

Illegal, unreported and unregulated (IUU) fishing

SUMMARY

Illegal, unreported and unregulated (IUU) fishing is widely recognised as a significant environmental, economic and social problem. It represents a major threat to marine ecosystems, a disruption for the seafood market, and an unfair disadvantage for responsible fishermen. Combatting IUU fishing has become a key means for achieving sustainable management of global fisheries.

While the root cause of IUU fishing is states' failure to discipline vessels operating under their flag, tackling this phenomenon requires a many-sided approach and involves a whole range of international instruments. These instruments define a system of mutually reinforcing measures, tailored for each of the different responsibilities that countries have over their fishing vessels (as flag states), their waters (as coastal states), access to their ports (as port states), and access to their market (as market states).

In response to this global problem, the EU has set up a thorough control system, in particular the IUU Regulation 1005/2008, which remains a landmark piece of fisheries legislation worldwide. Intended to prevent the import of IUU-caught products into the EU, the IUU Regulation is structured around market-related measures, such as a catch certification scheme, which was the first unilateral scheme of this type, and a 'carding' system for non-cooperating third countries that may lead to trade sanctions. A broad range of complementary measures reinforces this approach.

Action to combat IUU fishing is now a key topic on the EU international ocean governance agenda.

This briefing updates an earlier edition from November 2017.



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What is IUU fishing?

Illegal, unreported and unregulated (IUU) fishing is a broad term that groups distinct types of fishing activities undermining sustainable management of fisheries. It has emerged from the recognition that some fishing activities, which may not strictly qualify as 'illegal', also represent a threat to marine ecosystems and to fishing activities performed in line with sustainable management rules.

- **Illegal fishing** refers to activities conducted in contravention of national and international laws. It includes fishing in a country's waters without permission or against its laws. It also refers to fishing in areas beyond national jurisdiction (known as the high seas) in violation of the rules of the regional fisheries management organisation (RFMO) responsible for the area, by vessels from a country that is party to the RFMO in question.
- **Unreported fishing** involves non-reporting or misreporting of information on fishing operations and their catches to the relevant national or RFMO authorities, in contravention of the reporting procedures in place.
- **Unregulated fishing** includes activities in RFMO areas conducted by vessels without nationality, or from countries that are not party to the RFMO (and thus technically not obliged to abide by its rules), in a manner that is not consistent with RFMO management measures. It also covers fishing in the high seas outside RFMO responsibility, including fishing of species for which no RFMO measures apply, and that is inconsistent with state responsibility for the conservation of marine resources.¹

'IUU fishing' is a relatively new term, coined in 1997 by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), which is the RFMO responsible for the conservation of Antarctic marine ecosystems. The term was used in relation to illegal and/or non-compliant fishing activities in the high seas under CCAMLR management, conducted by parties (illegal and unreported) and non-parties (illegal and unregulated). By 1999, the term 'IUU fishing' was widely adopted in United Nations and RFMO documents, and the issue erupted onto the international fisheries agenda.²

The phenomenon that the concept of 'IUU fishing' designates, however, is far from new, and has existed for as long as there have been management measures to conserve fish stocks. IUU fishing occurs, to a greater or lesser extent, in all capture fisheries – marine and inland, large scale and small scale, in areas of national jurisdiction and on the high seas. It may be conducted deliberately or unintentionally, as isolated events or as a typical mode of operation, by fishing vessels acting alone or as part of multiple-layer structures disguised through registration in different countries. IUU fishing can be a component of transnational organised crime, associated with other types of offences, collectively known as 'crimes in the fisheries sector', such as drugs and arms trafficking, fraud and forgery, money laundering, tax crimes, corruption and slavery on board fishing vessels.³

Why IUU fishing is a matter of concern

While IUU fishing may vary in form and magnitude, its effect is always the same: it disrupts national and regional efforts to manage fisheries and, as such, jeopardises the conservation of fish stocks.

For this reason, IUU fishing is a major **threat to marine ecosystems**. IUU catches are totally or partially unaccounted for when assessing the state of the stocks, and the calculations underestimate the level of exploitation. Consequently, the measures intended to manage the stock sustainably are inconsistent with its actual state, leading to a chronic state of overexploitation. When vulnerable stocks are concerned, efforts to rebuild them are hampered. Damage to marine habitats and protected species is also a consequence when IUU fishermen use prohibited harmful gear or operate in protected areas.

IUU fishing also unfairly **disadvantages responsible fishermen** who play by the rules, poaching the fisheries resources available to them, and decreasing their profits. When affecting coastal areas,

it may lead to the collapse of local fisheries, threatening the livelihoods of small-scale fishermen and the food security of coastal regions, and ultimately exacerbating poverty.

