The EU IUU Regulation

Building on success
EU progress in the global fight against illegal fishing
Introduction

IUU fishing is one of the main impediments to the achievement of legal and sustainable world fisheries at a time of mounting threats to marine biodiversity and food security.

IUU fishing contributes to overexploitation of fish stocks and undermines the recovery of fish populations and ecosystems. It damages the marine environment, distorts competition and puts those fishers who operate legally at a disadvantage. It also adversely affects the economic and social well-being of fishing communities, especially in developing countries where coastal communities may rely heavily on fish resources for food and income.

IUU fishing can occur in any fishery, from shallow coastal or inland waters to deep remote oceans. It is a particular issue in countries where fisheries management is poorly developed, or where there are limited resources to enforce regulations through key tools such as landing controls, vessel inspections and patrols at sea.

Why and how IUU occurs

The main driver for IUU fishing is economic benefit. A vessel that is fishing illegally is able to maximise profits by reducing operating costs in terms of licensing and the requirements that come with it (e.g. compliance with tax and labour laws, use of vessel monitoring systems and correct documentation). IUU fishers may ignore quota levels, enter closed fishing areas, catch undersized fish or target high-value rare or even endangered species, and use banned fishing practices or gear. They often target areas with weak national or international controls to illegally harvest marine resources.

The tool is good, it just needs to be used by all, consistently
The EU's distant water fleet

EU member states lend their flags to a large fleet of vessels that operate in distant waters, meeting the growing demand for seafood. All EU fishing vessels operating in non-EU waters need an authorisation under the Fishing Authorisation Regulation (FAR). Until recently, the only publicly available figure on the number of EU vessels operating outside the EU was 718 vessels for the year 2007. Results of an access to information request showed that 15,264 vessels operated under the FAR to fish in non-EU waters between 2010 and 2014. They operate under various access agreements between the EU and third countries, but also via private and charter agreements directly between private EU companies or citizens and authorities or companies in coastal countries.

To date, there are no established procedures to ensure that these private arrangements comply with EU laws, nor is there any publicly available information on them. Under the current FAR, vessels or operators that fish outside official EU agreements do not have to adhere to the labour or fisheries management standards that these official agreements contain.

The rules governing the authorisations of the distant water fishing fleet are being reformed. Given this fleet’s fishing capacity, it is vital that the FAR is revised to ensure transparent, accountable and sustainable fishing operations, in line with the reformed Common Fisheries Policy and the EU’s IUU Regulation. See www.whofishesfar.org for NGO recommendations.
The Regulation applies to all landings and transshipments of EU and third-country fishing vessels in EU ports, and all trade of marine fishery products to and from the EU. It aims to make sure that no illegally caught products end up on the EU market.

To achieve this, the Regulation requires flag states that export seafood to the EU to certify the origin and legality of the fish, with the use of a catch certificate. This is known as the ‘catch certification scheme’.

The measures aim to ensure that countries comply with their own conservation and management rules as well as with other internationally agreed rules applicable to the fishery concerned. To date, over 90 third-countries have notified the European Commission that they have the necessary legal instruments, the dedicated procedures and the appropriate administrative structures in place for the certification of catches by vessels flying their flag.

Some of the largest importing EU member states – such as Germany, Spain and France – receive between 40,000 and 60,000 catch certificates per year, which translates to between 110 and 165 per day. Many of these certificates are paper-based, or scanned copies of paper certificates.

It is not possible for authorities to individually verify the information on each certificate. This means that an efficient, risk-based approach to the verification of catch certificates is necessary, to ensure that rigorous and stringent verifications are focused on those imports that are most at risk of being a product of IUU fishing activities. This may include species of high commercial value, or consignments originating from vessels, regions or companies with known IUU fishing histories.

The IUU Regulation has three core components

1. Catch certification scheme
   Only marine fisheries products validated as legal by the competent flag state can be imported to or exported from the EU.

2. Third-country carding process
   The Regulation enables the EU to enter into dialogue with non-EU countries that are assessed as not combating IUU fishing effectively. If third countries fail to put in place the required reforms in a timely manner, sanctions, including trade bans on their fisheries products, can be imposed.

