

STUDIES AND REVIEWS

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FISHERIES LAWS AND REGULATIONS IN THE
MEDITERRANEAN: A COMPARATIVE STUDY



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GENERAL FISHERIES COMMISSION FOR THE MEDITERRANEAN

**FISHERIES LAWS AND REGULATIONS IN THE MEDITERRANEAN;
A COMPARATIVE STUDY**

by

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FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
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PREPARATION OF THIS DOCUMENT

This paper was conceived as a working document for states to complete and build upon, and was presented to the seventh session of the Scientific Advisory Committee (SAC) of the General Fisheries Commission for the Mediterranean (GFCM) held at FAO in October 2004. SAC expressed the wish that the monitoring of legal management-related frameworks be pursued through the networks of legal experts established by some of the regional projects. To be of use over time, this document should be updated regularly with information provided to the GFCM Secretariat. SAC suggested that Members inform the Secretariat of the enactment of any new law or regulation, or amendments of texts in force, in order to facilitate this process.

The paper was written by Philippe Cacaud (Legal Consultant, FAO) and edited with the assistance of the FAO FishCode Programme.

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ABSTRACT

This comparative study of fisheries laws and regulations covers the entire Mediterranean basin and focuses on three main issues: (i) access regimes to fisheries resources; (ii) management of fishing effort and fishing capacity; and (iii) monitoring, control and surveillance. Its purpose is to provide fisheries managers with information on the principal measures adopted in the region to identify areas where harmonization should be sought, particularly in relation to shared stocks. It has been conceived as a working document and is intended for states to complete and build upon.

CONTENTS

	Page
Abbreviations and acronyms	vii
Introduction	1
1. ACCESS REGIMES TO FISHERIES RESOURCES	1
1.1 Commercial fishing	1
1.1.1 National vessels	2
1.1.2 Foreign vessels	7
1.1.3 Fixed gears and other activities not requiring the use of a vessel	7
1.2 Recreational fishing	8
2. MANAGEMENT OF FISHING EFFORT AND FISHING CAPACITY	9
2.1 Core measures	9
2.1.1 Management of fishing effort	12
2.2 Management of fishing capacity	13
2.3 Subsidiary measures	13
2.3.1 Closed season and temporary suspension	13
2.3.2 Fishing gears and methods	14
2.3.3 Minimum landing sizes	14
2.3.4 Prohibited fishing areas	14
2.3.5 Fishing zones	14
2.3.6 Fish reserves	14
2.3.7 Protection and conservation of juveniles	14
2.3.8 Protected species	17
2.3.9 Bycatch	17
3. MONITORING, CONTROL AND SURVEILLANCE	17
3.1 Registering or recording of fishing vessels	18
3.2 Register of fishers	24
3.3 Marking	25
3.4 Inspection	25
3.5 Reporting	25
3.6 Landing of catch	26
3.7 Transshipment	27
3.8 Observer programmes	28
3.9 VMS	28
ANNEX 1 Summary list of the main fisheries legislation in the Mediterranean	29
ANNEX 2 Note on maritime jurisdiction in the Mediterranean Sea	33
A1 Maritime jurisdiction	33
A1.1 Maritime zones	33
A1.2 Status of maritime zones in coastal states	34
A1.2.1 Territorial seas	34
A1.2.2 Exclusive economic zones	34
A1.2.3 Fishing zones	35
A1.2.4 Continental shelves	36
A2 Adhesion to major international conventions and agreements on the law of the sea and fisheries	36

List of Tables

	Page
Table 1. Access regimes to fisheries resources under national jurisdiction and requirements for national vessels to fish outside waters under national jurisdiction	3
Table 2. Principal measures for the management of fishing effort and fishing capacity	10
Table 3. Minimum landing sizes of identified shared stocks	15
Table 4. Principal measures of monitoring, control and surveillance (MCS)	19
Table A.1 Claims to maritime jurisdiction by states bordering the Mediterranean Sea	37
Table A.2 National legislation establishing maritime zones	38
Table A.3 Status of the LOSC, of the 1993 Compliance Agreement and of the 1995 UN Fish Stocks Agreement in states bordering the Mediterranean	40

ABBREVIATIONS AND ACRONYMS

CCRF	Code of Conduct for Responsible Fisheries
CFP	common fisheries policy
EEZ	Exclusive Economic Zone
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FR	fisheries regulations
GFCM	General Fisheries Commission for the Mediterranean
GT	gross tonnage
HP	horsepower
ICCAT	International Commission for the Conservation of Atlantic Tunas
IPOA	International Plan of Action
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IUU	illegal, unreported and unregulated
LOSC	Law of the Sea Convention
MCS	monitoring, control and surveillance
RFMOs	Regional Fisheries Management Organizations
TAC	total allowable catch
UN	United Nations
VMS	vessel monitoring system

INTRODUCTION

In 2001, a study on the fisheries regulatory framework of the Western Mediterranean coastal states was undertaken under the aegis of the CopeMed Project.¹ This was the first time in the Mediterranean that a comprehensive comparative study of regulatory measures had been conducted at the regional level. Similar studies were conducted in the Adriatic States participating in the AdriaMed project in 2002 and in the Eastern Mediterranean States in 2003.² As follow-up on this work, the General Fisheries Commission for the Mediterranean (GFCM), with support from FAO's FishCode Project and Development Law Service, commissioned a comparative study covering the entire Mediterranean basin³ that focused on three issues, namely, access regimes to fisheries resources; management of fishing effort and fishing capacity; and monitoring, control and surveillance. The purpose of this study is to provide fisheries managers with information on the principal measures adopted in the region to identify areas where harmonization should be sought, particularly in relation to shared stocks.

1. ACCESS REGIMES TO FISHERIES RESOURCES

Since the adoption of the LOSC in 1982,⁴ coastal states are responsible for regulating access to fisheries resources within the waters under their sovereignty or jurisdiction.⁵ Access regimes apply to both individual fishers and to fishing vessels. This study focuses primarily on regimes of access to fisheries resources by vessels, both national and foreign, although Table 1 does contain information on fishing activities that do not require the use of a vessel, particularly fixed gears, shore fishers and professional underwater fishing.

Considering the increasing importance of recreational fishing in the Mediterranean Sea, which is already a significant activity in several countries and likely to develop in others, regimes of access governing this activity have also been included in the study.

1.1 Commercial fishing

Typically, fisheries legislation distinguishes access regimes applicable to vessels from those applicable to individual fishers. In addition, some legislation provides for a concession or leasing agreement whereby exclusive fishing rights are granted to a natural or legal person to exploit specified species of fish or aquatic organisms in a specified area. This latter mechanism is the one generally preferred for the exploitation of fixed gears.

Legal regimes governing access by vessels to national fisheries vary according to the nationality of the vessel. Generally, fisheries legislation establishes two separate legal regimes of access, one applying to national fishing vessels and the other to foreign fishing vessels. In the specific case of the European Union, foreign fishing vessels are vessels flying the flag of a non-Member State, whereas vessels flying the flag of a Member State are referred to as Member State flag vessels or Community vessels.

¹ See P. Cacaud, *Revue du cadre législatif relatif à la pêche maritime dans les pays membres du CopeMed*, January 2002.

² The information on the Adriatic countries concerns the period up to 2002. Since then events have occurred that are not covered in the present document. New regulations and rules have been adopted by Croatia and Italy, while Slovenia became a member of the European Union. The new information is included in a recently finalized document, which is based on the Adriatic sea fishery legislation as described in the GFCM document; this new document was produced by FAO AdriaMed ("General outline of fisheries legislation and regulations in the AdriaMed countries" AdriaMed Technical Document N. 14. GCP/RER/010/ITA/TD-14). Finally, Serbia-Montenegro joined the FAO AdriaMed Project in 2004 and relative marine fishery legislation has been integrated into their legislation. The AdriaMed legislative report was fully updated in September 2004.

³ Note that Bosnia and Herzegovina, Monaco, and Serbia Montenegro are not included in this study.

⁴ The LOSC entered into force on 16 November 1994.

⁵ Details on the extent of maritime jurisdiction of coastal states in the Mediterranean Sea can be found in P. Cacaud (ed.), *Note on Maritime Jurisdiction in the Mediterranean Sea and in Member States of the General Fisheries Commission for the Mediterranean located in the Black Sea* (FAO 2003).

1.1.1 *National vessels*

All coastal states⁶ covered by the study require that national vessels⁷ be licensed to fish within waters under their sovereignty or jurisdiction (see Table 1). In most Mediterranean coastal states, the granting of a licence in respect of a fishing vessel confers the licence holder a right to fish by means of the vessel. In Spain, however, the granting of a licence confers solely a general right to fish within Spanish waters. The extent of fishing rights is determined through the issuance of a permit, which, among other things, specifies the area or areas in which the vessel is authorized to fish. In France, the minister responsible for marine fisheries is empowered to determine various categories of fishing licences according to the type of fishing gear used, the targeted species or the area in which fishing is to be conducted. However, it is the responsibility of professional fishers at the local level, through fisheries committees, to establish licensing systems.

1.1.1.1 *Prerequisites to licensing*

Generally, application for a licence or permit in respect of a vessel is made to the responsible authorities by the owner or charterer of the vessel.

Licensing of a vessel is often subject to prior registration of the vessel either in the register of vessels kept by the shipping authority or in a separate register or record of fishing vessels maintained by the fisheries authority designated in the fisheries legislation. Prior registration is required in Albania, Croatia, Israel, Italy, Libyan Arab Jamahiriya, Malta and Spain. Although no specific language to this effect was found in the fisheries legislation of the other states reviewed for the purpose of this study, it should be noted that EU fisheries law requires that Member States maintain a national register of fishing vessels flying their flag.

The other most commonly required prerequisites to licensing relate to the safety of the vessel and the crew by requiring a certificate of seaworthiness (Albania, Israel, Libyan Arab Jamahiriya, Syrian Arab Republic, Turkey), taking safety and rescue equipment on board (Libyan Arab Jamahiriya, Syrian Arab Republic) and meeting technical standards by the vessel (Slovenia).

1.1.1.2 *Issuance*

Issuance of a fishing licence or permit in respect of a fishing vessel is made by the competent authorities, either at the central or local level, as designated in fisheries legislation. Provisions that make the issuance of the licence or permit conditional upon prior inspection of the fishing vessel are a common feature of fisheries legislation. They are designed to ensure that the vessel meets the required technical standards (e.g. engine, length), is adequately equipped (safety and communications equipment) and that fishing gears on board comply with technical specifications as defined in fisheries regulations (Croatia, Egypt, Libyan Arab Jamahiriya, Syrian Arab Republic).

⁶ Although no information is available for Lebanon, it is likely that Lebanese national vessels are required to be licensed to fish within Lebanese waters.

⁷ Those vessels meeting the requirements laid down in legislation qualify as *national vessels*. Such requirements are generally defined by the merchant shipping law, which applies to all commercial vessels, including fishing vessels. In addition, legislators in some countries may chose to provide a definition of what constitutes a *national fishing vessel*. Inclusion of such a definition in the fisheries law is generally designed to ensure that ownership of the vessel and financial interests are linked to the flag country.

Table 1. Access regimes to fisheries resources under national jurisdiction and requirements for national vessels to fish outside waters under national jurisdiction⁸

Country	Commercial fishing		Commercial fishing activities involving no fishing vessel (fg): exploitation of fixed gears; (sf): shore fishers; (uf): professional underwater fishing	Commercial fishing Requirements for national vessels to fish outside waters under national jurisdiction	Sport or Recreational fishing (rb): recreational boat (uf): underwater fishing
	National vessels	Foreign vessels			
Albania	Licence (Art. 15 of Law No. 7908 of 1995)	Licence (Art. 15 of Law No. 7908 of 1995)	Licence (Art. 15 of Law No. 7908 of 1995)	Special authorization (Art. 16 of Law No. 7908 of 1995)	Licence (Art. 23 of Law No. 7908 of 1995) (rb)
Algeria	Authorization (Art. 20 of Law No. 01-11 of 2001) ⁹	Authorization (Art. 23 and 24 of Law No. 01-11 of 2001)		Authorization (Art. 4 and 20 of Law No. 01-11 of 2001)	Special authorization (rb) (Art. 45 of Decree No. 96-121 of 1996)
Croatia	Licence (Art. 7 of Marine Fisheries Act of 1997)	Licence (Art. 7 of Marine Fisheries Act of 1997)			Individual licence (Art. 31 of Marine Fisheries Act of 1997)
Cyprus*	Licence (Art. 3 of Fisheries Law of 1931)				Special licence (Sec. 19 of Fisheries Regulations of 1990) (rb)
Egypt	Licence (Art. 23 of Act No. 124 of 1983)	Permit (Minister of Agriculture) and authorization (security) (Art. 25 of Act No. 124 of 1983) ¹⁰			
European Union	Licence (Art. 1 of Council Regulation No. 3690/93 of 1993)	Licence and special permit (Art. 1 of Council Regulation No. 1627/94 of 1994)	These activities are regulated by Member States (Art. 9 of Council Regulation No. 2371/2002 of 2002)	Licence (Art. 1 of Council Regulation No. 3690/93 of 1993)	

* EU Member State

⁸ In this table, EU Member States are marked with an asterisk.

⁹ Note that legislators did not use the term “authorization” in article 20 of Law n°01 – 11 of 2001, but rather “inscription”, which is equivalent to a mere declaration. Despite the use of this term, it appears that the intent of the legislators was to establish an authorization system. Hence, for sake of clarity, the term “authorization” is used in this table. It should also be mentioned that this regime applies to both national fishing vessels and to foreign fishing vessels chartered by Algerian individuals or Algerian legal entities.

