

The EU IUU Regulation

Building on success

EU progress in the global fight against illegal fishing





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Illegal, unreported and unregulated (IUU)¹ fishing is a major threat to livelihoods, food security and ocean health globally. As the world's largest import market for fish products, the European Union plays a pivotal role in reforming the global trade in fisheries products. This analysis charts the progress of the EU's efforts to shut out illegal catch and end IUU fishing.

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Introduction

IUU fishing is one of the main impediments to the achievement of legal and sustainable world fisheries at a time of mounting threats to marine biodiversity and food security.

IUU fishing contributes to overexploitation of fish stocks and undermines the recovery of fish populations and ecosystems. It damages the marine environment, distorts competition and puts those fishers who operate legally at a disadvantage. It also adversely affects the economic and social well-being of fishing communities, especially in developing countries³ where coastal communities may rely heavily on fish resources for food and income.

IUU fishing can occur in any fishery, from shallow coastal or inland waters to deep remote oceans. It is a particular issue in countries where fisheries management is poorly developed, or where there are limited resources to enforce regulations through key tools such as landing controls, vessel inspections and patrols at sea.

Why and how IUU occurs

The main driver for IUU fishing is economic benefit. A vessel that is fishing illegally is able to maximise profits by reducing operating costs in terms of licensing and the requirements that come with it (e.g. compliance with tax and labour laws, use of vessel monitoring systems and correct documentation). IUU fishers may ignore quota

IUU fishing encompasses:

- Infringements to rules on management and conservation of fisheries resources in national and international waters.
- Fishing activities in high-seas areas covered by a regional fisheries management organisation (RFMO)² carried out by vessels that contravene the rules of the organisation. These are vessels without nationality or registered in a country not party to the RFMO.
- Fishing activities carried out in high-seas areas not covered by an RFMO in a manner inconsistent with State responsibilities for the conservation of resources under international law.

levels, enter closed fishing areas, catch undersized fish or target high-value rare or even endangered species, and use banned fishing practices or gear. They often target areas with weak national or international controls to illegally harvest marine resources.

Key facts

The negative impact of IUU fishing

Global losses from IUU fishing are estimated to be between \$10 and \$23.5 billion per year. Between 11 and 26 million tonnes of fish are caught illegally per annum⁴.

IUU fishing represents a major **loss of revenue**, particularly to some of the poorest countries in the world where dependency on fisheries for food, livelihoods and revenues is high. For example, it is estimated to **cost West Africa \$1.3 billion a year⁶.**

In 2005 the European Union imported nearly €14 billion of fisheries products. **Conservative estimates valued IUU catches imported into the EU in the same year at 500,000 tonnes or €1.1 billion⁵.**

Estimates suggest that global IUU catches correspond to between **13% and 31% of reported fisheries production**. In some regions this figure can be as high as **40%⁴.**





The role of the European Union in ending IUU fishing

As the world's largest importer⁷ of fishery products, the European Union (EU) is a valuable destination market for IUU operators.

The EU imports many high-value products via trading partners on all continents. EU member states also lend their flags to a significant number of vessels active in distant waters that catch a large share of the fish consumed within the EU market.

Consequently, the EU's actions have a very significant impact on the global fishing trade.



The EU is the world's largest importer of seafood products, accounting for **24%** of total world trades in valueⁱ

ⁱ http://www.eumofa.eu/documents/20178/30530/The+EU+fish+market_EN.pdf

The EU imports more than 60% of its fish products, and 90% of its white fishⁱⁱ

60%
fish products

90%
white fish

Tuna, white fish and fishmeal are the most imported products deriving from wild capture

ⁱⁱ [http://www.europarl.europa.eu/RegData/etudes/etudes/Join/2013/513968/IPOLEPECH_ET\(2013\)513968_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/Join/2013/513968/IPOLEPECH_ET(2013)513968_EN.pdf)

In 2014, the EU imported over

35% & 90%

more fishery products by value than the USA and Japan, respectivelyⁱⁱⁱ

ⁱⁱⁱ Eurostat

EU imports grew by 6.5% in value during 2013–2014, reaching a total of

€20.5 billionⁱⁱⁱ

Consumption in the EU market is dominated by wild-caught fish, making up

76% of total consumptionⁱ



TOP 6

Spain, the UK, Germany, Italy, the Netherlands and France were the top 6 EU importers of wild-capture fish from external^{iv} markets in 2014^v.

^{iv} From outside the European Economic Area (EEA).
^v Eurostat. Imports subject to IUU Reg. calculated based on methodology in MRAG (2014).

In 2013, imports arrived into the EU via the following routes:

76%*



Most imports arrive via container into major ports such as:

- Rotterdam,
- Bremerhaven, and
- Algeciras^{vi}.

2%



20%



*includes both fishing and container vessels

^{vi} Eurostat and member state reports submitted under the Regulation (2010/11 and 2012/13).

The EU has one of the world's largest distant water fishing fleets, with over

15,000 vessels

registered to fish outside EU waters since 2010^{vii}.

^{vii} www.iuuwatch.eu

Estimates suggest this distant water fleet is responsible for

28% of the fish caught for human consumption by EU vessels^{viii}

^{viii} http://ec.europa.eu/fisheries/cfp/international/index_en.htm

The EU's distant water fleet

EU member states lend their flags to a large fleet of vessels that operate in distant waters, meeting the growing demand for seafood. All EU fishing vessels operating in non-EU waters need an authorisation under the Fishing Authorisation Regulation (FAR).

Until recently, the only publicly available figure on the number of EU vessels operating outside the EU was 718 vessels for the year 2007. Results of an access to information request showed that 15,264 vessels operated under the FAR to fish in non-EU waters between 2010 and 2014. They operate under various access agreements between the EU and third countries, but also via private and charter agreements directly between private EU companies or citizens and authorities or companies in coastal countries.

To date, there are no established procedures to ensure that these private arrangements comply with EU laws, nor is there any publicly available information on them. Under the current FAR, vessels or operators that fish outside official EU agreements do not have to adhere to the labour or fisheries management standards that these official agreements contain.

The rules governing the authorisations of the distant water fishing fleet are being reformed. Given this fleet's fishing capacity, it is vital that the FAR is revised to ensure transparent, accountable and sustainable fishing operations, in line with the reformed Common Fisheries Policy and the EU's IUU Regulation. See www.whofishesfar.org for NGO recommendations.



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The Regulation: EU as champion

The EU plays a leading role in the global fight against IUU fishing. To counteract this lucrative illicit trade, a Regulation⁸ entered into force in 2010 establishing an EU-wide system to prevent, deter and eliminate the import of IUU fishery products into the EU market.

The EU IUU Regulation limits access to the EU market to fishery products that carry a catch certificate which certifies compliance with fisheries laws and conservation measures, and requires the sanctioning of any EU operator engaging in illicit fisheries trade.



The IUU Regulation has three core components



1. Catch certification scheme

Only marine fisheries products validated as legal by the competent flag⁹ state can be imported to or exported from the EU.



