



**GENERAL FISHERIES COMMISSION FOR
THE MEDITERRANEAN
COMMISSION GÉNÉRALE DES PÊCHES
POUR LA MÉDITERRANÉE**



Compliance Committee (COC)
Inter-sessional meeting of the Compliance Committee
FAO HQs, Rome, 28-29 January 2014

OPENING, ARRANGEMENT OF THE MEETING AND ADOPTION OF AGENDA

1. The “Inter-sessional meeting of the Compliance Committee” was held on 28-29 January 2014 at the FAO HQs, Rome, Italy. 28 participants were in attendance from GFCM Members, non-Members and partner organizations, in addition to representatives of the FAO (Legal Office and Fisheries and Aquaculture Department) and the GFCM Secretariat. The List of Participants is appended under Appendix B. The agenda of the meeting was adopted without amendments (Appendix A). The meeting was opened by Mr. Samir Majdalani, Chairman of COC
2. In his address, Mr Abdellah Srouf, GFCM Executive Secretary, recalled the ground breaking decisions taken in Split at the 37th Session of the Commission (May 2013) to operationalize the provisions in recommendation GFCM/34/2010/3 “on identification of cases of non-compliance”. Mr Srouf emphasized the importance of eliciting compliance with GFCM recommendations against the background of the ongoing amendment process of the Commission. Furthermore, he expressed great satisfaction for the active participation by GFCM Members in the process relating to the evaluation of the status of implementation of GFCM recommendations underlying that 23 out of 24 replies had been lodged with the GFCM Secretariat in response to a request for clarification that was sent in October 2013 to all national administrations.
3. Ms Gail Lugten, from the FAO Fisheries and Aquaculture Department, presented a review on the RFMOs practice relating to identification of cases of non-compliance. She explained that several RFMOs have decided to take bold actions against IUU fishing in order to prevent violations of regulations in place. In this respect, reference was made to the case of some RFMOs which paved the way in addressing hard-core cases of non-compliance and sent letters of identification which, on some occasions, led to take sanctions against those States identified to be not in compliance with adopted conservation and management measures. In light of similar approaches taken by other RFMOs, Ms Lugten expressed the view that identification letters could prove to be a very good means to elicit compliance and encouraged the GFCM to follow through with the decisions adopted in Split.

4. In the ensuing discussions participants noted that a phased approach towards the identification of cases of non-compliance had been adopted by some RFMOs. It was proposed that a similar progression be foreseen within the GFCM too, on the basis of the degree of gravity of the presumed violations and of the evidence available,

5. The GFCM Secretariat noted that recommendation GFCM/34/2010/3 solely contained provisions on identification of cases of non-compliance without detailing what kind of procedure should be followed by the COC. Because of this, it was decided in Split that the GFCM Secretariat had to preliminary send a request for clarification to all GFCM Members. At a later stage, the COC would recommend to the Commission what countries should receive an identification letter. To that end, a format identification letter for both GFCM Members and non-Members was adopted by the GFCM at its 37th Session. Before making recommendations to the Commission, it was thus necessary to analyse the replies received to the requests for clarifications. It was proposed that this exercise would help the COC to determine, inter alia, whether *force majeure*, financial constraints or lack of capacity possibly undermining the correct implementation of relevant GFCM recommendations could justify the behaviour of GFCM Members.

REVIEW OF THE REPLIES TO REQUESTS FOR CLARIFICATIONS SENT BY THE GFCM SECRETARIAT TO GFCM MEMBERS

6. The GFCM Secretariat presented the results of the analysis concerning the status of implementation of GFCM recommendations by GFCM Members as reported below in alphabetical order. It was noted that Syria was the only Member that had not provided clarifications in response to the request by the GFCM Secretariat and that in the case of EU Members the European Commission would retain, as a result of the application of relevant EU rules relating to competence, the right to represent its Members and speak on their behalf.

- Albania: some gaps in the implementation of GFCM decisions were reported, as well as some difficulties relating to the timely transmission of data by Albania. Several GFCM recommendations had been transposed into national legislations and efforts were being made by Albania to enforce them at national level, although building capacity for an efficient monitoring, control and surveillance was needed. The GFCM Secretariat informed the meeting that a major restructuring of national administrations and ministries was presently ongoing in Albania and this situation had complicated communication between the GFCM Secretariat in recent months;
- Algeria: the overall status of implementation of GFCM decisions was deemed satisfactory. Reference was made to the national laws and decrees transmitted by Algeria to the GFCM Secretariat to prove the correct transposition of relevant GFCM recommendations in the national law. On the other hand, Algeria was prompted to transmit Task 1 data concerning the national fleet. The delegate of Algeria informed the GFCM Secretariat that such data had been already transmitted via email. In light of the fact that it had not been received however, it was agreed that the GFCM Secretariat would contact Algeria as a reminder;

