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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT AND THE COUNCIL**

**On the application of Council Regulation (EC) No 1005/2008 establishing a Community
system to prevent, deter and eliminate illegal, unreported and unregulated fishing**

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the application of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing

1. INTRODUCTION

Illegal, Unreported and Unregulated (IUU) fishing depletes fish stocks, destroys marine habitats, undermines food security, distorts competition, puts honest fishers at a disadvantage and weakens coastal communities, particularly in developing countries. IUU fishing poses a serious environmental threat to fish stocks and can lead to the collapse of fisheries. The estimated global value of IUU fishing is at least 10 billion euros per year¹. Between 11 and 26 million tonnes of fish are caught illegally each year, which corresponds to at least 15% of world catches. Significant resources, revenue, nutrition and livelihoods are lost as a result. This poses serious challenges to human rights and security; maritime security; economic activity and trade, both at sea and on land.

The failure of some States to meet their international obligations for flag State responsibility under international law has led the international community to find innovative ways of addressing IUU fishing. The 1995 Code of Conduct for responsible fisheries and the 2001 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA) adopted by the Food and Agriculture Organization (FAO) were the point of departure of a new era of international commitment to the sustainability of marine resources. These non-binding texts in the context of International Fisheries Law, in particular the 1982 UN Convention on the Law of the Sea (UNCLOS) and the 1995 UN Fisheries Stocks Agreement (UNFSA), established a framework and tools to combat IUU fishing. Under these provisions all States have a duty to adopt appropriate measures to ensure the sustainable management of marine resources and to cooperate to achieve this. In addition the FAO adopted in 2009 the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA). The aim of this Agreement is to ensure through harmonized measures an enhanced multilateral cooperation to fight IUU fishing and to block the flow of IUU fishing products into markets. Regional Fisheries Management Organisations (RFMOs) have also designed measures to fight IUU fishing, such as catch documentation schemes², increased flag State obligations and IUU vessels lists³.

¹ Agnew *et al.* (2009) PLoS ONE 4(2): e4570.

² For RFMOs catch documentation schemes see Annex V of Commission Regulation (EC) No 1010/2009, OJ L 280, 27.10.2009, p. 1 on catch documentation schemes adopted by RFMOs recognised as complying with the requirements of the IUU Regulation.

³ For RFMOs IUU vessel lists see Part B of the Annex to Commission Regulation (EU) No 468/2010 as last amended by Commission Implementing Regulation (EU) 1296/2015, OJ L 199/29.7.2015, p. 12.

The United Nations have also recognized the importance of the fight against IUU fishing in the UN Sustainable Development Goals as one of the issues to tackle under the goal concerning the conservation and sustainable use of the oceans, seas and marine resources for sustainable development⁴.

The European Union (EU) is a contracting party to UNCLOS, UNSFA and PSMA and is a member or a cooperating non-member in six tuna RFMOs⁵ and 11 non-tuna ones⁶.

Given the scale and urgency of the problem of IUU fishing the EU decided to strengthen its actions and adopt additional measures derived from the existing international framework. In 2008, the Council adopted Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate IUU fishing (the IUU Regulation)⁷ which entered into force on 1 January 2010. In 2009 the Commission adopted detailed rules for the implementation of the IUU Regulation⁸.

The IUU Regulation reflects the responsibility of every country, be it a Member State or a third country, to fulfil their international obligations as a flag, port, coastal or market State. It is a transparent and non-discriminatory instrument which applies to all vessels engaged in the commercial exploitation of fishery resources destined for the EU market and any EU national involved in fishing activities under any flag. The IUU Regulation seeks to prevent, deter and eliminate the trade of fishery products deriving from IUU fishing into the EU.

In order to achieve these goals, the EU introduced a number of tools to improve traceability and to facilitate communication and cooperation between the EU, Member States and third countries, as well as RFMOs. These include the EU Catch Certificate Scheme, the system of Mutual Assistance between Member States, the process of cooperation with third countries and the listing of IUU vessels.

