



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



GENERAL FISHERIES COMMISSION FOR THE MEDITERRANEAN

SCIENTIFIC ADVISORY COMMITTEE (SAC)

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**DRAFT QUESTIONNAIRE ON FISHERIES LAWS AND REGULATIONS IN
THE MEDITERRANEAN AND THE BLACK SEA (LaMed PROJECT)**

(Draft)

* Available only in English

Note to the SAC participants:

This document is to be circulated for further comments and orientations to the Secretariat.

ABSTRACT

This questionnaire on the current legislative status of marine capture fisheries management is aimed at updating the information available related to the existing legal management-related frameworks of the General Fisheries Commission for the Mediterranean (GFCM) Members through the networks of experts established in the Region, notably by some of the FAO Regional projects (AdriaMed, CopeMed, EastMed, MedFisis).

After an overview of the marine capture fisheries management legal framework, it focuses on five main issues: (i) access regimes to fisheries resources; (ii) conservation and management measures; (iii) monitoring, control and surveillance, (iv) post-landing, post-harvest practices and trade, (v) enforcement and compliance. It concludes with the identification of current priority issues faced, as appropriate, at the international, national and regional levels, by commercial/industrial-scale, artisanal/small-scale, or recreational fisheries, from the perspective of GFCM Members (vi).

**FISHERIES REGULATION IN THE MEDITERRANEAN
AND THE BLACK SEA**

-LaMed PROJECT-

COUNTRY NAME:

.....

by:

(Name of Focal Point)

(DATE)

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ABBREVIATIONS AND ACRONYMS

COC	Compliance Committee
FAO	Food and Agriculture Organization of the United Nations
GFCM	General Fisheries Commission for the Mediterranean
ICCAT	International Commission for the Conservation of Atlantic Tunas
IMO	International Maritime Organization
IPOA	International Plan of Action
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IUU	Illegal, unreported and unregulated
MCS	Monitoring, control and surveillance
RFMOs	Regional Fisheries Management Organizations
SCESS	Sub-Committee on Economic and Social Sciences
TAC	Total allowable catch
VMS	Vessel monitoring system

BACKGROUND

The need for effective and ongoing regional cooperation and harmonization among GFCM Members for the management of the region's living marine resources is essential given the close geographic proximity of countries, stock structures and distribution as well as the possibility of one country undermining regional management efforts if it acts unilaterally or not in concert with other GFCM Members.

To this end, a study on the fisheries regulatory framework of the Western Mediterranean coastal states was undertaken in 2001 under the aegis of the FAO CopeMed Project and, as a follow-up on this work, the GFCM, with support from FAO's FishCode and Development Law Service, commissioned a comparative study covering the entire Mediterranean Basin that focused on three issues, namely: the "access regimes to fisheries resources", the "management of fishing effort and fishing capacity" and the "monitoring, control and surveillance"¹. Its purpose was to provide fisheries managers with information on the principal measures adopted in the region and to identify areas where harmonization should be sought, particularly in relation to shared stocks.

During the Twenty-ninth Session of the GFCM (Rome, Italy, February 2005), the Commission adopted the "General Guidelines for a GFCM Control and Enforcement Scheme"² whose aim was to bring a high degree of compliance with relevant conservation measures, legal certainty and security for the vessel concerned. In 2007, the GFCM created the Compliance Committee (CoC) in order "to review compliance with conservation and management measures (...) as well as "the implementation of measures on monitoring, control, surveillance, and enforcement adopted by the Commission"³. However, the minimal reporting by many Members on the status of implementation of GFCM decisions prior to the Thirty-fourth Session of GFCM (Athens, Greece, April 2010) did not allow for the GFCM Secretariat to conduct a thorough analysis of their effectiveness.

This situation as well as issues of growing concern identified in the GFCM Region during recent Workshops and Meetings (*i.e.* artificial reefs, jellyfish blooming, excessive by-catch and discarding, red coral, etc.) demonstrated that the comparative study commissioned by the GFCM and undertaken by P. Cacaud in 2005 needs now to be completed and updated. The LaMed Project (Component 1) has been launched to meet this objective, with also the aim to assess strengths, weaknesses, gaps and constraints for regional cooperation. This questionnaire has therefore been conceived to provide with updated information on the marine capture fisheries management legal framework of GFCM Members. Consultants will be hired to complete it for each country. They will then be actively encouraged to present their responses during a meeting (to be held during the year), as a basis for discussion, particularly for identifying priority issues faced in the GFCM Region and as appropriate, possibilities of harmonization and shared management regulations. Emphasis will be put on the enforcement of the GFCM Recommendations by Members as well as on the relevant GFCM publications.

¹ Cacaud, P. Fisheries Law and Regulations in the Mediterranean; a comparative Study. *Studies and Reviews*. General Fisheries Commission for the Mediterranean. No.75. Rome, FAO. 2005. 40p.

² Res. GFCM/30/2005/2.

³ Rule X, 3. a,b of the GFCM Rules of Procedure.