- Egypt: it was observed that some GFCM recommendations were either partly implemented or being implemented in Egypt. The GFCM Secretariat acknowledged the progress made by Egypt towards the correct implementation of GFCM recommendations and underlined that further clarifications would be needed to better understand constraints at national level. Progress was also reported in the transmission of data thanks to the technical work done by EastMed in support to Egypt;
- European Union: despite the different situations pertaining to EU Members, the European Commission indicated that all GFCM recommendations were either implemented or partly implemented. More specifically, it was explained that the GFCM recommendations adopted until 2009 - included - were implemented at EU level, while recommendations from 2010 onwards were only partly implemented. These recommendations were however in the process of being transposed into EU law, but this would be a lengthy exercise. Regardless of the adoption of EU regulations transposing GFCM recommendations at the administrative level, in substantial terms EU Member States were bound to ensure that fishing by their national fleets was done in accordance with the GFCM body of law. In this respect, it was specified that as a result of a potential lack of compliance with GFCM recommendations by a national fleet, the European Commission would receive the letter of clarification. It was then questioned whether GFCM recommendations on data transmission should be the object of the analysis performed by the COC in the future. According to the European Union, in line with recommendation GFCM/34/2010/3, identification should be made only in cases of non-compliance with conservation and management measures. The GFCM Secretariat expressed the view that most GFCM recommendations contain conservation and management measures while also requiring the transmission of data from GFCM Members at the same time. Hence it might be difficult to separate the two aspects when performing the analysis of the status of implementation of GFCM recommendations. The possibility to address this issue in the context of a revision of recommendation 34/2010/3 was also mentioned;
- Israel: the GFCM Secretariat noted that for the first time after several years Israel had submitted information relating to the status of implementation of GFCM recommendations. The analysis revealed that Israel has been committing to ensure compliance at national level with the majority of GFCM recommendations although some gaps remained. On data reporting obligations, the GFCM Secretariat informed that Israel had yet to transmit information required and prompted further exchange of communications. The delegate of Israel indicated that her national administration was ready to continue interacting with the GFCM Secretariat and that consultations were ongoing in Israel for the ratification of the 1997 amendment of the GFCM Agreement;
- Japan: the implementation of GFCM recommendations was regarded as excellent as well as the submission of relevant data by Japan. Although some GFCM recommendations were not applicable to Japan because its fishing vessels had not operated in the GFCM competence area recently, the delegate of Japan clarified that his country would readily amend the national legislation in the future as the situation could change given the importance and good quality of Mediterranean fisheries;

- Lebanon: in light of the small-scale character of the Lebanese fleet several GFCM recommendations would not be fully applicable at national level. The delegate of Lebanon recalled that the national legislation currently in force did not allow access to foreign fishing vessels to national ports.. With regard to the IUU list, the judicial system in Lebanon made it very cumbersome to release names of fishermen/vessels accused of engaging in illegal activities until they are convicted by competent authorities. The GFCM Secretariat underlined some discrepancies in reporting data but expressed willingness to revert to Lebanon to address the issue further;
- Libya: most GFCM recommendations in Libya were currently being implemented. The national administration, following recent political events, had been working hard with the national fishing fleet but some issues remained pending (e.g. the financial resources to launch the instalment of VMS transponders had been allocated but their use had still to be authorized). The submission of data was also sparse and required to be more consistent;
- Monaco: following the decision taken by the GFCM at its 37th Session on fishing activities by Monaco, which reported no catches in recent years, several GFCM recommendations were not applicable. Nonetheless, the GFCM Secretariat expressed great satisfaction for the commitment by Monaco in implementing relevant provisions of GFCM recommendations relating to the protection of marine ecosystems and habitats as well as that of threatened species. No data had been submitted by Monaco to the GFCM Secretariat due to the lack of registered fishing vessels;
- Montenegro: the transposition of GFCM recommendations at national level was proceeding at slow pace in Montenegro. However, the delegate from Montenegro explained that the operations by the national fleet were under control, thanks also to a very efficient monitoring, control and surveillance system. Progress was being made in the submission of data to the GFCM Secretariat but difficulties remained;
- Morocco: the majority of GFCM recommendations were being implemented and complied with at national level. At the same time it was noted that Morocco had enacted several bans to prevent destructive fishing practices to occur. A few inconsistencies were pointed out by the GFCM Secretariat and the representative of PEW (e.g. on the information reported on monk seal). These were clarified by reference to two national instruments concerning the prohibition of certain fishing activities in Moroccan waters. The data flow from Morocco was satisfactory and those data which were missing would be addressed level through the ongoing elaboration of specific provisions at national level (e.g. law on IUU fishing);
- Tunisia: GFCM recommendations had positively contributed to the development of the fisheries sector in Tunisia and the major efforts done at national level were recognized. On some aspects (e.g. dolphin fish) clarifications were sought as Tunisia was issuing annual decrees to regulate the fisheries. Data submission to the GFCM, including on socio-economic aspect, was a priority and work was ongoing to improve the flow of information to the GFCM Secretariat;

- Turkey: the GFCM Secretariat reviewed all the GFCM recommendations which had been successfully implemented by Turkey. Whereas there appeared not to be any problems in the implementation of GFCM recommendations, short of a very few aspects that might require further clarification, it was pointed out that it would be useful to receive a copy of the laws enacted at national level to transpose GFCM recommendations. The submission of data was overall good.