By acting against IUU fishing both within and outside the EU, the EU protects the resources necessary for the livelihood of people, favours the development of the legitimate fishing industry and creates a more level playing field. It does so by working to raise the standards on fisheries management in both third countries and Member States.

Apart from its policy against IUU fishing, the EU has developed and implemented a set of policies concerning sustainable management of other natural resources such as timber⁹ and wildlife¹⁰.

⁴ See Goal 14.4 retrieved from <https://sustainabledevelopment.un.org/sdgsproposal.html>

⁵ For the detailed list see: http://ec.europa.eu/fisheries/cfp/international/rfmo/index_en.htm

⁶ For the detailed list see: http://ec.europa.eu/fisheries/cfp/international/rfmo/index_en.htm

⁷ OJ L 286, 29.10.2008, p. 1.

⁸ Commission Regulation (EC) No 1010/2009, OJ L 280, 27.10.2009, p. 1.

⁹ See the Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan (retrieved from <http://www.euflegt.efi.int/flegt-action-plan>).

¹⁰ See EU work against illegal trade in wildlife as described in the Communication from the Commission to the Council and the European Parliament on the EU Approach against Wildlife Trafficking (COM(2014)64 final 7.2.2014) and Commission Working Document on summary of the Responses to the Stakeholders Consultation on the EU Approach against Wildlife Trafficking (SWD(2014) 347 final 26.11.2014).

Article 55 of the IUU Regulation requires Member States report to the Commission on the application of the Regulation. On the basis of these reports and its own observations, the Commission must report to the Council and the European Parliament.

Five years after entry into force of the IUU Regulation a number of tangible results can be seen. This communication briefly presents the key achievements of the IUU Regulation¹¹. More detailed statistical information regarding the implementation of the Regulation in Member States related to inspection and controls of landings and transshipments; figures on catch certificates; imports, exports and re-exports as well as the use of Information Technology (IT) systems; the application of sanctions; cooperation; training and awareness raising can be found in the study on the state of play regarding the application and implementation of the IUU Regulation¹².

2. THE IUU REGULATION – MAIN ACHIEVEMENTS

The fight against IUU fishing has been a political priority for the EU in the past years. The EU's fight against IUU fishing can be divided into 4 intertwined key areas of action: cooperation with Member States; cooperation with third countries; investigations into presumed IUU vessels and international and stakeholder cooperation. In all these areas the EU has focused on creating an environment for positive change through structural reform with the identification of countries, companies or individuals as a last resort.

2.1. COOPERATION WITH MEMBER STATES

➤ Member States and their flag State responsibilities

Two other important pieces of EU legislation entered into force at the same time as the IUU Regulation: the Control Regulation¹³ and the Fishing Authorisations Regulation¹⁴. These led to a substantial reform of the EU control system, ensuring there is no discrimination between EU vessels operating in EU waters and those operating in third country waters. The Commission invests much effort in the implementation of all three regulations to ensure that Member States fulfil their responsibilities as flag States, just as it is expected from third countries.

➤ Member States and their port State responsibilities

The IUU Regulation provides a robust framework for EU Member States to implement Port State Measures to reduce the likelihood of IUU fishery products being landed directly into the EU. Under

¹¹ Detailed EU rules to combat IUU fishing including legal documents, explanations and press material can be found at http://ec.europa.eu/fisheries/cfp/illegal_fishing/index_en.htm

¹² http://ec.europa.eu/fisheries/documentation/studies/iuu-regulation-application/index_en.htm

¹³ OJ L343, 22.12.2009, p.1.

¹⁴ OJ L286, 29.10.2008, p. 33.

the IUU Regulation only designated ports are accessible to vessels from third countries and strict conditions exist for these vessels to use the ports. In 2012 and 2013 EU Member States inspected almost 1 500 fishing vessels in their ports. These inspections identified a series of infringements linked to, for example, errors in landing declarations; misreporting of information in the vessel log book; disregard of Port State Measures including not sending an entry notification or landing without the presence of an inspector.

