

**Sport Fishing: an informative and economic alternative for  
tuna fishing in the Mediterranean (SFITUM).**

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Volume 1: Legislation

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## Introduction

The activities performed since the beginning of the project have been designed to fulfil the three major goals of this task. The first is to provide information about the legislative framework on the different segments of recreational fishing in Spain, France and Italy. This goal is mostly achieved and comprises the largest part of the present report (Chapters 1-5). The major differences between countries are detailed in Chapter 5. In brief, the regulatory policy for recreational fishing (RF) in Spain (ESP), France (FR) and Italy (IT) differs substantially. To understand the simplicity and complexity found simultaneously for this activity, it is necessary to assess the impact of future common regulatory measures to be passed by the EC.

The second objective is to assess the economic yield of this activity in these countries and to consider its potential in the tourist sector. The third is to launch a network of biological information from volunteer recreational fishermen. To achieve both objectives, intense activity has been carried out in collecting data and disseminating our biological goals.

Three working meetings have been organised: the 'kick-off', the 'interim' and the final meeting, all held at the CEAB institute. The general guidelines, topics and actions were the product of the first meeting, while the large differences between countries on regulatory measures emerged during the interim meeting. The last meeting focused on assessing the collected data and to define the final outputs considering the available data

# Chapter 1. Recreational sea fishing: definition of terms and segments

## i. Introduction

Recreational fishing is a very complex activity owing to the diversity and heterogeneity of the pursuit itself and of the social and economic sectors and administrations associated with it. Recreational fishing is a purely leisure fishing activity, and it also involves the nautical sector when it is performed from a boat. It involves authorities ranging from the local to the regional and even national level, along with sports clubs, associations and federations. The areas of action involved are also diverse, from fishing and sailing to purely sport-based. Consequently, the framework of the general conditions for its performance and the regulatory measures are many and diverse.

For practical purposes of comprehension, identification and development of the study, a glossary of the definitions, terms and conditions involved in recreational fishing is presented here.

The term 'recreational fishing' has been little used to date while the term 'sport fishing' being erroneously used in most cases. Sometimes the term 'sport fishing' or recreational fishing is used to mask furtive fishing. Furtive fishing, whether performed by professionals or amateurs, is excluded from the scope of this study.

*Recreational fishing*: is understood as fishing activity performed by individuals in order to capture species whose sale is prohibited, their intention being purely recreation, tourism or sport.

The various goals of recreational fishing identify the different segments into which it can be divided.

*Sport fishing*: its goal is sport, being an organised activity involving free competition between fishermen to catch the largest fish of a certain species, the largest number of



specimens or the largest total weight depending on the rules of each particular competition.

*Tourism fishing.* This is understood as a tourism activity dedicated to recreational fishing. This activity may be carried out either on fishing or on “fishing watching”. Its commercial goal lies not in catching fish for sale but in facilitating the activity or the watching of recreational fishing for third parties. Tourism fishing may be conducted by fishing professionals (“pesca-turismo”) or by recreational professionals (“charter”). “Pesca-turismo” is still undeveloped in many regions, but it has potential for growth, particularly in relation with obligatory stoppages of commercial fishing: biological stoppages, public holidays or stoppages of activity due to fulfilment of quotas, among others. It may also occur that in peak tourism periods professional fishermen find it more profitable or convenient to target on this activity. At present this activity lacks of a legal framework which obviously prevents its development. Charter activity is identical to “pesca-turismo” with the difference that it is performed by professionals of the tourism or recreation fields. The comparative analysis and development of the two segments of *tourism fishing* requires detailed examination due to the latent differences existing between the two. The basic difference manifests itself in the type of boat used (fishing boat vs. leisure boat), which can imply differences in financing, of both the boat and the fuel, insurance, qualifications, legislation, etc.

Recreational fishing includes three clearly-differentiated groups, depending on the setting:

- Subacuatic (Underwater) fishing
- Shore fishing
- Boat fishing.

This project’s scope of study is limited to recreational fishing from a boat, which can be covered by different overall conditions of action between countries and regions. The practice of fishing is also limited by special conservation measures, which can also vary between countries and regions.

We set out below a complete list of conditions and general measures which are applied in some but not necessary in all of the regions of the Mediterranean coast covered by this study. We then specify what measures and regulations are applied in each region and country in particular, but we consider it interesting to present a general, although not common, glossary for understanding the heterogeneity and complexity which surround and regulate recreational fishing.

## **ii. Modalities of recreational fishing from boats**

The modalities of fishing can be classified on the basis of the fishing area, the fishing depth, the tackle used or the status of the boat. Below we present a criterion of classification which may be subject to modification.

- Stationary fishing (anchored or drifting)

### Line fishing with Rod (onshore or offshore)

- Bottom line fishing: Consists in casting the lines just underneath or close to the boat and waiting for the fish to bite. The tackle used is the classic ‘paternoster’ with 1 to 3 hooks and with a sinker heavy enough for the current not to move the line.
- Spinning. To fish by casting and pulling the line up, using artificial baits..
- Shumming. The boat is anchored or adrift in an area known to be frequented by the species sought. The fish are attracted by means of live bait.
- Jigging. lures that wobble when drawn through the water jerking up and down rapidly

### Rodless line fishing (onshore or offshore)

- Handline fishing. Fishing without a rod or reel, simply casting the line by hand and holding it to feel the fish bite.

- Jigging (squid fishing): Drifting and without a rod. No bait is used, but brightly-coloured lures. The line is raised and lowered until the squid is lured to take the hook.
  - Active fishing
- Trolling. Consists in pulling along a bait or lure to attract the fish. It can be inshore or offshore, according to the zone, and at depths ranging from the surface to the sea bed.
  - Passive or harvest fishing
- Longline: consists in leaving a hooked and baited line to fish by itself and hauling in the catch several hours later.
- Potting: traps lay on the sea bed, in the form of baskets, barrels or cages, composed of a rigid or semi-rigid frame covered with a net. They have one or more openings or moths with smooth edges which allow the prey to enter the inner chamber.
- Nets. Devices made of net used for trapping animals

## Chapter 2. Recreational Sea Fishing in Spain

### i. Prohibitions

- Prohibition of sale

Recreational sea fishing is defined as an activity practised for leisure and excludes the sale of the species caught. The catch obtained by this activity is entirely for self-consumption. Consequently, sale of catches from RF is forbidden at all levels, state and regional (Table 2.1). Nevertheless, sale is allowed when the catch comes from contests but the benefit must be given for social or charitable purposes.

Currently an EU regulation proposal (589/2003) is being discussed. This establishes catches from RF will not be commercialized. This may produce conflicts with the present situation where sale of the catches from fishing contests is permitted under the conditions mentioned before. Moreover this proposal puts the fisherman in a very difficult position as there is no clear channel to place the catches either from contests or charter activity. This will force fishermen to give away the catch to anyone (restaurants, hotels, wholesalers...) and consequently this catch will arrive to the consumers through non control channels with no sanitary guarantees, furthermore it could create a market imbalance.

Table 2.1. Prohibition of sale of the catches from RF.

<b>Administration</b>	<b>Law</b>	<b>Article</b>
<b>European Union</b>	Regulation Proposal 589/2003 laying down certain measures for the conservation of the fishery resources	Article 15.3 <sup>(1)</sup>
<b>Central Government</b>	<u>Order of February 26 1999, which establishes the norms that regulate marine RF. Order of July 24 2000<sup>(2)</sup>, which modifies the Order of February 26 1999.</u>	Article 11
<b>CAT</b>	Decree 109/1995 <sup>(3)</sup> of March 24 about marine RF regulation	Article 3 Article 25.4 <sup>(4)</sup>
<b>VAL</b>	Decree 131/2000 <sup>(5)</sup> of September 5, which establishes the norms of marine RF.	Article 2 Article 8
<b>MUR</b>	Decree 92/1984 of August 2, which establishes the regulation of Marine RF, from rectified text of the Decree 27/1986 of March 7 <sup>(6)</sup> .	Article 1
<b>AND</b>	Decree 361/2003 of December 2003.	Article 2
<b>BAL</b>	Decree 69/1999 of June 4 which regulates marine RF in the BAL. Modified in 2002 by Decree 61/2002 <sup>(7)</sup>	Article 9 <sup>(8)</sup> Article 12

1: This regulation proposal establishes absolute prohibition of sale of the catches of RF.

2: This Order is active in waters of Spanish jurisdiction or sovereignty and for Spanish fishermen in international waters, excluding interior waters and the Canary Islands.

3: This Decree is active in interior waters of the CAT.

4: Although the mentioned article, the prohibition of sale is not mentioned by the Decree.

5: This Decree pertains to interior waters of the coast of VAL.

6: This Decree pertains to interior waters of the coast of MUR.

7: This Decree is active in interior waters of BAL.

8: About Contests: Article 9.4. The catches obtained will not belong to the participants; the organizing society will give at least 50% of the total weight to a charity organisation, the remainder of the catch is of free disposition for the organizing society but can not be sold.

- Other general prohibitions for RF
  - Prohibition of professional gears.
  - Obstructing or interfering with the activities of professional fishing.
  - Prohibition of use of electrical or hydraulic bobbins, or of any gear which is not strictly manual.
  - Prohibition of use of any mean of artificial attraction or concentration of species and, explicitly, the use of lights for this purpose.
  - Prohibition of use or possession of any kind of poisonous, narcotic, explosive or polluting substances.
  - Restricted Areas.

These prohibitions are general to RF but each Government has its own specific restrictions (Table 2.2) and some regions add new ones.

Table 2.2. List of Prohibitions by Administration.

<b>Prohibition</b>	<b>State</b>	<b>CAT</b>	<b>VAL</b>	<b>MUR</b>	<b>AND</b>	<b>BAL</b>
Interference professional fishing	X <sup>(0)</sup>	X <sup>(1)</sup>	X <sup>(0)</sup>		X <sup>(0)</sup>	X <sup>(0)</sup>
Gear and tackles from prof. fishing	X	X <sup>(2)</sup>	X <sup>(3)</sup>	X <sup>(4)</sup>	X	X <sup>(5)</sup>
Non manual means	X <sup>(6)</sup>		X <sup>(6)</sup>		X	X <sup>(6)</sup>
Artificial concentration of fish	X <sup>(7)</sup>		X		X	X <sup>(7)</sup>
Illegal substances	X		X	X	X	X
Distance to restricted areas	X <sup>(8)</sup>	X <sup>(9)</sup>	X <sup>(8)</sup>	X <sup>(10)</sup>	X <sup>(13)</sup>	X <sup>(8)</sup>
Mooring at sea		X <sup>(11)</sup>				
Fishing after sunset		X <sup>(12)</sup>			X <sup>(14)</sup>	
Law	O.26/02/99 O.24/07/00	D.109/95	D.131/00	D.92/84	D 361/2003	D.69/99, D.61/02
Art.	Art. 11	Art. 10-13	Art. 8	Art. 11, 13	Art, 10, 14, 15	Art. 12

0: Prohibition to practice RF at distance lower than 200m from professional fishing ships and gears.

1: Minimum distance of 300 meters to any professional ship while it is engaged in fishing.

2: Forbidden to possess on board or use professionals tackles, as “palangres, palangrons, catúfols, cargoleres, rastells, nanses traps, tremalls, boleros, ralls, bonitoleres i aquells altres arts o instruments anàlegs com haladors o torn que puguin ser considerats de pesca professional”.

3: The use or possession of gears, tackles and means normally used in professional fishing and “marisqueo”, as longlines, traps, or any kind of nets.

4: The use or possession on board of gears that for their shape or volume are natural to professional fishing.

5: The use or possession of gears and tackles used in professional fishing, as longlines, “palangrons”, traps or any kind of nets.

6: A maximum of two electric bobbins is authorised but their total power can not exceed 300 W.

7: Except for shumming. In exterior waters, where a maximum of 60 kg. of dead fish per boat is authorised. In BAL there is no specification of the amount of fish authorised for shumming.

8: Ships will not practice RF in the channels of access to ports, or inside them and at less than 100 meters from swimming areas. (VAL adds: Fishing is forbidden in protected or reserved areas).

9: Ships will not fish closer than 200 meters from beaches with swimmers or from the exterior of the breakwaters where there are other sportsmen fishing from shore.

10: Fishing is forbidden in ports and their service areas, except when it is expressly authorised.

11: Boats practicing RF may not moor on buoys, mussel farms or any fixed or floating objects on the sea.

12: In CAT RF from boats, is authorised only from sunlight to sunset with the exception of jigging, which may be practiced at night but never with the help artificial light.

13. Ships will not fish closer than 152 meters from swimming areas and a minimum distance of 30 m between recreational boats is established.

14. : Rf, is authorised only from sunlight to sunset

## ii. Limitation of fishing modalities and tackles

In ESP there exist three major modalities of RF: shore fishing, boat fishing and underwater fishing. These modalities are further subdivided depending on the gears, tackles and techniques used. Table 2.3 shows the main fishing modalities allowed from boat.

Table 2.3. Authorised modalities in RF from boat.

Administration → Modality <sup>(1)</sup> ↓	State	CAT	VAL	MUR	AND	BAL
<b>Stationary Line fishing with Rod</b>						
Bottom line fishing	X	X	X	X	X	X
Spinning	X	X	X	X	X	X
Shumming	X	X	X	X	X	X
Jigging	X	X	X	X	X	X
<b>Stationary Line fishing without Rod</b>						
Handline fishing	X	X	X	X	X	X
<b>Active fishing</b>						
Trolling	X	X	X	X	X	X
<b>Law</b>	O.26/02/99 O.24/07/00	D.109/95	D.131/00	D.92/84	D. 361/2003	D.69/99, D.61/02
Article	Article 6 <sup>(2)</sup>	Article 11 <sup>(3)</sup>	Art. 7.1 <sup>(2)</sup>	Article 6 <sup>(4)</sup>		Article 7 <sup>(5)</sup>

1: See "Modalities of RF from boats"

2: For the practice of RF, either from shore or boat, only lines and tackles with a maximum of six hooks or two jigging tackles are authorized. This includes both artificial lures and baited hooks. No more than two tackles per licence can be used. In Big game each rod has a single hook, then 6 rods are allowed.



3: Bottom fishing and hand line fishing, with a maximum of 4 hooks or “lences” (hook tied to a line and the weight dropped to the bottom). Jigging tackles not less than 50 mm long. In any case no more than two tackles per licence can be used. The hooks will not be under number 8, or minimum size 12 mm long and 5 mm wide.

4: Hook gears, excluding longlines, from shore or boat. Article 11.d. It is forbidden to use more that two tackles per authorised person.

5: Article 7.1.Trolling, hand line fishing, jigging, bottom fishing with a maximum of 6 hooks, rod with or without bobbin, trident, “rall” and “salabre”. The license gives the right to use a maximum of two rods and two jigging tackles. Nonetheless, for hand line fishing and big game trolling six rods per license, with one artificial bait per rod are authorised. Article 7.2.

### **iii. Licences or authorisations for RF**

In the Spanish Mediterranean coast there exist the following RF licenses and authorisations which permit different practices of RF (Table 2.4).

- Recreational sea fishing license (RFL)

It is obliged for all types of practices and issued by the RGs. RFL is obligatory in exterior waters and currently in all interior waters as well. We want to remark that the fact that RFL is obligatory in exterior waters, but issued by the RGs; future changes in the regional legislation may causes controversies or legal gaps in fishing in exterior waters. This license is divided into different classes:

- RF licence from shore (RFL-S).
- RF license from boat (RFL-B).
- Combined boat and shore RF license (RFL-BS)
- Multiple RF license from boat (MRLF). This is issued to the owner of a boat and they permit the possessor and his accompanists to practice RF. This type of license is issued to regulate the activity of fishing charters.
- Underwater RF license (URFL)

- Federative RF license (FRFL)

This licence is necessary to take part in any competition. The federative license is issued by the Regional Delegations of the “Federación Española de Pesca y Casting” (FEP y C) and it is necessary for competing in any sea fishing championships

- Sport RF license (SRFL)

This type of licence is only issued in Balearic Is. It is only necessary for the practice from boat and shore in official competitions, and training. In practice this licence is a single document which joins together the RFL and the FRFL.

- Special authorisation for species under specific conservation measures (SA)

This authorisation is required for fishermen who target species included in Annex III. The authorisation is given only by the CG (Article 3 Order of July 24 2000).

The duration and prices of licenses vary between regions but they are valid for all regions independently of where it has been issued. Validity of RFL from other EU member states is accepted by some RG regulations.

In addition to the above mentioned licenses, in some marine reserves specific authorisation from the authorities is necessary.

Table 2.4. RFL issued in ESP and Administrations.

License	State <sup>(1)</sup>	CAT <sup>(2)</sup>	VAL <sup>(3)</sup>	MUR <sup>(4)</sup>	AND	BAL <sup>(5)</sup>
RFL-B			X		X	
RFL-S			Not required		X	
URFL		X	X <sup>(7)</sup>	X	X	X
RFL-BS		X	X	X		X
FRFL	X	X	X	X	X	X
SRFL						X
MRFL		X				X
SA	X					
Law	O.26/02/99O. 24/07/00	D.109/95	D.131/00	D.92/84	D. 361/2003	D.69/99, D.61/02
Article	Art. 3	Art 5	Art. 3	Art. 6		Art. 2
Admission other RLFs	Additional Disp. 2 <sup>nd</sup>	Art. 8.1 <sup>(8)</sup>	State Order	Art. 7	Art. 5	State Order

1: Article 3.1. For the practice of RF it is necessary to possess the correspondent license issued by the relevant authority of the RGs. Article 3.2. For the catch or possession on board of species under specific conservation measures, listed in Annex III, boats must possess specific authorisation issued by the General Secretariat Marine Fisheries.

2: types of licenses in CAT: 1<sup>st</sup> Class: a) RFL-BS for 1, 2, 3, or 4 years and b) RFL retired (non expiring), disabled and minor under 16 (minor must have parental authorization); 2<sup>nd</sup> Class: c) URFL (1 year, health certificate) and d) URFL retired, disabled and minor (1 year, health certificate); 3<sup>rd</sup> Class: e) MRFL (ship's rol, with the indication of maximum number of accompanists).