3. Penalties for EU nationals
   EU nationals who engage in, or support IUU fishing anywhere in the world, under any flag, face substantial penalties proportionate to the economic value of their catch, which deprive them of any profit, thereby undermining the economic driver.

In addition, the Regulation provides for the regular publication of an IUU vessel list based on lists of IUU vessels identified by RFMOs.

The IUU Regulation limits access to the EU market to fishery products that carry a catch certificate which certifies compliance with fisheries laws and conservation measures, and requires the sanctioning of any EU operator engaging in illicit fisheries trade.

The EU plays a leading role in the global fight against IUU fishing. To counteract this lucrative illicit trade, a Regulation entered into force in 2010 establishing an EU-wide system to prevent, deter and eliminate the import of IUU fishery products into the EU market.

The EU IUU Regulation limits access to the EU market to fishery products that carry a catch certificate which certifies compliance with fisheries laws and conservation measures, and requires the sanctioning of any EU operator engaging in illicit fisheries trade.

In addition, the Regulation provides for the regular publication of an IUU vessel list based on lists of IUU vessels identified by RFMOs.

© THE PEW TRUSTS’ TRUSTEES/MIKE MARKOVINA. IllegaL TRawLer.
Third-country carding process

The second key component of the Regulation requires that countries which export fish to the EU, or who lend their flags to vessels that are involved in the EU supply chain, must cooperate in the fight against IUU fishing. Countries identified as having inadequate measures in place to ensure catch is legal may be issued with a formal warning (yellow card) to improve. If they fail to do so, they face having their fish banned from the EU market (red card). On making required improvements, they are delisted (green card).

Under the Regulation, the European Commission (the Commission) conducts rigorous fact-finding to evaluate the compliance of third countries with their duties as flag, coastal, port or market states under international law. The Commission enters into dialogue with third-country authorities to assess the systems in place to combat IUU fishing according to the following categories:

1. The implementation of appropriate fisheries and conservation measures, allocation of adequate resources, and establishment of systems necessary to ensure control, inspection and enforcement of fishing activities both within and beyond sovereign waters, e.g. an accurate flagging system.

2. The ratification of international instruments and participation in regional and multilateral cooperation, including membership of RFMOs and compliance with RFMO conservation and management measures (e.g. with regard to reporting, observers, and lists of authorised vessels).

3. The implementation of appropriate fisheries and conservation measures, allocation of adequate resources, and establishment of systems necessary to ensure control, inspection and enforcement of fishing activities both within and beyond sovereign waters, e.g. an accurate flagging system.

The Commission also takes into account the specific constraints of developing countries and existing capacity of their competent authorities, particularly in relation to the monitoring, control and surveillance of fishing activities.

Indeed, the dialogue process provides a framework for the EU to provide capacity-building and technical assistance to strengthen fisheries management and control in third countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries. By the end of 2015, cooperation to raise fisheries management and control in third countries receiving technical assistance from the EU had resulted in more than 55 developing countries.

It will need to take a proactive role in complying with international requirements, as set out above, to be delisted.

To date, the EU has engaged with almost 50 third countries seeking improvements in measures to combat IUU fishing. The majority have undertaken key reforms recommended by the EU with no need for warnings. Twenty countries have received yellow cards to improve their fisheries management, of which nine have undertaken robust reforms and been delisted. Four countries have been identified as ‘non-cooperating’, and issued with a red card, which means a trade ban on their fish products entering the EU. Three of these countries – Cambodia, Guinea and Sri Lanka – remain red-carded to date (February 2016), while Belize was delisted in December 2014.

The carding process in action

Yellow, then red, now green-carded

BELIZE was yellow-carded in 2012 for having failed to comply with international obligations to police fishing vessels flying its flag. The country’s vessel registry had been privatised and EU scrutiny had identified concerns that unscrupulous operators were using Belize as a so-called flag of convenience to avoid stricter controls. Failure to take action resulted in Belize being banned from trading fish products with the EU in early 2014. The government re-nationalised the vessel registry, removed vessels with a record of IUU fishing, and instituted more rigorous policing of vessels fishing under its flag. As a result, Belize was delisted in late 2014.

