

Recommendation GFCM/41/2017/7
on a regional plan of action to combat illegal, unreported and unregulated fishing in the GFCM
area of application

The General Fisheries Commission for the Mediterranean (GFCM),

DEEPLY CONCERNED that illegal, unreported and unregulated (IUU) fishing continues to undermine national and regional management of fish stocks, marine ecosystems and the livelihoods of legitimate fishers, and that these activities diminish the effectiveness of the GFCM conservation and management measures;

TAKING NOTE that the Food and Agriculture Organization of the United Nations (FAO), has drafted an International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), which recognizes that IUU fishing leads to the loss of short- and long- term social and economic opportunities and has negative effects on food security;

TAKING FURTHER NOTE that the United Nations Sustainable Development Goal 14 recognizes the need to combat IUU fishing in order to ensure prosperity, food security and sustainability for all;

ACKNOWLEDGING that states have the duty, under international law, to cooperate through regional fisheries management organizations (RFMOs) in order to promote responsible fishing practices;

ACKNOWLEDGING FURTHER the principles and international standards of responsible fishing practices enshrined in the FAO Code of Conduct for Responsible Fisheries, the FAO international plans of action, the FAO Voluntary Guidelines for Flag State Performance, the FAO Voluntary Guidelines on Catch Documentation Schemes and the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the context of food security and poverty eradication;

WELCOMING the declaration by the FAO of an International Day for the fight against IUU fishing, which would be celebrated annually on 5 June, to raise awareness on the threats associated to IUU fishing and to reach out to the public through campaigns and initiatives at the regional level;

RECALLING that the 2017 Malta MedFish4Ever Ministerial Declaration and the Bucharest Declaration both reflect the strong commitment of the GFCM to fight IUU fishing in the Mediterranean and the Black Sea, respectively;

BEARING IN MIND that a regional plan of action to combat IUU fishing (RPOA-IUU) is an important link between the implementation of the IPOA-IUU and the national plans of action and corresponding national measures on IUU fishing that all states and regional economic integration organizations are encouraged to develop;

BEARING IN MIND FURTHER that the RPOA-IUU should be conceived as an evolutionary policy instrument that could, in due course, be developed further so as to include linkages with measures such as co-management and marine protected areas, which also have the potential to contribute to deter IUU fishing;

NOTING that the GFCM has adopted Resolution GFCM/40/2016/2 for a mid-term strategy (2017–2020) towards the sustainability of Mediterranean and Black Sea fisheries which includes a specific target on curbing IUU fishing through a RPOA-IUU;

ADOPTS, in accordance with Articles 5 b), 8 b) and 13 of the Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM Agreement), the following recommendation:

PART I **General provisions**

Use of terms

1. For the purpose of this plan, terms are defined in accordance with the definitions already given in other relevant international agreements and in existing GFCM recommendations.
2. The contracting parties and cooperating non-contracting parties are henceforth referred to as the “CPCs”.

Objective

3. The objective of this plan is the prevention, deterrence and elimination of IUU fishing in the Mediterranean and the Black Sea by providing CPCs with comprehensive, effective and transparent measures through which to take action, thereby contributing to ensure the long-term conservation and sustainable use of marine living resources and marine ecosystems in the region, in accordance with Article 2 of the GFCM Agreement.

Application and scope

4. The geographic scope of this plan is the geographic scope of the GFCM area of application, which comprises all marine waters of the Mediterranean and the Black Sea, in accordance with Article 3 of the GFCM Agreement.
5. This plan shall be applied in a fair, timely, transparent and non-discriminatory manner, consistent with international law.

