



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



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**REPORT ON THE OUTCOMES EMANATING FROM THE
TASK FORCE ACTIVITIES AIMED AT MODERNISING THE LEGAL AND
INSTITUTIONAL FRAMEWORK OF THE GFCM**

INTRODUCTION

1. This document of the Secretariat aims at reporting on the activities carried out in the framework of the Task Force established to facilitate the modernization of the legal and institutional framework of the GFCM. It also provides in a synthetic manner an overview of the outcomes emanating from the various steps of the consultation process launched by the Task Force. In particular this document will:

- (i) Review the activities of the Task Force and
- (ii) Introduce relevant orientations of the Task Force (in connection with the possible revision of the GFCM Agreement and its associated rules).

2. In this latter respect, a set of actions is proposed for validation and finalization during the meeting of the Task Force scheduled to be held in Marrakech (11-12 May 2012). The final document, once validated, will be submitted to the consideration of the Commission at its 36th Session for review and adoption of the appropriate course of action on the following steps to be taken, consistent with the agreed Terms of Reference of the Task Force.

REVIEW OF THE ACTIVITIES OF THE TASK FORCE

3. At its 35th Session the Commission examined the recommendations that were made by the expert panel that performed the GFCM Performance Review. This panel identified a number of strengths and weaknesses and, *inter alia*, advised to revise the GFCM Agreement and its associated rules.

4. Acting on this advice, it was decided to set up a Task Force with the aim to assist the Commission in the identification of the necessary modifications of the GFCM Agreement and its associated rules. Consequently, the Task Force was mandated to prepare the ground - during the inter-session - for a consultation process which is expected to ultimately result in making GFCM more effective, including through the negotiation for a new agreement or the amendment of the existing one. Any course of action that will be agreed upon, based on the recommendations of the Task Force, shall allow GFCM to fulfill in an efficient and effective manner its obligations to deliver the long-term conservation and optimum utilization

and production of the marine living resources (within a precautionary and ecosystem approach to fisheries management, including relevant compliance and enforcement mechanisms).

5. The Task Force has begun to operate in September 2011 inaugurating a series of various activities which were then carried out during the inter-session. These activities were financially supported by the Italian Government through its Ministry of Agriculture, Food and Forestry Policies (MiPAAF).

6. In light of the Terms of Reference of the Task Force an online Discussion Forum was launched by GFCM Secretariat to prompt an interactive, permanent and transparent dialogue among GFCM Members. A questionnaire was also prepared by GFCM Secretariat and uploaded on this online Discussion Forum to request answers on the following issues, as identified in the Terms of Reference of the Task Force:

- GFCM General Objectives
- Conservation issues
- Management issues
- Specific aspects related to aquaculture
- Compliance and Enforcement
- Financial and administrative issues
- Decision-Making
- Dispute settlement
- International Cooperation and interactions with non-Members

7. From October 2011 to January 2012, 19 GFCM Members out of 24 have registered on the GFCM Discussion Forum. 10 of them, namely Albania, Cyprus, European Union, Italy, Lebanon, Malta, Monaco, Slovenia, Spain, Turkey, have lodged their opinions with the online Discussion Forum.

8. The orientations of respondents to the online Discussion Forum in connection with these issues were upheld by an extensive array of consultations carried out by the Task Force both at the level of experts, to address the role of GFCM committees, and at sub-regional level, to account for the specificities of the GFCM Area. As such, the various activities of the Task Force have been characterized by a bottom up participatory approach which was instrumental to enable the quasi totality of GFCM actors to express their opinions during the consultation process on the legal and institutional framework of GFCM.

9. With regard to the institutional framework of GFCM - and in addition to the opinions by GFCM Members expressed in the online Discussion Forum - the Task Force has sought the advice from experts to better understand whether the role of the four GFCM established committees could be restructured. For this purpose, an expert meeting was organised (Rome, December 2011) to gather proposals for the improvement of GFCM SAC and CAQ. The role of the other two committees, namely GFCM COC and CAF, was reviewed in a comparative study made by a consultant since they were established more recently.

10. To adequately account for the complexity of the GFCM Area and the specificities of its sub-regions a set of four sub-regional meetings was organized as follows:

- Central and Western Mediterranean, Rabat, Morocco, February 2012;
- Eastern Mediterranean, Beirut, Lebanon, March 2012;
- Black Sea, Bucharest, Romania, March 2012, and
- Adriatic Sea, Bar, Montenegro, April 2012.

11. During these meetings, GFCM Members from these sub-regions had the opportunity to address the set of issues which might call for the negotiation of a new GFCM Agreement, or for the amendment of the existing one, in accordance with the specificities of their sub-regions. As a result of this broad and fully encompassing consultation process, the Task Force has integrated replies to the questionnaire on the online discussion forum with the contributions by GFCM Members participating in the four sub-regional meetings.

12. Finally, the main orientations of the Task Force in connection with the possible revision of the GFCM Agreement and its associated rules as emerged from the various activities carried out thus far are

scheduled to be analysed and validated during the final meeting of the Task Force (11-12 May 2012, Marrakech, Morocco). This meeting will not be open only to representatives from GFCM Members but also to partner organizations and observers to further substantiate the bottom up participatory approach of the Task Force.

RELEVANT ORIENTATIONS BY THE TASK FORCE

13. Based on an integrated analysis of (i) the replies to the questionnaire on the online discussion forum (see Annex A), (ii) the report of the expert meeting of December 2011 relating to GFCM SAC and CAQ (see Annex B), (iii) the paper on the role of GFCM COC and CAF prepared by a consultant (see Annex C) and (iv) the inputs by the four sub-regional meetings of the Task Force held from February 2012 to April 2012 (see Annexes D, E, F and G), a bulk of main orientations are cursorily summarized below under the ten issues identified in the Terms of Reference of the Task Force.

GFCM General Objectives

14. The need for an integrated maritime approach was underlined several times by the work of the Task Force. It was noted in particular that both fisheries management and the development of aquaculture should be conceived of as activities that affect and are affected by other human activities at sea.

15. Environmental considerations were particularly highlighted owing to the need for a precautionary approach and an ecosystem approach by GFCM. In this very connection, there seems to be room for updating the GFCM Agreement so that modern principles to fisheries and aquaculture are either spelled out as objectives of GFCM or as tools in support for the pursuance of GFCM objectives.

16. Since the interactions between fisheries and aquaculture with other human activities at sea are particularly relevant against the background of marine spatial planning, better cooperation with other international organizations having a sectoral competence over the Mediterranean and the Black Sea was advocated to avoid duplications and exploit synergies (see *International Cooperation and interactions with non-Members*).

17. As far as GFCM is concerned, it was proposed that Article III of the GFCM Agreement - containing all the functions performed by the Commission - would have to be revised and broadened to enable GFCM to respond to the need for an integrated maritime approach. While GFCM should continue to operate mainly as an RFMO, it would be appropriate for the Commission to take action on issues which are not *stricto sensu* fisheries and aquaculture issues, as necessary. Such a course of action was recognized as consistent with the work done by GFCM in recent years since measures have been taken by the Commission for the conservation of seabirds, turtles and seal monks.

18. In addition, bearing in mind the specificities of the GFCM sub-regions, a suggestion was made to specify a set of general objectives in the GFCM Agreement applying to the GFCM Area followed by specific objectives which would be identified within the umbrella of GFCM sub-regions (i.e. Western Mediterranean, Central Mediterranean, Adriatic and Ionian Seas, Eastern Mediterranean, Black Sea).

19. Main orientation relating to GFCM General Objectives: amend the current functions of the Commission, while retaining its mandate on fisheries and aquaculture over the Mediterranean and the Black Sea including connecting waters, on the basis of objectives linked to an integrated maritime approach and taking into account the specificities of GFCM sub-regions.

Conservation issues

20. The current mandate of GFCM, which covers all species found in the GFCM Area, was regarded as the most suitable to respond to the needs of GFCM Members. Opinions were also expressed on the need for a more focused approach as straddling and shared stocks and small pelagic species were recognized as the species that would require particular conservation efforts from the part of GFCM. It seemed possible however to provide for both options by retaining the current mandate of GFCM while at the same time agreeing on priorities for conservation. Suggestions were made that such priorities could be put forth in the provisions of the GFCM Agreement (e.g. endangered stocks) or could be identified by GFCM SAC, on the basis of a rider in the GFCM Agreement that defers to GFCM SAC such a responsibility.

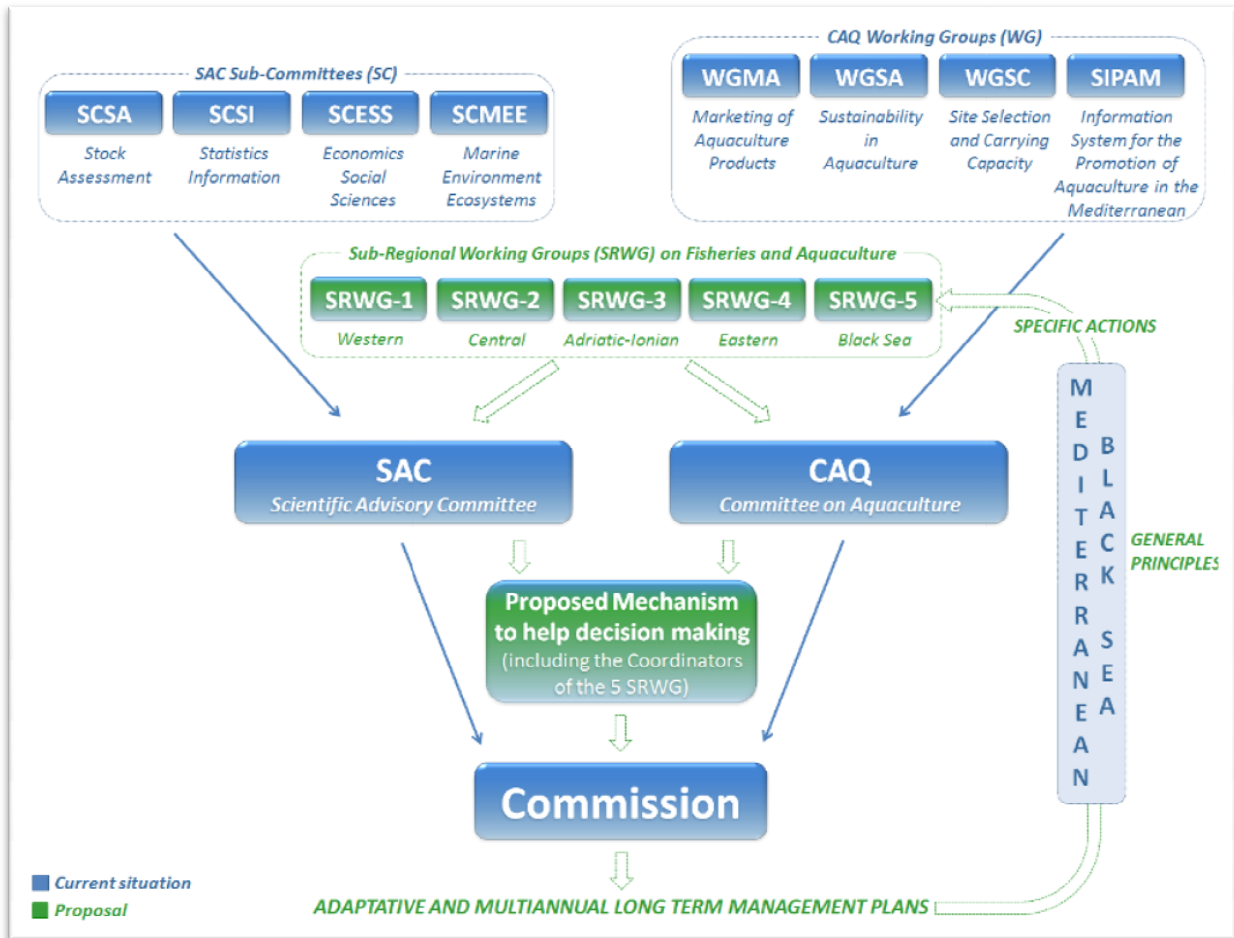
21. To improve efforts towards better conservation it was also recommended that the current geographical division of the Mediterranean and Black Sea marine spaces could be revised. It was questioned in particular the use of GSAs as assessment units as they do not seem to respond, *inter alia*, to the needs for proper data collection. Indications were also offered to facilitate the revision of GSAs in a manner that takes into account various criteria, such as oceanographic and biological ones. Although bearing in mind the differences existing among the GFCM sub-regions, it was proposed that the concept of Large Marine Ecosystem could be applied to GFCM as it might favour coordination with other international organizations having a sectoral competence over the Mediterranean and the Black Sea (see *International Cooperation and interactions with non-Members*).

22. Main orientation relating to Conservation Issues: improve the ability of GFCM to address conservation of living marine resources, including based on scientific advice focused on priority species and on the revision of GSAs.

Management issues

23. The adoption of long term management plans based, *inter alia*, on bio-economic analysis was considered as the preferred means to improve management by GFCM. Although resorting to allocation processes was regarded as an option that could also be taken in consideration in the future, it was noted in particular that the GFCM Agreement should rather provide for similar measures, possibly combined with other measures (e.g. seasonal closure, not take zones, nursery areas, etc.).

24. The elaboration of long term management plans should be informed by various considerations, including socio-economic considerations. To this end, it was proposed that a new committee, charged with socio-economic considerations, would have to be established. It was also proposed that because of the local scope of long term management plans, GFCM should become a pool that collects standards, methodologies and approaches to steer the adoption of these plans. Their implementation, on the other hand, should fall within the competence of GFCM Members. Consequently, having regard to the importance of the sub-regional component in the GFCM Area, a new structure for the Commission was suggested, as represented in the below diagram.



Proposed structure for the Commission

25. The proposed structure would be inspired to the same approach adopted by the Task Force in the consultation process, namely that of accounting for the various sub-regions of GFCM after general guidance has been provided to all GFCM Members and before a consolidated analysis of the feedback from each sub-region is completed. Such a structure would both supplement and supersede the present structure of GFCM. Whereas working groups and subcommittees of GFCM CAQ and SAC could be terminated, the sub-regional working groups set up in their stead would be connected to GFCM SAC and CAQ so to elaborate upon specific actions for each sub-regions (e.g. stock-assessments, priority species, identification of zones that could be allocated for aquaculture, etc.) in accordance with the input given by the Commission to the whole GFCM Area. In order to make up for one of the main management issues in GFCM, that is the lack of a link between scientific advice and the adoption of binding recommendations, it was advised that a mechanism should support decision making by the Commission (see *Decision-Making*). This mechanism would operate as a permanent body of the Commission and it would be composed by designated experts, including the coordinators of the sub-regional working groups. Its main purpose would be that of facilitating the decision making process of the Commission .

26. Main orientation relating to Management Issues: ensure that management measures, such as long term management plan at local, sub-regional and regional level, are based on the scientific advice provided to the Commission, including through by streamlining the organizational structure of GFCM. The role of the coordinators of the proposed sub-regional working groups would be instrumental for the success of this reform. For this reason, the appointment of these coordinators should be regulated (i.e., mandate, functions, work on voluntary/non voluntary basis, etc.).

Specific aspects related to aquaculture

27. The importance of aquaculture for GFCM was underlined in several occasions in the work of the Task Force. To acknowledge the role that aquaculture is expected to play in the future within GFCM, it was recommended that the GFCM Agreement should better address both the goals (e.g. sustainability) and the policies (e.g. ecosystem approach to aquaculture, biosecurity and biosafety, certification and labeling, producers' organizations, etc.) relating to aquaculture. Such an action was regarded capable of enabling the Commission to adequately respond to the needs of GFCM Members to develop sustainable aquaculture within a regional context.

28. Proposals were made that GFCM should not only be the forum where GFCM Members get together to adopt legal frameworks relating to the various aspects of aquaculture, including indicators, coastal lagoons, site and carrying capacity, but also act as a constant backing to GFCM Members from the very identification of aquaculture opportunities until the implementation of *ad hoc* projects to be carried out to exploit these opportunities. Emphasis was placed in particular on the market dimension of aquaculture to the extent that it was suggested to conceive of GFCM as capable of improving the competition of its Members vis-à-vis the trade in aquaculture products from other regions of the world. More in general, the opportunity to reorganize GFCM CAQ was given in depth consideration as it was recognized that the role of the committee could be strengthened.

29. Main orientation relating to Specific aspects related to aquaculture: the GFCM Agreement should mirror the current body of work by the Commission which has in fisheries and aquaculture its main pillars. In light of the impressive increase in aquaculture activities in the GFCM Area it would be appropriate to update the GFCM Agreement, which should underline the important role to be played by GFCM in this sector.

Compliance and Enforcement

30. Consensus emerged that without proper compliance and enforcement the work by GFCM to bring about conservation and management would be constantly jeopardized by the behavior of GFCM Members and non-Members. It was observed that when the GFCM Agreement was revised in 1997 the issue of compliance and enforcement was still relatively new in fisheries. However, having regard to more recent international and regional instruments relating to fisheries, it was highlighted that the majority of RFMOs are presently endowed with means to elicit compliance with and to enforce their management measures.

31. In some instances (e.g. VMS, port State measures) GFCM has taken action in conformity with the provisions of these instruments. Nonetheless, it was agreed that the ground for an effective scheme of control and enforcement should be laid in the GFCM Agreement whereas specific measures should be then developed within the remit of GFCM COC before adoption by the Commission. In this latter respect, it was noticed that the current mandate of this committee is extremely limited to the extent that it could not perform such a function at present. Also, it was underlined that for GFCM COC to uphold a scheme of control and enforcement it would be necessary to hold inter-sessional meetings so that measures relating to flag States duties, port State responsibilities and the market of fishery products could be given in depth consideration. To facilitate the adoption of a carrot and stick approach within the Commission, the opinion was expressed that GFCM COC should endeavor to build awareness as much as possible so that sanction systems should be seen as an *extrema ratio*.

32. With respect to the carrot, GFCM COC should help the harmonization at regional level of measures aimed at better compliance and enforcement, thus avoiding that given GFCM Members lag behind and are not in the position to enact national laws. As for the sticks, the adoption of penalties by GFCM was *inter alia* suggested as a potential deterrent against instances of non compliance with binding recommendations. Proposals were also made to broaden the functions of GFCM COC to enable this committee to play the role of mediator on the request of GFCM Members to prevent disputes (see *Dispute settlement*). The need for compliance and enforcement actions against non Members undermining conservation and management by

GFCM, as appropriate, was also recognized (see *International Cooperation and interactions with non-Members*).

33. Main orientation relating to Compliance and Enforcement: unless the authority of GFCM in connection with compliance and enforcement is not expanded upon, including with regard to non Members, the Commission might be seriously hampered in pursuing conservation and management.

Financial and administrative issues

34. The scale of mandatory contributions to the autonomous budget of GFCM was deemed to be fair and equitable. Existing parameters used to determine the contribution to be paid by GFCM Members to the autonomous budget were also deemed to be fair and equitable. In this latter respect however, questions were raised as to whether the GFCM Financial Regulations should be revised to avoid that the wealth component (*per caput* GDP) could cause abrupt variations in the mandatory contributions to be paid. It was foreseen that some special situations could be identified by the Commission, in relation to given GFCM Members, and accommodated accordingly.

35. There was concurrence on the opportunity of resorting to the collection of extra-budgetary funds to enable the Commission to discharge its ever-increasing duties and to ensure that assistance to developing countries in the Membership will result in their increased institutional and technical capacity. Such a course of action would have the potential to ensure the even implementation of binding recommendations. In this connection, the launching of the “1st GFCM Framework Programme in support of Task Force Activities” was welcome (doc GFCM:XXXVI/2012/Inf.14) as this programme could make the Commission more functional.

36. Main orientation relating to Financial and administrative issues: any potential revision of the GFCM Financial Regulations should be inspired to equity and fairness and to avoid an overall increase in the autonomous budget reliance on extra-budgetary funds should be strongly encouraged.

Decision-Making

37. The effectiveness of decision-making within GFCM was examined in particular when discussing Management issues were tackled by the Task Force (see *Management issues*). The main weakness of decision-making was identified in the insufficient transposition of scientific advice to the Commission to inform the adoption of binding recommendations. This weakness would be particularly evident against the background of the work by GFCM SAC although *mutatis mutandis* other GFCM committees could experience difficulties in informing the adoption of binding recommendations by the Commission. These recommendations, as illustrated in the GFCM Compendium of decisions, are related to conservation and management but also to compliance and enforcement.

38. In order to make up for these weakness various proposals were made. One proposal would be to give GFCM committees autonomous decision-making powers in the sense that they would be in the position to adopt binding recommendations which would then be forwarded to the Commission for consideration and possible adoption. Another proposal revolves around the establishment of a mechanism within GFCM which would ensure that proper consideration is given both to advice emanating from GFCM committees and to the decision-making power of the Commission. Regardless of actions aimed at better linking up the work by GFCM committees to the deliberations of the Commission, it was recognized that decision-making would be made more efficient by revising the mandates of existing GFCM committees.

39. Whereas the revised mandates of GFCM committees should be embedded within the text of the GFCM Agreement, the GFCM Rules of Procedure should provide for additional specifications relating to, *inter alia*, the meetings of GFCM committees during the inter-session, the role of the bureau of each committee, etc. Similar considerations would apply to any committee to be potentially established within GFCM in the future.

40. Main orientation relating to Decision-Making: there is room to make decision-making within GFCM more efficient, including through the reorganization of the institutional framework of GFCM.

Dispute settlement

41. Two proposals were put forth in order to identify the the most suitable mechanism for the settlement of disputes within the framework of GFCM. Bearing in mind that Article XVII of the GFCM Agreement has a limited scope, it was advocated that its provisions are reformulated either on the basis of relevant international instruments, such as the UN Convention on the Law of the Sea and the UN Fish Stocks Agreement, or independently from them. In the latter case, in light of the fact that some GFCM Members are not Parties to the abovementioned treaties, the role of arbitration to promptly settle disputes was especially stressed.

42. As the settlement of disputes should occur only when all means to prevent that a case is brought either before an international tribunal or an arbitration tribunal are exhausted, it was suggested that the COC could be restructured in a manner that enables GFCM Members to use it as a forum to report on the misbehaviour of other GFCM Members disregarding binding recommendations in place (see *Compliance and Enforcement*). This would give the COC the role of mediator in the event of non compliance. In alternative, the possibility should be also considered - when the dispute is of a technical nature - that *ad hoc* expert panels are established under procedures to be adopted by the Commission in response to the requests by GFCM Members that might want to either prevent or settle a dispute.

43. Main orientation relating to dispute settlement: Article XVII of the GFCM Agreement might not provide adequate responses in case potential disputes arise between GFCM Members. A revision of its text appears advisable.

International Cooperation and interactions with non-Members

44. More intra-institutional coordination with partner organizations having a sectoral competence over the Mediterranean and the Black Sea was encouraged. The adoption of cooperative agreements such as memoranda of understanding is already possible under the provisions of the GFCM Agreement (see document GFCM:XXXVI/2012/Inf.5). Nonetheless, it could be worth adding specific provisions on cooperation between GFCM and partner organizations within the GFCM Rules of Procedure which could reproduce some of the riders contained in already existing memoranda of understanding (e.g. intellectual property, dissemination of the results of joint activities, etc.). Intensifying cooperation would be important for the implementation of an integrated maritime approach (see *GFCM General Objectives*) as well as to keep GFCM apprised of most recent developments occurring at international and regional level. As appropriate, GFCM should be represented at relevant meetings in other fora.

45. With regard to non Members, there were clear indications as to the need to intensify diplomatic demarches with those States known to be fishing in the Mediterranean and the Black Sea to make sure that they are either granted the status of Cooperating non Contracting Party, or they become Members. Direct reference to Cooperating non Contracting Parties should be made in the GFCM Agreement, whereas non Members could be indirectly referred to in relevant provisions of the GFCM Agreement, such as those on compliance and enforcement. The GFCM Rules of Procedure should be revised in a manner that takes into account the factual duties performed by the President of GFCM Bureau and the GFCM Executive Secretary in liaising with representatives of international organizations as well as non Members. Participation of stakeholders and civil society to the work of GFCM should be encouraged in the framework of better cooperation for the Commission to be able to operate closer to fishermen and aquaculture farmers.

46. Main orientation relating to International Cooperation and interactions with non-Members: cooperation, both with other international organizations and with non Members, is of the utmost importance to ensure the well performing by GFCM.

Broad GFCM Administrative Arrangement

47. The autonomy of bodies established under Article XIV Constitution, such as GFCM, has been increasing of late years. An FAO consultation workshop held in January showed that a number of these bodies have developed administrative procedures and practical arrangements to accommodate functional requirements of concern for their Membership and Secretaries. The FAO has acknowledged thus far the need to ensure more flexible procedures and working arrangements to allow Article XIV bodies to enhance their responsiveness in particular to the needs of their respective Memberships. Like other Article XIV bodies GFCM could be challenged by FAO rules and procedures applying to it (e.g. should the GFCM Agreement be amended the procedure to be followed within GFCM would have to be consistent with FAO rules). GFCM might benefit from greater autonomy to the extent that future efforts to modernize its legal and institutional framework should take into account developments relating to administrative and financial issues experienced by the Commission. It would be appropriate to include in the text of the GFCM Agreement a provision detailing the rules governing the relations between GFCM and FAO which has evolved thus far out of practice.

48. Main orientation relating to Broad Administrative Arrangement: ongoing initiatives concerning a more functional autonomy of GFCM as an FAO Article XIV body should be taken into account against the background of the modernization of the legal and institutional framework of GFCM.

PROPOSED ACTION TO THE COMMISSION

49. Having regard to the work of the Task Force during the inter-session, and in light of the main orientations of the Task Force in connection with the possible revision of the GFCM Agreement and its associated rules in view of modernizing the legal and institutional framework of GFCM - including the need for more operative autonomy - the Commission is invited to recommend, alternatively or jointly:

- the negotiations for the adoption of a new GFCM Agreement,
- the amendment of the GFCM Agreement,
- the amendment of the GFCM Rules of Procedure,
- the amendment of the GFCM Financial Regulations
- the retaining of the current status quo.

50. In addition, the Commission should indicate the next steps to be taken by the Task Force, including those actions to be possibly continued or launched during the next inter-session in relation to the discharge of one or more of the above duties. As appropriate, new Terms of Reference for the Task Force should be agreed upon.

Appendix A

Replies to the questionnaire on the online Discussion Forum¹*Albania*

Question 1.1: Should GFCM objectives be reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

Contracting Parties are divided into three categories. European Union countries, countries that aspire to become members of European Union and other countries. Consequently, in the Mediterranean Sea are under implementation three different fisheries policies. The only institution where these policies must be reconciled is the GFCM. In order to have one fisheries policy (a Common Mediterranean Fisheries Policy) and the Contracting Parties not to implement different policies that can at times be called priority than those set in the framework of the GFCM, GFCM need to have a greater role in decision making.

Cyprus

Question 1.1: Should GFCM objectives be reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

It is understood that modern fisheries management is moving towards a ecosystem approach to fisheries but the incorporation of environmental objectives into the GFCM governance needs to be reviewed in depth. The GFCM is the Mediterranean RFMO and there are other organizations that are more directly linked to environmental issues and governance such as the Barcelona Convention (Protocol concerning specially protected areas and biological biodiversity in the Mediterranean-SPA Protocol). The incorporation of environmental objectives in the GFCM would influence the major role of the GFCM which is to promote the development, conservation, rational management and best utilization of living marine resources, as well as the sustainable development of aquaculture in the Region. Incorporating environmental objectives should be stressed that should be in line with the regional environmental organizations (SPA Protocol-Barcelona Convention) whose mandate is to conserve Mediterranean biodiversity and ecosystems. The objective of the GFCM in relation to environmental issues should lead to a closer cooperation with the relevant Mediterranean organizations that are primarily responsible for environmental governance, taking into account the United Nations Convention on the Law of the Sea (UNCLOS).

Question 2.2: What fish stocks would deserve particular conservative efforts in the short/medium/long term by the GFCM and why?

The GFCM should address closely the conservative efforts in the short, medium and long term of demersal stocks and small pelagic species. Efforts should be concentrated on those species that pose a greater contribution from the socioeconomic point of view, as the stocks listed in the GFCM list of priority species. It should be noted that various demersal and small pelagic species may have different socioeconomic importance in the each GSA of the Mediterranean.

