

Procedure file

| Basic information | |
|--|---------------------------------------|
| CNS - Consultation procedure Regulation | 2007/0223(CNS) Procedure completed |
| Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU) | |
| Repealing Regulation (EC) No 1447/1999 1999/0050(CNS) | |
| Amending Regulation (EC) No 1936/2001 2000/0253(CNS) | |
| Amending Regulation (EC) No 601/2004 2002/0137(CNS) | |
| Subject | |
| 3.15.01 Fish stocks, conservation of fishery resources | |
| 3.15.07 Fisheries inspectorate, surveillance of fishing vessels and areas | |
| 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity | |
| 6.20.02 Export/import control, trade defence, trade barriers | |

| Key players | | | |
|-------------------------------|--|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | PECH Fisheries | | 22/11/2007 |
| | | Verts/ALE AUBERT Marie-Hélène | |
| | Committee for opinion | Rapporteur for opinion | Appointed |
| | DEVE Development | The committee decided not to give an opinion. | |
| | INTA International Trade | | 20/11/2007 |
| | | PPE-DE VARELA SUANZES-CARPEGNA Daniel | |
| | ENVI Environment, Public Health and Food Safety | The committee decided not to give an opinion. | |
| Council of the European Union | Council configuration | Meeting | Date |
| | Agriculture and Fisheries | 2892 | 29/09/2008 |
| | Agriculture and Fisheries | 2862 | 14/04/2008 |
| | Agriculture and Fisheries | 2834 | 26/11/2007 |
| European Commission | Commission DG | Commissioner | |
| | Maritime Affairs and Fisheries | BORG Joe | |

| Key events | | | |
|------------|--|-------------------------------|---------|
| 16/10/2007 | Legislative proposal published | COM(2007)0602 | Summary |
| 26/11/2007 | Debate in Council | 2834 | |
| 11/12/2007 | Committee referral announced in Parliament | | |
| 14/04/2008 | Debate in Council | 2862 | Summary |
| 19/05/2008 | Vote in committee | | Summary |
| 23/05/2008 | Committee report tabled for plenary, 1st | A6-0193/2008 | |

| | | | |
|------------|---|---|--|
| | reading/single reading | | |
| 04/06/2008 | Debate in Parliament |  | |
| 05/06/2008 | Results of vote in Parliament |  | |
| 05/06/2008 | Decision by Parliament | | |
| 29/09/2008 | Act adopted by Council after consultation of Parliament | | |
| 29/09/2008 | End of procedure in Parliament | | |
| 29/10/2008 | Final act published in Official Journal | | |

Technical information

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|----------------------------|--|
| Procedure reference | 2007/0223(CNS) |
| Procedure type | CNS - Consultation procedure |
| Procedure subtype | Legislation |
| Legislative instrument | Regulation |
| | Repealing Regulation (EC) No 1447/1999 1999/0050(CNS) Amending Regulation (EC) No 1936/2001 2000/0253(CNS) Amending Regulation (EC) No 601/2004 2002/0137(CNS) |
| Legal basis | EC Treaty (after Amsterdam) EC 037 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | PECH/6/55175 |

Documentation gateway

| | | | | | |
|---|-------------|-------------------------------|------------|-----|---------|
| Legislative proposal | | COM(2007)0602 | 17/10/2007 | EC | Summary |
| Document attached to the procedure | | COM(2007)0601 | 17/10/2007 | EC | Summary |
| Document attached to the procedure | | SEC(2007)1310 | 17/10/2007 | EC | |
| Document attached to the procedure | | SEC(2007)1312 | 17/10/2007 | EC | |
| Document attached to the procedure | | SEC(2007)1336 | 17/10/2007 | EC | |
| Committee draft report | | PE402.917 | 10/03/2008 | EP | |
| Committee opinion | INTA | PE400.637 | 09/04/2008 | EP | |
| Amendments tabled in committee | | PE404.673 | 24/04/2008 | EP | |
| Committee report tabled for plenary, 1st reading/single reading | | A6-0193/2008 | 23/05/2008 | EP | |
| Economic and Social Committee: opinion, report | | CES0989/2008 | 28/05/2008 | ESC | |
| Text adopted by Parliament, 1st reading/single reading | | T6-0245/2008 | 05/06/2008 | EP | Summary |
| Commission response to text adopted in plenary | | SP(2008)4439 | 16/07/2008 | EC | |
| Follow-up document | | COM(2013)0819 | 26/11/2013 | EC | |

