



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



Seventh session of the Compliance Committee (CoC)

Split, Croatia, 13-17 May 2013

Progress on the implementation of a Vessel Monitoring System and related control systems in the GFCM Area

BACKGROUND

1. The “Declaration of the Ministerial Conference for the Sustainable Development of Fisheries in the Mediterranean” adopted in Venice on 26 November 2003 mandated the GFCM to elaborate policy guidelines for a control scheme defining, among others, the use of new technologies to fight Illegal, Unreported and Unregulated (IUU) fishing. Moreover, while acknowledging the importance of the necessary means to implement management, conservation and control measures, it recommended to take into account the particular needs of developing coastal States in the definition and implementation of such measures.

2. Subsequently, in 2005, the Commission adopted the “General guidelines for a GFCM Control and Enforcement Scheme”. These guidelines lay down flag State duties of GFCM Members that include also the establishment of a Vessel Monitoring System (VMS). As of 2007, when the 31st Session of the Commission discussed for the first time a proposal concerning a recommendation on VMS, intense discussions occurred in GFCM on VMS as well as on control systems in the GFCM Area.

3. The most prominent achievement by GFCM, to date, has been the adoption, at the 33rd Session of the Commission, of Rec. GFCM/33/2009/7 “Concerning minimum standards for the establishment of a Vessel Monitoring System in the GFCM Area” which, in recognition of the particular needs of developing coastal States, entailed a phased implementation of its provisions. Ultimately, as of the 31st December 2012 GFCM Members are under the obligation to implement a satellite-based VMS for their commercial fishing vessels exceeding 15 m length overall. However, the status of the implementation of VMS in GFCM Members is diverse and key administrative, legal and technical constraints have been reported to still hamper the realization of a regionally functional control system.

6TH SESSION OF THE COMPLIANCE COMMITTEE – 36TH SESSION OF THE COMMISSION (14-19 MAY 2012, MARRAKECH, MOROCCO)

4. Common measures on the utilization of monitoring, control and surveillance (MCS) tools throughout the GFCM Area require special efforts. Despite the fact that VMS has been operating in a number of GFCM Members for more than a decade, an “Ad-Hoc Working Group of the Compliance Committee on VMS as a MCS tool” (23-24 September 2008, Rome, Italy) had to be convened to

finalize a draft recommendation that was refined and then adopted by the 33rd Session of the Commission. The “Workshop on the implementation of a Vessel Monitoring System (VMS) in the Mediterranean and Black Sea” (28-30 November 2011, Zagreb, Croatia) and the “VMS Expert Meeting on a Technical Framework for Cooperation in the GFCM Area” (25-26 April 2012, Rome, Italy) have focused on the implementation of Rec. GFCM/2009/33/7 and control systems in the GFCM Area. Ultimately, a set of “Guidelines for a technical cooperation programme (TCP) in the monitoring of fishing vessels in the GFCM Area of competence” has been submitted to the attention of the 6th Session of CoC and the 36th Session of GFCM (Annex A).

5. Although no formal discussions occurred regarding the guidelines, the CoC took note of the concerns of several delegations regarding the implementation of Rec. GFCM/2009/33/7. In addition, the CoC acknowledged the need to first implement VMS at national level in all GFCM Members as a step that would facilitate the establishment of a regional VMS system. In this respect, it agreed that the matter be re-addressed at the 7th Session of CoC and that the Secretariat undertakes the necessary actions to support the discussion on this topic. These included the preparation of a report (i) analysing the status of the implementation of Rec. GFCM/33/2009/07 in GFCM Members and (ii) providing the key administrative, legal and technical elements for its establishment, at regional level, for the developing coastal States facing technical and financial hurdles. Consequently, it was proposed that the deadline for the implementation of Rec. GFCM/33/2009/7 be postponed by the Commission.

6. This document addresses the above matters under the following paragraphs and then recommends actions that could be taken by CoC at its 7th Session (Split, Croatia, 13-17 February 2013).

STATUS OF IMPLEMENTATION OF REC. GFCM/33/2009/07 IN GFCM MEMBERS

7. As it is known, VMS is a satellite-based monitoring system which at regular intervals provides data to the monitoring centers on the location, course and speed of fishing vessels. Its importance is already well known in the domain of MCS at sea to the extent that VMS is by now a standard tool employed worldwide.

