



**FAO/GFCM REGIONAL WORKSHOP ON  
PORT STATE MEASURES TO COMBAT IUU FISHING**



**Rome, Italy, 10 – 12 December 2007**

**THE IMPLEMENTATION OF PORT STATE MEASURES  
BY GFCM MEMBERS**

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## EXECUTIVE SUMMARY

The FAO has undertaken a wide range of activities to support the implementation of the 2005 FAO Model Scheme on Port State Measures to Combat IUU Fishing (FAO Model Scheme), including human resource development and capacity building at the regional level. The Thirty-first Session of the GFCM (Rome, January 2007) endorsed the suggestion made by its Compliance Committee that a workshop on port State measures should be convened for the benefit of GFCM Members, mindful of international fisheries instruments, recent developments in international fora and the desirability of strengthening controls, based on the FAO Model Scheme.

The main objective of the GFCM workshop on port State measures is to develop national capacity and to promote regional coordination so that to enable GFCM Members to be better placed to strengthen and harmonize port State measures and, as a result, meet the requirements of GFCM taking into consideration the General guidelines for a GFCM Control and Enforcement Scheme which adopted by the Commission in February 2005, and implement the FAO Model Scheme as well. In this respect, the workshop follows-up on the outcomes of the 2004 GFCM Workshop on Illegal, Unreported and Unregulated Fishing in the Mediterranean

This paper refers to issues relating to the implementation of the FAO Model Scheme in the GFCM area and reviews GFCM Members' port State measures with the aim to assess strengths, weaknesses, gaps and constraints for regional cooperation and effective implementation of the FAO Model Scheme. It is based on responses to a questionnaire that was distributed by the GFCM to Members in May 2007.

In order to facilitate the review of GFCM Members' port State measures the questionnaire was presented under headings that are consistent with those contained in the FAO Model Scheme Respondents were asked in the questionnaire to indicate how they are implementing the FAO Model Scheme at the national level. Efforts to implement port State measures in the GFCM area, constraints undermining their effectiveness, port State operational data and views of nationals to promote the effectiveness of port State measures are reported. Though port State measures are generally considered by GFCM Members to be effective in controlling IUU fishing activities, the majority of national legislations related to measures contained in the FAO Model Scheme needs to be updated and amended. The paper therefore refers also to existing laws and regulations enacted at national level so that GFCM Members can compare their legal port State measures to the contents of the FAO Model Scheme.

A summary options for GFCM consideration are recommended in view of future action to be taken to strengthen port State controls since there appears to be a significant scope for further harmonizing and implementing port State measures in the GFCM area. To this end, aspects such as cooperation among GFCM Members, including exchange of information and training of inspectors, the need for qualified human resources and efforts to develop integrated mechanisms of control both at national and regional levels will be prominent.

Some respondents suggested that the future elaboration of a regional scheme on port State measures by the GFCM, building on the IPOA-IUU and the FAO Model Scheme, has to be regarded as a potentially useful tool for a more uniform implementation of port State measures by GFCM Members.

## 1. BACKGROUND

### 1.1 Introduction

The General Fisheries Commission for the Mediterranean (GFCM) has addressed the issue of port State measures in reviewing strategies to combat illegal, unreported and unregulated (IUU) fishing. Following-up the recommendations of the Twenty eight Session (October 2003)<sup>1</sup> and the Declaration of the Ministerial Conference for the Sustainable Development of Fisheries in the Mediterranean (Venice, 25-26 November 2003),<sup>2</sup> the GFCM convened a Workshop on IUU fishing in the Mediterranean in June 2004. The Workshop, *inter alia*, identified principles and priority activities to be implemented through a step by step approach both at national and regional levels taking into account considerations on cost-effectiveness and the specificities of Mediterranean fisheries.<sup>3</sup>

At its Twenty ninth Session (February 2005) the GFCM adopted, in application of Article III (h) of the GFCM Agreement, the proposal concerning General Guidelines for a GFCM Control and Enforcement Scheme (GFCM Scheme) whose aim is to ensure a high degree of compliance with relevant conservation measures, and legal certainty and security for the vessels concerned. Part Three of the GFCM Scheme recommends Contracting Parties, through the GFCM, to establish an observation and inspection programme comprising the following elements:

- (i) high seas inspections;
- (ii) procedures for an effective investigation of an alleged violation of GFCM conservation and management measures, and of reporting to the Commission on the actions taken, including procedures for exchanging information;
- (iii) provisions for appropriate action to be taken when inspections reveal serious violations as well as the expedient and transparent follow-up of such actions in order to uphold the flag State's responsibility within the intended programme;
- (iv) port inspection;
- (v) monitoring of landings and catches, including statistical follow-up for management purposes;
- (vi) specific monitoring programmes adopted by the GFCM, including boarding and inspection;
- (vii) observer programs.

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<sup>1</sup> The reports of the various Sessions of the GFCM can be downloaded at this URL:  
<http://www.gfcm.org/fi/website/GFCMRetrieveAction.do?dom=topic&fid=16091>

<sup>2</sup> The 2003 Ministerial Declaration invited the GFCM to adopt in 2004 policy guidelines of a control scheme with the aim of progressively developing, *inter alia*, mechanisms for inspection at sea and in-port. Article 9 of the 2003 Ministerial Declaration states that a system of inspections should be based on the following principles:

(a) it must be in accordance with the provisions of the Agreement establishing the GFCM and relevant existing international law;

(b) the emphasis must be placed on the primary responsibility of the flag State as well as on the responsibility of the port State and of the coastal State to ensure compliance with management measures;

(c) account must be taken of the cost-effectiveness of both the general measures applicable to all fisheries and the specific measures applicable on a case-by-case basis to certain fisheries.

<sup>3</sup> The report of the GFCM Workshop on Illegal, Unreported and Unregulated Fishing in the Mediterranean can be downloaded at this URL: <http://www.fao.org/docrep/008/y9086e/y9086e00.htm>

At its Thirtieth Session (January 2006) the GFCM adopted recommendation GFCM/2006/6<sup>4</sup> which established its Compliance Committee (CoC) in accordance with Article VII (1) of the GFCM Agreement. The CoC is entrusted with the function of reviewing, *inter alia*, the phased development and implementation of the GFCM Scheme. The CoC, at its first Session (January 2007), agreed together with the GFCM that a Workshop on port State measures be convened by FAO for the benefit of GFCM Members, mindful of international fisheries instruments, recent developments in international fora and the desirability of strengthening controls, based on the 2005 FAO Model Scheme on Port State Measures to Combat IUU Fishing (FAO Model Scheme).

## **1.2 Issues relating to the implementation of the FAO Model Scheme**

After the 2002 FAO Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing, organized with a view to facilitate the implementation of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), a Technical Consultation was held in 2004 by FAO. The 2004 FAO Technical Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing identified a need to facilitate human resource development and institutional strengthening in developing countries so as to promote the full and effective implementation of port State measures. Also, it agreed on the FAO Model Scheme.

The FAO Model Scheme is addressed to all States, fishing entities and regional fisheries management organizations (RFMOs). It provides voluntary minimum standards for port States in the fight against IUU fishing with regard to inspections, follow-up actions, information requirements for vessels and information systems, training of inspectors to improve their effectiveness and harmonization of controls and reporting standards among countries.

The FAO Committee on Fisheries (COFI) acknowledged at its Twenty sixth Session (2005) that there was a need to strengthen port State measures as a means of combating IUU fishing in a more substantive manner given that the lack of agreed binding measures provided a loophole. In addition to this, COFI stated that measures should be promoted in RFMOs to develop or improve the port State aspects of regional control schemes, endorsed outputs of the 2004 FAO Technical Consultation and encouraged follow-up work to be undertaken, especially with respect to operationalizing the FAO Model Scheme. Subsequently COFI, acknowledging at its Twenty seventh Session (2007) the urgent need for a comprehensive suite of port State measures, took note of the strong support for the proposal to develop a new legally binding instrument based on the IPOA-IUU and the FAO Model Scheme. A timetable was agreed for an Expert consultation, which was held in Washington in September 2007, and a Technical consultation to be held in 2008 in order that the instrument could be developed and presented at Twenty eight Session of COFI (2009).

The promotion of port State controls through RFMOs is therefore regarded as a crucial move to combat IUU fishing. In respect of the GFCM, the implementation of the FAO Model Scheme will be necessary for the CoC to fulfil its main responsibility: reviewing compliance with conservation and management measures of the GFCM. Following-up the GFCM Scheme a number of measures and actions could be agreed upon in the framework of the CoC/GFCM activities to strengthen port State controls, help Members in reviewing legislations related to

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<sup>4</sup> For the text of recommendation GFCM/2006/6 see at:  
[ftp://ftp.fao.org/FI/DOCUMENT/gfcm/web/GFCM\\_Recommendations2006.pdf](ftp://ftp.fao.org/FI/DOCUMENT/gfcm/web/GFCM_Recommendations2006.pdf)

MCS, enhance cooperation among them and set up comprehensive information systems on port State inspections.

## **2. REVIEW OF PORT STATE MEASURES BY GFCM MEMBERS**

### **2.1 Progress in the implementation of the FAO Model Scheme**

A questionnaire was distributed by the GFCM to Members in May 2007 to provide a basis for assessing strengths, weaknesses, gaps and constraints for regional cooperation as well as effective implementation of the FAO Model Scheme.<sup>5</sup> The responses of Members are summarized in Table 1 of the Annex (two parts). The questionnaire addresses general considerations, issues relating to the inspection of foreign fishing vessels while they are in port, actions to be taken when an inspector finds there is reasonable evidence for believing that a foreign fishing vessel has engaged in, or supported, IUU fishing activities, and information that the port State should provide to the flag State. In reiterating the minimum standards described in the Appendices of the FAO Model Scheme, the questionnaire seeks also to ascertain whether Members meet the guidelines that are listed there.

Bearing in mind the need to operationalize the FAO Model Scheme, the questionnaire also includes a section dealing with general background information. This section collects some operational data concerning port State controls, legislation related to port State measures and the views of Members to promote the effectiveness of the FAO Model Scheme. The responses of Members are summarized in Table 2 of the Annex.

The analysis is corroborated by a survey of national legislations enacted by most Members in connection with port State controls. Principal legal port State measures adopted by Members are summarized in Table 3 of the Annex.

Although the results of this review are based on responses by 12 Members,<sup>6</sup> they indicate trends and areas in which greater national activity may be needed in the near future. The role of the CoC/GFCM, based on priorities identified by Members, will be to follow-up on the GFCM Scheme focusing on the implementation of the FAO Model Scheme at national and regional levels and paying due regard to the characteristics and specificities of the GFCM area.

### **2.2 Summary of existing port State measures in GFCM Members**

The review summarized below provides comparative assessment of port State measures in Members and underlines needs for implementing them, pursuant to the FAO Model Scheme. A number of port State measures recommended by the FAO Model Scheme as actions or measures which States should take are identified in the questionnaire. References to the text of the FAO Model Scheme are contained in the headings of each section of the questionnaire.

#### **2.2.1 General<sup>7</sup>**

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<sup>5</sup> The questionnaire is annexed to this presentation.

<sup>6</sup> Albania, Algeria, Croatia, Cyprus, Egypt, France, Italy, Japan, Lebanon, Romania, Syria and Turkey.

<sup>7</sup> This section of the FAO Model Scheme is not applicable to Turkey as foreign fishing vessels are not licensed to fish in Turkish waters at present.

The FAO Model Scheme contains a number of paragraphs that have the objective of defining how States are to deal with foreign fishing vessels before they access to their ports. Although several Members maintain a system of port State control for non national fishing vessels,<sup>8</sup> such a system is not generally considered to be very effective in combating IUU fishing at present.<sup>9</sup> The access of foreign fishing vessels is normally permitted to national ports. Members declare to have a varying level of capacity to conduct inspections in these ports.<sup>10</sup> Also, there is a level of uncertainty with respect to designated and publicized national ports where foreign fishing vessels may be permitted access.<sup>11</sup>

Prior entering to national ports, foreign fishing vessels are required to provide advance notice to the port State. The lead-time required to provide the information to be examined by the port State varies. Two Members require 48 hours advance notice,<sup>12</sup> three require several days<sup>13</sup> and two have looser criteria.<sup>14</sup> This information should include, as set out in Appendix A of the FAO Model Scheme, vessel identification, purpose of access to port, fishing authorization (license/permits), trip information and species information.

Under section V of the questionnaire (Information to be provided in advance by non national fishing vessels - FAO Model Scheme, Appendix A), three States have attached their requirements concerning the information to be provided in advance by foreign fishing vessels<sup>15</sup> and one State has made comments on the implementation of standards recommended in the FAO Model Scheme.<sup>16</sup> In three cases<sup>17</sup> there appears to be consistency with Appendix A of the FAO Model Scheme. In one case<sup>18</sup> a constructive approach was adopted: due to the current lack of specific requirements for advance information to be provided by foreign fishing vessels to national ports, Appendix A of the FAO Model Scheme will possibly be used in the future to bridge the existing gap at national level. Members might consider, where necessary and appropriate, to require foreign fishing vessels to provide advance notice that includes the information set out in Appendix A of the FAO Model Scheme.

Vessels from a non-contracting or non-cooperating party of the GFCM are prohibited from using ports for landing, transshipping or processing fish by some Members.<sup>19</sup> Vessels sighted as being engaged in, or supporting, IUU fishing activities in the GFCM area are always prohibited access to ports by Members.<sup>20</sup> This applies also where there are clear grounds for believing that the foreign fishing vessel seeking access to port has engaged in or supported IUU fishing beyond its fisheries jurisdiction and when the foreign fishing vessel is identified as engaging in,

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<sup>8</sup> Albania, Algeria, Cyprus, Egypt, France, Italy and Syria.

<sup>9</sup> Only Algeria, Cyprus and Italy consider such system to be very effective in combating IUU fishing activities. Albania, France and Syria deem it to be somewhat effective. Egypt and Romania describe the effectiveness of the system as insufficient.

<sup>10</sup> In Albania, Algeria, Cyprus, Romania and Syria ports have full capacity to conduct inspections; French ports have some capacity; in Egypt and Romania ports do not have much capacity.

<sup>11</sup> Algeria, Cyprus, France, Italy and Romania designated and publicized ports where non national fishing vessels are permitted access. Albania, Japan, Romania and Syria did not.

<sup>12</sup> Albania and France.

<sup>13</sup> Croatia, Romania and Japan.

<sup>14</sup> In Algeria advanced notice is to be provided by foreign fishing vessels as soon as they enter waters under national jurisdiction. In Syria advanced notice has to be provided by foreign fishing vessels few hours or few days prior entering ports.

<sup>15</sup> Albania and Croatia and Japan.

<sup>16</sup> Syria.

<sup>17</sup> Albania, Croatia and Japan.

<sup>18</sup> Syria.

<sup>19</sup> Albania, Algeria, Egypt, Romania and Syria. France, Japan and Lebanon do not usually prohibit vessels from a non-contracting or non cooperating party of the GFCM to use their ports for landing, transshipping or processing fish.

<sup>20</sup> Albania, Algeria, Cyprus, Egypt, France, Japan, Romania and Syria.

or supporting, fishing activities that contravene conservation and management measures of an RFMO.<sup>21</sup>

After having provided advance notice to the port State, foreign fishing vessels need an authorization for landing.<sup>22</sup> This authorization is generally communicated in written form<sup>23</sup> by the port State authorities and it has to be presented after landing by the master of the foreign fishing vessel to the port State authorities.<sup>24</sup>

At present, only five Members have a practice relating to consultation, cooperation and exchange of information with other States to facilitate the implementation of port State measures in combating IUU fishing.<sup>25</sup> In four Members a similar practice exists to facilitate the implementation of the FAO Model Scheme.<sup>26</sup>

Promoting the effectiveness of systems of port State control for non national fishing vessels and the formulation of more harmonized measures (e.g. advance notice and information to be provided by the foreign fishing vessel to the port State prior entering its ports) should be encouraged so that Members could develop practices relating to consultation among them with the aim of facilitating the even implementation of the FAO Model Scheme. Progress could be reviewed in the course of CoC and GFCM meetings.

### **2.2.2 Inspections<sup>27</sup>**

The FAO Model Scheme encourages States to strengthen in-port inspections to combat IUU fishing. Provisions regulating inspection procedures in national ports of GFCM Members are identified in the legislation of 19 Members (see paragraph 2.4.3 *General Inspection Power*).

In-port inspections of non national fishing vessels are mainly carried out by Members to monitor compliance.<sup>28</sup> Members avail themselves of the government agencies which are in charge of inspection procedures (see paragraph 2.3.1 *Operational data*). Inspectors are to show their identity documents to the master of the inspected vessel prior to the inspection<sup>29</sup> and they are authorized to examine any area of the fishing vessel, the catch, nets, gear, equipment and any document they deem necessary to verify compliance.<sup>30</sup> In the course of the inspection, the master of the targeted vessel is required to give inspectors all the necessary assistance and information and to present material and documents as may be required.<sup>31</sup> Inspectors, in carrying out their duties, make all possible efforts to avoid unduly delaying the inspected vessel thus ensuring minimum interference and inconvenience, including degradation of the quality of the fish.<sup>32</sup>

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<sup>21</sup> Albania, Algeria, Cyprus, Egypt, France, Italy, Japan, Romania and Syria.

<sup>22</sup> Albania, Algeria, Cyprus, Romania and Syria. Not in Egypt and Italy.

<sup>23</sup> In Algeria, Croatia, Cyprus, France, Italy, Romania and Syria. In Albania the authorization for landing is communicated orally.

<sup>24</sup> In Albania, Algeria, Croatia, Cyprus, Egypt, France, Italy, Japan, Romania and Syria.