DISCUSSIONS ON POSSIBLE CASES OF NON-COMPLIANCE BY GFCM MEMBERS AND FUTURE COURSE OF ACTION

7. In light of the analysis of the status of implementation of GFCM recommendations a few problems, mostly common to GFCM Members, were identified including: (i) the need to create a repository of national laws by virtue of which GFCM Members were transposing GFCM recommendations, (ii) the complexity of data reporting requirements which should be streamlined and made easier, (iii) the lack of persistent and continuous communication in relation to compliance related issues (e.g. IUU list, landing ports for foreign vessels, etc.) and (iv) the lengthiness of national procedures for the transposition of GFCM recommendations at national level.

8. During the discussions several options were examined and the following solutions were suggested to overcome the above problems: (i) convene the COC Working Group on legislation, whose terms of reference had been adopted at the 37th Session of the Commission, in order to set up a database with national legislations; (ii) set precise deadlines for the submission of various data required under relevant GFCM recommendations and make the whole process more user-friendly under the upcoming GFCM Data Collection Reference Framework, (iii) appoint focal points or national delegates that would be responsible to deal with issues under the purview of the COC and (iv) envisage, as appropriate, a phased implementation of GFCM recommendations like it was already done in the past with given issues (e.g. VMS). The phased implementation of GFCM recommendations would be useful also in cases where capacity development might be needed at national level to swiftly implement the adopted recommendation.

9. Despite the necessity to provide further assistance to GFCM Members so that they could be more performing in implementing GFCM recommendations in an even manner, the terms of reference of the meeting were recalled. The possibility of whether or not to identify cases of non-compliance by GFCM Members was consequently examined. Recalling the discussions in Split, it was stressed that an identification letter should not be associated to a process of accusation but rather conceived of as a mechanism for the COC to have a clearer picture on the implementation of GFCM recommendations. Nonetheless, the participants expressed the opinion that the exercise being performed by the COC was still relatively new and that a decision on identification letters would have to be referred back to competent authorities.

10. The proposal was made to defer to the Commission at its 38th Session the sole decision on letters of identification to be sent to GFCM Members. On the other hand, based on the analysis by the COC, further clarifications would be sought in the upcoming months to GFCM Members concerning the implementation of GFCM recommendations. With a view of

ensuring that all the preparatory work would be done and presented to the 8th Session of COC, it was decided that six tables would be prepared by the GFCM Secretariat with the statuses of implementation of GFCM recommendations (i.e. not implemented, implemented, partly implemented, implementation in progress, not reported, not applicable). Based on these tables, and on the contents of this report, the GFCM Secretariat would prepare a circular letter addressing each GFCM Members. Depending on the quality of implementation of GFCM recommendations, the letter would express concern, preoccupation or satisfaction to the Member concerned. It would draw its attention on those situations reported in the tables and would ask, as appropriate, further clarifications. A deadline would be set in the circular letter and the Member would be expected to reply in due course. The replies received would be examined by the GFCM Secretariat and presented in an informative document for the COC. Among proposed actions to the Committee, a list of Members which could potentially be the recipient of an identification letter would be included. The COC would review this information at its 8th Session and, should it not be satisfied with the explanations by the Member(s) concerned, it would recommend to the Commission at its 38th Session to send identification letters.

11. Reference was made to the channels of communication of the circular letters. In light of discussions on the need for focal points or national delegates responsible for COC related issues, it was suggested that GFCM Members proceed at once with their appointment. For those GFCM Members that have already appointed this person, he/she would be sent directly the circular note. In absence of such a person, the channels of communication identified under paragraphs 6 and 7 of the report of informal meeting of the COC, as reproduced in the report to the 37th Session of the Commission, would be used.

REVIEW OF AVAILABLE INFORMATION CONCERNING COMPLIANCE WITH GFCM RECOMMENDATIONS BY NON-MEMBERS

12. The GFCM Secretariat referred to the mandate it was given in Split by the COC when requested to collect all available information concerning presumed fishing activities by non-Members in the GFCM competence area. Before introducing the results of its findings, the GFCM Secretariat recalled relevant provisions under the UN Convention on the Law of Treaties (i.e. Article 118), the UN Fish Stock Agreement (i.e. Article 8) and soft law instruments such as the FAO Code of Conduct (i.e. Article 7) and the annual UN General Assembly resolutions on sustainable fisheries which were adopted by consensus and, inter alia, invited RFMOs to ensure that all States fishing in areas under their mandates become Members, cooperating non contracting parties or voluntarily apply their measures.

13. With regard to the case of the Black Sea, the GFCM Secretariat stated that three riparian States (i.e. Georgia, Russian Federation and Ukraine) currently fish in the Black Sea. Information was presented on the reported catch by these three States through the FAO. In addition, their involvement in the work of the GFCM was illustrated. Reference was made in particular to the ad hoc Working Group for the Black Sea, established by the GFCM in 2011. The GFCM Secretariat noted with satisfaction that, as a result of cooperation among all the six Black Sea riparian States in this remit, the first management measure for the Black Sea was adopted in Split (recommendation GFCM/2013/37/2 on turbot) together with a roadmap to fight IUU fishing. Concerning the recommendation on turbot, it was reported that Ukraine

had translated it into the national language and made it available to national inspectors so that they could ensure its correct application. As for Russian Federation, the requirements under the national legislation were actually stricter than those provided for recommendation GFCM/2013/37/2.

