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## REPORT

on the implementation of the EU action plan against illegal, unreported and  
unregulated fishing  
(2006/2225(INI))

Committee on Fisheries

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the implementation of the EU action plan against illegal, unreported and unregulated fishing (2006/2225(INI))

*The European Parliament,*

- having regard to the communication from the Commission entitled "Community action plan for the eradication of illegal, unreported and unregulated fishing" (COM(2002)0180) and the Council Conclusions of 11 June 2002 thereon,
  - having regard to its resolution of 20 November 2002 on the Community action plan for the eradication of illegal, unreported and unregulated fishing<sup>1</sup>,
  - having regard to the Commission's three-yearly communications on monitoring the implementation of the Common Fisheries Policy (CFP) and Parliament's corresponding resolutions on that subject,
  - having regard to the Commission's annual communications and Parliament's respective resolutions on conduct seriously infringing the rules of the CFP,
  - having regard to the FAO international plan of action on IUU fishing and the technical documents adopted subsequently by the FAO,
  - having regard to Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency<sup>2</sup>, and in particular Article 3, point (h) thereof,
  - having regard to its resolution of 13 December 2001 on the role of flags of convenience in the fisheries sector<sup>3</sup>,
  - having regard to the Green Paper entitled 'Towards a future maritime policy for the Union: a European vision for the oceans and seas' (COM(2006)0275),
  - having regard to its resolution of 7 September 2006 on launching a debate on a Community approach towards eco-labelling schemes for fisheries products<sup>4</sup>,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A6-0015/2007),
- A. whereas illegal, unreported and unregulated (IUU) fishing is a major problem around the world, causing considerable environmental degradation, contributing to the depletion of commercial and non-commercial fish stocks and other species and resulting in difficulties

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<sup>1</sup> OJ C 25 E, 29.1.2004, p. 179.

<sup>2</sup> OJ L 128, 21.5.2005, p. 1.

<sup>3</sup> OJ C 177 E, 25.7.2002, p. 324.

<sup>4</sup> *Texts Adopted*, P6\_TA(2006)0347.

for communities dependent on fishing for their livelihoods in both developing and developed countries,

- B. whereas the fight against IUU fishing has been hindered by factors such as the use of flags of convenience, transshipments on the high seas, lack of adequate port control and scant cooperation between control authorities,
- C. whereas, according to the FAO's definition of IUU fishing, "illegal fishing" refers to activities conducted by vessels in contravention of the laws and regulations of states belonging to a regional fisheries management organisation (RFMO), "unreported fishing" refers to activities which have been misreported or have not been reported to the competent national authority or the relevant RFMO, and "unregulated fishing" refers to activities carried out by vessels without nationality or under the flag of a state which does not belong to a particular RFMO, in contravention of the conservation and management measures of that organisation,
- D. whereas, even though IUU fishing may occur in any segment of the fleet, its greatest impact can be seen in the offshore fishing segment, which by preference operates in international waters and on the continental shelf of developing countries with scant means of control, which means that the European Union's action must focus on those areas and on that segment of the fleet,
- E. whereas vessels engaging in IUU fishing help to weaken the social conditions and living and working conditions of crews,
- F. whereas IUU fishing and marketing activities linked thereto also constitute unfair competition for those fishers and commercial players who abide by the rules laid down in law, including legislation in the EU, its Member States and other countries and the management measures agreed by RFMOs,
- G. whereas the European Union and its Member States must increase their commitment in the fight against all forms of illegal fishing, but it is also necessary to distinguish between infringements by Community vessels of Community rules and IUU fishing as interpreted at international level, and bearing in mind that activities carried out within the framework of the CFP are indeed regulated, which means that the fight against those two activities will in the majority of cases involve different procedures,
- H. whereas the Commission itself recognises the difficulty of differentiating between licit and illicit catches, particularly in certain cases such as when the fish landed is frozen, or where there are commercial networks with third countries and the fish has been processed before it reaches the European market,
- K. whereas RFMOs are the best means of combating IUU fishing at international level and our participation in them enables us to establish joint actions and speak with one voice in the competent international organisations,
- L. whereas the existence of an effective and coherent control system is a key component for a sustainable resource conservation and management policy, and involves not simply introducing more restrictive measures but also applying existing measures better and more

