



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



**TASK FORCE TO IMPROVE AND MODERNIZE THE LEGAL AND
INSTITUTIONAL FRAMEWORK OF GFCM**

REPORT OF THE SECOND VALIDATION MEETING

Split, Croatia, 10-11 May 2013

Opening of the session and arrangements for the meeting

1. The Second Meeting on the validation of the outcomes of the Task Force was held in Split, Croatia, on 10th and 11th May 2013. 48 participants were in attendance, including representatives of GFCM Members, the FAO, non-governmental organizations and both the GFCM Bureau and Secretariat. The list of participants is provided under Annex A.
2. The meeting was called to order by Mr Stefano Cataudella, Chairperson of the GFCM, who gave the floor to Mr Josip Markovic, from the Croatian Ministry of Agriculture. Mr Markovic, on behalf of the hosting country, welcomed participants and emphasized the importance of the meeting's outcomes in view of the 37th session of the Commission.
3. The Chairperson thanked Croatia for hosting the meeting and the participants for their attendance. He noted that the participatory approach adopted through the Task Force had advocated the continuation of this instrument to steer the amendment process of the GFCM legal and institutional framework launched by the 36th session of the Commission (Marrakech, Morocco, May 2012). He recalled in particular the bottom-up and participatory approach adopted by the Task Force and also mentioned the link existing between the Task Force and the GFCM Framework Programme (FWP) which made it possible during the intersession to provide support the GFCM amendment process. The Chairperson expressed gratitude to the FAO, for the support it gave to the reform of the GFCM, and to the GFCM Secretariat, for the competent and transparent work.
4. After recalling the declaration of competence and voting rights by the EU and its Member States, Mr Adallah Srour, GFCM Executive Secretary, introduced the agenda which was adopted by the meeting without changes (see Annex B).

Review of the work under the Task Force and the GFCM Framework Programme in support to Task Force activities

5. The Executive Secretary recalled that the Task Force had been established to build upon the strengths and make up for the weaknesses identified by the performance review. To this end, emerging challenges posed by fisheries and aquaculture in the Mediterranean and the Black Sea were being addressed by the GFCM, including through the FWP. Also, he explained that the validation meeting had as its main objective to assess the consistency between the recommendations made by the Task Force and their transposition into the proposed draft amended texts (i.e. the GFCM Agreement, the Rules of Procedures and Financial Regulations).

6. The GFCM Secretariat clarified in a presentation that the work under the Task Force and the FWP had significantly contributed to the preparation by two independent experts of a set of draft amended texts of the (i) GFCM Agreement, (ii) the GFCM Rules of Procedure and (iii) the GFCM Financial Regulations. The Secretariat stressed the useful contribution from FAO Legal Office and acknowledged the necessity to continue working in close collaboration with the FAO Legal Office.

7. The meeting expressed great satisfaction for the achievements obtained through the Task Force and the FWP which will require some integrations and further discussions, especially with respect to the proposed draft amended texts.

Review of the proposed amendment of the GFCM legal and institutional framework, including its conformity with the recommendations of the Task Force

8. Ms Annick Van Houtte, from the FAO Legal Office, presented briefly the procedural aspects of the GFCM reform in light of the FAO and GFCM rules. She recalled that the GFCM Agreement was adopted by the FAO Conference in 1949 and had since then been amended on three occasions. The current amendment procedure, set forth in Article XII of the GFCM constitutive Agreement, refers to the fact that some amendments to the Agreement may bring about “new obligations” for the Contracting Parties.

9. It was noted that in the course of the past amendment processes of the GFCM Agreement, guidance was provided by the FAO Committee on Constitutional and Legal Matters (CCLM) regarding the nature of the amendments and the procedure for their entry into force. Based on the counsel of the CCLM, those amendments subject to a ratification process as set forth in Article XII of the Agreement because they bring about new obligations would be identified. The final decision as to whether the amendments of the Agreement involve new obligations for the contracting parties is for the Council, taking into account the recommendations of the CCLM and the views of the GFCM itself. The FAO Legal Office then explained that the GFCM must report to the Council the amendments to the Agreement and that the Council has the power to disallow any proposed amendment if found inconsistent with the Basic Texts of FAO.

10. In connection with the timing of the amendment process, the FAO Legal Office drew attention on the schedule of upcoming meetings of the CCLM (October 2013/March 2014) and the FAO Council (December 2013/June 2014) where the reform of the GFCM could be introduced. To

this end, the consolidated draft amended texts should be submitted beforehand to enable the CCLM to review them.

11. Three presentations were delivered by the independent experts to present the draft amended GFCM Constitutive Agreement (Mr Terje Lobach), the draft amended GFCM Rules of Procedure (Ms Judith Swan) and the draft amended GFCM Financial Regulations (Ms Judith Swan). The independent experts stressed the consistency of their work with the recommendations made by the Task Force at its first validation meeting (Marrakech, Morocco, May 2012), as endorsed by the Commission at its 36th session. In addition they explained that the proposed draft amended texts took into account the on-going FAO review of bodies established under Article XIV of the FAO Constitution as well as relevant international and regional instruments relating to fisheries and the Law of the Sea. These sources, in addition to the recommendations by the Task Force, influenced the drafting process and enabled the preparation of provisions tailored to the specificities of the GFCM.

12. In the ensuing discussions, the meeting acknowledged that the draft amended texts were consistent with the recommendations made by the Task Force and constituted a good starting point in connection with the GFCM amendment process.

13. The meeting agreed that written comments provided by Members and observers on the draft amended texts had to be reproduced under Annex C with the aim of keeping track of the ongoing GFCM amendment process. It was specified that those comments which were not addressed during the meeting (e.g. dispute settlement mechanism, reservations, etc.) would be duly examined in the next steps of the GFCM amendment process.

14. In light of discussions, the meetings made the following recommendations and comments:

GFCM Amendment Process

- It was acknowledged that the draft amended texts were overall consistent with the recommendations made by the Task Force. However, the meeting agreed that further work had to be made in view of following through with the GFCM amendment process as a number of substantial issues required specific attention. As a result, it was agreed that ad hoc working groups should be established during the intersession to address the next stage of the GFCM amendment process and to ensure its full achievement, including through the convening of an extraordinary session of the GFCM in due course;
- the proposed ad hoc working groups, within the remit of the Task Force, should tackle several issues still requiring discussions (e.g. conservation of resources, area of competence, institutional framework of the Commission, management of fisheries resources, links between FAO Regional Projects and sub-regional working groups, IUU fishing, relationship with the FAO, etc.). It was suggested that proposals concerning the mandate, the structure and the functioning of ad hoc working groups to be established and the suggested timeframe for their operations should be defined. These proposals would have to be submitted to the 37th Session of the Commission for consideration and possible endorsement;

- a number of amendments not entailing “new obligations”, subject to the ratification of the Commission at its 37th Session, could be already adopted.

Draft amended GFCM Agreement

- the strategic objective of the amended GFCM Agreement should be to ensure that gaps existing among Members would be bridged in order to bring about a level playing field. Careful assessment of its provisions should be performed with a view to aligning them with FAO Basic Texts (e.g. adoption of qualified majority/consensus) and to identifying the existence of new obligations for the Contracting Parties. In case proposed amendments involve new obligations for the GFCM Members, they would come into force for each Member only on its acceptance thereof. Those Members who have not accepted an amendment to the GFCM Agreement involving additional obligations will continue to be governed by the previous legal framework, as indicated in Article XII of the GFCM Agreement. In line with the past GFCM amendment process in 1997 there would be a threshold of acceptance by two thirds of the Members before such amendment comes into force;
- the name of the GFCM might be changed into “General Fisheries Commission for the Mediterranean and the Black Sea” in the future so to account in a fully-encompassing manner for the GFCM competence area;
- all definitions in the Amended GFCM Agreement should be provided on the basis of relevant international instruments, and particularly the FAO, when recognized by Members to be relevant for the work of the Commission. The GFCM glossary should be completed and used as a basis to agree upon definitions (after its adoption and approval by the Commission);
- consideration should be given to the scope of connecting waters included in the area of competence of the GFCM. The meeting was informed that at the time of the second amendment of the GFCM Agreement (1976) the concept of connecting waters applied to an ecologically homogenous region where migrations of marine living resources were known to occur to a certain extent. It was proposed that this definition would be further elaborated for consideration;
- recognition of existing maritime jurisdictions should be ensured in the definitions contained in the Amended GFCM Agreement, in accordance with international law;
- the scope of current provisions on membership which reflect FAO rules, and particularly the provision related to parties to the International Atomic Energy Agency, was underlined;
- the importance of socio-economic aspects in fisheries and aquaculture and of small scale fisheries should be strengthened as general principles of the amended GFCM Agreement;

