

3. MANAGEMENT MEASURES

According to Article 7.1.8 of the Code, “states should take measures to prevent or eliminate excess fishing capacity and should ensure that levels of fishing effort are commensurate with the sustainable use of fishery resources as a means of ensuring the effectiveness of conservation and management measures”. As recreational fisheries is a growing activity within the Mediterranean basin, some countries have adopted legislation in order to regulate and to control the fishing effort by adopting access regimes, conservation measures and monitoring provisions.

The discussion in this chapter is organized to describe typical elements/provisions of RF legal frameworks and their formal definition in legislations throughout the basin and includes 1) the regulation of access to the resources (e.g. creation of a system of licences³⁵); 2) conservation measures including prohibition of sales, limitation of tackles, determination of daily bag limits, adoption of minimal sizes, limitation of periods and grounds (e.g. MPAs), prohibition of species and adoption of various restrictions; 3) sanctions employed in cases of infractions of regulations; and 4) special disposals regarding the practice of underwater fishing, RF competitions and tourism fishing activities.

3.1 Access regimes

Under UNCLOS, the coastal states are charged with regulating the access to the marine resources within the waters submitted to their jurisdiction.³⁶ Moreover, the decline in fishing resources in many oceans and seas, and particularly in the Mediterranean, necessitates that coastal states control the access to the resource under their sovereignty by, at the minimum, adopting a licence³⁷ system. Worldwide experiences with fisheries have shown that open access systems can have important consequences. Without regulation, open access systems will lead inevitably to the overexploitation of marine resources.

Regarding commercial fisheries, all Mediterranean coastal states required that national vessels be licensed to fish within waters under their jurisdiction. According to Cacaud (2005), “in most Mediterranean coastal states, the granting of a licence in respect [to] a fishing vessel confers the licence holder a right to fish by means of the vessels”.³⁸

However, the situation was quite different regarding recreational fisheries and often there was no compulsory licensing system or, when there was one, it was not comprehensive. For example in Egypt, even if there is a RF regulation, in practice there is no compulsory licensing system. Indeed, thousands of people practice RF without licences, at least in the larger cities on the Mediterranean Sea.³⁹

A detailed listing of licence regimes by RF subcategory is presented in Appendix 1 and described in the following sections. In general, one may conclude that access regimes for RF across the Mediterranean countries were heterogeneous: some, such as Spain, use a detailed system of licences; while others, such as Italy, leave the activity open to public access. It must be noted that there was no regulation concerning licensing systems for RF at the EU level.

³⁵ See section 3.3 on Access regimes.

³⁶ See UNCLOS of 1982.

³⁷ In this study, the term “licence” covers concepts such as permit, authorization, certificate, *récépissé*, etc.

³⁸ There are some exceptions, for more details see Cacaud (2005).

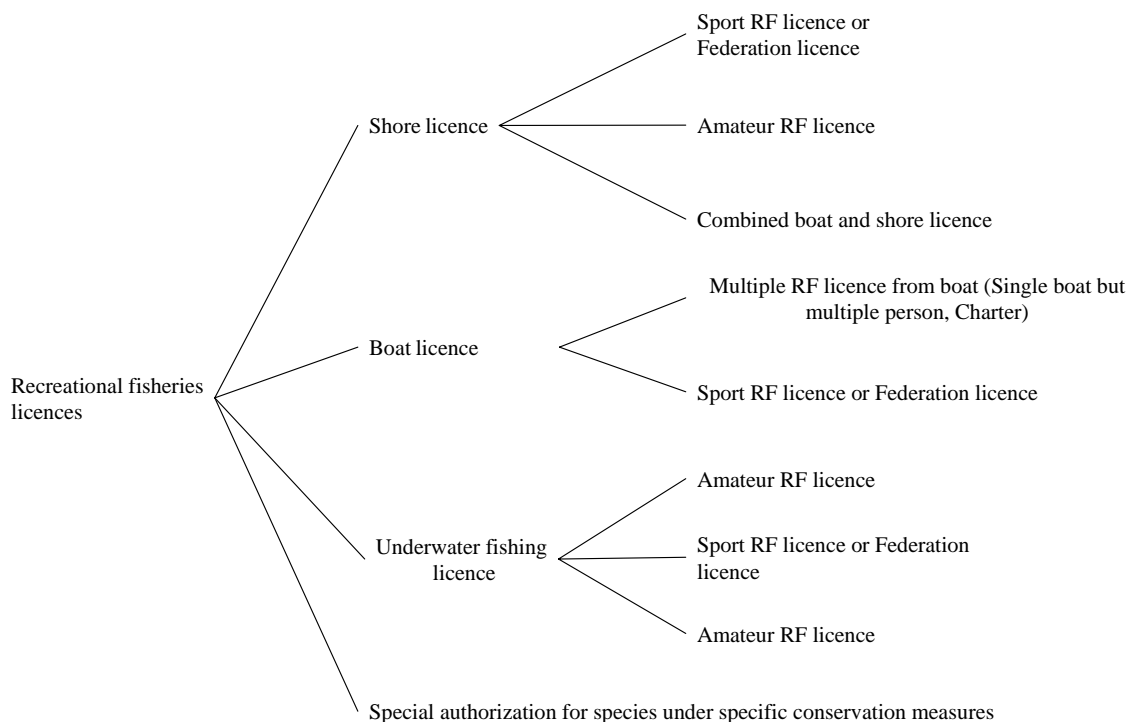
³⁹ Personal communication with Ahmed Salem from the General Authority for Fishing Resources Development of Egypt (GAFRD). When this study was compiled, the GAFRD in Egypt was planning to adopt new regulations on RF stating that all the types of recreational fisheries including shore fishing, boat fishing and underwater fishing will require a licence issued by GAFRD.

3.1.1 Categories of licences

Fishing licences are an integral part of fisheries management in that they provide a means for biological and socio-economic data collection and for managing access to and effort in the fisheries. Therefore, at least three groups of RF licences would be recommended as a minimum in the Mediterranean; corresponding to shore-base, boat-based and underwater recreational fishing. In addition, consideration of more specific licences has precedence in the Mediterranean: some countries, such as Croatia, created special permits for big game fishing and others, such as Turkey, temporary⁴⁰ authorizations for foreign tourists or non-residents. As RF may be considered a growing industry in the Mediterranean, the definition and application of licensing systems is a necessary first step toward understanding the contribution of these fisheries to the region's economies, the impacts on the resources, and the management regimes most appropriate.

For each of the licence groupings mentioned above, additional specifications of licences could be considered, such as differentiating between amateur, tourism and sport RF licences each with its own applicable regimes (i.e. who is allowed to apply and under what circumstances). Figure 2 below presents a schematic view of the various licence categories in use in Mediterranean recreational fisheries.

Figure 2. Examples of recreational fisheries licences found in the Mediterranean



Within the Mediterranean countries, Spain had the most comprehensive system of licences based on regional management: Spain required that for the exercise of marine recreational fisheries, it is obligatory to have the corresponding licence issued by the competent authority of the region where the activity is to be practiced (Article 3 par.1 of the order of 26 February 1999). Although the situation varied by region, we could identify seven categories of RF licences within the five Spanish coastal regions, as shown in Box 6 below. Without a minimum base set of licences applicable to the entire coast, the current system has resulted in a heterogeneous licensing system; warranting a review and collaboration between the region and state authorities.

⁴⁰ On temporary licence see Section 3.1.3 Duration of licence.

Box 6. Recreational fishing licences in the coastal regions of Spain

- RF licence from shore (RFL-S).¹
- RF licence from boat (RFL-B).²
- Combined boat and shore RF licence (RFL-BS).³
- Multiple RF licence from boat (single boat but multiple persons) (MRFL).⁴ This licence is issued to the owner of a boat and they permit the possessor and his accompanists to practice RF (SFITUM, 2004). This kind of licence concerns the activity of fishing charters.
- Underwater RF licence (URFL).⁵
- Federative RF licence (FRFL).⁶ This licence is required in order to take part in RF competitions (sea fishing championships) and is issued by the Regional Delegations of the “Federación Española de Pesca y Casting” (FEP y C).
- Sport RF licence (SRFL). This type of licence exists only in Balearic Islands and is necessary for practice from boat and from shore in official competitions and training. In practice this licence is a single document which joins together RFL and FRFL.

Notes:

¹ RFL-S is required in Andalusia but is not required in Valencia.

² RFL-B is required in Andalusia, Balearic Islands and in Valencia.

³ RFL-BS is issued in Catalonia, Valencia, Murcia and in the Balearic Islands.

⁴ MRFL is issued in Catalonia and in the Balearic Islands.

⁵ URFL is required in Catalonia, Valencia, Murcia, Andalusia and in the Balearic Islands.

⁶ FRFL is required in all the five coastal regions.

Source: SFITUM, 2004.

Other Mediterranean countries opted for general RF licence provisions. For example, the Croatian RF regulation stated that the exercise of sport and amateur marine recreational fisheries required a “sport fishing licence” which suggests that all the types of RF including shore fishing, boat fishing and underwater fishing required a licence. However, if recreational fishermen are to better understand their rights and their obligations with respect to their fishing activities, the legal framework would need to provide clear and comprehensive definitions of the various RF categories.

In reality, few Mediterranean countries’ RF regulations required a special licence by RF category (i.e. shore-based, boat-based, or underwater fishing). Only Algeria and Spain explicitly required a special licence to exercise each of these RF activities. But, at the same, only two countries (Italy and Turkey) did not adopt a compulsory licence system, regardless of RF category.⁴¹

Regarding other Mediterranean countries for which information was available, the legal requirements regarding RF licences were heterogeneous:

- Egypt, France,⁴² Morocco, and Tunisia required underwater fishing licences;
- Lebanon required a licence for RF from shore and for underwater fishing;
- Syria required a licence for RF from boat and from shore; and
- Greece and Malta issued licences for RF from boat.

In cases where licences are distributed by RF goal (i.e. amateur, sport and tourism), rather than by fishing modality, the tendency was for the existence of compulsory licences for sport fishing; while amateur RF remained open access, such as in Albania. Differences in treatment may have existed due

⁴¹ However, non-Turkish residents were required to obtain a “certificate of visiting amateur fisher” issued by the Ministry of Agriculture and Rural Affairs (MARA) valid for 2 years and costing for €75.

⁴² In France the situation is particular in that underwater recreational fishermen must pre-declare their intention to fish annually to the decentralized departments of the maritime affairs which issue a receipt (*récépissé*). People holding a licence delivered by a sports federation allowed by the Minister of the sports do not have to subscribe to such declarations.

to different impacts on the resources of the fisheries or, perhaps, to the demographic considerations differentiating these fisheries.

3.1.2 Special authorization/licences

Under certain circumstances, special authorizations were required, in addition to the RF licence, to fish species under specific conservation measures. The goal of such special authorizations is to increase control and limit the access to marine resources. Species-based licences are especially appropriate for species at risk or vulnerable to overfishing, such as those species on the GFCM priority species list.⁴³ For example, in France, fishing bluefin tuna from an anchored boat required a derogation issued by Maritime Affairs.

In addition to France, only Spain adopted a system requiring special licences by selected species. In this case, recreational fishermen were obliged to obtain special authorization for species, such as swordfish, enumerated in Annex III of the Order of 26 February 1999.⁴⁴ This example could be followed throughout the Mediterranean basin as a means to managing fishing effort; recognizing that the issuance of permits alone is not sufficient to maintain sustainable fisheries.

