

Call for the GFCM to increase transparency and effectively tackle non-compliance cases and IUU fishing

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Ahead of the forty-sixth session of the General Fisheries Commission for the Mediterranean (GFCM) in Split, Croatia Oceana, together with Archipelagos Institute of Marine Conservation, ClientEarth, Environmental Justice Foundation, Low Impact Fishers of Europe, MedReact, Pew Charitable Trust, and WWF, who work together to protect the Mediterranean Sea against the impacts of illegal, unreported and unregulated (IUU) fishing, are calling on the GFCM to take ambitious measures to tackle IUU fishing and all cases of non-compliance, and to act on evidence of such activities with deterrent corrective measures. This is a prerequisite for ensuring the survival of Mediterranean unique biodiversity and the communities that rely on marine resources.

Proper implementation of and compliance with GFCM recommendations is crucial to rebuild fish stocks in the Mediterranean and Black Seas to sustainable levels, as 73% of Mediterranean fish populations remain subject to overfishing.

For the forty-sixth session of the GFCM, we call the GFCM to:

- **Take effective action against cases of non-compliance by adopting dissuasive corrective measures in case of continued non-compliance, as required under part II.6 of Resolution 44/2021/13.**

Establishing a framework that will allow the GFCM to intervene, in a proportional manner, in order to address cases of serious or repeated non-compliance is essential. This process must be strengthened by giving GFCM the means to effectively investigate and take appropriate follow-up corrective measures.

As highlighted in the 2017 OECD report on IUU fishing,¹ RFMO deterrence mechanisms should include the establishment of well-defined deterrent corrective measures based on the gravity and recurrence of cases of non-compliance.

We, therefore, welcome the decision by the Compliance Committee in 2022 for GFCM to “liaise to the maximum extent possible with other RFMOs’ Secretariats and report to the CoC and the Commission on their practices regarding actions against non-compliance with a view to adopt an annex containing these measures related to the relevant category and gravity of non-compliance”.

In addition, the sixteenth Compliance Committee in Rhodes Greece² concluded to “support the consideration by CPCs of appropriate corrective measures in the framework of the Compliance Committee and acknowledged the proposals for new GFCM decisions on compliance introduced by the European Union, which are expected to be submitted to the next annual session of the Commission for consideration, in consultation with other concerned CPCs”.

¹ “The effectiveness and credibility of RFMOs in their fight against IUU fishing also depend on the strength of their deterrence mechanisms. Provisions allowing compliance committees to impose adequate sanctions embedded in the text of each [Recommendation] give RFMOs power to follow-up on identified non-compliance”, OECD, Combatting Illegal, Unreported and Unregulated Fishing: Where countries stand and where efforts should concentrate in the future, [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=TAD/FI\(2017\)16/FINAL&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=TAD/FI(2017)16/FINAL&docLanguage=En)

² Final report Sixteenth session of the Compliance Committee (CoC) Rhodes, Greece, 5 May 2023 at <https://gfcmliaison.sharepoint.com/CoC/Report/Forms/AllItems.aspx?id=%2FCoC%2FReport%2F2023%2FSes%2FCoC%5F16%5F2023%5FReport%2De%2Epdf&parent=%2FCoC%2FReport%2F2023%2FSes&p=true&ga=1>

We further welcome that the 2022-2024 Compliance Committee work plan clearly includes the creation of the annex and we **urge the GFCM to fulfil this commitment, strengthen the mandate of the Compliance Committee and adopt a complete set of dissuasive corrective measures for non-compliant CPCs. Such robust corrective measures should include non-discriminatory market and trade-related measures or reduced fishing opportunities for repeat offenders.**

Similar measures are already foreseen by ICCAT, as specified in Recommendations 06-13 and 11-15 concerning trade measures as well as Resolution 16-17 establishing an ICCAT schedule of actions to improve compliance and cooperation with ICCAT measures (namely “Step 3: Application of actions to address compliance failures”, which already proposes a range of potential actions against non-compliant CPCs).

A comparison between ICCAT and GFCM’s compliance mechanisms is demonstrated in Appendix I and could be used as a relevant guide by GFCM considering the overlap in membership between the two RFMOs.