-
- the development of marine spatial planning strategies at regional level can be facilitated by the Commission given their relevance to assess the interactions between fisheries and aquaculture;
 - the Amended GFCM Agreement should recognize the important role of aquaculture in the context of blue economy. It was proposed that the GFCM should focus in particular on selected emerging issues in light of the evolution of aquaculture over the last 20 years and their importance for national administrations (e.g. investments to enter the markets);
 - the meeting agreed that more visibility should be given to aquaculture issues, including through technical assistance programmes for Members;
 - the possibility for the Commission to decide sanctions in cases of non-compliance by Members through a penalty scheme was considered appropriate. However, detailed procedural processes for sanctions should be agreed upon in order to ensure due process;
 - a provision on cooperating non-contracting parties should be included in the amended GFCM Agreement. In addition, it was proposed that an ad hoc status for observers be annexed to the rules of procedure in order to enable participation to specific meetings of observers, subject to the agreement of the Members;
 - general support was expressed to the proposed sub-regional approach to fisheries management aiming, *inter alia*, at providing scientific advice in view of the establishment of multiannual management plans. The proposal was made that this approach might be translated into the creation of sub-regional working groups which would replace the existing thematic bodies to draw more focused interest from Members concerned, subject to applicable considerations (i.e. financial considerations). In light of possible implications of this proposal, including for the FAO Regional Projects and other initiatives and with a view to promoting more synergies and complementarity, a thorough reflection was recommended to clarify several aspects (i.e. budgetary issues, mandate, functioning, remuneration of coordinators, zoning criteria and other relevant matters);
 - The GFCM sub-regional working group for the Black Sea (WGBS) should continue to undertake joint activities for all the six riparian countries and to make all necessary effort to provide scientific advice for fisheries management purposes. Efforts should be made to ensure that relevant measures for the Black Sea are implemented by these countries; relevant Members were encouraged to promote, within their bilateral demarches, the role of the GFCM with particular reference to the strengthening of the WGBS. Consequently, they would ensure that all countries, including non-GFCM Members, would play an active part in the management of Black Sea fisheries;
 - regarding the Black Sea, the representative of Turkey illustrated the position of his country. He explained that his country was planning to engage in discussions for a regional agreement involving all six riparian countries which would be complementary with the GFCM. Amended GFCM Agreement should therefore foresee compatibility with any possible future agreement aimed at establishing a regional organization for the Black Sea. Also, he underlined that the GFCM was the appropriate platform for promoting cooperation

in the region. Turkey proposed to add specific provisions (e.g. articles, a section etc.) to the Amended GFCM Agreement in connection with the Black Sea;

- the establishment of a mechanism supporting, among others, the decision-making process of the Commission was endorsed. This mechanism, whose mandate should be duly elaborated and budgetary implications would have to be taken into account, would facilitate, *inter alia*, the implementation of the guidelines adopted by the Commission on multiannual management plans;
- the mechanism should submit to the Commission, on the basis of the scientific advice from SAC, proposals for recommendations. At the same time, the Commission would examine any proposal for recommendations to identify the appropriate course of action (i.e. adoption or deferral to SAC for further refinement);
- to better assess socio-economic issues in the decision making process, the membership of the review mechanism should have the necessary expertise so that proposals for recommendations would be put forth, also based on socio-economic assessments. In this regard, the importance of collecting of socio-economic data by Members was stressed. Socio-economic studies on selected issues should be carried out to facilitate the work of the mechanism.

GFCM Rules of Procedure

- the use of present official languages of the Commission should be maintained instead of selecting “working languages”. Nonetheless, it was agreed that for the sake of flexibility Members could accept to work only with limited “working languages” in technical meetings;
- the proposed requirements for the convening of sessions of the Commission would apply only to statutory meetings;
- due to the fact that elected chairpersons and vice-chairpersons could lose the national support of the Member of nationality as of the moment they were proposed for a given function within the Commission, it was noted that this predicament would have to be addressed in the Rules of Procedure.

GFCM Financial Regulations

- It was underlined that new provisions on sanctions and penalties in cases of non compliance with conservation and management measures could constitute a new obligation for the Contracting Parties;
- the possibility of introducing sanctions in case of arrears should be considered, in addition to suspension of a voting right as already provided in the Agreement. Possible reasons for

increased contribution could be linked either to the payment of arrears or to sanctions imposed for non-conformity with GFCM recommendations;

- with regard to FAO decisions with budget implications for the GFCM (e.g. charging of the ICRU taxation), it was pointed out that the approval of the annual budget by the Commission could be overpowered. It was hence recommended that similar situations should be duly brought to the attention of the Commission and should be considered in the ongoing review of Article XIV bodies carried out by the FAO;
- the hierarchical relationship between FAO rules and GFCM rules, including in the case of financial regulations, should subject GFCM rules to FAO rules.

Any Other Matter

15. It was recalled that the GFCM amended process should be as transparent as possible. It was also suggested that the ongoing reform process in ICCAT, as well as those ongoing in other RFMOs and FAO Article XIV bodies at large, should be considered in the next steps of the GFCM amendment process.

16. Gratitude was expressed to Croatia for having hosted the meeting and to the EU, France and Italy for having provided financial support for the activities carried out in the framework of the Task Force and the FWP.

Conclusions of the Meeting

17. The executive report of the Second Validation Meeting of the Task Force, including all the conclusions drawn on the GFCM amendment process, was approved on 11 May 2013. It was submitted to the consideration of the 37th Session of the Commission (Split, Croatia, May 2013) for its possible action.

List of Participants**MEMBERS OF GFCM****ALBANIA**

Mimoza COBANI
 Fishery & Aquaculture specialist
 Fisheries Directorate
 Ministry of Environment, Forestry and
 Water Administration
 Rruga e Durrësit, Nr.27
 Tirana
 Tel.: +355 672055778
 E-mail: cobanimimi@yahoo.com

Jerina KOLITARI
 Agricultural University of Tirana
 Kamez, Tirana
 Tel.: + 355 686076121
 E-mail: j.kolitari@gmail.com

ALGERIA

Hamid BENDERRADJI
 Conseiller du Ministre chargé des relations
 extérieures et de la coopération
 Ministère de la Pêche et des Ressources
 Halieutiques
 Route des quatre canons
 Alger
 E-mail: hbenderradji@gmail.com
h.benderradji@mpeche.gov.dz

Mohamed KACHER
 Directeur du centre de recherche
 CNRDPA
 Alger
 E-mail: mohamed.kacher@gmail.com

BULGARIA

Konstantin PETROV
 Executive Agency for Fisheries and
 Aquaculture (EAFA)
 Ministry of Agriculture and Food
 17 Hristo Botev Blvd
 1606 Sofia
 Tel.: +359 898432976
 Fax: +359 28051686
 E-mail: konstantin.petrov@iara.government.bg

Violin RAYKOV
 Senior Assistant
 Department of Marine biology and
 ecology
 IO-BAS
 40 Parvi Mai str.
 Varna
 Tel.: +35952 370 433
 Fax:+359 52 370 484
 E-mail: vraykov@io-bas.bg

CROATIA

Josip MARKOVIĆ
 Directorate of Fisheries
 Ministry of Agriculture
 Planinska 2a
 10000 Zagreb
 Tel.: + 38 51 6443189
 E-mail: josip.markovic@mps.hr

Miljana GRUJA
 Senior Adviser
 Directorate of Fisheries, field office
 Rijeka Demetrova 3
 51 000 Rijeka
 Tel.: +385 51321293
 E-mail: miljana.grujamprrr@gmail.com

