



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



## **Replies to the questionnaire on the online Discussion Forum<sup>1</sup>**

### *Albania*

Question 1.1: Should GFCM objectives been reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

Contracting Parties are divided into three categories. European Union countries, countries that aspire to become members of European Union and other countries. Consequently, in the Mediterranean Sea are under implementation three different fisheries policies. The only institution where these policies must be reconciled is the GFCM. In order to have one fisheries policy (a Common Mediterranean Fisheries Policy) and the Contracting Parties not to implement different policies that can at times be called priority than those set in the framework of the GFCM, GFCM need to have a greater role in decision making.

### *Cyprus*

Question 1.1: Should GFCM objectives been reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

It is understood that modern fisheries management is moving towards a ecosystem approach to fisheries but the incorporation of environmental objectives into the GFCM governance needs to be reviewed in depth. The GFCM is the Mediterranean RFMO and there are other organizations that are more directly linked to environmental issues and governance such as the Barcelona Convention (Protocol concerning specially protected areas and biological biodiversity in the Mediterranean-SPA Protocol). The incorporation of environmental objectives in the GFCM would influence the major role of the GFCM which is to promote the development, conservation, rational management and best utilization of living marine resources, as well as the sustainable development of aquaculture in the Region. Incorporating environmental objectives should be stressed that should be in line with the regional environmental organizations (SPA Protocol-Barcelona Convention) whose mandate is to conserve Mediterranean biodiversity and ecosystems. The objective of the GFCM in relation to environmental issues should lead to a closer cooperation with the relevant Mediterranean organizations that are primarily responsible for environmental governance, taking into account the United Nations Convention on the Law of the Sea (UNCLOS).

Question 2.2: What fish stocks would deserve particular conservative efforts in the short/medium/long term by the GFCM and why?

The GFCM should address closely the conservative efforts in the short, medium and long term of demersal stocks and small pelagic species. Efforts should be concentrated on those species that pose

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<sup>1</sup> Replies to questions lodged by GFCM Members with the online Discussion Forum are listed in alphabetical order. Only those questions which were answered are reproduced in this annex under GFCM Members concerned. The replies by GFCM Members are reproduced *verbatim*.

a greater contribution from the socioeconomic point of view, as the stocks listed in the GFCM list of priority species. It should be noted that various demersal and small pelagic species may have different socioeconomic importance in the each GSA of the Mediterranean.

Question 3.1: Do you think that initiating a regional allocation process to regulate the amount of total catch and fishing effort in the GFCM area is required? If yes, what kind of approaches should be taken for the GFCM to make progress on this matter?

Agree with the comments sent by ESP especially in relation to the control system. A regional allocation process to regulate the amount of total catch and fishing effort of the large pelagic species could be addressed.

Question 6.1: Based on discussions occurred at the 35th Session of the GFCM, do you think it would be appropriate to reconsider financial regulations so to address the current scale of contributions?

The financial regulations need to be reconsidered addressing in particular the financial contributions by each member and the way that this contribution is estimated. The contribution of each member should have a better balance in relation to the criteria currently used to estimate the financial contribution of a member. The weight of each criteria (membership, wealth component, catch component) needs to be addressed. In our view the catch component needs to be weighted much more than the wealth of the member.

### *European Union*

Question 1.1: Should GFCM objectives been reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

- 1) Denomination: given the improved involvement of GFCM in the Black Sea Area, the name of the Commission should specifically mention the Black Sea.
- 2) Scope and mandate : GFCM scope and mandate shall clearly state that :
  - it is mandated by the parties to act as the main facilitator in the coordination of joint fisheries conservation policies among the different contracting parties, with a main focus on fisheries exploiting shared stocks.
  - it is mandated to counteract and prevent overfishing while providing high-long term yields with a low risk of stocks falling outside safe biological limits. Within this framework, GFCM should also make reference to principles referred to in the UN Fish stock agreement, such as maximum sustainable yield and the need to adopt measures designed "*to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors*". The scope and the objectives should however also take into account the particularities related to the management of multispecies fisheries and to the need to develop and adopt, whenever possible, specific management measures for such fisheries.
  - take into consideration; inter alia, the main principles of the Ecosystem Approach for Fisheries Management (EAFM).
  - Environmental considerations shall be taken into consideration and specifically mentioned, in a wider context, also taking into consideration other policies that have an impact or that affect fisheries management and fisheries resources.
  - social objectives such as poverty reduction, capacity building, gender equality and peace keeping shall be included in the main body of the agreement, due to their impact on sustainable development in the Mediterranean and the Black Sea.Cooperation is an essential element to ensure a coherent approach and tools need to be developed to enhance concrete interactions with international organisations operating in the area.

Question 1.2: How should the Task Force address the qualification of the terms identified in the ToRs of the Task Force, (see background information), and what kind of indicators should be developed to asses policies and strategies relating to these terms?

Definition of essential concepts such as sustainable exploitation, sustainable aquaculture production, precautionary approach and ecosystem approach to fisheries and aquaculture need to be

underlined in the agreement. Existing definitions shall serve as a basis for a reflexion on their adequacy to the Mediterranean and Black Sea context and, where relevant shall be adapted. Particular importance should be dedicated to the definitions and concepts developed in the FAO code of conduct for responsible fisheries and in the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. A clarification of the concept of shared stocks (or rather fisheries exploiting shared stocks) shall be sought as the main axis of the GFCM mandate.

Question 1.3: Could the GFCM mandate be strengthened to improve the management framework relating to interactions among capture fisheries, aquaculture and other human activities in the GFCM area? Could the GFCM address marine spatial planning considerations?

In the Mediterranean and Black Sea context, areas of interaction between different activities of commercial nature (fisheries, aquaculture, industry, tourism, dumping, etc) require consideration, in particular from the environmental and social points of views. However, there is limited knowledge of these interactions so that the role that GFCM could play in their management remains unclear. Interactions among different sectors should be better typified through the promotion of case studies at sub-regional level that would aim to delimitate their nature and to identify possible solutions. Ideally these studies should be established in cooperation with other concerned international organisations operating in the area and with the concerned stakeholders. GFCM has therefore a role to include fisheries conservation perspective into a cross-sectorial maritime policy including spatial planning.

Question 2.1: According to you, are current geographical sub-regions (GSAs) of the GFCM area appropriate for data collection and stock assessment supporting management advice in the GFCM context? If N, provide alternatives/indications that could be considered.

Current GSA divisions have been done after a wide expert consultation following a series of technical meetings, including also the FAO regional projects, and involving several scientists of the region; the definition has thus taken into account several criteria including, inter alia, oceanographic, hydrographical and topographic conditions. Nonetheless, considering the bio-ecological diversity of marine living resources exploited by different kinds of fisheries, the identified GSAs cannot always match the need of all fisheries and exploited resources in terms of assessments and management. With improvements in data collection and knowledge of fisheries by addressing other elements such as stock structure, distribution of fisheries and stocks and oceanographic conditions, their use may be better refined and adjusted to the needs.

Question 2.2: What fish stocks would deserve particular conservative efforts in the short/medium/long term by the GFCM and why?

Unless urgent conservation issues require rapid action on the basis of the precautionary principle, fisheries management is highly dependent on the quality of statistical and scientific information on the fisheries and exploited stocks. It is proved that the consistency in space and time of the current data collection activities differs substantially between GFCM Members. The establishment of a common coordinated scheme for data collection and building capacity in the GFCM area could help the formulation of scientific advice in support of common management measures. This scheme shall, in the first place, consolidate and build upon the current practices carried out by the various parties (e.g. DCF, research projects, FAO-Regional Projects, twinning projects in the enlargement process, ENP). Rather than talking about conservative efforts in relation to stocks, the EU consider advisable to address the matter through a fisheries perspective which imply to take into account more than one stock per fishery unless specific conservation needs and fishery characteristics may call otherwise. GFCM shall concentrate on fisheries targeting demersal stocks and fisheries targeting small pelagic stocks. Nonetheless considering that several fishing vessels may be authorized to fish also for large pelagic stocks and that a vessel may shift from one fishery to another in response to market and management conditions, it is highly advisable that close coordination and synergies are maintained with ICCAT . Without prejudice to the relevance of conservation criteria, also socio-economic and environmental aspects may need to be considered when designing fisheries management strategies. In the short term major effort shall be paid to fisheries exploiting shared stocks for which

scientific advice indicates that exploitation rates are beyond recommended references or that are identified as being under particular threat. A medium term strategy shall focus on fisheries exploiting shared stocks which are considered to be fully or sustainably exploited. International multiannual management plans within which develop management strategies for sustainable fisheries shall be the basis for the preparation of a long term strategy, with the general aim of improving the general picture of Mediterranean and Black Sea fisheries in terms of sustainability from environmental, social and economic point of views. In this respect, it is relevant that advancements are achieved even before the possible revision of the GFCM Agreement.

