

GENERAL FISHERIES COMMISSION FOR THE MEDITERRANEAN

Report of the

**FAO/GFCM WORKSHOP ON PORT STATE MEASURES TO COMBAT
ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

Rome, 10–12 December 2007



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PREPARATION OF THIS DOCUMENT

This is the final report of the joint FAO/GFCM Workshop on Port State Measures to Combat Illegal, Unreported and Unregulated (IUU) Fishing (Rome, 10–12 December 2007). The Workshop was convened in response to the suggestion of the Compliance Committee as endorsed by the thirty-first session of the General Fisheries Commission for the Mediterranean (GFCM) (Rome, January 2007). The Commission further acknowledged with satisfaction the offer made by FAO to jointly organize such a Workshop with the Compliance Committee (COC).

ACKNOWLEDGEMENTS

Ms Judith Swan, FAO Consultant, contributed as a resource person at the Workshop. Mr Nicola Ferri, GFCM Consultant, prepared Appendix D to this report and also contributed as a resource person. Their contribution is hereby recognized with many thanks.

Distribution:

Participants
FAO Fishery Officers, Regional and Subregional Offices

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ABSTRACT

FAO had undertaken a wide range of activities to support the implementation of the 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated (IUU) Fishing (FAO Model Scheme), including human resource development and capacity building at regional level. The thirty-first session of the GFCM (Rome, January 2007) endorsed the suggestion made by its Compliance Committee that a workshop on port State measures should be convened for the benefit of GFCM Members, mindful of international fisheries instruments, recent developments in international fora and the desirability of strengthening controls, based on the FAO Model Scheme.

The main objective of the FAO/GFCM Workshop on port State measures was to consider GFCM Members coordinated efforts regarding the strengthening and the harmonization of port State measures in the near future and, as a result, build on the requirements of the general guidelines for a GFCM Control and Enforcement Scheme and implement the FAO Model Scheme. In this respect, the workshop followed-up on the outcomes of the 2004 GFCM Workshop on Illegal, Unreported and Unregulated Fishing in the Mediterranean.

This paper refers to issues relating to the implementation of the FAO Model Scheme in the GFCM area at present and reviews GFCM Members' port State measures with the aim to assess strengths, weaknesses, gaps and constraints for regional cooperation.

It is based on the responses to a questionnaire that was distributed by the GFCM to Members in May 2007. In order to facilitate the review of GFCM Members' port State measures, the questionnaire was presented under headings that are consistent with those contained in the FAO Model Scheme and respondents were asked to indicate actions taken at the national level accordingly. In addition, existing laws and regulations enacted at national level by GFCM Members concerning port State measures are reported and compared to the provisions of the FAO Model Scheme. Though port State measures are generally considered by GFCM Members to be effective in controlling IUU fishing activities, the majority of national legislations related to the FAO Model Scheme needs to be updated and amended.

A summary of options for GFCM consideration are recommended in view of future actions to be taken to strengthen port State controls in the GFCM area since there appears to be a significant scope for further harmonization and implementation of port State measures. To this end, aspects such as cooperation among GFCM Members, including exchange of information and training of inspectors, the need for qualified human resources and efforts to develop integrated mechanisms of control both at national and regional levels will be prominent in the fight against IUU fishing.

It is suggested that the future elaboration of a regional scheme on port State measures by the GFCM, building on the IPOA–IUU and the FAO Model Scheme, has to be considered as a potentially useful tool for a more uniform implementation of port State measures.

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OPENING OF THE WORKSHOP

1. The Food and Agriculture Organization of the United Nations (FAO)/General Fisheries Commission for the Mediterranean (GFCM) Regional Workshop on Port State Measures to Combat Illegal, Unreported and Unregulated (IUU) Fishing was held at FAO headquarters, Rome, Italy, from 10 to 12 December 2007.
2. The Workshop was attended by 20 participants from 13 GFCM Members. A list of participants is attached as Appendix B.
3. The GFCM Executive Secretary, Mr Alain Bonzon, called the Workshop to order, welcoming participants. He introduced Mr Ichiro Nomura, Assistant Director-General, Department of Fisheries and Aquaculture, FAO, and invited him to address the meeting.
4. Mr Nomura welcomed participants and recalled the developments that had occurred to combat IUU fishing since the 2001 FAO International Plan of Action to Combat IUU Fishing was adopted. Since then, he noted that the international community had intensified its resolve to strengthen port State measures even further, and described new developments. He stated that port State measures, as a key compliance tool, are widely regarded to be one of the most cost-effective means of combating IUU fishing, and their value in allowing swift and certain action to be taken is well understood. Mr Nomura referred to recent initiatives taken by GFCM to combat IUU fishing, and stated that they will depend to a great extent on effective port State measures to ensure their successful implementation. Mr Nomura's opening statement is attached as Appendix C.
5. Mr Mohamed Salah Smati, Chairperson of the Compliance Committee, extended the greetings of the GFCM Chair for a fruitful meeting.

ARRANGEMENTS FOR THE WORKSHOP

6. Mr Alan Gray, Senior Administrative Assistant, International and Regional Agreements, Directorate General for Fisheries and Maritime Affairs, European Commission, was elected Chair for the Workshop.

PORT STATE MEASURES TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED FISHING – INTERNATIONAL, REGIONAL AND NATIONAL DEVELOPMENTS

7. Ms Judith Swan, FAO Consultant, introduced recent international and regional developments in relation to port State measures, and described linkages with other compliance tools. She explained the role and challenges of port State measures and reviewed the initiatives related to port control in the International Maritime Organization (IMO) and FAO, as well as those taken by regional fisheries management organizations (RFMOs). Ms Swan emphasized the synergies between port State measures and flag State responsibilities, documentation and information, vessel monitoring systems (VMS) and other compliance tools. In conclusion, she reminded participants that port State measures had the potential to be a forceful and highly effective compliance tool.
8. The GFCM Executive Secretary reviewed the Commission's activities that were relevant to port State measures. He recalled the background leading up to the current workshop, notably:
 - the 2003 Declaration of the Ministerial Conference for the Sustainable Development of Fisheries in the Mediterranean had invited the GFCM to adopt policy guidelines for a control scheme with the aim of progressively developing mechanisms for inspection at sea and in-port;
 - the 2004 Workshop on IUU fishing in the Mediterranean; and,
 - the General Guidelines for a Control and Enforcement Scheme which was adopted at the 2005 session of the GFCM.
9. Mr Bonzon further recalled the establishment of the Compliance Committee in 2006 and the GFCM Recommendation establishing a list of vessels presumed to have carried out IUU fishing in the GFCM area. He also emphasized that the draft Recommendation for the establishment of a vessel monitoring system in

the GFCM was still under consideration by GFCM Members. Before giving the floor to Mr Nicola Ferri, GFCM consultant, the Executive Secretary explained the aims of and preparations for the FAO/GFCM Workshop on port State measures, and referred to the GFCM questionnaire distributed to Members as an important part of the preparations.

10 Mr Ferri presented a summary of actions and measures taken by GFCM Members to combat IUU fishing, based on responses to the questionnaire that had been distributed to obtain information on the implementation of the FAO Model Scheme. His report, which provides a comparative analysis of the responses and summarizes port State activity in the GFCM area, is provided as Appendix D.

11. In discussion it was noted that, despite the actions taken at international and regional levels, IUU fishing activities were continuing without adequate enforcement and trade in IUU caught fish was still occurring. It was suggested that port State measures should therefore be developed as part of a global system, and should be linked to trade measures and exercising control over the activities of nationals. In addition, the importance of developing suitable documentation for port inspection was underlined.

12. The importance of informing stakeholders in parallel to the development of port State measures was noted. The question of the nature and incidence of IUU fishing activities in the Mediterranean was raised, so that appropriate attention could be given where needed. In this regard, particularities of fishing operations in the GFCM Area were noted, and the problems associated with controlling smaller vessels was raised, in particular the predominance of small-scale fisheries. The participants were referred to the report of the 2004 GFCM Workshop on IUU fishing for more information, and the difficulty of quantifying IUU fishing in the Mediterranean in terms of compliance and control was noted.

13. It was noted that a potential tool for GFCM Members was the authorized vessel list, but that Members still had to make it fully operational and effective. This would be important, given the prominent role such lists play in port State measures. The need for measures to be practical and build upon what already exists was emphasized. The difficult issue of how RFMOs should deal with vessels flying flags of non-compliance was raised, and it was pointed out that certain actions have been taken, including trade sanctions, although they were directed at the illegal activity and not directly related to the act of flying a flag of non-compliance.

14. Mr Gunnstein Bakke, FAO Consultant, gave a presentation on the FAO Model Scheme. He described the elements of the Scheme, focusing on the scope and application, prior notification requirements, possible actions based on such a notification, formal requirements for inspections, execution of inspections, actions related to IUU fishing disclosed during inspections and the exchange of information. He also described links with other MCS tools, such as IUU vessel lists, regulation of transshipment, and trade and market-related measures.

15. He underlined that although port State measures can prevent IUU caught fish from being landed and thereby marketed, such measures alone will not remove all marketing possibilities. Trade and market-related measures are therefore necessary in order to prevent IUU fish from entering the markets through other channels.

16. Ms Judith Swan made a presentation on the draft Agreement to Combat IUU Fishing that had been developed in the FAO Expert Consultation in Washington DC, United States of America, 4-8 September 2007. She described the approach and methodology used in its development. In this regard, she reported that the objectives were to develop a robust, forward-looking instrument that would build on the 2005 FAO Model Scheme on Port State Measures to Combat IUU Fishing, other relevant international instruments and relevant measures and schemes adopted by RFMOs. Ms Swan reviewed the framework of the draft Agreement and provided a brief summary of each Article and explained relevant background and implications. She noted that the preamble, final clauses and Annexes would be included in the document after a review in January 2008 and the entire draft Agreement would be distributed to countries for their review before the Technical Consultation in June 2008.

17. In discussion, the issues were raised of the need for an appropriate period of time for advance notice of arrival to port in order to enable investigation of the vessel's information was noted, along with the need

to find a good balance for the level of inspections. An important element to be considered was the specific nature of the GFCM which includes both the developing and developed countries with the associated structures. It would be essential to maintain transparency during inspections and to this end the Master, flag State and others should always be given a copy of the inspection report. The participants discussed at length the scope of coverage of the port State measures, agreeing that supply and carrier vessels must be included and noting the potential benefits of covering national vessels. In addition, it was noted that an RFMO covers vessels of Contracting Parties as well as non-Contracting Parties. The effectiveness of trade measures used in conjunction with port State measures was observed, and their legitimacy has been determined under the General Agreement on Trade and Tariffs and by the WTO as long as they meet conditions including transparency and non-discrimination. The increasing exchange of vessel lists among RFMOs was elaborated, and the importance of recognizing the special circumstances of developing countries in the draft Agreement was emphasized.

18. Anniken Skonhoft, Legal Officer, Development Law Service, FAO, gave a presentation on the FAO Database on Port State Measures that was being developed. She explained that its establishment, which was endorsed by COFI in 2005, aimed at improving legal capabilities of policy-makers to adopt and implement port State measures through making available extracted and indexed measures adopted by countries all over the world. The database, and its search query mechanism, was demonstrated through a test site which is close to the final version and expected to be available in February 2008 on the Web site <http://www.fao.org/fishery/psm>.

19. During the discussion that followed the presentation, it was observed that the database will be a useful tool both for enforcement purposes and for stakeholders. It was underscored that the database will contribute to transparency through enabling different groups to get the information they need about a specific country's legislation. GFCM Members were invited to contribute information to the database.

20. Ms Michele Kuruc, Senior Fishery Industry Officer, Fishing Technology Service, FAO, delivered a presentation in relation to information being gathered by FAO on vessel monitoring systems (VMS). She noted that satellite-based VMS has been used since the late 1980s to monitor fishing vessels, and explained the linkages with port State measures. In spite of the relatively rapid global expansion of VMS since the 1990s, however, no comprehensive picture of VMS usage existed. To address this gap, FAO distributed a questionnaire to nearly 200 States and fisheries entities. The questionnaire, its intended purposes and likely uses were described. A brief evaluation of the responses received from the GFCM member States and the GFCM Secretariat was also presented. GFCM member States were encouraged to complete the questionnaire if they had not already done so.

21. Ms Michele Kuruc described the process to develop a comprehensive record of fishing vessels in FAO. It was initiated by the 2005 Ministerial Meeting on Fisheries held in Rome, which called for the development of new tools to combat IUU fishing. She noted that there was currently no such record, and that coverage was to include fishing vessels as well as refrigerated transport vessels and supply vessels because they are often involved in transshipments from IUU vessels. FAO had prepared a feasibility study which examined legal and practical considerations involved in creating a global record and concluded that a record was technically feasible but a number of issues had to be resolved and some countries would need assistance.

22. In 2007, the FAO Committee on Fisheries (COFI) supported the convening of an Expert Consultation to further develop the concept of a comprehensive global record of fishing vessels as described in the feasibility study.

23. This Expert Consultation will take place from 25 to 28 February 2008 in Rome. Its aim is to provide advice to FAO on a range of issues associated with the development of a global record, including sourcing the data and whether and how RFMO vessel records, such as the one being developed in the GFCM, will be used as a source of data.

24. In discussion, it was noted that VMS and a Global Record are useful tools, but cross-checking of data and information would be a useful control mechanism to enhance their effectiveness.

25. Mr Ferri made a presentation entitled “The implementation of port State measures by GFCM Members”. The presentation examined issues relating to the implementation of the 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing (Model Scheme) in the GFCM area and reviewed port State measures in GFCM Contracting Parties.

26. Mr Ferri presented the results of the questionnaire on port State measures that had been distributed by the GFCM to its Contracting Parties in May 2007 to enable a review of their port State measures and an assessment of strengths, weaknesses, gaps and constraints for regional cooperation and effective implementation of the Model Scheme. GFCM Contracting Parties had been asked to indicate how they were implementing the Model Scheme with particular regard to general considerations, the inspection of foreign fishing vessels, actions taken when an inspector finds there is reasonable evidence of IUU fishing activities and information provided by the port State to the flag State. In summary, Mr Ferri noted that harmonization of port State measures could be implemented by the GFCM so that Contracting Parties could strengthen port State controls.

27. Mr Ferri delivered a presentation entitled “Overview of patterns in GFCM Members’ national laws relating to port State measures” with the aim of helping them compare their national instruments with the 2005 FAO Model Scheme. Mr Ferri pointed out that the survey of national laws on port State measures was prepared using the FAOLEX and FISHLEX databases.

28. Mr Ferri explained that the survey was configured to encompass national laws on port State measures described in the Model Scheme. The survey collected provisions enacted by GFCM Contracting Parties on MCS-related requirements prior to port entry, designated ports, general inspection power, actions and information. Mr Ferri pointed out that principal legal port State measures in most Contracting Parties were mainly related to the inspection of vessels while they are in port and actions to be taken when an inspector finds the vessel to be in contravention of national laws. He added that laws relating to port State measures described in the first part of the Model Scheme (General) are yet to be implemented fully in the national legislation of most Contracting Parties. Standards relating to information described in the fourth part of the Model Scheme (Information) have not yet been incorporated in national legislation. In conclusion, Mr Ferri noted that the FAO Model Scheme could serve as a landmark for GFCM Contracting Parties in trying to achieve such a goal.

29. In discussion, it was recognized that although nearly all GFCM Members had adopted laws and sanctions, there was a great variety of means and situations for implementation. There was a need to design a draft instrument for consideration by the Compliance Committee on port State measures that could be used by all Members to ensure full compliance and allow full implementation. Such an instrument should address the peculiarities of Mediterranean fisheries, include small fishing vessels and not allow fishing vessels to avoid inspections. The uniform applicability of relevant EU regulations was recalled, including registration of landing and base ports, and it was suggested that these regulations be circulated to all GFCM Members for information. It was agreed that a mechanism for the designation of ports for inspections and landings would be an important first step in addressing these issues in a regional scheme. It could operate effectively with the GFCM authorized vessel list to combat IUU fishing.

30. Mr Ole Tougaard, Senior Advisor to the EU Community Fisheries Control Agency (CFCA), described the structure, mission, 2008 work programme, joint deployment plans and control and inspection schemes of the CFCA. He emphasized that the CFCA is a new organization and its staff and programmes are growing. The primary role of the CFCA is to organize coordination and cooperation between national control and inspection activities to achieve compliance with the EU Common Fisheries Policy (CFP) in a consistent and effective manner. Work will be done with member States and RFMOs. The CFCA will also facilitate the exchange of information, such as VMS data, IUU information and intelligence among member States. More information about the CFCA is available at www.cfca.europa.eu.

31. In discussion, clarifications were made as to the role and membership of Advisory Councils, the training offered to Member States, the responsibility of Member States for VMS, the possibility of cooperation with GFCM and FAO in delivering joint training and the mandate to assist Parties with the inspection of all vessels, not just those of Member States. It was noted that there is a proposal under consideration in the EC that covers all IUU aspects of exports and imports of fish and fish products. It covers

inspections, control of trade of processed or unprocessed product and aims at harmonizing sanctions, including seizure and inclusion on a list of IUU vessels. A complementary system of information collection is also envisaged. Support would be provided to developing country partners to implement this regulation when it comes into force.

ELABORATION OF A GFCM REGIONAL SCHEME ON PORT STATE MEASURES TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED FISHING

32. Ms Judith Swan made a presentation setting out some considerations for regional cooperation on port State measures in the GFCM Area. It described some underlying principles for a regional scheme and was based on recommendations in the working draft for a GFCM Recommendation prepared by the Secretariat for consideration of the Workshop, based on the FAO Model Scheme. Ms Swan's presentation also flagged additional areas that might be considered including elements of the draft Agreement on Port State Measures to Combat IUU Fishing and practice in other RFMOs.

33. In opening the discussion on the development of a Port State Control Scheme for the GFCM, the Chair proposed that discussions should proceed on the basis of the FAO draft Agreement and the South East Atlantic Fisheries Organisation (SEAFO) Port State Measures Scheme. He noted that the latter was established between developed and developing countries, similar to the GFCM membership, and could serve as inspiration for a possible GFCM Scheme. The Chair also noted a non-exhaustive list of issues that had been identified in the various presentations that could be considered in the development of the Scheme. These were as follows:

- authorized vessel list
- market, trade, landing declarations
- treatment of nationals
- level of inspections: regional and national
- product coverage (for purposes of reefers and transport vessels)
- application of VMS in future
- scope, coverage of scheme
- timing of prior notification requirement
- small scale fisheries
- port access/use of port
- transparency, especially with respect to publication of measures for third country vessels
- technological developments – electronic logbooks
- need to consider particularities of members fisheries – as SEAFO model
- designated ports – how should undesignated ports to be treated, notification to GFCM
- training – aim at common levels throughout region
- notification of denial of entry into port – linked to sanctions
- flag State role
- information system – include, for later amendment

34. The main issues identified in the discussions related to the vessels to be subject to port state inspection, and the treatment of vessels engaged in small scale fisheries.

35. With respect to the vessels to be inspected, some participants were of the view that inspections should be limited to foreign vessels only, whereas other participants considered that all vessels should be subject to the inspection requirements in the Recommendation. It was not possible to resolve this during the Workshop and this should be addressed in the Compliance Committee.

36. With respect to small scale fisheries, the concern related, notably, to the prior notification requirements and the difficulties that this would place on fishermen engaged in such fisheries. The majority of the fisheries undertaken in the context of the GFCM are in this category. A solution was found whereby a derogation to the requirements of the draft Recommendation would be provided to vessels that met a selection of criteria that have been defined for the purposes of this draft Recommendation, provided that such vessels are subject to control measures adopted in the national legislation of the States concerned. Copies of the appropriate national legislation must be provided to the GFCM Secretariat.

37. The question of including provisions relating to the duties and obligations of vessel Masters during inspections was also raised. Further discussion on the need for the inclusion of such provisions should be considered by the Compliance Committee.

CLOSE OF THE WORKSHOP

38. The Workshop agreed that the annexed draft regional scheme on port State measures (Appendix E) be transmitted to the Compliance Committee for its consideration. It was noted that the appropriate information in the Annexes should, for effective and harmonized implementation, be put into appropriate formats. This will be facilitated taking into account the outcome of the meeting at FAO scheduled for January 2008 to revise and format the information in the Annexes to the draft FAO Model Scheme and attach them to the draft Agreement on Port State Measures.

39. In order to operationalize the draft Recommendation, some priority steps were also proposed by the Workshop such as national and regional programmes on training of inspectors to be promoted in response to the growing need for professionalism and the development of a specific information system at regional level to include the data elements on port State inspections. It was pointed out that these priority steps, along with the phased implementation of VMS and the development of a regional register of vessels, will enable the effective implementation of port State measures in combating IUU fishing in the GFCM area.

Agenda

1. Opening of the Workshop
2. Arrangements for the Workshop
3. Port State measures to combat illegal, unreported and unregulated fishing – International, regional and national developments
4. Elaboration of a GFCM Regional Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing
5. Close of the Workshop

List of participants

Albania

Mimosa COBANI
 Head Fishery Inspectorate
 Fishery Policies Directorate
 Ministry of Environment, Forestry and
 Water Administration
 Durrresi Str. n. 27
 Tirana
 Albania
 E-mail: mcobani@moce.gov.al
 mimoza_cobani@yahoo.com

Algeria

Mohamed Salah SMATI
 Directeur d'études
 Ministère de la pêche et des ressources
 halieutiques
 Rue des Quatre Canons
 Alger
 Algérie
 Tel.: +213 21433942
 Fax: +213 21433169
 E-mail: salahsmati@hotmail.com

Egypt

Madani Ali Madani MAHMOUD
 Specialist at the General Authority
 for Fish Resources Development
 GAFRD
 Egypt
 Tel.: 202 22620117
 Fax: 202 22620117
 E-mail: gafrd.egypt@gmail.com
 Hemdan_gafrd@hotmail.com

European Commission

Alan GRAY
 Senior Administrative Assistant
 International and Regional Arrangements
 Directorate General for Fisheries and Maritime
 Affairs
 European Commission
 Rue Joseph II, 99
 B-1049 Brussels
 Belgium
 Tel.: + 32 2 2990077
 Fax: +32 2 2955700
 E-mail: Alan.Gray@ec.europa.eu

Jean-Pierre VERGINE
 Policy Officer
 Monitoring and Licences
 International Trade and Customs Matters
 European Commission
 DG Fisheries J-99 3/51
 Rue Joseph II, 99
 B-1049 Brussels
 Belgium
 Tel.: +32 2 2951039
 Fax: +32 2 2959752
 E-mail: jean-pierre@ec.europa.eu

Ole TOUGAARD

Senior Adviser
 Community Fisheries Control Agency
 (CFCA)
 56, Rue de la Loi
 B-1049 Brussels
 Belgium
 E-mail: Ole.Tougaard@ec.europa.eu

France

Olivier BOUCLY
 Ministère de l'agriculture et de la pêche
 Direction de la pêche et de l'aquaculture
 Sous-Direction des pêches maritimes
 Bureau du contrôle des pêches
 3, place de Fontenoy-75007 Paris
 France
 Tel: +33 (0) 1 49 55 82 73
 Fax: +33 (0) 1 49 55 80 37
 E-mail: olivier.boucly@agriculture.gouv.fr

Henry FARRUGIO

Laboratoire ressources halieutiques
 IFREMER
 Avenue Jean Monnet BP171
 34023 Sète
 France
 Tel.: + 33 499 573200
 Fax: + 33 499 573295
 E-mail: henri.farrugio@ifremer.fr

Jean-Christophe ROUBIN
 Direction des pêches maritimes et de
 l'agriculture
 3, place de Fonteroy
 75007 Paris
 France
 Tel.: +330149558295
 Fax: +330149558037
 E-mail: jean-christophe.roubin@gov.fr

Italy

Comandante Oliviero PALOTTA
 Coast Guard/Fishery Directorate
 Ministero delle Politiche Agricole
 Alimentari e Forestali
 Viale dell'Arte, 16
 00144 Rome
 Italy
 E-mail: o.palotta@politicheagricole.it

Fabio RIVALTA
 Direzione Generale della Pesca Marittima
 e dell'Acquacultura
 Viale dell'Arte, 16
 00144 Rome
 Italy
 Tel.: +39 0659084203
 Fax: +39 0659084176

Annunziata D'ANIELLO (Ms)
 Direzione Generale della Pesca Marittima
 e dell'Acquacultura
 Viale dell'Arte, 16
 00144 Rome
 Italy
 Tel.: +39 0659084856
 Fax: +39 0659084932
 E-mail: o.palotta@politicheagricole.it
 bianco.8@libero.it

Malta

Susan PORTELLI (Ms)
 Support Officer
 Fisheries and Aquaculture Branch
 Veterinary Affairs and Fisheries Division
 Malta
 Tel.: +356 22293310
 E-mail: susan.a.portelli@gov.mt

Montenegro

Spaso POPOVIC
 Head of Agriculture and Fisheries Inspection
 Ministry of Agriculture, Forestry and Water
 Management
 Montenegro
 Tel.: +382 81 621 007
 Fax: + 382 81 621008
 E-mail: spasop@cg.yu

Zoran LASICA

Commander Maritime Police Unit of Montenegro
 Ministry of Interior Affairs and Public
 Administration
 Montenegro
 Tel.: +382 81 247 689
 Fax: +382 81 248 236

Morocco

Ahmed JOUKER
 Chef de la Division de la gestion des accords
 de pêches
 Chargé du contrôle
 Département de la pêche maritime
 BP 476 Agdal- Rabat
 Maroc
 Tel.: + 212 37 68 82 14
 Fax: + 212 37 68 82 13
 E-mail: jouker@mpm.gov.ma

Spain

Esther BOY CARMONA (Ms)
 Secretaría General de Pesca Marítima
 c/José Ortega y Gasset, no 57
 28006 Madrid
 Spain
 Tel.: 34-91-3471835
 Fax: 34-91-3471512
 E-mail: esboycarm@mapya.es

Syrian Arab Republic

Issam KROUMA
 Director of Fisheries Resources
 Department
 Ministry of Agriculture and Agrarian
 Reform
 PO box 60721
 Damascus
 Syrian Arab Republic
 Tel.: + 963 11 5430656 / 54993388
 Fax: + 963 11 54993389
 E-mail: issamkrouma@mail.sy;
 i.krouma@scs-net.org
 issam.krouma@hotmail.com

Tunisia

Mohamed NADHIF
 Président Directeur général de l'Agence
 des ports et des installations de pêche
 (APIP)
 BP 64
 Port de pêche de la Goulette 2060
 Tunisia
 Tel.: + 216 71 738638
 Fax: + 216 71 735396
 E-mail: nadhif.mohamed@apip.com.tn

Turkey

Haydar FERSONY
 Ministry of Agriculture and Rural Affairs
 Fisheries Department
 Akay cad no 3
 Bakanliklar 06100
 Ankara
 Turkey
 Tel.: +312 417 4176
 Fax: + 312 419 8319
 E-mail: haydarf@kkgm.gov.tr

FAO

**Viale delle Terme di Caracalla
 00153 Rome**

Ichiro NOMURA
 Assistant Director-General
 Fisheries and Aquaculture Department
 Tel.: + 39 06 570 56423
 Fax: +39 06 570 53605
 E-mail: ichiro.nomura@fao.org

Jean-François PULVENIS DE SÉLIGNY
 Director
 Fisheries and Aquaculture Economics and
 Policy Division
 Fisheries and Aquaculture Department
 Tel.: + 39 06 570 54138
 Fax: +39 06 570 56500
 E-mail: jeanfrancois.pulvenis@fao.org

Ndiaga GUEYE
 Chief
 International Institutions and Liaison Service
 Fisheries and Aquaculture Economics and
 Policy Division
 Fisheries and Aquaculture Department
 Tel.: + 39 06 570 52847
 Fax: +39 06 570 56500
 E-mail: ndiaga.gueye@fao.org

Gunnstein BAKKE
 Consultant
 Senior Legal Adviser
 Fiskeridirektoratet
 Postbox 2009 Nordnes
 5817 Bergen
 Norway
 Tel.: + 47 99105452
 Fax: + 47 55238090
 E-mail: gunnstein.bakke@fiskeridir.no
 gunnsbak@online.no

Alexis BENSCH
 Fishery Information Officer
 Development and Planning Service
 Fisheries and Aquaculture Department
 Tel.: + 39 06 570 56505
 Fax: +39 06 570 56500
 E-mail: alexis.bensch@fao.org

Peter DEUPMAN
 Consultant
 Development Law Service
 Legal Office
 Tel.: + 39 06 570 55604
 Fax: +39 06 570 54408
 E-mail: peter.deupman@fao.org

Blaise KUEMLANGAN
 Legal Officer
 Development Law Service
 Legal Office
 Tel.: +39 06 570 54080
 Fax: +39 06 570 54408
 E-mail: blaise.kuemlangan@fao.org

Michele KURUC (Ms)
 Fishery Industry Officer
 Fishing Technology Service
 Fish Products and Industry Division
 Fisheries and Aquaculture Department
 Tel.: + 39 06 570 55836
 Fax: +39 06 570 55188
 E-mail: michele.kuruc@fao.org

Fabio MASSA
 AdriaMed and MedSudMed Project
 Coordinator
 Fisheries Management and Conservation
 Service
 Fisheries and Aquaculture Department
 Tel.: + 39 06 570 53885
 Fax: +39 06 570 53020
 E-mail: fabio.massa@fao.org

Anniken SKONHOFT (Ms)
 Legal Officer
 Development Law Service
 Legal Office
 Tel.: +39 06 570 56897
 Fax: +39 06 570 54408
 E-mail: anniken.skonhoft@fao.org

Judith SWAN (Ms)
 Consultant
 International Institutions and Liaison Service
 Fisheries and Aquaculture Economics and
 Policy Division
 Fisheries and Aquaculture Department
 Tel: +39 06 570 52754
 E-mail: judith.swan@fao.org

Sachiko TSUJI (Ms)
 Senior Fishery Statistician
 Fisheries and Aquaculture Economics and
 Policy Division
 Fisheries and Aquaculture Department
 Tel: + 39 06 570 55318
 E-mail: sachiko.tsuji@fao.org

GFCM
Viale delle Terme di Caracalla
00153 Rome

Alain BONZON
 GFCM Executive Secretary
 International Institutions and Liaison Service
 Fisheries and Aquaculture Economics and
 Policy Division
 Fisheries and Aquaculture Department
 Tel.: +39 06 57056441
 Fax: +39 06 57056500
 E-mail: alain.bonzon@fao.org

Abdellah SROUR
 GFCM Deputy Executive Secretary
 International Institutions and Liaison Service
 Fisheries and Aquaculture Economics and
 Policy Division
 Fisheries and Aquaculture Department
 Tel.: +39 06 57055730
 Fax: +39 06 57056500
 E-mail: abdellah.srou@fao.org

Matthew CAMILLERI
 GFCM Bio-Statistician
 International Institutions and Liaison Service
 Fisheries and Aquaculture Economics and
 Policy Division
 Fisheries and Aquaculture Department
 Tel: + 39 06 570 56435
 Fax: +39 06 57056500
 E-mail: matthew.camilleri@fao.org

Nicola FERRI
 GFCM Consultant
 International Institutions and Liaison Service
 Fisheries and Aquaculture Economics and
 Policy Division
 Fisheries and Aquaculture Department
 Tel.: + 39 06 570 55975
 Fax: +39 06 57056500
 E-mail: nicola.ferri@fao.org

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Report of the Expert Consultation to Draft a Legally-Binding Instrument on Port State Measures (Washington D.C., United States of America, 48 September 2007), FAO Fisheries Report No. 846. FAO, 2007

2005 FAO Model Scheme on Port State Measures to Combat IUU Fishing

General Guidelines for a GFCM Control and Enforcement Scheme: needs and principles (Appendix H, Report of 29th session of GFCM), GFCM Report No. 29. FAO, 2005

Report of the GFCM Workshop on Illegal, Unreported and Unregulated Fishing in the Mediterranean (Rome, 23–26 June 2004), FAO Fisheries Report No. 767. FAO, 2005

Recommendation GFCM/2006/4 on the establishment of a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the GFCM area (Appendix E, Report of the thirtieth session of GFCM), GFCM Report No. 30. FAO, 2006

Recommendation GFCM/31/2007/3 concerning selected ICCAT Recommendations (Appendix E, Report of the thirty-first session of GFCM), GFCM Report No. 31. FAO, 2007

Draft Recommendation concerning minimum standards for the establishment of a vessel monitoring system in the GFCM area (Appendix D, Report of the thirty-first session of GFCM), GFCM Report No. 31. FAO, 2007

Prospectus

The implementation of port State measures by GFCM Members
by
Nicola Ferri

1. BACKGROUND

1.1 Introduction

The General Fisheries Commission for the Mediterranean (GFCM) has addressed the issue of port State measures in reviewing strategies to combat illegal, unreported and unregulated (IUU) fishing. Following-up the recommendations of the twenty-eight session (October 2003)¹ and the Declaration of the Ministerial Conference for the Sustainable Development of Fisheries in the Mediterranean (Venice, 25–26 November 2003),² the GFCM convened a Workshop on IUU fishing in the Mediterranean in June 2004. The Workshop, *inter alia*, identified principles and priority activities to be implemented through a step by step approach both at national and regional levels taking into account considerations on cost-effectiveness and the specificities of Mediterranean fisheries.³

At its twenty-ninth session (February 2005) the GFCM adopted, in application of Article III (h) of the GFCM Agreement, the proposal concerning General Guidelines for a GFCM Control and Enforcement Scheme (GFCM Scheme) whose aim is to ensure a high degree of compliance with relevant conservation measures, and legal certainty and security for the vessels concerned. Part Three of the GFCM Scheme recommends Contracting Parties, through the GFCM, to establish an observation and inspection programme comprising the following elements:

- (i) high seas inspections;
- (ii) procedures for an effective investigation of an alleged violation of GFCM conservation and management measures, and of reporting to the Commission on the actions taken, including procedures for exchanging information;
- (iii) provisions for appropriate action to be taken when inspections reveal serious violations as well as the expedient and transparent follow-up of such actions in order to uphold the flag State's responsibility within the intended programme;
- (iv) port inspection;
- (v) monitoring of landings and catches, including statistical follow-up for management purposes;
- (vi) specific monitoring programmes adopted by the GFCM, including boarding and inspection;
- (vii) observer programmes.

At its thirtieth session (January 2006) the GFCM adopted recommendation GFCM/2006/6⁴ which established its Compliance Committee (CoC) in accordance with Article VII (1) of the GFCM Agreement. The CoC is entrusted with the function of reviewing, *inter alia*, the phased development and implementation of the GFCM Scheme. The CoC, at its first Session (January 2007), agreed together with the GFCM that a

¹ The reports of the various sessions of the GFCM can be downloaded at this URL: <http://www.gfcm.org/gfcm/topic/16091>

² The 2003 Ministerial Declaration invited the GFCM to adopt in 2004 policy guidelines of a control scheme with the aim of progressively developing, *inter alia*, mechanisms for inspection at sea and in-port. Article 9 of the 2003 Ministerial Declaration states that a system of inspections should be based on the following principles:

- (a) it must be in accordance with the provisions of the Agreement establishing the GFCM and relevant existing international law;
- (b) the emphasis must be placed on the primary responsibility of the flag State as well as on the responsibility of the port State and of the coastal State to ensure compliance with management measures;
- (c) account must be taken of the cost-effectiveness of both the general measures applicable to all fisheries and the specific measures applicable on a case-by-case basis to certain fisheries.

³ The report of the GFCM Workshop on Illegal, Unreported and Unregulated Fishing in the Mediterranean can be downloaded at this URL: <http://www.fao.org/docrep/008/y9086e/y9086e00.htm>

⁴ For the text of recommendation GFCM/2006/6 see at: ftp://ftp.fao.org/FI/DOCUMENT/gfcm/web/GFCM_Recommendations2006.pdf

Workshop on port State measures be convened by FAO for the benefit of GFCM Members, mindful of international fisheries instruments, recent developments in international fora and the desirability of strengthening controls, based on the 2005 FAO Model Scheme on Port State Measures to Combat IUU Fishing (FAO Model Scheme).

1.2 Issues relating to the implementation of the FAO Model Scheme

After the 2002 FAO Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing, organized with a view to facilitate the implementation of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU), a technical consultation was held in 2004 at FAO headquarters. The 2004 FAO technical consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing identified a need to facilitate human resource development and institutional strengthening in developing countries so as to promote the full and effective implementation of port State measures. Also, it agreed on the FAO Model Scheme.

The FAO Model Scheme is addressed to all States, fishing entities and regional fisheries management organizations (RFMOs). It provides voluntary minimum standards for port States in the fight against IUU fishing with regard to inspections, follow-up actions, information requirements for vessels and information systems, training of inspectors to improve their effectiveness and harmonization of controls and reporting standards among countries.

The FAO Committee on Fisheries (COFI) acknowledged at its twenty-sixth session (2005) that there was a need to strengthen port State measures as a means of combating IUU fishing in a more substantive manner given that the lack of agreed binding measures provided a loophole. In addition to this, COFI stated that measures should be promoted in RFMOs to develop or improve the port State aspects of regional control schemes, endorsed outputs of the 2004 FAO Technical Consultation and encouraged follow-up work to be undertaken, especially with respect to operationalizing the FAO Model Scheme. Subsequently COFI, acknowledging at its twenty-seventh session (2007) the urgent need for a comprehensive suite of port State measures, took note of the strong support for the proposal to develop a new legally binding instrument based on the IPOA–IUU and the FAO Model Scheme. A timetable was agreed for an expert consultation, which was held in Washington in September 2007, and a technical consultation to be held in 2008 in order that the instrument could be developed and presented at twenty-eighth session of COFI (2009).

The promotion of port State controls through RFMOs is therefore regarded as a crucial move to combat IUU fishing. In respect of the GFCM, the implementation of the FAO Model Scheme will be necessary for the COC to fulfil its main responsibility: reviewing compliance with conservation and management measures of the GFCM. Following-up the GFCM Scheme a number of measures and actions could be agreed upon in the framework of the COC/GFCM activities to strengthen port State controls, help Members in reviewing legislations related to monitoring, control and surveillance (MCS), enhance cooperation among them and set up comprehensive information systems on port State inspections.

2. REVIEW OF PORT STATE MEASURES BY GFCM MEMBERS

2.1 Progress in the implementation of the FAO Model Scheme

A questionnaire was distributed by the GFCM to Members in May 2007 to provide a basis for assessing strengths, weaknesses, gaps and constraints for regional cooperation as well as effective implementation of the FAO Model Scheme.⁵ The responses of Members are summarized in Table 1 of the Annex (two parts). The questionnaire addresses general considerations, issues relating to the inspection of foreign fishing vessels while they are in port, actions to be taken when an inspector finds there is reasonable evidence for believing that a foreign fishing vessel has engaged in, or supported, IUU fishing activities, and information that the port State should provide to the flag State. In reiterating the minimum standards described in the Appendices of the FAO Model Scheme, the questionnaire seeks also to ascertain whether Members meet the guidelines that are listed there.

⁵ The questionnaire is annexed to this presentation.

Bearing in mind the need to operationalize the FAO Model Scheme, the questionnaire also includes a section dealing with general background information. This section collects some operational data concerning port State controls, legislation related to port State measures and the views of Members to promote the effectiveness of the FAO Model Scheme. The responses of Members are summarized in Table 2 of the Annex.

The analysis is corroborated by a survey of national legislations enacted by most Members in connection with port State controls. Principal legal port State measures adopted by Members are summarized in Table 3 of the Annex.

The results of this review are based on responses by 16 Members;⁶ they indicate trends and areas in which greater national activity may be needed in the near future. The role of the CoC/GFCM, based on priorities to be identified by Members, will be to follow-up on the GFCM Scheme focusing on the implementation of the FAO Model Scheme at national and regional levels and paying due regard to the characteristics and specificities of the GFCM area.

2.2 Summary of existing port State measures in GFCM Members

The review summarized below provides comparative assessment of port State measures in Members and underlines needs for implementing them, pursuant to the FAO Model Scheme. A number of port State measures recommended by the FAO Model Scheme as actions or measures which States should take are identified in the questionnaire. References to the text of the FAO Model Scheme are contained in the headings of each section of the questionnaire.

2.2.1 General⁷

The FAO Model Scheme contains a number of paragraphs that have the objective of defining how States are to deal with foreign fishing vessels before they access to their ports. Although several Members maintain a system of port State control for non national fishing vessels,⁸ such a system is not generally considered to be very effective in combating IUU fishing at present.⁹ The access of foreign fishing vessels is normally permitted to national ports. Members declare to have a varying level of capacity to conduct inspections in these ports.¹⁰ Also, there is a level of uncertainty with respect to designated and publicized national ports where foreign fishing vessels may be permitted access.¹¹

Prior entering to national ports, foreign fishing vessels are required to provide advance notice to the port State. The lead-time required to provide the information to be examined by the port State varies. Three Members require 48 hours advance notice,¹² five require several days¹³ and two have looser criteria.¹⁴ This information should include, as set out in Appendix A of the FAO Model Scheme, vessel identification, purpose of access to port, fishing authorization (licences/permits), trip information and species information.

⁶ Albania, Algeria, Croatia, Cyprus, Egypt, France, Italy, Japan, Lebanon, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic and Turkey.

⁷ This section of the FAO Model Scheme is not applicable to Turkey as foreign fishing vessels are not licensed to fish in Turkish waters at present.

⁸ Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Spain and Syrian Arab Republic.

⁹ Only Algeria, Cyprus, Italy, Montenegro and Morocco consider such system to be very effective in combating IUU fishing activities. Albania, France, Malta, Spain and Syrian Arab Republic deem it to be somewhat effective. Egypt and Romania describe the effectiveness of the system as insufficient.

¹⁰ In Albania, Algeria, Cyprus, Montenegro, Morocco, Romania, Spain and in the Syrian Arab Republic ports have full capacity to conduct inspections; French and Maltese ports have some capacity; in Egypt and Romania ports do not have much capacity.

¹¹ Algeria, Cyprus, France, Italy, Malta, Montenegro, Morocco, Romania and Spain designated and publicized ports where non national fishing vessels are permitted access. Albania, Japan and the Syrian Arab Republic did not.

¹² Albania, France and Morocco.

¹³ Croatia, Japan, Malta, Romania and Spain.

¹⁴ In Algeria advanced notice is to be provided by foreign fishing vessels as soon as they enter waters under national jurisdiction. In the Syrian Arabic Republic, advanced notice has to be provided by foreign fishing vessels few hours or few days prior entering ports.

Under section V of the questionnaire (Information to be provided in advance by non national fishing vessels – FAO Model Scheme, Appendix A), three States have attached their requirements concerning the information to be provided in advance by foreign fishing vessels¹⁵ and one State has made comments on the implementation of standards recommended in the FAO Model Scheme.¹⁶ In three cases¹⁷ there appears to be consistency with Appendix A of the FAO Model Scheme. In one case¹⁸ a constructive approach was adopted: due to the current lack of specific requirements for advance information to be provided by foreign fishing vessels to national ports, Appendix A of the FAO Model Scheme will possibly be used in the future to bridge the existing gap at national level. Members might consider, where necessary and appropriate, to require foreign fishing vessels to provide advance notice that includes the information set out in Appendix A of the FAO Model Scheme.

Vessels from a non-contracting or non-cooperating party of the GFCM are prohibited from using ports for landing, transshipping or processing fish by some Members.¹⁹ Vessels sighted as being engaged in, or supporting, IUU fishing activities in the GFCM area are always prohibited access to ports by Members.²⁰ This applies also where there are clear grounds for believing that the foreign fishing vessel seeking access to port has engaged in or supported IUU fishing beyond its fisheries jurisdiction and when the foreign fishing vessel is identified as engaging in, or supporting, fishing activities that contravene conservation and management measures of an RFMO.²¹

After having provided advance notice to the port State, foreign fishing vessels need an authorization for landing.²² This authorization is generally communicated in written form²³ by the port State authorities and it has to be presented after landing by the master of the foreign fishing vessel to the port State authorities.²⁴

At present, only nine Members have a practice relating to consultation, cooperation and exchange of information with other States to facilitate the implementation of port State measures in combating IUU fishing.²⁵ In eight Members a similar practice exists to facilitate the implementation of the FAO Model Scheme.²⁶

Promoting the effectiveness of systems of port State control for non national fishing vessels and the formulation of more harmonized measures (e.g. advance notice and information to be provided by the foreign fishing vessel to the port State prior entering its ports) should be both encouraged so to assist Members in developing practices relating to consultation among them with the aim of facilitating the even implementation of the FAO Model Scheme. Progress could be reviewed in the course of COC and GFCM meetings.

2.2.2 Inspections²⁷

The FAO Model Scheme encourages States to strengthen in-port inspections to combat IUU fishing. Provisions regulating inspection procedures in national ports of GFCM Members are identified in the legislation of 19 Members (see paragraph 2.4.3 *General Inspection Power*).

¹⁵ Albania, Croatia and Japan.

¹⁶ Syrian Arab Republic.

¹⁷ Albania, Croatia and Japan.

¹⁸ Syrian Arab Republic.

¹⁹ Albania, Algeria, Egypt, Montenegro, Morocco, Romania and Syrian Arab Republic. France, Japan, Lebanon and Malta do not usually prohibit vessels from a non-contracting or non cooperating party of the GFCM to use their ports for landing, transshipping or processing fish.

²⁰ Albania, Algeria, Cyprus, Egypt, France, Japan, Malta, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic.

²¹ Albania, Algeria, Cyprus, Egypt, France, Italy, Japan, Malta, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic.

²² Albania, Algeria, Cyprus, Malta, Morocco, Romania, Spain and Syrian Arab Republic. The authorization is not needed in Egypt, Italy and Montenegro.

²³ In Algeria, Croatia, Cyprus, France, Italy, Malta, Morocco, Romania, Spain and in the Syrian Arab Republic. In Albania the authorization for landing is communicated orally, whereas in Montenegro automatically.

²⁴ In Albania, Algeria, Croatia, Cyprus, Egypt, France, Italy, Japan, Malta, Morocco, Romania, Spain and Syrian Arab Republic.

²⁵ Algeria, Cyprus, France, Italy, Malta, Montenegro, Morocco, Romania and Spain.

²⁶ Algeria, Cyprus, France, Malta, Montenegro, Morocco, Romania and Spain.

²⁷ This section of the FAO Model Scheme is not applicable to Croatia as there are no non national fishing vessels in Croatian ports at present due to the lack of coastal infrastructures.

In-port inspections of non national fishing vessels are mainly carried out by Members to monitor compliance.²⁸ Members avail themselves of the government agencies which are in charge of inspection procedures (see paragraph 2.3.1 *Operational data*). Inspectors are to show their identity documents to the master of the inspected vessel prior to the inspection²⁹ and they are authorized to examine any area of the fishing vessel, catch, nets, gear, equipment and any document they deem necessary to verify compliance.³⁰ In the course of the inspection, the master of the targeted vessel is required to give inspectors all the necessary assistance and information and to present material and documents as may be required.³¹ Inspectors, in carrying out their duties, make all possible efforts to avoid unduly delaying the inspected vessel thus ensuring minimum interference and inconvenience, including degradation of the quality of the fish.³² Inspectors are accompanied, where possible and needed, by an interpreter of the language spoken by the operator of the inspected vessel.³³

2.2.3 Port State inspection procedures of foreign fishing vessels

Inspection procedures of foreign fishing vessels are set out in Appendix B of the FAO Model Scheme. The port States should ensure, as a minimum standard, the inspection of vessel identification data, authorization(s), other documentation (including documents in electronic format), fishing gear and fish and fishery products. Responses to Section VI of the questionnaire (port State inspection procedures for non national fishing vessels – FAO Model Scheme, Appendix B) show that Members have adopted inspection procedures that are always, or at least sometimes, consistent with Annex B of the FAO Model Scheme. More specifically, the validity of official documentation onboard is verified by inspectors, including through the flag State or through international records of fishing vessels.³⁴ When carrying out the inspection, 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.³⁵ They also examine whether the vessel has changed flag and, if so, note the previous name(s) and flag(s).³⁶

The elements always noted by inspectors are:

- the port of registration;³⁷
- the name and the address of the owner (and the operator, if different from the owner);³⁸
- the name of the master;³⁹
- the unique ID for company and registered owner if available.⁴⁰

The name(s) and the address(es) of previous owners appear to be given less importance.⁴¹

²⁸ In Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania and Spain. In Syria inspections are carried out to verify fishing authorizations.

