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MEDAC ADVICE ON THE

EU Proposal

Recommendation GFCM/44/2021/xx on minimum rules for sustainable recreational fishing activities in the Mediterranean Sea (GSAs 1 to 27)

The General Fisheries Commission for the Mediterranean (GFCM),

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

FURTHER RECALLING that the GFCM shall apply the precautionary approach in accordance with the 1995 UN Fish Stocks Agreement;

NOTING the FAO Code of Conduct for Responsible Fisheries;

FURTHER NOTING the provisions under the FAO Technical Guidelines for Responsible Recreational Fisheries, and in particular the following statement: *'Management organizations should provide the mechanisms and the means for monitoring compliance and for enforcing regulations, but recreational fishers should share the responsibility for compliance by informing themselves and their fellows, and by self-policing'*;

FURTHER NOTING the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

RECALLING the UN Sustainable Development Goals (SDG), and in particular SDG 14 'Life below water';

NOTING the objectives of the GFCM new strategy (2021–2030) towards the sustainability of Mediterranean and Black Sea fisheries;

RECALLING that the Malta Ministerial Declaration 'MedFish4Ever' requires the establishment of baseline rules to ensure an effective management of recreational fisheries, and to ensure "adequate data collection and exchange on all types of fleets including small-scale and recreational fisheries to reinforce scientific knowledge on fish stocks and ecosystems;",

NOTING that the Ministerial Declaration establishing a GFCM Regional Plan of Action for Small-Scale Fisheries in the Mediterranean and the Black Sea (RPOA-SSF) recognizes the interactions and ~~between the small-scale and the recreational fishing activities,~~ synergies between recreational fisheries, SSF and other marine economies, encourages their good cooperation, calls for strengthening the knowledge on their interactions and for improving the control and surveillance of all fishing activities to avoid Illegal, Unreported and Unregulated (IUU) fishing;

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CONSIDERING that the GFCM shall adopt management measures based on an ecosystem approach to fisheries to guarantee the maintenance of stocks above levels which can produce maximum sustainable yield (MSY); and should, to the extent possible, establish and implement a regional capacity plan ensuring an adequate balance between resources and the fleet capacity in all riparian countries;

RECOGNIZING the high socio-economic value of recreational fisheries in the GFCM area of application but also their impact on the stocks they exploit;

CONSIDERING that all measures formulated by the GFCM shall be based on the best available scientific advice and take into account relevant environmental, economic and social factors;

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

PART I
General objective, scope and definitions

General objective

1. This recommendation establishes minimum rules to ensure an effective management, control and monitoring of recreational fishing activities in the Mediterranean Sea (GSAs 1 to 27).

Scope

2. This recommendation applies to all recreational fishing activities targeting species listed in Annexes I and IV.

Definitions

3. For the purpose of this recommendation, the following definitions shall apply[1]:

a) ~~'recreational fishing activities' or~~ 'recreational fishing' ~~or 'recreational fisheries'~~ means non-commercial fishing exploiting marine biological resources for recreation, tourism or sports, and self-consumption[2]. Recreational fishing gear ~~covers active fishing~~ and methods

[1] CIPS, FIPSAS agree that it is not necessary to define « vessels for angling » since it is preferable to foresee a general "fishing license" for all recreational fishing activities.

[2] FACOPE underlines that "self-consumption" should not be included in the concept of recreational fishing. Instead, according to EAA and IFSUA the concept of self-consumption (or personal consumption) is very relevant and appropriate to appear in the definition of recreational fishing, and this is reflected in the WGRFS of ICES in its definition of 2013 and in "EIFAC CODE OF PRACTICE FOR RECREATIONAL FISHERIES" (2007): www.fao.org/3/i0363e/i0363e.pdf
" 8.4 only keep fish or other aquatic organisms that will be eaten within the family or within the network of relatives and friends; other fish should be released alive in agreement with national and regional legislation, needs and local customs and in accordance with Article 9 of this CoP;"
French professional sector would like this term to appear in the draft recommendation. Self-consumption is a broad concept, it is thus necessary to define as a clear concept (what quantities, which zones, etc.).

