

Explanatory meetings of the EU acquis – Chapter 13

The European Union action towards the international fight against IUU fishing

**DG MARE –
EUROPEAN COMMISSION**

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

SUMMARY

- 1. IUU – a global problem***
- 2. IUU – the role of the EU***
- 3. The EU IUU Regulation***
- 4. The EU Catch certification scheme***
- 5. Mutual assistance***
- 6. The IUU vessels list***
- 7. Cooperation with countries, listing procedures and tangible results***
- 8. EU actions and third countries***

IUU fishing – a global problem

- *It is estimated that IUU practices worldwide amount to about EUR 10 billion every year*
- *IUU fishing represents 19% of the worldwide reported value of catches*
- *It is estimated that 16% of all import of marine fish in the EU stem from IUU fishing*
- *Environmental and socio-economic impacts, in particular developing countries pay a high price due to lack of resources to protect its waters*

IUU fishing - International measures available

- ***FAO Port State Measures***
 - prevents IUU vessel entering into any port State applying these measures
 - Important tool as illegal operators at sea will have nowhere to land their fish
 - Entered into force in 2016 – 55 members plus the EU ratified
- ***RFMO Measures***
 - Control measures
 - Conservation and Management Measures
 - Catch Documentation Schemes
- ***International Law***
(e.g. UNCLOS, UN Fish Stock Agreement, FAO Compliance Agreement on Cooperation of States, FAO IPOA IUU)

FAO Port State Measures Agreement

- ***Landmark Agreement to prevent, deter and eliminate IUU.***
- ***Entered into force in 2016 – as of today 60 members ratified plus the EU***
- ***First legally binding international instrument that focuses specifically on IUU fishing activities and aims **at strengthening and harmonizing port controls to prevent illegally caught fish from entering the global market*****
- ***The EU has transposed the PSMA mainly through the Control Regulation and the IUU Regulation***

FAO Port State Measures Agreement

- *The EU has promoted further ratification of the agreement worldwide and will host and chair the PSMA Review Conference of the Meeting of the Parties in the week of 30 November - 4 December 2020 (venue TBC)*
- *EU contribution of EUR 2 million EUR to FAO's capacity-building programme to both Parties and Non-Parties, complementary to DEVCO ocean governance programmes (PESCAO, ECOFISH, PEUMP)*
- Last week, the 2nd meeting of Parties took place in Santiago, with outcomes
 - Rule of Procedure
 - Assistance Fund Developing Countries (Art 21 PSMA)
 - Global Information Exchange System development (Art 16)

IUU fishing - roles of States

- *Flag State – control over activities vessels operating under its flag, irrespective of the area*
- *Coastal State – rights and duties in exploiting, conserving and managing fisheries resources in the EEZ*
- *Port State – controlling that fish landed/transshipped stems from legal sources*
- *Market State – ensuring that what enters the national market is from legal sources*

IUU fishing – the role of the EU

- *IUU fishing has no frontiers and is rapidly evolving*
- *The EU promotes zero tolerance towards IUU fishing*
- *The EU actively participates in the fight against IUU since more than a decade:*
 - 2002 – adoption of the EU action plan to eradicate IUU fishing
 - 2008 – adoption of the IUU Regulation
(in force since 1 January 2010)
 - 2009 – adoption of the Control Regulation
(in force since 1 January 2010)

IUU fishing – the role of the EU

- *The EU is the largest importer of fishery products*
- *The EU has a key role to play in the global fishery production and market and must therefore take a key role in the fight against IUU fishing*
- *Measures already adopted at regional and international level are not sufficient enough to fight IUU fishing*
- *Objectives of regulation: improve efficiency of controls and ensure traceability in the whole chain – from net to plate – of all fishery products traded with the EU*

