

Resolution GFCM/37/2013/2
on Guidelines on the management of fishing capacity in the GFCM area

The General Fisheries Commission for the Mediterranean (GFCM),

RECALLING that the objectives of the Agreement establishing the GFCM are to promote the development, conservation, rational management and best utilization of living marine resources;

FURTHER RECALLING the Declaration of the Third Ministerial Conference on the Sustainable Development of the Fisheries in the Mediterranean held in Venice, Italy, on 25 and 26 November 2003;

NOTING the International Plan of Action (IPOA) for the management of fishing capacity elaborated within the framework of the FAO Code of Conduct for Responsible Fisheries which calls upon States to cooperate, where appropriate, through regional fisheries management organizations or arrangements and other forms of co-operation, with a view to ensuring the effective management of fishing capacity;

ENDORSING Recommendation GFCM/33/2009/3 on the implementation of the GFCM Task 1 Statistical Matrix, Recommendation GFCM/33/2009/5 on the establishment of the GFCM Regional Fleet Register, Recommendation GFCM/33/2009/6 on the establishment of a GFCM record of vessels over 15 metres authorized to operate in the GFCM area, and Recommendation GFCM/34/2010/2 on the management of fishing capacity;

CONSIDERING that according to the advice by the GFCM Scientific Advisory Committee (SAC) most demersal and small pelagic stocks are currently considered overexploited, some of which with high risk of overfishing, and that sustainable management requires measures aimed at controlling or reducing the fishing effort from 10 % up to 40 % and more;

EMPHASIZING that in cases where no scientific information on the status of fisheries and of exploited marine resources is available precautionary approach should be adopted; *ACKNOWLEDGING* that any possible limitation of the fleet capacity at regional level shall not prevent or hinder transferability of fishing fleet capacity from one GFCM Member to another and from one geographical sub-area (GSA) to another, provided that the targeted fisheries are exploited sustainably and that the overall capacity does not increase;

RESOLVES that:

Definitions

“Capacity”: an input-based estimate (i.e. vessels numbers, size (GT, LOA), engine power (kW) or an output-based estimate, (i.e. the maximum potential harvest or output that could be realized if only the fixed factors limited production). As a minimum common standard GT and/or kW must be used to establish capacity.

“Fishing capacity”: a fishing vessel's tonnage in GT and/or GRT and its engine power in kW. The fishing capacity level per GFCM Member shall be tantamount to the sum of its vessels expressed in tonnage (GT and/or GRT) and engine power (kW).

“Overcapacity”: in input terms "overcapacity" means that there is more than the minimum fleet and effort required to produce a given output (e.g. harvested catch) level; in output terms, “overcapacity” means that the maximum harvest level that a fishermen could produce with given levels of inputs (e.g.

fuel, amount of fishing gear, ice, bait, engine horsepower and vessel size) would exceed the desired level of harvesting.

Principles

for the management of fishing capacity the following principles are relevant:

Responsible Management for Sustainable Exploitation: the social and economic impacts of measures addressing overcapacity, including those that stop fishing activities and reduce fleet capacity, will be taken into account. Open access to fisheries is not an option compatible with sustainable exploitation of fisheries.

Overall Fishing Capacity: the levels of the overall fishing capacity in the GFCM area will be determined based on a national fishing capacity management plans and scientific advice.

Optimal Fishing Capacity: the optimal capacity in each fishery will reflect the balance between economic and biologically sustainable exploitation.

Capacity measurement: GFCM Members will ensure the successful and complete implementation of the regional Vessel Records and use the agreed regional fishing capacity measure units as established in the Recommendations GFCM 33/2009/5 and GFCM 34/2010/2, respectively.

Results-based management approach: GFCM Members will endeavour to apply a results based management approach in relation to the management of fishing capacity.

Long-Term Economic Efficiency: short term profitability will not lead to investments that undermine long-term economic efficiency.

Safety: the management of fishing capacity will not preclude consideration of issues such as safety, including vessel design, size and ability to catch fish, as well as best practices in fish handling, hygiene and quality whilst ensuring that overall fishing capacity is not increased.

New technologies: The management of fishing capacity will take into account the incorporation of environmentally sound and evolving fishing technologies in all fisheries in the GFCM area.

Complementarity, Coherence and Consistency: GFCM Members will work to ensure that efforts to address the management of fishing capacity are complementary, coherent and consistent with current activities, actions and international commitments, including the ecosystem approach to fisheries.

Flexibility, adaptability, transparency and accountability: the principles of flexibility, adaptability, transparency and accountability are fundamental elements of management plans on fishing capacity.

Objective

GFCM, taking also in account the scientific advice by SAC including *inter alia* on updated stock assessments, on implication of possible extension/creation of EEZs and with the corresponding studies on socio-economic aspects, will provide guidance in the development and implementation of actions at national level for the management of fishing capacity so to rationalize the management of fishing capacity at regional level.

This text is intended as guidelines only and is by no means binding to concerned Members.