3: In VAL RFL is not required for Shore fishing. RFL for boat fishing extends its validity to shore fishing in order to allow the possessors to fish either from boat or from shore in other Regions of ESP.

4: Minor between 10 and 15 must present parental authorisation; validity 1 year. General RFL-BS (16 years old and older): validity 5 years; URFL: 3 years, underwater RF forbidden to minor under 18.

5: Types of licenses: a) Class multiple RFL (maximum 12 people, role/license of the ship, RG authorisation to rent an EU boat, presence of sport technician specialized in fishing or person with more than 5 years of experience in professional fishing, 1 year validity); b) Class underwater RFL (age over 16, underwater federative license, validity 2 years), c) Class RFL (validity 2 years, not required for minor under 14), d) Class sport fishing license (copy of the federative license, validity 1 year).

6: the federative license can be issued by the Regional Sport Fishing Federations or by the Spanish Sport Fishing Federation.

7: RFL-BS: over 16 yrs., validity of 5 yrs.; unlimited duration for people over 60. URFL: 2 yrs.

8: RFL licenses from other EU member States are valid.

#### iv. Conservation measures

- Limit of catches

The daily catch limit per fisherman or boat can be expressed in number of specimens or weight, which can in turn be fixed by area or by species.

Recreational fishing in ESP has a daily limit of catches per license. The catch limit for exterior waters established by the National administration is also adopted in some regions and some of these regions also specified that the catch limit is established for exterior and interior waters jointly. We again want to call attention to the reader that this regulatory measure may be changed in the future by RGs and bigger differences than the ones shown in table 5a could occur. Already the enforcement of the law for exterior waters can not be controlled in those regions where the daily catch limit is above the one established for exterior waters. (eg. Murcia, Cataluña)

Table 2.5. Daily limit of catches in RF

Limit	State <sup>(1)</sup>	CAT <sup>(1)</sup>	VAL <sup>(2)</sup>	MUR	AND	BAL <sup>(1,2)</sup>
1-5 RFL	5kg/RFL		5 kg/RFL	15kg./RFL	5 kg/RFL	5kg/RFL
> 5 RFL-B	25kg./boat		25 kg/boat			25 kg/boat
Fish		10 kg				
Cephalopod		5 kg			prohibited	10 pieces <sup>(3)</sup>
Sea urchins		150 units <sup>(4)</sup>			prohibited	
Razorfish						50 pieces <sup>(3)</sup>
Law	O.26/02/99O. 24/07/00	D.109/95	D.131/00	D.92/84	D. 361/2003	D.69/99, D.61/02
Article	Art. 4	Art. 25	Art. 5	Art. 10	Art. 11 -12	Art. 6

It is convenient to remark that catch limits described in table 2.5 in some regions are specified for fish and in others are unspecified.

The Order of February 26 1999 (CG) establishes a list of species for which it is necessary to have a specific fishing authorisation. List of species with specific conservation measures: *Belone belone*, *Thunnus alalunga*, *Thunnus thynnus*, *Tetrapturus spp*, *Merluccius merluccius*, *Xiphias gladius*, *Istiophorus albicans*\*

\*: not present in the Spanish Mediterranean waters.

Table 2.6. daily catch limit for species with specific conservation measures.

Limit	State <sup>(1) (5)</sup>	CAT <sup>(1)</sup>	VAL <sup>(2)</sup>	MUR	AND	BAL <sup>(2)</sup>
1-5 RFL Albacore + patudo + hake	4 pieces/RFL					Albacore: 5pieces/RFL
>5 RFL for Albacore + patudo + hake	20 pieces/boat					Albacore: 20 pieces/boat
BFT>80kg	1/RFL, 3/boat					
BFT 30-80kg.	2/RFL, 6/boat					
BFT 6,4<30kg	4/RFL, 12/boat					
Other	1 piece/RFL, 4 pieces/boat					
BFT and Swordfish		2 pieces/RFL <sup>(6)</sup>				

1: One fish which weighs more than the limit is exempted from the calculation.

2: Total catch (interior, exterior and international waters) can't exceed CG catch limits.

3: Total catch may not exceed 5 kg/RFL and 25 kg/boat for 5 or more RFL.

4: Sea urchin recollection time is from 8 to 13 h.

5: Special authorisation from the CG.

6: CAT: BFT and swordfish catch limit in interior waters. The other catch limits are published in the official website of the Fisheries Department of the RG, but the correspondent legislation has not been found.

- Minimum lengths or weights permitted for particular species.

Sizes and weights permitted in RF in ESP are established by the Royal Decree 560/1995 of April 7 about minimum sizes for specific species. This norm is based on the dispositions of the article 5.2 of the Regulation (EEC) 3094/86 of October 7, and according to the Regulation (EC) 1626/94 of the Council, of June 27, which establish several technical conservation measures for the fishery resources in the Mediterranean, measures which include the minimum sizes of certain species of fish, molluscs and crustaceans (Table 2.7). In ESP this measure is officially adopted in a report published by the Spanish Oceanography Institute (IEO). Currently an EU Regulation Proposal is under discussion (589/2003) where a revision of the minimum sizes is considered.

Table 2.7. EU minimum sizes (current and future).

Name	Reg 1626/94	Reg. 589/2003
Clam <i>Venerupis spp</i>	2,5cm	
Bluefin Tuna <i>Thunnus thynnus</i>	70cm or 6,4Kg.	
Lobster <i>Homarus gammarus</i>	24cm	30 cm TL
Anchovy <i>Engraulis encrasicolus</i>	9cm	11 cm (or 110 ind/kg.)
Chub Mackerel <i>Scomber spp</i>	18cm	=
Wreckfish <i>Polyprion americanus</i>	45cm	=
Clam <i>Venus spp</i>	2,5cm	
Norway Lobster <i>Nephrops norvegicus</i>	7cm	TL: 70 mm; CL: 20 mm.
Gilthead Seabream <i>Sparus aurata</i>	20cm	=
Chub Mackerel <i>Scomber japonicus</i>		18cm
Horse Mackerel <i>Trachurus trachurus</i>	12cm	15 cm
Lobster <i>Palinuridae</i>	24cm	CL: 10,5 cm
Prawn <i>Parapenaeus longirostris</i>		LC: 20 mm
Sole <i>Solea vulgaris</i>	20cm	25
Lesser grey Mullet <i>Mugil spp</i>	16cm	
Sea-Bass <i>Dicentrarchus labrax</i>	23cm	25
Hake <i>Merluccius merluccius</i>	20cm	15 cm (*)
Grouper <i>Epinephelus spp</i>	45cm	=
Common Sea Bream <i>Pagellus spp</i>	12cm	17 cm. <i>P. acarne</i> 33 cm. <i>P.</i>
Couch's Sea Bream <i>Pagrus pagrus</i>	18cm	=
Swordfish <i>Xiphias gladius</i>	120cm**	
Monkfish <i>Lophius piscatorius</i>	30cm	

Cont. table 2.7

Mullet <i>Mullus spp</i>	11cm	=
Sardine <i>Sardina pilchardus</i>		13 (or 55 pieces/kg)
Porgy, Pinfish... <i>Diplodus spp</i>	15cm	12 cm./ <i>D. puntazo</i> and <i>D.vulgaris</i> 18 cm./ <i>D. Sargus</i> 23 cm.
Scallop <i>Pecten jacobaeus</i>	10cm	11 cm
Sand steenbras <i>Lithognatus mormyrus</i>		20cm.

\*: 15cm. untill 31/12/08 and 20 cm. after 01/01/09

\*\*\*: measured from the tip of the lower beak to the fork of the tail. Minimum Size derogated by Regulation (CE) 973/2001.

The Spanish legislation (RD 590/1995) completes the previous list with other species (Table 2.8), and three of them have been included in the new EU proposal. The regulation of the whole list is reported in most of the RGs legislation (BAL, MUR and VAL). CAT also offers this list in the official website of the Fisheries Department of the RG, but the correspondent legislation has not been found.

Although the analysis of the adopted minimum sizes is not the scope of this study we consider convenient to comment that most of them are under the size of maturity.

Table 2.8: Minimum size of fish in the Mediterranean fishing ground.

Name	Name: English/Spanish	ESP
<i>Belone belone</i>	Garfish/ aguja/	25cm
<i>Micromesistius poutassou</i>	Blue whiting/ bacaladilla	15cm
<i>Boops boops</i>	Bogue/ boga	11 cm
<i>Trisopterus minutus capellanus</i>	Capelan/ capellan	11 cm
<i>Lepidorhombus spp</i>	Megrim/ gallos	15cm
<i>Parapenaeus longirostris</i>	Prawn/ langostino	10cm
<i>Scomber japonicus</i>	Chub Mackerel/ estornino/	18cm
<i>Brama brama</i>	Ray's Bream/ japuta	16cm
<i>Sarpa salpa</i>	Gold lined Bream/ salema	15cm
<i>Sardina pilchardus</i>	Sardine/ sardina	11 cm

- Forbidden species.

The European Regulation Proposal 589/2003 states in Article 3 that are forbidden those species included in Annex IV of Directive 92/43/CEE. This list is developed in the next section “forbidden species regulated by multilateral bodies” (chapter 2.iv).

Prohibited species for RF in ESP are: corals, bivalves, gastropods, crustaceans and any other species determined by the EU legislation or International Treaties signed by ESP (Table 2.9). This rule is stated in the Annex II of the Order of February 26 1999 (CG) and it is applicable in exterior waters. The application of this rule in interior waters is reported by the regional regulations.

Table 2.9. Forbidden species in RF.

Species	State	CAT <sup>(1)</sup>	VAL	MUR	AND	BAL
Coral	X	X	X	X	X	X
Bivalves	X	X	X	X	X	X
Gastropods	X	X	X	X	X	X
Crustaceans	X	X	X	X	X	X <sup>(2)</sup>
<b>Express prohibitions</b>						
<i>Charonia lampa</i>		X				
<i>Pinna nobilis</i>		X				
<i>Lithophaga lithophaga</i>		X				
Law	O.26/02/99 O.24/07/00	D.109/95	D.131/00	D.92/84	D. 361/2003	D.69/99, D.61/02
Article	Article 10 + Annex II	Art. 24	Art. 5	Art. 11	Art. 11	Art. 11 + Annex II

1: In CAT it is only legal to catch fish, cephalopods and sea urchins.

2: Except for coastal isopodae and amphipodae (puu).

Other conservation measures as Marine protected areas and closed seasons may enlarge the prohibited species list.



- Forbidden species regulated by multilateral bodies.

The list of species regulated by multilateral bodies is included in Annex II and Annex III of the Order of February 26 1999 (CG). Big Pelagic and other species with specific catch limits are reported Annex III (see Table 2.6). All species included in the European Union Legislation and International Treaties signed by ESP are included in Annex III.

International Treaties signed by ESP (Table 2.10):

- iv. Convention on International Trade of Endangered Species. Date of application in ESP: 30/05/1986
  - Appendix I includes all species currently threatened with extinction. Trade with specimens of these species are subject to particularly strict regulation, and are only authorized in exceptional circumstances.
  - Appendix II includes (a) all species which are not currently threatened with extinction, but are threatened unless trade regulations are implemented.. (b) Other species which are subject to regulation due to their closeness to the previous mentioned.
  - Appendix III includes all species which any Party identifies as susceptible to be regulated within its jurisdiction and require the co-operation of other Parties in the control of trade.
  
- v. European Directive 97/62/EC and 92/43/EEC about the conservation of the natural habitats, and wild flora and fauna. Date of application in ESP: 28/12/1995.
  - Annex II names the species for which it is necessary to designate Special Conservation Zones.
  - Annex IV states the species which are given a strict protection. For these species it is forbidden any form of capture or deliberate sacrifice of specimens in nature, as the disturbance of the species, especially in periods of reproduction, nursing, hibernation and migratory habits.

- Annex V lists species which may be object of management measures, such as temporal prohibition and regulation of capture and exploitation, and special measures on fishing and hunting.
- vi. Bonn Convention on the Conservation of Migratory Species of Wild Animals. Date of application in ESP: 01/05/1985.
- It will be forbidden to remove from the natural environment the species included in Appendix I. (Article III.5)
  - Species included in Appendix II are sensitive to future agreements to preserve them due to their unfavourable condition.
- vii. Bern Convention on the Conservation of European Wildlife and Natural Habitats. Date of application in ESP: 01/09/1986.
- Species included in Appendix II must be protected from all forms of deliberate capture, possession and deliberate killing. (Article 6)
  - Species included in Appendix III must have their exploitation regulated in order to keep population levels out of danger, taking into account the requirements of Article 2. (Article 7)

Table 2.10: Forbidden species regulated by European Union Legislation and International Treaties signed by ESP.

<b>Species</b>	<b>CITES</b>	<b>EU Directive</b>	<b>Bonn</b>	<b>Bern</b>
<b>Date of application in ESP</b>	<b>30/05/1986</b>	<b>28/12/1995</b>	<b>01/05/85</b>	<b>01/09/86</b>
<b>Cetacea</b>				
<i>Balaenoptera acutorostrata</i>	Appendix I			Appendix II
<i>Balaenoptera borealis</i>	Appendix I		Appendix I+II	Appendix II
<i>Balaenoptera edeni</i>	Appendix I		Appendix II	Appendix II
<i>Balaenoptera physalus</i>	Appendix I		Appendix I+II	Appendix II
<i>Megaptera novaeangliae</i>	Appendix I		Appendix I	Appendix II
<i>Balaenoptera musculus</i>	Appendix I		Appendix I	Appendix II
<i>Eubalaena glacialis</i>	Appendix I		Appendix I	Appendix II
<i>Delphinus delphis</i>	Appendix II		Appendix II	
<i>Globicephala melas</i>	Appendix II			Appendix II
<i>Grampus griseus</i>	Appendix II		Appendix II	Appendix II
<i>Lagenorhynchus acutus</i>	Appendix II		Appendix II	Appendix II
<i>Lagenorhynchus albirostris</i>	Appendix II		Appendix II	Appendix II
<i>Kogia simus</i>	Appendix II			Appendix II

Cont. table 2.10

<i>Trusiops truncatus</i>	Appendix II	Annex II	Appendix II	Appendix II
<i>Orcinus orca</i>	Appendix II		Appendix II	Appendix II
<i>Pseudorca crassidens</i>	Appendix II			Appendix II
<i>Steno bredanensis</i>	Appendix II			Appendix II
<i>Stenella coeruleoalba</i>	Appendix II		Appendix II	Appendix II
<i>Stenella frontalis</i>	Appendix II			Appendix II
<i>Phocoena phocoena</i>	Appendix II	Annex II	Appendix II	Appendix II
<i>Physeter macrocephalus</i>	Appendix I		Appendix I+II	Appendix II
<i>Mesoplodon densirostris</i>	Appendix II			Appendix II
<i>Ziphius cavirostris</i>	Appendix II			Appendix II
<b>Phocidae</b>				
<i>Monachus monachus</i>	Appendix I		Appendix I+II	Appendix II
<b>Cheloniidae</b>				
<i>Caretta caretta</i>	Appendix I	Annex II	Appendix I+II	Appendix II
<i>Chelonia mydas</i>	Appendix I		Appendix I+II	Appendix II
<i>Eretmochelys imbricata</i>	Appendix I		Appendix I+II	Appendix II
<i>Lepidochelys kempii</i>	Appendix I		Appendix I+II	Appendix II
<b>CRUSTACEA</b>				
<i>Ocypode cursor</i>				Appendix II
<i>Pachyplasma giganteum</i>				Appendix II
<i>Homarus gammarus</i>				Appendix III
<i>Maja squinado</i>				Appendix III
<i>Palinurus elephas</i>				Appendix III
<i>Scyllarides latus</i>		Annex V		Appendix III
<i>Scyllarides pigmaeus</i>				Appendix III
<i>Scyllarides arctus</i>				Appendix III
<b>GASTROPODA</b>				
<i>Gibbula nivosa</i>				Appendix II
<i>Patella ferruginea</i>		Annex IV		Appendix II
<i>Patella nigra</i>				Appendix II
<i>Charonia rubicunda</i>				Appendix II
<i>Charonia tritonis</i>				Appendix II
<i>Dendropoma petræum</i>				Appendix II
<i>Erosaria spurca</i>				Appendix II
<i>Luria lurida</i>				Appendix II
<i>Mitra zonata</i>				Appendix II
<i>Ranella olearia</i>				Appendix II
<i>Schilderia achatidea</i>				Appendix II
<i>Tonna galea</i>				Appendix II
<i>Zonaria pyrum</i>				Appendix II
<i>Helix pomatia</i>		Annex V		Appendix III
<b>BIVALVIA</b>				
<i>Lithophaga lithophaga</i>		Annex IV		Appendix II
<i>Pinna pernula</i>				Appendix II
<i>Pholas dactylus</i>		Annex IV		Appendix II
<i>Pinna nobilis</i>		Annex IV		

Cont. Table 2.10

<b>ASTERIDAE</b>				
<i>Asterina pancerii</i>				Appendix II
<i>Ophidiaster ophidianus</i>				Appendix II
<b>ECHINIDAE</b>				
<i>Centrostephanus longispinus</i>		Annex IV		Appendix II
<i>Paracentrotus lividus</i>				Appendix III
<b>HYDROZOA</b>				
<i>Errina aspera</i>				Appendix II
<b>ANTHOZOA</b>				
<i>Astroides calycularis</i>				Appendix II
<i>Gerardia savaglia</i>				Appendix II
<b>PORIFERA</b>				
<i>Aplysina cavernicola</i>				Appendix II
<i>Asbestopluma hypogea</i>				Appendix II
<i>Axinelle polyploides</i>				Appendix II
<i>Petrobiona massiliana</i>				Appendix II
<b>CNIDARIA</b>				
<i>Corallium rubrum</i>		Annex V		

- Prohibition of fishing in protected areas and periods.