includeing line, spear, and hand gathering and passive fishing methods including nets, traps, pots, and set–lines;

b) 'angling' means hook fishing exclusively[3] with rod and lines, pole or hand-held lines;

c) sport fishing means a non-commercial fishery whose participants adhere to a sport organisation or are issued with a national sport license;

d) spearfishing means underwater fishing using a hand spear or a speargun;

e) 'fishing license' means an official document conferring on its holder the right as determined by national legislation, to fish for one or more aquatic species, using certain fishing gear, during a specified season or all year, eventually with catch limitations and other obligations e.g. catch reporting.use a certain fishing capacity, with or without a vessel or any other floating gear, and with a given fishing gear, for the recreational exploitation of living aquatic resources, under the specific conditions listed in the fishing license;

f) 'live weight' means the weight of a catch of marine biological resources measured immediately upon catch;
'Estimated live weight' is a weight estimate based on the length of the fish.

g) 'IUU fishing' means, *mutatis mutandis*, the activities mentioned in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

h) Recreational fishing rules apply also to recreational fishers fishing from a chartered boat. As 'pesca tourism" is a commercial fishing activity the catches from 'pesca tourism' shall be counted and treated as commercial catches[4].

PART II
Specific objectives

4. This recommendation shall contribute to the objectives mentioned in Article 2 and the principles listed in Article 5 of the GFCM Agreement.

5. In particular, the recommendation shall aim to:

a) contribute to managing the impact of recreational fisheries on the marine biological resources towards their sustainable exploitation, in particular through applying conservation, control and monitoring measures;

[3] CIPS, FIPSAS suggest deleting the term "exclusively".
[4] The French professional sector : This recommendation deals with recreational fishing and should only address this issue. Therefore, we ask that the last sentence be withdrawn. Furthermore, if the term "pesca-tourism" is maintained, it must be clarified. In France, pescatourism is a possibility of diversification of professional fishing activity. The products of this fishery are subject to all the usual regulations of commercial fishing.

b) contribute to levelling the playing field among commercial and recreational fishing activities, including the realisation of recreational fishing's sustainable development potential, to the benefit of the local communities, the tourism sector and other recreational fishing dependant businesses; and to create new jobs to commercial fishers, who would like to diversify e.g. into the business, which brings anglers at sea ('charter boating').

c) improve the scientific, technical and socio-economic knowledge of recreational fisheries;

d) encourage the participation of recreational fishers to the governance of their activity through federations, associations, committees and working groups. For this to be successful, the recreational fishing communities in a number of countries would need funding to get up running capable associations to serve and act nationally on behalf of the recreational fishers and international recreational fishing organisations, and in or towards management and advisory bodies or fora, e.g. the GFCM.

e) deter IUU fishing activities.

f) Provide definitions which clearly separate recreational fishing activities from commercial fishing activities, and to make explicit the various segments of recreational fishing (angling, netting, underwater fishing etc.) to be able to manage these segments sustainably, and fairly and equitable.

PART III
Conservation measures[5]

Prohibitions

6. It shall be prohibited to:

a) engage in ~~offshore~~ recreational fishing without a valid fishing license or registration, in accordance with paragraph 10;

b) sell or trade ~~the~~ catches ~~comes~~ from recreational fishing activities;

c) retain any specimen pertaining to the species listed in Annex I on Prohibited Species;

d) retain any specimen smaller than the minimum conservation reference sizes adopted by the GFCM ;

e) fish in the areas listed in Annex III;

f) fish underwater with an autonomous breathing apparatus;

[5] FACOPE suggests to add a par. 9 on the « Species authorized for recreational fishing : CPCs may establish limitations on the list of species, as well as number of specimens or the weight of the catches. »

g) fish underwater from dusk until dawn;

h) hold simultaneously hand-held spears or spear guns and an autonomous breathing apparatus (aqualung);

i) target spawning aggregations and juvenile aggregations.

Gears and practices allowed in recreational fisheries:

i) rods, hand lines and trolling lines, utilized without electromechanical aids[6] exceeding a power limit of 800 W[7];

ii) hand-held spears or spear guns;

iii) fishing underwater for catching fish or collecting crustaceans and molluscs;

iv) fishing on foot for collecting crustaceans and molluscs;

v) traps and pots, with a maximum of 3 traps and 3 pots per permit;[8]

vi) longlines, with a maximum of 200 hooks or 2 longlines per permit with 100 hooks each[9];

vii) casting (or throw) nets;

viii) corks and line

7. CPCs, on the basis of stock assessment and impact assessment[10], may limit the number of gears and accessories (*e.g. number of longlines and hooks for each, number of traps and pots*, lures)[11] authorized per fisher, and may define further specific regulation for passive[12] gears[13].

