



**GENERAL FISHERIES COMMISSION FOR
THE MEDITERRANEAN**

**COMMISSION GÉNÉRALE DES PÊCHES
POUR LA MÉDITERRANÉE**



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

**FOURTH SUB-REGIONAL MEETING OF THE TASK FORCE FOR THE
ADRIATIC SUB-REGION**

BAR, MONTENEGRO, 16TH APRIL 2012

WORKING DOCUMENT WITH GENERAL ORIENTATIONS

Opening of the meeting

The meeting of the Task Force for the Adriatic sub-region was held in Bar, Montenegro, on 16th April 2012. The meeting was attended by 11 participants from 5 GFCM Members, GFCM Bureau and GFCM Secretariat. The list of participants and the agenda of the meeting are attached hereto under Appendix A and Appendix 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 Montenegro for hosting the meeting as well as for the excellent organization, they referred to the importance of the Adriatic Sea for the GFCM Area and they recalled the well established cooperation between GFCM and its Members from the Adriatic Sea, which has been fostered also by the AdriaMed FAO Regional Project.

Mr Branko Bulatovic, Assistant Minister from the Ministry of Agriculture and Rural Development of Montenegro, welcomed the participants and expressed the satisfaction of his country for having the opportunity to host the last sub-regional meeting of the Task Force. He indicated that the time has come to modernize the legal and institutional framework of GFCM and that Montenegro stands ready to contribute actively to this ambitious goal.

General outcomes of the discussions

At the outset, the meeting noted the peculiar features of the Adriatic Sea. Owing particularly to its complex ecological dynamics, the development of fisheries and aquaculture in this sub-region has been traditionally given special attention by GFCM. The meeting expressed the view that to meet the needs of GFCM Members from the Adriatic Sea cooperation will have necessarily to remain the departing point of any activity carried out by the Commission in this sub-region. The importance of cooperation for the Adriatic Sea was then stressed in the presentation delivered by GFCM Secretariat on the background and the work of the Task Force. In another presentation the GFCM Secretariat briefed the meeting on the 1st GFCM Framework Programme, whose main goal is to support Task Force activities and to make the Commission more functional.

In their declarations relating to the implementation of and compliance with the GFCM body of law participants *inter alia* noted the need for technical support in drafting and enacting national legislation relating to fisheries and aquaculture, the negative impacts of IUU fishing on the management of Adriatic fisheries, the possibility of building upon synergies and avoiding duplications for those activities undertaken in the Adriatic Sea through the Task Force, the relevance of socio-economic aspects in fisheries and aquaculture and the benefits of the bottom up participatory approach adopted by the Task Force thus far for the identification of areas that might call for an amendment of the GFCM Agreement.

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 that the GFCM Agreement was concluded in a time when the concept of sustainable development was still to be put forth at the international level, the Task Force should take advantage of those areas (e.g. environmental considerations relevant for fisheries and aquaculture, the participation of stakeholders and civil society and the involvement of non Members in the work of the Commission) that have been already singled out in recent years within the remit of GFCM and ensure that they are adequately reflected in the provisions of the GFCM Agreement. For this very purpose, a reorganization of the structure of the Commission which would rely on a sub-regional approach was examined by the meeting.
- The GFCM Agreement requires a revision aimed at, as a main goal, improved conservation of fisheries. Any means instrumental to this goal, including cooperation between GFCM and other international organizations having a sectoral competence on the Mediterranean and the Black Sea, should be duly taken into account by the Task Force.
- Those activities under the mandate of GFCM which occur in waters under national jurisdictions, such as specific activities related to aquaculture or compliance and

enforcement, have to be harmonized further. GFCM should be in the position in the future to look at selected matters relating to fisheries and aquaculture with a view of facilitating a regional process of harmonization in support of its Members.

- To give more relevance to a sub-regional approach to all issues of importance to GFCM Members (i.e. governance, conservation, scientific advice, management, compliance, etc.) the text of the GFCM Agreement should focus on the specificities of GFCM by, for instance, listing functions and objectives of GFCM in connection with GFCM sub-regions or providing for scientific advice/phased implementation of GFCM recommendations at sub-regional level, including in relation to the Adriatic Sea.
- The dimension of sustainable development (i.e. economic, social and environmental) should be overall balanced in consideration of the potential amendment of the GFCM Agreement to make sure that fisheries management will not occur in contradiction with environmental policies. A socio-economic committee could be established in support of GFCM institutional framework to avoid similar clashes.
- Consensus should be reached within GFCM on the adoption of binding recommendations taking into account the role of GFCM sub-regions. For this purpose, bearing in mind the complexity of the GFCM Area and the necessity for ad hoc discussions among clusters of GFCM Members, sub-regional working groups would have to be set up to inform the decision making process by the Commission.
- In order to prevent lack of action by the Commission on the basis of the advice provided by SAC and CAQ, as well by other present and future committees, the structure of the Commission could be supported by five sub-regional working groups (for Adriatic Sea, for Central and Western Mediterranean, for Eastern Mediterranean, for Southern Mediterranean and for the Black Sea) dealing with both aquaculture and fisheries related issues. These working groups would elaborate upon the advice provided by GFCM committees consistent with priorities identified by the Commission. The coordinators of these working groups could be appointed as permanent members of the mechanism that the Task Force has already proposed to set up within GFCM to link advice from committees to the elaboration and adoption of recommendations by the Commission. A diagram with the structure of the Commission, as presented to the meeting by the GFCM Secretariat, is reproduced in Appendix C.