¹⁰ Note that only “institutes of marine sciences and fisheries, the General Organization for the Development of Fishery Resources and the economic units subordinate to it” are entitled to use foreign fishing vessels “for the purpose of conducting research or the benefit of production subject to permission of the Minister of Agriculture, authorization from the security organs and payment of the prescribed fees” (Art. 25 of Act No. 124 of 1983). Based on this language, it seems that these institutions may use foreign fishing vessels for commercial fishing purposes, provided that they secure the necessary authorizations.

Table 1 (cont.)

Country	Commercial fishing		Commercial fishing activities involving no fishing vessel (fg): exploitation of fixed gears; (sf): shore fishers; (uf): professional underwater fishing	Commercial fishing Requirements for national vessels to fish outside waters under national jurisdiction	Sport or Recreational fishing (rb): recreational boat (uf): underwater fishing
	National vessels	Foreign vessels			
France*	Licence (Art. 3.I of Decree of 9 Jan 1852)	Authorization (Art. 9 of Decree of 9 Jan 1852)	Authorization (Decree No. 83-228 of 1983) (fg); Permit (Decree No. 2001-426 of 2001) (sf)		Registration (Art. 4 of Decree No. 90-618 of 1990) (uf)
Greece* ¹¹	Licence (Art.1 of Royal Decree No. 666 of 1966)	Licence can be issued to foreign vessels on a reciprocity basis (Art.32 of Fisheries Code of 1970, as amended by Art.59 Law 2538/1997)	Permitted only for corals (Law 1740/1987 and Min. Decree 324/1994), shells (Fisheries Code, Min. Decree 227/2003) and sponges (Art. 72 - 158 Fisheries Code)	Special permit (Art.14 of Royal Decree No. 666 of 1966)	Individual licence (Presidential Order No. 373 of 1985)
Israel	Licence (Art. 3 of Fisheries Ordinance No. 6 of 1937)	Special licence (Art. 3 of Fisheries Ordinance of 1937)			
Italy*	Licence (Law No. 41 of 1982)		Concession for stationary uncovered pound nets; Licence (Ministerial Decree of 20 October 1986) (uf)		
Lebanon ¹²					Individual licence (Resolution No. 42/1 of 1999) (uf)
Libyan A. J.	Licence (Sec. 3 of Law No. 14 of 1989)	Licence (Sec. 3 of Law No. 14 of 1989)	Authorization for exploitation of stationary uncovered pound nets		
Malta*	Permit (Sec. 9 of Act No. II of 2001)	Licence (Sec. 10 of Act No. II of 2001)		Permit (Sec. 9 of Act No. II of 2001)	
Morocco	Licence (Art. 2 of Law No. 1-73-255 of 1973)	Licence (Art. 2 of Law No. 1-73-255 of 1973)	Concession for exploitation of stationary uncovered pound nets (Art. 28 Law No. 1-73-255 of 1973)		Special authorization (Art. 4 of Law No. 1673-255 of 1973) (uf)

* EU Member State

¹¹Information was provided by the FAO Legal Office.

¹²No information was made available for the purpose of this study.

Table 1 (cont.)

Country	Commercial fishing		Commercial fishing activities involving no fishing vessel (fg): exploitation of fixed gears; (sf): shore fishers; (uf): professional underwater fishing	Commercial fishing Requirements for national vessels to fish outside waters under national jurisdiction	Sport or Recreational fishing (rb): recreational boat (uf): underwater fishing
	National vessels	Foreign vessels			
Slovenia*	Permit (Art. 17 of Marine Fisheries Act of 2002)	Special permit (Art. 24 of Marine Fisheries Act of 2002)		Special permit (Art. 24 of Marine Fisheries Act of 2002)	Individual permit (Art. 28 of Marine Fisheries Act of 2002); Permit (Art. 29 of Marine Fisheries Act of 2002) (uf)
Spain*	Licence (Art. 23 of Law No. 3 of 2001)		Collection of shellfish is subject to a permit.	Special permit (Art. 25 of Law No. 01-11 of 2001)	Individual licence (Art. 3 of Ministerial Order of 26/2/1999; Special authorization for certain species (Art. 36 of Law No. 3/2001 of 2001); Permit (Art. 37 of Law No. 3/2001 of 2001 (rb)
Syrian A. R.	Licence (Art. 9 of Legislative Decree No. 30 of 1964)	Authorization (Art. 8 of Legislative Decree No. 30 of 1964)	Licence (Art. 9 of Legislative Decree of 1964) (sf)		Individual licence (Art. 35 of Legislative Decree No. 30 of 1964)
Tunisia	Authorization (Art. 5 of Law No. 94-13 of 1994)	Commercial foreign fishing vessels are prohibited to fish within waters under Tunisian jurisdiction (Art. 3 of Law No. 94-13 of 1994)	Authorization (Art. 23 of Law No. 94-13 of 1994) (fg) Authorization for exploitation of coral and sponges (Art. 1 of Order of 20/9/1994) (uf)		Authorization (Art. 15 of Order of 20/9/1994) (uf)
Turkey	Licence (Art. 3 of Law No. 1380 of 1971)	Foreign vessels are prohibited to fish for commercial purposes within Turkish waters (Art. 21 of Law No. 1380 of 1971)			

* EU Member State

1.1.1.3 Conditions to licences

As a general rule, fishing licences or permits must be kept on board at all times and must be submitted to any authorized officer for inspection.

Use of fishing licences or permits is generally subject to certain conditions inscribed on the licences or permits. Typically, such conditions specify the fishing zone or zones where the vessel is authorized to fish, the type and quantity of gear than can be carried on board and used from the vessel, and finally the targeted species. Additional conditions may be attached to the licence or permit and may relate to information and statistical data reporting (e.g. Albania, Malta), boarding of observers (e.g. Albania) and landing of catch (e.g. Malta).

1.1.1.4 Fees

Issuance of commercial fishing licences or permits is contingent upon the payment of a fee. Criteria to determine the amount of fees to be paid to the licensing authorities vary from one country to another. They may relate to the tonnage of the vessel (e.g. Morocco), the power of the vessel (e.g. Egypt), or a combination of several factors (e.g. engine power and type of gear in Albania, the fishing method used by the vessel and the area in which it is authorized to fish in Israel).

1.1.1.5 Transfer

Fishing licences may or may not be transferable. It is prohibited to transfer fishing licences in France, Slovenia and Spain. Where allowed, transfer of fishing licences is generally subject to an authorization of the competent authority (e.g. Albania, Egypt, Greece, Israel, Morocco). Transfer may be permitted only under certain circumstances. In Albania, for instance, transfer of a fishing licence can be allowed only in the event that: (a) the vessel to which the licence was issued has ceased to operate; and (b) the vessel to which it is to be transferred presents similar technical characteristics. In Egypt, fishing licences are not transferable except with the authorization of the General Organization for the Development of Fishery Resources and provided that they are used for the purpose for which they were initially issued.

1.1.1.6 Suspension/Revocation

It is common practice for legislators in Mediterranean coastal states to make provisions in fisheries legislation allowing the competent authorities to suspend or revoke any fishing licence, in addition to any other sanctions that may be imposed on the convicted person for infringement of fisheries regulations or conditions to the licence (e.g. Cyprus, EU, France, Greece, Israel, Italy, Libyan Arab Jamahiriya, Morocco, Tunisia, Slovenia and Spain). Withdrawal of a fishing licence may also be imposed for reasons other than violation of fisheries regulations or conditions to the licence. For instance, the Albanian fisheries legislation provides for the automatic cancellation of the fishing licence when the vessel for which it has been issued ceases to operate for a period exceeding three months. In Spain, non-utilization of the fishing licence for the period of validity leads to the deletion of the vessel from the fishing vessel record. In Croatia, a fishing licence can be revoked if the licence holder does not employ qualified and skilled personnel or is not qualified him/herself, or if the domestic company owning the vessel is controlled by foreign interests.

1.1.1.7 Licensing of national vessels to fish outside waters under national jurisdiction

In line with most recent international fisheries instruments,¹³ the fisheries legislation of Albania, Algeria, EU, Greece, Malta, Slovenia and Spain establishes a system of authorization to allow vessels flying a national flag to fish outside waters under national jurisdiction, whether on the high seas or in waters under the jurisdiction of another State (see Table 1). While no specific language to this effect could be found in the national legislation of Cyprus, France or Italy, it is clear that vessels flying the flag of these countries are nonetheless required to be licensed to operate outside waters under national jurisdiction as they are subject to EU fisheries law.

¹³ See Article III 2 of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993); Article 7.6.2 of the Code of Conduct for Responsible Fisheries (1995); Article 18.2 of the Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995); and Sections 44 and 45 of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2001).

Of interest is the Albanian legislation, which requires that prior to granting a special authorization to fish outside Albanian waters to a vessel which was previously registered in a foreign country, the competent authority must give due consideration to the vessel's past behaviour in order to determine whether it has breached the law of that country and/or undermined international conservation and management measures on the high seas. In the case that the vessel is reported as a frequent violator of fisheries laws and regulations of third countries and/or international and conservation measures on the high seas, it must not be granted a special authorization, except where the owner or master of the vessel has no connection whatsoever with the previous owner or master of the vessel.

1.1.2 Foreign vessels

As shown in Table 1, most Mediterranean coastal states allow (subject to certain conditions) foreign fishing vessels to fish for commercial purposes within waters under national sovereignty or jurisdiction. No information was available for Cyprus, Italy, Spain or Lebanon. The first three are EU Member States and as such are subject to EU law, which provides that fishing activities of vessels flying the flag of a third country and operating in Community waters are subject to a fishing licence supplemented by a special fishing permit in the framework of a fisheries agreement concluded between the Community and the flag State. Both Tunisia and Turkey have opted to bar commercial foreign fishing vessels from operating within their waters. However, foreign fishing vessels may be authorized to fish within waters under their jurisdiction for other purposes, such as scientific research (Tunisia, Turkey) or teaching/extension (Tunisia).

Typically, no foreign commercial fishing vessel must be allowed to operate within the waters of a Mediterranean coastal State unless two conditions are satisfied: (a) a fisheries agreement must have been concluded between the Mediterranean coastal State in which waters the foreign vessel is intended to be used and the flag State or an association representing fishing vessel owners or charterers,¹⁴ and (b) any commercial foreign fishing vessel covered by the fisheries agreement must be licensed.

EU law differentiates Community fishing vessels from third-country vessels (vessels flying the flag of a non-Member State). While the access regime applying to the latter is described above, the regime applying to Community fishing vessels in the waters of another Member State is that of equal access. This rule, however, does not apply within the 12-mile zone (territorial sea). In this area, Member States are authorized "from January 2003 to 31 December 2012 to restrict fishing to fishing vessels that traditionally fish in those waters from ports on the adjacent coast, without prejudice to the arrangements for Community fishing vessels flying the flag of other Member States under existing neighbourhood relations between Member States and the arrangements contained in Annex I, fixing for each Member State the geographical zones within the coastal bands of other Member States where fishing activities are pursued and the species concerned".¹⁵

1.1.3 Fixed gears and other activities not requiring the use of a vessel

The third column of Table 1 contains information on the legal regimes applicable to various commercial fishing activities that do not require the use of a fishing vessel.¹⁶ These activities include: fishing by means of fixed gears, such as fixed nets; fishing by means of hooks and lines from the shore; collecting shellfish on the shoreline; and underwater fishing. The legislation in several western Mediterranean coastal states, namely Italy, Libyan Arab Jamahiriya, Morocco and Tunisia, establishes a licensing (Libyan Arab Jamahiriya and Tunisia) or concession/leasing system (Italy and Morocco) for the exploitation of stationary uncovered pound nets (also known as *madrague* in French-speaking countries), generally used for catching bluefin tuna. In Italy, five stationary uncovered pound nets are still exploited on the basis of historical concession rights. In Libyan Arab Jamahiriya, the installation and exploitation of two stationary uncovered pound nets have been authorized. In Tunisia, the

¹⁴ As far as could be established, only Malta law in the region makes provisions for the conclusion of a fisheries access agreement between the coastal State and a professional association.

¹⁵ See Article 17.2 of Council Regulation (EC) No. 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

¹⁶ Note that in certain activities a vessel may be used to collect the catch and bring it to shore, install the fixed gears or bring divers and their equipment to diving spots. In such cases, the vessel is instrumental to the fishing activity, but is not central to that activity.

exploitation of fixed gears, including stationary uncovered pound nets, is subject to an authorization specifying the location, the dimensions of the area, the type of gears to be used and the fee to be paid. Such authorizations are issued by the competent authority on the advice of a consultative commission made up of representatives of various ministries, including environment, transport and tourism. In France, the exploitation of fixed gears is subject to an authorization by the local district authority (the Prefect) and is governed by the legislation on marine culture.

Maltese and Spanish legislation do not provide any special regime for the exploitation of fixed gears. However, in Spain, all fishing activity is subject to an authorization; thus it is also required for the exploitation of fixed gears. In addition, if such activity entails the occupation of the public domain, an authorization is also required.

In France, Spain and the Syrian Arab Republic, fishing activities from or on the shore are subject to a licensing system. France has established a licensing system for professional shore fishers. Likewise, Spanish legislation requires a professional permit for the collection of shellfish to be established regionally by Autonomous Communities. In Algeria, the principal fisheries legislation empowers the competent authority to regulate commercial fishing activities undertaken from the shore.¹⁷ In Malta, shoreline fishing remains unregulated.

Professional underwater fishing activities are regulated in several states in the region. In Italy, no person must engage in professional underwater fishing without an authorization issued by the Head of the Maritime District in the jurisdiction of which such activities are to be undertaken. In Algeria, the principal fisheries law provides a definition of professional underwater fishing¹⁸ and stipulates that the legal regime governing this activity is to be determined through regulation.¹⁹ Tunisian fisheries law requires that professional divers be licensed to exploit coral and sponges in waters under national jurisdiction.