14. With regard to the case of the Mediterranean Sea, on the basis of the information collected a more complex and fragmented situation emerged as opposed to that of the Black Sea. The GFCM Secretariat referred to the following categories: (i) “coastal States”, which included Bosnia-Herzegovina and Portugal (although Portugal is not a coastal State its shores are in close proximity to the Mediterranean Sea), (ii) “distant water fishing nations” (DWFNs), which included China and the Republic of Korea and (iii) “other fishing entities”, which included West Bank and the Gaza Strip.

15. For coastal States the GFCM Secretariat indicated that the information on Bosnia-Herzegovina was sparse. An estimated 5 tons catch per year has been reported through the FAO and there were allegations concerning fishing activities for small-pelagics in the Adriatic Sea. With regard to Portugal on the other hand, a consistent fishing pattern was presented clearly indicating the presence of Portuguese vessels in the Mediterranean Sea (Balearic, Sardinia and Ionian geographical sub-areas) over the last 8 years. Main target species were crustaceans.

16. As for DWFNs a distinction was made between China and Republic of Korea. It was not possible to obtain any information concerning catch by China in the Mediterranean Sea in the recent past. Although China was allocated a quota under ICCAT for Bluefin tuna in the Eastern Atlantic and the Mediterranean Sea, the fishing activities of Chinese vessels seemed limited to the Eastern Atlantic. However, the GFCM Secretariat drew the attention of the COC to the practice described in the FAO Fishery Profile of China whereby Chinese fisheries companies would be known to increase their catch quota/obtain permission to fish in other countries’ national jurisdictions through cooperation scheme. Consequently, although no Chinese vessel could be operating in the Mediterranean Sea there could be the possibility that Chinese companies were involved in fishing activities through such schemes using the flags of GFCM Members. In this respect, the GFCM Secretariat informed the Committee that it had received a visit request from a Chinese company interested in fishing opportunities in the Mediterranean Sea. Although private cooperation schemes would be perfectly legal under national laws of GFCM Members, the GFCM Secretariat prompted GFCM Members to report any such scheme so to assess their impact on fishing activities and, most importantly, flag State responsibilities by the GFCM Members themselves which would have to make sure to elicit compliance by the vessels concerned. Otherwise the GFCM Members could be answerable for the lack of implementation with GFCM recommendations.

17. The information available for the Republic of Korea on the other hand pointed both to the presence of fishing vessels in the Mediterranean Sea since the 1990’s as well as to existence of catch from the Mediterranean Sea, amounting to several hundreds of tons between 2006 and 2011 (mainly Bluefin tuna). Reference was also made to the recent information presented by the Republic of Korea to ICCAT indicating that a national vessel would operate in the Mediterranean Sea during the tuna fishing season. In addition, a press release from the Korean Oceans and Fisheries Ministry was mentioned where the creation of

the “Mediterranean Partnership”, allegedly an event to strengthen communication about the policies of the Ministry, was announced in 2013.

18. In relation to other fishing entities the GFCM Secretariat shared available data on reported catch by the West Bank and Gaza Strip. Fishing activities were well document as they belonged to a long tradition in fisheries. Furthermore, reference was made to the technical assistance provided by the FAO Regional Project EastMed to the fisheries sector of West Bank and Gaza Strip which had proven instrumental in the collection of data. It was reported that such data had been also submitted to the GFCM Secretariat in November 2013.

DISCUSSIONS ON POSSIBLE CASES OF NON-COMPLIANCE BY NON-MEMBERS AND FUTURE COURSE OF ACTION

19. Participants addressed the case of the Black Sea first. The delegate from the Russian Federation confirmed the readiness of its State to keep up with the good cooperation with the GFCM. He also mentioned the consultations that have taken place at national level concerning the possible adhesion to the GFCM Agreement, which had been in the meantime translated into Russian.

20. The delegate from the European Union acknowledged that sound cooperation among the six riparian States in the Black Sea would remain of paramount importance, also in view of the European Integrated Maritime Policy that could be exceedingly useful to unlock the potential of the basin.

21. Clarifications were sought as to whether or not obtaining a cooperating non contracting party status would be a permanent or temporary measure and if that option was available for the six riparian States in the Black Sea. Reference was made to the 2006 GFCM recommendation on criteria for obtaining cooperating non contracting party status which envisaged that such status, once granted, would be reviewed annually. In the end, the cooperating non contracting party status would lead to full membership. Both Georgia and Ukraine had already recognized informally (through correspondence with the GFCM Secretariat) to have this status although it still had to be formally granted.

22. Because fishing activities by non-Members fishing in the Black Sea were adequately known, and in light of the fact that cooperation was ongoing with the GFCM, it was advised not to send identification letters to the three riparian States. Also, the GFCM Secretariat was encouraged to continue diplomatic demarches with Georgia, Russian Federation and Ukraine so that cooperating non contracting party status could be obtained by them in the short term in view of ultimately facilitating their possible accession to the GFCM. The opportunity of launching an FAO Regional Project in the Black Sea was recognized as a promising one as such a project could underpin the decision making process within the GFCM.