The rigorous inspection of landings and transshipment operations by third country vessels in EU ports has led to number of changes. A notable example is the port of Las Palmas, where stringent controls by the Spanish Authorities of fishery products arriving from the high risk fisheries of West Africa have led to a significant drop in landings of fishery products stemming from IUU fishing operations.

➤ **Member States and their market State responsibilities**

The IUU Regulation provides Member States with instruments to control imports into the EU, allowing them to monitor the trade flow from fishing operations beyond the EU's waters to the EU. Using and sharing intelligence derived from catch certificates and trade information Member State authorities have improved verifications of imports. This knowledge provides a strong basis for effective risk analysis allowing authorities to assess, for example, if a specific import pattern makes sense from a fishery economics perspective. Effective risk analysis is essential given the scale of fisheries imports: between 2010 and 2013 Member States received more than 810 000 catch certificates and 108 000 processing statements and sent more than 6 400 requests for verification.

The IUU Regulation's provisions allow imports to be refused if the verifications carried out by Member States identify a consignment as stemming from IUU fishing activities. Since 2010, Member States refused more than 200 import consignments. Grounds for refusal can include: false, non-valid, erroneous or incomplete catch certificates; a breach of national or RFMO conservation and management measures, including quotas; illegal transshipment at sea; catch by a fishing vessel that is not included on the list of vessels authorised to operate in the relevant RFMO area or a lack of cooperation or inadequate action taken by the flag State responsible for certifying the catch.

In order to ensure effective control, cooperation has improved within the Member States between the authorities involved in border controls such as customs, sanitary and fisheries departments, which need to work together to protect the EU market from IUU fishery products.

➤ **Cooperation between Member States**

The IUU Regulation facilitates cooperation between Member States to address IUU fishing activities. The system of Mutual Assistance allows Member States to alert each other of suspected transactions of IUU fishery products, and can be used by the Commission to send alerts and information to all Member States. Since 2010 the Commission has sent more than 160 Mutual Assistance messages to Member States' authorities to direct their controls and checks towards situations of risk and to request investigations on presumed IUU fishing activities. Member States exchange information in cases of refusals of import consignments and target controls of fishing vessels, operators and import activities. For example, such messages were sent to Member States regarding non-compliant behaviour by third

country fishing vessels operating in West Africa. This resulted in more than 4.2 million EUR in fines imposed by various coastal States. Another concrete example concerned fake licenses granted by a third country which led to the recovery from the third country concerned of more than 2 million EUR of licencing fees.

2.2. COOPERATION WITH THIRD COUNTRIES

The international legal framework establishes that all States have a duty to adopt appropriate measures and to cooperate to ensure the sustainable management of marine resources. The concept of flag State and the coastal State responsibility has been steadily strengthened in international fisheries law and is today envisaged as an obligation of 'due diligence', which is an obligation to exercise best possible efforts and to do the utmost to prevent IUU fishing, which includes the obligation to adopt the necessary administrative and enforcement measures to ensure that fishing vessels flying its flag, its nationals, or fishing vessels engaged in its waters are not involved in activities which infringe the applicable conservation and management measures of marine biological resources, and in case of infringement to cooperate with other states in order to investigate and, if necessary, impose sanctions which are sufficient to deter violations and deprive offenders of the benefits from their illegal activities and to consult.

The IUU Regulation introduces tools and implements a methodology to ensure all countries fulfil these obligations with regards to IUU fishing and fisheries management. Through flag State notifications, catch certificates and the process for the identification of non-cooperating third countries the EU has an effective toolkit to strengthen the fight against IUU fishing in cooperation with third countries globally.

The EU is using measures to prevent, deter and eliminate IUU fishing as an instrument to help third countries to address fisheries management problems. It aims at helping third countries, including developing nations, through dialogue, cooperation and technical and development aid to re-enforce their policies and tools, sanction in a sufficiently deterrent manner, those who infringe the rules, improve the conservation and sustainable use of marine resources and offer better opportunities to fishing communities and honest operators. During the past few years the Commission was able to help several third countries to achieve fundamental changes in their fisheries polices through, for example, changes in their legislation, capacity building or improved monitoring, control and surveillance. These countries have taken ownership of reforms and have brought their fisheries governance to the current international law standards.

