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# The application of the Article 9 of the FAO Code of Conduct for Responsible Fisheries in the Mediterranean

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**SUMMARY** – This paper is a short summary of the project which, starting from the FAO Code of Conduct for Responsible Fisheries (CCRF), led to the Consultation on Adoption of Article 9 of the FAO CCRF in the Mediterranean Region. This project was funded by the Italian Government and was implemented by FAO from June 1998 to July 1999, date of the Consultation, in which the member countries of the General Fisheries Commission for the Mediterranean (GFCM) participated. The Consultation was organized as a project involving assistance to the countries in the preparation of national documentation. This work generated 14 national reports from which a Synthesis and a proposal for an Action Plan were prepared. The discussion of the Action Plan led the Consultation to retain five main elements with a series of associated national and regional activities. These were prioritized for the Action Plan, and its implementation should continue at both national and regional level after the Consultation. These five elements concern the following subjects: the diffusion of information about the principles of the CCRF related to aquaculture development, the improvement of planning procedures, the harmonization between aquaculture development and environmental conservation, the use of the CCRF to enhance the economic value of aquaculture production and the harmonization of trade through the adoption of common standards for production. The Consultation retained the GFCM Committee on Aquaculture as the proper body to coordinate the follow-up of these activities.

**Key words:** Codes of conduct, aquaculture planning, GFCM, sustainability, Mediterranean.

**RESUME** – "L'application de l'article 9 du Code de Conduite de la FAO pour une pêche responsable en Méditerranée". Cet article représente un bref résumé du projet qui, commençant par le Code de Conduite de la FAO pour une pêche responsable (CCPR), a mené à la Consultation sur l'adoption de l'article 9 du CCPR de la FAO pour la région méditerranéenne. Ce projet était financé par le Gouvernement Italien et a été mis en place par la FAO de juin 1998 à juillet 1999, date de la Consultation, à laquelle ont participé les pays membres du Conseil Général des Pêches pour la Méditerranée (CGPM). La Consultation était organisée comme un projet impliquant l'assistance des pays pour la préparation d'une documentation nationale. Ce travail a donné lieu à 14 rapports nationaux à partir desquels une synthèse et une proposition d'un Plan d'Action ont été préparées. La discussion du Plan d'Action a mené la Consultation à retenir cinq éléments principaux avec une série d'activités associées à l'échelle nationale et régionale. Il leur a été accordé priorité pour le Plan d'Action, et la mise en oeuvre devrait continuer aux niveaux nationaux et régionaux après la Consultation. Ces cinq éléments concernent les domaines suivants: la diffusion de l'information concernant les principes du CCPR se rapportant au développement de l'aquaculture, l'amélioration des procédures de planification, l'harmonisation entre le développement de l'aquaculture et la conservation environnementale, l'utilisation du CCPR pour promouvoir la valeur économique de la production aquacole et l'harmonisation du commerce à travers l'adoption de normes communes pour la production. La Consultation a désigné le Comité du CGPM sur l'Aquaculture comme étant l'instance appropriée pour coordonner le suivi de ces activités.

**Mots-clés :** Codes de conduite, planification de l'aquaculture, CGPM, durabilité, Méditerranée.

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## The FAO Code of Conduct for Responsible Fisheries

The origin of the FAO CCRF is reported in detail in Annex 1 of the Code (FAO, 1995). The basic text of the Code was developed in various steps which started with the 19th Session of the FAO Committee on Fisheries, which took place in March 1991. This COFI session requested the development of concepts related to sustainable exploitation of fisheries, intended in broad sense and covering both capture fisheries and aquaculture.

In the following year, 1992, an International Conference on Responsible Fishing was organized by FAO and sponsored by the Mexican Government in Cancun, Mexico requested FAO to prepare an International Code on the subject. In the same years the UNCED (United Nations Conference on

Environment and Development) meeting in Rio de Janeiro, Brazil, supported the preparation of the Code.

At the COFI 21st session, in 1993, the drafting of the Code was started in such a way as to be consistent with the 1982 UN Convention on the Law of the Sea and also to be in line with UNCED recommendations.