Question 3.1: Do you think that initiating a regional allocation process to regulate the amount of total catch and fishing effort in the GFCM area is required? If yes, what kind of approaches should be taken for the GFCM to make progress on this matter?

Agree with the comments sent by ESP especially in relation to the control system. A regional allocation process to regulate the amount of total catch and fishing effort of the large pelagic species could be addressed.

¹ Replies to questions lodged by GFCM Members with the online Discussion Forum are listed in alphabetical order. Only those questions which were answered are reproduced in this annex under GFCM Members concerned. The replies by GFCM Members are reproduced *verbatim* in the language used by respondents.

Question 6.1: Based on discussions occurred at the 35th Session of the GFCM, do you think it would be appropriate to reconsider financial regulations so to address the current scale of contributions?

The financial regulations need to be reconsidered addressing in particular the financial contributions by each member and the way that this contribution is estimated. The contribution of each member should have a better balance in relation to the criteria currently used to estimate the financial contribution of a member. The weight of each criteria (membership, wealth component, catch component) needs to be addressed. In our view the catch component needs to be weighted much more than the wealth of the member.

European Union

Question 1.1: Should GFCM objectives been reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

1) Denomination: given the improved involvement of GFCM in the Black Sea Area, the name of the Commission should specifically mention the Black Sea.

2) Scope and mandate : GFCM scope and mandate shall clearly state that :

- it is mandated by the parties to act as the main facilitator in the coordination of joint fisheries conservation policies among the different contracting parties, with a main focus on fisheries exploiting shared stocks.
- it is mandated to counteract and prevent overfishing while providing high-long term yields with a low risk of stocks falling outside safe biological limits. Within this framework, GFCM should also make reference to principles referred to in the UN Fish stock agreement, such as maximum sustainable yield and the need to adopt measures designed "to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors"..

The scope and the objectives should however also take into account the particularities related to the management of multispecies fisheries and to the need to develop and adopt, whenever possible, specific management measures for such fisheries.

- take into consideration; inter alia, the main principles of the Ecosystem Approach for Fisheries Management (EAFM).

- Environmental considerations shall be taken into consideration and specifically mentioned, in a wider context, also taking into consideration other policies that have an impact or that affect fisheries management and fisheries resources.

- social objectives such as poverty reduction, capacity building, gender equality and peace keeping shall be included in the main body of the agreement, due to their impact on sustainable development in the Mediterranean and the Black Sea.

Cooperation is an essential element to ensure a coherent approach and tools need to be developed to enhance concrete interactions with international organisations operating in the area.

Question 1.2: How should the Task Force address the qualification of the terms identified in the ToRs of the Task Force, (see background information), and what kind of indicators should be developed to assess policies and strategies relating to these terms?

Definition of essential concepts such as sustainable exploitation, sustainable aquaculture production, precautionary approach and ecosystem approach to fisheries and aquaculture need to be underlined in the agreement. Existing definitions shall serve as a basis for a reflexion on their adequacy to the Mediterranean and Black Sea context and, where relevant shall be adapted. Particular importance should be dedicated to the definitions and concepts developed in the FAO code of conduct for responsible fisheries and in the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. A clarification of the concept of shared stocks (or rather fisheries exploiting shared stocks) shall be sought as the main axis of the GFCM mandate.

Question 1.3: Could the GFCM mandate be strengthened to improve the management framework relating to interactions among capture fisheries, aquaculture and other human activities in the GFCM area? Could the GFCM address marine spatial planning considerations?

In the Mediterranean and Black Sea context, areas of interaction between different activities of commercial nature (fisheries, aquaculture, industry, tourism, dumping, etc) require consideration, in particular from the environmental and social points of views. However, there is limited knowledge of these interactions so that the role that GFCM could play in their management remains unclear. Interactions among different sectors should be better typified through the promotion of case studies at sub-regional level that would aim to delimitate their nature and to identify possible solutions. Ideally these studies should be established in cooperation with other concerned international organisations operating in the area and with the concerned stakeholders. GFCM has therefore a role to include fisheries conservation perspective into a cross-sectorial maritime policy including spatial planning.

Question 2.1: According to you, are current geographical sub-regions (GSAs) of the GFCM area appropriate for data collection and stock assessment supporting management advice in the GFCM context? If N, provide alternatives/indications that could be considered.

Current GSA divisions have been done after a wide expert consultation following a series of technical meetings, including also the FAO regional projects, and involving several scientists of the region; the definition has thus taken into account several criteria including, inter alia, oceanographic, hydrographical and topographic conditions. Nonetheless, considering the bio-ecological diversity of marine living resources exploited by different kinds of fisheries, the identified GSAs cannot always match the need of all fisheries and exploited resources in terms of assessments and management. With improvements in data collection and knowledge of fisheries by addressing other elements such as stock structure, distribution of fisheries and stocks and oceanographic conditions, their use may be better refined and adjusted to the needs.

Question 2.2: What fish stocks would deserve particular conservative efforts in the short/medium/long term by the GFCM and why?

Unless urgent conservation issues require rapid action on the basis of the precautionary principle, fisheries management is highly dependent on the quality of statistical and scientific information on the fisheries and exploited stocks. It is proved that the consistency in space and time of the current data collection activities differs substantially between GFCM Members. The establishment of a common coordinated scheme for data collection and building capacity in the GFCM area could help the formulation of scientific advice in support of common management measures. This scheme shall, in the first place, consolidate and build upon the current practices carried out by the various parties (e.g. DCF, research projects, FAO-Regional Projects, twinning projects in the enlargement process, ENP). Rather than talking about conservative efforts in relation to stocks, the EU consider advisable to address the matter through a fisheries perspective which imply to take into account more than one stock per fishery unless specific conservation needs and fishery characteristics may call otherwise. GFCM shall concentrate on fisheries targeting demersal stocks and fisheries targeting small pelagic stocks. Nonetheless considering that several fishing vessels may be authorized to fish also for large pelagic stocks and that a vessel may shift from one fishery to another in response to market and management conditions, it is highly advisable that close coordination and synergies are maintained with ICCAT . Without prejudice to the relevance of conservation criteria, also socio-economic and environmental aspects may need to be considered when designing fisheries management strategies. In the short term major effort shall be paid to fisheries exploiting shared stocks for which scientific advice indicates that exploitation rates are beyond recommended references or that are identified as being under particular threat. A medium term strategy shall focus on fisheries exploiting shared stocks which are considered to be fully or sustainably exploited. International multiannual management plans within which develop management strategies for sustainable fisheries shall be the basis for the preparation of a long term strategy, with the general aim of improving the general picture of Mediterranean and Black Sea fisheries in terms of sustainability from environmental, social and economic point of views. In this respect, it is relevant that advancements are achieved even before the possible revision of the GFCM Agreement.

Question 2.3: How could the applicability of the concept of LME (Large Marine Ecosystem) contribute to improve ecosystem based management and to enhance collaborative approaches to fisheries resources in the GFCM area?

GFCM shall focus on fisheries exploiting shared stocks while due account must be given to the concept of Large Marine Ecosystem (LME) and interconnectivity among populations of the same species.

Identifying fisheries of potential conflict and promoting dialogue among interested parties shall also be channelled through the GFCM.

Question 3.1: Do you think that initiating a regional allocation process to regulate the amount of total catch and fishing effort in the GFCM area is required? If yes, what kind of approaches should be taken for the GFCM to make progress on this matter?

The establishment of limitation on fishing opportunities, either as fishing effort or catch limits, appears as a core system for the appropriate management of fisheries in the Mediterranean and Black Sea areas. However these limitations shall be conceived by taking into account the very nature of the different fisheries, often multispecies and multiple gears, as well as to which extend the adopted measures can be enforced. In line with the above establishing catch limitations does not appear as the most appropriate way to manage fisheries involving several stocks and several métiers. Instead effort limitation and associated technical measures (e.g. spatial/temporal closures, increased selectivity) would be more relevant and effective.

Question 3.2: Could technical assistance mechanisms contribute to improve the management of fisheries in the GFCM area? If yes, what mechanisms could be envisaged to provide technical assistance to States Parties?

FAO Regional Projects (e.g. COPEMED, ADRIAMED, EASTMED, MEDFISIS, MEDSUDMED) have been established over time to improve the provision and sharing of scientific work and data among partner countries and to contribute to enhancing their capacity to develop national measures and to participate actively in the relevant regional frameworks for sustainable fisheries management. Taking stock of the achievements of these projects, GFCM actions could foster into the logical completion of the whole management process. Actually, providing guidance and back-up to its Members in the formulation and implementation of national management measures and in the development of plans for the catching industry appears an important aspect that could be further developed by the GFCM in order to avoid potential conflicts resulting from new imbalances between fleet capacity and resources available. Moreover essential elements for fisheries management such as data collection harmonisation, VMS and alternative positioning systems, etc, could be the subject of specific technical assistance projects.

Question 4.1: Do you think that the mandate of the GFCM could be broadened in a manner that allows States Parties to pursue sustainable aquaculture in the GFCM area more effectively?

Aquaculture activities in the region shall be promoted by GFCM in order to ensure a coherent approach and a better supply of fish in the region. The promotion of diversification activities, research and transfer of knowledge between Member countries shall be at the axis of action of GFCM. Therefore, the role of GFCM on aquaculture aspects could be adequately broadened in line with the need to develop integrated maritime policies also at international level. In this respect GFCM may have a role in interacting with analogous multilateral conventions dealing with environmental protection (see question 1.3). GFCM should adopt specific measures in order to address the issue of alien species.

Question 4.2: in light of the growing importance of the aquaculture sector and of the ongoing international focus on its regulation, how is it possible to ensure that the works by the CAQ will adequately respond to the needs of States Parties?

Sustainability of aquaculture from both environmental and socio-economic points of view shall be included in the mandate of GFCM. In this context, the role and structure of the Committee of Aquaculture (CAQ) needs to be reviewed, in order to provide this Committee with an advisory role assisting the national administrations to set up their national aquaculture plans within an increasingly integrated international market. This role could be enlarged with the aim of establishing a medium term strategy for aquaculture in the whole GFCM area to ensure coherence between aquaculture productions and market opportunities.

Question 5.1: how should the GFCM follow up on infringements when instances of non compliance are reported? Please indicate what kind of actions/measures/tools could prove particularly effective to improve compliance and enforcement.

Compliance and enforcement in the GFCM area need to be adequately addressed and supported by all parties. Awareness of all concerned parties should be enhanced. Particular attention shall be devoted to

the actions that can be taken against non-compliant members to prevent reoccurrence. Common and clear definitions of terms such as coastal State, flag State, port State, non-compliant flag state, IUU fishing, cooperating non-members and non-cooperating non-members shall be included in the Agreement while taking into account the provisions already adopted in GFCM recommendations. The establishment of cooperation mechanisms between Member countries, catch documents and traceability programmes and the enhancement of VMS and other technological instruments and the establishment of a joint control and inspection scheme should all be developed and foreseen. The mandate of Compliance Committee will need to clearly define the treatment of non-compliance and the possible actions. The Committee will need to be supported with clear procedures and reporting mechanisms, including Member countries "compliance lists", to expedite their discussions and improve the efficiency of the Committee. The Agreement will need to accommodate the best practices already implemented in other RFMOs, including communication protocols and accepted sanction mechanisms and listing procedures. It can be envisaged that the functioning of the Compliance Committee can be supported if needed with a Compliance Working Group especially in the processing of potential non-compliance information.

Question 5.2: Please identify priorities to improve compliance and enforcement with relevant GFCM conservation and management measures, including in relation to flag State and port State responsibilities (e.g. boarding, inspections, etc.).

Taking advantage of its profile as an international organisation, fighting against IUU in the Mediterranean could form the central axis of GFCM agenda. In this context, the establishment of a common monitoring, control and surveillance system may be an important step forward. Among other components, such a system may comprise common notification procedures as well as a scheme of joint international inspection, involving contracting parties' inspectors and ensuring equal treatment through a set of common measures (e.g. market measures, port state measures, etc) to be applied to non-complaint parties.

Question 5.3: Could the adoption of market-related measures in relation to IUU fishing by States Parties and non-Members constitute an appropriate follow up action to elicit compliance? If Y, propose actions/mechanisms that could be worthy of consideration.

The adoption of market related measures could result in an effective reduction of IUU activities. The efficiency of these measures appears once again subject to the establishment of a sound monitoring, control and inspection system so that measures are enforceable.

Question 5.4: Do you think that in the event of conflicts in connection with fishing activities the GFCM, particularly through its Compliance Committee, could have a role to perform so to assist relevant States Parties?

The mandate of the Committee of Compliance (CoC) shall be reviewed by exploring the possibility of doting it with a role of mediator in case of conflict between parties. The CoC shall have the power of proposing solutions for solving these disputes.

Question 5.5: Could a strengthening of the use of VMS prove to be a useful tool in the fight against IUU fishing? Please suggest in particular how the use of VMS in support of MCS activities could be improved.

Strengthening the use of VMS at the GFCM level will be a useful tool to fight against IUU activities. Detecting positions and identifying vessels potentially involved in these activities are among the main potentialities of the VMS system. There is however scope for developing other positioning systems to be implemented by vessels not subject to VMS requirements (under 12 m). The development of such alternative methods shall be also enhanced.

Question 6.1: Based on discussions occurred at the 35th Session of the GFCM, do you think it would be appropriate to reconsider financial regulations so to address the current scale of contributions?

The current contribution scale appears balanced and the criteria to determine the individual quotes seem objective.

Question 6.2: What funding mechanisms should be considered to support GFCM activities particularly for extra-budgetary ones? Could GFCM participate through partnerships, with a leading role, to relevant international/regional projects/programmes/initiatives?

Extra-budgetary funds are provided by the parties on a voluntary basis and are therefore subject to ad hoc arrangements with donors. Extra-budgetary activities shall not account for a big part of the GFCM programme in order to avoid impact of eventual lack of financial resources in potential donors.

Question 7.1: Do you think that GFCM committees (especially SAC and CAQ), could perform decision-making functions in a more autonomous/rapid manner without necessarily relying on annual GFCM Sessions? Could this lead to biannual meetings of the Commission?

The role of SAC shall be redefined as well as renewed with more specifically targeted terms of reference. These shall include the provision of clear advice to the GFCM to permit a coordinated science-based decision-making process throughout the GFCM area. It shall be clear that the role of SAC is not the prescriptive formulation of management measures but the provision of the status of stocks and fishing pressure levels with respect to the objectives of the Agreement, together with forecasts on their likely developments under different management scenarios. In this regard it is advisable to reflect on whether the current organisational structure of the SAC (e.g. 4 subcommittees, working groups, ad hoc meetings, etc...) and the meetings frequency are adequate for the scope.

Question 7.2: Should the participation by observers to relevant GFCM Sessions and, more generally speaking, to the work of the Commission be further enhanced?

Expertise and input from stakeholders, from the operators to NGOs, may complement the formulation of scientific advice and mechanisms to facilitate their active participation, without undermining the independence and reliability of the scientific advice, shall be sought. However, the fact that the stakeholders are differently organized in the various GFCM Members must be given due consideration.

Question 8.1: In the event of disputes on the application/interpretation of the GFCM Agreement, could dispute settlement provisions in Part VIII of UN Fish Stocks Agreement represent a viable solution? Or is article XVII of the GFCM Agreement prove adequate?

In line with the recommendations of the panel, the GFCM Agreement requires revision. In this context the provisions of Part VIII of UN Fish Stocks Agreement appear as an appropriate ground for dispute settlement.

Question 9.1: Should the GFCM take steps so that cooperating status can be granted to non-Members? If Y, how? And what non-Members could benefit from such a status?

Non-Member countries involved in shared fisheries with Member countries shall be invited to apply for the status of cooperating Member. This is particular relevant for the Black Sea non-Member countries (Russia, Ukraine and Georgia).

Question 9.2: Should the GFCM participate more to the works/activities of other international organizations which are relevant to the goals of the GFCM? If Y, should the GFCM consider findings/recommendations by these organizations and how (e.g. MoU)?

GFCM shall develop synergies and cooperation with other international organizations including RFMOs with a view to ensure greater effectiveness of actions to be taken (see question 1.3); in this respect, and whenever advisable, joint working groups should be established. Join greater coordination and participation of experts attending. Following this assessment, the commission would be invited to explore cooperation with these organisations.

Italy

Question 2.1: According to you, are current geographical sub-regions (GSAs) of the GFCM area appropriate for data collection and stock assessment supporting management advice in the GFCM context? If N, provide alternatives/indications that could be considered.

The current GSAs are generally appropriate for collecting data and produce stock assessments when the stock boundaries encompass a part of or the entire GSA. When a given stock is distributed in more than

one GSA both data and analyses can be carried out by appropriately combining information collected in the different GSAs. More difficult is the case when more than one stock of a given species occurs inside one GSA, due to the fact that generally data are collected and reported at GSA level (the case of the Ligurian and the North Tyrrhenian Sea that are part of the single GSA9 or that of the northern coast of Sicily which is combined with the coast of the southern Tyrrhenian to form the GSA 10). Therefore, although most of the current GSA is adequate for stock assessment purposes, in some case GSA borders need to be revised to make areas more coherent with stock unit concept, by using knowledge of bottom, hydrological, biological and fishery spatial patterns. This revision should consider the grid system that have been recently adopted in order to provide a more adequate basis for data collection and analyses.

Question 2.2: What fish stocks would deserve particular conservative efforts in the short/medium/long term by the GFCM and why?

Due to the increase of fishing activities in international waters, GFCM should concentrate its conservative effort mainly on shared and straddling stock, supporting the preparation, adoption and implementation of agreed specific Long Term Management Plans (LTMP). These LTMPs, based on bio economic analysis, should combine effort control with closure of areas of ecological importance (sensitive and critical habitat) in order to protect spawners and/or recruits, guarantee the stocks renewability and ecosystem safety and minimize the socio economic impact through the choice of the most appropriate mix of management measures. Within a framework of Ecosystem based approach to fishery management, the LTMP should also adopt fishing strategies and techniques to mitigate the negative impacts of fisheries on protected species and reduce the amount of discards.

Question 2.3: How could the applicability of the concept of LME (Large Marine Ecosystem) contribute to improve ecosystem based management and to enhance collaborative approaches to fisheries resources in the GFCM area?

The Large Marine Ecosystem concept, which is related to ecosystem based approach to fisheries, implies ecosystem influencing fishery resources and fishing and other human activities influencing ecosystem. Enlarging analyses to the LME could improve the identification of environmental factors which modulate abundance of fishery resources at basin scale and the assessment of the impact of habitat modification on ecological process in marine environment. In particular, understanding the influence of environmental factors on resource dynamics could be valuable in an future adaptive approach to the fishery management, both for pelagics and demersal species.

Question 3.1: Do you think that initiating a regional allocation process to regulate the amount of total catch and fishing effort in the GFCM area is required? If yes, what kind of approaches should be taken for the GFCM to make progress on this matter?

The GFCM area is rather large and has peculiar features. Among the others, multispecificity and multigear fisheries play a major role in the whole area, even if some monospecific stocks are also in place. Given these features management has been namely based on effort control and technical measures until recent years. Some more specific tools have been also introduced in case of single stocks as it is the case of the clam fisheries in Italy which has been managed by a Right Based Management approach through the introduction of Territorial User's Rights. This is to say that a new approach to management firstly requires to make clear what the target of management is. As for biological resource is should be taken care of different species groups: multispecies demersal, small pelagic, large migratory, sedentary. As for the fleet competition, it should be taken into consideration if the stock(s) is exploited by a single or multigear fleet segment, by single or multiple State Parties fleets. As for the level of information a more rigorous approach based on formal analyses of the stock status and optimal exploitation strategies should be pursued. As for the area, it should be considered its extension which, in turn, depend on the level of homogeneity of the fisheries; in this respect a GSA scale could prove to be a fruitful exercise. Furthermore, it is also important to consider the role different management regimes in place in different State Parties, as for technical measures, enforcement, control, monitoring, etc policies, play when implementing a management plan. The above considerations bring to the conclusion that GFCM can and must play a role in speeding up and coordinating a process bringing to a more advanced fishery management approach in the area. Long term specific management plans for given fisheries, involving all State Parties interested, could prove to be the most effective solution. Important experiences have been developed in recent years and each plan, depending on the fisheries

features, can consider the case for allocating effort quotas. In case of large sized monospecific stocks fished in international waters by different countries (eg. deep water rose shrimp in the Strait of Sicily and anchovy and sardine in the Adriatic), and large migratory stocks, as for the tuna recovery plan, catch limits can also be taken into consideration. In any case, considering the low level of profits, it should be clear that the efficiency and economic return from the utilization of production factors in the fisheries involved need to be maximized whatsoever the allocation process will take place.

Question 3.2: Could technical assistance mechanisms contribute to improve the management of fisheries in the GFCM area? If yes, what mechanisms could be envisaged to provide technical assistance to States Parties?

Technical assistance is considered vital for increasing the quality and substance of fisheries management in the area. GFCM should improve technical assistance both in training of scientists/economists/managers and support to national programs of data collection, mainly for countries that are involved in the exploitation of shared stocks. Data collection programs should allow for an homogenization of methodologies to estimate both biological and economic parameters concerning stocks abundance and fisheries activities. To pursue this strategy of technical assistance, the role of the Regional FAO programs (Copemed II, Adriamed, Medsudmed and Eastmed) is considered essential.

Question 4.2: in light of the growing importance of the aquaculture sector and of the ongoing international focus on its regulation, how is it possible to ensure that the works by the CAQ will adequately respond to the needs of States Parties?

The CAQ meetings are an important opportunity for State Parties to share problems and discuss the future of aquaculture. Meetings are linked with specific Working Group/Project and give the opportunity for the CAQ State Parties to suggest the roadmap to support the activities in the CAQ "macro-area". The proposed improvements to make the outcome/goals of the CAQ meeting are:

- the reorganization of CAQ into subcommittees. This will encourage the presence of experts on the subject of the meeting and ensure the continuity of the participation of delegates from each member country.
- the definition of the terms of reference (TORs) indicating the skills of the delegates / participants to the meeting. Each delegate should participate by bringing a contribution relevant to the subject of the meeting.

Question 5.1: how should the GFCM follow up on infringements when instances of non compliance are reported? Please indicate what kind of actions/measures/tools could prove particularly effective to improve compliance and enforcement.

State Parties should take the responsibility of their fleets infringements and GFCM should have the power to impose limits and restrictions on fishing activity and trade on those State Parties not complying with the IUU rules.

Question 5.2: Please identify priorities to improve compliance and enforcement with relevant GFCM conservation and management measures, including in relation to flag State and port State responsibilities (e.g. boarding, inspections, etc.).

GFCM should have the power to coordinate, classify and homogenize infringements and penalties among State Parties. Then, GFCM should make sure that compliance, control, monitoring and enforcement policies of State Parties are homogeneously introduced in the area. In this respect, GFCM should have the power to receive and analyze infringements and associated penalties of State Parties fleets. Based on cross checking data analysis GFCM should have the power to ask State Parties to increase the level of control. In this respect, GFCM should have financial resources to assist State Parties in doing so, also by having its own inspectors assisting them. When based on a risk analysis this activity could prove to have a limited cost.

Question 5.3: Could the adoption of market-related measures in relation to IUU fishing by States Parties and non-Members constitute an appropriate follow up action to elicit compliance? If Y, propose actions/mechanisms that could be worthy of consideration.

Market related measures can play a vital role in reducing IUU fisheries. Their implementation will depend on the efficient functioning of monitoring of fishing activity and enforcement of rules and penalties. A mechanism dealing with infringements of rules should be put in place and bring to automatic restriction on

fishing trade and trade in general. Other countries already adopt such schemes and they have proved to be rather effective.

Question 5.4: Do you think that in the event of conflicts in connection with fishing activities the GFCM, particularly through its Compliance Committee, could have a role to perform so to assist relevant States Parties?

GFCM should create an ad hoc panel made of international lawyers, having State Parties approval. The panel should be in charge of proposing solutions in case of conflicts. Ways and technicalities concerning the functioning of the ad hoc panel and ways State Party shall be obliged to comply with solutions should be approved by GFCM.

Question 5.5: Could a strengthening of the use of VMS prove to be a useful tool in the fight against IUU fishing? Please suggest in particular how the use of VMS in support of MCS activities could be improved.

VMS technology is usually associated with vessels of more than 12/15 Mt. Most of these vessels are not allowed to fish outside territorial waters. It would be necessary to know which the dimension of the fleet having a VMS system on board would be. Initially restricting the monitoring to shared resources, the number of vessels involved is supposedly limited and a joint GFCM/ICCAT/State Parties unique system could prove to be implemented with a limited cost.

Question 6.1: Based on discussions occurred at the 35th Session of the GFCM, do you think it would be appropriate to reconsider financial regulations so to address the current scale of contributions?

The current scale in this regards seems to be fine. In case of increasing duties on the CGPM a new budgetary policy should be considered where landings components should have a more important weight.

Question 6.2: What funding mechanisms should be considered to support GFCM activities particularly for extra-budgetary ones? Could GFCM participate through partnerships, with a leading role, to relevant international/regional projects/programmes/initiatives?

There is a clear need for increasing the CGPM budget parallel with the new challenges it is faced. Reinforcing multilateral projects can be an option to be explored and a fee system can be also introduced.

Question 7.1: Do you think that GFCM committees (especially SAC and CAQ), could perform decision-making functions in a more autonomous/rapid manner without necessarily relying on annual GFCM Sessions? Could this lead to biannual meetings of the Commission?

It would be advisable to have a more autonomous decision making Committees in order to speed up the process. But this is not to be considered a priority until a new approach to the functioning of Committees will be discussed. At this stage priority should be given to reformulate ways Committees convene, quality and coherence of participants with the issue being discussed, decision making process, etc.

Question 7.2: Should the participation by observers to relevant GFCM Sessions and, more generally speaking, to the work of the Commission be further enhanced?

We agree with the comment from Malta

Question 8.1: In the event of disputes on the application/interpretation of the GFCM Agreement, could dispute settlement provisions in Part VIII of UN Fish Stocks Agreement represent a viable solution? Or is article XVII of the GFCM Agreement prove adequate?

Article XVII of GFCM Agreement (Interpretation and Settlement of Disputes) does not seem to allow for an effective dispute settlement. GFCM Agreement should therefore to be amended following the advice of the performance review and reflect the requirements of the UN Fish Stocks Agreement". Dispute settlements forum could also be found in a new Compliance Committee to be formed with internal and external participants giving to the Commission the power to enforce dispute resolutions.

Question 9.1: Should the GFCM take steps so that cooperating status can be granted to non-Members? If Y, how? And what non-Members could benefit from such a status?

Whenever a non Member State meets the criteria for obtaining cooperating status it should obtain such status

Lebanon

Question 1.1: Should GFCM objectives been reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

The scope of GFCM needs to be broadened to encompass new issues particularly the environmental issues. The scope should not be limited to fisheries, but rather clearly indicate the other activities that affect fisheries. This is becoming increasingly important in the Eastern Mediterranean, whereby the member states are jumping into claiming their EEZ due to high prospects of oil and gas exploration that in themselves might have a detrimental effect on the environment. This new trend is causing some members to explore even inside FRAs. The recommendations to establish these FRAs are not decisive in preventing harmful effect the habitat conservation and the scope of GFCM might seem limited to fisheries activities; thus, the role of GFCM/Compliance Committee seem limited due to restricted scope. Thus, the scope should be broadened to include preserving the environments against external man-made jeopardizing activities. The GFCM scope should be also broadened to include capability to impose sanctions on non complying parties. This might entail giving GFCM more "policing" or MC powers requiring more staff.

Question 1.3: Could the GFCM mandate be strengthened to improve the management framework relating to interactions among capture fisheries, aquaculture and other human activities in the GFCM area? Could the GFCM address marine spatial planning considerations?

IMP is the new buzz word nowadays. GFCM should be abreast of these new trends and initiatives, thus, should address and embrace such issues or else these will be left to other organizations to fill this gap and hence GFCM will be a lag behind in this respect.

Question 3.2: Could technical assistance mechanisms contribute to improve the management of fisheries in the GFCM area? If yes, what mechanisms could be envisaged to provide technical assistance to States Parties?

Technical assistance is not a luxury, but rather a need. GFCM should have the mandate and means to extend assistance to needing parties particularly the developing countries. GFCM cannot continue relying on regional projects to take care of this aspect, but should be able to take initiative in this regard.

