

CAPE

Coalition pour des Accords
de Pêche Équitables

CFFA

Coalition for Fair Fisheries
Arrangements

On December 4th 2007, the European Court of Auditors published a Special Report¹, exposing the failure by Member States to effectively control fishing activities by their fleets and demonstrating the urgent need to seriously strengthen EU control and inspection systems. The Court of Auditor's report refutes the claims that existing rules are sufficient to prevent or seriously limit IUU fishing by EU fleets, stating that "*despite recent improvements, the control, inspection and sanction mechanisms in place are not capable of ensuring that the rules on managing the fisheries resources, ... , are effectively applied.*" adding that "*If the political authorities want the CFP to achieve its objective of sustainable exploitation of the fisheries resources, the present control, inspection and sanction mechanisms must be strengthened considerably [].*"

Given these findings, Development NGOs reiterate their support for the proposed Council Regulation establishing a system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing². Development NGOs also hold that the proposal tabled by the Commission on the management of '*Authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters*' contains effective control measures and sanctions complementing those in the proposal on IUU fishing. In particular, the fact that the Commission recognises that the Community has a responsibility, as flag state, in the correct application of the fisheries agreements with third countries is to be welcomed. Therefore, NGOs fully support the proposal that fishing authorisations for vessels that have not complied with their obligations during the preceding year, or that have been listed by a RFMO as "IUU vessel", should be refused.

In its response to the Commission's consultation on IUU fishing³, ACFA stated that it considers that the effectiveness of the existing rules and controls should be assessed before introducing new legislative provisions, particularly for EU fleets. In the light of the findings and conclusions of the Court of Auditors' report, it is apparent that new and stricter measures are needed, including for EU fleets.

The Commission's proposal on IUU fishing already outlines some solutions and the review and revision of the Control Regulation in 2008 will provide the opportunity to adopt further

¹ *Special Report No 7/2007*

² In 2008, the Commission will also proceed to the much needed review and revision of the Control Regulation.

³ *ACFA OPINION ON A NEW STRATEGY ENVISAGED BY THE COMMISSION FOR THE FIGHT AGAINST ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING ACFA – EP(07)38 Final - Brussels, 30 March 2007*

corrective action.

Following the Court of Auditor's report, Development NGOs expect appropriate proposals made by the Commission to be supported by Member States and the EU fishing industry so that the current situation may be speedily remedied.

Failure to do so will raise questions about discrimination if the EU then applies repressive measures, including restrictive trade measures against other States, their vessels and companies, and rightly so.

In its preliminary comments on the Commission proposal on IUU fishing, CFFA deplored the absence of any proposals for concrete measures to ensure that developing countries have the capacity to comply with proposed EU measures, whether they relate to control of fishing activities in their waters, and/or the certification of fisheries products caught in their waters or processed on their territory and destined for the EU market.

CFFA understands that the Commission is currently drawing up an analysis of the profile of all its partner countries with the objective of identifying, among others, their control capacity and needs as well as preparing a guide to explain the new responsibilities the proposed IUU measures would impose. The Commission may also propose to organise training programmes at regional level as well as accompanying measures and cooperation arrangements for the implementation of such measures.

Development NGOs are not aware of any consultation process on these matters and call on the Commission to ensure the participation of all stakeholders, especially in partner countries and in particular artisanal fishermen and fishing communities who are the main victims of IUU fishing and are also best placed to identify needs and solutions adapted to the context in which they operate.