



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

Director-General

Brussels,  
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Mr Antonio Cabral  
President  
Long Distance Advisory Council  
C/del Doctor Fleming 7 / 2° derecha  
28036 Madrid  
SPAIN

**Subject: LDAC recommendation for a resolution establishing a code of conduct regarding the procedure for inclusion of a fishing vessel in the provisional IUU lists of RFO's**

*Yr reference:* R-02-14/WG1

Dear Mr Cabral,

Thank you for your recent letter, in which you have asked for our reaction on the LDAC recommendation to establish a code of conduct regarding the procedure of inclusion of a fishing vessel in the provisional IUU list of RFMOs.

We understand your concerns regarding the RFMO listing procedures, in particular in view of the practical experience some EU vessels have been facing. I am sure that you also understand that the IUU listing processes in RFMOs remain as effective as possible.

The provisional IUU listing provides transparency and gives the opportunity and the right to flag state and the operator to demonstrate whether the IUU allegations are unfounded or/and effective measures have been taken against the IUU activity. If such elements are presented by the flag State RFMO procedures foresee the removal of the vessels from these lists. Hence, only the definitive IUU lists are a last resort.

Coming back to your proposal, there is probably scope for refining and clarifying the current rules for provisional IUU listing in RFMOs. However, re-opening existing measures risks also watering down current RFMO listing procedures and could easily turn into restricted possibilities for RFMOs to include vessels in their draft IUU lists and consequently on the definitive IUU lists whilst we should try to facilitate the inclusion of fishing vessels in the lists. Already now, the number of fishing vessels appearing on the RFMO IUU vessel lists is relatively low (at around 70/90 depending on the years) compared to the estimated value of IUU fishing activities.

It might indeed be interesting to complement RFMO listing procedures by a kind of “code of conduct”, preferably in form of best practice guidelines that would be based on the principles of presumption of innocence, right of defence, confidentiality or the need to have real elements of proof when qualifying an operation as IUU. To be useful and to make such guidelines recognised by RFMOs, their Contracting Parties and third States they would have to be developed by an international body, such as the FAO Committee of Fisheries. This is not an easy and quick process.

We would be happy to continue discussions on this subject. If you have any further questions, you can contact Ms Evangelia Georgitsi, coordinator of the Advisory Councils ([evangelia.georgitsi@ec.europa.eu](mailto:evangelia.georgitsi@ec.europa.eu); +32.2.295.04.43).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lowri Evans', with a stylized, flowing script.

Lowri Evans

CC: V. Veits, L. Molledo, V. Lainé, F. Wieland, E. Bianchi, E. Georgitsi (DG MARE)