



Illegal, unreported and unregulated fishing (IUU)

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*The EU and the Indo-Pacific Region.
Challenges and opportunities*



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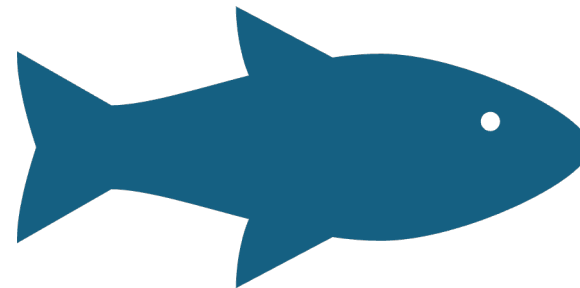


Introduction

‘IUU constitutes one of the most serious threats to the sustainable exploitation of living aquatic resources and jeopardises the very foundation of the common fisheries policy and international efforts to promote better ocean governance.’ ‘major threat to marine biodiversity’ (Reg. 1005/2008, preamble, §13)

Efforts of the international community have not succeeded in reducing the scope of IUU fishing activities.

A wider range of species is now affected in all oceans throughout the world.



Why is it important for the EU?

- Marine resources conservation= exclusive competence (Article 3(1) d) TEU)
- The EU has one of the largest fishing fleets in the world and is the third largest catching power.
- It is also the largest importer of fishery products in the world.
- Processed products account for ½ of total EU imports of fishery products.
- The high demand for processed products exposes the EU to be a potentially attractive market for IUU operators as, due to the lack of control mechanisms based on traceability, IUU catches can be easily laundered.
- EU is party to the 1995 UN Fish Stock Agreement - 2001 FAO international action plan to prevent, deter and eliminate IUU fishing.



Regulation (EC) No 1005/2008 of 29 September 2008

The EU regulation to prevent, deter and eliminate IUU. It entered into force on 1 January 2010.

- The IUU Regulation is based on two pillars:
 - 1.the **catch certification scheme**, which uses traceability to apply import controls to prevent fishery products stemming from IUU fishing entering the EU market, and
 - 2.the **bilateral cooperation** with non-EU countries, which strengthens fisheries governance in partner countries.

Scope

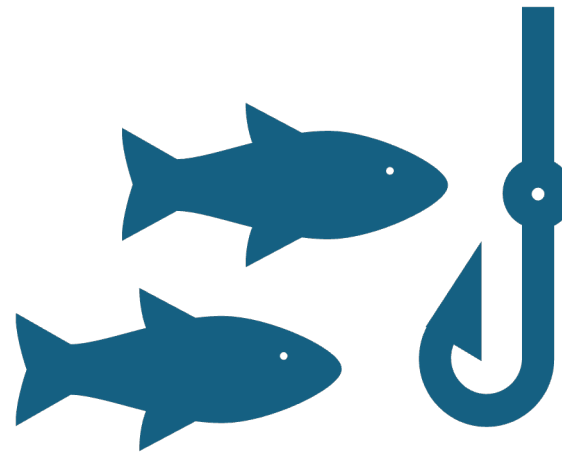
The IUU Regulation applies to all IUU fishing activities in any waters in as much they are related to the EU through trade flows, or the flag of fishing vessels, or the nationality of operators.