Question 2.3: How could the applicability of the concept of LME (Large Marine Ecosystem) contribute to improve ecosystem based management and to enhance collaborative approaches to fisheries resources in the GFCM area?

GFCM shall focus on fisheries exploiting shared stocks while due account must be given to the concept of Large Marine Ecosystem (LME) and interconnectivity among populations of the same species. Identifying fisheries of potential conflict and promoting dialogue among interested parties shall also be channelled through the GFCM.

Question 3.1: Do you think that initiating a regional allocation process to regulate the amount of total catch and fishing effort in the GFCM area is required? If yes, what kind of approaches should be taken for the GFCM to make progress on this matter?

The establishment of limitation on fishing opportunities, either as fishing effort or catch limits, appears as a core system for the appropriate management of fisheries in the Mediterranean and Black Sea areas. However these limitations shall be conceived by taking into account the very nature of the different fisheries, often multispecies and multiple gears, as well as to which extend the adopted measures can be enforced. In line with the above establishing catch limitations does not appear as the most appropriate way to manage fisheries involving several stocks and several metiers. Instead effort limitation and associated technical measures (e.g. spatial/temporal closures, increased selectivity) would be more relevant and effective.

Question 3.2: Could technical assistance mechanisms contribute to improve the management of fisheries in the GFCM area? If yes, what mechanisms could be envisaged to provide technical assistance to States Parties?

FAO Regional Projects (e.g. COPEMED, ADRIAMED, EASTMED, MEDFISIS, MEDSUDMED) have been established over time to improve the provision and sharing of scientific work and data among partner countries and to contribute to enhancing their capacity to develop national measures and to participate actively in the relevant regional frameworks for sustainable fisheries management. Taking stock of the achievements of these projects, GFCM actions could foster into the logical completion of the whole management process. Actually, providing guidance and back-up to its Members in the formulation and implementation of national management measures and in the development of plans for the catching industry appears an important aspect that could be further developed by the GFCM in order to avoid potential conflicts resulting from new imbalances between fleet capacity and resources available. Moreover essential elements for fisheries management such as data collection harmonisation, VMS and alternative positioning systems, etc, could be the subject of specific technical assistance projects.

Question 4.1: Do you think that the mandate of the GFCM could be broadened in a manner that allows States Parties to pursue sustainable aquaculture in the GFCM area more effectively?

Aquaculture activities in the region shall be promoted by GFCM in order to ensure a coherent approach and a better supply of fish in the region. The promotion of diversification activities, research and transfer of knowledge between Member countries shall be at the axis of action of GFCM. Therefore, the role of GFCM on aquaculture aspects could be adequately broadened in line with the need to develop integrated maritime policies also at international level. In this respect GFCM may have a role in interacting with analogous multilateral conventions dealing with environmental protection (see question 1.3). GFCM should adopt specific measures in order to address the issue of alien species.

Question 4.2: In light of the growing importance of the aquaculture sector and of the ongoing international focus on its regulation, how is it possible to ensure that the works by the CAQ will adequately respond to the needs of States Parties?

Sustainability of aquaculture from both environmental and socio-economic points of view shall be included in the mandate of GFCM. In this context, the role and structure of the Committee of Aquaculture (CAQ) needs to be reviewed, in order to provide this Committee with an advisory role assisting the national administrations to set up their national aquaculture plans within an increasingly integrated international market. This role could be enlarged with the aim of establishing a medium term strategy for aquaculture in the whole GFCM area to ensure coherence between aquaculture productions and market opportunities.

Question 5.1: How should the GFCM follow up on infringements when instances of non compliance are reported? Please indicate what kind of actions/measures/tools could prove particularly effective to improve compliance and enforcement.

Compliance and enforcement in the GFCM area need to be adequately addressed and supported by all parties. Awareness of all concerned parties should be enhanced. Particular attention shall be devoted to the actions that can be taken against non-compliant members to prevent reoccurrence. Common and clear definitions of terms such as coastal State, flag State, port State, non-compliant flag state, IUU fishing, cooperating non-members and non-cooperating non-members shall be included in the Agreement while taking into account the provisions already adopted in GFCM recommendations. The establishment of cooperation mechanisms between Member countries, catch documents and traceability programmes and the enhancement of VMS and other technological instruments and the establishment of a joint control and inspection scheme should all be developed and foreseen. The mandate of Compliance Committee will need to clearly define the treatment of non-compliance and the possible actions. The Committee will need to be supported with clear procedures and reporting mechanisms, including Member countries "compliance lists", to expedite their discussions and improve the efficiency of the Committee. The Agreement will need to accommodate the best practices already implemented in other RFMOs, including communication protocols and accepted sanction mechanisms and listing procedures. It can be envisaged that the functioning of the Compliance Committee can be supported if needed with a Compliance Working Group especially in the processing of potential non-compliance information.

Question 5.2: Please identify priorities to improve compliance and enforcement with relevant GFCM conservation and management measures, including in relation to flag State and port State responsibilities (e.g. boarding, inspections, etc.).

Taking advantage of its profile as an international organisation, fighting against IUU in the Mediterranean could form the central axis of GFCM agenda. In this context, the establishment of a common monitoring, control and surveillance system may be an important step forward. Among other components, such a system may comprise common notification procedures as well as a scheme of joint international inspection, involving contracting parties' inspectors and ensuring equal treatment through a set of common measures (e.g. market measures, port state measures, etc) to be applied to non-complaint parties.

Question 5.3: Could the adoption of market-related measures in relation to IUU fishing by States Parties and non-Members constitute an appropriate follow up action to elicit compliance? If Y, propose actions/mechanisms that could be worthy of consideration.

The adoption of market related measures could result in an effective reduction of IUU activities. The efficiency of these measures appears once again subject to the establishment of a sound monitoring, control and inspection system so that measures are enforceable.

Question 5.4: Do you think that in the event of conflicts in connection with fishing activities the GFCM, particularly through its Compliance Committee, could have a role to perform so to assist relevant States Parties?

The mandate of the Committee of Compliance (CoC) shall be reviewed by exploring the possibility of doting it with a role of mediator in case of conflict between parties. The CoC shall have the power of proposing solutions for solving these disputes.

Question 5.5: Could a strengthening of the use of VMS prove to be a useful tool in the fight against IUU fishing? Please suggest in particular how the use of VMS in support of MCS activities could be improved.

Strengthening the use of VMS at the GFCM level will be a useful tool to fight against IUU activities. Detecting positions and identifying vessels potentially involved in these activities are among the main potentialities of the VMS system. There is however scope for developing other positioning systems to be implemented by vessels not subject to VMS requirements (under 12 m). The development of such alternative methods shall be also enhanced.

Question 6.1: Based on discussions occurred at the 35th Session of the GFCM, do you think it would be appropriate to reconsider financial regulations so to address the current scale of contributions?

The current contribution scale appears balanced and the criteria to determine the individual quotes seem objective.

Question 6.2: What funding mechanisms should be considered to support GFCM activities particularly for extra-budgetary ones? Could GFCM participate through partnerships, with a leading role, to relevant international/regional projects/programmes/initiatives?

Extra-budgetary funds are provided by the parties on a voluntary basis and are therefore subject to ad hoc arrangements with donors. Extra-budgetary activities shall not account for a big part of the GFCM programme in order to avoid impact of eventual lack of financial resources in potential donors.

Question 7.1: Do you think that GFCM committees (especially SAC and CAQ), could perform decision-making functions in a more autonomous/rapid manner without necessarily relying on annual GFCM Sessions? Could this lead to biannual meetings of the Commission?

The role of SAC shall be redefined as well as renewed with more specifically targeted terms of reference. These shall include the provision of clear advice to the GFCM to permit a coordinated science-based decision-making process throughout the GFCM area. It shall be clear that the role of SAC is not the prescriptive formulation of management measures but the provision of the status of stocks and fishing pressure levels with respect to the objectives of the Agreement, together with forecasts on their likely developments under different management scenarios. In this regard it is advisable to reflect on whether the current organisational structure of the SAC (e.g. 4 subcommittees, working groups, ad hoc meetings, etc...) and the meetings frequency are adequate for the scope.

