

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

2007/0223(CNS) - 05/06/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 624 votes in favour to 12 against with 8 absentions, a legislative resolution making several amendments to the proposal for a Council regulation establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. The report had been tabled for consideration in plenary by Marie-Hélène AUBERT (Greens/EFA, F) on behalf of the Committee on Fisheries.

The main amendments – adopted in the framework of the consultation procedure – are as follows:

- each Member State must take appropriate measures, in accordance with both multilateral and bilateral international obligations as well as Community law to ensure the effectiveness of the system;

- the definition of IUU fishing appears in the Article on definitions, rather than in a recital. Parliament also amended the definitions of "fishing vessel" and "regional fisheries management organisation";

- access to ports of Member States, the provision of port services, and the conduct of landing, transhipment or on-board processing operations in such ports shall be prohibited for third country fishing vessels that are included on the Community list of IUU fishing vessels;

- a new clause for cases of force majeure or distress regarding third country fishing vessels is added to the proposal;

- Parliament deleted the clause giving the Commission power to exempt certain categories of third country fishing vessels from the obligation to notify the competent authorities of the Member State whose port or landing facilities they wish to use at least 72 hours before the estimated time of arrival;

- fresh fish shall be sold through the regular channels. The competent authorities shall retain control over the proceeds of sale until the period referred to in the text elapsed;

- Member States shall carry out inspections in their ports of at least 50% (rather than 15%) of landings, transhipments and on-board processing operations by third country fishing vessels each year;

- a new clause states that inspections shall comply with the rules and objectives previously laid down by the Commission and be uniformly conducted and implemented in the various Member States. Each Member State shall create its database, on the basis of requirements supplied by the Commission, in which all inspections carried out on its territory shall be recorded. The Member States shall grant the Commission access to their databases on request;

- Parliament deleted Article 10 on inspectors;

- if the information gathered during the inspection gives the inspector sufficient reason to suspect (rather than a serious reason to believe, as stated in the proposal) that a fishing vessel has engaged in IUU fishing activity in accordance with the criteria set out, he shall, inter alia, halt landing, transhipment or onboard processing operations;

- Parliament deleted Article 20 on re-exportation. It also deleted Annex II;
- Article 24 on alleged IUU fishing activities is amended to read "procedure for detecting IUU fishing activities";
- data on the sanctions and fines imposed on IUU vessels should be assessed in order to evaluate the effectiveness of these measures;
- Article 25 on presumed IUU fishing activities is amended to read "investigation of IUU fishing activities";
- before issuing an official request to the flag state that it take measures against an IUU fishing activity, the Commission must provide the information it compiled on the alleged IUU fishing activities, and a detailed statement of the reasons justifying inclusion in the Community list of IUU fishing vessels;
- in addition to the owner and operator, the flag state must also be informed that one of its vessels is to be included in the IUU list, especially since it will then be required to take measures in this regard;
- a new clause states that where one of an owner's vessels has been included on the Community list of IUU vessels, a detailed inspection shall be carried out on all that owner's vessels;
- the European Community IUU vessels list shall contain, inter alia, the date of first inclusion on the EU IUU Vessel List and, if applicable, the date of first inclusion on the IUU vessel list of one or more RFMOs; and the technical specifications of the vessel concerned;
- the Commission shall publish the European Community IUU vessels list in the Official Journal of the European Union;
- the Commission, in identifying the third states that it considers as non-cooperating states in fighting IUU fishing activities, must consider, inter alia, whether the state concerned has ever been the subject of trade restrictive measures for fishery products adopted by an RFMO;
- the Commission shall, within three months of the entry into force of the Regulation, publish an analysis of its probable impact on developing countries and a proposal for the funding of specific programmes to support its implementation and eliminate possible negative impacts. It will publish the list of non-cooperating states in the Official Journal of the European Union;
- Member States shall refuse to allow the export of a vessel flying their flag that is on the IUU list. The Member States may not under any circumstances grant support or subsidies to IUU vessels;
- serious infringement must be punishable by administrative sanctions, in order to distinguish them from penal ones. A new clause states that Member States may also opt for penal sanctions provided that the amount of such sanctions is at least equivalent to that of the administrative sanctions. Other accompanying sanctions include: (a) a temporary ban for at least the duration of the programming period, or a permanent ban on access to public aid or subsidies; (b) the repayment of public aid or subsidies received by IUU vessels during the relevant financial period;
- lastly, during the first year following the entry into force of the Regulation, six-monthly checks shall be carried out to determine Member States' preparedness fully to comply with its provisions. Should any instances of non-compliance be identified, the Member State(s) concerned shall be required to make the necessary adjustments.