

Oceana priorities for GFCM 2019

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Improve the protection of Essential Fish Habitats

The protection of Essential Fish Habitats (EFH) is central to the implementation of an ecosystem approach to fisheries management, as recognized by GFCM Basic texts. It is an investment for the future, to rebuild fish populations productivity and resilience, and to improve economic yields.

In 2017, following the Malta Ministerial Declaration, the General Fisheries Commission for the Mediterranean Sea adopted *Resolution GFCM/41/2017/5 on a network of Essential Fish Habitats including Sensitive Habitats*. It aimed at protecting most vulnerable life stages of fish population through fishing closure areas like Fisheries Restricted Areas. Such spatial management measures would help reduce the high fishing exploitation rate of many juvenile demersal stocks in the Mediterranean Sea.

In the last years, the GFCM has compiled scientific data about EFH distribution for several of its priority demersal species (hake, mullets, shrimps) across its geographical sub-areas (“the EFH catalogue”). Contracting Parties can now confidently take management measures and designate new Fisheries Restricted Areas to protect sensitive life stages of fish and enhance stock recovery.

In 2017 the GFCM designated a new Fisheries Restricted Area in the Jabuka/Pomo Pit in the central Adriatic Sea¹, to protect critical habitats for demersal species in particular hake and Norway lobster. This contributes to the establishment of the network of EFH, pursuant to Resolution GFCM/41/2017/5, but more EFH protection is required.

¹ GFCM/41/2017/3 on the establishment of a fisheries restricted area in the Jabuka/Pomo Pit in the Adriatic Sea

The 2018 State of Mediterranean and Black Sea Fisheries² confirmed that most demersal fish stocks assessed are still in overexploitation, most with low biomass and with higher risks of biological collapse. The last WGMPA 2019 endorsed a prioritised approach to advancing establishment of the EFH network, by focusing on protecting in particular nurseries and/or spawning grounds of GFCM priority species with the highest overexploitation rate and low levels of biomass such as European hake and mullets., for which information on EFH already exist.

Several existing fishery closures that contribute to the protection of the EFH in the Mediterranean are in place nationally within contracting parties and cooperating non-contracting parties (CPCs). Of varied typologies, these measures that often restrict certain fishing gears, permanently or temporally, seek to protect juveniles or spawners of different species or even sensitive habitats³. Most of these measures are not considered in the regional EFH network of GFCM, yet they are relevant to protect juvenile fish or nurseries for instance. Having a better knowledge of them would help identify areas that need further protection and help advance towards a consistent EFH network in the region.

Noting that GFCM Contracting Parties are committed to effectively protecting EFH under Resolution GFCM/41/2017/5, Oceana proposes the following recommendations to strengthen the implementation and help recover fish stocks:

1. Impulse a new momentum for EFH protection

- Adopt a GFCM Recommendation to create a strengthen framework for delivering the EFH network, that defines a progressive timebound roadmap for in each sub-region.
- Propose new FRAs for the protection of nurseries of hake and mullet by 2020
- Further identify and map EFH for other priority demersal species (shrimp species).

2. Report existing national fishing closures that contributes to EFH protection to GFCM

- Adopt a mechanism for CPC to report to GFCM national measures in place that contribute to Essential Fish Habitats protection, to form part of the future GFCM EFH network.

² <http://www.fao.org/gfcm/news/detail/en/c/1174318/>

³ Oceana EFH viewer: <https://eu.oceana.org/en/essential-fish-habitats-viewer>

Better transparency and anti-IUU measures in GFCM

3. Increase transparency on Access Agreements

In 2014, the International Commission for the Conservation of Atlantic Tuna (ICCAT) adopted Recommendation 14-07 on Access Agreementsⁱ. This Recommendation was adopted to “ensure transparency among CPCsⁱⁱ in respect of conditions for accessing the waters of coastal States, in particular to facilitate joint efforts to combat IUU fishing;” and to ensure compliance with Recommendation 13-02, which requires CPCs to ensure that their vessels do not conduct unauthorized fishing within areas under the national jurisdiction of other states, through appropriate cooperation with the coastal states concerned, and other relevant means available to the flag CPC.

