

**GENERAL
FISHERIES
COMMISSION
FOR THE
MEDITERRANEAN**

32



GFCM REPORT 32

GENERAL FISHERIES COMMISSION FOR THE MEDITERRANEAN

REPORT OF THE THIRTY-SECOND SESSION

Rome, 25–29 February 2008

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Rome, 2008

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ISBN 978-92-5-105999-8

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PREPARATION OF THIS DOCUMENT

This document is the final version of the report adopted in Rome by the thirty-second session of the General Fisheries Commission for the Mediterranean (GFCM) on 29 February 2008.

FAO General Fisheries Commission for the Mediterranean.
Report of the thirty-second session. Rome, 25–29 February 2008
GFCM Report. No. 32 Rome, FAO. 2008. 85p.

ABSTRACT

The thirty-second session of the General Fisheries Commission for the Mediterranean (GFCM) was attended by 23 Contracting Parties. The Commission reviewed the intersessional activities of its Scientific Advisory Committee, its Committee on Aquaculture and held the second session of its Compliance Committee. The GFCM adopted a binding Recommendation on a Regional Scheme on Port States Measures to Combat Illegal, Unreported and Unregulated (IUU) Fishing and endorsed an International Commission for the Conservation of Atlantic Tunas (ICCAT) Recommendation on a Fishing Period for the Swordfish Fisheries. It also adopted a Resolution on reporting on management measures. The GFCM agreed on a set of amendments to its Rules of Procedure and established three new Working Groups, on Recreational Fisheries, on Gear Selectivity and on Monitoring, Control and Surveillance, especially vessel monitoring systems. It also decided to establish a Regional Record of Fishing Vessels. The GFCM formalized its cooperation with three partner organizations through Memoranda of Understanding. The Commission decided to use Arabic as working language for its plenary session and to undertake a performance review in 2009. The GFCM adopted its 2008 budget and programme of work. It acknowledged the importance of the network of cooperative regional research projects in support of the work of its committees and confirmed the extension of this network in the Black Sea. The Commission took note of progress made towards the move of its Secretariat to its new headquarters. The GFCM renewed the mandate of its Bureau for another term.

Distribution:

Participants in the Session
GFCM Mailing List
FAO Regional and Subregional Fisheries Officers

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OPENING OF THE SESSION

1. The General Fisheries Commission for the Mediterranean (GFCM) held its thirty-second session at FAO headquarters, Rome, Italy, from 25 to 29 February 2008.
2. The Session was attended by delegates from 23 Members of the Commission, as well as by observers from the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), the Arab Organization for Agricultural Development (AOAD), the International Centre for Advanced Mediterranean Agronomic Studies (CIHEAM/IAMZ), the International Angling Confederation (CIPS), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the World Conservation Union (IUCN), the Mediterranean Association of Fisheries Organizations (MEDISAMAK), the Organization for the Development of Fisheries in Eastern and Central Europe (EUROFISH), the Pelagos Sanctuary and the United Nations Environment Programme Regional Activity Centre for Specially Protected Areas (UNEP-MAP RAC/SPA). Non Member Nations, namely Kuwait, Ukraine and the Russian Federation also attended as observers. The list of delegates and observers is provided in Appendix B to this report.
3. The Session was called to order by Mr Mohamed HadjAli Salem, Chairperson of the Commission, who welcomed the participants and thanked FAO for hosting the session.
4. Mr Vittorio Craxi, Under-Secretary of the Ministry of Foreign Affairs, Italy, addressed the Plenary. He recalled the main policy priorities of Italy with regard to international cooperation in conformity with the UN General Assembly development objectives for the Millennium. He highlighted the importance of biodiversity and marine ecosystem conservation and the role of GFCM in this respect. Mr Craxi further expressed his satisfaction for the Commission to have chosen Rome as its new headquarters and informed the delegates that the restructuring works at Palazzo Blumensthal were terminated. He therefore invited the participants for a reception at the new premises of GFCM.
5. In his opening statement Mr Nomura, Assistant Director-General, FAO Fisheries and Aquaculture Department, welcomed the participants, and particularly the Delegation of the Republic of Montenegro, which had formally become a Member of GFCM in January 2008. He expressed the hope that all Members that had not yet deposited their instrument of acceptance of the amendments to the Agreement that the Commission had adopted more than ten years ago would be able to do so in the course of the coming months. He then highlighted a number of positive developments that had taken place during the intersessional period, including the strengthening of the Secretariat and the provision to GFCM of new headquarters of its own. He thanked the Italian Government, through His Excellency the Under-Secretary of the Ministry of Foreign Affairs of Italy, for all the efforts that had been made in order to ensure the completion of the works at Palazzo Blumensthal. He stressed however the need to find a wise and equitable compromise in relation to important pending issues that must still be resolved, especially on the matter of the running costs associated with the use of these new headquarters. Mr Nomura also mentioned the fourteen meetings that had been organized in the framework of the Scientific Advisory Committee (SAC); the fact that, following the restructuring of the Committee on Aquaculture (CAQ) last year and thanks to the generous support of the Spanish Government and the European Community, several projects had been fine-tuned and should become operational in the forthcoming weeks; the significant and promising progresses made by GFCM in addressing the issue of IUU fishing. Mr Nomura stressed the important role of the FAO regional projects in GFCM undertakings and informed the Commission that COPEMED II was now operational and, that all efforts were underway with concerned donors to ensure the launching of EastMed and the resuming of MedFiSis in 2008. He reiterated the commitment and support of FAO to the Commission and wished all delegations a fruitful meeting.
6. The Chairperson addressed a very warm welcome, on behalf of the Commission, to the delegation of Montenegro and expressed his conviction that the new Member would contribute

significantly to the output of GFCM. The delegate from Montenegro thanked the Chairperson and the Commission and expressed the commitment of his country to actively participate in the work of the Commission and to implement its decisions.

ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

7. The Chairperson referred to the Statement of Competence and Voting Rights by the European Community and its Member States as provided in document GFCM:XXXII/2008/Inf.6.
8. The Agenda attached as Appendix A, was adopted without changes.
9. The documents which were before the Commission are listed in Appendix C.

REPORT ON THE INTERSESSIONAL ACTIVITIES 2007

Activities of the Scientific Advisory Committee

10. Mr Corrado Piccinetti, Chairperson of the Scientific Advisory Committee (SAC), presented the status of scientific contributions in a general framework regarding the GFCM strategy to manage the Mediterranean fisheries noting the importance of the implementations of the Operational Unit (OU) concept integrating the multidisciplinary dimensions within the fisheries management advisory process and following an ecosystem approach to fisheries (EAF).

11. In this context, he recalled the previous decisions taken by the Commission to consider the fishing effort control regime as the relevant option to ensure the appropriate management of demersal and small pelagic fisheries and highlighted, in particular, the importance to urgently compile the Task 1 statistical matrix (Resolution GFCM/2007/1) established with the aim to provide SAC with the necessary information by Operational Unit and by Geographical Sub-Area (GSA).

12. Mr Corrado Piccinetti, further reported on the activities of the Committee and its subsidiary bodies on the basis of documents GFCM: XXXII/2008/2. A total of 14 meetings were held, including one of the Coordinating Meeting of the Sub-Committees (CMSC). He highlighted the efforts made by SAC during 2007 to increase transversal activities among the Sub-Committees and summarized the main results of their work as follows:

- the Transversal Workshop on Disaggregated Fishery Data focused on methodologies to analyse commercial data in order to produce parameters on the fishing effort and to identify operational units by GSA;
- the Workshop on Trawl Survey based Monitoring Fishery System in the Mediterranean pointed out the need to promote the use of the surveys data for stock assessment and management purposes including for EAF needs;
- the second Workshop on Selectivity of Mediterranean Bottom Trawls focused on technical aspects and potential implications related to the gradual implementation of the 40 mm square mesh codend in all Mediterranean fisheries;
- the Transversal Workshop on the Ecosystem Approach to Fisheries noted that there were still challenges in terms of sharing a common understanding of the principles and the actual application of the ecosystem approach in the Mediterranean. It suggested the launching of case studies as a precondition for the successful implementation of the approach;
- the Transversal Workshop on Marine Protected Areas (MPAs) focused on the role of MPAs in fisheries management and stressed in particular the need for harmonizing the understanding of the terminology and typologies of MPAs;
- the Transversal Workshop on the Compilation of the GFCM Task 1 focused on testing the coherence of several national datasets with the GFCM Task 1 format through the use of an electronic data entry tool developed by the Secretariat;

- the Workshop on the Use of Socio-Economic Indicators in Fisheries Management addressed in particular the use of integrated indicators and the integration of a minimal list of social indicators in the GFCM Task 1 statistical matrix as well as the legal framework of the recreational fisheries in the Mediterranean.

13. The Chairperson of SAC also informed the Commission of the main activities of the Sub-Committees as follows:

- the Sub-Committee on Statistics and Information (SCSI) addressed issues concerning the data reporting in the framework of the GFCM Task 1 statistical matrix, the need for developing a Mediterranean fleet register for 2008, the standardization of the measurement and the calibration of fishing effort of different gears;
- the Sub-Committee on Economic and Social Sciences (SCESS) concentrated its work on identifying the relevant socio-economic variables for GFCM Task 1 statistical matrix and on issues related to the use of market information and other incentive mechanisms inducing changes in fishing effort and on analysis related to recreational fisheries;
- the Sub-Committee on Marine Environment and Ecosystems (SCMEE) focused its work especially on issues related to marine ecosystems and sensitive habitat in the Mediterranean as well as on the options for implementing the EAF;
- the Sub-Committee on Stock Assessment (SCSA), supported by its specialized Working Groups on Demersal and Small Pelagic Resources, reviewed the assessments performed during the intersession, discussed in particular the need to promote the use of commercial catch data and of trawl surveys data including from the MEDITS and formulated advice on resource management.

14. The Chairperson also referred to the important role of the Coordination Meeting of the Sub-Committees (CMSC) in reviewing the operations of the subsidiary bodies and in integrating scientific advice emanating from the various Sub-Committees for SAC consideration. He informed on the progress made to convene the Joint GFCM/ICCAT ad hoc Working Group on Large Pelagic Species in the Mediterranean through a meeting on small tunas fisheries to be held in May 2008 pursuant to the decisions taken by the Commission at its thirty-first session.

15. The Commission expressed its great satisfaction for the achievements of SAC and the Secretariat. It acknowledged the current reliance on a stock-by-stock resource assessment approach while reiterating the need to further progress on implementing the GFCM fleet-based management approach. Attention was called on the need to apply the precautionary approach when data was not available. The Commission also underscored the continuation of studies on gear selectivity, the implementation of the EAF and the identification of mechanisms and guiding principles for the sound establishment and management of MPAs, including fishing restricted areas.

16. The Commission noted the importance of a fleet register for the functioning of GFCM and agreed to pursue the discussion under agenda item 6.

17. The Commission expressed concern about the occasional limited participation of scientists from all GFCM sub-regions due to, among other reasons, financial difficulties faced by some research institutions as a consequence of the increasing number of SAC meetings. Increased commitment from the Members to support the participation of experts to the technical activities of SAC was strongly called for.

18. The delegate of France stressed the need to avoid duplication of work between the elaboration of documents produced by the technical meetings and their synthesis by the Sub-committees as well as to avoid an increase in the number of working groups through fully utilizing the mandates and scope of those already established.

19. The Commission approved the selection of the following Members of the Bureau of SAC: Mr Henri Farrugio (France), Mr Othman Jarboui (Tunisia) and Mr Atig Drawil-Huni (Libyan Arab Jamahiriya) respectively as Chairperson, first Vice-Chairperson and second Vice-Chairperson. The Commission also endorsed the selection of the Coordinators for the four Sub-Committees, as follows:

- SCSA: Ms C. Karlou-Riga (Greece)
- SCSi: Mr Joël Vigneau (France)
- SCESS: Mr Ramon Franquesa (Spain)
- SCMEE: Mr M. Nejmeddine Bradai (Tunisia)

20. All delegations paid special tribute to the outgoing SAC Chairperson, Mr Corrado Piccinetti, and expressed their gratitude for his great dedication and outstanding contribution in enhancing the regional scientific advisory process and in strengthening the operations of the Committee during the four years of his mandate. The Commission proceeded to welcome Mr Henri Farrugio as the incoming SAC Chairperson.

FAO regional projects

21. The Chairperson of SAC informed the Commission on the main activities performed by the projects in support of the Committee, on the basis of document GFCM:XXXII/2008/Inf.9. He recalled that during the intersessional period only AdriaMed and MedSudMed (and during the first months of 2007 also MedFiSis) were operational. He highlighted the main outputs achieved and underlined that most of the contributions of the projects were in line with SAC priorities.

22. Mr Kevern Cochrane, Chief of the FAO Fisheries Management and Conservation Service (FIMF), in charge of the operation and implementation of the Regional Projects, informed the Commission on the status of implementation of the other regional Projects as follows: COPEMED II, supported by Spain and the EC, had been made operative in February 2008 and its Coordinator had been recruited; the ArtFiMed project will operate within the framework of COPEMED II and is also funded by Spain with field activities to support artisanal fisheries in Morocco and Tunisia; the EastMed Project will be operative shortly, as soon as the coordination difficulties (financial/administrative aspects) encountered for its implementation are solved; the third year of MedFiSis will start in the coming months in parallel with the other regional projects; the GefMed Project, to be executed jointly by FAO and the GFCM Secretariat, has been approved and should start soon and will focus on supporting the application of the EAF in the Mediterranean.

23. The delegate of Algeria reiterated that a special treatment should be considered for his country during the implementation of COPEMED II, as, for various reasons, Algeria could not fully benefit from the support of COPEMED I.

24. The Commission noted the wish expressed by the delegates from the Libyan Arab Jamahiriya and from Algeria to benefit from the COPEMED sub-project to support development of the artisanal fisheries (ArtFiMed) in their respective countries.

25. The delegates acknowledged with satisfaction the inception of COPEMED II representing a step forward for the consolidation of the cooperation in the western Mediterranean, stressing that it would also provide an opportunity for the countries that in the past did not fully benefited or contributed to this cooperation. Many delegates expressed their congratulations to Mr Juan Antonio Camiñas for his appointment as project Coordinator, highlighting his long experience in scientific activities, including in his capacity of former Chair of SAC.

26. The delegate from Montenegro expressed its gratitude to AdriaMed in particular for all the aspects concerning the training activities and technical support. This was seconded by other AdriaMed participating countries.

27. The delegate of Turkey, supported by other delegations from the Levant, thanked the EastMed donors for the efforts made to activate the launching of the project.

28. The Commission expressed strong concern about the further postponement of the implementation of EastMed since its implementation, in early 2008, had become essential particularly for increasing the capacity of SAC in generating outputs in the concerned subregion.

29. The delegate of Greece informed the Commission that its Government decided to increase its financial contribution to the EastMed project with an additional amount of €750 000. The Commission acknowledged with gratitude this generous initiative.

30. The delegate from the European Community (EC) reiterated the important role performed by the regional projects, in particular for the activities in support to the SAC. He however recalled that the information and scientific data to be provided to the GFCM and participation to scientific working groups remained the paramount responsibilities of the Members and, in this context, the projects were a tool to facilitate this process.

31. The Commission highlighted the importance of ensuring the continuity of the FAO Regional Projects and expressed its profound gratitude to the EC, and the governments of Greece, Italy and Spain for their financial support thereof. The Commission further reiterated the need for strengthening coordination between the projects and the GFCM Secretariat, in particular with regard to the formulation and implementation of the projects' workplan.

32. The GFCM Secretariat presented a draft project framework for strengthening scientific and technical cooperation in the Black Sea on the basis of document GFCM:XXXII/2008/Dma.4 and recalled that the elements for this subregional project had been assembled pursuant to the request made by the Commission at its thirty-first session. It requested guidance on the follow-up to be given to this initiative. The Commission agreed to consider the question of the follow-up to the draft project framework under agenda item 5.

Activities of the Committee on Aquaculture

33. The Chairperson of the Committee on Aquaculture (CAQ), Mr Spyros Kilaoudatos, presented the activities carried out during the intersessional period on the basis of the document GFCM:XXXII/2008/2. He informed the Commission that the development of the new SIPAM Information System had been completed in 2007 and all historical SIPAM data were transferred to the new associated databases, together with the restructuring of the software and improved data entry features. He stressed however that the response of the SIPAM National Coordinators to the new software has been limited. The activities of the three Working Groups (Aquaculture Marketing, Sustainable Aquaculture and Siting and Carrying Capacity) of CAQ, focused on further defining the project documents identified to support the Working Groups. He further noted that the project document in support to the Working Group on Aquaculture marketing has been prepared and endorsed by the Government of Spain, as the donor and that the Working Group on Siting and Carrying Capacity, in collaboration with the World Conservation Union (IUCN) has already convened or planned three meetings while the organization of the first meeting of the Working Group on Sustainable Aquaculture was under process.

34. In the following discussions, the Chairperson of the Commission stressed the importance of SIPAM as an essential subsidiary body in the new CAQ structure. He stated that the upgraded system must be considered as a transversal tool in support of the three Working Groups. He also recalled that the information provided through the SIPAM framework is equally vital for the activities of the Committee itself. He added that the National Focal Points should be nominated by those countries that have not yet done so and that their activities should also be supported by the national institutions, as already agreed by the Commission.

35. The delegate of the EC further reiterated the interest of the Community in the development of the Aquaculture sector in the Mediterranean, and confirmed the financing of two of the Projects in support to the CAQ Working Groups as soon as possible. He recalled that the importance given to this sector by the European Union had also recently been highlighted in the revision of the Community Strategy for Sustainable Development of Aquaculture.

36. The delegate from IUCN informed the Commission on the collaboration with the GFCM on the different aspects of sustainable aquaculture and thanked the Government of Spain for the funds provided for the preparation of the guidelines which will be used by the CAQ Working Group on Siting and Carrying Capacity.

37. The Commission thanked the Chair of CAQ for the presentation and for the work performed, including through the valuable contribution from IUCN.

ADMINISTRATIVE AND FINANCIAL REPORTS

38. The Executive Secretary delivered a detailed presentation of document GFCM:XXXII/2008/3 entitled "Administrative and financial reports". The administrative report reviewed issues related to the running of the Secretariat, including the status of its human resources, selected intersessional activities and outputs, including liaison with partners' organizations, publications, databases. The financial report addressed issues related to the autonomous budget of the Commission, including the status of contributions, of the arrears, of the working capital funds and the statement of the expenditures made in 2007 for each main chapters of the budget.

Administrative report

39. The Commission was informed that the Executive Secretary had transmitted officially to Members and intergovernmental partner organizations the Recommendations adopted by the Commission at its thirty-first session, in accordance with the relevant provisions of the GFCM Agreement and that no objection was presented by any of the Members in relation to these recommendations.

40. The Commission was further informed on the progress made for filling the vacant posts in the Secretariat. The Aquaculture Specialist, Mr Fabio Massa (Italy) and the Programmer/System Assistant, Mr Roberto Emma (Italy) have been selected in February 2008, the latter after lengthy procedures to cope with current FAO rules regarding personnel in the general service category (GS). It was suggested to maintain the postponement of the recruitment for the two posts of secretary, using the current *modus operandi*, until when the exact date for the move of the GFCM Secretariat to the new headquarters would be known, whilst hoping that FAO would pursue effort to grant possible flexibility in the recruitment of GFCM GS positions, in line with the functional autonomy which the Commission enjoys through Article XIV of the FAO constitution. The attention of the Commission was also drawn to the need to maintain the services of a statistical data quality and management technician, on the basis of a contract, to continue assisting in the maintenance of the GFCM database, information systems and of the Web site of the Commission, until when the budget would allow the establishment of a proper post to ensure the sustainability of these important tasks.