Question 7.2: Should the participation by observers to relevant GFCM Sessions and, more generally speaking, to the work of the Commission be further enhanced?

Expertise and input from stakeholders, from the operators to NGOs, may complement the formulation of scientific advice and mechanisms to facilitate their active participation, without undermining the independence and reliability of the scientific advice, shall be sought. However, the fact that the stakeholders are differently organized in the various GFCM Members must be given due consideration.

Question 8.1: In the event of disputes on the application/interpretation of the GFCM Agreement, could dispute settlement provisions in Part VIII of UN Fish Stocks Agreement represent a viable solution? Or is article XVII of the GFCM Agreement prove adequate?

In line with the recommendations of the panel, the GFCM Agreement requires revision. In this context the provisions of Part VIII of UN Fish Stocks Agreement appear as an appropriate ground for dispute settlement.

Question 9.1: Should the GFCM take steps so that cooperating status can be granted to non-Members? If Y, how? And what non-Members could benefit from such a status?

Non-Member countries involved in shared fisheries with Member countries shall be invited to apply for the status of cooperating Member. This is particular relevant for the Black Sea non-Member countries (Russia, Ukraine and Georgia).

Question 9.2: Should the GFCM participate more to the works/activities of other international organizations which are relevant to the goals of the GFCM? If Y, should the GFCM consider findings/recommendations by these organizations and how (e.g. MoU)?

GFCM shall develop synergies and cooperation with other international organizations including RFMOs with a view to ensure greater effectiveness of actions to be taken (see question 1.3); in this respect, and whenever advisable, joint working groups should be established. Join greater coordination and participation of experts attending. Following this assessment, the commission would be invited to explore cooperation with these organisations.

*Italy*

Question 2.1: According to you, are current geographical subregions (GSAs) of the GFCM area appropriate for data collection and stock assessment supporting management advice in the GFCM context? If N, provide alternatives/indications that could be considered.

The current GSAs are generally appropriate for collecting data and produce stock assessments when the stock boundaries encompass a part of or the entire GSA. When a given stock is distributed in more than one GSA both data and analyses can be carried out by appropriately combining information collected in the different GSAs. More difficult is the case when more than one stock of a given species occurs inside one GSA, due to the fact that generally data are collected and reported at GSA level (the case of the Ligurian and the North Tyrrhenian Sea that are part of the single GSA9 or that of the northern coast of Sicily which is combined with the coast of the southern Tyrrhenian to form the GSA 10). Therefore, although most of the current GSA is adequate for stock assessment purposes, in some case GSA borders need to be revised to make areas more coherent with stock unit concept, by using knowledge of bottom, hydrological, biological and fishery spatial patters. This revision should consider the grid system that have been recently adopted in order to provide a more adequate basis for data collection and analyses.

Question 2.2: What fish stocks would deserve particular conservative efforts in the short/medium/long term by the GFCM and why?

Due to the increase of fishing activities in international waters, GFCM should concentrate its conservative effort mainly on shared and straddling stock, supporting the preparation, adoption and implementation of agreed specific Long Term Management Plans (LTMP). These LTMPs, based on bio economic analysis, should combine effort control with closure of areas of ecological importance (sensitive and critical habitat) in order to protect spawners and/or recruits, guarantee the stocks renewability and ecosystem safety and minimize the socio economic impact through the choice of the most appropriate mix of management measures. Within a framework of Ecosystem based approach to fishery management, the LTMP should also adopt fishing strategies and techniques to mitigate the negative impacts of fisheries on protected species and reduce the amount of discards.

Question 2.3: How could the applicability of the concept of LME (Large Marine Ecosystem) contribute to improve ecosystem based management and to enhance collaborative approaches to fisheries resources in the GFCM area?

The Large Marine Ecosystem concept, which is related to ecosystem based approach to fisheries, implies ecosystem influencing fishery resources and fishing and other human activities influencing ecosystem. Enlarging analyses to the LME could improve the identification of environmental factors which modulate abundance of fishery resources at basin scale and the assessment of the impact of habitat modification on ecological process in marine environment. In particular, understanding the influence of environmental factors on resource dynamics could be

valuable in an future adaptive approach to the fishery management, both for pelagics and demersal species.

Question 3.1: Do you think that initiating a regional allocation process to regulate the amount of total catch and fishing effort in the GFCM area is required? If yes, what kind of approaches should be taken for the GFCM to make progress on this matter?

The GFCM area is rather large and has peculiar features. Among the others, multispecificity and multigear fisheries play a major role in the whole area, even if some monospecific stocks are also in place. Given these features management has been namely based on effort control and technical measures until recent years. Some more specific tools have been also introduced in case of single stocks as it is the case of the clam fisheries in Italy which has been managed by a Right Based Management approach through the introduction of Territorial User's Rights. This is to say that a new approach to management firstly requires to make clear what the target of management is. As for biological resource it should be taken care of different species groups: multispecies demersal, small pelagic, large migratory, sedentary. As for the fleet competition, it should be taken into consideration if the stock(s) is exploited by a single or multigear fleet segment, by single or multiple State Parties fleets. As for the level of information a more rigorous approach based on formal analyses of the stock status and optimal exploitation strategies should be pursued. As for the area, it should be considered its extension which, in turn, depend on the level of homogeneity of the fisheries; in this respect a GSA scale could prove to be a fruitful exercise. Furthermore, it is also important to consider the role different management regimes in place in different State Parties, as for technical measures, enforcement, control, monitoring, etc policies, play when implementing a management plan. The above considerations bring to the conclusion that GFCM can and must play a role in speeding up and coordinating a process bringing to a more advanced fishery management approach in the area. Long term specific management plans for given fisheries, involving all State Parties interested, could prove to be the most effective solution. Important experiences have been developed in recent years and each plan, depending on the fisheries features, can consider the case for allocating effort quotas. In case of large sized monospecific stocks fished in international waters by different countries (eg. deep water rose shrimp in the Strait of Sicily and anchovy and sardine in the Adriatic), and large migratory stocks, as for the tuna recovery plan, catch limits can also be taken into consideration. In any case, considering the low level of profits, it should be clear that the efficiency and economic return from the utilization of production factors in the fisheries involved need to be maximized whatsoever the allocation process will take place.

Question 3.2: Could technical assistance mechanisms contribute to improve the management of fisheries in the GFCM area? If yes, what mechanisms could be envisaged to provide technical assistance to States Parties?

Technical assistance is considered vital for increasing the quality and substance of fisheries management in the area. GFCM should improve technical assistance both in training of scientists/economists/managers and support to national programs of data collection, mainly for countries that are involved in the exploitation of shared stocks. Data collection programs should allow for an homogenization of methodologies to estimate both biological and economic parameters concerning stocks abundance and fisheries activities. To pursue this strategy of technical assistance, the role of the Regional FAO programs (Copmed II, Adriamed, Medsudmed and Eastmed) is considered essential.

Question 4.2: in light of the growing importance of the aquaculture sector and of the ongoing international focus on its regulation, how is it possible to ensure that the works by the CAQ will adequately respond to the needs of States Parties?

The CAQ meetings are an important opportunity for State Parties to share problems and discuss the future of aquaculture. Meetings are linked with specific Working Group/Project and give the opportunity for the CAQ State Parties to suggest the roadmap to support the activities in the CAQ "macro-area". The proposed improvements to make the outcome/goals of the CAQ meeting are:

- the reorganization of CAQ into subcommittees. This will encourage the presence of experts on the subject of the meeting and ensure the continuity of the participation of delegates from each member country.



- the definition of the terms of reference (TORs) indicating the skills of the delegates / participants to the meeting. Each delegate should participate by bringing a contribution relevant to the subject of the meeting.

Question 5.1: how should the GFCM follow up on infringements when instances of non compliance are reported? Please indicate what kind of actions/measures/tools could prove particularly effective to improve compliance and enforcement.

State Parties should take the responsibility of their fleets infringements and GFCM should have the power to impose limits and restrictions on fishing activity and trade on those State Parties not complying with the IUU rules.

Question 5.2: Please identify priorities to improve compliance and enforcement with relevant GFCM conservation and management measures, including in relation to flag State and port State responsibilities (e.g. boarding, inspections, etc.).

