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Analysis of the legislative framework that governs small-scale coastal fisheries in the Republic of Croatia and Republic of Italy



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Abbreviations and acronyms

CFP – Common Fishery Policy

EU – European Union

FAO - Food and Agriculture Organization of the United Nations

GFCM – General Fisheries Commission for the Mediterranean

GSA – Geographical Sub-area

GT – Gross tonnage

kW – kilowatts

LOA – Length over all

MCS – Monitoring, control and surveillance

MSC - Marine Stewardship Council

OPMAF 2014 – 2020 – Operational Program for Maritime and Fisheries of the Republic of Croatia for the programming period 2014 – 2020

PFA 2021 – 2027 - Program for Fisheries and Aquaculture of the Republic of Croatia for the programming period 2021 – 2027

PO – Producer organization

PRI – Point of Recruitment Impairment

RPOA-SSF - Regional Plan of Action for Small-Scale Fisheries in the Mediterranean and the Black Sea

SSF – Small-Scale Fisheries

SSF Guidelines - Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradications

TAC – Total allowable catch

WTO – World Trade Organization

Preface

In the European Union, but also globally, small-scale fisheries (SSF) are an important segment of marine capture fisheries, not only in terms of cultural significance, socio-economic structure and tradition of coastal and island fishing communities as well as their development, growth and employment, but also from the point of view of long-term sustainable exploitation of marine biological resource. Employment in the SSF sector in the EU numbered 80,000 fishers in 2017, contributing to 48% of all employees in fisheries. SSF are particularly significant in the Mediterranean, where they have been the source of livelihood of coastal and island communities, playing a significant role in local economies for centuries. As such, SSF have been recognized at the global and regional levels of government as an important link in achieving “Blue growth”, that is in the long-term strategy for sustainable economic development as well as creation of job and business opportunities in fisheries and aquaculture sectors. The project titled Valorisation of SMall-scale ARTisanal FISHery along the Adriatic coasts, in a context of sustainability is highly important for the Republic of Croatia and Republic of Italy, because around 75% and 50% of the fishing fleet, respectively, belongs to the SSF segment. The general objective of the project Adri.SmArtFish is to strengthen the SSF role in the geographical sub-area 17 (FAO GSA 17) in the near future by fostering their potential for innovation within the “Blue growth context”. This document provides an analysis of the current legislative framework of both Croatia and Italy, and is intended primarily for policy makers but also for other stakeholders involved in the SSF sector, from scientists, actors in the value chain to the SSF operators themselves. The intention was to compile all laws, acts, regulations and other relevant legislation governing SSF in both countries, which could be used in future attempts to alleviate the conditions for sustainable economic growth of the SSF sector as well as for potential streamlining and updating of current legislation. This document was produced by the Ministry of Agriculture, Directorate of Fisheries (Republic of Croatia) as part of the project Adri.SmArtFish activities.

1. Defining small-scale coastal fisheries

The terms *small-scale fisheries* or *small-scale coastal fisheries* or *artisanal fisheries* are frequently applied in international as well as national literature addressing fisheries legislation, science and management. However, there is no universally accepted definition that is global in scope (Table 1). Food and Agriculture Organization of the United Nations (FAO) defines artisanal, or small-scale fisheries as: “*traditional fisheries involving fishing households (as opposed to commercial companies), using relatively small amount of capital and energy, relatively small fishing vessels (if any), making short fishing trips, close to shore, and mainly for local consumption – they can be for subsistence or commercial purposes*”¹. Small-scale coastal fishery is a sub-sector of capture fisheries, conducted in both marine and inland waters, and it represents the dominant form of fishery in terms of vessel number and number of employed fish-workers in the majority of coastal and island states around the world. Generally acknowledged criteria that define fisheries as “small scale” (as opposed to “large scale”) are fishing activities on a smaller vessel, more labour intensive work loads and low-technology fishing methods and gear, low productivity and yield rates, and low value products for household (subsistence) and local consumption, although this is not always the case (FAO, 2008). Denomination *Artisanal* may be referred in relation to the relative level of technology being used, whereas, *Small-scale* may be referred in relation to the size of the fishing vessel. FAO proposed an index for small-scale characterisation based on the range of characteristics between marine and inland fisheries as well as between developed and developing countries (Table 2).

Table 1. Selection of definitions connected to artisanal and small-scale fishing and fisheries (from WTO 2005)

Source	Description	Operator(s)	Economic orientation	Location of activity	Nature of activity	Attributes of vessels/gear
<i>Intergovernmental and non-governmental sources</i>						
FAO	„Artisanal fisheries“ – occasionally referred to as „small-scale fisheries!“	Fishing households, as opposed to commercial companies	Can be subsistence or commercial, providing fish for local consumption or export	Short fishing trips, close to shore	Using small amount of capital and energy,	Vessels, if used, relatively small; can range from gleaning or a one-man canoe in poor developing countries to more than 20 meter trawlers, seiners, or long-liners

¹ <https://www.fao.org/faoterm/viewentry/en/?entryId=3491>

						in developed countries
FAO Fisheries Global Information System	"small-scale fisheries" also referred to as "artisanal fisheries"	as above	as above	as above	as above, and can be very specialized but in general target a very wide range of species, using a broad variety of gear, generating diverse fishing strategies and flexibly adapting to seasonal or interannual natural variability.	as above, and typically use a broad variety of gear
World Bank	"small-scale or artisanal fishers"	fishing households, single-person operations; vessels, if used, crewed by one to three fishers	not specified	not specified	low capital; often target larger demersals, although activities so diverse as to be difficult to categorize	shore-based, using cast nets, traps, etc.; small, non-mechanized canoes or rafts; or small motorized dinghies or boats
Asian Development Bank	"artisanal (or small-scale) fisheries"	typically family-based	not specified	near-shore waters and inland water bodies	uses labour intensive fishing technologies	small craft (usually smaller than 12 meters long), and fishing gear such as beach seine and gill nets, hook and line, and traps.
Secretariat of the Pacific Community	"artisanal fishing"	not specified	may or may not involve sale of a portion of the catch	not specified	small-scale fishing	not specified
Southern African Development Community	"small-scale commercial fisheries"	not specified	generate profits and earn income large enough to meet the basic needs of life, employ staff or operate as profit-sharing collective enterprises	not specified	not specified	not specified
International Commission for the Conservation of Atlantic Tunas (ICCAT)	"artisanal"	not specified	catch effort that is neither industrial nor recreational in nature	not specified	uses simple fishing methods	not specified
Marine Conservation Society	"artisanal"	not specified	not specified	not specified	small-scale, traditional	not specified
Fishbase.org	"artisanal fisheries"	skilled but non-industrialized operators	normally for subsistence, but sometimes the catch may be sold	usually, short fishing trips, inshore	not specified	usually, small vessels; but in developed

						countries, may include trawlers, seiners, or long-liners
Internet Guide to International Fisheries Law	"artisanal fishing", also known as "subsistence" or "aboriginal" fishing	coastal or island ethnic and indigenous groups	fishing for subsistence needs	not specified	traditional methods	not specified
<i>National and subnational government sources</i>						
Argentina – Province of Buenos Aires		Artisanal shellfish harvester – artisanal fisher person engaged in the extraction of molluscs, crustaceans, echinoderms, and shellfish in general Artisanal bait-caster – artisanal fisher engaged in fishing by bait casting, without using a vessel.				
Australia	"artisanal fishing"	coastal or island ethnic groups	not specified	coastal and island regions	using traditional methods	not specified
Chile	"artisanal fishing"	natural persons who in a personal, direct and habitual manner work as artisanal fishers; legal persons composed exclusively of natural persons registered as artisanal fishers. artisanal fisher – one who works as owner or crew in an artisanal vessel, whatever the mode of compensation. artisanal vessel owner: Artisanal fisher in whose name up to two artisanal vessels operate, which in total cannot exceed	not specified	not specified	artisanal fishing as such, artisanal algae harvesting, and artisanal shellfish harvesting	Artisanal vessels – not more than two per owner, totalling not more than 50 gross registered tons.

		50 gross registered tons.				
Guatemala	"artisanal fishing"	not specified	not specified	estuaries, lakes, lagoons, rivers, at sea	fishing with or without vessels	Vessels, if used, between 0.46 and 0.99 net registered tons
	"small-scale commercial fishing"	not specified	for profit	not specified	fishing with vessels	Vessels between 1.00 and 1.99 net registered tons
Korea	definition of "small-scale" fisheries can be inferred from provisions of certain laws	not specified	not specified	"coastal fishery licenses" given to certain vessels that operate near shore	fishing with vessels	vessels under 8 gross tons, or under 10 gross tons for certain fisheries, are eligible for "coastal fishery licences"; operators of vessels under 5 gross tons are exempt from re-stocking fees; vessels under 2 gross tons are exempt from permits for vessel modifications.
Peru	"artisanal fishing"	not specified	for profit	not specified	use of manual labour predominant	small vessels, or none
United Kingdom - Joint Nature Conservation Committee	"artisanal fisheries"	not specified	not specified	typically, inshore waters	traditional or basic methods, relatively few technical aids	small boats
United States of America	"artisanal fishing"	not specified	not specified	not specified	not specified	traditional or small-scale gear or boats
USA - North Carolina Division of Marine Fisheries	"artisanal fishery"	not specified	commercial	not specified	traditional or small-scale gear and boats	traditional or small-scale gear and boats
Venezuela	"artisanal fishing"	fishers individually or in cooperatives or other organizations	not specified	not specified	predominant use of manual labour; drawing on fishers' experience, knowledge of nature, and skills that pass from generation to generation, and using traditional fishing methods	not specified

					and/or methods that have evolved therefrom	
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Although, the definition, organisation and management of small-scale fisheries (hereinafter SSF) sector varies among different geographical areas, countries in most cases regulate the sector based on several categories, however, the characterisation of these may greatly differ (e.g. artisanal, aboriginal, traditional, customary, subsistence). Therefore, the definition of SSF and its implementation in national legislative frameworks is generally dependent on the context of a particular state, region, province, and their respective institutional and administrative legislative framework and arrangements, customary and traditional rights and tenure of fishing areas and biological resources, as well as other factors (FAO, 2017).

Table 2. Characterisation and distinction between “large-scale” and “small-scale” fisheries based on technical and socio-economic characteristic (from FAO 2020)

Technical characteristics				
Size of fishing vessel	No vessel	<12 m, < 10 GT	≤ 24 m, <50 GT	>24 m, >50 GT
Motorization	No engine	Outboard engine/inboard engine ≤100 hp	Inboard engine <400 hp	Inboard engine >400 hp
Mechanization	No mechanization	Small power winch/hauler, powered-off engine	Independently powered gear deployment/hauling	Fully mechanized gear deployment and hauling
Fishing gear*	Labour-intensive gear	Passive gear	Gear with aggregating devices	Highly active gear
Refrigeration/storage on board	No storage	Ice box (i.e. on deck)	Ice hold (i.e. below deck)	Refrigerated hold
Fishing grounds/zone/distance from shore	<100 m from shoreline/baselines/high-water mark	<10 km from shoreline	<20 km	>20 km from shoreline/baselines
Daily trip/multi-day	<6 hours	Day trip (≤24 hours)	<4 days	>4 days
Social-economic characteristics				
Labour/crew	Individual and/or family members	Cooperative group	≤ 2 paid crew	>2 paid crew
Ownership	Owner/operator	Leased arrangement	Owner	Corporate business
Time commitment**	Occasional	Full-time, but seasonal	Part-time, all year	Full-time
Disposal of catch	Household consumption/barter (exchange for payment in goods or services)	Local direct sale (exchange for monetary payment)	Sale to traders	On-board processing and/or delivery to processors
Utilization of catch/value added/preservation	For direct human consumption	Chilled/locally processed/cured	Frozen	Frozen/chilled for factory processing (for human consumption or fishmeal)

Integration into economy and/or management system***	Informal, not integrated (no fees)	Integrated (registered, untaxed)	Formal, integrated (licensed, landing fees)	Formal, integrated (licensed, taxed)
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*Labour intensive gear: mostly small gear handled manually by the fisher (e.g. hand-hauled nets, pole and lines, crab pots); Passive gear: larger gear sets deployed passively (e.g. longlines, trap sets, gillnets/driftnets); Gear with aggregating devices: larger gear sets which implement aggregating and attracting methods (e.g. light attraction, fish aggregating device); Highly active - gear that require vessel power to encircle, chase, deploy and retrieve fish.

**Occasional fishers – under 30% of their livelihood from fishing or under 30% of working time in fishing; Part-time – at least 30% but less than 90% of their livelihood from fishing or spend at least 30% but less than 90% of working time in fishing; Full-time – at least 90% of their livelihood from fishing or spend at least 90% of working time in fishing; Full-time seasonal – occupied with other full-time seasonal activities when not fishing (e.g. farming), or where the fishing “season” may be adapted so that it does not coincide with the peak tourist period, when earnings are higher.

