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on combating illegal fishing at the global level - the role of the EU
(2010/2210(INI))

Committee on Fisheries

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on combating illegal fishing at the global level - the role of the EU (2010/2210(INI))

The European Parliament,

- having regard to the United Nations Convention on the Law of the Sea of 10 December 1982,
- having regard to the Convention on Biological Diversity (CBD) and to the Rio Declaration on Environment and Development adopted at the United Nations Conference on Environment and Development in June 1992,
- having regard to the Food and Agriculture Organisation (FAO) Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, approved at the 27th session of the FAO Conference in November 1993 ('Compliance Agreement'),
- having regard to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ('UN Fish Stocks Agreement' – UNFSA of August 1995),
- having regard to the FAO Code of Conduct for Responsible Fisheries, adopted in October 1995 by the FAO Conference,
- having regard to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, adopted in June 1998 ('Aarhus Convention'),
- having regard to the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), endorsed by the FAO Council in June 2001,
- having regard to the Communication from the Commission on a Community action plan for the eradication of illegal, unreported and unregulated fishing of May 2002 (COM(2002)0180),
- having regard to the Declaration made at the World Summit on Sustainable Development held from 26 August to 4 September 2002 in Johannesburg,
- having regard to its resolution of 15 February 2007 on the implementation of the EU action plan against illegal, unreported and unregulated fishing¹,
- having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and

¹ OJ C 287E, 29.11.2007, p.502.

unregulated fishing (the ‘IUU Regulation’)¹, Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters (the ‘Fishing Authorisations Regulation’)² and Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (the ‘Control Regulation’)³,

- having regard to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA), approved at the 36th session of the FAO Conference, held in Rome in November 2009,
 - having regard to the UN Office on Drugs and Crime (UNODC) 2011 report on Transnational Organised Crime in the Fishing Industry,
 - having regard to the Commission’s Joint Research Centre (JRC) Reference Report ‘Deterring Illegal Activities in the Fisheries Sector – Genetics, Genomics, Chemistry and Forensics to Fight IUU Fishing and in Support of Fish Product Traceability’, published in 2011,
 - having regard to the upcoming United Nations Conference on Sustainable Development (UNCSD), which will take place in Brazil in June 2012,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinions of the Committee on Development and the Committee on the Environment, Public Health and Food Safety (A7-0362/2011),
- A. whereas 71% of planet Earth is covered by oceans, which store 16 times as much carbon dioxide as the terrestrial world and play a fundamental role in the climate and life support systems of the entire planet, as well as providing a substantial portion of the global population with food, livelihoods, energy and transport routes;
- B. whereas Illegal, Unreported and Unregulated (IUU) fishing has been reported to account for between 11 and 26 million tonnes a year, equivalent to at least 15% of world catches, making the economically, socially and environmentally sustainable management of the exploitation of the world’s marine resources impossible;
- C. whereas the agreement approved at the 10th Conference of the Parties to the Convention on Biological Diversity held in October 2010 in Nagoya established the international obligation to at least halve the loss of biodiversity by 2020;
- D. whereas the world’s oceans constitute 90% of the habitat for life on earth;
- E. whereas two thirds of the world’s oceans are beyond national jurisdiction, lacking comprehensive policies to govern international waters (the high seas), with current patchy

¹ OJ L 286, 29.10.2008, p. 1.

² OJ L286, 29.10.2008, p. 33.

³ OJ L 343, 22.12.2009, p. 1.

laws mainly based on 17th century principles of freedom of the seas, ignoring many of the environmental principles that have long been applied for land and the atmosphere;

- F. whereas one of the objectives of the FAO Agreement on port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing is to eliminate ‘ports of convenience’ that provide a safe haven for IUU vessels and serve as a port of entry for the trade in illegal catches;
 - G. whereas the new EU control package, consisting of the IUU Regulation, the Control Regulation and the Fishing Authorisations Regulation, constitutes a comprehensive set of instruments to combat this scourge of the oceans, since it specifies the flag, coastal, port and market State responsibilities of both the EU Member States and third countries;
 - H. whereas the EU is the world's largest importer of fisheries products and one of the world's major fishing powers, and it therefore has a major responsibility to play a key role in mobilising the international community in the fight against IUU fishing;
1. Believes that IUU fishing is one of the most serious threats facing the biodiversity of the world's oceans;
 2. Is convinced that IUU fishing is a major environmental and economic problem worldwide, in both marine and freshwater fisheries, undermining fisheries management efforts, threatening the sustainability of fish stocks and food security as well as distorting the market, with incalculable social and economic repercussions on society as a whole, including in developing countries;
 3. Emphasises that IUU fishing and associated commercial activities constitute unfair competition for fishermen and others who operate in a law-abiding fashion, and creates economic difficulties for fishing communities, consumers and the entire sector;
 4. Highlights the world leadership role assumed by the EU with the new control package, consisting of the IUU Regulation, the Control Regulation and the Fishing Authorisations Regulation; considers that it constitutes a wide-ranging and comprehensive set of instruments to combat this scourge of the oceans, since it specifies the flag, coastal, port and market State responsibilities of both the EU Member States and third countries, as well as obligations with respect to the activities of their nationals; urges the firm application of these instruments;
 5. Stresses the need to increase coordination among the Commission, the Community Fisheries Control Agency and the Member States in order to improve information gathering and exchange and assist in the rigorous and transparent application of Union fisheries legislation;
 6. Considers that the responsibility for ensuring compliance of vessels with the relevant management and other rules, for collecting and reporting catch and effort data, and for ensuring traceability, including through the validation of catch certificates, must remain with the flag State, as delegation to another State would undermine the fight against IUU fishing;