➤ Improving traceability of marine fisheries imports

The EU catch certificate scheme was introduced to improve the traceability of all marine fishery products traded with the EU throughout the production chain, from the fishing net to the plate. The certification scheme creates the basis for cooperation with third countries. To date 91 third countries

have notified their competent authorities under the IUU Regulation and apply the EU catch certification scheme for exports to the EU¹⁵.

As part of the evaluation process for third countries the Commission, in conjunction with the European Fisheries Control Agency (EFCA), analyses samples of catch certificates from third countries to identify weaknesses and shortcomings in their validation systems. Upon request it can then provide training and capacity building to these third countries, ensuring continuous improvements in their catch certificate validation systems¹⁶. Furthermore several third countries have introduced modern IT systems to cross check the data needed to validate catch certificates and some have also introduced market State measures (such as national catch certification systems) as recommended in FAO's IPOA.

➤ **Strengthening fisheries governance through dialogue**

The primary objective of the EU's policy against IUU fishing is to work together with third countries to foster change in behaviour and strengthen fisheries governance. Dialogues can start following an assessment of the compliance record of the third country as flag, coastal, port or market State, and the level of commitment to fighting IUU fishing while taking into account the global level of development of the country.

The Commission has by now initiated dialogue with almost 50 countries. Through missions and meetings, the dialogue process has led to legislative and administrative reforms in more than 15 countries. The tangible results of this cooperation with third countries include improved governance, in particular: revised legislation; adoption of National Plans of Action (NPOA) in line with the FAO IPOA-IUU; strengthened sanctions; better cooperation, coordination and mobilisation of different relevant authorities and political commitment to the fight against IUU fishing to the highest level. The dialogue process has provided a framework for countries to strengthen Monitoring, Control and Surveillance (MCS) through improved monitoring of fisheries activities, including Vessel Monitoring System (VMS) requirements for national and distant water fleets and the reinforcement of inspections and controls.

➤ **Pre-identification ("Yellow card")**

In cases where the dialogue with a third country has not been able to resolve the established shortcomings, the Commission notified the third country of the risk of being identified as a non-cooperating country in the fight against IUU fishing (**pre-identification procedure, Article 32, so-called "yellow card"**). For each of the 18 cases of pre-identification to date the Commission proposed tailored measures to the country to address the identified shortcomings by a specified

¹⁵For the list of third countries that have notified competent authorities under IUU Regulation see: http://ec.europa.eu/fisheries/cfp/illegal_fishing/info/flag_state_notifications_en.pdf

¹⁶ Such actions conducted in the Philippines, Curacao, Cape Verde, Ghana, Papua New Guinea, Solomon Islands and Korea.

deadline. This procedure creates a framework for collaboration to achieve improved fisheries governance.

The Commission work with respect to pre-identifications, identifications, lifting of pre-identifications and delisting primarily relies on the examination of measures taken by third countries such as occurrence of IUU activities by vessels flying the flag of the country concerned, occurrence of IUU activities in waters the country concerned, market activities (transformation and exports), port activities, assessment of compliance with international agreements and soft law instruments, including assessment of compliance with RFMO measures, enforcement instruments (including examination of the legal and administrative framework in place) and *in concreto* reaction to IUU occurrence (including sufficiency of deterrence) and status of developing country.

Pre-identification procedures were initiated in November 2012 for Belize, Cambodia, Fiji, Guinea, Panama, Sri Lanka, Togo and Vanuatu¹⁷; in November 2013 for Curaçao, Ghana and Korea¹⁸; in June 2014 for the Philippines and Papua New Guinea¹⁹; in December 2014 for the Solomon Islands, Tuvalu, Saint Kitts and Nevis and Saint Vincent and the Grenadines²⁰ and in April 2015 for Thailand²¹.

