

Call for the GFCM Contracting Parties, Cooperating non-Contracting Parties and observers to support stronger transparency and anti-IUU measures

July 2019

The Environmental Justice Foundation (EJF), Oceana, The Nature Conservancy, and WWF are working together in a coalition of non-governmental organisations to ensure that the EU's engagement with Regional Fisheries Management Organisations (RFMOs) and key partners leads to strong transparency and anti-IUU measures worldwide.

In a coalition report titled "*Achieving transparency and combating IUU fishing in RFMOs*", we outline the minimum transparency and anti-IUU fishing measures that we consider essential for RFMO Contracting Parties and Cooperating non-Contracting Parties (CPCs) to adopt and implement. Relevant to the General Fisheries Commission for the Mediterranean (GFCM), we consider the following measures vital to discuss at the 13th Session of the GFCM Compliance Committee and propose these for adoption at the next annual GFCM Commission meeting.

In this regard, we ask GFCM Contracting Parties to:

- **Adopt a Recommendation to publicly disclose information on access agreements on an annual basis**

We call on the GFCM to create a mandatory annual reporting system that is public and appropriate for all public and private access agreements, such as already required within the EU and the International Commission for the Conservation of Atlantic Tunas (ICCAT). This reporting should be done by both, the flag State and the coastal State. This should include information on foreign fishing or fishing related activities (including chartering and any private contracts) that take place under an access agreement in waters under given CPCs' jurisdiction or CPCs whose vessels fish in waters under the jurisdiction of other CPCs for species managed by the convention.

- **Amend Recommendation GFCM/30/2009/8 on the establishment of a list of vessels presumed to have carried out IUU fishing in the GFCM area of application to effectively stop vessels and nationals engaged in or supporting 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 UN Fish Stocks Agreement (UNFSA).

We therefore call on the GFCM to amend Point 13 of Recommendation GFCM/33/2009/8, adding a requirement for CPCs to verify and take appropriate action 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 Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), the South Pacific Regional Fisheries Management Organisation (SPRFMO), and the Southern Indian Ocean Fisheries Agreement (SIOFA) have already adopted such a requirement.

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" 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. We therefore call on the GFCM to introduce measures that bring increased transparency over beneficial ownership.

Lastly, we call on the GFCM to provide transparent follow-up reporting on sanctions imposed by flag States concerning vessels included in the GFCM IUU list. In addition, GFCM CPCs 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 relevant CMMs.

- **Amend Resolution GFCM/41/2017/6 on the application of an International Maritime Organization (IMO) number**

Resolution GFCM/41/2017/6, which was adopted in October 2017 and came into effect on 1 January 2019, requires CPCs to authorise their fishing vessels of 24 meters or above to operate, wooden vessels excluded, only if eligible vessels have an IMO number allocated. However, on 18 December 2017, the IMO Assembly adopted Resolution A.1117(30), expanding the IMO Number eligibility criteria to all motorised inboard fishing vessels, including wooden ones, of less than 100 gross tonnage down to a size limit of 12 metres in length overall (LOA) authorised to operate outside waters under the national jurisdiction of the flag State. Since then, a number of RFMOs, 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 amended their resolutions to be in line with the new criteria.

Therefore, we urge GFCM CPCs to update Resolution GFCM/41/2017/6 on the application of IMO Numbers for fishing vessels, to better align it with the new IMO eligibility criteria requirements. Ideally, the Resolution should become a binding GFCM Recommendation.

- **Adopt a new Recommendation to improve traceability through a Catch Documentation Scheme**

RFMOs need to deliver effective enforcement mechanisms and create a culture of compliance among their CPCs and in regard to fishing regulations. One of the most effective mechanisms to monitor catches and prevent IUU fishing is the widespread adoption of electronic Catch

Documentation Schemes (CDS). Although a CDS may not prevent all forms of IUU fishing, it can significantly improve traceability along the value chain.

GFCM is one of the few RFMOs without a CDS in place. This is despite a 2015 Roadmap on Fighting IUU Fishing in the Mediterranean, adopted and published as Annex J to the GFCM's Thirty-eighth Meeting Report of the Commission, which proposes for controls to be performed from the net to the plate, taking into account the work done by the Food and Agriculture Organization of the United Nations (FAO) and the GFCM as well as the requirements by EU regulations. It also states that market related measures should be developed, extending beyond the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA IUU).

CPCs should prioritise the adoption of electronic CDS for all "priority species" identified by the Scientific Advisory Committee, using the FAO CDS Voluntary Guidelines as a basis. As already occurs in some RFMOs such as ICCAT and CCAMLR, there should be a mechanism in place to electronically monitor the catches of certain species of main fleets in real time in order to take action when catches exceed quotas, if necessary.

Finally, a key step for effective CDS is the linkage with port state measures and other activities that monitor and verify fishing vessel catches in order to cross-check data for risk-based analysis. In addition, a minimum level of compatibility of CDS standards with other regions when implementing this tool is essential to allow better integration and monitoring of such systems worldwide.

- **Expand international joint inspection schemes at sea**

Reciprocal boarding and inspection schemes, also called "international joint inspection schemes", conducted by RFMOs have a dual role to promote compliance and facilitate enforcement in deterring IUU fishing activities.

Following on from the adoption in 2018 of Recommendation GFCM 42/2018/6 on an international joint inspection and surveillance scheme outside the waters under national jurisdiction in the Strait of Sicily, we ask to expand such programmes to other areas in the GFCM.

- **Amend Recommendation GFCM/33/2009/6 concerning the establishment of a GFCM record of vessels over 15 metres authorised to operate in the GFCM area**

Recommendation GFCM/33/2009/6 establishes an authorised vessel list (AVL). This provides a record of all fishing vessels larger than 15 metres in length overall (LOA) authorised to fish in the GFCM management area. As stated within this Recommendation, those vessels larger than 15 metres LOA not entered into the record are deemed not to be authorised to fish for, retain on board, tranship or land species covered by the Commission.

Any vessel actively fishing for species managed by the GFCM and subject to its management rules should be included in the authorised vessel list, as is currently the practice in ICCAT, which includes any motorised vessel above 2 metres for certain species. Once these authorised vessel lists are completed and updated on a regular basis, any vessel not included in the authorised vessel list and

thus not authorised by the GFCM and the relevant flag state to operate in the GFCM management area, should be considered for inclusion in the IUU vessel list.

Therefore, we ask GFCM CPCs to both improve the implementation of Recommendation GFCM/33/2009/6 by providing public information, including for vessels authorised to fish in Fisheries Restricted Areas (FRAs), 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. If an IMO number is not required (or for non-eligible vessels), any relevant national unique vessel identifier (UVI) scheme should be provided;

and to adopt additional measures to strengthen the AVL in including the following information for vessels on the public AVL:

- the type of authorisation including target species or species group(s) and management plan;
- the authorised fishing period (start and end dates);
- information on vessel owner(s), operator(s) and historical information on the vessel, such as previous name and/or flag
- all motorised vessels above 2 metres;

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. Vessels not fulfilling registration requirements should not be added to the authorised vessel list and thus deemed unfit to operate in the Convention area.

- **Take action against repeated cases of non-compliance**

The GFCM Compliance Committee should systematically examine CPCs' compliance with existing Recommendations and straightforward sanctions should apply to States in cases of repeated and significant instances of non-compliance. Such provisions already exist in ICCAT.

The role of the Secretariat on the follow-up actions in case of IUU fishing should be reinforced.