***Informal/not integrated – lack of any form of licence or registration, not subject to licence or landing fees or taxation; Integrated – formally registered, not taxed or charged a fee for their activities; Formal integrated – two types: licensed and subject to licence and/or landing fees, but not taxed as a commercial concern; and licensed and taxed as a commercial concern.

The aim of this document is to review relevant national legislative frameworks of Republic of Croatia and Republic of Italy, and to identify institutional arrangements that regulate marine small-scale coastal fisheries, evaluate and cross-reference the identified frameworks with intergovernmental instruments, guidelines and recommendations, and to determine the strengths, weaknesses, gaps and challenges in existing framework as well as identify opportunities for improvement in order to achieve a streamlined and harmonized legal basis for improving the conditions in SSF sector in both countries. Compilation of the legislative framework of the Republic of Croatia was based on internal review of relevant national policies, while the review of the Italian legal framework was based on the documents produces by partners on the project Adri.SmArtFish (Region Emilia –Romagna), as well as on the results of an international certification pre-assessment by the Marine Stewardship Council (hereinafter: MSC), and other publicly available sources (e.g. FAO-AdriaMed Project, FAOLEX Database). Intergovernmental documents, plans and guidelines are also reviewed and used as a baseline for determining these gaps and opportunities for integration into national fisheries policy and/or legal instruments (FAO, 2015; 2020; 2021).

2. Croatian legislative framework regarding small-scale coastal fisheries

Legislative framework in the Republic of Croatia regarding marine fisheries consists of an overarching primary legislation, while specific provisions are elaborated in secondary regulations (e.g. spatial and temporal measures and limitations of use of certain gears). Marine Fisheries Act (Official Gazette No. 62/17, 130/17, 14/19) is the main legislation that regulates marine fisheries. Marine Fisheries Act determines at the national level the competent authority and its responsibilities on all issues relating to marine fisheries (Ministry of Agriculture), including objectives of fisheries policy, the manner of management and protection of renewable biological resource of the sea, the manner and conditions of fishing, management of the fishing fleet, implementing fisheries subsidies and support and others. In addition, Marine Fisheries Act regulates the implementation and integration of the EU regulations and obligations from Regional Fisheries Management Organization (RFMO) related to fisheries and fishery policy

into national legal framework. In Article 3 paragraphs 21 of the Marine Fisheries Act *fishing* is defined as an authorized catching and collection of fish and/or other marine organisms, and is divided into commercial (professional) fishery including small-scale fleet previously categorized as “for personal needs”, sport, and recreational fishery, while special permits may be issued for other types of fishing, such as scientific and scientific-educational fishing, fishing for aquariums open to the public, and fishing tourism. Licence for commercial fishing at sea is a document on the basis of which commercial fishing is carried out, and is issued to the owner of the fishing vessel registered in the license. The holder of the commercial fishing licence has to fulfil certain preconditions to receive the issue of the fishing licence (Table 3). Commercial fishing is mostly regulated and managed according to fishing gears and methods in use, and can be classified in relation to the particular fish stock being exploited into bottom, pelagic and coastal fisheries. The former two categories of commercial fishing are mostly comprised of commercial companies, with the owner/leser of the vessel and several members of crew operating larger vessels (≥ 12 m LOA) (trawlers and purse seiners), whereas the latter category is comprised of artisan fishers, (professional full-time seasonal or part-time seasonal), which are mostly self-employed, out of which a minority have up to one or two employees, and operating smaller vessels and using so called “passive” or “static” fishing gears (e.g. gillnets, longlines, pots, etc.). Small-scale or coastal fisheries is mostly carried out within one nautical mile from the mainland and island coasts, in the shallow waters at the depth of no more than 80 m with a range of diverse types of fishing gears, mostly named after the targeted species of fish or other marine organisms (Dulčić et al., 2005). Fishing activities are regulated according to fishing zones. Article 3 paragraphs 25 of the Marine Fisheries Act defines a fishing zone as part of the fishing sea that represents a biological, hydrological and economic unit, the boundaries of which are determined, and may consist of fishing subzones whose boundaries are also determined. In total, there are 11 fishing zones and 37 fishing subzones in the fishing sea of the Republic of Croatia. Croatian legislative framework does not have the definition of “small-scale coastal fisheries” within the context of commercial (professional) category of fisheries, however, in the context of state and other (i.e. EU) financial support or subsidy measures, the definition given in the Regulation (EU) No 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 (hereinafter: Regulation (EU) No 2021/1139) is followed.

Table 3. Overview of the Croatian legislative framework regarding small-scale coastal fisheries

LEGISLATION	DESCRIPTION
DEFINITION OF SMALL-SCALE COASTAL FISHERIES	
Regulation (EU) No 2021/1139 (Preamble 33, Article 2 paragraphs 2 point 14))	No characterization or special definition of small-scale coastal fisheries or small-scale coastal fisher, Regulation (EU) 2021/1139 is followed for the purpose of financial support measures
Operational Program for Maritime Affairs and Fisheries of the Republic of Croatia for the programming period 2014 – 2020 – Chapter 4	In the OPMAFRC 2014-2020, definition of SSF is used according to Regulation (EU) No 508/2014: small-scale coastal fishing means fishing carried out by fishing vessels of an overall length of less than 12 meters and not using towed gear as listed in Table 3 of Annex 1 to Commission Regulation (EC) No 26/2004 (Article 3 paragraph 2 point 14)
Program for Fisheries and Aquaculture of the Republic of	Small-scale coastal fishing (vessels not exceeding 12 m in length and not using towed fishing gear

Croatia for the programming period 2021 – 2027 (Draft)	
INSTITUTIONAL AND ADMINISTRATIVE ARRANGEMENTS	
Ministry of Agriculture, Directorate of Fisheries	
Responsibilities	<ol style="list-style-type: none"> 1. Harmonizes the Croatian Fisheries Policy with the EU Common Fisheries Policy and enables its implementation and coordination; 2. Performs the functions of the Managing Authority of the Operational Program for Fisheries and Aquaculture, manages EU fisheries fund, monitors implementation and develops strategic, programmatic and technical framework for implementation; 3. Conducts advisory activities, education and training as well as provides expert assistance in fisheries and aquaculture; 4. Prepares draft proposals, executes and monitors the implementation of laws and other regulations in the field of management of marine and freshwater resources and fleet management, structural and market measures and state aid in fisheries and aquaculture; 5. Participates in the work of national and international bodies (GFCM, ICCAT) and cooperates with professional and scientific institutions; 6. Plans, organizes and executes fisheries inspection, supervision and control activities; 7. Issues appropriate licences for commercial and non-commercial fishing activities; 8. Collects and analyses submitted data on fishing and aquaculture, activities of the fishing fleet and economic entities in fisheries and aquaculture; 9. Proposes measures to improve fisheries, conserve natural resources, ecological balance and biodiversity; 10. Proposes and implements measures for the regulation of the market in fish and fishery products; 11. Implements the process of recognition of producer organizations; 12. Conducts professional training and education of commercial fishers (legislation, procedures, data submission, sales, etc.); 13. Cooperates in drafting international agreements and treaties and monitors their implementation within its scope; 14. Performs other tasks within its scope.
Marine Fisheries Act (Official gazette, No. 62/17, 130/17, 14/19) (Article 61)	Fisheries inspection of Ministry of Agriculture is the only inspection service specialized in the performance of inspection, monitoring and control in fisheries. However, due to lengthy coast and a number of different activities in the fisheries sector, fisheries inspection is assisted by additional inspection services authorised police officers (Ministry of Internal Affairs), Customs officers (Ministry of Finance), inspectors (State Inspectorate), Coast Guard officers (Ministry of Defence), and other authorized persons – Port Authority (Ministry of Maritime Affairs, Transport and Infrastructure), which are trained and authorized to carry out inspections at sea and rangers employed in national parks and nature parks. Coordination of all the responsible authorities for fishery inspection is performed by the Ministry of Agriculture.
Institute of Oceanography and Fisheries	
Responsibilities	IOF is responsible for collecting biological data within Croatian National Data Collection Programme in Fisheries as well as the monitoring required to assess the effects of all or some types of fisheries on the marine ecosystem.
FISHING LICENSE	
Marine Fisheries Act (Official gazette, No. 62/17, 130/17, 14/19) (Article 17 paragraphs 1 – 3)	The conditions that the holder of the licence must fulfil are: <ol style="list-style-type: none"> i. that as a legal or natural person he is registered to perform commercial fishing activities at sea, ii. that as a natural person he is professionally qualified for commercial fishing or has at least one employee professionally qualified for commercial fishing, or in the case of a legal entity that he has at least one employee professionally qualified for commercial fishing iii. to have on board a person responsible for commercial fishing if he does not conduct fishing himself.
Ordinance on the license for commercial fishing at sea and the Register of licenses (Official gazette No. 116/2017) (Article 12)	In the fishing sea of the Republic of Croatia, commercial fishing is carried out on the basis of the license for commercial fishing at sea issued by the Ministry of Agriculture, Directorate of Fisheries, in such a way that one license can be issued per vessel with specific fishing gear that may be used. It should be emphasized that in order to preserve biological resources in the fishing sea of the Republic of Croatia, the issuance of new licenses has been prohibited and new licenses cannot be issued to anyone for the purpose of sustainable fishing in Croatian fishing waters. Under certain conditions, in the Republic of Croatia it is allowed to transfer the license from one vessel to another, i.e. from one vessel owner to another vessel owner (fishing company). The basic condition for the transfer of the license is that the vessel to which the license is transferred must not be larger in capacity than the vessel from which the license is transferred in order not to increase the total capacity (kW and GT) of the fishing fleet and thus fishing effort. In addition, it is important to note that in such a transfer of licenses, the rights to use the same fishing gear are transferred and the transferred license cannot be extended in such a way that fishing gear other than those transferred with the license can be used. Additionally for using specific fishing gears, Ministry of Agriculture also issues specific authorization.
FISHING GEAR	
Structural and technical features	
Gill nets and entangling nets	

Set (anchored) gillnets, trammel nets, combined trammel and gillnets	
Ordinance on the conduct of commercial fishing at sea by gill nets and entangling nets, pots (traps), hooks and lines, and special methods of fishing (Official gazette No. 84/15, 94/15, 107/15, 62/17 i 64/17)	Net mesh size of Trammel nets (GTR) must not be smaller than 40 mm, while the outer net mesh size must not be smaller than 150 mm. The highest allowable height of the outer net must not be higher than 4 m. The height of the outer net of trammel nets for catching common sole must not be higher than 3 m. The net mesh size of trammel nets for catching cuttlefish must not be smaller than 32 mm. In fishing zones C, D, G and F it is prohibited the use of gill nets (GNS) of net mesh size up to 32 mm and less than 4 m in height. Net mesh size of gill nets and entangling nets are measured according to Commission Regulation (EC) No 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets. For mesh size larger than 16 mm mesh size is measured from knot to knot.
Pots (traps)	
Ordinance on the conduct of commercial fishing at sea by gill nets and entangling nets, pots (traps), hooks and lines, and special methods of fishing (Official gazette No. 84/15, 94/15, 107/15, 62/17 i 64/17)	The minimum net mesh size of pots for catching fish is 32 mm. The minimum net mesh size of pots for catching large crustaceans is 55 mm, while the minimum net mesh size of pots for catching Norway lobster is 18 mm, except in fishing zone G, where the smallest net mesh size is 20 mm. The net mesh size of standing kogol (kogol – trata) (FYK 1) for catching European eel must not be smaller than 24 mm. The mesh size of Standing kogol (kogol – gavunet) (FYK 2) for catching big-scale smelt and Mediterranean sand smelt must not be less than 5 mm or more than 12 mm.
Hooks and lines	
Ordinance on the conduct of commercial fishing at sea by gill nets and entangling nets, pots (traps), hooks and lines, and special methods of fishing (Official gazette No. 84/15, 94/15, 107/15, 62/17 i 64/17)	The smallest width of the bend of a hook of Hand lines and pole lines (hand operated) (LHP) and Troll lines (LTL) is 7 mm, while for Set longlines (LLS) is 10 mm. The smallest width of the bend of a hook of pelagic longlines (LLD) for the catching Bluefin tuna and other big pelagic fish is 30 mm.
Spatial, temporal or other limitation of use	
Gill nets and entangling nets	
Set (anchored) gillnets, trammel nets, combined trammel and gillnets	
Ordinance on the conduct of commercial fishing at sea by gill nets and entangling nets, pots (traps), hooks and lines, and special methods of fishing (Official gazette No. 84/15, 94/15, 107/15, 62/17 i 64/17) Ordinance on fishing in protected areas, special habitats and areas with special fishing regulation (Official Gazette No. 125/20)	It is prohibited to use Trammel nets (GTR) and Combined trammel and gillnets (GTN) in the fishing sea in the Republic of Croatia from 15 th of May until 10 th of September each year. Exceptionally from the above mentioned provisions: i) gill nets can be used exclusively in the period from 1 st of February until 15 th of June with a total length of up to 2500 m only in fishing zones A and E; ii) Trammel nets (GTR) can be used throughout the year in fishing zones A, B, H, I, J and K, and in the subzone E2 at a distance of more than 1 nautical mile from the coast of the mainland and islands; iii) Trammel nets (GTR) with a minimum net mesh size of 120 mm throughout the year; iv) throughout the year, Combined trammel and gillnets (GTN) with a minimum net mesh size of 40 mm, at least a total height of 4 m. In parts of fishing zone C within the 1 nautical mile zone of the Islands of Galijula, Palagruža, Jabuka and Brusnik, fishing with Set (anchored) gillnets (GNS) with a net mesh size up to 50 mm and less than 4 m high and Trammel nets (GTR), Combined trammel and gillnets (GTN) are prohibited. The total allowable length of one or more types of gill nets and trammel nets used in fishing zone A at a distance of up to 1 nautical mile from the coast of the mainland or island shall not exceed 3.500 m per vessel. The total allowable length of one or more types of grill nets and trammel nets used in fishing zones B, C, D, F and G and in fishing subzone E6 at a distance of up to 1 nautical mile from the coast of the mainland and islands is a maximum of 3.000 m per vessel. The quantity of nets may be increased by 1.000 m due to one additional employed fisherman participating in fishing, or by 2.000 m due to two additionally employed fishermen participating in fishing. The total length of one or more types of Combined trammel and gillnets (GTN), regardless of the fishing zones in which they are used, may not exceed 2.500 m per vessel. Additional spatio-temporal closures and limitations in net size per vessel are prescribed for fishing in protected areas (nature parks, special reserves) and special habitats such as estuaries and bays and in areas recognized for additional protection such as channels and basins (Velebit channel, Novigrad and Karin Sea, Neretva channel, etc.)
Pots (traps)	
Ordinance on the conduct of commercial fishing at sea by gill nets and entangling nets, pots (traps), hooks and lines, and special methods of fishing (Official gazette No. 84/15, 94/15, 107/15, 62/17 i 64/17) Ordinance on fishing in protected areas, special habitats and areas with special fishing regulation (Official Gazette No. 125/20)	It is prohibited to use more than 50 pots (traps) for catching fish; 300 pots (traps) for catching Norwegian lobster; and 150 pots (traps) for catching large crustaceans. The use of pots (traps) for catching European eel is permitted exclusively at the mouths of rivers up to the upstream border of the fishing sea. The use of the pots (traps) for catching Norwegian shrimp is permitted at depths greater than 50 m, and exceptionally in fishing subzones E1, E2, E6 and E7 at depths greater than 30 m. The use of pots for catching large crustaceans is prohibited from 1 st of September to 15 th of May. Fishing season for Kogol – trata (FYK 1) is from 1 st of September until 1 st of March and only in parts of fishing zone G. Fishing with Kogol – gavunet (FYK 2) is prohibited from 1 st of May until 31 st October. Additional limitations in the number of pots per vessel are prescribed for fishing in protected areas (nature parks, special reserves), special habitats such as estuaries and bays and in areas recognized for additional protection such as channels and basins. (Velebit channel, Novigrad and Karin Sea, Neretva channel, etc.)
Hooks and lines	

