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Improving performance in the fight against illegal, unreported and unregulated (IUU) fishing

The EU IUU Regulation carding process: A review of European Commission carding decisions

Executive summary

The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts (Pew) and WWF are working together to support the harmonised and effective implementation of the European Union's Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing[1].

Under the IUU Regulation, non-EU countries identified as having inadequate measures in place to prevent and deter this activity may be issued with a formal warning (yellow card) to improve. If they fail to do so, they face having their fish banned from the EU market (red card) among other measures.

This briefing provides an overview of the key factors that have influenced the European Commission's carding decisions to date. Its purpose is to assist non-EU countries in:

a) evaluating their fisheries management and monitoring, control and surveillance (MCS) procedures against their international obligations as flag, coastal, port or market States;
b) assessing the adequacy of their systems with respect to EU IUU Regulation requirements, specifically regarding implementation of the Regulation's catch certification scheme; and
c) identifying key gaps or weaknesses in their frameworks and/or systems requiring further attention.

Twenty carding decisions were reviewed to identify the most commonly cited shortcomings in country systems and frameworks to combat IUU fishing. The shortcomings were grouped into five broad categories and, for each category, a set of actions were identified that may be taken by a country to improve performance in the fight against IUU fishing. All actions are based on the international legal obligations cited in the decisions, and on which the EU IUU Regulation is based.

Of these actions*, a set of priority measures were identified that may be considered as the minimum standard to effectively fight IUU fishing. **The suggested actions should be treated as general guidance only and should not be construed as official or legal advice.** See next page.

*The full list of actions is set out in the main body of this report.

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PRIORITY MEASURES CONSIDERED AS THE MINIMUM STANDARD TO EFFECTIVELY FIGHT IUU FISHING	
1. Legal framework	✓ Ratify the main international treaties on sustainable fishing: the United Nations Convention on the Law of the Sea (UNCLOS), the United Nations Fish Stocks Agreement (UNFSA) and FAO Compliance Agreement. Ensure that the national legal framework is consistent with these and is fully implemented. ✓ Develop and implement a national plan of action on IUU fishing in line with the FAO's International Plan of Action to Prevent, Deter and Eliminate IUU Fishing[2]. ✓ Ensure that the national legal framework establishes a system of deterrent sanctions for IUU fishing offences, including for nationals supporting or engaging in IUU fishing. ✓ Establish a legal framework for the MCS of fishing activities and enforcement of measures. ✓ Transpose applicable conservation and management measures (CMMs) established by relevant RFMOs that the country is a member of into national legislation.
2. Fulfilment of flag State obligations to control the activities of flagged vessels	Vessel registration: ✓ Maintain an up to date register of vessels, including details of vessel characteristics, history, owner, operator, marking and unique vessel identification, preferably an IMO number. All elements should be established for the purposes of ensuring a genuine link between the vessel and the flag State. ✓ Ensure cooperation between competent national authorities, including with respect to coordination of vessel registration and fishing authorisations. ✓ Verify the history of involvement of vessels and owners in IUU activities when registering a vessel. Provide for deregistration of the vessel in the event of future non-compliance. ✓ Exert adequate control over the vessel registry, including transferring management of the registry to within the flag State.
	Authorisation scheme for vessels: ✓ Establish and implement a system for the authorisation of fishing and related activities. ✓ Ensure vessels fishing outside of the flag State's exclusive economic zone (EEZ) hold a valid authorisation to fish.
	Monitoring, control and surveillance: ✓ Ensure MCS capacity is in line with fishing fleet size. ✓ Establish a fisheries monitoring centre for the continuous monitoring of VMS data. ✓ Require a Vessel Monitoring System (VMS) to be installed on board vessels, and the regular reporting of VMS data. ✓ Ensure adequate inspection capacity for the control of fishing operations, landings and transhipments and establish a national plan of inspections.
	Enforcement: ✓ Ensure adequate capacity to detect and take enforcement action with respect to violations. ✓ Apply deterrent sanctions transparently and consistently in the event of infringements.
3. Implementation by coastal States of conservation and management measures (CMMs)	✓ Establish clear and transparent CMMs based on available scientific advice and consistent with international obligations. ✓ Develop and implement a national fisheries management plan. ✓ Require vessels operating in the coastal State's EEZ to hold an authorisation/licence and establish a record of vessels authorised to fish. ✓ Ensure a balance between the number of licences/size of fishing activity in the EEZ, the status of stocks and enforcement capacity ✓ Implement effective MCS measures to ensure compliance with coastal State CMMs, including establishing a fisheries monitoring centre for the continuous monitoring of VMS data. ✓ Take prompt action with respect to infringements in the coastal State's EEZ and apply deterrent sanctions in a consistent and transparent manner.
4. Regional and multilateral cooperation in fisheries management and enforcement	✓ Flag States and coastal States cooperate with relevant RFMOs with competence for their fishing activities or fish stocks, preferably by becoming a contracting party/member. ✓ Flag States and coastal States participate actively in the activities of the RFMO with respect to their vessels and waters, including by ensuring compliance of their vessels with CMMs and taking prompt action to investigate and sanction infringements. ✓ All countries cooperate to prevent, deter and eliminate IUU fishing at the bilateral and sub-regional level. ✓ All states ratify the 2009 FAO Port State Measures Agreement as soon as possible.
5. Market State measures and traceability	✓ Flag States implement controls and verifications/data crosschecks for the reliable certification of catches for export to the EU. ✓ Processing States implement robust traceability and certification schemes, providing for the verification of information submitted by operators. ✓ Processing States and flag States cooperate with each other for the purposes of traceability and ensuring the legality of processed products, and with the EU member states and the Commission with respect to the IUU Regulation catch certification scheme.

The foremost action that underpins all others is a state's political will to address IUU fishing in a timely manner.

ACRONYMS

AIS	Automatic Identification System
CC	Catch certificate
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCS	Catch certification scheme
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CMMs	Conservation and management measures
DG	Directorate General of the European Commission
DG MARE	Directorate General on Maritime Affairs and Fisheries
EEZ	Exclusive Economic Zone
EU	European Union
FAO	Food and Agriculture Organisation of the United Nations
FFA	Forum Fisheries Agency
GFCM	General Fisheries Commission for the Mediterranean
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
IMO	International Maritime Organisation
IOTC	Indian Ocean Tuna Commission
IPOA–IUU	FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IUU	Illegal, Unreported and Unregulated
MCS	Monitoring, Control and Surveillance
NAFO	Northwest Atlantic Fisheries Organization
NEAFC	North East Atlantic Fisheries Commission
NPOA	National Plan of Action
PNA	Parties to the Nauru Agreement
PSMA	Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
RFMO	Regional Fisheries Management Organisation
SEAFO	South East Atlantic Fisheries Organisation
SPRFMO	South Pacific Regional Fisheries Management Organisation
UNCLOS	United Nations Convention on the Law of the Sea
UNFSA	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
UVI	Unique Vessel Identifier
VDS	Vessel Day Scheme
VMS	Vessel Monitoring System
VGFSP	FAO Voluntary Guidelines for Flag State Performance
WCPFC	Western and Central Pacific Fisheries Commission

Purpose of this briefing

The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts (Pew) and WWF are working together to support the harmonised and effective implementation of the EU IUU Regulation.

