

March 2010



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



GENERAL FISHERIES COMMISSION FOR THE MEDITERRANEAN

Fourth session of the Compliance Committee

Athens, Greece, 12-13 April 2010

**Report of the the Third session of
the Compliance Committee**

Tunis, Tunisia, 23-27 March 2009

OPENING AND ARRANGEMENTS FOR THE SESSION

1. The third session of the Compliance Committee of the General Fisheries Commission for the Mediterranean (GFCM) was held in Tunis, Tunisia, on 23 and 25 March 2009.
2. The session was attended by all Delegates present at the plenary session of the Commission.
3. The meeting was called to order by the Acting Executive Secretary, Mr Abdellah Srour. The documents which were before the Committee are listed in Appendix B.

ELECTION OF THE BUREAU

4. Mr Srour informed the Committee that according to Rule 7 of the GFCM Rules of Procedure it would be necessary to elect a new Chairperson and two Vice-Chairpersons. The Committee acclaimed Mr Boudjelida Khatir, (Algeria), to serve as Chairperson, Mr Alexander Joksimovic (Montenegro) as First Vice-Chairperson and Mr Haydar Fersoy (Turkey) as Second Vice-Chairperson.
5. Taking the Chair, Mr Boudjelida Khatir stated that Algeria was honoured to have been given the responsibility, and congratulated the First and Second Vice-Chairpersons. He expressed confidence that this Bureau will do its utmost to ensure the implementation of the Recommendations of the GFCM. The Agenda shown in Appendix A was adopted.

STATUS OF IMPLEMENTATION OF GFCM DECISIONS BY MEMBERS

6. Mr Matthew Camilleri, GFCM Bio-Statistician, introduced this item on the basis of document COC:III/2009/2, "Status of Implementation of GFCM Decisions by the Members", and summarized national information reported in a standardized format by Members to the Secretariat. It was noted that very few reports had been received. Members were reminded of the value of such reports as a basis for discussion and encouraged to provide them in future.

7. Mr Camilleri referred to Resolution GFCM/31/2007/1 and presented document GFCM/33/2009/Dma4, the GFCM Task 1 Statistical Bulletin. This document provides a synopsis of qualitative and quantitative information by Fleet Segment and Operational Unit for each Geographical sub-area (GSA) on the basis of data received by Members. He highlighted the significant progress made in Task 1 data submission since the last Session and briefly demonstrated the use of this data in the scientific and management processes. He added that work is underway on the development of new TASK 1 software which will be made available to countries to store and process data related to TASK 1 as well as to automatically generate a data communication file according to the GFCM standards and formats. An XML schema, reference tables and business rules will also be made available for those countries wishing to include electronic routines in their own national database system in order to generate the TASK 1 data communication file compatible with the GFCM database system.

8. Mr Federico de Rossi, GFCM Consultant in data management, gave further details on the development of the Task 1 software and the steps for entering data into the system. It was currently in a testing phase and would be made available to Members in the coming months; national officials would also be trained in its use. The Committee was reminded that this is a tool to help countries implement their obligations to report data in a standardized manner as detailed in the Resolution.

MANAGEMENT OF THE LIST OF VESSELS AUTHORIZED TO OPERATE IN THE GFCM AREA

9. Mr Camilleri introduced this item on the basis of document COC:III/2009/3, Management of the List of Vessels authorized to operate in the GFCM area and issues related to data confidentiality, and reported that Appendix 1 of showed status of data submission by the Contracting Parties.

10. He drew the attention of the Committee to the recently-developed Web-based application to retrieve information related to the Authorized Vessels List (AVL). He explained that the AVL database is available to the public except for accessing confidential data. Special authorization, through the use of a username and password, has been granted to the heads of delegation and control authorities (or equivalent) of each Contracting Party to access confidential data and classified reports.

11. Although the AVL was expanding, a major concern was the failure by some Members to update the data, including on licence renewal. This has resulted in about half of the vessels presently in the Authorized Vessel List being placed on a dormant list in accordance with the decision taken during the Committee's second Session.