1.2 Recreational fishing

For the purpose of this study, the concept of recreational fishing entails all types of fishing activities including sport fishing activities undertaken by any individual, with or without a boat, for leisure purposes, and does not involve the selling of fish or other aquatic organisms.

Recreational fishing is a growing activity in the Mediterranean Sea. With the development of tourism in the region, concerns have been raised about the effect that such activity may have on commercial fish stocks and thus on the fisheries sector. In response to this potential threat, most coastal states have taken action by regulating recreational fishing activities within their waters (see Table 1). No information was available for Egypt, Israel or the Libyan Arab Jamahiriya.²⁰ Recreational fishing activities taking place in Community waters are regulated by individual Member States as they generally take place within the 12-mile limit. Measures taken by Member States must be consistent with the objectives of the Common Fisheries Policy (CFP) and existing EU legislation. In Malta, the Minister responsible for fisheries is empowered to regulate recreational fishing activities.²¹

As a general rule, restrictions applicable to commercial fishing in relation to minimum landing sizes, prohibited species, prohibited fishing areas and closed seasons also apply to recreational fishing. In addition, most legislation contains language restricting the type and amount of gears that can be used by each individual recreational fisher or that can be carried on board each recreational boat.²²

¹⁷ Shoreline fishing activities are defined as fishing from the shore by means of nets, gears or implements other than hooks and lines for business purposes (Art. 26 of Law n°01-11 of 3 July 2001).

¹⁸ Article 28 of Law n°01-11 of 3 July 2001 states that professional underwater fishing activities are those undertaken with or without breathing apparatus (Author's tr.).

¹⁹ It could not be established whether subsidiary legislation regulating professional underwater fishing has yet been enacted in Algeria.

²⁰ Information on Turkey was not included in Table 1, as validity of such information could not be verified.

²¹ As far as could be established, no such subsidiary legislation has yet been enacted.

²² Provisions to this effect have been found in the fisheries law of Algeria, Croatia, Cyprus, France, Italy, Lebanon, Slovenia, Spain and Tunisia.

In several countries,²³ daily bag limits have been fixed with respect to certain species and/or globally. Spain, for instance, has established a very comprehensive system in which daily catch limits are set for protected species as listed in the legislation. In France, it is the responsibility of local authorities to establish daily bag limits within their area of jurisdiction.

In Italy, recreational fishers are required to report catch data. Similarly, the Spanish fisheries law enables the Minister responsible for marine fisheries to require the reporting of catch data with respect to certain species.

Typically, fisheries legislation establishes three types of access regime for individual recreational fishers, recreational boats and divers.

As far as could be determined, six countries in the area, namely Albania, Croatia, Greece, Slovenia, Spain and the Syrian Arab Republic, have established a licensing system for individual recreational fishers. In Albania, a licence is required only if the individual recreational fisher intends to use a boat.²⁴ Consequently, recreational fishing activities undertaken from the shore are not subject to this requirement. A similar regime has been adopted in Slovenia.

In Algeria, Cyprus and Spain, no boat can be used for recreational fishing purposes unless it has been issued a licence. In Spain, the competent authority may subject the special authorization issued in respect of a recreational boat to an annual total allowable catch (TAC). In addition, licence holders are required to report catch data broken down by area and period.

Because of the nature of the activity, underwater fishing is generally dealt with separately by legislators and is subject to a specific set of rules. The legislation of Lebanon, Morocco, Slovenia and Tunisia requires that any individual wishing to engage in recreational underwater fishing be licensed. In Slovenia, the licensing requirement applies only to individual undertaking sport fishing using an underwater gun.²⁵ In France, individuals other than those holding a licence issued by a certified sport federation are required to register their name with the competent local authority prior to engaging in recreational underwater fishing.

In Italy, although recreational fishing is not subject to a licensing system, individual fishers involved in such activities are required to be members of a national recreational fishing federation and to report catch data.

2. MANAGEMENT OF FISHING EFFORT AND FISHING CAPACITY

The Code of Conduct for Responsible Fisheries (CCRF) provides that states should take measures to prevent or eliminate excess fishing capacity and ensure that levels of fishing effort are commensurate with the sustainable use of fishery resources.²⁶ Review of Mediterranean coastal states' fisheries legislation shows that measures adopted by these states to achieve these goals can be divided into two broad categories, namely, core measures and subsidiary measures. Core measures are those designed to act directly on the intended goal, while subsidiary measures are those supplementing the core measures to strengthen their effectiveness.

2.1 Core measures

In line with international fisheries instruments, fisheries policies that have been developed in the past decade in many coastal states have emphasized the need to control the level of fishing effort so as to adjust it to the availability of the fishery resource and to evaluate the fishing capacity of the national fleet to determine whether it should be reduced or could be increased under certain conditions. This section provides an overview of the core measures adopted by Mediterranean coastal states to tackle these issues (see Table 2).

²³ Namely, Croatia, France, Slovenia, Spain and Tunisia.

²⁴ It appears that the licence is attached to the individual and not to the boat.

²⁵ Note that even though there is no definition of the notions of *recreational fishing* and *sport fishing* in the fisheries law, legislators make a distinction between these two activities as two separate legal regimes are provided for. Use of an underwater gun for recreational fishing is prohibited, whereas it is subject to a licence for sport fishing.

²⁶ CCRF, Article 7.1.8.

Table 2. Principal measures for the management of fishing effort and fishing capacity

Country	Restriction on the number of fishing licences to be issued	TAC or Quotas	Fishing Capacity	Days-at-sea programme
Albania	Maximum number of commercial licences to be issued is fixed annually by the Ministry (Art.14 of Law No. 7908 of 1995)			
Algeria	A freeze on the grant of any new fishing authorization for the taking of highly migratory species has been imposed since 1996	Any vessel authorized to fish highly migratory species is subject to an annual individual quota (Art.8 of Executive Decree No. 95-38 of 1995)	Purchase, importation, construction or modification of any fishing vessel is subject to prior authorization (Art.46 and 47 of Law No. 01-11 of 2001)	
Croatia	Minister is empowered to limit the number of commercial fishing licences (Art.49 of MFA of 1997) Freeze on issuance of any new licences authorizing the use of specified fishing gears	Minister is empowered to establish TAC with respect to a specific area or zone and/or individual quotas per licence (Art. 49 of MFA of 1997)	Minister is empowered to restrict the size and power of fishing vessels and the type and quantity of fishing gear (Art.49 of MFA of 1997)	
Cyprus	Director of Fisheries is authorized to limit the number of fishing licences and restrict the amount of gear per licence (Sec.6 of FR of 1990) ²⁷			
Egypt	The Minister is authorized to prescribe the number of licences to be issued in any specified area (Art.65 of Law No. 124 of 1983)		Modification of any vessel's engine power is subject to authorization (Art.46 of Law No. 124 of 1983)	
EU		The Council is authorized to establish TAC and quotas (Art.8 of CR No. 3760 of 1992) In the Mediterranean, the Community quota system applies only to bluefin tuna as determined by ICCAT	The Commission is required to establish for each Member State reference levels in GT and kW for the total fishing capacity of the Community vessels flying the flag of that Member State (Art.12 of CR No. 2371 of 2002). Entry/exit scheme to be set up by Member States (Art.13 of CR No. 2371 of 2002)	

²⁷ Apparently, Fisheries Regulations 1990 have been superseded by Fisheries Regulations 2000; this information could not, however, be verified.

Table 2 (cont.)

Country	Restriction on the number of fishing licences to be issued	TAC or Quotas	Fishing Capacity	Days-at-sea programme
France	Competent authorities are entitled to set the maximum number of authorizations to be issued in each fishing zone (Art.6 of Decree No. 90-95 of 1990)	The Minister is entitled to establish quotas for any species or group of species in internal or territorial waters (Art.16 of Decree No. 90-95 of 1990)	Construction, importation, or modification of fishing capacity (power, tonnage) is subject to a special permit (Art.3.1 of Decree of 9 January 1852)	Days-at-sea programme was established in the Mediterranean (excluding Corsica) for the taking of bluefin tuna by means of surface seine nets by professional fishers (Order of 11 April 1997)
Greece ²⁸	Freeze on the number of licences to be issued in Greek waters		New licences can be accorded only for the replacement of vessels exiting the fleet provided that they are of similar fishing capacity ²⁹	
Israel			Transfer of a fishing licence in respect of a vessel may be approved only if to a vessel of similar capacity (Sec.2A of Fisheries Rules of 1937)	
Italy	Since 1989, freeze on the number of licences to be issued in Italian waters		Decommissioning of fishing vessels through a government grant programme	Days-at-sea programme was established in the Adriatic Sea for bottom and mid-water trawlers
Lebanon ³⁰				
Libyan A.J.				
Malta	The Minister may determine the number of authorizations to be issued for any category of gear (Governmental Notice No. 206 of 1934)	The Minister is authorized to establish TAC or quotas for any species of fish or fishing method (Art.38 of Act No. II of 2001)		
Morocco				
Slovenia				
Spain	The Minister is authorized to restrict the number of fishing vessels that can be issued a fishing licence (Art.8 of Law No. 3 of 2001)	The Minister may establish TAC for a species or a group of species, a fishing zone, a period, methods or gears, vessels or a type of vessel (Art.9 of Law No. 3 of 2001)	Construction, modernization, or transformation of any vessel is subject to prior authorization by competent authorities (Art. 59 and 60 of Law No. 3 of 2001). Temporary or final withdrawal of vessels from the fishing fleet (Art. 61-63, Law No. 3 of 2001)	The Minister is entitled to establish days-at-sea programmes (Art.8 of Law No. 3 of 2001)

²⁸ Information was provided by FAO Legal Office.

²⁹ Exemptions to this rule include: (1) increase of tonnage is allowed for the replacement of small-scale fishing vessels less than 7 m in length, which are involved in coastal fishing; (2) increase of engine power is allowed for the replacement of engines less than 15 HP provided that the new engine should not exceed 15 HP.

³⁰ No information available.

Table 2 (cont.)

Country	Restriction on the number of fishing licences to be issued	TAC or Quotas	Fishing Capacity	Days-at-sea programme
Syrian A. R.	The Minister is authorized to set the number of fishing licences to be issued in each public water region (Art.14 of Legislative Decree No. 30 of 1964)			
Tunisia	The competent authority is entitled to restrict the number of fishing authorizations to be issued in each fishing zone (Order of 28 September 1995)		Construction and importation of any fishing vessel exceeding a fixed tonnage is subject to authorization (Art.6 of Law No. 94-13 of 1994)	
Turkey				

2.1.1 Management of fishing effort

Three principal measures have been adopted by Mediterranean coastal states to manage the level of fishing effort in the waters under their sovereignty or jurisdiction: limits on the number of fishing licences to be issued, establishment of TAC and/or quotas and limits on the number of days at sea.

2.1.1.1 Limit on the number of fishing licences to be issued

To control the level of fishing effort within waters under national sovereignty or jurisdiction, many Mediterranean coastal states have opted to restrict the number of fishing licences that can be issued by the competent authorities (see column 1 of Table 2). Restriction may apply throughout national waters, or with respect to a specified area or fishing zone, a species or group of species, a specified gear or method or a combination of any of the above. In France, competent authorities determine the number of licences to be issued annually for the taking of bluefin tuna by means of seine nets in national waters in the Mediterranean Sea (Corsica excluded). In Tunisia, the competent authority is entitled to limit the number of fishing authorizations that can be issued in each fishing zone as illustrated in the Gulf of Gabès for shrimp fishing.

It is also common practice to restrict the number of gear that can be carried on board any authorized fishing vessel by attaching special conditions on the use of any fishing licence. In France, for instance, such a condition may be imposed on any authorized vessel with respect to a specified area or for the taking of a specified species or group of species.

Some Mediterranean coastal states have imposed a freeze on the granting of any new commercial fishing licences. While it applies across the board for any type of commercial fishing licences in Greece and Italy, this measure is directed at licences for the taking of highly migratory species in Algeria, and licences authorizing the use of certain gears in Croatia.

2.1.1.2 TAC or quotas

It is widely recognized that management of fish stocks, except for tuna and tuna-like species, through a system of TAC and quotas, is not a viable option in the Mediterranean Sea because of the wide variety of species characterizing Mediterranean fisheries. To date, bluefin tuna is the only species subject to a quota system throughout the Mediterranean. This system, established by ICCAT, applies only to its members.³¹ Enabling provisions for the establishment of TAC or quotas were found in the fisheries legislation of five Mediterranean coastal states (Algeria, Croatia, France, Malta and Spain) and the EU³² (see column 2 of Table 2). In Algeria, an individual quota for highly migratory species was established and set at 500 t per year and per authorized vessel.

³¹ The following Mediterranean coastal states are ICCAT Members: Algeria, Croatia, EU, Libyan Arab Jamahiriya, Morocco, Tunisia and Turkey. Note that France is a member but only with respect to St-Pierre et Miquelon.

³² Based on the information available, it appears that no quota system has been established for any species other than highly migratory species.

2.1.1.3 Days-at-sea programme

Some Mediterranean coastal states have taken measures designed to limit the time of operation by duly authorized fishing vessels through the implementation of days-at-sea programme (see column 4 of Table 2). Italy is implementing a programme of this type in the Adriatic Sea for bottom and midwater trawlers which are allowed to fish only during certain days of the week. France has also established a days-at-sea programme, applying to its Mediterranean waters (except Corsica), for the taking of bluefin tuna by means of surface seine nets by professional fishers.