Developing countries are particularly vulnerable to IUU fishing. With limited capacity for control and surveillance of their waters, they tend to be systematically targeted by IUU fishing, which further destabilises the management of their fisheries. Weak governance has been shown to clearly correlate with high levels of IUU fishing.⁴ These activities deprive developing countries of revenue and food, in particular where large poaching vessels operate in the same fishing grounds as small-scale local fishermen. In addition, in countries with limited institutional capacity, certain domestic small-scale activities may become a form of IUU fishing themselves.⁵

IUU fishing is also a significant **issue for seafood markets** worldwide. IUU-caught products enter the global trade chain and reach overseas markets, disturbing local food supply. It has been estimated that illegal and unreported catches represented 20-32 % of the volume of wild-caught seafood imports in the United States, and 24-36 % in Japan.⁶ In the [European Union](#), IUU-caught products imported annually are considered to reach around 500 000 tonnes, at a value of €1.1 billion.

It is difficult to quantify the full extent of clandestine, highly dynamic IUU fishing activities at global level. A frequently cited estimate, provided by a 2009 study, indicates that illegal and unreported catches worldwide would range between 11 and 26 million tonnes annually, with a value of US\$10-23.5 billion. For a global marine catch of 79.9 million tonnes in 2009, this amount would represent up to a third of the total.⁷ These figures represent a conservative estimate, as the 'unregulated' dimension of IUU fishing was not considered.

IUU fishing is driven primarily by economic motivations, following the logic of obtaining financial gain from committing an offence as long as the private benefit exceeds the expected sanction.⁸ Fleet overcapacity, possibly aggravated by subsidies for constructing and operating vessels, has been identified as a major factor contributing to IUU fishing. Vessel operators in oversized fleets, who cannot use their full capacity, are more likely to seek out IUU fishing opportunities to supplement their income. Also, if tightened management measures are imposed and vessels do not secure alternative fishing authorisations, there is a higher probability that they turn to IUU fishing.⁹

How to tackle IUU fishing

IUU fishing is a multidimensional problem and, as such, must be addressed comprehensively, in distinct yet mutually reinforcing ways, taking into account the different roles of states in fisheries and their respective responsibilities.

Flag states

According to international law, every state is required to effectively exercise jurisdiction and control over vessels flying its flag.¹⁰ The root cause of IUU fishing is flag states' failure to exercise this responsibility properly. The flag state's duties involve implementing a system of registration of the ships flying its flag, maintaining a national record of its vessels, and applying an authorisation system to allow them to fish. Flag states must also ensure control of fishing vessels operating under their flag.

However, some states do not provide proper authorisations to their fishing vessels or, having authorised vessels to fly their flags, they fail to meet their obligations regarding control of these vessels. This lack of authorisation and control allows such vessels to engage in IUU fishing with impunity.

Fishing vessels that deliberately conduct IUU fishing often employ specific tactics to avoid detection. A classic example is the use of certain types of reflagging (see Box below). They may also escape monitoring by switching off required vessel tracking devices, or by taking advantage of the fact that, under international law, fishing vessels are not obliged to actively use the International

Maritime Organization Automatic Identification System (AIS) vessel tracking (it is up to the flag state to determine if the requirement for AIS is applicable). In addition, IUU vessels may 'launder' their fishery products by abusing the otherwise common practice of transshipping (i.e. unloading catches from one vessel to another, usually to a refrigerated cargo vessel called a 'reefer', to save on fuel costs and fishing time by not returning to port to unload). Particularly vulnerable is transshipping on the high seas, over which there is little or no control.¹¹

Reflagging, as an IUU fishing tactic

Under international law, a genuine link should exist between a vessel and its flag state. However, the practice of registering vessels under a different flag, known as a '**flag of convenience**', is fairly common. The practice often allows vessel owners to cut labour costs, avoid taxation, reduce various expenses, or circumvent conservation measures in place.

A fishing vessel reflagging to a state that is not able or refuses to comply with its international obligations as a flag state, is using a '**flag of non-compliance**' (FoNC). Vessels implicated in IUU fishing use FoNCs more than other large-scale fishing vessels, which indicates that IUU fishing owners may preferentially reflag their vessels under FoNCs, to escape the control of more environmentally responsible flag states. IUU vessels have also been known to change their flag frequently – a practice defined as '**flag-hopping**', which may be related to avoiding prosecution under the fishing rules relevant to a particular fishing area or flag state.

Source: [UNCLOS](#) Article 91; Miller D. and Sumaila U., [Flag use behavior and IUU activity within the international fishing fleet: Refining definitions and identifying areas of concern](#), 2014; Miller D. and Sumaila U., [IUU fishing and impact on the seafood industry](#), 2016.

Many RFMOs have developed systems to establish vessel lists for non-compliant vessels and have begun to coordinate them.¹² Typically, the states party to the listing RFMO are required to refuse attempts to land catches by the listed vessels at their ports or sale into their markets.

The failure of some flag states to meet their international obligations has led the international community to seek alternative but complementary ways to address IUU fishing.