PART II **All state responsibilities**

Implementation of relevant international instruments

6. This plan is consistent with existing international fisheries instruments relevant to the sustainable management of marine living resources and the elimination of IUU fishing. The CPCs shall, to the extent possible, fully and effectively implement these instruments and give effect to the relevant norms of international law in order to prevent, deter and eliminate IUU fishing.
7. This plan is consistent with existing GFCM recommendations, resolutions and decisions relevant to the sustainable management of marine living resources in the Mediterranean and the Black Sea. The CPCs shall fully and effectively implement these instruments, in particular those relating to the elimination of IUU fishing, including but not limited to the following:
 - a) Recommendation GFCM/40/2016/1 on a regional scheme on port state measures to combat illegal, unreported and unregulated fishing activities in the GFCM area of application;
 - b) Resolution GFCM/40/2016/2 for a mid-term strategy (2017–2020) towards the sustainability of Mediterranean and Black Sea fisheries, with particular emphasis to be given to Target 3 which deals

with curbing IUU fishing and harmonizing the existing measures to improve monitoring, control and surveillance (MCS), reinforcing inspection procedures within the framework of port state control, and enhancing modular MCS at the regional level including through a regional vessel monitoring system (VMS) and control system;

- c) Recommendation GFCM/39/2015/3 on the establishment of a set of measures to prevent, deter and eliminate illegal, unreported and unregulated fishing in turbot fisheries in the Black Sea;
- d) Resolution GFCM/38/2014/1 on guidelines on vessel monitoring system and related control systems in the GFCM area of application;
- e) Recommendation GFCM/35/2011/1 concerning the establishment of a GFCM logbook, amending Recommendation GFCM/34/2010/1;
- f) Recommendation GFCM/33/2009/5 on the establishment of the GFCM regional fleet register;
- g) Recommendation GFCM/33/2009/6 concerning the establishment of a GFCM record of vessels over 15 metres authorized to operate in the GFCM area of application, amending Recommendation GFCM/29/2005/2;
- h) Recommendation GFCM/33/2009/7 concerning minimum standards for the establishment of a vessel monitoring system in the GFCM area of application;
- i) Recommendation GFCM/33/2009/8 on the establishment of a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the GFCM area of application, repealing Recommendation GFCM/30/2006/4; and
- j) two roadmaps which have been adopted by the GFCM for the purpose of fighting IUU fishing in the Black Sea (thirty-seventh session of the GFCM [Croatia, May 2013]) and in the Mediterranean Sea (thirty-eighth session of the GFCM [FAO headquarters, May 2014]).

CPCs national legislation

8. The CPCs shall take measures to ensure that their national legal systems have measures that address effectively all aspects relating to the fight against IUU fishing, including the use of available evidence against vessels engaged in IUU fishing activities.

CPCs control over nationals

9. The CPCs shall take measures to ensure that nationals who are subject to their jurisdiction do not support or engage in IUU fishing.

10. The CPCs shall cooperate with each other and with the GFCM Secretariat to identify and discourage those nationals who are the operators and/or beneficial owners of vessels involved in IUU fishing.

11. The CPCs shall take measures to identify and discourage their nationals from flagging fishing vessels under the jurisdiction of a state that does not meet its flag state responsibilities.

12. The CPCs shall avoid conferring any legal, financial or administrative support, including subsidies, on natural and legal persons that are involved in IUU fishing.

Vessels without nationality

13. The CPCs shall take measures consistent with international law in relation to vessels without nationality involved in IUU fishing activities, according to Article 20 of the IPOA-IUU.

CPCs measures to sanction vessels engaged in IUU fishing activities

14. The CPCs shall ensure that sanctions against vessels engaged in IUU fishing activities as well as nationals under their jurisdiction are of sufficient severity to effectively prevent, deter and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing. This may include the adoption of a civil sanction regime based on an administrative penalty scheme, in accordance with Article 21 of the IPOA-IUU.

15. The CPCs shall ensure the consistent and transparent application of sanctions, in particular against the following serious violations:

- a) fishing without a valid license, authorization or permit issued by the flag state;
- b) failing to maintain accurate records of catch and catch-related data, as required by GFCM recommendations, or serious misreporting of catch, contrary to GFCM catch reporting requirements;
- c) fishing in a closed area, fishing during a closed season;
- d) fishing for stocks which are subject to multiannual management plans adopted by the GFCM in a manner that undermines their implementation;
- e) using prohibited fishing gear or falsifying or concealing the markings as well as the identity or registration of a fishing vessel;
- f) concealing, tampering with or disposing of evidence relating to IUU fishing activities; and
- g) multiple violations which together constitute a serious disregard of GFCM recommendations or such other violations as may be specified in procedures and requirements established by the GFCM.

CPC measures on monitoring, control and surveillance

16. The CPCs shall undertake comprehensive and effective monitoring, control and surveillance of fishing from its commencement, through the point of landing, to final destination in accordance with Article 24 of the IPOA-IUU, including by:

- a) developing and implementing schemes for access to waters and resources, including authorization schemes for vessels;
- b) maintaining records of all vessels and their current owners and operators authorized to undertake fishing subject to their jurisdiction;
- c) implementing a VMS, in accordance with the regional standards adopted by the GFCM, including the requirement for vessels under their jurisdiction to carry VMS on board;
- d) implementing observer programmes, in case of GFCM recommendations and/or CPCs measures, with the requirement that vessels under their jurisdiction carry observers on board;

- e) providing training and education to all persons involved in MCS operations;
- f) planning, funding and undertaking MCS operations;
- g) promoting understanding of monitoring, control and surveillance issues within national judicial systems;
- h) establishing and maintaining systems for the acquisition, storage and dissemination of MCS data; and
- i) ensuring the effective implementation of national boarding and inspection regimes, including in conjunction with Part VII of this RPOA-IUU.

PART III

Flag state responsibilities

Flag state jurisdiction

17. This plan shall be interpreted and applied in conformity with international law dealing with flag state jurisdiction. Each CPC shall, in its capacity as a CPC flag state, ensure to the extent possible that international laws describing flag state responsibilities have been incorporated into their national laws, regulations, permits and practices.

18. The CPC flag state shall ensure that vessels entitled to fly its flags do not undermine the effectiveness of regional conservation and management measures adopted by the GFCM, including by supporting and/or engaging in IUU fishing.

19. A CPC flag state shall ensure that each of the vessels entitled to fly its flag fishing in waters outside its jurisdiction holds a valid authorization for this purpose. CPC flag states fishing in the waters of another CPC shall be duly and preventively authorized by the CPC coastal state and respect its jurisdiction and national legislation.

20. The CPC flag state shall effectively exercise its jurisdiction and control over vessels flying its flag.

Fishing activity and vessel data

21. The CPC flag states shall take such measures to ensure that: a) vessels do not engage in fishing activities before their registration; b) vessels with history of non-compliance are not flagged; c) chartered vessels do not engage in IUU fishing; d) reflagging and flag-hopping of vessels is prevented; and e) vessels are duly registered in national records as well as the GFCM record of fishing vessels.

22. The CPC flag states shall maintain records of fishing vessels including, *inter alia*, the following information: previous names of the vessels, names/addresses/nationalities of owners, names/addresses/nationality of the natural or legal persons responsible for managing the operations of the vessel, vessel dimensions and where applicable, photos taken at the time of registration of the vessel or at the time of the conclusion of any recent structural alterations, showing a side profile view of the vessel, in accordance with Article VI of the FAO Compliance Agreement and Article 42 of the IPOA-IUU.

23. The CPC flag states shall establish a national record of fishing vessels entitled to fly their flag and authorized to fish in the GFCM area of application, including vessels of other states authorized under charter

agreements, where appropriate, and this material shall be constantly monitored for additions, deletions, modifications or errors, and regularly transmitted to the GFCM Secretariat.

24. Comprehensive and accurate fishing activity and vessel data lodged with the GFCM Secretariat are necessary for the maintenance, monitoring and cross-checking of flag state databases as well as the GFCM compilation of reliable fishing statistics. All CPCs shall ensure that they fully address the data submission requirements of the GFCM as foreseen under relevant GFCM recommendations and resolutions, including:

- a) annual submission of a full dataset, plus regular updates on vessels listed in the GFCM regional fleet register, in accordance with Recommendation GFCM/33/2009/5;
- b) electronic submission of a list of vessels over 15 metres that are authorized to fish in the GFCM area of application, in accordance with Recommendation GFCM/33/2009/6; and
- c) list of vessels presumed to have carried out IUU fishing in the GFCM area of application, in accordance with Recommendation GFCM/33/2009/8.

