Recommendation N.º 87

Improving the effectiveness of national and european inspection services in the Outermost Regions

The Advisory Council for the Outermost Regions (CCRUP) considers it essential to strengthen the effectiveness of fisheries control in the Outermost Regions (ORs), which is measured not by the number of rules in force, but by the real capacity to detect infringements, investigate cases and impose penalties in a timely manner. In the ORs, the extent of the areas under national and European jurisdiction, the dispersion of fishing and landing sites, insularity and remoteness from the European mainland and from one another mean that insufficient resources translate, in practice, into a reduced capacity to detect, investigate and penalise infringements, with negative effects on those who comply with the law, which fuels a parallel fish market and undermines the credibility of conservation measures. Accordingly, with regard to the control of illegal, unreported and unregulated (IUU) fishing and of recreational fishing in OR waters, we advocate the following:

Whereas Regulation (EC) N.º 1005/2008, establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, Regulation (EC) N.º 1224/2009, establishing a Community fisheries control system, as currently in force and as amended, inter alia, by Regulation (EU) 2023/2842, and Regulation (EU) 2017/2403 on the sustainable management of external fishing fleets constitute a broad legal framework for control, traceability and marketing which assigns responsibilities to the Member States in their capacity as flag, coastal, port and market States; whereas, consequently, the challenge in the ORs is not limited to the existence of rules but includes the effective capacity of the competent authorities to apply them, to verify compliance and to ensure that the obligations laid down are fulfilled;

Whereas Regulation (EU) 2023/2842 introduced the mandatory use of the CATCH electronic system for the submission of catch certificates and of the associated documentation required under the scheme to combat IUU fishing, and whereas Implementing Regulation (EU) 2025/1522 adapts the implementing provisions of Regulation (EC) N.º 1010/2009 to this new system, applying generally from 10 January 2026, with certain provisions applying from 10 January 2027; whereas this digitalisation requires the authorities and operators in the ORs to adapt their procedures, training and technological resources, and whereas the resulting gains in traceability depend on there being, downstream, an effective capacity for verification on the ground;

Whereas Article 55 of Regulation (EU) 2023/2842 (Fisheries Control) requires the Member States to ensure that recreational fishing is carried out in a manner compatible with the objectives of the Common Fisheries Policy, and Article 59 requires the first marketing of fishery products to take place at an auction or with registered buyers or producer organisations, provisions whose effective verification is currently very uneven across the ORs;

Whereas the European Court of Auditors, in its Special Report 20/2022, concluded that the control systems in place to combat illegal fishing are only partially effective, owing to disparities in the application of controls and penalties between Member States, and found that, in some cases, penalties were neither proportionate to the economic benefit of the infringement nor dissuasive;

Whereas it is for the Member States to ensure surveillance and the follow-up of infringements; for the European Fisheries Control Agency (EFCA) to support operational coordination, joint deployment plans and the training of inspectors; and for the European Commission to verify that national responsibilities are fulfilled through audits, inspections, inquiries and action plans;

Whereas the CCRUP study on IUU fishing "Illegal, Unreported and Unregulated Fishing in the European Outermost Regions", of 6 November 2024 documents that, in the *Açores*, few penalties have been imposed owing to deficient surveillance resulting from a lack of financial and human resources, and describes the growth of a parallel fish market which, in certain places, makes it difficult or virtually impossible to sell legally caught fish, especially where there are no fishmongers or fish markets;

Whereas the same study identifies, in *Mayotte*, a lack of inspection and of staff in the maritime affairs services, identifying the restaurant and hotel sector as the main consumers of fish of illegal origin, and whereas in other ORs uncontrolled recreational fishing reaches significant proportions, namely 110 000 recreational licences without effective control in the *Canarias*, around 3 000 recreational vessels and an estimated 1 000 tonnes landed per year in *La Réunion*, and 27 000 recreational fishers and an estimated 626 tonnes in *Guadeloupe*, corresponding to around 25% of commercial landings;

Whereas, in *Guyane Française*, the registration of recreational vessels does not make it possible to ascertain how they are actually used and whereas, in other ORs, the lack of surveillance makes it impossible even to know the number of vessels involved, which shows that insufficient resources also lead to insufficient data and, consequently, to less informed management decisions;

Whereas, in the harvesting of grooved carpet shell (*Ruditapes decussatus*) on *São Jorge Island* (*Açores*), with a maximum annual quota of 2.5 tonnes, an estimated 3 tonnes or so have been harvested illegally since 2020 and, in the last year alone, more than 750 instances of illegal harvesting were reported to the enforcement bodies and competent authorities, without any enforcement action with a positive

outcome having been recorded, either at the time of harvesting or at the point of final sale, a situation which discourages reporting and undermines the sector's confidence in the control system. We therefore note that, if surveillance is already difficult in a local coastal activity such as bivalve harvesting, the difficulty is substantially greater on the open sea, in a context of extensive marine protected areas and of coexistence between recreational and commercial fishing;

Whereas, in the *Canarias*, the existence of 110 000 recreational fishing licences without effective control, combined with the dispersion of landing points characteristic of an archipelagic territory, makes it difficult to distinguish between the legitimate practice of recreational fishing and IUU fishing practices;

Whereas a significant proportion of accidents and disappearances of fishers involve individuals fishing alone, on recreational vessels or close to the shore, and whereas prior registration of the activity and of its location may be useful for search and rescue operations, without this being capable of replacing emergency services or implying continuous monitoring or automatic rescue;

Whereas, finally, the OR fishing sector does not contest recreational fishing as a legitimate activity but requires control to distinguish clearly between its lawful practice and infringements and, above all, illegal practices carried out under that name, with measures proportionate to the risks actually identified.