<sup>25</sup> Algeria, Cyprus, France, Italy and Romania.

<sup>26</sup> Algeria, Cyprus, France and Romania.

<sup>27</sup> This section of the FAO Model Scheme is not applicable to Croatia as there are no non national fishing vessels in Croatian ports due to the lack of coastal infrastructures.

<sup>28</sup> Albania, Algeria, Cyprus, Egypt, France, Italy and Romania. In Syria inspections are carried out to check out fishing authorizations.

<sup>29</sup> In Albania, Algeria, Cyprus, Egypt, France, Italy, Romania and Syria.

<sup>30</sup> In Albania, Algeria, Cyprus, Egypt, France, Italy, Romania and Syria.

<sup>31</sup> In Albania, Algeria, Cyprus, Egypt, France, Italy, Lebanon, Romania and Syria.

<sup>32</sup> In Albania, Algeria, Cyprus, Egypt, France, Italy, Romania and Syria.

Inspectors are accompanied, where possible and needed, by an interpreter of the language spoken by the operator of the inspected vessel.<sup>33</sup>

### 2.2.3 Port State inspection procedures of foreign fishing vessels

Inspection procedures of foreign fishing vessels are set out in Appendix B of the FAO Model Scheme. The port States should ensure, as a minimum standard, the inspection of vessel identification data, authorization(s), other documentation (including documents in electronic format), fishing gear and fish and fishery products. Responses to Section VI of the questionnaire (port State inspection procedures for non national fishing vessels – FAO Model Scheme, Appendix B) show that Members have adopted inspection procedures that are always, or at least sometimes, consistent with Annex B of the FAO Model Scheme. More specifically, the validity of official documentation onboard is verified by inspectors, including through the flag State or through international records of fishing vessels.<sup>34</sup> When carrying out the inspection, inspectors make sure that the flag, the external identification number (and IMO ship identification number when available) and the international radio call sign are correct.<sup>35</sup> They also examine whether the vessel has changed flag and, if so, note the previous name(s) and flag(s).<sup>36</sup>

The elements always noted by inspectors are:

- the port of registration;<sup>37</sup>
- the name and the address of the owner (and the operator, if different from the owner);<sup>38</sup>
- the name of the master;<sup>39</sup>
- the unique ID for company and registered owner if available.<sup>40</sup>

The name(s) and the address(es) of previous owners appear to be given less importance.<sup>41</sup>

Inspectors verify:

- authorization(s) to fish or transport fish and fishery products for compatibility with the information obtained on vessel identification;<sup>42</sup>
- the fishing gear on board for conformity with the conditions of the authorization(s) and regulations;<sup>43</sup>

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<sup>33</sup> In Albania, Algeria (inspectors speak English and French), Egypt, France (only when there is a violation), Italy and Romania. In Syria inspectors speak English and the only foreign fishing vessels inspected in this Member are those flying the flag of Lebanon.

<sup>34</sup> Always in Albania, Cyprus, Egypt, France and Italy. Sometimes in Algeria, Romania and Syria. Appendix B of the Model Scheme is not applicable to Croatia (no previous record or case of Croatian port being used by a foreign vessel) and Turkey (foreign fishing vessels are not licensed to fish in Turkish waters at present).

<sup>35</sup> Always in Albania, Algeria, Cyprus, Egypt, France, Italy and Romania. Sometimes in Syria.

<sup>36</sup> Always in Albania, Cyprus, France, Romania and Syria. Sometimes in Algeria and Italy.

<sup>37</sup> In Albania, Algeria, Cyprus, Egypt, France, Italy, Romania and Syria.

<sup>38</sup> In Albania, Algeria, France, Cyprus, Egypt, Italy, Romania and Syria.

<sup>39</sup> In Albania, Algeria, Cyprus, Egypt, France, Italy, Romania and Syria.

<sup>40</sup> In Albania, Algeria, Cyprus, Egypt, France, Italy and Romania.

<sup>41</sup> Always noted in Albania, Algeria, Cyprus, Egypt and Romania. Sometimes in Italy and Syria and not usually in France.

<sup>42</sup> Always in Albania, Algeria, Cyprus, Egypt, France, Italy, Romania and Syria.

<sup>43</sup> Always in Albania, Algeria, Cyprus, Egypt, France, Italy, Romania and Syria.

- identification marks of the gear for conformity with those authorized for the vessel;<sup>44</sup>
- the fish and fishery products on board to ascertain if they were harvested in accordance with the conditions set out in the authorization.<sup>45</sup>

In at least five Members:

- fish holds/areas are always inspected in order to verify whether the size and composition of fish correspond to drawings or descriptions reviewed and whether the stowage is in accordance with the stowage plans;<sup>46</sup>
- the fish in the hold or being landed is always examined in order to determine the quantities and species which are fresh on ice, frozen but not packed, processed, packed or in bulk;<sup>47</sup>
- relevant documentation is always reviewed, including in electronic format, such as logbooks, stowage plans and drawings or descriptions of fish holds if available;<sup>48</sup>
- the fishing logbook is always examined and reports are always submitted, including those resulting from a vessel monitoring system (VMS), as appropriate.<sup>49</sup>

In at least three Members:

- the vessel is always searched for any fishing gear stowed out of sight;<sup>50</sup>
- where the fish has been pre-packed cartons are always opened and the fish or cartons are always moved to ascertain the integrity of fish holds;<sup>51</sup>
- species and quantities landed are always verified as the vessel is unloading, including for presentation (product form), live weight (quantities determined from the logbook) and the conversion factor used for calculating processed weight to live weight.<sup>52</sup>

The aspect of cooperation, as encouraged by the FAO Model Scheme, is still to be implemented fully: the flag State of the inspected vessel is not usually invited by the port State to participate in inspections, subject to appropriate arrangements being made with the coastal State.<sup>53</sup> The flag State authorities are always contacted in only four Members to verify whether the fish and fishery products have been harvested or collected in the areas recorded in the relevant documents when inspectors have reasonable grounds to believe that the inspected vessel has engaged in, or supported, IUU fishing.<sup>54</sup>

<sup>44</sup> Always in Algeria, Cyprus, Egypt, France, Italy, Romania and Syria. Sometimes in Albania.

<sup>45</sup> Always in Albania, Algeria, Cyprus, Egypt, France, Italy and Romania. Sometimes in Syria.

<sup>46</sup> In Albania, Algeria, Cyprus, France, Italy and Romania. Not usually in Egypt and Syria.

<sup>47</sup> In Algeria, Cyprus, Egypt, France, Romania and Syria. Sometimes in Albania and Italy.

<sup>48</sup> In Algeria, Cyprus, France, Italy and Romania. Sometimes in Albania and not usually in Egypt and Syria.

<sup>49</sup> In Algeria, Cyprus, France, Italy and Romania. Not usually in Albania, Egypt and Syria.

<sup>50</sup> In Cyprus, Egypt, France and Romania. Sometimes in Albania, Algeria, Italy and Syria.

<sup>51</sup> In Albania, Cyprus, France and Romania. Sometimes in Algeria and Egypt and not usually in Italy and Syria.

<sup>52</sup> In Cyprus, France and Romania. Sometimes in Albania, Algeria and Italy and not usually in Egypt and Syria.

<sup>53</sup> This always happens only in Romania and sometimes to Algeria and Croatia. It does not usually happen in Albania, Cyprus, Egypt (never), France, Italy, Lebanon and Syria.

<sup>54</sup> Algeria, Cyprus, France and Romania. This happens sometimes in Albania (every foreign vessel, provided with license for professional fishing in waters of Republic of Albania, must return to an Albanian harbors after fishing and before possible exporting

The master of the inspected vessel is given the opportunity to add any comment to the report and to contact the relevant authorities of the flag State, particularly in case of serious difficulties in understanding the contents of the report prepared by the inspectors, in eight Members.<sup>55</sup> At the end of the inspection, results are presented to the master of the vessel and the final report is completed and signed by the inspector and by the master.<sup>56</sup> Strengthening the aspect of cooperation among Members in the course of inspections is an issue that could be considered by the GFCM.

#### **2.2.4 Results of port State inspections**

Results of port State inspections to be included in the final report are set out in Appendix C of the FAO Model Scheme. The port State should ensure, as a minimum standard, that inspectors include in their reports references to the following: vessel identification, fishing authorization (licenses/permits), trip information, results of the inspection on discharge, quantities retained on board the vessel, results of gear inspection and conclusions.

Under Section VII of the questionnaire (Results of port State inspections – FAO Model Scheme, Appendix C) two States have attached their requirements for information on results of port State inspections of foreign fishing vessels<sup>57</sup> and one State has made comments on implementation of the recommended standards in Appendix C of the FAO Model Scheme.<sup>58</sup> In two cases<sup>59</sup> there appears to be consistency with the FAO Model Scheme. In one case,<sup>60</sup> as was noted above (see paragraph 2.2.1 *General*), a constructive approach was adopted. Members might consider, where necessary and appropriate, to require the information set out in Annex C of the FAO Model Scheme to be included by inspectors in the report of the results of each inspection.

#### **2.2.5 Training of port State inspectors**

Qualifications of inspectors vary depending on national requirements.<sup>61</sup> Eight Members currently have a national training programme for inspectors.<sup>62</sup> In one country<sup>63</sup> there has been some partial training of inspectors, but there is not such thing as a national training programme for port inspectors. In another country<sup>64</sup> the training of inspectors was carried out with the technical support of the MedFisis project of the FAO. Guidelines for the training of inspectors for the benefit of States are set out in Appendix D of the FAO Model Scheme. Responses to Section VIII of the questionnaire (Training of port State inspectors – FAO Model Scheme, Appendix D) show that existing national training programmes include the following elements:

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of aquatic species caught, for provision of requirements stipulated under legislation in force) and Syria and not usually in Egypt and Italy.

<sup>55</sup> Albania, Algeria, Cyprus, Egypt, France, Italy, Romania and Syria.

<sup>56</sup> In Albania, Algeria, Cyprus, Egypt, France, Italy, Romania and Syria.

<sup>57</sup> Albania and Croatia.

<sup>58</sup> Syria.

<sup>59</sup> Albania and Croatia.

<sup>60</sup> Syria.

<sup>61</sup> Albania: university educational degree, good experience in marine sector;

Algeria: practice in the field;

Cyprus: training in inspection procedures, knowledge of laws and regulations, knowledge of fish species identification; Egypt: well trained bilingual fisheries specialists;

Romania: NAFA inspectors, border police, sanitary-veterinary police.

<sup>62</sup> Algeria, Croatia, Cyprus, France, Italy, Romania, Syria and Turkey.

<sup>63</sup> Albania.

<sup>64</sup> Syria.

- training in inspection procedures;<sup>65</sup>
- provision of information on RFMOs conservation and management measures as well as relevant laws and regulations and applicable rules of international law;<sup>66</sup>
- 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;<sup>67</sup>
- fish species identification and measurement calculation;<sup>68</sup>
- catch landing monitoring, including determining conversion factors for the various species and products;<sup>69</sup>
- vessel boarding/inspection, hold inspections and calculation of vessel hold volumes; gear measurements and inspections;<sup>70</sup>
- collection, evaluation and preservation of evidence;<sup>71</sup>
- range of measures available following the inspection;<sup>72</sup>
- training in relevant languages, particularly English.<sup>73</sup>

Training of inspectors could be an activity facilitated by the CoC/GFCM in collaboration with Members.

### 2.2.6 Actions

An important aspect of the FAO Model Scheme is the action to be taken in case evidence is found by inspectors that the inspected vessel engaged in, or supported, IUU fishing activities. Should this happen, the port State ought to promptly notify the flag State of the inspected vessel and, when appropriate, the relevant RFMOs. Accordingly, the port State ought to take due note of any reply or any actions proposed or taken by the flag State of the inspected vessel. To this end, the FAO Model Scheme recommends the establishment of a list of contact points in relevant national administrations. The GFCM could encourage Members, where necessary and appropriate, to establish such a list and to disseminate the contact points in relevant administration for the benefit of other Members and the GFCM. This would enhance cooperation in the GFCM area.

As noted above (see paragraph 2.2.2 *Inspections*), the aspect of cooperation is in fact to be implemented fully by Members at present. It would appear that, following inspections of non national fishing vessels, notifications to the flag State are always made at least by six Members when the inspected vessel engaged in the following IUU fishing activities:

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<sup>65</sup> In Algeria, Croatia, Cyprus, France, Italy and Syria.

<sup>66</sup> In Algeria, Croatia, Cyprus, France, Romania, Syria and Turkey.

<sup>67</sup> In Algeria, Croatia, Cyprus, France, Italy, Romania and Turkey.

<sup>68</sup> In Algeria, Croatia, Cyprus, France, Romania and Syria.

<sup>69</sup> In Algeria, Croatia, France, Italy, Romania and Syria.

<sup>70</sup> In Algeria, Croatia, Cyprus, France, Italy, Romania, Syria and Turkey.

<sup>71</sup> In Algeria, Croatia, Cyprus, France, Italy, Romania, Syria and Turkey.

<sup>72</sup> In Algeria, Croatia, Cyprus, France, Italy and Romania.

<sup>73</sup> In Algeria, France, Italy and Romania.

- fishing without a license;<sup>74</sup>
- fishing in a closed area or during a closed season;<sup>75</sup>
- fishing using prohibited gear;<sup>76</sup>
- fishing with falsified or concealed identification marks;<sup>77</sup>
- concealing, tampering with or disposing of evidence relating to an investigation;<sup>78</sup>
- conducting multiple violations which together constitute a serious disregard of relevant conservation and management measures.<sup>79</sup>

Notifications to the flag State, following inspections of non national fishing vessels, are always made by less than six Members when the inspected vessel engaged in the following IUU fishing activities:

- failing to maintain accurate records of catch and catch related data;<sup>80</sup>
- directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;<sup>81</sup>
- failure to comply with applicable vessel monitoring system (VMS) requirements;<sup>82</sup>
- taking or landing undersized fish in contravention of relevant conservation and management measures.<sup>83</sup>

Inspections of non national fishing vessels undertaken in 2005 and 2006 resulted in notifications to the flag State by the port State in very few instances.<sup>84</sup> Even fewer were the notifications made to the relevant RFMOs.<sup>85</sup> Besides, when notifications of reasonable evidence of IUU fishing activities are made, Members do not always take due note of replies or actions proposed

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<sup>74</sup> In Albania, Cyprus, Egypt, Italy, Romania and Syria. Sometimes in Algeria and France. N/A to Croatia, Japan, Lebanon and Turkey.

<sup>75</sup> In Albania, Algeria, Cyprus, Egypt, Italy and Romania. Sometimes in France. N/A to Croatia, Japan, Lebanon, Syria and Turkey.

<sup>76</sup> In Albania, Algeria, Cyprus, Egypt, Italy, Romania and Syria. Sometimes in France. N/A to Croatia, Japan, Lebanon and Turkey.

<sup>77</sup> In Albania, Algeria, Cyprus, Italy, Romania and Syria. Sometimes in France. Not usually in Egypt. N/A to Croatia, Japan, Lebanon and Turkey.

<sup>78</sup> In Albania, Algeria, Cyprus, Italy, Romania and Syria.

<sup>79</sup> In Algeria, Cyprus, Egypt, Italy, Romania and Syria. Sometimes in Albania and France. N/A to Croatia, Japan, Lebanon and Turkey.

<sup>80</sup> In Algeria, Egypt, Italy and Romania. Sometimes in Albania, France and Syria. N/A to Croatia, Japan, Lebanon and Turkey.

<sup>81</sup> In Algeria, Cyprus, Egypt, Italy and Romania. Sometimes in France. N/A to Albania, Croatia, Japan, Lebanon, Syria and Turkey.

<sup>82</sup> In Cyprus, Egypt, Italy and Romania. Sometimes in Algeria and France. Not usually in Egypt and Syria. N/A to Albania, Croatia, Japan, Lebanon, Syria and Turkey.

<sup>83</sup> In Albania, Italy and Romania. Sometimes in Algeria and France. Not usually in Egypt. N/A to Croatia, Japan, Lebanon, Syria and Turkey.

<sup>84</sup> Notifications to the flag State by the port State following inspections: Albania (2 overall), Algeria (30 overall), Cyprus (0) and Romania (6 overall).

<sup>85</sup> Notifications to the relevant RFMOs by the port State following inspections: Algeria (30 overall) and Cyprus (0).

or taken by the flag State of the inspected vessel.<sup>86</sup> Some Members always prohibit landings or transshipments from inspected vessels when they are not satisfied with the flag State's actions against the inspected vessel.<sup>87</sup>

Actions other than prohibiting landings or transshipments from inspected vessels are usually not taken against IUU non national fishing vessels with the consent of, or upon the request of, the flag State.<sup>88</sup> This seems to be confirmed by national legislations of several Members by means of which foreign fishing vessels not complying with national provisions can be subject to enforcement measures by the port State, irrespective of the consent of the flag State of the inspected vessel (see paragraph 2.4.4 *Actions/Compliance*).

### 2.2.7 Information

According to the FAO Model Scheme, the port State should report on the results of its inspections to the flag State of the inspected vessel and to the relevant RFMOs. In the implementation of the FAO Model Scheme, Members are therefore expected to cooperate and exchange information among them and with the GFCM by requesting and providing information. In order to do this, the FAO Model Scheme recommends the establishment of a communication mechanism that allows for direct and computerized exchange of messages, with due regard to appropriate confidentiality requirements. In the case of the GFCM, responses to the questionnaire show that only three Members currently have set up an information system;<sup>89</sup> eight Members have plans to develop it.<sup>90</sup> Information is handled in a standardized form and in accordance to Appendix E of the FAO Model Scheme only by three Members.<sup>91</sup>

Under Section IX of the questionnaire (Information system on port State inspections – FAO Model Scheme, Appendix E) two States have attached their requirements for information system on port State inspections<sup>92</sup> and one State has made comments on the implementation of the recommended standards in Appendix E of the FAO Model Scheme.<sup>93</sup> It has to be noted that the information system on port State inspections envisaged by Appendix E of the FAO Model Scheme is specifically intended to deal with results of inspections on foreign fishing vessels. Data elements of such system should include, *inter alia*, inspection references, vessel identification, fishing authorization, irregularities detected, actions taken and information from the flag State. Members should seek to meet these standards by using existing databases or setting up new databases for the specific purpose of handling port State controls information in a standardized form.