23. With regard to the case of the Mediterranean Sea there was consensus on the fact that information of fishing activities was uneven in relation to the different situations presented. For “coastal States” concern was expressed towards the lack of information on Bosnia-Herzegovina, regardless of the limited impact their fishing activities could have. It was wondered whether there was the risk that Bosnia-Herzegovina could become an open registry

and trigger re-hopping and re-flagging practices. As for Portugal, the delegate of the European Union indicated that the matter would be addressed at once and that conclusive information on the fishing activities by Portugal in the Mediterranean Sea would be reported back to the COC at its 8th Session.

24. As far as DWFNs were concerned, it was underlined that the situation of China and that of the Republic of Korea were not similar. In the first case the issue at hand seemed to be that of private cooperation schemes rather than fishing activities. The existence of private cooperation schemes within other RFMOs, and the impact that they had on conservation and management measures, was recalled. GFCM Members were encouraged to report the existence of such schemes, if any, and the issue was considered worth of being further investigated. Conversely, for the Republic of Korea the representative of PEW reported that the purse seine vessel *Sajomelita* appeared to be operating in the Mediterranean Sea. Indications that it was stationed in a Maltese port were provided. Also, reference was made to a joint fishing operation in the Mediterranean Sea between Republic of Korea and Libya, as announced by the Republic of Korea to a recent meeting of the Compliance Committee of ICCAT.

25. The Secretariat clarified that relevant treaty provisions in the UN Fish Stocks Agreement, as supplemented by soft law instruments such as the UN General Assembly annual resolutions on sustainable fisheries as well as FAO Plan of Actions and the FAO criteria on flag State responsibilities, called upon States Parties to become members or cooperating non contracting parties of those RFMOs competent over areas where they were known to fish. In addition, the existence of a number of GFCM recommendations (e.g. those establishing fishing restricted areas, those on the protection of threatened species from by-catch, etc.) had to be abode by when fishing in the Mediterranean Sea. Specific reference was made to the case of Japan. It was emphasized that Japan was submitting to the GFCM Secretariat every year a list of vessels authorized to fish in the Mediterranean Sea although they were mainly tuna fishing vessels used by Japan to catch Bluefin tuna in accordance to ICCAT allocated quotas.

26. Gratitude was then expressed to Japan by the delegates of Tunisia, Algeria, Morocco and Lebanon for the precious assistance that Japan had provided to them through the Japanese International Cooperation Agency (JICA) which had been involved in launching several projects in support of fisheries and aquaculture at national level (i.e. the COGEPECT project aimed at developing a management plan for marine resources in the Gulf of Gabès in Tunisia. This project was consistent with the recent GFCM shift towards multiannual management plans at sub-regional level and hope was expressed that similar projects could be replicated elsewhere).

27. It was agreed that the fishing activities by non-Members were not adequately known, although in some cases there were some indications as to the catch and the presence of vessels. There was consensus that identification letters were not necessary but that a contact was appropriate, through the Permanent Representations to the FAO, to shed light on fishing activities and cooperation schemes before the 8th Session of COC. The GFCM Secretariat could collect more information on the basis of such a contact. Should that be inconclusive on the other hand, investigations could be initiated in the future through third parties in view of sending, as appropriate, identification letters.

28. The representative of WWF delivered a presentation which demonstrated how by now the technological means would exist for institutions, organizations and stakeholders to collect information on fishing activities by vessels. Through the collection of AIS data, a pilot study had been conducted which proved the potential of this tool to assess compliance regarding the fishing restricted areas established by the GFCM and bottom trawling ban beyond the 1000 m isobath. Interest was expressed on the manifold uses that could be made of the data collected by WWF and reference was made to the ongoing establishment of the GFCM centralized VMS system which could prove capable of integrating various type of data (e.g. VMS, AIS, VHF, etc.).

PROPOSALS FOR POSSIBLE REVISION OF THE TEXT OF RECOMMENDATION GFCM/34/2010/3 CONCERNING THE IDENTIFICATION OF THE NON-COMPLIANCE

29. The GFCM Secretariat explained that the practice concerning identification of cases of non-compliance had evolved in a manner that partly departed from the provisions in recommendation GFCM/34/2010/3 and that, for the purpose of legal certainty, it would have been necessary to realign this recommendation with the decisions taken in Split and the additional proposals made during the meeting.

30. The representatives of WWF and PEW drew the attention of participants that in other fora the possibility was given to NGOs to present information on compliance in order to facilitate the analysis of implementation of relevant recommendations. Such a possibility should be given to NGOs under the GFCM too. At the same time, it was suggested that the recommendation would need to clearly distinguish between different steps towards the identification of cases of non-compliance (e.g. clarification, concern, identification).