Awareness of relevant personnel

25. The CPC flag states shall establish and publicize procedures of the national, regional and international obligations that are incumbent upon vessel owners, operators and crews and their vessels. CPC flag states shall ensure that such information is clearly communicated to any person or entity deemed relevant so that they are informed and able to meet their national, regional and international obligations.

Enforcement actions by the flag state

26. The CPC flag states shall ensure that they have in place a law enforcement regime that includes:

- a) the capacity to detect violations of national fisheries laws, including regulations, permits and practices, as well as of international fisheries instruments and GFCM recommendations; and
- b) a system of sanctions applicable in respect of violations that is adequate in severity to secure compliance and to discourage violations wherever they occur thereby depriving offenders of the benefits accruing from IUU fishing activities.

Flag state performance

27. The CPC flag states should be encouraged to engage in a transparent process of voluntary performance assessment through the GFCM, upon their request and if they so wish, in accordance with the FAO Voluntary Guidelines for Flag State Performance.

PART IV Coastal state responsibilities

Coastal state measures to prevent, deter and eliminate IUU fishing

28. CPC coastal states shall take measures to prevent, deter and eliminate IUU fishing from occurring in waters under their jurisdiction. Such measures include ensuring that:

- a) they have the ability to conduct effective MCS of all fishing activities in their waters;
- b) they ensure cooperation and exchange information with other CPCs and the GFCM Secretariat;

- c) they ensure that no vessels undertake fishing activities in their waters without a valid authorization to fish;
- d) they authorize fishing in waters covered by GFCM rules only vessels not flying their flag when such vessels have been entered on the national and GFCM regional fleet register;
- e) they do not authorize vessels with a history of non-compliance to engage in fishing activities in their waters;
- f) they ensure that each vessel fishing in their waters maintains a logbook recording its fishing activities where appropriate;
- g) they authorize, duly monitor and control at-sea transshipment and processing of fish and fish products in their waters; and
- h) they have regulations governing fishing activities in their waters to prevent IUU fishing.

PART V
Port state responsibilities

Regional scheme on port state measures to prevent, deter and eliminate IUU fishing in the GFCM area of application

- 29. Each CPC shall, in its capacity as a port state, fully and effectively implement the GFCM regional scheme on port state measures contained in Recommendation GFCM/40/2016/1. The provisions of this recommendation have been aligned with the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (FAO Port State Measures Agreement [PSMA]).
- 30. The CPCs that have ratified or acceded to the PSMA shall fully implement this agreement.
- 31. The CPCs that have not yet ratified or acceded to the PSMA are urged to do so.

Cooperation between port and flag states and the GFCM Secretariat

- 32. The CPC port states have a duty to cooperate with the GFCM Secretariat and CPC flag states in order to strengthen control over vessels and prevent, deter and eliminate IUU fishing, including via the GFCM mutual assistance system.
- 33. In the exercise of their inspection rights, and where the CPC port state has reasonable evidence for believing that a vessel has engaged in or supported IUU fishing in the GFCM area of application, the port state will immediately transmit the results of the inspection, without delay, to the flag state of the vessel and the GFCM Secretariat.
- 34. The CPC flag and port states shall fully cooperate with each other and with the GFCM Secretariat regarding the exchange of information pursuant to a CPC port state inspection. In this regard, the GFCM Secretariat shall develop a system for the exchange and collection of port state data.
- 35. Following the CPC port state inspection, if the CPC flag state receives an inspection report which suggests that there are grounds for believing that its vessel has engaged in IUU fishing, the CPC flag state shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement

actions without delay in accordance with its national laws and regulations, and in full communication with the GFCM Secretariat through the GFCM mutual assistance system.

PART VI

Market-related measures relating to fishery products

Market-related cooperation

36. IUU fishing catches shall be minimized by CPCs and the GFCM Secretariat collaborating together in the implementation of regional market measures designed to identify, track, validate and promote Mediterranean and Black Sea fish catches at each step of the value and marketing chain.

