



General Fisheries Commission for the Mediterranean
Commission Générale des Pêches pour la Méditerranée



LaMed-1 Project

MALTA

by Louis FRESTA

Expert Meeting on Fisheries Legislation in
the Mediterranean and the Black Sea

Beirut, Lebanon, 26-28th October 2011



General Fisheries Commission for the Mediterranean
Commission Générale des Pêches pour la Méditerranée



LaMed-1 Project

Overview of the fisheries legal framework

The exploitation and protection of marine resources are managed through a number of main legislative frameworks.



Overview of the fisheries legal framework

Some of the most important of these are the:

+ Fisheries Conservation And Management Act (Cap. 425) which provides for the regulation, conservation and management of the fisheries of Malta and matters incidental thereto.

+ Environment Protection Act (Cap. 435) and the Development Planning Act (Cap. 356), which provides for the conservation of natural habitats and of wild fauna and flora in the Maltese Islands.

+ The Merchant Shipping Act (Cap. 234) also sets health and safety measures at sea.



Overview of the fisheries legal framework

A recent legislative instrument is the Enforcement of Sea Fishing Conventions Order, 2011 (LN209/11 ; LN282/11) which provides for the enforcement of restrictions and obligations relating to sea fishing in conventions to which Malta is a party.

Legal language

The legislative framework provides a large list of definitions for terms of legal importance. The list is not exhaustive and a certain degree of deviation exists between national and international law.



Access regimes to fisheries resources

Access to marine resources occurring within the national waters by both national and foreign fishing vessels is managed by the Fisheries Conservation and Management Act (Cap. 425).

The legislative framework provides the tools to identify the fishing waters of Malta.



Access regimes to fisheries resources

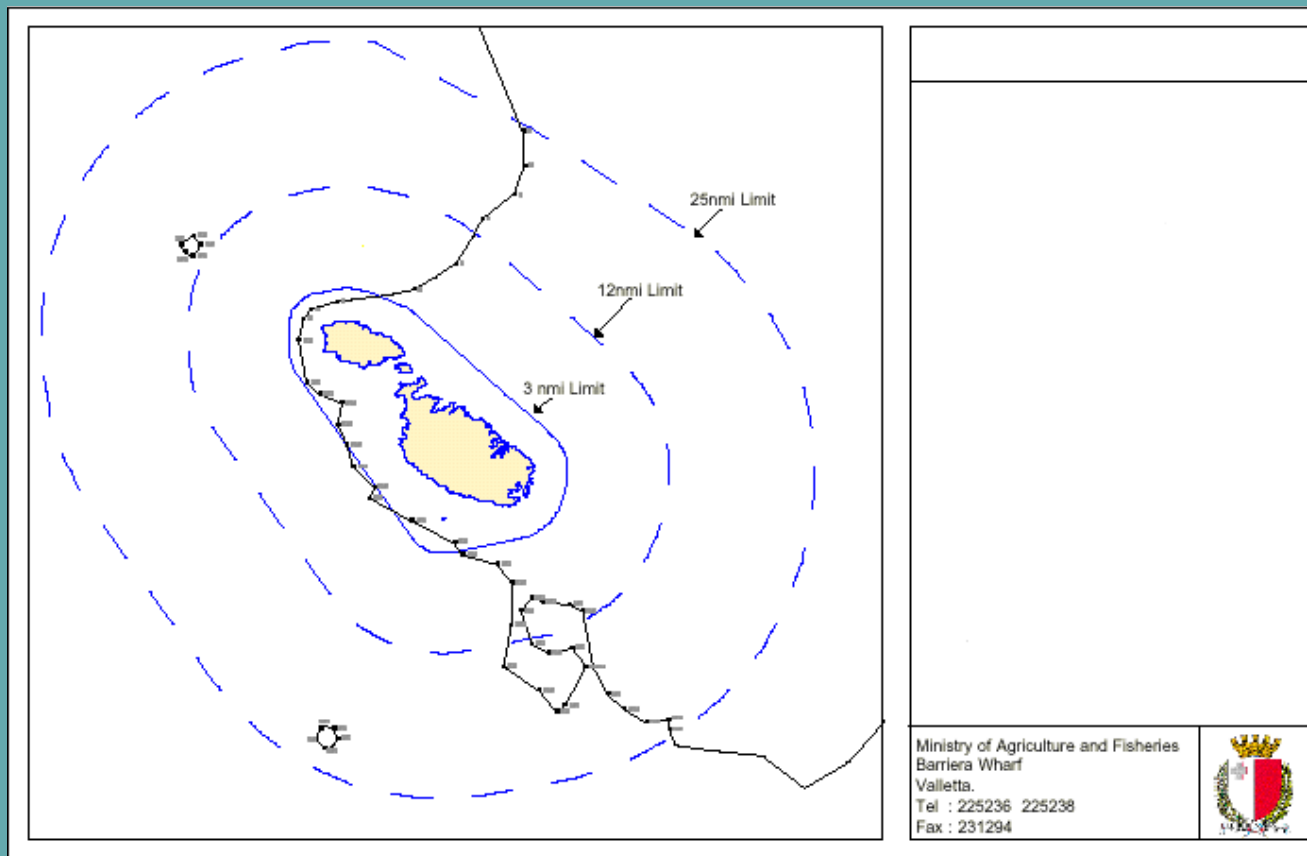
The legislations are therefore applicable to vessels fishing in Maltese territorial waters and to vessels flying the Maltese flag, and are subject to the requirement for a fishing licence, pre-notification for catches and landing, gear limitations and other measures.