Actions at national level

Pending availability of solid scientific evidence, the following actions may be implemented by GFCM Members and Cooperating non-Contracting Parties (CPCs) to manage fishing capacity (they shall be without prejudice to additional or stricter measures taken or to be taken for the management and reduction of national fleets and may consider existing measures in all GFCM Members):

- Take into consideration the advice by SAC on the current levels and options for desired levels of fishing capacity, including per GSA, in relation to fleet segmentation, fishing type, species and fishing gears.
- Undertake capacity reduction programs where there is evidence of overcapacity, consistent with the application of the precautionary approach.
- Use the agreed regional fishing capacity measure units, as established in Recommendation GFCM 33/2009/5.
- Evaluate the effects of modernization, new fishing practices, and technology creep on the management of their fishing capacity. In cases where fleet modernization programs are being undertaken, provide evidence to the GFCM Secretariat that overall capacity is not increasing.
- Consider the use of license-based fisheries systems in situations such as, but not limited to, fisheries restricted areas (FRAs).
- Freeze fishing capacity at levels in line with Recommendation 34/2010/2 based on and with reference to the GFCM Vessel Records. Should a CPC have an obsolete fleet/be in the process of developing its fleet/experience structural problems, it will promptly inform the GFCM Secretariat of the situation it hampered to freeze capacity at said levels.
- Consider the use of some limitations or other mechanisms in order to prevent negative impacts of the transfer of fishing capacity from one operational unit to another, thereby endangering the stability of biodiversity.
- Subject to the maintenance of the overall fishing capacity, fishing vessels larger than 15 metres LOA may be transferred from one GSA to another by those CPCs concerned. The GFCM shall consider the evaluation of the issue of fishing capacity for vessels shorter than 15m LOA, including small scale fisheries.

A mechanism will be developed to monitor fishing capacity levels through, *inter alia*, the regional vessel records and other data collection schemes. To this end, the GFCM Secretariat will be responsible for updating and displaying the current levels of fishing capacity in GFCM Members.

The Commission, through its Compliance Committee, will monitor the implementation of these actions through annual reports submitted by the CPCs. It will consider the update/further development of these actions every 3 years, including through binding recommendations and in light of any additional management measures that could be adopted in the meantime.

Rationalizing the management of fishing capacity at regional level

The rationalization of the management of fishing capacity at regional level will be facilitated through the use of the different financial, technical, administrative and legislative instruments available.

Financial instruments

Financial instruments will be used with caution knowing that even so-called “good” subsidies can create incentives to increase, rather than reduce, fishing capacity. Efforts towards disinvestments in the fisheries sector should be encouraged where overcapacity and sustainable exploitation may be a concern.

Any financial instrument designed to help fleets reductions will guarantee an efficient decrease in fleet capacity taking into consideration that continuous technological creep is also increasing fishing capacity.

Financial assistance with public funds for the management of fishing capacity shall not in any circumstance lead to an increase in the catch capacity or the power of fishing vessel's engines. Nonetheless, public financial assistance may contribute to improving safety on board, working conditions, hygiene and quality of products, energy saving and improve catch selectivity provided that it does not increase the ability of the vessels to catch fish. No public aid should be granted for the construction of fishing vessels or for the increase of vessel fish holds.

Financial investments/assistance with private funds will be allowed to operate only within an organized fisheries management framework designed and monitored to deliver sustainable exploitation on the basis of scientific advice and rationale management.

Technical instruments

Indicators of fishing capacity will be developed to evaluate the balance between fleet capacity and fishing opportunities – both qualitatively and quantitatively.

The efficiency of fishing gear and electronic equipment, such as those used for detecting fish, will be taken into consideration in the management of fleet capacity.

The collection of data at the national level regarding the status of various stocks – and particularly shared stocks – will underpin the management of fishing capacity;

The monitoring of fishing capacity will be supported by the use of existing tools, such as logbooks, catch documentation systems and VMS, as appropriate.

Administrative and legal instruments

Policies and regulatory frameworks in CPCs on the management of fishing capacity will be harmonized, including on the basis of relevant GFCM decisions regarding the management of fishing capacity and other relevant management measures, such as temporary closures or fisheries for other effort limitations.

A transparent entry/exit regime that applies to CPCs with the view to avoid future increases of overall fishing capacity will be established.

Measures on freezing fishing capacity, when necessary, will be adopted based on scientific evidence, best practices and lessons learned.

Regulation of new constructions and imports of fishing vessels

The freeze of fishing capacity is without prejudice to Members and CPCs who have substandard fishing fleets (e.g. navigation and safety capabilities), have obsolete fleets, are in the process of

developing/upgrading their fleets, or have other structural problems. These countries are encouraged to follow this guidance to the extent possible.

For countries that can comply with this guidance, then in exceptional cases where scientific evidence shows that there are sustainable new fishing opportunities, keeping in mind best practices and lessons learned as well as socio-economic concerns for local communities, new constructions and/or imports of vessels may be allowed, but all new constructions will be certified to be in compliance with GFCM decisions by the competent authorities and reported to the GFCM Secretariat.

Furthermore, in situations where there may not be new fishing opportunities but there is a desire for new constructions or import of vessels, then there will be a system of control as follows:

- all new constructions shall have official authorisation;
- to authorize a new construction or import, it will be necessary the destruction or exit from the register of at least the same tonnage and power that the one intended to be built. Priority consideration should be given to situations which enable the transfer of capacity from fleet segments in which there is overcapacity;
- the tonnage and power of a new vessel will be equal to/less than the tonnage and power of vessel(s) removed from the register of active vessels (i.e. registered and currently fishing vessels).

Fishing licenses of withdrawn vessels should be transferred to the replacement vessel, taking into account that the indivisible “vessel unit” to transfer is composed of tonnage + power + fishing license.

Human resources development for management of fishing capacity

Communication and awareness programmes related to the management of fishing capacity will be established amongst stakeholders and the general public to make the problems of overcapacity known.

Effective participation of stakeholders, including women and fisheries organizations, will be supported by access to information and education. The diversification by fishermen engaged in non- fishing activities should be encouraged.

CPCs are encouraged to seek assistance in the monitoring of fishing capacity and in the development and implementation of national plans of action for the management of fishing capacity.