



GENERAL FISHERIES COMMISSION FOR
THE MEDITERRANEAN

COMMISSION GÉNÉRALE DES PÊCHES
POUR LA MÉDITERRANÉE



GENERAL FISHERIES COMMISSION FOR THE MEDITERRANEAN

**TASK FORCE TO IMPROVE AND MODERNIZE THE LEGAL AND
INSTITUTIONAL FRAMEWORK OF GFCM**

**THIRD SUB-REGIONAL MEETING OF THE TASK FORCE FOR THE
BLACK SEA SUB-REGION**

BUCHAREST, ROMANIA, 12TH -13TH MARCH 2012

WORKING DOCUMENT WITH GENERAL ORIENTATIONS

Opening of the meeting

The meeting of the Task Force for the Black Sea sub-region was held in Bucharest, Romania, on 12th-13th March 2012. The meeting was attended by 19 participants from 4 GFCM Members, 1 Cooperating non-Contracting Party as well as representatives of GFCM Bureau and GFCM Secretariat. The list of participants and the agenda of the meeting are attached hereto under Annex A and Annex B respectively.

The meeting was called to order by Mr Stefano Cataudella, President of GFCM Bureau and Mr Abdellah Srour, GFCM Executive Secretary. In their interventions, they warmly thanked Romania for hosting the meeting as well as for its excellent organization, they referred to the specific role played by the Black Sea within the remit of the GFCM Area and they recalled the most recent initiatives promoted by GFCM in support of Black Sea riparian States to address the challenges of fisheries and aquaculture in the region.

Mr Marian Manaila, President of the National Agency of Fisheries and Aquaculture of Romania, welcomed the participants and expressed Romanian satisfaction for having the opportunity to host the third sub-regional meeting of the Task Force in Bucharest. Also, he acknowledged the importance of the GFCM in connection with the pursuance of the rational exploitation of fisheries and of sustainable aquaculture in the Black Sea.

General outcomes of the discussions

At the outset, the meeting examined the thrust and the objectives of the Task Force as well as its innovative methods of work. Support was expressed for this very instrument as well as for the bottom-up participatory approach that characterizes its methods of work. According to the meeting, such an approach will facilitate the participation of all GFCM actors in a process that is ultimately expected to result in the amendment of the GFCM Agreement, consequently enabling the Commission to collect relevant opinions from the vast majority of its Members at its 36th Session.

Two presentations were delivered by GFCM Secretariat (i) on the background and the work of the Task Force and (ii) on amendment procedures applying to the GFCM Agreement, the rules of procedure and the financial regulations. In their declarations relating to the implementation of and compliance with the GFCM body of law, participants *inter alia* noted the lack of adequate means to ensure better compliance and enforcement within the GFCM Area. It was particularly stressed by the meeting that the current situation, where only some Black Sea riparian States are Parties to the Commission, could be regarded as representing a serious constraint to the implementation of GFCM recommendations. Because of this the meeting, although recognizing that several efforts have been made by the GFCM Secretariat already, agreed that diplomatic demarches should be intensified with the aim of smoothing the progress of accession by all Black Sea riparian States to the GFCM Agreement. The specific features (environmental, legal, biological, social, economic, etc.) of the Black Sea were then briefly mentioned. In light of these features, the meeting encouraged the adoption of ad hoc measures by GFCM and did not rule out the possibility of a targeted approach to the Black Sea's most salient issues within the broader context of GFCM. In this connection, having considered that a focus on the Black Sea would consequently increase the activities of the Commission, the meeting encouraged the GFCM Secretariat to promote initiatives that could secure extra-budgetary funds. The GFCM Secretariat, in response to this encouragement, referred the meeting to the preparation of the 1st GFCM Framework Programme and briefly presented this instrument, whose goal is to support Task Force activities against the background of ongoing international debates on sustainable development.

Extensive discussions then followed under the topics below, which mirror the areas of intervention identified in the Terms of Reference of the Task Force. More precisely, the meeting noted the following general orientations:

A. General GFCM Objectives

- Considering the particular nature of the fish stocks in the Black Sea, which are migratory and shared among all riparian States enjoying a common interest in fishing opportunities, and the need for effective and comprehensive cooperative fisheries management in the region, the urgency of encompassing Black Sea non Members within the institutional framework of the GFCM Agreement was noted. In this respect, the GFCM Secretariat was invited to further intensify its diplomatic actions with these States in order to identify

appropriate cooperation frameworks, such as becoming Members or being granted a cooperating status.