2.2 Management of fishing capacity

The excess capacity of fishing fleets has been widely recognized as a major reason for overfishing and the degradation of marine fisheries resources throughout the world. Growing concerns about the issues of excess fishing capacity led the international community to request FAO to address these issues through the development of an International Plan of Action (IPOA) for the management of fishing capacity within the framework of the Code of Conduct for Responsible Fisheries. The immediate objective of this IPOA is for states and regional fisheries organizations to achieve an efficient, equitable and transparent management of fishing capacity by 2005. Towards this end, states are encouraged to assess and monitor fishing capacity of their fleets and prepare and implement national plans of action.

In the Mediterranean, a review of national fisheries legislation reveals that some coastal states have taken action to tighten the control and monitoring of the fishing capacity of their fleet, and that the EU has adopted measures to reduce the capacity of the EU fishing fleet (see column 3 of Table 2).

The establishment of an authorization scheme prior to the construction, importation, modification or transformation of any fishing vessel is one of the most common measures adopted in the Mediterranean for controlling and monitoring fishing capacity. In Algeria, for example, purchase, importation, construction or modification of any fishing vessel is conditional upon approval by the competent authority. In Tunisia, prior authorization for the construction or importation of fishing vessels is also required, but only for vessels exceeding the tonnage prescribed by the fisheries administration.

Other measures to control and monitor fishing capacity include: prohibition to issue fishing licences to certain categories of vessels and restriction on licence transfer and on the vessel's replacement. In Cyprus, no trawler with engine power exceeding 250 HP is authorized to fish within Cypriot territorial waters. In Israel, no transfer of fishing licence in respect of a fishing vessel should be approved unless it is for a vessel of similar capacity. In Greece, a new licence for the replacement of a vessel exiting the fleet can be granted only to a vessel of the same capacity.

Reducing the fishing capacity of the EU fishing fleet is one of the main objectives of the CFP. To achieve this goal, the Commission is required to set reference levels for each Member State expressed in GT and kW for the total fishing capacity of the Community fishing vessels flying the flag of that Member State. In addition, rules for the management of entries into and exits from the fleet have been established and access to public aid for fleet renewal by any Member State made conditional on the reduction in the overall capacity of its fleet by 3 percent.

2.3 Subsidiary measures

This section examines subsidiary measures adopted by Mediterranean coastal states in support of core measures for the management of fishing effort and fishing capacity. They include traditional conservation and management measures such as closed season, fishing gears and methods, minimum landing size, fishing zone, protected species and bycatch.

2.3.1 Closed season and temporary suspension

Closed season and temporary suspension of fishing operations are measures designed to ease pressure on fish stocks by stopping fishing operations for a specified period of time. Closed season is intended to allow species reproduction and thus coincides with the breeding time of major commercial species. This measure usually targets a particular species or group of species, either throughout waters under national sovereignty or jurisdiction or, more commonly, in a specified area or areas, or the use of a particular gear in specified areas. In Albania, for instance, closed seasons for the use of V-shaped

traps, also known as *lavoriero*, are established in specified areas along the coastline. A temporary suspension of fishing operations is a circumstantial measure that is generally taken in response to an emergency situation, or for the purpose of allowing fishery resource recovery or assessing the state of any resource. In Tunisia, the competent authority is entitled to suspend fishing operations in any area for a period not exceeding 3 months. In Lebanon, sponge fishing was suspended for 5 years throughout Lebanese waters to allow the sponge populations to recover.

2.3.2 Fishing gears and methods

Regulation of fishing gears and methods is a common feature of fisheries legislation in Mediterranean coastal states. This measure is designed to prevent fishers from using particularly destructive gears or methods. One of the most common approaches is for states to establish a list of prohibited gears and methods; explosives, chemical, poisonous substances or electrical devices for fishing purposes are universally prohibited. Some states also provide a list of authorized gears. Use of some gears may be subject to a special authorization. In Israel, for example, the use of beach seines is prohibited without a special authorization.

Specifications of authorized gears (e.g. mesh size, length) and conditions of their use (e.g. area of use, time of use, depth) are often regulated. In France, subsidiary legislation was enacted to define the specifications of fishing gears that can be lawfully used by professional fishers in the Mediterranean, excluding Corsica, as well as the conditions of their use.

2.3.3 Minimum landing sizes

Minimum landing sizes for species of fish and other aquatic organisms are often set to prevent the capture of juvenile fish or non-fish species and allow sufficient time for fish and the other species to mature and thus reproduce (see Table 3).

2.3.4 Prohibited fishing areas

Competent management authorities are enabled to close certain areas to fishing or to prohibit the use of a specific gear(s) or method(s) in a specified area or areas or at certain depths by designating prohibited fishing areas. In Albania, fishing is strictly prohibited within a one-kilometre radius measured from the point where rivers empty into the sea. In Morocco, use of trawl nets within three nautical miles from the coastline is prohibited. In the Syrian Arab Republic, use of any drag net at a depth of less than 50 m is strictly forbidden.

2.3.5 Fishing zones

Establishing fishing zones is a management tool that allows the competent authorities to segment fishing operations spatially by authorizing only certain types of fishing activities by specified categories of vessels in each fishing zone. For example, Algeria has established three fishing zones in which no vessel other than those complying with tonnage requirements as determined for each zone is authorized to operate.

2.3.6 Fish reserves

Fish reserves are designated areas set aside to conserve fishery resources and protect spawning grounds or sensitive marine ecosystems. Commercial fishing is generally prohibited in such areas or subject to strict conditions. In Slovenia, two fish reserves have been established in Portoroz and Strunjan for the protection and conservation of fishery resources.

2.3.7 Protection and conservation of juveniles

In order to protect juvenile fish or other aquatic organisms, some coastal states such as Albania and Italy have conditioned the taking of such fish or aquatic organisms to an authorization scheme.

Table 3. Minimum landing sizes of identified shared stocks³³

Scientific name	Albania	Algeria	Croatia	Cyprus	Egypt	EU	France	Greece ³⁴	Israel	Italy	Lebanon	Libyan A. J.	Malta	Morocco	Slovenia	Spain	Syrian A. R.	Tunisia	Turkey
<i>Coryphaena hippurus</i>																		30 cm	
<i>Eledone cirrhosa</i>																			
<i>Eledone moschata</i>																			
<i>Engraulis encrasicolus</i>	10 cm					9 cm								60 units/kg		9 cm			
<i>Loligo vulgaris</i>	25 cm													11 cm					
<i>Lophius budegassa</i>	25 cm					30 cm	30 cm									30 cm			
<i>Lophius piscatorius</i>	30 cm					30 cm	30 cm									30 cm			
<i>Merluccius merluccius</i>	20 cm					20 cm	20 cm		16 cm	11 cm				20 cm		20 cm		20 cm	
<i>Micromesistius poutassou</i>																			
<i>Mullus barbatus</i>	11 cm					11 cm		10 cm	11 cm	9 cm			10 cm	11 cm		11 cm		12 cm	
<i>Mullus surmuletus</i>	11 cm					11 cm		10 cm	11 cm	9 cm			10 cm	11 cm		11 cm		12 cm	
<i>Nephrops norvegicus</i>	30 cm					7 cm										7 cm			

³³ The list of shared stocks as established by the Sub-Committee on Stock Assessment of the Scientific Advisory Committee in Annex 8 of the Report of Sixth Assessment Sub-Committee Meeting, which was held from 10 to 12 May 2004 in Malaga, Spain.

³⁴ Royal Decree 13-2-1954 defines 8 cm as minimum size for all species.

Table 3 (cont.)

Scientific name	Albania	Algeria	Croatia	Cyprus	Egypt	EU	France	Greece	Israel	Italy	Lebanon	Libyan A. J.	Malta	Morocco	Slovenia	Spain	Syrian A. R.	Tunisia	Turkey
<i>Pagellus bogaraveo</i>	12 cm					12 cm								14 cm		12 cm		12 cm	
<i>Pagellus erythrinus</i>	12 cm					12 cm		10 cm	11 cm					14 cm		12 cm		12 cm	
<i>Palinurus elephas</i>			28 cm											17 cm					
<i>Palinurus mauritanicus</i>														17 cm					
<i>Parapenaeus longirostris</i>																			
<i>Sardina pilchardus</i>	10 cm													45 units/kg		11 cm			
<i>Scomber scombrus</i>	20 cm							12 cm											
<i>Sepia officinalis</i>	20 cm												7.5 cm	100 g				10 cm	
<i>Solea vulgaris</i>	20 cm					20 cm	20 cm	14 cm	16 cm	15 cm				14 cm		20 cm		20 cm	
<i>Sprattus sprattus</i>	10 cm																		
<i>Thunnus alalunga</i>	40 cm																		
<i>Thunnus thynnus</i>	70 cm	70 cm	70 cm			70 cm or 6.4 kg	6.4 kg		70 cm					6.4 kg		70 cm or 6.4 kg		6.4 kg	
<i>Xiphias gladius</i>	100 cm	120 cm	120 cm							120 cm				25 kg or 125 cm		120 cm		100 cm	

2.3.8 Protected species

In order to preserve marine biodiversity, special protection has been granted to species of fish and other marine organisms regarded as threatened through the establishment of lists of protected species of fish and other marine organisms. The taking or fishing of protected species is either strictly prohibited or subject to prior authorization. In Cyprus, a list of protected species has been established for the protection of marine turtles, seals and dolphins.

2.3.9 Bycatch

Regulating bycatch, which is the taking of non-targeted species, is a complex issue, particularly in the context of the Mediterranean Sea, characterized by a wide diversity of species. Few provisions addressing this issue have been found in the fisheries legislation of Mediterranean coastal states. In France, professional fishers using midwater trawl nets or surface seine nets are authorized to land a percentage of bycatch as set by the competent authorities.

3. MONITORING, CONTROL AND SURVEILLANCE

It is the duty of states, in accordance with international law, to ensure compliance with and enforcement of both national and international conservation and management measures and to establish effective mechanisms to monitor and control the activities of fishing vessels in waters under national jurisdiction and on the high seas. Growing concerns about illegal, unreported and unregulated (IUU) fishing in national waters and on the high seas prompted states to develop and adopt new international fisheries instruments to address this issue and to provide states with a legal basis for taking action against fishing vessels that are undermining international and conservation measures agreed in the framework of subregional or regional fisheries organizations or arrangements. Both the FAO Compliance Agreement³⁵ and the UN Agreement on Fish Stocks³⁶ require that flag states whose vessels operate on the high seas take measures to ensure that vessels flying their flag comply with subregional and regional conservation and management measures and that such vessels do not engage in any activity which undermines the effectiveness of such measures. These two instruments contain provisions specifying flag State responsibility and duties. They include, *inter alia*, establishment of a national record of fishing vessels authorized to fish on the high seas, requirements for marking of fishing vessels and fishing gear, requirements for recording and reporting information on fishing activities, requirements for recording and timely reporting of vessel position, implementation of national inspection schemes and subregional and regional schemes for cooperation in enforcement, implementation of national observer programmes, development and implementation of VMS, and regulation of transshipment on the high seas.

An International Plan of Action (IPOA) on IUU was developed by FAO and approved by the FAO Committee in March 2001.³⁷ The objective of the IPOA-IUU is to “prevent, deter and eliminate IUU fishing by providing all states with comprehensive, effective and transparent measures by which to act”.³⁸ The IPOA, which applies to both waters under national jurisdiction and the high seas, sets out the responsibilities of all states and flag states in implementing measures to prevent, deter and eliminate IUU fishing and provides measures to be taken by coastal states and port states to attain this goal. All states are required, *inter alia*, to develop and implement national plans of action to achieve the objectives of the IPOA and give full effect to its provisions; and to undertake comprehensive and effective MCS of fishing from its commencement to marketing of fisheries products, through, among other things, maintaining records of all vessels, implementing a VMS and observer programmes. It is the flag State responsibility, *inter alia*, to establish a fishing vessel registration system and to maintain a record of fishing vessels entitled to fly its flag.

³⁵ The Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (FAO Compliance Agreement) was approved by the FAO Conference on 24 November 1993. It came in force on 24 April 2003.

³⁶ The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Agreement on Fish Stocks) was adopted on 4 August 1995 and came in force on 11 December 2001.

³⁷ The IPOA-IUU is a voluntary instrument elaborated within the framework of the CCRF.

³⁸ See Section III.8 of the IPOA-IUU.

Among the measures that the coastal State should consider to ensure effective MCS of fishing activities are: licensing of each vessel to fish within coastal State waters, requirement for the master of each fishing vessel to maintain a logbook recording fishing activities and prior authorization for at-sea transshipment of fish and fish products in coastal State waters. Since at-sea monitoring and control is costly, emphasis has been put on strengthening in-port monitoring and control. To this end, the IPOA provides that the port State should establish a port inspection scheme: (a) requiring fishing vessels and vessels involved in fishing related activities seeking permission to enter their ports to provide reasonable advance notice, a copy of their authorization to fish and information on their fishing activities; (b) requiring the port State to deny authorization to land or transship fish in its ports to any vessel suspected of having engaged in IUU fishing; and (c) laying down inspection procedures and specifying information to be collected by authorized inspectors. It also sets out the procedures to be followed by the port State where, in the course of inspection, there are reasonable grounds to suspect that the vessel has engaged in IUU fishing in areas beyond its jurisdiction.

The purpose of this section is to identify the type of MCS measures introduced by Mediterranean coastal states in their fisheries legislation to ensure effective monitoring and control of fishing vessels operating in waters under their jurisdiction and of fishing vessels flying their flag on the high seas. This section, however, is not an attempt to assess the degree of compliance by these states with the international fisheries instruments described briefly above. The information contained in Table 4 can nevertheless be used within this international framework to determine whether the monitoring and control scheme established by each Mediterranean coastal State is sufficiently comprehensive, and to identify areas that need improvement or action. Nine types of MCS measures have been identified through the review of national fisheries legislation; they are briefly discussed in this section. They entail registering or recording of fishing vessels; registering or recording of fishers; marking of fishing vessel and gear; inspection; reporting; landing of catch; transshipment; observer programmes; and VMS.

