

Review of the Fishing Authorisations Regulation

Preliminary comments from

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General comment

The main objective of the Fishing Authorisations Regulation (FAR) review should be to ensure that key sustainability rules agreed in the reformed CFP, - in particular the restoration of marine biological resources-, and those specified in binding international agreements, are implemented for EU flagged vessels fishing outside EU waters.

The FAR is therefore a key tool to ensure the EU plays its role as responsible flag state for **all** EU fishing activities outside EU waters. This regulation should therefore apply to **all** fishing activities outside EU waters - only Community fishing vessels for which a fishing authorisation has been issued shall be entitled to engage in fishing activities in third countries waters, waters under RFMO area and international waters

In that context, elements that were contained in the 2008 regulation need to be broaden, updated and strengthened: in particular, the FAR should continue to ensure that vessels that have not complied with their obligations under the CFP during the preceding year, have acted in violation of the National legislation of the country sovereign or having jurisdiction over the concerned waters, have been listed by a RFMO as IUU vessel, or have been sanctioned for non-respect of labour rights, should be excluded from receiving a fishing authorisation.

Furthermore, as rightly pointed out in the consultation document, the FAR should be amended in order to be consistent with Regulation (EC) 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, and with Regulation (EC) 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, and Regulation 26/2012 on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing.

Specific issues

The scope of the Regulation should encompass all kind of fishing activities carried out outside EU water by EU flagged vessels or within Community waters by third country vessels. (Chartering agreements, joint fishing operations, activities in support of catching operations, etc...).

- The review of the FAR should also help address specific long standing issues, including: **abusive reflagging** by vessels in order to get fishing possibilities they would otherwise not be entitled to as an EU flagged vessel (through an FPA, for example)

- **the need to increase transparency and regulate private fishing arrangements** of the EU fleet operating outside EU waters. CFP provisions, and in particular environmental and social sustainability principles and requirements (access to surplus, improved reporting, social clause, etc) to be found in future SFAs should also be applied to EU vessels fishing through private arrangements.

An EU fishing vessel should therefore be considered eligible for authorisation for any fishing activity outside Community waters only if a number of criteria are met that demonstrate the fishing vessels are fishing in an environmentally and socially sustainable way in host countries.

To address abusive reflagging:

- Member States shall not submit to the Commission requests for a fishing authorisation for fishing vessels flying their flag that during the previous 24 months were not flagged in the EU.
- The European Commission should be enabled to refuse the transmission of request for fishing authorisation in case the fishing vessel was not flagged in the EU during the previous 24 months.

To address the lack of transparency in private arrangements:

- EU fishing operators wishing to apply for a fishing authorisation to fish outside EU waters will provide relevant Member State with accurate information of the fishing activity to be carried out and the period. Member State will report to the EU Commission without delay prior proceeding to grant the authorisation to the given activity
- Any bilateral agreement undertaken by a fishing operator for an EU flagged vessel will be conditioned to prior acceptance by the Member State concerned and EU Commission, and will be validated by diplomatic representation of the countries involved.
- Information of fishing authorisations granted in accordance with the Regulation should be included in a Community information system that will be updated in real time. To meet EU obligations on public access to environmental information and facilitate information exchange for better control and enforcement, data contained will be made publicly available.

To address the need to ensure that social legislation is properly applied:

- Member States shall not submit to the Commission requests for a fishing authorisation for fishing vessels that have been involved in cases of non-respect of national, EU or international social legislation. When submitting a request to the Member State, fishing enterprises should be able to demonstrate that working conditions applied on-board their vessels are in line with the applicable standards and, wherever these exist, applicable collective labour agreements.

To address the need to monitor private arrangements

- Member States shall submit a fishing plan to the European Commission, containing the number and characteristics of vessels to be engaged in private arrangements in a given fishery, with information about the planned activity in the next 12 months, such as the target species, the type and duration of licence, etc.
- Where the fishing activities under a private arrangement are targeting stocks in the third country fishery that are deemed to be outside safe biological limits according to the best scientific advice available, EC should impose restrictions on the fishing activities by limiting the number of fishing authorisations to a level that ensures EU vessels do not contribute to over-exploitation of resources.
- Coherence and compliance with Control Regulation and Commission Implementing Regulation shall be ensured. In particular, in order to receive a fishing authorization, an EU fishing vessel should be equipped with an operational electronic reporting system on board. Information shall be reported on a daily basis to the relevant administration.
- All data related to the activities of Community vessels fishing outside Community waters should be up to date and accessible to interested parties, including the European Commission, coastal states, RFMOs, without prejudice to further publication to meet EU obligations in terms of public access to environmental information.
- The Commission should continue to refuse transmission of requests from a Member State as long as it has not fully complied with its reporting obligations.
- For the consistent and effective detection and prosecution of infringements, the possibility should be provided to make full use of inspection and surveillance reports drawn up by Commission inspectors, Community inspectors, inspectors of Member States and of third countries, including labour and safety inspections.

To address the coherence with IUU Regulation and Regulation on countries allowing unsustainable fishing

- No fishing authorization should be granted to a fishing vessel that has been operating under the flag of a country listed under article 33 of the IUU regulation as a non-cooperating country and/or listed under article 3 of the Regulation on countries allowing unsustainable fishing.
- No fishing authorization shall be granted for undertaken fishing activities of any kind with vessels flying the flag of countries listed under article 33 of the IUU regulation as a non-cooperating country and/or listed under article 3 of the Regulation on countries allowing unsustainable fishing.
- **No fishing authorization shall be granted for undertaken fishing activities in the waters under sovereignty or jurisdiction of a country** listed under article 33 of the IUU regulation as a non-cooperating country and/or listed under article 3 of the Regulation on countries allowing unsustainable fishing.