



Questions and Answers - Illegal, Unreported and Unregulated (IUU) fishing in general and in Thailand

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Questions and Answers.

On IUU fishing in general

What is IUU fishing?

IUU fishing stands for illegal, unreported or unregulated fishing.

The European IUU legislation applies to all fishing vessels, under any flag, in all maritime waters.

A fishing vessel is notably presumed to be engaged in illegal, unreported and unregulated fishing activities if it is shown to carry out activities in contravention with the conservation and management measures applicable in the area concerned. This includes, inter alia, fishing without a valid licence, in a closed area, beyond a closed depth or during a closed season, or by using prohibited gear, as well as the failure to fulfil reporting obligations, falsifying its identity, or obstructing the work of inspectors.

Why is the Commission committed to solve the problems of IUU fishing?

Illegal, unreported and unregulated fishing is one of the most serious threats to the sustainable exploitation of living aquatic resources, jeopardising the very foundation of the Common Fisheries Policy (CFP) and the EU's international efforts to promote better ocean governance. IUU fishing also represents a major hazard to the marine environment, the sustainability of fish stocks and marine biodiversity. Fighting illegal fishing is also an important pillar in the EU's ambition to install better international governance of our oceans.

What is the policy of the EU to fight illegal fishing?

The EU is the world's largest import market for fisheries products and bears a responsibility as market State to ensure that products stemming from illegal, unreported and unregulated fishing activities do not access the EU single market.

The [EU Regulation to prevent, deter and eliminate illegal, unreported and unregulated fishing](#) (IUU Regulation) entered into force on 1 January 2010. It applies to all landings and transshipments of EU and third-country fishing vessels in European ports, and all trade of marine fishery products to and from the EU. It aims to make sure that no illegally caught fisheries products end up on the EU market.

To achieve this, the Regulation requires flag States to certify the origin and legality of the fish, thereby ensuring the full traceability of all marine fishery products traded from and into the EU. The system thus ensures countries comply with their own conservation and management rules as well as with internationally agreed rules.

How does the EU ensure that third countries exporting their fishery products to the EU comply with their international obligations?

So far, 92 third countries have notified the Commission that they have in place the necessary legal instruments, the dedicated procedures, and the appropriate administrative structures for the certification of the catches by vessels flying their flag.

The Commission cooperates with a number of third countries and carries out evaluation missions to assess their compliance with the international obligations in the fight against illegal, unreported and unregulated fishing. The Commission puts emphasis on cooperation to solve problems. Nevertheless, there are third countries where the problematic situation still persists even after years of informal cooperation. In this case, the Commission can resort to the different actions established by the EU IUU Regulation vis-s-vis third countries non-cooperating in fighting IUU fishing.

Concretely, when the Commission has evidence that a third country does not cooperate fully in the fight against IUU fishing, it will issue a **yellow card**. With this first step of the process, called pre-identification, the European Commission warns the country of the risk of being identified as a non-cooperating country. The yellow card starts a formal dialogue in which the Commission and the third country work together to solve all issues of concern. In most of the cases, this dialogue works well and

the pre-identification can be removed (**green card**).

If however, progress is not sufficient, the Commission will identify the third country as non-cooperating. This is called a "**red card**". The Commission will then propose to the Council to add this country to the list of non-cooperating countries. All products for which the catch certificate is validated after that decision will be banned from the EU market.

At every step of the process (yellow/red card or listing), the third country can prove that the situation has been rectified. It will then be delisted (**green card**).

[The infographic](#) provides clear overview of the process.

Which countries have so far received a yellow or a red card?

Out of the 25 procedures that have started since 2012, only three countries have failed to take sufficient measures to lift the yellow or red card until now. These countries are Cambodia, Comoros, and St. Vincent and the Grenadines.

A full overview of all past and ongoing procedures can be found [here](#).

On IUU fishing and Thailand

What are the concrete achievements that led the Commission to lift the yellow card of Thailand?

The decision to lift the IUU yellow card of Thailand follows the constructive cooperation of Thai authorities with the Commission resulting in a comprehensive and structural reform of their fisheries legal and policy systems in order to curb illegal fishing. Measures taken include:

- Comprehensive review of the fisheries legal framework in line with the International Law of the Sea, including a deterrent sanctions schemes;
- Full reform of the management of the fleet policy, with sound systems of registration and control of the fishing vessels;
- Strengthening of the Monitoring, Control and Surveillance tools, including the full coverage with Vessels Monitoring System (VMS) of the industrial fleet and a robust system of inspections at port;
- Full implementation of the United Nations Food and Agriculture Organisation (FAO) Port States Measures agreement on foreign-flagged vessels that land their catches in Thai ports to supply the processing industry;
- Comprehensive traceability system covering the whole supply chain and all modes of transportation, in line with international standards;
- Improved administrative procedures as well as training and political support, leading to proper enforcement of legislation;
- Significant reinforcement of the financial and human resources for the fight against IUU fishing.

What is the EU doing to address human trafficking and forced labour in the Thai fisheries sector?

The EU IUU Regulation does not specifically address working conditions on-board fishing vessels, neither human trafficking. Nonetheless, improvements in the fisheries control and enforcement system on IUU fishing may have a positive impact in the control of labour conditions in the fisheries sector.

Different European Commission services as well as the European External Action Service are working together to tackle the issue of human trafficking and forced labour and share best practices with the Thai authorities. As a result, Thailand was the first country in Asia that ratified the ILO Forced labour Protocol in June 2018.

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