²⁹ In Albania, Algeria, Cyprus, Egypt, France, Italy, Romania and Syrian Arab Republic.

³⁰ In Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic.

³¹ In Albania, Algeria, Cyprus, Egypt, France, Italy, Lebanon, Malta, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic.

³² In Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic.

³³ In Albania, Algeria (inspectors speak English or French), Egypt, France (only when there is a violation), Italy, Montenegro (if the crew does not speak English), Morocco, Romania and Spain. In Syria inspectors speak English and the only foreign fishing vessels inspected in this Member are those flying the flag of Lebanon. In Malta interpreters are not available and most of the officers speak two or three languages.

³⁴ Always in Albania, Cyprus, Egypt, France, Italy, Montenegro and Morocco. Sometimes in Algeria, Malta, Romania, Spain and Syrian Arab Republic. Appendix B of the Model Scheme is not applicable to Croatia (no previous record or case of Croatian port being used by a foreign vessel) and Turkey at present (foreign fishing vessels are not licensed to fish in Turkish waters).

³⁵ Always in Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania and Spain. Sometimes in Syrian Arab Republic.

³⁶ Always in Albania, Cyprus, France, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic. Sometimes in Algeria and Italy and not usually in Malta.

³⁷ In Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic.

³⁸ In Albania, Algeria, France, Cyprus, Egypt, Italy, Malta, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic.

³⁹ In Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic.

⁴⁰ In Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic.

⁴¹ Always noted in Albania, Algeria, Cyprus, Egypt, Malta, Montenegro and Romania. Sometimes in Italy and Syrian Arab Republic and not usually in France.

Inspectors verify:

- authorization(s) to fish or transport fish and fishery products for compatibility with the information obtained on vessel identification;⁴²
- the fishing gear on board for conformity with the conditions of the authorization(s) and regulations;⁴³
- identification marks of the gear for conformity with those authorized for the vessel;⁴⁴
- the fish and fishery products on board to ascertain if they were harvested in accordance with the conditions set out in the authorization.⁴⁵

In at least nine Members:

- fish holds/areas are always 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;⁴⁶
- the fish in the hold or being landed is always examined in order to determine the quantities and species which are fresh on ice, frozen but not packed, processed, packed or in bulk;⁴⁷
- relevant documentation is always reviewed, including in electronic format, such as logbooks, stowage plans and drawings or descriptions of fish holds if available;⁴⁸
- the fishing logbook is always examined and reports are always submitted, including those resulting from a vessel monitoring system (VMS), as appropriate.⁴⁹

In at least seven Members:

- the vessel is always searched for any fishing gear stowed out of sight;⁵⁰
- where the fish has been pre-packed cartons are always opened and the fish or cartons are always moved to ascertain the integrity of fish holds;⁵¹
- species and quantities landed are always 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.⁵²

The aspect of cooperation, as encouraged by the FAO Model Scheme, is still to be implemented fully: the flag State of the inspected vessel is not usually invited by the port State to participate in inspections, subject to appropriate arrangements being made with the coastal State.⁵³ The flag State authorities are always contacted in only six Members to verify whether the fish and fishery products have been harvested or

⁴² Always in Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic.

⁴³ Always in Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic.

⁴⁴ Always in Algeria, Cyprus, Egypt, France, Italy, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic. Sometimes in Albania and Malta.

⁴⁵ Always in Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania and Spain. Sometimes in the Syrian Arab Republic.

⁴⁶ In Albania, Algeria, Cyprus, France, Italy, Malta, Montenegro, Romania and Spain. Not usually in Egypt and in the Syrian Arab Republic.

⁴⁷ In Algeria, Cyprus, Egypt, France, Malta, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic. Sometimes in Albania and Italy.

⁴⁸ In Algeria, Cyprus, France, Italy, Malta, Montenegro, Morocco, Romania and Spain. Sometimes in Albania and not usually in Egypt and in the Syrian Arab Republic.

⁴⁹ In Algeria, Cyprus, France, Italy, Malta, Montenegro, Morocco, Romania and Spain. Not usually in Albania, Egypt and in the Syrian Arab Republic.

⁵⁰ In Cyprus, Egypt, France, Montenegro, Morocco, Romania and Spain. Sometimes in Albania, Algeria, Italy, Malta and in the Syrian Arab Republic.

⁵¹ In Albania, Cyprus, France, Malta, Montenegro, Morocco, Romania and Spain. Sometimes in Algeria and Egypt and not usually in Italy and in the Syrian Arab Republic.

⁵² In Cyprus, France, Malta, Montenegro, Morocco, Romania and Spain. Sometimes in Albania, Algeria and Italy and not usually in Egypt and in the Syrian Arab Republic.

⁵³ This always happens only in Romania and sometimes in Algeria and Croatia. It does not usually happen in Albania, Cyprus, Egypt (never), France, Italy, Lebanon, Malta, Montenegro (at present there are no arrangements), Morocco (no), Spain and in the Syrian Arab Republic.

collected in the areas recorded in the relevant documents when inspectors have reasonable grounds to believe that the inspected vessel has engaged in, or supported, IUU fishing.⁵⁴

The master of the inspected vessel is given the opportunity to add any comment to the report and to contact the relevant authorities of the flag State, particularly in case of serious difficulties in understanding the contents of the report prepared by the inspectors, in twelve Members.⁵⁵ At the end of the inspection, results are presented to the master of the vessel and the final report is completed and signed by the inspector and by the master.⁵⁶ Strengthening the aspect of cooperation among Members in the course of inspections is an issue that could be considered by the GFCM.

2.2.4 Results of port State inspections

Results of port State inspections to be included in the final report are set out in Appendix C of the FAO Model Scheme. The port State should ensure, as a minimum standard, that inspectors include in their reports references to the following: vessel identification, fishing authorization (licenses/permits), trip information, results of the inspection on discharge, quantities retained on board the vessel, results of gear inspection and conclusions.

Under Section VII of the questionnaire (Results of port State inspections – FAO Model Scheme, Appendix C) two States have attached their requirements for information on results of port State inspections of foreign fishing vessels⁵⁷ and one State has made comments on implementation of the recommended standards in Appendix C of the FAO Model Scheme.⁵⁸ In two cases⁵⁹ there appears to be consistency with the FAO Model Scheme. In one case,⁶⁰ as was noted above (see paragraph 2.2.1 *General*), a constructive approach was adopted. Members might consider, where necessary and appropriate, to require the information set out in Annex C of the FAO Model Scheme to be included by inspectors in the report of the results of each inspection.

2.2.5 Training of port State inspectors

Qualifications of inspectors vary depending on national requirements.⁶¹ Eleven Members currently have a national training programme for inspectors.⁶² In one country⁶³ there has been some partial training of inspectors, but there is not such thing as a national training programme for port inspectors at present. In another country⁶⁴ the training of inspectors was carried out with the technical support of the MedFisis project of the FAO. Guidelines for the training of inspectors for the benefit of States are set out in Appendix D of the FAO Model Scheme. Responses to Section VIII of the questionnaire (Training of port State inspectors – FAO Model Scheme, Appendix D) show that existing national training programmes include the following elements:

⁵⁴ Algeria, Cyprus, France, Montenegro, Morocco and Romania. This happens sometimes in Albania (every foreign vessel, provided with license for professional fishing in Albanian waters, must return to an Albanian harbour after fishing and before exporting aquatic species caught), Malta (when required), Spain (in the scope of the RFMOs) and Syria and not usually in Egypt and Italy.

⁵⁵ Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic.

⁵⁶ In Albania, Algeria, Cyprus, Egypt, France, Italy, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic.

⁵⁷ Albania and Croatia.

⁵⁸ Syrian Arab Republic.

⁵⁹ Albania and Croatia.

⁶⁰ Syrian Arab Republic.

⁶¹ Albania: inspectors have a university degree and good experience in the maritime sector;

Algeria: inspectors have practice in the field;

Cyprus: inspectors are trained in inspection procedures and they have knowledge of laws, regulations and fish species;

Egypt: inspectors are well trained bilingual fisheries specialists;

Malta: inspectors have to be Fisheries Protection Officers;

Morocco: inspectors have either achieved a degree in navigation studies or are halieutical engineers;

Romania: inspectors are NAFA inspectors, border police or sanitary-veterinary police;

Spain: inspectors are national fisheries inspectors.

⁶² Algeria, Croatia, Cyprus, France, Italy, Malta, Montenegro, Romania, Spain, Syrian Arab Republic and Turkey.

⁶³ Albania.

⁶⁴ Syrian Arab Republic.

- training in inspection procedures;⁶⁵
- provision of information on RFMOs conservation and management measures as well as relevant laws and regulations and applicable rules of international law;⁶⁶
- 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;⁶⁷
- fish species identification and measurement calculation;⁶⁸
- catch landing monitoring, including determining conversion factors for the various species and products;⁶⁹
- vessel boarding/inspection, hold inspections and calculation of vessel hold volumes; gear measurements and inspections;⁷⁰
- collection, evaluation and preservation of evidence;⁷¹
- range of measures available following the inspection;⁷²
- training in relevant languages, particularly English.⁷³

Training of inspectors could be an activity facilitated in the near future by the COC/GFCM in collaboration with Members and for their benefit.

2.2.6 Actions

An important aspect of the FAO Model Scheme is the action to be taken in case evidence is found by inspectors that the inspected vessel engaged in, or supported, IUU fishing activities. Should this happen, the port State ought to promptly notify the flag State of the inspected vessel and, when appropriate, the relevant RFMOs. Accordingly, the port State ought to take due note of any reply or any actions proposed or taken by the flag State of the inspected vessel. To this end, the FAO Model Scheme recommends the establishment of a list of contact points in relevant national administrations. The GFCM could encourage Members, where necessary and appropriate, to establish such a list and to disseminate the contact points in relevant administration for the benefit of other Members and the GFCM. This would enhance cooperation in the GFCM area.

As noted above (see paragraph 2.2.2 *Inspections*), the aspect of cooperation is in fact to be implemented fully by Members at present. It would appear that, following inspections of non national fishing vessels, notifications to the flag State are always made at least by eight Members when the inspected vessel engaged in the following IUU fishing activities:

- fishing without a licence;⁷⁴
- fishing in a closed area or during a closed season;⁷⁵
- fishing using prohibited gear;⁷⁶
- fishing with falsified or concealed identification marks;⁷⁷
- concealing, tampering with or disposing of evidence relating to an investigation;⁷⁸

⁶⁵ In Algeria, Croatia, Cyprus, France, Italy, Malta, Montenegro, Spain and Syrian Arab Republic.

⁶⁶ In Algeria, Croatia, Cyprus, France, Malta, Montenegro, Romania, Spain, Syrian Arab Republic and Turkey.

⁶⁷ In Algeria, Croatia, Cyprus, France, Italy, Malta, Montenegro, Romania, Spain and Turkey.

⁶⁸ In Algeria, Croatia, Cyprus, France, Malta, Montenegro, Romania, Spain and Syrian Arab Republic.

⁶⁹ In Algeria, Croatia, France, Italy, Malta, Montenegro, Romania, Spain and Syrian Arab Republic.

⁷⁰ In Algeria, Croatia, Cyprus, France, Italy, Malta, Montenegro, Romania, Spain, Syrian Arab Republic and Turkey.

⁷¹ In Algeria, Croatia, Cyprus, France, Italy, Malta, Montenegro, Romania, Spain, Syrian Arab Republic and Turkey.

⁷² In Algeria, Croatia, Cyprus, France, Italy, Malta, Montenegro, Romania and Spain.

⁷³ In Algeria, France, Italy, Malta, Montenegro, Romania and Spain.

⁷⁴ In Albania, Cyprus, Egypt, Italy, Montenegro, Morocco, Romania and Syrian Arab Republic. Sometimes in Algeria and France. Not applicable to Croatia, Japan, Lebanon and Turkey.

⁷⁵ In Albania, Algeria, Cyprus, Egypt, Italy, Montenegro, Morocco and Romania. Sometimes in France. Not applicable to Croatia, Japan, Lebanon, Syria and Turkey.

⁷⁶ In Albania, Algeria, Cyprus, Egypt, Italy, Montenegro, Morocco, Romania and Syrian Arab Republic. Sometimes in France. Not applicable to Croatia, Japan, Lebanon and Turkey.

⁷⁷ In Albania, Algeria, Cyprus, Italy, Montenegro, Morocco, Romania and Syrian Arab Republic. Sometimes in France. Not usually in Egypt. Not applicable to Croatia, Japan, Lebanon and Turkey.

⁷⁸ In Albania, Algeria, Cyprus, Italy, Montenegro, Morocco Romania and Syrian Arab Republic.

- conducting multiple violations which together constitute a serious disregard of relevant conservation and management measures.⁷⁹

Notifications to the flag State, following inspections of non national fishing vessels, are always made by no more than seven Members when the inspected vessel engaged in the following IUU fishing activities:

- failing to maintain accurate records of catch and catch related data;⁸⁰
- directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;⁸¹
- failure to comply with applicable vessel monitoring system (VMS) requirements;⁸²
- taking or landing undersized fish in contravention of relevant conservation and management measures.⁸³

Inspections of non national fishing vessels undertaken in 2005 and 2006 resulted in notifications to the flag State by the port State in very few instances.⁸⁴ Even fewer were the notifications made to the relevant RFMOs.⁸⁵ Besides, when notifications of reasonable evidence of IUU fishing activities are made, Members do not always take due note of replies or actions proposed or taken by the flag State of the inspected vessel.⁸⁶ Some Members always prohibit landings or transshipments from inspected vessels when they are not satisfied with the flag State's actions against the inspected vessel.⁸⁷

Actions other than prohibiting landings or transshipments from inspected vessels are usually not taken against IUU non national fishing vessels with the consent of, or upon the request of, the flag State.⁸⁸ This seems to be confirmed by national legislations of several Members by means of which foreign fishing vessels not complying with national provisions can be subject to enforcement measures by the port State, irrespective of the consent of the flag State of the inspected vessel (see paragraph 2.4.4 *Actions/Compliance*).

2.2.7 Information

According to the FAO Model Scheme, the port State should report on the results of its inspections to the flag State of the inspected vessel and to the relevant RFMOs. In the implementation of the FAO Model Scheme, Members are therefore expected to cooperate and exchange information among them and with the GFCM by requesting and providing information. In order to do this, the FAO Model Scheme recommends the establishment of a communication mechanism that allows for direct and computerized exchanges of messages, with due regard to appropriate confidentiality requirements. In the case of the GFCM, responses to the questionnaire show that only four Members currently have set up an information system;⁸⁹ eight Members have plans to develop it.⁹⁰ Information is handled in a standardized form and in accordance to Appendix E of the FAO Model Scheme only by five Members.⁹¹

⁷⁹ In Algeria, Cyprus, Egypt, Italy, Montenegro, Morocco, Romania and Syrian Arab Republic. Sometimes in Albania and France. Not applicable to Croatia, Japan, Lebanon and Turkey.

⁸⁰ In Algeria, Egypt, Italy, Montenegro, Morocco and Romania. Sometimes in Albania, France and Syrian Arab Republic. Not applicable to Croatia, Japan, Lebanon and Turkey.

⁸¹ In Algeria, Cyprus, Egypt, Italy, Montenegro, Morocco and Romania. Sometimes in France. Not applicable to Albania, Croatia, Japan, Lebanon, Syria and Turkey.

⁸² In Cyprus, Egypt, Italy, Montenegro, Morocco and Romania. Sometimes in Algeria and France. Not usually in Egypt and Syrian Arab Republic. Not applicable to Albania, Croatia, Japan, Lebanon, Syrian Arab Republic and Turkey.

⁸³ In Albania, Italy, Montenegro, Morocco and Romania. Sometimes in Algeria and France. Not usually in Egypt. Not applicable to Croatia, Japan, Lebanon, Syrian Arab Republic and Turkey.

⁸⁴ Number of notifications to the flag State by the port State following inspections in 2005 and 2006: Albania (2 overall), Algeria (30 overall), Morocco (1), Romania (6 overall).

⁸⁵ Number of notifications to the relevant RFMOs by the port State following inspections in 2005 and 2006: Algeria (30 overall).

⁸⁶ Members always take due note of replies/actions from the flag State in Albania, Cyprus, Italy, Montenegro, Morocco and Romania. Sometimes in Algeria, Egypt, France. Not applicable to Croatia, Japan, Lebanon, Spain and Turkey.

⁸⁷ Albania (it happened two times in 2005), Algeria, Montenegro, Morocco (it happened one time in 2005 and 2006), Romania and Spain. This happens sometimes in France and not usually in Egypt. Not applicable to Croatia, Cyprus, Italy, Japan, Lebanon and Turkey.

⁸⁸ This happens sometimes in France where actions such as the seizure of fish and/of fishing gear and/or their destruction can be taken. It does not usually happen in Egypt, Romania and Spain. Not applicable to Albania, Algeria, Croatia, Cyprus, Japan, Lebanon, Malta, Syria and Turkey.

⁸⁹ Albania, Cyprus, Egypt and Malta.

⁹⁰ Albania, Algeria, Croatia, Japan, Lebanon, Romania, Syrian Arab Republic and Turkey.

⁹¹ Cyprus, Egypt, Montenegro, Morocco and Syrian Arab Republic.

Under Section IX of the questionnaire (Information system on port State inspections – FAO Model Scheme, Appendix E) two States have attached their requirements for information system on port State inspections⁹² and one State has made comments on the implementation of the recommended standards in Appendix E of the FAO Model Scheme.⁹³ It has to be noted that the information system on port State inspections envisaged by Appendix E of the FAO Model Scheme is specifically intended to deal with results of inspections on foreign fishing vessels. Data elements of such system should include, *inter alia*, inspection references, vessel identification, fishing authorization, irregularities detected, actions taken and information from the flag State. Members should seek to meet these standards by using existing databases or setting up new databases for the specific purpose of handling port State controls information in a standardized form.

In one country⁹⁴ requirements for information system on port State inspections are not consistent with those listed in Appendix E of the FAO Model Scheme. Another country⁹⁵ has set up a very comprehensive information system.⁹⁶ However, this information system does not appear at present to include also the collection of data elements mentioned in Appendix E of the FAO Model Scheme. In one case,⁹⁷ as was noted above (see paragraph 2.2.1 *General*), a constructive approach was adopted. Members might consider, where necessary and appropriate, to handle information to be exchanged through systems that allow for the computerized transmission of messages among them and with relevant RFMOs in a standardized form, consistent with Annex E of the FAO Model Scheme.

2.3 General background information

The GFCM questionnaire on port State measures distributed in May 2007 requested Members in section X (General Background Information) to identify some operational data concerning port State controls, legislation related to port State measures and views to promote the effectiveness of the FAO Model Scheme. Fifteen responses were received at the time of writing,⁹⁸ though the number of responses for each of the seventeen questions in section X is uneven and varies from a maximum of fourteen to a minimum of two (see Table 2 of the Annex).

2.3.1 Operational data

Questions 1-8 in section X of the GFCM questionnaire were instrumental in assessing the capacity of Members to carry out in-port inspections. The results demonstrate the existence of capacity dissimilarities in the GFCM area where industrialized countries and developing countries share the exploitation of marine living resources.

2.3.2 National ports

The number of major fishing ports currently used by vessels greater than 15 metres varies depending on the Member concerned. Seven Members indicated that there are less than ten ports in their territory.⁹⁹ Lebanon has 16 fishing ports used by vessels greater than 15 metres, Morocco 18, Algeria 24 and Turkey 150. In

⁹² Albania and Turkey.

⁹³ Syrian Arab Republic.

⁹⁴ Albania.

⁹⁵ Turkey.

⁹⁶ The Fisheries Information System has been developed to record logbooks and landing declarations of national fishing vessels and imported marine products. The main functions of the software are: to provide a central register for total allowable catch regarding fish species of Turkey, to allow comparison of catch amounts drawn from logbooks, landing declarations and sales notes and to set up an exportation system for tuna species. It also includes surveillance of fishing activities and operations conducted at the places of sale of fish and fish farms as well as violations detected and penalties imposed. The Fisheries Information System records fishing vessels and fishers' licences as it contains information on the licences of fishing vessels, special fishing permissions and licences of fishers. It allows registrations, renewals and cancellations of licences as well as registrations, modifications and deletions of sales notes and transport documents. It enables to report information to National Agencies, ICCAT, FAO and EU Directorate General of Fisheries.

⁹⁷ Syrian Arab Republic.

⁹⁸ Albania, Algeria, Croatia, Cyprus, Egypt, Italy, Japan, Lebanon, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic and Turkey.

⁹⁹ Albania, Cyprus, Egypt, Malta, Montenegro, Romania and Syrian Arab Republic.

Croatia fishing ports are currently being designated by means of national legislation.¹⁰⁰ In Japan there are 2 921 ports used by vessels greater than 15 metres, but these ports are not located in the Mediterranean area. The number of calls made to these ports in 2005 and 2006 by fishing vessels, including support vessels, is remarkable. These calls are compared, where possible, with those made by foreign fishing vessels:

Table 1: Calls made to national ports of Members in 2005 and 2006 by fishing vessels

Member	Calls made in 2005 by fishing vessels	Calls made in 2006 by fishing vessels	Calls made in 2005 by foreign fishing vessels	Calls made in 2006 by foreign fishing vessels
Algeria	3 000	4 000	15	15
Cyprus	805 (overall)		3 (overall)	
Lebanon	2 600 (overall)		0 (overall)	
Malta	1 257	1443	621	698
Morocco	29	33	29	33
Syrian Arab Republic	256 650	267 500	12	9

These data, although six Members do not constitute a significant proportion of GFCM Members,¹⁰¹ lead to assume that in the GFCM area fishing operations tend to be managed within waters under national jurisdiction. This seems to be confirmed by some comments received by Members, explaining that they do not have at present a long distance offshore fishing fleet¹⁰² and that the existing fishing fleets operate on daily basis near national ports to which they call regularly.¹⁰³

2.3.3 Government inspection agencies

As was noted above (see paragraph 2.2.2 *Inspections*) Members avail themselves of the services of government agencies to carry out in-port inspections. The following agencies have been identified by respondents to be in charge of inspections:

- Albania: Fishery Inspectorate;¹⁰⁴
- Algeria: National Service of Coast Guard; Veterinary Authority;
- Croatia: Ministry of Agriculture, Forestry and Water Management, Maritime Police and Ministry of Sea, Tourism Transport and Development;
- Cyprus: DFMR;
- Egypt: General Authority for fish resources, Coast Guards, Ministry of environment, Maritime Inspection Authority;
- Lebanon: Ministry of public works and transport, customs;
- Malta: Fisheries Department, customs Department and Port Control;

¹⁰⁰ There are several locations along the Croatian coast, the most important ones are located in Umag, Pula, Rijeka, Zadar, Biograd, Kali (Island near Zadar), Tribunj and Rogoznica. There are also additional ports where fishing vessels unload cargoes; however, they are not registered as fishing ports but as ports of general usage. Fishermen use some 30 ports overall for landing/loading/refuelling and other purposes at present.

¹⁰¹ Other Members to have partially responded the questions related to calls made to their ports in 2005 and 2006 by fishing vessels and non national fishing vessels are:

Albania: no data available for calls made by fishing vessels; 3 calls overall made by foreign fishing vessels;

Croatia: no data available for calls made by fishing vessels; no calls made by foreign fishing vessels;

Egypt: no data available for calls made by fishing vessels and for calls made by foreign fishing vessels;

Romania: 0 calls overall made by fishing vessels; 0 calls made by foreign fishing vessels;

Spain: 497 calls overall made by foreign fishing vessels.