This briefing provides an overview of the key factors that have, up to now, influenced the European Commission's decision to issue a yellow or red card to a non-EU country for failing to act sufficiently to combat IUU fishing. Its purpose is to assist non-EU countries in:

- ✓ evaluating their fisheries management and monitoring, control and surveillance (MCS) procedures against their international obligations as flag, coastal, port or market States;
- ✓ assessing the adequacy of their systems with respect to EU IUU Regulation requirements[3]; and
- ✓ identifying key gaps or weaknesses in their frameworks and/or systems requiring further attention.

CONTENTS

SECTION 1

Introduction

The European Union (EU) is the world's largest market for seafood products. With more than 60 percent of these products imported[4], the EU has an unrivalled ability and responsibility to promote the health of global fish stocks, including through combating illegal, unreported and unregulated (IUU) fishing. In 2005, it was estimated that 500,000 tonnes of illegal seafood products were imported into the EU annually, worth some €1.1 billion[5]. To address this, in 2008 the EU adopted a world-leading piece of legislation to end IUU fishing – the EU IUU Regulation[6] – which came into force on 1 January 2010.

The EU IUU Regulation aims to curb IUU fishing by blocking the entry of illegal catch into the EU and securing the lawful exploitation of fish. The Regulation is one of the three pillars of the EU's fisheries control system, the other two pillars being the Control Regulation[7], which is aimed at ensuring compliance with the EU's Common Fisheries Policy, and the Fishing Authorisation Regulation[8], which concerns authorisations for fishing activities of EU vessels outside EU waters and the access of non-EU vessels to EU waters. Together, the EU control system aims to promote transparency and ensure non-discrimination between EU and non-EU fisheries.

Under the EU IUU Regulation, non-EU[9] countries that export fish to the EU or lend their flags to vessels that import into the EU, must meet strict standards for fisheries management and cooperate in the fight against IUU fishing. If these requirements are not met, countries may be "carded", meaning that they could ultimately face exclusion of their fish from the EU market.

The carding process

The EU's procedure for identifying non-cooperating third (non-EU) countries in the fight against illegal fishing – the so-called "carding process" – is a core component of the EU IUU Regulation, which has had significant positive results to date. The process has incentivised concrete improvements in fisheries management and MCS procedures in a number of countries outside of the EU, demonstrating that it can stop the import of illegal fish products into the EU and contribute to combatting illegal fishing globally.

The carding process begins with the initiation of dialogue by the European Commission with a country (see Figure 1). During this period of dialogue, the Commission gathers relevant information from a range of sources, in order to evaluate the country's compliance with its international fisheries obligations and to assess the systems in place to combat IUU fishing. Depending on the results of this assessment and subsequent efforts by the country to undertake necessary reforms, the Commission may decide to issue an official warning to the country (yellow card or "pre-identification"), which may be followed by formal identification as a non-cooperating country (red card), or lifting of the pre-identification (green card), depending on progress made. The granting of a red card consists of two distinct steps. First, the Commission identifies the country as non-cooperating in the fight against IUU fishing, resulting in a ban on import of the country's seafood products regulated by the EU IUU Regulation into the EU[10]. Second, the Council of the EU adopts the final decision to list the country as non-cooperating, resulting in a number of restrictive measures, including a prohibition on EU vessels operating in the country's waters[11]. Further details of the carding process are provided in **Figure 1**.

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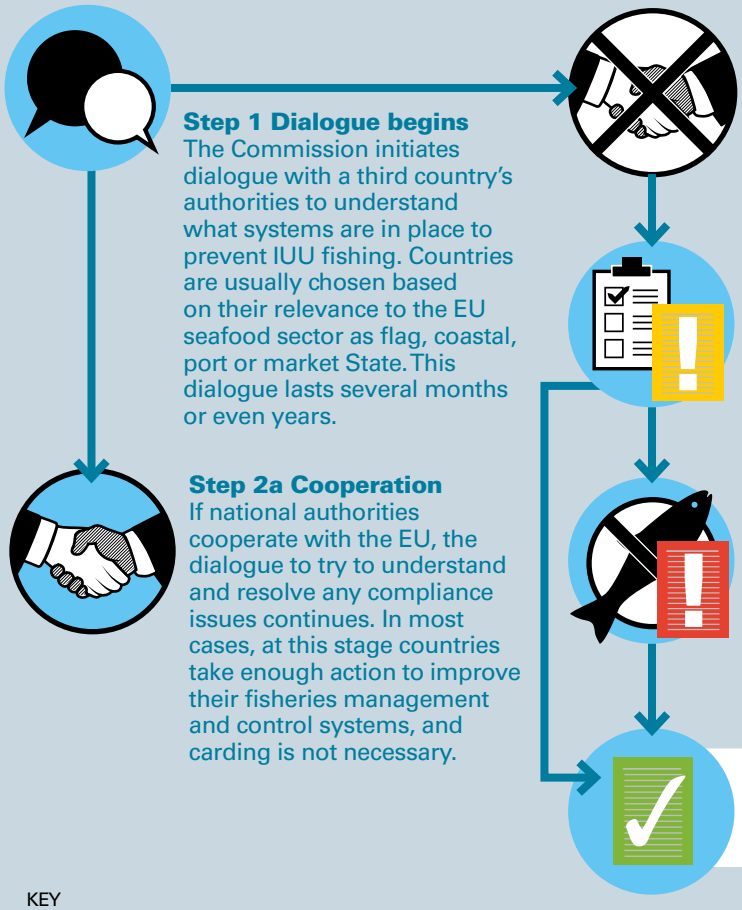
By the end of 2015, the Commission had entered into dialogue with almost 50 non-EU countries as part of this process[12]. The majority of these countries have made the necessary reforms without the need for an official warning. At the time of writing (April 2016), twenty countries have been issued with yellow cards under the Regulation, of which four have received red cards for failing to undertake reforms, or to take them in a timely manner. Nine of the twenty countries have carried out robust fisheries management reforms to address identified shortcomings, and have had their yellow or red cards lifted (green carded).

The decisions of the Commission to identify (red card) or pre-identify (yellow card) a country as non-cooperating in the fight against IUU fishing, are made publicly available via the EU's Official Journal and the DG MARE website.

See Figure 1: Key stages of the carding process, (p6).

FIGURE 1: Key stages of the carding process



Step 1 Dialogue begins
The Commission initiates dialogue with a third country's authorities to understand what systems are in place to prevent IUU fishing. Countries are usually chosen based on their relevance to the EU seafood sector as flag, coastal, port or market State. This dialogue lasts several months or even years.

Step 2a Cooperation
If national authorities cooperate with the EU, the dialogue to try to understand and resolve any compliance issues continues. In most cases, at this stage countries take enough action to improve their fisheries management and control systems, and carding is not necessary.

Step 2b Non-cooperation or evidence of shortcomings: Yellow card
If there is evidence of significant flaws within a country's systems to combat IUU fishing or a lack of cooperation, the Commission may decide to officially warn – 'yellow card' – that country. This decision is made publically available on the EU's official journal and website[a].

Step 3 Evaluation and reforms
There is then an evaluation period of at least six months, which can be extended. During this period countries are expected to undertake substantial reforms to address the identified shortcomings in line with an action plan proposed by the EU on presentation of the yellow card.

Step 4 Further sanctions: Red card
If reforms are not carried out, or not carried out in a timely manner, a red card may be issued[b]. This results in a ban on imports to the EU of fish products caught by vessels flying the flag of the red-carded country. It also leads to a ban on EU vessels fishing in the waters of that red-carded country. This decision is made publically available on the EU's official journal and website[c].

