EUROPEAN
COMMISSION

Brussels, 9.12.2020
COM(2020) 772 final

REPORT 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 (the IUU Regulation)

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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL 1

1. Introduction 2

2. State of play – progress since the 2015 Communication 4

2.1 Cooperation with Member States 4

- Member States and their flag State responsibilities 4
- Member States and their coastal State responsibilities 5
- Member States and their port State responsibilities 5
- Member States and their market State responsibility: the catch certification scheme 6
- Use of mutual assistance system between Member States and the Commission and with non-EU countries 7

2.2 Cooperation with non-EU countries 7

- Levelling the playing field through dialogue 7
- Building a network of allies 9
- Promoting catch certification schemes 10
- Fostering implementation of the Agreement on Port State Measures 10
- Impact of IUU dialogues on SFPA countries 11
- Support to non-EU countries 11

2.3 Other international cooperation frameworks and cooperation with stakeholders 12

3. Main challenges in implementing the IUU Regulation 13

3.1 Implementation within the EU 13

- Dialogues with non-EU countries 14
- Strengthening the international governance to tackle IUU fishing 14
- Cooperation and coordination 15

4. Conclusions 15

1. Introduction

As provided for by Article 55(1) of the Regulation, this reports informs the European Parliament and the Council about the application of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing. The report takes stock mainly of information provided by the Member States in the form of responses to a questionnaire sent by the Commission[1] since the last Communication of 1 October 2015[2], but also of any other relevant information received by the Commission from any stakeholders in the given period. It also gives an overview of activities that contribute towards achieving the objectives of the IUU Regulation. On this basis, it also identifies the main challenges in terms of implementation.

IUU fishing remains one of the greatest threats to the sustainable use of fishery resources. Unfortunately, the dynamic, adaptable and clandestine nature of IUU fishing makes it impossible to estimate its impact in a straightforward way. However, rough calculations indicate that IUU fishing across the world's oceans weighs in at around 11–26 million tonnes of fish each year, representing an annual price tag of EUR 9–21 billion[3].

The United Nations General Assembly specifically urged the international community to '*effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices by 2020*[4]' in target 14.4 of Goal 14 of 'Life below Water', part of the 2030 Sustainable Development Agenda adopted in 2015. The EU is therefore strongly committed to achieving a steady reduction in IUU fishing and ultimately eliminating the practice.

The Communication on the European Green Deal for the European Union[5] identifies the zero tolerance approach to IUU fishing as a priority. This approach is also an important aspect of the EU biodiversity strategy for 2030[6] and key to a global transition towards sustainable food systems, as stated in the farm to fork strategy[7]. It calls for strong EU action under the external dimension of the common fisheries policy (CFP), notably through efforts to eliminate IUU fishing in regional fisheries management organisations (RFMO)[8], in the context of the EU's sustainable fisheries partnership agreements (SFPA), and by completing the revision of the EU control rules[9]. Combating IUU fishing worldwide is also an important element of the

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1 Information provided by Member States, covering 2016-2017. Such information is provided every two years, based on a questionnaire prepared by the Commission.

2 COM(2015) 480 of 1 October 2015.

3 http://www.fao.org/3/a-i6069e.pdf

4 '*Target 14.4: By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics*'.
https://unstats.un.org/sdgs/metadata/?Text=&Goal=14&Target=14.4

5 COM(2019) 640 of 11 December 2019.

6 COM(2020) 380 of 20 May 2020.

7 COM(2020) 381 of 20 May 2020.

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

9 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.

Joint Communication on International Ocean Governance of 2016[10]. Finally, the policy of working to eliminate IUU fishing is relevant in the context of the EU Maritime Security Agenda[11].

The EU system to prevent, deter and eliminate IUU fishing is embedded in international fisheries law, notably:

- the 1982 United Nations Convention on the Law of the Sea (UNCLOS),
- the 1995 United Nations Fisheries Stocks Agreement (UNFSA), and
- the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement).

These instruments are interpreted and substantiated by non-binding instruments, such as those developed by the Food and Agriculture Organization (FAO), in particular the 1995 Code of Conduct for Responsible Fisheries (Code of Conduct) and the 2001 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), one of several international action plans adopted in connection with the Code of Conduct. Collectively, these legal instruments – both binding and non-binding – comprise a set of measures that reinforce and complement each other.