In one country<sup>94</sup> requirements for information system on port State inspections are not consistent with those listed in Appendix E of the FAO Model Scheme. Another country<sup>95</sup> has set up a very

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<sup>86</sup> Members always take due note of replies/actions from the flag State in Albania, Cyprus, Italy and Romania. Sometimes in Algeria, Egypt, France. N/A to Croatia, Japan, Lebanon and Turkey.

<sup>87</sup> Albania (it happened two times in 2005), Algeria and Romania. This happens sometimes in France and not usually in Egypt. N/A to Croatia, Cyprus, Italy, Japan, Lebanon and Turkey.

<sup>88</sup> This happens sometimes in France where actions such as the seizure of fish and/of fishing gear and/or their destruction can be taken. It does not usually happen in Egypt and Romania. N/A to Albania, Algeria, Croatia, Cyprus, Japan, Lebanon, Syria and Turkey.

<sup>89</sup> Albania, Cyprus and Egypt.

<sup>90</sup> Albania, Algeria, Croatia, Japan, Lebanon, Romania, Syria and Turkey.

<sup>91</sup> Cyprus, Egypt and Syria.

<sup>92</sup> Albania and Turkey.

<sup>93</sup> Syria.

<sup>94</sup> Albania.

<sup>95</sup> Turkey.

comprehensive information system.<sup>96</sup> However, this information system does not appear at present to include also the collection of data elements mentioned in Appendix E of the FAO Model Scheme. In one case,<sup>97</sup> as was noted above (see paragraph 2.2.1 *General*), a constructive approach was adopted. Members might consider, where necessary and appropriate, to handle information to be exchanged through systems that allow for the computerized transmission of messages among them and with relevant RFMOs in a standardized form, consistent with Annex E of the FAO Model Scheme.

## **2.3 General Background information**

The GFCM questionnaire on port State measures distributed in May 2007 requested Members in section X (General Background Information) to identify some operational data concerning port State controls, legislation related to port State measures and views to promote the effectiveness of the FAO Model Scheme. Eleven responses were received at the time of writing,<sup>98</sup> though the number of responses for each of the seventeen questions in section X is uneven and varies from a maximum of ten to a minimum of one (see Table 2 of the Annex).

### **2.3.1 Operational data**

Questions 1-8 in section X of the GFCM questionnaire are instrumental in assessing the capacity of Members to carry out in-port inspections. The results demonstrate the existence of capacity dissimilarities in the GFCM area where industrialized countries and developing countries share the exploitation of marine living resources.

### **2.3.2 National ports**

The number of major fishing ports currently used by vessels greater than 15 meters varies depending on the Member concerned. Five Members indicated that there are less than ten ports in their territory.<sup>99</sup> Lebanon has 16 fishing ports used by vessels greater than 15 meters, Algeria 24 and Turkey 150. In Croatia fishing ports are currently being designated by means of national legislation.<sup>100</sup> In Japan there are 2,921 ports used by vessels greater than 15 meters, but these ports are not located in the Mediterranean area. The number of calls made to these ports in 2005 and 2006 by fishing vessels, including support vessels, is remarkable. These calls are compared, where possible, with those made by foreign fishing vessels:

**Table 1: Calls made to national ports of Members in 2005 and 2006 by fishing vessels**

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<sup>96</sup> The Fisheries Information System has been developed to record logbooks and landing declarations of national fishing vessels and imported marine products. The main functions of the software are: to provide a central register for total allowable catch regarding fish species of Turkey, to allow comparison of catch amounts drawn from logbook, landing declarations and sales notes and to set up an exportation system for tuna species. It also includes surveillance of fishing activities and operations conducted at the places of sale of fish and fish farms as well as violations detected and penalties imposed. The Fisheries Information System records fishing vessels and fisherman licenses as it contains information on the licenses of fishing vessels, special fishing permissions and licenses of fisherman. It allows registration, renewal and cancellation of licenses as well as the registration, modification and deletion of sales notes and transport documents. It enables to report information to National Agencies, ICCAT, FAO and EU Directorate General of Fisheries.

<sup>97</sup> Syria.

<sup>98</sup> Albania, Algeria, Croatia, Cyprus, Egypt, Italy, Japan, Lebanon, Romania, Syria and Turkey.

<sup>99</sup> Albania, Cyprus, Egypt, Romania and Syria.

<sup>100</sup> There are several locations along the Croatian coast, the most important ones in are located Umag, Pula, Rijeka, Zadar, Biograd, Kali (Island near Zadar), Tribunj and Rogoznica. There are also additional ports where fishing vessels coast and unload their cargo; however, they are not registered as fishing ports but as ports of general usage. Overall, fishermen use some 30 ports for landing/loading/refueling and other purposes at present.

Member	Calls made in 2005 by fishing vessels	Calls made in 2006 by fishing vessels	Calls made in 2005 by foreign fishing vessels	Calls made in 2006 by foreign fishing vessels
Algeria	3000	4000	15	15
Cyprus	805 (overall)		3 (overall)	
Lebanon	2600 (overall)		0 (overall)	
Syria	256650	267500	12	9

These data, although four Members do not constitute a significant proportion of GFCM Members<sup>101</sup>, lead to assume that in the GFCM area fishing operations tend to be managed within waters under national jurisdiction. This seems to be confirmed by some comments received by Members, explaining that they do not have at present a long distance offshore fishing fleet<sup>102</sup> and that the existing fishing fleets operate on daily basis near national ports to which they call regularly.<sup>103</sup>

### 2.3.3 Government inspection agencies

As was noted above (see paragraph 2.2.2 *Inspections*) Members avail themselves of the services of government agencies to carry out in-port inspections. The following agencies have been identified by respondents to be in charge of inspections:

- Albania: Fishery Inspectorate;<sup>104</sup>
- Algeria: National Service of Coast Guard; Veterinary Authority;
- Croatia: Ministry of Agriculture, Forestry and Water Management, Maritime Police and Ministry of Sea, Tourism Transport and Development;
- Cyprus: DFMR;
- Egypt: General Authority for fish resources, Coast Guards, Ministry of environment, Maritime Inspection Authority;
- Lebanon: Ministry of public works and transport, customs;
- Romania: National Agency for Fisheries A, GIBP;
- Syria: General Directorate of Harbours of the Ministry of Transport for security and navigation inspection, Offices for Marine fishery Rationalisation (OMFIRs) of the Department of Fisheries Resources (DOF) in the Ministry of Agriculture for gears, catches and landings inspection;
- Turkey: Ministry of Agriculture and Rural Affairs, Coast Guard Command.

<sup>101</sup> Other Members to have partially responded the questions related to calls made to their ports in 2005 and 2006 by fishing vessels and non national fishing vessels are:

Albania: no data available for calls made by fishing vessels; 3 calls overall made by foreign fishing vessels;

Croatia: no data available for calls made by fishing vessels; no calls made by foreign fishing vessels;

Egypt: no data available for calls made by fishing vessels and for calls made by foreign fishing vessels;

Romania: 0 calls overall made by fishing vessels; 0 calls made by foreign fishing vessels.

<sup>102</sup> Turkey.

<sup>103</sup> Croatia.

<sup>104</sup> The Fishery Inspectorate is a structure within Fishery Policies Directorate (Ministry of Environment, Forestry and Water Administration).

### 2.3.4 In-port inspections, follow-up actions and use of collected data

A set of questions was posed to ascertain how many inspections were carried out in fishing ports of Members in 2005 and 2006 by their government agencies. Members were also asked what the results of these inspections were, including actions taken following inspections. The following table sums up the responses received by 7 Members:

**Table 2: Inspections carried out in fishing ports by Members in 2005 and 2006 and follow-up actions**

Member	Insp. carried out in 2005	Insp. carried out in 2006	Insp. resulting in evidence of IUU fishing	Insp. resulting in deterrent action	Insp. resulting in legal action	Insp. resulting in non legal actions	Insp. resulting in deterrent measures
<b>Albania</b>	700	800	9	9	7		
<b>Algeria</b>	Roughly 100 (15 of FFVs <sup>105</sup> )	Roughly 100 (15 of FFVs)	6 (2005) 5 (2006)	All of them	6 (2005) 5 (2006)		
<b>Croatia</b>	475 (first half of 2007)			124 <sup>106</sup>	3		
<b>Cyprus</b>	650 (overall)		0		10	60	
<b>Italy</b>	131014	165298					
<b>Romania</b>			6		6		
<b>Turkey</b>	4639	5881					

These data, although seven Members do not constitute a significant proportion of GFCM Members<sup>107</sup> and respondents have provided figures only partially, emphasize the existence of inspection procedures, including follow-up actions, in the GFCM area. This is corroborated by the fact that at national level several laws and regulations have been enacted by Members to lay down inspection procedures and sanctions against fishing vessels breaching their provisions (see paragraphs 2.4.3 *General Inspection Power* and 2.4.4 *Actions/Compliance*).

Data collected during port inspections are used by seven Members for enforcement purposes.<sup>108</sup> Four Members use the data collected for exchange of information,<sup>109</sup> including with the GFCM in two instances.<sup>110</sup> Data collected are also used for management purposes.<sup>111</sup> Priorities for

<sup>105</sup> Foreign fishing vessels.

<sup>106</sup> 124 infringements (e.g. the obligation to keep and submit the logbook ) were noted and processed.

<sup>107</sup> Other Members that responded the questions related to inspections carried out in 2005 and 2006 and follow-up actions are:

Egypt: no data available for inspections and follow-up actions;

Lebanon: 0 inspections;

Syria: harbour authorities should have carried out inspections on all vessels. Fishery inspection though, which started at the end of 2005, were merely undertaken for statistical purposes. Landings are controlled in 15-20% of cases. At present, tunas and tuna like species are duly monitored.

<sup>108</sup> Albania, Croatia, Cyprus, Lebanon, Romania, Syria and Turkey.

<sup>109</sup> Albania, Romania, Syria and Turkey.

<sup>110</sup> Romania and Turkey. Syria exchanges information with relevant UN bodies and RFMOs.

<sup>111</sup> In two instances: Romania and Turkey.

carrying out port inspections have been identified by four respondents out of ten.<sup>112</sup> Main priorities in carrying out inspection have been outlined by Egypt (vessel nationality, specific violations and RFMO IUU vessel lists) and Italy (vessel nationality, size or flag of the vessel and fishing authorization). In Albania the priorities are identified by the national legislation. The identification of uniform priorities in carrying out inspections is an issue that could be addressed by the GFCM.

### **2.3.5 Human resources**

A concern for the GFCM area is currently represented by the lack of effective human resources at national level which are required for the implementation of port State measures. Six respondents out of ten declared inadequate human resources.<sup>113</sup> Albania explained that special equipment is necessary to carry out inspections and to set up information systems as well. More professionalism is also regarded as needed. In the case of Croatia human resources are inadequate because of limited number of personnel and the diversity of national fisheries. This also seems to imply the need for more professionalism. The problem in Cyprus is that inspections mostly take place during office hours. In Egypt human resources are inadequate due to the lack of training of inspectors and shortage of instruments. More professionalism is needed in Lebanon as existing human resources are deemed to be not qualified in fisheries matters. Although ten Members do not constitute the majority of GFCM Members, the issue of inadequate human resources and particularly the lack of professionalism might be worthy of future consideration by the GFCM.

### **2.3.6 National legislation concerning port State measures**

A survey to collect national provisions regarding port State controls has been put together for review purposes (see Table 3 of the Annex). In addition to this survey, questions 9-11 of section X of the GFCM questionnaire are related to national legislation on port State measures as enacted by Members. Only five Members identified national legal instruments setting out port State measures.<sup>114</sup> As noted by Syria “there is no specialised national instrument related to inspection of landings and other criteria of gears and/or vessel and [...] the support of GFCM and FAO are highly needed both in terms of composing the new rules and regulations.” This can hold true in general terms for the whole GFCM area as confirmed by responses to questions on the implementation of the FAO Model Scheme and the IPOA-IUU.

Six Members out of seven<sup>115</sup> believe that their national legislations in relation to the FAO Model Scheme needs to be updated and implemented in order to strengthen port State controls. A NPOA-IUU which includes port State measures is either under development or being implemented only by two Members.<sup>116</sup> It would be useful for the GFCM to receive a copy of these instruments if already drafted or when finalized. This would help the GFCM in providing assistance to Members in the future with the aim of upgrading their national legislations in a manner that ensures the harmonized implementation of the IPOA-IUU and the FAO Model Scheme in the GFCM area.

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<sup>112</sup> Albania, Egypt, Italy and Romania.

<sup>113</sup> Albania, Croatia, Cyprus, Egypt, Italy and Lebanon. Algeria, Romania, Syria and Turkey declared their human resources to be adequate.

<sup>114</sup> Croatia, Egypt, Lebanon, Syria and Turkey.

<sup>115</sup> Albania, Algeria, Croatia, Egypt, Lebanon and Syria. The seventh Member is Romania.

<sup>116</sup> Albania and Romania. Algeria, Lebanon and Syria responded NO. The question is not applicable to Croatia, Cyprus and Egypt.

### 2.3.7 Effectiveness of port State measures

Questions 12-17 of section X of the GFCM questionnaire requested Members to focus on the effectiveness of port State measures, including the identification of constraints for the implementation of port State measures as well as the identification of solutions that may be taken at national and regional levels. Seven respondents<sup>117</sup> out of nine consider port State measures effective in controlling IUU fishing activities. Syria noted that for port State measures to be effective it is important that all Members commit to their implementation. Two respondents do not consider port State measures to be effective in controlling IUU fishing activities.<sup>118</sup> Albania explained that due to the lack of a NPOA-IUU there is not an effective control against IUU fishing in national ports at present. It can be assumed that in this case the lack of legislation hampers the effectiveness of port State measures.

Six respondents out of eight<sup>119</sup> are aware that a binding international instrument on port State measures based on the FAO Model Scheme and the IPOA-IUU will be developed by 2009 as agreed by COFI 2007. The same respondents<sup>120</sup> all consider the potential elaboration of a regional scheme on port State measures by the GFCM, building on the FAO Model Scheme and the IPOA-IUU, to be a useful tool to combat IUU fishing. The GFCM should acknowledge this and, prior to considering appropriate action, it is suggested that a decision be taken, based on national needs of the whole Membership, on measures to be given priority in elaborating a regional scheme.

Four respondents have already outlined measures to be given priority: according to Lebanon all port State measures should be given priority. Albania underlined the need for the national agencies dealing with inspections to participate in all FAO activities regarding port State measures and to exchange opinions and analyse strategies to decrease IUU fishing; Appendices D (training of inspectors) and E (information system on port State inspections) of the FAO Model Scheme are regarded as the measures to be given priority. Syria also considers the exchange of information as a measure to be prioritized; it suggested that a GFCM network should be established among Members and a data bank should be created and maintained at the GFCM Headquarters. Other measures that should be given priority in the mind of respondents are advance notice of port entry to be requested from foreign fishing vessels,<sup>121</sup> list of IUU vessels<sup>122</sup> and VMS.<sup>123</sup>

In identifying constraints to the implementation of port State measures seven respondents<sup>124</sup> listed:

- lack of:
  - qualified human resources;
  - equipment to perform the inspections;
  - a regional database;

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<sup>117</sup> Algeria, Croatia, Cyprus, Egypt, Italy, Romania and Syria.

<sup>118</sup> Albania and Romania.

<sup>119</sup> Albania, Algeria, Croatia, Italy, Romania and Syria.

<sup>120</sup> Albania, Algeria, Croatia, Egypt, Italy, Lebanon, Romania and Syria.

<sup>121</sup> Syria.

<sup>122</sup> Egypt.

<sup>123</sup> Egypt.

<sup>124</sup> Albania, Algeria, Croatia, Cyprus, Egypt, Lebanon and Syria.

- unified international operational procedures for inspections of non-national vessels;
- commitment to act on all levels;
- training of inspectors;
- satellites inspection;
- legislation;
- funding;
- harmonized port State measures;
- exchange of information;
- insufficient level of awareness;
- difficulties in the field of collaboration;
- difficulties in implementing the IPOA-IUU and the FAO Model Scheme;
- difficulties in strengthening MCS, including VMS.

Six of them<sup>125</sup> have suggested the following solutions to the above constraints:

- implementing MCS in collaboration with FAO and GFCM;
- building awareness;
- setting up a regional mechanisms of control and exchange of information and establishing of a regional network;
- training of inspectors to be regularly organized by CoC/GFCM in collaboration with Members;
- building capacity;
- harmonizing measures through intensive meetings and/or multilateral coordination among Members;
- formulating and adopting documents at the regional level to be endorsed by GFCM.

Syria suggested that States should be invited to participate regularly and actively in CoC and GFCM meetings delegating competent officers. The role and the expertise of the CoC and GFCM is therefore regarded as very important to guarantee the effectiveness of port State measures in the future.