¹⁰² Turkey.

¹⁰³ Croatia.

¹⁰⁴ The Fishery Inspectorate is a branch of the Fishery Policies Directorate (Ministry of Environment, Forestry and Water Administration).

- Morocco: Fisheries Department;
- Romania: National Agency for Fisheries A, GIBP;
- Spain: Ministries of Agriculture and Fisheries;
- Syrian Arab Republic: General Directorate of Harbours of the Ministry of Transport for security and navigation inspection, Offices for Marine Fishery Rationalisation (OMFIRs) of the Department of Fisheries Resources (DOF) in the Ministry of Agriculture for gears, catches and landings inspection;
- Turkey: Ministry of Agriculture and Rural Affairs, Coast Guard Command.

2.3.4 In-port inspections, follow-up actions and use of collected data

A set of questions was posed to ascertain how many inspections were carried out in fishing ports of Members in 2005 and 2006 by their government agencies. Members were also asked what the results of these inspections were, including actions taken following inspections. The following table sums up the responses received by 7 Members:

Table 2: Inspections carried out in fishing ports by Members in 2005 and 2006 and follow-up actions

Member	Insp. carried out in 2005	Insp. carried out in 2006	Insp. resulting in evidence of IUU fishing	Insp. resulting in deterrent action	Insp. resulting in legal action	Insp. resulting in non legal actions	Insp. resulting in deterrent measures
Albania	700	800	9	9	7		
Algeria	Roughly 100 (15 of FFVs ¹⁰⁵)	Roughly 100 (15 of FFVs)	6 (2005) 5 (2006)	All of them	6 (2005) 5 (2006)		
Croatia	475 (first half of 2007)			124 ¹⁰⁶	3		
Cyprus	650 (overall)		0		10	60	
Italy	131 014	165 298					
Morocco	15	15	1		1 ¹⁰⁷		
Romania			6		6		
Spain		251 (of FFVs)	15		1	3	
Turkey	4 639	5 881					

These data, although nine Members do not constitute a significant proportion of GFCM Members¹⁰⁸ and respondents have provided figures only partially, emphasize the existence of inspection procedures, including follow-up actions, in the GFCM area. This is corroborated by the fact that at national level several laws and regulations have been enacted by Members to lay down inspection procedures and sanctions against fishing vessels breaching their provisions (see paragraphs 2.4.3 *General Inspection Power* and 2.4.4 *Actions/Compliance*).

¹⁰⁵ Foreign fishing vessels.

¹⁰⁶ A total of 124 infringements (e.g. the obligation to keep and submit the logbook) were noted and processed.

¹⁰⁷ The legal action resulted in administrative sanctions.

¹⁰⁸ Other Members that responded to questions related to inspections carried out in 2005 and 2006 and follow-up actions are:

Egypt: no data available for inspections and follow-up actions;

Lebanon: 0 inspections;

Syrian Arab Republic: harbour authorities should have carried out inspections on all vessels. Fishery inspection though, which started at the end of 2005, were merely undertaken for statistical purposes. Landings are controlled in 15-20% of cases. At present, tunas and tuna like species are duly monitored.

Data collected during port inspections are used by eleven Members for enforcement purposes.¹⁰⁹ Six Members use the data collected also to exchange information,¹¹⁰ including with the GFCM in two instances.¹¹¹ Data collected are also used for management purposes.¹¹² Priorities for carrying out port inspections have been outlined by seven respondents out of fourteen;¹¹³ the most frequent are: IUU vessel lists and flag of the vessel. In Albania the priorities are identified by national legislation. The identification of uniform priorities in carrying out inspections is an issue that could be addressed by the GFCM.

2.3.5 Human resources

A concern for the GFCM area is currently represented by the lack of effective human resources at national level which are required for the implementation of port State measures. Eight respondents out of fourteen declared inadequate human resources.¹¹⁴ Albania explained that special equipment would be necessary to carry out inspections and to set up information systems as well. More professionalism is also regarded as needed. In the case of Croatia human resources are inadequate because of limited number of personnel and the diversity of national fisheries. This also seems to imply the need for more professionalism. The problem in Cyprus is that inspections mostly take place during office hours. In Egypt human resources are inadequate due to the lack of training of inspectors and shortage of instruments. More professionalism is needed in Lebanon as existing human resources are deemed to be not qualified enough in fisheries matters. Malta explained that human resources are inadequate because of restrictions in recruitment. Another Member declaring lack of training of inspectors as being the reason of the inadequacy of human resources was Morocco. The issue of inadequate human resources, and particularly the lack of professionalism, might be worthy of future consideration by the GFCM.

2.3.6 National legislation concerning port State measures

A survey to collect national provisions regarding port State controls has been put together for review purposes (see Table 3 of the Annex). In addition to this survey, questions 9 to 11 of section X of the GFCM questionnaire focus on national legislation related to port State measures as enacted by Members. Only eight Members identified national legal instruments setting out port State measures.¹¹⁵ As noted by the Syrian Arab Republic “there is no specialised national instrument related to inspection of landings and other criteria of gears and/or vessel and [...] the support of GFCM and FAO are highly needed both in terms of composing the new rules and regulations.” This can hold true in general terms for the whole GFCM area as confirmed by responses to questions on the implementation of the FAO Model Scheme and the IPOA–IUU.

Eight Members out of eleven¹¹⁶ believe that their national legislation in relation to the FAO Model Scheme needs to be updated and implemented in order to strengthen port State controls. A NPOA–IUU which includes port State measures is either under development or being implemented only by five Members.¹¹⁷ It would be useful for the GFCM to receive a copy of these instruments if already drafted or when finalized. This would help the GFCM in providing assistance to Members in the future with the aim of upgrading their national legislations in a manner that ensures the harmonized implementation of the IPOA–IUU and the FAO Model Scheme in the GFCM area.

¹⁰⁹ Albania, Croatia, Cyprus, Lebanon, Malta, Montenegro, Morocco, Romania, Spain, Syria and Turkey. All respondents indicated that data collected during port inspections are used for enforcement purposes.

¹¹⁰ Albania, Morocco, Romania, Spain, Syrian Arab Republic and Turkey.

¹¹¹ Romania and Turkey. Morocco exchanges information with ICCAT. Spain exchanges information with RFMOs in general. Syrian Arab Republic exchanges information with relevant UN bodies and RFMOs.

¹¹² In two instances: Romania and Turkey.

¹¹³ Albania, Egypt, Italy, Malta, Morocco, Romania and Spain.

¹¹⁴ Albania, Croatia, Cyprus, Egypt, Italy, Lebanon, Malta and Morocco. Algeria, Montenegro, Romania, Spain, Syrian Arab Republic and Turkey declared their human resources to be adequate.

¹¹⁵ Croatia, Egypt, Lebanon, Malta, Morocco, Spain, Syrian Arab Republic and Turkey.

¹¹⁶ Albania, Algeria, Croatia, Egypt, Lebanon, Montenegro, Morocco and Syrian Arab Republic. Members declaring that their national legislation in relation to the FAO Model Scheme implements its measures are Malta, Romania and Spain.

¹¹⁷ Albania, Malta, Montenegro, Morocco and Romania. Algeria, Lebanon and Syrian Arab Republic responded NO. The question is not applicable to Croatia, Cyprus and Egypt.

2.3.7 Effectiveness of port State measures

Questions 12 to 17 of section X of the GFCM questionnaire requested Members to concentrate on the effectiveness of port State measures, including the identification of constraints for the implementation of port State measures as well as the identification of solutions that may be taken at national and regional levels. Ten respondents¹¹⁸ out of thirteen consider port State measures effective in controlling IUU fishing activities. The Syrian Arab Republic noted that for port State measures to be effective it is important that all Members commit to their implementation. Three respondents do not consider port State measures to be effective in controlling IUU fishing activities.¹¹⁹ Albania explained that due to the lack of a NPOA–IUU there is not an effective control against IUU fishing in national ports at present. It can be assumed that in this case the lack of legislation hampers the effectiveness of port State measures. According to Morocco it would be necessary more cooperation of the flag State in order to control IUU fishing activities.

Nine respondents out of twelve¹²⁰ are aware that a binding international instrument on port State measures based on the FAO Model Scheme and the IPOA–IUU will be developed by 2009 as agreed by COFI 2007. These twelve respondents,¹²¹ with the exception of Montenegro, consider the potential elaboration of a regional scheme on port State measures by the GFCM, building on the FAO Model Scheme and the IPOA–IUU, to be a useful tool to combat IUU fishing. The GFCM should acknowledge this and, prior to considering appropriate action, it is suggested that a decision be taken, based on national needs of the whole Membership, on measures to be given priority in elaborating a regional scheme.

Six respondents have already outlined measures to be given priority: according to Lebanon all port State measures should be given priority. Albania underlined the need for the national agencies dealing with inspections to participate in all FAO activities regarding port State measures and to exchange opinions and analyse strategies to decrease IUU fishing; Appendices D (training of inspectors) and E (information system on port State inspections) of the FAO Model Scheme are measures that should be given priority. Should a regional scheme be developed by the GFCM, Malta indicated that inspection procedures, report of inspection and transmittal of the reports to the flag State and to the GFCM would require due consideration; according to Morocco the harmonization of inspection procedures and the development of information systems should be addressed first. The Syrian Arab Republic also considers the exchange of information as a measure to be prioritized; it recommended that in the near future a GFCM network is established among Members and that a data bank is created and maintained at the GFCM Headquarters. Other measures worth to be included in a future regional scheme to be developed by the GFCM are, in the mind of respondents, advance notice of port entry to be requested from foreign fishing vessels,¹²² list of IUU vessels¹²³ and VMS.¹²⁴

In identifying constraints to the implementation of port State measures eight respondents¹²⁵ listed:

- lack of:
 - qualified human resources;
 - equipment to perform the inspections;
 - a regional database;
 - unified international operational procedures for inspections of non-national vessels;
 - commitment to act on all levels;
 - training of inspectors;
 - satellites inspection;
 - legislation;
 - funding;
 - harmonized port State measures;
 - exchange of information;

¹¹⁸ Algeria, Croatia, Cyprus, Egypt, Italy, Malta, Montenegro, Romania, Spain and Syrian Arab Republic.

¹¹⁹ Albania, Morocco and Romania.

¹²⁰ Albania, Algeria, Croatia, Italy, Malta, Montenegro, Romania, Spain and Syrian Arab Republic.

¹²¹ Albania, Algeria, Croatia, Egypt, Italy, Lebanon, Malta, Montenegro, Morocco, Romania, Spain and Syrian Arab Republic.

¹²² Syrian Arab Republic.

¹²³ Egypt and Morocco.

¹²⁴ Egypt.

¹²⁵ Albania, Algeria, Croatia, Cyprus, Egypt, Lebanon, Malta and Syrian Arab Republic.

- insufficient level of awareness;
- difficulties in the field of collaboration;
- difficulties in implementing the IPOA–IUU and the FAO Model Scheme;
- difficulties in strengthening MCS, including VMS.

Seven of them¹²⁶ suggested the following solutions to the above constraints:

- implementing MCS in collaboration with FAO and GFCM;
- building awareness;
- setting up a regional mechanisms of control and exchange of information and establishing of a regional network;
- training of inspectors to be regularly organized by CoC/GFCM in collaboration with Members;
- building capacity;
- harmonizing measures through intensive meetings and/or multilateral coordination among Members;
- formulating and adopting documents at the regional level to be endorsed by GFCM.

The Syrian Arab Republic recommended that States delegate relevant representatives to attend the meetings to be held by the CoC and the GFCM in the future. The role and the expertise of the CoC and GFCM are therefore regarded as crucial to guarantee the effectiveness of port State measures.

2.4 Principal legal port State measures in most GFCM Members

Respondents to the questionnaire have in some instances stressed the need for amending their national laws and regulations addressing port State measures to make them consistent with relevant international instruments. To ensure the accurate implementation of the FAO Model Scheme, Members should probably start by upgrading their legal port State measures in order to meet the minimum standards set out in the FAO Model Scheme. To help Members in comparing their national instruments to the FAO Model Scheme, a survey of their principal legal port State measures was prepared using the FAOLEX and FISHLLEX databases and bearing in mind how the FAO Model Scheme is structured.

The survey collects provisions on MCS related requirements prior to port entry, designated ports, general inspection power, actions and information. Its contents, and the conclusions that are drawn from them, are without prejudice to all the national laws and regulations that Members might have passed to regulate port State controls and that are not encompassed in Table 3 of the Annex. Members are actually invited to refer the GFCM to other provisions adopted by them in relation to port State measures and to lodge a copy of the original legal texts with the GFCM. These texts could be used for the purpose of promoting the development of harmonized measures at national and regional level, based on the FAO Model Scheme.

2.4.1 MCS related requirements prior to port entry/landing¹²⁷

It is noteworthy that principal legal port State measures in most Members do not often target foreign fishing vessels. The survey shows that almost all Members have laws and regulations¹²⁸ related to port controls but only in some specific instances they contain provisions specifically addressing foreign fishing vessels.

¹²⁶ Albania, Algeria, Croatia, Egypt, Lebanon, Malta and Syrian Arab Republic.

¹²⁷ The sub-headings in this section are those used in Table 3, where legal port State measures in most GFCM Members are contained.

¹²⁸ It has to be noted that in the case of the EU Regulations, such legal instruments are legislative acts with a general scope, obligatory in all their elements and directly applicable in all Member States. Regulations must be given immediate force of law in Member States without the need to enact implementing measures as they are self-executing. Therefore, all EU Regulations listed in Table 3 of the Annex are currently in force in all Members of the Union, including GFCM Members. The European Court of Justice has established a differentiation between what it calls “Basic Regulations” (they establish essential rules governing a certain matter, and are normally adopted by the Council) and “Execution Regulations” (they technically organize essential rules and are usually passed by the European Commission or the Council). Council Regulations and Commission Regulations are both listed in Table 3 of the Annex.

A pointer to this discrepancy are MCS related requirements prior to port entry. National provisions of nine Members¹²⁹ are listed in Table 3 of the Annex. In six of them¹³⁰ foreign fishing vessels are specifically addressed by the relevant provisions. These provisions reveal that there is a general obligation for vessels to notify information to the competent port State authorities. The advanced time for the notification is specified in the collected provisions of EU (2 hours for Community fishing vessels utilizing landing locations in a Member State other than the flag Member State and 72 hours for foreign fishing vessels), France (4 hours for fishing vessels recorded in the European Community register) and Slovenia (72 hours for fishing vessel registered in a third country).

Information to be notified in advance differs depending on the Member concerned. In some instances it is limited to the position of the fishing vessel, including entry or exit from territorial waters,¹³¹ or the catch;¹³² in other instances the requirements are more detailed and include the landing port, the time of arrival and catch specifications.¹³³ National provisions on information to be provided in advance by vessels calling to ports should be compared with the standards in Appendix A of the FAO Model Scheme.

2.4.2 Designated ports/denial of use of ports

According to the FAO Model Scheme, States should designate and publicize ports to which vessels may be permitted access and, to the greatest extent possible, ensure that these ports have sufficient capacity to conduct inspections. Six Members fulfil this obligation based on the contents of the survey.¹³⁴

Some of the collected provisions are very general and envisage that the landing of catch has to take place in national ports where competent agents are present;¹³⁵ there is not a list of designated ports. In other Members ports have been identified for landing catch.¹³⁶ These ports are to be used by all fishing vessels, like in Albania and Slovenia, or by fishing vessels landing given species (e.g. France and Spain have designated ports for the landing of cod fish).

2.4.3 General inspection power

A significant number of national provisions related to inspections is listed in Table 3 of the Annex: nineteen Members have enacted laws and regulations to lay down inspection procedures,¹³⁷ based on the contents of the survey. Only three Members have provisions specifically addressing foreign fishing vessels.¹³⁸ However, laws and regulations related to general inspection power seem to encompass all fishing vessels.

The powers of inspectors can be summed up as follows:

- to inspect fishing vessels, fishing locations, landing sites and transportation vehicles used for fishing products;¹³⁹
- to visit periodically, including unanticipated visits, fishing vessels;¹⁴⁰
- to examine logbooks, fishing gears, licenses and catches;¹⁴¹
- to carry out duties onboard without the master of the inspected vessel or the crew members opposing the inspection procedures.¹⁴²

¹²⁹ Albania, Algeria, Bulgaria, EU, France, Malta, Slovenia, Spain and Turkey.

¹³⁰ Albania, Algeria, EU, France, Malta and Spain.

¹³¹ Albania and Algeria.

¹³² Bulgaria and Malta.

¹³³ EU, France, Spain and Turkey.

¹³⁴ Albania, Algeria, France, Slovenia, Spain and Tunisia.

¹³⁵ Algeria and Tunisia.

¹³⁶ Albania, France, Slovenia and Spain.

¹³⁷ Albania, Algeria, Croatia, Cyprus, EU, France, Israel, Italy, Japan, Libya, Malta, Monaco, Montenegro, Romania, Slovenia, Spain, Syrian Arab Republic, Tunisia and Turkey.

¹³⁸ Algeria, Croatia and EU.

¹³⁹ In Albania, Algeria, Croatia, Cyprus, EU, France, Israel, Italy, Japan, Libya, Malta, Montenegro, Romania, Slovenia, Spain, Syrian Arab Republic, Tunisia and Turkey.

¹⁴⁰ In Algeria, Cyprus, Italy, Japan, Malta, Monaco, Slovenia, Spain and Syrian Arab Republic.

¹⁴¹ In Albania, Algeria, Cyprus, Israel, Japan, Libya, Malta, Slovenia and Spain.

¹⁴² In Algeria, Malta, Slovenia, Spain and Syrian Arab Republic.

As was noted above (see paragraph 2.2.2 *Inspections*) the aspect of coordination among States is not given much consideration. According to national provisions in the survey, the duty to submit a copy of the inspection reports to the flag State is mentioned only by EU Regulations. The Croatian Maritime Code provides for the flag State to be immediately informed through diplomatic channels if the inspection led to the capture or seizure of the foreign vessel. National provisions on inspection procedures and reports of the results of port State inspections should be compared with the standards in Appendices B and C of the FAO Model Scheme.

2.4.4 Actions/compliance

Even with respect to national laws and regulations laying down provisions on actions taken following inspections a significant number of instruments is listed in Table 3 of the Annex: twenty-one Members have adopted such measures,¹⁴³ based on the content of the survey.

The following actions are those most frequently taken at national level against fishing vessels not having an authorization/licence, failing to report information or to compile the logbooks, operating in closed areas or during closed seasons, using prohibited gears, fishing protected species or disregarding the size of the species, exceeding the amount of allowable catch, refusing to allow inspectors to carry out their duties:

- fines/sanctions;
- confiscation of relevant documents;
- suspension or withdrawal of the fishing authorization/license;
- seizure of prohibited fishing gear and catch;
- sequestration of the vessel;
- prosecution;
- imprisonment of the crew members.

The severity of these punitive measures varies among Members and depends on the nature of the violation. Though only a limited number of the provisions of Members on actions/compliance listed in Table 3 of the Annex specifically addresses foreign fishing vessels,¹⁴⁴ the majority of them tends to encompass all fishing vessels breaching national laws and provisions.

2.4.5 Information

The issue of information systems on port State inspections appears to be overlooked by national legislations. The only two provisions listed in Table 3 of the Annex are encompassed in an Albanian Regulation and in a EU Regulation. This fact echoes the conclusions drawn in paragraph 2.2.4 *Information*. In the case of Albania a data system has been created to gather biological and economic information. Data elements on port inspections are not mentioned in the provision concerned. In the case of EU, the Commission must present a summary of the results of Member States' efforts to achieve a sustainable balance between fishing capacity and fishing opportunities every year. This does not seem to apply to port controls. However, it is specified in the provision concerned that implementing rules for these exchanges may be adopted in the future.

At present, communication mechanisms allowing for direct exchange of information on port State inspections among Members and with RFMOs, consistent with Annex E of the FAO Model Scheme, are yet to be foreseen by national laws and regulations.

2.4.6 Strengths, weaknesses, opportunities and threats

Principal legal port State measures in most Members are mostly related to inspection of vessels while they are in port and actions to be taken when an inspector finds the vessel to be in contravention of national provisions. The amount of laws and regulations enacted by Members in connection with these issues is

¹⁴³ Albania, Algeria, Bulgaria, Croatia, Cyprus, Egypt, EU, France, Israel, Italy, Japan, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syrian Arab Republic, Tunisia and Turkey.

¹⁴⁴ See Algeria, Croatia, Egypt, Israel, Libya, Malta and Montenegro.

remarkable and they are generally consistent with the FAO Model Scheme, apart from the aspect of coordination among States. Inspection reports are not usually submitted to the flag State by the port State, according to the contents of national provisions collected.

Legal port State measures related to the first section of the FAO Model Scheme (MCS related requirements prior to port entry/landing and designated ports/denial of use of ports) are yet to be implemented fully in the legislation of most Members. Standards related to information on the other hand, as defined by the fourth section of the FAO Model Scheme, are still to be envisaged by national legislations.

The FAO Model Scheme offers Members the opportunity to review their national legislations on port State controls. The Workshop on port State measures represents the first occasion for the GFCM to thoroughly consider this issue at regional level. Strategies could be examined to harmonize national legislations on port State controls in following-up the outcomes of the Workshop in order to facilitate the even implementation of the FAO Model Scheme.

The effectiveness of port State measures mainly depends on the commitment of all States in strengthening port controls. Even a limited number of States could undermine the efforts of a whole region if they do not ensure the implementation of port State measures. The fact that some Members lack legislation on port State measures or need to upgrade their laws and regulations could pose a serious threat to present and future endeavours in combating IUU fishing within the GFCM area. The FAO Model Scheme could serve as a landmark for Members in trying to achieve minimum legal port State measures standards through national provisions.

3. SUMMARY OPTIONS FOR CONSIDERATION BY THE GFCM

This review has examined aspects of the implementation of each section of the FAO Model Scheme by Members and national legislations of Members related to port State measures. The majority of Members has inspection procedures at present, including follow-up actions. Some port State measures are still to be implemented though. It hence appears that there is significant scope for further activities to harmonize and strengthen port State measures. Topics covered by this review raise a number of issues that should be further considered in order to identify the most effective and efficient way forward. Bearing in mind the needs and the capabilities of the GFCM and its Membership, the adoption of the following actions and measures (and as appropriate the formulation of priority steps) should be considered:

- the elaboration of a regional scheme on port State measures: the growing need for strengthened controls by the port States in the GFCM area has to be based on awareness, including most recent initiatives at the international level, and cooperation. At national level, some Members currently do not meet the requirements set out in the FAO Model Scheme and its Appendixes, others have solid in-port inspections procedures and a comprehensive legislation. In order to bridge this gap, the obligations of Members should be defined to improve port State controls with particular consideration to the maintenance of systems of port State control for non national fishing vessels, designation of ports where foreign fishing vessels are permitted access, establishment of contact points in relevant administrations to facilitate the exchange of information among Members, human capacity development, including adequate human resources professionalism, law reforms, financial assistance and technical support to developing States. At regional level, the GFCM should follow-up the FAO Model Scheme with the aim of progressively developing harmonized port State measures tailored to the specific nature of the GFCM area. Measures to be developed in collaboration with the GFCM should include agreed information to be provided in advance by fishing vessels to the port State, agreed basis for port inspections procedures, agreed reporting responsibilities of inspectors, including the submission of results of the report to the flag State and to the GFCM to enhance consultation and cooperation and implementation of MCS. The elaboration of a regional scheme could evolve from the step-by-step approach adopted by the GFCM in the fight against IUU fishing and it should ensure that steps are taken at national and regional levels in response to clear needs and capabilities in the GFCM area;
- training of inspectors: the effectiveness of port State measures and the accurate implementation of the proposed regional scheme would mainly rely on trained personnel being available for carrying

out the necessary tasks (e.g. boarding and inspection procedures, reporting responsibilities, legal developments and enforcement actions and the use of technologies). The formulation of specific regional support projects for the training and the exchange of inspectors could be considered in response to the growing need for professionalism;

- information system on port State inspections: strengthening the exchange of data elements on port State inspections by means of establishing an operational integrated database would be a useful MCS tool. The primary building block of such a database could be the development of a regional fleet register based on the MedStat adaptive approach. The MedStat adaptive approach has been implemented in recent years through FAO Mediterranean projects such as MedFisis. It aimed at helping countries to develop their national fishery databases and statistical systems in a coordinated and regionally compatible manner, whilst enabling them to better manage the sustainable development of their fisheries. In parallel to existing MedStat systems at national level, a specific MedStat system could be developed at regional level to include the data elements on port State inspections consistent with Appendix E of the FAO Model Scheme. Such an information system could be envisaged in the possible regional scheme as a tool to improve monitor and control in the GFCM area.

