



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/C2/NG/Ares (2021)

Mr. David Pavon
President of the Executive Committee of
CC RUP
Rua de São Paulo, 3
9760-540 Praia da Vitória
Açores
Portugal

Subject: Recommendation on Illegal, Unreported and Unregulated Fishing in the Outermost Regions

Your ref.: CC RUP - 06/2020 - EC

Dear Mr Pavon,

Thank you for your letter of 20 November 2020 including the three recommendations of CC RUP on IUU fishing in the Outermost Regions.

Concerning the **first recommendation** on the need to increase the investments in monitoring programs and mandatory data report from the unreported sectors, I would like to inform you that we have recently launched a study on the state of data collection and scientific advice in the EU Outermost Regions. The purpose is to provide an overview, covering artisanal and industrial/commercial capture fisheries, including recreational/sport fisheries, in the form of a SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis. The study should be finalized in the third quarter of 2021 and we will publish its outcomes.

As regards the **second recommendation** on the issue on subsistence fisheries, please let me underline the following elements:

- the marketing of fishery products and in particular the sale of fishery products from recreational fishing is clearly prohibited under Article 55 of the Control Regulation¹; the traceability of fishery products placed on the market is regulated by Article 58 of the same Regulation.
- on the definition of community subsistence fishing: in the EU legislation there is no provision for such definition. We consider that it would not be appropriate to establish a further category, as fishing in the EU is allowed either for commercial

¹ Council Regulation (EC) No 1224/2009 of 20 November 2009

purposes as a professional activity or for recreational ones. We understand that some Member States have recognised subsistence fishing as a specific commercial activity for which specific fishing licences are granted.

In response to your **third recommendation**, I would like to highlight a few issues.

First of all, it is important to note that under the Common Fisheries Policy, Member States have the primary responsibility to control activities of any national legal person within the scope of the CFP on their territory or within their waters. They also are responsible for controlling the activities carried out by fishing vessels flying their flags outside EU waters.

Member States are able to make use of and benefit from support provided by the European Maritime and Fisheries Fund (EMFF) as regards their control and enforcement means to counter such illegal activities.

In addition, when breaches of coastal States' rules and RFMO rules by vessels from third country flag States occur, the Commission can open a dialogue with the country concerned under the EU IUU Regulation. This has been the case, amongst others, for the Comoros, which were given a yellow card in 2015, followed by a red card and listing in 2017. This red card was issued to the Comoros due to the use of its flag as flag of convenience. Most of the Comorian fleet has no connection to the country and operates in breach of national law, mainly in the waters of West Africa. These vessels have been found to disregard the laws applicable in the national waters they operate in, transshipping fish from one vessel to another, a practice related to the laundering of illegal catches.

It is also worth noting that Member States are empowered to check and verify the content of catch certificates with regards to imports of fishery products. To this end, in case Member States have doubts about the catch certificates validated by a third country, on the basis of controls performed or information obtained about IUU fishing activities, Member States have the possibility to submit verification requests to the third country on the information contained in the catch certificate. In this process, if the reply from the third country does not provide pertinent information, the imports of the fishery products must be refused. This is the prerogative of the Member States, which have the final decision in the matter.

I trust that this reply will provide you with sufficient elements for consideration and I am looking forward to our continued fruitful cooperation. I invite you to contact Ms Pascale Colson (Pascale.Colson@ec.europa.eu; + 32 2 29 56273) should you have any further questions on this answer.

Yours sincerely,

Charlina VITCHEVA