41. The Commission congratulated the new incumbents for joining the GFCM Secretariat and agreed on the above proposals concerning the posts for the secretaries.

42. An account was also given on selected activities of the Secretariat, including with regard to the organization of and participation in meetings and activities, development of GFCM databases, liaison with Partner organizations, publications, visibility of the work of the Commission and other administrative or functional matters.

43. The Commission expressed its satisfaction for the quality and the quantity of work achieved by the Secretariat and encouraged it to maintain this positive trend.

44. Many delegates pointed out the need to identify appropriate approaches and tools to promote the visibility of the Commission and its work as well as for the Secretariat to further strengthen coordination with the respective heads of delegation and the national focal points which should play a more prominent role in coordinating GFCM requirements and activities at national level.

45. The Libyan delegation took note with satisfaction of the effort made to translate an important technical document into Arabic. He was supported by several delegations who requested that the working documents for the plenary session of GFCM, as well as the report of the session of the Commission, be made available in Arabic as well, so as to ensure a wider use at national level. After a lengthy discussion on the budgetary implications of such initiative, the Commission concurred to this proposal and decided that related costs should be borne by the GFCM autonomous budget.

Headquarters of the Commission

46. Several delegations congratulated and expressed their gratitude to the host country (Italy) for the important effort made to complete the repair works of Palazzo Blumensthal, with particular reference to the invitation made for all participants to the visit and ceremony organized by the Italian Ministry of Foreign Affairs, on 25 February 2008, at the new premises of the Commission.

47. In the discussion which followed, the delegates addressed pending issues, namely the provision of furniture and equipments (estimated at about €24 400) and the covering of the yearly running costs (estimated at €259 600) associated to the use of the new headquarters (HQs) of the Commission. The Commission decided to address these issues under agenda item 8 related to budgetary matters.

48. The Commission was reminded that the new HQs will be functioning under the umbrella of the host country agreement between FAO and Italy. In this respect, the Commission acknowledged the position of the Organization concerning the security of the GFCM HQs, which takes into consideration the UN minimum standards for internal security of premises which is born by the fact that the primary responsibility for ensuring the external protection of the HQs lies with the competent authorities of the host country. This will include the following: instalment of blinded door, provision of fire extinguishers and establishment of a system for anti-theft linked to the nearest police station and to FAO HQs.

49. Upon a suggestion made by the delegate from Italy, and supported by the delegate of the EC, the Commission agreed that the AdriaMed, MedSudMed and MedFiSis Projects should move to the new headquarters together with the GFCM Secretariat, subject to the concurrence of FAO.

Status of ratification of the amendment to the GFCM Agreement

50. The Commission noted with disappointment that the situation had not changed since last year, that is, Egypt, Israel and the Syrian Arab Republic have not yet deposited their instruments of acceptance of the 1997 amendments to the GFCM Agreement. The Commission urged once more these Members to do so as soon as possible, and preferably prior to the next session of the Commission.

51. The delegates from Egypt and the Syrian Arab Republic informed the Commission that the completion of the internal procedures to allow the deposit of their instrument was expected to be finalized in a very short timeframe. They reiterated their commitment towards the Commission, its objectives and activities. The delegate from the Syrian Arab Republic further precised that the draft law of ratification was ready in the Prime Minister Office, pending the availability of a certified Arabic version of the amended GFCM Agreement.

Financial report

Financial status

52. The Commission acknowledged with satisfaction that the major part of the remittance of the contributions by Members was settled by half way through the year and that over 95 percent of the expected contributions had been paid by the end of 2007. The Commission noted, however with regret, that Israel, Lebanon, and the Syrian Arab Republic did not pay their contribution for 2007.

53. The delegate of the Syrian Arab Republic highlighted that the contribution of his country to the autonomous budget could only be secured upon completion of internal procedures for ratification and alluded to the difficulties to envisage retroactive payments.

54. The Commission was informed of the expenditures incurred for the main chapters of the autonomous budget during the intersession period. It noted that the Secretariat had made an effort to control each and every expense, giving priority to securing the implementation of core activities and staff salaries. At the closure of the 2007 fiscal year, the financial status showed: a negative balance of US\$32 874 between total expenditures and total revenues from Member contributions; a theoretical positive balance of US\$13 875 compared to expected revenues, i.e., if all concerned Member would have remitted their 2007 contributions.

Arrears and working capital fund

55. In 2007, many Members settled their arrears against the 2005 and 2006 fiscal years. As a consequence, the GFCM working capital fund amounted to about US\$140 000 to which accumulated interests amounting to US\$14 000 should be added.

56. The Secretariat also provided the financial situation of extrabudgetary resources from the selected Members which support cooperative projects executed by the Secretariat. These included funds provided by the Government of Tunisia to support the operation of the SIPAM Regional Centre which currently showed a positive balance. The Commission acknowledged that no expenditures were recorded yet against the 2007 fiscal year, neither from the Spanish-funded project in support of the CAQ Working group on Aquaculture Marketing, nor from the European Community projects in support of the CAQ Working Groups, respectively on Aquaculture Sustainability (INDAM) and on Siting and Carrying capacity (ShocMed), both of which still being under administrative approval.

AMENDMENTS TO THE RULES OF PROCEDURE AND ISSUES RELATED TO THE FUNCTIONING OF THE COMMISSION

Arrangements with partner organizations

57. The Chairperson gave the floor to the Executive Secretary to introduce documents GFCM: XXXII/2008/4 and GFCM:XXXII/2008/Inf.10 relating to arrangements with partner organizations. As the onset, the Executive Secretary recalled that the GFCM has been cooperating closely with many organizations, mostly often since their inception and that almost all these organizations enjoyed the status of Observer to the Commission. Reference was made to the decision taken at the thirty-first session to use instruments such as Memoranda of Understanding (MoUs) for strengthening the implementation of joint programmes or activities with selected partners. In response to this call, three MoUs between the GFCM and IUCN, CIHEAM/IAMZ and the UNEP/RAC-SPA respectively, were drafted together with the Secretariats of these organizations.

58. Clarification was provided on the scope of such arrangements, i.e., the draft MoUs before the Commission aimed at promoting a stronger ground toward increased transparency, efficiency gains and strengthened synergies in the implementation of the respective programmes of work of each organization through developing common activities in areas of mutual interest.

59. Several delegations thanked the Secretariats concerned for the joint undertaking done during the intersession and there was a general agreement on proceeding with the signature of the MoUs. Some questions were however raised on the likely impact of GFCM Recommendations on partner organizations upon entering into MoUs and on financial implications for the Commission, if any.

60. Through issuing explanations, it was acknowledged that concerned partner organizations have been supportive of the GFCM Recommendations and more generally were committed to support the Commission objectives. In such a context, the MoUs would only be a tool to formalize this enabling situation. With respect to possible financial implications, it was stressed that these Memoranda would need to be implemented through protocols or exchange of letters specifying, on a case by case basis, the costs sharing arrangement foreseen for each joint activity. It was further stressed that common initiatives would likely favour economy of scale and reduce redundancies.

61. In this respect, the representative of UNEP RAC/SPA pointed out that the implementation of common activities would always depend on availability of funds. The representative of IUCN emphasized that fruitful cooperation is being strengthened, particularly in support of CAQ activities, and that a MoU could only further boost existing coordination and synergies. The representative of CIHEAM/IAMZ welcomed the above comments and noted that the MoU would be instrumental to identify and develop new areas of common undertakings with GFCM.

62. Following minor amendments to the MoUs suggested by delegates or representatives of concerned partner organizations, the Commission adopted the three MoUs and authorized its Executive Secretary to sign them. Consequently, at session, Mr Luis Esteruelas, Director of the IAMZ, officially signed with the Executive Secretary the MoU between CIHEAM and GFCM.

Amendments to the Rules of Procedure

63. The Secretariat introduced the second part of document GFCM: XXXII/2008/4 concerning the amendments to the Rules of Procedure. It recalled progress made on this issue over recent years and referred to a limited number of additional revisions requested by the Commission at the previous session, which take into consideration similar provisions implemented by other regional fisheries management organizations (RFMOs), especially the Indian Ocean Tuna Commission (IOTC).

64. In the issuing discussion, several delegations thanked the Secretariat for the finalization of the sets of amendments to the Rules of Procedure and suggested additional improvements to selected provisions of the rules. Emphasis was put on keeping the wording “official languages” in Rule XVI and, in this connection, the Commission reiterated its decision to utilize Arabic as a working language at GFCM plenary sessions.

65. The rules of procedures as further amended were adopted by the Commission (Appendix D).

66. The delegate of France stressed that a proper functioning of the Commission would require that documents, especially proposals for new Recommendations or Resolutions, must be provided in all working languages and sufficiently in advance of the session. She suggested that a deadline for submission of proposals should thus be set up by the Commission and no document should be discussed at the session if it has not been submitted and circulated in accordance with the terms so defined.

Strengthening technical and scientific activities in the Black Sea

67. The Chairperson referred delegates to document GFCM:XXXII/2008/Dma.4 and invited Members to convey their opinions and guidance on the follow-up to be given to the draft project framework in support of technical and scientific cooperation in the Black Sea, prepared by the Secretariat on request of the Commission. He emphasized the need to identify possible source for funding the finalization of the document and for the timely implementation of the project.

68. The delegate of Romania reiterated the expectation of his Government for strengthened involvement of GFCM, especially through reinforced technical and scientific support, to meet the requirements of SAC and CAQ. He provided comments on the content of the draft project framework and its technical appendixes, with emphasis on the need to also consider issues related to monitoring, control and surveillance (MCS) in the context of IUU fishing and to the development of aquaculture. He insisted on the need for the countries of the Black Sea to benefit from a support similar to that enjoyed in other GFCM subregions. The delegate from Romania also informed the Commission on the ongoing process between Black Sea riparian States with a view at promoting the preparation of an international instrument aimed at specifically addressing the conservation of living marine resources within the general framework of the Convention on the protection of the Black Sea against Pollution (the "Bucharest Convention") which deal primarily with environment issues.

69. The delegate of Bulgaria further stressed that increased consideration should be given to the management of Black Sea fisheries and warmly welcomed a timely finalization of the project document. He however stated that additional time would be necessary to further examine the draft proposal and provide comments accordingly.

70. The delegate of Turkey echoed the statement made by the delegates from Romania and Bulgaria and expressed his country's availability to help in the finalization of the project document, after a more complete examination of the project framework prepared by the Secretariat. He further informed the Commission that discussions were ongoing between Turkey and the EC aiming at the organization of a conference on Black Sea fisheries.

71. The delegate from the EC emphasized the GFCM commitment and responsibility with regard to the Black Sea. She expressed support to all endeavours to promote sustainable fisheries exploitation in this sub-region.

72. There was general agreement on the necessity to specifically focus on enhancing the capacity of Black Sea countries to address the challenge of managing Black Sea fisheries and its ecosystem through the quick formulation and implementation of a scientific and technical project in GSAs 29 and 30. The Secretariat was therefore requested to pursue efforts in the drafting of the project document with the understanding that the issue of financing would be considered at a latter stage.

73. Upon request of the French delegation, the Executive Secretary further reported on action taken towards promoting the adhesion of those Black Sea countries that are not yet Member of the GFCM. He referred to informal discussions held with Senior Officers of these countries on the occasion of the FAO Committee on Fisheries (COFI), followed by official correspondence including an invitation letter to participate in the thirty-second session of the Commission. The Commission entrusted the Secretariat to pursue its effort in monitoring this matter.

Performance review of the GFCM

74. The delegate of the EC introduced a proposal to conduct a performance review of the Commission following the statement of the FAO Committee on Fisheries (COFI) in March 2007 on the need for all RFMOs to undertake a review, recognizing that, individually each of them should determine the criteria, methodology and frequency of such a review. This would, in addition, enable the GFCM to align itself with most of the other RFMOs, noting that, for example, ICCAT and IOTC had already launched such a process. She also presented a set of draft standard guidelines and criteria that could be used for the review.

75. Several delegations underlined that the proposal was reasonable in principle but they questioned the timing of the suggested review of GFCM performances. Following detailed discussions on the matter, including on its budgetary implication, the Commission agreed to undertake the review in 2009. In the meantime, the technical and financial aspect associated with the organization of the evaluation would be sorted out. It was further agreed that the draft guidelines, including objectives and

criteria for the review, would be appended to the present report for ease of reference and as a basis for their enhancement (Appendix E refers). This will allow to tailor them to the GFCM context and to fine tune the procedure for the selection of the reviewers. It was agreed that this issue would be treated as a specific agenda item at the next GFCM Session.

76. The EC delegate regretted that the GFCM, an FAO body, and unlike most other RFMOs, was not prepared to undertake a performance review in 2008, to respond to the call in the UN Resolution of 2006, reinforced at the 2007 meeting of COFI.

MANAGEMENT OF MEDITERRANEAN FISHERIES

Recommendations emanating from the activities of SAC

77. The Chairperson of SAC referred to document GFCM:XXXII/2008/5 and presented the main suggestions made by the Committee which required a final decision during this Session, including:

- establishment of a deadline for submission of Task 1 data;
- establishment of a GFCM Regional Fleet Register;
- action to be taken according to the management advice concerning some demersal and small pelagic resources in some GSAs. The suggestions were focusing mainly on the management through reduction of fishing activities; noting the lack of necessary information particularly on fishing mortality and current fishing effort (fleet capacity, operational unit);
- establishment of an ad hoc Transversal Working Group on Recreational Fisheries;
- adoption of a standard format for submission of new proposals for restricted fishing zones (FRAs) in the Mediterranean.

78. The Chairperson also underlined other issues such as the progress made in relation to the criteria to identify and update the priority species and shared stocks lists or on gear selectivity. He pointed out the further need to progress on providing management advice in a more integrated manner, considering socioeconomic and ecological issues. The Chairperson stressed that knowledge of the current level of effort was a pre-requisite for proper fisheries management through effort control, and stated that generally this information was lacking. He also noted the need to have a more active participation and to ensure the provision of data on fishing parameters and related indicators and reference points.

79. Following an extensive debate in the course of which a wide range of views were expressed, the Commission agreed to having a deadline established for the Task 1 data submission which would allow for data processing to be carried out in advance of the SAC Sub-Committee meetings, during which the relevant data sets and information could be used for analysis.

80. The Commission also agreed to establish a GFCM fleet register and to convene an ad hoc meeting on this subject following the terms of reference proposed by SAC. In this context, it acknowledged the offer made by EC to provide assistance to other Members on this subject.

81. With reference to his national context, the delegate of Lebanon questioned the usefulness to record the vessels of smallest size in the regional register.

82. The EC delegation noted that the stock assessments were not conducted evenly throughout the different areas of the Mediterranean. Other delegations also expressed concern on this matter and encouraged SAC to extend the assessments to the entire GFCM Area. It was noted that the FAO Regional Projects could assist in alleviating this problem.

83. The Commission acknowledged the works carried out on the subject of recreational fisheries and agreed to establish a specialized Working Group. It noted the usefulness of the proposed standard form for the submission of new proposals on Fisheries Restricted Areas (FRAs) and adopted the form.

84. The delegate from Croatia highlighted the importance of implementing management recommendations with the backing of proper monitoring and control mechanism. He emphasized the joint efforts made by all Adriatic countries through the AdriaMed project in gathering scientific data and information in view of the management, within the framework of EAF, of the Pomo Pit/Jabuka area, a vulnerable marine ecosystem. He added that results achieved should be better utilized, as possible urgent management action would be required and, as the work done is an example of pilot activity that might be beneficial to all Contracting Parties.

85. The EC delegate also emphasized the major importance of the Jabuka/Pomo Pit area and the need to ensure its adequate protection. He however recalled the need that the related scientific information and analysis available be channelled through the SAC for its consideration by the Commission.

Draft Recommendation concerning minimum standards for the establishment of a vessel monitoring system (VMS) in the GFCM area

86. According to its decision taken during the thirty-first session, the Commission re-examined the draft Recommendation concerning minimum standards for the establishment of a vessel monitoring system (VMS) in the GFCM Area (document GFCM:XXXII/2008/Inf.7). Several delegations stated that this system was already operating in their national fleet or was in the process of being established. Some delegations noted, however, that some technical, legal and financial constraints still need to be overcome to effectively establish VMS throughout the GFCM Area. Following extensive discussions, the Commission was not in position to achieve consensus on the formal adoption of this recommendation, considering that the discussions should remain open.

87. The Commission agreed that in 2008, an ad hoc working group on the technical aspects related to a VMS should be convened.

Draft Recommendation on the management of fishing capacity in the GFCM Area.

88. The delegate from the EC introduced a draft Recommendation on the management of fishing capacity in the GFCM Area. He stressed the timely importance of such instrument in view of the scientific advice provided by SAC as well as to operationalize existing tools for managing fishing effort as repeatedly stated by GFCM.

89. While welcoming in principle the substance of the proposed Recommendation, several delegations from developing countries and countries in transition expressed concern about the possible economic and financial impacts that it could generate on ongoing fleet restructuring or investment programmes. It was noted that this proposal had been received during the session, thereby not allowing the possibility to examine its implications and that it was hardly related to robust scientific evidence.

90. The Commission therefore decided that SAC should assess during its forthcoming session, the socio-economic and other implications related to this proposal, especially the short and medium term impact of freezing the capacity of vessels above 15 m LOA targeting demersal and pelagic resources.

Draft Recommendation concerning the recording of catch by fishing vessels in the GFCM area

91. The delegate from the EC also introduced a draft Recommendation concerning the recording of catch by fishing vessels in the GFCM area aiming at establishing a standardized GFCM logbook. He stressed the importance of such instrument both for control and for data collection.

92. Some delegations remarked that the proposal was tabled in one language only and just prior to the introduction of this agenda item thereby not allowing its sound evaluation. It was underscored that logbooks were used in many GFCM countries and that concerted action would be required to identify a standard regional format.

93. The Commission decided that SAC should review the technical aspects related to this proposal and provide the Commission with the appropriate elements in order to adopt a Recommendation on a GFCM logbook, possibly at the next session of the Commission.

Proposal to amend 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

94. A proposal to amend Recommendation GFCM/2006/4 on illegal, unreported and unregulated fishing in the GFCM area was presented by the delegate from the EC who emphasized that the proposal was consistent with a Recommendation adopted by ICCAT to which several Members of the GFCM are Contracting Parties.

95. Following the request by several delegations to be able to accurately analyse the legal implications at national levels of the proposed amendment, the Commission agreed to re-examine the draft Recommendation, provided as Appendix H, at its next session.

96. A delegation reiterated that draft recommendations submitted by Contracting Parties should be made available well before the GFCM plenary session, and alluded to the need for reflecting this in the Rules of procedure.