[6] CIPS, FIPSAS do not agree with the limitation of this tool because no scientific indication of the impact of the electromechanical aids is provided and the socio-economic value of this recreational fishing activity is not taken into account. EAA agrees and adds to that, that some disabled people would lose their hobby if all electromechanical help should be forbidden.

[7] WWF suggests deleting « exceeding a power limit of 800 W »

[8] WWF and EAA suggest deleting this paragraph.

[9] WWF, ETF, EAA and CISL deleted longlines because this gear should be allowed only to professional fisher, especially in case of 200 hooks.

[10] CIPS, FIPSAS deleted « on the basis of stock assessment and impact assessment ». Reference to stock assessment and impact assessment would appear too vague since these are the criteria for decisions on a specific stock rather than for a specific gear. Therefore, CIPS and FIPSAS propose a slightly revised formulation of paragraph 7 to make it more consistent, while leaving the possibility for CPCs to introduce more detailed regulations for gears and accessories where appropriate.

[11] CIPS and FIPSAS suggest to delete the content in brackets.

[12] CIPS, FIPSAS don't agree on « passive » and suggest « certain ».

[13] WWF deleted : « (e.g. number of longlines and hooks for each, number of traps and pots, lures)" and "and may define further specific regulation for passive gears"

8. CPCs, on the basis of the most recent scientific advice, may adopt additional measures to regulate recreational fisheries, such as landing limits spatial and temporal closures (e.g. on mapped spawning areas, spawning periods, spawning and juvenile aggregations).

Part IV
Control and monitoring measures

Licenses

9. By 2024 CPCs shall put in place and maintain either a mandatory licensing or registry scheme covering all recreational fishers ~~and vessels, when used for recreational fisheries. This obligation does not apply to recreational fishers engaging in fishing activities on foot and for vessels used for angling.~~

10. CPCs may, where relevant, further simplify the application procedure for the licenses or registrations referred to in paragraph 10, including for tourists or time-limited licenses.

~~11. CPCs may limit the number of licenses attributed.~~

12. CPCs may launch information campaigns and maintain up-to-date websites to inform the public and recreational fishers on the measures regulating recreational fisheries under this recommendation as well as national legislation by involving fishing federations, associations and sectorial shops.

13. CPCs may provide the information referred to in paragraph 12 to recreational fishers when granting them a fishing license or registration.

Catch declaration and reporting

14. ~~On a voluntary basis~~, CPCs may establish a pilot project on catch declaration for recreational fisheries on voluntary basis. Where possible, CPCs may opt for ergonomic digital app-based catch declaration tools. CPCs shall ensure that recreational fishers participating in the pilot project declare at least the following elements for the species listed in Annex I and IV:

a) fishing license or registration number;

b) the context in which the activity was exerted (recreation, tourism or sports);

c) the gears and practice used, as listed in paragraph 6;

d) the species, the size (length) and the actual or estimated live weight per species and per fishing trip;

e) The fishing zone; [14]

[14] EAA adds that « catch declarations are in particular important when recreational fishing takes place in a protected area, which allows for some recreational fishing".

f) the species released and the reason why (undersized, protected species, other reason)

Control and enforcement

15. CPCs shall establish and implement a system to control and monitor recreational fishing activities in existing national control plans[15]. Such system shall be based on risk analysis, taking into account the frequency and threats posed by recreational fishing activities to marine biological resources, in particular regarding the prohibitions listed in paragraph 6.

16. CPCs shall establish and implement an effective sanctioning system against any infringement to the rules set out in this recommendation. The sanctions and penalties applied shall be effective, proportionate and dissuasive and shall take into account the frequency and the threats posed to marine biological resources, in particular regarding the prohibitions listed in paragraph 6.

PART V
Scientific information

Data collection

17. The CPCs shall sample and survey the recreational fishing activities taking place on their territory and may use the relevant GFCM handbook on harmonized sampling and surveying.

Pilot projects and research programme

18. In 2022, the Working Group on Recreational Fisheries (WGRF) shall prepare a concept note for a research programme on recreational fishing activities. In 2022, the Annual Session of the Scientific Advisory Committee (SAC) shall review the concept note and provide advice to the GFCM. In 2022, the 46th GFCM Annual Session shall review for adoption the concept note.

19. The GFCM Secretariat shall launch the research programme in 2023.

Data reporting

20. By 31 January 2023 and then each year, the CPCs shall report to the GFCM Secretariat the elements listed below:

a) the list of ~~marine~~ species prohibited to recreational fishing under national legislation;

[15] WWF would like to explore the possibility to include a measure already existing in some MS: clipping the lower part of the caudal fin of certain species, once caught, in order to prevent their illegal sale to fishmongers or restaurants

b) the fishing methods prohibited for recreational fishing under national legislation;

c) the areas specifically prohibited to recreational fishing under national legislation;

d) the list of species regulated for recreational fishing under national legislation;

e) any other measures regulating recreational fishing activities under national legislation.