Yellow to green

GHANA, which exports close to €128 million worth of fishery products to the European market per year, was yellow-carded in November 2013 for failure to meet its responsibilities to prevent, fight and deter IUU activities. Following two years of cooperation with the Commission, Ghana adopted an ambitious fisheries management plan and fleet strategy, strengthened its legal framework and introduced dissuasive sanctions. It also set up a fisheries enforcement unit and ensured improved traceability of its exports. Ghana was delisted in October 2015.

Yellow to green

SOUTH KOREA, an important trading partner in fisheries products with the EU, was issued a yellow card for failure to curb IUU fishing activity off the coast of West Africa by a number of vessels in its distant water fleet. The South Korean government closed loopholes in its systems, including: revising the legal framework governing its long-distance fleet in line with international requirements; establishing a fisheries monitoring centre that controls in near real time its fleet in all oceans; installing a vessel monitoring system on-board all South Korean-flagged distant water fishing vessels (approximately 300); improving its on-board observer programme. As a result, South Korea was delisted in April 2015.

How does the carding process work?

Step 1 Dialogue begins

The Commission initiates dialogue with a third country’s authorities to understand what systems are in place to prevent IUU fishing. Countries are usually chosen based on their relevance to the EU seafood sector as flag, coastal, port or market state. This dialogue lasts several months or even years.

Step 2a Cooperation

If national authorities cooperate with the EU, the dialogue to try to understand and resolve any compliance issues continues. In most cases, at this stage of collaboration, both the EU and the third country will make a presentation of the carding process in action

Step 2b Non-cooperation or evidence of shortcomings: Yellow card

If there is evidence of significant flaws within a country’s system to combat IUU fishing or a lack of cooperation, the Commission may decide to officially warn – ‘yellow card’ – that country. This decision is made publicly available on the EU’s official journal and website.

Step 3 Evaluation and reforms

There is then an evaluation period of at least six months, which can be extended. During this period countries are expected to undertake substantial reforms to address the identified shortcomings in line with an action plan proposed by the EU on presentation of the yellow card.

Step 4 Further sanctions: Red card

If reforms are not carried out, or not carried out in a timely manner, a red card may be issued. This results in a ban on imports to the EU of fish products caught by vessels flying the flag of the red-carded country. It also leads to a ban on EU vessels fishing in the waters of that red-carded country. This decision is made publically available on the EU’s official journal and website.

Both yellow and red cards can be lifted when there is clear evidence that the situation that warranted the carding has been rectified.

3. The implementation of appropriate fisheries and conservation measures, allocation of adequate resources, and establishment of systems necessary to ensure control, inspection and enforcement of fishing activities both within and beyond sovereign waters, e.g. an accurate flagging system.

FOOTNOTES
b. Granting a red card consists of two different steps. First, the Commission identifies the country and proposes the red card, and second the Council of the EU adopts the final decision.

February 2016
Penalties for EU nationals and operators

The third core component of the Regulation requires member states to penalise any EU individual or EU-based entity proven to have been involved in IUU fishing and related trade, with effective, proportionate and dissuasive sanctions.

This relates to cases where:
- EU-flagged vessels have been engaged in IUU fishing directly, but also;
- non-EU flagged vessels have been traced back to EU ownership, or;
- EU nationals benefit financially from their profits.

The Regulation prohibits all EU nationals from engaging in or supporting IUU fishing activities under any flag, whether directly or indirectly, and provides for sanctions in case of violation of these provisions. In the event of serious infringements, EU member states must impose a maximum sanction of at least five times the value of the fishery products obtained through committing the offence, and eight times the value of the fishery products in case of a repeated infringement within a five-year period.

Spain’s ‘Operation Sparrow’

At the end of 2014, Spain amended its fisheries law in order to embed the Regulation into its national legislation. The law now allows the government to take punitive action against Spanish nationals or companies taking part in IUU fishing operations anywhere in the world — including those connected to vessels operating under ‘flags of convenience’ or owned by ‘shell’ companies in tax havens.