2. Third-country carding process

The Regulation enables the EU to enter into dialogue with non-EU countries that are assessed as not combatting IUU fishing effectively. If third countries fail to put in place the required reforms in a timely manner, sanctions, including trade bans on their fisheries products, can be imposed.



3. Penalties for EU nationals

EU nationals who engage in, or support IUU fishing anywhere in the world, under any flag, face substantial penalties proportionate to the economic value of their catch, which deprive them of any profit, thereby undermining the economic driver.

In addition, the Regulation provides for the regular publication of an IUU vessel list based on lists of IUU vessels identified by RFMOs.



Catch certification scheme

The Regulation applies to all landings and transshipments of EU and third-country fishing vessels in EU ports, and all trade of marine fishery products¹⁰ to and from the EU. It aims to make sure that no illegally caught products end up on the EU market.

To achieve this, the Regulation requires flag states that export seafood to the EU to certify the origin and legality of the fish, with the use of a catch certificate. This is known as the 'catch certification scheme'.

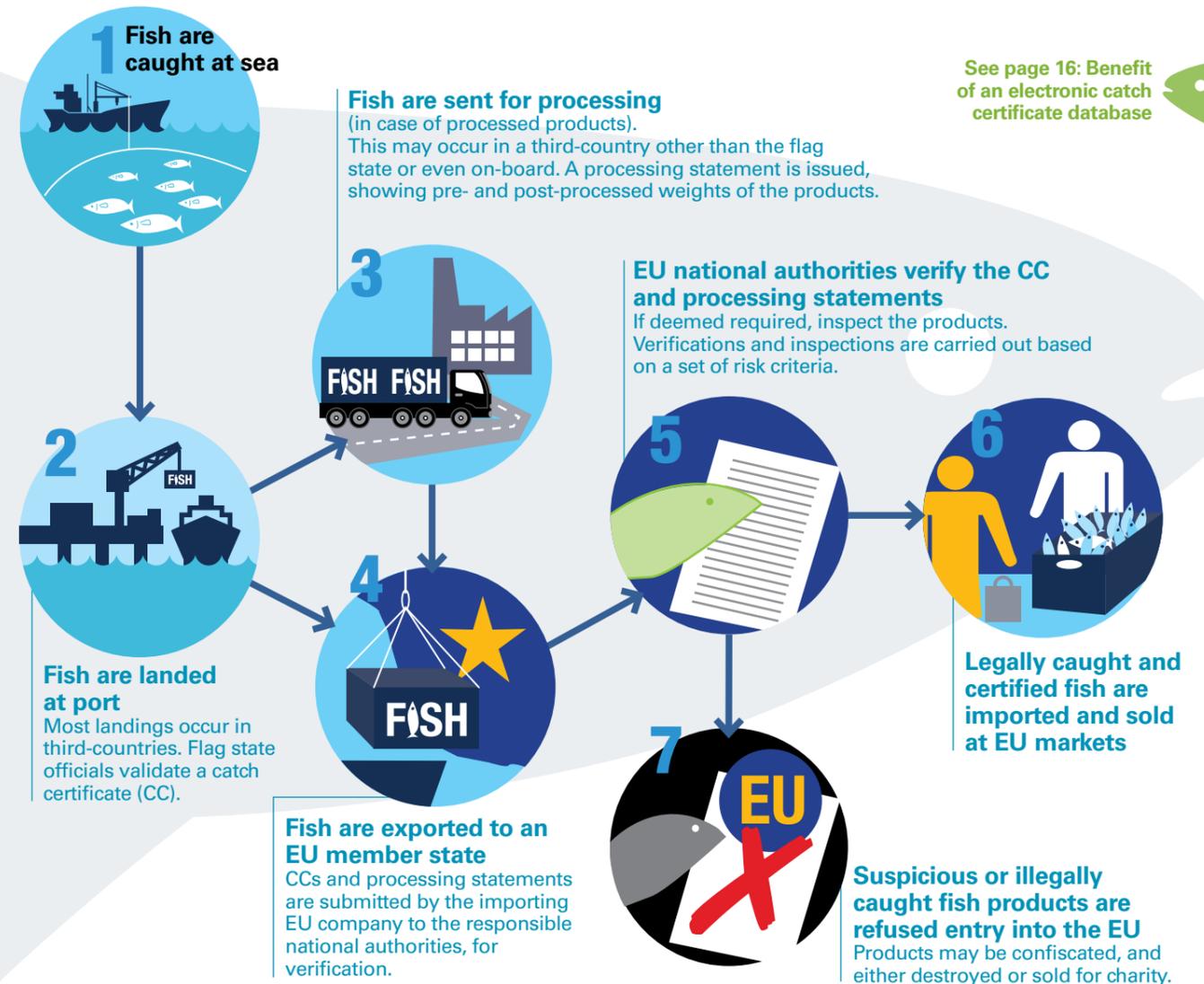
The measures aim to ensure that countries comply with their own conservation and management rules as well as with other internationally agreed rules applicable to the fishery concerned. To date, over 90 third-countries have notified the European Commission that they have the necessary legal instruments, the dedicated procedures and

the appropriate administrative structures in place for the certification of catches by vessels flying their flag.

Some of the largest importing EU member states – such as Germany, Spain and France – receive between 40,000 and 60,000 catch certificates per year, which translates to between 110 and 165 per day. Many of these certificates are paper-based, or scanned copies of paper certificates.

It is not possible for authorities to individually verify the information on each certificate. This means that an efficient, risk-based approach to the verification of catch certificates is necessary, to ensure that rigorous and stringent verifications are focused on those imports that are most at risk of being a product of IUU fishing activities. This may include species of high commercial value, or consignments originating from vessels, regions or companies with known IUU fishing histories.

See page 16: Benefit of an electronic catch certificate database





Third-country carding process

The second key component of the Regulation requires that countries which export fish to the EU, or who lend their flags to vessels that are involved in the EU supply chain, must cooperate in the fight against IUU fishing. Countries identified as having inadequate measures in place to ensure catch is legal may be issued with a formal warning (yellow card) to improve. If they fail to do so, they face having their fish banned from the EU market (red card). On making required improvements, they are delisted (green card).



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Under the Regulation, the European Commission (the Commission) conducts rigorous fact-finding to evaluate the compliance of third countries with their duties as flag, coastal, port or market states under international law¹¹. The Commission enters into dialogue with third-country authorities to assess the systems in place to combat IUU fishing according to the following categories:

1. The compliance of a third-country's legal framework with international fisheries management and conservation requirements¹², for example, the registration of vessels, systems for monitoring, inspection and enforcement, and effective sanctions.
2. The ratification of international instruments and participation in regional and multilateral cooperation, including membership of RFMOs and compliance with RFMO conservation and management measures (e.g. with regard to reporting, observers, and lists of authorised vessels).
3. The implementation of appropriate fisheries and conservation measures, allocation of adequate resources, and establishment of systems necessary to ensure control, inspection and enforcement of fishing activities both within and beyond sovereign waters, e.g. an accurate licensing system and updated list of authorised vessels.