7. Insists that the Commission and the control authorities in the Member States be provided with sufficient resources (human, financial, technological) enabling them to fully implement these regulations;
8. Stresses the need, in the interest of the EU's credibility, for the Commission and the Member States to identify and sanction EU operators who violate EU legislation, and considers in this context that there is still some way to go before the EU is satisfactorily combating IUU fishing on its own territory and by EU operators elsewhere;
9. Calls on the Member States and the Commission to ensure that illegal fishing is combated at sea and in inland waters and underlines the need to review the sufficiency of control mechanisms and their implementation;
10. Calls for the review of the common fisheries policy to be used to create incentives for legal fishing in the interests of the fish, the environment, consumers and producers in the EU;
11. Calls on the Commission to investigate – before the end of 2012 – whether recreational fishing in the EU exists on such a scale that it can really be classed as IUU fishing;
12. Calls on the Commission and the Member States to cooperate with a view to the creation of a 'European coastguard' in order to boost common monitoring and inspection capacity and to effectively combat current or future dangers at sea such as terrorism, piracy, IUU fishing, trafficking or even marine pollution;
13. Urges the Commission to continue its efforts to promote the exchange of information in order to integrate maritime surveillance, in particular information aimed at harmonising coastguard services at European level;
14. Believes that the EU's objectives in the fight against IUU fishing must be backed up by the necessary resources, above all financial, to ensure their promotion, with Member States being allocated sufficient resources to allow them to implement the regulations in force; stresses, equally, that any future adoption of new methods (e.g. electronic tracking systems, etc.) must ensure the availability at the level of the EU budget of the financial resources needed for their implementation;
15. Calls on the Commission to publish annual assessments of the performance of each Member State in implementing the rules of the Common Fisheries Policy (CFP) that identify possible weak points needing improvement, and to use all possible means, including identifying Member States when they fail in their responsibilities, to ensure their full compliance, in order to create a reliable and transparent control regime;
16. Welcomes the Commission's decision to introduce a point-based fishing licence, an additional tool the Member States will be able to use to identify irregularities at each stage of the market chain and to impose strict penalties in case of infringement;
17. Considers that, given the high mobility of fish stocks, fishing fleets and the capital underlying the fleets, as well as the global nature of markets for fish, IUU fishing can only be effectively fought by international cooperation, both bilaterally and multilaterally, and

extensive, accurate and timely information exchange regarding fishing vessels, their activities and catches and other relevant matters;

18. Calls on the EU to strongly insist that third countries effectively combat IUU fishing, including by promoting the signing, ratification and implementation of the FAO Port State Measures Agreement, the UN Fish Stocks Agreement, the FAO Compliance Agreement and the UN Law of the Sea as well as the various catch documentation schemes already adopted by Regional Fisheries Management Organisations (RFMOs) in the context of trade agreements, Fisheries Partnership Agreements and the EU's development policy;
19. Stresses the need to ensure that all third countries with which the EU has signed a Fisheries Partnership Agreement apply the rules of the International Labour Organisation (ILO) on core labour rights, particularly those concerning social dumping caused by IUU fishing;
20. Emphasises that past limitations in monitoring, control and surveillance of fishing activities have been largely overcome by technological advances, including developments in space and satellite technologies, and that the key to combating IUU fishing today lies primarily with governments finding the political will to act effectively and responsibly;
21. Calls on Member States to pursue and prosecute vessels, owners, firms, companies or individuals involved in IUU fishing-related activities, including the mixing of IUU catches with legal catches, as they would other perpetrators of environmental or economic crime, with severe sanctions upon conviction including, where appropriate for serious or repeat offences, the permanent withdrawal of licences and denial of access to port facilities;
22. Deplores the fact that EU subsidies have been distributed to vessels that had previously been caught fishing illegally;
23. Calls on the Commission to amend the requirements for all kinds of financial assistance so as to apply financial sanctions and the denial of funding opportunities to the owners of vessels proven to have fished illegally;
24. Urges the Commission to withhold aid from the European Fisheries Fund to all those vessels involved in IUU activities;
25. Emphasises the need to ensure greater responsibility and accountability on the part of the fishing industry in order to achieve the sustainable use of marine resources; considers that improving transparency in all aspects of the fishing industry and its activities, including agreeing on international criteria to establish the real beneficial owners of vessels and the fishing rights they hold, and conditions for their publication, as well as the monitoring of fishing vessels in international waters, is crucial;
26. Believes that the European Union should set an example by adopting and promoting a policy of transparency in decision-making in fisheries management in international bodies and in third countries with which the EU has fisheries relations;
27. Takes the view that fishing that respects the measures adopted at international, regional

and national level and that is based on the responsible and sustainable use of resources favours economic growth and job creation both within the EU and in developing countries, whereas illegal, unreported and unregulated (IUU) fishing has dramatic economic, social and environmental repercussions, and its consequences are especially damaging to developing countries in that it impedes the achievement of the Millennium Development Goals (MDGs), specifically MDGs 1, 7 and 8;