- Accession by all Black Sea riparian States to the GFCM Agreement should be encouraged. To facilitate this process, the mandate of GFCM *vis-à-vis* relations with non Members could be broadened having considered that it would be necessary to liaise constantly with Black Sea non Members and to ensure dialogue between them and Black Sea Members.
- [The Commission respects the decisions jointly taken by Black Sea riparian States regarding fisheries management in this region].
- Detailed provisions on cooperation with non Members should be included in the GFCM Agreement to make sure that, in accordance with applicable international and regional instruments, non Members do not undermine conservation measures agreed upon by the Commission.
- Criteria for the granting of a Cooperating non Contracting Party status should be envisaged in the GFCM Agreement. This would ensure that those non Members fishing in the Black Sea that do not wish to become Parties to the GFCM Agreement, can nonetheless cooperate with the Commission and agree to apply the GFCM recommendations, as necessary.
- Although the GFCM Agreement could benefit from an additional focus on the Black Sea, including through the introduction of provisions in the Preamble that refer to this region, its text should rather focus on the priorities of developing countries. In this regard, it would be useful that the priorities of Black Sea States (e.g. fostering cooperation, harmonizing management measures) are identified in the GFCM Agreement.
- The name of the Commission could be changed into “General Fisheries and Aquaculture Commission for the Mediterranean and the Black Sea” to better reflect the geographical scope of the GFCM Agreement in the very name of the Commission.
- The objectives of the GFCM Agreement need to be further specified. This could be done by listing common objectives applying to the whole GFCM Area first and then by identifying more focused objectives relating to the various GFCM sub-regions.
- Biological parameters for the rational utilization of fisheries resources, as well as ecosystem related considerations, should be encompassed in the GFCM Agreement. Similarly, the GFCM Agreement should give more prominence to the socio and economic dimension of fisheries and aquaculture so that the Commission can further promote sustainable development.
- The elaboration of recommendations by the GFCM should be informed by a decision-making process that entails scientific considerations as well as social, economic and environmental considerations. In this connection, the GFCM Agreement could provide a

specific procedure, including the establishment of new committees with the necessary expertise (e.g. a socio-economic committee) to inform decision-making process.

- The GFCM Agreement should be updated, including on the basis of provisions in applicable modern fisheries instruments, with particular reference to the FAO Code of Conduct, and it should also provide an opportunity, as appropriate, for stakeholders in the domain of fisheries and aquaculture to be involved in the decision-making process.

B. Conservation Issues

- Having recognized that the specificities of the Black Sea should be better taken into consideration within the remit of GFCM, it was pointed out that a new and modern framework to address the challenges to the conservation of fisheries in the Black Sea might be required.
- Particular conservation efforts on specific stocks could be agreed upon, provided that duplications with other international organizations are avoided. Specific conservation efforts on endangered species, including those identified by competent international organizations, would deserve immediate attention by GFCM.
- Harmonized collection of data and analysis at sub-regional level would contribute to the sustainability of fisheries and aquaculture in the Black Sea. Because data collection and analysis is the first step toward sustainable conservation of marine living resources, it would be particularly useful to identify through GFCM what data are essential for stock assessment.
- Criteria for the delimitation of fishing zones and the assessment of habitats, including in connection with the establishment of a coherent marine protected areas network, should be determined. Having considered the usefulness of these criteria for the Black Sea, efforts should be made to involve Black Sea non Members in the determination of these criteria.
- Avoiding overlapping and enhancing cooperation with FAO regional projects in the future, with the aim of improving conservation further, would be useful. Any other initiative that could also improve conservation in the GFCM Area, including endowing GFCM with adequate budgetary means to carry out its activities and provide technical assistance to its Members, should be considered.
- The GFCM should cooperate with those international organizations that have competence on conservation (e.g. CITES) to which Black Sea States are Parties to. It would be also advisable to introduce reporting criteria that could improve communication between GFCM and these organizations thus avoiding potential conflicts arise in relation to the conservation of given species.

- The status of the Black Sea should be studied against the background of the ecosystem approach to fisheries for the sake of better conservation of its fisheries. In this regard, coastal lagoons and sensitive habitats should be regarded as being at the core of conservation related policies and fisheries related policies.