- **Improve reporting on the transposition and implementation of GFCM decisions, as well as enforcement of monitoring, surveillance and conservation (MSC) measures, and failure to do so should be considered as non-compliance.**

Contracting Parties shall transpose and implement GFCM decisions, as well as apply adopted monitoring, surveillance and conservation (MSC) measures. It is essential that this exercise is accurately and timely reported back by the CPCs to the GFCM, something that does not always occur, by following the established data submission standards and protocols.



We call on CPCs to pay particular attention to the full transposition of all GFCM decisions into their national legislation. Failure to do so in a reasonable timeframe should be considered a case of significant non-compliance. Furthermore, we urge CPCs to report on the transposition and implementation of GFCM measures in a timely manner.

Such reporting could be used as a basic indicator of compliance. Failure to report should have the CoC categorising the incidence according to its gravity. For example, CPCs that do not provide the required information about the implementation of MCS measures in Fisheries Restricted Areas (FRAs) or do not report in a timely manner information for vessels operating in FRAs in the authorised vessel list, could be placed in “category B” as cases of significant non-compliance triggering appropriate corrective measures. When non-authorised vessels operate inside FRAs, the CoC should categorise these activities under a “category C” and adopt deterrent corrective measures accordingly, including listing the non-compliant vessels on the Provisional GFCM IUU Vessel List.

- **Increase the ambition on vessel monitoring and adopt a new Recommendation on the establishment of a regional Vessel Monitoring System.**

GFCM is one of the few RFMOs without a regional vessel monitoring system (VMS) for its Convention area and no requirement for data sharing between flag and coastal States. This gap creates inefficiencies and makes it more difficult to monitor vessels operating in multiple jurisdictions, potentially enabling IUU fishing.

Resolution GFCM/44/2021/8 established two pilot projects: one looking into the possibility of a centralised VMS; and the other one looking into a decentralised or regionalised VMS. As reflected in output 2.3 of the 2030 GFCM Strategy, the development of a GFCM VMS is crucial to improve monitoring, control and surveillance at regional level.



We commend the work of the VMS Working Group, and we call upon the CPCs to complete the piloting phase within a reasonable timeframe, at the latest by 2023. We look forward to the final report with all relevant vessel monitoring data, as well as a cost evaluation of both pilot projects, and to the VMS Working Group's recommendations on the future implementation of VMS in the GFCM area of application.

We ask the GFCM to

- Ensure that fishing vessels are fully tracked by requiring mandatory AIS for all fishing vessels above 15 metres by 2030.
 - Ensure that a Vessel Monitoring System (VMS) is urgently installed on all vessels over 15 metres in order to effectively track fishing activity and tackle illegal trawling, and require vessel trackers on all vessels by 2030. The GFCM should also establish a regional vessel monitoring system to allow for data exchange on fishing activities and to enforce GFCM measures
- Amend Recommendation GFCM/44/2021/18 concerning the establishment of a GFCM Record of Vessels over 15 metres authorised to operate in the GFCM Area to further strengthen the GFCM Authorised Vessel List and make it more complete, transparent and functional.**

The GFCM strengthened the Authorised Vessel List in 2021 to require CPCs to add, for example, information on which vessels are authorised to fish in specific fishing restricted areas (FRAs). This was a step in the right direction, however, more needs to be done to increase effective transparency.



We call upon CPCs to:**Amend the Authorised Vessel List to also include information on:**

- Previous flag state and previous owner;
- The beneficial owner.

Make the following information public, which is currently restricted only to the CPCs:

- Owner's address, city, zip code and country, including information on the beneficial owner;
- Operator's address, city, zip code and country.

Require additional information to be included in the Authorised Vessel List and made public for vessels authorised to fish in a FRA:

- Information on the type of authorisation including the target species or species groups;
- Number of fishing days;
- Fishing gear;
- Area and period authorised;
- Type of fishing vessel.

Improving transparency, the accuracy and completeness of publicly accessible information is one of the most effective paths towards minimising IUU fishing,³ and may help expose and stop these activities. Creating comprehensive, up-to-date authorised vessel lists with beneficial ownership information that are easily accessible by the public, will remove the current veil of secrecy and ambiguity on who can fish where, when, and what, as well as who benefits from such activities. Disclosure of information on the beneficial ownership of fishing vessels, and records of previous non-compliance of vessels or companies, is of vital importance for improving accountability and assisting enforcement efforts.

In recognition of this, and as demonstrated in Appendix II, the majority of RFMOs have measures in place promoting ownership transparency. While GFCM is currently one of the few RFMOs that collects data on ownership, these are not publicly available.