ANY OTHER MATTER

31. No other matters were examined.

CONCLUSIONS AND RECOMMENDATIONS TO THE COC

33. The inter-sessional meeting of COC agreed on the following recommendations:

- GFCM Members should appoint focal points/national delegates for the COC on urgent basis, where they have not already done so;
- the GFCM Secretariat will transmit the final report of the inter-sessional meeting of COC, once adopted, as an annex to a circular letter. The channels of communication will be those already identified under paragraphs 6 and 7 of the Report of the “Informal working group meeting of the COC” (Split, Croatia, 14-15 May 2013), except in those cases where a GFCM Member has appointed a focal point to COC;

- the circular letters will *inter alia* specify that, in light of the information reviewed during the inter-sessional meeting of COC, GFCM Members will be given a deadline to provide additional clarifications, where necessary, on the status of implementation of GFCM recommendations;
- the identification of possible cases of non-compliance shall be referred to the Commission at its 38th Session (FAO HQs, Italy, May 2014) which will take a final decision on letters of identification to be sent to non-compliant Members, in accordance with the recommendations that will be made by the COC at its 8th Session (FAO HQs, Italy, May 2014);
- to facilitate the identification of possible cases of non-compliance by the Commission at its 38th Session through the COC, six tables are appended to this report (Appendix C) to recapitulate the different statuses of implementation of GFCM recommendations (e.g. implemented, implementation in progress, not implemented, partly implemented, not reported and not applicable);
- consistent with the analysis of preliminary information concerning coastal States, DWFNs and other fishing entities presumed to fish in the GFCM competence area, as defined in the GFCM Agreement, the following actions will be taken:
 - Black Sea riparian States will be further involved in the work of the GFCM with a view to facilitate their participation in the future as cooperating non contracting parties or Members;
 - in the case of non-Members that could be fishing in the Mediterranean Sea the GFCM Secretariat will contact their Permanent Representations to the FAO to collect more information on their presumed fishing activities and report on the outcomes of consultations to the 8th Session of COC;
- the GFCM Secretariat will revise, with a view also to include concrete steps towards identification of cases of non-compliance, the text of recommendation GFCM/34/2010/3 and circulate an updated draft version ahead of the 38th Session of the Commission to allow GFCM Members to take appropriate decisions.

CLOSURE OF THE INTERSESSIONAL MEETING OF THE COC

34. The recommendations were adopted on 29th January 2014. The final report of the meeting was endorsed by email.

Agenda

- 1. Opening of the meeting and adoption of the agenda**
- 2. Review of the replies to requests for clarifications sent by the GFCM Secretariat to GFCM Members**
- 3. Discussions on possible cases of non-compliance by GFCM Members and future course of action**
- 4. Review of available information concerning compliance with GFCM recommendations by non-Members**
- 5. Discussions on possible cases of non-compliance by non-Members and future course of action**
- 6. Proposals for possible revision of the text of Recommendation GFCM/34/2010/3 concerning the identification of the non-compliance**
- 7. Any other matter**
- 8. Conclusions and recommendations to the COC**
- 9. Closure of the intersessional meeting of the COC**

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Appendix C

Status of implementation of GFCM decisions - IMPLEMENTED -

	Albania	Algeria	Egypt	EU	Israel	Japan	Lebanon	Libya	Monaco	Montenegro	Morocco	Syrian Arab Republic	Tunisia	Turkey
Rec. GFCM/36/2012/2 Conservation of cetaceans	X			X	X	X	X		X		X			
Rec. GFCM/36/2012/3 Conservation of sharks and rays	X	X	X	X	X	X	X		X		X		X	
Rec GFCM/36/2012/1 and GFCM/35/2011/2 Red coral						X					X			
Res. GFCM/35/2011/1 On the submission of combined data on fishing vessels											X			X
Rec. GFCM/35/2011/1 Logbook				X						X				X
Rec. GFCM/35/2011/3 By-catch of seabirds		X	X			X	X		X					X
Rec. GFCM/35/2011/4 By-catch of sea turtles	X	X	X		X	X	X	X	X		X			X
Rec. GFCM/35/2011/5 Conservation of the Monk seal		X			X	X	X		X		X		X	X
Rec. GFCM/35/2011/6 On reporting of aquaculture	X	X								X	X		X	X
Rec. GFCM/34/2010/2 On the management of fishing capacity (Report FC in 2007, 2008 and 2009)				X							X			X

	Albania	Algeria	Egypt	EU	Israel	Japan	Lebanon	Libya	Monaco	Montenegro	Morocco	Syrian Arab Republic	Tunisia	Turkey
Rec. GFCM/33/2009/1 Fisheries Restricted Area in the Gulf of Lions				X							X			
Rec. GFCM/33/2009/2 Minimum mesh size in the codend of demersal trawl nets	X	X		X		X		X			X			
Rec. GFCM/33/2009/3 Task 1	X	X	X	X			X			X	X		X	X
Rec. GFCM/33/2009/7 Vessel Monitoring System (VMS)	X			X		X				X	X			X
Rec. GFCM/33/2009/8 List of vessels IUU fishing				X							X			X
Rec. GFCM/2008/1 Port state measures				X		X	X				X			X
Rec. GFCM/2006/2 Closed season dolphinfish fisheries based on fishing aggregation devices (FADs)			X	X				X			X		X	X
Rec. GFCM/2006/3 On the establishment of 3 Fisheries Restricted Areas				X							X			
Rec. GFCM/2005/1 Trawl banning below 1000 m		X		X		X					X		X	X