SUMMARY OF RESPONSES FROM MEMBERS TO GFCM QUESTIONNAIRE ON PORT STATE MEASURES

Introduction

The 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing (FAO Model Scheme) is a voluntary instrument and provides minimum standards for a range of activities and requirements, including: information to be given prior to entry into port, guidelines for inspection of vessels while they are in port, actions to be taken when an inspector finds there is reasonable evidence for believing that a foreign fishing vessel has engaged in, or supported, IUU fishing activities and information that the port State should provide to the flag State. The FAO Model Scheme also sets out inspection procedures, information to be included in the results of port State inspections, elements of a training programme for port State inspectors and an information system on port State inspections.

Calls at the international level for a binding instrument on port State measures have been intensifying in recent years. They culminated in the decision taken at the Twenty seventh Session of the FAO Committee on Fisheries (COFI) in March 2007 when the Session, acknowledging the urgent need for a comprehensive suite of port State measures, took note of the strong support for the proposal to develop a new legally binding instrument based on the 2001 FAO International Plan of Action to combat Illegal, Unreported and Unregulated fishing (IPOA–IUU) and the 2005 FAO Model Scheme.¹⁴⁵

At the regional level FAO has undertaken a wide range of activities to support the implementation of the IPOA–IUU and the FAO Model Scheme, including human resource development and capacity building. The thirty-first session of the General Fisheries Commission for the Mediterranean (GFCM), held in Rome in January 2007, endorsed the suggestion made by its Compliance Committee (COC) that a workshop on port State measures should be convened for the benefit of GFCM Members, mindful of international fisheries instruments, recent developments in international fora and the desirability of strengthening controls, based on the FAO Model Scheme. The GFCM further acknowledged with satisfaction the offer made by FAO to jointly organize such a workshop with the COC.

A questionnaire on port State measures was distributed by the GFCM to its Members in May 2007 to enable a review of their port State measures and assessment of strengths, weaknesses, gaps and constraints for regional cooperation and effective implementation of the FAO Model Scheme. The objective of the questionnaire is to contribute to an enhanced understanding of port State measures and actions needed at national and regional level to combat IUU fishing. The following GFCM Members responded: Albania, Algeria, Croatia, Cyprus, Egypt, France, Italy, Japan, Lebanon, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic and Turkey.

The results are presented in three parts: Table 1.1, which could be useful for identifying general trends, shows the total number of GFCM Members that responded to each question; Table 1.2. identifies the Members and all the comments they provided with respect to the questionnaire; and Table 2 identifies the Members and any comments they provided with respect to the General Background Information section (section X of the questionnaire).

Most respondents consider port State measures to be effective in controlling IUU fishing activities, though the majority of national legislations related to the FAO Model Scheme needs to be updated and amended. This is confirmed by the fact that National Plans of action to combat IUU fishing and national legislations fully implementing each of the various sections of the FAO Model Scheme, including its Appendices, are still to be developed in the GFCM area, apart from few exceptions.

¹⁴⁵ A timetable was agreed for an expert consultation, which was held in September 2007 in Washington (United States of America.), and a technical consultation to be held in 2008 in order that the instrument could be developed and presented at twenty-eighth session of COFI in 2009. For further information on the twenty-seventh session of COFI, see online at: http://www.fao.org/fi/NEMS/events/detail_event.asp?event_id=33956 (last accessed: 23 October 2007).

Respondents do not always maintain a system of port State control for foreign fishing vessels, although foreign fishing vessels are required to provide advance notice prior entering to national ports. Required information to be provided in advance to the port State by the foreign fishing vessel seeking access to its ports varies.

Respondents generally comply with the guidelines for carrying out inspections set out in the FAO Model Scheme. The only aspect still to be fully implemented is cooperation: the flag State of the inspected vessel is not usually invited by the port State to participate in inspections, subject to appropriate arrangements being made with the coastal State. Results of port inspections and training of inspectors are elements of the FAO Model Scheme that respondents would need to implement in a more uniform manner.

Notifications to the flag State following inspections of foreign fishing vessels are made by respondents when the inspected vessel engaged in IUU fishing activities. Replies or actions proposed or taken by the notified flag State are not usually taken in due account by respondents.

Few respondents have set up a computerized communication mechanism allowing for the direct exchange of information on port inspections with other GFCM Members and the GFCM. Some respondents have plans to set up such mechanisms in the future.

In general, GFCM Members indicated aspects of cooperation, including exchange of information and training of inspectors, as being prominent in strengthening port State controls. The elaboration of a regional scheme on port State measures by the GFCM, building on the IPOA-IUU and the FAO Model Scheme, is regarded as a potentially useful tool in the fight against IUU fishing.

Although trends show increasing awareness by GFCM Members, there appears to be a necessity for qualified human resources and for intensifying port State efforts to develop integrated and harmonized mechanisms of control both at national and regional levels. Also, some respondents have emphasized the need for revising their national legislation in connection with port State measures. A survey of legal port State measures in most GFCM Members is therefore presented in Table 3 to identify existing laws and regulations concerned with port State controls.

Table 1.1 GFCM Members' responses to FAO questionnaire on port State measures.

Yes: Your State has undertaken measures/action described
No: No measures/action have been undertaken
Comments: There are comments concerning measures/action taken/to be taken
N/A: Question is not applicable to your circumstances

I GENERAL			
QUESTION	YES	NO	COMMENTS
1. Does your State maintain a system of port State control for non national ¹⁴⁶ fishing vessels?	11	3	2
(i) if yes, how would you describe its effectiveness in combating IUU fishing?			
- Very effective	5		
- Somewhat effective	5		
- Not very effective	2		
2. Are ports to which non national fishing vessels may be permitted access designated and publicized?	9	3	2
3. Do these ports have the capacity to conduct port State inspections?			
- Full capacity	8		
- Some capacity	2		
- Not much capacity	2		
4. Are non national fishing vessels required to provide advance notice prior to entering your port?	13		1
5. Are the following vessels prohibited from using your ports for <i>landing, transshipping or processing</i> fish:			
(i) vessels from a non-contracting or non-cooperating party of GFCM, or	7	4	4
(ii) 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	12		1
6. Is use of your ports prohibited for <i>landing, transshipping, refuelling or re-supplying</i> where there are clear grounds for believing that the vessel has engaged in or supported IUU fishing beyond its fisheries jurisdiction?	13		4

¹⁴⁶ A vessel flying a flag of a country other than your Country.

7. Is landing authorized only after preventive authorization by the port State (after a satisfactory inspection)?	8	3	2
8. How is communicated the authorization for landing?	12		
9. Is the master of the vessel supposed to present a declaration of landing to the port authority after landing?	13		3
10. Is use of your ports prohibited for <i>landing or transshipment</i> where the vessel is identified as engaging in, or supporting, fishing activities that contravene conservation and management measures of an RFMO?	13		4
11. Is there consultation, cooperation and exchange of information with other States to facilitate the implementation of port State measures in combating IUU fishing?	9	4	5
12. Is there consultation, cooperation and exchange of information with other States to facilitate the implementation of the FAO Model Scheme approved in 2004 by the FAO Technical Consultation to review port State measures?	8	5	5
II INSPECTIONS			
QUESTION	YES	NO	COMMENTS
13. Are inspections of non national fishing vessels in ports carried out to monitor compliance?	11	1	4
14. Are inspections carried out by qualified persons authorized for that purpose?	12		4
(i) Please describe the required qualifications.	9		
15. Prior to an inspection, are inspectors required to show the vessel master an identity document?	12		2
16. 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?	12		1
17. Is the vessel master required to give the inspector all necessary assistance and information and to present material and documents as may be required?	13		1
18. Is the flag State invited to participate in the inspection, subject to appropriate arrangements being?			
- Always	1		
- Sometimes	2		
- Not usually	10		
19. 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?	12		1
20. Is an inspector accompanied, where possible and needed, by an interpreter of the language spoken by the operator of the inspected vessel?	9	3	6

21. 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?	11	1	2
22. 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?	12		3
III ACTIONS			
QUESTION	ALWAYS	SOMETIMES	NOT USUALLY
			NOT APPLICABLE
23. Does your State, 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?	8	2	4
(ii) failing to maintain accurate records of catch and catch related data?	6	3	4
(iii) fishing in a closed area, fishing during closed season or without, or after the attainment of a quota?	8	1	5
(iv) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited?	7	1	6
(v) using prohibited fishing gear?	9	1	4
(vi) falsifying or concealing the markings, identity or registration of the vessel?	8	1	1
(vii) concealing, tampering with or disposing of evidence relating to an investigation?	8	1	1
(viii) conducting multiple violations which together constitute a serious disregard of relevant conservation and management measures?	8	2	4
(ix) failure to comply with applicable vessel monitoring system (VMS) requirements?	6	2	2
(x) taking or landing undersized fish in contravention of relevant conservation and management measures?	7	2	1
24. Does your State 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?	6	3	5
25. Has your State prohibited landings or transshipments from inspected vessels when it was not satisfied with the flag State's actions against the vessel?	6	1	1
(i) If yes, how many times in 2005 and 2006 did this occur?	3		
26. How many inspections of non national fishing vessels undertaken in 2005 and 2006 resulted in notifications to:			
(i) the flag State?	6		

(ii) the competent RFMO?	5			
(iii) the competent regional economic integration organization?	2			
27. Have other actions been taken against IUU non national fishing vessels inspected with the consent of, or upon the request of, the flag State?	1	1	3	9
IV INFORMATION				
QUESTION	YES	NO	COMMENTS	
28. Is there a computerized communication mechanism that allows for direct exchange of messages with other GFCM Members and with the GFCM?	4	10	2	
(i) If yes, please describe	1			
(ii) If no, are there plans for such mechanism?	9			
29. Is information handled in a standardized form?	5	2	3	
V INFORMATION TO BE PROVIDED IN ADVANCE BY NON NATIONAL FISHING VESSELS FAO Model Scheme, Appendix A				
Please attach your requirements for information to be provided in advance by non national fishing vessels, or provide a reference where they may be found on your website.	4			
VI PORT STATE INSPECTION PROCEDURES FOR NON NATIONAL FISHING VESSELS FAO Model Scheme, Appendix B				
QUESTION	ALWAYS	SOMETIMES	NOT USUALLY	
30. Is the validity of official documentation onboard verified, for example through the flag State or international records of fishing vessels?	7	5	1	
31. 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?	11	1		
32. Do inspectors examine whether the vessel has changed flag and, if so, note the previous name(s) and flag(s)?	8	2	1	
33. Do inspectors note the following:				
(i) port of registration?	12			
(ii) name and address of the owner (and operator if different from the owner)?	12			
(iii) name of master?	12			
(iv) unique ID for company and registered owner if available?	11			

(v) name(s) and address(es) of previous owners, if any?	8	2	2
34. Are authorization(s) to fish or transport fish and fishery products verified for compatibility with the information obtained on vessel identification?	12	1	
35. Is all relevant documentation reviewed, including in electronic format, such as logbooks, stowage plans and drawings or descriptions of fish holds if available?	9	1	2
36. 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?	8	1	2
37. Is the fishing gear on board verified for conformity with the conditions of the authorization(s) and regulations?	11	1	
38. Are identification marks of the gear verified for conformity with those authorized for the vessel?	11	2	
39. Is the vessel searched for any fishing gear stowed out of sight?	7	5	
40. 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?	11	1	
41. Is the fishing logbook examined and reports submitted, including those resulting from a vessel monitoring system (VMS), as appropriate?	9		3
42. 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?	10	2	
43. Where the fish has been pre-packed are cartons opened and the fish or cartons moved to ascertain the integrity of fish holds?	8	2	2
44. 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?	7	3	2
45. 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?	6	4	3
VII RESULTS OF PORT STATE INSPECTIONS FAO Model Scheme, Appendix C			
Please attach your requirements for information to be provided on the results of port State inspections, or provide a reference where they may be found on your Web site.	3		
VIII TRAINING OF PORT STATE INSPECTORS FAO Model Scheme, Appendix D			
QUESTION	YES	NO	COMMENTS
46. Does your State have a national training programme for port inspectors?	11	4	2

47. If yes, does the program include the following elements:			
(i) training in inspection procedures?	9		
(ii) provision of information on GFCM conservation and management measures as well as relevant laws and regulations and applicable rules of international law?	10	1	1
(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?	10	1	
(iv) fish species identification and measurement calculation?	9	1	
(v) catch landing monitoring, including determining conversion factors for the various species and products?	9	2	1
(vi) vessel boarding/inspection, hold inspections and calculation of vessel hold volumes; gear measurements and inspections?	11		
(vii) collection, evaluation and preservation of evidence?	11		
(viii) range of measures available following the inspection?	9	2	
(ix) training in relevant languages, particularly English?	7	2	1
(x) if a curriculum is available, please note website or reference. Information may be attached separately (optional).	2		
IX INFORMATION SYSTEM ON PORT STATE INSPECTIONS FAO Model Scheme, Appendix E			
Please attach a description of your requirements for an information system on port State inspection or provide a reference where they may be found on your Web site.	3		
X GENERAL BACKGROUND INFORMATION			
QUESTION	ANSWERS		
1. How many major fishing ports are in your State (used by vessels greater than 15 meters)?	13		
2. How many calls to these ports were made in 2005 and 2006 by fishing vessels (including support vessels)?	10		
3. How many of these port calls were made by non national fishing vessels?	11		
4. What government agency/agencies is/are responsible for carrying out port inspections?	12		
5. Are the human resources required for implementation of effective port State measures, including inspections and information systems (if inadequate, please explain why)?	14		
6. What use is made of the data collected during port inspections (e.g. enforcement, management, exchange with other States or GFCM)?	11		

7. Have priorities for carrying out port inspections been identified (e.g. vessel Nationality, size or flag, RFMO IUU vessel list, specific violations)? If yes, please outline main priorities.	14
8. How many inspections were carried out in fishing ports during 2005 and 2006? – How many resulted in evidence of IUU fishing? – How many resulted in deterrent action? – How many resulted in legal action (e.g. successful prosecutions, administrative actions)? – How many resulted in non-legal action (e.g. settlement)? – How many resulted in deterrent measures (e.g. trade sanctions)?	13
9. Please identify legal instruments in your State that set out port State measures.	8
10. Does your legislation, in relation to the FAO Model Scheme: – implement its measures? – need to be updated and amended? – exceed its measures?	11
11. If there is an NPOA–IUU, either under development or being implemented, are port State measures included?	11
12. Do you consider port State measures to be effective in controlling IUU fishing activities?	13
13. Would the elaboration of a regional scheme on port State measures by the GFCM, building on the FAO Model Scheme and the IPOA–IUU, be a useful tool to combat IUU fishing? If yes, what measures should be given priority?	12
14. Are you aware that a binding international instrument on port State measures based on the FAO Model Scheme and the IPOA–IUU will be developed by 2009 as agreed by the March, 2007 FAO Session of the Committee on Fisheries?	12
15. Please identify three major constraints to implementing port State measures.	9
16. Please suggest three ways of overcoming these constraints.	7
17. Please add any other comments regarding port State measures that you believe may be helpful to this survey.	2

Table 1.2 GFCM Members' responses to FAO questionnaire on port State measures.

Yes: Your State has undertaken measures/action described
No: No measures/action have been undertaken
Comments: There are comments concerning measures/action taken/to be taken
N/A: Question is not applicable to your circumstances

I GENERAL			
QUESTION	YES	NO	COMMENTS
1. Does your State maintain a system of port State control for non national ¹⁴⁷ fishing vessels?	Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Spain, Syrian Arab Republic	Japan, Lebanon, Romania	Croatia Republic of Croatia has only recently started to set up the coastal infrastructure necessary for creation of true fishing ports. Up until very recently, there was no true fishing port available, and fishermen used public port facilities. Since this is the case, the measures actually performed or planned in ports were not being developed in the past France A system exists, but it deals only with fishing vessels. Trade vessels are monitored by the customs. It does not exist at this stage a system of systematic controls on all fishing products
(i) if yes, how would you describe its effectiveness in combating IUU fishing?			
– Very effective	Algeria, Cyprus, Italy, Montenegro, Morocco		
– Somewhat effective	Albania, France, Malta, Spain, Syrian Arab Republic		
– Not very effective	Egypt, Romania		
2. Are ports to which non national fishing vessels may be permitted access designated and publicized?	Algeria, Cyprus, France, Italy, Malta, Montenegro, Morocco, Romania, Spain	Albania, Japan, Syrian Arab Republic	Albania The four main Albanian ports have access permitted, even not yet designated and/or publicized Croatia The mechanism is being developed. Current legislation foresees publicizing of the lists of ports open for foreign fishing vessels. As the things stand today, there are public ports open for international commerce, and these may be used by non-national fishing vessels as a general rule. These ports are publicized and there are 3 such ports in Croatia. These ports do have capacities to perform port State inspections
3. Do these ports have the capacity to conduct port State inspections?			

¹⁴⁷ A vessel flying a flag of a country other than your country.

– Full capacity	Albania, Algeria, Cyprus, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic		
– Some capacity	France, Malta		
– Not much capacity	Egypt, Romania		
4. Are non national fishing vessels required to provide advance notice prior to entering your port?	Albania (48 hours), Algeria (as soon as they enter waters under national jurisdiction), Croatia (78 hours), Cyprus, France (48 hours), Italy (-), Japan (10 days prior to the scheduled entry date), Malta (72 hours for fisheries Administration, 6-12 hours for port entry), Montenegro (foreign fishing vessels are under the regime of obtaining permit from the authorized Ministry in order to enter in our ports), Morocco (48 hours), Romania (7 days), Spain (72 hours), Syrian Arab Republic (few hours up to few days just for entering without any sampling, fishing, or research activity. A minimum of one month for practicing any of the above activities excluding fishing)		Lebanon N/A
5. Are the following vessels prohibited from using your ports for <i>landing, transshipping</i> or <i>processing</i> fish:			
(i) vessels from a non-contracting or non-cooperating party of GFCM, or	Albania, Algeria, Egypt, Montenegro, Morocco, Romania, Syrian Arab Republic	France, Japan, Lebanon, Malta	Croatia According to the present regulation, no vessel is explicitly prohibited from using the ports. It should be noted, however, that as Croatia lacks coastal infrastructure and has no real fishing ports and markets, its available ports were not used by non-national vessels. This situation was the main reason why no particular regulation on port State measures for foreign vessels were being developed until recently Malta As long as they apply for approval Montenegro On all foreign fishing vessels Syrian Arab Republic This is owing to not having the right to enter the territorial waters rather than having been engaged in IUU fishing Nevertheless, being involved in IUU fishing would be an argument not to let them in

(ii) 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	Albania, Algeria, Cyprus, Egypt, France, Japan, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic		Lebanon N/A
6. Is use of your ports prohibited for <i>landing, transshipping, refueling</i> or <i>re-supplying</i> where there are clear grounds for believing that the vessel has engaged in or supported IUU fishing beyond its fisheries jurisdiction?	Albania, Algeria, Cyprus, Egypt, France, Italy, Japan, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic		Albania No case, but if yes, the port authorities are composed to have different structures occupied with vessel control, including those with the history in regard of IUU-fishing Lebanon N/A Spain IUU vessels listed by RFMOs Syrian Arab Republic No national legislation implies that, but being a party in the compliance agreement, the Syrian Arab Republic would prohibit it
7. Is landing authorized only after preventive authorization by the port State (after a satisfactory inspection)?	Albania, Algeria, Cyprus, Malta, Morocco, Romania, Spain, Syrian Arab Republic	Egypt, Italy, Montenegro	Lebanon N/A Malta And after endorsement of import license or transshipment papers
8. How is communicated the authorization for landing?	Albania (orally), Algeria (written), Croatia (written), Cyprus (written), France (written), Italy (written), Malta (written), Montenegro (automatically), Morocco (written), Romania (written), Spain (written), Syrian Arab Republic (written)		
9. Is the master of the vessel supposed to present a declaration of landing to the port authority after landing?	Albania, Algeria, Croatia, Cyprus, Egypt, France, Italy, Japan, Malta, Morocco, Romania, Spain, Syrian Arab Republic		Croatia According to the recent regulation (in draft, some to be applied as of 1st of January 2008), all vessels are supposed to present a declaration of landing Lebanon N/A Montenegro Landing is not allowed
10. Is use of your ports prohibited 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?	Albania, Algeria, Cyprus, Egypt, France, Italy, Japan, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic		Albania No identified case of such landings, transshipments Croatia Croatia has only recently started drafting regulations and procedures for port state measures. These include different obligations stemming from the membership in the RFMOs, but until now no particular measures were in place. As a general rule, Croatian fisheries inspection cooperates and communicates with those of other member States Lebanon N/A Spain IUU vessels listed by RFMOs

11. Is there consultation, cooperation and exchange of information with other States to facilitate the implementation of port State measures in combating IUU fishing?	Algeria, Cyprus, France, Italy, Malta, Montenegro, Morocco, Romania, Spain	Albania, Egypt, Japan, Syrian Arab Republic	Albania Until now not Lebanon N/A Malta When necessary Spain In the scope of RFMOs Syrian Arab Republic This is shortly envisaged
12. Is there consultation, cooperation and exchange of information with other States to facilitate the implementation of the FAO Model Scheme approved in 2004 by the FAO Technical Consultation to review port State measures?	Algeria, Cyprus, France, Malta, Montenegro, Morocco, Romania, Spain	Albania, Egypt, Italy, Japan, Syrian Arab Republic	Lebanon N/A Malta When necessary Syrian Arab Republic This is shortly envisaged Spain In the scope of RFMOs Montenegro Landing is not allowed
II INSPECTIONS			
QUESTION	YES	NO	COMMENTS
13. Are inspections of non national fishing vessels in ports carried out to monitor compliance?	Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain	Syrian Arab Republic	Albania Albania has ratified the “Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas” Croatia There are no non national fishing vessels in Croatian ports due to the general lack of coastal infrastructure in fisheries Lebanon N/A Syrian Arab Republic But to check on authorization
14. Are inspections carried out by qualified persons authorized for that purpose?	Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic		Albania Fishery Inspectors are under training phases. Always referred to a fishery inspectorate Croatia Inspections in general are carried out by authorized personnel. It is foreseen that the same people authorized to conduct inspection on national fishing vessels do so on non-national vessels, with same authorities of inspection Lebanon N/A Syrian Arab Republic Yes for authorization, no for compliance
(i) Please describe the required qualifications	Albania University educational degree, good experience in marine sector, if referred to a fishery inspectors Algeria Practice in the field Cyprus Training in inspection procedures, knowledge of laws and regulations, knowledge of fish species identification, etc Egypt Fisheries specialists, well trained, bilingual Malta Has to be a Fisheries Protection Officer Morocco Navigation inspectors (degree in navigation studies) and halieutical engineers Romania NAFA Inspectors, Border Police, Sanitary-Veterinary Police Spain National Fisheries Inspectors		