C. Management Issues

- Having underlined the need to build upon cooperative approaches to management in the Black Sea, the establishment of a common system to improve the recovery of fish stocks whilst bringing all GFCM Members on the same line was encouraged. To this end it was indicated that, once technical measures have been adopted by the Commission, guidance should be provided to GFCM Members in relation to the implementation of these measures.
- Technical assistance to GFCM Members is required to improve the efficiency of several management related tools (e.g. VMS, data collection, etc.).
- Catch and/or effort allocation for States sharing the same fishing stocks in the Black Sea could be considered as a viable option for better management, based on reliable stock assessment findings, stocks distribution and historical official catches, where appropriate. A similar approach could be applied to the management of fisheries of all the GFCM Area.
- Harmonization of management measures adopted by Black Sea States, with particular reference to the mesh size and the legal fish/shellfish size, could be facilitated by GFCM via the Working Group on the Black Sea.
- The Working Group on the Black Sea should be strengthened and the possibility of assessing Black Sea stocks through this Working Group, possibly involving all experts from the region and all Black Sea States, could be explored. Additional aspects of relevance for the management of Black Sea stocks, particularly socio-economic aspects, should also be addressed.
- IUU fishing in the Black Sea is significantly undermining the management of fisheries and therefore should be fought with available measures.

D. Specific Aspects related to Aquaculture

- In light of the growth of aquaculture activities in the Mediterranean and the Black Sea, several specific aspects related to aquaculture, as well as emerging issues and challenges to the sustainable development of this sector, were recognized as calling for the immediate attention of GFCM.

- The Black Sea region has the potential for the development of aquaculture, although there is a need to increase production in Black Sea States. The development of a common system of information at regional level aimed at assisting Black Sea States could help them in the identification of opportunities to increase production.
- The work of GFCM in relation to aquaculture should not take over that done by the Commission on fisheries, having considered that aquaculture is less problematic to manage compared to fisheries; there is nonetheless a need to reflect the importance of aquaculture in the text of the GFCM Agreement more adequately.
- Cooperation between CAQ and SAC is currently weak and should be reinforced. Whereas CAQ should not become an advisory committee like SAC presently is, it could be recommendable to transform CAQ into a sub-committee of SAC.
- There is a need for common rules addressing various specific aspects related to aquaculture, in accordance with priorities identified at national level, to be formulated by GFCM. In addition to the elaboration of these rules, GFCM should provide guidance to its Members, including via the adoption of recommendations, throughout the development of aquaculture activities.

E. Compliance and Enforcement

- It was stressed that granting the Commission with the means to ensure that its recommendations are abode by, including by non Members, as appropriate, will drastically improve its credibility. Considering how broad the area of compliance and enforcement is, all options available to render implementation more effective (e.g. joint inspection schemes, trade related measures, penalty schemes, etc.) should be taken into account.
- The GFCM Agreement should focus on compliance and enforcement measures as a follow up to its recommendations. A more clear legal framework is hence required in order to further empower both the Commission and GFCM Members to improve compliance and enforcement.
- There is an exhaustive array of measures that can be adopted for the sake of better compliance and enforcement. Hence, these measures should be examined having in mind that the final goal is that they prove deterring for IUU fishers. In this connection, both a penalty scheme and a joint inspection scheme could represent viable options and could be foreseen as priority measures to be developed and agreed upon by GFCM.
- Lack of compliance and enforcement is related to several causes (e.g. national inability to implement recommendations, individual mistakes by the fishermen, lack of political will, etc.). These causes should be hence studied so that appropriate and adequate compliance and enforcement measures can be adopted by GFCM.

- Market-related measures represent useful tools against IUU fishing and their adoption against those States, including non Members, that allow their vessels to engage in IUU fishing should be considered.
- An High-Level Ministerial Meeting to discuss how strengthening compliance and enforcement in the GFCM Area might prove useful to, *inter alia*, deter IUU fishing activities.
- The phased development of VMS toward a centralized system should be encouraged and the potential of VMS, as source for data that can be used for many purposes (e.g. scientific purposes), should be fully exploited.

F. Financial and Administrative Issues

- The current scale of contributions to determine the autonomous budget of the Commission appears to be fair, equitable and based on objective parameters.
- GFCM should explore possibilities to reinforce its extra budgetary means to carry out its activities. The launching of the 1st GFCM Framework Programme appears to be a timely initiative.
- The role and responsibilities of the GFCM Chairperson and of the GFCM Executive Secretary should be spelled out in the GFCM Agreement or in the Rules of Procedure. They should be developed on the basis of the functions of these organs bearing in mind, in particular, the work that they have been performing in recent years.

Agenda

1. **Opening and Welcome Address**
2. **The Task Force: background, objective, work programme**
3. **Outcomes of the work of the Task Force thus far**
4. **Amendment Procedures: GFCM Agreement, Rules of Procedure and Financial Regulations**
5. **Declarations by Members in relation to the implementation of and compliance with the GFCM body of law**
6. **Open Discussion related to the main areas of the Task Force**
 - **General GFCM objectives**
 - **Conservation issues**
 - **Management issues**
 - **Specific aspects related to aquaculture**
 - **Compliance and Enforcement**
 - **Financial and Administrative Issues**
7. **Conclusion of the meeting and final outcomes**

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