<p>Ordinance on the conduct of commercial fishing at sea by gill nets and entangling nets, pots (traps), hooks and lines, and special methods of fishing (Official gazette No. 84/15, 94/15, 107/15, 62/17 i 64/17)</p> <p>Ordinance on fishing in protected areas, special habitats and areas with special fishing regulation (Official Gazette No. 125/20)</p>	<p>When fishing with Set longlines (LLS) on a daily basis, it is prohibited to use more than 1000 hooks per person on board, up to a maximum of 2000 hooks per vessel in fishing zones A, E, F and G. When fishing with Set longlines (LLS) on a daily basis, it is prohibited to use more than 1000 hooks per person on board, up to a maximum of 3500 hooks per vessel in fishing zones B, C and D. When fishing with Pelagic longlines (LLD) on a daily basis, it is prohibited to use more than 600 hooks per vessel.</p> <p>Additional limitations in the number of hooks per vessel are prescribed for fishing in protected areas (nature parks, special reserves), special habitats such as estuaries and bays and in areas recognized for additional protection such as channels and basins. (Velebit channel, Novigrad and Karin Sea, Neretva channel, etc.).</p>
TRADE IN FISH AND FISHERY PRODUCTS	
Direct sales from the fishing vessel	
<p>Ordinance on the content and form of the sales sheet and the content of the register of first buyers (Official gazette, No. 113/2019, 45/2020)</p>	<p>It is possible to perform direct sale of daily catch of fishery products from the fishing vessel to the final consumer. The total quantity of fishery products from direct sale from the fishing vessel may amount to a maximum of 5.00 kilograms per final consumer, and a total of up to 3.000,00 HRK per day per fishing licence – this stipulation was changed during the pandemic of COVID-19 – in the declared emergency situations of threat to public health or natural disasters, the sale of the reported daily is not limited. Direct sales from a fishing vessel may be performed only by holders of licence for commercial fishing at sea, who have previously submitted data on catch and return electronically or via an authorized mobile application. Data on direct sales from a fishing vessel shall be submitted to the Ministry of Agriculture electronically after the sale, no later than 24 hours from the recorded return via electronic register or authorized application for mobile device. Data on the direct sales from a fishing vessel must at least contain data on the quantity, species and price of sold fishery products. Direct sales from fishing vessels shall be carried out in accordance with special regulations on food safety, trade regulations and in accordance with the conditions prescribed by the local self-government.</p>
PRODUCER ORGANISATIONS	
<p>Ordinance on the recognition of producer organizations in fisheries and aquaculture, associations of organizations and interprofessional organization (Official gazette No 137/2021)</p>	<p>The recognition of producer organizations whose members conduct fishing with vessels of an overall length of less than 12 meters, and do not have towed gear in fishing licence, can be granted a recognition for the territory of the state. Producer organization, whose members conduct fishing with vessels of an overall length of less than 12 meters, and do not have towed gear in fishing licence, do not have an obligation to enter the Register of approved establishments in food business of animal origin which is obligatory for other POs. The Ministry of Agriculture shall recognize a producer organization, whose members conduct fishing with vessels of an overall length of less than 12 meters, and do not have towed gear in fishing licence, that meets the following conditions: it is sufficiently economically active or representative in the field of recognition, in the period of three years preceding the year of application for recognition. Sufficient economic activity in this case means that the quantity of fishery products landed and sold by members of the producer organization amounts to at least 50.000 kg of the total quantity of landed fishery products. When verifying compliance with the conditions of economic activity in fisheries, the quantity of landings and the value of sales realized by the holder of fishing licence for commercial fishing at sea, a member of the organization, during the observed three-year period shall be taken into account.</p>
SECTOR PARTICIPATION IN THE LEGISLATIVE/DECISION-MAKING PROCESS	
<p>Code of Consultation with the Interested Public in the Procedures for Adopting Laws, Other Regulations and Acts (Official gazette 140/09)</p>	<p>The Code sets out general principles, standards and measures for consulting the interested public in the process of enacting laws, other regulations and acts of state bodies, which regulate issues and take positions of interest of the common good. The ultimate goal of the Code is to facilitate interaction with citizens and representatives of the interested public in the democratic process, and to encourage more active participation of citizens in public life. The application <i>e-Savjetovanja</i> (e-Consultation) enables inclusion in open public consultations in the process of passing laws, other regulations and acts.</p>

3. Italian legislative framework regarding small-scale coastal fisheries

The legal framework that regulates marine fisheries in Italy could be described as having several layers consisting of primary legislative, as well as secondary and even tertiary regulative arrangements which are greatly decentralised in structure, but all of which interchangeably define provisions regarding commercial fishing licences, structural and technical features of fishing gear as well as spatial, temporal or other limitations of their use, management, monitoring, control and surveillance and others, however secondary and tertiary regulations

must always be in accordance with primary legislation (Table 4). Legislative Decree No. 4/2012 rearranges national regulation governing fisheries and aquaculture in accordance with EU principles, and among others distinguishes commercial and non-commercial fishing². Commercial fishing is defined as an organized economic activity carried out in marine or brackish or freshwater environments, aimed at the search for living aquatic organisms, the hauling, laying, towing and recovery of a fishing gear, transfer of catches on board, transshipment, storage on board, processing on board, transfer, caging, fattening and landing of fish and fishery products, whereas non-commercial fishing is defined as recreational, sport, tourist fishing as well as scientific fishing, directed for the purposes of study, research and experimentation. Italian legal framework implements two definitions that fall under the umbrella of the generally accepted definitions of SSF sector within the context of the European Maritime, Fisheries and Aquaculture Fund, namely, “*small-scale fishing*” and “*small-scale artisanal fishing*”³. According to Article 1 paragraph 1 of the Decree of the Minister for Agricultural and Forestry Policies of 7 December 2016, “*Small artisanal fishing*” is defined as fishing carried out by vessels with an overall length of less than 12 meters, authorized to carry out local coastal fishing (within 12 miles from the coast) with one or more fishing systems and gear: lowered (anchored) gillnets (GNS), encircling gillnets (GNC), trammel nets (GTR), combined trammel and gillnets (GTN), pots/traps (FPO), cogolli and bertovelli (FYK), hand lines and pole lines (hand operated) (LHP), hand lines and pole lines (mechanized) (LHM), troll lines (LTL), harpoons (HAR). Paragraph 2 of the same Article defines “*Small fishing*” as fishing by vessels with an overall length of less than 12 meters, authorized to carry out local coastal fishing (within 12 miles from the coast) with one or more fishing systems and/or gear: small driftnet (GNS) and fixed longlines (LLS). The latter definition is often considered superimposable to the former. For administrative purposes, similarly to Croatia, Italian territorial waters are divided into maritime districts, numbering 48 in total⁴.

Table 4. Overview of the Italian legislative framework regarding small-scale coastal fisheries

LEGISLATION	DESCRIPTION
DEFINITION OF SMALL-SCALE COASTAL FISHERIES	
Decree of the Minister for Agricultural and Forestry Policies of 7 December 2016 (Article 1)	Small-scale artisanal fishing - fishing carried out by vessels with an overall length of less than 12 meters, authorized to carry out local coastal fishing (within 12 miles from the coast) with one or more of the following fishing systems and/or gear: set (anchored) gillnets (fixed gillnets) (GNS), encircling gillnets (GNC), trammel nets (GTR), combined trammel nets (GTN), pots/traps (FPO), cogolli and bertovelli (FYK), hand lines and pole lines (not mechanized) (LHP), hand lines and pole lines (mechanized) (LHM), troll lines (LTL), harpoons (HAR).

² <https://www.ecolex.org/details/legislation/legislative-decree-no-4-rearranging-the-national-legislation-on-fisheries-and-aquaculture-lex-faoc109702/>
<https://www.fao.org/faolex/results/details/en/c/LEX-FAOC109702>

³ Regione Emilia-Romagna – La definizione giuridica della pesca artigianale nell’orinamento giuridico europeo ed in quello italiano. Elaborato a cura del dott. Piergiorgio Vasi. Responsabile Posizione Organizzativa, Valorizzazione delle attivita di pesca e di acquacoltura, Direzione Agricoltura, caccia, pesca. Emilia-Romagna Project Manager Adri.SmArtFish. p.33