equitably,

- M. mindful of the importance of the exchange of information and international cooperation in combating IUU fishing,
- N. whereas the profits resulting from IUU fishing may in some cases be helping to finance activities of organised criminal networks,
  - 1. Reiterates its commitment to combating IUU fishing in all its forms, as expressed in its resolution of 20 November 2002, referred to above;
  - 2. Welcomes the progress that has been made at the international level and by the EU in combating IUU fishing, but considers that the phenomenon continues to escalate and, consequently, that further efforts are needed;
  - 3. Considers that the extent of IUU fishing, the diversity of factors contributing to it and the wide range of legal, logistical and financial tools necessary to combat it are such as to require cooperation at all levels, including the various Directorates-General of the Commission (especially, but not limited to, the Fisheries and Maritime Affairs, Trade, Development and Health and Consumer Protection DGs), the Council, the individual Member States and the international community; takes the view, to that end, that the Green Paper on a new maritime policy for the Union could serve as a framework for cooperation on the basis of which the fight against IUU fishing might be approached more effectively;
  - 4. Considers that the importance of the European Union in the world, in its various roles as a major fishing power and as the world's largest market for fish, obliges it to be at the forefront of the fight against IUU fishing;
  - 5. Notes that the EU is among the world's wealthiest and most technologically advanced entities and that it bases itself on the rule of law, all of which behoves the EU to broaden and intensify its efforts to combat IUU fishing;
  - 6. Considers that the EU can only act credibly on the world scene if it has already taken effective action to halt its own involvement in IUU fishing, both in EU waters and by EU vessels or interests outside the EU;
  - 7. Urges the Commission to help developing countries, above all those with which it has fishing agreements, to comply fully with the commitments of the abovementioned international plan of action designed to prevent illegal fishing, helping to strengthen the scant means available to them by including specific actions in the new partnership agreements;
  - 8. Reiterates its conviction that a crucial and obvious first step for the European Union to take is, first, to fully implement the existing provisions of the CFP and other relevant Community legislation in an effective, fair and rigorous manner, in order to reduce unreported and illegal fishing by Community vessels and in Community waters and, second, to prevent the landing and marketing of products from illegally caught fish from outside the EU; notes that these duties fall primarily on the governments of the Member

States, in application of Community law and as port states;

9. Urges the Commission and the Member States to strengthen deterrence mechanisms (surveillance, control, sanctions, etc.) and to propose measures that will make it possible to prevent infringements and improve the application of existing rules;
10. Notes that poor traceability of fish leads to confusion over its origin, making it difficult or impossible to distinguish between legally caught fish and illegally caught fish;
11. Considers it necessary to improve assistance and cooperation among the Member States in order to strengthen controls and surveillance and to promote commercial regulation measures that will make it possible to identify the origin of catches landed;
12. Considers it necessary to intensify port state control of landings and transshipments of frozen fish from third countries and to improve cooperation between the Member States and those countries;
13. Recalls its resolution of 7 September 2006 on eco-labelling, referred to above, and reiterates its belief that the improvements in the traceability of fish, from the net to the plate, that would be required by eco-labelling schemes would be of considerable help in identifying IUU fish and keeping it off the EU market; calls on the Commission to present its proposal on eco-labelling by June 2007;
14. Calls on the Commission and the Member States to redouble their efforts to implement the 15 actions included in the EU action plan on IUU fishing as agreed in 2002, and in particular to:
  - i. guarantee equal treatment for economic players, discouraging those within the Community who wish to use flags of convenience;
  - ii. incorporate rules in Community legislation to ban trade in IUU-origin fish;
  - iii. put in place binding rules on control and inspection within a common legal framework across the European Union;
  - iv. expand the Community information campaign so as to improve public awareness of the extent and serious nature of IUU fishing;
  - v. promote detailed control and inspection plans for each RFMO to which the EU belongs;
  - vi. work to ensure that coverage by RFMOs is extended to include all major fisheries in the world's oceans, including demersal species, small pelagic species and highly migratory species;
  - vii. contribute actively to the creation and revision, as appropriate, of lists adopted by RFMOs of vessels that undermine conservation measures, including by providing sightings; encourage the implementation of trade sanctions against countries whose flag those vessels fly;

- viii. promote the adoption of uniform action plans by RFMOs by pushing for the most effective measures possible;
  - ix. work actively to promote the development of catch documentation schemes, starting with the most endangered species, and ensure that fish allowed onto the EU market has not been caught illegally;
  - x. strengthen international cooperation in the MCS (Monitoring, Control and Surveillance) network as well as regional schemes with a view to the establishment, under the auspices of the FAO, of an international information system on offshore fishing vessels;
  - xi. define a "substantial link" between a fishing vessel and the flag she flies;
  - xii. define the rights and obligations of port States;
  - xiii. assist developing countries in their ability to monitor fishing activities in their waters and to combat IUU fishing;
15. Welcomes the inclusion in the Commission's work programme for 2007 of a package on IUU fishing, including a communication from the Commission and a proposal for a Council regulation on stepping up the fight against IUU fishing; welcomes the revival of the Commission's inter-service consultation group, which was originally set up in 2002;
16. Calls on the Community Fisheries Control Agency to include the fight against illegal fishing and coordination of Member States' activity in this field among its priorities as part of its annual work programme;
17. Calls on all those interested in eliminating IUU fishing, including all EU institutions, the governments of the Member States, the various segments of the fishing, processing and retail industry, NGOs and other concerned parties to present their proposals on what the EU should do during the discussion to be launched by the Commission with its upcoming communication on IUU fishing;
18. Considers that the Commission should include the following actions in its proposal to be adopted in EU law:
- all fishing vessels and fish transport vessels registered in the EU or flying the flags of third countries and wishing to enter an EU port must be readily identifiable by means of the markings included in the FAO's Standard Specifications for the Marking and Identification of Fishing Vessels;
  - a Community register of vessels engaging in IUU fishing must be created which would include vessels on RFMO blacklists; such a register will facilitate the swift exchange of information among the Member States and make it possible to monitor vessels taking account of possible re-flagging;
  - common minimum penalties for serious infringements must be applicable in all Member States, and must be sufficiently dissuasive;

- Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy<sup>1</sup> and Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products<sup>2</sup> must be strengthened in such a way as to provide for fish to be fully traceable from the time it is brought aboard a fishing vessel until it reaches its final customer;
- all black lists of fishing vessels and fish transport vessels, including their owners or operators, adopted by RFMOs must be published and incorporated directly into Community law; non-EU vessels on those lists must be prohibited from entry into Community ports for any purpose, except in cases of force majeure or for humanitarian reasons; all EU-flagged vessels must be prohibited from providing support (fuel, supplies, transshipment, etc.) to those vessels while at sea;
- the legal origin of fish must be demonstrated before it is allowed to be offloaded in EU ports or imported into the EU; such proof must include, for both landings from fishing vessels and transshipments:
  - in the case of fish products from waters regulated by an RFMO, documents establishing that the fish products to be landed have been caught in accordance with the rules of that RFMO and that the quotas allocated to the contracting party under whose flag the vessel is sailing have been respected;
  - in the case of fish products caught in the exclusive economic zones of third countries, documentation establishing that the vessel is authorised to fish or is in possession of a fishing licence for those waters and for the species to be landed;
- Member States should discourage the transfer of vessels from their national registry if they are to be re-flagged under the flag of a country that has been identified by an RFMO as a country whose vessels have been fishing in a manner that diminishes the effectiveness of the conservation measures adopted by that RFMO;
- vessels and producers in third countries that are allowed to export fish or fishery products to the EU, as included on lists drawn up by the third country and published by the Commission's Directorate-General for Health and Consumer Protection, must be cross-checked with black lists of vessels drawn up by RFMOs or other third countries; the Commission should use all possible means to ensure that vessels on such black lists are not allowed to export fish or fishery products to the EU; to that end, consideration could be given to an amendment to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>3</sup>;

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<sup>1</sup> OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

<sup>2</sup> OJ L 17, 21.1.2000, p. 22. Regulation as last amended by Regulation (EC) No 1759/2006 (OJ L 335, 1.12.2006, p. 3).

<sup>3</sup> OJ L 139, 30.4.2004, p. 206. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L



19. Welcomes the establishment of the new control agency and is confident that the agency will play an important role in the fight against IUU fishing; calls upon the Commission to consider the idea of the establishment of an EU coastguard;
20. Calls on the Commission and the Member States to prevent fishing in Community waters and entry to Community ports by vessels which are involved in IUU fishing in accordance with the rules in force and to prohibit the importing of fish from those vessels; calls, likewise, on the Member States not to allow this type of vessel to be flagged under their flag, and to invite importers, transporters and other sectors concerned not to tranship or deal with fish caught by those vessels;
21. Urges the Commission to ensure that any natural or legal persons guilty of IUU fishing in accordance with the rules in force do not receive any type of aid or subsidy from Community funds for any branch of their activities, and to ask the Member States to take similar action with regard to their respective national aid;
22. Calls on the Commission to carry out and present a study on tariffs and rules of origin, containing an examination of the ways in which these tools may be used in order to encourage third countries to ensure that their vessels abide by relevant international management measures;
23. Calls on the Commission to carry out and submit a study on compliance with Community labour, health and safety legislation and on respect for the social rights of workers on that type of vessel, and on their living and working conditions on board;
24. Calls on the Commission to use its considerable influence in RFMOs to encourage them to establish lists of vessels that are authorised to fish (white lists) and of vessels that have been caught fishing illegally (black lists); such lists must be drawn up in a transparent and coherent manner in accordance with clear criteria; also calls on the Commission to encourage RFMOs to identify countries which do not control the activities of vessels flying their flag and to use those lists as tools to allow the acceptance or rejection of fish;
25. Urges the Commission to continue giving maximum priority to cooperation with RFMOs such as the North-East Atlantic Fisheries Commission, the North-West Atlantic Fisheries Organisation and the Commission for the Conservation of Antarctic Marine Living Resources which, with their initiatives designed to combat illegal fishing, have proved to be the most suitable instruments for ensuring good governance on the high seas;
26. Urges the Commission and the Council to strengthen the resources allocated to the fight against corruption and organised crime at all levels;
27. Is convinced that the keys to reducing and eliminating IUU fishing are full traceability all along the chain of custody, transparency of decisions, cooperation within the EU and the wider international community and, most importantly, a demonstration of political will by all parties; reiterates that, unless much more is done, fish stocks will continue to be depleted and fishing communities in the EU and elsewhere will suffer even greater hardship;

28. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Committee on Fisheries of the FAO and the secretariats of the RFMOs to which the EU belongs.

## **EXPLANATORY STATEMENT**

For many years, the international community has been struggling to deal with certain types of fishing that are either patently illegal, or else fall between the cracks of management at either the national or international level. There have always been vessels that operated at the edge of legality, or beyond it. But as long as fish stocks were plentiful, few paid much attention to a few vessels doing things that they shouldn't. Recently, though, this type of fishing has increased significantly.

Estimating how important these activities are is almost impossible, since much of it is done where there are no witnesses. Nonetheless, a few estimates have been made, most recently by the Marine Resources Assessment Group, which estimated that such fishing around the world was worth at least \$2.4 billion. Much of this comes from the waters of developing countries, which are too poor to be able to effectively monitor fishing activities in their waters and prevent illegal fishing, resulting in loss and hardship for their coastal populations, who depend on fish for their livelihoods and food security. It is also a direct loss to legitimate fishing operators.

### **1. International Action Against IUU Fishing**

The international community, pushed by a few individual countries, has intensified its campaign against what has come to be known as IUU fishing (Illegal, Unregulated and Unreported). At first, this was done in the context of regional fisheries management organizations, such as NAFO, ICCAT or CCAMLR<sup>1</sup>.

Fish, however, are mobile, as are the fleets that pursue them and the money that finances the fleets. Consequently, global instruments have been adopted to set certain limits on the ease with which fishing vessels can engage in IUU fishing, including the FAO Compliance Agreement and the UN Fish Stocks Agreement. More recently, in 2002, the FAO adopted an International Action Plan on IUU Fishing<sup>2</sup> which included definitions of each of illegal, unregulated and unreported fishing.

The FAO Action Plan called on countries to adopt their own plan of action, which the European Union did in June 2002, based on a communication from the Commission<sup>3</sup> and Council Conclusions of 11 June 2002.

The FAO Plan calls for countries to review the implementation of their national plans four years after their adoption, ie in 2006 for the EU. It is this that has prompted your rapporteur to propose a report on IUU fishing, to review progress made (or not made) in implementing the EU's Action Plan.

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<sup>1</sup> respectively, the Northwest Atlantic Fisheries Organization; International Commission for the Conservation of Atlantic Tunas; Commission for the Conservation of Antarctic Marine Living Resources.

<sup>2</sup> International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. available at <http://www.fao.org/DOCREP/003/y1224e/y1224e00.HTM>.

<sup>3</sup> COM(2002)0180.

## 2. Varied Aspects of IUU Fishing

The FAO Action Plan emphasizes the many different types of activities that can contribute to IUU fishing and notes the various responsibilities of national governments to control these various activities, as flag State, State of beneficial ownership, port State and market State .

**Flag State:** Under international law, the flag State (country whose flag the fishing vessel flies) is responsible for verifying that the vessel abides by the rules, including fisheries management measures, working conditions, health standards, etc. Many fishing vessels do not come to shore to offload their catch, preferring to transfer it to refrigerated cargo vessels (reefers) that take it to port. These reefers can be used to "launder" fish, by mixing together fish from legal and illegal operators. So the flag States of these reefer vessels are just as important as the fishing vessels. The effective implementation of existing EU rules would serve to reduce this part of IUU fishing, but the regulations need to be strengthened as well.

**State of beneficial ownership:** States which do not fulfil their obligations as flag State are known as "Flags of Convenience". If a vessel flying a flag of convenience is owned by a ship-owner based in a Member State, then it is known as the State of beneficial ownership. The McKenna report <sup>1</sup> found that EU companies made widespread use of flags of convenience, and were thus intimately involved in IUU fishing.

**Port State:** All fish has to come to port in order to reach the market, and so the port State where the fish is landed has a vital role to play. Rigorous port inspections and controls are needed to prevent IUU fish from entering the market. There are "ports of convenience" that are known to turn a blind eye to the arrival of IUU fish, and they exist in both the EU and elsewhere. The most well-known one, but not the only one, in the EU is Las Palmas de Gran Canaria, in the Canary Islands.

