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## **REPORT**

on the Commission communication on the Community action plan for the eradication of illegal, unreported and unregulated fishing ((COM(2002) 180 – C5-0332/2002 – 2002/2176(COS))

Committee on Fisheries

Rapporteur: Niels Busk



**CONTENTS**

	<b>Page</b>
PROCEDURAL PAGE .....	4
MOTION FOR A RESOLUTION.....	5
EXPLANATORY STATEMENT .....	7
.....	

## PROCEDURAL PAGE

By letter of 28 May 2002, the Commission forwarded to Parliament a communication on the Community action plan for the eradication of illegal, unreported and unregulated fishing (COM(2002) 180 – 2002/2176(COS)).

At the sitting of 2 September 2002 the President of Parliament announced that he had referred the communication to the Committee on Fisheries as the committee responsible (C5-0332/2002).

The Committee on Fisheries appointed Niels Busk rapporteur at its meeting of 19 June 2002.

It considered the Commission communication and the draft report at its meetings of 9 July, 30 September and 21 October 2002.

At the latter meeting it adopted the motion for a resolution unanimously.

The following were present for the vote: Struan Stevenson, chairman; Brigitte Langenhagen and Rosa Miguélez Ramos, vice-chairmen; Niels Busk, rapporteur; Yves Butel, Giovanni Claudio Fava (for Heinz Kindermann), Ian Stewart Hudghton, Salvador Jové Peres, Carlos Lage, Juan Ojeda Sanz (for Arlindo Cunha), Seán Ó Neachtain, Camilo Nogueira Román (for Patricia McKenna), Neil Parish (for Ioannis Marinos), Manuel Pérez Álvarez, Bernard Poignant, Dominique F.C. Souchet (for Michael John Holmes), Catherine Stihler, Margie Sudre, Daniel Varela Suanzes-Carpegna and Herman Vermeer.

The report was tabled on 24 October 2002.

## MOTION FOR A RESOLUTION

### **European Parliament resolution on the Commission communication on the Community action plan for the eradication of illegal, unreported and unregulated fishing (COM(2002) 180 – C5-0332/2002 – 2002/2176(COS))**

*The European Parliament,*

- having regard to the Commission communication (COM(2002) 180 – C5-0332/2002<sup>1</sup>),
  - having regard to Article 37 of the Treaty,
  - having regard to Rule 47(1) of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A5-0362/2002),
- A. whereas the introduction of effective and coherent arrangements for control, enforcement and reporting is a key requirement for the implementation of a sustainable policy for the conservation and management of fish stocks,
- B. whereas, in order to meet this requirement, it is important to have a common procedure for reporting conduct which infringes current conservation and management policy,
- C. whereas all contracting parties in regional fisheries organisations, being mutually reliant, should have equal responsibility for reporting infringements in an efficient and consistent manner,
- D. whereas the control system must be applied fairly and uniformly if fishermen and other parties involved are to recognise the conservation and management arrangements,
- E. whereas an effective control system should imply greater probability of being inspected,
- F. whereas experience and training of fisheries inspectors in fisheries control is an important basis for effective implementation of fisheries control,
- G. recalling the demand made by Parliament (Resolution A5-0275/2000, Jové-Peres report) calling for a fisheries monitoring package to prevent IUU-caught fish products from entering the EU market,
- H. whereas controls should be carried out in a uniform and fair manner to ensure as far as possible that fishermen are given equal treatment,
- I. whereas the individual states are required to prosecute vessels sailing under their flag; whereas the possibilities should be explored, under the auspices of the FAO, of conferring on regional fisheries organisations the powers to enforce the rules so that follow-up does not break down in the Member State,

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<sup>1</sup> Not yet published in OJ.

