



15.9.2014

## NOTICE TO MEMBERS

Subject: Fight against illegal fishing (IUU)

It is estimated that **IUU** fishing amounts to approximately 10 billion Euros every year worldwide, representing **19 % of the worldwide reported value of catches**, meaning that the second largest amount of fishery products worldwide is fished by illegal methods. IUU fishing has disastrous worldwide environmental and socioeconomic impacts and also constitutes one of the **most serious threats to the sustainable exploitation of living aquatic resources and marine biodiversity**. Consequently it damages the marine environment by overfishing and irresponsible fishing practices and techniques.

IUU fishing also contributes to unfair competition between those fishermen and operators abiding by the rules, and those who do not.

The **European Union** is a **valuable target for IUU operators** since it is the **largest importer of fishery products in the world** and one of the **main producers and exporters** worldwide. It also has **many trading partners on all continents on both import and export side**.

The high demand for high-value products and for processed products makes the EU market attractive for IUU operators as, due to the lack of control mechanisms based on traceability and identification of the fishing vessels, IUU catches can be easily laundered, including through processing.

The IUU Regulation is the outcome of a long row of activities by the European Commission in the fight against IUU fishing. The main thrust of its policy stems from the European Commission's **2002 IUU Action Plan**, directly inspired by the **FAO International Plan of Action adopted in 2001** to prevent, deter and eliminate IUU fishing.

The European Parliament believes that IUU fishing is one of the most serious threats facing the biodiversity of the world's oceans. Members have underlined, several times, that the recent IUU and Control Regulations (Council Regulations 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (the 'IUU Regulation') and Regulation 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (the 'Control Regulation') respectively) provide the EU with powerful and ground-breaking tools to combat IUU fishing, by defining obligations and opportunities of both Member States and third countries as flag, coastal, port and market States.

Parliament insists that the Commission and the control authorities in the Member States be provided with sufficient resources (human, financial, technological) enabling them to fully implement these regulations. In order to promote legal fishing Members also called for the review of the common fisheries policy to be used to create incentives for legal fishing in the interests of the fish, the environment, consumers and producers in the EU.

In line with these objectives, Parliament has invited the Commission and the Member States: to cooperate with a view to the creation of a 'European coastguard' in order to boost common monitoring and inspection capacity and to effectively combat current or future dangers at sea such as terrorism, piracy, IUU fishing, trafficking or even marine pollution; to publish annual assessments of the performance of each Member State in implementing the rules of the Common Fisheries Policy (CFP) that identify possible weak points needing improvement, and to use all possible means, including identifying Member States when they fail in their responsibilities, to ensure their full compliance, in order to create a reliable and transparent control regime; to increase the resources allocated to the fight against corruption and organised crime at all levels.

The EP pointed out repeatedly that the fight against illegal fishing at world level is vital for global sustainable development and must therefore represent an essential and explicit part of Fisheries Partnership Agreements, trade policy commitments, development cooperation policy objectives and the European Union's foreign policy priorities. Parliament calls on the EU to strongly insist that third countries effectively combat IUU fishing, in the context of trade agreements, Fisheries Partnership Agreements and the EU's development policy.

Regarding the objectives within the RFMOs, the EP considers that the EU should pursue the following objectives in Regional Fisheries Management Organisations (RFMOs) to which it belongs: establishment, for all fisheries under the remit of the RFMOs, of registers of fishing vessels, including support vessels, that are authorised to fish, as well as lists of vessels that are identified as IUU (black lists), to be updated frequently, published widely and coordinated among RFMOs; establishment of appropriate at-sea inspections and observer programmes; bans on transshipments at sea; development of catch documentation schemes, beginning with the major species in each RFMO.

The European Parliament fully supports the current FAO initiative to develop a Global Record of Fishing Vessels, which should be compulsory and include vessels above 10 GT as soon as possible and it encourages the rapid development of a system for the evaluation of flag State performance currently underway at the FAO as a means of putting pressure on States that do not meet their international legal obligations.

In this context, in the resolution "Combating illegal fishing at the global level – the role of the EU", Members called several times for the urgent adoption of measures to put an end to the use of 'flags of convenience'. They also supported the efforts of the Commission to establish a public register listing the identities of ship owners that have been proven to have participated in IUU fishing. The European Parliament also emphasised the need to ensure that EU interests are not involved in such forms of fishing piracy.

Last but not least, Parliament emphasises that the concept of market State responsibility must be further developed as a means of closing down the markets for the products of IUU fish. It believes that the EU must urgently discuss with other major market States, including but not limited to the US, Japan and China, how to cooperate among themselves and, as rapidly as possible, to develop international legal instruments that could end, prosecute and punish trade in IUU fish, in line with the World Trade Organisation (WTO) rules and within the framework of the United Nations system.

