

How can the European Parliament contribute to ending illegal, unreported and unregulated fishing?

Illegal, unreported and unregulated (IUU) fishing depletes fish stocks, weakens economies, and undermines conservation and management efforts. It also jeopardises the livelihoods of the world's most vulnerable communities and costs the global economy tens of billions of euros annually.¹ Strengthening fisheries governance is urgently required to deliver the United Nations Sustainable Development Goal (SDG) agenda. This is especially relevant for target 14.4 to “effectively regulate harvesting, and end overfishing, IUU fishing and destructive fishing practices (...)”, which the European Union (EU) has committed to. In addition, ending IUU fishing and increasing sustainable fisheries governance can help mitigate the impacts of climate change.²

What is the role of the EU in fighting IUU fishing?

The EU imports up to 70% of seafood consumed domestically with an estimated value of EUR 25.3 billion per year.³ As the world's largest seafood market, the EU recognises its interest in fighting IUU fishing, identifying it as a threat to the sustainable management of marine resources. The EU IUU Regulation was adopted in 2008 and came into force on 1 January 2010.⁴ It is a pioneering piece of legislation, which aims at blocking IUU seafood products from entering into the EU, identifying non-cooperating third countries⁵ and sanctioning EU nationals who engage in IUU fishing.

If implemented effectively, the EU's IUU Regulation can stop the importation of illegally caught seafood products into the EU and contribute to ending IUU fishing globally. Ensuring it has this impact requires sustained and harmonised implementation at European and international level, as well as the ambition and confidence to work with any country worldwide when needed.



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What is IUU fishing?

IUU fishing includes three types of activity:⁶

Illegal fishing, where vessels operate in violation of fisheries laws or regulations;

Unreported fishing, which has not been reported or has been misreported to the relevant national authority or RFMO, in contravention of applicable laws, regulations or reporting procedures;

Unregulated fishing by vessels without nationality; fishing by vessels flying the flag of a country not party to the RFMO governing that fishing area or species; or fishing of unmanaged stocks or in unmanaged areas in a manner that is inconsistent with state responsibilities under international law.

IUU fishing is an unsustainable practice that makes it impossible to effectively manage fisheries. It respects neither national boundaries nor international attempts to manage high-seas resources, putting unsuitable pressure on fish stocks, marine wildlife and habitats. It can also subvert labour standards and distort markets.

“It’s a blessing to be yellow carded now to be able to teach others the requirements of the EU in order to get the EU markets.”

Inoke Udolu Wainiqolo – Permanent Secretary for Fisheries, Fiji.

What is the EU IUU Regulation?

The EU IUU Regulation concentrates on three areas in order to fight IUU fishing.

1. Blocking IUU seafood products from entering into the EU

In an effort to block the entry of IUU seafood products into the EU, only imported products with a validated catch certificate are permitted. These catch certificates must be issued and validated by the exporting country in order to certify that products were caught in compliance with national, as well as international fisheries regulations. The importing EU Member State then verifies the catch certificates and inspects at least 5% of direct landings at the border inspection point.

Member States can deny the entry of any seafood product that is not accompanied by a valid catch certificate or is found to be linked to illegal or fraudulent activities.

2. Identification of non-cooperating third countries

The European Commission can pre-identify or issue a yellow card to formally warn “non-cooperating third countries” that are not taking effective action to fight IUU fishing. The yellow card is usually linked to an enhanced bilateral dialogue and action plan detailing necessary improvements in fisheries management and monitoring, control and surveillance procedures. The Commission then works closely with the yellow carded non-EU country to develop and support the implementation of the plan to fight IUU fishing. Failure to enact the plan can result in a red card, a trade ban on all seafood products regulated by the IUU Regulation into the EU, and a prohibition on EU vessels operating in the country's waters, among other sanctions.

3. Sanctioning EU nationals that engage in IUU fishing

The EU IUU Regulation also requires Member States to identify and take action against nationals found to be involved in IUU fishing activities, wherever in the world these activities take place. In addition to implementing the IUU Regulation in full, Member States should put in place the necessary legal and administrative measures so that they have the means to effectively sanction nationals involved in IUU fishing activities. They should also monitor their citizens and companies with an interest in fishing vessels flagged to non-EU countries, verifying that activities are legally carried out.

What are the EU IUU Regulation's key achievements so far?