Coastal states

When a fishing vessel enters the waters of a coastal state, the primary responsibility for controlling its activities shifts from the flag state to the coastal state, and the responsibility for ensuring compliance thus rests with the coastal state. However, the flag state maintains an obligation of due diligence to prevent IUU fishing.¹³

To govern fisheries in their waters, coastal states set up a monitoring, control and surveillance system. Enforcing this system may involve tracking vessels' movements and monitoring their activities using a vessel monitoring system (VMS), aerial or at-sea surveillance, and deployment of observers on board fishing vessels. It may also entail physical inspection of catch, gear, and documentation.

Depending on the available capacity and resources, the actual effectiveness of the control system varies greatly from one country to another, and countries with a weak control system are far more vulnerable to IUU fishing.

Port states

Port states are in a position to act as gatekeepers and ensure that IUU-caught fish is not landed, thereby restricting its entry to the market. If vessels conducting IUU fishing are unable to land or tranship their product, or the costs associated with its laundering are sufficiently high, the financial incentive to engage in IUU fishing will be reduced.

Port states establish a series of requirements, termed 'port state measures', with which a foreign vessel must comply, as a condition for access to ports within the port state. Typically, these requirements include prior notification of port entry, use of designated ports, restrictions on port entry and on landing or transshipment of fish, restrictions on supply and services, documentation requirements and port inspections.

To avoid shifting the flow of IUU fishing products to ports with lower standards, port state measures should be consistently applied across maritime regions. RFMOs, in particular, have a fundamental role to play in harmonising measures among their members.

Market states

A significant part of IUU fishing products enter international trade, which empowers market states to tackle the problem from a trade perspective. Two types of market-related measures are specifically designed to combat IUU fishing: certification schemes and trade sanctions, both of which may be applied unilaterally (by a single country/market) or multilaterally (by the parties to an RFMO).¹⁴

Two variants of **certification schemes** have been developed:

- Trade documentation schemes (TDS) establish the origin of the product as it enters trade. These have been used by a number of RFMOs since the early 1990s.
- Catch documentation schemes (CDS) establish the source of the fishery product when it is landed. The EU has operated a unilateral CDS since 2010, while multilateral CDS are used by some RFMOs.¹⁵ Japan recently [introduced](#) a unilateral CDS based on the EU scheme, scheduled to enter into force on 1 December 2022, which applies to a group of species considered particularly vulnerable to IUU fishing. These schemes provide a mechanism to certify the legality of the catch by the flag state, positively identifying legal products and denying market access to illegal products not covered by certificates. The United States established a different type of unilateral CDS, the [Seafood Import Monitoring Program](#) (SIMP), which entered into force in 2018. The SIMP does not involve the participation of the flag state, but requires the US importers to keep records regarding the chain of custody of the fish product from harvest to point of entry into the US on certain priority species, identified as particularly vulnerable to IUU fishing and/or seafood fraud.

Trade sanctions, or trade-restrictive measures, are put in place with respect to countries having failed in their duty to combat IUU fishing. They may be based on evidence provided by TDS or CDS systems, or they may rely on other sources.

Combatting IUU fishing – A global fight

International ocean governance includes a number of instruments developed over recent decades, which form the basis for the fight against IUU fishing.

- The **United Nations Convention on the Law of the Sea – UNCLOS** (1982) defines the rights and duties of states with respect to their use of ocean space and resources. It delimits areas of national jurisdiction, in which it gives coastal states responsibility over natural resources. For the flag states whose vessels fish beyond these areas, on the high seas, it introduces the obligation to effectively exercise jurisdiction and control over them and to cooperate with other states for the conservation of living resources.
- The **United Nations Food and Agriculture Organization (FAO) Compliance Agreement** (1993) promotes compliance with conservation and management measures on the high seas. It strengthens the responsibility of the flag states, which must maintain a system of authorisation and record for their high seas vessels and

ensure that they do not undermine conservation and management measures. It also aims to prevent fishing vessels reflagging under flags of non-compliance.

- The **United Nations Fish Stock Agreement** (1995), an implementing agreement under UNCLOS, addresses the management of highly migratory stocks travelling across coastal state waters and high seas, and of stocks straddling the two areas. It defines the duties of flag states, including those related to registration and record of vessels, control, compliance and enforcement, as well as cooperation in the framework of RFMOs, along with port state measures.
- The **FAO Code of Conduct for Responsible Fisheries** (1995) contains a series of voluntary guidelines providing principles and standards applicable to the management of all fisheries. It includes provisions on the duties of all states, and details on the duties of flag states and port states. It also promotes responsible trade of fishery products.

The first global instrument tailored to combat IUU fishing was the FAO's **International plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU)**, adopted in 2001. This voluntary instrument, developed within the framework of the Code of Conduct, provides a toolbox for use by all states, which are encouraged to develop national plans of action to combat IUU fishing. The core elements of the IPOA-IUU are the responsibilities defined for each role of the states, with specific measures for flag states, coastal states, port states and market states respectively. The plan also encourages states to cooperate regionally, to harmonise policies and activities and to support RFMO measures.

