

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

2007/0223(CNS) - 29/09/2008 - Final act

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

LEGISLATIVE ACT: Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999.

CONTENT: the Regulation establishes a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU). In this context, each Member State shall take appropriate measures, in accordance with Community law, to ensure the effectiveness of that system.

The system shall apply to all IUU fishing and associated activities carried out within the territory of Member States to which the Treaty applies, within Community waters, within maritime waters under the jurisdiction or sovereignty of third countries and on the high seas. IUU fishing within maritime waters of the overseas territories and countries shall be treated as taking place within maritime waters of third countries.

The purpose of the Regulation is to:

- ensure the sustainability of fish stocks and to improve the situation of Community fishermen exposed to unfair competition from illegal products, but also to meet consumers' demand for sustainable and fair fishery products;
- halt the import of IUU fishery products into the European Union by introducing measures which cover the entire supply chain (fishing, transshipment, processing, landing and marketing), "from the net to the plate".

The main points of the Regulation are:

- maintaining an **effective scheme of inspections in port** for third country fishing vessels calling at the ports of Member States. In this context, the monitoring of landing by third country fishing vessels should be improved via new conditions applying to access to Community ports and to transshipments. Member States shall carry out inspections in their ports of at least 5% of landings, transshipments and on-board processing operations by third country fishing vessels each year;
- the establishment of a **certification scheme** covering all imports of fishery products with the exception of products from inland fisheries and aquaculture. Fishery products shall only be imported into the Community when accompanied by a catch certificate? certifying that such catches have been made in accordance with applicable laws, regulations and international conservation and management measures;
- the establishment of an **alert system** that will inform Member States' supervisory authorities of doubts pertaining to the compliance with conservation measures of products from certain fishing

vessels, operators or States. The Commission shall publish on its website and in the Official Journal of the European Union (C series) an alert notice to warn operators and to ensure that Member States take appropriate measures in respect of the third countries concerned;

- the introduction of an **EU 'blacklist' of non-complying vessels**, together with detailed rules for compiling that list, the implications of being blacklisted, and, in certain cases, the consequences for third countries which harbour such vessels;
- an approximation within the EU of the **levels of sanctions for serious infringements** to the CFP: Member States will impose a maximum fine of at least five times the value of the fishery products obtained by committing the serious infringement and at least eight times the value of the fishery products in the event of a repeated serious infringement within a five-year period. They may also, or alternatively, use effective, proportionate and dissuasive criminal sanctions;
- provisions strengthening the **responsibility of Member States** towards their nationals when they are taking part in or supporting fishing activities outside the Community;
- strengthening **cooperation between supervisory authorities**: a system for mutual assistance shall be established, which shall include an automated information system, the "IUU fishing information system", which shall be managed by the Commission or a body designated by it, to assist competent authorities in preventing, investigating and prosecuting IUU fishing;

Reports: every two years, Member States shall transmit a report to the Commission on the application of this Regulation not later than 30 April of the following calendar year. On the basis of the reports submitted by the Member States and its own observations, the Commission shall draw up a report every three years to be submitted to the European Parliament and to the Council.

ENTRY INTO FORCE: 29/10/2008.

APPLICATION: from 01/01/2010.