

Original: English/French

Appendix 1

**SUBMISSION OF REPORTS ON COMPLIANCE WITH ADDITIONAL
CLOSURE SEASON FOR THE MEDITERRANEAN SWORDFISH FISHERY
(Requirement SWO 3006, Para 6, f. Rec. 13-04 – Deadline: 14 September 2016)**

Recommendation 13-04, paragraph 6, requires that, in addition to the additional month closed season, CPCs shall monitor the effectiveness of these closures and shall submit to the Commission, at the latest two months before the annual meeting of the Commission, all relevant information on appropriate controls and inspections to ensure compliance with the measure. Reports, included here, have been received from: Algeria, European Union, Morocco, Tunisia and Turkey.

ALGERIA

Algeria had established an additional closure for swordfish from 1 March to 31 March (decree dated 22 July 2012, supplementing decree dated 21 September 2011 establishing the fishing closure season for swordfish under national jurisdiction).

However, following the complaints by professionals as regards the closure, this was amended and established from 15 February to 15 March. Copy of the amended decree attached [Annex 1 to this Appendix not translated].

Therefore, this new device was applied by professionals of this fishery.

Furthermore, regular monitoring to comply with this closure, as well as the compliance of the provisions of the above-mentioned decree, was carried out by the relevant services at the landing ports.

EUROPEAN UNION

The EU, in accordance with paragraph 5 of ICCAT Recommendation [13-04], has informed the Commission by letter sent on 13 January 2012 (ARES (2012) 40311) of its intention to implement the additional closure for Mediterranean Swordfish from 1 to 31 March.

In accordance with paragraph 6 of ICCAT Recommendation [13-04], I would like to inform you that the swordfish fishery has been closed in all EU Member States for the entire month of March 2016, in addition to the closure for the months of October and November 2015.

EU Member States implemented the closures by legal acts under the respective national law or by administrative means (no fishing authorisation delivered). The EU Member States conducted verification and inspection missions to ensure that the rules were enforced by the operators during the closure periods.

Part of those increased checks and controls were carried out in the context of the EU Joint Deployment Plan (JDP) for Bluefin Tuna (BFT) coordinated by the European Fisheries Control Agency (EFCA). This procedure is applied since 2014 when the control and follow-up of the swordfish fishery had been enforced by way of Commission Decision No. (2014/156/EU)¹. This Decision extended the Specific Control and Inspection Program for BFT to other species and sets the conditions for the JDP.

Furthermore, EU Commission officials carried out several inspection missions during March 2016, together with national inspection administrations, to verify the implementation of the swordfish closure and related control activities by Member States. The EU is committed to the full implementation of provisions relating to ICCAT Recommendation [13-04] and in particular paragraph 6 thereof. We are at your disposal should more detailed information be considered useful.

¹ Commission Implementing Decision (2014/156/EU) of 19 March 2014 establishing a specific control and inspection programme for fisheries exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and for fisheries exploiting stocks of sardine and anchovy in the Northern Adriatic Sea.

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MOROCCO

The Kingdom of Morocco has implemented the appropriate measures for the relevant compliance of Recommendation 13-04 adopted by the Commission in November 2013, in particular its paragraph 5 stating that "Mediterranean swordfish shall not be caught (either as a targeted fishery or as by-catch), retained on board, transhiped or landed during the period from 1 October to 30 November and during an additional period of one month between 15 February and 31 March, etc."

Taking this into account, this compliance was strengthened by the following legislative instruments:

- The Mediterranean swordfish closure is regulated by the transposition of closures established by ICCAT in the domestic legislation by enactment of the Ministerial Decree No. 1176-13, dated 8 April 2013, published in the Official Bulletin No. 6144, dated 18 April 2013;
- Enactment of a Ministerial Decree in Official Bulletin No. 6144, dated 18 April 2013, regulating Moroccan North Atlantic and Mediterranean swordfish fishing;
- The market size in accordance with the ICCAT provisions (25kg or 125cm) transposed into national regulation by the Ministry of Maritime Fishing and Merchant Marine dated 3 October 1988, establishing the minimum size of species caught in Moroccan maritime waters as amended and supplemented;
- Dahir No. 1-14-95 dated 12 May 2014 enacting Law No. 15-12 to prevent and combat illegal, unreported and unregulated fishing and amending and supplementing Dahir No. 1-73-255 dated 23 November 1973 which establishes the regulation on maritime fishing;
- Enactment of Decree No. 2-09-674, dated 17 March 2010, establishing the terms and conditions to install and use on board fishing vessels, a positioning and continuous location system using satellite communications for the transmission of data, which establishes, inter alia, that all fishing vessels flying a Moroccan flag and operating within the framework of a fishery subject to conservation and management measures adopted by RFMOs must carry a positioning and continuous location system on board fishing vessels.
- The Decree of the Ministry of Agriculture and Maritime Fishing No. 3338-10, dated 16 December 2010 concerning the provisions on positioning and localisation of fishing vessels;
- All vessels which are likely to catch Mediterranean swordfish must be registered in the "SWO MED VESSELS ICCAT record".