Both yellow and red cards can be lifted when there is clear evidence that the situation that warranted the carding has been rectified.

KEY

- Yellow card: Pre-identification WARNING
- Red card: Identification SANCTION
- Green card: DE-LISTED

FOOTNOTES

a. The Commission's decision to grant yellow cards, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv: OJ.C_.2012.354.01.0001.01.ENG

b. Granting a red card consists of two different steps. First, the Commission identifies the country and proposes the red card, and second the Council of the EU adopts the final decision.

c. The Commission's decision to grant a red card, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv: OJ.L_.2014.091.01.0043.01.ENG

For case studies see pages 14-15.

Criteria for "carding" non-EU countries set out in the IUU Regulation

a. Recurrence of IUU vessels and IUU trade flows and measures taken in respect thereof (Article 31(4) of the IUU Regulation)

Measures taken by a country with respect to recurrent IUU fishing carried out, or supported by, fishing vessels flying the country's flag or by its nationals, or by vessels operating in the country's waters or using its ports. The Commission also examines measures taken to deny access of fisheries products stemming from IUU fishing to the country's market.

b. Failure to cooperate and to enforce (Article 31(5) of the IUU Regulation)

Whether a country has responded to requests to investigate, provide feedback or follow up on IUU fishing and associated activities, and whether the country has taken effective enforcement measures in respect of operators responsible for IUU fishing – in particular, whether sanctions of sufficient severity to deprive the offenders of the benefits accruing from IUU fishing have been applied. Under this heading, the Commission considers the history, nature, circumstances, extent and gravity of IUU fishing that has occurred and, in the case of developing countries, the existing capacity of the competent authorities.

c. Failure to implement international rules (Article 31(6) of the IUU Regulation)

Whether the country has ratified, or acceded to, international fisheries instruments – in particular, the UN Convention on the Law of the Sea (UNCLOS), the UN Fish Stocks Agreement (UNFSA) and the FAO Compliance Agreement. It also looks at the status of the country concerned as a contracting party to regional fisheries management organisations (RFMOs), or its agreement to apply the conservation and management measures (CMMs) adopted by them for non-contracting parties (as required under the UN FSA). Based on this, the Commission considers whether the country has adequately implemented applicable laws, regulations or international conservation and management measures.

In addition to the above, the Commission also takes into account the specific constraints of developing countries, particularly in relation to the monitoring, control and surveillance (MCS) of fishing activities (Article 31(7) of the IUU Regulation). The EU may provide assistance to the country to fulfil international fisheries obligations and EU IUU Regulation requirements, if considered necessary[13].

Methods for this analysis

Twenty decisions of the Commission to identify or pre-identify non-EU countries as non-cooperating in the fight against IUU fishing were reviewed in this study. The decisions were analysed to identify the most commonly cited shortcomings in country systems and frameworks to combat IUU fishing that have led to the Commission's decisions to identify or pre-identify the countries in question.

The most commonly cited shortcomings were grouped into five broad categories or themes, as follows:

1. National legal framework
2. Fulfilment of flag State[14] obligations to control the activities of flagged vessels
3. Implementation by coastal States[15] of conservation and management measures
4. Regional and multilateral cooperation in fisheries management and enforcement
5. Market State measures and traceability

For each category, a set of actions that may be taken by a country to improve its performance in the fight against IUU fishing were identified, based on the international flag, coastal, port and market State obligations cited in the Commission's decisions. Of this list of actions, a number of priority measures were identified that may be considered as the minimum standard to effectively fight IUU fishing, based on expert knowledge and actions taken by countries that have resulted in the withdrawal of red or yellow cards by the Commission. **These priority measures are highlighted in bold within the lists of fisheries reforms set out in the sections below.**

As noted above, the actions listed below are expected to assist countries in improving their performance in fighting IUU fishing, however, they are not intended to provide an exhaustive list of actions that should be taken by a country. In addition, the actions required to comply with international law, or relevant combination of actions, will vary depending on the specific country context, for example, its role as a flag, coastal, port and/or market State, and the size or characteristics of its fishing fleet, exclusive economic zone (EEZ) or processing industry. **The suggested actions below should be treated as general guidance only and should not be construed as official or legal advice.**

Further information may be sought directly from DG MARE: http://ec.europa.eu/fisheries/about_us/contacts/index_en.htm

SECTION 2

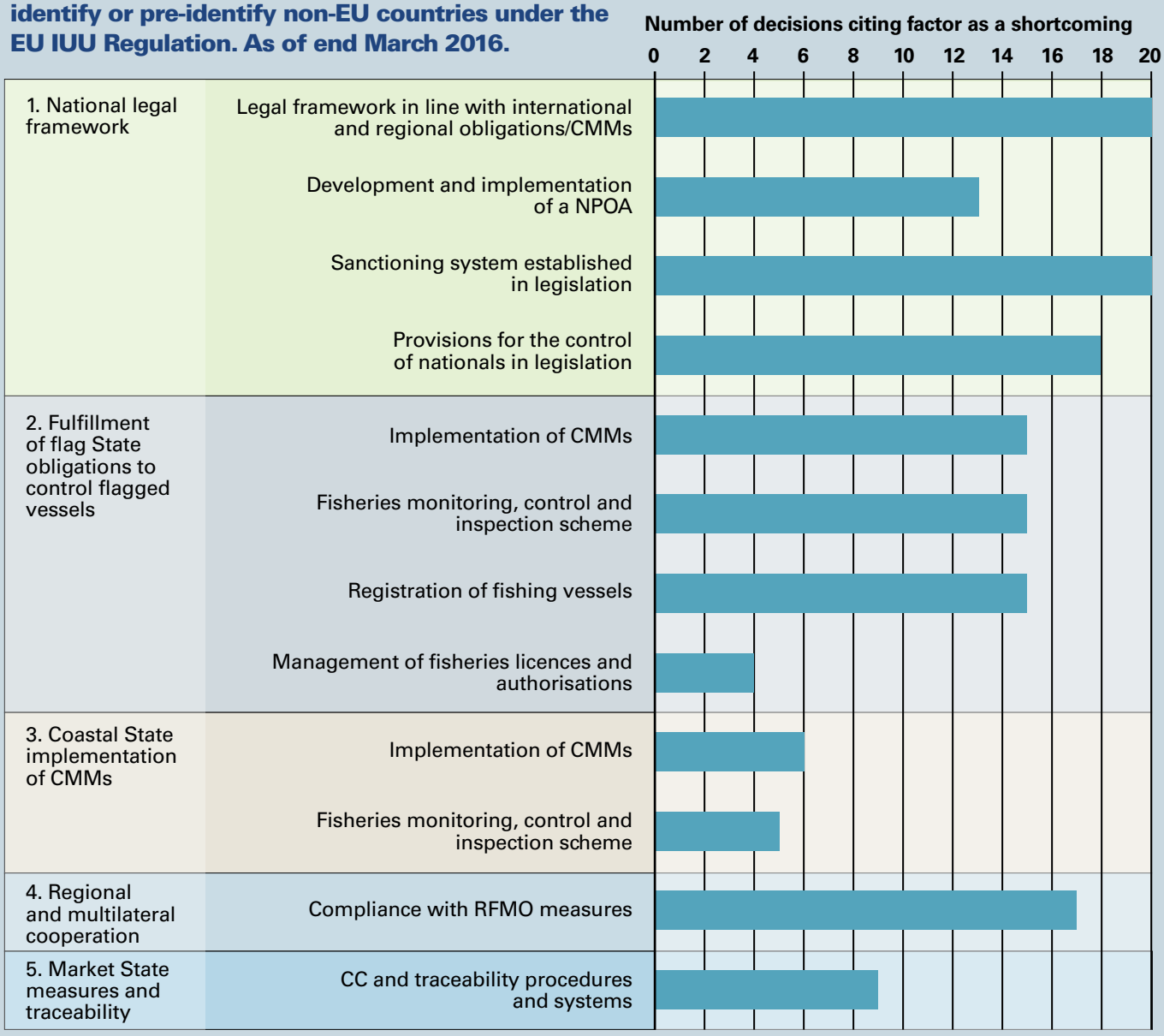
Results of the analysis – improving performance