In February 1994 a formal working group of experts nominated by the governments reviewed the draft of the Code principles. Later, in June 94, the FAO Council proposed a Technical Consultation on the CCRF, open to all FAO Members, interested non members, intergovernmental and non-governmental organizations in order to provide the widest involvement of all concerned parties in a early stage of the elaboration of the Code. This Technical Consultation was also concerned with the drafting of technical guidelines which would serve a clarification for the interpretation of the various articles of the Code. One of them was specifically prepared for aquaculture development (FAO, 1997)

From this date onwards, the FAO undertook a series of activities through the Committee on Fisheries (COFI) and the FAO Council to conclude the drafting of the Code. These culminated with the adoption of the CCRF by consensus at the 28th Session of the FAO Conference on 31 October 1995.

In its final form as approved by the 28<sup>th</sup> session of the FAO Conference, the Code contains twelve articles. The first six are general articles while the articles from 7 to 12 contain specific articles of which article 9 is dedicated to aquaculture development. Nevertheless, practically all other articles except Article 8 on Fishing Operations have to do with aquaculture even if it is not specifically mentioned in the title.

Regarding Article 9, on Aquaculture Development, the article is divided in four main sections:

- 9.1- Responsible development of aquaculture, including culture-based fisheries, in areas under national jurisdiction.
- 9.2 - Responsible development of aquaculture, including culture-based fisheries, within transboundary aquatic ecosystems.
- 9.3 - Use of aquatic genetic resources for the purpose of aquaculture including culture-based fisheries.
- 9.4 - Responsible aquaculture at the production level.

The general principles of the Code are contained in the 19 sub-sections of *Article 6*. Several of them can be related also to aquaculture:

- (i) Conserving living aquatic resources.
- (ii) Conducting relevant research and collecting appropriate data.
- (iii) Applying the precautionary approach.
- (iv) Maintaining the nutritional value, quality and safety of aquaculture products during harvesting, processing and distribution.
- (v) Protecting (and rehabilitating where necessary) ecosystems such as wetlands, lagoons, etc.
- (vi) Taking into account the multiple uses of coastal zones and integrating aquaculture into area management, planning and development.
- (vii) Conducting international trade in aquaculture products in accordance with the World Trade Organisation (WTO) Agreement and other relevant international agreements.
- (viii) Resolving disputes in a timely, peaceful and co-operative manner.
- (ix) Promoting awareness of responsible aquaculture through the education and training of fish farmers and involving them in the policy formulation and implementation process.
- (x) Providing safe, healthy and fair working conditions for aquaculture personnel.
- (xi) Protecting the rights of fish farmers, as well as those involved in subsistence, small-scale and artisanal fisheries, to a secure and just livelihood.
- (xii) Ensuring that resources are used responsibly and that adverse impacts on the environment are minimised.

## **The origin of the Consultation on Adoption of the Article 9 of the FAO CCRF in the Mediterranean**

At its XXII Session (1997), the FAO Committee on Fisheries (COFI) highlighted the importance of

the Code of Conduct for Responsible Fisheries, which should be in a central position to guide the identification of problems and solutions of world fisheries. At the same meeting FAO was requested to obtain assistance to facilitate the application of the Code at national, sub-regional and regional level.

The General Fisheries Commission for the Mediterranean (GFCM) supported the concept of regionalization of the Code. In dealing with aquaculture, the specificity of the Mediterranean (predominance of coastal aquaculture, heavily populated coastal area -potential conflicts- and interregional trade which calls for co-operation) had to be taken into account.

Fully endorsing these initiatives, the Italian Government, through its Directorate of Fisheries and Aquaculture, requested FAO to implement a project to initiate the work of adoption of the Code for what refers to Aquaculture Development in the countries belonging to the GFCM and offered to finance it.

The choice of a Consultation was motivated by the following advantages in terms of promotion of the regional application of the Code:

(i) A Consultation does foster a sense of direct participation in the countries in the Code adoption and adaptation process.