3.1.3 Duration of licence

The duration of a licence (i.e. whether it is renewable annually or permanent) is one of the basic elements of the access title issued to recreational fishermen. However, few countries in the Mediterranean specified the licence period in their RF regulation. As stated in the Serbian RF regulation, the permit for sport or amateur fisheries can be permanent or temporary.⁴⁵ Additionally, in Croatia, the licence for sport and amateur fishing can, upon a payment of a fee, be issued for one-day, three-day, one-week, one-month or one year period. A one-year licence is issued only for Croatian war invalids and Croatian and foreign citizens with a permanent residence having a membership in the Croatian Union for Sport Fishing or the Croatian Diving Union. A special sport and amateur fishing licence for big game fishing is also available for a 30-day period. Slovenia also adopted two different licence lengths: one for sport and underwater sport fishing licences and one for amateur fishing licences. The amateur fishing licence is a weekly or a daily ticket; while, the sport and underwater licences are valid for one year if the person is member of a sport marine fishing organization. In Spain, the validity of the different types of licences varied from one region to another but globally the duration is three years as for the special authorization for particular species issued to boats owners.⁴⁶ In Morocco, shore based licences were valid for 6 months and were free; whereas underwater licences were issued annually and at a cost of 25 euros.⁴⁷

3.1.4 Licence fees

In contrast to many commercial fisheries, recreational fishing is generally considered a *privilege*, versus an innate *right*. Therefore, globally the use of licence fees tends to be common practice in RF. In addition, Recreational fishermen are often considered to be sensitive to the environment in which they fish and the need to manage aquatic resources. Therefore, they tend to be aware of the potential uses of licence fees regarding RF management and ready to contribute to the conservation of marine resources and its ecosystem. According to Kramer (2006), salt water fishing licences could generate,

⁴³ SAC Priority species list (Rome, 2006).

⁴⁴ Spain: Art. 3 of Order 1999/05160 of 26/02/1999. Species enumerated are: *Thunnus thynnus*, *thunnus alalunga*, *thunnus obesus*, *xiphias gladius*, *makaira* spp., *tetrapturus* spp., *istiophorus albicans*, *merlucius merlucius*.

⁴⁵ Art. 19 of the law on Marine Fishery of 2003.

⁴⁶ Example: In Catalonia, RFL-BS can be for 1, 2, 3 or 4 years, URFL is for 1 year. In Murcia, the general RFL-BS is valid for 5 years, the URFL is valid for 3 years and it also exists a kind of licence for minor between 10 and 15 with parental authorization valid for 1 year. In Valencia, RFL-BS over 16 years is valid for 5 years and is unlimited duration for people over 60 years old, URFL is issued for 2 years.

⁴⁷ Personal communication with Malouli Idrissi, INRH Centre Régional Tanger

among other things, funds to support research, to support law enforcement, to support stock enhancement and to increase the anglers' role in management as they paying for management services.

Little information was generally available on licence fees within the Mediterranean countries having an RF licence system. Also lacking was information on the criteria used to determine the amount of the fees and the use of fee-related funds. Transparency in the use of such funds would tend to increase participation in the licensing system.

In Croatia, it is interesting to note that 40 percent of revenues arising from the selling of licence through the union are to be used in financing marine protection projects or other defined goals approved by the Ministry.

In the Serbian RF regulation the fee is defined by the competent authority of local self-management, depending on the validity period of the permit and age structure of sport fishermen.⁴⁸

In Spain, the fee varied in function of different criteria (e.g. length of the boat, age of the angler). For example, an individual licence, valid for three years, cost ten euros but was free for those under 18 years or over 65 years. Boat licences for vessels less than six metres cost 30 euros, whereas it cost 55 euros for boats more than six metres. Collective licences for charter boats cost 300 euros per year.⁴⁹

The article 65 of the Egyptian Law on fishing, aquatic life and aquaculture provided that licence fees should not exceed 50 cents for one day (€0.066), five Egyptian pounds for one month (€0.66), and 20 pounds (€2.64) for an annual licence.⁵⁰

3.1.5 Licence transferability

In theory, fishing licences could be transferable from one individual or group to another. Regarding commercial fishing licences, generally the transfer of the licence, when it is allowed, is subject to an authorization emanating from the relevant institution and is permitted only under certain circumstances. Regarding RF in the Mediterranean, little information was available regarding the transferability of RF licences.

3.1.6 Licence eligibility restrictions

Regarding the potential eligibility requirements surrounding an RF licence, few Mediterranean countries fisheries legislations specified who can be issued such licences and under which conditions.

When specified, the licence was linked to individual fishers but was occasionally collective, as was the case in Spain's multiple RF licence attached to single boats. In other cases in the Mediterranean, the licence was bound to a group of individuals independently from the boat. For example, in Albania, the licence of sport fishing with a sailing boat may be given to sport fishing associations or to interested persons who satisfy some preset conditions.⁵¹ The case of Albania is particular in the sense that the licence was issued to associations or organizations; whereas, in most of the Mediterranean countries the licence was linked to an individual.

In fact, some of the Mediterranean countries with underwater RF regulations (Algeria, France, Greece, Lebanon, Serbia and Tunisia) submitted licence issuing to strict conditions, such as age limit, presentation of medical certificate and of an insurance contract.⁵² Algeria,⁵³ France, Greece, Serbia and

⁴⁸ Article 19 of Law on Marine Fishery of 2003.

⁴⁹ Information collected during personal communication with Estaban Graupera the IGFA Representative for Spain and President, Federación Mediterránea para una Pesca Responsable

⁵⁰ When this study was compiled, Egypt was planning to adopt new articles regulating recreational fisheries in the Fisheries law increasing the amount of the recreational fisheries licences fees.

⁵¹ Paragraph 3 of the Article 56 of Fisheries Regulations No. 1 of 1997.

⁵² See for example Art. 66 of the executive decree No. 03-481 of 13/12/03 of Algeria.

Tunisia limited the exercise of underwater fishing to those over 16 years of age. In Lebanon the minimum age limit is fixed at 18 years old.

As mentioned previously, some Mediterranean countries authorized non-residents and foreign tourists to practice RF. In Lebanon, foreign tourists were permitted to practice underwater fishing under the condition that they belonged to an international club and obtain the required certificate.⁵⁴ In Turkey, although there was no compulsory licence system, non-Turkish residents need to be issued a “certificate of visiting amateur fisher” issued by the Ministry of Agriculture and Rural Affairs (MARA), valid for a 2-year period. Foreign tourists were permitted to perform shore-based recreational fishing without a licence but any boat-based RF by a foreign tourist required a fishing tourism certificate and a fishing stamp (valid for 3 days).⁵⁵ In Morocco, non-residents and tourists did not need to pay a licence to practice underwater recreational fisheries.

In the Spanish region of Catalonia, RF underwater licences from other EU Member States were valid for use within waters under jurisdiction of Catalonia. It is possible that, given homogenization of licence requirements and taking local resource issues into account, the EU Member States could devise a system of mutually recognized RF licences.

Finally, we can note that, in most cases, individuals requesting a sport or underwater RF licence were required to be members of a sport marine fishing organization.

3.1.7 Licence issuing institution

In general, the relevant legislation identifies the level of devolution of powers and the competent institution for issuing RF licence, whether falling within the mandate of national ministries or local-level governments and whether within the fisheries, environment, tourism, or other departments.

Regarding the countries in which information was available, Five countries (Algeria, Croatia, Cyprus, Egypt and Lebanon), gave the power of issuing RF licences to the responsible fisheries administration at the national level (e.g. Department of Fisheries and Marine Research, Ministry of Agriculture-Department of Fisheries & Wildlife⁵⁶); four countries (Greece, Serbia, Slovenia and Spain) charged the local authorities with this duty.

3.2 Conservation measures

This section examines the various conservation measures adopted by the Mediterranean countries to make recreational fisheries sustainable in accordance to basics principles of rational use of marine resources. They included traditional measures, used also for commercial fishing management, such as limitation of fishing gears, determination of catch limit sizes, prohibited species, and specific measures proper to the recreational fisheries, such as adoption of daily bag limits and prohibition of sale. A complete listing of measures by country is presented in Appendix 4, and are summarized in Table 3 below.

⁵³ Art. 66 of the Executive Decree No. 03-481 of 13/12/03, Art. 4 of Decree No. 99-1163 of 21/12/1999 modifying Decree No. 90-618 of 11/07/90, Presidential Order No. 373 on sport-recreational fishing of 16 July, 1985 and Art. 22 of the Law on Marine Fishery of 2003.

⁵⁴ Art. 2 of Decree No. 347, 11 December, 1972.

⁵⁵ Shore-based RF is free of charge (neither a certificate nor permission is required).

⁵⁶ In Lebanon, according to Decree No. 1/126, the Ministry of Agriculture granted annual licences for scuba divers (Article 2) whereas Article 4 mentioned that the Department of Fisheries and Wildlife issued speargun licences.

Table 3. Management measures in use for recreational fisheries in the Mediterranean countries

Countries	Prohibition of sales	Limitation of fishing modalities and tackles	Limit of catches	Minimum lengths or weights permitted for particular species	Forbidden species	Prohibition of fishing in protected areas period	Other general prohibitions for RF
Albania		X	X	X	X	X	X
Algeria	X			X			
Croatia	X	X	X	X			
Cyprus	X	X	X				
Egypt		X		X			
European Union	X	X			X	X	
France	X	X	X	X	X	X	X
Greece	X	X	X	X	X		X
Israel				X			
Italy	X	X	X	X	X		X
Lebanon		X		X	X		
Libyan A.J.							
Malta⁵⁷		X		X	X		X
Morocco	X		X			X	
Serbia - Montenegro	X	X	X	X	X		X
Slovenia	X	X					
Spain	X	X	X	X	X	X	X
Syrian A.R.	X						
Tunisia	X	X	X	X	X		X
Turkey	X	X	X	X	X	X	X

Note: A detailed listing of measures is provided in Appendix 2 of this report and additional measures for sport fishing and underwater fishing are described in Section 3.5.

⁵⁷ The information for Malta is from the Fishery Regulations of May 25, 1934 and April 23, 1935, which did not specify recreational fisheries. Without explicit mention, we can only assume that regulations apply both to commercial and recreational fisheries.

3.2.1 Prohibition of sale

To differentiate RF from commercial fisheries, RF regulations generally prohibit the sale of RF catches/landings. Most of the Mediterranean countries with specific RF regulations prohibited the sale of catches.⁵⁸ Examples of which included the following:

- Algeria, the Decree No. 03-481 of 13 December 2003 in article 62 specifies that the product of the RF cannot be sold, exchanged or purchased; catches may be used only for self consumption.⁵⁹
- Croatia, Art. 33 of the Marine Fisheries Act of 1997: “Fish and other marine organisms caught while conducting sport and recreational fishing activities may not be put on the market”.
- Serbia, Art. 21 of the Law on Marine Fishery of 2003: “A natural person engaged in sport-recreational fishing must not sell or exchange its catch”. Idem for France, Greece, Italy, Portugal, Slovenia, Spain, Turkey.

