

CFP Reform 2002

ANALYSIS OF EU FISHERIES POLICY REFORM PROPOSALS AND COMMUNICATIONS



IEEP LONDON

Briefing No.5
29 May 2002

ACTION PLAN ON ILLEGAL, UNREPORTED AND UNREGULATED FISHING (COM(2002)180)

Introduction

The European Community has signed up to the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing – known in short as ‘IPOA IUU’. The plan is voluntary and was adopted within the framework of the FAO Code of Conduct for Responsible Fisheries. It was endorsed by the FAO Council in June 2001.

Under the plan, States are to develop and implement, as soon as possible but not later than 2004, national plans of action to further achieve the objectives of the IPOA. National plans should also include, as appropriate, actions to implement initiatives adopted by relevant regional fisheries management organizations to prevent, deter and eliminate IUU fishing. IPOA IUU includes measures relating to flag States, coastal States and port States. It also encourages the use of internationally agreed market-related measures, research and regional fisheries management organizations.

The new EU Action Plan, forwarded as part of the 2002 Common Fisheries Policy reforms, is intended to set out necessary measures for the EU to comply with the IPOA-IUU.

What is IUU fishing?

Addressing the issue of illegal, unreported and unregulated (IUU) fishing has assumed growing importance in recent years. IUU fishing is blamed for overexploitation of several high value fish stocks. In extreme cases, it can lead to the collapse of a fishery or seriously affect efforts to rebuild fish stocks that have been depleted. According to FAO, in some important fisheries, IUU fishing now accounts for up to 30 percent of total catches. And contrary to popular perception, the problem is not confined to the high seas but is found both within and outside the exclusive economic zone (200 miles from the coast).

IUU fishing covers a wide range of activities, as follows.

- Illegal fishing – where vessels are operating in contravention of the laws governing the fisheries concerned. This applies equally to fisheries under national jurisdiction as it does to high seas fisheries governed by relevant

IEEP
BRIEFING



regional fisheries management organization or international law.

- Unreported fishing – involves activities that have not been reported, or have been misreported, to the relevant national authority, in contravention of national and international laws and regulations.
- Unregulated fishing – generally refers to fishing activities that are conducted by vessels without nationality, or vessels flying the flag of a State not party to the organization governing the particular fishing region. Vessels may also be fishing in a manner that is not consistent with or contravenes the conservation and management measures of the regional organization. Unregulated fishing can also relate to fishing in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

Fishing vessels flying "flags of convenience" are of particular concern. These vessels are essentially allowed to operate under a national flag without that state controlling the fishing activities.

Community Action Plan to eradicate IUU

The Community action plan identifies 15 new measures or initiatives to be undertaken by the Community itself, or to be pursued through regional fisheries organisations and/or international organisations in order to implement the IPOA-IUU. The following key actions are promised, although without specifying a timeframe for delivery:

At Community level

- Controlling nationals – ensuring Member States take control over their nationals, discouraging them from flagging vessels under the jurisdiction of a state that is failing to meet its flag State responsibilities, and from committing infringements;
- Trade measures to implement international rules - adopting rules banning the trade in fishery products taken in breach of international fisheries agreements, and making business in IUU derived products illegal;
- Information and awareness raising – the public, consumers and the industry are to be alerted to the issue of IUU fishing and the EU action plan, based on a combination of printed, audiovisual and electronic media exercises;

Within regional fisheries organisations (RFOs)

- RFO plans for control and inspection - Initiate conservation and management measures to limit unregulated fishing, with priority to be placed on areas where Community rules are stricter;



- Regulation fishing activities - work towards establishing objective and transparent criteria for identifying IUU fishing activities, while supporting action of RFOs to invite flag States to take action against IUU fishing, and to exchange information on IUU vessels;
- Identifying and monitoring IUU vessels - call upon RFOs to adopt action plans, with a priority to be given for high value fish;
- Identifying and quantifying IUU catches - encourage RFOs to develop data collection procedures, covering quantities taken illegally and identifying the origin of these catches;
- Certification and documentation - encourage the reform of certification/documentation schemes and the preparation of a prototype document for discussion in the FAO;

At the international level

- Improved information – transmitting information on the Community fleet to the FAO;
- Strengthening international cooperation – participation in the network of monitoring agencies proposed by Chile and the USA;
- Defining ‘substantial link’ – a Community initiative will aim to convene an international conference to negotiate an international agreement to determine the existence of a substantial link between a flag State and a vessel flying that flag;
- Defining port State rights and responsibilities – to convene an international conference to negotiate an agreement defining the rights and responsibilities of port States concerning access by fishing vessels to port facilities; and

In partnership with developing countries

- Assistance to control unlawful fishing – technical and financial assistance for monitoring, control and surveillance activities, to be put in place in partnership with developing countries.

Conclusions

The Action Plan has obviously to be read in conjunction with proposed measures to improve control and enforcement in relation to EU fishing vessels. Together, these measures could have a significant impact on IUU fishing in EU waters, high seas and third countries waters.

It should be borne in mind, however, that much additional work will be needed even to get to the stage of agreeing on legislative proposals. The action plan itself does not include a timetable for completing work, but the current state of marine resources, and the growing incidence of IUU fishing, calls for rather urgent action.