lack of proper input and output control mechanism and catch verification system</p> <p>EU: The absence of control measures approved internationally and the diversity of control measures between coastal states encourage the development of IUU fishing above all in international waters.</p>	<p>Algeria: VMS, High speed patrol vessels</p> <p>Libyan A.J.: Provide necessary means and capabilities.</p> <p>Turkey: Measures to address IUU include the more effective and widespread use of enforcement units and VMS (in association with electronic log books), together with stricter rules for use of log books and in-port recording of catch.</p> <p>EU: The implementation by the GFCM of an appropriate system of inspection tailored to the specific nature of Mediterranean fisheries.</p>
<p>Algeria: Lack of qualified human resources</p> <p>Libyan A.J.: Adequate legislative measures</p> <p>Turkey The significant economic gains available through IUU fishing. The causes leading to illegal fishing practices in fisheries are usually as a direct result of certain problems of economic, institutional and social nature.</p> <p>EU: Mediterranean and other fisheries are confronted with the problem of illegal, unreported and unregulated fishing (IUU). These illegal fishing activities are undermining conservation and stock management efforts and creating unfair distortions of competition with regard to fleets which comply with the conservation and management measures.</p>	<p>Algeria: Reinforce control by installing fisheries inspectors.</p> <p>Libyan A.J.: Formulation and adoption of new amendments in view of recent data available.</p> <p>Turkey: Economic gains obtained by illegal fishing makes difficult to combat with IUU. Efforts to combat IUU fishing need to recognize this basic fact and be integrated into wider fishery policy developments and initiatives, such as the expansion of legitimate and responsible forms of fishing.</p> <p>EU: The establishment by the GFCM of procedure for identifying vessels carrying out IUU activities (black list), as well as actions to be taken against these vessels.</p>
<p>Algeria: Lack of technical and scientific support</p> <p>Libyan A.J.: Declaration of well identified protected fishing zones.</p> <p>Turkey: Insufficient level of fisherman awareness on the responsible exploitation of living resources in a sustainable manner.</p> <p>EU: The absence of GFCM register of vessels authorized to fish which define the type of vessel authorized, the duties of the flag state and the consequences for vessels not included in the register.</p>	<p>Algeria: Reinforcement of the existing centre of research by technical and human capacities.</p> <p>Libyan A.J.: Formulation and adoption of new amendments in view of recent data available</p> <p>Turkey: Enhance awareness and sensitization of fishermen on biodiversity and the sustainability of resources; the strengthening of local fisheries organizations and institutions for community based and or participatory management or co-management. Employment of more educated staff on board of fishing vessels.</p> <p>EU: The establishment by the GFCM of procedures for establishing a register of authorized vessels.</p>

Table 6: Principal legal measures of monitoring, control and surveillance in most GFCM Members

COUNTRIES	Register or record of fishing vessels	Register or record of fishers	Marking	Inspection ²	Reporting of data on catch and fishing effort	Landing of catch	Transshipment	Observer programmes	VMS
Albania	Register (Art. 13 of Law No. 7908 of 1995)	Register (Art. 12 of Law No. 7908 of 1995)	Requirements (Art. 38 of FR No. 1 of 1997)	General inspection power (Art.38 of Law No. 7908 of 1995)	Monthly and annual reporting (Art. 25 of Law No. 7908 of 1995 and Art. 61 of FR No. 1 of 1997)	Landing of catch in an Albanian port (Art. 21 of Law No. 7908 of 1995)		Requirements (Art. 16 of Law No. 7908 of 1995)	
Algeria		Register (Art. 43 of Law No. 01-11 of 2001)		Foreign vessels (Art.18 of Decree No. 95-38 of 1995 and Art.3 of Interministerial Order of 4 November 1995)	Reporting requirements (Art. 52 of Law No. 01-11 of 2001) Logbook for foreign vessels (Art.19 of Decree No. 95-38 of 1995)	Landing of catch in an Algerian port except authorization (Art. 57 of Law No. 01-11 of 2001)	At sea transshipment is prohibited except in case of force majeure (Art. 58 of Law No. 01-11 of 2001)	Observer programme applicable to foreign vessels (Art.13 of Decree No. 95-38 of 1995)	Position reporting by foreign vessels (Art. 15 of Decree No. 95-38 of 1995)
Croatia	Register (Art. 14 and 26 of MFA ³ of 1997)			General inspection power (Art.62 of MFA of 1997)	Logbook for commercial vessels and small-scale fisheries reporting (Art.57-59 of MFA of 1997)				
Cyprus			Requirements (Sec.5 of FR of 1990)		Requirements (Sec. 10 of FR of 1990)	Landing of catch by any vessel operating outside Cypriot waters is subject to a license (Sec.23 of FR of 1990)			

² In this column the phrase “general inspection power” refers to general power of inspection vested in authorized enforcement officers to carry out their duties.

³ Marine Fisheries Act of 1997.