The new law was put into action following the detection of four vessels suspected of illegally fishing Patagonian toothfish in Antarctic waters in 2015. The ongoing Operation Sparrow is investigating Spanish fishing companies suspected of having links with this IUU fishing. Phase one of the operation involved raids on company offices, and analysis of some 3000 documents, and found clear evidence that the companies are connected to the vessels, with multiple very serious infringements of laws on IUU fishing. Spanish authorities have so far announced fines against the Spanish operators totalling almost €18 million, higher than has ever been imposed by an EU government for IUU fishing. The case demonstrates strong commitment by the Spanish government to prosecute nationals engaged in IUU fishing through effective implementation and enforcement of the Regulation.
The Regulation requires uniform implementation by all member states under four key criteria

**Mixed progress by member states**

The success of the Regulation in the long term relies on the willingness and ability of all 28 member states to play their part in policing imports of fisheries products. It is only through uniform, harmonised, risk-based implementation that illegal catch can be fully shut out, as unscrupulous operators will always seek alternative points of entry with less stringent controls.

Member states are required to report on the application of the Regulation every two years. Through an access to information request, it has been possible to conduct a preliminary appraisal of reports submitted for 2010/11 and 2012/13.

Our analysis indicates that implementation is working well in a number of areas, with further action required in others.

1. **REQUIREMENT: Inspections of third-country vessels landing fish in the EU**

   **ACTION:**
   - 13 member states reported landing and transhipment operations by third-country vessels in their ports during the period 2010–2013.
   - In 12 of these, inspections were carried out at least 5% of total landing and transhipment operations over this period.
   - Nine member states reported receiving at least 100 landings/transhipments in a given year. Eight of these reported the use of risk assessment criteria to target their port inspections.
   - Countries receiving lower numbers of landing/transhipment operations by third-country vessels either target their port inspections using risk-assessment criteria, or carry out inspections of all such operations.
   - Two member states reported denying access to port for third-country fishing vessels between 2010 and 2013, for reasons including documentary errors and fishing in contravention of conservation and management measures.
   - Stricter port controls have resulted in fewer requests to unload fish in at least one member state port since the IUU Regulation came into force.

See page 16 for benefits of an electronic catch certificate database.

2. **REQUIREMENT: Verification of catch certificates (CCs)**

   **ACTION:**
   - EU member states received 1,136,704 CCs and around 100,000 processing applications for verification between 2010 and 2013.
   - 4,486 requests for verification were submitted to third-country authorities to ascertain the legality of fish imports.
   - 222 consignments of fish from third countries were rejected, although the number of rejections varied widely between member states. Some allowed rejected consignments to be returned to the operator; others destroyed or confiscated the products concerned.

Much of the feedback on CCs related to challenges in standardising and streamlining procedures for verifying CCs. Standards of risk analysis and approaches to verification of CCs employed by different member states vary considerably, and some report facing difficulties in accessing the information required to effectively scrutinise these certificates.

Currently, many if not most CCs are submitted in paper form, with photocopies permitted, making the efficient cross-checking of information extremely challenging and the risk of fraud cannot be excluded. The lack of a standardised procedure for verification across all EU nations means unscrupulous fishing companies may exploit weaker regimes to get their product to market.

3. **REQUIREMENT: Legislation, including for sanctions against EU nationals**

   **ACTION:**
   - 16 member states reported having amended their national legislation (or created new laws) to allow appropriate action to be taken against nationals supporting or engaged in IUU fishing.
   - 17 member states reported having adapted their levels of administrative sanctions for serious infringements in line with the Regulation requirements, or that this is in progress. Five reported that serious infringements would be addressed through criminal proceedings and related sanctions.

Overall, there remains a lack of information about the implementation of these measures; actions taken across the EU to identify nationals engaged in IUU fishing activities; penalties given, and the level of sanctions available for serious infringements. Nevertheless, Spain provides an example of how this can work effectively, with the recent application of its new fisheries law enabling it to investigate and sanction nationals involved in IUU fishing in the Operation Sparrow case.

See page 16: ‘Operation Sparrow’.

4. **REQUIREMENT: Human and technological resources**

   **ACTION:**
   - Over 400 officials across the EU are involved in implementation of the CC system, although the majority have other responsibilities not related to the Regulation.
   - Some countries have allocated significant additional human resources to implement the Regulation, such as new fisheries inspectors at ports.
   - Officials responsible for inspecting fisheries imports, and particularly products arriving in air cargo or by shipping container, may deal with a range of products, of which fish represents a small proportion. To address gaps in necessary expertise, some member states have provided training to those officials (e.g. port health, veterinary and customs officers) to carry out IUU-related functions such as CC verifications and inspection of consignments.
   - 14 member states reported using IT tools to assist in monitoring CCs for fisheries imports. Around half of these tools integrate functions to assist in risk assessments and/or verification of information in CCs.