(ii) It allows the identification of specific national, subregional and regional problems including those related to different management practices.

(iii) Permits the identification of additional areas not specifically or sufficiently covered by the Code but important at regional or subregional level.

is useful for the identification of major local constraints to the implementation of the Code.

(iv) They are mechanisms for the elaboration of regional and subregional strategies for the adoption and regionalization of the Code.

(v) Can count on a fuller utilisation of the sub-regional and regional expertise.

(vi) In addition, the nature of the Mediterranean aquaculture production and the regionalization of the markets, in particular for marine aquaculture products, favoured a regional consultation approach over that of individual analysis of the needs of the single countries.

In this context the four objectives of the Consultation, agreed between FAO and the donor country, which at the time was holding the Chairmanship of the GFCM Committee on Aquaculture, were:

(i) To review the level of understanding and the status of application of the principles contained in the Art. 9 of the Code in GFCM countries.

(ii) To examine the mechanisms put in practice by members countries to utilise the Code to ensure a responsible development of aquaculture.

(iii) To discuss gaps identified and difficulties encountered by GFCM countries in the application of the principles of the Code contained in Article 9, at national and regional level.

(iv) To propose an Action Plan at national and regional level which would support the application of Article 9 of the Code.

## **Preparatory work and organization of the Consultation**

The preparation of the Consultation involved several steps, starting with the design of a common outline for the preparation of national reports by national teams which had to include representatives of the administration, the academic sector and the producers. This outline was developed at FAO by a Steering Committee including the donor, consultants and FAO staff. The reason for selecting a common and comprehensive outline was to facilitate a comparative analysis of the various points.

After the preparation of the outline visits to the countries were organized to present the project and the outline, and to verify the consistency of the national teams. These visits were repeated when the preparation of the national reports was advanced, in order to verify consistency between reports and to clarify eventual doubts that the national teams could have in the interpretation of the outline. The preparation of the national reports also permitted a clear selection of national priorities for further work. It is worth noting that the outline was considered by many of the national teams a valid tool for a comprehensive analysis of the sector, especially in the cases where this had not been done previously.

The national reports were divided in four main sections, the first being a description of the national sector described as a geographical transect with six compartments, going from inland water extensive restocking production to off-shore production facilities. The development trends in each of these compartments were analysed.

The second section concerned the country policy for aquaculture and the description of the administrative and legal frameworks. The third section of the report dealt with aquaculture strategies and development plans. Finally the fourth section was directly concerned with responsible aquaculture production including aspects related to farm management, environmental aspects, species choice, genetic manipulation, issues of public concern, producer's organizations, trade, and information about responsible practices.

After fourteen national reports were received by FAO in early 1999, a synthesis based on a comparative analysis was prepared, trying to identify common gaps and constraints in the application of the principles of Article 9 of the CCRF. The countries that prepared these reports were: Bulgaria, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Malta, Morocco, Romania, Spain, Tunisia and Turkey.

Based on the points identified by the Synthesis, a proposal for an Action Plan, including national and regional activities was drafted by the FAO staff and consultants. Both the Synthesis and the proposal for the Action Plan were distributed to the countries prior to the Consultation for internal discussions. Synthesis and Action Plan were the two working documents for the Consultation (FAO, 1999)

The elements of the proposal for an Action Plan were five: (i) information dissemination about the Code and responsible aquaculture practices; (ii) improvement of planning process for aquaculture development; (iii) relationship between environment and aquaculture; (iv) possible improvement of economic value of aquaculture products when applying the Code; and (v) aquaculture trade aspects and the Code.

The Consultation started with the presentation of the national reports and of the two main working documents, synthesis and proposed action plan. The GFCM member countries bordering the Mediterranean and Black Sea and the EC participated, as well as NGOs and other international organizations.

During the Consultation it was decided that the five elements of the proposed Action Plan would be discussed in three independent working groups. In the first group the two elements concerning policies and plans were analysed, while the second group concentrated on aspects of environment and aquaculture and the third group discussed the economic and trade aspects. To the extent possible each country was represented in each group, either by the producers, the administration or the academic representative.