12. Mr Camilleri also drew the attention of the Committee to Article 1 of Recommendation GFCM/2005/2 which states that "vessels larger than 15 metres in length overall not entered into the record are deemed not to be authorized to fish for, retain on board, transship or land species covered by the Commission".

13. In discussion, some Members reported that their licensing process included a three month "grace period" between the time the licence expired and a notice of renewal was given, and vessels should not automatically be de-listed. It was agreed that a flexible approach could be taken to address this, for example through Members informing the Secretariat of such arrangements.

CONCLUSIONS AND RECOMMENDATIONS OF THE AD HOC WORKING GROUP ON VMS AS AN MCS TOOL

14. Ms Judith Swan, FAO Consultant, introduced the conclusions and recommendations of the ad hoc Working Group on vessel monitoring systems (VMS) as a tool of monitoring, control and surveillance (MCS), on the basis of documents COC:III/2009/5, "Draft Recommendation (revised) concerning minimum standards for the establishment of a VMS system in the GFCM area" and COC:III/2009/Inf.5, "Report of the ad hoc Working Group on VMS as a MCS tool (Rome, Italy, 23 September 2008)".

15. She noted that the recommended revisions to the draft Recommendation were extensive, and that they rested on considerations including existing GFCM compliance tools, MCS in the GFCM area (including operation of VMS by Members) and measures of other RFMOs relating to VMS that could be adapted to conditions in the Mediterranean.

16. She reported that the Working Group had reached a number of conclusions, including identification of constraints and progress to date in the use of VMS in the region. It suggested future activities such as arranging an exchange of views on VMS and technologies during the implementation phase and consideration by COC III of the possibility of a regional or subregional pilot VMS project to assist with setting up the institutional framework and national capacity.

17. The revisions to the revised draft Recommendation were explained, noting that new areas had been added including provisions on the objective, role of the parties and cooperating non-contracting parties, role of the Secretariat and confidentiality of data security. The substantial amendments to the other areas were described, including application, satellite tracking devices requirements and duties of the masters and owners/licencees of fishing vessels subject to VMS.

18. In discussion, the Committee noted potential constraints in relation to timing and financial commitments, but were mindful that the revised draft Recommendation would be considered in full at the thirty-third Session of GFCM.

FOLLOW UP TO THE COMPENDIUM OF GFCM DECISIONS

19. Mr Srour introduced this item on the basis of COC:III/2009/4, "Status of the Compendium of GFCM Decisions". He noted that all Recommendations adopted since 1976 had been included, that there had been some reclassification between Recommendations and Resolutions, and obsolete decisions that had been superseded had been excluded. Furthermore, an assessment had been carried out to ensure there were no contradictions.

20. Mr Srour invited the Committee to review and comment on the structure and substance of the draft Compendium and to agree on the nature of the document, bearing in mind its legal scope.

21. In discussion, many Members welcomed the draft Compendium and expressed gratitude to the Secretariat for its major efforts in its production. The Committee supported use of the Compendium as the basic reference document for monitoring compliance with GFCM decisions.

22. In view of the widespread support for the Compendium to be posted on the GFCM website, the Secretariat explained that although it is currently available online, arrangements would be made to put it on an active database which would facilitate searches on specific issues. Several Members called for the Compendium to be translated into French and Arabic. The Secretariat undertook to provide a French version and some Members undertook to investigate support for translation into Arabic, noting the benefits of making it available to fishers.

ANY OTHER MATTERS

23. It was suggested that the tables summarizing the national reports prepared by the Secretariat, while already comprehensive, would benefit from including a reference to legislation, which was not always provided by Members.

24. The Committee commended the progress made by the Secretariat in the development of the AVL and Task 1 databases and related electronic applications, as well as in the management of data and information submitted.

DATE AND VENUE OF THE FOURTH SESSION

25. It was agreed that the date and venue of the Fourth Session of the Compliance Committee would depend on the date and venue of the thirty fourth session of the GFCM.