The desired output from this whole project is to elaborate a reference publication on the current fisheries laws and regulations in the Region as well as on areas where harmonization should be sought, for policy-makers, administrators and fisheries managers.

NOTES TO CONSULTANTS

▪ **Definition and use of terms, objective, scope and application**

Please note clearly what you mean by the terms “*regional*” and “*local*” when filling in the questionnaire. Please, where appropriate, specify also which of the three broad categories of fisheries is governed by the fisheries legislation concerned:

- Commercial/Industrial, large-scale fisheries (C);
- Artisanal, small-scale, lifestyle, subsistence, indigenous, customary fisheries (A); and
- Recreational fisheries (R).

▪ **Access regimes to fisheries resources**

“*The enactment of any new law, regulation or amendment of texts in force in the country*” refers to the list of legislation provided in Annex 1.

▪ **Monitoring, control and surveillance**

The question in this section are drafted in a much more detailed manner given the importance of robust MCS provisions as an integral and essential component of fisheries management.

▪ **Post-landing, post-harvest practices and trade**

Post-harvest measures for storage, processing, handling, sale, marketing transport and trade are coming under increasing global scrutiny for reasons of food security, health and control of IUU fishing. For this reason, please list, where appropriate, “*the law, regulation or amendment of texts in force in the country*” regarding the matter, by specifying which of the three broad categories of fisheries is concerned:

- Commercial/Industrial, large-scale fisheries (C);
- Artisanal, small-scale, lifestyle, subsistence, indigenous, customary fisheries (A); and
- Recreational fisheries (R).

▪ **Enforcement and compliance**

Fishers cannot get caught for a violation and still gain from the crime. Enforcement measures must therefore allow the punishment of the wrongdoer and deter others from contravening applicable laws, in order to make IUU fishing both unprofitable and unattractive. For this reason, please list, where appropriate, “*the law, regulation or amendment of texts in force in the country*” regarding the matter, by specifying again which of the three broad categories of fisheries is concerned:

- Commercial/Industrial, large-scale fisheries (C);
- Artisanal, small-scale, lifestyle, subsistence, indigenous, customary fisheries (A); and
- Recreational fisheries (R).

If you feel that clarification is needed (or that a response is more complicated than a Yes/No response), please provide notes related to specific questionnaire questions. In any case, do not hesitate to contact the Secretariat for any further explanation:

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○ *other? (Please list)*

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10. If you answered “Yes” to the previous question, please give the titles of the three pieces of this indirectly-related legislation that have the most impact on marine capture fisheries management?

1.

2.

3.

11. Does the national legislation require management decisions to be based on information coming from

- 1.1. biological analyses or stock assessments
- 1.2. economic analyses
- 1.3. social impact analyses
- 1.4. traditional knowledge of the resources and their habitats
- 1.5. monitoring and enforcement options

Yes	No

12. Is there a fixed schedule, a fixed timeframe, for going through the steps for developing management measures?

Yes	No

1.2 The institutional framework and mechanisms for integration, coordination and participation

13. Does the fisheries legislation provide an administrative framework for the marine capture management of fisheries at:

- the national level?
- the regional level within the country?
- the local level?

Yes	No

14. Does the legislation identify a single agency or other authority with the responsibility for marine capture fisheries management at:

- the national level?
- the regional level within the country?
- the local level?

Yes	No

15. What is the name of lead agency or management body with responsibility for marine capture fisheries management at:

○ the national level:

○ the regional level within the

country: _____

the local level: _____

16. Does this lead agency or management body share legal responsibility for marine capture fisheries management with other agencies or authorities at:

- the national level?
- the regional level (within the country)?
- the local level?

Yes	No

17. In addition to the fisheries management agency is there a separate fisheries science agency or agencies at:

- the national level?
- the regional level?
- the local level?

Yes	No

18. If the response to the previous question is “Yes”, what is/are the names of the separate fisheries science authority/agency or agencies at:

the national level: _____

the regional level: _____

the local level: _____

19. In addition to the fisheries management agency, is there a separate fisheries enforcement authority or agency at:

- the national level?
- the regional level within the country?
- the local level?

Yes	No

20. If the response to the previous question is “Yes”, what is/are the names of the separate fisheries enforcement authority/agency or agencies at:

○ the national level?

○ the regional level?

○ the local level?

21. Does the legislation enable particular participatory processes, such as:

- *consultative management*, where fisheries management stakeholders are consulted, but do not share management responsibility?
- *co-management*, where fisheries management stakeholders are consulted and share *some* management responsibility?
- *co-management*, where fisheries management stakeholders *actively* participate in the management process and share *significant* management responsibility?
- *devolution* of management, where local participants / stakeholders have *full* management responsibility?

Yes	No

22. Does the legislation allow for the costs associated with managing these fisheries resources to be recovered using:

- 1.6. license fees to participants in a fishery?
- 1.7. license fees from participants in other fisheries such as:
 - 1.7.1. participants in other fisheries of the same category of sector (e.g. commercial, recreational, artisanal, etc)?
 - 1.7.2. participants in other fisheries in different sectors (e.g. recreational fishery fees being used to pay for commercial fisheries or *vice versa*)?

