

Recommendation GFCM/45/2022/11 on the establishment of a set of minimum standards for fisheries restricted areas in the GFCM area of application

The General Fisheries Commission for the Mediterranean (GFCM),

RECALLING that the objective of the Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM Agreement) is to ensure the conservation and sustainable use, at the biological, social, economic and environmental level, of marine living resources in the GFCM area of application;

NOTING the United Nations Sustainable Development Goal (SDG) 14.5, which specifically calls for conserving at least 10 percent of coastal and marine areas, consistent with national and international law;

HAVING REGARD to Article 8 b) ii) of the GFCM Agreement aiming to minimize the impacts of fishing activities on marine living resources and their ecosystems;

HAVING REGARD to Article 8 b) iv) of the GFCM Agreement aiming “to establish fisheries restricted areas for the protection of vulnerable marine ecosystems, including, but not limited to, nursery and spawning areas [...]”;

RECALLING the 2017 Malta MedFish4Ever Ministerial Declaration and, in particular, its paragraph 38 on the development of “fisheries restricted and marine protected areas ensuring an effective protection of at least 10 percent of the Mediterranean Sea by 2020, in line with the United Nations Sustainable Development Goal 14.5 and Aichi Biodiversity Target 11”;

CONSIDERING that the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (FAO) provides that states “should apply the precautionary approach widely to conservation, management and exploitation of living aquatic resources in order to protect them and preserve the aquatic environment, taking into account the best scientific evidence available. The absence of adequate scientific information should not be used as a reason for postponing or failing to take measures to conserve target species, associated or dependent species and non-target species and their environment”;

EMPHASIZING the need to improve the collection of scientific data regarding sensitive habitats, essential fish habitats and all sources of mortality for key species, including but not limited to data from fisheries within the GFCM area of application;

RECALLING the GFCM 2030 Strategy for sustainable fisheries and aquaculture in the Mediterranean and the Black Sea fisheries, in particular its Output 1.3 “Efficient area-based conservation measures, technical and nature-based solutions strengthened to conserve biodiversity and enhance the productivity of marine living resources” that identifies “new fisheries restricted areas and, once established, enhances their efficiency and monitoring in order to manage the significant adverse impacts of fisheries on vulnerable species, ecosystems and essential fish habitats”;

CONSIDERING the objectives under Resolution GFCM/41/2017/5 on a network of essential fish habitats in the GFCM area of application, Resolution GFCM/43/2019/1 on the mapping of measures applicable to fisheries restricted areas in the GFCM area of application and Resolution GFCM/43/2019/3 on the implementation of a vessel monitoring system and an electronic logbook in the GFCM area of application;

RECALLING that the designation and evolution of each fisheries restricted area (FRA) must be science-based and prepared with all stakeholders involved, including fishers, scientists, local administrations and environmental non-governmental organizations;

TAKING INTO ACCOUNT the advice of the Scientific Advisory Committee on Fisheries (SAC) and the Compliance Committee (CoC) expressed in 2019, 2021 and 2022 on the establishment of minimum standards for conservation, monitoring and control in FRAs;

ADOPTS, in conformity with Articles 5 b), 8 b) and 13 of the GFCM Agreement, the following recommendation:

PART I

General objective, scope and definitions

General objective

1. This recommendation establishes minimum standards for FRAs designated by means of GFCM decisions, in order to increase the coherence of the network of FRAs, harmonize the management measures applied across regional sub-basins, better level the playing field among fishers and help to improve the conservation status of stocks and ecosystems.

Scope

2. This recommendation applies to all FRAs established by GFCM decisions. Fisheries restricted areas established after the entry into force of this recommendation shall comply with the provisions under this recommendation. Fisheries restricted areas established before the entry into force of this recommendation may be evaluated by the SAC and, if deemed necessary, revised according to the provisions of this recommendation.