ADOPTION OF THE REPORT

26. This report was adopted on 26 March 2009.

Agenda

1. **Opening and arrangements for the session**
2. **Election of the bureau**
3. **Status of implementation of GFCM decisions by Members:**
 - Recommendation GFCM/2005/2 concerning the establishment of GFCM record of vessels over 15 metres authorized to operate in the GFCM area;
 - Recommendation GFCM/2006/2 concerning the establishment of a closed season for the Dolphin fish fisheries using fish aggregation devices (FADs);
 - Recommendation GFCM/2006/3 on the establishment of fisheries restricted areas in order to protect the deep sea sensitive habitats;
 - Recommendation GFCM/2006/4 on the establishment of a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the GFCM area;
 - Recommendation GFCM/2007/1 on the mesh size of trawlnets exploiting demersal resources;
 - Resolution GFCM/2007/1 on the implementation of the GFCM Task 1 statistical matrix;
 - Recommendation GFCM/2008/1 on a regional scheme on port state measures to combat illegal, unreported and unregulated fishing in the GFCM area.
4. **Management of the list of vessels authorized to operate in the GFCM area**
 - Status of the GFCM database
5. **Conclusions and recommendations of the ad hoc Working Group on VMS as a MCS tool**
6. **Follow up of the Compendium of GFCM decisions**
7. **Any others matters**
8. **Date and venue of the fourth session**
9. **Adoption of the report**

List of documents

COC:III/2009/1	Provisional Agenda
COC:III/2009/2	Status of implementation of GFCM decisions by Members
COC:III/2009/3	Management of the List of vessels authorized to operate in the GFCM area and issues related to data confidentiality
COC:III/2009/4	Status of the Compendium of GFCM decisions
COC:III/2009/5	Draft recommendation on VMS in GFCM area
COC:III/2009/6	Draft Recommendation amending the Recommendation GFCM/2006/4 on the establishment of a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the GFCM area
COC:III/2009/Inf.1	List of Documents
COC:III/2009/Inf.2	Terms of reference of the Compliance Committee
COC:III/2009/Inf.3	Draft Compendium of GFCM decisions
COC:III/2009/Inf.4	Report of the second session of the Compliance Committee
COC:III/2009/Inf.5	Report of the ad hoc Working Group on VMS as a MCS tool (Rome, Italy, 23 September 2008)

February 2010

APP. Q/Annex C

Summary table on implementation of GFCM decisions by the Members

Reference of GFCM measure	Country	Implementing policy, legal or institutional framework	Reference of national law (if applicable)	Progress on operational implementation	Remarks (including constraints)
Recommendation GFCM/2005/1 on the management of certain fisheries exploiting demersal and deepwater species.	Algeria	-----	-----	-----	-----
	Croatia	- MAFRD	- National regulations on Commercial Fishing	- minimum mesh size 40-mm in outer fishing waters - minimum mesh size 48 mm in internal fishing waters - derogations until 31/05/10 for certain fisheries	-----
	European Community	- Community measures under the CFP	- Council Regulation	- Trawling banned below 1 000 m - full implementation of 40-mm square mesh by 31/05/10 - other gear provisions being evaluated	- limited derogation to the 40mm mesh size possible until 31/05/10
	Morocco	-----	-----	-----	-----
	Spain	- European Community Common Fisheries Policy - National law	- Various EC and national regulations	- Full implementation	-----
	Tunisia	-----	-----	- No fishing below 1 000 m	-----
	Turkey	- National fisheries management regime	- Various national regulations	-----	-----
Recommendation GFCM/2005/2 concerning the establishment of GFCM record of vessels over 15 metres authorized to operate in the GFCM area	Algeria	-----	-----	- enhancement of statistical system - record of vessels submitted	- further technical assistance required
	Croatia	- MAFRD	- National Regulations on Commercial Fishing Licences	- Revision of fishing licences to be completed by the end of 2009	-----
	European Community	- Community measures under the CFP	- Council and Commission regulations	- GFCM record updated frequently	-----
	Morocco	-----	-----	- record of vessels submitted	- vessels are licensed from - 1 January to 31 December each year
	Spain	- European Community Common Fisheries Policy	- Various EC regulations	- Record of vessels submitted by European Commission	-----
	Tunisia	-----	-----	- Preliminary list of vessels established	-----
	Turkey	- National Fisheries Information System	-----	- record of vessels submitted	-----