15. Prior to an inspection, are inspectors required to show the vessel master an identity document?	Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic		Lebanon N/A Syrian Arab Republic In principle
16. 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?	Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic		Lebanon N/A
17. Is the vessel master required to give the inspector all necessary assistance and information and to present material and documents as may be required?	Albania, Algeria, Cyprus, Egypt, France, Italy, Lebanon, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic		Syrian Arab Republic In principle
18. Is the flag State invited to participate in the inspection, subject to appropriate arrangements being?			
– Always	Romania		
– Sometimes	Algeria, Croatia		
– Not usually	Albania, Cyprus, Egypt (never), France, Italy, Lebanon, Malta, Montenegro (at present there are no arrangements), Morocco (no), Spain, Syrian Arab Republic		
19. 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?	Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic		Lebanon N/A
20. Is an inspector accompanied, where possible and needed, by an interpreter of the language spoken by the operator of the inspected vessel?	Albania, Algeria, Egypt, France, Italy, Montenegro, Morocco, Romania, Spain	Cyprus, Malta, Syrian Arab Republic	Algeria English or French France Only when there is a violation Lebanon N/A Malta Interpreters are not available and most of officers speak 2 or 3 languages Montenegro If the crew does not speak English Syrian Arab Republic Not needed; inspectors speak English and the case would be only limited to Lebanese vessels
21. Are the results of a port inspection presented to the master of the vessel and is the report	Albania, Algeria, Cyprus, Egypt, France, Italy, Montenegro, Morocco, Romania, Spain, Syrian	Malta	Lebanon N/A Malta Not on routine inspections

completed and signed by the inspector and the master?	Arab Republic			
22. 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?	Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic			Lebanon N/A Malta When necessary Montenegro Compulsory
III ACTIONS				
QUESTION	ALWAYS	SOMETIMES	NOT USUALLY	N/A
23. Does your State, 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?	Albania, Cyprus, Egypt, Italy, Montenegro, Morocco, Romania, Syrian Arab Republic	Algeria, France		Croatia, Japan, Lebanon, Turkey
(ii) failing to maintain accurate records of catch and catch related data?	Algeria, Egypt, Italy, Montenegro, Morocco, Romania	Albania, France, Syrian Arab Republic		Croatia, Japan, Lebanon, Turkey
(iii) fishing in a closed area, fishing during closed season or without, or after the attainment of a quota?	Albania, Algeria, Cyprus, Egypt, Italy, Montenegro, Morocco, Romania	France		Croatia, Japan, Lebanon, Syrian Arab Republic, Turkey
(iv) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited?	Algeria, Cyprus, Egypt, Italy, Montenegro, Morocco, Romania	France		Albania, Croatia, Japan, Lebanon, Syrian Arab Republic, Turkey
(v) using prohibited fishing gear?	Albania, Algeria, Cyprus, Egypt, Italy, Montenegro, Morocco, Romania, Syrian Arab Republic	France		Croatia, Japan, Lebanon, Turkey
(vi) falsifying or concealing the markings, identity or registration of the vessel?	Albania, Algeria, Cyprus, Italy, Montenegro, Morocco, Romania, Syrian Arab Republic	France	Egypt	Croatia, Japan, Lebanon, Turkey
(vii) concealing, tampering with or disposing of evidence relating to an investigation?	Albania, Algeria, Cyprus, Italy, Montenegro, Morocco, Romania, Syrian Arab Republic	France	Egypt	Croatia, Japan, Lebanon, Turkey

(viii) conducting multiple violations which together constitute a serious disregard of relevant conservation and management measures?	Algeria, Cyprus, Egypt, Italy, Montenegro, Morocco, Romania, Syrian Arab Republic	Albania, France		Croatia, Japan, Lebanon, Turkey
(ix) failure to comply with applicable vessel monitoring system (VMS) requirements?	Cyprus, Egypt, Italy, Montenegro, Morocco, Romania	Algeria, France	Egypt, Syria	Albania, Croatia, Japan, Lebanon, Syrian Arab Republic, Turkey
(x) taking or landing undersized fish in contravention of relevant conservation and management measures?	Albania, Italy, Montenegro, Morocco, Romania	Algeria, France	Egypt	Croatia, Japan, Lebanon, Syrian Arab Republic, Turkey
24. Does your State 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?	Albania, Cyprus, Italy, Montenegro, Morocco, Romania	Algeria, Egypt, France		Croatia, Japan, Lebanon, Spain, Turkey
25. Has your State prohibited landings or transshipments from inspected vessels when it was not satisfied with the flag State's actions against the vessel?	Albania, Algeria, Montenegro, Morocco, Romania, Spain	France	Egypt	Croatia, Cyprus, Italy, Japan, Lebanon, Turkey
(i) If yes, how many times in 2005 and 2006 did this occur)	Albania (2 in 2005), Cyprus (0) Morocco (1)			
26. How many inspections of non-national fishing vessels undertaken in 2005 and 2006 resulted in notifications to:				
(i) The flag State?	Albania (2), Algeria (30), Cyprus (0), Malta (0), Montenegro (0), Morocco (1 to Belize), Romania (6)			
(ii) The competent RFMO?	Algeria (30), Cyprus (0), Malta (0), Montenegro (0), Morocco (1 to NEAFC), Spain (all inspections were notified to RFMOs, even those with no infringements detected)			
(iii) The competent regional economic integration organization?	Cyprus (0), Malta (0), Montenegro (0)			
27. Have other actions been taken against IUU non national fishing vessels inspected with the consent of, or upon the request of, the flag State?	Montenegro There were no foreign fishing vessels	France Sanctions given are either the seizure of fish and/of fishing gear and/or their destruction	Egypt, Romania, Spain	Albania, Algeria, Croatia, Cyprus, Japan, Lebanon, Malta (no), Syrian Arab Republic, Turkey

IV INFORMATION			
QUESTION	YES	NO	COMMENTS
28. Is there a computerized communication mechanism that allows for direct exchange of messages with other GFCM Members and with the GFCM?	Albania, Cyprus, Egypt, Malta	Algeria, Croatia, France, Japan, Lebanon, Montenegro, Morocco, Romania, Syrian Arab Republic, Turkey	Albania Not in this frame but in global Malta With some of the Members
(i) If yes, please describe	Albania The port authorities can exchange information in global frame but in frame of GFCM, especially for fisheries not good		
(ii) If no, are there plans for such mechanism?	Albania It is foreseen to build a computerization system to maintain a information exchange among fishery inspectorate/administrative body and GFCM countries as well Algeria Not at this stage Croatia, Japan, Lebanon, Romania, Turkey Yes Morocco, Spain No Syrian Arab Republic When the decree on joining GFCM be issued, there will be an argument to join/establish such a network		
29. Is information handled in a standardized form?	Cyprus, Egypt, Montenegro, Morocco, Syrian Arab Republic	Albania, Malta, Spain	Croatia The form used in Croatia is generally in line with international standards Japan N/A Lebanon N/A
V INFORMATION TO BE PROVIDED IN ADVANCE BY NON NATIONAL FISHING VESSELS FAO Model Scheme, Appendix A			
Please attach your requirements for information to be provided in advance by non national fishing vessels, or provide a reference where they may be found on your website.	Albania Requirements for information are consistent with those listed in Appendix A of the FAO Model Scheme. Croatia http://www.nn.hr/clanci/sluzbeno/2006/3076.htm Japan Captain: name and nationality. Fishing Vessel: operator, name, flag, gross tonnage, fishing facility and gear, fishing category, entry port, entry time and date, next destination. Freight: provenance, commodity name of its catch and product, quantity. Syrian Arab Republic No special Syrian set of information is adopted so far. Thus the Appendix A of the FAO Model Scheme is applicable in the Syrian Arab Republic.		
VI PORT STATE INSPECTION PROCEDURES FOR NON NATIONAL FISHING VESSELS FAO Model Scheme, Appendix B			
QUESTION	ALWAYS	SOMETIMES	NOT USUALLY
30. Is the validity of official documentation onboard verified, for example through the flag State or international records of fishing vessels?	Albania, Cyprus, Egypt, France, Italy, Montenegro, Morocco	Algeria, Malta, Romania, Spain, Syrian Arab Republic	Croatia There has been no previous record or case of Croatian port being used by a foreign vessel. This is not surprising, since Croatia lacks adequate landing facilities, ports structures and general coastal infrastructure. This situation creates difficulties in Croatian national fisheries, particularly due to the geographical constrains and features. There is an ongoing process now, trying to identify and designate ports for national

			and non-national vessels. Several ports are under construction, and relevant legal instruments are currently being drafted Spain In the scope of RFMOs
31. 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?	Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain	Syrian Arab Republic	
32. Do inspectors examine whether the vessel has changed flag and, if so, note the previous name(s) and flag(s)?	Albania, Cyprus, France, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic	Algeria, Italy	Malta
33. Do inspectors note the following:			
(i) port of registration?	Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic		
(ii) name and address of the owner (and operator if different from the owner)?	Albania, Algeria, France, Cyprus, Egypt, Italy, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic		
(iii) name of master?	Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic		
(iv) unique ID for company and registered owner if available?	Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Spain, Romania		
(v) name(s) and address(es) of previous owners, if any?	Albania, Algeria, Cyprus, Egypt, Malta, Montenegro, Romania	Italy, Syrian Arab Republic	France
34. Are authorization(s) to fish or transport fish and fishery products verified for compatibility with the information obtained on vessel identification?	Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic	Syrian Arab Republic	

35. Is all relevant documentation reviewed, including in electronic format, such as logbooks, stowage plans and drawings or descriptions of fish holds if available?	Algeria, Cyprus, France, Italy, Malta, Montenegro, Morocco, Romania, Spain	Albania	Egypt, Syrian Arab Republic
36. 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?	Albania, Algeria, Cyprus, France, Italy, Malta, Montenegro, Romania, Spain	Morocco	Egypt, Syrian Arab Republic
37. Is the fishing gear on board verified for conformity with the conditions of the authorization(s) and regulations?	Albania, Algeria, Cyprus, Egypt, France, Italy, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic	Malta	
38. Are identification marks of the gear verified for conformity with those authorized for the vessel?	Algeria, Cyprus, Egypt, France, Italy, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic	Albania, Malta	
39. Is the vessel searched for any fishing gear stowed out of sight?	Cyprus, Egypt, France, Montenegro, Morocco, Romania, Spain	Albania, Algeria, Italy, Malta, Syrian Arab Republic	
40. 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?	Albania, Algeria, Cyprus, Egypt, France, Italy, Malta, Montenegro, Morocco, Romania, Spain	Syrian Arab Republic	
41. Is the fishing logbook examined and reports submitted, including those resulting from a vessel monitoring system (VMS), as appropriate?	Algeria, Cyprus, France, Italy, Malta, Montenegro, Morocco, Romania, Spain		Albania, Egypt, Syrian Arab Republic
42. 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?	Algeria, Cyprus, Egypt, France, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic	Albania, Italy	
43. Where the fish has been pre-packed are cartons opened and the fish or cartons moved to ascertain the integrity of fish holds?	Albania, Cyprus, France, Malta, Montenegro, Morocco, Romania, Spain	Algeria, Egypt	Italy, Syrian Arab Republic

44. 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?	Cyprus, France, Malta, Montenegro, Morocco, Romania, Spain	Albania, Algeria, Italy	Egypt, Syrian Arab Republic
45. 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?	Algeria, Cyprus, France, Montenegro, Morocco, Romania	Albania, Malta (when required), Spain, Syrian Arab Republic	Albania Every foreign vessel, provided with licence for professional fishing in waters of Republic of Albania, must return to an Albanian harbour after fishing and before possible exporting of aquatic species caught, for provision of requirements stipulated under legislation in force Egypt, Italy Spain In the scope of RFMOs
VII RESULTS OF PORT STATE INSPECTIONS FAO Model Scheme, Appendix C			
Please attach your requirements for information to be provided on the results of port State inspections, or provide a reference where they may be found on your website.	Albania Requirements for inspections are consistent with those listed in Appendix C of the FAO Model Scheme. (The inspectors have to compile a report which includes general information on the violators, provisions violated, means and gears seized ", the licence or authorization ceased immediately or not later than 15 days from the violation Croatia http://www.nn.hr/clanci/sluzbeno/1997/0670.htm ; http://www.nn.hr/clanci/sluzbeno/2005/0933.htm Syrian Arab Republic No special Syrian set of information is adopted so far. Thus the Appendix C of the FAO Model Scheme is applicable in the Syrian Arab Republic. The fact that the Syrian Arab Republic very rarely harbours non national fishing vessels and consequently has very limited opportunities to implement the inspection rules explains the little awareness of the gaps and needs of the actual system		
VIII TRAINING OF PORT STATE INSPECTORS FAO Model Scheme, Appendix D			
QUESTION	YES	NO	COMMENTS
46. Does your State have a national training programme for port inspectors?	Algeria, Croatia, Cyprus, France, Italy, Malta, Montenegro, Romania, Spain, Syrian Arab Republic, Turkey	Albania, Egypt, Lebanon, Morocco	Albania There has been some partial training for inspectors but is not in place any national training program for port inspectors
47. If yes, does the program include the following elements:			
(i) training in inspection procedures?	Algeria, Croatia, Cyprus, France, Italy, Malta, Montenegro, Spain, Syrian Arab Republic		

(ii) provision of information on GFCM conservation and management measures as well as relevant laws and regulations and applicable rules of international law?	Algeria, Croatia, Cyprus, France, Malta, Montenegro, Romania, Spain, Syrian Arab Republic, Turkey	Italy	Syrian Arab Republic Yes for relevant laws and regulations and applicable rules of international law. No for GFCM conservation and management measures
(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?	Algeria, Croatia, Cyprus, France, Italy, Malta, Montenegro, Romania, Spain, Turkey	Syrian Arab Republic	
(iv) fish species identification and measurement calculation?	Algeria, Croatia, Cyprus, France, Malta, Montenegro, Romania, Spain, Syrian Arab Republic	Italy	
(v) catch landing monitoring, including determining conversion factors for the various species and products?	Algeria, Croatia, France, Italy, Malta, Montenegro, Romania, Spain, Syrian Arab Republic	Cyprus, Turkey	Syrian Arab Republic Fisheries officers/inspectors are trained to deal with these criteria which are being checked on mainly in national fishing vessels
(vi) vessel boarding/inspection, hold inspections and calculation of vessel hold volumes; gear measurements and inspections?	Algeria, Croatia, Cyprus, France, Italy, Malta, Montenegro, Romania, Spain, Syrian Arab Republic, Turkey		
(vii) collection, evaluation and preservation of evidence?	Algeria, Croatia, Cyprus, France, Italy, Malta, Montenegro, Romania, Spain, Syrian Arab Republic, Turkey		
(viii) range of measures available following the inspection?	Algeria, Croatia, Cyprus, France, Italy, Malta, Montenegro, Romania, Spain	Syrian Arab Republic, Turkey	
(ix) training in relevant languages, particularly English?	Algeria, France, Italy, Malta, Montenegro, Romania, Spain	Cyprus, Syrian Arab Republic	Croatia Language courses are part of internal training in the relevant state bodies
(x) if a curriculum is available, please note website or reference. Information may be attached separately (optional). Malta http://www.maltafisheries.gov.mt/mcfs_training_programe.htm Spain http://www.emagister.com/oposiciones_content/pag_conv/frame.cfm?id_convocatoria=10811&tipus=1 Syrian Arab Republic The curriculum of the training is not available as a set of training material, but the training was carried out with the technical support of MedFisis project of FAO			
IX INFORMATION SYSTEM ON PORT STATE INSPECTIONS FAO Model Scheme, Appendix E			
Please attach a description of your requirements for an information system on port State inspection or	Albania Requirements for information are not consistent with those listed in Appendix E of the FAO Model Scheme (www.dfishery.gov.al ; Law No. 7908, of 5.4.1995 “For fishery and aquaculture”) Syrian Arab Republic No special Syrian set of information is adopted so far. Thus the Appendix E of the FAO Model Scheme is		

<p>provide a reference where they may be found on your website.</p>	<p>applicable in the Syrian Arab Republic. The fact that the Syrian Arab Republic very rarely harbours non national fishing vessels and consequently has very limited opportunities to implement the inspection rules explains the little awareness of the gaps and needs of the actual system. Nevertheless, there is a need for identification of relevant items in addition to strengthening the communication capabilities between states on one hand and states and RFMOs on the other</p> <p>Turkey A comprehensive information system, named Fisheries Information System (FIS), has been developed for allowing the registration of the logbook and landing declarations of national fishing vessels, and of the marine products imported. The main functions of the software can be listed as follows. It provides a central register for total allowable catch regarding fish species of Turkey, allow comparison of catch amounts drawn from logbook, landing declaration and sales notes and registered in the system with total allowable catch and thus create a warning mechanism. Also, it sets up and monitors an exportation system for tuna species. It includes surveillance of fishing activities on board the fishing vessels and various surveillance practices conducted at the places of sale, on transport vehicles, in fish farms and similar places, as well as any events of violation detected during surveillance and the penalties imposed. It sets up a central register and monitoring system for fishing vessel and fisherman licenses. System contains information regarding fishing vessel license, special fishing permission, and fisherman licence. It allows the registration, renewal and cancellation of the first buyer licences, as well as the registration, modification and deletion of the sales notes, take-over declarations and transport documents. It enables reporting to national agencies, ICCAT, FAO and DGFISH. It provides data as a central vessel register system. The information about vessel equipment, owner of vessel, power, physical characteristics, and exit from fleet and licence information, as well as modifications to vessel information is required for recording in the above central vessel register system. Concerning the requirements for this information system, the templates for logbook, sales notes, transport document, take over declaration and fisheries control forms are attached</p>
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Table 2 GFCM Members' responses to FAO questionnaire on port State measures.

General background Information

<p>1. How many major fishing ports are in your State (Used by vessels greater than 15 meters)?</p>	<p>Albania 4 Algeria 24 Croatia Fishing ports as defined by national legislation are currently being designated. There are several locations along the coast, the most important ones in Umag, Pula, Rijeka, Zadar, Biograd, Kali (Islad near Zadar), Tribunj and Rogoznica. However, there are additional ports where fishing vessels coast and unload their cargo, but they are not registered as fishing ports but as ports of general usage. Overall, fishermen use some 30 ports for landing/loading/refuelling and other purposes Cyprus 2 Egypt 7 Japan 2.921 Lebanon 16 Malta 3 Montenegro 3-4 Morocco 18 Romania 0 Syrian Arab Republic 4 Turkey 150</p>
<p>2. How many calls to these ports were made in 2005 and 2006 by fishing vessels (including support vessels)?</p>	<p>Albania No data available Algeria 3000 (2005) and 4000 (2006) Croatia Data are not available, and may not easily be estimated. All Croatian fishing fleet operates on either daily bases from the port or maximum 2-3 days of fishing activities, so they call to ports regularly Cyprus 805 Egypt Data are not available Lebanon 2600 Malta 1257 (2005) and 1443 (2006) Morocco 29 (2005) and 33 (2006) Romania 0 Syrian Arab Republic 256650 (2005), 267500 (2006)</p>
<p>3. How many of these port calls were made by non national fishing vessels?</p>	<p>Albania 3 Algeria 15 (2005) and 15 (2006) Croatia None Cyprus 3 Egypt Data are not available Lebanon 0 Malta 621 (2005) and 698 (2006)</p>

	<p>Morocco 29 (2005) and 33 (2006) Romania 0 Spain 497 (15 calls resulted in denial) Syrian Arab Republic 12 (2005), 9 (2006)</p>
<p>4. What government agency/agencies is/are responsible for carrying out port inspections?</p>	<p>Albania Fishery Inspectorate, which is a structure within Fishery Policies Directorate (Ministry of Environment, Forestry and Water Administration) Algeria Service National des Gardes-Côtes – Autorité vétérinaire Croatia Ministry of Agriculture, Forestry and Water Management, Ministry of Internal Affairs (Maritime Police) and Ministry of Sea, Tourism Transport and Development Cyprus DFMR Egypt General authority For Fish Resources, Coast Guards, Ministry of environment maritime inspection authority Lebanon Ministry of public works and transport, customs Malta Fisheries Department, customs Department and Port Control Morocco Fisheries Department Romania National Agency for Fisheries A, GIBP Spain Ministries of Agriculture and Fisheries Syrian Arab Republic The General Directorate of Harbours of the Ministry of Transport for security and navigation inspection and the Offices for Marine fishery Rationalisation OMFIRs of the Department of Fisheries Resources DOF in the Ministry of Agriculture for gears, catches and landings inspection Turkey Ministry of Agriculture and Rural Affairs, Coast Guard Command</p>
<p>5. Are the human resources required for implementation of effective port State measures, including inspections and information systems (if inadequate, please explain why)?</p>	<p>Albania Human resources are inadequate. This structure needs necessary equipments to carry out duly inspections and information system as well. It is necessary that fishery inspectorate of a certain port to be part of a port authority inspections for much more professionalism in controls for fisheries purposes Algeria Human resources are adequate Croatia Human resources are inadequate because of limited number of people, limited resources, diversity of national fisheries Cyprus Human resources are inadequate because inspections take place mostly during office hours Egypt Human resources are inadequate due to lack of training, shortage of instruments Italy Human resources are inadequate Lebanon Human resources are inadequate because they are not qualified in fisheries matters Malta Human resources are inadequate because of restriction in recruitment Montenegro Human resources are adequate Morocco Human resources are inadequate because of lack of training of inspectors Romania Human resources are adequate Spain Human resources are adequate Syrian Arab Republic Human resources are adequate Turkey Human resources are adequate</p>

<p>6. What use is made of the data collected during port inspections (e.g. enforcement, management, exchange with other States or GFCM)?</p>	<p>Albania Enforcement, penalized and exchange with registered port Croatia Data are used mainly for enforcement Cyprus Enforcement Lebanon Enforcement Romania Enforcement, management, exchange with other States or GFCM Malta Enforcement and management Montenegro Enforcement Morocco Enforcement, management and exchange of information with ICCAT Spain Enforcement, management, exchange with RFMOs Syrian Arab Republic Enforcement for Harbour Authority, management and exchange with other States parties in agreements and/or conventions validated by the Syrian Arab Republic or with relevant UN bodies or RFMOs Turkey Enforcement, management, exchange with other States or GFCM</p>
<p>7. Have priorities for carrying out port inspections been identified (e.g. vessel nationality, size or flag, RFMO IUU vessel list, specific violations)? If yes, please outline main priorities.</p>	<p>Albania Yes, but RFMO IUU/ specific violations not. The main priority is what is foreseen in Albania Legislation (Article 19, 20, 21) Algeria No priorities identified Croatia No priorities identified Cyprus No priorities identified Egypt Vessel nationality, specific violations – IUU list Italy Vessel nationality, size or flag, fishing authorization Lebanon No priorities identified Malta Flag state, RFMO, IUU vessel list, species on board and activity in port (landing or transshipment) Montenegro Priorities have been identified Morocco Vessel nationality and IUU list Romania Priorities have been identified Spain IUU vessel list, non national vessels, vessels fishing under recovery plans Syrian Arab Republic No priorities identified Turkey No priorities identified</p>
<p>8. How many inspections were carried out in fishing ports during 2005 and 2006?</p> <ul style="list-style-type: none"> – How many resulted in evidence of IUU fishing? – How many resulted in deterrent action? – How many resulted in legal action (e.g. successful prosecutions, administrative actions)? – How many resulted in non-legal action (e.g. settlement)? – How many resulted in deterrent measures (e.g. trade sanctions)? 	<p>Albania 700-800 inspections of vessels (with different objections). 9 cases resulted in evidence of IUU fishing. 9 cases resulted in deterrent action. 7 cases resulted in legal action Algeria Roughly 100 inspections of national vessels in both 2005 and 2006 and 15 (2005) and 15 (2006) inspections of foreign fishing vessels. 6 cases (2005) and 5 cases (2006) resulted in evidence of IUU fishing. All inspections carried out resulted in deterrent action. 6 cases (2005) and 5 cases (2006) resulted in legal action. Croatia In the first half of 2007, 475 inspections were conducted in ports, resulting with 124 infringements noted and processed. Most common infringements are linked with the obligation to keep and submit the logbook, hence meaning miss-reporting of catch data. In addition, 11 targeted missions (with the assistance of police) were conducted to control for explosives on board, where 3 vessels were noted to be in infringement situation and administratively sanctioned pursuant to relevant provisions of the Marine fisheries act</p>