The Commission also takes into account the specific constraints of developing countries and existing capacity of their competent authorities, particularly in relation to the monitoring, control and surveillance of fishing activities¹³. Indeed, the dialogue process provides a framework for the EU to provide capacity-building and technical assistance to strengthen fisheries management and control in third countries. By the end of 2015, cooperation to raise fisheries industry standards had resulted in more than 55 developing countries receiving technical assistance from the EU through its programmes¹⁴ for this purpose.

Once the review and fact-finding is complete¹⁵ a decision is taken. If the country is yellow- (or eventually red-) carded,

it will need to take a proactive role in complying with international requirements, as set out above, to be delisted.

To date, the EU has engaged with almost 50 third countries seeking improvements in measures to combat IUU fishing. The majority have undertaken key reforms recommended by the EU with no need for warnings. Twenty countries have received yellow cards to improve their fisheries management, of which nine have undertaken robust reforms and been delisted. Four countries have been identified as 'non-cooperating', and issued with a red card, which means a trade ban on their fish products entering the EU. Three of these countries – Cambodia, Guinea and Sri Lanka – remain red-carded to date (February 2016), while Belize was delisted in December 2014¹⁶.

The carding process in action



Yellow, then red, now green-carded

BELIZE was yellow-carded in 2012 for having failed to comply with international obligations to police fishing vessels flying its flag. The country's vessel registry had been privatised and EU scrutiny had identified concerns that unscrupulous operators were using Belize as a so-called flag of convenience to avoid stricter controls. Failure to take action resulted in Belize being banned from trading fish products with the EU in early 2014. The government re-nationalised the vessel registry, removed vessels with a record of IUU fishing, and instituted more rigorous policing of vessels fishing under its flag. As a result, Belize was delisted in late 2014.



2014



Yellow to green

GHANA, which exports close to €28 million worth of fishery products to the European market per year, was yellow-carded in November 2013 for failure to meet its responsibilities to prevent, fight and deter IUU activities. Following two years of cooperation with the Commission¹⁷, Ghana adopted an ambitious fisheries management plan and fleet strategy, strengthened its legal framework and introduced dissuasive sanctions. It also set up a fisheries enforcement unit and ensured improved traceability of its exports. Ghana was delisted in October 2015.



2015



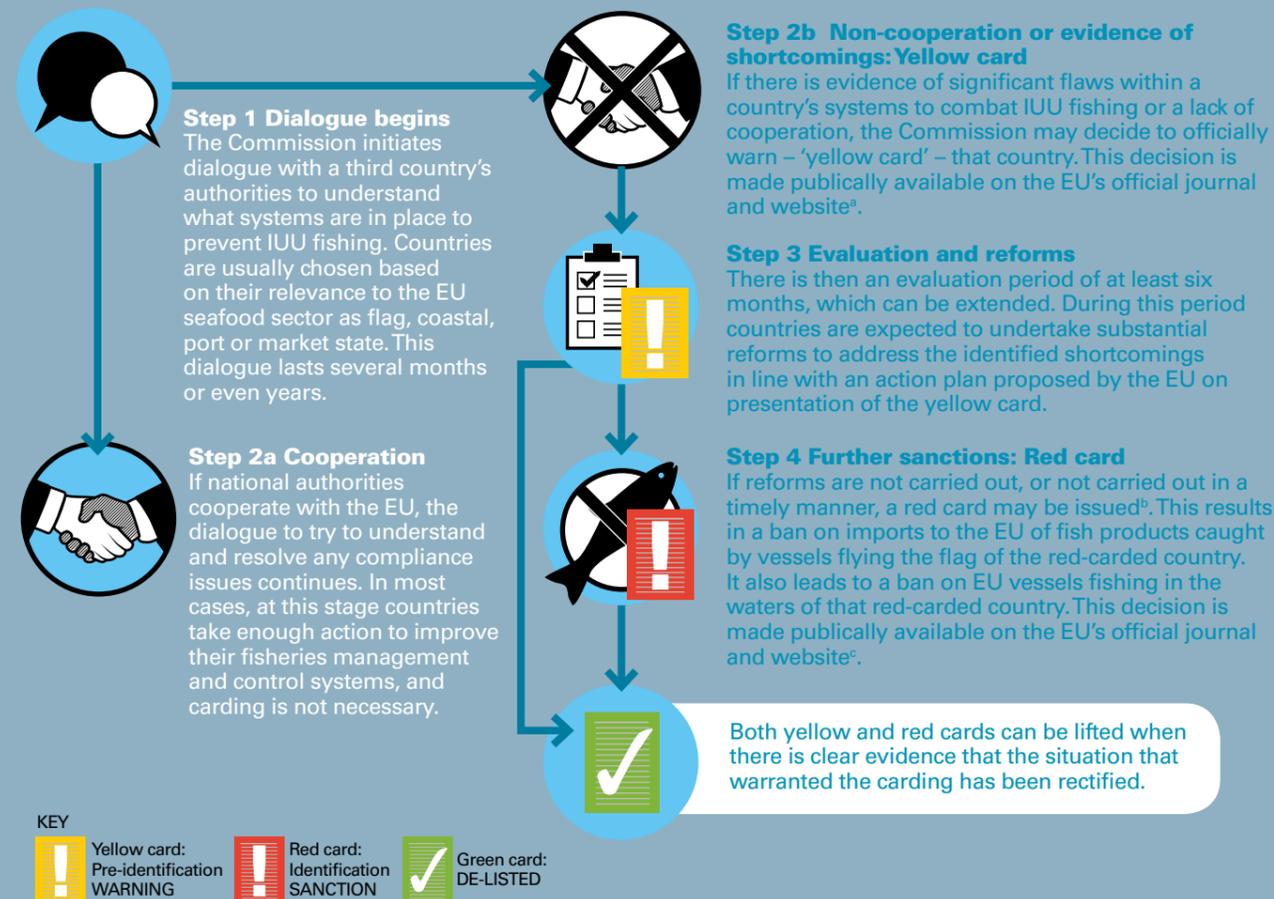
Yellow to green

SOUTH KOREA, an important trading partner in fisheries products with the EU, was issued a yellow card for failure to curb IUU fishing activity off the coast of West Africa by a number of vessels in its distant water fleet. The South Korean government closed loopholes in its systems, including: revising the legal framework governing its long-distance fleet in line with international requirements; establishing a fisheries monitoring centre that controls in near real time its fleet in all oceans; installing a vessel monitoring system on-board all South Korean-flagged distant water fishing vessels (approximately 300); improving its on-board observer programme. As a result, South Korea was delisted in April 2015.



2015

How does the carding process work?