COUNTRIES	Register or record of fishing vessels	Register or record of fishers	Marking	Inspection ⁴	Reporting of data on catch and fishing effort	Landing of catch	Transshipment	Observer programmes	VMS
Egypt			Requirements (Art.2 of Act No. 124 of 1983)	Technical inspection (Art.30 of Act No. 124 of 1983)	Data reporting (Art.22 of Act No. 124 of 1983)				
European Union	Each Member State required to keep a register of national vessels and Commission required to set up a Community fishing fleet register (Art.15 of CR ⁵ No. 2371 of 2002)		Third-country vessels operating in community waters must comply with rules on marking (Art.28c of CR No. 2847 of 1993)	Inspection of Community fishing vessels within and outside Community waters (Art.28 of CR No. 2371 of 2002)	Keeping of a logbook is required for Community fishing vessels whose overall length equals or is more than 10 m (Art.6 of CR No. 2847 of 1993)	Port schemes for landing of catch are established by Member States, obligation to comply with such schemes (Art.7 of CR No. 2847 of 1993) Rules for third-country vessels (Art.28e-g of CR No. 2847 of 1993)	Requirements for transshipment by Community vessels are determined by each Member State Authorization for third-country vessels to transship in Community waters (Art. 28b of CR 2847 of 1993)	Obligation for master of a Community fishing vessel to accept observers on board and to cooperate with them (Art.22 (d) of CR No. 2371 of 2002)	All fishing vessels operating in Community waters must be equipped with a remote monitoring system (Art.22b of CR No. 2371 of 2002)
France			Requirements (Art 26 of Decree No. 90-95 of 1990)		Logbook (Art.18 of Decree No. 90-95 of 1990)	Requirements (Art.4 of Decree of 9 Jan 1852)			
Greece⁶									
Israel				General inspection power (Sec.6 of Fisheries Ordinance of 1937)	Logbook and information reporting (Sec. 7A and 14 of Fisheries Rules of 1937)	Landing of catch in Israeli ports by foreign vessels subject to a permit (Sec.4 of Fisheries Ordinance of 1937)			

⁴ In this column the phrase “general inspection power” refers to general power of inspection vested in authorized enforcement officers to carry out their duties.

⁵ Council Regulation.

⁶ No information available at the time of writing.

COUNTRIES	Register or record of fishing vessels	Register or record of fishers	Marking	Inspection ⁷	Reporting of data on catch and fishing effort	Landing of catch	Transshipment	Observer programmes	VMS
Italy		Register (Art. 9 and 11 of Law No. 963 of 1965 and Art.32-47 of Presidential Decree No. 1639 of 1968)			Annual reporting (Art. 29 of Decree of 26 July 1995)				
Lebanon ⁸									
Libyan A.J.	Register (Sec.6 of Resolution No. 71 of 1990)		Requirements and specifications (Sec.34 of Resolution No. 71 of 1990 and Sec. 2 of Resolution No. 80 of 1990)	Inspection of vessels prior to issuance of licenses (Sec.15 of Resolution No. 71 of 1990)	Reporting requirements for foreign fishing vessels (Sec.13 of Law No. 14 of 1989 and Sec.47 of Resolution No. 71 of 1990)	Landing of catch at port of registration (Sec.11 of Resolution No. 71 of 1990)	At-sea transshipment prohibited except with authorization (Sec.13 of Law No. 14 of 1989 and Sec.11 of Resolution No. 71 of 1990)		
Malta	Record and issuance of certificate of entry (Sec.7 of Act No. II of 2001)		Marking of the licensed vessel as a condition to fishing license (Sec.12 of Act No. II of 2001) and marking requirements as a prerequisite to entry in record of fishing vessels (Sec.7 of Act No. II of 2001)	General inspection power (Sec.19 of Act No. II of 2001)	Statistical information prior to entry in record of fishing vessels or licensing and as condition to license (Sec.15 and Sec.12 of Act No. II of 2001) Notification of fish on board by foreign fishing vessels (Sec.11 of Act II of 2001)	Landing of catch as a condition to fishing license (Sec.12 of Act No. II of 2001) and empowerment of Minister responsible for fisheries to regulate landing of fish (Sec.38 (k) of Act No. II of 2001)	Licensing (Sec.16 of Act No. II of 2001) and restrictions in respect of place or places where transshipment may take place as condition to fishing license (Sec.12 of Act No. II of 2001)	The Minister responsible for fisheries is empowered to place observers on fishing vessels (Sec. 38 (s) of Act No. II of 2001)	The Minister responsible for fisheries is empowered to establish a satellite-based system for monitoring the position of fishing vessels (Sec.36 and 38 (t) of Act No. II of 2001)
Morocco			Marking of vessels (Art.3 of Law No. 25 of 1922) and gears (Art.26 Law No. 1-73-255 of 1973)	Technical inspection of vessels (Art. 27 of Law No. 1-73-255 of 1973)	Reporting requirements for license holders (Art.2 of Decree No. 2-92-1026 of 1992)				Establishment of a VMS (Law No. 1-73-255)

⁷ In this column the phrase “general inspection power” refers to general power of inspection vested in authorized enforcement officers to carry out their duties.