# Overview of the Activity of the EP on IUU Fishing during the 7th parliamentary term

## Reports

### Conservation of fish stocks: measures in relation to countries allowing non-sustainable fishing

**Procedure:** Report COD || 2011/0434(COD) ||

COM(2011)0888 || A7-0146/2012 || T7-0332/2012

**RAPPORTEUR/GROUP:** Gallagher (ALDE)

**Status / Dates:** Completed

**ATTRIBUTION:** 20/12/2011 **PLENARY SESSION:** 12/09/2012 **COUNCIL:** 25/09/2012

**SUMMARY:** The European Parliament adopted by 659 votes to 11 with 7 abstentions a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on certain measures in relation to countries allowing non-sustainable fishing for the purpose of the conservation of fish stocks. Parliament adopted its position on first reading following the ordinary legislative procedure. The amendments are the result of a compromise negotiated between Parliament and Council. The main amendments are as follows: Unsustainable fish stocks: fish stocks should be considered to be in an unsustainable state when they are not continuously maintained at or above the levels that can produce maximum sustainable yield or, if these levels cannot be estimated, when the stocks are not continuously maintained within safe biological limits.

Country allowing non-sustainable fishing: the amended text clarifies that a country may be identified as a country allowing non-sustainable fishing where:

1) it fails to cooperate in the management of a stock of common interest in full compliance with the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS) and the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995 UNFSA, or any other international agreement or norm of international law, and

2) it either:

- fails to adopt necessary fishery management measures, or
- adopts fishery management measures without due regard to the rights, interests and duties of other countries and the Union, and those fishery management measures, when considered in conjunction with measures taken by other countries and the Union, leading to fishing activities which could result in the stock being in an unsustainable state. This condition is considered to be complied with also where the fishery management measures adopted by that country did not lead to the stock being in an unsustainable state solely due to measures adopted by others.

Measures in respect of countries allowing non-sustainable fishing: where the Commission considers that it is necessary to adopt measures, it shall notify the country concerned of the intention to identify it as a country allowing non-sustainable fishing. In such cases, the European Parliament and the Council shall be immediately informed.

## **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing**

**Procedure:** Report COD || 2012/0162(COD) ||

COM(2012)0332 || A7-0144/2013 || T7-0253/2013

**RAPPORTEUR/GROUP:** Romeva (Greens/EFA)

**Status / Dates:** Awaiting Council 1st reading position

**ATTRIBUTION:** 12/07/2012 **PLENARY SESSION:** 12/06/2013 **COUNCIL:**

**SUMMARY:** The European Parliament adopted by 668 votes to 7, with 10 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

Parliament's position adopted at first reading according to the ordinary legislative procedure amends the Commission proposal as follows:

Since it is proposed to make use of delegated acts, Parliament proposes to limit the delegation of power to a period of three years from the date of entry into force of the Regulation and to oblige the Commission to present a report on its exercise in order to have a regular evaluation and questioning of the use of the delegation.

The Commission should carry out appropriate consultations during its preparatory work for the adoption of delegated acts, including at expert level, so that it has objective, rigorous, complete and up-to-date information.

## **Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing**

**Procedure:** Report NLE || 2010/0389(NLE) || COM(2010)0792 ||

A7-0142/2011 || T7-0192/2011

**RAPPORTEUR/GROUP:** Fraga Estevez (EPP)

**Status / Dates:** Completed

**ATTRIBUTION:** 26/01/2011 **PLENARY SESSION:** 10/05/2011 **COUNCIL:** 20/06/2011

**SUMMARY:** The European Parliament adopted a legislative resolution on the draft Council decision on the approval, on behalf of the European Union, of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

Parliament consents to the approval of the Agreement. It calls on the European Commission to actively promote the signing, ratification and implementation of the Agreement on Port

State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing in the context of trade agreements, Regional Fisheries Management Organisations (RFMOs), Fisheries Partnership Agreements and the Union's development policy.

## **Combating illegal fishing at the global level - the role of the EU**

**Procedure:** Report INI || 2010/2210(INI) || || A7-0362/2011 || T7-0516/2011

**RAPPORTEUR/GROUP:** Lovin (Greens/EFA)

**Status / Dates:** Completed **ATTRIBUTION:** 14/07/10 **PLENARY SESSION:** 17/11/2011

**COUNCIL:**

**SUMMARY:** The European Parliament adopted by 491 votes to 7, with 24 abstentions, a resolution on combating illegal fishing at the global level - the role of the EU.

Members believe that IUU fishing is one of the most serious threats facing the biodiversity of the world's oceans.

Illegal, Unreported and Unregulated (IUU) fishing has been reported to account for between 11 and 26 million tonnes a year, equivalent to at least 15% of world catches, making the economically, socially and environmentally sustainable management of the exploitation of the world's marine resources impossible.

Members underline that the recent IUU and Control Regulations (Council Regulations 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (the 'IUU Regulation') and 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (the 'Control Regulation') respectively) provide the EU with powerful and ground-breaking tools to combat IUU fishing, by defining obligations and opportunities of both Member States and third countries as flag, coastal, port and market States.