Question 5.1: How should the GFCM follow up on infringements when instances of non compliance are reported? Please indicate what kind of actions/measures/tools could prove particularly effective to improve compliance and enforcement.

GFCM Agreement should be amended so as greater power is given to the Secretariat to follow up on infringements. GFCM should operate a Mediterranean-wide VMS system that enables it to globally monitor vessels. This will allow GFCM to act promptly to stop the infringements. This will necessitate that all vessels in the Mediterranean be equipped with VMS and that GFCM have enough resources to operate around-the-clock a surveillance system .

Question 5.4: Do you think that in the event of conflicts in connection with fishing activities the GFCM, particularly through its Compliance Committee, could have a role to perform so to assist relevant States Parties?

Compliance Committee cannot present, at this stage, a very viable means in conflict resolution. This is particularly because; it does not convene regularly and does not have the implementation capability or arm. Thus, having a more-or-less a committee that van meet whenever the need arises (electronic and other communication means are less effective in conflict resolution cases) is recommended if the mandate of Compliance Committee is amended to allow it to promptly take decisive action when the need arises.

Question 5.5: Could a strengthening of the use of VMS prove to be a useful tool in the fight against IUU fishing? Please suggest in particular how the use of VMS in support of MCS activities could be improved.

A Mediterranean-wide control station should be set up at GFCM HQ and is operated 24/7 by qualified staff. It should be able to monitor the whole Mediterranean and Black Seas. This will in turn

decrease the setup costs for particularly the developing countries that are facing technical and financial constraints. Furthermore, GFCM could better negotiate satellite tracking rates for the whole GFCM Area. Moreover, better rates for VMS units could be also negotiated by GFCM that will considerably decrease the installation costs on member states.

Question 7.2: Should the participation by observers to relevant GFCM Sessions and, more generally speaking, to the work of the Commission be further enhanced?

There have been an increasing number of observers at different meeting levels during the past years. The presence of these observers did not prove, to me, to be of much added value. Thus, encouraging further presence/participation of observers at meetings does not seem to be extra beneficial. However, there participation at lower level technical meetings is definitely beneficial for exchange of ideas and experiences. Moreover, GFCM is in the process of having MoU with a number of external entities which might be fruitful in the future.

Question 8.1: In the event of disputes on the application/interpretation of the GFCM Agreement, could dispute settlement provisions in Part VIII of UN Fish Stocks Agreement represent a viable solution? Or is article XVII of the GFCM Agreement prove adequate?

Since some member states might not be party to UFSA or UNCLOS, then the best viable means is amending the Agreement to give Compliance Committee more power in dispute resolution. It will be an in-house means to settle problems rather than going to external entities.

Malta

Question 1.1: Should GFCM objectives been reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

GFCM objectives should be updated to include concepts such as the ecosystem approach to fisheries management (EAFM). EAFM considers three main pillars as the basis of sustainable fisheries management: ecological sustainability, economic profitability and social equity. Governance of fisheries in the Mediterranean can only be efficiently improved if the relevant tradeoffs between these three pillars are analysed and addressed. The practical implementation of EAFM should thus be a central objective of GFCM and as such environmental objectives should indeed be among those of the GFCM.

Question 1.3: Could the GFCM mandate be strengthened to improve the management framework relating to interactions among capture fisheries, aquaculture and other human activities in the GFCM area? Could the GFCM address marine spatial planning considerations?

Ultimately the capacity of marine ecosystems to sustain fisheries, aquaculture and other services as the basis of human livelihoods across the Mediterranean depends on the impacts of all human activities, not just fisheries. The application of an ecosystem approach to fisheries management, i.e. extending the conventional principle of sustainable fisheries development to cover the interactions among different societal objectives and different ecosystem components is thus vital. Marine spatial planning is practical tool which managers can use to address such considerations. As such it may indeed be worthwhile for GFCM to address marine spatial planning considerations.

Question 2.1: According to you, are current geographical subregions (GSAs) of the GFCM area appropriate for data collection and stock assessment supporting management advice in the GFCM context? If N, provide alternatives/indications that could be considered.

The current geographical sub-regions are not based on biological or ecological considerations of stock structure and do not reflect fishing patterns. As such they are not ideal subdivisions for data collection or stock assessment purposes. Any recommendation for change would need to be based on a consideration of a range of factors, in particular stock connectivity patterns (based on analyses of similarity trends in biological parameters / population genetics of relevant species) and oceanographic factors. Since different subdivisions may be appropriate for different fisheries and target species, a more flexible system with smaller subdivisions may be most appropriate. Through VMS and electronic catch reporting systems there is ample scope to improve current data collection and data reporting systems. However the practical aspects and financial implications of improving data collection across the Mediterranean would need to be very well investigated before any attempt at redesigning the current GSAs is made.

Question 2.3: How could the applicability of the concept of LME (Large Marine Ecosystem) contribute to improve ecosystem based management and to enhance collaborative approaches to fisheries resources in the GFCM area?

The Large Marine Ecosystem concept could be used as a tool for enhancing ecosystem based management since it promotes the notion of ecologically bounded systems, which by definition are transnational. Resource degradation can only be addressed by aiming at improving the status of the entire ecosystem, and only an international management body such as GFCM is ultimately in a position to attempt a reconciliation of the needs of individual nations with those of the entire community of nations. However the practical implementation of such a concept is by far more challenging than outlining its theoretical merits. As such an initial focus on the implementation of an ecosystem based approach to management and marine spatial management principles (with the ultimate aim of applying the LME concept) may be the most advisable approach.

Question 3.1: Do you think that initiating a regional allocation process to regulate the amount of total catch and fishing effort in the GFCM area is required? If yes, what kind of approaches should be taken for the GFCM to make progress on this matter?

A regional progress to regulate fishing effort could involve a number of technical measures e.g. limiting total days at sea, the implementation of closed areas and seasons. Since fisheries management measures will ultimately only be effective if implemented and controlled by all jurisdictions targeting stocks in a region, an allocation process mediated by GFCM could indeed be useful. However more research on the most appropriate measures would be required. Progress on this aspect could be made under the auspices of the FAO regional projects. Total catch limitations on the other hand are very difficult to implement in the Mediterranean due to the artisanal, mixed nature of Mediterranean fisheries: this is only an efficient solution for a small number of select stocks / fishing techniques. For either measure regulation and implementation should be uniform throughout the Mediterranean.

Question 3.2: Could technical assistance mechanisms contribute to improve the management of fisheries in the GFCM area? If yes, what mechanisms could be envisaged to provide technical assistance to States Parties?

Yes. Technical assistance is most important in the fields of harmonisation of inspection and control measures and joint training. Such training is already carried out between EU countries, however there seems to be little contribution between Control Authorities of different jurisdictions to date. Furthermore the GFCM may strengthen its role in the implementation of management plans, training, control and research.

Question 4.2: In light of the growing importance of the aquaculture sector and of the ongoing international focus on its regulation, how is it possible to ensure that the works by the CAQ will adequately respond to the needs of States Parties?

It is always stressed and it is always important that every state party attends the CAQ meetings in the interest of the country. It is also important that some stakeholders such as the Federation of European Aquaculture Producers or other related bodies or associations are invited to participate. At the end of the day, it is up to the country concerned to voice their opinion and concerns.

Question 5.1: How should the GFCM follow up on infringements when instances of non compliance are reported? Please indicate what kind of actions/measures/tools could prove particularly effective to improve compliance and enforcement.

The GFCM should communicate with its State Parties to ensure follow up on infringements in order that the required sanctions and deterrents are applied.

Question 5.2: Please identify priorities to improve compliance and enforcement with relevant GFCM conservation and management measures, including in relation to flag State and port State responsibilities (e.g. boarding, inspections, etc.).

The GFCM should gain experience from successful management methods and apply them to its jurisdiction by taking account of the regional specificities of the Mediterranean. The organisation of joint inspections may assist in the sharing of competence and achieving a harmonised approach to fisheries control.

Question 5.3: Could the adoption of market-related measures in relation to IUU fishing by States Parties and non-Members constitute an appropriate follow up action to elicit compliance? If Y, propose actions/mechanisms that could be worthy of consideration.

Market-related measures are an important tool in controlling IUU fisheries and the market which fuels such practices. The strengthening of the GFCM and the inclusion of third countries in fisheries management are essential components in ensuring fair market opportunities and a level-playing field for all stakeholders. It is only after this strategy comes to fruition that the benefits of the tremendous efforts of a small country like Malta would be tangible to the sector. The existing network of bilateral agreements should be strengthened in order to help maintain sustainability in third countries and improve transparency.

Question 5.4: Do you think that in the event of conflicts in connection with fishing activities the GFCM, particularly through its Compliance Committee, could have a role to perform so to assist relevant States Parties?

The role of the GFCM may be strengthened to promote harmonisation of fisheries management across the Mediterranean. The GFCM should particularly ensure that an adequate legal framework is available in State Parties to allow them to follow up on IUU infringements.

Question 5.5: Could a strengthening of the use of VMS prove to be a useful tool in the fight against IUU fishing? Please suggest in particular how the use of VMS in support of MCS activities could be improved.

Yes. The combination of VMS with additional technologies may enhance enforcement. Such technologies may combine verification of positions with records obtained from logbooks, and cross check with GPRS, VDS and others. It is pertinent to note that such resources may not be accessible to all GFCM member countries due to financial or legislative restrictions.

Question 7.2: Should the participation by observers to relevant GFCM Sessions and, more generally speaking, to the work of the Commission be further enhanced?

Participation by observers may assist in the enhancement of transparency. The participation of external experts, NGOs and stakeholders may provide fruitful input to the discussions being held during GFCM Sessions, especially at lower level technical meetings

Question 8.1: In the event of disputes on the application/interpretation of the GFCM Agreement, could dispute settlement provisions in Part VIII of UN Fish Stocks Agreement represent a viable solution? Or is article XVII of the GFCM Agreement prove adequate?

States should have the obligation to settle their disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. Therefore, dispute settlement provisions in Part VIII of UN Fish Stocks Agreement may represent a viable solution

Monaco

Question 6.1: Based on discussions occurred at the 35th Session of the GFCM, do you think it would be appropriate to reconsider financial regulations so to address the current scale of contributions?

Comme vous le savez, la Commission générale des pêches pour la Méditerranée a abordé, lors de sa 35ème Session (Rome 9 au 14 mai 2011), la question des contributions obligatoires des Etats parties au budget de la C.G.P.M. Conformément aux chiffres publiés récemment par la Banque mondiale, le PIB de Monaco a dépassé la barre des 5 milliards de dollars en 2009, pour atteindre 6 108 770 906 USD. Or il faut noter que cette hausse est essentiellement le résultat de la valorisation de l'euro par rapport au dollar. En effet, le PIB de Monaco était de 4.492.737.000 euros en 2008 et 4.002.694.00 euros en 2009. Dans le cadre de la CGPM, la règle du PIB/capita s'appliquerait alors à Monaco qui se verrait intégrée dans la catégorie 20. Le montant de sa contribution obligatoire passerait ainsi de 7 062 USD en 2010 à 84 680 USD en 2011, soit une augmentation de 1100%. Elle serait ainsi équivalente aux contributions versées par les grands Etats membres. La Principauté de Monaco accorde une grande importance au bon fonctionnement, à la pérennité et au rôle de la C.G.P.M. Monaco assumera sa contribution au budget de cette institution, mais dans des proportions correspondantes à son statut. A cet égard, la Principauté souhaite aboutir à une solution rapide au problème de l'augmentation excessive de sa contribution financière. Le Gouvernement de la Principauté de Monaco réitère sa proposition faite au Secrétariat ainsi qu'à tous les membres lors de la 35ème Session de la C.G.P.M. Pour mémoire, cette proposition consistait à : 1) inscrire à l'ordre du jour des travaux de la 35ème Commission générale des pêches pour la Méditerranée un point relatif à la révision du Règlement financier de la C.G.P.M.; 2) présenter un amendement au Règlement financier de la C.G.P.M., conformément à l'article VII dudit Règlement. Concrètement, la proposition du Gouvernement monégasque consiste à relever le plafond de 5 milliards à 8 milliards de dollars. Monaco demeurerait le seul Etat membre de la C.G.P.M. dont le PIB serait inférieur à ce montant. Ainsi, l'appendice du Règlement financier, paragraphe intitulé « Quantification des facteurs » serait modifiée comme suit : « aussi longtemps que le PIB annuel demeurera inférieur à 8 milliards de dollars EU ».

Slovenia

Question 1.1: Should GFCM objectives been reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

Slovenia feels that a key task for the GFCM in the future should be collection of fisheries data and the definition of appropriate data collection policies. In this respect, workshops could be organised to enable GFCM Member States to exchange good practices, knowledge and information. We should work together on the quality of data and information systems. The GFCM should thus represent a hub for efficient and co-ordinated data collection on the sub-regional and regional levels.

Question 1.3: Could the GFCM mandate be strengthened to improve the management framework relating to interactions among capture fisheries, aquaculture and other human activities in the GFCM area? Could the GFCM address marine spatial planning considerations?

Slovenia feels that it would be beneficial if the GFCM became part of the processes concerning marine spatial planning, particularly from the perspective of supporting sustainable development of fisheries. At the same time, it should be borne in mind that marine spatial planning is already being addressed as a key question within other fora and processes; the GFCM could devote more attention to these fora and processes. This assessment also holds for question 4.1 on the sustainable development of aquaculture.

Question 3.1: Do you think that initiating a regional allocation process to regulate the amount of total catch and fishing effort in the GFCM area is required? If yes, what kind of approaches should be taken for the GFCM to make progress on this matter?

Slovenia supports a regional and sub-regional approach in the preparation of fisheries management plans. It is questionable whether total catches should be regulated, considering the experience from the EU Common Fisheries Policy.

Question 6.1: Based on discussions occurred at the 35th Session of the GFCM, do you think it would be appropriate to reconsider financial regulations so to address the current scale of contributions?

Slovenia supports a discussion on financial regulations so as to address the current scale of contributions; however, such a discussion should not lead towards any increase in contributions of individual Member States, particularly in the light of current economic crisis.

Question 9.2: Should the GFCM participate more to the works/activities of other international organizations which are relevant to the goals of the GFCM? If Y, should the GFCM consider findings/recommendations by these organizations and how (e.g. MoU)?

Slovenia feels that this could be beneficial, however, it should not lead to any additional financial burdens for the GFCM and/ or its Member States.

Spain

Question 1.1: Should GFCM objectives been reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

Article III of GFCM Agreement already establishes as its objective the conservation of live marine resources in the GFCM Area. We understand that there are already other international organisations that have under its remit environmental issues within the Mediterranean, such as Barcelona Convention or ACCOBAMS. Of course, this is not binding to strengthen the GFCM Agreement taking into account the environmental issues linked to the fisheries resources exploitation, especially the ones related to the protection of vulnerable marine ecosystems or collateral effects of fishing and aquaculture activities. More value should also be given to the ecosystem approach and the inter-relation of the different fisheries under GFCM Area. As stated in the Performance Review report, the Agreement would also need an updating regarding objectives and functions, as well as the introduction of appropriate definitions, according to the latest international instruments adopted related to fisheries management.

Question 1.2: How should the Task Force address the qualification of the terms identified in the ToRs of the Task Force, (see background information), and what kind of indicators should be developed to asses policies and strategies relating to these terms?

Before we can set reference points or define levels of exploitation and its relevance to the objectives of GFCM, it is necessary to conduct a comprehensive work by the SAC as to the definition of biological units present in the regulated area. Having established this, we should clearly define what is meant by sustainable use and which models of sustainability we want to develop within the GFCM. We understand that it should not be restricted only to find the maximum sustainable yield of resources since this is just one of the several scenarios of sustainable exploitation available and therefore it should be set as a desirable goal for all resources and not as a obligation, especially in multi-species fisheries where achieving MSY for all stocks may be impossible. As indicators of sustainable fisheries there should be set as reference points for

most of the stocks values of Blim and Bpa, so that fisheries are exploited at higher values of Bpa and never under Blim. The measures adopted within the GFCM should aim to find a balance between the biological component measured as exploitation at safe levels (stocks above Bpa) and socio-economic components, so that the aim of reaching MSY does not undermine economic activity and the loss of activity, subject to compliance with the above principle. As for the term in use of the ecosystem approach, we think that there should be more work to be done in the field of defining fishing strategies for cases of multi-species fisheries in which it makes little sense setting standards for a single stock when it is exploited in conjunction with many others.

Question 1.3: Could the GFCM mandate be strengthened to improve the management framework relating to interactions among capture fisheries, aquaculture and other human activities in the GFCM area? Could the GFCM address marine spatial planning considerations?

The mandate of the GFCM should recommend greater involvement in the cooperation with other organisms that affect the uses of the Mediterranean and not try to convert a Fisheries Regional Organization into an organization that has to discuss planning of the uses within the Mediterranean. GFCM goals should remain the promotion of sustainable fisheries and aquaculture, and should seek the cooperation of other organisms in this task.

Question 2.1: According to you, are current geographical subregions (GSAs) of the GFCM area appropriate for data collection and stock assessment supporting management advice in the GFCM context? If N, provide alternatives/indications that could be considered.

GSA divisions were made taking into account as much as possible basins characteristics, their oceanographic characteristics and sea-bottom morphology which could host specific resources, as well as geopolitical reasons, also taking into account existing FAO divisions. The current division of GFCM area in GSAs allows to obtaining statistical information on capacity, catches and fishing effort, among others. The definition of appropriate assessment/fisheries management areas may be different depending on the stock considered, which requires different kinds of studies to determine the degree of connectivity between ecosystems or divisions. These works should be undertaken within the scope of SAC, which should propose new GSAs based on available scientific information.

Question 2.2: What fish stocks would deserve particular conservative efforts in the short/medium/long term by the GFCM and why?

Since ICCAT is already doing an excellent job in the assessment and management of stocks of highly migratory large pelagic species, GFCM should focus all its effort in the demersal stocks and small pelagic species. It is true that attempting to cover all of them is a very complex task and therefore efforts should be concentrated on those species that pose a greater contribution from the socioeconomic point of view, as the stocks listed in the GFCM list of priority species. Coordination works with ICCAT in regard to the interaction between small pelagic/large migratory pelagic species should be strengthened, regarding their relationship prey/predator and their ecological relationships in terms of management, avoiding duplication of work in relation, for example, to the request of data on large pelagic species that are already provided to ICCAT.

Question 2.3: How could the applicability of the concept of LME (Large Marine Ecosystem) contribute to improve ecosystem based management and to enhance collaborative approaches to fisheries resources in the GFCM area?

The application of the LME concept in the case of GFCM requires greater coordination of their works with the ones developed by other organisms involved in other activities within the Mediterranean. The GFCM should design a strategy on which are the risks for fishing, aquaculture and conservation of living marine resources in the Mediterranean and establish close cooperation with the organisms that regulate potentially harmful activities such as maritime traffic, obtaining energies in the marine environment or pollution.

Question 3.1: Do you think that initiating a regional allocation process to regulate the amount of total catch and fishing effort in the GFCM area is required? If yes, what kind of approaches should be taken for the GFCM to make progress on this matter?

The fisheries management system using TACs and quotas needs for proper operation of a heavy control system. It is not either very useful when it is applied to artisanal and multi-species fisheries as it is the case for the majority of Mediterranean fisheries. If control measures are not adequately applied they can lead to overfishing and loss of data that are vital for a proper stock assessment and monitoring of fishing activity. The new vessel monitoring systems by satellite or radio, allow to achieve a fishing effort based management of high quality. It is true that establishing guidance capture limits would allow to distribute the maximum amounts among different countries to calculate the effort each one could develop and adapt the levels each year, mainly in regard to shared stocks. Moreover, a TAC and quota system would not be feasible in developing countries, with lower capacity to control the activity of its fleet, taking into account that there are currently many ports and landing sites, which greatly hamper the control of catches.

Question 3.2: Could technical assistance mechanisms contribute to improve the management of fisheries in the GFCM area? If yes, what mechanisms could be envisaged to provide technical assistance to States Parties?

Any technical assistance mechanism is useful and could help to improve the issue and functioning of the GFCM and its member countries. Nevertheless, we have to keep in mind the costs involved and the need of planning. These assistance mechanisms should only be planned when external funding is assured.

Question 4.1: Do you think that the mandate of the GFCM could be broadened in a manner that allows States Parties to pursue sustainable aquaculture in the GFCM area more effectively?

Improving all aspects relating to aquaculture in the Mediterranean will certainly contribute to a better supply of quality fish: in addition, if this is done properly it will ensure that the activity does not have a negative effect on the environment. All support to a better management of aquaculture in the Mediterranean will be beneficial and therefore GFCM should move forward in this regard.

Question 4.2: In light of the growing importance of the aquaculture sector and of the ongoing international focus on its regulation, how is it possible to ensure that the works by the CAQ will adequately respond to the needs of States Parties?

As mentioned in the previous question, all steps aimed at reinforcing the management measures towards a more sustainable and higher quality aquaculture in the framework of the GFCM should be supported. In this regard, organization and functions of the CAQ and its working groups should be reviewed for them to adapt to the growing importance of aquaculture and its interactions with other uses (capture fisheries, environment, integrated management of coastal areas ...).

Question 5.1: How should the GFCM follow up on infringements when instances of non compliance are reported? Please indicate what kind of actions/measures/tools could prove particularly effective to improve compliance and enforcement.

GFCM should adopt a monitoring and activity control system in a similar way as other RFMOs. Although a positive list for larger vessels has already been established, and recommendations on IUU vessels and port State control measures that prevent these vessels from operating within the Mediterranean area have been adopted, appropriate monitoring and control measures are necessary to allow full implementation.

Question 5.2: Please identify priorities to improve compliance and enforcement with relevant GFCM conservation and management measures, including in relation to flag State and port State responsibilities (e.g. boarding, inspections, etc.).

The new legal framework for the GFCM should contain measures and provisions on the obligations of flag states over their vessels for the Organization to carry out its tasks accurately in terms of eradication of IUU fishing. An important point is the responsibility of the parties to enforce the rules agreed within the GFCM to their nationals. Efforts should also be made towards clearly establishing the obligations of parties to control their vessels by satellite systems, at least for those of larger size, and establishing mechanisms for coordination between them and the Secretariat of the GFCM. For certain shared stocks by several countries it could be possible to establish the obligation to report the positions of vessels in real time to the GFCM to

ensure compliance with the measures adopted. The role of GFCM as guarantor of Port State control measures should be strengthened by the parties, particularly with regard to combating IUU fishing, cooperating in this issue with other RFMOs.

Question 5.3: Could the adoption of market-related measures in relation to IUU fishing by States Parties and non-Members constitute an appropriate follow up action to elicit compliance? If Y, propose actions/mechanisms that could be worthy of consideration.

The adoption of coercive market measures has emerged as one of the best tools to force compliance with the measures adopted within RFMOs and as an effective tool in combating IUU fishing. The GFCM should be provided with the possibility of establishing mechanisms for limiting the market when circumstances require it and non-compliance by some party may be verified.

Question 5.4: Do you think that in the event of conflicts in connection with fishing activities the GFCM, particularly through its Compliance Committee, could have a role to perform so to assist relevant States Parties?

We understand that GFCM should not act in cases of conflicts between parties, doing so just as a mere interpreter of the measures taken under its remit and interpretation of the way in which recommendations must be fulfilled, although in cases of doubt the issue should be put forward to the plenary for its interpretation.

Question 5.5: Could a strengthening of the use of VMS prove to be a useful tool in the fight against IUU fishing? Please suggest in particular how the use of VMS in support of MCS activities could be improved.

The use of VMS is especially helpful to control vessels operating in a legal way and is more complex as a tool to control IUU fishing vessels. It may be an additional tool for surveillance at sea, but mostly it is a useful tool to know the patterns of activity of the fleet and the effective fishing time of each vessel.

Question 6.1: Based on discussions occurred at the 35th Session of the GFCM, do you think it would be appropriate to reconsider financial regulations so to address the current scale of contributions?

As stated in the Performance Review, a financial audit of the GFCM should lead to different options to discuss a possible revision of the financial framework and the impact and added value of possible activities and extra-budgetary alternative financing mechanisms.

Question 7.1: Do you think that GFCM committees (especially SAC and CAQ), could perform decision-making functions in a more autonomous/rapid manner without necessarily relying on annual GFCM Sessions? Could this lead to biannual meetings of the Commission?

Although it could seem appropriate a more autonomous system of both committees, we think that decisions must be taken in the annual meeting of the GFCM, within a global context, and that it should maintain its annual meeting. Since the budget is adopted on an annual basis too, holding bi-annual sessions would involve substantial changes in the procedures of the GFCM.

Question 7.2: Should the participation by observers to relevant GFCM Sessions and, more generally speaking, to the work of the Commission be further enhanced?

The participation of NGOs as observers has proven to be a valid instrument for improving the work of the RFMOs. However, we believe that it should be clearly defined who can access as an observer and the mechanisms to express their positions, giving clear deadlines for this.

Question 8.1: In the event of disputes on the application/interpretation of the GFCM Agreement, could dispute settlement provisions in Part VIII of UN Fish Stocks Agreement represent a viable solution? Or is article XVII of the GFCM Agreement prove adequate?

In line with the answers to this question by other GFCM members, a review of existing mechanisms in other RFMOs and international instruments should be made in order to see the most appropriate one for the GFCM.

Question 9.1: Should the GFCM take steps so that cooperating status can be granted to non-Members? If Y, how? And what non-Members could benefit from such a status?

Any measure of cooperation that promotes sustainable management within the GFCM area with non-Member states, particularly in the case of shared stocks, is beneficial for the whole GFCM Area.

Question 9.2: Should the GFCM participate more to the works/activities of other international organizations which are relevant to the goals of the GFCM? If Y, should the GFCM consider findings/recommendations by these organizations and how (e.g. MoU)?

We think that GFCM should focus on undertaking the mandated areas and dedicate just the time required to evaluate agreements reached by other international organizations. Only in special cases in which decisions may affect directly the work carried out by the GFCM, it should attend those meetings. An increased coordination with other RFMOs and international organizations could solve this less participation.

Turkey

Question 1.1: Should GFCM objectives been reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

I believe that the recommendations made by the panel are of crucial and requires remedial actions, i.e updating of the Agreement taking into consideration today's fisheries objectives. More importantly the panel ads that the Agreement does not constitute a legal basis for certain objectives of importance. That is why, the updating of the Agreement needs to be considered seriously, as a part of the possible general updating of the text. If done so, we would have a better structuring by having an individual article both for functions and objectives of the GFCM, as the existing Article III (Functions) indicates both functions and purposes of the GFCM. The utmost objective of today's modern fisheries management has been the "sustainable exploitation of conservation of fisheries resources". The Agreement somehow reflects this basic overriding objective but referring to also development issues. As indicated precisely by the panel analysis, the "development" approach, in particular with reference to the aquaculture requires further revision. There are many general objectives set for fisheries which can be grouped into 3 classes: (1) Ecological/biological (conservation of fish stocks, conservation of biological resources, aquatic ecosystems and habitats; protection of a particular type of fisheries, reduction of overfishing capacity, etc). (2) economic (economic maximization, cost-effectiveness, allocation of resources, (3) social (equity objectives: employment and income generation, etc). In the updating of the objectives, it seems that the ecosystem approach to fisheries and precautionary approach principle needs to be translated into the Agreement, instead of specification of a long list of objectives.

Question 1.2: How should the Task Force address the qualification of the terms identified in the ToRs of the Task Force, (see background information), and what kind of indicators should be developed to asses policies and strategies relating to these terms?

The first two terms "sustainable exploration" and "sustainable aquaculture production" are the main terms used in definition of the purpose of the GFCM. Suggestions made by the performance review regarding how these terms are used and understood in the Agreement needs to be taken into consideration. However, I see it useful to reflect the remaining two terms, namely precautionary and ecosystem approach to fisheries (EAF) into the agreement. I personally believe that the preamble section of the Agreement provides a good opportunity to reflect such approaches and the main of pillars of the EAF, i.e biological-ecologic, economic and social considerations. (By the way I think that the preamble part of the Agreement needs a comprehensive revision). It goes without saying that the operational section of the Agreement also should address accordingly these approaches. Referring to these considerations would help in establishment of indicators in the operational section. However, in the Agreement text, in making reference to biological/ecological, social and economic indicators there would be difficulties because of the multitude of indicators for each consideration. For example, in the case of ecological indicators we have many indicators groups. An example: species-related indicators (species biomass, composition, abundance, richness, total catch-landings-average age and size ...). Assessment of policy against indicators would help us in improved management, use and conservation of resources but for such a assessment we really need fisheries data, historical data sets and routine assessments.

