



GENERAL FISHERIES COMMISSION FOR
THE MEDITERRANEAN

COMMISSION GÉNÉRALE DES PÊCHES
POUR LA MÉDITERRANÉE



Eighth session of the Compliance Committee (CoC)

FAO HQs, Rome, Italy, 19–24 May 2014

EXECUTIVE REPORT ON SELECTED ISSUES BEFORE CoC

INTRODUCTION

1. This report provides a summary of the intersessional activities of CoC in 2013–2014 and presents a preliminary work plan for 2014–2015. Informative documents on the activities addressed hereunder are available as CoC:VIII/2014/Inf.3 to Inf.12.

INTERSESSIONAL ACTIVITIES OF COC IN 2013–2014

2. The Commission at its thirty-seventh session (May 2013, Split, Croatia) reviewed and adopted the report of the seventh session of CoC, held at the same venue on 14 May 2013. Three meetings were included in the work plan of CoC (CoC Working Group on VMS and related control systems, Intersessional meeting of CoC, Working group on legislations and the Compendium of GFCM decisions) and several actions were recommended. The work and outcomes of the intersession are reported below under separate headings.

Identification process relating to possible cases of non-compliance

3. The CoC at its seventh session adopted two model letters for the identification of cases of non-compliance for GFCM Members and non-Members, respectively. In addition, it agreed that, as an intermediate step, requests of clarifications on the status of implementation of GFCM decisions should be sent by the GFCM Secretariat (document CoC:VIII/2014/Inf.3). The replies received to these letters have been analysed by the GFCM Secretariat and presented on the occasion of the “Intersessional meeting of CoC” (January 2014, FAO HQs, Rome, Italy), where preliminary information on the presumed fishing activities of some non-Members was also examined. This meeting was attended by 28 experts, including representatives from GFCM Members, non-Members, governmental and non-governmental organizations (document CoC:VIII/2014/Inf.11).

4. Based on the review of the information considered by CoC, it was recommended to request additional information, as appropriate, to GFCM Members and non-Members. The analysis of the information solicited by the GFCM Secretariat is reported in document CoC:VIII/2014/Inf.7 which suggests possible actions to be taken by CoC towards the identification of cases of non-compliance. In view of streamlining the identification process, and

in order to align the recent practice with the text of Recommendation GFCM/34/2010/3 concerning the identification of non-compliance, CoC requested the GFCM Secretariat to compile a draft revised Recommendation GFCM/34/2010/3 (attached under Appendix A). The identification process should remain on the CoC agenda for the next intersession.

Proposal for a GFCM IUU list

5. At the GFCM Workshop on IUU fishing in the Mediterranean Sea (October 2013, Tunis, Tunisia) GFCM Members were urged to provide information on vessels known to be engaged in IUU fishing, consistent with Recommendation GFCM/33/2009/8 on the establishment of a list of vessels presumed to have carried out IUU fishing in the GFCM area. The EU has submitted such information (document CoC:VIII/2014/Inf.10). The proposed GFCM IUU list should be adopted and regularly updated.

Progress on the implementation of a vessel monitoring system (VMS) and related control systems in the GFCM area

6. Outcomes of the CoC Working Group on VMS and related control systems (October 2013, Tunis, Tunisia): CoC noted at its seventh session that a working group on VMS had been established within its remit in 2008. However, after the first meeting of this working group (September 2008, FAO HQs, Rome, Italy), issues relating to VMS and to the implementation of recommendation GFCM/33/2009/7 concerning minimum standards for the establishment of a Vessel Monitoring System in the GFCM area had been mainly dealt with within the remit of the Scientific Advisory Committee (SAC). After acknowledging progress being made in the implementation of this recommendation and its implications in terms of compliance with GFCM decisions, CoC proposed that further work be done on the basis of the GFCM Guidelines for a technical cooperation programme in the monitoring of fishing vessels in the GFCM area of competence (document CoC:VIII/2014/Inf.12). To this end, it agreed to reactivate its working group on VMS, whose terms of reference focused on the phased development of a GFCM centralized VMS (document CoC:VIII/2014/Inf.3).

7. The CoC Working Group on VMS and related control systems was attended by 37 experts from GFCM Members, governmental and non-governmental organizations, civil society and stakeholders (document CoC:VIII/2014/Inf.8). After reviewing the information on VMS and related control systems it recommended:

- the establishment of a GFCM centralized VMS system tailored to the GFCM area for MCS, safety, scientific research and fisheries management purposes;
- the implementation of a modular approach encompassing small-scale fisheries to take into account the specificities of this sector, including via the identification of case studies;
- the development of technical assistance and transfer of technology, with particular reference to those GFCM Members requiring support towards the creation of national fishing monitoring centres.