GFCM should have the power to coordinate, classify and homogenize infringements and penalties among State Parties. Then, GFCM should make sure that compliance, control, monitoring and enforcement policies of State Parties are homogeneously introduced in the area. In this respect, GFCM should have the power to receive and analyze infringements and associated penalties of State Parties fleets. Based on cross checking data analysis GFCM should have the power to ask State Parties to increase the level of control. In this respect, GFCM should have financial resources to assist State Parties in doing so, also by having its own inspectors assisting them. When based on a risk analysis this activity could prove to have a limited cost.

Question 5.3: Could the adoption of market-related measures in relation to IUU fishing by States Parties and non-Members constitute an appropriate follow up action to elicit compliance? If Y, propose actions/mechanisms that could be worthy of consideration.

Market related measures can play a vital role in reducing IUU fisheries. Their implementation will depend on the efficient functioning of monitoring of fishing activity and enforcement of rules and penalties. A mechanism dealing with infringements of rules should be put in place and bring to automatic restriction on fishing trade and trade in general. Other countries already adopt such schemes and they have proved to be rather effective.

Question 5.4: Do you think that in the event of conflicts in connection with fishing activities the GFCM, particularly through its Compliance Committee, could have a role to perform so to assist relevant States Parties?

GFCM should create an ad hoc panel made of international lawyers, having State Parties approval. The panel should be in charge of proposing solutions in case of conflicts. Ways and technicalities concerning the functioning of the ad hoc panel and ways State Party shall be obliged to comply with solutions should be approved by GFCM.

Question 5.5: Could a strengthening of the use of VMS prove to be a useful tool in the fight against IUU fishing? Please suggest in particular how the use of VMS in support of MCS activities could be improved.

VMS technology is usually associated with vessels of more than 12/15 Mt. Most of these vessels are not allowed to fish outside territorial waters. It would be necessary to know which the dimension of the fleet having a VMS system on board would be. Initially restricting the monitoring to shared resources, the number of vessels involved is supposedly limited and a joint GFCM/ICCAT/State Parties unique system could prove to be implemented with a limited cost.

Question 6.1: Based on discussions occurred at the 35th Session of the GFCM, do you think it would be appropriate to reconsider financial regulations so to address the current scale of contributions?

The current scale in this regards seems to be fine. In case of increasing duties on the CGPM a new budgetary policy should be considered where landings components should have a more important weight.

Question 6.2: What funding mechanisms should be considered to support GFCM activities particularly for extra-budgetary ones? Could GFCM participate through partnerships, with a leading role, to relevant international/regional projects/programmes/initiatives?

There is a clear need for increasing the CGPM budget parallel with the new challenges it is faced. Reinforcing multilateral projects can be an option to be explored and a fee system can be also introduced.

Question 7.1: Do you think that GFCM committees (especially SAC and CAQ), could perform decision-making functions in a more autonomous/rapid manner without necessarily relying on annual GFCM Sessions? Could this lead to biannual meetings of the Commission?

It would be advisable to have a more autonomous decision making Committees in order to speed up the process. But this is not to be considered a priority until a new approach to the functioning of Committees will be discussed. At this stage priority should be given to reformulate ways Committees convene, quality and coherence of participants with the issue being discussed, decision making process, etc.

Question 7.2: Should the participation by observers to relevant GFCM Sessions and, more generally speaking, to the work of the Commission be further enhanced?

We agree with the comment from Malta

Question 8.1: In the event of disputes on the application/interpretation of the GFCM Agreement, could dispute settlement provisions in Part VIII of UN Fish Stocks Agreement represent a viable solution? Or is article XVII of the GFCM Agreement prove adequate?

Article XVII of GFCM Agreement (Interpretation and Settlement of Disputes) does not seem to allow for an effective dispute settlement. GFCM Agreement should therefore to be amended following the advice of the performance review and reflect the requirements of the UN Fish Stocks Agreement". Dispute settlements forum could also be found in a new Compliance Committee to be formed with internal and external participants giving to the Commission the power to enforce dispute resolutions.

Question 9.1: Should the GFCM take steps so that cooperating status can be granted to non-Members? If Y, how? And what non-Members could benefit from such a status?

Whenever a non Member State meets the criteria for obtaining cooperating status it should obtain such status

*Lebanon*

Question 1.1: Should GFCM objectives been reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

The scope of GFCM needs to be broadened to encompass new issues particularly the environmental issues. The scope should not be limited to fisheries, but rather clearly indicate the other activities that affect fisheries. This is becoming increasingly important in the Eastern Mediterranean, whereby the member states are jumping into claiming their EEZ due to high prospects of oil and gas exploration that in themselves might have a detrimental effect on the environment. This new trend is causing some members to explore even inside FRAs. The recommendations to establish these FRAs are not decisive in preventing harmful effect the habitat conservation and the scope of GFCM might seem limited to fisheries activities; thus, the role of GFCM/Compliance Committee seem limited due to restricted scope. Thus, the scope should be broadened to include preserving the environments against external man-made jeopardizing activities. The GFCM scope should be also broadened to include capability to impose sanctions on non complying parties. This might entail giving GFCM more "policing" or MC powers requiring more staff.

Question 1.3: Could the GFCM mandate be strengthened to improve the management framework relating to interactions among capture fisheries, aquaculture and other human activities in the GFCM area? Could the GFCM address marine spatial planning considerations?

IMP is the new buzz word nowadays. GFCM should be abreast of these new trends and initiatives, thus, should address and embrace such issues or else these will be left to other organizations to fill this gap and hence GFCM will be a lag behind in this respect.

Question 3.2: Could technical assistance mechanisms contribute to improve the management of fisheries in the GFCM area? If yes, what mechanisms could be envisaged to provide technical assistance to States Parties?

Technical assistance is not a luxury, but rather a need. GFCM should have the mandate and means to extend assistance to needing parties particularly the developing countries. GFCM cannot continue relying on regional projects to take care of this aspect, but should be able to take initiative in this regard.

Question 5.1: How should the GFCM follow up on infringements when instances of non compliance are reported? Please indicate what kind of actions/measures/tools could prove particularly effective to improve compliance and enforcement.

GFCM Agreement should be amended so as greater power is given to the Secretariat to follow up on infringements. GFCM should operate a Mediterranean-wide VMS system that enables it to globally monitor vessels. This will allow GFCM to act promptly to stop the infringements. This will necessitate that all vessels in the Mediterranean be equipped with VMS and that GFCM have enough resources to operate around-the-clock a surveillance system .

Question 5.4: Do you think that in the event of conflicts in connection with fishing activities the GFCM, particularly through its Compliance Committee, could have a role to perform so to assist relevant States Parties?

Compliance Committee cannot present, at this stage, a very viable means in conflict resolution. This is particularly because; it does not convene regularly and does not have the implementation capability or arm. Thus, having a more-or-less a committee that can meet whenever the need arises (electronic and other communication means are less effective in conflict resolution cases) is recommended if the mandate of Compliance Committee is amended to allow it to promptly take decisive action when the need arises.

Question 5.5: Could a strengthening of the use of VMS prove to be a useful tool in the fight against IUU fishing? Please suggest in particular how the use of VMS in support of MCS activities could be improved.

A Mediterranean-wide control station should be set up at GFCM HQ and is operated 24/7 by qualified staff. It should be able to monitor the whole Mediterranean and Black Seas. This will in turn decrease the setup costs for particularly the developing countries that are facing technical and financial constraints. Furthermore, GFCM could better negotiate satellite tracking rates for the whole GFCM Area. Moreover, better rates for VMS units could be also negotiated by GFCM that will considerably decrease the installation costs on member states.

Question 7.2: Should the participation by observers to relevant GFCM Sessions and, more generally speaking, to the work of the Commission be further enhanced?

There have been an increasing number of observers at different meeting levels during the past years. The presence of these observers did not prove, to me, to be of much added value. Thus, encouraging further presence/participation of observers at meetings does not seem to be extra beneficial. However, their participation at lower level technical meetings is definitely beneficial for exchange of ideas and experiences. Moreover, GFCM is in the process of having MoU with a number of external entities which might be fruitful in the future.

Question 8.1: In the event of disputes on the application/interpretation of the GFCM Agreement, could dispute settlement provisions in Part VIII of UN Fish Stocks Agreement represent a viable solution? Or is article XVII of the GFCM Agreement prove adequate?

