

CFFA

Coalition for
Fair Fisheries Arrangements

CAPE

Coalition pour des
Accords de Pêche Équitables

*Proposal by the European Commission for measures to
combat Illegal, Unreported and Unregulated (IUU) fishing*

CFFA Preliminary Comments

17 October 2007

CFFA welcomes the comprehensive package of measures proposed by the European Commission to combat IUU fishing. The proposal foresees actions to be taken by or against flag States, port States and market States as well as actors in the fishing sector all along the chain of custody and will go a long way toward curtailing IUU fishing, both within and outside EU waters, both by EU-flagged and/or owned fleets as well as foreign fleets. However, although the proposal acknowledges the need to help developing countries to fight IUU fishing, it fails to propose concrete measures to that effect. Without such concrete support, the measures proposed, such as the trade related measures, will constitute new trade barriers for legally-caught fish from developing countries, especially those fish products from the artisanal fishing sector.

IUU fishing has received a great deal of attention around the world in recent years, both in the media and in international fora and has been identified as an important contributor to the depletion of fish stocks worldwide. In June 2001, the FAO adopted an International Plan of Action to Prevent, Deter and Eliminate IUU Fishing.

The EU has repeatedly declared its commitment to fight IUU fishing. In June 2002, the Council of Fisheries Ministers adopted a Community Plan of Action and urged “the Commission to put into force the initiatives foreseen by the Community action plan on illegal fishing which fall within Community competence”. Now EU Fisheries Ministers have the opportunity to put their words into action.

Although the EU did support the adoption of certain measures by Regional Fisheries Management Organisations (RFMOS), this is indeed the first time that legally-binding measures to seriously curtail IUU fishing activities in the form of a Council Regulation may be adopted by the EU Fisheries Ministers.

Main aspects of interest for ACP¹ countries

Certain aspects of the proposal are of particular importance in the context of EU-developing countries fisheries relations, particularly the relations with ACP countries:

1. The scope of the package

The package of measures covers all IUU fishing-related activities in EU waters and territories, as well as on the high seas *and in third country waters, regardless of whether they are conducted by EU flagged or foreign vessels.*²

Some have insisted that the EU should first focus on IUU fishing by foreign flagged vessels, arguing that EU fishing activities were already the object of control. The extremely serious cases of IUU fishing by EU fleets in the Baltic cod fishery, in the Mediterranean bluefin tuna fishery; the lack of regular reporting in the case of fishing activities in third country waters³, clearly demonstrate that the proposed measures need to apply to EU fleets as well as foreign fleets in a non-discriminatory way.

CFFA feels that if the EU is to be a credible actor in the fight against IUU fishing, it must apply the same measures to vessels flying the flag of its Member States as to foreign flagged vessels, especially considering the trade-related measures proposed.

2. Measures to improve traceability of fish products and close the EU market to IUU fish

CFFA is of the opinion that the catch certification mechanisms and requirements proposed by the Commission will considerably improve the traceability of fish products and should enable the European Commission, the Member States and the various actors of the fishing industry to prevent IUU-caught fish from entering the EU market. The latter will be subject to sanctions if they take part in IUU fishing-related activities or allow them to occur.

According to the proposal, the success of these measures will largely depend on the cooperation of flag States within and outside the EU as well as on their capacity to fulfill the requirements. CFFA proposes that coastal third countries, particularly developing countries, should be supported and encouraged to provide information to improve the quality of data used for certification mechanisms.

CFFA deplores the lack of concrete proposals on the part of the European Commission on how the EU should help developing States to meet these new requirements.

At the last meeting of the FAO Committee on Fisheries, in March 2007, representatives from ACP artisanal fishing organizations called on FAO and its members, including the EU, to look at how traceability can be applied to fish products originating from small-scale fisheries

¹ African, Caribbean and Pacific countries

²Article 1.3. *The system shall apply to all IUU fishing activities and to all associated activities carried out within the territory or within the maritime waters subject to the sovereignty or jurisdiction of the Member States. It shall also apply to IUU fishing activities carried out on the high seas or in the waters under the jurisdiction of a third country.*

³ See compliance scoreboard 2006: about Catch reporting: the submission of quarterly reports continued to be unsatisfactory in terms of overall response, in particular for reports regarding catching beyond EU waters. http://ec.europa.eu/fisheries/cfp/control_enforcement/scoreboard_en.htm

when fish is collected from several vessels. They proposed FAO to develop a model based on pilot projects that directly involve fishworkers, towards establishing traceability of fishery products appropriate for the sector.

The problems of governance, the fight against corruption and the establishment of the necessary legal and administrative framework should also be addressed in the political dialogue existing between the EU and most developing countries.

Without such concrete actions, trade-related measures as proposed will definitely constitute new trade barriers for legally-caught fish from developing countries, especially those fish products from the artisanal fishing sector.

3. Stricter Port Control and the prohibition of transshipment at Sea

CFFA welcomes the proposed measures to improve control in EU ports. CFFA and its partners have highlighted in numerous occasions the consequences of lax control in certain EU ports, such as Las Palmas de Gran Canaria, through which a big share of the fish caught in the waters of West African countries transit before entering the EU market and which harbours many fishing and transport vessels which have been observed engaging in IUU fishing activities.

Prohibiting transshipments at sea will close a big loophole in the traceability of fish products and will reduce the possibility to launder IUU fish by mixing it with legally-caught fish.

4. Black lists of IUU vessels and non-cooperating States

The publication of lists of vessels and companies engaged in IUU fishing as well as of countries which do not take action against IUU vessels and companies constitutes a powerful tool. The European Commission proposes non-discriminatory and transparent mechanisms leading to the establishment of such lists. This is indispensable considering the sanctions which listed vessels, companies and countries face.

Once more, CFFA would like here to remind the European Commission and the Member States that such measures must absolutely be accompanied by adequate support programmes for developing countries.

5. Sanctions

A wide variety of sanctions are provided for in the proposal which correspond to the various steps on IUU fishing related activities. CFFA feels that this will achieve one of the stated objectives of many nations and international fora: to deprive people and companies involved in IUU fishing from the benefit of their activities and act as an effective deterrent.

For more information:
CFFA Secretariat
Phone: 0032 2 652 52 01
Email: cffa.cape@scarlet.be