37. The GFCM Secretariat shall:

- a) collaborate with the CPCs with the aim of drafting in due course a catch documentation scheme, to be subsequently validated by CPCs, that complies with the principles, rights and obligations under international law as defined in the FAO Voluntary Guidelines on Catch Documentation Schemes and contains information that would help demonstrate the legality of fish and fish products entering the market. For this purpose, due account should be taken of existing catch documentation schemes developed by CPCs; and
- b) further collaborate with competent organizations, where appropriate and following CPCs approval, for the purpose of monitoring and analysing existing regional markets and trade flows and the strengthening of marketing measures for legal fish and fish products.

38. The CPC market states shall:

- a) take all steps that are necessary, and consistent with international law, to prevent that fish caught by vessels that are suspected or proven to have engaged in IUU fishing be traded or imported within their territories;
- b) take steps to improve the transparency of their markets for the purpose of allowing the traceability of fish and fish products;
- c) collaborate with each other as well as with the GFCM Secretariat to achieve efficient market-related measures that can prevent, deter and eliminate IUU fishing in the region; and
- d) further collaborate with competent organizations for the purpose of monitoring and analysing existing regional markets and trade flows and the strengthening of legal fish marketing measures.

PART VII

Role of the GFCM

39. The implementation of responsible fishing practices and the prevention, deterrence and elimination of IUU fishing are issues for the whole Mediterranean and Black Sea regions. The GFCM is the competent and relevant RFMO to develop and implement a RPOA-IUU for these regions.

40. The GFCM shall collect all relevant regional fisheries and vessel-related data to assist CPCs in identifying potential instances of IUU fishing in the GFCM area of application and in taking such actions which are consistent with international law in order to prevent, deter and eliminate IUU fishing.

41. Upon request of CPCs concerned, the GFCM shall support the CPCs through a regional VMS and control system based on a modular approach to monitor the activities of fishing vessels operating in the GFCM area of application. This will include direct support to CPCs in assessing their national control systems with a view to ensuring that they are fully in line with the regional standards adopted by the GFCM.

42. The GFCM shall collaborate with CPCs in the implementation of effective regional market measures that are consistent with international trade law and that will assist in the identification, tracking, validating and promoting of legal fish catches.

43. The GFCM shall monitor the effectiveness of this RPOA-IUU and communicate an annual report on its implementation to the annual session of the Commission and a biennial report on its implementation to the FAO Committee on Fisheries.

44. The GFCM shall facilitate the definition of joint regional and subregional inspection plans on the high seas addressing those species regulated under subregional management plans adopted through GFCM recommendations.

PART VIII

Developing states

Special requirements of developing countries

45. The parties to this plan are aware that a fully effective RPOA-IUU requires technically competent implementation and operationalization by all CPCs and the GFCM Secretariat. To this end, the capacity of developing states to implement the provisions of this plan will be taken into account by the GFCM and all CPCs in accordance with Article 17 of the GFCM Agreement.

46. All CPCs and the GFCM Secretariat shall give full recognition to the special circumstances and requirements of developing state CPCs. The GFCM Secretariat, as well the CPCs to the extent possible, shall provide developing state CPCs with technical assistance which will allow developing state CPCs to, *inter alia*:

- a) prepare and implement a national legal basis for the implementation of this plan, including the transposition of GFCM recommendations pursuant to Article 14 of the GFCM Agreement;
- b) improve and harmonize the submission to the GFCM Secretariat of the data that are described throughout this plan;
- c) constantly review their compliance with GFCM recommendations in place; and
- d) have full participation in GFCM meetings that are held for the purpose of discussing, developing or implementing this plan.

47. The GFCM Secretariat shall provide developing flag and coastal states with technical assistance in their efforts to prevent, deter and eliminate IUU fishing.

PART IX
Final provisions

Entry into force

48. The CPCs shall transpose, to the extent possible, this plan into their national legislation, consistent with Articles 5 b), 8 b) and 13 of the GFCM Agreement. Where appropriate, they shall seek the support of the GFCM Secretariat so as to facilitate the transposition of this plan into their national legislation.