In addition, to strengthen implementation of the IPOA-IUU, the FAO adopted, in 2009, the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing[12] (PSMA), which entered into force in June 2016[13]. The PSMA is the first and only legally binding global instrument to address IUU fishing directly as its primary target. Although it does not create new international tools to combat IUU fishing, it sets out minimum standards for exercising port State jurisdiction in the context of IUU fishing. Other relevant FAO contributions of recent years include the 2014 Voluntary Guidelines on Flag State Performance and, in 2017, the FAO Voluntary Guidelines for Catch Documentation Schemes. The EU has made major contributions to these initiatives, which help to further strengthen international fisheries law and provide significant guidance in the fight against IUU fishing.

The unique EU approach to tackling IUU fishing is built on Regulation (CE) 1005/2008. In adopting and implementing this regulation, the EU has pioneered a comprehensive framework to combat IUU fishing that turns intentions into action and establishes a global level playing field in the fisheries sector.

The Regulation states that all countries, whether Member States or non-EU countries, have a responsibility to fulfil their international obligations as flag, port, coastal or market States. It has proved to be a transparent and non-discriminatory instrument, applicable to all vessels engaged in the commercial exploitation of fishery resources and to all EU nationals involved in fishing activities under any flag.

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https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009R1224

[10] The EU is an active participant in five tuna RFMOs, 12 non-tuna RFMOs, and other fisheries organisations. For the complete list, see: https://ec.europa.eu/fisheries/cfp/international/rfmo_en

[11] https://ec.europa.eu/maritimeaffairs/policy/maritime-security_en.

[12] http://www.fao.org/port-state-measures/en/

[13] The EU approved the Agreement through Council Decision 2011/443/EU of 20 June 2011.

Ten years after the entry into force of the IUU Regulation, the EU is seen as a major player in the fight against IUU fishing worldwide. Persevering in actions to tackle IUU fishing will further consolidate the EU's role in this area.

2. State of play – progress since the 2015 Communication

The 2015 Communication referred to further work to improve the current system in place and, possibly, to simplify and modernise the implementation of the IUU Regulation, notably by moving from a paper-based catch certification system to an electronic one. The Commission announced that it would be continuing to cooperate with non-EU countries through dialogue and the possibility of offering technical and development aid to non-EU countries, to address their IUU fishing problems.

The four interconnected areas of action for which the IUU Regulation provides are:

- the EU catch certification scheme,
- the system of mutual assistance between Member States,
- the process of cooperation with non-EU countries, and
- the listing of IUU vessels.

All these tools have proven effective in combating IUU fishing over the past five years.

A number of tangible results have been recorded since the last Communication. This report presents key achievements under the IUU Regulation between 2015 and 2019.

2.1 Cooperation with Member States

➢ Member States and their flag State responsibilities

The EU consolidated its actions as regards the flag State responsibilities of Member States by adopting new measures to manage the operations of its fleet outside EU waters more effectively (SMEFF)[14]. All fishing activities of EU vessels carried out outside EU waters or falling within the purview of a regional fisheries management organisation (RFMO) must be specifically authorised by the flag Member State, which is also responsible for the correct management of these fishing authorisations[15]. The Commission transmits the authorisations to relevant RFMOs and non-EU countries, provided that the relevant conditions and eligibility criteria are met. In addition, even outside EU waters, EU vessels remain subject both to EU control rules[16] and to those laid down in the IUU Regulation.

[14] Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the Sustainable Management of External Fishing Fleets replacing Council Regulation EC) 1006/2008. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32017R2403

[15] Figures on June 2019 (excepting the area of competence of the General Fisheries Commission for the Mediterranean, GFCM): 5,843 fishing vessels, corresponding to 8,818 fishing authorisations.

[16] 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. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009R1224

After evaluating the current fisheries control system, the Commission also decided to start revising it. The Commission proposal on its revision was adopted on 30 May 2018[17]. The Commission decided to propose a number of changes to the Control Regulation, as well as targeted amendments to the IUU Regulation and the EFCA Founding Regulation. The overall objective of the revision is to modernise, strengthen and simplify the EU fisheries control system and extend the level playing field in fisheries controls. In particular, the proposal clarifies, reinforces and harmonises the enforcement provisions, notably as regards measures and sanctions for serious infringements. Its ambitions also include:

- creating a more reliable and complete fisheries data system, including fully digitised reporting of catches, to be applicable to all EU fishing vessels[18];
- extending the electronic tracking system to all vessels, including small ones;
- introducing new weighing procedures for fisheries products;
- beefing up catch registration rules for recreational fisheries;
- improving the traceability of EU and imported fishery and aquaculture products, and
- beefing up rules on fishing gear.