FOOTNOTES

a. The Commission's decision to grant yellow cards, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2012.354.01.0001.01.ENG

b. Granting a red card consists of two different steps. First, the Commission identifies the country and proposes the red card, and second the Council of the EU adopts the final decision.

c. The Commission's decision to grant a red card, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.091.01.0043.01.ENG



Penalties for EU nationals and operators

The third core component of the Regulation requires member states to penalise any EU individual or EU-based entity proven to have been involved in IUU fishing and related trade, with effective, proportionate and dissuasive sanctions.

This relates to cases where:

- EU-flagged vessels have been engaged in IUU fishing directly, but also;
- non-EU flagged vessels have been traced back to EU ownership, or;
- EU nationals benefit financially from their profits.

The Regulation prohibits all EU nationals from engaging in or supporting IUU fishing activities under any flag, whether directly or indirectly, and provides for sanctions in case of violation of these provisions. In the event of serious infringements¹⁸, EU member states must impose a maximum sanction of at least five times the value of the fishery products obtained through committing the offence, and eight times the value of the fishery products in case of a repeated infringement within a five-year period.



© OCEANA. UNLOADING FISH FROM SPANISH LONGLINER.

Spain's 'Operation Sparrow'

At the end of 2014, Spain amended its fisheries law in order to embed the Regulation into its national legislation. The law now allows the government to take punitive action against Spanish nationals or companies taking part in IUU fishing operations



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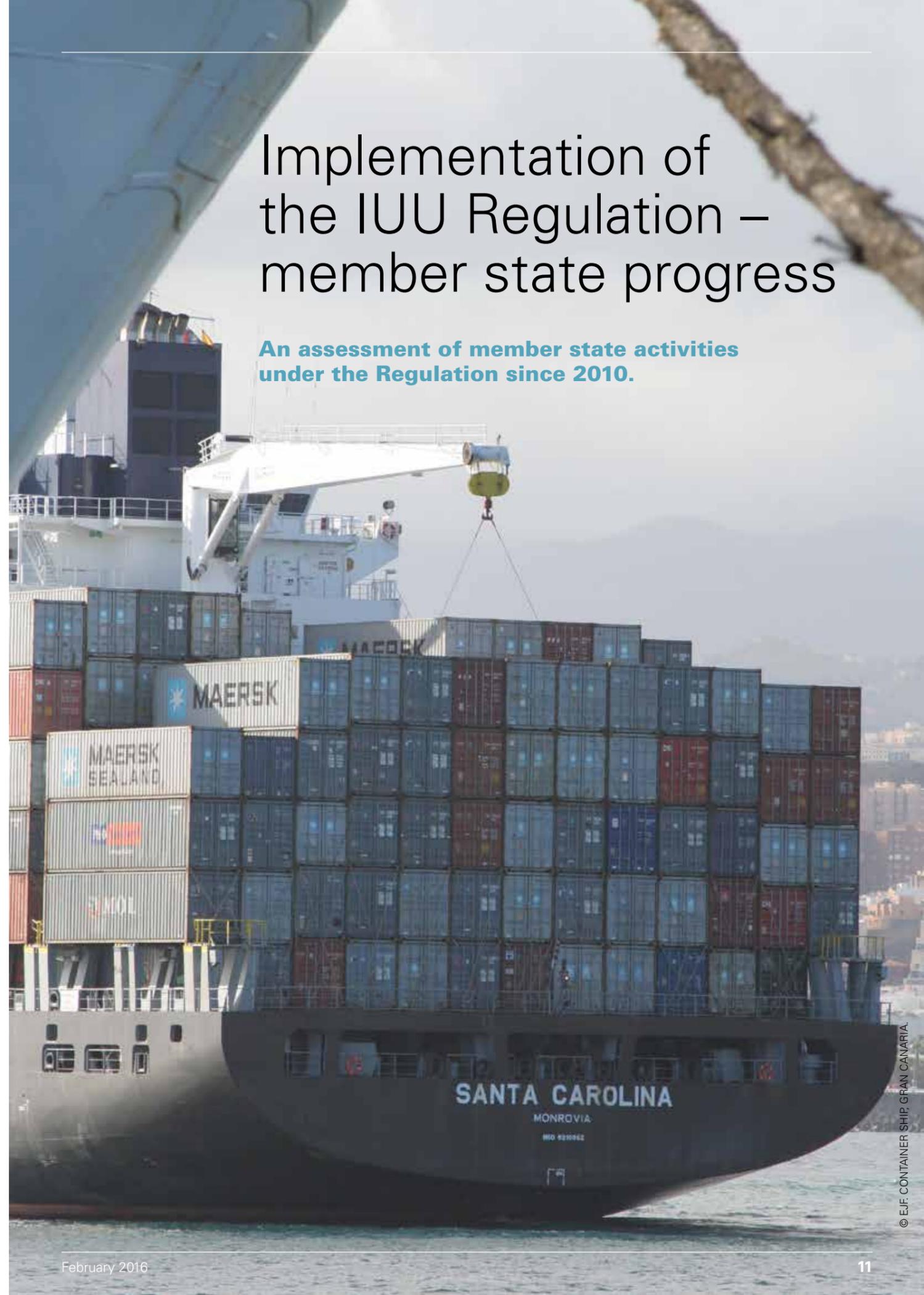
anywhere in the world — including those connected to vessels operating under 'flags of convenience' or owned by 'shell' companies in tax havens.

The new law was put into action following the detection of four vessels suspected of illegally fishing Patagonian toothfish in Antarctic waters in 2015. The ongoing Operation Sparrow is investigating Spanish fishing companies suspected of having links with this IUU fishing. Phase one of the operation involved raids on company offices, and analysis of some 3000 documents, and found clear evidence that the companies are connected to the vessels, with multiple very serious infringements of laws on IUU fishing. Spanish authorities have so far announced fines against the Spanish operators totalling almost €18 million, higher than has ever been imposed by an EU government for IUU fishing. The case demonstrates strong commitment by the Spanish government to prosecute nationals engaged in IUU fishing through effective implementation and enforcement of the Regulation.

Case study

Implementation of the IUU Regulation – member state progress

An assessment of member state activities under the Regulation since 2010.



© E.J.F. CONTAINER SHIP, GRAN CANARIA.



Mixed progress by member states

The success of the Regulation in the long term relies on the willingness and ability of all 28 member states to play their full part in policing imports of fisheries products. It is only through uniform, harmonised, risk-based implementation that illegal catch can be fully shut out, as unscrupulous operators will always seek alternative points of entry with less stringent controls.

Member states are required to report on the application of the Regulation every two years. Through an access to information request, it has been possible to conduct a preliminary appraisal of reports submitted for 2010/11¹⁹ and 2012/13²⁰.

Our analysis indicates that implementation is working well in a number of areas, with further action required in others.

4,486

requests for verification to ascertain legality of fish imports



1

REQUIREMENT: Inspections of third-country vessels landing fish in the EU

Designate ports where third-country vessels can land their fish, and inspect at least 5% of landing and transshipment operations by third-country vessels each year. Inspections to be focused on high-risk vessels, as identified through a risk analysis. Vessels that are found to have been involved in IUU fishing are to be refused permission to land their fish.

