

# **TOWARDS THE SUSTAINABLE FISHING :SPANISH EXPERIENCE ON IUU F**

## **IUU FISHING AND FISHERIES RELATED CRIME**

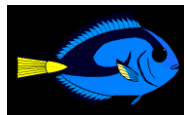
**European Fisheries Development Advisory Network Meeting 2019.  
(Oslo, May, 21– 22)**

**Manuel Pablos  
Mónica Corrales**  
SECRETARY GENERAL OF FISHERIES  
**SPAIN**





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**I: SUSTAINABLE FISHING.** INTEGRATED APPROACH TO FIGHT IUU FISHING



**II: IUU FISHING OPERATIONS AND INICIATIVES**



**III: CONCLUSIONS**



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**I: SUSTAINABLE FISHING.** INTEGRATED APPROACH TO FIGHT IUU FISHING



**II: IUU FISHING OPERATIONS AND INICIATIVES**



**III: CONCLUSIONS**

# IUUF & 2030 AGENDA



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## The fight against IUU Fishing as one of the backbones of the 2030 Agenda



*Conserve and sustainably use of the oceans, seas and marine resources for sustainable development*

**Target:** By 2020, eradicate IUU fishing.

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## The fight against IUU Fishing as one of the backbone of the 2030 Agenda

No poverty  
No hunger  
Food Security  
Malnutrition  
Good health  
Decent work  
and economic growth



### Fishery resources:

Important source of **high quality proteins**, vitamins and nutrients for Low -Income, Fod – Deficit Countries

Solution to obesity & anaemia epidemics



### Fish is more than food:

Livelihood & empowerment for the poorest

Community & cultural bonds



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## Cost of IUU Fishing



Global Ocean  
Commission

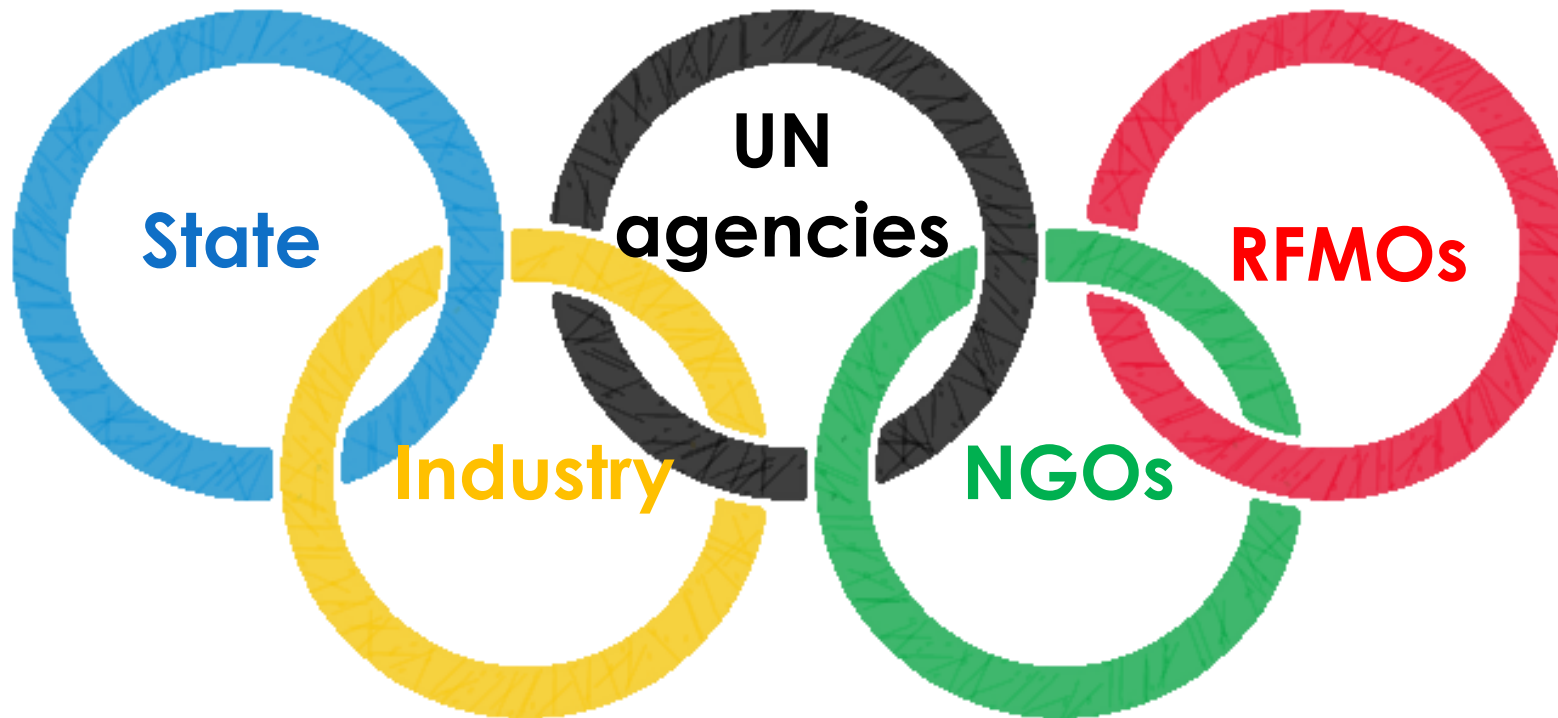
The Global Ocean Commission estimates the IUU fishing impact on high seas is worth **US\$ 1.2 billion** annually.