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|------------------------------------|--|-------------------------------|------------|----|---------|
| Document attached to the procedure | | COM(2014)0628 | 14/10/2014 | EC | |
| Document attached to the procedure | | COM(2014)0629 | 14/10/2014 | EC | |
| Follow-up document | | COM(2015)0480 | 01/10/2015 | EC | Summary |
| For information | | COM(2016)0225 | 21/04/2016 | EC | |
| Follow-up document | | COM(2020)0772 | 09/12/2020 | EC | |

Additional information

| | |
|----------------------|-------------------------|
| National parliaments | IPEX |
| European Commission | EUR-Lex |

Final act

[Regulation 2008/1005](#)
[OJ L 286 29.10.2008, p. 0001](#) Summary

[Corrigendum to final act 32008R1005R\(02\)](#)
[OJ L 022 26.01.2011, p. 0008](#)

Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU)

Illegal, Unreported and Unregulated, or IUU fishing, is a major global threat to the sustainable management of marine resources. The global turnover of IUU fisheries is second only, in value to that of China and stands at an estimated EUR 10 billion. The loss is far from purely economic. Many IUU fisheries extort an important ecological costs. While 75% of world fish stocks are either fully or over-exploited by legal fisheries, IUU fishing represents the hidden force which threatens to undermine this worrying situation.

IUU is a global problem. It is one in which the EU is called to play a leading role. The EU has one of the largest fishing fleets; is the third catching power; and the world's largest market and importer of fisheries products. Illegal fisheries imports into the EU have been estimated conservatively at EUR 1.1 billion a year. There is broad international consensus on the need to act decisively against IUU fishing as expressed by the FAO, the UN General Assembly and the OECD. The EU has long been active in the fight against IUU fishing both at home and internationally. The Commission believes that the time has come to take the fight against IUU fishing to a new level. This Communication describes the main characteristics of the IUU phenomenon and outlines the core elements of a new strategy to ensure that in future, fisheries crime does not pay.

The impact of IUU fishing: IUU fishing has a detrimental impact on the environment; it has socio-economic consequences and it undermines efforts to govern the oceans. The practice of IUU fishing is the often disastrous damage it inflicts on marine biodiversity. It does great harm to the sustainability of fisheries given that catches go un- or misreported. This is a particularly worrying trend given that IUU fishing typically target juveniles. IUU fishing also represents a serious threat to marine habitats by using prohibited methods whereby a high proportion of unwanted species can be taken as by-catches and are then discarded.

In terms of its socio-economic impact, IUU fishing represents the theft of common fisheries resources and results in considerable losses to those fishermen who do abide by the law. Estimates suggest that the value of IUU fishing amounts, worldwide, to around EUR 10 billion. By comparison, the value of landings by the EU fleet was EUR 6.8 billion in 2004. Thus, the EU fishing industry faces fierce competition from IUU operators who disregard all obligations which legal operators take on when working the same fishing grounds or targeting the same species and end markets. It has dramatic consequences for coastal communities in developing countries and it uses substandard vessels flying the flag of states which apply no or very low standards of social protections. As a result crews aboard IUU fishing vessels have to endure unacceptable living and working conditions.

Drivers of IUU fishing: Profit is the driving force behind IUU fishing. Those conducting IUU activities have low operating costs. Costs resulting from social and tax charges can be reduced to a minimum or may even be non-existent. The non-respect of fisheries rules and trading of catches outside official channels translates into reduced expenses. While costs are low, the probable profits from IUU activities are generally high. A problem aggravated by the fact that illegal operators tend to target valuable species which command higher market prices such as tooth fish, bluefin tuna or cod. The persistence of IUU practices is to a large extent the ease with which illegal operators are able to pursue their activities. IUU operators take advantage of the benefits available under certain national systems of flag registration. Insufficient cooperation at both international and EU levels between states and international bodies adds to the problem. Further, illegal operators within EU waters take advantage of the weakness of the control, inspection and enforcement systems of Member States to develop their activities.

A new EU strategy: The EU has a specific responsibility to lead international efforts in the fight against IUU fishing. The EU has been very active over the last years, promoting at EU, regional and international levels the implementation of an ambitious policy to deter and prevent IUU fishing. This is beginning to bear fruit particularly within Regional Fisheries Management Organisations (RFMOs). IUU has, however, not been eradicated. In the past, EU policy has focused on working with international rules and consolidating regional bodies responsible for enacting them. Focus has been given to monitoring and control activities occurring at sea.