⁴ <https://www.faoadriamed.org/html/legislation/LegITAComp.html>

	Small fishing - fishing by vessels with an overall length of less than 12 meters, authorized to carry out local coastal fishing (within 12 miles from the coast) with one or more of the following fishing systems and/or gear: driftnet (GND) and set longlines (LLS).
Ministerial Action Plan for development, competitiveness and sustainability of small-scale coastal fisheries	Specifies the problems relating to the definitions of “small-scale coastal fishing”, particular the relations between the definition according to Article 3 of Regulation (EU) No 508/2014, and other definitions (e.g. “small coastal fishing”, “artisanal fishing”) and interpretations (based on the length of the vessels, tonnage and gear used (“selective gear”) between different member states. Ministerial Action plan for development, competitiveness and sustainability of small-scale coastal fishing (hereinafter: Ministerial Action Plan) defines (for the purposes of the Action Plan) and adopts the following definition: “small-scale coastal fishing” means that practiced by fishing vessels of an overall length of less than 12 meters LOA, with a smaller tonnage to the 15 GT, authorized to fish within 12 miles from the coast and not in possession of a licence for towed gear as shown in Table 3 of the Annex to Commission Regulation (EC) 1799/2006. The Ministerial Action Plan defines the fishing gear typical for Italian artisanal coastal fishing as indicated/defined in the fishing licence and not to the fishing authorization. The Ministerial Action Plan includes surrounding nets (purse seines, lampara nets) as gear used by artisanal coastal fishing.
Law No 250/1958 of 1958	Artisanal fishing: fishing activities within 6 miles of the coast using vessels less than 10 GRT and subject to a separate type of social security regime
Source?	Coastal fishing vessels: operating within the 3 to 6 nautical mile water band measured from the coastline. The competent authority may authorize these vessels to operate up to the 12-mile limit (provided they comply with applicable safety standards). They can operate within the maritime district in which they are registered as well as in the water of two neighbouring ones.
INSTITUTIONAL AND ADMINISTRATIVE ARRANGEMENTS	
Ministry of Agricultural, Food and Forestry Policies – The General Directorate for Sea Fisheries and Aquaculture	
Responsibilities	<ol style="list-style-type: none"> 1. National planning in the field of fisheries and aquaculture, general discipline and coordination of policies relating to fishing and aquaculture activities in the management of marine fish resources, import and export of fish products, 2. State aid for fisheries and aquaculture, 3. Management of the fishing credit fund, 4. Research applied to fishing and aquaculture, 5. Protection, enhancement, traceability and quality of fish products, 6. Technical measures relating to marine fishing, 7. National obligations relating to the European Fisheries Fund (EFF), 8. Control and surveillance activities of all national control authorities competent for compliance with the rules of the common fisheries policy, collection, processing and certification of data on fishing activities pursuant to Regulation (EC) no. 1224/2009, of the Council of 20 November 2009; 9. Activities pursuant to Regulation (EC) no. 199/2008 of the Council of 25 February 2008 on the collection, management and use of data in the fisheries sector, 10. Community activities concerning issues relating to the fishing and aquaculture sector, 11. International activities concerning institutions, bodies and entities in the sector, including ICCAT.
Italian Coastguard (National Fisheries Control Centre)	
Responsibilities	Monitoring, control and surveillance of marine fisheries. Drafting national control plans for the protection of particular fish stocks, and to fight illegal, unreported and unregulated (IUU) fishing. Conducts aerial surveillance, sea-based and port inspections. Cooperates and coordinates work with other local and national authorities, such as Ministry of Finance and Police, to apply controls as well as implement joint control and monitoring plans for specific fisheries. The Coastguard functionally depends on the Ministry of the Environment and the Protection of the Territory and the Sea. National Fisheries Control Centre is operated by the Coastguard. Primary responsibility is the surveillance of fishing effort and related economic activities.
The Marine Sciences Research Institute (Italian National Research Council)	
Responsibilities	Interdisciplinary scientific research: physical and biogeochemical oceanography, chemical and biological ocean variables and risk assessment, ecological research, management of marine fisheries, maritime spatial planning, development of an ecosystem-based marine economy, among others.
FISHING LICENCE	
Navigation code; Presidential Decree No. 328/1952 of 1952; Law No. 963/1965 of 1965; Presidential Decree No. 1639/1968 of 1968 Legislative Decree 4/2012	Commercial fishing is prohibited without the preliminary registration in the Fishing Company Register. Crew members are also registered in the Seamen register and vessels are recorded in the Vessels Register. Allocation of a limited number of licenses to eligible fishers
Legislative Decree n. 153/04 Decree of the Minister for Agricultural and Forestry Policies of 29 September 1995	The fishing licenses are issued to the owner of a vessel, which is duly registered in the Fishing Company Register by the Ministry of Agricultural, Food and Forestry Policies. The licence authorizes professional fishing activity using the fishing gears indicated therein. All data relating to the ship-owner, owner and vessel are entered in the electronic archive of fishing licenses (Fleet Register). These informations include: vessel’s technical features, owner’s personal details and

	<p>types of fishing gear (carried on board and used from the vessel), In order to register, professional fishermen must fulfil the following statutory requirements:</p> <ul style="list-style-type: none"> i. they must show that fishing is their sole or principal source of income; ii. they must demonstrate that they have acquired adequate professional knowledge and skills to conduct commercial fishing operations (training course). <p>The document is valid for a period of eight years from its issuance, however comes into effect only after the payment of the government concession fee and its renewable upon request by the interested party.</p> <p>Several fishing vessel licences classification, for example III° category (close costal fishing), IV° category (local coastal fishing), and V° category (vessels permanently assigned to the service of aquaculture facilities), Vessels licensed to carry out coastal (III and IV° category) fishing may be authorized for V° category.</p>
FISHING GEAR	
Ministerial Decree of 26 July 1995 for Discipline for issuing fishing licenses	Fishing licenses are issued for the use of a certain type of fishing gear. Fishing licenses are issued for eight years, and the relative fee is calculated according to the authorized fishing gear – higher fees for commercial fishing gears that increase fishing effort.
Structural and technical features	
Gill nets and entangling nets	
Set (anchored) gillnets, trammel nets, combined trammel and gillnets	
<p>Decree of the President of the Republic October 2, 1968, n. 1639: “Regulation for the execution of the law 14 July 1965, n. 963, concerning the regulation of sea fishing” – text in force at: 17/12/2021 (Article 103, 104)</p> <p>Council Regulation (EC) No. 1967/2006 concerning management measure for the sustainable exploitation of fishery resources in the Mediterranean Sea</p>	<p>The used of all types of gillnets, both fixed and drifting is allowed without length limitation, provided that the mesh size is not less than 20 mm and the networks are equipped with the prescribed signals – therefore without special limitations of use, Regulation (EU) 2019/1241 is followed. No limitation is established for the size of the meshes of nets used for fishing for sardines or anchovies, hence Regulation (EU) 2019/1241 is followed. Gillnets must be equipped with signals consisting of yellow floats, spaces no more than 200 m from each other. The ends of the gear must be equipped with yellow floats with flags during the day and lights at night, of the same colour. These signals must be visible from a distance, not less than half a mile.</p> <p>The maximum height of a trammel net may not exceed 4 m, the maximum height of a gillnet deployed on the bottom may not exceed 10 m, it is prohibited to have on board and set more than 4.000 m of trammel nets and gillnets deployed per vessel - the quantity of nets may be increased by 1.000 m due to one additional fisherman participating in fishing, or by 2.000 m due to two additional fishermen participating in fishing.</p>
Pots (traps)	
<p>Decree of the Minister for Agricultural and Forestry Policies of 30 November 1996</p> <p>Source???</p>	<p>Pots for marine snails - Regulates only the minimum size (20 mm) of pots for marine snails, refers to specific local/compartamental regulations on fishing methods. Sieve must have no less than 12 mm square mesh and a distance between the rods of 9 mm. Sieving must be carried out on board.</p> <p>Fyke nets – length 1 m, width 60 cm</p> <p>Mantis shrimp pots – No national or compartamental (regional) regulation.</p>
Hooks and lines	
Spatial, temporal or other limitation of use	
Gill nets and entangling nets	
Set (anchored) gillnets, trammel nets, combined trammel and gillnets	
<p>Decree of the President of the Republic October 2, 1968, n. 1639: “Regulation for the execution of the law 14 July 1965, n. 963, concerning the regulation of sea fishing” – text in force at: 17/12/2021 (Article 105)</p>	<p>It is forbidden to place gillnets at a distance of less than 200 m from the junction of the most open points, natural or artificial, delimiting the mouth and other outlets into the sea of rivers or other waterways or basins.</p>
Pots (traps)	
<p>Order of the Port Authority Office - Regional compartamental regulations (Rimini)</p> <p>Order of the Port Authority Office - Regional compartamental regulations (Ravenna)</p>	<p>Marine Snail Pot Fishery - Maximum quantities of daily catch for marine snail pots fishery that can be fished: 70 kg per vessel with one fisher; 120 kg per vessel with two fishers; and 150 kg per vessel with 3 or more fishers. Technical closure of fishing activities from 1st June to the 30th September – compulsory to submit a monthly statistical catch declaration. Fishing is forbidden on Sundays and on holidays – possible to go out to sea only for maintenance operations.</p> <p>Marine Snail Pot Fishery - No maximum daily catch quota for marine snail pots fishery or fishing closure periods.</p> <p>Fyke nets for cuttlefish - Possibility of lowering a maximum of 400 Fyke nets for cuttlefish. The number of Fyke nets may be increased by 300 due to two or more fishers on board the vessel. Each</p>

<p>Order of the Port Authority Office - Regional compartmental regulations (Rimini and Ravenna)</p> <p>Source???</p> <p>Source???</p>	<p>vessel van implement a stretch of water with a front not exceeding 300 linear metres – within this stretch of water the fyke nets must be lowered in rows parallel to the coastline, and these rows must be no less than 150 m apart from each other. The vessels or fishing cooperatives must communicate annually the stretch of sea in which the individual fisher wants to practice professional fishing, indicating corresponding reference points on land. The communication must include: name and surname of the fisher; initials and name of the unit to be used; number and year of issue of the fishing licence; power of the motor apparatus; readable signature of the person concerned. Fishing authorized from mid-March to June. The gear at sea must be specially marked with visible signs – during the day with a yellow float with a 150 cm pole and yellow flat, at night with a yellow light visible from a distance of at least half a mile. Before carrying out the cleaning operations of the gear, it is compulsory to remove by hand any eggs that may have been laid on the gear, avoiding their destruction with the utmost care and throwing them back into the sea. Cleaning operations may only be carried out at sea and the use of any chemical substance is forbidden. Cleaning operations are forbidden from 15th of July to 31st of August of every year.</p> <p>Mantis shrimp pots – No national or compartmental (regional) regulation. Total number of gears per vessel - Council Regulation (EC) No. 1967/2006 is followed (forbidden to keep on board or set more than 250 traps for deep sea crustaceans per vessel). No rules regulating the minimum size, fishing season</p> <p>Fyke nets – each vessel can carry a maximum of 300 fyke nets. No legal limit to the number of other types of traps each vessel can carry.</p>
<p>Hooks and lines</p>	
<p>Source?</p>	<p>Prohibited to carry on board and set: more than 7000 m of bottom- set longline per vessel; more than 60 km of surface-set longline per vessel.</p>
<p>Common provisions</p>	
<p>Decree of the President of the Republic October 2, 1968, n. 1639 (Article 105)</p> <p>RER Bathing Ordinance No. 1/2019</p> <p>Decree of the Minister for Agricultural and Forestry Policies of 30th April 2019 No. 173 (Article 6 paragraph 5)</p> <p>Decree of the Minister for Agricultural and Forestry Policies of 22nd of January 2009</p> <p>Official Gazette No. 203 of 203 of 31/08/95 – Annex G</p>	<p>All forms of fishing – 200 m prohibited to all forms of professional fishing</p> <p>All forms of fishing – 500 m prohibited to all forms of professional fishing during the summer period</p> <p>By way of derogation, vessels in category IV^o (local coastal fishing) authorised to conduct fishing activities within 6 nautical miles from the coast and vessels with an overall length of up to 15 m are authorised to fish beyond 4 nautical miles from the coast.</p> <p>Biology Protection Zone (outside Ravenna) – professional (traps, gillnets, longlines) and sport (maximum of 5 hooks per fisherman) fishing is allowed. Fishing with collective vessels is also allowed</p> <p>Professional and sport/recreational fishing – prohibited in Special Protection Area (wreck of the Paguro platform – Emilia-Romagna Region)</p>
<p>TRADE IN FISH AND FISHERY PRODUCTS</p>	
<p>Direct sales from the fishing vessel</p>	
<p>Decree of the Minister for Agricultural and Forestry Policies of 10th of November 2011</p>	<p>Possibility for fishers to sell their catch directly to consumers – small quantities sold directly from the fishing vessels to the consumer, which do not exceed a value equal to €50,00 daily per final consumer – exempted from the traceability obligations provided by Article 58 paragraph 8 of Council Regulation (EC) No. 1224/2009 and by Article 35 paragraph 4 Regulation (EU) No. 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products.</p> <p>Sale of fishery products to consumers at the dock – reference to Commission Regulation (EEC) No. 3703/85 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish and Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for on the hygiene of foodstuffs and Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs – possibility for fishers to sell directly to consumers the catch within the limit of a small quantity, equal to 100 kg per daily landing of the vessel.</p>
<p>MECHANISMS FOR SUPPORTING THE INTERESTS OF SMALL-SCALE FISHERIES AND COASTAL COMMUNITIES</p>	