Contraventions to the Act may be punishable at national level.



LaMed-1 Project

Access regimes to fisheries resources





General Fisheries Commission for the Mediterranean
Commission Générale des Pêches pour la Méditerranée



LaMed-1 Project

Conservation and management measures

Fisheries Management

Biodiversity Management



Conservation and management measures

Fisheries management

Fisheries are managed by the Fisheries Control Directorate. At local level a ceiling fishing capacity is applicable.

Furthermore, a 25-mile management zone around Malta is applicable, which is limited to fishing vessels smaller than 12 metres overall length using other than towed gears.

Trawlers not exceeding an overall length of 24 metres are allowed to fish in certain areas within the management zone, in line with Council Regulation (EC) 1967/2006. Ceiling fishing capacity is also applicable.



Conservation and management measures

The Enforcement of Sea Fishing Conventions Order, 2011 (LN209/11) and its amendment (LN282/11) also aims to enforce provisions established by the EC, ICCAT, and GFCM at national level. This regulation has the scope of being a flexible tool for maintaining the national legislation regularly updated and transposing new regulations over short term.



Conservation and management measures

Biodiversity management

Environmental planning and biodiversity management are addressed by the Malta Environment and Planning Authority (MEPA), of which roles, according to the legislative framework, are to:

Provide for the monitoring and management of biodiversity;

Provide for the conservation, protection and management of particular habitats or categories thereof in order to safeguard biodiversity;



General Fisheries Commission for the Mediterranean
Commission Générale des Pêches pour la Méditerranée



LaMed-1 Project

Conservation and management measures

Declare any areas or sites on land or in the internal or territorial waters or beyond where Malta may have jurisdiction for the purpose of the protection and control of the environment, to be protected areas and to provided for their protection and regulate their management.



Conservation and management measures

MEPA has also designated Special Areas of Conservation. These areas (with particular reference to Government Notice 851 of 2010) are not subject to management measures as yet. Therefore there are no restrictions of fishing activities within such areas.

MEPA is currently working on policy guidance aimed at strengthening the strict protection regime for threatened species and which will serve as a framework for developing species action plans, where needed, in order to better conserve certain species



Conservation and management measures

There are a number of areas that have been identified and covered by various legal instruments. In these areas fishing are either totally banned or restricted.

Example 1

One mile around the islet of Filfla where fishing is restricted only to trolling

Example 2

200 meters around all wrecks used for recreational diving along the coast in which fishing is completely banned



Monitoring, control and surveillance measures

The main Legal instruments are the Fishing Vessels Regulations (LN406/06) and Part XII of the Fisheries Conservation And Management Act (Cap. 425).

MCS is carried out by The Fisheries Control Directorate within the Ministry for Resources and Rural Affairs. Enforcement officers are authorized to seize prohibited or non-regulatory fishing gear and fish caught in the commission of an offense.

Control is carried out through VMS and inspections on vessels, at ports, fishmarkets. Also there are joint inspection and use of contracted observers in the context of BFT.



Enforcement procedures and sanctions

For the scope of enforcement and control, prohibitive penalties are applicable at various levels in Malta. These include:

- + Small fines for first offences
- + Additional fines and penalties for subsequent offences
- + Suspension, cancellation and/or revocation of fishing license
- + Temporary or permanent exclusion or removal from the fishery



LaMed-1 Project

Enforcement procedures and sanctions

- + Seizure and confiscation of fish involved in the commission of the offence
- + Seizure and confiscation of gear and equipment involved in the commission of the offence
- + Temporary immobilization of vessel involved in the commission of the offence



Enforcement procedures and sanctions

PRIORITY ISSUES

In conclusion, the priority problems faced by Malta to some degree for the effective implementation of national and applicable international legislation include:

- + Non-compliance with legal minimum sizes
- + Non-compliance with rules and procedures governing the landing of fishing products
- + Lack of human resources