The EU IUU Regulation

- *Does not introduce any new conservation and management measures*
 - › Applies international rules, laws and regulations of states, including international conservation and management measures
 - › Aims at improving management and control of flag States over their vessels in line with international law rules
- *Transparent and non-discriminatory instrument*
 - › Seeks to prevent, deter and eliminate fishery products derived from IUU activities to be traded to/from the EU
 - › Seeks to hinder EU nationals from conducting IUU activities under any flag, in any waters
 - › The IUU Regulation applies to both EU Member States and third countries

The EU IUU Regulation

Legal Framework:

- *IUU Regulation (No 1005/2008) - enforced on 1 Jan 2010*
- *Implementing regulation (No 1010/2009):*
 - *amended in January 2010 (No 86/2010), May 2010 (No 395/2010), March 2011 (No 202/2011) and November 2011 (No 1222/2011)*
- *EU IUU vessels list: Commission Regulations No 468/2010, No 724/2011, No 1234/2012, No 672/2013, No 137/2014, No 1296/2015, 1852/2016, 2178/2017, and 2018/1883*

All information can be found on:

<http://ec.europa.eu/fisheries/iuu>

The EU IUU Regulation

General principles

- *Application of international law rules, laws and regulations of states, including international conservation and management measures*

The EU IUU Regulation Scope

The Regulation applies to:

- *All fishing vessels under any flag in all maritime waters*
- *All processed and unprocessed marine fishery products (1, 2 or more countries involved) – with few exceptions*
- *Involvement of EU nationals operating under any flag in all maritime waters (Chapter VIII)*

The EU IUU Regulation

Main components

- *Provisions on the inspection of third country fishing vessels in ports of a Member State*
- *The catch certification scheme*
- *The EU IUU vessel list*
- *Cooperation with third countries/list of non-cooperating third countries*
- *Provisions concerning EU nationals*
- *System for mutual assistance and administrative cooperation*

Port Inspections – third countries vessels

- **Chapter II of the EU IUU Regulation – it applies to controls in EU ports to third countries vessels landing, transshipping or using port services:**
 - Coherence with port inspections (EU Control Regulation provisions)
 - Effective implementation of the PSMA obligations
- **Main concepts:**
 - importance of the definition of vessels (e.g. reefers)
 - designation of ports (Art 5)
 - prior notice (Art 6)
 - authorisation to enter port (Art 7)
 - reporting to COM (Art 8)
 - relevance of EU IUU vessels list

The EU catch certification scheme

Basic operational tool

Catch Certification Scheme

EUROPEAN COMMUNITY CATCH CERTIFICATE									
Document number				Validating authority					
1. Name		Address				Tel. Fax			
2. Fishing vessel name		Flag – Home port and registration number				Call sign		IMO/Lloyd's number (if issued)	
Fishing licence No – Valid to				Inmarsat No, Fax No, Telephone No, E-mail address (if issued)					
3. Description of product		Type of processing authorised on board				4. References of applicable conservation and management measures			
Species	Product code	Catch area(s) and dates	Estimated live weight (kg)	Estimated weight to be landed (kg)	Verified weight landed (kg) where appropriate				
5. Name of master of fishing vessel – Signature – Seal:									
6. Declaration of transhipment at sea Name of master of fishing vessel				Signature and date		Transhipment date/area/position		Estimated weight (kg)	
Master of receiving vessel		Signature		Vessel name		Call sign		IMO/Lloyds number (if issued)	
7. Transhipment authorisation within a port area									
Name	Authority	Signature	Address	Tel.	Port of landing	Date of landing	Seal (stamp)		
8. Name and address of exporter		Signature			Date		Seal		
9. Flag State authority validation:									
Name/title			Signature		Date		Seal (stamp)		

The EU catch certification scheme

- *All marine fishery products traded with the EU, including processed products, must be accompanied by validated catch certificates*
- *Appropriate flag State authority of the fishing vessel(s) that made the catches will validate the catch certificate*
- *The validation must certify that the catch was made in accordance with applicable laws, regulations and international conservation and management measures = FISH IS LEGAL*
- *Validation can only be done by flag States (in line with Article 94 of UNCLOS)*
- *Specific provision for small scale fisheries (simplified c.c.)*