28. Underlines the cross-border nature of fishing activities and the need, in order to combat IUU fishing, to cooperate at both bilateral and multilateral level so that measures geared to combating IUU fishing are applied by everyone in a transparent, non-discriminatory and equitable manner, whilst taking account of the financial, technical and human capacities of developing countries, in particular those of small island states;
29. Calls on the Commission to ensure consistency among its policies so that development policy that combats poverty is an integral part of the EU's policy to combat IUU fishing, alongside the environmental and commercial concerns;
30. Stresses the direct link between IUU fishing and a state's level of governance and calls for all external aid measures to be accompanied by a firm political resolve on the part of the beneficiary state to ban IUU fishing in its waters, and more generally to improve governance in the fisheries sector;
31. Encourages the Commission and the Member States to expand their programmes of financial, technological and technical support, including Official Development Aid and Fisheries Partnership Agreements, for monitoring, control and surveillance programmes in the waters of developing countries, giving priority to regional programmes rather than bilateral ones; further encourages greater coordination among all donors, European and others, in funding such programmes;
32. Considers, furthermore, that the EU should make active use of cooperation in Fisheries Partnership Agreements (FPAs) in order to combat IUU fishing more effectively;
33. Calls on the Commission to increase the financial envelope for the fisheries sector in the agreements that it signs with developing countries as far as is necessary, so that these countries can consolidate their institutional, human and technical capacities to combat IUU fishing and thereby improve their compliance with the measures adopted by world and regional fisheries management organisations and with European legislation;
34. Stresses the need to involve civil society and to hand responsibility to fisheries sector undertakings so that they will ensure that legal fishing methods are complied with and cooperate with the authorities in combating IUU fishing, within the framework of the social and environmental responsibility of undertakings;
35. Asks the Commission to add the FAO Port State Measures Agreement, the UN Fish Stocks Agreement and the FAO Compliance Agreement to the list of instruments to be implemented for countries to be eligible for the Generalised System of Preferences plus, which is currently being revised; calls for the withdrawal of export licences for all countries which market products obtained by IUU fishing; considers that the EU should work with such countries in order to ban the marketing of these products;

36. Recalls that the issue of IUU fishing is inseparable from that of Economic Partnership Agreements in the context of trade which is subject to the rules of the WTO; stresses the problem of derogation from the rules of origin for some processed fishery products and in particular the case of Papua New Guinea, which prevents the traceability of such products and opens the way for IUU fishing;
37. Considers that the EU should pursue the following objectives in Regional Fisheries Management Organisations (RFMOs) to which it belongs:
- establishment, for all fisheries under the remit of the RFMOs, of registers of fishing vessels, including support vessels, that are authorised to fish, as well as lists of vessels that are identified as IUU (black lists), to be updated frequently, published widely and coordinated among RFMOs;
 - strengthening of RFMOs' Compliance Committees to examine the performance of Contracting Parties and, where necessary, impose effective sanctions;
 - extension of the list of specified measures to be taken by Contracting Parties (CPCs) as flag, coastal, port and market States, and States of beneficial ownership, within individual RFMOs;
 - establishment of appropriate at-sea inspections and observer programmes;
 - bans on transshipments at sea;
 - development of catch documentation schemes, beginning with the major species in each RFMO;
 - compulsory use of electronic tools including VMS, electronic logbooks and other tracking devices where relevant;
 - compulsory and regular evaluations of the performance of individual RFMOs with a requirement that the recommendations be acted upon;
 - declaration of financial interests with respect to fisheries for heads of delegations to RFMOs where they could lead to a conflict of interest;
38. Calls for an urgent expansion of the network of RFMOs to cover all high seas fisheries and areas, either by establishing new RFMOs or by expanding the mandate of existing ones; believes that vastly enhanced cooperation among RFMOs, in terms of information exchange, sanctions against vessels and CPCs, is necessary given the global nature of IUU fishing;
39. Believes that the right to fish on the high seas must, to the extent possible under international law, be made conditional upon a State's adherence to the relevant international bodies and full implementation of all management measures that they adopt;
40. Notes that the FAO is the main source for scientific expertise and recommendations when examining global fisheries and aquaculture issues due to fisheries development and management being better amalgamated with the preservation of biodiversity and

protection of the environment;