The Commission considers, however, that the time has now come to present a new strategy to deter, prevent and eliminate IUU that

encompasses all fishing and related activities linked to IUU practices such as: harvesting, transshipment, processing, landing, trade etc. The proposed new strategy aims to build upon and further develop the most advanced measures enacted at international and regional levels, while also advocating unilateral action by the EU wherever multilateral initiatives are not yet able to achieve a satisfactory outcome. In short, the main features of the new strategy are:

- To complete the EU system for anti-IUU action through the integration of trade: The main shortcoming of the regime is precisely that it is not comprehensive enough. The market dimension of the IUU problem is to a large extent left aside, despite the fact that the EU is the biggest market and the leading importer of fisheries products. Yet, the EU framework is particularly weak when it comes to guaranteeing that fisheries products from third countries imported into the EU have been caught in compliance with relevant management and conservation rules. To address this challenge the Commission is proposing the introduction of a new regime governing the access to the Community territory of third country fishing vessels and imported fisheries products. This regime will be based on the principle that only those fisheries products certified as legal by the flag state concerned are entitled to enter into the Community.
- To find more effective ways to persuade flag states to exert an adequate control over their fishing vessels: The Commission regards as unacceptable the current situation where regional and international bodies are unable to enact effective measures against states which fail to discharge their duties under international law and to take appropriate action against IUU fishing. To address this challenge, the Commission is proposing that the Community be entitled to act unilaterally in order to identify and establish black lists of states hosting flags of non compliance and vessels responsible for IUU fishing and to enact trade measures towards them.
- To reach a higher degree of compliance with international compliance by EU vessels in Community waters: The EU can only be seen as a credible actor against IUU fishing if it is able to demonstrate that illegal fishing in EU waters and by EU vessels is being tackled. Investigations show, however that the enforcement of current CFP provisions is not satisfactory. This matter needs to be addressed as a matter of urgency. The new strategy, therefore, intends: to encourage Member States and the Community to implement the current CFP framework; to approximate sanctions across the EU; and to ensure stricter control and enforcement measures against Community nationals responsible for IUU fishing beyond Community waters.
- Improved investigative cooperation: The effective investigation of IUU activities requires a high degree of coordination and regular exchange of information between the various services in charge of maritime surveillance and border control. The new strategy, therefore, intends to offer EU support to multilateral efforts being carried out most notably through the FAO; to put in place a global register of fishing vessels; to establish an international network dedicated to MCS activities; to promote mutual assistance with third countries to combat IUU fishing and to improve Member States coordination through the Community Fisheries Control Agency.
- Intensify EU policies against IUU fishing on the high seas and with developing countries: Coastal developing countries are one of the main victims of IUU fishing. The Fishery Partnership Agreements with developing countries goes some way to addressing the prevention of IUU fishing. The new strategy will seek to strengthen this further by consolidating and rendering more operational measures against IUU fishing in the 13 RFMOs to which the Community is a Party; by confirming and intensifying the financial support of the Community to coastal developing countries; by improving the management and monitoring of activities in their waters and by their vessels; by further assessing the consequences of the IUU regulation on developing countries; by promoting a rapid and large ratification of the ILO consolidated convention on work in the fishing sector; and by exploring the possibility of incorporating these conventions into Community law.

Based on the above, the Commission invites the European Parliament and the Member States to endorse the new strategy to prevent, deter and eliminate illegal and unregulated fishing activities.

Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU)

PURPOSE: to establish a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU).

PROPOSED ACT: Council Regulation.

BACKGROUND: to sustain fish stock and marine biodiversity unreported and unregulated fishing must be prevented, deterred and eliminated. Given that the EU has one of the largest fishing fleets in the world, it can play a pivotal role in helping to deter and prevent illegal, unreported and unregulated fishing. IUU fishing represents the theft of essential fisheries resources from those fishermen who do abide by the law. Accurate estimates regarding IUU activities are hard to obtain. Studies suggest, however, that the value of IUU fishing amounts to an annual worldwide turnover of EUR 10 billion. In comparison, the value of lawful landings by the EU fleet, in 2004, stood at EUR 6.8 billion. Huge profits can be made from IUU fishing given that the operating costs of firms involved in illegal fishing are lower; tax is often non-existent and the flouting of stringent provisions translates into reduced expenses. IUU activities act as a major contributor to over fishing. Typically, IUU fishing will target juveniles, which would otherwise be protected by rules on minimum sizes, as well as carrying out fishing during periods, or in areas, which are normally closed, thus jeopardising the renewal of the fish stocks concerned.