#### **2.4 Principal legal port State measures in most GFCM Members**

Respondents to the questionnaire have in some instances stressed the need for amending their national laws and regulations addressing port State measures to make them consistent with relevant international instruments. To ensure the accurate implementation of the FAO Model Scheme, Members should probably start by upgrading their legal port State measures in order to meet the minimum standards set out in the FAO Model Scheme. To help Members in comparing their national instruments to the FAO Model Scheme, a survey of their principal legal port State

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<sup>125</sup> Albania, Algeria, Croatia, Egypt, Lebanon and Syria.

measures was prepared using the FAOLEX and FISHLEX databases and bearing in mind how the FAO Model Scheme is structured.

The survey collects provisions on MCS related requirements prior to port entry, designated ports, general inspection power, actions and information. Its contents, and the conclusions that are drawn from them, are without prejudice to all the national laws and regulations that Members might have passed to regulate port State controls and that are not encompassed in Table 3 of the Annex. Members are actually invited to refer the GFCM to other provisions adopted by them in relation to port State measures and to lodge a copy of the original legal texts with the GFCM. These texts could be used for the purpose of promoting the development of harmonized measures at national and regional level, based on the FAO Model Scheme.

#### **2.4.1 MCS related requirements prior to port entry/landing<sup>126</sup>**

It is noteworthy that principal legal port State measures in most Members do not often target foreign fishing vessels. The survey shows that almost all Members have laws and regulations<sup>127</sup> related to port controls but only in some specific instances they contain provisions specifically addressing foreign fishing vessels.

A pointer to this discrepancy is MCS related requirements prior to port entry. National provisions of nine Members<sup>128</sup> are listed in Table 3 of the Annex. In six of them<sup>129</sup> foreign fishing vessels are specifically addressed by the relevant provisions. These provisions reveal that there is a general obligation for vessels to notify information to the competent port State authorities. The advanced time for the notification is specified in the collected provisions of EU (2 hours for Community fishing vessels utilizing landing locations in a Member State other than the flag Member State and 72 hours for foreign fishing vessels), France (4 hours for fishing vessels recorded in the European Community register) and Slovenia (72 hours for fishing vessel registered in a third country).

Information to be notified in advance differs depending on the Member concerned. In some instances it is limited to the position of the fishing vessel, including entry or exit from territorial waters,<sup>130</sup> or the catch;<sup>131</sup> in other instances the requirements are more detailed and include the landing port, the time of arrival and catch specifications.<sup>132</sup> National provisions on information to be provided in advance by vessels calling to ports should be compared with the standards in Appendix A of the FAO Model Scheme.

#### **2.4.2 Designated ports/denial of use of ports**

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<sup>126</sup> The sub-headings in this section are those used in Table 3, where legal port State measures in most GFCM Members are contained.

<sup>127</sup> It has to be noted that in the case of the EU Regulations, such legal instruments are legislative acts with a general scope, obligatory in all their elements and directly applicable in all Member States. Regulations must be given immediate force of law in Member States without the need to enact implementing measures as they are self-executing. Therefore, all EU Regulations listed in Table 3 of the Annex are currently in force in all Members of the Union, including GFCM Members. The European Court of Justice has established a differentiation between what it calls “Basic Regulations” (they establish essential rules governing a certain matter, and are normally adopted by the Council) and “Execution Regulations” (they technically organize essential rules and are usually passed by the European Commission or the Council). Council Regulations and Commission Regulations are both listed in Table 3 of the Annex.

<sup>128</sup> Albania, Algeria, Bulgaria, EU, France, Malta, Slovenia, Spain and Turkey.

<sup>129</sup> Albania, Algeria, EU, France, Malta and Spain.

<sup>130</sup> Albania and Algeria.

<sup>131</sup> Bulgaria and Malta.

<sup>132</sup> EU, France, Spain and Turkey.

According to the FAO Model Scheme, States should designate and publicize ports to which vessels may be permitted access and, to the greatest extent possible, ensure that these ports have sufficient capacity to conduct inspections. Six Members fulfil this obligation based on the contents of the survey.<sup>133</sup>

Some of the collected provisions are very general and envisage that the landing of catch has to take place in national ports where competent agents are present;<sup>134</sup> there is not a list of designated ports. In other Members ports have been identified for landing catch.<sup>135</sup> These ports are to be used by all fishing vessels, like in Albania and Slovenia, or by fishing vessels landing given species (e.g. France and Spain have designated ports for the landing of cod fish).

### 2.4.3 General inspection power

A significant number of national provisions related to inspections is listed in Table 3 of the Annex: nineteen Members have enacted laws and regulations to lay down inspection procedures,<sup>136</sup> based on the contents of the survey. Only three Members have provisions specifically addressing foreign fishing vessels.<sup>137</sup> However, laws and regulations related to general inspection power seem to encompass all fishing vessels.

The powers of inspectors can be summed up as follows:

- to inspect fishing vessels, fishing locations, landing sites and transportation vehicles used for fishing products;<sup>138</sup>
- to visit periodically, including unanticipated visits, fishing vessels;<sup>139</sup>
- to examine logbooks, fishing gears, licenses and catches;<sup>140</sup>
- to carry out duties onboard without the master of the inspected vessel or the crewmembers opposing the inspection procedures.<sup>141</sup>

As was noted above (see paragraph 2.2.2 *Inspections*) the aspect of coordination among States is not given much consideration. According to national provisions in the survey, the duty to submit a copy of the inspection reports to the flag State is mentioned only by EU Regulations. The Croatian Maritime Code provides for the flag State to be immediately informed through diplomatic channels if the inspection led to the capture or seizure of the foreign vessel. National provisions on inspection procedures and reports of the results of port State inspections should be compared with the standards in Appendices B and C of the FAO Model Scheme.

### 2.4.4 Actions/compliance

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<sup>133</sup> Albania, Algeria, France, Slovenia, Spain and Tunisia.

<sup>134</sup> Algeria and Tunisia.

<sup>135</sup> Albania, France, Slovenia and Spain.

<sup>136</sup> Albania, Algeria, Croatia, Cyprus, EU, France, Israel, Italy, Japan, Libya, Malta, Monaco, Montenegro, Romania, Slovenia, Spain, Syria, Tunisia and Turkey.

<sup>137</sup> Algeria, Croatia and EU.

<sup>138</sup> Albania, Algeria, Croatia, Cyprus, EU, France, Israel, Italy, Japan, Libya, Malta, Montenegro, Romania, Slovenia, Spain, Syria, Tunisia and Turkey.

<sup>139</sup> Algeria, Cyprus, Italy, Japan, Malta, Monaco, Slovenia, Spain and Syria.

<sup>140</sup> Albania, Algeria, Cyprus, Israel, Japan, Libya, Malta, Slovenia and Spain.

<sup>141</sup> Algeria, Malta, Slovenia, Spain and Syria.

Even with respect to national laws and regulations laying down provisions on actions taken following inspections a significant number of instruments is listed in Table 3 of the Annex: twenty-one Members have adopted such measures,<sup>142</sup> based on the content of the survey.

The following actions are those most frequently taken at national level against fishing vessels not having an authorization/license, failing to report information or to compile the logbooks, operating in closed areas or during closed seasons, using prohibited gears, fishing protected species or disregarding the size of the species, exceeding the amount of allowable catch, refusing to allow inspectors to carry out their duties:

- fines/sanctions;
- confiscation of relevant documents;
- suspension or withdrawal of the fishing authorization/license;
- seizure of prohibited fishing gear and catch;
- sequestration of the vessel;
- prosecution;
- imprisonment of the crewmembers.

The severity of these punitive measures varies among Members and depends on the nature of the violation. Though only a limited number of the provisions of Members on actions/compliance listed in Table 3 of the Annex specifically addresses foreign fishing vessels,<sup>143</sup> the majority of them tends to encompass all fishing vessels breaching national laws and provisions.

#### **2.4.5 Information**

The issue of information systems on port State inspections appears to be overlooked by national legislations. The only two provisions listed in Table 3 of the Annex are respectively envisaged by an Albanian Regulation and an EU Regulation. This fact echoes the conclusions drawn in paragraph 2.2.4 *Information*. In the case of Albania a data system has been created to gather biological and economic information. Data elements on port inspections are not mentioned in the provision concerned. In the case of EU, the Commission must present a summary of the results of Member States' efforts to achieve a sustainable balance between fishing capacity and fishing opportunities every year. This does not seem to apply to port controls. However, it is specified in the provision concerned that implementing rules for these exchanges may be adopted in the future.

At present, communication mechanisms allowing for direct exchange of information on port State inspections among Members and with RFMOs, consistent with Annex E of the FAO Model Scheme, are yet to be foreseen by national laws and regulations.

#### **2.4.6. Strengths, weaknesses, opportunities and threats**

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<sup>142</sup> Albania, Algeria, Bulgaria, Croatia, Cyprus, Egypt, EU, France, Israel, Italy, Japan, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria, Tunisia and Turkey.

<sup>143</sup> See Algeria, Croatia, Egypt, Israel, Libya, Malta and Montenegro.

Principal legal port State measures in most Members are mostly related to inspection of vessels while they are in port and actions to be taken when an inspector finds the vessel to be in contravention of national provisions. The amount of laws and regulations enacted by Members in connection with these issues is remarkable and they are generally consistent with the FAO Model Scheme, apart from the aspect of coordination among States. Inspection reports are not usually submitted to the flag State by the port State, according to the contents of national provisions collected.

Legal port State measures related to the first section of the FAO Model Scheme (MCS related requirements prior to port entry/landing and designated ports/denial of use of ports) are yet to be implemented fully in the legislation of most Members. Standards related to information on the other hand, as defined by the fourth section of the FAO Model Scheme, are still to be envisaged by national legislations.

The FAO Model Scheme offers Members the opportunity to review their national legislations on port State controls. The Workshop on port State measures represents the first occasion for the GFCM to thoroughly consider this issue at regional level. Strategies could be examined to harmonize national legislations on port State controls in following-up the outcomes of the Workshop in order to facilitate the even implementation of the FAO Model Scheme.

The effectiveness of port State measures mainly depends on the commitment of all States in strengthening port controls. Even a limited number of States could undermine the efforts of a whole region if they do not ensure the implementation of port State measures. The fact that some Members lack legislation on port State measures or need to upgrade their laws and regulations could pose a serious threat to present and future endeavours in combating IUU fishing within the GFCM area. The FAO Model Scheme could serve as a landmark for Members in trying to achieve minimum legal port State measures standards through national provisions.

### **3. SUMMARY OPTIONS FOR CONSIDERATION BY THE GFCM**

This review has examined aspects of the implementation of each section of the FAO Model Scheme by Members. The majority of Members has inspection procedures at present, including follow-up actions. These measures differ though, depending on the Member concerned. Some port State measures on the other hand, are still to be implemented. It hence appears that there is significant scope for further activities to harmonize and strengthen port State measures in the GFCM area.

The following port State measures could be considered for harmonization by Members in order to meet the requirements set out in the FAO Model Scheme and its Appendices in a uniform manner:

- advance notice and information to be provided to the port authorities by foreign fishing vessels seeking access to ports;
- designation of ports where foreign fishing vessels are permitted access;
- inspection procedures;
- reports on the results of inspections;
- training and exchange of inspectors;

- actions to be taken by the port States when inspectors find reasonable evidence that the inspected foreign fishing vessel has engaged in or supported IUU fishing activities.

The following port State measures could be considered for implementation by Members in order to strengthen port State controls:

- development of practices relating to consultation, cooperation and exchange of information among Members with the aim of facilitating the implementation of port State measures in combating IUU fishing;
- establishment of contact points in relevant administrations to facilitate the exchange of information among Members, including notifications to the flag State and to the GFCM of IUU fishing activities noted in the course of inspections and receipts of replies/actions proposed or taken by the flag State of the inspected vessels;
- transmittal of the results of each of inspections to the flag State of the inspected vessel and to the GFCM in order to enhance consultation and cooperation among Members;
- setting up of communication mechanisms that allow Members to exchange and handle information on port State inspections with due regard to appropriate confidentiality requirements.

The options listed in this summary could be considered by the GFCM in order to identify the most efficient way to strengthen port State controls.

## ANNEX

### SUMMARY OF RESPONSES FROM MEMBERS TO GFCM QUESTIONNAIRE ON PORT STATE MEASURES

#### Introduction

The 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing (FAO Model Scheme) is a voluntary instrument and provides minimum standards for a range of activities and requirements, including: information to be given prior to entry into port, guidelines for inspection of vessels while they are in port, actions to be taken when an inspector finds there is reasonable evidence for believing that a foreign fishing vessel has engaged in, or supported, IUU fishing activities and information that the port State should provide to the flag State. The FAO Model Scheme also sets out inspection procedures, information to be included in the results of port State inspections, elements of a training programme for port State inspectors and an information system on port State inspections.

Calls at the international level for a binding instrument on port State measures have been intensifying in recent years. They culminated in the decision taken at the Twenty seventh Session of the FAO Committee on Fisheries (COFI) in March 2007 when the Session, acknowledging the urgent need for a comprehensive suite of port State measures, took note of the strong support for the proposal to develop a new legally binding instrument based on the 2001 FAO International Plan of Action to combat Illegal, Unreported and Unregulated fishing (IPOA-IUU) and the 2005 FAO Model Scheme.<sup>144</sup>

At the regional level FAO has undertaken a wide range of activities to support the implementation of the IPOA-IUU and the FAO Model Scheme, including human resource development and capacity building. The Thirty first Session of the General Fisheries Commission for the Mediterranean (GFCM), held in Rome in January 2007, endorsed the suggestion made by its Compliance Committee (COC) that a workshop on port State measures should be convened for the benefit of GFCM Members, mindful of international fisheries instruments, recent developments in international fora and the desirability of strengthening controls, based on the FAO Model Scheme. The GFCM further acknowledged with satisfaction the offer made by FAO to jointly organize such a workshop with the COC.

A questionnaire on port State measures was distributed by the GFCM to its Members in May 2007 to enable a review of their port State measures and assessment of strengths, weaknesses, gaps and constraints for regional cooperation and effective implementation of the FAO Model Scheme. The objective of the questionnaire is to contribute to an enhanced understanding of port State measures and actions needed at national and regional level to combat IUU fishing. The following twelve GFCM Members responded:

- Albania
- Algeria

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<sup>144</sup> A timetable was agreed for an expert consultation, which was held in September 2007 in Washington (U.S.), and a technical consultation to be held in 2008 in order that the instrument could be developed and presented at 28<sup>th</sup> session of COFI in 2009. For further information on the 27<sup>th</sup> Session of COFI, see on-line at: [http://www.fao.org/fi/NEMS/events/detail\\_event.asp?event\\_id=33956](http://www.fao.org/fi/NEMS/events/detail_event.asp?event_id=33956) (last accessed: 23 October 2007).

- Croatia
- Cyprus
- Egypt
- France
- Italy
- Japan
- Lebanon
- Romania
- Syria
- Turkey

The results are presented in three parts: Table 1.1, which could be useful for identifying general trends, shows the total number of GFCM Members that responded to each question; Table 1.2. identifies the Members and any comments they provided with respect to the questionnaire; and Table 2 identifies the Members and any comments they provided with respect to the General Background Information (section X of the questionnaire).<sup>145</sup>

Most respondents consider port State measures to be effective in controlling IUU fishing activities though the majority of national legislations related to the FAO Model Scheme needs to be updated and amended. This is confirmed by the fact that National Plans of action to combat IUU fishing and national legislations fully implementing each of the various sections of the FAO Model Scheme, including its Appendices, are still to be developed in the GFCM area, apart from few exceptions.

Respondents do not always maintain a system of port State control for foreign fishing vessels, although foreign fishing vessels are required to provide advance notice prior entering to national ports. Required information to be provided in advance to the port State by the foreign fishing vessel seeking access to its ports varies.

Respondents generally comply with the guidelines for carrying out inspections set out in the FAO Model Scheme. The only aspect still to be fully implemented is cooperation: the flag State of the inspected vessel is not usually invited by the port State to participate in inspections, subject to appropriate arrangements being made with the coastal State. Results of port inspections and training of inspectors are elements of the FAO Model Scheme that respondents would need to implement in a more uniform manner.

Notifications to the flag State following inspections of foreign fishing vessels are made by respondents when the inspected vessel engaged in IUU fishing activities. Replies or actions proposed or taken by the notified flag State are not usually taken in due account by respondents.

Few respondents have set up a computerized communication mechanism allowing for the direct exchange of information on port inspections with other GFCM Members and the GFCM. Some respondents have plans to set up such mechanisms in the future.

In general, GFCM Members indicated aspects of cooperation, including exchange of information and training of inspectors, as being prominent in strengthening port State controls. The elaboration of a regional scheme on port State measures by the GFCM, building on the

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<sup>145</sup> Another table (Table 3) is annexed and it sums up principal legal port State measures in most GFCM Members.

IPOA-IUU and the FAO Model Scheme, is regarded as a potentially useful tool in the fight against IUU fishing.

The role of the GFCM has been specifically addressed by some respondents: although trends show increasing awareness by GFCM Members, there appears to be a necessity for qualified human resources and for intensifying port State efforts to develop integrated and harmonized mechanisms of control both at national and regional levels. Also, some respondents have emphasized the need for revising their national legislation in connection with port State measures. A survey of legal port State measures in most GFCM Members is therefore presented in Table 3 to identify existing laws and regulations concerned with port State controls.