➢ Member States and their coastal State responsibilities

The same control rules that apply to EU vessels are applicable to non-EU countries' vessels operating in EU waters as well, unless otherwise agreed with the non-EU country concerned.

The Commission maintains close cooperation with the Member States to prevent, deter and detect any IUU fishing activities. It also encourages Member States to report any suspicion of IUU fishing carried out by vessels from non-EU countries in their waters[19] and makes full use of the mutual assistance system to keep fish caught illegally out of the EU market. The Commission also facilitates regular cooperation between Member States and non-EU countries.

➢ Member States and their port State responsibilities

The Control Regulation provides for an appropriate port control framework, including inspections in port or on landing. The IUU Regulation complements and provides for an effective scheme of inspections in port for non-EU country fishing vessels calling at Member States' ports.

In their reports to the Commission, the Member States provide information on the results of port inspections and on direct landings and transhipments of fishery products by non-EU country fishing vessels[20].

Over 2016–2017, around 4,349 non-EU vessels landed in EU ports, and EU Member States inspected 635 of these vessels.

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17 COM (2018) 368 final of 30 May 2018.

18 Including vessels measuring less than 12 metres.

19 36 sightings of foreign fishing vessels were reported by Member States over 2016-2017. Information based on Member States' reports covering 2016-2017 in accordance with Article 55.1.

20 Again under Article 55.1 of the IUU Regulation.

➢ Member States and their market State responsibility: the catch certification scheme

As one of the world's biggest markets for fishery products, the EU has the responsibility to ensure that fishery products stemming from IUU fishing do not reach its market.

The catch certification scheme established by the IUU Regulation has proven effective in keeping fish caught in this way out of the EU market.

More than 92 countries have notified the Commission of the authorities empowered in each country to attest the veracity of the information set out in catch certificates issued for products exported to the EU market (the 'competent authorities'). On average, around 200,000 catch certificates and 25,000 processing statements are submitted to Member States' competent authorities for imports every year[21]. In 2016-2019, refusals of imports into the EU market of fishery products in accordance with the IUU catch certification scheme continued to decline.

As anticipated in the 2015 Communication, in May 2019 the Commission launched[22] an IT system named CATCH, designed to digitalise catch certificates and related procedures for use on importation. The objective behind CATCH is to develop a web-based application to support management of official documents and automate the related procedures, as laid down in the IUU Regulation. The ultimate purpose of such an EU-wide system is to facilitate and harmonise the verification procedures carried out by Member States' competent authorities, and to help ensure a level playing field for EU importers.

Developments in CATCH follow the FAO Voluntary Guidelines on the Catch Documentation Schemes[23] adopted in 2017. CATCH has been developed on TRACES, a platform with an existing 30,000 users from over 80 countries worldwide. TRACES has been used by Member States' authorities and EU importers since 2005 for checks involving sanitary requirements for intra-EU trade and imports of animals, food, feed and plants; now it is also being used to check catch certificates. The Commission's proposal to revise the Control Regulation includes legal provisions on the use of CATCH. The compulsory use of CATCH depends on the finalisation of the ongoing revision of the fisheries control system and its entry into force. Until then, EU countries and their national operators will use it on a voluntary basis[24].

The Commission is focusing on the work currently being done by UN CEFACT (the United Nations Centre for Trade Facilitation and Electronic Business) to explore the possible use of the FLUX format to ensure interoperability with CATCH of non-EU countries' IT environments for checks on fishery products. It is also working to establish an electronic system of certificate exchange (EU CSW-CERTEX[25]) for all EU customs

[21] Commission estimate based on notification from Member States under Article 18(5) of the IUU Regulation.

[22] On average, EUR 350 000 are allocated each year for the development of CATCH.

[23] http://www.fao.org/iuu-fishing/international-framework/voluntary-guidelines-for-catch-documentation-schemes/en/

[24] For more information on the system, see: https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/catch-it-system_en.pdf

[25] https://ec.europa.eu/taxation_customs/general-information-customs/electronic-customs/eu-single-window-environment-for-customs_en

under the EU 'single window environment for customs' initiative. CATCH is set to become part of EU CSW-CERTEX.