97. The delegate of the EC noted that the Scientific Committee developed advice that clearly indicated the need to adopt both conservation and management measures to protect the Mediterranean stocks. In this regard, she also noted that the EC was the only Contracting Party to table proposals to meet the scientific advice and other measures aimed at responding to the control of the Commission, notably for combating IUU fishing and therefore expressed disappointment for the lack of progress made. She further acknowledged that, although some of these proposals were tabled with short notice, others have been before the Commission since the last session or are already accepted by and in force for, the majority of the GFCM Members in other fora.

Recommendation from the International Commission for the Conservation of Atlantic Tunas (ICCAT) of relevance for the Mediterranean

98. Referring to document GFCM:XXXII/2008/Inf.8, the Commission reviewed and adopted as Recommendation GFCM/2008/2 and in accordance with Article V of the GFCM Agreement, the following Recommendation from ICCAT, provided as Appendix G to this report: Recommendation [07-01] by ICCAT on Mediterranean Swordfish.

CONCLUSIONS AND RECOMMENDATIONS OF THE COMPLIANCE COMMITTEE (COC)

99. The second session of the Compliance Committee was held on 25 and 26 February 2008 during the plenary session. The Chairperson of the Committee, Mr Mohamed Salah Smati, reported to the Commission that the COC addressed the status of implementation of GFCM decisions by Members, the management of the list of vessel authorized to operate in the GFCM Area, the Compendium of GFCM decisions, the follow-up to the GFCM Control and Enforcement Scheme and other related matters.

100. The Committee emphasized the importance of properly reporting on the status of implementation of GFCM Recommendations and Resolutions. It noted with disappointment that a limited number of Members fulfilled this requirement and that the lack of information undermines

efforts to assess the effectiveness of GFCM measures. The Committee stressed the need for Members to timely submit their reports. Accordingly, it reviewed and endorsed a draft Resolution prepared by the Secretariat on request of the Commission.

101. With reference to the Compendium of GFCM decisions, the Committee welcomed the progress made by the Secretariat and suggested that Members produce a consolidated version during the intersession through iterations via e-mail for final review at its third session.

102. The Committee examined the issue concerning the follow-up to the GFCM Control and Enforcement Scheme. Its Chairperson informed that the draft Recommendation on a regional scheme on port State measures, which was drafted on occasion of the FAO/GFCM Workshop on port State measures to combat IUU fishing (Rome, Italy 10–12 December 2007), had been further examined and finalized by the Committee. It was underlined that such a Recommendation represented an important step towards combating IUU fishing in the GFCM area.

103. The Commission endorsed the report of the Compliance Committee (Appendix I to this report), including the proposed course of action for the finalization of the Compendium and adopted Resolution GFCM/2008/1 on Reporting on the implementation of recent management measures. This Resolution is provided as Appendix F to this report.

104. Following the review of the final text of the draft Recommendation mentioned above, it adopted, in virtue of Article V of the GFCM Agreement, Recommendation GFCM/2008/1 on a Regional Scheme on port State measures to combat IUU fishing. This Recommendation is provided as Appendix G to this report.

105. The EC delegate expressed satisfaction for the adoption of Recommendation GFCM/2008/1 but pointed out that the scope of application of the recommendation is limited to foreign fishing vessel. She therefore hoped that this would be the first step and that the Commission would re-examine the issue at next years' session with the aim of taking into consideration discussions held in other fora.

PROGRAMME OF WORK FOR THE INTERSESSIONAL PERIOD 2008

Programme of work of the Scientific Advisory Committee

106. Referring to document GFCM:XXXII/2008/7, the Chairperson of SAC introduced the draft programme of work, as suggested by the tenth session of the Committee and underlined that terms of reference had been provided for each of the proposed workshops and working groups. The Commission was invited to spell out priorities for the proposed activities.

107. The Commission concurred to the relevance of all the activities and meetings proposed by SAC, while emphasizing the importance for an effective implementation of the Task 1 statistical matrix and better geographical coverage of stock assessment work, as well as noting the need for major involvement of SAC in the Black Sea. It endorsed in particular the following main activities:

Stock assessment

- carry out joint stock assessment of hake (*Merluccius merluccius*) and associated species in each GSA or group of GSA as appropriate, using both commercial catches and trawl survey data including sensitivity analysis, selected reference points and indicators and new findings on growth parameters for hake;
- launch joint work to process and analyze the information, including data resulting from trawl surveys, such as MEDITS surveys and ichthyoplankton surveys, realized in several countries in the region;

- organize training courses on methodologies for stock assessment covering tuning VPA and production models;
- update the list of priority species by GSAs and the list of shared stocks on the basis of the criteria agreed upon by the SAC and with the contribution of the regional projects.

Marine environment and ecosystems

- promote the implementation of the ecosystem approach to fisheries (EAF) and undertake case studies where possible and appropriate in coordination with the “GEFMed” project;
- perform analysis of physical impact of fisheries on the sea bed and sensitive habitats with a particular attention for continental slope bottom and sub-marine meadows;
- select criteria for the identification of sensitive habitats of relevance for the management of priority species by GSA;
- initiate studies on the efficiency of fishing restricted area and the conservation of biodiversity;
- elaborate a protocol for the standardization of selectivity studies and devise steps for implementing the 40 mm square mesh cod-end, including development of studies on technical aspects to be considered.

Statistics and information

- produce guidelines on reporting catch data for target species, associated species and by-catch for inclusion in the Task 1 data entry tool;
- standardize the measurement of fishing effort, by fishing operation and set up approach related to the calibration of fishing effort of different gears, taking into account the further compilation through GFCM Task 1;
- launch practical testing of the new “GSA compatible” STATLANT37 A” form;
- undertake actions to develop the MEDSTAT programme within relevant countries, giving priority to the fleet register;
- initiate the setting up of the GFCM fleet register database;
- identify a suitable standardized format for a GFCM vessel logbook.

Economic and social sciences

- collect socio-economic data on recreational fisheries and initiate the preparation of a technical guidelines on the management of recreational fisheries;
- assess the socio-economic impacts of implementing the 40 mm square mesh size in trawl fisheries; and implement selectivity impact analysis in selected countries;
- initiate a study on the role of incentive structures and mechanisms in national fisheries;
- pursue the work on a standard method of using market data to understand changes in fishing effort,
- elaborate a guidebook on the use of indicators in fisheries management.

Joint GFCM/ICCAT Working Group on Large Pelagic Species

- prepare a multidisciplinary study on small tuna fisheries in the Mediterranean and the Black Sea;
- organize the eighth session of the Working Group accordingly.

Meetings of the SAC and its subsidiary bodies

108. The Commission agreed to the convening of the following meetings in 2008.

| Meetings | Place/Date |
|---|---|
| Eighth session of the Joint GFCM/ICCAT Working Group on large pelagic species | Malaga (Spain), 5–9 May 2008 |
| SCSI Ad Hoc Workshop on regional fleet register | Rome (Italy), 12–14 May 2008 |
| Second Working Group on Stock Assessment Methodologies , on basic methods and protocols to undertake assessments with direct methods | Libyan Arab Jamahiriya, 2–4 June 2008 |
| SCSA Training courses on methodologies for stock assessment | Cairo (Egypt), 23–27 June 2008 |
| SCMEE/SCSA/SCESS Transversal Working Group on selectivity | Sète (France), 1–3 July 2008 |
| SCMEE/SCSA transversal Working Group on by catch/incidental catches | Rome (Italy), 15–16 September 2008 |
| SCMEE meeting of ByCBAMS project (jointly with ACCOBAMS) | Rome (Italy), 17–18 September 2008 |
| SCSA Working Group on Demersal Species , including joint stocks assessments | Izmir (Turkey), 15–19 September 2008 |
| SCSA Working Group on Small Pelagic Species , including joint stocks assessments | Izmir (Turkey), 22–26 September 2008 |
| Session of SCSA | Antalya (Turkey), 13–16 October 2008 |
| Session of SCESS | Antalya (Turkey), 13–16 October 2008 |
| SCESS/SCSA Working Group on Recreational Fisheries (back to back to the SCESS session) | Antalya (Turkey), 13–16 October 2008 |
| Session of SCSI | Antalya (Turkey), 13–16 October 2008 |
| SCSI/SCESS/SCSA Workshop to refine the fleet segmentation (back to back with the SCSI) | Antalya (Turkey), 13–16 October 2008 |
| Session of SCMEE | Antalya (Turkey), 13–16 October 2008 |
| CMSC | Antalya (Turkey), 17 October 2008 |
| Eleventh session of SAC | Morocco, 1–5 December 2008 |

109. The Executive Secretary of ACCOBAMS informed the Commission of their recent amendment to the ACCOBAMS agreement to ban the use of driftnets in their Convention Area and alluded to the Workshop being organized in collaboration with GFCM on incidental catch of cetaceans, during this year.

110. The Executive Secretary of the Pelagos Sanctuary informed the Commission on the latest development in its Organization, especially concerning the structuring of its Secretariat.

Programme of work of the Committee on Aquaculture

111. The Chairperson of CAQ presented the proposed program of work of the Committee for 2008 on the basis of document GFCM:XXXII/2008/7. He provided information on the next steps in the process of the consolidation of SIPAM and informed the Commission on the aquaculture training activities to be organized in 2008 in collaboration with CIHEAM/IAMZ.

112. The Executive Secretary noted the delay for starting the aquaculture projects respectively on Indicators of Sustainability (INDAM) and on Siting and Carrying Capacity (ShocMed) due to administrative complexities still to be resolved and suggested that activities could immediately start through lending funds from the autonomous budget. The donor (EC) expressed reservation on this suggestion. It was however decided to initiate organizing the first INDAM Workshop notwithstanding this situation. The French delegation confirmed accordingly that it would host the Workshop on sustainability indicators early 2008.

113. The Commission endorsed the programme of work for CAQ, which will be focusing on the following main activities:

Working Group on Aquaculture Marketing

- implementation of national reviews to improved knowledge on the status of marketing of aquaculture products, and the interactions with marketing of capture fisheries products, including assessment of demand elasticity;
- establishment of a network of professionals in marketing of aquaculture products at country level to contribute to the Working Group.

Working Group on Siting and Carrying Capacity

- identify bottlenecks for aquaculture production (environmental, social, economic) with reference to siting;
- identify environmental attributes affected by and affecting aquaculture with particular reference to Mediterranean marine ecosystems (e.g. as a function of depth, distance from shore, current regime);
- initiate the comparative assessment on existing legal frameworks and administrative procedures for site selection, including the analysis of the affectivity of regulatory schemes and Environment Impact Assessment (EIA) procedures, and identify major gaps in regulation, reporting and communication of monitoring programmes.

Working Group on Aquaculture Sustainability

- preparation and analysis of an annotated bibliography summarizing all existing documents and projects related to the sustainable development of aquaculture in the Mediterranean;
- carry out a census of all published indicators on aquaculture sustainability, based on available work (including from EVAD, CONSENSUS and the IUCN) and devise criteria and weighting system for the selection and use of Mediterranean indicators encompassing the different aquaculture systems;
- establish a preliminary list of priority indicators, with emphasis on species, environments, culture techniques, socio-economic factors, enterprises typologies, and convene a Workshop accordingly;
- develop and initiate the implementation of the 1st case study on the use of the selected indicators.

SIPAM

- completion of data validation followed by timely updates by all National Coordinators and integration of the six remaining GFCM countries which are not yet affiliated to SIPAM;

- completion of pending IT-related issues and undertake processes leading to the certification (ISO) of the system;
- systematic SIPAM data monitoring and production of formatted reports as a support to the CAQ Working Groups;
- feasibility study on the reorganization of the future of the SIPAM Network beyond 2008 in view of the continuation / substitution of the SIPAM Regional Centre in Tunis.

114. In addition, the Commission acknowledged the organization of two advance courses by the CIHEAM/IAMZ

Meetings of CAQ and its subsidiary bodies

115. The following meetings of the Committee were agreed for 2008.

| Meetings | Place/Date |
|--|--|
| Working Group on Aquaculture Marketing | TBD/September 2008 |
| Workshop on Selection of Sustainable Indicators (Working Group on Sustainability) | Montpellier (France), early 2008 |
| Working Group on Siting and Carrying Capacity | TBD/2008 |
| Working Group on Sustainability | TBD/2008 |
| CIHEAM/IAMZ Advance Course on Recirculation Systems and their Application in Aquaculture | Tarragona (Spain), 10–14 March 2008 |
| CIHEAM/IAMZ Advance Course on Fish Nutrition: Sustainability and Product Quality | Saragossa (Spain), 19–23 May 2008 |
| SIPAM Annual Meeting (back to back with CAQ) | Rome (Italy), early November 2008 |
| Coordinating Meeting of the Working Groups (CMWG) (back to back with CAQ) | Rome (Italy), early November 2008 |
| Sixth session of CAQ | Rome (Italy), early November 2008 |

Meetings of the Compliance Committee (COC)

116. The Chairperson of COC introduced a proposal on the convening of an Ad Hoc Working Group on Vessel Monitoring System as a MCS tool to be held in Rome in the second half of 2008, possibly with technical support from FAO and contributions from the FAO regional projects. The Commission endorsed this proposal subject for the Secretariat to fine tune the terms of reference of the ad hoc Working group in liaison with the Chairperson of COC. It also confirmed that the third session of the Committee will take place during the next plenary session of the Commission.

GFCM BUDGET AND MEMBER CONTRIBUTIONS FOR 2008

Running costs of the Commission Headquarters

117. With reference to earlier discussions held on this subject (see paragraph 47) the Commission further addressed the issue of the equipment and running costs of the new Headquarters.

118. The delegate from Italy introduced an official statement from the Ministry of Foreign Affairs by which his Government would bear all costs related to the furnishings and Information Technology (IT) equipment, thereby ensuring that the premises will be fully operational by June 2008. In addition some parking places will be secured in the surrounding of the building. He, however, recalled that the GFCM headquarters were covered under the umbrella of the Host Country Agreement between Italy and FAO whereby utilities and running costs should be borne by the concerned organizations, while extraordinary maintenance and repair costs will be paid by Italy.

119. The Commission invited the Representative of the FAO Legal Office to provide its views on this statement. He recalled that, at its twenty-ninth session in 2005, the Commission, having examined the offers before it, had decided that the headquarters of the Commission should be in Rome. In accordance with the offer made by Italy to that session, the terms of the Headquarters Agreement between Italy and FAO of 1951 had been extended to the headquarters of the Commission, staff and delegates to meetings and all other related issues as provided for in the Headquarters Agreement. As to the possibility for the host Government to finance utilities and running costs, he stated that the Headquarters Agreement between Italy and FAO, the International Fund for Agriculture Development (IFAD) and the World Food Programme (WFP), based in Rome, did not provide for such costs to be borne by the host Government. However, he added that nothing precluded Italy from covering such costs as confirmed by the offer made by Italy to the twenty-ninth session of GFCM which indicated explicitly that the Government of Italy was examining the possibility of financing utilities including communication facilities. Finally, he recalled that while several meetings had been convened between FAO and the competent Italian Authorities on this subject, no solution could be reached. Therefore, the matter was before the Commission, including for a decision on the absorption of the utilities and running costs by the autonomous budget.

120. A lengthy discussion followed in the course of which the Commission urged FAO and the Government of Italy to continue holding discussions with a view to finding a solution to the issue of the running costs. In the course of these discussions, it was highlighted that the forecasted running costs could possibly be downsized. Meanwhile, the Commission noted that in the present context and in view of the composition of its global budget for 2008, the Secretariat could not be transferred to the new premises, unless the situation is clarified.

2008 autonomous budget

121. The Executive Secretary presented the document GFCM:XXXII/2008/8 entitled “GFCM budget and Member contribution for 2008”. He delivered a detailed explanation on the calculation of the various chapters and budget lines, especially on those which were proposed to be increased. He highlighted that the increased forecast for 2008 was mainly imputable to several factors, especially the recruitment of new staff, inflation, periodic adjustments in UN gross salary scales resulting from the US dollar vs. Euro conversion rate, as well as increased activities of the Commission.

122. The Commission acknowledged the efforts made by the Executive Secretary in preparing the preliminary forecast of expenditures and for providing detailed information thereto. Several delegations, however, expressed concern on the proposed increase of the 2008 budget compared to 2007. The Commission noted however that unforecasted expenditures had been agreed upon during the session, such the inclusion of Arabic as a working language for the plenary session, costs related to the finalization or implementation of new projects, as well as additional studies and meetings. It was decided that these additional costs should be reflected in the budget without further increase and therefore the relevant budget lines, especially consultancies and travels, should be readjusted accordingly.

123. The Commission suggested that, in future, a comparative table indicating, by budget chapter, the budget adopted the preceding year, the proposed budget for the year concerned, and an estimation of the following year’s budget be prepared. Any substantial variation in individual chapter should continue to be detailed in the explanation note of the budget. Similarly, the table on individual

contributions of the Members should also reflect the variations over the same period. This would facilitate the forecasting by Members of their future contributions.

124. The delegate from the EC suggested that in future the following could be envisaged: an audit, as it is customary in other RFMOs, the establishment of a financial and administrative Committee of the GFCM and, that the preliminary budget forecast be elaborated in liaison with the Bureau of the Commission.

125. In response to a question of whether GFCM could be subject to an audit and whether it was possible to request a special audit of the Commission by an external entity, the Representative of the Legal Office recalled that GFCM was functioning within the framework of FAO, and consequently its activities were covered by the audit and oversight function of FAO, carried out by the Office of the Inspector-General and the External Audit.

126. As regards the internal audit function no restrictions are placed upon the Inspector-General who has complete independence, authority and discretion to examine all matters, as deemed necessary and relevant, on the basis of risk assessment, organizational priorities and other factors. The Office carries out financial, as well as value-for-money audits. A specialized unit handles investigations. Audit reports are not disclosed to third parties but main outputs are presented to the FAO Finance Committee and published on the Internet.

127. The External Auditor is the Auditor-General or a person exercising an equivalent function in a Member Nation, which follows generally accepted common auditing standards and reviews not only the accounts but makes observations on the efficiency of the administration and management of the Organization. Being independent, the External Auditor decides which areas should be examined specifically. In line with the United Nations position, third party audits are not possible but the Chairperson of the GFCM may request that the FAO Finance Committee should request the External Auditor to perform specific examinations and report thereon. Related costs would be charged to the budget of the Commission.

128. Taking into account all the above, the Commission agreed on a total amount of US\$1 397 034, for its autonomous budget in 2008. The Commission further acknowledged that the forecast of the FAO contribution for 2008 was estimated at US\$161 200. Therefore the global budget approved by the Commission, as reproduced in Appendix I, reached a total amount of US\$1 558 234. In addition, it was noted that extrabudgetary resource through cooperative projects executed by the Secretariat, could amount to about US\$427 141.97 as a whole.

129. In response to a number of delegations enquiring on the variation of their individual contribution over years, the Secretariat presented and used the newly established electronic database providing national profiles and trends on Member contribution.

130. Some delegations questioned some of the weighting factors used in the scheme for calculation of Member contributions.

131. With reference to Rule XI (2) of the Rules of Procedure, the delegate of the Libyan Arab Jamahiriya suggested that the expenses of the GFCM Chair, when performing duties on behalf of the Commission, be charged on the autonomous budget.

ELECTION OF GFCM BUREAU

132. All delegations expressed warm thanks to the outgoing Bureau especially to Mr Mohamed HadjAli Salem (Tunisia) for his outstanding leadership in chairing the sessions of the Commission and to Mr Riccardo Rigillo (Italy), First Vice-Chairperson, and Mr Ivan Katavić (Croatia), Second Vice-Chairperson, for their excellent work.

