

Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU)

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PURPOSE: to establish a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU).

PROPOSED ACT: Council Regulation.

BACKGROUND: to sustain fish stock and marine biodiversity unreported and unregulated fishing must be prevented, deterred and eliminated. Given that the EU has one of the largest fishing fleets in the world, it can play a pivotal role in helping to deter and prevent illegal, unreported and unregulated fishing. IUU fishing represents the theft of essential fisheries resources from those fishermen who do abide by the law. Accurate estimates regarding IUU activities are hard to obtain. Studies suggest, however, that the value of IUU fishing amounts to an annual worldwide turnover of EUR 10 billion. In comparison, the value of lawful landings by the EU fleet, in 2004, stood at EUR 6.8 billion. Huge profits can be made from IUU fishing given that the operating costs of firms involved in illegal fishing are lower; tax is often non-existent and the flouting of stringent provisions translates into reduced expenses. IUU activities act as a major contributor to over fishing. Typically, IUU fishing will target juveniles, which would otherwise be protected by rules on minimum sizes, as well as carrying out fishing during periods, or in areas, which are normally closed, thus jeopardising the renewal of the fish stocks concerned.

For many developing coastal communities, fish resources play a major role in food security and poverty alleviation. Yet these countries often lack the means and capacity to manage and control the maritime waters under their jurisdiction. Unscrupulous illegal operators take advantage of this weakness to pursue fishing activities without authorisation as well as plundering resources which are vital to local fishermen. This is a major problem in Sub-Saharan Africa, where losses resulting from IUU fishing have been estimated at as much as EUR 800 million a year.

Over the past ten years the Community has adopted a number of measures in a bid to prevent, deter and eliminate IUU fishing. The current EU policy is based largely on a 2002 Action Plan. The policy has brought significant progress. For example :

- The creation of new Regional Fisheries Management Organisations (RFMOs).
- The creation of an extensive array of new measures adopted within existing RFMOs that have reinforced control at seas and in ports.
- The adoption of black lists of IUU vessels.
- The creation of new “Partnership” Fisheries Agreements with developing countries that include stronger management and control provisions.
- The 2002 reform of the Common Fisheries Policy (CFP).

Although some progress has been achieved over the past ten years the situation remains far from optimal. One of the main challenges has been the lack of administrative simplification. The Community is a member of a dozen RFMO organisations. Their provisions can vary substantially from one organisation to the other and are currently implemented into Community law via various Council Regulations. As a result the volume of Regional Fisheries Management Organisation’s (RFMO’s) provisions and the frequency of their adoption and revision make it hard to ensure a timely transposition in Community law. Further, the

coexistence of diverse rules stemming from different legal orders creates confusion among Community operators and the Member States whilst benefiting those engaged in IUU fishing.

CONTENT: for the reasons outlined above, the Commission is proposing this Regulation, the purpose of which is to establish a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. To realise this objective, a system will be put in place that prevents IUU fishery products from entering the Community. The lynchpin of the system will be the application of “port control”. In future, all fisheries products imported into the EU, whether fresh, frozen or processed, will have to receive prior certification from the flag state (i.e. the country where the vessel which caught them is registered). Vessels wishing to land fish will have to prove that their products are legal and that the vessel concerned hold all the necessary licences, permits and quotas.

Access to EU port facilities for third country vessels will be limited to a list of designated ports drawn up by each Member State. In addition, transshipments between third-country vessels and EU vessels will be banned at sea and only permitted in designated ports. The validated catch certificates provided by the flag state would then have to accompany the fisheries products throughout the market chain. This will make it easy to verify that fish products have been caught legally, even if they pass through a number of territories before arriving in the EU market, including possible processing along the way.

To deter IUU operators and complaisant States from involvement with IUU fishing, the Commission proposes a European “black listing” mechanism. Fisheries relations, including trade fisheries products, between EU Member States and non-cooperating states would effectively be banned. In both cases, the listing procedures would include safeguards and appeal mechanisms to ensure that vessels and States listed receive a fair hearing.

On the matter of penalties, the proposed Regulation would strengthen the responsibility of the Member States to impose sanctions on their nationals who engage in, or support, IUU fishing outside of the EU. It would also lay down measures which would harmonise the maximum levels of sanctions to be applied by the Member States in relation to serious infringements to the rules of the CFP. These steps are considered vital given that IUU operators frequently consider low sanctions as mere “operational costs”.

A further measure deemed essential in the fight against IUU activities is closer cooperation. The Commission, therefore, is proposing to that the “Community Fisheries Control Agency” plays a more pivotal role and to strengthen EU efforts in the international arena to develop control tools, consolidate the capacity of the RFMO’s and to provide support to developing states that helps reinforce their fisheries management and control capacities.