To comply with Recommendation 14-07, CPCs have to notify ICCAT (individually or jointly) prior to the beginning of the following scenarios:

- When foreign-flagged vessels fish in waters under their jurisdiction for species managed by ICCAT
- When their own vessels fish in waters under the jurisdiction of another CPC or non-Contracting party (NCP) for species managed by ICCAT

A copy of the written agreement has to be provided, as well as information on the number of vessels, gear authorized, time period of the agreement, stock or species authorised for harvest, any applicable catch limits, the CPC’s quota or catch limit to which the catch will be applied, the monitoring, control, and surveillance measures required by the flag CPC and coastal State and the data reporting obligations stipulated in the agreement, including those between the parties involved. A similar reporting mechanism for access agreements has been established in the Indian Ocean Tuna Commission (IOTC)ⁱⁱⁱ in 2014.

Internationally, the Fisheries Transparency Initiative (FiTI)^{iv} released the FiTI Standard^v in 2017, which includes a provision for FiTI countries to provide public information of all foreign access agreements, as well as the creation of a public registry of fishing authorisations or licenses, and information on payments and catches. Indonesia, Guinea, Mauritania, Senegal and Seychelles have expressed their commitment to join FiTI and are currently in the process of adhering to and meeting the FiTI standard.

Transparency, as well as validation by the coastal and flag state, could also be beneficial for operators, as such a measure could reduce risks associated with access agreements. Transparency, accountability and an effective and deterrent monitoring and sanctioning system are the most effective tools with which to tackle IUU fishing.

Noting GFCM Recommendation 441/2017/7 on RPOA-IUU and Recommendation 33/2009/8 on the establishment of a list of vessels presumed to have carried out IUU fishing, and specifically Article 1, Oceana proposes the following recommendations:

- **Transparency of access agreements**
 - Adopt a GFCM Recommendation to create a mandatory reporting system for all access agreements that is transparent and appropriate for:
 - foreign-flagged vessels to fish in waters under a given CPC jurisdiction for species managed by GFCM

- CPCs whose vessels fish in waters under the jurisdiction of another CPC or non-Contracting party (NCP) for species managed by GFCM
- Create a regular revision mechanism in the Compliance Committee (COC) of fishing activities conducted under a CPC jurisdiction by vessels flying the flag of a state other than a coastal state, which have not been reported under the point above, aimed at the inclusion of non-authorized vessels in the GFCM IUU vessels list in accordance with FAO IPOA-IUU and the RPOA-IUU.

4. Improve public information on vessel registries and fishing authorisations

In Recommendation GFCM/33/2009/6 the GFCM established an authorised vessel list (AVL). This provides a record of all fishing vessels larger than 15 metres in length overall authorized to fish in the GFCM Area. For the purpose of this Recommendation, the vessels larger than 15 metres in length overall not entered into the record are deemed not to be authorized to fish for, retain on board, tranship or land species covered by the Commission.

Any vessel actively fishing for species managed by GFCM and subject to its management rules should be included in the authorised vessel list, as is currently the practise in ICCAT, which includes any motorised vessel above 2 metres for certain species. Once these authorised vessel lists are complete and updated on a regular basis; any vessel not included in the authorised vessel list and thus not authorised by the GFCM and flag state to operate in the area, should be automatically included in the IUU vessel list.

Currently, the public GFCM authorized vessel list lacks information on the authorized fishing period or the geographical areas (GSAs) and does not provide the main fishing gear used for all CPCs even if this information is required and should be available to the public according to the Recommendation. We strongly believe GFCM should improve the implementation of current measures for its authorised vessel list and adopt measures to secure the accuracy of vessel authorised lists with comprehensive information, including:

Improve the implementation of Recommendation GFCM/33/2009/6 by providing public information on:

- Primary and secondary fishing gear as well as GSA;
- International Radio Call Sign (IRCS). Many vessels on the AVL have IRCS and this should be made public;
- IMO numbers. Many of the vessels on the AVL have IMO numbers and these should be provided for all those vessels.

Improve the implementation of Recommendation GFCM/33/2009/5 by providing public information on:

- Required fields 46, 47, 48 and 49 and provide information on the list of vessels authorised to fish in FRAs, namely:
 - 46. Name of the GFCM Fisheries restricted area (FRA);
 - 47. Number of fishing days operated by the vessel in the GFCM FRA during the year;

- 48. Name of the gear used to fish in the GFCM FRA;
- 49. Period authorized for fishing in the GFCM FRA

Adopt measures that would mandate CPCs to include the following information for vessels on the public AVL:

- Authorised fishing period (start and end dates)
- Indicate if a vessel is targeting GFCM priority species
- Vessel owners and operator;
- Historical information on the vessel, such as previous name and/or flag;
- If a vessel is authorised to operate under a GFCM Multi Annual Plan;
- If a vessel is authorised to fish in FRAs and the information from the fields 46 to 49 from GFCM/33/2009/5

Greater harmonisation of these data requirements and a regular update cycle of these lists will further support the implementation of monitoring, control and surveillance (MCS) measures, including identifying IUU fishing activities.^{vi} Vessels not fulfilling registration requirements should not be added to the authorised vessel list and thus deemed unfit to operate in the Convention area.

