

KARMENU VELLA

Member of the European Commission

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Mr Kijune Yoo
Minister of Oceans and Fisheries;
Government complex building 5, 94, Dasom 2-Ro,
Sejong City, 339-012
Republic of Korea

Dear Minister,

In the context of the on-going cooperation between the Commission and the Republic of Korea, I have the honour to inform you that the European Commission is herewith terminating the demarches vis-à-vis your country in the fight against IUU fishing opened on 26 November 2013 with the Commission Decision on notifying third countries of the possibility of being identified as non-cooperating third countries pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU Regulation).

1. Legislative framework

Pursuant to Article 32 of the IUU Regulation the Commission should notify third countries of the possibility of their being identified as non-cooperating countries. Such notification is of a preliminary nature. The notification of third countries of the possibility of their being identified as non-cooperating countries is based on the criteria laid down in Article 31 of the IUU Regulation.

The Commission should take all the demarches set out in Article 32 with respect to those countries. In particular, the Commission should include in the notification information concerning the essential facts and considerations underlying such identification, the opportunity of those countries to respond and provide evidence refuting the identification or, where appropriate, a plan of action to improve and measures taken to rectify the situation.

The Commission should give to the third countries concerned adequate time to answer the notification and reasonable time to remedy the situation.

2. Factual elements and legal analysis

On 26 November 2013, the Commission notified the Republic of Korea of the fact that it was considering the possibility of identifying it as a non-cooperating third country¹ in fighting IUU fishing.

The Commission highlighted, that in order to avoid being definitely identified as non-cooperating country, the Republic of Korea was invited to cooperate with the Commission on an action plan to rectify the shortcomings identified.

As a consequence, the Commission invited the Republic of Korea:

1. to take all necessary measures to implement the actions contained in the action plan.
2. to assess the implementation of the actions contained in the action plan.
3. to send every six months a detailed report to the Commission assessing the implementation of each action as regards, inter alia, their individual and/or overall effectiveness in ensuring a fully compliant fisheries control system.

On 26 November 2013, the Commission opened a process of dialogue with the Republic of Korea and highlighted that it considers a period of 6 months as being in principle sufficient for reaching an agreement on this matter.

The Republic of Korea accepted to enter into a dialogue with the Commission with the aim to remedy the situation.

The Republic of Korea submitted oral and written comments that were considered and taken into account by the Commission. The Commission continued to seek and verify all information it deemed necessary.

On the basis of the abovementioned oral and written comments and in the light of the positive results achieved by the Republic of Korea with the letter of 17 July 2014² the Commission extended the period of the dialogue for an additional period of 6 months. This letter was followed on 18 June 2014 by an updated action plan proposed by the Commission³.

Following this extension of the dialogue the Republic of Korea submitted oral and written comments that were considered and taken into account by the Commission. The Commission continued to seek and verify all information it deemed necessary.

The Republic of Korea has reviewed its fisheries legal framework introducing a revised Distant Waters Fisheries Development Act, updated its system for management of fishing resources, reinforced compliance with flag, port, coastal State obligations regarding control and monitoring of its distant waters fishing vessels, including implemented full Vessel Monitoring System coverage, strengthened effective implementation of international rules and management measures through an adequate regime of sanctions and improved fishing products traceability.

¹ Letter to the Minister Oceans and Fisheries of the Republic of Korea of 26.11.2013 (Ares(2013)3570591).

² Letter to the Minister of Oceans and Fisheries of the Republic of Korea of 17.07.2014 (Ares(2014)2379754).

³ Letter to the Minister of Oceans and Fisheries of the Republic of Korea of 18.07.2014 (Ares(2014)2396206).

3. Conclusion

In the given circumstances and after examining the above mentioned considerations, the Commission therefore concludes that the demarches vis-à-vis the Republic of Korea pursuant to the provisions of Article 32 of the IUU Regulation with respect to the discharge of the duties incumbent upon it under international law as flag, port, coastal or market State and its actions to prevent, deter and eliminate IUU fishing are hereby terminated.

The abovementioned termination of demarches does not preclude any subsequent step taken by the Commission or the Council in the future, in case factual elements reveal that the Republic of Korea fails to discharge the duties incumbent upon it under international law as flag, port, coastal or market State, to take action to prevent, deter and eliminate IUU fishing.

Yours sincerely,