Marine reserves and seasonal closures are management instruments which, above other measures, regulate RF.

Marine reserves are stated by article 6 of the Regulation Proposal 589/2003 as those areas where fishing may be prohibited or restricted in order to preserve and manage marine living resources, or to maintain and improve the state of conservation of the marine ecosystems. This Regulation Proposal contemplates the creation of Communitarian Protected Areas and National Protected Areas, either in or out of the territorial waters. Communitarian Protected Areas will be designated by the Council (by information of either the member States or new scientific data) and will be partially or totally out of the territorial waters of the member States. National Protected Areas will be designated by the member States and will be in the interior of the respective territorial waters.

The Spanish Law 3/2001 about marine fishing consider the creation of marine protected areas in article 13 (to favour protection and regeneration of the marine living resources). Three types of Fishery Protected Areas are defined in the Law, the present chapter

focused attention over Marine Reserves (article 14), defined as those where fishing activities could be limited or prohibited as any other activity which may alter the natural equilibrium of the environment. The other two types of Fishery Protected Areas are: Marine Conditioning Areas where there is installation of infrastructure for protection and reproduction of certain species, and Marine Restocking Areas where the purpose is to release gradually certain species.

Marine reserves in ESP are generally zoned in order to create areas with different degrees of protection where most sports activities are forbidden. In addition, temporal closure can protect certain species during their reproductive, spawning, nursing, hibernating or migratory periods. Also regulation can be established for species with a clear population decrease, and cancelled at their recovery.

**Zone A: Integral Protection Zone.** Neither professional nor RF is allowed. Only capture and collection of wildlife for scientific purposes is permitted with specific authorisation of the authorities. There is also strict regulation of navigation, mooring and anchoring (especially in sea-grass beds).

**Zone B: Area surrounding Zone A.** In this zone professional fishing is authorised (under different measures of regulation) and RF may be or may be not authorised. There are usually restrictions about anchoring, mooring and boat speed limits.

**Zone C: Area surrounding zone B.** Area of lesser protection. Professional fishing authorised (some measures of regulation or none) and RF authorised (some measures of regulation). Frequently anchoring on sea-grasses is regulated.

Marine reserves may be included within other jurisdiction such as National Parks (CG management) and Natural Parks (RG management). Available data of the reserves is heterogeneous and difficult to get because they are at different stages in administrative process.

Table 2.11. Marine Reserves in the Spanish Mediterranean waters.

<b>Reserve</b>	<b>Region</b>	<b>Zonification</b>	<b>Type of Reserve</b>	<b>RF in Zone B</b>	<b>Prof. Fish. Zone B</b>
Cap de Creus	CAT	A, B, C	Natural Park	Rod fishing C: allowed	B+C: artisanal
Illes Medes	CAT	A, B	Marine Reserve	1 rod/license	Longline and trammel nets for boats in specific census.
Ses Negres	CAT	A	Marine Reserve		
La Masia Blanca	CAT	A, B	Marine Reserve	Not allowed	3 years closed season. Minor and artisanal fisheries of the area. <sup>(1)</sup>
Illes Columbretes	VAL	A, B	Marine Reserve	Trolling, rod, jigging and bottom line fishing. <sup>(2)</sup>	Minor arts (trolling, rod, bottom line and jigging) and seine nets. Must be in the specific census.
Isla de Tabarca	VAL	B	Marine Reserve	Hook gears: rod, trolling, hand line <sup>(3)</sup>	See regulation below <sup>(4)</sup>
Penyal d'Ifac	VAL	A, B	Natural Park	Allowed	Allowed
Cabo de Palos- Islas Hormigas	MUR	A, B	Marine Reserve	Only shore casting <sup>(3)</sup>	See regulation below <sup>(5)</sup>
Islas del Mar Menor y Cabezo Gordo	MUR	No data available	Open Space <sup>(6)</sup>	Not regulated yet	Not regulated yet
Cabo de Gata-Níjar	AND	A, B, C	Natural Park	See regulation below <sup>(7)</sup>	Exterior waters: Trammel nets and seine nets. Ships of less than 25 GRT. Specific census.
Isla de Alborán	AND	A, B, C	Marine and Fisheries Reserve	B+C: Trolling, exceptionally rod or handline fishing <sup>(8)</sup>	See regulation below <sup>(9)</sup>
Frente Litoral Algeciras-Tarifa	AND	A, B	Natural Park	Not regulated yet	Allowed
s'Albufera des Grau	BAL	A, B	Natural Park	-	-
North of Menorca	BAL	A, B, C	Marine Reserve	Not allowed Zone C regulated <sup>(10)</sup> .	Zone B+C Minor arts <sup>(11)</sup>
Cala d'Hort-Cap Llentrisca	BAL	A, B <sup>(12)</sup>	Natural Park	Not regulated yet	Trawling prohibited

Cont. Table 2.11

Freus d'Eivissa i Formentera	BAL	A, B, C	Marine Reserve + Natural Park	See regulation below <sup>(13)</sup>	Minor and traditional arts of the area. Special authorisation <sup>(14)</sup>
sa Dragonera	BAL	A, B, C	Natural Park	Not regulated <sup>(15)</sup>	Traditional fix arts from shore
Cabrera	BAL	A, B	National Park	Not permitted. For navigation and anchoring must have Park authorisation.	Artisanal and specific arts. Special authorisation.
Migjorn de Mallorca	Balearics Islands	B	Marine Reserve	See regulation below <sup>(16)</sup>	Minor and traditional arts of the area. Special authorisation
C.N. S'Arenal i Cala Regana	BAL	A, B	Marine Reserve	35% area restricted, see regulation below <sup>(17)</sup>	Minor and traditional arts of the area. Special authorisation
Península de Llevant	BAL	A, B, <sup>(18)</sup>	Natural Park	Not regulated yet	Not regulated yet

1: Fishing methods permitted when seasonal closure are cancelled: Bottom longline and trammel nets. For bottom longline: maximum 250 m. long, 50 hooks, hooks 3,55cm. long and 1,30 cm wide. For trammel nets: maximum 500 m. long, maximum 50m. per piece, max. height 2 m., exterior net minimum 200 mm, interior net minimum 50 mm. The ship must be in the specific list created for professional fishing.

2: an express seasonal authorisation must be issued from the CG. RF seasons: spring: 1/03-31/05; summer: 1/05-30/0; winter: 1/10-28/02. Every fishing session must be communicated to the reservation services: giving boat documentation, authorisation number, fishing zone, catch declaration.

3: only in interior waters.

4: Exterior waters: "Moruna gruesa" (April to June), surface trolling. Must issue authorisation from the CG; Interior waters: hook gears except for longlines and its variants, "moruna chirretera" (October to December).

5: Longline (closed season from 1/05 to 30/09); Trammel net (closed season from 1/11 to 31/03). Ship must be in the specific census created for professional fishing.

6: Open Space: specific regional figure.

7: 5 years closed season for: *Epinephelus gauza*, *Epinephelus alexandrinus*, *Sciane umbra*, *Umbria cirrosa*. Zone B+C: Catch limits: 15 kg/boat; 2 kg/RFL in shore fishing. Prohibition of collection of any benthic organism. Anchoring permitted only for boats < 75 GRT in the designated areas (data not available). Zone B boat speed not over 20 knots. Anchoring not allowed on sea grasses.

8: an express seasonal authorisation must be issued from the CG. RF seasons: high: 1/05-31/10; low: 1/11-31/03.

9: B: longline, trolling, rod with live bait, seine net for small pelagic. C: trawling for red shrimp and other bottom species, not allowed under 70 m; longline and other hook gear, seine nets for small pelagic; previously reported to the Spanish Oceanography Institute other gear and coral collection, ships must be in the specific list

10: 35% of the area closed (established every 3 years); trolling (bottom and surface) and handline not allowed from 1/04 to 30/09. Closed season for *Xyrichtys novacula* from 1/04 to 15/09. Expressed prohibition for fishing contests. Species not allowed: *Squatina sp.*, *Scylliorhinus stellaris*, *Dasyatis centroura*, *Dasyatis pastinaca*, *Torpedo torpedo*, *Mustelus sp.*, *Sphyrna sp.*, *Prionace glauca*, *Hippocampus hippocampus*, *Hippocampus ramulosus*, *Nerophis ophidion*, *Sygnathus abaster*, *Sygnathus acus*, *Sygnathus typhe*, *Argyrosomus regius*, *Umbria cirrosa*, *Maja squinado*, *Charonia rubicunda*, *Conus mediterraneus*, *Astrea rugosa*, *Octopus macropus*.

11: Minor artisanal fishing with the traditional gear and tackle of the area. Limitations: *palangró* (type of longline) maximum 500 hooks/day; nets of fixed arts: lobster net 100 mm, fine net 80mm, mullet net 45 mm this last only from 1/09 to 28/02; maximum anchored nets 2000m/boat and day. Closed season for *Xyrichtys novacula* from 1/04 to 31/08.

12: Zone A only terrestrial environment.

13: Natural Park and Marine Reserve overlap. Zone B: 35% of the area closed for boat and shore RF. Zone C: Closed season for trolling and handline: 15/10-31/03. Stoppage of fishing for *Xyrichtis novacula* 01/02-31/07. Forbidden species: *Squatina sp.*, *Scylliorhinus stellaris*, *Dasyatis centroura*, *Dasyatis pastinaca*, *Torpedo torpedo*, *Mustelus sp.*, *Sphyrna sp.*, *Prionace glauca*, *Hippocampus hippocampus*, *Hippocampus ramulosus*, *Nerophis ophidion*, *Sygnathus abaster*, *Sygnathus acus*, *Sygnathus typhle*, *Argyrosomus regius*, *Umbria cirrosa*, *Maja squinado*, *Charonia rubicunda*, *Conus mediterraneus*, *Astrea rugosa*. Sport activities will be regulated in case of incidence on the environment.

14: maximum hooks **calados**: 750/boat; net eye sizes for fix arts: common nets 67 mm, nets for mullets 50 mm (only between 1/09 and 31/12); no professional activity allowed between Saturday 11 h. and Sunday 15 h.

15: for navigation closer than 50m. from islands, between 1/03 and 30/09, a specific authorisation must be issued by Park authorities; a sea life protection plan will be developed regulating anchoring and fishing.

16: Species not allowed: *Squatina sp.*, *Scylliorhinus stellaris*, *Dasyatis centroura*, *Torpedo torpedo*, *Sphyrna sp.*, *Prionace glauca*, *Apterichus caecus*, *Apterichus anguiformis*, *Hippocampus hippocampus*, *Hippocampus ramulosus*, *Nerophis ophidion*, *Sygnathus abaster*, *Sygnathus acus*, *Argyrosomus regius*, *Maja squinado*, *Charonia rubicunda*, *Conus mediterraneus* and any kind of benthic organism.

17: Species not allowed: *Squatina sp.*, *Scylliorhinus stellaris*, *Dasyatis centroura*, *Dasyatis pastinaca*, *Hippocampus hippocampus*, *Hippocampus ramulosus*, *Nerophis ophidion*, *Sygnathus abaster*, *Sygnathus acus*, *Sygnathus typhle*, *Maja squinado*, *Scyllarides latus*, *Charonia rubicunda*, *Astrea rugosa*, *Octopus macropus*.

18: The Natural Park cartography establishes a Marine Protected Area but it doesn't define the zonation. The specific legislation has not been found.

## v. Control Measures

- Specific measures

Recreational sea fishing in Spain is controlled by direct inspection and provision of information is required by the National Government. Two types of information must be submitted:

- Report of catches
  - o Contests
  - o Fishermen's daily catch of species included in the Annex III
  - o Quarterly report of catches in interior waters.
- Report of Licences
  - o Quarterly report of Recreational Fishing Licence issued by each RG.
- Report of Special Authorization (A.III)



- Quarterly, an updated list of SA is reported by the Central Government to the RGs.

The information given in Table 10 illustrates the control measures required at Regional and National levels and also the providing and receiving bodies. This information shows clearly the infraction of the law; it is unfeasible to submit quarterly catch report from RGs because these administrations do not oblige fishermen to declare catches.

Table 2.12: Provision of information. Providing body and receiving body.

<b>Informat</b>	<b>State Marine Fishing General Secret.</b>	<b>CAT Direct. General Fisheries</b>	<b>VAL Direct. General Fihseries</b>	<b>MUR Direct. General Fisheries</b>	<b>AND Agricult. and Fisheries Depart.</b>	<b>BAL Direct. General Fisheries</b>	<b>FEPyC</b>	<b>Fishing Club or Society</b>
Cat.Dec.1	R <sup>(1)</sup>	No Cat Dec	No Cat Dec	No Cat Dec	No Cat Dec	No Cat Dec	No Cat Dec	E <sup>(1)</sup>
Cat.Dec.2	R	E	E	E	E	E		
Cat.Dec.3	R <sup>(1)</sup>	R <sup>(2)</sup>	No Dec	No Dec	No Data	R <sup>(2)</sup>	E <sup>(2)</sup>	E <sup>(2)</sup>
RFLr	R	E	E	E	E	E		
SAr	E	R	R	R	R	R		

Cat.Dec.1: Catch Declaration from each day's activity for individual boat/fisherman.

Cat.Dec.2: Catch data in inner waters. The regions must send every three months a global report of the catch data in inner waters, except for species in Annex III of the Order of February 26, 1999. The report must be sent to the Marine Fishing General Secretariat (Food, Fisheries and Agriculture Ministry)

Cat.Dec.3: Contest Catch Declaration.

RFLr: The regions must send every three months a report of the Recreational Fishing Licenses issued.

SAr: Every three months the Central Government sends to the regions a report of the Big Pelagic Authorisations issued.

R: Receiving Body

E: Emitting Body

1: Catch declaration is obligatory for species included in Annex III of the Order of February 26, 1999. Catch declaration may be per boat or per license, but in all cases the boat authorisation number must be specified. Catch declaration must be sent to the Marine Fishing General Secretariat (Food, Fisheries and Agriculture Ministry) no later than 7 days from the fishing date. This declaration can be sent directly by the fisherman, or boat owner, or through a recognised fishing club, society or federation.

2: In Catalonia the Sport Fishing Federation must present Contest Catch Declaration before 30 days after the event (Article 2 of the Order of December 21, 2000 which establishes the authorisation procedure for recreational sea fishing contests). In Balearic Islands the organiser clubs and/or the federations must send in 15 days the results of the contests to the Fisheries and Agriculture Department (article9 Decree 69/1999).

- Control bodies

In addition to the above mentioned bodies, which control recreational fishing through the catch declaration, the Coast Guard of the Guardia Civil is the main control body in Spain. This agency is in charge of activities in the sea.

Finally, the Directorate General “Marina Mercante” (Ministerio de Fomento) control navigational activity. In relation to recreational sea fishing this body must be informed of the fishing contests, thus the large number of boats in a certain area may interfere with navigation (see chapter: Contests).

- Sanctions

In Spain, in reference to exterior waters, the recreational fishermen are obligated to carry out certain norms and requirements to practice the activity (Order of February 26 1999, which establishes the norms that regulate marine recreational fishing and state law of March 26 2001); otherwise, they will incur an infraction and they will be sanctioned in accordance with those established in the law of March 26 2001, in which a set of rules for the control and protection of the fishing resources is established. On the other hand, in respect to interior waters, fishing for shellfish and aquaculture are activities regulated and sanctioned by regional authorities.

In reference to recreational marine fishing, state (exterior waters) and regional (interior waters) specific list of infractions are defined; however, in exterior waters there are no specific sanctions for the Recreational Fishing infractions. RF infractions are penalised by the same sanctions applied to the professional fishing established in the general Law to protect the fishing resources. In interior waters, regional Governments do not have either specific sanctions for RF but Murcia; Catalonia and Balearic Is. use the national law for sanctions in exterior waters and Valencia use its own law of sanctions in interior waters, but applied to the professional fishing.

Depending on the nature of the infraction, it can be light, medium or heavy and the sanctions will vary accordingly (Table 2.13).

Table 2.13: infractions and sanctions in RF.

Infraction	Degree of the sanction					
	State	CAT	VAL	MUR	AND	BAL
Lack of administrative authorizations (fishing licence, etc.)	medium	medium	light	light		medium
Anexo III declaration	medium	*	*	*		*
Exceeding catch maximum	medium	medium	light (1) medium (2)	**		medium
Fishing gears and tackles (number and types)	medium	medium	medium heavy (3)	**		medium
Minimum sizes	medium	*	medium	heavy		medium
Forbidden species	medium heavy (4)	medium heavy (4)	medium heavy (5)	medium heavy (4)		medium heavy (4)
	State	CAT	VAL	MUR	AND	BAL
Catches sale or exchange	heavy	*	medium	medium		heavy
Interference with professional fishing	medium	medium	light	*		medium
Non manual means	medium	*	medium heavy (5)	*		medium
Artificial concentration of fish	medium	*	medium heavy (5)	*		medium
Illegal substances	heavy	*	heavy	heavy		heavy
Fishing in restricted areas (ports, swimming areas, etc)	**	**	medium	light		**
Fishing during the night	*	**	*	*		*
Mooring at sea	*	**	*	*		*
Law	Order of February 26 1999; law of March 26 2001	Decree 109/1995 ; law of March 26 2001	Decree 131/2000 of September 5; law 2/1994 of April 18	Decree 92/1984		Decree 61/2002 of April 19 ; law of March 26 2001

- (1) if it is less than double of the daily maximum allowance
  - (2) if it is more than the double of the daily maximum allowance
  - (3) professional tackles used in protected or preserve areas
  - (4) Medium or heavy depend on the species
  - (5) in protected or closed areas
- \* Not recognized as infraction
- \*\* Considered an infraction, but sanction are not listed

Fishing and sanctions in Protected Areas, as reserves, artificial reefs or repopulation areas depend on the characteristics of each area.

The fine for sanctions also varies between regions (Table 2.14)

Table 2.14. Fines for infractions in RF.