- Use of mutual assistance system between Member States and the Commission and with non-EU countries

The mutual assistance system established by Article 51 of the IUU Regulation has proven its worth in helping Member States implement the IUU Regulation. All Member States have appointed IUU single liaison officers to deal with this task.

The system facilitates cooperation between Member States and the Commission and with non-EU countries. This is essential to ensure that IUU fishing is properly investigated and sanctioned. The system has facilitated an ongoing exchange of information on alerts, intelligence, and the results of enquiries conducted where there are hints of IUU fishing activities.

Since 2015, the Commission has sent over 170 alerts to Member States' single liaison officers to guide the checks they conduct on situations of risk and to request investigations on presumed IUU fishing activities and serious infringements. Member States also regularly invoke the IUU Regulation's provisions on mutual assistance to cooperate with each other and with the administrative authorities of non-EU countries. Overall, this has improved the implementation of the IUU Regulation. Active use of mutual assistance has proved effective to block the importing into the EU market of fishery products worth millions of euros derived from IUU fishing, especially from the Horn of Africa.

2.2 Cooperation with non-EU countries

Since 2015, the Commission has continued to interact with and support several non-EU countries in effecting fundamental reforms of their fisheries policies. Such reforms have led to revisions of national legislation, bringing it into line with international obligations; stronger administrative structures; and improved monitoring, control and surveillance (MCS) systems. In this way, the EU's sustainable fisheries partnership agreements (SFPAs) with non-EU countries have also helped beef up governance, while improving non-EU countries' capacity and use of tools to combat IUU fishing. Specific measures have been implemented using the SFPAs' sectoral support component.

In general, non-EU countries have taken an active stance on the problem of IUU fishing and have shown willingness to take stronger action. This demonstrates ownership of reforms which bring their fisheries control systems into line with international standards. However, experience also shows that only strong and persistent political will can achieve lasting results in the form of stable fisheries compliance.

- Levelling the playing field through dialogue

Bilateral dialogues on IUU fishing with non-EU countries remain the centrepiece for cooperation under the IUU Regulation.

Whether the Commission engages in a dialogue depends on a series of indicators determining the efficiency of the measures taken by different countries to combat IUU fishing.

This assessment takes into account whether non-EU countries act as flag, coastal, port or market States. Relevant indicators include compliance with international law instruments, implementation of voluntary guidelines, effective implementation of RFMO measures, fleet policy, conservation, management and control of waters under national jurisdictions, enforcement frameworks, and the scale of fisheries production (stocks, fleets) or trade flows. The assessment also takes into account information about a country's history with regard to IUU fishing, with particular attention given to the specific constraints facing developing countries, when relevant.

Since the entry into force of the IUU Regulation, the Commission has engaged in dialogues or other forms of cooperation with over 60 countries. In the context of 26 dialogues held since 2012[26], with the Commission's active support, 15 partners have successfully reformed their fisheries management systems by aligning their legal frameworks on international obligations as flag, port and market States.

In other cases, however, informal dialogue is not enough of a deterrent to make a non-EU country address the shortcomings identified.

The IUU Regulation establishes the now widely known 'carding system'[27], empowering the Commission to notify a non-EU country of the risk of being identified as a non-cooperating country in the fight against IUU fishing (pre-identification procedure, 'yellow card'). The Commission engages in a formal dialogue with the pre-identified country and establishes cooperation based on an action plan.

Since the end of 2015, seven yellow cards have been successfully lifted, with important reforms in the fisheries sector achieved in the countries concerned. In the same period, nine yellow cards have been issued, formalising dialogues to tackle the shortcomings identified[28].

In cases where the pre-identified country fails to resolve the reported problems, disregarding its own international obligations, the Commission identifies it as a non-cooperating country in the fight against IUU fishing (the identification procedure, 'red card').

While pre-identification does not entail any sanctions, the identification procedure has important consequences, including trade prohibitions. Member States are obliged to refuse imports of wild marine fisheries products caught by vessels flying the flag of the non-EU country concerned.

Identification is followed by a Commission proposal to the Council to place the country on the list of non-cooperating third countries (the 'listing procedure').