Since some member states might not be party to UFSA or UNCLOS, then the best viable means is amending the Agreement to give Compliance Committee more power in dispute resolution. It will be an in-house means to settle problems rather than going to external entities.

*Malta*

Question 1.1: Should GFCM objectives been reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

GFCM objectives should be updated to include concepts such as the ecosystem approach to fisheries management (EAFM). EAFM considers three main pillars as the basis of sustainable fisheries management: ecological sustainability, economic profitability and social equity. Governance of fisheries in the Mediterranean can only be efficiently improved if the relevant tradeoffs between these three pillars are analyzed and addressed. The practical implementation of EAFM should thus be a central objective of GFCM and as such environmental objectives should indeed be among those of the GFCM.

Question 1.3: Could the GFCM mandate be strengthened to improve the management framework relating to interactions among capture fisheries, aquaculture and other human activities in the GFCM area? Could the GFCM address marine spatial planning considerations?

Ultimately the capacity of marine ecosystems to sustain fisheries, aquaculture and other services as the basis of human livelihoods across the Mediterranean depends on the impacts of all human activities, not just fisheries. The application of an ecosystem approach to fisheries management, i.e. extending the conventional principle of sustainable fisheries development to cover the interactions among different societal objectives and different ecosystem components is thus vital. Marine spatial planning is practical tool which managers can use to address such considerations. As such it may indeed be worthwhile for GFCM to address marine spatial planning considerations.

Question 2.1: According to you, are current geographical subregions (GSAs) of the GFCM area appropriate for data collection and stock assessment supporting management advice in the GFCM context? If N, provide alternatives/indications that could be considered.

The current geographical sub-regions are not based on biological or ecological considerations of stock structure and do not reflect fishing patterns. As such they are not ideal subdivisions for data collection or stock assessment purposes. Any recommendation for change would need to be based on a consideration of a range of factors, in particular stock connectivity patterns (based on analyses of similarity trends in biological parameters / population genetics of relevant species) and oceanographic factors. Since different subdivisions may be appropriate for different fisheries and target species, a more flexible system with smaller subdivisions may be most appropriate. Through VMS and electronic catch reporting systems there is ample scope to improve current data collection and data reporting systems. However the practical aspects and financial implications of improving data collection across the Mediterranean would need to be very well investigated before any attempt at redesigning the current GSAs is made.

Question 2.3: How could the applicability of the concept of LME (Large Marine Ecosystem) contribute to improve ecosystem based management and to enhance collaborative approaches to fisheries resources in the GFCM area?

The Large Marine Ecosystem concept could be used as a tool for enhancing ecosystem based management since it promotes the notion of ecologically bounded systems, which by definition are transnational. Resource degradation can only been addressed by aiming at improving the status of the entire ecosystem, and only an international management body such as GFCM is ultimately in a position to attempt a reconciliation of the needs of individual nations with those of the entire community of nations. However the practical implementation of such a concept is by far more

challenging than outlining its theoretical merits. As such and initial focus on the implementation of an ecosystem based approach to management and marine spatial management principles (with the ultimate aim of applying the LME concept) may be the most advisable approach.

Question 3.1: Do you think that initiating a regional allocation process to regulate the amount of total catch and fishing effort in the GFCM area is required? If yes, what kind of approaches should be taken for the GFCM to make progress on this matter?

A regional progress to regulate fishing effort could involve a number of technical measures e.g. limiting total days at sea, the implementation of closed areas and seasons. Since fisheries management measures will ultimately only be effective if implemented and controlled by all jurisdictions targeting stocks in a region, an allocation process mediated by GFCM could indeed be useful. However more research on the most appropriate measures would be required. Progress on this aspect could be made under the auspices of the FAO regional projects. Total catch limitations on the other hand are very difficult to implement in the Mediterranean due to the artisanal, mixed nature of Mediterranean fisheries: this is only an efficient solution for a small number of select stocks / fishing techniques. For either measure regulation and implementation should be uniform throughout the Mediterranean.

Question 3.2: Could technical assistance mechanisms contribute to improve the management of fisheries in the GFCM area? If yes, what mechanisms could be envisaged to provide technical assistance to States Parties?

Yes. Technical assistance is most important in the fields of harmonisation of inspection and control measures and joint training. Such training is already carried out between EU countries, however there seems to be little contribution between Control Authorities of different jurisdictions to date. Furthermore the GFCM may strengthen its role in the implementation of management plans, training, control and research.

Question 4.2: In light of the growing importance of the aquaculture sector and of the ongoing international focus on its regulation, how is it possible to ensure that the works by the CAQ will adequately respond to the needs of States Parties?

It is always stressed and it is always important that every state party attends the CAQ meetings in the interest of the country. It is also important that some stakeholders such as the Federation of European Aquaculture Producers or other related bodies or associations are invited to participate. At the end of the day, it is up to the country concerned to voice their opinion and concerns.

Question 5.1: How should the GFCM follow up on infringements when instances of non compliance are reported? Please indicate what kind of actions/measures/tools could prove particularly effective to improve compliance and enforcement.

The GFCM should communicate with its State Parties to ensure follow up on infringements in order that the required sanctions and deterrents are applied.

Question 5.2: Please identify priorities to improve compliance and enforcement with relevant GFCM conservation and management measures, including in relation to flag State and port State responsibilities (e.g. boarding, inspections, etc.).

The GFCM should gain experience from successful management methods and apply them to its jurisdiction by taking account of the regional specificities of the Mediterranean. The organisation of joint inspections may assist in the sharing of competence and achieving a harmonised approach to fisheries control.

Question 5.3: Could the adoption of market-related measures in relation to IUU fishing by States Parties and non-Members constitute an appropriate follow up action to elicit compliance? If Y, propose actions/mechanisms that could be worthy of consideration.

Market-related measures are an important tool in controlling IUU fisheries and the market which fuels such practices. The strengthening of the GFCM and the inclusion of third countries in fisheries management are essential components in ensuring fair market opportunities and a level-

playing field for all stakeholders. It is only after this strategy comes to fruition that the benefits of the tremendous efforts of a small country like Malta would be tangible to the sector. The existing network of bilateral agreements should be strengthened in order to help maintain sustainability in third countries and improve transparency.

Question 5.4: Do you think that in the event of conflicts in connection with fishing activities the GFCM, particularly through its Compliance Committee, could have a role to perform so to assist relevant States Parties?

The role of the GFCM may be strengthened to promote harmonization of fisheries management across the Mediterranean. The GFCM should particularly ensure that an adequate legal framework is available in State Parties to allow them to follow up on IUU infringements.

Question 5.5: Could a strengthening of the use of VMS prove to be a useful tool in the fight against IUU fishing? Please suggest in particular how the use of VMS in support of MCS activities could be improved.

Yes. The combination of VMS with additional technologies may enhance enforcement. Such technologies may combine verification of positions with records obtained from logbooks, and cross check with GPRS, VDS and others. It is pertinent to note that such resources may not be accessible to all GFCM member countries due to financial or legislative restrictions.

Question 7.2: Should the participation by observers to relevant GFCM Sessions and, more generally speaking, to the work of the Commission be further enhanced?

Participation by observers may assist in the enhancement of transparency. The participation of external experts, NGOs and stakeholders may provide fruitful input to the discussions being held during GFCM Sessions, especially at lower level technical meetings

Question 8.1: In the event of disputes on the application/interpretation of the GFCM Agreement, could dispute settlement provisions in Part VIII of UN Fish Stocks Agreement represent a viable solution? Or is article XVII of the GFCM Agreement prove adequate?

States should have the obligation to settle their disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. Therefore, dispute settlement provisions in Part VIII of UN Fish Stocks Agreement may represent a viable solution

*Monaco*

Question 6.1: Based on discussions occurred at the 35th Session of the GFCM, do you think it would be appropriate to reconsider financial regulations so to address the current scale of contributions?