3.1 Registering or recording of fishing vessels

While registration of vessels is generally within the purview of merchant shipping law, the information contained in this section focuses exclusively on separate registers or records of fishing vessels established under the fisheries law. Consequently, in the absence of such a requirement, it should not be inferred from information shown in Column 1 of Table 4 that fishing vessels are not required to be registered under another law.

Specific provisions requiring the establishment of a register or record of fishing vessels was found in the fisheries legislation of six countries (Albania, Libyan Arab Jamahiriya, Malta, Slovenia, Spain and Syrian Arab Republic) and in the European fisheries law, while no information was available for Greece or Lebanon. As EU members, Cyprus, France, Italy and Greece are subject to EU law and are therefore required to keep a register of national fishing vessels. Information contained in national registers feeds in the Community fishing fleet register set up by the Commission. In addition, Croatian fisheries law provides for the establishment of a register of fishing licences containing information similar to those recorded in registers or records of fishing vessels.

Of the six countries keeping a register or record of fishing vessels, three (Albania, Libyan Arab Jamahiriya and Syrian Arab Republic) have established a register of fishing vessels, two (Malta and Slovenia) a record of fishing vessels and one (Spain) both register and record of fishing vessels. Based on the information available, it was not possible to determine whether the use of different terminology had any legal implication. Interestingly, the Spanish fisheries law requires the competent authorities to set up both a register of fishing vessels (*Registro de buques pesqueros*) and a record of fishing vessels (*Censo de buques de pesca marítima*). Apparently, the register of fishing vessels is primarily an administrative tool, whereas the record of fishing vessels is a management tool. No vessels other than those included in the record of fishing vessels can be licensed to fish within Spanish waters or beyond. In addition, to facilitate management and allocation of fishing possibilities, specific records of fishing vessels by gear, fisheries or areas can be established.

Table 4. Principal measures of monitoring, control and surveillance (MCS)

Country	Register or record of fishing vessels	Register or record of fishers	Marking	Inspection ³⁹	Reporting of data on catch and fishing effort	Landing of catch	Transshipment	Observer programmes	VMS
Albania	Register (Art. 13 of Law No. 7908 of 1995)	Register (Art. 12 of Law No. 7908 of 1995)	Requirements (Art. 38 of FR No. 1 of 1997)	General inspection power (Art. 38 of Law No. 7908 of 1995)	Monthly and annual reporting (Art. 25 of Law No. 7908 of 1995 and Art. 61 of FR No. 1 of 1997)	Landing of catch in an Albanian port (Art. 21 of Law No. 7908 of 1995)		Requirements (Art. 16 of Law No. 7908 of 1995)	
Algeria		Register (Art. 43 of Law No. 01-11 of 2001)		Foreign vessels (Art.18 of Decree No. 95-38 of 1995 and Art. 3 of Inter-ministerial Order of 4 November 1995)	Reporting requirements (Art. 52 of Law No. 01-11 of 2001) Logbook for foreign vessels (Art.19 of Decree No. 95-38 of 1995)	Landing of catch in an Algerian port except authorization (Art. 57 of Law No. 01-11 of 2001)	At sea transshipment is prohibited except in case of <i>force majeure</i> (Art. 58 of Law No. 01-11 of 2001)	Observer programme applicable to foreign vessels (Art.13 of Decree No. 95-38 of 1995)	Position reporting by foreign vessels (Art. 15 of Decree No. 95-38 of 1995)
Croatia	Register (Art. 14 and 26 of MFA ⁴⁰ of 1997)			General inspection power (Art.62 of MFA of 1997)	Logbook for commercial vessels and small-scale fisheries reporting (Art.57-59 of MFA of 1997)				
Cyprus			Requirements (Sec.5 of FR of 1990)		Requirements (Sec. 10 of FR of 1990)	Landing of catch by any vessel operating outside Cypriot waters is subject to a licence (Sec.23 of FR of 1990)			

³⁹ In this column the phrase “general inspection power” refers to general power of inspection vested in authorized enforcement officers to carry out their duties.

⁴⁰ Marine Fisheries Act of 1997.

Table 4 (cont.)

Country	Register or record of fishing vessels	Register or record of fishers	Marking	Inspection ⁴¹	Reporting of data on catch and fishing effort	Landing of catch	Transshipment	Observer programmes	VMS
Egypt			Requirements (Art. 2 of Act No. 124 of 1983)	Technical inspection (Art. 30 of Act No. 124 of 1983)	Data reporting (Art. 22 of Act No. 124 of 1983)				
EU	Each Member State required to keep a register of national vessels and Commission required to set up a Community fishing fleet register (Art.15 of CR ⁴² No. 2371 of 2002)		Third-country vessels operating in community waters must comply with rules on marking (Art.28c of CR No. 2847 of 1993)	Inspection of Community fishing vessels within and outside Community waters (Art.28 of CR No. 2371 of 2002)	Keeping of a logbook is required for Community fishing vessels whose overall length equals or is more than 10 m (Art.6 of CR No. 2847 of 1993)	Port schemes for landing of catch are established by Member States, obligation to comply with such schemes (Art. 7 of CR No. 2847 of 1993) Rules for third-country vessels (Art. 28e-g of CR No. 2847 of 1993)	Requirements for transshipment by Community vessels are determined by each Member State Authorization for third-country vessels to transship in Community waters (Art. 28b of CR 2847 of 1993)	Obligation for master of a Community fishing vessel to accept observers on board and to cooperate with them (Art.22 (d) of CR No. 2371 of 2002)	All fishing vessels operating in Community waters must be equipped with a remote monitoring system (Art.22b of CR No. 2371 of 2002)
France			Requirements (Art 26 of Decree No. 90-95 of 1990)		Logbook (Art.18 of Decree No. 90-95 of 1990)	Requirements (Art.4 of Decree of 9 Jan 1852)			
Greece ⁴³									
Israel				General inspection power (Sec.6 of Fisheries Ordinance of 1937)	Logbook and information reporting (Sec. 7A and 14 of Fisheries Rules of 1937)	Landing of catch in Israeli ports by foreign vessels subject to a permit (Sec.4 of Fisheries Ordinance of 1937)			

⁴¹ In this column the phrase “general inspection power” refers to general power of inspection vested in authorized enforcement officers to carry out their duties.

⁴² Council Regulation.

⁴³ No information available.

Table 4 (cont.)

Country	Register or record of fishing vessels	Register or record of fishers	Marking	Inspection ⁴⁴	Reporting of data on catch and fishing effort	Landing of catch	Transshipment	Observer programmes	VMS
Italy		Register (Art. 9 and 11 of Law No. 963 of 1965 and Art.32-47 of Presidential Decree No. 1639 of 1968)			Annual reporting (Art. 29 of Decree of 26 July 1995)				
Lebanon ⁴⁵									
Libyan A. J.	Register (Sec.6 of Resolution No. 71 of 1990)		Requirements and specifications (Sec.34 of Resolution No. 71 of 1990 and Sec. 2 of Resolution No. 80 of 1990)	Inspection of vessels prior to issuance of licences (Sec.15 of Resolution No. 71 of 1990)	Reporting requirements for foreign fishing vessels (Sec.13 of Law No. 14 of 1989 and Sec.47 of Resolution No. 71 of 1990)	Landing of catch at port of registration (Sec.11 of Resolution No. 71 of 1990)	At-sea transshipment prohibited except with authorization (Sec.13 of Law No. 14 of 1989 and Sec.11 of Resolution No. 71 of 1990)		
Malta	Record and issuance of certificate of entry (Sec.7 of Act No. II of 2001)		Marking of the licensed vessel as a condition to fishing licence (Sec.12 of Act No. II of 2001) and marking requirements as a prerequisite to entry in record of fishing vessels (Sec.7 of Act No. II of 2001)	General inspection power (Sec.19 of Act No. II of 2001)	Statistical information prior to entry in record of fishing vessels or licensing and as condition to license (Sec.15 and Sec.12 of Act No. II of 2001) Notification of fish on board by foreign fishing vessels (Sec.11 of Act II of 2001)	Landing of catch as a condition to fishing licence (Sec.12 of Act No. II of 2001) and empowerment of Minister responsible for fisheries to regulate landing of fish (Sec.38 (k) of Act No. II of 2001)	Licensing (Sec.16 of Act No. II of 2001) and restrictions in respect of place or places where transshipment may take place as condition to fishing licence (Sec.12 of Act No. II of 2001)	The Minister responsible for fisheries is empowered to place observers on fishing vessels (Sec. 38 (s) of Act No. II of 2001)	The Minister responsible for fisheries is empowered to establish a satellite-based system for monitoring the position of fishing vessels (Sec.36 and 38 (t) of Act No. II of 2001)

⁴⁴ In this column the phrase “general inspection power” refers to general power of inspection vested in authorized enforcement officers to carry out their duties.

⁴⁵ No information available.

Table 4 (cont.)

Country	Register or record of fishing vessels	Register or record of fishers	Marking	Inspection ⁴⁶	Reporting of data on catch and fishing effort	Landing of catch	Transshipment	Observer programmes	VMS
Morocco			Marking of vessels (Art.3 of Law No. 25 of 1922) and gears (Art.26 Law No. 1-73-255 of 1973)	Technical inspection of vessels (Art. 27 of Law No. 1-73-255 of 1973)	Reporting requirements for licence holders (Art.2 of Decree No. 2-92-1026 of 1992)				Establishment of a VMS (Law No. 1-73-255)
Slovenia	Record (Art. 14 of MFA ⁴⁷ of 2002)			Port inspection (Art. 75 of MFA of 2002) and general inspection power (Art.89 of MFA of 2002)	Logbook and requirements (Art. 15 and 77 of MFA of 2002)	Landing of catch in Slovenian ports for national vessels – advance notice for foreign vessels (Art. 78 and 80 of MFA of 2002)			Monitoring of vessels' movement (Art. 76 of MFA of 2002)
Spain	Record (Art.22 of Law No. 3 of 2001) Register (Art.57 of Law No. 3 of 2001)	Register of professional fishers (Art.44 of Law No. 3 of 2001)		General inspection power (Art.39 of Law No. 3 of 2001)	Logbook except for specified categories of vessels (Art.33 of Law No. 3 of 2001)	Landing of catch by national and foreign vessels subject to catch report (Art.34 of Law No. 3 of 2001)	Advance notice for national vessels and authorization for foreign vessels (Art.34 and 35 of Law No. 3 of 2001)		Establishment of periodical communications systems (Art.32 of Law No. 3 of 2001)
Syrian A. R.	Register (Art. 15 of Legislative Decree of 1964)	Register (Art.15 of Legislative Decree of 1964)	Requirements (Art. 25 of Legislative Decree of 1964)	General inspection power (Art.26 of Legislative Decree of 1964)	Logbook for sponge diving operations (Art. 48 of Legislative Decree of 1964)	Designated places to land sponges (Art.43 of Legislative Decree of 1964)			

⁴⁶ In this column the phrase “general inspection power” refers to general power of inspection vested in authorized enforcement officers to carry out their duties.

⁴⁷ Marine Fisheries Act of 2002.

Table 4 (cont.)

Country	Register or record of fishing vessels	Register or record of fishers	Marking	Inspection ⁴⁸	Reporting of data on catch and fishing effort	Landing of catch	Transshipment	Observer programmes	VMS
Tunisia				General inspection power (Art.28 of Law No. 94-13 of 1994)	Reporting of statistical data (Art. 18 of Law No. 94-13 of 1994)	Landing of catch in Tunisian ports except with authorization (Art.16 of Law No. 94-13 of 1994)	At-sea and in-port transshipment subject to authorization (Art.15 of Law No. 94-13 of 1994)		
Turkey			Licence numbers to be shown on vessels (Art.5 of FR of 1995)		Reporting of information on fishing activities (Art.28 of Law No. 1380 of 1971)				

⁴⁸ In this column the phrase “general inspection power” refers to general power of inspection vested in authorized enforcement officers to carry out their duties.

Registers are maintained at various levels in various states (local, central or both). Some Mediterranean coastal states (Albania, Croatia and Syrian Arab Republic) keep local registers of fishing vessels. In Albania, offices of the Fishery Inspectorate at the district level are required to maintain local registers of fishing vessels. In the Syrian Arab Republic, a local register of fishing vessels is established in every port and in every district (*mouhafazat*). In Croatia, it is the duty of the field offices⁴⁹ of the Ministry responsible for marine fisheries to set up local registers of commercial and small-scale fishing licences. While a general register is also kept by the General Directorate of Fisheries in Albania, it could not be determined whether a general register was also maintained at the central level in Croatia and the Syrian Arab Republic.

In both Albania and Croatia, a distinction is made between large and small vessels in the registers. The criterion retained by legislators in Albania to determine if a vessel should be registered as a large or small vessel is whether it has a deck or not: those with are considered large vessels, whereas those without are regarded as small. In Croatia, commercial and small-scale fishing licences are entered on two separate lists.

Interestingly enough, the registration of fishing vessels is a consequence of licensing rather than a prerequisite in both Albania and Slovenia.

3.2 Register of fishers

The fisheries legislation of five Mediterranean coastal states (Albania, Algeria, Italy, Spain and Syrian Arab Republic) requires the competent authorities to keep a register of professional fishers.