A new milestone was reached with the entry into force, on 5 June 2016, of the first international legally binding agreement specifically targeting IUU fishing: the FAO **port state measures agreement**. In recognition of the significance of this event, the UN declared 5 June the **International Day** for the fight against IUU fishing. The agreement, adopted in 2009, aims to prevent IUU fishing vessels from using ports and landing their catches, and thus to block products derived from IUU fishing from reaching national and international markets. The agreement also determines the role of flag states in the implementation of port state measures. The measures defined in the agreement apply to foreign fishing vessels; however, states are expected to apply similar measures to their own fleets.¹⁶ Inter alia, the parties to the agreement commit to designating specific ports for receiving foreign vessels, where they can properly inspect them. They have to require fishing vessels to provide prior notification and transmit information on their activities and the catches they have on board. They must carry out inspections according to a minimum set of standards. In addition, they must deny vessels engaged in IUU fishing entry to or use of ports, communicating this information to other relevant states, taking measures, and prosecuting offenders.

Other international initiatives for combatting IUU fishing supplement this framework:

- The FAO **voluntary guidelines for flag state performance**, adopted in 2014, aim to tackle IUU fishing through effective implementation of flag state responsibilities. They provide guidance to strengthen flag states' compliance with their international duties, particularly regarding the establishment of a basic framework for fisheries management, minimum requirements for registration and records of vessels and authorisation of fishing activities, and for setting up a control and enforcement regime. They also address cooperation between flag states and coastal states.
- The FAO **voluntary guidelines for catch documentation schemes**, adopted in 2017, provide assistance to states and RFMOs when developing or reviewing such schemes, to support compatibility between them and to ensure that they do not become an unnecessary barrier to trade.
- The FAO **global record** is a voluntary initiative providing information about vessels used for fishing and associated activities (refrigerated transport vessels and supply vessels), from flag state authorities. The programme aims for increased transparency through a single access point for data on fishing fleets worldwide.

- The FAO **voluntary guidelines for transshipment**, endorsed by its Committee on Fisheries in September 2022, provide standards for developing or reviewing transshipment policies, to improve regulation, monitoring and control of transshipment and prevent its use for laundering IUU-caught fish into the market.

EU response to IUU fishing

The EU fisheries control system is as old as the common fisheries policy itself, with a first regulation adopted in 1982.¹⁷ The system was conceived as a competence of the Member States, which are responsible for controlling their fishing fleets, with the Commission monitoring how Member States fulfil their responsibilities. Amended several times, and subsequently overhauled with the adoption of the '**Control Regulation**' [1224/2009](#), the control system has been under [revision](#) since 2018. The update of the regulation is currently being negotiated between the Parliament and the Council.¹⁸

In addition, the EU has defined a framework for authorising EU vessels that fish in waters beyond the national jurisdiction of the Member States, as well as third-country vessels operating in EU waters. This framework, initially covered by the 'Fishing Authorisation Regulation' [1006/2008](#), was revised under Regulation [2017/2403](#) on the **sustainable management of external fishing fleets**, which has applied since 2018.¹⁹

At the beginning of the 2000s, increasing international awareness of the different aspects of the IUU fishing phenomenon was reflected in the EU's 2002 [action plan](#) for eradication of IUU fishing, in agreement with the IPOA-IUU. Recognition was also growing that the market dimension of the IUU problem was largely left aside in the EU control system, despite the EU being the world's largest market for fish products. The responsibility associated with this position, and the need for a level playing field in a market distorted by the unfair competition that IUU fish products imported into the EU represent to legitimate EU operators, provided new impetus. The European Parliament repeatedly highlighted the need for further action against all forms of IUU fishing, particularly in its resolutions of [2001](#), [2002](#) and [2007](#).

Against this backdrop, in 2007 the Commission developed a [strategy](#) to prevent, deter and eliminate IUU fishing. At the same time, as a basis for some of the measures supported by the strategy, the Commission proposed a new regulatory instrument. This instrument, adopted as the **IUU Regulation** [1005/2008](#), was to become the core of the EU legal framework for action against global IUU fishing. The IUU Regulation joined the Control Regulation and the Fishing Authorisation Regulation to form a comprehensive control package covering Member States' responsibilities in each of their roles as flag, coastal, port and market states.