Definitions

3. For the purpose of this recommendation, the following definitions shall apply:

- a) “Fisheries restricted area” or “FRA” means a geographically defined area in which some specific fishing activities are temporarily banned or restricted in order to improve the conservation and sustainable use of marine living resources in the GFCM area of application;
- b) “Essential fish habitat” means a habitat identified as essential to the ecological and biological requirements of critical life history stages of exploited fish species and that may require special protection to improve the status of the stocks and long-term sustainability;
- c) “Fishing authorization” means entitlement other than a fishing licence that is issued by contracting parties and cooperating non-contracting parties (CPCs) to allow a fishing vessel to engage in fishing activities with specific fishing gear, during a specified period and in a given area or for a given fishery under specific conditions;
- d) “Illegal, unreported and unregulated fishing” or “IUU fishing” means the activities described in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and following the provisions of Recommendation GFCM/41/2017/7 on a regional plan of action to combat illegal, unreported and unregulated fishing in the GFCM area of application;
- e) “Fishing day” means any continuous period of 24 hours, or part thereof, during which a vessel is searching for fish, shooting, setting, towing or hauling a fishing gear, taking catch on board, transshipping, retaining on board, processing on board, transferring or landing fish and fishery products;
- f) “Recreational fishing” or “recreational fisheries” means a non-commercial fishing activity exploiting marine living resources for recreation, tourism or sports.

PART II

Management measures

4. For the purpose of managing and protecting FRAs from the impacts of any activity jeopardizing the conservation of the features characterizing the particular habitats protected by FRAs, fishing activities in FRAs shall be monitored by CPCs in the waters under their jurisdiction and/or sovereignty by annually providing to the GFCM a list of authorized fishing vessels, along with associated effort and capacity and any further parameters listed as relevant by the SAC.

5. Based on SAC evaluation, the establishment of a new FRA should generally comprise two types of zones with specific management measures discussed with stakeholders:

Zone A – permanent closure

6. Any professional fishing activity concerned by the specific objectives the FRA shall be prohibited.

7. Any recreational fishing activity shall be prohibited.

8. Fishing vessels transiting the zone shall have an operational transponder on board for vessel monitoring systems (VMS) and/or automated identification systems with increased data transmission frequency, and all fishing gear shall be lashed and stowed during the entire duration of the transit. Professional fishing vessels, in accordance with the GFCM recommendation, shall follow a direct course at a constant speed of no less than 6 knots, except in the case of force majeure or adverse conditions. In such cases, the master shall immediately inform the fisheries monitoring centre of the vessel's flag state so that it can report the force majeure to the competent authorities of the CPC.

Zone B – temporary closure

9. Fishing activities shall be prohibited for at least two months each year. The two-month period shall be evaluated by SAC.

10. Contracting parties and cooperating non-contracting parties shall establish a register of the fishing vessels authorized to fish in this zone.

PART III

Data collection, monitoring and research

11. Contracting parties and cooperating non-contracting parties shall ensure that:

- a) A scientific monitoring plan for each FRA is developed by the CPCs, following the GFCM protocol adopted at the twenty-third session of the SAC, which includes a FRA toolkit and integrated guidelines for the development of scientific monitoring plans. The monitoring plan should be validated by the SAC to provide an outline for the collection of information required to assess the effectiveness of the FRA towards the rebuilding of stocks and the protection of habitats and vulnerable marine ecosystems and towards enhancing the densities of organisms in term of biomass and abundance within the FRA. The results of the FRA monitoring plan should be regularly reported and discussed within the relevant subsidiary bodies of the SAC. The monitoring plan and its efficiency should be assessed regularly by the SAC.
- b) Information on all vessels authorized to fish in zone B of the FRA is recorded by the CPCs (as listed in the annex) and made publicly available on the GFCM website.
- c) Information on fishing activities, catch data of key species, incidental catches, release and discarding of the sensitive species listed in either Annex II or Annex III of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA/BD Protocol) of the Convention for the Protection of the Marine Environment and the Coastal Region of the

Mediterranean (Barcelona Convention), is recorded by the vessel owner in the electronic logbook or in an equivalent document, in line with international standards and the data reporting requirements of relevant GFCM recommendations.

- d) Such information is reported to the national authorities for notification to the GFCM Secretariat within their annual national reporting to the SAC, in line with the manual of the GFCM Data Collection Reference Framework.
- e) Any other additional measure to level the playing field between all vessels, such as or example 5 percent coverage of onboard observers or remote electronic monitoring, is taken to improve data collection in view of the scientific monitoring of key species.

12. As appropriate, the GFCM shall engage in capacity-building efforts and other research cooperative activities to improve knowledge on sensitive species, vulnerable marine ecosystems and essential fish habitats and to support the effective implementation of this recommendation, including entering into cooperative arrangements with other relevant international bodies.

PART IV

Control and reporting measures

13. Contracting parties and cooperating non-contracting parties shall ensure that all measures are undertaken towards full compliance with monitoring, control and surveillance as the most fundamental aspects to ensuring the effectiveness of the FRA with respect to its primary conservation objectives.