133. The Commission unanimously extended the mandate of the GFCM Bureau for another term.

ANY OTHER MATTERS

134. There were no other matters.

DATE AND PLACE OF THE THIRTY-THIRD SESSION

135. The Commission decided to hold its thirty-third session in February 2009. The exact date and the venue will be agreed in due course.

ADOPTION OF THE REPORT

136. The report was adopted on Friday 29 February 2008.

Agenda

- 1. Opening of the Session**
- 2. Adoption of the Agenda and arrangements for the Session**
- 3. Report on the intersessional activities 2007**
 - Report of the Scientific Advisory Committee (SAC)
 - FAO regional projects
 - Activities of the Committee on Aquaculture (CAQ)
- 4. Administrative and financial reports**
 - Activities and functioning of the Secretariat
 - Headquarters of the Commission
 - Status of ratification of the Amendments to the GFCM Agreement
 - Member contributions to the autonomous budget
 - 2007 financial status: autonomous budget, arrears and trust funds
- 5. Amendments to the Rules of Procedure and issues related to the functioning of the Commission**
 - Amendments to the Rules of Procedure
 - Arrangements with International Partner Organizations
- 6. Management of Mediterranean fisheries**
 - Management advice emanating from SAC
 - Draft Recommendation concerning minimum standards for the establishment of a VMS system in the GFCM Area
 - Draft Recommendation on management of fishing capacity in the GFCM Area
 - Draft Recommendation concerning the recording of catch by fishing vessels in the GFCM Area
 - Draft proposal to amend the Recommendation GFCM 2006/4 on illegal, unreported and unregulated fishing in the GFCM Area
 - Recommendation from the International Commission for the Conservation of Atlantic Tunas (ICCAT) of relevance for the Mediterranean
- 7. Conclusions of the Compliance Committee (COC)**
- 8. Programme of work for the intersessional period 2008**
- 9. GFCM budget and Member contributions for 2008**
- 10. Election of the GFCM Bureau**
- 11. Any other matters**
- 12. Date and place of the thirty-third session**
- 13. Adoption of the report**

List of participants

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| GFCM/32/2008/Dma.1 | Technical reference on the impact of selected fishing gears on the environment – GFCM Studies and Reviews No. 84. Rome, FAO. 2008 (available only in French) |
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AMENDED RULES OF PROCEDURE

RULE I: Definitions

For the purpose of these Rules, the following definitions apply:

Agreement: The Agreement for the establishment of the General Fisheries Commission for the Mediterranean adopted in Rome (Italy) on 24 September 1949, as amended in accordance with Article X thereof, hereinafter referred to as the Agreement.

Commission: The General Fisheries Commission for the Mediterranean.

Chairperson: The Chairperson of the Commission.

Vice-Chairpersons: The Vice-Chairpersons of the Commission.

Delegate: The representative of a Member as specified in Article II, paragraph 1 of the Agreement.

Delegation: The delegate and his alternate, experts and advisers.

Member: Members and Associate Members of the Organization, and non-members of the Organization, or regional economic integration organizations as may be Members of the Commission.

Executive Secretary: The Secretary of the Commission.

Organization: The Food and Agriculture Organization of the United Nations.

Conference: The Conference of the Organization.

Council: The Council of the Organization.

Director-General: The Director-General of the Organization.

Headquarters: The headquarters of the Commission under Article II, paragraph 11 of the Agreement.

Observer Nation: A nation that is not a Member of the Commission or a Member of FAO or Associate Member of the Organization, but which is a Member of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, attending a session of the Commission while not being a Member of the Commission.

International organization participating as observer: An international, intergovernmental or non governmental organization attending a session of the Commission or its Committees or its subsidiary bodies while not being a Member of the Commission.

RULE II: Sessions of the Commission

1. In pursuance of, and in accordance with, Article II, paragraph 10 of the Agreement, the Commission shall, at each regular annual session decide the time and place of the next session in accordance with the requirements of the Commission's programmes and the terms of the invitation of the country in which the session is to be held, as appropriate. Sessions of the Commission may be held in a country which is a Member of the Commission or at its headquarters or at the headquarters of the Organization.

2. The Chairperson may convene an extraordinary session of the Commission at the request or with the approval of a majority of the Members.
3. Invitations to a regular session of the Commission shall be issued by the Executive Secretary on behalf of the Chairperson and sent to Members, observer nations and international organizations participating as observers, not less than sixty days in advance of the date fixed for the opening of the session. Invitations to extraordinary sessions shall be issued not less than forty days in advance of the date fixed for the opening of the session.
4. In order that a proposal to hold a session of the Commission or any of its organs, in a given country, may be considered, such country must have (a) ratified without reservation the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, or (b) given the assurance that all delegates, representatives, experts, observers, or other persons entitled to attend such session in accordance with the terms of the Agreement or these Rules, will enjoy the privileges and immunities necessary for the independent exercise of their function in connection with the session.

RULE III: Registration and Credentials

1. The Executive Secretary shall make arrangements for the registration of delegates and observers, including by establishing a standard format to that effect. The Executive Secretary shall report to the Commission on the registration of delegates and observers, as may be required.
2. At each session, the Secretary shall receive the credentials of delegations, observer nations and international organization participating as observers. Such credentials shall conform to the standard form set by the Secretariat. Upon examination thereof the Secretariat shall report to the Commission for the necessary action.

RULE IV: Agenda

1. The agenda for each regular session shall include the following items:
 - a) election of the Chairperson and of two Vice-Chairpersons as provided under Article II, paragraph 9 of the Agreement, as appropriate;
 - b) adoption of the agenda;
 - c) a report by the Executive Secretary on the financial and administrative affairs of the Commission and a report by the Chairperson or the Executive Secretary on the activities of the Commission;
 - d) consideration of the proposed budget;
 - e) reports on intersessional activities of the committees and the subsidiary bodies;
 - f) consideration of the time and place of the next session;
 - g) applications for membership in accordance with Article XIII, paragraph 2 of the Agreement, from States which, while not Members of the Organization, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency;
 - h) items referred to the General Fisheries Commission for the Mediterranean by the Conference, the Council or the Director-General of the Organization.
2. The agenda shall also include, upon approval by the Commission:
 - a) items approved at the previous session;
 - b) items proposed by the committees and the subsidiary bodies;
 - c) items proposed by a Member.

3. The provisional agenda shall be sent by the Executive Secretary to Members, observer nations and international organizations participating as observers not less than thirty days before the opening of the session, together with reports and documents available in connection therewith.
4. The agenda of an extraordinary session shall consist only of the items relating to the purpose for which the session was called.

RULE V: The Secretariat

1. The Secretariat shall consist of the Executive Secretary and such staff responsible to him as may be appointed in accordance with the Agreement and other relevant rules and procedures as appropriate.
2. The Executive Secretary shall be appointed by the Director General following the approval of the Commission in accordance with the selection procedure agreed upon by the Commission.
3. The Executive Secretary shall be responsible for the implementation of the policies and activities of the Commission and shall report thereon to the Commission.
4. The duties of the Executive Secretary shall include:
 - a) receive and transmit the Commission's official communications;
 - b) maintain contacts with appropriate government officials, fishery institutions and international organizations concerned with the development, conservation, rational management and utilization of fisheries, as well as the sustainable development of aquaculture in the Region of the Commission, to facilitate consultation and cooperation on all matters pertaining to the objectives of the Commission,
 - c) maintain an active and effective network of national focal points for routine communication on progress and results of the activities of the Commission;
 - d) prepare and implement work programmes, prepare budgets and ensure timely reporting to the Commission;
 - e) authorize disbursement of funds in accordance with the Commission's autonomous budget and account for the funds of the Commission's autonomous budget;
 - f) participate in the formulation of proposals regarding the budget and programme of work or other activities of the Commission financed by the regular budget of the Organization;
 - g) stimulate interest among Members of the Commission and potential donors in the activities of the Commission and in possible financing or in implementing cooperative projects and complementary activities;
 - h) promote, facilitate and monitor the development of databases for fisheries assessment and monitoring and technical, biological and socio-economic research to provide a sound basis for fisheries management and aquaculture development;
 - i) coordinate the Members' programmes of research, when required;
 - j) participate, as appropriate, in the oversight of activities of projects carried out under the general framework of the Commission or its subsidiary bodies;
 - k) organize sessions of the Commission and its subsidiary bodies and other related Ad Hoc meetings;
 - l) prepare, or arrange for the preparation, of background documents and papers and a report on the Commission's activities and the programme of work for the submission to the Commission at its regular sessions, and arrange for the subsequent publication of the report and the proceedings of the Commission as well as its subsidiary bodies and related Ad Hoc meetings;
 - m) take such appropriate steps as may be required to ensure coordination between the activities of the Commission and those carried out by the Organization through its Fisheries and Aquaculture Department, with particular reference to all matters having policy, financial or programme implications;

5. Copies of all communications concerning the affairs of the Commission shall be sent to the Executive Secretary for purposes of information and record.

RULE VI: Plenary meetings of the Commission

Plenary meetings of the Commission shall be held in public unless otherwise decided by the Commission. When the Commission decides to hold a private meeting, it shall at the same time determine the scope of such a decision with respect to observers.

RULE VII: Election of Chairperson and Vice-Chairperson

The Commission shall elect, from among delegates or alternates attending the session at which they are elected, the Chairperson and the first and second Vice-Chairpersons of the Commission, who shall assume office immediately following the regular session at which they were elected and who shall be elected for two regular sessions. The Chairperson and the Vice-Chairpersons shall be eligible for re-election for a further two regular sessions.

RULE VIII: Functions of the Chairperson and Vice-Chairpersons in connection with meetings of the Commission

1. The Chairperson shall exercise the functions conferred on him elsewhere in these Rules and, in particular, shall:
 - a) declare the opening and closing of each plenary meeting of the Commission;
 - b) direct the discussions at such meetings and ensure observance of these Rules, accord the right to speak, put questions and announce decisions;
 - c) rule on points of order;
 - d) subject to these Rules, have complete control over the proceedings of the session;
 - e) appoint such committees of the session, as the Commission may direct.
2. In the absence of the Chairperson, or at his request, his functions shall be exercised by the Vice-Chairperson or, in the absence of the latter, by the second Vice-Chairperson.
3. The Chairperson, or the Vice-Chairpersons when acting as Chairpersons, shall not vote and another member of their delegations shall represent their governments.
4. The Executive Secretary shall temporarily exercise the functions of the Chairpersons in the event that the Chairperson and the Vice-Chairpersons should be unable to serve.
5. The Commission may adopt rules, consistent with the present Rules, clarifying the functions of the Chairperson and Vice-Chairpersons, with particular reference to any functions performed during the inter-session period.

RULE IX: Voting arrangements and procedures

1. Except as otherwise provided in paragraph 4 of this Rule, voting in plenary meetings shall be by show of hands, except that a vote by roll call shall be taken if a special majority is required by the Agreement or these Rules, or if a request for a vote by roll call is made by any delegation.
2. A vote by roll call shall be conducted by calling upon delegations in the French alphabetical order.
3. The record of any roll call vote shall show the votes cast by each delegate and any abstention.

4. Voting on matters relating to individuals, except the election of the Bureau of the Commission and its committees, shall be by secret ballot.
5. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to the two candidates obtaining the largest number of votes. If, on the second ballot, the votes are equally divided, the Chairperson shall decide between the candidates by drawing lots.
6. If the Commission is equally divided when a vote is taken on a question other than an election, a second vote shall be taken at the next meeting of the current session. If the Commission is then equally divided, the proposal shall be regarded as rejected.
7. Voting arrangements and other related matters not specifically provided for by the Agreement, or by these Rules, shall be governed, "mutatis mutandis", by Rule XII of the General Rules of the Organization.

RULE X: Committees, working groups and other subsidiary bodies

Committee on Aquaculture

1. There shall be established a Committee on Aquaculture (CAQ) which shall monitor trends and promote the sustainable development and responsible management of marine and brackish water aquaculture in the region. The Committee:
 - a) shall provide independent advice on the technical, socio-economic, legal and environmental bases for common standards, norms and guidelines and management measures for consideration by the Commission;
 - b) shall be open to all Members of the Commission. Each Member of the Commission may designate a Member of the Committee, and a member may be accompanied by experts;
 - c) may establish working groups to analyze scientific and technical data and information and to advise the Committee on issues related to sustainable development of aquaculture (such as markets, environmental interactions, health, social, and other relevant issues) and the integration of marine aquaculture into coastal zone management, and ensure their coordination through a Coordinating Meeting of the Working Groups (CMWG);
 - d) the Committee shall in particular:
 - i. assess information provided by Members and relevant aquaculture related stakeholders or programmes on production statistics, market data, culture systems, technologies used, farmed species, and maintain related databases, including relevant socio-economic, environmental, biotic and abiotic indicators;
 - ii. promote the formulation of common standards and guidelines for the Commission, on sustainable development of aquaculture;
 - iii. identify cooperative research and training programmes and coordinate their implementation;
 - iv. carry out other duties, functions or responsibilities related to aquaculture promotion that may be conferred to it by the Commission.
 - e) Members have an obligation to provide information on production and other data relevant to the functions of the Committee in such a way as to enable the Committee to fulfil its responsibilities under this paragraph.

Scientific Advisory Committee

2. There shall be established a Scientific Advisory Committee which shall provide scientific, social and economic information, data, or advice relating to the work of the Commission.

- a) The Committee shall be open to all Members of the Commission. Each Member of the Commission may designate a member of the Committee and a member may be accompanied by experts.
- b) The Committee may establish working groups to analyze data and to advise the Committee of the state of shared and straddling resources.
- c) The Committee shall provide independent advice on the technical and scientific basis for decisions concerning fisheries conservation and management, including biological, environmental, social and economic aspects and, in particular, it shall:
 - i. assess information provided by Members and relevant fisheries organizations or programmes on catches, fishing effort, fleet capacity, and other data relevant to the conservation and management of fisheries;
 - ii. formulate advice to the Commission on the conservation and management of fisheries;
 - iii. identify cooperative research programmes and coordinate their implementation;
 - iv. undertake such other functions or responsibilities as may be conferred on it by the Commission.
- d) Members have an obligation to provide information on catches and other data relevant to the functions of the Committee in such a way as to enable the Committee to fulfil its responsibilities under this paragraph.

Compliance Committee

- 3. There shall be established a Compliance Committee that will meet during the annual Commission Session and will be entrusted with the following functions:
 - a) review compliance with conservation and management measures adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness;
 - b) review the implementation of measures on monitoring, control, surveillance, and enforcement adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness;
 - c) define, develop and make recommendations to the Commission concerning the phased development and implementation of the GFCM Control and Inspection scheme;
 - d) monitor, review and analyze information pertaining to the activities of Non-Contracting Parties and their vessels which undermine the objectives of the Agreement including, in particular, illegal, unreported and unregulated (IUU) fishing, and recommend actions to be taken by the Commission to discourage such activities;
 - e) perform such other tasks as directed by the Commission.
- 4. The Committees may establish such working groups to deal with particular subject matters as may be decided, subject to the provisions of Article VII, paragraph 3 of the Agreement.
- 5. The Commission may establish such other committees and working groups as it considers desirable, subject to the provisions of Article VII, paragraph 3 of the Agreement.
- 6. The Committees and working groups shall be governed, *mutatis mutandis*, by the Rules of Procedure of the Commission, as well as such other supplementary procedures, consistent with the present Rules, as the Commission established.
- 7. The relationship between the Commission and its subsidiary committees and working groups and networks or Coordinators, or national focal points, or other entities as may deal with matters within the purview of the Commission may be clarified, as appropriate, through specific decisions by the Commission or arrangements to be concluded on behalf of the Commission and the relevant interested parties.

RULE XI: Budget and finance

1. Any estimates of expenditures to be covered by the general budget of the Organization shall be submitted by the Executive Secretary to the Commission for approval. Once approved, as part of the general budget of the Organization, without prejudice to the relevant rules of the Organization and the decisions of its Governing Bodies, they will constitute the limits within which funds may be committed for purposes approved by the Conference of FAO.
2. The Commission shall determine the extent to which travelling expenditures incurred by the Chairperson, the Vice-Chairpersons of the Commission and of any subsidiary bodies, in connection with their functions, may be covered by the autonomous budget of the Commission.
3. Subject to Article IX of the Agreement, any budgetary or financial matters relative to the autonomous budget of the Commission shall be dealt with in accordance with the Financial Regulations of the Commission.

RULE XII: Participation by observers

1. Any Member or Associate Member of FAO that is not a Member of the Commission may, upon its request, be invited as an observer at sessions of the Commission, its Committees and its subsidiary bodies.
2. States which, while not Members of the Commission nor Members or Associate Members of FAO, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon request and subject to the concurrence of the Commission through its Chairperson, and to the provisions relating to the granting of observer status to nations adopted by the Conference of FAO, be invited to attend sessions of the Commission, its Committees and its subsidiary bodies as observers.
3. The Commission may invite international organizations to participate as observers, upon request, having special competence in the field of activity of the Commission, including its Committees and its subsidiary bodies, to attend such of its meetings as the Commission may specify.
4. Unless the Commission expressly determines otherwise, observers may attend the plenary meetings of the Commission and participate in the discussions at any committee and subsidiary body sessions which they may be invited to attend upon request. In no case will they be entitled to vote.

RULE XIII: Reports, Recommendations and Resolutions

1. At each session, the Commission shall approve a report embodying its views, recommendations, resolutions and decisions, including, when requested, a statement of minority views. The report shall be made available on the Web site of the Commission.
2. Subject to the provisions of Article V of the GFCM Agreement, the conclusions, resolutions and recommendations of the Commission shall be transmitted to the Director-General at the end of the session. The Executive Secretary shall, on behalf of the Chairperson, circulate them to Members of the Commission, nations and international organizations which were represented at the session. Similarly, these documents may be made available to other Members and Associate Members of the Organization for their information, as appropriate.
3. Resolutions and recommendations having policy, programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference through the Council of the Organization for action.

4. Subject to the provisions of the preceding paragraph, the Chairperson may request Members of the Commission to supply information on action taken on the basis of the recommendations made by the Commission.
5. The Commission may adopt recommendations for action by Members on any matters pertaining to the functions covered by Article III of the Agreement. Recommendations adopted under Article V of the Agreement shall be governed by the provisions of that Article.
6. The Executive Secretary shall receive on behalf of the Commission the replies of the Members in respect of such recommendations and shall prepare a summary and an analysis of such communications for presentation at the next session.

RULE XIV: Amendments to the Agreement

1. Proposals for the amendment of the Agreement as provided by Article XII of the Agreement may be made by any Member in a communication addressed to the Executive Secretary. The Executive Secretary shall transmit to all Members and to the Director-General a copy of such proposals for amendment immediately upon their receipt.
2. No action on a proposal for the amendment of the Agreement shall be taken by the Commission at any session, unless it has been included in the provisional agenda of the session.

