



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



LaMed-1 Project

SPAIN

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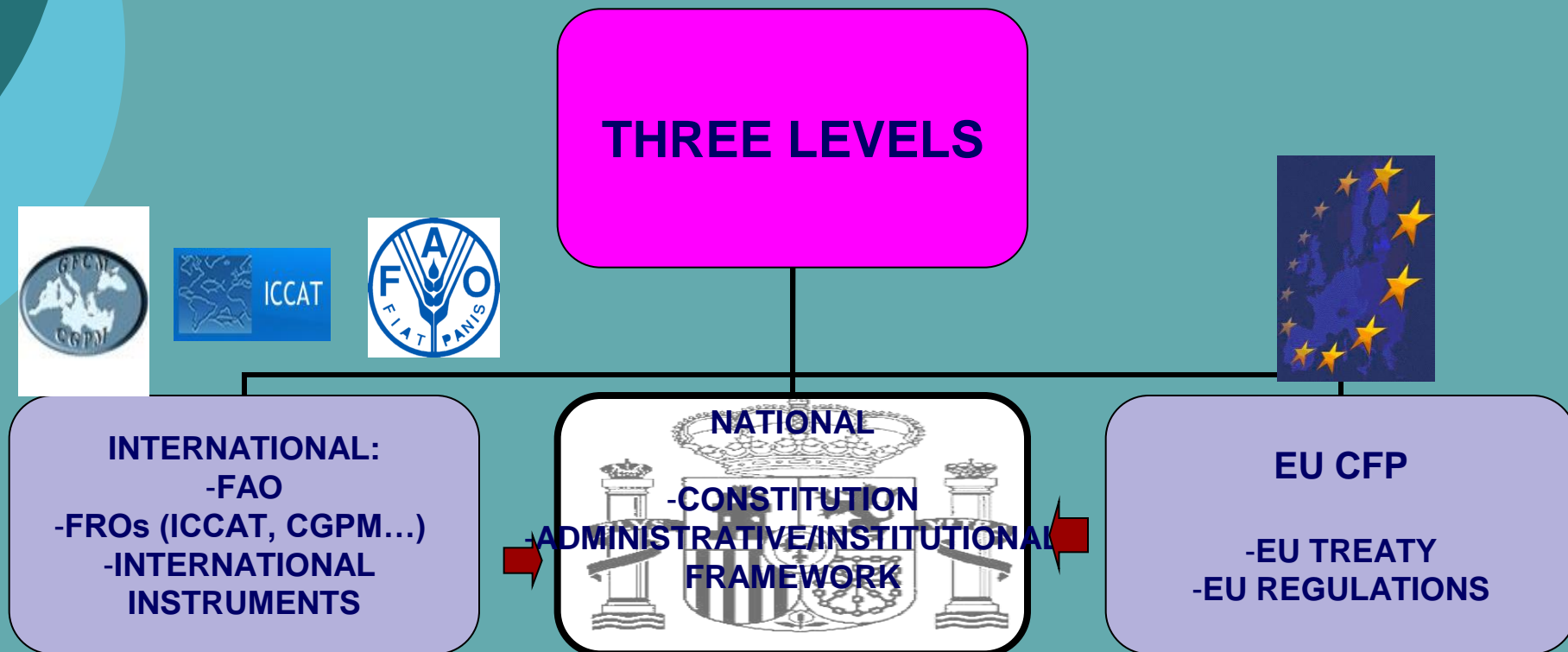
*Dirección General de Recursos Pesqueros y Acuicultura
Secretaría General del Mar
Ministerio de Medio Ambiente y Medio Rural y Marino (MARM)*

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

Beirut, Lebanon, 26-28th October 2011



Overview of the fisheries legal framework (I)