8. Feasibility study on the establishment of a GFCM centralized VMS system: the working group also identified the building blocks and relevant elements of the proposed GFCM centralized VMS (pages 9 and 10 of document CoC:VIII/2014/Inf.8). A technical document on a feasibility study to establish such a system was prepared (document CoC:VIII/2014/Inf.9). This document summarizes in particular technical requirements entailed in an integrative approach to controls that would enable to rely on several data sources (e.g. VMS, AIS, VDS, etc.). In parallel, and bearing in mind the positive results of case studies carried out in Egypt and

Lebanon, additional case studies should be identified to bring about technical assistance for control purposes in selected GFCM Member countries during the next intersession. The progress of VMS implementation should consequently remain on the CoC agenda.

Compendium of GFCM decisions/harmonization of fishery-related legislation in the GFCM area

9. CoC could not review at its seventh session the Compendium of GFCM decisions due to time constraints (document CoC:VIII/2014/Inf.3). Due to a lack of funds the Working group on legislations and the Compendium of GFCM decisions was not convened. The GFCM Secretariat updated the GFCM Compendium including decisions adopted by the Commission at its thirty-seventh session (document CoC:VIII/2014/Inf.6). Also, it amended the section with ICCAT recommendations endorsed by GFCM. Advice is sought by CoC on the GFCM Compendium as well as on the harmonization of fishery-related legislations in the GFCM area. In this respect, and in light also of progress made with the identification process, a programmatic approach to fisheries and law of the sea related national legislations of GFCM Members and relevant non-Members should be promoted, with particular regard to measures aimed at transposing GFCM decisions in the GFCM Compendium (e.g. collection of national legislations, creation of online database, etc.). It is proposed to convene the Working group on legislations and the Compendium of GFCM decisions, in accordance with the ToRs in Appendix B. This issue should remain on the CoC agenda for the next intersession.

FAO Global Record

10. In light of the ongoing collaboration between FAO and GFCM on the FAO Global Record, discussions took place during the intersession on the IMO ship identification numbering scheme and its importance to define the fleet component within the new GFCM Data Collection Reference Framework. A possible participation of GFCM in the planned prototype demonstration of the FAO Global Record has been examined. The GFCM would be involved by making data in the GFCM authorized vessel list available to the FAO Global Record. This issue should remain on the CoC agenda for the next intersession.

PRELIMINARY WORK PLAN RELATING TO 2014–2015 INTERSESSIONAL ACTIVITIES

11. Consistent with the above report, the activities listed below are proposed to be addressed by CoC during the 2014–2015 intersession and without prejudice to any other activity that could be proposed at the eighth session:

- identify possible cases of non-compliance and continue the identification process, including through the Intersessional meeting of CoC;
- regularly review and update the GFCM IUU vessel list;
- convene the CoC Working Group on VMS and related control systems to, among others, launch the feasibility study on a GFCM centralized VMS;
- review and maintain the GFCM Compendium and establish a regional database of national legislations acting, as appropriate, on the indications provided by the Working group on legislations and the Compendium of GFCM decisions;
- continue liaising with the FAO on the FAO Global Record;

12. In light of the above activities, this list of meetings is proposed to CoC:

Meeting	Place/Date
Intersessional meeting of CoC	FAO HQs, Rome, Italy, January 2015
Working group on VMS and related control systems in the GFCM Area	TBD Second half of 2014/first half of 2015
Working group on legislations and the Compendium of GFCM decisions	TBD Second half of 2014/first half of 2015
Ninth session of CoC (1–2 days)	TBD

SUGGESTED ACTION BY THE COMMITTEE

13. The CoC is invited to take action on the various issues hereupon while considering the work plan proposed for the intersessional period 2014–2015 and may wish, as appropriate, to identify necessary inputs to support relevant activities and to specify expected timeframes and outputs.

Appendix A

DRAFT REVISED RECOMMENDATION GFCM/34/2010/3 CONCERNING THE IDENTIFICATION OF THE NON-COMPLIANCE

The General Fisheries Commission for the Mediterranean (GFCM),

RECALLING that the objectives of the GFCM Agreement establishing the General Fisheries Commission for the Mediterranean are to promote the development, conservation, rational management and best utilization of living marine resources;

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action (IPOA) aiming to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing;

RECALLING Recommendation GFCM/30/2006/6 on the terms of reference for the GFCM Compliance Committee;

CONSIDERING the need for action to ensure the effectiveness of the GFCM objectives;

CONSIDERING the obligation of all Members, ~~and cooperating non-contracting Parties and non-Members of GFCM~~ to respect the GFCM conservation and management measures when fishing in the GFCM competence area;

AWARE of the necessity for coordinated and timely actions by all Members, ~~and cooperating non-contracting Parties and non-Members of GFCM~~ to ensure the enforcement of GFCM conservation and management measures, and the need to encourage all Members, ~~and cooperating non-contracting Parties and non-Members of GFCM~~ to abide by these measures when fishing in the GFCM competence area;