Commercial		Artisanal		Recreational	
Yes	No	Yes	No	Yes	No

1.8. resource rentals?

1.9. other sources? (*Please list.*)

23. Are conservation and management laws and regulations clearly documented and easily available to the public?

Yes	No

NOTE:

This concludes the country overview of the marine capture fisheries management legal framework. The next section of the questionnaire focuses on five main issues: (i) access regimes, (ii) conservation and management measures, (iii) monitoring, control and surveillance, (iv) post-landing, post-trade practices and trade, (v) enforcement and compliance.

25. In particular, what has the country done to implement the following GFCM decision?

Reference of GFCM decision	Reference to national legislative provision, if applicable	Comments : progress on operational implementation, constraints (<i>i.e.</i> weak law, capacity, etc.)
Rec. ICCAT-GFCM/34/2010/4 (A) :on the requirement of special fishing permits to vessels authorized to participate in pelagic longline fisheries for highly-migratory pelagic stocks in the Mediterranean for each fishery (<i>i.e.</i> by target species and area)".		

3. CONSERVATION AND MANAGEMENT MEASURES
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3.1. Fishing capacity

26. Please list the enactment of any new law, regulation or amendment of texts in force in the country regarding fishing capacity:

27. In particular, what are the instruments and schemes in place to monitor and control the fishing capacity?

28. In particular, what has the country done to implement the following GFCM decisions?

Reference of GFCM decision	Reference to national legislative provision, if applicable	Comments : progress on operational implementation, constraints (<i>i.e.</i> weak law, capacity, etc.)
Rec. GFCM/34/2010/2 on the management of fishing capacity.		
Rec. ICCAT-GFCM/33/2009/9 (B): Section III. par. 40 to 45 (“Capacity measures”).		
Rec. ICCAT-GFCM 34/2010/4 (B): par. 7 to 9.		

3.2. Fishing effort

29. Please list the enactment of any new law, regulation or amendment of texts in force in the country regarding fishing effort:

30. In particular, what has the country done to implement the following GFCM decisions?

Reference of GFCM decision	Reference to national legislative provision, if applicable	Comments : progress on operational implementation, constraints (i.e. weak law, capacity, etc.)
Res. GFCM/33/2009/1 On the management of demersal fisheries: reduction of bottom-trawling fishing effort by a minimum of 10 percent in all GFCM areas.		
Rec. GFCM/27/2002/1 on the management of selected demersal and small pelagic species: adoption of measures aimed at adjusting the fishing effort for selected demersal species (<i>Merluccius merluccius</i> , <i>Aristeus antennatus</i> , <i>Mullus barbatus</i>) and aimed at minimizing the capture of small pelagics below the size needed to maintain recruitment stock at a level compatible with sustainable resource exploitation.		
Rec. GFCM/33/2009/1 On the establishment of a Fisheries Restricted Area in the Gulf of Lions to protect spawning aggregations and deep sea sensitive habitats.		
Rec. ICCAT-GFCM/33/2009/9 (B): share of TAC (Section III. par. 4 to 18).		
Rec. ICCAT-GFCM/34/2010/4 (B): par. 1.		

3.3. Area and time restrictions

31. Please list the enactment of any new law, regulation or amendment of texts in force in the country regarding area and time restrictions:

32. What has the country done to implement the following GFCM decisions?

Reference of GFCM decision	Reference to national legislative provision, if applicable	Comments : progress on operational implementation, constraints (i.e. weak law, capacity, etc.)
Rec. GFCM/2005/1: prohibition of the use of towed dredges and trawl nets fisheries at depths beyond 1000 m of depth.		
Rec.GFCM/30/2006/2: prohibition of Dolphin fish fisheries using aggregating devices (FADs) from 1 st of January to 14 th of August of each year.		
Rec.GFCM/30/2006/3: Fishing with towed dredges and bottom trawl nets shall be prohibited in the following areas: Lophelia reef off Capo Santa Maria di Leuca, the Nile delta area cold hydrocarbon seeps, the Eratosthemes Seamount.		
Rec. ICCAT-GFCM/33/2009/9 (B): Section II. 19, 22, 23, and 24.		
Rec. ICCAT-GFCM/34/2010/4 (A): par. 1 to 4 (<i>Mediterranean swordfish</i>)		
Rec. ICCAT-GFCM/34/2010/4 (B): par. 5.		

3.4. Protected Species

33. Please list the enactment of any new law, regulation or amendment of texts in force in the country regarding protected species :

34. What has the country done to implement the following GFCM decision:

Reference of GFCM decision	Reference to national legislative provision, if applicable	Comments : progress on operational implementation, constraints (<i>i.e.</i> weak law, capacity, etc.)
Rec. ICCAT-GFCM/34/2010/4 (C): par. 1, 2, 3 and 5 (<i>thresher sharks</i>).		