One of the EU IUU Regulation's significant achievements is incentivising improvements in fisheries management and monitoring, control and surveillance procedures in non-EU countries. As a direct outcome of EU yellow cards and the subsequent bilateral dialogues, 12 countries including Curaçao, Fiji, Ghana, Panama, Papua New Guinea, Philippines, Solomon Islands, South Korea, Thailand, Togo, Tuvalu and Vanuatu, plus the fishing entity of Taiwan, have reformed their fisheries policies and laws. They have also introduced more sophisticated and effective vessel monitoring systems and adopted provisions to sanction their nationals and vessels involved in IUU fishing. This has been recognised by the European Commission through the withdrawal of their yellow cards.

Belize, Republic of Guinea and Sri Lanka, on the other hand, after having been imposed a temporary trade ban due to significant failings in fisheries management, had their red cards revoked once they demonstrated that substantial progress had been made. Cambodia, Comoros and St Vincent and the Grenadines have so far failed to address identified weaknesses and are subject to a red card.⁷

It is imperative for the EU to continue monitoring progress made by these countries to ensure that it is maintained following the removal of yellow or red cards.

Many third countries have confirmed the value of cooperation and collaboration with the EU in this process, acknowledging its importance in encouraging action to deter IUU fishing.

"We see the recovering of the fishery resources in Thai waters already. And many of the species are coming back and many of the fish that are being harvested right now have a size that is bigger than before. So, this is a benefit that we see the recovering of the fishery resources."

Dr. Adisorn Promthep, Director-General of the Department of Fisheries, Thailand

Members of the European Parliament can contribute to and help strengthen efforts to end IUU fishing. The supervisory role of the Parliament regarding Member States and the European Commission is essential to ensuring the ambitious and consistent implementation and enforcement of this robust legislation.

What can you do?

- ✓ Safeguard and strengthen the IUU Regulation while revising the EU's Fisheries Control System by
 - Staying within the European Commission's scope and preventing any unnecessary amendments that might weaken it:
 - Supporting the use of CATCH, a new IT system that aims to digitise the currently paper-based EU catch certification scheme for imported seafood and introduce electronic risk assessment criteria to the process:
 - Supporting the inclusion of key data fields on catch certificates (e.g. unique vessel identifier, gear type and better defined catch areas with a clear distinction between the economic exclusive zone and the high seas) to improve traceability of fish products coming from outside the EU:
 - Making sure the revised sanctioning regime is effective, dissuasive and that it creates a culture of compliance with key current provisions (e.g. penalty point system, serious infringements, immediate enforcement measures and accompanying sanctions).
- ✓ Push the European Commission to open infringement procedures against those Member States not fully implementing the IUU Regulation, including in relation to activities in areas beyond national jurisdictions.
- ✓ Push for suspension of European Maritime and Fisheries Fund (EMFF) funding where Member States and operators are failing to apply or abide by the rules.
- ✓ Push for the creation of a publicly accessible fishing authorisation database, containing updated and complete information in accordance with the Regulation (EU) 2017/2403 on the Sustainable Management of External Fishing Fleets with a view to improving the transparency and accountability of EU Member States.
- ✓ Push for increased transparency, a level playing field and ambitious anti-IUU measures at the international level, including through Regional Fisheries Management Organisations.⁸
- ✓ Encourage better inter-institutional coordination and coherence in areas such as external relations, development assistance and trade in order to effectively tackle IUU fishing.

1 <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0004570>. Euro figure is based on conversion rate in December 2014.

2 WWF, Policy brief: Mitigating climate change impacts on food security from the ocean, 2019.

3 European Market Observatory for Fisheries and Aquaculture Products (EUMOFA), 2018.

4 Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 286, 29.10.2008).

5 A third country in this context means a non-EU country.

6 Adapted, based on FAO 2001: International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing.

7 The overview of EU's existing 'carding' decisions is available at https://ec.europa.eu/fisheries/sites/fisheries/files/illegal-fishing-overview-of-existing-procedures-third-countries_en.pdf

8 Environmental Justice Foundation, Oceana, The Nature Conservancy, The Pew Charitable Trusts, WWF, Achieving Transparency and Combating IUU Fishing in RFMOs: Reinforcing the EU's multilateral actions to promote best practices, 2019.

The Environmental Justice Foundation (EJF), Oceana, The Nature Conservancy (TNC), The Pew Charitable Trusts and WWF are working together to promote EU leadership in improving global fisheries transparency and governance to end illegal, unreported and unregulated (IUU) fishing.

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