This review identified a number of shortcomings in non-EU country systems and frameworks to combat IUU fishing, which have been cited repeatedly by the Commission as reasons to identify or pre-identify these countries. The areas where shortcomings have been most frequently cited in Commission decisions up to end of March 2016 are listed in Figure 2 below, under the five broad categories identified (see Methods).

The following sections summarise the key international fisheries requirements relevant to the fight against IUU fishing, based on a review of the Commission's decisions and the applicable international laws and instruments cited therein. A list of actions that countries may take to comply with these requirements is provided at the end of each of the five sections below, **with measures that should be regarded as a priority by countries highlighted in bold.**

Of course, the foremost action that underpins all others is a state's political will to address IUU fishing in a timely manner.

FIGURE 2: Key areas where shortcomings have been most frequently cited in Commission decisions to identify or pre-identify non-EU countries under the EU IUU Regulation. As of end March 2016.



COUNTRY ACTION CHECKLIST

EU IUU Regulation

1. National legal framework

Countries should ensure that their legal framework addresses all aspects required to prevent, deter and eliminate IUU fishing. This may require the adoption of specific legislation to address IUU fishing or the incorporation of specific provisions on IUU fishing into existing legislation.

In either case, a country's domestic legal framework should be in line with international and regional requirements applying to flag, coastal, port and market States, depending on the national context. These obligations are set out in agreements including UNCLOS, UNFSA and the FAO Compliance Agreement, as well as the resolutions and recommendations of regional fisheries management organisations (RFMOs)[16]. The UNFSA[17], which implements certain provisions of UNCLOS, is especially relevant for flag States with large numbers of vessels fishing for highly migratory species (such as tuna and swordfish) in RFMO areas and the high seas.

The following voluntary instruments can assist countries in developing and implementing their national legal frameworks, and other measures, to effectively combat IUU fishing:

- The 2001 FAO International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU) provides states with a set of comprehensive, effective and transparent measures to address IUU fishing. It recommends the development and implementation of a national plan of action (NPOA) to achieve the IPOA-IUU objectives.

- The FAO Voluntary Guidelines for Flag State Performance (VGFSP), endorsed in 2014, provide valuable guidance and criteria for flag States wishing to strengthen compliance with their international responsibilities in order to prevent, deter and eliminate IUU fishing.

In terms of specific obligations under UNCLOS, the UNFSA and the FAO Compliance Agreement, a flag State's legal framework should include a comprehensive and effective sanctioning system for IUU fishing and related offences by vessels registered under its flag. Sanctions should be proportionate to the seriousness of the infringement, deter subsequent violations and deprive offenders of the benefits flowing from their IUU activities[18].

The IPOA-IUU goes a step further and recommends that sanctions should apply not only to flagged vessels but also (to the greatest possible extent) to nationals under a country's jurisdiction. The IPOA-IUU also recommends that countries should take measures or cooperate to ensure that their nationals do not support or engage in IUU fishing – including identifying nationals who are the operators or beneficial owners of vessels involved in IUU fishing – and should discourage nationals from flagging their fishing vessels to countries that do not meet their flag State responsibilities.

International requirements
International law
✓ Arts. 94, 117, 217 UNCLOS
✓ Art. 19 UN FSA
✓ Art. III(8) FAO Compliance Agreement
Voluntary instruments
✓ Art. 6, 31-33 VGFSP
✓ Paragraphs 11, 16-19, 21, 24-27 IPOA-IUU

ACTIONS
1. Ratify, accept or accede to, as appropriate, UNCLOS, the UNFSA and FAO Compliance Agreement. Adopt or update national legislation, as appropriate, to ensure that the legal framework is consistent with these requirements. Ensure legal framework is fully implemented.
2. Develop and implement a NPOA on IUU fishing in line with the recommendations of the IPOA-IUU.
3. Ensure that the national legal framework establishes a clear, comprehensive and transparent system of proportionate and deterrent sanctions for IUU fishing offences, including for nationals supporting or engaging in IUU fishing. The system should include definitions of IUU fishing, serious infringements and repeat offences, and methods for calculating levels of sanctions. Countries should ensure that a diverse range of sanctions is available for IUU infringements and that sanctions are consistently and transparently applied.
4. Establish a legal framework for the MCS of fishing activities and enforcement of measures. This may include, for example, the legal basis to: ✓ issue licences to vessels ✓ require reporting of fisheries-related data ✓ require vessels to carry VMS on-board ✓ conduct inspections of vessels ✓ investigate infringements ✓ refuse access of vessels to ports ✓ regulate beneficial ownership
5. Transpose applicable conservation and management measures (CMMs) established by relevant RFMOs that the country is a member of into national legislation.
6. Flag States adopt or update national legislation in line with the FAO VGFSP.

COUNTRY ACTION CHECKLIST

2. Fulfilment of flag State obligations to control the activities of flagged vessels

UNCLOS requires countries to exercise jurisdiction and control over vessels flying their flag when fishing on the high seas. This includes maintaining a list of vessels registered to their flag and, before registering a vessel, ensuring that there is a genuine link between the vessel and flag State concerned. According to the IPOA-IUU, flag States should ensure that vessels entitled to fly their flag (including fishing, transport and support vessels) do not engage in or support IUU fishing. To this end, the IPOA-IUU recommends that countries take measures to avoid flagging vessels with a history of non-compliance and to prevent "flag hopping", i.e. repeated and rapid changes of a vessel's flag in order to circumvent CMMs or applicable laws.

A core aspect of flag State responsibility, as established by UNCLOS and the UNFSA, is ensuring compliance of flagged vessels with international rules and standards, and with regional and sub-regional CMMs[19]. With this duty in mind, the UNFSA sets out a number of measures that should be taken by flag States in order to exercise effective responsibility over their fleets. These include establishing a system of licensing, authorisations or permits for fishing activities and a national record of vessels authorised to fish on the high seas; requiring the marking of fishing vessels in accordance with international standards; requiring the recording and timely reporting of key data (vessel position, catch and fishing effort); and establishing a system of MCS, including implementation of VMS, inspection and observer requirements. A country's enforcement regime should also provide for the conduct of timely investigations and imposition of sanctions for established infringements.

The FAO VGFSP, which are largely based on relevant rules of international law, describe a number of concrete actions to assist flag States in fulfilling their responsibilities under international law. Flag States may also consult the criteria in the VGFSP to self-assess their performance in combatting IUU fishing.

International requirements
International law
✓ Arts. 91, 92, 94, 217 UNCLOS
✓ Arts. 18, 19 UN FSA
Voluntary instruments
✓ Arts. 31-33 VGFSP
✓ Paragraphs 24, 34-43, 45, 48 IPOA-IUU

See how South Korea responded to its yellow card, Section 3, p14.