CYPRUS**EGYPT**

Madani Ali MADANI
 General Director
 International Agreements Dept.
 General Authority for Fish Resources
 Development (GAFRD)
 4, Tayaran st., Nasr City
 Cairo
 Tel.:+202 22620117 / 22620118
 Fax:+20222620117 / 22620130
 E-mail: madani_gafrd@yahoo.com

EUROPEAN UNION-MEMBER ORGANIZATION

Antonio CERVANTES
 Fisheries Conservation and Control in the
 Mediterranean and Black Sea
 Directorate General for Maritime Affairs and
 Fisheries
 European Commission of the European Union
 200 rue de la Loi
 1049 Bruxelles
 Tel.: +32 2 2965162
 E-mail: antonio.cervantes@ec.europa.eu

FRANCE

Philippe MARAVAL
 Chargé de mission Affaires Internationales
 Direction des Pêches Maritimes et de
 l'Aquaculture
 Ministère de l'Ecologie et du Développement
 Durable
 1 place des degrés, La Défense
 Tel.: +33 0140818936
 E-mail: philippe.maraval@developpement-durable.gouv.fr

Philippe FERLIN
 Membre du Conseil Général de
 l'Alimentation, de l'Agriculture et des
 Espaces Ruraux
 Ministère de l'Agriculture, de l'Agro-
 alimentaire et de la Forêt
 251 rue de Vaugirard
 75732 Paris Cedex
 France
 Tel.: + 33(0)149555655
 Fax : +33(0)149555212
 E-mail: philippe.ferlin@agriculture.gouv.fr

GREECE

Dimitra SAVVOPOULOU
 Head of Department of Overseas Fisheries
 Directorate of Marine Fisheries
 General Directorate of Fisheries
 Ministry of Rural Development and Food
 150 Sygrou Avenue
 17671 Athens
 Tel.: +30 2109287179
 Fax.: +30 2109287110
 E-mail: syg022@minagric.gr

Alexandros KOLLIPOULOS
 Deputy Legal Adviser
 Ministry of Foreign Affairs
 10 Zalokosta street
 10671 Athens
 Tel.: +30 2103683648
 E-mail: kollio@mfa.gr

ISRAEL

ITALY

Elisabetta GIANNOCCARI
 Ministry of Agricultural Food and Forestry
 Policies
 DG Fisheries and Aquaculture
 Tel.:+39 06 59084499

JAPAN

LEBANON

Samir MAJDALANI
 Head
 Department of Fisheries & Wildlife
 Ministry of Agriculture
 Embassies Street, Bir Hassan
 Beirut
 Tel.:+961 3384421
 E-mail: sem@cyberia.net.lb
smajdalani@agriculture.gov.lb

LIBYA

Ahmed ABUKHDER
 Technical Cooperation Office
 General Authority for Marine Wealth
 Tripoli
 Tel.: +218 091 3866651
 E-mail: abukh_53@yahoo.com

Nureddin ETBENI
 General Authority for Marine Wealth
 Tripoli
 Tel.: +218 091 3223907
 E-mail: nurabdala@live.co.uk

Taher SHAABAN
Office of Protection and Inspection
General Authority for Marine Wealth
Tripoli
Tel.: +218 0913715911
E-mail: shaaban5840@yahoo.com

Khiri ELFITURI
Legal Officer
General Authority for Marine Wealth
Tripoli
Tel.: +218 0918533422
E-mail: khiri.elfituri@yahoo.com

MALTA

Andreina FENECH FARRUGIA
Acting Director General
Fisheries and Aquaculture - MSDEC
Ghammier
Tel.: +356 22921270
E-mail: andreina.fenech-farrugia@gov.mt

Susan PORTELLI
Senior Manager (Fisheries Management)
Department of Fisheries and Aquaculture -
MSDEC
Ghammieri, Malta
Tel.: +356 22921259
E-mail: susan.a.portelli@gov.mt

MONACO

MONTENEGRO

Srdjan MUGOSA
Adviser for fisheries
Ministry of Agriculture and Rural
Development
Rimski trg br.46
810000 Pogodolica
Tel.: +382 20 482270
E-mail: srdjan.mugosa@mpr.gov.me

Aleksandar JOKSIMOVIC
Director
Institute of Marine Biology
Dobrota bb
85330 Kotor
Tel.: +382 32 344 569
E-mail: acojo@ac.me

MOROCCO

Hicham GRICHAT
Chef de Service
Direction des pêches maritimes et de
l'aquaculture
Ministère de l'Agriculture et de la Pêche
Maritime
BP 476 , Agdal Rabat
Tel.: +212 537688115
E-mail: grichat@mpm.gov.ma

Soumia KAMEL
Chef de service de la réglementation et du
suivi des conventions et accords
Ministère de l'Agriculture et de la Pêche
Maritime
B.P 476 , Agdal Rabat
Tel.: +212 537688200
E-mail: kamel@mpm.gov.ma

ROMANIA

SLOVENIA

SPAIN

Encarnación BENITO REVUELTA
Jefa de Area
SG Caladero Nacional, Aguas Comunitarias y
Acuicultura
Dirección General de Recursos Pesqueros y
Acuicultura
Secretaría General de Pesca
Ministerio de Agricultura, Alimentación y
Medio Ambiente
C/ Velázquez 144 - 28071 Madrid
Tel. / Fax: +34 913476161 / 6046
E-mail: ebenitor@magrama.es

Leyre LOZANO MENDÍA
Consejera Técnica de Normativa
SG Asuntos Jurídicos
Segretaría General de Pesca
Ministerio de Agricultura, Alimentación y
Medio Ambiente
C/ Velázquez 144 - 28071 Madrid
Tel.: +34 913476009
E-mail: llozano@magrama.es

SYRIAN ARAB REPUBLIC

Ministry of Foreign Affairs
Dr Sadık Ahmet Cad. No:8
Balgat/Ankara
Tel.: +90 3122921604
E-mail: mehmet.bulut@mfa.gov.tr

TUNISIA**TURKEY**

Esra Fatma DENIZCI TOSLAK
Fisheries Engineer
General Directorate of Fisheries and
Aquaculture
Ministry of Food, Agriculture and Livestock
Eskişehir Yolu 9.km Lodumlu Çankaya
Ankara
E-mail: esrafatma.denizci@tarim.gov.tr

Hasan KILIC
Agricultural Engineer
General Directorate of Fisheries and
Aquaculture
Ministry of Food, Agriculture and Livestock
Eskişehir Yolu 9.km Lodumlu Çankaya
Ankara
Tel.: +90 3122873360
E-mail: hasan.kilic@tarim.gov.tr

Korkut Gökhan KURTAR
European Union Expert
General Directorate of EU and External
Relations
Ministry of Food, Agriculture and Livestock
Eskişehir Yolu 9.km Lodumlu Çankaya
Ankara
Tel.: +90 287 3360 3062
E-mail: gokhan.kurtar@tarim.gov.tr

Çağla TOZLU
Assistant EU Expert
General Directorate of EU and External
Relations
Ministry of Food, Agriculture and Livestock
Eskişehir Yolu 9.km Lodumlu Çankaya
Ankara
Tel.: +90 5547930468
E-mail: caglatozlu@gmail.com

Barış KALKAVAN
Head of Maritime Affairs Department
Ministry of Foreign Affairs
Dr Sadık Ahmet Cad. No:8 Ankara
Tel.: +90 3122921460
E-mail: baris.kalkavan@mfa.gov.tr
Mehmet BULUT
Acting Head of Department

Başak TUNCA
Attaché
Ministry of Foreign Affairs
Dr. Sadik Ahmet cad.No:8
Ankara
Tel.: +90 3122921000
E-mail: basak.tunca@mfa.gov.tr

OBSERVERS**MedPAN**

Purificació CANALS-VENTIN
President
48, rue Saint Suffren
13006 Marseille
France
Tel.:+33 4 91580962
Cel.:+33 650 451657
E-mail: pcanals@tinet.org

OCEANA

Maria José CORNAX
Fisheries Campaign Manager
Leganitos 47, 28013 Madrid
Spain
Tel.:+ 34 911 440 880
Fax:+ 34 911 440 890
E-mail: mcornax@oceana.org