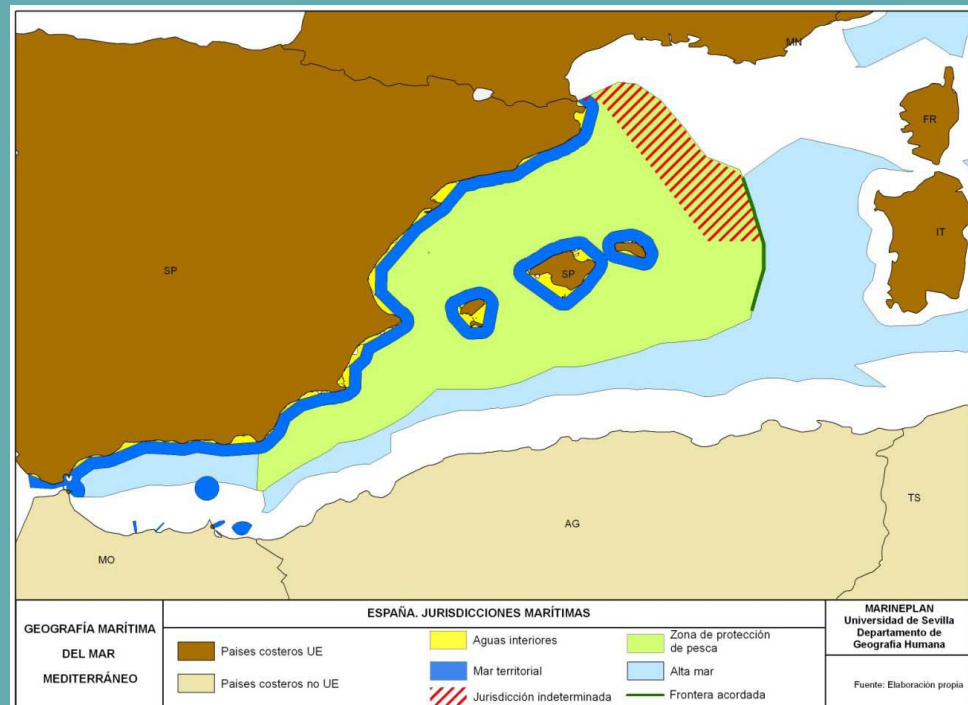


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Overview of the fisheries legal framework (II)

NATIONAL WATERS

According to United Nations Convention on the Law of the Sea (1982) Spanish legislation comprises the delimitations and definitions of Exclusive Economic Zone (200 NM), Territorial Waters (12 NM) and Interior Waters. Regarding Mediterranean Sea, as there is no EEZ established, waters under national jurisdiction comprise interior and territorial waters, as well as the fisheries protection area established by Royal Decree 1315/1997 (BOE 28-03-2001), amended by Royal Decree 431/2000.



Source: Study "Aguas Jurisdiccionales en el Mediterráneo y el Mar Negro", 2010, requested by European Parliament (<http://www.europarl.europa.eu/studies>)



Overview of the fisheries legal framework (III)

EU LEVEL: *Council Regulation (EC) No 2371/2002, on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy* establishes that CFP will include measures on:

- Conservation, management and exploitation of fisheries resources.
- Access regime to waters and resources
- Estructural policy and fleet management
- Control and Inspection
- Aquaculture
- Common Market Organization
- International relationships



Overview of the fisheries legal framework (IV)

NATIONAL LEVEL: *Law 3/2001, of State Maritime Fisheries (exterior waters – interior waters under the competence of Autonomous Communities),* without prejudice of EU Law:

- Conservation measures (regulation of gears, fishing effort, areas or times of no-fishing, limitation of catches, minimum sizes...)
- Protection and regeneration (protection areas, preventive measures)
- Fisheries activity management measures for rationalization of fishing effort (fishing vessels register, fishing authorizations, logbook, landing declarations)
- Recreational fisheries
- Control and Inspection



Overview of the fisheries legal framework (V)

ADMINISTRATIVE/INSTITUTIONAL FRAMEWORK

- *Royal Decree 1443/2010 establishes the structure of the Ministry for Environment, Rural and Marine Affairs – art 16* competences of the **Secretariat for the Sea: 2 General Directorates:**
 - **DG Ordenación Pesquera (art 17)**
 - **DG Recursos Pesqueros y Acuicultura (art 18)**
- Autonomous Communities have a similar internal structure



Overview of the fisheries legal framework (VI)



SPANISH CONSTITUTION 1978

The distribution of competences between the State and the Spanish Autonomous Communities is based on the Spanish Constitution (1978) that establishes in **Art. 148.1.11^o** that **Autonomous Communities** will be able to assume competences on **fisheries within interior waters** (as defined in Royal Decree 2510/1977), **shellfish and aquaculture**, hunting and **continental fisheries**. In **Art. 149.1.19^a** it is established that the **State** has exclusive competence on **maritime fisheries**, without prejudice of the competences able to be assumed by Autonomous Communities regarding issues of "ordenación" (defined in art. 2 of Law 3/2001). **Art. 149.1.3^a** establishes as well the exclusive competence of the State regarding **international relations**.



Overview of the fisheries legal framework (VII)

INTERNATIONAL INSTRUMENTS

International Fisheries Organizations: CGPM - ICCAT (Spain is not a contracting party, but the EU)

Other international organisms not only related to fisheries: European Union, FAO, UNO

International fisheries instruments Spain is a contracting party:

LOSC (United Nations Convention on the Law of the Sea of 10 December 1982)

Agreement for the implementation of the provisions of the Convention of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (**1995 UN Fish Stocks Agreement**)

FAO Code of Conduct for Responsible Fisheries 1995

International fisheries instruments Spain is not a contracting party, but the EU:

FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993 **FAO Compliance Agreement**)

2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing



Access regimes to fisheries resources (I)

-No current fisheries agreement with third countries in Mediterranean waters

ACCES REGIME

EU LEVEL

Council Regulation (EC) No 1224/2009 (Title III – General conditions for access to waters and resources), and **Commission Implementing Regulation (EU) No 404/2011** (Title II).