**Table 1.1 GFCM Members' responses to FAO questionnaire on port State measures.**

**Yes:** Your State has undertaken measures/action described  
**No:** No measures/action have been undertaken  
**Comments:** There are comments concerning measures/action taken/to be taken  
**N/A:** Question is not applicable to your circumstances

<b>I GENERAL</b>			
<b>QUESTION</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
1. Does your State maintain a system of port State control for non national <sup>146</sup> fishing vessels?	<b>7</b>	<b>3</b>	<b>2</b>
(i) if yes, how would you describe its effectiveness in combating IUU fishing?			
- Very effective	<b>3</b>		
- Somewhat effective	<b>3</b>		
- Not very effective	<b>2</b>		
2. Are ports to which non national fishing vessels may be permitted access designated and publicized?	<b>5</b>	<b>4</b>	<b>2</b>
3. Do these ports have the capacity to conduct port State inspections?			
- Full capacity	<b>5</b>		
- Some capacity	<b>1</b>		
- Not much capacity	<b>2</b>		
4. Are non national fishing vessels required to provide advance notice prior to entering your port?	<b>9</b>		<b>1</b>
5. Are the following vessels prohibited from using your ports for <i>landing, transshipping or processing</i> fish:			
(i) vessels from a non-contracting or non-cooperating party of GFCM, or	<b>5</b>	<b>3</b>	<b>2</b>
(ii) sighted as being engaged in, or supporting, IUU fishing activities 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	<b>8</b>		<b>1</b>
6. Is use of your ports prohibited for <i>landing, transshipping, refueling or re-supplying</i> where there are clear grounds for believing that the vessel has engaged in or supported IUU fishing beyond its fisheries jurisdiction?	<b>9</b>		<b>3</b>
7. Is landing authorized only after preventive authorization by the port State (after a satisfactory inspection)?	<b>5</b>	<b>2</b>	<b>1</b>

<sup>146</sup> A vessel flying a flag of a country other than your Country.

8. How is communicated the authorization for landing?	<b>8</b>		
9. Is the master of the vessel supposed to present a declaration of landing to the port authority after landing?	<b>10</b>		<b>2</b>
10. Is use of your ports prohibited for <i>landing</i> or <i>transshipment</i> where the vessel is identified as engaging in, or supporting, fishing activities that contravene conservation and management measures of an RFMO?	<b>9</b>		<b>3</b>
11. Is there consultation, cooperation and exchange of information with other States to facilitate the implementation of port State measures in combating IUU fishing?	<b>5</b>	<b>4</b>	<b>3</b>
12. Is there consultation, cooperation and exchange of information with other States to facilitate the implementation of the FAO Model Scheme approved in 2004 by the FAO Technical Consultation to review port State measures?	<b>4</b>	<b>5</b>	<b>2</b>
<b>II INSPECTIONS</b>			
<b>QUESTION</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
13. Are inspections of non national fishing vessels in ports carried out to monitor compliance?	<b>7</b>	<b>1</b>	<b>4</b>
14. Are inspections carried out by qualified persons authorized for that purpose?	<b>8</b>		<b>4</b>
(i) Please describe the required qualifications.	<b>6</b>		
15. Prior to an inspection, are inspectors required to show the vessel master an identity document?	<b>8</b>		<b>2</b>
16. Is an inspector authorized to examine any area of the fishing vessel, the catch, nets, gear, equipment and any document he deems necessary to verify compliance?	<b>8</b>		<b>1</b>
17. Is the vessel master required to give the inspector all necessary assistance and information and to present material and documents as may be required?	<b>9</b>		<b>1</b>
18. Is the flag State invited to participate in the inspection, subject to appropriate arrangements being?			
- Always	<b>1</b>		
- Sometimes	<b>2</b>		
- Not usually	<b>7</b>		
19. Are all possible efforts made to avoid unduly delaying a vessel, ensure minimum interference and inconvenience and avoid degradation of the quality of the fish?	<b>8</b>		<b>1</b>
20. Is an inspector accompanied, where possible and needed, by an interpreter of the language spoken by the operator of the inspected vessel?	<b>6</b>	<b>2</b>	<b>4</b>
21. Are the results of a port inspection presented to the master of the vessel and is the report completed and signed by the inspector and the master?	<b>8</b>		<b>1</b>

22. Is the opportunity given to the master of the vessel to add any comment to the report and to contact the relevant authorities of the flag State, in particular when (s)he has serious difficulties in understanding the contents of the report?	<b>8</b>		<b>1</b>	
<b>III ACTIONS</b>				
<b>QUESTION</b>	<b>ALWAYS</b>	<b>SOMETIMES</b>	<b>NOT USUALLY</b>	<b>N/A</b>
23. Does your State, following an inspection of a non national fishing vessel, promptly notify the flag State where there is reasonable evidence for believing that the vessel has engaged in, or supported, the following IUU fishing activities:				
(i) fishing without a valid license, authorization or permit issued by the flag State?	<b>6</b>	<b>2</b>		<b>4</b>
(ii) failing to maintain accurate records of catch and catch related data?	<b>4</b>	<b>3</b>		<b>4</b>
(iii) fishing in a closed area, fishing during closed season or without, or after the attainment of a quota?	<b>6</b>	<b>1</b>		<b>5</b>
(iv) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited?	<b>5</b>	<b>1</b>		<b>6</b>
(v) using prohibited fishing gear?	<b>7</b>	<b>1</b>		<b>4</b>
(vi) falsifying or concealing the markings, identity or registration of the vessel?	<b>6</b>	<b>1</b>	<b>1</b>	<b>4</b>
(vii) concealing, tampering with or disposing of evidence relating to an investigation?	<b>6</b>	<b>1</b>	<b>1</b>	<b>4</b>
(viii) conducting multiple violations which together constitute a serious disregard of relevant conservation and management measures?	<b>6</b>	<b>2</b>		<b>4</b>
(ix) failure to comply with applicable vessel monitoring system (VMS) requirements?	<b>4</b>	<b>2</b>	<b>2</b>	<b>6</b>
(x) taking or landing undersized fish in contravention of relevant conservation and management measures?	<b>3</b>	<b>2</b>	<b>1</b>	<b>5</b>
24. Does your State take due note of any reply or any actions proposed or taken by the flag State of the inspected vessel when it was notified of reasonable evidence of IUU fishing activities?	<b>4</b>	<b>3</b>		<b>4</b>
25. Has your State prohibited landings or transshipments from inspected vessels when it was not satisfied with the flag State's actions against the vessel?	<b>3</b>	<b>1</b>	<b>1</b>	<b>6</b>
(i) If yes, how many times in 2005 and 2006 did this occur?	<b>2</b>			
26. How many inspections of non national fishing vessels undertaken in 2005 and 2006 resulted in notifications to:				
(i) the flag State?	<b>4</b>			
(ii) the competent RFMO?	<b>2</b>			
(iii) the competent regional economic integration organization?	<b>1</b>			

27. Have other actions been taken against IUU non national fishing vessels inspected with the consent of, or upon the request of, the flag State?		1	2	8
<b>IV INFORMATION</b>				
<b>QUESTION</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>	
28. Is there a computerized communication mechanism that allows for direct exchange of messages with other GFCM Members and with the GFCM?	3	8	1	
(i) If yes, please describe	1			
(ii) If no, are there plans for such mechanism?	8			
29. Is information handled in a standardized form?	3	1	3	
<b>V INFORMATION TO BE PROVIDED IN ADVANCE BY NON NATIONAL FISHING VESSELS FAO Model Scheme, Appendix A</b>				
Please attach your requirements for information to be provided in advance by non national fishing vessels, or provide a reference where they may be found on your website.	4			
<b>VI PORT STATE INSPECTION PROCEDURES FOR NON NATIONAL FISHING VESSELS FAO Model Scheme, Appendix B</b>				
<b>QUESTION</b>	<b>ALWAYS</b>	<b>SOMETIMES</b>	<b>NOT USUALLY</b>	
30. Is the validity of official documentation onboard verified, for example through the flag State or international records of fishing vessels?	5	3	1	
31. Do inspectors make sure that the flag, the external identification number (and IMO ship identification number when available) and the international radio call sign are correct ?	7	1		
32. Do inspectors examine whether the vessel has changed flag and, if so, note the previous name(s) and flag(s)?	5	2		
33. Do inspectors note the following:				
(i) port of registration?	8			
(ii) name and address of the owner (and operator if different from the owner)?	8			
(iii) name of master?	8			
(iv) unique ID for company and registered owner if available?	7			
(v) name(s) and address(es) of previous owners, if any?	5	2	1	
34. Are authorization(s) to fish or transport fish and fishery products verified for compatibility with the information obtained on vessel identification?	8	1		

35. Is all relevant documentation reviewed, including in electronic format, such as logbooks, stowage plans and drawings or descriptions of fish holds if available?	5	1	2
36. Are fish holds/areas inspected in order to verify whether the size and composition of fish correspond to drawings or descriptions reviewed and whether the stowage is in accordance with the stowage plans?	6		2
37. Is the fishing gear on board verified for conformity with the conditions of the authorization(s) and regulations?	8		
38. Are identification marks of the gear verified for conformity with those authorized for the vessel?	8	1	
39. Is the vessel searched for any fishing gear stowed out of sight?	4	4	
40. Is an examination made to establish whether the fish and fishery products on board were harvested in accordance with the conditions set out in the authorization?	7	1	
41. Is the fishing logbook examined and reports submitted, including those resulting from a vessel monitoring system (VMS), as appropriate?	5		3
42. Is the fish in the hold or being landed examined in order to determine the quantities and species which are fresh on ice, frozen but not packed, processed, packed or in bulk?	6	2	
43. Where the fish has been pre-packed are cartons opened and the fish or cartons moved to ascertain the integrity of fish holds?	4	2	2
44. Are species and quantities landed verified as the vessel is unloading, including for presentation (product form), live weight (quantities determined from the logbook) and the conversion factor used for calculating processed weight to live weight?	3	3	2
45. Are the flag State authorities contacted to verify whether the fish and fishery products have been harvested or collected in the areas recorded in the relevant documents if they have reasonable grounds to believe that a vessel has engaged in, or supported, IUU fishing?	4	2	3
<b>VII RESULTS OF PORT STATE INSPECTIONS FAO Model Scheme, Appendix C</b>			
Please attach your requirements for information to be provided on the results of port State inspections, or provide a reference where they may be found on your website.	3		
<b>VIII TRAINING OF PORT STATE INSPECTORS FAO Model Scheme, Appendix D</b>			
<b>QUESTION</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
46. Does your State have a national training programme for port inspectors?	8	3	1
47. If yes, does the program include the following elements:			
(i) training in inspection procedures?	6		
(ii) provision of information on GFCM conservation and management measures as well as relevant laws and regulations and applicable rules of international law?	7	1	1

(iii) 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?	7	1	
(iv) fish species identification and measurement calculation?	6	1	
(v) catch landing monitoring, including determining conversion factors for the various species and products?	6	2	1
(vi) vessel boarding/inspection, hold inspections and calculation of vessel hold volumes; gear measurements and inspections?	8		
(vii) collection, evaluation and preservation of evidence?	8		
(viii) range of measures available following the inspection?	6	2	
(ix) training in relevant languages, particularly English?	4	2	1
(x) if a curriculum is available, please note website or reference. Information may be attached separately (optional).			1
<b>IX INFORMATION SYSTEM ON PORT STATE INSPECTIONS FAO Model Scheme, Appendix E</b>			
Please attach a description of your requirements for an information system on port State inspection or provide a reference where they may be found on your website.			3
<b>X GENERAL BACKGROUND INFORMATION</b>			
<b>QUESTION</b>	<b>ANSWERS</b>		
1. How many major fishing ports are in your State (used by vessels greater than 15 meters)?	10		
2. How many calls to these ports were made in 2005 and 2006 by fishing vessels (including support vessels)?	8		
3. How many of these port calls were made by non national fishing vessels?	8		
4. What government agency/agencies is/are responsible for carrying out port inspections?	9		
5. Are the human resources required for implementation of effective port State measures, including inspections and information systems (if inadequate, please explain why)?	10		
6. What use is made of the data collected during port inspections (e.g. enforcement, management, exchange with other States or GFCM)?	7		
7. Have priorities for carrying out port inspections been identified (e.g. vessel Nationality, size or flag, RFMO IUU vessel list, specific violations)? If yes, please outline main priorities.	10		

<p>8. How many inspections were carried out in fishing ports during 2005 and 2006?</p> <ul style="list-style-type: none"> <li>- How many resulted in evidence of IUU fishing?</li> <li>- How many resulted in deterrent action?</li> <li>- How many resulted in legal action (e.g. successful prosecutions, administrative actions)?</li> <li>- How many resulted in non-legal action (e.g. settlement)?</li> <li>- How many resulted in deterrent measures (e.g. trade sanctions)?</li> </ul>	<b>10</b>
<p>9. Please identify legal instruments in your State that set out port State measures.</p>	<b>5</b>
<p>10. Does your legislation, in relation to the FAO Model Scheme:</p> <ul style="list-style-type: none"> <li>- implement its measures?</li> <li>- need to be updated and amended?</li> <li>- exceed its measures?</li> </ul>	<b>7</b>
<p>11. If there is an NPOA-IUU, either under development or being implemented, are port State measures included?</p>	<b>8</b>
<p>12. Do you consider port State measures to be effective in controlling IUU fishing activities?</p>	<b>9</b>
<p>13. Would the elaboration of a regional scheme on port State measures by the GFCM, building on the FAO Model Scheme and the IPOA-IUU, be a useful tool to combat IUU fishing? If yes, what measures should be given priority?</p>	<b>8</b>
<p>14. Are you aware that a binding international instrument on port State measures based on the FAO Model Scheme and the IPOA-IUU will be developed by 2009 as agreed by the March, 2007 FAO Session of the Committee on Fisheries?</p>	<b>8</b>
<p>15. Please identify three major constraints to implementing port State measures.</p>	<b>7</b>
<p>16. Please suggest three ways of overcoming these constraints.</p>	<b>6</b>
<p>17. Please add any other comments regarding port State measures that you believe may be helpful to this survey.</p>	<b>1</b>

**Table 1.2 GFCM Members' responses to FAO questionnaire on port State measures.**

**Yes:** Your State has undertaken measures/action described  
**No:** No measures/action have been undertaken  
**Comments:** There are comments concerning measures/action taken/to be taken  
**N/A:** Question is not applicable to your circumstances

I GENERAL			
QUESTION	YES	NO	COMMENTS
1. Does your State maintain a system of port State control for non national fishing vessels? <sup>147</sup>	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Syria</b>	<b>Japan, Lebanon, Romania</b>	<b>Croatia</b> Republic of Croatia has only recently started to set up the coastal infrastructure necessary for creation of true fishing ports. Up until very recently, there was no true fishing port available, and fishermen used public port facilities. Since this is the case, the measures actually performed or planned in ports were not being developed in the past <b>France</b> A system exists, but it deals only with fishing vessels. Trade vessels are monitored by the customs. It does not exist at this stage a system of systematic controls on all fishing products
(i) if yes, how would you describe its effectiveness in combating IUU fishing?			
- Very effective	<b>Algeria, Cyprus, Italy</b>		
- Somewhat effective	<b>Albania, France, Syria</b>		
- Not very effective	<b>Egypt, Romania</b>		
2. Are ports to which non national fishing vessels may be permitted access designated and publicized?	<b>Algeria, Cyprus, France, Italy, Romania</b>	<b>Albania, Japan, Romania, Syria</b>	<b>Albania</b> The four main Albanian ports have access permitted, even not yet designated and/or publicized <b>Croatia</b> The mechanism is being developed. Current legislation foresees publicizing of the lists of ports open for foreign fishing vessels. As the things stand today, there are public ports open for international commerce, and these may be used by non-national fishing vessels as a general rule. These ports are publicized and there are 3 such ports in Croatia. These ports do have capacities to perform port State inspections
3. Do these ports have the capacity to conduct port State inspections?			

<sup>147</sup> A vessel flying a flag of a country other than your Country.