In view of the above, the CCRUP recommends that the European Commission and the Portuguese, French and Spanish Member States, within their respective competences:

1. **Carry out an assessment of control resources and gaps in each OR**, identifying, on the one hand, the human resources assigned to surveillance, information analysis, and the investigation and processing of cases and, on the other, the maritime, aerial and technological resources available and operational, as well as the geographical and temporal coverage of control (with particular attention to unmonitored landing points) and the capacity for administrative and judicial follow-up of the infringements detected;

2. **Translate that assessment into multiannual control plans for each OR**, with priorities, responsible bodies, a timetable, a budget and measurable targets, subject to periodic evaluation and review, so that the strengthening of resources does not depend on one-off interventions or on annual budget availability;

3. **Increase and upskill the human resources assigned to control**, ensuring specialised training in IUU fishing, risk analysis, the use and interpretation of electronic monitoring and traceability systems, the collection and preservation of evidence and control of the marketing chain, and ensuring that the capacity to analyse, investigate, process and decide on cases keeps pace with the increased detection

capacity on the ground;

4. **Ensure multiannual funding for the investment in, operation and maintenance of control resources**, with a specific allocation for the ORs, under Article 349 of the Treaty on the Functioning of the European Union, and the coordinated mobilisation of the European Maritime, Fisheries and Aquaculture Fund (Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the EMFAF for the period 2021 to 2027) and of national instruments, recognising that the unit cost of control in these regions is structurally higher than in other regions;

5. **Deepen operational cooperation with EFCA**, following up on the mandate requested in our Recommendation N.º 46, through joint campaigns and joint deployment plans adapted to the realities of the ORs, training of inspectors, sharing of good practices, exchanges of experience between ORs and pilot projects tailored to regional needs, promoting consistent procedures and better use of available resources;

6. **Regularly update and share data on catches, vessels and inspection activity among the competent bodies** and strengthen the integrated analysis of available information in order to guide risk-based control and inspections, including, where appropriate, data from vessel monitoring systems, electronic reporting systems, identification and tracking systems, satellite imagery and other available sources of information, in compliance with the applicable data protection rules; furthermore, publish comparable indicators for each OR on operational coverage, enforcement actions and penalties actually imposed;

7. **Extend control to the entire value chain**, and not only to the moment of capture, by strengthening verification of first sale, direct sales channels, supply to restaurants and hotels, labelling and consumer information, including the offer of fish through informal and digital channels, in application of Regulation (EC) N.º 1224/2009, as currently in force and consolidated, including the applicable amendments introduced by Regulation (EU) 2023/2842 concerning the control of marketing and of the supply chain and, in particular, Articles 55, 56, 57, 58 and 59 thereof;

8. **Adapt and, where necessary, develop the electronic recording and notification systems for recreational fishing catches provided for in Article 55 of Regulation (EC) N.º 1224/2009, as currently in force, and test, through pilot projects in the interested ORs, taking into account the specific characteristics and the differing infrastructural and operational conditions of each region, additional functionalities for prior registration of the start and planned area of recreational fishing activity, notification of its end and simplified catch declaration,** allowing photographs or videos as supplementary means of verification, with an appropriate legal framework, protection of personal data, user support and alternatives for situations of limited digital access or network failure;

9. Assess, in ORs where the pressure of recreational fishing on fishery resources so warrants, the setting of limits on the number of authorisations or licences in force and on the working days on which the activity may be carried out, as a measure to manage recreational fishing effort complementary to the registration and notification systems provided for in the previous point;

10. Ensure timely access by authorised services to the information recorded and assess, with the competent services, possible complementary uses of that information in search and rescue operations, by means of specific procedures and in accordance with the applicable competences and data protection rules, providing clear information to practitioners that such a mechanism neither replaces emergency services nor implies continuous monitoring or automatic rescue;

11. Involve the CCRUP, through consultation, in the preparation of the assessments, control plans and pilot projects provided for in the preceding points, without prejudice to communicating to it the results and a better-substantiated response on the acceptance or rejection of the contributions submitted, within the applicable confidentiality rules and in order to substantiate the decisions taken with regard to its recommendations and contributions, in accordance with Article 44 of Regulation (EU) N.º 1380/2013;

12. Use plans for the collection, management and use of data in the fisheries sector, as a complement to the introduction of mandatory prior electronic declaration for recreational fishers, making it possible to obtain preliminary data and estimates of fishing effort;

13. Implement Passive Control mechanisms in ports, in particular electronic entry/exit checkpoints and video surveillance systems (CCTV), with a view to collecting activity data (fishing days and time spent at sea), controlling sales outside the fish auction and enhancing the safety of people and equipment, giving preference to automatic options that do not require users to fill in forms.