For many developing coastal communities, fish resources play a major role in food security and poverty alleviation. Yet these countries often lack the means and capacity to manage and control the maritime waters under their jurisdiction. Unscrupulous illegal operators take advantage of this weakness to pursue fishing activities without authorisation as well as plundering resources which are vital to local fishermen. This is a major problem in Sub-Saharan Africa, where losses resulting from IUU fishing have been estimated at as much as EUR 800 million a year.

Over the past ten years the Community has adopted a number of measures in a bid to prevent, deter and eliminate IUU fishing. The current EU policy is based largely on a 2002 Action Plan. The policy has brought significant progress. For example :

- The creation of new Regional Fisheries Management Organisations (RFMOs).
- The creation of an extensive array of new measures adopted within existing RFMOs that have reinforced control at seas and in ports.
- The adoption of black lists of IUU vessels.
- The creation of new ?Partnership? Fisheries Agreements with developing countries that include stronger management and control provisions.
- The 2002 reform of the Common Fisheries Policy (CFP).

Although some progress has been achieved over the past ten years the situation remains far from optimal. One of the main challenges has been the lack of administrative simplification. The Community is a member of a dozen RFMO organisations. Their provisions can vary

substantially from one organisation to the other and are currently implemented into Community law via various Council Regulations. As a result the volume of Regional Fisheries Management Organisation's (RFMO's) provisions and the frequency of their adoption and revision make it hard to ensure a timely transposition in Community law. Further, the coexistence of diverse rules stemming from different legal orders creates confusion among Community operators and the Member States whilst benefiting those engaged in IUU fishing.

CONTENT: for the reasons outlined above, the Commission is proposing this Regulation, the purpose of which is to establish a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. To realise this objective, a system will be put in place that prevents IUU fishery products from entering the Community. The lynchpin of the system will be the application of 'port control'. In future, all fisheries products imported into the EU, whether fresh, frozen or processed, will have to receive prior certification from the flag state (i.e. the country where the vessel which caught them is registered). Vessels wishing to land fish will have to prove that their products are legal and that the vessel concerned hold all the necessary licences, permits and quotas.

Access to EU port facilities for third country vessels will be limited to a list of designated ports drawn up by each Member State. In addition, transshipments between third-country vessels and EU vessels will be banned at sea and only permitted in designated ports. The validated catch certificates provided by the flag state would then have to accompany the fisheries products throughout the market chain. This will make it easy to verify that fish products have been caught legally, even if they pass through a number of territories before arriving in the EU market, including possible processing along the way.

To deter IUU operators and complaisant States from involvement with IUU fishing, the Commission proposes a European 'black listing' mechanism. Fisheries relations, including trade fisheries products, between EU Member States and non-cooperating states would effectively be banned. In both cases, the listing procedures would include safeguards and appeal mechanisms to ensure that vessels and States listed receive a fair hearing.

On the matter of penalties, the proposed Regulation would strengthen the responsibility of the Member States to impose sanctions on their nationals who engage in, or support, IUU fishing outside of the EU. It would also lay down measures which would harmonise the maximum levels of sanctions to be applied by the Member States in relation to serious infringements to the rules of the CFP. These steps are considered vital given that IUU operators frequently consider low sanctions as mere 'operational costs'.

A further measure deemed essential in the fight against IUU activities is closer cooperation. The Commission, therefore, is proposing to that the 'Community Fisheries Control Agency' plays a more pivotal role and to strengthen EU efforts in the international arena to develop control tools, consolidate the capacity of the RFMO's and to provide support to developing states that helps reinforce their fisheries management and control capacities.

Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU)

The Council held a policy debate on a proposed regulation aimed at establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. It requested that the permanent representatives committee oversee further work on the regulation, taking account of the remarks made by delegations.

The debate focused on three questions:

- the scope of the regulation, and in particular whether it should apply to Community vessels, which are already subject to a comprehensive control regime, or only to third country vessels;
- the administrative burden that a proposed import certification procedure would entail, and possible alternative methods or measures to prevent imports of illegal, unreported and unregulated fish products;
- the suitability of proposed sanctions, and concerns that, for example, the proposed harmonisation could encroach upon Member States' legal prerogatives.

Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU)

The Committee on Fisheries adopted a report drafted by Marie-Hélène AUBERT (Greens/EFA, F) and amended, in the framework of the consultation procedure, the proposal for a Council regulation establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

The main amendments are as follows:

-each Member State must take appropriate measures, in accordance with both multilateral and bilateral international obligations as well as Community law to ensure the effectiveness of the system;

-the definition of IUU fishing appears in the Article on definitions, rather than in a recital. The Committee also amended the definitions of "fishing vessel" and "regional fisheries management organisation";

-access to ports of Member States, the provision of port services, and the conduct of landing, transshipment or on-board processing operations in such ports shall be prohibited for third country fishing vessels that are included on the Community list of IUU fishing vessels;

-a new clause for cases of force majeure or distress regarding third country fishing vessels is added to the proposal;

-the Committee deleted the clause giving the Commission power to exempt certain categories of third country fishing vessels from the obligation to notify the competent authorities of the Member State whose port or landing facilities they wish to use at least 72 hours before the estimated time of arrival, and stated that it is quite unclear why the Commission should have such discretion;

-it should be made clear that, in the event of failure to provide all the information required, the costs arising from verification by the port state will be borne by the operator;

- fresh fish should be sold after a number of days in order to prevent it from rotting;
- Member States shall carry out inspections in their ports of at least 50% (rather than 15%) of landings, transshipments and on-board processing operations by third country fishing vessels each year. The Committee stated that as all fishing vessels registered in Member States have to be inspected in port, it is discriminatory to inspect only 15% of third-country fishing vessels;
- a new clause states that inspections shall comply with the rules and objectives previously laid down by the Commission and be uniformly conducted and implemented in the various Member States. Each Member State shall create its database, on the basis of requirements supplied by the Commission, in which all inspections carried out on its territory shall be recorded. The Member States shall grant the Commission access to their databases on request;
- the Committee deleted Article 10 on inspectors, stating that it was totally unnecessary and casts excessive suspicion on inspectors' working methods;
- if the information gathered during the inspection gives the inspector sufficient reason to suspect (rather than a serious reason to believe, as stated in the proposal) that a fishing vessel has engaged in IUU fishing activity in accordance with the criteria set out, he shall, inter alia, halt landing, transshipment or onboard processing operations;
- the Committee deleted Article 20 on re-exportation. It also deleted Annex II. Members stated that, whilst the concern to ensure traceability is understandable, it is disproportionate to impose an endless series of requirements for certificates which may mean that something always remains to be complied with, notified, communicated or sent. If the regulation already makes it possible to assume that all imported products have been imported because they have been shown to be legal, it would be rather pointless to have to prove this once again when the product is re-exported from Community territory;
- Article 24 on alleged IUU fishing activities is amended to read "procedure for detecting IUU fishing activities";
- data on the sanctions and fines imposed on IUU vessels should be assessed in order to evaluate the effectiveness of these measures;
- Article 25 on presumed IUU fishing activities is amended to read "investigation of IUU fishing activities";
- before issuing an official request to the flag state that it take measures against an IUU fishing activity, the Commission must provide the information it compiled on the alleged IUU fishing activities, and a detailed statement of the reasons justifying inclusion in the Community list of IUU fishing vessels;
- in addition to the owner and operator, the flag state must also be informed that one of its vessels is to be included in the IUU list, especially since it will then be required to take measures in this regard;
- a new clause states that where one of an owner's vessels has been included on the Community list of IUU vessels, a detailed inspection shall be carried out on all that owner's vessels;
- the European Community IUU vessels list shall contain, inter alia, the date of first inclusion on the EU IUU Vessel List and, if applicable, the date of first inclusion on the IUU vessel list of one or more RFMOs; and the technical specifications of the vessel concerned;
- the Commission shall publish the European Community IUU vessels list in the Official Journal of the European Union;
- the Commission, in identifying the third states that it considers as non-cooperating states in fighting IUU fishing activities, must consider, inter alia, whether the state concerned has ever been the subject of trade restrictive measures for fishery products adopted by an RFMO;
- the Commission shall, within three months of the entry into force of the Regulation, publish an analysis of its probable impact on developing countries and a proposal for the funding of specific programmes to support its implementation and eliminate possible negative impacts. It will publish the list of non-cooperating states in the Official Journal of the European Union;
- Member States shall refuse to allow the export of a vessel flying their flag that is on the IUU list. The Member States may not under any circumstances grant support or subsidies to IUU vessels;
- serious infringement must be punishable by administrative sanctions, in order to distinguish them from penal ones. A new clause states that Member States may also opt for penal sanctions provided that the amount of such sanctions is at least equivalent to that of the administrative sanctions. Other accompanying sanctions include: (a) a temporary ban for at least the duration of the programming period, or a permanent ban on access to public aid or subsidies; (b) the repayment of public aid or subsidies received by IUU vessels during the relevant financial period;
- lastly, during the first year following the entry into force of the Regulation, six-monthly checks shall be carried out to determine Member States' preparedness fully to comply with its provisions. Should any instances of non-compliance be identified, the Member State(s) concerned shall be required to make the necessary adjustments.

Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU)

The European Parliament adopted, by 624 votes in favour to 12 against with 8 absentions, a legislative resolution making several amendments to the proposal for a Council regulation establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. The report had been tabled for consideration in plenary by Marie-Hélène AUBERT (Greens/EFA, F) on behalf of the Committee on Fisheries.

The main amendments ? adopted in the framework of the consultation procedure ? are as follows:

- each Member State must take appropriate measures, in accordance with both multilateral and bilateral international obligations as well as Community law to ensure the effectiveness of the system;
- the definition of IUU fishing appears in the Article on definitions, rather than in a recital. Parliament also amended the definitions of "fishing vessel" and "regional fisheries management organisation";

- access to ports of Member States, the provision of port services, and the conduct of landing, transshipment or on-board processing operations in such ports shall be prohibited for third country fishing vessels that are included on the Community list of IUU fishing vessels;
- a new clause for cases of force majeure or distress regarding third country fishing vessels is added to the proposal;
- Parliament deleted the clause giving the Commission power to exempt certain categories of third country fishing vessels from the obligation to notify the competent authorities of the Member State whose port or landing facilities they wish to use at least 72 hours before the estimated time of arrival;
- fresh fish shall be sold through the regular channels. The competent authorities shall retain control over the proceeds of sale until the period referred to in the text elapsed;
- Member States shall carry out inspections in their ports of at least 50% (rather than 15%) of landings, transshipments and on-board processing operations by third country fishing vessels each year;
- a new clause states that inspections shall comply with the rules and objectives previously laid down by the Commission and be uniformly conducted and implemented in the various Member States. Each Member State shall create its database, on the basis of requirements supplied by the Commission, in which all inspections carried out on its territory shall be recorded. The Member States shall grant the Commission access to their databases on request;
- Parliament deleted Article 10 on inspectors;
- if the information gathered during the inspection gives the inspector sufficient reason to suspect (rather than a serious reason to believe, as stated in the proposal) that a fishing vessel has engaged in IUU fishing activity in accordance with the criteria set out, he shall, inter alia, halt landing, transshipment or onboard processing operations;
- Parliament deleted Article 20 on re-exportation. It also deleted Annex II;
- Article 24 on alleged IUU fishing activities is amended to read "procedure for detecting IUU fishing activities";
- data on the sanctions and fines imposed on IUU vessels should be assessed in order to evaluate the effectiveness of these measures;
- Article 25 on presumed IUU fishing activities is amended to read "investigation of IUU fishing activities";
- before issuing an official request to the flag state that it take measures against an IUU fishing activity, the Commission must provide the information it compiled on the alleged IUU fishing activities, and a detailed statement of the reasons justifying inclusion in the Community list of IUU fishing vessels;
- in addition to the owner and operator, the flag state must also be informed that one of its vessels is to be included in the IUU list, especially since it will then be required to take measures in this regard;
- a new clause states that where one of an owner's vessels has been included on the Community list of IUU vessels, a detailed inspection shall be carried out on all that owner's vessels;
- the European Community IUU vessels list shall contain, inter alia, the date of first inclusion on the EU IUU Vessel List and, if applicable, the date of first inclusion on the IUU vessel list of one or more RFMOs; and the technical specifications of the vessel concerned;
- the Commission shall publish the European Community IUU vessels list in the Official Journal of the European Union;
- the Commission, in identifying the third states that it considers as non-cooperating states in fighting IUU fishing activities, must consider, inter alia, whether the state concerned has ever been the subject of trade restrictive measures for fishery products adopted by an RFMO;
- the Commission shall, within three months of the entry into force of the Regulation, publish an analysis of its probable impact on developing countries and a proposal for the funding of specific programmes to support its implementation and eliminate possible negative impacts. It will publish the list of non-cooperating states in the Official Journal of the European Union;
- Member States shall refuse to allow the export of a vessel flying their flag that is on the IUU list. The Member States may not under any circumstances grant support or subsidies to IUU vessels;
- serious infringement must be punishable by administrative sanctions, in order to distinguish them from penal ones. A new clause states that Member States may also opt for penal sanctions provided that the amount of such sanctions is at least equivalent to that of the administrative sanctions. Other accompanying sanctions include: (a) a temporary ban for at least the duration of the programming period, or a permanent ban on access to public aid or subsidies; (b) the repayment of public aid or subsidies received by IUU vessels during the relevant financial period;
- lastly, during the first year following the entry into force of the Regulation, six-monthly checks shall be carried out to determine Member States' preparedness fully to comply with its provisions. Should any instances of non-compliance be identified, the Member State(s) concerned shall be required to make the necessary adjustments.

Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU)

PURPOSE: to establish a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU).

LEGISLATIVE ACT: Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999.

CONTENT: the Regulation establishes a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU). In this context, each Member State shall take appropriate measures, in accordance with Community law, to ensure the effectiveness of that system.

The system shall apply to all IUU fishing and associated activities carried out within the territory of Member States to which the Treaty applies, within Community waters, within maritime waters under the jurisdiction or sovereignty of third countries and on the high seas. IUU fishing within maritime waters of the overseas territories and countries shall be treated as taking place within maritime waters of third countries.

The purpose of the Regulation is to:

- ensure the sustainability of fish stocks and to improve the situation of Community fishermen exposed to unfair competition from illegal products, but also to meet consumers' demand for sustainable and fair fishery products;
- halt the import of IUU fishery products into the European Union by introducing measures which cover the entire supply chain (fishing, transshipment, processing, landing and marketing), "from the net to the plate".

The main points of the Regulation are:

- maintaining an effective scheme of inspections in port for third country fishing vessels calling at the ports of Member States. In this context, the monitoring of landing by third country fishing vessels should be improved via new conditions applying to access to Community ports and to transshipments. Member States shall carry out inspections in their ports of at least 5% of landings, transshipments and on-board processing operations by third country fishing vessels each year;
- the establishment of a certification scheme covering all imports of fishery products with the exception of products from inland fisheries and aquaculture. Fishery products shall only be imported into the Community when accompanied by a catch certificate certifying that such catches have been made in accordance with applicable laws, regulations and international conservation and management measures;
- the establishment of an alert system that will inform Member States' supervisory authorities of doubts pertaining to the compliance with conservation measures of products from certain fishing vessels, operators or States. The Commission shall publish on its website and in the Official Journal of the European Union (C series) an alert notice to warn operators and to ensure that Member States take appropriate measures in respect of the third countries concerned;
- the introduction of an EU 'blacklist' of non-complying vessels, together with detailed rules for compiling that list, the implications of being blacklisted, and, in certain cases, the consequences for third countries which harbour such vessels;
- an approximation within the EU of the levels of sanctions for serious infringements to the CFP: Member States will impose a maximum fine of at least five times the value of the fishery products obtained by committing the serious infringement and at least eight times the value of the fishery products in the event of a repeated serious infringement within a five-year period. They may also, or alternatively, use effective, proportionate and dissuasive criminal sanctions;
- provisions strengthening the responsibility of Member States towards their nationals when they are taking part in or supporting fishing activities outside the Community;
- strengthening cooperation between supervisory authorities: a system for mutual assistance shall be established, which shall include an automated information system, the "IUU fishing information system", which shall be managed by the Commission or a body designated by it, to assist competent authorities in preventing, investigating and prosecuting IUU fishing;

Reports: every two years, Member States shall transmit a report to the Commission on the application of this Regulation not later than 30 April of the following calendar year. On the basis of the reports submitted by the Member States and its own observations, the Commission shall draw up a report every three years to be submitted to the European Parliament and to the Council.

ENTRY INTO FORCE: 29/10/2008.

APPLICATION: from 01/01/2010.

Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU)

The Commission presents a communication on the application of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU).

The report notes that IUU fishing poses a serious environmental threat to fish stocks and can lead to the collapse of fisheries. The estimated global value of IUU fishing is at least 10 billion euros per year. Between 11 and 26 million tonnes of fish are caught illegally each year, which corresponds to at least 15% of world catches. Significant resources, revenue, nutrition and livelihoods are lost as a result.