- Full capacity	<b>Albania, Algeria, Cyprus, Romania, Syria</b>		
- Some capacity	<b>France</b>		
- Not much capacity	<b>Egypt, Romania</b>		
4. Are non national fishing vessels required to provide advance notice prior to entering your port?	<b>Albania</b> (48 hours), <b>Algeria</b> (as soon as they enter waters under national jurisdiction), <b>Croatia</b> (78 hours), <b>Cyprus, France</b> (48 hours), <b>Italy</b> (-), <b>Japan</b> (10 days prior to the scheduled entry date), <b>Romania</b> (7 days), <b>Syria</b> (few hours up to few days just for entering without any sampling, fishing, or research activity. A minimum of one month for practicing any of the above activities excluding fishing)		<b>Lebanon</b> N/A
5. Are the following vessels prohibited from using your ports for <i>landing, transshipping</i> or <i>processing</i> fish:			
(i) vessels from a non-contracting or non-cooperating party of GFCM, or	<b>Albania, Algeria, Egypt, Romania, Syria</b>	<b>France, Japan, Lebanon</b>	<b>Croatia</b> According to the present regulation, no vessel is explicitly prohibited from using the ports. It should be noted, however, that as Croatia lacks coastal infrastructure and has no real fishing ports and markets, its available ports were not used by non-national vessels. This situation was the main reason why no particular regulation on port State measures for foreign vessels were being developed until recently <b>Syria</b> This is owing to not having the right to enter the territorial waters rather than having been engaged in IUU fishing Nevertheless, being involved in IUU fishing would be an argument not to let them in
(ii) sighted as being engaged in, or supporting, IUU fishing activities 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	<b>Albania, Algeria, Cyprus, Egypt, France, Japan, Romania, Syria</b>		<b>Lebanon</b> N/A

6. Is use of your ports prohibited for <i>landing, transshipping, refueling</i> or <i>re-supplying</i> where there are clear grounds for believing that the vessel has engaged in or supported IUU fishing beyond its fisheries jurisdiction?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Japan, Romania, Syria</b>		<b>Albania</b> No case, but if yes, the port authorities are composed to have different structures occupied with vessel control, including those with the history in regard of IUU-fishing <b>Lebanon</b> N/A <b>Syria</b> No national legislation implies that, but being a party in the compliance agreement, Syria would prohibit it
7. Is landing authorized only after preventive authorization by the port State (after a satisfactory inspection)?	<b>Albania, Algeria, Cyprus, Romania, Syria</b>	<b>Egypt, Italy</b>	<b>Lebanon</b> N/A
8. How is communicated the authorization for landing?	<b>Albania</b> (orally), <b>Algeria</b> (written), <b>Croatia</b> (written), <b>Cyprus</b> (written), <b>France</b> (written), <b>Italy</b> (written), <b>Romania</b> (written), <b>Syria</b> (written)		
9. Is the master of the vessel supposed to present a declaration of landing to the port authority after landing?	<b>Albania, Algeria, Croatia, Cyprus, Egypt, France, Italy, Japan, Romania, Syria</b>		<b>Croatia</b> According to the recent regulation (in draft, some to be applied as of 1st of January 2008), all vessels are supposed to present a declaration of landing <b>Lebanon</b> N/A
10. Is use of your ports prohibited for <i>landing</i> or <i>transshipment</i> where the vessel is identified as engaging in, or supporting, fishing activities that contravene conservation and management measures of an RFMO?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Japan, Romania, Syria</b>		<b>Albania</b> No identified case of such landings, transshipments <b>Croatia</b> Croatia has only recently started drafting regulations and procedures for port state measures. These include different obligations stemming from the membership in the RFMOs, but until now no particular measures were in place. As a general rule, Croatian fisheries inspection cooperates and communicates with those of other member States <b>Lebanon</b> N/A
11. Is there consultation, cooperation and exchange of information with other States to facilitate the implementation of port State measures in combating IUU fishing?	<b>Algeria, Cyprus, France, Italy, Romania</b>	<b>Albania, Egypt, Japan, Syria</b>	<b>Albania</b> Until now not <b>Lebanon</b> N/A <b>Syria</b> This is shortly envisaged

12. Is there consultation, cooperation and exchange of information with other States to facilitate the implementation of the FAO Model Scheme approved in 2004 by the FAO Technical Consultation to review port State measures?	<b>Algeria, Cyprus, France, Romania</b>	<b>Albania, Egypt, Italy, Japan, Syria</b>	<b>Lebanon</b> N/A <b>Syria</b> This is shortly envisaged
<b>II INSPECTIONS</b>			
<b>QUESTION</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
13. Are inspections of non national fishing vessels in ports carried out to monitor compliance?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Romania</b>	<b>Syria</b>	<b>Albania</b> Albania has ratified the “Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas” <b>Croatia</b> There are no non national fishing vessels in Croatian ports due to the general lack of coastal infrastructure in fisheries <b>Lebanon</b> N/A <b>Syria</b> But to check on authorization
14. Are inspections carried out by qualified persons authorized for that purpose?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Romania, Syria</b>		<b>Albania</b> Fishery Inspectors are under training phases. Always referred to a fishery inspectorate <b>Croatia</b> Inspections in general are carried out by authorized personnel. It is foreseen that the same people authorized to conduct inspection on national fishing vessels do so on non-national vessels, with same authorities of inspection <b>Lebanon</b> N/A <b>Syria</b> Yes for authorization, no for compliance
(i) Please describe the required qualifications	<b>Albania</b> University educational degree, good experience in marine sector, if referred to a fishery inspectors <b>Algeria</b> Practice in the field <b>Cyprus</b> Training in inspection procedures, knowledge of laws and regulations, knowledge of fish species identification, etc <b>Egypt</b> Fisheries specialists, well trained, bilingual <b>Romania</b> NAFA Inspectors, Border Police, Sanitary-Veterinary Police		
15. Prior to an inspection, are inspectors required to show the vessel master an identity document?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Romania, Syria</b>		<b>Lebanon</b> N/A <b>Syria</b> In principle
16. Is an inspector authorized to examine any area of the fishing vessel, the catch, nets, gear, equipment and any document he deems necessary to verify compliance?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Romania, Syria</b>		<b>Lebanon</b> N/A

17. Is the vessel master required to give the inspector all necessary assistance and information and to present material and documents as may be required?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Lebanon, Romania, Syria</b>		<b>Syria</b> In principle	
18. Is the flag State invited to participate in the inspection, subject to appropriate arrangements being?				
- Always	<b>Romania</b>			
- Sometimes	<b>Algeria, Croatia</b>			
- Not usually	<b>Albania, Cyprus, Egypt</b> (never), <b>France, Italy, Lebanon, Syria</b>			
19. Are all possible efforts made to avoid unduly delaying a vessel, ensure minimum interference and inconvenience and avoid degradation of the quality of the fish?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Romania, Syria</b>		<b>Lebanon</b> N/A	
20. Is an inspector accompanied, where possible and needed, by an interpreter of the language spoken by the operator of the inspected vessel?	<b>Albania, Algeria, Egypt, France, Italy, Romania</b>	<b>Cyprus, Syria</b>	<b>Algeria</b> English or French <b>France</b> Only when there is a violation <b>Lebanon</b> N/A <b>Syria</b> Not needed; inspectors speak English and the case would be <u>only</u> limited to Lebanese vessels	
21. Are the results of a port inspection presented to the master of the vessel and is the report completed and signed by the inspector and the master?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Romania, Syria</b>		<b>Lebanon</b> N/A	
22. Is the opportunity given to the master of the vessel to add any comment to the report and to contact the relevant authorities of the flag State, in particular when (s)he has serious difficulties in understanding the contents of the report?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Romania, Syria</b>		<b>Lebanon</b> N/A	
<b>III ACTIONS</b>				
<b>QUESTION</b>	<b>ALWAYS</b>	<b>SOMETIMES</b>	<b>NOT USUALLY</b>	<b>N/A</b>
23. Does your State, following an inspection of a non national fishing vessel, promptly notify the flag State where there is reasonable evidence for believing that the vessel has engaged in, or supported, the following IUU fishing activities:				

(i) fishing without a valid license, authorization or permit issued by the flag State?	<b>Albania, Cyprus, Egypt, Italy, Romania, Syria</b>	<b>Algeria, France</b>		<b>Croatia, Japan, Lebanon, Turkey</b>
(ii) failing to maintain accurate records of catch and catch related data?	<b>Algeria, Egypt, Italy, Romania</b>	<b>Albania, France, Syria</b>		<b>Croatia, Japan, Lebanon, Turkey</b>
(iii) fishing in a closed area, fishing during closed season or without, or after the attainment of a quota?	<b>Albania, Algeria, Cyprus, Egypt, Italy, Romania</b>	<b>France</b>		<b>Croatia, Japan, Lebanon, Syria, Turkey</b>
(iv) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited?	<b>Algeria, Cyprus, Egypt, Italy, Romania</b>	<b>France</b>		<b>Albania, Croatia, Japan, Lebanon, Syria, Turkey</b>
(v) using prohibited fishing gear?	<b>Albania, Algeria, Cyprus, Egypt, Italy, Romania, Syria</b>	<b>France</b>		<b>Croatia, Japan, Lebanon, Turkey</b>
(vi) falsifying or concealing the markings, identity or registration of the vessel?	<b>Albania, Algeria, Cyprus, Italy, Romania, Syria</b>	<b>France</b>	<b>Egypt</b>	<b>Croatia, Japan, Lebanon, Turkey</b>
(vii) concealing, tampering with or disposing of evidence relating to an investigation?	<b>Albania, Algeria, Cyprus, Italy, Romania, Syria</b>	<b>France</b>	<b>Egypt</b>	<b>Croatia, Japan, Lebanon, Turkey</b>
(viii) conducting multiple violations which together constitute a serious disregard of relevant conservation and management measures?	<b>Algeria, Cyprus, Egypt, Italy, Romania, Syria</b>	<b>Albania, France</b>		<b>Croatia, Japan, Lebanon, Turkey</b>
(ix) failure to comply with applicable vessel monitoring system (VMS) requirements?	<b>Cyprus, Egypt, Italy, Romania</b>	<b>Algeria, France</b>	<b>Egypt, Syria</b>	<b>Albania, Croatia, Japan, Lebanon, Syria, Turkey</b>
(x) taking or landing undersized fish in contravention of relevant conservation and management measures?	<b>Albania, Italy, Romania</b>	<b>Algeria, France</b>	<b>Egypt</b>	<b>Croatia, Japan, Lebanon, Syria, Turkey</b>
24. Does your State take due note of any reply or any actions proposed or taken by the flag State of the inspected vessel when it was notified of reasonable evidence of IUU fishing activities?	<b>Albania, Cyprus, Italy, Romania</b>	<b>Algeria, Egypt, France</b>		<b>Croatia, Japan, Lebanon, Turkey</b>

25. Has your State prohibited landings or transshipments from inspected vessels when it was not satisfied with the flag State's actions against the vessel?	<b>Albania, Algeria, Romania</b>	<b>France</b>	<b>Egypt</b>	<b>Croatia, Cyprus, Italy, Japan, Lebanon, Turkey</b>
(i) If yes, how many times in 2005 and 2006 did this occur)	<b>Albania (2 in 2005), Cyprus (0)</b>			
26. How many inspections of non national fishing vessels undertaken in 2005 and 2006 resulted in notifications to:				
(i) The flag State?	<b>Albania (2), Algeria (30), Cyprus (0), Romania (6)</b>			
(ii) The competent RFMO?	<b>Algeria (30), Cyprus (0)</b>			
(iii) The competent regional economic integration organization?	<b>Cyprus (0)</b>			
27. Have other actions been taken against IUU non national fishing vessels inspected with the consent of, or upon the request of, the flag State?		<b>France</b> Sanctions given are either the seizure of fish and/of fishing gear and/or their destruction	<b>Egypt, Romania</b>	<b>Albania, Algeria, Croatia, Cyprus, Japan, Lebanon, Syria, Turkey</b>
<b>IV INFORMATION</b>				
<b>QUESTION</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>	
28. Is there a computerized communication mechanism that allows for direct exchange of messages with other GFCM Members and with the GFCM?	<b>Albania, Cyprus, Egypt</b>	<b>Algeria, Croatia, France, Japan, Lebanon, Romania, Syria, Turkey</b>	<b>Albania</b> Not in this frame but in global	
(i) If yes, please describe	<b>Albania</b> The port authorities can exchange information in global frame but in frame of GFCM, especially for fisheries not good			
(ii) If no, are there plans for such mechanism?	<b>Albania</b> It is foreseen to build a computerization system to maintain a information exchange among fishery inspectorate/administrative body and GFCM countries as well <b>Algeria</b> Not at this stage <b>Croatia, Japan, Lebanon, Romania, Turkey</b> Yes <b>Syria</b> When the decree on joining GFCM be issued, there will be an argument to join/establish such a network			
29. Is information handled in a standardized form?	<b>Cyprus, Egypt, Syria</b>	<b>Albania</b>	<b>Croatia</b> The form used in Croatia is generally in line with international standards <b>Japan</b> N/A <b>Lebanon</b> N/A	

**V INFORMATION TO BE PROVIDED IN ADVANCE BY NON NATIONAL FISHING VESSELS**  
**FAO Model Scheme, Appendix A**

Please attach your requirements for information to be provided in advance by non national fishing vessels, or provide a reference where they may be found on your website.

**Albania** Requirements for information are consistent with those listed in Appendix A of the FAO Model Scheme.  
**Croatia** <http://www.nn.hr/clanci/sluzbeno/2006/3076.htm>  
**Japan** Captain: name and nationality. Fishing Vessel: operator, name, flag, gross tonnage, fishing facility and gear, fishing category, entry port, entry time and date, next destination. Freight: provenance, commodity name of its catch and product, quantity.  
**Syria** No special Syrian set of information is adopted so far. Thus the Appendix A of the FAO Model Scheme is applicable in Syria

**VI PORT STATE INSPECTION PROCEDURES FOR NON NATIONAL FISHING VESSELS**  
**FAO Model Scheme, Appendix B**

QUESTION	ALWAYS	SOMETIMES	NOT USUALLY
30. Is the validity of official documentation onboard verified, for example through the flag State or international records of fishing vessels?	<b>Albania, Cyprus, Egypt, France, Italy</b>	<b>Algeria, Romania, Syria</b>	<b>Croatia</b> There has been no previous record or case of Croatian port being used by a foreign vessel. This is not surprising, since Croatia lacks adequate landing facilities, ports structures and general coastal infrastructure. This situation creates difficulties in Croatian national fisheries, particularly due to the geographical constrains and features. There is an ongoing process now, trying to identify and designate ports for national and non-national vessels. Several ports are under construction, and relevant legal instruments are currently being drafted
31. Do inspectors make sure that the flag, the external identification number (and IMO ship identification number when available) and the international radio call sign are correct ?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Romania</b>	<b>Syria</b>	
32. Do inspectors examine whether the vessel has changed flag and, if so, note the previous name(s) and flag(s)?	<b>Albania, Cyprus, France, Romania, Syria</b>	<b>Algeria, Italy</b>	
33. Do inspectors note the following:			
(i) port of registration?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Romania, Syria</b>		
(ii) name and address of the owner (and operator if different from the owner)?	<b>Albania, Algeria, France Cyprus, Egypt, Italy,</b>		

	<b>Romania, Syria</b>		
(iii) name of master?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Romania, Syria</b>		
(iv) unique ID for company and registered owner if available?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Romania</b>		
(v) name(s) and address(es) of previous owners, if any?	<b>Albania, Algeria, Cyprus, Egypt, Romania</b>	<b>Italy, Syria</b>	<b>France</b>
34. Are authorization(s) to fish or transport fish and fishery products verified for compatibility with the information obtained on vessel identification?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Romania, Syria</b>	<b>Syria</b>	
35. Is all relevant documentation reviewed, including in electronic format, such as logbooks, stowage plans and drawings or descriptions of fish holds if available?	<b>Algeria, Cyprus, France, Italy, Romania</b>	<b>Albania</b>	<b>Egypt, Syria</b>
36. Are fish holds/areas inspected in order to verify whether the size and composition of fish correspond to drawings or descriptions reviewed and whether the stowage is in accordance with the stowage plans?	<b>Albania, Algeria, Cyprus, France, Italy, Romania</b>		<b>Egypt, Syria</b>
37. Is the fishing gear on board verified for conformity with the conditions of the authorization(s) and regulations?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Romania, Syria</b>		
38. Are identification marks of the gear verified for conformity with those authorized for the vessel?	<b>Algeria, Cyprus, Cyprus, Egypt, France, Italy, Romania, Syria</b>	<b>Albania</b>	
39. Is the vessel searched for any fishing gear stowed out of sight?	<b>Cyprus, Egypt, France, Romania</b>	<b>Albania, Algeria, Italy, Syria</b>	
40. Is an examination made to establish whether the fish and fishery products on board were harvested in accordance with the conditions set out in the authorization?	<b>Albania, Algeria, Cyprus, Egypt, France, Italy, Romania</b>	<b>Syria</b>	
41. Is the fishing logbook examined and reports submitted, including those resulting from a vessel monitoring system (VMS),	<b>Algeria, Cyprus, France, Italy, Romania</b>		<b>Albania, Egypt, Syria</b>

as appropriate?			
42. Is the fish in the hold or being landed examined in order to determine the quantities and species which are fresh on ice, frozen but not packed, processed, packed or in bulk?	<b>Algeria, Cyprus, Egypt, France, Romania, Syria</b>	<b>Albania, Italy</b>	
43. Where the fish has been pre-packed are cartons opened and the fish or cartons moved to ascertain the integrity of fish holds?	<b>Albania, Cyprus, France, Romania</b>	<b>Algeria, Egypt</b>	<b>Italy, Syria</b>
44. Are species and quantities landed verified as the vessel is unloading, including for presentation (product form), live weight (quantities determined from the logbook) and the conversion factor used for calculating processed weight to live weight?	<b>Cyprus, France, Romania</b>	<b>Albania, Algeria, Italy</b>	<b>Egypt, Syria</b>
45. Are the flag State authorities contacted to verify whether the fish and fishery products have been harvested or collected in the areas recorded in the relevant documents if they have reasonable grounds to believe that a vessel has engaged in, or supported, IUU fishing?	<b>Algeria, Cyprus, France, Romania</b>	<b>Albania, Syria</b>	<b>Albania</b> Every foreign vessel, provided with license for professional fishing in waters of Republic of Albania, must return to an Albanian harbors after fishing and before possible exporting of aquatic species caught, for provision of requirements stipulated under legislation in force <b>Egypt, Italy</b>

**VII RESULTS OF PORT STATE INSPECTIONS**  
**FAO Model Scheme, Appendix C**

Please attach your requirements for information to be provided on the results of port State inspections, or provide a reference where they may be found on your website.	<b>Albania</b> Requirements for inspections are consistent with those listed in Appendix C of the FAO Model Scheme. (The inspectors have to compile a report which includes general information on the violators, provisions violated, means and gears seized ", the license or authorization ceased immediately or not later than 15 days from the violation <b>Croatia</b> <a href="http://www.nn.hr/clanci/sluzbeno/1997/0670.htm">http://www.nn.hr/clanci/sluzbeno/1997/0670.htm</a> ; <a href="http://www.nn.hr/clanci/sluzbeno/2005/0933.htm">http://www.nn.hr/clanci/sluzbeno/2005/0933.htm</a> <b>Syria</b> No special Syrian set of information is adopted so far. Thus the Appendix C of the FAO Model Scheme is applicable in Syria. The fact that Syria very rarely harbors non national fishing vessels and consequently has very limited opportunities to implement the inspection rules explains the little awareness of the gaps and needs of the actual system
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**VIII TRAINING OF PORT STATE INSPECTORS**  
**FAO Model Scheme, Appendix D**

QUESTION	YES	NO	COMMENTS
46. Does your State have a national training programme for port inspectors?	<b>Algeria, Croatia, Cyprus, France, Italy, Romania, Syria, Turkey</b>	<b>Albania, Egypt, Lebanon</b>	<b>Albania</b> There has been some partial training for inspectors but is not in place any national training program for port inspectors
47. If yes, does the program include the following elements:			
(i) training in inspection procedures?	<b>Algeria, Croatia, Cyprus, France, Italy, Syria</b>		
(ii) provision of information on GFCM conservation and management measures as well as relevant laws and regulations and applicable rules of international law?	<b>Algeria, Croatia, Cyprus, France, Romania, Syria, Turkey</b>	<b>Italy</b>	<b>Syria</b> Yes for relevant laws & regulations & applicable rules of international law. No for GFCM conservation and management measures
(iii) 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?	<b>Algeria, Croatia, Cyprus, France, Italy, Romania, Turkey</b>	<b>Syria</b>	
(iv) fish species identification and measurement calculation?	<b>Algeria, Croatia, Cyprus, France, Romania, Syria</b>	<b>Italy</b>	
(v) catch landing monitoring, including determining conversion factors for the various species and products?	<b>Algeria, Croatia, France, Italy, Romania, Syria,</b>	<b>Cyprus, Turkey</b>	<b>Syria</b> Fisheries officers/inspectors are trained to deal with these criteria which are being checked on mainly in national fishing vessels
(vi) vessel boarding/inspection, hold inspections and calculation of vessel hold volumes; gear measurements and inspections?	<b>Algeria, Croatia, Cyprus, France, Italy, Romania, Syria, Turkey</b>		
(vii) collection, evaluation and preservation of evidence?	<b>Algeria, Croatia, Cyprus, France, Italy, Romania, Syria, Turkey</b>		
(viii) range of measures available following the inspection?	<b>Algeria, Croatia, Cyprus, France, Italy, Romania,</b>	<b>Syria, Turkey</b>	
(ix) training in relevant languages, particularly English?	<b>Algeria, France, Italy, Romania</b>	<b>Cyprus, Syria</b>	<b>Croatia</b> Language courses are part of internal training in the relevant state bodies
(x) if a curriculum is available, please note website or reference. Information may be attached separately (optional). <b>Syria</b> The curriculum of the training is not available as a set of training material, but the training was carried out with the technical support of MedFisis project of FAO			
<b>IX INFORMATION SYSTEM ON PORT STATE INSPECTIONS</b> <b>FAO Model Scheme, Appendix E</b>			

Please attach a description of your requirements for an information system on port State inspection or provide a reference where they may be found on your website.