The elements of the Action Plan, once revised and approved by the countries in the working groups became the foundation for the final document, discussed in a plenary session at the end of the Consultation. The approved final document for the Action Plan contains regional and national activities and priorities, which will drive future actions and fully represent the priorities pointed out by the countries.

In the ranking of priorities for the various elements each country established its own ranking of priorities and on the basis of the individual country priorities a matrix was prepared. From this matrix the national priorities were determined as the sum of the rankings given to the various activities retained by the group. The participants in each group discussed the activities proposed both on the basis of national priorities and in the regional context they considered as a group which activities would bring the best results if approached at regional level.

The countries agreed that the success of the application of the Code principles would be based on the development of a national consensus, and in this context national priorities should be implemented as a matter of priority. From the discussion it also emerged that the elements are closely linked together and present overlaps which are to be expected due to the multidisciplinary nature of the principles of the Code.

## Action plan elements and activities retained by the Consultation

In evaluating the elements of the proposed Action Plan the Consultation agreed that they were a valid representation of the national and regional needs for adoption of the Code principles, for what refers to aquaculture development. Nevertheless, modifications to the activities and the groupings were introduced by the various working groups.

For the first element: "To improve comprehension and widespread capillary adoption of the Code in the Mediterranean Region", the activities retained by the working group were:

1. Prepare a short version of the Code and training materials in local languages.
2. Organize specialized training and the provision of advice at all levels.
3. Establishment of groups of "Ambassador of the Code" in the country to create awareness.
4. Organize workshops and roundtables.
5. Promote programmes designed to encourage producers associations/organizations involvement.
6. Organize debates on major subjects related with Code adaptation, adoption and monitoring of impact.
7. Use of electronic information systems and networks to diffuse information.
8. International and/or regional organizations as well as national organizations should secure funds for the dissemination and application of the Code.

And the rankings given by the group were:

National ranking: 1, 2, 8, 5, 3, 4, 6, 7  
Regional ranking: 1, 2, 7, 4, 8, 6, 3, 5

These results in the ranking of activities at national and regional level confirm the impression of the field missions and the information produced in the national reports, which highlighted the limited diffusion of the Code in the GFCM countries.

Element B had as title "To improve planning process for aquaculture development and resource use". The activities retained by the Consultation for this element were the following:

1. Gradually promote more responsible attitudes in resources management.
2. Demonstrate the advantages, socio-economic and environmental benefits that could be gained through responsible aquaculture development.
3. Increase the participation of all sectors concerned, in preparation of aquaculture development plans and in the formulation of economic and legal instruments that will be integrated in the national management plans.
4. Encourage the governments to elaborate a legislation that will clarify the rights and responsibilities of aquaculture producers.
5. Standards of production should be defined with regionally collected relevant data and should be used in the process of planning and production.
6. Development of codes of practice to be linked to legislation, should be prepared with assistance of producers associations /organizations.

The ranking attributed to this list of activities were:

National ranking: 5, 3, 2, 4, 1, 6  
Regional ranking: 5, 6-1, 2, 4, 3

This element points out that few countries in the region have a structured aquaculture development. Aquaculture planning is frequently included within fisheries plans but little connection with plans for other economic sectors exists. This fact places aquaculture development in a permanent situation of conflict for resources allocation. Art. 9.1.3. points: "States should produce and regularly update aquaculture development strategies and plans... to allow the rational use of resources shared by aquaculture and other activities".

High priority level was assigned by the Consultation to activity 5 (definition of regional standards of

production to minimize negative impact of aquaculture within shared resources use) and, at national level, to point 3 (participation of all sectors) as it was the case for element A.

The regional support for a more comprehensive approach to resources use planning process (through increased responsible attitude, point 1) was considered a priority and it is obviously linked to the adoption of the principles of the Code in the enactment of legislation (point 6).

