

OPINION

IMPROVING IMPLEMENTATION OF THE EU REGULATION TO FIGHT AGAINST ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

Status: Adopted by Executive Committee

Reference: R-08-16/WG5

Date: 24 November 2016

Illegal, unreported and unregulated (IUU) fishing represents a threat for the sustainability of fishing resources and for the actual sustainability of the fishing catching sector itself, seafood processing and trading sectors. Therefore, the fight against such practices requires the engagement of administrations, industry, NGOs, and trade unions, amongst others.

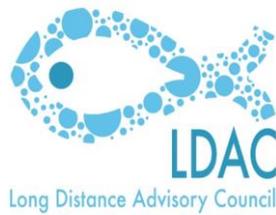
The European Union is the main global market importer of fish products, so it plays an essential role in the fight against IUU fishing. Back in 2010, the European Union started up the (EC) Regulation No. 1005/2008, whereby it established an innovative and ambitious community system to prevent, discourage and eradicate illegal, unreported and unregulated fishing, in which the LDAC considers the EU has played an important role to promote the necessary sustainability of resources and of the sector in its different phases of the supply/business chain.

After 6 years of its application, we can state that this Regulation is an important tool to combat IUU fishing, on the one hand in the EU market, through the catch certification scheme and, on the other hand, at a global level, insofar as it fosters cooperation with third countries in this field, and has laid the path that is being followed by other administrations around the world.

However, the Commission has recently acknowledged that there are certain aspects of the Regulation where there is a need to continue working on its implementation, in order to improve, harmonise and modernise the application of the Regulation¹.

In our opinion, it is very important to ensure the existence of true harmonisation in the application of the Regulation across all Member States. The LDAC considers that this aspect must be urgently promoted by the European Commission to avoid possible asymmetries in the important duties of inspection and control, which all Member States must carry out to guarantee uniform implementation of (EC) Regulation No. 1005/2008.

¹ See [Communication of 1 October 2015](#) from the Commission to the European Parliament and the Council on the application of Council Regulation (EC) NO 1005/2008 - COM/2015/480



Furthermore, the LDAC considers that the current system to fight against IUU fishing must be modernised, providing it with new tools that are essential today to foster and guarantee the effectiveness of surveillance and control systems in the fight against IUU fishing.

We are referring, in the first instance, to the catch certification scheme, which is currently conducted through paper documentation nowadays, thus hindering the real time exchange of information between Member States and a coordinated approach to control between them, with a view to prevent fish and fish products originating from IUU fishing from entering the EU market.

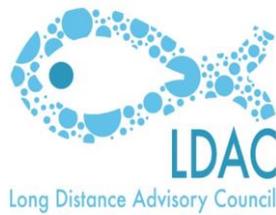
Modernising this system by introducing a centralised EU electronic database would be an important step forward. This would contribute to harmonising, standardising and improving the effectiveness of the control procedures in all the Member States, thus developing a coordinated approach and making it possible for them to be able to share information in real time. In turn this would improve the monitoring of the global use of the catch certificates.

It is furthermore necessary for the European Commission to improve harmonisation and quality of information submitted by Member States in their biennial compliance reports on the implementation of Regulation (EC) No. 1005/2008 and development of relevant monitoring, surveillance and control measures. This would ensure the availability of more coherent and uniform data, allowing the Commission to objectively measure the tasks carried out by, and the level of compliance of, each MS. Based on these reports and other relevant information, the Commission is advised to conduct routine audit missions to Member States to ensure compliance of procedures with the Regulation's requirements regarding the catch certification scheme.

The LDAC is pleased that the European Commission has committed to this cause and has started to work in this direction. We urge it to consider the establishment of this database as a priority and also to bear in mind the need to incorporate harmonised and robust risk analysis criteria to direct MS verifications towards those catch certificates that might present a high risk of linkages to IUU fishing. In establishing these risk criteria and the database itself, the Commission is advised to take into account the recommendations on risk criteria and modernisation of the catch certification scheme set out in two papers² issued by some members of the LDAC.

Establishing a minimum verification percentage of imports into the EU would also contribute to the more effective and harmonised implementation of import controls. It could be based on the risk analysis methodology, depending on certain variables such as the country of origin, the track record of the operator, etc.

² <http://www.iuuwatch.eu/wp-content/uploads/2016/07/Modernisation-FINAL.pdf> and <http://www.iuuwatch.eu/wp-content/uploads/2016/07/Risk-Assessment-FINAL.pdf>



It is necessary for the Commission to issue guidance on procedures for verifying compliance of imports with Regulation (EC) No. 1005/2008 and the circumstances in which consignments should be refused entry to the EU. This guidance should also cover risk analysis and the routine checks to be carried out when catch certificates are received by Member States.

The LDAC considers that these additional monitoring, control and surveillance (MCS) tools must be available as soon as possible, it therefore urges the European Commission to speed up the work that has been ongoing for some time now, with a view to these tools becoming available in the first half of 2017.

Cooperation with third countries is another key aspect of this Regulation. The LDAC advises the Commission to improve the availability of public information through adequate channels, to ensure proper transparency in terms of the information available about the criteria that are taken into account to apply or withdraw the cards in each particular case, linked to third countries.

In short, the LDAC requests the European Commission to develop the following specific measures in order to guarantee the harmonised, uniform and effective application of the IUU Regulation:

- 1. Foster and guarantee uniform implementation, in all Member States, of the (EC) Regulation no. 1005/2008, which establishes a Community system to prevent, discourage and eradicate illegal, unreported and unregulated fishing.**
- 2. Establish a centralised electronic database at Community level for the catch certification scheme, incorporating risk analysis criteria to verify those catch certificates with high risk; Establish a minimum import verification percentage, using variables such as risk analysis depending on the country of origin or track record of the operator, amongst others; and for the relevant MCS tools and related guidance on import controls to be available during the first half of 2017.**
- 3. Ensure improved and harmonised reporting of activities by Member States in their biennial compliance reports under the Regulation, and undertake audit missions to Member States to assess compliance of their procedures with the Regulation's requirements regarding the catch certification scheme.**
- 4. Improve the availability of public information through the adequate channels, to ensure proper transparency in terms of the criteria that are followed to apply or withdraw cards to third countries under the Regulation.**

-END-