- J. whereas there are wide variations within the EU in the Member States' sanction procedures; whereas therefore more uniform sanctions should be introduced both internally within the EU and externally in regional fisheries organisations to ensure that the parties concerned receive more equal treatment,
- K. considering that there are many vessels entering EU ports or sailing in EU waters which are not readily identifiable, given the poor condition of their vessel markings,
- L. whereas the penalties for illegal, unreported and unregulated fishing should be such that it cannot pay to infringe the rules; whereas, at the same time, there must be a serious risk of being inspected if the control system is to be effective,
- M. whereas those who sail under flags of convenience within the fisheries sector not only undermine crew members' social and working conditions but also evade the measures for managing resources and conserving stocks,
- N. whereas flags of convenience are not only used in order to cut expenditure and evade tax with the aid of complex legal devices, which gives rise to numerous problems in determining where responsibility for illegal fishing lies, but are also used to a large extent in order to evade compliance with the existing rules on the conservation and management of fish resources,
- O. whereas an acceptable balance must be found, in regard to fisheries agreements with third countries, between respect for coastal states' sovereignty and the ability to carry out controls,
1. Welcomes the Commission's ambitious action plan, the 15 proposed actions of which constitute part of the overall action plan;
  2. Requests the Commission to submit a detailed report to Parliament on experience gained from the east Atlantic;
  3. Calls on the Commission to take steps to ensure that regional fisheries organisations keep a scoreboard of the contracting parties' follow-up action on breaches of the rules governing the conservation and management of fish resources;
  4. Welcomes in particular the aid to the developing countries for drawing up and implementing policies to ensure monitoring and control of fisheries;
  5. Calls upon the Commission to propose amendments to the Control Regulation (Council Regulation 2847/93) to ensure that all vessels entering EU ports or sailing in EU waters, whether flying an EU or other flag, are marked according to the FAO Standard Specifications and Guidelines for Marking and Identification of Fishing Vessels, including vessel name, call sign, port of registry and registration number;
  6. Calls on the Commission to make aid for implementation by third countries of the FAO's international action plan for combating illegal, unreported and unregulated fishing one of the main priorities when concluding future agreements with third countries;

7. Calls on the Commission to grant aid to coastal states and states with fishing ports in their fight against illegal, unreported and unregulated fishing via its bilateral and multilateral aid programmes in cooperation between the Fisheries DG, the Development DG and the External Relations DG;
8. Calls on the Commission to ensure that EU coastal and port states meet FAO good conduct standards;
9. Calls upon the EU to close all of its ports to:
  - fishing vessels or fish transport vessels flying flags of convenience,
  - fishing vessels engaged in IUU fishing,
  - fish transport vessels that have transshipped cargo from such vessels;
10. Calls on the Commission to extend the use of catch certificates, which are easily recognisable and difficult to forge, in order to combat trade in illegal, unreported and unregulated fish;
11. Asks the Commission to ensure that adequate financial resources are earmarked for raising the awareness of the fishing industry, consumers and the general public about the need to combat IUU fishing;
12. Calls upon the EU to ensure accurate and complete reporting of all transshipment operations, using, among other tools, vessel monitoring systems and observers on board fish transport vessels;
13. Instructs its President to forward Parliament's position to the Council and the Commission.

## EXPLANATORY STATEMENT

Fishing is an important source of food in the world. Millions of people are dependent on fish and in order to ensure that fish is also available for future generations, all parties involved in fisheries must help to ensure sustainable management and conservation of the fish stocks in the world's seas.

It is important that the EU, as one of the biggest players on the world stage in terms of fisheries, takes the initiative and sets a high standard for the conservation and management of fisheries resources.

The European Community has taken an active part in drawing up an international action plan under the FAO's fisheries committee (COFI) within the framework of the FAO's code of conduct for responsible fisheries, which more than 170 member states adopted in 1995. The international action plan, which aims to prevent, combat and abolish illegal, unreported and unregulated (IUU) fishing is now to be implemented at EC level.

The Commission's communication contains 15 actions, which it proposes to implement by way of Community law and the regional fisheries organisations in order to put the international action plan into practice. The actions are listed without order of priority with a brief description of their 'objective', 'justification' and 'means'.