Administration	Fines
State, CAT, BAL	<ol style="list-style-type: none"> <li>1. Light: 9.983 → 49.916 pesetas.</li> <li>2. Medium: From 50.082 to 9.983.160 pesetas.</li> <li>3. Heavy infractions: From 9.983.326 to 49.915.800 pesetas.</li> </ol>
VAL	<ol style="list-style-type: none"> <li>4. Light infractions: from 10.000 to 200.000 pesetas.</li> <li>5. Medium infractions: From 100.000 to 2.000.000 pesetas.</li> <li>6. Heavy infractions: From 1.500.000 to 15.000.000 pesetas.</li> </ol> <p>* Independently to this scale, the fine's sum never will be less than the obtainable value in the nearest fish market by the offender.</p>
MUR	<ol style="list-style-type: none"> <li>7. Light infractions: Up to 2.500 pesetas.</li> <li>8. Medium infractions: From 2.501 to 10.000 pesetas.</li> <li>9. Heavy infractions: From 10.001 to 25.000 pesetas.</li> </ol> <p>* If the same infraction occurs within two years, the fine will be increase by 50%</p>

Depending on circumstances and the type of infraction (light, medium or heavy) additional accessory sanctions besides fines may be applied (Table 2.15).

Table 2.15: Other sanctions for infractions in RF.

Territory	Infraction	Possible accessory sanction
STATE, CATALONIA BALEARIC I.	Medium	Disqualification from practicing fishing activities for no more than 5 years
		Confiscation of fishing gear.
		Seizure of products obtained illegally
		Removal or no renewal of authorizations for no more than 5 years.
	Heavy	Disqualification from practicing fishing activities for no more than 5 years .
		Confiscation of fishing gears.
		Seizure of products obtained illegally
		Removal or no renewal of authorizations for no more than 5 years.
		Seizure of the ship
	VALENCIA	Medium
Heavy		Cancellation of fishing licence for a period shorter than 3 years but longer than 6 months

Cont. Table. 2.15

MURCIA	Light	<p>- Cancellation of fishing licence for a period shorter than one year but longer than 3 months</p> <p>- If the same infraction occurs within two years, cancellation of licence for a period shorter than one year (light and medium infractions) or permanent cancellation (heavy infractions).</p>
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Responsibility for imposition of sanctions in exterior waters (State law of March 26 2001, article 107):

- Government Delegates in the case of light infractions.
- General Director of Fishing Resources in the case of medium infractions.
- General Secretary of Sea Fishing in the case of heavy infractions and if the fine is less than 24.957.900 pesetas, 150.000 euros.
- Minister of Food, Fisheries and Agriculture in the case of heavy infractions and if the fine is more than 24.957.900 pesetas, 150.000 euros.

In accordance to the Decree of January 26 1999 of the Valencian Government, the competence for the imposition of the sanctions will correspond to:

- The director of the territorial services of the Food, Agriculture and Fisheries Department in the case of light infractions.
- The general director of Industry, Cooperatives, Fishing and Agrarian relations in the case of heavy infractions.
- The Councillor of the Food, Agriculture and Fisheries Department in the case of very heavy infractions

The inspectors of sea fishing activity in exterior waters (State law of March 26 2001, article 38):

- Inspectors of sea fishing activity in exterior waters are the authorised agents.

- Inspectors will have access to all dependences and documents and they will make a formal report detailing the circumstances and their results.
- Persons responsible of fishing ships, fishing products or facilities must collaborate with inspectors; otherwise, they will be sanctioned.

Necessary inspection and control norms will be adopted to secure the execution of the sea fishing rules set in exterior waters. The inspection activity in exterior waters can be done when the ship is at sea or in port, regarding to gears and catches, the inspection can take place during unloading. (State law of March 26 2001, article 39).

From the moment that a supposed infraction is identified, authorities can adopt precise provisional measures, including the retention of the ship or illegal gears and the ship's capture in the case of medium or heavy infractions, to secure the resolution of the possible sanction (State law of March 26 2001, article 93).

The components of the Sea Service of the Guardia Civil, can inspect any boats in exterior or interior waters to check its documentation, the execution of the fiscal regulations, the prevention of illegal behaviours, the observation about immigration's rules and, in general, the administrative regulation in force. They can ask for personal documentation (NID, passport), ship's documentation (rol, certificates, etc.) and any documentation dealing with the activity (for example: fishing licence). (Law 2/86 of the Security Forces and Bodies)

In Autonomous communities, when their authorities and agents in charge of marine fishing find infractions of the law, either at sea or in port, they will make a formal statement, describing the acts and the circumstances.

## **vi. Requirements for competitions**

- Authorizations

Marine sport fishing competition authorizations correspond to the practice of sport competition activity and to the use of resources and marine environment; in consequence, permissions involve different means.

### Sport Authorization

According with the Sport Law, RGs have the authority on sport. National Government action relative to sports events is carried out by the “Consejo Superior de Deportes”(CSD). Federations develop the coordination and cooperation between the National and Regional Governments.

Federated associations can participate in National and international competitions, whenever the corresponding regional federation is a part of the “Federación Española de Pesca y Casting” (FEP y C).

The FEP y C organizes National official competitions and also controls international official competitions. To celebrate international official competitions CSD’s authorization is necessary (Sport Law, article 39).

In case of interterritorial, national and international competitions regional federations transfer the request to the FEP y C. Federated fishing societies can organize a free number of local no official competitions, but the officials, must be requested to the corresponding federation. (Fishing and Casting Competitions of the FEP regulation, article 33 of general rules).

For Big Game Fishing modality, Spain Championship and King’s Cup requests will be approved by the Sea Committee of the FEP y C and the final timetable should be approved by CSD. In international competitions, FEP y C will transfer the request to the International Federation of Marine Sport Fishing (FIPS-M). (Specific rules of marine sport fishing competitions of FEP y C- Big Game Fishing, article 2).

Non federated fishing societies require FEP y C authorization to practice fishing sport competition, except if they fulfil with every sport and administrative regulations in force relative with sport fishing. And always with FEP y C authorization and paying the corresponding quantity fixed by FEP y C (article 34 of general regulations of FEP y C).

### Resource and environment use Authorizations

Competitions authorizations by the corresponding administrations about resources and environment regulations are necessary, because during competitions catch limits established by Recreational Fishing Regulations are exceeded. In table 2.16 responsible bodies of marine fishing sport competitions authorizations are described.

Table 2.16.- Responsible bodies of marine fishing sport competitions authorizations.

Permission (Responsible bodies)		Law
National Government <sup>(4)</sup>	Secretaría General de Pesca Marítima	O. 26/02/99 <sup>(1)</sup> * O. 24/07/00 <sup>(2)</sup> *
Regional government <sup>(3)</sup>	CAT	DG Marine Fishing (DGPM). Generalitat de Catalunya.
	BAL	DG Fisheries. Govern Balear.
	VAL	DG Fisheries. Govern Valencià.
	AND	DG Fisheries. Govern Andaluz
	MUR	DG Fisheries. Comunidad Autónoma de la Región de MUR.
		Order of December 21 2000, about the authorization and execution of sport fishing competitions.**
		D. 69/99 D. 61/02 **
		D.131/00**
		D. 361/2003
		D. 92/84 **

\*: These Orders are in force in waters of Spanish jurisdiction or sovereignty, and for Spanish fishermen in international waters, excluding interior waters and the Canary Islands.

\*\* : These Orders or Decrees are in force in interior waters, within the jurisdiction of the respective regional communities.

1: In the case of **exterior waters** competitions, an express authorization to exceed the lawful catch limits is needed.

2: On the other hand, the respective federation will also request the necessary authorizations from the regional governments, because the ports, as well as transit waters, are in the interior waters; in consequence, a paper which certifies that a request has been forwarded to the applicable regional authority, regarding leisure and sport activities, is also required.

3: In the case of **interior waters** competitions, only an express authorization from the regional government is necessary. The transaction of the necessities requests will develop through the federations of each region. The federations are responsible for obtaining authorization from town cities' or other organism's authorizations.

4: "Capitania Marítima" and the "Guardia Civil del Mar" must be informed before any competition.

- Description of the basics

Each fishing modality has specific fishing rules because of its particularities but there are not big differences among them.



### Anchored boat:

The boat is anchored in a fixed point.

Table 2.17 Anchored boat specific fishing rules.

<b>Anchored boat fishing rules</b>	
<b>Fishing areas</b>	Easy to identify.
	Inside the limited area selection of the fishing point will be free.
<b>Crew</b>	Participants, observer and skipper. Exceptionally: skipper assistant, photographer, journalist, ...
<b>Boats in competition</b>	Any boat with similar fishing capacities for competition can participate.
<b>Boat anchored</b>	Motor propulsion only during displacements.
<b>Distance between boats</b>	Minimum 30 m.
<b>Places onboard</b>	Places are raffled for every leg of the competition.
<b>Competition duration</b>	3-5 hours.
<b>Competition cancellation</b>	When 50% of the competition time is over the event will be valid.
<b>Fishing tackles</b>	Rod, bobbin and line with sinkers.
	3 hooks maxim per line.
	Catch can be used for bait.
	Shumming is forbidden.
	During the fight with the fish the participant can't be helped by any other participant.
<b>Score</b>	Only legal lengths of valid species will be count.
	The same fish caught by different participants' hooks will not valid.
	One point per gram.
<b>Classifications</b>	Per boat and leg.
	Types: individual per leg, by team per leg, final individual, final by team. In the case of draw the resolution will vary according with the type of classification.

### Big game fishing:

In the case of big game fishing competitions, the FEC y C with the purpose to enhance the ethic and sportive behaviour establish fishing rules following FIPS-M and International Game Fishing Association (IGFA) recommendations. The organizer club or association must submit to its territorial federation the correspondent request accompanied with a dossier of the competition basics (complementary to official rules of the FEC y C) including:

- Competition modality.
- Origin of the participants.
- Timetable.
- Modalities and fishing areas.

- Species and minimum length.
- Radio communication.
- Score system.
- Prizes-gifts.
- Penalties.
- Tension maximum limit (lines).
- Number of rods per boat.
- Others.

Trolling:

Table 2.18.- Specific trolling fishing rules.

<b>Trolling fishing rules</b>	
<b>Observers</b>	The competitions can take place with or without observers onboard, will be detailed in the basics.
<b>Crew</b>	Two per boat minimum
<b>Responsibilities</b>	Skippers are the responsible to fulfil the rules.
<b>Communications</b>	The boat must be equipped with VHF radio transmitter.
<b>Fishing tackles and bait</b>	Natural bait (live or dead) is forbidden
	Different systems for depth control can be used
<b>Skippers meeting</b>	Before the competition the final instructions or last changes will be detailed during the meeting.
<b>Competition cancellation</b>	When 50% of the competition time is over the event will be valid.
<b>Judges</b>	Can go onboard to control the compliance of the rules according with material, chairs, bobbins, rods, lines, etc.
<b>Security</b>	Before leaving the skipper will sign a declaration with the number of participants and guests.
<b>Fishing timetable</b>	Committee will detail departure and return time.
<b>Mooring</b>	Allowed only in the organization's ports.
<b>Distance between boats</b>	The minimum distance between participants' boats will be of 225 m.
<b>Landing</b>	Presence of a judge or an authorized member is required.
	The weight is responsibility of judges.
<b>Classifications</b>	According with the basics of the competition.

## Shumming

Table 2.19.- Specific shumming fishing rules.

<b>Shumming fishing rules</b>	
<b>Observers</b>	The competitions can be held with or without observers onboard, will be detailed in the basics.
<b>Crew</b>	Two per boat minimum.
<b>Responsibilities</b>	Skipper are the responsible to fulfil the rules.
<b>Communications</b>	The jury will be informed about the position (GPS and sounding) of the anchored point or drifting in any moment. Every fish bite must be informed, including the name of the fisherman.
<b>Bait</b>	If it's possible will be provided by the organization. Bait and shumming will be the same for all participants. Live or dead bait, caught during competition, is accepted.
<b>Skippers meeting</b>	Before the competition the final instructions or last changes will be detailed during the meeting.
<b>Competition cancellation</b>	When 50% of the competition time is over the event will be valid.
<b>Judges</b>	Can go onboard to control the compliance of the rules according with material, chairs, bobbins, rods, lines, etc.
<b>Security</b>	Before leaving the skipper will sign a declaration with the number of participants and guests.
<b>Fishing timetable</b>	Committee will detail departure and return time. The fight can be continued during two hours more if the correspondent bite has been communicated before time limit.
<b>Mooring</b>	Allowed only in the organization's ports.
<b>Distance between boats</b>	The minimum distance between anchored boats will be of 450 m.
<b>Landing</b>	Presence of a judge or an authorized member is required. The weight is responsibility of judges.
<b>Classifications</b>	According with the basics of the competition.

- Requirements for competitors

Participant's requirements in a marine sport fishing competition are presented in the following table.

Table 2.20.- Requirements of participant in marine sport fishing competition.

Requirements of the participants	Law
To participate in an official national competition it is necessary: <ul style="list-style-type: none"> <li>- To be Spanish citizen or Spanish resident.</li> <li>- To be of the correct age according with the category of the competition.</li> <li>- To have all required documents, including fishing licence and federative licences.</li> </ul>	Regulations of Fishing and Casting Competitions (RFCC) of the FEP (article 36 of general regulations).
The licence given by regional federations will be valid when these federations are included into the Spanish Sports Federations.	Sport Law (article 32).
All participants in national official competitions need an insurance.	Sports Law (article 59).
To participate in National Leagues of Clubs (anchored boat fishing competition), the participant must be a member of the club at least 6 months prior to the competition.	RFCC of the FEP (article 39 of general regulations).

- Identification of alterations to the general conditions of RF

In all fishing competitions under authority of the FEP y C, regulations in force must be followed (Regulations of the fishing and casting competitions of the FEP, article 39). However, during a competition a real possibility to exceed catches limits established by the law exists, and for this purpose, an express authorization by the “Secretaría General de Pesca Marítima” is necessary (Order of February 26 1999, which establishes the norms that regulate marine recreational fishing).

With reference to other types or alterations:

- In Balearic Islands professional traditional gears and tackles are used during some competitions.
- Minimum distance from aquaculture farms may be altered.
- Competition during night time, regional government authorization is necessary (Regulations of the fishing and casting competitions of the FEP, article 17).
- The rent of professional boats during competitions. At present it is an irregular activity because no regulations take this activity into account.

- Infractions and sanctions

In all competitions under the authority of the FEP y C the laws or governmental orders in regarding sport fishing activity must be respected (Regulations of the fishing and casting competitions of the FEP, article 16 of general regulations).

Control of all national or international sport fishing competitions is under the responsibility of the FEP y C and this refers to all sport societies or clubs that promote, practice and contribute to the development of sport fishing (Regulations of the fishing and casting competitions of the FEP, article 11 of general regulations).

The FEP y C has authority over the regional federations, societies or clubs, over participants, technicians and judges-referees integrated into it. In relation to the disciplinary rules, the FEP y C will act in accordance with the Law 10/90 of sport.

Competition discipline is maintained by the following, bodies of FEP y C (Regulations of the fishing and casting competitions of the FEP, article 56 of general regulations):

- Competition committee
- Jury of the Competition
- Judge
- Sport Discipline Committee

Sport law in relation to fishery competitions:

- 1.- TITLE VIII. The control of forbidden substances and methods in the sport and security during the competition (articles 56, 57,58,59 of sport law).
- 2.- TITLE IX. Violence prevention in sport spectacles (articles 60 to 69 of sport law)
- 3.- TITLE X. Sports' facilities (articles 70,71,72 sport law).
- 4.- TITLE XI. The sport discipline (articles 73 to 85 sport law).

The FEP y C's structure for the control and fulfilment of the norms in sport fishing competitions and their function is specified in the next table:

Table 2.21.- Bodies of the FEP y C and their functions.

<b>Bodies</b>	<b>Functions</b>	<b>Law</b>
<b>Jury</b>	a) To preside at the delegates meeting. b) To assist in the raffle for fishing sites. c) To supervise catch weight and counting. d) To qualify degree of infractions presented by the judge. e) To approve final or partial reports. f) To cancel or postpone the competition. g) To resolve possible claims.	Regulations of the Fishing and Casting Competitions of the FEP (articles 45, 46 of general regulations).
<b>Speciality committee</b>	a) To inform all the participants of the regional classificatory contests about the details of the national final. b) To check the place for the final competition. c) To check all aspects (raffles of fishing sites, catch counting, classifications, etc.) during the competition. d) To present jury's and judges' conduct report to the correspond national committee.	RFCC of the FEP (article 47 of general regulations).
<b>Judge</b>	During the competition the judge is the only organ with disciplinary authority. Activities: a) To take part in the Jury of the Competition. b) To report and to sanction the infractions during the competition. c) To sign and make a formal statement about incidents that happened during the competition.	<i>RFCC of the FEP (article 50 of general regulations).</i>
<b>Observers</b>	a) To accompany participants during times indicated by the organization, without obstructing their movements or operations. b) To note possible infractions and communicate them to the judge. c) To sign with the sportsman the necessary files previous to the counting and weighing of the catches by the jury. d) To confirm the validity of incidents (bad weather, obligatory absence of the sportsmen, etc.) which may result in cancellation of the event.	<i>RFCC of the FEP (articles 51,52 of general regulations)</i>

## vii. General sailing conditions

- Recreational qualifications

### Definition

These are qualifications of a non-professional nature which permit the holder solely to sail the boat, but not to carry out any paid transport activities of cargo or passengers or non-recreational fishing.

### Legal regime

This is based mainly on the Order of the Ministry of Development of 17 June 1997 regulating the conditions for commanding recreational craft, the execution of which corresponds to the Merchant Marine Board or those Autonomous Communities which have assumed the effective exercise of powers in nautical-sport training. This Order lays down the qualifications and conditions permitting the command of recreational craft and also incorporates the compliance of these regulations with the sanctions system provided for in Act nº 27/1992 of 24 November on State Ports and the Merchant Marine. These regulations also permit qualified sailing professionals to perform in recreational craft the position corresponding to attributions with professional qualifications (Section 3).