RULE XV: Suspension and amendment of Rules

1. Subject to the provisions of the Agreement, any of the foregoing Rules, other than Rules IV, V, XI, XII, XIV paragraph 2, and XVI, may be suspended on the motion of any delegation by a majority of the votes cast at any plenary meeting of the Commission, provided that announcement is made at a plenary meeting of the Commission and copies of the proposal for suspension have been distributed to the delegations not less than forty-eight hours before the meeting at which action is to be taken.
2. Amendments of, or additions to, these Rules may be adopted on the motion of any delegation by a two-thirds majority of the Members of the Commission, at any plenary meeting of the Commission, provided an announcement is made at a plenary meeting and copies of the proposal for the amendment or addition have been distributed to delegations not less than twenty-four hours before the meeting at which action is to be taken.
3. Any amendments to Rule XVI which may be adopted in accordance with the provisions of paragraph 2 of this Rule shall not become effective until the next session of the Commission.

RULE XVI: Official languages of the Commission

1. The official languages of the Commission shall be such languages of the Organization as the Commission itself may decide. The delegations may use any one of these languages at sessions and for their reports and communications.
2. During the meetings, interpretation in one or more of the official languages will be provided by the Secretariat when requested by one of the delegates present.
3. Publications of reports and communications shall be in the language in which they are submitted and, when required by the Commission, abstracts in translation may be published.

DRAFT GUIDELINES FOR THE GFCM PERFORMANCE REVIEW

Background

The Joint Meeting of the Tuna Regional Fisheries Management Organizations (RFMOs) held in Kobe, Japan (22–26 January 2007), agreed that the tuna RFMOs should have performance reviews, which should be conducted in accordance with a common methodology and a common set of criteria, taking into account as far as possible, the specific requirements of each Commission. At the twenty-seventh session of the FAO Committee on Fisheries (5–9 March 2007), Members emphasized the importance of conducting performance reviews and recognized that each RFMO should independently decide upon the methodology, criteria and frequency of reviews.

The purpose of this document is to present a possible approach for the manner in which the GFCM Performance Review could be conducted.

The timing and deadlines for the Performance review shall be decided by the Commission. The GFCM will also decide on practical aspects related to the selection of the three external experts. Notably, and accordingly to the intended deadline for the performance review, the Commission shall establish a delay of one month for the nomination of candidates to the Executive Secretary for their inclusion in the pool of internationally recognized experts. The final list shall be circulated to Members who shall have a period of at least one month to express their preferences.

Suggested approach

1. Terms of reference

The evaluation of performance should be oriented towards an examination of the Commission's objectives, as stipulated in the GFCM Agreement, and the measures in place to achieve such objectives. A review of GFCM performance should include the following:

a) Assessment of the text of the Agreement, and its ability to assimilate the requirements of international fisheries instruments:

- Are objectives clearly stated, and are they consistent with other international instruments?
- Does the text of the Agreement impose any restraints on the organization that prevent it from implementing international instruments?
- Are the decision-making processes adequate to reach the stated objectives?

b) Assessment of the extent to which measures adopted achieve the Commission's objectives and the objectives of international instruments:

- What measures are in place to achieve each objective?
- What is the extent of compliance with such measures?
- To what extent are the objectives being met?

c) Recommendations on how the GFCM could be improved.

2. Criteria and standards for performance evaluation

It is suggested that Commission make use of the common criteria adopted at the sixth round of informal consultations of States Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement) as presented in **Annex 1**. These criteria outline “what” (at minimum) should be assessed in the performance review.

3. Selection of reviewers

This proposal is for a panel of three experts, who have not been involved with GFCM in the last five years, to conduct the review. This panel shall be constituted by one expert in international legal fisheries instruments, one expert in fisheries management, and one expert in fisheries science. The GFCM Secretariat should provide adequate information and other support to the experts to facilitate their work.

The three external experts should have an appropriate level of experience in their specialized field of work, and a command of written and spoken English. Knowledge of other official languages of GFCM would be an advantage. Reviewers should be selected from a pool of internationally recognized experts. The selection should be made by Contracting Parties from a list which will be compiled by the Secretariat on the basis of nominations made by the Contracting Parties of three experts.

4. Timing

The work should be carried out within a reasonable time period as specified by the Commission, and should preferably commence no later than [xxx 2009 – to be determined].

5. Dissemination and consideration of the performance review report

The performance review report will be presented to the Commission. The Commission will consider the performance review report and any proposals or recommendations. The performance review report will be distributed to Contracting Parties and will also be posted in the GFCM Web site.

Budgetary requirements

On the basis of four weeks work by each individual three experts as discussed above, a total of [...] person days would be required to carry out the review. The price per day includes all materials and communication costs. The daily rate is calculated to be [...], with a total cost of US\$ [...]. In addition, the panel of experts would be required to make one trip for a coordination meeting of experts and one to the GFCM meeting. Travel and per diem under this scenario would be paid by the Commission, but no fees. Costs could vary depending on the original location of experts and location of the meetings, and hence estimates are tentative.

| <i>Item</i> | <i>Unit cost</i> | <i>Number of units</i> | <i>Total cost</i> |
|---------------|------------------|------------------------|-------------------|
| Days of work | | | |
| Travel costs | | | |
| Contingencies | | | |
| TOTAL | | | |

Criteria for reviewing the performance of regional fisheries management organizations (RFMOs)

| | AREA | General criteria | Detailed criteria |
|----------|------------------------------------|--|--|
| 1 | <i>Conservation and management</i> | Status of living marine resources | <ul style="list-style-type: none"> • Status of major fish stocks under the purview of the RFMO in relation to maximum sustainable yield or other relevant biological standards. • Trends in the status of those stocks. • Status of species that belong to the same ecosystems as, or are associated with or dependent upon, the major target stocks (hereinafter “non-target species”). • Trends in the status of those species. |
| | | Data collection and sharing | <ul style="list-style-type: none"> • Extent to which the RFMO has agreed formats, specifications and timeframes for data submission, taking into account the United Nations Fish Stock Agreement (UNFSA) Annex I. • Extent to which RFMO members and cooperating non-members, individually or through the RFMO, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner. • Extent to which fishing data and fishing vessel data are gathered by the RFMO and shared among members and other RFMOs. • Extent to which the RFMO is addressing any gaps in the collection and sharing of data as required. |
| | | Quality and provision of scientific advice | <ul style="list-style-type: none"> • Extent to which the RFMO receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment. |
| | | Adoption of conservation and management measures | <ul style="list-style-type: none"> • Extent to which the RFMO has adopted conservation and management measures for both target stocks and non-target species that ensures the long-term sustainability of such stocks and species and are based on the best scientific evidence available. • Extent to which the RFMO has applied the precautionary approach as set forth in UNFSA Article 6 and the Code of Conduct for Responsible Fisheries Article 7.5, including the application of precautionary reference points. • Extent to which the RFMO has adopted and is implementing effective rebuilding plans for depleted or overfished stocks. • Extent to which the RFMO has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries. • Extent to which the RFMO has taken due account of the need to conserve marine biological diversity and minimize harmful impacts of fisheries on living marine resources and marine ecosystems. • Extent to which the RFMO has adopted measures to minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques. |
| | | Capacity management | <ul style="list-style-type: none"> • Extent to which the RFMO has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries. • Extent to which the RFMO has taken actions to prevent or eliminate excess fishing capacity and effort. |
| | | Compatibility of management measures | <ul style="list-style-type: none"> • Extent to which measures have been adopted as reflected in UNFSA Article 7. |
| | | Fishing allocations and opportunities | <ul style="list-style-type: none"> • Extent to which the RFMO agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants as reflected in UNFSA Article 11. |

| | | | |
|---|---|---|--|
| 2 | <i>Compliance and enforcement</i> | Flag State duties | <ul style="list-style-type: none"> • Extent to which RFMO members are fulfilling their duties as flag States under the treaty establishing the RFMO, pursuant to measures adopted by the RFMO, and under other international instruments, including, <i>inter alia</i>, the 1982 Law of the Sea Convention, the UNFSA and the 1993 FAO Compliance Agreement, as applicable. |
| | | Port State measures | <ul style="list-style-type: none"> • Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as port States, as reflected in UNFSA Article 23 and the Code of Conduct for Responsible Fisheries Article 8.3. • Extent to which these measures are effectively implemented. |
| | | Monitoring, control and surveillance (MCS) | <ul style="list-style-type: none"> • Extent to which the RFMO has adopted integrated MCS measures (e.g., required use of VMS, observers, catch documentation and trade tracking schemes, restrictions on transshipment, boarding and inspection schemes). • Extent to which these measures are effectively implemented. |
| | | Follow-up on infringements | <ul style="list-style-type: none"> • Extent to which the RFMO, its members and cooperating non-members follow up on infringements to management measures. |
| | | Cooperative mechanisms to detect and deter non-compliance | <ul style="list-style-type: none"> • Extent to which the RFMO has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance). • Extent to which these mechanisms are being effectively utilized. |
| | | Market-related measures | <ul style="list-style-type: none"> • Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as market States. • Extent to which these market-related measures are effectively implemented. |
| 3 | <i>Decision-making and dispute settlement</i> | Decision-making | <ul style="list-style-type: none"> • Extent to which RFMO has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner. |
| | | Dispute settlement | <ul style="list-style-type: none"> • Extent to which the RFMO has established adequate mechanisms for resolving disputes. |
| 4 | <i>International cooperation</i> | Transparency | <ul style="list-style-type: none"> • Extent to which the RFMO is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9. • Extent to which RFMO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion. |
| | | Relationship to cooperating nonmembers | <ul style="list-style-type: none"> • Extent to which the RFMO facilitates cooperation between members and nonmembers, including through the adoption and implementation of procedures for granting cooperating status. |
| | | Relationship to non-cooperating non-members | <ul style="list-style-type: none"> • Extent of fishing activity by vessels of non-members that are not cooperating with the RFMO, as well as measures to deter such activities. |
| | | Cooperation with other RFMOs | <ul style="list-style-type: none"> • Extent to which the RFMO cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats. |
| | | Special requirements of developing States | <ul style="list-style-type: none"> • Extent to which the RFMO recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities, taking into account UNFSA Articles 24 and 25, and the Code of Conduct of Responsible Fisheries Article 5. • Extent to which RFMO members, individually or through the RFMO, provide relevant assistance to developing States, as reflected in UNFSA Article 26. |
| 5 | <i>Financial and administrative issues</i> | Availability of resources for RFMO activities | <ul style="list-style-type: none"> • Extent to which financial and other resources are made available to achieve the aims of the RFMO and to implement the RFMO's decisions. |
| | | Efficiency and cost-effectiveness | <ul style="list-style-type: none"> • Extent to which the RFMO is efficiently and effectively managing its human and financial resources, including those of the Secretariat. |

RESOLUTION GFCM/2008/1
ON
REPORTING ON THE IMPLEMENTATION OF GFCM MANAGEMENT MEASURES

The General Fisheries Commission for the Mediterranean (GFCM),

RECALLING the role of the GFCM in promoting development, conservation, rational management and best utilization of living marine resources, as well as the sustainable development of aquaculture in the Convention Area,

RECOGNIZING the vital implementation of GFCM measures, as referred to in Article III of the GFCM Agreement, to ensure the sustainability of fisheries and aquaculture in the Convention Area;

RECALLING the obligation of Members to transpose the relevant GFCM Recommendations adopted in virtue of Article V of the GFCM Agreement, into the appropriate policy, legal or institutional framework to which they pertain;

REFERRING to the responsibilities of the Compliance Committee in the monitoring of the implementation of GFCM measures;

TAKING INTO ACCOUNT that the Compliance Committee underlined the need to improve the quality of information submitted on the implementation of GFCM measures;

NOTING the duties of the Secretariat, with particular reference to paragraph 4 (i) of Rule V of the Rules of Procedure;

UNDERLINING that the adoption of this Resolution is without prejudice to specific data and information reporting obligations contained in the respective Recommendations and Resolutions.

RESOLVES that:

1. Members should report annually to the Secretariat on the implementation of GFCM measures, at least thirty-days prior to each GFCM Session, using the format appended to this Resolution.

APPENDIX G

GFCM Recommendations on Mediterranean fisheries management**RECOMMENDATION GFCM/2008/1****ON A REGIONAL SCHEME ON PORT STATE MEASURES TO COMBAT ILLEGAL,
UNREPORTED AND UNREGULATED FISHING IN THE GFCM AREA**

The General Fisheries Commission for the Mediterranean (GFCM),

RECALLING the 2003 Declaration of the Ministerial Conference for the Sustainable Development of Fisheries in the Mediterranean;

RECALLING further the 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing endorsed by the Twenty-sixth Session of the FAO Committee on Fisheries;

RECALLING further the Sustainable Fisheries Resolutions of the United Nations General Assembly adopted in 2005, 2006 and 2007 calling for the development of a legally-binding instrument on port State measures;

RECALLING further part three of the 2005 General Guidelines for a GFCM Control and Enforcement Scheme and 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;

ACKNOWLEDGING the decision of the Twenty-seventh Session of the FAO Committee on Fisheries to develop a legally-binding instrument on port State measures;

TAKING INTO ACCOUNT the draft Agreement on port State measures developed by the FAO Expert Consultation to Develop a Legally-binding instrument on Port State Measures held 4–8 September 2007 in Washington DC USA;

NOTING port State measures that have been adopted by various regional fisheries management organizations;

CONCERNED by the fact that illegal, unreported and unregulated fishing (IUU) activities in the GFCM area continue, and that these activities diminish the effectiveness of the GFCM conservation and management measures,

RECOGNIZING the potential effectiveness of strengthened and harmonized Port State Measures in combating illegal, unreported and unregulated fishing activities, and the need to develop and to implement such measures in a fair, transparent and non-discriminatory manner;

ADOPTS in conformity with the provision of paragraph 1 (b) and (h) of Article III and Article V of the GFCM Agreement:

Objective

1. The objective of this Recommendation is to contribute to the long-term conservation and sustainable use of living marine resources in the GFCM Area through strengthened, harmonized and transparent port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing.

Definitions

2. For the purposes of this Recommendation,
 - “fish” means all species of living marine resources, whether processed or not;
 - “fishing” means:
 - (i) the actual or attempted searching for, catching, taking or harvesting of fish in the GFCM Area; and
 - (ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish in the GFCM Area;
 - “fishing related activities” means any operation in the GFCM Area in support of, or in preparation for fishing, including the processing, transshipment or transport of fish that have not been previously landed and offloaded at a port, as well as the provision of personnel, fuel, gear and other supplies at sea;
 - “vessel” means any vessel, ship of another type, boat and other craft used for, equipped to be used for, or intended to be used for, fishing or fishing related activities in the GFCM Area.
 - “port” includes offshore terminals and other installations for landing, transshipping, processing refuelling or resupplying;
 - “illegal, unreported and unregulated fishing” has the same meaning as set out in the paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and applies to all marine fisheries;
 - “regional economic integration organization” means a regional economic integration organization to which its member States have transferred competence over matters covered by this Recommendation, including the authority to make decisions binding on its member States in respect of those matters;
 - “regional fisheries management organization” means an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish conservation and management measures;

Application

3. This Recommendation only applies to vessels which are within the GFCM Area.
4. Each Contracting Party shall, in its capacity as a port State, apply this Recommendation in respect of vessels that are not flying its flag that are seeking access to its port(s) or are in one of its ports.
5. Each Contracting Party shall take additional measures, as it deems necessary, to reinforce effective jurisdiction and control over the fishing and fishing related activities of vessels flying its flag. To the greatest extent possible, such measures shall include *mutatis mutandis* the port State measures set forth in this Recommendation in respect of such vessels.

Integration and coordination

6. To the greatest extent possible, Contracting Parties shall:
 - (a) integrate port State measures into a broader system of port State controls;
 - (b) integrate port State measures with other measures to prevent, deter and

- eliminate illegal, unregulated and unreported fishing; and
- (c) take measures to share information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Recommendation.

Cooperation and exchange of information

7. In the implementation of this Recommendation and with due regard to appropriate confidentiality requirements, Contracting Parties shall cooperate and exchange information with the GFCM Secretariat, relevant States and international organizations and other entities, including, as appropriate, by:
 - (a) requesting information from, and providing information to, relevant databases;
 - (b) requesting and providing cooperation to promote the effective implementation of this Recommendation.
8. The Contracting Parties shall, to the extent possible, ensure that national fisheries related information systems allow for the direct electronic exchange of information on port State inspections between them and with the GFCM Secretariat, with due regard to appropriate confidentiality requirements, in order to facilitate the implementation of this Recommendation;
9. The Contracting Parties shall establish a list of contact points in the relevant administrations in order to take due note of any reply or any actions proposed or taken by the flag State of the inspected vessel. The list shall be transmitted to the Executive Secretary of GFCM and to the other Contracting Parties no later than 30 days after the entry into force of this Recommendation.

Designation of ports

10. The Contracting Parties shall designate and publicize national ports to which foreign vessels may be permitted access and, to the greatest extent possible, shall ensure that every port designated and publicized has sufficient capacity to conduct inspections and take other port State measures in accordance with this Recommendation.
11. The Contracting Parties shall notify the GFCM Secretariat of the ports designated under paragraph 10 within 10 (ten) days of such designation.

GFCM register of ports

12. The GFCM Secretariat shall establish and maintain a register of designated and publicized national ports based on the lists submitted by Contracting Parties. The register shall be published on the GFCM website.

Prior notice of entry into port

13. The Contracting Parties shall, before granting access to their designated ports, require the masters of vessels to notify the competent authorities of the port they wish to use at least 72 hours before the estimated time of arrival. However, a Contracting Party may make provision for another notification period, taking into account, *inter alia*, the distance between the fishing grounds and its ports. The notification shall include, as a minimum standard, the information set out in **Annex A**.

Port entry authorization

14. Each Contracting Party, through its competent authorities, shall communicate in a written form the authorization, or denial, for access to the port for landing, transshipping or processing to the master of the vessel seeking access to its ports. The master of the vessel shall present the authorization for access to the port to the competent authorities of the Contracting Party upon arrival at port before commencing authorized activities.

Denial of use of port

15. A Contracting Party shall not allow a vessel to use its ports for landing, transshipping or processing of fish if the vessel:
 - (a) at the relevant time was engaged in fishing in the GFCM Area and was not flying the flag of a Contracting Party; or
 - (b) has been sighted as being engaged in, or supporting, illegal, unreported and unregulated fishing in the GFCM Area, unless the vessel can establish that the catch was taken in a manner consistent with relevant GFCM conservation and management measures.
16. A Contracting Party shall not allow a vessel to use its ports for landing, transshipping or processing of fish if the vessel is included in a list of vessels having engaged in, or supported, illegal, unreported and unregulated fishing adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization.
17. A Contracting Party shall not allow a vessel to use its ports for landing, transshipping or processing of fish where there are reasonable grounds for believing that the vessel does not have a valid and applicable authorization to engage in fishing and fishing related activities in the GFCM Area.
18. A Contracting Party shall, in appropriate situations, deny a vessel referred to in paragraphs 15, 16 and 17 access to port services, including, *inter alia*, refuelling and resupplying services but not including services essential to the safety, health and welfare of the crew.
19. Where a Contracting Party has denied the use of its ports in accordance with this Recommendation, it shall promptly notify the master of the vessel, the flag State and, as appropriate, the relevant coastal State(s), the GFCM Secretariat and other relevant organizations of such action.