**Albania** Requirements for information are not consistent with those listed in Appendix E of the FAO Model Scheme ([www.dfishery.gov.al](http://www.dfishery.gov.al); Law No. 7908, of 5.4.1995 “For fishery and aquaculture”)

**Syria** No special Syrian set of information is adopted so far. Thus the Appendix E of the FAO Model Scheme is applicable in Syria. The fact that Syria very rarely harbors non national fishing vessels and consequently has very limited opportunities to implement the inspection rules explains the little awareness of the gaps and needs of the actual system. Nevertheless, there is a need for identification of relevant items in addition to strengthening the communication capabilities between states on one hand and states and RFMOs on the other

**Turkey** A comprehensive information system, named Fisheries Information System (FIS), has been developed for allowing the registration of the logbook and landing declarations of national fishing vessels, and of the marine products imported. The main functions of the software can be listed as follows. It provides a central register for total allowable catch regarding fish species of Turkey, allow comparison of catch amounts drawn from logbook, landing declaration and sales notes and registered in the system with total allowable catch and thus create a warning mechanism. Also, it sets up and monitors an exportation system for tuna species. It includes surveillance of fishing activities on board the fishing vessels and various surveillance practices conducted at the places of sale, on transport vehicles, in fish farms and similar places, as well as any events of violation detected during surveillance and the penalties imposed. It sets up a central register and monitoring system for fishing vessel and fisherman licenses. System contains information regarding fishing vessel license, special fishing permission, and fisherman license. It allows the registration, renewal and cancellation of the first buyer licenses, as well as the registration, modification and deletion of the sales notes, take-over declarations and transport documents. It enables reporting to National Agencies, ICCAT, FAO and DGFISH. It provides data as a central vessel register system. The information about vessel equipment, owner of vessel, power, physical characteristics, and exit from fleet and license information, as well as modifications to vessel information is required for recording in the above central vessel register system. Concerning the requirements for this information system, the templates for logbook, sales notes, transport document, take over declaration and fisheries control forms are attached

**Table 2 GFCM Members' responses to FAO questionnaire on port State measures.**

**General Background Information**

<p><b>1. How many major fishing ports are in your State (Used by vessels greater than 15 meters)?</b></p>	<p><b>Albania</b> 4  <b>Algeria</b> 24  <b>Croatia</b> Fishing ports as defined by national legislation are currently being designated. There are several locations along the coast, the most important ones in Umag, Pula, Rijeka, Zadar, Biograd, Kali (Islad near Zadar), Tribunj and Rogoznica. However, there are additional ports where fishing vessels coast and unload their cargo, but they are not registered as fishing ports but as ports of general usage. Overall, fishermen use some 30 ports for landing/loading/refuelling and other purposes  <b>Cyprus</b> 2  <b>Egypt</b> 7  <b>Japan</b> 2.921  <b>Lebanon</b> 16  <b>Romania</b> 0  <b>Syria</b> 4  <b>Turkey</b> 150</p>
<p><b>2. How many calls to these ports were made in 2005 and 2006 by fishing vessels (including support vessels)?</b></p>	<p><b>Albania</b> No data available  <b>Algeria</b> 3000 (2005) and 4000 (2006)  <b>Croatia</b> Data are not available, and may not easily be estimated. All Croatian fishing fleet operates on either daily bases from the port or maximum 2-3 days of fishing activities, so they call to ports regularly  <b>Cyprus</b> 805  <b>Egypt</b> Data are not available  <b>Lebanon</b> 2600  <b>Romania</b> 0  <b>Syria</b> 256650 (2005), 267500 (2006)</p>
<p><b>3. How many of these port calls were made by non national fishing vessels?</b></p>	<p><b>Albania</b> 3  <b>Algeria</b> 15 (2005) and 15 (2006)  <b>Croatia</b> None  <b>Cyprus</b> 3  <b>Egypt</b> Data are not available  <b>Lebanon</b> 0  <b>Romania</b> 0  <b>Syria</b> 12 (2005), 9 (2006)</p>

<p><b>4. What government agency/agencies is/are responsible for carrying out port inspections?</b></p>	<p><b>Albania</b> Fishery Inspectorate, which is a structure within Fishery Policies Directorate (Ministry of Environment, Forestry and Water Administration)  <b>Algeria</b> Service National des Gardes-Côtes – Autorité vétérinaire  <b>Croatia</b> Ministry of Agriculture, Forestry and Water Management, Ministry of Internal Affairs (Maritime Police) and Ministry of Sea, Tourism Transport and Development  <b>Cyprus</b> DFMR  <b>Egypt</b> General authority For Fish Resources, Coast Guards, Ministry of environment maritime inspection authority  <b>Lebanon</b> Ministry of public works and transport, customs  <b>Romania</b> National Agency for Fisheries A, GIBP  <b>Syria</b> The General Directorate of Harbours of the Ministry of Transport for security and navigation inspection and the Offices for Marine fishery Rationalisation OMFIRs of the Department of Fisheries Resources DOF in the Ministry of Agriculture for gears, catches and landings inspection  <b>Turkey</b> Ministry of Agriculture and Rural Affairs, Coast Guard Command</p>
<p><b>5. Are the human resources required for implementation of effective port State measures, including inspections and information systems (if inadequate, please explain why)?</b></p>	<p><b>Albania</b> Human resources are inadequate. This structure needs necessary equipments to carry out duly inspections and information system as well. It is necessary that fishery inspectorate of a certain port to be part of a port authority inspections for much more professionalism in controls for fisheries purposes  <b>Algeria</b> Human resources are adequate  <b>Croatia</b> Human resources are inadequate because of limited number of people, limited resources, diversity of national fisheries  <b>Cyprus</b> Human resources are inadequate because inspections take place mostly during office hours  <b>Egypt</b> Human resources are inadequate due to lack of training, shortage of instruments  <b>Italy</b> Human resources are inadequate  <b>Lebanon</b> Human resources are inadequate because they are not qualified in fisheries matters  <b>Romania</b> Human resources are adequate  <b>Syria</b> Human resources are adequate  <b>Turkey</b> Human resources are adequate</p>
<p><b>6. What use is made of the data collected during port inspections (e.g. enforcement, management, exchange with other States or GFCM)?</b></p>	<p><b>Albania</b> Enforcement, penalized and exchange with registered port  <b>Croatia</b> Data are used mainly for enforcement  <b>Cyprus</b> Enforcement  <b>Lebanon</b> Enforcement  <b>Romania</b> Enforcement, management, exchange with other States or GFCM  <b>Syria</b> Enforcement for Harbour Authority, management and exchange with other States parties in agreements and/or conventions validated by Syria or with relevant UN bodies or RFMOs  <b>Turkey</b> Enforcement, management, exchange with other States or GFCM</p>

<p><b>7. Have priorities for carrying out port inspections been identified (e.g. vessel Nationality, size or flag, RFMO IUU vessel list, specific violations)? If yes, please outline main priorities.</b></p>	<p><b>Albania</b> Yes, but RFMO IUU/ specific violations not. The main priority is what is foreseen in Albania Legislation (Article 19, 20, 21)  <b>Algeria</b> No priorities identified  <b>Croatia</b> No priorities identified  <b>Cyprus</b> No priorities identified  <b>Egypt</b> Vessel nationality, specific violations – IUU list  <b>Italy</b> Vessel nationality, size or flag, fishing authorization  <b>Lebanon</b> No priorities identified  <b>Romania</b> Priorities have been identified  <b>Syria</b> No priorities identified  <b>Turkey</b> No priorities identified</p>
<p><b>8. How many inspections were carried out in fishing ports during 2005 and 2006?</b></p> <ul style="list-style-type: none"> <li>- <b>How many resulted in evidence of IUU fishing?</b></li> <li>- <b>How many resulted in deterrent action?</b></li> <li>- <b>How many resulted in legal action (e.g. successful prosecutions, administrative actions)?</b></li> <li>- <b>How many resulted in non-legal action (e.g. settlement)?</b></li> <li>- <b>How many resulted in deterrent measures (e.g. trade sanctions)?</b></li> </ul>	<p><b>Albania</b> 700-800 inspections of vessels (with different objections). 9 cases resulted in evidence of IUU fishing. 9 cases resulted in deterrent action. 7 cases resulted in legal action  <b>Algeria</b> Roughly 100 inspections of national vessels in both 2005 and 2006 and 15 (2005) and 15 (2006) inspections of foreign fishing vessels. 6 cases (2005) and 5 cases (2006) resulted in evidence of IUU fishing. All inspections carried out resulted in deterrent action. 6 cases (2005) and 5 cases (2006) resulted in legal action. Outcomes of successful prosecutions can be found at the Ministère de la Pêche et des Ressources Halieutiques  <b>Croatia</b> In the first half of 2007, 475 inspections were conducted in ports, resulting with 124 infringements noted and processed. Most common infringements are linked with the obligation to keep and submit the logbook, hence meaning miss-reporting of catch data. In addition, 11 targeted missions (with the assistance of police) were conducted to control for explosives on board, where 3 vessels were noted to be in infringement situation and administratively sanctioned pursuant to relevant provisions of the Marine fisheries act  <b>Cyprus</b> 650 inspections in ports and landing places (fishing shelters), with a total number of 15. 0 cases resulted in evidence of IUU. 10 cases resulted in legal action. 60 cases resulted in non legal action  <b>Egypt</b> Data not available  <b>Italy</b> 131014 inspections of vessels in 2005; 165298 inspections of vessels in 2006  <b>Lebanon</b> 0 inspections  <b>Romania</b> 6 cases resulted in evidence of IUU fishing. 6 cases resulted in legal action  <b>Syria</b> Harbour authority should have made inspections on all the vessels with no exclusion. But fishery inspection which started end of 2005 was merely for statistical purposes. Landings as to species, sizes and quantities are checked in 15-20% of landing vessels. Presently, tunas and tuna like species are exactly monitored. As to the data needed for GFCM and combating IUU Fishing, there is a pressing need for further training of DOF staff and "Fishery Inspectors"  <b>Turkey</b> 4639 inspections of vessels in 2005 and 5881 inspections of vessels in 2006</p>

<p><b>9. Please identify legal instruments in your State that set out port State measures.</b></p>	<p><b>Croatia</b> Marine Fisheries Act, Sea ports and maritime property Act  <b>Cyprus</b>  <b>Egypt</b> National maritime law, Fishing law no 124, Environmental law no 4/1992, Maritime inspection regulations, Cost Guard regulation  <b>Lebanon</b> Maritime law  <b>Syria</b> Instruments on the compliance of vessels with navigation, rescue, crew-qualification, safety, fitness, security, pollution, ballast water, sailors, passengers, goods and other rules are taken care of by the Harbour Authority. Still, there is no specialised national instrument related to inspection of landings and other criteria of gears and/or vessel. This has been taken into consideration in the new draft of the "Law on Protection of Aquatic Life", prepared by DOF and submitted to the Prime Ministry for issuance. To this, there should be further amendments related to compliance with the FAO, GFCM and regional management needs. In this respect, the support of GFCM and FAO are highly needed both in term of composing the new rules and regulations and, more dire, in term of training of trainers and field officers  <b>Turkey</b> Fisheries Law No. 1380 and Fisheries Regulation</p>
<p><b>10. Does your legislation, in relation to the FAO Model Scheme:</b>  - implement its measures?  - need to be updated and amended?  - exceed its measures?</p>	<p><b>Albania</b> The national legislation related to the FAO Model Scheme implements its measures. It needs to be updated and amended  <b>Algeria</b> The national legislation related to the FAO Model Scheme needs to be updated and amended  <b>Croatia</b> The national legislation related to the FAO Model Scheme needs to be updated and amended  <b>Egypt</b> The national legislation related to the FAO Model Scheme needs to be updated and amended  <b>Lebanon</b> The national legislation related to the FAO Model Scheme does not implement its measures. It needs to be updated and amended. It does not exceed its measures  <b>Romania</b> The national legislation related to the FAO Model Scheme implements its measures  <b>Syria</b> The national legislation related to the FAO Model Scheme needs to be updated and amended</p>
<p><b>11. If there is an NPOA-IUU, either under development or being implemented, are port State measures included?</b></p>	<p><b>Albania</b> Yes. In the frame of IPOA-IUU are undertaken some measures, including port State measures, but need to be considered seriously by the State  <b>Algeria</b> No  <b>Croatia</b> N/A  <b>Cyprus</b> N/A  <b>Egypt</b> N/A  <b>Lebanon</b> No  <b>Romania</b> Yes  <b>Syria</b> No</p>

<p><b>12. Do you consider port State measures to be effective in controlling IUU fishing activities?</b></p>	<p><b>Albania</b> No. Since Albania don't have yet IPOA-IUU implemented is naturally not having an effective control against IUU fishing in our ports. Some separate steps can't make effective control against IUU-fishing  <b>Algeria</b> Yes, provided that the flag State is involved  <b>Croatia</b> Yes  <b>Cyprus</b> Yes  <b>Egypt</b> Yes  <b>Italy</b> Yes  <b>Lebanon</b> No  <b>Romania</b> Yes  <b>Syria</b> Yes, provided all parties commit to the measures and rules in force</p>
<p><b>13. Would the elaboration of a regional scheme on port State measures by the GFCM, building on the FAO Model Scheme and the IPOA-IUU, be a useful tool to combat IUU fishing? If yes, what measures should be given priority?</b></p>	<p><b>Albania</b> Yes. Firstly, the Albanian structure in fishery control/inspection has to be well known and participate in all FAO- activities in this regard in a way of contributing/collaborating and exchanging opinions/ raising problems to decrease IUU fishing. Also, Appendixes D, E of the FAO Model Scheme should be given priority  <b>Algeria</b> Yes  <b>Croatia</b> Yes  <b>Egypt</b> Yes. Black list of IUU vessels VMS should be given priority  <b>Italy</b> Yes  <b>Lebanon</b> Yes. All measures should be given priorities  <b>Romania</b> Yes  <b>Syria</b> Yes. Consolidate existing system of exchange of information, but it would be better if a Mediterranean/GFCM network is established among member countries with a data bank at the GFCM Hdqrs. An in advance notice is preferred to be requested from foreign fishing vessels prior to entering territorial waters of the targeted port State</p>
<p><b>14. Are you aware that a binding international instrument on port State measures based on the FAO Model Scheme and the IPOA-IUU will be developed by 2009 as agreed by the March, 2007 FAO Session of the Committee on Fisheries?</b></p>	<p><b>Albania</b> Yes  <b>Algeria</b> Yes  <b>Croatia</b> Yes  <b>Egypt</b> No  <b>Italy</b> Yes  <b>Lebanon</b> No  <b>Romania</b> Yes  <b>Syria</b> Yes</p>
<p><b>15. Please identify three major constraints to implementing port State measures.</b></p>	<p><b>Albania</b> Implementing IPOA-IUU in National Plan for Fisheries  Implementing a model scheme on Port State Measures to combat IUU fishing in main four ports of Albania  Implementing a VMS system as soon as possible  Fishery Inspector Structure strengthening and training  Fishery Inspector equipping by the necessary status and equipments</p>

