

P6_TA-PROV(2007)0044

Illegal fishing

European Parliament resolution on the implementation of the EU action plan against illegal, unreported and unregulated fishing (2006/2225(INI))

The European Parliament,

- having regard to the communication from the Commission entitled "Community action plan for the eradication of illegal, unreported and unregulated fishing" (COM(2002)0180) and the Council Conclusions of 11 June 2002 thereon,
 - having regard to its resolution of 20 November 2002 on the Community action plan for the eradication of illegal, unreported and unregulated fishing¹,
 - having regard to the Commission's three-yearly communications on monitoring the implementation of the Common Fisheries Policy (CFP) and Parliament's corresponding resolutions on that subject,
 - having regard to the Commission's annual communications and Parliament's respective resolutions on conduct seriously infringing the rules of the CFP,
 - having regard to the FAO international plan of action on illegal, unreported and unregulated (IUU) fishing and the technical documents adopted subsequently by the FAO,
 - having regard to Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency², and in particular Article 3, point (h) thereof,
 - having regard to its resolution of 13 December 2001 on the role of flags of convenience in the fisheries sector³,
 - having regard to the Green Paper entitled 'Towards a future maritime policy for the Union: a European vision for the oceans and seas' (COM(2006)0275),
 - having regard to its resolution of 7 September 2006 on launching a debate on a Community approach towards eco-labelling schemes for fisheries products⁴,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A6-0015/2007),
- A. whereas IUU fishing is a major problem around the world, causing considerable environmental degradation, contributing to the depletion of commercial and non-commercial fish stocks and other species and resulting in difficulties for communities

¹ OJ C 25 E, 29.1.2004, p. 179.

² OJ L 128, 21.5.2005, p. 1.

³ OJ C 177 E, 25.7.2002, p. 324.

⁴ *Texts Adopted*, P6_TA(2006)0347.

dependent on fishing for their livelihoods in both developing and developed countries,

- B. whereas the fight against IUU fishing has been hindered by factors such as the use of flags of convenience, transshipments on the high seas, lack of adequate port control and scant cooperation between control authorities,
- C. whereas, according to the FAO's definition of IUU fishing, "illegal fishing" refers to activities conducted by vessels in contravention of the laws and regulations of states belonging to a regional fisheries management organisation (RFMO), "unreported fishing" refers to activities which have been misreported or have not been reported to the competent national authority or the relevant RFMO, and "unregulated fishing" refers to activities carried out by vessels without nationality or under the flag of a state which does not belong to a particular RFMO, in contravention of the conservation and management measures of that organisation,
- D. whereas, even though IUU fishing may occur in any segment of the fleet, its greatest impact can be seen in the offshore fishing segment, which by preference operates in international waters and on the continental shelf of developing countries with scant means of control, which means that the European Union's action must focus on those areas and on that segment of the fleet,
- E. whereas vessels engaging in IUU fishing help to weaken the social conditions and living and working conditions of crews,
- F. whereas IUU fishing and marketing activities linked thereto also constitute unfair competition for those fishers and commercial players who abide by the rules laid down in law, including legislation in the EU, its Member States and other countries and the management measures agreed by RFMOs,
- G. whereas the European Union and its Member States must increase their commitment in the fight against all forms of illegal fishing, but it is also necessary to distinguish between infringements by Community vessels of Community rules and IUU fishing as interpreted at international level, and bearing in mind that activities carried out within the framework of the CFP are indeed regulated, which means that the fight against those two activities will in the majority of cases involve different procedures,
- H. whereas the Commission itself recognises the difficulty of differentiating between licit and illicit catches, particularly in certain cases such as when the fish landed is frozen, or where there are commercial networks with third countries and the fish has been processed before it reaches the European market,
- I. whereas RFMOs are the best means of combating IUU fishing at international level and the Community's participation in them enables it to establish joint actions and speak with one voice in the competent international organisations,
- J. whereas the existence of an effective and coherent control system is a key component for a sustainable resource conservation and management policy, and involves not simply introducing more restrictive measures but also applying existing measures better and more equitably,
- K. mindful of the importance of the exchange of information and international cooperation