⁸ No information available.

COUNTRIES	Register or record of fishing vessels	Register or record of fishers	Marking	Inspection ⁹	Reporting of data on catch and fishing effort	Landing of catch	Transshipment	Observer programmes	VMS
Slovenia	Record (Art. 14 of MFA ¹⁰ of 2002)			Port inspection (Art. 75 of MFA of 2002) and general inspection power (Art.89 of MFA of 2002)	Logbook and requirements (Art. 15 and 77 of MFA of 2002)	Landing of catch in Slovenian ports for national vessels – advance notice for foreign vessels (Art. 78 and 80 of MFA of 2002)			Monitoring of vessels' movement (Art. 76 of MFA of 2002)
Spain	Record (Art.22 of Law No. 3 of 2001) Register (Art.57 of Law No. 3 of 2001)	Register of professional fishers (Art.44 of Law No. 3 of 2001)		General inspection power (Art.39 of Law No. 3 of 2001)	Logbook except for specified categories of vessels (Art.33 of Law No. 3 of 2001)	Landing of catch by national and foreign vessels subject to catch report (Art.34 of Law No. 3 of 2001)	Advance notice for national vessels and authorization for foreign vessels (Art.34 and 35 of Law No. 3 of 2001)		Establishment of periodical communications systems (Art.32 of Law No. 3 of 2001)
Syrian A. R.	Register (Art. 15 of Legislative Decree of 1964)	Register (Art.15 of Legislative Decree of 1964)	Requirements (Art. 25 of Legislative Decree of 1964)	General inspection power (Art.26 of Legislative Decree of 1964)	Logbook for sponge diving operations (Art. 48 of Legislative Decree of 1964)	Designated places to land sponges (Art.43 of Legislative Decree of 1964)			
Tunisia				General inspection power (Art.28 of Law No. 94-13 of 1994)	Reporting of statistical data (Art. 18 of Law No. 94-13 of 1994)	Landing of catch in Tunisian ports except with authorization (Art.16 of Law No. 94-13 of 1994)	At-sea and in-port transshipment subject to authorization (Art.15 of Law No. 94-13 of 1994)		
Turkey			Licence numbers to be shown on vessels (Art.5 of FR of 1995)		Reporting of information on fishing activities (Art.28 of Law No. 1380 of 1971)				

⁹ In this column the phrase “general inspection power” refers to general power of inspection vested in authorized enforcement officers to carry out their duties.

¹⁰ Marine Fisheries Act of 2002.

Table 7: Some RFMO requirements for authorized vessel lists

RFMO	VESSELS LISTED	CONSEQUENCE FOR NON-LISTED VESSELS	DUTIES OF PARTIES AND COOPERATING NON-PARTIES (CPCS)	DUTIES OF RFMOS
<p>IATTC Resolution C-03-07 2003 on the establishment of a list of longline fishing vessels over 24 meters (LSTLFVs) authorized to operate in the Eastern Pacific Ocean</p>	<p>Initial list to consist of Longline fishing vessels larger than 24 metres overall length (LSTFV List) of Parties, Cooperating non-parties, entities, fishing entities or regional economic integration organizations (collectively, CPCs). Specific vessel information required</p>	<p>LSTLFVs not on record deemed not to be authorized to fish for, retain on board, transship or land tuna and tuna-like species in the Eastern Pacific Ocean</p>	<p>Change or any modification of information to be notified Specific flag state duties; Review internal actions and measures, including punitive sanctions and Report to IATTC; Ensure IATTC measures are implemented (e.g. validating statistical documents of vessels only on list); Notify IATTC if non-listed vessels are fishing.</p>	<p>Maintain list; Give publicity to list, including website, consistent with confidentiality; Communicate with CPC if non-listed vessel is engaged in fishing, transshipment activities; If flag not of CPC or cannot be determined, report to Commission; Liaise with CPCs, FAO, avoid adverse effects in other oceans.</p>
<p>ICCAT Recommendation 02-22 concerning the establishment of an ICCAT record of vessels over 24 meters authorized to operate in the Convention Area</p>	<p>Vessels of CPCs larger than 24 metres authorized to operate in Convention Area; specific vessel information required</p>	<p>LSFVs not on the record deemed not to be authorized to fish for, retain on board, transship or land tuna and tuna-like species</p>	<p>Specific flag state duties;¹¹ Review internal actions and measures, including punitive sanctions and Report to ICCAT; Ensure ICCAT measures are implemented; Notify ICCAT if non-listed vessels are fishing.</p>	<p>Publicity of list, including website; Liaison among CPCs and RFMOs and FAO; Actions by Executive Secretary and Compliance Committee and Permanent Working Group, pursuant to Resolution 02-24,¹² to prevent IUU fishing vessels from being entered on the authorized vessel list.</p>