Additional key information from the member state reports is included in the Annex on page 19.
Inconsistency among the top six importing countries

Spain, the UK, Germany, Italy, the Netherlands and France are the six largest importers of fishery products from outside the EU Economic Area. Imports by these countries account for an estimated 73% of the total volume of EU fishery imports subject to the IUU Regulation.

The implementation of the Regulation in these states therefore has a decisive bearing on the EU’s efforts to shut out illegal catch.

Our analysis of implementation reports for activities between 2010 and 2013 by these key countries highlights significant disparity in the quantity and quality of data being fed back to the Commission on actions taken, and also on the level of implementation action reported. The procedures and levels of technical and human resources in place vary widely between the six key importers, indicating that implementation is not harmonised to the degree required to achieve a united front against IUU fishing.

The top six importers face a substantial challenge in checking very large numbers of catch certificates, of which a significant proportion are from countries ‘carded’ by the EU for failure to combat IUU fishing. In addition, the arrival of large volumes of fishery products in shipping container and in processed form presents further challenges for authorities charged with physically inspecting products and verifying legal origin. These factors can be addressed through harmonised and modernised systems for assessing risk.

Additional key information from the member state reports is included in the Annex on page 19.

1 Spain

- Key imports under the IUU Regulation: tuna, squid, hake, shrimp/prawns.
- >90% of imports arrive by sea (as direct landings and in container freight).
- Imports from (top five): Morocco, China, Chile, South Africa and Peru (in 2012/13)².
- Nearly 4% of import catch certificates from “carded” countries (in 2012/13).³
- Spain is one of the leading EU importers of canned tuna, mostly from Ecuador.⁴

2 United Kingdom

- Key imports under the IUU Regulation: tuna, cod, shrimp/prawns, pollack.
- >90% of imports arrive by sea (as direct landings and in container freight).²
- Imports from (top five): Maldives, USA, Indonesia, China and Sri Lanka (in 2012/13).³
- 19% of import catch certificates from “carded” countries (in 2012/13).³
- The UK is one of the EU’s leading importers of canned tuna, mostly exported from Mauritius.⁵

3 Germany

- Key imports under the IUU Regulation: pollack, tuna, herring, cod.
- Around 60% of Germany’s imports are in the form of fish fillets and other processed products.²
- Imports from (top five): China, USA, Vietnam, Russian Federation and Thailand (according to Eurostat data for fishery and aquaculture imports in 2012/13).
- To date, Germany has not provided information on the origin (flag state) of fisheries imports in its reports submitted under the Regulation.³
- Imports from carded countries (in 2012/13) included processed tuna from Thailand, Papua New Guinea and the Philippines; squid and octopus from Thailand, and swordfish from Sri Lanka.³
- In 2012, Germany was the top EU importer of pollack with 86,000 tonnes of frozen fillets from China.³

4 Italy

- Key imports under the IUU Regulation: tuna, squid, hake, octopus.
- >90% of imports arrive by sea (primarily in container freight).²
- Imports from (top five): Thailand, Tunisia, Senegal, USA and Morocco (in 2012/13).³
- At least 20% of import catch certificates are from “carded” countries (in 2012/13).³

5 Netherlands

- Key imports under the IUU Regulation: cod, tuna, mackerel, shrimp/prawns.
- Frozen fish and fish fillets/meat account for around 60% of imports.²
- 75% of imports arrive by sea (as direct landings and in container freight); 22% arrive by road.³
- 25% of import catch certificates are from “carded” countries (in 2012/13).³

6 France

- Key imports under the IUU Regulation: tuna, pollack, sardines, shrimp/prawns.
- >80% of imports arrive by sea (as direct landings and in container freight); 6% arrive by road.³
- France has not provided exact numbers of import catch certificates received in its reports submitted under the Regulation, but has provided estimates based on customs import declarations.
- Based on these, the top five countries of origin of imports were Senegal, USA, Maldives, Morocco and China (in 2012/13).³
- An estimated 6% of import catch certificates were from “carded” countries (in 2012/13).³