41. Fully supports the current FAO initiative to develop a Global Record of Fishing Vessels, which should be compulsory and include vessels above 10 GT as soon as possible;
42. Encourages the rapid development of a system for the evaluation of flag State performance currently underway at the FAO as a means of putting pressure on States that do not meet their international legal obligations; urges that some effective mechanism be found for sanctioning States that do not ensure that vessels flying their flag do not support or engage in IUU fishing and abide by all relevant legislation; calls on Member States to enforce fairly and transparently the market instruments to stop illegal fishing, without discriminating against other countries; supports the FAO's decision to set up international consultations on the performance of flag States in regard to their obligations under international law;
43. Calls for the urgent adoption of measures to put an end to the use of 'flags of convenience', a practice which enables fishing vessels to operate illegally, with impunity, at a great cost to the marine ecosystem, fish stocks, coastal communities, food security, particularly in developing countries, and the legitimate, law-abiding fishing industry;
44. Emphasises the need to ensure that EU interests are not involved in such forms of fishing piracy and therefore calls on Member States to ensure that their nationals do not support or engage in IUU fishing;
45. Supports the efforts of the Commission to establish a public register listing the identities of ship owners that have been proven to have participated in IUU fishing; believes that the register should be in line with the one managed by the Community Fisheries Control Agency in Vigo;
46. Believes that independent evaluations of both flag States' and RFMOs' performance should be carried out by an organisation integrated into the United Nations system without further delay;
47. Recognises the lack of international cooperation in management of the negative impacts of human activities other than fishing that affect the marine environment and calls upon the Commission to advocate the creation of a global body to fill this void, possibly under the auspices of the UN;
48. Emphasises that the concept of market State responsibility must be more fully developed as a means of closing down the markets for the products of IUU fish; believes that the EU must urgently discuss with other major market States, including but not limited to the US, Japan and China, how to cooperate among themselves and, as rapidly as possible, to develop international legal instruments that could halt, prosecute and punish trade in IUU fish, in line with the World Trade Organisation (WTO) rules and within the framework of the United Nations system;
49. Underlines that maintaining and developing the European fisheries sector depends in part on strict IUU monitoring of fishery products traded on European and global markets; stresses the importance of this sector for regional planning, food safety and safeguarding

jobs and resources in Community waters;

50. Takes the view that the European Union already has instruments with which to discourage illegal fishing and is convinced that, since it is one of the largest markets for fish in the world, the dissuasive effect would have undoubted practical consequences if it uses these instruments properly; calls, therefore, for European Union export certificates not to be granted to or to be withdrawn from those states or contracting parties which do not cooperate with RFMOs in establishing instruments such as catch documentation systems or port state measures;
51. Stresses that one of the best weapons in the fight against IUU fishing is the trade weapon; once again deplures, therefore, the lack of coordination between DG MARE and DG TRADE, since whilst the former is setting itself more and more objectives in order to combat IUU fishing, the latter's exclusive aim appears to be to make Community markets more and more open to imports, whatever their origin and whatever control guarantees are in place, granting tariff preferences and rules of origin derogations that are serving only to hand European markets over to fleets and countries that have been identified as at least tolerating IUU fishing;
52. Considers in this context that the market should increasingly be held to account for its actions, and particularly importers, since the market is perhaps the most significant cause of IUU fishing;
53. Stresses the importance of the consumer's right to always be certain that the product purchased has been legally fished;
54. Calls on both the Commission and the Member States to improve their information to consumers on various labelling schemes, e.g. the Marine Stewardship Council (MSC) scheme, which create transparency and provide consumers with a guarantee that they are purchasing sustainable, legally landed fish;
55. Expresses its full support for the new guidelines adopted at the FAO Committee on Fisheries (COFI) meeting in February 2011, with the objective of harmonising the system of fisheries product labelling in order to fight illegal fishing; believes that the characteristics of labelling should include clear indications concerning the commercial and scientific designation of the fish concerned, the type of fishery and, above all, the zone of origin;
56. Encourages the Commission to pursue the development of a global catch documentation scheme;
57. Calls on the Commission and the Member States to support the development and utilisation of techniques to ensure full, effective traceability of fish products throughout the supply chain, including satellite tracking of fishing and support vessels and electronic tags to track fish, as well as the establishment of global fish DNA and other genetic databases to identify the fish products and their geographical origin as described in the Commission's Joint Research Centre (JRC) report 'Deterring Illegal Activities in the Fisheries Sector – Genetics, Genomics, Chemistry and Forensics to Fight IUU Fishing and in Support of Fish Product Traceability';

58. Calls on the Commission and Council to increase the resources allocated to the fight against corruption and organised crime at all levels;
59. Welcomes the recent report from the UN Office on Drugs and Crime (UNODC) on the role of transnational organised crime in the fishing industry and its explanation of how organised criminal groups are extending their influence in the fishing industry, including in both upstream (vessel and crew supply, refuelling, etc.) and downstream (marketing, shipping) activities;
60. Is alarmed at the use of such criminal activities as human exploitation and trafficking, money laundering, corruption, handling of stolen goods, tax evasion and customs fraud by those engaged in IUU fishing, which should be viewed as a form of organised transnational crime; emphasises the need for a more comprehensive and integrated approach to combating IUU fishing, including controls on trade and imports;
61. Fully endorses the recommendations of the UNODC report, including expanding international cooperation in investigating criminal activities at sea, improving transparency of fishing vessel ownership and activities and discouraging both the sale and the operation of fishing vessels by companies with untraceable beneficial owners;
62. Notes that the UN Convention on Transnational Organised Crime is one of the most widely ratified treaties, which obliges its Contracting Parties to cooperate with each other, in terms of investigations, prosecutions and judicial proceedings, in transnational organised crime cases, thus creating important synergies in combating IUU fishing;
63. Believes that IUU fishing should be made one of the prioritised areas for Interpol, giving resources and investigative powers to the organisation to monitor and combat transnational criminal aspects of IUU fishing;
64. Requests the Commission to examine the US Lacey Act and to consider whether certain of its elements might be useful in the European context, particularly the responsibility it imposes on retailers for the legality of fish;
65. Calls upon the Commission to include the above principles, where relevant, in the provisions of its bilateral fisheries agreements;
66. Insists that the EU propose that the issue of international oceans governance be made a priority at the next World Summit on Sustainable Development in Brazil in 2012, on the 30th anniversary of the UN Law of the Seas;
67. Points out that the fight against illegal fishing at world level is vital for global sustainable development and must therefore represent an essential and explicit part of Fisheries Partnership Agreements, trade policy commitments, development cooperation policy objectives and the European Union's foreign policy priorities;
68. Instructs its President to forward this resolution to the Council, the Commission, the national parliaments of the Member States, the secretariats of the RFMOs to which the EU is a Contracting Party and the Committee on Fisheries of the FAO.