### **Measures at Community level:**

Action 1: State control over nationals

Action 2: Defining procedures for the implementation of arrangements approved at international level relating to the sustainability of fish stocks

Action 3: Control over activities associated with IUU fishing

Action 4: Alerting the fishing industry, consumers and the public in general to the need to control IUU fishing

### **Measures at the level of regional fisheries organisations:**

Action 5: Development of framework plans for control and inspection within each regional fisheries organisation

Action 6: Regulation of certain fishing activities on the high seas

Action 7: Identification and monitoring of IUU vessels

Action 8: Promoting uniform action plans to curb illegal fishing

Action 9: Identifying and quantifying illegal catches

Action 10: Certificates and documents

### **Measures at international level**

Action 11: Improvement of information concerning fishing vessels

Action 12: Strengthening of international cooperation

Action 13: Definition of a substantial link between a state and a vessel

Action 14: Definition of rights and responsibilities of port states

### **Measures in partnership with developing countries**

Action 15: Assistance for developing countries to control unlawful fishing

The 15 actions are each important in themselves and without drawing up a natural list of



priorities, your rapporteur would single out some individual actions for comment.

The European Parliament's Committee on Fisheries previously drew up an own-initiative report on the role of convenience flags in the fisheries sector<sup>1</sup> and several reports on the control aspect, including two more recent reports<sup>2</sup>.

Action 5 concerns the introduction of control and inspection arrangements within each regional fisheries organisation tailored to the fishing characteristics of each individual fisheries organisation. A common control and inspection system within a regional fisheries organisation will mean that fishermen will be treated uniformly in terms of controls and inspection. Your rapporteur would like to see the Commission take the initiative to ensure that regional fisheries organisations keep a scoreboard of the contracting parties' follow-up action on breaches of the rules governing the conservation and management of fish resources. When a state, business or individual fisherman wishes to have access to resources in the world's seas, they undertake to recognise and comply with the conditions under which the seas resources are managed. A scoreboard may help make sanction procedures more effective and should, naturally, respect the individual's right to due process of law.

Evidently, the Commission will use European experience on behalf of the EU to strengthen cooperation in an international context as many of the problem areas may be similar to those within the EU. Your rapporteur would draw attention to Action 12 concerning the strengthening of international cooperation where there is a great deal of room for improvement within the EU before the system could be said to be operating smoothly.

The proposal for a more rigorous strategy to combat fishing under flags of convenience is to be welcomed. The proposal covers the countries which issue flags and the businesses which use them. If all the links in the chain - countries, fishermen, ports etc. - stop conducting business in fish or fish products originating from IUU fishing, the leeway for illegal fishing will be reduced considerably. If, in addition, a successful campaign were conducted to inform businesses within the fisheries sector as well as others concerned, e.g. consumers etc., of the detrimental effect of illegal fishing, thereby cutting demand, this would also help to minimise the market for illegally caught fish.

Your rapporteur particularly welcomes Action 15 concerning assistance to developing countries in formulating and implementing policies for monitoring and controlling fisheries at national and/or regional level. The developing countries, especially small island and coastal states, are amongst those hardest hit by IUU fishing. The Commission has rightly shown respect for the developing countries' sovereignty over their own waters, both in terms of control and sustainable use of resources, but the management and conservation of fisheries resources is also a serious consideration and agreements with third countries in future should contain technical and financial assistance to set up an effective system of follow-up, control and monitoring of fisheries as one of the main priorities in the agreement.

More than 90% of the fish caught world-wide is caught in waters of coastal states. A large proportion of IUU fishing also takes place there. Your rapporteur would therefore urge the Commission's departments to work together to use the opportunities available in bilateral and

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<sup>1</sup> A5-0405/2001.

<sup>2</sup> A5-0176/2002 and A5-0228/2002.

multilateral external relations with coastal states to set up agreements for technical and financial assistance in order to establish an effective control system.

IUU fishing may bring about the collapse of the fishing industry. Those engaged in illegal fishing have an unfair competitive advantage over fishermen who fish in accordance with the rules so that it is in the interests of all responsible fishermen to combat IUU fishing.