This 'blacklisting' entails measures beyond prohibiting imports, such as:

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[26] Articles 31 and 32 of Council Regulation (EC) No 1005/2008.

[27] https://ec.europa.eu/fisheries/sites/fisheries/files/illegal-fishing-overview-of-existing-procedures-third-countries_en.pdf

[28] Ibid.

- a prohibition on purchasing fishing vessels from the country concerned;
- a prohibition on such countries reflagging fishing vessels with the flag of a Member State;
- no chartering agreements;
- a prohibition on exporting EU fishing vessels;
- a prohibition on private trade agreements with EU nationals;
- a prohibition on joint fishing operations with the EU;
- possible denunciation of standing bilateral fisheries agreements or partnerships; and/or
- no further negotiations to conclude bilateral fisheries agreements or partnerships.

Since the end of 2015, one red card has been successfully lifted, and de-listing has taken place, with major reforms achieved in the country concerned. During the same period, two red cards have been issued, formalising dialogues on the most relevant shortcomings identified, with subsequent listing of the countries concerned by the Council[29]. In one case it was necessary to denounce a sustainable fishing partnership agreement under Article 38 of the IUU Regulation.

Cooperation through dialogues with non-EU countries achieves tangible results and leads to better governance, in particular:

- revised legislation;
- adoption of national plans of action (NPoA) in line with the FAO's IPoA-IUU;
- stronger sanctions;
- better cooperation, coordination and mobilisation of different relevant authorities; and
- political commitment to combating IUU fishing at the highest level.

The dialogue processes have provided a framework for countries to beef up MCS systems through improved monitoring of fisheries activities, including vessel monitoring system (VMS) requirements for national and distant water fleets, and inspection and control procedures. However, as the most recent yellow card shows, lack of engagement can rapidly lead to deterioration of the frameworks put in place to fight against IUU fishing, resulting in a second carding.

➢ Building a network of allies

Combating IUU fishing requires coordinated action, and no country can achieve success by acting alone. Experience has shown that combating IUU fishing is much more effective if there are synergies at regional level, rather than countries acting in isolation. Whenever a country strengthens its system of controls on IUU fishing, there is a risk that those who flout the rules may move to other countries with less stringent laws and controls.

Success therefore lies in involving as many countries as possible in a continuous proactive and vigilant approach against IUU fishing at international level. Several bilateral IUU working groups have been established with major fishing countries. These

[29] Ibid.

serve as platforms for regular exchanges, and follow up relevant action to combat IUU fishing.

In line with the external dimension of the common fisheries policy, the EU[30] promotes actions in RFMOs based on EU principles and standards. Together with other countries, the EU has actively supported efforts to boost anti-IUU measures in RFMOs, including the cross-listing of IUU vessels amongst RFMOs and provisions penalising nationals involved in IUU fishing.

The Commission is supporting various regional initiatives, such as the creation of an IUU Network in the Association of South-East Asian Nations (ASEAN), an operational platform for real-time information sharing that supports ASEAN members' day-to-day activities in a very practical way. Regional capacity-building projects to support the development and management of fisheries, including boosting capacity to combat IUU fishing, further support cooperation with regional and sub-regional bodies.

- Promoting catch certification schemes

An important part of the dialogues with non-EU countries focuses on their traceability systems for imports and exports. Non-EU countries are required to demonstrate their capability to issue reliable catch certificates. In line with the FAO Voluntary Guidelines on the Catch Documentation Schemes, the Commission makes recommendations for improvements and in some cases provides on-the-spot training in validating EU catch certificates and conducting related checks.

- Fostering implementation of the Agreement on Port State Measures

The Port State Measures Agreement (PSMA) entered into force on 5 June 2016. The EU approved the Agreement by Council Decision of 20 June 2011[31].

The PSMA is the first binding international agreement that specifically targets IUU fishing. Its objective is to prevent, deter and eliminate IUU fishing by preventing vessels engaged in IUU fishing activities from using ports and landing their catches. The PSMA thus reduces the incentive of such vessels to continue operating, while also blocking fishery products obtained through IUU fishing from reaching national and international markets.

The number of parties to the PSMA now exceeds 65. This is a real success. Several of the new parties acceded to and ratified the PSMA – thanks in part to their IUU dialogues with the EU - by introducing reforms of their legal systems with regard to fisheries.