However, if included IUU fishing within national jurisdiction, the estimate increases to a sum between **US\$ 10 and US\$ 23.5 billion** annually, according to FAO.



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## Building partnerships between Stakeholders (SDG 17)

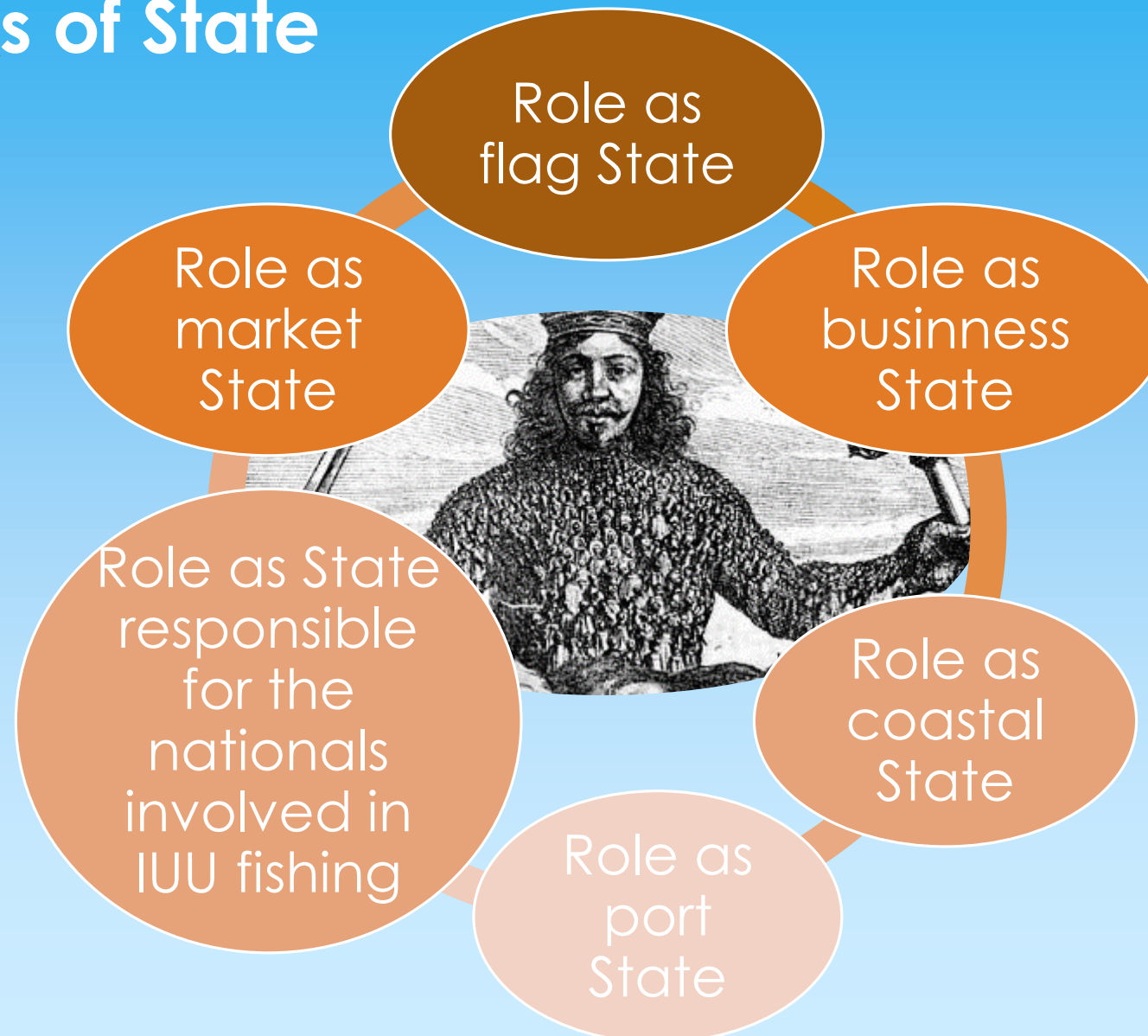


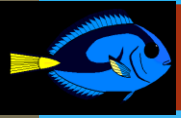


# ROLE OF STATE



## Roles of State





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## Role as FLAG STATE



More than 2.000 Spanish vessels fitted with **VMS** (Vessel Monitoring System) and **ERS** (Electronic Recording and Reporting system).



Spanish fisheries monitoring center with 24/7 activity and 23 inspectors.



Project 'Spanish self-evaluation' of FAO voluntary guidelines for flag state performance

Flag state must ensure that its vessels do not engage in IUU fishing (Article 94 UNCLOS)



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## Role as COASTAL STATE

Coordination of all organisms performing fisheries inspections

Strong legal basis for management of fishing resources in own waters



Deployment of enough control means for fisheries carried out in own waters



Solid system of issuing fishing licences in own waters





## Role as PORT STATE

Sufficient level of inspections at port



Authorizations

Designated ports



Analysis of documents in advance



Prenotifications

**Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (FAO) – 2009**

**Entered into force on 05/06/2016  
50 States have ratified this FAO Agreement**

Training of inspectors



Risk analysis







## Role as MARKET & BUSINESS STATE

**Regulation  
1005/2008  
(EU)**