ACTION:

- 13 member states reported landing and transshipment operations by third-country vessels in their ports during the period 2010–2013.
- In 12 of these, inspections were carried out of at least 5% of total landing and transshipment operations over this period.
- Nine member states reported receiving ≥100 landings/transshipments in a given year. Eight of these reported the use of risk assessment criteria to target their port inspections.
- Countries receiving lower numbers of landing/transshipment operations by third-country vessels either target their port inspections using risk-assessment criteria, or carry out inspections of all such operations.
- Two member states reported denying access to port for third-country fishing vessels between 2010 and 2013, for reasons including documentary errors and fishing in contravention of conservation and management measures.
- Stricter port controls have resulted in fewer requests to unload fishery products in at least one member state port since the IUU Regulation came into force.



2

REQUIREMENT: Verification of catch certificates (CCs)

Verify CCs, focusing verification efforts on high-risk consignments (e.g. species of high commercial value and consignments originating from vessels, companies or regions with known IUU fishing histories). Suspicious and illegally caught fish are to be refused entry.

ACTION:

- EU member states received 1,136,704 CCs and around 100,000 processing statements between 2010 and 2013.
- 4,486 requests for verification were submitted to third-country authorities to ascertain the legality of fish imports.
- 222 consignments of fish from third countries were rejected, although the number of rejections varied widely between member states. Some allowed rejected consignments to be returned to the operator; others destroyed or confiscated the products concerned.

Much of the feedback on CCs related to challenges in standardising and streamlining procedures for verifying CCs. Standards of risk analysis and approaches to verification of CCs employed by different member states vary considerably, and some report facing difficulties in accessing the information required to effectively scrutinise these certificates.

Currently, many if not most CCs are submitted in paper form, with photocopies permitted, making the efficient cross-checking of information extremely challenging and meaning the risk of fraud cannot be excluded. The lack of a standardised procedure for verification across all EU nations means unscrupulous fishing companies may exploit weaker regimes to get their product to market.

See page 16 for benefits of an electronic catch certificate database.



3

REQUIREMENT: Legislation, including for sanctions against EU nationals

Ensure appropriate legislation is in place to effectively prevent and combat IUU fishing in EU waters, by EU vessels and involving EU nationals – including an effective sanctioning system for serious infringements.

ACTION:

- 16 member states reported having amended their national legislation (or created new laws) to allow appropriate action to be taken against nationals supporting or engaged in IUU fishing.
- 17 member states reported having adapted their levels of administrative sanctions for serious infringements in line with the Regulation requirements, or that this is in progress. Five reported that serious infringements would be addressed through criminal proceedings and related sanctions.

Overall, there remains a lack of information about the implementation of these measures; actions taken across the EU to identify nationals engaged in IUU fishing activities; penalties given, and the level of sanctions available for serious infringements. Nevertheless, Spain provides an example of how this can work effectively, with the recent application of its new fisheries law enabling it to investigate and sanction nationals involved in IUU fishing in the Operation Sparrow case²¹.

See page 10: 'Operation Sparrow'.

1,136,704

catch certificates received between 2010–2013



4

REQUIREMENT: Human and technological resources

Place sufficient means at the disposal of competent authorities to enable them to perform their duties under the Regulation.

ACTION:

- Over 400 officials across the EU are involved in implementation of the CC system, although the majority have other responsibilities not related to the Regulation.
- Some countries have allocated significant additional human resources to implement the Regulation, such as new fisheries inspectors at ports.
- Officials responsible for inspecting fisheries imports, and particularly products arriving in air cargo or by shipping container, may deal with a range of products, of which fish represents a small proportion. To address gaps in necessary expertise, some member states have provided training to those officials (e.g. port health, veterinary and customs officers) to carry out IUU-related functions such as CC verifications and inspection of consignments.
- 14 member states reported using IT tools to assist in monitoring CCs for fisheries imports. Around half of these tools integrate functions to assist in risk assessments and/or verification of information in CCs.

Additional key information from the member state reports is included in the Annex on page 19.



© OCEANA. UNLOADING TUNA.

Our analysis indicates that implementation is working well in a number of areas, with further action required in others

Inconsistency among the top six importing countries

Spain, the UK, Germany, Italy, the Netherlands and France are the six largest importers of fishery products from outside the EU Economic Area. Imports by these countries account for an estimated 73% of the total volume of EU fishery imports subject to the IUU Regulation.

The implementation of the Regulation in these states therefore has a decisive bearing on the EU's efforts to shut out illegal catch.

Our analysis of implementation reports for activities between 2010 and 2013 by these key countries highlights significant disparity in the quality and quantity of data being fed back to the Commission on actions taken, and also on the level of implementation action reported. The procedures and levels of technical and human resources in place vary widely between the six key importers, indicating that implementation is not harmonised to the degree required to achieve a united front against IUU fishing.

The top six importers face a substantial challenge in checking very large numbers of catch certificates, of which a significant proportion are from countries 'carded' by the EU for failure to combat IUU fishing. In addition, the arrival of large volumes of fishery products in shipping container and in processed form presents further challenges for authorities charged with physically inspecting products and verifying legal origin.

These factors can be addressed through harmonised and modernised systems for assessing risk.

Additional key information from the member state reports is included in the Annex on page 19.

FOOTNOTES

ⁱ Eurostat (annual average since 2010). Imports subject to EU IUU Regulation calculated based on methodology set out in MRAG (2014): http://ec.europa.eu/fisheries/documentation/studies/iuu-regulation-application/doc/final-report_en.pdf

ⁱⁱ Eurostat and member state reports submitted under the Regulation.

ⁱⁱⁱ Flag states of origin of fisheries imports, based on number of CCs received (member state reports). Excludes EEA member countries.

^{iv} Includes countries that had received a card (warning) from the Commission, or were subsequently issued with a card due to insufficient action to combat IUU fishing. Based on flag state information in member state reports.

^v <http://www.eumofa.eu/>

[documents/20178/30530/The+EU+fish+market_EN.pdf](http://ec.europa.eu/fisheries/documentation/studies/iuu-regulation-application/doc/final-report_en.pdf)

^{vi} Eurostat

^{vii} Note that Eurostat provides import data by exporting state and not by flag state of the fishing vessel. The exporting state may be the flag state, or a different third country through which the products have been transported (e.g. for processing).

^{viii} Italy did not provide a breakdown of flag states for 10% of CCs received in 2012/13.

^{ix} It is unclear whether country of origin refers to the flag state in all cases.

^x Based on information on country of origin contained in customs import declarations (data provided in report submitted by France under the Regulation for 2012/13).

1 Spain

- Key imports under the IUU Regulation: tuna, squid, hake, shrimp/prawns.
- >90% of imports arrive by sea (as direct landings and in container freight)ⁱⁱ.
- Imports from (top five): Morocco, China, Chile, South Africa and Peru (in 2012/13)ⁱⁱⁱ.
- Nearly 4% of import catch certificates from "carded" countries (in 2012/13)^{iv}.
- Spain is one of the leading EU importers of canned tuna, mostly from Ecuador^v.