EXPLANATORY STATEMENT

The FAO adopted a Plan of Action to combat Illegal, Unreported and Unregulated (IUU) fishing in 2001, which has since been a declared priority of the international community.

IUU fishing undermines efforts to conserve and manage fish stocks in all capture fisheries. When confronted with IUU fishing, national and regional fisheries management organizations can fail to achieve management goals. This situation leads to the loss of both short and long-term social and economic opportunities and to negative effects on food security and environmental protection. IUU fishing can lead to the collapse of a fishery or seriously impair efforts to rebuild stocks that have already been depleted. Existing international instruments addressing IUU fishing have not been effective due to a lack of political will, priority, capacity and resources to ratify or accede to and implement them. (FAO 2001 Plan of Action, first paragraph)

Some progress has been made in specific fisheries or by some countries. Nonetheless, in many places the statement is as true now as it was when it was written, suggesting that much remains to be done.

By its very nature, the extent of IUU fishing is impossible to estimate with any precision, but it is known to be very large. One recent study¹ suggested it accounted for between 11 and 26 million tonnes per year. Even the low end of that range is equivalent to 15% of marine catches.

The European Union (EU) has a special responsibility when it comes to combating IUU fishing, since it constitutes the world's largest market for fish and is one of the major fishing powers.

The recent IUU and Control Regulations (Council Regulations 1005/2008 and 1224/2009 respectively) provide the EU with powerful and ground-breaking tools to combat IUU fishing, by defining obligations and opportunities of both Member States and third countries as flag, coastal, port and market States. Clearly, though, they cannot eliminate IUU fishing in isolation. Since by far the majority of the world's oceans are beyond areas of national jurisdiction - approximately two-thirds - it is clear that national efforts and regional cooperation are not enough. This battle can only be won by the global community acting cooperatively.

The two working documents have provided background information on certain initiatives that have been taken by the international community in the United Nations (UN) and Regional Fisheries Management Organizations (RFMOs). The report makes specific proposals on what the EU should promote and propose in the appropriate fora.

¹ Agnew DJ, Pearce J, Pramod G, Peatman T, Watson R, et al. (2009) Estimating the Worldwide Extent of Illegal Fishing. PLoS ONE 4(2): e4570. doi:10.1371/journal.pone.0004570.

Over-Arching Theme of Transparency

IUU fishing is facilitated by a lack of access to information, hiding behind screens of “confidentiality” and “privacy”. A recurring theme in many analyses of IUU fishing is a lack of transparency regarding the names of vessels and the identities of their beneficial owners. This clearly serves the interests of unscrupulous operators in their attempts to evade detection. This obscurity is manifest in many ways, large and small, from crew-members hiding the name of a vessel to avoid identification at sea, to the web of shell companies in certain countries that hide the name of the vessel’s owner, to non-compliant flag States that refuse to fulfil their obligations. A wide range of measures is needed to improve transparency.

The EU as a Leader by Example

With its new legislation, the EU has, on paper, armed itself with powerful tools to combat IUU fishing. If the EU is to persuade other States to act as well, then the EU must itself be above reproach. It must not only list non-EU vessels on the IUU list or third countries as non-cooperating States. It must not hesitate to list EU vessels or impose sanctions on Member States that do not enforce the rules of the Common Fisheries Policy (CFP), even if it is politically difficult to name and shame a Member State as failing in its responsibilities. The Commission and Member States must also be given sufficient resources to fully implement these regulations.

From 2003 to 2006 the Commission published scorecards on the performance of Member States in applying the rules of the CFP. The initiative should be resumed, in the interests of transparency and a “level playing field”.

The EU funds, through various budget lines, a number of surveillance programmes in developing countries. This should be expanded and coordinated with similar projects by the Member States. Most international instruments, such as the Port State Measures Agreement, the UN Fish Stocks Agreement and the FAO Compliance Agreement, have provisions for funding developing countries and the EU could work through these.

A simple but important step that the EU could take unilaterally to improve transparency is to put the names of the owners of EU fishing vessels, and the authorisations they have, in the public domain.