Withdrawal of denial of use of port

20. A Contracting Party may withdraw its denial of the use of its port in respect of a vessel only if the Contracting Party is satisfied that there is sufficient proof to show that the grounds on which the use was denied were inadequate or erroneous or that such grounds no longer apply.
21. Where a Contracting Party has withdrawn its denial pursuant to paragraph 20, it shall promptly notify those to whom a notification was issued pursuant to this Recommendation.

Non-authorized entry

22. Each Contracting Party shall ensure that any vessel or vessel engaged in fishing related activities that enters into its port without prior authorization shall be automatically subject to inspection.

Inspections

23. Each Contracting Party shall inspect at least 15 percent of the total number of port entries of vessels in the previous year in accordance with this Recommendation.
24. In determining which vessels to inspect, a Party shall give priority to:
 - (a) vessels that have previously been denied the use of a port in accordance with this Recommendation; or
 - (b) requests from other relevant States or regional fisheries management organizations that particular vessels be inspected.
25. Each Contracting Party shall ensure that inspections of vessels in its ports are carried out in accordance with the inspection procedures set out in **Annex B**.
26. Each Contracting Party shall ensure that requirements are established for the certification of its inspectors. Such requirements shall take into account the elements for the training of inspectors provided in **Annex C**.
27. Each Contracting Party shall ensure that inspectors make all possible efforts to avoid unduly delaying vessels and that vessels suffer the minimum interference and inconvenience possible and that degradation of the quality of the fish is avoided.
28. Each Contracting Party shall, as a minimum standard, require the information set out in **Annex D** to be included in the report of the results of each inspection.
29. Each Contracting Party shall ensure that the results of port inspections are always presented to the master of the vessel for review and signature and that the report is completed and signed by the inspector. The master of the inspected vessel shall be given the opportunity to add any comment to the report and, as appropriate, to contact the relevant authorities of the flag State, in particular when there are serious difficulties in understanding the contents of the report.
30. Each Contracting Party shall ensure that a copy of the report of inspection shall be provided to the master of the inspected vessel for retention on board the vessel.
31. Where there is reasonable evidence for believing that a vessel has engaged in or supported IUU fishing activities, the relevant port State shall:
 - (a) transmit the results of the inspection without delay to the flag State of the inspected vessels to the GFCM Secretariat and other Contracting Parties;
 - (b) deny use of their ports to the vessel for landing, transshipping or processing of fish.
32. Contracting Parties may take measures other than those in paragraph 31, provided they are provided for in their national laws and regulations and consistent with international law.

Standardized information on port inspections

33. Each Contracting Party shall handle information on port inspections in a standardized form, consistent with **Annex E**.

Regional information system

34. A regional information system which includes port State information shall be developed by the GFCM to better monitor and control the GFCM Area.

Force majeure or distress

35. Nothing in this Recommendation affects the access of vessels to port in accordance with international law for reasons of *force majeure* or distress.

Role of the flag State

36. Each Contracting Party shall, in its capacity as a flag State, cooperate with other Contracting Parties.
37. When a Contracting Party has reasonable grounds to believe that a vessel flying its flag has engaged in or supported illegal, unreported and unregulated fishing and is seeking access to or is in the port of another Contracting Party, it shall, as appropriate, request that Contracting Party inspect the vessel and to advise them of the results.
38. Each Contracting Party shall ensure that vessels entitled to fly its flag land, transship and process fish, and use other port services, in ports of other Contracting Parties that are acting in accordance with, or in a manner consistent, with this Recommendation.
39. The flag State shall ensure that the master of a fishing vessel entitled to fly its flag shall when being inspected:
- a) cooperate with and assist in the inspection of the fishing vessel conducted pursuant to these procedures, and not obstruct, intimidate or interfere with the inspectors in the performance of their duties;
 - b) provide access to any areas, decks and rooms of the fishing vessel, catch (whether processed or not), nets or other gear, equipment, and any information or documents which the inspector deems necessary in undertaking an inspection;
 - c) provide access to registration documents, fishing authorizations or any other documentation as required by the inspector.
40. If the master of a fishing vessel refuses to allow an authorized inspector to carry out an inspection in accordance with these procedures, the master shall offer an explanation of the reason for such refusal. The port inspection authorities shall immediately notify the authorities of the fishing vessel, as well as the GFCM, of the master's refusal and any explanation.
41. If the master does not comply with an inspection request, the flag State shall be requested to suspend the vessel's authorization to fish and order the vessel to remain in port or take other measures that it deems appropriate. The flag State shall immediately notify the port inspection authorities and the GFCM of the action it has taken in these circumstances.

Information to be provided in advance by vessels

1. Vessel identification

- Name of the vessel;
- External identification number;
- International radio call sign;
- Lloyd's IMO number (where appropriate);
- Flag State;
- Vessel owner (name, address, contact, unique identity for company and registered owner);
- Vessel operator if different from owner (name, address, contact);
- Beneficial owner if different from owner (name, address, contact);
- Vessel master;
- Vessel agent (name, address, contact);
- VMS (where appropriate):
 - type of VMS required by the flag State and/or relevant regional fisheries management organization;
 - details of the VMS unit to enable communication.
- Previous names(s) and flag State(s), if any.

2. Access to port

- Purpose(s);
- Intended port of call;
- Estimated time of arrival.

3. Fishing authorization (licenses/permits)

- The vessel's authorization(s) to fish or transport fish and fish products;
- State(s) issuing the authorization(s);
- Terms of the authorization(s), including areas and duration;
- Areas, scope and duration of the authorization(s);
- Details of allocation authorized – quota, effort or other;
- Species, bycatch and fishing gear authorized; and
- Transshipment records and documents¹ (where applicable).

4. Fishing trip information

- Dates, times, zone and place of current fishing trip;
- Areas visited (entry and exit from different areas), including GSAs, High Seas and others, as appropriate;
- Transshipment activities at sea (date, species, quantity of fish transhipped)
- Last port visited; and date.

¹ The transshipment records and documents must include the information provided for in paragraphs 1-3 of this Annex B.

5. Species information

- Logbook – Yes/No
- Fish species and fishery products onboard;
- Areas of capture or collection – areas under national jurisdiction, high seas;
- Product type;
- Estimated processed weight;
- Estimated equivalent live weight;
- Estimated quantity to be landed; and
- Intended destination of landed fish.

6. Other – as required by port States.

Port State inspection procedures for vessels

1. Vessel identification

The port inspector(s) shall:

- a) verify that the official documentation onboard is valid, if necessary, through appropriate contacts with the flag State or international records of vessels;
- b) where necessary, arrange for an official translation of the documentation;
- c) be assured that the vessel's name, flag, any external identification number and markings (and IMO ship identification number when available) and the international radio call sign are correct;
- d) to the extent possible, examine whether the vessel has changed name and/or flag and, if so, note the previous name(s) and flag(s);
- e) note the port of registration, name and address of the owner (and operator and beneficial owner if different from the owner), agent, and master of the vessel, including the unique ID for company and registered owner if available; and
- f) note name(s) and address(es) of previous owner(s), if any, during the past five years.

2. Authorization(s)

The port inspector(s) shall verify that the authorization(s) to fish or transport fish and fishery products are compatible with the information obtained under paragraph 1 and examine the duration of the authorization(s) and their application to areas, species and fishing gear.

3. Other documentation

The port inspector(s) shall review all relevant documentation, including documents in electronic format. Relevant documentation may include logbooks, in particular the fishing logbook, as well as the crew list, stowage plans and drawings or descriptions of fish holds if available. Such holds or areas may be inspected in order to verify whether their size and composition correspond to these drawings or descriptions and whether the stowage is in accordance with the stowage plans. Where appropriate, this documentation shall also include catch documents or trade documents issued by any regional fisheries management organization.

4. Fishing gear

- a) The port inspector(s) shall verify that the fishing gear on board is in conformity with the conditions of the authorization(s). The gear may also be checked to ensure that features such as, *inter alia*, the mesh size(s) (and possible devices), length of nets, hook sizes conform with applicable regulations and that identification marks of the gear correspond to those authorized for the vessel.
- b) The port inspector(s) may also search the vessel for any fishing gear stowed out of sight and for fishing gear that is otherwise illegal.

5. Fish and fishery products

- a) The port inspector(s) shall, to the greatest extent possible, examine whether the fish and fishery products on board were harvested in accordance with the conditions set out in the

applicable authorization(s). In doing so, the port inspector(s) shall examine the fishing logbook, reports submitted, including those transmitted by a vessel monitoring system (VMS), as appropriate.

- b) In order to determine the quantities and species on board, the port inspector(s) may examine the fish in the hold or during the landing. In doing so, the port inspector(s) may open cartons where the fish has been pre-packed and move the fish or cartons to ascertain the integrity of fish holds.
- c) If the vessel is unloading, the port inspector(s) may verify the species and quantities landed. Such verification may include product type, live weight (quantities determined from the logbook) and the conversion factor used for calculating processed weight to live weight. The port inspector(s) may also examine any possible quantities retained onboard.
- d) The port inspector(s) may review the quantity and composition of all catch onboard, including by sampling.

6. Verification of IUU fishing

If the port inspector(s) has reasonable grounds to believe that a vessel has engaged in, or supported IUU fishing, the competent authority of the port State shall as soon as possible contact the flag State authorities to verify whether the fish and fishery products have been harvested or collected in the areas as recorded in the relevant documents. As appropriate, the competent authority may also contact a coastal State where the fish was allegedly taken.

7. Report

A written report shall be prepared and signed by the inspector on completion of the inspection and a copy provided to the master of the vessel in accordance with paragraph 29 of the Recommendation.

Training of port State inspectors

Elements of a training programme of port State inspectors should include at least the following areas:

1. Training in inspection procedures.
2. Relevant laws and regulations, areas of competence and conservation and management measures of relevant regional fisheries management organizations, and applicable rules of international law.
3. Information sources, such as log books and other electronic information that may be useful for the validation of information given by the master of the vessel.
4. Identification of fish species and measurement calculation.
5. Monitoring catch landing, including determining conversion factors for the various species and products.
6. Identification of vessels and gear and gear measurements and inspections.
7. Vessel boarding/inspection, hold inspections and calculation of vessel hold volumes.
8. VMS equipment and operation.
9. Collection, evaluation and preservation of evidence.
10. The range of measures available to be taken following the inspection.
11. Health and safety issues in the performance of inspections.
12. Conduct during inspections.
13. Relevant languages, particularly English.

Results of port State inspections

Results of port State inspections shall include at least the following information:

1. Inspection references

- Inspecting authority (name of inspecting authority or the alternate body nominated by the authority);
- Name of inspector;
- Date and time of inspection;
- Port of inspection (place where the vessel is inspected); and
- Date (date the report is completed).

2. Vessel identification

- Name of the vessel;
- Type of vessel;
- Type of gear;
- External identification number (side number of the vessel) and IMO-number (if available) or other number as appropriate;
- International Radio Call Sign;
- MMSI-number (Maritime Mobile Service Identity number), if available;
- Flag State (State where the vessel is registered);
- Previous name(s) and flag(s), if any;
- Home port (port of registration of the vessel) and previous home ports;
- Vessel owner (name, address, contact of the vessel owner);
- Vessel beneficial owner if different from the vessel owner (name, address, contact);
- Vessel operator responsible for using the vessel if different from the vessel owner (name, address, contact);
- Vessel agent (name, address, contact)
- Name(s) and address(es) of previous owner(s), if any;
- Name, nationality and maritime qualifications of master and fishing master;
- Crew list.

3. Fishing authorization (licenses/permits)

- The vessel's authorization(s) to fish or transport fish and fish products;
- State(s) issuing the authorization(s);
- Terms of the authorization(s), including areas and duration;
- Relevant regional fisheries management organization;
- Areas, scope and duration of the authorization(s);
- Details of allocation authorized – quota, effort or other;
- Species, bycatch and fishing gear authorized; and
- Transshipment records and documents (where applicable).

4. Fishing trip information

- Date, time, zone and place current fishing trip commenced;

- Areas visited (entry and exit from different areas);
- Transshipment activities at sea (date, species, place, quantity of fish transshipped);
- Last port visited;
- Date and time where current fishing trip ended; and
- Intended next port of call, as appropriate.

5. Result of the inspection on the catch

- Start and end of discharge (times and date);
- Fish species;
- Product type;
- Live weight (quantities determined from the log book);
- Relevant conversion factor;
- Processed weight (quantities landed by species and presentation);
- Equivalent live weight (quantities landed in equivalent live weight, as “product Weight multiplied with the conversion factor”); and
- Intended destination of fish and fishery products inspected.
- Quantity and species of fish retained on board, if any.

6. Results of gear inspection

- Details of gear types.

7. Conclusions

Conclusions of the inspection including identification of the violations believed to have been committed and reference to the relevant rules and measures. Such evidence shall be attached to the inspection report.

Information system on port State inspections

1. Communication between Contracting Parties and the Secretariat, and the relevant flag States as well as between Contracting Parties and relevant regional fisheries management organizations would require the following:

- data characters;
- structure for data transmission;
- protocols for the transmission; and
- formats for transmission including data element with a corresponding field code and a more detailed definition and explanation of the various codes.

2. International agreed codes shall be used for the identification of the following items:

- States: 3-ISO Country Code;
- fish species: FAO 3-alpha code;
- vessels: FAO alpha code;
- gear types: FAO alpha code;
- devices/attachments: FAO 3-alpha code; and
- ports: UN LO-code, or codes as provided by the port State.

3. Data elements shall at least include the following:

- inspection references;
- vessel identification ;
- fishing authorization(s) (licences/permits);
- trip information;
- result of the inspection on discharge;
- quantities inspected;
- result of gear inspection;
- irregularities detected;
- actions taken; and
- information from the flag State.

RECOMMENDATION GFCM/2008/2**CONCERNING AN ICCAT RECOMMENDATION ON MEDITERRANEAN SWORDFISH**

The General Fisheries Commission for the Mediterranean (GFCM),

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

ADOPTS in conformity with the provisions of paragraph 1 (h) of Article III and Article V of the GFCM Agreement the following Recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT):

RECOMMENDATION [07-01] BY ICCAT ON MEDITERRANEAN SWORDFISH

RECOGNISING that the Commission's Standing Committee on Research and Statistics (SCRS) has indicated in its 2007 stock assessment that the fishing mortality needs to be reduced to move the stock toward the Convention objective of biomass levels which could support MSY, and that seasonal closures are considered to be beneficial in moving the stock condition closer to the Convention objective;

NOTING that the SCRS in its 2007 assessment estimated that fish less than three years old usually represent 50-70% of the total yearly catches in terms of numbers and 20-35% in terms of weight and that a reduction in the volume of juvenile catches would improve yield per recruit and spawning biomass per recruit levels;

RECALLING Recommendation by ICCAT Relating to Mediterranean Swordfish [Rec. 03-04], which encourages CPCs to take measures to reduce juvenile Mediterranean swordfish catches;

TAKING INTO ACCOUNT the SCRS advice advocating seasonal closures and pending the adoption of a more comprehensive management plan for Mediterranean swordfish in 2008;

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF THE ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:**

1. Fishing for Mediterranean swordfish shall be prohibited in the Mediterranean Sea during the period from October 15 to November 15, 2008.
2. CPCs shall monitor the impact of this closure and submit relevant information to the SCRS.
3. CPCs shall ensure the maintenance or development of adequate scientific information in the formats requested by ICCAT and in the smallest time-area possible on the size distributions of the catches.

DRAFT RECOMMENDATION

**TO AMEND¹ 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**

The General Fisheries Commission for the Mediterranean (GFCM),

RECALLING that the FAO Council adopted on June 23, 2001 an International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU). This Plan stipulates that the identification of the vessels carrying out IUU activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way;

CONCERNED by the fact that IUU fishing activities in the GFCM area continue, and these activities diminish the effectiveness of the GFCM conservation and management measures;

FURTHER CONCERNED that there is evidence of a high number of vessel owners engaged in such fishing activities which have re-flagged their vessels to avoid compliance with GFCM management and conservation measures;

DETERMINED to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to the vessels without prejudice to further measures adopted in respect of flag States under the relevant GFCM instruments;

CONSIDERING the results of the Third Ministerial Conference on the Sustainable Development of Fisheries in the Mediterranean which was held in Venice from 25 to 26 November 2003;

CONSCIOUS of the need to address, as a matter of priority, the issue of large-scale fishing vessels conducting IUU fishing activities;

NOTING that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organization (WTO) Agreement;

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

Definition of IUU activities

1. For the purposes of this recommendation the fishing vessels flying the flag of a non-Contracting Party are presumed to have carried out illegal, unreported and unregulated fishing activities in the GFCM Convention Area, *inter alia*, when a Contracting Party or Cooperating non-Contracting Party, presents evidence that such vessels:

¹ The proposed changes were highlighted in grey

- a) Harvest species in the GFCM Area and are not registered on the GFCM list of vessels authorized to fish species in the GFCM Area;
- b) Harvest Tuna or Tuna like species in the Convention Area, whose flag State is without quotas, catch limit or effort allocation under relevant GFCM conservation and management measures
- c) Do not record or report their catches made in the GFCM Area, or make false reports;
- d) Take or land undersized fish in contravention of GFCM conservation measures;
- e) Fish during closed fishing periods or in closed areas in contravention of GFCM conservation measures;
- f) Use prohibited fishing gear in contravention of GFCM conservation measures;
- g) Tranship with, or participate in joint operations such as re-supply or refuelling vessels included in the IUU list;
- h) Harvest species in the waters under the national jurisdiction of the coastal States in the GFCM Area without authorization and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to make measures against such vessels;
- i) Are without nationality and harvest species in the GFCM Area; and/or
- j) Engage in fishing activities contrary to any other GFCM conservation and management measures.

Information on presumed IUU activities

2. Contracting Parties and Cooperating non-Contracting Parties, shall transmit every year to the Executive Secretary at least 120 days before the Annual Session, the list of vessels flying the flag of a non-Contracting Party presumed to be carrying out IUU fishing activities in the GFCM Area during the current and previous years, accompanied by the supporting evidence concerning the presumption of IUU fishing activity.

This list shall be based on the information collected by Contracting Parties and Cooperating non-Contracting Parties.

Draft IUU list

3. On the basis of the information received pursuant to paragraph 2, the GFCM Executive Secretary shall draw up a draft IUU list. This list shall be drawn up in conformity with Annex I. The Executive Secretary shall transmit it together with the current IUU list as well as all the evidence provided to Contracting Parties and Cooperating non-Contracting Parties, as well as to non-Contracting Parties whose vessels are included on these lists at least 90 days before the Annual Session. Contracting Parties and Cooperating non-Contracting Parties, shall transmit their comments, as appropriate, including evidence showing that the listed vessels neither have fished in contravention to GFCM conservation and management measures nor had the possibility of fishing species in the GFCM Area, at least 30 days before the Annual Session

The Flag State shall notify the owner of the vessels of its inclusion in the Draft IUU List and of the consequences that may result from their inclusion being confirmed in the IUU List adopted by the Commission.

Upon receipt of the draft IUU list, Contracting Parties and Cooperating non-Contracting Parties, shall closely monitor these vessels included in the draft IUU list in order to determine their activities and possible changes of name, flag and/or registered owner.