	<p>Cyprus 650 inspections in ports and landing places (fishing shelters), with a total number of 15. 0 cases resulted in evidence of IUU. 10 cases resulted in legal action. 60 cases resulted in non legal action</p> <p>Egypt Data not available</p> <p>Italy 131 014 inspections of vessels in 2005; 165 298 inspections of vessels in 2006</p> <p>Lebanon 0 inspections</p> <p>Malta 0 inspections</p> <p>Morocco 15 inspections of vessels in 2005; 15 inspections of vessels in 2006. 1 case resulted in evidence of IUU fishing. 1 case resulted in administrative sanctions</p> <p>Romania 6 cases resulted in evidence of IUU fishing. 6 cases resulted in legal action</p> <p>Spain 251 inspections of foreign fishing vessels (2006). 15 cases resulted in evidence of IUU fishing. 1 case resulted in legal action. 3 cases resulted in non-legal action</p> <p>Syrian Arab Republic Harbour authority should have made inspections on all the vessels with no exclusion. But fishery inspection which started end of 2005 was merely for statistical purposes. Landings as to species, sizes and quantities are checked in 15-20% of landing vessels. Presently, tunas and tuna like species are exactly monitored. As to the data needed for GFCM and combating IUU Fishing, there is a pressing need for further training of DOF staff and "Fishery Inspectors"</p> <p>Turkey 4 639 inspections of vessels in 2005 and 5881 inspections of vessels in 2006</p>
<p>9. Please identify legal instruments in your State that set out port State measures.</p>	<p>Croatia Marine Fisheries Act, Sea ports and maritime property Act</p> <p>Egypt National maritime law, Fishing law no 124, Environmental law no 4/1992, Maritime inspection regulations, Cost Guard regulation</p> <p>Lebanon Maritime law</p> <p>Malta Chapter 425 Fisheries Conservation and Management Act</p> <p>Morocco Dahir of 23 November 1973</p> <p>Spain Real Decreto 1979/1999, Ley de Pesca 3/2001 and Real Decreto 1134/2002</p> <p>Syrian Arab Republic Instruments on the compliance of vessels with navigation, rescue, crew-qualification, safety, fitness, security, pollution, ballast water, sailors, passengers, goods and other rules are taken care of by the Harbour Authority. Still, there is no specialised national instrument related to inspection of landings and other criteria of gears and/or vessel. This has been taken into consideration in the new draft of the "Law on Protection of Aquatic Life", prepared by DOF and submitted to the Prime Ministry for issuance. To this, there should be further amendments related to compliance with the FAO, GFCM and regional management needs. In this respect, the support of GFCM and FAO are highly needed both in term of composing the new rules and regulations and, more dire, in term of training of trainers and field officers</p> <p>Turkey Fisheries Law No. 1380 and Fisheries Regulation</p>
<p>10. Does your legislation, in relation to the FAO Model Scheme:</p> <ul style="list-style-type: none"> – implement its measures? – need to be updated and amended? – exceed its measures? 	<p>Albania The national legislation related to the FAO Model Scheme implements its measures. It needs to be updated and amended</p> <p>Algeria The national legislation related to the FAO Model Scheme needs to be updated and amended</p>

	<p>Croatia The national legislation related to the FAO Model Scheme needs to be updated and amended</p> <p>Egypt The national legislation related to the FAO Model Scheme needs to be updated and amended</p> <p>Lebanon The national legislation related to the FAO Model Scheme does not implement its measures. It needs to be updated and amended. It does not exceed its measures</p> <p>Malta The national legislation related to the FAO Model Scheme implements its measures. It does not need to be updated and amended. It does not exceed its measures.</p> <p>Montenegro The national legislation related to the FAO Model Scheme needs to be updated and amended</p> <p>Morocco The national legislation related to the FAO Model Scheme needs to be updated and amended</p> <p>Romania The national legislation related to the FAO Model Scheme implements its measures</p> <p>Spain The national legislation related to the FAO Model Scheme implements its measures. It does not need to be updated and amended. It exceeds its measures</p> <p>Syrian Arab Republic The national legislation related to the FAO Model Scheme needs to be updated and amended</p>
<p>11. If there is an NPOA–IUU, either under development or being implemented, are port State measures included?</p>	<p>Albania Yes. In the frame of IPOA-IUU are undertaken some measures, including port State measures, but need to be considered seriously by the State</p> <p>Algeria No</p> <p>Croatia N/A</p> <p>Cyprus N/A</p> <p>Egypt N/A</p> <p>Lebanon No</p> <p>Malta Yes</p> <p>Montenegro Yes</p> <p>Morocco Yes</p> <p>Romania Yes</p> <p>Syrian Arab Republic No</p>
<p>12. Do you consider port State measures to be effective in controlling IUU fishing activities?</p>	<p>Albania No. Since Albania don't have yet IPOA-IUU implemented is naturally not having an effective control against IUU fishing in our ports. Some separate steps can't make effective control against IUU-fishing</p> <p>Algeria Yes, provided that the flag State is involved</p> <p>Croatia Yes</p> <p>Cyprus Yes</p> <p>Egypt Yes</p> <p>Italy Yes</p> <p>Lebanon No</p> <p>Malta Yes</p> <p>Montenegro Yes</p> <p>Morocco No. It would be necessary that the flag State cooperates</p>

	<p>Romania Yes Spain Yes Syrian Arab Republic Yes, provided all parties commit to the measures and rules in force</p>
<p>13. Would the elaboration of a regional scheme on port State measures by the GFCM, building on the FAO Model Scheme and the IPOA-IUU, be a useful tool to combat IUU fishing? If yes, what measures should be given priority?</p>	<p>Albania Yes. Firstly, the Albanian structure in fishery control/inspection has to be well known and participate in all FAO- activities in this regard in a way of contributing/collaborating and exchanging opinions/ raising problems to decrease IUU fishing. Also, Appendixes D, E of the FAO Model Scheme should be given priority Algeria Yes Croatia Yes Egypt Yes. Black list of IUU vessels VMS should be given priority Italy Yes Lebanon Yes. All measures should be given priorities Malta Yes. Inspection of fishing vessels and auxiliary vessel, reporting as per format, formal copy of report to GFCM and flag State Montenegro No Morocco Yes. Harmonization of procedures and information systems in GFCM Members (black list of IUU vessels) should be given priority Romania Yes Spain Yes Syrian Arab Republic Yes. Consolidate existing system of exchange of information, but it would be better if a Mediterranean/GFCM network is established among member countries with a data bank at the GFCM Hdqrs. An in advance notice is preferred to be requested from foreign fishing vessels prior to entering territorial waters of the targeted port State</p>
<p>14. Are you aware that a binding international instrument on port State measures based on the FAO Model Scheme and the IPOA-IUU will be developed by 2009 as agreed by the March, 2007 FAO Session of the Committee on Fisheries?</p>	<p>Albania Yes Algeria Yes Croatia Yes Egypt No Italy Yes Lebanon No Malta Yes Montenegro Yes Morocco No Romania Yes Spain Yes Syrian Arab Republic Yes</p>
<p>15. Please identify three major constraints to implementing port State measures.</p>	<p>Albania Implementing IPOA-IUU in National Plan for Fisheries Implementing a model scheme on Port State Measures to combat IUU fishing in main four ports of Albania Implementing a VMS system as soon as possible Fishery Inspector Structure strengthening and training Fishery Inspector equipping by the necessary status and equipments</p>

	<p>MCS instruments implementing in all fishery system of Albania (four main ports included) RFMOs strengthening in four main Albanian ports, building a good collaboration in a frame of combating IUU fishing in general and in particular those made by foreign vessels which is going to be a serious problem Good collaboration with other port control structure to join common practices and actions against IUU fishing Algeria Difficulties in the field of collaboration Insufficiency of exchange of information Absence of a regional database Croatia Lack of sufficient personnel and equipment to perform the inspections Lack of unified international operational procedures for inspections of non-national vessels Sensitivity of the matter and general lack of commitment to act on all levels Cyprus Inadequate human resources Egypt Lack of training for inspectors Absence of satellites inspection Shortage of instrument Lebanon Lack of legislation Lack of competent personnel Financial Malta Human resources (recruitment of fisheries protection officers) Financial resources (for necessary equipment) Morocco Lack of training for inspectors Lack of national legislation Lack of cooperation with the flag State Syrian Arab Republic Inadequate qualification of inspectors Insufficiently harmonized measures of member states Insufficient exchange of information</p>
<p>16. Please suggest three ways of overcoming these constraints.</p>	<p>Albania Compiling and signing a strategy for implementing MCS in fisheries system in collaboration with FAO and GFCM included Giving by the Government a properly importance/status to the Fishery Inspectorate Structure Algeria Multiplication of forum of awareness concerning the danger of IUU fishing Implementation of a regional mechanism of control and exchange of information Croatia Setting up of international scheme for training of authorized personnel, including exchange of inspectors Development of procedures with a “minimum common denominator” approach, including an overall survey of possibilities of different port States, not just general survey of what is being done but what the State may do at a reasonable expense Building on trust and better control of the market mechanisms in addition to purse port controls Egypt Training courses Provide effective Mus Solve the financial problem</p>

	<p>Lebanon Funds Training Change legislation</p> <p>Malta More budget to the fisheries department Better conditions for fisheries protection officers More liberal system of resources</p> <p>Syrian Arab Republic Further capacity building and training of inspectors to be regularly organized by GFCM/COC in collaboration with member States Unification of criteria and harmonisation of measures through intensive meetings and/or multilateral coordination among member States Strengthening of exchange of information and establishment of regional network Developing standardized pertinent documents on the regional level to be endorsed by GFCM and then adopted by member States</p>
<p>17. Please add any other comments regarding port State measures that you believe may be helpful to this survey.</p>	<p>Syrian Arab Republic Port States are invited to pay much attention to the following issues: Establish fishery inspection units in major fishing harbours that harbour non national fishing vessels or promote their already existing units Participate regularly and actively to GFCM and COC meetings, delegating competent officers of sufficient experience both on management and field levels Regularly update the components and data set of related documents to be in line with recent regional mutual views Reconsider their national laws and regulations and make necessary amendments in accordance with regional and international related articles</p> <p>Montenegro Lack of technical, administrative and financial resources necessary to full implement control schemes Catch documentation schemes (difficulty to obtain real time data in order to effective control the data) Absence of harmonized enforcement and penalty standards at international level</p>

SUMMARY OF RESPONSES FROM MEMBERS TO GFCM QUESTIONNAIRE ON PORT STATE MEASURES

Summary

Respondents were asked in the questionnaire to indicate how they are implementing the FAO Model Scheme at the national level. In order to facilitate the review of GFCM Members' port State measures the questionnaire is divided in 10 sections. The first nine sections mirror the contents of the FAO Model Scheme. Each section is presented under an heading consistent with those contained in the FAO Model Scheme, namely:

- General
- Inspections
- Actions
- Information
- Appendix A
- Appendix B
- Appendix C
- Appendix D
- Appendix E

Sixteen GFCM Members responded: Albania, Algeria, Croatia, Cyprus, Egypt, France, Italy, Japan, Lebanon, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic and Turkey.

The tenth section (General background Information) is a compendium of:

- questions related to operational data (questions 1 to 8)
- questions related to national legislations concerning port State measures (questions 9 to 11)
- views of nationals to promote the effectiveness of port State measures (questions 12 to 17)

Fifteen GFCM Members responded: Albania, Algeria, Croatia, Cyprus, Egypt, Italy, Japan, Lebanon, Malta, Montenegro, Morocco, Romania, Spain, Syrian Arab Republic and Turkey.

Summary of responses

For the summary of responses, please see Tables 1.2 and 2 (above).

Table 3 Principal legal port State measures in most GFCM Members

GFCM Members	MCS related requirements prior to port entry/landing	Designated ports/denial of use of ports	General inspection power	Actions/compliance	Information
ALBANIA	<p>Law No. 7908 of 1995 on Fishery and Aquaculture, Art. 21</p> <p>Regulation No. 1 of 29 March 2005 for the application of the legislation on fishery and aquaculture, Art. 38(2 b)</p>	<p>Regulation No. 1 of 29 March 2005 for the application of the legislation on fishery and aquaculture, Art. 40</p>	<p>Law No. 7908 of 1995 on Fishery and Aquaculture, Art. 37 and 38 (1)</p> <p>Regulation No. 1 of 29 March 2005 for the application of the legislation on fishery and aquaculture, Art. 66 and 75</p>	<p>Law No. 7908 of 1995 on Fishery and Aquaculture, Art. 39 (8), (16), (20)</p>	<p>Regulation No. 1 of 29 March 2005 for the application of the legislation on fishery and aquaculture, Art. 55</p>
ALGERIA	<p>Decree No. 02-419 of 2002 on the requirements for fishing vessels within waters under national jurisdiction, Art. 22 (foreign fishing vessels)</p> <p>Decree 06-367 of 2006 establishing the requirements for issuing a commercial fishing license of migratory species within waters under national jurisdiction to foreign fishing vessels, Art. 15 (foreign fishing vessels)</p>	<p>Law n° 01-11 on fishing and aquaculture of 3 July 2001, Art. 57</p>	<p>Decree 94-13 of 1994 establishing general rules on fishing activities, Art. 28</p> <p>Decree 94-13 of 1994 establishing general rules on fishing activities, Art. 61</p> <p>Decree No. 95-38 of 1995 establishing the requirements for foreign fishing vessels to fish migratory species within waters under national jurisdiction, Art. 18 (foreign fishing vessels)</p> <p>Decree No. 95-38 of 1995 establishing the requirements for foreign fishing vessels to fish migratory species within waters under national jurisdiction,</p>	<p>Law n° 01-11 on fishing and aquaculture of 3 July 2001, Art. 87</p> <p>Law n° 01-11 on fishing and aquaculture of 3 July 2001, Art. 94 (foreign fishing vessels)</p> <p>Decree 3-481 of 2003 establishing requirements for fishing activities, Art. 23</p> <p>Order of 16 April 2006 establishing the fishing logbook, Art. 7</p>	

GFCM Members	MCS related requirements prior to port entry/landing	Designated ports/denial of use of ports	General inspection power	Actions/compliance	Information
			Art. 19 (foreign fishing vessels)		
BULGARIA	Order No. I-275 of 7 April 1995 establishing the fishing regime in the Country's waters, Sec. V, sub 8 (1)			Fish Husbandry Act of 1982, Art. 34 and 25 Regulation on amounts of compensation for harms caused to the fishing industry of 26 September 1994, Art. 1 (2) Order No. I-275 of 7 April 1995 establishing the fishing regime in the Country's waters, Sec. V, sub 8 (3)	
CROATIA			Maritime Code of 1994, Art. 35 (foreign fishing vessels) Maritime Code of 1994, Art. 62	Maritime Code of 1994, Art. 63 Maritime Code of 1994, Art. 65 Maritime Code of 1994, Art. 77 (para. 1, bullets 4-7 and para. 2) Maritime Code of 1994, Art. 82 (para. 1 and para. 4) (foreign fishing vessels) Maritime Code of 1994, Art. 1014 (9) (foreign fishing vessels)	

GFCM Members	MCS related requirements prior to port entry/landing	Designated ports/denial of use of ports	General inspection power	Actions/compliance	Information
				Maritime Code of 1994, Art. 1034 (d) (foreign fishing vessels)	
CYPRUS			<p>Fisheries Law (Chapter 135) - consolidated version (2000), Art. 7(a)</p> <p>Regulation 194/2000, Art. 5 (2)</p> <p>Regulation 194/2000, Art. 9</p> <p>Law 102 (I)/2000, Art. 6 (id)</p> <p>Law 102 (I)/2000, Art. 7B</p>	<p>Fisheries Law (Chapter 135) - consolidated version (2000), Art. 7 (b)</p> <p>Fisheries Law (Chapter 135) - consolidated version (2000), Art. 8(c)</p>	
EGYPT				<p>Act No. 124 of 1983 promulgating the Act of fishing, aquatic life and the regulation of fish farms, Art. 52</p> <p>Act No. 124 of 1983 promulgating the Act of fishing, aquatic life and the regulation of fish farms, Art. 53 (foreign fishing vessels)</p> <p>Act No. 124 of 1983 promulgating the Act of fishing, aquatic life and the regulation of fish farms, Art. 54</p>	

GFCM Members	MCS related requirements prior to port entry/landing	Designated ports/denial of use of ports	General inspection power	Actions/compliance	Information
				Act No. 124 of 1983 promulgating the Act of fishing, aquatic life and the regulation of fish farms, Art. 55	
EUROPEAN UNION	<p>Council Regulation No 2846/98 of 1998 amending Council Regulation No 2847/93 establishing a control system applicable to the common fisheries policy, Art. 1 sec. 7</p> <p>Council Regulation (EC) No 2846/98 of 1998 amending Council Regulation No 2847/93 establishing a control system applicable to the common fisheries policy, Article 1, sec. 16 (art. 28e) (foreign fishing vessels)</p>		<p>Council Regulation No 2846/98 of 1998 amending Council Regulation No 2847/93 establishing a control system applicable to the common fisheries policy, Art. 1 sec. 2</p> <p>Council Regulation No. 2846/98 of 1998 amending Council Regulation No 2847/93 establishing a control system applicable to the common fisheries policy, Art. 1 sec. 3</p> <p>Council Regulation No. 2371/2002 of 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, Art. 28</p> <p>Commission Regulation No. 1042/2006 of 2006 laying down detailed rules for the implementation of Article 28(3) and (4) of Council Regulation No 2371/2002 on</p>	<p>Council Regulation No. 2847/93 of 1993 establishing a control system applicable to the common fisheries policy, Art. 31</p> <p>Council Regulation No. 2847/93 of 1993 establishing a control system applicable to the common fisheries policy, Art. 32</p> <p>Council Regulation No. 2847/93 of 1993 establishing a control system applicable to the common fisheries policy, Art. 33</p>	<p>Council Regulation No. 2371/2002 of 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, Art. 14</p>

GFCM Members	MCS related requirements prior to port entry/landing	Designated ports/denial of use of ports	General inspection power	Actions/compliance	Information
			<p>the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, Art. 1</p> <p>Commission Regulation No 1042/2006 of 2006 laying down detailed rules for the implementation of Article 28(3) and (4) of Council Regulation No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, Art. 2 (foreign fishing vessels)</p> <p>Commission Regulation No 1042/2006 of 2006 laying down detailed rules for the implementation of Article 28(3) and (4) of Council Regulation No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, Art. 4</p> <p>Commission Regulation No 1042/2006 of 2006 laying down detailed rules for the implementation of Article 28(3) and (4) of Council</p>		

GFCM Members	MCS related requirements prior to port entry/landing	Designated ports/denial of use of ports	General inspection power	Actions/compliance	Information
			Regulation No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, Art. 9		
FRANCE	Order of 15 September 1993 regarding the enactment of a common regime for fishing licences, Art. 7 (para. 1) Decree No. 2007-531 of 2007 on the application of Art. 3 of Decree of 9 January 1852, Art. 1	Order of 16 July 2004 on designated French ports for the landing of cod (more than 2 tons of weight), Art. 1 Order of 3 February 2006 on the designation of French ports for the landing of cod weighting more than 2 tons, Art. 1	Decree No. 2006-738 of 2006 modifying Decree No 90-94 of 1990 adopted for the implementation of Art. 3 of Decree of 9 January 1852, Art. 1er-1	Decree No. 90-95 of 1995 for the implementation of Art. 3 of Decree of 9 January 1852, Art. 30 (bullets 1 and 2)	
GREECE¹⁴⁸					
ISRAEL			Fisheries Ordinance of 1937 - consolidated version (2000), Art. 6 Fisheries Rules of 1937 - consolidated version (2000), Art. 7 Fisheries Rules of 1937 - consolidated version (2000), Art. 7A (4)	Fisheries Ordinance of 1937 - consolidated version (2000), Art. 8 Fisheries Ordinance of 1937 - consolidated version (2000), Art. 10(2) (foreign fishing vessels) Fisheries Ordinance of 1937 - consolidated version (2000), Art. 10 (4)	
ITALY			Law No. 381 of 1988 amending Law No. 963 of 1965 regulating sea fishing,	Law No. 381 of 1988 amending Law No. 963 of 1965 regulating sea	

¹⁴⁸ No information available.

GFCM Members	MCS related requirements prior to port entry/landing	Designated ports/denial of use of ports	General inspection power	Actions/compliance	Information
			Article 23	fishing, Article 26(5)	
JAPAN			Law No. 156 of 1962 revising Fisheries Law of 1949, Art. 74 Law No. 156 of 1962 revising Fisheries Law of 1949, Art. 134 (1)	Law No. 156 of 1962 revising Fisheries Law of 1949, Art. 141 (2 and 4)	
LEBANON¹⁴⁹					
LIBYA	Law no. 14 of 1989, Chapter 3 (foreign fishing vessels)		Law no. 14 of 1989, Chapter 2 (foreign fishing vessels) Regulation no. 71 of 1990, Art. 2 (foreign fishing vessels) Regulation no. 71 of 1990, Art. 3 (foreign fishing vessels) Regulation no. 71 of 1990, Art. 4 (foreign fishing vessels) Regulation no. 71 of 1990, Art. 5 (foreign fishing vessels) Regulation no. 71 of 1990, Art. 6 (foreign fishing vessels) Regulation no. 71 of 1990, Art. 7 (foreign fishing vessels)	Law no. 14 of 1989, Chapter 6 (foreign fishing vessels)	

¹⁴⁹ No information available.

