



Question and Answers on the EU's fight against illegal, unreported and unregulated (IUU) fishing

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What are the EU rules in place to fight illegal fishing?

The EU IUU 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 fisheries products end up on the EU market.

To achieve this, the Regulation requires flag States to certify the origin and legality of the fish, thereby ensuring the full traceability of all marine fishery products traded from and into the EU. The measures therefore aim to ensure that countries comply with their own conservation and management rules as well as with internationally agreed rules.

When flag States are unable to certify the legality of products in line with international rules, the Commission starts a process of cooperation and assistance with them to help improve their legal framework and practices. The milestones of this process are the warnings (yellow cards), the green cards if issues are solved and the red cards if they aren't – *the latter leading to a trade ban*.

In addition to the certification scheme, the Regulation introduces an EU alert system to share information between custom authorities of EU Member States about suspected cases of illegal practices.

Why has the Commission decided to warn Thailand of the risk of being identified as uncooperative?

The Commission's decision was made after thorough analysis of the country's legal framework, enforcement measures and administrative arrangements, which impact on Thailand's ability to comply with its international obligations. Such analysis revealed clear deficiencies in the fight against Illegal, Unreported and Unregulated (IUU) fishing.

The reasons for the pre-identification were clearly explained to the competent authorities, especially those pertaining to the neglected international obligations as flag, coastal, port and market State. In order to ensure transparency, the decision is published in the Official Journal of the EU. The Commission also proposes an Action Plan to Thailand and will now start a more formal dialogue with the Thai authorities concerning its urgent implementation.

In parallel, the Commission continues to work and cooperate with other third countries to ensure the correct implementation of international fisheries rules and to promote the fight against IUU fishing. Future developments will depend on the willingness of these countries to cooperate actively with the Commission and address any shortcomings in their own systems that allow for illegal fishing activities.

What happens if Thailand does not take measures to improve the situation?

The European Commission gives countries a reasonable deadline to react and take appropriate action. Despite an informal dialogue which began as early as 2011, insufficient progress has now led to this pre-identification, which triggers a formal procedure of dialogue and cooperation with the authorities. The Commission proposes actions to be incorporated into an Action Plan, and progress is measured by clear benchmarks and criteria. The Commission then evaluates any progress made by Thailand within 6 months after the publication of the Decision on the yellow card.

Dialogue and cooperation is the Commission's instrument of choice to solve the issues, but if a country neglects its duties under international law and fails to rectify the situation, then the Commission may proceed to identification, leading to trade measures.

Why has the Commission decided to withdraw the warning to Korea and Philippines?

The decision to stop the procedure vis-à-vis of Korea and Philippines is explained by the constructive cooperation shown by the two countries, which have made significant structural reforms in their fisheries management systems with the help of the Commission. For instance they have developed new legislation and improved their monitoring, control and inspection set-ups and revamped their traceability systems.

What's the state-of-play of the other cases under investigation?

Ghana and Curacao, which received a formal warning by the Commission in November 2013 (IP/13/1162), are developing new legislation and improving their monitoring, control and inspection systems. As a result, the process of dialogue and cooperation with these three countries is still ongoing.

Papua New Guinea received a formal warning by the Commission in June 2014 (IP/14/653), whereas Solomon Islands, Tuvalu, Saint Kitts and Nevis and Saint Vincent and the Grenadines were formally warned in December 2014. The Commission evaluates each country's progress on an individual basis. The first progress evaluation is expected within 6 months of the publication of the relevant Commission's Decisions^[1].

What is the situation with existing non-cooperating third countries?

The EU (the Council following a proposal by the Commission) has adopted trade measures against Cambodia and Guinea, along with Belize, in March 2014 (IP/14/304), and against Sri Lanka in October 2014 (IP/14/1132). Fisheries products caught by vessels from these three countries are still banned from being imported into the EU. Belize on the other hand demonstrated commitment to reforming its legal system and adopting new fisheries management rules, so the trade ban was lifted at the end of last year.

What has been achieved so far?

Since the IUU Regulation entered into force in 2010, it has had a far-reaching impact on the fight against IUU fishing, leading for instance to:

- the pre-identification and identification of non-cooperating countries
- the listing by the Council of non-cooperating countries
- the acceptance of the EU catch certification system by third countries
- investigations on presumed IUU vessels and subsequent imposition of sanctions by flag states and coastal states concerned
- the refusal of imports into the EU
- intensified international cooperation against IUU at bilateral and multilateral level with more than 50 countries
- A stronger mutual assistance and exchange of information between countries.

So far, 91 third countries have notified the Commission that they have the necessary legal instruments, the dedicated procedures and the appropriate administrative structures for the certification of catches by vessels flying their flag.

Since 2010, the Commission has investigated more than 200 cases involving vessels from 27 countries. As a consequence, sanctions against almost 50 vessels and roughly amounting to 8 million EUR have been imposed by flag and coastal states and both legislative and administrative reforms to improve catch certification and fleet monitoring have been introduced in several third countries.

The Commission has concentrated action on specific geographical areas, such as West Africa or the Pacific region, where IUU fishing activities are particularly widespread and take the heaviest toll on marine resources and local communities.

Does the EU work with its Member States to enhance control?

Our conservation efforts can only be effective if proper control applies both within the EU and in third country waters. In EU waters the obligations stem from the Control Regulation (1224/2009 EU).

In practice, more than 150 alerts were sent to EU Member States' authorities to check specific situations of risk and to request investigations on presumed IUU fishing activities and serious infringements. The Commission has also promoted the exchange of information and cooperation between the competent authorities in EU Member States. As a result, several imports have been rejected by EU Member States.

Regular cooperation with flag States' authorities, amongst others in the context of evaluation missions, have also contributed to improved traceability "from net to plate".

Figures on IUU fishing

The estimated global value of IUU fishing is approximately between 8 and 19 billion euros per year. Between 11 and 26 million tonnes of fish are caught illegally a year, which corresponds to at least 15% of world catches.

More information:

http://ec.europa.eu/fisheries/cfp/illegal_fishing/index_en.htm

http://ec.europa.eu/fisheries/documentation/publications/2015-04-tackling-iuu-fishing_en.pdf

[1] [Commission Decisions of 10 June 2014 on notifying the third countries that the Commission considers as possible of being identified as non-cooperating third countries pursuant to Council Regulation \(EC\) No 1005/2008.](#)

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