FOOTNOTES

¹ Eurostat (annual average since 2010).
² Figures for third country imports, for the period 2010–2013.
³ Based on flag state information in member state reports.
⁴ 20% of import catch certificates are from “carded” countries (in 2012/13).³
⁵ 20% of import catch certificates are from “carded” countries (in 2012/13).³
⁶ It is unclear whether country of origin refers to the flag state in all cases.
⁷ Based on information on country of origin contained in customs import declarations (data provided in report submitted by Italy for 2012/13).
⁸ 20% of import catch certificates are from “carded” countries (in 2012/13).³

14

15
How illegal catch can enter the EU market under the current paper-based system

More than 250,000 catch certificates (CCs) are received annually across the EU, mostly in paper format. There is currently no facility for sharing or cross-checking of certificates between member states. This prevents coordinated EU-level action and facilitates the importation of illegally caught fish.

To close this loophole, the Commission has committed to modernise the paper-based system and establish an EU-wide database of catch certificates. This would allow the sharing and cross-checking of information on certificates among member states, and provide a standardised risk analysis tool to allow countries to better identify potential fraud.

An EU-wide database of electronic catch certificates would pool information, allowing for information cross-checks to identify potential anomalies. Such a system would also provide a standardised risk analysis tool, meaning authorities can prioritise verifications for higher-risk consignments (e.g. from countries or companies with a track-record of poor oversight).

Conclusions

Since its introduction, the Regulation has proven a powerful tool to combat IUU fishing. It helps prevent illegally caught fish entering the EU market and drives positive change in fisheries standards and procedures in countries around the world, supporting the achievement of a globally sustainable fishing industry.

It is widely acknowledged that one of the greatest achievements of the Regulation has been to encourage on-the-ground improvements in fisheries management standards in third-countries – that is, primarily, countries whose fleets provide the EU with fish products, or who lend their flags to foreign vessels catching fish that end up on EU plates. The countries themselves have stated that the carding process is a strong incentive to align their national policies and legislation with international law and to ensure best possible performance.

Finally, it is important to emphasise that the Regulation is just one of a multitude of responses in the global fight against IUU fishing. It is crucial that global, regional and national measures are consistent and mutually supportive. At the EU level, this will require alignment of the Fishing Policy, to prevent IUU fishing activities by EU vessels operating in EU waters. At the international level, this necessitates a coherent response by major seafood importing states to take action against their nationals involved in IUU fishing, and to have the means at their disposal to effectively sanction perpetrators for serious infringements. While more than half of member states report having transposed these requirements into national legislation, there is a lack of information on the level of sanctions available and actions taken so far. There is also doubt as to whether legislation is being applied to the fullest extent by all member states. Ensuring these provisions are adopted and rigorously applied will be vital to the overall impact of the Regulation.

At the EU level, this will require alignment of the Fishing Authorisation Regulation with the more stringent provisions of the IUU Regulation and reformed Common Fisheries Policy, to prevent IUU fishing activities by EU vessels fishing abroad. In addition, existing EU control measures should be enforced to ensure compliance by EU vessels operating in EU waters. At the international level, this necessitates a coherent response by major seafood importing states to ensure that IUU fishing is eliminated and not displaced to markets with weaker, or non-existent, regulatory controls. Securing ratification and entry into force of instruments such as the FAO Port State Measures Agreement would also strengthen multilateral action and should be considered a priority.
Recommendations

The actions and cases outlined in this analysis demonstrate the far-reaching potential of the Regulation to work transparently and fairly with third countries to improve the fishing industry.

Notwithstanding these successes, there is more to be done to achieve the full and harmonised implementation of the Regulation, and to ensure that the control and inspection system is maintained in the EU’s efforts to combat IUU fishing at the global level.

The long-lasting success of the Regulation in preventing, deterring and eliminating IUU fishing can be achieved through the following set of actions, the basis for which is already enshrined in the legislation.