The IUU Regulation entered into force in January 2010, supplemented by Commission Regulation [1010/2009](#), which details its implementation. It applies to all vessels exploiting fishery resources destined for the EU market, and to all EU nationals involved in fishing activities. However, it does not try to replace the primary responsibility of flag states to discipline their vessels, or of coastal states to control their waters. It only intervenes when these two mechanisms do not work and serious infringements are not punished by either the flag or the coastal state.²⁰

The main objective of the IUU Regulation is to prevent, deter, and eliminate the trade of IUU caught products into the EU. Accordingly, its key components are market-related measures: a catch certification scheme, intended to allow only fish certified as legal onto the EU market, and a carding procedure for third countries considered uncooperative, which may lead to trade-restrictive measures. These key components are accompanied by a series of port state measures and provisions for the regular publication of a list of IUU vessels, as well as a procedure for penalising EU operators conducting or supporting IUU activities anywhere in the world and under any flag.

Catch certification

The EU catch certification scheme aims to improve the traceability of all marine fishery products traded with the EU. Its central aspect is the requirement for the flag state to certify that fish was harvested legally. To date, more than 90 third countries apply the scheme for exports to the EU, and have notified their specific competent authorities, which ensure certification of catches by vessels flying their flag. This takes the form of a catch certificate validated by the competent authority, possibly accompanied by other documents in the case of indirect imports after transshipment, transit or processing in another non-EU country. Given the high number of certificates (in the order of the tens of thousands annually for the major importing EU states), verification is risk-based. It may be focused on products that are more likely to derive from IUU activities, such as species of high commercial value, or consignments from vessels with known IUU fishing links.

Member States may use and share information derived from catch certificates to improve verification of imports and risk analysis. A system of mutual assistance allows Member States to alert each other to suspected transactions of IUU fishing products, and can be used by the Commission to send alerts to all Member States. The Commission cooperates with the European Fisheries Control Agency (EFCA) to encourage a harmonised risk-analysis system across Member States, which would support a more cost-effective approach to the control of catch certificates and reduce the burden on Member State customs authorities.²¹

The current scheme is based on paper certificates or scanned copies of these certificates, which causes significant traceability concerns. In May 2019, the Commission launched a digital information management system named CATCH, intended to facilitate sharing and cross-checking of certificates between Member States, increase traceability, and avoid laundering of IUU fishing products. In particular, it would allow better monitoring of consignments split into parts and sent to different Member States, when copies of the same certificate are used for an indefinite number of parts of the split consignment. CATCH is now fully functional and available on a voluntary basis, but the adoption of the revised Control Regulation would make its use obligatory for EU importers.

The carding system

The functioning of the catch certification scheme is based on the assumption that the exporting flag state has an effective control system, which can guarantee the legality of the catch. If this is not the case, the IUU Regulation offers a multiple-step carding procedure, to deal with non-cooperating countries. As a first step, the European Commission identifies countries that fail to discharge their duties under international law to take action against IUU fishing, and initiates **dialogue** with each of them (with more than 60 countries to date). In most cases, the bilateral discussions result in improved governance of the third country's fisheries, particularly regarding revised legislation, adoption of national plans in line with the IPOA-IUU or strengthened monitoring, control and surveillance. Neither the countries participating in this dialogue nor the content of the discussions are made public, as the Commission argues that it has to act in a spirit of trust and confidentiality.