3.5. Gear restrictions/prohibitions

35. Please list the enactment of any new law, regulation or amendment of texts in force in the country regarding gear restriction or prohibition:

36. What has the country done to implement the following GFCM decisions?

Reference of GFCM decision	Reference to national legislative provision, if applicable	Comments : progress on operational implementation, constraints (<i>i.e.</i> weak law, capacity, etc.)
Rec. GFCM/22/1997/1: no vessel flying the flag of a Contracting Party of GFCM may keep on board, or use for fishing, one or more driftnets whose individual or total length is more than 2.5 kilometers and if the net is longer than 1 km, it must remain attached to the vessel. Within the 12 mile coastal band, a vessel may detach itself from the net, provided it keeps it under constant observation.		
Rec. GFCM/33/2009/2 implementation of a minimum 40 mm square mesh codend or a diamond mesh size of at least 50 mm for all trawling activities exploiting demersal stocks when operating in the GFCM Area.		

Rec. ICCAT-GFCM/33/2009/9 (B): Section II. par. 26 (“use of aircrafts”)		
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3.6. Minimum sizes

37. Please list the enactment of any new law, regulation or amendment of texts in force in the country regarding minimum sizes:

38. What has the country done to implement the following GFCM decision?

Reference of GFCM decision	Reference to national legislative provision, if applicable	Comments : progress on operational implementation, constraints (<i>i.e.</i> weak law, capacity, etc.)
Rec. ICCAT-GFCM/33/2009/9 (B): Section II. par. 27 to 29 (“minimum sizes”)		

3.7. By-catch

39. Please list the enactment of any new law, regulation or amendment of texts in force in the country regarding by-catch:

40. What has the country done to implement the following GFCM decision:

Reference of GFCM decision	Reference to national legislative provision, if applicable	Comments : progress on operational implementation, constraints (<i>i.e.</i> weak law, capacity, etc.)
Rec. ICCAT-GFCM/33/2009/9 (B): Section II. par. 30 (“by-catch”)		

3.8. Recreational/sport fisheries

41. Please list the enactment of any new law, regulation or amendment of texts in force in the country regarding recreational/sport fisheries:

42. In particular, what has the country done to implement the following GFCM decision?

Reference of GFCM decision	Reference to national legislative provision, if applicable	Comments : progress on operational implementation, constraints (<i>i.e.</i> weak law, capacity, etc.)
Rec. ICCAT-GFCM/33/2009/9 (B): Section II. par. 31 to 35 and 36 to 39.		

4. MONITORING, CONTROL AND SURVEILLANCE

43. Does the MCS imply any clearance of the documentation and of the vessel at the time of the issue of a license?

Yes	No

44. In particular, what has the country done to implement the following GFCM decisions?

Reference of GFCM decision	Yes/No (Reference to national legislative provision, if applicable)	Comments : progress on operational implementation, constraints (<i>i.e.</i> weak law, capacity, etc.)
Rec. GFCM/34/2010/1 on the establishment of a GFCM LogBook.		
Rec. GFCM/33/2009/7 on the minimum standards for the establishment of a Vessel Monitoring System (VMS) in the GFCM area.		
Rec. GFCM/33/2009/6 on the establishment of a GFCM record of vessels over 15 meters.		
Rec. GFCM/33/2009/8 on the establishment of a list of vessels presumed to have carried out IUU fishing in the GFCM area.		
Rec.ICCAT-GFCM/33/2009/9 (B) (Part. IV: "Control measures").		
Rec.ICCAT-GFCM/31/2007/3(C) on a programme for transshipment for large-scale tuna longline fishing vessels.		
Rec. GFCM/32/2008/1 on the regional scheme on port state measures to combat illegal, unreported and unregulated fishing activities in the GFCM area and in particular:	DESIGNATION OF PORTS	
Maintenance of a system of port State control for non national ⁴ fishing vessels		

⁴ A vessel flying a flag of another country.

Designation and publication of ports to which non national fishing vessel may be permitted access		
Do these ports have the capacity to conduct port State inspections ?		
-full capacity		
-some capacity		
-not much capacity		
PRIOR NOTICE OF ENTRY INTO PORT		
Are non national fishing vessel required to provide advance notice prior to entering the port ?		
PORT ENTRY AUTHORIZATION		
Is the master of the vessel supposed to present an authorization for access to the port authorities upon arrival at port, before commencing authorized activities?		
DENIAL OF USE OF PORT		
Prohibition from using port for landing, transhipping, or processing fish the following vessels :		
i)Vessel from a non-contracting or non-cooperating party of GFCM		
ii)Vessel sighted as being engaged in, or supporting IUU fishing activities in the GFCM area, unless the vessel can establish that the catch was taken in a manner consistent with relevant GFCM conservation and management measures		
Prohibition of use of ports for landing, transhipping, refueling or resupplying where there are clear grounds for believing that the vessel has engaged in or supported IUU fishing beyond its fisheries jurisdiction		