	<p>National and local level – Italian fishery sector is organized within cooperatives (many Producer organisations). The main cooperative associations at the national level: The Federcoopesca, Federpesca, Lega Pesca, Legacoop, and Associazione Generale Cooperative Italiane. The management system has a mechanism to formally commit to the legal rights created explicitly or established by custom of people dependent on fishing for food and livelihood.</p>
<p>SHARED MANAGEMENT OF MARINE BIOLOGICAL RESOURCES</p>	
<p>Decree of the Minister for Agricultural and Forestry Policies of 7 December 2016 (Article 2 and 3)</p>	<p>Small artisanal fishing companies operating within the same maritime compartment can set up a management consortium. The Ministry of Agricultural, Food and Forestry Policies (hereinafter: Ministry) entrusts these consortiums with the management, on a maritime area/zone basis, of the small artisanal fishing activities carried out within 6 miles from the coast and in the provided they fulfil certain preconditions (e.g. statute that provide criteria for internal financing, development of supporting infrastructure, promotion of initiatives to enhance the conditions of fishers, professional qualification and improvement, maximum collaboration with the Ministry and research institutes, and others). These consortiums can be formed at the request of the fishing companies which include a number of members representing at least 75% of the companies that carry out small artisanal fishing in the maritime compartment in which the consortium is to be set up, exclusively with the fishing gear (GNS, GNC, GTR, GTN, FPO, FYKE, LHP, LHM, LTL, HAR) included in the fishing license, and expressly renounce the use of gear other than those. The statutes of the consortia are approved by the Ministry – General Directorate of Sea Fishing and Aquaculture (hereinafter: Ministry – General Directorate). For up-to-date data of the fishery resources within their respected maritime zone/area (6 nm from the coast), the consortium is required to entrust the task of monitoring to a scientific institute recognized by the Ministry. By 3rd of December of each year, the consortium is required to transmit to the Ministry – General Directorate, through the competent Port Authority, the program of management and protection activities that it intends to carry out for the next year. By 1st of March of each year, the consortium prepares a detailed report on the management activity carried out in the previous year, also in order to allow proper monitoring of the measures and activities carried out by the consortium itself. The consortium, may propose to the Ministry – General Directorate, technical measures to be applied within 6 miles from the coast in the scope of the reference maritime compartment such as: fishing season, spatial and temporal limits for the use of permitted fishing gears, regulation of access to fishing areas, the provisions of additional landing points compared to the existing ones, establishment of areas reserved for restocking, possibility of establishing minimum sizes greater than those required by current legislation, adoption of measures to reduce by-catches and discards, monitoring resources before and after the adoption of measures, information and awareness of the operators in the supply chain. The consortium may also propose additional measures suitable for ensuring the rational management of resources, including the limits of catches for certain species, as well as any penalties for members who have violated the relevant regulations. The consortium proposes management measures accompanied by the opinion of the designated scientific institution. The technical measure referred to above, when approved by the Ministry – General Directorate, are mandatory for all companies that fish within 6 nm from the coast in the relevant maritime compartment. The competent authority for control is the Ministry – General Directorate.</p>
<p>SECTOR PARTICIPATION IN THE LEGISLATIVE/DECISION-MAKING PROCESS</p>	
	<p>Consultation instrument – blue table – opinion exchange between management, scientists and the fishing sector organizes on a regular basis. However, the process is more focused on large-scale industrial fisheries rather than small-scale fisheries.</p>

4. Intergovernmental instruments relating to small-scale coastal fisheries

There are a number of intergovernmental documents, instruments and plans that aim to elevate socio-economic conditions as well as contribute to the long-term sustainability in the sector for small-scale coastal fisheries (Table 5). The first international instrument dedicated exclusively to small-scale fisheries sector is The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradications (FAO), which provides principles and guidance on addressing small-scale fisheries. The SSF Guidelines complements the Code of Conduct for Responsible Fisheries⁵, and is related to Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry in the

⁵ <https://www.fao.org/resilience/resources/resources-detail/en/c/273397/>

Context of National Food Security⁶, as well as other documents. The purpose is to support the visibility, recognition and enhancement of the role of small-scale fisheries as well as to support responsible fisheries and sustainable social and economic development of small-scale fishers and fish workers, and to promote human rights.

Table 5. Intergovernmental instruments directed toward small-scale fisheries

INTERGOVERNMENTAL INSTRUMENTS	DESCRIPTION
FAO (2021) The regional Plan of Action for Small-Scale Fisheries in the Mediterranean and the Black Sea	
Scope	
<p>The ten-year plan for long-term environmental, economic, and social sustainability of the small-scale fisheries sector – signed as the Ministerial Declaration on a Regional Plan of Action for Small-Scale Fisheries in the Mediterranean and the Black Sea (2018) by representatives of Mediterranean and Black Sea countries and the EU. The regional plan is composed of 59 paragraphs divided into 10 sections:</p> <ul style="list-style-type: none"> a. Scientific research b. Small-scale fisheries data c. Small-scale fisheries management measures d. Small-scale fisheries value chain e. Participation of small-scale fisheries in decision-making process f. Capacity building g. Decent work h. Role of women i. Climate and environment j. Role of the GFCM 	<ol style="list-style-type: none"> 1. Adopt, as soon as possible, a characterization of small-scale fisheries in the Mediterranean and the Black Sea, reflecting their socio-economic relevance and specificities on the basis of a set of indicative criteria (vessel size, gear used, duration of fishing trip, non-vessel based fishing activities, etc.). <p>A. Scientific research</p> <ol style="list-style-type: none"> 2. Initiate an integrated regional research activity in order to collect accurate, valid and complete data on the value and socio-economic impact of small-scale fisheries. 3. Develop scientific studies to strengthen knowledge about the interactions between small-scale fisheries and marine ecosystems and their impact on marine resources. When relevant, involve fishers in scientific monitoring activities, taking into account their traditional knowledge and ensuring that they are informed of the results of these studies. 4. Develop scientific studies to strengthen knowledge about the interactions between recreational fisheries and small-scale fisheries. 5. Design and implement pilot and innovative projects covering all aspects of small-scale fisheries. 6. Consider the assessment of small-scale fisheries within forecast studies on adaptation to climate change, including its carbon-binding potential. <p>B. Small-scale fisheries data</p> <ol style="list-style-type: none"> 7. Using all appropriate tools, develop information and data collection systems that involve small-scale fisheries actors in the collection of regional-level data on fleets and fishing activities, including the record of all catches. 8. Establish national fishing fleet registers that record small-scale fishing vessels. 9. Integrate the traditional ecological knowledge of small-scale fishers into fisheries management. <p>C. Small-scale fisheries management measures</p> <ol style="list-style-type: none"> 10. Implement, where appropriate, fisheries management plans which establish specific rules designed to ensure, in particular, preferential access for sustainable and low-impact small-scale fisheries along the coastal band. 11. Taking into account management measures and their impact on the resources, facilitate equitable access to living marine resources that should be based on sustainable fisheries and their socio-economic role. 12. Support investments in small-scale fisheries to, among others, improve selectivity, preserve biodiversity, minimize bycatch and interactions with vulnerable species and predators and promote energy efficiency. 13. Guarantee good and fair access to landing sites and ensure they are adequately equipped to facilitate small-scale fishing activities (fully serviced docking areas, moorings, refrigerated warehouse, drinking water service, ice machines, etc.). 14. Promote the reduction of incidental catches by, inter alia, improving the selectivity of gear, training fishers and strengthening rescue and first aid centres. 15. Encourage small-scale fisheries to be fully equipped with efficient communication, navigation and on board catch preservation equipment, in accordance with flag state requirements; develop small-scale fisher training programmes for optimal use of such technologies. 16. Encourage the traceability of small-scale fishing vessels by using technologies based on radio frequencies, satellites or internet applications.

⁶ <https://www.fao.org/policy-support/tools-and-publications/resources-details/en/c/416990/>

	<p>17. Promote traceability of gear used by small-scale fishers, in particular through the marking of fishing gear.</p> <p>18. Promote, where appropriate, participative surveillance of fishers, in particular in the identification of illegal, unreported and unregulated (IUU) fishing practices.</p> <p>19. Strengthen control and surveillance of all fishing activities, including other commercial and recreational fisheries, both at sea and on land, making efforts to avoid IUU fishing practices.</p> <p>20. Promote the restoration and conservation of essential fish habitats for small-scale fisheries, potentially including the construction of artificial reefs, according to the GFCM Practical Guidelines for Artificial Reefs in the Mediterranean and the Black Sea and in respect of the environment; the use of unsuitable materials and dumping of waste shall be strictly avoided.</p> <p>21. Prepare best practice guidelines to extend and share successful experiences at the regional level.</p> <p>D. Small-scale fisheries value chain</p> <p>22. Promote the creation or reinforcement of cooperatives, producer organizations or other collective organizations, in order to improve market access for small-scale fisheries products and to increase the availability of local food within coastal communities.</p> <p>23. Establish regional plans for small-scale producer organizations in order to increase their profitability and improve the quality and traceability of their products.</p> <p>24. Enhance the promotion of direct sales of fresh fish in accordance with the national regulations.</p> <p>25. Organize information and/or awareness campaigns for consumers on the importance of responsible consumption of local products, on the role of short value chains in guaranteeing freshness and on the consumption of less-known and underutilized species, with a view to increasing the diversity of catches.</p> <p>26. Promote the creation of certified seafood labels and fishery product brands that can encourage operators and consumers to buy locally and sustainably sourced seafood; encouraging the creation of affordable certified brands should promote responsible small-scale fisheries and raise consumer awareness on these local fisheries.</p> <p>27. Encourage the first processing of landings by the fishers themselves, their cooperatives or their producer organizations in order to expand the shelf life of products.</p> <p>28. Ensure traceability of small-scale fisheries products, guaranteeing that the local products introduced in the market are of good quality and environmentally sustainable.</p> <p>E. Participation of small-scale fisheries in decision-making processes</p> <p>29. Associate small-scale fisheries in the creation and implementation of marine development strategies and local development strategies.</p> <p>30. Integrate small-scale fishers in a participative approach to the designation and management of marine protected areas, in order to enable the commitment and compliance with rules of all stakeholders, engagement in conflict resolution processes and sustainable management through an integrated ecosystem-based management, in line with scientific recommendations.</p> <p>31. Ensure that marine spatial planning at the national and regional level takes into account small-scale fisheries and that they are specifically represented throughout the entire process.</p> <p>32. Promote participative management systems, such as co-management bodies, where fisheries management measures and accompanying socio-economic programmes may be established and implemented.</p> <p>33. Where necessary, at the national level, reinforce the analysis of legislation and institutional mechanisms which ensure the recognition of relevant small-scale fisher organizations and their inclusion in all activities regarding the sustainable development of the sector.</p> <p>34. Establish roadmaps and/or plans that would enable positive synergies between small-scale fisheries and other related marine economies and initiatives, in particular coastal and ecological tourism, marine biotechnology, marine protected areas and aquaculture.</p> <p>35. These plans should result in concrete benefits for responsible small-scale fisheries, such as shared infrastructure, suppliers and/or workers, direct selling opportunities, multi-purpose activities, supply of fish fry to aquaculture, collection of marine organisms for marine technology, better monitoring and understanding of marine ecosystems for sustainable fisheries.</p> <p>36. Organize supporting structures with the aim of addressing competing situations that may occur between small-scale fisheries and other interacting sectors.</p> <p>37. Encourage good cooperation between small-scale fisheries and recreational fisheries.</p> <p>F. Capacity-building</p> <p>38. Establish a regional platform to engage and promote cooperation among small-scale fisheries associations (including women's associations) in the Mediterranean and the Black Sea. This platform is expected to build on and reinforce existing sub regional and national platforms in order to set up a participatory mechanism for knowledge sharing, collaboration, stakeholder involvement, representation of small-scale fisheries actors in decision-making processes and dissemination of best practices.</p> <p>39. Reinforce capacity building of small-scale fisheries and give specific priority to</p>
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	<p>financial assistance, in order to facilitate their participation in decision-making processes and ensure a level playing field, in particular through the following actions:</p> <ul style="list-style-type: none"> a. create and reinforce technical and financial support (direct/indirect incentives, bank loan schemes, etc.); b. assist small-scale fishers and women’s organizations in simplifying their access to institutional funds, in order to ensure their transition towards long-term selective and sustainable fisheries; c. support the sustainable development of small-scale fisheries organizations and their networks; d. ensure access to consultancy services; and e. facilitate education and training opportunities for men and women of the fisheries sector, such as summer universities, aimed at developing fisheries-specific skills, policy knowledge (fisheries, environmental) and, in particular, knowledge of innovative solutions and technology developments. <p>40. In the context of local community development, implement regional diversification schemes that help small-scale fishers (including women of the fisheries sector) to diversify their activities (for example, entrepreneurship and leadership training, nautical and ecological tourism, recycling waste found at sea, marine scientific sampling missions).</p> <p>41. The above measures shall be applicable to small-scale fishers and their families, and particular attention shall be given to women and young fishers.</p> <p>42. Develop a regional programme aiming to provide support and technical assistance, in particular to developing countries, in order to build capacity within small-scale fisheries.</p> <p>43. Encourage local and national administrations to disseminate and communicate information on fisheries policy developments, including on innovation and technology.</p> <p>44. Encourage professional training opportunities for fishers, aiming to facilitate the generational turnover.</p> <p>G. Decent work</p> <p>45. Promote decent work, the improvement of working conditions as well as social protection for all small-scale fisheries workers.</p> <p>46. With the assistance of the GFCM, organize by 2019 a conference to address the issue of social development, employment and decent work in relation to small-scale fisheries.</p> <p>H. Role of women</p> <p>47. Support projects dedicated to enabling women to undertake small-scale fishery activities.</p> <p>48. Secure equal participation of women in decision-making processes for policies directed towards small-scale fisheries.</p> <p>49. Encourage the development of better technologies appropriate to the work of women in small-scale fisheries.</p> <p>I. Climate and environment</p> <p>50. Involve the knowledge and expertise of small-scale fisheries actors in the development of policies and plans addressing climate change in fisheries, in particular adaptation and mitigation plans, including within the framework of nationally determined contributions set forth by the Paris Agreement.</p> <p>51. Assist and support small-scale fishing communities affected by climate change or natural and human-induced disasters.</p> <p>52. Promote innovative solutions for the valorisation and utilization of non-indigenous species.</p> <p>53. Encourage small-scale fishers to actively participate in the circular economy, for instance, by establishing plans for the disposal and recycling of recovered nets in order to reduce the impacts of ghost fishing; such plans may include rewarding schemes for collecting marine litter.</p> <p>54. Involve small-scale fisheries in the designation and management of marine protected areas to promote the use of sustainable fishing practices, in line with their environmental conservation objectives, and to raise awareness about the benefits of healthy oceans for productive fisheries.</p> <p>J. Role of the GFCM</p> <p>55. The GFCM shall provide technical assistance to developing states for the development of participative and cooperative management plans for small-scale fisheries.</p> <p>56. The GFCM shall establish, at its forty-second session, a timetable indicating short-term and mid-term targets for the implementation of the actions listed in the RPOA-SSF.</p> <p>57. The GFCM shall steer and coordinate actions to ensure the implementation of the RPOA-SSF, and provide an annual report on the implementation of the actions set forth in the RPOA-SSF, reflecting reports provided by riparian countries.</p> <p>58. The GFCM is invited to closely work with relevant organizations for the implementation of the RPOA-SSF, where appropriate through existing memorandums of understanding.</p> <p>59. The GFCM shall organize a mid-term conference in 2024 to evaluate progress in the implementation of the RPOA-SSF.</p>
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Ministerial Declaration on a Regional Plan of Action for Small-Scale Fisheries in the Mediterranean and the Black Sea (Malta, 2018)⁷