Council Regulation (EC) No 2371/2002

NATIONAL LEVEL

Art. 22 of *Law 3/2001* establishes that only the fishing vessels included in the “**Censo de Buques de Pesca Marítima** (DG de Marina Mercante) shall be allowed to fish. Authorisations for “**exterior waters**” are issued by **MARM**; authorisations for “**interior waters**” (mainly shellfish and aquaculture) are issued by **Autonomous Communities**. Likewise, all fishing vessels allowed to fish must be included into the “**Censo de la Flota Pesquera Operativa**”, managed by MARM, whose content is part of the EU “Community Fleet Register”.



Access regimes to fisheries resources (II)

LICENSING SYSTEM

EU LEVEL

Council Regulation (EC) No 1224/2009 (Title III – General conditions for access to waters and resources, Art. 6), and Commission Implementing Regulation (EU) No 404/2011 (Title II, Art. 3).

NATIONAL LEVEL

- Art. 23 *Law 3/2001*: every vessel intended for professional (commercial) fishing must carry on board a fishing license issued by MARM. License validity is for 2 years (“artes menores” 5 years), then renewed
- Suspended or revoked by administrative sanction, according to the level of the infringement.
- Temporally withdrawn from census after 2 years without any fishing activity. If not asked for re-activation, after 7 years without fishing activity,definitively withdrawn from the Fleet Register.



Conservation and management measures (I)

MANAGEMENT PLANS

EU: Council Regulation (EC) No 2371/2002 and specifically for Mediterranean, **Council Regulation (EC) No 1967/2006**, concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea

NATIONAL:

Ministerial Order ARM/143/2010, *establishing a Comprehensive Management Plan for the Conservation of Fisheries Resources within the Mediterranean*: continues the one established in 2006, and affects the Spanish Mediterranean fishing fleet for bottom trawl, purse seine, longliners and "Artes Menores" - Main aim is reduction of fishing effort, and the establishment of other measures as closed areas, authorised distances and depths for trawling, protected habitats, prohibited gears or volume of daily landings for some species.



Conservation and management measures (II)

CFMC RECOMMENDATIONS

At national level mostly implemented (EU Regulations and national legislation)

For simplification and juridical security at EU level:

Proposal for a Regulation of the Council and European Parliament on certain provisions for fishing in the GFCM Agreement Area



Conservation and management measures (III)

FISHING CAPACITY AND FISHING EFFORT

EU: Council Regulation (EC) No 2371/2002

NATIONAL:

Ministerial Order ARM/143/2010

Law 3/2001, of State Maritime Fisheries – several arts.

Royal Decree 1440/2009, on management of fisheries sector and adaptation to EFF.

Each gear has its own regulation (Royal Decree, M.O.) for establishing conditions on capacity, fishing effort (maximum days at sea) and technical characteristics