ACTIONS

Flag States should consider whether it is possible/ appropriate to implement some or all of the following actions with respect to vessels under their jurisdiction or applying for registration:

1. Vessel registration:
- ✓ **Maintain vessel registry up to date and in line with the register of fishing authorisations.** The register should include details of vessel characteristics and history (including prior flag and name changes), information on the (beneficial) owner and operator, and information on marking and unique vessel identification (in line with international standards). All elements should be established for the purposes of ensuring a genuine link between the vessel and the flag State.
- ✓ **Ensure cooperation between competent national authorities, including with respect to coordination of vessel registration and fishing authorisations.**
- ✓ **Verify the history of involvement of vessels and owners in IUU activities when registering a vessel. Provide for deregistration of the vessel in the event of future non-compliance.**
- ✓ **Exert adequate control over the vessel registry, including transferring management of the registry to within the flag State (if relevant).**
- ✓ Require vessels to have IMO numbers as a condition of registration.

IMO numbers explained, Section 3, p17.

2. Authorisation scheme for vessels:
- ✓ **Establish and implement a system for the authorisation of fishing and related activities, including for transhipments.**
- ✓ **Ensure vessels fishing outside of the flag State's EEZ hold a valid authorisation to fish.**

3. Monitoring, control and surveillance:
- ✓ **Ensure MCS capacity is in line with fishing fleet size.**
- ✓ **Establish a fisheries monitoring centre (FMC) for the continuous monitoring of VMS data.**
- ✓ **Require VMS to be installed on board vessels, and the regular reporting of VMS data to the FMC.**
- ✓ Require logbooks to be maintained on board vessels and the regular reporting of fisheries-related data (including catches, effort, landings and transhipments).
- ✓ Establish a national observer programme or ensure that regional observer programme requirements are fully implemented.
- ✓ **Ensure adequate inspection capacity for the control of fishing operations, landings and transhipments and establish a national plan of inspections.**

4. Enforcement:
- ✓ **Ensure adequate capacity to detect and take enforcement action with respect to violations, including the conduct of timely investigations.**
- ✓ **Apply deterrent sanctions transparently and consistently in the event of infringements.**
- ✓ Cooperate with other countries and RFMOs with respect to enforcement matters.

COUNTRY ACTION CHECKLIST

3. Implementation by coastal States of conservation and management measures

According to UNCLOS, coastal States are responsible for establishing CMMs for fisheries in their EEZs. These should be based on best available scientific evidence with the aim of promoting the "optimum utilisation" of living resources. In the case of straddling and highly migratory fish stocks, the UNFSA provides that CMMs should be compatible with measures implemented in the region/ neighbouring high seas areas, including requirements established by competent RFMOs.

Under UNCLOS, coastal States are responsible for ensuring that nationals of other states comply with CMMs in their EEZs and, according to the IPOA-IUU, should implement measures to prevent, deter and eliminate IUU fishing. The IPOA-IUU sets out a number of measures that coastal States should consider, to the extent practicable and appropriate, including implementation of an effective MCS system for fishing activities, cooperation and information exchange with other states and/ or RFMOs, implementation of a fishing licence/authorisation system and regulation of at-sea transhipments.

International requirements
International law
✓ Arts. 61-64 UNCLOS
✓ Arts. 6, 7 UN FSA
Voluntary instruments
✓ Paragraphs 24, 51 IPOA-IUU

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ACTIONS
Coastal States should consider whether it is possible/ appropriate to implement some or all of the following actions with respect to waters under their jurisdiction:
1. Establish clear and transparent CMMs[20] in their national legal framework, based on available scientific advice. Ensure CMMs are consistent with obligations under UNCLOS, UNFSA and RFMO rules.
2. Develop and implement a national fisheries management plan and determine total allowable catch based on best available scientific evidence.
3. Require vessels operating in their EEZ to hold a licence/authorisation and establish a record of vessels authorised to fish.
4. Ensure a balance between the number of licences/ size of fishing activity in the EEZ and the status of stocks.
5. Implement effective MCS measures to ensure compliance with CMMs. For example: ✓ Establishing a FMC for the monitoring of VMS data. ✓ Requiring VMS on board vessels and regular reporting of VMS data to the FMC. ✓ Requiring vessels operating in their EEZ to carry a logbook and report fisheries-related data including catches and fishing effort. ✓ Requiring observers on board vessels. ✓ Ensuring authorities have the necessary capacity to conduct inspections at sea.
6. Ensure a balance between enforcement capacity and the number of licences/size of fishing activity in the EEZ.
7. Take prompt action with respect to infringements in their EEZ and apply deterrent sanctions in a consistent and transparent manner. If relevant, provide the flag State concerned with information on the infringement.
8. Require vessels carrying out transhipments at sea in their EEZ to obtain a licence/ authorisation.
9. Cooperate with flag States of foreign vessels fishing in their waters and provide information systematically, for example, VMS data and landing declarations.

See how Papua New Guinea responded to its yellow card, Section 3, p15.

COUNTRY ACTION CHECKLIST

4. Regional and multilateral cooperation in fisheries management and enforcement

The UNFSA requires countries to cooperate in the conservation and management of straddling fish stocks and highly migratory fish stocks. Flag States that fish for stocks managed by an RFMO, and coastal States in whose waters the stocks are found, are required to become members of the RFMO (or to agree to apply the CMMs established) and should cooperate directly or through the RFMO to ensure compliance with and enforcement of its CMMs.

Flag States fishing for species or in areas managed by RFMOs should ensure their vessels comply with, and do not undermine, regional and sub-regional CMMs. This includes compliance with reporting requirements (e.g. data on catch and fishing effort, VMS data, observer coverage and transhipments); VMS standards, specifications and procedures; regional observer and inspection programmes; and requirements to regulate/monitor transhipments at sea. Flag States should take appropriate action to investigate and sanction IUU activities of their vessels in RFMO areas, and cooperate with other states and the RFMO concerned, as required.

According to the IPOA-IUU, countries should cooperate directly and as appropriate through RFMOs in preventing, deterring and eliminating IUU fishing. International cooperation is especially important where vessels call rarely in their home ports, and where beneficial owners of vessels are based outside of a country's jurisdiction. In such cases, the IPOA-IUU advises countries, amongst other things, to exchange data or information from records of vessels authorised to fish and to cooperate in MCS and in the investigation of IUU fishing. The IPOA-IUU also recommends that:

- Flag States consider entering into agreements or arrangements with other countries, and otherwise cooperate for enforcement of applicable laws and CMMs or provisions adopted at national, regional or global level.
- Port States use measures, in accordance with international law, for port State control of fishing vessels in order to prevent, deter and eliminate IUU fishing and cooperate (as appropriate, bilaterally, multilaterally and within RFMOs) to develop compatible measures for port State control of fishing vessels. Measures include requiring advance notice from vessels of their entry into port, ensuring adequate inspection capacity at ports, and denying permission to land or tranship products if the vessel has engaged in IUU fishing activity.