	<p>MCS instruments implementing in all fishery system of Albania (four main ports included)  RFMOs strengthening in four main Albanian ports, building a good collaboration in a frame of combating IUU fishing in general and in particular those made by foreign vessels which is going to be a serious problem  Good collaboration with other port control structure to join common practices and actions against IUU fishing  <b>Algeria</b> Difficulties in the field of collaboration  Insufficiency of exchange of information  Absence of a regional database  <b>Croatia</b> Lack of sufficient personnel and equipment to perform the inspections  Lack of unified international operational procedures for inspections of non-national vessels  Sensitivity of the matter and general lack of commitment to act on all levels  <b>Cyprus</b> Inadequate human resources  <b>Egypt</b> Lack of training for inspectors  Absence of satellites inspection  Shortage of instrument  <b>Lebanon</b> Lack of legislation  Lack of competent personnel  Financial  <b>Syria</b> Inadequate qualification of inspectors  Insufficiently harmonized measures of member states  Insufficient exchange of information</p>
<p><b>16. Please suggest three ways of overcoming these constraints.</b></p>	<p><b>Albania</b> Compiling and signing a strategy for implementing MCS in fisheries system in collaboration with FAO and GFCM included  Giving by the Government a properly importance/status to the Fishery Inspectorate Structure  <b>Algeria</b> Multiplication of forum of awareness concerning the danger of IUU fishing  Implementation of a regional mechanism of control and exchange of information  <b>Croatia</b> Setting up of international scheme for training of authorized personnel, including exchange of inspectors  Development of procedures with a “minimum common denominator” approach, including an overall survey of possibilities of different port States, not just general survey of what is being done but what the State may do at a reasonable expense  Building on trust and better control of the market mechanisms in addition to purse port controls  <b>Egypt</b> Training courses  Provide effective Mus  Solve the financial problem  <b>Lebanon</b> Funds  Training</p>

	<p>Change legislation</p> <p><b>Syria</b> Further capacity building and training of inspectors to be regularly organized by GFCM/COC in collaboration with member States</p> <p>Unification of criteria and harmonisation of measures through intensive meetings and/or multilateral coordination among member States</p> <p>Strengthening of exchange of information and establishment of regional network.</p> <p>developing standardized pertinent documents on the regional level to be endorsed by GFCM and then adopted by member States</p>
<p><b>17. Please add any other comments regarding port State measures that you believe may be helpful to this survey.</b></p>	<p><b>Syria</b> Port States are invited to pay much attention to the following issues:</p> <p>Establish fishery inspection units in major fishing harbours that harbour non national fishing vessels or promote their already existing units</p> <p>Participate regularly and actively to GFCM and COC meetings, delegating competent officers of sufficient experience both on management and field levels</p> <p>Regularly update the components and data set of related documents to be in line with recent regional mutual views</p> <p>Reconsider their national laws and regulations and make necessary amendments in accordance with regional and international related articles</p>

## **SUMMARY OF RESPONSES FROM MEMBERS TO GFCM QUESTIONNAIRE ON PORT STATE MEASURES**

### Summary

Respondents were asked in the questionnaire to indicate how they are implementing the FAO Model Scheme at the national level. In order to facilitate the review of GFCM Members' port State measures the questionnaire is divided in 10 sections. The first nine sections mirror the contents of the FAO Model Scheme. Each section is presented under an heading consistent with those contained in the FAO Model Scheme, namely:

- General
- Inspections
- Actions
- Information
- Appendix A
- Appendix B
- Appendix C
- Appendix D
- Appendix E

Twelve GFCM Members responded: Albania, Algeria, Croatia, Cyprus, Egypt, France, Italy, Japan, Lebanon, Romania, Syria and Turkey.

The tenth section (General Background Information) is a compendium of:

- questions related to operational data (questions 1-8)
- questions related to national legislations concerning port State measures (questions 9-11)
- views of nationals to promote the effectiveness of port State measures (questions 12-17)

Eleven GFCM Members responded: Albania, Algeria, Croatia, Cyprus, Egypt, Italy, Japan, Lebanon, Romania, Syria and Turkey.

### Summary of responses

For the summary of responses, please see Tables 1.2 and 2 (above).

**Table 3 Principal legal port State measures in most GFCM Members**

GFCM Member	MCS related requirements prior to port entry/landing	Designated ports/denial of use of ports	General inspection power	Actions/compliance	Information
<b>ALBANIA</b>	<p>Law No. 7908 of 1995 on Fishery and Aquaculture, Art. 21</p> <p>Regulation No. 1 of 29 March 2005 for the application of the legislation on fishery and aquaculture, Art. 38(2 b)</p>	<p>Regulation No. 1 of 29 March 2005 for the application of the legislation on fishery and aquaculture, Art. 40</p>	<p>Law No. 7908 of 1995 on Fishery and Aquaculture, Art. 37 and 38 (1)</p> <p>Regulation No. 1 of 29 March 2005 for the application of the legislation on fishery and aquaculture, Art. 66 and 75</p>	<p>Law No. 7908 of 1995 on Fishery and Aquaculture, Art. 39 (8), (16), (20)</p>	<p>Regulation No. 1 of 29 March 2005 for the application of the legislation on fishery and aquaculture, Art. 55</p>
<b>ALGERIA</b>	<p>Decree No. 02-419 of 2002 on the requirements for fishing vessels within waters under national jurisdiction, Art. 22 (foreign fishing vessels)</p> <p>Decree 06-367 of 2006 establishing the requirements for issuing a commercial fishing license of migratory species within waters under national jurisdiction to foreign fishing vessels, Art. 15 (foreign fishing vessels)</p>	<p>Law n° 01-11 on fishing and aquaculture of 3 July 2001, Art. 57</p>	<p>Decree 94-13 of 1994 establishing general rules on fishing activities, Art. 28</p> <p>Decree 94-13 of 1994 establishing general rules on fishing activities, Art. 61</p> <p>Decree No. 95-38 of 1995 establishing the requirements for foreign fishing vessels to fish migratory species within waters under national jurisdiction, Art. 18 (foreign fishing vessels)</p> <p>Decree No. 95-38 of 1995 establishing the requirements for foreign fishing vessels to fish migratory species within waters under national jurisdiction, Art. 19 (foreign fishing vessels)</p>	<p>Law n° 01-11 on fishing and aquaculture of 3 July 2001, Art. 87</p> <p>Law n° 01-11 on fishing and aquaculture of 3 July 2001, Art. 94 (foreign fishing vessels)</p> <p>Decree 3-481 of 2003 establishing requirements for fishing activities, Art. 23</p> <p>Order of 16 April 2006 establishing the fishing logbook, Art. 7</p>	

<b>BULGARIA</b>	Order No. I-275 of 7 April 1995 establishing the fishing regime in the Country's waters, Sec. V, sub 8 (1)			Fish Husbandry Act of 1982, Art. 34 and 25  Regulation on amounts of compensation for harms caused to the fishing industry of 26 September 1994, Art. 1 (2)  Order No. I-275 of 7 April 1995 establishing the fishing regime in the Country's waters, Sec. V, sub 8 (3)	
<b>CROATIA</b>			Maritime Code of 1994, Art. 35 (foreign fishing vessels)  Maritime Code of 1994, Art. 62	Maritime Code of 1994, Art. 63  Maritime Code of 1994, Art. 65  Maritime Code of 1994, Art. 77 (para. 1, bullets 4-7 and para. 2)  Maritime Code of 1994, Art. 82 (para. 1 and para. 4) (foreign fishing vessels)  Maritime Code of 1994, Art. 1014 (9) (foreign fishing vessels)  Maritime Code of 1994, Art. 1034 (d) (foreign fishing vessels)	
<b>CYPRUS</b>			Fisheries Law (Chapter 135) - consolidated version (2000), Art. 7(a)	Fisheries Law (Chapter 135) - consolidated version (2000), Art. 7 (b)	

			<p>Regulation 194/2000, Art. 5 (2)</p> <p>Regulation 194/2000, Art. 9</p> <p>Law 102 (I)/2000, Art. 6 (id)</p> <p>Law 102 (I)/2000, Art. 7B</p>	<p>Fisheries Law (Chapter 135) - consolidated version (2000), Art. 8(c)</p>	
<b>EGYPT</b>				<p>Act No. 124 of 1983 promulgating the Act of fishing, aquatic life and the regulation of fish farms, Art. 52</p> <p>Act No. 124 of 1983 promulgating the Act of fishing, aquatic life and the regulation of fish farms, Art. 53 (foreign fishing vessels)</p> <p>Act No. 124 of 1983 promulgating the Act of fishing, aquatic life and the regulation of fish farms, Art. 54</p> <p>Act No. 124 of 1983 promulgating the Act of fishing, aquatic life and the regulation of fish farms, Art. 55</p>	
<b>EU</b>	<p>Council Regulation No 2846/98 of 1998 amending Council Regulation No 2847/93 establishing a control system applicable to the</p>		<p>Council Regulation No 2846/98 of 1998 amending Council Regulation No 2847/93 establishing a control system applicable to the</p>	<p>Council Regulation No 2847/93 of 1993 establishing a control system applicable to the common fisheries policy,</p>	<p>Council Regulation No 2371/2002 of 2002 on the conservation and sustainable exploitation of fisheries resources under the Common</p>

	<p>common fisheries policy, Art. 1 sec. 7</p> <p>Council Regulation (EC) No 2846/98 of 1998 amending Council Regulation No 2847/93 establishing a control system applicable to the common fisheries policy, Article 1, sec. 16 (art. 28e) (foreign fishing vessels)</p>		<p>common fisheries policy, Art. 1 sec. 2</p> <p>Council Regulation No 2846/98 of 1998 amending Council Regulation No 2847/93 establishing a control system applicable to the common fisheries policy, Art. 1 sec. 3</p> <p>Council Regulation No 2371/2002 of 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, Art. 28</p> <p>Commission Regulation No 1042/2006 of 2006 laying down detailed rules for the implementation of Article 28(3) and (4) of Council Regulation No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, Art. 1</p> <p>Commission Regulation No 1042/2006 of 2006 laying down detailed rules for the implementation of Article 28(3) and (4) of Council Regulation No 2371/2002 on the conservation and</p>	<p>Art. 31</p> <p>Council Regulation No 2847/93 of 1993 establishing a control system applicable to the common fisheries policy, Art. 32</p> <p>Council Regulation No 2847/93 of 1993 establishing a control system applicable to the common fisheries policy, Art. 33</p>	<p>Fisheries Policy, Art. 14</p>
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			<p>sustainable exploitation of fisheries resources under the Common Fisheries Policy, Art. 2 (foreign fishing vessels)</p> <p>Commission Regulation No 1042/2006 of 2006 laying down detailed rules for the implementation of Article 28(3) and (4) of Council Regulation No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, Art. 4</p> <p>Commission Regulation No 1042/2006 of 2006 laying down detailed rules for the implementation of Article 28(3) and (4) of Council Regulation No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, Art. 9</p>		
<b>FRANCE</b>	<p>Order of 15 September 1993 regarding the enactment of a common regime for fishing licenses, Art. 7 (para. 1)</p> <p>Decree No. 2007-531 of 2007 on the application of Art. 3 of Decree of 9 January 1852, Art. 1</p>	<p>Order of 16 July 2004 on designated French ports for the landing of cod (more than 2 tons of weight), Art. 1</p> <p>Order of 3 February 2006 on the designation of French ports for the</p>	<p>Decree No. 2006-738 of 2006 modifying Decree No 90-94 of 1990 adopted for the implementation of Art. 3 of Decree of 9 January 1852, Art. 1er-1</p>	<p>Decree No. 90-95 of 1995 for the implementation of Art. 3 of Decree of 9 January 1852, Art. 30 (bullets 1 and 2)</p>	

		landing of cod weighting more than 2 tons, Art. 1			
<b>GREECE<sup>148</sup></b>					
<b>ISRAEL</b>			<p>Fisheries Ordinance of 1937 - consolidated version (2000), Art. 6</p> <p>Fisheries Rules of 1937 - consolidated version (2000), Art. 7</p> <p>Fisheries Rules of 1937 - consolidated version (2000), Art. 7A (4)</p>	<p>Fisheries Ordinance of 1937 - consolidated version (2000), Art. 8</p> <p>Fisheries Ordinance of 1937 - consolidated version (2000), Art. 10(2) (foreign fishing vessels)</p> <p>Fisheries Ordinance of 1937 - consolidated version (2000), Art. 10 (4)</p>	
<b>ITALY</b>			Law No. 381 of 1988 amending Law No. 963 of 1965 regulating sea fishing, Article 23	Law No. 381 of 1988 amending Law No. 963 of 1965 regulating sea fishing, Article 26(5)	
<b>JAPAN</b>			<p>Law No. 156 of 1962 revising Fisheries Law of 1949, Art. 74</p> <p>Law No. 156 of 1962 revising Fisheries Law of 1949, Art. 134 (1)</p>	Law No. 156 of 1962 revising Fisheries Law of 1949, Art. 141 (2 and 4)	
<b>LEBANON<sup>149</sup></b>					
<b>LIBYA</b>	Law no. 14 of 1989, Chapter 3 (foreign fishing vessels)		<p>Law no. 14 of 1989, Chapter 2 (foreign fishing vessels)</p> <p>Regulation no. 71 of 1990, Art. 2 (foreign fishing vessels)</p> <p>Regulation no. 71 of 1990,</p>	Law no. 14 of 1989, Chapter 6 (foreign fishing vessels)	

<sup>148</sup> No information available.

<sup>149</sup> No information available.

			<p>Art. 3 (foreign fishing vessels)</p> <p>Regulation no. 71 of 1990, Art. 4 (foreign fishing vessels)</p> <p>Regulation no. 71 of 1990, Art. 5 (foreign fishing vessels)</p> <p>Regulation no. 71 of 1990, Art. 6 (foreign fishing vessels)</p> <p>Regulation no. 71 of 1990, Art. 7 (foreign fishing vessels)</p> <p>Regulation no. 71 of 1990, Art. 8 (foreign fishing vessels)</p>		
<b>MALTA</b>	Fisheries Conservation and Management Act of 2001, Art. 11 (1) (foreign fishing vessels)		<p>Fisheries Conservation and Management Act of 2001, Art. 19</p> <p>Fisheries Conservation and Management Act of 2001, Art. 20</p>	<p>Fisheries Conservation and Management Act of 2001, Art. 11 (2) (foreign fishing vessels)</p> <p>Fisheries Conservation and Management Act of 2001, Art. 21 (3)</p> <p>Fisheries Conservation and Management Act of 2001, Art. 29</p>	
<b>MONACO</b>			Law No. 1 of 1998 concerning the Maritime Code, Art. L. 120-1	Law No. 1 of 1998 concerning the Maritime Code, Art. L. 150-2	

				Law No. 1 of 1998 concerning the Maritime Code, Art. L. 150-3	
<b>MONTENEGRO</b>			Law on marine fisheries of 2003, Art. 54	Law on marine fisheries of 2003, Art. 58  Law on marine fisheries of 2003, Art. 62 (foreign fishing vessels)	
<b>MOROCCO</b>		Order 91-35 of 1991, Art. 8 (foreign fishing vessels)		Law No. 1-73-255 of 1973 on maritime fishing, Art. 34  Law No. 1-73-255 of 1973 on maritime fishing, Art. 44  Law on fisheries within continental waters, Art. 19	
<b>ROMANIA</b>			Decree No. 142 of the Council of State concerning the establishment of the EEZ of the Socialist Republic of Romania in the Black Sea, Art. 7		
<b>SLOVENIA</b>		Marine Fisheries Act of 2002, Art. 78 (1)  Marine Fisheries Act of 2002, Art. 80 (foreign fishing vessels)	Marine Fisheries Act of 2002, Art. 75  Marine Fisheries Act of 2002, Art. 88  Marine Fisheries Act of 2002, Art. 89  Marine Fisheries Act of 2002, Art. 91	Marine Fisheries Act of 2002, Art. 90  Marine Fisheries Act of 2002, Art. 95 (37)  Marine Fisheries Act of 2002, Art. 95 (38)  Marine Fisheries Act of 2002, Art. 97	
<b>SPAIN</b>	Law 3/2001 of 2001, Art. 39 (5) (foreign fishing vessels)	Law 3/2001 of 2001, Art. 39 (4)  Law 3/2001 of 2001,	Law 3/2001 of 2001, Art. 38  Law 3/2001 of 2001, Art. 39 (1, 2, 3)	Law 3/2001 of 2001, Art. 95  Law 3/2001 of 2001, Art.	

		Art. 69 Resolution of 21 June 2005 amending Order of 24 July 2001, Art. 1	Royal Decree No 176 of 2003, Art. 3 (1 and 2) Royal Decree No 176 of 2003, Art. 3 (3) Royal Decree No 176 of 2003, Art. 4	96 Law 3/2001 of 2001, Art. 97 Royal Decree No 176 of 2003, Art. 7 (3 and 5) Order of 12 December 2003, Art. 17	
<b>SYRIA</b>			Legislative Decree No. 30 on the protection of aquatic life of 1964, Art. 26	Legislative Decree No. 30 on the protection of aquatic life of 1964, Art. 51 (a) Legislative Decree No. 30 on the protection of aquatic life of 1964, Art. 57	
<b>TUNISIA</b>		Law No. 94-13 on fishing activities of 1994, Art. 16	Law No. 94-13 on fishing activities of 1994, Art. 28 Law No. 94-13 on fishing activities of 1994, Art. 29	Law No. 94-13 on fishing activities of 1994, Art. 30 Law No. 94-13 on fishing activities of 1994, Art. 36 (2 and 3)	
<b>TURKEY</b>	Circular No. 37/1 of 2006-2008, Art. 12-2 (c) Circular No. 37/1 of 2006-2008, Art. 12-3 (e)		Fishery Law No. 3288 of 1986, Art. 31 Fishery Law No. 3288 of 1986, Art. 33	Fishery Law No. 3288 of 1986, Art. 36 (3)	