Regulation on illegal, unreported and unregulated fishing – explained

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Prevention and elimination of illegal, unreported and unregulated (IUU) fishing

Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999

Update

An explanation of the IUU Regulation establishing an EU system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

Background

The EU is a Contracting Party to the United Nations Convention on the Law of the Sea (UNCLOS) of 10 December 1982. In 1998 the EU ratified the 1995 UN Fish Stocks Agreement (Council Decision 98/414/EC).

In 2001 FAO adopted an international action plan, endorsed by the EU, to prevent, deter and eliminate IUU fishing. Regional fisheries management organisations (RFMOs), with active EU support, have established numerous measures designed to counteract IUU fishing.

The IUU Regulation provides a legal framework to prevent, deter and eliminate IUU fishing. Third countries and the EU cooperate to support this aim and prevent delays in legitimate trade flows. The Regulation introduces a Community Alert System that generates alert notices on potential cases of fraud with regular updates on its website and in the *Official Journal of the European Union*. These alerts and updates are also communicated without delay to concerned third countries.

Regulation 1010/2009 lays down detailed rules for implementation of the IUU regulation. These include conditions for access to port by third country fishing vessels, port inspections, the CATCH certification scheme, criteria for verification, status of approved economic operator, cooperation and information exchange with third countries, and notification of IUU activities or infringements.

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In accordance with the IUU Regulation, Implementing Decision 2014/170/EU establishes a list of non-cooperating third countries in fighting IUU fishing.

IUU vessel register

Regulation 468/2010 establishes the EU list of vessels engaged in IUU fishing, which also lists those vessels included in the IUU vessel lists adopted by RFMOs.

Internal dimensions

The EU also takes measures to improve compliance with the rules of the CFP, including the establishment of a Community control system for ensuring compliance (Regulation 1224/2009, "Control Regulation").

Implementing Regulation 404/2011 lays down detailed rules for the implementation of the Control Regulation.

External dimensions

Regulation 2017/2403 on sustainable management of external fishing fleets sets out rules for issuing and managing fishing authorisations for:

- EU fishing vessels conducting fishing operations in waters under the jurisdiction of a third country, under the auspices of an RFMO to which the EU is a contracting party, in or outside EU waters, or on the high seas
- third country fishing vessels conducting fishing operations in EU waters.

A flag Member State (the EU country in which a fishing vessel is registered) may only issue an authorisation to fish outside EU waters if the vessel is not on the RFMO or EU IUU vessel list. Conversely, a Member State must not issue a fishing authorisation in waters under its jurisdiction to a vessel that is registered in a third country that is not cooperating in fighting IUU fishing.

Sometimes vessels registered in the EU are reflagged in a third country before returning to the EU fishing fleet. These vessels are not authorised to fish if, over the previous 5 years, they have:

- engaged in IUU fishing
- operated in waters of a third country identified as a country allowing non-sustainable fishing according to Regulation 1026/2012
- operated in waters of a third country listed as non-cooperating according to the IUU Regulation, or identified as non-cooperating in fighting IUU fishing.

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What is changing?

Regulation 1005/2008 of 29 September 2008 (the IUU Regulation) establishes an EU system to prevent, deter and eliminate IUU fishing. Its scope extends to fishing activities carried out on the high seas and in maritime waters under the jurisdiction of coastal countries, including EU Member States.

Why?

The objective of the common fisheries policy (CFP), set out in Regulation 1380/2013 (the "Basic Regulation"), is to ensure that fishing is sustainable from economic, environmental and social perspectives. IUU fishing causes serious damage to the marine environment, the sustainability of fish stocks, and jobs in fisheries.

What are the major implications for exporting countries?

EU Member States will refuse imports of fish and fishery products from third countries that fail to fight IUU fishing, even when fish products are accompanied by catch certificates validated by third country national authorities.

If inspection shows evidence that a vessel has been engaged in IUU fishing, it will not be authorised to land or transship its catch in an EU Member State port. EU Member States will impose a maximum sanction of at least five times the value of the fishery products obtained by IUU fishing, and eight times the value of the fishery products in case of a repeated infringement within a 5 year period.

Resources

Online resources from the European Commission:

- EU rules to combat IUU fishing: News
- Tackling illegal, unreported and unregulated (IUU) fishing
- Regional fisheries management organisations (RFMOs)
- CATCH – Information note

Downloads from the European Commission's Illegal fishing webpage:

- Overview of IUU procedures
- International cooperation in the fight against IUU fishing

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- Summary of the main provisions of the IUU Regulation including detailed description of the catch certification scheme and notification process

FAO (2001) International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Food and Agriculture Organization.

Sources

IUU Regulation 1005/2008 and related Implementing Regulation 1010/2009 and Implementing Decision 2014/170/EU

Control Regulation 1224/2009 and its Implementing Regulation 404/2011

Basic Regulation 1380/2013 on the Common Fisheries Policy

Regulation 1026/2012 on countries allowing non-sustainable fishing

Regulation 2017/2403 on sustainable management of external fishing fleets

Regulation 468/2010 establishing the EU list of vessels engaged in IUU fishing

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