WWF MEDITERRANEAN

Susana SAINZ-TRAPAGA
Fisheries Officer
WWF Mediterranean
Canuda 37, 08002 Barcelona
Spain
Tel.: +34 933056252
E-mail: ssainztrapaga@atw-wwf.org

GFCM Bureau

Stefano CATAUDELLA
Chairperson
Università di Tor Vergata
Via Orazio Raimondo, 8
00173 Rome
Tel: +39 0672595954
Fax: +39 062026189
E-mail: stefano.cataudella@uniroma2.it

FAO

Annick VAN HOUTTE
Senior Legal Officer
Legal Office
Tel.: (+39) 06 57054287
Fax.: (+39) 06 57054408
E-mail: annick.vanhoutte@fao.org

FAO REGIONAL PROJECTS**AdriaMed/MedSudMed**

Enrico ARNERI
Project Coordinator
Fisheries and Aquaculture Resources Use and
Conservation Division (FIRF)
Fisheries and Aquaculture Department
Food and Agriculture Organization of the
United Nations (FAO)
Viale delle Terme di Caracalla, 1
00153, Rome
Italy
Tel.:+ 39 06 57056092
Fax:+ 39 06 570 53020
E-mail:enrico.arneri@fao.org

CopeMed

Juan A. CAMIÑAS
Project Coordinator
Fisheries and Aquaculture Resources Use
and Conservation Division (FIRF)
Fisheries and Aquaculture Department
Food and Agriculture Organization of the
United Nations (FAO)
Paseo de Sancha 64, 29071 Málaga
Spain
Tel.:+349 5989299
Fax:+349 52989252
E-mail: juanantonio.caminas@fao.org

EastMed

Konstantina KARLOU-RIGA
Project Coordinator
Fisheries and Aquaculture Resources Use
and Conservation Division (FIRF)
Fisheries and Aquaculture Department
Food and Agriculture Organization of the
United Nations (FAO)
Andron 1,11257, Athens
Greece
Tel.:+30 2108847960
E-mail:konstantina.riga@fao.org

GFCM SECRETARIAT

Abdellah SROUR
GFCM Executive Secretary
Policy, Economics and Institutions Service
Fisheries and Aquaculture Policy and
Economics Division
Fisheries and Aquaculture Department
Tel.:+39 06 57055730
Fax:+39 06 57055827
E-mail:abdellah.srou@fao.org

Nicola FERRI
Legal Consultant
Policy, Economics and Institutions Service
Fisheries and Aquaculture Policy and
Economics Division
Fisheries and Aquaculture Department
Tel.:+39 06 57055766
E-mail: nicola.ferri@fao.org

Dominique BOURDENET
Scientific Editor/Translator
Policy, Economics and Institutions Service
Fisheries and Aquaculture Policy and
Economics Division
Fisheries and Aquaculture Department
Tel.:+39 06 57056557
E-mail: dominique.bourdenet@fao.org

INVITED EXPERTS

Judith SWAN
GFCM Consultant
Tel.:+39 0657052754
Fax:+39 06 57054500
E-mail: judith.swan@fao.org

Terje LOBACH
GFCM Consultant
Tel: +47 908 35495
E-mail: Terje.Lobach@fiskeridir.no

Agenda

- 1. Opening of the Session**
- 2. Adoption of the Agenda and arrangements for the meeting**
- 3. Review of the work under the Task Force and the GFCM Framework Programme in support of Task Force activities**
 - Strengthening of data collection and submission frameworks in the GFCM area of competence
 - Implementation of the GFCM Guidelines for multiannual management plans
 - Fight against IUU fishing in the GFCM Area
 - Other
- 4. Review of the proposed amendment of the GFCM legal and institutional framework, including its conformity with the recommendations of the Task Force**
 - Draft amended GFCM Constitutive Agreement
 - Draft amended GFCM Rules of Procedure
 - Draft amended GFCM Financial Regulations
- 4. Discussions on and recommendations for the validation of the amendment of the GFCM legal and institutional framework**
- 5. Any other matter**
- 6. Closure of the meeting**

STATEMENTS AND COMMENTS

- Algeria
- Egypt
- European Union
- Lebanon
- Turkey
- FAO Regional Projects
- MedPAN
- WWF and Oceana

**OBSERVATIONS DE L'ALGERIE SUR LA PROPOSITION D'AMENDEMENTS DE
L'ACCORD PORTANT CREATION DE LA COMMISSION GENERALE DES
PECHES POUR LA MEDITERRANEE, LA MER NOIRE ET LES EAUX
INTERMEDIAIRES (CGPM)**

Après lecture, étude et analyse du projet présenté, plusieurs remarques et observations sont notées, à savoir :

Sur un plan global : la lecture du document ne fait pas ressortir de manière significative l'aspect socio-économique de l'activité de pêche et d'aquaculture en méditerranée.

En effet, les différents points intégrés dans les différents chapitres et articles ont plus trait au volet préservation et gestion de la ressource, de contrôle et d'application, qu'aux aspects socio-économiques liés à l'activité et à la population ciblée, les principaux acteurs de l'activité « les professionnels de la pêche et de l'aquaculture » n'apparaissent pas.

Aucune disposition les concernant n'est apparentes dans le document, notamment les aspects de protection et de capacitation de cette population importante puisque le plus souvent en mer méditerranée il s'agit de pêche côtière et donc artisanale et qui concerne le plus souvent des régions enclavées dont la pêche est la principale activité économique.

Il nous paraît dès lors important que ce document de référence aborde ce volet socio-économique de manière directe, et non à partir de notions non encore maîtrisée tel que l'approche éco systémique.

De même et concernant la qualité de membre, il paraît important vu le contexte économique mondiale de préserver cet espace de concertation et de gestion qu'est la CGPM aux seul pays méditerranéens.

Il reste clair que l'Union Européenne avec ses différents membres souhaite activer de manière significative au sein de cette organisation subsidiaire de la FAO, mais que cela ne se fasse pas au détriment des états membres de la région.

Dans ce cadre et afin d'éviter des conflits au sein de cette organisation, nous préconisons de rester notamment en matière de vote sur la « notion consensuelle », plutôt que d'aller vers les deux tiers des votant avec l'implication d'entités non concernées par la zone d'action de la commission, à savoir des états non côtiers.

Sur un registre particulier, et par rapport au document présenté : un certain nombre de remarques ont été notées, à savoir :

1/ Au niveau du préambule :

- Paragraphe 7 : l'aquaculture ne peut être considérée comme « essentielle » le terme est trop fort, il serait plus judicieux d'utiliser le terme « important ».
- Par 9 : la notion d'approche éco systémique n'est maîtrisée de par le monde que par quelques nations développées, il nous paraît non opportun de l'insérer comme mesure de gestion.
- Par 10 ligne 5 ; qu'est-ce qu'on entend par eaux intermédiaires, il nous semble que la zone de compétence de la CGPM est connue, il faudrait donc s'y référer.

2/ Article premier :

- Alinéa a) pour les stocks chevauchants : il faudrait les définir et rester dans la définition exacte de la FAO.
- Alinéa g) et j) clarifier la notion d'organisation d'intégration économique afin d'éviter l'intervention d'entités économiques ou de groupes de pression.

3/ article 4 :

Tel que relevé précédemment, il y'a lieu de revoir la notion membres de la commission, puisqu'il s'agit d'un organe subsidiaire de la FAO, mis en place afin de coordonner l'action au niveau régional il nous paraît inopportun d'inclure en qualité de membre des états non côtiers.

Pour ce qui est de l'Union Européenne qui doit gérer la flotte européenne de pêche, des mécanismes de concertation peuvent être trouvés par consensus au sein de la commission afin de définir les modalités d'intervention des navires non affiliés à des états côtiers.