However, the restriction on sales of RF catches was not consistent throughout the Mediterranean countries and has been cited as a source of conflict among the fishing sub-sectors (GEM-UB, 2005). Furthermore, the sale of RF catches was often a socially accepted practice in most of the Mediterranean countries, regardless of legal restrictions.⁶⁰

Some Mediterranean countries adopted derogations to the sales restrictions for catches from sport fishing contests/competitions; albeit under strict conditions. For example, in Spain, where the sale of catches from RF was generally forbidden, selling of competition catches was allowed but the revenues from such sales were required to be donated for social or charitable purposes (Art. 9 of Decree 69/1999 of June 4 modified in 2002 by Decree 61/2002).⁶¹

Regarding EU countries, a council regulation was adopted on 21 December 2006, which stated, in Article 17 on leisure fisheries, that “Member States shall ensure that catches of marine organisms resulting from leisure fisheries are not marketed”. The regulation allowed an exception, “the marketing of species caught in sportive competitions may be authorized provided that the profits from their sale used for charitable purposes”. [As the regulation is directly applicable in the legal order of Members, countries do not need to transpose it as for the directive]. But the national regulations which do not conform to the communitarian regulation become inapplicable; states have to make their legislation conform to EU law. Moreover, the European regulation creates obligations to the States as well also rights to private entities and people. Anglers, or whosoever, could bring before the Court of Justice of the European Communities a claim that the regulation on recreational fisheries be applied in the case where they deem the State has failed to do so.

ICCAT mirrored the EU recommendation by stating in its Recommendation 06-05 BFT that the sale of bluefin tuna caught in amateur⁶² fishing as well as in sport fishing competitions was prohibited except for charitable purposes.⁶³

⁵⁸ When this study was compiled, Egypt was planning to adopt new articles regulating recreational fisheries in the Fisheries law including the strict prohibition to the sale of RF catches which may be used only for self consumption.

⁵⁹ Article 62: « le produit de la pêche récréative est destiné à l'autoconsommation. Le produit de la pêche récréative ne peut être colporté, exposé à la vente, vendu sous quelque forme que ce soit, échangé ou acheté en connaissance de cause ».

⁶⁰ See, for example, SFITUM (2004).

⁶¹ In Portugal, trophy fish must be donated to charity institutions and the fisher can keep only 10 kg for personal consumption (Portaria No. 868/2006 of 29 August 2006).

⁶² Term used in the recommendation is recreational.

⁶³ This provision was also included in another ICCAT recommendation (Rec. 04-12) on measures concerning sport and recreational fishing activities in the Mediterranean Sea.

3.2.2 Limitations on fishing modalities and tackles⁶⁴

Restrictions on gear types is an often used technical measure employed to avoid increases or to decrease fishing capacity as well to minimize undesirable impacts of such fishing on species or habitats. It has been recognized that “gear restrictions have an important role to play in making optimal use of a stock or a resource” even if, when used alone, they do not ensure sustainability (FAO, 1997a).

RF differs from commercial fisheries as high catch volumes and profits are not supposed to be a goal of RF; therefore, recreational fishermen are often excluded from using commercial fishing gears. In line with this logic, most legislation in the Mediterranean prohibited the carrying on-board and the use of commercial fishing gears in RF.⁶⁵ Furthermore, some regulations contained blanket restrictions regarding the type and the amount of gears which can be used by recreational fishermen. Other legislations were less proscriptive and left the duty to the relevant Minister to determine the manner, type and quantity of fishing gear and equipment which can be used in the RF activities.⁶⁶

There were no standards among the Mediterranean countries regarding the quantity and the type of fishing gears permitted in RF. For example, in France, the number of fishing traps was limited to two; whereas in Italy, up to six fish traps were authorized. Lebanon allowed shored-based recreational fishermen to carry only one fishing rod with a maximum of two hooks⁶⁷ but other countries had no such restrictions.

As the reasons for these restrictions and differences in restrictions were not readily available, it was not possible to propose movement toward basin-wide norms. However, it may be conceivable to adopt, by consensus at the Mediterranean level, certain gear limitations with respect to specific, high-risk species. At a minimum, the Mediterranean countries should consider adopting requirements in force in other fisheries sub-sectors to provide for consistency across the fishing sector.

Regarding RF boats, some countries restricted boat-based RF activities to boats registered as recreational vessels. However, exceptions were common in the use of commercial fishing boats in sports fishing;⁶⁸ in which cases, commercial boats would not carry any commercial fishing gear on board or pursue any commercial fishing activities. Further exceptions existed in that some countries allowed for gear type and quantity exceptions during fishing competitions. For example, in Spain, the region of Balearic Islands authorized the use of commercial traditional gears and tackles during some competitions.⁶⁹ The Mediterranean countries will need to regulate the use of commercial fishing boats and gears for RF by defining the conditions and restrictions required during their use in RF activities.

At the European level, the Council Regulation (EC) No. 1967/2006 stated in Article 17 Paragraph 1 that “the use of towed nets, surrounding nets, purse seines, boat dredges, mechanised dredges, gillnets, trammel net and combined bottom-set nets shall be prohibited for leisure fisheries” (i.e. recreational fisheries). According to this regulation, the use of [commercial] longlines for highly migratory species was also prohibited. As this regulation was recently adopted when this report was drafted, EC Members States had not already modified their regulation appropriately. ICCAT had also adopted provisions on gears restrictions regarding amateur⁷⁰ and sport fishing (Rec.04-12) in which ICCAT member countries shall take the measures necessary to forbid the use within the framework of sport

⁶⁴ The regulation of fishing gears used by underwater recreational and sport fishermen are discussed in section 3.5.1.

⁶⁵ See for example, Spain (Article 11 of O.26/02/99, O.24/07/00), Albania (Art. 58. Par.1.c of Fisheries Regulations No. 1 of 1997), Portugal (Portaria no868/2006 of 29 August 2006).

⁶⁶ See for example, Art. 35 of the Marine Fisheries Act of Croatia of 1997, Art. 26 of the Law on Marine Fishery of 2003, Art. 28 (6) of the Marine Fisheries Act of 2002 of Slovenia.

⁶⁷ Decree No. 2775 of 28 September 1929 of Lebanon on Control of Coastal Fishing. Normally an annual fee of LL1 000 is levied on each fishing gear except for shore fishing which is exempted from any fees.

⁶⁸ In Spain, the renting of commercial fishing boats during competitions was practiced. The new legislation adopted by Portugal the 29 August 2006 forbade the use of commercial vessels in RF except in the case of fishing competitions where there are no alternatives and only if authorized by the port authorities (Portaria No. 868/2006 of 29 August 2006).

⁶⁹ We found divergent opinions on this affirmation, source: personal communication with Esteban Graupera, IGFA representative for Spain and President, Federación Mediterránea para una Pesca Responsable.

⁷⁰ ICCAT used the term recreational.

and amateur fishing of towed nets, encircling nets, seine sliding, dredgers, gill nets, trammel net and longline to fish for tuna and tuna-like species, notably bluefin tuna, in the Mediterranean Sea.

3.2.3 Catch limits/daily bag limits

Catch limitations, often in the form of daily bag limits expressed in number of specimens or total weight, are one common tool in fisheries management to help maintain sustainable fisheries. Many Mediterranean countries with RF regulations had specified daily bag limits for RF.⁷¹

At the international level, ICCAT stated in its recommendation 06-05 BFT that ICCAT member countries shall take the necessary measures to prohibit the catch and retention on board, transshipment or landing of more than one piece of bluefin tuna in each sea trip. However, this provision is valid only for amateur fishing.

Some countries⁷² had adopted a global daily bag limit including all the species of fish or other marine organisms. However, these global limits often incorporated certain exceptions: some included exceptions for single fish heavier than the determined limit⁷³ or during fishing competitions⁷⁴ or both.⁷⁵ In contrast, some countries, in addition to the global daily bag limit, adopted other more restrictive limits for certain species.⁷⁶

Spain differentiated between the daily limits for shore- and boat-based RF (5 kg/licence and 25 kg/boat, respectively). Furthermore, Spain adopted daily catch limits for specific species as conservation measures. For example, only four fish per licence for each species of Albacore, patudo and hake species could be caught from shore-based RF activities.⁷⁷ In addition, bluefin tuna and swordfish were subject to particular conservation measures at both national and regional (sub-national) levels.⁷⁸ A special authorization from the regions was also required for fishing this species. Cephalopod, sea urchins and razorfish were submitted to particular daily catch limits only in two Spanish regions.⁷⁹ The Spanish examples raise an interesting point regarding regulations at various jurisdictional levels. In theory, differing limits pose no contradictions as long as the minimum standards are set at the national level with sub-national restrictions being at least as restrictive as the national legislation. Such examples may prove useful at the Mediterranean basin level.

In Greece, the daily bag limit varied with the type of fishing gear used: no more than 10 kg/day by net and trawl lines and no more than 5 kg/day with other fishing gears.⁸⁰ Like Spain, Greece adopted conservation measures regarding the daily catch limits for certain species.

France did not adopt a global daily bag limit but specified a catch limit for tuna fish, in which it was prohibited to fish more than 25 kg or one piece of tuna fish when the weight of a single sample exceeds this limit. The competition organizers may request a special authorization to exceed this quantity.⁸¹ Italy, in addition to a global daily bag limit of 5 kg, authorized only one piece of grouper per day and

⁷¹ Algeria, Cyprus, Egypt, Israel, Lebanon, Slovenia, Syria and Tunisia did not determine daily bag limits. However, when this study was compiled, Egypt was planning to adopt new articles regulating recreational fisheries in the Fisheries law including daily bag limit for recreational fishing expressed in number of specimens or total weight.

⁷² Albania, Croatia, Greece, Italy, Portugal, Serbia-Montenegro, Spain and Turkey.

⁷³ Albania, Croatia, Greece, Italy and Serbia-Montenegro.

⁷⁴ Croatia, France, Serbia-Montenegro and Spain.

⁷⁵ Croatia, France, Serbia-Montenegro and Spain.

⁷⁶ France, Greece and Italy.

⁷⁷ In Balearic Islands 5 Albacore can be caught.

⁷⁸ For example, for bluefin tuna > 81 kg, only one piece per licence and three pieces per boat (same at national and regional level). For bluefin tuna 30 – 80 kg, two pieces per licence and six per boat. Article 3 of the Order of 14/06/00 which modifies the Order of 26/02/99.

⁷⁹ In the Balearic Islands, only ten pieces of cephalopods can be caught and 50 pieces of razorfish per licence. In Andalusia it is prohibited to catch cephalopod and sea urchins.

⁸⁰ Presidential Order No. 373 of 16 July 1985.

⁸¹ Art. 1 of the Order No. 506 of 26/8/1994.

3 kg of mussels.⁸² In a similar vein in Turkey, the daily bag limit was set at 5 kg/day but number limits were set for specific species (e.g. maximum of one swordfish, three groupers, three common dolphinfish, one bluefin tuna and one albacore).

Regarding the exceptions authorized during sport RF, Croatia, Spain and Serbia-Montenegro temporarily abandoned existing bag limits. Such a practice, if not monitored, could have large impacts on the targeted species and increase the risk of conflicts with other fisheries sub-sectors targeting the same species.