International requirements

International law
- ✓ Arts. 63, 64, 117-119 UNCLOS
- ✓ Arts. 7, 8, 18-20 UNFSA
- ✓ Art. V FAO Compliance Agreement

Voluntary instruments
- ✓ Paragraphs 28, 31, 52-64 IPOA-IUU

ACTIONS

1. **Flag States and coastal States cooperate with relevant RFMOs with competence for their fish stocks or fishing activities, preferably by becoming an RFMO contracting party/member.**

2. **Countries participate actively in the activities of the RFMO with respect to their vessels and waters.** For example by:
- ✓ Transposing relevant RFMO CMMs into national legislation.
- ✓ Transmitting information on a regular basis to the RFMO in accordance with RFMO reporting requirements.
- ✓ Implementing RFMO standards and procedures with respect to VMS.
- ✓ Implementing regional observer programmes, if relevant, or complying with observer coverage requirements.
- ✓ Implementing regional inspection schemes, including any templates, guidelines and methodologies for supporting inspection activities, and ensuring adequate inspections capacity.
- ✓ Ensuring compliance with vessel marking and documentation requirements.
- ✓ Ensuring effective regulation of transhipments in accordance with RFMO requirements.
- ✓ Taking prompt action to investigate and sanction infringements of RFMO CMMs.

3. **All countries cooperate to prevent, deter and eliminate IUU fishing at the bilateral and sub-regional level.** For example:
- ✓ Coastal States communicate information on IUU fishing-related infringements to neighbouring coastal States and to other states concerned.
- ✓ Port States provide information to flag States on transhipments, landings and denials of use of port involving vessels flying their flag, and the results of inspections.
- ✓ Flag States cooperate with the Commission to investigate and take action in cases of presumed IUU fishing by their vessels[21].
- ✓ Flag and processing States cooperate with EU member states and the Commission in the application of the IUU Regulation catch certification scheme.

4. **All states ratify the 2009 FAO Port State Measures Agreement as soon as possible.**
PSMA explained, Section 3, p18.

COUNTRY ACTION CHECKLIST

5. Market State measures and traceability

The IPOA-IUU and FAO Code of Conduct on Responsible Fisheries contain a number of recommendations relating to traceability of fisheries products and post-harvest practices and trade. In particular, countries are advised to improve transparency of their markets to facilitate traceability, and ensure that trade in fisheries products is in line with sound conservation and management practices through improving identification of origin of products in trade.

EU requirements

The catch certification scheme (CCS) established by the EU IUU Regulation aims to prevent products deriving from IUU fishing from entering the EU market. In order to export fisheries products to the EU, flag States must be able to certify the legal origin of their catches and must notify the Commission of national arrangements in place to ensure compliance of their vessels with applicable laws and CMMs and for the reliable certification of catches destined for the EU[22]. This notification must be accepted by the Commision before exports are allowed.

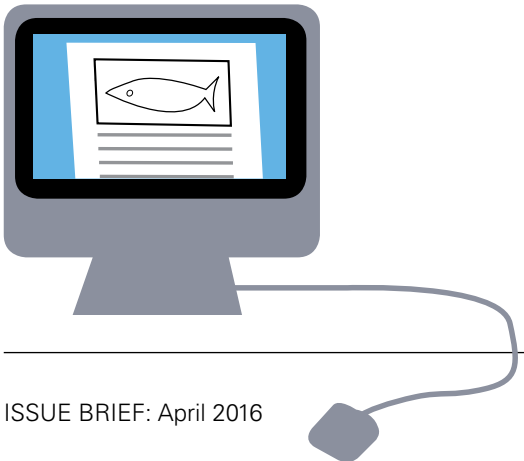
Processing States also play an important role in the effective operation of the EU's CCS. Countries may import raw material from many different sources for processing and re-export, including from yellow and red-carded countries, and from "non-notified" flag States that are not authorised to export to the EU. To comply with IUU Regulation requirements, processing States should be able to control the access of fish from IUU fishing to their territories and processing plants, and guarantee that non-compliant fish is not exported to the EU. This requires implementation of robust traceability measures, allowing products to be followed systematically through the processing chain, and ensuring a reliable link between exported products and underlying catches.

International requirements

Voluntary instruments

- ✓ Paragraph 71 IPOA-IUU
- ✓ Art. 11 FAO Code of Conduct on Responsible Fisheries

ACTIONS
1. Flag States implement controls and verifications/ data crosschecks for the reliable certification of catches for export to the EU. For example through: ✓ Checks of log book data and landing/transhipment declarations. ✓ Verification of fishing location using VMS positions. ✓ Controls of landings and transhipments (in cooperation with foreign ports, if relevant). ✓ Inspections at sea and in port (in cooperation with foreign ports, if relevant). ✓ Cooperation with port States to obtain information on landings, transhipments and inspections involving vessels flying their flag. ✓ Presence of observers on board vessels.
2. Processing States implement robust traceability and certification schemes, providing for the verification of information submitted by operators. For example through: ✓ Reviews of traceability procedures implemented by companies and requirements for key traceability information to be incorporated into accounting systems. ✓ Regular audits of companies for IUU-related purposes and controls of information kept by operators to ensure link between company and official records. ✓ Controls of raw material received by processing plants to ensure quantities correspond to processed products, and implementation of data recording systems to account for differences in production yields and conversion rates. ✓ Physical inspections of products and controls inside processing plants. ✓ Establishment of databases or electronic systems for the purposes of catch certificate monitoring, and supporting databases of landing declarations, e-logbook data and information from designated ports.
3. All states ensure transparency in the preparation and implementation of fisheries laws and market/trade-related measures.
4. **Processing States and flag States cooperate for the purposes of traceability and ensuring the legality of processed products, and with the EU member states and the Commission with respect to application of the EU's CCS and IUU Regulation.**



SECTION 3

Supplementary information: Case studies, examples and tools

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This section contains the case studies, examples and tools referred to in Section 2 above. It provides case studies of fisheries reforms implemented by non-EU countries in response to yellow cards issued by the Commission and examples of how cooperation at the regional and international level can work in practice.
Further information is provided on Unique Vessel Identifiers and Port State Measures as vital tools in the fight against IUU fishing. This information aims to assist countries in taking steps to improve their performance in fighting IUU fishing, in line with the suggested actions outlined in the previous section.

CASE STUDY

SOUTH KOREA: a flag State's response to pre-identification by the Commission

South Korea, an important trading partner in fisheries products with the EU, was issued a yellow card in November 2013[23] for its continued failure to comply with international obligations to fight illegal fishing and to improve its fisheries management and control, particularly with regard to the activities of its distant water fleet off the coast of West Africa.

In response to the shortcomings identified in the Commission's decision, South Korea undertook the following actions to fulfil its obligations as flag State, in line with international requirements, leading to the withdrawal of its yellow card in April 2015:

1. Carried out a broad revision of the legal framework governing its long distance fleet in line with international requirements and updated its NPOA-IUU;
2. Joined the International Monitoring, Control and Surveillance (MCS) Network for Fisheries-related Activities, and intensified cooperation with other countries and NGOs in the fight against IUU fishing activities;
3. Established a fisheries monitoring centre that controls in near real-time its fleet in all oceans, and installed VMS on board all South Korean-flagged distant water fishing vessels (approximately 300 vessels);
4. Increased the coverage and quality of its on-board observer program to strengthen the operational effectiveness of its control system, and employed sufficient staff for control and validation purposes;
5. Put in place procedures to guarantee a more reliable catch certification scheme, including the installation of electronic logbook systems on all vessels, allowing the real-time sharing of information on catch and fishing operations;
6. Introduced and applied much higher sanctions for vessels found to fish illegally, including measures that allow sanctions to be applied to Korean nationals who engage in IUU fishing, even where flags of other states are used;
7. Introduced a "precautionary principle" for the authorisation of distant water activity by its vessels, preventing South Korean-flagged vessels from fishing in waters that are known to be poorly regulated by coastal State authorities; and
8. Initiated the process to ratify the FAO Port State Measures Agreement.