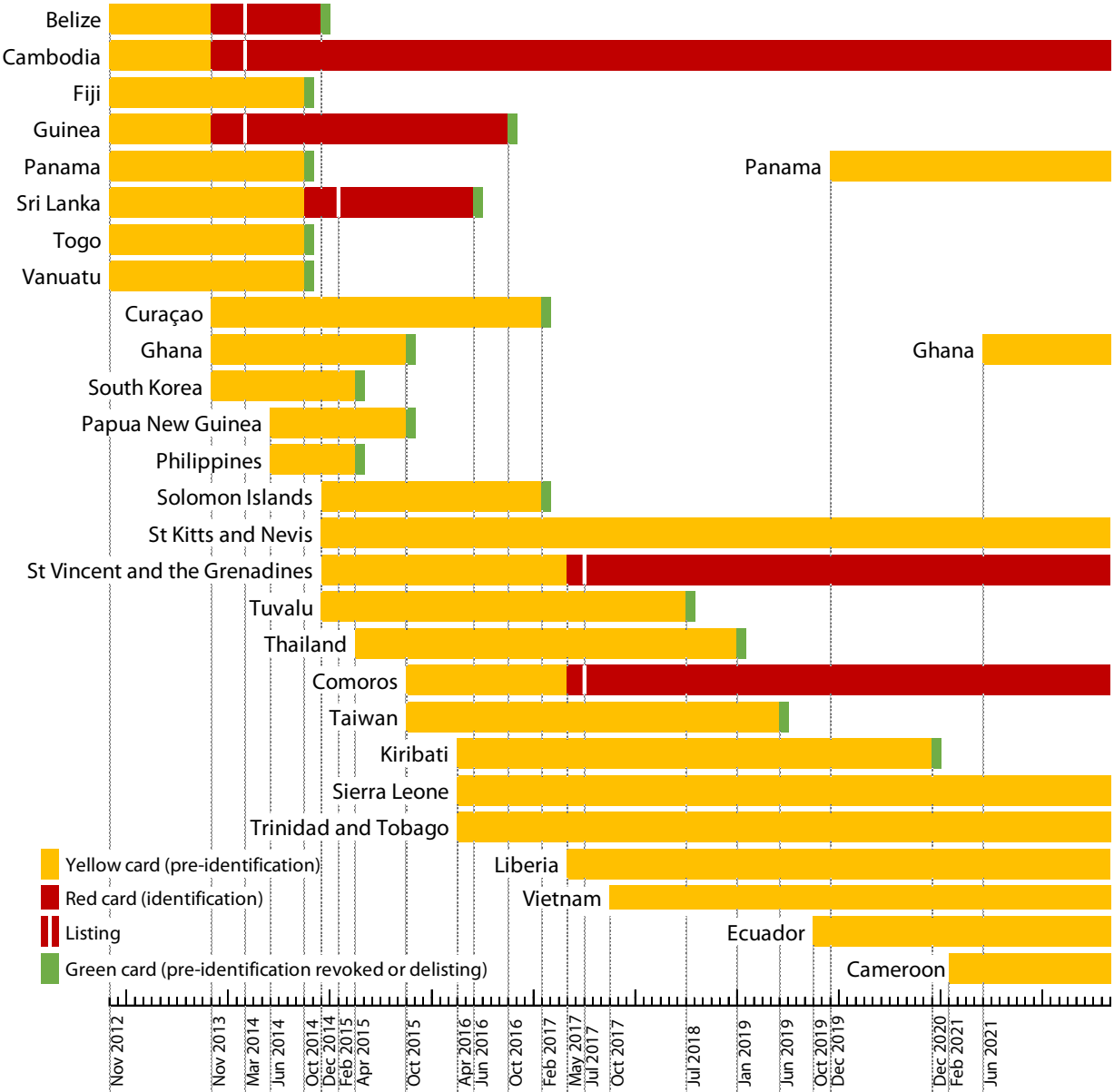
If the dialogue does not resolve the shortcomings, the Commission notifies the third country of the risk of being identified as non-cooperating in the fight against IUU fishing. This notification, known as '**pre-identification**', or '**yellow card**', and the reasons for it, are announced publicly. The Commission proposes tailored measures, which the third country is expected to address by a specified deadline. If pre-identified countries make progress in line with the proposed measures and more time is needed to conclude the reforms, the yellow card status may be extended.

In cases where the pre-identified country fails to resolve its IUU fishing problems, the Commission identifies it as a non-cooperating country, in what is called the '**identification**' step, or '**red card**'. The Commission proposes '**listing**' the country as non-cooperating to the Council. Listing involves trade-restrictive measures – the prohibition of imports of fishery products from the country in question, associated with EU vessels being prohibited from operating in its waters.

Dialogue with the third country remains open throughout the procedure. When a pre-identified, identified or listed country makes progress in resolving EU concerns, the Commission lifts the pre-identification status or proposes delisting the country to the Council, giving it a 'green card'.

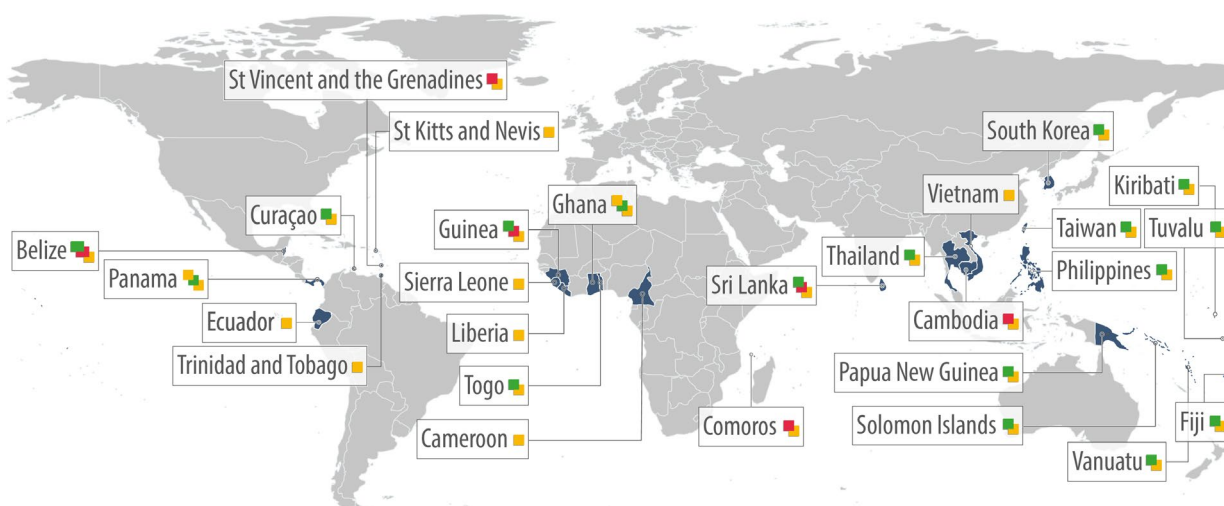
A total of 27 countries have been given a yellow card, up to September 2022 (Figures 1 and 2). Fourteen of them had their pre-identification lifted after periods varying between 10 and 56 months, but two countries subsequently received a second yellow card. For six of the pre-identified countries, the procedure continued with a red card and listing, of which three countries were delisted after 13, 20 and 35 months respectively. Currently, nine countries have a yellow card, and three have a red card. Around a third are countries with significant fishing fleets and/or high seafood exports, while others were at some point recognised as flag of non-compliance states.²²