Pioneer law to control that fishing products imported into the EU market coming from third countries have been legally caught.

Catch certificate validated by the flag State plays a key role in the process of verification.

THE COMMERCIAL FLOW OF ILLIGAL FISHING NEED TO BE CUT OFF  
“FOLLOW THE MONEY”



## Role of the STATE: CONTROL OF NATIONALS involved in IUUF



EU & SPANISH LEGAL FRAMEWORK

RFMOs' Recommendations

Thanks to this regulation,  
Spanish milestone operations  
against IUU fishing have been  
carried out 32M€ in economic  
santion

# SPANISH LEGAL FRAMEWORK

# I: SUSTAINABLE FISHING. INTEGRATED APPROACH TO FIGHT IUU FISHING

## SPANISH LEGAL FRAMEWORK



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## Goals



On December/2014  
Spain aproves  
33/2014  
Regulation of  
fisheries



Remove any space  
of impunity for IUU  
fishing



based on a strong  
international legal  
framework  
(UNCLOS, FAO,  
RFMOs)



and **legally binding  
european  
framework**

## SPANISH LEGAL FRAMEWORK

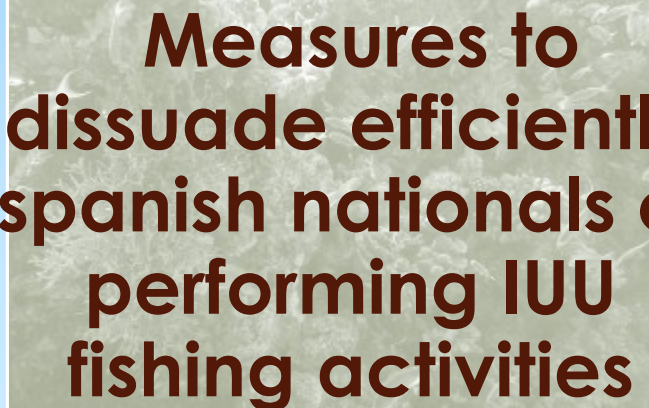


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### Scope of the new law



**Strengthen market control and inspection measures for IUU fishing**



**Measures to dissuade efficiently spanish nationals of performing IUU fishing activities**



**New specific very serious infringements for IUU fishing**



**Strengthen enforcement system**



## SPANISH LEGAL FRAMEWORK

## Key tools

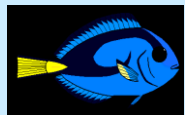
- **Previous actions:** Domiciliary registrations under **legal warrant** (art 95 Spanish law)
- Effective, proportionate and dissuasive ***sanctions up to € 600.000***
- Point system for serious infringements
- National register for infringements