8. Compared to actions taken by other regional fisheries management organizations (RFMOs) on VMS, Rec. GFCM/33/2009/07 can be regarded as a relatively recent instrument. As a matter of fact, whereas this recommendation provides for the establishment of a decentralized VMS, some RFMOs already had a fully-fledged centralized VMS before its adoption. Therefore, it is not surprising that those GFCM Members that were under the obligation to establish VMS in conformity with other instruments (e.g. national laws, relevant RFMOs recommendations, etc.) had already developed levels of VMS operational capacity prior to the adoption of Rec. GFCM/33/2009/07. This is particularly the case of EU Member States, where the system is compulsory for all vessels above 12 m, and for GFCM Members which are also Members of ICCAT, where the system is compulsory for tuna fishing vessels above 15 m.

9. In light of the fact that many GFCM Members are EU Member States and ICCAT Members, the following categories have been identified, for ease of reference, when analyzing the status of implementation of VMS in GFCM Members:

- GFCM Members which are EU Member States;
- GFCM Members which are ICCAT Members, with the exception of EU Member States;
- GFCM Members which are not ICCAT Members.

GFCM Members which are EU Member States¹:

GFCM Members which are EU Member States have not reported experiencing problems in implementing Rec. GFCM/33/2009/07 as they are in fact under stricter obligations under EU Law in point of VMS (compulsory VMS for all vessels above 12 m).

GFCM Members which are ICCAT Members, with the exception of EU Member States:

- Albania: a VMS system (“Blue Boxes”) has been installed as of 2011 on all fishing vessels over 12 m to strengthen the surveillance of the fishing fleet (boat movements are monitored at the Inter-institutional Maritime Operational Centre and the Fisheries Directorate of the Ministry of the Environment, Forests and Water Administration). However, following its installation of the VMS system, the progress seems to have remained limited - particularly in terms of technical implementation capacity - and the sustainability of VMS needs to be ensured through the provision of adequate financial resources.
- Algeria: tuna fishing vessels are equipped with VMS and Algeria ensures monitoring through the national administration so that data are received and analyzed. Algeria is also testing the AIS system for the transmission of real time information by other fishing vessels. However, due to the significant number of fishing vessels over 15 m that are not directly engaged in tuna fishing, implementing Rec. GFCM/33/2009/07 could be a challenging undertaking.
- Egypt: due to the fact that Egypt has a small quota under ICCAT only one tuna fishing vessel in Egypt equipped with VMS has been reported. This means consequently that, as far as other fishing vessels over 15 m are concerned, the implementation of Rec. GFCM/33/2009/07 will have to be ensured. Recently, Egypt has demanded the technical assistance of GFCM to identify cost-effective alternatives to VMS and test technologies that could strengthen MCS.
- Japan: Japan was already under the obligation to install VMS on board of its vessels in other RFMOs before the adoption of Rec. GFCM/33/2009/07. Those Japanese vessels which are authorized to fish in the GFCM Area do possess VMS.
- Libya: with regard to tuna fishing vessels, Libya is compliant with VMS. However, as it was recently stated to ICCAT, Libya has not reported anything due to its political circumstances. This has created alarm in light of the fact that VMS signals originated in proximity of Libyan waters (and at times within territorial waters), hence it is not clear what vessels are engaged in fishing activities in these areas. In any case, as far as non-tuna fishing vessels over 15 m are concerned, the implementation of Rec. GFCM/33/2009/07 will have to be ensured.
- Morocco: the establishment of VMS in Morocco was launched in 1997 by the national Ministry of Fisheries in collaboration with military partners. The use of VMS was extended to some 1.500 vessels between 2010 and 2012. Although fully compliant with ICCAT for its tuna fishing fleet, Morocco might still require some additional time to ensure that all its vessels over 15 m comply with the requirements in Rec. GFCM/33/2009/07.

¹ This category includes Croatia in view of its upcoming accede to the EU and consequent obligation to comply with EU law in relation to VMS. In any case, the Croatian control system is already efficient. Being a member of ICCAT, Croatia started in 2006 the installation of VMS on tuna fishing vessels. At the same time, Croatia has tested the use of alternative, and less costly than VMS, technologies to monitor their fleet. This was reported to the GFCM “Workshop on the Implementation of a Vessel Monitoring System in the Mediterranean and the Black Sea” (Zagreb, Croatia, 28-30 November 2011).