The IUU Regulation seeks to prevent, deter and eliminate the trade of fishery products deriving from IUU fishing into the EU. In order to achieve these goals, the EU introduced a number of tools to improve traceability and to facilitate communication and cooperation between the EU, Member States and third countries, as well as Regional Fisheries Management Organisations. These include the EU Catch Certificate Scheme, the system of Mutual Assistance between Member States, the process of cooperation with third countries and the listing of IUU vessels. This communication briefly presents the key achievements of the IUU Regulation

The EU's fight against IUU fishing can be divided into 4 intertwined key areas of action: (i) cooperation with Member States; (ii) cooperation with third countries; (iii) investigations into presumed IUU vessels and international and stakeholder cooperation.

Cooperation with Member States: the report notes that, amongst other things, the IUU Regulation's provisions allow imports to be refused if the verifications carried out by Member States identify a consignment as stemming from IUU fishing activities. Since 2010, Member States refused more than 200 import consignments. Member States exchange information in cases of refusals of import consignments and target controls of fishing vessels, operators and import activities. For example, such messages were sent to Member States regarding non-compliant behaviour by third country fishing vessels operating in West Africa. This resulted in more than 4.2 million EUR in fines imposed by various coastal States. Another concrete example concerned fake licenses granted by a third country which led to the recovery from the third country concerned of more than 2 million EUR of licencing fees.

Cooperation with third countries: the IUU Regulation introduces tools and implements a methodology to ensure all countries fulfil their obligations with regards to IUU fishing and fisheries management. The report discusses the States which have been listed under the pre-identification system (yellow card) as well as those States identified as having failed to resolve the IUU fishing problems in line with international obligations (red card). The report goes on to note that in October 2014 the Commission lifted the pre-identification status of Fiji,

Panama, Togo and Vanuatu following structural reforms in fisheries management and solid guarantees for the effective implementation of these reforms (green card).

Investigations into IUU activity: since 2010 the Commission has investigated over 200 cases of presumed IUU fishing by vessels from 27 countries. As a direct consequence of these investigations eight flag States (Belize, Brazil, Comoros, Lithuania, Panama, Republic of Guinea, Republic of Korea and Spain) and four coastal States (Liberia, Republic of Guinea, Sierra Leone and Guinea Bissau) have imposed sanctions amounting to more than 8 million EUR of fines and fees against more than 50 vessels.

International and stakeholder cooperation: IUU fishing cannot be fought by the EU in isolation, international cooperation is essential to accelerate change globally. The EU signed Joint Statements on combating IUU fishing with the US in September 2011 and with Japan in July 2012. The EU is willing to cooperate on IUU fishing issues with any country that shares its values for conservation and the sustainable use of fisheries resources.

On cooperation with stakeholders, the report notes that NGOs play a significant role in the fight against IUU fishing through their work in the field identifying and recording illegal fishing activities. Cooperation with industry is important as they are in the front line with regards to the implementation of the IUU Regulation. Industry now pays increased attention to all components of the supply chain in order to ensure that only legally caught fishery products enter the EU. Legal suppliers have benefitted from this change of policy while illegal operators have lost out. Based on information received from industry, either directly or through national authorities, the Commission has become aware of a number of practical issues that could be addressed in order to enhance the effectiveness of the IUU Regulation.

Next Steps: the report concludes with considerations on next steps and future measures to be taken in the context of implementing the Regulation.

Internally, the Commission will continue to work to improve the current systems in place and to simplify and modernise the implementation of the IUU Regulation. A number of technical improvements have been identified that can be introduced on the basis of the current legal text. These improvements will be done during 2015-2016.

The aim is to:

- improve the cost-effectiveness of the current system, making it simpler by moving from a paper-based system to an electronic one. This will increase the traceability of transactions and protect the system from document fraud;
- modernise the catch certificate scheme through an IT system and create a harmonised system to exchange and cross-check information in cooperation with EFCA. This new IT system will allow loopholes in import controls to be closed and a better monitoring of the total use of any single catch certificate split across several consignments, thus avoiding the laundering of IUU fishery products.

The harmonised risk analysis will bring about a more cost-effective approach to the control of catch certificates and reduce the administrative burden for Member State customs authorities

Externally, the Commission will continue working with third countries through bilateral cooperation, dialogue and formal process within the pre-identification, identification and listing procedures aiming at correcting the established IUU fishing problems.