4/ article 5 :

- Alinéa f) il faudrait définir ou déterminer avec plus de précision les notions de surpêche et de capacités de pêche excédentaires,
- Alinéa g) qu'est ce qu'on entend par temps opportun (à définir) et que veut-on dire par données exactes (puisque c'est l'état qui les transmet) ou alors pense on à une forme de contrôle ? cet alinéa devrait être enlevé.
- Alinéa j) qu'est ce qu'on entend par approche sous régional ? il faudrait éclaircir cette notion étant donné que chaque état côtier gère sa ressource à partir de ces pans de développement et dans la limite de ses eaux. Cet alinéa devrait être supprimé également.

5/ article 6 :

A ce niveau il faudrait définir la notion de membre tel que précisé précédemment.

6/ article 7 :

- alinéa b) point i) à clarifier, la notion d'espèce qui appartiennent au même écosystème est à spécifier. iii) revoir cette notion sous régionale.
- Alinéa d) et j) à enlever
- Alinéa i) le contrôle se fait par le comité d'application sur la base des rapports nationaux (est ce que par cette disposition on remettrait en cause la véracité des données transmises dans les rapports nationaux ?)
- Alinéa n) cette notion de commerce international et de promotion des normes sanitaires ne semblent pas être du ressort de la commission.

7/ article 8 :

Plus de clarification nous apparaissent utiles pour cet article en matière d'organes subsidiaires, et quelle est la différence entre organes subsidiaires, comités, et groupes d'examen ? Plus de détail sont nécessaires à ce niveau en fixant dès le départ les comités et sous comités nécessaires à l'accomplissement du travail de la commission.

8/ article 10 :

- Alinéa 1) qu'en est-il de l'aquaculture d'eau douce, la Commission couvre les états côtiers de la méditerranée qui pratique ce type d'aquaculture d'eau douce qu'il faut intégrer dans les missions de cette commission.
- Alinéa 2) préciser le terme juridique ou le remplacer par législatif et réglementaire afin d'enlever toute équivoque avec l'aspect judiciaire qui relève de la seule compétence des pays.

9/ article 13 :

Il paraît plus opportun que la commission accentue son travail avec les différents programmes sous régionaux de la FAO plutôt que d'en créer de nouveaux qui seront lourds à faire démarrer et à gérer.

De même cette notion de groupes sous régionaux peut prêter à équivoque et laisserait penser que ce sont plus des groupes de contrôle que des groupes de travail.

10/ article 16 et 18 :

A ce niveau nous abordons, et c'est le cas également pour le règlement intérieur, la notion du vote.

Il reste clair que compte tenu des déséquilibres et objectifs au sein de la mer méditerranée, et dans le contexte présent spécialement, il nous paraît plus judicieux d'œuvrer par vote consensuel que par vote aux deux tiers.

La commission doit avoir un rôle de promotion et de développement durable pour toute la région d'influence plutôt qu'un rôle spécial pour une sous région ou groupe d'influence, c'est cette notion qui prévaut au sein de la FAO qu'il faudrait garder au sein de la commission et non aller vers une organisation d'intérêts.

Aussi nous recommandons que pour tous les votes au sein de la commission l'aspect « consensus » devra être maintenu.

- Pour l'alinéa 8) de l'article 16 l'exclusion des membres devrait être abordée dans le règlement intérieur et le dernier mot reviendrait à la session annuelle de la commission qui en décidera.

Et comme relevé ultérieurement l'aspect financier ne devrait pas être un facteur déterminant de la notion de membre.

- Pour l'alinéa 10) de l'article 18 : il faudrait tenir compte des délais nationaux en matière d'adaptation et de promulgation des textes de loi.

11/ Article 19 :

- Alinéa 3) ligne 3 enlever le terme pertinent, cela suppose une suspicion.

12/ article 22 :

C'est quoi cette notion de mise en place de mécanismes appropriés de coopération, la commission en elle-même n'est-elle pas un mécanisme de coopération institué par la FAO pour une meilleure gestion de la pêche en méditerranée ?

De même la notion de contrôle suppose plus que cette commission change de voie, et ne constitue plus cet outil de développement, mais plutôt un nouvel outil de contrôle et de surveillance. Il faudrait à notre avis revoir cette approche.

13/ article 26 :

Il faudrait éclaircir en session cet aspect de non membre avec droit de vote au sein de la commission.

14/ article 29 :

- Alinéa 3) inclure l'arabe comme langue de travail.

15/ article 33 :

Revoir l'article en fonction des zones de pêche réservées et zones économiques exclusives déclarées par différents pays méditerranéens.

Conclusion :

Nous tenons à remercier le groupe de rédaction pour le travail de fond accompli dans le cadre de l'amendement du texte de base de la CGPM, mais nous considérons cependant que plusieurs correctifs tant de forme que de fond doivent être apportés à ce projet, et par conséquent nous estimons nécessaire d'élargir ce groupe de travail aux représentant des autres pays membres afin de finaliser un texte qui soit le plus consensuel possible.

COMMENTS BY EGYPT ON THE PROPOSED AGREEMENT

Preamble

Determined to ensure the long-term conservation and sustainable use of fishery resources in the Mediterranean Sea, the Black Sea and connecting waters of marine origin (Add and to be added in each place with this sentence).

Article 4

(...) or the International Atomic Energy Agency

Article 5

(f) prevent or eliminate illegal (add), overfishing and excess fishing capacity, and ensure that levels of fishing effort do not exceed those commensurate with sustainable use of fishery resources;

Article 7

(e) adopt measures for the collection, submission, verification, storing and dissemination (Unless there is a reservation of a relevant member of what is published, or (with the consent of the Commission) of data and information;

(i) regularly review the

implementation (how?) of decisions into national legislation (and seek with the member to be reflected into);

(k) establish appropriate cooperative (delete) a (add) mechanisms for effective monitoring, control, surveillance, compliance and enforcement, including sanctions such as non-discriminatory market-related measures;

(n) (...) phytosanitary standards

Article 22

The Commission shall establish appropriate cooperative (delete) a (add) mechanisms for effective monitoring, control and surveillance of fishing activities and to ensure compliance with this Agreement and the adopted conservation and management measures including, *inter alia*:

(c) inspection programmes both at sea and in port, including joint or reciprocal boarding and inspection schemes; (needs to be discussed as This the measure should be outside the territorial waters of member countries).

Article 23. 2. (...) the International Atomic Energy Agency

Article 28. 2. This Agreement shall not

alter the rights and obligations of Members that arise from other international instruments compatible with this Agreement (needs to be discussed) and which do not affect the enjoyment by other Members of their rights or performance of their obligations under this Agreement.

Article 29. 3. English and French (needs to be discussed) shall be the working languages, as appropriate, for technical meetings.

EU COMMENTS ON THE DOCUMENTS MADE AVAILABLE BY THE GFCM**SECRETARIAT ON 13 MARCH 2013**

- The EU and its Member States welcome the work undertaken by the Task Force which could be considered as a basis for the future work on the modernisation of the GFCM.
- The EU renews its support for the process aiming to assess if the current framework of the GFCM needs to be reviewed, in order to further strengthen the organisation, improve the level of compliance of all its Parties and ensure a level playing field in the GFCM area.
- The expected impacts of such a process, namely those concerning the GFCM Agreement, need to be properly evaluated and such issues should be clarified prior to the start of any formal discussion on the content of possible amendments to the GFCM framework.
- In this perspective, the establishment of *ad hoc* working groups, to be agreed by Parties at the up-coming 37th GFCM session, seems the best way to facilitate the analysis of the various issues at stake and to formally launch a process to review the current GFCM framework. One of these working groups may in particular focus on issues related to Monitoring, Surveillance and Control (MSC) and assess the needs and the possible avenue for concrete cooperation for all parties in the GFCM Area, in particular regarding the fight against IUU fishing, the possibility to establish a penalty system at GFCM level and the promotion of best practices.
- We would welcome the launch of such a process, the results of which could be on the agenda of an extraordinary session, at the beginning of 2014 with a view to negotiate and possibly agree the new legal and institutional framework of the organisation. The EU is ready to discuss this option in more detail with other Parties during the forthcoming Task Force meeting in Split.