¹¹ ICCAT Recommendation 03-12 “Recommendation by ICCAT concerning the duties of contracting parties and cooperating non-contracting parties, entities or fishing entities in relation to their vessels fishing in the ICCAT Convention Area” is a good example of specific flag state duties required by RFMOs, and provides that CPCs must:

- a) adopt measures so that their vessels comply with and do not undermine ICCAT conservation and management measures;
- b) authorize their vessels to fish in the ICCAT Convention area by means of fishing authorizations, licenses, or permits;
- c) ensure they do not authorize their vessels to fish in the ICCAT Convention area unless they are able to effectively exercise their responsibilities in respect of such vessels, including monitoring and controlling their fishing activities;
- d) ensure that their vessels do not conduct unauthorized fishing within areas under the national jurisdiction of other states, through appropriate cooperation with coastal states concerned, and other relevant means available to the flag CPC;

RFMO	VESSELS LISTED	CONSEQUENCE FOR NON-LISTED VESSELS	DUTIES OF PARTIES AND COOPERATING NON-PARTIES (CPCS)	DUTIES OF RFMOS
NAFO Conservation and Enforcement Measures Article 15	All fishing vessels more than 50 gross tons authorized to fish in Regulatory Area, Notification required for vessels subject to bare boat chartering at least one month prior to departure from home port, and research vessels prior to and after.	Fishing vessels not on register are deemed not to be authorized to fish in the Regulatory Area.	Information to be submitted in electronic form and in specified format. Change or any modification of information to be notified.	The Executive Secretary must promptly make the register available to all Contracting Parties in a systematic fashion and in accordance with applicable confidentiality requirements. The Executive Secretary shall delete vessels in the register which have not been active in the Regulatory Area for two consecutive years.
NEAFC Article 3, Scheme of Control and Enforcement	All Contracting Party fishing vessels authorized to fish in the Regulatory Area, and whether authorized to fish one or more regulated resources. Information requirements for each fishing vessel.	Not explicitly provided in Scheme.	Information to be submitted in electronic form. Change or any modification of information to be notified.	Secretary to make information available to all Contracting Parties.

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- e) require their vessels fishing on the high seas to carry the license, authorization or permit on board at all times and to produce it on demand for inspection by a duly authorized person;
- f) investigate and follow-up on an alleged violation by a vessel and report the results of such investigation, as well as the actions taken whenever that violation has been confirmed.
2. Each flag CPC shall establish and maintain an up-to-date record of fishing vessels entitled to fly its flag and authorized to fish species managed by ICCAT in the Convention area, which should include vessels of other flags authorized under charter agreements.
3. Each flag CPC shall ensure that its fishing vessels authorized to fish species managed by ICCAT in the Convention area, as well as their fishing gears, are marked in such a way that they can be readily identified in accordance with generally accepted standards such as the FAO standard specification for the marking and the identification of fishing vessels.
- ¹² “Resolution by ICCAT concerning the implementation of the recommendation concerning the ICCAT Record of Vessels”.

Examples of requirements of RFMOs for IUU vessel lists

Table 8.1, Part I: Presumptions and procedural requirements for IUU vessel list: examples of requirements of RFMOs for IUU vessel lists

RFMO, adoption of scheme	Presumption of undermining measures)	Sighting procedure	Surveillance procedure	Communication of sighting	Inspection at sea	Inspection in port	Landings, transshipments, etc. prohibited	Notification of presumed IUU activities
Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Conservation Measures 10-03, 10-06, 10-07, 10-03	Presumption applies to non Contracting Party (NCP) Vessels, if sighted fishing in the Convention Area, or denied port access, landing or transshipment in accordance with CCAMLR Measure Extends to transshipment involving NCP vessel in or out of Convention Area.	Information to be transmitted immediately to Commission, Secretariat to transmit to Contracting Parties (CPs) within one business day and to flag state ASAP. Procedure to request flag state (FS) to take measures to ensure activities stop, and report back to CCAMLR	N/A	The sighting CP must attempt to inform IUU vessel of sighting, presumption and that flag state and CPs will be informed		Sighted NCP vessel that enters CP port, must be inspected, prohibited from landing or transshipping species subject to CM measures, unless shown fish caught in compliance with measures, requirements under Convention. Inspection to be conducted within 48 hours of entry into port, guided by CCAMLR System of Inspection Inspection Report to Secretariat	If evidence of IUU fishing at port inspection, prohibition of landing, transshipping catch	

RFMO, adoption of scheme	Presumption of undermining measures)	Sighting procedure	Surveillance procedure	Communication of sighting	Inspection at sea	Inspection in port	Landings, transshipments, etc. prohibited	Notification of presumed IUU activities
North East Atlantic Fisheries Commission (NEAFC) 2003	NCP Vessels. Excludes vessels with Cooperating non contracting party (CNCP) status If sighted fishing in Convention Area beyond areas of national jurisdiction, presumed to be undermining effectiveness of recommendation	CP to immediately transmit information to Secretary according to Surveillance Procedure	Surveillance Report Form to be forwarded by electronic transmission, Secretary to distribute	Sighting CP must attempt to inform IUU vessel of sighting, presumption and that flag state and CPs will be informed	NEAFC Inspectors to request permission to board IUU vessels, procedures to report to Secretary immediately, annually	NCP vessel must be inspected on entry into port according to requirements, procedures to report to Secretary immediately, annually	CP vessels prohibited from receiving transshipments from NCP vessel, engaging in joint fishing operations Landings, transshipments of NCP vessel prohibited if evidence of IUU fishing	Procedures to transmit information to CPs, other RFMOs; Request flag state to report on enquiries, measures taken against vessel.