The EU catch certification scheme

Small scale fisheries

The specific situation of small scale fisheries in export trade is taken into account in the catch certification scheme

The certification requirement is adapted in order to facilitate exporters following specific criteria

Those criteria are published in the implementing regulation and include the length of the vessel and the gear used

Scenario 1: Direct import

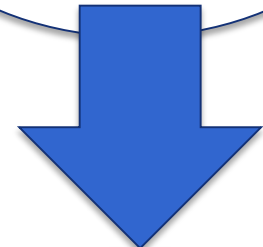


Catch certificate
from a third
country
exporter

Submitted to and
validated/rejected by :



The flag State
competent
authorities of
the exporter



Exporter then
transmits the
validated CC to
an EU importer

EU importer submits the
importer declaration and
the CC to:



The Member
States'
competent
authorities for
verification;
subsequently
accepts or
rejects the
consignment

The EU catch certification scheme

Indirect importation of products processed in another third country

Where products are processed in a country other than the flag State the importer shall submit a statement established by the processing plant:

- giving an exact description of the products;*
- indicating that the products originated from catches accompanied by a catch certificate (and a copy of those catch certificates).*
- ensure traceability of processed products*

Scenario 2: Indirect importation



Catch certificate from a third country exporter and validated by its flag State

Catch certificate submitted to :

A processing plant from another third country

The EU Member States' authorities for verification and subsequently accepts or rejects the consignment

Exporter submits the documents to the EU importer which then send them to :

Processing statement transmitted to the plant's competent authorities which can endorse it



CATCH

- *DG MARE has developed an IT tool ("CATCH") **to digitalize the EU catch certification scheme***
- *Legal basis : amendment proposed to the EU IUU Regulation, adoption foreseen in 2020/2021*
- *Version 1.0 of CATCH has been launched beginning of May at Seafood expo*
- *Included in the TRACES NT system, i.e. close cooperation with DG SANTE for its development*
- ***Important features introduced:** basic risk analysis, quantity management in order to avoid overshooting of catch certificate quantities*
- ***A real-time EU wide database***

Mutual assistance

- **Legal basis** : Article 51 of the EU IUU Regulation 1005/2008 and Title IV of the implementing Regulation 1010/2009
- The administrative authorities responsible for implementation of this Regulation in the Member States **shall cooperate with each other**, with administrative authorities of third countries and with the Commission in order to ensure compliance with this Regulation.
- **Verifications** (when well-founded doubts about the validity of a catch certificate) → MS may request the assistance of the competent authorities of the flag State or of a third country other than the flag State
- **Refusal of importation** → MS shall notify the flag State and, where appropriate, the third country other than the flag State. A copy of the notification shall be sent to the Commission (other MS are also informed)

The EU IUU vessel list

- *Commission Regulations (EU) 468/2010, 724/2011, 1234/2012, 672/2013, 137/2014, 2015/1296, 2016/1852 2178/2017 and 2018/1883 include the vessels on IUU vessels lists adopted by RFMOs*
- *In addition: on the basis of information received, the European Commission notifies a flag State if its fishing vessels fail to comply with the Regulation and will request it to take corrective measures*
- *If the flag State refuses/fails to take corrective measures against the vessel, the European Commission may, after having consulted the flag State and the vessel owner, as a preventive measure, place that vessel on a list of IUU vessels until appropriate measures have been taken.*

Cooperation with third countries

THE DIALOGUE PROCESS

Risk analysis → which countries?

Questionnaire + traceability analysis

Evaluation mission → problems identified

Report sent → country comments

Informal dialogue – cooperation to resolve problems

Otherwise...

If a third country has problems fulfilling international rules:

Pre-identification



The European Commission opens a formal dialogue during minimum 6 months.

If the country improves its situation, the 6 month period can be prolonged and ultimately the pre-identification can be removed.

Delisting



Continued dialogue can lead to restore the import of legally caught fishery products.

