



Food and Agriculture
Organization of the
United Nations



General Fisheries Commission
for the Mediterranean
Commission générale des pêches
pour la Méditerranée

Joint workshop ATLAFCO-GFCM

“Supporting the regional implementation of the FAO Port State Measures Agreement: a decisive step toward an international Day of the fight against IUU fishing”

Tangier, Morocco, 6-8 December 2016

Ratification process of the FAO-PSMA at the regional level – Mediterranean and Black Sea: *an update on the number of ratifications as well as on ongoing ratifications by GFCM countries*

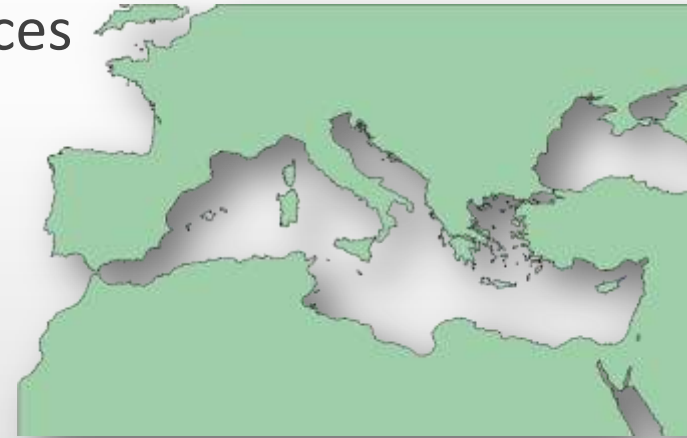
By GFCM Secretariat

Structure of the presentation

1. The GFCM and port State measures
2. Status of ratifications of the FAO Port State Measures agreement by GFCM countries
3. Other MCS measures in support of Port State measures in the GFCM area of application

Background information on the GFCM

- **Established in 1949** pursuant Article XIV of the FAO Constitution
- 4 amendments to the GFCM Agreement, **including in 2014**
- **Objective:**
 - Ensure the conservation and sustainable use, **at the biological, social, economic and environmental level**, of living marine resources
 - Ensure the sustainable development of aquaculture
- **Area of application:**
 - All waters of the Mediterranean Sea and Black Sea
- **Current Membership:**
 - 24 Contracting Parties:**
19 Mediterranean States, 3 Black Sea States, **Japan** and **European Union** and
 - 3 Cooperating non-Contracting Parties:** Bosnia & Herzegovina, Georgia and Ukraine (*pending request by the Republic of Moldova*)
- **Power to adopt binding recommendations, consistent with UN/FAO policies**



1. The GFCM and port State measures (1/4)

Starting point: Recommendation GFCM/2008/1 on port State measures:

- Adopted by the GFCM at its 32nd session (February 2008)
- **Based on:**
 - The 2005 GFCM Guidelines on Compliance and Enforcement
 - The outcomes of the FAO/GFCM Workshop on PSM to combat IUU fishing (Rome, Italy 10–12 December 2007)
 - Work on PSM by other RFMOs (e.g. NEAFC)
 - The inputs collected during the expert consultations on FAO PSMA (back then ongoing within FAO)
 - Strong political will by GFCM countries to combat IUU fishing
- The **objective** of Recommendation GFCM/2008/1 on PSM was to establish mandatory minimum standards on monitoring, control, surveillance and inspection procedures for foreign vessels, including:
 - Establish rules for prior authorization of fishing vessels entering into designated ports
 - Obligations for port States to prohibit the use of designated ports to fishing vessels engaged in IUU fishing
 - Exchange of information among port States and flag States
 - Conduct of inspections
 - Flag State duties



1. The GFCM and port State measures (2/4)

- **The status of Recommendation GFCM/2008/1 has been annually assessed by the implementation GFCM Compliance Committee. According to most recent information made available by GFCM countries, this recommendation is:**
 - Implemented: 16 countries
 - In the process of being implemented: 4 countries (Libya, Montenegro, Georgia, Ukraine)
 - Not applicable: 8 countries (Algeria, Bosnia and Herzegovina, Israel, Japan, Lebanon, Monaco, Syria, Turkey)
- **The following constraints for the implementation of Recommendation GFCM/2008/1 have been reported to the GFCM Compliance Committee:**
 - The national legislation does not allow the access of foreign vessels into national ports
 - No designation of ports has been made where foreign vessels are authorized to enter
 - In case where there are designated ports, the inspectors are not trained according with applicable international standards for inspections
 - Shared competence between different national administrations for the management and control the fishing ports hampering the conduct of inspections
 - Lack of a single and coherent system for the exchange of information among countries of the results of the inspections of fishing vessels

1. The GFCM and port State measures (3/4)

- **April 2015** – The GFCM Working Group on IUU fishing (Marrakech) motioned for the alignment of recommendation GFCM/2008/1 with the text of the FAO PSMA, including with a view to address reported constraints
- **May 2015-May 2016** – The GFCM Secretariat has worked on the revised text of Recommendation GFCM/32/2008/1 towards the alignment of the two documents while bearing in mind the specific regional character of GFCM recommendations (i.e. consequent non-applicability of certain provisions in the FAO PSMA)
- **June 2016** – The GFCM, at its 40th session, adopted **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 (entered into force the 6th of November 2016)

1. The GFCM and port State measures (4/4)

Legal framework current in force: Recommendation GFCM/40/2016/1 on port State measures

The revision of the recommendation focused on certain provisions that were missing with a view to bridge gaps with the FAO PSMA, including:

- Conduct of inspections
- Port State actions following inspections
- Information on recourse in the Port State
- Role of the flag State, including communication with port State through GFCM
- Special requirements of developing States

The extent of alignment of Recommendation GFCM/40/2016/1 with the FAO PSMA is around 90% which is in turn expected to facilitate the ratification of the FAO PSMA by GFCM countries

2. Status of ratifications of the FAO Port State Measures agreement by GFCM countries

- The FAO PSMA has been:
 - RATIFIED BY: *EU* (as a REIO has competence to ratify the PSMA on behalf of its Member States; relevant EU GFCM Members: *Bulgaria, Croatia, Cyprus, France, Greece, Italy, Malta, Romania, Slovenia, Spain*)
 - SIGNED BY: (the FAO PSMA was open for signature at FAO from 22 November 2009 until 21 November 2011): *Russian Federation, Turkey*
 - Ongoing ratification/accession process (based on information reported to the GFCM): *Albania, Japan, Montenegro, Morocco, Russian Federation, Turkey*

3. Other MCS measures in support of Port State measures in the GFCM area of application

The effectiveness of port State measures also depends on certain other measures needed to fight against IUU fishing, as foreseen in international law in connection with the duties of flag and coastal States. To this end, the GFCM has adopted the following:

- Authorized vessel lists: <http://www.fao.org/gfcm/data/fleet-avl/en/>
- IUU vessel list: <http://www.fao.org/gfcm/data/fleet-iuu-vessel-list/en/>
- Register of designated ports: <http://www.fao.org/gfcm/data/register-of-ports/en/>
- Vessel monitoring system and guidelines for the implementation of related control systems (*modular approach to MCS*)
- Identification and clarification process for cases of non-compliance, including provision of technical assistance to improve compliance
- 2 Roadmaps to fight IUU fishing for the Med and the Black Sea, respectively
- Ongoing elaboration of a Regional Plan of Action to fight IUU Fishing



Thanks for the attention!

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