Table 8.2, Part II: Notification requirements for IUU vessel list

	PROVISIONAL LIST OF IUU VESSELS	CONFIRMED LIST OF IUU VESSELS	CRITERIA FOR REMOVAL OF VESSELS FROM LISTS	REQUIREMENTS FOR CNCP	ACTION AGAINST VESSELS ON IUU LIST
CCAMLR	Executive Secretary to draft list of CP vessels annually, according to specified criteria, that might have carried out IUU fishing; relevant CPs to provide comments, evidence, etc. ES transmits draft list, CPs comments, etc., to all CPs.	Compliance Committee ¹³ reviews information and submits proposed IUU Vessel List to Commission for approval. IUU Vessel List is on a secure section of the CCAMLR website Commission requests NCPs to address IUU fishing vessels, including withdrawal of registration, licences CPs to request NCPs to cooperate	Relevant flag state satisfies Commission that they took effective action (sanctions etc.), ownership changed, no fishing in Area, etc.		CPs to: prohibit licensing of IUU vessels for fishing in Convention Area or in national waters; prevent their flag vessels from transshipment etc. activities with IUU vessels; prohibit chartering IUU vessels; refuse registration; prohibit imports; prohibit export, re-export certification, encourage importers, other sectors to refrain from negotiating, transshipping fish caught by IUU vessels; exchange information; etc. CCAMLR to review actions, identified NCPs that have not rectified their fishing activities Multilateral trade-related measures may be taken.
NEAFC	Provisional List of IUU vessels (“A”) List: NCP vessels sighted fishing in Regulatory area	Enforcement Committee annually reviews: “A” list, recommends confirmed IUU List (“B”) to the Commission; “B” List, to recommend amendments	Effective action taken, including: prosecution, sanctions, change of ownership, etc.	Provision of data, respect all measures, inform compliance measures, etc.	CPs to: prevent landings, transshipment of IUU vessels; inspect IUU vessels in port; prevent support, etc. vessels from assisting IUU vessels; prohibit supply to IUU vessels. for “B” List vessels, prohibit authorization, chartering, grant of flag, imports; encourage importers etc. not to deal with IUU fish; exchange information.

¹³ Standing Committee on Implementation and Compliance.

Table 9: Summary of measures and institutional arrangements taken by some RFMOs for inspection at sea and in port

	INSPECTION		REGIONAL MEASURES	RFMO INSTITUTIONAL ARRANGEMENTS
	At sea	In port		
CCAMLR	yes	yes	The CCAMLR System of Inspection ⁱ	Standing Committee on Implementation and Compliance (SCIC) ⁱⁱ
IOTC	no	yes	Resolution 01/03: Establishing a scheme to promote compliance by non-contracting party vessels with resolutions established by IOTC The Establishment of an IOTC Programme of Inspection in Port, Recommendation 02/01 (2002) ⁱⁱⁱ	The Commission
IATTC	yes	no	Resolution C-03-04: Resolution on At-Sea Reporting ^{iv}	Permanent Working Group on Compliance ^v
ICCAT	yes	yes	Resolution 79/02: Port Inspection Resolution 94/09: Resolution by ICCAT on Compliance with the ICCAT Conservation and Management Measures Recommendation 97/10: Revised ICCAT Port Inspection Scheme ^{vi} Recommendation 97/11: Transshipment & Vessel Sightings Recommendation 97/12: Vessel Monitoring System Pilot Programme Recommendation 98/11: Ban on Landing & Transshipments Resolution 01/20: Management STD. for Large-scale Tuna LL Fishery 02/31 General Outline of Integrated Monitoring Measures Adopted by ICCAT ^{vii}	Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) ^{viii} Conservation and Management Measures Compliance Committee (COC) ^{ix}
NAFO	yes	yes	Scheme to Promote Compliance by non-Contracting Party vessels with the Conservation and Enforcement Measures Established by NAFO, NAFO/GC Doc. 97/6 (1997) NAFO Conservation and Enforcement Measures, NAFO FC Doc. 04/1 Serial No. N4936 ^x	Standing Committee on International Control (STACTIC) ^{xi}
NEAFC	yes	yes ^{xii}	General Principles for Inspection and Surveillance ^{xiii}	Permanent Committee Control Enforcement (PECCOE) ^{xiv}

NOTES to Table 9
i. The CCAMLR System of Inspection prescribes, *inter alia*:

- designation of Inspectors entitled to board a fishing or fisheries research vessel in the Convention Area;
- necessary information for application for scientific research and fishing license;
- procedures for inspection and forms of inspection reports;
- procedures for prosecutions and sanctions.

ii. Terms of Reference of the SCIC:

- to review and assess Contracting Parties' implementation of, and compliance with, conservation and management measures adopted by the Commission;
- to review and assess, as appropriate, the implementation of, and compliance with, conservation and management measures by those non-Contracting Parties which have agreed to apply such measures;
- to provide technical advice and recommendations on means to promote the effective implementation of, and compliance with, conservation and management measures.

iii. This Resolution notes that port inspection is a central element of a control and inspection programme, and that it can be, in particular, an effective tool to fight against IUU fishing. Measures taken in accordance with the IOTC Agreement are to take full account of the right and duty of the port state in accordance with international law. More specifically, it:

- provides for port state inspections;
- describes elements of and priorities for the inspection;
- requires Contracting Parties to adopt regulations to prohibit landings and transshipments by non-Contracting Party vessels where it has been established that the catch has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission;
- requires the port state to draw evidence of any violation of an IOTC measure to the attention of the flag state concerned and as appropriate the IOTC.

iv. This Resolution agrees:

- to require all purse-seine vessels which carry an on-board observer to transmit to the Secretariat a weekly report by the observer, by fax, e-mail, or radio, as appropriate;
- that the report transmitted pursuant to paragraph 1 shall be prepared by the observer, using a format provided by the Director, and shall include the estimated catch of tuna, by species and set type, and the mortalities of dolphins by stock;
- to encourage fishing companies to cooperate by providing to the Secretariat this same information with respect to purse-seine vessels which do not carry on-board observers; and
- that all information must be handled pursuant to the Commission's Rules of Confidentiality.

v. The functions of the Working Group shall be:

- to review and monitor compliance with conservation and management measures adopted by the IATTC;
- to recommend to the IATTC means of promoting compatibility among the national fisheries management measures of the Parties, including infractions and sanctions;
- to recommend to the IATTC appropriate measures for addressing matters related to compliance with fisheries management measures;
- to analyse information by flag and, as necessary, by vessel, and other information necessary to carry out its functions; and
- to report the results of its work to the IATTC, which will in turn inform the Parties and Non-parties.

vi. The Commission agreed that most ICCAT recommendations can only be enforced during off-loading, and therefore this is the most fundamental and effective tool for monitoring and inspection. This recommendation would modify the existing ICCAT port inspection scheme to require national port inspection schemes and to provide minimum standards in conducting port inspection of foreign and domestic vessels during off-loading and transshipment operations of all ICCAT species. The purpose of the port inspection scheme is to ensure individual vessel compliance as well as to facilitate overall monitoring of each party's fisheries for ICCAT species. ICCAT hopes that the parties will actually exceed these minimum standards in order to effect timely and accurate monitoring of landings and transshipments, check compliance with ICCAT management measures, ensure quotas are not exceeded, and collect data and other information on landings and transshipments.

vii. The Contracting Parties, through the Commission, should establish an observation and inspection programme to ensure compliance with ICCAT conservation and management measures. The programme may *inter alia* comprise the following elements:

- high seas inspection;
- procedures for an effective investigation of an alleged violation of ICCAT conservation and management measures, and for reporting to the Commission on the actions taken, including procedures for exchanging information;
- provisions for appropriate action to be taken when inspections reveal serious violations as well as the expedient and transparent follow-up of such actions in order to uphold the flag state's responsibility within the intended programme;
- port inspections; and
- monitoring of landings and catches, including statistical follow-up for management purposes.

viii. The Commission resolves to establish a Permanent Working Group, with the following terms of reference:

- to obtain, compile and review all available information on the tuna fishing activities of Non-Contracting Parties, including details on the type, flag and name of vessels and reported or estimated catches by species and area;
- to obtain, compile and review all available information on landings and transshipments of bluefin tuna caught by Non-Contracting Parties, including details on the name and flag of the vessels, the quantities landed and transshipped, and the countries' landing ports through which the product was shipped;
- to obtain, compile and review all available trade data regarding bluefin tuna and other related information to be obtained from trade statistics of the Contracting Parties and from implementation of the ICCAT Bluefin Tuna Statistical Document Programme;
- to consider the effectiveness and practical aspects of the implementation of the ICCAT Bluefin Tuna Statistical Document Programme;

- to review and make recommendations for improvement of ICCAT statistics regarding Atlantic bluefin tuna catches in light of trade data and related information mentioned in point 3 above;
- to develop recommendations to control the transfer at sea of Atlantic bluefin tuna between vessels from different countries;
- to consider and outline measures to prevent the re-flagging of vessels of Contracting Parties for the purpose of avoiding fisheries management measures established by the Commission; and
- to recommend measures to the Commission based upon the findings of the Working Group's activities. Parties will ensure that these measures conform to their trade obligations.

ix. Terms of Reference of the Compliance Committee:

- to review the status of implementation of, and compliance with, ICCAT conservation and management measures, as reported in National Reports submitted by Contracting Parties, catch data compiled by the Commission and SCRS, trade information obtained through national statistics, the Bluefin Tuna Statistical Programme and other relevant information;
- specifically to review domestic measures for the implementation of the Commission's recommendations, as reported by Contracting Parties;
- to review the implementation of the ICCAT Port Inspection Scheme and progress made with inspections conducted under this scheme. In particular, the Committee shall identify and discuss problems related to non-compliance with ICCAT conservation and management measures detected during such inspections;
- to review other enforcement activities conducted by Contracting Parties in the Convention area, including domestic inspection programmes, reported by Contracting Parties, in order to identify problems with non-compliance detected during such enforcement activities;
- to develop and recommend suitable and effective measures to ensure proper application of the provisions of the Convention. In particular, to further develop and recommend effective international inspection and enforcement schemes, if considered necessary, within the ICCAT Convention Area; and
- to develop and make recommendations to the Commission to resolve identified problems with implementation of, or compliance with, ICCAT conservation and management measures, in order to enhance compliance with ICCAT recommendations.

x. NAFO Convention and Enforcement Measures include, *inter alia*:

- monitoring of fisheries (Chapter III);
- joint inspection and surveillance scheme (Chapter IV);
- inspection in port (Chapter V);
- scheme to promote compliance by non-contracting party vessels (Chapter VI).

xi. Activities of ATACTIC involve:

- to review and evaluate the effectiveness of the Conservation and Enforcement Measures established by the Fisheries Commission;
- to review and evaluate the compliance by Contracting Parties with the Conservation and Enforcement Measures established by the Fisheries Commission;
- to review and evaluate reports on the inspection and surveillance activities carried out by the Contracting Parties;
- to review and evaluate reports on infringements, including serious infringements, and the follow-up thereto by the Contracting Party;
- to produce an annual report on compliance by all Contracting Parties for the preceding calendar year. The report shall be based on a comprehensive provisional compilation by the Executive Secretary of relevant reports submitted by Contracting Parties and any other information available to the Executive Secretary. This compilation shall be dispatched to all Contracting Parties together with the draft provisional agenda pursuant to Rule 4.1;
- to promote the co-ordination of inspection and surveillance activities carried out by the Contracting Parties;
- to develop inspection methodologies;
- to consider the practical problems of international measures of control;
- to consider such other technical matters as may be referred to it by the Fisheries Commission; and
- to make appropriate recommendations to the Fisheries Commission.

xii. for NCPs

xiii. General principles for Inspection and Surveillance:

- Control and surveillance shall be carried out by inspectors of the fishery control service of the Contracting Parties following their assignment to the Scheme;
- Each Contracting Party shall ensure that the assigned inspectors from another Contracting Party shall be allowed to carry out inspections on board those of its fishing vessels to which this Scheme applies. Furthermore, it shall adopt measures obliging the masters of the fishing vessels to co-operate with the assigned NEAFC inspectors and to ensure their safety throughout the inspection;
- Each Contracting Party shall ensure that inspections carried out by that Party shall be carried out in a non-discriminatory manner and in accordance with the Scheme. The number of inspections shall be based upon fleet size, taking into account the time spent in the Regulatory Area. In its inspections, each Contracting Party shall aim at ensuring equal treatment between all Contracting Parties with fishing vessels operating in the Regulatory Area through an equitable distribution of inspections;
- Inspectors shall avoid the use of force except when and to the degree necessary to ensure the safety of the inspectors. When carrying out inspections on board fishing vessels, inspectors shall not carry any fire-arms; and
- Without limiting the capability of inspectors to carry out their mandates, inspections shall be made so that the fishing vessel, its activities and the catch retained on board do not suffer undue interference and inconvenience.

xiv. This Committee is comprised of representatives of the Contracting Parties, with all Contracting Parties represented. This Committee is responsible for advising the Commission on issues relating to fishing controls and the enforcement of the Scheme.

Summary of responses from GFCM Members to FAO questionnaire for states on the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU)¹

Respondents were asked in Part 1 of the Questionnaire to indicate whether certain measures to combat IUU fishing are of low, medium or high effectiveness. The measures fell within the categories of law and policy, flag State responsibilities, catch determination and verification, access by foreign fishing vessels, internationally agreed market related measures and national plans of actions (NPOAs) to combat IUU fishing. The responses are indicated on the attached questionnaire, and a summary is given below.

The other two Parts of the questionnaire relate to the types, extent and impact of IUU fishing and constraints and solutions for combating IUU fishing activities in the GFCM region. Responses to these Parts are more particular to individual countries and have not been summarized.

Nine GFCM Members responded: Algeria, Egypt, Italy, Lebanon, Libya, Japan, Syria, Turkey and the EU.