Status of implementation of GFCM decisions
- PARTLY IMPLEMENTED -

	Albania	Algeria	Egypt	EU	Israel	Japan	Lebanon	Libya	Monaco	Montenegro	Morocco	Syrian Arab Republic	Tunisia	Turkey
Rec. GFCM/36/2012/2 Conservation of cetaceans				X						X				
Rec. GFCM/36/2012/3 Conservation of sharks and rays				X										
Rec GFCM/36/2012/1 and GFCM/35/2011/2 Red coral				X						X				
Res. GFCM/35/2011/1 On the submission of combined data on fishing vessels	X			X		X	X							
Rec. GFCM/35/2011/1 Logbook	X		X				X	X			X			
Rec. GFCM/35/2011/3 By-catch of seabirds				X										
Rec. GFCM/35/2011/4 By-catch of sea turtles				X										
Rec. GFCM/35/2011/5 Conservation of the Monk seal				X										
Rec. GFCM/35/2011/6 On reporting of aquaculture				X			X							
Rec. GFCM/34/2010/2 On the management of fishing capacity (Report FC in 2007, 2008 and 2009)							X	X					X	

	Turkey	Tunisia	Syrian Arab Republic	Morocco	Montenegro	Monaco	Libya	Lebanon	Japan	Israel	EU	Egypt	Algeria	Albania
Rec. GFCM/33/2009/1 Fisheries Restricted Area in the Gulf of Lions														
Rec. GFCM/33/2009/2 Minimum mesh size in the codend of demersal trawl nets	X													
Rec. GFCM/33/2009/3 Task 1							X							
Rec. GFCM/33/2009/7 Vessel Monitoring System (VMS)														
Rec. GFCM/33/2009/8 List of vessels IUU fishing														
Rec. GFCM/2008/1 Port state measures														X
Rec. GFCM/2006/2 Closed season dolphinfish fisheries based on fishing aggregation devices (FADs)														
Rec. GFCM/2006/3 On the establishment of 3 Fisheries Restricted Areas														
Rec. GFCM/2005/1 Trawl banning below 1000 m														

Status of implementation of GFCM decisions
- IMPLEMENTANTION IN PROGRESS -

	Turkey	Tunisia	Syrian Arab Republic	Morocco	Montenegro	Monaco	Libya	Lebanon	Japan	Israel	EU	Egypt	Algeria	Albania
Rec. GFCM/36/2012/2 Conservation of cetaceans		X											X	
Rec. GFCM/36/2012/3 Conservation of sharks and rays							X							
Rec GFCM/36/2012/1 and GFCM/35/2011/2 Red coral		X											X	
Res. GFCM/35/2011/1 On the submission of combined data on fishing vessels		X					X			X		X	X	
Rec. GFCM/35/2011/1 Logbook		X											X	
Rec. GFCM/35/2011/3 By-catch of seabirds		X		X										
Rec. GFCM/35/2011/4 By-catch of sea turtles		X												
Rec. GFCM/35/2011/5 Conservation of the Monk seal														
Rec. GFCM/35/2011/6 On reporting of aquaculture							X			X		X		
Rec. GFCM/34/2010/2 On the management of fishing capacity (Report FC in 2007, 2008 and 2009)												X	X	

	Albania	Algeria	Egypt	EU	Israel	Japan	Lebanon	Libya	Monaco	Montenegro	Morocco	Syrian Arab Republic	Tunisia	Turkey
Rec. GFCM/33/2009/1 Fisheries Restricted Area in the Gulf of Lions														
Rec. GFCM/33/2009/2 Minimum mesh size in the codend of demersal trawl nets			X		X					X			X	
Rec. GFCM/33/2009/3 Task 1														
Rec. GFCM/33/2009/7 Vessel Monitoring System (VMS)		X	X		X			X					X	
Rec. GFCM/33/2009/8 List of vessels IUU fishing	X		X					X						
Rec. GFCM/2008/1 Port state measures								X						
Rec. GFCM/2006/2 Closed season dolphinfish fisheries based on fishing aggregation devices (FADs)	X													
Rec. GFCM/2006/3 On the establishment of 3 Fisheries Restricted Areas	X													
Rec. GFCM/2005/1 Trawl banning below 1000 m	X													

Status of implementation of GFCM decisions
- NOT IMPLEMENTED -

	Turkey	Tunisia	Syrian Arab Republic	Morocco	Montenegro	Monaco	Libya	Lebanon	Japan	Israel	EU	Egypt	Algeria	Albania
Rec. GFCM/36/2012/2 Conservation of cetaceans														
Rec. GFCM/36/2012/3 Conservation of sharks and rays					X									
Rec GFCM/36/2012/1 and GFCM/35/2011/2 Red coral														
Res. GFCM/35/2011/1 On the submission of combined data on fishing vessels			X		X									
Rec. GFCM/35/2011/1 Logbook										X				
Rec. GFCM/35/2011/3 By-catch of seabirds					X									
Rec. GFCM/35/2011/4 By-catch of sea turtles					X									
Rec. GFCM/35/2011/5 Conservation of the Monk seal					X									
Rec. GFCM/35/2011/6 On reporting of aquaculture			X											
Rec. GFCM/34/2010/2 On the management of fishing capacity (Report FC in 2007, 2008 and 2009)			X		X									