Description and scope	<p>Agreement to ensure the long-term environmental, economic and social sustainability of small-scale fisheries on the basis of the following objectives and principles:</p> <ol style="list-style-type: none"> 1. Recognize the status of small-scale fisheries in the Mediterranean and the Black Sea, taking into account their regional specificities, experience, knowledge and contribution to the cultural heritage of local communities; 2. Recognize the socio-economic specificities of small-scale fisheries, such as the seasonality of their activities and the variability of their income; 3. Support livelihoods for coastal communities, especially in remote/rural areas, through sustainable small-scale fisheries; 4. Ensure fishers are aware and accountable for the need to reconcile economic and social objectives with environmental objectives; 5. When relevant, encourage the creation of bodies/associations to better structure, organize and represent the sector in a specific way in all decision-making processes. Strengthen and recognize the existing small-scale fisher organizations and platforms, including the associations of women, as stakeholders to be taken into account; 6. Improve the capacity to collect relevant data on small-scale fisheries and benefit from the traditional knowledge of small-scale fishers on the marine environment; 7. Provide equitable access to fishery resources for small-scale fishers by taking into account the socio-economic and cultural role of their activity in local communities; 8. Facilitate direct access to markets and public services for small-scale fisheries communities, and take action to promote and valorise local and fresh fish; 9. Give adequate attention and financial support to small-scale fisheries without unduly favouring large-scale operators; 10. Ensure proper establishment of monitoring, control and surveillance systems appropriate for small-scale fisheries; 11. Promote access to and use of new technologies within small-scale fisheries, with a view to improving safety, as well as monitoring, control and surveillance; 12. Promote fishing practices that minimize bycatch and impacts on the marine environment; 13. Prevent any practice that would contribute to an underground economy and illegal, unreported and unregulated (IUU) fishing activities; 14. Avoid any policies that may contribute to overcapacity or may negatively affect small-scale fishing communities; 15. Reinforce the valorisation of the sector, notably for locally caught fish, in order to maximize the economic benefit of small-scale fisheries; 16. Support the diversification of activities to ensure the sustainable development of the sector and coastal communities; 17. Promote the diversification of catches and promote quality over quantity so as to provide an advantage to small-scale fisheries with benefits for consumers, fishers and the environment; 18. Promote the improvement of the qualification levels and skills of fishers; 19. Ensure that the establishment of MPAs is carried out in a participatory manner taking into consideration the reality of small-scale fisheries livelihoods; 20. Take due account of small-scale fisheries in marine spatial planning, including their interaction with other sectors, such as other commercial fishing sectors, recreational fishing, aquaculture, renewable marine energies, oil drilling, transport and tourism; 21. Encourage the visibility and participation of small-scale fisheries representatives in the national and local decision-making and advisory processes when addressing fishery and other relevant policies, such as environment, transport, tourism and infrastructure; 22. Promote decent work and working conditions throughout the entire value chain for small-scale fisheries; 23. Consider the particular role of women in the economy of small-scale fisheries and coastal communities; 24. Recognize and take into account the impact of natural and human-induced disasters and climate change on small-scale fisheries; 25. Encourage regional organizations and institutions, non-governmental organizations and other interested stakeholders to play a significant role in promoting the objectives and principles of the plan and the SSF Guidelines, as well as to continue their contribution to the sustainability of small-scale fisheries.
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⁷ <https://www.fao.org/gfcm/rpoa-ssf>

	Aforementioned objectives, principles and actions shall be implemented in national strategies and/or plans.
FAO (2021) GFCM 2030 Strategy for Sustainable Fisheries and Aquaculture in the Mediterranean and the Black Sea	
<p>The aim of the GFCM 2030 Strategy is preservation the heritage of fisheries and aquaculture as pillars for the livelihoods of coastal communities of the Mediterranean and Black Sea. Five targets – each target is composed of expected outputs and strategic actions.</p> <p>Target 1. Fisheries and ecosystems: healthy seas and productive fisheries</p> <p>Target 2. Compliance and enforcement: A level playing field to eradicate illegal, unreported and unregulated fishing</p> <p>Target 3. Aquaculture: A sustainable and resilient sector growing to its full potential</p> <p>Target 4. Livelihoods: Decent employment and engaged fishers towards profitable fisheries.</p> <p>Target 5. Capacity development: Technical cooperation, knowledge, sharing and efficient partnership in a sub-regional perspective</p>	<p>Output 1.1. Technical advice on the status of fisheries and potential management scenarios improved to provide a solid basis for decision-making</p> <p>Output 1.1 enhances fishery-related data collection, monitoring and analytical capacity at the national, sub regional and regional levels, in order to facilitate the formulation of sound advice for the sustainable management of fisheries. This output prioritizes stock assessments and simulations on the biological and socio-economic impacts of alternative management scenarios, including a focus on data limited situations and small-scale fisheries. It uses multispecies approaches and integrated ecosystem assessments.</p> <p>Output 1.2. Evidence-based adaptive fisheries and ecosystem management implemented.</p> <p>Output 1.2 foresees the design and implementation of efficient multiannual adaptive management plans addressing key fisheries in the Mediterranean and the Black Sea. Based on the best available scientific advice, a combination of quantitative harvest control rules for data-rich stocks and precautionary measures for data-limited resources can feed existing management plans as well as inform new ones, guiding the management framework towards increased sustainability.</p> <p>Action A: Develop multiannual management plans for key fisheries, including small-scale fisheries, based on solid scientific advice and incorporating measures to address social, economic and ecological aspects.</p> <p>Output 4.1. Productive and resilient employment supported along the fisheries value chain</p> <p>Output 4.1 enhances sustainable livelihoods by fostering decent working conditions, including health and safety standards in the workplace, as well as productive employment opportunities for men and women in the fisheries sector, particularly youth. Access to social protection programmes and financial services are a central component of this output, supporting the resilience of fishers and enhancing their capacity to prepare for and respond to crises. Finally, linkages with other blue economy sectors are encouraged to promote livelihood diversification, including through specific training, upskilling and reskilling programmes.</p> <p>Action B: Promote policies that support and recognize the contribution of small-scale fisheries to food security, employment and income for coastal communities.</p> <p>Output 4.2. Socio-economic information enhanced in supporting decision-making processes.</p> <p>Output 4.2 strengthens the understanding of the socio-economic impact of fisheries, including recreational fisheries, along the value chain. Socio-economic data collection and analysis are enhanced to better integrate this information into decision-making processes. This output also sheds light on the role of women in fisheries, including in gleaning activities as well as pre- and post-harvest activities.</p> <p>Action C: Assess interactions between small-scale fisheries and recreational fisheries at a sub-regional level and identify opportunities for livelihood diversification and new revenue.</p> <p>Output 4.3. Dynamic and innovative fisheries value chains fostered.</p> <p>Output 4.3 identifies and implements innovative solutions to enhance the profitability of fisheries, making value chains more efficient and responsive to market demand, while ensuring food security and easy access to fresh, local products. The actions promote innovation to facilitate sustainable direct selling initiatives, minimize food waste, enhance traceability, promote the certification of local and sustainable products, heighten consumer awareness and improve the integration of fisheries in a circular economy.</p> <p>Action A: Enhance fisheries value chains, particularly for small-scale fisheries, to increase profitability and reduce food waste, in the context of sustainable and inclusive ocean economies.</p> <p>Action B: Support capacity development to strengthen and valorise short value chains for small-scale fisheries products, including by leveraging technological innovations for direct selling and by raising consumer awareness on the benefits of buying local.</p> <p>Output 4.4. Engagement of fishers in participatory management processes promoted, facilitating their role as guardians of the sea.</p> <p>Output 4.4 enhances the capacity of all producer organizations, notably small-scale fisher organizations, to engage as active contributors in management, through a multi-level participatory process. In particular, this output integrates fishers into knowledge building activities, capturing their local ecological knowledge, empowering them to advocate for their needs through management consultations, and partnering with them to institute participatory management models, such as co management arrangements. The participatory approach is developed in a tailored and adaptive manner and is recognized, in particular, as an important governance tool for the identification, implementation and management of fisheries restricted areas.</p>

FAO (2015) Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication

Description and scope	Guiding principles
<p>The objectives:</p> <p>a) to enhance the contribution of small-scale fisheries to global food security and nutrition and to support the progressive realization of the right to adequate food,</p> <p>b) to contribute to the equitable development of small-scale fishing communities and poverty eradication and to improve the socio-economic situation of fishers and fish workers within the context of sustainable fisheries management,</p> <p>c) to achieve the sustainable utilization, prudent and responsible management and conservation of fisheries resources consistent with the Code of Conduct for Responsible Fisheries (the Code) and related instruments,</p> <p>d) to promote the contribution of small-scale fisheries to an economically, socially and environmentally sustainable future for the planet and its people,</p> <p>e) to provide guidance that could be considered by States and stakeholders for the development and implementation of ecosystem friendly and participatory policies, strategies and legal frameworks for the enhancement of responsible and sustainable small-scale fisheries, and</p> <p>f) to enhance public awareness and promote the advancement of knowledge on the culture, role, contribution and potential of small-scale fisheries, considering ancestral and traditional knowledge, and their related constraints and opportunities.</p>	<p>Based on international human rights standards, responsible fisheries standards and practices and sustainable development according to the United Nations Conference on Sustainable Development (Rio+20) outcome document ‘The future we want’, the Code and other relevant instruments, paying particular attention to vulnerable and marginalized groups and the need to support the progressive realization of the right to adequate food.</p> <p>1. Human rights and dignity Recognizing the inherent dignity and the equal and inalienable human rights of all individuals, all parties should recognize, respect, promote and protect the human rights principles and their applicability to communities dependent on small-scale fisheries, as stipulated by international human rights standards: universality and inalienability; indivisibility; interdependence and interrelatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law. States should respect and protect the rights of defenders of human rights in their work on small-scale fisheries. All non-state actors including business enterprises related to or affecting small-scale fisheries have a responsibility to respect human rights. States should regulate the scope of activities in relation to small-scale fisheries of non-state actors to ensure their compliance with international human rights standards.</p> <p>2. Respect of cultures Recognizing and respecting existing forms of organization, traditional and local knowledge and practices of small-scale fishing communities, including indigenous peoples and ethnic minorities encouraging women leadership and taking into account Art. 5 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).</p> <p>3. Non-discrimination Promoting in the small-scale fisheries the elimination of all kinds of discrimination in policies and in practice.</p> <p>4. Gender equality and equity Fundamental to any development. Recognizing the vital role of women in small-scale fisheries, equal rights and opportunities should be promoted.</p> <p>5. Equity and equality Promoting justice and fair treatment – both legally and in practice – of all people and peoples, including equal rights to the enjoyment of all human rights. At the same time, differences between women and men should be acknowledged and specific measures taken to accelerate de facto equality, i.e. using preferential treatment where required to achieve equitable outcomes, particularly for vulnerable and marginalized groups.</p> <p>6. Consultation and participation Ensuring active, free, effective, meaningful and informed participation of small-scale fishing communities, including indigenous peoples, taking into account the UN Declaration on the Rights of Indigenous Peoples (UN DRIP) in the whole decision-making process related to fishery resources and areas where small-scale fisheries operate as well as adjacent land areas, and taking existing power imbalances between different parties into consideration. This should include feedback and support from those who could be affected by decisions prior to these being taken, and responding to their contributions.</p> <p>7. Rule of law Adopting a rules-based approach for small-scale fisheries through laws that are widely publicized in applicable languages, applicable to all, equally enforced and independently adjudicated, and that are consistent with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.</p> <p>8. Transparency Clearly defining and widely publicizing policies, laws and procedures in applicable languages, and widely publicizing decisions in applicable languages and in formats accessible to all.</p> <p>9. Accountability Holding individuals, public agencies and non-state actors responsible for their actions and decisions according to the principles of the rule of law.</p> <p>10. Economic, social and environmental sustainability Applying the precautionary approach and risk management to guard against undesirable outcomes, including overexploitation of fishery resources and negative environmental, social and economic impacts.</p> <p>11. Holistic and integrated approaches Recognizing the ecosystem approach to fisheries (EAF) as an important guiding principle, embracing the notions of comprehensiveness and sustainability of all parts of ecosystems as well as the livelihoods of small-scale fishing communities, and ensuring cross-sectoral coordination as small-scale fisheries are closely linked to and dependent on many other sectors.</p>