in combating IUU fishing,

- L. whereas the profits resulting from IUU fishing may in some cases be helping to finance activities of organised criminal networks,
 1. Reiterates its commitment to combating IUU fishing in all its forms, as expressed in its resolution of 20 November 2002, referred to above;
 2. Welcomes the progress that has been made at the international level and by the EU in combating IUU fishing, but considers that the phenomenon continues to escalate and, consequently, that further efforts are needed;
 3. Considers that the extent of IUU fishing, the diversity of factors contributing to it and the wide range of legal, logistical and financial tools necessary to combat it are such as to require cooperation at all levels, including the various Directorates-General of the Commission (especially, but not limited to, the Fisheries and Maritime Affairs, Trade, Development and Health and Consumer Protection DGs), the Council, the individual Member States and the international community; takes the view, to that end, that the Green Paper on a new maritime policy for the Union could serve as a framework for cooperation on the basis of which the fight against IUU fishing might be approached more effectively;
 4. Considers that the importance of the EU in the world, in its various roles as a major fishing power and as the world's largest market for fish, obliges it to be at the forefront of the fight against IUU fishing;
 5. Notes that the EU is among the world's wealthiest and most technologically advanced entities and that it bases itself on the rule of law, all of which behoves the EU to broaden and intensify its efforts to combat IUU fishing;
 6. Considers that the EU can only act credibly on the world scene if it has already taken effective action to halt its own involvement in IUU fishing, both in EU waters and by EU vessels or interests outside the EU;
 7. Urges the Commission to help developing countries, above all those with which the Community has fishing agreements, to comply fully with the commitments of the abovementioned international plan of action designed to prevent illegal fishing, helping to strengthen the scant means available to them by including specific actions in the new partnership agreements;
 8. Reiterates its conviction that a crucial and obvious first step for the European Union to take is, first, to fully implement the existing provisions of the CFP and other relevant Community legislation in an effective, fair and rigorous manner, in order to reduce unreported and illegal fishing by Community vessels and in Community waters and, second, to prevent the landing and marketing of products from illegally caught fish from outside the EU; notes that these duties fall primarily on the governments of the Member States, in application of Community law and as port states;
 9. Urges the Commission and the Member States to strengthen deterrence mechanisms (surveillance, control, sanctions, etc.) and to propose measures that will make it possible to prevent infringements and improve the application of existing rules;

10. Notes that poor traceability of fish leads to confusion over its origin, making it difficult or impossible to distinguish between legally caught fish and illegally caught fish;
11. Considers it necessary to improve assistance and cooperation among the Member States in order to strengthen controls and surveillance and to promote commercial regulation measures that will make it possible to identify the origin of catches landed;
12. Considers it necessary to intensify port state control of landings and transshipments of frozen fish from third countries and to improve cooperation between the Member States and those countries;
13. Recalls its resolution of 7 September 2006 on eco-labelling, referred to above, and reiterates its belief that the improvements in the traceability of fish, from the net to the plate, that would be required by eco-labelling schemes would be of considerable help in identifying IUU fish and keeping it off the EU market; calls on the Commission to present its proposal on eco-labelling by June 2007;
14. Calls on the Commission and the Member States to redouble their efforts to implement the 15 actions included in the EU action plan on IUU fishing as agreed in 2002, and in particular to:
 - i. guarantee equal treatment for economic players, discouraging those within the Community who wish to use flags of convenience;
 - ii. incorporate rules in Community legislation to ban trade in IUU-origin fish;
 - iii. put in place binding rules on control and inspection within a common legal framework across the European Union;
 - iv. expand the Community information campaign so as to improve public awareness of the extent and serious nature of IUU fishing;
 - v. promote detailed control and inspection plans for each RFMO to which the EU belongs;
 - vi. work to ensure that coverage by RFMOs is extended to include all major fisheries in the world's oceans, including demersal species, small pelagic species and highly migratory species;
 - vii. contribute actively to the creation and revision, as appropriate, of lists adopted by RFMOs of vessels that undermine conservation measures, including by providing sightings; encourage the implementation of trade sanctions against countries whose flag those vessels fly;
 - viii. promote the adoption of uniform action plans by RFMOs by pushing for the most effective measures possible;
 - ix. work actively to promote the development of catch documentation schemes, starting with the most endangered species, and ensure that fish allowed onto the EU market has not been caught illegally;
 - x. strengthen international cooperation in the MCS (Monitoring, Control and

Surveillance) network as well as regional schemes with a view to the establishment, under the auspices of the FAO, of an international information system on offshore fishing vessels;

- xi. define a "substantial link" between a fishing vessel and the flag she flies;
 - xii. define the rights and obligations of port States;
 - xiii. assist developing countries in their ability to monitor fishing activities in their waters and to combat IUU fishing;
15. Welcomes the inclusion in the Commission's work programme for 2007 of a package on IUU fishing, including a communication from the Commission and a proposal for a Council regulation on stepping up the fight against IUU fishing; welcomes the revival of the Commission's inter-service consultation group, which was originally set up in 2002;
 16. Calls on the Community Fisheries Control Agency to include the fight against illegal fishing and coordination of Member States' activity in this field among its priorities as part of its annual work programme;
 17. Calls on all those interested in eliminating IUU fishing, including all EU institutions, the governments of the Member States, the various segments of the fishing, processing and retail industry, NGOs and other concerned parties to present their proposals on what the EU should do during the discussion to be launched by the Commission with its upcoming communication on IUU fishing;
 18. Considers that the Commission should include the following actions in its proposal to be adopted in EU law:
 - all fishing vessels and fish transport vessels registered in the EU or flying the flags of third countries and wishing to enter an EU port must be readily identifiable by means of the markings included in the FAO's Standard Specifications for the Marking and Identification of Fishing Vessels;
 - a Community register of vessels engaging in IUU fishing must be created which would include vessels on RFMO blacklists; such a register will facilitate the swift exchange of information among the Member States and make it possible to monitor vessels taking account of possible re-flagging;
 - common minimum penalties for serious infringements must be applicable in all Member States, and must be sufficiently dissuasive;
 - Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy¹ and Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products² must be strengthened in such a way as to provide