In 1997 the Ministry of Development transferred the powers of sports qualifications to the coastal Autonomous Communities. Although all of the Autonomous Communities exercise these regulations in the same manner, cases of different requirements in one aspect or another may arise. However, and although the conditions for obtaining these qualifications (Official State Gazette 03.07.97) are laid down by Ministerial Order and not by Royal Decree, they must be the same throughout the State (Section 149.1.1).

However, circumstances occur which do not guarantee this compliance of equality. The government departments in charge of granting qualifications vary from one Autonomous Community to another, from, for example, Agriculture and Fisheries in Catalonia to Tourism and Sports in Andalusia. However, the fines and sanctions continue to be laid down by the Merchant Marine Board.

Moreover, in some Autonomous Communities the awarding of the qualification of '*Patrón de Navegación Básica*' has been delegated to the federations, giving them the power to examine and award the qualification, and these in turn often delegate this power to the clubs. Some Autonomous Communities, having believed that these were the most suitable bodies to perform this task, have been surprised by the number of qualifications issued and the lack of rigour in the manner of awarding them.

The various qualifications permit the command of boats of different lengths and up to a certain number of miles from the coast for sports or recreational sailing. Table 2.22 below shows the various qualifications along with the attributions and requirements corresponding to each one.

Table 2.22. Current Types of Recreational Qualifications

Types	Attributions	Requirements of obtainment
'Capitán de Yate'	Recreational motor or motor and sailing boats with no limitations.	<ul style="list-style-type: none"> <li>To have the qualification of 'Patrón de Yate.'</li> <li>To pass the theoretical examination.</li> <li>To pass the practical examination or the navigational practices.</li> <li>Medical check-up.</li> </ul>
'Patrón de Yate'	Recreational motor or motor and sailing boats up to 20 m length. Sailing limited to 60 miles from shore.	<ul style="list-style-type: none"> <li>To have the qualification of 'Patrón de Embarcación de Recreo.'</li> <li>To pass the theoretical examination.</li> <li>To pass the practical examination or the navigational practices.</li> <li>Medical check-up.</li> </ul>
'Patrón de Embarcación de Recreo'	Recreational motor or motor and sailing boats up to 12 m length. Sailing limited to 12 miles from shore. Plus sailing in the Balearic and Canary archipelagos.	<ul style="list-style-type: none"> <li>To pass the theoretical examination.</li> <li>To pass the practical examination or the navigational practices.</li> <li>Medical check-up.</li> </ul>
'Patrón de Navegación Básica'	Recreational sailing boats up to 8 m length and recreational motor boats up to 6 m. Sailing limited to 4 miles from shore.	<ul style="list-style-type: none"> <li>To pass the theoretical examination.</li> <li>To pass the practical examination or the navigational practices.</li> <li>Medical check-up.</li> </ul>
Federative Licence	Recreational boats up to 6 m length and maximum motor power 40 kW (54 HP). Daytime sailing in the areas limited by the Marine Authority.	<ul style="list-style-type: none"> <li>To pass an examination set by the Sailing or Motorboating Federations.</li> </ul>
Sailing without qualifications	<ul style="list-style-type: none"> <li>Recreational motor boats up to 4 m length and maximum motor power 10 kW (13 HP).</li> <li>Recreational sailing boats up to 5 m length.</li> <li>Jet-skis (BOE 13.01.99)</li> <li>Canoes, kayaks and pedal boats, without motor or with maximum motor power 3.5 kW.</li> </ul>	

#### Professional or remunerated activity

The practice navigation as a professional requires the qualification of 'Patrón de Cabotaje.' However, the Spanish government is studying the possibility of permitting 'Patrones de Yate' and 'Capitanes de Yate' to perform remunerated work. This measure is more in line with reality, since a 'Patrón de Yate' can command a 20-metre boat authorised to carry 12 persons under his/her liability but without making any charge for this.



- Recreational boats: Requirements

### Definition

Recreational boat: a boat of any type, independently of its means of propulsion, with a length between 2.5 and 24 metres, designed and built for recreational and sports uses and carrying no more than 12 passengers (Royal Decree 1434/1999).

### Sale: Administrative formalities.

The sale of a boat of a length of 6 metres or more requires notification to the Merchant Marine Board.

The sale of a boat of a length under 6 metres requires notification to the Merchant Marine Office of the Marine Province where the boat is registered.

The basic safety requirements of a recreational boat are regulated by Brussels Directive 94/25/CE, whose application is dictated in Royal Decree n° 297/1998 of 27 February and completed with the Order of the Ministry of Development of 27 April 1999.

### Administrative documents

Among the many requirements for recreational sailing, we set out here the specific ones to be met by the boats (Decree n° 1027 of 28 July 1989).

- Flagging

It is the administrative certification authorising the boat to bear the national flag. This must be requested by a natural or legal person resident in Spain or in an EC country provided a Spanish representative is appointed.

- Registration

This is conducted by the Administration by way of Public Registers depending on the corresponding marine district, in different “lists” according to the boat’s origin or activity.

- List Six: registers recreational craft which are operated to profit-making purposes.

- List Seven: includes craft whose use is exclusively the non-profit practice of sport or non-professional fishing.

- Certificate of Seaworthiness.

A document certifying that the boat complies with all of the legally required inspections. Currently regulated by Royal Decree 1434/1999.

- Clearance.

This document grants permission for a particular sailing, and is regulated by the Order of 18 January 2000 and developed by Service Instruction nº 3/2000 of the Merchant Marine Board. It is required by all recreational craft which are powered exclusively by sail and are not registered with the corresponding sailing federation, and those powered by motor which are over 6 metres in length. This clearance is requested from the Marine Authority along with the Ship's Roll, and the Authority records in the Roll the minimum qualification required for commanding the boat and the maximum number of persons allowed on the boat, along with its corresponding certificates.

- High-speed boats

High-speed boats are subject to a number of additional obligations before the Marine Authority:

- To moor in the place indicated by the Marine Authority.
- To request permission to sail, including the number of crew and passengers.
- To report the boat's return within one hour of arrival.
- To hold an insurance policy with a firm that covers civil liability for a minimum of 50 million pesetas.

- Recreational boats: Taxation

In the Spanish State, boats of over 7.5 metres length are catalogued as luxury items. The four current tax rates for legalising a boat extend up to 30% of the value of the boat. The

current taxes are: VAT 16%, Special Tax 12%, Water Tax (levied on harbour space occupied) plus the fees for periodical sailing certificates.

Note.- This high tax burden leads to the formation of boat hire firms which save some of these taxes and falsify the true figures of boats genuinely dedicated to hire. Another device for expensive boats is registration under a flag of convenience.

New boat: breakdown of taxes.

- Value Added Tax (VAT): 16% as per the current legislation.
- Special registration tax.
  - o Exempt from this tax:
    - Boats of length less than or equal to 7.5 metres.
    - Boats of length less than < 15 metres dedicated exclusively to hire.
    - Rowing or paddle boats or Olympic category sailboats.
  - o 12% tax on the value of the boat:
    - Any boat of over 7.5 metres length or with characteristics other than those indicated above.
- Fees
  - o T-0, payable to the port authority:
    - Up to 6 metres length, single payment.
    - Over 6 metres length, annual payment.
  - o ITB, Technical Inspection of Boats.
    - The issuance of the Certificate of Seaworthiness and first inspection is carried out by the Boat Inspection Service, and the amount is paid to the Marine Authority.
    - The other inspections are performed by private companies authorised to this purpose and periodically listed in the BOE.

- Sailing Licence (over 6 metres), a small fee payable to the Marine Authority.
- Recreational boats: Compulsory Insurance
  - Civil Liability Insurance.

The obligation to hold civil liability insurance applies to “all motor-powered boats over 6 metres in length, and to those of greater length even if lacking a motor.” The compulsory nature of such insurance is based on the maritime nature of the craft and the concept of sport or recreational sailing, which entails a hazardous activity due to the injuries and damage it can cause.

Since 16 April 1999, any uninsured boat commits a serious infraction against the Ports and Merchant Marine Act, without detriment to the penal legislation, and may also be subject to a fine from one to twenty million pesetas. The Act also applies to all foreign boats which enter our harbours. The general conditions of the insurance policies adhere to the corresponding sailing licence and the corresponding obligations for the sailing.

- Competition Insurance.

In a sports event, a special insurance policy must be taken out to cover the liabilities of the parties involved. The rule does not specify who must take out this policy, and therefore the owner of the boat will be obliged to do so. However, the competition rules may include the price of the insurance in the entrance fee or require the participants to take out the special insurance.

- Participant protection insurance.

This type of insurance is compulsory in official sports activities (Act n° 10/90 on Sport throughout the State, Section 59.2). This insurance covers the health risks arising from the practice of the corresponding type of sport.

- Sailing requirements

Empowered Bodies:

Merchant Marine Board (Ministry of Development).

Powers:

General regulation of sea sailing and the Spanish civil fleet. Regulation and execution of inspections, technical and radio-electrical safety inspections and prevention of pollution. Granting of concessions and authorisations of sea sailing services and functions related with the maritime traffic regulations.

Legislation:

The Spanish State does not have specific legislation regulating recreational sailing, and by analogy that of the Merchant Marine is applied.

- Infractions
  - Criminal infractions

Those infractions which due to their degree of seriousness are regulated by Criminal Law are considered offences (Table 2.23). The derogation in 1995 of the Criminal and Disciplinary Law of the Merchant Marine makes the provisions established in the Penal Code the sole source.

Table 2.23. Types of offences (Organic Act 10/1995 of 23 November)

<b>Offence</b>	<b>Section of the Law</b>
<b>Homicide and its forms</b>	Sections 138, 139, 140, 142
<b>Bodily harm</b>	Sections 147,148, 149, 150, 152, 155
<b>Failure to provide assistance</b>	Section 195
<b>Offences against property</b>	Sections 263, 265, 266, 267
<b>Against natural resources and the environment</b>	Sections 325, 328, 330, 331
<b>Related to the protection of flora and fauna</b>	Sections 332, 334, 335, 336, 337

- Sailing infractions

The Spanish State does not have specific legislation regulating recreational sailing, and by analogy that of the Merchant Marine is applied. The regime of infractions and sanctions is regulated by the State Ports and Merchant Marine Act nº 27/1992 (Table 2.24).

Table 2.24. Sailing Infractions and Sanctions.\*

<b>Infraction</b>	<b>Max. amount, approx.(€)</b>
Minor	60,101.21
Serious	120,203
	180,303
	300,506
	601,012
Very serious	300,506
	601,012
	901,508
	3,005,060

\*: The amount of the fines corresponding to the most frequent infractions of recreational craft tend to range from 300 to 30,000 euros.

- Environment.

The legal obligations and liabilities relating the environment with recreational sailing are established in Section 61 of the Ports and Merchant Marine Act developed by Royal Decree nº 438/1994, clarified in DGMM circular nº 5/94. The central problem tackled by this legislation is that of waste. The waste declaration is designed for large vessels. Apart from this document, both the national and international legislation establish a series of limitations on dumping certain wastes into the sea.

Since 1995 the Spanish Penal Code (Part XVI, Chapters III, IV and V) includes offences against natural resources and the environment. We can mention here Sections 330 and 338, which consider aggression against protected natural areas, Section 334, which refers to the fishing of protected or endangered species, Section 335, referring to

fishing without an administrative permit, and Section 336, on the use of fishing procedures which are destructive for fauna (poison, explosives, etc.)

#### **viii. Tourism fishing / Charter activity**

Tourism fishing is an activity in development all along the Mediterranean coast although its regulation is scarce and incomplete. The present chapter explains the legal situation of charter fishing in ESP. Unfortunately there is not regulation at all for the tourism fishing practiced from professional fishing boats. This activity takes place at present, and although it is not frequent it is likely to increase in the near future as an alternative to commercial fishing. Consequently, is of major importance to provide a legal framework for its progress.

The only tourism fishing in Spain under a legal framework is the charter activity. The Article 37 of the Marine Fishing State General Law (Law 3/2001) recognizes the charter fishing, establishing that boats for this activity must possess an authorisation from the Food, Fisheries and Agriculture Ministry (which may specify the annual catch limits) and must present the declaration of catches as is regulated. There are other tourism fishing activities not very developed and with no legal framework which are the following:

- Pesca-turismo

Only rental of professional fishing ships for fishing contests from anchored boat has been observed in Spain. This takes place mostly in areas where there are not enough private boats or recreational boats for rental. It is common to rent professional ships although it is irregular because only persons with a special permit can navigate on professional ships.

- Fishing Schools

This is a new type of tourism fishing practiced in ESP. People with a recreational boat host groups for fish teaching for a short period of time (a few days, one week). In fact

this activity could hide a charter activity but as irregular as the one practices from commercial fishing boats.

#### Charter: Requirement of the skipper

Charter fishing in Spain is constrained by the navigation qualification required to pilot a charter boat. None of the recreational titles are legal and the Spanish law obliges to have the professional navigation title of “Patrón de Cabotaje”, which is the highest degree of the navigation title, being the same required to pilot merchant ship and tankers. This situation generates the rent of the boat without skipper or to contract skippers from other countries where the navigation title is recreational.

#### Charter: Requirement of the boat

Charter boats are recreational commercial boats and are matriculated in a different list (List 6) than the pure recreational ones (list 7), and they are exempted of the matriculation fee.



## **ACKNOWLEDGMENT**

We desire to name those institutions and organisations which have answered our requests during this period. We thank them for facilitating our work, those are the following:

Food, Fisheries and Agriculture Ministry, Gobierno Español; Fisheries Authorities of the Regional Governments of Catalunya, Valencia, Murcia, Andalucía and Islas Baleares; Ports Authorities of the Regional Governments of Catalunya, Valencia, Andalucía and Balearic Islands; Federació Catalana de Pesca Esportiva, Federación Valenciana de Pesca Deportiva, Federación Murciana de Pesca Deportiva, Málaga and Cádiz Provincial Delegations of the Federación Andaluza de Pesca Deportiva; Ports de la Generalitat (Catalunya), Empresa Pública Puertos de Andalucía, Asociación de Instalaciones Náuticas y Deportivas de Baleares, several recreational ports authorities, fishing societies and clubs in the Mediterranean Coast of Spain, and tourism private portals in internet.

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## Chapter 3. Recreational Sea Fishing in France

### Introduction

Marine Recreational Fishing in France is regulated by Decree n° 90-618 of 11 July 1990 modified by Decree n° 99-1163 of 21 December 1999. This decree states:

Art. 2: Marine Recreational Fishing is submitted to the present decree and to the regulation applicable to professional fishers regarding minimal size, characteristics and conditions of use of fishing gears, fishing modes, fishing method as well as fishing zones and periods, and prohibitions.

By Order, the Minister in charge of maritime fishery can set regulations regarding minimal weight or size of fish species and other marine animals listed in Annex of present Decree. These rules, specific to recreational fishing cannot be more favourable as those applied to professional fishers.

#### i. Prohibitions

- Prohibition of sale

In France, the catch cannot be hawked, offered for sale, sold, or bought with knowledge of the fact. The catch shall be consumed exclusively by the fisher and his family. Prohibition of catch is mentioned in Decree n° 90-618 (11/07/1990) Art. 1 (D.90/618).

However, selling of tuna fish is allowed during recreational tuna fishing contests by agreement between the authorities (Affaires Maritimes), the professional fishermen, and the Sportive Federation F.F.P.M. The tuna is sold by a specific fish wholesaler (in convention with the F.F.P.M.). Part of the profit is transferred to the F.F.P.M. The Federation donates 0,22 Euros per kg of sold fish to the SNSM (National Society for Rescue at Sea). The rest is divided into 3 parts: 25% (or 50% in Big Game contests) to the club organiser of the contest; 25% to the local professional fishing Committee (C.L.P.M.E.M.) for its charitable institutions; and 50% (or 25 in Big game contests) to charitable institutions designated by the Federation. To allow traceability of the fish

caught by recreational fishers the tuna shall be identified with a bracelet and a number or have its dorsal fin removed.

- Other general prohibitions to RF
  - Prohibition of gears (D. 90/618)

Art. 3: Boats practicing recreational fishing are forbidden to possess and use other gears than the ones listed below:

- lines with a maximum number of 12 hooks;
- 2 long lines with 30 hooks each ;
- 2 traps;
- 1 spear;
- 1 landing net
- 1 “grapette” (in Mediterranean for sea urchin harvesting)
  - Obstructing or interfering with the activities of professional fishing

There is no specific regulation regarding obstructing or interfering with professional fishing, however international navigation regulation requires for any vessel to “keep clear” of any other vessel (Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs), entry into force on 15 July 1977.)

- Prohibition of use of electrical or hydraulic bobbins, or any gear which is strictly manual. Forbidden by default in D. 90-618, Art. 3.
- Prohibition of use of any means of artificial attraction or concentration of species and, explicitly the use of lights for this purpose. Forbidden by default in D. 90-618, Art. 3.
- Prohibition of use of any kind of poisonous, narcotic, exploding or polluting substances. Forbidden by default in D. 90-618, Art. 3.

## ii. Limitation of modalities of fishing and tackle

See previous chapter.

## iii. Licences or authorisations for recreational fishing

There is no licence required for marine recreational fishing in France from shore and boats.

## iv. Conservation measures

- Limit of catches

On a general basis there is no limit in terms of weight or number of specimen for MRF in France. Nonetheless, Blue Fin Tuna is subject to specific measures regarding its conservation in the Mediterranean (Table 3.1)

Table 3.1. Specific measures for BFT conservation

Law	Measures
<b>Prefect Order n° 264 of 21 May 1991.</b> (Related to regulation of Tuna fishing with from an anchored boat).	Art. 1: Tuna fishing with a line from an anchored boat is forbidden along all the coast of continental Mediterranean. Art. 2: Authorisation may be given for limited period upon proposal of Chiefs of "Affaires Maritimes" Quarters.
<b>Prefect Order n° 506 of 26 August 1994</b> (trolling (engine on) or drifting (engine off)).	Art. 1: The quantity of tuna species caught by a non professional fishing vessel (either « trolling » (engine on) or « drifting » (engine off) is limited to 25 kg or one tuna fish per person onboard and per day. During fishing Contests and with the request from contest organizers, these maximum quantities can be exceeded. Art. 2: Captured tuna fish during recreational fishing shall be identified either with a numbered bracelet or any equivalent process or by removing the dorsal fin. Art. 3: No boat shall practice recreational tuna fishing (trolling or drifting) within a range of 1 nautical mile from another boat practicing the same activity or from fishing gears.

