



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



**LaMed-1 Project**

# Romania

## (Highlights of Black Sea Legislation)

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

Beirut, Lebanon, 26-28<sup>th</sup> October 2011



## Overview of the fisheries legal framework

- Legislation makes definitions for fisheries terms
  - Some taken from EU regulations

*auxiliary fishing vessel ; base port; catch; continental waters; first sales center; fisheries inspector; fishing; fishing authorization; fishing availability; fishing capacity; fishing effort; fishing gear; fishing license; fishing logbook ; fishing permit; fishing vessel; Fishing Vessels and Boats Records; illegal fishing ; living aquatic resources; professional fisherman; share; sustainable exploitation; Total Allowable Catch (TAC);*



## Overview of the fisheries legal framework

- Legislation defines management principles
  - The sustainable exploitation of fisheries resources potential
  - Organization and administration of the fishing sector
  - The protection, conservation and exploitation of living aquatic resources
  - Aquaculture
  - Increase the competitiveness of the processing resources of fisheries and aquaculture
  - Structural policy
  - Management of fishing fleet capacity



## Overview of the fisheries legal framework

- Legislation sets conservation principles (1)
  - Conservation of living aquatic resources by regulations on fishing gear, fishing effort, and any other measures that will be determined by the state of resources
  - Measures of protection and regeneration of living aquatic resources by establishing the annual TAC and fishing shares, prohibition periods, protected and sparing areas, as well as preventive measures
  - Fisheries management measures for better rationalization of the fishing effort
  - Regulations on fisheries and aquaculture



## Overview of the fisheries legal framework

- Legislation sets conservation principles (2)
  - Establishing security, control and inspection of fishing activities systems
  - Integration of living aquatic resources exploitation activities in natural protected areas in management plans for those areas
  - Funding support programs for research and improvement of use of living aquatic resources and aquaculture
  - Integrated management of the coastal zone



## Overview of the fisheries legal framework

- Legislation of relevance to marine capture fisheries
  - endangered species
  - export/import/trade
  - biodiversity
  - marine park/sanctuary /reserves
  - port management
  - coastal management



## Overview of the fisheries legal framework

### ADMINISTRATIVE –INSTITUTIONAL FRAMEWORK

Principle competent authority for fisheries:

- National Agency for Fisheries and Aquaculture (NAFA)
    - Central ministration and local branches
    - Collaboration between NAFA and Ministry of Environment and forests
  - Enforcement and scientific authorities functions at national level (not sub-regional/local level)
  - Border police; Environmental Guard
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- Easy public access to Legislation



## Access regimes to fisheries resources

- In the regulation of access to fisheries resources, a legislative distinction between national waters (territorial waters and EEZ) and waters beyond national jurisdiction is made.
- Rules set for access to national waters are generally more elaborated in the national legislation when compared to those for high seas fishery.
- Flag (nationality) of vessels is the main criteria used in regulation of the access:
  - national vessel
  - foreign vessels.





## Access regimes to fisheries resources

- National waters are allocated to fishing by national vessels. However, subject to bilateral agreements, foreign vessel may have access to national waters of Romania
  - Government Decision No. 288 of 17 March 2004 on fishing vessel and boat access, under the flags of other state, in the territorial waters and exclusive economic zone of Romania
- Legislation for commercial fishing/recreational fisheries
  - Access rules (permits-licencing)
  - No license fee
  - Licencing details ?



## Access regimes to fisheries resources

- Fishers and vessels are registered with a register system
- Legislation for safety at sea
  - Law no 319 of 2006 on safety and health at work



## Conservation and management measures

### Management of fishing capacity

- Romania controls fishing capacity against the reference level set in the EC Regulation 2371/2002
  - Reference level indicators: Engine power (kW) and gross tonnage of fishing vessels
- National by-laws for fishing capacity management
  - Order no. 48 of 11 March 2011 on the approval of measures to regulate fishing effort and fishing shares for 2011, by species and areas;
  - Order no. 44 of 20 April 2011 on fisheries in natural fish habitats).



## Conservation and management measures

### Management of fishing effort

- Regulation on management of fishing effort
  - Government Emergency Ordinance no. 23/2008 on fisheries and aquaculture, approved with amendments and completions by Law no. 317/2009, as amended and supplemented; and Ministerial Order no. 44 of 20 April 2011 on fisheries in natural fish habitats).
- TAC (quota) regime is being operated as a part of management of fishing effort.



## Conservation and management measures

### Management of fishing effort

- Plans for fishing effort under implementation
- Rules on fishing time and areas, prohibited areas to fishing, fishing or marine protected areas, fishing gear and equipment are given in the national legislation
- A Ministerial Order on prohibitions is imposed on annual basis.
- EU regulation for Black Sea
- Legislation also puts rules for by-catch.



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## Monitoring, control and surveillance measures

- Main responsible authorities for MSC activities.  
NAFA and border police
- VMS is being implemented in accordance with respective EU regulations



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### Monitoring, control and surveillance measures

- Inspections for compliance with fishing gear measures
- Monitoring of catch.
  - logbook for monitoring of landings/catch.
- Romania has a fishing vessel registry system.
- Legislation clearly provides powers of search and seizure of port inspections.



## Enforcement procedures and sanctions

- Legislative mechanisms for dispute settlement
  - Ordinance No 23 of 2008 on fisheries and aquaculture
    - Criminal procedures, administrative procedures
- Other conflict resolution tools
  - Regulations on zoning
    - depth < 20m – for passive fishing and depth > 20 m for active fishing)
  - Trainings on fisheries legislation for the members of judiciary





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### Enforcement procedures and sanctions

#### Penalties for non-compliance

- Suspension, cancellation and/or revocation of fishing license
- Temporary or permanent exclusion or removal from the fishery
- 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
- Sequestration of vessel involved in the commission of the offence
- Temporary immobilization of vessel involved in the commission of the offence
- Imprisonment
  - electric fishing, fishing with explosives, toxic substances or use of firearms for killing fish