Law and policy

Most Members consider that their laws relating to the following are of low to medium effectiveness:

- fishing information²
- port inspection³
- high seas inspections⁴
- powers of enforcement officers⁵
- use of technologies such as VMS⁶
- adequate offences, fines⁷

Several respondents have indicated that they do not have very effective mechanisms for inspection at sea⁸ or inspection in port⁹, but they generally expressed a medium to high level of priority for adopting a policy to combat IUU fishing.¹⁰

However, four respondents indicated that each of the following measures were highly effective:

- control of national persons
- control of national vessels
- vessel information

¹ The tables showing the answers to the questionnaires that were included in this section (document produced after the Workshop) are the same ones as those found in the original working document; please consult Tables 5–7, pp. 61–65, above.

² Low (2), medium (4), N/A (1)

³ Low (4), medium (1), N/A (3)

⁴ Low (1), medium (5), N/A (0)

⁵ Low (1), medium (5), N/A (0)

⁶ Low (2), medium (2), N/A (3)

⁷ Low (1), medium (4), N/A (2)

⁸ Low (1), medium (4), N/A/ (3)

⁹ Low (2), medium (3), N/A (2)

¹⁰ Low (1), medium (4) high (3)

Flag state responsibilities

Six respondents¹¹ considered the information maintained on their country's register of fishing vessels to be comprehensive, indicating this is a highly effective measure being taken by GFCM Members. Five respondents designated the extent to which they consider IUU fishing to be a disqualification for the registration of fishing vessels as highly effective.¹²

However, the high seas fishing data that respondents should submit to FAO was in general considered to be inapplicable.¹³

Catch determination and verification

In general, catch verification procedures were considered to be of low or medium effectiveness¹⁴, with only four respondents stating that their mechanisms to determine the catch of their flag vessels as highly effective, and three (including the EU and Japan) designating their catch verification procedures were highly effective.

Access by foreign fishing vessels

In general the following measures in respect of foreign fishing vessels were considered to be inapplicable:

- authorization from the flag State to fish in waters beyond national jurisdiction¹⁵
- prohibition of access to vessels with a history of IUU fishing¹⁶
- maintaining a record of foreign vessels authorized to fish¹⁷
- requiring VMS for foreign fishing vessels¹⁸

Most respondents indicated low or medium effectiveness for the following measures, and many indicated that they are inapplicable:

- taking effective action against vessels in port where there are reasonable grounds for suspecting IUU fishing
- cooperating through schemes of regional fisheries management organizations (RFMOs) to prevent landings, transshipment of IUU caught fish.¹⁹

Port state measures

Responses under the category of Port State measures were almost evenly divided between highly effective and N/A, with the latter receiving most responses. Five respondents indicated N/A for effective action against vessels in port where there are reasonable grounds for suspecting IUU fishing, and four indicated N/A to each of implementing information requirements on the fishing trip and quantity of fish on board and cooperation through RFMOs on schemes to prevent landings and transshipments of IUU caught fish.

¹¹ Medium (2) N/A (1)

¹² Low (1) and N/A (3)

¹³ Low (1), N/A(5)

¹⁴ Low (3), medium (2), N/A (1)

¹⁵ N/A (7)

¹⁶ N/A (7)

¹⁷ Medium (1), N/A (5)

¹⁸ Medium (1), N/A (6)

¹⁹ Low (1), medium (1), N/A (4)

“Highly effective” was indicated by five respondents in relation to the measure requiring vessels seeking entry into port to provide a copy of the authorization to fish, and by four respondents regarding requirements for such vessels to provide details of the fishing trip and quantities of fish on board.

Internationally agreed market related measures

Three respondents indicated internationally agreed market related measures were highly effective, three checked “N/A”, two ranked the measures as medium and one as low.

NPOA-IUU

The priority in respondents’ countries for formulating and adopting an NPOA-IUU differed across the board, with three indicating “low”, two indicating “medium”, three ranking the priority as “high” and one as “N/A”.

Summary of responses

For the summary of responses, please see **Tables 3–5** (above).

The General Fisheries Commission for the Mediterranean (GFCM) Workshop on Illegal, Unreported and Unregulated (IUU) Fishing in the Mediterranean (Rome, 23 and 26 June 2004) suggested a work plan for consideration by GFCM in its efforts to combat IUU fishing in the Mediterranean, stressing the importance of adopting a practical, step-by-step approach to implementing the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). Relevant background information and issues were carefully reviewed along with activity being carried out by GFCM and other regional fisheries management organizations, including the International Commission for the Conservation of Atlantic Tunas. The Workshop noted that the tools used to combat IUU fishing should fit the special circumstances of the Mediterranean fisheries and the GFCM mandate, in their functioning and with respect to conservation and management issues, particularly at national level.

Salient issues at regional level were considered, including a register or record of fishing vessels, inspection, enforcement and an observer programme, reporting, transshipment and vessel monitoring systems. The difficulties in identifying and quantifying IUU fishing activities were discussed; the negligible fishing for non-tuna species in the Mediterranean since 1997 was noted and it was suggested that further identification and quantification be based around GFCM management measures, in particular the operational units. It was recommended that Members be invited by the Commission to formulate National Plans of Action on IUU fishing and carry them out.

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