One should also note the merits of flexible catch limits, which would allow authorities to adapt limits as scientific information suggests necessary. One example of such institutionalized flexibility existed in Serbia-Montenegro where the global daily bag limit of 5 kg may be reduced on request from the competent scientific institution.⁸³

Although such individual catch quotas are becoming standard management tools in the Mediterranean, only one case has been identified where a global limit (total allowable catch [TAC]) was set for the RF sub-sector as part of the TAC for the entire capture fisheries sector: Italian bluefin tuna (see Box 7).

Box 7. Italian decree of 5 April of 2006 on the distribution of the national bluefin tuna quotas

The EC Council Regulation n. 51/06 of 22 December 2005 set the total allowable catch (TAC) for Italy for bluefin tuna at 4 880 tonnes in 2006. Italy divided the 4 880 tonnes TAC among the various fishing sub-sectors, as follows:

Longlines	488.00
Purse seine	3 763.76
Sport fishing	170.80
Trap	219.60
Others	244.00
Total	4 886.16

Note: No definition was provided for sport fishing in the Italian Presidential decree No. 1639/1968.

3.2.4 Protection and conservation of juveniles

The establishment of minimum landing sizes remains an essential means of allowing juveniles to mature and to reproduce.⁸⁴ In fact, minimum size and maturity restrictions reduce fishing mortality on life stages of stocks which are considered to require special protection.

The GFCM underscored the importance of this issue, as may be seen in its Recommendation 2002/1; stipulating that small pelagic stocks be harvested after first maturity. ICCAT had also affirmed within its recommendation 06-05 BFT that member countries “shall take the necessary measures to ensure [...] the release of bluefin tuna caught alive, especially juveniles, in the framework of amateur and sportive fishing”.

Minimum sizes/weights and protected zones are equally applicable to commercial and recreational fisheries; so each sub-sector may benefit from the scientific information available concerning species life-cycles. As is the case for commercial fisheries, sensitization of fishers regarding protective measures is a key element for their effective implementation.

⁸² Ministerial Decree 10th April 1997 and Art. 142 of Art. 128 bis of DPR 1639/38.

⁸³ Art. 21 of the Law on Marine Fishery of 2003.

⁸⁴ Com (2003) 589 final.

Most of the Mediterranean countries⁸⁵ had adopted particular provisions regarding the length or the weight limit for specific species valuable for both commercial and recreational fisheries; even if these measures were not formally provided for in the RF legislation. A listing of minimal sizes by species by country is presented in Appendix 3.

Several regulations adopted by the EC included the minimum sizes of certain species of fish, molluscs and crustaceans⁸⁶ and particular minimum sizes or weights for swordfish, bluefin tuna, yellow tuna and for bigeye tuna.⁸⁷ The Council regulation 1967/2006, adopted in December 2006, included provisions on minimal sizes within its appendix III but did not mention the EC regulation proposal 589/2003 to change the minimal size of swordfish in the Mediterranean to 110 cm. For the species included in Appendix III, EU Member States will be required to adopt (if not already existing) relevant national legislation stipulating the sizes and weights permitted in the fisheries (for RF as well as commercial fisheries). Spain, which had adopted the Royal Decree 560/1995 of April 7 concerning minimum sizes for specific species based on an earlier version of the EC minimum size lists, complemented the EC list with other species, three of which have been included in the new EC regulation.⁸⁸ However, according to SFITUM (2006), the adopted minimum sizes at EU level were under the size of maturity. Also, Italy⁸⁹ and France⁹⁰ had adopted minimum size lists comprising additional species to those on the EC regulation; in the case of France, different larger minimum sizes from the EC regulation for mullet and couch's seabream. The adoption of more restrictive limits at the national level is in line with EU policy as the EU provides minimum reference size limits to its Member States.

In Turkey, in accordance with its Law 1380, MARA publishes and announces fishing circulars every year in order to regulate the recreational and commercial fisheries. These circulars included a list of species with the minimum sizes and the daily bag limits. Most of the species and sizes are related to those listed in the EU list; however, the Turkish list included some important species not included in the EU list, such as turbot, blue fish, albacore, common dolphinfish and atlantic mackerel. Furthermore, Turkey adopted more restrictive limits for the bluefin tuna (>90 cm) and swordfish (>130 cm).

Regarding the non-EU Mediterranean countries that had adopted fish size regulations, there are some significant differences from the EU regulations. In general, the minimal sizes adopted by Israel and Lebanon tended to be higher (stricter) than the EU equivalents. However, examples to the contrary existed: minimum sizes for sole size was about 20 cm (25 in the EU proposition) in the EU regulation and 16 cm in the Israel regulation. The only species for which the minimum size was almost the same in all the Mediterranean countries was for bluefin tuna according to ICCAT recommendations. When this study was compiled, ICCAT had recently adopted a resolution (BFT 06-05)⁹¹ modifying the minimal weight for bluefin tuna to 30 kg.

We must note that no maximum sizes were found within recreational regulations from Mediterranean countries, where this management measure is commonly used elsewhere for species such as lobsters.

⁸⁵ Albania, Algeria, Croatia, France, Greece, Israel, Italy, Lebanon, Morocco, Spain, Tunisia and Turkey. No information was available on the others countries to confirm whether they have or not regulation on minimal sizes.

⁸⁶ Dispositions of the Article 5.2 of the Regulation (EEC) 3094/86 of October 7, and according to the Regulation (EC) 1626/94 of the Council, of June 27, which establish several technical conservation measures for the fishery resources in the Mediterranean.

⁸⁷ Dispositions of the Regulation (EEC) 973/2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species.

⁸⁸ Chub mackerel, prawn, sardine.

⁸⁹ Art. 87 of the DPR 1639/68 establishes the minimum size for each single species. Species added were albacore, European eel, Atlantic bonito, little tunny, flounder, sturgeon, great green goby, date shell, razor shell, Mediterranean mussel and oyster.

⁹⁰ Decree No. 99-1163 of 21 December 1999 and Order of 21 December 1999.

⁹¹ Recommendation by ICCAT to establish a multi-annual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean.

As mentioned above, the Mediterranean community should consider the adoption of minimum sizes and daily bag limits for priority species targeted by the RF based on the best available scientific information.

3.2.5 Prohibited species

Some⁹² Mediterranean countries (Albania, France, Greece, Italy, Lebanon, Spain and Turkey) have adopted a list of protected species strictly prohibited from harvesting due to biological and ecosystem considerations: Albania, France, Greece, Italy, Lebanon, Spain and Turkey had included in their RF regulation some provisions prohibiting the taking or fishing of particular species.⁹³

Turkey prohibited recreational fishermen from fishing sturgeon as well as other species provided for in the Turkish fishing circular.⁹⁴ Other countries, such as Albania prohibited the harvesting of certain species for both the commercial and recreational fisheries.⁹⁵ Even if it was not specified that the prohibition was applicable to recreational fisheries in the fisheries legislation, it is presumed that the prohibition is valid for recreational fisheries *a priori*. In addition, most Mediterranean countries prohibited the catching of marine mammals and turtles.

Italy forbade underwater harvesting of corals, shellfishes and molluscs.⁹⁶ Spain also prohibited the taking corals⁹⁷ and Greece,⁹⁸ Lebanon⁹⁹ and Turkey¹⁰⁰ prohibited underwater fishing of sponges. Morocco prohibited fishing groupers from 1 July to 31 August inclusive. In Malta, fishing for sponges required a licence and was allowed only under certain conditions.¹⁰¹

Moreover, some countries, such as Spain and France, banned in their RF regulation the harvesting of any species determined by EU legislation (or international treaties signed by Spain) to be prohibited species.¹⁰² In those cases where international treaties had not been specified in the RF regulation, the prohibition is only tacitly enforceable; however informing recreational fishers of international treaties is a first step toward protecting at-risk and endangered species.

At the EU level, the European Council Regulation 1627/2006 stated in Article 3 that “the deliberate catching, retention on board, transshipment or landing of marine species referred to in Annex IV of Directive 92/43/CEE shall be prohibited”.¹⁰³

3.2.6 Fish reserves

Adoption of spatial closures, such as marine reserves or marine protected areas (MPAs), and seasonal closures are common management measures in both commercial and recreational fisheries. In fact, MPAs can play a weighty role in preserving critical habitats or sensitive life stages of species.

⁹² No information has been found on prohibited species for Cyprus, Croatia, Egypt, Israel, Libyan Arab Jamahiriya, Malta, Slovenia and Syria.

⁹³ In its new legislation, Portugal prohibits taking lamprey, Atlantic salmon, shads, sturgeon, sea horses, moonfish, white shark (Portaria No. 868/2006 of 29 August 2006)

⁹⁴ Coral, dolphins, fatty fish, ocean sunfish, sea trout, brown meagre, basking shark, spider crab, sea turtle, grass carp, silver carp, sea horse, curled octopus, salmon., etc. (fishing circulars valid from 1/9/06 to 31/8/08).

⁹⁵ Sturgeons, Njila, sharks, Lopa e detit (*Mobular mobular*), Gureshpuesi (bivalve mussels) (Art. 48 par.1 of Regulation No. 1 on the implementation of the legislation on fishery and aquaculture).

⁹⁶ Art. 128 bis of DPR 1639/38.

⁹⁷ Annex II of the Order of 26 February 1999.

⁹⁸ Presidential Order No. 373 on sport-recreational fishing of 16 July 1985.

⁹⁹ Art. 5 of of Decree No. 1/126 of 23 May, 2001

¹⁰⁰ Fishing circulars valid from 1/9/06 to 31/8/08.

¹⁰¹ Fishing regulations of 25 May 1934; 23 April 1935. The sponge fishing restrictions were valid for both commercial and recreational fisheries.

¹⁰² Annex II of the Order of 26 February 1999.

¹⁰³ *Patella ferruginea*, *Lithophaga lithophaga*, *pholas dactylus*, *pinna nobilis*, *cantharellus longispinus*. Also all cetaceans are protected.

According to Article 6 para.1 of the EU Regulation Proposal 589/2003, marine reserves are those “areas in which fishing activities may be banned or restricted in order to conserve and manage living aquatic resources or maintain or improve the conservation status of marine eco-systems”. In the case of EU members, the allowed fishing gears in such reserves must be defined by the competent authorities “as well as the appropriate technical rules which shall not be less stringent than Community legislation”.

Mediterranean countries had designated MPAs (although varying by type and objectives) and/or had adopted temporal closures to protect, in part, certain species during their reproductive period.¹⁰⁴ For example, in Spain there were three types of fishery protected areas, one of whom is marine reserves defined as “those where fishing activities could be limited or prohibited as any other activity which may alter the natural equilibrium of the environment” (SFITUM, 2004). Spain designated marine reserves creating a network of areas with different degrees of protection in which most sporting activities are forbidden. Regarding RF activities in Spanish protected areas, the RF regulation varies according to the type of reserve zoning (i.e. A, B and C \approx core area, buffer zone, and peripheral area).¹⁰⁵ However, within MPAs, competitions are always prohibited.¹⁰⁶ Similarly, in France, MPA had various status and different degrees of protection which involve different levels of state authority.¹⁰⁷ As was the case for Spain, the regulation of RF varies by zone type (i.e. A, B, C). These observations concerning variability by zone were also valid for Croatia, Greece, Italy, Tunisia, Slovenia and Turkey. Lebanon and Monaco had only designated a central zone and in Syria, for the three existing MPAs, buffer zones around the central zone were being developed.¹⁰⁸

As shown in Figure 3, the majority of 24 parks analysed¹⁰⁹ prohibited both recreational and commercial fisheries in zone A and approximately half prohibited both fisheries in zone B. Interestingly, restrictions to RF in the buffer zones (Zone C) were stricter than those to commercial fisheries (i.e. CF was not prohibited in any Zone C and benefited from open access in almost 50 percent of the Zone C).