Provisional IUU List

4. On the basis of the information received pursuant to paragraph 3, the GFCM Executive Secretary shall draw up a provisional list that he shall transmit two weeks in advance of the Commission Session to the Contracting Parties and Cooperating non-Contracting Parties, together with all the evidence provided. **This list shall be drawn up in conformity with Annex I.**
5. Contracting Parties and Cooperating non-Contracting Parties, may at any time submit to the GFCM Executive Secretary any additional information, which might be relevant for the establishment of the IUU list. The GFCM Executive Secretariat shall circulate the information at latest before the annual Commission Session to the Contracting Parties and Cooperating non-Contracting Parties, and to the non-Contracting Parties concerned, together with all the evidence provided.
6. The GFCM Compliance Committee shall examine, each year, the provisional list, as well as the information referred to in paragraphs 3 and 5. The GFCM Compliance Committee shall remove a vessel from the provisional list if the flag State demonstrates that:
 - a) The vessel did not take part in any IUU fishing activities described in paragraph 1, or
 - b) Effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution and imposition of sanctions of adequate severity.
7. Following the examination referred to in paragraph 6, the Compliance Committee shall:
 - (i) **adopt a provisional IUU vessel list following consideration of the draft IUU list and information and evidence circulated under paragraphs 3 and 5. The provisional IUU vessel list shall be submitted to the Commission for approval.**
 - (ii) **recommend to the Commission which, if any, vessels should be removed from the IUU vessel list adopted at the previous GFCM Annual Meeting, following consideration of that List, of the information and evidence circulated under paragraphs 3 and 5, and the information requested to Flag State in paragraph 13.**

IUU List

8. On adoption of the list, the Commission shall request non-Contracting Parties, whose vessels appear on the IUU list:
 - to notify the owner of the vessel identified on the IUU list of its inclusion on the list and the consequences which result from being included on the list, as referred to in paragraph 9;
 - to take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the cancelling of the registration or of the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
9. Contracting Parties and Cooperating non-Contracting Parties, shall take all necessary measures, under their applicable legislation:
 - a) **So that the fishing vessels, support vessels, refuelling vessels the mother ships and the cargo vessels flying their flag do not engage in fishing processing operations or participate in any transshipment or joint fishing operations with vessels included on the IUU vessels list, or assist in anyway, except in case of force majeure;**

- b) So that IUU vessels are not authorized to land, refuel, re-supply or engage in other commercial transactions;
 - c) To prohibit the entry into their ports of vessels included on the IUU list, except in case of force majeure;
 - d) To prohibit the chartering of a vessel included on the IUU list;
 - e) To refuse to grant their flag to vessels included in the IUU list, except if the vessel has changed owner; and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag Contracting Party or Cooperating non-Contracting Party, determines that granting the vessel its flag will not result in IUU fishing;
 - f) To prohibit the imports, or landing and/or transshipment, of any species from vessels included in the IUU list;
 - g) To encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of any species caught by vessels included in the IUU list;
10. The GFCM Executive Secretary shall take any necessary measure to ensure publicity of the IUU vessels list adopted by GFCM pursuant to paragraph 8, in a manner consistent with any applicable confidentiality requirements, and through electronic means, by placing it on the GFCM Web site. Furthermore, the GFCM Executive Secretary shall transmit the IUU vessels list to other regional fisheries organizations for the purposes of enhanced cooperation between GFCM and these organizations in order to prevent, deter and eliminate illegal, unreported and unregulated fishing.
11. Upon receipt of the final IUU vessel list established by another RFMO managing tuna or tuna-like species and any information regarding the list, the Executive Secretary shall circulate this information to the Members. Vessels that have been added or deleted from the respective lists shall be incorporated into or deleted from the GFCM IUU vessel list as appropriate, unless any Contracting Party objects within 30 days of the date of transmittal by the Executive Secretary on the grounds that:
- i) there is satisfactory information to establish that the vessel did not engage in any IUU fishing activities or that effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution, and imposition of sanctions of adequate severity, or
 - ii) there is satisfactory information to establish that none of the requirements mentioned in i) above have been met with regard to a vessel taken off the respective lists, or
 - iii) there is insufficient information to make a determination pursuant to sub-paragraph i), or ii), above within 30 days. In the event of an objection to a vessel listed by another RFMO managing tuna or tuna-like species being incorporated into or deleted from the GFCM IUU Vessel List, such vessel shall be placed on the provisional IUU vessel list.
12. This recommendation shall apply initially to large-scale fishing vessels over 24 metres LOA, flying the flag of non-Contracting Parties. The Commission shall, in future annual meetings, review and, as appropriate, revise this recommendation with a view to its extension to other types of IUU fishing activities ~~of non-Contracting Party vessels and, to Contracting Party, Cooperating non-Contracting Party.~~
13. Without prejudice to the rights of flag Contracting Parties or Cooperating non-Contracting Parties, and coastal states to take proper action consistent with international law, the Contracting Parties, Cooperating non-Contracting Parties, shall not take any unilateral trade measures or other sanctions against vessels provisionally included in the draft IUU list, pursuant to paragraph 3, or

which have been already removed from the list, pursuant to paragraph 6, on the grounds that such vessels are involved in IUU fishing activities.

Deletion from the IUU vessels list

14. A non-Contracting Party whose vessel appears on the IUU list may request the removal of this vessel from the list during the intersessional period by providing the following information:
- it has adopted measures so that this vessel respects all GFCM conservation measures;
 - it will be able to assume effectively its responsibilities with respect to this vessel in particular as regards the monitoring and control of the fishing activities executed by this vessel in the GFCM Agreement Area;
 - it has taken effective action in response to the IUU fishing activities in question including prosecution and imposition of sanctions of adequate severity, if relevant;
 - the vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it and that the new owner has not participated in IUU fishing, if relevant.

Intersessional modification of the IUU vessels list

15. The non-Contracting Party shall send its request for the removal of the identified vessel from the IUU list to the GFCM Executive Secretary accompanied by the supporting information referred to in paragraph 14.
16. On the basis of the information received in accordance with paragraph 14, the GFCM Executive Secretary will transmit the removal request, with all the supporting information to the Contracting Parties within 15 days following the notification of the removal request.
17. The Contracting Parties will examine the request to remove the vessel and arrive at a conclusion on either the removal from, or the maintenance of the vessel on the IUU list by mail within 30 days following the notification by the Executive Secretariat. The result of the examination of the request by mail will be checked by the Executive Secretary at the end of the 30-day period following the date of the notification by the Executive Secretary referred to in paragraph 16. If a Contracting Party does not reply the notification from the Executive Secretary, it will be considered as an abstention from the vote and part of the quorum for the decision-making.
18. The Executive Secretary will communicate the result of the examination of the removal request as of the end of the 30-day period following the date of the notification referred to in paragraph 16 to all Contracting Parties.
19. If the result of the exercise indicates that there is a two-thirds majority of the Contracting Parties in favour of removal of the vessel from the IUU list, the President of the GFCM, on behalf of the GFCM, will communicate the result to all the Contracting Parties and to the non-Contracting Party which requested the removal of its vessel from the IUU list. In the absence of a two-thirds majority, the vessel will be maintained on the IUU list and the Executive Secretary will inform the non-Contracting Party accordingly.
20. The Executive Secretary of the GFCM will take the necessary measures to remove the vessel concerned from the GFCM IUU vessels list, as published on the GFCM Web site. Moreover, the Executive Secretary of the GFCM will forward the decision of removal of the vessel to other regional fishery organisations.

General dispositions

21. 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* is replaced by this Recommendation.
22. This Recommendation shall apply *mutatis mutandis* to large-scale fishing vessels flying the Flag of Contracting Parties and Cooperating non-Contracting Parties.

Information to be included in all IUU lists (draft, provisional and final)

The draft IUU list, as well as the provisional IUU list shall contain the following details, where available:

i) Name of vessel and previous names;

ii) Flag of vessel and previous flag;

iii) Name and address of owner of vessel and previous owners, including beneficial owners, and owner's place of registration;

iv) Operator of vessel and previous operators;

v) Call sign of vessel and previous call sign;

vi) Lloyds/IMO number;

vii) Photographs of the vessel;

viii) Date vessel was first included on the IUU list;

ix) Summary of activities which justify inclusion of the vessel on the List, together with references to all relevant documents informing of and evidencing those activities.

**Report of the Second session of
the Compliance Committee**

Rome, 25–26 February 2008

OPENING AND ARRANGEMENTS FOR THE SESSION

1. The second session of the Compliance Committee of the General Fisheries Commission for the Mediterranean (GFCM) was held at FAO headquarters, Rome, Italy on 25 and 26 February 2008.
2. The session was attended by all delegates present at the plenary session of the Commission.
3. The meeting was called to order by Mr Mohamed Saleh Smati, Chairperson of the Committee. Mr Smati noted key initiatives taken as a result of the first session of the Committee, including reviewing the compliance measures adopted by the Commission and organizing a joint workshop with FAO on port State measures to combat illegal, unreported and unregulated (IUU) fishing. With reference to Recommendation GFCM/2005/2, he mentioned the development of the list of vessels authorized to fish in the GFCM area. However, he reminded delegates that information had yet to be received from some Members, and recalled that this would be fundamental notably to allow the Secretariat to better analyse the data and propose solutions to manage the information. The agenda shown in Annex A to this report was adopted.
4. The documents which were before the Committee are listed in Annex B.

STATUS OF IMPLEMENTATION OF GFCM DECISIONS BY MEMBERS

5. The Deputy Executive Secretary, Mr Abdellah Srour, introduced this item on the basis of document COC/2/2008/2, “Status of Implementation of GFCM decisions by Members”, which summarized information received by the Secretariat. Recalling that the Secretariat had been requested to prepare a standard and draft resolution on Data Reporting, including a standardized format, he noted that this was available in document COC/2/2008/Inf.8 and invited the meeting to review this document for possible adoption by the Commission.
6. Mr Srour noted that information received by the Secretariat relating to vessels over 15 metres authorized to fish in the GFCM Area would be presented under the next Agenda Item. However, no reports had been received by the Secretariat on vessels reported to have carried out IUU fishing in the GFCM area, pursuant to Recommendation GFCM/2006/4 on the establishment of a list of vessels presumed to have carried out IUU fishing activities in the GFCM Area.
7. In relation to Recommendation GFCM/2006/2 concerning the establishment of a closed season for the Dolphin fish fisheries using fish aggregation devices (FADs), the Committee was informed that the Secretariat had produced a standard annual reporting form, available on the GFCM website. Information had only been received from four Member countries, three of which reported that there had been no fishing activity that had targeted dolphin fish, with the fourth reporting that the fishery operated during the agreed period.
8. Regarding Resolution GFCM/2007/1 on the implementation of the GFCM Task 1 statistical matrix, no data had been received by the Secretariat to date. A specific tool to facilitate the provision of data has been made available by the Secretariat to make the matrix user friendly, and reported that those

who have used tool are satisfied with it. At the time document COC/2/2008/2 on the status of implementation of GFCM decisions was compiled, the Secretariat had only received three reports from Members. Because, in addition, information was not provided in a standard manner, it was not possible to draw conclusions at this stage. In this regard, the usefulness of having a standard reporting form was underlined.

9. The Chairperson noted the shortcomings in relation to information provided to the Secretariat and encouraged delegates to provide explanations during ensuing discussions. The summary table on implementation by the Members of GFCM decisions is in Annex C.

10. The delegate from Japan stated that although they had notified the Secretariat that 416 tuna longliners had been authorized to operate in the GFCM area, this figure included all vessels authorized to operate outside the Japanese exclusive economic zone regardless of the location. He noted that this was theoretical because in fact about 15 tuna longliner vessels operated in the GFCM area for fishing bluefin tuna.

11. The delegate from the European Community (EC), referring to the GFCM list of authorized vessels, reminded Members that vessels not on the list are not authorized to fish, and this may have serious consequences for fishing vessels where Members had not submitted the required information to GFCM. Further, the importance of creating mechanisms where the ICCAT IUU vessel list is also contained on the GFCM list, and vice-versa, was emphasized. The EC informed that its annual report from last year will be updated at the earliest. It supported a standard format for reporting. The EC requested that entries in the GFCM database for EC member States be designated under the heading "EC" followed by the country name.

12. The Chairperson called on ICCAT to comment on the proposal to exchange IUU vessel lists. The Executive Secretary of ICCAT, Mr Driss Meski, recalled ICCAT Recommendation 07/09, which directs the Executive Secretary to circulate information on a final IUU vessel list established by another RFMO managing tuna or tuna-like species to the CPCs. Vessels that have been added to or deleted from the respective lists must be incorporated into or deleted from the ICCAT list as appropriate, unless any Contracting Party objects within 30 days of the date of transmittal by the Executive Secretary. Therefore, if GFCM identifies IUU vessels, ICCAT will include them on their list unless there is an objection.

13. The Committee noted with satisfaction the willingness of ICCAT to cooperate, and stated that the related mechanisms should be worked out.

14. The GFCM Executive Secretary strongly emphasized the importance of the implementation of GFCM Recommendations. He expressed disappointment that many Members had not provided a report accordingly, and further stated that much of the Secretariat's work would not be worthwhile if the monitoring of the effectiveness of GFCM Recommendations could not be carried out due to lack of relevant information. The Committee expressed hope that the situation will be remedied at the earliest.

15. The Chair invited each delegation to provide reasons why reports had not been provided, and to indicate the state of progress. In the ensuing discussion, many delegations indicated they would be submitting their reports at an early time, with some of these explaining the internal processes that had to be completed.

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

Status of the GFCM data base

16. Mr Matthew Camilleri, GFCM Bio-Statistician, introduced this item on the basis of document COC/2008/3 “Management of the list of vessels authorized to operate in the GFCM area and issues related to data confidentiality”. He noted that the document dealt with compliance issues and gave statistical information with regard to the list of vessels currently in the database. He also noted the potential effectiveness of using the authorized vessel list as a tool for implementing port State measures.

17. Mr Camilleri referred to the GFCM website and described its tools for reporting on a number of items, including authorized vessels and the implementation of other GFCM Recommendations and Resolutions. He drew attention in particular to the separate tools available for countries to report on additions, modifications or deletions of vessels. The aim was to standardize reporting, using standardized terminology and codifications, as well as to run verification processes. The Secretariat had sent out encouragements for countries to use the website tools, and has observed good efforts from a number of countries. He further referred to the problem caused by the expiry of the authorized fishing period for many vessels in the database – according to database, more than half the vessels were theoretically operating without a licence. The Committee was invited to indicate how the Secretariat should deal with this situation, in order to ensure that the validity of the authorization for each of the vessels may be known.

18. During discussion, the list of vessels was considered to be a very important tool for control and management of fleets and it was agreed that the list of authorized vessels should be published on the GFCM Web site. It was also considered that this information could be used for purposes of the GFCM Register of Fishing Vessels; details on the appropriate fields to be retained, would be explored at a later time.

19. The issue of management of information and data on the website was addressed from different perspectives. Regarding the public availability of information, it was acknowledged that not all data would be of interest to the general public. The Executive Secretary of ICCAT explained the process for the regional tuna bodies’ vessel lists on the tuna-org website, hosted by ICCAT, where more specific information was available by use of a password communicated to all heads of delegations. It was considered that this could also be developed in GFCM.

20. The Committee discussed whether the Secretariat should publish incomplete or outdated information or data. It was agreed that publication is very positive, and publishing the information submitted could urge Members to keep in touch and update their information in a timely manner. However, it was proposed that only vessels for which compulsory fields had been completed should be published on the list. Where the period of authorization had expired, the Secretariat would automatically move the vessel to a temporary list where it would remain for a stated time period (possibly one year), after which the vessel would be removed if information was not updated.

21. It was acknowledged that there was a need to identify minimum criteria to qualify the vessel for the authorized vessel list. The Chairperson encouraged GFCM Members to resolve the gaps in information provided to the Secretariat.

Draft Resolution on Reporting on the Implementation of GFCM Management Measures

22. The delegate of the EC proposed an amendment to the draft Resolution on Reporting on the Implementation of Recent Management Measures (COC/2/2008/Inf.8) that would require reports to be furnished to the Secretariat 30 days before the annual GFCM session, in order to allow time for EC internal procedures to be completed. The Committee adopted the draft Resolution as amended.

COMPENDIUM OF GFCM DECISIONS

23. The Chair of the Compliance Committee introduced this item recalling that it had been before the attention of Members for the past few years. According to the Chair, a possible way forward to progress on the Compendium might be to circulate document COC/2/2008/Inf.4 via email among Members so that they can comment on the text in view of its adoption at the next session of the Compliance Committee. He then gave the floor to the Secretariat to provide additional information on document COC/2/2008/4 entitled "Compendium of GFCM decisions".

24. The Secretariat explained how GFCM decisions have been itemized in the amended version of the Compendium, namely under the categories of recommendations, resolutions and other decisions. He stressed the importance of including in the Compendium relevant GFCM decisions that are in force. With regard to GFCM recommendations, the Committee acknowledged the proposed categorization in the Compendium, which retains only those adopted after 1976 according to Article V of the Agreement as they are binding on Members.

25. In the issuing discussion, the Committee thanked the Secretariat for efforts made to upgrade the draft Compendium and agreed to continue working on it via email. In such a way, all Members could be involved in the process. It was proposed, in particular, that the Compendium be sent electronically to Heads of delegations for comments. In order to ensure a fruitful review by the Committee at its next session, it will be important to focus on identifying those decisions which could benefit from a revised qualification and those that could be excluded from the Compendium owing to being superseded. In addition, it will also be necessary to assess that there are no contradictions among provisions of the decisions to be retained in the Compendium. The Secretariat, with support from a consultant if so required, would be entrusted with the finalization of the document.

26. A number of delegations stressed the need for translating the finalized document into Arabic, as it is currently available only in English. The Committee agreed that COC national focal points, with proper expertise, should be appointed by Heads of delegations in order to be involved in the proposed course of action for finalizing the Compendium.

FOLLOW-UP TO GFCM CONTROL AND ENFORCEMENT SCHEMES

27. This item was introduced by Mr Alan Gray, Chair of the FAO/GFCM Workshop on Port State Measures, on the basis of documents COC/2/2008/5 "Conclusions of the FAO/GFCM Workshop on Port State Measures to Combat IUU Fishing (Rome, Italy 10-12 December 2007)", COC/2/2008/Inf.7 "Report of the FAO GFCM Workshop on Port State Measures to Combat IUU Fishing" and COC/2/2008/Inf.9 "Draft Proposal for a GFCM Recommendation on a Regional Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing in the GFCM Area".

28. Mr Gray noted that presentations by experts from FAO and GFCM at the workshop referred to the draft Agreement on Port State Measures developed by a FAO Expert Consultation held in Washington DC, United States of America, 4–8 September 2008, as well as GFCM Members' responses to questionnaires distributed by the Secretariat. The Workshop agreed to proceed with the development of a

draft harmonized GFCM scheme that could be used by all Members to ensure full compliance. He outlined major issues addressed during discussions at the Workshop, including options for the scope of the proposed scheme such as small scale vessels, foreign vessels, GFCM vessels and third party vessels. In particular, the Workshop had agreed on criteria for inclusion of smaller-scale vessels, taking into account their activity in the GFCM area.