Reference of GFCM Measure	Country	Implementing policy, legal or institutional framework	Reference of national law (if applicable)	Progress on operational implementation	Remarks, (including constraints)
Recommendation GFCM/2006/1 concerning the management of certain fisheries exploiting demersal and small pelagic species	Algeria	-----	-----	-----	-----
	Croatia	-----	-----	- To be implemented	-----
	European Community	- Community measures under the CFP - support of scientific community	- Council Regulations and Commission Decisions	- Reduction in fleet capacity and gear restrictions - Long term management plans - Data collection programmes in place - Enhanced STECF programme for the Mediterranean and Black Sea	- SAC should conduct more assessments on fish stocks and fisheries
	Morocco	-----	-----	-----	-----
	Spain	- European Community Common Fisheries Policy - National law	- Various EC and national regulations	- Several relevant management measures and monitoring schemes are in place	-----
	Tunisia	-----	- National fisheries legislation	- 40-mm mesh size fixed for trawlers - Minimum landing sizes established for several species and restrictions of certain fisheries	-----
	Turkey	-----	-----	-----	-----
Recommendation GFCM/2006/2 concerning the establishment of a closed season for the dolphin fish fisheries using fish aggregation devices (FADs)	Algeria	-----	-----	- Dolphin fish fishery is not developed	-----
	Croatia	-----	- No licences for this fishery	-----	-----
	European Community	- Community measures under the CFP	- Council Regulations	- The closed fishing season for the dolphinfish FAD fishery fully implemented - Reporting by Member States will be completed in 2009	- Transposed annually in the TAC regulations but will be transposed into permanent legislation - Bulgaria, Cyprus, France, Greece, Romania and Slovenia do not practice this fishery
	Morocco	-----	-----	- No dolphin fishery	-----
	Spain	- European Community Common Fisheries Policy - National law	- EC and national regulations	- Dolphin fish fishery around the Balearic Islands is regulated [using FADs ?]	-----
	Tunisia	-----	-----	- Fishery operates between 15 August and 31 December	-----
	Turkey	-----	- National regulation	- No specific fishery for dolphin fish	-----
Reference of GFCM Measure	Country	Implementing policy, legal or institutional framework	Reference of national law (if applicable)	Progress on operational implementation	Remarks, (including constraints)

Reference of GFCM Measure	Country	Implementing policy, legal or institutional framework	Reference of national law (if applicable)	Progress on operational implementation	Remarks, (including constraints)
Recommendation GFCM/2006/3 on the establishment of fisheries restricted areas in order to protect the deep sea sensitive habitats	Algeria	-----	-----	-----	- technical assistance from FAO required
	Croatia	-----	- In the pipeline	-----	-----
	European Community	- Community measures under the CFP	- Council Regulations	-----	- Transposed annually in the TAC regulations but will be transposed into permanent legislation
	Morocco	-----	-----	- Present FRAs do not fall within Morocco's jurisdiction	- no objection to the creation of FRAs
	Spain	- European Community Common Fisheries Policy	- EC regulations	-----	-----
	Tunisia	-----	- National fisheries legislation	- Gulf of Tunis is closed for trawling throughout the year, with some exceptions - Trawling banned within 3 miles from the coast and depths less than 50 m	-----
	Turkey	-----	-----	- No deep sea FRA has been established within Turkish jurisdiction	-----
Recommendation GFCM/2006/4 on the establishment of a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the GFCM area	Algeria	-----	-----	- No IUU vessels identified	-----
	Croatia	- MAFRD	- Marine Fisheries Act - Coast Guard Act	- Administrative procedures for monitoring and sanctioning IUU vessels are developing - Ratification process for the UN Straddling Stock Agreement has started	-----
	European Community	- Community measures under the CFP	- Council Regulation	- List of IUU vessels will be finalized by 2010	- IUU list will be transmitted for the first time in 2010
	Morocco	-----	-----	- No IUU vessels identified	- no list available
	Spain	- European Community Common Fisheries Policy	- EC regulation	- EC regulation shall apply from 1 January 2010	- Preparing to fulfil requirements of EC regulation
	Tunisia	-----	- National fisheries legislation	- National legislation to control and combat IUU fishing is in place	-----
	Turkey	-----	-----	- No IUU vessels identified	-----
Recommendation GFCM/2007/1 on the mesh size of trawlnets	Algeria	-----	- National law on fisheries and aquaculture	- Recommendation followed through national regulations	-----