Comme vous le savez, la Commission générale des pêches pour la Méditerranée a abordé, lors de sa 35ème Session (Rome 9 au 14 mai 2011), la question des contributions obligatoires des Etats parties au budget de la C.G.P.M. Conformément aux chiffres publiés récemment par la Banque mondiale, le PIB de Monaco a dépassé la barre des 5 milliards de dollars en 2009, pour atteindre 6 108 770 906 USD. Or il faut noter que cette hausse est essentiellement le résultat de la valorisation de l'euro par rapport au dollar. En effet, le PIB de Monaco était de 4.492.737.000 euros en 2008 et 4.002.694.00 euros en 2009. Dans le cadre de la CGPM, la règle du PIB/capita s'appliquerait alors à Monaco qui se verrait intégrée dans la catégorie 20. Le montant de sa contribution obligatoire passerait ainsi de 7 062 USD en 2010 à 84 680 USD en 2011, soit une augmentation de 1100%. Elle serait ainsi équivalente aux contributions versées par les grands Etats membres. La Principauté de Monaco accorde une grande importance au bon fonctionnement, à la pérennité et au rôle de la C.G.P.M. Monaco assumera sa contribution au budget de cette institution, mais dans des proportions correspondantes à son statut. A cet égard, la Principauté souhaite aboutir à une solution rapide au problème de l'augmentation excessive de sa contribution financière. Le Gouvernement de la Principauté de Monaco réitère sa proposition faite au Secrétariat ainsi qu'à tous les membres lors de la 35ème Session de la C.G.P.M. Pour mémoire, cette proposition consistait à : 1) inscrire à l'ordre du jour des travaux de la 35ème Commission générale des pêches pour la Méditerranée un point relatif à

la révision du Règlement financier de la C.G.P.M.; 2) présenter un amendement au Règlement financier de la C.G.P.M., conformément à l'article VII dudit Règlement. Concrètement, la proposition du Gouvernement monégasque consiste à relever le plafond de 5 milliards à 8 milliards de dollars. Monaco demeurerait le seul Etat membre de la C.G.P.M. dont le PIB serait inférieur à ce montant. Ainsi, l'appendice du Règlement financier, paragraphe intitulé « Quantification des facteurs » serait modifiée comme suit : « aussi longtemps que le PIB annuel demeurera inférieur à 8 milliards de dollars EU ».

#### *Slovenia*

Question 1.1: Should GFCM objectives be reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

Slovenia feels that a key task for the GFCM in the future should be collection of fisheries data and the definition of appropriate data collection policies. In this respect, workshops could be organised to enable GFCM Member States to exchange good practices, knowledge and information. We should work together on the quality of data and information systems. The GFCM should thus represent a hub for efficient and co-ordinated data collection on the sub-regional and regional levels.

Question 1.3: Could the GFCM mandate be strengthened to improve the management framework relating to interactions among capture fisheries, aquaculture and other human activities in the GFCM area? Could the GFCM address marine spatial planning considerations?

Slovenia feels that it would be beneficial if the GFCM became part of the processes concerning marine spatial planning, particularly from the perspective of supporting sustainable development of fisheries. At the same time, it should be borne in mind that marine spatial planning is already being addressed as a key question within other fora and processes; the GFCM could devote more attention to these fora and processes. This assessment also holds for question 4.1 on the sustainable development of aquaculture.

Question 3.1: Do you think that initiating a regional allocation process to regulate the amount of total catch and fishing effort in the GFCM area is required? If yes, what kind of approaches should be taken for the GFCM to make progress on this matter?

Slovenia supports a regional and sub-regional approach in the preparation of fisheries management plans. It is questionable whether total catches should be regulated, considering the experience from the EU Common Fisheries Policy.

Question 6.1: Based on discussions occurred at the 35th Session of the GFCM, do you think it would be appropriate to reconsider financial regulations so to address the current scale of contributions?

Slovenia supports a discussion on financial regulations so as to address the current scale of contributions; however, such a discussion should not lead towards any increase in contributions of individual Member States, particularly in the light of current economic crisis.

Question 9.2: Should the GFCM participate more to the works/activities of other international organizations which are relevant to the goals of the GFCM? If Y, should the GFCM consider findings/recommendations by these organizations and how (e.g. MoU)?

Slovenia feels that this could be beneficial, however, it should not lead to any additional financial burdens for the GFCM and/ or its Member States.

#### *Spain*

Question 1.1: Should GFCM objectives be reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

Article III of GFCM Agreement already establishes as its objective the conservation of live marine resources in the GFCM Area. We understand that there are already other international

organizations that have under its remit environmental issues within the Mediterranean, such as Barcelona Convention or ACCOBAMS. Of course, this is not binding to strengthen the GFCM Agreement taking into account the environmental issues linked to the fisheries resources exploitation, especially the ones related to the protection of vulnerable marine ecosystems or collateral effects of fishing and aquaculture activities. More value should also be given to the ecosystem approach and the inter-relation of the different fisheries under GFCM Area. As stated in the Performance Review report, the Agreement would also need an updating regarding objectives and functions, as well as the introduction of appropriate definitions, according to the latest international instruments adopted related to fisheries management.

Question 1.2: How should the Task Force address the qualification of the terms identified in the ToRs of the Task Force, (see background information), and what kind of indicators should be developed to assess policies and strategies relating to these terms?

Before we can set reference points or define levels of exploitation and its relevance to the objectives of GFCM, it is necessary to conduct a comprehensive work by the SAC as to the definition of biological units present in the regulated area. Having established this, we should clearly define what is meant by sustainable use and which models of sustainability we want to develop within the GFCM. We understand that it should not be restricted only to find the maximum sustainable yield of resources since this is just one of the several scenarios of sustainable exploitation available and therefore it should be set as a desirable goal for all resources and not as a obligation, especially in multi-species fisheries where achieving MSY for all stocks may be impossible. As indicators of sustainable fisheries there should be set as reference points for most of the stocks values of Blim and Bpa, so that fisheries are exploited at higher values of Bpa and never under Blim. The measures adopted within the GFCM should aim to find a balance between the biological component measured as exploitation at safe levels (stocks above Bpa) and socio-economic components, so that the aim of reaching MSY does not undermine economic activity and the loss of activity, subject to compliance with the above principle. As for the term in use of the ecosystem approach, we think that there should be more work to be done in the field of defining fishing strategies for cases of multi-species fisheries in which it makes little sense setting standards for a single stock when it is exploited in conjunction with many others.

Question 1.3: Could the GFCM mandate be strengthened to improve the management framework relating to interactions among capture fisheries, aquaculture and other human activities in the GFCM area? Could the GFCM address marine spatial planning considerations?

The mandate of the GFCM should recommend greater involvement in the cooperation with other organisms that affect the uses of the Mediterranean and not try to convert a Fisheries Regional Organization into an organization that has to discuss planning of the uses within the Mediterranean. GFCM goals should remain the promotion of sustainable fisheries and aquaculture, and should seek the cooperation of other organisms in this task.

Question 2.1: According to you, are current geographical subregions (GSAs) of the GFCM area appropriate for data collection and stock assessment supporting management advice in the GFCM context? If N, provide alternatives/indications that could be considered.

GSA divisions were made taking into account as much as possible basins characteristics, their oceanographic characteristics and sea-bottom morphology which could host specific resources, as well as geopolitical reasons, also taking into account existing FAO divisions. The current division of GFCM area in GSAs allows to obtaining statistical information on capacity, catches and fishing effort, among others. The definition of appropriate assessment/fisheries management areas may be different depending on the stock considered, which requires different kinds of studies to determine the degree of connectivity between ecosystems or divisions. These works should be undertaken within the scope of SAC, which should propose new GSAs based on available scientific information.

Question 2.2: What fish stocks would deserve particular conservative efforts in the short/medium/long term by the GFCM and why?

Since ICCAT is already doing an excellent job in the assessment and management of stocks of highly migratory large pelagic species, GFCM should focus all its effort in the demersal stocks and



small pelagic species. It is true that attempting to cover all of them is a very complex task and therefore efforts should be concentrated on those species that pose a greater contribution from the socioeconomic point of view, as the stocks listed in the GFCM list of priority species. Coordination works with ICCAT in regard to the interaction between small pelagic/large migratory pelagic species should be strengthened, regarding their relationship prey/predator and their ecological relationships in terms of management, avoiding duplication of work in relation, for example, to the request of data on large pelagic species that are already provided to ICCAT.

Question 2.3: How could the applicability of the concept of LME (Large Marine Ecosystem) contribute to improve ecosystem based management and to enhance collaborative approaches to fisheries resources in the GFCM area?

The application of the LME concept in the case of GFCM requires greater coordination of their works with the ones developed by other organisms involved in other activities within the Mediterranean. The GFCM should design a strategy on which are the risks for fishing, aquaculture and conservation of living marine resources in the Mediterranean and establish close cooperation with the organisms that regulate potentially harmful activities such as maritime traffic, obtaining energies in the marine environment or pollution.