Initiatives in International Organisations

The existing RFMOs vary widely in their approach to IUU fishing and the legal measures, including sanctions that they employ to combat it. There are many things the EU can promote that would reduce IUU fishing both directly and indirectly:

- additional RFMOs, or extensions in the mandates of existing ones, to cover areas and species not currently regulated;
- registers of fishing vessels, including support vessels, that are authorised to fish and lists of vessels that are identified as IUU (black lists) for all fisheries under the RFMO remit, to be updated frequently, published widely and coordinated among RFMOs;

- strengthened Compliance Committees to examine the performance of Contracting Parties and, where necessary, impose effective sanctions;
- extended flag, coastal, port and market State measures within individual RFMOs;
- at-sea inspections and observer programmes;
- bans on transshipments at sea;
- catch documentation schemes, beginning with the major species in each RFMO;
- compulsory and regular evaluations of the performance of individual RFMOs conducted by an independent body such as the UN, with a requirement that the recommendations be acted upon.

Ultimately, most of these ideas need to be implemented (or at least coordinated) among RFMOs, given the global nature of fisheries. While working within RFMOs, the EU could simultaneously support current global initiatives (by the FAO for instance) as well as proposing new ones:

- promote, both financially and politically, the Global Record of Fishing Vessels, which should become compulsory and include all vessels (including support vessels) above 10 GT or 12 metres as soon as possible;
- encourage the rapid development of a system of flag State performance evaluation;
- encourage the ratification or accession of States to international fisheries legal instruments (Compliance Agreement, Port State Measures Agreement, UN Fish Stocks Agreement) such as by adding them to the list of instruments to be implemented for countries to be eligible for the Generalized System of Preferences plus¹ (currently being revised);
- a global database of genetic material from fish stocks to allow the identification of the species and stock from which fish products are derived;

Cooperation among Market States

The EU's IUU regulation is an extremely good initiative, but if it is to be as effective as possible, it must be supported by other major fish markets and, ultimately, by the international community as a whole. If it is only the EU that refuses IUU fish, then inevitably, other markets will be found. It is of paramount importance that the US, Japan and China, among others, also act to eliminate imports of IUU fish. The Commission should undertake a strong diplomatic initiative with the major market States to discuss measures that they can take for their own markets as well as what possible actions can be taken at a multilateral and global level.

Another related possibility to improve traceability would be to expand considerably the use of catch certificates for fish that enters international trade. Two RFMOs have already adopted such schemes and the EU should promote certificates as a general tool to combat trade in IUU fish. The ultimate objective should be to develop a global catch certification scheme, while avoiding creating a non-tariff barrier to trade. It is difficult to see how countries could argue in favour of trade in IUU fish, but there were loud voices in the EU against the IUU regulation when it was first proposed.

¹ http://trade.ec.europa.eu/doclib/docs/2008/july/tradoc_139963.pdf

Organised Criminal Aspects of IUU Fishing

Most of the above proposals are standard aspects of good fisheries management that have been discussed for many years and, in at least some places, already implemented in some form or another. A relatively new element is the realisation of the involvement of criminal groups in IUU fishing. Such involvement could include the participation of classical criminal gangs in the fishing operations, but more often is the adoption of some of their techniques in support of fishing, such as human trafficking, slave labour, tax evasion, money laundering, customs fraud, corruption, handling of stolen goods, etc.

A new report by the UN Office on Drugs and Crime¹ examines the extent to which the global fishing industry is vulnerable to such activities and paints a very sombre image of the expansion of organised criminal elements into fishing operations, in the EU and around the world.

These criminal elements can be highly organised, using sophisticated techniques such as finance and tax havens to hide the identity of beneficial owners as well as the use of flag registers that are unable or unwilling to exercise their law enforcement responsibilities. They can be large and complex in some situations, using fleets of fishing vessels that share the same supply networks and distribution and marketing paths, often laundering the illegal catch with legally caught fish. Fishing vessels are also used at times for smuggling of drugs, weapons and even terrorists. The links between fishing and criminal groups are expanding and deepening.

The report makes a number of recommendations that deserve support by the EU, some of which overlap with previous ideas:

- improve the investigative capacity into organised criminal activities at sea, including by expanding coordination among the many different law enforcement agencies involved (customs, financial crime, drug trafficking, etc.);
- improve transparency and traceability of fish to expose criminal activities and reduce their profits;
- monitor or, preferably prohibit, the sale of used fishing vessels to companies with untraceable beneficial owners, registered under flags of non-compliance;
- improve monitoring of fishing vessel activities and their interactions with merchant vessels;

In short, treating IUU fishing as isolated cases of the failure of fisheries enforcement is too simplistic a view these days. Countries must adapt their legal and management resources to this new reality and take full advantage of the tools already available in other types of criminal activities to combat IUU fishing when criminal groups are involved, including in upstream and downstream activities linked to fishing.

The UN Convention on Transnational Organised Crime has 159 Contracting Parties, which means they have an obligation to act and to cooperate to fight IUU fishing when organized

¹ UNDOC. 2011. Transnational Organized Crime in the Fishing Industry. Available at http://www.unodc.org/documents/human-trafficking/Issue_Paper_-_TOC_in_the_Fishing_Industry.pdf

criminal elements are involved.