Pre-identified countries that demonstrated progress in line with the proposed measures were provided with additional time if and as needed to conclude the reforms. In July 2013 the Commission extended the pre-identification status for Fiji, Panama, Sri Lanka, Togo and Vanuatu based on the progress achieved to date and to allow adequate time to adopt revised legal frameworks and control capacities for their fisheries in line with international requirements. The same extension was given to Curaçao, Ghana and Korea in July 2014; to the Philippines and Papua New Guinea in February 2015 and to Ghana and Curaçao in March 2015.

➤ **Identification ("Red card")**

In cases where the pre-identified country failed to resolve the IUU fishing problems in line with international obligations, the Commission identified it as a non-cooperating country in the fight against IUU fishing (the **identification procedure, Article 31, so-called "red card"**) and proposed to Council to place the country on the list of non-cooperating third countries (the **listing procedure, Article 33**). Identification and subsequent listing lead to trade measures, including the prohibition of imports of fishery products from non-cooperating countries into the EU, and the prohibition of EU vessels from operating in the waters of non-cooperating countries.

Identification procedures were initiated in November 2013 for Belize, Cambodia and Guinea²² and in October 2014 for Sri Lanka²³. **Listing procedures**, leading to Council decisions to place them on

¹⁷ OJ C 354, 17.11.2012, p. 1.

¹⁸ OJ C 346, 27.11.2013, p. 26.

¹⁹ OJ C 185, 17.6.2014, p. 2 and p. 17.

²⁰ OJ C 447, 13.12.2014, p. 6, 16 and 13, OJ 453, 17.12.2014, p. 5.

²¹ OJ C 142, 29.04.2015, p. 7.

²² OJ C 346, 27.11.2013, p. 2.

the list of non-cooperating countries, were completed in March 2014 for Belize, Cambodia and Guinea²⁴ and Sri Lanka in January 2015²⁵.

The identification procedure has as consequence the implementation of **Article 18(1)(g)** provisions i.e. Member States shall refuse imports of marine fisheries products from the identified third country covered by catch certificates with validation dates from the date of entering into force of the Commission Implementing Decision. The listing procedure entails from the date of entering into force of the Council Implementing Decision trade measures as laid down in **Article 38**, such as prohibition of imports; non-acceptance of catch certificates; prohibition to purchase fishing vessels; prohibition to flag EU fishing vessels; no chartering agreements; prohibition to export EU fishing vessels; prohibition of private trade agreements with EU nationals; prohibition of joint fishing operations with EU; possible denunciation of standing bilateral fisheries agreements or partnerships; and/or no further negotiations to conclude bilateral fisheries agreements or partnerships.

➤ **Lifting the pre-identification and delisting ("Green card")**

The dialogue process continues throughout all stages of the procedure. When pre-identified, identified or listed countries took concrete measures to achieve lasting improvements in the fight against IUU activities the Commission lifted the pre-identification status or proposed to Council to delist the country, depending on the stage of the procedure (so-called "green card").

In October 2014 the Commission lifted the pre-identification status of Fiji, Panama, Togo and Vanuatu following structural reforms in fisheries management and solid guarantees for the effective implementation of these reforms²⁶. In December 2014 the Council removed Belize from the list of non-cooperating countries following the revision of its fisheries management system and the introduction of concrete measures to fight IUU fishing²⁷. In April 2015 the Commission lifted the pre-identification status of Korea and the Philippines following fundamental structural reforms in fisheries management and solid guarantees for the effective implementation of these reforms²⁸.

➤ **Supporting third countries**

In order to achieve lasting change, training and capacity building are often necessary.

The IUU dialogue process provides a framework for such capacity building and the Commission, often in conjunction with the European Fisheries Control Agency (EFCA), has carried out tailor made capacity building sessions on catch certification and on Monitoring, Control and Surveillance (MSC) tools and policy to certain third countries in response to specific requests. The IUU specific sessions

²³ OJ L 297, 15.10.2014, p. 13.

²⁴ OJ L 91, 27.3.2014, p. 43.

²⁵ OJ L 33, 10.2.2015, p.15.

²⁶ OJ C 364, 15.10.2014, p. 2.