Scientific assessment

21. By 2023, the SAC shall:

a) provide an overview of recreational fisheries in the GFCM area of application;

b) provide a socio-economic assessment of recreational fisheries in the CPCs, including the development potential. Impact of commercial ~~recreational~~ fisheries on recreational fisheries ~~professional fisheries economy~~ and interactions and synergies between the two sectors ~~in~~ in shared fishing ~~shared~~ areas[16];

c) endeavour to assess the status of species caught by recreational fishing activities, including through its regular stocks assessment cycle;

d) propose, if necessary, a priority list of species that may require further regulation of commercial[17] and/or recreational fishing.

22. Starting in 2023 and then each year, the SAC shall review the list of species set out in Annex I and IV and formulate advice, for the SAC Annual Session, on the revision of the lists of species under Annex I and IV.

23. Starting in 2023 and then each year, the GFCM Annual Session shall consider the advice of the SAC referred to in paragraph 23 and amend the lists under Annex I and Annex IV accordingly.

PART VI
Participation to governance and promotion of best practices

[16] FIPSAS and CIPS cannot agree. The SAC should not evaluate the impact of recreational fisheries on professional fisheries economy and interactions between them in fishing shared areas. This is unrelated to the socio-economic assessment of recreational fisheries in the CPCs. What matters is the impact on the resource rather than the impact of one sector on the other. A comprehensive assessment can be carried out only through a robust and prolonged scientific analysis on the environmental, social and economic impact of both commercial and recreational fishing. Fish resource is a common good, both sectors have equal dignity and it is not acceptable for one sector to be privileged over the other. The French professional sector does not support this new wording and support the proposals mentioning the fact that the SAC should not study the impact of one sector on the other, the important thing remaining the assessment on the resource. In this sense and in view of the divergent positions expressed on this point, the French professional sector proposes the withdrawal of this sentence.

[17] French professional sector : This recommendation addresses the issue of recreational fishing and should only address that issue. As a result, the French professional sector is requesting the withdrawal of the mention "commercial".

24. The CPCs shall endeavour to involve federations and associations in the management of recreational fishing activities.

25. The CPCs shall actively encourage federations, associations and individual recreational fishers to:

a) develop and update websites to inform their members and the public about compliance with local / national regulations and ecological issues and the impacts of their activity on the resource and on coastal and marine environments;

b) participate in sustainability efforts through regular training and information;

c) behave in an environmentally-friendly way, including by:

– encouraging the recycling of fishing material;

– discouraging[18] anchoring over sensitive habitats;

– encouraging the targeting and the destruction of non-indigenous species (NIS);

– promoting alternatives to material potentially hazardous to the environment (lead sinkers, artificial fishing lines, bait containers and lures, barbed hooks, *etc*.);

– recovering ghost gears and disposing of them in accordance with national legislation;

– killing fish retained speedily and responsibly to avoid unnecessary suffering;

– promoting best practices for catch and release fishing.

Catch and release

26. The CPCs may actively encourage federations, associations and individual recreational fishers to apply and promote catch and release practices, and select and catch practices.

27. The CPCs may mandate catch and release practices, in particular for relevant species or areas or during certain periods of the year or of the day.

[18] FACOPE supports the « Prohibition » instead « discouraging » because « the prohibition to anchor in sensitive areas should begin now, rather than discouraging ». EAA and IFSUA support « Discouraging » because this is not a section of prohibitions but of recommendations. To talk about "sensitive habitats" it's very vague and inaccurate as asking for bans. A prohibition of anchoring in should not be the subject of a recreational fishing text, but of nautical since such a measure should apply to all users of the sea »

PART VII
Implementation plan for developing CPCs

28. By 31 March 2023 at the latest, developing CPCs may submit an implementation plan to the GFCM. Such plan shall propose a timeline and supporting evidence justifying the progressive implementation of the provisions set out in this recommendation.

29. In 2023, the SAC shall review such implementation plan and formulate appropriate advice. In 2023, pending possible amendments in line with SAC advice, the 46th GFCM Annual Session shall review such implementation plan.