## SPANISH LEGAL FRAMEWORK

➔ **Very serious infringement (Article 101.I)):**  
Involvement in the operation, management and ownership of stateless vessels or third-country vessels identified by Regional Fisheries Management Organizations or by other International Organizations as having been engaged in IUU fisheries or fishing activities or acting against conservation and management measures for fisheries resources, or engaging in trading, commercial, corporate or financial actions linked to such illegal actions



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**I: SUSTAINABLE FISHING.** INTEGRATED APPROACH TO FIGHT IUU FISHING



**II: IUU FISHING OPERATIONS AND INICIATIVES**



**III: CONCLUSIONS**



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## II: IUU FISHING OPERATIONS AND INICIATIVES



**Sparrow  
Operations**

**Cooperation  
with RFMOs**

**Tarantelo  
Operation**

**Latin American  
and Caribbean IUU  
fishing Network**







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## II: IUU FISHING OPERATIONS AND INICIATIVES

### SPARROW OPERATIONS



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## Sparrow I

Vessels



**Songhua**

**Yongding**



**Kunlun**



**Tiantai**



## II: IUU FISHING OPERATIONS AND INITIATIVES

### SPARROW OPERATIONS



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## Sparrow II

Vessels

**Viking**



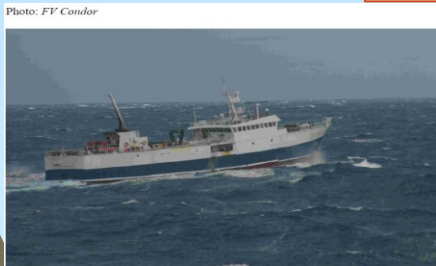
**Seabull 22**



**Thunder**



**Tchaw**





### SPARROW OPERATIONS



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## Outcome

- It was discovered the existence of 3 business networks established in Spain, dealing with the management and operation of IUU vessels
- 3 sancitoning procedures were finished
- Each natural and legal person is accused of serious and continuous infringement for the **management and ownership of each IUU vessel**





### SPARROW OPERATIONS



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#### Common facts

- Continuous change in vessels name and flag. Importance of IMO number.
- Vessels do not usually arrive to Spanish ports. Exception: TCHAW case.
- Front companies from countries with opaque legislation. The Spanish Company never appears as ship owner.
- These Spanish companies also manage other legal vessels, directly or through other companies.

## II: IUU FISHING OPERATIONS AND INITIATIVES

### SPARROW OPERATIONS

#### How link is proven



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#### Insurances

- Processing & Management
- Beneficiaries, Inspection



#### Repair and supplies:

- Who is ordering them
- Who pays ultimately for them



#### Crew

- Recruitment
- Wage payment



#### INSPECTIONS AT COMPANIES HEADQUARTERS

Legal warrant & Guardia  
Civil collaboration



#### MUTUAL ASSISTANCE

- to lift the corporate veil and to know the real owners of the phantom companies



### SPARROW OPERATIONS

#### Sanctions Sparrow Operation



€17.840.001

Sparrow I



€7.240.001

Sparrow IIA



€8.460.001

Sparrow IIB



- **Disqualification** from the practice of fishing activities (**5 to 23 years**)
- **Prohibition** to obtain **subsidies** (**6 to 24 years**)



## II: IUU FISHING OPERATIONS AND INICIATIVES

### SPARROW OPERATIONS

# Lessons learnt from Sparrow Operation

Capacity and Human  
Resources



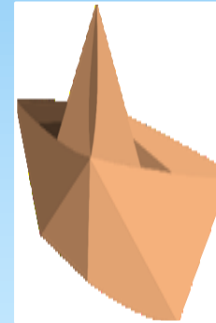
Investigate cases  
according to internal  
alerts or risk analysis  
(Societies, Ship-owners)



Cross-checking info



Analysing data



Inspections of Third  
Countries vessels in  
Spanish Ports.

