

# CAPE

Coalition pour des Accords  
de Pêche Équitables

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# CFFA

Coalition for Fair Fisheries  
Arrangements

## EU proposed regulation to combat IUU fishing Issues for Developing countries

*CFFA's Input to DFID NGOs meeting - January 15<sup>th</sup>, 2008*

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*CFFA generally welcomes the comprehensive package of measures proposed by the European Commission to combat IUU fishing. The proposal foresees actions to be taken by or against flag States, port States and market States as well as actors in the fishing sector all along the chain of custody and will go a long way toward curtailing IUU fishing, both within and outside EU waters, both by EU-flagged and/or owned fleets as well as foreign fleets.*

*However, although the proposal acknowledges the need to help developing countries to fight IUU fishing, it fails to propose concrete measures to that effect. Without such concrete support, the measures proposed, such as the trade related measures, will constitute new trade barriers for legally-caught fish from developing countries, especially those fish products from the artisanal fishing sector.*

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## Aspects of interest for developing countries

Certain aspects of the proposal are of particular importance in the context of EU-developing countries fisheries relations, particularly the relations with ACP countries:

### **1. The scope of the package**

The package of measures covers all IUU fishing-related activities in EU waters and territories, as well as on the high seas *and in third country waters, regardless of whether they are conducted by EU flagged or foreign vessels.*<sup>1</sup>

Some have insisted that the EU should first focus on IUU fishing by foreign flagged vessels, arguing that EU fishing activities were already the object of control. The extremely serious cases of IUU fishing by EU fleets in the Baltic cod fishery, in the Mediterranean bluefin tuna fishery; the lack of regular reporting in the case of fishing activities in third country waters<sup>2</sup>, clearly demonstrate that the

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<sup>1</sup>Article 1.3.

<sup>2</sup> See compliance scoreboard 2006: about Catch reporting: .... the submission of quarterly reports

proposed measures need to apply to EU fleets as well as foreign fleets in a non-discriminatory way.

If the EU is to be a credible actor in the fight against IUU fishing, it must apply the same measures to vessels flying the flag of its Member States as to foreign flagged vessels, especially considering the trade-related measures proposed.

## **2. Measures to improve traceability of fish products and market related measures**

The catch certification mechanisms and requirements proposed by the Commission may considerably improve the traceability of fish products and should enable the European Commission, the Member States and the various actors of the fishing industry to prevent IUU-caught fish from entering the EU market. The latter will be subject to sanctions if they take part in IUU fishing-related activities or allow them to occur.

The Commission's proposals recognize that the success of these measures will largely depend on the cooperation of flag States within and outside the EU as well as on their capacity to fulfill the requirements<sup>3</sup>.

In the fight against IUU fishing, controlling or monitoring the first link in the chain, - the catching of the fish-, is essential in enabling authorities and companies to exclude illegally caught fish from the market. We therefore feel that not only flag States, but also coastal States, particularly coastal developing countries, should be supported and encouraged to set up systems which will enable them to provide information to improve the quality of data used for catch certification.

In that context, the Commission is currently drawing up an analysis of the profile of all its partner countries with the objective of identifying, among others, their control capacity. We are not aware of a consultation process on this and call on the Commission to ensure the participation of all stakeholders, especially in partner countries and in particular artisanal fishermen and fishing communities who are the main victims of IUU fishing and are also best placed to identify needs and solutions adapted to the context in which they operate.

At the last meeting of the FAO Committee on Fisheries, in March 2007, ACP artisanal fishing organizations expressed the need to look at how traceability can be applied to fish products originating from small-scale fisheries when fish is collected from several vessels. They propose to develop a model based on pilot projects that directly involve fishworkers. The artisanal fishing sector also wants to consolidate their capacity to collect information and contribute to certification mechanisms, through information and training, so that they develop a good knowledge of the existing regulation, and are able to implement them.

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*continued to be unsatisfactory in terms of overall response, in particular for reports regarding catching beyond EU waters.* [http://ec.europa.eu/fisheries/cfp/control\\_enforcement/scoreboard\\_en.htm](http://ec.europa.eu/fisheries/cfp/control_enforcement/scoreboard_en.htm)

<sup>3</sup> Article 19 and ANNEX III – Flag State notifications; audit and cooperative arrangements

### **3. Stricter Port Control and the prohibition of transshipment at Sea**

The proposed measures to improve control in EU ports are to be welcomed. CFFA and its partners have highlighted in numerous occasions the consequences of lax control in certain EU ports, such as Las Palmas de Gran Canaria, through which a big share of the fish caught in the waters of West African countries transit before entering the EU market and which harbours many fishing and transport vessels which have been observed engaging in IUU fishing activities.

Prohibiting transshipments at sea will close a big loophole in the traceability of fish products and will reduce the possibility to launder IUU fish by mixing it with legally-caught fish.

### **4. Black lists of IUU vessels and non-cooperating States**

The publication of lists of vessels and companies engaged in IUU fishing as well as of countries which do not take action against IUU vessels and companies constitutes a powerful tool. The European Commission proposes non-discriminatory and transparent mechanisms leading to the establishment of such lists. This is indispensable considering the sanctions which listed vessels, companies and countries face.

Once more, CFFA would like here to remind the European Commission and the Member States that such measures must absolutely be accompanied by adequate support programmes for developing countries.

### **5. Sanctions**

A wide variety of sanctions are provided for in the proposal which correspond to the various steps on IUU fishing related activities. CFFA feels that this will achieve one of the stated objectives of many nations and international fora: to deprive people and companies involved in IUU fishing from the benefit of their activities and act as an effective deterrent. The proposed harmonization of sanctions among EU Member States should also be supported to avoid discrimination among fishermen and eliminate the possibility to evade strict sanctions.

### **6. Fighting IUU through FPAs**

The problems of governance, the fight against corruption and the establishment of the necessary legal and administrative framework should also be addressed in the political dialogue existing between the EU and developing countries.

In the case of developing countries having a fisheries partnership agreement with the EU, the possibility to develop “administrative Cooperation agreements”, introduced in the framework of the latest Fisheries Partnership Agreements, should be used.

It must be noted also that the Commission tabled a proposal on the management of *‘Authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters’*

which, we feel, contains effective control measures and sanctions complementing those in the proposal on IUU fishing. In particular, we welcome the fact that the Commission recognises that the Community has a responsibility, as flag state, in the correct application of the fisheries agreements with third countries. Therefore, we fully support the proposal that fishing authorisations for vessels that have not complied with their obligations during the preceding year, or that have been blacklisted as “IUU vessel”, should be refused.

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