Of these five states, two (Albania and Spain) maintain both central and local registers; one (Algeria), a central register; and two (Italy and the Syrian Arab Republic), local registers. In Albania, for instance, the General Directorate of Fisheries keeps a general register of professional fishers to record all persons engaged in professional fishing throughout Albanian waters; the regional offices of the Fishery Inspectorate maintain regional registers of professional fishers operating within their respective area of jurisdiction. The register of professional fishers consists of two parts, one dealing with fishers using vessels equipped with a deck and the other with those using vessels without deck or involved in fishing activities not requiring the use of any vessel. In Italy, a fishing company register and a professional fisher register are established in every port. Professional fishing can be undertaken only by legal persons registered in the fishing company register, and whose crew members are registered in the seamen's register and/or the trawlermen's register.

Any person wishing to engage in professional fishing in Albanian, Algerian, Italian or Spanish waters is required to be registered in the register of professional fishers. To be eligible, fishers are generally required to demonstrate that they meet minimum qualification standards to ensure that they are sufficiently knowledgeable and skilled to undertake commercial fishing. In Spain, for instance, only those having acquired a navigation/fishing certificate (*titulación náutico-pesquera*) can be listed in the register of professional fishers. Likewise, in Italy, fishers must have successfully passed the "vocational training course" to be able to register in the seamen's register. In Algeria, full registration in the seamen's register is acquired when the applicant can demonstrate that he/she has spent at least 12 months at sea. Additional conditions may be imposed. In Italy, for example, fishers must show that fishing is their sole or principal source of income.

In both Albania and Italy, registration may be terminated for breach of law. Albanian fisheries law provides that information to be entered in the register of professional fishers must include any reported violation of any fisheries law or regulation together with the penalties that were imposed. In Italy, any person having been convicted of more than five major violations of the fisheries law or for a term of imprisonment exceeding one year pursuant to a breach of the fisheries law is barred from registration in the register of professional fishers.

⁴⁹ Seven of them have been created along the Croatian coastline.

3.3 Marking

Marking of fishing vessels enables authorities responsible for controlling and monitoring fishing activities to identify vessels at sea. It is common practice, under merchant shipping law, to require vessels, including fishing vessels, to bear identification marks in order to be registered. In addition, fishing vessels may be required under the fisheries law to bear specific identification marks as determined by the fisheries authority. This is the case in Albania, Cyprus, Egypt, France, Libyan Arab Jamahiriya, Morocco, Syrian Arab Republic and Turkey. The Maltese fisheries legislation stipulates that marking is a prerequisite for fishing vessels to be recorded; it is not specified whether marking refers to general marking requirements applicable to all merchant vessels or to specific marking requirements for fishing vessels. In Albania, fishing vessels authorized to conduct professional fishing operations in Albanian waters must be marked in compliance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels. Moroccan and EU fisheries laws provide for the marking of both the vessel and the fishing gear carried on board. Identification marks to be borne on the vessel may include the vessel's registration number (Libyan Arab Jamahiriya, Morocco and Syrian Arab Republic) or the vessel's licence number (Turkey).

3.4 Inspection

Inspection is a broad concept covering both at-sea and in-port inspections. At-sea inspections are those carried out by authorized officers at sea within waters under national jurisdiction to ensure that fishing operations are conducted in conformity with the rules and regulations laid down in the fisheries law. They encompass examination of vessels' documents (e.g. fishing licence, logbook), fishing gear on board and catch retained on board. Given the urgent need to curb IUU fishing on the high seas, and with the development of new international fisheries instruments, at-sea inspections also include the issue of inspection of fishing vessels flying the flag of another State in international waters. This latter entails two types of inspections, namely, those prior to licensing and the routine in-port inspections. Technical inspections prior to licensing are used to check that the vessel for which a licence is sought complies with required technical and safety standards, and that the fishing gears on board conform to the technical specifications as prescribed in the fisheries law. Routine in-port inspections include control of the catch on board the vessel and the catch to be landed (e.g. size, health), examination of the vessel's documents, control of fishing gear on board and control of sanitary conditions.

At-sea and in-port inspections are enforcement tools. Typically, to carry out their duties, designated enforcement officers are authorized to inspect, at any time, any fishing vessel whether in port or operating within waters under national jurisdiction (Albania, Croatia, Malta, Spain, Slovenia, Syrian Arab Republic and Tunisia).⁵⁰ It is worth noting that in the EU, Member States are authorized to: (a) inspect Community vessels flying their flag in all Community waters outside waters under the sovereignty of another Member State; (b) carry out inspections in accordance with the rules of the CFP relating to fishing activities in all Community waters outside waters under their sovereignty on fishing vessels, only: (i) after authorization of the coastal Member State concerned; or (ii) where a specific monitoring programme has been adopted in accordance with Art. 34c of Regulation (EEC) No. 2847/93; and (c) inspect Community fishing vessels flying the flag of another Member State in international waters.

In addition to routine in-port inspections, the fisheries law of three countries (Egypt, Libyan Arab Jamahiriya and Morocco) conditions the licensing of any fishing vessel to a technical inspection by the designated authorities. Similar provisions are found in the Algerian fisheries law with respect to foreign fishing vessels.

3.5 Reporting

As reflected in international fisheries instruments, conservation and management decisions should be based on the best scientific evidence available. To this end, states should undertake research and data

⁵⁰ Although no specific provisions with respect to inspection were found in the legislation of the other countries covered by this paper, it is likely that designated enforcement officers, to carry out their duties in these countries, are also empowered to inspect any fishing vessel in port or at sea.

collection in order to improve the scientific and technical knowledge of fisheries. In this context, gathering timely, complete and reliable statistical data on catch and fishing effort is crucial to evaluate the current state of the fishery resources and to allow sound conservation and management decisions. As shown in Column five of Table 4, reporting this information by masters or owners of fishing vessels is required in all Mediterranean coastal states.⁵¹

General reporting requirements are found in the fisheries legislation of Albania, Algeria, Croatia, Cyprus, Egypt, Israel, Libyan Arab Jamahiriya, Malta, Morocco, Slovenia, Tunisia and Turkey. They generally apply to both national and foreign fishing vessels. Specific provisions with regard to reporting by foreign fishing vessels are provided for in the Libyan Arab Jamahiriya, where masters of such vessels must provide catch data after each fishing trip; and in Malta, where foreign fishing vessels entering into, or departing from, Maltese waters are required to declare the amount of fish retained on board. Frequency of reporting is generally determined through regulations. In Albania, licence holders are required to submit monthly statistical data to the competent regional office of the Fisheries Inspectorate. In addition, they must submit annual information to the competent authority. In Italy, every licence holder is also required to submit monthly information on fishing activities.

Seven countries (Algeria, Croatia, France, Israel, Slovenia, Spain and Syrian Arab Republic) and the EU require the master or owner of a fishing vessel to keep a logbook. In Croatia and Israel, the obligation to maintain a logbook applies to all commercial fishing vessels (national or foreign) authorized to fish within national waters. In the EU and Slovenia, all vessels (except those whose overall length is less than 10 m) are subject to this obligation. The Spanish fisheries legislation provides that all vessels are required to keep a logbook but that exemption can be made. In Algeria, no vessels other than foreign vessels and vessels conducting scientific research are required to keep a logbook. In France, maintenance of a logbook is imposed on fishing vessels targeting species subject to a control quota to determine whether they have exhausted their fishing possibilities. In the Syrian Arab Republic, sponge divers are required to keep a logbook. Usually, the information to be shown in the logbook relates to the quantity of fish caught, size, species, place of catch and gear used to catch them (e.g. France, Israel).

Keeping a logbook or reporting information on fishing activities is a legal obligation; failure to do so may trigger sanctions by the competent authority or court. For instance, in Albania, any licence holder who fails to report required information or falsifies this information is liable to a fine. In Croatia, the fisheries law provides that any person who fails to report the required information on commercial fishing operations is liable to a fine for a first offence, and to a fine combined with the suspension of the licence for a period from 3 months to 5 years for subsequent offences.

3.6 Landing of catch

The IPOA-IUU encourages states to strengthen port control in order to combat IUU fishing through the adoption of port State measures regulating, *inter alia*, access to ports and landing of catch.⁵² Provisions regulating the landing of catch in national ports of Mediterranean coastal states were identified in 11 national fisheries legislations (Albania, Algeria, Cyprus, France, Israel, Libyan Arab Jamahiriya, Malta, Slovenia, Spain, Syrian Arab Republic and Tunisia) and in EU law.

Three Mediterranean coastal states (Albania, Algeria and Tunisia) require that all catches taken by any fishing vessel, whether national or foreign, operating in waters under national jurisdiction, be landed in a national port. Authorization to do otherwise may be granted by the fisheries administration in both Algeria and Tunisia.

No landing of catch is allowed in any Algerian or Tunisian port unless under the monitoring of a fisheries inspector. Spanish fisheries law enables the fisheries administration to adopt similar measures.

⁵¹ Except for Greece and Lebanon, for which no information is available.

⁵² See Sections 52 to 64 of the IPOA-IUU.

Both Cyprus and Israel have established an authorization scheme for the landing of catch in a national port. In Cyprus, this scheme applies to any vessel operating outside Cypriot territorial waters, whereas in Israel it applies to any fishing vessel registered in a foreign country provided that the master of the vessel has agreed to comply with Israeli regulations on net mesh sizes and minimum landing sizes of fish and other species.

Two Mediterranean coastal states (Slovenia and Spain) and the EU require that vessels wishing to land fish or fish products in any of their ports provide reasonable advance notice of their entry into port. In Slovenia, this requirement applies only to vessels registered in a third country (non-EU Member State). These vessels must notify the competent authority of their intention to land fish or fish products in a Slovenian port at least 72 hours prior to the estimated time of arrival. In Spain, the fisheries administration is entitled to require Spanish fishing companies to notify the competent authorities of their vessels' arrival into port. In addition, the Spanish fisheries law provides that the master of any third-country vessel (non-EU state) wishing to land fish or fish products in a Spanish fishing port is subject to prior advance notice. He/she must inform the competent authorities of the place, date and time of the vessel's arrival. EU law provides two separate sets of rules, one for Community fishing vessels and the other for third-country fishing vessels. With respect to the former, the master of a Community vessel who wishes to utilize landing locations in a Member State other than the flag Member State must comply with the requirements of any designated port scheme established by that Member State. If said Member State does not operate such a scheme, the competent authorities in that Member State must be informed at least 4 hours in advance concerning: (a) the landing location and estimated time of arrival and (b) the quantity of each species to be landed. The master or the master's representative of each Community fishing vessel of overall length equal to or longer than 10 m, must, after each trip and within 48 hours of landing, submit a declaration to the competent authorities of the Member State where the vessel has landed. With regard to the latter, masters of third-country fishing vessels or their representatives must notify the competent authorities of the Member State whose ports or landing facilities they wish to use at least 72 hours before the estimated time of arrival at the port, of their time of arrival when actually landed, the catches retained on board and the zone or zones where the catch was made. They (or their representatives) must submit as soon as possible, but no later than 48 hours after landing, a declaration indicating the quantity of fishery products by species landed and the date and place of each catch to the authorities of the Member State whose ports or landing facilities they use.

In several Mediterranean coastal states (EU, France, Libyan Arab Jamahiriya, Slovenia, Spain and Syrian Arab Republic), landing of fish or fish products can be made only in designated ports. In the Libyan Arab Jamahiriya, landing of catch by Libyan fishing vessels must be made in the port of the vessel's registration. In Slovenia, Slovenian fishing vessels may choose to land their catch in any of the country's three fishing ports, whereas third-party fishing vessels are required to land their catch in the port of Koper. In the Syrian Arab Republic, sponge divers must land their catch in the locality mentioned on the permit.

3.7 Transshipment

Under the IPOA-IUU, flag states are encouraged to ensure that all their own fishing, transport and support vessels involved in transshipment at sea have obtained a prior authorization issued by themselves and to report to the national fisheries administration or other designated institution the required information about operations.⁵³

Provisions regulating the transshipment of fish or fish products have been found in the fisheries law of five Mediterranean coastal states (Algeria, Libyan Arab Jamahiriya, Malta, Spain and Tunisia) and in EU law. In Algerian waters, transshipment at sea is strictly prohibited, except in the case of force majeure.⁵⁴ In the other four states, transshipment is subject to an authorization scheme. In the Libyan Arab Jamahiriya, this requirement applies only for transshipment at sea, whereas in the other states it is required for transshipments both at sea and in port. In Spain, the authorization scheme applies only

⁵³ See Sections 49 and 50 of the IPOA-IUU.

⁵⁴ As far as could be established, there was no provision regulating transshipment in port.

to foreign fishing vessels, while transshipment by Spanish fishing vessels is subject to an advance notice procedure. Under EU law, prior authorization is required only for third-country fishing vessels.

In both Malta and Spain, masters of fishing vessels are required to provide any prescribed information pursuant to transshipment.

3.8 Observer programmes

The fisheries legislation of three Mediterranean coastal states (Albania, Algeria and Malta) and EU law provide for the establishment of observer programmes. In both Albania and Malta, the fisheries law contains language enabling the competent authority to impose the placing of observers on board any vessel. Licence holders have a duty to allow designated observers to stay on board and facilitate the performance of their duties. In Algeria, the master of any foreign fishing vessel duly authorized to fish for highly migratory species within Algerian waters is required to embark two observers on board, one appointed by the fisheries administration, the other by the coast guards. EU law stipulates that Member States are responsible for placing observers on board fishing vessels.

3.9 VMS

In order to ensure compliance with conservation and management measures, an increasing number of coastal states and regional fisheries management organizations (RFMOs) have established a VMS in the last decade. To date, VMSs have been primarily used to monitor the position of duly authorized fishing vessels operating within waters under national jurisdiction or within areas of jurisdiction of RFMOs on the high seas. With the development of new technology, more and more coastal states have elected to establish satellite-based monitoring systems. In this section, VMS is not synonymous with satellite-based monitoring systems, but should be construed as referring to any type of VMS intended to monitor the position of fishing vessels regardless of the communications system used (e.g. radar, radio).