Question 3.2: Could technical assistance mechanisms contribute to improve the management of fisheries in the GFCM area? If yes, what mechanisms could be envisaged to provide technical assistance to States Parties?

I think that GFCM would play a very active role in providing technical backstopping support to developing countries, preferably within a timetabled working programme set based on regional or sub-regional priorities. I strongly believe that working under a prioritized work programme of the Commission would be more beneficial. Such a work programme would have more contributions from possible donors and provide required technical assistance.

Question 6.1: Based on discussions occurred at the 35th Session of the GFCM, do you think it would be appropriate to reconsider financial regulations so to address the current scale of contributions?

For me, in the determination of scale of contributions the first concern should be the possible budgetary burden to developing countries. The current scale in this regards seems to be fine. The level of burden will be more severe for those GFCM Members who are both a developing country and has a large fish production volume. However in imposing a new scale there would be a dilemma in terms of balancing or weighing the scale for these countries considering the fact that we have only 3 components for fixing the scale, namely basic Membership fee, wealth and catch volume. However, re-formulation of the scale can be submitted to Commission for discussion.

Question 7.1: Do you think that GFCM committees (especially SAC and CAQ), could perform decision-making functions in a more autonomous/rapid manner without necessarily relying on annual GFCM Sessions? Could this lead to biannual meetings of the Commission?

CAQ is a relatively a new sub-body of the GFCM. Therefore, the CAQ would have more functional structuring in future, building on the experience to be gained. Under the current mechanism, the CAQ is generally revising, at its annual sessions, the reported status of compliance for respective management and conservation of recommendations of the Commission. Strengthening the role of the CAQ by giving it a more autonomous structuring would be beneficial for delivering the outputs in an effective way. As far as I know, a number of RFMOs has a compliance body composed of independent, non-government representatives. Such an independent/autonomous identity would be a long-term alternative structuring. For short to medium term focus would be placed on the first development and implementation of a mechanism for strengthened compliance. The mechanism should lead to a re-structuring where the Committee has more autonomous power and where it is more critical. Currently work of the CAQ is only limited to the short review that it makes at its annual session which is held back-to-back with the GFCM Session. I personally do not know any issue that had been handled by the CAQ between two sessions. Pending compliance issues and some hot issues (i.e. reported IUU fishing issues, black lists, ...) would be handled by the CAQ between a completed session and the one following it. International fisheries instrument gives many responsibilities to RFMOs. For example the most recent instrument, FAO Port State Agreement to prevent, deter and eliminate IUU fishing requires collaboration, among others, from RFMOs. In this context, the CAQ would also question such compliance likely issues. I believe that, the current working pattern, approach and work burden of the CAQ do not require conveying of biannual sessions. Now some words on SAC...I think that the SAC is advancing towards a right way. For my part, the bottom-up type structuring of the SAC would be an issue that would be subject to a revision for a more improved functionality. Apparently, the Commission has some difficulties in amending/re-shaping of any recommendation send to it by its sub-committees. This, however, can be considered as an enabling structuring for independence considering the fact that the SAC annual session, among others, brings together the representatives of Member States. Therefore I believe that sub-committees have more autonomy compared to the SAC. The SAQ would refer some directions or prioritized issues to its sub-committees, other than the issues that have been transferred to it by the Commission.

Question 7.2: Should the participation by observers to relevant GFCM Sessions and, more generally speaking, to the work of the Commission be further enhanced?

I believe that, observer participation would be more beneficial in the cases where a more working partnership is established at organizational levels. The current observer participation could be improved for having more feedbacks, contributions and recommendations from observers and NGOs. We have enabling conditions and tradition for such partnership and can create a more improved structure even at working

level. On the other hand GFCM, as an observer organization, joins some interrelated work of several organizations. In this context, Commission would be more informed on the results of such events.

Question 8.1: In the event of disputes on the application/interpretation of the GFCM Agreement, could dispute settlement provisions in Part VIII of UN Fish Stocks Agreement represent a viable solution? Or is article XVII of the GFCM Agreement prove adequate?

The dispute settlement mechanisms set by the GFCM Agreement is generally based on the principles of UNCLOS: a peaceful dispute settlement process (through an internal Committee to be formed) and, in cases where the dispute is not settled, a compulsory judicial/arbitral dispute settlement mechanism. However, the Article XVII of GFCM Agreement (Interpretation and Settlement of Disputes) does not make a direct reference to the dispute settlement provisions of UNCLOS but sets a compulsory judicial/arbitral dispute settlement mechanism complying with the UNCLOS. The UN Fish Stock Agreement (UNFSA) is the main international fisheries instrument that creates roles for Regional Fisheries Management Organizations (RFMOs) in the fisheries management. Although the current amended GFCM Agreement for most part reflects the management and conservation principles of the UNFSA, the Agreement does not include the compulsory dispute settlement mechanism between its Members in pursuant to UNFSA. (UNFSA's dispute settlement provisions extends to non-parties of it). UNCLOS provisions are of binding nature for the Parties to it. However, the dispute settlement provisions of UNFSA can be extended to both the Parties and non-parties of the Agreement. Current fisheries conventions and regional agreements place varying type of dispute settlement provisions (peaceful, peaceful arbitral settlement by consent of respective parties, binding arbitrary, etc). As far as I know, so far no any dispute has been referred to GFCM for settlement. Several reasons can be justified for this. It should be noted that not all Members of GFCM are parties to UNCLOS and UNFSA. Furthermore, there are many international and regional conventions/agreements that are related to management and conservation of fisheries resources and apply to GFCM Area each with different type of dispute settlement tools. Furthermore the regional and international governance sometimes may be quite interlinked. For example, GFCM has a binding recommendation on port state measures to combat IUU fishing in GFCM area (Rec GFCM/2008/1). On the other hand, although not yet effective, FAO Port State Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing has been adopted recently. Under this agreement the compulsory dispute settlement is only exercised only with the consent of all Parties to the dispute. In this context, the dispute settlement mechanism set by GFCM Agreement seems to be comparatively stricter. (In the case of occurrence of a dispute of port state measure between States who are both Parties to GFCM Agreement and FAO Port State, I wonder the choice of such a Party between two options (i.e GFCM Agreement or FAO Port State Agreement) for bringing the case for dispute settlement). In short, I personally see it (politically) difficult to harmonize the GFCM Agreement with UNFSA in terms of dispute settlement due to political reasons. As noted above, not all GFCM Members are not parties to UNCLOS and UNFSA. The number of States ratifying UNFSA is comparatively low. The compulsory binding nature of this Agreement seems to be a factor limiting becoming a party to it.

Appendix B**Report of the Task Force Expert Meeting on SAC and CAQ related issues
GFCM HQs, Rome, Italy, 15-16 December 2011****INTRODUCTION**

1. The Expert Meeting, convened within the framework of the Task Force for the improvement and modernization of the General Fisheries Commission for the Mediterranean (“the Task Force”), was held at the GFCM Headquarters in Rome, Italy, on 15th and 16th December 2011. The meeting was attended by 29 experts involved in the activities of the Scientific Advisory Committee (SAC) and the Committee on Aquaculture (CAQ) and participants from FAO and the GFCM Secretariat. The Agenda and list of Participants are annexed under Appendix A and B of this report, respectively.
2. The Agenda provided for plenary sessions, otherwise the two groups of experts met independently to discuss items 3, 4 and 5, namely “Summary of past reviews, recommendations and suggested ways forward” (item 3); “Proposals to the Task Force on the options for improving and modernizing the SAC/CAQ” (item 4) and “Conclusions and recommendations on the way forward” (item 5).

OPENING OF THE MEETING

3. Mr Abdellah Srour, GFCM Executive Secretary, welcomed the participants to the new Palazzo Blumenstihl and briefly reminded the context of the meeting. He gave the floor to Mr Stefano Cataudella, Chairperson of the GFCM, who underlined the importance of the meeting of experts in providing input to the works of the Task Force. In this connection, he recalled that the Task Force was established by the Commission at its 35th session to review and prioritize the recommendations of the GFCM Performance Review for consideration at the next annual Session of the Commission. He then illustrated the progress that has been made thus far by the Task Force and invited the experts to consider ways of strengthening their respective committees to ensure that they are more compatible with the current priority issues and with the needs of the fisheries and aquaculture sectors in the Mediterranean and the Black Sea. He also referred to the value of defining strengthened mechanisms for formulating management advice for consideration by the Commission. Mr Cataudella’s address is reproduced under Appendix E of this report.

BACKGROUND AND CONTEXT OF THE MEETING**Introduction of the GFCM; Outcomes of the GFCM Performance Review; Task Force considerations towards a possible revision of the GFCM Agreement, its Rules of Procedure and Financial Regulations**

4. A plenary session of the SAC and CAQ experts was held to introduce the background and context of the meeting. Mr Nicola Ferri, GFCM legal consultant, delivered a presentation to inform participants on the process that led to the establishment of the Task Force. He reviewed the GFCM legal framework, including the GFCM Agreement, the Rules of Procedure and the Financial Regulations and presented most relevant outcomes of the GFCM Performance Review. He noted that the recommendations made by the Performance Review Panel included consideration of amendments to both the GFCM Agreement and the Rules of Procedure.
5. Mr Ferri explained the establishment and terms of reference of the Task Force. The terms of reference of the Task Force include a review of the GFCM framework which encompasses the legal and institutional components, as well as other issues relevant to the work of SAC and CAQ. In this respect, he

noted that the works of the Task Force do not involve only GFCM Members but also its Committees and the GFCM sub-regions, consistent with the scope of existing sub-regional projects.

6. Mr Roberto Emma, from the GFCM Secretariat, made a presentation on the GFCM Discussion Forum, electronic platform which was launched on 13th October 2011 in order to initiate a collaborative exchange of views among GFCM Members on topics identified on the basis of the GFCM Performance Review and the terms of reference of the Task Force; questions pertaining to each of those topics are addressed therein and supported by background documents and informative material that were included to facilitate GFCM Members in conveying their replies. He also informed that the sensitivity of the task had been taken into account through reasonable security measures to prevent and detect access from unauthorized users, including, *inter alia*, a verified registration for each participant. Mr Emma finally provided information on the current status of registration and participation to the GFCM Discussion Forum.

Overview of the process on amending the GFCM Agreement, its rules of procedure and financial regulations

7. Ms Judith Swan, GFCM Consultant, presented an overview of the procedures necessary to amend the GFCM Agreement, Rules of Procedure and Financial Regulations. She explained the procedures in detail, referring to the governing provisions in the GFCM Agreement and Rules of Procedure.

8. In summary, amendment of the GFCM Agreement requires approval by two-thirds of the Members, and proposals must be circulated in advance by the Secretary and included in the provisional agenda of the session. The amendment is effective upon adoption, except where it creates new obligations for Members in which case they must notify their acceptance in order for it to be binding on them. Whether an amendment constitutes a new obligation is determined by each Member, and then collectively by GFCM (for example, it may be financial or related to national legal requirements). All amendments must be sent to Council, after a review by the Committee on Constitutional and Legal Matters, an advisory body. FAO Council or Conference may disallow the amendment if it is inconsistent with the GFCM Agreement or FAO Constitution.

9. Amendment of the GFCM Rules of Procedure requires approval by two-thirds of the Members, and proposals must be distributed at least 24 hours before a plenary meeting and announced at the meeting. They are effective upon adoption (except for Rule XVI, relating to amendment procedures for the Agreement which is not effective until the following session of the Commission). They must not be inconsistent with the GFCM Agreement or FAO Constitution.

10. Amendment of the GFCM Financial Regulations requires approval by two-thirds of the Members, and must be consistent with the principles in the FAO Financial Regulations. The FAO Finance Committee may disallow amendments that are inconsistent with such principles. In addition, Rule XI applies the Financial Regulations to the Commission except as otherwise provided in the Rules.

Open discussion

11. In response to requests of participants to provide details about the objective of this meeting in the broader Performance Review/Task Force process, Mr Srouf explained that the final objective was to amend the GFCM Agreement and provided details on said process, including on consultations that had been envisaged to ensure its completion. He further informed participants that the GFCM Bureau had met on 14th December 2011 and decided on interactions with GFCM Members as part of the process, and that Terms of Reference were accordingly being developed. The outcomes of said meeting would also be integrated into the broader GFCM Performance Review/Task Force process.

SAC RELATED ISSUES

12. Mr. Jean-Jacques Maguire, acting as moderator of the SAC Expert Meeting, briefly reviewed elements of the GFCM Performance Review, of the Updating of the SAC Reference Frame and Medium Term Strategic Plan (2010) and of the Ad Hoc Meeting of Experts on the Independent Appraisal of the Achievements of the SAC 1999 – 2003. He noted that the objectives of the GFCM do not specifically mention sustainable use, as already highlighted by the GFCM Performance Review. He also reiterated recommendations of previous SAC reviews that stated that “*the characteristics of the GFCM Region are such that a relatively heavy scientific structure with numerous subcommittees, WGs, expert groups or other subsidiary bodies may not be appropriate*” [...] and that “*fewer subcommittees but more focused ad hoc WGs with targeted participants could encourage and foster more the multidisciplinary and multispecies approaches where GFCM could achieve real progress*”.

13. The participants agreed on the importance of addressing the objective, structure and effectiveness of SAC, particularly in view of the challenging nature of Mediterranean and Black Sea fisheries. In tackling these matters, the meeting considered: (1) General issues; (2) Weaknesses of the SAC and its subsidiary bodies; (3) Relevant questions on the GFCM Forum Discussion Questionnaire; and (4) Conclusions and recommendations for the way forward. These considerations of the experts are interrelated and described below. Past reviews of SAC, carried out in 2003 and 2010, were noted too.

1. General issues

14. In general, it was considered that the effectiveness and efficiency of the GFCM, and therefore of SAC, could be improved by incorporating elements and principles of modern international fisheries instruments.

15. At the outset, experts identified general issues of concern. Consequently, several issues were identified as affecting both the fulfillment of the SAC mandate and the efficiency of its performances, including an excessive workload caused by an excessive concentration of meetings and commitments and the limited uptake by the Commission of the advice for management measures provided by SAC.

16. The issue of limited data reporting and that of the need for reinforcing national institutions in providing data were both pointed out. Where data is provided by national institutions, no mechanism exists to monitor its use within GFCM SAC and no subsequent feedback process on quality issues is in place. Advice is provided by SAC based on, *inter alia*, such data, but few management measures are adopted by GFCM based on this advice because only GFCM Members are allowed to introduce recommendations for consideration at GFCM annual sessions. At the same time, there is no means of following up on the implementation of the recommendations on a regular basis, so as to review the effect of decisions taken by the Commission. In this regard, the relationship between SAC outputs and the Commission’s decisions could be strengthened through requiring SAC under the GFCM Agreement to perform regular reviews on the effect of adopted management measures.

17. Some experts expressed concern that data reporting requirements for Task 1 are not linked in a timely manner to stock assessment schedules to effectively support the formulation of management measures. Task 1 data are supposed to be reported for current year minus 2 while the assessments use current year minus 1.

18. Experts were strongly in favor of improving and strengthening cooperative relations and coordination with other organizations, including through the conclusion and adoption of Memoranda of Understanding (“MoU”) with partner organizations where they do not currently exist, for example (*inter alia*, with ICCAT, STECF and ICES).

19. A question was raised about whether it would be possible to include in the Rules of Procedure requirements for decision-making in subsidiary bodies. The FAO Legal Office advised that normally

subsidiary bodies are advisory in nature and make recommendations to the governing body of a statutory body for endorsement and action by its members. These recommendations are usually made once a consensus is reached on the matter within the subsidiary body. In the absence of a consensus, in some cases the Rules of Procedure stipulate that the governing body and other subsidiary bodies are informed. If a subsidiary body wishes to adopt recommendations with a qualified majority, provisions linked to this requirement would have to be envisaged in the Rules of Procedure. It was also indicated that decisions taken by the governing body of existing statutory bodies (i.e. GFCM) that have no financial, policy or programme implications for the organization, may be transmitted directly to the members of the body concerned for their consideration and action.

20. It could be also possible that explicit provisions can be made for a governing body to delegate to a subsidiary body decision-making powers; this would however be unusual and could lead to complex situations. In similar cases, a determining factor would be the mandate of the subsidiary body.

21. The GFCM objective refers to fishery development and it was noted that many countries are particularly eager to develop their artisanal fisheries. Participants suggested that improving the social and economic conditions, against the background of sustainable use, would better correspond to the objectives of modern international fisheries instruments.

22. The experts considered the development of the first GFCM Framework Programme for Sustainable Development of Fisheries and Aquaculture in the Mediterranean and the Black Sea, which has been formulated in support of the Task Force, and agreed it should be based on sustainable use, including for artisanal fisheries. This is consistent with the desire to ensure that modern principles form a basis for the works of SAC and the GFCM.

23. Extensive discussions occurred in relation to the need for a more focused approach by SAC in carrying out assessments and in this context experts noted that internationally shared and straddling stocks in particular could be considered, possibly as defined on a sub-regional basis. Although it will be necessary to define a series of areas where international problems arise, it would also be important that a more focused approach by SAC does not affect the broad mandate of GFCM over all marine living resources in the area of competence.

24. It was noted that FAO Fisheries Report No. 770 recommends that the Committee on Aquaculture (CAQ) should function as a subcommittee of SAC, because of the need for scientific advice to be provided to aquaculture. This option was also considered in the proposed recommendations for restructuring SAC, as described in paragraph 33 below.

2. Weaknesses of the SAC and its subsidiary bodies

25. The experts identified specific weaknesses of the SAC and its subsidiary bodies and jointly addressed them according to their experience and shared vision, as follows:

Data and statistics

26. The objectives of data collection need to be very clear, and there should be full consistency between data reporting and the work done by the GFCM. The following items should be addressed by the Task Force:

- Data is collected for use and advice.
- It is important to have as much information as possible on all stocks, not just those that are straddling/shared.
- There is some confusion between GSA and stock boundaries, but on the whole the current assessment units are considered to broadly correspond to biological units.
- Solutions for the timeframe of subcommittee meetings should be identified in order to ensure they are complementary, and information is provided to other relevant subcommittees in a logical and complementary manner. This weakness is further addressed below in paragraph 33.
- SAC should have a mandate to initiate scientific studies.

Training

27. The meetings of the Subcommittee on Stock Assessment and of its working group play an important role in training scientists in the GFCM area. However, this should remain a small component of stock assessment meetings and it should not become an impediment to the efficient formulation of advice to the Commission. The Task Force should hence consider how GFCM, relevant FAO regional projects, as well as other RFMOs and international organizations, could better coordinate their training activities.

SAC Programme of work

28. All participants agreed that the current number of meetings carried out during the intersessional period is too high. This results in a heavy workload that does not allow involved experts to properly allocate the necessary time and prepare on each relevant task included the works of the committee.

29. In this regard, the need to revise the list of stocks SAC is currently dealing with was raised. It was indicated that there should be a reduced number of priority stocks, ensuring that they are of interest to a relatively large number of GFCM Members. However, it was specified that the competence of GFCM over all marine living resources, as provided for in the GFCM Agreement, should be retained. It was concluded that the selection of the priority stocks should be carried out taking advantage of the existence of various FAO regional projects covering the entire region.

30. In light of the discussions, it was argued that the functioning of the Sub-Committees (SCs), and the linkages between them, should be directly addressed. The Sub-Committee on Stock Assessment (SCSA) is considered the most important one, as it performs a constant and intensive work, whose outputs should serve as the foundation for actions by the other SCs (i.e. Economic and Social Sciences, Statistics and Information, Marine Environment and Ecosystems). It was hence decided that the timeframe in which the SCs operates (along with transversal sessions and back-to-back workshops) could be expanded upon in order to bring about a more complementary approach; its structure should be accordingly regrouped, so that the meetings of sub-committees are held in a series, possibly using a two-year cycle.

Management recommendations

31. It was noted that the implementation of management plans, not mentioned in the GFCM Agreement, should be reinforced. It was recalled that currently only GFCM Members are entitled to submit recommendations to the Commission, to be considered for possible adoption during the annual session. It was suggested that this could be a limitation on the effectiveness of the outputs of the SAC.

32. All experts agreed that, taking into consideration that management plans should be based on SAC scientific advice, SAC should be empowered to make management recommendations to the Commission at its annual session. More precisely, it was suggested that the works of GFCM should be defined to require that all management recommendations relating to stocks proposed by GFCM Members must be examined during the SAC and then proposed to the annual session. In parallel, SAC management recommendations could be required to be circulated in a reasonable time in advance of the annual session when they would be considered, in order for national authorities to review and consider them.

Ecosystem approach to fisheries management ("EAF")

33. The experts considered that the EAF should have greater emphasis as a pillar for the works of SAC, mindful that the institution of marine protected areas in particular is very important tool to implement the EAF.

34. GFCM recognizes that sustainable development aims at protecting marine ecosystems and enables humans to benefit socially and economically from these ecosystems; it is therefore necessary to explicitly consider how their increased protection will affect humans and their activities. The ecosystem approach to fisheries does not necessarily imply a full understanding of the structure and the functioning of marine

ecosystems; the EAF on the other hand, as proposed by the FAO, is a pragmatic process based on assessing the risk of not meeting agreed biological, social, economic and/or institutional management objectives on the basis of existing knowledge. The EAF is about improving decision making, having the importance of ecosystems in mind, recognizing that decisions have to be made consistent with the information available as it is not possible to wait to have a complete understanding of all the processes before taking management actions.

35. The approach is essentially a risk assessment and risk management process. It recognises that the ecosystem influences fishery resources, that fishing influences the ecosystem and that the ecosystem is influenced by other human activities. This implies that in an EAF, human activities other than fishing that have an impact on the ecosystem, and therefore on fishery resources, need to be taken into account and that mechanisms exist or can be created to facilitate decision making on competing uses of marine areas.

3. Relevant questions on the GFCM Forum Discussion Questionnaire

36. Participants considered the following questions on the GFCM Discussion Forum Questionnaire. The correspondent number in the questionnaire is shown below:

1.1 GFCM objectives

37. The objectives, functions and principles of GFCM should be “modernized” and brought in line with more recent fisheries instruments. The Task Force may also wish to consider other relevant international instruments in this context, such as the Convention on Migratory Species, whose objectives may be pertinent also in the context of GFCM.

1.3 Marine spatial planning

38. Marine spatial planning is one of the activities of the future. It is recommended that GFCM management framework takes into account marine spatial planning because of its importance as a tool to implement the EAF. It was noted that GFCM has already adopted measures having considered marine spatial planning and that marine spatial planning might be an area where CAQ and SAC could work together in the future, due to the importance of marine spatial planning for aquaculture too.

2.1 GSAs

39. GSAs are generally appropriate for collecting data, but should not be used for stock assessments. GSAs are currently not intended as biological limits, and stock assessments are considered to be mostly based on biological limits. It was noted that a statistical grid has been adopted (Recommendation GFCM/35/2011/1 Annex 2) which does not perfectly match GSA boundaries but provides a defined basis for data collection and analysis. In case of needs to change GSA boundaries a process would have to be set in motion consistent with that which led to establishing the GSAs (i.e. through subcommittees, SAC and the Commission).

2.2 Priority species

40. The SAC should reassess and reduce the list of priority species and stocks. It should review shared and straddling stocks but also be able to include all available assessments from all stocks to provide integrated advice.

41. It was noted that in terms of conservation and management of fish stocks, it is clearly the responsibility of the SAC to provide advice but other taxonomic groups could also fall under the mandate of other organizations. It is important that GFCM recommendations focus on exploited species or stocks. The GFCM Agreement should be modernized so that decisions can be taken also on species related to fish stocks and that are otherwise affected by fishing activities (such as seabirds).

3.1 Regional allocation process

42. Two aspects of the allocation process will need to be strengthened: (i) to ensure that SAC may follow up on assessing the effect of relevant measures and (ii) to request the Compliance Committee to

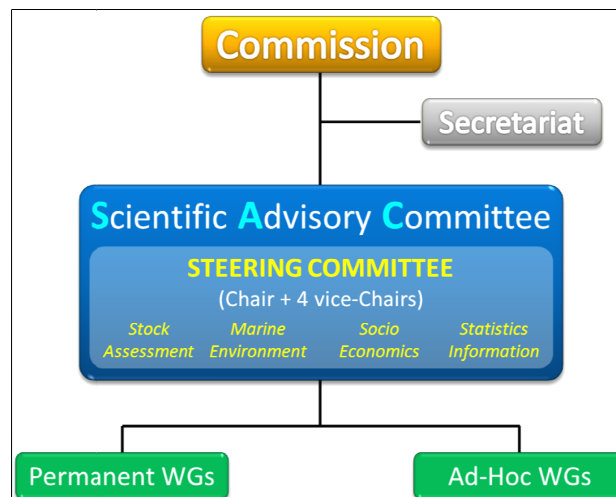
discharge control related duties in conformity with GFCM body of law. Experts agreed that the national allocation of effort for shared and straddling stocks would represent a step forward.

3.2 *Technical assistance programmes*

43. The participants considered that existing provisions on technical assistance are sufficient, and existing programmes, initiatives, and partner organizations, as well as resort to international experts, should be utilized to the extent possible.

7.1 *Decision-making functions of GFCM Committees*

44. Mindful of the heavy workload, relatively heavy structure and need for greater effectiveness and efficiency of SAC, it is recommended that the sub-committees annual meetings be cancelled and a new modus operandi be established as follows:



GFCM-SAC proposed structure

45. SAC and its current sub-committees would be consolidated through one expanded plenary meeting with designated thematic sessions. A Chair and four Vice-Chairs/coordinators would serve as a steering committee, and receive remuneration subject to the availability of funds. The thematic sessions would be on the topics currently addressed by the sub-committees. Other themes could be also considered.

46. The work programme of SAC could be arranged on the basis of a longer timeframe and/or the structure of the committee could be streamlined as indicated in the diagram.

47. The meeting agreed that the saving of time and financial resources that could be brought about by the proposed diagram would be significant, and that this diagram would also foster the integration of information and decision-making.

7.2 *Observers*

48. SAC is open to observers but their participation to relevant meetings has to be agreed within the framework of FAO.

9.2 *Work of other organizations*

49. It is important that GFCM and SAC are aware of relevant activities by other organizations which are of interest to their works and strengthen, to this end and as appropriate, cooperation and collaboration. MoU would be a useful tool to ensure partnerships and the complementarity in the respective work programmes.

4. Conclusions and recommendations for the way forward

50. The following general conclusions and recommendations were agreed by the meeting:
- a) Excessive workload over a limited time is a major problem for SAC.
 - b) Prioritize the universe: priority stocks/species list should be reviewed and reduced.
 - c) The structure and working procedures of the SAC need to be reviewed. The work could be arranged on the basis of a longer timeframe and/or the structure of the committee could be made more efficient (see paragraph 33).
 - d) Advice provided by SAC is generally not translated into binding recommendations of the Commission. SAC should be empowered to propose recommendations for direct consideration and possible adoption by the Commission.
 - e) The objectives, functions and principles of the GFCM Agreement should be modernized, in the context of sustainable use, in order to take into account ecosystem related considerations, associated species and other tools as indicated in modern international fisheries instruments. The precautionary approach should be applied.
 - f) Long term management plans should be developed for shared and straddling stocks.
 - g) EAF should be progressively implemented in the Mediterranean to manage the fisheries.
 - h) Reinforce cooperation and coordination and promote synergies between scientific organizations working in the Mediterranean and the Black Sea.
 - i) Fishing effort on shared and straddling stocks should be allocated between the countries involved in fisheries on those stocks.

CAQ RELATED ISSUES

51. At the outset of the meeting of experts of CAQ Mr Ferit Rad, acting as moderator for the CAQ Expert Meeting, reviewed the work that was done by CAQ in recent years. In particular reference was made to various documents relating to CAQ, including those on the evaluation of the committee, reports of most recent meetings (i.e. that in Santiago de Compostela) and informative papers presented to the 35th Session of the GFCM, including that on salient issues for the reorganization of CAQ). Experts agreed that the work of CAQ is of great value to the GFCM and motioned that this is recognized in the report of the meeting. With the occasion, experts noted the exponential growth in aquaculture production in the GFCM Area and consequently attached significant importance to the role that CAQ plays within the GFCM. In particular, its importance to foster sustainability as well as common heritage in terms of traditional knowledge and processes was recalled.