- Minimum lengths or weights permitted for particular fish species

Size and weight permitted for Marine recreational fishing in France are established in Decree n° 99-1163 of 21 December 1999 and in Order of 21 December 1999 (Table 3.2).

Table 3.2. Minimum size of fish

<b>Name</b>	<b>English name</b>	<b>Min. Size (cm)</b>
<i>Alosa spp</i>	Twaite shad	30
<i>Dicentrarchus labrax</i>	European seabass	25
<i>Diplodus spp</i>	Seabream	15
<i>Engraulis encrasicolus</i>	European anchovy	9
<i>Epiphenelus spp</i>	Grouper	15
<i>Lepidorhombus boscii</i>	Fourspotted megrim	20
<i>Lophius piscatorius et Lophius budagassa</i>	Angler	30
<i>Merluccius merluccius</i>	European hake	20
<i>Mugil spp</i>	Mullet	20
<i>Mutlus spp</i>	Red mullet	11
<i>Pagellus sp</i>	Pandora	12
<i>Petromyzon marinus</i>	Sea lamprey	20
<i>Polyprion americanus</i>	Wreckfish	45
<i>Raja spp</i>	Ray	36
<i>Sardina pilchardus</i>	European pilchard	12
<i>Sciaena umbra</i>	Brown meagre	30
<i>Scomber japonicus</i>	Chub mackerel	18
<i>Scomber scombrus</i>	Atlantic mackerel	18
<i>Solea vulgarisi</i>	Sole	20
<i>Sparus aurata</i>	Gilthead seabream	20
<i>Sparus pagrus</i>	Couch's sea bream	20
<i>Thunnus thynnus</i>	Bluefin tuna	6.4kg or 70cm
<i>Trachurus spp</i>	Atlantic horse mackerel	12
<i>Xiphias gladius</i>	Swordfish	120
	<b>All other species except</b> : eel, elver, argentine, smelt, sand eel, sand smelt, sprat, wrasse, rainbow wrasse, comber, red banded seabream, goby, annular seabream , blenny, small red scorpionfish, picarel	<b>12</b>

- Forbidden species

It is forbidden to catch “Dusky Grouper” *Spinephelus marginatus* in continental Mediterranean from 1<sup>st</sup> January 2003 to 31 December 2007. Order n° 2002/1113 30 December 2002.

- Sensitive species regulated by multilateral bodies

International Treaties signed in France:

- viii. Convention on International trade of Endangered Species. Date of application in France: 11/08/1978.
- ix. European Directive 97/62/EC and 92/43/EEC (revision) about the conservation of the natural habitat, and wild flora and fauna. Date of application in France: On going
- x. Bonn Convention on the Conservation of Migratory Species of Wild Animals. Date of application in France: 1/07/1990.
- xi. Bern Convention on the conservation of European Wildlife and Natural Habitats. Date of application in France: 1/09/1990.

- Prohibition of fishing in protected areas and periods

Marine protected areas have various status in France (Table 3.3) they may be included within Natural Park (region management), National Park (state management), or represent a local reserve (Département management). Some reserve may be managed by local professional fishermen organisations.

Table 3.3. Marine Reserves in French Mediterranean waters.

Reserve	Region	Zones	Type of Reserve	RSF in Zone B	Professional fishing in Zone B
Cerbère / Banyuls - sur -Mer	Languedoc-Roussillon (LR)	A,B	Natural Reserve	<ul style="list-style-type: none"> <li>▪ Authorisation required</li> <li>▪ Allowed between sun rise and sunset;</li> <li>▪ 12 hooks/boat.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Specific census (15)</li> <li>▪ Boat max length = 8,5 m.</li> <li>▪ 3 gillnets of 750m each 24hrs <b>OR</b> several long lines with max 500 hooks</li> </ul>
Parc Marin de la Côte Bleue	Provence-Alpes-Côte d'Azur (PACA)	A : 2 zones B	Open Space 2 Reserves	Allowed	Allowed
Port Cros	Provence-Alpes-Côte d'Azur (PACA)	A : 6 zones B	National Park	see regulation below <sup>(1)</sup> .	Allowed with authorisation. see regulation below <sup>(1)</sup>
Scandola	Corse	A B : 2 zones	Natural Reserve	Not allowed	Allowed with authorisation: Specific census (12 permanent+10)
Bouches de Bonifacio	Corse	A, B, C	Natural Reserve	<p><u>Zone B</u>: bottom line, trolling, or casting allowed.<sup>(2)</sup></p> <p><u>Zone C</u>: fishing according normal regulations</p>	<p><u>Zone B</u> : Allowed<sup>(3)</sup></p> <p><u>Zone C</u>: fishing according normal regulations</p>

(1) Are forbidden:

- Trawl, and dredges
- Underwater fishing
- Professional fishing on diving sites
- Line and hook fishing within 50m from the north and east coast, and totally on south coast
- Nets or other fishing gear must be clearly identified.

(2) Species not allowed: *Pinna nobilis*, *Patella ferruginea* and *Lithophaga lithophaga*.

(3) Access given to professional fishing vessels entitled to fish in Corsica waters (administrative authorisation).

## v. Control measures

- Control measures

There is no specific control measure for marine recreational fishing in France.

During contests organised through the Federation F.F.P.M., catches are recorded (on a voluntary basis).

- Control bodies

“Direction des Affaires Maritimes et des Gens de Mer” (called Affaires Maritimes) of the “Ministère de l’Equipeement” is the main control body in France in charge of activities at sea.

However, several other Administration Bodies are involved in various missions regarding activities at sea:

- xii. Police nationale (Ministry of the Interior). Police body with the mission: of Protecting persons and goods and maintaining public order.
- xiii. Gendarmerie nationale (Ministry of Defence). Police with military status: body set up to maintain public security (protection, alert and assistance) and to maintain order.
- xiv. Gendarmerie maritime (Ministry of the Defence). Marine police body with important role in surveillance of waters, bays, recreational navigation and fishing. Take part in missions of protection of vessel traffic, rescue and assistance.
- xv. Marine Nationale (Ministry of defence). Surveillance and control vessel traffic and activities at sea (other administrations take part in these tasks under authority of Préfets maritimes). Life rescue. Assistance to fishing. Surveillance of EEZ of 200 miles. Fight against pollution.
- xvi. Customs (Ministry of Economy, Finance and Industry). Missions of public service at sea: contribute to rescue operations at sea, take part to fishing police operations (controls of fishing activities) and fight against pollution.

- Sanctions

In France, sanctions regarding marine recreational fishing are found in two different laws:

- xvii. **Decree n° 90-618** of 11 July 1990 which states:

Art. 8: Will be punished with a fine of 5<sup>th</sup> class \* any person who:



- Possess on board or uses a number of gears superior to what is allowed,
- Does not respect the captures limit measures.

*\* A fine of fifth class = a maximum of 1500 Euros, an amount which maybe increased to 3,000 Euros in the case of a persistent offender where the regulation so provides.*

xviii. **Order of 21 December 1999** which refers to Article 6 of Decree of 9 January 1852 modified for prosecution of any infringement.

xix. **Decree of 9 January 1852** modified by Ordinance 2000-914 2000-09-18 art.1 JORF 21 September 2000

Art.6: Will be punished with a **fine from 457 Euros to 22 867 Euros** any offence (Table 3.4.) to the European Community Regulation or to the rules of the present Decree.

Table 3.4. Offences in RF

<b>OFFENCE</b>
1° Possessing or using explosive, narcotic or polluting substances, weapons;
2° Offering for sale, selling, stocking, transporting, exposing or buying with knowledge of the fact any sea product caught in the conditions exposed above (1°);
3° Using a forbidden gear, fishing with a forbidden technique ;
4° Making, selling or possessing a gear which use is forbidden ;
5° Using a fishing gear in a zone or at a period where this gear is forbidden ;
6° Fishing in a forbidden zone;
7° Fishing species in a zone or at a period where their catch is forbidden ;
8° Fishing, transshipping, landing, transporting, exposing, selling, stocking or buying with knowledge of the fact any sea product which catch is forbidden or in a quantity, size or weight that are forbidden ;
9° Submerging marine species in irregular conditions;
10° Hawking, offering for sale, selling, or buying with knowledge of the fact any sea product coming from recreational boats or vessels;
17° Infringing measures meant to prevent, to stop the development or to eliminate diseases affecting marine animals and plants;

#### **vi. Requirements for competitions**

In France, the sportive federation: Fédération Française des Pêcheurs en Mer (F.F.P.M.) founded in 1956 is the only organisation recognised by the Government and Ministry of Youth and Sports. Its first objective is to *organise, promote and develop sport and recreational fishing respecting the laws and regulations in place.*

F.F.P.M. licence is not mandatory for club and individual fisherman and non official contests (social level) do not require either to be federated.

Any official contest organised through the F.F.P.M. requires for Clubs and fishing participants to have their Federative licence.

- Authorisations

xx. Administrative Authorisation

Any nautical event on sea shall be declared (according Order of 3<sup>rd</sup> May 1995 regarding Nautical Events at Sea) by filling a form: “Déclaration de manifestation nautique”.

The declaration is to be sent to the Affaires Maritimes office at least 15 days prior to the event. In case of an event requiring an authorisation or specific police measures, the declaration shall be sent 2 months before the event.

Any Big Game and Trolling contests (involving tuna catches) shall be declared to the F.F.P.M. (giving the dates of the event). One a year, a complete list of contests is submitted by the Federation to the “Affaires Maritimes” which give authorisation for each contest (modifying dates if necessary).

xxi. Federative authorisation

No authorisation is required from the Federation to organise a contest. However the Federation set a series of contest regulations corresponding to each discipline (see the basics below).

Furthermore, big game and trolling contests must be registered at the Federation so that an authorisation can be requested to the Affaires Maritimes.

- Description of the basics

In France, the contests and championships are organised through the F.F.P.M. Each discipline (Big Game ; Tuna Fishing; Long Line ; Rod fishing; Casting) has its own Contest Regulation. Table 3.5. shows the main items found of the regulation.

Table 3.5. Basic items of fishing contests

Item	Content
<p>I. ORGANISATION</p> <p>I – 1 General Regulation</p> <p>F.F.P.M. Licence</p> <ul style="list-style-type: none"> <li>- Age</li> <li>- Conditions for Championship</li> <li>- Specific conditions for Big Game and Tuna Fishing contest</li> </ul>	<p>Mandatory</p> <p>Age: minimum age according type of contest</p> <p>State a minimal number of boats to organise a championship</p> <p>States mandatory procedure for organising a Big Game or Tuna Fishing contest.</p>
<p>I - 2 - Material means</p>	<p>List of equipment and material means required to any contest organiser.</p>
<p>I - 3 - Organisation Committee</p>	<p>Appointed by the club organiser. Is responsible for the smooth running of the contest.</p>
<p>I - 4 - Jury</p>	<p>The jury is appointed by the committee.</p>
<p>1 - 5 - Cancellation</p>	<p>Describes modalities of cancellation of contest</p>
<p>1 - 6 - Boat for Control and Safety</p>	<p>A boat in charge of control and safety.</p>
<p>1 - 7 - Federal Referee</p>	<p>Trained by the federation. Presence required or not on contests.</p>
<p>II. CONTEST</p>	
<p>II - 1 - Length of contest</p>	<p>Must be specified on contest instructions.</p> <p>Minimum and maximum lengths are stipulated according type of contest.</p>
<p>II - 2 - Registration conditions</p>	<p>Deadlines conditions are stipulated for each type of contest.</p>
<p>II - 3 - Team composition</p>	<p>States the maximum and minimum number of persons onboard according type of contest.</p>
<p>II - 4 - Control</p>	<p>Boats are required to communicate to the Organisation Committee : their departure, position, any event regarding fishing, any incident or danger for navigation etc.</p>
<p>II - 5 - Radio</p>	<p>A VHF channel is given by the Committee and used for communication. (+ Channel 16)</p>
<p>II - 6 - Boat</p>	<p>Any boat participating to a contest shall have all the safety equipment required by the Navigation Regulation. Have a VHF radio + Loran or GPS.</p>
<p>II - 7 - Moorings</p>	<p>Every boat shall have a mooring made available for the time of the contest.</p>
<p>II – 7 b Bait (Big game)</p>	<p>States the modalities of distribution, quantity of bait according type of contest.</p>
<p>II - 8 - Fishing equipment/gear</p>	<p>States the equipment authorised or forbidden according the type of contest.</p>
<p>II - 9 - Fishing action</p>	<p>States the fishing technique authorised.</p>

Cont. Table 3.5

II - 10 - Fishing time	States the duration of fishing in the day (departure and return time).
II - 11 - Fishing zone	The Committee states the fishing zone.
II - 13 - Ratified fish	States <ul style="list-style-type: none"> <li>- the species allowed according the type of contest</li> <li>- Minimum sizes or weight according species</li> <li>- Modalities of penalties.</li> </ul>
II – 13b Weighing (Big game)	States modalities of weighing for Big game contests.
II - 14 - Catch	States the modalities of transport, weighing of the catch. For BG and Tuna Fishing contest states the rules for dispatching the catch.
II -15 - Scoring - Results	States the procedure for establishing the scoring and results according type of contest
II - 15 - Prizes	List of prizes shall be given in Contest Instructions
II – 15b Claims	States the procedure to make a claim according the type of contest.
II - 16 - Participation of Charter-Boats	For BG and Tuna Fishing contest: states the rules for the participation of charter boats to contests and championships

Each contest shall produce specific instructions and regulation. (Table 3.6).

Table 3.6. Instructions and regulacions in fishing contests

<b>Item</b>	<b>Content</b>
1. Official representatives	List of Names
2. Contest board of director	List of Names
A. Name of the contest	Name
B. Organiser	Name of the Club, Name of the person responsible.
C. Place and schedule	City, Country, Date, Club address
D. Type of contest	Trolling / Big Game /... etc
E. Place of contest	Port, Fishing zone.
F. Fish species	Species allowed.
G. Fishing equipment	Fishing gear authorised (lures, baits etc)
H. Minimum weigh or sizes	Minimal weigh or size allowed
I. Travel and accommodation information	Nearest Airport, train station, Highway.
J. Participation fees (by team and by competitor)	Registration fees. Boat fees, food, opening and closing ceremony, hotel nights or not.

Cont. Table 3.6

K. Registration deadline	Date and time.
L. Number of participants and persons coming on board	Number allowed.
M. Award/Prizes	Medals or list of prizes
N. Classification and scoring	Frequency of classification
O. Contact Person	Name and contact information.

- Requirements of the participants

The following table describes de requirements of the participants in fishing competitions in FR (Table 3.7).

Table 3.7. Requirements of the participants in fishing competitions

<b>Requirements</b>	<b>Regulation</b>
To participate in an official national competition in France it is mandatory: <ul style="list-style-type: none"> <li>- To be a French citizen</li> <li>- To have a valid licence from the Federation</li> <li>- To be of the correct age according the discipline (concerning Big Game and Tuna fishing contests a minimal age will be set by the federation in 2003)</li> </ul>	F.F.P.M. regulation
Insurance (including personal liability insurance) comes automatically with the Federative licence.	F.F.P.M. regulation

- Identification of alterations to the general measures of RF

N/A

- Offences and sanctions

Any activity organised under the Federation F.F.P.M. authority must respect the regulation in place. (A specific authorisation is given by Public Authorities to allow the catch of tuna in Big Game and Tuna fishing contests).

The Federation has authority over regional federation, clubs and societies, participants, technicians, judges and referees. The Federation acts according the Sport Laws related to Organisation and Promotion of physical and sportive activities (law n° 84-610, modified by law n° 2000-627 and law n° 2003-708).

## vii. General sailing conditions

- Requirements of the skipper

In France, a permit is required to pilot a recreational motor boat as soon as the engine reaches 6 HP. Recreational vessel permits are only valid for recreational navigation. Any person piloting a recreational vessel as a lucrative activity shall have the required professional qualification.

There are 3 kinds of recreational motor boat permit (Table 3.8.).

Table 3.8. Recreatinoal motor boat permits

Type of permit	Attributions	Requirements
<b>Carte Mer</b>	<ul style="list-style-type: none"> <li>▪ For day navigation up to 5 n.miles from a shelter</li> <li>▪ for a boat with an engine between 6 and 50 HP.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minimum age: 16</li> <li>▪ To pass a theoretical exam</li> <li>▪ To pass a practical exam</li> <li>▪ Affidavit of physical ability</li> </ul>
<b>Permis Mer Côtier</b>	<ul style="list-style-type: none"> <li>▪ For all navigation up to 5 n.miles from a shelter (night navigation and/or with an engine superior to 50 HP)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minimum age: 16</li> <li>▪ To pass a theoretical exam</li> <li>▪ To pass a practical exam</li> <li>▪ Affidavit of physical ability</li> </ul>
<b>Permis Mer Hauturier</b>	<ul style="list-style-type: none"> <li>▪ For all navigation further than 5 miles.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minimum age: 16</li> <li>▪ To have the qualification of “Permis Mer Côtier”,</li> <li>▪ To pass a theoretical exam.</li> <li>▪ Affidavit of physical ability</li> </ul>
<b>Navigation without permit</b>	<ul style="list-style-type: none"> <li>▪ Sailing boat (even with an auxiliary engine);</li> <li>▪ Recreational motor boat with an engine inferior to 6HP;</li> <li>▪ Kayaks, canoes, wind surf</li> </ul>	

- Requirements of the boat

### Matriculation, Registration and Security

Any recreational boat, except for “beach crafts” (Table 3.9), navigating on maritime waters must be matriculated.