¹⁰⁴ Spain (See Law 3/2001, Art. 14), France, Italy (DPR 1639/68 (Art 98), L.963/65 (Art. 15), L.979/1982 (Art. 27)).

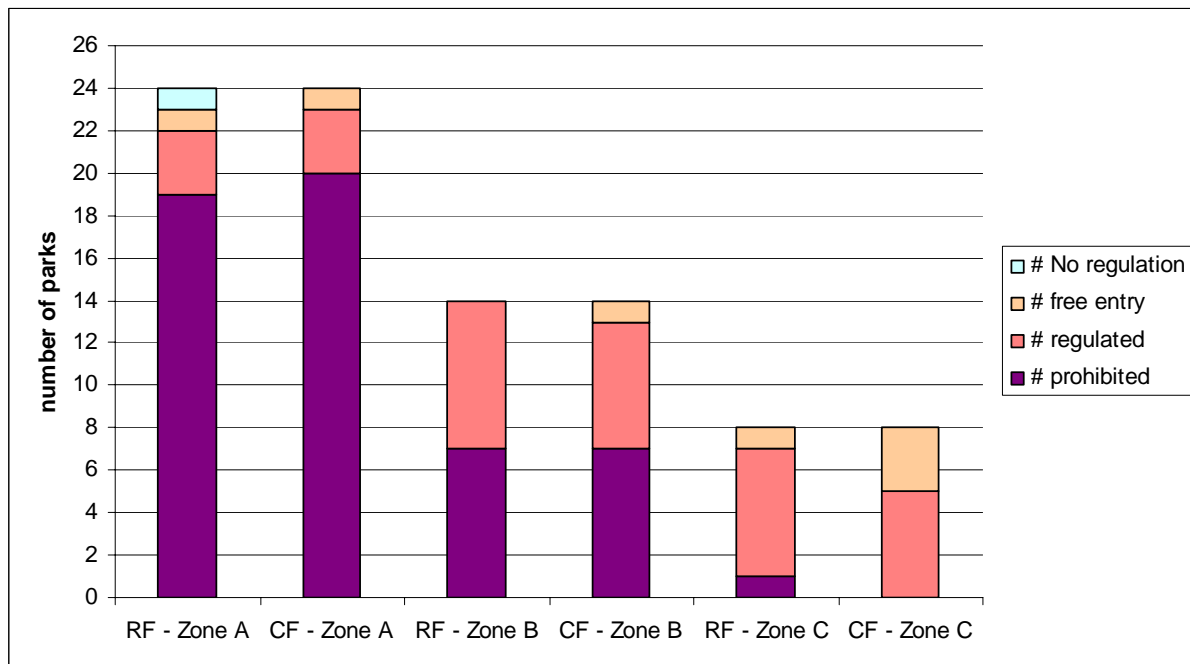
¹⁰⁵ In Zone A (Integral Protection Zone), neither professional nor RF is allowed. In Zone B (area surrounding zone B) commercial fishing is allowed (under strict conditions) and RF may be or may be not authorized. In Zone C, (surrounding Zone B), commercial fishing is authorized (but there are some measures of regulation) and RF is also authorized under some measures of regulation. Often anchoring on sea-grasses is regulated. Often, fishing gears are limited in Zone B. For example, in the Iles Medes Reserve, only one rod per licence is allowed. In Cap de Creus Reserve only rod fishing is allowed. For more precisions see SFITUM (2004).

¹⁰⁶ Personal communication with Esteban. Graupera the IGFA Representative for Spain and President, Federación Mediterránea para una Pesca Responsable.

¹⁰⁷ Marine protected areas may be included within Natural Park (region management), National Park (state management), or local reserve (Department management).

¹⁰⁸ Fanar Ibnhani, Om al Toyour and Ras El Bassit.

¹⁰⁹ The 24 parks: 1 for Cyprus, 3 for Croatia, 3 for Spain, 3 for France, 2 for Greece, 3 for Italy, 1 for Lebanon, 1 for Monaco, 1 for Slovenia, 2 for Syria, 2 for Tunisia, 2 for Turkey. This list is only a sample of the different MPAs existing in Mediterranean countries. It does not mean that Lebanon have only one Park or Spain only three. A detailed listing of those parks is presented in appendix 3.

Figure 3. Recreational and commercial fisheries zoning in 24 Mediterranean MPAs

Source: Global Directory on Marine Protected Areas in the Mediterranean elaborated by WWF.

Notes : RF-Zone A: Regulation of recreational fisheries in Zone A (core area or similar), RC-Zone B: Regulation of commercial fisheries in Zone A (core area or similar), RF-Zone B: Regulation of recreational fisheries in Zone B (buffer zone or similar), RC-Zone B: Regulation of commercial fisheries in Zone B (buffer zone or similar), RF-Zone C: Regulation of recreational fisheries in Zone C (Peripheral area or similar), RC-Zone C: Regulation of commercial fisheries in Zone C (Peripheral area or similar).

3.2.7 Temporal restrictions

Temporal restrictions are useful technical measures which help to protect components of a stock or communities such as spawning adults or juvenile stages. Unfortunately no information was available for Mediterranean countries. However, according to Marcel Ordan, president of CIPS, seasonal closures were not a widely used manage measure.

3.2.8 Other recreational fishing restrictions

Some Mediterranean countries with adopted RF regulations included measures providing for some general restrictions.¹¹⁰ They were practically equal in all the countries; therefore, only the trends regarding these general prohibitions have been discussed; noting that underwater RF was often submitted to additional restrictions as described in Section 3.3.1 of this report.

Frequently, RF was prohibited from obstructing or interfering with the activities of commercial fishing.¹¹¹ For example, in Albania, the use of spearguns was subject to area restrictions (i.e. not within 50 metres from professional gears and in marine protected areas).¹¹² As Albania, Turkey and Italy prohibited the practice of recreational fisheries activities from a determined distance from commercial fishing activities. This measure would limit the interactions between commercial and recreational fisheries.

Countries as France or Spain specified in their RF regulation that certain substances and tackles were not allowed for use in RF. In the Turkish fishing circular, for example, it was prohibited to use or carry

¹¹⁰ Albania, France, Greece, Italy, Serbia, Spain, Turkey.

¹¹¹ Albania, Italy, Serbia-Montenegro, Spain, Turkey.

¹¹² Art. 23 of Law No. 7908 of 1995 as modified by Article 6 of Law No. 8870 of 2002.

any narcotic, deadening and lethal chemicals, all types of explosives, carbide, quick lime, dazing plants, to use electric current, electroshock, liquid gas and air pressure methods for amateur fishing activities. Spain also adopted similar restrictions and well as forbidding the use of commercial gears.¹¹³ In Malta, it was forbidden to use, for fishing purposes, poisons or any other substance which acts as poison on fish. Moreover the use of lights for fishing purposes was not permitted within bays and harbours.

Finally, countries such as Italy prohibited the exercise of RF from some special areas. For example, in Greece, recreational fishermen were forbidden to fish with a boat in lagoons and farms of State and local authorities.¹¹⁴

In order to minimize conflicts with other marine resource users and to promote sustainable fishing, it is strongly recommended that similar regulations where appropriate be developed throughout the Mediterranean countries.

3.3 Special recreational fisheries regulations

This section is dedicated to the RF activities which, by their particular nature, require special regulation. Activities such as underwater recreational fishing, sport fishing (competition) and tourism fishing are subject or should be subject to a particular regulation due to the special nature of the activity itself. The specific characters of these three RF activities merited a more detailed examination of the regulations adopted for these particular forms of RF.

3.3.1 Underwater recreational fishing regulations

The majority¹¹⁵ of the Mediterranean countries with RF regulations dedicated specific regulations to underwater fishing activities. The regulations adopted were, on the whole, consistent across the countries; the major difference being the degree of comprehensives and detail of coverage. A detailed listing of the regulations is provided in Appendix 5.

At the European level, the EC Council Regulation No. 1967/2006, adopted in December 2006, obliged Member States to regulate underwater fishing with spearguns in accordance with some obligations stated in Article 8 (4) of the Regulation. Article 8 on prohibited fishing gears and practices mentioned different substances and gears which should not be used, such as explosives or toxic, soporific or corrosive substances, St Andrew' cross and similar grabs for harvesting, in particular, red coral or other type of corals or coral-like organisms. With the adoption of this regulation, the use of an underwater breathing apparatus with speargun became forbidden for fishing activities between sunset and sunrise.

As spearguns (mechanically-powered)¹¹⁶ are often used in underwater RF in the Mediterranean, some countries (e.g. France, Greece, Serbia-Montenegro and Lebanon) imposed age requirements (minimums) on the exercise of this activity. Some countries obliged the underwater fishermen to ensure that the speargun was not loaded outside water.¹¹⁷ It is interesting to note that Slovenia allowed the use of speargun for underwater sport fishing competitions; however, spearguns were strictly prohibited for use amateur RF activities.¹¹⁸

¹¹³ Article 11 of O.26/02/99, O.24/07/00.

¹¹⁴ Portugal prohibited recreational fishermen from fishing from jetties, in river mouths, in navigation channels, within 100 metres of docks, marinas, shipyards, and fish farms, in ports and marinas and from beaches and within 300 metres of the beach during the beach season (Portaria no868/2006 of 29 August 2006).

¹¹⁵ Algeria, Cyprus, France, Greece, Italy, Lebanon, Serbia-Montenegro, Slovenia, and Turkey. No information was available for Morocco and Tunisia.

¹¹⁶ Speargun fishing is also referred to as underwater gun fishing.

¹¹⁷ France, Greece, Italy, Lebanon.

¹¹⁸ Art. 29 (1) and (2) of the Marine Fisheries Act of 2002.

In order to limit fishing effort in underwater RF, the use of lights,¹¹⁹ the use of SCUBA (or other artificial breathing apparatus) equipment,¹²⁰ as well as night-time underwater RF with spearguns¹²¹ were often prohibited. Often, the targeting of crustaceans was limited to by-hand harvesting (i.e. the use of harpoons was prohibited). For example, Algeria prohibited the use of harpoons for crustacean RF as well as the use of picks or any gears susceptible to change the habitat of species.¹²²

Regarding the conservation of particular species potentially targeted by underwater RF, the harvesting of corals and sponges was frequently prohibited (e.g. Turkey and in Greece). Although gear restrictions existed for the harvesting of crustaceans (e.g. hand only harvesting), no Mediterranean country had adopted related catch restrictions. For those species highly vulnerable to overfishing, such as crustaceans and other slow moving species and benthic species, related regulations should be applied across the Mediterranean basin.