INTERVENTION MADE BY THE EU DURING THE MEETING

The European Union Delegate intervened to recall the EU position regarding the need to further analyse the main issues in the draft agreement that were raised by the different Delegations during the meeting. Among these issues the EU mentioned aspects in relation to monitoring, control and surveillance, including sanctions, those linked to the conservation of resources, the functions of SAC as well as the clarification of the role of the different actors identified at sub-regional level (e.g. sub-regional committees and FAO Regional project competences and functions), aspects related to the Law of the Sea or to internal procedures such as financial rules or membership and status of non-members.

Such an analysis could be implemented through ad hoc Working Groups and their results included in the agenda of an extraordinary session to be held early in 2014.

COMMENTS BY LEBANON ON THE PROPOSED AGREEMENT

Preamble

Recognizing the special requirements (requirements/needs) of developing States to allow them to participate effectively in the conservation, management and farming of the fishery resources,

Convinced that the long-term conservation and sustainable use and farming (is this paragraph concerned with aquaculture only? Para might need grammatical editing!!) of fishery resources in the Mediterranean Sea and in the Black Sea and the (Should add the to be consistent with definition in Article 1) connecting waters, and the protection of the marine ecosystems in which those resources occur are best achieved through international cooperation within the General Fisheries Commission for the Mediterranean, the Black Sea and the Connecting Waters established under Article XIV of the Constitution of the Food and Agriculture Organization of the United Nations,

(l) “Member” means any State

and /or regional economic integration organization comprising the Commission pursuant to Article 4;

Article 2

The objective of this Agreement is to ensure the long-term conservation and sustainable use of fishery resources and the sustainable development of aquaculture and, in doing so, to safeguard the marine ecosystems in which these resources occur and aquaculture development takes place.

Article 3

Article 3: (Need to include proposed article 33 in this article to decrease any ambiguity particularly since it is maintained from existing regulations. This is to minimize disagreements in this regard).

1. The geographical area of application, hereafter the “Agreement Area”, comprises all marine waters of the Mediterranean Sea, the Black Sea and the connecting waters (...)

Article 4

The Commission shall be composed of such members and associate members (Need to define associate members) of the FAO and such non-members of the FAO as are members of the United Nations (...),

Article 5

(b) adopt conservation and management measures based on the best scientific advice available, taking into account relevant environmental, economic and social (and geopolitical factors) factors;

- (d) take due account of the impact of fishing **and fishing gear**;
- (g) ensure that complete and accurate data, **in competence area**, concerning fishing activities are collected and shared among them in a timely manner;
- (h) take due account of the need to minimize pollution and waste originating from fishing and non-fishing **(This includes oil extraction that might have negative impact on marine resources)** activities as well as minimize discards, catch by lost or abandoned gear, catch of species not subject to a directed fishery and impacts on associated or dependent species;
- (j) foster, as appropriate, **a subregional approach, including a regional/subregional approach to ensure compliance, (This might include in the future a marine task force to ensure compliance)** to conservation and management of fishery resources; and

Article 6

1 There is hereby established within the framework of FAO a Commission to be known as the General Fisheries Commission for the Mediterranean and the Black Sea and **the** Connecting Waters (...).

4 The Commission shall elect **(Consensus or simple majority?)(Must mention quorum here)** a Chairperson and two Vice-Chairpersons from among the Members, each of whom shall serve for a term of (xx) years and shall be eligible for re-election but shall not serve for more than (xx) years in succession in the same capacity. The Chairperson and the Vice-Chairpersons shall be representatives of different Members. **(Not clear... Does it imply geographical sub-regions?)**

5 Meetings of the Commission shall be convened once a year unless the Commission decides otherwise, at a time and location to be decided by the Commission in consultation with the Members and the **FAO (DG of FAO???)**. The Commission shall hold such other meeting as may be necessary to carry out its functions under this Agreement.

Article 7

- (d) determine, when appropriate, total allowable catch, or total allowable level of effort, and where necessary, the nature and extent of participation in fishing activities; **(This will jeopardize the position of developing southern countries that are in the process of planning/upgrading its artisanal fleets).**
- (h) adopt measures and take actions to prevent, deter and eliminate illegal, unreported and unregulated fishing; **(Does this implicitly denote a regional "policing force"???)**
- (k) establish appropriate cooperative mechanisms for effective monitoring, control, surveillance, compliance and enforcement, including sanctions such as non-discriminatory market-related measures; **(Not clear... Does it imply geographical sub-regions?)**

- (t) regularly review and take action regarding any non-fisheries activity that might have negative impact on marine living resources

Article 8

(Are all positions on voluntary basis? If yes, some require considerable time and effort and thus require the consent of the respective governments!!! Thus ratification, by respective governments, must be required before taking any post...).

Article 9

(e) transmit recommendations to the Commission including as appropriate through a review panel that may be established pursuant to Article 7, paragraph (f); and (Does this imply drafting recommendations of reviewing draft recommendations by members? If not then this task might be included...)

(f) act as the scientific society of the Mediterranean whereby it attempts to gather all concerned scientists under its umbrella, conduct conferences, publish scientific journal(s), and perform other tasks of a scientific society.

Article 13

3 The areas of application, functions and responsibilities of each subregional working group shall be set out in the Rules of Procedure of the Commission. (Since this was explicit for the above committees, then it might be advisable to mention these here.)

Article 15

2 The Executive Secretary shall be appointed by the Director-General of the FAO following the approval of the Commission in accordance with the selection procedure agreed upon by the Commission. (There exists a voting procedure in place now and it is better to mention it here...).

Article 16

3 Each Member shall undertake to contribute annually its share of the autonomous budget in accordance with a scale of contributions determined in accordance with a scheme which the Commission shall adopt or amend by consensus (The 2/3 majority possibility should be spelled out here too). The scheme shall be set out in the Financial Regulations.

Article 18

5 A Member may present to the Executive Secretary an objection to a decision within (xx) days from the date specified under sub-paragraph 4(b). In that event the decision shall not become binding on that Member.

(This should depend on decision making procedure i.e. if consensus was reached in session, then an objection will annul the decision and if it was a 2/3 majority, then if objecting member cancels this majority, then annul decision.)

7 In the event that objections to a decision are made by more than one-third of the Members, the other Members shall not be bound by the decision, but shall not preclude any or all of them from giving effect thereto.

(This is not logical and should annul decision; thus any compliance is on voluntary basis only...).

10 Any Member that is bound by a decision in accordance with this Article has a duty to implement such decision in its national laws and procedures upon the entry into force of such decision. (This might be a very lengthy procedure in some countries and thus the use of the term regulation (instead of law) might imply a lower force but a practical way of implementation.)

Article 20

2 Each Member shall:

(a) authorize the use of vessels entitled to fly its flag only where it is able to exercise effectively its responsibilities (What about international waters??? how can this be exercised there?) in respect of the vessels under this Agreement and in accordance with international law;

(b) maintain a register of vessels entitled to fly its flag and authorized for fishing or fishing related activities, ensure that such information as may be specified by the Commission is entered into that register, and exchange the information in accordance with such procedures as may be specified by the Commission; (This might be premature for some countries at this stage...)

(d) (ensure that penalties applicable for such violations are of an appropriate severity to secure compliance, discourage further violations and deprive offenders of the benefits accruing from their illegal activities. (This is interfering with national penal codes e.g. improsenment))

Article 21

Each Member shall take all measures and actions, to the extent possible, necessary to implement port State measures (This might be premature for some developing countries that require, technical, financial and capacity building assistance.) in accordance with international instruments and decisions by the Commission

Article 24

1 The Commission shall cooperate with other international organizations and institutions in matters of mutual interest **and overlapping competence/mandates.**

Article 25

2. (d) **Subject those members to undue financial and social pressures that they are incapable of facing with their limited resources.**

3. (e) **alleviate any socio-economic impact on fishers societies.**

Article 26

5 **Members shall not give refuge or supply vessels of non-members fishing in international/territorial waters of that Member, except in force majeure cases, if the non-Member does not comply to GFCM measures e.g. VMS**

(This is to deter them from resorting to convenience ports).

6 **Non-member vessels should provide all information required by GFCM.**

Article 29

3 English and French shall be the working languages, as appropriate, **for technical meetings (Is SAC meeting a technical one?).**

4 Publications of **reports and communications (Are we talking here about technical reports?)** shall be in the language in which they are submitted and, when **required (Required by consensus or 2/3 majority or what?)** by the Commission, abstracts in translation may be published.