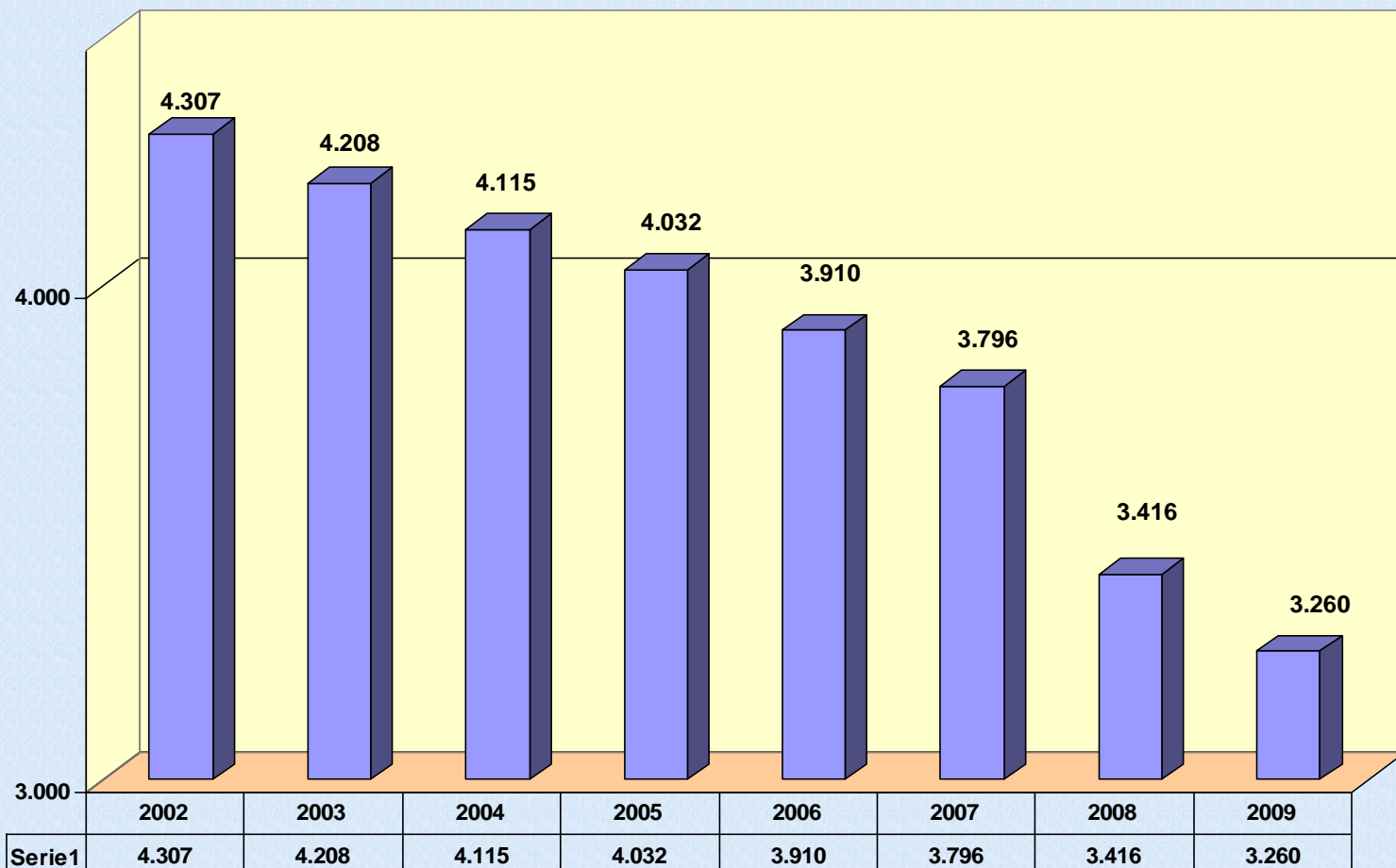
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THE FISHING SPANISH FLEET IN THE MEDITERRANEAN SEA