Table 3.9. Conditions of “beach crafts”

<p><b>Are considered as “beach crafts”</b></p> <ul style="list-style-type: none"> <li>▪ Sail or power driven vessel with an engine of maximum 4,5 HP <ul style="list-style-type: none"> <li>○ Classical boat with maximum 2 crews. Length x Width x hull depth &lt; 2 ; and width &lt; 1,20 m ;</li> <li>○ Sailing dinghy maximum 1 crew. Length x width x hull depth &lt; 1,5 with a width &lt;1,15</li> </ul> </li> <li>▪ Rubber boats with an engine of maximum 4,5 HP <ul style="list-style-type: none"> <li>○ Sail rubber boats &lt;3,70 m ; with a sail surface &lt; 7m<sup>2</sup> ;</li> <li>○ Motor rubber boat length &lt; 2,75m, width &lt; 1,20m and reserve buoyancy of 350 litres.</li> </ul> </li> <li>▪ Solely powered manually vessel <ul style="list-style-type: none"> <li>○ Solely powered manually vessels with length inferior to 4m or width inferior to 0,50m.</li> <li>○ Rubber boats solely powered manually.</li> </ul> </li> </ul> <p>These « Beach crafts » are not allowed to sail further than 300m from the shore.</p>
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Recreational boats of 3 tons (GRT) and more must get the Registry as a French ship (Table 3.10).

Table 3.10. Vessel registration procedure

<b>Operation</b>	<b>Boat</b>	<b>Administrative body</b>	<b>Cost and Frequency</b>
Registry as French Ship	Boat > 3 tons Or any vessel ≤ 3 tons going abroad	Customs	Once Payment <u>every year</u> Gives the right to host the French flag
Matriculation	All boat (except “Beach Craft”)	Affaires Maritimes	Once Free
Security visit		Affaires Maritimes	One visit the first time

### Security

The following rules are available for recreational vessels less than 25 meters. Any recreational vessel of 25 meters or more shall refer to the rule for cargo vessels.

The security equipment required will depend on the navigation category.

There are six navigation categories

- 6th category: navigation going up to 2 miles from a shelter
- 5th category: navigation going up to 5 miles
- 4th category: navigation going up to 20 miles
- 3rd category: navigation going up to 60 miles
- 2nd category: navigation going up to 200 miles
- 1st category: navigation not belonging to the above categories.

### Insurance

- Personal liability insurance

Insurance for recreational vessel is not mandatory in France. However, most of the ports require that recreational vessels are insured.

- Insurance on contests

All participants to contest are insured through the Federative licence.

- Levies

The Registry as French boat is paid every year and is calculated according age, tonnage and power of engine. This fee is not collected when the total, fee on tonnage (Table 3.11) and fee on engine power (Table 3.12) does not exceed 76 euros.



Table 3.11. Fee calculated on tonnage

<b>Gross Tonnage (ts)</b>	<b>Standard fee by boat (euros)</b>	<b>Fee by tons</b>
Up to 3 ts.	Exempted	
> 3 ts and ≤ 5ts	33,84 euros	23,02 euros
> 5 ts and ≤ 8ts	33,84 euros	16,16 euros
> 8 ts and ≤ 10ts		16,16 euros
- more than 10 years	33,84 euros	31,56 euros
- less than 10 years	33,84 euros	
> 10 ts and ≤ 20ts		
- more than 10 years	33,84 euros	14,94 euros
- less than 10 years	33,84 euros	31,56 euros
> 20 ts		
- more than 10 years	33,84 euros	14,18 euros
- less than 10 years	33,84 euros	31,56 euros

Table 3.12. Fee calculated on engine power (taxable HP)

<b>Taxable HP</b>	<b>Fee (euros)</b>
Up to 5 HP included	Exempted
From 6 to 8 HP	8,23 euros per HP above the fifth HP
From 9 to 10 HP	10,37 euros per HP above the fifth HP
From 11 to 20 HP	20,73 euros per HP above the fifth HP
From 21 to 25 HP	23,02 euros per HP above the fifth HP
From 26 to 50 HP	26,22 euros per HP above the fifth HP
From 51 to 99 HP	28,97 euros per HP above the fifth HP
+ of 100 HP	<b>Special tax of 45,28 euros</b> from the first HP

There exist also deductions according age of boat:

- 25 % for boat between 10 and 20 years old included
- 50 % for those between 20 and 25 years old included
- 75 % pour those older than 25 years.

### Selling

In France the selling of a boat must be declared to the Customs.

The basic security requirements of a recreational boat are regulated by the European Directive (94/25/CE), applied by the Decree 96-611 of 4 July 1996 in which a

recreational boat is defined as any boat of any type, regardless of the means of propulsion, from 2,5 to 24 m hull length.

### Taxes

The Value added Tax in France is 19,6%. Matriculation tax: see detail on Matriculation.

- Sailing requirements

The body in charge of recreational navigation is the Direction des Affaires Maritimes et des Gens de Mer” (Affaires Maritimes) of the “Ministère de l’Equipement”.

There is no specific legislation for recreational navigation in France.

### Protection of Environment

Protection of environment related to marine recreational navigation is covered by international, European and national regulation (Table 3.13). French Right of Environment addresses nature protection and prevention and repression of marine pollution by ship.

Table 3.13. Environmental protection measures

<b>Subject</b>	<b>Law</b>
Nature protection	Law 76-629 of 10 July 1976 related to nature protection
Pollution prevention	MARPOL Convention. Date of application September 1983
Repression	Law 83-583 of 5 July 1983 modified (law 90-444 of 31 May 1990 and 96-151 of é- February 1996)
Discharge prevention	Décret 96-611 of 4 July 1996. Related to à la mise sur le marché des bateaux de plaisance et des pièces et éléments d'équipement. EC Directive 94/25/EC of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft.

## **viii. Tourism fishing / Charter activity**

### Requirement of the skipper (professional)

To pilot a vessel as a **lucrative activity** (charter boats) it is mandatory to have at least the “Brevet de Patron de Petite Navigation” (see details in Charte section), formerly called “Certificat de capacité” or “Capacitaire”. This is the lowest professional navigation qualification.

This “Brevet” is limited to vessels of 100 Ts (GRT) and does not allow the skipper to go further than 20 n.miles from shore.

Candidate to the exam need to have:

- Restricted Radio Operator's License within the Global Maritime Distress and Safety System (GMDSS)
- 12 months of navigation;
- Followed a complete training.

### Requirement of the boat (professional)

In France recreational boats are not allowed to navigate as a lucrative activity. There is no boat status in France adapted to the charter activity. Consequently, authorities use the existing statuses (which are limited) completed with specific authorisations:

- Vessel equipped for professional fishing
  - o Limited to 20 nautical miles from shore
  - o Not allowed to passenger transportation.
- Vessel equipped for passengers transportation
  - o Limited to 20 nautical miles from shore

Note: At the moment the professional charter organisation is working together with the Authorities to establish a specific boat status for Charter activity.

## Chapter 4. Recreational Sea Fishing in Italy

### Introduction

All the fishing activities at sea are under the responsibility of the Ministry of Agriculture and Forestry Policies (MIPAF), while the navigation is under the responsibility of the Ministry of Infrastructures and Transports. Both Ministries are represented on the Italian territory by local offices. The main division includes the Maritime Districts (*Capitanerie di Porto* or *Compamare*), which are grouped into Maritime Directorates (*Direzioni Marittime*). At the local level, the *Capitanerie di Porto* control the coast line and the harbours dividing the territory into smallest areas, under the control of *Uffici Circondariali Marittimi* or *Circomare*, which control further smallest areas by the *Uffici Locali Marittimi* or *Locamare* and the *Delegazioni di Spiaggia* or *Delemare*. All these offices have the duty to control the fishing activities, the navigation and the safety at sea and to take care of all the bureaucracy behind that.

The legislative bodies are the Parliament and the Regions, while the Ministries have more a regulatory function. In Italy the several Regions have different degrees of autonomy. The five Regions having a special Statute (Sicily, Sardinia, *Trentino Alto-Adige*, *Friuli Venezia Giulia*, *Valle d'Aosta*) have a larger autonomy and some of them have autonomous rules for the fishery, but none of them can be in contrast with or less restrictive than the national law. Sicily has a regional regulation<sup>1</sup> even on professional fishery, partially less restrictive than the current Italian rules and some of them appear quite difficult to be controlled or enforced.

The recreational fishery was for the first time regulated within the law no. 963/65, related to the fishery in general and then partially modified by several Ministry Decrees. During the last decade, there were several trials to issue a specific regulation about the recreational fishery, but they were stopped every time before the discussion at the Parliament, due to the strong lobbying to avoid some rules and limits.

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<sup>1</sup> Decree of the President of Sicily Region no. 33/XI/91.

The Decree of the President of the Italian Republic nr. 1968/1639 (*O. J.*, 25 August 1968, nr. 188). Indeed, the article 7 of the mentioned decree establishes the distinction among the professional, scientific and sporting fishing, according to its purpose. So, within the limits of the area, the lawgiver points out three classes, in conformity to the purpose of the activity.

Nevertheless, Sporting fishing doesn't find an organic and homogeneous arrangement in the Italian domestic legal order in force. No complete law provides to give rules for this activity that, therefore, has a compound, fragmentary and full of gaps regulations.

### **i. Prohibitions**

Table 4.1. List of Prohibitions by Administration

<b>Prohibition</b>	<b>Law</b>
Prohibition of sale.	DPR 1639/68 (art.7)
To practice RF with a not "unità da di porto" ship. ("Unità da di porto" is the vessel with exclusively recreational or sportive use, without lucrative purpose).	DPR 1639/68 (art.143 L.963/65 (art. 15)
The use of light sources, but for the use of a lamp is allowed during the fish spear fishery.	
Obstructing or interfering with the activities of professional fishing. To practice RF at distance lower than 500 m from professional fishing ships and gears.	DPR 1639/68 (art.139)
Restricted Areas. To practice RF in important reproduction or growth areas.	DPR 1639/68 (art.98) L.963/65 (art. 15) L.979/1982 (art. 27)

Lobster fishing during the period from 10.01 to 30.04	DPR 1639/68 (art.132)  L.963/65 (art. 15)
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## ii. Limitation of fishing modalities and tackles

In Italy there exist three major modalities of RF: shore fishing, boat fishing and underwater fishing. These modalities are further subdivided depending on the gears, tackles and techniques used. Table 4.2 shows the main fishing modalities allowed from boat.

Table 4.2. Authorised modalities in RF from boat.

Cast net (1)
Fishing rod (2)
Hand line (lenze morte, bolentini, correntine) (3)
Lines for squid
Trolling lines (surface or deep)
Floating device with hanging hooks for surface fishing (natelli)
Fishing rod for squids
Fix or drifting log-lines (4)(5)
Fish trap (6)

1: maximum circumference less than 16 meters.

2: a maximum of 5 rods by fisherman and not more than 3 hooks per rod.

3: not more than 6 hooks per line

4: maximum 200 hooks by vessel is

5: is not possible to catch sword fish

6: maximum 2 by vessel

#### iv. Licences or authorisations for RF

We underline that no provision enforces the fishing licence for who performs sporting fishing: the Ministerial Decree of 26 July 1995 (*O.J.*, 31 August 1995, nr. 208) asks for the aforesaid licence only to practise professional fishing (art. 2, connected with the articles 8 and 9, D.P.R. nr. 1639/1968).

#### v. Conservation measures

- **Limit of catches**

A maximum of 5 kg of fishes, molluscs and crustaceans per fisherman and day is authorised (the maximum weight can be overcome in the case of a single piece with a higher weight than 5 kg). Specified limit for grouper to a maximum of one per day.

- **Minimum lengths or weights permitted for particular species.**

There are no specific rules for the RF. The article 87 of the DPR 1639/68 establishes the minimum size for each single specie, according with the EU minimum size (see table 2.7.); but, we can find a few species more than in the EC regulation.

Table 4.3. Species that there are no present in the EU minimum size regulation

<b>Name</b>	<b>English name</b>	<b>Min. Size (cm)</b>
<i>Thunnus alalunga</i>	Albacore	40
<i>Anguilla anguilla</i>	European eel	25
<i>Sarda sarda</i>	Atlantic bonito	25
<i>Euthynnus alleteratus</i>	Little tunny	30
<i>Pleuronectes flesus</i>	Flounder	15
<i>Acipenser spp</i>	Sturgeon	60
<i>Huso huso</i>		100
<i>Gobios ophiocephalus</i>	Great green goby	12
<i>Lithophaga lithophaga</i>	Date shell	5
<i>Donax trunculus</i>	Wedge shell	2
<i>Ensis ensis</i>	Razor shell	8
<i>Mytilus galloprovincialis</i>	Mediterranean mussel	5
<i>Ostrea edulis</i>	Oyster	6

Lastly, we record that, notwithstanding the matter falls within the Regions' jurisdiction (rule making power), the regional law is quite completely lacking.

Since now we have paid attention to the law in force on sporting fishing. But what about tuna sport fishing?

Implementing the Council Regulation (EC) nr. 2742/1999 of 17 December 1999 (*E.C.O.J.*, 31 December 1999, L 341) fixing for 2000 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, where limitations in catch are required and amending Regulation (EC) nr. 66/1998, following the Decree of 14 January 1999 (*O.J.*, 1 April 1999, nr. 76) and the Decree of 14 September 1999 (*O.J.*, 3 November 1999, nr. 258), the Ministerial Decree of 7 February 1999 (*O.J.*, 14 April 2000, nr. 88) was enacted: it established the *criteria* to manage the tuna stocks, but nothing about tuna sporting fishing.

Then, the Decree of 27 July 2000 (*O.J.*, 3 August 2000, nr. 180) defined the *criteria* to share the tuna stocks and provided to the respective allotment.

Against the law - which in the art. 5 of the just named decree enforced expressly limits and restrictions for tuna sporting fishing - it was made grievance. It was repealed by a sentence of the Regional Administrative Court (T.A.R.) Lazio (3 May 2001) because of the affirmed absolute lack of jurisdiction (competence, cognisance) of the Ministry of Agriculture and Forestry Policy (?) in the regulation of sporting fishing, even if tuna sporting fishing.

The Court in the decision referred expressly to a previous one on the same matter, specifying that sporting fishing has to be regulated by governmental law and not by ministerial law.

In the ground of the decision, the Court proposes again the same reason we find in T.A.R., sect. III, 17 February 1990, nr. 240. In this pronouncement, that repealed the article 12, Decree of the Ministry of Merchant Marine (?) of 5 May 1986 (*O.J.*, 27 June 1986, nr. 147) concerning the issue of fishing licence, the Court affirmed that the legislative instrument adopted by the ministry – a ministerial decree – was unsuited to give rules on that specific matter. In fact, the article 17 of Law nr. 963/1965, dealing with the future law on sporting fishing, expresses the necessity to provide with “regulation”: in the Court's opinion, the lawgiver referred to a governmental and not to a ministerial regulation. To bear this opinion, the Court remembers that the practise



tends in this sense, but, above all, the text of the law supports it: the article 32 of the aforesaid Law nr. 963/1965, in fact, allows a restricted possibility of derogation from the general legislation on the area. This limited power may be exercised by the Ministry but in very few hypotheses, among which the case of the fishing licence is not enumerated.

Nevertheless, the reference to the previous decision appear inexact as the two cases are deeply different from a double point of view: the Decree of 27 July 2000 deals with the measure for the protection of the ichthyic resources and doesn't care fishing licences; then, the office who enacted the regulation is the Ministry for Agriculture and Forestry Policy (?) and not the Ministry of the Mercantile Marine (?). So, the underlined difference of matter and office shows that the reasons to which the Court referred, in the case we are interesting in, haven't demonstrative meaning. Instead, according to the article 32 of the Law nr. 963/1965, the Ministry of Agriculture and Forestry Policy (?) may legislate on the specific matter, as the Minister may derogate to the general rules with his own decree. In confirmation of this, the articles 1 and 4 of the Law 17 February 1982, nr. 41 (*O.J.*, 24 February 1982, nr. 53) provide that the aforesaid Minister, with his own decree, may legislate the area, establishing the number of fishing licences, the allowed tools, the protected species, etc.

However, consequently to the decision of T.A.R., dated 3 May 2001, the article 5 of the Decree of 27 July 2000 was repealed and tuna sporting fishing had no restriction for 2000.

Then, implementing the Council Regulation (EC) nr. 2848/2000 of 15 December 2000 (*E.C.O.J.*, 30 December 2000, L 334) fixing for 2001 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, where limitations in catch are required, the Decree of 23 April 2001, n. 14131 (*O.J.*, 10 May 2001, nr. 107) were enacted. It regards the measures to manage red tuna fishing.

In the connected Decree of 23 April 2001, nr. 13884, it's provided that who practises tuna sporting fishing is subject of the same limits established in the Decree of 27 July 2000. But, as the just named decree was repealed in the part concerning the restrictions to this activity, we end off that tuna sporting fishing had no restriction for 2001, too.

## vi. Sailing Conditions

All the provisions defined for the leisure navigation are applied to the recreational fishery at sea in Italy. The leisure navigation was regulated for the first time by the Law 11 February 1971 no. 50, followed by a long series of changes and modifications, particularly to adapt the Italian national rules to the EC Regulation.

This sector had a recent dramatic change in the regulation, which created a series of practical problem for this study. Till the '80s, all the vessels must be registered, showing a plate number on the side, attributed by the local offices (*Delemare, Locamare, Circomare or Compamare*). Till the middle of the '90s, all the small boats below 5 metres length were exempted from the registration, while later this limit was extended till 7.5 metres.

With the new law on the leisure navigation<sup>2</sup> issued on 8 July 2003 no. 172, this size limit was further extended till 10 metres and the possibility to attribute the plate number was restricted to *Compamare* and *Circomare* and, at the same time, extended to the Provincial Offices of the Ministry of Infrastructures and Transports. This last modification implies a serious problem for all the studies carried on or to be conducted on this issue, because most of the Italian leisure vessels are below 10 metres and a large majority of these vessels are used for the recreational fishery. As a matter of fact, now it is almost impossible to get any official figure of the current situation concerning the leisure fleet, because of the impossibility to get tracks of most of the vessels (all the fleet below 10 metres).