Conclusions

Fishing is a global industry, as is, inevitably, the IUU component. As is clear from the above, global cooperation is needed to combat IUU fishing.

The oceans of the world are the common heritage of humanity, and their conservation is the common responsibility of humanity.

The logical consequence is that a system of global ocean governance is essential for managing fisheries, especially on the high seas. The current approach is a clear failure.

International agreements must be negotiated to ensure that the right to fish is conditional to minimum criteria relating to transparency of ownership, operations and catches, traceability of the product, etc. and that States not fulfilling their responsibilities lose their fishing rights.

As a final note, many of the above recommendations would require significant resources to implement. Many developing countries would have difficulty finding such resources so means must be found for providing assistance. This is a common situation these days. However, such assistance should not be unconditional - failure on the part of countries receiving assistance should provoke the same consequences as for other countries, such as prohibition on exports.

15.6.2011

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on Fisheries

on combating illegal fishing at the global level – the role of the EU
(2010/2210(INI))

Rapporteur: Maurice Ponga

SUGGESTIONS

The Committee on Development calls on the Committee on Fisheries, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Takes the view that fishing that respects the measures adopted at international, regional and national level and that is based on the responsible and sustainable use of resources favours economic growth and job creation both within the EU and in developing countries, whereas illegal, unreported and unregulated (IUU) fishing has dramatic economic, social and environmental repercussions, and its consequences are especially damaging to developing countries in that it impedes the achievement of the Millennium Development Goals (MDGs), specifically MDGs 1, 7 and 8;
2. Underlines the cross-border nature of fishing activities and the need, in order to combat IUU fishing, to cooperate at both bilateral and multilateral level so that measures geared to combating IUU fishing are applied by everyone in a transparent, non-discriminatory and equitable manner, whilst taking account of the financial, technical and human capacities of developing countries, in particular those of small island states;
3. Welcomes, in this connection, the FAO's adoption in November 2009 of the agreement on port state measures to prevent, deter and eliminate IUU fishing, and accordingly invites all of the international community to ratify this agreement as soon as possible;
4. Calls on the Commission to ensure consistency among its policies so that development policy that combats poverty is an integral part of the EU's policy to combat IUU fishing, alongside the environmental and commercial concerns;
5. Stresses the direct link between IUU fishing and a state's level of governance and calls for

all external aid measures to be accompanied by a firm political resolve on the part of the beneficiary state to ban IUU fishing in its waters, and more generally to improve governance in the fisheries sector;

6. Calls on the Commission to increase the financial envelope for the fisheries sector in the agreements that it signs with developing countries as far as is necessary, so that these countries can consolidate their institutional, human and technical capacities to combat IUU fishing and thereby improve their compliance with the measures adopted by world and regional fisheries management organisations and with European legislation;
7. Stresses the need to involve civil society and to hand responsibility to fisheries sector undertakings so that they will ensure that legal fishing methods are complied with and cooperate with the authorities in combating IUU fishing, within the framework of the social and environmental responsibility of undertakings.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	14.6.2011
Result of final vote	+: 20 -: 0 0: 0
Members present for the final vote	Michael Cashman, Ricardo Cortés Lastra, Leonidas Donskis, Charles Goerens, Catherine Grèze, András Gyürk, Filip Kaczmarek, Franziska Keller, Miguel Angel Martínez Martínez, Norbert Neuser, Maurice Ponga, Birgit Schnieber-Jastram, Michèle Striffler, Alf Svensson, Eleni Theoharous, Ivo Vajgl, Iva Zanicchi
Substitute(s) present for the final vote	Kriton Arsenis, Isabella Lövin, Csaba Óry

25.5.2011

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Fisheries

on combating illegal fishing at the global level – the role of the EU
(2010/2210(INI))

Rapporteur: Anna Rosbach

SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Stresses the need for immediate and thorough action in combating the problem of illegal fishing and reiterates that this issue is a global problem;
2. Emphasises that illegal fishing is a form of transnational organised crime and remains one of the most serious threats to the conservation and sustainable management of marine resources;
3. Underlines that ecological sustainability is a vital prerequisite for the long-term economic and social viability of fishing activities and therefore calls for comprehensive, effective and transparent measures to prevent, deter and eliminate illegal, unregulated and unreported (IUU) fishing, including flag state measures, port state measures, coastal state measures, market-related measures and measures to ensure that nationals do not support or engage in IUU fishing;
4. Stresses the importance of the consumer's right to always be certain that the product purchased has been legally fished;
5. Emphasises the serious threat to biodiversity and sustainable marine environments posed by over-fishing, exacerbated by illegal fishing, as well as the social and economic impacts of extinguishing fish stocks and the potential threat to food security;
6. Stresses that illegal fishing contributes to the excessive exploitation of fish stocks,

damages marine ecosystems, is a form of unfair competition against honest fishermen, causes loss of income in the sector and jeopardises the survival of coastal communities, especially in developing countries;