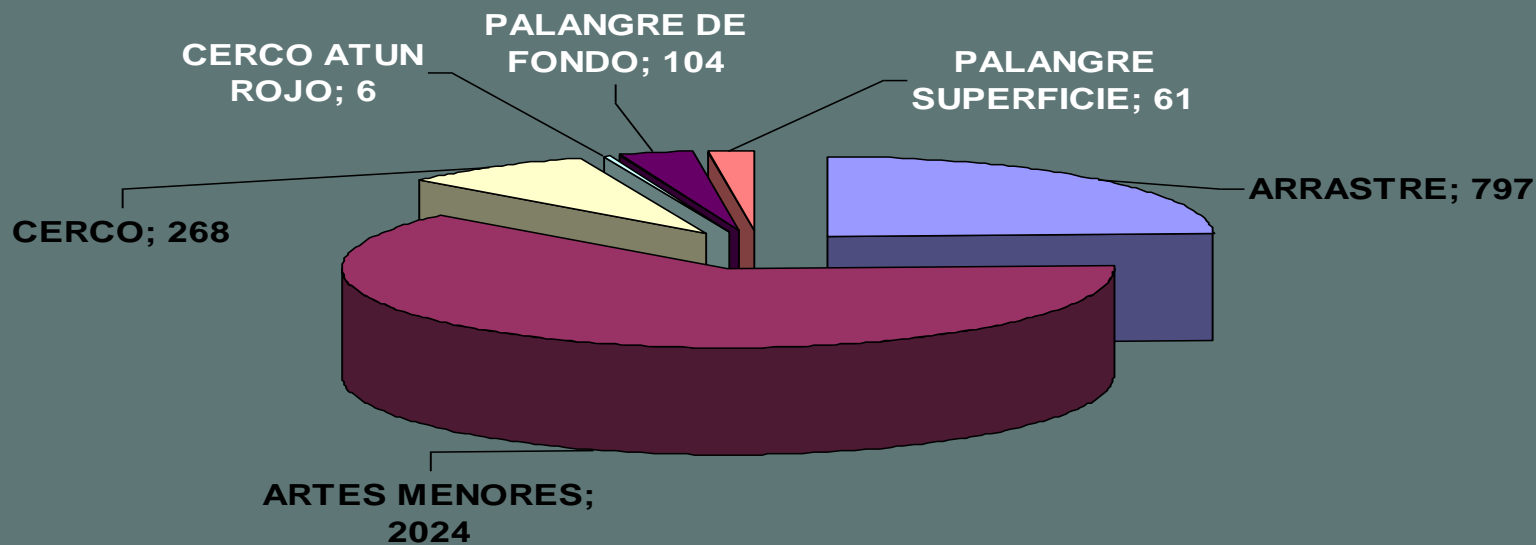


EVOLUCION Nº BUQUES EN EL MEDITERRANEO DEL AÑO 2002 AL 2009



THE FISHING SPANISH FLEET IN THE MEDITERRANEAN SEA

DISTRIBUCION DE LA FLOTA DEL MEDITERRANEO POR N° BUQUES Y MODALIDAD A 31/12/2009





Conservation and management measures (IV)

MARINE PROTECTED AREAS – MARINE RESERVES

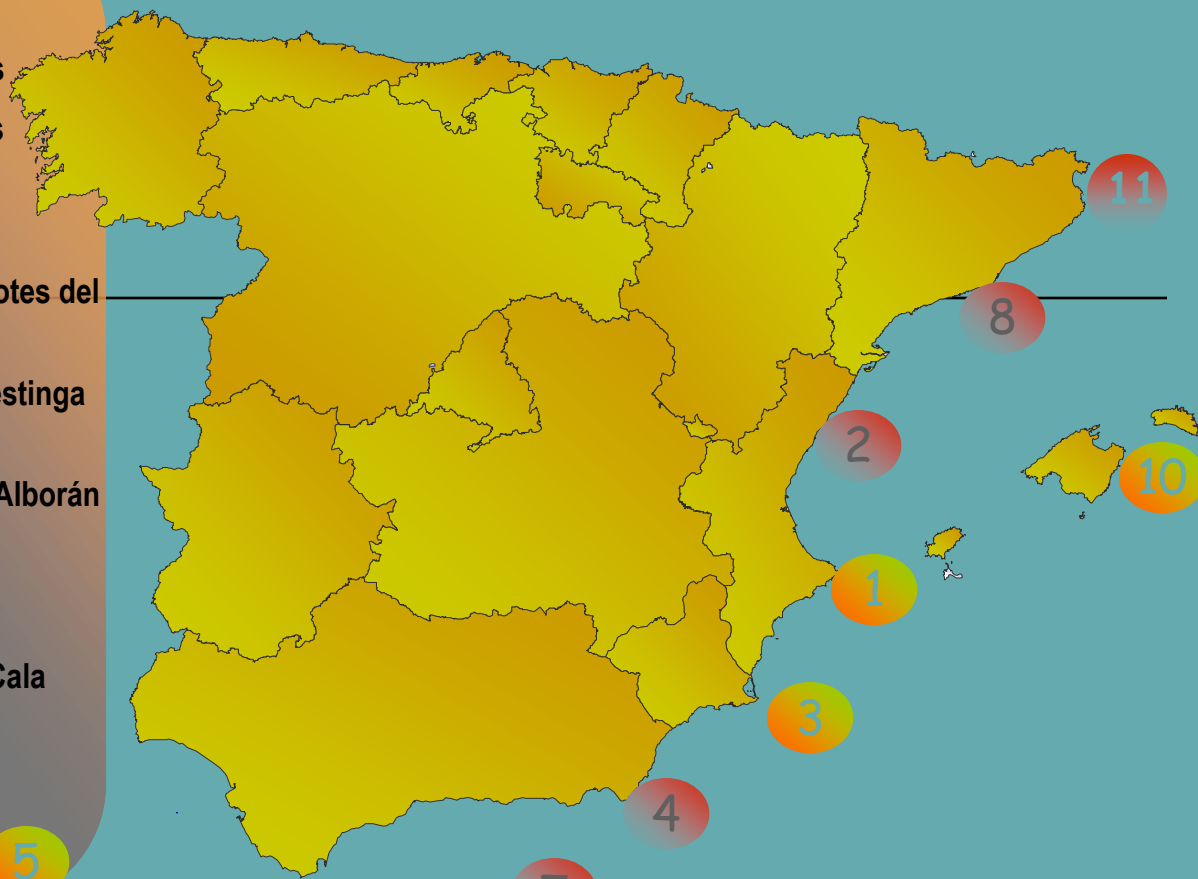
General Directorate for Natural Environment and Forest Policy (depending on State Secretariat for Climate Change): competence on marine protected areas as established in Law 42/2007, “*del Patrimonio Natural y la Biodiversidad*” (Art. 6), EU Natura 2000 areas and other international marine protection instruments (ex, Barcelona Convention). For these areas, the Secretariat for the Sea has to inform regarding fisheries issues.