This regulation is quite comfortable for the leisure navigators but it creates very serious troubles for all the studies concerned, due to the peculiarities of the Mediterranean vessels.

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<sup>2</sup> LEGGE 8 luglio 2003, n.172 - *Disposizioni per il riordino e il rilancio della nautica da diporto e del turismo nautico.*

The new law<sup>3</sup> simplifies the previous legislation and establishes new rules for this sector. The leisure navigation is defined as “that carried out with sport or recreational purposes without any lucrative scope”. Several definitions apply to the vessels used for leisure navigation. All the vessels in this sector are called “unità da diporto”, independently from the method used for the propulsion (oars, sails or engines).

The smallest (below 10 metres length) are defined as “*natanti da diporto*” and, as we said before, are not registered and have no plate; only if the owner specifically requires it, they can be registered and, in such a case, they follow the general rules.

Between 10 and 24 metres length the leisure vessels are defined as “*imbarcazioni da diporto*” and must be registered in the offices listed above.

Over 24 metres length, the vessels are defined as “*navi da diporto*” and must be registered only in the local offices of Compamare and Circomare. All the leisure vessels can be hired, leased or used as assistance vessels for diving.

The owner to obtain the registration must present several documents<sup>4</sup>. Even the Italian citizens resident abroad are allowed to register their leisure vessels in Italy, under the condition to have a permanent representative in Italy.

The registered vessels over 10 metres must have a navigation licence and a security certificate, which must be kept on board.

The vessel without any EC mark label<sup>5</sup> are allowed to navigate only in the internal Italian waters and within 6 miles from the coastline<sup>6</sup>; these vessels can navigate within 12 miles from the coast only if specifically homologated by the Authorities and the certificate must be kept on board. The maximum number of persons to be allowed on

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<sup>3</sup> [http://www.foroeuropeo.it/normr/03/1\\_172\\_03/htm](http://www.foroeuropeo.it/normr/03/1_172_03/htm)

<sup>4</sup> The documents include: the regular invoice, the conformity declaration, the engine power declaration, the declaration of responsibility and the receipts for the payment of taxes and tax stamps.

<sup>5</sup> According to the EC reg. 94/25 applied with the Decree 436/1996 and modified by the Decree 205/1997.

<sup>6</sup> A special regulation concerns some categories of leisure vessels, like beach boats (*pattini, pedalò, jole, sandolini, mosconi*), wind-surf and sail boat (with a sail surface less than 4 square metres), all allowed to navigate only one mile from the coastline; aqua scooters require a nautical driving licence and their navigation is regulated by each *Compamare*.

board is decided according to the homologation certificate<sup>7</sup> or to the Decree of the Ministry of Transports on 5 October 1999 n. 478 art. 13. All the vessels navigating off 6 miles from the coastline must have a compass installed on board and certified by the *Capitaneria*.

All the leisure vessels having the EC mark label are allowed to navigate according to the constructors certificate and the category (A, B, C, D)<sup>8</sup> listed there. Special rules are applied to leisure vessels used during tournaments or sport events<sup>9</sup>.

Each vessel must be conducted according to the general rules and a regular crew must be taken on board according to the licence of each single vessel; all the vessels over 24 metres must have a regular crew, having proper licences and registered on the official crew lists. When required, a licence is also mandatory for the captain<sup>10</sup>. A special licence is required for the captain of a yacht in commercial use (that can take on board up to 12 passengers).

All the vessels with a length over 24 metres must have a regular transmitting radio (RTF) on board and at least one crew must have the related licence for its use, while all the vessels navigating at a distance over 6 miles from the coast must have a VHF apparatus. All the vessels equipped by one or more engines must have a proper insurance. All the engines must have a user certificate and this document must be kept on board.

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<sup>7</sup> For the vessels without the EC mark label the limits are the following: up to 3.5 metres 3 people; between 3.51 and 4.5 metres 4 people; between 4.51 to 6 metres 5 people; between 6.01 to 7.5 metres 6 people; over 7.5 metres 7 people. All the vessels having the EC mark label and the regular homologation have the maximum number of passengers established by the homologation certificate.

<sup>8</sup> Category A; no limitation, according to Decree 14 August 1996 no. 436; category B: navigation limited to wind at a Beaufort scale till 8 and waves till 4 metres high; category C: navigation limited to wind at a Beaufort scale till 6 and waves till 2 metres high; category D: navigation limited to wind at a Beaufort scale till 4 and waves till 0.5 metres high.

<sup>9</sup> Art. 14 Law 11 February 1971 no. 50 and art. 11 of the Safety Regulation.

<sup>10</sup> The nautical licence is mandatory according to the following rules: when a vessel navigate more than 6 miles from the coastline,; when the vessel has a engine with a power over 30 KW or 40.8 Hp or it is over 750 cc (two cylinders) or over 1000 cc (four cylinders) outboard or 1300 cc (four cylinders) inboard or 2000 cc if diesel. There are two main types of nautical licences: one with a limit of 12 miles from the coast and another one without any limit. Foreign citizen or Italian citizens having the residence abroad can conduct a foreign vessel in the Italian waters, according to the original licence limits and for a non-lucrative purpose. Italian citizens having a foreign licence cannot conduct a leisure vessel having the Italian flag and are obliged to get the Italian licence. The nautical licence is valid for 10 years, but for people over 60 year old the validity is 5 years.

As concerns the safety equipment<sup>11</sup>, it varies a lot according to the distance from the coast: nothing is required for a navigation within 300 metres from the coast line; for internal water navigation life vests<sup>12</sup> are required (one per person) as well as a life safety rings with rope<sup>13</sup>; additional equipment required within one mile from the coast: bilge pump and fire extinguishers (1 for “natanti” and more for the other categories); additional equipment is required within 3 miles from the coast: a smoke-producing buoy, two red hand held flares<sup>14</sup>, regular lights for the vessel, acoustic signal apparatus (a pipe, but also a bell for the vessels over 12 metres); additional equipment is required within 6 miles from the coast: a second smoke-producing buoy, a luminous buoy, two red parachute flares<sup>15</sup>; additional equipment is required within 12 miles from the coast: a regular inflatable floater able to keep all the persons<sup>16</sup>; a compass with the related deviation tables<sup>17</sup>, VHF apparatus; additional safety equipment is required for the vessel within 50 miles from the coast: a regular life saving raft<sup>18</sup> for all the persons allowed on board, a marine clock, a barometer, a binocular, nautical charts and instruments, a third red hand held flare, a third red parachute flare, a first-aid box<sup>19</sup>, GPS system and radar reflectors<sup>20</sup>; further additional safety equipment is required for the vessels without navigation limits: a fourth red hand held flare, a fourth red parachute flare, and the Emergency Position Indicating Radio Beacon (EPIRB). The life saving raft must be checked and officially revised and certified every two years.

Special rules are applied for the tenders: if they are smaller than 10 metres, they must be identified with the same plate of the main vessel (tender to.....); otherwise, they follow the same rules of the leisure vessels.

- All the leisure vessels over 10 metres must show the Italian flag.
- As concern the taxes and licences, the costs are here listed:

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<sup>11</sup> The safety equipment are regulated by the Ministry Decree 5 October 1999 n. 478, partially modifying the previous Regulation no. 232/1994.

<sup>12</sup> According to the Ministry Decree 10 May 1996.

<sup>13</sup> According to the Ministry Decree 29 September 1999 no. 385.

<sup>14</sup> According to the Ministry Decree 29 September 1999 no. 387.

<sup>15</sup> According to the Ministry Decree 29 September 1999 no. 387.

<sup>16</sup> According to the Ministry Decree 29 September 1999 no. 432.

<sup>17</sup> According to the Ministry Decree 29 September 1999 no. 388.

<sup>18</sup> According to the rules established by the Ministry Decree 12 August 2002 no. 219.

<sup>19</sup> According to Table D, Ministry of Public Health Decree no. 279/1998.

<sup>20</sup> According to the Ministry Decree 29 September 1999 no. 386.

- Preliminary visit and certification for non homologate vessels below 24 metres: €14.49;
- Preliminary visit and certification for non homologate vessels over 24 metres: €30.99;
- Gauging and related certification: €2.58;
- Periodical controls for vessels below 24 metres length: €2.58 (B) or €51.65 (C);
- Periodical controls for vessels over 24 metres length: €7.75 (B) or €51.65 (C);
- Homologation of prototypes: €51.65;
- Licence: €1.03;
- Updating of each licence: €2.58;
- Homologation of engine prototypes and certification: €51.65;
- Test of a non-homologate engine: €10.33;
- Engine use certificate: €1.03;
- Navigation licence for vessels below 24 metres length: €12.91 (A) or €2.58 (B);
- Navigation licence for vessels over 24 metres length: €64.56 (A) or €15.49 (B);
- Engine use licence: €3.87 (A) or €5.16 (B);
- Vessel Registration: €1.03 (B) or €61.97 (C);
- Updating of the licence: €1.03;
- Registration of property acts or other acts: €1.03 (B) or €61.97 (C);

- Mortgage registration: €1.03;
- Mortgage de-registration: €1.03;
- Copy of a document or plate: €1.03;
- Temporary navigation licence: €1.03
- Radio apparatus: €40.95 per year;
- Television: €527.06 per year.

Each document is released by the Authority concerned after a written request having a tax stamp of €10.33 with a second tax stamp of the same amount to be attached on the certificate. An additional cost of €1.00 is to be added to this list and it refers to the tax to be paid to the Italian Post Office for each single payment to directed to the State Authorities.

## *Chapter 5. Comparative Analysis*

A comparative overview of the regulatory policy for recreational fishing in Spain, France and Italy is necessary in order to review the large differences observed and to assess the impact of future regulatory common measures to be passed by the EC.

At present, a complete overview is only possible for Spain and France, because the available information from Italy is still insufficient. Moreover, this information does not fully agree with the data presented in a previous European project (EU Project 96/18). Although the regulatory framework given for Spain in the mentioned project is already superseded, we are not yet sure that this could be extrapolated to the Italian case.

Before the synopsis of the French Spanish and Italian regulatory policy. In Italy recreational fishing, including tuna fishing, comes under regional government jurisdiction, and the regional law is entirely non-existent. In Italy June 2003 the regulation concerning leisure vessels has been greatly modified, with all boats smaller than 10 metres being deleted from the official register. This implies that most of the recreational fleet cannot be assessed, and specifically, 75% of the recreational tuna fleet will be unable to be monitored.

The French Spanish and Italian policies show coincidences in some aspects, but Spain has the most restrictive regulatory measures in every respect and presents a more complex situation. The different degrees of complexity are mainly explained by the differences in the distribution of powers in each country. Marine recreational fishing in France is regulated at national level, while in Spain it is regulated at national and regional level, depending on whether the activity is in territorial exterior waters or territorial interior waters, respectively, which causes paradoxical situations which will be commented at the end of this chapter.

Here the major differences between these countries are summarised by each item separately.



## **Prohibitions**

All prohibitions for RF in France are also specified in Spanish law, but not the converse: the latter adds the prohibition of interfering with professional fishing. The sale of the catch, with the exception of that from fishing contests, is prohibited in the three countries. The tuna catch from contests in France follows a controlled commercial channel, to allow traceability of the fish caught by recreational fishers the tuna shall be identified with a bracelet and a number or have its dorsal fin removed., but this control measure is not applied in Spain. Another difference is that in Spain the profit is distributed exclusively between charitable organisations, while in France the profit is transferred to the F.F.P.M. The Federation donates 0,22 Euros per kg of sold fish to the SNSM (National Society for Rescue at Sea). The rest is divided into 3 parts: 25% (or 50% in Big Game contests) to the club organiser of the contest; 25% to the local professional fishing Committee (C.L.P.M.E.M.) for its charitable institutions; and 50% (or 25 in Big game contests) to charitable institutions designated by the Federation. Currently the proposed EU regulation (589/2003) is being discussed, and the present draft establishes that catches from RF will not be commercialised. This may produce conflicts with the present situation, where the sale of catches from fishing contests is permitted under the conditions already mentioned. Moreover, this proposal puts recreational fishermen in a very difficult position, as there is no clear channel for placing the catches from either contests or charter activities. This will force fishermen to give away the catch to anyone (restaurants, hotels, wholesalers, etc.), and consequently they will reach consumers through uncontrolled channels with no health safeguards, and furthermore it could create a market imbalance. We must draw the reader's attention to the fact that placing the catch in a controlled commercial channel with health safeguards involves a certain amount of costs in transport, handling and sale. Although the spirit of the proposal is certainly understandable, because it tries to prevent recreational fishermen from obtaining any profit from the catch, this measure should provide an alternative solution for the catch obtained from contests and charter fishing.

No information on Italian tournaments is available the Italian Sportive Fishing Federation did not want to be cooperative with this project at all.

### **Fishing modalities**

The limitation of fishing modalities is again more restricted in Spain. In France, longlines, traps and nets are allowed, although with specific size limitations for recreational fishing, and also the number of hooks per line is more permissive, twice the number permitted in Spain. In Italy the number of permitted recreational fishing modalities is even wider and some artisanal but professional modality is allowed. The number of gears is also highly permissive in Italy. For instance number of hooks per line is 6 in Italy and two in Spain and long-line prohibited in Spain but permitted in France with 30 hooks while in Italy 200 are allowed.

### **Fishing Licence**

A recreational fishing licence is required exclusively in Spain, as well as a Special Authorisation to catch species included in Annex III (e.g. tuna, hake, etc.). There are slight differences between the licences issued by Regional Governments. It is to expect that in the future a unified RFL system will be created because at least the number of RFL would provide a rough idea of the recreational fishing effort.

### **Federative Licence**

This is required in both countries for official competitions.

### **Daily catch limit**

This measure is specified in Spanish and Italian law, where the total catch cannot exceed 5 kg excluding the bigger fish. The catch limit in Spain for tuna and other species listed in Annex III differs from the 5 Kg. For these species the catch limit in Spain is given in number of individuals and for tuna the allowed number differs between size intervals. These limits are given per recreational licence and the maximum allowed per boat cannot exceed the limit corresponding to three licences. In France the catch limit is only given for tuna, the unit measure is in kilograms instead of individuals, and the limit is per person and not per boat. In Italy from the research done on control measures and legislation we could not find any specific limit on the daily catch of Tuna.

### **Minimum lengths for particular species**

All countries, besides the minimum sizes established for certain species by EC Regulation 1626/94, have added minimum sizes for other species as well .

### **Forbidden species**

Spain and France have added other groups to the forbidden species regulated by multilateral bodies. France forbids the dusky grouper and Spain corals, bivalves and gastropods. No forbidden species was found in the Italian legislation.

### **Prohibition of fishing in protected areas**

In order to preserve marine resources, both countries restrict fishing activities in marine reserves, and in general the restriction is more severe for recreational fishing.

### **Control measures**

In France and Italy there are no control measures for recreational fishing but in France on a voluntary basis the catch from official contests is recorded by the Federation. In contrast, in Spain the National Government requires the supply of three types of information. Firstly: report of catches from contests; fishermen's daily catch of species included in Annex III and quarterly report of catches in interior waters. Secondly, quarterly report of recreational fishing licences. Thirdly, quarterly report of Special Authorisation for species in Annex III.

### **Control Bodies**

All countries have different control bodies in charge of maritime activities, belonging to different ministries.

### **Sanctions**

The major difference found between France and Spain is that in the latter the sanctions applied for recreational fishing are not specific and the ones established for professional fishing are applied. In contrast, in France the sanctions for recreational fishing are specifically for this activity.

## **Competitions**

The requirements for competitions present small differences: official competitions in Spain and France require clubs and participants to have their Federative Licence. In addition, a declaration of the nautical event must be sent to the specific administration in each country, *Affaires Maritimes* and *Capitania Maritima* respectively, although in Spain more authorisations and administrations are involved. Italian requirements are unknown.

## **General Sailing Conditions**

In both countries there are three kinds of recreational motor boat permit. In France the restrictions are based on boat HP and distance (in n. miles) allowed from a shelter, while in Spain they are based on boat length and n. miles. In both cases the permits are only valid for recreational fishing. In France all recreational boats except beach craft must be registered, and this is free. In Spain, registration is only required for boats of 7.5 metres length or more and the fee is 12% of the boat's price, but there is no charge for rental boats smaller than 15 m. Because the registration fee is very high in Spain and most rental boats are exempted from it, many purely recreational boats are disguised under the 'rental' category and it is impossible to obtain a reliable figure for rental boats, which is overestimated. In France, registry as a French ship is compulsory for every boat larger than 3 tons (GRT) and the fee is paid annually. Value Added Tax in France is 19.6% and in Spain 16%. Insurance is compulsory in Spain but not in France, although most French ports require it. Moreover, the technical inspection of boats is only compulsory in Spain.

## **Tourism Fishing**

The tourism activity in both countries is only considered when it is practised by charter, and they coincide in the lack of a legal framework for its practice from professional fishing boats. The skipper's requirements in both countries include a professional sailing qualification, although there is a big difference between the two. In France the lowest professional qualification is required and is limited to vessels of 100 T and 20 n. miles, while in Spain the required qualification is the same as for commanding merchant ships and tankers and obviously does not have any limitation. This situation generates the rental of the boat without skipper or the contracting of skippers from other

countries where the sailing qualification is recreational. Charter activity in Spain is restricted by the type of boat, which must be registered in a different list from recreational craft, and by the skipper's qualification: in France profit-making activities require a specific authorisation, for either professional fishing or passenger transportation, both restricted to 20 n. miles from shore. However, France is currently working to establish a specific boat status for charter activity.

### **The Spanish Paradox**

In Spain the distribution of powers between National and Regional Governments produces inconsistent situations, from recreational fishing licences to daily catch limits, and moreover the execution of some control measures like the quarterly catch report is not possible. It is necessary for the different administrations involved in recreational fishing regulation to revise jointly the various policies to arrive at a single consistent policy which can be applied and monitored.