Parliament insists that the Commission and the control authorities in the Member States be provided with sufficient resources (human, financial, technological) enabling them to fully implement these regulations.

Promote legal fishing: Members call for the review of the common fisheries policy to be used to create incentives for legal fishing in the interests of the fish, the environment, consumers and producers in the EU. Parliament invites the Commission and the Member States:

- to identify and sanction EU operators who violate EU legislation;
- to ensure that illegal fishing is combated at sea and in inland waters and underlines the need to review the sufficiency of control mechanisms and their implementation;
- to cooperate with a view to the creation of a 'European coastguard' in order to boost common monitoring and inspection capacity and to effectively combat current or future dangers at sea such as terrorism, piracy, IUU fishing, trafficking or even marine pollution;
- to publish annual assessments of the performance of each Member State in implementing the rules of the Common Fisheries Policy (CFP) that identify possible weak points needing improvement, and to use all possible means, including identifying Member States when they fail in their responsibilities, to ensure their full compliance, in order to create a reliable and transparent control regime;

- to increase the resources allocated to the fight against corruption and organised crime at all levels;
- to continue its efforts to promote the exchange of information in order to integrate maritime surveillance, in particular information aimed at harmonising coastguard services at European level.

Global sustainable development: the resolution points out that the fight against illegal fishing at world level is vital for global sustainable development and must therefore represent an essential and explicit part of Fisheries Partnership Agreements, trade policy commitments, development cooperation policy objectives and the European Union's foreign policy priorities. Parliament calls on the EU to strongly insist that third countries effectively combat IUU fishing, in the context of trade agreements, Fisheries Partnership Agreements and the EU's development policy. The Commission is called upon to increase the financial envelope for the fisheries sector in the agreements that it signs with developing countries as far as is necessary, so that these countries can consolidate their institutional, human and technical capacities to combat IUU fishing and thereby improve their compliance with the measures adopted by world and regional fisheries management organisations and with European legislation.

Objectives within the RFMOs: Members consider that the EU should pursue the following objectives in Regional Fisheries Management Organisations (RFMOs) to which it belongs:

- establishment, for all fisheries under the remit of the RFMOs, of registers of fishing vessels, including support vessels, that are authorised to fish, as well as lists of vessels that are identified as IUU (black lists), to be updated frequently, published widely and coordinated among RFMOs;
- establishment of appropriate at-sea inspections and observer programmes;
- bans on transshipments at sea;
- development of catch documentation schemes, beginning with the major species in each RFMO;
- compulsory use of electronic tools including VMS, electronic logbooks and other tracking devices where relevant;
- compulsory and regular evaluations of the performance of individual RFMOs with the requirement that the recommendations be acted upon.

The resolution fully supports the current FAO initiative to develop a Global Record of Fishing Vessels, which should be compulsory and include vessels above 10 GT as soon as possible. It encourages the rapid development of a system for the evaluation of flag State performance currently underway at the FAO as a means of putting pressure on States that do not meet their international legal obligations.

In this context, Members call for the urgent adoption of measures to put an end to the use of 'flags of convenience'. They also support the efforts of the Commission to establish a public register listing the identities of ship owners that have been proven to have participated in IUU fishing. The resolution emphasises the need to ensure that EU interests are not involved in such forms of fishing piracy.

Parliament emphasises that the concept of market State responsibility must be more fully developed as a means of closing down the markets for the products of IUU fish. It believes

that the EU must urgently discuss with other major market States, including but not limited to the US, Japan and China, how to cooperate among themselves and, as rapidly as possible, to develop international legal instruments that could halt, prosecute and punish trade in IUU fish, in line with the World Trade Organisation (WTO) rules and within the framework of the United Nations system.

### **Threat of chartering to flag state responsibilities under the CITES Convention**

**Procedure:** Oral Question OQ || 2012/2699(2699(RSP)) || B7-0120/2012 ||

**RAPPORTEUR/GROUP:** Mato Adrover (EPP)

**Status / Dates:** Completed



## Studies

- **Illegal, unreported and unregulated fishing: sanctions in the EU**

This briefing note presents an overview of illegal, unreported and unregulated fishing and sanctions in the European Union. It provides information on the different approaches for addressing serious infringements in different Member States, as well as an analysis of existing EU and international measures.

The study identifies differences between levels of monitoring, control and surveillance in Member States. Also differences are observed between Member States in the following-up of serious infringements and sanctions imposed.

The study recommends that Member States prioritise effective enforcement of IUU rules and promote harmonisation of penalties.

## Notes

- **The common fisheries policy - Infringements procedures and imposed sanctions throughout the European Union**

This briefing note presents an overview of Common Fisheries Policy (CFP) infringement procedures and imposed sanctions throughout the European Union. It identifies potential risks in the ways different Member States follow-up on infringements, thus undermining compliance with CFP rules.

The study recommends that Member States enhance cooperation on inspecting fisheries and sanctioning infringements, ensure an effective system for following-up and impose deterrent sanctions to avoid recidivism.