29. Mr Gray outlined the framework of the draft scheme, and identified points that were referred to the Compliance Committee for further consideration, in addition to the overall draft Recommendation (document COC2/2008/Inf.9):

- paragraph 9, relating to cooperation and exchange of information: a deadline needs to be agreed for transmission by Members of a list of contact points to the Executive Secretary;
- paragraph 10, designation of ports: in the first line “foreign” appears in square brackets, highlighting different views regarding the scope of the scheme;
- paragraph 13, prior notice into port: the deadline for notification by a vessel prior to entry into port needs to be agreed - 72 hours was discussed but not finalized;
- paragraph 15, the brackets around [15%] can be deleted;
- there is no provision setting out the obligations of the captains of the vessels being inspected;
- in Annex D, results of inspection, paragraph 5 should require reports of the fish remaining on board.

30. Mr Gray invited the Committee to consider the proposal, especially the points noted above.

31. During discussions, a number of issues were highlighted. Different approaches were suggested for the time required for advance notification of entry into port, and for the scope of the scheme – in particular whether it should apply only to foreign vessels or to national vessels as well. Several delegates expressed reservations about applying the scheme to national vessels because they are already subject to national laws and it could require significantly increased resources to effect such coverage. One delegation explained that limitation of the scheme to foreign vessels could create a loophole where national vessels operating on the high seas would not be subject to inspection; this was a reality of IUU fishing. Another delegation suggested that one option would be to apply the scheme to foreign vessels first, and extend it to specific categories of national vessels in due course.

32. In addition, one delegation sought clarification on the compatibility of the draft recommendation with selected ICCAT measures related to landing and transshipment that are applicable to fishing activities. Reference was also made to the FAO Technical Consultation on the draft Agreement on Port State Measures to Combat IUU Fishing, scheduled for June 2008, and it was also alluded to the need to take its results in consideration at an appropriate stage. However, support was given to the role of GFCM as a pioneer and it was suggested that parallel discussions in FAO should not prevent the Commission from moving forward.

33. Because of the general support for the draft Recommendation, and taking into account time constraints, it was agreed to establish a small Working Group composed of the delegates from Algeria, EC, Japan and Morocco to continue the discussion, review outstanding issues and present the outcomes to the Commission.

OTHER MATTERS

34. The delegate of the EC had made a proposal for minor amendments to Recommendation GFCM/2006/4 on the establishment of a list of vessels presumed to have carried out IUU fishing in the

GFCM Area. Because the document had not been presented to the Compliance Committee in proper form, it was agreed that the document should be submitted directly to the Commission.

DATE AND VENUE OF THE THIRD SESSION

35. The date and venue of the third session of the Compliance Committee will be determined during the plenary session of the Commission.

Agenda

- 1. Opening and arrangements for the session**
- 2. Status of implementation of GFCM decisions by Members**
 - 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 trawl nets exploiting demersal resources;
 - Resolution GFCM/2007/1 on the implementation of the GFCM Task 1 statistical matrix.
- 3. Management of the list of vessels authorized to operate in the GFCM area**
 - status of the GFCM data base
 - issues of confidentiality in relation to Recommendation GFCM/2006/7
 - draft Resolution on Reporting on the Implementation of GFCM Management Measures
- 4. Compendium of GFCM decisions**
- 5. Follow-up to the GFCM Control and Enforcement Scheme**
 - Conclusions and recommendations of the FAO/GFCM Workshop on Port State Measures
- 6. Any others matters**
- 7. Date and venue of the third session**
- 8. Adoption of the report**

List of documents

| | |
|------------------|---|
| COC/2/2008/1 | Provisional Agenda |
| COC/2/2008/2 | Status of Implementation of GFCM decisions by Members |
| COC/2/2008/3 | Management of the list of vessels authorized to operate in the GFCM area and issues related to data confidentiality |
| COC/2/2008/4 | Status of the Compendium of GFCM decisions |
| COC/2/2008/5 | Conclusions of the FAO/GFCM Workshop on Port State Measures to combat IUU fishing (Rome, Italy, 10-12 December 2007) |
| COC/2/2008/Inf.1 | List of Documents |
| COC/2/2008/Inf.2 | Terms of reference of the Compliance Committee |
| COC/2/2008/Inf.3 | General guidelines for a GFCM Control and Enforcement Scheme: needs and principles |
| COC/2/2008/Inf.4 | Draft Compendium of GFCM decisions |
| COC/2/2008/Inf.5 | Report of the First session of the Compliance Committee |
| COC/2/2008/Inf.6 | Recommendation GFCM/2006/7 on Data Confidentiality Policy and Procedures |
| COC/2/2008/Inf.7 | Report of the FAO/GFCM Workshop on Port State Measures to combat IUU fishing (Rome, 10–12 December 2007) |
| COC/2/2008/Inf.8 | Draft Resolution on Reporting on the Implementation of GFCM Management Measures |
| COC/2/2008/Inf.9 | Draft proposal for a GFCM Recommendation on a Regional Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing in the GFCM Area |

Summary table on implementation of GFCM decisions by the Members¹

| Reference of GFCM Measures | Scope | Implementing policy, legal or institutional framework |
|----------------------------|---|--|
| REC-GFCM/29/2005/1 | On the management of certain fisheries exploiting demersal and deepwater pelagic. | <p>Albania*: Fishing by bottom trawl and trawling dredge in open sea area of more than 1000 m depth is forbidden according to point 6, article 48 of Regulation Nr.1 of date 26 march 2005 (40 mm Mesh size in codend of Trawling considered by the Article 59, point 2/a of Regulation Nr.1 of date 26 march 2005).</p> <p>Algeria*: The use of towed dredges and trawl at depths beyond 1000 m of depth" is prohibited. Fishing limited to depths rarely exceeding 800 metres (40mm mesh size of trawls already in force under Regulation No. 96-121 dated 6 April 1996 (Article 30) and the Regulation of April 24, 2004 (Section 6)).</p> <p>EC: Permanent Implementation – Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94. OJ L 409/11 of 30 December 2006.</p> <p>Libyan Arab Jamahiriya*: The use of towed dredges and trawl at depths beyond 1000 m of depth" is not practiced in the Libyan Arab Jamahiriya. Technical by-law of 1991 bans Fishing by means of trawl at grounds less than 50 m of depth or within 3 nautical miles of the seashore, whichever farthest. (Currently, Article (26) of the Technical by-law of 1991 states that: "The use, retaining, or storing on board of demersal trawl with mesh size of less than 30 mm, is prohibited". Article under revision with view to consider a 40 mm instead of 30 mm mesh size opening for the whole demersal trawl codend).</p> <p>Turkey: The GFCM Recommendation 2005/1 has been reflected into current national legislation governing commercial fishing, i.e Notification 1/1 Regulating Commercial Fishing.</p> <ul style="list-style-type: none"> • Article 4 (e) sets out provisions for a minimum bottom trawl mesh size of 44 mm for fishing on Aegean and Mediterranean Sea <p>Article 4 (f) sets out provisions for a minimum bottom trawl mesh size of 40 mm for fishing on Black Sea.</p> |
| REC-GFCM/29/2005/2 | Establishment of a GFCM record of vessels over 15 metres authorized to operate in the GFCM area | <p>Albania*: The list of Authorised Fishing Vessels was sent to the GFCM according to the Article 26, point 2 of Regulation Nr.1 of date 26 march 2005.</p> <p>Algeria: The list of authorised vessels has been transmitted to the GFCM Secretariat.</p> <p>EC: Permanent Implementation – Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93</p> |

¹ EC and Turkey transmitted their 2008 reports respectively during and after the session.

| | | |
|---------------------------|--|---|
| | | <p>and repealing Regulation (EC) No 1626/94. OJ L 409/11 of 30 December 2006.</p> <p>The EC transmitted to the GFCM Secretariat the list of EC Member States vessels greater than 15 ms, and updates this on a regular basis.</p> <p>Japan: The list of authorised vessels has been transmitted to the GFCM Secretariat. This list includes all the Japanese large-scale tuna longline vessels. The number of longline vessels which actually operate in the GFCM Area is around 15 vessels recently (the total number of vessels reported is 416).</p> <p>Libyan Arab Jamahiriya: The list of authorised vessels has been transmitted to the GFCM Secretariat.</p> <p>Turkey: All the Turkish vessel > 15m integrated into GFCM Fleet over 15 m, which was sent on 6 December 2008, reflect white list.</p> |
| REC-GFCM/30/2006/2 | Establishment of a closed season for the dolphin fish fisheries using fishing aggregation devices (FADs) | <p>Algeria: No fisheries targeting dolphin fish in Algeria</p> <p>EC: Temporary Implementation – Council Regulation (EC) No 40/2008 of 16 January 2008, fixing for 2008 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and for Community vessels, in waters where catch limitations are required. OJ 19, 23 January 2008.</p> <p>The closed seasons are applied by all Member States.</p> <p>Pending Permanent Implementation in forthcoming amendment of Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94. OJ L 409/11 of 30 December 2006.</p> <p>Libyan Arab Jamahiriya: Fishing season for the Dolphin fish (<i>Coryphaena hippurus</i>), using either fish aggregation devices (FADs) and/or any other fish gear devices is traditionally starts in the Libyan Arab Jamahiriya on 31st of August and ends in December each year. Such fishing arrangement is in conformity with GFCM Recommendation GFCM/2006/2 as it coincides with the recommended prohibition period; i.e. from 1 January to 14 August of each year. Nevertheless, steps are being taken, in accordance with the relative current legislative measures, to legally ensure adoption of all the provisions included in this recommendation.</p> <p>Turkey : Fishing of dolphinfish between 1 January and 14 August is banned by the current national legislation governing commercial fishing, i.e. Notification 1/1 Regulating Commercial Fishing covering the period of 1st September 2006 - 31st August 2008; (Article 12 (5))</p> |
| REC-GFCM/30/2006/3 | Establishment of fisheries restricted areas in order to protect the deep sea sensitive habitats | <p>Algeria: Some protected Areas were established in the past. They are identified in the national legislation.</p> <p>EC: Temporary Implementation – Council Regulation (EC) No 40/2008 of 16 January 2008, fixing for 2008 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and for Community vessels, in waters where catch limitations are required. OJ L 19/2008, 23 January 2008.</p> |

| | | |
|---------------------------|---|--|
| | | <p>Pending Permanent Implementation in forthcoming amendment of Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94. OJ L 409/11 of 30 December 2006.</p> <p>Libyan Arab Jamahiriya: The Libyan Arab Jamahiriya is not concerned as the locations of the recommended fisheries restricted areas lie far away off the waters under its jurisdictions</p> |
| REC-GFCM/30/2006/4 | Establishment of a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the GFCM area | <p>Algeria: No vessel was identified.</p> <p>EC: No vessels identified in 2007.</p> <p>Libyan Arab Jamahiriya: List being prepared as per the GFCM web site formats. It will be transmitted as soon as it has been finalized. In this context, perhaps it is worth reiterating that in the past a considerable number of vessels flying flags of different nationalities were caught fishing without authorizations in the waters under the Libyan Arab Jamahiriyan national jurisdiction. Effective actions were taken against those vessels include prosecution, and imposition of actions of adequate severity.</p> |
| REC-GFCM/31/2007/1 | Mesh size of trawlnets exploiting demersal resources | <p>EC: Temporary Implementation – Council Regulation (EC) No 40/2008 of 16 January 2008, fixing for 2008 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and for Community vessels, in waters where catch limitations are required. OJ 19, 23 January 2008.</p> <p>Permanent Implementation – Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94. OJ L 409/11 of 30 December 2006.</p> <p>Libyan Arab Jamahiriya: The standing committee with a mandate to review the current law governing the exploitation of marine wealth (i.e. Law No. 14/1989) and its technical by-laws has drafted an amendment to the said by-law and incorporated this recommendation among its articles. However, all amendments including any deletions and/or additions have to be approved by the Secretariat of Agriculture, Husbandry and Marine Wealth prior to its implementation</p> <p>Turkey: No specified derogation for implementation of the Recommendation GFCM/2005/1, i.e. use of whole codend of demersal trawlers in a phased transition until 31 May 2010.</p> |
| RES-GFCM/31/2007/1 | Implementation of the GFCM task 1 statistical matrix | <p>Algeria: Noted some difficulties for the Statistics Service to compile this matrix and expressed wish to revise its methods of work to better deal with this matrix according to the available information.</p> <p>Libyan Arab Jamahiriya: Some related indications were provided (N. of vessels by segment). Missing segments of the matrix - as appropriate- will be transmitted as soon as each segment and/or item is being re-prepared and classified in accordance with the GFCM matrix format</p> |

* Information submitted to the first session of the Compliance Committee (2007)

GFCM autonomous budget 2008

| AUTONOMOUS BUDGET | US\$ | Share of total (%) |
|---|------------------|--------------------|
| ADMINISTRATION | | |
| <i>Professional staff</i> | | |
| Secretary – D-1 | 249 336 | 17.85 |
| Deputy Secretary – P-5 | 217 824 | 15.59 |
| Aquaculture Expert – P-4 | 157 990 | 11.31 |
| Bio-statistician – P-3 | 151 680 | 10.86 |
| Sub-total professional | 776 830 | 55.61 |
| <i>Administrative staff</i> | | |
| Programmer/System Analyst – G-5 | 90 380 | 6.47 |
| Bilingual Secretary – G-5/6 | 77 308 | 5.53 |
| Administrative Assistant/typist – G-2/3 | 71 940 | 5.15 |
| Overtime | 4 000 | 0.29 |
| Sub-total Administrative support | 243 628 | 17.44 |
| Total staff | 1 020 458 | 73.04 |
| ACTIVITIES | | |
| Consultancies | 35 000 | 3.22 |
| Duty Travel | 88 000 | 7.01 |
| Chargeback (including interpretation) | 113 000 | 6.87 |
| Training | 5 500 | 0.39 |
| Equipment | 4 800 | 0.34 |
| Operating and Overhead expenses | 25 500 | 1.83 |
| Contracts (including publications) | 28 700 | 1.84 |
| Sub-total activities | 300 500 | 21.51 |
| AUTONOMOUS BUDGET | 1 320 958 | |
| Miscellaneous (1% of autonomous budget) | 13 210 | 0.95 |
| FAO Servicing Costs (4.5% of total) | 62 867 | 4.50 |
| TOTAL AUTONOMOUS BUDGET | 1 397 034 | 100 |
| FAO CONTRIBUTION | | |
| FIEL (Liaison, including support to statutory meetings) | 14 500 | |
| FIEP (Policy and Social Sciences) | 27 000 | |
| FIEM (Capture fisheries, resources and environment) | 28 500 | |
| FIMA (Aquaculture) | 24 000 | |
| FIES (Statistics and information) | 33 700 | |
| FII (Marketing and fishing technology) | 24 000 | |
| FI (Coordination, including Legal Office) | 9 500 | |
| TOTAL FAO CONTRIBUTION | 161 200 | |
| GFCM GLOBAL BUDGET | 1 558 234 | |

APPENDIX K

Member contributions for 2008

| Member | Total | | Basic Fee | GDP Component | | Catch Component | |
|------------------------|-----------------------|-------|----------------|---------------|----------------|---------------------|----------------|
| | US\$ | % | US\$ | Index | US\$ | GFCM weighted total | US\$ |
| Albania | 12 507 | 0.90 | 6 074 | 1 | 4 366 | 11 419 | 2 067 |
| Algeria | 44 963 | 3.22 | 6 074 | 1 | 4 366 | 190 705 | 34 523 |
| Bulgaria | 10 440 | 0.75 | 6 074 | 1 | 4 366 | | |
| Croatia | 24 574 | 1.76 | 6 074 | 1 | 4 366 | 78 080 | 14 135 |
| Cyprus | 49 731 | 3.56 | 6 074 | 10 | 43 657 | | |
| Egypt | 36 796 | 2.63 | 6 074 | 1 | 4 366 | 145 590 | 26 356 |
| France | 93 389 | 6.68 | 6 074 | 20 | 87 315 | | |
| Greece | 49 731 | 3.56 | 6 074 | 10 | 43 657 | | |
| Israel | 0 | 0.00 | | | | | |
| Italy | 49 731 | 3.56 | 6 074 | 10 | 43 657 | | |
| Japan | 93 655 | 6.70 | 6 074 | 20 | 87 315 | 1 469 | 266 |
| Lebanon | 12 169 | 0.87 | 6 074 | 1 | 4 366 | 9 551 | 1 729 |
| Libyan Arab Jamahiriya | 33 625 | 2.41 | 6 074 | 1 | 4 366 | 128 076 | 23 185 |
| Malta | 49 731 | 3.56 | 6 074 | 10 | 43 657 | | |
| Monaco | 6 076 | 0.43 | 6 074 | 0 | 0 | 11 | 2 |
| Montenegro | 6 354 | 0.45 | 6 074 | 0 | 0 | 1 546 | 280 |
| Morocco | 24 621 | 1.76 | 6 074 | 1 | 4 366 | 78 335 | 14 181 |
| Romania | 10 440 | 0.75 | 6 074 | 1 | 4 366 | | |
| Slovenia | 49 731 | 3.56 | 6 074 | 10 | 43 657 | | |
| Spain | 49 731 | 3.56 | 6 074 | 10 | 43 657 | | |
| Syrian Arab Republic | 12 231 | 0.88 | 6 074 | 1 | 4 366 | 9 897 | 1 792 |
| Tunisia | 61 709 | 4.42 | 6 074 | 1 | 4 366 | 283 210 | 51 269 |
| Turkey | 151 793 | 10.87 | 6 074 | 1 | 4 366 | 780 836 | 141 353 |
| EC | 463 305 | 33.16 | 6 074 | | | 2 525 745 | 457 231 |
| | US\$ 1 397 034 | | 139 703 | | 488 962 | | 768 369 |

| | |
|-----------------------------|-----------------------|
| Total Budget | US\$ 1 397 034 |
| Basic fee | 10% of total budget |
| | US\$ 139 703 |
| Number of Members* | 23 |
| Total budget less basic fee | US\$ 1 257 331 |
| GDP Component | 35% of total budget |
| | US\$ 488 962 |
| Catch Component | 55% of total budget |
| | US\$ 768 369 |

* Members contributing to the Autonomous Budget

The thirty-second session of the General Fisheries Commission for the Mediterranean (GFCM) was attended by 23 Contracting Parties. The Commission reviewed the intersessional activities of its Scientific Advisory Committee, its Committee on Aquaculture and held the second session of its Compliance Committee. The GFCM adopted a binding Recommendation on a Regional Scheme on Port States Measures to Combat Illegal, Unreported and Unregulated (IUU) Fishing and endorsed an International Commission for the Conservation of Atlantic Tunas (ICCAT) Recommendation on a Fishing Period for the Swordfish Fisheries. It also adopted a Resolution on reporting on management measures. The GFCM agreed on a set of amendments to its Rules of Procedure and established three new Working Groups, on Recreational Fisheries, on Gear Selectivity and on Monitoring, Control and Surveillance, especially vessel monitoring systems. It also decided to establish a Regional Record of Fishing Vessels. The GFCM formalized its cooperation with three partner organizations through memoranda of understanding. The Commission decided to use Arabic as the working language for its plenary session and to undertake a performance review in 2009.

The GFCM adopted its 2008 budget and programme of work. It acknowledged the importance of the network of cooperative regional research projects in support of the work of its committees and confirmed the extension of this network in the Black Sea. The Commission took note of progress made towards the move of its Secretariat to its new headquarters. The GFCM renewed the mandate of its Bureau for another term.

ISBN 978-92-5-106999-9 ISSN 1020-7236



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TR/M/0162E/1/05.08/1000