Question 3.1: Do you think that initiating a regional allocation process to regulate the amount of total catch and fishing effort in the GFCM area is required? If yes, what kind of approaches should be taken for the GFCM to make progress on this matter?

The fisheries management system using TACs and quotas needs for proper operation of a heavy control system. It is not either very useful when it is applied to artisanal and multi-species fisheries as it is the case for the majority of Mediterranean fisheries. If control measures are not adequately applied they can lead to overfishing and loss of data that are vital for a proper stock assessment and monitoring of fishing activity. The new vessel monitoring systems by satellite or radio, allow to achieve a fishing effort based management of high quality. It is true that establishing guidance capture limits would allow to distribute the maximum amounts among different countries to calculate the effort each one could develop and adapt the levels each year, mainly in regard to shared stocks. Moreover, a TAC and quota system would not be feasible in developing countries, with lower capacity to control the activity of its fleet, taking into account that there are currently many ports and landing sites, which greatly hamper the control of catches.

Question 3.2: Could technical assistance mechanisms contribute to improve the management of fisheries in the GFCM area? If yes, what mechanisms could be envisaged to provide technical assistance to States Parties?

Any technical assistance mechanism is useful and could help to improve the issue and functioning of the GFCM and its member countries. Nevertheless, we have to keep in mind the costs involved and the need of planning. These assistance mechanisms should only be planned when external funding is assured.

Question 4.1: Do you think that the mandate of the GFCM could be broadened in a manner that allows States Parties to pursue sustainable aquaculture in the GFCM area more effectively?

Improving all aspects relating to aquaculture in the Mediterranean will certainly contribute to a better supply of quality fish: in addition, if this is done properly it will ensure that the activity does not have a negative effect on the environment. All support to a better management of aquaculture in the Mediterranean will be beneficial and therefore GFCM should move forward in this regard.

Question 4.2: In light of the growing importance of the aquaculture sector and of the ongoing international focus on its regulation, how is it possible to ensure that the works by the CAQ will adequately respond to the needs of States Parties?

As mentioned in the previous question, all steps aimed at reinforcing the management measures towards a more sustainable and higher quality aquaculture in the framework of the GFCM should be supported. In this regard, organization and functions of the CAQ and its working groups

should be reviewed for them to adapt to the growing importance of aquaculture and its interactions with other uses (capture fisheries, environment, integrated management of coastal areas ...).

Question 5.1: How should the GFCM follow up on infringements when instances of non compliance are reported? Please indicate what kind of actions/measures/tools could prove particularly effective to improve compliance and enforcement.

GFCM should adopt a monitoring and activity control system in a similar way as other RFMOs. Although a positive list for larger vessels has already been established, and recommendations on IUU vessels and port State control measures that prevent these vessels from operating within the Mediterranean area have been adopted, appropriate monitoring and control measures are necessary to allow full implementation.

Question 5.2: Please identify priorities to improve compliance and enforcement with relevant GFCM conservation and management measures, including in relation to flag State and port State responsibilities (e.g. boarding, inspections, etc.).

The new legal framework for the GFCM should contain measures and provisions on the obligations of flag states over their vessels for the Organization to carry out its tasks accurately in terms of eradication of IUU fishing. An important point is the responsibility of the parties to enforce the rules agreed within the GFCM to their nationals. Efforts should also be made towards clearly establishing the obligations of parties to control their vessels by satellite systems, at least for those of larger size, and establishing mechanisms for coordination between them and the Secretariat of the GFCM. For certain shared stocks by several countries it could be possible to establish the obligation to report the positions of vessels in real time to the GFCM to ensure compliance with the measures adopted. The role of GFCM as guarantor of Port State control measures should be strengthened by the parties, particularly with regard to combating IUU fishing, cooperating in this issue with other RFMOs.

Question 5.3: Could the adoption of market-related measures in relation to IUU fishing by States Parties and non-Members constitute an appropriate follow up action to elicit compliance? If Y, propose actions/mechanisms that could be worthy of consideration.

The adoption of coercive market measures has emerged as one of the best tools to force compliance with the measures adopted within RFMOs and as an effective tool in combating IUU fishing. The GFCM should be provided with the possibility of establishing mechanisms for limiting the market when circumstances require it and non-compliance by some party may be verified.

Question 5.4: Do you think that in the event of conflicts in connection with fishing activities the GFCM, particularly through its Compliance Committee, could have a role to perform so to assist relevant States Parties?

We understand that GFCM should not act in cases of conflicts between parties, doing so just as a mere interpreter of the measures taken under its remit and interpretation of the way in which recommendations must be fulfilled, although in cases of doubt the issue should be put forward to the plenary for its interpretation.

Question 5.5: Could a strengthening of the use of VMS prove to be a useful tool in the fight against IUU fishing? Please suggest in particular how the use of VMS in support of MCS activities could be improved.

The use of VMS is especially helpful to control vessels operating in a legal way and is more complex as a tool to control IUU fishing vessels. It may be an additional tool for surveillance at sea, but mostly it is a useful tool to know the patterns of activity of the fleet and the effective fishing time of each vessel.

Question 6.1: Based on discussions occurred at the 35th Session of the GFCM, do you think it would be appropriate to reconsider financial regulations so to address the current scale of contributions?

As stated in the Performance Review, a financial audit of the GFCM should lead to different options to discuss a possible revision of the financial framework and the impact and added value of possible activities and extra-budgetary alternative financing mechanisms.

Question 7.1: Do you think that GFCM committees (especially SAC and CAO), could perform decision-making functions in a more autonomous/rapid manner without necessarily relying on annual GFCM Sessions? Could this lead to biannual meetings of the Commission?

Although it could seem appropriate a more autonomous system of both committees, we think that decisions must be taken in the annual meeting of the GFCM, within a global context, and that it should maintain its annual meeting. Since the budget is adopted on an annual basis too, holding bi-annual sessions would involve substantial changes in the procedures of the GFCM.

Question 7.2: Should the participation by observers to relevant GFCM Sessions and, more generally speaking, to the work of the Commission be further enhanced?

The participation of NGOs as observers has proven to be a valid instrument for improving the work of the RFMOs. However, we believe that it should be clearly defined who can access as an observer and the mechanisms to express their positions, giving clear deadlines for this.

Question 8.1: In the event of disputes on the application/interpretation of the GFCM Agreement, could dispute settlement provisions in Part VIII of UN Fish Stocks Agreement represent a viable solution? Or is article XVII of the GFCM Agreement prove adequate?

In line with the answers to this question by other GFCM members, a review of existing mechanisms in other RFMOs and international instruments should be made in order to see the most appropriate one for the GFCM.

Question 9.1: Should the GFCM take steps so that cooperating status can be granted to non-Members? If Y, how? And what non-Members could benefit from such a status?

Any measure of cooperation that promotes sustainable management within the GFCM area with non-Member states, particularly in the case of shared stocks, is beneficial for the whole GFCM Area.

Question 9.2: Should the GFCM participate more to the works/activities of other international organizations which are relevant to the goals of the GFCM? If Y, should the GFCM consider findings/recommendations by these organizations and how (e.g. MoU)?

We think that GFCM should focus on undertaking the mandated areas and dedicate just the time required to evaluate agreements reached by other international organizations. Only in special cases in which decisions may affect directly the work carried out by the GFCM, it should attend those meetings. An increased coordination with other RFMOs and international organizations could solve this less participation.

*Turkey*

Question 1.1: Should GFCM objectives been reconsidered for the Commission to be able to tackle new issues? In particular, should environmental objectives be among those of the GFCM to improve governance of fisheries in the GFCM area? List relevant objectives.

I believe that the recommendations made by the panel are of crucial and requires remedial actions, i.e. updating of the Agreement taking into consideration today's fisheries objectives. More importantly the panel ads that the Agreement does not constitute a legal basis for certain objectives of importance. That is why, the updating of the Agreement needs to be considered seriously, as a part of the possible general updating of the text. If done so, we would have a better structuring by having an individual article both for functions and objectives of the GFCM, as the existing Article III (Functions) indicates both functions and purposes of the GFCM. The utmost objective of today's modern fisheries management has been the "sustainable exploitation of conservation of fisheries resources". The Agreement somehow reflects this basic overriding objective but referring to also development issues. As indicated precisely by the panel analysis, the "development" approach, in particular with reference to the aquaculture requires further revision. There are many general objectives set for fisheries which can be grouped into 3 classes: (1) Ecological/biological (conservation of fish stocks, conservation of biological resources, aquatic ecosystems and habitats; protection of a particular type of fisheries,

reduction of overfishing capacity, etc). (2) economic (economic maximization, cost-effectiveness, allocation of resources, (3) social (equity objectives: employment and income generation, etc) In the updating of the objectives, it seems that the ecosystem approach to fisheries and precautionary approach principle needs to be translated into the Agreement, instead of specification of a long list of objectives.

