

DRAFT LDAC advice to the European Commission on the requirement for IMO numbers for vessels importing seafood products into the EU

TO BE CONSIDERED BY THE LDAC

A consistent means of identifying fishing vessels, through the carrying of Unique Vessel Identifiers (UVI), is a key tool in preventing and combatting illegal, unreported and unregulated (IUU) fishing. A UVI is a permanent number that stays with a vessel from construction through to disposal, regardless of the vessel's flag or where it operates. This is essential for the effective and reliable monitoring of a vessel's activity and for the tracking of compliance throughout a vessel's lifespan. Other forms of vessel identification, such as a vessel's name, flag or call sign, can be quickly and easily changed, allowing vessels to disguise their identity when engaged in IUU fishing activities.

The International Maritime Organization (IMO) Ship Identification Number Scheme is widely recognised as the best available UVI for the global fishing fleet. To date, 11 of the major Regional Fisheries Management Organisations (RFMOs) have mandated that vessels above a certain size or tonnage wishing to fish within their jurisdictions obtain and report IMO numbers. An overview of requirements implemented by the major RFMOs is provided in Annex I.

These RFMO measures represent a major step towards an international standard. This is further supported by progress at the international level on the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels and the acceptance of IMO numbers as the UVI for this purpose.¹

An IMO number requirement has also been introduced for the EU fishing fleet. Since January 2016, IMO numbers have been required for all EU vessels of more than 24 metres in length overall (LOA) (or 100 gross tonnage (GT) and above) fishing in EU waters, and for all EU vessels of more than 15 metres LOA fishing outside of European waters.²

IMO numbers are not, however, currently a requirement for non-EU vessels to import their catches into the EU under the catch certification scheme established by EU IUU Regulation.³ This hinders the ability of EU member states to assess compliance of a vessel's activities with applicable rules, to determine the legal origin

¹ The 31st session of the United Nations Food and Agriculture Organization (FAO) Committee on Fisheries (COFI) agreed that the IMO number should be used as the UVI for Phase I of the Global Record - Report of the 31st Session of FAO COFI (Rome, 9-13 June 2014).

² Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy.

³ Council Regulation (EC) No. 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

of fisheries imports, and therefore to ensure the robust implementation of the EU IUU Regulation catch certification scheme.

This also means that uneven standards are applied to EU and non-EU vessels catching seafood for import to the EU, which is contrary to one of the key objectives of the reformed Common Fisheries Policy, namely to ensure a level playing field for all fishery and aquaculture products marketed in the EU regardless of their origin, as well as for EU operators vis-à-vis third country operators⁴.

The inclusion of an IMO number on catch certificates for imports of fisheries products under the EU IUU Regulation would: (i) assist member states in checking and verifying the legality of fisheries imports into the EU; (ii) ensure that all vessels supplying fisheries products to the EU market are subject to the same requirements, thereby creating a level playing field for operators; and (iii) drive compliance globally with RFMO measures that mandate IMO numbers for vessels fishing within their Convention areas.

Obtaining an IMO number is free for fishing vessels eligible to enter the scheme,⁵ therefore it would entail limited additional burden for vessels wishing to import their catches into the EU. Moreover, assistance in the form of capacity building could be provided by the EU to developing countries within the framework of Sustainable Fisheries Partnership Agreements (SFPAs), RFMOs, EuropeAid or the dialogue with third countries under the EU IUU Regulation.

The LDAC further considers that such a measure should not be incompatible with World Trade Organization (WTO) rules, provided that it is implemented in a transparent manner and with due notice, as it could be justified under the exceptions set out in Article XX of the General Agreement on Tariffs and Trade (GATT) and the legitimate objectives set out in Article 2 of the Agreement on Technical Barriers to Trade (TBT Agreement).

In view of the above, the LDAC urges the European Commission to adopt the necessary measures in order to harmonise the EU IMO requirement for seafood products that are imported into the EU.

The requirement should apply to:

- **vessels of 15 metres LOA and above, fishing outside of waters under the national jurisdiction of the flag State, provided they are eligible under the IMO Ship Identification Number scheme⁶.**

⁴ Article 2(5)(g), Article 28(2)(d) and paragraph 57 of the Recitals to Regulation (EU) No 1380 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.

⁵ In August 2016, through the IMO [Circular Letter No. 1886/Rev 6](#), the IMO scheme was further expanded to cover all motorized inboard fishing vessels of less than 100 GT down to a size limit of 12 metres LOA that are authorized to operate outside of waters under national jurisdiction. In addition, non-steel hull vessels—such as those made from wood or fiberglass—are now eligible if they weigh at least 100 GT.

⁶ *Íbid.*

- vessels of 24 metres LOA (or 100 GT) and above, fishing exclusively within the waters of the flag State.

The LDAC considers that this measure could be introduced into EU legislation through an amendment to the implementing act to the EU IUU Regulation,⁷ which states that catch certificates accompanying products for import to the EU must show the vessel's IMO number if applicable as per paragraph above.

⁷ Commission Regulation (EC) No. 1010/2009 laying down detailed rules for the implementation of Council Regulation (EC) No. 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

Annex I

IMO number requirements adopted by the major RFMOs

RFMO	Resolution	Scope of IMO number requirement	Implementation deadline
CCAMLR	Resolution 10-02 (2013)	All fishing vessels	November 2013
CCSBT	Resolution on a CCSBT Record of Vessels Authorised to fish for Southern Bluefin Tuna	All fishing vessels (if available)	1 January 2017
GFCM	GFCM/33/2009/6*	All fishing vessels > 15 m in length	*See note
IATTC	Resolution C-14-01	All fishing vessels >100 GT/GRT	1 January 2016
ICCAT	Recommendation 13-13	All fishing vessels >20 m in length	1 January 2016
IOTC	Resolution 15/05	All fishing vessels >24 m in length	1 January 2016
NAFO	NAFO/FC.Doc.14/09	All eligible fishing vessels	1 January 2016
NEAFC	Resolution A.1078(28)	All eligible fishing vessels	1 January 2017
SEAFO	SEAFO System (Art. 4.1, 4.2)	All fishing vessels >100 GT	December 2016
SPRFMO	CMM 2.05	All fishing vessels >100 GT/GRT	1 January 2016
WCPFC	Resolution 2013-10	All fishing vessels >100 GT/GRT	1 January 2016

*As amended at the fortieth session of the Commission in June 2016. The Compendium of GFCM Decisions is currently being revised to include decisions emanating from the fortieth session of the Commission and will be published here once available: <http://www.fao.org/gfcm/decisions/en/>.

Abbreviations:

CCAMLR - Commission for the Conservation of Antarctic Marine Living Resources

CCSBT - Commission for the Conservation of Southern Bluefin Tuna

GFCM - General Fisheries Commission for the Mediterranean

IATTC - Inter-American Tropical Tuna Commission

ICCAT - International Commission for the Conservation of Atlantic Tunas

IOTC - Indian Ocean Tuna Commission

NAFO – Northwest Atlantic Fisheries Organization

NEAFC – North East Atlantic Fisheries Commission

SEAFO - South East Atlantic Fisheries Organisation

SPRFMO - South Pacific Regional Fisheries Management Organisation

WCPFC - Western and Central Pacific Fisheries Commission