Prohibition for <i>landing</i> or <i>transshipment</i> where the vessel is identified as engaging in, or supporting, fishing activities that contravene conservation and management measures of an RFMO		
Prohibition of use of ports for landing, transshipping, or processing where there reasonable grounds for believing that the vessel does not have a valid and applicable authorization to engage in fishing and fishing related activities in the GFCM area.		
How is communicated the authorization/deny for landing?		
INSPECTIONS		
Are inspections of non national fishing vessels in ports carried out to monitor compliance?		
Are inspections carried out by qualified persons authorized for that purpose?		
Please describe the required qualifications		
Prior to an inspection, are inspectors required to show the vessel master an identity document?		
Is an inspector authorized to examine any area of the fishing vessel, the catch, nets, gear, equipment and any document he deems necessary to verify compliance?		
Is the vessel master required to give the inspector all necessary assistance and information and to present material and documents as may be required?		
Are all possible efforts made to avoid unduly delaying a vessel, ensure minimum interference and inconvenience and avoid degradation of the quality of the		

fish?		
Is an inspector accompanied, where possible and needed, by an interpreter of the language spoken by the operator of the inspected vessel?		
Are the results of a port inspection presented to the master of the vessel and is the report completed and signed by the inspector and the master?		
Is the opportunity given to the master of the vessel to add any comment to the report and to contact the relevant authorities of the Flag State, in particular when (s)he has serious difficulties in understanding the contents of the report?		
Does the country, following an inspection of a non-national fishing vessel, promptly notify the Flag State where there is reasonable evidence for believing that the vessel has engaged in, or supported, the following IUU fishing activities?		
(i) fishing without a valid license, authorization or permit issued by the Flag State?		
(ii) failing to maintain accurate records of catch and catch related data?		
(iii) fishing in a closed area, fishing during closed season or without, or after the attainment of a quota?		
(iv) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited?		
(v) using prohibited fishing gear?		
(vi) falsifying or concealing the markings, identity or registration of the vessel?		
(vii) concealing, tampering with or disposing of evidence relating to an investigation?		

(viii) conducting multiple violations which together constitute a serious disregard of relevant conservation and management measures?		
(ix) failure to comply with applicable VMS requirements?		
(x) taking or landing undersized fish in contravention of relevant conservation and management measures?		
Does the country take due note of any reply or any actions proposed or taken by the flag State of the inspected vessel when it was notified of reasonable evidence of IUU fishing activities?		
Does the country prohibit landings or transshipments from inspected vessels when it was not satisfied with the Flag State's actions against the vessel?		
COOPERATION AND EXCHANGE OF INFORMATION STANDARDIZED INFORMATION ON PORT INSPECTIONS		
Are there consultation, cooperation and exchange of information with other States to facilitate the implementation of port State measures in combating IUU fishing?		
Is there a computerized communication mechanism that allows for direct exchange of messages with other GFCM Members and with the GFCM?		
(i) If yes, please describe		
(ii) If no, are there plans for such mechanism?		
Is information handled in a standardized form?		
Please attach requirements for information to be provided in advance by non national fishing vessels, or provide a reference where they may be found on any		

website.		
Request another Contracting Party to inspect a vessel where there reasonable grounds for believing that the vessel flying its flag has engaged in or supported IUU fishing and is seeking access to or in the port of the another Contracting Party.		
Ensure that the vessel master inspected gives the inspector all necessary assistance and information and to present material and documents as may be required		
In case of non-compliance of a vessel master during an inspection, request a suspension of the vessel's authorization to fish and order the vessel to remain in port		
Notification of the port inspection authorities and the GFCM of any action taken in case of non-compliance of a vessel master during an inspection		
Is the validity of official documentation onboard verified, for example through the Flag State or international records of fishing vessels?		
Do inspectors make sure that the flag, the external identification number (and IMO ship identification number when available) and the international radio call sign are correct?		
Do inspectors examine whether the vessel has changed flag and, if so, note the previous name(s) and flag(s)?		
(i) port of registration?		
(ii) name and address of the owner (and operator if different from the owner)?		
(iii) name of master?		

(iv) unique ID for company and registered owner if available?		
(v) name(s) and address(es) of previous owners, if any?		
Are authorization(s) to fish or transport fish and fishery products verified for compatibility with the information obtained on vessel identification?		
Is all relevant documentation reviewed, including in electronic format, such as logbooks, stowage plans and drawings or descriptions of fish holds if available?		
Are fish holds/areas inspected in order to verify whether the size and composition of fish correspond to drawings or descriptions reviewed and whether the stowage is in accordance with the stowage plans?		
Is the fishing gear on board verified for conformity with the conditions of the authorization(s) and regulations?		
Are identification marks of the gear verified for conformity with those authorized for the vessel?		
Is the vessel searched for any fishing gear stowed out of sight?		
Is an examination made to establish whether the fish and fishery products on board were harvested in accordance with the conditions set out in the authorization?		
Is the fishing logbook examined and reports submitted, including those resulting from a vessel monitoring system (VMS), as appropriate?		
Is the fish in the hold or being landed examined in order to determine the quantities and species which are fresh on ice, frozen but not packed, processed, packed or in bulk?		

Where the fish has been pre-packed are cartons opened and the fish or cartons moved to ascertain the integrity of fish holds?		
Are species and quantities landed verified as the vessel is unloading, including for presentation (product form), live weight (quantities determined from the logbook) and the conversion factor used for calculating processed weight to live weight?		
Are the Flag State authorities contacted to verify whether the fish and fishery products have been harvested or collected in the areas recorded in the relevant documents if they have reasonable grounds to believe that a vessel has engaged in, or supported, IUU fishing?		
Please attach requirements for information to be provided on the results of port State inspections, or provide a reference where they may be found on any website.		

Does the country have a national training programme for port inspectors including?		
(i) training in inspection procedures?		
(ii) provision of information on GFCM conservation and management measures as well as relevant laws and regulations and applicable rules of international law?		
(iii) information sources, such as log books and other electronic information that may be useful for the validation of information given by the master of the vessel?		
(iv) fish species identification and measurement calculation?		

(v) catch landing monitoring, including determining conversion factors for the various species and products?		
(vi) vessel boarding/inspection, hold inspections and calculation of vessel hold volumes; gear measurements and inspections?		
(vii) collection, evaluation and preservation of evidence?		
(viii) range of measures available following the inspection?		
(ix) training in relevant languages, particularly English?		
Please attach a description of requirements for an information system on port State inspection or provide a reference where they may be found on any website.		

45. Does the national clearly provide for the powers of search and seizure of port inspector(s) (including taking documents/photocopies for use in evidence)?

46. . What government agency/agencies is/are responsible for carrying out port inspections?

47. Does the national law provide for any anti-corruption initiative and mechanism?

Yes	No

5. POST-LANDING, POST-HARVEST PRACTICES AND TRADE
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5.1. Processing/handling/sale/marketing

48. Please list the law, regulation or amendment of texts in force in the country regarding the processing/handling/sale/marketing trade:

5.2. Trade/import/export

49. Please list the law, regulation or amendment of texts in force in the country regarding the trade/import/export:

50. What has the country done to implement the following GFCM decision:

Reference of GFCM decision	Reference to national legislative provision, if applicable	Comments : progress on operational implementation, constraints (<i>i.e.</i> weak law, capacity, etc.)
Rec. ICCAT-GFCM/33/2009/9 (C): par. 1 to 14. (<i>Bluefin Tuna Catch documentation program</i>).		

6. ENFORCEMENT AND COMPLIANCE

6.1 Judicial/administrative processes

51. Does the fisheries management legislation set up particular processes, such as:

- specific steps to follow to resolve conflicts?
- the use of alternative dispute resolution mechanisms (“ADR” mechanisms)?
- the need to consider multiple-uses and users
 - within the fisheries sector?
 - between the fisheries and other sectors?

Yes	No

52. If the response to the previous question includes a “Yes”, are dispute resolution and conflict management processes part of the marine capture fisheries management process? *(If so, please feel welcome to attach a diagram or written description of the steps in this process.)*

Yes	No

53. In terms of conflict resolution, what fisheries management tool are being used among user groups:

- zoning of different areas for different users?
- stock enhancement?
- resource allocation
 - between the different participants in the fishery?
 - between the fisheries and other sectors?
- education about sharing marine fisheries resources?
- limited access to certain areas for certain types of fishers?

Yes	No

54. Does the national fishery law provide for an administrative process where violation can be addressed as an alternative to a judicial system? *(i.e. offences that are less serious)*

Yes	No

55. If so, please describe it as stated in the legislation:

60. Does the country create an offense to import fish that had been taken illegally from the waters of another country? (long-arm approach to enforcement)

Yes	No

61. Over the last ten (10) years, what is happening to the number of offences that are taking place?

62. Over the last five (5) years, what is happening to the number of offences that are taking place?

63. Over the last ten (10) years, what is happening to detection efforts (e.g. at sea patrols, port monitors)?

64. Over the last five (5) years, what is happening to detection efforts (e.g. at sea patrols, port monitors)?

Increasing	Decreasing	Unchanged

65. Does it appear that the funding provided for this agency allows it to enforce all fisheries regulations?

66. Does it appear that the penalties for non-compliance are effective, dissuasive and proportionate enough to discourage further offence of the same kind?