Figure 1 – Overview of carding procedures



Data source: [DGMARE – Overview of IUU procedures](#), September 2022.

Figure 2 – Location of the countries pre-identified and identified as non-cooperating



Data source: [DGMARE – Overview of IUU procedures](#), September 2022.

The European Commission cited several shortcomings as a reason for its yellow and red cards. Most frequently, they concern weaknesses in the national legal framework, such as non-alignment with international obligations and regional measures, and a lack of provisions for control and sanctioning. They also commonly cite a lack of compliance with RFMO measures. In a significant number of cases, the decisions refer to shortcomings in exercising flag state responsibilities. Several cases mention problems related to market state responsibilities and traceability and, less frequently, to coastal state shortcomings.²³

IUU fishing vessel lists

The IUU Regulation allows the European Commission the possibility to blacklist individual vessels involved in IUU fishing. Since 2010, when the IUU Regulation came into force, the Commission has investigated over 200 cases of presumed IUU fishing by vessels from 27 third countries. As a result, more than 50 vessels were fined by eight flag states and four coastal states.²⁴ However, the Commission decided not to pursue its listing of identified vessels, due to an excessively high cost/efficiency ratio, and to limit blacklisting to the annual [transposition](#) of the RFMO-identified lists of vessels.²⁵ The vessels included on the list are not allowed to fish in the waters of Member States or to call at EU ports, and are prohibited from trading fish products with the EU.

Port state measures

The IUU Regulation provides a robust framework for Member States to implement port state measures to avoid direct landing of IUU fishing products in the EU. It defines strict access conditions for vessels from non-EU countries, including designated ports, prior notice of access, and recording of landing and transshipment operations. In addition, it determines principles and procedures for port inspections. The Commission's [evaluation](#) of the IUU Regulation achievements, five years after its entry into force, considers that rigorous inspection of landing and transshipment operations has supported a number of changes, citing the example of the Spanish port of Las Palmas, where it led to a significant drop in landing of IUU-caught products from West Africa.

European Court of Auditors special report

At the request of the European Parliament, the European Court of Auditors (ECA) examined the effectiveness of EU action to combat illegal fishing. The Court published its findings in September 2022, in a [special report](#) bearing the revealing subtitle 'Control systems in place but weakened by uneven checks and sanctions by Member States'. The audit covers the EU's role as a market in preventing the import of illegal fishing products (i.e. the functioning of the IUU Regulation), but also certain aspects related to the Member States' response as flag and coastal states, for checking national fleets and waters (under the Control Regulation).

Regarding the market dimension, the Court's findings mainly show that:

- The EU **catch certification scheme** improved traceability and reinforced import control. The Court benchmarks the EU scheme against similar systems in the US and Japan, and concludes that it is the most comprehensive in terms of scope, information required, and validation and control processes. However, the auditors identify significant differences in scope and quality of import checks between Member States, which could jeopardise the effectiveness of the scheme and lead to a risk of operators exploiting the weakest link. The Court also shows that none of the Member States use the CATCH digital system, and notes the reduced efficiency and risk of fraud associated with the current paper-based version of the scheme.
- EU action towards **non-cooperating countries** proved useful and triggered positive reforms in most of them. The Court notes that several 'carded' countries are significant exporters of fish products to the EU (Ecuador, Vietnam and Thailand), but also that many others, identified as flags of convenience, have minimal to no trade with the EU, and therefore present little risk for the EU market.

On the application of the Control Regulation, the auditors considered the Commission's oversight of Member States and acknowledged that it has taken steps to address shortcomings. The Court also audited EU-funded projects supporting control activities, and found that they helped reinforce the control system. Finally, it evaluated the sanctions applied across Member States, concluding that they are sometimes not dissuasive, and that similar infringements are not similarly sanctioned.

Parliament [noted](#) with concern the conclusion of the Court that uneven application of checks and sanctions reduces the effectiveness of the control system, calling on Member States to improve the implementation of the IUU Regulation and to ensure dissuasive sanctions against illegal fishing.