Article 30

1 The Commission may amend this Agreement **(In some countries the parliament need to ratify the Agreement and might not accept delegates at meetings to amend without parliaments consent!!!!)** by a two-thirds majority of all the Members. Subject to paragraph 2 below, amendments shall come into force as from the date of their adoption by the Commission.

2 Amendments involving new obligations for Members shall come into force after acceptance by two-thirds of the Members and with respect to each Member only on acceptance of it by that Member. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of the FAO who shall inform all the Members, as well as the Secretary-General of the United Nations, of the receipt of acceptance and the entry into force of such amendments. The rights and obligations of any Member that has not accepted an amendment involving additional obligations shall continue

to be governed by the provisions of this Agreement as they stood prior to the amendment (e.g. if amend annual contributions, then if do not ratify, continue paying according to old method???) .

Article 33

Does this imply that Members can exclude territorial waters?????

COMMENTS FROM LEBANON ON THE PROPOSED FINANCIAL REGULATIONS

Regulation III

8. No obligations shall be incurred or relevant payments made by the Commission where such obligations have been decided by FAO after the budget has been drawn up (Not very clear...).

Regulation IV

2. In cases of emergency (What about donations and other forms of assistance in III (4){b}??? aren't those similar in context??? So better include this in point III above...), as determined by the Bureau, the Executive Secretary is authorized to accept additional contributions from a Member or Members or grants from other sources and incur expenditures against them for emergency actions for which such contributions or grants were specifically provided. Such contributions or grants and expenditures related thereto will be reported in detail to the next session of the Commission.

4. Transfers between chapters may be effected by the Commission (When can this happen??? At annual session or during intersessional period??? Is this a regular thing or done on emergency basis?) on the recommendation of the Executive Secretary.

Regulation V

3. Contributions shall be due and payable in full within 30 days of the receipt of the communication of the Executive Secretary referred to in Regulation V.2 above, or as of the first day of the calendar year to which they relate, whichever is later. As of 1 January of the following calendar year, the unpaid balance of such contributions shall be considered to be one year in arrears (There should be a penalty or interest levied on delayed payments...).

5. Any new Member shall pay a contribution to the autonomous budget in accordance with the provisions of Article 16 paragraphs 1 and 3 of the Agreement for the financial period in which the membership becomes effective, such contribution beginning with the quarter in which the membership is acquired (Does this imply that the contribution can be less than that for 1 year e.g. ¾ of annual contribution???).

Regulation VIII

1. Notwithstanding Regulation VII, where there is any change to the Financial Regulations, procedures or policies of the FAO that affect these Regulations, including by adoption of a new Rule or amendment of an existing Rule, the adoption and implementation of such change by the Commission or any of its parts shall be subject to endorsement by the Commission by simple majority vote (Does this include the scale of annual contributions? If yes, then this should be by consensus and eventually 2/3 majority...).

3. For purposes of interpretation, where any ambiguity exists between these Financial Regulations and the Financial Regulations of the FAO, the **GFCM(Inserting GFCM might clarify things more)** Rules of Procedure shall prevail.

SCHEME FOR THE CALCULATION OF CONTRIBUTIONS

Measurement of the factors

(It might be worthwhile citing an example to reinforce the concept...)

COMMENTS FROM LEBANON ON THE PROPOSED RULES OF PROCEDURE

Rule I

Agreement: The Agreement for the establishment of the General Fisheries Commission for the

Mediterranean adopted in Rome (Italy) on 24 September 1949, as amended (**Draft amended Agreement**) in accordance with its provisions;

Rule II

4. Sessions of the Commission may be held at its headquarters, at the headquarters of the FAO or at an agreed location in a Member **country**.

6. When determining the site of any meeting (**Due to the geopolitical situation in the region, this should be limited to plenary sessions and not to technical/scientific meetings**) to be convened by the Commission, the Executive Secretary should be satisfied that the host government is willing to grant to all delegates, representatives, experts, observers and members of the Secretariat of the Commission and the Secretariat of the FAO attending such a meeting, or other persons entitled to attend such session in accordance with the terms of the Agreement or these Rules, and relevant requirements of the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, immunities (**Does this include visas ??? for entry**) that are necessary for the independent exercise of their functions in connection with the meeting.

Rule III

At each session the Executive Secretary shall make arrangements for the registration of delegates and observers, and shall receive the credentials (**Needs clarification...**) of delegations.

Rule IV

2. For observer non-member States of FAO, observer intergovernmental organizations or observer non-governmental organizations, such information shall be sent if a decision to invite them to attend the session of the Commission has been taken (**When and by who is this decision to be taken??? For each session??? Or a onetime deal???**). Invitations shall also be sent to intergovernmental organizations or institutions having concluded an agreement with the Commission, pursuant to Rule XIV, formally providing for the participation of these organizations and institutions in Commission sessions.

3. The Executive Secretary shall send a provisional agenda with comments (**All comments by all members that commented???**), including any proposal by

Members, not less than thirty days before the session, together with relevant available reports and documents.

5. The provisional agenda may also include:

(a) items approved at the previous session;

(b) items proposed by the committees and any other subsidiary body;

(c) items proposed by a Member (Does this imply that draft recommendations must be ready 60 days prior to meeting?)

Rule V

2. Copies of all communications concerning the affairs of the Commission (Needs clarification... sent by who???) shall be sent to the

Executive Secretary for purposes of information and record (Why to exclude all other duties mentioned in existing agreement???).

Rule VI

2. The meetings of the Committees, working groups and other bodies of the Commission shall be open to observers unless otherwise decided by the Commission or the body concerned. (They should be mentioned under different heading because this is concerned with plenary meetings...)

Rule VII

The Chairperson and Vice-Chairpersons elected in accordance with Article 6(4) of the Agreement shall be elected from among delegates or alternates attending (Can't Members nominate non attendants??? What about absence for force majeure???) the session at which they are elected. They shall assume office immediately following the regular session at which they were elected.

Rule VIII

1. The Chairperson shall exercise the functions conferred (Needs to be amended...) on him or her elsewhere in these Rules and, in particular, shall:

Rule IX

2. A vote by roll call shall be conducted by calling the names of the Members entitled to vote in the English alphabetical order. The name of the first Member to be called shall be designated by lot drawn by the Chairperson (Clarify or example)...
3. The record of any roll call vote or postal (What is this??? Why not mentioned in point 1.) vote shall show the votes cast by each delegate and any abstention.
4. Unless the Commission decides (Decides once and for all or each time???) otherwise, voting shall be by secret ballot on matters relating to individuals, including the election of officers (i.e. chair and vice chair???) of the Commission and its committees and, if applicable, the name of the Executive Secretary to be forwarded to the Director-General for appointment.
5. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to the two candidates obtaining the largest number of votes. If, on the second ballot, the votes are equally divided, as many ballots as necessary shall be held to determine the elected candidate (Why not choose the e.g. oldest after e.g. 5 rounds???).
7. If the Commission is equally divided when a vote is taken on a question other than an election or the recommendation regarding the name of the Executive Secretary to be forwarded to the Director-General for appointment, a second and third vote may be taken at the current session. If the Commission remains equally divided, the proposal shall not be considered further (To what extent further??? 1 hour or 1 day or ???) at the current session.

Rule XI

3. A coordinator (Full or part time???) shall be appointed (Appointed by who???) Procedure???)

for each Subregional Working Group who shall be responsible for:

4. The coordinator appointed (Members cannot allow their staff to be part-timers or full-timers for another organization and not becoming staff of that organization.... thus coordinator must have an official status within GFCM... he may be appointed for a limited period only. Furthermore, if office in one country, it may be prohibitive/expensive to have a coordinator from another country to work on full/part time basis in another country unless having an official GFCM status) in accordance with paragraph 3 of this Rule shall be remunerated but shall not serve as a FAO staff member.

5. to facilitate communication and activity performing, the coordinator shall operate from a subregional office offered by a Member of the subregion. This office will be considered as any FAO field office. The office shall be furnished by the host country, but GFCM will bear all the operational costs.