However, ratification is only the first step in putting this treaty into practice. The PSMA also provides for funding mechanisms for developing states, with technical assistance and capacity development provided through the FAO Global Capacity Development Programme. The EU and the Commission provide funding in support of this programme.

30 Represented by the European Commission.

31 COUNCIL DECISION of 20 June 2011 on the approval, on behalf of the European Union, of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2011/443/EU).

➢ Impact of IUU dialogues on SFPA countries

There is a clear connection between the role of EU sustainable fisheries partnership agreements (SFPAs)[32] with partner countries and the EU's fight against IUU fishing. Currently there are 20 SFPAs with partner countries in the Atlantic, Indian and Pacific Oceans, of which 13 have active protocols allowing for fishing activities.

SFPAs support IUU policy objectives through tools including capacity-building programmes and training, and by beefing up MCS systems, including electronic reporting systems, etc. This has positive spillovers in the fight against IUU fishing.

To ensure the coherence of the external dimension of the common fisheries policy, the Commission proposes that any standing bilateral fisheries agreement or fisheries partnership agreement be denounced if a non-EU country fails to meet its obligations to combat IUU fishing, as laid down in Article 38 of the IUU Regulation.

While listing a third country as non-cooperating on IUU fishing (giving it a 'red card') leads to cessation of the SFPA in force, the Commission refrains, on its own initiative, from renewing SFPA protocols with countries which have not tackled shortcomings identified under yellow cards.

➢ Support to non-EU countries

The IUU dialogues are often accompanied by supporting programmes from different sources.

The EU, in close contact with the FAO and the World Bank, promotes coordination among the various support providers to ensure that support is channelled in response to identified needs. This should also avoid duplication of support.

The EU and the Commission provide funding under the FAO's Global Capacity Development Programme. This programme is designed to help developing countries implement the Port State Measures Agreement through technical assistance and capacity development. Moreover, the Commission, often together with the European Fisheries Control Agency (EFCA), has provided bespoke capacity-building sessions on catch certification, MCS tools and policy to certain non-EU countries, in response to specific requests.

To boost checks on the information in the catch certificates, since 2016 the Commission has also facilitated the development by EFCA and the European Maritime Safety Agency (EMSA) of new functionalities in EFCA's electronic surveillance tools (EFCA Integrated Maritime Services). The purpose of these functionalities is to assist and increase IUU deterrence worldwide (e.g. off the West African coast and in the North Atlantic and Arctic areas). The Commission has also helped EFCA undertake various capacity-building actions for fisheries inspectors in non-EU countries.

The EU provides dedicated development funding to Africa, the Pacific and the Indian Ocean region to support the development and management of sustainable fisheries. This

[32] https://ec.europa.eu/fisheries/cfp/international/agreements_en

includes action to help boost their capacity to combat IUU fishing. In particular, the EU committed:

- EUR 35 million for Pacific ACP states, under the Pacific-European Union Marine Partnership (PEUMP)[33],
- EUR 15 million for Western Africa, under the improved regional fisheries governance in western Africa programme (PESCAO)[34], and
- EUR 28 million for the Indian Ocean region, under the ECOFISH programme[35].

As regards PEUMP, the budget earmarked for action to counter IUU fishing is EUR 3.9 million. The measures concerned are designed to improve monitoring control and surveillance of both oceanic and coastal fisheries, legislation, access to information (transparency), and effective marine area management.

For PESCAO, the planned amount for IUU measures and projects is EUR 7.9 million. Measures under this project include technical assistance provided by the European Fisheries Control Agency (EFCA) to the Sub-Regional Fisheries Commission (SRFC), the Fisheries Committee for the Western Central Gulf of Guinea (FCWC) and their member countries, in a coordinated manner, using the experience gained in the EU context. Specifically, in 2019 EFCA delivered five training sessions in the region on fisheries monitoring, control and surveillance as well as on inspections and the use of VMS, AIS, radio communications and satellite imagery. It also provided support for a review of fisheries legislation in one country and for the adoption of a NPOA-IUU in another. Through PESCAO, the SRFC organised three joint control campaigns in 2019, with the participation of at least three member countries and the support of EFCA and the French navy. These resulted in 157 inspections. PESCAO will support the deployment of regional VMS systems in the two sub-regions, significantly increasing their capacity to combat IUU fishing.