- Syria: due to political circumstances in Syria, this country has been inactive within GFCM but also within ICCAT. It was not possible to analyze the status of Rec. GFCM/33/2009/07.
- Tunisia: considerable progress has been reported in the implementation of Rec. GFCM/33/2009/07. After undertaking pilot projects at national level, VMS was operational on roughly 60 fishing vessels over 15 m (mainly tuna seiners) before 2012 and plans existed, at national level, to extend the application of VMS to 550 vessels by the end of 2013. Also, it was reported that a legal and institutional framework was being developed in accordance with Rec. GFCM/33/2009/7. This information implies that Tunisia might still need time to fully implement Rec. GFCM/33/2009/07.
- Turkey: an EU coordinated project supported Turkish legal and institutional alignment with VMS relevant policies, including under ICCAT. Tuna fishing, being subject to a special permit in Turkey, requires vessels to be equipped with a functional transponder on board. In 2008 already, some 200 tuna fishing vessels were monitored with VMS. However, due to technical problems (e.g. software and hardware) and financial problems (e.g. costs of installment, communication and maintenance of VMS) AIS has been made obligatory for fishing vessels over 15 m in Turkey and is expected to facilitate extending monitoring to fishing vessels over 12 m.

GFCM Members which are not ICCAT Members:

- Israel: no information available. It was not possible to analyze the status of Rec. GFCM/33/2009/07.
- Lebanon: recently Lebanon has declared that two trawlers (24m LOA) were sold to another GFCM Member. This means there are only 5-6 vessels left longer than 15 m LOA. For those Lebanon requested technical assistance from GFCM to develop a control system over its small-scale fisheries.
- Monaco: Monaco reported at the 36th Session of the Commission that there are no fishing vessels operating under national flag. Rec. GFCM/33/2009/07 is not applicable to Monaco, *rebus sic stantibus*.
- Montenegro: through a recent EU project (2010-2012) aimed at strengthening the capacity of the National Fisheries Inspectorate to monitor and control marine fishing activities, VMS has been established for all vessels over 15 m and is functioning effectively. "Blue Boxes" have been also provided for distribution to licensed fishing vessels over 12 m.

In light of the above, the implementation of Rec. GFCM/33/2009/07 could pose problems to less than the half of the GFCM membership, mostly the developing coastal States. And even so, these problems would be limited to vessels over 15 m which do not catch tuna, because ICCAT requirements would already compel the concerned GFCM Members. Nonetheless, to ensure the even implementation of Rec. GFCM/33/2009/07, which would be exceedingly beneficial in the fight against IUU fishing in the GFCM Area, it will be necessary to address existing administrative, legal and technical constraints for the developing coastal States.

KEY ADMINISTRATIVE, LEGAL AND TECHNICAL ELEMENTS FOR THE ESTABLISHMENT OF VMS AT REGIONAL LEVEL FOR DEVELOPING COASTAL STATES

10. Administrative, legal and technical constraints have been examined since 2008 within the remit of the GFCM in connection with VMS. Although they are fairly known, their extent is not entirely clear. Arguably, it will not be entirely clear until due attention to the full development and implementation of national fishing vessels registers will be paid. These registers constitute the basis for the VMS systems by GFCM Members and by GFCM too. As the GFCM Authorized Vessel List encompasses vessels over 15 m, all of them shall in principle be equipped with VMS. However, according to the data available to the GFCM, of the roughly 10.000 vessels on the Authorized Vessel List only some 1.700 are equipped with VMS. Perhaps this is due to a problem in reporting the information on national fishing registers to GFCM.

11. In the case of the GFCM, two elements have to be taken into account: 1) VMS concerns all vessels over 15 m and 2) the system is decentralized. The blanket application of Rec. GFCM/33/2009/07 to all vessels over a given size is coupled with the lack of an allocation system within GFCM. This implies that there is no need for GFCM Members to periodically identify the vessels that are entitled to a given share of fish (like it happens with tunas in ICCAT). Also, because the GFCM does not oversee directly the monitoring of the vessels via VMS, it is left to the discretion of GFCM Members to ensure that their vessels on the GFCM Authorized Vessel List are equipped with VMS (see article 2 of Rec. GFCM/33/2009/07). The GFCM can only control, with the cooperation of its Members, that the vessels in the GFCM Authorized Vessel List are equipped with VMS.