PART VIII
Final provisions

30. The MCRS established by the CPCs for commercial fishing shall also apply to recreational fishing.

31. Where the SAC advises that certain recreational fishing activities have a substantial impact on the stocks or that, certain stocks have collapsed or are at serious risk of collapsing, the GFCM may adopt appropriate measures.

32. The GFCM shall review this recommendation at the 49th GFCM Annual Session at the latest or as rendered necessary upon SAC advice.

33. The provisions contained in this recommendation shall apply without prejudice to stricter rules enforced in the CPCs.

Annex I – Prohibited species

Prohibited species
Marine mammals (all species)
Marine birds (all species)
Marine reptiles (all species)
Species listed in Appendices I and II[19] under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

[19] EAA highlights that Appendix II includes species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival. Therefore, there is no need to prohibit

Species listed in Appendices I and II under the Convention on the Conservation of Migratory Species of Wild Animals (CMS)[20]
Species listed in Annex II under the SPA/BD Protocol of the Barcelona Convention[21]
Marine species protected under CPC legislation
Marine species specifically prohibited to recreational fishing under CPC legislation

Annex II – Prohibited methods

Prohibited methods
Toxic, stupefying or corrosive substances
Explosives
Electric current
Methods prohibited under CPC legislation

Annex III – Prohibited areas

Prohibited areas
Segments or all recreational fishing may be restricted or prohibited in areas protected by means of and in accordance with GFCM decisions on a case-by-case basis, in particular the sensitive habitats and the Fisheries Restricted Areas (FRAs) established to protect Essential Fish Habitats (EFHs) and Vulnerable Marine Ecosystems (VMEs), in line with the Recommendations in force
Areas specifically prohibited to recreational fishing under CPC legislation

recreational fishing for species listed in this appendix but to decide on a case-by-case basis if prohibition is needed or which management measures to be put in place.

[20] EAA supports the « case by case » approach

[21] EAA supports the « case by case » approach

Annex IV – Additional regulated species[22] [23]

Alosa pontica	*Loligo vulgaris*	*Sepia officinalis*
Anguilla anguilla	*Lophius* spp.	*Sepioteuthis lessoniana*
Argyrosomus regius	*Merlangius merlangus*	*Seriola dumerili*
Balistes capriscus	*Mesogobius batrachocephalus*	*Serranus* spp.
Belone belone	*Mugilidae*	*Siganus* spp.
Boops boops	*Muraena helena*	*Solea* spp.
Caranx rhonchus	*Mycteroperca rubra*	*Sparisoma cretense*
Cerastoderma edule	*Naucrates ductor*	*Sphyraena* spp.
Chelidonichthys lucerna	*Oblada melanura*	*Spicara* spp.
Chelon spp.	*Octopus vulgaris*	*Spondyliosoma cantharus*
Chromis chromis	*Orcynopsis unicolor*	*Squilla mantis*
Conger conger	*Ostrea edulis*	*Symphodus* spp.
Coryphaena hippurus	*Pagellus* spp.	*Tellina* spp.
Crassostrea gigas	*Pagrus* spp.	*Todarodes sagittatus*
Dentex spp.	*Paracentrotus lividus*	*Trachinotus ovatus*
Diplodus spp.	*Phycis* spp.	*Trachinus draco*

[22] EAA, CIPS, FIPSAS: "It should be necessary to clarify the criteria which have determined the list of Annex IV of Proposal. Indeed, several species of apparent minor concern are included, while other more relevant ones are missing. Apart from mentioning iconic species subject to specific conservation measures (e.g. *Thunnus thynnus, Xiphias gladius*…), a number of species should be added (e.g. *Auxis rochei, Dicentrarchus labrax, Epinephelus spp., Lithognathus mormyrus, Sarda sarda, Scomber spp., Trachurus spp,*).
The French professional sector supports this observation and has proposed the addition of three additional species *Merluccius merluccius, Mullus barbatus, Sparus aurata*.

[23] ZZRS suggests that few species can be included in the annex IV because the majority of them should be decided by CPCs considering that their stock status can significantly be different between each area.

Donax trunculus	*Plectorhinchus mediterraneus*	*Umbrina cirrosa*
Echinus esculentus	*Polititapes aureus*	*Zeus faber*
Eledone spp.	*Pomatomus saltatrix*	
Euthynnus alletteratus	*Psetta maxima*	
Gobiidae	*Ruditapes decussatus*	
Labrus spp.	*Sarpa salpa*	
Lichia amia	*Sciaena umbra*	
Liza spp.	*Scorpaena* spp.	