

**EC REGULATION 1005/2008 TO PREVENT, DETER AND ELIMINATE ILLEGAL,
UNREPORTED AND UNREGULATED (IUU) FISHING**

INTERNATIONAL COOPERATION

1. INTRODUCTION

IUU fishing is a problem that affects a wide range of countries on all continents. It is not unusual that one single IUU fishing operation can be carried out in the waters of different countries or that the operators involved are of different nationalities. International cooperation is thus essential to prevent, deter and eliminate such activities. Consequently, the EU aims to cooperate with third countries in the implementation and operation of the IUU Regulation.

The Regulation is comprised of several provisions, including cooperation mechanisms between third countries and the EU. Those cooperation mechanisms should be seen as facilitating tools for the implementation of the Regulation but shall however not be considered as a prerequisite to its implementation. The EU will encourage cooperation with third countries and assist in the implementation of the Regulation, so as to avoid hindering or delaying current legitimate trade flows.

Cooperation under the Regulation has a three-pronged approach and will:

- 1) Provide a legal framework to prevent, deter and eliminate IUU fishing on a case by case basis;
- 2) Establish, with the third countries concerned, commonly agreed administrative rules to facilitate the implementation of the catch certification scheme, taking into account the interests of legitimate trade and specific situations, such as the type of fisheries, control systems in place and/or trade profiles;
- 3) Provide support to developing countries.

2. LEGAL FRAMEWORK TO THE OPERATIONAL COOPERATION

As IUU fishing activities frequently have an international dimension, detecting IUU fishing is hard for the authorities of a single country to overcome, given the fact they may only have access to a limited number of data or evidence.

In addition, in case of detection of these activities, for example by patrol vessel sightings (relatively expensive method), taking action against the offenders can be fraught with practical and/or legal difficulties.

Adversely, evidence of IUU fishing can be found by other means, such as landing inspections and verifications of the fishery products and at the operators concerned.

2.1 INFORMATION ON FISHING VESSELS

As stipulated in the Regulation and in the framework of surveillance and control activities, all information and evidence indicating a possible breach to conservation and management

measures collected by Member States shall be made available to all third countries concerned (flag States, coastal States), for the purposes of further investigation and action towards the offenders.

(References: Articles 11(4) and 48)

2.2 THE COMMUNITY ALERT SYSTEM

The Commission is convinced that the detection of IUU fishing should take place at the earliest possible stage in order to reduce its negative impact on the resources and on legitimate trade.

To that end, a Community Alert System has been introduced in the Regulation and its purpose is threefold:

- To collect and examine any reliable information raising well-founded doubts as to the compliance with conservation and management measures by fishing vessels of fishery products;
- To increase awareness by all parties concerned on situations of risk regarding the compliance with conservation and management measures;
- To enable authorities to focus their attention on potential cases of fraud, thus avoiding unnecessary verifications on trade of 'clean' goods.

This system will generate "alert notices", regular updates and they will be made publicly available and communicated to the third countries concerned.

(References: Articles 23 and 24)

2.3 VERIFICATIONS UNDER THE CATCH CERTIFICATION SCHEME

Like other certification systems applying to international trade, the catch certification scheme has a control mechanism of the operations, which calls for cooperation with the third countries concerned.

In the presence of well-founded doubts on the validity of catch certificates or the respect of conservation and management measures, Member States will inform the third country concerned and ask it to carry out all relevant verifications. Their results will make it possible to take a decision relating to the acceptance of the consignments on the market.

(References: Articles 17 and 18)

2.4 MUTUAL ASSISTANCE

The exchange and the use of information between authorities at international level requires a legal framework to determine the scope and conditions of such cooperation, relating to the verification of compliance by fishing vessels or operators, including the protection of data shared. To that end, the Regulation provides for the setting up of a system of mutual assistance, which will lay down all the relevant legal provisions to be implemented, where

such cooperation should be requested, in as much as no specific rules are not already laid down (as in the case of the catch certification scheme).

(Reference: Article 51)

3. IMPLEMENTATION OF THE CATCH CERTIFICATION SCHEME

Chapter III of the Regulation lays down the general provisions on the implementation of the catch certification scheme. In order to take into account specific situations related to the nature of the trade, the type of fishery products, existing control systems, etc., this Chapter provides for that the appropriate administrative cooperation be established with the third countries concerned.

References: (Articles 12 and 20 (2) and (3))

The technical document on the catch certification scheme identifies areas where such administrative cooperation could be established.

4. SUPPORT TO DEVELOPING COUNTRIES

Whilst the problem of effectively detecting IUU fishing affects all countries, the negative impact is even worse for developing countries in particular, as the operators involved often benefit from market opportunities in developed countries. This affects legitimate operators in developing countries as they suffer from unfair competition and are sometimes forced out of the fishing industry. A devastating situation in many aspects since it may threaten the livelihood of coastal communities, which often rely on this activity. IUU activities are also a loss of revenue for flag or coastal States.

- The Commission defined a work program in 2008 to assist the implementation of the Regulation. It includes a study which was specifically dedicated to the catch certification scheme and targeted actions towards developing countries. The results on the study can be found on

http://ec.europa.eu/fisheries/documentation/studies/index_en.htm?Page=2

- Targeted actions towards developing countries were carried out in 2008-2009 to assist in a proper implementation of the new EU rules. Those actions include regional seminars on several continents dedicated to provide information on the new Regulation and evaluate which cooperation mechanisms could be put in place with a view to the practical implementation of this Regulation.
- Beyond the dissemination of information on the new scheme and its implications, the Commission may carry out targeted actions to assist a certain number of developing countries in the implementation of this scheme. This could include actions focusing on the training of officials in charge of customs and fisheries control as well as representatives from the export-oriented fishing sector in the countries concerned.