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

1. The GFCM, through its Compliance Committee, shall identify each year:
 - (i) Conduct, consistent with subparagraphs (iii) and (iv), a process of identification of cases of non compliance by Members that have not met their obligations under the GFCM Agreement in respect of the GFCM conservation and management measures, in particular, by not taking the required measures and actions or not exercising effective control according to national rules and regulations to ensure compliance with conservation and management measures by the vessels flying their flag; and/or
 - (ii) Conduct, consistent with subparagraphs (iii) and (iv), a process of identification of cases of non compliance by Cooperating non-contracting Parties and non-Members that have failed to discharge their obligations under international law to cooperate with GFCM in the management of living marine resources when fishing in the GFCM competence area, in particular, by not taking measures or exercising effective control according to national rules and regulation to ensure that their vessels do not engage in any fishing or fisheries related activity that undermines the effectiveness of GFCM conservation and management measures;
 - (iii) ~~These identifications shall be based on a Review of all available information required by~~ on the status of implementation of GFCM decisions, including for example catch or effort data, trade information etc., on the basis of, as appropriate: (i) requests for clarifications, (ii) letters of concern and (iii) letters of identification. The standards form of such requests and letters, that will be sent by the Executive Secretary, will be adopted by the Compliance Committee;
 - (iv) ~~In deciding whether to make identification, the Compliance Committee shall Consider all relevant evidence and other information available, including information submitted by governmental and non-governmental organizations on fishing activities in the GFCM~~

competence area by Members, cooperating non-contracting Parties and non-Members of GFCM.

2. The GFCM shall request ~~the Members, and~~ cooperating non-contracting Parties and non-Members of GFCM concerned to rectify ~~the any~~ act or omission identified ~~under paragraph 2~~ so as not to diminish the effectiveness of the GFCM management measures, in accordance with the procedure in paragraph 3.
3. When the Compliance Committee identifies cases of non compliance the Executive Secretary shall, ~~by more than one means of communication,~~ within ~~40~~ 30 working days following the approval of the report of the Compliance Committee when the identification was made, transmit ~~the GFCM's request~~ a letter of identification to the relevant ~~identified~~ Member, ~~and~~ cooperating non-contracting Party and non-Member. The Executive Secretary shall seek to obtain confirmation from the relevant Member, ~~and~~ cooperating non-contracting Party and non-Member that it received the letter of identification notification. The letter of identification notification shall *inter alia* contain the following:
 - (a) the reason(s) for the identification with all available supporting evidence and information;
 - (b) the right to respond to the GFCM in writing at the latest ~~30~~ 60 days before the next ~~plenary~~ session of the ~~Commission~~ Compliance Committee with regard to the identification ~~decision and~~ and the invitation to provide any other relevant information such as, for example, evidence refuting the identification or, where appropriate, a plan of action for improvement and the steps they ~~have~~ were taken to rectify the situation; and,
 - (c) in the case of a cooperating non-contracting Party and a non-Member, an invitation to participate as an observer at the ~~annual~~ session of the Compliance Committee where the issue will be considered.
4. ~~Members and cooperating non-contracting Parties~~ Members are encouraged jointly and individually to request the Members, ~~and~~ cooperating non-contracting Parties and non-Members concerned to rectify ~~the any~~ act or omission identified ~~under paragraph 2~~ so as not to diminish the effectiveness of the GFCM management measures. In addition, they shall cooperate to the greatest extent possible throughout the identification process to draw the attention of Members, cooperating non-contracting Parties and non-Members on the need to implement in good faith the duty to cooperate in the conservation and management of living marine resources, consistent with international law.
5. The Compliance Committee shall evaluate the response of Members, ~~and~~ cooperating non-contracting Parties and non-Members to letters of identification, together with any new information, and propose to the Commission to decide upon one of the following actions:
 - (a) the revocation of the identification; or
 - (b) the continuation of the identification status of the Member, ~~and~~ cooperating non-contracting Party and non-Member. In these cases, the Commission shall recommend appropriate measures aiming at resolving situations of non-compliance, including non discriminatory trade measures, to deter non compliance by identified Members/cooperating non-contracting Parties/non-Members.
6. The absence of response from the Member, ~~and~~ cooperating non-contracting Party and non-Member concerned to the letter of identification within the time limit shall not prevent action from the Commission consistent with paragraph 5(b).

Appendix B**DRAFT TORs OF THE CoC WORKING GROUP ON LEGISLATIONS AND THE COMPENDIUM OF GFCM DECISIONS**

The WG should provide advice to CoC on the following issues:

- Identify means to collect and, as necessary, to translate national legislations in force on fisheries and the law of the sea of GFCM Members and relevant non-Members;
- Consider methodologies to update comparative studies on national legislations, including tables and lists, on the basis of information collected;
- List ratifications of relevant international and regional instruments in the domain of fisheries and the law of the sea and assess the degree of participation by GFCM Members and relevant non-Members;
- Involve legal experts which would interact with the GFCM Secretariat in order to ensure that information collected is reliable;
- Liaise with the FAO Legal Office;
- Set up an electronic database to be maintained and updated by the GFCM Secretariat with the support of national experts and the FAO Legal Office;
- Streamline the Compendium of GFCM decisions by identifying gaps, inconsistencies and areas for improvement.