Apnoea, the holding of one's breath, is the method applied to free-diving underwater RF and is associated with several risk factors including underwater blackouts. These and other risks have led countries to mandate certain security requirements associated with underwater RF. For example, Italy obliged fishermen to indicate their position with a buoy clearly visible at least from 300 metres or, if the fisherman uses a craft, a flag on the boat and to carry on-board emergency SCUBA equipment.¹²³ Similar regulations were found in Greece,¹²⁴ France¹²⁵ and Morocco.

In order to protect commercial fishermen interests and minimize conflicts between the sub-sectors, Algeria, France, Greece and Lebanon prohibited underwater fishermen from removing marine organisms caught by nets or gears placed by other fishermen.

Finally, some countries (e.g. Cyprus, France, Italy, Lebanon and Morocco) used spatial restrictions to limit the area in which underwater RF could take place. For example Cyprus, prohibited underwater fishing in tourist areas.¹²⁶ France¹²⁷ and Lebanon¹²⁸ forbade underwater recreational fishermen to approach within 150 and 200 metres, respectively, of commercial vessels. Italy¹²⁹ prohibited underwater RF in the following areas:

- in port transit areas;
- within 100 metres from the boats anchoring outside ports;
- within 100 metres from fisheries installation; and
- within 500 metres from beaches frequented by bathers.

3.3.2 Sport fishing competition regulatory frameworks¹³⁰

Boat-based sport fishing competitions were a well-developed activity in Spain, Italy, France, Cyprus and Croatia; while underwater spearfishing competitions appeared common in countries such as Tunisia, Morocco, Egypt and Turkey. When this study was compiled, the Ministry of Fisheries and Wildlife of Lebanon was not aware of any official spearfishing competitions in Lebanon.¹³¹ In Egypt, about 250 persons were engaged in the last national competition in September 2006 in Alexandria. There was no information available regarding legal frameworks for shore-based fishing competitions

¹¹⁹ Algeria, Cyprus, France, Greece allowed the use of light for spear fishing.

¹²⁰ Algeria, Cyprus, France, Greece, Italy, Morocco, Slovenia, Turkey.

¹²¹ Some countries forbid underwater recreational fishing between sunset and sunrise: Algeria, France, Greece, Italy, Lebanon, Morocco, Serbia-Montenegro, Slovenia.

¹²² Art. 69 and 71 of the Executive Decree No. 03-481 of 13/12/03).

¹²³ Art. 130 and 128 ter of Presidential Decree No. 1639/1968.

¹²⁴ Presidential Order No. 373 on sport-recreational fishing of July 16 1985.

¹²⁵ Art 4.V of Decree No. 99-1163 of 21/12/99

¹²⁶ Regulation 17(1) and Regulation 17(2) of the National Fisheries Law.

¹²⁷ Art 4.IV of Decree No. 99-1163 of 21/12/99

¹²⁸ Art. 5 of Decree No. 1/126 May 23, 2001.

¹²⁹ Art. 129 of the Presidential decree No. 1639/1968

¹³⁰ Most of the information was from SFITUM (2004).

¹³¹ Personal communication with Samir Majdalani, Agriculture Ministry, Lebanon.

3.3.3 Competition authorizations

Under comprehensive management systems, marine sport fishing competitions, events involving the use of marine resources, would normally require authorizations from the relevant authorities. Although such requirements may have existed in all countries housing such events, affirming information was available only for Egypt, France and Spain.

In Spain, the “Federación Española de Pesca y Casting” (FEP y C) organized national competitions and also controlled the international competitions taking place in Spain. According to the article 39 of the Spanish Sport Law, authorization from the Consejo Superior de Deportes (CSD) was required for all international competitions.¹³² Regarding local competitions, federated fishing societies could organize a free (unlimited) number of local contests. In addition, as daily catch limits are generally exceeded during competitions, authorization on resource and environment must be acquired from the relevant administration.

In France, according to the Order of 3 May 1995, any nautical event must be declared to the office of Maritime Affairs by filling a form: “Déclaration de manifestation nautique”.¹³³ In addition, big game and trolling contests involving tuna catches must be declared to the FFPM.¹³⁴ After having received annually the list of planned sport fishing competitions submitted by the FFPM, the Administration of Maritime Affairs would grant permission on a case-by-case basis. Moreover, for boat-based tuna fishing competitions, the federation (FFPM) may ask the Administration of Maritime Affairs for derogation (i.e. exemption or exception) to the daily bag limit of 25 kg per person.

In Egypt, federated fishing societies could organize an unlimited number of local contests. Furthermore, several clubs have a right to organize a sport fishing contest among their member or for open participation.¹³⁵

Competition regulations

Every discipline (e.g. trolling fishing, anchored boat fishing, shumming fishing) in the Mediterranean countries had its own competition regulations; however, these regulations tended to have similar coverage of issues, if not in details. For example, in Spain, most of the competition regulations covered the following points: fishing areas, crew, boats in competitions, distance between boats, competition cancellation, fishing timetable, fishing tackles and baits, security, judges and classification. For big-game fishing¹³⁶ competitions, species and minimum lengths were also covered. In France, competition regulations were required to cover both the competition organization logistics (e.g. material means, age, conditions for championship, organisation committee, jury, cancellation) and the competition logistics themselves (e.g. length of contest, registration conditions, team composition, control, radio, boat, fishing equipment, fishing zone, prizes). For big-game competitions, the regulations were obliged to include the modalities of weighing and state the modalities of allocation and quantity of bait according type of competition. In addition, other specific factors were required in the contest regulation valid for each competition (e.g. the list of official representatives' names, the types of contests [trolling, big game], species allowed, and minimal weight or size allowed). In both countries, participants were required to be citizens of the countries in which the competitions were taking place and to hold either (or both, for Spain) a RF licence and the licence of the federation organizing the competition (only during “official” competition). In addition, additional insurance coverage could be required of the participants.

¹³² For big game fishing, Spain Championship and King's Cup requests must be approved by the Sea Committee of the FEP y C and then by CSD (approves the timetable).

¹³³ The Declaration needs to be sent 15 days prior to the event. In special cases (special authorization are required) the declaration shall be sent two months before the event.

¹³⁴ Fédération Française des Pêcheurs en Mer

¹³⁵ Personal communication with Ahmed Salem for the General Authority for Fishing Resources Development of Egypt

¹³⁶ Big-game fishing targets large bony fish such as tuna and marlin in the open sea.

During fishing competitions, it was legally (if prescribed by the law) possible to contravene normal RF regulations. The most recurrent exception was the possibility to exceed catch limits established by the RF regulation. In Croatia, Spain¹³⁷ and Serbia-Montenegro, FM catch limits were derogated, often by un-limited values.¹³⁸ Other exemptions occurred, such as in the Spanish Balearic Islands where commercial traditional gears and tackles were permissible during sport fishing competitions. In addition, competitions could occur at night, given the appropriate authorization from the regional government. There occurred additional exceptions that were not covered by the law. For example, in Spain, it has been observed that commercial fishing vessels were rented for use in anchored boat recreational fishing contests (SFITUM, 2004). This practice appeared to be a common but not regulated occurrence.

3.3.4 Tourism/charter recreational fishing

Tourism fishing is a growing activity in Mediterranean basin albeit often overlooked or inconsistent in terms of regulations; due, in part, to the wide variety of forms and resource impacts within this category of RF. Generally, two types of tourism fisheries may be distinguished: the first is mostly known as charter fishing and the second as pesca-tourismo.

Charter fishing regulatory frameworks¹³⁹

In the Mediterranean, tourism fishing was primarily practiced through charter fishing (i.e. the renting of a fishing boat and crew for fishing expeditions). In theory, any individual, agencies or other organizations leading charter fishing expeditions organizing a charter fishing activity should possess a licence; however few Mediterranean countries required such licences.

In Turkey, however, two-year permissions for recreational marine fishing tourism were given to tourism agencies, organizations and guides engaged in recreational marine charter fishing. The issuance of the permission certificate required these agencies and organizations to employ a guide (skipper). Currently, in Turkey, increasing demand for charter fishing permissions has been noted. Unfortunately, while waiting for their certificate, the agencies may not hesitate to organize fishing tours without permission.¹⁴⁰ In two coastal regions of Spain, a charter fishing licensing system was established; but such systems were rare in the Mediterranean countries.¹⁴¹

Charter skipper requirements

Charter fishing skipper requirements varied from a country to another, when they existed. Most of the time as the Mediterranean country did not have a regulation on charter activity; there were no particular requirements concerning the skipper. In Spain, the navigation qualifications required to pilot a charter boat were the strictest and provided rights confined to charter fishing.¹⁴² Unfortunately, the restricted conditions to pilot a charter boat prompted the renting of charter boats without the skipper or to contract skippers from other countries with more lenient requirements;¹⁴³ raising the need for realistic and homogenous legislation. In opposition, in France, the lower professional qualifications were required.¹⁴⁴ In Croatia, fishing charter boat could get their status only if their owner was a professional fisherman (Segedin, 2006). So the skippers spent a part of the year serving domestic and foreign recreational fisherman, and the rest of the year fishing as commercial fisherman.¹⁴⁵ Charter

¹³⁷ In Spain, permission was required to surpass the legal quantity.

¹³⁸ See section on daily bag limits.

¹³⁹ Most of the information in this section comes from SFITUM (2004).

¹⁴⁰ Personal communication with Vahdet Ünal, Ege University, Turkey.

¹⁴¹ See supra.

¹⁴² None of the recreational titles were valid. The professional navigation title of "Patrón de Cabotaje" (highest degree of the navigation title) was required.

¹⁴³ SFITUM legislation report, 2004.

¹⁴⁴ The Professional navigation qualification are : "Brevet de Patron de petite navigation » called « Certificat de capacité » or « Capacitaire ». The Brevet is limited to vessels of 100 tonnes (GRT) and does not allow the skipper to go further than 20 nautical miles from shore.

¹⁴⁵ Ibid.

fishing in Croatia was not regulated by law and routinely fish caught by recreational fisherman remained with the charter boat and usually ended up in the market.¹⁴⁶

Charter boat requirements

As was the case for skippers, the boat licence requirements varied by country. Rarely did a boat have only a charter boat status (i.e. often the boat would be both a recreational and commercial fishing boat); potentially creating conflicts as RF boats were often exempted from licence/matriculations fee or from other requirements pertaining to commercial boats. Spain, which classified charter boats as mixed recreational/commercial boats, obliged these vessels to be matriculated under a separate listing. In France, a specific charter boat status did not exist; however professional charter organisations and authorities were working together to establish such a status. Because recreational crafts were not allowed to be used for lucrative purposes, authorities complemented existing statutes with special authorizations.

In Croatia, it was required that all boats be registered in the Croatian boat registry (Segedin, 2006). The length of fishing charter boat was determined by law and could not exceed 16 metres.

Pesca-turismo

As mentioned previously, the aim of charter fishing is primarily to fish as apposed to the concept of *pesca-turismo* for which the purpose is not only fishing but also to swim, snorkel, eat on board freshly caught fish and just enjoy a day on a boat in middle of the sea.¹⁴⁷ As noted in the Italian regulation of *pesca-turismo*, this activity may be considered a means to sensitizing tourists to the marine ecosystems and traditional fishing methods/cultures of the region.

Another fundamental difference between charter fishing and *pesca-turismo* is the almost complete lack (excluding Italy, see Box 8) of regulation for the second. In fact, *pesca-turismo* can be performed by a commercial fisherman on his boat or by a tourism agency on a private or recreational boat. Given that tourism fishing is gaining interest as an alternative to commercial fishing, this unregulated activity may increase in the future.