The ECOFISH programme includes a specific pillar to boost capacity to combat IUU fishing in the Western Indian Ocean. EUR 4.4 million are earmarked for projects designed mainly to provide training for fishing inspectors, enable participation in joint patrols, and facilitate the use and exchange of VMS data at regional level[36].

The EU has also supported partner countries in ensuring proper implementation of the catch certification scheme, by such means as workshops organised through the IUU Working Groups with major fishing nations outside the EU.

2.3 Other international cooperation frameworks and cooperation with stakeholders

Awareness of the importance of combating IUU fishing has increased significantly worldwide in recent years. IUU fishing has become a recurren topic in fora such as the G20, the G7 and the Davos Economic Forum.

[33] Financed under the 11th European Development Fund (EDF), https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.058.01.0001.01.ENG.

[34] Ibid.

[35] Ibid.

[36] Annex 2 to the Commission Decision on the Annual Action Programme 2018 in favour of Eastern and Southern Africa and the Indian Ocean to be financed from the 11th European Development Fund.

The Commission has stepped up cooperation and coordination with international partners such as the World Bank, the FAO, Interpol, and the United Nations Office for Drugs and Crime (UNODC), to ensure that the measures taken are consistent among themselves and to create synergies in EU cooperation with specific non-EU countries.

Structured cooperation with EU NAVFOR[37] has improved the identification of IUU fishing off the Horn of Africa. Coordination with measures taken under the EU Maritime Security Agenda is also beneficial in responding in a structured way to potential threats involving IUU fishing and related crimes at sea.

The Market and Long-Distance Advisory Councils are one type of forum for ongoing cooperation and exchanges with stakeholders. The Commission also receives alerts and data from non-governmental organisations (NGOs) about suspected IUU fishing activities in various parts of the world. It also pursues a regular dialogue with NGOs on issues to do with IUU fishing.

NGOs also play an important role in combating IUU. They carry out a variety of initiatives designed to help countries covered by IUU dialogues with their adjustment efforts. For instance, they help identify challenges and possible solutions. Their advocacy is instrumental in influencing the behaviour of operators and consumer choices. Moreover, NGOs provide useful information on suspected IUU fishing activities, which the Commission follows up as appropriate.

3. Main challenges in implementing the IUU Regulation

3.1 Implementation within the EU

As long as measures and sanctions for serious infringements differ among flag Member States that interpret enforcement rules in different ways, a completely level playing field in the EU will remain out of reach. To address this, the Commission proposal for the revision of the EU fisheries control system clarifies, strengthenes and harmonises the enforcement provisions currently set out in both the current Control Regulation and the IUU Regulation. It will be important to reach a co-legislators' agreement that safeguards this objective.

In the same vein, this revision needs to establish the legal basis for the compulsory use of the digital catch certificate (CATCH) in order to maximise the scheme's efficiency. At a more technical level, its interoperability with other IT environments within the EU (e.g. to enable electronic certificates to be exchanged among all EU customs administrations – CERTEX), as well as with the IT fisheries control environments of non-EU countries

[37] Using information supplied by EU NAVFOR, the Commission analyses and transmits to the Indian Ocean Tuna Commission sightings and aerial imagery footage of vessels that may be engaged in fishing and fishing-related activities, especially activities that could be considered as violating the applicable conservation and management rules.

needs to be secured, preferably through a single solution[38]. CERTEX could help facilitate interagency cooperation and crosschecks on imports.

- Dialogues with non-EU countries

The main challenge, frequently encountered in implementing the IUU Regulation with regard to non-countries, is to garner enough political will to revise legal frameworks and align them with the relevant international obligations. In this context, determining deterrent, proportionate and immediate measures and sanctions to ensure that offenders do not profit from IUU fishing activities is crucial.

Once the legal framework is in place, the main challenge is to implement it effectively and proactively. This calls for time, resources, will, skills and expertise. There is thus a need to bring in technical assistance and financial support, provided by specialised agencies. Funding of such capacity building should be coordinated to avoid unnecessary duplication of efforts. In this regard, experience shows there is a need for public attorneys, judges and other legal staff to learn more about the specific features of fisheries legislation, as well as of the associated monitoring, control and surveillance (MCS) obligations. Capacity building provided by the specialised agencies of United Nations organisations such as the FAO, UNODC or INTERPOL offers a unique opportunity to ensure that offenders are deprived of the benefits of their illegal activities.