Reference of GFCM Measure	Country	Implementing policy, legal or institutional framework	Reference of national law (if applicable)	Progress on operational implementation	Remarks, (including constraints)
exploiting demersal resources	Croatia	- MAFRD	- National regulations on Commercial Fishing	- Minimum mesh size 40-mm in outer fishing waters - Minimum mesh size 48mm in internal fishing waters - Derogations until 31/05/10 for certain fisheries	-----
	European Community	- Community measures under the CFP	- Council Regulations	- List of vessels and gear characteristics has been submitted and updated	- Transposed annually in the TAC regulations
	Morocco	-----	-----	- Logistical and financial means required to introduce the 40-mm mesh	- This measure cannot be introduced immediately - Further studies required
	Spain	- European Community Common Fisheries Policy - National law	- EC and national regulations	- Minimum of 40-mm [square or diamond ?] for demersal trawl gears applied	- No demersal trawl fishery using a mesh size less than 40-mm
	Tunisia	-----	- National fisheries legislation	- Use of less 40mm mesh size is banned	-----
	Turkey	-----	- National regulation	- No derogation granted to any vessel	-----
Resolution GFCM/2007/1 on the implementation of the GFCM Task 1 statistical matrix	Algeria	-----	-----	- Data submitted	- Further technical assistance required
	Croatia	- MAFRD	- National regulations on Commercial Fishing	- Vessel register and licensing system being updated and will provide complete data on the fleet, fishermen and gears. - Logbook system is currently used to obtain data	-----
	European Community	- Mixed competence between EC and EU Member States - Community measures under the CFP	- Council Regulations and Commission Decisions	- Some EU Member States have transmitted data for 2007 - Implementation of all components of Task 1 is underway through data collection regulations - Task 1.1 and 1.2 are a legal obligation for EU Member States as from 2009	-----
	Morocco	-----	-----	- Data submitted	- Some constraints to compile data due to movements of vessels between Mediterranean and Atlantic
	Spain	- European Community Common Fisheries Policy	- EC regulations	- full implementation foreseen through the EC data collection regulation	- Data for Task 1.1 and 1.2 have been submitted.

Reference of GFCM Measure	Country	Implementing policy, legal or institutional framework	Reference of national law (if applicable)	Progress on operational implementation	Remarks, (including constraints)
	Tunisia	-----	- National fisheries legislation	- Fishers are obliged to send statistical and technical information to the authorities	-----
	Turkey	-----	-----	- Task 1.1 submitted - Task 1.2 to be submitted soon	-----
Recommendation GFCM/2008/1 on a regional scheme on port state measures to combat illegal, unreported and unregulated fishing in the GFCM area	Algeria	-----	- national law on fisheries and aquaculture	- VMS project in place - Control scheme in place - National ports have been designated	- Training is required for fishery port inspectors
	Croatia	- MAFRD	- Marine Fisheries Act and associated national regulations	- Draft port inspection scheme by end of 2009 - Amendments to regulations related to IUU are in the pipeline	-----
	European Community	-----	-----	-----	- Full transposition in 2009 through legislative instrument dedicated to GFCM measures
	Morocco	-----	-----	- List of trawlers sent to the Secretariat	- trawlers move between the Mediterranean and Atlantic
	Spain	- European Community Common Fisheries Policy	-----	-----	- Under discussion within an EU Council Working Party.
	Tunisia	-----	-----	-----	-----
	Turkey	- A technical, infrastructural and operational framework is being developed	-----	- 34 port offices have been constructed - Designation of ports are included into the new national fisheries law (to be approved by Parliament) - Further arrangements required for inspection facilities	-----