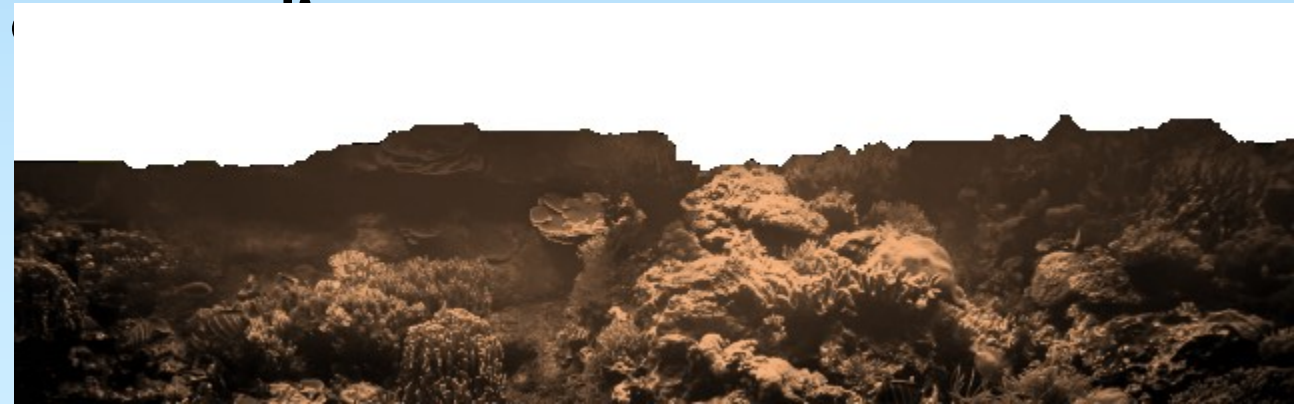
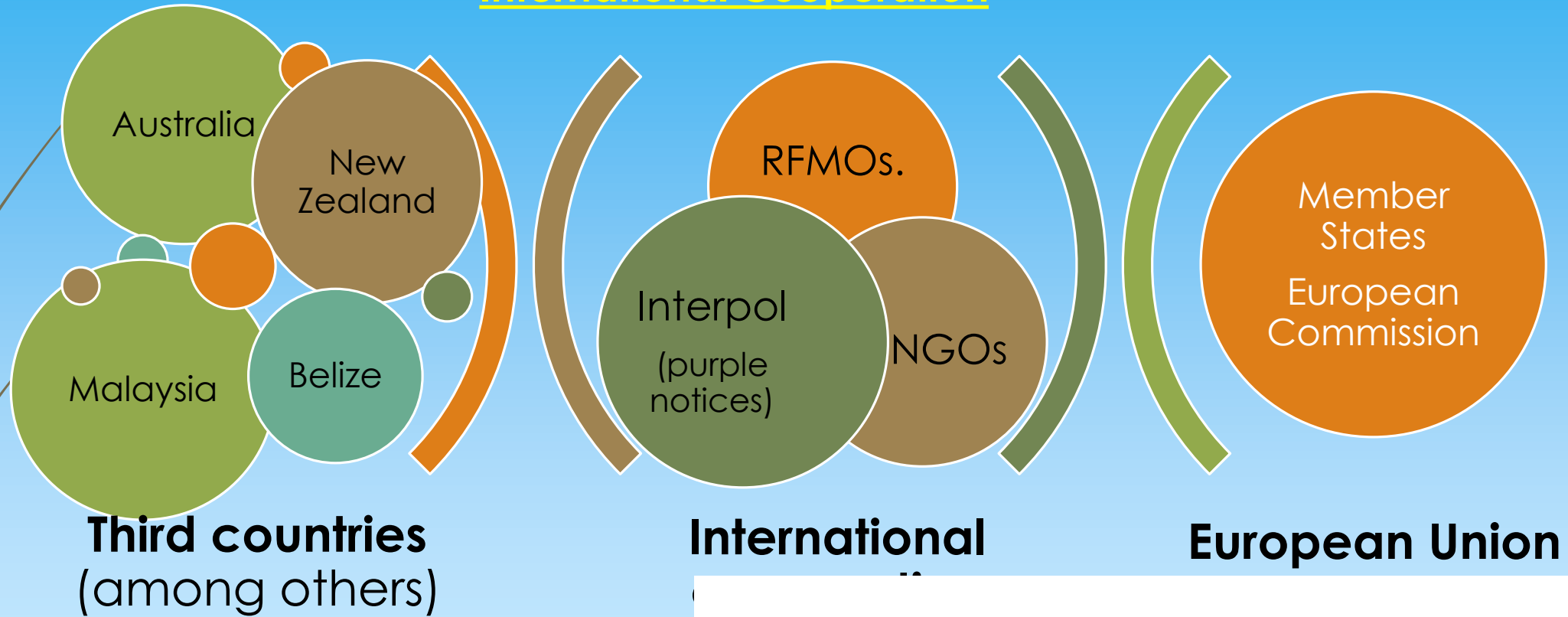
## Lessons learnt from Sparrow Operation