In the Mediterranean Sea, specific provisions on VMS have been found in the fisheries law of five Mediterranean coastal states (Algeria, Malta, Morocco, Slovenia and Spain) and in EU law. In Algeria, both foreign fishing vessels engaged in fishing for highly migratory species and fishing vessels used for scientific research purposes are required to report their position regularly to the competent authorities. Slovenian fisheries law empowers the Minister responsible for fisheries, in agreement with the Minister responsible for maritime affairs, to establish a VMS and determine the technology on which it should be based. In Malta, the Minister responsible for fisheries is expressly authorized to establish a satellite-based monitoring system. A few years ago, Morocco modified its fisheries law to introduce language allowing the establishment of a VMS. The principal Spanish fisheries legislation provides for the establishment of periodical communications systems designed to monitor fishing vessels' entry into and departure from fishing zones and fishing ports, and to communicate any other information that may be prescribed. The most comprehensive VMS regulations have been enacted by the EU. Under these regulations, any Community fishing vessel and third-country vessel operating in Community waters is required to be equipped with a functioning system that allows detection and identification of that vessel by remote monitoring systems. This requirement applies to vessels exceeding 18 m overall length as of 1 January 2004, and to vessels exceeding 15 m overall length as of 1 January 2005. In 2004, the Commission will decide on the obligation to set up means of remote sensing.⁵⁵ The satellite-tracking device to be installed on board fishing vessels must enable any fishing vessel to communicate its geographical position and where applicable effort reports as may be determined by satellite to the flag State and to the coastal Member State concerned simultaneously. In 2004 the Council will decide about the obligation to transmit electronically records and information on fishing activities, including landings and transshipments.

⁵⁵ The advantage of remote sensing is that it detects all vessels operating within any given area, whether or not they are equipped with a satellite-tracking device. This system would allow detection of fishing vessels operating illegally in Community waters.

Summary list of the main fisheries legislation in the Mediterranean

Albania

- Law No. 7908 of 1995
- Decree No. 4650 of 9 March 1970 as amended by Decree No. 7366 of 9 March 1990

Algeria

- Decree No. 63-403 of 12 October 1963
- Legislative Decree No. 94-13 of 28 May 1994
- Law No. 01-11 of 2001
- Decree No. 96-121 of 1996

Croatia

- Article III of the Constitutional Decision by Parliament of 1991
- Maritime Code of 1994
- Marine Fisheries Act of 1997

Cyprus

- Fisheries Law of 1931
- Law No. 45 of 1964
- Law No. 8 of 5 April 1974
- Fisheries Regulations of 1990

Egypt

- Presidential Decision No. 1051 of 1958
- Decree of 15 January 1958
- Act No. 124 of 1983
- Declaration on 26 August 1983

European Union

- Council Regulation No. 3690/93 of 1993
- Council Regulation No. 1627/94 of 1994
- Council Regulation (EC) No. 2371/2002

France

- Decree of 9 Jan 1852
- Law No. 71-1060 of 1971
- Law No. 76-655 of 16 July 1976
- Decree No. 83-228 of 1983
- Decree No. 90-618 of 1990
- Decree No. 2001-426 of 2001

Greece

- Law No. 230 of 17 September 1936
- Royal Decree 13-2-1954
- Royal Decree No. 666 of 1966
- Decree-Law No. 142/1969 of 1969
- Fisheries Code of 1970; amended with Law 2538/1997
- Presidential Order No. 373 of 1985

Israel

- Fisheries Ordinance No. 6 of 1937
- Law of 10 February 1953
- Law No. 5717-1956 of 1956 as amended by Law No. 5750-1990 of 5 February 1990

Italy

- Act No. 613 of 1967
- Navigation Code of 1942 as modified by Law No. 359 of 14 August 1974
- Law No. 41 of 1982
- Ministerial Decree of 20 October 1986

Lebanon

- Legislative Decree No. 138 of 7 September 1983
- Resolution No. 42/1 of 1999

Libyan Arab Jamahiriya

- Law No. 2 of 18 February 1959
- Law No. 14 of 1989

Malta

- Continental Shelf Act of 29 July 1966
- Act No. XXXII of 1971
- Act No. XXXII of 10 December 1971 as modified by Act No. XXIV of 21 July 1978
- Act No. II of 2001

Monaco

- Sovereign Ordinance No. 5094 of 14 February 1973

Morocco

- Law No. 1-73-255 of 1973
- Law No. 1673-255 of 1973
- Law No. 1-73-211 of 1973
- Law No. 1-81 of 8 April 1981

Serbia and Montenegro

- Act of 23 July 1987

Slovenia

- Marine Fisheries Act of 2002

Spain

- Law No. 10/1977 of 4 January 1977
- Law No. 15/1978 of 20 February 1978
- Ministerial Order of 26/2/1999
- Royal Decree No. 1315/1997 of 1 August as modified by Royal Decree No. 431/2000 of 31 March 2000
- Law No. 3 of 2001
- Law No. 01-11 of 2001

Syrian Arab Republic

- Legislative Decree No. 304 of 28 December 1963
- Legislative Decree No. 304 of 28 December 1963 as amended by Law No. 37 of 16 August 1981
- Legislative Decree No. 30 of 1964

Tunisia

- Decree of 26 July 1951 as modified by Law No. 63-49 of 30 December 1963
- Law No. 73-49 of 2 August 1973
- Law No. 94-13 of 1994
- Order of 20/9/1994

Turkey

- Law No. 1380 of 1971
- Act No. 2674 of 20 May 1982
- Decree No. 86/11264 of 17 December 1986

List of international instruments consulted

- Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993)
- Code of Conduct for Responsible Fisheries (1995)
- Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995)
- International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2001)
- 1982 United Nations Convention on the Law of the Sea

Note on maritime jurisdiction in the Mediterranean Sea

The purpose of this note is to provide a brief overview of the legal status of Mediterranean waters and a global picture of Mediterranean states' adhesion to major international conventions or agreements relating to the law of the sea and fisheries.

A1 MARITIME JURISDICTION

The Mediterranean is a semi-enclosed sea surrounded by 21 countries. It is characterized by a number of distinctive features with important implications for the conservation and management of fisheries. One of these features is the general restraint shown by coastal states to exercise their rights to extend national jurisdiction over waters in the Mediterranean. While most states have established territorial waters, few have claimed an economic exclusive zone or a fishing zone extending beyond these waters (see Table A.1 below). As a result, the high seas area in the Mediterranean lies much closer to the coasts than in most other seas and oceans on the planet. It is therefore similar to the situation that prevailed in the sixties and seventies prior to the devising of the new law of the sea enshrined in the 1982 United Nations Convention on the Law of the Sea (LOSC). The existence of a large area of high seas requires a high level of cooperation between coastal states to ensure the sustainable utilization of fisheries resources in the Mediterranean. After a brief review of the basic principles and rules relating to the establishment of maritime zones as embodied in the LOSC, this chapter examines the legal status of Mediterranean waters.

A1.1 Maritime zones

From a legal point of view, marine waters fall under different areas, each having its own legal regime, as codified by the LOSC. The LOSC, adopted on 10 December 1982 in Montego Bay, Jamaica, provides the general framework governing the establishment and delimitation of maritime zones. It stipulates that the sovereignty of any coastal State extends to an adjacent belt of sea, called the territorial sea, whose breadth can extend up to a limit not exceeding 12 nautical miles. Sovereignty conferred upon coastal states is not confined to the water column but also extends to the air space over the territorial sea as well as to its bed and subsoil. It must be exercised in accordance with the LOSC and other rules of international law (Articles 2 and 3). The LOSC sets out the rules and methods to be applied to determine the baselines from which the breadth of the territorial sea should be measured (normal baseline and straight baselines) and lays down the rules to be followed to delimit the territorial sea between states with opposite or adjacent coasts (Article 15).

The LOSC recognizes coastal states the right to claim an exclusive economic zone (EEZ), the extent of which must not exceed 200 nautical miles (Article 57). Unlike for the territorial sea, the coastal State sovereignty does not extend to the EEZ. In the latter, the coastal State enjoys sovereign rights "for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the sea-bed and of the sea-bed and its subsoil, ..." (Article 56).

Unlike the EEZ, the continental shelf exists *ipso jure* and does not depend on occupation, effective or national, or on any expressed proclamation by coastal states. According to Article 76 of the LOSC, the continental shelf comprises the sea-bed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of the land territory to the outer edge of the continental margin or to a distance of 200 nautical miles from the baselines where the outer edge of the continental margin does not extend up to 200 nautical miles, or up to the line of delimitation. In the context of the Mediterranean basin where the continental shelf is generally narrow, the continental margin criterion, which presupposes a continental shelf extending beyond 200 nautical miles, is irrelevant. Under this definition, the whole Mediterranean seabed becomes an area to be eventually allocated to coastal states, on the basis of the maritime boundaries to be established under international law.

The LOSC reiterates the freedom of the high seas principle, indicating that the high seas are open to all states, whether coastal or landlocked. While traditionally the freedom of the high seas could be enjoyed without limitation, it should now be exercised under the conditions laid down by the LOSC and by other rules of international law. A definition of this concept is given under Article 87. It comprises, *inter alia*, the freedom of navigation and the freedom of fishing. Exercise of the latter is subject to the conditions laid down in Article 116. They provide that states have the right for their nationals to engage in fishing on the high seas subject to: (a) their treaty obligations; (b) the rights and duties as well as the interests of coastal states provided for, *inter alia*, in article 63, paragraph 2, and articles 64–67; and (c) the provisions of section 2 of Part VII of the LOSC on the high seas.

A1.2 Status of maritime zones in coastal states

Information relative to national maritime zones is summarized in both Tables 1 and 2 annexed to this document. Table 1 compiles information on the extent of states' territorial seas, economic zones, fishing zones and continental shelves, and Table 2 specifies the legislation establishing these various maritime zones.

A1.2.1 Territorial seas

Most Mediterranean states have established a 12-mile territorial sea. A few countries still adopt narrower limits, namely Greece and Turkey in the Aegean Sea. Because of the complex political and geographical situation, the very possibility of extending the territorial sea beyond the 6-mile limit is still disputed by the two countries. In the case of the Aegean Sea, application of the median line rule provided under Article 15 of the LOSC is politically sensitive as too many islands are on either side of the median line. The Syrian Arab Republic claims a 35-mile territorial sea which does not fit with international law as reflected in the LOSC. It is not clear, however, whether the Syrian Arab Republic enforces rights beyond 12 miles. Bosnia and Herzegovina and Slovenia have not yet determined the extent of their territorial sea. Both newly independent states have a very narrow access to the Adriatic Sea. In addition, the geographical features of the coastline make it very difficult, if not impossible, for both states to establish any substantial territorial sea.

Treaties for the delimitation of the territorial sea have been concluded between France and Italy on 28 November 1986 with regard to the strait of Bonifacio between Corsica and Sardegna; Italy and Yugoslavia on 10 November 1975 with respect to the gulf of Trieste, and more recently between Croatia and Bosnia and Herzegovina on 30 July 1999.

A1.2.2 Exclusive economic zones

Mediterranean states have so far been reluctant to proclaim an EEZ or, at least to give effect to such a claim in the Mediterranean. Among the reasons behind the choice of delaying the establishment of EEZ may be the existence of difficult problems of delimitation still to be settled in this relatively narrow sea and the desire of most states to preserve freedom of navigation, naval mobility and access to fisheries. From a legal point of view, however, there is nothing to prevent Mediterranean states from establishing EEZ if they wish to do so. At least three Mediterranean states have taken steps towards the establishment of such a zone.

In 1981, Morocco proclaimed a 200-mile EEZ, which in principle applies without distinction to both Atlantic and Mediterranean waters off the Moroccan coasts. It is unclear whether Morocco enforces its EEZ legislation to Mediterranean waters. Morocco has not yet entered into negotiation with neighbouring countries to delimit the extent of its EEZ in the Mediterranean.

In ratifying the LOSC on 26 August 1983, Egypt declared that it "will exercise as from this day the rights attributed to it by the provisions of Parts V and VI of the United Nations Convention on the Law of the Sea in the exclusive economic zone situated beyond and adjacent to its territorial sea in the Mediterranean and the Red Sea" and that it "undertakes to establish the outer limits of its exclusive economic zone in accordance with the rules, criteria and modalities laid down in the Convention". As far as could be established, it appears that the Egyptian declaration has not been followed by implementing legislation.

The Maritime Code of Croatia, adopted on 27 January 1994, contains several provisions on the EEZ. However, application of these provisions is conditional to the decision by the Croatian Parliament to proclaim such a zone or a zone of different nature.

Spain and France have proclaimed a 200-mile EEZ off their coasts but have indicated that it is not applicable to Mediterranean waters.

A1.2.3 Fishing zones

In the Mediterranean, there are four countries, namely, Algeria, Malta, Spain and Tunisia that have claimed fishing zones extending beyond their territorial waters.

In 1994, Algeria claimed an exclusive fishing zone (*zone de pêche réservée*), beyond its territorial sea and adjacent to it, whose extent 32 nautical miles from the western maritime border and Ras Ténés and, 52 nautical miles from Ras Ténés to the eastern maritime border.

Malta has claimed a 25-mile exclusive fishing zone since 1978. However, because of the geographical features of the area, the northern boundary of the Maltese fishing zone falls short of 25 nautical miles.

In 1951, Tunisia claimed an exclusive fishing zone that is delimited for about half of its length by the 50-m isobath. Use of this criterion to delimit a maritime zone is unique in international practice. Because of the shallow waters in the region, the external limit of this fishing zone is a line the points of which are located, in certain cases, as far away as 75 nautical miles from the Tunisian coast and only 15 nautical miles from the Italian island of Lampedusa. The Tunisian fishing zone encompasses the rich bank called *Il Mammellone* ("the Big Breast"), which has traditionally been exploited by Italian fishermen and is considered as an area of the high seas by Italy.