	<p>12. Social responsibility Promoting community solidarity and collective and corporate responsibility and the fostering of an environment that promotes collaboration among stakeholders should be encouraged.</p> <p>13. Feasibility and social and economic viability Ensuring that policies, strategies, plans and actions for improving small-scale fisheries governance and development are socially and economically sound and rational. They should be informed by existing conditions, implementable and adaptable to changing circumstances, and should support community resilience.</p>
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FAO (2020) Legislating for Sustainable Small-Scale Fisheries – A guide and considerations for implementing aspects of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication in national legislation

Structure and content of small-scale fisheries legislation	Description
<p>I. Preliminary: (i) short title; (ii) objectives; (iii) interpretation and definitions; (iv) scope of application.</p> <p>II. Institutional and administrative arrangements</p> <p>III. Small-scale fisheries management, conservation and development: (i) the objectives and administration of small-scale fisheries conservation, management and development; (ii) the designation of small-scale fisheries of national significance; (iii) small-scale fisheries management and development plans; (iv) prohibition or restrictions relating to fishing gear, fishing methods, and the use of explosives, chemicals, poisons or other toxic substances; (v) restricted and prohibited areas, seasons and species; (vi) relevant offences or violations and commensurate penalties.</p> <p>IV. Requirements for small-scale fishing and related activities (i) requirements for undertaking small-scale fishery operations; (ii) requirements for undertaking related activities; (iii) activities that may be exempt; (iv) requirements for the registration of small-scale fishers; (v) requirements for the marking and identification of fishing vessels and fishing gear; (vi) registration of persons undertaking related activities (processing, transportation and distribution, marketing, and others); (vii) compliance with other written laws; (viii) relevant offences or violations and commensurate penalties.</p> <p>V. Provisions related to tenure and access rights (i) requirements for a licence to undertake small-scale fishing within specified areas; (ii) requirements for the licensing of fishing vessels and fishing gear engaged in small-scale fishing; (iii) requirements for the licensing of small-scale fishing-related activities; (iv) terms and conditions for each licence; (v) procedures for licence application; (vi) criteria and procedures for the grant, refusal or renewal of a licence; (vii) procedures and criteria for suspension or cancellation of a licence; (viii) appeals; (ix) recording or registering fishing vessels licensed to engage in small-scale fisheries; (x) recording or registering persons licensed to engage in small-scale fishing-related activities; (xi) relevant offences or violations and commensurate penalties.</p> <p>VI. Trade in fish and fish products (i) establishment, where there is no competent authority in place, or recognition of an existing competent authority in charge of trade in fish and fish products originating from small-scale fisheries; (ii) the functions and responsibilities of the competent authority; (iii) appointment and authority of fish quality auditors/inspectors;</p>	<p>I. Preliminary Consideration of implementing the objectives and guiding principles that reflect human rights goals such as an adequate standard of living for fishers and fisheries actors, decent work conditions, protected tenure rights, rights related to participation and non-discrimination, the right to effective remedy and due process, and others. In addition, the legislation should consider defining “small-scale fisheries”, “small-scale fishing vessel”, “small-scale fisher” and “small-scale fish worker”.</p> <p>II. Institutional and administrative arrangements Besides referring to the roles and responsibilities of the statutory authority, ministry or department, that administers small-scale fisheries, ensures consultation with and participation of small-scale fisheries communities, organizations, cooperatives and any other recognized entity representing small-scale fishers and fisheries (e.g. advisory bodies).</p> <p>III. Small-scale fisheries management, conservation and development Two overarching small-scale fisheries management objectives are: (i) long-term (social, economic and environmental) sustainability, and (ii) responsible operations. In order to achieve sustainable resource management, states are encouraged to promote management systems that are participatory: the design, planning and as appropriate, implementation of management measures, including protected areas affecting their livelihood options. Participatory management systems, such as co-management, should be promoted in accordance with national law. Procedures for developing management and conservation measures and plans should be provided for by a transparent, inclusive and accessible process enabling fair and constructive outcomes for small-scale fisheries communities. Provisions for the development of small-scale fisheries should be included in both fisheries and related legislation, to ensure among other things the development of the sector, as well as the social and economic development of fishers and fish workers (e.g. subsidies available to eligible small-scale fishers for the purchase of small fishing vessels, gear or bait, incentives for the establishment and operation of fisheries cooperatives).</p> <p>Part IV: Requirements for small-scale fishing and related activities The state has the prerogative of determining requirement to be imposed on each category of fisheries as well as the related activities to be conducted – some states exempt subsistence and indigenous fishers from certain requirements (e.g. registration, marking and identification of small fishing vessels as well as registration of small-scale fishers).</p> <p>Part V: Provisions related to tenure and access rights Contains provisions to guarantee and secure tenure rights to fishery resources, including rights to adjacent land areas whether coastal/waterfront or lakeshore, including those adjacent to commons. It should provide for granting preferential access for small-scale fisheries to fish in specific areas, and restrict or prohibit large and commercial vessels from fishing in those areas.</p>

<p>(iv) requirements for the import and export of fish and fish products that originate from small-scale fisheries;</p> <p>(v) criteria for eligibility for certification for export purposes;</p> <p>(vi) licensing and registration of post-harvest facilities;</p> <p>(vii) prohibition on the labelling of fish and fish products that originate from small-scale fisheries in one state as a product of another state;</p> <p>(viii) prohibition of fish fraud including but not limited to the requirement for correct labelling of fish and fish products that are traded domestically, imported or exported;</p> <p>(ix) relevant offences or violations and commensurate penalties.</p> <p>VII. Monitoring, control and surveillance</p> <p>(i) mandatory participation of small-scale fisheries representatives, including women, in the design of MCS frameworks;</p> <p>(ii) participation of recognized small-scale fisheries bodies and entities in MCS system implementation;</p> <p>(iii) appointment of authorized MCS officers;</p> <p>(iv) duties owed to authorized MCS officers;</p> <p>(v) powers of authorized MCS officers;</p> <p>(vi) appointment and duties to observers and port or landing site monitors and samplers;</p> <p>(vii) appointment and responsibilities of fish quality control auditors;</p> <p>(viii) appointment and responsibilities of small-scale fisheries wardens;</p> <p>(ix) establishment and functions of electronic monitoring devices and systems and other MCS tools;</p> <p>(x) an offence for obstruction or interference with authorized MCS officers;</p> <p>(xi) protection from liability of authorized MCS officers acting in good faith in the exercise of their duties;</p> <p>(xii) relevant offences or violations and commensurate penalties and remedy mechanisms.</p> <p>VIII. Jurisdiction and procedure</p> <p>(i) jurisdiction, including identification of the court of first instance and appeal;</p> <p>(ii) procedure;</p> <p>(iii) liabilities, fines, penalties, etc.;</p> <p>(iv) seizure and criteria for the release of seized items;</p> <p>(v) forfeiture of items.</p> <p>IX. Administrative proceedings</p> <p>(i) imposition of a monetary penalty;</p> <p>(ii) the loss of a fishing right or quota;</p> <p>(iii) the suspension or cancellation of a licence or other authorization;</p> <p>(iv) a temporary ineligibility to hold a licence;</p> <p>(v) confiscation of catch, gear or a vessel;</p> <p>(vi) compounding of offences (and related procedures);</p> <p>(vii) fixed penalty notices issued for minor offences or violations;</p> <p>(viii) procedures for the issuance of fixed penalty notices</p> <p>X. Evidence</p> <p>(i) certificate evidence;</p> <p>(ii) procedures for the issuance of certificate evidence;</p> <p>(iii) prohibition on the destruction or disposal of evidence;</p> <p>(iv) photographic evidence;</p> <p>(v) vessel monitoring system evidence (such as evidence derived from a mobile transceiver unit (MTU), automatic location communicator, or designated machine);</p> <p>(vi) evidence from electronic devices.</p> <p>XI. Regulations or subsidiary legislation</p> <p>XII. Repeal, savings and transitional provisions</p>	<p>This part should also provide for the formal recognition of customary tenure and access rights in legislation.</p> <p>Part VI: Trade in fish and fish products</p> <p>In accordance with WTO rules and health and safety standards of the Codex Alimentarius. Should include recognition of the rights of small-scale fishers (including women) engaged in any post-harvest fishing activities to appropriate access to regional and international markets, fair benefits from applicable trade regulations, and necessary protection:</p> <p>Part VII: Monitoring, control and surveillance</p> <p>Small-scale fisheries legislation must contain effective MCS provisions as well as the necessary institutions and mechanisms for implementation. The appointment procedures and powers of officers with MCS responsibilities under the legislation must be clear and transparent, allowing for the adequate participation of small-scale fishers in each of the MCS components</p> <p>VIII. Jurisdiction and procedure</p> <p>If the small-scale fisheries legislation has extra-territorial reach, it should be made clear that the jurisdiction of a court extends to activities conducted by its nationals outside its national jurisdiction. Jurisdiction would need to extend to all activities falling within the scope of the legislation. Standard procedures and liabilities, including vicarious liability (if appropriate) of vessel owners for acts or omissions of the master or employee of a vessel, should be set out.</p> <p>IX. Administrative proceedings</p> <p>The resolution of offences through an administrative process, among others, avoids the backlog of cases before the judiciary and could be particularly useful for small-scale fisheries cases that would usually involve minor violations. Generally, if a person who has committed such an offence or violation settles the penalty imposed, he or she may resume fishing or other activity and without undergoing lengthy court proceedings.</p> <p>X. Evidence</p> <p>Managers and authorized officers may need to prepare certificates of evidence for judicial proceedings. Legally, certificates of evidence have the status of initial evidence that can be rebutted by the accused or defendant, and the presence of the person making the certificate is not required. This saves time and money and upholds the idea of fairness in judicial proceedings.</p> <p>XI. Regulations or subsidiary legislation</p> <p>Should empower the minister or other authority to make regulations or allow for the making of subsidiary legislation covering specific subjects related to small-scale fisheries and, in general, for any purpose required to give effect to the primary legislation</p> <p>XII. Repeal, savings and transitional provisions</p> <p>Should stipulate that all previous laws that the legislation replaces are repealed, but existing licences, contracts, agreements and legal actions are still valid until cancelled under the new law.</p>
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5. Main strengths and weaknesses of the management within Italian national legislative frameworks identified by the MSC Pre-Assessment

Marine Stewardship Council (hereinafter: MSC) Pre-Assessment (MSC Fisheries Certification Process v2.2 and Annex SA of the MSC Fisheries standard v2.01) of the COVEPA artisanal fishery was conducted for mantis shrimp and cuttlefish trap/pot fishery based on publicly available published literature and inputs from various stakeholder in the Veneto region⁸. The pre-assessment defined performance indicators for the main three principles of MSC: 1. Stock status; 2. Minimising environmental impacts; and 3. Effective management⁹. Within the context of the present review document, pre-assessment results of the Principle 3 - Effective management - are taken into consideration. The principle incorporates an effective management system that respects local, national and international laws and standards and incorporates institutional and operations frameworks that require use of the resources to be responsible and sustainable¹⁰.

Table 6. Main strengths and weaknesses of the “Principle 3 Effective management” of the MSC in Italian legislative framework (from DNV Business Assurance (2022) Pre-Assessment Report: CO.VE.PA. ARTISANAL FISHERY. Marine Stewardship Council fisheries assessments)

Principle	Strengths	Explanation
3.1.1. Legal and/or Customary Framework	The legal framework and management system are well defined.	Italian fisheries legal framework and the fisheries management within it in accordance with overarching Common Fishery Policy, EU Regulations, GFCM, and other international instruments – transparent mechanisms or the resolution of legal dispute as well as formal commitment to observe the legal and customary rights of people dependent on fishing
3.1.2. Consultation, Roles and Responsibilities	Consultation, roles and responsibilities are well established at national and regional levels.	Principal organizations and stakeholder involved in the management are clearly defined. The sector is represented by cooperative associations involved in consultations process
3.1.3. Long Term objectives	The overarching objectives of Italian fisheries are based on the CFP to guide decision-making.	Based on the CFP and EU objectives – exploitation of marine resources and conservation of the biodiversity and the marine ecosystem.

