

## European Association of Fish Producers Organisations



**EAPO/AEOP**  
**H. Baelskaai 25**  
**8400 OOSTENDE**  
**BELGIUM**  
☎ 32 59 32 18 76 fax: - 32 28 40  
e-mail: info@eapo.com

EAPO07- 04

Oostende, 24th of January 2007

### **OBSERVATIONS TO THE COMMISSION'S DOCUMENT ON IMPROVING THE FIGHT AGAINST IUU FISHING**

#### **1) GENERAL OBSERVATIONS**

The EAPO is pleased that the Commission is willing to encourage the final eradication of the IUU fleet during this year<sup>1</sup>.

It is evident that efforts done so far have proved to be useless to achieve the intended objective of making an end of this fleet which is causing a great damage both to the conservation of resources as well as to the EEC fleet in as much as they are competing with the latter under conditions which are totally out of control and surveillance by the authorities of the flag countries.

The EAPO considers that in order to eliminate illegal practices carried out by the "IUU" fleet first of all we should correctly define what is meant by "IUU" fleets. In the EAPO's point of view, an IUU fleet is a fleet that is not subject to any fishing permit or licence and to any control by the authorities of the flag State whatsoever. Normally, the IUU fleets operate within an international framework. So, by definition, the EU fleet cannot be considered as IUU fleet while it is subject to rules derived from the Common Fisheries Policy. A Community fishing vessel which fails to comply with the Community rules shall not be confused with an IUU fishing vessel.

In the opinion of the EAPO, if it is clear for everybody what an IUU fleet is, then it will be much easier to address the problem and to promote the tools required to achieve the eradication of this fleet.

#### **2) PARTICULAR OBSERVATIONS**

The EAPO wishes to answer to the three questions put forward by the Commission in relation to each field of action as proposed in section 2 of the Report:

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<sup>1</sup> Illegal, unreported and unregulated fleets

**1) Field of Action No. 1: Improve control of third countries fishing vessels calling Community ports.**

Answers to the three questions:

- a) Yes, it is appropriate for measures to be taken at Community level.
- b) The Commission's proposal seems to be correct in that Flag States shall certify that products have been legally fished and shall further co-operate to verify it in situ. Depending on the species caught, the UE could ask for relevant data to prove the veracity of the certificates issued by the Flag State.
- c) Each case should be analysed individually to see social, economic and environmental impact.

**2) Field of Action n° 2: Improve control of third countries products arriving to the EU by other means than fishing vessels.**

Answers:

- a) Yes, it is appropriate.
- b) We agree with the proposed action.
- c) Each case should be analysed.

**3) Field of action n° 3: Close the EU market to fisheries products from IUU fleet.**

Answers:

- a) Yes, it is appropriate.
- b) It would be correct; however the procedure is too slow and is likely to make action less efficient. We shall recall that the IUU Fleet changes flag very quickly when it feels under threat.
- c) Each case should be analysed.

**4) Field of action n° 4: IUU Activities carried out by EU nationals**

Answers:

- a) The principle of subsidiary shall continue to be kept as regards control and inspection and every Member State shall duly penalise its citizens by law and according to each country' culture, for undertaking IUU fishing on fleets belonging to third countries.
- b) It is reflected in answer a)
- c) Each case should be analysed

**5) Field of action n° 5: Improve legal means.**

Answers:

The same as for field of action No. 4

**6) Field of action n°6: Introduce an efficient regime of penalties.**

Answers:

It should be reiterated that it is for Member States and not for the EU, to improve national laws on inspections and sanctions.

On the other hand, the proposed action should exclusively focus on IUU fleet flying third countries flag instead of the EU fleet which already undergoes a severe system of control, inspection and sanctioning measures.

**7) Field of action n° 7: Improve action against IUU fleets within RFMOs.**

Answers.

This action also includes the EU fleet as IUU fleets in the event that the former undertakes illegal activities. We should stress that EU fleet must be taken separately from the IUU fleet because of the fact that the EU fleet has fishing permits or licences, undergoes satellite monitoring, inspections at sea and at shore, has logbooks, landing reports, sales notes, etc., while the IUU fleets do not have and do not comply with any of these requirements.

Consequently, the EAPO agrees that actions are improved within RFMOs, however they shall be against IUU fleets flying third countries flags.

On the other hand, transshipments at sea are a normal practice carried out not only by IUU fleets but also by the EU long distance fleet. Therefore, it would not be advisable to ban transshipments at sea since it would prejudice a great deal the EU long distance fleet which would have to call port to land goods resulting in higher fuel costs, days at sea, etc.

**8) Field of Action n° 8: Support the policy and means of developing countries against IUU fishing.**

Answers:

- a) The EU shall strengthen co-operation links in this respect within bilateral fishing agreements.
- b) Satellite monitoring, inspection boats, etc., are necessary means to fight against illegal fishing in developing countries.
- c) Each case must be analysed individually.

**9) Field of Action n° 9: Increase synergies in the field of Monitoring, Control and Surveillance.**

Answers.

The Fisheries Control Agency may play an important role as regards coordination and, hence, synergies of all aspects related to IUU fleets (fiscal taxes, sanitary inspections, etc.).

### **3) CONCLUSIONS**

The EAPO considers that the first premise to fight against IUU fishing efficiently is to identify it clearly as a fleet which has no fishing permits or licences, no satellite control, no logbooks, no notes of sale, etc. Secondly, the EAPO believes that the most efficient measure would be by prohibiting the entrance at the EU Member States customs of fish which do not carry a certificate proving its origin and the conformity of the Flag State of vessels which caught the fish, regardless of whether customs entry is done by sea, either on a fishing vessel, a reefer or in containers, by land or by air.

The EAPO considers that, unlike transit of guns or drugs as mentioned in the Commission's document, the purchase/sale of fish from IUU fleets is still legal in the EU and this is precisely what shall be avoided.

J. SUAREZ - LLANOS