¹⁴⁶ Ibid.

¹⁴⁷ Art. 1 of Italian Decree of 13/04/1999 n.193 on the regulation of the activity of *pesca-turismo*: “Per pescaturismo si intendono le attività intraprese dall’armatore singolo, impresa o cooperative di nave da pesca costiera locale o ravvicinata, che imbarca sulla propria unità persone diverse dall’equipaggio per lo svolgimento di attività turisticoricreative. Tra le iniziative di pescaturismo rientrano: a) lo svolgimento di attività pratica di pesca sportiva (...); b) lo svolgimento di attività turisticoricreative nell’ottica della divulgazione della cultura del mare e della pesca, quali, in particolare, brevi escursioni lungo le coste, osservazione delle attività di pesca professionale, ristorazione a bordo o a terra; c) lo svolgimento di attività finalizzate alla conoscenza e alla valorizzazione dell’ambiente costiero, delle lagune costiere...”

Box 8. Italian Decree of April. 13 1999 n. 293 on the Regulation of the tourism fishing activity (*Pesca turismo*)

The Article N.1 defines the concept of *pesca turismo* as the activities undertaken by the ship-owner, which can be an enterprise, a cooperative or a single, of a fish boat on which go on board people different from the crew in order to perform tourist and recreational activities. This notion includes various activities except fishing as spread of culture on sea and fisheries, eating on board, excursion along the coast, etc.

In order to exercise this activity an authorization is required which can be renewed. (Art. 7). The inquiry must be presented to the chief of the maritime department of the place where the boat is registered. Some documents must be provided in order to be issued the authorization. The chief of the relevant maritime department issues the permit within 60 days after the presentation of the inquiry and will fix the maximal number of people allowed to come on board (max 12 persons). (Art. 5). If the provisions of the present decree are not respected by the owner of the ship the authorization will be revoked for one year (Art. 7).

The decree regulates the days during the activity can be performed (bank holidays, night), people allowed to come on board (minors less than 14 years are allowed if they are accompanied) and safety requirements (see Art. 2 and 6).

Regarding fishing gears, the tourist fishing activity must respect the rules stated in the presidential decree of 1968 on recreational fisheries (Art. 3).

The cooperative and enterprise of fishing can perform tourist fishing only by using boat weighted less than 10 tonnes of gross tonnage purchase to this aim according to article 19 of the decree of 26 July 1995 (Art. 4). Other boats may perform tourist activities under particular conditions.

3.4 Monitoring and control of recreational fisheries

The adoption of a monitoring, control and surveillance (MCS) system is necessary to ensure that fishery policy in general and the conservation and management arrangements for a specific fishery are implemented fully and expeditiously. MCS operations encompass various activities such as the collection of data on catch and fishing effort, inspections (e.g. port inspection, observer on board) or air surveillance.

The MCS should be tailored to the concerned fisheries, in our case recreational fisheries. For, example as recreational fisheries take place mainly within waters under state jurisdiction, national control measures would be required. But as recreational anglers catch also highly migratory species of fish like tunas species, subregional or regional cooperation in conservation and management and hence also MCS is required. Without the implementation of a MCS, a recreational fisheries management scheme would be incomplete.

The 1993 FAO Compliance Agreement and the section relating to MCS of fishing vessels of the 1995 UN Fish Stocks Agreement,¹⁴⁸ although focussing on the high seas, confer the duty on States to develop control mechanisms to curb the illegal, unregulated and unreported fishing in both commercial and recreational fisheries. The existence of illegal or unregulated RF catches requires the setting up of a comprehensive monitoring system as well as the adoption of various control measures. In fact, the 1982 UN Convention on the Law of the Sea recognized the responsibility of the states on the use of marine resources within the waters under their jurisdiction. This new role complements the need to adopt effective control measures for the benefit of all stakeholders involved in fisheries, including also recreational fisheries.

¹⁴⁸ The Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.

3.4.1 Monitoring and control bodies

Each Mediterranean country had a control body, potentially under a variety of ministries, in charge of maritime activities; therefore, the administrations responsible for the monitoring of RF varied across the Basin. In some cases, several bodies were involved in the control of RF, such as port authorities and fisheries administrations. In Spain, for example, the main control body was the Coast Guard of the Guardia Civil in charge of activities in sea. In addition, the Spanish Marine Fishing General Secretariat and the relevant institution at the regional level (e.g. the Directorate General Fisheries), participated in the control of RF through catch declarations.¹⁴⁹ During sport fishing competitions, the Directorate General “Marina Mercante” (Ministerio de Fomento), which controls navigational activity, must be informed of the fishing contests. In France, the main control bodies for RF were the *Direction des affaires maritimes et des gens de mer* and the *Ministère de l’équipement*, as well as other agencies involved in at sea activities, such as the *Gendarmerie nationale*. Identification of relevant bodies for the remaining Mediterranean countries was not possible.

As catch declarations were rarely required from authorities, few monitoring bodies were identified in this study. In Spain, where catch declaration were required at the state level but not always at the regional level,¹⁵⁰ the providing body differed from one region to another, for example in Catalonia the competent body was Directorate General of Fisheries. The receiving body was always at the state level the Marine Fishing General Secretariat for the three different kinds of catch declaration and for a report communicated on Recreational Fishing Licences issued by all the regions. But *a contrario*, every three months the Central Government sent a report of the Big Pelagic Authorisations issued to each relevant body at the regional level.¹⁵¹ Regarding catch declarations,¹⁵² the providing bodies are effectively the Fishing Club or Society as regions do not assume this role. This example shows the potential role of federation in co-monitoring recreational fisheries.

3.4.2 Monitoring and control measures

This section reviews the monitoring and control measures adopted by the Mediterranean countries for RF management. According to Flewwelling (1994), monitoring can be defined as the “continuous requirement for the measurement of fishing effort characteristics and resource yields”. So, monitoring measures include data collection, analysis, and diffusion. In opposition, control can be understood as “the regulatory conditions under which the exploitation of the resource may be conducted” (Flewwelling, 1995). Control measures normally include inspections (at-sea inspections, dock-side inspections, log-book inspections), prosecutions, inflicting sanctions, etc.

As may be the case in all fisheries, illegal catches occur also within the recreational fisheries: it was believed common in the Southern Mediterranean that recreational catches were often under the legal minimal size because of lack of information (anglers did not know the minimal sizes), by custom or for profit making aims (sales or bartering).¹⁵³ But in general, recreational fishermen belong to associations and are informed about minimal sizes and authorized quantities, even in the cases of weak controls.

Inspections

Inspection is a diffused monitoring method, at sea and/or ports, used for the control of commercial fishing activities in Mediterranean. When present on board, the authorized officers make sure that the fishing operations, occurring within the waters under national jurisdiction, are in conformity with the fisheries legislation in effect.

¹⁴⁹ See Box 9.

¹⁵⁰ See section on reporting.

¹⁵¹ The same which communicate the catch declarations.

¹⁵² Catch declaration from each day’s activity for individual boat/fisherman and contest catch declarations.

¹⁵³ Personal communication with Marcel Ordan, President of CIPS.

The role of the on-board inspector is to verify a vessel's documentation, fishing gears and catch retained on-board or discarded. The in-port inspection includes the same verifications. These two types of inspection are complementary and are useful to prevent illegal catches, phenomenon present within Mediterranean waters.

In practice, in countries such as France or Italy, the relevant authorities for each country (gendarmerie, guardia civil, carabinieri) can check at any time the safety equipment, the catch and the fishing gears and tackles presents on board. However, there was no systematic inspection of RF boats in these countries or elsewhere in the Mediterranean.¹⁵⁴

Sport fishing competitions lend themselves to the presence of observers as these are punctual, organized and well communicated events. In Spain, for example, during sport fishing contests, the port-side judges were charged with making sure that the fishing rules and competition rules were respected (fishing gears, minimal size respected, etc) and on-board observers have been used; however, on a voluntary basis.

In France, sport fishing competitions were under the responsibility of the Fédération française des pêcheurs en mer.¹⁵⁵ The Federation must respect the regulations in place and ensure that participants and judges respect such rules. All catches are weighed, measured, and counted by national federal referees and the data collected are transmitted to IFREMER (Institut Français de Recherche pour l'Exploitation de la Mer).¹⁵⁶ In addition, France obliged the tagging of tunas and tuna-like species caught during any RF activities¹⁵⁷ in order to recognize the origin (commercial or recreational fishing) of the tuna.

Unfortunately, no information was available¹⁵⁸ regarding inspection activities in the Mediterranean basin for underwater recreational fishing (both sport and amateur), tourism fishing activities (charter and *pesca-turismo*) and fishing from shore (both sport and amateur).

Sanctions

Sanctions are often used as deterrents to lawbreaking and may take the form of payment of fees/fines, disqualification from practising fishing activities (permanently or otherwise), seizure of products obtained illegally, confiscation of fishing gears, seizure of boat, cancellation or non renewal of licences, and the like.

In Turkey, for example, the recreational fishermen were responsible for their behaviour and to ensure accordance with fishing laws in effect. If judged to be in infraction of such laws, individuals were subject to penalties such as the seizing of illegal fishing gears, loss of catch or payment of fines between 75 and 250 euros. These penalties were enforceable by different authorities (MARA, police, gendarme or coastguard).

In Albania, the sport fishermen using a vessel without a licence or who did not respect other provisions of the Fishery and Aquaculture Law of 1995 incurred fines from 5 000 (€39.53) to 10 000 Lek (€79.04). Moreover, the holder of the sport fishing licence who did not present the information required by law (i.e. data on activities) would be fined from 10 000 (€79.04) to 50 000 Lek (€395.16).¹⁵⁹

¹⁵⁴ Personal communication with Marcel Ordan, President of CIPS.

¹⁵⁵ The season started from 17 July to 9 October. The number of days of fishing is authorized and monitoring by "Direction des affaires maritimes et des gens de mer.

¹⁵⁶ IFREMER has, *inter alia*, the mission to know, evaluate and enhance marine resources and to promote their sustainable exploitation.

¹⁵⁷ Art. 2 of the Order No. 506 of 26/08/1994.

¹⁵⁸ Except for the examples stated before as Tunas in France and boat fishing in Italy, France and Spain.

¹⁵⁹ Article 39 of Law No. 7908 on Fishery and Aquaculture of 05/04/1995.

As was the case in Turkey, competent authorities to inflict penalties could be multiple and varied from one country to another across the Mediterranean. Furthermore, the sanctions were either the same for both recreational and commercial fishermen who commit infractions (e.g. Spain) or were specific to recreational fishermen (e.g. France¹⁶⁰).

Adopting special sanctions for recreational fishermen could be expedient, as commercial and recreational fisheries are different regarding the manner in which they are performed.

Reporting

The collection of information, both biological and socio-economic, regarding RF activities is an integral part of RF management. Such information would allow for a deeper understanding of the impacts of RF on the main resources as well as its socio economic importance to the local and national economies. Equally important as the information itself are the means in which the data are collected and how they are used in RF management. Involving stakeholders in the collect and use of RF information will not only increase the transparency of management but will likely lead to more readily available information as stakeholders will see the utility of providing information for management. Data collection systems could include various methods such as using catch reports, competitions records, clubs/association/federations submissions, licence reports, market data, and surveys.