If the country does not address the problems, it will be **identified** by the European Commission as non-cooperating.

Identification

A ban of all products for which the catch certificate is validated after the Decision enters into force.



Listing by the EU

Fisheries products caught by fishing vessels flying the flag of these countries cannot be imported into the EU while the countries remain listed.



The Decision triggers further measures, including a fishing ban for EU vessels in these countries' waters.

this cooperation,
30 third

Cooperation with third countries

How we assess: evaluation

Geographical scope: risk assessment / trade data / intelligence from EU MS and other relevant stakeholders

Preliminary evaluation: RFMO compliance / publicly available data / questionnaire response from 3rd country / catch certificate analysis (CC samples from EU MS)

Evaluation mission: validation of initial data / questionnaire response

Follow up report / country response / severity of shortcomings / cooperation or not?

Cooperation with third countries

What we assess: governance

*Alignment of **legal framework** with international obligations (flag, coastal, port and export State) including a system of **dissuasive sanctions***

***Fisheries management** - alignment of **fleet capacity** with control and management resources*

***Monitoring, Control and Surveillance (MCS)** systems - enforcement and administrative capacity*

*Reliability of **Catch Certification scheme** if relevant*

*Compliance with **RFMO obligations** and **regional cooperation***

Cooperation with third countries

The dialogue process

Overview of existing procedures with third countries

Country	Pre-identification	Pre-identification Revoked	Identification	Listing	Delisting
Belize	November 2012	N/A	November 2013	March 2014	December 2014
Cambodia	November 2012	N/A	November 2013	March 2014	
Comoros	October 2015	N/A	May 2017	July 2017	
Curaçao	November 2013	February 2017			
Fiji	November 2012	October 2014			
Ghana	November 2013	October 2015			
Kiribati	April 2016				
Korea	November 2013	April 2015			
Liberia	May 2017				
Panama	November 2012	October 2014			
Papua New Guinea	June 2014	October 2015			
Philippines	June 2014	April 2015			
Republic of Guinea	November 2012	N/A	November 2013	March 2014	October 2016
Sierra Leone	April 2016				
Solomon Islands	December 2014	February 2017			
Sri Lanka	November 2012	N/A	October 2014	February 2015	June 2016
St Kitts and Nevis	December 2014				
St Vincent and Grenadines	December 2014	N/A	May 2017	July 2017	
Taiwan	October 2015				
Thailand	April 2015				
Togo	November 2012	October 2014			
Trinidad and Tobago	April 2016				
Tuvalu	December 2014	July 2018			
Vanuatu	November 2012	October 2014			
Vietnam	October 2017				

Cooperation with third countries

Tangible results in third countries

Improved governance

- *Revised legislation*
- *Strengthened sanctions*
- *Cooperation, coordination and mobilisation of different relevant authorities*
- *Political commitment to the highest level*

Strengthened MCS

- *Improved vessel monitoring*
- *Reinforcement of inspections and controls*

Improved traceability throughout the supply chain

- *Cross-checking and validation of CC data*



A new dynamic...

Cooperation with third countries

Indirect effects on general governance

Positive

- *Better traceability throughout the supply chain - fair trade of fishery products*
- *Improved implementation of PSMA – difficult conditions for IUU vessels*
- *Improved regional cooperation to fight IUU fishing*
- *Improved cooperation between coastal, port and flag States*

Consequences

- *Fewer places for vessels engaged in IUU fishing to unload*
- *Fewer and less profitable markets for operators to sell IUU fishing products*
- *Reflagging*

Good results but fight against IUU fishing must continue – all actors have a role to play



EU actions and third countries

- *Bilateral Fisheries Partnership Agreements – sectoral support may be used to fight illegal fishing by developing monitoring and control*
- *Positive dialogue results with other countries:*
 - **Legislative changes –and improved administrative organisation**
 - **Cooperation with RFMOs**

Thank you!

*All information, including regulations,
handbook and guidance notes, can be found
on:*

<http://ec.europa.eu/fisheries/iuu>