Another challenge, applicable to a longer time span, is to avoid recidivism. Sustaining the necessary political will is the main objective to be pursued here.

- Strengthening the international governance to tackle IUU fishing

Continued ratification and effective and complete implementation of the PSMA by all the parties will be one of the main challenges over the next few years. The EU is to host the Third Meeting of the Parties to the PSMA in Brussels. This very important multilateral meeting will be the first ever opportunity to review and assess the Agreement's effectiveness. On this occasion, the FAO will also present the state of play on the development of a Global Information Exchange System (GIES) to facilitate information exchanges on port denial and inspection results between parties to the agreement. Once again, IT developments will constitute both an opportunity and a challenge as regards interoperability with other IT frameworks.

In the RFMO context, the challenge is to reach a consensus on anti-IUU measures among contracting parties, particularly as regards the cross-listing of IUU vessels among RFMOs, the development of provisions against nationals involved in IUU fishing, and more transparent rules on beneficial ownership of vessels.

Another major challenge arises from flag States 'selling' their flags to non-EU countries' operators. These states, whose flags are often referred to as 'flags of convenience', often fail to exercise jurisdiction or effective control over the vessels registered under their

[38] UN/CEFACT (the United Nations Centre for Trade Facilitation and Electronic Business) is currently doing important work to explore the possibility of using the FLUX format in this context.

flag. The challenge is to ensure that such countries abide by their flag States responsibilities under international law in relation to fisheries, and that they guarantee improved interagency cooperation between fisheries control authorities and the authorities responsible for registering fishing vessels (including refrigerated transport vessels and supply vessels).

Transparency is key to ensuring better control and deterring possible IUU fishing. More information on the applicable rules and the vessels concerned needs to be made publically available. All countries are required to publish national legislation relevant to the management and conservation of their resources and to the conditions governing the activities of fishing vessels operating under their flag and vessels from non-EU countries that carry out fishing activities in their waters (including public fleet registers, fishing licences and authorisations and participating in the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels). More transparent fisheries access agreements are needed, like those characteristic of the EU's sustainable fisheries partnership agreements (SFPAs)[39].

- Cooperation and coordination

Breaches of human rights and labour rights in the fisheries sector are often associated with IUU fishing. Applying the IUU Regulation can help uncover such abuses. Moreover, experience shows that improved fisheries control structures and tools have led to improvements in tackling human and labour rights abuses. However, the IUU Regulation is not in itself the right tool for tackling such breaches, its scope being clearly limited to IUU fishing as defined in international law. These wider challenges therefore require a different and appropriate legal framework.

Anti-IUU fishing policy increasingly interacts with labour, customs, trade and transport policies, sanitary requirements, repression of fraud and criminal acts like tax evasion or money laundering. Stronger internal coordination (among different Commission departments and with the EEAS) has helped the Commission create synergies and gain in effectiveness. These efforts must continue, but there is a further challenge: to ensure appropriate channels for cooperation and coordination at international level. Inter-agency cooperation at Member State level should also be further encouraged.

4. Conclusions

The IUU Regulation has continued to provide a comprehensive and effective framework for combating IUU fishing within the EU. It is a unique system: on the one hand, it prevents products originating from IUU fishing from entering the EU market; on the other, the dialogues with non-EU countries multiply efforts to combat IUU fishing worldwide.

The carding system under the IUU Regulation has become an internationally recognised tool for progress in combating IUU fishing and attracting more attention to this scourge worldwide. It owes its success partly to the fact that the system created by the IUU Regulation does not impose any EU standards on non-EU countries. Instead, it simply

[39] SFPAs signed by the EU commit partner countries to making their bilateral agreements with other partners publicly available and to applying non-discrimination principles.

ensures that they abide by their commitments under international law, as flag, port, coastal and market States.

To achieve SDG target 14.4, eliminate IUU fishing and live up to our commitments under the European Green Deal, it is in the EU's interest to promote both the catch certification scheme and the carding system worldwide, as strong tools in the fight against IUU fishing. This needs to be accompanied by efforts to close governance gaps at regional and global levels and increase the capacity of non-EU countries to fight IUU fishing.

To further improve the capacity of the IUU Regulation and the EU framework to counter, combat and eliminate IUU fishing, it is important to adopt and implement the revised EU fisheries control system swiftly. This includes the digitalisation of the catch certification scheme.