



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



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**General guidelines for a GFCM Control and Enforcement Scheme:
needs and principles¹**

The main aim will be to bring about a scheme of the General Fisheries Commission for the Mediterranean (GFCM) that ensures a high degree of compliance with relevant conservation measures, and legal certainty and security for the vessel concerned.

Furthermore, the intended Scheme must pay due regard to the characteristics and specificities of different GFCM geographical sub-areas (GSAs) and fisheries.

An effective Control and Enforcement Scheme should embody a number of principles, namely:

- (i) Consistency with the provision of the Agreement establishing the GFCM and existing instruments of international law.
- (ii) Evaluation of the current GFCM measures and possibly complementing them with new measures.
- (iii) The Scheme would underline the general duty to cooperate and a commitment to transparency taking into account requirements for confidentiality.
- (iv) The Scheme would have two types of measures:
 - Measures applicable to all fisheries. Measures concerning vessels would apply only to vessels beyond a certain size.
 - Measure applicable on a case by case basis to certain fisheries, where and when such a measure would be cost-effective.
- (v) The Scheme should contribute to the improvement of data collection and statistics and timely transmission of statistics, for scientific as well as monitoring purposes.
- (vi) Provisions for ensuring compliance by both Contracting and non-Contracting Parties vessels, thereby seeking to minimize the level of IUU fishing in the GFCM area.
- (vii) The special requirements of Developing States should be fully recognized and active cooperation should be established to facilitate the implementation of the measures by them.

Under these circumstances, a possible GFCM Scheme could consist of the following basic components:

1) Flag State duties

The following monitoring measures should be taken by the flag States in regard to vessels entitled to fly their flags in the GFCM area:

- (i) Control of their vessels by:

¹ Appendix H of Report of 29th session of the GFCM

- a) adopting measures so that their vessels comply with and do not undermine GFCM conservation and management measures;
 - b) authorizing their vessels to fish in the GFCM Area by means of fishing authorizations, licenses, or permits;
 - c) ensuring they do not authorize vessels to fish in the GFCM Area unless they are able to effectively exercise their responsibilities in respect of such vessels, including monitoring and controlling their fishing activities;
 - d) ensuring that their vessels do not conduct unauthorized fishing within areas under the national jurisdiction of other States, through appropriate cooperation with coastal States concerned, and other relevant means available to the flag State;
 - e) requiring their vessels fishing on the high seas to carry the license, authorization or permit on board at all times and to produce it on demand for inspection by a duly authorized person.
- (ii) Establishment of a national record of fishing vessels entitled to fly their flags and authorized to fish in the GFCM Area, which should include vessels of other States authorized under charter agreements, and transmission of this information to GFCM.
 - (iii) Regulation of transshipment.
 - (iv) Measures regarding the operation and control of chartering.
 - (v) Requirements for recording and timely reporting of vessel position, catch of target and non target species, fishing effort and other relevant fisheries data including an estimate of discards, unless GFCM stipulates otherwise. These data should be verified for certain fisheries by observer programs, where these programs have been adopted by the Commission.
 - (vi) Implementation of a vessel monitoring system (VMS).
 - (vii) Investigation of, follow-up to, and report on actions taken in response to an alleged violation by a vessel.

2) Obligations of the Contracting Parties and Cooperating non-Contracting Parties

The obligations of the Contracting Parties and Cooperating non-Contracting Parties should include:

- (i) Provision to GFCM, in the manner and at such regular intervals as may be required by GFCM, of compliance reports and information concerning its fishing activities, including fishing area and fishing vessels, in order to facilitate the compilation of reliable fishing statistics on GFCM regulated species (catch, effort, size samples, etc.), and the effective implementation of GFCM compliance program.
- (ii) Compliance with all GFCM conservation and management measures.

3) Compliance and enforcement

The Contracting Parties, through the Commission, should establish an observation and inspection programme to ensure compliance with GFCM conservation and management measures.

The programme may *inter alia* comprise the following elements:

- (i) High seas inspection.
- (ii) Procedures for an effective investigation of an alleged violation of GFCM conservation and management measures, and for 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 GFCM, including boarding and inspection.
- (vii) Observer programs.

4) A programme to promote compliance by vessels of non-Contracting Parties

Further to existing measures, GFCM should examine measures consistent with international law to deter activities of such vessels which undermine the effectiveness of GFCM conservation and management measures, such as.

- Implementation of all the relevant elements of the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.
- Prohibition of landings and transshipments of GFCM species by vessels of non-Contracting Parties, sighted in the GFCM Area, that do not comply with the relevant GFCM conservation and management measures.