52. Experts also highlighted the main differences and communalities between capture fisheries and aquaculture and consequently between the SAC and CAQ, in that while the two committees are dealing with different resources, both operate within the remit of the same market and environment, contributing to and sharing the global Mediterranean and Black Sea fisheries production. The meeting addressed several issues on the basis of the recommendations by the Panel that reviewed GFCM performances as well as the Terms of Reference of the Task Force.

1. General issues

53. Experts stressed the role of CAQ as the established advisory committee of the GFCM in relation to aquaculture related issues. In this connection, it was emphasized that one of the distinctive features of GFCM is the very existence of CAQ and that, although the review of GFCM performances *inter alia* revealed that improvements can be made in the structure of CAQ, the committee needs to remain an established pillar and point of reference for GFCM in the future. Consequently, experts agreed that the Task Force should further empower CAQ thus providing to GFCM Members a more efficient subsidiary body in charge of aquaculture related issues.

54. In the examination of the *Preamble* to the *GFCM Agreement* experts concurred that the importance of sustainable aquaculture is neglected. In their view, this state of affairs might give the impression that there is an insufficient coverage of policy aspects related to aquaculture within the programme of work of the GFCM. As a precondition to any future action that could be promoted as a result of the works of the Task Force to strengthen GFCM legal framework, they therefore identified the need for a revision of the Preamble. In this connection, experts acknowledged the increasing importance of both the social and economical role that aquaculture currently plays, including for food security as a legitimate food production industry and jobs creation within the GFCM Area.

55. It was proposed that the Preamble should recognize the importance of the benefit and contribution of sustainable aquaculture to the economies of GFCM Members. In addition, whereas in the amended GFCM Agreement it would be appropriate to reflect principles and approaches to sustainable aquaculture, experts recommended that the Preamble should include references to those international and regional instruments where these principles and approaches are actually embodied.

56. In this regard, the Johannesburg Declaration on Sustainable Development of 2002, relevant FAO Committee on Fisheries (COFI) resolutions and relevant operative paragraphs of the annual United Nations General Assembly resolutions on sustainable fisheries, were, *inter alia*, singled out. Experts expressed the view that the outcomes of the Rio +20 meeting (20-22 June 2012) too, which is expected to also address aquaculture, will have to be mentioned in the Preamble of the GFCM Agreement.

57. The GFCM technical advisory committee (or subsidiary bodies) should be upgraded in order to be abreast of requests made by the Commission and of modern challenges that are to be dealt with. Considering the practice of other Regional Fisheries Management Organizations (RFMOs), experts emphasized that

GFCM subcommittees are devoid of the power to adopt recommendations. Furthermore, experts stressed the role of the technical meetings of CAQ subsidiary bodies, noting the absence of follow up actions to/scarce consideration of the indications they provide on various matters. Consequently, they were in agreement that endowing CAQ with the power to adopt recommendations would be advisable, although these recommendations would still have to be presented to the session of the Commission for endorsement. This would imply that GFCM Members eventually retain the final decision on whether or not adopting them.

58. In relation to the mandate of CAQ on the other hand, several suggestions were made by experts in view of a possible revision of GFCM legal framework. In particular, it was proposed that participants from GFCM Members with recognized expertise in aquaculture related issues are also accredited to CAQ. Also, to ensure an adequate level of expertise, it was suggested that the Bureau and the Secretariat of GFCM could make an additional effort and invite independent experts to meetings of CAQ and its working groups.

59. The proposed adjustments, as well as any other adjustment to CAQ mandate, should foster a participatory approach to governance as well as collective procedures that, similar to those that occur at national level, allow the adoption of recommendations on given issues accounting for all the varying interests at stake. The relevance of the multistakeholder approach in support to the sustainable development was also recalled by experts.

60. With regard to the functions of the Commission experts wondered if the GFCM Agreement should better reflect the work programme, in addition to the mandate, of CAQ. The basic idea that surfaced at the meeting was that a discrepancy currently exists between the present mandate of CAQ and the functions of the Commission. Departing from the recommendations made by the Panel that reviewed GFCM performances, the experts hence noted that the mandate for sustainable aquaculture should appear in the GFCM Agreement and also that the functions of the Commission should have a greater focus on aquaculture. Bearing in mind the need to avoid duplications within the remit of a possible amended GFCM Agreement, experts identified a set of functions that should appear among those performed by the Commission.

61. A few questions taken from the questionnaire relating to the works of the Task Force prepared by the GFCM Secretariat were subsequently addressed by the meeting in order to see if they could be of any relevance for the discussions. It was, *inter alia*, argued whether the concept of Large Marine Ecosystem (LME) could be employed by CAQ. Therefore, further reflection on this would be advisable.

62. Strong support was expressed in relation to the need for a more direct involvement by observers in the work of CAQ as well as for better intra-institutional coordination between GFCM and those organizations or foundations that are performing functions relating to aquaculture whose activities could be of interest to CAQ. In this connection, experts also stressed the need for the GFCM to further clarify and identify potential partnerships aiming at carrying out regional projects and programmes.

63. The meeting also examined major weaknesses and areas of improvement in relation to the structure of CAQ, with particular reference to the general policy of GFCM on aquaculture as well as to the structure of the committee. With regard to the latter topic, experts discussed in particular the mandate of the Coordinating Meeting of the Working Groups (CMWG) and its relationship with CAQ working groups.

64. The problem of funding was stressed as CAQ should have resources tantamount to its work programme. In particular, it was noted that resources would be needed to support those GFCM sub-regions where sustainable development can be fostered further through technical assistance and projects in support of aquaculture. Another problem that was noted by expert is that of the reporting relationship of existing working groups to CMWG; in this connection, it was stressed that a more sound stewardship should be supported within CAQ through CMWG for the purpose of better coordination and improved flow of information within the committee. Exchange of views also occurred in relation to the general policy of GFCM on aquaculture.

2. Weaknesses and areas of improvement relating to CAQ and its subsidiary bodies

65. Weaknesses and areas of improvement were discussed and identified by experts in view of modernizing the role of CAQ include:

- improving the level of participation of focal points to meetings of CAQ and its subsidiary bodies, bearing in mind that some of the issues addressed by CAQ are emerging ones;
- enhancing the commitment by GFCM Members in the work of CAQ through a more direct involvement of policymakers in its activities of CAQ, in particular its subsidiary bodies, as well as flexible and effective decision making procedures;
- Strengthening communication and flow of information from CAQ subsidiary bodies to GFCM Members through more dynamic communication tools, for the sake of better understanding and improved participation.
- establishing a more permanent structure within CAQ, with special reference to working groups (or sub-committees) which should be created within the framework of the committee;
- liaising with centers, institutions and universities with technical expertise relevant to the work of CAQ;
- funding and resources for CAQ to discharge its duties and meet the needs of GFCM Members;
- focusing on training and regional projects with the aim of promoting sustainable development in GFCM sub-regions taking into account the need of GFCM Members; and
- strengthening the link with SAC in relation to commonalities such as those pertaining to social and economic, coastal management and environmental issues in order to avoid duplications and optimize the use of available resources.

3. Conclusions and recommendations for the way forward

66. As a follow up to the discussions relating to the more relevant areas within the report of the Panel that reviewed GFCM performances, as examined by the meeting, as well as to the discussions on identified priorities to modernize CAQ, experts agreed on these proposals to the Task Force relating:

- a) CAQ has proven to be a valuable asset to the work of GFCM and it has to be retained to foster sustainable aquaculture within the framework of the Commission;
- b) the general policy for aquaculture should be upgraded in order to include, *inter alia*, the following issues: ecosystem approach to aquaculture, biosecurity and biosafety, improved governance for responsible aquaculture practices, sustainable use and long term conservation of ecosystems functions and services, aquaculture certification, producers' organizations, market oriented aquaculture and integrated coastal zone management;
- c) the Preamble to GFCM Agreement should be reconsidered in order to acknowledge the importance of aquaculture in the GFCM Area consistent with relevant applicable international instruments;
- d) CAQ should be vested with the authority of adopting recommendations that would be endorsed by the Commission;

- e) sustainability in aquaculture should be further promoted building upon better governance, including through the enhancement of participatory and collective procedures and the multistakeholder approach;
- f) the mandate of CAQ should be revised according to its role and contribution to the sustainable development of fishery sector and be included in the GFCM Agreement;
- g) the functions of the Commission should adequately account for the active role it plays, through CAQ, in the development and the promotion of sustainable aquaculture;
- h) to strengthen capacity building for improving responsible governance in aquaculture at regional and sub-regional level as a part of the workplan of CAQ;
- i) the name of the committee could be updated according to its activities to “*advisory Committee on Aquaculture (CAQ)*” consistent with current activities it performs;
- j) the structure of CAQ through its working groups should not be limited to the *ad hoc* activities and should be revised, including by broadening terms of reference, as appropriate, consistent with emerging challenges to aquaculture (e.g. environment and biosecurity, social and economic aspects of aquaculture and information management and scientific cooperation) and via the establishment of permanent bodies (i.e. permanent working group or sub-committees);
- k) the requalification through the new structure of CAQ subsidiary bodies should be considered in order to make the committee more politically stable;
- l) partnerships with organizations, stakeholders and civil society should foster their involvement in the works of the committee and its subsidiary bodies;
- m) facilitate communication from CAQ to GFCM Members, including at subsidiary body level, by improving the flow of information;
- n) financial constraints within CAQ have to be addressed; and
- o) cooperation in areas of work that are relevant for CAQ as well as for other institutions and organizations (e.g. NGOs, university, research institutes, etc.) should be strengthened, consistent with the GFCM legal framework.

CLOSING OF THE MEETING

67. The experts reconvened in plenary and reviewed the conclusions and recommendations of both SAC and CAQ related issues. It was emphasized that their recommendations, as agreed in each meeting, would be put forward but that there would need to be compatibility with the GFCM legal framework.

68. Mr Srouf congratulated the two groups for the excellent work done as well as its results, which were achieved in a very efficient way. He also thanked the moderators, experts, consultants and the staff of the GFCM Secretariat and expressed sincere appreciation to Italy, which provided the necessary support to enable the GFCM to convene the meeting.

Appendix C**Strengthening the GFCM Compliance Committee (CoC) and
Committee on Finance and Administration (CAF)****1. Introduction**

The objective of this document is to review the need for and possible means of strengthening the Compliance Committee (CoC) and the Committee for Administration and Finance (CAF) of the General Fisheries Commission for the Mediterranean and Black Sea (GFCM) against the background of the work of the *ad hoc* Task Force towards a possible revision of the GFCM Agreement, bearing in mind the increasing autonomy of FAO Article XIV bodies.

The GFCM, having regard to its Performance Review,² set up the Task Force and directed it to describe the main elements necessary to assist the Commission in identifying the necessary modifications to the GFCM Agreement and associated procedural and financial Rules. The aim was to make GFCM more effective by addressing functional and structural issues.³

The terms of reference of the Task Force included compliance and enforcement and financial and administrative issues. These terms of reference, and relevant recommendations of the GFCM Performance Review, are shown in Appendix 1.

The Task Force, at the time of writing, had held consultations in three sub-regions: Western and Central Mediterranean, Eastern Mediterranean and Black Sea, based on questionnaires that had been prepared to serve as the basis for discussion. It had also held expert meetings on the Scientific Advisory Committee (SAC) and the Committee on Aquaculture (CAQ).

To assist in developing considerations for strengthening the two Committees, this document sets out the functions and composition, as well as relevant work, of the committees responsible for compliance and for finance and administration of the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC) and the North-East Atlantic Fisheries Commission (NEAFC). In drawing from the experience of these bodies, the similarities and differences in the mandates and programmes in the respective organizations are considered and an analysis is provided to indicate the practices of the other bodies that could be considered as useful for the CoC.

2. Committees responsible for Compliance**2.1 Functions and composition**

The functions and composition of GFCM CoC and committees responsible for compliance of other regional fisheries management organizations (RFMOs) are described below.

2.1.1 GFCM Compliance Committee

The GFCM CoC is comprised of all GFCM Members. It meets, usually for half a day, during the annual Sessions of GFCM as required by its Terms of Reference. *Ad hoc* working groups may be formed at that time to elaborate specific issues to be developed and considered by the Commission.

The Terms of Reference of the CoC, first agreed in 2007, describe its functions as follows.

² GFCM:XXXV/2011/Inf.8.

³ http://151.1.154.86/GfcmWebSite/GFCM/TaskForce/ToRs_Task_Force-EN.pdf.

- a) Review compliance with conservation and management measures adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness;
- b) Review the implementation of measures of monitoring, control, surveillance (MCS), and enforcement adopted by the Commission as may be necessary to ensure their effectiveness;
- c) Define, develop and make recommendations to the Commission concerning the phased development and implementation of the GFCM Control and Inspection scheme;
- d) Monitor, review and analyze information pertaining to the activities of Non-Contracting Parties and their vessels which undermine the objectives of the Agreement including, in particular, IUU fishing, and recommend actions to be taken by the Commission to discourage such activities;
- e) Perform such other tasks as directed by the Commission.⁴

Under these functions, the CoC is mainly empowered to review and recommend. Recommendations may be made on compliance with conservation and management measures, the GFCM Control and Inspection Scheme and activities of Non-Contracting Parties, but not on the implementation of MCS measures adopted by the Commission.

There are some concerns with these functions as written. The CoC may “recommend” in two paragraphs,⁵ but in another it is empowered to “define, develop and make recommendations”. Only one function permits monitoring and analysis.⁶ In another,⁷ CoC is charged with reviewing the implementation of MCS measures as may be necessary to “ensure their effectiveness”. It may be asked how can a simple review ensure such effectiveness, with no authority to make recommendations or decisions?

“Ensuring effectiveness” is a worthy goal, but it could be questioned whether the attainment of this standard can ever be reached by a subsidiary body. Only one other compliance committee reviewed in this document had a function that referred to ensuring effectiveness, and a clear framework for carrying out a review towards that end was given.⁸

In general, the functions of the CoC to review and make recommendations are restrictive, both in the context of the potential value of the Committee to the work of GFCM and when compared with the functions of committees of other RFMOs. For example,

Reviews and recommendations may be undertaken on:

- compliance with conservation and management measures
- activities of Non-Parties

Reviews may be undertaken on:

- implementation of MCS

Definition, development and recommendations may be made on:

- phased development and implementation of the GFCM Control and Inspection scheme

⁴ See COC:VI/2012/Inf.2.

⁵ (a), (d).

⁶ (d).

⁷ (b).

⁸ A function of the IOTC Compliance Committee is to: 3.1 Review each individual CPC's compliance with conservation and management resolutions adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness, notably in relation to:

- i) The mandatory statistical requirements and all issues related to obligatory reporting and data providing, including non targeted species;
- ii) The level of CPC's conformity with conservation resolutions;
- iii) The CPC's conformity with the resolutions concerning the limitation of the fishing capacity;
- iv) The status of implementation of resolutions for monitoring, control, surveillance and enforcement adopted by the Commission (Port inspections, VMS, follow-up on infringements and market related measures);
- v) The reporting on authorised as well as active vessels in IOTC area of competence, in particular in relation to the fishing effort limitation IOTC Resolutions.

Other possible areas for review and recommendations not included in the terms of reference would include implementation of, and compliance with, decisions of the Commission (not restricted to management measures), follow-up on infringements, sanctions for non-compliance, application of the Agreement and functioning of the CoC.⁹ In addition, the CoC could be given responsibility to develop mechanisms and schemes as appropriate.

However, on a practical level, CoC does not generally make recommendations, *inter alia* because there is no reasonable meeting time for review, let alone formulation of recommendations, and inadequate information is provided by Members. Any strengthening of the role of the CoC should be accompanied by a significantly expanded time for holding its sessions.

2.1.2 The committees responsible for compliance in ICCAT, IOTC and NEAFC

The ICCAT Conservation and Management Measures Compliance Committee¹⁰ is comprised of all Contracting Parties. It meets biennially during the regular meetings of the Commission over a two-week time period, and has held annual intersessional meetings, normally comprising four days, since 2009. The IOTC Compliance Committee¹¹ consists of IOTC Members and Cooperating non-contracting Parties (CPCs) and meets over a three to four day period. The NEAFC Permanent Committee on Control and Enforcement (PECCOE)¹² is comprised of NEAFC Contracting Parties and meets twice or more each year, each time for at least two days, during the Annual Meeting of the Commission and intersessionally.

The terms of reference for the compliance committees of ICCAT, IOTC and NEAFC generally do not require them to "ensure the effectiveness" of measures. Instead, their functions are primarily of a monitoring, evaluation and advisory nature, and their tasks are to review, make recommendations in certain areas and develop specified measures and approaches, as described below. The committees responsible for compliance of those RFMOs have functions to, *inter alia*:

Review:

- the status of implementation of, and compliance with, conservation and management measures, the implementation of the Port Inspection Scheme and other enforcement activities conducted by Contracting Parties (ICCAT);
- compliance with conservation and management measures and make recommendations to the Commission as may be necessary to ensure their effectiveness (IOTC);
- *and evaluate* the effectiveness of the recommendations and measures established by the Commission (NEAFC).

Make recommendations on:

- identification of, and how to address problems related to the implementation of, and compliance with, conservation and management measures (ICCAT and IOTC);
- international inspection and enforcement schemes if considered necessary (ICCAT);
- suitable and effective measures to ensure proper application of the provisions of the Convention (ICCAT).

Develop:

- *and recommend* suitable and effective measures to ensure proper application of the provisions of the Convention (ICCAT);
- and co-ordinate the North Atlantic format (NEAFC);

⁹ For example, see the ICCAT Terms of Reference, 3.1.5.

¹⁰ Mandate and Terms of Reference adopted by the Commission for the ICCAT Conservation and Management Measures Compliance Committee. ICCAT Report, 1994-1995 Annex 4-15.

¹¹ Resolution 10/09 concerning the Functions of the Compliance Committee.

¹² Established at the Nineteenth Annual Meeting of NEAFC, November, 2000.

- a structured, integrated approach to evaluate the compliance of each of the Members against the Resolutions in force (IOTC);
- a scheme of incentives and sanctions and a mechanism for their application to encourage compliance by all CPCs (IOTC).

The functions described above for review, recommendations and development of measures, approaches and a scheme are wide-ranging and give the respective committees specific responsibilities that reflect the need for expert consideration and analysis in matters of compliance. This is complemented by adequate meeting time in each case.

2.1.3 Analysis

At sub-regional consultations of the Task Force, a stronger mandate for CoC, and its inclusion in the GFCM Agreement, was proposed. As shown above, the stated functions of the CoC are relatively weak and in some cases illogical.

The functions of the committees responsible for compliance of the other RFMOs are all broader and deeper than those of the CoC. Although they are in some cases tailored to address a wider-range of activities such as allocations, centralized VMS and regional inspection and observer programmes, these functions may serve as a basis for developing a stronger role for CoC.

For example, functions could be considered which would authorize CoC to make evaluations, propose solutions for problems, develop and make recommendations to ensure the proper functioning of the Committee,¹³ compliance with decisions of the Commission and the application of the Convention/Agreement, and to develop a scheme of incentives and sanctions to encourage compliance. The CoC could be given responsibility to develop mechanisms and schemes as appropriate.

However, consideration of strengthening the role of the CoC should also take into account the time allocated for meetings, to ensure effective implementation of the functions. In this regard, the possibility of meeting intersessionally as well as for a longer time period during, or in parallel with, the GFCM Sessions should be considered.

2.2 Work of the Committees responsible for compliance

The work of the GFCM CoC and committees responsible for compliance of other RFMOs is described below, including the issues of enforcement and sanctions.

2.2.1 GFCM Compliance Committee

To carry out its work, the CoC generally considers the following agenda items at its annual sessions, described in detail below:

- status of implementation of GFCM decisions by Members;
- status of data and information submissions by members and management of GFCM databases by the Secretariat;
- identification of non-compliance with GFCM decisions; and
- follow-up on the compendium of GFCM decisions.

The CoC serves mainly as an "information conduit" in relation to these items – but with scarce information provided by Members. There is little scope for the CoC to fulfill, in any meaningful way, its current functions of making recommendations on compliance with conservation and management measures and the development and implementation of the GFCM Control and Inspection scheme. Minimal attention is currently given to enforcement and sanctions, as shown below.

¹³ For example, see the ICCAT Terms of Reference, 3.1.5.

An additional concern is that the agenda items do not accurately reflect the functions of the CoC. The agenda item on a review of the status of implementation of “GFCM decisions” by Members is broader than the mandate to review two areas only - compliance with conservation and management measures and implementation of monitoring, control, surveillance (MCS), and enforcement.

2.2.1.1 Status of implementation of GFCM decisions by Members

As noted above, the focus of this agenda item should be the implementation of GFCM conservation and management measures, consistent with the CoC mandate. However, the title indicates that the broader range of “GFCM decisions” is considered.

The CoC is expected to review the status of implementation of decisions, and according to meeting documentation, “formulate and forward its advice to the Commission on action to be taken in situations of lack or incomplete implementation of measures associated with these decisions, as well as to suggest measures to improve their effectiveness.”¹⁴ (Non-compliance with the measures is addressed in a separate agenda item.)

Members should report annually to the Secretariat on the implementation of GFCM measures, at least thirty days prior to each GFCM Session, using a specified format.¹⁵ For each measure, information is sought on the implementing policy, legal or institutional framework; reference to national law (if applicable); progress on operational implementation; and remarks, including constraints. This is essentially a self-assessment.

In practice, the difficulties with this reporting system and consequent lack of effectiveness are well recognized. The Report of the Fifth Session of the Compliance Committee¹⁶ describes the unevenness of reporting in terms of content and the relatively few responses received,¹⁷ consistent with previous years. Consequently, substantive discussion in the CoC and the Commission is usually limited to taking note of the report and no further analysis or measures are taken.

Some constraints identified by the CoC in the past have included the need for more time to review the implementation of decisions by Members and the unavailability of technical and financial resources in some Members to comply with reporting requirements. Suggested solutions at the Fourth Session of the CoC included convening the Committee's session at a different period to that of the Commission and for a longer duration, and to call upon FAO regional projects for additional support in capacity building. These sentiments were also expressed in Task Force sub-regional consultations.

The recommendations of the GFCM Performance Review in this regard, also echoed in Task Force sub-regional consultations, were to identify and assess the reasons for the failure of Members to provide required information and data and recommend solutions and priorities for consideration by the Commission. The routing of requests by the Secretariat for information should ensure that they are accorded the highest priority and Members should review their response mechanisms at national level to ensure that full and timely responses are provided to such requests and routinely to comply with GFCM obligations.

2.1.2.2 The status of data and information submissions by Members and management of GFCM databases by the Secretariat

The CoC considers the data and information submissions required of Members, most recently in relation to the following areas considered at the Fifth Session of the CoC.¹⁸ Although the Secretariat has established databases and systems as directed by the Commission, they suffer from the failure by Members to submit data as noted below.

¹⁴ COC:IV/2010/2.

¹⁵ In accordance with Resolution GFCM/2008/1.

¹⁶ COC:VI/2012/Inf.6.

¹⁷ Only seven reports had been received by 4 May 2011, ten days before the Fifth Session of COC.

¹⁸ COC/V/2011/3.

- Authorized vessel list: Quality and frequency of data, frequency of updates varied; roughly 40% of vessels have not been assigned a GFCM Unique Identifier.
- List of vessels, gear fishing in the Fisheries Restricted Area in the Gulf of Lions: A provisional list was submitted.
- List of demersal trawlers equipped with a codend having a minimum mesh size: One Member submitted information.
- Regional Fleet Register database: Six Members submitted data.

GFCM also has a mechanism to report and list IUU fishing vessels, but this is not used.

At the Fifth Session, the Secretariat invited the Committee to provide guidance for further action and follow up, and as appropriate to identify Members that have not met their obligations.¹⁹ No Members were so identified, but during discussion, some delegations clarified the status of and processes for their information submissions to GFCM, others noted internal difficulties in sending data as required. It was considered that the Regional Projects should consider priorities for, and means to strengthen compliance with, data submission requirements to help relevant countries build their technical capacity.

The role of GFCM in this work has also become one of information conduit, with no effective decisions or actions taken due largely to the lack of submissions by Members. This adversely affects the ability of the Commission to carry out enforcement actions or sanctions.

2.2.1.3 Identification of non-compliance with decisions

In 2010, the CoC considered a draft recommendation proposed by the EU on the identification of non-compliance, which was considered, amended and adopted by the Commission.²⁰ It tasked the CoC to identify each year, *inter alia*, Members that have not met their obligations under the GFCM Agreement in respect of GFCM conservation and management measures and Cooperating non-Members that have failed to discharge their obligations under international law.

The identifications are to be based on a review of all available information required by GFCM decisions including, for example: catch or effort data, trade information etc. In deciding whether to make identification, the CoC is to consider all relevant evidence and information available. It is also tasked to evaluate the responses of the Member or Cooperating non-Member, together with any new information, and propose to the GFCM to decide upon the revocation of the identification, or the continuation of the identification status, of the Member or Cooperating non-Member.

This is similar to a procedure used in ICCAT, which reviews actions taken by CPCs in response to letters of concern/identification, and could provide a useful role for the CoC. However, there are differences in mandate, species, activities and membership between the two RFMOs, and it is proving more difficult for GFCM to implement.

Other concerns are that it exceeds the mandate of the CoC by requiring an evaluation, it is difficult to obtain information without a robust information system, many Members do not have the capacity to implement this and the exceptionally short duration of CoC meetings.

Discussion on the identification of non-compliance with GFCM decisions was deferred in 2011 at the CoC and the GFCM Session until the Sixth Session of the CoC, in order to allow the Contracting Parties to improve compliance and seek assistance through cooperation projects. The importance of implementing GFCM Recommendations in national law was addressed at the GFCM Session, noting the challenges of a difficult and long legal process and the fact that non-implementation did not necessarily result in noncompliance. It seems unlikely that this measure will gain much traction in the short term.

¹⁹ In accordance with Recommendation GFCM/34/2010/3.

²⁰ Recommendation GFCM/34/2010/3.

The Performance Review made a number of recommendations relating to compliance and enforcement, which could usefully be considered in future. They are shown in paragraphs 24-36 of Appendix 1, and concern Flag State duties, Port State measures, MCS, follow-up on infringements and cooperative mechanisms to detect and deter non-compliance.

2.2.1.4 Compendium of GFCM Decisions

The updated Compendium of GFCM decisions, together with the related CD ROM, produced under the mandate of the CoC, were considered by the Thirty-fifth Session as being useful in implementing GFCM Recommendations.

2.2.2 The committees responsible for compliance in ICCAT, IOTC and NEAFC

The work of the committees responsible for compliance in ICCAT, IOTC and NEAFC varies according to their functions. The most recent agenda of these committees reflects in general the patterns of work in the past few sessions. They contain the items shown below in Figure 1, which are all more elaborate than the agenda of the CoC.

This is because these RFMOs, among them, adopt measures not necessarily required by GFCM such as quota allocations, catch limits, minimum size, cage farming, statistical requirements and catch documentation schemes. Reviews include information from statistical data summaries, compliance summaries and compliance tables, inspection schemes, regional observer programs, port inspections and catch verification and certification schemes.

Figure 1
Some agenda items in recent meetings of committee responsible for compliance

ICCAT ²¹	IOTC	NEAFC
Review of actions taken by CPCs in response to letters of concern/identification		
Review of implementation of and compliance with the ICCAT requirements ²²	Overview of the implementation of IOTC Conservation of Management Measures ²³	Scheme of Control and Enforcement, ²⁴ including Overall compliance evaluation
	National Reports on the Progress of Implementation of Conservation and Management Measures	
	Country based Compliance Reports ²⁵	

²¹ Held November 2010. At the February, 2011 Intersessional meeting of the Conservation and Management Measures Compliance Committee, the following items were considered, which had a more technical nature: 4. Review and approval of fishing, inspection and capacity reduction plans 5. Consideration and review of other requirements of the multiannual recovery plan for eastern Atlantic and Mediterranean bluefin tuna. 6. Determination of procedures for the implementation of the ROP-BFT for the 2011 season 7.

Consideration and review of requirements established by other conservation and management measures, in particular those requirements which formed the basis of letters of concern and identification approved during the 2010 annual meeting 8. Review of active ICCAT Conservation and Management Measures and Monitoring and Control Measures to clarify issues of interpretation, to determine priorities for consideration by the Compliance Committee, or to recommend other pertinent actions to the Commission 9. Consideration of Guidelines for an ICCAT Schedule of Compliance Actions and possible establishment of a Compliance Task Force.