Attachment/SWO MED - Annex 2 to this Appendix.

- No. 1176-13, dated 8 April 2013 published in the Official Bulletin No. 6144, dated 18 April 2013.
- Decree No. 2-09-674, dated 17 March 2010, establishing the obligation to carry a positioning and location system on board.
- Decree No. 1654-12, dated 9 April 2012 aimed at the provisional prohibition to catch the three shark species (hammerhead, oceanic whitetip, and bigeye thresher shark).

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TUNISIA

Report on the implementation of the Mediterranean swordfish closure for 2015

In accordance with the provisions of paragraph 5 of ICCAT Recommendation [13-04] and in response to ICCAT Circular No. 5126/2011, Tunisia informed the Commission of its intention to implement the additional closure for Mediterranean swordfish from 15 February to 15 March each year.

In 2016, and in accordance with the provisions of paragraph 6 of ICCAT Recommendation 13-04, the swordfish fishery was closed in all the Tunisian fishing areas throughout all the above-mentioned period as well as the period from 1 October to 30 November 2015.

This closure was essentially implemented by:

- legal texts within the framework of Law No. 94-13, dated 31 January 1994 relating to fishing activity, in particular Articles 13 and 14 regarding those species whose fishing is prohibited and circulars transmitted to regional fishery services to prevent and combat illegal swordfish fishing outside the fishing season.
- administrative measures: no authorisation was granted outside the fishing season.
- The control operations were strengthened through mixed control fishing seasons between the fisheries service and the marine guards. Control missions were conducted during the closure period in the fishing ports and markets to ensure the compliance of provisions taken in this regard.

TURKEY

General Information and Legal Framework

The following information has been compiled in response to the requirements of Paragraph 6 of *Recommendation for Management Measures for the Mediterranean Swordfish in the Framework of ICCAT* [Rec. 13-04].

In 2012, Turkey has set an additional month of closure for the Mediterranean Swordfish (MED-SWO) from 15 February to 15 March in addition to the closure period from 1 October to 30 November. This measure was announced on 15 December 2011. In 2016, the aforementioned measure for MED-SWO has remained in force.

For ensuring efficiency of the aforementioned measure, Ministry of Food, Agriculture and Livestock (MoFAL) introduced the Notification on Regulating Commercial Fishing at Seas and Inland Waters covering the period 2016-2020, in order to ensure more sustainable fishing activities, improved quality for fishing products, and better conservation of fisheries resources.

In accordance with the notification:

- The catch of swordfish smaller than 125 cm is prohibited.
- It is mandatory for the fishing vessels to catch swordfish obtain "Fishing Permit" from the provincial directorate issuing vessel's license. Applications by the fishermen to acquire a special fishing permit for swordfish is subject to some technical criteria; however, applications by the fishermen can legally be made even until end of November.
- As of 30 November 2016, the special fishing permits to be acquired by fishermen (or to be issued by the Ministry) shall belong to the 2016 fishing season for swordfish.

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- When an application made is approved by the Ministry, the special permit information is simultaneously recorded in the Fisheries Information System (FIS) operated by the Ministry.
- When longlining for tuna and swordfish only hooks no. 1 and no. 2 with a gape width smaller than 2.8 cm is permitted.

During the closed season, MED-SWO fishermen engaged in other types of coastal fisheries, trawling, tourism and/or aquaculture activities.

Other Prohibitions

In 2002 and 2003, EU and ICCAT enforced a recommendation prohibiting the usage of drift-nets in the Mediterranean. Afterwards, drift-netting in Turkey was also banned in 2006.

Subsequently, Turkey announced its position for elimination of *modified driftnet usage* with the ICCAT Circular # 3225/2010. Accordingly, usage of all modified drift-nets has been prohibited as from 1 July 2011.

Accordingly, all fishing vessels with the modified drift-nets have gone under obligation to shift their fishing gears in accordance with provisions of *Revised Notification No. 2/1 Regulating Commercial Fishing*. MoFAL continued its efforts to promote the usage of more selective fishing methods and fishing gear by the majority of Turkish swordfish fishermen, with several regional training activities.

Inspection and Control

Inspection and controls have been the major components of the activities of MoFAL for ensuring the efficiency of the closed season and size regulations set for the Mediterranean Swordfish.

The inspection activities, which are still ongoing, have been concentrated at most potential fishing grounds, landing points, retail and wholesale markets.

In this context, 1070,5 Kgs. of MED-SWO have been seized during the first half of the year 2016 in consequence of the inspections conducted by MoFAL inspectors at several coastal provinces. On the other hand, a total of 915 Kgs. of MED-SWO were seized by ministerial inspectors previously in 2015.

Annex 1: Algerian law – not translated

Annex 2: Moroccan Law – three texts – not translated