It is noted that South Korea will need to implement these reforms over the coming years and to adhere to its commitments to further improve fisheries management and control systems. If it fails to do so, it could again be subject to the carding process.

CASE STUDY

PAPUA NEW GUINEA: a coastal State's response to pre-identification by the Commission

Papua New Guinea is host to important fisheries within its vast exclusive economic zone (EEZ), with purse-seine vessels catching over 700,000 tonnes of tuna each year in its waters. Following the official warning from the Commission in 2014[24], Papua New Guinea took on its international responsibilities to control the activities of industrial long distance fleets operating in its EEZ, through actions such as:

1. Adoption of a new legal framework targeting the illegal activities of industrial fleets, including a deterrent scheme of sanctions for IUU fishing activities. The revised legal framework ensures compliance with international law applicable to the conservation and management of fishery resources, implements CMMs in Papua New Guinea's archipelagic waters that are comparable with WCPFC measures, and supports a coherent scheme of compliance;
2. Adoption of a NPOA to fight IUU fishing, a tuna management plan to regulate the use of fishery resources and a national plan of inspections, including a new port State measures inspection procedure;
3. Approval of a new licensing policy linking access to Papua New Guinea's waters with landings in its ports, to supply the local processing industry;
4. Upgrading its resources for MCS, particularly with regard to training and electronic reporting;
5. Improving cooperation with neighbouring countries, including the signing of arrangements to share information on landings and transhipments, and to coordinate practices to improve traceability and catch certification; and
6. Implementation of new traceability rules and guidelines as well as standard operational procedures and IT systems for the functioning of the catch certification scheme. Papua New Guinea's catch documentation scheme has been subject to extensive review and capacity building within government agencies and industry, and traceability further improved through increased capacity to carry out inspections in port and monitoring of vessel operations in archipelagic waters.

In the coming years, it will be essential that Papua New Guinea implements the reforms outlined above and fulfils the commitments it has made to improve fisheries management and control. If it fails to do so, it could again be subject to the carding process.

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EXAMPLES

Examples of regional and international cooperation in the fight against IUU fishing

IUU fishing is a complex and often transboundary problem that can only be addressed through effective international cooperation. There are numerous initiatives that aim to enhance cooperation, coordination and information-sharing between states, for example:

1. The International Monitoring, Control and Surveillance (MCS) Network for Fisheries-related Activities links fisheries enforcement agencies from around the world with a view to improving the efficiency and effectiveness of fisheries-related MCS activities through increased cooperation, coordination and information collection and exchange. As part of this initiative, the Network provides training opportunities for members, such as the biennial Global Fisheries Enforcement Training Workshops, which aim to improve capacity and communication between MCS institutions across the world. 55 countries are currently members of the Network, as well as two RFMOs and the EU.
To get in contact with the International MCS network, please visit: http://www.imcsnet.org/about-us/contact-us/

2. The Pacific Islands Forum Fisheries Agency (FFA) was established to help Pacific Islands sustainably manage the fishery resources falling within their 200-mile Exclusive Economic Zones (EEZs). The FFA provides expertise, technical assistance and other support to its members, and participates in regional decision making through agencies such as the Western and Central Pacific Fisheries Commission (WCPFC), with the aim of building national capacity and regional solidarity for the sustainable management of tuna in the Pacific. Based in the Solomon Islands, the FFA currently has 17 members.
To get in contact with FFA, please visit: https://www.ffa.int/contact

3. FISH-i Africa is an initiative of seven countries – Comoros, Kenya, Madagascar, Mauritius, Mozambique, Seychelles and Tanzania – which have joined forces to protect their waters and high-value fish resources from illegal operators. Since its creation, FISH-i Africa has achieved significant fisheries enforcement results in the Western Indian Ocean, enabling individual countries to overcome a lack of resources and capacity to monitor and control their vast ocean areas. As part of the initiative, a task force of country representatives and technical team of international experts use advanced analytical tools, systems and investigative techniques to identify and track vessels and to gather and share intelligence about illegal fishing operations and responsible actors.
To get in contact with Fish-I Africa, please visit: http://www.fish-i-africa.org/contact/

4. Project SCALE is an INTERPOL project to support member countries to identify, deter and disrupt transnational fisheries crime. The project applies INTERPOL's police network, tools and services to fisheries law enforcement by: facilitating transnational law enforcement responses to organized criminal activity; enhancing information and intelligence exchange among investigators; providing analytical support and case-specific investigative and technical guidance; organising national and regional trainings; furthering the activities of the INTERPOL Fisheries Crime Working Group; and supporting member countries in issuing international notices and alerts on the movements and actions of vessels and people. In its activities, INTERPOL looks at all types of illegality and criminality which facilitate or accompany illegal fishing activities but reach beyond the traditional definition of illegal fishing.
Project Scale can be contacted at environmentalcrime@interpol.int.

5. The Parties to the Nauru Agreement (PNA) controls the world's largest sustainable tuna purse seine fishery. The focus of its sustainable management efforts is the Vessel Day Scheme (VDS), according to which PNA members agree on a limited number of fishing days for the year, based on scientific advice about the status of the tuna stocks. In 2015, building on the success of the VDS for purse seine vessels (which included substantially increased revenue to PNA countries and improvements in fisheries MCS), the PNA introduced a Longline VDS which aims to eliminate the current practice of transhipping tuna on the high seas, address limited fisheries observer coverage and improve longline catch data reporting. Once the scheme is fully implemented, electronic reporting, electronic vessel registration and monitoring of fishing days will be common practice. PNA members are Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands and Tuvalu.
To get in contact with PNA, please visit: http://www.pnatuna.com/contact

The case for Unique Vessel Identifiers (UVI) in the fight against IUU fishing

One of the most significant obstacles in the fight against IUU fishing is the lack of transparent and authoritative information about the ownership, activities and movements of fishing vessels.

A starting point for monitoring fishing activity is the ability to identify all fishing vessels through the carrying of a Unique Vessel Identifier (UVI). Unlike other forms of vessel identification (such as a vessel's name, flag, or call sign, which can be quickly and easily changed), a UVI is a permanent number that stays with a vessel from construction through to disposal. When linked to a database of updated and verified vessel data, the UVI allows authorities to view the operational and ownership histories of vessels and to monitor activities such as catches, vessel movements and acquisition of fishing rights. The UVI thus represents a key tool in combating IUU fishing.

It is widely recognized that the best available UVI for the global fishing fleet is the IMO[25] Ship Identification Number Scheme[26]. The IMO Scheme was introduced in 1987[27], with the aim of enhancing maritime safety and preventing maritime fraud. It assigns a permanent IMO number to ships for identification purposes, which must be marked on the ship's hull or superstructure. The number is included in the ship's certificates and integrated into the ship's Automatic Identification System (AIS) broadcast messages, and remains unchanged even if the ship changes name, ownership or flag. IHS Maritime and Trade manages the IMO scheme and assigns IMO numbers without charge on behalf of the IMO.