²² The following sub-items are considered under this item: CPC Statistical data summaries; CPC Compliance summaries; Compliance Tables.

²³ The following sub-items are considered under this item: A. General review of the implementation of CMMs; B. Implementation of the Regional Observer Program for at-sea transshipments; C. Review of reference fishing capacity and fleet development plans.

²⁴ The following sub-items are considered under this item, but as appropriate are placed in the above table where they correspond to items of another RFMO: Overall compliance evaluation; Port State Control; Cooperative non-Contracting Party Status; Non-Contracting Party activities in the Reporting Area; IUU activities in the RA; Data Security and confidentiality and proposal for a NEAFC certification scheme.

ICCAT ²¹	IOTC	NEAFC
Review of the ICCAT Regional Observer Programs (ROP) and consideration of any necessary actions (transshipment, bluefin vessels and farms)		Port State Control
Actions required in relation to issues of non-compliance by Contracting Parties		
		Proposal for a NEAFC certification scheme
	Review of the provisional IUU Vessels List and information relating to illegal fishing activities in the IOTC Area of competence	IUU activities in the Reporting Area
	Review additional information related to IUU fishing activities in the IOTC Area of competence	Non-contracting parties activities in the Reporting Area
	Review of requests for access to the status of Cooperating Non-Contracting Party	Cooperative non-Contracting Party Status

All committees review compliance with conservation and management measures, but the review is generally more elaborate than that undertaken by GFCM and based on more comprehensive reports and documents. Another common activity of the committees is to consider IUU fishing activities. To support such consideration, most Commissions have active IUU vessel lists, centralized VMS and observer programmes.

The committees responsible for compliance of these organizations review annually compliance with conservation and management measures, but the review is generally more elaborate.

The functions of each of ICCAT, IOTC and NEAFC require them to review compliance with conservation and management measures. NEAFC has the broadest mandate, requiring information, technical advice and proposals:

ICCAT. Review all aspects of compliance with ICCAT conservation and management measures in the ICCAT Convention Area, with particular reference to compliance by ICCAT Contracting Parties

IOTC. Review all aspects of CPCs individual compliance with IOTC conservation and management resolutions in the IOTC Area.

NEAFC. Provide the Commission with information, technical advice and proposals relating to the implementation of, and compliance with, recommendations and measures established under specified Articles of the Convention.

All three committees make recommendations to their Commissions. The subject matter of some recent recommendations is shown below in Figure 2. The recommendations of the ICCAT committee are not as clearly stated in its reports as in those of the other Committees; those that have focused on the compliance

²⁵ This is based on Resolution 10/09. The following sub-items are considered under this item: A. Review of the country based Compliance Reports - Review of individual CPC Compliance Status against IOTC Conservation and Management Measures, Identification of eventual non-compliance cases, CPC information on its Compliance Status (reasons, problems, etc.) and discussion on follow-up on individual compliance status (inter-sessional process, and 2012 Compliance Committee discussions); and B. Discussion on format, content and deadlines for the compliance questionnaire and report.

with the Recovery Plan and Catch Documentation Program and the expansion of the authorized vessel list to include vessels of 20 meters in length overall or greater are indicated.

It is difficult to identify common themes in the recommendations, given the differences in the mandates, species, development and operations of the committees. In all cases, however, determining compliance with conservation and management measures forms a major part of their work.

Figure 2
Some recommendations made by committees responsible for compliance

ICCAT	IOTC	NEAFC
<p>Compliance with the Multi-Annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean including recommendations on:</p> <ul style="list-style-type: none"> • the reduction of fishing capacity, for which revised capacity management plans were reviewed; • a data exchange format and protocol in Relation to the VMS for the Bluefin Tuna Fishery in the ICCAT Convention Area. <p>Consideration of the requirements and compliance with the ICCAT Bluefin Tuna Catch Documentation Program regarding the bluefin tuna catch document system, for which agreement was reached on the future interpretation of measures.</p> <p>Expanding requirements of the ICCAT Record of Vessels to include vessels of 20 Meters in length overall or greater authorized to operate in the Convention Area.</p>	<p><i>Country based compliance reports:</i> The Committee recommended that the Commission:</p> <ul style="list-style-type: none"> • agree to the development and distribution of letters of concern, highlighting areas of non-compliance to relevant CPCs, and to maintain transparency in the process, each letter of concern should also be circulated via an IOTC circular. • note the list of issues identified by the Chair of the Committee during the Compliance Committee meeting. • consider endorsing a template for use in developing letters of concern. <p><i>Review of the provisional IUU vessels list and of the information relating to illegal fishing activities in the IOTC Area of Competence</i> Recommendations were made concerning the listing or delisting of several vessels on the IUU Vessel List.</p> <p><i>Review of additional information related to IUU fishing activities in the IOTC Area of Competence:</i> The Committee recommended that the Commission provide guidance concerning the status of the</p>	<p>Non-Contracting Party status of several States</p> <p>Possible amendments to the Scheme regarding procedures for the listing of IUU vessels.</p> <p>Harmonization of communication security procedures with NAFO.</p> <p>The need for NEAFC to create an overarching Recommendation on security and confidentiality, in line with ISO 27001 standard.</p> <p>The Secretariat should undertake a review of “reporting to the NEAFC Secretariat”, regarding redfish in the Irminger Sea and adjacent waters.</p> <p>Evaluation by PECCOE of the effectiveness of the systems in place for verification of catches of redfish in the Irminger Sea and adjacent waters during the April meeting of 2012 and inclusion of its findings in the yearly report to the Annual Meeting of NEAFC.</p> <p>The possible way forward on the use of electronic logbooks.</p> <p>Proposal for a NEAFC catch certification scheme.</p>

ICCAT	IOTC	NEAFC
	<p>information provided by observers participating in the IOTC at sea transshipment program, in particular, the confidentiality rules to be applied, and the procedure to be followed upon receiving information from observers regarding irregular activities by fishing vessels involved in transshipment operations.</p> <p><i>Other matters</i> Update on progress regarding Resolution 09/01 - On the performance review follow-up Recommendation/s.</p>	

The ICCAT and IOTC committees both prepare tables upon which to base their consideration of implementation of and compliance with conservation and management measures. ICCAT has a Table of Actions by the Compliance Committee Regarding Cases of Non-Compliance, in which it lists, for successive years, Potential Issues of Noncompliance, Response/explanation by CPC and Actions Taken. Actions taken in respect of non-compliance may include the following: a letter of concern, encouraging participation in future meetings and indicating that failure to respond may result in further actions being considered by the Commission. The Commission may then take sanctions or other action. Trade-related measures may be taken,²⁶ as well as interim suspension or reduction of quota due to non-transmission of reports.²⁷

IOTC compliance reports by country are highly detailed, including remarks by the Compliance Committee.²⁸ The Chair may indicate points for discussion by the Committee where there has not been compliance, for example:

- Has not reported a list of designated ports and competent authorities as required by Res. 10/11.
- Has not reported size frequency data for the coastal fisheries as required by Res. 10/02.

IOTC also has provided requirements for a summary report on possible infractions observed under the regional observer programme,²⁹ and the Secretariat must indicate to CPCs where raw data and other reports show evidence of possible infractions of IOTC regulations by LSTLVs/carrier vessels flagged to that CPC. The CPCs may respond, and the Compliance Committee must review all cases and decide whether there was any infraction.

IOTC has also developed a template for a letter of concern to be sent to a CPC where there is evidence of non-compliance or partial compliance, similar to the practice of ICCAT.

Concerning sanctions, IOTC has the necessary framework in which to apply market related measures, following an appropriate process.³⁰ Reductions in future quota allocation have been proposed as deterrents for non-compliance, but the process is still to be implemented. The Compliance Committee, under its revised

²⁶ [02-17] Recommendation by ICCAT regarding Bolivia pursuant to the 1998 Resolution concerning the unreported and unregulated catches of tuna by large-scale longline vessels in the Convention area [02-20] Recommendation by ICCAT concerning the trade sanction against St. Vincent and the Grenadines [03-18] Recommendation by ICCAT for bigeye tuna trade restrictive measures on Georgia [04-13] Recommendation by ICCAT concerning the lifting of trade sanctions against Equatorial Guinea.

²⁷ [11-15] Recommendation by ICCAT on Penalties Applicable in case of Non Fulfillment of Reporting Obligations.

²⁸ The template was adopted as Appendix XI in the 2011 Report of the Fifteenth Session of IOTC. IOTC-2011-S15-R[E].

²⁹ See IOTC-2012-CoC09-08c[E].

³⁰ Resolution 10/10.

terms of reference, must develop a scheme of incentives and sanctions and a mechanism for their application to encourage compliance by all CPCs. This is expected to commence in 2012, led by a small working group of CPCs.

The IOTC Compliance Committee's new terms of reference are well focused on compliance, and should ensure an improvement in the effectiveness of the Committee.³¹

In the NEAFC committee, an overall compliance evaluation is given, based on information from different documents concerning activities such as transshipments and port State control. The NEAFC Convention requires Contracting Parties to apply sanctions, and the Scheme of Control and Enforcement requires each Contracting Party to report to the Secretary by 1 March each year for the previous calendar year the status of the proceedings relative to infringements of NEAFC measures.

The infringements must continue to be listed on each subsequent report until the action is concluded in accordance with the relevant provisions of national laws. The report must indicate the current status of the case (i.e. case pending, under appeal, still under investigation, etc) and any sanctions or penalties imposed must be described in specific terms (i.e. level of fines, value of forfeited fish and/or gear, written warning given, etc.). It is to include an explanation if no action has been taken.

In addition to market-related measures and penalties at regional level and sanctions and penalties at national level, the other RFMOs have IUU vessel lists which may also serve as a sanction.

Each of the committees has various databases, variously including IUU vessel lists, authorized vessel lists, transshipment information, VMS data and observer data, as well as other required reports from Contracting Parties. Similar to the situation in GFCM, problems are encountered because Members do not always furnish required data and information. This situation is addressed through the detailed compliance reports, capacity development at national level and positive action by the Secretariats in working with Members to improve their reporting.

However, the level of submission of data and information is significantly higher in the other RFMOs and there is more active use of the databases. This may be due to a range of reasons, for example the mandates of the respective RFMOs concern high value tuna species or the membership is comprised of developed countries. These considerations should not be used as excuses to conserve and manage species falling within the mandate of GFCM.

³¹ They are to:

3.1 Review each individual CPC's compliance with conservation and management resolutions adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness, notably in relation to:

- i) The mandatory statistical requirements and all issues related to obligatory reporting and data providing, including non targeted species;
- ii) The level of CPC's conformity with conservation resolutions;
- iii) The CPC's conformity with the resolutions concerning the limitation of the fishing capacity;
- iv) The status of implementation of resolutions for monitoring, control, surveillance and enforcement adopted by the Commission (Port inspections, VMS, follow-up on infringements and market related measures);
- v) The reporting on authorised as well as active vessels in IOTC area of competence, in particular in relation to the fishing effort limitation IOTC Resolutions;

3.2 The Compliance Committee shall also be tasked to:

- i) Compile reports, with the help of the IOTC Secretariat, based on information submitted by CPCs in accordance to the various Resolutions adopted by the Commission and, which will form the basis for the compliance examination process;
- ii) Develop a structured, integrated approach to evaluate the compliance of each of the Members against the IOTC Resolutions in force. The Chairman of the Compliance Committee, assisted by the IOTC Secretariat, will identify, select and transmit the significant non compliance issues to each CPC and submit them for discussion at the Compliance Committee meeting;
- iii) Issue its opinion on the compliance status of each CPC at the end of the meeting. Non compliance with the IOTC conservation and management resolutions will lead to a declaration of non compliance by the Compliance Committee and recommend suitable actions for consideration of the Commission;
- iv) Develop a scheme of incentives and sanctions and a mechanism for their application to encourage compliance by all CPCs,
- v) Perform such other tasks as directed by the Commission.

2.2.3 Analysis

The sub-regional consultations of the Task Force emphasized the importance of the role of the CoC in compliance. Clear themes emerged from the discussions during the three reported sub-regional consultations (at the time of writing) of the Task Force in relation to compliance and enforcement. The following issues were discussed in at least two of the three consultations.

- There was a strong view that the role of COC should not be limited to presenting a report to the Commission on the status of implementation of measures, and that reorganization and reconsideration of its role should be effected.
- It was also suggested that the role of COC should appear in the GFCM Agreement, and *inter alia* require members to inform COC of the relevant compliance and enforcement actions they had taken, and that the Bureau should review the role of COC annually.
- Interestingly, in addressing measures rather the role of the COC, recommendations were made in two of the consultations that there should be a phased development of centralized VMS and a joint inspection scheme. Mindful that a GFCM scheme for port State measures, which are known to produce positive, cost-effective outcomes, has been adopted but not implemented, any further steps should be taken carefully to ensure acceptance and implementation.
- In three consultations market-related measures and a penalty scheme were recommended. These are useful tools in other RFMOs, but market-related measures are used mainly in relation to high-value species where they would significantly affect profitability. Penalties are usually related to quota allocations, so for example the Member that does not comply with reporting would not qualify for their share of allocations in the following year. The Performance Review Panel had concluded that market-related measures may not be appropriate for GFCM because of the mixed-species, rather than single high-value species nature of the fisheries. However, innovative approaches may be developed to suit GFCM circumstances for market-related measures and a penalty scheme.
- Suggestions were also made during the consultations that CoC should play the role of a mediator in the event of non-compliance. In considering this role, Members should take into account the full membership and agenda of the CoC due to its other responsibilities. CoC is comprised of all GFCM Members, and it is not a full-time body with agreed mediation processes and personnel. Members may wish to consider a dispute settlement mechanism within the GFCM that provides for a mediation mechanism. Such mechanisms in other RFMOs provide for different steps to the process, such as resolution by negotiation, inquiry, mediation, etc., or if the dispute is of a technical nature parties may refer it to an *ad hoc* expert panel established under procedures adopted by the Commission. Otherwise a dispute may be submitted for binding decision in accordance with procedures in Part XV of the 1982 Convention or, where the dispute concerns one or more straddling stocks, by provisions set out in Part VIII of the 1995 UN Fish Stocks Agreement.

The three interdependent challenges for the GFCM CoC seem to be encouraging reporting and implementation, ensuring compliance and a working within a realistic timeframe. The committees responsible for compliance in the other RFMOs share these challenges but have set some good examples for overcoming them.

Not all of them may be applicable to the work of GFCM, but as a start it would be important to consider new terms of reference for the CoC, as well as obligations on Members with respect to implementation and compliance and on the Secretariat for managing information. For example, a more transparent and incentive-driven process for assessment of implementation could be developed, rather than relying on countries' self-assessments – which are seldom provided.

Identification of the reasons for non-compliance, as recommended in the Performance Review, would be important to the reform of the CoC. Capacity development would be important both for the Secretariat and Members in order to fulfil future obligations.

Importantly, the CoC currently does not have sufficient time to scrutinize and discuss the available information on implementation and compliance, let alone develop programmes or schemes to strengthen compliance; this in itself is a disincentive to Members for providing full information.

Another essential step would be to determine the consequences of identification of non-compliance pursuant to Recommendation GFCM/34/2010/3. Sanctions, penalties and a process for following up infringements should be considered as appropriate.

Although the other RFMOs use an impressive array of information and compliance tools, not all may be applicable to GFCM. Identification of those that are relevant could be useful.

3. Committees responsible for Finance and Administration

Finance and administration issues are dealt with by the GFCM Committee on Finance and Administration (CAF), the ICCAT Standing Committee on Finance and Administration (STACFAD), the IOTC Standing Committee on Administration and Finance (SCAF) and the NEAFC Finance and Administration Committee (FAC).

The organizations vary in terms of their budgets, meetings and personnel as shown in Figure 3. Information on the Northwest Atlantic Fisheries Organization (NAFO) was added because of its similarity to GFCM in the Secretariat's size and number of meetings.

Figure 3
Level of budget, staffing, number of meetings and members for select RFMOs in 2011

RFMO	Budget US\$ millions	Extra- budgetary Funds ³²	Permanent Staff	Number of Meetings	Number of Members
GFCM	... ³³	... ³⁴	7 ³⁵	38 ³⁶	24
ICCAT	(2,9 million euros)	US\$ 383,000 ³⁷	27	18	48
IOTC	2,1	13,700	11 ³⁸	8	28
NEAFC	... ³⁹		4	10	5
NAFO	1,9		10	14	12

³² Information not available for GFCM, NEAFC and NAFO.

³³ 2011 figures not available.

³⁴ 2011 figures not available.

³⁵ In addition, two security guards are contracted by GFCM.

³⁶ This includes, for 2011-2012 GFCM intersessional meetings, meetings in the frameworks of Task Force activities and meetings in the framework of enhanced collaboration with Members and Institutions. Further, the GFCM hosted several external meetings at its headquarters in Palazzo Blumenstihl, amongst which the FAO Workshop for the Development of a Global Database for Vulnerable Marine Ecosystems (VMEs) and the workshop of the CREAM Project of IAMZ-CIHEAM. In addition, there were 17 Meetings at which GFCM was represented in 2011-12

³⁷ For 2009. 2011 figures not available. However, an ICCAT press release reported that, in 2011, ICCAT spent almost €132,000 on capacity-building activities. It was not confirmed that the funds were extra-budgetary, but it is standard for RFMOs to fund capacity-building activities in this manner. The funds had been used to facilitate participation in scientific meetings, training workshops, sampling and observer programs, and to recover historical logbook data. In 2011 a Recommendation had been adopted to allow the funding of delegates from developing States to attend Commission and related inter-sessional meetings, to allow fuller participation in decision making.

³⁸ In addition, the Seychelles Fishing Authority (SFA) has seconded the services of a Systems Administrator to the Commission.

³⁹ 2011 figures not available.

3.1 GFCM Committee on Finance and Administration

The GFCM Committee on Finance and Administration was established in 2009. It consists of all GFCM Members, meets for half a day during the annual GFCM Session and has the following functions:

- review administrative matters relating to the Executive Secretary and his staff and make appropriate recommendations to the Commission;
- review compliance with the rules of procedures and financial rules;
- review the implementation of the budget adopted at the previous Session of the Commission and analyse and make recommendations on the draft budget to be adopted at the current Session of the Commission; and
- perform such other administration and financial matters as may be referred to it by the Commission.

A number of issues were raised in the first Session including the use of arrears, the costs of additional staff and the importance of reflecting priorities in the work plan. After in-depth discussion, the CAF agreed that a small informal group would work on a budget proposal and serve to facilitate the understanding of decisions on budget related issues, while taking into consideration the work plan priorities of the SAC and the CAQ.

In 2012, the CAF's business will address the conclusions of the Task Force on administrative and financial issues, reports from the Secretariat on administrative and financial issues, activities and functioning of the Secretariat, including staffing issues, the status of ratification of the Amendments to the GFCM Agreement, a review of Member contributions to the autonomous budget. In addition the 2011 financial situation and provisional GFCM budget and Member contributions for 2012 and 2013 will be considered, as well as a draft Resolution on rules and norms for hosting the GFCM statutory meetings

During the Task Force sub-regional consultations concerning finance and administration matters, three consultations focused on the need for fairness and equitable rules in relation to the autonomous budget.

Concerning fair and equitable rules in relation to the autonomous budget, and identification of the roles and responsibilities, this is supported by the terms of reference for CAF which include its authority to "analyse and make recommendations on the draft budget to be adopted at the current Session of the Commission." This is important because it gives the CAF an active role not only in preparing the budget but also in determining its contents, and enhances transparency.

However, the word "adopted" suggests that it is a foregone conclusion that the budget will be adopted, possibly without change. It would be better to refer to "considered" by the ... Commission.

It would also be useful to consider requiring a "programme of work and budget" rather than simply a budget.

Development of the budget is currently the responsibility of the Secretariat, and Members have no input under the Terms of Reference of CAF to recommend the structure, composition, process or other elements of this activity. Current practice is that the Secretariat tables the draft budget and there is little opportunity for discussion; Members, or independent experts, have very limited or no input and in the end "rubber stamp" the document prepared by the Secretariat.

It is widely recognized⁴⁰ that, for this and other functions, the GFCM Chairperson and GFCM Secretary have been performing in an exemplary manner the duties expected of them, but their role and responsibilities should be more clearly spelled out in the GFCM Agreement or in the Rules of Procedure. They should be developed on the basis of the functions of these organs, and any strengthening of the bodies and processes that is an outcome of the review of the Task Force.

⁴⁰ Including in the Bucharest Task Force Consultation for the Black Sea sub-region.

One way to strengthen transparency and to share functions and workload is to give the Bureau of CAF or a smaller appointed group responsibility for intersessional activity including participating in the process to develop the draft budget, and monitoring the implementation of an approved budget as appropriate.

The authority of the CAF itself could be expanded to "analyse and make recommendations on the draft budget to be considered at the current Session of the Commission; examine the operation and implementation of the budget during the intersessional period". This is consistent with IOTC Rules, described below. Other elements of the IOTC Rules which would enhance transparency and should be considered for incorporation in the CAF, are:

- The CAF may draw to the attention of the Commission any matter of an administrative or financial character.
- The CAF may appoint from amongst its members a smaller, informal group to give preliminary consideration, in consultation with the Executive Secretary, to matters before it.
- The CAF shall prepare a report of each meeting of the Committee for transmission to the Commission.

The CAF has strict limitations in considering administrative matters. Current best practices in RFMOs are to give authority to such committees are given to consider and make recommendations on "administrative matters", which would involve all such matters of the Organization. For example, the NEAFC committee reviewed a process for payment plans of members' contributions. CAF may only consider "administrative matters relating to the Executive Secretary and his staff". This could exclude consideration of new institutional arrangements involving the recruitment of personnel who are not yet staff members of the Executive Secretary.

It was suggested at two of the Task Force Consultations that GFCM should explore possibilities to receive extra-budgetary support. The FAO initiative in relation to Article XIV bodies described in section 4 below has flagged the issue of relations between the bodies and donors or external organizations, in the context of exploring greater autonomy for the bodies. This is therefore an appropriate course of action in the broader context of FAO, as well as to meet objectives of the GFCM.

It was also put forward to the Task Force that the roles and responsibilities of the GFCM Chair and Executive Secretary should be in the Rules of Procedure. In fact, they already appear in the Rules of Procedure as shown in Appendix 2. They generally appear to be sound.

Similar to the situation in CoC, the Terms of Reference are not adequate to address the issues being considered in CAF meetings. For example, as drafted they do not extend to general administrative issues, activities and functioning of the Secretariat. They should be redrafted accordingly.

CAF would need a longer period of time to conduct its meetings and carry out its tasks effectively.

3.2 Committees responsible for Finance and Administration in ICCAT, IOTC and NEAFC

The terms of reference for committees responsible for finance and administration in ICCAT, IOTC and NEAFC are shown in Figure 4.

Figure 4
The terms of reference for committees responsible for finance and administration in
ICCAT, IOTC and NEAFC

ICCAT	IOTC	NEAFC
<p>Rules of Procedure Rule 13 - Committees</p> <p>1. There shall be a Standing Committee on Finance and Administration on which each member country of the Commission may be represented. The Committee shall advise the Commission on matters relating to the Executive Secretary and his staff, on the budget of the Commission, on the time and place of meetings of the Commission, on publications of the Commission and on such other matters as may be referred to it by the Commission. The Committee shall choose its own Chairman.</p>	<p>Resolution 02/09 Establishment of the Standing Committee on Administration and Finance (SCAF)</p> <p>1. The Indian Ocean Tuna Commission hereby establishes in accordance with Article XII.5 of the Agreement a standing Committee on Administration and Finance (SCAF).</p> <p>2. The Standing Committee shall advise the Commission on such matters of an administrative and financial character as are remitted to it by the Commission and shall annually:</p> <p style="margin-left: 20px;">a. examine the operation of the budget for the current year; and</p> <p style="margin-left: 20px;">b. examine the draft budget for the ensuing year.</p> <p>3. The Standing Committee may draw to the attention of the Commission any matter of an administrative or financial character.</p> <p>4. The Standing Committee may appoint from amongst its members a smaller, informal group to give preliminary consideration, in consultation with the Executive Secretary, to matters before it.</p> <p>5. The Standing Committee shall prepare a report of each meeting of the Committee for transmission to the Commission.</p>	<p>NEAFC Rules for the Finance and Administration Committee</p> <p>The terms of reference of the Finance and Administration Committee, appointed in accordance with paragraph 19 of the Rules of Procedure, shall be to advise the Commission on the annual budget, expenditure, contributions, amendments to these rules, staff matters, administrative matters and such other matters as the Commission may direct.</p>

All committees meet annually, during the period of the annual meeting.⁴¹ For NEAFC, the committee consists of four representatives (or delegate and advisers) from different Contracting Parties appointed by the Commission. For ICCAT and IOTC, all Contracting Parties may participate. They variously consider administrative and financial reports from the Secretariat, financial implications of activities and programmes, mechanisms for financial assistance to developing States and a programme of work and budget.

⁴¹ The Report of the 30th Annual Meeting for NEAFC, in 2011, notes that The President stated that he wanted the Finance and Administration Committee (FAC) to hold meetings in the margins of the Annual Meeting.

The agenda items for these committees are straightforward and quite similar. They consist variously of reviewing the administrative and financial reports and/or progress reports from the Secretariat, a programme of work and budget, contributions from Members (arrears, contribution scheme etc) and a mechanism for financial assistance to developing states.

Recommendations generally relate to recruitment of staff, adoption of the programme of work and budget, and establishment of special funds, for example for attendance at meetings by participants from developing countries. The performance reviews of both ICCAT and IOTC encouraged those RFMOs to strengthen efforts in providing efforts to developing States, with expanded participation of donors, and this has been followed up. The SCAF of IOTC will consider rules and procedures for the administration of its meeting participation fund at its 2012 session.

Importantly, the IOTC is following up a recommendation in its performance review that the IOTC Agreement as well as financial management rules should be amended or replaced in order to increase Members' as well as Secretariat's control of all the budget elements, including staff costs of the budget. This would also improve transparency.⁴²

3.3 Analysis

The terms of reference of the CAF are severely limited in matters that it can consider, when compared to the current best practices in committees of other organizations and given the need for greater transparency, inter alia to: provide for a programme of work and budget; increase Members' as well as Secretariat's control of budget elements; allow for intersessional input of the CAF to the budget development process; provide for monitoring of the operation of the budget; and allow for the consideration of all administrative matters of the Organization, and not just those relating to the Secretary and his staff.

Intersessional activity by the CAF could be provided through its Bureau or appointment of a small working group. Consideration should be given to expanding the time period during which the CAF meets, in line with other committees, to ensure effective and transparent review and input by GFCM Members to financial and administrative matters.

4. FAO initiative in relation to Article XIV bodies

The FAO Legal Office has undertaken an initiative in relation to bodies established under Article XIV of the FAO Constitution. Recent developments on this issue include a one-day consultation workshop held in January, 2012 on Article XIV bodies, and five topics were reviewed: administrative issues, budgetary and financial issues, visibility and identity issues, rules and procedures applicable to observers and the reporting relationship between statutory bodies and Governing Bodies. These were essentially topics which had been identified in the course of preliminary reviews of Article XIV statutory bodies mandated by FAO Governing Bodies.⁴³

The January, 2012 consultation workshop showed that a number of bodies have developed administrative procedures and practical arrangements, and at times creative solutions, to accommodate functional requirements of concern for their membership and secretaries. FAO management acknowledged the differentiated nature of Article XIV statutory bodies and the need to ensure more flexible procedures and working arrangements to allow them to enhance their responsiveness to the needs of their respective membership.

During the consultation workshop, a questionnaire was also discussed and was sent to the membership of statutory bodies. As underlined by the FAO Council at its 143rd Session in November and December 2011, in responding to the questionnaire Members are invited to take into special account the desirability of

⁴² See IOTC-2012-SCAF09-06[E].

⁴³ Reviews of Article XIV bodies can be found in the following documents which are available on the FAO Website: PC 108/10 (2011), PC 104/9 and CL 140/8 PARA 27-28, CCLM 88/3 (2009), CL 137/5 AND CL 137/REP, para.53, CL 127/REP, para 91-92.

maintaining consistency between the activities of the Article XIV statutory bodies and the overall policies and activities of the Organization, including in achieving savings and efficiency gains. Members are invited to seek the views of the constituencies of the relevant bodies under Article XIV, as appropriate and, as far as possible, to ensure consistency between the views presented by their delegations within the Governing Bodies of FAO and within the relevant statutory bodies under Article XIV. Members are also invited to keep in mind the differentiated situation of bodies established under Article XIV, as well as their specific functional requirements.