¹ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

² OJ L 17, 21.1.2000, p. 22. Regulation as last amended by Regulation (EC) No 1759/2006 (OJ L 335, 1.12.2006, p. 3).

for fish to be fully traceable from the time it is brought aboard a fishing vessel until it reaches its final customer;

- all black lists of fishing vessels and fish transport vessels, including their owners or operators, adopted by RFMOs must be published and incorporated directly into Community law; non-EU vessels on those lists must be prohibited from entry into Community ports for any purpose, except in cases of force majeure or for humanitarian reasons; all EU-flagged vessels must be prohibited from providing support (fuel, supplies, transshipment, etc.) to those vessels while at sea;
 - the legal origin of fish must be demonstrated before it is allowed to be offloaded in EU ports or imported into the EU; such proof must include, for both landings from fishing vessels and transshipments:
 - in the case of fish products from waters regulated by an RFMO, documents establishing that the fish products to be landed have been caught in accordance with the rules of that RFMO and that the quotas allocated to the contracting party under whose flag the vessel is sailing have been respected;
 - in the case of fish products caught in the exclusive economic zones of third countries, documentation establishing that the vessel is authorised to fish or is in possession of a fishing licence for those waters and for the species to be landed;
 - Member States should discourage the transfer of vessels from their national registry if they are to be re-flagged under the flag of a country that has been identified by an RFMO as a country whose vessels have been fishing in a manner that diminishes the effectiveness of the conservation measures adopted by that RFMO;
 - vessels and producers in third countries that are allowed to export fish or fishery products to the EU, as included on lists drawn up by the third country and published by the Commission's Directorate-General for Health and Consumer Protection, must be cross-checked with black lists of vessels drawn up by RFMOs or other third countries; the Commission should use all possible means to ensure that vessels on such black lists are not allowed to export fish or fishery products to the EU; to that end, consideration could be given to an amendment to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption¹;
19. Welcomes the establishment of the new control agency and is confident that the agency will play an important role in the fight against IUU fishing; calls upon the Commission to consider the idea of the establishment of an EU coastguard;
20. Calls on the Commission and the Member States to prevent fishing in Community waters and entry to Community ports by vessels which are involved in IUU fishing in accordance with the rules in force and to prohibit the importing of fish from those

¹ OJ L 139, 30.4.2004, p. 206. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

vessels; calls, likewise, on the Member States not to allow this type of vessel to be flagged under their flag, and to invite importers, transporters and other sectors concerned not to tranship or deal with fish caught by those vessels;

21. Urges the Commission to ensure that any natural or legal persons guilty of IUU fishing in accordance with the rules in force do not receive any type of aid or subsidy from Community funds for any branch of their activities, and to ask the Member States to take similar action with regard to their respective national aid;
22. Calls on the Commission to carry out and present a study on tariffs and rules of origin, containing an examination of the ways in which these tools may be used in order to encourage third countries to ensure that their vessels abide by relevant international management measures;
23. Calls on the Commission to carry out and submit a study on compliance with Community labour, health and safety legislation and on respect for the social rights of workers on that type of vessel, and on their living and working conditions on board;
24. Calls on the Commission to use its considerable influence in RFMOs to encourage them to establish lists of vessels that are authorised to fish (white lists) and of vessels that have been caught fishing illegally (black lists); such lists must be drawn up in a transparent and coherent manner in accordance with clear criteria; also calls on the Commission to encourage RFMOs to identify countries which do not control the activities of vessels flying their flag and to use those lists as tools to allow the acceptance or rejection of fish;
25. Urges the Commission to continue giving maximum priority to cooperation with RFMOs such as the North-East Atlantic Fisheries Commission, the North-West Atlantic Fisheries Organisation and the Commission for the Conservation of Antarctic Marine Living Resources which, with their initiatives designed to combat illegal fishing, have proved to be the most suitable instruments for ensuring good governance on the high seas;
26. Urges the Commission and the Council to strengthen the resources allocated to the fight against corruption and organised crime at all levels;
27. Is convinced that the keys to reducing and eliminating IUU fishing are full traceability all along the chain of custody, transparency of decisions, cooperation within the EU and the wider international community and, most importantly, a demonstration of political will by all parties; reiterates that, unless much more is done, fish stocks will continue to be depleted and fishing communities in the EU and elsewhere will suffer even greater hardship;
28. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Committee on Fisheries of the FAO and the secretariats of the RFMOs to which the EU belongs.