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Question and Answers on the EU's fight against illegal fishing

How was the Commission's decision to warn eight third countries of the risk of being identified as non-cooperative countries taken?

The Commission's decision to warn eight third countries (Belize, Cambodia, Fiji, Guinea, Panama, Sri Lanka, Togo and Vanuatu) was taken after a thorough analysis in line with the criteria of the EU's IUU Regulation¹. The analysis took into account, among others, each country's commitment to the fight against IUU fishing and its level of development. On the basis of this analysis, priority was given to the most flagrant cases (e.g. refusal of dialogue with Commission, lack of actions to address established shortcoming, existence of deficiencies in monitoring, control and surveillance of fisheries, existence of flags of convenience etc).

In parallel, the Commission continues to work and cooperate with other third countries on correct implementation of international rules to fight IUU fishing. In these other cases also the future developments will depend on the willingness of these countries to cooperate actively with the Commission and address shortcomings in the fight against IUU fishing.

What happens if the third countries concerned do not improve their situation?

The European Commission will give the eight third countries concerned a reasonable deadline to react and improve the situation. After informal discussions since 2010, the Commission will now also enter into a dialogue with them, propose actions and ensure that suitable action plan is implemented by each country to remedy the situation. The Commission will then evaluate each country's progress on an individual basis. The first progress evaluation is expected within 6 months after the publication of the Commission's Decision.

¹ Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU Regulation).

The Commission hopes that the issues can be solved through dialogue and cooperation with the third countries concerned. If, however one of them does not fulfil its duties under international law and fails to improve the situation, then the Commission will decide on the opportunity of proposing identification and listing actions: after a Council Decision on a list of non-cooperating third countries, trade measures can be imposed: the fisheries products coming from such a third country will not be tradable with the EU. Other complementary measures could come alongside this, such as the denunciation or freezing of fisheries agreements.

What are the EU rules in place to fight illegal fishing?

The 2008 EU IUU Regulation entered into force on 1 January 2010. The Regulation applies essentially to all landings and transshipments of EU and third-country fishing vessels in EU ports and all trade of marine fishery products to and from the Union.

It aims to make sure that no illegally caught products end up on the EU market. To do so, the Regulation sets up a *catch certification scheme* ensuring the full traceability of all marine fishery products traded from and into the EU. The certification scheme will help countries comply with their own conservation and management rules and will also make co-operation among countries easier for control and enforcement purposes. The Regulation also seeks to ensure that no European Union citizens are engaged in IUU activities, no matter where they take place.

In addition to the certification scheme, the Regulation also addresses the issues of *port state control* and of *mutual assistance*. Moreover it introduces an EU alert system to detect the most suspect cases of illegal practices, the vessels involved and any non-cooperating third countries. Proper enforcement is ensured thanks to a harmonised system of proportionate and deterring sanctions for serious infringements.

The Commission has assisted third countries, particularly developing countries, in the implementation of the IUU Regulation, and this since its adoption in 2008. As part of this assistance, the Commission organised a series of regional seminars and technical training sessions, numerous regional and international meetings and provided technical training to third countries authorities.

What has been achieved so far?

Since the entry into force of the IUU Regulation in January 2010, the European Commission has endeavoured to ensure its broad and effective implementation, establishing the first regional system in the world aiming at preventing, deterring and eliminating IUU fishing. So far, 90 third countries have notified the Commission that they have in place the necessary legal instruments, the dedicated procedures and the appropriate administrative structures for a reliable certification of the catches by vessels flying their flag.

Since 2010 the Commission has investigated more than 200 cases with vessels from 27 countries. As a direct consequence of these actions, certain flag States (Comoros, Lithuania, Republic of Korea and Spain among others) and coastal States (Liberia, Sierra Leone, and Guinea Bissau) have imposed sanctions against a high number of vessels.

The Commission has focused on areas where IUU fishing activities are most widespread and have the most disastrous impact - not only on the marine resources, but also on the livelihoods of local communities.

What does the Commission do in practice when IUU fishing is detected?

The Commission requests the flag state to investigate, and – if the allegations prove correct - to penalise the vessel. In practice, it also alerts the coastal, port and market states concerned, so that the vessel, its catch, and catch certificates can be inspected, the products removed from the market, and the offenders punished. Coastal States, in whose waters the fish were caught, are systematically informed, so that the appropriate vessel concerned can be sanctioned. If the flag State fails to investigate or impose sanctions despite existing evidence, the vessel can be placed on the EU IUU vessel list. EU operators involved in the operation, management or ownership of fishing vessels included in the IUU list can no longer receive public aid and EU funds.

In parallel, the Commission strives to ensure that EU Member States' authorities take all necessary measures to identify, prosecute and sanction EU nationals supporting or engaged in IUU fishing.

Cooperation to enhance control and compliance

The European Commission is also proactive to make sure that the IUU Regulation is correctly applied *within the EU*. More than 40 requests for investigations were sent to EU Member States' authorities to orientate their controls and checks towards presumed situations of risk. The Commission has also promoted the exchange of information and cooperation between the national competent authorities in EU Member States, so that they can fight IUU fishing in EU waters more effectively.

The control of fisheries products in EU ports has also improved. The Commission supports EU Member States to reinforce the procedures on inspection and control in those EU ports where the risk of IUU fish being landed is the highest. The Commission has conducted audit and verification missions in four EU Member States.

With *third countries*, daily cooperation with flag States' authorities and 15 evaluation missions have contributed to a reliable traceability from the fishing grounds to the EU market, and have already prompted legislative and administrative reforms in several third countries. They aim to improve the catch certification of the fishery products and the monitoring, control and surveillance of their fleet. For example, there are countries today that are amending their legal framework to combat IUU fishing, improving control and monitoring actions to combat IUU fishing or take a proactive role in compliance of international law rules and Regional Fisheries Management Organizations recommendations.

More information:

http://ec.europa.eu/fisheries/cfp/illegal_fishing/index_en.htm