²⁷ OJ L 360, 17.12.2014, p. 53.

²⁸ OJ C 142, 29.04.2015, p. 5, OJ C 142, 29.04.2015, p. 6.

complement the capacity building actions being carried out by the Commission and EFCA with third countries and international fisheries organisations, including RFMOs, under the auspices of the CFP. These include the use of sectoral support under Sustainable Fisheries Partnership Agreements (SFPA) between the EU and third countries, aimed at strengthening the MCS capacities and reinforcing the fisheries governance of the SFPA partner country²⁹.

As well as numerous cases of technical assistance to fund specific actions by third countries, more than 55 developing countries have received technical assistance from the EU through two programmes: the ACP FISH II program for the African, Caribbean and Pacific Group of States (ACP) amounting to 30 million EUR and the Environment and Sustainable Management of Natural Resources including Energy (ENRTP) program amounting to 2 million EUR. The objectives of these programmes include the sustainable and equitable management of fisheries in the specific regions. The fight against IUU fishing is an integral part of several new funding proposals, being of relevance to programmes addressing food security as well as those addressing maritime security. The aim of EU actions is have a holistic and cross sectorial approach addressing all problems linked with the maritime domain such as IUU fishing, food security, piracy and armed robbery at sea, transnational organised crime and terrorism at sea, illegal trade, trafficking of human beings, smuggling of migrants, trafficking of weapons and narcotics, trafficking in protected species of wild fauna and flora, and other illegal maritime activities.

2.3. INVESTIGATIONS INTO PRESUMED IUU VESSEL ACTIVITY

Since 2010 the Commission has investigated over 200 cases of presumed IUU fishing by vessels from 27 countries. These investigations have been based on information collected by the Commission or received from Member States, third countries and stakeholders. As a direct consequence of these investigations eight flag States (Belize, Brazil, Comoros, Lithuania, Panama, Republic of Guinea, Republic of Korea and Spain) and four coastal States (Liberia, Republic of Guinea, Sierra Leone and Guinea Bissau) have imposed sanctions amounting to more than 8 million EUR of fines and fees against more than 50 vessels. As these cases have led to sanctions imposed by flag state, coastal state, or both, there was, so far, no need to include vessels on the EU list under **Article 27(1)**. At the same time the Commission has encouraged the flag States concerned to initiate administrative and legislative reforms to reinforce their control of the activities of their fishing fleets.

These investigations have primarily been in areas where IUU fishing activities are most widespread and have the most severe impact - not only on marine resources, but also on the livelihoods of local communities. Work focused on cases with a tangible EU dimension, vessels connected to exports to the EU; vessels controlled by EU operators or flagged to EU Member States.

Eight RFMOs maintain or share lists of vessels that have been found to carry out or support IUU fishing within their respective convention areas. These lists are important tools for flag and port State controls, as they can be used by inspectors to inform risk analysis concerning port activities and catch

²⁹ For bilateral agreements with countries outside the EU and amounts earmarked for fisheries policy development see: http://ec.europa.eu/fisheries/cfp/international/agreements/index_en.htm

certification. Each year the EU, under the IUU Regulation, transposes all these lists to a single EU IUU vessel list³⁰ under **Article 30**.

Fishing vessels included on EU IUU vessel list are not allowed to fish in waters of Member States, granted authorisations or chartered from Member States, call at EU ports, supplied with provisions, fuel or change crew, not allowed to engage in any operations with EU flagged fishing vessels, prohibited from importing fishing products to the EU, issuing of catch certificates and exporting or re-exporting fishing products from the EU.

3. INTERNATIONAL AND STAKEHOLDER COOPERATION

3.1. INTERNATIONAL COOPERATION

IUU fishing cannot be fought by the EU in isolation, international cooperation is essential to accelerate change globally. The EU signed Joint Statements on combating IUU fishing with the US in September 2011 and with Japan in July 2012. The EU is willing to cooperate on IUU fishing issues with any country that shares its values for conservation and the sustainable use of fisheries resources.