Yes	No

7. PRIORITY ISSUES

67. Among the following issues, which are the 3 priority problems encountered by the country?
Please categorize them into national, regional or international level for each category of fisheries:

Commercial/Industrial-scale fisheries:

	National	Regional	International
○ Unlicensed vessel operations			
○ Unlicensed vessels operations in national waters by foreigners			
○ Unlicensed vessels operations in national waters by national operators?			
○ Violations of closed seasons by foreign operators (<i>If "Yes", please list.</i>)			
○ Violations of closed seasons and areas by national and foreign operators (<i>If "Yes", please list.</i>)			
○ Use of illegal fishing gear by national and/or foreign operators			
○ Excess national fishing capacity			
○ Excess fishing capacity for shared resources			
○ Handling by-catch			
○ Basic management measures (e.g. minimum species sizes.)			
○ Management frameworks for shared stocks			
○ Misreported or unreported by-catch (taking prohibited, undersized or endangered species.)			
○ Misreported or underreported catches in national licensed fisheries			
○ Lack of awareness among stakeholders			
○ Inadequacy of the regulatory frameworks (<i>i.e.</i> weak enforcement and penalties)			
○ Some other issue (<i>If "Yes, please list.</i>)			

Artisanal/Small-scale fisheries:

	National	Regional	International
○ Unlicensed vessel operations			
○ Unlicensed vessels operations in national waters by foreigners			
○ Unlicensed vessels operations in national waters by national operators?			
○ Violations of closed seasons by foreign operators			
○ Violations of closed seasons and areas by national and foreign operators			
○ Use of illegal fishing gear by national and/or foreign operators			
○ Excess national fishing capacity			
○ Excess fishing capacity for shared resources			
○ Handling by-catch			
○ Basic management measures (e.g. minimum species sizes)			
○ Management frameworks for shared stocks			
○ Misreported or unreported by-catch (taking prohibited, undersized or endangered species,)			
○ Misreported or underreported catches in national licensed fisheries			
○ Lack of awareness and education among the population and the fishermen communities			
○ Inadequacy of the regulatory frameworks (<i>i.e.</i> weak enforcement and penalties)			
○ Some other issue (<i>If "Yes, please list."</i>)			

Recreational/sport fisheries:

	National	Regional	International
○ Unlicensed vessel operations			
○ Unlicensed vessels operations in national waters by foreign recreational fishermen			
○ Unlicensed vessels operations in national waters by national recreational fishermen?			

○ Violations of closed seasons by foreign recreational fishermen			
○ Violations of closed seasons and areas by national and foreign recreational fishermen			
○ Illegal fishing hidden under the umbrella of recreational fishing			
○ Use of illegal fishing gear by national and/or foreign recreational fishermen			
○ Excess national fishing capacity			
○ Excess fishing capacity for shared resources			
○ Handling by-catch			
○ Basic management measures (e.g. minimum species sizes)			
○ Unreported by-catch			
○ Misreported or unreported catches in national licensed fisheries			
○ Lack of awareness and education among the population and the recreational fishermen communities			
○ Inadequacy of the regulatory frameworks (<i>i.e.</i> weak enforcement and penalties)			
○ Lack of financial support for monitoring, research and development of the recreational fisheries sector			
○ Conflict management (<i>i.e.</i> interactions with commercial fisheries and aquaculture on the use of space and on the exploitation of the same target species)			
○ Some other issue (<i>If "Yes, please list."</i>)			

Summary list of the main fisheries legislation in the Mediterranean⁵**Albania**

- Law No. 7908 of 1995
- Decree No. 4650 of 9 March 1970 as amended by Decree No. 7366 of 9 March 1990

Algeria

- Decree No. 63-403 of 12 October 1963
- Legislative Decree No. 94-13 of 28 May 1994
- Law No. 01-11 of 2001
- Decree No. 96-121 of 1996

Croatia

- Article III of the Constitutional Decision by Parliament of 1991
- Maritime Code of 1994
- Marine Fisheries Act of 1997

Cyprus

- Fisheries Law of 1931
- Law No. 45 of 1964
- Law No. 8 of 5 April 1974
- Fisheries Regulations of 1990

Egypt

- Presidential Decision No. 1051 of 1958
- Decree of 15 January 1958
- Act No. 124 of 1983
- Declaration on 26 August 1983

European Union

- Council Regulation No. 3690/93 of 1993
- Council Regulation No. 1627/94 of 1994
- Council Regulation (EC) No. 2371/2002

France

- Decree of 9 Jan 1852
- Law No. 71-1060 of 1971
- Law No. 76-655 of 16 July 1976
- Decree No. 83-228 of 1983
- Decree No. 90-618 of 1990
- Decree No. 2001-426 of 2001

⁵ As found in Annex 1 of the “Fisheries Law and Regulations in the Mediterranean; a comparative Study” (p. 29), see note 1.