B. Conservation Issues

- Because an integrated maritime approach requires the adoption of a fully encompassing view, consistent with the ecosystem approach to fisheries, it was recommended that GFCM increasingly addresses conservation issues bearing in mind interactions between fisheries and aquaculture with marine ecosystems by availing itself of existing tools as well as new tools.

- Given fish stocks, such as shared stocks, are already examined according to priorities identified by SAC. When these stocks, small pelagics in particular, are found within the same GSA, they should be given special consideration by GFCM.
- GSAs do not seem to respond to the needs for accurate data collection in the GFCM Area at present. They should be revised in a manner that takes into account other criteria as well (e.g. oceanographic criteria, but also biological and ecosystem related considerations). The possible amendment of GFCM Agreement should address this issue.
- Cooperation is to be strengthened in the future in relation to the collection of data at regional level, including for better reliance on GSAs. In this very respect, GSAs could be revised within the remit of the sub-regional working groups proposed by the meeting.

C. Management Issues

- It was advised that long term management plans should be agreed upon within GFCM and be carried out on a multiannual basis. These plans should reflect the priorities of GFCM Members of given sub-regions and hence have in mind the need for a focused geographical approach, including in the fight against IUU fishing.
- Allocation processes for GFCM would be premature until a better regulation of several management issues, such as fishing gear and data collection, is in place.
- Management of fisheries in the GFCM Area cannot be successfully carried out through a straightforward application of common tools because of the specificities of GFCM. Long term management plans are flexible enough, unlike a command and control approach to fisheries management, to provide room for considerations relating to the market. They therefore have the potential to adequately reflect socio-economic aspects into the future work of the Commission.
- Management plans (local, sub-regional and regional), based on best available scientific advice, including socio-economical considerations and assessment by relevant scientific bodies, should be one of the main outputs of the sub-regional working groups to be set up within GFCM, as proposed by the meeting. Whereas the Commission should identify general principles and provide guidance and harmonization in relation to management plans, specific actions and goals would have to be identified based on the needs of Members concerned.

D. Specific Aspects related to Aquaculture

- Aquaculture, as a component of the fisheries policy, is related to marine biodiversity. The meeting noted that negative and positive externalities of aquaculture activities, in particular for the market, have an impact on fisheries and that the GFCM Agreement should elucidate very clearly the role that Commission is to play in connection with aquaculture to ensure its responsible development.
- There is a need to discuss within GFCM specific aspects related to aquaculture which are of direct interest for GFCM Members in order, *inter alia*, to put forth elements that are interlinked with other sectors so that wide ranging actions can be considered (e.g. hydraulic management of coastal lagoons for the benefit of both aquaculture and the environment).
- Integrated coastal zone management would improve the management of aquaculture activities as it would enable the Commission to account for other activities carried out at sea competing with aquaculture when developing sustainable policies at regional level. At the same time, knowledge on aquaculture activities should be disseminated through a top down approach that guarantees that information is conveyed by GFCM to stakeholders at national level.
- GFCM would have to be in the position to provide further technical assistance to GFCM Members, as required, to facilitate the development of aquaculture at national level. The GFCM Framework Programme could represent a viable instrument to this end.

E. Compliance and Enforcement

- It was recalled that the reasons for GFCM Members not to implement recommendations in place may vary. These reasons however should not represent a justification for acts of non compliance to the extent that the Commission should be endowed with the necessary means to tackle instances of non compliance.
- Among other measures to strengthen compliance and enforcement that of a penalty scheme was noted, which could consist of a fine amounting to a fixed percentage (e.g. 5%) of the annual contribution by non compliant GFCM Members. However, the development of any such scheme would follow from the enactment of a control and enforcement scheme by GFCM.
- A mandate should be given to continuously carry out comparative analysis, like the Task Force has been doing, of the experience of other regional fisheries management organizations in order to, *inter alia*, perfect a strategy at sub regional level to improve compliance. In the Adriatic Sea for instance, controls could be carried out in coordination or jointly, depending on the priorities and possibilities of the riparian States.

- The role of COC has to be expanded for the Commission to be able to efficiently supervise compliance and enforcement. In this connection, the COC should also build awareness among GFCM Members to prevent instances of non compliance so that the adoption of measures to target instances of non compliance, including market related measures, is conceived of as an *extrema ratio*.
- The COC needs be restructured in the future so to represent a forum where GFCM Members may exchange information on the implementation of recommendations in place and discuss adequate responses that may lead to the adoption of measures to elicit compliance. COC should also be used as a forum to suggest technical assistance measures aimed at overall increase of compliance by the member states.
- The issue of settlement of disputes would have to be addressed within GFCM in a manner that is consistent with international obligations incumbent upon GFCM Members. A role could be given to COC to act as a mediator before disputes are settled.

Agenda

1. **Opening and Welcome Address**
(by GFCM and Representative of the Host Country)
2. **The Task Force: background, objective, work programme**
(by GFCM Secretariat)
3. **Outcomes of the work of the Task Force thus far**
(by GFCM Secretariat)
4. **Declarations by Members in relation to the implementation of and compliance with the GFCM body of law¹**
5. **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**
6. **Conclusion of the meeting and final outcomes**

¹ Members were requested to focus in particular on existing constraints that hamper them to correctly implement relevant GFCM recommendations while delivering their declaration.

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Proposed structure of the Commission by the meeting

