

Explanatory meetings of the EU acquis – Chapter 13

# Management of the external fishing fleet

*These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union*



# FISHING 'OUTSIDE' THE EU

- *Overall objective*
- *Legal basis ; legal environment*
- *Principles and Main provisions*
- *Eligibility criteria,*
- *Procedures, claw back*
- *Reflagging, chartering, transhipments*
- *Other elements of the proposals*

# OVERALL OBJECTIVE

*Improve fisheries governance through better management, monitoring and control of the EU external fleet, irrespective of where vessels operate and under which framework*

# LEGAL BASIS – LEGAL ENVIRONMENT

- *Regulation 2017/2403 on the sustainable management of external fishing fleets (Codecision)*
- *Repeals FAR Council Regulation 1006/2008*
- *Council Control and IUU Regulations 1224/2009 and 1005/2008*
- *UNCLOS/ FAO compliance /FAO IPOA – IUU / RFMO/ SFPAs*



# SPECIFIC OBJECTIVES

- *Need to address*
  - **Abusive reflagging,**
  - **Arrangements between EU fleet and Coastal states authorities ("authorisations -"private"**
  - **Fishing on the high seas (with no RFMO)**
  - **Chartering**
  - **Transhipments**
  - **Transparency of EU vessels activities**
- *Setting the same standards outside EU waters as inside*
- *Promoting internationally sustainable fishing and transparency as a benchmark*

# PRINCIPLES

- 1. Regulate insufficiently regulated situations – eliminate overlaps*
- 2. Flag State responsibility*
- 3. Union liability- Transparency*

## MAIN PROVISIONS

- 1. Eligibility criteria*
- 2. Procedures for authorisations*
- 3. Data and controls->existing Regulations*

# Eligibility criteria

- 1. The flag MS to receive complete info on the f/v and associated vessels (including non-EU)**
- 2. Valid fishing licence**
- 3. IMO number**
- 4. The f/v not in IUU list of RFMO, or of the Union**
- 5. Where applicable: to have enough FFOO and to comply with reflagging conditions**

# Procedures ; "claw-back"

- *Screening by Flag MS -> verifications*
- *All is OK - > transmission to Commission*
- *Commission may request more information (10 d)*
- *Commission may object (30 d/ 5d)*
- *"Claw-back" for SFPA RFMOs:*
  - **Power for the COM to stop a f/v when the flag-MS does not take action and the f/v continues causing damage.**
  - **Incentive for MS to take up on their duties as flag states.**

# Reflagging, chartering, transhipments

- ***NEW: Deterring abusive reflagging:***
  - **Flag history of past 5 years, while reflagged to non-EU**
  - **Not in a IUU list, nor have operated in IUU country**
- ***NEW: Regulating chartering of EU vessels***
  - **Clarifying when it not allowed, and the responsibilities of the chartering state and the state to which the vessel is chartered.**
- ***NEW Tightened rules for transhipments on the high seas***
  - **Requesting additional conditions to the control regulation: annual reporting + date/position transhipment + ID number receiving vessel + estimate of spp caught.**

# Governance

- *Eligibility criteria to avoid EU IUU vessel could fish outside EU waters*
- *Third countries willing to conclude an SFPA have to be party to the relevant RFMO*
- *Creation of a record of vessels (the database) similar to the FAO Global Record of Fishing Vessels, to increase transparency of fishing operations : name and flag of f/v, CFR/IMO No., type of authorisations, name of the species caught, time and area of fishing*

# Scientific assessment

- **Regulating fishing on the high seas** (non-regulated areas): Fishing by f/v >24m, operators to scientifically demonstrate the sustainability of the activity, with a scientific report /engaging with a research institute
- **Regulating "direct authorisations"**: Operators have to demonstrate with a scientific evaluation the sustainability of the planned fishing operations
- **Making more data public** (of the f/v and fishing operations):

# Other elements: Non-EU fishing vessels fishing in EU waters

## Non-EU fishing vessels

- 45 from Faroe
- 867 from Norway
- 45 from Venezuela in French Guyana waters
- 8 from Seychelles in Mayotte waters



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