The scheme became mandatory for cargo and passenger ships over a certain tonnage on 1 January 1996[28]; however, fishing vessels were exempt. In December 2013, the IMO General Assembly removed the exemption, allowing fishing vessels of 100 GT or greater into the scheme on a voluntary basis. To date, 10 out of 12 major RFMOs have mandated that larger vessels wishing to fish within their jurisdictions obtain and report IMO numbers: the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), Western and Central Pacific Fisheries Commission (WCPFC), Indian Ocean Tuna Commission (IOTC), Inter-American Tropical Tuna Commission (IATTC), South Pacific Regional Fisheries Management Organisation (SPRFMO), Forum Fisheries Agency (FFA), International Commission for the Conservation of Atlantic Tunas (ICCAT), Northwest Atlantic Fisheries Organization (NAFO), Commission for the Conservation of Southern Bluefin Tuna (CCSBT) and South East Atlantic Fisheries Organisation (SEAFO).

The two remaining RFMOs, the North-East Atlantic Fisheries Commission (NEAFC) and General Fisheries Commission for the Mediterranean (GFCM), are expected to follow suit in 2016 and 2017 respectively.

The EU has taken similar steps, from 1 January 2016, making the IMO number mandatory for all vessels above 24 metres in length fishing in EU waters and for EU vessels over 15 metres fishing overseas.

For more information about the IMO number: http://www.imonumbers.ihs.com/default.aspx

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FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing

Port State measures[29] are increasingly recognised as an efficient and cost-effective instrument in the fight against IUU fishing. They can enhance the effectiveness of other MCS tools, such as VMS and vessel licensing, and can provide an effective deterrent to the transhipment of IUU fish on the high seas. Port State measures are particularly useful for the regulation of foreign-flagged fishing vessels that operate on the high seas or within a country's EEZ.

In recent years, regional, national and international initiatives have focused on increasingly stringent port State measures to curb IUU fishing. After agreeing to a voluntary Model Scheme on Port State Measures to Combat IUU Fishing in 2004, the FAO adopted the legally binding Port State Measures Agreement[30] (PSMA) in November 2009. Once this agreement is ratified by 25 signatories and enters into force*, parties to the agreement will be required to prohibit the landing of IUU fish and close their ports or deny port services to illegally operated or unregulated fishing and fishing-support vessels.

The PSMA provides a unique opportunity to harmonize and strengthen port State controls around the globe. The PSMA will not only provide binding rules, but will also help improve coordination among domestic and regional authorities, simplify enforcement and facilitate a legal framework for those states that are not contracting parties to certain RFMOs but do not want to allow IUU fish into their ports. The PSMA establishes, among other things, a duty for port States to:

- designate ports for use by foreign-flagged vessels;
- inspect foreign-flagged fishing vessels and other vessels supporting or servicing fishing vessels;
- deny port entry or port use (including access to port services) to IUU vessels; and
- take other measures in cooperation with flag States, coastal States and RFMOs to ensure that fishing is conducted in accordance with agreed CMMs.

The main cost associated with implementing robust port State measures will involve establishing and maintaining an adequate, well-trained fisheries inspectorate with good levels of communication between national agencies, including customs and port authorities, and cooperation with regional and global bodies. For this reason, Article 21 of the PSMA envisages the establishment of appropriate funding mechanisms and provision of technical and financial assistance to developing countries to implement effective port State measures in line with the Agreement.

Port States are recommended to sign and ratify the PSMA and to take measures to provisionally implement the PSMA before it enters into force. Becoming a party to the PSMA sends a strong signal to the international community that a country is dedicated to fighting IUU fishing.

For more information about the PSMA please see: http://www.fao.org/fishery/psm/agreement/en#Efforts

*Update: This requirement has since been fulfilled, meaning that, on 5 June 2016, the PSMA will become international law.

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References and notes

1. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 286, 29.10.2008).
2. http://www.fao.org/docrep/003/y1224e/y1224e00.htm
3. In particular, the requirements of the IUU Regulation catch certification scheme and Article 20 of the IUU Regulation.
4. European Parliament, Compliance of imports of fishery and aquaculture products with EU legislation, 2013.
5. Figures are prior to the entry into force of the IUU Regulation, http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52007DC0601&from=EN
6. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 286, 29.10.2008).
7. 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 (OJ L 343, 22.12.2009).
8. Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters (OJ L 286, 29.10.2008).
9. Termed "third countries" in the text of the IUU Regulation.
10. Articles 31 and 18(1)(g) of the EU IUU Regulation.
11. Articles 33 and 38 of the EU IUU Regulation.
12. http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015DC0480&from=EN
13. By the end of 2015, cooperation between the EU and non-EU countries to raise fisheries industry standards had resulted in more than 55 developing countries receiving technical assistance from the EU through its programmes for this purpose (http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015DC0480&from=EN).
14. The flag State is the State in which a vessel is registered.
15. The coastal State is the State with primary responsibility for the conservation and management of living resources within the 200-nautical mile exclusive economic zone (EEZ), according to the UN Convention on the Law of the Sea (UNCLOS).
16. Regional fisheries management organisations, or RFMOs, are international organisations formed by countries with fishing interests in an area of the ocean.
17. The UNFSA concerns the conservation of straddling fish stocks and stocks of highly migratory species. A straddling fish stock occurs both within an EEZ and in an area beyond and adjacent to an EEZ (FAO glossary). A highly migratory species is one whose life cycle includes lengthy migrations, usually through the EEZ of two or more countries as well as into international waters. This term usually is used to denote tuna and tuna-like species, marlins and swordfish (FAO glossary).
18. The Commission decisions note repeatedly that deregistration of a vessel from a flag State's register is insufficient to provide the deterrent effects required by international law.
19. At present, eight RFMOs maintain or share lists of vessels that have been found to carry out or support IUU fishing within their convention areas. According to the Commission decisions reviewed in this study, a vessel flagged to a country after inclusion in an IUU vessel list indicates that a country has failed to fulfil its flag State responsibilities and to ensure that fishing vessels entitled to fly its flag do not engage in or support IUU fishing.
20. According to the Commission decisions, clear and transparent CMMs contribute to the efficient and effective management of vessels operating in coastal State waters and allow requests from flag States to be dealt with expeditiously by the coastal State.
21. Between 2010 and 2015, the Commission investigated over 200 cases of presumed IUU fishing by vessels from 27 countries, in accordance with Article 26 of the EU IUU Regulation: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015DC0480&from=EN
22. Article 20 of the IUU Regulation.
23. The Commission decision on South Korea can be found at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2013.346.01.0026.01.ENG
24. The Commission decision on Papua New Guinea can be found at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014D0617(01)&from=EN
25. The IMO is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships.
26. For example, the FAO and Workshops on the Consolidated List of Authorized Vessels of Tuna RFMOs support the use of IMO numbers as the principal identifier for fishing vessels.
27. Through the adoption of IMO Assembly Resolution A.600(15).
28. Through the International Convention for the Safety of Life at Sea (SOLAS) regulation XI/3 (adopted in 1994).
29. Source: http://www.pewtrusts.org/~/media/post-launch-images/2015/04/2015_april_pew_port-state-performance–putting-iuu-on-radar(1).pdf
30. FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

The European Commission also takes into account the constraints of developing countries, and may provide assistance to the country to fulfil international fisheries obligations

Further information

The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts and WWF are working together to secure the harmonised and effective implementation of the EU Regulation to end illegal, unreported and unregulated (IUU) fishing.

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More news, updates and documents supporting the EU to end IUU fishing visit: www.IUUwatch.eu

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