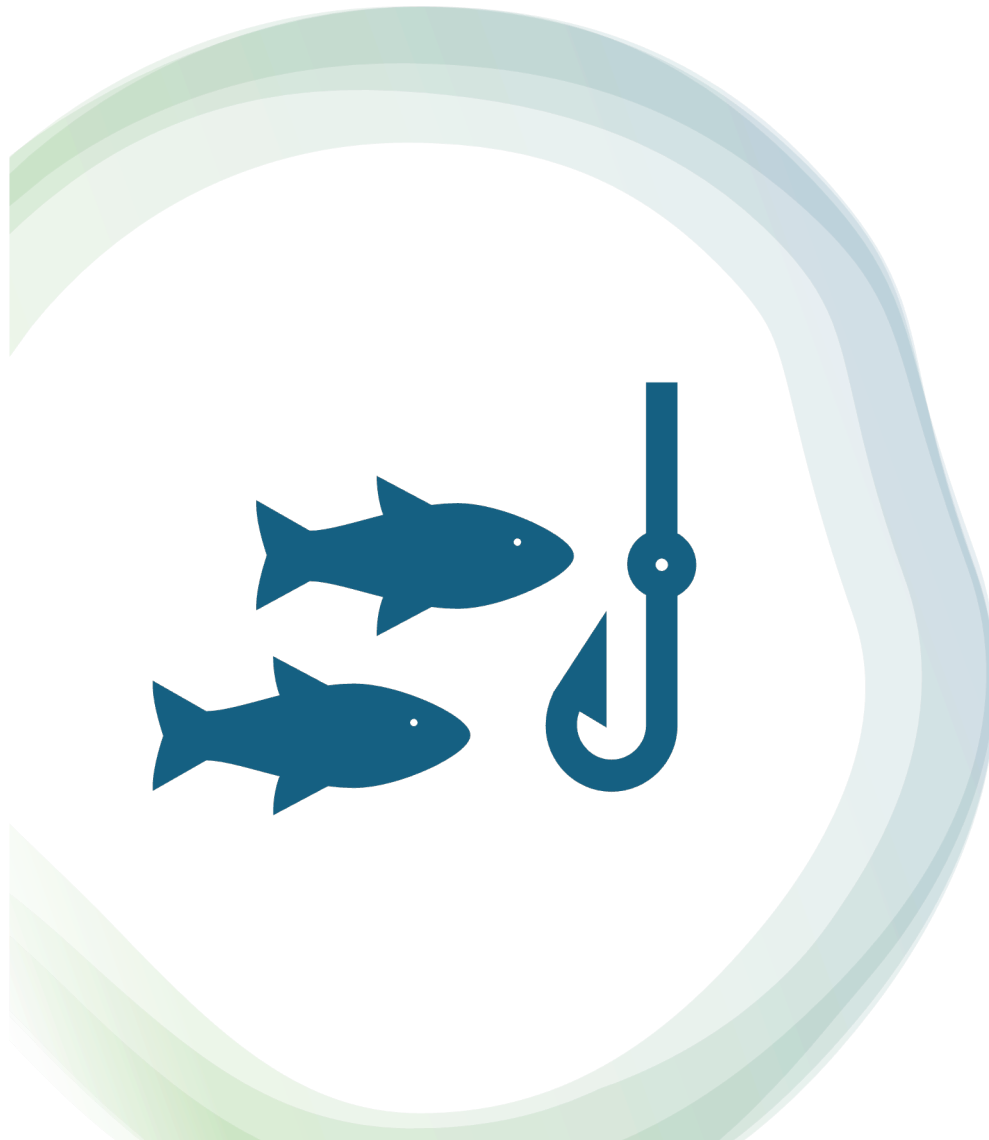


Fishing vessels engaged in IUU fishing (Article 3)

Presumption of IUU fishing activities

- fished without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State,
- not fulfilled its obligations to record and report catch or catch-related data,
- used prohibited or non-compliant fishing gear,
- falsified or concealed its markings, identity or registration,
- taken on board, transhipped or landed undersized fish in contravention of the legislation in force,





Inspections of third country fishing vessels in Member States

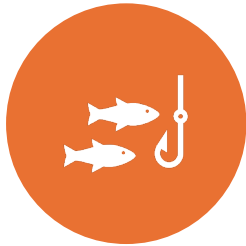
Improved framework for port State control

Access to port services, landings and transhipment by third country fishing vessels are only authorised in ports designated by EU MSt (Article 5(1)).

Notification the competent authority at least 3 working days prior to estimated time of arrival (Article 6).

No authorisation to land or tranship catch in a EU MSt port if the inspection shows evidence that the vessel has been engaged in IUU fishing activities (Article 7).

The catch certification scheme for importation and exportation of fishery products



TRADE IN FISHERY PRODUCTS OBTAINED FROM IUU FISHING IS PROHIBITED.



TO ENSURE THE EFFECTIVENESS OF THIS PROHIBITION, CONSIGNMENTS OF FISHERY PRODUCTS SHALL ONLY BE IMPORTED INTO THE EU WHEN ACCOMPANIED BY A **CATCH CERTIFICATE**. (ARTICLE 12).



CERTIFICATION THAT THE EXPORT CONSIGNMENT OF CATCHES HAVE BEEN TAKEN IN ACCORDANCE WITH APPLICABLE LAWS, REGULATIONS AND INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES . (ARTICLE 16).



THE CERTIFICATE MUST BE VALIDATED BY THE COMPETENT AUTHORITY OF THE FLAG STATE




Inspections

Inspections are carried out on at least 5% of all landings and transshipments by third country vessels each year (article 4 of Regulation 1010/2009).

Vessels are systematically be inspected in cases of suspicion or findings of non-compliance with conservation and management rule.



Community alert system



Assist competent authorities to effectively identify situations at risk, improve the efficiency of their controls and avoid unnecessary verifications.

Identification of vessels engaged in IUU fishing activities

- The fishing vessel presumed to carry out IUU activities will be listed on the **EU IUU vessel list** if the flag State fails to take appropriate measures in response to the EU's request (Commission Regulation 468/2010).
- Fishing vessels included in IUU vessel lists adopted by RFMOs shall also be included in the EU IUU vessel list.
- **Restrictive measures:** withdrawal of fishing authorisations, ban on trade of the products from the vessels with the EU, prohibition to enter into EU Member State ports.

Identification of non- cooperating third countries

Commission identifies third countries that do not cooperate fully in the fight against IUU fishing.

Prohibition for these third countries to trade any fishery products, directly or indirectly, with the EU.

The prohibition will be lifted only if the third countries can prove that the situation which warranted their identification has been corrected.

Identification of non-cooperating third countries

- A warning (**yellow card**),
- If the country is still not complying, the EC will identify the country as non-cooperating. (the so-called **red card**) and place it in the list of non-cooperating countries.
- Fisheries products from the country in question will then be banned from the EU market



Identification of non-cooperating third countries

- 27 May 2024. As a consequence of several years of deficiencies and lack of cooperation, the Commission has **pre-identified Senegal as a non-cooperating country** in the fight against IUU fishing.
- The Commission's decision is based on serious shortcomings detected over the last years in the system that the country has put in place for compliance with its international obligations as flag, port, coastal or market State.



Identification of non-cooperating third countries

- The Commission starts a formal dialogue with Senegal.
- At this stage, the decision does not yet entail any measures affecting trade.
- The 'yellow card' offers Senegal the possibility to react and take measures to rectify the situation within a reasonable time.

Commission Regulation No. 1010/2009 of 22 October 2009

- Prior notification of landings, transshipments and consignments (Articles 1, 2);
- Landing and transshipment declarations (Article 3);
- Benchmark criteria for port inspections (Articles 4, 5);
- Simplified catch certification scheme for catches obtained by small fishing vessels (Article 6);
- List of recognised catch documentation schemes in Regional Fisheries Management
- Organisations (Article 7);
- Deadlines for the submission of catch certificates (Article 8);
- Approved economic operators (Articles 9-30);
- Risk management criteria for verifications related to catch certificates (Articles 31, 32)