Therefore, we call on GFCM to level up to the common standard on vessel information transparency by expanding the information modules required under its Record of Vessels as per above recommendations, and publish information it already collects on beneficial ownership, according to international best practice.

³ Guggisberg, S., Jaeckel, A., & Stephens, T. (2022). Transparency in fisheries governance: Achievements to date and challenges ahead. *Marine Policy*, 136, 104639.

- **Update Resolution GFCM/44/2021/6 On the Application of an International Maritime Organization Number requiring all eligible vessels of 12 metres and above, including wooden ones, to have an IMO number and for this information to be included in the authorised vessel list and upgrade it into a binding measure.**

Resolution GFCM/44/2021/6 has amended the Resolution GFCM/41/2017/6 on the application of an International Maritime Organization number to request CPCs to only authorise their fishing vessels of 20 metres or above (wooden vessels excluded) to operate if eligible vessels have been allocated an International Maritime Organization (IMO) number.

While a commendable improvement, the applicability of this measure is still non-mandatory and not in line with the IMO number eligibility criteria enshrined in the 2017 IMO Assembly Resolution [A.1117\(30\)](#). The IMO Resolution requests the implementation of an IMO number to all motorised fishing vessels, including wooden ones, down to a size limit of 12 metres in length overall (LOA).

GFCM remains one of the few RFMOs with such a high threshold of 20 metres in length, when most other regional fisheries bodies such as the Western and Central Pacific Fisheries Commission (WCPFC), the Inter-American Tropical Tuna Commission (IATTC), and The Indian Ocean Tuna Commission (IOTC), have aligned their respective measures with the new IMO criteria (see Appendix III). Furthermore, [as recognised by the GFCM IUU Working Group](#), important variation persists in the assignment of IMO numbers among CPCs, which calls for a common framework through the adoption of a legally binding IMO requirement.

We urge GFCM to, without delay, update Resolution GFCM/41/2017/6, in order to better align it with the latest IMO number eligibility criteria and best practice from other RFMOs, by requiring IMO numbers for all eligible vessels. We also encourage CPCs to upgrade the Resolution into a binding Recommendation to address recognised gaps in the assignment of IMO numbers in GFCM.

APPENDIX 1

Comparison between compliance mechanisms implemented by GFCM and ICCAT.

Types of compliance mechanisms	ICCAT	ICCAT N° rec.	GFCM	GFCM N° res.	MSA comments and recommendations for GFCM
General requirement to follow up on cases of non-compliance with appropriate actions and corrective measures	YES	11-24 and 16-17	Partially	43/2019/5 and 44/2021/13	The GFCM has established that corrective measures for addressing significant non-compliance cases should be detailed, clarified, dissuasive, proportionate to the gravity and standardised. It should be noted that this is a resolution however and therefore non-binding.
Strong powers of the Secretariat to follow up on non-compliance	YES	06-13	NO	-	The GFCM should adopt recommendations to reinforce the role of the Secretariat in the follow-up actions in cases of IUU fishing.
List of appropriate measures in relation to the category and the gravity of confirmed non-compliance of the CPC Well-defined corrective measures based on the gravity and recurrence of non-compliance should be established (based on the categories of non-compliance)	YES	16-17 (step 3)	Partially	44/2021/13	The GFCM should adopt recommendations to create a detailed sanctioning scheme, i.e. an annex containing appropriate measures as relating to the relevant category and gravity of confirmed non-compliance. The current GFCM rules only provide for deterrent corrective measures for category A (including the listing of the non-compliant vessels on the Provisional GFCM IUU Vessel List) and a roadmap for adequate implementation of CPCs' obligations.
Cat A: Failure to discharge obligations in respect of conservation and management measures	YES	16-17	Partially	44/2021/13	The GFCM should adopt further appropriate actions to address non-compliance and they should be fully implemented.
Cat B: Failure of reporting requirements	YES	11-15 and 16-17	NO	-	The GFCM should adopt appropriate actions to address non-compliance such as enhanced reporting requirements. Failure to report the transposition of GFCM recommendations should be considered significant non-compliance.