7. Underlines that illegal fishing is a global problem which requires international cooperation and must be addressed both when it is undertaken by the fishing fleets of third parties and when it is undertaken by those of Member States; in this respect stresses the need for timely, detailed and accurate data regarding fishing vessels, especially those identified as engaging in IUU;
8. Considers that the EU's credibility on the global stage in the fight against illegal, unreported and unregulated (IUU) fishing depends on the vigour with which it combats IUU fishing by its own fleet and the sale of IUU fish on its own markets;
9. Calls for urgent measures to put an end to the use of 'flags of convenience', a practice which enables fishing vessels to operate illegally, with impunity, at a great cost to the marine environment, fish stocks, coastal communities, the legitimate fishing industry and food security, particularly in developing countries, and stresses the need to ensure that there are no EU interests involved in such forms of fishing piracy;
10. Calls on the Commission to assess whether imports of products from states which do not guarantee compliance with measures to combat illegal fishing could be suspended or banned, in compliance with the rules of the WTO;
11. Calls on the Member States to ensure that extra protection is provided during the breeding period and in breeding areas, where they exist;
12. Calls on the Member States to dedicate sufficient resources (human, financial, logistical) so as to fully implement Council Regulation (EC) No 1005/2008 to prevent, deter and eliminate illegal, unreported and unregulated fishing, and calls on the Commission to pursue infringement action where Member States fail to do so;
13. Calls on the Member States and the Commission to ensure that illegal fishing is combated at sea and in inland waters and underlines the need to review the sufficiency of control mechanisms and their implementation;
14. Stresses that the fight against illegal fishing is a prerequisite for protecting marine ecosystems and vital for developing genuinely sustainable fisheries;
15. Calls on the Member States and the Commission to implement a zero tolerance policy against illegal fishing by ensuring the full traceability of all fishery products entering the EU, notably by setting a global database of DNA from fish stocks in order to identify the source of fish and aid prosecution, and guaranteeing that catches from illegal fishing are not sold in or imported to Member States; and calls on the Member States and the Commission to discuss with other major market states (including the US, Japan, China) how they could ban the importation of illegal fish and implement measures similar in intent and approach to the EU's IUU regulation;
16. Notes that combating illegal fishing is to a large extent a question of political will and

therefore urges the Member States and the Commission to increase the fight against illegal fishing, to guarantee that the EU IUU regulation is respected and to push for increased international attention and action, using all available means, in particular in the international area, such as the WTO and other venues, and notably by stepping up cooperation with international partners to improve monitoring, control and surveillance of IUU activities;

17. Emphasises the importance of improving transparency on IUU fishing activities and urges the Member States and the Commission to strengthen their efforts to publish information relevant to IUU fishing operations and to establish systems to share information with any potentially concerned state and international organisation;
18. Stresses the need to promote cooperation between EU Member States and third countries to combat IUU fishing and to ensure that developing countries have the capacity to comply with the EU legislation;
19. Urges the Commission to withhold aid from the European Fisheries Fund to all those vessels involved in IUU activities;
20. Welcomes the Commission's decision to introduce a point-based fishing licence, an additional tool the Member States will be able to use to identify irregularities at each stage of the market chain and to impose strict penalties in case of infringement;
21. Calls on the Commission to strengthen fisheries partnerships with developing countries, focusing its attention on their monitoring and surveillance capacities.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	24.5.2011
Result of final vote	+: 52 -: 0 0: 0
Members present for the final vote	János Áder, Elena Oana Antonescu, Kriton Arsenis, Sophie Auconie, Pilar Ayuso, Paolo Bartolozzi, Sergio Berlato, Nessa Childers, Chris Davies, Esther de Lange, Anne Delvaux, Bas Eickhout, Edite Estrela, Jill Evans, Elisabetta Gardini, Gerben-Jan Gerbrandy, Nick Griffin, Françoise Grossetête, Jolanta Emilia Hibner, Dan Jørgensen, Christa Kläß, Holger Kraemer, Jo Leinen, Corinne Lepage, Kartika Tamara Liotard, Linda McAvan, Radvilė Morkūnaitė-Mikulėnienė, Gilles Pargneaux, Andres Perello Rodriguez, Mario Pirillo, Vittorio Prodi, Anna Rosbach, Oreste Rossi, Dagmar Roth-Behrendt, Daciana Octavia Sârbu, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Theodoros Skylakakis, Bogusław Sonik, Claudiu Ciprian Tănăsescu, Salvatore Tatarella, Åsa Westlund, Sabine Wils, Marina Yannakoudakis
Substitute(s) present for the final vote	Inés Ayala Sender, Matthias Groote, Riikka Manner, Marisa Matias, Judith A. Merkies, Michail Tremopoulos, Anna Záborská

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	11.10.2011
Result of final vote	+ : 20 - : 0 0 : 0
Members present for the final vote	Josefa Andrés Barea, Antonello Antinoro, Kriton Arsenis, Alain Cadec, Jorgo Chatzimarkakis, Carmen Fraga Estévez, Pat the Cope Gallagher, Carl Haglund, Ian Hudghton, Werner Kuhn, Isabella Lövin, Gabriel Mato Adrover, Guido Milana, Maria do Céu Patrão Neves, Crescenzo Rivellini, Ulrike Rodust, Struan Stevenson, Catherine Trautmann
Substitute(s) present for the final vote	Ole Christensen, Chris Davies, Ioannis A. Tsoukalas