**Market State:** Getting the fish from the port where it is landed to the final destination, the consumer requires the participation of many different players, including shipping agents, transport workers and retail stores or restaurants. Behind many of these are the banks, who supply the needed capital (to vessel owners and operators as well, it should be noted). Inspection of their activities is just as essential as inspections in port, to prevent illegal fish from working its way along the chain of custody.

The complexities of IUU fishing and the need for concerted international cooperation can best be illustrated using a few examples.

**Bluefin tuna** is among the most commercially valuable species in the world, especially when destined for the Japanese sashimi market. Inevitably, it is heavily exploited and depleted. It could be considered a classic IUU species, as it attracted much fishing effort that operated outside the regulations of ICCAT, the organisation responsible for managing this fishery. In 1996 ICCAT took an audacious step by agreeing to ban imports of bluefin from two countries whose vessels were catching bluefin outside the ICCAT rules - Honduras and Belize (a year

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<sup>1</sup> The McKenna report of 2001 described in detail the impact of flags of convenience and EU involvement. [A5-0405/2001](#).

later Panama was added). The result of these import bans (others followed for swordfish and bigeye tuna) was temporary, though, and were followed by a series of flag-hopping, as vessels transferred from flags that were subject to import bans to those that were not. Some of the sanctioned countries joined ICCAT, and the procedures within ICCAT led to many of these vessels being removed from the "black list"; later, many of them appeared on a "white list" of vessels authorised to fish. The sanctions were lifted, without any requirement for the flag States to demonstrate that the vessels were operating according to ICCAT rules. Today, the "black list" has shrunk to almost nothing, and only two countries are subject to an import ban (Georgia and Bolivia). That does not mean that all vessels are operating within the law. About the same time, tuna fattening cages began to spread throughout the Mediterranean, with the tuna destined for the Japanese market. This expansion was virtually unregulated, including in the EU (structural funds were used to support the fishery) and led to much over-fishing; for instance, in 2005, official statistics show that France exceeded its quota by over 50%; Italy has also exceeded its quota. That TAC had been adopted in ICCAT in 2000 with pressure from the EU, against the advice of scientists. Interestingly, Japan was recently caught over-fishing for southern bluefin tuna, a separate species regulated by the CCSBT<sup>1</sup>. Japan agreed to halve its future catches to compensate - will the EU act in a similar way within ICCAT? In short, ICCAT has failed miserably to regulate fishing for bluefin and conserve the fishery, since the Contracting Parties defended the interests of their national fisheries and did not sustain the political, economic and legal pressure and cooperation necessary to control IUU fishing.

In **West Africa**, many countries are unable to effectively control fishing in their waters, due to a lack of logistical and economic resources, insufficient regional cooperation or, in some cases, a lack of political will on the part of the government. As a result, IUU fishing has become commonplace in certain areas, depleting fish stocks, causing much hardship for the coastal communities that depend on fishing for their food security and their livelihoods, not to mention the foreign exchange that abundant fish resources can provide. Las Palmas is an important port for the offloading of much fish from West Africa, destined either for the EU market or in transit to other markets. The lack of effective and proper controls on the landing of fish in Las Palmas has been widely documented. Your rapporteur visited Las Palmas during the research phase of this report and saw fish being offloaded from a reefer whose origin was, to say the least, not clear. If the origin of the fish is not clear, its legality cannot be verified with certainty.

**Cod from the Barents Sea** demonstrates that ports of convenience also exist in northern Europe. This is one of the world's largest remaining cod stocks and it supplies a good part of the EU market. Earlier this year, much cod coming into the EU was found to originate from IUU vessels landing in ports in northern Europe (for example, the "Rostok 5"). NEAFC<sup>2</sup> has responded by establishing "black lists" of vessels that are not even allowed into the ports of the Contracting Parties. Similar problems exist for Baltic Sea cod, except that it is EU vessels which are the ones responsible for much illegal, over-quota fishing.

The roles of flag State, port State and market State are clearly interconnected and must all be involved if IUU fishing is to be brought under control.

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<sup>1</sup> Commission for the Conservation of Southern Bluefin Tuna.

<sup>2</sup> North East Atlantic Fisheries Commission.

### 3. EU IUU Action Plan of 2002

The EU is, by any criteria, one of the world's foremost fishing entities:

- third largest catcher of fish after China and Peru,
- one of the world's largest fleets,
- important user of flags of convenience, and
- world's largest market for fish.

The EU thus has a responsibility to act on all of these fronts to prevent IUU fishing, and to prevent unscrupulous operators at any point in the chain from profiting from IUU activities. It is too easy to say that "the EU is not the worst" or that "the EU cannot act alone". Given the political and economic importance of the EU and the global reach of its influence, the EU has a moral obligation to be at the forefront of the battle to eliminate IUU fishing. Further, the threat that IUU fishing constitutes, ecologically, socially and economically, means that the EU has a very pragmatic responsibility as well, if fish stocks and the fisheries dependent on them are to continue to exist. The Community has a duty to promote a far more sustainable model of development than the one that currently dominates internationally.