GFCM Members	MCS related requirements prior to port entry/landing	Designated ports/denial of use of ports	General inspection power	Actions/compliance	Information
			Regulation no. 71 of 1990, Art. 8 (foreign fishing vessels)		
MALTA	Fisheries Conservation and Management Act of 2001, Art. 11 (1) (foreign fishing vessels)		Fisheries Conservation and Management Act of 2001, Art. 19 Fisheries Conservation and Management Act of 2001, Art. 20	Fisheries Conservation and Management Act of 2001, Art. 11 (2) (foreign fishing vessels) Fisheries Conservation and Management Act of 2001, Art. 21 (3) Fisheries Conservation and Management Act of 2001, Art. 29	
MONACO			Law No. 1 of 1998 concerning the Maritime Code, Art. L. 120-1	Law No. 1 of 1998 concerning the Maritime Code, Art. L. 150-2 Law No. 1 of 1998 concerning the Maritime Code, Art. L. 150-3	
MONTENEGRO			Law on marine fisheries of 2003, Art. 54	Law on marine fisheries of 2003, Art. 58 Law on marine fisheries of 2003, Art. 62 (foreign fishing vessels)	
MOROCCO		Order 91-35 of 1991, Art. 8 (foreign fishing vessels)		Law No. 1-73-255 of 1973 on maritime fishing, Art. 34 Law No. 1-73-255 of 1973 on maritime fishing, Art. 44	

GFCM Members	MCS related requirements prior to port entry/landing	Designated ports/denial of use of ports	General inspection power	Actions/compliance	Information
				Law on fisheries within continental waters, Art. 19	
ROMANIA			Decree No. 142 of the Council of State concerning the establishment of the EEZ of the Socialist Republic of Romania in the Black Sea, Art. 7		
SLOVENIA		Marine Fisheries Act of 2002, Art. 78 (1) Marine Fisheries Act of 2002, Art. 80 (foreign fishing vessels)	Marine Fisheries Act of 2002, Art. 75 Marine Fisheries Act of 2002, Art. 88 Marine Fisheries Act of 2002, Art. 89 Marine Fisheries Act of 2002, Art. 91	Marine Fisheries Act of 2002, Art. 90 Marine Fisheries Act of 2002, Art. 95 (37) Marine Fisheries Act of 2002, Art. 95 (38) Marine Fisheries Act of 2002, Art. 97	
SPAIN	Law 3/2001 of 2001, Art. 39 (5) (foreign fishing vessels)	Law 3/2001 of 2001, Art. 39 (4) Law 3/2001 of 2001, Art. 69 Resolution of 21 June 2005 amending Order of 24 July 2001, Art. 1	Law 3/2001 of 2001, Art. 38 Law 3/2001 of 2001, Art. 39 (1, 2, 3) Royal Decree No 176 of 2003, Art. 3 (1 and 2) Royal Decree No 176 of 2003, Art. 3 (3) Royal Decree No 176 of 2003, Art. 4	Law 3/2001 of 2001, Art. 95 Law 3/2001 of 2001, Art. 96 Law 3/2001 of 2001, Art. 97 Royal Decree No 176 of 2003, Art. 7 (3 and 5) Order of 12 December 2003, Art. 17	

GFCM Members	MCS related requirements prior to port entry/landing	Designated ports/denial of use of ports	General inspection power	Actions/compliance	Information
SYRIAN ARAB REPUBLIC			Legislative Decree No. 30 on the protection of aquatic life of 1964, Art. 26	Legislative Decree No. 30 on the protection of aquatic life of 1964, Art. 51 (a) Legislative Decree No. 30 on the protection of aquatic life of 1964, Art. 57	
TUNISIA		Law No. 94-13 on fishing activities of 1994, Art. 16	Law No. 94-13 on fishing activities of 1994, Art. 28 Law No. 94-13 on fishing activities of 1994, Art. 29	Law No. 94-13 on fishing activities of 1994, Art. 30 Law No. 94-13 on fishing activities of 1994, Art. 36 (2 and 3)	
TURKEY	Circular No. 37/1 of 2006-2008, Art. 12-2 (c) Circular No. 37/1 of 2006-2008, Art. 12-3 (e)		Fishery Law No. 3288 of 1986, Art. 31 Fishery Law No. 3288 of 1986, Art. 33	Fishery Law No. 3288 of 1986, Art. 36 (3)	

**RECOMMENDATION ON THE REGIONAL SCHEME ON PORT STATE MEASURES TO
COMBAT ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

**As adopted at the thirty-second session of GFCM
(Rome, Italy, 25-29 February 2008)**

The General Fisheries Commission for the Mediterranean (GFCM),

RECALLING the 2003 Declaration of the Ministerial Conference for the Sustainable Development of Fisheries in the Mediterranean;

RECALLING further the 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing endorsed by the twenty-sixth session of the FAO Committee on Fisheries;

RECALLING further the Sustainable Fisheries Resolutions of the United Nations General Assembly adopted in 2005, 2006 and 2007 calling for the development of a legally-binding instrument on port State measures;

RECALLING further part three of the 2005 General Guidelines for a GFCM Control and Enforcement Scheme and the GFCM Recommendation GFCM/2006/4 on the Establishment of a List of Vessels Presumed to have carried out Illegal, Unreported and Unregulated Fishing Activities in the GFCM Area;

ACKNOWLEDGING the decision of the twenty-seventh session of the FAO Committee on Fisheries to develop a legally-binding instrument on port State measures;

TAKING INTO ACCOUNT the draft Agreement on port State measures developed by the FAO Expert Consultation to Develop a Legally-Binding Instrument on Port State Measures held from 4 to 8 September 2007 in Washington DC, United States of America;

NOTING port State measures that have been adopted by various regional fisheries management organizations;

CONCERNED by the fact that illegal, unreported and unregulated fishing (IUU) activities in the GFCM area continue, and that these activities diminish the effectiveness of the GFCM conservation and management measures,

RECOGNIZING the potential effectiveness of strengthened and harmonized Port State Measures in combating illegal, unreported and unregulated fishing activities, and the need to develop and to implement such measures in a fair, transparent and non-discriminatory manner;

Adopts in conformity with the provision of paragraph 1 (b) and (h) of Article III and Article V of the GFCM Agreement:

Objective

1. The objective of this Recommendation is to contribute to the long-term conservation and sustainable use of living marine resources in the GFCM Area through strengthened, harmonized and transparent port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing.

Definitions

2. For the purposes of this Recommendation,

“fish” means all species of living marine resources, whether processed or not;

“fishing” means:

- (i) the actual or attempted searching for, catching, taking or harvesting of fish in the GFCM Area; and
- (ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish in the GFCM Area;

“fishing related activities” means any operation in the GFCM Area in support of, or in preparation for fishing, including the processing, transshipment or transport of fish that have not been previously landed and offloaded at a port, as well as the provision of personnel, fuel, gear and other supplies at sea;

“vessel” means any vessel, ship of another type, boat and other craft used for, equipped to be used for, or intended to be used for, fishing or fishing related activities in the GFCM Area.

“port” includes offshore terminals and other installations for landing, transshipping, processing refuelling or resupplying;

“illegal, unreported and unregulated fishing” has the same meaning as set out in the paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and applies to all marine fisheries;

“regional economic integration organization” means a regional economic integration organization to which its member States have transferred competence over matters covered by this Recommendation, including the authority to make decisions binding on its member States in respect of those matters;

“regional fisheries management organization” means an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish conservation and management measures;

Application

- 3. This Recommendation only applies to vessels which are within the GFCM Area.
- 4. Each Party shall, in its capacity as a port State, apply this Recommendation in respect of vessels that are not flying its flag that are seeking access to its port(s) or are in one of its ports.
- 5. Each Contracting Party shall take additional measures, as it deems necessary, to reinforce effective jurisdiction and control over the fishing and fishing related activities of vessels

flying its flag. To the greatest extent possible, such measures shall include *mutatis mutandis* the port State measures set forth in this Recommendation in respect of such vessels.

Integration and coordination

6. To the greatest extent possible, Contracting Parties shall:
 - (a) integrate port State measures into a broader system of port State controls;
 - (b) integrate port State measures with other measures to prevent, deter and eliminate illegal, unregulated and unreported fishing; and
 - (c) take measures to share information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Recommendation.

Cooperation and exchange of information

7. In the implementation of this Recommendation and with due regard to appropriate confidentiality requirements, Contracting Parties shall cooperate and exchange information with the GFCM Secretariat, relevant States and international organizations and other entities, including, as appropriate, by:
 - (a) requesting information from, and providing information to, relevant databases;
 - (b) requesting and providing cooperation to promote the effective implementation of this Recommendation.
8. The Contracting Parties shall, to the extent possible, ensure that national fisheries related information systems allow for the direct electronic exchange of information on port State inspections between them and with the GFCM Secretariat, with due regard to appropriate confidentiality requirements, in order to facilitate the implementation of this Recommendation;
9. The Contracting Parties shall establish a list of contact points in the relevant administrations in order to take due note of any reply or any actions proposed or taken by the flag State of the inspected vessel. The list shall be transmitted to the Executive Secretary of GFCM and to the other Contracting Parties no later than 30 days after the entry into force of this Recommendation.

Designation of Ports

10. The Contracting Parties shall designate and publicize national ports to which foreign vessels may be permitted access and, to the greatest extent possible, shall ensure that every port designated and publicized has sufficient capacity to conduct inspections and take other port State measures in accordance with this Recommendation.
11. The Contracting Parties shall notify the GFCM Secretariat of the ports designated under paragraph 10 within 10 (ten) days of such designation.

GFCM Register of Ports

12. The GFCM Secretariat shall establish and maintain a register of designated and publicized national ports based on the lists submitted by Contracting Parties. The register shall be published on the GFCM Web site.

Prior Notice of Entry into Port

13. The Contracting Parties shall, before granting access to their designated ports, require the masters of vessels to notify the competent authorities of the port they wish to use at least 72 hours before the estimated time of arrival. However, a Contracting Party may make provision for another notification period, taking into account, *inter alia*, the distance between the fishing grounds and its ports. The notification shall include, as a minimum standard, the information set out in **Annex A**.

Port Entry Authorization

14. Each Contracting Party, through its competent authorities, shall communicate in a written form the authorization, or denial, for access to the port for landing, transshipping or processing to the master of the vessel seeking access to its ports. The master of the vessel shall present the authorization for access to the port to the competent authorities of the Contracting Party upon arrival at port before commencing authorized activities.

Denial of use of port

15. A Contracting Party shall not allow a vessel to use its ports for landing, transshipping or processing of fish if the vessel:
- (a) at the relevant time was engaged in fishing in the GFCM Area and was not flying the flag of a Contracting Party; or
 - (b) has been sighted as being engaged in, or supporting, illegal, unreported and unregulated fishing 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.
16. A Contracting Party shall not allow a vessel to use its ports for landing, transshipping or processing of fish if the vessel is included in a list of vessels having engaged in, or supported, illegal, unreported and unregulated fishing adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization.
17. A Contracting Party shall not allow a vessel to use its ports for landing, transshipping or processing of fish where there are 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.
18. A Contracting Party shall, in appropriate situations, deny a vessel referred to in paragraphs 15, 16 and 17 access to port services, including, *inter alia*, refuelling and resupplying services but not including services essential to the safety, health and welfare of the crew.
19. Where a Contracting Party has denied the use of its ports in accordance with this Recommendation, it shall promptly notify the master of the vessel, the flag State and, as appropriate, the relevant coastal State(s), the GFCM Secretariat and other relevant organizations of such action.

Withdrawal of denial of use of port

20. A Contracting Party may withdraw its denial of the use of its port in respect of a vessel only if the Contracting Party is satisfied that there is sufficient proof to show that the grounds on which the use was denied were inadequate or erroneous or that such grounds no longer apply.

21. Where a Contracting Party has withdrawn its denial pursuant to paragraph 20, it shall promptly notify those to whom a notification was issued pursuant to this Recommendation.

Non-authorized entry

22. Each Contracting Party shall ensure that any vessel or vessel engaged in fishing related activities that enters into its port without prior authorization shall be automatically subject to inspection.

Inspections

23. Each Contracting Party shall inspect at least 15 per cent of the total number of port entries of vessels in the previous year in accordance with this Recommendation.
24. In determining which vessels to inspect, a Party shall give priority to:
 - (a) vessels that have previously been denied the use of a port in accordance with this Recommendation; or
 - (b) requests from other relevant States or regional fisheries management organizations that particular vessels be inspected.
25. Each Contracting Party shall ensure that inspections of vessels in its ports are carried out in accordance with the inspection procedures set out in **Annex B**;
26. Each Contracting Party shall ensure that requirements are established for the certification of its inspectors. Such requirements shall take into account the elements for the training of inspectors in **Annex C**.
27. Each Contracting Party shall ensure that inspectors make all possible efforts to avoid unduly delaying vessels and that vessels suffer the minimum interference and inconvenience possible and that degradation of the quality of the fish is avoided.
28. Each Contracting Party shall, as a minimum standard, require the information set out in **Annex D** to be included in the report of the results of each inspection.
29. Each Contracting Party shall ensure that the results of port inspections are always presented to the master of the vessel for review and signature and that the report is completed and signed by the inspector. The master of the inspected vessel shall be given the opportunity to add any comment to the report and, as appropriate, to contact the relevant authorities of the flag State, in particular when there are serious difficulties in understanding the contents of the report.
30. Each Contracting Party shall ensure that a copy of the report of inspection shall be provided to the master of the inspected vessel for retention on board the vessel.
31. Where there is reasonable evidence for believing that a vessel has engaged in or supported IUU fishing activities, the relevant port State shall:
 - (a) transmit the results of the inspection without delay to the flag State of the inspected vessels to the GFCM Secretariat and other Contracting Parties;
 - (b) deny use of their ports to the vessel for landing, transshipping or processing of fish.
32. Contracting Parties may take measures other than those in paragraph 31, provided they are provided for in their national laws and regulations and consistent with international law.

Standardized information on port inspections

33. Each Contracting Party shall handle information on port inspections in a standardized form, consistent with **Annex E**.

Regional information system

34. A regional information system which includes port State information shall be developed by the GFCM to better monitor and control the GFCM Area.

Force majeure or distress

35. Nothing in this Recommendation affects the access of vessels to port in accordance with international law for reasons of *force majeure* or distress.

Role of the flag State

36. Each Contracting Party shall, in its capacity as a flag State, cooperate with other Contracting Parties.
37. When a Contracting Party has reasonable grounds to believe that a vessel flying its flag has engaged in or supported illegal, unreported and unregulated fishing and is seeking access to or is in the port of another Contracting Party, it shall, as appropriate, request that Contracting Party inspect the vessel and to advise them of the results.
38. Each Contracting Party shall ensure that vessels entitled to fly its flag land, transship and process fish, and use other port services, in ports of other Contracting Parties that are acting in accordance with, or in a manner consistent, with this Recommendation.
39. The Flag State shall ensure that the master of a fishing vessel entitled to fly its flag shall when being inspected:
- a) cooperate with and assist in the inspection of the fishing vessel conducted pursuant to these procedures, and not obstruct, intimidate or interfere with the inspectors in the performance of their duties
 - b) provide access to any areas, decks and rooms of the fishing vessel, catch (whether processed or not), nets or other gear, equipment, and any information or documents which the inspector deems necessary in undertaking an inspection;
 - c) provide access to registration documents, fishing authorizations or any other documentation as required by the inspector.
40. If the master of a fishing vessel refuses to allow an authorized inspector to carry out an inspection in accordance with these procedures, the master shall offer an explanation of the reason for such refusal. The port inspection authorities shall immediately notify the authorities of the fishing vessel, as well as the GFCM, of the master's refusal and any explanation.
41. If the master does not comply with an inspection request, the Flag State shall be requested to suspend the vessel's authorization to fish and order the vessel to remain in port or take other measures that it deems appropriate. The Flag State shall immediately notify the port inspection authorities and the GFCM of the action it has taken in these circumstances.

Information to be provided in advance by vessels

1. Vessel identification

- Name of the vessel;
- External identification number;
- International radio call sign;
- Lloyd's IMO number (where appropriate);
- Flag State;
- Vessel owner (name, address, contact, unique identity for company and registered owner);
- Vessel operator if different from owner (name, address, contact);
- Beneficial owner if different from owner (name, address, contact);
- Vessel master;
- Vessel agent (name, address, contact);
- VMS (where appropriate):
- Type of VMS required by the flag State and/or relevant regional fisheries management organization;
- Details of the VMS unit to enable communication.
- Previous name(s) and flag State(s), if any.

2. Access to port

- Purpose(s);
- Intended port of call;
- Estimated time of arrival.

3. Fishing authorization (licences/permits)

- The vessel's authorization(s) to fish or transport fish and fish products;
- State(s) issuing the authorization(s);
- Terms of the authorization(s), including areas and duration;
- Areas, scope and duration of the authorization(s);
- Details of allocation authorized – quota, effort or other;
- Species, bycatch and fishing gear authorized; and
- Transshipment records and documents¹ (where applicable).

4. Fishing trip information

- Dates, times, zone and place of current fishing trip;
- Areas visited (entry and exit from different areas), including GSAs, High Seas and others, as appropriate;
- Transshipment activities at sea (date, species, quantity of fish transshipped)
- Last port visited; and date.

5. Species information

- Logbook – Yes/No
- Fish species and fishery products onboard;

¹ The transshipment records and documents must include the information provided for in paragraphs 1 to 3 of this Annex B.

- Areas of capture or collection – areas under national jurisdiction, high seas;
- Product type;
- Estimated processed weight;
- Estimated equivalent live weight;
- Estimated quantity to be landed; and
- Intended destination of landed fish.

6. Other – as required by port States

Port State inspection procedures for vessels

1. Vessel identification

The port inspector(s) shall:

- a) verify that the official documentation onboard is valid, if necessary, through appropriate contacts with the flag State or international records of vessels;
- b) where necessary, arrange for an official translation of the documentation;
- c) be assured that the vessel's name, flag, any external identification number and markings (and IMO ship identification number when available) and the international radio call sign are correct;
- d) to the extent possible, examine whether the vessel has changed name and/or flag and, if so, note the previous name(s) and flag(s);
- e) note the port of registration, name and address of the owner (and operator and beneficial owner if different from the owner), agent, and master of the vessel, including the unique identification number for company and registered owner if available; and
- f) note name(s) and address(es) of previous owner(s), if any, during the past five years.

2. Authorization(s)

The port inspector(s) shall verify that the authorization(s) to fish or transport fish and fishery products are compatible with the information obtained under paragraph 1 and examine the duration of the authorization(s) and their application to areas, species and fishing gear.

3. Other documentation

The port inspector(s) shall review all relevant documentation, including documents in electronic format. Relevant documentation may include logbooks, in particular the fishing logbook, as well as the crew list, stowage plans and drawings or descriptions of fish holds if available. Such holds or areas may be inspected in order to verify whether their size and composition correspond to these drawings or descriptions and whether the stowage is in accordance with the stowage plans. Where appropriate, this documentation shall also include catch documents or trade documents issued by any regional fisheries management organization.

4. Fishing gear

- a) The port inspector(s) shall verify that the fishing gear on board is in conformity with the conditions of the authorization(s). The gear may also be checked to ensure that features such as, *inter alia*, the mesh size(s) (and possible devices), length of nets, hook sizes conform with applicable regulations and that identification marks of the gear correspond to those authorized for the vessel.
- b) The port inspector(s) may also search the vessel for any fishing gear stowed out of sight and for fishing gear that is otherwise illegal.

5. Fish and fishery products

- a) The port inspector(s) shall, to the greatest extent possible, examine whether the fish and fishery products on board were harvested in accordance with the conditions set out in the applicable authorization(s). In doing so, the port inspector(s) shall examine

- the fishing logbook, reports submitted, including those transmitted by a vessel monitoring system (VMS), as appropriate.
- b) In order to determine the quantities and species on board, the port inspector(s) may examine the fish in the hold or during the landing. In doing so, the port inspector(s) may open cartons where the fish has been pre-packed and move the fish or cartons to ascertain the integrity of fish holds.
 - c) If the vessel is unloading, the port inspector(s) may verify the species and quantities landed. Such verification may include product type, live weight (quantities determined from the logbook) and the conversion factor used for calculating processed weight to live weight. The port inspector(s) may also examine any possible quantities retained onboard.
 - d) The port inspector(s) may review the quantity and composition of all catch onboard, including by sampling.

6. Verification of IUU fishing

If the port inspector(s) has reasonable grounds to believe that a vessel has engaged in, or supported IUU fishing, the competent authority of the port State shall as soon as possible contact the flag State authorities to verify whether the fish and fishery products have been harvested or collected in the areas as recorded in the relevant documents. As appropriate, the competent authority may also contact a coastal State where the fish was allegedly taken.

7. Report

A written report shall be prepared and signed by the inspector on completion of the inspection and a copy provided to the master of the vessel in accordance with paragraph 29 of the Recommendation.

Training of Port State Inspectors

Elements of a training programme of Port State Inspectors should include at least the following areas.

1. Training in inspection procedures.
2. Relevant laws and regulations, areas of competence and conservation and management measures of relevant regional fisheries management organizations, and applicable rules of international law.
3. Information sources, such as logbooks and other electronic information that may be useful for the validation of information given by the master of the vessel.
4. Identification of fish species and measurement calculation.
5. Monitoring catch landing, including determining conversion factors for the various species and products.
6. Identification of vessels and gear and gear measurements and inspections.
7. Vessel boarding/inspection, hold inspections and calculation of vessel hold volumes.
8. VMS equipment and operation.
9. Collection, evaluation and preservation of evidence.
10. The range of measures available to be taken following the inspection.
11. Health and safety issues in the performance of inspections.
12. Conduct during inspections.
13. Relevant languages, particularly English.

Results of port State inspections

Results of port State inspections shall include at least the following information:

1. Inspection references

- Inspecting authority (name of inspecting authority or the alternate body nominated by the authority);
- Name of inspector;
- Date and time of inspection;
- Port of inspection (place where the vessel is inspected); and
- Date (date the report is completed).

2. Vessel identification

- Name of the vessel;
- Type of vessel;
- Type of gear;
- External identification number (side number of the vessel) and IMO-number (if available) or other number as appropriate;
- International Radio Call Sign;
- MMSI-number (Maritime Mobile Service Identity number), if available;
- Flag State (State where the vessel is registered);
- Previous name(s) and flag(s), if any;
- Home port (port of registration of the vessel) and previous home ports;
- Vessel owner (name, address, contact of the vessel owner);
- Vessel beneficial owner if different from the vessel owner (name, address, contact);
- Vessel operator responsible for using the vessel if different from the vessel owner (name, address, contact);
- Vessel agent (name, address, contact)
- Name(s) and address(es) of previous owner(s), if any;
- Name, nationality and maritime qualifications of master and fishing master;
- Crew list

3. Fishing authorization (licences/permits)

- The vessel's authorization(s) to fish or transport fish and fish products;
- State(s) issuing the authorization(s);
- Terms of the authorization(s), including areas and duration;
- Relevant regional fisheries management organization;
- Areas, scope and duration of the authorization(s);
- Details of allocation authorized – quota, effort or other;
- Species, bycatch and fishing gear authorized; and
- Transshipment records and documents (where applicable).

4. Fishing trip information

- Date, time, zone and place current fishing trip commenced;
- Areas visited (entry and exit from different areas);
- Transshipment activities at sea (date, species, place, quantity of fish transshipped)

- Last port visited; and
- Date and time where current fishing trip ended
- Intended next port of call, as appropriate.

5. Result of the inspection on the catch

- Start and end of discharge (times and date);
- Fish species;
- Product type;
- Live weight (quantities determined from the log book);
- Relevant conversion factor;
- Processed weight (quantities landed by species and presentation);
- Equivalent live weight (quantities landed in equivalent live weight, as “product weight multiplied with the conversion factor”); and
- Intended destination of fish and fishery products inspected.
- Quantity and species of fish retained on board, if any.

6. Results of gear inspection

- Details of gear types.

7. Conclusions

- Conclusions of the inspection including identification of the violations believed to have been committed and reference to the relevant rules and measures. Such evidence shall be attached to the inspection report

Information system on port State inspections**1. Communication between Contracting Parties and the Secretariat, and the relevant flag States as well as between Contracting Parties and relevant regional fisheries management organizations would require the following:**

- data characters;
- structure for data transmission;
- protocols for the transmission; and
- formats for transmission including data element with a corresponding field code and a more detailed definition and explanation of the various codes.

2. International agreed codes shall be used for the identification of the following items:

- States: 3-ISO Country Code;
- fish species: FAO 3-alpha code;
- vessels: FAO alpha code;
- gear types: FAO alpha code;
- devices/attachments: FAO 3-alpha code; and
- ports: UN LO-code, or codes as provided by the Port State.

3. Data elements shall at least include the following:

- inspection references;
- vessel identification ;
- fishing authorization(s) (licences/permits);
- trip information;
- result of the inspection on discharge;
- quantities inspected;
- result of gear inspection;
- irregularities detected;
- actions taken; and
- information from the flag State.

FAO is supporting the implementation of the 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing (FAO Model Scheme), including at regional level. The thirty-first session of the General Fisheries Commission for the Mediterranean (Rome, January 2007) agreed that a workshop on port State measures be convened, mindful of international fisheries instruments, recent developments in international fora and the desirability of strengthening controls, based on the FAO Model Scheme.

The main objective of the workshop was to consider GFCM Members' coordinated efforts regarding the strengthening and the harmonization of port State measures in the near future and, as a result, build on the requirements of the General Guidelines for a GFCM Control and Enforcement Scheme. In this respect, the workshop followed-up on the outcomes of the 2004 GFCM Workshop on Illegal, Unreported and Unregulated Fishing in the Mediterranean.

This report reviews GFCM Members' port State measures with the aim to assess strengths, weaknesses, gaps and constraints for regional cooperation. It is based on the responses to a questionnaire filled in by the GFCM Members. In addition, existing laws and regulations enacted at national level by GFCM Members concerning port State measures are reported and compared to the provisions of the FAO Model Scheme.

A summary of options for GFCM consideration were recommended to strengthen port State controls in the GFCM area since there appears to be a significant scope for further harmonization. To this end, aspects such as cooperation among GFCM Members, including exchange of information and training of inspectors, the need for qualified human resources and efforts to develop integrated mechanisms of control both at national and regional levels will be prominent in the fight against IUU fishing. A regional scheme on port State measures by the GFCM, building on the IPOA-IUU and the FAO Model Scheme, was suggested.

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