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### International Cooperation

Key players



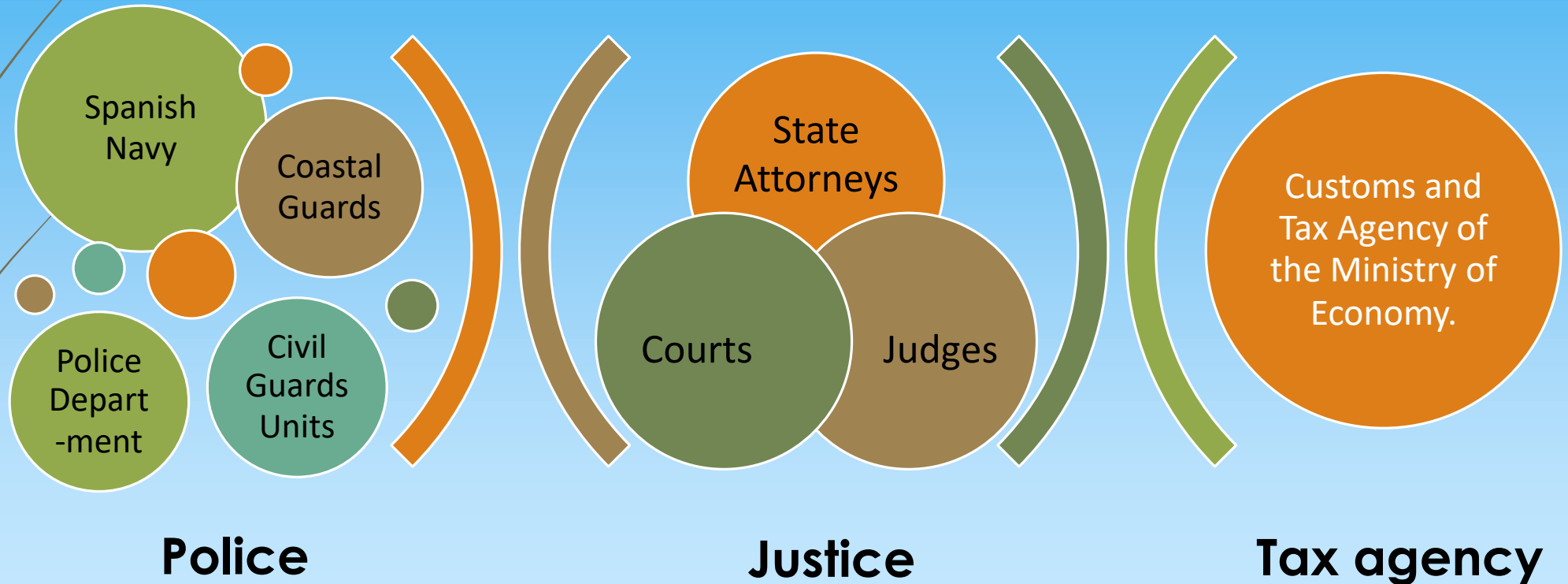
## Lessons learnt from Sparrow Operation



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### Internal Cooperation and "Follow the money"

Key players





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## II: IUU FISHING OPERATIONS AND INICIATIVES

**Sparrow  
Operations**

**Cooperation  
with RFMOs**



**Latin American  
and Caribbean  
IUU fishing Network**



#### ➤ What is about?

- “Tarantelo Operation” is an operation to dismantle a network of illegal Bluefin tuna trade which was launched by Spanish Civil Guard in coordination with EUROPOL
- The illegal catches of BFT were fished outside Spain.
- 80,000 kilos of Bluefin tuna of illicit origin have been intervened.
- 76 people were detained.
- More than 50 registries in 9 cities (Valencia, Alicante, Madrid, Toledo, Cádiz, Barcelona, Huelva, Murcia y Sevilla)







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## II: IUU FISHING OPERATIONS AND INICIATIVES

### TARANTELO OPERATION: CRIME RELATED TO IUU FISHING

➤ This operation is currently under control of the judicial authorities.