By the Commission

Use all the means at its disposal to harmonise the implementation of the Regulation across the EU, including:• Modernising the catch certificate system in 2016 by establishing a centralised, digital, EU-wide database, with a standard risk analysis tool, for processing, cross-checking and storing information.
• Facilitating agreement on, and ensuring application of, standardised risk analysis criteria and standardised procedures for the verification of high-risk catch certificates and inspection of consignments.
• Taking action against those member states failing to implement the Regulation.
• Maintain the regular, transparent assessment of third countries in the fight against IUU fishing by:• Providing the necessary means and demonstrate the political will to deliver full implementation of the Regulation by:• Supporting the establishment of a digital EU-wide database of catch certificates (CCs), and utilising the database once established.
• Supporting the establishment of a standardised EU-wide approach to risk analysis, and ensuring this is effectively applied in the detection of high-risk CCs/consignments. Until then, continue to apply rigorous, national-level risk analyses for the verification of CCs and inspection of consignments.
• Applying standardised, thorough verification and inspection procedures of high-risk CCs and consignments as agreed with, and prescribed by, the Commission.
• Allocating sufficient capacity and resources to ensure effective implementation of the above tasks.
• Ensuring consignments containing suspicious or illegally caught products are refused entry to the EU market.
• Putting in place effective means to identify nations who may be supporting or engaging in IUU fishing activities, and ensuring proportionate and dissuasive sanctions against these nations if they are found to be linked to these activities.

The EU plays a central role in the global fight against IUU fishing. Addressing this problem requires a concerted effort by governments, the seafood industry and other stakeholders. The political will to guide and sustain such an effort is paramount. As the world’s most valuable seafood market, the EU must lead by example and continue on its course to combat IUU fishing.

Annex

Selected information extracted from the member state biennial reports submitted under the EU IUU Regulation (2010–2013)

Endnotes

2 Regional fisheries management organisations, or RFMOs, are international organisations formed by countries with fishing interests in an area of the ocean.
5 http://www.ejf.org.uk/legal-content/EN/TXT/PDF/?uri=CELEX:52007dC0490&from=EN
7 http://www.iuuwatch.eu/useful-documents/
The EU IUU Regulation is one of the three pillars of the EU’s fisheries control schema, together with the Control Regulation No. 1234/2008 and the Fishing Authorisation Regulation No. 1008/2008
9 The flag state is the state in which a vessel is registered.
10 Currently the EU IUU Regulation excludes aquaculture products: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3ASL%3ACONSEP%3AQurExtRef%3ATEXT00288E01
11 Article 31(3) of the EU IUU Regulation.
12 The United Nations Convention on the Law of the Sea (UNCLOS), the FAO International Plan of Action to prevent, deter and eliminate IUU fishing (IPOA-IUU), the United Nations Fish Stocks Agreement (UNFSA) and the FAO Voluntary Guidelines for Flag State Performance (VGFSP).
13 Article 31(5d) and 31(7) of the EU IUU Regulation.
14 ACP FISH II (30 M EU) and ENTRP (2 M EU), also via international treaties and fisheries partnerships.
15 As set out under Article 31(2) of the EU IUU Regulation to identify a non-cooperating third country.
16 For up-to-the-minute listings of all countries affected by this process, see http://www.uwwatch.eu/uwwatch/theiuufishregulation/eu-history/consignments.
18 Serious infringement is defined under Article 42 of the EU IUU Regulation to include activities considered to constitute IUU fishing, conduct of business directly connected to IUU fishing, including the trade in, or the importation of fishery products, and the falsification (or use of false or invalid) documents.
19 25 member state reports received in response to the access to information request.
20 27 member state reports received in response to the access to information request.

Further information

The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts and WWF are working together to secure the harmonised and effective implementation of the EU Regulation to end illegal, unreported and unregulated (IUU) fishing.

Coalition contact information:
EJF
media@ejfoundation.org

OCEANA
press@oceana.com

THE PEW CHARITABLE TRUSTS
info@pewtrusts.org

WWF
press@wwf.eu

Contacts:
Max Schmid | Environmental Justice Foundation | +44(0) 207 239 3310 | max.schmid@ejfoundation.org

Vanya Vulperhorst | Oceana | +32 (0) 2 513 2242 | vvulperhorst@oceana.org

Marta Marrero | The Pew Charitable Trusts | +32 (0) 2 274 1631 | mmarrero@pewtrusts.org

Eszter Hidas | WWF | +32 (0) 2 761 0425 | ehidas@wwf.eu

More news, updates and documents supporting the EU to end IUU fishing visit: www.IUUwatch.eu