⁸ DNV Business Assurance (2022) Pre-Assessment Report: CO.VE.PA. ARTISANAL FISHERY. Marine Stewardship Council fisheries assessments. Marine Stewardship Council. 25th February 2022. 96p

⁹ <https://www.msc.org/standards-and-certification/fisheries-standard>

¹⁰ https://www.msc.org/docs/default-source/default-document-library/for-business/program-documents/fisheries-program-documents/msc-fisheries-standard-v2-01.pdf?sfvrsn=8ecb3272_19

3.2.3. Compliance and Enforcement	There is reasonable expectation and confidence that MCS measures are effective. Some evidence shows that the number of non-compliances in the area is quite low and that the applied sanctions are effective.	Monitoring, control and surveillance (MCS) effective considering the small scale of the fishery in question. Decreasing trend in the number of non-compliances in the analysed area during the past three years. MCS measures considered effective regarding the small scale of the fishery, however Illegal, unreported and unregulated fishing (IUU) still occurs by other fishing gears (e.g. trawls, recreational fishing).
Principle	Weaknesses	Explanation
3.2.1. Fishery Specific Objectives	The absence of clear short- and long-term fishery-specific objectives.	Certain fishery-specific management objectives are present in the National Management Plan relating to fishing fleets for the capture of demersal resources in the context of GSA 17 and GSA 18, however, targeted species of this pre-assessment are not the main objective, but are rather specified and managed as associated species of the demersal fishing fleets (e.g. bottom trawls).
3.2.2. Decision Making Processes	The absence of clear harvest control rules for target species to consider the management decision is responsive to serious and other important issues.	No generally understood Harvest control rules available or in place for target species as well as subject species of this pre-assessment (mantis shrimp, cuttlefish) that may reduce exploitation when the state of the stock approaches its PRI (Point of Recruitment Impairment). In addition, the absence of cases where the management responded with decisions to important issues identified in relevant research, monitoring, evaluation and consultation, in a transparent, timely and adaptive manner, taking into account of the wider implications of decisions.
3.2.2. Decision Making Processes	The management system tries to resolve disputes to avoid judicial trials and only the most serious cases go to the judicial system. However, Italian justice remains the slowest in Europe.	Management system and the fishing sector try to resolve disputes and issues regarding the compliance to avoid judicial trails. Most serious cases go to prosecution by the fishery inspectorate and may transfer to the judicial system. Italian justice system is the slowest in Europe.
3.2.4. Monitoring and management Performance Evaluation	Information about the frequency and regularity of the internal review mechanisms for Monitoring, control and surveillance is absent.	Italian fisheries managed in accordance with the CFP and the EU – a number of mechanisms are in place to review key parts of the fishery-specific management system: stock assessments, TACs, and enforcement and control measures. However, due to the absence of information about the frequency and regularity on the internal review mechanism, it is challenging to consider that “all” parts of the fishery-specific management are subject to review.

6. Strength and weaknesses of the Croatian legislative framework governing small-scale fisheries

Republic of Croatia is a Member State of the European Union, and implements its national fisheries policies in accordance with the overarching Common Fisheries Policy, EU Regulations as well as other internationally binding instruments and agreements. This could be considered one of the main strength of the Croatian legislative framework that governs marine capture fisheries as it is in line with the general provisions of the above mentioned policies and instrument that govern the sustainable exploitation and management of marine biological resources. As noted earlier, legislative framework in Croatia does not implement the definition

“small-scale fisheries” or “small-scale coastal fisheries” or “artisanal fisheries”, nor does it specifically and directly address the SSF sector in relation to exploitation and management of marine biological resources. Although this fact could be considered a weakness in relation to Paragraphs 1, 10, 30 and 32 of RPOA-SSF (characterisation of the sector based on socio-economic and technical factors and features, preferential access to coastal resources, co-management), there exists legal instruments within the legal framework that takes into consideration the provision of the aforementioned RPOA-SSF. For example, the Action Plan for the development, competitiveness and sustainability of small-scale coastal fishing, which is part of the Operational Program for Maritime Affairs and Fisheries of the Republic of Croatia for the programming period 2014 – 2020 (hereinafter: OPMAF 2014 – 2020)¹¹. The OPMAF 2014 – 2020 defines small-scale coastal fisheries in accordance with Regulation (EU) No 508/2014, and includes several measures for the development and sustainability of the sector. For example, the OPMAF 2014 – 2020 recognized that SSF operators usually have only one vessel and work on the edge of economic viability, therefore, they are given priority through structural measures. In addition, OPMAF 2014 – 2020 encourages cooperation of SSF operators with other interests in the coastal zone (tourism), provides operational measures for adding value to products from the SSF through certification, as well as announces measures for gear selectivity, for improving infrastructure, and other relevant issues in the SSF sector. Furthermore, the Program for Fisheries and Aquaculture of the Republic of Croatia for the programming period 2021 – 2027 (draft version) (hereinafter: PFA 2021 – 2027) pays special attention to SSF sector in accordance with the Regional Plan and the Ministerial Declaration on a Regional Plan of Action for Small-Scale Fisheries in the Mediterranean and the Black Sea (hereinafter: Ministerial Declaration). For example, PFA 2021 – 2027 promotes action that will contribute to the development, competitiveness and sustainability of small-scale coastal fisheries. It encourages diversification and creation of new forms of income for SSF operators by improving the quality of catches and orientation on the local market, and developing complementary economic activities, it supports added value investment in fishery products, in particular those that allow fishers to self-process, market and sell their own catches and promotes innovative investment on board of SSF vessel to improve the quality of fisheries products. It promotes the sustainability of SSF sector by establishing an effective balance between fishing capacity and fishing opportunities, improving equipment and fishing gear, adaptation to climate change and other relevant issues. Therefore, many of the recommendations and provisions of intergovernmental instrument (Articles 1, 2, 9, 11, 15, 16, 17 of the Ministerial Declaration). are properly addressed and implemented through structural measures of the OPMAF 2014 – 2020 and PFA 2021 – 2027. In addition, primary legislation (Marine Fisheries Act) addresses provisions for collection of relevant data of small-scale fisheries and the establishment of proper monitoring, control and surveillance of small-scale fisheries (Articles 6 and 10 of the Ministerial Declaration), while the secondary regulations

¹¹ <https://euribarstvo.hr/files/Operativni-program-za-pomorstvo-i-ribarstvo-RH-za-2014.-2020.-verzija-2020.-godina.pdf>

(e.g. Ordinance on the recognition of producer organizations in fisheries and aquaculture, associations of organizations and inter-professional organization, Ordinance on the content and form of the sales sheet and the content of the register of first buyers, Ordinance on the license for commercial fishing at sea and the Register of licenses) address particular provision such as Article 5, 8 and 14 of the Ministerial Declaration). Participation of SSF operator representatives in the national and local decision making (Article 21 of the Ministerial Declaration) is addressed by the Code of Consultation with the Interested Public in the Procedures for Adopting Laws, Other Regulations and Acts.

7. Discussion

Both Croatia and Italy are Member States of the European Union, and as such are subject to the CFP and EU regulations. In addition, both countries are signatories of several intergovernmental agreements and have the obligation of implementation the provision of these instruments into national legislative framework, policies and operating programs. There are many similarities between the Croatian and Italian legislative framework that regulate marine fisheries, which is not a surprise considering the geographical, cultural, socio-economic and other ties that fisheries share in the North Adriatic Basin. Both legislative frameworks differentiate commercial from non-commercial fishing. Fishers conduct commercial fishing based on the license of commercial/professional fishing, which is issued by the competent authority, (Ministry of Agriculture in the Republic of Croatia, and Ministry of Agricultural, Food and Forestry Policies in Republic of Italy) to the owner of the vessel, and in accordance with the fishing gears authorised therein. In addition, commercial fishers must fulfil certain precondition in order to be issued fishing licenses as well as names of the owner of the vessel and the vessel are entered in the Fleet Registers. Regarding the institutional and administrative arrangements, competent authorities as well as scientific institution from both countries share similar responsibilities and tasks regarding fisheries management, control and scientific research, with a slight variation. In Croatia, for example, Fishery Inspection of the Ministry of Agriculture is the primary responsible body for conducting monitoring, control and surveillance in fisheries, however, due to a long coastline and a number of various economic activities within it, authorised officers from other institutions cooperate with Ministry of Agriculture and carry out inspection activities (e.g. inspectors from the State Inspectorate). Conversely, in Italy, the main responsible body for monitoring, control and surveillance in fisheries is the National Fisheries Control Centre of the Italian Coastguard, which likewise cooperates with other national and local governmental institutions regarding inspection in fisheries (e.g. Ministry of Finance).

Small-scale fisheries operators in both countries implement virtually the same fishing gears, technical features of which, as well as their use are similarly regulated in the respective legislation of both countries. Regarding the structural and technical features as well as spatial, temporal or other limitations of use of fishing gears implemented in small-scale coastal fisheries

sector, both legislative frameworks prescribe provisions for the sustainable exploitation of marine biological resources (e.g. seasonal closure, limitation on the number of gears, prohibition of fishing in certain fishing zones). Where specific provisions are not mentioned, EU Regulations are followed. It is important to point out that in Italy, management of fishing and other issues may be regulated on a regional level, as long as it is in accordance with primary legislation or the provisions of regional regulations are stricter than primary regulation. Although the regional policy and management system present in Italy is not the same as in Croatia, both countries share the same principle for governing of the fishery resources. For example, similarly to management measures in maritime compartments in Italy, limitation in fishery exploitation in certain fishing zones and sub-zones in Croatia have been established because of regional specificities.

Both countries implement co-management process of issue related to fishery policies, which is highlighted in RPOA-SSF. In Croatia, the process of drafting and passing acts and secondary regulations incorporates extensive communication and cooperation with all relevant stakeholder in fisheries (e.g. Croatian Chamber of Trades and Crafts), including formation of working groups, round tables and other forms of co-management. In addition, Croatian legal framework has, through secondary regulations, prescribed the conditions for establishment of PO of SSF operators, which enables stakeholder to participate in co-management and policy making. Conversely, Italian legal framework implements the co-management process of the marine biological resources, with SSF cooperative managing the portions of the maritime compartments in which they are active. This self-government of fishery resources by the small-scale artisanal fishers possibly stems from a long tradition as well as legal and customary rights of artisan fishers and their representative organizations (cooperatives), which are dependent on fishing for livelihood and food.

Legal instrument exists in both countries, by which provision of intergovernmental instruments are implemented in practice, particularly those regarding small-scale coastal fisheries. For example, the Ministerial Action Plan for development, competitiveness and sustainability of small-scale fishing in Italy¹² and OPMAF 2014 – 2020 and PFA 2021 – 2027 in Croatia, are the main documents that contribute to the long-term sustainability of the small-scale fisheries sector. Together with the overarching legislative framework of the EU, these two factors are the main strengths of both regulatory frameworks. Considering the many similarities of fisheries on both coasts of the Adriatic Sea as well as in legislative frameworks that govern them, a parallel from the MSC Pre-Assessment could be drawn for Croatian legal framework.

¹² Regione Emilia-Romagna – La definizione giuridica della pesca artigianale nell’orinamento giuridico europeo ed in quello italiano. Elaborato a cura del dott. Piergiorgio Vasi. Responsabile Posizione Organizzativa, Valorizzazione delle attività di pesca e di acquacoltura, Direzione Agricoltura, caccia, pesca. Emilia-Romagna Project Manager Adri.SmArtFish. p.33

8. Conclusion

Both national legislative frameworks and institutional instruments contain provisions that are designed to contribute to the long-term socio-economic development and sustainability of the small-scale fisheries sector, particularly national operating programs for fisheries and aquaculture. Main strengths of both legislative framework is their synchronization with the overarching CFP and other EU regulations, which are centred around sustainable exploitation of marine biological resources. Both countries are situated at the opposite coasts of the Adriatic Sea and thus share marine biological resources as well as a long tradition in fishery exploitation. This is a great strength, and foundation, upon which future cooperation between policy makers and stakeholders could be achieved.

Efforts to involve relevant stakeholders (i.e. SSF operators) in policy and decision making should continue, in particular in the process of drafting primary and secondary regulations, taking into account their socio-economic needs, and at the same time, the state of the fishery resources. Policy makers from both countries must encourage and support SSF operators in engaging in more selective and sustainable fishing. Furthermore, it is important to recognize the added value of fishery products that come from sustainable fisheries, specifically SSF sector. However, few weaknesses that were identified in this review as well as in the MSC Pre-assessment will need to be addressed in the future. Alternative ways will have to be addressed in future consultation processes with relevant stakeholder in the small-scale coastal fisheries to lay out the foundations for a potential co-management process of marine biological resources.

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The information's, opinions and conclusions presented in this document are based on publicly available information, Adri.SmArtFish project reports, but also on the results of an international certification process, and are exclusively the views of the authors and do not necessarily reflect the views or policies of the Ministry of Agriculture, Republic of Croatia