12. The expiration of the 31 December 2012 deadline for the implementation of Rec. GFCM/33/2009/07 represents an opportunity for GFCM and its Members to upgrade their respective registers. This will in turn enable the GFCM to appraise the extent of administrative, legal and technical constraints for the establishment of VMS at regional level. It is initially essential however to know how many vessels are concerned by the provisions of Rec. GFCM/33/2009/07. Regardless of this, some indications were already provided in the “Guidelines for a technical cooperation programme (TCP) in the monitoring of fishing vessels in the GFCM Area of competence” as to the kind of administrative, legal and technical constraints that could be experienced at national level.

GUIDELINES FOR A TECHNICAL COOPERATION PROGRAMME (TCP) IN THE MONITORING OF FISHING VESSELS IN THE GFCM AREA OF COMPETENCE

13. The guidelines have advocated the need for a modular approach in the GFCM Area in recognition of the prevalence of small-scale fisheries in the GFCM Area. Whereas the even implementation of Rec. GFCM/33/2009/07 appears to have been a realistic goal at one point, the control of the activities of small-scale vessels that exploit Mediterranean and Black Sea fisheries will be more challenging to achieve. This will pose, inter alia, problems of technology and infrastructure that do not arise with vessels over 15 m and include questions of power supply, size and emplacement of equipment and, given the large numbers of small-scale vessels, issues such as original investment, cost of maintenance and cost of reporting. Furthermore, small-scale fisheries tend to have important particularities and this means that each fishery will have to be analysed for the optimal technical and economic solution in terms of control.

14. At present, there is a growing demand by GFCM Members, and particularly the developing coastal States, for controlling the activities of their small-scale vessels.² This was emphasized at the “Workshop on the implementation of a Vessel Monitoring System (VMS) in the Mediterranean and Black Sea” (28-30 November 2011, Zagreb, Croatia) and was duly examined at “VMS Expert Meeting on a Technical Framework for Cooperation in the GFCM Area” (25-26 April 2012, Rome, Italy). As a result, a technical cooperation programme (TCP) inspired by the abovementioned modular approach

² Technical assistance requests were formulated to GFCM by Egypt and Lebanon. Bilateral meetings have been already held with both countries and projects are currently on-going to test control tools alternative to VMS.

was foreseen by the guidelines. As discussions during both the 6th Session of CoC and the 36th Session of GFCM mainly revolved around the implementation of Rec. GFCM/33/2009/07, it could be now appropriate to examine how to follow up on the guidelines. In this connection, the following issues would deserve to be addressed:

- identify means to facilitate the implementation of Rec. GFCM/33/2009/07, including in relation to the transmission of up-to-date and accurate information on the GFCM Authorized Vessel List;
- provide for a platform to share information on mechanisms and experiences concerning VMS, where existing, as established by other GFCM Members;
- evaluate administrative, technical and legal constraints relating to control systems, including VMS;
- consider possible revisions to Rec. GFCM/33/2009/07;
- assess measures and actions adopted by other RFMOs with respect to MCS;
- examine whether a centralized VMS system should be established within GFCM and, if so, how;
- study recent developments concerning other MCS tools that could be used in the GFCM context;
- ascertain requirements for the promotion of regional/sub-regional projects on the implementation of control systems, including VMS;
- make proposals for operationalizing the “Guidelines for a technical cooperation programme (TCP) in the monitoring of fishing vessels in the GFCM Area of competence”, including by providing technical assistance to strengthen MCS in GFCM Members - particularly developing coastal States - such as the testing of potential control tools alternative to VMS (e.g. AIS, mobile phones, GIS, etc.).

SUGGESTED ACTION BY THE COC

15. In light of the technical nature of matters pertaining to control of fishing activities in the GFCM Area, and in order to build upon the guidelines, it is proposed that a specialized working group within CoC be set up and action be identified on steps forward regarding the establishment of a regional control system in the GFCM Area, including for artisanal fisheries.