IUU fishing on the ocean governance agenda

Since 2015, EU action to combat IUU fishing has been part of the efforts to achieve UN Sustainable Development Goal [\(SDG\) 14](#), in particular target 14.4, which explicitly refers to ending IUU fishing. As such, it is now an omnipresent topic across ocean policy initiatives. The EU international [ocean governance](#) agenda, adopted in June 2022, highlights pursuing a zero-tolerance approach against IUU fishing as one of its key actions. The agenda identifies a wide range of IUU-related initiatives, such as a series of actions aiming to tackle the issue of flag states that do not fulfil their international obligations. Strengthening international governance includes actions to promote effective implementation of international rules to combat IUU fishing, at global and regional level. A significant action under the same pillar concerns building on the [WTO agreement](#) on fisheries subsidies, concluded in May 2022. The EU played a leading role in [securing the agreement](#), and successfully pushed for the prohibition of subsidies that contribute to IUU fishing.

Parliament is a staunch supporter of the fight against IUU fishing, regularly calling for measures to combat it, most recently in its resolutions on a [sustainable blue economy](#) and the [ocean governance](#) agenda. Parliament also stressed the need for greater consistency between EU trade and fisheries policies, and called for a strong global system of deterrent sanctions and a multi-pronged approach, to step up the fight against the global and multidimensional IUU fishing problem.

ENDNOTES

- ¹ [IPOA-IUU](#) (International plan of action to prevent, deter and eliminate IUU Fishing), FAO, 2001.
- ² Doulman D., [Illegal, unreported and unregulated fishing: mandate for an international plan of action](#), 2000.
- ³ UNODC, [Crimes in the fisheries sector \(CFS\)](#); Witbooi et al., [Organized crime in the fisheries sector threatens a sustainable ocean economy](#), 2020.
- ⁴ Agnew et al., [Estimating the worldwide extent of illegal fishing](#), 2009.
- ⁵ CRFM Technical & Advisory Document Series, [2013/11](#); Chatham House, [The 10th international forum on illegal, unreported and unregulated fishing](#), 2017.
- ⁶ Pramod et al., [Estimates of illegal and unreported fish in seafood imports to the USA](#), 2014; Pramod et al., [Estimates of illegal and unreported seafood imports to Japan](#), 2019. The figures for the United States and Japan are estimated for 2011 and 2015 respectively.
- ⁷ Agnew et al., [Estimating the worldwide extent of illegal fishing](#), 2009; FAO, [The state of world fisheries and aquaculture](#), 2010.
- ⁸ Le Gallic B. and Cox A., [An economic analysis of illegal, unreported and unregulated fishing: Key drivers and possible solutions](#), Marine Policy 30, 2006.
- ⁹ Doulman D., [Illegal, unreported and unregulated fishing](#), in Royal Swedish Academy of Agriculture and Forestry, 'Fisheries, sustainability and development', 2009.
- ¹⁰ [UNCLOS](#) Article 94.
- ¹¹ Miller D. and Sumaila U., [IUU fishing and impact on the seafood industry](#), 2016.
- ¹² See [CCAMLR](#), [GFCM](#), [NAFO](#), [NEAFC](#), [NPAFC](#), [NPFC](#), [SEAFO](#), [SIOFA](#) and [SPRFMO](#), as well as tuna RFMOs [CCSBT](#), [ICCAT](#), [IOTC](#), [IATTC](#) and [WCPFC](#).
- ¹³ International Tribunal for the Law of the Sea (ITLOS), 2015. [Advisory opinion](#) on IUU fishing activities in West Africa. The opinion holds that the flag state's responsibility for preventing IUU fishing activities in third-country waters is an obligation of 'due diligence', i.e. the flag state has to take all necessary measures to ensure compliance by fishing vessels flying its flag. The ITLOS opinion considers that this is an obligation 'of conduct', not an obligation 'of result' (i.e. to achieve compliance with the requirement not to engage in IUU fishing).
- ¹⁴ Hosch G., [Trade measure to combat IUU fishing](#), 2016.
- ¹⁵ See [ICCAT](#), [CCSBT](#) and [CCAMLR](#).
- ¹⁶ FAO, [Illegal, unreported and unregulated fishing](#), 2016.
- ¹⁷ Penas Lado E., The Common Fisheries Policy: The quest for sustainability, 2016, pp. 189-190.
- ¹⁸ For an overview of the Control Regulation, see Popescu I., [Revising the fisheries control system](#), EPRS, 2021.
- ¹⁹ Popescu I., [New rules for managing the EU external fishing fleet](#), EPRS, 2018.
- ²⁰ Penas Lado E., op. cit., p. 204.
- ²¹ [COM\(2015\) 480](#).
- ²² Hosch G., op. cit.
- ²³ EJP et al., [The EU IUU Regulation carding process: A review of European Commission carding decisions](#), 2016.
- ²⁴ [COM\(2015\) 480](#).
- ²⁵ Penas Lado E., op. cit., pp. 205-206.

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eprs@ep.europa.eu (contact)

www.eprs.ep.parl.union.eu (intranet)

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