1. Picassent Court ( Valencia)
2. Spanish Audiencia Nacional ( Madrid)

➤ Possible crimes against:

➤ Criminal organizations

➤ Fauna

➤ Money laundering and swindling

➤ Public health

➤ Falsification of Public documents





## II: IUU FISHING OPERATIONS AND INICIATIVES

### TARANTELO OPERATION: CRIME RELATED TO IUU FISHING

CRIMINAL  
proceedings  
prevail over  
administrative  
proceedings

#### Possible administrative Sanctions

- The Spanish Fisheries Law 3/2001, of 26 March maybe applies to those operators involved in these illegal actions once the criminal procedures finalizes.
- Spanish Fisheries Law sets the framework for sanctioning procedures for the possible commission of serious or very serious infringements.
- Economic sanctions (from 600 to 60.000€ for serious infringements and from 60.000 to 600.000€ for very serious infringements) and other sanctions: disqualification for fishing activities; suspension or withdrawal licences or permits; prohibition to obtain loans, among others.



## II: IUU FISHING OPERATIONS AND INICIATIVES

### TARANTELO OPERATION: CRIME RELATED TO IUU FISHING

#### Improving control and traceability

Spain strongly supports the initiatives to improve fish control and traceability at International and National level.

In addition to the eBCD (**electronic Bluefin Tuna Catch Document**) of ICCAT, Spain supports the obligation to use certificates in the internal trade.





## II: IUU FISHING OPERATIONS AND INICIATIVES

### TARANTELO OPERATION: CRIME RELATED TO IUU FISHING

#### Administrative coordination



- ➔ Improve the coordination within the European Union, and within ICCAT, in order to ensure the control in the transport and selling phases.



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## II: IUU FISHING OPERATIONS AND INICIATIVES

**Sparrow  
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**COOPERATION  
WITH RFMOS**

**Tarantelo  
Operation**

**Latin American  
and Caribbean  
IUU fishing  
Network**



## II: IUU FISHING OPERATIONS AND INICIATIVES

### COOPERATION WITH RFMOs

#### Role

#### Regional Fisheries Management Organizations

Vast **experience in international governance** on the high seas through the RFMOs/RFMBs and the implementation of the UN Fish Stocks Agreement (UNFSA) in 1995

Excellent tool of effectiveness and adaptability to ensure sustainable fishing, compatible with the protection and preservation of the marine environment.

**Spain, as a member of the EU**, is part of 16 Regional Fisheries Management Organizations (RFMOs), some of them, such as the General Fisheries Commission for the Mediterranean, since 1953.

the essential mandate of the RFMOs develops a key work in these areas :

- Conservation and sustainable use of ocean fishery resources : management measures based on ecosystem approach and / or precautionary principle, protection of vulnerable marine ecosystems. Improves an international cooperation, promotion of transparency, and effectiveness of Monitoring, Control and Surveillance (MCS) scheme.
- Scientific knowledge
- Combat IUU fishing
- Governance





## Regional Fisheries Management Organizations

# II: IUU FISHING OPERATIONS AND INICIATIVES

## COOPERATION WITH RFMOs



Also two essential elements promoted by the RFMOs related to IUUF.

1. The existence of **lists of vessels that practice IUU fishing**, in particular that of CCAMLR, allowed the classification of infractions in sanctioning procedures.
2. **The policy against the nationals involved in IUU fishing activities**, which are already being promoted in the General Fisheries Commission of the Mediterranean (CGPM) or in the Regional Organization of Fisheries of the South Pacific (SPRFMO)

## II: IUU FISHING OPERATIONS AND INICIATIVES

### COOPERATION WITH RFMOs



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General Fisheries  
Commission for the  
Mediterranean  
(GFCM)

**Recommendation  
GFCM/41/2017/7 on a  
regional plan of action to  
combat illegal, unreported  
and unregulated fishing in  
the GFCM area of  
application**

#### ***CPCs control over nationals***

9. The CPCs shall take measures to ensure that nationals who are subject to their jurisdiction do not support or engage in IUU fishing.

10. The CPCs shall cooperate with each other and with the GFCM Secretariat to identify and discourage those nationals who are the operators and/or beneficial owners of vessels involved in IUU fishing.