Imports (tonnes) subject to IUU Regulation ⁱ	850,000
Imports (value) subject to IUU Regulation ⁱ	€2.7bn
Import CCs received	200,480
Verification requests to third countries	1,788
Rejected consignments	63
Direct landings by third country vessels	811
Transshipments by third country vessels	0
Port inspections (third country vessels)*	1,219

Figures for third country imports, for the period 2010–2013.

2 United Kingdom

- Key imports under the IUU Regulation: tuna, cod, shrimp/prawns, pollack.
- >90% of imports arrive by sea (as direct landings and in container freight)ⁱⁱ.
- Imports from (top five): Maldives, USA, Indonesia, China and Sri Lanka (in 2012/13)ⁱⁱⁱ.
- 19% of import catch certificates from "carded" countries (in 2012/13)^{iv}.
- The UK is one of the EU's leading importers of canned tuna, mostly exported from Mauritius^v.



Imports (tonnes) subject to IUU Regulation ⁱ	385,000
Imports (value) subject to IUU Regulation ⁱ	>€1.5bn
Import CCs received	91,695**
Verification requests to third countries	268
Rejected consignments	38
Direct landings by third country vessels	943
Transshipments by third country vessels	18
Port inspections (third country vessels)*	370

Figures for third country imports, for the period 2010–2013.

Red italics indicate where data are incomplete for the four-year period 2010–2013 (e.g. reports only received for 2010/11 or 2012/13, or information not reported for one or both reporting periods/part of a reporting period).

**This may include vessels accessing port for reasons other than landing and transshipment.*

*** Estimate.*

**** Up to February 2015 (source: <http://dipbt.bundestag.de/dip21/btd/18/040/1804034.pdf>).*

3 Germany

- Key imports under the IUU Regulation: pollack, tuna, herring, cod.
- Around 60% of Germany's imports are in the form of fish fillets and other processed products^{vi}.
- >90% of imports arrive by sea (primarily in container freight)ⁱⁱ.
- To date, Germany has not provided information on the origin (flag state) of fisheries imports in its reports submitted under the Regulation.
- Imports from (top five): China, USA, Vietnam, Russian Federation and Thailand^{vii} (according to Eurostat data for fishery and aquaculture imports in 2012/13).
- Imports from carded countries (in 2012/13) included processed tuna from Thailand, Papua New Guinea and the Philippines; squid and octopus from Thailand; and swordfish from Sri Lanka^{vi}.
- In 2012, Germany was the top EU importer of pollack with 86,000 tonnes of frozen fillets from China^v.



Imports (tonnes) subject to IUU Regulation ⁱ	370,000
Imports (value) subject to IUU Regulation ⁱ	€1.1bn
Import CCs received	265,000**
Verification requests to third countries	125
Rejected consignments	10***
Direct landings by third country vessels	10
Transshipments by third country vessels	1
Port inspection (third country vessels)*	5

Figures for third country imports, for the period 2010–2013.

4 Italy

- Key imports under the IUU Regulation: tuna, squid, hake, octopus.
- >90% of imports arrive by sea (primarily in container freight)ⁱⁱ.
- Imports from (top five): Thailand, Tunisia, Senegal, USA and Morocco (in 2012/13)ⁱⁱⁱ.
- At least^{viii} 20% of import catch certificates are from "carded" countries (in 2012/13).



Imports (tonnes) subject to IUU Regulation ⁱ	350,000
Imports (value) subject to IUU Regulation ⁱ	€1.5bn
Import CCs received	176,393
Verification requests to third countries	3
Rejected consignments	0
Direct landings by third country vessels	0
Transshipments by third country vessels	0
Port inspections (third country vessels)*	3

Figures for third country imports, for the period 2010–2013.

5 Netherlands

- Key imports under the IUU Regulation: cod, tuna, mackerel, shrimp/prawns.
- Frozen fish and fish fillets/meat account for around 60% of imports^{vi}.
- 75% of imports arrive by sea (as direct landings and in container freight); 22% arrive by roadⁱⁱ.
- Imports from (top five): Sri Lanka, USA, Thailand, China and Philippines (in 2012/13)ⁱⁱⁱ.
- 25% of import catch certificates are from "carded" countries (in 2012/13)^{iv}.



Imports (tonnes) subject to IUU Regulation ⁱ	340,000
Imports (value) subject to IUU Regulation ⁱ	€1.2bn
Import CCs received	35,304
Verification requests to third countries	52
Rejected consignments	50
Direct landings by third country vessels	373
Transshipments by third country vessels	2
Port inspections (third country vessels)*	42

Figures for third country imports, for the period 2010–2013.

6 France

- Key imports under the IUU Regulation: tuna, pollack, sardines, shrimp/prawns.
- >80% of imports arrive by sea (as direct landings and in container freight); 6% arrive by roadⁱⁱ.
- France has not provided exact numbers of import catch certificates received in its reports submitted under the Regulation, but has provided estimates based on customs import declarations.
- Based on these, the top five countries of origin of imports were Senegal, USA, Maldives, Morocco and China (in 2012/13)^{ix}.
- An estimated 6% of import catch certificates received were from "carded" countries (in 2012/13)^x.



Imports (tonnes) subject to IUU Regulation ⁱ	275,000
Imports (value) subject to IUU Regulation ⁱ	€1bn
Import CCs received	83,818**
Verification requests to third countries	191
Rejected consignments	4
Direct landings by third country vessels	2,314
Transshipments by third country vessels	0
Port inspections (third country vessels)*	584

Figures for third country imports, for the period 2010–2013.