Greece

- Law No. 230 of 17 September 1936
- Royal Decree 13-2-1954
- Royal Decree No. 666 of 1966
- Decree-Law No. 142/1969 of 1969
- Fisheries Code of 1970; amended with Law 2538/1997
- Presidential Order No. 373 of 1985

Israel

- Fisheries Ordinance No. 6 of 1937
- Law of 10 February 1953
- Law No. 5717-1956 of 1956 as amended by Law No. 5750-1990 of 5 February 1990

Italy

- Act No. 613 of 1967
- Navigation Code of 1942 as modified by Law No. 359 of 14 August 1974
- Law No. 41 of 1982
- Ministerial Decree of 20 October 1986

Lebanon

- Legislative Decree No. 138 of 7 September 1983
- Resolution No. 42/1 of 1999

Libyan Arab Jamahiriya

- Law No. 2 of 18 February 1959
- Law No. 14 of 1989

Malta

- Continental Shelf Act of 29 July 1966
- Act No. XXXII of 1971
- Act No. XXXII of 10 December 1971 as modified by Act No. XXIV of 21 July 1978
- Act No. II of 2001

Monaco

- Sovereign Ordinance No. 5094 of 14 February 1973

Morocco

- Law No. 1-73-255 of 1973
- Law No. 1673-255 of 1973
- Law No. 1-73-211 of 1973
- Law No. 1-81 of 8 April 1981

Serbia and Montenegro

- Act of 23 July 1987

Slovenia

- Marine Fisheries Act of 2002

Spain

- Law No. 10/1977 of 4 January 1977
- Law No. 15/1978 of 20 February 1978
- Ministerial Order of 26/2/1999
- Royal Decree No. 1315/1997 of 1 August as modified by Royal Decree No. 431/2000 of 31 March 2000
- Law No. 3 of 2001
- Law No. 01-11 of 2001

Syrian Arab Republic

- Legislative Decree No. 304 of 28 December 1963
- Legislative Decree No. 304 of 28 December 1963 as amended by Law No. 37 of 16 August 1981
- Legislative Decree No. 30 of 1964

Tunisia

- Decree of 26 July 1951 as modified by Law No. 63-49 of 30 December 1963
- Law No. 73-49 of 2 August 1973
- Law No. 94-13 of 1994
- Order of 20/9/1994

Turkey

- Law No. 1380 of 1971
- Act No. 2674 of 20 May 1982
- Decree No. 86/11264 of 17 December 1986

ANNEX 2

List of international instruments consulted

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (1975)
- Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (1976)
- United Nations Convention on the Law of the Sea (1982)
- Convention on the Conservation of Migratory Species of Wild Animals (1983)
- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitat and of wild fauna and flora
- Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993)
- Convention on Biological Diversity (1993)
- Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995)
- FAO Code of Conduct for Responsible Fisheries (1995)
- Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (1999)
- FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2001)
- FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2009)
- 2010/631/EU: Council Decision of 13 September 2010 concerning the conclusion, on behalf of the European Union, of the Protocol on Integrated Coastal Zone Management in the Mediterranean to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean

GFCM decisions

Conservation and management measures:

- Rec. GFCM/34/2010/2 on the management of fishing capacity
- Rec. ICCAT-GFCM/33/2009/9 (B) concerning the Recommendation [08-05] by ICCAT amending the Recommendation by ICCAT to establish a multiannual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean
- Rec. ICCAT-GFCM/34/2010/4 (B) concerning the recommendation by ICCAT amending recommendation [08-05] to establish a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean
- Rec. GFCM/33/2009/1 on the management of demersal fisheries
- Rec. GFCM/27/2002/1 on the management of selected demersal and small pelagic species
- Rec. GFCM/33/2009/1 on the establishment of a Fisheries Restricted Area in the Gulf of Lions to protect spawning aggregations and deep sea sensitive habitats
- Rec. GFCM/2005/1 on the management of certain fisheries exploiting demersal and deepwater pelagic
- Rec. GFCM/30/2006/2 on the establishment of a closed season for the dolphinfish fisheries based on fishing aggregation devices (FADs)
- Rec. GFCM/30/2006/3 on the establishment of fisheries restrictive areas in order to protect the deep sea sensitive habitats
- Rec. ICCAT-GFCM/34/2010/4 (A) concerning the recommendation by ICCAT for a management framework for the sustainable exploitation of Mediterranean swordfish and replacing ICCAT recommendation [08-03]
- Rec. ICCAT-GFCM/34/2010/4 (C) concerning the recommendation by ICCAT on the conservation of thresher sharks caught in association with fisheries in the ICCAT convention area
- Rec. GFCM/22/1997/1 on the limitation of the use of driftnets in the Mediterranean
- Rec. GFCM/33/2009/2 on a minimum Mesh Size in the codend of demersal trawls nets

Monitoring, control and surveillance:

- Rec. GFCM/34/2010/1 concerning the establishment of a GFCM Logbook
- Rec. GFCM/33/2009/7 concerning the minimum standards for the establishment of a Vessel Monitoring System (VMS) in the GFCM area
- Rec. GFCM/33/2009/6 concerning the establishment of a GFCM record of vessels over 15 meters authorized to operate in the GFCM area amending the Recommendation GFCM/2005/2
- Rec. GFCM/33/2009/8 on the establishment of a list of vessels presumed to have carried out IUU fishing in the GFCM area, amending Recommendation GFCM 2006/4
- Rec. GFCM/2008/1 on a regional scheme on port states measures to combat illegal unreported and unregulated fishing in the GFCM
- Rec. GFCM/31/2007/3 (C) concerning the Recommendation [06-11] by ICCAT establishing a programme for transshipment