

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

Illegal, unreported and unregulated (IUU) fishing plunders the ocean, weakens economies, depletes fish stocks, and undermines conservation and management efforts. It also jeopardises the livelihoods of the world's most vulnerable communities. IUU fishing costs the global economy up to €19 billion annually, representing up to 26 million tonnes of the global catch.¹



The IUU vessel *Itziari II* in the port of Mindelo, Cape Verde. April 2013. © OCEANA

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

The European Union's (EU's) market for seafood products is the biggest in the world. The EU imports up to 60% of its seafood products (and 90% of its white fish²), and so has recognised its interest in fighting IUU fishing, identifying it as a threat to the sustainable management of marine resources. As a result, the EU IUU Regulation³ was adopted in 2008, and came into force on 1 January 2010.

How well does the EU IUU Regulation work?

The EU's IUU Regulation has proven that it can stop the importation of illegal fish products into the EU and contribute to ending IUU fishing globally. Ensuring it continues to have this impact requires sustained and harmonised implementation.

What can Members of Parliament do to help?

Members of the European Parliament can contribute to, and help strengthen, the work to end IUU fishing. The supervisory role of the Parliament regarding member states and the European Commission is essential to ensuring EU-wide implementation and enforcement of this robust legislation.

Members of the European Parliament can:

- Publicly support the EU's role in combating IUU fishing, which is an environmental, social and economic threat;
- Encourage member states and Commissioner Vella to safeguard the EU IUU Regulation;
- Welcome the regular assessment by the EU, especially the Commission, of third countries, encouraging them to adhere to international fisheries laws through the process of yellow and red carding;
- Urge EU member states to implement the IUU Regulation effectively, following best practice;
- Encourage other market states, including their public representatives, to introduce similar measures to combat IUU fishing.

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

² European Parliament Compliance of imports of fishery and aquaculture products with EU legislation, 2013.

³ 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).

What is the EU IUU Regulation?

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

1. Blocking the entry of IUU fish products into the EU

In an effort to block the entry of IUU fish products into the EU, only seafood products with a validated catch certificate (CC) are permitted. These CCs 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 CCs 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 CC or is found to be linked to illegal or fraudulent activities.

2. Identification of non-cooperating third countries in the fight against IUU fishing

Using the CC requirement as a tool, as well as information gathered from member states, regional fisheries management organisations (RFMOs), and stakeholders such as the fisheries sector or NGOs, the European Commission can pre-identify or yellow card “non-cooperating third countries”⁴ that are not supporting the fight against IUU fishing. The yellow card is linked to an action plan detailing necessary improvements in fisheries management and monitoring, control and surveillance (MCS) procedures. If yellow carded, the Commission works closely with the third country to develop and support implementation of the plan to fight IUU fishing. Failure to enact the plan can result in a ‘red card’ or 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 on national and global scales

The EU IUU Regulation also requires member states to identify and take action against their nationals involved in IUU fishing activities, wherever in the world these take place. In addition to implementing the IUU Regulation in full, member states should put in place the legal measures so that they have the means to sanction nationals involved in illegal activities. They should also monitor their citizens and companies with an interest in fishing vessels flagged to a third country. This ensures that nationals do not engage in IUU fishing activities.

In addition, the EU is required to ensure that the activities of any EU vessel operating in the waters of a third country are transparent, fair and sustainable. An important step towards achieving this would be to ensure an effective and loophole-free licensing system for the EU external fleet in the review of the Fishing Authorisation Regulation, starting in 2015.

What is IUU fishing?

IUU fishing includes three principal types of activity:⁵

1. **Illegal** fishing, where vessels operate in violation of fisheries laws or regulations;
2. **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;
3. **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.

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

One of the EU IUU Regulation’s significant achievements is its incentivising of improvements in fisheries management and MCS procedures in third countries. As a direct outcome of EU yellow and red carding, at least six countries – Belize, Fiji, Panama, Togo, Vanuatu and South Korea – have reformed their fisheries policies and laws, introduced more sophisticated and effective vessel monitoring systems, and adopted provisions to sanction their nationals and vessels involved in IUU fishing.

The actions taken by Fiji, Panama, Togo and Vanuatu have already been recognised by the Commission through the withdrawal of their yellow cards. Belize has had its red card revoked. Other yellow-carded countries are already starting to take steps towards combating IUU fishing in their waters and by their vessels. For example, South Korea has substantially increased its capacity to combat IUU fishing, amending its domestic legislation to increase penalties and introduce new legal provisions, such as the ability to prosecute Korean nationals operating on IUU fishing vessels flagged to other nations. It will be important for the EU to monitor progress made in 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.

“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.

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.

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⁴ A third country in this context means non-EU countries.

⁵ Adapted, based on FAO 2001: International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing.