



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 infringements¹⁸, 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.



© OCEANA. UNLOADING FISH FROM SPANISH LONGLINER.

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



© GREENPEACE/GRACE. PATAGONIAN TOOTHFISH.

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.

Case study