The questionnaire focused on the following areas that were addressed at the consultation workshop:

- Administrative and financial issues relating to greater autonomy and authority for Article XIV bodies, including in their relations with external organizations and donors;
- Identity and visibility including the use of the FAO logo;
- Reporting relationship with FAO governing bodies,⁴⁴ concerning the effectiveness of the existing reporting relationship and relevance of such reporting; and
- Participation of observers and other stakeholders.

Article XIV bodies, for their part, have been challenged in the past by FAO rules for administrative and financial issues.⁴⁵

It is clear from these early developments that greater autonomy for Article XIV bodies is under active consideration. Future efforts to strengthen GFCM should take this into account. In particular, developments relating to administrative and financial issues, including possible new rules governing relations with external organizations and donors should be noted.

5. Areas where CoC and CAF should be strengthened

The above analyses have indicated that strengthening should be considered for CoC and CAF in several respects.

Both CoC and CAF have mandates that are weak and bordering on illogical, and which often do not correspond to the work actually done. An interrelated problem for both Committees is the serious lack of meeting time, with no real intersessional activity. They have effectively become half-day "information conduits" or "rubber stamps". This does not inspire Members to provide information and data, take the necessary steps to implement and comply with GFCM decisions or scrutinize and strengthen the finance and administration activities of the Commission.

Consideration should be given to identifying in the Agreement or Rules of Procedure as appropriate:

- the role and functions of each Committee;
- the Members' roles and responsibilities;
- the duties of the Secretariat in managing information.

⁴⁴ The 36th Session of the FAO Conference (Rome, 17-24 November 2009) approved the following definition of Governing Bodies (C 2009/REP, para. 142): "The Governing Bodies of FAO are the bodies which directly, or indirectly through their parent bodies, contribute within their respective mandates, to (a) the definition of the overall policies and regulatory frameworks of the Organization; (b) the establishment of the Strategic Framework, the Medium-Term Plan and the Programme of Work and Budget and (c) exercise, or contribute to the oversight of the administration of the Organization. The Governing Bodies comprise the Conference, the Council, the Programme Committee, the Finance Committee, the Committee on Constitutional and Legal Matters, the Technical Committees referred to in Article V, paragraph 6 (b) of the Constitution and the Regional Conferences (i.e. for Africa, Asia and the Pacific, Europe, Latin America and the Caribbean, and the Near East)."

⁴⁵ For example, the Report of the Eighth Session of the IOTC Standing Committee on Administration and Finance (IOTC-2011-SCAF8-R) referred to delays in FAO recruitment procedures (SSAF8.01 para 13) and reported that the Committee recommended that the Commission consider developing and transmitting a letter of concern to FAO, outlining the IOTC's dissatisfaction with the fact that FAO did not send an official representative to the 15th Session of the IOTC. (SCAF8.03, para 22) Regarding the Programme of Work and budget for 2011 and 2012, noting the absence of a representative from FAO, the Committee recommended that the Commission consider requesting FAO provide a report at the next Session detailing its contribution to the Commission, and that the progress report of the Secretariat should also reflect the contributions received from FAO. (SCAF8.04 para 31)

Further consideration should be given to expanding the meeting time of both Committees to two to three days, as practiced in other RFMOs, and allowing for intersessional meetings as appropriate.

Concerning the CoC, functions could be considered which would authorize it to make evaluations, propose solutions for problems, develop and make recommendations to ensure the proper functioning of the Committee, monitor, review and make recommendations on compliance with decisions of the Commission and the application of the Convention/Agreement, and develop mechanisms and schemes, such as a scheme of incentives and sanctions to encourage compliance.

A number of compliance tools have been suggested, including in consultations of the Task Force, and a revitalized CoC should consider, recommend and guide their implementation in view of the circumstances particular to GFCM. Important steps in this regard would be to identify reasons for non-compliance and determine the consequences of non-compliance identified pursuant to Recommendation GFCM/34/2010/3. Sanctions, penalties and a process for following up infringements should be considered as appropriate.

Identification of the reasons for non-compliance, as recommended in the Performance Review, would be important to the reform of the CoC. Capacity development would be important both for the Secretariat and Members in order to fulfil future obligations.

Concerning the CAF, its terms of reference should, at minimum: provide for a programme of work and budget; increase Members' as well as Secretariat's control of budget elements; allow for intersessional input by the CAF into the budget development process; provide for monitoring of the operation of the budget; and allow for the consideration of all administrative matters of the Organization, and not just those relating to the Secretary and his staff.

Intersessional activity by the CAF could be provided through its Bureau or appointment of a small working group. Consideration should be given to expanding the time period during which the CAF meets, in line with other committees, to ensure effective and transparent review and input by GFCM Members to financial and administrative matters.

6. Suggested action by the Commission

The Commission is invited to review the recommendations in this document, which are based on the recommendations in the GFCM Performance Review, the work of the Task Force, the work and objectives of GFCM and best practices of other RFMOs, and to provide general guidance on the strengthening of the CoC and the CAF through amendment to the GFCM Agreement, Rules of Procedure and other processes and mechanisms as appropriate.

Appendix D**Report of the First Sub-regional Meeting of the Task Force for the
Western and Central Mediterranean sub-regions****Rabat, Morocco, 12-13 February 2012****Opening of the meeting**

The meeting of the Task Force for the Western and Central Mediterranean sub-regions was held in Rabat, Morocco, on 12-13 February 2012. The meeting was attended by 35 participants from Algeria, EU, France, Italy, Libya, Malta, Monaco, Morocco, Spain and Tunisia, including representatives of GFCM Bureau, GFCM Secretariat and FAO regional projects. The list of participants and the agenda of the meeting are attached hereto under Annex A and Annex B respectively.

The meeting was called to order by Mr Jean-Luc Bernard, FAO representative ad interim in Morocco, Mr Stefano Cataudella, President of GFCM Bureau and Mr Abdellah Srour, GFCM Executive Secretary. In their interventions, they warmly thanked Morocco for hosting the meeting as well as for the excellent organization, they noted the importance that FAO attaches to those bodies established under Article XIV of its Constitution and they acknowledged the progress that has been made thus far by GFCM in improving and modernizing its legal and institutional framework through the Task Force.

Mr Abdelouahed Benabbou, Director of Cooperation and Legal Affairs of the Fisheries Department of Morocco, welcomed the participants and expressed his satisfaction for having the opportunity to host the first sub-regional meeting of the Task Force in Rabat. Also, he recalled that Morocco has always been supportive of GFCM and that his country is now looking forward to actively contributing to the process of improvement and modernization of the Commission within the framework of the FAO Constitution.

General outcomes of the discussions

The meeting acknowledged that the Task Force represents the first step of a new process in the domain of regional fisheries management organizations which aims at promoting a bottom up approach and which is ultimately expected to lead to the amendment of the GFCM Agreement and associated rules in order to enable GFCM to respond to the challenges brought about by the current status of fisheries and aquaculture in the Mediterranean and the Black Sea. The GFCM Executive Secretary clarified that consistent with its Terms of Reference - as reproduced in Appendix H of the Report of the 35th Session of the Commission - the Task Force is to provide all GFCM Members with the right to access all the discussions and debates relating to the improvement and modernization of the legal and institutional framework of GFCM. Consequently, he indicated that in order to allow all GFCM Members to contribute to the proceedings and to the consultation process of the Task Force before the conclusions of the work of the Task Force are validated, a set of general orientations emerged during the meeting would have been provided instead of a proper report.

The meeting concurred that contributions delivered would feed into a wider consultation process committed to involve all actors interested in the improvement and the modernization of GFCM legal and institutional framework, including but not limited to, through the GFCM Discussion Forum. In this regard, having noted that the Terms of Reference of the Task Force provided that the conclusions of the work by this instrument would have been presented three months before the 36th Session of the Commission, the meeting reviewed the work-plan of the Task Force in the following months. The GFCM Executive Secretary informed participants that three more sub-regional meetings will be held between March and April to address the Eastern Mediterranean, the Black Sea and the Adriatic sub-regions, respectively. Consequently, the consultation process will be closed right before the 36th Session of the Commission when a final meeting of the Task Force will be held (tentatively in May back to back with the 36th Session of the Commission). Any decision pertaining to the possible amendment of the GFCM Agreement will be then taken by the

Commission at its 36th Session, on the basis also of the conclusions that will be reached by the Task Force and bearing in mind the difficulty inherent in this undertaking. It was also noted that some years might be necessary to improve and modernize GFCM legal and institutional framework, should the Commission decide at its 36th Session to launch an amendment procedure of the GFCM Agreement and associated rules.

Three presentations were delivered by GFCM Secretariat⁴⁶ which stressed in particular that the Terms of Reference of the Task Force endow this instrument with the responsibility of identifying the main elements necessary to assist the Commission in the consideration of the necessary modifications to the GFCM Agreement and associated rules. Subsequently, delegates in attendance made declarations on the implementation of and compliance with GFCM body of law, including on existing constraints hampering said implementation and compliance. Extensive discussions followed under the topics below, which mirror the areas of intervention identified in the Terms of Reference of the Task Force. More precisely, the meeting noted the following general orientations:

A. General GFCM Objectives

- The GFCM legal framework, with particular reference to the GFCM Agreement, has to reflect the complexity of the GFCM Area, where interactions among GFCM Members have developed into a common history and a common heritage, in order to ensure their preservation through dialogue and cooperation.
- GFCM is presently faced with many challenges that are the consequence of the current status of fisheries and aquaculture in its area of competence. Nonetheless, GFCM remains the most appropriate organization to ensure that both fisheries and aquaculture are addressed for the benefit of fishermen and the people involved in the fisheries and aquaculture sectors as well as to respond to the needs of the populations of GFCM Members.
- The peculiar traits of GFCM, compared to other RFMOs, are one of the main strengths of the Commission. The choice to include aquaculture in the work-plan of GFCM back in the 1980s has turned out to be advantageous. Aquaculture must hence be retained in the future as one of the main areas of intervention of GFCM, together with marine capture fisheries.
- Fisheries and aquaculture sectors are now dealing with “new generation” problems. Although the main bulk of GFCM activities should revolve around fisheries and aquaculture, there is a necessity to consider these two sectors against the background of maritime policy so to account also for concerns relating to environment, good diplomatic relations, food security, etc. GFCM should assist its Members in reconnecting the fragments which would lead to the development and the implementation of an integrated maritime policy.
- The identification of clear general objectives in the GFCM Agreement will in turn facilitate consent on areas of intervention for GFCM Members (e.g. conservation, compliance, etc.). In terms of form, the general objectives of GFCM have to be stated in the GFCM Agreement in a manner that long term conservation and optimum utilization can be strongly pursued.
- Although the GFCM Agreement should mainly focus, as it does at present, on promoting the development, conservation, rational management and best utilization of living marine resources, as well as the sustainable development of aquaculture, it would be advisable to take into account relevant environmental considerations (e.g. not those related to pollution or marine traffic, rather those related to the impacts of fishing activities on marine ecosystems).
- Ecosystem approach to fisheries must be reflected in the GFCM Agreement. However, it has to be intended as a means to seek long term conservation rather than as an objective of GFCM.

⁴⁶ “The Task Force: background, objective, work programme”, “Outcomes of the work of the Task Force thus far” and “Amendment Procedures: GFCM Agreement, Rules of Procedure and Financial Regulations”.

- The mandate of international organizations having environmental goals should not conflict with that of GFCM. Nonetheless, to keep up with the modern approach to fisheries and aquaculture, the GFCM Agreement could be amended so as to include a provision that vests with the Commission the responsibility to enter into agreements for cooperation with relevant international organizations. Such action would adequately target some of those areas identified in the Terms of Reference of the Task Force under “International Cooperation and Interactions with non-Members” which might also call for an amendment of the GFCM Agreement.
- Principles enshrined in modern fisheries instruments that are universally recognized, including those in the FAO Code of Conduct, should be embodied in the GFCM Agreement.
- It would be advisable for the GFCM Agreement to strengthen the participation by stakeholders and civil society to the work of the Commission and its Committees.

B. Conservation Issues

- Conservation issues, as well as management issues are core elements for GFCM. Hence, there is a need to decide how to tackle conservation issues to ensure that marine living resources in the GFCM Area are preserved. It would be useful to lay down, also for the benefit of the work of GFCM Scientific Advisory Committee (SAC), common indicators and reference points to enable GFCM Members to carry out joint actions based on scientific advice.
- The GFCM Agreement should clarify that conservation of marine living resources in the GFCM Area is an objective. As for the means, focus on species and zones, inter alia, would be necessary. SAC represents the best forum to bring about similar specifications.
- The need for specifications related to conservation should progressively emerge within GFCM, based on those priorities identified by the Commission. Shared and straddling stocks would deserve particular attention, though focus on other species should not be ruled out at face value.
- Pelagic and demersal species are experiencing a significant decline, although the work by SAC point to instances of recovery in some cases. The GFCM Agreement should empower the Commission to improve conservative efforts in relation to these species as well as to all species that are overexploited.
- The GFCM Agreement applies to all species in the GFCM Area. Whereas such a full encompassing approach would be worth retaining, specifications could be later agreed upon within the remit of SAC. Addressing all species via the GFCM Agreement will always allow the identification of target species, as necessary and needed. Also, consistent with the Ecosystem Approach to Fisheries, the link between species and ecosystems should be duly considered.
- Where another regional fisheries management organization exists which has a mandate over species that are found in the GFCM Area, the GFCM Agreement should ensure coordination between this organization and GFCM to the extent that there is no duplication of efforts but an exploitation of synergies.
- GFCM should provide for a common pool of expertise where GFCM Members share methodologies and build capacities to improve conservation of marine living resources. Focusing on shared and straddling stocks would be advisable in order to account for the needs of the fishermen.
- Conservation issues should be addressed by GFCM bearing in mind the varying capacities of GFCM Members and, in particular, the existence of a North-South gap. The GFCM Agreement should recognize the specificities of the GFCM Area and its sub-regions building upon the positive experience of FAO regional projects which have been providing technical assistance.

- Including environmental considerations in the general objectives of the GFCM Agreement would imply that protected species should be also addressed in the work of the Commission. Such a move would be in accordance with relevant decisions taken by FAO Committee on Fisheries where protected species have been addressed several times

C. Management Issues

- Measures such as long term management plans are very important and have proven useful at national level in some GFCM Members. The GFCM Agreement should provide for the possibility of adopting these plans. These plans, together with environmental and biological analyses, should rely on results of further analyses to be carried out (e.g. socio-economic, market trends, etc.). A new committee could be hence established with the mandate of carrying out these analyses as well as to reinforce training activities to ensure that fisheries management directly involve fishermen. Sustainability has different dimensions and all of them have to be taken on board in developing long term management plans.
- Management actions should be conceived of by the GFCM Agreement as having a long term perspective. All existing tools and measures that can improve management should be available, consistent with an input-output angle and based on scientific advice.
- Long term management plans should have a local dimension. The role of the GFCM should be that of assisting its Members to the extent that the responsibility to implement the plans is national whereas the GFCM becomes the forum where common standards are agreed upon and lessons learnt are shared. Long term management plans could particularly help cooperation among GFCM Members in so far as tools are jointly identified by the Commission to put them in place. Whereas long term management plans should not be common, the framework under which they are launched is to be common.
- There should be a more direct connection between scientific advice given by SAC, other Committees to be possibly established, and management measures adopted by the Commission. An amendment of the GFCM Agreement could make up for the loss of scientific advice and ensure that management measures are adopted by the Commission. However, although the decision making process necessarily relies on the management (economic) and scientific component, it would be advisable that the GFCM Agreement refrains from giving SAC the power to adopt management measures.
- The GFCM Agreement would have to identify the best means to ensure that scientific advice from SAC and a socio-economic Committee to be possibly established informs the elaboration of management measures. In light of the link between management issues and another area identified in the Terms of Reference of the Task Force, namely “Decision-making”, a useful option to consider in view of a possible amendment of the GFCM Agreement could be to study past methods of work of GFCM, consistent with the findings of the Panel that reviewed GFCM performances in point of the work of scientists vis-à-vis the decisions taken by the Commission.
- The GFCM should also rely on an efficient and shared information system. In this respect a data collection wide project could be put in place in order to feed long term management plans analyses.
- A mechanism might be envisaged (e.g. the establishment of management committee, the creation of a drafting committee, a more proactive mandate to the Secretariat to table proposals for the consideration of GFCM Members, etc.) to ensure that economic and scientific advice finds its way to the Sessions of the Commission so that GFCM Members can agree on management measures in a manner ensuring both that proper consideration is given to scientific advice and that the decision-making power of the Commission through GFCM Members is retained.

D. Specific Aspects related to Aquaculture

- The aquaculture dimension is different from the marine capture fisheries dimension but it is nonetheless of paramount importance for GFCM. Interactions between aquaculture and marine capture fisheries should be duly considered whilst drafting a possible amendment of the GFCM Agreement.
- Sustainable aquaculture has to be retained among the general objectives of the GFCM Agreement so that there will be enough scope for GFCM to intervene on specific aspects related to aquaculture and to improve sustainability.
- Sustainability of aquaculture requires the development of indicators that take into account several aspects. This kind of activity should be carried out by the GFCM Committee on Aquaculture (CAQ) on the basis of relevant provisions that should be included in the GFCM Agreement.
- The different pace of development of aquaculture activities in the North and the South of the GFCM Area should be borne in mind and guide the work by CAQ.
- To enhance the aquaculture dimension in the GFCM Area, it would be particularly important that the GFCM Agreement identifies areas where common standards are needed (e.g. aquatic standards, trade standards, etc.). In alternative, the identification of these standards could be foreseen in the GFCM Agreement as a goal and their elaboration be demanded to CAQ.
- The structure of CAQ, and whether or not it is adequate, should be carefully considered so that any proposed amendment to the GFCM Agreement can further empower this committee. In this connection, it might be particularly worthy to reflect on the possibility of mandating CAQ with decision-making functions bearing in mind that CAQ, unlike SAC, is not a scientific committee proper. This might justify a different approach in terms of decision-making.
- Having considered the increasing growth of aquaculture in the GFCM Area, the spatial planning of aquaculture activities requires attention to the extent that it could be mentioned in the GFCM Agreement.
- Aquaculture should be conceived of in the GFCM Agreement as an activity having a public dimension in light of its interactions not only with marine capture fisheries, but also with the environment and the market. In this connection, lagoons would deserve special attention since they are public property and provide an habitat to for fish (nurseries) as well as for birds. GFCM could provide guidance as to the way lagoons should be addressed at national level.
- The development of aquaculture in the GFCM Area is to be strongly supported given its importance for food supply, for diminish fishing effort and for creating jobs. However, there are nuances not only in relation to species that should be farmed and their possible negative impacts, but most importantly in terms of definitions.
- The GFCM Agreement, consistent with the FAO Code of Conduct, should provide for the responsible development of aquaculture, including culture based fisheries. New orientations by the international community toward sustainable development, the improvement of SIPAM and other emerging trends which are under consideration at CAQ, could also contribute significantly to the amendment of the GFCM agreement.
- The problem of market in the GFCM Area, including competition related issues, needs to be tackled. CAQ should provide a clear snapshot of the strategic position of the GFCM Area compared to the rest of the world to improve the competitiveness of aquaculture products by GFCM Members on the global market. For CAQ to focus on this it might be advisable to spell out this problem in the GFCM Agreement.

- Extensive aquaculture could pave the way for the development of aquaculture in the GFCM Area, particularly in the Southern Mediterranean. Interventions by GFCM could be foreseen in the future to this end. Extensive production will inevitably entail a maritime policy that also includes spatial planning and culture based fisheries.

E. Compliance and Enforcement

- The GFCM Agreement must envisage a policy aiming at improving compliance and enforcement or conservation and management efforts will be to no avail. Tools to address instances of non compliance should be agreed upon by the Commission whereas GFCM Members should commit to implement them.
- Definitions for and relationship with cooperating non members and non members should be spelled out in the GFCM Agreement. Other elements relating to compliance and enforcement that should find their way into the GFCM Agreement, some of which are presently featured in various GFCM recommendations and resolutions, include flag State measures, port State measures, joint inspection schemes, VMS and lists of fishing vessels, both positive and negative.
- For a monitoring, control and surveillance system to be effective, a sound legal basis is needed for GFCM Members to take any necessary action, bearing in mind the quick pace of evolution of rules in this domain. Such legal basis would have to be enshrined in the GFCM Agreement.
- Compliance and enforcement initiatives could prove inefficient without appropriate assistance and training at national level. What lies behind recommendations adopted by GFCM has to be known by fishermen and they have to be instructed to ensure the implementation of management measures. Any proposed amendment to the GFCM agreement should insist on the need for training.
- Compliance and enforcement can be improved by the combination of VMS and additional monitoring technologies, bearing in mind the need for budgetary resources.
- The implementation of any management measure agreed upon by GFCM will also depend on the re-organization of GFCM Compliance Committee (CoC) which maybe advisable. To ensure in particular that GFCM Members comply with management measures, the GFCM Agreement could include a rider whereby there is an obligation for Members to inform CoC. Whereas such a mechanism is currently envisaged under GFCM body of law, it would be necessary to have this spelled out in the GFCM Agreement.
- Recourse to market related measures should be regarded as a viable option for GFCM.
- Any proposed amendment to the GFCM Agreement in point of compliance and enforcement should depart from the fact that relationships among GFCM Members are changing. There is a need for tools and functioning elements that can respond to this evolving scenario and the consequent need for a sound legal basis that will enable the Commission to agree to these tools and functioning elements.
- The mandate of CoC should be reconsidered in a way that the possibility to use CoC also as a forum for mediation in the case of possible disputes arising among GFCM Members is provided for. This would also be relevant under another area identified in the Terms of Reference of the Task Force, namely "Dispute Settlement". In this connection, the GFCM Agreement would benefit from a revision to ensure that disputes can be settled among all GFCM Members and relating to issues other than the interpretation of the GFCM Agreement.

F. Financial and Administrative issues

- GFCM has to be endowed with the necessary financial means to respond to the challenges brought about the current status of fisheries and aquaculture. GFCM Members have to continue supporting the Commission, consistent with their capacity. To this end, a revision of the current scale of contributions might be advisable.
- Rules relating to the autonomous budget have to be fair, equitable and rely to objective parameters that facilitate the determination of contributions by GFCM Members. The current financial regulations seem to respond to these needs.
- Calculations of the contributions by GFCM Members to the autonomous budget have to rest on a basis which is to be pre-identified and stable. Other international agreements, like the Madrid Protocol, could be considered as a point of reference in the possible amendment of the GFCM Agreement and its associated rules so that the system of contribution also accounts for the impact on fishing by GFCM Members.
- The current criterion employed to determine contributions by GFCM Members to the autonomous budget can be regarded as being fair, equitable and practical. However, it was noted that particular treatment could be accorded to GFCM Members, should there be a need to address specific situations.

Appendix E**Report of the Second Sub-regional Meeting of the Task Force for the
Eastern Mediterranean sub-region
Beirut, Lebanon, 6-7 March 2012****Opening of the meeting**

The meeting of the Task Force for the Eastern Mediterranean sub-region was held in Beirut, Lebanon, on 6th-7th March 2012. The meeting was attended by 15 participants from 4 GFCM Members, including representatives of the GFCM Bureau, GFCM Secretariat and FAO regional projects. The list of participants and the agenda of the meeting are attached hereto under Annex A and Annex B respectively.

The meeting was called to order by: Ms Marie Louise Hayek on behalf of the FAO Representative in Lebanon; Mr Haydar Fersoy, Co-Chairperson of GFCM Bureau; and Mr Abdellah Srour, GFCM Executive Secretary. In their interventions, they warmly thanked Lebanon for hosting the meeting and its excellent organization. They then noted the efforts made by FAO in support to fishermen in the region and they acknowledged the important contribution by GFCM and FAO regional project Eastmed to the promotion of sustainable fisheries and aquaculture in the Eastern Mediterranean sub-region.

Mr Hassan Atwi, Advisor to the Minister of Agriculture of Lebanon, welcomed the participants and expressed Lebanese satisfaction for having the opportunity to host the second sub-regional meeting of the Task Force in Beirut. Also, he recalled that Lebanon has always been supportive of GFCM whilst underlining that his country was among the first to ratify its constitutive agreement. He then stated that Lebanon is looking forward to actively contributing to the process of improvement and modernization of the legal and institutional framework of GFCM within the framework of the FAO Constitution. In this connection, he singled out several challenges and threats to the development of fisheries and aquaculture in the Eastern Mediterranean, encouraging the Task Force to adequately address them within the remit of its work.

General outcomes of the discussions

The meeting seconded the innovative approach to the improvement and the modernization of the legal and institutional framework of GFCM through the Task Force, noticing that this approach is comparatively different from that chosen by other Regional Fisheries Management Organizations that have reviewed their performances. The GFCM Executive Secretary clarified that, consistent with its Terms of Reference - as reproduced in Appendix H of the Report of the 35th Session of the Commission -, the Task Force endeavors to provide all GFCM actors with the right to access all the discussions and debates relating to the improvement and modernization of the legal and institutional framework of GFCM. Consequently, and similar to the outcomes of the first sub-regional meeting of the Task Force (Rabat, Morocco, 13-14 February 2012), he indicated that a set of general orientations which emerged during the meeting would be provided. The participants took note of the ongoing consultation process and expressed their willingness to actively contribute to it.

With regard to the various actors of the GFCM Area, the meeting recognized that finding means to better involve the fishermen, fish farmers, aquaculture and fisheries industry in the work of the Commission in the future should constitute a priority for the Task Force. It was suggested to ensure this through, *inter alia*, appropriate coastal zone management for the Eastern Mediterranean as well as through mechanisms for technical assistance. Two presentations were delivered by GFCM Secretariat which focused in particular on procedures in place for the amendment of the GFCM Agreement and associated rules. The meeting noted that these procedures might be lengthy due to national requirements relating to the acceptance of amendments to the GFCM Agreement and the consequent involvement of national Parliaments, especially

when these amendments entail new obligations. It was underlined that it would be important to elaborate, in the sole text of the GFCM Agreement - should an amendment occur as a result of the work of the Task Force - riders pertaining to the amendment procedure, including the 2/3 majority necessary when new obligations are involved.

In their declarations relating to the implementation of and compliance with the GFCM body of law, participants from GFCM Members *inter alia* noted the following constraints to said implementation and compliance: (i) the existence of a technical and financial gap; (ii) the lack of communication between policy makers on the one side and fishermen and stakeholders on the other; (iii) the need for support from GFCM and FAO, including its regional projects, as well as any potential donors to national administrations; (iv) problems in carrying out stock assessments and collecting data and (v) the high number of meetings held by GFCM as well as the necessity for a system that facilitates the designation of focal points at national level.

Having noted in particular requests pertaining to technical assistance, the GFCM Secretariat introduced the first GFCM Framework Programme (FWP) to inform the meeting of the direction chosen by the Commission to improve the functionality of GFCM as a result of the establishment of the Task Force. The meeting welcomed this initiative, noting that it has the potential to enhance technical assistance to GFCM Members and that it is in line with the workplan of FAO regional projects. The meeting enquired into areas that might be included within the remit of the FWP, including emergency situations and compliance and enforcement, and the GFCM Executive Secretary explained that there is ample time to take any suggestions into account before the FWP is finalized. He added that, as in the case of the Task Force, this instrument is at an initial phase of development and that adequate consideration will be given to it by GFCM Members at the 36th Session of the Commission. Extensive discussions then followed under the topics below, which mirror the areas of intervention identified in the Terms of Reference of the Task Force. More precisely, the meeting noted the following general orientations:

A. General GFCM Objectives

- Given that aquaculture is as central as marine capture fisheries for the future of the GFCM, its importance is to be adequately reflected in the text of the GFCM Agreement in view of its possible amendment. In this regard, marine aquaculture would deserve particular consideration.
- The GFCM Agreement should be amended in a manner that its objectives include more environmental considerations (i.e. not those relating to pollution *per se*, but to those relating human activities relating to fishing and aquaculture activities that have a direct impact on marine environment). Mentioning endangered marine species and marine protected areas in the GFCM Agreement, thus developing an environmental component in the work of the Commission, should be considered.
- “New generation” approaches should set apart GFCM in the future (e.g. establishing a Mediterranean wide fisheries and aquaculture society backed up by GFCM). In order for the Commission to be closer to the fisheries and aquaculture sectors, the GFCM Agreement should ensure a more direct involvement of stakeholders and civil society (which are related to fisheries and aquaculture), including the scientific community in the GFCM Area. In this connection, it would be necessary to develop a clear system for the appointment of national focal points and the establishment of a link between national focal points and national experts so that GFCM can launch initiatives, such as meetings at national level with experts identified in collaboration with national focal points, to ensure that its pool of experts is broadened. Universities and research institutions should be considered in particular as fora to provide experts that could reinforce the technical work of GFCM.
- The Commission should be clearly endowed by the GFCM Agreement with the responsibility of entering into cooperative agreements, such as Memoranda of Understanding, with competent international organizations that have a sectoral competence over the Mediterranean and the Black Sea and according to applicable FAO rules.