Element C, "To enhance harmonization between aquaculture development and environmental conservation", was drafted in response to the findings of national reports that highlighted an increasing competition between the expanding aquaculture sector and alternative resource users, and the need for environmental protection. The activities retained as most relevant by the working group were:

1. To develop guidelines for responsible production methodologies.
2. Improve Environmental Impact Assessment studies.
3. Improvement of management of existing production systems.
4. Assessment of environmental risks posed by introduction of non-indigenous species.
5. Education and training of all people involved in aquaculture production.
6. Increase information exchange and dialogue.
7. Increase collaboration among countries around the Mediterranean to protect the environment.
8. Enhance and fund research regarding all aspects related to the interaction between aquaculture and the environment.

This element of the Action Plan was designed to strengthen the bonds between aquaculture development and environmental conservation. The relationship with the two previous elements is evident as it requests a more responsible attitude and a better planning of resource use. The priorities established at national level were ranked in the following order:

National priorities: 2,1,5,3,8,4,7,6

For the regional priorities the working group established four main priorities as follows:

1. Regional protocols for Environmental Impact Assessment (EIA).
2. Control of impact of species transfer in and out of the region.
3. Regional cooperation on environmental studies.
4. Disease control, prevention and management.

In this element, the high priority given to points 1, 2, and 5 at national level highlights the interest to use a production system approach, while at regional level priority is given to the definition of common EIA procedures and production standards, to establish a common platform.

Element D, "To utilize the Code as a means of upgrading the economic value of aquaculture" was designed in response to the fact that the adoption of the Code could imply additional costs for the production sector in order to ensure responsible aquaculture production. This would be more easily accepted if instead of becoming a repressive tool the CCRF could be considered a mechanism to enhance the economic value of aquaculture products (responsible produced goods) to which the European market could respond favourably.

This element was divided by the working group in four objectives. The first of these objectives was a three pronged one: "A better understanding of the criteria and techniques for sustainable aquaculture. To optimize production process in a way that natural resources utilization would improve its economics. Integrate aquaculture with traditional agriculture or fisheries activities". The activities related to this objective were:

1. Identify and develop criteria leading to the design of indicators of the sustainability of production systems.
2. Promote research efforts to optimize existing production systems and/or test new species.
3. Assure that results are communicated in a wide a manner possible.
4. Encourage the transfer and communication of appropriate technology and experience.

The group established the following ranking for these activities at national level:

National priorities: 2, 3, 4, 1

The second objective of the element was: "To promote and reinforce the role of associations of aquaculture producers as a mechanism to ensure the application of the Code". The Synthesis showed that there is very limited participation of local communities in the legislative and planning processes. The activities selected in this objective intended to reinforce the participatory process. Producers associations would facilitate the diffusion of the Code and the monitoring of its application. They could also provide a sufficient critical mass for discussion, leading to a better adaptation of the Code to local conditions. The activities retained were:

1. Promote the establishment of national aquaculture associations.
2. Initiate coordination at regional level to facilitate harmonization.
3. Use associations to favour integration of small-scale fishing communities with aquaculture.
4. Favour the development of aquaculture in support of local communities.
5. Assure the development of training and other support measures required by the associations.

And the ranking of national priorities was:

National priorities: 4, 1, 2, 3, 5

The third objective of this element was: "Establish administrative and financial measures leading to the promotion of sustainable and responsible aquaculture production". As in most countries the criteria for ensuring sustainable aquaculture production remain yet to be determined, the objective come up with suggested activities to compensate this gap. The activities retained in order of national priority were:

1. Create specific credit lines to favour the development and application of responsible aquaculture.
2. Assess, through the use of agreed sustainability indicators, the various form of production.
3. Encourage insurance companies to integrate the concept of responsible aquaculture within the insurance policies at a favourable premium.

The assessment of the most adequate forms of aquaculture (systems approach) should be reflected in appropriate regulations leading to the establishment of specific incentives and deterrents and to the identification of credit lines to favour reconversion to and development of these sustainable forms.