As soon as the Commission proposed the EU action plan in 2002, the Council

- called on the Commission to take the lead at RFMOs in combating such fishing, and
- urged the Commission to put into force the initiatives foreseen by the plan which fall within Community competence.

The plan, as adopted, included several points, arranged according to whether they were to be taken at Community level, regional level, international level, or in partnership with developing countries.

**Community Level:** four actions were to be implemented by the EU without the need to seek agreement from other countries or organisations.

1. *Define the responsibility of Member States to prevent their nationals from engaging in IUU fishing.*

The Basic Regulation of 2002<sup>1</sup> includes an article requiring Member States to take measures against their nationals (or companies) that infringe the CFP. However, according to the Commission, the Member States have not utilised this provision.

==> further action required

2. *Adopt rules to ban trade in IUU-caught fish.*

The EU transposes decisions by RFMOs to ban certain fish from trade or to implement various catch documentation schemes. However, much more could be done, although it is the Member States which must be more proactive.

==> further action required by Member States

3. *Adopt rules to make trade in IUU-caught fish an infringement; publish lists of IUU vessels designated by RFMOs, and their owners.*

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<sup>1</sup> Council Regulation 2371/2002.

No progress on the first part. Only the IUU list from NEAFC is published in the OJ.  
==> much further action required

4. *Organize a public awareness campaign on IUU fishing.*

The Commission highlights the dangers of IUU fishing but the general public is still not sufficiently aware of the scope of the problem, nor of the EU's involvement in some cases.

==> more action required by government, industry, NGOs, etc

**Level of RFMOs:** the EU was to try to get six actions adopted at RFMOs.

5. *Promote detailed control and inspection plans for RFMOs.*

This has had varied success, depending on the RFMO. Some have quite good plans (eg NEAFC for port inspections) while others have virtually nothing. The Commission claims to be doing as much as it can.

==> long term, sustained work needed by Commission, Member States, others

6. *Increase number of fisheries regulated by RFMOs.*

There are still many regulatory "empty spaces", regions of ocean for which there is no responsible RFMO for certain species. The Commission claims to be doing as much as it can. Some progress has been made but demersal species on the high seas are still very poorly covered, as a rule.

==> long term, sustained work needed by Commission, Member States, others

7. *Identify IUU vessels and impose sanctions.*

Mixed results on this. NEAFC has a scheme for establishing a black list and preventing port entry (though no trade sanctions), based in part on EU work. On the other hand, the previously long black list in ICCAT has almost disappeared, and that is not because they are all fishing legally now.

==> long term, sustained work needed by Commission, Member States, others

8. *Promote uniform action plans in RFMOs.*

Rather like item 7, there is spotty progress in the RFMOs. While that is to be expected, since they depend on the good will of the Contracting Parties, the EU could doubtless be pushing harder, which requires the Commission and the Member States to work together. Curiously, in its review of the EU action plan for the FAO, the Commission neglected to evaluate progress on this point.

==> long term, sustained work needed by Commission, Member States, others

9. *Identifying and quantifying IUU catches.*

10. *Certificates and documentation schemes.*

As the Commission notes, these two are intimately related. Within ICCAT, while some import bans remain in place the general trend has been for countries which were sanctioned to join the RFMO, claim that the vessels were legitimate, and thus avoid the sanctions. The CCAMLR scheme seems to be working better. Few other RFMOs have adopted any kind of scheme with real teeth.

==> once again, long term, sustained work needed by Commission, Member States, others

**International Level:** four actions were proposed by the Commission.

*11. Improve information available on right to fish of vessels.*

The FAO Compliance Agreement, established an international database of vessel authorizations to fish and the EU is part of that. RFMOs differ in their approach, some using "white lists" (lists of vessels authorized to fish) and others using "black lists" (lists of vessels to be proscribed). As noted above (point 3) the EU only incorporates the NEAFC black list in its regulations, so other lists are not legally binding in the EU.  
==> once again, long term, sustained work needed by Commission, Member States, others

*12. Strengthen international cooperation in MCS*

In its action plan, the EU only made reference to a Chilean/American initiative to establish a network for the cooperation of monitoring agencies. Much more could be done at various levels, even within the EU (although the Control Agency should help in this sense). The MCS Network is a high-tech approach, though, and better coordination between the EU and third countries, such as bilateral or regional exchanges with States in West Africa, is also necessary.  
==> work simultaneously needed at schemes requiring less technological ability