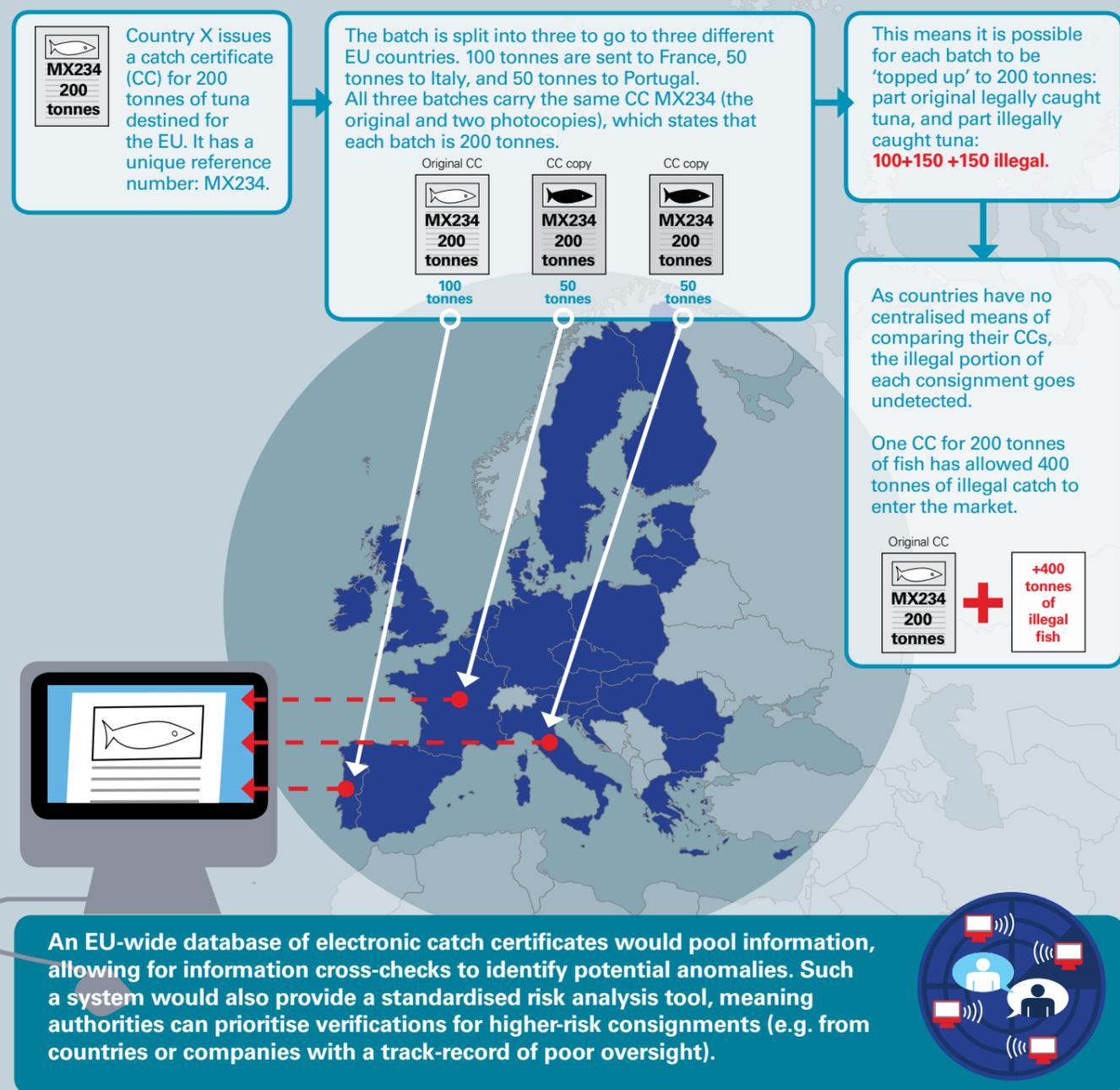


Benefits of an electronic catch certificate database

More than 250,000 catch certificates (CCs) are received annually across the EU, mostly in paper format. There is currently no facility for sharing or cross-checking of certificates between member states. This prevents coordinated EU-level action and facilitates the importation of illegally caught fish.

To close this loophole, the Commission has committed to modernise the paper-based system and establish an EU-wide database of catch certificates. This would allow the sharing and cross-checking of information on certificates among member states, and provide a standardised risk analysis tool to allow countries to better identify potential fraud.

How illegal catch can enter the EU market under the current paper-based system



© EJF/JOLVIER LABOULLE - INSPECTION OF FISHING NETS, GHANA.

Conclusions

Since its introduction, the Regulation has proven a powerful tool to combat IUU fishing. It helps prevent illegally caught fish entering the EU market and drives positive change in fisheries standards and procedures in countries around the world, supporting the achievement of a globally sustainable fishing industry.

It is widely acknowledged that one of the greatest achievements of the Regulation has been to encourage on-the-ground improvements in fisheries management standards in third-countries – that is, primarily, countries whose fleets provide the EU with fish products, or who lend their flags to foreign vessels catching fish that end up on EU plates. The countries themselves have stated that the carding process is a strong incentive to align their national policies and legislation with international law and to ensure best possible performance²².

In other areas, the promise of the Regulation is currently compromised by a lack of harmonised implementation. An example is the catch certification scheme, where standards applied to identifying high-risk consignments, and verifying legal origin, vary widely between member states, leaving scope for abuse. Modernisation of the scheme through the introduction of an electronic database (incorporating a robust risk assessment tool) would contribute significantly to standardising procedures across member states. The Commission has committed to delivering such an IT system in 2016²³. This is an urgent priority if high-risk consignments are to be scrutinised effectively and IUU fish denied entry to the EU market.

A central aspect of the Regulation is the obligation placed on member states to take action against their nationals involved in IUU fishing, and to have the means at their disposal to effectively sanction perpetrators for serious infringements. While more than half of member states report having transposed these requirements into national legislation, there is a lack of information on the level of sanctions available and actions taken so far. There is also doubt as to whether legislation is being applied to the fullest extent by all member states. Ensuring these provisions are adopted and rigorously applied will be vital to the overall impact of the Regulation.

Finally, it is important to emphasise that the Regulation is just one of a multitude of responses in the global fight against IUU fishing. It is crucial that global, regional and national measures are consistent and mutually supportive. At the EU level, this will require alignment of the Fishing Authorisation Regulation with the more stringent provisions of the IUU Regulation and reformed Common Fisheries Policy, to prevent IUU fishing activities by EU vessels fishing abroad. In addition, existing EU control measures should be enforced to ensure compliance by EU vessels operating in EU waters. At the international level, this necessitates a coherent response by major seafood importing states to ensure that IUU fishing is eliminated and not displaced to markets with weaker, or non-existent, regulatory controls. Securing ratification and entry into force of instruments such as the FAO Port State Measures Agreement would also strengthen multilateral action and should be considered a priority.

Recommendations

The actions and cases outlined in this analysis demonstrate the far-reaching potential of the Regulation to work transparently and fairly with third countries to improve the fishing industry.

Notwithstanding these successes, there is more to be done to achieve the full and harmonised implementation of the Regulation, and to ensure that momentum is maintained in the EU's efforts to combat IUU fishing at the global level.

The long-lasting success of the Regulation in preventing, deterring and eliminating IUU fishing can be achieved through the following set of actions, the basis for which is already enshrined in the legislation.

By the Commission

Use all the means at its disposal to harmonise the implementation of the Regulation across the EU, including:

- Modernising the catch certificate system in 2016 by establishing a centralised, digital, EU-wide database, with a standard risk analysis tool, for processing, cross-checking and storing information.
- Facilitating agreement on, and ensuring application of, standardised risk analysis criteria and standardised procedures for the verification of high-risk catch certificates and inspection of consignments.
- Taking action against those member states failing to implement the Regulation.

Maintain the regular, transparent assessment of third countries in the fight against IUU fishing by:

- Continuing to provide public information on the criteria used to assess third countries.
- Appropriately sanctioning non-cooperating third-countries in the fight against IUU fishing.
- Ensuring the process is applied in a fair manner to any state supporting or not effectively combatting IUU fishing activities.
- Providing capacity-building and technical support to carded countries and ensuring cohesion with development programmes.