B. Conservation Issues

- Shared stocks and straddling stocks which are of particular importance to GFCM Members, and which would have to be identified by SAC and other competent international organizations, should call for specific conservative efforts.
- Geographical Sub-regional Areas (GSAs) should be revised, in particular for the purpose of defining limits for biological stocks. At the same time, GSAs should not serve only data collection purposes but also other purposes, such as scientific and management purposes. Any amendment to the GFCM Agreement should hence build upon the current scope of GSAs, bearing in mind that their boundaries might require further adjustments in light of developments in the governance of marine spaces in the Mediterranean.
- Endangered species, including those identified as such by other international organizations, should be a priority in view of any short-term conservative efforts. In the medium and long term on the other hand, conservational efforts should be consistent with the scientific advice by SAC and other competent international organizations.
- The decision making process is currently not efficient enough, having considered that not all scientific advice emanating from SAC is transposed into management measures. Consequently, this process should be enhanced, including by establishing a mechanism to ensure that the work by SAC is properly considered by the Commission when adopting management measures or by giving SAC the power to submit proposals regarding draft decisions to the Commission for consideration and possible adoption.

C. Management Issues

- Long-term management plans should be carried out at national level whereas GFCM should facilitate their harmonization throughout its area of competence. These plans should take into consideration biological, scientific and socio and economic factors.
- Multilateral surveys would be needed in order to carry out long-term management plans. These plans being adaptive in their objectives, once they are agreed upon, they should be considered as being long term whereas the actions required for their implementation should be adjusted depending on existing needs and priorities. In this connection, the existence of a north-south gap in the GFCM Area should always be borne in mind.
- Sound management is to rely on scientific advice and on an efficient information system. In this respect, there would be a need to identify through GFCM those data which are essential to manage fisheries so that GFCM Members can concentrate on collect and transmit them. In view of a possible amendment of GFCM Agreement, there would be a need for enforcing clear provisions relating to submission of communication and submission of data for conservation and management related, capacity related and scientific related purposes. Technical assistance should be provided by the GFCM Secretariat to this end, including through future FWPs.

D. Specific Aspects related to Aquaculture

- Sustainability of aquaculture should be further improved through the amendment of the GFCM Agreement, including by envisaging the possibility of roadmaps that also provide technical assistance to GFCM Members.

- The role of CAQ should be strengthened, including by providing advice to the Commission. From an institutional point of view, the structure of CAQ should allow the committee to coordinate the activities of the various projects relating to aquaculture developed by GFCM and to conduct pilot studies to cover the current status of aquaculture. The opportunity to employ the FWP for coordination purposes in relation to aquaculture should be considered.
- The GFCM Agreement is to account for the progressive development of aquaculture into business and to adequately recognize the interests of the private sector towards aquaculture activities. To this end, strengthening the GFCM Secretariat, including through the funding of the FWP, will be necessary so that additional work by GFCM can be done in support to GFCM Members.

E. Compliance and Enforcement

- Until present, the GFCM has been adopting several conservation and management measures, while compliance and enforcement are lacking. This undermines the work of the Commission and requires the utmost attention of GFCM Members in view of the possible amendment of GFCM Agreement.
- Compliance and enforcement have to be decidedly boosted to the extent that GFCM Members abide by conservation and management measures in place. In this regard, the possibility of developing a penalty scheme could be considered for the future work of CoC. For instance, the possibility of paying penalties could be considered for those GFCM Members found to be in non-compliance with said measures as well as that of envisaging a joint inspection scheme at regional level.
- The overall compliance and enforcement structure of GFCM has to be enhanced both in accordance with modern international fisheries instruments as well as by proposing innovative solutions so that the role of the Commission can have a more significant impact on the conservation and management of fisheries.
- It was noted that major changes could be required in the GFCM Agreement in order to further empower the Commission in the field of compliance and enforcement. At the same time, the role of CoC should not be limited to presenting a report to the Commission on the status of implementation of conservation and management measures by GFCM Members. The role of this committee should be reconsidered and its mandate clearly stated in the GFCM Agreement.
- Better monitoring, control and surveillance at regional level is needed in the GFCM Area, particularly, *inter alia*, via the development of VMS, which should become centralized at GFCM Secretariat level.
- Market-related measures should be envisaged, including prohibition of trade and marketing of products from IUU fishing, to discourage illegal practices.
- A meeting of the bureau of CoC should take place at least once every year prior to the Session of the Commission to consider matters pertaining to compliance and enforcement as well as to the role of the committee.
- The mandate of CoC should be broadened so that the committee could also become a mediation forum in the event GFCM Members need advice to settle potential divergences of views. Conversely, CoC should not be used for dispute settlement purposes but only to provide, as necessary, technical expertise to GFCM Members that might consult it to avoid entering into a dispute.
- It might be useful to elaborate dispute settlement mechanisms, including in case of bilateral disputes, taking into consideration the provisions of relevant international agreements as well as any dispute settlement mechanism that might be pertinent.

F. Financial and Administrative issues

- The current scale of contributions to determine the autonomous budget of the Commission appears to be fair, equitable and based on objective parameters.
- GFCM should explore possibilities to support its extra budgetary means in support of its activities, including through the possibility to be part of relevant initiatives, such as call for tenders.

Appendix F

**Report of the Third Sub-regional Meeting of the Task Force for the
Black Sea sub-region
Bucharest, Romania, 12-13 March 2012**

Opening of the meeting

The meeting of the Task Force for the Black Sea sub-region was held in Bucharest, Romania, on 12th-13th March 2012. The meeting was attended by 19 participants from 4 GFCM Members, 1 Cooperating non-Contracting Party as well as representatives of GFCM Bureau and GFCM Secretariat. The list of participants and the agenda of the meeting are attached hereto under Annex A and Annex B respectively.

The meeting was called to order by Mr Stefano Cataudella, President of GFCM Bureau and Mr Abdellah Srour, GFCM Executive Secretary. In their interventions, they warmly thanked Romania for hosting the meeting as well as for its excellent organization, they referred to the specific role played by the Black Sea within the remit of the GFCM Area and they recalled the most recent initiatives promoted by GFCM in support of Black Sea riparian States to address the challenges of fisheries and aquaculture in the region.

Mr Marian Manaila, President of the National Agency of Fisheries and Aquaculture of Romania, welcomed the participants and expressed Romanian satisfaction for having the opportunity to host the third sub-regional meeting of the Task Force in Bucharest. Also, he acknowledged the importance of the GFCM in connection with the pursuance of the rational exploitation of fisheries and of sustainable aquaculture in the Black Sea.

General outcomes of the discussions

At the outset, the meeting examined the thrust and the objectives of the Task Force as well as its innovative methods of work. Support was expressed for this very instrument as well as for the bottom-up participatory approach that characterizes its methods of work. According to the meeting, such an approach will facilitate the participation of all GFCM actors in a process that is ultimately expected to result in the amendment of the GFCM Agreement, consequently enabling the Commission to collect relevant opinions from the vast majority of its Members at its 36th Session.

Two presentations were delivered by GFCM Secretariat (i) on the background and the work of the Task Force and (ii) on amendment procedures applying to the GFCM Agreement, the rules of procedure and the financial regulations. In their declarations relating to the implementation of and compliance with the GFCM body of law, participants *inter alia* noted the lack of adequate means to ensure better compliance and enforcement within the GFCM Area. It was particularly stressed by the meeting that the current situation, where only some Black Sea riparian States are Parties to the Commission, could be regarded as representing a serious constraint to the implementation of GFCM recommendations. Because of this the meeting, although recognizing that several efforts have been made by the GFCM Secretariat already, agreed that diplomatic demarches should be intensified with the aim of smoothing the progress of accession by all Black Sea riparian States to the GFCM Agreement. The specific features (environmental, legal, biological, social, economic, etc.) of the Black Sea were then briefly mentioned. In light of these features, the meeting encouraged the adoption of ad hoc measures by GFCM and did not rule out the possibility of a targeted approach to the Black Sea's most salient issues within the broader context of GFCM. In this connection, having considered that a focus on the Black Sea would consequently increase the activities of the Commission, the meeting encouraged the GFCM Secretariat to promote initiatives that could secure extra-budgetary funds. The GFCM Secretariat, in response to this encouragement, referred the meeting to the preparation of the 1st GFCM Framework Programme and briefly presented this instrument, whose goal is to

support Task Force activities against the background of ongoing international debates on sustainable development.

Extensive discussions then followed under the topics below, which mirror the areas of intervention identified in the Terms of Reference of the Task Force. More precisely, the meeting noted the following general orientations:

A. General GFCM Objectives

- Considering the particular nature of the fish stocks in the Black Sea, which are migratory and shared among all riparian States enjoying a common interest in fishing opportunities, and the need for effective and comprehensive cooperative fisheries management in the region, the urgency of encompassing Black Sea non Members within the institutional framework of the GFCM Agreement was noted. In this respect, the GFCM Secretariat was invited to further intensify its diplomatic actions with these States in order to identify appropriate cooperation frameworks, such as becoming Members or being granted a cooperating status.
- Accession by all Black Sea riparian States to the GFCM Agreement should be encouraged. To facilitate this process, the mandate of GFCM *vis-à-vis* relations with non Members could be broadened having considered that it would be necessary to liaise constantly with Black Sea non Members and to ensure dialogue between them and Black Sea Members.
- [The Commission respects the decisions jointly taken by Black Sea riparian States regarding fisheries management in this region].
- Detailed provisions on cooperation with non Members should be included in the GFCM Agreement to make sure that, in accordance with applicable international and regional instruments, non Members do not undermine conservation measures agreed upon by the Commission.
- Criteria for the granting of a Cooperating non Contracting Party status should be envisaged in the GFCM Agreement. This would ensure that those non Members fishing in the Black Sea that do not wish to become Parties to the GFCM Agreement, can nonetheless cooperate with the Commission and agree to apply the GFCM recommendations, as necessary.
- Although the GFCM Agreement could benefit from an additional focus on the Black Sea, including through the introduction of provisions in the Preamble that refer to this region, its text should rather focus on the priorities of developing countries. In this regard, it would be useful that the priorities of Black Sea States (e.g. fostering cooperation, harmonizing management measures) are identified in the GFCM Agreement.
- The name of the Commission could be changed into “General Fisheries and Aquaculture Commission for the Mediterranean and the Black Sea” to better reflect the geographical scope of the GFCM Agreement in the very name of the Commission.
- The objectives of the GFCM Agreement need to be further specified. This could be done by listing common objectives applying to the whole GFCM Area first and then by identifying more focused objectives relating to the various GFCM sub-regions.
- Biological parameters for the rational utilization of fisheries resources, as well as ecosystem related considerations, should be encompassed in the GFCM Agreement. Similarly, the GFCM Agreement should give more prominence to the socio and economic dimension of fisheries and aquaculture so that the Commission can further promote sustainable development.
- The elaboration of recommendations by the GFCM should be informed by a decision-making process that entails scientific considerations as well as social, economic and environmental

considerations. In this connection, the GFCM Agreement could provide a specific procedure, including the establishment of new committees with the necessary expertise (e.g. a socio-economic committee) to inform decision-making process.

- The GFCM Agreement should be updated, including on the basis of provisions in applicable modern fisheries instruments, with particular reference to the FAO Code of Conduct, and it should also provide an opportunity, as appropriate, for stakeholders in the domain of fisheries and aquaculture to be involved in the decision-making process.

B. Conservation Issues

- Having recognized that the specificities of the Black Sea should be better taken into consideration within the remit of GFCM, it was pointed out that a new and modern framework to address the challenges to the conservation of fisheries in the Black Sea might be required.
- Particular conservation efforts on specific stocks could be agreed upon, provided that duplications with other international organizations are avoided. Specific conservation efforts on endangered species, including those identified by competent international organizations, would deserve immediate attention by GFCM.
- Harmonized collection of data and analysis at sub-regional level would contribute to the sustainability of fisheries and aquaculture in the Black Sea. Because data collection and analysis is the first step toward sustainable conservation of marine living resources, it would be particularly useful to identify through GFCM what data are essential for stock assessment.
- Criteria for the delimitation of fishing zones and the assessment of habitats, including in connection with the establishment of a coherent marine protected areas network, should be determined. Having considered the usefulness of these criteria for the Black Sea, efforts should be made to involve Black Sea non Members in the determination of these criteria.
- Avoiding overlapping and enhancing cooperation with FAO regional projects in the future, with the aim of improving conservation further, would be useful. Any other initiative that could also improve conservation in the GFCM Area, including endowing GFCM with adequate budgetary means to carry out its activities and provide technical assistance to its Members, should be considered.
- The GFCM should cooperate with those international organizations that have competence on conservation (e.g. CITES) to which Black Sea States are Parties to. It would be also advisable to introduce reporting criteria that could improve communication between GFCM and these organizations thus avoiding potential conflicts arise in relation to the conservation of given species.
- The status of the Black Sea should be studied against the background of the ecosystem approach to fisheries for the sake of better conservation of its fisheries. In this regard, coastal lagoons and sensitive habitats should be regarded as being at the core of conservation related policies and fisheries related policies.

C. Management Issues

- Having underlined the need to build upon cooperative approaches to management in the Black Sea, the establishment of a common system to improve the recovery of fish stocks whilst bringing all GFCM Members on the same line was encouraged. To this end it was indicated that, once technical measures have been adopted by the Commission, guidance should be provided to GFCM Members in relation to the implementation of these measures.

- Technical assistance to GFCM Members is required to improve the efficiency of several management related tools (e.g. VMS, data collection, etc.).
- Catch and/or effort allocation for States sharing the same fishing stocks in the Black Sea could be considered as a viable option for better management, based on reliable stock assessment findings, stocks distribution and historical official catches, where appropriate. A similar approach could be applied to the management of fisheries of all the GFCM Area.
- Harmonization of management measures adopted by Black Sea States, with particular reference to the mesh size and the legal fish/shellfish size, could be facilitated by GFCM via the Working Group on the Black Sea.
- The Working Group on the Black Sea should be strengthened and the possibility of assessing Black Sea stocks through this Working Group, possibly involving all experts from the region and all Black Sea States, could be explored. Additional aspects of relevance for the management of Black Sea stocks, particularly socio-economic aspects, should also be addressed.
- IUU fishing in the Black Sea is significantly undermining the management of fisheries and therefore should be fought with available measures.

D. Specific Aspects related to Aquaculture

- In light of the growth of aquaculture activities in the Mediterranean and the Black Sea, several specific aspects related to aquaculture, as well as emerging issues and challenges to the sustainable development of this sector, were recognized as calling for the immediate attention of GFCM.
- The Black Sea region has the potential for the development of aquaculture, although there is a need to increase production in Black Sea States. The development of a common system of information at regional level aimed at assisting Black Sea States could help them in the identification of opportunities to increase production.
- The work of GFCM in relation to aquaculture should not take over that done by the Commission on fisheries, having considered that aquaculture is less problematic to manage compared to fisheries; there is nonetheless a need to reflect the importance of aquaculture in the text of the GFCM Agreement more adequately.
- Cooperation between CAQ and SAC is currently weak and should be reinforced. Whereas CAQ should not become an advisory committee like SAC presently is, it could be recommendable to transform CAQ into a sub-committee of SAC.
- There is a need for common rules addressing various specific aspects related to aquaculture, in accordance with priorities identified at national level, to be formulated by GFCM. In addition to the elaboration of these rules, GFCM should provide guidance to its Members, including via the adoption of recommendations, throughout the development of aquaculture activities.

E. Compliance and Enforcement

- It was stressed that granting the Commission with the means to ensure that its recommendations are abode by, including by non Members, as appropriate, will drastically improve its credibility. Considering how broad the area of compliance and enforcement is, all options available to render implementation more effective (e.g. joint inspection schemes, trade related measures, penalty schemes, etc.) should be taken into account.

- The GFCM Agreement should focus on compliance and enforcement measures as a follow up to its recommendations. A more clear legal framework is hence required in order to further empower both the Commission and GFCM Members to improve compliance and enforcement.
- There is an exhaustive array of measures that can be adopted for the sake of better compliance and enforcement. Hence, these measures should be examined having in mind that the final goal is that they prove deterring for IUU fishers. In this connection, both a penalty scheme and a joint inspection scheme could represent viable options and could be foreseen as priority measures to be developed and agreed upon by GFCM.
- Lack of compliance and enforcement is related to several causes (e.g. national inability to implement recommendations, individual mistakes by the fishermen, lack of political will, etc.). These causes should be hence studied so that appropriate and adequate compliance and enforcement measures can be adopted by GFCM.
- Market-related measures represent useful tools against IUU fishing and their adoption against those States, including non Members, that allow their vessels to engage in IUU fishing should be considered.
- An High-Level Ministerial Meeting to discuss how strengthening compliance and enforcement in the GFCM Area might prove useful to, *inter alia*, deter IUU fishing activities.
- The phased development of VMS toward a centralized system should be encouraged and the potential of VMS, as source for data that can be used for many purposes (e.g. scientific purposes), should be fully exploited.

F. Financial and Administrative issues

- The current scale of contributions to determine the autonomous budget of the Commission appears to be fair, equitable and based on objective parameters.
- GFCM should explore possibilities to reinforce its extra budgetary means to carry out its activities. The launching of the 1st GFCM Framework Programme appears to be a timely initiative.
- The role and responsibilities of the GFCM Chairperson and of the GFCM Executive Secretary should be spelled out in the GFCM Agreement or in the Rules of Procedure. They should be developed on the basis of the functions of these organs bearing in mind, in particular, the work that they have been performing in recent years.

Appendix G

**Report of the Fourth Sub-regional Meeting of the Task Force for the
Adriatic sub-region
Bar, Montenegro, 16 April 2012**

Opening of the meeting

The meeting of the Task Force for the Adriatic sub-region was held in Bar, Montenegro, on 16th April 2012. The meeting was attended by 11 participants from 5 GFCM Members, GFCM Bureau and GFCM Secretariat. The list of participants and the agenda of the meeting are attached hereto under Appendix A and Appendix B respectively.

The meeting was called to order by Mr Stefano Cataudella, President of GFCM Bureau and Mr Abdellah Srour, GFCM Executive Secretary. In their interventions, they warmly thanked Montenegro for hosting the meeting as well as for the excellent organization, they referred to the importance of the Adriatic Sea for the GFCM Area and they recalled the well established cooperation between GFCM and its Members from the Adriatic Sea, which has been fostered also by the AdriaMed FAO Regional Project.

Mr Branko Bulatovic, Assistant Minister from the Ministry of Agriculture and Rural Development of Montenegro, welcomed the participants and expressed the satisfaction of his country for having the opportunity to host the last sub-regional meeting of the Task Force. He indicated that the time has come to modernize the legal and institutional framework of GFCM and that Montenegro stands ready to contribute actively to this ambitious goal.

General outcomes of the discussions

At the outset, the meeting noted the peculiar features of the Adriatic Sea. Owing particularly to its complex ecological dynamics, the development of fisheries and aquaculture in this sub-region has been traditionally given special attention by GFCM. The meeting expressed the view that to meet the needs of GFCM Members from the Adriatic Sea cooperation will have necessarily to remain the departing point of any activity carried out by the Commission in this sub-region. The importance of cooperation for the Adriatic Sea was then stressed in the presentation delivered by GFCM Secretariat on the background and the work of the Task Force. In another presentation the GFCM Secretariat briefed the meeting on the 1st GFCM Framework Programme, whose main goal is to support Task Force activities and to make the Commission more functional.

In their declarations relating to the implementation of and compliance with the GFCM body of law participants *inter alia* noted the need for technical support in drafting and enacting national legislation relating to fisheries and aquaculture, the negative impacts of IUU fishing on the management of Adriatic fisheries, the possibility of building upon synergies and avoiding duplications for those activities undertaken in the Adriatic Sea through the Task Force, the relevance of socio-economic aspects in fisheries and aquaculture and the benefits of the bottom up participatory approach adopted by the Task Force thus far for the identification of areas that might call for an amendment of the GFCM Agreement.

Extensive discussions then followed under the topics below, which mirror the areas of intervention identified in the Terms of Reference of the Task Force. More precisely, the meeting noted the following general orientations:

A. General GFCM Objectives

- Considering that the GFCM Agreement was concluded in a time when the concept of sustainable development was still to be put forth at the international level, the Task Force should take advantage of those areas (e.g. environmental considerations relevant for fisheries and aquaculture, the participation of stakeholders and civil society and the involvement of non Members in the work of the Commission) that have been already singled out in recent years within the remit of GFCM and ensure that they are adequately reflected in the provisions of the GFCM Agreement. For this very purpose, a reorganization of the structure of the Commission which would rely on a sub-regional approach was examined by the meeting.
- The GFCM Agreement requires a revision aimed at, as a main goal, improved conservation of fisheries. Any means instrumental to this goal, including cooperation between GFCM and other international organizations having a sectoral competence on the Mediterranean and the Black Sea, should be duly taken into account by the Task Force.
- Those activities under the mandate of GFCM which occur in waters under national jurisdictions, such as specific activities related to aquaculture or compliance and enforcement, have to be harmonized further. GFCM should be in the position in the future to look at selected matters relating to fisheries and aquaculture with a view of facilitating a regional process of harmonization in support of its Members.
- To give more relevance to a sub-regional approach to all issues of importance to GFCM Members (i.e. governance, conservation, scientific advice, management, compliance, etc.) the text of the GFCM Agreement should focus on the specificities of GFCM by, for instance, listing functions and objectives of GFCM in connection with GFCM sub-regions or providing for scientific advice/phased implementation of GFCM recommendations at sub-regional level, including in relation to the Adriatic Sea.
- The dimension of sustainable development (i.e. economic, social and environmental) should be overall balanced in consideration of the potential amendment of the GFCM Agreement to make sure that fisheries management will not occur in contradiction with environmental policies. A socio-economic committee could be established in support of GFCM institutional framework to avoid similar clashes.
- Consensus should be reached within GFCM on the adoption of binding recommendations taking into account the role of GFCM sub-regions. For this purpose, bearing in mind the complexity of the GFCM Area and the necessity for ad hoc discussions among clusters of GFCM Members, sub-regional working groups would have to be set up to inform the decision making process by the Commission.
- In order to prevent lack of action by the Commission on the basis of the advice provided by SAC and CAQ, as well by other present and future committees, the structure of the Commission could be supported by five sub-regional working groups (for Adriatic Sea, for Central and Western Mediterranean, for Eastern Mediterranean, for Southern Mediterranean and for the Black Sea) dealing with both aquaculture and fisheries related issues. These working groups would elaborate upon the advice provided by GFCM committees consistent with priorities identified by the Commission. The coordinators of these working groups could be appointed as permanent members of the mechanism that the Task Force has already proposed to set up within GFCM to link advice from committees to the elaboration and adoption of recommendations by the Commission. A diagram with the structure of the Commission, as presented to the meeting by the GFCM Secretariat, is reproduced in Appendix C.

B. Conservation Issues

- Because an integrated maritime approach requires the adoption of a fully encompassing view, consistent with the ecosystem approach to fisheries, it was recommended that GFCM increasingly addresses conservation issues bearing in mind interactions between fisheries and aquaculture with marine ecosystems by availing itself of existing tools as well as new tools.
- Given fish stocks, such as shared stocks, are already examined according to priorities identified by SAC. When these stocks, small pelagics in particular, are found within the same GSA, they should be given special consideration by GFCM.
- GSAs do not seem to respond to the needs for accurate data collection in the GFCM Area at present. They should be revised in a manner that takes into account other criteria as well (e.g. oceanographic criteria, but also biological and ecosystem related considerations). The possible amendment of GFCM Agreement should address this issue.
- Cooperation is to be strengthened in the future in relation to the collection of data at regional level, including for better reliance on GSAs. In this very respect, GSAs could be revised within the remit of the sub-regional working groups proposed by the meeting.

C. Management Issues

- It was advised that long term management plans should be agreed upon within GFCM and be carried out on a multiannual basis. These plans should reflect the priorities of GFCM Members of given sub-regions and hence have in mind the need for a focused geographical approach, including in the fight against IUU fishing.
- Allocation processes for GFCM would be premature until a better regulation of several management issues, such as fishing gear and data collection, is in place.
- Management of fisheries in the GFCM Area cannot be successfully carried out through a straightforward application of common tools because of the specificities of GFCM. Long term management plans are flexible enough, unlike a command and control approach to fisheries management, to provide room for considerations relating to the market. They therefore have the potential to adequately reflect socio-economic aspects into the future work of the Commission.
- Management plans (local, sub-regional and regional), based on best available scientific advice, including socio-economical considerations and assessment by relevant scientific bodies, should be one of the main outputs of the sub-regional working groups to be set up within GFCM, as proposed by the meeting. Whereas the Commission should identify general principles and provide guidance and harmonization in relation to management plans, specific actions and goals would have to be identified based on the needs of Members concerned.

D. Specific Aspects related to Aquaculture

- Aquaculture, as a component of the fisheries policy, is related to marine biodiversity. The meeting noted that negative and positive externalities of aquaculture activities, in particular for the market, have an impact on fisheries and that the GFCM Agreement should elucidate very clearly the role that Commission is to play in connection with aquaculture to ensure its responsible development.
- There is a need to discuss within GFCM specific aspects related to aquaculture which are of direct interest for GFCM Members in order, *inter alia*, to put forth elements that are interlinked with other

sectors so that wide ranging actions can be considered (e.g. hydraulic management of coastal lagoons for the benefit of both aquaculture and the environment).

- Integrated coastal zone management would improve the management of aquaculture activities as it would enable the Commission to account for other activities carried out at sea competing with aquaculture when developing sustainable policies at regional level. At the same time, knowledge on aquaculture activities should be disseminated through a top down approach that guarantees that information is conveyed by GFCM to stakeholders at national level.
- GFCM would have to be in the position to provide further technical assistance to GFCM Members, as required, to facilitate the development of aquaculture at national level. The GFCM Framework Programme could represent a viable instrument to this end.

E. Compliance and Enforcement

- It was recalled that the reasons for GFCM Members not to implement recommendations in place may vary. These reasons however should not represent a justification for acts of non compliance to the extent that the Commission should be endowed with the necessary means to tackle instances of non compliance.
- Among other measures to strengthen compliance and enforcement that of a penalty scheme was noted, which could consist of a fine amounting to a fixed percentage (e.g. 5%) of the annual contribution by non compliant GFCM Members. However, the development of any such scheme would follow from the enactment of a control and enforcement scheme by GFCM.
- A mandate should be given to continuously carry out comparative analysis, like the Task Force has been doing, of the experience of other regional fisheries management organizations in order to, *inter alia*, perfect a strategy at sub regional level to improve compliance. In the Adriatic Sea for instance, controls could be carried out in coordination or jointly, depending on the priorities and possibilities of the riparian States.
- The role of COC has to be expanded for the Commission to be able to efficiently supervise compliance and enforcement. In this connection, the COC should also build awareness among GFCM Members to prevent instances of non compliance so that the adoption of measures to target instances of non compliance, including market related measures, is conceived of as an *extrema ratio*.
- The COC needs be restructured in the future so to represent a forum where GFCM Members may exchange information on the implementation of recommendations in place and discuss adequate responses that may lead to the adoption of measures to elicit compliance. COC should also be used as a forum to suggest technical assistance measures aimed at overall increase of compliance by the member states.
- The issue of settlement of disputes would have to be addressed within GFCM in a manner that is consistent with international obligations incumbent upon GFCM Members. A role could be given to COC to act as a mediator before disputes are settled.