More recently, Spain, by Royal Decree No. 1315/1997 of 1 August 1997 as modified, claimed a 37-mile wide fisheries protection zone measured from the outer limit of the territorial sea. The fisheries protection zone is delimited according to the line which is equidistant (median line) from the opposite coast of Algeria and Italy and the adjacent coast of France. No fisheries protection zone is established in the Alboran Sea, off the Spanish coast facing Morocco. Interestingly, it was argued, in the preamble of the Royal Decree, that extension of jurisdiction over fisheries resources beyond territorial waters was a necessary step to ensure adequate and effective protection of fisheries resources. In Spain's view, maintenance of the status quo, which was already characterized by excessive exploitation of fisheries resources, was unacceptable as it would have rapidly led to the depletion of these resources.

Building on the Spanish approach, the European Union, in a 2002 document laying down a Community Action Plan for the conservation and sustainable exploitation of fisheries resources in the Mediterranean, advocated the declaration of fisheries protection zones, of up to 200 nautical miles, to improve fisheries management in the Mediterranean. It stressed the fact that establishment of fisheries protection zones would facilitate control and contribute significantly to fighting against illegal, unreported and unregulated (IUU) fishing. The document emphasized the need to build a consensus through wide consultation and involvement of all countries bordering the Mediterranean basin, if such undertaking is to be successful and effective. To achieve this, a common approach should first be agreed upon by Community Member States and, subsequently, by all the countries in the region. Recently, France indicated that it adhered to this approach and that the legislation to declare a 50-mile fisheries protection zone off its Mediterranean coast was in the process of being drafted.

While declaration of fisheries protection zones will have legal implications on jurisdiction over fisheries resources, it will not affect jurisdiction over *inter alia* mineral or fossil resources, navigation or any other rights in this area. Unlike sovereign rights conferred upon the coastal State in the EEZ, those enjoyed by it in a fishing zone are restricted to the exploration, exploitation, management and conservation of fisheries resources. The effect of establishing fisheries protection zones will be to reduce the area of high seas and thus to modify access rights to certain fisheries. Loss of access to fishing grounds that were previously part of the high seas could be overcome through the conclusion of bilateral fisheries access agreements. In areas where extension of national jurisdiction may have serious detrimental social and economic effect, mitigating measures may be worked out through, for instance, recognition of historical fishing rights for specified vessels. Should the approach be successful, extension of national jurisdiction over fisheries is likely to translate into most of the

resources being under national jurisdiction, with possible impact on the mandate of the General Fisheries Commission for the Mediterranean.

A1.2.4 Continental shelves

In the Mediterranean there are several complex delimitation issues. For instance, the long-lasting dispute between Greece and Turkey on the delimitation of coastal zones in the Aegean Sea has not been solved yet. The delimitation between Spain and Morocco appears to be very complex owing to the existence of Spanish enclaves and small islands along the coast of Morocco. The negotiations between France and Italy for a complete maritime delimitation have still to overcome the geographical problems of the presence of islands and the concave/convex configuration of the coastlines. As in any other semi-enclosed seas, several issues of delimitation are further complicated by the fact that more than two states are involved. For the time being, Monaco is the only Mediterranean State to have settled all its maritime boundaries. Conversely, several countries in the region have not yet concluded any agreement at all.

Bilateral agreements on delimitation of the continental shelf are so far in force between the following states: Italy and Yugoslavia (Rome, 8 January 1968); Italy and Tunisia (Tunis, 20 August 1971); Italy and Spain (Madrid, 19 February 1974); Greece and Italy (Athens, 24 May 1977); France and Monaco (Paris, 16 February 1984); Libyan Arab Jamahiriya and Malta (Valletta, 10 November 1986); and Libyan Arab Jamahiriya and Tunisia (Benghazi, 8 August 1988). The two latter agreements implement the judgments rendered by the International Court of Justice on 3 June 1985 and 24 February 1982, respectively. Another agreement was signed on 18 December 1982 by Albania and Italy but has not yet entered into force.

A2. ADHESION TO MAJOR INTERNATIONAL CONVENTIONS AND AGREEMENTS ON THE LAW OF THE SEA AND FISHERIES

Table A.2 provides for the status of major conventions and agreements dealing with the law of the sea and fisheries in the states bordering the Mediterranean basin. They are the LOSC, the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995 UN Fish Stocks Agreement) and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993 Compliance Agreement).

Of the 21 Mediterranean states, only 3, namely, Israel, the Syrian Arab Republic and Turkey, have neither signed nor ratified the LOSC. Libyan Arab Jamahiriya and Morocco have signed the LOSC but have not yet ratified it. However, both countries have reflected in their national legislation the principles and rules of international law laid down in the LOSC. Recently, Albania acceded to the LOSC. If the Syrian Arab Republic were to accede to the LOSC, it would have to drop its claim to a 35-mile territorial sea and to a 41-mile contiguous zone.

So far, only Cyprus, Malta and Monaco have adhered to the 1995 UN Fish Stocks Agreement. In addition to the European Union, seven states, namely, Egypt, France, Greece, Israel, Italy, Morocco and Spain, have signed the 1995 UN Fish Stocks Agreement but have not yet taken steps to ratify it. This may indicate the reluctance of Mediterranean states to be bound by Part VI of the Agreement on compliance and enforcement, which under certain conditions authorizes inspectors of a State Party to the Agreement to board and inspect fishing vessels flying the flag of another State Party to the Agreement.

In addition to the European Union, four states, namely, Cyprus, Egypt, Morocco and Syrian Arab Republic, have ratified the 1993 Compliance Agreement. It should be emphasized that this Agreement entered into force only recently on 24 April 2003. Since then, no Mediterranean states have ratified it.

Cyprus is the only Mediterranean states to be a party to the LOSC, the 1995 UN Fish Stocks Agreement and the 1993 Compliance Agreement. By contrast, Turkey has neither signed nor ratified any of these three agreements and convention. Israel and Libyan Arab Jamahiriya are signatory to only one convention or agreement, respectively, the 1995 UN Fish Stocks Agreement and the LOSC.

Table A.1. Claims to maritime jurisdiction by states bordering the Mediterranean Sea

State	LOSC ratification, accession	Territorial sea width (n. miles)	EEZ, width (n. miles)	Fishing zone, width (n. miles)	Continental shelf: Outer limit
Albania	23 June 2003	12			n/a
Algeria	11 June 1996	12		32 or 52	del
Bosnia and Herzegovina	12 January 1994				n/a
Croatia	5 April 1995	12			del
Cyprus	12 December 1988	12			depth of exploitability
Egypt	26 August 1983	12	Limit not specified		n/a
France ⁵⁶	11 April 1996	12	200 (not applicable in the Mediterranean)		depth 200 m or exploitability
Greece	21 July 1995	6 ⁵⁷			depth 200 m or exploitability
Israel		12			depth of exploitability
Italy	13 January 1995	12			depth 200 m or exploitability
Lebanon	5 January 1995	12			n/a
Libyan A. J.	Signatory	12			n/a
Malta	20 May 1993	12		25	depth 200 m or exploitability
Monaco	20 March 1996	12			n/a
Morocco	Signatory	12	limit not specified in the Mediterranean		depth 200 m or exploitability
Serbia and Montenegro	12 March 2001	12			del
Slovenia	16 June 1995				n/a
Spain	15 January 1997	12	200 (not applicable in Mediterranean)	49 (applicable only in Mediterranean)	n/a
Syrian A. R.		35			depth 200 m or exploitability
Tunisia	24 April 1985	12		Up to 50-m isobath off the Gulf of Gabès	n/a
Turkey		6 in Aegean Sea	200 (in Black Sea)		n/a

n/a: No information available

del: Up to delimitation with neighbouring states

⁵⁶ France has made its intention publicly known to declare a Fishery Protection Area in the Mediterranean.

⁵⁷ The extent of the territorial sea is fixed at 10 nautical miles for the purpose of regulating civil aviation (see Decree No. 6 of 18 September 1931).

Table A.2. National legislation establishing maritime zones

State	Territorial sea	EEZ	Fishing zone	Continental shelf
Albania	Decree No. 4650 of 9 March 1970 as amended by Decree No. 7366 of 9 March 1990			
Algeria	Decree No. 63-403 of 12 October 1963		Legislative Decree No. 94-13 of 28 May 1994	
Bosnia and Herzegovina				
Croatia	Maritime Code of 27 January 1994			Maritime code of 27 January 1994
Cyprus	Law No. 45 of 1964			Law No. 8 of 5 April 1974
Egypt	Decree of 15 January 1958	Declaration on 26 August 1983		Presidential Decision No. 1051 of 1958
France	Law No. 71-1060 of 1971	Law No. 76-655 of 16 July 1976 (not applicable in the Mediterranean)		
Greece	Law No. 230 of 17 September 1936			Decree-Law No. 142/1969 of 1969
Israel	Law No. 5717-1956 of 1956 as amended by Law No. 5750-1990 of 5 February 1990			Law of 10 February 1953
Italy	Navigation Code of 1942 as modified by Law No. 359 of 14 August 1974			Act No. 613 of 1967
Lebanon	Legislative Decree No. 138 of 7 September 1983			
Libyan A. J.	Law No. 2 of 18 February 1959			
Malta	Act No. XXXII of 10 December 1971 as modified		Act No. XXXII of 10 December 1971 as modified by Act No. XXIV of 21 July 1978	Continental Shelf Act of 29 July 1966

Table A.2 (cont.)

State	Territorial sea	EEZ	Fishing zone	Continental shelf
Monaco	Sovereign Ordinance No. 5094 of 14 February 1973			
Morocco ⁵⁸	Law No. 1-73-211 of 1973	Law No. 1-81 of 8 April 1981		
Serbia and Montenegro	Act of 23 July 1987			Act of 23 July 1987
Slovenia				
Spain	Law No. 10/1977 of 4 January 1977	Law No. 15/1978 of 20 February 1978 (not applicable in the Mediterranean)	Royal Decree No. 1315/1997 of 1 August as modified by Royal Decree No. 431/2000 of 31 March 2000	
Syrian A. R.	Legislative Decree No. 304 of 28 December 1963 as amended by Law No. 37 of 16 August 1981			Legislative Decree No. 304 of 28 December 1963
Tunisia	Law No. 73-49 of 2 August 1973		Decree of 26 July 1951 as modified by Law No. 63-49 of 30 December 1963	
Turkey	Act No. 2674 of 20 May 1982	Decree No. 86/11264 of 17 December 1986 (not applicable in the Mediterranean)		

⁵⁸ Article 10 of the Law No. 1-81 of 8 April 1981 establishing a 200-mile exclusive economic zone off Moroccan coasts asserts that provisions of the Law No. 1-58-227 of 21 July 1958 (Code regulating research and exploitation of fossil resources) are applicable for the exploration and exploitation of resources located on the seabed of the EEZ or subsoil thereof. The outer limit of the continental shelf may be found in this piece of legislation.

Table A.3. Status of the LOSC, of the 1993 Compliance Agreement and of the 1995 UN Fish Stocks Agreement in states bordering the Mediterranean

STATE	LOSC in force from 16 November 1994. (a): accession; (fc): formal confirmation; (r): ratification; (s): succession	1993 Compliance Agreement in force from 24 April 2003	1995 UN Fish Stocks Agreement in force from 11 December 2001. (a): accession; (r): ratification
Albania	23 June 2003 (a)		
Algeria	11 June 1996 (r)		
Bosnia and Herzegovina	12 January 1994 (s)		
Croatia	5 April 1995 (s)		
Cyprus	12 December 1988 (r)	19 July 2000	25 September 2002 (a)
Egypt	26 August 1983 (r)	17 August 2001	Signatory
European Union	1 April 1998 (fc)	6 August 1996	Signatory
France	11 April 1996 (r)		Signatory
Greece	21 July 1995 (r)		Signatory
Israel			Signatory
Italy	13 January 1995 (r)		Signatory
Lebanon	5 January 1995 (r)		
Libyan A. J.	Signatory		
Malta	20 May 1993 (r)		11 November 2001 (a)
Monaco	20 March 1996 (r)		9 June 1999 (a)
Morocco	Signatory	30 January 2001	Signatory
Serbia and Montenegro	12 March 2001 (s)		
Slovenia	16 June 1995 (s)		
Spain	15 January 1997 (r)		Signatory
Syrian A. R.		13 November 2002	
Tunisia	24 April 1985 (r)		
Turkey			

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In 2001, a study on the fisheries regulatory framework of the western Mediterranean coastal states was undertaken under the aegis of the CopeMed Project. In 2002, the AdriaMed Project undertook a similar study covering the Adriatic coastal states. As a follow-up, the Secretariat of the General Fisheries Commission for the Mediterranean (GFCM) commissioned a parallel study with the support of the FishCode Programme covering the eastern Mediterranean. These exercises provided the basis for the present comparative study, which covers the entire Mediterranean basin and focuses on three main issues: (i) access regimes to fisheries resources; (ii) management of fishing effort and fishing capacity; and (iii) monitoring, control and surveillance. Preliminary reference is also made to recreational fishing. The purpose of this study is to provide fisheries managers with information on the principal fisheries management measures adopted in the region and thereby to identify areas where harmonization should be sought, particularly in relation to shared stocks. Conceived as a working document, this study should be regularly updated. In this respect, at its seventh session in 2004, the Scientific Advisory Committee of GFCM suggested that Members inform the Secretariat of the enactment of any new law or regulation, or amendment of texts in force.