According to the European Commission, “particular attention should be given to set up a control and reporting frameworks for recreational fisheries either targeting shared and straddling stocks or competing with commercial fisheries which are submitted to strict technical rules” (COM (2002) 535 final). Marine recreational fisheries could be controlled by two means: direct inspection and provision of information (catch reports, licences report, surveys). Unfortunately, these practices were not consistently diffused throughout the Mediterranean basin and there were no general obligations for recreational fishermen in the Mediterranean to report their catch and effort information in the marine waters.

Moreover, when this study was compiled, ICCAT has recently adopted its recommendation 06-05 BFT stating that Member Countries shall take measures to record catch data from amateur fishing as well as from sport fishing and transmit them to the Scientific Committee on Research and Statistics.¹⁶¹

However, catch reports were required in only a few Mediterranean countries. Spain was one of these countries¹⁶² and obliged, either the autonomous regions or the fishing club or society, (depending on the type of information) to communicate the catch declarations to the Marine Fishing General Secretariat (state level). Box 9 details the information required by Spanish authorities. In addition, the autonomous regions were required to send a report of the recreational fishing licences issued every three months to the central government and the central government would then send a report of the big pelagic authorizations¹⁶³ to the regions every three months. Boats with special authorization for tunas or swordfish were required to declare catches directly to the central government (Fishing Secretariat). However, there was no system in place obliging the recreational fisheries to declare catch levels; therefore, rendering the reporting system less efficient. In Italy, individuals involved in sport fishing competitions were required to report catch data (Presidential decree No1639/1968). In Morocco, the owners of a licence needed to complete quarterly catch declarations, and non-residents and foreign tourists at the end of their stay. In Albania, the Law on Fishery and Aquaculture stated in the Article 25 that the holder of a professional or sport fishing licence was obliged to present and declare the statistical data on activities carried out. In the case of non-respect of this obligation, recreational anglers left themselves exposed to sanctions.

¹⁶⁰ Decree No. 90-618 of 11 July 1990, Order of 21 December 1999 and Decree of 9 January 1852.

¹⁶¹ This provision was also included in another recommendation (Rec.04-12) on measures concerning sport and amateur fishing activities in the Mediterranean Sea.

¹⁶² According to available information, Albania, Italy, Morocco and Spain were the only Mediterranean countries identified where catch reports were required for RF.

¹⁶³ Art. 12 of Order of 29/02/1999.

Cyprus conducted initial studies regarding RF catch statistics collection as a first step toward a pilot study for collecting catch data from the recreational fisheries (note that RF data were “not reflected in the Fishery Statistics of Cyprus as the DFMR attention has only recently focused on this fishery. Through the proposed National Programme measures will be taken to record data on catches resulting from recreational/sport fisheries.”¹⁶⁴) In most cases, RF catch reports were communicated on a voluntary basis, as it is the case in France, or not requested at all by national authorities.

Since December 2006, EC “Members States shall take measure both to record and to ensure separate collection of data on catches resulting from leisure fisheries in respect of the highly migratory species listed in Annex I to Regulation (EC) 973/2001¹⁶⁵ and occurring in the Mediterranean” (Council Regulation (EC) No. 1967/2006). Species concerned were albacore, bluefin tuna, bigeye tuna, skipjack, Atlantic bonitos, yellowfin tuna, blackfin tuna, little tuna, southern bluefin tuna, frigate tuna, Oceanic seabream, marlins, sailfish, swordfish, sauries, dolphin fish, sharks and cetaceans. When this study was compiled, the mentioned regulation has been only just adopted, so Members States had not yet adopted or amended their regulation in order to fulfil the obligation required to collect data on catches for these species. In consequence, Spain will have to reinforce the obligation for the autonomous regions to communicate to the state level the relevant information regarding catch reports. It could be envisaged that such disposals be widened to the whole Mediterranean area through the GFCM.

Box 9. Provision of information on Spanish RF

Spain requires from the coastal regions to transmit two different types of information:

- Catch declaration.
- Report on recreational fishing licences issued.

Different types of catch declarations are communicated to the Marine Fishing General Secretariat: catch declaration from each day’s activity for individual boat/fisherman, catch data in inner waters and contest catch declaration.

Regarding the catch declaration from each day’s activity for individual boat/fisherman, catch declaration is obligatory for species included in Annex III of the Order of 26 February, 1999. The catch declaration may be per boat or per licence, but the boat authorization number must be specified. The fisherman, boat owner or fishing club, society or federation which has been recognized, must send the declaration to the Marine Fishing General Secretariat no later than 7 days from the fishing date.

For contest catch declaration, the procedure is exactly the same regarding the communication of the data to the Marine Fishing General Secretariat at the national level. In Catalonia, the Sport Fishing Federation must be present Contest Catch Declaration before 30 days after the event. In the Balearic Islands, organising clubs and/or federations must send the results of the contests within 15 days to the Fisheries and Aquaculture Department.

However, no region obliged recreational fishermen to declare catches for each day’s activity (individual boat/fisherman). And for contest catch declaration, only Catalonia and Balearic Islands impose them (Fishing club or society) to declare catches.

Source: SFITUM (2004).

Education and sensitisation

Communication and outreach of rights, rules and regulations to fishers is an essential element for the success of any legislative framework as ignorance or lack of comprehension of such rules may prove a large factor in fishing infractions, especially in a rapidly changing sector in which new rules and

¹⁶⁴ Personal communication with Georgios Ioannous from the Department of Fisheries and Marine Research of the Ministry of Agriculture, Natural Resources and Environment of Cyprus

¹⁶⁵ Council Regulation (EC) No. 973/2001 of 14 May 2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species. Regulation as last amended by regulation (EC) No. 831/2004.

regulations are put into place. In fact, the most beneficial aspect of enforcement is preventive enforcement.

Examples of sensitization methods include the circulation of informative booklets distributed by RF federations or associations or by public authorities as part of the licensing process. In the case of charter fishing and *pesca-turismo*, information concerning applicable laws and requirements could be disseminated through the charter or vessel owners directly to the prospective fishers/tourists. Teaching aids may take many forms (meetings, pamphlets, courses, etc), depending on the local culture; however obligations regarding regulations (e.g. minimal sizes, prohibited species, daily bag limits, allowed gears) must be transmitted.

In Turkey, a recreational fishing circular, produced every two years, (see Box 10) was distributed to RF fishermen covering relevant definitions and including restrictions and bans on species, fishing gears and areas. In France, the sensitisation regarding minimal sizes and prohibited species was facilitated by a booklet distributed by the FFPM (Fédération française des pêcheurs en mer) in association with the Provence-Alpes-Côte d'Azur region (see Box 11).

In addition, the participatory development of codes of conduct for responsible RF may prove useful in further sensitizing fishers. In 2004, Italy developed a voluntary code of conduct for both freshwater and saltwater RF as a collaborative effort with RF federations and associations, private actors, universities and public authorities, such as regional and provincial administrations. The booklet produced for the dissemination of this code included an introduction, presenting the purpose of the code, its two-year elaboration, and the state of RF in Italy. In addition to the code itself, the booklet included information on the biological status of RF and information on the legal framework (see Box 12).

Furthermore, at the European level, EIFAC recognized in the symposium that the production, acceptance and use of a code of conduct for responsible recreational fisheries is of key importance (Hickley, 1998).

One should note that the International Game Fish Association (IGFA) had adopted a kind of code of conduct called International Angling Rules “to promote ethical and sporting angling practices, to establish uniform regulations for the compilation of world game fish records, and to provide basic angling guidelines for use in fishing tournaments and any other group angling activities”.¹⁶⁶ Even if the set of rules mainly provided equipment regulations and defined world record requirements, this is a first step showing that anglers could reach an agreement on common fishing rules.

The development of a Mediterranean-wide voluntary code of conduct for marine RF has been voiced (FMFR, 2006) and would benefit from existing codes of conduct in the Mediterranean and elsewhere.

¹⁶⁶ Available at <http://www.igfa.org/BookRule2004.pdf>

Box 10. Recreational fisheries circular in Turkey

The circular comprised seven sections: 1) Objectives and definitions; 2) Performing amateur fishing; 3) Restrictions and bans for species; 4) Restrictions and bans for species; 5) Restrictions and bans for areas; 6) Legislations and enforcement; and 7) General provisions. In addition there is another section including FAQs, comments and information related to recreational fishing.



Box 11. Booklet on the sensitisation on minimal sizes in France

Mulet ou Muge (*Silurus glanis*) 20 cm*

Corb* (*Scorpaenopsis*) 30 cm

Brechot de mer-aphyrène (*Sphyrna tiburo*)

Saupa (*Scorpaenopsis*)

Congre (*Langostine*)

Murène (*Muraena helena*)

Comier (*Paralichthys oblongus*)

Mostelle (*Pagrus pagrus*)

Alose (*Alosa alosa*) 30 cm*

Emmele (*Mullus barbatus*)

*taille des poissons à mesurer de la pointe du museau à l'extrémité de la nageoire caudale.

Par soucis de protection certaines espèces sont interdites à la pêche

Espèces à manipuler avec précaution Attention venin !

Merlu Brun (*Merluccius merluccius*) Espèce protégée

Grande Vache (*Trachurus trachurus*) Espèce venimeuse

Chapon (*Scorpaenopsis scorpaenoides*) Espèce venimeuse

Rascasse brune (*Scorpaenopsis scorpaenoides*) Espèce venimeuse

Rascasse pustuleuse (*Scorpaenopsis scorpaenoides*) Espèce venimeuse

Rais pastenague (*Paralichthys oblongus*) Espèce venimeuse

FPM

Agréé et délégué du Ministère de la Jeunesse et des Sports
Agréé par le Ministère de l'Environnement
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PÊCHEURS, RESPECTONS LES TAILLES EN MÉDITERRANÉE

En mer Méditerranée, comme en eau douce, il existe une réglementation définissant la taille minimale des poissons autorisés à la pêche de loisirs

Loup (*Osteomus labeo*) 25 cm*

Sar commun (*Ogilabrus*) 15 cm*

Dorade Royale (*Scorpaenopsis*) 20 cm*

Sar à tête noire (*Ogilabrus*) 15 cm*

Pégase commun (*Pagrus pagrus*) 12 cm*

Box 12. The drafting of a code of conduct for responsible sport fishing in Italy

The booklet presented below contained a draft of a code of conduct for responsible sport fisheries, which was not definitive. The draft code included nine articles linked to the general principles stated in the Code of conduct adopted by FAO in 1995. So the purpose of the Italian code was to provide a set of principles to support sportive anglers to practice fishing in a sustainable way. It was also addressed to the public authorities who want to use it in decision making concerning recreational fishing. As is the case for the FAO Code of conduct, the Italian Code is voluntary and therefore, without legal force.

- Article 1: Nature and purpose of the code.
- Article 2: General principles.
- Article 3: Conservation of species.
- Article 4: Preservation of autochthonous species and action of repopulation within freshwaters.
- Article 5: Commercial fishing and sport fishing.
- Article 6: Management of sport fishing.
- Article 7: Research.
- Article 8: The sport angler.
- Article 9: Agonistic Fishing: the competitions.



Source: Lega Pesca (2004).