The Commission appreciates the progress made by the FAO concerning the development of a Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels. This initiative intends to make information available on vessel identification and other relevant data with the aim of providing a reliable and rapid way to compare data with other sources. The Commission contributes to the FAO expert consultation regarding catch documentation. It supports the use of IMO numbers for vessels of 100 gross tonnage and higher and welcomes the recent endorsement by the FAO Committee on Fisheries (COFI) of the Voluntary Guidelines on Flag State Performance.

The Commission is working in close cooperation with INTERPOL. In 2013, the Commission became an observer in the Fisheries Crime Working Group created under the umbrella of INTERPOL's Environmental Crime Programme. Along with Member States, the Commission supports INTERPOL's Project SCALE, a global initiative to detect, suppress and combat crime in fisheries.

3.2. COOPERATION WITH STAKEHOLDERS

In the same way that international cooperation is essential to fighting IUU fishing, involving all other relevant stakeholders is important.

NGOs play a significant role in the fight against IUU fishing through their work in the field identifying and recording illegal fishing activities; through encouraging decision makers around the

³⁰ OJ L 199, 29.7.2015, p. 12–20.

world to place the issue of IUU fishing on political agendas and through their work with the general public, raising awareness about the significance of IUU fishing problems. NGOs have often provided substantiated evidence of IUU activities that could be used by the Commission in different investigations.

Cooperation with industry is important as they are in the front line with regards to the implementation of the IUU Regulation. Industry now pays increased attention to all components of the supply chain in order to ensure that only legally caught fishery products enter the EU. Legal suppliers have benefitted from this change of policy while illegal operators have lost out. Based on information received from industry, either directly or through national authorities, the Commission has become aware of a number of practical issues that could be addressed in order to enhance the effectiveness of the IUU Regulation.

4. THE IUU REGULATION – NEXT STEPS

After 5 years of implementation, the IUU Regulation has clearly affected fishing activities around the world. It has established a permanent mechanism for cooperation between the EU and third countries. It has fostered willingness by Member States and third countries to improve compliance with their international obligations as flag, coastal, port or market State. Member States and third countries now also realise that the benefits of fighting IUU fishing are concrete and include increased revenues to the local or State budget, revenues which would otherwise be lost to the benefit of IUU operators.

Internally, the Commission will continue to work to improve the current systems in place and to simplify and modernise the implementation of the IUU Regulation. A number of technical improvements have been identified that can be introduced on the basis of the current legal text. The aim is to improve the cost-effectiveness of the current system, making it simpler by moving from a paper-based system to an electronic one. This will increase the traceability of transactions and protect the system from document fraud. Specifically, the Commission will modernise the catch certificate scheme through an IT system and will create a harmonised system to exchange and cross-check information in cooperation with EFCA. This new IT system will allow loopholes in import controls to be closed and a better monitoring of the total use of any single catch certificate split across several consignments, thus avoiding the laundering of IUU fishery products. The harmonised risk analysis will bring about a more cost-effective approach to the control of catch certificates and reduce the administrative burden for Member State customs authorities. These improvements will be done during 2015-2016.

Externally, the Commission will continue working with third countries through bilateral cooperation, dialogue and formal process within the pre-identification, identification and listing procedures aiming at correcting the established IUU fishing problems.

The Commission will continue offering technical and development aid to third countries to address their IUU fishing problems. This can be achieved through targeted actions on capacity building of third country administrations and through the EU development aid programmes by benchmarking third countries needs and corresponding possible programmes.

The Commission will also consider what additional action should be taken at the international level against IUU fishing in the context of its efforts to improve international ocean governance³¹

Finally, it is noted that the Commission has made proposal for the alignment of the IUU Regulation to the new Rules of the Treaty on the Functioning of the European Union³². This process is still pending with the European Parliament and the Council.

³¹ See European Commission Ocean Governance public consultation:

http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/ocean-governance/index_en.htm

³² See Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, COM/2012/0332 final - 2012/0162 (COD), retrieved from <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1439200039646&uri=CELEX:52012PC0332>