14. Contracting parties and cooperating non-contracting parties shall communicate to the GFCM Secretariat the list of authorized vessels for the zone B of each FRA concerned no later than 30 April of each year, as well as the list of authorized vessels for the forthcoming year. For each vessel, the list shall contain the information detailed in the annex of this recommendation.

15. The GFCM Secretariat shall maintain and update the list of fishing vessels authorized to fish for key species and publish it on the GFCM website in a manner that is consistent with GFCM data confidentiality policy and procedures.

16. Contracting parties and cooperating non-contracting parties shall send to the GFCM Secretariat, by 31 May of each year, a report on management measures taken in FRAs by CPCs. To facilitate a common approach across the GFCM area of application, this report shall be prepared in accordance with common guidelines developed by the GFCM Secretariat. The report shall be published on the GFCM website within two months after its reception, ensuring that personal data is protected in accordance with GFCM confidentiality policy and procedures.

17. The report shall contain the conservation, control and management measures, the list of authorized vessels and related information on authorizations in the FRA, as well as the results of the inspection schemes, including, at a minimum, the number of infractions detected and committed outside the areas of sovereignty of the CPC, the type of infraction and the sanctions applied. The report shall seek to identify activities (e.g. fishing, transiting) in the FRA.

18. For the vessels and vessel owners with identified infringements, the relevant CPCs shall prepare and include in their reports an action plan to reinforce the monitoring of the vessels concerned by this FRA that fly their flags.

19. If necessary, a dedicated Working Group on Fisheries Restricted Areas shall be established to assess the CPCs' reports and their action plans. The working group shall prepare a report for the SAC and the CoC that will evaluate and advise the GFCM on the management and enforcement of measures taken by the CPCs.

20. In accordance with GFCM recommendations, fishing vessels authorized to fish in zone B shall be equipped with remote electronic monitoring using increased data transmission frequency as well as an electronic logbook in correct working order or an equivalent document, and fishing gear on board or in use shall be duly identified, numbered and marked before the start of any fishing operation or navigation within the FRA.

21. To the extent possible, the frequency of data transmissions of vessel monitoring systems (VMS or automated identification systems) shall be of at least once every 30 minutes when a fishing vessel enters any zone of a FRA.

22. Each year, the CoC shall evaluate the implementation of the present recommendation and propose any remedial measures to improve compliance. Fishing in prohibited areas and periods shall be considered as a serious infringement (IUU fishing). The flag state shall ensure that the vessel that commits this serious infringement shall immediately cease its fishing activities and return to port for investigation.

PART V

Regionalization

23. As of 2023, the GFCM shall adopt specific recommendations based on SAC advice in order to implement the principles of this recommendation in each of the following subregions:

- a) western Mediterranean Sea;
- b) central Mediterranean Sea;
- c) Adriatic Sea;
- d) eastern Mediterranean Sea; and
- e) Black Sea.

PART VI

Final provisions

24. Contracting parties and cooperating non-contracting parties shall call the attention of the relevant national and international authorities in order to protect each FRA and its two zones, A and B, from the impact of any activity that may jeopardize the conservation of the characteristic features of these particular habitats.

25. This recommendation shall be without prejudice to the adoption of stricter measures by CPCs for the vessels flying their flags.

26. The SAC and the CoC shall review the implementation of this recommendation on a yearly basis in order to issue recommendations where appropriate. Advice from the SAC shall take into account the specificities of commercial and recreational fisheries in each subregion listed in paragraph 23. Based on SAC advice, the minimum standards of management measures for FRAs shall be reviewed in 2031.

Annex

The list referred to in Part III shall contain, for each vessel and each FRA, the following information:

- name of vessel (in Latin characters);
- national registration number: the code representing the official vessel identifier as reported in the national fleet register (alphanumeric string);
- vessel registration number (country ISO 3-alpha code + 9 digits, e.g. xxx000000001);
- International Maritime Organization number or external marking number;
- registration authority: name of the authority that issued the registration of the vessel;
- name of the FRA;
- previous name (if any);
- previous flag (if any);
- previous details of deletion from other registers (if any);
- international radio call sign (if any);
- type of vessel, length overall (LOA) and gross tonnage (GT);
- main gear used to fish in zone B of the FRA;
- species targeted;
- seasonal period authorized for fishing in the FRA: period authorized for fishing in the FRA (from DD/MM/YYYY to DD/MM/YYYY and gear concerned);
- number of fishing days that can be exerted by each vessel; and
- number of fishing days operated by the vessel in zone B of the FRA during the year.