The last objective of the element was: "Improve the public image of aquaculture in order to get appropriate recognition of its products in both the private and the public sectors". This objective responded to the need to react to a deterioration of the image of aquaculture production in the Mediterranean, something that has been noticed in recent years. Information campaigns demonstrating that aquaculture production practices can comply with criteria of sustainable use of resources could in the medium term lead to the acceptance of special labels by consumers. This would also require to promote the dialog between producers and consumers for the acceptance of standards. The activities retained for this fourth objective, in order of national priorities were:

1. Use the quality of the aquaculture products to promote the activities of the aquaculture sector.
2. Improve dialogue among sectorial representatives (production, sustainability, quality assurance).
3. Increase transparency in the management of the sector (both by public administration and producers associations).

The regional ranking of element D led the group to select activities from the four objectives indicated above. In this regional context high priority was attributed to enhancing the role of producer associations. The order of priority for the regional activities selected by the working group was:

1. Objective D2: Promote and reinforce the role of associations of aquaculture producers as a mechanism to ensure the application of the Code.
2. Objective D3: Establish administrative and financial measures leading to the promotion of sustainable and responsible aquaculture production.



3. Objective D4: Improve the public image of aquaculture in order to get appropriate recognition of its products in both the private and the public sectors.

4. Objective D1: Better understanding of the criteria and techniques for sustainable aquaculture. Optimise production process in a way that natural resources utilization would improve its economics. Integrate aquaculture with traditional agriculture or fisheries activities.

The last element of the Action Plan concerned trade of aquaculture products and the Code. The title of this element is: "To use the principles of the CCRF to improve and stabilize trade in aquaculture products in the Mediterranean region". This element responded to the fears of some countries regarding the fact that application of unilateral measures in terms of product quality criteria and environmental controls by some countries may result in the creation of trade barriers. In particular countries referred to initiatives of the European Union in setting standards for products to be exported to the EU. The application of the principles of the CCRF may lead to similar distortions in trade unless there is a concerted effort to harmonize and adopt the same standards in the whole region.

The imposition of EU standards was perceived as unfair by non-EU countries, which often lack capabilities to adopt them quickly. In addition the application of import/export duties are perceived as unfair and contrary to the spirit of the CCRF, which has been voluntarily endorsed by all the countries of the region. The Consultation also considered that the harmonization of production standards would also increase the confidence of consumers in aquaculture products. In this context the role of the producer associations was considered very important both to identify new marketing opportunities and to assist in controlling the compliance with established standards as well as to organize consumption campaigns to increase market penetration of aquaculture products.

Trade being essentially an inter-country activity led the group to select only activities of regional nature. Four groups of activities were selected and were ranked in the following order of priority:

1. Upgrade the standards of the production, processing and transport and promote their application - Harmonization of the legal conditions of the transfer and transport of fry and juveniles within the region.

2. Encourage consumption of aquaculture products domestically and assess national market capacity - Educate consumers in the benefit of fish consumption, especially with regard to responsibly produced products - Promote aquaculture products and the profession within the tourism industry - Promote the consumption of farmed marine fish.

3. Strengthen national and regional producers associations and promote regional links among them.

4. Involve an appropriate regional body in aquaculture trade issues -Regional co-operation to harmonize the legislation and knowledge concerning trade in aquaculture products.

## **Conclusions and follow-up**

The process of regionalization of the Code is now based on priorities selected by the countries both individually for what concerns the national activities to be carried out and as a group for what refers to regional activities. The Action Plan as designed, in spite of a certain degree of overlap between elements (which would also be desirable), creates a proper framework for the activities of the GFCM Committee on Aquaculture and its associated networks.

In order to guarantee a follow-up of the Consultation, the Secretariat of the GFCM has already contacted possible interested donors and is negotiating future support to the implementation of the Action Plan issued from the Consultation. The main duty of the GFCM Committee on Aquaculture will be to promote and coordinate the regional activities and, within a regional framework to provide assistance and advice to subregional and national activities in support of the adoption of the principles of the Code. However, there is no sense in starting regional activities if the countries do not promote the adoption and adaptation of the Code at national level. The role of FAO should be mainly to guarantee a regional uniformity in the application of the Code.

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