5. Effectively stop nationals engaged in IUU fishing

RFMOs need to hold CPCs accountable to their flag State responsibilities, including on the implementation of deterrent sanctions against vessels and nationals engaging in or supporting IUU fishing, in line with the UNFSA. We therefore call on GFCM to adopt measures that require their contracting parties to verify and take appropriate measures if any of their nationals, whether a natural or legal person subject to their jurisdiction, are responsible for, benefiting from, supporting or engaging in IUU fishing activities (e.g. as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service providers). The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the South Pacific Regional Fisheries Management Organisation (SPRFMO), and Parties to the Southern Indian Ocean Fisheries Agreement (SIOFA) have already adopted such measures^{vii}.

- We urge GFCM to amend point 13 of *Recommendation GFCM/33/2009/8 on the establishment of a list of vessels presumed to have carried out IUU fishing in the GFCM area of application repealing Recommendation GFCM/30/2006/4* to add an explicit reference that requires their contracting parties to verify and take appropriate measures if any of their nationals, whether a natural or legal person subject to their jurisdiction, are responsible for, benefiting from, supporting or engaging in IUU fishing activities (e.g. as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service providers). We also urge GFCM to amend point 9 of Annex 1 outlining information to be included in all IUU vessel lists, to read “Summary of activities which justify inclusion of the vessel on the IUU vessel list,

together with references to all relevant evidence including information on service providers to the vessel, where available.

To tackle IUU fishing more transparency on beneficial ownership is needed. Investigators frequently come across shell companies in IUU fishing and fisheries-related crime cases, particularly when the ship-owner frequently changes the vessel's flag ("abusive reflagging" or "flag hopping"). While reflagging is legal, it is considered "abusive reflagging" when an operator repeatedly and rapidly changes a vessel's flag in order to circumvent applicable conservation and management measures or laws adopted at national, regional or global level. This creates legal uncertainty as to which State has enforcement jurisdiction under international law over the vessel and its owners^{viii}. Mandating information on beneficial ownership to be shared with the GFCM secretariat and CPCs is essential to increase transparency on vessel ownership and to avoid abusive flagging practices. We therefore call on GFCM to introduce measures that bring increased transparency over beneficial ownership.

Lastly, GFCM should provide transparent follow up reporting on sanctions imposed by flag States concerning listed IUU vessels. In addition, the CPCs of GFCM should take appropriate sanctions against flag states, whether they are in the form of lost fishing opportunities or other trade and financial mechanisms in repeated cases of lack of compliance with GFCM measures.

ⁱ Recommendation by ICCAT on access agreements [14-07](#)

ⁱⁱ CPCs means Contracting Parties to the ICCAT Convention and Cooperating Non Contracting Parties, Entities or Fishing Entities

ⁱⁱⁱ [Resolution 14/05](#) Concerning A Record Of Licensed Foreign Vessels Fishing For Iotc Species In The Iotc Area Of Competence And Access Agreement Information

^{iv} <http://fisheriestransparency.org/>

^v <http://fisheriestransparency.org/fiti-standard>

^{vi} ISSF 2019-05: Tuna RFMO Authorised Vessel Lists: A Comparative Analysis to Identify Best Practices, January 15, 2019

^{vii} See for the example Conservation Measure 10-08 (2017) Scheme to promote compliance by Contracting Party nationals with CCAMLR conservation measures; SPRFMO CMM 04-2017 (IUU List) superseding CMM 4.04 (IUU List) and previously 1.04; and SIOFA CMM 2018.061 Conservation and Management Measure on the Listing of IUU Vessels (IUU Vessel List)

^{viii} North Atlantic Fisheries Intelligence Group and INTERPOL. (2017). Chasing Red Herrings: Flags of Convenience and the Impact on Fisheries Crime Law Enforcement. (NA-FIG: Oslo)