Secretariat for the Sea: competence on **Marine Reserves** in exterior waters as established in Arts. 13-14 of *Law 3/2001*. Each Marine Reserve is established by Ministerial Order or by regional regulations (for interior waters).

<http://www.marm.es/es/pesca/temas/espacios-y-especies-marinas-protegidas/reservas-marinas-de-espana/>

RESERVAS MARINAS DE ESPAÑA Y COMPARTIDAS CON COMUNIDADES AUTÓNOMAS

1. Reserva Marina de la Isla de Tabarca
2. Reserva Marina de las Islas Columbretes
3. Reserva Marina de Cabo de Palos e Islas Hormigas
4. Reserva Marina de Cabo de Gata – Nijar
5. Reserva Marina de la Isla Graciosa e Islotes del Norte de Lanzarote
6. Reserva Marina del Entorno de Punta Restinga - Mar de las Calmas
7. Reserva Marina y de pesca de la Isla de Alborán
8. Reserva Marina de Masía Blanca.
9. Reserva Marina de la Isla de la Palma.
10. Reserva Marina de Llevant de Mallorca-Cala Ratjada.
11. Reserva marina de Isles Formigues.



SUPERFICIES DE LAS RESERVAS MARINAS Y CATEGORÍAS DE PROTECCIÓN SEGÚN UICN

| RESERVA | R INTEGRAL (ha) Categoría I. UICN | RESTO (ha) Categoría VI. UICN | TOTAL (ha) |
|--|--|----------------------------------|----------------|
| ISLA DE ALBORAN | 695 | 955 | 1.650 |
| CABO DE GATA-NIJAR | 1.665 | 2.988 | 4.653 |
| CABO DE PALOS-ISLAS HORMIGAS | 267 | 1.664 | 1.931 |
| CALA RATJADA- LEVANTE DE MALLORCA | 2.000 | 9.285 | 11.285 |
| ISLAS COLUMBRETES | 3.112 | 2.381 | 5.493 |
| ISLA GRACIOSA | 1.076 | 69.363 | 70.439 |
| MASIA BLANCA | 457 | | 457 |
| ISLA DE LA PALMA | 837 | 2.618 | 3.455 |
| PUNTA DE LA RESTINGA- MAR DE LAS CALMAS | 237 | 943 | 1.180 |
| ISLA DE TABARCA | 78,2 | 1.289,8 | 1.368 |
| Total | 10.424 | 91.873 | 102.297 |
| % | 10,2 | 89,8 | 100 |

PREVISIONS ON MARINE PROTECTED AREAS



ARTIFICIAL REEFS

- Artificial reefs are defined in **art. 15 of Fishery Law 3/2001** “marine conditioning areas”. They can be either for protection purposes or fisheries resources regeneration.
- Legal regime is complex, as it involves Costs regulations, marine environmental issues, fisheries regulations...as a general rule, it is considered an **“administrative concession”** that allows the permanent ~~occupation of public maritime-terrestrial domain, and thus it has to obtain~~ previously a “declaration for reserved use” by the Council of Ministers, as well as a “public utility declaration”. A Technical Project has to be made and it has to be submitted to public information and to official authorities involved