**TURKEY'S PRELIMINARY COMMENTS AND OBSERVATIONS ON THE DRAFT
AMENDED GFCM AGREEMENT AND OTHER RELATED DOCUMENTS MADE
AVAILABLE BY THE GFCM SECRETARIAT**

1. General:

- Turkey supports the strengthening and modernization of the GFCM and welcomes in this respect the extensive efforts made by the Secretariat.
- In this context, a process to be launched with a view to amending the GFCM Agreement and other related documents should aim at achieving a functioning, viable, flexible and inclusive mechanism that will ensure a stronger fisheries regime in the Mediterranean with the active, committed and equitable participation of all coastal states in the region.
- In line with this understanding such a process should aim at encouraging all relevant coastal states to become party to the regime established by the GFCM. In other words, this process should avoid the risk of discouraging region's coastal states from becoming party to only-existing fisheries regime in the region.
- Turkey, therefore, welcomes the idea put forward by the EU with a view to establishing *ad hoc* working groups to formally launch a process to review the current GFCM framework.
- Against this background, please find below Turkey's preliminary observations and comments on the draft amended GFCM Agreement, which might be further enhanced and detailed throughout the formal negotiations, if launched.

2. Extending the Name and Scope of the GFCM as to Include the Black Sea:

- Turkey attaches utmost importance to cooperation in the Black Sea, particularly in the field of fisheries via initiatives and mechanisms with the participation of the littoral countries. Lying at the southern part of the Black Sea and having the longest shoreline amongst all the other littoral states, Turkey's fisheries sector is highly concentrated in the Black Sea. It should also be borne in mind that the EEZs in the Black Sea have been delimited among the littoral countries and there is no high seas area left in the Black Sea.
- Taking into account this fact, the focus should be on establishing a strong but also functioning, viable and flexible mechanism that will attract more countries to become member of this organization. So far, half of the Black Sea littoral countries are not members of the GFCM. Unrealistic and overambitious projects would not attract more, but even may discourage the already existing members from becoming member.
- In this context, the draft amended GFCM Agreement should also encourage the possible establishment in the future of a separate regional fisheries organization for the Black Sea with the participation and membership of Black Sea littoral countries, *which will be not duplicating but complimentary to the works of GFCM.*
- **Turkey deems it necessary to insert specific sections under Article 13 ("Subregional working groups") as well as Article 18 ("Decision Making") for the Black Sea, which will ensure that all decisions of the Commission concerning the Black Sea will be**

considered as recommendations and/or their implementation will depend on the prior decision of the Black Sea sub-regional working group to be taken by consensus.

- Furthermore, the Rules of Procedure of the Commission should be revised in order to reflect the particularity of the Black Sea as it shall be reflected under Article 13 and Article 18.

3. Dispute Settlement

- Turkey has reservations to the proposed Article 27 of the draft amended Agreement.

- This article should not foresee any compulsory judicial settlement process. Any sort of judicial settlement should depend on the consent of and approval by the concerned Members. However, this article may include an option of accepting the compulsory judicial settlement under the condition that it is accepted by a declaration by the Members when accepting this Agreement.

- Furthermore, as to the ad hoc expert panel, the term “Where a dispute is of technical nature,” leads to ambiguity since this Agreement fully covers a technical topic and thus all of the disputes are expected to be of technical nature, but not political.

- This ambiguity should be clarified by explaining what sort of disputes would be of technical nature.

- Moreover, acceptance of the reference of technical disputes to this ad hoc expert panel should also depend to the explicit consent of and approval by the Members that are parties to the concerned technical dispute. That is, the panel should not be a compulsory body for the settlement of disputes.

- Additionally, Turkey believes that the paragraph 4 of this article should be drafted in a way not to lead to any misinterpretation. This paragraph should not bear any effect for a Member unless it accepts it by a declaration when accepting this Agreement.

- In this framework Turkey also proposes to add a new paragraph to this article in order to ensure that nothing in this article is interpreted as the acceptance by the Members the compulsory judicial settlement given that judicial settlement as well as referral to ad hoc expert panel will depend on the explicit consent of and approval by the Members that are parties to the dispute.

4. Reservations:

- Turkey believes that the paragraph concerning reservations should be redrafted and there should be a specific article for reservations in accordance with international law.

- In this context, subjecting the submission of reservations to the approval of all other Members is neither acceptable nor is it compatible with general rules of international law.

- Turkey believes that this Agreement should be open to submitting reservations.

TURKISH PROPOSALS FOR AMENDMENTS

Article 13

"...

3. For the Black Sea, all decisions of the Commission concerning the Black Sea will be considered as recommendations and their implementation in the Black Sea will depend on the prior decision of the Black Sea sub-regional working group to be taken by consensus of the Black Sea littoral countries.

4. The areas of..."

Article 18/4

"... (c) decisions of the Commission shall become binding regarding the Black Sea after being reiterated by the Black Sea sub-regional working group subject to Article 13."

Article 23

"... 5. Any non-member without observer status may attend to the Commission meetings as ad hoc observer participant for that particular meeting with the consent of the Commission."

Article 27/4, 5

"4. Paragraph 3 shall not affect the status of any Member in relation to the 1982 Convention or the 1995 Agreement, and it shall not bear any effect, thus shall not be implemented for the Members that are not parties to the 1982 Convention or the 1995 Agreement, unless the effect of the said paragraph is accepted by those Members by a declaration when accepting this Agreement.

5. Taking into account the provisions of paragraphs 3 and 4, nothing in this article shall be interpreted as the acceptance by the Members compulsory judicial settlement given that judicial settlement as well as referral to ad hoc expert panel shall depend on the explicit consent and approval by the Members that are parties to dispute."

Article 31/7

"7. Acceptance of this Agreement may be subject to reservations."

We also propose that the last paragraph of Article 7 should be deleted as well as the last paragraphs of the Articles 9, 10, 11, 12, 14 and 15.

STATEMENT BY FAO REGIONAL PROJECTS

During the discussion on the document GFCM:XXXVII/2013/10 dealing with the amendment of GFCM agreement including Rules and Procedures, the FAO sub regional projects commented on their concerns about the lack of the project status defined in the document. In particular they pointed out that although their activities support the countries and the GFCM by providing technical assistance to the SAC-CAQ and the GFCM, their status is not defined either under the member or observer content.

STATEMENT BY MEDPAN

Related to the Validation meeting of the Task Force of the GFCM, MedPAN would express its support to the proposed text for Article 7 (c) "establish, in collaboration with other relevant international organizations, marine protected areas".

MedPAN wishes also to support the creation of a working group on MPAs in the framework of the SAC of GFCM and contribute to it. This contribution could be added to the actions included in the current MoU between the GFCM and MedPAN.



for a living planet®



OCEANA

Protecting the
World's Oceans

OCEANA and WWF joint position for the GFCM Task Force Validation Meeting

Split, Croatia, 10-11 May 2013

Background

At its 35th Session the General Fisheries Commission for the Mediterranean examined the recommendations prepared by the expert panel that carried out the GFCM Performance Review, and 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. The panel clearly stated that the current GFCM Agreement “is weak and outdated”... and that “should be reviewed and either amended or replaced to ensure an effective legal basis”. Therefore, OCEANA and WWF encourage the Task Force to take advantage of this unique and precious opportunity to take the highly needed steps to wisely guide the GFCM to ensure the long-term sustainability of fisheries resources in the Mediterranean and consequently reverse the current dramatic situation of fish stocks.

Recommendations

OCEANA and WWF strongly recommend the inclusion of the following items among the “Objectives” and “General Principles” of the GFCM Agreement (new Articles 2 and 5 in the Draft Amendments of the Agreement):

1. the recovery and maintenance of fish stocks above levels which can produce the MSY in accordance with international commitments;
2. the implementation of an Ecosystem-Based Approach to Fisheries management through appropriate mechanisms duly included in management plans such the identification and protection of essential fish habitats and vulnerable marine ecosystems, in line with recommendations of the SAC; and
3. the application of the Precautionary Approach: a lack of full scientific certainty shall not be invoked to postpone or fail to adopt precautionary management measures.