

REC.MCS-GFCM/33/2009/6

Concerning the establishment of a GFCM record of vessels over 15 metres authorized to operate in the GFCM area amending the recommendation GFCM/29/2005/2

The General Fisheries Commission for the Mediterranean (GFCM),

RECALLING that the objectives of the Agreement establishing the General Fisheries Commission for the Mediterranean are to promote the development, conservation, rational management and best utilization of living marine resources,

RECALLING GFCM Resolution 95/2 concerning the agreement to set a minimum length of 15 meters for the application of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels in the High Seas; GFCM Resolution 95/4 concerning the preparation of a list of fishing boats in operation from national ports in the Mediterranean and exchange of information on vessels; and GFCM Resolution 97/2 on activities of non-Contracting Parties, and the decision adopted by GFCM at its Twenty-seventh session to establish a fleet segmentation for vessels operating in the Mediterranean,

RECALLING that the FAO Council adopted on 23 June, 2001 an International Plan of Action (IPOA) aiming to prevent, to deter and to eliminate illegal, unreported and unregulated (IUU) fishing, which stipulates that the regional fisheries management organization should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter and eliminate IUU fishing and in particular to establish record of vessels authorized to operate and records of vessels engaged in IUU fishing,

CONSIDERING the conclusions of the Third Ministerial Conference on the Sustainable Development of Fisheries in the Mediterranean,

ADOPTS, in accordance with paragraph 1 (h) of Article III and Article V of the GFCM Agreement that:

1. The Commission shall establish a GFCM record of fishing vessels larger than 15 metres in length overall authorized to fish in the GFCM Area. For the purpose of this Recommendation, the vessels larger than 15 metres in length overall not entered into the record are deemed not to be authorized to fish for, retain on board, tranship or land species covered by the Commission.

2. Each Contracting Party shall submit electronically to the GFCM Executive Secretary before 31 December of each calendar year, the list of its vessels that are authorized to operate in the GFCM Area. This list shall include the following information:

- Name of vessel
- Vessel Register number
- GFCM unique identifier (composed of ISO-3 code + 9 digits, e.g. xxx000000001)
- Previous name (if any)
- Previous flag (if any)

- Previous details of deletion from other registries (if any)
- International radio call sign (if any)
- Type of vessels, length and gross tonnage and/or gross registered tonnage (GT and/or GRT)
- Name and address of owner(s) and operator(s)
- Gear used
- Time period authorized for fishing and/or transshipping

3. Each Contracting Party shall promptly notify the GFCM Executive Secretary of any addition to, any deletion from and/or any modification of the GFCM record at any time such changes occur.

4. The GFCM Executive Secretary shall maintain the GFCM record, and take any measure to ensure publicity of the record including through electronic means and placing it on the GFCM website, in a manner consistent with confidentiality requirements noted by Members.

5. The flag Contracting Party of the vessels on the record shall:

- a) authorize their vessels to operate in the GFCM Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the Agreement and its conservation and management measures;
- b) take necessary measures to ensure that their vessels comply with all the relevant GFCM conservation and management measures;
- c) take necessary measures to ensure that their vessels on the GFCM record keep on board valid certificates of vessel registration and valid authorization to fish and/or transship;
- d) ensure that their vessels on the GFCM record have no history of IUU fishing activities or that, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, their vessels are not engaged in, or associated with, IUU fishing;
- e) ensure, to the extent possible under domestic law, that the owners and operators of their vessels on the GFCM record are not engaged in, or associated with, fishing activities conducted by vessels not entered into the GFCM record in the GFCM Area;
- f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the vessels on the GFCM record are citizens or legal entities within the flag Contracting Party so that any control or punitive actions can be effectively taken against them, and
- g) keep consistency between the GFCM record and ICCAT record of vessels.

6. The Contracting Parties shall review their own internal actions and measures taken pursuant to paragraph 5, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission at its 2007 meeting and annually thereafter. In consideration of the results of such review, the Commission shall, if appropriate, request the flag Contracting Party of vessels on the GFCM record to take further action to enhance compliance by those vessels to GFCM conservation and management measures.

7. The Contracting Parties shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transshipment and landing of species in the GFCM Area by the vessels larger than 15 metres in length overall which are not entered into the GFCM record.

8. Each Contracting Party shall notify the GFCM Executive Secretary of any factual information showing that there are reasonable grounds for suspecting vessels not on the GFCM record to be engaged in fishing for and/or transshipment in the GFCM Area.

9.

- a) If a vessel mentioned in paragraph 8 is flying the flag of a Contracting Party, the Executive Secretary shall request that the Contracting Party take measures necessary to prevent the vessel from fishing in the GFCM Area.
- b) If the flag of a vessel mentioned in paragraph 8 cannot be determined or is of a non-Contracting Party, the Executive Secretary shall compile such information for future consideration by the Commission.

10. The Commission and the Contracting Parties concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon fisheries resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU vessels from the Mediterranean to other seas or oceans.