Question 1.2: How should the Task Force address the qualification of the terms identified in the ToRs of the Task Force, (see background information), and what kind of indicators should be developed to assess policies and strategies relating to these terms?

The first two terms “sustainable exploration” and “sustainable aquaculture production” are the main terms used in definition of the purpose of the GFCM. Suggestions made by the performance review regarding how these terms are used and understood in the Agreement needs to be taken into consideration. However, I see it useful to reflect the remaining two terms, namely precautionary and ecosystem approach to fisheries (EAF) into the agreement. I personally believe that the preamble section of the Agreement provides a good opportunity to reflect such approaches and the main of pillars of the EAF, i.e. biological-ecologic, economic and social considerations. (By the way I think that the preamble part of the Agreement needs a comprehensive revision). It goes without saying that the operational section of the Agreement also should address accordingly these approaches. Referring to these considerations would help in establishment of indicators in the operational section. However, in the Agreement text, in making reference to biological/ecological, social and economic indicators there would be difficulties because of the multitude of indicators for each consideration. For example, in the case of ecological indicators we have many indicators groups. An example: species-related indicators (species biomass, composition, abundance, richness, total catch-landings-average age and size ...). Assessment of policy against indicators would help us in improved management, use and conservation of resources but for such a assessment we really need fisheries data, historical data sets and routine assessments.

Question 3.2: Could technical assistance mechanisms contribute to improve the management of fisheries in the GFCM area? If yes, what mechanisms could be envisaged to provide technical assistance to States Parties?

I think that GFCM would play a very active role in providing technical backstopping support to developing countries, preferably within a timetabled working programme set based on regional or sub-regional priorities. I strongly believe that working under a prioritized work programme of the Commission would be more beneficial. Such a work programme would have more contributions from possible donors and provide required technical assistance.

Question 6.1: Based on discussions occurred at the 35th Session of the GFCM, do you think it would be appropriate to reconsider financial regulations so to address the current scale of contributions?

For me, in the determination of scale of contributions the first concern should be the possible budgetary burden to developing countries. The current scale in this regards seems to be fine. The level of burden will be more severe for those GFCM Members who are both a developing country and has a large fish production volume. However in imposing a new scale there would be a dilemma in terms of balancing or weighing the scale for these countries considering the fact that we have only 3 components for fixing the scale, namely basic Membership fee, wealth and catch volume. However, re-formulation of the scale can be submitted to Commission for discussion.

Question 7.1: Do you think that GFCM committees (especially SAC and CAQ), could perform decision-making functions in a more autonomous/rapid manner without necessarily relying on annual GFCM Sessions? Could this lead to biannual meetings of the Commission?

CAQ is a relatively a new sub-body of the GFCM. Therefore, the CAQ would have more functional structuring in future, building on the experience to be gained. Under the current mechanism, the CAQ is generally revising, at its annual sessions, the reported status of compliance for respective management and conservation of recommendations of the Commission. Strengthening the role of the CAQ by giving it a more autonomous structuring would be beneficial for delivering the outputs in an effective way. As far as I know, a number of RFMOs has a compliance body composed of

independent, non-government representatives. Such an independent/autonomous identity would be a long-term alternative structuring. For short to medium term focus would be placed on the first development and implementation of a mechanism for strengthened compliance. The mechanism should lead to a re-structuring where the Committee has more autonomous power and where it is more critical. Currently work of the CAQ is only limited to the short review that it makes at its annual session which is held back-to-back with the GFCM Session. I personally do not know any issue that had been handled by the CAQ between two sessions. Pending compliance issues and some hot issues (i.e. reported IUU fishing issues, black lists, ...) would be handled by the CAQ between a completed session and the one following it. International fisheries instrument gives many responsibilities to RFMOs. For example the most recent instrument, FAO Port State Agreement to prevent, deter and eliminate IUU fishing requires collaboration, among others, from RFMOs. In this context, the CAQ would also question such compliance likely issues. I believe that, the current working pattern, approach and work burden of the CAQ do not require conveying of biannual sessions. Now some words on SAC...I think that the SAC is advancing towards a right way. For my part, the bottom-up type structuring of the SAC would be an issue that would be subject to a revision for a more improved functionality. Apparently, the Commission has some difficulties in amending/re-shaping of any recommendation send to it by its sub-committees. This, however, can be considered as an enabling structuring for independence considering the fact that the SAC annual session, among others, brings together the representatives of Member States. Therefore I believe that sub-committees have more autonomy compared to the SAC. The SAQ would refer some directions or prioritized issues to its sub-committees, other than the issues that have been transferred to it by the Commission.

Question 7.2: Should the participation by observers to relevant GFCM Sessions and, more generally speaking, to the work of the Commission be further enhanced?

I believe that, observer participation would be more beneficial in the cases where a more working partnership is established at organizational levels. The current observer participation could be improved for having more feedbacks, contributions and recommendations from observers and NGOs. We have enabling conditions and tradition for such partnership and can create a more improved structure even at working level. On the other hand GFCM, as an observer organization, joins some interrelated work of several organizations. In this context, Commission would be more informed on the results of such events.

Question 8.1: In the event of disputes on the application/interpretation of the GFCM Agreement, could dispute settlement provisions in Part VIII of UN Fish Stocks Agreement represent a viable solution? Or is article XVII of the GFCM Agreement prove adequate?

The dispute settlement mechanisms set by the GFCM Agreement is generally based on the principles of UNCLOS: a peaceful dispute settlement process (through an internal Committee to be formed) and, in cases where the dispute is not settled, a compulsory judicial/arbitral dispute settlement mechanism. However, the Article XVII of GFCM Agreement (Interpretation and Settlement of Disputes) does not make a direct reference to the dispute settlement provisions of UNCLOS but sets a compulsory judicial/arbitral dispute settlement mechanism complying with the UNCLOS. The UN Fish Stock Agreement (UNFSA) is the main international fisheries instrument that creates roles for Regional Fisheries Management Organizations (RFMOs) in the fisheries management. Although the current amended GFCM Agreement for most part reflects the management and conservation principles of the UNFSA, the Agreement does not include the compulsory dispute settlement mechanism between its Members in pursuant to UNFSA. (UNFSA's dispute settlement provisions extends to non-parties of it). UNCLOS provisions are of binding nature for the Parties to it. However, the dispute settlement provisions of UNFSA can be extended to both the Parties and non-parties of the Agreement. Current fisheries conventions and regional agreements place varying type of dispute settlement provisions (peaceful, peaceful arbitral settlement by consent of respective parties, binding arbitrary, etc). As far as I know, so far no any dispute has been referred to GFCM for settlement. Several reasons can be justified for this. It should be noted that not all Members of GFCM are parties to UNCLOS and UNFSA. Furthermore, there are many international and regional conventions/agreements that are related to management and conservation of fisheries resources and apply to GFCM Area each with different type of dispute settlement tools. Furthermore the regional and international governance

sometimes may be quite interlinked. For example, GFCM has a binding recommendation on port state measures to combat IUU fishing in GFCM area (Rec GFCM/2008/1). On the other hand, although not yet effective, FAO Port State Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing has been adopted recently. Under this agreement the compulsory dispute settlement is only exercised only with the consent of all Parties to the dispute. In this context, the dispute settlement mechanism set by GFCM Agreement seems to be comparatively stricter. (In the case of occurrence of a dispute of port state measure between States who are both Parties to GFCM Agreement and FAO Port State, I wonder the choice of such a Party between two options (i.e. GFCM Agreement or FAO Port State Agreement) for bringing the case for dispute settlement). In short, I personally see it (politically) difficult to harmonize the GFCM Agreement with UNSFA in terms of dispute settlement due to political reasons. As noted above, not all GFCM Members are not parties to UNCLOS and UNSFA. The number of States ratifying UNSFA is comparatively low. The compulsory binding nature of this Agreement seems to be a factor limiting becoming a party to it.