
Joint Statement Europêche and EU IUU Coalition on the Revision of the EU Fisheries Control Regulation

15 October 2020

In order to ensure the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (CFP)¹, the EU adopted in 2010 an ambitious EU Regulation establishing an effective system for control, inspection and enforcement².

The fishing industry and NGOs signing this statement acknowledge the unquestionable contribution of the EU Control Regulation to improve fisheries control systems and to step up compliance with the CFP. Nevertheless, certain implementation flaws have been identified by both the European Court of Auditors³ and the European Commission, mainly due to shortcomings in the implementation by Member States, and to deficiencies in the application of certain provisions, such as data exchange, sanctions, points systems and traceability. In addition, the current Control system is spread out over numerous, overlapping legal texts, which makes the inspections and the fishing operation complex, undermining legal certainty, thereby prompting the need for simplification.

The undersigned stakeholders would like to emphasise the importance of the EU's control policy as one of the main pillars of the CFP. Therefore, due attention and consideration should be given by EU policymakers to the following joint priorities:

1. Traceability

Making seafood products traceable from point-of-catch to point-of-sale is necessary to combat IUU fishing and achieve healthy fisheries, both in the EU and beyond. The EU has a particular responsibility in this regard, as the world's leading seafood market which imports over 60% of its seafood. We ask the European Parliament and the Council of the EU to support the Commission proposal for improved and digitised traceability. To strengthen the Commission proposal and to improve the ability to verify that the source of the seafood is legal, we recommend that an IMO number for all eligible fishing vessels be added to the IUU Catch Certificate, as well as a higher level of precision of the catch area.

Furthermore, the undersigned stakeholders support the adoption of clear rules relating to the establishment and traceability of lots that ensure that all fish products, whether processed or fresh, are equally subject to strong traceability requirements after the first sale, regardless of their origin.

There are clear indications that disparities exist in the level of scrutiny in the implementation of import controls across the EU which creates an uneven playing field for operators and leaves the system open for abuse. An effective and harmonised digital implementation of the Catch Certification scheme is therefore needed. This would require an electronic database to allow the exchange of information on consignments between Member States and a minimum level of harmonised risk assessment to ensure that products rejected in one country are not permitted entry to the EU market via another country. This would effectively allow for improved cooperation between Member States of transit and of destination. We therefore support the Commission proposal to create an EU wide database for catch certificates (CATCH) and recommend that it includes risk assessment tools.

The EU IUU Regulation⁴ is considered the most effective instrument to ensure legal—and thereby also encouraging sustainable—fisheries at a global level. To ensure that the EU's efforts to improve global ocean governance are not undermined, better coherence with EU trade policies is needed - including preferential tariff agreements such as the Generalised Scheme of Preferences (GSP+) or Autonomous Tariff Quota and Free Trade Agreements. This could include allowing for the suspension of such instruments or the relevant negotiations until the third country concerned is found to be duly discharging its duties to take action to prevent, deter and eliminate IUU fishing under international law or other binding regional measures as flag, port, coastal or market States.

2. Small-scale fisheries

Small-scale fisheries are critical in supporting the livelihoods of coastal communities and play an important role in sustainable development. In order to improve catch registration and the collection of vessel position data, the Commission proposes introducing digital technologies to better assess, monitor and control fishing operations to guarantee that their catches are accurately accounted for, especially as they represent at least 75% of the EU fleet in number of vessels⁵.

We therefore recommend that the European Parliament and the Council of the EU support the European Commission proposal to extend the use of vessel position data systems to small-scale fishing activities. These devices must be small, cost-effective and do not interfere with the safe operation of vessels and gears.

Furthermore, this technology must be adapted to the different specifications of the fishery and métier, bearing in mind the need for interoperability, enabling information exchange with other relevant systems and public authorities' databases.

In addition, we encourage EU institutions to support the Commission proposal to require electronic fishing logbook systems to record small-scale vessel operations using a harmonised and simplified form. The introduction of this new technology should be easy to install, user-friendly and cost-effective without making requirements overly complex and burdensome for small vessels, particularly for undecked boats.

Moreover, we would like to stress the challenging and unsafe circumstances of making a small-scale fishing vessel wait in front of the landing site under adverse weather conditions, just to fill in and submit the electronic logbook. In most of these vessels there are only two crew members, of whom the skipper also performs deck work. Furthermore, many of them are manned by a single person, so it is essential that information can be transferred digitally from the security of the landing port. Policymakers should take these circumstances into consideration.

In order to facilitate the introduction of these new technologies in small-scale fishing vessels, these should benefit from EU financial support covering 100% of the costs concerning the acquisition and installation on board.

Recreational fishing can bring conservation and socioeconomic benefits when it is properly managed. Therefore, there is a need to ensure that catches from recreational fisheries do not enter the market. Recreational fishing must not operate as an unknown activity and relevant impact assessments on fish stocks and management must be performed. Therefore, management measures should be risk-based in relation to the impact of recreational fisheries on stocks and based on data of good quality.

3. Sanctions

Currently, Member States' application of sanctions differs greatly and the points system is not consistently applied. A level playing field in the application of the Law is fundamental to ensure that fishers across Europe are treated equally and fairly.

According to Article 100 et seq. of the current Control Regulation, the Commission should perform verification, autonomous inspection and audit reports to ensure that all Member States in the Union effectively implement the rules of the CFP and the existing control schemes and provisions, including import checks.

At the moment, minimal information is available on such fisheries audits. In other areas of EU law, audits are public. This is the case, for example, in the area of compliance with feed and food law, animal health and animal welfare rules: reports from audits in both Member States and third countries are publicly available on the Commission's website.⁶ We encourage the European Commission to consider making executive summaries of finalised fisheries audits public, while respecting EU privacy laws, in line with other EU policy areas.

Furthermore, Member States should notify the European Commission of definitive rulings in the event of serious infringements detected in Union waters or in Union ports in relation to fishing vessels flying the flag of third countries.

In the past, data on the implementation of the Control Regulation was communicated to key stakeholders on a regular basis. For example, before 2009,⁷ the Commission reported regularly to the European Parliament and to the Council on the behaviours which seriously infringed the rules of the CFP, and these communications contained detailed information on the number of infringements detected by the Member States, the sanctions incurred as well as the problems met by the competent authorities when implementing the rules. The undersigned stakeholders encourage the Commission to provide, *inter alia*, information on infringements and follow-up actions on an aggregated manner to evaluate the effectiveness of the policy on a Member State and a sea-basin basis within the European Fisheries Control Agency's annual reports.

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy

² Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy

³ Special Report No 08/2017: EU fisheries controls: more efforts needed

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 (IUU Regulation)

⁵ The 2019 Annual Economic Report on the EU Fishing Fleet (STECF 19-06), page 23.

⁶ See: http://ec.europa.eu/food/audits-analysis/audit_reports/index.cfm.

⁷ See for example <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52007DC0448>; or <https://eurlex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A52008DC0670>.