*13. Define a "substantial link" between a vessel and its flag State.*

Since this has been one of the most intractable problems of international law for many, many years, this is truly a long term objective. The Commission should continue to promote it but it should not be used as an excuse to not push other possible tools.  
==> a theoretical exercise

*14. Define the rights and responsibilities of port States*

The FAO has adopted a model port scheme and the Commission has pushed for it to be adopted in NEAFC, which is very positive. However, there is much the EU could do to implement the FAO scheme within its own borders, without recourse to RFMOs or waiting for the FAO scheme to become a legally binding instrument under international law.  
==> some advance internationally, work needed within the EU itself

**Partnership with Developing Countries:** one action to undertake with developing countries.

*15. Assist developing countries in their fight against IUU fishing*

Between the EU and its Member States, some programmes in developing countries have received support, either for specific countries or for a region. These programmes have proven their worth in discouraging IUU fishing and so need to be much expanded. The Commission is also trying to fulfil this through its network of bilateral fisheries agreements. Both approaches require the support and cooperation of the developing countries, which is not always easy to obtain.  
==> some success, needs to be continued and expanded and better coordinated with national aid agencies

Given the nature of IUU fishing and the diversity of tools that are needed to combat it,



effective action by the EU requires coordinated work on a number of fronts, involving several Directorates-General – at the very least Fish (all aspects of the CFP), Trade (regulating the international trade of IUU fish), Development (development cooperation support for surveillance work) and Sanco (responsible for issuing permits to import fish) but others as well. When the Commission was developing its action plan in 2002 it established an inter-service consultation but for some reason it was allowed to lapse.

In its work programme for 2007, the Commission has announced that IUU fishing will once again become a priority, and it will produce both a communication on IUU fishing and a proposal for a Council regulation defining a new strategy to combat IUU fishing. This renewed interest on the part of the Commission can only be welcomed, and this report aims to provide the Commission with concrete ideas and suggestions for things that should be done.

#### **4. What the EU Should Do – Action Plan for 2007**

In addition to continuing and reinforcing the points from 2002, your rapporteur considers that the following should be included in the new action plan the Commission is currently working on. As with the original action plan, some of these points can readily be implemented, should the EU find the political will, whereas others are more long term objectives requiring cooperation from other actors in the international community.

Many of the following proposals seek to improve and in some cases harmonize the existing legal framework, be it at the national, Community or international levels, in light of experience gained since the development of the FAO plan. Further discussions in the FAO have resulted in more detailed documents than the original plan and various RFMOs have adopted measures to combat IUU fishing that, in some cases, have been effective. It is essential to coordinate at all these levels, otherwise IUU fishing will continue to take advantage of the least restrictive seas, markets, flags, etc.

To a significant extent, the economic and political climate of the world today, with its liberalization of trade and the over-riding goal of free movement of goods and capital, has contributed to a situation that favours IUU fishing and the marketing of its products. The increasing facility with which capital and fish can circle the globe has not been accompanied by sufficient means of control, in order to verify that what travels freely is also legal. For instance, when the FAO or EU plans are discussed, or when RFMOs are considering sanctions or other measures, the spectre of the WTO is raised - the "WTO chill factor". Too often, a good idea is dropped when it is suggested that it may not be compatible with the rules of the WTO; this happened in discussions with the Commission during the preparation of this report. But that is too simple an excuse to avoid action - the EU must demonstrate the courage of its convictions, by pushing forcefully for whatever measures are necessary to prevent IUU fishing. It is difficult to see how the WTO could defend trade in illegally-caught fish.

A crucial step is for the Member States to fully implement the provisions of the CFP, for, as the Commission has repeatedly noted, there are major problems of compliance. The recent court case and fine for France has led to significant improvements there but sadly, other Member States have not improved their compliance.

Traceability of fish is key, beginning with the vessel that catches the fish and continuing

though the chain of custody to the final sale, to prevent IUU product from slipping in and being laundered. The Fraga report noted that eco-labelling is an important tool in improving transparency.

There are several internal actions that the EU could take immediately, without waiting for the international community to move.

1. The serious infringements that have been agreed under the CFP (Reg. 1447/99) should be accompanied by minimum penalties in all Member States. The penalty should be sufficiently severe to be dissuasive, given the high value of certain species that IUU fishing targets.
2. The relevant regulations of the CFP (at least the control regulation - Reg. 2847/93 - and the regulation on the common market - Reg. 104/2000) should be modified so that all fish, processed and unprocessed, is accompanied by a certificate that allows it to be traced back to its origin, including place and date of capture and identity of the fishing vessel. While this requirement exists in part for fish of EU origin, it is incomplete and needs strengthening. It should also be applied to fish entering the EU, whether it is in transit or is destined for the EU market (see point 8 below)
3. All black lists adopted by RFMOs should be immediately published by DG Fish on their website, including the names of their owners and operators, for such behaviour should not be rewarded with any kind of confidentiality. The lists should also be incorporated into Community legislation and the vessels prohibited from entering EU ports to offload fish, to resupply or for any other reason except a humanitarian emergency. At present, only the NEAFC list is included in a regulation, and a recent amendment to Council Regulation 51/2006 prevents these vessels from entering an EU port. This approach should be standardized for all black lists adopted by all RFMOs. EU vessels should be prohibited from servicing these vessels while at sea as well.
4. Member States should assume more responsibility for the actions of their nationals, to prevent them from engaging in or supporting IUU fishing. CCAMLR adopted this year a new measure that requires countries to verify whether any natural or legal person subject to their jurisdiction is engaged in any IUU activity, and if they are, to take appropriate action. If the EU must do this under CCAMLR, they should do it as a general principle.
5. The involvement of organized criminal groups in IUU fishing should be investigated by Europol. Unsurprisingly, given the high value of certain IUU species, there are indications that criminal organizations become involved.

Other actions could be taken by the EU but might require a certain amount of cooperation with other countries.

6. All fishing vessels and fish transport vessels that enter an EU port, whatever flag they fly, should be clearly identifiable according to the FAO standard specifications. Reports from surveillance activities show that many vessels are unidentifiable while fishing. The FAO specifications have been adopted in many RFMOs, so the EU should do the same.

7. All fishing vessels and fish transport vessels flying the flag of third countries should be required to have on board the same control and surveillance equipment that EU vessels have, including VMS, electronic logbooks and others. If the vessels are coming from regions where observer schemes are in place, the vessel should be accompanied by either the observer or the relevant observer reports, as appropriate.
8. Member States should not allow a vessel flying its flag to be removed from the national register unless the ship-owner can demonstrate that it is not being transferred to the register of a country that has been identified by an RFMO as contributing to IUU fishing. While a later transfer to a flag of convenience cannot be prevented by the EU (though more might be possible under point 1 of the 2002 action plan or point 4 proposed above) the EU should take at least this step.
9. The lists of vessels that are authorized by DG Sanco to export directly to the Community need to be cross-checked with regional or national lists of IUU vessels. At present, DG Sanco does not establish the list of authorized exporting vessels, and some of the vessels authorized by Sanco are well-known repeat offenders. DG Sanco needs the authority to remove such vessels.
10. All fish that is to be offloaded in an EU port or imported into the EU must be accompanied by documents of sufficient detail to demonstrate that the fish is of legal origin. For fishing vessels offloading their catch directly, this would include all necessary authorizations to fish in the relevant area, either third country waters or the relevant RFMO. For vessels offloading fish caught by other vessels, an authorization to tranship would be required, in addition to the above. All vessels not in possession of these document would be prohibited from landing any fish at all or from being serviced (fuel, supplies, etc.).

It is clear that the keys to overcoming the phenomenon of IUU fishing are traceability, transparency and cooperation at all levels. A great deal more political will than has been evident so far to combat the economic interests that benefit from IUU fishing is also necessary.

## PROCEDURE

<b>Title</b>	Implementation of the EU action plan against illegal, unreported and unregulated fishing		
<b>Procedure number</b>	2006/2225(INI)		
<b>Committee responsible</b> Date authorisation announced in plenary	PECH 28.9.2006		
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	ENVI 28.9.2006	INTA 28.9.2006	DEVE 28.9.2006
<b>Not delivering opinion(s)</b> Date of decision	ENVI 3.10.2006	INTA 3.10.2006	DEVE 3.10.2006
<b>Enhanced cooperation</b> Date announced in plenary			
<b>Rapporteur(s)</b> Date appointed	Marie-Hélène Aubert 13.7.2006		
<b>Previous rapporteur(s)</b>			
<b>Discussed in committee</b>	3.10.2006	20.12.2006	
<b>Date adopted</b>	25.1.2007		
<b>Result of final vote</b>	+ 24 - 0 0 1		
<b>Members present for the final vote</b>	James Hugh Allister, Stavros Arnaoutakis, Elspeth Attwooll, Marie-Hélène Aubert, Iles Braghetto, Niels Busk, Luis Manuel Capoulas Santos, David Casa, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Ioannis Gklavakis, Pedro Guerreiro, Ian Hudghton, Heinz Kindermann, Albert Jan Maat, Rosa Miguélez Ramos, Philippe Morillon, Seán Ó Neachtain, Willi Piecyk, Dirk Sterckx, Catherine Stihler, Daniel Varela Suanzes-Carpegna		
<b>Substitute(s) present for the final vote</b>	Duarte Freitas, James Nicholson		
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Thomas Wise		
<b>Date tabled</b>	29.1.2007		
<b>Comments</b> (available in one language only)			