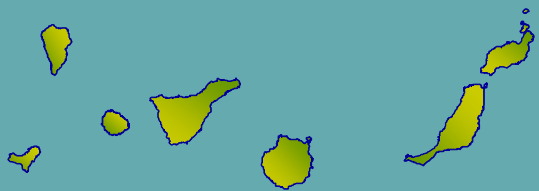
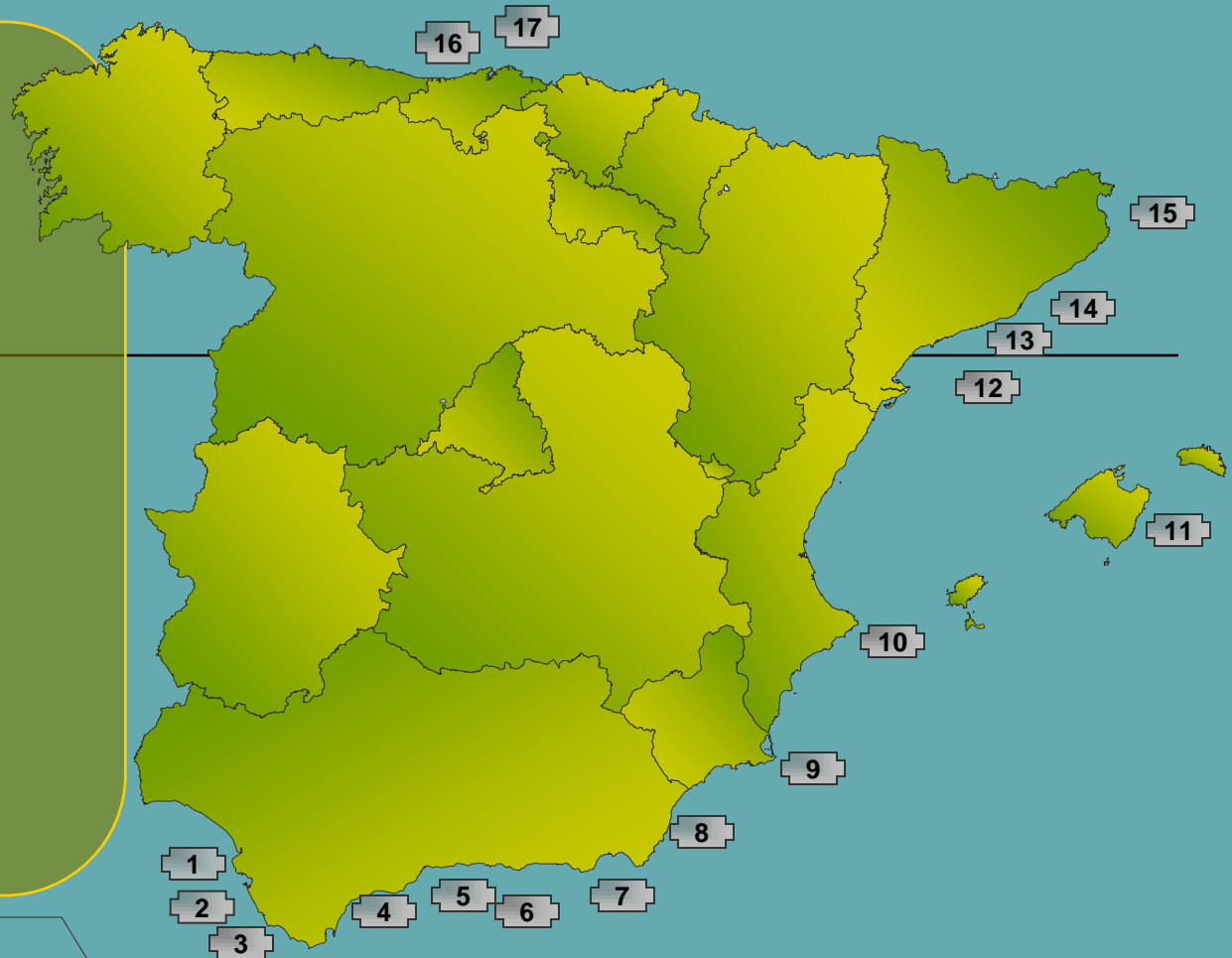


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ARRECIFES ARTIFICIALES GESTIONADOS POR LA SECRETARÍA GENERAL DEL MAR

1. Chipiona-Rota
2. Sancti Petri
3. Conil
4. Punta de Baños-Marbella
5. Punta Torrox I
6. Punta Torrox III
7. Punta Vélez Málaga
8. Cerro del Obispo-Mojácar
9. Cabo de Palos
10. Cabo de San Antonio
11. Levante Mallorquín
12. Garraf – Penedés
13. Valcarca - Llobregat
14. Maresme III
15. Tossa de Mar
16. Calderón
17. Laredo



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Conservation and management measures (V)

RECREATIONAL FISHERIES

Royal Decree 347/2011

- National Register of authorised vessels in exterior waters
- Authorised species in Annex
- General conditions for recreational fisheries and competitions
- Prohibited practices
- Specific authorizations for some species
- Catches declarations



MINISTERIO DE MEDIO AMBIENTE Y MEDIO RURAL Y MARINO

Secretaría General del Mar

ESPECIES SOMETIDAS A MEDIDAS DE PROTECCIÓN DIFERENCIADA LA PESCA MARITIMA DE RECREO ANEXO II

| DENOMINACION | Código FAO |
|--|------------------------|
| Atún rojo (<i>Thunnus thynnus</i>) (1) | BFT |
| Atún blanco (<i>Thunnus alalunga</i>) | ALB |
| Patudo (<i>Thunnus obesus</i>) | BET |
| Pez espada (<i>Xiphus gladius</i>) | SWO |
| Marlines (<i>Makaira spp.</i>) | BUM |
| Agujas (<i>Tetrapturus spp.</i>) Marlín del Mediterráneo-Aguja blanca del Atlántico Aguja Picuda - Marlín peto | MSP - WHM SPF - RSP |
| Pez vela (<i>Istiophorus albigans</i>) | SAI |
| Merluza (<i>Merluccius merluccius</i>) | HKE |



Monitoring, control and surveillance measures (I)

EU REGULATIONS

- **Council Regulation (EC) No 1224/2009** of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy.
- **Commission Implementing Regulation (EU) No 404/2011**
- **Council Regulation (EC) No 1005/2008** of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing
- **Council Regulation (EC) No 1967/2006** of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea



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



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Monitoring, control and surveillance measures (II)

NATIONAL REGULATIONS

Royal Decree 176/2003, which regulates the exercise of the functions of control and inspection of fishing activities at sea.