11. The CPCs shall take measures to identify and discourage their nationals from flagging fishing vessels under the jurisdiction of a state that does not meet its flag state responsibilities.

12. The CPCs shall avoid conferring any legal, financial or administrative support, including subsidies, on natural and legal persons that are involved in IUU fishing.



CMM 04-2019

*Conservation and Management Measure Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing activities in the SPRFMO Convention Area*

*(Supersedes CMM 04-2017)*

Action against nationals involved in IUU fishing activities

- Without prejudice to the primacy of the responsibility of the flag state, Members and CNPCs shall take all appropriate measures in order **to identify their nationals, and any other natural or legal person subject to their jurisdiction, engaged in, responsible for, benefiting from, or supporting the activities of any vessel listed in the IUU Vessel List** and take appropriate action **to dissuade and sanction them**. Nothing in this paragraph shall preclude the rights of Members and CNPCs to apply additional or more stringent measures.
- **Nationals and any other natural or legal person** subject to the jurisdiction of the Members and CNPCs include operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service providers.



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## II: IUU FISHING OPERATIONS AND INICIATIVES

**Sparrow  
Operations**

**Cooperation  
with RFMOs**

**Tarantelo  
Operation**

**LATIN AMERICAN  
AND CARIBBEAN  
IUU FISHING  
NETWORK**



## II: IUU FISHING OPERATIONS AND INICIATIVES

### NETWORK FOR THE EXCHANGE OF INFORMATION AND EXPERIENCES AMONG LATIN AMERICAN AND CARIBBEAN COUNTRIES

#### NETWORK COUNTRY MEMBERS

COUNTRIES OF THE INFORMATION AND EXPERIENCE EXCHANGE NETWORK BETWEEN LATIN AMERICAN AND CARIBBEAN COUNTRIES TO PREVENT, DISQUALIFY AND ELIMINATE IUU FISHERIES



Peru



Chile



Costa Rica



Panama



Ecuador



Colombia



Spain



U.S.A.

#### OBJECTIVES

❑ To develop a mechanism to simplify the exchange of information and experiences to fight IUU fishing.

❑ To facilitate contacts and synergies between countries; to access legal framework from different countries; links International Instruments such as the [FAO PSMA](#), the [Global Record of Fishing Vessels](#), [Refrigerated Transport Vessels and Supply Vessels \(Global Record\)](#); and links to lists of RFMOs and other resources.







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### 3rd Stop IUU Fishing Award

On 22nd February, the **Network for the Exchange of Information and Shared Experiences between Latin American and Caribbean countries** to prevent, deter and eliminate IUU fishing and Spanish proposal were co-awarded in Bangkok (Thailand) with the **3rd Stop IUU Fishing Award** during the VI Global Fisheries Enforcement Training promoted by the International Monitoring, Control and Surveillance Network (MCS).



Network for the exchange of information and experiences among Latin American and Caribbean countries to prevent, deter and eliminate illegal, unreported and unregulated fishing



One year facilitating cooperation and exchange of information to tackle illegal, unreported and unregulated fishing.







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### INTERNATIONAL MSC NETWORK 3rd Stop IUU Fishing Award

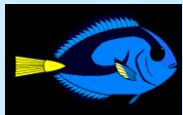
Spain was co-awarded in Bangkok (Thailand) in this 3<sup>rd</sup> edition of Stop IUU Fishing Award taken into account the following merits:

- impact on reducing IUU fishing,
- development of creative solutions to combat IUU activities,
- practicality and capacity to be replicated in other communities,
- possibility of being the base of implementation of pilot projects,
- example of new or unknown practices to strengthen the global fight,





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**I: SUSTAINABLE FISHING.** INTEGRATED APPROACH TO FIGHT IUU FISHING



**II: IUU FISHING OPERATIONS AND INICIATIVES**



**III: CONCLUSION**



# III: CONCLUSION: IUUF REMAINS A MAYOR GLOBAL THREAT TO THE SDGs & A SUSTAINABLE WORLD

## KEY ISSUES TO FIGHT IUUF



Political commitment & economic and human resources



Strong International and National Legal framework



International & Regional Cooperation





**TAKK !  
THANK YOU!  
GRACIAS!**

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**[mcorrales@mapa.es](mailto:mcorrales@mapa.es)**