	Turkey	Tunisia	Syrian Arab Republic	Morocco	Montenegro	Monaco	Libya	Lebanon	Japan	Israel	EU	Egypt	Algeria	Albania
Rec. GFCM/33/2009/1 Fisheries Restricted Area in the Gulf of Lions														
Rec. GFCM/33/2009/2 Minimum mesh size in the codend of demersal trawl nets														
Rec. GFCM/33/2009/3 Task 1			X											
Rec. GFCM/33/2009/7 Vessel Monitoring System (VMS)														
Rec. GFCM/33/2009/8 List of vessels IUU fishing					X									
Rec. GFCM/2008/1 Port state measures					X									
Rec. GFCM/2006/2 Closed season dolphinfish fisheries based on fishing aggregation devices (FADs)														
Rec. GFCM/2006/3 On the establishment of 3 Fisheries Restricted Areas					X									
Rec. GFCM/2005/1 Trawl banning below 1000 m					X									

Status of implementation of GFCM decisions
- NOT APPLICABLE -

	Turkey	Tunisia	Syrian Arab Republic	Morocco	Montenegro	Monaco	Libya	Lebanon	Japan	Israel	EU	Egypt	Algeria	Albania
Rec. GFCM/36/2012/2 Conservation of cetaceans	X						X					X		
Rec. GFCM/36/2012/3 Conservation of sharks and rays	X													
Rec GFCM/36/2012/1 and GFCM/35/2011/2 Red coral	X					X	X	X		X		X		X
Res. GFCM/35/2011/1 On the submission of combined data on fishing vessels						X								
Rec. GFCM/35/2011/1 Logbook						X			X					
Rec. GFCM/35/2011/3 By-catch of seabirds							X			X				
Rec. GFCM/35/2011/4 By-catch of sea turtles														
Rec. GFCM/35/2011/5 Conservation of the Monk seal							X					X		
Rec. GFCM/35/2011/6 On reporting of aquaculture						X			X					
Rec. GFCM/34/2010/2 On the management of fishing capacity (Report FC in 2007, 2008 and 2009)						X			X					

	Albania	Algeria	Egypt	EU	Israel	Japan	Lebanon	Libya	Monaco	Montenegro	Morocco	Syrian Arab Republic	Tunisia	Turkey
Rec. GFCM/33/2009/1 Fisheries Restricted Area in the Gulf of Lions	X	X	X		X	X	X	X	X	X		X	X	X
Rec. GFCM/33/2009/2 Minimum mesh size in the codend of demersal trawl nets							X		X					
Rec. GFCM/33/2009/3 Task 1				X		X			X					
Rec. GFCM/33/2009/7 Vessel Monitoring System (VMS)							X		X					
Rec. GFCM/33/2009/8 List of vessels IUU fishing						X			X				X	
Rec. GFCM/2008/1 Port state measures		X	X						X					
Rec. GFCM/2006/2 Closed season dolphinfish fisheries based on fishing aggregation devices (FADs)		X			X	X	X		X	X		X		
Rec. GFCM/2006/3 On the establishment of 3 Fisheries Restricted Areas		X				X	X	X	X				X	X
Rec. GFCM/2005/1 Trawl banning below 1000 m			X		X		X	X	X					

Status of implementation of GFCM decisions
- NOT REPORTED -

	Albania	Algeria	Egypt	EU	Israel	Japan	Lebanon	Libya	Monaco	Montenegro	Morocco	Syrian Arab Republic	Tunisia	Turkey
Rec. GFCM/36/2012/2 Conservation of cetaceans												X		
Rec. GFCM/36/2012/3 Conservation of sharks and rays												X		
Rec GFCM/36/2012/1 and GFCM/35/2011/2 Red coral												X		
Res. GFCM/35/2011/1 On the submission of combined data on fishing vessels														
Rec. GFCM/35/2011/1 Logbook												X		
Rec. GFCM/35/2011/3 By-catch of seabirds	X											X		
Rec. GFCM/35/2011/4 By-catch of sea turtles												X		
Rec. GFCM/35/2011/5 Conservation of the Monk seal	X											X		
Rec. GFCM/35/2011/6 On reporting of aquaculture														
Rec. GFCM/34/2010/2 On the management of fishing capacity (Report FC in 2007, 2008 and 2009)	X				X									

	Turkey	Tunisia	Syrian Arab Republic	Morocco	Montenegro	Monaco	Libya	Lebanon	Japan	Israel	EU	Egypt	Algeria	Albania
Rec. GFCM/33/2009/1 Fisheries Restricted Area in the Gulf of Lions														
Rec. GFCM/33/2009/2 Minimum mesh size in the codend of demersal trawl nets			X											
Rec. GFCM/33/2009/3 Task 1										X				
Rec. GFCM/33/2009/7 Vessel Monitoring System (VMS)			X											
Rec. GFCM/33/2009/8 List of vessels IUU fishing			X					X		X			X	
Rec. GFCM/2008/1 Port state measures		X	X							X				
Rec. GFCM/2006/2 Closed season dolphinfish fisheries based on fishing aggregation devices (FADs)														
Rec. GFCM/2006/3 On the establishment of 3 Fisheries Restricted Areas			X							X		X		
Rec. GFCM/2005/1 Trawl banning below 1000 m			X											