Law 3/2001, of State Maritime Fisheries, Title I, Chapter VI
(Control and inspection of fishing activity)



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Monitoring, control and surveillance measures (III)

-ACTIONS TO FIGHT AGAINST IUU FISHING

Fisheries inspection actions

Control means:

- Center for fisheries surveillance (VMS)
- Imports control of fishery products
- Agreements with Ministry for Internal Affairs, Army, Tax Agency and Ministry for Trade



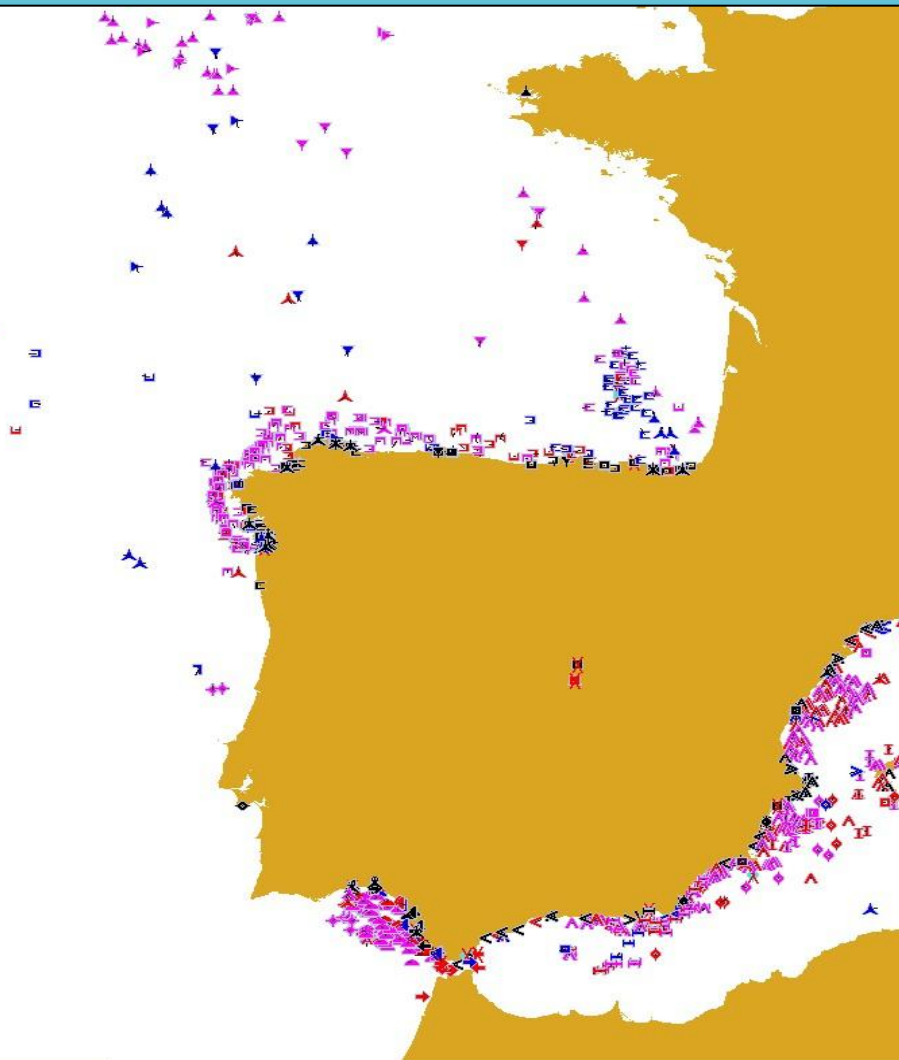
SPANISH FISHING COASTAL FLEET



PURSE SEINES



LOGLINENERS



ENTANTLING NETS



ARTES MENORES



TRAWLING





Enforcement procedures and sanctions

EU REGULATIONS

- **Council Regulation (EC) No 1224/2009**
- **Commission Implementing Regulation (EU) No 404/2011**
- **Council Regulation (EC) No 1005/2008**
- *Commission Implementing Regulation (EU) No 1010/2009*
- **Council Regulation (EC) No 1967/2006** of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea

NATIONAL REGULATIONS

- **Law 3/2001**, Chapter IV
- **Royal Decree 747/2008** por el que se establece el Reglamento del régimen sancionador en materia de pesca marítima en aguas exteriores
- **Royal Decree 398/2003**, Reglamento del procedimiento para la actividad sancionadora.



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THANK YOU FOR YOUR ATTENTION