Types of compliance mechanisms	ICCAT	ICCAT N° rec.	GFCM	GFCM N° res.	MSA comments and recommendations for GFCM
Cat C: Non-compliance involving MCS measures	YES	16-17	NO	-	The GFCM should adopt appropriate actions to address non-compliance such as additional MCS requirements.
Trade measures	YES	06-13	NO	-	Adoption of non-discriminatory trade-restrictive measures in case of non-compliance with GFCM obligations.

APPENDIX 2

Compilation of ownership requirements in the RFMOs.

RFMO	Ownership information requirements	Public	Link
CCAMLR	name and address of vessel's owner(s), and any beneficial owner(s) if known; (vii) name and address of licence owner (if different from vessel owner(s))	YES	Conservation Measure 10-02 (2022)
CCSBT	Name and address of owner(s)/ Name and address of operator(s)	YES	Resolution on a CCSBT Record of Vessels Authorised to Fish for Southern Bluefin Tuna
GFCM	Owner (name and address)/ Operator (name and address)	NO	GFCM/45/2022/17
IATTC	Owner name/country; Operator(s) name/country	YES	Resolution (amended) on a regional vessel register
ICCAT	Name and address of owner(s) and operator(s)	YES	Recommendation by ICCAT amending recommendation 13-13 concerning the establishment of an iccat record of vessels 20 metres in length overall or greater authorized to operate in the convention area
IOTC	Name and address of owner(s) and operator(s)/ Name and address of beneficial owner(s), if known and different from vessel owner/operator or indicate non-availability/ Name and address of company operating the vessel and company registration number (if any)	YES	Resolution 19/04 concerning the IOTC record of vessels authorised to operate in the IOTC area of competence

RFMO	Ownership information requirements	Public	Link
NAFO	Registered owner and address/ Responsible for using the vessel	NO	NAFO Conservation and Enforcement Measures 2023
NEAFC	No	/	NEAFC Scheme of Control and Enforcement
NPFC	No	/	Member/CNCP Flagged Vessels Register
SEAFO	Name and address of owner or owners/ name and address of operator (manager) or operators (managers) (if any)	YES	System of observation, inspection, compliance and enforcement (2019)
SIOFA	Name and address of owner or owners/ name and address of operator (manager) or operators (managers) (if any)	NO	Conservation and Management Measure for Vessel Authorisation and Notification to Fish (Vessel Authorisation)
SPRFMO	No	/	Public Vessel Record
WCPFC	Owner name, address	YES	Standards, specifications and procedures for the Western and Central Pacific Fisheries Commission Record of Fishing Vessels

APPENDIX 3

Compilation of IMO number requirements in the RFMOs.

RFMO	Requirement of IMO number	Follow 2017 IMO Assembly Resolution A.1117(30)	Link
CCAMLR	12 m	YES	Conservation Measure 10-02 (2022)
CCSBT	12 m	YES	Resolution on a CCSBT Record of Vessels Authorised to Fish for Southern Bluefin Tuna
GFCM	20 m	NO	(non-binding) Resolution GFCM/44/2021/6 on the Application of an International Maritime Organization Number on the application of an International Maritime Organization number, amending Resolution GFCM/41/2017/6
IATTC	12m	YES	Resolution (amended) on a regional vessel register

RFMO	Requirement of IMO number	Follow 2017 IMO Assembly Resolution A.1117(30)	Link
ICCAT	20 m	NO	Recommendation by ICCAT amending recommendation 13-13 concerning the establishment of an ICCAT record of vessels 20 metres in length overall or greater authorized to operate in the convention area
IOTC	12 m	YES	Resolution 19/04 concerning the IOTC record of vessels authorised to operate in the IOTC area of competence
NAFO	12 m	YES	NAFO Conservation and Enforcement Measures 2023
NEAFC	12 m	YES	NEAFC Scheme of Control and Enforcement
NPFC	12 m	YES	Conservation and management measure on information requirements for vessel registration
SEAFO	→ 100GT	NO	System of observation, inspectionNAFO Conservation and Enforcement Measures 2023, compliance and enforcement (2019)
SIOFA	12 m	YES	Conservation and Management Measure for Vessel Authorisation and Notification to Fish (Vessel Authorisation)
SPRFMO	12 m	YES	CMM 05-2022 Conservation and Management Measure for the Establishment of the Commission Record of Vessels Authorised to Fish in the Convention Area
WCPFC	12 m	YES	CMM 2018-06 - Conservation and Management Measure on the Record of Fishing Vessels and Authorization to Fish



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