In addition, the Commission should support a fully global approach against IUU fishing including:

- Agreeing a robust reformed Fishing Authorisation Regulation to ensure that activities of the EU fleet outside EU waters are transparent, accountable and sustainable.
- Maintaining pressure on other key seafood-importing market states to implement trade barriers against IUU products.
- Advocating for the establishment of a Global Record



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of Fishing Vessels, the ratification and implementation of the FAO Port State Measures Agreement, and the adoption of IMO numbers for all fishing vessels equal to or more than 100GT.

By member states

Provide the necessary means and demonstrate the political will to deliver full implementation of the Regulation by:

- Supporting the establishment of a digital EU-wide database of catch certificates (CCs), and utilising the database once established.
- Supporting the establishment of a standardised EU-wide approach to risk analysis, and ensuring this is effectively applied in the detection of high-risk CCs/consignments. Until then, continue to apply rigorous, national-level risk analyses for the verification of CCs and inspection of consignments.
- Applying standardised, thorough verification and inspection procedures of high-risk CCs and consignments as agreed with, and prescribed by, the Commission.
- Allocating sufficient capacity and resources to ensure effective implementation of the above tasks.
- Ensuring consignments containing suspicious or illegally caught products are refused entry to the EU market.
- Putting in place effective means to identify nationals who may be supporting or engaging in IUU fishing activities, and ensuring proportionate and dissuasive sanctions against these nationals if they are found to be linked to these activities.

The EU plays a central role in the global fight against IUU fishing. Addressing this problem requires a concerted effort by governments, the seafood industry and other stakeholders. The political will to guide and sustain such an effort is paramount. As the world's most valuable seafood market, the EU must lead by example and continue on its course to combat IUU fishing.

Annex

Selected information extracted from the member state biennial reports submitted under the EU IUU Regulation (2010–2013)

Country	Import CCs received	Verification requests to third countries	Rejected consignments	Direct landings by third country vessels	Transshipments by third country vessels	Port inspections (third country vessels)*
Austria	1,040	17	1	0	0	0
Belgium	8,682	7	2	0	0	0
Bulgaria	1,477	11	0	0	0	0
Cyprus	3,960	55	0	1	2	9
Czech Republic	3,367	44	2	0	0	0
Denmark	71,484	287	9	2,909	0	261
Estonia	1,448	200	0	0	0	0
Finland	9,310	65	7	0	0	0
France	83,818**	191	4	2,314	0	584
Germany	265,000**	125	10***	10	1	5
Greece	17,617	203	2	0	0	0
Hungary	403	0	0	0	0	0
Ireland	4,332	865	5	265	3	265
Italy	176,393	3	0	0	0	3
Latvia	2,314	7	1	0	0	0
Lithuania	6,310	10	7	118	0	10
Luxembourg	6	0	0	0	0	0
Malta	2,008	0	0	24	4	79
Netherlands	35,304	52	50	373	2	42
Poland	16,186	84	12	461	0	34
Portugal	23,066	135	5	43	3	27
Romania	1,470	0	0	0	0	0
Slovak Republic	452	1	0	0	0	0
Slovenia	5,708	67	4	0	0	0
Spain	200,480	1,788	63	811	0	1,219
Sweden	103,374**	1	0	575	0	14
UK	91,695**	268	38	943	18	370
Total	1,136,704	4,486	222	8,847	33	2,922

*Red italics indicate where data are incomplete for the four-year period 2010-2013 (e.g. reports only received for 2010/11 or 2012/13, or information not reported for one or both reporting periods/part of a reporting period).
*This may include vessels accessing port for reasons other than landing and transshipment.
**Estimate.
***Up to February 2015 (source: <http://dipbt.bundestag.de/dip21/btd/18/040/1804034.pdf>).*

Endnotes

¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1414576491083&uri=URISERV:I66052>

² Regional fisheries management organisations, or RFMOs, are international organisations formed by countries with fishing interests in an area of the ocean.

³ World Bank definition of developing country: <http://bit.ly/1zRPYlr>

⁴ Agnew D.J., Pearce J., Pramod G., Peatman T., Watson R., Beddington J.R., *et al.* (2009) Estimating the Worldwide Extent of Illegal Fishing. PLoS ONE 4(2): e4570. doi:10.1371/journal.pone.0004570

⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52007DC0601&from=EN>

⁶ http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Africa_Progress_Report_2014.PDF

⁷ In value terms: http://www.eumofa.eu/documents/20178/30530/The+EU+fish+market_EN.pdf

⁸ Council Regulation (EC) No. 1005/2008: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1408984470270&uri=CELEX:02008R1005-20110309/>. The EU IUU Regulation is one of the three pillars of the EU's fisheries control scheme, together with the Control Regulation No. 1224/2009 and the Fishing Authorisation Regulation No. 1006/2008

⁹ The flag state is the state in which a vessel is registered.

¹⁰ Currently the EU IUU Regulation excludes aquaculture products: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2011.057.01.0010.01.ENG

¹¹ Article 31(3) of the EU IUU Regulation.

¹² The United Nations Convention on the Law of the Sea (UNCLOS), the FAO International Plan of Action to prevent, deter and eliminate IUU fishing (IPOA-IUU), the United Nations Fish Stocks Agreement (UNFSA) and the FAO Voluntary Guidelines for Flag State Performance (VGFSF).

¹³ Article 31(5)(d) and 31(7) of the EU IUU Regulation.

¹⁴ ACP FISH II (30 MIL/EU) and ENTRP (2 MIL/EU), also via international treaties and fisheries partnerships.

¹⁵ As set out under Article 31(2) of the EU IUU Regulation to identify a non-cooperating third country.

¹⁶ For up-to-the-minute listings of all countries affected by this process, see <http://www.iuuwatch.eu/iuu-fishing/the-iuu-regulations/iuu-history/>

¹⁷ See http://eeas.europa.eu/delegations/ghana/press_corner/all_news/news/2015/20151001_01_en_pressreleasefisheries.htm

¹⁸ Serious infringement is defined under Article 42 of the EU IUU Regulation to include activities considered to constitute IUU fishing, conduct of business directly connected to IUU fishing, including the trade in/or the importation of fishery products, and the falsification (or use of false or invalid) documents.

¹⁹ 25 member state reports received in response to the access to information request.

²⁰ 27 member state reports received in response to the access to information request.

²¹ <http://www.boe.es/boe/dias/2014/12/27/pdfs/BOE-A-2014-13516.pdf>

²² <http://www.iuuwatch.eu/useful-documents/>

²³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52015DC0480>

Further information

The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts and WWF are working together to secure the harmonised and effective implementation of the EU Regulation to end illegal, unreported and unregulated (IUU) fishing.

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More news, updates and documents
supporting the EU to end IUU fishing visit:
www.IUUwatch.eu



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